Washington Department of Natural Resources

Sustainable Harvest Calculation for Eastern Washington

Staff Report

To: Sustainable Harvest Calculation Steering Committee

From: Sustainable Harvest Calculation Project Team

Prepared by: Mackenna Milosevich, Sustainable Harvest Planner

Subject: Analysis Area to be included in the Sustainable Harvest Calculation

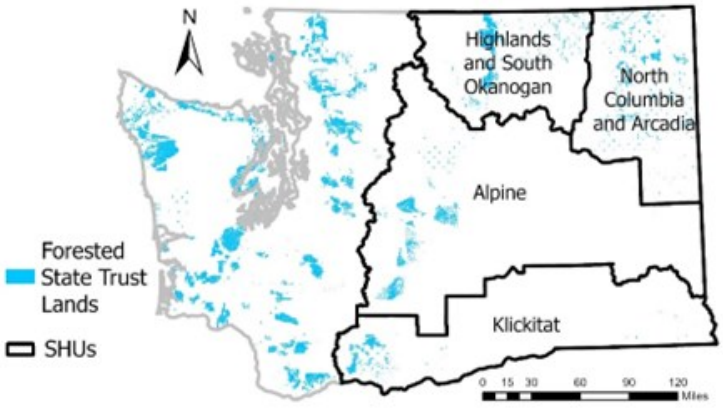
Proposed Action

The purpose of this report is to define the analysis area for the sustainable harvest calculation (SHC) for eastern Washington. The SHC Steering Committee is requested to provide concurrence with this report.

Analysis Area to be included in the SHC

"The department shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives." (RCW 79.10.320) The analysis area for the SHC for eastern Washington shall include all forested[1] "state trust lands" (or "trust lands") and state-owned natural areas managed by the Washington Department of Natural Resources (DNR) and defined in this document. The term "state trust lands" encompasses State Lands and State Forestlands. Since this project covers eastern Washington, the analysis area will only include DNR lands in eastern Washington. For the SHC, eastern Washington includes Northeast and Southeast regions which include the Sustainable Harvest Units (SHUs): Highlands and South Okanogan, Alpine, North Columbia and Arcadia, and Klickitat (Figure 1).

Figure 1: Map of eastern Washington SHUs to be included in the SHC



[1] In the area that is considered forested, there may be non-productive areas in the analysis areas.

State Trust Lands

State Lands: (RCW 79.02.010)

Shortly before Washington became a state in 1889, Congress passed the Omnibus Enabling Act of 1889 (25 U.S. Statutes at Large, c. 180 p. 676) to grant the territory more than 3 million acres of land as a source of financial support for named beneficiaries, primarily for public schools and colleges. Unlike states that sold many of their federally granted lands early in the 1900s, Washington retained ownership of most of these lands and continues to manage them to provide revenue and other benefits to the people of Washington. These lands are called State Lands[2]. State Lands include[3]:

- School lands (K-12 Common School trust), that is, lands held in trust for the support of the common schools;
- University lands (University trust)[4], that is, lands held in trust for university purposes;
- Agricultural college lands (Agricultural School trust), that is, lands held in trust for the use and support of agricultural colleges;
- Scientific school lands (Scientific School trust), that is, lands held in trust for the establishment and maintenance of a scientific school;
- Normal school lands (Normal School trust), that is, lands held in trust for state normal schools;
- Capitol building lands (Capitol Building trust), that is lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;
- Institutional lands (Charitable Educational Penal and Reformatory Institutions trust)[5], that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and
- Escheat lands are all lands acquired by the state by escheat that are not devoted to or reserved for a particular use by law. (RCW 11.08) Whenever any person dies, whether a resident of this state or not, leaving property subject to the jurisdiction of this state and without being survived by any person entitled to the same under the laws of this state, such property shall be designated escheat property.

