

Appendix E. Board of Natural Resources Resolution 1239

Note: The sustainable harvest level for the fiscal year 2005 to 2014 decade was adjusted in 2007 by Board Resoultion 1239. The level adjustment accounted for the implementation of the Riparian Forest Restoration Strategy (2006c) and the Settlement Agreement (Appendix D).

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BOARD OF NATURAL RESOURCES

RESOLUTION NO. 1239

A **RESOLUTION** adjusting the decadal Sustainable Forest Management Harvest Level for forested State Trust lands in Western Washington, consistent with the policy on Recalculation of the Sustainable Harvest Level as adopted by the Board of Natural Resources (Board) in Resolution 1134 and the Policy for Sustainable Forests (Dec. 2006). The planning decade is fiscal year 2005 through fiscal year 2014.

GIVEN THESE FACTS:

SECTION 1. RCW 79.10.320 directs the state Department of Natural Resources (Department) to periodically adjust acreages to be included in a sustainable yield management program and calculate a sustainable harvest level. RCW 79.10.300 (5) defines sustainable harvest level as, "...the volume of timber scheduled for sale from state-owned lands during a planning decade as calculated by the Department and approved by the Board".

SECTION 2. At the time the statute was enacted, the suitable time period was thought to be one decade, with the harvest level remaining constant during the decade. Today's policies require multiple objectives and the science and knowledge around those objectives is often very fluid. With the more powerful and dynamic computer models that exist today it is feasible to analyze and adjust the Sustainable Harvest Calculation (SHC) as circumstances change.

SECTION 3. The Board adopted a two-part policy, one part to address the establishment of the decadal sustainable harvest and a second part to anticipate possible changes within the decade. The second part of the policy reads, "The Department will adjust the

calculation and recommend adoption by the Board of Natural Resources when the Department determines changing circumstances within the planning decade suggest that an adjusted harvest level would be prudent. Such circumstances may include major changes in legal requirements, significant new policy direction from the Board of Natural Resources, new information about the resource base available for harvest, or changes in technology”.

SECTION 4. In 2000, the Board and the Department began a process to set a new decadal sustainable harvest level for Western Washington. In November of 2003 the Department issued a draft Environmental Impact Statement (Draft EIS) with six management alternatives. In March 2004 the Board adopted Resolution 1110 which directed the Department to proceed with the development of the preferred management alternative given specific guidance and criteria in the resolution.

SECTION 5. In September of 2004 the Board, in Resolution 1134, adopted the current Westside decadal sustainable harvest for fiscal year 2005 through fiscal year 2014 — along with specific policies, procedures, and tasks to implement it.

SECTION 6. The desired objectives of the 2004 Sustainable Harvest Calculation have not changed. However, within this planning decade there have been some changing circumstances of the magnitude that suggest an adjustment to the sustainable harvest volume would be prudent.

SECTION 7. When the Sustainable Harvest Calculation was adopted in 2004, it incorporated the Riparian Strategy from the 1997 trust lands Habitat Conservation Plan (HCP), but the implementation procedure had not been finalized and riparian areas were being deferred from harvest. As a consequence, while the Department had modeled 9 percent of the volume coming from the riparian areas in the harvest calculation, there was no volume actually being harvested. Subsequently, in April 2006, the Department negotiated with the federal services and adopted Implementation Procedures for the Habitat Conservation Plan Riparian Forest Restoration Strategy that is being

implemented and is anticipated to contribute approximately 5 percent of the total volume over the decade. This change is estimated to result in a 4 percent reduction in the modeled Sustainable Harvest Calculation volume estimate of 597 billion board feet for the planning decade.

SECTION 8. After the adoption of the Sustainable Harvest Calculation in March of 2004 the Washington Environmental Council (WEC) filed litigation (Oct 2004) seeking a declaration that Resolution 1134 was invalid on the grounds that it was adopted without proper compliance with the State Environmental Policy Act (SEPA). In October 2005 Judge Armstrong rendered a memorandum opinion that the Final EIS, which provided the basis for SEPA compliance for Resolution 1134, was inadequate as to impacts on the northern spotted owl, riparian management, and the alternatives analyzed. If reduced to final order, this memorandum opinion would have vacated Resolution 1134 and the Department's ability to implement the sustainable Westside harvest volume anticipated to be 5.97 billion board feet over the planning decade. As a consequence the Department estimated it would harvest less than 400 million board feet per year until a legal remedy and/or an administrative remedy could be achieved which could take from two to four years.

SECTION 9. To avoid this potential loss in revenue to the beneficiaries and delay in meeting several Habitat Conservation Plan objectives, the Department entered into settlement negotiations with the plaintiffs and interveners in November 2005. In March 2006 all parties signed a settlement agreement that required the Department to manage some habitat differently for the planning decade but restored Resolution 1134. This settlement avoided a costly and uncertain future for the trust beneficiaries but is estimated to result in a 4 percent reduction in the sustainable harvest volume estimate over the planning decade.

**BE IT RESOLVED BY THE BOARD OF NATURAL RESOURCES,
DEPARTMENT OF NATURAL RESOURCES, STATE OF WASHINGTON,
THAT:**

SECTION 1. After careful review and analysis presented by the Department, the Board has determined that the riparian strategy and the lawsuit are two circumstances with impacts that were unknown at the time Resolution 1134 was adopted, and that an adjustment to the decadal harvest level adopted with Resolution 1134 would be prudent.

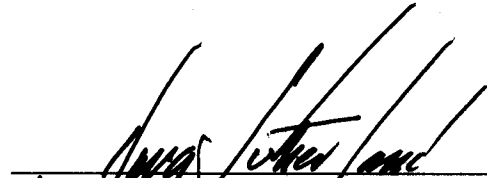
SECTION 2. Therefore, the Sustainable Forest Management Harvest Level for forested State Trust Lands and Western Washington for the planning decade of fiscal year 2005 through fiscal year 2014 is adjusted to 5.5 billion board feet over the planning decade.

SECTION 3. The Board recognizes that there will be other anticipated and unanticipated changing circumstances within the planning decade, such as: the science regarding endangered species, modeling techniques and sophistication, and more information from forest land planning that is underway. Therefore, the Board directs the Department to continue to refine and adjust the calculation to reflect these circumstances and recommend prudent changes to the Board in the future. Further, the Board directs the Department to continue to look for and implement effective and efficient strategies to reach the desired habitat and income objectives modeled in the Sustainable Harvest Calculation.

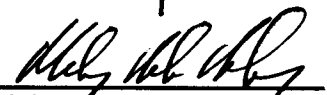
SECTION 4. The Board directs the Department, in its annual report to the Board, to give a general accounting of the activities and investments made to reach the objectives and outcomes modeled in the Sustainable Harvest Calculation and the status of the current and anticipated results of those activities and investments, including any indication that the Board should consider an adjustment of the decadal harvest level.

APPROVED AND ADOPTED by the Board of Natural Resources, Department of Natural Resources, State of Washington, this 3rd day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Commissioner of Public Lands.



DOUG SUTHERLAND
Commissioner of Public Lands

Approved as to form this 3rd
day of July, 2007.


Christa Thompson, AAG

