

HB 4106 -1 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 2/20

WHAT THE MEASURE DOES:

The measure directs the State Forester to develop a timber inventory model, use it to establish sustainable harvest levels (SHL) for harvesting timber on state forestland, and offer timber for sale at the SHL. It requires the State Forester to annually report on timber sales relative to the SHL, describe any shortfall in timber sales, and address it by offering additional timber, equal to the shortfall volume, for sale during following years. The bill confers standing on certain persons to challenge a failure to address the shortfall. The measure further directs the State Forester to adopt SHLs, forest management plans, and related policy documents by rule, and establishes procedures and limitations for judicial review of final rules.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

Detailed Summary

Calculation Of Sustainable Harvest Levels

Defines ‘available land’, ‘state forestland’, and ‘sustainable harvest level (SHL)’. Requires the State Forester to calculate a new, or in certain circumstances amended, SHL every five years by identifying available land, developing a timber inventory model (inventory model), and using the inventory model to derive a SHL that maximizes land value. Specifies characteristics of an amended SHL and requires the State Forester to calculate such a level before any forest management plan, rule, order, or policy that would alter the management of available land is adopted by the Oregon Board of Forestry (Board), or the State Forester. Requires the State Forester to publish a draft of the SHL or amended SHL, the description and output of the applied timber inventory model, and, in case of the amended SHL, any changes to the amount available land identified and the methodology used to identify it. Specifies publishing deadlines for drafts of the applicable SHL as 120 days prior to the beginning of a five-year period, or as soon as practicable following an amended SHL calculation. Requires the State Forester to hold a public meeting on the published documents, allow 60 days for public commentary, and respond to all comments no later than 60 days after public comments are closed. Authorizes the State Forester to incorporate any suggestions or information into a final harvest level, without providing additional opportunities for public input.

Requires the State Forester to issue an order for adopting a final SHL or amended SHL, and, consequently, directs the Board and the State Forester to amend forest management plans, planning documents, and management policies for state forestland accordingly. Requires the first draft SHL to be published by December 31, 2025. Appropriates money from the General Fund to the State Forester for inventory model, SHL, and amended SHL development.

Sales of Timber at Sustainable Harvest Level

Requires the State Forester to offer timber for sale at the applicable harvest level following the publication of a sustainable harvest level (SHL). Defines ‘shortfall’ as a difference between the volume of timber intended to be sold under the SHL during one year and the volume actually offered for sale. Requires the State Forester, starting January 1, 2026, to annually by September 15, publish on the department website, a calculation of the volume of

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timber harvested and offered for sale during the previous year, a calculation of any shortfall, a description of associated reasons, and a plan to make up sales for any such shortfall by offering for sale the difference of timber volume during the remaining time of the five-year period. Requires, to the extent feasible, any such difference to be offered for sale within the county or counties most affected by the shortfall. Directs the State Forester to roll over any shortfall not offered by the end of a five-year period into the next five-year period, unless the additional timber was not harvested due to a catastrophic environmental event. Authorizes any person that has received revenue from timber harvest on state forestland, or has purchased timber sale contracts in Oregon, to apply to the Circuit Court of Marion County (Court) for a temporary or permanent injunction against the State Forester, if the State Forester does not calculate an amended SHL, or offer the associated calculated timber volume for sale. Authorizes the Court to award costs, but not attorney fees, to the prevailing party in the lawsuit.

Adoption of Policies by Rule

Authorizes the State Forester, under the general supervision of the State Board of Forestry, to adopt by rule forest management plans, SHLs, and any amended SHLs.

Judicial Review of Rules Adopting Policies

Confers standing on a person that has received revenue from timber harvest on state forestland or that has purchased timber sale contracts in Oregon to institute a proceeding for judicial review of final rules related to forest management plans, SHL, or amended SHL. Specifies petition filing and service procedures. Authorizes the State Forester to suspend a rule for reconsideration, and subsequent readoption, amendment, or permanent suspension, at any time after the petition is filed and prior to its hearing date; specifies follow-up procedures. Limits the scope of judicial review and circumstances when a rule may be declared invalid. Prohibits a reviewing court from considering whether the rule secures the greatest permanent value of lands, from examining any State Forester, Board of Forestry, or Department of Forestry interpretation of the applicability of an approved habitat conservation plan, or from declaring a rule invalid solely for noncompliance with rulemaking procedures under certain circumstances. Awards costs and attorney fees to the petitioner under certain conditions. Authorizes any party to the proceeding to appeal the judgment of the court.

Forest Management Reports

Directs the State Forester to orally present their biennial report on forest management to natural resources related committees or interim committees of the legislature after the end of each fiscal year and specifies reporting timelines. Requires that the report include a description of the timber inventory model and the applicable SHL. Modifies publication requirements to include the publication of a public draft and a 30-day period for public written comment prior to finalizing the report.

Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes provisions regarding amended sustainable harvest levels. Adds content requirements for the documents to be published by the State Forester in advance of recommending a sustainable harvest level (SHL). Requires the State Forester's responses to public comments, as well as the final recommended SHL to be published on a website of the Oregon Forestry Department (ODF). Specifies deadlines on when ODF has to adopt the final recommended SHL after it has been published. Changes reporting timelines for the biennial report on forest management. Makes changes to the language to improve readability.

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This Summary has not been adopted or officially endorsed by action of the committee.

BACKGROUND:

State forest lands comprise three percent of Oregon’s forested landscape. Their operations are guided by long-range management plans created by the Oregon Department of Forestry which balance certain social, economic, and environmental benefits of the managed forest land to address statutorily required management directives for both Board of Forestry Lands and Common School Forest Lands.

PRELIMINARY