Minutes

Board of Natural Resources Meeting September 6, 2022

Webinar/In-Person, Olympia, Washington

BOARD MEMBERS PRESENT

The Honorable Hilary Franz, Chair & Washington State Commissioner of Public Lands

The Honorable Bill Peach, Commissioner, Clallam County

Jim Cahill, Designee for the Honorable Jay Inslee, Washington State Governor

Dan Brown, Director, School of Environmental and Forest Sciences, University of Washington

The Honorable Chris Reykdal, Superintendent of Public Instruction

Dr. Wendy Powers, Dean, College of Agricultural, Human, and Natural Resource Sciences,

Washington State University

1	CALL TO ORDER
2	Chair Franz called the meeting to order at 9:04 a.m.
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4	Boardmembers provided self-introduction. A meeting quorum was confirmed.
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6	WEBINAR FORMAT BRIEFING
7	Ms. Tami Kellogg, Board Coordinator, provided an overview for viewing and
8	participating in a combined webinar and in-person meeting.
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10	APPROVAL OF MINUTES – JULY 5, 2022
11	Chair Franz requested a motion to approve the minutes of July 5, 2022 regular Board of
12	Natural Resources meetings.
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14	MOTION: Dr. Brown moved to approve the minutes.
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16	SECOND: Commissioner Peach seconded the motion.
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18	ACTION: The motion carried unanimously.
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20	LIGHTNING TALK
21	Geologist Review of Timber Sales
21 22	Jenn Parker, Geologist & Manager, Earth Sciences Program, Forest Resources
23	Division
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24 25	Ms. Parker shared a video demonstrating the role of geologists during a timber sale
26	planning process. The program is supported by licensed engineering geologists. To
27	qualify as an engineering geologist, individuals must meet a set of education and work

experience requirements and successfully pass three professional exams over a minimum five-year period after successfully receiving a geology bachelor's degree.

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Geologists support trust land management by consulting with foresters and engineers to avoid or mitigate landslide hazards in proposed timber sales. The work is completed by different methods, such as reviewing extensive GIS data library of site-specific local information, Lidar data, a landslide database created as part of the watershed analysis process, Washington Geological Survey with newer landslide inventories, geologic maps to identify local geology and geological properties, historic aerial photos of previous harvests and recent landslide history, and digital orthophotos to understand recent forest management, landslide history, and nearby public infrastructure and resources.

PUBLIC COMMENTS

Jerry Dierker commented on the informative Lighting Talk and his desire for the Department to have considered his evaluation system within a geological hazard report submitted to the Department over 40 years ago on a site located off Cooper Point Road in Olympia within the Green Cove Basin. That area is under threat of experiencing an "Oso" style landslide. The Department should consider the threat which is asserted within an environmental appeal submitted to the Pollution Control Hearings Board. The entire Hearings Board is conflicted and comprised of attorneys who previously worked for the DNR preventing them from acting as judges adjudicating the proceeding. Those members have been asked to recuse themselves. The Department should review the matter as the Forest Practices Board has similar conflicts of interest that should be examined as well.

Esther Kronenberg said she is an appellant advocating for 100 individuals and 5 organizations appealing a permit approved by an unwritten DNR policy. The appeal is in concert with the principles and common sense of people recognizing times are changing necessitating a paradigm shift in priorities and policies that are based on a clear understanding of the new reality of shrinking resources and climate change. The Pollution Control Hearings Board appears to avoid convening a hearing on the merits of the appeal and has ordered the appellants to prove the case is moot as the trees have been cut and the land sold. The case is not moot because the permit granted for logging lacked listing a stream on official maps because it had been deleted. DNR did not enforce its procedures and obtained the permit through fraud. The occurrence of the improper issuance of logging permits makes the appeal significant rather than moot. The stream is in a sensitive area in the middle of a residential neighborhood, which speaks to identifying other locations where similar actions have occurred in more remote areas of the state.

Robert Mitchell commented on the importance of communicating with junior taxing districts, such as fire districts, county commissioners, treasurers, school representatives and the logging industry to learn about their needs and to determine a way to provide them with a predicable revenue stream from a land bank investment fund as an example. His focus is on addressing revenue front and center. Travis Joseph with American Forest Resource Council encouraged conversations questioning the need for removal of trees when it is possible to generate revenue while leaving trees untouched. His story as a boy

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Elaine Spencer, Lead Counsel for five Western Washington Counties, four School Districts, two Fire Districts, and one Port District, said the entities are beneficiaries of the lands managed by DNR. They, ARFC, and the City of Forks are the plaintiffs in the

Concrete School District vs. State litigation and served as interveners in Conservation Northwest vs. Washington State Supreme court case. Legacy is defined as a gift from an ancestor to a specific group or person. The recent ruling by the Washington Supreme Court affirmed that lands managed by DNR are a legacy from the federal government to schools, universities, and public institutions identified in the Washington Enabling Act.

bullied in public schools who found the almost limitless healing power of relatively unmanaged forests now finds it being taken away from him bit by bit to fund the institutions that drove him outdoors in the first place. Dan Tomascheski with Sierra Pacific Industries said in a 1991 speech that environmentalism was providing a spiritual value system that was missing. He suggested the logging industry is removing spiritual values to fund institutions that are teaching the wrong values. He referred to the need to place a dumpster in the Capitol Forest with a sign proclaiming, "We are testing "tragedy commons" and if you act more responsibly, everyone can have access. It prompts the question of what children are learning in schools and whether they are learning about the tragedy of commons as it gives them a license to litter because if they do not litter, someone else will.

Heath Heikkila, American Forest Resource Council, cited a letter he sent to the Board from a group of beneficiaries attesting to the reliance upon the trust relationship requiring the state of Washington to manage trust lands to provide financial and economic benefits to communities. Without the funding, all entities would be forced to cut services and some would struggle to provide the basic level of service. Conservation Northwest litigation was a direct challenge to this system of funding. Anti-forestry activists continue to advocate for the Board to ignore its Supreme Court confirmed fiduciary obligations and turn its back on beneficiaries. It is unlikely this pressure will dissipate anytime soon and while aware of the difficult positions members are placed in at times because of serving on the Board, Mr. Heikkila thanked the Board for its work.

