



SPECIAL MEETING AGENDA

CLALLAM COUNTY REVENUE ADVISORY COMMITTEE

223 East 4th Street, Room 160

Port Angeles, Washington

October 30, 2024 – 1 p.m.

Revenue Advisory Committee meetings will be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://clallamcountywa.gov/meetings>

Public comment and questions can be directed to the Clerk of the Board at 360-417-2256 or loni.gores@clallamcountywa.gov

- I. CALL TO ORDER, ROLL CALL**
- II. REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES FOR THE MEETINGS ON: August 19, 2024**
- IV. PUBLIC COMMENT (total of 20 minutes)**
- V. BUSINESS ITEMS**
 - a. Presentation – Duane Emmons, Department of Natural Resources**
 - b. Timber Sales – Department of Natural Resources**
 - c. Legality of the County Forest Board Land Trusts – Jim Buck**
 - d. PILT Funds discussion**
 - e. Forestlands in Clallam County – Connie Beauvais**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
- VIII. FUTURES AGENDA ITEMS**
- IX. PUBLIC COMMENT (total of 20 minutes)**
- X. NEXT MEETING DATE**
- XI. ADJOURNMENT**

Revenue Advisory Committee

Draft Minutes

August 19, 2024



CLALLAM COUNTY REVENUE ADVISORY COMMITTEE MINUTES OF AUGUST 19, 2024

MEETING OF THE REVENUE ADVISORY COMMITTEE (RAC)

Chair Connie Beauvais called the meeting to order at 3 p.m., August 19, 2024. Also present were Commissioner Johnson, Marty Brewer, Kyle Weakley, Noah Glaude, Steve Hopf, Michael Mingee, Ben Pacheco, Gregory Bellamy, John Nutter, Steve Burke, David Bingham, Sandra Lyons, and Drew Rosanbalm. Scott Horton, Dan Huff, Janine Ledford, Diana Reaume, and Regan Nickels were absent.

APPROVAL OF AGENDA

ACTION TAKEN: Johnson moved to adopt the agenda as presented, Burke seconded, mc

APPROVAL OF MINUTES

- May 20, 2024

ACTION TAKEN: Johnson moved to approve, Pacheco seconded, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on Cape Flattery School District attendance, Power Plant Sale

BUSINESS ITEMS

a. Timber Sale Update - DNR

Drew Rosanbalm, Department of Natural Resources provided an update regarding timber sales. RAC Members held discussion.

b. Discussion on Encumbered Lands Proviso and its potential revenue to Clallam County beneficiaries – Commissioner Johnson

Commissioner Johnson provided an updated regarding Encumbered Lands Proviso. RAC Members held discussion.

c. Update on Power Plant timber sale letter from BOCC to DNR – Commissioner Johnson

Commissioner Johnson reported that the BOCC approved a concurrence letter to Department of Natural Resources regarding Power Plant timber sale.

FUTURE AGENDA ITEMS

- Encumbered Lands Proviso

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on Power Plant acreage, trust land transfer, schools

NEXT MEETING

- Monday, September 16, 2024 - TBD
- Wednesday, October 30, 2024 at 1 p.m.
- Monday, November 18, 2024 at 2 p.m.

ADJOURNMENT - The meeting concluded at 4:31 p.m.

**REVENUE ADVISORY COMMITTEE PUBLIC COMMENT SIGN-UP SHEET
(1ST SESSION)**

General Public Comment – August 19, 2024 – 1st Session

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	Ed Bower		POB 111 CB
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**REVENUE ADVISORY COMMITTEE PUBLIC COMMENT SIGN-UP SHEET
(1ST SESSION)**

General Public Comment – August 19, 2024 – 2nd Session

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	Ed Bowen		PO Box 111 CB
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Revenue Advisory Committee

Business Item

Presentation – Jim Buck

CFBLT LEGAL TRUST - ESTABLISHED IN LAW

NOTE: THE LEGISLATURE, IN SESSION LAWS OF 1935 CHAPTER 126, ENACTS LEGISLATION ESTABLISHING THE LAW GOVERNING COUNTY FOREST BOARD LAND TRUSTS. IT STATES:

"If any lands heretofore acquired, deed lands to state, or which may hereafter be acquired, by any county through foreclosure of tax liens, or otherwise, come within the classification of lands described in section 3 of chapter 154 of the Laws of 1923, which can be used as state forest lands and if the state forest board deems such lands necessary for the purposes of this act, the counties shall, upon demand by the state forest board, deed such lands to the said board and said lands shall become a part of the state forest lands; ... Such lands shall be held in trust and administered and protected by the said board under the provisions of chapter 154, Laws of 1923.

**THE PROVISIONS OF CHAPTER 154, LAWS OF 1923 DO NOT MENTION A TRUST.
HOWEVER**

ACCORDING TO 1939 BROWN V TUCKER SUPREME COURT CASE, THE 1935 LAW LEGISLATED THE CREATION AN EXPRESS TRUST BETWEEN THE STATE AND THE DONATING COUNTY WHEN IT SAYS:

"... express trusts may be created by an "act of the parties" where one party accepts "property with the express or implied understanding that he is not to hold it as his own absolute property, but to hold and apply it for certain specified purposes." Tucker v. Brown, 199 Wash. 320, 330-31, 92 P.2d 221 (1939)

THIS MEANS THE STATE DOES NOT OWN THE CLALLAM COUNTY FOREST BOARD TRUST LANDS.

CFBLT LEGAL TRUST – LEGISLATIVE INTENT

1923 - THE PROVISIONS OF CHAPTER 154, LAWS OF 1923 DO EXPRESS LEGISLATIVE INTENT FOR SFB AND STATE FOREST LANDS:

- SFB to acquire forest land by purchase or gift for the state for **“PURPOSE OF DEVELOPING AND GROWING TIMBER”**
- Designate such forest land **OWNED** by the state as **STATE FOREST LANDS**
- ... furnish such care and fire protection for such lands as it shall deem advisable.
- ... seed, plant and develop forests purchased, acquired or designated State Forest Lands
- Only acquire land that can be “... economically administered for forest development purposes.”
- “... state forest lands shall be forever reserved from sale.”
- “... timber and other products thereon may be sold ...” in same manner as federal grant lands

1927 – PROVISIONS OF CHAPTER 288, LAWS OF 1927 ADDS NEW SUBSECTIONS 3a AND 3b TO CHAPTER 154, SESSION LAWS OF 1923. LEGISLATIVE INTENT IS:

- “... land to be logged” and reforested naturally. (3a).
- “... offered by such county to the State of Washington for forest lands ... **(NOT STATE FOREST LANDS) (3b)**
- SFB ... “may select any or all of the lands to become a part of state forest lands ... **(NOT BE STATE FOREST LANDS)(3b)**
- “... commissioners authorized to deed such lands to the State of Washington for state forest lands ...” **(CONTRADICTS PREVIOUS SENTENCE) (3b)**
- “Such lands shall be held in trust” **(FIRST MENTION OF TRUST) (3b)**
- and administered and protected under the provisions of chapter 154, Laws of 1923, or any amendments thereto.” **(3b)**

