

Minutes

Board of Natural Resources Meeting

November 5, 2024

Webinar, Natural Resources Building, Olympia, Washington

BOARD MEMBERS PRESENT

The Honorable Hilary Franz, Washington State Commissioner of Public Lands

The Honorable Chris Reykdal, Superintendent of Public Instruction

The Honorable Lisa Janicki, Commissioner, Skagit County

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

Clare Ryan, Acting Director, School of Environmental and Forest Sciences, University of Washington

Wendy Powers, Dean, College of Agricultural, Human, and Natural Resource Sciences,
Washington State University

CALL TO ORDER

Chair Hilary Franz called the meeting to order at 9:49 a.m.

Board members provided self-introduction. A meeting quorum was confirmed.

WEBINAR/SAFETY BRIEFING

Kelli Pinchak, Board Coordinator, outlined how to view and participate in the combined webinar and in-person meeting.

The agency's Safety Officer provided information on exiting the building during an emergency.

APPROVAL OF MINUTES – October 1, 2024 - *Action*

MOTION: Acting Director Ryan moved to approve the minutes as published.

SECOND: Dean Powers seconded the motion.

ACTION: The motion carried unanimously.

PUBLIC COMMENTS

Frances Charles, Tribal Chairwoman, Lower Elwha Klallam Tribe, introduced members of the Tribal Council: Russell N. Hepfer, Vice-Chairman; Melissa Gilman,

1 Secretary/Treasurer; and Councilmembers Tia Skerbeck and Steve Robideau. The concerns
2 of the tribe surround the protections of the watershed. The tribe opposes the proposed Alley
3 Cat timber sale near the Elwha River watershed. Mr. Hepfer added that the tribe wants to
4 protect its watershed as the tribe's ancestors have contributed years and time to restore the
5 river. Those efforts have been successful with much work still necessary. The tribe does not
6 want any trees cut; however, in light of Clallam County and the surrounding communities'
7 dependence on timber funds, the tribe would like the Alley Cat parcel protected at a minimum
8 to ensure the river will recover.
9

10 **Bill Turner, Sierra Pacific Industries**, remarked that many individuals will advocate for
11 different positions for not harvesting trees, for sustainable forestry, and advocacy from
12 counties, preservationists, and the timber industry. All advocates bring a unique perspective
13 while the Board has a unique perspective as well. The Board is tasked with overseeing the
14 administration of laws and policies of the state for the financial benefit of beneficiaries
15 without compromising sustainability or the environment. Admittedly, it is no easy task.
16 However, the Board is not alone as it is guided by agreements with the U.S. Fish and Wildlife
17 Service through the Habitat Conservation Plan (HCP), the Marbled Murrelet Long-Term
18 Conservation Strategy setting aside approximately 50% of all westside lands managed by
19 DNR, the Policy for Sustainable Forests on State Trust Lands, which sets-aside in perpetuity
20 all old growth, and the Sustainable Harvest Calculation. The management of state trust lands
21 is certified by the Forest Stewardship Council and the Sustainable Forestry Initiative, as well
22 as by professionals working for the state as foresters, road engineers, geologists,
23 archeologists, wildlife and fisheries biologists, and others. None of the timber sales would
24 have been presented if not for sound resource management principles. The Board should
25 support all timber sales as presented and support resource professionals at the state and
26 federal level involved in crafting the sales, as well as the beneficiaries the Board represents.
27

28 **Elaine O'Neil** said that as a Thurston County resident, she is appalled at the stalling tactics by
29 the Thurston County Board of County Commissioners because they objected to receiving
30 timber money to fill budget needs. Obviously, the Commissioners have been captured by
31 activist sentiments that do not reflect the needs and wants of the broader community. She
32 lives in Tenino where the local food bank does a roaring trade twice a week feeding people
33 who cannot make ends meet, even several years after COVID. She watches every time there
34 is a heavy rain which floods local roads and wonders when the county will fix the salmon
35 blockages instead of borrowing from the roads budget to backfill other programs because of
36 the county's self-created delay in receiving funds from planned DNR timber sales. Over 50%
37 of Washington's forests are set-aside for habitat purposes. It reflects greed and environmental
38 imperialism to insist on reserving more forests from harvest. Suggesting aging second and
39 third growth forests provide more climate mitigation benefit rather than harvesting to produce
40 products rather than using other carbon intensive building materials is not supported by data.
41 She knows because she completed analyses and testified as an expert witness on climate
42 carbon forests and the nexus with wood products at both the state level, national, and
43 international levels as well as before Congress. The math on the economic impact to
44 Thurston County junior taxing districts and the math on the lack of climate mitigation benefits
45 reflect that setting aside timber sales to appease activist sentiments provides no benefit to the
46 broader community economically or environmentally. The Board should approve the

1 proposed timber sales.
2

3 **Bob Metzger**, a retired forest service biologist spending over four decades working with fish,
4 watersheds, and on timber issues said it is disingenuous for DNR to propose 11 timber sales
5 containing legacy forests for the Board's consideration on the day future management of
6 legacy forests in Washington is clearly on the ballot. The Board should postpone approving
7 any additional sales containing legacy forests until after the results of the election and the
8 future of the few unmanaged mature forests left in Washington is clearer. Should the Board
9 choose to consider the sales containing legacy forests, he urged for a public discussion on the
10 letter from multiple county commissioners published in the *Seattle Times* on October 24, 2024
11 asking for a more logical and enlightened management of the few remaining legacy forest as
12 part of the Board's deliberations. He urged the Board to engage in a public discussion on the
13 request by the Thurston County Board of County Commissioners to defer harvesting of legacy
14 forests and a proposal for a different harvest schedule during consideration of the Cabbage
15 Patch, Carrot, and Juneau timber sales. DNR appears to want to liquidate the few remaining
16 stands of unmanaged mature forests as quickly as possible. The proposal is foolish for a
17 variety of reasons. Unlike DNR he urged the Board to listen and respect local elected
18 officials when they ask the Board to reevaluate the current management plan for the few
19 remaining forests.
20

21 **Heath Heikkila** thanked the Board for their service as well as for providing carbon-friendly
22 Washington grown wood products as climate experts at the United Nations recommend as a
23 key solution to climate change and decarbonizing the environment. The Board is asked to
24 move forward with all the proposed sales. For those members who served in 2019 and voted
25 for the Marbled Murrelet Long-Term Conservation Strategy and the Sustainable Harvest
26 Calculation (SHC), he asked them to consider those actions and remember the plan released
27 acres for harvest. Five years later some of the older forests that were released are now up for
28 harvest. Approval of the sales is the Board's fiduciary obligation by adoption of the HCP. In
29 terms of Thurston County, the Board afforded the county time to develop a plan. He testified
30 before the Commission several times and requested opportunities to work with
31 Commissioners which was rebuffed. During his conversations with local school districts and
32 others, the needs of the junior taxing districts have not been heard and now the Board is
33 receiving letters and testimony. Actions in the state under the tightest environmental
34 regulations on the planet provide the wood products needed. The Board should approve all
35 timber sales.
36

37 **Marty Brewer, Port Angeles School District**, spoke on behalf of the Board of Directors for
38 the school district. The mission of the district is to create learning environments to empower
39 33,000 students to thrive in an evolving world. The current public school funding model is
40 inadequate leaving the district underfunded in several areas, specifically special education by
41 \$2 million. Revenue from the proposed timber sales is critical to address the funding gap.
42 The funds are essential for maintaining financial stability and avoiding financial warnings
43 and/or binding conditions that could affect students and the community. As a junior taxing
44 district, the district's ability to deliver quality education and prepare students for future
45 success heavily depends on responsibly planned timber sales. The Board is urged to approve
46 the sales to secure critical revenue sustaining educational programs and services benefiting

1 the students in Clallam County.
2

3 **Lynn Fitz-Hugh** commented that she is one of a handful of environmental voices unlike
4 forests that are cut without a voice. She asked about the extreme measures to silence
5 speakers. The Thurston County letter was not included on the agenda despite years of being
6 told the only way to meet financial obligations was cutting legacy forests. The county's letter
7 reveals the truth that only 4% can be left because 47% of public lands are plantation forests
8 and available for harvesting to provide beneficiaries with revenue and satisfy fiduciary
9 responsibilities without cutting all legacy parcels in Thurston County and throughout the state.
10 The task force the county asked for should be established. The parcels should not be cut until
11 that occurs. Trust 49 lands should not be sold until the audit is completed for a debt that was
12 originally \$156,000,000 and essentially repaid many times. The Elwha is a slice of heaven
13 with almost 5,000 citizens writing and petitioning the Board after the federal government
14 spent \$351 million removing the dam and restoring the river. Now, for \$5 million, DNR is
15 going to destroy all those efforts. Carrot and Last Crocker Sorts Resale timber sales were
16 both lawsuits that were dismissed when DNR pulled the sales. Now, in bad faith, the sales are
17 being presented again triggering new lawsuits.
18

19 **Andy Zahn** commented that 11 of the proposed timber sales are legacy forests. Last Crocker
20 Sorts, Juneau, Carrot, Shift the Paradigm, Four Score, Luna Tix, Tree Well, Parched, Alley
21 Cat, Sylvan Pearl, and Cabbage Patch are worth more standing, and it is imperative the Board
22 cancels the sales. He has visited several of the legacy forests, which are spectacular, diverse,
23 and not the sterile monoculture plantations DNR has planted to replace millions of acres of
24 timber rain forest in Western Washington. Despite the many irreplaceable and valuable
25 ecosystems services legacy forests provide, DNR would rather destroy them to fund the
26 construction of bronze skylights in the legislative chambers in the state capital building. That
27 is what the sale of 114 acres of the Shift the Paradigm timber sale would fund. The parcel is
28 one of the last and best legacy forests left in Willapa Hills. All 11 sales have received
29 significant public opposition including county and city governments. A number are being
30 offered in direct violation of court orders. It is now legally established that DNR has the
31 ability to preserve the forests and DNR's policy mandates that they must be preserved. He
32 questioned how Jim Cahill as the representative of the Governor, a supposedly climate leader,
33 could condone the destruction of legacy forests which are the best defense against climate
34 change. He asked whether Commissioner Franz wants the sales as her legacy of clearcuts,
35 ruined ecosystems, and broken promises, and why during her last days as Commissioner, she
36 is using her power to destroy rather than protect what Washingtonians clearly value.
37

38 **Court Stanley, Washington State Association of Counties** thanked Commissioner Franz for
39 eight years of leadership and for efforts on fire, putting adaptive management on the right
40 track, and working through difficult issues. He has listened to many comments about
41 preserving old forest stands with no management and replacing them with younger stands.
42 An average 80-year-old stand totals approximately 75,000 board feet per acre. A 45-year-old
43 stand has approximately 25,000 board feet per acre. Maintaining a sustained annual cut, DNR
44 would need to harvest more than double the land base to produce the same volume, which
45 would have a substantial impact on forestlands and double the cost of silviculture.
46 Additionally, a 45-year-old stand produces 2x6s and 2x4s – bread-and-butter products from

1 great companies in rural areas of the state. Older forests also produce poles, veneer, and
2 specialty beams. Those trees are valuable for the wood products used in homes. A longer
3 rotation harvest minimizes acres and provides more revenue, lower logging costs, and less
4 annual silviculture costs. DNR should continue to replant, grow, and harvest older trees.
5

6 **Connie Beauvais** said she is a Port of Port Angeles Commissioner and Chair of the Clallam
7 County Taxing District Revenue Advisory Committee. She supports the Alley Cat, Parched,
8 and Tree Well timber sales. The harvests were previously paused and it is time to move
9 forward. Funds from the harvests will benefit DNR for management fees, Port Angeles
10 School District, Conservation Futures, Fire District 2, North Olympic Library System,
11 Hospital District 2, William Short Memorial, Port of Port Angeles, and the Clallam County
12 general and road funds. The harvest areas considered totals 725 acres. After setting aside 229
13 acres for riparian management, wetland zones, newly designated old growth, and leave trees
14 only 490 acres would be harvested. The 322 acres harvested in the Elwha watershed equal
15 1/10th of 1% of the 206,864 acres in the watershed. Of note, geologists and hydrologists
16 assessed the units for DNR and determined that logging would not affect the river watershed
17 or the City of Port Angeles water supply. Over 88,000 Clallam County acres were conveyed
18 to the state for forest management and logging to benefit beneficiaries. Over half of those
19 acres were placed in conservation acreage with available harvest dwindling with each sale
20 presented. As trust managers, the Board needs only to ask staff if proper protocols were
21 followed in establishing the units and whether the acres are part of the sustainable harvest
22 plan for the arrearage. The Board should move the three sales forward without further delay.
23

