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# Minutes

## Board of Natural Resources Meeting

October 1, 2019

Natural Resources Building, Olympia, Washington

### **BOARD MEMBERS PRESENT**

The Honorable Hilary Franz, Washington State Commissioner of Public Lands

The Honorable Bill Peach, Commissioner, Clallam County

The Honorable Chris Reykdal, Superintendent of Public Instruction

Jim Cahill, Designee for the Honorable Jay Inslee, Washington State Governor

Dan Brown, Director, School of Environmental and Forest Sciences, University of Washington

André-Denis Wright, Dean, College of Agricultural, Human, and Natural Resource Sciences,  
Washington State University

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### **1 CALL TO ORDER**

2 Chair Franz called the meeting to order at 9:00 AM.

3

4 All Board members introduced themselves. Chair Franz noted there was a quorum for the  
5 meeting.

6

### **7 SAFETY REVIEW**

8 A presentation on safety overview and instruction on evacuating the building in case of an  
9 emergency.

10

### **11 PUBLIC COMMENTS FOR GENERAL ITEMS OF INTEREST**

12

13 Inessa Pearce, Citizen of Sultan, WA, shared that she is a recreational business owner and  
14 president of Skykomish Valley Environmental and Economic Alliance (SVEEA). She spoke  
15 about how state lands should be managed for the benefit of all Washingtonians and the benefits  
16 of recreation for the health of all people. She stated that recreation needs more of the Boards  
17 attention and offered that SVEEA would be glad to participate in policy development. She  
18 recommended that the Reiter Foothills area be managed for recreation, not timber harvest, and  
19 should be restored and rehabilitated. She also stressed the importance of support to junior taxing  
20 districts by the county and state for lost revenue.

21

22 Margaret James, Snohomish County landowner of forest lands west of Wallace Falls State Park.  
23 Ms. James shared that she is hoping for some creativity in land management, for example she  
24 asked if cutting trees were to happen, is it possible to leave the same trees that were left after the

1 previous harvest, keeping the older trees on the landscape. She prefers no cutting, but keeping  
2 the oldest trees is keeping a tie to the past.

3  
4 Donald James, Snohomish County resident, Mr. James shared that he has worked in both logging  
5 and fishing in southeast Alaska and is currently in the oil and gas industry on the North Slope.  
6 He and his wife are managing their land for use for educational purposes, but not for destruction.  
7 He would like to see the land around them maintained and is interested in not only the short-  
8 term, but beyond his own life span.

9  
10 Nicky Nielli, Spoke about the Middle May timber sale. She stated that she is concerned about the  
11 change in the landscape, but mostly about the application of herbicides that would follow so  
12 close to where her daughter plays. She would like to see the area become part of Wallace Falls  
13 State Park.

14  
15 Mary Sereca, Citizen of Snohomish Count, resident on May Creek Road for 30 years. She stated  
16 that she is upset by the proposed harvest along two borders of her property. Given discussions  
17 about expanding Wallace Falls State Park, it seems counter to the plan to log the property now.  
18 She is also concerned about the stress logging would cause the remaining trees, which are  
19 already exhibiting drought stress. She is concerned about run-off and drainage issues,  
20 particularly because there are already problems, and about future spraying. She asked the Board  
21 to please reconsider the timber sale.

22  
23 Leslie Holmes, resident of Goldbar and speaking as a private citizen. Ms. Holmes has a B.S. in  
24 Political Economy and Botany, and works for Wallace Falls State Park. She has witnessed the  
25 drought stress in the trees in the Snohomish Valley and is concerned about the Middle May  
26 timber sale leading to more drought stress. There is much research showing that older trees are  
27 much better at acclimating to climate change and there is a need to conserve the older trees. If  
28 cutting must occur, she would prefer to see selective cutting. It is important to preserve the forest  
29 for generations to come. Snohomish County is the fastest growing county in the nation and the  
30 trees will be valued for generations.