COURT RULES FOR REVIEW

CONSTITUTIONALITY - Skamania [1] - A statute is presumed to be constitutional. The party challenging the statute's validity bears the heavy burden of proving its unconstitutionality beyond a reasonable doubt. Where the statute is passed pursuant to the police power, the only limitation upon the Legislature is that the statute must reasonably tend to correct some evil or promote some interest of the State. The Session Laws of 1923, Chapter 154 is constitutional. It addresses reforestation and promotes the state's interest in forest development:

- Establish state Forestry Board to manage the states forests
- Furnish such care and fire protection for such lands as it shall deem advisable
- Seed, plant and develop forests purchased, acquired or designated State Forest Lands

ORDINARY MEANING - THE 1926 BOOKSTORE V POTTS CASE LAW DESCRIBES “ORDINARY MEANING
- We consider the ordinary meaning of the words of the text “as determined at the time they were drafted” and may refer to historical context of the provisions in question to guide our analysis. State ex rel. Bookstore v. Potts, 141 Wash. 110, 117, 250 P. 1090 (1926).”

REASONABLE INTERPRETATION – THE 2004 WATER JET V YARBROUGH CASE LAW DESCRIBES
REASONABLE INTERPRETATION - Our primary objective is to give effect to the legislative intent behind the ~~Enabling Act~~ **RCW 76** by examining the plain language of the statute and giving “it its reasonable interpretation.” Wash. Water Jet Workers Ass’n v. Yarbrough, 151 Wn.2d 470, 477, 90 P.3d 42 (2004)”

HISTORY OF CLALLAM CFBLT

1923 - THE PROVISIONS OF CHAPTER 154, LAWS OF 1923 DO EXPRESS LEGISLATIVE INTENT FOR SFB AND STATE FOREST LANDS:

- SFB to acquire forest land by purchase or gift for the state for “PURPOSE OF DEVELOPING AND GROWING TIMBER” (MUST BE PURCHASED OR GIFTED)
- Designate such forest land OWNED by the state a STATE FOREST LANDS
- ... furnish such care and fire protection for such lands as it shall deem advisable.
- ... seed, plant and develop forests purchased, acquired or designated State Forest Lands
- Only acquire land that can be “... economically administered for forest development purposes.”
- “... state forest lands shall be forever reserved from sale.”
- “... timber and other products thereon may be sold ...” in same manner as federal grant lands

1927 – PROVISIONS OF CHAPTER 288, LAWS OF 1927 ADDS NEW SUBSECTIONS 3a AND 3b TO CHAPTER 154, SESSION LAWS OF 1923. LEGISLATIVE INTENT IS (NOTE THE QUOTES):

- “... land to be logged” and reforested naturally. (3a).
- “... offered by such county to the State of Washington for forest lands ... (NOT STATE FOREST LANDS) (3b)
- SFB ... “may select any or all of the lands to become a part of state forest lands ... (NOT BE STATE FOREST LANDS)(3b)
- “... commissioners authorized to deed such lands to the State of Washington for state forest lands ...” (CONTRADICTS PREVIOUS SENTENCE) (3b) (MUST BE DEEDED IN TRUST)
- “Such lands shall be held in trust” (FIRST MENTION OF TRUST) (3b)
- and administered and protected under the provisions of chapter 154, Laws of 1923, or any amendments thereto.” (3b)

HISTORY OF CLALLAM CFBLT CONTINUED

1929 – PROVISIONS OF CHAPTER 117, 1929 SESSION LAWS, LEGISLATIVE INTENT TO ALLOW BOARD:

- “... to accept gifts and bequests of money or other property ... to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation ...”
- “shall have power to seed, plant and develop forests on any lands, purchased, acquired or designated by it as state forest lands” **(MUST BE OWNED BY THE STATE)**
- **NOTE: PROVISIONS OF SECTIONS 3a AND 3b ARE UNCHANGED.**

1933 - PROVISIONS OF CHAPTER 117, 1933 SESSION LAWS, LEGISLATIVE INTENT TO ALLOW BOARD It says:

- Sec., 4 “... for the purpose of acquiring, seeding, reforestation and administering lands for forests and of carrying out the provisions of Chapter 154 of the Laws of 1923...”
- “the state forest board is authorized to issue and dispose of utility bonds of the State of Washington in an amount not to exceed two hundred thousand dollars (\$200,000)
- “Purchase of tax-delinquent lands from counties shall be made on the same basis as those purchased from private parties or corporations ...” **(EXPRESSES LEGISLATIVE INTENT TO FUND SFB ACTIVITIES AND PROVIDES LEGISLATIVE DIRECTION FOR PURCHASE OF COUNTY LANDS)**
- **NOTE: PROVISIONS OF SECTIONS 3a AND 3b ARE UNCHANGED.**

HISTORY OF CLALLAM CFBLT CONTINUED

1935 - PROVISIONS OF CHAPTER 126, 1935 SESSION LAWS, LEGISLATIVE INTENT TO FORCE COUNTIES TO TURN FOREST LANDS OVER TO THE STATE. SECTION 3b IS AMENDED:

- If any lands acquired, deed lands to state. or which may hereafter be acquired, by any county through foreclosure of tax liens, or otherwise **(ALL LANDS THE COUNTY ACQUIRES FOR ANY REASON)**
- come within the classification of lands described in section 3 of chapter 154 of the Laws of 1923, which can be used as state forest lands **(NOT STATE FOREST LANDS – “AS STATE FOREST LANDS”)**
- and if the state forest board deems such lands necessary for the purposes of this act,
- the counties shall, upon demand by the state forest board, deed such lands to the said board **(DEMAND THE COUNTY DEED FEE OWNERSHIP TO THE STATE, NEVER MENTIONS DEED OF TRUST)**
- and said lands shall become a part of the state forest lands; **(A "PART OF STATE FOREST LANDS" - NOT "STATE FOREST LANDS")**
- Such lands shall be held in trust and administered and protected by the said board under the provisions of chapter 154, Laws of 1923. **(THE PHRASE “OR AS AMENDED” IS DELETED)**
- **NOTE: STILL BEING ADMINISTERED AND PROTECTED IN 1923 TERMS.**

HISTORY OF CLALLAM CFBLT CONTINUED

1937 - PROVISIONS OF CHAPTER 172, 1937 SESSION LAWS, LEGISLATIVE INTENT AMENDS SECTION 3 TO ADD LAST PARAGRAPH:

- “... Thereafter, such lands shall be held in trust, protected, managed, and administered upon,”
(LEGISLATURE INTENDS COUNTY LANDS TO BE HELD IN TRUST)
- “And the proceeds therefrom disposed of, under section 5812-3b, Remington's Revised Statutes (Pierce's Code, section 2578-10b).” **(LEGISLATURE INTENDS PROCEEDS TO GO TO DONATING COUNTY)**

NOTE: THE LEGISLATURE:

- **INTENDS THE COUNTY LANDS TO BE HELD IN TRUST**
- **LANDS ARE NO LONGER BEING ADMINISTERED AND PROTECTED IN 1923 TERMS.**
- **DOES NOT SAY ADMINISTERED, TREATED AS AND PROTECTED BY THE BOARD AS OTHER STATE FOREST LANDS UNTIL 1951.**
- **SETS UP DISTRIBUTION OF PROCEEDS TO COUNTY AND TAXING DISTRICTS**

THIS CONCLUDES THE RECORD OF LEGISLATION IN PLACE WHEN THE CFBLTs WERE CREATED. ACCORDING TO THE COURT RULES OF REVIEW, “ We (Court) consider the ordinary meaning of the words of the text “as determined at the time they were drafted” and may refer to historical context of the provisions in question to guide our analysis”

THE COURT MUST DECIDE IF LEGISLATION ENACTED AFTER THE TRUST WAS FORMED APPLIES TO THE TRUST.

