

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

SUPERIOR COURT OF WASHINGTON  
FOR JEFFERSON COUNTY

CENTER FOR SUSTAINABLE ECONOMY )  
and SAVE THE OLYMPIC PENINSULA )  
Appellants, )  
v. )  
WASHINGTON STATE DEPARTMENT OF )  
NATURAL RESOURCES, BOARD OF )  
NATURAL RESOURCES, and )  
COMMISSIONER OF PUBLIC LANDS )  
HILARY FRANZ, in her official capacity, )  
Respondents. )

NO.  
NOTICE OF APPEAL

**I. INTRODUCTION**

1. On January 4, 2022, the Washington Board of Natural Resources (“Board”) authorized the Taylor Downhill Sorts Timber Sale, No. 21-111801 (the “Taylor Downhill Project”), allowing the Washington Department of Natural Resources (“DNR”) to auction up to 153 acres of publicly owned timber in Jefferson County. A copy of the Taylor Downhill Project sale proposal is attached to this Notice of Appeal as Attachment A. A video recording of the Board’s vote on the Taylor Downhill Project (and others) is available here: <https://tvw.org/video/washington-state-board-of-natural-resources-2022011018/?eventID=2022011018>.

1           2.       On February 1, 2022, the Board authorized the Goodman 1 Timber Sale, No. 21-  
2 121602 (the “Goodman 1 Project”), allowing DNR to auction up to 166 acres of publicly owned  
3 timber in Jefferson County. A copy of the Goodman 1 Project sale proposal is attached to this  
4 Notice of Appeal as Attachment B. (A video recording of the Board’s February 1 vote on the  
5 Goodman 1 (and others) has not been made available at the time of this filing.)  
6

7           3.       The Taylor Downhill and Goodman 1 Projects would allow loggers to build  
8 5,645 feet of new logging roads and clearcut up to 319 acres, including some stands with an  
9 average age of 85 years, that are now capturing and storing significant quantities of carbon  
10 dioxide and helping to mitigate climate change by providing cool, moist, shaded microclimates,  
11 reducing the risks associated with landslides, floods, and wildfires and maintaining year-round  
12 flows of clean, cool water critical to salmon and other aquatic species. The logging operations  
13 would eliminate carbon sequestration on these sites for 10-15 years after harvest, generate  
14 significant quantities of greenhouse gas emissions, and increase climate change risks associated  
15 with heat waves, warming waters, landslides, flooding, wildfires and other stressors already on  
16 the rise due to climate change.  
17

18           4.       The Board approved the Taylor Downhill and Goodman 1 Projects after DNR  
19 determined that they would not have a probable significant adverse impact on the environment  
20 and issued threshold Determinations of Nonsignificance (“DNS”) under the State  
21 Environmental Policy Act (“SEPA”). Copies of the DNS for each of these projects are attached  
22 to this Notice of Appeal as Attachment C and D, respectively.  
23

24           5.       In performing the threshold determination for the Taylor Downhill Project, DNR  
25 claimed that evaluation of climate impacts was not on the checklist the agency uses to comply  
26 with SEPA, and therefore need not be addressed. In performing the threshold determination for  
27



1 79.02.030 (Public Lands Act) and RCW 43.21C.075 (SEPA). Declaratory relief is authorized  
2 under RCW 7.24.010 and injunctive relief is authorized under RCW 7.40.010.

3 10. This suit is timely under RCW 79.02.030 because it was filed and served within  
4 30 days of the Board’s approval of the Taylor Downhill Project on January 4, 2022 and the  
5 Goodman 1 Project on February 1, 2022. Appellants participated in all stages of public  
6 comment for Taylor Downhill and Goodman 1 projects and have therefore exhausted all  
7 available administrative remedies.  
8

9 **III. PARTIES**

10 11. Appellant Center for Sustainable Economy (the “Center”) is a Washington  
11 State-registered non-profit organization based in Port Townsend, Washington. As part of its  
12 Wild and Working Forests Program, the Center conducts research and advocates for policies to  
13 protect forestlands for their climate benefits. The Center seeks to promote a balanced approach  
14 to the management of Washington state forestlands that allows DNR to generate reliable  
15 revenue for trust beneficiaries – including revenues from carbon storage – while preserving and  
16 accelerating the development of fully functional forests that can capture and store more carbon  
17 per acre than almost any other terrestrial ecosystem on Earth and thus be of benefit to all people  
18 that are now experiencing the adverse effects of climate change. The Center and its members  
19 have a particular interest in ensuring that the state’s forests are managed in a responsible and  
20 lawful manner.  
21

22 12. Appellant Save The Olympic Peninsula (“STOP”) is a Washington State-  
23 registered non-profit organization based in Port Angeles, Washington. STOP’s mission is to  
24 ensure the best use of the land and waters of the Olympic Peninsula in order to retain the unique  
25  
26  
27



1 character of the area, protect its environmental qualities, and provide for its enjoyment by  
2 generations to come.

3 13. The Center's and STOP's members regularly visit and recreate in DNR-  
4 managed forestlands, including those in the Goodman-Mosquito Creek, Chimakum, Toandos,  
5 Peninsula and Discovery Bay watershed administrative units. The Center's and STOP's  
6 members gain aesthetic enjoyment from visiting interior, mature and older forests, observing  
7 wildlife, plants and fish, hiking, and gathering non-timber forest products found on these lands.  
8 The Center's and STOP's members have visited the Taylor Downhill and Goodman 1 project  
9 areas in the past and have plans to do so again in the near future.  
10

11 14. Their enjoyment of the area will be diminished if the logging approved by the  
12 Taylor Downhill and Goodman 1 projects goes forward, and the forests in those sale areas  
13 clearcut and permanently lost to new logging roads. Forty active members of the Center signed  
14 on to SEPA comments opposing the Taylor Downhill project on the grounds that it would  
15 contribute to climate change and destroy forests that these members use for aesthetic,  
16 recreation, and scientific purposes. Those same interests will be protected if the Court issues  
17 injunctive relief to prevent logging from going forward under the Taylor Downhill and  
18 Goodman 1 projects.  
19

20 15. DNR is an agency of the state of Washington and is responsible for managing  
21 forests on Washington trust lands. DNR must prepare and auction timber sales on both tranches  
22 of state-owned lands to generate revenue on a sustained yield basis. RCW 79.10.320.  
23

24 16. The Board sets policies that guide how DNR manages state trust lands. Its  
25 powers and duties include appraisal and approval of timber sales on state forestlands prior to  
26  
27

1 auction. The Board must review and approve timber sales on state trust land before those sales  
2 are presented for auction.

3 17. As the Commissioner of Public Lands (“Commissioner”), Hilary Franz has a  
4 seat on the Board and is the administrator for DNR, with jurisdiction over all the powers, duties,  
5 and functions of DNR, except those specifically assigned to the Board.  
6

7 18. DNR’s Forest Resources Division manages state trust lands (“DNR State  
8 Lands”), and the Forest Practices Division reviews forest practices applications (“DNR  
9 Regulatory”). DNR State Lands develops potential timber sales and submits them to DNR  
10 Regulatory for review and ultimate approval. Once DNR Regulatory has approved a permit,  
11 DNR State Lands acts through the Board to determine whether to offer logging rights for sale  
12 at public auction.<sup>1</sup>  
13

#### 14 IV. FACTUAL ALLEGATIONS

15 19. Climate change presents an existential threat to humanity, and presents grave  
16 risks to Washington State in the form of extreme weather, floods, shrinking water supplies, sea  
17 level rise, ocean acidification and wildfires. Greenhouse gas (a.k.a GHG) emissions from  
18 human activities are the main driving force behind climate change.  
19

20 20. Logging is a major source of greenhouse gas emissions, which are emitted both  
21 directly and indirectly through a number of activities associated with timber harvest. Every time  
22 a new timber sale is approved, DNR is initiating chain of activities that generate significant  
23 greenhouse gas emissions all along the wood products life cycle. These sources are well known  
24 and readily measurable by existing data and methods.  
25  
26

27 <sup>1</sup> The term “DNR” refers to DNR State Lands unless specified.

1           21.     Logging is by far the most significant source of greenhouse gas emissions in  
2 Jefferson County, according to the County's inventory of greenhouse gases. According to those  
3 inventories, logging generates, on average, 266,961 metric tons CO<sub>2</sub> per year. By way of  
4 contrast, the second most significant source of GHG emissions in Jefferson County is from  
5 transportation, which accounts for roughly 183,000 metric tons CO<sub>2</sub> per year.  
6

7           22.     According to Jefferson County's Forest and Trees GHG inventory, emissions  
8 from logging on DNR lands represents a significant portion of the logging related emissions in  
9 Jefferson County. Carbon losses from DNR forestlands represented 28% of the losses from all  
10 forestlands in Jefferson County, and the majority of those losses were from logging.  
11

12           23.     Based on standard forest carbon accounting methodologies the Center has  
13 published estimates of logging related greenhouse gas emissions associated with the Taylor  
14 Downhill and Goodman 1 projects. The Taylor Downhill Project is likely to generate over  
15 39,000 metric tons of CO<sub>2</sub>, while the Goodman 1 Project is likely to generate over 48,000 metric  
16 tons CO<sub>2</sub>. Each project, by itself and in combination with other logging projects in Jefferson  
17 County will generate CO<sub>2</sub> emissions that far surpass the 10,000 metric ton CO<sub>2</sub> threshold for  
18 significance.  
19

20           24.     In addition to driving climate change by generating significant quantities of CO<sub>2</sub>  
21 emissions, clearcutting, road building, and establishment of timber plantations on DNR lands  
22 is making the land more vulnerable to climate change. DNR is aware of and has full access to  
23 the research connecting logging to increased wildfire risk, floods, landslides, harmful algae  
24 blooms, wind damage, water shortages, heat waves, and other stressors on the rise from climate  
25 change.  
26

27           25.     For example, because of their homogeneity, density, and young age, timber

1 plantations burn hotter and faster than structurally complex natural forests. As another example,  
2 an Oregon study found that conversion of mature and old growth conifer forests to homogenous  
3 plantations of Douglas fir produced a persistent summer streamflow deficit of 50 percent in  
4 plantations aged 25 to 45 years relative to intact, older forests. As yet another example, during  
5 heatwaves, which are becoming more frequent and extreme, surface temperatures in open  
6 clearcuts can exceed 130 degrees Fahrenheit while under the shaded forest canopy temperatures  
7 are often 40 to 50 degrees cooler.  
8

9         26. There are multiple risks to forest management operations from climate change  
10 including damage from insects and pathogens, reforestation challenges, negative impacts on  
11 forest productivity and changes in conditions that trigger landslides or damage roads. DNR has  
12 acknowledged that changes in the design of projects may be needed to mitigate against these  
13 threats.  
14

15         27. Ultimately, logging projects can both (a) significantly and adversely exacerbate  
16 climate change and (b) cause the forest to be significantly and adversely affected by climate  
17 change. DNR has a duty and obligation to disclose and assess these types of impacts that are  
18 caused by specific logging projects and mitigate these impacts through alternative, climate  
19 smart project designs.  
20

21         28. The Taylor Downhill and Goodman 1 Projects both may have probable  
22 significant adverse impacts related to climate change.

23         29. The Center submitted public comments regarding the Taylor Downhill project  
24 on November 30, 2021, raising significant concerns regarding the omission of climate impacts  
25 from the SEPA review.  
26  
27

1           30.     DNR issued a DNS for the Taylor Downhill Project on December 23, 2021. The  
2 notice of the DNS included a letter addressing some of the climate risk factors discussed in the  
3 Center’s comments in terms of statewide practices and policies, but erroneously maintained that  
4 the issues raised involved “disagreements with statewide-level policies and plans, rather than  
5 the specific Taylor Downhill Sorts proposal” and concluded “[t]herefore, the points raised in  
6 your letter do not change the determination of this proposal.”  
7

8           31.     The Center reiterated its concerns and filed oral and written rebuttals to the final  
9 DNS before the Board on January 4, 2022. Hilary Franz, Commissioner of Public Lands, was  
10 absent from that meeting. The rebuttal was not addressed, and the Board proceeded to approve  
11 the Taylor Downhill Project for auction at that meeting.  
12

13           32.     The Center submitted public comments in response to the Goodman 1 Project  
14 DNS on December 20, 2021, raising significant concerns regarding the omission of climate  
15 impacts from the SEPA review.  
16

17           33.     Bryan Suslick, DNR Assistant Region Manager replied to those comments on  
18 January 6, 2022, stating that he “did not see any new information to warrant a change to the  
19 Determination of Non-Significance.” The two-paragraph letter contained no explanation for  
20 this reasoning.  
21

22           34.     DNR issued a DNS for the Goodman 1 Project on January 6, 2022.

