

# State Trust Lands Managed For All the People

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## What are State Trust Lands?

Upon Washington's statehood in 1889, the federal government granted Washington 3 million acres of land through the Enabling Act. This land was designated to be held for the public and to support public institutions, including K-12 school construction and state universities. These are known as **federally-granted state trust lands** or "**State lands**." Approximately 2 million acres of the federally-granted state trust lands are forested. Article 16, Section 1 of the Washington State Constitution states that "all the public lands granted to the state are held in trust for **all the people**" (emphasis added). Our lawsuit is centered on the interpretation of this constitutional language, and asks the Court to confirm that state lands are indeed "held in trust for all the people," such that the agency must consider both generating revenue and other benefits of State lands. Policies for management of state trust lands are set by the Board of Natural Resources (BNR), and management is carried out by the Department of Natural Resources (DNR).

## Concerns with Current State Trust Land Management

DNR today does not manage the state lands in the best interests of "all the People." Instead, the State manages state lands to **maximize revenue for certain funds above all other objectives**, provided state and federal laws are met. The State's position is largely based on a misreading of a 1984 case on a dif-

ferent issue, *County of Skamania v. State*. The State's sole focus on generating revenue leads to intensive logging of public lands, in contrast to a more balanced approach of logging, employment, promoting forest health and fisheries, and sequestering carbon. Washingtonians should not be forced to choose between logging revenue and healthy forests that protect local air, water, and habitat — particularly in a time of climate crisis, as well as decline and extinction of species.

Revenue from trust lands is not a significant component of the budgets of many recipients. For example, trust lands fund 1-6% of the state's school construction fund annually. If we genuinely seek to benefit our state's children, the best way to do so is to ensure a future in which we have thriving forest ecosystems, clean and cold water, and salmon while, at the same time, carrying out responsible forestry.

## A Lawsuit to Enable Management of Public Lands for Public Benefit

Conservation Northwest, Washington Environmental Council, Olympic Forest Coalition, and eight affected individuals from across the State filed a lawsuit asking the courts to interpret the terms of the Washington State Constitution directing that public state-managed forestlands be "held in trust for all the people." We are asking the Court to interpret the plain terms of this Constitutional language, confirming the fundamental principle that the State must



manage public lands for the public benefit of all Washingtonians; not solely for revenue. We believe DNR's current management of trust lands is based on a misreading of legal requirements, and is not reflective of the needs of all the people of Washington.

## Management “For all the People”

The lawsuit seeks to affirm DNR's constitutional authority and obligation to manage forests in the long-term interest of all Washingtonians, for a diversity of values beyond economic return. This would enable management of our public forests to better reflect and support our state's evolving environmental, economic, and social needs.

The lawsuit does not seek to end logging on state trust lands. Rather, the lawsuit seeks to remove a barrier to balanced and ecological forest management by giving DNR the discretion to pursue timber harvest alongside other benefits. The lawsuit does not challenge generation of revenue from timber sales on trust lands, nor does it address county lands managed by DNR, which contribute revenue to essential services and junior taxing districts. Some recipients of revenue from timber sales on state lands rely on this revenue, and the economic health of Washington's rural communities is important. Increased flexibility for DNR could facilitate forest management that creates jobs and supports local business, such as more labor-intensive ecological restoration.

## Current Case Status

In December 2019, the BNR adopted two important management plans: the sustainable harvest level, which defines timber harvest volume on state trust

## Potential Benefits of Forests Managed for All the People

- Timber production and associated revenue
- Thinning and restoration forestry, which generates revenue, requires more local labor, and promotes forest health
- Maintenance and potentially expansion of the forest sector workforce
- Drawdown of carbon dioxide from the atmosphere and storage of carbon in trees and soil, promoting climate stability
- Resilience to the impacts of climate change, such as wildfire, drought, and disease
- Protection of communities against landslides and floods during extreme weather events
- Provision of clean and abundant water
- Clean and cool streams required by fish such as salmon, in turn aiding the struggling orca population
- Promotion of salmon recovery and fisheries, to the benefit of Tribal, commercial, and recreational fishermen
- Restoration and protection of habitat for threatened and endangered species
- Regrowth of older, complex forests for future generations
- Non-timber forest products, cultural value, and recreation





lands, and the Long-Term Conservation Strategy, which outlines management for the endangered marbled murrelet on state trust lands. In response, Skagit County and a timber industry association filed two separate lawsuits calling on the DNR to increase logging and revenue.

On January 2nd, 2020, Conservation Northwest, Washington Environmental Council, and Olympic Forest Coalition also filed a [legal](#) complaint against the Commissioner of Public Lands in the King County Superior Court of Washington, calling for management of lands for the benefit of all the people—not only revenue. We subsequently appealed to the Washington State Supreme Court, which in March [granted direct review](#) of our case, Conservation NW, et al. v. Commissioner of Public Lands et al., No. 99183-9. Oral arguments will be heard on October 21, 2021, and can be viewed live on TVW.

#### contact

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## Timeline

**Dec 3  
2019**

The [Board of Natural Resources approves](#) the Sustainable Harvest Level defining timber harvest volume on state trust land, and the Long-Term Conservation Strategy for the Marbled Murrelet.

**Dec 30  
2019**

Skagit County files a lawsuit against DNR in Skagit County Superior Court, calling for more logging on state trust lands.

**Jan 2  
2020**

American Forest Resource Council (a timber industry trade group) and several counties filed a lawsuit against DNR in Skagit County Superior Court, calling for more logging on state trust lands.

**Jan 2  
2020**

Conservation Northwest, Washington Environmental Council, Olympic Forest Coalition, and several local individuals file a complaint in King County Superior Court calling for the court's interpretation of the language "all the people" in Article 16 Section 1 of the State Constitution.

**Oct 2  
2020**

Superior Court hearing and decision. The court held that our case was governed by County of Skamania v. State, and ruled for DNR and the industry intervenors. However, the Superior Court judge suggested that an appellate court ought to reconsider the important issues raised.

**May  
2021**

Both Skagit County and AFRC's lawsuits are "stayed" (suspended) pending the Supreme Court's resolution of the applicable standard for managing the federally granted lands.

**Mar 3  
2021**

A five-justice panel of the State Supreme Court unanimously grants direct review of our case, No. 99183-9, Conservation NW., et al. v. Commissioner of Public Lands, et al.

**Oct 21  
2021  
10AM**

State Supreme Court oral argument. Argument can be watched live on TVW.org.

**Decision:** Subject to the Court. Generally, 3-6 months but can vary case-by-case.