31  
32 Brian Nelson, resident of Goldbar and a trail runner. Mr. Nelson stated that he uses the trails in  
33 Wallace Falls State Park and Reiter Foothills, and has organized a fundraiser. He has also  
34 worked with DNR to get more non-motorized trails in the area. He shared that his is part of the  
35 group working on a proposed trail between Wallace Falls and Index that is now in the park plan.  
36 He voiced his concerns over the Middle May timber sale, stating that although it is an  
37 improvement over Singletary there are still concerns, especially with unit 1. He mentioned that  
38 winter storms bring strong east winds to the area and there is concern about possible blowdown  
39 where unit 1 borders the state park. Also, even though the harvest proposed is a variable  
40 retention harvest, a nearby timber sale has shown how much damage that does and leaving eight  
41 trees per acre is a condition most people would consider a clear cut. He cautioned that going  
42 ahead with this could lead to conflicts with future timber sales.

43  
44 Neil McWee, citizen of Snohomish County. Mr. McWee lives about 3/10<sup>th</sup> mile from Middle  
45 May and 1/10<sup>th</sup> mile from Wallace Falls State Park and has lived in the area for many years. He  
46 gave a history of land ownership in the area and how he acquired his property, which is 15  
47 forested acres. He shared that when a nearby property was logged, it lead to a lot of blow down.

1 He is now concerned with the forest edge that would be created at the park. He brought a tree  
2 “cookie” (cross section of a log) to show the Board and explained that there are larger trees in the  
3 proposed Middle May area that DNR has claimed are 60 to 80 years old, but that are larger  
4 diameter than the cookie, which came from a tree approximately 95 years old. Other DNR staff  
5 have estimated the trees are more likely 160-plus years old.  
6

7 Mike Town, citizen, shared concerns with the Middle May timber sale and offer a solution for  
8 the Board to consider. He suggested that the Board give the local group time to work on a re-  
9 conveyance plan for the lands and if that is done, he and his wife would donate up to \$30,000 for  
10 the Sultan School Foundation, he will develop a STEM curriculum, and the forest can be used to  
11 educate future generations. The foundation would also work to keep the junior taxing districts  
12 whole. He asked for six months to do the re-conveyance work.  
13

14 Chuck Lee, resident next to Reiter Forest. Mr. Lee stated that it is time to recognize Middle May  
15 as a unique forest. He is tired of seeing “shell games” around clear cut boundaries. He stated that  
16 this is a “forest of national significance” and wants the Board to treat it appropriately. Also, DNR  
17 needs to communicate better with people, especially the non-motorized recreation community.  
18 They have been shut out by a lack of parking and disregard from DNR to provide parking. DNR  
19 needs to be more open and transparent.  
20

21 Rod Fleck, Attorney for the City of Forks. Mr. Fleck stated that he is thankful that the Solutions  
22 Table met in Forks and that it was a good meeting. The Solutions Table is looking for ways to  
23 mitigate the impacts of the Marbled Murrelet long-term conservation strategy, the impacts of  
24 which will be clearer when the sustainable harvest calculation is published. He stated that the  
25 Board needs to understand all of the impacts. Mr. Fleck shared that one possible solution is to  
26 form a mitigation impact trust, for example a loan that would be used by the corpus of trust for  
27 mitigation. This could address loss of revenue for future generations, but it does not mitigate the  
28 loss of volume which translates to jobs in the local community. He had hoped that the solutions  
29 table would address this in areas where there is high unemployment and poverty and is  
30 something the Board needs to consider as they make their decision.  
31

32 Peter Goldman, Director, Washington Forest Law Center. Mr. Goldman commented on a  
33 perceived conflict over the use of the forest between commodities and people, saying they do not  
34 need to be exclusive. He noted how a recent newspaper article told about how forests must be  
35 used to store carbon for the future. Instead of managing for carbon storage, DNR manages for  
36 logging because of the trust mandate. He is concerned about the Board making a decision on the  
37 basis of balancing take and mitigation instead of Marbled Murrelet recovery or logging next to  
38 Wallace Falls. The Board could be pursuing a new policy on carbon sequestration and carbon  
39 management. He stated that the trust mandate is a misconception and understands that there are  
40 lands dedicated to the trusts but it is a flawed misinterpretation of the state constitution and it  
41 doesn't have to be that way; the Board has the flexibility to do more.  
42

43 Miguel Perez-Gibson, representing the Washington Environmental Council, spoke about forest  
44 management policies that are available to the Board. In terms of climate being in disarray, the  
45 Board needs to reconsider old policies and old agronomic models and instead needs to see the  
46 forest for the goods and ecological services it provides. The Board needs a new management  
47 philosophy based on ecological forest management. The zoned approach of either conservation

1 or production is moving closer to a forty-year rotation, which is unacceptable. The sustainable  
2 harvest calculation will be coming before the Board soon and he hopes that the Board will  
3 consider a more ecologically-based model for management.

