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State Forest Transfer Lands **Reconveyance Considerations**

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Executive Summary

Washington State's State Forest Transfer (SFT) lands — approximately 538,000 acres acquired by the state in the 1920s and 1930s after tax-delinquent reversions to counties — are at the center of a growing policy debate. Managed by the Washington State Department of Natural Resources (DNR) as a statutory trust with counties as the primary beneficiaries, these lands were originally transferred to the state to promote reforestation and protect against wildfire. In exchange, counties receive at least 75% of net revenues generated from timber harvest and other activities on these lands, distributed to taxing districts such as schools, hospitals, and fire districts.

Over the past two decades, timber revenue from SFT lands has declined significantly — from a high of \$77.4 million to counties in 2019 to \$38.8 million in 2025 — driven by declining stumpage prices, increased operational costs, environmental regulations, and reduced harvest activity. At the same time, recent management decisions by Commissioner of Public Lands Dave Upthegrove have moved to set aside an additional 77,000–80,000 acres from commercial harvest, adding to the existing 40% of forested state trust lands already unavailable or only partially available for harvest. These trends have created dissatisfaction among county governments — though the nature of that dissatisfaction varies: some counties want more harvest activity to recover revenue, while others want greater conservation and reduced commercial logging.

In response, WSAC's Timber Counties Caucus is exploring whether to pursue legislative changes to the existing reconveyance statutes — the laws governing the return of SFT land ownership to counties. Current law allows reconveyance only under narrow, specific circumstances. Expanding those conditions could give individual counties greater autonomy to manage SFT lands within their boundaries according to local priorities, whether that means more aggressive commercial harvest, conservation, recreation, or other uses.

For many smaller and rural counties, declining revenue and reduced economic benefits from lower timber harvest on forested state trust lands pose significant fiscal challenges. Resource-based industries, including commercial timber harvest and processing, remain a significant economic driver. They provide support for critical government services and jobs. More flexible reconveyance options may help these communities realize greater revenue and overall economic benefits through increased harvest.

In many counties, the push for reconveyance is driven not by a desire to increase harvest, but by a strong interest in conservation. These counties seek greater local authority to permanently protect older and structurally complex forests, enhance recreational access, safeguard watersheds, and manage SFT lands as a natural climate solution — including for carbon sequestration and wildlife habitat. For them, reconveyance represents an opportunity to align land management with community values and long-term environmental goals that DNR's current trust obligations make difficult to fully prioritize.

While reconveyance could provide meaningful flexibility and local control, it carries significant risks and trade-offs. Counties could lose their share of DNR-generated timber revenue; face new responsibilities for forest management, road maintenance, forest health, and public liability; and potentially disrupt the state's Habitat Conservation Plan under the federal Endangered Species Act. The legislature, which created the SFT trust by statute rather than constitutional mandate, retains significant authority to shape any reconveyance framework, including conditions on land use and revenue distribution.

This white paper presents the historical, legal, financial, and policy context necessary for counties to make an informed decision about whether — and how — to pursue expanded reconveyance authority, and identifies key considerations that should guide any legislative proposal.

Key Points

SFT lands are a statutory trust. Unlike federally granted state trust lands, SFT lands were established by the legislature and can be modified or dissolved through further legislative action. This gives lawmakers broad authority to restructure reconveyance terms, including use restrictions and revenue requirements.

Counties are the primary beneficiaries — and the primary discontents. Counties receive at least 75% of net revenues from SFT lands. Dissatisfaction with DNR management cuts both ways: some counties want more timber harvest to recover revenue; others want DNR to prioritize conservation and reduce commercial logging.

For timber-dependent counties, SFT revenue and economic activity are critical. In many rural counties, the timber industry remains a significant economic driver, supporting living-wage jobs, local tax bases, and the broader network of businesses and services that depend on forest products activity. SFT lands account for a substantial share of the harvestable state trust land base, and the revenue they generate flows not just to county government but to schools, fire districts, hospitals, and other taxing districts. For these communities — many of which have struggled to transition away from resource-based economies — declining harvest activity on SFT lands has compounding effects that extend well beyond DNR revenue figures.

Revenue has declined sharply. In real (inflation-adjusted) dollars, revenue from SFT lands has fallen by approximately 45% over the past 25 years. Annual county receipts dropped from \$77.4 million (2019) to \$38.8 million (2025). The five-year moving average is at its lowest point in over 13 years.

Environmental regulations and management decisions are limiting harvest. Approximately 40% of forested state trust lands are already unavailable or only partially available for harvest due to habitat conservation requirements and forest practices rules. Commissioner Upthegrove's 2025 order to set aside an additional 77,000–80,000 acres will further reduce the harvestable base.

Reconveyance options under current law are narrow. Existing statutes allow SFT land transfers only under limited conditions — small acreage disputes, public park use, or sale to public agencies at fair market value. Expanded reconveyance would require legislative action.

Reconveyance creates real risks alongside potential benefits. Benefits include local control and flexibility. Risks include loss of DNR-generated revenue, new management costs, potential conversion of forestlands, impacts on the statewide Habitat Conservation Plan, reduced county influence over statewide timber policy, and loss of AMP grants and committee seats.

For many counties, conservation is the primary motivation for reconveyance. A substantial number of counties want reconveyance not to increase harvest, but to protect older and structurally complex forests, preserve watersheds, expand public recreation, and pursue carbon sequestration strategies. DNR's fiduciary obligations to generate revenue make it difficult to fully honor these conservation priorities under the current trust structure, and reconveyance could provide a path to do so.

The State Legislature retains the authority to dictate reconveyance conditions. As a statutory trust, the Legislature likely has the authority to add conditions to any new reconveyance options authorized in statute. Counties should work cooperatively to educate decision makers and collaboratively to address both state and county concerns when proposing new reconveyance opportunities.

Local priorities vary widely. Any reconveyance framework will need to accommodate counties whose goals range from maximizing harvest revenue to permanent conservation, making a one-size-fits-all approach unlikely to succeed.

