

House Bill 4105

Sponsored by Representative OWENS, Senator MCLANE, Representatives BREESE-IVERSON, HELM, Senator NASH; Representatives BOICE, CATE, HARBICK, LEVY B, MCDONALD (Presession 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 **as introduced**. 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 a court order to tell the State Forester to comply with this Act. (Flesch Readability Score: 75.9).

Directs the State Forester to determine the available state forestland, establish sustainable harvest levels for harvesting timber on state forestland and manage available state forestland.

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

Declares an emergency, effective on passage.

A BILL FOR AN ACT

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

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

3 **SECTION 1.** **(1) As used in sections 1 to 3 of this 2026 Act:**

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

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

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

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

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

9 (a) **Before making a material change in management;**

10 (b) **If the condition of available state forestland has changed materially; or**

11 (c) **At least once every 10 years.**

12 (4) **When determining a sustainable timber harvest level for available state forestland, the State Forester must take into consideration:**

13 (a) **The condition of the available state forestland;**

14 (b) **Policies and directives lawfully issued by the State Forester including, to the extent lawful, a policy to implement, prior to federal approval, the material terms of a habitat conservation plan formally submitted by application to the National Marine Fisheries Service or the United States Fish and Wildlife Service, unless such preapproval implementation ex-**

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 ceeds a period of one year following the passage of this 2026 Act or the formal submission
2 of the habitat conservation plan, whichever is later; and

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

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

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

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

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

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

17 (7) This section does not:

18 (a) Alter the obligation of the State Forester to manage lands in accordance with ORS
19 530.050; or

20 (b) Restrict the authority of the State Forester and the board to adopt rules for the
21 management of state forestland that do not conflict with the provisions of this section.

22 **SECTION 2.** Notwithstanding section 1 (3) of this 2026 Act, the State Forester shall adopt
23 an initial sustainable timber harvest level under section 1 of this 2026 Act on or before Jan-
24 uary 1, 2027.

25 **SECTION 3.** (1) If the State Forester does not determine a sustainable timber harvest
26 level under section 1 of this 2026 Act by the time such a determination is required to be
27 made, any person may apply to the Circuit Court for Marion County for an order directing
28 the State Forester to promptly determine a sustainable timber harvest level under section
29 1 of this 2026 Act.

30 (2) If the State Forester does not manage available state forestland in compliance with
31 section 1 of this 2026 Act, any individual or entity entitled to the receipt of revenues derived
32 from state forestland pursuant to ORS 530.110 or 530.115 may apply to the Circuit Court for
33 Marion County for an order directing the State Forester to promptly manage available state
34 forestland in a manner that produces the sustainable timber harvest level determined under
35 section 1 of this 2026 Act.

36 (3) In any action under this section that involves the interpretation of a federal legal
37 requirement, the court shall give due deference to any interpretation adopted by the State
38 Forester that is reasonable and does not conflict with applicable law.

39 **SECTION 4.** This 2026 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
41 on its passage.