Matt Comisky, American Forest Resource Council (AFRC), spoke to the Trust Land Transfer (TLT) program and the importance of a process for repositioning underperforming assets. Phase 1 of the TLT revitalization project framework was a good start, but does not address potential impacts to junior taxing districts. The subfocus group's work is not intended to end until approximately October 4, or later with the potential to reschedule some meetings. The pilot project does not address key concerns of AFRC about impacts to the trust corpus and impacts to revenue, as well as the intergenerational equities aspect. Some of the pilot project parcels contain timber sales during the current planning decade. That speaks to the need for a tactical model to identify where harvesting is occurring and what impacts it will have. Based on calculations, approximately 1 billion board feet is necessary to meet the decadal target in the next two fiscal years. AFRC looks forward to working with the Department and the beneficiaries to revitalize TLT but continues to have concerns about the pilot project and the encumbered lands pilot project entering its fifth legislative session with no significant effort to obtain funding.

The Department manages the lands as trustees for the beneficiaries with the duty of undivided loyalty to the beneficiaries and a duty to make the land productive for those beneficiaries. The Board and Department has some discretion within the bounds of those duties; however, it is not possible to fulfill those duties while also trying to meet the desires of people who think that hundreds of millions of dollars of commercially valuable trees should be left untouched from harvesting to meet their desires. The settlement of the sustainable harvest litigation and challenge to the Marbled Murrelet Long-Term Conservation Strategy finally settles how the Department's management does everything required to protect threatened and endangered species.

Doug Cooper, Hampton Lumber, urged the Board to take ownership of the obligation to the trust beneficiaries and require the Department to provide the Board with complete information of any program that changes the Sustainable Harvest Calculation (SHC), including how to make up the arrearage from the last fiscal year's timber sales program. All programs including the carbon project that reduces and defers timber harvest volume and revenue to the beneficiaries should be vetted to expose the real financial and socioeconomic outcomes of the program. The real result of reducing or delaying harvest of timber on state lands is the reduction in the availability of lumber, plywood, mass timber, bioenergy, and other wood fiber products the country needs to live a productive and tolerable life. The choice to set aside acres of productive working forests into an unpredictive non-working status will only result in less revenue, less jobs, poor communities, and increased carbon emissions. Carbon emissions are the cause of climate change. An entity purchasing voluntary carbon offsets that are based on deferring or delaying the harvest of trust land timber in Washington is simply executing a marketing or ESG plan, particularly if they are using the offsets to promote achieving a net-zero carbon emission goal. Voluntary carbon emission offset programs, such as DNR's draft program may claim to be equivalent to billions of miles of cars driven, which is not the case as those cars are still on the road.

 Ron Schneider, Western Forests Products, referred to the term, "legacy forests." Legacy forests can be subject to different interpretations. However, the term applicable to forests, means security and volume, jobs, value to the communities, through healthy forests trust benefits, economic driven activities, and useful forest products. As one of the smaller and more specialized mills, he emphasized the importance of the timber program as the company uses the more mature stands to produce premium exportable lumber and domestic cross arms and lumber. The bidding process enables the company to bid competitively with much larger companies. He asked the Board to stand on their own, stay focused, and do not allow a shifting of the trust mandate responsibility. He urged a sustainable yield harvest and ensure timber sales of trees older than the pre-1900s.

 Cynthia Wilkerson, Department of Fish and Wildlife, reported she directs and oversees the acquisition and stewardship of Washington Department of Fish and Wildlife (WDFW) lands on behalf of the people of the State of Washington and in service to the WDFW's mission. WDFW is proud to own and manage over one million acres and over 450 water access areas to protect land and water for wildlife and people. WDFW applauds the work to revitalize the TLT Program so that it better meets the needs of the

beneficiaries, the trust, and conservation. The TLT Program provides an additional pathway for securing long-term conservation of lands that are best managed by other entities. WDFW takes the permanent commitment of land acquisition and stewardship seriously and is pleased to have an additional funding mechanism to support acquisitions that are strategic additions for WDFW's stewardship. She thanked the Department for its hard work, time, dedication, organization, and transparency on DNR's website on the TLT Program and acknowledged the leadership of several DNR employees. She urged the Department not to remove projects from the TLT list based on a low score, as all eligible projects should remain on the list as ranked.

Tom Lannen, retired Commissioner from Skamania County, addressed a situation surrounding the social drama created by those opposed to DNR's timber management. The Washington State Supreme Court confirmed once again the obligation to the beneficiaries for state forest trust lands. Once again, the adversaries and social media have declared an approach that wants to attempt to achieve shutting down all timber management by DNR by pressuring the Board to ignore obligations. He has heard from other DNR colleagues whose citizens, school districts, fire departments, and other organizations receiving benefits from the trust express concerns about the future. Beyond the direct financial benefits those counties and junior tax districts receive, many more millions of dollars are generated in the counties by thousands of direct and indirect jobs created by the industry. The timber industry creates more revenues than through taxes from timber receipts. The loss of forest trusts is only a portion of the cash flow that would be impacted should the Board be persuaded by the naysayers. There are incredible economic inequities created when others attempt to impose their values on DNR timber lands. The Supreme Court has ruled and the request is for the Board and the Department to follow the decision.