Introduction

WSAC Timber Counties Caucus members have expressed dissatisfaction with the Department of Natural Resources (DNR)'s management of State Forest Transfer (SFT) lands. Counties are the primary beneficiaries of SFT Lands. For some members, the dissatisfaction stems from the reduction in commercial timber harvest on SFT lands, the resulting decline in revenue to various taxing districts within counties that provide important governmental services, and other negative economic impacts associated with reduced harvest. Other members express frustration that DNR isn't doing enough to preserve certain SFT lands and the benefits they provide to address climate change impacts and other societal values. To address these varied but related concerns, members have expressed a desire to consider policy proposals to make the reconveyance of SFT lands to counties easier and more flexible.

Counties, the Timber Industry, and Timber Lands

Counties have a unique relationship with the timber industry and timber land management in Washington State. When European settlers began arriving in the Pacific Northwest, they were greeted by some of the world's greatest forests. From the top of the Cascade Range westward to the Pacific, there was a lush mosaic of firs, cedars, hemlocks, and spruce. Ponderosa pines grew in immense swaths east of the mountains. In the mid-1800s, the vastness of the forests was seen both as a barrier to settlement and as a source of income.

In 1828, at Fort Vancouver, along the north bank of the Columbia River, the Hudson's Bay Company built its first sawmill in the Pacific Northwest. Within three decades, there were more than 25 mills operating in the Puget Sound alone. Jobs and economic growth followed, and the logging industry became Washington's largest employer.ⁱ A 1910 study by the US Bureau of Corporations found that 63 percent of the state's wage earners depended on it, directly or indirectly, for jobs. In 1905, Washington became the nation's leading timber producer, a position it held until the late 1930s, when Oregon surpassed it.ⁱⁱ

“Here is now a great trade in lumber, and every year will see it increase,”

ASA MERCER, TERRITORIAL LEGISLATOR, 1865

Throughout the state's history, the timber industry has been an important player economically. Washington's counties and their communities have benefited enormously from the economic impacts of the forest products industry, including thriving rural communities, living-wage jobs, taxes, and other direct, indirect, and induced economic benefits. However, as time has passed and the timber industry has evolved, the financial benefits to the county have changed as well.

For some counties, the timber industry remains a major economic driver. For many other counties, that is no longer the case. And for some, the impacts of a diminished timber industry have resulted in significant economic challenges, as they have had difficulty transitioning away from an historically important natural resource-based economy.

Many such areas remain rural and struggle to attract opportunities that can leverage the resources and services in more urban, developed areas of the state. Over the last few decades, rural communities that previously thrived because of the timber industry

have transitioned. Many have become havens for second home buyers, tourists, and absentee landowners.

While the resource-based industries like timber have gone, the resource lands remain, attracting a different type of user. Unfortunately, the industry and jobs available in those communities often do not provide the same support for other private and government services, and the communities and the full-time residents who remain often struggle financially and must travel to access basic services that many other county residents enjoy with easy, inexpensive access. In some areas, this has created rural communities that can no longer provide for their own services and must rely on outside state assistance. In others, it has resulted in newly transitioned communities that are satisfied and even celebrate the turn away from commercial forestry.

Simultaneously, the state classifies timberlands as a resource, and all counties are obligated to implement comprehensive land-use planning regulations to protect them (RCW 36.70A.170). Counties must protect the lands from incompatible uses to ensure their continued ability to support commercial timber harvest and to provide the forest products our state needs.

Counties also have obligations to protect resource lands to meet state and federal legal requirements, tribal treaty rights, and other public health and safety requirements (WAC 365-190). Rural residents see these lands as an economic and cultural asset. They revere the tradition of working outdoors in the forest as part of their personal and community identity. Access to vast forest lands for regular and varied recreation is considered a quality-of-life benefit for many rural communities.

State Trust Lands

The DNR manages about 3 million acres of upland state trust lands to benefit specific public institutions and support county services.ⁱⁱⁱ

One category of upland state trust land is defined in statute as state lands or federally granted trust lands. State lands were granted to Washington by the U.S. Congress as part of the Enabling Act of February 22, 1889 (Enabling Act). The Enabling Act was a federal law authorizing the territories of Washington, Montana, and the Dakotas to form state constitutions and governments. This act led to the 1889 constitutional convention and admission to the union. Section 10 of the Enabling Act granted Washington nearly 2.5 million acres to support public schools and institutions.^{iv}

Public schools are the single largest beneficiary of state trust lands. Other beneficiaries include state universities, the state capitol campus, and the Department of Social & Health Services. More than 2 million of those acres are forested and managed for long-term timber production, along with other objectives. Trust lands managed by the DNR differ from other public lands, as they carry a legal responsibility to generate revenue for the beneficiaries.^v

“A trustee must act with undivided loyalty to the trust beneficiaries, to the exclusion of all other interests,”

GEORGE BOGERT, TRUST AND TRUSTEES, 1925

DNR manages the state trust lands to provide a continuous flow of revenue to beneficiaries. The revenue is generated by conducting certain activities on state trust lands, such as harvesting timber, biomass, and other forest byproducts. DNR also enters into leases on state trust lands that generate additional revenue for beneficiaries, for communications sites, mining, energy production, grazing, and more.

In addition to earning income, state trust lands are managed to protect habitat for native plant and animal species, provide clean, abundant water, and offer diverse public recreation opportunities. As a trust land manager, DNR is obligated to follow the common law duties of a trustee, which include generating revenue, managing assets prudently, and acting with undivided loyalty to trust beneficiaries (Washington Supreme Court: *Skamania vs. State of Washington*, 1984; reaffirmed in Washington Supreme Court: *Conservation Northwest v. Commissioner of Public Lands*, 2022).

During the 1920s and 1930s, the state acquired over 500,000 acres (538,015) of additional forestlands. Known as State Forest Transfer (SFT) lands and previously as State Forest Board lands, the lands had been privately owned but were often logged

STATE TRUST LANDS

and then abandoned, reverting to county ownership for non-payment of taxes. SFT lands are managed as a trust, similar to state trust lands, with counties as the primary beneficiaries.

DNR also manages an additional 80,000 acres (79,384) of land known as the State Forest Purchase. These lands are also managed with counties as beneficiaries, though not the primary beneficiary, and were acquired through state purchase or as a gift. Collectively, SFT lands and State Forest Purchase lands are known in statute as State Forestlands.

While it is important to understand the differences among the various types of trust lands managed by the DNR, only SFT lands will be included when counties consider reconveyance policy options.



