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5 6										
7	SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY									
8										
9	CENTER FOR SUSTAINABLE ECONOMY, LEGACY FOREST DEFENSE COALITION and SAVE THE OLYMPIC PENINSULA)) NO.								
10	Appellants,)								
11	V.) NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY								
12	WASHINGTON STATE DEPARTMENT OF) KEVIEW AND DECLARATORY) JUDGMENT								
13	NATURAL RESOURCES, BOARD OF NATURAL RESOURCES, WASHINGTON									
14 15	STATE DEPARTMENT OF ECOLOGY; and COMMISSIONER OF PUBLIC LANDS HILARY FRANZ, in her official capacity,									
16	Respondents.)								
17	I. INTRO	ODUCTION								
18	1. On June 6, 2023, the Washing	gton Board of Natural Resources ("Board")								
19	authorized logging a naturally regenerated ("leg	gacy") stand that contains a rare concentration								
20	of big, old trees in King County – the Wishbone Timber Sale. This timber sale requires loggers									
21	to clearcut over 100 acres of mature forests that range between 80 and 110 years of age and									
22	build over a half mile of new logging roads in an area already far beyond recommended road									
23										
24	densities needed to control risks associated with landslides, degradation of fish habitat, habitat									
25	fragmentation, timber poaching and unattended	fires.								
26										
27	NOTICE OF APPEAL, PETITION FOR REVIE DECLARATORY JUDGMENT - 1	EW AND Bricklin & Newman, LLP Attorneys at Law 123 NW 36 th Street, Suite 205 Seattle WA 98107 Tel. (206) 264-8600								

2. The mature trees within the Wishbone Timber Sale are at the age where carbon sequestration and carbon storage are approaching their maximum and are helping to mitigate the effects of climate change in King County by providing cool, moist, shaded microclimates, reducing the risks associated with landslides, floods, and wildfires and maintaining year-round flows of clean, cool water critical to salmon and other aquatic species. The proposed logging operations will eliminate carbon sequestration on these sites for 10-15 years after harvest, generate significant quantities of both biogenic and fossil fuel related greenhouse gas emissions and increase climate change risks associated with heat waves, warming waters, landslides, flooding, wildfires and other stressors already on the rise due to climate change.

3. The Board approved the Wishbone Timber Sale without adequate consideration of these climate change impacts. DNR's determination that the timber sale would not have a "probable significant adverse impact on the environment" and its subsequent threshold Determination of Nonsignificance ("DNS") under the State Environmental Policy Act ("SEPA"), RCW ch. 43.21C, disregarded these impacts.

4. Logging of these big old trees and replacing a naturally regenerated legacy forest with a tree plantation is at odds with scientific consensus, the US pledge to end deforestation and forest degradation by 2030, the direction of federal policy and multiple climate policies of the state, including the DNR Commissioner's Order 202006 on Climate Resilience.

5. The Center for Sustainable Economy (the "Center") and Save The Olympic Peninsula ("STOP") hereby appeal the Board's approval of the Wishbone Project and DNR's clearly erroneous DNS, which was issued in violation of SEPA.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 2

II. JURISDICTION AND VENUE

6. The Wishbone Timber Sale is located wholly within King County. Jurisdiction and venue are appropriate before this Court pursuant to RCW 79.02.030 (Public Lands Act) and RCW 43.21C.075 (SEPA). Declaratory relief is authorized under RCW 7.24.010 and injunctive relief is authorized under RCW 7.40.010. To the extent that it's necessary and appropriate to support our individual claim, this matter may also be appropriate before this court under RCW 34.05.570.

7. This suit is timely under RCW 79.02.030 because it was filed and served within 30 days of the Board's approval of the Wishbone Timber Sale on June 6, 2023. Appellants participated in all stages of public comment for Wishbone Timber Sale and have therefore exhausted all available administrative remedies.