23           35.     The Center and STOP reiterated concerns and filed oral and written rebuttals to  
24 the final DNS for both the Taylor Downhill and Goodman 1 Projects before the Board on  
25 February 1, 2022. Since Commissioner Franz was absent from the January 4, 2021, meeting,  
26 the Taylor Downhill Project rebuttal was re-submitted along with the Goodman 1 rebuttal. The  
27

1 rebuttals were not addressed, and the Board proceeded to approve the Goodman 1 Project for  
2 auction at that meeting.

3           36.     DNR did not adequately disclose or assess the climate related impacts of the  
4 Taylor Downhill and Goodman 1 Projects with its SEPA review. DNS did not assess or disclose  
5 amount of CO<sub>2</sub> emissions that will occur, the amplification of climate risks that will occur, or  
6 other climate related impacts caused by the Projects that were required to be considered. DNR  
7 did not consider reasonable mitigation of climate related impacts, nor did it consider alternatives  
8 to the Projects that would have less of an adverse impact on the environment.  
9

10           37.     The DNS for both Projects was not based on information reasonably sufficient  
11 to evaluate the impacts related to climate change. DNR did not take a searching, realistic look  
12 at the potential hazards and did not candidly or methodically address climate change impacts  
13 with the level of reasoned thought and analysis that is required by law.  
14

15           38.     By failing to address climate impacts in the SEPA analyses for the Taylor  
16 Downhill and Goodman 1 projects, DNR precluded consideration of alternatives or mitigation  
17 that could lessen the effects of climate change on the timber sale areas, reduce the greenhouse  
18 gas emissions associated with each project, and reduce threats to climate resiliency. These  
19 include prohibiting new road construction (especially since road densities are already far  
20 beyond ecologically acceptable thresholds), increasing rotation lengths (which requires cutting  
21 fewer acres), establishing forest carbon reserves in all mature and natural forestlands in the sale  
22 areas and using variable density thinning (VDT), rather than clearcutting, in younger tree  
23 plantations to expedite their growth into big, old, climate resilient trees. On forestlands managed  
24 by Jefferson County, variable density thinning is used instead of clearcutting to reduce threats  
25 from fire, disease and mortality and to respond to changing demands on forest ecosystems.  
26  
27



1 as ceded by the federal government for the state to manage. These lands are known as the “state  
2 lands” and the “state forestlands.” RCW 79.02.010(14) and .010 (15).

3 45. The decision by Respondents to approve the Taylor Downhill and Goodman 1  
4 Projects are appealable under the Public Lands Act, RCW 79.02.030, as “any order or decision  
5 of the board, or the commissioner” concerning the sale of valuable materials from state lands.  
6

7 46. Respondents violated the Public Lands Act by approving the Taylor Downhill  
8 and Goodman 1 Projects for auction even though the sales are not in the best interests of the  
9 state. To the extent that Respondents considered some benefits of the sales to the state, it did  
10 not conduct an even-handed analysis by taking into account the harmful climate impacts of each  
11 Project.  
12

13 47. Respondents further violated the Public Lands Act by acting arbitrarily and  
14 capriciously in approving the Taylor Downhill and Goodman 1 Projects for auction based on  
15 incomplete and inaccurate information, and while ignoring the impact that the Projects would  
16 have on DNR’s goals, including those expressed in DNR’s Plan for Climate Resilience and  
17 Policy for Sustainable Forests as well as statewide goals related to climate change and climate  
18 resilience.  
19

## 20 **Second Cause of Action**

### 21 **Violation of SEPA – failure to demonstrate prima facie compliance**

22 48. Appellants incorporate by reference all preceding paragraphs.

23 49. SEPA is Washington’s basic environmental charter, which imposes both  
24 substantive and procedural obligations on DNR’s management of public lands. SEPA requires  
25 that DNR prepare an environmental impact statement for all major actions significantly  
26 affecting the quality of the environment. RCW 43.21.030; RCW 43.21C. 031.  
27



1           50.    The lead agency decides whether an EIS is required in the threshold  
2 determination process. In making a threshold determination, the responsible official determines  
3 whether projects are likely to have probable significant adverse environmental impacts and,  
4 therefore, require an EIS. WAC 197-11-330. Impacts that must be considered include the direct,  
5 indirect, and cumulative impacts of a project.  
6

7           51.    The lead agency shall make its threshold determination based upon information  
8 reasonably sufficient to evaluate the environmental impact of a proposal. WAC 197-11-335.  
9 The threshold determination must indicate that the agency has taken a searching, realistic look  
10 at the potential hazards and, with reasoned thought and analysis, candidly and methodically  
11 addressed those concerns. SEPA requires that lead agencies conduct their analysis with up-to-  
12 date information that accurately reflects the impacts of a proposed project.  
13

14           52.    The DNS that was issued by DNR for the Taylor Downhill and Goodman 1  
15 Projects was not based upon information reasonably sufficient to evaluate the climate change  
16 related impacts of those Projects. DNR did not take a searching, realistic look at the potential  
17 hazards and, with reasoned thought and analysis, candidly and methodically addressed those  
18 concerns. DNR did not conduct its analysis with up-to-date information that accurately reflects  
19 the climate related impacts of the Projects.  
20

21           53.    DNR failed to base its threshold determination on information that accurately  
22 reflected its ability to meet its own climate policy objectives and failed to resolve any  
23 uncertainty by conducting further study or performing further environmental review. *See* WAC  
24 197-11-335.

25           54.    The DNS for both Projects were each clearly erroneous for these reasons.  
26  
27

1 **Third Cause of Action**

2 **Violation of SEPA – erroneous interpretation of law**

3 55. Appellants incorporate by reference all preceding paragraphs.

4 56. DNR has a duty and obligation under SEPA to disclose and assess climate  
5 change impacts that are caused by specific logging projects. This includes the types of  
6 emissions to the air that would result from the proposal, proposed measures to reduce or control  
7 emissions or other impacts to air, and impacts that are caused by the logging activities. Climate  
8 related impacts that are caused by the Projects must be considered in DNR’s SEPA analysis.

9 57. Respondents erroneously interpreted the law when they concluded that DNR  
10 was not required to disclose and assess climate change impacts that will be caused by the Taylor  
11 Downhill and Goodman 1 Projects.  
12

13 **Fourth Cause of Action**

14 **Violation of SEPA – EIS required**

15 58. Appellants incorporate by reference all preceding paragraphs.

16 59. An environmental impact is “significant” if there is a reasonable likelihood that  
17 it will have more than a moderate adverse impact on environmental quality. WAC 197-11-794.  
18

19 60. The Taylor Downhill and Goodman 1 Projects will have more than a moderate  
20 adverse impact on environmental quality, including climate change and loss of climate  
21 resiliency.

22 61. The decision to issue a DNS for the Taylor Downhill and Goodman 1 Projects  
23 was clearly erroneous because those Projects are major actions that will both have significant  
24 adverse impacts related to climate change.  
25  
26  
27

1 **VI. RELIEF REQUESTED**

2 Appellants respectfully request the following relief:

3 1. An order invalidating the Board’s approval of the Taylor Downhill and  
4 Goodman 1 Projects for auction.

5 2. An order invalidating the DNS for the Taylor Downhill and Goodman 1 Projects  
6 as “clearly erroneous.”

7 3. A declaration that climate impacts are a necessary component of SEPA analysis  
8 for DNR logging proposals, including the Taylor Downhill and Goodman 1 Projects.

9 4. A declaration that the Taylor Downhill and Goodman 1 Projects could have  
10 probable, significant adverse impacts to the environment, necessitating preparation of an  
11 environmental impact statement.

12 5. An order enjoining all forest practices pursuant to the Taylor Downhill and  
13 Goodman 1 Projects.

14 6. If necessary and appropriate, an order requiring mitigation for any climate  
15 impacts of the Taylor Downhill and Goodman 1 Projects.

16 7. An order granting Appellants their costs and attorneys’ fees based on the Equal  
17 Access to Justice Act, RCW Ch. 4.84, or any other applicable provision of law.

18 8. Any other relief that this Court deems just and proper.  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 Dated this 2<sup>nd</sup> day of February, 2022.

2 Respectfully submitted,

3 BRICKLIN & NEWMAN, LLP

4  
5 

6 By:

7 \_\_\_\_\_  
8 Claudia M. Newman, WSBA No. 24928  
9 Alexander Sidles, WSBA No. 52832  
10 123 NW 36<sup>th</sup> Street, Suite 205  
11 Seattle, WA 98107  
12 Telephone: 206-264-8600  
13 newman@bnd-law.com  
14 sidles@bnd-law.com

# **ATTACHMENT A**



State of Washington

Department of Natural Resources

Hilary S. Franz, Commissioner of Public Lands

TO: Members of the Board of Natural Resources

FROM: Product Sales and Leasing Division

SUBJECT: Timber Sales Packet to be Presented at the  
January 2022 Board Meeting

Attached is a package of timber sales proposed for auction in upcoming months. This packet will be presented to the Board of Natural Resources at the January 4, 2022 Board Meeting.

No.	County	Region	Agree #	FSC® Trust	Sale Name	Species	Acres	Avg Age	Harvest Type	Volume MBF/Acre	Value/MBF	Total MBF	Total Minimum Bid Value
1	Jefferson	OLY	102045	01-77%,03-23%	TAYLOR DOWNHILL SORTS	DF-85%,WW-7%,RC-7%,RA-1%	155	85	VRH	34	\$645	5,245	\$3,380,872
2	Okanogan	NE	102503	03-100%	Q BALD GOAT	WL-41%,WW-30%,DF-29%	332	156	SR-62%,VRH-38%	11	\$153	3,721	\$569,000
3	Pacific	PC	83240	03-100%	BULL WACKER	WW-71%,DF-28%,RA-1%	140	65	VRH	42	\$251	5,851	\$1,467,000
4	Pacific	PC	92187	01-3%,02-1%,05-60%,41-36%	HULLIN FIR	WW-80%,DF-18%,RA-2%	60	92	VRH	67	\$264	4,040	\$1,065,000
5	Snohomish	NW	101112	01-100%	HIGH CALIBER	DF-80%,WW-20%	159	35	VRH	20	\$295	3,144	\$929,000
6	Thurston	SPS	101101	03-40%,06-3%,09-1%,11-56%	RHONE	DF-96%,RA-3%,RC-1%	118	41	VRH	27	\$364	3,128	\$1,138,000
<b>Totals</b>							<b>964</b>			<b>26</b>	<b>\$340</b>	<b>25,129</b>	<b>\$8,548,872</b>

Trust Codes:	Harvest Type:	Species Codes:
01=State Forest Board Transfer	07=Capitol Building	DI=Douglas-fir
02=State Forest Board Purchase	08=Normal School	RA=Red alder (all hardwoods)
03=Common School & Indemnity	09=Escheat	PP=Ponderosa pine
04=Agricultural School	10=Scientific School	RC=Western redcedar
05=University - Transferred	11=University - Original	WW=White Woods (hemlock and true fir)
06=C.E.P. & R.L.		

∞ If marked, all or part of this sale Forest Stewardship Council® (FSC)-certified (certificate No. BV-FM/COC-080501)  
 Note: Contract harvest sort sales above list the total minimum bid as delivered values, not stumpage. The net or stumpage value will be realized after the harvesting costs are paid out.