Rod Fleck, City of Forks, thanked the Board, staff, and the public for visiting the Quillayute Valley School District and the City of Forks. The opportunity to tour the site of a new stadium under construction funded from DNR trust lands timber sales revenue is greatly appreciated by the school district and the community. The new stadium replaces a nearly 70-year old stadium with a modern ADA accessible stadium. He appreciates the focus of DNR and the public on different ways to consider underperforming assets held in management on behalf of the trust. He has been and remains concerned about how DNR addresses value and jobs as both are associated with DNR's management of trust lands. The unanimous opinion by the State Supreme Court has made the duties and obligations of the Department and the Board very clear. The City of Forks will continue to advocate for the regular, predictable, and sustainable timber harvests on state-managed trust lands.

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Bill Turner, Sierra Pacific Industries, stated that the timber sales program is very important to the company. At the July Board meeting, staff recapped fiscal year 2022 timber sales and shared how the program was 129 mmbf short representing 23% less of the targeted goal for the year. He is concerned DNR is on a similar trajectory for fiscal year 2023 with the first quarter ending in September representing only 14.5% to be sold or a loss of 129 mmbf that must be caught up. Field staff responsible for preparing timber sales have been frustrated and needlessly burdened with extra justifications on

their work due to the lack of clarity of what an acceptable timber sale represents. Distracting political issues such as the carbon set-aside or so-called legacy forests are keeping DNR from accomplishing its goals. The Board policy is that none of the ancillary goals should interfere with DNR's core business. The recent Supreme Court decision reaffirms that intent. Until DNR can achieve its core programs, the Board should not approve the set-aside of an additional 10,000 acres for carbon until the core program achieves its goals.

Donald Svetich, Quilcene Fire Rescue, Jefferson County, said the junior taxing authority is competing for a limited pool of tax funds. Revenues generated for junior taxing authorities by trust lands are extremely important to Quilcene Fire Rescue. The agency operates apparatus purchased by timber revenues. It is important to ensure decisions by DNR on trust lands do not harm junior taxing authorities, which rely on trust land revenue. That responsibility was reinforced recently by the Supreme Court decision. The Board should consider junior taxing authorities and the purpose of trust lands.

Paul Butler reported he is a small forest landowner. With the recent ruling by the Supreme Court, it is time to move forward with a plan to protect older forests and fund rural communities. It is important to recognize it is not possible to log for long-term predictability and that the settlement agreement presented to the Board in July is an impediment to an equitable solution. Long-term monitoring using plot data is unrealistic. On his 80-acre forest, he has offered 35 plots totaling five acres for over 6%. Should DNR elect to monitor 1% of 1.8 million acres of managed forests in Western Washington, it would equal 18,000 acres for permanent monitoring plots. Using standard fifth acre plots would require approximately 90,000 sites at a cost of \$9 million not including initial set-up costs. Given the uncertainty of climate change, monitoring data may be unreliable if used for sustainable harvest calculations. DNR should scrap the settlement agreement, continue monitoring using state-of-the-art remote sensing technology, give the \$9 million to the trust beneficiaries, and keep existing state plantation forestry producing revenue without expanding acreage. DNR should work with the Legislature to make up revenue shortfalls to the various trusts and protect all remaining older and mature forests, which is less than 5% of DNR's westside forest holdings to more effectively combat climate change.

David Perk, member of Washington State Lands Working Group of the Pacific Northwest Forest Climate Alliance, said he supports the group's rallying for a Call to Action following the recent Supreme Court decision. The decision affirmed the considerable discretion the Department has in deciding how state forests are managed. The group respectively requests time on the Board's meeting agenda in September to present the Call to Action. The climate crisis demands urgent attention. Washington's legacy forests are a unique resource in this fight that cannot be lost. It is time for a reevaluation and rebalancing on how to relate to forests. Many vital stakeholders are included in discussions with no single group having all the answers. The current status quo is untenable.

Mary Jean Ryan, member of the Washington State Lands Work Group of the Pacific Northwest Forest Climate Alliance, said she is speaking to stand up for

Washington's forests similar to hundreds of others rallying outside this morning. Following the recent Supreme Court decision, the Lands Work Group issued a Call to Action. Since then, 37 conservation and climate action groups have endorsed the call. The call contains seven recommendations of conserving legacy forests, broadening representation on the Board, adopting a new Forest Management Plan, adopting a new SHC with climate as a top priority, investing in rural communities in needed services and in sustainable development, delinking education funding from timber revenue, using harvest methods to enhance forest health, and revitalizing the TLT Program. As requested previously, the group seeks time on next month's meeting agenda to present the Call to Action. The group seeks constructive dialogue and although not all answers have been determined, the status quo is untenable. This is not the time for leaders to be on the sidelines.

David Neuenschwander, Jefferson County Fire Protection District 2, said the district is a junior taxing district and a trust beneficiary. The organization is very small with only 3 paid firefighters, a fire chief, a part-time district secretary, and 20 volunteers. The operating budget is approximately \$800,000 annually. Over the last three years, DNR receipts to the district have varied from a low of 6% to as much as 30% of total district revenues. The variation is due in large part to scheduled timber harvests in the county. All the county's DNR receipts are a component of the capital fund as fire departments are capital extensive and depend on DNR receipts to help fund replacement of ambulances, fire engines, and other expensive infrastructure. He asked the Department to continue to support Washington State's junior taxing districts.

Patricia Jones, Olympic Forest Coalition, thanked the Board and Commissioner Franz for the recent visit to the Olympic Experimental State Forest (OESF) and for their interest in the landscape. The importance of research cannot be overstated, in particular, any directed towards understanding the impacts of climate disruption on forests and watersheds. While it is hoped that the forest responds better in the next 100 years as it has in the past, it is unlikely given extreme weather events. She is concerned about the 2016 Land Plan for the OESF, which virtually eliminates all protections for threatened and endangered species upon which the biological opinion was offered and its related HCP and incidental take permit. The organization has communicated this summer with U.S. Fish and Wildlife Service about those concerns. The organization supports the effort to fund the TLT Program fully as solutions are sought to address the challenges facing all stakeholders, and shares the concerns about legacy forests. The Board should consider directing DNR to review all timber sales that contain legacy forests and reconfigure those sales adding in additional plantation stands as necessary and removing legacy forests to ensure the trust is whole. The work for all beneficiaries is important and there are solutions. It is incomprehensible a solution to protect the very few rare remnant forests cannot be found given the inventory available to ensure the trust is whole.