24 **Jim Oliver** said putting hundreds of acres of legacy forests on the chopping block to be
25 auctioned off represents old habits that die hard. There are no fewer than 11 legacy forests
26 and amid the rush to keep special interests, such as Bill Turner and Heath Heikkila happy, the
27 Board clearcuts as if the action would become a thing of the past. Thousands of
28 Washingtonians including county commissioners have repeatedly asked for the madness to
29 end. DNR's timber sales proposal includes 1,089 acres of Maturation II stands. Recently,
30 staff suggested that the Carbon and Forests Management Work Group model all Maturation II
31 stands for conservation noting that only 12,000 acres of unprotected mature stands remain.
32 Approving the sales would mean clearcutting 1/12th of all such forests and converting them to
33 tree plantations. It is concerning the Commissioner seems intent on opposing the
34 Legislature's directive to study the impacts of conserving forests. At this rate, no forests will
35 remain to be studied. As always it is about following the money. Sierra Pacific Industries,
36 Green Diamond Resource Company, Rainier Operating Company, Weyerhaeuser, Hampton
37 Lumber, and Olympic Resource Management are among the largest timber corporations in
38 Washington and some are the largest in the world and they all have an active interest in
39 continuing the status quo of clearcutting forests while shamefully claiming it is all for the
40 children. Many of those firms are frequent bidders on DNR timber sales and the firms
41 contributed the maximum possible campaign contributions to a certain crooked Public Lands
42 Commissioner who has repeatedly broken promises to protect mature forests on state lands.
43 He encouraged everyone to visit PDC.wa.gov to check out the list of contributors. The listing
44 includes employers of many of the people in attendance and will help clarify why the madness
45 continues.
46

1 **Leonard Johnson, Fire Chief, McLane Black Lake Fire Department** as well as
2 representing West Thurston Fire and Life Safety Council, West Thurston Regional Fire
3 Authority protecting south Thurston County with 55,000 residents and 318 square miles.
4 Today, it is important to support the timber sales on state trust lands because of the
5 importance to special purpose districts. Special purpose districts rely on funding to assist the
6 agencies when burdened tax dollars do not support critical infrastructure and purchases of
7 critical equipment that support firefighting efforts. He is also a wildland firefighter and
8 supports management of timberlands. Local government and the property tax system in the
9 state are burdened with insufficient dollars available to support services. Many of the dollars
10 focus on providing critical response personnel rather than purchasing critical infrastructure.
11 Timber sales allow agencies to make critical infrastructure purchases. The Board is urged to
12 consider how timber sales are essential to special purpose governments and help support
13 Washington fire service.
14

15 **Zack Carras, Port Blakely**, said the company is a fifth generation family-owned forestry
16 company. The company is concerned about the potential reduction of timber harvests on state
17 managed lands and supports efforts to ensure forests are healthy and resilient. Proposals to
18 halt harvesting are the wrong approach and could lead to far-reaching negative impacts. As a
19 resident of Thurston County, he supports working forests that provide vital funding for
20 schools and other critical services. Forests not only support the educational system but also
21 fund public safety and other essential services while promoting sustainable forest
22 management practices. Washington's managed forests thrive with a diverse mix of forest
23 types and ages. By growing trees on long rotations, it is possible to cultivate high quality
24 forests that also produce premium forest products. Shortsighted policy decisions that limit the
25 ability to grow a variety of products including large size timbers risk undermining key market
26 drivers that have established the region as a global model for sustainable forest management.
27 Port Blakely relies heavily on a few mills capable of processing large logs. A reduction in
28 timber volume could lead to job losses and mill closures. His company and others would lose
29 the financial incentive to grow large trees and affect the collective commitment to support
30 rural communities. Large tree products are used to manufacture strong durable timbers that
31 are long-lived and act as carbon sinks storing carbon for decades to centuries. The loss of
32 large tree products would not only affect the construction industry but would increase reliance
33 on less sustainable materials and impact efforts to promote environmental-friendly building
34 practices.
35

36 **Lisa McCrumme** said she is concerned with rushing a suite of old forest timber sales
37 targeting some of the state's best mature legacy forests remaining before a new Commissioner
38 is elected. Cancelling 11 timber sales of structurally complex older forests would provide the
39 incoming administration an opportunity to develop sustainable, long-term solutions for
40 important forests. A pause would give time to review a range of issues including aligning
41 DNR's Policy for Sustainable Forests on State Trust Lands that is aimed to protect 10% to
42 15% of mature forests. Logging them would set the goal back by decades. The Last Crocker
43 Sorts Resale was granted an injunction after it was challenged. It is resubmitted in its original
44 form denying citizens fair access to the legal process. DNR's Forest Carbon and Management
45 Work Group is still working on alternative forest management options intended to balance
46 conservation and revenue. Logging the forests now undermines their work and millions of

1 dollars spent by the state. Communities keep asking for a different approach. The City of
2 Port Angeles seeks protection for Elwha watershed forests essential for drinking water,
3 salmon recovery, and climate protection. In Thurston County, the county has asked DNR in a
4 letter to afford more time for the county to develop a Capitol Forest Plan and organize a small
5 task force. She reiterated the request as the county wants to work with DNR to make
6 beneficiaries whole and develop a new blueprint. She asked the Board to grant the good faith
7 efforts, remove 11 legacy forest sales, and afford the next administration a chance to chart a
8 course that values forest ecosystems and the interests of beneficiaries.
9

10 **Matt Comisky, American Forest Resource Council (AFRC)**, reported AFRC represents a
11 majority of purchasers of DNR timber. He referred to the Eastern Washington SHC. The
12 Board received a presentation at its last meeting on arrearage in Eastern Washington. AFRC
13 believes that due to the challenges and the significant amount of changes for forest
14 improvement treatments, fires, and land exchanges, expending more time to determine
15 Eastside arrearage is not likely worth the effort. AFRC recommends staff explore sensitivity
16 analysis for the 25% flow constraint, as well as management possibilities in the southeast
17 corner of the state to determine if it is logical to include the area in the SHC. Option 2 as the
18 no action alternative appears to make the most sense in terms of moving forward to create a
19 transparent calculation. He thanked staff, particularly field staff as they are performing
20 professional high quality work that is needed and helps support the beneficiaries and many in
21 rural Washington.
22

23 **Joshua Wright** said the 11 timber sales targeting legacy forests total 1,180 acres of
24 structurally complex mature forests across the state. Seven of the sales were paused last year
25 because of opposition from the City of Port Angeles and Thurston County. One timber sale
26 was withdrawn by DNR after Jefferson County Superior Court granted an injunction against
27 the timber sale. The Freedom timber sale is under appeal. The Last Crocker Sorts Resale
28 timber sale injunction ruled on the merits of the case in large part because of the amount of
29 structurally complex mature forest to be protected. The court directed DNR to increase the
30 amount of protection prior to logging. Staff presented the same timber sale with no changes.
31 The current addendum speaks to the old forest landscape analysis as justification to continue
32 with the sale. The analysis does not contain any information that was not previously provided
33 to Jefferson County Superior Court. Moving forward with 11 timber sales including the seven
34 rushed at the last minute before a new Lands Commissioner takes office is anti-democratic.
35 The Board should pause the sales until the state can weigh in on the issue, as the election, in
36 many ways, is a referendum on the management of mature trees. The Board should withdraw
37 all future older forest timber sales because of the HCP.
38

39 **Liz Wilbur** reported she serves as a School Director for Mount Pleasant School District in
40 Skamania County. The small rural district has an excellent reputation; however, the district
41 faces challenges. In February, the area received two inches of ice and negative wind chills
42 with water pipes bursting in the school. During repairs, the school discovered the presence of
43 asbestos. Cost for repairs after insurance was \$72,000. Additionally, the HVAC is failing
44 and the district spent approximately \$25,000 with more expenses anticipated. Insufficient
45 funding from the state's funding model is creating tough, financial decisions. Small districts
46 are impacted by not having the same services as larger districts, requiring smaller districts to

1 contract for the service. The district includes highly educated and quality teachers, which
2 increases the amount of compensation needed to retain teachers. The district is experiencing
3 increasing costs for special education and transportation. The school district is committed to
4 making cuts outside the classroom; however, lacking DNR funds, the school district would be
5 left to cover budget deficits with levy dollars and reserves. Mount Pleasant exudes a caring
6 and family environment helping students thrive and enter into interpersonal relationships and
7 learning. Commissioner Franz visited the school recently and viewed firsthand how the
8 district utilizes trust land revenue. The district thanks her for the visit and for her service to
9 Washington. She encouraged the Board to continue managing trust lands to maintain or
10 increase current levels of funding for school districts. For small rural districts, those funds are
11 vital.

12
13 **Nina Sarmiento**, resident of Port Angeles asked for removal of Tree Well, Parched, and
14 Alley Cat timber sales in the Elwha watershed. DNR placed the sales in the Elwha watershed
15 before the expiration of all comment periods. DNR did not wait for completion of the
16 Environmental Policy Act paperwork before adding the sales to the agenda. Staff finally
17 approved all paperwork on the Friday before the meeting and references a hydrologic report
18 that is missing for Tree Well and Parched timber sales. Prior to the meeting early in the
19 morning, DNR issued corrected documents for the sales with the missing report attached.
20 During its haste, DNR also addressed a finding of a rare plant in the Parched sale, which
21 usually takes months to evaluate. However, DNR was somehow able to resubmit the
22 paperwork last Friday cutting out 11 acres for the plant without including an official report.
23 This behavior does not give anyone adequate time to review or respond and it violates the
24 whole purpose of the Environmental Policy Act process and disregards the role of the Board
25 to review proposed sales. Recently, Tashena Francis, a member of the Lower Elwha Klallam
26 Tribe traveled to Olympia with family members and delivered a citizen petition opposing the
27 logging planned in the Elwha watershed. In 10 days, the petition collected over 300
28 signatures from tribal members. Lenny Young received the petition on behalf of
29 Commissioner Franz. The forests are important for gathering medicine, collecting cedar bark,
30 eating traditional foods, and for teaching opportunities for their children. The tribe does not
31 feel DNR is considering the impact on usual and custom gathering areas. On behalf of
32 Tashena Francis, she invited the Board to the *Paddle to Elwha* event on July 31, 2025. There
33 is no need to rush the sales with such important issues at stake.

