

HB 4105 -1 STAFF MEASURE SUMMARY

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

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/11, 2/16

WHAT THE MEASURE DOES:

The measure directs the State Forester to, under the authority and direction of the Oregon Board of Forestry, adopt by rule a sustainable timber harvest level (STHL) and, to the degree consistent with other legal requirements, manage available state lands to produce the STHL.

Detailed Summary

- Defines ‘available state forestland’, ‘material change in management’, and ‘sustainable timber harvest level’. Requires the State Forester to determine available state forestland and authorizes them to periodically adjust the determination of such.
- Directs the State Forester to:
 - Under the authority and direction of the Oregon Board of Forestry (Board), adopt by rule a sustainable timber harvest level (STHL) before making a material change in management, if the condition of available state forestland has changed materially, and at least once every 10 years.
 - Take the condition of the available forestland, lawfully issued policies and directives by the State Forester, including a policy to implement, prior to federal approval, the material terms of a habitat conservation plan, and all applicable federal and state legal requirements, including the habitat conservation plan, the Oregon Forest Practices Act, and forest management related rules adopted by the Board, into account when determining a STHL.
 - In adopting a STHL, include any timber that was previously expected to be harvested but was not, unless prevented by factors like disease, wildfire, or storm damage.
 - To the degree consistent with other legal requirements, manage available state forest land to produce the applicable adopted STHL.
 - Adopt an initial STHL by January 1, 2027.
- Specifies that the measure does not alter the State Forester’s obligation to manage lands in accordance with current forest management statutes or, unless in conflict with this measure, restrict the State Forester and the Board to adopt rule for state forestland management.
- Authorizes any person to apply to the Circuit Court for Marion County (court) for an order directing the State Forester to promptly determine a STHL in compliance with this measure.
- Authorizes any person or entity entitled to the receipt of revenues derived from specified state forestland to apply to the Circuit Court for Marion County (court) for an order directing the State Forester to promptly determine a STHL in compliance with this measure.
- Directs the Court to give due deference to the interpretation of the State Forester when interpreting any legal federal requirement under this measure, if that interpretation is reasonable and not in conflict with applicable law.
- Declares an emergency, and takes effect on passage.

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

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

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

-1 The amendment adds provisions to update the draft Western Oregon State Forest Habitat Conservation Plan to increase timber harvest from state forests in western Oregon, consistent with Alternative 5 in the Draft Environmental Impact Statement, and submit the updated habitat conservation plan to U.S. Fish and Wildlife Service and the National Marine Fisheries Service. It exempts implementation of this provision from the Administrative Procedures Act.

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

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

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 that balance certain social, economic, and environmental benefits of the managed forest land to address statutorily required management directives for both state forest lands and Common School Forest Lands.