DEFINITION PROBLEM

1927 - Public Lands, Chapter 255, Session laws of 1927, Section 1 defines, “Public lands of the State of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands”

1927 - State Lands, Chapter 255, Session laws of 1927, Section 1 defines, “State lands” are the Federal Grant lands held in trust and all public lands of the state.”

1923 – State Forest lands is undefined in RCW until 2003. A WORKING DEFINITION FOR “STATE FOREST LANDS” USING “REASONABLE INTERPRETATION” AND “ORDINARY MEANING” OF THE WORDS IN SESSION LAWS OF 1923, CHAPTER 158, SECTION 3 ESTABLISHING THE SFB IS:

State forest lands – “lands, belonging to the state, which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber,

1935 – County forest board Trust lands is undefined in RCW. A WORKING DEFINITION OF “COUNTY FOREST BOARD TRUST LANDS” USING “REASONABLE INTERPRETATION” AND “ORDINARY MEANING” OF THE WORDS OF THE WORDS IN SESSION LAWS OF 1923, CHAPTER 158, SECTION 3 ESTABLISHING THE SFB IS:

County forest board trust lands – “lands of a county lands, held in trust by the state, which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber,

DEFINITION PROBLEM

CFBLTs are county lands held in trust by the state. NOTE: County forest board trust lands are:

- “devoted to or reserved for a particular use by law” i.e. they are timberlands held in trust for the donating county for revenue production, Chapter 154, Laws of 1923 and Chapter 126 Laws Of 1935.

State forest lands are lands:

- “belonging to the state, which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber. CFBLTs are not state owned so cannot be state forest lands.

State lands are:

- the federally granted lands, state forestlands, community and technical college forest reserve lands, and university repayment lands and all public lands of the state.

NOTE THIS DEFINITION FROM 2003 DOES NOT INCLUDE CFBLTs.

Public lands are:

- “Public lands of the State of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law.

Clallam County forest board trust lands are devoted to or reserved for a particular use by law i.e. they are timberlands held in trust for the donating county for revenue production, Chapter 154, Laws of 1923 and Chapter 126 Laws Of 1935.

THEY ARE NOT PUBLIC LANDS, STATE LANDS OR STATE FOREST LANDS

THE “NOT PUBLIC OR STATE LANDS” UNDIVIDED LOYALTY TO THE TRUST PROBLEM

Virtually every section of RCW 79 (was 76) is written for the management and administration of **state-owned lands, public lands and state forest lands**. Here is a cursory list of RCWs that do not apply to county trust lands because the definitions exclude CFBLTs

If Clallam County forest board trust lands are not state or public land, DNR does not have the authority for:

- Opening county lands for multiple use under RCW 79.10.120
- Opening county lands for hunting, fishing and non-consumptive...RCW 79.10.125
- Planning, construction, and operation of conservation, recreational sites, areas, roads, and trails RCW 79.10.130
- Identifying and withdrawing public lands RCW 79.10.210
- Sell valuable materials for the best interests of the state instead of the county RCW 79.22.050.
- Allow public court review of board actions RCW 79.02.030
- Permitting City of Port Angeles to request 3,000 acres of CFBLT (RCW 76.12.030) The statute only applies to state forest lands.
- Permit Olympic Discovery Trail right of way without reimbursement to the trust.(Arizona v Lassen)

THE STATE FAILED ITS DUTY TO ACT PRUDENTLY WITH AN UNDIVIDED LOYALTY TO THE CLALLAM COUNTY TRUST BENEFICIARIES. CANCELLATION OF THE POWERPLANT SALE DUE TO PUBLIC OPPOSITION SHOWS LOYALTY TO ENVIRONMENTAL INTEREST OVER THE COUNTY TRUST BENEFICIARY. THIS HAS HARMED THE COUNTY AND ITS TAXING DISTRICTS.

Discussion items

**These documents
were added to the
agenda packet on
10/30/24 after the
agenda packet was
first posted.**



Department of Natural Resources

Olympic Region

Timber Sale Presentation



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DNR Management of Clallam County Trust Lands

- **DNR Olympic Region manages 364,061 acres**
- **154,933 acres of DNR Managed Lands are within Clallam County**
- **89,109 acres of Clallam County State Forest Trust Lands**
- **In 2023, Clallam County received \$9,370,243 from DNR Timber Sales**



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November BNR Meeting

Timber Sale Proposals

- **Alley Cat, Tree Well, and Parched Timber Sales were deferred from auction due to Older Forest Policy / Procedure Review and Update and the City of Port Angeles TLT Application**
- **Each of the three timber sales have harvest areas within the 206,864 acre Elwha watershed:**
 - **Alley Cat: 96 acres (100% of Timber Sale)**
 - **Parched: 161 acres (80% of Timber Sale)**
 - **Tree Well: 55 acres (27% of Timber Sale)**



Alley Cat Timber Sale

- **Located 6 miles West of Port Angeles**
- **All units (96 acres) are within the Elwha Watershed**
- **14-unit proposal with a cruised volume of 2,884 mbf**
 - 8 variable retention harvest (VRH) units
 - 5 right-of-way (ROW) units
 - 1 wetland management zone (WMZ) unit
- **Proposal includes 155 total acres of which:**
 - 96 acres will be harvested
 - 41 acres are protected by Riparian Management Zones and Wetland Management Zones
 - 16 acres of newly designated Old Growth
 - 5 acres of Leave Tree Areas
 - Over 40% of the original proposal is deferred from future harvest
- **100% Ground Based Logging**
- **Minimum bid appraisal: \$1,031,000**



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Parched Timber Sale

- **Located 2 miles Southwest of Port Angeles**
- **9-unit proposal with a cruised volume of 8,590 mbf**
 - 5 variable retention harvest (VRH) units
 - 4 right-of-way (ROW) units
- **Proposal includes 348 total acres of which:**
 - 201 acres will be harvested
 - 63 acres are protected by Riparian Management Zones and Wetland Management Zones
 - 73 acres of newly designated Old Growth
 - 34-acre stand associated with Unit 1
 - 16-acre stand associated with Unit 3
 - 23-acre stand associated with Unit 3 and Unit 6
 - 10 acres of Leave Tree Areas
 - Over 42% of the original proposal is permanently deferred from future harvest
- **70% Ground Based Logging, with 30% Uphill Cable Logging**
- **Units 1, 3, 4, 6 and 7 (161 acres) are within the Elwha Watershed**
- **Minimum bid appraisal: \$2,431,000**