III. PARTIES

8. Appellant Center for Sustainable Economy (the "Center"), P.O. Box 705, Port Townsend Washington, 98368, is a Washington State-registered non-profit organization based in Port Townsend, Washington. As part of its Forests for Climate and Biodiversity Program, the Center conducts research and advocates for policies to protect forestlands for their climate benefits. The Center seeks to promote a balanced approach to the management of Washington state forestlands that allows DNR to generate reliable revenue for trust beneficiaries – including revenues from carbon storage – while preserving and accelerating the development of fully functional forests that can capture and store more carbon per acre than almost any other terrestrial ecosystem on Earth and thus be of benefit to all people that are now experiencing the adverse effects of climate change. The Center and its members have a particular interest in ensuring that the state's forests are managed in a responsible and lawful manner.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 3

9. Appellant Save The Olympic Peninsula ("STOP"), P.O. Box 3133, Pt. Angeles, Washington, 98362, is a Washington State-registered non-profit organization based in Port Angeles, Washington. STOP's mission is to ensure the best use of the land and waters of the Olympic Peninsula and adjacent areas in order to retain the unique character of the area, protect its environmental qualities, and provide for its enjoyment by generations to come.

 Appellant Legacy Forest Defense Coalition (LFDC), P.O. Box 7154, Tacoma, Washington, 98417, is a Washington State-registered non-profit organization based in Tacoma, Washington. LFDC is dedicated to building support for the protection our publicly owned, lowland legacy forests, which are invaluable assets in our battle against climate change.

11. Members of the Center, STOP and LFDC regularly visit and recreate on DNRmanaged forestlands and gain aesthetic enjoyment from visiting unique stands of older legacy forest and observing wildlife, plants and fish, hiking, and gathering non-timber forest products found on these lands. Members of the Center, STOP and LFDC have visited the Wishbone Timber Sale area in the past and have plans to do so again in the near future.

12. Their enjoyment of the area will be diminished if the mature legacy forests of the Wishbone Timber Sale are logged and the land and waters within the sale area are damaged by new logging roads, skid trails, mud, trash, water pollution and exposure to the hot and dry conditions in open clearcuts. Those same interests will be protected if the Court issues injunctive relief to prevent the Wishbone Timber Sale, as presently configured, from going forward.

13. DNR is an agency of the State of Washington and is responsible for managing forests on Washington trust lands.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 4

14. Washington State Department of Ecology (DOE), 300 Desmond Drive SE, Lacey Washington, 98503, is an agency of the State of Washington and is the agency with authority and responsibility to promulgate the rules that implement SEPA, particularly in this case RCW 43.21C.030(2)(e). References to "respondents" below in this Notice of Appeal do not include DOE. DOE is named in this matter only if the court interprets Appellants challenge under RCW 43.21C.030(2)(e) as necessarily including a challenge to DOE's failure to adopt rules consistent with RCW 43.21C.030(2)(e).

15. The Board sets policies that guide how DNR manages state trust lands. Its powers and duties include appraisal and approval of timber sales on state forestlands prior to auction. The Board must review and approve timber sales on state trust land before those sales are presented for auction.

16. As the Commissioner of Public Lands ("Commissioner"), Hilary Franz has a seat on the Board and is the administrator for DNR, with jurisdiction over all the powers, duties, and functions of DNR, except those specifically assigned to the Board.

17. DNR's Forest Resources Division manages state trust lands ("DNR State Lands"), and the Forest Practices Division reviews forest practices applications ("DNR Regulatory"). DNR State Lands develops potential timber sales and submits them to DNR Regulatory for review and ultimate approval. Once DNR Regulatory has approved a permit, DNR State Lands acts through the Board to determine whether to offer logging rights for sale at public auction.¹

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The term "DNR" refers to DNR State Lands unless specified.

IV. FACTUAL ALLEGATIONS

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

19. Logging is a major source of greenhouse gas (GHG) emissions from both biogenic (*i.e.*, carbon stored in trees) and fossil fuel (*i.e.*, logging equipment) sources. Logging also reduces the amount of carbon being taken out of the air, and this loss of carbon sequestration capacity is often counted as an indirect form of emission. These emissions are associated with activities all along the wood product life cycle – from logging to manufacturing, to disposal of wood waste. Every time a new timber sale is approved, DNR is initiating this chain of activities. The specific sources of GHG pollution are well known and readily measurable by existing data and methods.

20. Carbon stored in trees is lost to the atmosphere as trees are cut down, burned for energy, or manufactured into paper or wood products that decay and are eventually disposed of on the land or in landfills. Numerous life cycle analyses have found that between 75% and 85% of the carbon stored in trees in a timber sale area will end up in the atmosphere in a relatively short period of time if they are logged.