4  
5 **PUBLIC COMMENTS FOR TIMBER SALE ACTION ITEMS**

6  
7 Doug Cooper, Vice President for Resources at Hampton Lumber. Mr. Cooper expressed  
8 appreciation for those involved in education of students in rural communities. He then went on to  
9 say that the outcome of the sustainable harvest calculation and state timber are key to the saw  
10 mills and the long-term health of the communities they are in. The proposed strategy is complex,  
11 but boils down to operable acres and the volume available from those acres. This is the fiduciary  
12 responsibility of DNR, which has been proven in the past and will be proven again in the future.  
13 The 1997 HCP offers flexibility to manage the entire forest base to produce expected outcomes.

14  
15 He also wants to thank DNR staff for including in the meeting packet a chart showing planned  
16 volume for fiscal year 2020. This is evidence of the current Commissioner of Public Lands'  
17 request for transparency in how the sustainable harvest level is being met. Also, he wanted the  
18 Board to understand that when timber sales do not sell it is not because of a lack of interest, but  
19 rather a reflection of a difference of opinion on the values and costs. For example, costs related  
20 to road construction that result in a certain stumpage value and set a minimum bid. It is good to  
21 see that sales that do have no bid are reoffered in the future.

22  
23 Matt Comisky, American Forest Resources Council, Washington Manager. Mr. Comisky  
24 expressed that he is pleased to see movement in the Reiter Foothills area and understands that  
25 DNR staff is still working on finalizing the Middle May sale to maximize benefits to the  
26 beneficiaries while addressing issues such as road plans. He is interested in seeing how the  
27 mixture of recreation and timber harvest will work out. He said it is important for Washington  
28 State Parks to understand that these are trust lands managed for the trust beneficiaries and that  
29 the multiple use law only allows for compatible recreation, as long as there is no impact to  
30 beneficiaries, or the beneficiaries need to be compensated. He also talked about carbon, stating  
31 that the forest product industry has a story to tell because it takes sequestration machines and  
32 basically turns them into carbon batteries in the form of 2x4s, 2x6s, cross-laminated timber, etc.  
33 that sequester carbon for multiple decades. Washington is a net sequester of carbon. He also  
34 thanked Product Sales staff on continuing improvement in their program, saying it shows in the  
35 sales offered.

36  
37 **TIMBER SALES (Action Item)**

38 **Proposed Timber Sales for November 2019 (3 handouts, including the presentation)**

39 Koshare Eagle, Assistant Division Manager, Product Sales & Leasing Division

40  
41 Tom Heller was honored for his 45 years of service to the Department of Natural Resources.

42  
43 Ms. Eagle presented the results of the September 2019 auctions to the Board. The Department  
44 offered 9 sales totaling 38.9 MMBF. The seven sales sold totaled \$9.9 million for an average of  
45 \$346 per MMBF with 2.4 bidders per sale on average.

46  
47 Ms. Eagle asked for questions.

1 Commissioner Franz commended the increased number of bidders and the price of sales.

2  
3 Ms. Eagle then presented a fiscal year 2020 volume graph depicting planned versus sold volumes  
4 by quarter. The graph included a break out of remaining fiscal year 2019 volume. Ms. Eagle  
5 noted that re-offered fiscal year 19 volume will appear in more than one quarter, while planned  
6 fiscal year 20 volume is shown once.

7  
8 Ms. Eagle asked for questions.

9  
10 Commissioner Peach shared his appreciation for the graph format, and asked for clarification that  
11 the fiscal year 2019 arrearages are being monitored.

12  
13 Ms. Eagle confirmed that the timber sale program’s intent is to sell everything that did not sell in  
14 fiscal year 19.