SEPA SUMMARY OF PROPOSED BOARD SALES

No.	County	Agreement #	Sale Name	SEPA Threshold Determination	FPA Classification	Comments Received During SEPA Review Period
1	Jefferson	102045	TAYLOR DOWNHILL SORTS	DNS	3	OFCo, Cent. For Sustainable Economy, Concerned Citizens
2	Okanogan	102503	Q BALD GOAT	MDNS	3	ContinW, Concerned Citizen
3	Pacific	83240	BULL WACKER	DNS	3	
4	Pacific	92187	HULLIN FIR	DNS	3	
5	Snohomish	101112	HIGH CALIBER	DNS	3	
6	Thurston	101101	RHONE	DNS	3	Cent. For Sustainable Economy

\* ALL DOCUMENTS ARE AVAILABLE TO THE BOARD AND THE PUBLIC FOR REVIEW



**TIMBER NOTICE OF SALE**

**SALE NAME:** TAYLOR DOWNHILL SORTS

**AGREEMENT NO:** 30-102897 - 30-102906

**AUCTION:** February 23, 2022 starting at 10:00 a.m.  
Olympic Region Office, Forks, WA

**COUNTY:** Jefferson

**SALE LOCATION:** Sale located approximately 10 miles north of Quilcene

**PRODUCTS SOLD  
AND SALE AREA:**

Contractor shall harvest and deliver, all timber except trees painted with blue paint or bounded out by yellow Leave Tree Area tags, bounded by the following: Timber Sale Boundary tags, timber type change, and the PT-S-4000 road in Unit 1; Timber Sale Boundary tags, Timber Sale Boundary flagging, timber type change, and the PT-S-2000 road in Unit 2; Timber Sale Boundary tags, Timber Sale Boundary Flagging, a distinct timber type change, and the PT-O-1000, PT-O-1100, PT-O-1400, and PT-O-1420 roads in Unit 3.

All timber bounded by Right-of-Way boundary tags on the PT-S-4000 road.

Meeting the specifications described below; located on parts of Section 16 in Township 28 North, Range 2 West, Sections 16, and 21 all in Township 28 North, Range 1 West W.M., containing 155 acres, more or less.

**MINIMUM BID AND ESTIMATED LOG VOLUMES:**

Agreement #	Sort #	Species and Sort Specifications	Average Log Length	Estimated Volume		Tons Per MBF	Minimum Bid Delivered Prices		Total Appraised Value	Bid Deposit
				Mbf	Tons		\$/mbf	\$/Ton		
102897	01	DF High Quality B Sort 12"+ SED	34	1312	7216	5.5	\$690.00		\$905,280.00	\$90,528.00
102898	02	DF Sawlog 20"+ SED	28	128	627	4.9	\$550.00		\$70,400.00	\$7,040.00
102899	03	DF Sawlog 12" to 19" SED	28	1245	7470	6	\$600.00		\$747,000.00	\$74,700.00
102900	04	DF Sawlog 5" to 11" SED	28	1776	13320	7.5	\$600.00		\$1,065,600.00	\$106,560.00
102901	05	RC Camprun 5"+	28	363	2214	6.1	\$1,100.00		\$399,300.00	\$39,930.00
102902	06	Whitewood Sawlog 5" to 11" SED	28	207	1428	6.9	\$450.00		\$93,150.00	\$9,315.00
102903	07	Whitewood Sawlog 12" + SED	28	164	968	5.9	\$500.00		\$82,000.00	\$8,200.00
102904	08A	Red Alder Sawlog 5" + SED	26	27	189	7	\$450.00		\$12,850.00	\$5,000.00
	08B	Bigleaf Maple Sawlog 5" + SED	20	2	14	7	\$350.00 FIXED			
102905	09	Conifer Pulp 2"+ SED	n/a	21	189	9		\$28.00	\$5,292.00	\$5,000.00

**Totals:** **5245 33635** **\$3,380,872.00**

**CERTIFICATION:** This sale is certified under the Sustainable Forestry Initiative® program Standard (cert no: PwC-SFIFM-513)





**TIMBER NOTICE OF SALE**

---

**BID METHOD:** Sealed Bids **UNIT OF MEASURE:** MBF Scale/Tonnage Scale

**EXPIRATION DATE:** January 20, 2023 **ALLOCATION:** Export Restricted

**PAYMENT SECURITY:** To be determined by the State as described in Clause P-045.2 of the Purchaser’s Contract.

**BIDDING PROCEDURES:** A separate sealed bid and envelope must be submitted for each log sort. Prospective Purchasers may bid on any or all log sorts. On the day of sale the Purchaser must bring their bid deposit up to 10% of their total bid price. Complete bidding procedures and auction information may be obtained from the Olympic Region Office in Forks WA. Phone number (360)374-2800.

**TIMBER EXCISE TAX:** Purchaser must pay the forest excise taxes associated with the log sorts delivered to them. The tax rate for this sale is 4.2 %. Taxable Stumpage = Total Delivered Value – (Harvest Cost + Estimated Haul Cost + ARRF). For more information contact the Department of Revenue, Forest Tax Section at 1-800-548-8829.

Use the following rates for estimating taxable stumpage:

Harvest Cost = \$0.00 per MBF for sorts 01, 02, 03, 04, 05, 06, 07 and 08 and \$0.00 per Ton for sort 09.

Hauling Services Payment Rate per Ton  
= (Base Rate + Mileage Rate) x (Contractor's hauling bid factor)

Base Rate = \$2.35 per ton

Mileage Rate = ((\$0.16 x C miles) + (\$0.11 x A miles)) x Fuel Index Factor

ARRF does not apply.

Note: To calculate ARRF rates per ton use the tons\mbf conversion factor in the table above.

Long-haul surcharge: An additional haul payment of \$25/mbf net scale for mbf scale sorts or \$4.60/ton for tonnage sorts will be added for delivery destinations in excess of 250 total one-way miles (A miles plus C miles).

**CONFIRMATION:** Each sort is subject to confirmation following auction. Sorts will not be confirmed until at least 10 days after auction. Final contract award is contingent upon the State’s haul cost analysis. Actual haul route may vary and is subject to change at the State’s discretion.

**SPECIAL REMARKS:** The successful Purchaser(s) will be required to purchase logs from the sale area upon delivery to their location specified in the bid submitted. Logs will be delivered to the Purchaser’s delivery location by the State’s contract harvester. Purchaser is responsible for weighing and scaling costs. All tonnage loads will be weighed and all mbf loads will be scaled at State approved locations. The State reserves the right to determine where logs are authorized to be scaled and weighed.

There are locked gates on the PT-O-1000 and PT-B-1020 roads. Contact the Olympic Region Dispatch Center at 360-374-2800 to obtain an AA-1 key.



## TIMBER NOTICE OF SALE

---

Harvester may develop existing rock sources called Jimmycomelately Pit and Orchestra Pit, in accordance with the written Rock Source Development and Plan included in the road plan. Stockpiling of rock in the Jimmycomelately Pit is required.

Rock identified to be used out of a State lands rock pit shall meet specifications as identified within the Road Plan, as determined by the Contract Administrator. If the rock does not meet required specifications, a commercial source shall be used at the Harvester's expense.

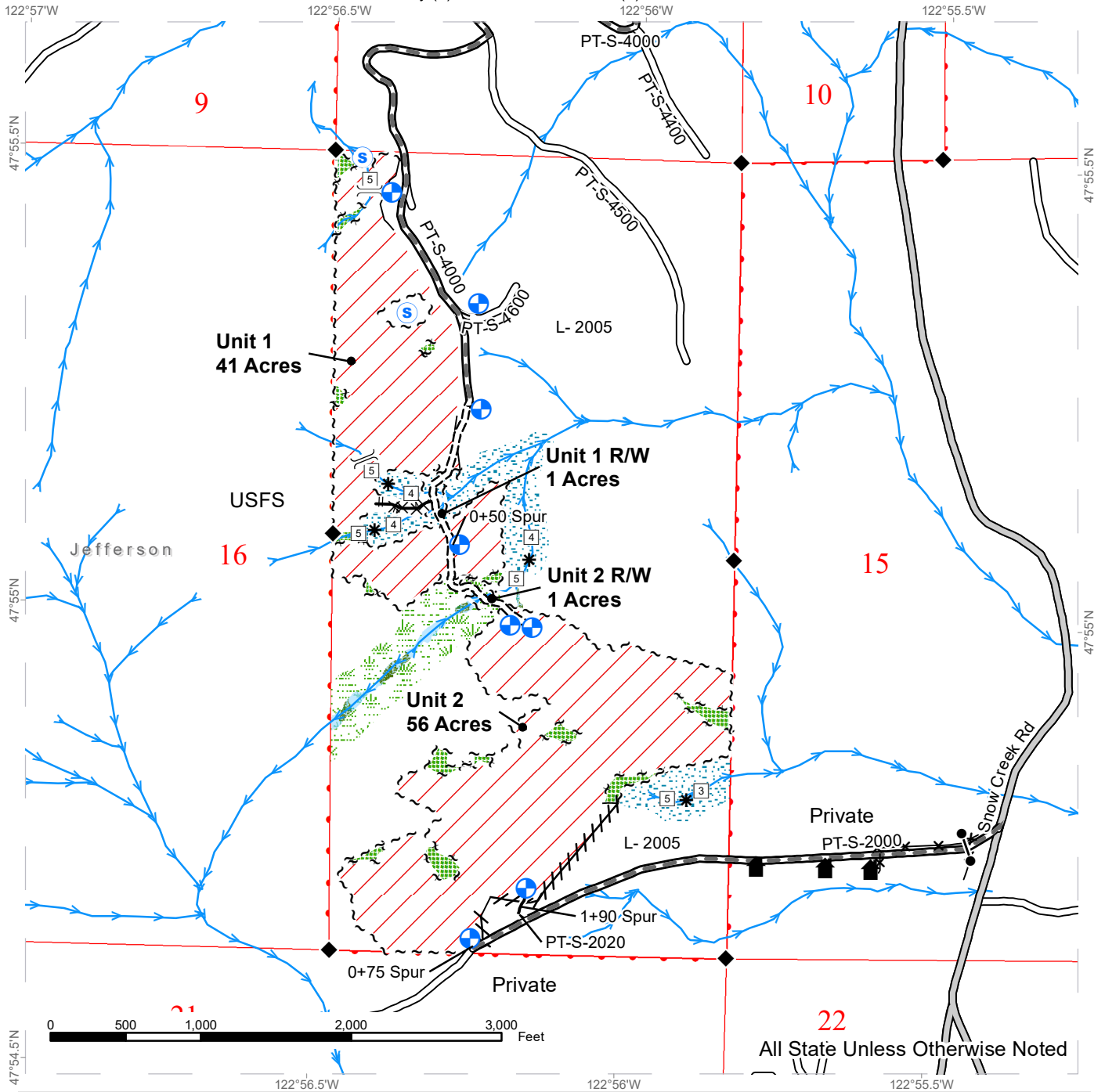
All trees 60 inches in Diameter at Breast Height (DBH) and greater shall not be felled unless for safety reasons, which must be approved by the Contract Administrator. If trees 60 inches DBH or greater needs to be felled for safety reasons, trees will be left where felled.

For more information regarding this log sort sale visit our web site: <http://www.dnr.wa.gov/programs-and-services/product-sales-and-leasing/timber-sales/timber-auction-packets>. If you have questions call Jeremy Brown at the Olympic Region Office at (360) 391-5976 or Steve Teitzel at the Product Sales and Leasing Division Office in Olympia at (360) 902-1741.