State Forestlands: (RCW 79.22)

DNR manages two categories of State Forestlands:

- State Forest Transfer Lands were acquired by 21 counties in the 1920s and 1930s through tax foreclosures. Unable to manage these mostly harvested and abandoned lands, counties deeded them to the state to manage as state trust lands. In exchange for the deed transfer, the county and taxing districts in which the land is located are given most of the revenue from timber sales and other revenue-producing activities.
- State Forest Purchase Lands were either purchased by the state or acquired as a gift.

State Forestlands are used primarily for forestry, forever reserved from sale, and are managed similarly to federally granted trust lands.

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[2] Aquatic lands are not included in this definition of State Lands.

[3] Community College Forest Reserve and Water Pollution Control Division trust lands would be included as part of the SHC but there are no lands in eastern Washington in these categories.

[4] Includes original and transferred lands

[5] Includes original lands. It would include transferred lands but there are no lands in eastern Washington in this category.

State-owned Natural Areas

State-owned Natural Areas are lands that have been transferred out of state trust land status and are managed for conservation purposes. No timber harvest takes place on these lands; however, since they contribute to meeting ecological objectives, these lands will be included in the analysis area of the SHC. Natural areas contribute to the goals and objectives in DNR's land plans like DNR's Habitat Conservation Plan (HCP) and are also managed under the Sustainable Forestry Initiative (SFI) standards. These lands are:

Natural Area Preserves (NAP) (RCW 79.70.020)

NAPs include such public areas of land or water which have retained their natural character, although not necessarily completely natural and undisturbed, or which are important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are acquired or voluntarily registered or dedicated by the owner in RCW 79.70.

Natural Resources Conservation Area (NRCA) (RCW 79.71)

NRCAs are areas that have the following characteristics:

- Lands identified as having high priority for conservation, natural systems, wildlife, and low-impact public use values;
- An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;
- Examples of native ecological communities; and
- Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

Please note: the goal of this document is to define the analysis areas for the SHC and does not attempt to define all areas which will be deferred from harvest within the analysis area.

DNR managed lands outside the analysis area for the SHC

Lands excluded from the analysis area are not "primarily valuable for the purpose of growing forest crops" or management on a sustained yield basis of these lands is not "compatible with other statutory directives." The following lands will not be included in the analysis areas:

Lands not managed for forest production

Lands of any trust category that are not "primarily valuable for the purpose of growing forest crops" are excluded from the analysis area. Many of these non-forested or sparsely forested lands are managed to generate revenue in other ways for the trust beneficiaries, such as through agricultural leases.

Community Forest trusts (RCW 79.155)[6]

The community forest trust was established to be a discrete category of non-fiduciary trust lands managed to generate financial support for the community forest trust and to sustain working forest conservation objectives. The community forest trust must protect forest lands at significant risk of conversion, be managed in a way consistent with the values of the local community, maintain the land

[6] Due to the non-fiduciary nature of Community Forest trust management, these lands will not be included in the calculation for eastern WA, though a harvest level may be calculated separately in a different project.

in working status, generate revenue at levels that are capable of reimbursing DNR for management costs, provide sustainable public recreation access, and provide educational opportunities for local communities regarding the benefits that working forests provide.

The community forest trust lands are managed separately from state lands and state forestlands. The key difference between trusts is while state lands' and state forestlands' primary focus is to provide long term benefits to enumerated trust beneficiaries, community forest trust lands' primary goals can include other benefits to the public as a whole. These goals include watershed protection, recreation, fish and wildlife habitat, grazing, and timber production. Community forest trust lands are non-fiduciary. There are two community forests in eastern Washington:

- Teanaway Community Forest (RCW 90.38.130).[7,8]
- Klickitat Canyon Community Forest (Klickitat Canyon Community Forest Purchase)

These community forests are managed by DNR in conjunction with other community forest partners.

Administrative sites (RCW 79.10.040 and 79.11.005)

Administrative sites are locations for offices, warehouses and machinery storage buildings in the administration of the forestry laws and lands of the state of Washington. These lands are non-trust lands.