34
35 **Cyndy Bratz** said she is a retired professional environmental engineer and lives in Port
36 Townsend. Eleven of the 16 proposed timber sales are located partly or entirely in legacy
37 forests and right before the next Commissioner of Public Lands is elected. Seven of the sales
38 have been paused because of opposition from Thurston and King Counties, City of Port
39 Angeles, and an injunction from Jefferson County Superior Court. She urged the Board to
40 object to the sales. Legacy forests store a significantly larger amount of carbon compared to
41 younger forests and 80% of the carbon is released to the atmosphere when harvested. She
42 referred to her written comments submitted in May 2024 for more information. It is
43 imperative that those natural carbon sequesters of legacy forests be left alone to continue to
44 remove and store significant quantities of carbon year after year. The Determination of
45 Nonsignificance in the SEPA documentation defies logic. DNR's response under carbon
46 analysis should include a greenhouse gas inventory and calculations of removals and

1 omissions fact checked by an objective third party for forests. The language in the SEPA
2 document appears to be cut from the timber industry playbook. Cut plantations not legacy
3 forests.
4

5 **Ed Martin, Western Forest Products** commented that the availability of structurally
6 complex DNR timber is critical to the products the company produces. He warned DNR
7 about a brightly colored sugary and cool drink that is being offered to the Board by some of
8 his friends that speak against DNR's timber sale program. He warned the Board because it is
9 laced with a harmful mix of smears, false narratives and diminished hope such as DNR staff
10 are anything but highly trained and competent professionals, and how DNR staff mismanages
11 state forestlands and presents timber sales to the Board for approval with malice intent. The
12 false narrative of science around carbon sequestration is not what the Nobel prize-winning
13 United Nation's Intergovernmental Panel on Climate Change concluded. The false narrative
14 that employees of federal government agencies approving strategies in Washington's Habitat
15 Conservation Plan are not taking care of endangered species. The false narrative of timber
16 sales presented each month are the last in existence and somehow 50% of DNR lands are not
17 set-aside in perpetuity and harvest levels are not managed for sustainability. Moreover,
18 diminished hope in providing for fellow humans that want carbon friendly renewable wood
19 products as an alternative to steel and concrete. Diminished hope in finding solutions for the
20 wood needs of humanity here and at home. Do not drink the bright colored sugary cool drink
21 that is being offered to you because it is harmful. Instead, improve the entire timber package
22 and advance trust, truth, and hopefulness in Washington's wonderful sustainable industry.
23

24 **Rod Fleck, City of Forks** reported the community has long advocated for trust lands because
25 they provide crucial funds for junior taxing districts and vital buildings. The agenda includes
26 a number of timber sales of interest to taxing districts in Clallam County. DNR has
27 undertaken a thorough review of those lands, complied with all regulations and requirements,
28 the sales are not required to meet HCP ecological requirements, are not critical habitat, and
29 more than 50% of the lands within Clallam County have been set-aside to meet those
30 objectives. The lands are merchantable trust lands that have a need and purpose for junior
31 taxing districts. The Board's duty is to not only ecological requirements but also fiduciary
32 requirements to trust beneficiaries. The Board is encouraged to support DNR's
33 recommendation and approve all timber sales. He added that although he has occasionally
34 disagreed with Commissioner Franz he thanked her for her eight years of service. More and
35 more people are needed in government and those of us who have served for many years
36 recognize that while we may not always agree we can recognize and appreciate the service.
37 He wished her well on her future endeavors.
38

39 **Robert Mitchell** spoke to hardwoods in the forest of alder and maple and the fine products
40 produced from those trees. He represents Northwest Hardwoods, a company with two
41 remaining mills in Southwest Washington employing 300 people with an annual payroll of
42 \$23 million. The company purchases approximately \$3 million in supplies, fuel, and
43 equipment from local vendors to operate the sawmills. The company receives approximately
44 21,000 log truckloads of logs for both mills each year. The mills receive 2,100 byproduct
45 truckloads of sawdust and chips used for paper and specialty products. The mills are
46 dependent on a sustainable wood flow from DNR. On any given year dependent on the

1 market, 25% of the wood for both mills are from DNR lands. The value of hardwoods is in
2 the diameter of the logs for highly valued products sent all over world. Any reduction in
3 hardwood sales will cost the company another mill.
4

5 **Heath Curtis, Hampton Lumber**, said he has the privilege of serving on the Oregon Board
6 of Forestry in a similar capacity as members of the Board. He is not speaking on behalf of the
7 Oregon Board of Forestry but shared that he sympathizes with the Board's position. He
8 thanked members for their work, as it is difficult. There literally is no future where meetings
9 do not encounter contention and controversy although he wishes it was otherwise despite
10 decades of proof to the contrary. As long as there is harvesting of wood on state lands people
11 will have opinions and the Board will have to grapple with their concerns. Hampton Lumber
12 has been a provocative advocate for the HCP under Section 10 for permits under the
13 Endangered Species Act. Hampton Lumber was a leader in advancing the Private Forests
14 Accord in Oregon. Leveraging the Endangered Species Act also created additional
15 conservation investments in exchange for assurance as to the future of timber enabling the
16 company to build its business while providing the environmental community with
17 expectations to enable both interests to move together with a better understanding of the
18 future of forests. DNR pursued and obtained an HCP in 2019 and finalized the Long Term
19 Conservation Strategy for Marbled Murrelet. The Board and DNR should be proud of the
20 work completed as the industry relies on the assurances received under the HCP. He
21 implored the Board to proceed ahead with that understanding.
22

23 **Steve Koehler** said DNR should not be a taxpayer-funded steward of the timber industry, as
24 DNR should work for the entire state. Each week, he learns of another climate change driven
25 natural disaster. The intensity and frequency of fires, floods, and hurricanes have been
26 increasing in recent years and the overwhelming consensus of climate scientists is that the
27 disasters are rooted in humans because of increases in CO2 levels in the earth's atmosphere.
28 A letter to Congress signed by over 200 forests and climate scientists stated that the logging
29 and wood products industry suggests that most of the carbon in trees that are logged and
30 removed from forests will simply be stored in wood products for buildings instead of forest
31 ecosystems. However, this is clearly incorrect as up to 40% of harvested material does not
32 become forest products but is burned or decomposes. A majority of manufacturing waste is
33 burned for heat. One study found that 65% of the carbon from Pacific Northwest forests
34 logged over the past 115 years remains in the atmosphere. Only 19% is stored in long-lived
35 products with the remainder in landfills. Logging in US forests emits 617,000 million tons of
36 CO2 annually. Logging involves transportation of trucks and machinery across long distances
37 between the forests and the mill. For every ton of carbon emitted from logging, an additional
38 106 million tons of CO2 is emitted from fossil fuel consumption to support transportation,
39 extraction, and processing of wood.
40

41 **Valerie Nortin** said that defenders are shortsighted men and people who in their greed and
42 selfishness will, if permitted, rob the country of half its charm by the reckless extermination
43 of all useful and beautiful wild things. She is an objective person and used to think that if a
44 tree was cut down and replaced, it was not a problem. For those who think that way, she
45 encouraged them to visit a forest and see the old growth compared to second growth. As a
46 former special educator she understands funding is important but also considers the future of

1 children in special education and where they will go as adults. Those children will need a
2 special place when life is too stimulating when they become adults, such as an old growth
3 forest full of biodiversity. It is a place of calm and it is essential for their sensory diet. She
4 encouraged everyone to visit an old growth forest as it is healing and life changing.
5

6 **Nicole Martel** remarked that the advocates for nature and the environment are not against the
7 Board, the children, or first responders because the intent is to work with all parties,
8 beneficiaries, and care about the future of children and the planet. There is much
9 representation at the meeting by beneficiaries. She cited the lack of representation by
10 environment interests, conservation interests, and any indigenous cultures. Many of the
11 speakers believe they are not being heard as many have submitted letters. However, the
12 countless creatures of the forest do not have a voice. Although she continually hears about
13 the need for timber for housing, she questioned the homes for creatures in the forest. Animals
14 raise their young in the forest. The forest provides animals with food and shelter. Even a plot
15 of land represents a home for animals. She wants to be their voice. She cited a quote by
16 Albert Einstein, "Our task must be to free ourselves by widening our circle of compassion to
17 embrace all living creatures and the whole of nature and its beauty."
18

19 *Chair Franz recessed the meeting at 11:01 a.m. for a break. Chair Franz reconvened the*
20 *meeting at 11:19 a.m.*
21

22 **LIGHTNING TALK**

23 **Forest Road Systems**

24 The presentation was deferred to the next meeting.
25

26 **TIMBER SALES - Action**

27 **Auction Results for October 2024, FY2025 Update, & Proposed Timber Sales for** 28 **December 2024**

29 **Michael Sly, Acting Assistant Division Manager for Product Sales and Leasing Division**

30 Chair Franz invited Region Managers in attendance to provide self-introduction.
31

32 Chair Franz provided some clarification in response to comments and questions about DNR's
33 timber sales and practices to address misunderstandings and incorrect assumptions.
34

35 Sixteen timber sales are proposed in December for consideration. Annually, DNR approves
36 approximately 11 sales each month in October, November, and December because of better
37 stumpage pricing at the end of the year to benefit beneficiaries. The Department's timber
38 sales for the year average approximately nine sales each month. For various reasons, the
39 proposed sales in December are higher. Three of the sales were previously approved are
40 resubmitted because of the change in appraisal amounts. Four sales required further
41 engagement with Thurston County while some of the sales were previously scheduled earlier
42 in the year. Chair Franz outlined the fundamental principles guiding each sale that also
43 reflects the stewardship and leadership of DNR employees. DNR's timber sale program is
44 based on Climate-Smart Forestry (CSF) stewardship practices for all 2 million acres of
45 forestlands managed by the Department. Forests are one of the state's best climate solutions
46 when conserved, restored, and managed under the principles of sustainable CSF by making

1 forests more resilient to drought, disease, insect infestation, and wildfire on both sides of the
2 state. CSF increases forest carbon sequestration and storage capacity of forests and is
3 essential in meeting climate goals because everyone uses wood products and sustainable
4 materials to build homes, hospitals, schools and meeting the basic needs of communities.
5 Wood has a lower carbon footprint than steel, concrete, or recycled plastic.
6

7 All forestlands including all timber sales are managed under eight CSF policies and practices
8 developed and approved by environmental organizations including World Wildlife Fund,
9 Washington Conservation Action, International Living Future Institute, Northwest Natural
10 Resource Group, and others:
11

- 12 **1. Reducing the average size of harvest openings, increasing live-tree retention, and**
13 **lengthening harvest rotations -** *DNR has significantly reduced the average size of*
14 *harvest openings, increased leave tree retention, and lengthened harvest rotations to*
15 *meet protocols and practices. Two million acres of forests are managed under the*
16 *State Trust Land Habitat Conservation Plan. The average harvest size is 40 acres.*
17 *The HCP requires harvest opening of no greater than 100 acres. DNR increased*
18 *leave tree retention and meets all Forest Stewardship Council and Sustainable Forest*
19 *Initiative standards for all 2 million acres. Retention policies are cited by Dr. Jerry*
20 *Franklin, an acclaimed Pacific Northwest forest scientist. DNR grows forestlands on*
21 *longer rotations with average harvest rotation of 80 years to sequester more carbon.*
22 *Harvest area sizes range between .1 to 97 acres with the average harvest size of 25.8*
23 *acres for the December timber sales. DNR increased leave trees retention with*
24 *permanently conserved areas ranging 26% to 71% of the timber harvest area. The*
25 *leave tree strategy protects the largest and best trees and leave trees are arranged in*
26 *clumps to include older legacy trees and protection for unique or sensitive features,*
27 *such as cliffs and potentially unstable slopes. The strategy lengthens harvest rotations*
28 *to increase carbon sequestration in the forest with the age of trees averaging between*
29 *65 to 120 years old.*
- 30 **2. Managing for a diversity of tree sizes, ages, and native species that make up**
31 **multiple forest conditions and habitats -** *DNR replants forests with native species.*
32 *Replanting of each timber sale in December includes diversity of trees, age, and native*
33 *species.*
- 34 **3. Thinning unnaturally dense and fire-prone forest stands, and restoring the**
35 **capacity to withstand natural disturbances using prescribed fire and other means**
36 **-** *DNR has restored the capacity of unnaturally dense and fire-prone forest stands to*
37 *withstand natural disturbances using fire and other prescribed practices. Several of*
38 *the December timber sales address disease issues discovered in the forested areas*
39 *including root rot, main canopy mortality, and desecration from dry east winds.*
40 *Other sales include thinning treatments in riparian areas to accelerate the creation of*
41 *old growth conditions to shade and enhance riparian habitats.*
- 42 **4. Protecting water quality and aquatic habitat with ecologically appropriate**
43 **buffers along streams and around wetlands -** *DNR protects water quality and*
44 *aquatic habitat with ecologically appropriate buffers around wetlands. DNR has set*
45 *aside over 1 million acres of forestland in preservation protecting over 90 fish and*

1 wildlife species and critical aquatic habitat along streams, rivers, and water bodies.
2 Under the HCP, DNR has replaced larger wetland and riparian buffers in the state.
3 Additionally, because DNR manages lands under stringent standards, buffers are over
4 twice the required size.