Connie Beauvais, Port of Port Angeles Commissioner, spoke in support of the recent Supreme Court decision against each one of Northwest Conservation's recent challenges. She is hopeful the Board has read the opinion with the understanding of how it will affect decisions in managing trust lands. In her county, over half of the trust lands have already been set-aside for one or another good intention. With the approval of the last HCP, the

beneficiaries were promised that no further lands would be set-aside. She certainly hopes that statement would be honored as not only do all the junior taxing districts services benefit from harvest revenue, the timber industry provides a large number of living wage, direct and indirect jobs. Climate change emphasizes the value of wood products and rotation of trees. She enjoyed the retreat the Board recently held on the Olympic Peninsula and found it quite informative. One of the stops was to an old growth timber stand. Not a single tree in the stand could hide her or Bigfoot. The age of trees ranged from 150 to 350 years and the trees were not healthy emphasizing how old growth is not a one-size-fits-all definition. Stand management is vitally important and it was obvious that the stand lacked management. The beneficiaries continue to ask for an accurate inventory. The next decadal harvest calculation will arrive soon. It is important to ensure an accurate inventory occurs. County services, the economies, and the communities suffer when lands are not properly managed.

Gregory Bellamy, Fire Commissioner, Clallam County Fire District 5, near Sekiu, Washington, reported 25% of the district's income used to be from timber sales. Rather than presenting a problem, he is seeking a solution. The district's solution is a project grant writer as the district lacks that capability to seek funding for provisions and updated equipment to ensure the team can fight forest fires. Last winter, the area experienced a slide off Highway 12 cutting off water supply requiring water to be flown in to the community. The area also experienced flooding. He does not envision conditions changing, but the most important aspect is the importance of timber sales. The district was not successful in passing a levy because Cape Flattery School District maxed out its levy and angered voters who would not support a fire levy because of the current ugly undercurrent.

Jim Stoffer, Sequim School Board, representing the WSSDA Trust Lands Advisory Committee, thanked the Board for the recent Board retreat in Clallam County and the opportunity to discuss several sides of issues. He appreciates the dedication and commitment of staff and the crews and their work in the forest. The committee supports the proposed sales in Jefferson and Clallam Counties and the T3 project, supports the Supreme Court's recent ruling, supports the work of the TLT Program, and a future land exchange of Loss Mountain in Clallam benefitting Sequim School District, and supportive of Superintendent Reykdal's proposal. It is important to remember that there are 1.2 million school students headed to school that are dependent upon DNR.

Douglas McClelland, a retired employee of DNR in Recreation, Conservation, and Transactions, commented on the importance of the TLT Program. Approximately 35,000 acres of trust lands in the South Puget Sound Region were transferred through the program creating important places and in the Tacoma watershed where older forests were appropriately conserved. Early in his career, the TLT Program was very successful spending nearly \$800 million in transfers. In some bienniums, over \$100 million was allocated by the Legislature. The TLT Program is a solution to many of the issues DNR is dealing with. The program is another tool in the toolbox. He supports the trial project moving forward and plans to work behind the scenes to support the program to the Legislature.

 Julie Ratner commented on a device that utilizes technology to listen to trees as they communicate and share nutrients under the forest floor. The device is similar to an EKG measuring human heartbeats. Placement of the electrodes on trees converts the electric signals from the tree into notes. She played the sound of a solitary tree shrieking. The tree, an isolated ancient spruce tree emits a weak signal because trees are social beings and require connection to a forest community to thrive. When clearcutting occurs, the entire network collapses. She played a sound of a thriving ancient cedar tree with a strong harmonious signal because it is connected to the forest. She urged the Board to listen to the trees, as well as to the people and protect Washington's legacy forests.

Dave Toler said he is a new resident of Washington as a climate refugee from Oregon. He is tired from the forest fire smoke and the 100-degree temperatures in Oregon. The trend is moving north and when it occurs, more people will began to recognize the urgency of the situation. Climate change is real and there is no time to talk about it. Many special interests promote the continuous past practice with policies creating more greenhouse gas emissions each day destroying the planet's greatest carbon sink. Many beneficiaries speak to the need for revenue while the timber industry advocates for clearcutting the carbon sinks. As a grandparent, he is not willing to let policymakers continue to lead the state down the same path when Washington will become as bad as Oregon. There are other ways to derive revenue from forests. The status quo as special interests promote is not moral and is not right.

Ed Orcutt, State Representative of the 20th District, reported the district is home to Sierra Pacific Industries and two of the three Hampton Mills. He is concerned about some of the proposals the Board may be considering for legacy forests. It sounds good to preserve trees because it benefits the climate; however, the best carbon sequestration occurs during the tree's first 60 years with sequestration declining as trees age. A true old growth forest no longer sequesters carbon. Storing carbon in wood products continues sequestration of carbon by growing more replacement trees to benefit the environment. It is also important to consider schools. One school district experienced four bond failures with the school district receiving \$10 million from the Legislature to assist the school district in building a school. The state has seismic standards that many schools have not achieved with huge costs necessary to retrofit school structures. The loss of harvest means the loss of mills. The loss of mils will result in the loss of infrastructure that is necessary for forest health work. For the benefit of jobs, schools, forest health, and environmental health, he asked the Board to continue to harvest timber.

Rob Lewis said land change is increasingly recognized as a cause of climate change. In particular, it is recognized as a key factor in hydrological extremes of heat waves, drought, and floods. He asked for consideration of the forests of Washington before land change began. It entailed a massive carpeting of moss-cloaked forests. He questioned the cooling and hydration such forests generated. That is the true legacy of the forests. People are trying to protect the legacy and are doing what is right for both the people and the forest. The concerns from trust beneficiaries appear to be a financial rather than a forest management concern. The true beneficiaries of the forest are the forests and the people who will need to contend with surviving climate extremes. There is a moral

obligation to change the status quo, consider the bottom line of revenue, and replace it with forest health.

