

HB 4105 STAFF MEASURE SUMMARY

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

Action Date: 02/16/26

Action: Do pass and be referred to Ways and Means by prior reference

Vote: 10-1-0-0

Yea: 10 - Boice, Cate, Hartman, Helm, Levy B, McDonald, McLain, Munoz, Owens, Scharf

Nays: 1 - Marsh

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/11, 2/16

WHAT THE MEASURE DOES:

The measure directs the Oregon state forester, under the authority and direction of the Oregon Board of Forestry, to adopt by rule a sustainable timber harvest level and, to the extent consistent with other legal requirements, manage available state lands to achieve that level. The measure declares an emergency, effective on its passage.

Detailed Summary:

- Defines “available state forestland,” “material change in management,” and “sustainable timber harvest level,” and requires the state forester to determine available state forestland and authorizes them to periodically adjust their determinations
- Directs the state forester to do the following:
 - Under the authority and direction of the Oregon Board of Forestry, adopt by rule a sustainable timber harvest level before making a material change in management, if the condition of available state forestland has changed materially, and at least once every 10 years
 - When determining the level, take the following into account:
 - Condition of 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
 - 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
 - In adopting a level, include any timber that was previously expected to be harvested but was not, unless prevented by factors such as disease, wildfire, or storm damage
 - To the degree consistent with other legal requirements, manage available state forest land to produce the applicable adopted level
 - Adopt an initial level 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 from adopting rules for state forestland management
- Authorizes any person to apply to the Marion County Circuit Court for an order directing the state forester to promptly determine a sustainable timber harvest level in compliance with the measure
- Authorizes any person or entity entitled to the receipt of revenue derived from specified state forestland to apply to the Marion County Circuit Court for an order directing the state forester to manage available state forestland in a manner that produces the determined level in compliance with the measure
- Directs the Marion County Circuit 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

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ISSUES DISCUSSED:

- The Oregon Department of Forestry's ability to predict timber sales
- Legislative history of the measure
- The intention of the sponsors to continue working on the concept

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

State forestlands comprise 3 percent of Oregon's forested landscape. State forestland operations are guided by long-range management plans created by the Oregon Department of Forestry that balance certain social, economic, and environmental benefits. These plans also address statutorily required management directives for both state forestlands and Common School Lands.