Tree Well Timber Sale

- **Located 5 miles Southwest of Port Angeles**
- **3-unit proposal with a cruised volume of 6,149 mbf**
 - 3 variable retention harvest (VRH) units
- **Proposal includes 272 total acres of which:**
 - 202 acres will be harvested
 - 55 acres are protected by Riparian Management Zones
 - 11 acres of newly designated Old Growth
 - Over 24% of the original proposal is permanently deferred from future harvest
- **100% Ground Based Logging**
- **Winter Restrictions for logging and hauling from November 1 – April 30**
- **Unit 3 (55 acres) are within the Elwha Watershed**
- **Minimum Bid Appraisal: \$1,996,000**



December BNR Meeting Timber Sale Proposals



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Dungeness and Dragons Timber Sale

- **Located 4 miles Southwest of Sequim**
- **15-unit proposal with a cruised volume of 1,230 mbf**
 - 4 variable retention harvest (VRH) units totaling 61.4 acres
 - 7 variable density thinning (VDT) units totaling 6.8 acres
 - 4 right of way (ROW) units totaling 0.9 acres
- **Proposal included 250 total acres evaluated for harvest of which:**
 - 69 acres will be harvested
 - 24 acres are protected by Riparian Management Zones
 - 11.5 acres are protected by Wetlands and Wetland Management Zones
 - 139 acres of newly designated Old Growth
 - Total conservation acres delineated during layout of timber sale = 178 acres
- **100% Ground Based Logging**
- **Minimum Bid Appraisal: \$311,000**



Units 6, 7, 8, 9, 10, 11 and 12 are variable density thinnings within portions of four forested WMZs and a Type 3 RMZ. Per the Department of Natural Resources HCP and Riparian Forest Restoration Strategy; greater than 120 square feet of basal area, 100 trees per acre, and 35 relative density will be maintained with this proposal. Additionally, for every acre of Type 3 RMZ thinning, 5 trees have been designated to be cut and felled towards the stream; and will be left on-site. These felled trees will be utilized as large woody debris for these streams. All of these are within the RMZ but not within the 25 foot no-harvest buffer. Outside of Units 11 and 12, no harvest will occur in the remaining Type 3 stream.

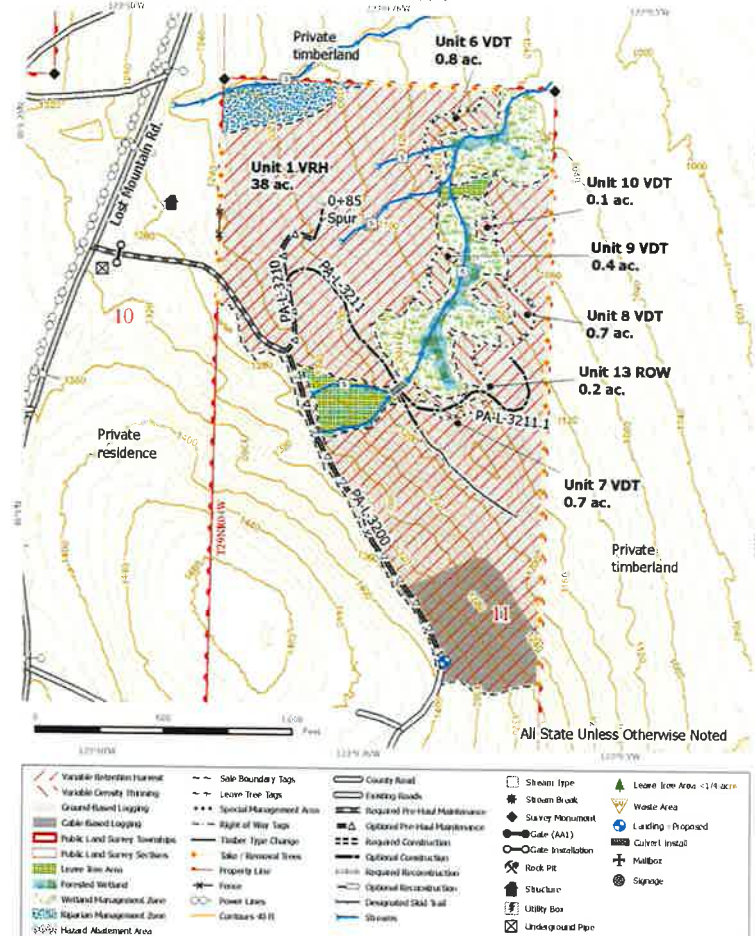


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LOGGING PLAN MAP

SALE NAME: DUNGESS AND DRAGONS
AGREEMENT #: 30-105915
TOWNSHIP(S): T29N R04W, T30N R04W
TRUST(S): State Forest Transfer (01), Common School and Indemnity (03)

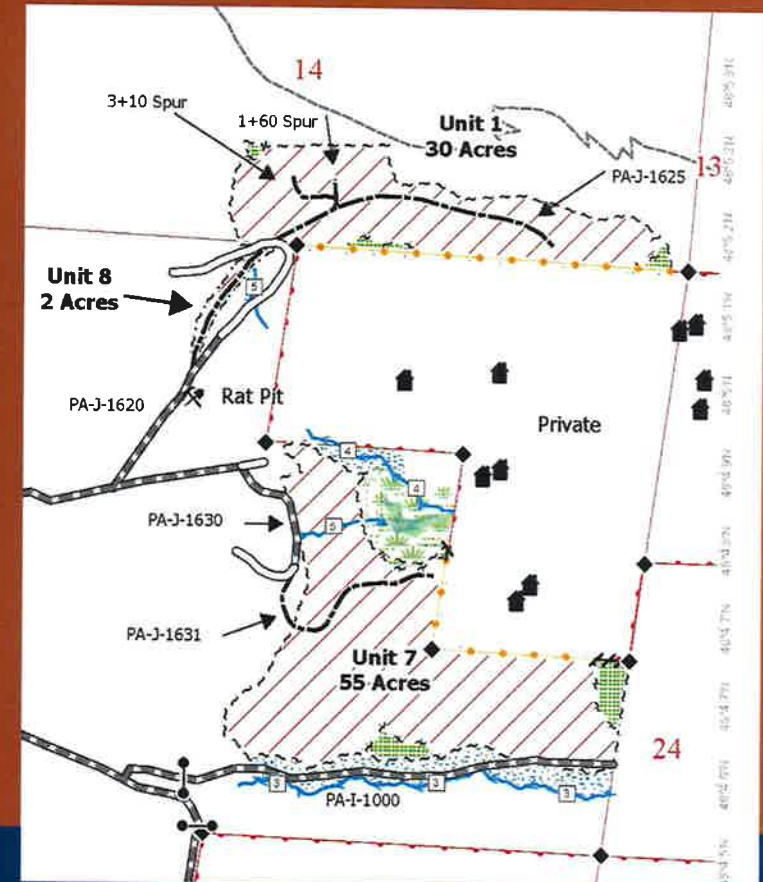
REGION: Olympic
COUNTY(S): Clallam
ELEVATION RGE: 940'-1390'