21. Greenhouse gas emissions result from the construction of logging roads and deforestation associated with logging roads. Logging releases the carbon stored in trees cut down in the right of way and takes forestlands out of production, which eliminates their ability to sequester carbon.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 6

22. Fossil fuel emissions result from diesel and gasoline powered machinery used to construct roads, conduct logging activities, and transport logs to the mills. Fossil fuel emissions are also generated from the combustion of fossil energy or wood waste at manufacturing facilities.

23. For ten to fifteen years after logging, additional carbon is lost to the atmosphere as branches, stumps, root systems, needles and other logging debris decays or is burned in slash piles. GHG emissions are also generated by disturbance and loss of soils. These emissions far outpace whatever carbon is captured by new growth for a period of ten to fifteen years after logging and so during that time flip a timber sale area like Wishbone from one of the world's most productive carbon sinks to a net source.

1324. The carbon sequestration forgone by flipping the Wishbone Timber Sale area14from a carbon sink to a carbon source is a form of indirect emission that puts the same upward15pressure on atmospheric GHG concentrations as a direct emission.

25. Greenhouse gas emissions also occur when chemicals and fertilizers are applied to newly established timber plantations.

26. DNR has access to and has been made aware of numerous scientific publications and sources of data to estimate GHG emissions associated with a given logging project, including Wishbone.

27. In their May 3, 2023, comments, Appellants called attention to one method based on an emissions factor (tons CO₂ released for each thousand board feet (mbf) logged) derived from Washington-specific studies. That factor suggests that the Wishbone Timber Sale is likely to generate at least 48,700 metric tons CO₂ equivalent.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 7

28. For comparison, Washington Department of Ecology's Draft Greenhouse Gas Rule for Projects uses 10,000 metric tons CO_2 equivalent as a threshold of significance, and this is also the threshold beyond which certain facilities must report their GHG emissions under state law.

29. In the context of the Wishbone Timber Sale, DNR has failed to quantify or identify the sources of GHG emissions triggered by proposed logging activities despite their likely magnitude being over four times this threshold.

30. In addition to driving climate change by generating significant quantities of GHG emissions, clearcutting, road building, and establishment of timber plantations on DNR lands is making the land more vulnerable to climate change. DNR is well aware of and has full access to the research connecting logging to increased wildfire risk, floods, landslides, harmful algae blooms, wind damage, water shortages, heat waves, and other stressors on the rise from climate change.

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

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 8

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32. By failing to consider climate impacts as part of SEPA analysis, the connection between logging and amplification of these climate risks has been overlooked by the SEPA analysis prepared for the Wishbone Timber Sale.

33. The Wishbone Timber Sale involves a competition over the use of a resource whereby selecting logging and other activities will preclude all other uses. There is a real choice between different uses of these available resources. The trees in project area are actually capable of being used to accomplish different purposes than what's being pursued, such as carbon sequestration.

34. On May 3, 2023, Appellants filed two sets of comments on the Wishbone Timber Sale during the SEPA comment period. The first set of comments, signed by all three parties, discussed both of these categories of climate impacts – GHG emissions and increases in climate vulnerability – and requested that DNR redo the environmental checklist to address these issues and consider reasonable alternatives to mitigate or avoid such impacts, including elimination of harvest units in mature legacy forest stands, elimination of new road construction, and use of variable density thinning rather than clearcutting (called variable density harvest by DNR) on the younger plantation stands included within the sale area.

35. An expert declaration by climate scientist Dominick DellaSala was appended to the comments clarifying that GHG emissions associated with the Wishbone Timber Sale were not in any way addressed by the environmental checklist or by prior, non-project EISs DNR referenced in the cumulative effects portion of the checklist.

36. Also on May 3, 2023, the Center and LFDC filed an additional set of comments focusing on the loss of older legacy forests in a watershed that is already severely underrepresented by such stands. The Center and LFDC noted in their comments that while

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DNR has a goal of restoring structurally complex older forests to 10% to 15% of the landscape the agency is now far below that threshold and will continue to move away from that goal by logging the older forests contained in the Wishbone Timber Sale and others like it in western Washington.

