HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

May 8, 2018

The Washington State Board of Natural Resources is currently developing a long-term conservation strategy for the marbled murrelet on state lands, which will have social, economic, and environmental impacts in parts of our state. I am writing to ask for your help and advice in developing creative, feasible, and effective actions we can take together to address those impacts.

Background:

The Board of Natural Resources (BNR), under the Endangered Species Act (ESA), is charged with adopting and implementing a long-term conservation strategy (LTCS) for protecting the marbled murrelet on state lands. Washington's 1997 Habitat Conservation Plan (HCP) for state lands will ultimately be amended to include the murrelet LTCS. I am committed to completing this work during my term of office. An LTCS will provide legal certainty for ongoing management of state lands and long-term protection for the marbled murrelet.

The BNR must meet two legal imperatives in the LTCS: The ESA requires that the HCP "not appreciably reduce the likelihood of survival and recovery" of the marbled murrelet, and that it minimize and mitigate any impacts from operations on state lands. Our trust mandate, embedded in Washington's constitution and state law, requires that we generate "with undivided loyalty" revenue from state lands for trust beneficiaries, such as schools and local governments. In essence, this means we must conserve murrelet habitat consistent with ESA requirements, while maximizing revenue generation from timber harvest for trust beneficiaries.

Under any scenario, these competing legal imperatives ensure two outcomes. First, the ESA demands that certain timber lands in the murrelet's range be protected as habitat, and therefore placed off-limits to further harvest, likely resulting in decreased revenues for trust beneficiaries and job impacts in rural communities. Second, the trust mandate demands that we not set aside lands beyond what is needed for ESA compliance, resulting in an LTCS defined by what we *must do* to protect the murrelet, rather than all we *could do* to protect it.

Opportunity:

Protecting endangered species is a societal value embedded in federal law. And supporting and ensuring a good quality of life for all Washingtonians should be a bedrock value for all of us. I reject the premise that we must choose between a species and ensuring critical services and opportunities for our communities, from education, human services and public safety to jobs and

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HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS
CPL@DNR.WA.GOV

DEPARTMENT OF NATURAL RESOURCES
1111 WASHINGTON STREET SE
MAIL STOP 47001
OLYMPIA, WA 98504-7001

360-902-1000
FAX 360-902-1775
TRS 711
WWW.DNR.WA.GOV

economic health. Instead, I believe we should together assume the responsibility of supporting our communities and the marbled murrelet with all the intelligent strategies we can find. Embracing this broader responsibility demands complex solutions, collaborative engagement and statewide resources. While more challenging than simply advocating one side or the other, it also has the potential to deliver more impactful and enduring outcomes.

Invitation:

I am excited to invite you to join me in forming a "Solutions Table," where representatives of trust beneficiaries, the conservation community and economic development interests will come together to work toward better outcomes for communities impacted by the LTCS and the marbled murrelet. The Solutions Team members will include:

- **Dan Cothren, Wahkiakum County Commissioner**, representing beneficiaries
- **Paul Jewell, Kittitas County Commissioner**, representing beneficiaries on behalf of the Washington State Association of Counties
- **Brian Sims, Consultant, Washington State School Directors' Association**, representing beneficiaries
- **Lisa Remlinger, Evergreen Forests Program Director, Washington Environmental Council**, representing conservation interests
- **Paula Swedeen, Policy Director, Conservation Northwest**, representing conservation interests
- **Patricia Jones, Executive Director, Olympic Forest Coalition**, representing conservation interests
- **Travis Joseph, President, American Forest Resource Council**, representing economic interests
- **Connie Beauvais, Commissioner, Port of Port Angeles**, representing economic interests
- **Jim Sayce, Executive Director, Pacific County Economic Development Council**, representing economic interests

I want to start this effort now, because we know that regardless of the Board's specific decision, the LTCS will necessarily impact rural jobs, schools and local government revenues, while at the same time necessarily doing less than everything possible as a landowner to ensure the murrelet's survival statewide, due to these competing legal drivers. We need solutions to both challenges, and I want to get out ahead of impacts rather than wait to respond to them after the fact. The Solutions Table also will serve to meet the legislature's mandate in House Bill 2285, which was signed into law on March 23, 2018.

Let me be clear that this is not about negotiating the BNR's decision on the LTCS or HCP. That is a separate process, in which you, of course, are welcome to engage. The Solutions Table will

be its own process. My hope is that we collectively develop a package of proposed solutions, and then together, work to effectuate those solutions. That may require engagement with the legislature, Congress, state or federal agencies, or non-governmental entities. While the duration of this effort may change due to the nature of the solutions, I ask that we commit to work together for the next 18 months, through the end of 2019.

At our first meeting I propose we spend some time getting to know each other and our respective interests, and defining how we'll work together. I hope to come to common understanding of the purpose and scope of the effort, including geographic scope, and begin discussing what kind of solutions we should pursue. I'd like to follow this first meeting quickly with a second, so we can build momentum in working together and coming up with ideas.

I am grateful for your willingness to give your time and energy to this important effort. While the landscape we will work in is complex, our charge is really quite simple: how can we help impacted communities and how can we help the murrelet? I look forward to hearing your ideas, and by working together and owning each other's challenges and aspirations, turning those ideas into reality.

Sincerely,

Hilary S. Franz
Commissioner of Public Lands