History of State Forest Transfer Lands

Counties originally acquired most of the lands that became SFT lands through tax lien foreclosures. The land was typically logged or burned over and then abandoned by the owner. When property taxes went unpaid, the land's ownership reverted to the counties as a penalty.

During settlement and early statehood, forest resources in the Pacific Northwest were considered inexhaustible. In the early 1900s, after a property was logged, most companies sold the land as inexpensive "stump farms." After harvest or timber loss from wildfire or otherwise, some land was not even considered worth paying taxes on, and the owner would allow it to revert to the state, or, in this case, the county. This was before reforestation and sustainable harvest practices were implemented; before the concept of "tree farming" was developed.^{vi}

Until the state's tax laws were changed, property taxes on forest land were considered high. They created an incentive to cut timber as early and quickly as possible to reduce the tax burden and stave off potential losses from wildfires and pests. The development of tree farming – logging, and then reforestation through sustainable harvest or yield, or planting – helped lead to changes in state taxation laws to encourage long-term timber growth on private lands.

After the development and popularization of tree farming, forest landowners, who were mostly cutting old-growth timber on lands that were then often abandoned after cutting, were no longer considered "timber miners." Instead, they started being called "tree farmers." In 1931, the state tax law changed to enable forest landowners to pay taxes on timber at the time of harvest. The tax change also coincided with a change in thinking regarding Washington's timber resources. By the 1930s, they were no longer assumed to be inexhaustible, and foresters began warning about long-term depletion. Promoting reforestation of harvested forestlands became a state priority.

State Forest Transfer Trust Structure & Responsibilities

The Forest Board Transfer Land Trust, later known as the State Forest Transfer Land Trust, was created by the Legislature in 1927. It allowed counties to voluntarily transfer their lands to the trust. Because they lacked the ability to effectively manage the land, fight fires, and plant new tree seedlings, many counties deeded the land to the state under the terms of RCW 79.22 (originally RCW 76.12). In 1935, the trust was amended to require transfers if the state believed the land was needed for reforestation. The transfer of the land was designed to promote reforestation, important to Washington's economy, and to provide protection from wildfires.^{vii}

In return for the transfer, the counties' forestlands are held in trust and administered and protected by the department. A portion of the revenues (at least 75%) derived from the management of the lands is to be paid to the county in which the land is located and distributed to the various qualifying taxing districts. However, some smaller counties are exempt from the requirement to distribute funds to other taxing districts (Skamania and Wahkiakum).

The Washington Supreme Court landmark decision in *County of Skamania v. State of Washington*, 102 Wn2d 127, 685 P.2d 576 (1984) clearly recognized that the federally granted land trusts are real, enforceable trusts that impose upon the state the same fiduciary duties applicable to private trustees.^{viii} Unlike the federal land grants, SFT lands are held in trust under legislation rather than the state's enabling act. As a statutory trust, it may be altered or dissolved by further legislative action. However, *Skamania* recognized that as long as the statutory trust exists, statutes specific to these lands are also constrained by fiduciary principles. In other words, the legislature, as the trustee of these asset classes, has fiduciary obligations to the beneficiaries in managing the trusts.^{ix}

The core fiduciary duties defined by common law principles for the trust manager or trustee (in this case, the DNR) are:

- Duty of Loyalty – the trustee must act in the best interests of the beneficiaries and not their own personal benefit or the benefit of a third party. This strictly prohibits self-dealing or placing one's own interests in conflict with those of the beneficiaries (in this case, the counties).
- Duty of Care (or Prudence) – the trustee is obligated to manage the trust assets with the same care, skill, and caution that an ordinary, prudent person of business would exercise in managing their own affairs. This includes safeguarding assets, prudent investment, and administering the trust.

- Duty of Impartiality – When there are multiple beneficiaries, the trustee must act fairly and balance their competing interests without favoritism, unless the trust instrument specifies otherwise.

The legislature created DNR in 1957 and assigned to it many responsibilities regarding state trust lands, including the role of trust manager (RCW 43.30.010, RCW 43.30.030, RCW 43.30.201, RCW 79.020.010). In this role, DNR manages state trust lands on behalf of specific trust beneficiaries, consistent with federal and state law. In managing these lands, DNR must comply with laws of general applicability and follow the common law duties of a trustee. For example, DNR must administer the trust in accordance with the provisions that created it; maintain undivided loyalty to each of the trusts and its beneficiaries; manage trust assets prudently; make the trust property productive, while recognizing the perpetual nature of the trusts; deal impartially with beneficiaries; and reduce the risk of loss to the trusts.^x

“such land shall be held in trust and administered and protected by the Board as other state forest lands,”

WASHINGTON STATE SUPREME COURT IN
COUNTY OF SKAMANIA, ET AL. V. THE STATE
OF WASHINGTON, 102 WN. 2D 127, 1984

The DNR may manage trust lands for multiple uses, but multiple use does not erase the financial obligations for trust management. RCW 79.10.120 allows additional uses only if they are compatible with those financial obligations, or if compensation from the additional uses satisfies the obligations.^{xi}

Key Case Law

In the Washington State Supreme Court case *County of Skamania, et al v. The State of Washington* (June 28, 1984), Skamania County and others sued the state, claiming that the Forest Products Industry Recovery Act of 1982 was a breach of the state's fiduciary duties related to the management of trust lands and was unconstitutional under Washington Constitution, Article VIII, Section 5 and Article II, Section 28 (10).

In response to unexpected economic developments, the state enacted legislation that allowed lumber companies to modify or default on their contract obligations to purchase timber from state lands. The court noted that the land in question was held by the state in trust for various beneficiaries, that such a trust was real, and that private trust principles applied to the management of the state lands as trust assets. As a result, the court observed that the normal deference given to legislation enacted in the exercise of the state's police power was limited when it concerned trust lands.

The court found that the legislation provided direct, tangible benefits to lumber companies at the expense of the trust beneficiaries and that the legislature, as trustee of the state lands, breached its duty of undivided loyalty to the beneficiaries. The court also found that the legislature, as trustee, failed to act prudently in managing the trust assets when it enacted the legislation. The court concluded that the legislation violated the fiduciary duties imposed by Article XVI, Section 1 of the Washington Constitution.^{xii}

Another case, *Conservation Northwest v. Commissioner of Public Lands* (July 21, 2022), centered on DNR's land management strategies applicable to certain federal land grants (state land grants) and county land grants (SFT lands), which involved harvesting timber from these lands to generate revenue for state institutions and counties.