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Bread and Butter Timber Sale

- Located 10 miles west of Port Angeles
- 8-unit proposal with a cruised volume of 5,487 mbf
 - 6 variable retention harvest (VRH) units totaling 188 acres
 - 2 right of way (ROW) units totaling 2 acres
- Proposal included 262 total acres evaluated for harvest of which:
 - 190 acres will be harvested
 - 40 acres are protected by Riparian Management Zones
 - 18 acres are protected by Wetlands and Wetland Management Zones
- This timber sale had a large survey crew workload – Units 1, 2, 3, 5, and 7 had property line surveyed
- Estimated minimum bid: over \$2,000,000



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Units 2, 3, and 7 of Bread & Butter
are located within
the Elwha Watershed
totaling 145 acres or 0.07%

DNR's 5-year action plan includes
Alley Cat, Parched, Tree Well, and
Bread & Butter

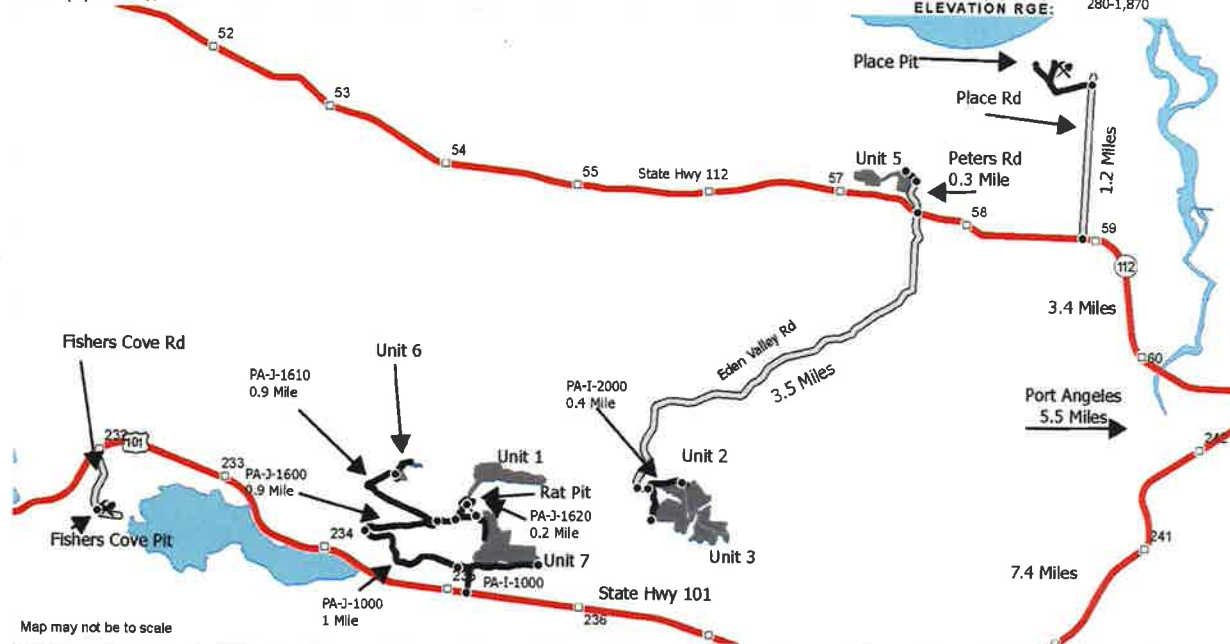
Additionally, there are 3 other
timber sales within the Elwha
watershed over the next 5 years

These 7-timber sales total of 668
acres 0.32%

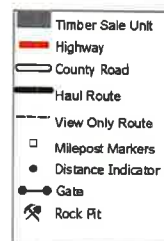
DRIVING MAP

SALE NAME: BREAD AND BUTTER
AGREEMENT#: 30-107232
TOWNSHIP(S): T30R07W, T30R08W
TRUST(S): 01

REGION: Olympic
COUNTY(S): Clallam
ELEVATION RGE: 280-1,870



Map may not be to scale



DRIVING DIRECTIONS:

From downtown Port Angeles travel 5.5 miles west on US-101 and turn right on US-112, travel 3.4 miles west. Units 2 and 3: Turn left onto Eden Valley Rd and travel 3.5 miles to the end of county maintenance, turn left on to PA-I-2000 go through the gate and travel 0.4 mile to the intersection with the old PA-I-2000.2. Unit 5: Return to US-112 via Eden Valley Rd, when you get to the highway cross immediately across onto Peters Rd. Travel 0.3 miles, turn left to stay on Peters Rd (also PA-I-2700), travel 0.1 mile to a small pull off on the left side of the road. From here you can walk into Unit 5. Unit 7: Return to US-112, and return to US-101. Turn right on US-101 and travel 7.4 miles and turn right onto PA-J-1000. Travel 0.25 mile up the PA-J-1000 and turn right on PA-I-1000. Travel 0.25 miles, Unit 7 will be on the North side of the road here, travel another 0.4 to the east end of the unit. Return to PA-J-1000 and turn right, travel 1 mile and turn right on to PA-J-1600. Travel 0.9 mile, turn right on PA-J-1630 and travel 0.1 mile, the North end of Unit 7 will be adjacent to PA-J-1630. Units 1 and 8: Return to PA-J-1600 turn left and travel 0.15 mile, turn right on PA-J-1620. Travel 0.2 mile up to Rat Pit and Units 1 and 8. Unit 6: Return to PA-J-1600, turn right and travel 0.2 mile and turn right on PA-J-1610. Travel 0.9 mile to the intersection with PA-J-1618, Unit 6 is adjacent to this intersection.

Prepared By: bnel490

Modification Date: 5/29/2024



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Questions?