- 5 **5. Reducing greenhouse gas emissions and biodiversity impacts associated with**
6 **forest management and the application of chemical fertilizers, herbicides, and**
7 **pesticides** – *DNR significantly reduces greenhouse gas emissions and biodiversity*
8 *impacts associated with forest management, as well as the application of fertilizers*
9 *herbicides, and pesticide. Of the one million acres of forestlands managed for*
10 *harvest, lengthened rotations increase carbon sequestration to include silviculture and*
11 *forest health thinning. Because wood products are manufactured and sold here,*
12 *emissions are reduced that would be occurring from the movement of products outside*
13 *the state or outside the country.*
- 14 **6. Protecting high conservation value forests, including but not limited to old**
15 **growth, and protecting and restoring habitat for imperiled, threatened and**
16 **endangered species** – *DNR does not harvest old growth as mentioned a number of*
17 *time during public comments. All 2 million acres are managed under an HCP*
18 *considered one of the most comprehensive in the nation. Over 1 million acres have*
19 *been set-aside with over 80% of all forestlands located in Western Washington. DNR*
20 *has protected hundreds of thousands of high ecologically functioning forests and old*
21 *growth legacy forests, as well as all old growth forests on DNR managed lands, which*
22 *are permanently conserved.*
- 23 **7. Understanding, respecting, and upholding the rights and sovereignty of tribal**
24 **nations and Indigenous peoples through early and ongoing consultation and co-**
25 **stewardship of cultural and natural resources** – *Every timber harvest is reviewed*
26 *by an archeologist and cultural resources are protected in consultation with the tribes*
27 *and the Department of Archaeology and Historic Preservation. Tribes also*
28 *participate in inter-disciplinary team reviews of timber sales in the field along with*
29 *the Department of Fish and Wildlife and Department of Ecology. DNR managed*
30 *lands are considered open and unclaimed lands where tribes can exercise their tribal*
31 *reserve rights. DNR facilitates those rights by providing access for tribal members.*
- 32 **8. Ensuring communities most impacted by forestry activities have a meaningful**
33 **voice in decision-making and benefit equitably from the outputs derived from**
34 **them** - *DNR works hard to ensure communities most impacted by forestry activities*
35 *have a meaningful voice in decision-making and they benefit equally. DNR listens and*
36 *have been listening with local governments, community members, tribes, community*
37 *organizations, and beneficiaries regularly to discuss forestry activities. DNR offers*
38 *numerous opportunities for public comment.*

39 Chair Franz cited the timber sales proposed in December and feedback from community
40 members concerned about forest management stewardship practices. The presentation is
41 intended to answer many questions. Additionally, DNR has heard clearly from communities
42 most impacted by the loss of revenue to fund schools, libraries, fire districts, hospitals, and
43 schools. Those communities have experienced increased mill closures going back decades,
44 increased unemployment, and increased homelessness and economic injustice. Two mill
45 closures this year are having a profound impact on the lives and the future of residents in
46 those communities in terms of housing and feeding families. Those communities have

1 experienced the loss of hundreds of thousands of acres of forestlands set aside for
2 preservation by DNR and the federal government. The impact has been profound and should
3 not be ignored. DNR is often told that funding critical local services should not come at the
4 expense of the environment. The Department agrees and it is why DNR works each day to
5 implement the concepts of CSF developed by environmental organizations utilizing the best
6 science in alignment with the HCP, other adopted standards, and the United Nations
7 Interdisciplinary Panel on Climate Change. DNR believes sustainable forestry management
8 ensures the long-term health of the environment and climate by producing the most
9 sustainable wood products. Forests support a sustainable and renewable economy, create
10 critical rural jobs, and support local economies while supplying the wood everyone depends
11 on.

12
13 Chair Franz thanked everyone for attending the meeting and for their continued passion and
14 advocacy. Today is an important day because throughout the state and country, citizens are
15 exercising their voice and values by voting. Forests and how they are managed are defining
16 issues in the State of Washington. Discourse and debate is essential in tackling complicated
17 issues. She asked attendees to be respectful to each other, to the Board, and to DNR
18 employees. The Board in addition to foresters, scientists, biologists, and ecologists are
19 passionate about protecting and conserving the environment and forests for all the benefits
20 forests provides.

21
22 Chair Franz conveyed appreciation to staff for their work.

23
24 Duane Emmons, Assistant Deputy Supervisor for State Uplands, referred to the information
25 shared on CSF. Some of the recommendations from the CSF Wood Group on how to source
26 responsibly CSF wood products include pursuing the acquisition from non-industrial timber
27 producers including the federal government, tribes, land trusts, and state agencies. Another
28 recommendation is sourcing from certified sources. DNR recently completed a Forest
29 Stewardship Audit and toured a number of forests considered for conservation with those
30 auditors. The auditors provided feedback affirming state forests are meeting the standard
31 established by the Forest Stewardship Council, a standard considered the gold standard for
32 forest certification. Another consideration is managing under ecological forestry principles.
33 A textbook authored by leading experts in ecological forest management, Dr. Jerry Franklin
34 and Dr. Norm Johnson, cites DNR's exemplary applications of ecological forestry practices
35 under the HCP as an example.

36
37 Another recommendation is going beyond business as usual regulations by sourcing from an
38 entity managed under a HCP. There are many examples that DNR practices exceed the
39 business as usual practices.

40
41 Chair Franz advised of the withdrawal of the Alley Cat timber sales in light of her
42 conversation with Chairwoman Charles prior to the meeting.

43
44 Mr. Sly presented auction results for October 2024 timber sales.

45
46 In October, nine timber sales were offered representing 36.7 mmbf of timber totaling \$10.8

1 million generated for distribution to trust beneficiaries. The average stumpage price for the
2 sales was \$294 per mbf with an average of 2.56 bids per sale.

3
4 Mr. Sly reviewed the status of FY 2025 planned timber volume. The graphic depicted the
5 current plan for auction volume, forecasted volume for the remainder of the year, and sold
6 volume.

7
8 Michael Kearney, Product Sales and Leasing Division Manager, addressed comments on the
9 large number of sales. During the first quarter, DNR experienced low volume in sales
10 compared to other quarters. A number of issues contributed to the lower volume including an
11 update to the 10% to 15% landscape plan that required a pause on timber sales to pursue more
12 work through the SEPA process. As a result, the proposed sales in December represent a shift
13 from the first quarter. Additionally, some sales were modified. The Last Crocker Sorts
14 Resale timber sale required additional SEPA review. That sale in addition to the Carrot
15 timber sale was previously approved by the Board. However, upon expiration of 180 days
16 from Board approval, the statute requires resubmission of the timber sales for approval.

17
18 Mr. Sly reported the sales for December 2024 include 16 sales totaling 88 mmbf with a
19 minimum appraised delivered value of \$29.9 million. The expected delivered price minimum
20 is \$340 per mbf based on the appraisal.

21
22 All 15 sales in Western Washington of 3,882 gross acres were reviewed for harvest.
23 Following field inspections by agency specialists, approximately 43% of the acreage was
24 conserved to protect potential unstable slopes, cultural resources, riparian areas, and a
25 minimum of eight leave trees per acre. The total conserved acreage is 1,670 acres leaving a
26 net harvest area of 2,186 or 57% of the gross proposed acres. With the removal of the Alley
27 Cat timber sale, the numbers will change.

28
29 Mr. Sly shared a pie chart of the estimated percentage of revenue by trust generated from the
30 timber sales.

31
32 Mr. Sly reviewed a graphic of historical data on volume offered. The graph reflects a visual
33 representation of July through December timber sales from FY 2022 through FY 2025. The
34 inclusion of 16 sales as proposed reflects a four-year low of sales of 49 compared to the
35 previous three years. The average volume offered between July and December of each year
36 was approximately 200 mmbf including the proposed sales increasing the volume to 223
37 mmbf or 12% higher than the previous three-year average.

38
39 Of the 16 proposed timber sales, Alley Cat will be removed. Alley Cat, Tree Well, and
40 Parched were planned during FY 24/25 and delayed because of Elwha watershed concerns
41 following the Power Plant dispute in the court case for 10% to 15% older forest targets. The
42 region completed extensive community outreach on the sales and wants to proceed.
43 Additionally, the 10% to 15% language was added to the SEPA. No timber sales have been
44 offered in the Elwha watershed since August 2023 with one exception.

45
46 The Last Crocker Sorts Resale timber sale was previously approved by the Board in

1 November 2023. The sorts were sold at auction successfully in December 2023. DNR was
2 challenged in the Jefferson County Superior Court regarding the 10% to 15% older forest
3 targets in each planning unit. In February 2024, DNR withdrew the sales and the case was
4 removed. The action contributed to the May 2024 iteration of the Landscape Assessment on
5 the older forests targets and the most recent update in September. DNR submitted a new
6 Forest Practices application and a detailed SEPA including the most current 10% to 15%
7 landscape assessment and carbon calculation for the Board's consideration and approval.
8

9 Sylvan Pearl and all King County timber sales were paused to enable a carbon calculation on
10 each sale to meet the judge's orders. The calculator was completed in September 2024. The
11 proposed King County sales are included in the December sales packet. No timber sales have
12 occurred in King County for two years. The Department has an extensive backlog of six King
13 County timber sales that require carbon calculation included in future SEPAs.
14

15 Since early 2023 during the preharvest review process, Luna Tix, Four Score, Dodge City,
16 and Shift the Paradigm sales were planned and developed. Greenstone, Pepper Potts, VW,
17 and Cougar timber sales followed the same trajectory and are presented for consideration.
18 Juneau, Carrot, and Cabbage Patch were planned in FY 24/25 and delayed during the
19 Thurston County pause until October to enable the county to develop a plan for funding.
20 Carrot and Cabbage Patch timber sales were previously approved by the Board in January
21 2024. Carrot is involved in litigation because of the 10% t 15% argument, as the original
22 SEPA did not include the Landscape Assessment. Carrot and other timber sales include the
23 10% to 15% Landscape Assessment addendum to the SEPA in order to proceed. A Thurston
24 County timber sale has not been sold for the last year with one exception creating a backlog of
25 seven Capitol Forest timber sales to be considered in the next several months. Before the
26 Thurston County pause in FY 23, a Capitol Forest timber sale occurred every two months
27 until May of 2023.
28

29 The proposed timber sales package includes eight originally planned and scheduled timber
30 sales and eight delayed or paused timber sales based on timing restrictions established by the
31 Board or legal constraints.
32

33 Mr. Sly reviewed the remaining proposed timber sales.
34

35 The Greenstone timber sale is located in Skagit County 11 miles southeast of Mount Vernon.
36 The sale includes eight VRH units in the Clear Lake District of the North Puget HCP planning
37 unit. Staff evaluated 550 acres for harvest and identified 157.6 acres for harvest leaving 388.4
38 acres in conservation and leave tree areas. All units have an estimated origin date of 1953 or
39 younger. Five old growth assessments were completed with six old growth patches greater
40 than five acres identified totaling 143 acres of previously unknown and unmapped old growth.
41 Old growth was excluded from the timber sale area and added to the Landscape Assessment
42 on older forest targets. The site is located in a major recreation trail area and adjacent to the
43 Walker Valley Trail System. The road plan will apply over 16,000 yards of rock on the road
44 system. Trails impacted by harvesting will be restored to its original condition or better.
45 Public safety trail closure signs will be posted at the trailheads and a safety plan will be
46 provided by the purchaser and implemented in conjunction with region staff.

1
2 The Pepper Potts timber sale is located 13 miles of Sedro-Woolley consisting of three VRH
3 units in the Clear Lake District of North Puget HCP planning unit. Staff evaluated 110 acres
4 for harvest and identified 36.3 acres for conservation. Two old growth assessments were
5 completed that identified a large 16-acre old growth stand that was removed from the harvest
6 area resulting in 2.7 acres of harvest for Unit 1. Unit 1 stand origin is 1940 and Unit 2 stand
7 origin is 1920. Both units fell within biomass accumulations/Maturation I development. Unit
8 3 has a stand origin of 1960 and biomass accumulation. The area will be planted with 100
9 Doug-firs and 100 red cedars per acre.