The petitioners, collectively Conservation NW, challenged DNR's land management strategies on the grounds that they violated the mandate under Washington Constitution Article XVI, Section 1 that "all public lands granted to the state are held in trust for all the people." Conservation NW argued DNR's strategies prioritized maximizing revenue from timber harvests and undercut its obligation to manage granted lands for the broader public interest, which would have been better served by prioritizing conservation and efforts to mitigate climate change, wildfires, and land erosion.

DNR contended it had a trustee obligation to manage the state and forest board lands specifically for the state institutions enumerated in the Enabling Act and the county beneficiaries. DNR acknowledged its land management strategies generated revenue, but not "at the expense of forest health."

The court dismissed Conservation NW's lawsuit against DNR pursuant to *County of Skamania v. Washington*, 685 P.2d, 576 (1984), establishing DNR as a trustee under the

A photograph of a dense forest of tall evergreen trees. In the foreground, a large, weathered log lies horizontally across the frame. The background is filled with a thick canopy of green needles, with some taller trees visible in the distance. The lighting is soft, suggesting an overcast day.

KEY CASE LAW

Enabling Act.^{xiii} The court noted that, as the trustee, the department has discretion in managing state trust lands. It found that DNR's current management of state trust lands was a reasonable exercise of that discretion, but that DNR is held to an abuse-of-discretion standard and that the court would step in if it is found to have abused that discretion. The Supreme Court affirmed the trial court's dismissal of the case.

Sustainable Harvest and Arrearage

State law requires that state lands be managed for sustained yield. Sustained yield is defined in statute to “mean the management of the forest to provide harvesting on a continuing basis without prolonged curtailment or cessation of harvest” (RCW 79.10.310). As part of managing for sustained yield, the DNR is required to periodically calculate a sustainable harvest level for forested state trust lands, including SFT lands (RCW 79.10.320).

A sustainable harvest level is defined as “the volume of timber scheduled for sale from state-owned lands during a planning decade as calculated by the department and approved by the board” (RCW 79.10.300(5)). In this case, “the board” is the Board of Natural Resources (BNR). In other words, the timber on forested state trust lands that will be auctioned for harvest each decade is supposed to be determined by the sustainable harvest level calculation. If less timber is harvested during the decade than planned as part of the sustainable harvest level calculation, the unharvested portion is considered “arrearsage.”

“To waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed,”

THEODOR ROOSEVELT, 26TH U.S. PRESIDENT

At the end of a planning decade, DNR is required to “conduct an analysis of alternatives to determine the course of action regarding the arrearsage which provides the greatest return to the trusts based on economic conditions then existing and forecast, as well as impacts on the environment of harvesting the additional timber” (RCW 79.10.330). DNR is required to offer for sale the arrearsage, in addition to the new sustainable harvest level, if the analysis determines that doing so will provide the greatest return to the trusts.^{xiv}

The arrearsage statutes (RCW 79.10.330 – 340) resulted from the economic downturn of the late 1970s and early 1980s. The department’s primary focus for the timber harvest program was the harvest of high-value old-growth forests that existed at that time. Because of the downturn, many of the department’s purchaser’s were unable to meet the terms of their contracts and hence defaulted on their sales. The legislature then made several policy decisions that temporarily created economic relief for the timber

purchasers by canceling their contracts. Those legislative actions led to the landmark Washington Supreme Court decision, *Skamania v. State of Washington*.

At the beginning of the fiscal year 1984-1993 planning decade, DNR have over 1 billion board feet worth of "arrearage." Due to this massive arrearage, in 1985 and 1986, the Legislature commissioned a full report on the arrearage from the BNR. The motivation for the report (HB 508 (1985)) was twofold: one, it was requested by small mill owners who depended on public timber sales and desired the arrearage be sold in their interests (many had defaulted on timber sale contracts years earlier); and two, timber sale revenues were low, school construction needs were not being fulfilled, and the Superintendent of Public Instruction had requested the sale of bonds to solve the shortfall. The Legislature saw an opportunity to relieve the latter problem by selling the arrearage and demanded additional research. A final report with recommendations was delivered to the legislature by the BNR in August 1986.^{xv} The legislature adopted many of the report's recommendations during the 1987 legislative session.

Over the past several decades, the sustainable harvest plan has experienced arrears. For instance, in 2016, DNR reported selling about 5 billion board feet of the 5.5 billion board feet planned for sale in the last 10-year sustainable harvest calculation, leaving 462 million board feet as an arrearage.

Arrearage is an important issue, as it may result in lower-than-expected revenue for trust beneficiaries, depending on market conditions and department costs. The trust beneficiaries depend, to varying degrees, on this timber revenue. Reduced returns may impact the trust beneficiaries' ability to meet their current needs. It also affects DNR's revenues and its ability to manage lands for current and future revenue generation.

Since the RCWs on arrearage were adopted into law, DNR, through the BNR, has taken action on any arrearage at the end of a planning decade. When an arrearage exists, the BNR determines whether the arrearage volume, or a portion of it, should be harvested within the upcoming planning decade or incorporated back into the sustainable harvest timber base. This choice has been based on an analysis of what will provide the greatest return to the trust, given the then-existing and forecast economic conditions, as well as the impact on the environment, as stated in RCW 79.10.330.^{xvi}

In most cases, the BNR has chosen to add the arrearage volume to the sustainable harvest level targets for the next decade rather than harvesting it in addition to the new sustainable harvest level calculation.

Harvest and Beneficiary Revenue Trends

Over the past 25 years, total net revenue from state trust lands has declined in real dollars (adjusted for inflation), and this decline has been accompanied by difficulties in delivering steady, reliable revenue to trust beneficiaries. Timber, the largest asset class in the portfolio (generating 79 percent of total gross revenue produced on state trust lands), has shown an approximately 45 percent decrease in earnings in real dollars because stumpage prices have not maintained pace with inflation, the cost of operations has increased, and resource protection measures have been implemented to comply with federal and state environmental regulations, which decreased harvest.^{xvii} Timber harvest throughout Washington State has been declining over the last two decades.