15  
16 Commissioner Franz asked for questions.

17  
18 There were none.

19  
20 Ms. Eagle then presented proposed sales to be offered in November 2019 to the Board.

21  
22 Ms. Eagle asked for approval of the proposed sales as presented.

23  
24 MOTION: Commissioner Peach moved to approve the proposed sales.

25  
26 SECOND: Dean Wright seconded the motion.

27  
28 ACTION: The motion was approved unanimously.

29  
30 **PUBLIC COMMENTS FOR LAND TRANSACTION ACTION ITEMS**

31  
32 Matt Comisky, Washington Manager, American Forest Resources Council. Mr. Comisky spoke  
33 about the Blanchard inter-trust exchange and the trust land transfer program. He noted that the  
34 proposal is not good, however, he urged the Board to approve this transaction. He stated that the  
35 process has dragged on and that the purchasing community has been involved, and that given the  
36 “mess” the legislature has handed the Board to solve it, it should go forward.

37  
38 Mr. Comisky noted that this is good opportunity to highlight the problems with the trust land  
39 transfer program and the continued loss of the corpus of the trust. He pointed out that after  
40 completing this \$9.8 million transaction, DNR will be left with \$626,000 to purchase  
41 replacement properties for the common school trust and that it was not the Blanchard working  
42 groups’ intent to conduct a trust land transfer, the goal was for the legislature to appropriate  
43 funds to purchase replacement properties and keep the beneficiaries whole. Unfortunately, this  
44 did not occur. This is the reason the timber and beneficiary communities are concerned about the  
45 trust land transfer program; the money ends up going to the current generation but both the  
46 current and future generations are harmed because there is no funding given for replacement  
47 properties.

1 **LAND TRANSACTION (Action Items)**  
2 **Blanchard Inter-Trust Land Exchange #86-097449 (Resolution #1548)**

3 Robert Winslow, Conservation, Recreation, and Transactions Division  
4

5 Mr. Winslow provided a brief overview of the Trust Land Transfer (TLT) process and  
6 background information about the Blanchard Core conservation efforts was shown. He stated  
7 that the funding for the valuation of this exchange transaction was provided by the Legislature as  
8 part of the capital budget for the Trust Land Transfer program. This inter-trust land exchange  
9 was needed to make the 662 acres of SFL Trust become Common School Trust within the Core  
10 Area of Blanchard State Forest. The approval of this inter-trust land exchange will permit the  
11 Blanchard Trust Land Transfer to occur as directed by the Legislature in the capital state budget.  
12

13 Mr. Winslow stated that the State Forest Land Trust (SFL) properties are located in Skagit  
14 County about 15 miles south of Bellingham. These properties are forested and 662 total acres in  
15 size and located in the center portion of the Blanchard State Forest. The Common School (CS)  
16 Trust properties are forested and located in several portions of western Skagit County and are  
17 1,984.60 total acres in size. DNR held a public hearing for this land exchange in 2018 in Mount  
18 Vernon and all received testimony was in favor of this land exchange.  
19

20 The property appraisal value for this exchange proposal is \$9,810,000 for the SFL Trust and  
21 \$9,809,000 for the CS Trust and they are equivalent in value. A question was asked about the net  
22 change in Common School Trust acres. A question was asked regarding land replacement funds.  
23

24 **Blanchard TLT #02-096868 (Resolution #1549)**

25 Robert Winslow, Conservation, Recreation, and Transactions Division  
26

27 Mr. Winslow provided a brief overview of the Trust Land Transfer (TLT) process and some  
28 background information about the Blanchard Core conservation efforts was shown. The funding  
29 for this transaction was provided by the Legislature as part of the capital budget for the Trust  
30 Land Transfer program. An inter-trust land exchange was needed to make the 662 acres of SFL  
31 Trust become Common School Trust within the Core Area of Blanchard State Forest.  
32

33 Mr. Winslow stated that the Blanchard Trust Land Transfer (TLT) property is located in Skagit  
34 County about 15 miles south of Bellingham. This property is forested and 662 acres in size and  
35 located in the center portion of the Blanchard State Forest. This property will be transferred into  
36 the Blanchard Core Natural Area and will be perpetually dedicated to natural areas management.  
37