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Peter Goldman, Washington Forest Law Center, said he served as co-counsel for the plaintiffs in the Conservation Northwest case. Colleagues at AFRC are entitled to spin the case anyway they wish; however, in their hearts and minds, they know it is a new day. On July 21, 2022, the Washington Supreme Court ruled unequivocally that the Board and the State Legislature have myriad ways in which they can manage and dedicate state forests to generate revenue for the trusts. The court confirmed DNR is not legally obligated to maximize revenue from its management of state forests and the court held that all people and the State Constitution govern all decisions made by the DNR and its management plan including the County Forest Board land, which reflects a change in law. He urged Commissioner Franz to embrace the court's invitation to think outside of the box and more broadly about how two million acres of trust lands are managed. He urged DNR to read the ruling as a roadmap to achieve climate appropriate and sciencedriven forest management and not as an obstacle to perform. DNR should declare a moratorium on all timber sales involving fully functional legacy forests as well as defined in DNR's HCP and 2006 Policy for Sustainable Forests. DNR should double down on how to generate revenues from carbon offset programs, revise the 2006 Policy for Sustainable Forests, and work with stakeholders at all levels with rural communities to create a more just and equitable sustainable system.

Elizabeth Dunne, resident of Port Angeles, cited a memorandum from the Port Angeles City Manager commenting on the lack of notice and review for the Aldwell timber sale. The City did not have the benefit of evaluating the proposal. It is important to note that the Elwha watershed is of critical importance to the City of Port Angeles considering that the Elwha River is the water source for the entire population of the city. She asked DNR to consult with the City of Port Angeles prior to decision-making on the timber sale. Ms. Dunne confirmed the consultation with the city on the Aldwell timber sale has not occurred. She asked for the deferral of the Aldwell timber sale along with two other timber sales in Clallam County. The Elwha River is one of the largest dam restoration projects in the country. Timber sale activities will impact the Elwha River, a nationally known river restoration project.

TIMBER SALES -Action

Auction Results for July and August 2022, Proposed Timber Sales for October 2022 Joe Koontz, Assistant Division Manager of Timber Sales, Product Sales & Leasing Division

 Duane Emmons, Acting Deputy Supervisor, State Uplands, introduced Joe Koontz, who joined DNR in July from private industry managing lands in Washington State. His most recent role was as a certification auditor for a national certification company.

Mr. Koontz presented the results of the July and August 2022 auctions.

In July, the Department offered nine sales totaling 42.9 mmbf with eight sales sold totaling \$16.5 million of 38.2 mmbf for an average price of \$433 per mbf with 2.1

bidders per sale on average. One sale received no bids and is under evaluation for a 1 2 future offering. 3 4 In August, the Department offered 12 sales totaling 40.5 mmbf with 12 sales sold totaling \$13.1 million of 40.5 mmbf for an average bid of \$359 per mbf with 2.5 bidders per sale 5 6 on average. 7 8 Mr. Koontz invited questions. No questions were raised by the Board. 9 10 Mr. Koontz presented nine proposed sales in October 2022 representing 35.3 mmbf with a minimum bid value of \$10.1 million and a stumpage of \$287 per mbf. He shared a 11 12 graphic depicting the trust distribution breakdown for the proposed sales. 13 14 Mr. Koontz invited questions from the Board. 15 16 Commissioner Peach asked about sales involving geotechnical issues. Mr. Koontz 17 explained that many of the comments pertained to slope stability issues. Those issues were thoroughly vetted through the SEPA process and additional geotechnical reviews. 18 19 20 Dr. Brown inquired about the status of notification to the City of Port Angeles regarding 21 the timber sale and whether there was an unusual way the sale was presented to the public. Mr. Koontz advised that staff pursued the normal consultation process for the 22 23 proposed timber sales, as well as the SEPA process and other outreach. 24 25 Mr. Emmons added that Olympic Region staff also pursued additional outreach to include the City of Port Angeles. However, staff received no response from the City. 26 27 28 Superintendent Reykdal asked for information on what is entailed in a standard outreach 29 process. Mr. Emmons explained that typical outreach is through the SEPA process, which includes notification to cities, counties, tribes, etc., as well as any individuals or 30 31 agencies that have signed up to receive notification. In certain instances, staff will 32 outreach to concerned parties if there has been a request for ongoing outreach. With 33 respect to the Aldwell timber sale, staff contacted the City of Port of Angeles and the SEPA process was engaged twice providing an additional 14-day comment period. 34 35 36 With there being no further questions from the Board, Mr. Koontz requested approval of 37 the proposed sales. 38 39 MOTION: Commissioner Peach moved to approve the proposed September 2022 40 sales. 41 42 Superintendent Reykdal seconded the motion. SECOND: 43 44 ACTION: Motion approved unanimously. 45 46 LAND TRANSACTIONS – Action 47 Eagle Creek Clallam County Donation, 08-103146, Resolution 1588

Bob Winslow, Transaction Project Manager, Conservation, Recreation and 1 2 Transactions 3 4 Mr. Winslow reported the Eagle Crest-Clallam Bay property is located in Clallam County 5 approximately 1.5 miles south of Clallam Bay. The 6.8-acre property is a donation from 6 Clallam County. The property is forested and is anticipated to provide future timber 7 revenue to the State Forest Land (Transfer) Trust. The property is a forested section 8 surrounded by DNR managed trust land. Clallam County acquired the tax default former 9 railroad right-of-way property in 1939. 10 11 12 13 14 15 16 17 stronger stumpage prices for the area with a better return to trust beneficiaries. 18

In December 2021, a quitclaim deed from the county was recorded and the county paid all closing expenses. DNR and the Office of the Attorney General reviewed the title and found it to be acceptable. Benefits for ownership of the property include adding forested acreage and volume for future potential revenue; eliminates an in-holding from use

contrary to the adjacent trust lands; eliminates the need for a property survey saving land management costs; adds volume and reduced production costs that could be realized in

Acceptance of the donation of property benefits the State Forest Land Trust (Transfer). Property donation can be accepted under the authority of RCW 79.22.010.