37. A day later, on May 4, 2023, DNR issued a "Notice of Final Determination" retaining the DNS.

38. On May 17, 2023, South Puget Sound State Lands Assistant Manager Brandon Mohler sent a letter to the Center, STOP and LFDC offering reasons why DNR does not believe it has a duty to disclose climate impacts of its logging operations on a project level or consider alternatives or mitigation measures to lessen those impacts. In that letter, Mr. Mohler asserted that "[u]sing a gross estimate of carbon dioxide released from the harvest of an individual stand of timber provides no useful information..." with respect to understanding climate impacts.

39. On May 17, 2023, Mr. Mohler sent a second letter to the Center and LFDC explaining why the agency believes logging existing older forests in areas where the agency has not met its older forest targets is nevertheless consistent with DNR's management framework.

40. On June 1, 2023, Appellants filed a rebuttal to Mr. Mohler's first letter and asked the Board to rescind the DNS for the Wishbone Timber Sale because the DNS is clearly erroneous with respect to climate impacts. Appellants also reiterated their request for a full accounting of GHG emissions and other climate impacts and consideration of a climate smart alternative to the present timber sale design.

41. On June 6, 2023, and prior to the Board meeting, Appellant LFDC sent a letter urging the Board to put an end to the continued destruction of the oldest and most biodiverse

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 10

lowland forests in Western Washington, by denying approval of several timber sales, including Wishbone.

42. Despite these rebuttals and requests, the Board approved the Wishbone Timber Sale for auction during the June 6, 2023, meeting without responding to Appellants' concerns. V. **CAUSES OF ACTION First Cause of Action** Violation of SEPA 43. Appellants incorporate by reference all preceding paragraphs. 44. The Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, was enacted to assure the integration of environmental values into the decision-making process of state agencies. 45. SEPA requires that for every decision on a major action significantly affecting the quality of the environment, the lead agency must prepare an "Environmental Impact Statement" or "EIS." 46. The SEPA threshold determination is a formal decision as to whether a project will or will not cause significant adverse environmental impacts and, therefore, whether an EIS will be required for the project. 47. The content of environmental review, for the purpose of deciding whether an EIS is required, is specified in SEPA and SEPA regulations, including, but not limited to, WAC 179-11-330 and 197-11-444. If the SEPA responsible official determines that a project will have no significant 48. adverse environmental impacts, the lead agency will prepare and issue a Determination of Non-Significance (DNS) per WAC 197-11-340.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 11

49. For a DNS to survive judicial scrutiny, the record must demonstrate that environmental factors were considered in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA and that the decision to issue an MDNS was based on information sufficient to evaluate the proposal's environmental impact. Ultimately, the threshold determination must indicate that the agency has taken a searching, realistic look at the potential hazards and, with reasoned thought and analysis, candidly and methodically addressed those concerns.

50. When information is uncertain, DNR must obtain accurate information and perform a new environmental review before proceeding with the project. See WAC 197-11-335. If significant new information arises after a SEPA threshold determination indicating that a proposal will have significant adverse environmental impacts, DNR must rescind its threshold determination and prepare a new analysis. See WAC 197-11-340(3)(a)(ii).

51. One of the elements of the environment that must be considered as part of the SEPA analysis is climate change impacts. Greenhouse gas emissions are considered an air pollutant that must be addressed in SEPA review.

52. The Wishbone Timber Sale will cause probable significant adverse climate change impacts.

53. The DNR responsible official failed to consider climate change impacts of the Wishbone Timber Sale in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA and the decision to issue a DNS was not based on information sufficient to evaluate the proposal's environmental impact. The responsible official did not take a searching, realistic look at the potential hazards and did not approach the review of climate change impacts with reasoned thought and analysis.

NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 12

1	54.	The DNR responsible official failed to require	e adequate mitigation of the				
2	probable significant adverse climate change impacts of the Wishbone Timber Sale to the extent						
3	necessary to justify issuance of a DNS instead of a DS.						
4	55.	DNR failed to prepare an environmental impac	t statement for the Wishbone				
5 6	Timber Sale.						
7	56.	Respondents actions as described above were no	ot in accordance with law and				
8	clearly errone	eous.					
9	57.	Respondents approval of the Wishbone Timber Sa	le was based upon an unlawful				
10	and clearly er	roneous DNS.	-				
11		Second Cause of Action					
12							
13		Violation of SEPA					
14	58.	Appellants incorporate by reference all preceding	paragraphs.				
15	59.	RCW 43.21C.030(2)(e) requires that state agencie	es study, develop, and describe				
16	appropriate a	lternatives to recommended courses of action in	any proposal which involves				
17	unresolved co	onflicts concerning alternative uses of available reso	burces.				
18	60.	Respondents failed to study, develop, and descri	be appropriate alternatives to				
19	the logging and other activities that were approved by the Wishbone Timber Sale. The						
20 21	Wishbone Timber Sale involves unresolved conflicts related to climate change impacts						
22	concerning alternative uses of available resources.						
23	61.	This appeal is intended to be a challenge to respo	ondents failure to comply with				
24	a statutory ma	andate, not a challenge to the validity of DOE's rule	s. That said, in the alternative,				
25	in case the co	ourt rules that this claim must include a challenge to	SEPA regulations, we allege				
26							
27							
		APPEAL, PETITION FOR REVIEW AND ORY JUDGMENT - 13	Bricklin & Newman, LLP Attorneys at Law 123 NW 36 th Street, Suite 205 Seattle WA 98107 Tel. (206) 264-8600				

1	herein that DOE has an legal obligation to implement rules consistent with RCW										
2	43.21C.030(2)(e) and improperly failed to adopt rules to implement that provision.										
3	62. Respondents actions as described above were not in accordance with law and										
4	clearly erroneous.										
5	63. Respondents approval of the Wishbone Timber Sale was based upon an unlawful										
6	SEPA process.										
7 8	VII. RELIEF REQUESTED										
9											
10	Appellants respectfully request the following relief:										
11	1. An order vacating the Board's approval of the Wishbone Timber Sale for										
12	auction.										
13	2. An order vacating the DNS for the Wishbone Timber Sale.										
14	3. An order declaring that the SEPA review for Wishbone Timber Sale was clearly										
15	erroneous and not in accordance with law.										
16	4. An order enjoining all forest practices pursuant to the Wishbone Timber Sale.										
17	5. Only if necessary (appellants don't believe it is for this matter), an order										
18	directing DOE to implement rules consistent with RCW 43.21C.030(2)(e).										
19	6. An order granting Appellants their costs and attorneys' fees based on the Equal										
20	Access to Justice Act, RCW Ch. 4.84, or any other applicable provision of law.										
21	7. Any other relief that this Court deems just and proper.										
22 23											
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	NOTICE OF APPEAL, PETITION FOR REVIEW AND DECLARATORY JUDGMENT - 14 Bricklin & Newman, LLP Attorneys at Law 123 NW 36 th Street, Suite 205 Seattle WA 98107 Tel. (206) 264-8600										

1	Dated this 29 th day of June, 2023.		
2		Respe	ectfully submitted,
3		BRIC	KLIN & NEWMAN, LLP
4			
5		By:	<u>s/Claudia M. Newman</u> Claudia M. Newman, WSBA No. 24928
6			Michael Rea, WSBA 60592
7			123 NW 36 th Street, Suite 205 Seattle, WA 98107
8			Telephone: 206-264-8600 newman@bnd-law.com
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	NOTICE OF APPEAL, PETITION FOR R DECLARATORY JUDGMENT - 15	EVIEW	AND Bricklin & Newman, LLP Attorneys at Law 123 NW 36 th Street, Suite 205 Seattle WA 98107 Tel. (206) 264-8600

ATTACHMENT



TIMBER NOTICE OF SALE

SALE NAME: WISHBONE

AGREEMENT NO: 30-103629

AUCTION: July 25, 2023 starting at 10:00 a.m., COUNTY: King South Puget Sound Region Office, Enumclaw, WA

SALE LOCATION: Sale located approximately 11 miles north of Carnation.