# TIMBER SALE MAP

**SALE NAME:** TAYLOR DOWNHILL SORTS  
**AGREEMENT #:** 30 - 102045  
**TOWNSHIP(S):** T28R2W  
**TRUST(S):** Common School and Indemnity (3), State Forest Transfer (1)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 560-1680



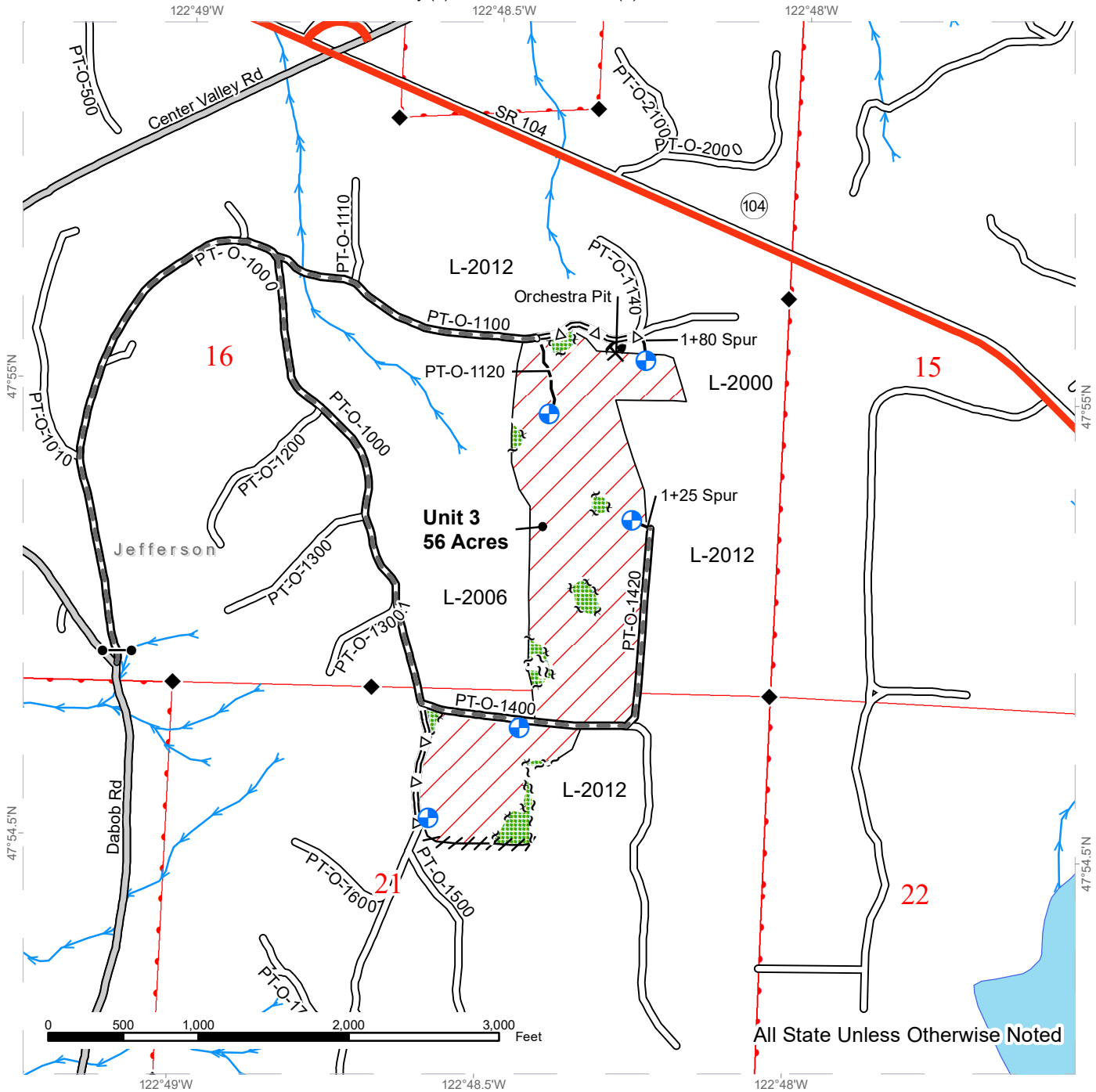
Variable Retention Harvest	Right of Way Tags	Required Pre-Haul Maintenance	Survey Monument
Leave Tree Area	Property Line	Required Construction	Proposed Landing
Riparian Mgt Zone	Flag Line	Optional Pre-Haul Maintenance	Structure
Forested Wetland	Timber Type Change	Optional Construction	Cut Tree
Wetland Mgt Zone	Fence	Optional Reconstruction	Seep
DNR Managed Lands	Streams	Equipment Trail	Stream Type
Sale Boundary Tags	County Road	Designated Crossing	Stream Type Break
Leave Tree Tags	Existing Roads	Gate	



# TIMBER SALE MAP

**SALE NAME:** TAYLOR DOWNHILL SORTS  
**AGREEMENT #:** 30 - 102045  
**TOWNSHIP(S):** T28R1W  
**TRUST(S):** Common School and Indemnity (3), State Forest Transfer (1)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 560-1680



All State Unless Otherwise Noted

## Legend

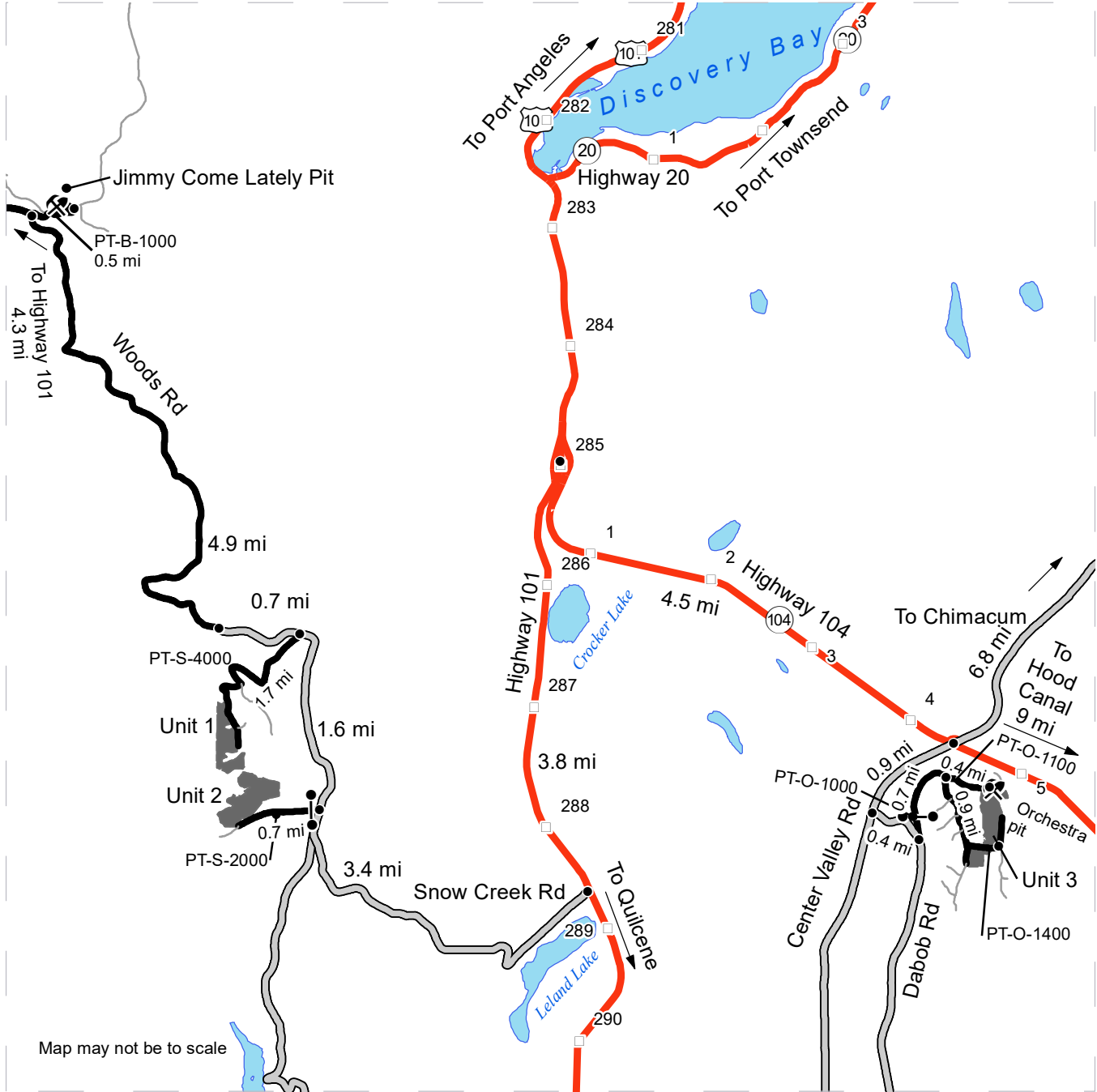
- |                            |                    |                               |                  |
|----------------------------|--------------------|-------------------------------|------------------|
| Variable Retention Harvest | Leave Tree Tags    | Existing Roads                | Survey Monument  |
| Leave Tree Area            | Right of Way Tags  | Required Pre-Haul Maintenance | Rock Pit         |
| Townships Lines            | Property Line      | Optional Pre-Haul Maintenance | Proposed Landing |
| Sections Lines             | Flag Line          | Optional Construction         | Highway          |
| DNR Managed Lands          | Timber Type Change | Streams                       | Highway Shield   |
| Sale Boundary Tags         | County Road        | Gate                          |                  |



# DRIVING MAP

**SALE NAME:** TAYLOR DOWNHILL SORTS  
**AGREEMENT#:** 30-102045  
**TOWNSHIP(S):** T28R1W, T28R2W  
**TRUST(S):** Common School and Indemnity (3), State Forest Transfer (1)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 560-1680



- Timber Sale Unit
- Haul Route
- Other Roads
- County Road
- Highway
- Distance Indicator
- Gate
- Rock Pit
- Milepost Markers

**DRIVING DIRECTIONS:**

See Attached Directions



## Driving Direction

### Taylor Downhill Sorts

Starting at the west end of the Hood Canal Bridge.

For unit 1, 2 and Jimmy Come Lately pit:

Continue west on Highway 104 for 13.5 miles to intersection with Highway 101.

Turn left on 101 heading south.

Continue south for 3.8 miles to Snow Creek Rd.

Turn right on Snow Creek road. Stay on Snow Creek road for 3.4 miles to PT-S-2000 Rd on the left for unit 2. Road is an easement and is gated by owner for livestock. If gate is closed please close behind you. Unit 2 is 0.7 miles down the PT-S-2000.

For unit 1 continue on Snow Creek Rd from PT-S-2000 for 1.6 miles to PT-S-4000 Rd.

Turn left on the PT-S-4000 and up 1.7 miles to the unit.

For Jimmy Come Lately pit, continue west from PT-S-4000 Rd on Snow Creek Rd for 0.7 miles.

Road becomes FS-2850/Woods Rd, continue for 4.9 miles to PT-B-1000 Rd.

Turn right on PT-B-1000 Rd.

Continue east on PT-B-1000 for 0.5 miles to PT-B-1020 Rd.

Turn left on PT-B-1020 Rd. This road is gated by DNR. Pit is on the left.

For unit 3: continue west on Highway 104 for 9 miles to Center Valley Rd.

Turn right onto Center Valley Rd. Continue south down Center Valley Rd for 0.9 miles to Dabob Rd.

Turn left on Dabob Rd. Continue on Dabob for 0.4 miles to PT-O-1000 Rd.

Turn left on PT-O-1000. This road is gated by a DNR gate.

Continue through gate 0.7 miles to PT-O-1100.

Head left on the PT-O-1100 for 0.4 miles to north end of unit 3 and Orchestra pit.

Or continue on the PT-O-1000 for 0.9 miles to the PT-O-1400 Rd and south end of Unit 3.

# **ATTACHMENT B**



State of Washington

Department of Natural Resources

Hilary S. Franz, Commissioner of Public Lands

TO: Members of the Board of Natural Resources

FROM: Product Sales and Leasing Division

SUBJECT: Timber Sales Packet to be Presented at the  
February 2022 Board Meeting

Attached is a package of timber sales proposed for auction in upcoming months. This packet will be presented to the Board of Natural Resources at the February 1, 2022 Board Meeting.



No.	County	Region	Agree #	FSC® Trust	Sale Name	Species	Acre	Avg Age	Harvest Type	Volume MBF/Acre	Value/MBF	Total MBF	Total Minimum Bid Value
1	Clark	PC	102167	01-13%,03-87%	UPPER COUGAR	DF-93%,RA-5%,WW-2%	112	60	VRH	27	\$419	3,078	\$1,291,000
2	Jefferson	OLY	102225	05-100%	GOODMAN 1	DF-51%,WW-47%,RA-1%,RC-1%	170	55	VRH	23	\$259	3,893	\$1,007,000
3	Okanogan	NE	101630	03-100%	Q. HARVARD	DF-67%,WL-30%,WW-2%,LP-1%	515	77	VRH	9	\$144	4,694	\$674,000
4	Pacific	PC	102044	02-1%,03-17%,04-53%,41-29%	PIVOT	DF-66%,WW-29%,RA-5%	169	87	VRH	61	\$392	10,333	\$4,052,000
5	Pierce	SPS	100672	∞ 01-57%,02-1%,41-42%	VESPA VRH VDT	DF-93%,WW-4%,RA-3%	120	78	VRH-84%,VDT-16%	54	\$465	6,487	\$3,018,000
6	Skagit	NW	102568	01-100%	ARCHANGEL	DF-73%,WW-14%,RC-11%,RA-2%	53	82	VRH	43	\$430	2,305	\$992,000
7	Yakima	SE	101888	03-38%,05-62%	Q. GLENWATER	DF-41%,PP-34%,WW-25%	347	104	UM	11	\$276	3,755	\$1,036,000
<b>Totals</b>							<b>1,486</b>			<b>23</b>	<b>\$349</b>	<b>34,545</b>	<b>\$12,070,000</b>

Trust Codes: 01=State Forest Board Transfer 07=Capitol Building 12=Community College Forest Reserve 13=Douglas-fir  
 02=State Forest Board Purchase 08=Normal School 38=Washington State University 39=Red alder (all hardwoods)  
 03=Common School & Indemnity 09=Escheat 41=University Repayment 42=Forest Board Repayment 43=Western redcedar  
 04=Agricultural School 10=Scientific School 77=Water Pollution Control 78=Uneven-aged Mgmt 79=Lodgepole pine  
 05=University - Transferred 11=University - Original 80=Shelterwood Removal 81=White Woods (hemlock and true fir)  
 06=C.E.P. & R.I.