38 The property appraisal is \$9,810,000. DNR will transfer the timber value of \$9,184,000 into the  
39 Common School Construction Account and the \$626,000 appraised land value will be  
40 transferred into the Real Property Replacement Account for the benefit of future Common  
41 School Trust purchases.  
42

43 Chair Franz asked if there is a motion on Resolution 1548.  
44

45 MOTION: Superintendent Reykdal moved to approve Resolution 1548.  
46

47 SECOND: Director Brown seconded the motion.

1 ACTION: The motion carried unanimously.

2

3 Chair Franz asked if there is a motion on Resolution 1549

4

5 MOTION: Superintendent Reykdal moved to approve Resolution 1549.

6

7 SECOND: Director Brown seconded the motion.

8

9 ACTION: The motion carried unanimously.

10

11 **Full Circle Exchange, #86-095283, (Resolution #1550)**

12 Julie Armbruster, Conservation, Recreation, and Transactions Division

13

14 Ms. Armbruster presented the proposal to exchange 411 acres of Common School property in  
15 Benton County for 443 acres of property owned by Sandpiper Farms, also in Benton County. She  
16 stated that DNR and Sandpiper Farms own adjoining and intermingled agricultural lands and this  
17 trade creates more manageable boundaries for each party, and adds some additional property to  
18 the Common School trust. The state land is valued at \$3,222,760 and Sandpiper Farms property  
19 is valued at \$3,324,761. State will pay \$102,001 from the Real Property Replacement Account to  
20 balance the exchange. Each party will reserve mineral rights and exchange water rights on its  
21 properties.

22

23 Ms. Armbruster recommended approval of Resolution 1550.

24

25 MOTION: Commissioner Peach moved to approve Resolution 1550.

26

27 SECOND: Superintendent Reykdal seconded the motion.

28

29 ACTION: The motion carried unanimously.

30

31 **BOARD ON GEOGRAPHIC NAMES**

32 Caleb Maki, Board Coordinator, Engineering and General Services Division

33

34 **Saddle Gap**

35 Mr. Maki presented the name change proposal for Saddle Gap. He stated that currently the  
36 feature is known as Squaw Saddle and the name change would remove the word “squaw” but  
37 still be a descriptive name for the feature, as the gap does resemble a saddle. Mr. Maki said that  
38 the proposal received support from local citizens, as well as county and tribal governments.

39

40 The Committee on Geographic Names received no comments opposed to the proposed name  
41 change, and the Committee recommends the Board vote to approve “Saddle Gap”.

42

43 MOTION: Dean Wright moved to approve Saddle Gap.

44

45 SECOND: Commissioner Peach seconded the motion.

46

47 ACTION: The motion carried unanimously.

1 **Saddle Rock**

2 Mr. Maki presented the new name proposed for Saddle Rock. Mr. Maki informed the Board that  
3 many local citizens already use the unofficial name of Saddle Rock, and the proposal was  
4 submitted in conjunction with Saddle Gap.

5  
6 The Committee on Geographic Names received no comments opposed to the proposed new  
7 name, and the Committee recommends the Board vote to approve “Saddle Rock”.

8  
9 MOTION: Dean Wright moved to approve Saddle Rock.

10  
11 SECOND: Superintendent Reykdal seconded the motion.

12 .

13 ACTION: The motion carried unanimously.

14  
15 **Traitors Islet**

16 Mr. Maki presented the new name proposed for Traitors Islet. Mr. Maki stated that the feature  
17 was originally named Traitors Islet by the Wilkes Expedition in 1841. Mr. Maki said that the  
18 feature became mislabeled on charts and maps, and is currently officially named Traitors Inlet.  
19 Mr. Maki said that the feature is not an inlet, but is land mass, and the islet feature identifier is  
20 fitting.

21  
22 The Committee on Geographic Names received no comments opposed to the proposed feature  
23 identifier change, although one comment was received opposed to the word “traitors” being in  
24 the feature name. The Committee recommends the Board vote to approve “Traitors Islet”.

25  
26 MOTION: Commissioner Peach moved to approve Traitors Islet.