Stumpage prices on state trust lands have varied since 1995, but the overall trend has been downward. Log prices show a very similar trend. Stumpage prices have declined because of changes in market forces. Examples include the ban on the export of logs from state trust lands; increased labor costs; increased mill efficiency; mill closures; and natural disturbances such as wildfires and pest impacts.

Most modern environmental statutes have been passed since the DNR was established in 1957. Examples include the Clean Air Act (1963), State Environmental Policy Act (1971), Clean Water Act (1972), and the Forest Practices Act (1973). The law that has influenced state trust lands the most is almost certainly the 1973 Endangered Species Act and the subsequent additions to the Endangered Species list, including the northern spotted owl.

In 1997, DNR adopted a 70-year multiple-species habitat conservation plan (HCP) and obtained an incidental take permit from the Federal Services (NOAA Fisheries and U.S. Fish and Wildlife Service) to meet the Endangered Species Act requirements for the owl and other listed and candidate species. It was updated in 2019 for the marbled murrelet. The HCP provides operational certainty by helping define which lands are managed as habitat and where timber harvest can be conducted.

As a result of these environmental statutes, approximately 40 percent of forested state trust lands are unavailable or only partially available for harvest.^{xviii}

The DNR generates substantial revenue for counties as beneficiaries of SFT lands. In fact, Washington generates the most average annual revenue per acre from its forested state trust lands, at about \$95 per acre, compared to all other states.^{xix} Revenue from timber is mostly generated by selling (through public auction) the rights to harvest timber on specifically identified stands. Timber stands are offered and sold to the public for short-term contracts of up to 3 years to harvest the timber. Payment

for the standing timber is made at the time the timber is harvested, or at the expiration of the term of the contract if the harvest is not completed.

Beneficiary trusts incur expenses related to operating the timber assets. For SFT lands, the operational expense rate is currently 25 percent. This is the contractual rate that beneficiaries, in this case, counties, must pay the DNR. It accounts for expenses related to trust lands in the current operating year and costs related to future revenue. For example, reforestation after a timber harvest will benefit the beneficiaries in the future and produce new harvestable timber. Hence, these costs are both operating expenses and capital investment expenditures. The operating cost percentage deduction is paid to the Trust Manager, in its managerial capacity, to cover operating expenses and capital expenditures.

Net cash flow, after operating cost percentage deduction, is distributed to the trust beneficiaries based on their revenue percentages.^{xx} Unfortunately, average revenue per acre, both in terms of real dollars (adjusted for inflation) and nominal dollars, from SFT lands has declined significantly (see figure 1). For instance, revenue to counties in nominal dollars has varied since 2013, from a high of \$77.4 million in 2019 to less than half that amount in 2025 (\$38.8 million). Overall, the average annual revenue (figure 2), based on a five-year moving average and per-acre basis, is currently at its lowest level over the last 13 years.

HARVEST AND BENEFICIARY
REVENUE TRENDS

FIGURE 1.

SFT Lands Revenue Per Acre to Counties - Nominal Dollars

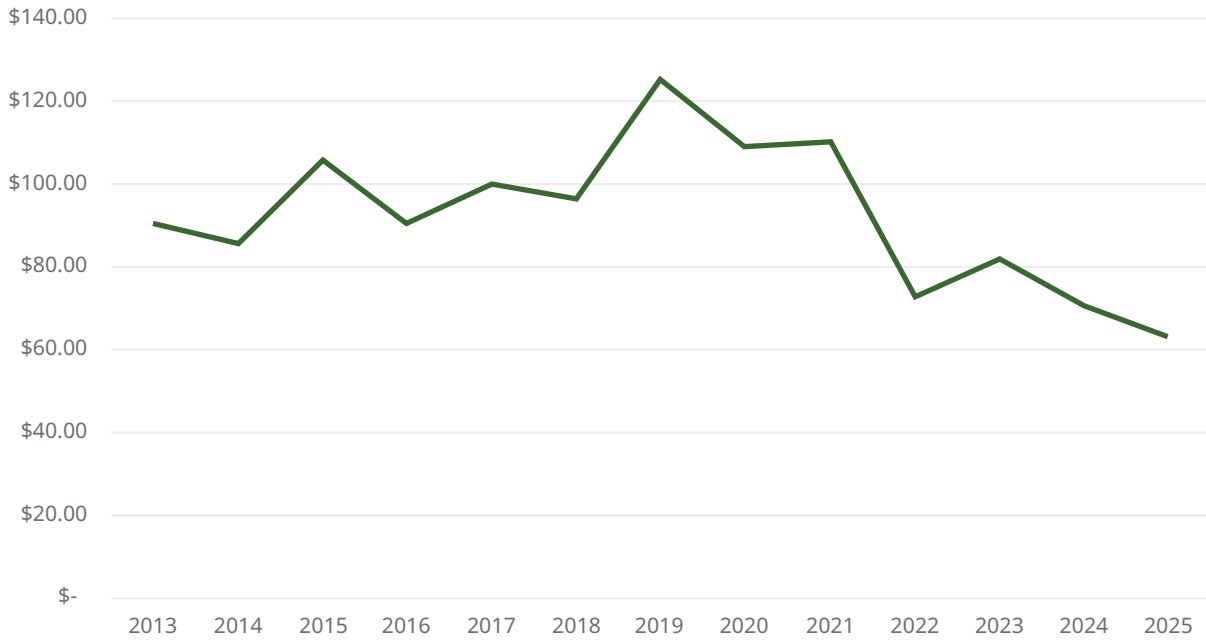
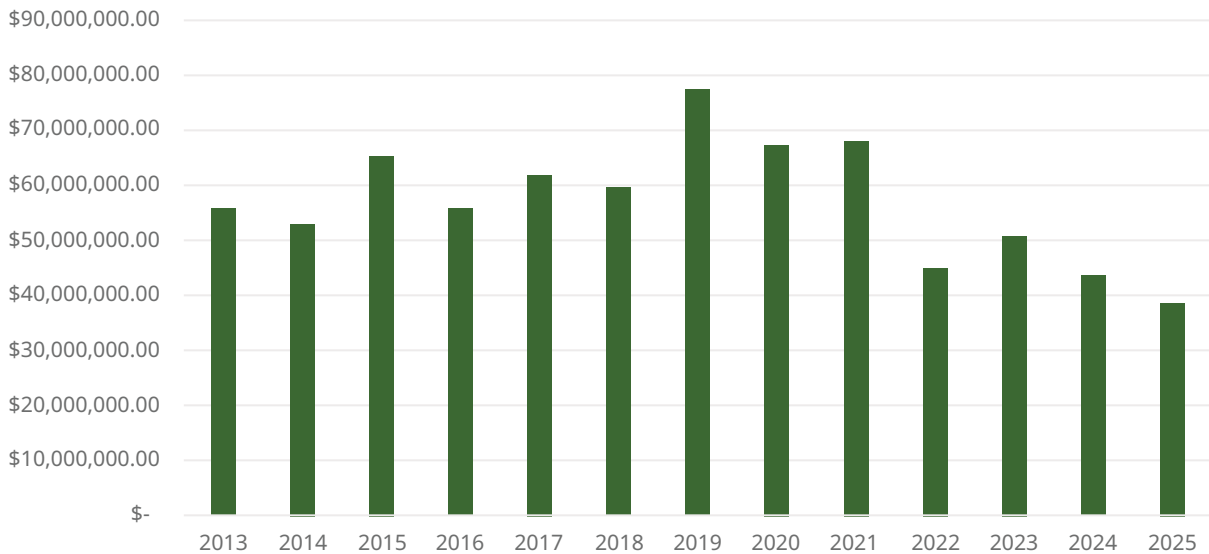