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Item d

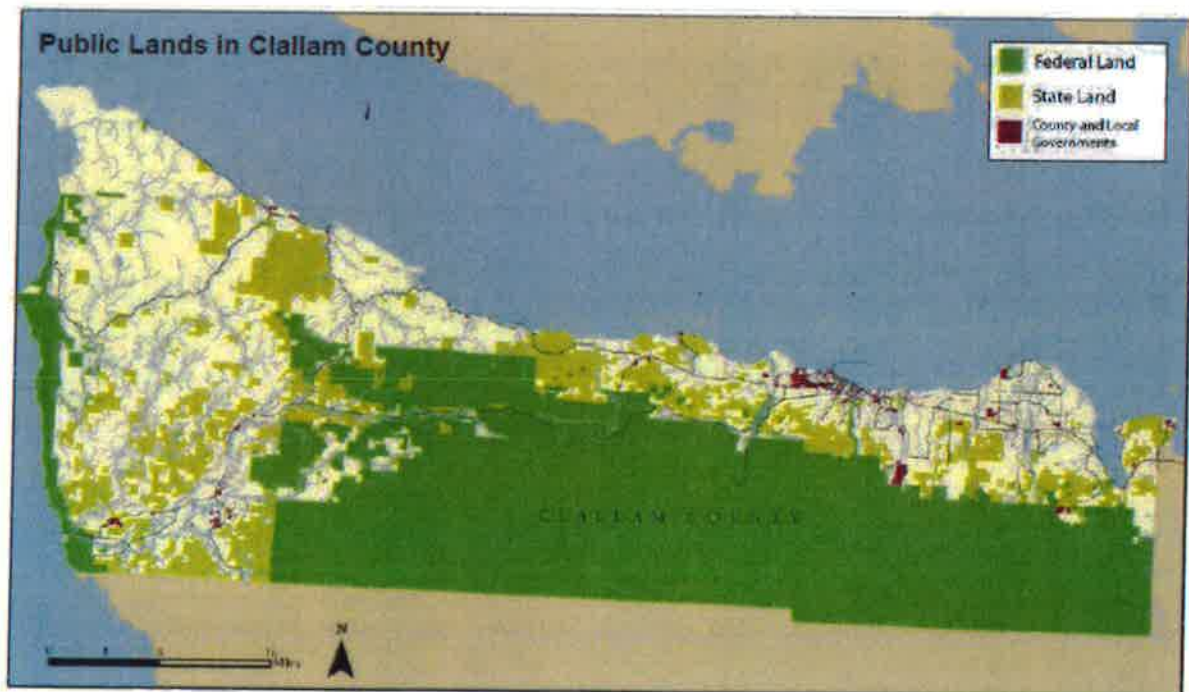
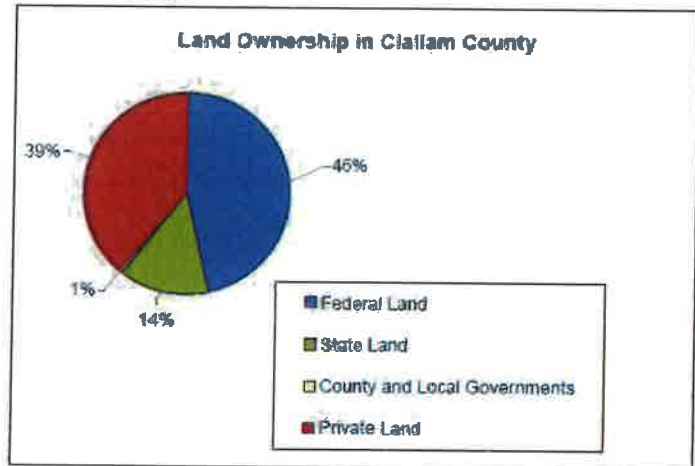
N. Public Lands in Clallam County (Acres and Map)

From *Clallam Conservation District 2020 Resource Inventory*

Land Ownership in Clallam County

Public land makes up approximately 61% of Clallam County.

Ownership	Acres
Federal Land	523,496
ONP	318,093
ONF	199,209
Other Federal Land	6,194
State Land	160,377
State Forest Board and DNR Lands	154,530
State Parks	2,488
Other	3,359
County and Local Governments	7,350
Total County Land	3,817
County Parks	643
Port of Port Angeles	858
School Districts	344
Other (cities and special districts)	2,331
Private Lands	437,602



P. DNR Sale of County Timber Revenues

District	2018	2019	2020	2021	2022	2023
State School	\$725,135.98	\$1,442,418.06	\$1,866,115.07	\$1,711,125.81	\$1,606,935.42	\$2,963,929.46
County General	\$302,449.54	\$629,506.18	\$672,021.98	\$612,194.14	\$553,957.67	\$966,183.18
Dev Disabilities (County)	\$6,038.06	\$13,319.64	\$15,150.46	\$14,637.93	\$14,563.11	\$25,406.31
Land Assessment (County)	\$289.84	\$639.36	\$727.21	\$702.65	\$699.03	\$1,904.37
Conservation Futures	\$0.00	\$0.00	\$16,589.93	\$15,000.27	\$13,499.50	\$23,351.61
Veterans Relief (County)	\$2,717.15	\$5,993.86	\$6,817.70	\$6,587.07	\$6,553.41	\$11,432.80
Port of Port Angeles	\$43,248.19	\$90,156.48	\$96,410.42	\$87,820.54	\$79,836.02	\$139,491.85
QVP&R (Forks Pool) Bond	\$44,106.52	\$55,106.20	\$43,182.40	\$127,188.94	\$85,731.21	
William Shore MPD (PA Pool)	\$21,710.14	\$64,750.84	\$59,578.11	\$36,920.87	\$27,069.34	\$184,539.77
County Roads	\$318,399.21	\$665,633.11	\$716,446.35	\$651,530.09	\$591,006.41	\$1,015,535.24
North Olympic Library	\$119,152.34	\$247,893.00	\$264,631.31	\$241,503.14	\$219,282.60	\$382,725.61
SD 121 Port Angeles M&O	\$274,932.24	\$265,206.65	\$226,087.34	\$129,471.62	\$89,012.60	\$577,722.46
SD 121 Port Angeles Capital	\$0.00	\$0.00	\$0.00	\$230,212.52	\$164,772.36	\$1,089,218.88
SD 121 Port Angeles Bond	\$0.00	\$0.00	\$0.00	\$304.22	00.00	
SD 313 Crescent M&O	\$66,134.05	\$233,023.14	\$37,124.98	\$189,330.22	\$283,238.72	\$255,091.17
SD 313 Crescent Capital	\$12,291.68	\$43,435.89	\$6,862.74	\$44,269.39	\$53,331.71	\$59,998.56
SD 323 Sequim M&O	\$21,599.95	\$27,000.53	\$312,061.73	\$31,008.71	\$115,946.70	\$126,806.80
SD 323 Sequim Capital	\$2,291.09	\$6,318.95	\$162,503.95	\$0.00	\$58,801.42	\$63,891.34
SD 323 Sequim Bond	\$4.23	\$52.50	\$0.00	\$0.00	00.00	
SD 401 Cape Flattery M&O	\$94,718.71	\$142,736.64	\$228,019.20	\$149,751.20	\$26,488.20	\$14,241.38
SD 401 Cape Flattery Bond	\$52,967.78	\$154,217.70	\$164,116.19	\$92,404.15	\$16,971.93	\$8,602.87
SD 402 Quillayute Valley M&O	\$151,861.69	\$182,589.31	\$156,176.56	\$395,550.59	\$243,757.02	\$302,711.91
SD 402 Quillayute Valley Bond	\$205,644.15	\$259,109.38	\$218,642.84	\$593,625.56	\$370,305.12	\$453,690.56
Fire District 1	\$21,704.91	\$2,818.89	\$8,468.38	\$63,249.06	\$46,157.79	\$63,658.29
Fire District 2	\$85,723.59	\$50,751.90	\$116,298.22	\$13,105.52	\$29,679.90	\$360,952.77
Fire District 3	\$9,764.93	\$29,637.36	\$85,631.44	\$11,730.78	\$126,467.55	\$152,168.28
Fire District 3 EMS	\$3,664.58	\$8,902.68	\$25,570.71	\$4,358.47	\$44,747.26	\$49,757.02
Fire District 4	\$21,297.88	\$107,220.72	\$4,119.72	\$176,576.86	\$261,579.57	\$194,657.73
Fire District 5	\$7,093.35	\$83,742.21	\$100,134.20	\$46,669.02	\$6,969.17	\$3,999.77
Fire District 6	\$9,752.52	\$0.00	\$0.00	\$41,913.26	\$6,835.63	\$16,189.03
Hospital 1 -- Forks	\$78,338.59	\$132,909.93	\$133,778.80	\$199,123.97	\$105,322.55	\$131,779.10
Hospital 1 -- Forks EMS	\$27,403.34	\$46,485.70	\$46,805.61	\$69,668.12	\$63,846.37	\$79,020.41
Hospital 2 -- Olympic Medical	\$67,566.69	\$167,140.35	\$187,275.35	\$103,324.27	\$155,655.37	\$310,628.45
TOTALS	\$2,798,002.92	\$5,158,717.16	\$5,977,348.90	\$6,090,858.96	\$5,469,020.66	\$10,029,286.98