27  
28 SECOND: Superintendent Reykdal seconded the motion.

29  
30 ACTION: The motion carried unanimously.

31  
32 **LeCuyer Creek**

33 Mr. Maki presented the new name proposed for LeCuyer Creek. Mr. Maki said that this name  
34 would commemorate Jim LeCuyer, who worked for Kitsap County PUD for 28 years. Mr. Maki  
35 said that according to the proponent, Mr. LeCuyer was instrumental in establishing and  
36 maintaining the Kitsap County’s Hydrologic Monitoring Network and the current PUD manager  
37 proposed the name for an unnamed stream in Jim’s honor.

38  
39 The Committee on Geographic Names received no comments opposed to the proposed new  
40 name, and the Committee recommends the Board vote to approve “LeCuyer Creek”.

41  
42 MOTION: Dean Wright moved to approve LeCuyer Creek.

43  
44 SECOND: Commissioner Peach seconded the motion.

45  
46 ACTION: The motion carried unanimously.

47



1 **PUBLIC COMMENTS ON THE HARBOR LINE ADJUSTMENT**

2 There were no comments.

3

4 **HARBOR LINE ADJUSTMENT (Action Item)**

5 **Thea Foss Waterway Outer Harbor Line Adjustment (Resolution # 1551)**

6 Michael Rechner, Assistant Division Manager, Aquatic Resources Division

7 Hugo Flores, Program Lead, Aquatic Resources Division

8

9 Mr. Flores and Mr. Rechner presented the proposal to move the outer harbor line in two areas in  
10 the Thea Foss waterway in Tacoma. The Board had been briefed on this recommendation  
11 previously and today staff asked the Board to take action. This request was made by three parties  
12 to provide additional marina space. The change would decrease the distance of the outer harbor  
13 line by 30 feet. If the line is moved, DNR could extend the lease and allow more marina space.  
14 In response to a question at the previous Board meeting, this increase would allow up to an  
15 additional 46,000 square feet of harbor space which could generate up to an additional \$7,100.00  
16 per year in leases if fully occupied.

17

18 The marina is already actually using this area, but DNR cannot legally lease it to them. If the line  
19 is moved, DNR can start collecting leases.

20

21 Discussion followed on how to prevent further expansion beyond a new line and impacts to  
22 navigability in an already narrow area. There was also discussion about whether there were  
23 proposals for, or space for, new docks in the area and also about building to the outer line and  
24 when that was acceptable. When asked if there was any opposition expressed during SEPA  
25 review Mr. Rechner shared that no comments had been received.

26

27 Chair Franz called for a motion to approve Resolution 1551.

28

29 MOTION: Mr. Cahill moved to approve Resolution 1551.

30

31 SECOND: Commissioner Peach seconded the motion.

32

33 ACTION: The motion carried unanimously.

34

35 **PUBLIC COMMENTS FOR THE CHAIR REPORT ON MARBLED MURRELET**  
36 **LONG-TERM CONSERVATION STRATEGY**

37

38 Art Wong, Tahoma Audubon. Mr. Wong spoke about the MM LTCS and shared his concern  
39 about the continued decline in the Marbled Murrelet population, even under the FEIS. It  
40 important to recognize that take must be incidental to other activities; that DNR must minimize  
41 and mitigate impacts; and that DNR's activities not appreciably reduce the survival and recovery  
42 of the species in the wild, noting that other alternatives are better for the species.

43 Mr. Wong also spoke about the trust land transfer program, adding that he chaired the House  
44 budget committee when the trust land transfer program first started, approximately 25 years ago.  
45 Then it was considered a "win, win, win". He suggested that although the principle is great, the  
46 reality is that it is complicated and it may be time to re-evaluate the program.