PRODUCTS SOLD AND SALE AREA:

A: All timber, except trees marked with blue paint or bounded out by yellow leave tree area tags, snags, and down timber existing more than 5 years from the day of sale, bounded by the following: white timber sale boundary tags, the 2710 Road, and property boundary marked with white Carsonite posts in Unit #1; white timber sale boundary tags, and the 2730 Road in Unit #2; white timber sale boundary tags, and the 2000 Road in Unit #3; white timber sale boundary tags, and timber type change marked with pink flagging in Unit #4;

All timber bounded by orange right of way tags in Right of Way Units #5, and #6;

All timber, except logs required to be left onsite as described in Road Plan clause 3-6, bounded by orange right of way tags in Right of Way Unit #7;

All forest products above located on part(s) of Sections 19 all in Township 26 North, Range 8 East, Sections 1, 2 and 11 all in Township 26 North, Range 7 East, W.M., containing 102 acres, more or less.

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

ESTIMATED SALE VOLUMES AND QUALITY:

	Avg R	ting Total MBF by Grade					e								
Species	DBH Co	-	MBF		1P	2P	3P	SM	1 S	2S	•	3S	4S	UT	
Douglas fir	24.4	8	3,189				181	415		2,097	· .	412	84		
Hemlock	18.9		847							509)	293	45		
Redcedar	17.9		503									443	60		
Maple	18.8		151							92	2	32	27		
Cottonwood	31.2		29							24	ŀ		5		
Red alder	12		23										23		
Sale Total			4,742												
MINIMUM BID:		\$1,6	520,000.00				BII) MET	HOD):	Sea	aled B	ids		
PERFORMANCE SECURITY:		\$100,000.00			SA	SALE TYPE:				Lump Sum					
EXPIRATION	DATE:	Oct	ober 31, 2025				AL	LOCA	TION	N:	Exj	port R	estrict	ed	
BID DEPOSIT:		\$16 pric	2,000.00 or Bid e.	Bond	l. Said	l depo	sit shal	l consti	tute a	in ope	ning	g bid a	at the a	ppraised	
HARVEST METHOD:		Harvest activities are estimated to be 100 percent ground based harvest. Ground based													

HARVEST METHOD: Harvest activities are estimated to be 100 percent ground based harvest. Ground based equipment, with self-leveling equipment limited to sustained slopes 65 percent or less,



TIMBER NOTICE OF SALE

and all other tracked ground based equipment limited to sustained slopes 45 percent or less. Yarding may be restricted during wet weather if rutting becomes excessive, per clause H-017.

ROADS:25.95 stations of optional construction. 196.46 stations of required prehaul maintenance.
25.95 stations of abandonment, if constructed. Purchaser maintenance on the 1000, 1200,
1210, 2000, 2700, 2710, 2710-4, 2730, 2730-2, 5000, and 5050 roads.

Rock for this proposal can be obtained from the State owned 5050 Pit at no cost to the Purchaser or any commercial rock source at the Purchaser's expense. Rock source development is to be completed per Section 6 in the Road Plan and according to the Rock Source Development Plan if rock is obtained from the 5050. Pit.

Operation of road construction equipment and rock haul will not be permitted from November 1 to April 30, unless authority to do so is granted, in writing, by the Contract Administrator. If permission is granted to operate from November 1 to April 30, the Purchaser shall comply with a maintenance plan, when a maintenance plan is determined necessary by the Contract Administrator, to include further protection of State resources per Road Plan clause 1-26. The hauling of forest products will not be permitted from November 1 to April 30 unless authorized in writing by the Contract Administrator. If permission is granted to operate from November 1 to April 30, Purchaser shall comply with a maintenance plan, when a maintenance plan is determined necessary by the Contract Administrator, to include further protection of State resources per Road Plan clause 1-26.

ACREAGE DETERMINATION

CRUISE METHOD:	Acreage for Units #1, #2, and #3 were determined by traversing boundaries by GPS.
	Acreage for Unit #3, and Right of Way Units #5, #6, and #7 were determined by GPS and
	by multiplying length times width. GPS data files are available at DNR's website for
	timber sale packets. See cruise narrative for cruise method.

FEES: \$80,614.00 is due on day of sale. \$9.00 per MBF is due upon removal. These are in addition to the bid price.

SPECIAL REMARKS: This sale contains Douglas-fir high quality logs. See Cruise.