10
11 The Parched timber sale is located approximately two miles southwest of Port Angeles. The
12 sale of six VRH units is located within the Straits HCP planning unit. Staff evaluated 314
13 acres for harvest and identified 130 acres for conservation and leave tree areas. Two old
14 growth assessments were completed in Units 1 and 3. Three groups of larger than five acres
15 were identified as old growth totaling 73 acres deferred from harvest. Extensive efforts were
16 made on many occasions by regional staff to mark individual remnant trees found within the
17 timber sale area. Harvesting is restricted of any tree larger than 60" in diameter. Staff
18 received comments about a rare plant found in the timber sale area. Although not globally
19 threatened as a G4 conservation ranking (Apparently Secure), the isolated occurrence of the
20 plant was ranked as State S1 at the time of discovery and has been downgraded to S2 status
21 but still considered sensitive in the state. The timber sale was surveyed and staff worked with
22 the Natural Heritage Program to add leave trees areas to preserve the plants in both sales.
23 Contractors will be required to limit disturbance in the areas and all equipment will be washed
24 and inspected by the state prior to moving into the units. The plant species is typically
25 associated with open areas and many of the plants were previously protected or void of any
26 trees. Some plants will be impacted by the harvest; however mitigation efforts, strategic leave
27 tree areas, and staff and the Natural Heritage Program are comfortable proceeding with the
28 sale. The timber sale also includes construction of a recreation parking lot at the base of the
29 Dry Hill Mountain Trail System. The purchaser will be required to clear and grade a 10,000
30 square foot level parking area. The parking lot development project is a top ranked capital
31 subproject included in the Recreation Program capital funding request. Olympic Region
32 would receive \$100,000 to build parking, trailhead, and connector trails if funded. The larger
33 project is dependent on the initial parking lot and roadwork completed during the timber sale.
34 The Dry Hill Mountain Trail Systems offers the public world-class downhill mountain biking
35 opportunities of 20 miles of trails located entirely on DNR lands.

36
37 Mr. Sly provided additional information on the Elwha watershed based on SEPA responses
38 and public comments. Three proposed timber sales are located in the Elwha watershed. After
39 applying all Forest Practice Rules and HCP policies and procedures, DNR has no concerns
40 that water quality would be significantly impacted by the harvests. DNR responded to all
41 SEPA comments for the three sales and outreached to local tribes, Clallam County taxing
42 districts, and other interested parties and wishes to proceed with the sales. The Alley Cat,
43 Parched, and Tree Well timber sales contain units within the 206,000-acre Elwha River
44 watershed. DNR ownership is approximately 7,700 acres or 4% of the entire watershed. All
45 three sales account for less than 0.14% of the Elwha watershed. Including the three proposed
46 sales, DNR's planned harvest for the next five years on state ownership within the Elwha

1 watershed totals approximately 668 acres or less than .3% of the total watershed. U.S. Forest
2 Service ownership in the Elwha River watershed is approximately 83% and is not subject to
3 active forest management.
4

5 The City of Port Angeles completed a study in 2018 on the Port Angeles Water System Plan
6 to determine ongoing impacts of periodic logging on private and DNR lands expected to
7 continue in the lower Elwha watershed. Logging is not expected to present a problem for the
8 City's water supply. Mr. Sly reviewed the results of a Hydrological Review of potential
9 impacts of the three proposed timber sales in the Elwha River watershed. The Department's
10 Forest Hydrologist determined that given the empirical data and available studies to the
11 Department, proposed harvests represent a small disturbance area to the large basin.
12 Empirical evidence demonstrates minimal risk to changes in low flow at the water intake to
13 the City of Port Angeles. Overall, the likelihood of peak flow measurably increasing was
14 considered low to moderate. The risk of sedimentation is considered low. The proposed
15 harvest area is 0.0014% of the total watershed area.
16

17 The proposed timber sales include major roadwork on major forest roads in Clallam County
18 with over 60 miles of forest road receiving improvements and maintenance. Purchasers will
19 construct 4.9 miles of new forest roads and reconstruct 1.7 miles of existing roads across the
20 three projects. Roadwork will benefit recreation users in Clallam County.
21

22 All three sales include substantial high quality Douglas-fir. Cruising and appraisal staff
23 estimated 4,778 mmbf or 29% of the combined volume to be suitable for high quality
24 products. Based on appraisal analysis, current market prices for sales with Douglas-fir should
25 have a delivered value of \$729 per mbf with an average stump evaluation of \$337 per mbf.
26 Values are based on minimum bid evaluations with sales anticipated to generate more revenue
27 at final auction. The removal of the Alley Cat timber sale results in a combined estimated
28 revenue distribution of \$2.93 million.
29

30 The Last Crocker Sorts Resale is located 10 miles north of Quilcene comprised of four VRH
31 units and two right-of-way units in the Straits District of the Straits HCP planning unit. Staff
32 evaluated 180 acres for harvest and identified 35 acres for conservation and leave tree areas.
33 The sale included no old growth with stand origin of 1940 or younger. The sale was approved
34 by the Board in November 2023 and sorts were sold at auction in December 2023. DNR was
35 challenged in Jefferson County Superior Court on the 10% to 15% older forest target in each
36 planning unit and in February 2024, DNR withdrew the Forest Practices Application and
37 SEPA essentially cancelling the sale. The challenge contributed to the completion of the
38 Landscape Assessment. DNR submitted a new application and a detailed SEPA with the
39 landscape assessment for reconsideration by the Board.
40

41 The Four Score timber sale is located approximately 27 miles west of Centralia. The sale
42 includes two VRH units in the Lewis District of the South Coast HCP planning unit. Staff
43 evaluated 120 acres for harvest and identified 33 acres for conservation and leave tree areas.
44 Unit 1 has an approximate date of origin of 1958 with Douglas-fir retaining characteristics of
45 Biomass Accumulation/Stem Exclusion. Upper elevations were thinned in 2004 retaining a
46 mostly Douglas-fir stand. Unit 2 is Maturation II stage of development with a stand origin of

1 1937 or younger. Ten miles of forest road maintenance is included with approximately one
2 mile of new road construction. Additionally, 1,500 hundred feet of rock drilling and
3 exploration is required for the road plan enabling staff to prospect the potential rock sources
4 for future roadwork. The sale includes a major forest road main line reroute to facilitate rock
5 pit development. Region engineering staff estimated forest road main line reroute to cost
6 approximately \$100,000 that would allow for future management activities and improve rock
7 manufacturing to benefit public recreation and opportunities.
8

9 Three Thurston County timber sales are proposed within the timber sales packet. The sales
10 are located approximately 6 to 12 miles west of the City of Olympia in the Black Hills District
11 of the South Coast HCP planning unit. Between the three sales, staff evaluated 748 acres for
12 harvest and identified 315 acres in conservation and leave tree areas. Additionally, the three
13 sales include 3,440 leave trees scattered across the units outside of Riparian Management
14 Zones (RMZ) and Wetland Management Zones (WMZ) areas. All units in the three sales
15 were identified as Maturation I or II using the Van Pelt Guide. Cabbage Patch has an
16 approximate stand origin of post 1920. The sale was approved by the Board but never sold.
17 Juneau has an approximately stand origin of post 1910 to 1988 for all VRH units.
18 Additionally, one old growth assessment was completed because of the proximity of one
19 weighted old-growth index (WOGHI) point adjacent to Unit 1. Staff determined the stand
20 does not meet the criteria for deferral under DNR's Old Growth Policy. Carrot has an
21 approximate stand origin of post 1910 for all VRH units and was previously approved by the
22 Board but not sold at auction. Across all three sales, remnant trees were marked for retention
23 and each timber sale contract includes provisions for retention of 60" diameter trees.
24

25 All three timber sales include significant roadwork on major Capitol Forest roads totaling
26 over 25 miles of road maintenance. The projects will construct 2.3 miles of new forest roads,
27 reconstruct .09 miles of existing road, and decommission 1.4 miles. Road contracts will
28 replace or install 47 culverts across Capitol Forest including one improvement of one large
29 48" x 80' fish pipe deemed to be a fish barrier in 2021. The streambed within the pipe is a
30 barrier to fish and was placed on an injunction status. DNR is required to restore the passage
31 no later than September 2027. The Cabbage Patch timber sale will cover the cost of the
32 project. Timber sales in Capitol Forest are estimated to fund 70% of all road maintenance
33 enabling public access. Hundreds of thousands of people visit Capitol Forest annually.
34 Without road maintenance in conjunction with timber sales, many roads would be in disrepair,
35 fail, or gated.
36

37 All three Thurston County timber sales include large quantities of high quality Douglas-fir.
38 Cruise appraisers estimated 5,783 mmbf or 30% of the combined volume to be high quality
39 and suitable for high quality products. Some of the best uses of the logs are large
40 transmission poles capable of carrying immense weight long distances and supporting utility
41 companies and municipalities across the country. Demand for the logs is high and the pole
42 volume associated with the sales play a crucial role in natural disaster recovery efforts
43 nationwide. Based on appraisal analysis and current market prices, the sales will carry an
44 average Doug-fir delivered value of \$766 per mbf and an above average stump evaluation of
45 \$416 per mbf. All values are based on minimum appraised values.
46

1 Mr. Sly displayed a graphic depicting the combined roadwork accomplished by the 16 timber
2 sales except for Alley Cat. Combined, the sales will provide 126.3 miles of road
3 maintenance, 4.7 miles of road reconstruction, 15 miles of new road construction, and 5.4
4 miles of road decommissioning or abandonment, 351 culverts replaced or installed, and nearly
5 129,000 yards of rock manufactured for current and future use on roads across state lands.
6 The combined road package for all three sales is \$4.4 million. Additionally, old growth
7 discovered, delineated, and deferred total approximately 248 acres of field-verified old
8 growth. The stands meet the Department's definition of old growth and are deferred from
9 future harvest activities contributing to the targeted 10% to 15% old growth in each HCP
10 planning unit by 2100.

11
12 With no questions from the Board, Mr. Sly requested approved of the proposed timber sales
13 as presented with the removal of Alley Cat timber sale.

14
15 MOTION: Commissioner Janicki moved to approve the December timber sales as
16 proposed with the exception of Alley Cat.

17
18 MOTION: Dean Powers seconded the motion.

19
20 The Board's proceedings were disrupted by numerous outbursts from the public.

21
22 Mr. Cahill asked members of the public to refrain from commenting to enable the Board to
23 deliberate on the proposal.

24
25 Commissioner Janicki spoke to her motion. Many comments shared earlier in the meeting
26 cited the requirement of 10% to 15% in old growth. Some individuals implied that the
27 percentage must be measured on a sale-by-sale or unit-by-unit basis, which is inaccurate. The
28 issue is continually referenced during public comment. She asked the Board to include the
29 issue on the December meeting agenda to clarify the reference to the 2022 U.S. Fish and
30 Wildlife Service letter affirming the policy for sustainable forestry and that 10% to 15% is a
31 target to be achieved over an extended timeframe.

32
33 Commissioner Janicki spoke to the issue involving the Thurston County Board of County
34 Commissioners. She was supportive of the county when Commissioners conveyed concerns
35 and a desire to create a forest managed differently than a trust beneficiary platform for
36 maintaining forests. The Board unanimously supported affording time for Thurston County to
37 develop a plan. She spoke several times with Commissioner Menser about options for a plan,
38 such as potential transfer of lands that could be reverted to the county. The Board established
39 a deadline of October 1, 2024 for Thurston County to submit a plan. A number of other
40 counties submitted plans; however Thurston County was unable to articulate a clear path. The
41 county requested DNR hold acres in Capitol Forest from harvest until the county could create
42 a plan. The intent was never to hold acreage in abeyance forever until the county works to
43 develop a plan. She acknowledged that four of the five Commissioners are attempting to
44 achieve to make progress regarding the issue. She supports the proposed timber sales as the
45 sales were well vetted by staff. She attended the 2019 Board meeting when the Board
46 approved the Marbled Murrelet Long-Term Conservation Strategy. That decision released

1 DNR timberlands previously held in abeyance. Some of the proposed timber sales include
2 some of those DNR lands that were released.

3
4 Mr. Cahill offered an amendment to the motion.

5
6 MOTION: Mr. Cahill moved to amend the motion removing Parched, Tree Well, Last
7 Crocker Sorts Resale, Sylvan Pearl, Luna Tix, Four Score, Shift the Paradigm,
8 Juneau, Carrot, and Cabbage Patch from the proposed timber sales package.

9
10 MOTION: Superintendent Reykdal seconded the motion.