∞ If marked, all or part of this sale Forest Stewardship Council® (FSC)-certified (certificate No. BV-FM/COC-080501)  
 Note: Contract harvest sort sales above list the total minimum bid as delivered values, not stumpage. The net or stumpage value will be realized after the harvesting costs are paid out.

SEPA SUMMARY OF PROPOSED BOARD SALES

No.	County	Agreement #	Sale Name	SEPA Threshold Determination	FPA Classification	Comments Received During SEPA Review Period
1	Clark	102167	UPPER COUGAR	DNS	3	
2	Jefferson	102225	GOODMAN 1	DNS	4	
3	Okanogan	101630	Q. HARVARD	MDNS	3	
4	Pacific	102044	PIVOT	DNS	3	Center for Responsible Forestry
5	Pierce	100672	VESPA VRH VDT	DNS	3	
6	Skagit	102568	ARCHANGEL	DNS	3	
7	Yakima	101888	Q. GLENWATER	MDNS	3	

\* ALL DOCUMENTS ARE AVAILABLE TO THE BOARD AND THE PUBLIC FOR REVIEW



**TIMBER NOTICE OF SALE**

**SALE NAME:** GOODMAN I

**AGREEMENT NO:** 30-102255

**AUCTION:** March 30, 2022 starting at 10:00 a.m.,  
Olympic Region Office, Forks, WA

**COUNTY:** Jefferson

**SALE LOCATION:** Sale located approximately 8 miles South of Forks, WA

**PRODUCTS SOLD  
AND SALE AREA:**

All timber, except trees marked with a band of blue paint or bounded out by leave tree area boundary tags, bounded by timber sale boundary tags, a property line, a timber type change and the G-1000 Road in Unit 1; timber sale boundary tags, the 4+20 spur, and the G-1400 Road in Unit 2; timber sale boundary tags, the G-1040 Road and the G-1040.1 Road in Unit #3; timber sale boundary tags and a timber type change in Unit 4; timber sale boundary tags, a timber type change and the G-1000 Road in Unit 5

All forest products above located on part(s) of Sections 14, 15, 20, 21, 22, 23 and 28 all in Township 27 North, Range 13 West, W.M., containing 170 acres, more or less.

**CERTIFICATION:** This sale is certified under the Sustainable Forestry Initiative® program Standard (cert no: PwC-SFIFM-513)

**ESTIMATED SALE VOLUMES AND QUALITY:**

Species	Avg DBH	Ring Count	Total MBF	MBF by Grade								
				1P	2P	3P	SM	1S	2S	3S	4S	UT
Douglas fir	15.4	6	2,004						546	1,100	328	30
Hemlock	14.3	5	1,596						303	937	356	
Spruce	13.8		228						63	95	70	
Red alder	13.1		33								33	
Red cedar	9.5		32							11	21	
Sale Total			3,893									

**MINIMUM BID:** \$1,007,000.00

**BID METHOD:** Sealed Bids

**PERFORMANCE**

**SECURITY:** \$100,000.00

**SALE TYPE:** Lump Sum

**EXPIRATION DATE:** October 31, 2023

**ALLOCATION:** Export Restricted

**BID DEPOSIT:** \$100,700.00 or Bid Bond. Said deposit shall constitute an opening bid at the appraised price.

**HARVEST METHOD:** Cable - 30%/Ground - 70% - with rubber tire skidders only allowed if rutting and skidding requirements can be met and a harvest plan is submitted and approved.

**ROADS:** 35.25 stations of optional construction. 474.60 stations of optional prehaul maintenance. The temporary fish pipe on the G-1400 Road cannot be installed until June 15th and must be removed by October 15th. Maintenance activities or operation of heavy equipment on portions of the G-1000, G-1040, G-1050 and G-1400 Roads (see road plan for locations), is not permitted from one hour before official sunrise to two hours after official sunrise and from one hour before official sunset to one hour after official sunset from April 1



**TIMBER NOTICE OF SALE**

---

through September 23. This restriction does not apply to the hauling of timber, rock or equipment.

**ACREAGE DETERMINATION**

**CRUISE METHOD:** Sale acreage was 100% GPS'd. Sale units were cruised using a variable plot sample.

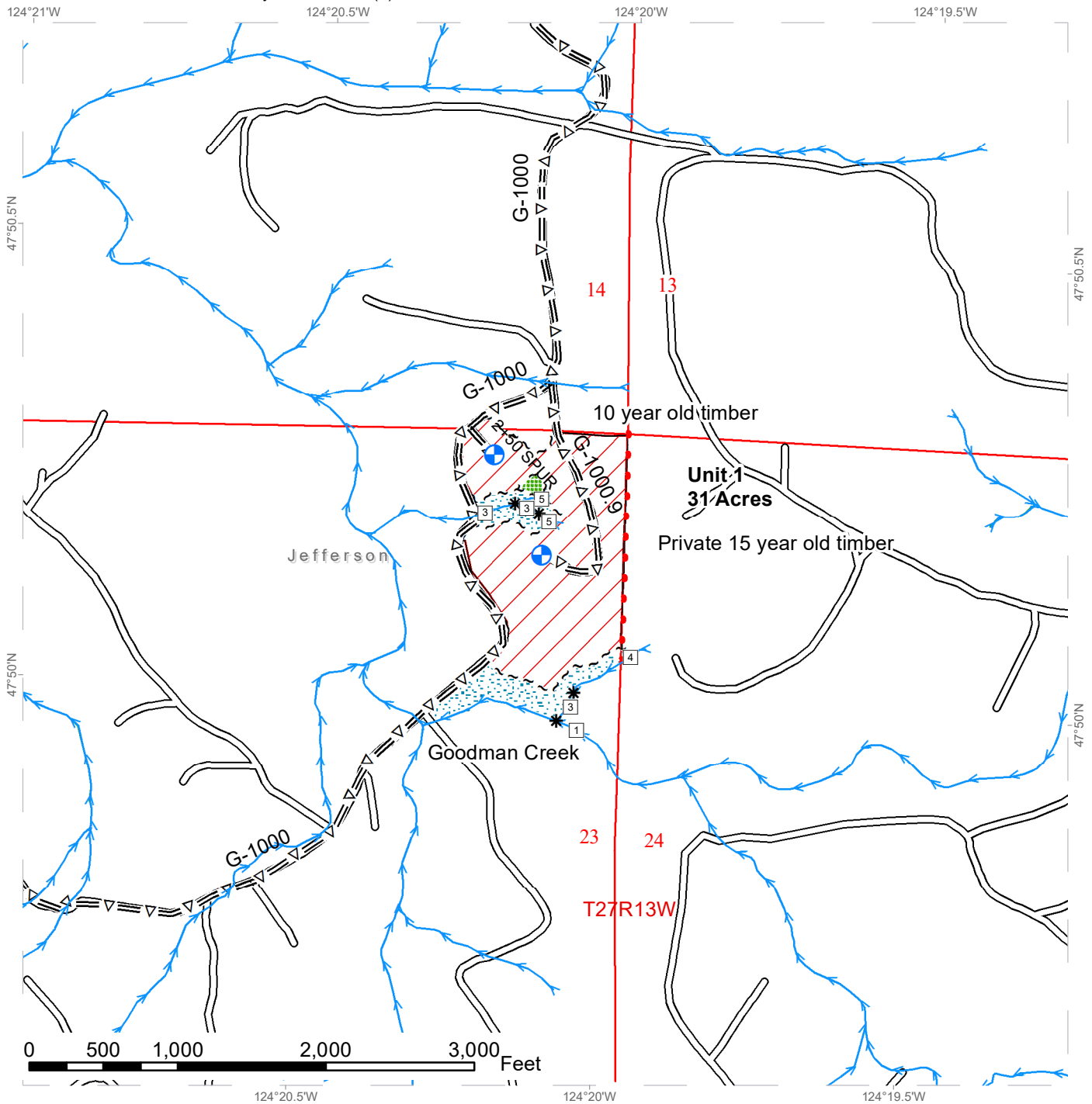
**FEES:** \$66,181.00 is due on day of sale. \$9.00 per MBF is due upon removal. These are in addition to the bid price.

**SPECIAL REMARKS:** None.

# Timber Sale Map

**SALE NAME:** GOODMAN 1  
**AGREEMENT #:** 30-102255  
**TOWNSHIP(S):** T27R13W  
**TRUST(S):** University - Transferred (5)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 480-680'

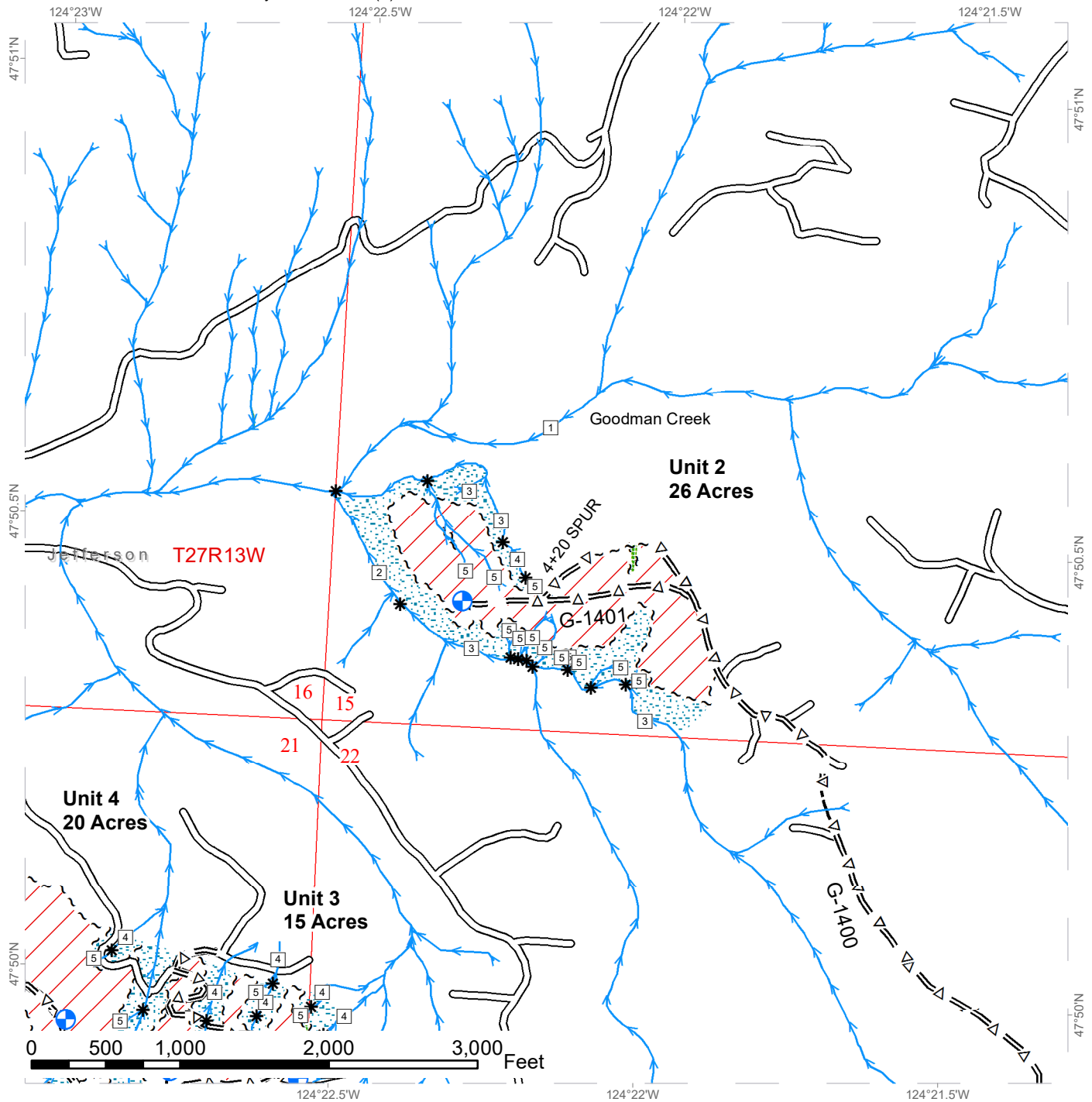


* Stream Break	~~~~ Sale Boundary Tags	Leave Tree Area
□ Stream Type	•••• Property Line	Riparian Mgt Zone
Streams	— Timber Type Change	Variable Retention Harvest
Existing Roads	~ ~ ~ Leave Tree Tags	Public Land Survey Townships
=Δ= Optional Pre-Haul Maintenance	⊕ Landing - Proposed	Public Lands Survey Sections