FIGURE 2.

Annual SFT Revenue to Counties - Nominal Dollars



Conservation

Many counties have also expressed significant interest in preserving more SFT lands within their jurisdictions for other uses. This may include continuing to harvest timber from the lands, albeit with a different priority mindset, or setting aside the lands from commercial timber harvest entirely.

The DNR currently sets aside approximately 40% of all forested state trust lands to meet its obligations under current forest practices rules, the HCP, and the corresponding incidental take permit. It also manages other state lands under two different programs – Natural Area Preserves (NAP) and Natural Resources Conservation Areas (NRCA). NAPs protect the best remaining examples of many ecological communities, including rare plant and animal habitats. The NAP system includes more than 41,483 acres in 58 sites throughout the state. NRCAs protect outstanding examples of native ecosystems, habitat for endangered, threatened, and sensitive plants and animals, and scenic landscapes. They also protect geologic, cultural, historical, and archeological sites. More than 127,981 acres are conserved in 39 NRCAs.^{xxi} Lands enrolled in these DNR-managed conservation programs are not part of the state trust lands portfolio.

“We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we begin to use it with love and respect,”

ALDO LEOPOLD, FORESTER AND WILDLIFE ECOLOGIST.

DNR also manages the state’s community forest trust land program. Community forest trust lands are different from other state trust lands that DNR manages for the long-term benefit of the trust, where revenue generation is a significant focus. In contrast, community forests can be managed for other benefits, including watershed protection, recreation, fish and wildlife habitat, grazing, and timber production.

The Trust Land Transfer (TLT) program was established by the Legislature in 1989 and updated in 2024. It allows the DNR to reposition state trust lands, including SFT lands, to better serve the trust beneficiaries and the state’s residents, when appropriate.

Some of the lands that DNR manages are economically underperforming, and also have high ecological value and other public benefits. Through the TLT program, DNR can transfer these areas out of trust status to a receiving agency. DNR then purchases replacement land that can earn long-term, sustainable revenue for the affected trust(s). The TLT is funded through the Legislature, and organizations can apply to have

CONSERVATION

lands enrolled.^{xxii} WSAC members were active in recent legislative updates to the TLT program and in seeking legislative appropriations for the TLT. The various trusts must be fully compensated for any lands removed from trust status through the TLT.

WSAC has partnered with conservation-minded non-profit groups and counties to successfully advocate for legislative funding to assist counties interested in preserving structurally complex, carbon-dense, older forests currently classified as state trust lands. Known by some as legacy forests, advocates have strongly opposed harvesting these second-growth forests to preserve the biological, structural, and genetic legacies of the natural and old-growth forests that once dominated the Pacific Northwest. It should be noted that although DNR maintains a strict policy prohibiting harvest on any state forestland classified as old growth, there is no regulatory requirement or agreed-upon scientific rationale in state law or agency policy to restrict such structurally complex, carbon-dense, older forests from harvest.

Many of these forests, which were logged 70 to 100 years ago, were allowed to grow back through natural regeneration, and may be the closest thing to old-growth that remains in many lowland watersheds in Western Washington.^{xxiii} Just as with using the TLT to permanently set aside trust lands from commercial timber harvest and reclassify them from state trust lands to another status, the trusts must be fully compensated. WSAC's partnership advocacy for state funding support is intended to help meet that obligation.

There are various other reasons that counties desiring to preserve or add conservation measures may want to refrain from harvesting state trust lands, including SFT lands, within their counties. These can include recreational values, watershed protection, viewshed protection, and incompatibility with existing surrounding land uses. There is also growing support for maintaining forests as a strategy to combat climate change. Seen by some as a natural climate solution and a low-cost option, forests are known for sequestering and storing carbon, a key strategy for reducing the effects of warming from greenhouse gases in the Earth's atmosphere.

Recent Management Decisions/Trends

A new order by Commissioner of Public Lands Dave Upthegrove, issued August 25, 2025, requires the DNR to identify 77,000 acres of presumably currently harvestable forested state trust lands (defined as 10,300 acres of older forest and 67,000 acres of structurally complex forest) to be set aside from timber harvest. Instead, the DNR is to develop income-producing strategies, processes, and procedures to generate income on and from the identified forest lands for the benefit of trust beneficiaries, such as carbon sequestration, ecological harvesting, ecosystem services, new trust land acquisitions, and participation in mass timber markets. DNR is also instructed to consider conservation and recreational opportunities when developing strategies, processes, and procedures.^{xxiv}

This new order by Commissioner Upthegrove would add to the already 40% of forested state trust lands that aren't being harvested for various legal and public health and safety reasons. In press materials announcing the order, Commissioner Upthegrove stated, "This is the biggest step forward for our forests in a generation. It will enable us to steward these forests in innovative, diverse ways, so we can do more for our climate, for our habitat, and for the communities we serve." Work is ongoing to identify the 77,000 acres. At the same time, DNR has added 7,500 acres, bringing the total of additional acreage under this new order that will no longer be utilized for commercial timber harvest to more than 80,000 acres.