R. Timber Excise Tax (Private Harvest Tax) Revenues

District	2018	2019	2020	2021	2022	2023
County General	\$382,553.95	\$441,783.29	\$211,633.85	\$281,280.38	\$323,625.47	\$371,714.66
Port of Port Angeles	\$53,114.14	\$61,338.62	\$29,384.14	38,954.97	\$44,873.54	\$51,596.95
QVP&R (Forks Pool) Bond	\$45,701.18	\$47,256.46	\$58,422.86	\$39,361.68	\$39,268.18	\$0.00
William Shore MPD (PA Pool)	\$4,021.05	\$7,455.88	\$4,162.44	\$6,038.69	\$7,276.73	\$8,689.85
County Roads	\$390,432.10	\$452,099.49	\$217,919.99	\$288,559.33	\$331,680.63	\$375,078.20
Conservation Futures	\$0.00	\$0.00	\$0.00	\$6,653.73	\$7,587.69	\$8,637.60
North Olympic Library System	\$146,333.84	\$168,655.85	\$80,654.82	\$107,124.68	\$123,252.41	\$141,567.25
City of Port Angeles	\$197.72	\$235.06	\$111.18	\$150.33	\$174.44	\$204.58
City of Sequim	\$6.15	\$7.08	\$7.05	\$13.68	\$19.67	\$23.37
City of Forks	\$867.17	\$1,008.71	\$487.27	\$604.59	\$697.00	\$765.88
SD 121 Port Angeles M&O ¹	\$16,984.32	\$9,136.28	\$12,388.38	\$8,671.58	\$7,517.52	\$7,987.02
SD 121 Port Angeles Capital	\$0.00	\$0.00	\$0.00	\$3,0878.45	\$27,831.58	\$30,116.94
SD 313 Crescent M&O ¹	\$14,757.46	\$15,072.94	\$18,987.88	\$12,480.13	\$11,108.54	\$11,240.96
SD 313 Crescent Capital	\$5,499.14	\$5,619.24	\$7,020.04	\$5,836.23	\$4,183.30	\$5,287.84
SD 323 ² Sequim M&O ¹	\$20,764.29	\$21,430.43	\$27,073.32	\$18,831.42	\$16,591.38	\$17,494.88
SD 323 Sequim Capital	\$4,407.26	\$9,963.56	\$27,885.12	\$0.00	\$16,705.60	\$17,563.16
SD 323 ² Sequim Bond	\$16.14	\$104.94	\$213.76	\$93.11	\$0.00	\$0.00
SD 401 Cape Flattery M&O ¹	\$119,507.08	\$64,376.00	\$82,292.85	\$98,522.17	\$96,160.58	\$81,206.43
SD 401 Cape Flattery Bond	\$92,060.11	\$103,343.16	\$118,441.44	\$88,674.12	\$87,189.52	\$92,738.58
SD 402 ² Quillayute Valley M&O ¹	\$79,726.27	\$113,155.16	\$117,250.11	\$77,082.84	\$70,950.37	\$71,575.16
SD 402 ² Quillayute Valley Bond	\$215,920.92	\$319,650.00	\$328,293.87	\$235,868.47	\$215,569.46	\$214,579.50
Fire District 1 ²	\$11,977.90	\$14,603.92	\$7,482.53	\$9,228.62	\$10,940.32	\$12,277.46
Fire District 2	\$8,512.42	\$9,542.88	\$4,635.46	\$10,264.63	\$11,958.73	\$13,626.98
Fire District 3 ²	\$17,854.20	\$26,028.67	\$12,688.90	\$16,915.81	\$20,476.69	\$25,417.95
Fire District 3 ² EMS	\$8,724.42	\$10,091.53	\$4,951.67	\$8,090.72	\$9,313.38	\$10,581.40
Fire District 4	\$9,179.73	\$13,198.98	\$17,072.51	\$21,917.51	\$25,400.33	\$30,768.96
Fire District 5	\$17,399.67	\$20,606.09	\$10,043.69	\$12,018.91	\$14,516.78	\$16,066.44
Fire District 6	\$2,343.69	\$2,813.40	\$1,542.21	\$1,796.72	\$2,116.50	\$2,338.34
Hospital 1 – Forks	\$133,856.40	\$159,129.43	\$78,383.11	\$97,094.36	\$114,786.65	\$130,219.60
Hospital 1 - Forks EMS	\$46,823.82	\$55,656.09	\$27,424.13	\$33,970.71	\$69,583.52	\$78,085.27
Hospital 2 - Olympic Medical	\$53,317.78	\$61,325.52	\$29,284.28	\$38,882.77	\$44,693.34	\$51,207.53
TOTALS	\$1,902,860.32	\$2,214,688.66	\$1,536,138.86	\$1,595,861.32	\$1,756,049.85	\$1,878,658.74

¹ M&O stands for Maintenance and Operations.

² The numbers for SD 323, SD 402, FD1, and FD3 include Jefferson County remittances.

U. Federal Payments in Lieu of Taxes (PILT), including Revenues

Recognizing that the inability to collect property taxes on federally owned land impacts local governments, the federal government makes "Payments in Lieu of Taxes" to counties based on the amount of acreage owned and managed by federal agencies within those counties (e.g., Forest Service, Bureau of Land Management, Army Corps of Engineers, U.S. Fish and Wildlife Service, National Park Service, Bureau of Reclamation).

The Department of the Interior's (DOI) Office of the Secretary has administrative authority over the PILT program. In addition to other responsibilities, DOI calculates payments according to formulas established by law and distributes available funds.

During 2022 Washington State Counties received \$26,312,351 of PILT on a total of 11,990,518 acres. Clallam County's total is based on 523,303 acres.