# Timber Sale Map

**SALE NAME:** GOODMAN 1  
**AGREEMENT #:** 30-102255  
**TOWNSHIP(S):** T27R13W  
**TRUST(S):** University - Transferred (5)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 480-680'



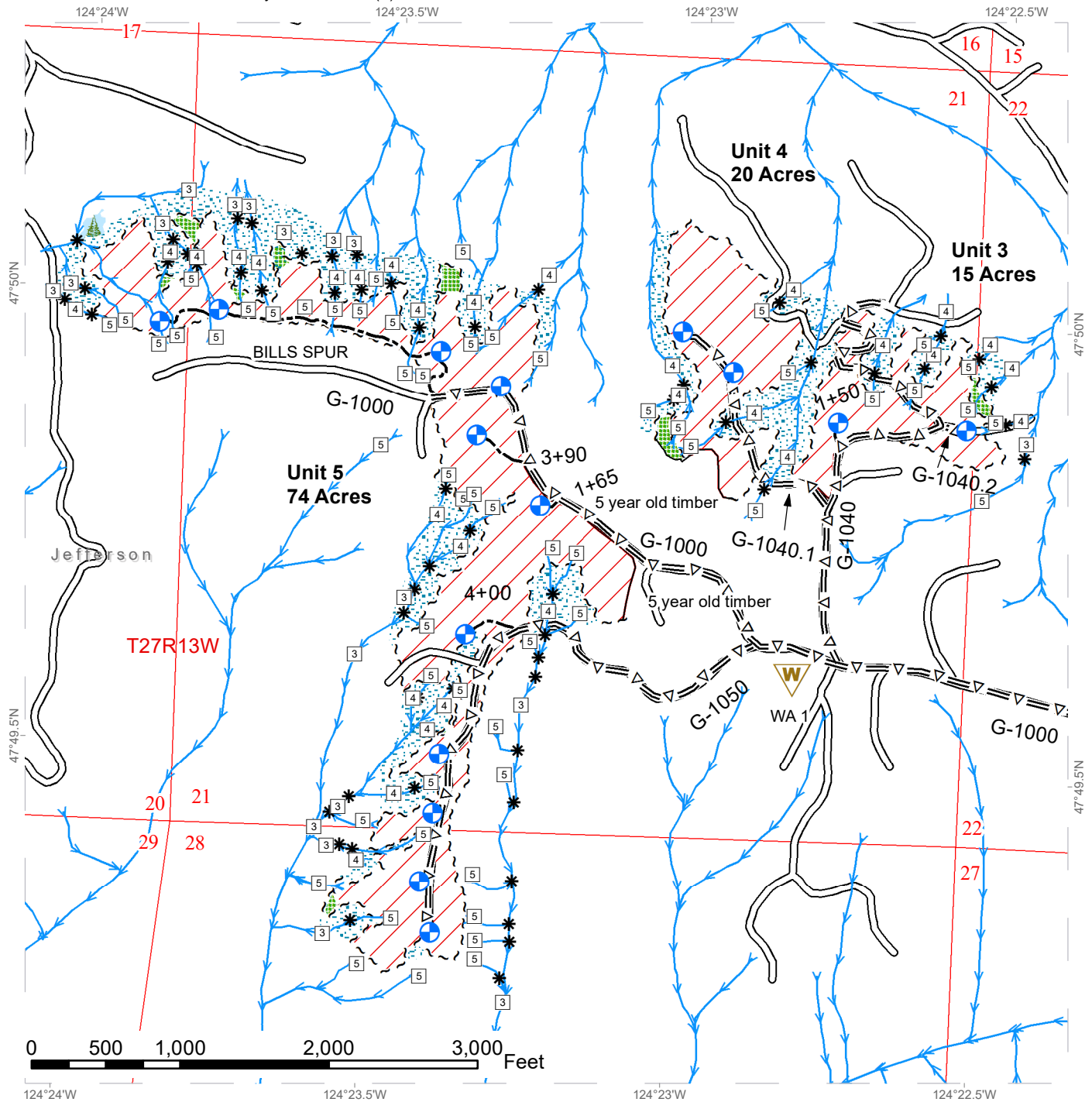
* Stream Break	⊕ Landing - Proposed	▒ Leave Tree Area
□ Stream Type	— Existing Roads	▒ Riparian Mgt Zone
→ Streams	=Δ= Optional Pre-Haul Maintenance	▒ Variable Retention Harvest
~ ~ ~ Sale Boundary Tags	--- Optional Construction	▒ Public Land Survey Townships
~ ~ ~ Leave Tree Tags		▒ Public Land Survey Sections



# Timber Sale Map

**SALE NAME:** GOODMAN 1  
**AGREEMENT #:** 30-102255  
**TOWNSHIP(S):** T27R13W  
**TRUST(S):** University - Transferred (5)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 480-680'

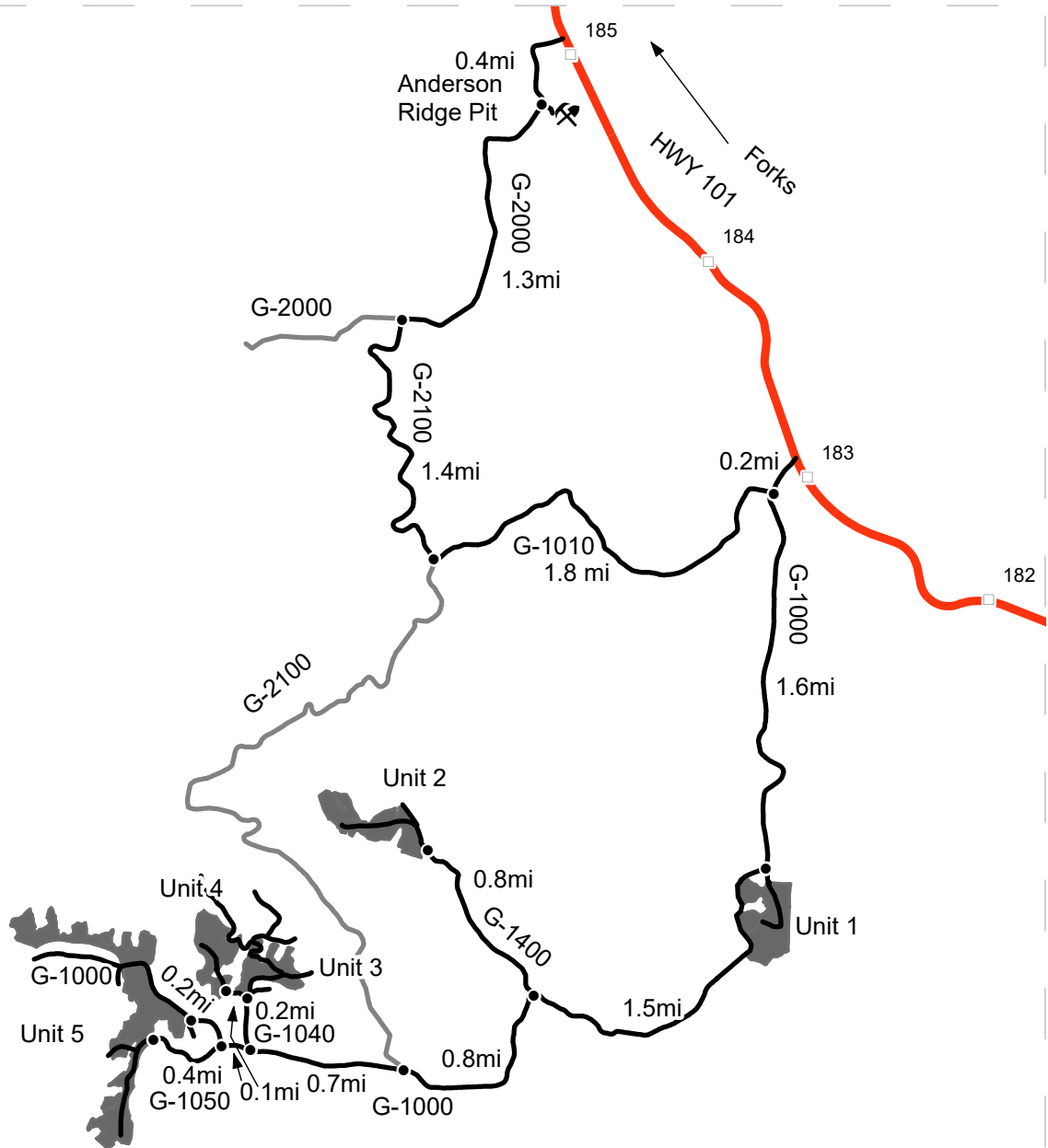


* Stream Break	W Waste Area	Leave Tree Area
□ Stream Type	⊕ Landing - Proposed	Riparian Mgt Zone
→ Streams	— Existing Roads	Forested Wetland
~ ~ ~ Sale Boundary Tags	=Δ= Optional Pre-Haul Maintenance	/ / / Variable Retention Harvest
— Timber Type Change	- - - Optional Construction	Public Land Survey Townships
~ ~ ~ Leave Tree Tags		Public Land Survey Sections

# DRIVING MAP

SALE NAME: GOODMAN 1  
 AGREEMENT#: 30-102255  
 TOWNSHIP(S): T27R13W  
 TRUST(S): University - Transferred (5)

REGION: Olympic Region  
 COUNTY(S): Jefferson  
 ELEVATION RGE: 320-1080'



Map may not be to scale

- Timber Sale Unit
- Milepost Markers
- Highway
- Driving Roads
- Existing Roads
- Rock Pit (Corporate)
- Distance Indicators

**Driving Directions**

**Unit 1:** From Forks, drive south on HWY 101 for 7.5 miles. Turn right on G-1000 and continue for 0.2 miles to the junction of G-1010, keep left to stay on the G-1000 and continue 1.6 miles to reach U1.

**Unit 2:** Continue on G-1000 for 1.5 miles to the junction of the G-1400, then turn right onto the G-1400 then continue 0.8 miles to reach U2.

**Unit 3:** Continue on G-1000, from the G-1400 Junction, for 0.8 miles, until you come to the junction of the G-2100, keep left to stay on the G-1000. In 0.7 miles turn right onto the G-1040 and continue for 0.2 miles to reach U3.

**Unit 4:** From U3 turn left on the G1040.1 and you will reach U4 in 0.1 miles.

**Unit 5:** From the junction of the G-1040 continue on the G-1000 for 0.1 miles to the junction of the G-1050. Continue on the G-1000 for 0.2 miles or turn left on the G-1050 for 0.4 miles to reach U5.

**Anderson Ridge Pit:** From Forks drive south on HWY 101 for 5.5 miles. Turn right on G-2000 and drive 0.4 miles then turn left to enter the pit.