11
12 Mr. Cahill advised that he proposed the withdrawal of the 10 timber sales for several reasons
13 surrounding the inappropriateness of approving the sales on Election Day, uncertainty of the
14 election of the new Commissioner of Public Lands, lack of knowing the outcome of the
15 Climate Commitment Act (a major funding source for protecting forests), and lastly, work is
16 pending from the Forest Carbon Work Group due in June 2025. He is, similar to
17 Commissioner Janicki; disappointed Thurston County was not able to develop a plan to
18 provide to the Board. He encouraged the Department and Thurston County to pursue
19 discussions to develop a proposal for the Board's review. For those reasons, he recommends
20 deferring the three sales in Thurston County. He also does not believe it is possible to protect
21 all 4,000 acres; however, there are some potential ways to protect some acres or identify
22 alternative management strategies.

23
24 Mr. Cahill acknowledged Chair Franz for withdrawing the Alley Cat timber sale in
25 consultation with the tribe. The Elwha watershed also includes many other private
26 timberlands not mentioned in terms of the role they may play in the watershed. He
27 encouraged all interests to meet and discuss ways to protect the watershed.

28
29 Mr. Cahill conveyed respect for members of the audience but would also like the public to
30 respect DNR employees who work hard to develop timber sales. The amount of work is
31 obvious through the designation of over 200 acres of old growth forests discovered and no
32 longer eligible for harvest.

33
34 Superintendent Reykdal said he seconded the motion as the Board has often discussed this
35 particular moment in history. He thanked everyone for attending regardless of their position
36 and to staff and region managers for their efforts and professionalism. He agreed DNR serves
37 as a good steward in the public sector as he would never support trading DNR's management
38 to any other entity private or public. However, today is a different moment and the idea that
39 that nothing has changed is no longer effective for young people. Although he supported the
40 action in 2019, he did not realize releasing forested parcels would result in a flood of timber
41 sales proposals of 80 to 120 years old timber in such a short span of time, as he assumed
42 metering would occur over decades rather than rapidly. He continues to be troubled by the
43 concept that old growth is retained while all other forests are available for harvesting. Today,
44 that concept no longer makes sense. It appears there is an urgency to harvest when a unit
45 approaches old growth. The three sales in Thurston County would equate to 3/10^{ths} of one
46 percent in revenue for the Olympia School District. Although the district should receive the

1 revenue, the idea of a trade-off in terms of student mental health, the concept of sustainable
2 forests, and climate change realities is not a fair trade-off. There is no law that speaks to the
3 action as sound practice. One-time revenue is not sustainable. The Legislature should not be
4 using timber revenue as a tool for districts to balance budgets. School districts use timber
5 revenue out of desperation; however, timber dollars are supposed to be one-time funds for
6 roof replacement or equipment. It is important for school districts to have the resources and
7 he is pursuing a plan with the Legislature to solve the funding issue. A new Commissioner
8 will have different ideas. He praised Chair Franz who has worked tirelessly over the last eight
9 years to right the issues. She is the best in the nation for fire management; however, it is a
10 different moment today. It is possible for the Board to control the vote and the dialogue over
11 the next three to six months or the Board could continue approving the sales, which likely
12 would be litigated and not harvested with the Board back at the same place under a new
13 Commissioner engaged in the same conversation. He urged members to support the motion.
14

15 Chair Franz restated the motion to remove 10 timber sales from the timber sales package.

16
17 ACTION: Motion failed 2/4.

18
19 MOTION: Superintendent Reykdal amended the motion to remove all timber sales in
20 Clallam County, Jefferson County, and all sales touching Thurston County
21 (Parched, Tree Well, Last Crocker Sorts, Juneau, Carrot, and Cabbage Patch).
22

23 MOTION: Mr. Cahill seconded the motion.
24

25 Superintendent Reykdal commented that the Board has receive multiple inquiries from elected
26 officials, tribal leaders, city council members, county commissioners, and the public
27 concerning independent processes and DNR's timelines not effectively working for those
28 jurisdictions. In most cases, the lands are managed by DNR for the counties. When they say
29 they want to slow down, the Board should honor that request. He understands the timelines
30 and the consistent outreach by the Department, but as he cited earlier, it is a different moment
31 and locally elected officials are asking for a pause.
32

33 Commissioner Janicki noted that the Board also received testimony and communications from
34 school districts and other junior taxing districts requesting the approval of the same sales.
35

36 Dean Powers asked whether the proposal would defer the sales indefinitely. Superintendent
37 Reykdal advised that the proposal is to pull the sales from the proposed packet with the
38 understanding that DNR would continue to work with the jurisdictions and other to discuss
39 alternative options.
40

41 Chair Franz emphasized the enormous efforts by staff working with Thurston County,
42 Clallam County, and Pacific County through numerous meetings and written communications
43 to address the issues.
44

45 ACTION: Motion failed 2/4.
46

1 Chair Franz called for a vote on the original motion by Commissioner Janicki and seconded
2 by Dean Powers, to approve all timber sales, with the exception of Alley Cat.
3

4 ACTION: Motion carried on the main motion 4/2.
5

6 *Superintendent Reykdal left the meeting at 12:34 p.m.*
7

8 **PUBLIC COMMENTS – NET PENS**

9 Chair Franz advised of the Board’s role and the responsibility of rulemaking, specifically for
10 aquatic net pens managed by DNR. The staff presentation will follow public comments.
11

12 **Emma Helverson** reported she serves as the Director of Wild Fish Conservancy, a non-profit
13 organization dedicated to protecting Northwest wild fish. She is testifying in support of
14 Commissioner Franz’s landmark executive order and the proposed rules prohibiting industrial
15 finfish net pens aquaculture in Washington marine waters. The organization has worked over
16 two decades in the industry and advancing science-based understanding of the risks net pens
17 pose, as well as working with colleagues around the world to bring an end to the practice in
18 public waters. The impacts include but are not limited to rampant untreated daily pollution
19 and the amplification and spread of both exotic and native viruses and escape events, such as
20 the catastrophe Cypress Island net pen collapse in 2017 that released over 260,000 non-native
21 and viral infected farm fish into Puget Sound. She is also testifying on behalf of Our Sound
22 Our Salmon, a broad-based coalition consisting of over 10,000 individuals and over 100
23 businesses and organizations. The dedicated group has been working tirelessly over the last
24 decade side-by-side with Washington’s tribal nations to protect wild salmon, orcas, tribal
25 treaty rights, and the health of Puget Sound from the dangers of industrial net pen aquaculture.
26 Most recently, Commissioner Franz was asked to stop leasing public waters for the net pen
27 industry. Commissioner Franz responded in November 2022 by denying new leases to
28 aquaculture uses and announced the proposed rule for consideration by the Board to ensure
29 the industry can never threaten public waters. The decision initiated the largest natural
30 restoration project in Washington’s history, restored public and tribal access to over 140 acres
31 of Puget Sound, and united the entire Pacific Coast in banning the industry. She urged the
32 Board to follow the lead of Commissioner Franz and vote to uphold the rule.
33

34 **Leonard Forsman, member of Suquamish Tribe**, conveyed the tribe’s support of DNR’s
35 continued efforts of the proposed amendments to ban commercial net pen aquaculture on
36 state-owned tide lands. He thanked Commissioner Franz for moving forward on the
37 executive ban. The tribe has been consistent in its opposition of finfish farming operations of
38 native and non-native finfish within the usual and custom fishing areas established by the
39 Treaty of Point Elliott. The tribe supports DNR’s rulemaking to prohibit commercial net pen
40 aquaculture operations from being authorized on state-owned aquatic lands managed by DNR.
41 The rule defines commercial finfish net pen aquaculture operations as net pens facilities used
42 to cultivate, feed, and raise finfish to a marketable size for harvesting and selling the same as
43 a crop. DNR is aware that there are many problems associated with commercial net pen
44 aquaculture. The tribe supports the rule limitations and DNR is not seeking to prevent finfish
45 net pen operations that temporarily raise native finfish for eventual open water release in
46 order to support salmon recovery and harvest. Delayed release operations are critical for both

1 the state and tribal fisheries to reduce environmental impacts as they only operate three
2 months during the year.
3

4 **Francis Charles, Tribal Chairwoman, Lower Elwha Klallam Tribe, acknowledged the**
5 **attendance of Russell N. Hepfer, Vice-Chairman; Melissa Gilman, Secretary/Treasurer;**
6 **and Councilmembers Tia Skerbeck and Steve Robideau.** The tribe strongly supports the
7 C4-102 and the proposed rule that bans commercial finfish net pens in state-owned lands.
8 The tribe has been consistent in its opposition to commercial open net pen operations since
9 the 2017 net pen failure. As noted in the past, the Elwha Tribe greatly appreciates the
10 leadership by Commissioner Franz and the strong rapid oppositions by DNR to continue the
11 leases in the pollutant industries. The reintroduction of biological, chemical pollutant
12 industries determine the ecology conditions in Puget Sound and the state goals through the
13 Puget Sound Partnerships. Alaska, Oregon, and California all ban commercial open net pen
14 operations for fish. The Canadian government will phase out commercial open net pen
15 salmon operations by July 30, 2029. The tribe believes the trend is founded in the science and
16 is based on documented adverse impacts of those industries. In general, over water structures,
17 such as open net pens interfere with the exercise of the treaty reserving fishing rights and
18 obstacles that navigate and deploy fishing gear.
19

20 **Jeremy Wilbur, Swinomish Indian Tribal Community, said the tribe stands with other**
21 **tribes in support of the initiative.** Swinomish people are people of the salmon and support all
22 efforts to protect salmon and to reduce unnecessary risks to the recovery and survival. Net
23 pens and marine feedlots built along open waters should not be allowed in the traditional
24 water of the northern Salish Sea. He thanked Commissioner Franz for her great leadership on
25 the net pen issue. For the Swinomish, a net pen interferes with the tribe's treaty fishing access
26 of decades at one of the sacred points at the mouth of the Skagit River. It did not belong in
27 the marine waters and thankfully, Commissioner Franz made sure it was removed. The new
28 rule makes sense, as Washington should follow the science and wisdom of the West Coast
29 states of Oregon, California, and soon British Columbia to ban open water net pens. The tribe
30 supports the exception in the rule to allow delayed release facilities as tribal cultural and
31 subsistence facilities are the right balance. It is important to ensure that only treaty tribes with
32 rights in proposed areas can use the exception. Swinomish Tribal Chair Steve Edwards also
33 submitted a comment letter to DNR.
34

35 **Amy Trainer, Swinomish Indian Tribal Community, says she serves at the Swinomish**
36 **Tribal Community's Environmental Policy Director.** She echoed Mr. Wilbur's comments.
37 Much work has been completed over the past years by the tribe on the important issue. The
38 tribe is grateful to Commissioner Franz for the rule and believes it strikes the right balance by
39 banning commercial net pens on all state-owned aquatic lands, but also honoring tribal treaty
40 rights to ensure open water delay release facilities as well as tribal subsistence and ceremonial
41 uses remain operational. In a comment letter from Chairman Edwards, a slight revision was
42 recommended that the tribe believes is in keeping with the intent and spirit of the rule. The
43 tribe added a phrase at the end of the proposed definition so that the second sentence would
44 state, "Commercial finfish net pen aquaculture does not include operations and containment
45 systems used to raise finfish for open water release or used to raise finfish solely for tribal
46 ceremonial subsistence uses if the operation is proposed by a tribe with adjudicated treaty

1 rights within a specific location.” The tribe believes the additional provision is important to
2 ensure that any federal court rulings in the US honor Washington case law and to align with
3 adjudicated usual and custom areas in treaty rights. The tribe appreciates consideration of the
4 additional provision.
5

6 **Loni Greninger, Vice Chairwoman, Jamestown S’Klallam Tribe**, said she has been
7 involved in the rulemaking process beginning last March. She spoke to her concerns with the
8 rule as currently presented while also acknowledging DNR and the tribe's agreement for
9 restoring the health of the lands and resources. Within the rule, she believes more
10 engagement with tribes is required before moving the rule forward. The process was too fast
11 and needs to move slower. Beginning at the March 20, 2024 meeting, participants received a
12 documented timeline and informed about the flexibility of extending the process to afford
13 engagement and to respond to questions. However, the opposite is occurring and the process
14 has been truncated. The process needs to be slowed to review the rule because as stated, there
15 is no allowance of commercial net pen conflicts with tribal treaty rights and settled law. In
16 *US v Washington*, artificially produced fish are considered treaty fish. The rule includes a
17 statement that speaks to farm fish similar to hatchery fish that serve as a mitigating function
18 essentially to replace natural fish lost in non-Indian degradation of habitat. According to
19 current state laws, native species net pen fish farming in the Salish Sea is legally allowed. If
20 the rule includes a tribal exemption, tribes need to be involved in crafting the language to
21 avoid any accidental conflicts with tribal treaty rights and current laws. The group has not
22 had the opportunity to undertake those efforts in the current process. The SEPA also states
23 that there are no impacts to cultural or traditional resources for the tribes. Jamestown
24 disagrees as evidenced in the process gaps as mentioned. The tribe has not been contacted
25 about any opposition from tribes during the open house meetings in June and July. She
26 requested a pause on the rule at the December 3, 2024 meeting.
27

