



Date: March 3, 2025

To: House Committee on Agriculture, Land Use, Natural Resources and Water

From: Michael Lang, Senior Policy Manager, Wild Salmon Center

RE: Please oppose HB 3103-1

Dear Chair Helm, Chair Owens, Vice Chair McDonald and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 3103-1. Wild Salmon Center (WSC) is a nonprofit organization based in Oregon that works to protect and restore healthy forests, abundant clean water, and thriving wild salmon populations across the state and around the Pacific Rim based on solutions grounded in science.

WSC appreciates the dialogue that we have had with the Co-Chairs, Oregon Forest Industries Council, Association of Oregon Counties and representatives of the Oregon Department of Forestry (ODF) on HB 3103. This dialogue identified areas of agreement, including reliable and sustainable timber harvest levels from state forests, which Oregon's administrative rules already require in OAR 629.035.0020.

WSC acknowledges that the -1 amendments are an improvement over the original bill. However, we continue to have significant concerns with key elements of this bill and oppose the -1 amendments.

HB 3103-1 would require a timber harvest rule that would supersede other plans, policies and directives from the Board of Forestry and the state forester. See Sec. 1. (4)(a) and (b). These include the Climate Change and Carbon Plan adopted by the Board in 2021, and any adaptive management measures to protect resource values. WSC has presented language to the bill's proponents and the Co-Chairs to preserve existing plans, policies and agency discretion, but these recommended changes were not included in HB 3103-1.

HB 3103-1 would arguably require new rules, including future Forest Management Plans, to be controlled by the harvest rule. See Section 1. (3)(a), (7)(b). WSC recommends clarifying that new rules are not bound by the requirements of the harvest rule.

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HB 3103-1 would undermine the Western Oregon State Forest Habitat Conservation Plan (HCP). See Sec 1. (4)(b)(A). The HCP provides balanced protection for 17 species of salmon and wildlife that are listed under the federal Endangered Species Act. The Oregon Department of Forestry (ODF) is currently following the guidelines of the HCP, while awaiting final approval by federal agencies. HB 3103-1 would prohibit the ODF from using the HCP until it is *approved* by federal agencies. Given the current uncertainties with funding and capacity at federal agencies, final approval could be delayed for years. WSC has recommended specific language in an earlier draft to amend this section to ensure ongoing implementation of the HCP, however this recommendation was not included in HB 3103-1.

While the bill attempts to preserve the state forester's ability to manage state forest for the "greatest permanent value" (ORS 530.050), this statute and its implementing rules are subject to interpretation by the Board of Forestry and state forester. The harvest rule requirement in HB 3103-1 could be interpreted to preempt any discretionary elements of ORS 530.050 and its rules. See Sec 1. (7)(a). WSC has recommended amendments to this subsection in an earlier draft to ensure that harvest levels are consistent with all elements of ORS 530.050 and its implementing rules, however they were not included in HB 3103-1.

Section 3 of HB 3103-1 creates a new right of judicial review for any person to challenge the state forester's harvest level calculation or determination of land available for harvest. Given the conflicts between HB 3103-1 and existing rules and policies, litigation is certain to result from this bill, if passed into law. WSC has previously recommended deleting Sec. 3. in earlier drafts, especially since judicial remedies already exist in Oregon law for rule challenges.

In conclusion, WSC continues to question whether this bill is necessary. State law already requires sustainable harvest levels. The state forester already sets ten-year harvest level goals that are required to be consistent with all other state forest values, policies and plans. The ODF issues annual reports on progress meeting these harvest levels and has a solid track record of meeting harvest goals. The ODF is in the process of updating its Key Performance Measures (KPMs) to include reporting on timber harvest, and would report progress on meeting these KPMs on a biennial basis to the Legislature.

For the reasons stated above, we ask that you oppose HB 3103-1 in its current form.

Thank you for considering these comments.