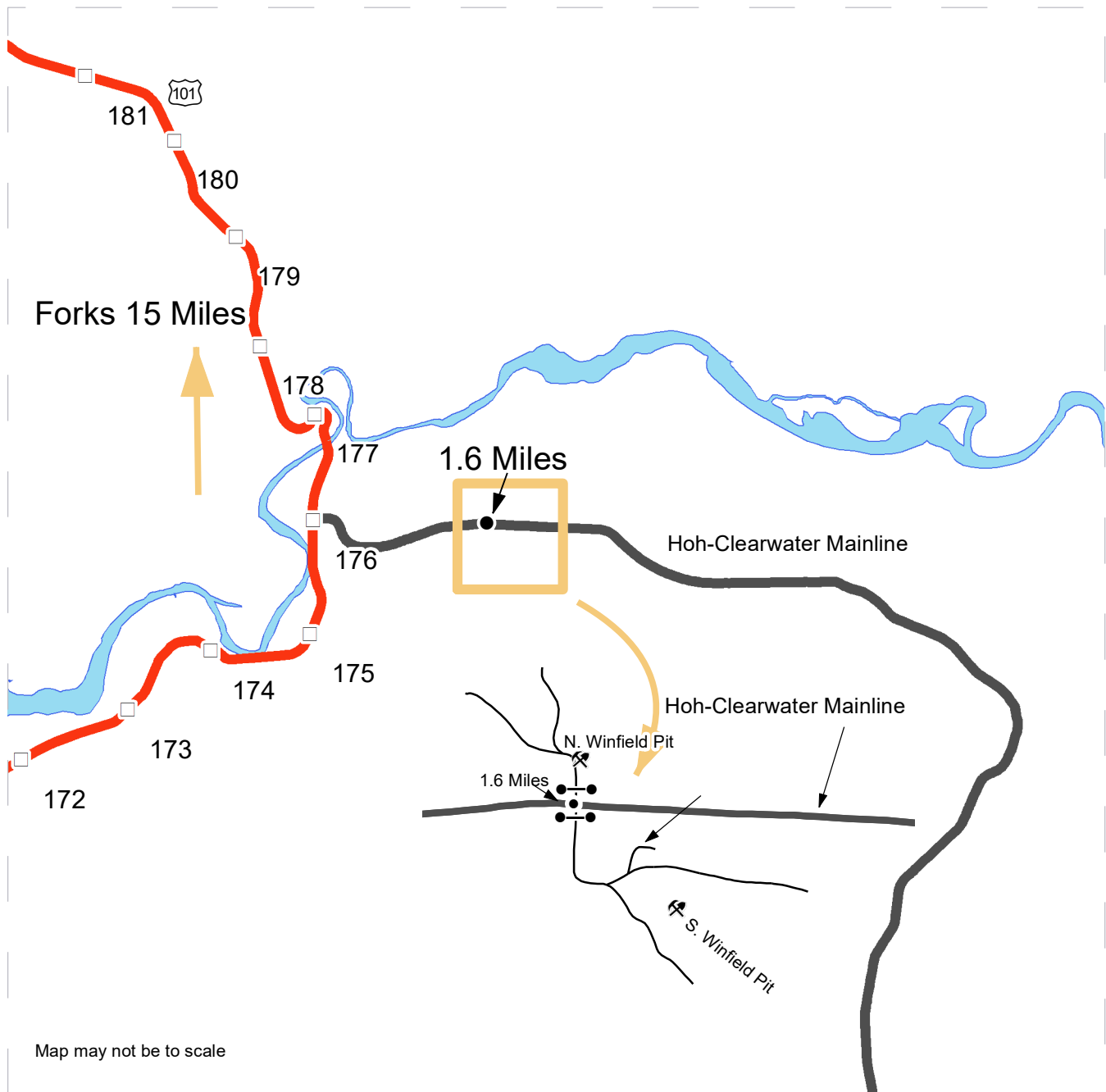
**Rock Haul:** From Anderson Ridge Pit turn left onto the G-2000 and drive for 1.3 miles and then turn left onto the G-2100. Drive 1.4 miles on the G-2100 then turn left on the G-1010. Drive 1.8 miles on the G-1010 to reach the G-1000 junctions and turn right to go to the units.



# DRIVING MAP

**SALE NAME:** GOODMAN 1  
**AGREEMENT#:** 30-102255  
**TOWNSHIP(S):** T25R11W, T27R12W  
**TRUST(S):** Capitol Grant (7), Common School and Indemnity (3)

**REGION:** Olympic Region  
**COUNTY(S):** Jefferson  
**ELEVATION RGE:** 360'-1040'



<ul style="list-style-type: none"> <li>• Distance Indicator</li> <li>● Gate (&lt;&lt;AA-1&gt;&gt;)</li> <li>⛏ Rock Pit</li> <li>□ Milepost Markers</li> <li>— Driving Roads</li> <li>— Other Roads</li> <li>— Open Water</li> <li>— Highway</li> </ul>	<p> <b>South Winfield Pit Access:</b> From Forks drive 15 mi south and turn left onto the Hoh-Clearwater Mainline. Then continue for 1.6 mi and turn right into South Winfield Pit.  <b>North Winfield Pit Access:</b> From Forks drive 15 mi south and turn left onto the Hoh-Clearwater Mainline. Then continue for 1.6 mi and turn left into North Winfield Pit.         </p>
--	--





# **ATTACHMENT C**



DEPARTMENT OF  
NATURAL RESOURCES

OLYMPIC REGION  
411 Tillicum Lane  
Forks, WA 98331

360-374-2800  
OLYMPIC.REGION@DNR.WA.GOV  
WWW.DNR.WA.GOV

**Notice of Final Determination**  
**Taylor Downhill Sorts #30-102045**  
**SEPA File No. 21-111801**

The Department of Natural Resources issued a  Determination of Non-significance (DNS),  Mitigated Determination of Non-significance (MDNS),  Modified DNS/MDNS on November 18, 2021 for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

Withdrawn. This threshold determination has been withdrawn due to the following:

Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

Comments were received from Olympic Forest Coalition, ECY, Jamestown S'Klallam Tribe, Center for Sustainable Economy, and the Emergency Conservation Committee. See attached reply.

Responsible Official: Mona Griswold

Position/title: Olympic Region Manager

Phone: 360-374-2800

Address: 411 Tillicum Lane  
Forks, WA 98331

Date: 12/23/2021 Signature: *Mona Griswold*

There is no DNR administrative SEPA appeal.



**DEPARTMENT OF NATURAL RESOURCES**

1111 WASHINGTON STREET SE, MS 47014  
OLYMPIA, WA 98504-7014

**360-902-1600**  
WWW.DNR.WA.GOV

This is in response to comments received regarding the Taylor Downhill Sorts timber sale, SEPA File No. 21-111801, located in the Jefferson County, as well as regarding Washington DNR's timber harvest program for trust beneficiaries. This letter provides information outlining how this proposal is consistent with all applicable laws, rules, policies and procedures, including the 1997 Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

As described in the SEPA checklist, the Taylor Downhill Sorts timber sale proposal, Agreement No. 30-102045 is a variable retention harvest (VRH) composed of 3 units and associated right-of-ways located in the Chimakum, Discovery Bay, and Toandos Peninsula WAU[s] totaling 153.4 net harvestable acres. The net acreage includes deduction for leave tree areas within the traversed boundaries. The proposed timber sale is to be harvested using ground-based, cable/tethered, and cable harvest systems with applied timing and equipment restrictions to further limit impacts to the site.

While your letter does touch on some specifics of this proposed timber harvest, the bulk of your comments are directed toward the broader policies and plans that guide our management at the statewide level. We conduct SEPA analyses at the project level for individual planned timber harvests; we conduct environmental impact statements before adopting new policies and whenever we develop statewide plans that set standards for the use of the environment (WAC 197-11-704(2)(b)(i)). The Agency does not agree that the analysis you recommend is appropriate for including in the project level checklist. The Department will however address some of the concerns raised in your letter.

At this level of project review with a Determination of Nonsignificance, the appropriate form used is the Department of Ecology's environmental checklist, WAC 197-11-960. At this time, the SEPA Environmental Checklist does not include analysis of climate impacts. The topic of climate impacts is an evolving issue as new science emerges and agencies work to include that new science in their work. When the Department of Ecology establishes criteria that provides meaningful analysis of climate impacts at the project level, it is expected they will make updates to WAC 197-11-960 that include climate impacts in the SEPA checklist.

### Sustainable Forestry

In addition to the existing SEPA process, DNR is a leader in its development of best practices in sustainable forestry. Resource and environmental protections are applied to all DNR timber harvests following the 1997 Habitat Conservation Plan, 2006 Policy for Sustainable Forests, current Forest Practices rules, and the associated Forest Practices HCP, all of which have gone through rigorous EIS reviews. Discussed in more detail below, some of these measures include riparian and wetland buffers, leaving a minimum of eight trees per acre in variable retention harvests, limiting overall size of harvest areas, maintaining hydrologic maturity, excluding work on potentially unstable slopes, and maintaining and improving road infrastructure including replacing undersized culverts to improve fish passage and water drainage.

All DNR-managed forestlands and conservation areas in Washington State are certified under the Sustainable Forestry Initiative® (SFI) program Standard. Additionally, about 176,000 acres of those forestlands are also certified under the Forest Stewardship Council® (FSC®) US Forest Management Standard. Certified forests are grown to an approved set of standards which demonstrate environmentally responsible, socially beneficial and economically viable management practices that promote responsible forestry. This unique commitment to responsible forestry recognizes that forest landowners play a critical role in ensuring the long-term health and sustainability of our forests.

The Department agrees the pledge made at the 2021 COP 26 meeting in Glasgow was historic, and we applaud the stance taken there against deforestation. However, deforestation is not the same as sustainably harvesting trees from managed forest lands. Deforestation refers to the permanent conversion of forestlands to non-forest usage such as agriculture, grazing, and commercial or residential development. Following all even-age harvests on DNR-managed lands, native trees species are replanted at stocking levels higher than existed pre-harvest. This ensures all State-owned forests are renewed, resulting in sustained levels of forest cover into the future.

### Carbon Sequestration

Like you, leadership and staff at DNR are concerned about how sustainable forest management can mitigate the effects of climate change. For instance, the DNR's Natural and Working Lands Carbon Sequestration Advisory Group is actively considering our role in carbon sequestration on managed and un-managed forest lands. Forests are the most efficient means we have for removing carbon from the atmosphere. They draw in vast amounts of carbon dioxide and store carbon as biomass. But we know this is only one way that forests contribute to climate solutions. By balancing ecological, economic, and social outcomes, we can compound the benefits forests provide. To begin with, active management of forests for timber and revenue enables us to push back against economic pressure to convert those forestlands to non-forest uses. Management for timber also helps maintain a steady supply of local logs to local mills. When we source our wood from nearby forests, we reduce the amount of fossil fuel required to bring logs from forests to mills and from mills to local retailers. We know that a substantial percentage of wood from State lands ends up as dimensional lumber, plywood, and other manufactured building materials. Forest products used in construction store more carbon—and their manufacture emits far less carbon dioxide, methane, and nitrous oxide—compared to non-wood alternatives such as concrete, steel, brick, and plastics.

When it comes to sequestering carbon in our working forests, DNR does more than most large forest landowners in Washington. For example, our rotation ages tend to exceed the industry average for forest managers in the Pacific Northwest. On lands covered by our Habitat Conservation Plan, we leave larger riparian buffers and more habitat trees than are required by law. In total, close to half of the forested trust lands we manage are deferred from harvest for ecological reasons. To quantify these carbon benefits, we worked with partners at the US Forest Service to conduct an inventory of carbon on both private and public forestlands across Washington.

### Depleted Water Supplies

The DNR is aware of the recent literature concerning the impact of harvesting on peak and long-term summer stream flows in the Pacific Northwest. In small basins (area < 10km<sup>2</sup>), summer low flows may decrease following the establishment of a younger stand if that replanted cohort is not managed in a

way that balances changes in runoff caused by different stand ages (Moore et al., 2020). Young stands (0 to approximately 15 years) can increase the amount of precipitation that enters the soil and becomes runoff relative to natural, older stands (Grant et al., 2008). As the stand ages, evapotranspiration rates increase and eventually exceed evapotranspiration rates typical of a natural, older forest (Perry and Jones, 2017). We are presently reviewing the newest low-flow science; however, given the protections afforded by the HCP and PSF, a relatively small proportion of the basin area is managed for timber production in DNR-managed watersheds compared to those studied and we suspect that DNR harvest impacts on summer-low flows are low. For example all DNR-watersheds include wide, continuous riparian buffers and other protected areas that provide considerably larger protections than regulatory requirements in Oregon. Also, riparian buffers cited in Segura et al. 2020 measured 15 meters, while HCP prescribed riparian buffers range from 30 to over 55 meters. In addition, the DNR manages 75 percent of basins in the rain-on-snow zone as hydrologically mature forest cover. As the summer-low flow science matures the DNR will evaluate if the adaptive management process needs to be updated to account for potential DNR-management effects on low flows.