28 **James Parsons** reported he is the CEO of Jamestown Seafood, a tribal enterprise of the
29 Jamestown S’Klallam Tribe that produces fish and shellfish contributing to the tribe’s
30 economic sovereignty. He has raised fish and shellfish in the Pacific Northwest since 1976
31 and graduated from Washington State University. The Board will hear a story from staff and
32 while no action is scheduled, the story is incomplete. A net pen did collapse in 2017 and it
33 was indeed tragic; however, in 2018, the Legislature passed and Governor Inslee signed
34 House Bill 2957 phasing out farming of non-native fish species while continuing to allow for
35 the farming of native species. The Board will not hear that the Departments of Agriculture,
36 Ecology, Fish and Wildlife, and Natural Resources were then directed to develop a guidance
37 document for the continued farming of native species in Washington. The guide is 144 pages
38 with 230 scientific references produced in 2022 following an extensive four-year examination
39 with additional input from NOAA. The Board will also not hear about the 2022 Endangered
40 Species Act (ESA) biological opinion by NOAA, which concluded that native species farming
41 in Puget Sound is not likely to jeopardize any ESA listed fish species. Additionally in 2022,
42 the Washington State Supreme Court upheld the continuous farming of native species of net
43 pen aquaculture in a unanimous vote upholding permits issued to raise native steelhead in
44 Puget Sound. He urged the Board to consider what information is not being provided by staff.
45 Additionally, there are no commercial net pens in Puget Sound today. Consequently, the rule
46 does not need to be rushed. The information received by the Board is incomplete.

1
2 **Maria Smithson** said she is the Government Affairs Strategist for Salish Fish, the Jamestown
3 S'Klallam's work to establish a multi-trophic farm and sustainably grow native species
4 steelhead, sea cucumbers, and kelp. She commented on the inadequacies and failures of the
5 rulemaking process as not a good example of good government. In fact it is quite the
6 opposite. In November 2022, Commissioner Franz announced a net pen ban. In April 2023,
7 staff filed a CR-101 to start rulemaking, which was then followed by a long pause for a year.
8 In March 2024, DNR aquatic staff restarted the rulemaking process within a tight timeline.
9 Consideration by the Board was not established to occur until 2025. During tribal meetings,
10 many promises were conveyed by DNR staff that have been broken. Several times, tribes
11 expressed significant concerns around the lack of outreach and the rushed process. Agency
12 staff ignored repeated tribal requests for a multi-agency science panel to enhance fact-finding
13 and rulemaking within the process. Staff promised tribes that other state and federal agencies
14 would be consulted prior to a draft rule, which did not happen. The new shortened
15 rulemaking timeline breaks all promises made by DNR. The CR-102 was filed on October 2,
16 2024, no tribes were notified for two weeks until October 16, 2024 with only three weeks to
17 arrange attendance at a hearing, and no notice that the Board's meeting would include a
18 presentation. The Board needs to question why that is occurring.
19

20 **Alex Scagliotti** said he is an Environmental Planner with the Jamestown S'Klallam Tribe. He
21 is appreciative of the Department's work and recognizes the tenuous position concerning the
22 important topic. He has served as a fisheries biologist, researcher, and environmental planner
23 throughout his professional career to improve conditions in self-sustaining and resilient
24 salmonid populations in the Pacific Northwest. Similar to the Board's need to balance often
25 competing interests with timber sales, the Board is asked to also act with balance with regard
26 to finfish aquaculture. The proposed rule to ban all commercial applications of net pen
27 aquaculture on state lands is not informed by sound scientific justifications. He believes it is
28 important to step back and re-examine the rulemaking process to enable a proper review of
29 the scientific literature and input from other agencies and for adequate time for a full tribal
30 and public input process. During the tribal open house, multiple tribes voiced support for
31 adding an interagency scientific panel for tribes to gain additional information and insight
32 from those agencies that are more involved and qualified in assessing aquaculture ecosystem
33 interactions. The tribes asked for more information from trusted sources prior to receiving
34 feedback on the rulemaking to DNR; however, those repeated requests were ignored. The
35 shortened rulemaking process means ignoring the most relevant science developed by
36 independent and well-trusted government agencies on net pen aquaculture in the Salish Sea.
37 There is no reason for a rushed process. DNR aquatic staff should add back the steps in the
38 process to make any new rule well examined and carefully considered.
39

40 **Kevin Bright** reported he has worked in the marine aquaculture industry for over 30 years.
41 He has a degree in Marine Sciences from Western Washington University. He has significant
42 concerns that the ban on commercial net pen native finfish aquaculture would have by locking
43 up 2.6 million acres of aquatic land for that type of use. DNR's rulemaking process was
44 implemented by the Commissioner's Executive Order prohibiting the leasing of aquatic lands
45 for commercial fish growing. The flawed Executive Order put DNR staff in a position to
46 develop a rule that would be in direct conflict with recently passed state law approving native

1 finfish rearing in net pens in Washington State. The rulemaking also conflicts with past case
2 law and a recent Supreme Court ruling affirming the authorization to grow native steelhead
3 fish and net pens. The rule would also conflict with the Shoreline Management Act,
4 specifically the threshold Determination of Nonsignificance by DNR based on an incomplete
5 SEPA checklist. DNR has not fully examined the science and reasoning reflecting the need
6 for increasing domestic aquaculture production in meeting the challenge of climate change
7 and reducing greenhouse gas emissions. The small business economic impact statement and
8 cost-benefit analysis included in the SEPA Checklist are in draft form and are incomplete.
9 Rulemaking is a forward-looking process that takes into consideration the effects of the rule
10 on future uses. DNR has not completed a full analysis of the economic impacts to small
11 businesses, working waterfronts, water-dependent businesses, and rural counties and how the
12 prohibition on aquaculture would have on the future. The process also does not consider the
13 increased costs of importing seafood making a healthy protein source less affordable. The
14 Board should delay the rulemaking process.

15
16 **Jeanne McKnight** reported she serves as the Executive Director of the Northwest
17 Aquaculture Alliance formally known as the Washington Fish Growers Association. She
18 corrected some previous comments that spoke to neighboring states banning net pen finfish
19 operations, which is incorrect. In fact, Canada voted to extend the leases until 2029 until a
20 transition was in place. Atlanta Canada currently has a thriving net pen finfish industry that
21 supplies the Atlantic seaboard with healthy Atlantic salmon. She spoke to a vision when
22 Senator Dan Swecker strived to make Washington a leader in sustainable aquaculture. When
23 he died in 2021, she promised to make that happen. There were at least four farms raising
24 steelhead in Washington that were forced to close because of the Executive Order and refusal
25 to renew leases. Those farms produced approximately 15 million pounds of healthy steelhead
26 providing 30 million nutritious meals each year. They had a direct impact on the state of \$40
27 million in lost lease revenue benefitting schools by approximately \$200,000 each year that is
28 now lost. Rural employment lost 85 employees and more than three times that amount in
29 indirect jobs. County land and personal property taxes of \$175,000 a year is now lost. This is
30 not industrial aquaculture as she has worked around the world including Chile where real
31 industrial aquaculture is in operation. Operations in the state were not at the same level as
32 they were small-scale farms.

33
34 **Lauren Rasmussen** spoke on behalf of the Jamestown S’Klallam Tribe. She reflected on
35 previous comments from staff about the thoughtfulness and care during consideration of
36 timber sales and the weighing of interests. During the rulemaking process, DNR’s Noel
37 Sharp indicated that if the process requires time, time would be afforded. During the listening
38 sessions none of the tribes that spoke today against aquaculture presented information, instead
39 Muckleshoot, Squaxin, and Tulalip Tribes supported the Jamestown S’Klallam Tribe. Today,
40 Jamestown must prepare for a world with climate change that may not be able to produce
41 salmon to feed its people and continue cultural practices. The tribe will need to produce
42 salmon commercially as it is their right under the treaty. As shared earlier, a staff member
43 from the Swinomish Indian Tribe indicated that the rule is consistent with treaty rights while
44 the Jamestown Tribe respectfully disagrees. The Supreme Court decision states clearly that
45 the tribes’ right to fish in their usual and custom grounds and stations includes the commercial
46 right to take fish. As previously stated by Ms. Greninger, fish include artificially procured

1 salmon. The proposed new rule violates tribal treaty rights by prohibiting an activity that
2 mitigates for the loss of treaty fish without any consideration of the impact on the Jamestown
3 S'Klallam Tribe. In terms of promises broken, the tribes were promised an opportunity to
4 weigh in on the language of the rule, and in particular, the tribal exception. Instead the tribe
5 received the language as part of the public process, which is unacceptable.
6

7 **AQUATIC RESOURCES RULEMAKING**

8 **Commercial Finfish Net Pen Aquaculture Rulemaking Briefing**

9 **Tom Gorman, Aquatic Resources Division Manager**

10 Mr. Gorman advised the Board of its authority to establish and enforce rules and regulations
11 implementing provisions of the Aquatic Lands statutes.
12

13 DNR is directed by statute to manage state-owned aquatic lands based on a set of goals of
14 encouraging direct public use and access, fostering water-dependent uses, ensuring
15 environmental protection, utilizing renewable resources, and generating income from the use
16 of aquatic lands when consistent with the other goals.
17

18 In 2017, 250,000 non-native Atlantic salmon escaped into Puget Sound near Cypress Island
19 when a commercial finfish net pen collapsed. In 2018, Washington State House Bill 2957
20 passed to prohibit aquaculture operations from raising non-native salmon in Puget Sound. In
21 2022, the Commissioner of Public Lands directed leadership and staff to initiate rulemaking
22 on commercial finfish net pen aquaculture (CFNPA). In 2022, DNR acted to terminate two
23 remaining commercial finfish net pen aquaculture leases in Puget Sound. As of 2023, no
24 CFNPA facilities are operating on state-owned aquatic lands. In April 2023, CR-101 was
25 published announcing the rulemaking process. In March 2024, DNR conducted outreach to
26 tribal partners. Prior to two open houses in June and July, DNR provided a list of references
27 from a draft science synthesis and asked tribal partners to review the references and provide
28 any additional resources and references to aid in filling potential data gaps.
29

30 DNR has been developing the science synthesis using best available science on interactions of
31 commercial finfish net pen aquaculture with aquatic habitats of interest to DNR's
32 management. The science synthesis summarizes literature on habitat interactions of
33 commercial finfish net pen aquaculture based on investigations regionally and globally that
34 were used to help inform the proposed rulemaking language.
35

36 DNR is aware of a large body of literature on the negative impacts of the activity on the
37 environment including a series of peer-reviewed papers released in the October Journal of
38 Science Advances. DNR focused the synthesis on impacts to habitats managed by DNR.
39 During the outreach as more science became available, staff continually updated the review to
40 ensure the information was current and thorough. Throughout the effort, several key stressors
41 were identified of effluent and nutrient deposition, sea lice treatments, antibiotics, and trace
42 metals. Stressors impact the benthic community by increasing oxygen demand causing lower
43 oxygen conditions detrimental to fish and species diversity. Another impact is from marine
44 debris of plastics, buoys, ropes, net enclosures, predator nets, and feeding systems falling to
45 the seafloor.
46

1 For several years, DNR investigated the impacts of commercial finfish net pen aquaculture
2 facilities on state-owned aquatic lands. While some of the debris was removed by former
3 operators, cleanup and restoration work remains incomplete. DNR scientists specializing in
4 state-owned aquatic land management have identified more debris using specialized sonar
5 equipment. DNR is currently completing additional sonar underwater surveys and dives and
6 contracting with a dive and salvage firm to complete more detailed dive surveys at the former
7 lease sites to identify any long-term impacts at those sites.