47

1 Miguel Perez-Gibson, representing Washington Environmental Council. Mr. Perez-Gibson spoke  
2 about the MM LTCS. He acknowledged the time and effort that DNR staff has invested in this  
3 project. However, the Board needs to do better than Alternative H as it does not meet the  
4 obligation to conserve and protect the Marbled Murrelet in Washington. He noted that the 2006  
5 Science Team determined that other alternatives could be better for the species and he feels that  
6 Alternative H is unacceptable. He pointed out that slide 22 of the upcoming presentation points  
7 out the deficits, stating that the Board must do more to protect them.  
8

9 Peter Goldman, Washington Forest Law Center, speaking on behalf of the Marbled Murrelet  
10 Coalition. Mr. Goldman shared his concern with the process for the Board to pass the HCP  
11 amendment and FEIS to the USFWS, which was outlined in a letter sent to the Board previously.  
12 He is asking that the Board reconsider Alternative H in light of the EIS and the comments  
13 submitted. He is concerned that the Board has not had a chance to understand Alternative H or  
14 the amendment.  
15

16 Kara Whittaker, Senior Scientist, Washington Forest Law Center, representing the Marbled  
17 Murrelet Coalition. Ms. Whittaker pointed out that in two months DNR will be asking the Board  
18 to vote on Marbled Murrelet long-term conservation strategy that will be in effect for the next  
19 fifty years. Before making this important decision, she advises taking the time to fully  
20 understand how much the amendment differs from the preferred alternative that was approved  
21 two years ago. The highlighted changes are summarized in a handout. She asked the Board to  
22 please make a motion to postpone the vote.  
23

24 Scott Swanson, Washington Association of Counties. Mr. Swanson asked that the Board  
25 consider its obligation to the trust beneficiaries and to reconsider the thought that the  
26 conservation of area above what is included in the HCP would help Marbled Murrelets. Noting  
27 that there is a continuing concern that the beneficiaries interests are not being protected with  
28 Alternative H and feels the Board should consider taking more time to make a decision. He  
29 asked for a delay to allow time for an in-depth financial analysis, stating that the FEIS did not  
30 provide information on the impacts to each of the trust beneficiaries. He suggested looking at  
31 other critical needs of the species, stating that nothing other than Alternative B should be  
32 necessary.  
33

34 Matt Comisky, Washington Manager, American Forest Resources Council. Mr. Comisky stated  
35 that AFRC has a long history of participation in this process and has raised concerns about using  
36 the P-stage habitat classification (he does not consider P-stage to be a model), setting aside non-  
37 habitat, and the lack of an economic analysis. He has been working with an expert on the P-stage  
38 issue. AFRC also has concerns about stringers and slivers, described in a letter previously  
39 submitted. There are concerns that the lack of an economic analysis means there is a lack of  
40 ability for the beneficiaries to fully understand the revenue impacts in the FEIS, especially in  
41 light of metering, the lack of a long-term sales plan, and the distribution of age classes reported  
42 in the FEIS. He stated that it would be hard for anyone to understand what will happen to their  
43 revenue. He also stated that he has submitted photos to the Board related to P-stage.  
44

45 Steve Wilson, Conservation biologist with 20 years of experience with wildlife, including  
46 Marbled Murrelet conservation. Mr. Wilson related that he had spent time in the field with

1 Mr. Comisky taking the photos submitted to the Board. His initial conclusion is that the model  
2 used to capture Marbled Murrelet habitat seems to be catching a lot of habitat that is not suitable  
3 for nesting, leading to a requirement to mitigate for habitat that does not seem to be suitable  
4 using habitat that is also not suitable. The reason for this is that the P-stage model is relying on  
5 an assumption that within fairly young stands there is an older forest component being used by  
6 Marbled murrelets so in fact, the murrelets are not using the entire stand, but the special  
7 elements. During field work he did not find those elements. He referred the Board to the photo  
8 packet provided, explaining they were looking at the Clallam special habitat area at habitat that  
9 had been set aside. He explained the stand in the photo will not be suitable habitat for at least 9  
10 decades. He stated that the youngest tree ever found to contain a Marbled Murrelet nest was  
11 about 180 years old so the stand in the photo is about nine to ten decades from providing habitat.  
12

