

A-Engrossed House Bill 3103

Ordered by the House April 3
Including House Amendments dated April 3

Sponsored by Representative OWENS, Senator WEBER, Representatives JAVADI, DRAZAN, HARBICK; Representatives BOICE, CATE, DIEHL, EDWARDS, LEVY B, WRIGHT (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells the State Forester to see how much forestland there is. The Act tells the State Forester to make harvest levels for cutting timber on state forestland. The Act tells the State Forester to manage state forestland. The Act says some people can ask for an injunction. The Act gives moneys to the State Forester. (Flesch Readability Score: 76.5).

[Digest: The Act directs the State Forester to create harvest levels for cutting timber on state forestland. The Act directs the State Forester to develop a timber inventory model. The Act directs the State Forester to sell timber at the harvest level. The Act gives moneys to the State Forester. (Flesch Readability Score: 61.4).]

Directs the State Forester to **determine the available state forestland**, establish sustainable harvest levels for harvesting timber on state forestland and *[develop a timber inventory model to inform sustainable harvest levels]* **manage available state forestland**.

[Directs the State Forester to offer timber for sale at the sustainable harvest level, annually report on sales of timber relative to the sustainable harvest level and address any deficit in timber sales. Confers standing on certain persons to challenge a failure to address a deficit.]

[Directs the State Forester to adopt sustainable harvest levels, forest management plans and related significant policy documents by rule. Establishes certain requirements for judicial review of the rules.]

[Makes certain changes concerning forest management reports by the State Forester.]

Allows certain persons to seek an injunction if the State Forester fails to establish sustainable harvest levels or manage available state forestland.

Appropriates moneys to the State Forester out of the General Fund for *[developing a timber inventory model and]* **adopting** a sustainable harvest level.

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

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reliable forest management outcomes; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section and section 3 of this 2025 Act:**

5 (a) **“Available state forestland”** means forestland acquired under ORS 530.010 to 530.040,
6 and Common School Forest Lands managed under ORS 530.490, that are available for timber
7 harvest, as determined by the State Forester.

8 (b) **“Material change in management”** means a change in the management of state
9 forestland that materially changes the volume of timber to be harvested from the state
10 forestland.

11 (c) **“Sustainable timber harvest level”** means a planned volume of timber to be harvested
12 over a 10-year period, in annual increments, from available state forestland.

13 (2) **The State Forester shall determine, and may periodically adjust the determination of,**
14 **the available state forestland.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) Under the authority and direction of the State Board of Forestry, the State Forester
2 shall adopt by rule a sustainable timber harvest level:

- 3 (a) Before making a material change in management;
4 (b) If the condition of available state forestland has changed materially; or
5 (c) At least once every 10 years.

6 (4) When determining a sustainable timber harvest level to adopt, the State Forester
7 must take into account:

- 8 (a) The condition of the available state forestland;
9 (b) Policies and directives lawfully issued by the State Forester including, to the extent
10 lawful, a policy to implement, prior to federal approval, the material terms of a habitat
11 conservation plan formally submitted by application to the National Marine Fisheries Service
12 or the United States Fish and Wildlife Service; and

13 (c) All applicable federal and state legal requirements, including any applicable require-
14 ments under:

15 (A) A habitat conservation plan approved by the National Marine Fisheries Service or the
16 United States Fish and Wildlife Service;

17 (B) The Oregon Forest Practices Act set out in ORS 527.610 to 527.770 and rules adopted
18 thereunder; and

19 (C) Rules adopted by the board that relate to the management of state forestland.

20 (5) A sustainable timber harvest level must include any amount of timber that was ex-
21 pected to be harvested under any previous sustainable timber harvest level and that was not
22 harvested, unless exigent circumstances such as disease, wildfire or storm damage prevented
23 the harvest of the timber.

24 (6) The State Forester shall, to the degree consistent with other applicable legal re-
25 quirements, manage available state forestland to produce the applicable sustainable timber
26 harvest level adopted under this section.

27 (7) This section does not:

28 (a) Alter the obligation of the State Forester to manage lands in accordance with ORS
29 530.050; or

30 (b) Restrict the authority of the State Forester and the board to adopt rules for the
31 management of state forestland, except to the extent that rules may not conflict with the
32 provisions of this section.

33 **SECTION 2.** Notwithstanding section 1 (3) of this 2025 Act, the State Forester shall adopt
34 an initial sustainable timber harvest level under section 1 of this 2025 Act on or before July
35 1, 2026.

36 **SECTION 3.** (1) If the State Forester does not determine a sustainable timber harvest
37 level under section 1 of this 2025 Act by the time such a determination is required to be
38 made, any person may apply to the Circuit Court for Marion County for a temporary or
39 permanent injunction directing the State Forester to promptly comply with the requirements
40 of section 1 of this 2025 Act.

41 (2) If the State Forester does not manage available state forestland in compliance with
42 section 1 of this 2025 Act, any person who had commented on rulemaking establishing or
43 adjusting a sustainable timber harvest level under section 1 of this 2025 Act may apply to the
44 Circuit Court for Marion County for a temporary or permanent injunction directing the State
45 Forester to promptly manage available state forestland in compliance with section 1 of this

1 **2025 Act.**

2 **(3) In any action under this section that involves the interpretation of a federal legal**
3 **requirement, the court shall consider the interpretation of the State Forester.**

4 **SECTION 4. There is appropriated to the State Forester, for the biennium beginning July**
5 **1, 2025, out of the General Fund, the amount of \$_____ for the purpose of adopting an initial**
6 **sustainable timber harvest level under section 1 of this 2025 Act by the time required in**
7 **section 2 of this 2025 Act.**

8 **SECTION 5. This 2025 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
10 **on its passage.**

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