Land bank (RCW 79.19)

Established in 1977, the land bank enables DNR to improve the trust portfolio by replacing existing state trust lands with lands that have greater potential for natural resource or income production, or that can be more efficiently managed by DNR. To use it, DNR places land it has purchased into the bank. DNR also deposits parcels of state trust lands it wishes to dispose of into the bank. DNR then swaps the trust designation of the purchased land, with a parcel of land of equal value that is awaiting disposal. After the swap, the purchased land is managed as state trust land and the other parcel is sold at fair market value. The land bank can be used for all state trust lands, including State Forestlands. Because it requires DNR to purchase replacement lands before it sells existing state trust lands, the land bank is a means for DNR to reposition state trust lands without diminishing the corpus of the trust.

Milwaukee Road corridor (RCW 79.73)

A portion of land known as the Milwaukee Road corridor is owned by DNR. Most of the land is non-forested and, therefore, not managed for timber production and is non-fiduciary. The main use of this land is for recreation as part of the Palouse to Cascades State Park Trail corridor. The majority of the

[7] The Teanaway Community Forest is subject to RCW 90.38.130 which states that if certain facility permits and funding milestones are not met by the date of June 30, 2025, then there is an option for the land included under this trust to become Common School trust lands. Senate Bill 5303 for the 2025 Regular Session, if passed, will extend the loan for this land to June 30, 2035. If this bill does not pass, the Board of Natural Resources could decide that the Teanaway Community Forest will become Common School trust lands. If so, this area would be treated as such for the SHC.

[8] As stated in RCW 90.38.130, "the plan must be consistent with RCW 79.155.080(1), provided that the lands acquired as community forest trust lands are not required to generate financial support for their management as would otherwise be required by RCW 79.155.020(2), 79.155.030(2)(d), and 79.155.080(3), and provided further that the authority granted to the department to divest of the property under RCW 79.155.080(4) does not apply to these lands."

Palouse to Cascades State Park Trail corridor is owned by Washington State Parks and the section owned by DNR is managed by State Parks.

Second-class tidelands (RCW 79.105.400)

Second-class tidelands (RCW 79.105.060) means the shores of navigable waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city, and between the line of ordinary high tide and the line of extreme low tide. While these lands technically are forested, they were originally exchanged for second-class tidelands back in 1973 under what is now covered by RCW 79.105.400. Since these lands replace second-class tidelands within Aquatic lands, they are managed by and follow Aquatic policies. These lands do not contribute revenue to a trust and are not considered state trust lands nor do they contribute to meeting ecological objectives.

Conclusion

DNR must identify which lands will be included in the sustainable harvest calculation. State Lands, including K-12 Common School trust, Normal School trust, University trust, Agricultural School trust, Charitable trust, Educational, Penal, and Reformatory Institutions trust, Capitol Building trust, and Escheat lands, and State Forestlands are state trust lands that are managed to provide long-term, sustainable timber revenue to the trust beneficiaries. Thus, they will be included in the SHC. State-owned Natural Areas contribute to ecological objectives under DNR's land plans, such as the HCP, and will also be included. Community Forest trust lands, administrative sites, land bank, Milwaukee Road corridor, and second-class tidelands will not be included in the SHC because they do not meet the definition of state trust lands and do not contribute to ecological objectives under DNR's land plans.

Recommendation

The SHC Project Team recommends that the SHC Steering Committee include State Lands, State Forestlands, and State-owned Natural Areas and exclude Community Forest trusts, administrative sites, land bank, the Milwaukee Road corridor, and second-class tidelands from the analysis area of the SHC for eastern Washington.

Review and Decision

This document was reviewed and edited by:

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This document was reviewed by the following members of the SHC Steering Committee:

- Todd Welker – Deputy Supervisor for State Uplands
- Duane Emmons – Assistant Supervisor for State Uplands
- Cameron Crump – Forest Resources Division Manager
- Michael Kearney – Product Sales and Leasing Division Manager

The Steering Committee has approved the staff recommendation as a project decision as of March 4th, 2025.