

November 6, 2017

Board of Natural Resources
c/o Commissioner Hilary Franz – Chair
MS 47000 Olympia, WA 98504-7000

RE: MM LTCS and Selection of a Preferred Alternative

Commissioner Franz and members of the Board,

We write today to express our strong interest in the process to develop and implement a Long-Term Conservation Strategy (LTCS) for the marbled murrelet as part of the State Trusts Lands Habitat Conservation Plan (HCP). We understand it is the intention of the Board of Natural Resources (BNR) to select a preferred alternative for the LTCS and the Board's November 7th meeting. This decision will have a significant economic impact on rural economies and the trust beneficiaries - the counties, schools and junior taxing districts who rely on timber revenues from state trust lands. It is critical the Board and DNR staff select an alternative that complies with its trust mandates.

The Draft Environmental Impact Statement (DEIS) for the Marbled Murrelet Long-Term Conservation Strategy included five alternatives, in addition to the "No Action" Alternative. These Alternatives range from the minimum approach expected to comply with the DNR's 1997 HCP ("Alternative B") to an approach that would dedicate in excess of 100,000 additional acres to marbled murrelet conservation ("Alternative F"). This latter approach at a significant impact and cost to the beneficiaries – in direct conflict with the DNR's trust mandates.

We understand there have been four additional alternatives have been developed since mid-August. Three at the Board's direction and one an effort by staff to combine the concepts the Board has discussed into one "staff proposed" alternative. We appreciate the significant effort the Board has dedicated to this effort, but we do have serious concerns about the current process. To date the Board and the public have only seen a conceptual framework for the "staff" alternative, so the ability for the beneficiaries, the Board, and the public to review the impacts has been severely limited. Moreover, we believe that the Board still lacks clear guidance on DNR's minimum legal obligation under the 1997 HCP – information that is essential to complying with the DNR's paramount trust obligations.

Throughout this process extensive public comment has been provided to the Board noting that its trust mandates require it to select an alternative that meets, but does not exceed, its minimum legal threshold obligation under the 1997 HCP. Despite numerous requests by Board members and the public, there exists significant uncertainty about this foundational threshold question. At the October Board meeting, DNR staff sought to address this question about the "baseline" for Endangered Species Act (ESA) compliance within the Trust Lands HCP by presenting four specific supposed requirements – some of which exceeded the specific obligations found in the 1997 HCP. We urge the Board to clearly define this baseline as its legal threshold for complying with the ESA and its trust obligations. Selecting an alternative that unnecessarily exceeds this threshold will come at a direct cost to the trust beneficiaries and would expose the state to significant legal risk.

As you know, county governments, junior taxing districts and other trust beneficiaries continue to struggle due to reduced timber harvests and revenue from state trust lands - negatively impacting the citizens of these rural communities both economically and socially. Unfortunately, there is significant uncertainty about the impacts of the staff proposed alternative, which is a serious concern. It is critically important that any LTCS alternative that the Board is seriously considering be thoroughly analyzed and subjected to public review and comment, so we can fully understand its likely impacts.

The beneficiaries contributed over 42 percent of our trust asset to conservation when the 1997 HCP was adopted. We urge you to honor our trust mandates and ensure that any preferred alternative does not exceed what was agreed to in the 1997 HCP. Thank you for your diligent work on this challenging issue.

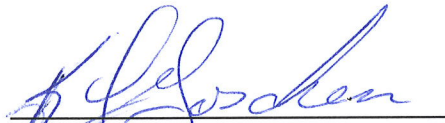
Sincerely,



Matt Comisky
Washington Manager
American Forest Resource Council



Bryon Monohon
Mayor
City of Forks



Karen Goschen
Executive Director
Port of Port Angeles