➤ For more information, see <https://www.doi.gov/pilt>

PILT revenues over the years:

Calendar Year	County General Fund	Calendar Year	County General Fund
2002	\$291,880	2013	\$800,289
2003	\$176,451	2014	\$874,735
2004	\$180,262	2015	\$913,561
2005	\$183,494	2016	\$969,665
2006	\$109,563	2017	\$978,441
2007	\$109,873	2018	\$1,368,211
2008	\$175,164	2019	\$1,068,733*
2009	\$176,492	2020	\$1,101,485
2010	\$274,956	2021	\$1,155,238
2011	\$378,436	2022	\$1,225,189
2012	\$488,960	2023	\$1,236,499

*In 2019 Clallam County received \$1,043,662 plus an additional \$25,071 for a Class Action Lawsuit: *Kane County, Utah versus United States* net share of Judgment for 2015 – 2017 PILT underpayments.

T. Federal Forest Funding (Titles, I, II, and III), including Titles I and III Revenues

The Secure Rural Schools and Community Self Determination Act (locally referred to as “Federal Forest Funding”) provides assistance to rural counties and school districts impacted by the decline in revenue from timber harvests on federal lands.

Title I – Schools and Roads. Title I funds must be used for the benefit of public schools and public roads in the county in which the national forest is situated. For Title I revenues, see below.

Title II - Special Projects on Federal Land. Title II funds are administered by the U.S. Forest Service through local Resource Advisory Committees, to be used on projects that benefit local federal resources.

Title III - County Projects. Title III funds are administered by the Board of County Commissioners, to be used on county projects like search, rescue and emergency services, community service work camps, easements purchases, forest related educational opportunities, fire prevention and county planning, and community forestry. For Title III revenues, see below. For more info, contact the County Commissioners at <https://www.clallamcountywa.gov/186/Board-of-County-Commissioners>.

Revenues	Title I						Title III
Calendar Year	County Roads	SD 121 PA	SD 313 Crescent	SD 323 Sequim	SD 401 CF	SD 402 QV	BOCC Fund 19915 ¹
2011	\$775,881	\$258,200	\$23,658	\$185,419	\$29,265	\$279,339	\$18,256
2012	\$464,523	\$169,001	\$10,712	\$125,111	\$19,206	\$140,493	\$10,930
2013	\$464,953	\$205,628	\$14,315	\$153,918	\$24,911	\$66,180	\$10,940
2014	\$428,104	\$192,561	\$11,771	\$136,760	\$23,084	\$63,928	\$10,073
2015	\$392,236	\$176,937	\$11,131	\$127,457	\$21,060	\$55,652	\$9,227
2016	\$407,733	\$184,870	\$12,159	\$132,179	\$22,526	\$55,999	\$9,594
2017	\$55,415	\$24,872	\$1,856	\$18,221	\$3,221	\$7,246	\$0
2018	\$410,178	\$183,702	\$13,643	\$136,687	\$24,141	\$52,004	\$9,651
2019	\$378,815	\$170,701	\$10,801	\$128,069	\$22,769	\$46,475	\$8,913
2020	\$346,695	\$152,535	\$13,818	\$115,827	\$21,675	\$42,841	\$8,158
2021	\$313,664	\$139,447	\$10,900	\$104,029	\$21,142	\$38,147	\$7,832
2022	\$410,447	\$180,157	\$12,506	\$135,944	\$28,198	\$53,642	\$9,658
2023	\$369,252	\$164,619	\$14,334	\$123,175	\$22,706	\$44,417	\$36,959

¹ Board of County Commissioners (Non-Dept) Federal Forest Replacement Fund.

compensate local governments for their support and for forgoing tax revenue from those Federal lands.

For more information, refer to the [County Payments](#) tool on the PILT website and select PILT Acres by Agency from the drop-down menu at the top. This data is searchable by State and county and reflects the acreage amounts used in the calculation of PILT payments each year.

Requirements

What can PILT payments be used for, and must they be redistributed to other local government units?

Section 6902 of the PILT Act (Chapter 69, Title 31 of the U.S. Code) states PILT payments may be used by recipients (usually counties) for any governmental purpose and are not required to be further distributed to other local government units, such as school districts or cities. Payment is typically made directly to the eligible local government unless the State government chooses to enact legislation (under guidelines in Section 6907 of the PILT Act) to receive the payments and, in turn, pass the money on to other, smaller governmental units within the counties. Wisconsin is currently the only State with such legislation.

Payments made under Sections 6904 and 6905 of the PILT Act must be redistributed proportionally to affected areas and school districts that lost property taxes because of the Federal acquisition. Recipients may then use the payment for any governmental purpose.

Federal Assistance Listing

Does PILT have a Federal Assistance Listing Number (ALN)?

Yes. The Federal Assistance Listing number for the PILT program is 15.226.

Appropriation

What is the current level of appropriation for the PILT program?

On March 9, 2024, the President signed the Consolidated Appropriations Act, 2024 (Public Law 118-42), which appropriated full funding for PILT.

Were the 2024 payments subject to sequester?

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For more information, refer to the [County Payments](#) tool on the PILT website and select PILT Acres by Agency from the drop-down menu at the top. This data is searchable by State and county and reflects the acreage amounts used in the calculation of PILT payments each year.

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Clallam County Revenue Advisory Committee

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Email: loni.gores@clallamcountywa.gov

October 30, 2024

WA Board of Natural Resources

RE: Clallam County Trust Land Timber Sales - Parched, Tree Well, Alley Cat

Dear Board Members:

On behalf of the Clallam County Revenue Advisory Committee, composed of county-wide and junior taxing district representatives and non-voting DNR staff, this letter is sent **in support** of the above-named timber sales before you for approval at the November 2024 Board of Natural Resources meeting. These three sales had been paused by DNR.

Based on DNR estimates, these three sales are expected to bring the following revenue to the listed taxing districts:

Clallam County Roads	\$ 334,392
Port Angeles School District	1,207,618
Port of Port Angeles	47,479
Conservation Futures	7,660
Clallam County	331,228
Fire District #2	359,622
North Olympic Library System	126,148
Hospital District #1	136,493
William Shore Memorial Pool	138,397

These dollars are vitally important to each of these taxing districts, and each of them have a story to tell about how the dollars will be used.

As a reminder, 88,000+ Clallam County acres were conveyed by deed to the State during the 1930's, 40's and 50's, to be managed for forest management and logging by the State Forest Board (now the Board of Natural Resources). After set asides for old growth, the spotted owl, the marbled murrelet, steep and unstable slopes, riparian dependent species, and habitat for future endangered species, the beneficiaries were given surety that no further acres would be set aside for the duration of the habitat conservation plan. Over fifty percent of Clallam County trust lands have been set aside. Of the remaining acres, the 491 acres comprising these three timber sales equals approximately 1% of the total timberland acres available for harvest.

These stands are second or third growth and they are now prime timber acres to be harvested for the beneficiaries. This is exactly what was planned for timberland management under a sustained harvest regime.

DNR staff are to be complimented for their diligence in setting up these sales. They marked large trees not to be cut, set side groups of trees through the units, and are certain that water quality in the Elwha River will not be adversely affected by the harvests.

We ask that these sales be approved as presented and without further delay.

Kindest Regards,

Connie Beauvais, Chair
Clallam County Revenue Advisory Committee (RAC)

cc: Representative Mike Chapman
Representative Steve Tharinger

DRAFT