Mr. Winslow acknowledged Commissioner Peach on behalf of the Clallam County Commission for the donation. He invited questions from the Board.

The Board offered no questions.

MOTION: Dr. Brown moved to approve Eagle Creek Clallam County Donation, 08-

103146, Resolution 1588

Commissioner Peach seconded the motion. SECOND:

ACTION: The motion was approved unanimously.

North Mountain Road Donation #08-102841, Resolution 1589 Bob Winslow, Transaction Project Manager, Conservation, Recreation and **Transactions**

Mr. Winslow reported the North Mountain Road property is located in Snohomish County approximately one mile north of the Town of Darrington. The 1.42-acre property is a donation from Snohomish County. The property is forested with access to state trust lands for management and for public recreation. The subject property is an edge holding adjacent to DNR managed trust land on the west and includes the east 30 feet of an existing roadway. Benefits of the property would provide DNR with 100% ownership of the road for ease of management and maintenance, a hauling route for state timber, road access for a future state timber sale (Northern Lights) and other state trust lands, and public access to the Darrington Bike Trail for recreation and for public health.

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 The title was reviewed by DNR and the Office of the Attorney General and found to be satisfactory. Donation of the property benefits the State Forest Land Trust (Transfer). Property donation is under the authority of RCW 79.22.010 with DNR to pay nominal transaction closing costs.

Dr. Brown asked whether the benefit of ownership of the road exceeds the costs associated with maintenance fees. Mr. Winslow advised that the road is lightly traveled and the cost of maintaining that section would be nominal and incorporated within the Department's road maintenance budget.

With no further questions from the Board, Chair Franz invited a motion to approve Resolution 1589.

MOTION: Dr. Brown moved to approve North Mountain Road, 08-102841,

Resolution 1589

SECOND: Mr. Cahill seconded the motion.

ACTION: The motion was approved unanimously.

Cunliff Auction #02-092371, Resolution 1590 Bob Winslow, Transaction Project Manager, Conservation, Recreation and Transactions

Mr. Winslow reported the Cunliff Auction property is located in Klickitat County west of the town of Goldendale. The 5.8-acre property is located within an agricultural area with rural residential homes. The property is a Land Bank ownership from a prior Board action in January 2021. Land Bank ownership permits DNR to auction under-performing trust assets and reinvest in productive replacement lands elsewhere. The Cunliff auction property is currently under an active lease and the tenant owns the private land to the west of the auction parcel.

The existing home was built sometime in the 1880s when roads and transportation were poor and tenants generally lived on leased property. The house and other property improvements such as wells, septic fields, and outbuildings are tenant-owned improvements. The annual rent paid to DNR for the home site is \$1,680. The benefit of the auction for DNR is to eliminate high trust management costs as a landlord and repositioning the auction funds into more productive areas for trust beneficiaries.

Appraisal of the underlying state trust land was determined to be \$48,000, and is the minimum bid auction value DNR recommends for the state trust land for the auction. The tenant-owned improvements were valued at a fixed rate of \$197,000 and are a non-biddable payment amount payable to DNR from the high bidder. The payment for the tenant-owned improvements would be forwarded from the State to the tenant, if the tenant is not the high bidder.

The auction is tentatively planned for October 2022. An oral auction will be conducted in Klickitat County. DNR plans to market the property through its web page and other methods prior to the auction.

In response to questions from the Board, Mr. Winslow explained that an oral auction provides the tenant with an opportunity of knowing the bid price for the property. DNR provided the tenant with an option of purchasing an easement from DNR if they are not the highest bidder to ensure access to their adjacent property using the existing roadway.

MOTION: Superintendent Reykdal moved to approve Cunliff Road Auction, 02-

092371, Resolution 1590

SECOND: Mr. Cahill seconded the motion.

ACTION: The motion was approved unanimously.

Trust Lands Transfer Process Update/Parcel List – Information & Action Duane Emmons, Acting Deputy Supervisor, State Uplands

Chair Franz prefaced the update by explaining the importance of the TLT Program and a request by the Legislature to examine the TLT Program to determine what has been effective, not effective, and how to better invest in the program to ensure the program benefits all communities, the environment, economies, and all social benefits trust lands provide. DNR was asked to refrain from TLT requests until the planning process is completed to develop a comprehensive parcel list.

Mr. Emmons presentation covered an overview of TLT Program, what it is, how it works, TLT revitalization and the pilot project, and 10 parcels currently proposed for transfer.

The program was established in 1989 as a land portfolio management tool to reposition economically under-performing state trust lands. DNR has transferred underperforming state trust lands out of trust status to a receiving agency and has replaced the transferred parcel with lands that can generate revenue for trust beneficiaries through an appropriation from the Washington State Legislature. The TLT Program also conserves lands with high ecological values and/or public benefits. Over the last 32 years, the TLT Program transferred over 126,000 acres, replaced approximately 55,000 acres. Nearly 15% the state park system is former trust lands, and created 43 DNR natural areas.

Revitalization is an effort to improve TLT to make it more consistent, transparent, repeatable, and effective. The effort is funded in part by a proviso in the 2021-23 Capital Budget (SHB 1080 Sec. 3333). Improving the program is a major recommendation of the 2021 Trust Land Performance Assessment.

Revitalization consists of a two-phased process. Phase 1 is from July to October 2021 to develop a new framework for TLT. Phase 2 is from January to August 2022 to develop the framework into a strong, new, revitalized TLT tool and test with a pilot project.