Additionally, the DNR is presently monitoring stream flow in small, headwater channels in the Olympic Experimental State Forest (OESF) as part of the Long Term Riparian Monitoring Study. The intent of that study is to evaluate if the DNR is meeting the HCP riparian conservation objectives and to guide the integration of habitat conservation and timber production. These flow records may provide additional insight on whether or not DNR forest management are impacting low-flows.

Finally, unlike the large-scale clear cuts of the past, the DNR aims to distribute smaller timber harvests across the landscape, separated by riparian and habitat buffers, reducing the impacts to any single watershed. At any given time, most medium-to-large catchments (area > 10 km<sup>2</sup>) have a mix of harvest units in various stages of growth which may result in varied levels of late summer streamflow generation at the stand level, but more stable levels at the landscape level. In addition, larger catchments also have more storage reservoirs such as wetlands, lakes, and deeper aquifers, which may sustain low flows.

### Warming waters

The stream buffers required by our Habitat Conservation Plan are designed to protect streams from temperature fluctuations. Potential impacts on summer stream temperature in the perennial channels caused by tree harvests can be inferred from the forest hydrology literature. In a study on buffer width and stream temperature in perennial streams, Janisch et al. (2012) observed that summer water temperature can increase in streams protected by a buffer width of 10 to 15 meters, or 32 to 49 feet, but that increase depends on the length of the channel and the presence of wetlands in the harvest area. Generally, impacts on water temperature have been found to be insignificant at buffer widths ≥ 30 meters or 97 feet (Brazier and Brown, 1973; Davies and Nelson, 1994; Gomi et al., 2006; Sweeney and Newbold, 2014). If all perennial streams and a buffer width of 30 meters are excluded from harvest, the potential for changes in summer stream temperature in the perennial streams is considered low.

The Riparian Management Zones (RMZ) prescribed in the DNR State Lands HCP are larger than the findings discussed above. The HCP prescribed buffer widths on Type 1, 2, 3, and 4 streams are at least 100 feet, exceeding the 30 meter (97 feet) wide buffer where impacts to water temperatures were found to be insignificant. These RMZ buffers, which were evaluated in the FEIS for the State Lands HCP, are, in part, in place to shade streams and prevent stream warming. Stream protections for the Taylor Downhill Sorts proposal, described in section 3.b of the checklist, includes average 150 foot buffers on

Type 3 streams and a minimum 100-foot buffer on Type 4 streams. Seasonal channels and smaller perennial channels, or Type 5 streams, may not have a buffer, but are often protected with leave trees.

As science on this topic evolves with changes to the climate, it may potentially change or inform our adaptive management process for determining DNR buffer specifications. The DNR is currently researching the impacts of forestry at the watershed level in the Olympic Experimental State Forest (OESF). This research is part of DNR's adaptive management commitment in the State Lands HCP. Water temperature is one of the elements that is being studied.

#### Increased wildfire risk

DNR is acutely aware of the challenges inherent in meeting our economic, ecological, and social goals while making the forested landscape more resilient to catastrophic wildfire. We have been hard at work developing solutions. In 2017, the State legislature passed Engrossed Second Substitute House Bill 1711 Prioritizing lands to receive forest health treatments. That law directed DNR to develop and implement a policy for prioritizing investments in forest health treatments to protect State lands and state forestlands. Work under 1711 has enabled DNR to identify, prioritize, and treat forest stands east of the Cascade crest that are less resistant to disease and insect outbreaks and therefore more susceptible to catastrophic wildfire. These treatments include site preparation, reforestation, even- and uneven-age harvest, road realignment for fire protection and aquatic improvement, and prescribed burning.

On the west side, we rely on the full range of options in our silvicultural toolbox to keep stands healthy and help decrease wildfire risks. Site preparation and vegetation management, for example, keep brush species and invasive weeds at bay and expedite the establishment of young stands. Burning slash piles can help commercial forest managers like us decrease the risks described in the Stone, Hudak, and Morgan article you referenced. Precommercial thinning treatments lower density, reduce a stand's fuel load, decrease competition, and lead to larger and healthier trees. But regardless of our forest management practices, we know that fire on the landscape is natural and cannot completely be avoided. To help communities in the wildland urban interface protect themselves from wildfire, DNR works with local fire districts, conservation districts, counties, and WSU Extension programs to help Washington residents benefit from the Firewise USA Program.

#### Increased incidence and severity of landslides

We agree that it is widely accepted that timber harvest reduces root strength for approximately 3 to 15 years after harvest and root strength reduction can increase landslide hazards. All DNR timber sales are screened for slope stability hazards by a team of geologists both remotely prior to field work commencing and in the field as the site specific geology warrants. The geologists also provide recommendations during the harvest layout process to protect areas with elevated shallow landslide hazards. The Taylor Downhill Sorts proposal has been reviewed by a licensed geologist and protection measures applied as described in section B.1 a-h. The Forest Practice Application (FPA) process, which includes Timber, Fish, and Wildlife (TFW) review, involves a review by a Forest Practices geologist. The Forest Practices geologist evaluates proposals to verify compliance with regulations that are designed to limit the potential impacts to slope stability.

We understand that forest roads can change hillslope hydrology, which can result in landslides and stream sedimentation. Engineers carefully design roads with input from geologists to minimize landslides hazards and to disperse runoff onto stable hillslopes, not into streams. DNR road construction and maintenance is designed to avoid directing runoff into the stream channel networks and to meet and often exceed Forest Practices rules including frequent cross drains, properly-sized culverts, and erosion mitigation measures. In addition, our staff conduct road patrols throughout the winter to quickly respond to drainage issues that arise during rain events.

### Increased risk of flooding

Harvest area thresholds at which a measureable increase in peak flow rate occurs (Grant et al., 2008) are used to guide DNR harvest plans upstream of a potentially sensitive channel. Depending on channel morphology, the peak flow rate at which the channel bed becomes unstable ranges from roughly a 1-year flow (a flow magnitude that occurs on average once per year) in lowland channels to a 25 to 50-year flow in headwater, cascade, or colluvial channels. In rain-dominated watersheds (watersheds in which peak flow rates are generally in response to rainfall events), flow rates larger than a roughly 6-year event are not affected by surface runoff changes caused by harvests (Grant et al., 2008). In contrast, peak flow rates in rain-on-snow or snow-dominated watersheds may be more sensitive to hydrologic changes caused by tree harvests. In snow or rain-on-snow dominated zones, a channel stability assessment conducted by a forest hydrologist or other trained specialist is often used to determine suitable harvest size. Regardless of location, through careful planning, the harvest location, logging method, and roads are tailored to avoid impacts to floods and/or damage to the channel network.

DNR State Lands' HCP protects streams with riparian buffers, protects wetlands with wetland buffers, and has a minimum of 8 leave trees per acre which help capture rain water and ground runoff. DNR has a hydrologic maturity procedure to minimize adverse effects of rain-on-snow events to ecosystems that support salmonids. DNR additionally is researching the impacts of forestry at the watershed level in the Olympic Experimental State Forest (OESF). This research is part of DNR's adaptive management commitment in the State Lands' HCP. Peak flow is one of the elements that is being studied.

The Department also adheres to current Forest Practices rules and best management practices for road construction and maintenance. This work helps prevent sediment delivery to typed waters, avoid improper drainage patterns that may create slope failures, and reduce flood impacts and risks. This includes replacing or repairing undersized culverts to improve fish passage and water drainage.

### Invasive species risk

Invasive plant species are a challenge for all land managers, regardless of ownership or land use. DNR actively manages to reduce the impact of invasive species through roadside brushing and/or herbicide applications as well as in-unit silviculture treatments. As part of the planning process for each harvest unit, region silviculture staff works with the local foresters to create a silviculture plan, including type and species of seedlings and series of silviculture treatments specific to that site to ensure a successful regenerated stand of trees. DNR's strategy for disrupting the spread of invasive species is to conduct roadside herbicide treatment of the haul routes leading to planned sales the year prior to the sale for reduction of spread to the harvested unit. Rock pits are also commonly planned for treatment of invasive species. Additionally, contractual language is often used for sales where there is a higher

concern of invasive species spread. This contractual language requires operators to clean vehicles and equipment prior to entering State lands as a means to limit the potential spread of invasive species.

#### Increased risk of harmful algal bloom

As discussed above, the DNR State Lands' HCP protects streams with riparian buffers and protects wetlands with wetland buffers. These buffers, such as those discussed above for this proposal, keep streams and wetlands shaded preventing stream warming. These buffers also protect water from forestry related chemicals. Forestry related herbicides and fertilizers are not used within the buffers of streams or wetlands on DNR-managed lands including along roads. At this time, the only fertilizer being applied on State lands is in the form of post-consumer biosolids and this is only being applied in King County through a lease agreement. The DNR does not currently apply chemical fertilizers on State lands. The decision to use fertilizer is based on foreseeable challenges to reestablishing a healthy stand where fertilizers can help mitigate that risk. DNR is actively researching impacts of forestry, including stream temperatures, and peak flow.

In summary, all of the concerns raised in your letter address disagreements with statewide-level policies and plans, rather than the specific Taylor Downhill Sorts proposal. Therefore, the points raised in your letter do not change the determination of this proposal. The SEPA checklist was properly completed and all relevant policies and plans have been followed. The proposed project is in accordance with all applicable laws and department policies, and therefore the concerns you have raised do not warrant a withdrawal of the determination.

#### References

Brazier, J and Brown, G, 1973, Buffer strips for stream temperature control, Forest Research Laboratory, School of Forestry, Oregon State University, Research Paper 15.

Davies, P and Nelson, M, 1994, Relationships between riparian buffer widths and the effects of logging on stream habitat, invertebrate community composition and fish abundance, Australian Journal of Marine Freshwater Resources, V.45

Gomi T., Moore, R., Dhakal, A., 2006, Headwater stream temperature response to clear-cut harvesting with different riparian treatments, coastal British Columbia, Canada, Water Resources Research, V. 42

Grant G., Lewis, S., Swanson S., Cissel J., McDonnell J., 2008, Effects of forest practices on peak flows and consequent channel response: a state-of-science report for Western Oregon and Washington. Pacific Northwest Research Station, General Technical Report PNW-GTR-760

Janisch, J., Wondzell, S., Ehinger, W., 2012, Headwater stream temperature: Interpreting response after logging, with and without riparian buffers, Washington, USA. Forest Ecology and Management, V. 270

Kuras', P. K., Y. Alila, and M. Weiler (2012), Forest harvesting effects on the magnitude and frequency of peak flows can increase with return period, Water Resources. Research, 48, W01544, doi:10.1029/2011WR010705.

Moore D., Gronsdaahl S., McCleary R. (2020) Effects of forest harvesting on warm-season lowflows in the Pacific Northwest: A review. Confluence. V. 4 n. 1



Perry T. and Jones J., 2016, Summer streamflow deficits from regenerating Douglas-fir forest in the Pacific Northwest, USA, *Ecohydrology* 2016;1-13

Sweeney B., Newbold, J., 2014, Streamside forest buffer width needed to protect stream water quality, habitat and organisms: a literature review. *Journal of the American Water Resources Association*, V.50

# **ATTACHMENT D**



DEPARTMENT OF  
NATURAL RESOURCES

OLYMPIC REGION  
411 TILlicum LANE  
FORKS WA 98331

360.374.2800  
FP\_OLY@DNR.WA.GOV  
WWW.DNR.WA.GOV

January 6, 2022

**Notice of Final Determination  
"Goodman 1" Timber Sale  
Agreement No. 30-102255  
SEPA File No. 21-121602  
FP No. 2617295**

The Department of Natural Resources issued a  Determination of Non-significance (DNS),  Mitigated Determination of Non-significance (MDNS),  Modified DNS/MDNS on **December 16, 2021** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

Withdrawn. This threshold determination has been withdrawn due to the following:

Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

Comments from the Department of Ecology, Solid Waste Management and Water Quality/Watershed Resources Unit, were received and reviewed.

Comments from Dr. John Talberth, Center for Sustainable Economy, were received and reviewed.

Responsible official: Bryan Suslick  
Position/title: Assistant Region Manager, Olympic Region  
Address: 411 Tillicum Lane Forks, WA 98331  
Phone: (360)-374-2800

Date:

1/6/2022

Signature:



There is no DNR administrative SEPA appeal.  
10/10/04