Commissioner Upthegrove's plan is considered controversial. Some said the plan didn't do enough to protect the state's older forests, while others said it would lead to layoffs, business closures, and delays of critical school construction projects.^{xxv}

Recent BNR meetings, where proposed timber sales are approved before auction, have also seen disagreement over the approval of certain sales that include "older forests." Certain BNR members have been outspoken in their opposition to sales, which would involve the logging of "older forests" or "legacy forests," also called structurally complex, carbon-dense forests.

The so-called "older forests" or "legacy forests" are most often second-growth timber stands that were previously harvested. Many are older than the typical harvest age for DNR-managed forested state trust lands. However, in several cases, that is because the stands were previously set aside as habitat under the interim Marbled Murrelet Long-Term Conservation Strategy (MMLTCS) and were no longer classified as such when the final MMLTCS was adopted into the State Forestlands HCP in 2019, and are now available for harvest.

RECENT MANAGEMENT DECISIONS/TRENDS

So-called “legacy forests” are not old-growth forests and are neither defined nor protected by statute or forest practices rules. However, some members of the BNR have taken the position alongside some advocacy groups and are calling to pause or exclude specific “older forest” timber sales, regardless of the impacts on the sustainable harvest level calculation and beneficiaries. Stated reasoning has been the need for healthy forests to capture carbon and efforts to help natural resources withstand climate change.^{xxvi}

Ecosystem Services

Ecosystem services refer to the range of direct and indirect benefits that natural systems provide to humans. In the case of forestlands, these benefits include clean water, air purification, pollination, carbon sequestration, carbon storage, flood regulation, tourism, aesthetic value, cultural heritage, soil formation, nutrient cycling, and habitat provisioning.^{xxvii}

The value of ecosystem services provided by the forestlands of our state has been a topic of discussion for several years when considering management options for forested state trust lands. Many ecosystem services have economic value that can be quantified and monetized. Existing markets for ecosystem services may be available as options for generating revenue for beneficiaries.

There appears to be general and widespread support for the DNR to explore ecosystem services markets as a strategy to generate revenue for beneficiaries and the state. Some advocates, including some counties, have expressed strong support for DNR to replace or reduce commercial timber harvest with ecosystem services markets on forested state trust lands as the primary strategy for generating revenue for the beneficiaries.

WSAC, however, advocates that ecosystem services, as a revenue-generating strategy, should be additive to existing land uses. In most cases, the DNR should not consider the marketing and monetization of ecosystem services on state trust lands as an alternative to other existing revenue-generating uses, such as commercial timber harvest.

The legislature has also explored ecosystem services as an option for generating revenue on state trust lands. Several bills in recent years (HB 1789/SB 5688 (2023), HB 1508 (2025), HB 2170/SB 5999 (2025)) have addressed the issue by proposing new authority for the DNR to explore ecosystem services market options. None of the bills passed.

In 2023, the legislature instructed DNR to conduct an economic services inventory and develop an ecosystem services asset plan. The analysis and report concluded that there are existing and emerging opportunities to market ecosystem services on state trust lands that could generate revenue for beneficiaries. However, in nearly every case, the analysis suggested that the identified markets are likely to generate less revenue (at least currently) than existing uses.

Only a small portion of forested state trust lands were identified where ecosystem services markets may yield higher revenue to beneficiaries than commercial timber harvest.^{xxviii} The analysis considered only potential direct revenue from the managed lands and did not account for broader economic impacts (direct, indirect, and induced) from changing land uses.

Reconveyance

There is increasing dissatisfaction among counties with the DNR's management of SFT lands. Such discontent is reflected in some counties, which are expressing concern that revenue from timber harvesting on SFT lands is declining due to reduced timber harvesting and additional conservation efforts. In other counties, dissatisfaction is expressed by a desire for the DNR to preserve more forestlands and reduce harvest activity to combat climate change, enhance ecosystem services, and preserve recreational experience.

While WSAC advocates for county interests in the management of SFT lands at the statewide level, it is also WSAC's policy that individual counties have a strong voice in the management of SFT lands within their jurisdictional boundaries. Typically, WSAC does not weigh in on individual timber sales or decisions to conserve specific areas within a particular county.^{xxix}

One solution to ongoing dissatisfaction that caucus members have indicated they'd like to explore is to ask the legislature to modify the existing reconveyance statutes to expand the opportunity for individual counties to request that the ownership of the SFT lands in their county be returned, or reconveyed, to the county without restrictions.

Reconveyance is the process of transferring title to property back to the original owner. Existing law allows DNR to sell or transfer existing SFT lands in the following ways and under the following circumstances:

- In lieu of condemnation or to resolve trespass and property ownership disputes, and the lands consist of 10 contiguous acres or less and are worth \$25,000 or less (RCW 79.22.060 (1) (a)), or
- To public agencies with the approval of the BNR after appraisal and for at least fair market value, if such a transaction is in the best interest of the state or affected trust (RCW 79.22.060 (1) (b) and 79.17.200), or
- If the county has a contract to sell the lands acquired through tax title foreclosure within one year from the conveyance to the state (RCW 79.22.110), or
- The BNR has decided that lands leased to the county for a sanitary landfill and/or transfer station are no longer appropriate for management by the Board (RCW 79.22.120), or
- Through reconveyance – if a county decides that it needs existing SFT Lands for a public park, it may request reconveyance from the BNR. The lands must remain in use as a public park or be conveyed back to the state upon request by DNR (RCW 79.22.300). In such instances, timber resource management remains with the DNR.

The modification proposal could expand a county's ability to pursue reconveyance by adding reasons and flexibility to the county's management options for the lands after reconveyance, up to and including disposal. If reconveyance requirements were more liberally defined in state law, counties could have more opportunities to direct the management of those lands, whether they'd prefer more intense management for harvest within the parameters of existing forest practices requirements, or increased recreation and conservation activities, or even simply preserving the forest in perpetuity.