1	Mr. Emmons identified work group members from both phases of the project.
2	
3	Examples of new features of the revitalized TLT tool include:
4	Improved best interests of the trusts analysis
5	New advisory committee to rank nominated parcels into a prioritized list
6	More robust tracking and reporting
7	New webpages
8	Possible expansion of the tool to include state forestlands
9	Discontinuation of the 80/20 ratio to open the tool to non-forested parcels
10	 Changes to funding allocation to provide more funding for replacement lands
11	Mr. Calaillan and dalant also are halo Charle I and also are assumed as a first form.
12	Mr. Cahill noted that although the State Legislature can remove projects from a
13 14	prioritized list, the Legislature is not able to reprioritize the list. He suggested the intent of the proposal should be included in any draft legislation.
15	of the proposal should be included in any draft registation.
16	The new advisory committee will score parcels according to five criteria:
17	Community involvement and support
18	Ecological values
19	Economic values
20	Public benefits
21	Tribal support
22	The support
23	DNR will use the scores to place parcels in order of priority. Parcels would be
24	transferred in that order. The current tool is limited to Common School Trust, so state
25	forestlands must undergo an inter-trust exchange prior to transfer. If TLT is opened to
26	state forestlands, inter-trust exchange is still required because direct transfer of state
27	forestlands is not allowed.
28	
29	Possible impacts to taxing districts:
30	Net revenue from state forestlands is sent to the county treasurer in the county in
31	which the revenue is generated, to be distributed to taxing districts per RCW
32	79.64.110
33	Transferring and replacing lands could affect which taxing districts receive
34	revenue
35 36	 Taxing districts focus group will meet in September and October to examine these impacts and possible ways to avoid, minimize, or mitigate them
3 0 37	Solutions may require statutory change
38	Solutions may require statutory change
39	Immediate financial impact may be minimal if a parcel is producing little to no revenue.
40	initionate intalient impace may be infiliniar in a parcer to producing fittle to no revenue.
41	The current split allocates 80% to Common School Construction Account of the timber
42	value for school construction and 20% of the bare land value to the Real Property
43	Replacement Account for state trust land purchase. The proposal would allocate all funds
44	to the Real Property Replacement Account and a new Land Bank Account with the
45	distribution percentage to each account determined later. The current distribution
46	severely limits DNR's ability to purchase replacement lands. Purchasing productive state

trust lands provides a long-term revenue stream for generations of trust beneficiaries, rather than a one-time payment for the current generation.

2 3 4

Superintendent Reykdal questioned whether the current 80% rule counts as a credit to the annual SHC. Mr. Emmons explained that if the land is considered as part of the operable land base it would be included in the SHC as a credit. It generally is parcel specific as to whether it is included in the SHC. Land transfers are often included as sold volume.

A Land Bank Account is a holding area for desirable properties waiting to become state trust land and former state trust lands waiting to be sold. The proposal adds a cash account to the Land Bank; however, establishing the account requires statutory changes. The new account would provide DNR a new source of capital to purchase lands, a major recommendation of the 2021 Trust Land Performance Assessment. As with all trust accounts, funding in the new Land Bank account would be tracked by trust and used to acquire productive land for that trust.

A summary of proposed statutory changes is to codify the intent of TLT in statute to provide a tool for long-term stability, establish the new Land Bank account, update statutes to streamline land transactions, and potentially submit statutory changes related to state forestlands land transactions.

The TLT pilot project is an opportunity to test eligibility and prioritization processes with a limited number of parcels before full TLT implementation by a work group, facilitated by DNR, acting in place of an advisory committee. DNR's regions nominated a limited number of parcels, conducted outreach to tribes and affected taxing districts, and verified receiving agencies. The work group prioritized the parcels according to the five eligibility criteria. Mr. Emmons referred to the prioritized list of TLT projects. Each project would be approved by the Board if funding is received by the Legislature:

- 1. Eglon
- 2. Devils Lake
- 3. Upper Dry Gulch
- 4. Chapman Lake
- 5. Morning Star
- 6. West Tiger
- 7. Lake Spokane Campground
- 8. Blakely Island
- 9. Moses Lake Sand Dunes

The combined properties represent an estimated 7,000 acres totaling approximately \$25 million (not appraised). When parcels are appraised, staff considers harvestable areas under Forest Practices Rules. Each parcel would be appraised at the highest and best use based on the surrounding market.

Mr. Emmons requested approval to move the packet of parcels to the Legislature to seek funding.

Superintendent Reykdal requested confirmation that should the Board adopt the list it is implied that DNR would request the larger policy change, which essentially means no payments would be provided to the Common School Trust. Mr. Emmons affirmed that it is the intent of DNR to proceed with the proposed policy changes recognizing that the Legislature may elect not to consider the legislative proposals.

Chair Franz emphasized that the proposal is a top priority for DNR to approve the TLT project list, securing the funding, and the proposed policy improvements.

Mr. Emmons responded to a series of questions by the Board. A number of the parcels are located in eastern Washington where land values are often significantly lower. The tool is to be used for both ecological value and repositioning of assets. The value of the parcel is tracked by trust separately should the Legislature not create a new Land Bank Account. The intent is to tie both the project list and the policy changes in the next biennium. Chair Franz added that the intent is not to stall any legislative funding for the proposed TLT project list in lieu of any legislative changes if the Legislature is not ready to approve the statutory changes and improvements.

MOTION: Superintendent Reykdal moved to approve the proposed list of TLT Pilot Projects as presented.

SECOND: Commissioner Peach seconded the motion.

Mr. Cahill thanked task force members and others for their work as the proposal represents some great ideas that should be considered understanding that it represents a major change in how revenue is distributed. He noted that he intends to abstain from voting because the proposal will move to the Office of Financial Management and the Governor's Office.