Trees marked with three bands of blue paint in Right of Way Unit #7 along the 1000 Road are to cut and placed at each Type 3 stream crossing within 25 feet of the stream on either side of the streambank. Trees that have been pre-marked with three bands of blue paint are Douglas fir and at least twice the width of the ordinary high water mark. All other marked trees within Right of Way Unit #7 can be cut and removed once a premarked tree has been cut and placed in a Type 3 stream. See Road Plan clause 3-6 for additional information.

Non-tradeable individual leave trees within Units #2 and #3 are marked with two bands of blue paint.

Timber haul will not be allowed on the Stossel Creek Road between the 1000 Road and 2730 Road junction. Only equipment haul and light vehicle use will be allowed on this section of Stossel Creek Road due to maintenance and sedimentation issues.

Cut all vine maple greater than 6 feet in height within the harvest unit, leaving a stump no more than 12 inches in height.

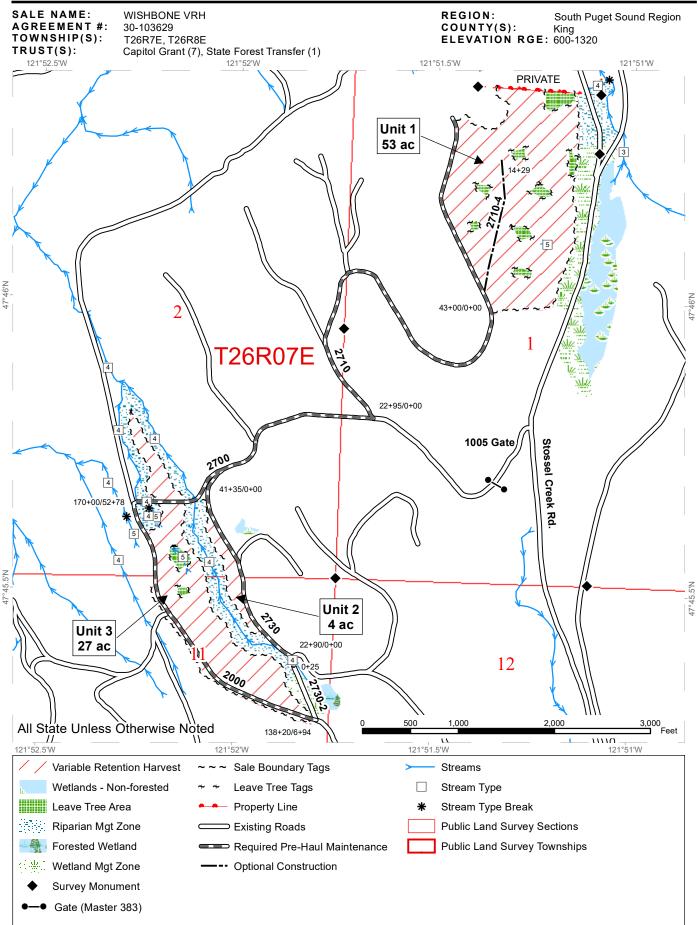


TIMBER NOTICE OF SALE

Note to cruisers and appraisers: Please refrain from leaving pink, orange or blue flagging from your cruises in or around the sale area to avoid confusion with DNR's marking. Additionally, for the safety of the public, please remove from roads all string from string boxes used during appraising or cruising this sale.