Enhancing reconveyance opportunities may benefit counties dissatisfied with the DNR's management of SFT Lands by affording them greater control over such lands. Such benefits may include financial, environmental, recreational, and others.

It is important to keep in mind that the legislature – through its own actions – can significantly influence the overall impact. The laws governing SFT lands are statutory, rather than constitutional. As a result, the legislature would have the legal authority to make the process more flexible and to impose various conditions, such as the use of the land after reconveyance, the distribution of revenues, the establishment of public recreation sites, and liability. However, counties would likely want broad discretion, in consultation with their residents, to manage these forested lands – including holding them for conservation, managing them for habitat or recreation, maintaining them for increased commercial harvest, or even selling them.^{xxx}

A 1995 bill (SB 5574) would have authorized counties to request reconveyance of SFT lands, provided the lands were kept in forestland or traded and maintained in commercial forest status. It would also have amended the existing statute requiring counties to transfer tax-delinquent lands to the state, making it optional. The bill also required that revenues derived from forest products on the lands be distributed to other taxing districts in accordance with the county's general tax distribution. The state restrictions on log exports from state forest lands were also applied to lands reconveyed to the county. Finally, counties were also required to allow public access when consistent with forest practices requirements.

SB 5574 did pass the legislature, but not in its original form. The bill was reduced to a study of the impacts of reconveyance of SFT lands to the counties, among other things. The study was published in December, 1996. It appears the recommendations from the study regarding reconveyance were never acted upon by the legislature.

Issues for Consideration

Before making any decision to develop a strategy to enhance reconveyance opportunities, members should consider potential consequences or issues. These include:

1. Legislative Influence

It is important to keep in mind that the Legislature – by its own actions – can likely and significantly influence the reconveyance process. The SFT land trust is statutory, not constitutional. The legislature likely has the legal authority to impose various conditions on reconveyance, such as the permitted uses of the land, a timeframe for decision-making, and the distribution of revenues.

2. Harvest Revenue

Counties and their other taxing districts (schools, hospitals, fire districts, library districts, etc.) will lose the 75% share of harvest revenue from SFT lands that are reconveyed. This loss can be mitigated if counties choose to manage the lands themselves for commercial timber harvest, or, to a lesser extent, if the lands are sold to private entities.

3. Economic Impacts

Counties will lose direct, indirect, and induced economic benefits from harvest on lands that are reconveyed. This loss can be mitigated if counties choose to manage the lands themselves for commercial timber harvesting or if the lands are sold to private entities.

4. Forestland Conversion Risks

Lands within the trust are required to be managed as forest lands and are protected from conversion to other uses. Reconveyance may increase the risk of conversion unless counties have in place or impose protective land-use or deed restrictions.

5. State Trust Lands Sustained Yield Calculation and Agency Income

Reconveyance of SFT lands may impact the sustained yield calculations and related state income. SFT lands represent nearly 25 percent of the forested state trust lands and may account for 36-38 percent of the total sustainable harvest level over the next decade or more. This would likely decrease DNR's overall operating income.

6. Existing Contracts

DNR currently has numerous leases or other agreements in place that impact SFT lands, including right-of-way agreements. It is likely such obligations would transfer with ownership and become an obligation of the receiving county. At the same time, DNR also has certain contractual rights to the SFT lands in place, negotiated with adjacent landowners. Counties would likely have to renegotiate such agreements. This would also likely include timber sale contracts in place at the time of reconveyance.

7. Adaptive Management Program (AMP) Impacts

Counties may lose the opportunity to receive participatory grants and seats on the Timber, Fish, & Wildlife Policy Committee and Cooperative, Monitoring, Evaluation, and Research Committee as part of the AMP. This would likely reduce county influence in the development of forest practices rules and other policies.

8. Impacts on Recreation and Public Access

SFTs are generally open to the public for various recreational purposes. However, the public must pay an annual fee (Discover Pass) to access these lands. That fee would no longer be required, nor would counties, as the restored owners of the land, benefit from it unless they imposed and implemented something similar locally. DNR also maintains certain facilities on many SFT lands (trails, campgrounds, parking lots) that would need to be maintained by the county at county expense if they were to remain usable. Recreation access could be eliminated if counties chose to dispose of the property. Finally, other costs associated with public use (liability, litter, etc.) would be the county's responsibility. Current recreation assets could be potentially retained or leased back to the state, managed by the county, or even leased or sold to private operators.

9. Legal Access

DNR would retain legal access across reconveyed lands for management of the remaining state land assets, but that access may not be reciprocal. Counties would need to acquire access across the remaining state trust lands in keeping with DNR's fiduciary duty to those trusts.

10. Forest Management Expenses

Reconveyed lands would likely contain a variety of stand types and age classes, including young stands in need of maintenance. Additionally, the road network on reconveyed lands would need to be maintained or abandoned. These ongoing costs can be significant.

11. Forest Health

While DNR-managed forested state lands are oftentimes in a better state of forest health compared to federally managed forestlands, the overall health of state forestlands is an ongoing concern. The state is addressing impacts of temperature trends, pests, stand density, tree species migration, and catastrophic wildfire risk, along with other concerns related to climate change, through planning, silviculture activities, and investments in forest health treatments (20-Year Forest Health Strategic Plan: Eastern Washington (2017); Western Washington Forest Health Strategic Plan (2025)). Most, if not all, of the forest health responsibility (and costs) for reconveyed lands would fall on the respective counties.

12. County Influence on Statewide Timber Policy

Counties may also lose seats on the BNR and the Forest Practices Board, as county interests in forest practices or the management of other state trust lands will arguably be diminished and may not be any more significant than county interests in any other industry.

13. HCP Impacts

SFT lands are included in the State Forestlands Habitat Conservation Plan (HCP). The HCP helps the state meet its obligations to protect habitat for different listed and protected species under the federal Endangered Species Act. Large-scale reconveyance may significantly affect the state's ability to meet its obligations, resulting in a greater burden on remaining state trust lands or the extinguishment of the HCP. The uses to which reconveyed lands are put may also affect this issue. It is unknown whether the state's HCP obligations are legally tied to lands that may be reconveyed under any circumstances. If so, that may impact the value and operability of the lands. However, in conservation cases, there would likely be no impact.

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