8
9 DNR developed draft rule language and a CR-102 and published both on October 16, 2024.
10 The SEPA Environmental Checklist and Determination of Nonsignificance were sent to
11 stakeholders on October 16, 2024. The proposed rule language in WAC 332-30-106 adds a
12 new definition to define commercial finfish net pen aquaculture and renumbers the remaining
13 definitions accordingly, "Commercial finfish net pen aquaculture" means a system of nets,
14 cages, or other containment systems in open water used to cultivate, feed, and raise "finfish"
15 (as defined in WAC 220-370-050(3)) to marketable size for the purpose of harvesting and
16 selling the same as a crop."

17
18 Additionally, the definition does not include operations and containment systems used to raise
19 finfish for open-water release or used to raise finfish solely for tribal ceremonial and
20 subsistence uses.

21
22 In WAC 332-30, a new section was added, "Commercial finfish net pen aquaculture shall not
23 be authorized on state-owned aquatic lands."

24
25 Next steps include a public hearing scheduled on November 7, 2024 from 5 p.m. to 7 p.m.
26 The public comment period ends on November 7, 2024. Following the public hearing, staff
27 will analyze and develop responses to comments received and adjust and finalize the rule
28 language, the small business economic impact statement, cost benefit analysis, and SEPA
29 documentation prior to the December 3, 2024 Board of Natural Resources meeting. All
30 documentation will be presented to the Board for final consideration of the rule. If approved
31 by the Board and following the filing, the new rule will become effective in 14 days. Public
32 comments can be submitted via the web portal, email, or mail.

33
34 Chair Franz noted that prior to the 2022 direction to initiate rulemaking, DNR engaged in two
35 years of government-to-government meetings, individual meetings with tribes, and joint
36 meetings with tribes including many meetings with the Jamestown Tribe. Government-to-
37 government efforts have continued over the last year. For clarification, the allegation that the
38 rule would be in violation of state law and the Shoreline Management Act, neither law
39 requires DNR to lease its lands for the purpose of open net pen aquaculture. The law allows
40 the activity but it does not require the Department to lease aquatic lands for those purposes.
41 DNR aquatic lands generate revenue in multiple ways. Revenue directly benefits salmon
42 habitat protection and restoration.

43
44 Commissioner Janicki spoke to the comments regarding the promise by DNR to engage a
45 multi-agency scientific panel. She asked about the engagement of the tribes during the
46 development of the science synthesis documentation. Mr. Gorman advised that the reference

1 was a request to DNR. The request was reviewed with Commissioner Franz. Following
2 discussion with staff, a determination was made not to pursue that particular course.
3

4 Chair Franz emphasized that the request was to establish a science panel involving other
5 agencies, which is not a requirement of the rulemaking process. However, work has been in
6 progress with other agencies since 2018 on net pen aquaculture that was overseen by the
7 Department of Ecology. That process is contributing different sources of science.
8

9 Mr. Gorman reiterated that the rule applies only to state-owned aquatic lands and represents a
10 modification to the rules to help the Department manage DNR-owned aquatic lands. The rule
11 does not prohibit the activity across the state.
12

13 Commissioner Janicki stressed the importance of addressing the tribes' concerns.
14

15 Chair Franz added that an enormous amount of government-to-government efforts with all the
16 tribes and with one tribe individually has occurred over multiple years before the order was
17 released and before the facilities were removed. She offered to provide the Board with all
18 documentation of those efforts, as well as documentation from each government-to-
19 government meeting. She also noted that during the comments, there is disagreement
20 between the tribes. The rulemaking process is designed to accommodate the broad input,
21 conversations, and communications in addition to the science.
22

23 Mr. Cahill requested additional information to provide a better understanding of the issues
24 related to tribal treaty rights as referenced by several speakers. Given the comments, he
25 would appreciate information on the outcome of the public hearing on November 7, 2024.
26 The process should not be rushed to ensure due diligence to respond to comments and receive
27 feedback from other state agencies and tribes.
28

29 *Chair Franz recessed the meeting at 1:26 p.m. for lunch. Chair Franz reconvened the*
30 *meeting at 1:51 p.m. A meeting quorum was confirmed.*
31

32 **SUSTAINABLE HARVEST CALCULATION - Action**

33 **Eastern Washington Sustainable Harvest Calculation Update**

34 **Duane Emmons, Assistant Deputy Supervisor for State Uplands**

35 Mr. Emmons provided an update on the Eastern Washington Sustainable Harvest Calculation
36 (SHC) project and a requested action.
37

38 Sustainable Harvest Units (SHUs) must be determined under the Policy for Sustainable
39 Forests. SHUs serve as the first building block within the model. SHUs are geographic areas
40 of Washington State trust lands from which timber harvest is conducted on a continuing basis
41 without major prolonged curtailment or cessation. For Eastern Washington, SHUs will be
42 determined as part of the Eastern Washington sustainable harvest calculation. In 1996, SHUs
43 were based on DNR district boundaries with some portions of the Southeast Region excluded
44 from the 1996 SHC.
45

46 Staff considered SHU configurations based on: DNR Region boundaries, DNR District

1 boundaries, and Trust ownership boundaries. Staff considered whether SHUs should be sized
2 appropriately to enable model flexibility in identifying optimized solutions that meet DNR's
3 requirements for the SHC and whether the SHUs could enable the management of individual
4 geographic areas with similar habitat or other landscape-level constraints.
5

6 The Steering Committee retained the 1996 four SHUs and expanded the SHUs to encompass
7 state trust lands in Snake River and Columbia Basin administrative units, and combined North
8 Columbia and Arcadia SHUs. The SHUs provide a balance by being of sufficient size to
9 enable model flexibility, provides optimized solutions for the sustainable harvest level, and
10 are geographically distinct to provide for the management of individual landscapes that have
11 habitat or other landscape-level constraints.
12

13 Mr. Emmons reviewed harvest flow constraints. The harvest flow constraint specifies how to
14 ensure intergenerational equity for trust beneficiaries at the SHU scale by providing a
15 sequential flow of harvest volume in perpetuity. The RCWs define DNR's sustained yield
16 plans to provide harvesting on a continuing basis without major prolonged curtailment or
17 cessation of harvest. The Policy for Sustainable Forests directs that within each sustainable
18 harvest unit, the mean annual timber volume for any decade should not vary up or down more
19 than 25 percent from the level of the preceding decade.
20

21 Staff will use 25% as the maximum allowable variation between decadal harvest volume
22 levels and apply the restriction only to the planning decade and future decades in the
23 sustainable harvest calculation. Staff will interpret the flow constraint as forward-looking that
24 would provide the ability to recalculate a harvest level based on new data and technology
25 without influence from the outdated 1996 harvest level. Staff will apply the flow constraint to
26 the adopted eastern Washington SHUs individually.
27

28 Mr. Cahill asked staff to comment on how climate change might affect harvests. Mr.
29 Emmons replied that at this time, the inclusion of climate change has not been determined or
30 if it even possible. However, if the model could indicate that within the drier areas of the
31 state, species may shift because ponderosa pine no longer exists in a future decade. It is
32 important to ensure the modeling is within the bounds of a prudent land manager.
33

34 In response to Commissioner Janicki's question concerning the variance of 25%, Mr.
35 Emmons explained that the 25% variance was established based on numerous policies and
36 applications, as well as the marbled murrelet decision. It is important that distinct
37 calculations are not tethered together as the model forecasts for 100 years. When the Board
38 considers the range of alternatives, some alternatives may not differentiate between the last
39 SHC by more than several percentage points.
40

41 Mr. Emmons said that within SEPA, the No Action alternative is typically defined as what
42 would be most likely to happen if the proposal did not occur. It provides a benchmark from
43 which other alternatives can be compared. Because SEPA Rules do not define the no-action
44 alternative description it affords the agency with some discretion in its design. The
45 Department of Ecology implements SEPA rules and statutes while DNR, as the lead agency,
46 completes the SEPA process for the SHC.

1
2 Typically, during the calculation, the No Action alternative continues from the previous
3 process under the current policy framework. Because the last time the sustainable harvest
4 level was calculated for the eastside was in 1996, a true recalculation has not been completed
5 for over 20 years and the No Action alternative should be reconsidered because of extensive
6 changes in Eastern Washington. Staff selected Option 2 as the preferred No Action
7 alternative of modeling the current operating framework as the baseline rather than
8 considering the 1996 calculation. The option aligns most closely with the reality of what
9 would happen if the SHC did not occur and it would allow for a meaningful comparison
10 among the alternatives.

11
12 Mr. Cahill asked whether the 78.6% was too high and whether the no action alternative would
13 be less. Mr. Emmons responded that with the degree of changes occurring and the
14 calculation, the model could indicate that more harvesting could occur in the Southeast
15 Region despite actual low-harvest levels. The inventory has been updated significantly since
16 the last SHC. Essentially all conditions have changed since 1996.

17
18 Chair Franz commented on efforts on the Forest Health Plan for state lands and the full
19 assessment of needed treatments to ensure strong forest resiliency.

20
21 Mr. Emmons said recent legislation provided the Forest Health Revolving Account and
22 directed DNR to prioritize treatments across state lands against catastrophic loss with focus on
23 the forestland base as well as areas surrounding communities and public resources. DNR has
24 prioritized the location of forest health treatments across Eastern Washington.

25
26 Mr. Emmons advised that all documentation on the decisions is posted on the sustainable
27 harvest website for access by the public. DNR has developed a communications strategy for
28 the SHC to inform both internal and external audiences about the purpose of the SHC, provide
29 status on progress, and increase transparency and public understanding of DNR decisions and
30 actions. The strategy will aid in receiving feedback on the process as it proceeds.

31
32 Mr. Emmons reviewed progress to date. Phase 1: Project Initiation and EIS (Environmental
33 Impact Statement) Scoping has been completed. Phase 2: Alternative and Model
34 Development for DEIS (Draft Environmental Impact Statement) is in progress until March
35 2025.

36
37 Commissioner Janicki supported the selection of Option 2 to reestablish a baseline as it been
38 nearly 30 years since the last SHC. She asked about any potential consequences of no SHC
39 for the eastside at this time. Mr. Emmons advised that the policy directs development of a
40 sustainable harvest level no less than every ten years. In Eastern Washington, the calculation
41 is outdated. In Western Washington, the SHC is at the end of its decade. It would be
42 beneficial for the Board to acknowledge the agency has exceeded the effective date of the
43 SHC while recognizing ongoing efforts to complete new calculations. The SEPA process,
44 however, does not allow a quick and easy calculation as the process requires engagement by
45 the public, which can span several years. It would be helpful for the Board to provide a
46 motion acknowledging the Department's efforts to update the SHC and authorize a one-time

1 variance or deviation from the calculation.
2

3 MOTION: Commissioner Janicki moved to acknowledge the departure from the timeline
4 and recognizes the time necessary for staff to complete the Eastside
5 Sustainable Harvest Calculation.
6

7 MOTION: Acting Dean Ryan seconded the motion.

8 ACTION: The motion carried unanimously.
9

10 Mr. Emmons affirmed staff would draft appropriate language for amendments to policies for
11 consideration by the Board.
12

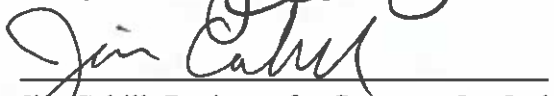
13 Commissioner Janicki requested staff provide information at the next meeting for a discussion
14 on the 10%-15% older growth policy.
15

16 **ADJOURNMENT**

17 With there being no further business, Chair Franz adjourned the meeting at 2:23 p.m.
18
19

Approved this 3 day of December, 2024


Hilary S. Franz, Washington State Commissioner of Public Lands


Jim Cahill, Designee for Governor Jay Inslee

Absent
Chris Reykdal, Superintendent of Public Instruction


Lisa Janicki, Commissioner, Skagit County


Clare Ryan, Acting Director, School of Environmental and Forest Sciences, University of Washington

Approved via Webinar
Wendy Powers, Dean, College of Agricultural, Human, and Natural Resource Sciences,
Washington State University


Tami Kellogg, Board Coordinator