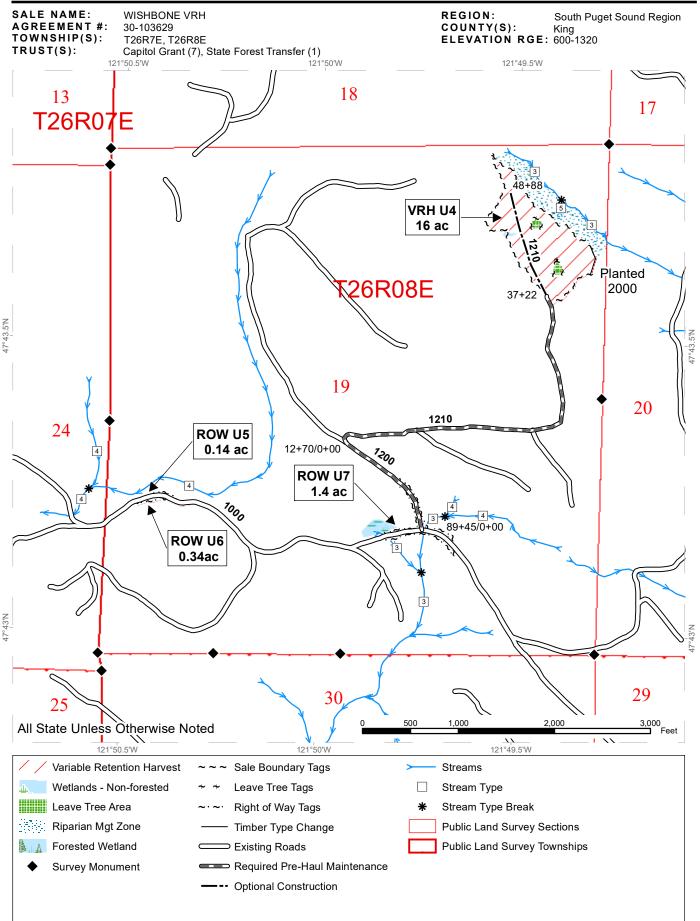
See map for gate locations. Gate keys may be obtained by contacting the South Puget Sound Region office at 360-825-1631 or by contacting Paul Footen at 425-736-1708.

TIMBER SALE MAP



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TIMBER SALE MAP



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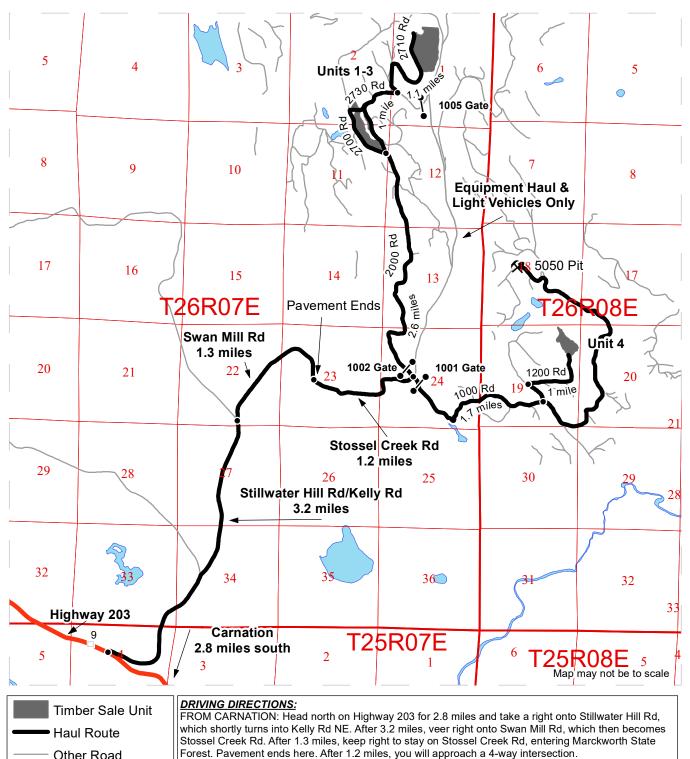
DRIVING MAP FROM CARNATION

SALE NAME:WISHBONE VRHAGREEMENT#:30-103629TOWNSHIP(S):T26R7E, T26R8ETRUST(S):Capitol Grant (7), State Forest Transfer (1)

 REGION:
 South Puget Sound Region

 COUNTY(S):
 King

 ELEVATION RGE:
 600-1320



Prepared By: ssha490

R

Distance Indicator

Gate (Master 383)

Milepost Markers

Rock Pit

Highway

.6 miles.

coming to Unit 4.

UNITS 1-3: Turn left at the 4-way onto the 2000 Rd and head through the 1002 gate (Master 383 key). Continue on the 2000 Rd for 2.6 miles before approaching Units 2 and 3. To continue to Unit 1, drive on

the 2710 Rd for 1 mile, then turn left onto the 2710 Rd. Unit 1 will be on the right in approximately

UNIT 4: Turn right at the 4-way onto the 1000 Rd and head through the 1001 gate (Master 383 key).

Continue on the 1000 Rd for 1.7 miles, then turn left onto the 1200 Rd and continue for 1 mile before

Ν