Superintendent Reykdal commented on the importance of the proposed revitalized TLT Program as the capital budget has a savings balance that the state has not experienced for sometime freeing up the opportunity for DNR to present a better process for the TLT Program. It is important to move forward and expedite the TLT Program.

ACTION: The motion was approved. Mr. Cahill abstained.

CHAIR REPORT

Carbon Project Update

Duane Emmons, Acting Deputy Supervisor, State Uplands

Chair Franz reported on the increasing outpour on the sense of urgency with requests from communities, organizations, stakeholders, and beneficiaries across the state about the need to protect high value conservation forestlands along with concerns of losing those lands. Currently, the agency is limited to two tools to address conservation or protection to specific areas. Some of those tools are reconveyance to counties and the TLT Program. More tools are necessary to conserve high value conservation forests while ensuring forest health work is completed to ensure older trees can thrive.

 Mr. Emmons updated the Board on the timeline and the SEPA process for the Carbon Project. The SEPA process involves a non-project SEPA Checklist to complete the environmental analysis of the carbon project with DNR issuing a threshold determination of either a Determination of Significance or a Determination of Non-Significance. The Responsible Official considers all SEPA comments, seeks consultation by staff, and issues a Notice of Determination. If the issuance is a Determination of Non-Significance, the Department plans to release a Notice of Action whereby the Department intends to lease carbon followed by an appeal period of the proposed action.

Dr. Brown asked for verification that the SEPA process includes no assessment of the impacts on the SHC. Mr. Emmons affirmed the SEPA process would include the incorporation of the previous SHC EIS and an assessment of the marbled murrelet strategy. The SEPA process does not recalculate the current SHC or whether a delta could be created between the current and future SHC. The next SHC is scheduled to begin shortly and any changes in carbon would be captured in the next SHC.

Mr. Cahill asked whether the SEPA checklist is based on the Phase 1 project list or whether the Department is hypothetically creating a carbon project that considers potential environmental impacts. Mr. Emmons affirmed it is more of the latter option although areas were nominated in Phase 1. The non-project is based on the intent to lease for carbon and is not site-specific.

Commissioner Peach asked whether the environmental analysis considers the economic impact of the proposal. Mr. Emmons replied that the SEPA analysis is an environmental analysis and not an economic analysis and would not consider the economic impacts. However, the economic impacts are considered during the next SHC when considering areas to set-aside or remove from the operable land base. Commissioner Peach cited the amount of 450 mmbf of harvestable timber that should be evaluated for economic impacts. Mr. Emmons reaffirmed that the process is during the next SHC, which considers the reduction of 10,000 acres to set-aside for carbon. Data analysis on the next SHC will begin in January/February 2023, which continues through fiscal year 2023. Between the stakeholder outreach and developing lease terms for the Carbon Project, the Board will receive answers about the lease structure, financial impacts of a lease, and market returns for carbon. The authorities guiding the leasing of carbon were reviewed with the Board, which was delegated to the Department. The Board has the authority to withdraw that delegation.

Chair Franz advised the Board of the Department's intent to revisit the Carbon Project with the Board periodically in conjunction with the SHC for the next decade. The goal is to provide many opportunities for engagement and communication with the Board as well as with the public and stakeholders.

Commissioner Peach asked whether the Department plans to engage in competitive bidding for carbon. Mr. Emmons reported that initially because the Department plans to enter the market under a lease process, the initial discussions will be with a single entity;

however, if the Department receives inquiries from other entities desiring to lease the property for carbon, the Department would engage in a public auction.

Superintendent Reykdal cited a hypothetical situation of a conservation company desiring to participate in the carbon project that is not a member of the federal carbon scheme. Mr. Emmons replied that the lease structure would require the company to participate in the carbon market, that is, the company would need to be a qualified bidder in the carbon market. If DNR receives more bids, it is likely staff would need to evaluate which bid would provide the best return to the trust. The idea is to avoid speculators because the company must generate a return to beneficiaries.

Dr. Brown asked whether the plan is to place the project on the voluntary market rather than the regulatory market. Mr. Emmons said the intent is to approach the voluntary market because of flexibility in the timeframe, as the Department does not have statutory authority to lease beyond 99 years.

Commissioner Peach commented on the difficulty of convincing beneficiaries to accept less revenue from the carbon approach versus timber harvesting. Mr. Emmons explained that staff continues to explore the current compliance market. Some beneficiaries are willing to accept lower rates in an annual payment versus a one-time harvest followed by no harvests for many years.

Chair Franz noted that similar to the TLT Program and reconveyance, those programs are mostly requested by beneficiaries. For the Carbon Project, DNR plans to factor those elements as staff explores Phase 1 and Phase 2 parcels as a way to provide a tool to the public and beneficiaries for solutions to high conservation value forests. While the context of the Carbon Project is new to the state and to the agency, it is not new in other states. Staff is researching the work completed in other states in the private and government sectors for carbon projects and selling of carbon credits. The intent is to provide as much information as possible on the development of the project and the status in the carbon market for the Board's consideration as it considers specific projects.

Mr. Emmons reported staff is scheduled to work over the course of the next year to examine the mechanics of leasing, lease terms, and the process for competitive bidding if more than one entity conveys interest.

ADJOURNMENT

With there being no further business, Chair Franz adjourned the meeting at 11:58 a.m.

Approved this 4th day of October, 2022
Hilary S. Franz, Washington State Commissioner of Public Lands
James Calvill
Jim Cahill Designee for Governor Jay Inslee
(ms/ms
Chris Reykdal, Superintendent of Public Instruction
in Peach
Bill Peach, Commissioner, Clallam County
Newly Porces
Dr. Wendy Powers, Dean, College of Agricultural, Human, and Natural Resource Sciences,
Washington State University
alson
Dan Brown, Director, School of Environmental and Forest Sciences, University of Washington
Attest:
Tami Kellogg, Board Coordinator

Prepared by Valerie L. Gow, Recording Secretary/President Puget Sound Meeting Services, psmsoly@earthlink.net