13 Lawson Fite, American Forest Resources Council, General Counsel. He stated that he would  
14 speak about DNR's obligations under the Endangered Species Act, saying he has over a decade  
15 of experience including with the federal government. He asked the Board to consider the 1997  
16 HCP and what it tells them. For DNR's purposes, it encapsulates the requirements of the  
17 Endangered Species Act for the long-term conservation strategy and how to comply with the  
18 terms and conditions of the existing incidental take permit. This leads to concern about potential  
19 legal areas in regard to the Endangered Species Act, specifically the idea that full mitigation of  
20 the take is required. That policy applies to a new incidental take permit, not the existing one. The  
21 same is true for the Section 10 issuance criteria. There is also concern about the idea of making a  
22 significant contribution to the recovery of the species, which is achieved by protecting occupied  
23 sites. Alternative B is very unlikely to cause additional take and protecting occupied sites will  
24 make a significant contribution to the recovery of Marbled Murrelets. In reading the 1997 HCP,  
25 the term significant contribution is descriptive, not prescriptive. Protecting occupied sites makes  
26 a significant contribution to the conservation of the species. The Board should understand what  
27 the Endangered Species Act requires before making a final decision.  
28

29 Chris Wayan, Summit Law Group on behalf of AFRC. There have been many references to the  
30 trust duties to the beneficiaries, which is anchored in the principal of law and described in greater  
31 detail in a letter dated September 23, 2019 and previously submitted to the Board. He reminded  
32 the Board that DNR manages state trust lands for the beneficiaries that in turn rely on trust  
33 revenue from the trust assets. DNR has the duty of undivided loyalty to the trusts, as well as care  
34 and prudence when managing trust assets. This duty must be exercised exclusively for the  
35 beneficiaries. The Washington Supreme Court has confirmed this in the Skamania vs. State case.  
36 This law has been in place for decades. He noted that the DNR must employ sound principles  
37 and engage in an economic analysis to ensure the primary objective is met. The duties of  
38 undivided loyalty and care are defined in DNR's trust mandate which is incorporated in the EIS.  
39 This means DNR has an obligation to the beneficiaries to ignore its own preferences and those of  
40 all other third parties no matter how laudable. Only Alternative B satisfies these duties which  
41 requires DNR to set aside the minimum number of acres possible. Anything else is a violation of  
42 fiduciary duties.  
43

44 Dave Bechtold, Attorney, NW Resource Law. Mr. Bechtold cited an earlier speaker making  
45 reference to a potential SEPA flaw with the Marbled Murrelet strategy and would like to echo  
46 this. While he does not think there is a fatal flaw in the process, he explained that SEPA is  
47 designed to ensure the final decision occurs after completion of the environmental analysis. What

1 that means for this process is that the Board needs to take a hard look at the Alternatives in front  
2 of it and review the documents to ensure consistency with the Endangered Species Act and  
3 fiduciary obligations. If the Board takes a hard look, he asserts they will find only one alternative  
4 meets both the Endangered Species Act and the fiduciary obligations, and it is Alternative B.  
5

6 Rod Fleck, Attorney for the City of Forks. Mr. Fleck stated that he agreed with the previous  
7 speaker. He went on to say the taxing district analysis was supposed to show impacts to those  
8 that are supposed to receive the revenue. He thinks there is a NEPA procedural flaw in that the  
9 required socioeconomic analysis does not address impacts to low income communities or  
10 communities of color, especially in areas affected by special habitat areas. In addition, there was  
11 a bill before the state legislature that he stated did not pass in part because DNR testified at a  
12 senate hearing that it was conducting an analysis of economic impacts on jobs, and yet the junior  
13 taxing district analysis does not do that, it shows operable acres and age class. In some areas,  
14 thousands of acres are released but they do not get folded into the operable acres because of  
15 metering, even though the take of murrelets is “instant”, preventing revenue flow to future  
16 generations of junior taxing districts. He stated this is likely a problem under state law as well as  
17 NEPA. He also expressed concern about analysis at the county level, stating that if impacts are  
18 rolled up to the county level (large scale) it could hide impacts to the junior taxing districts  
19 (small scale). NEPA guidelines say not to do this because of the potential to miss impacts to low  
20 income communities. He then added that he thinks it is significant that multiple commenters  
21 across the spectrum of interests present are requesting a delay in the Marbled Murrelet decision.  
22

### 23 **CHAIR REPORT**

#### 24 **Marbled Murrelet Long-term Conservation Strategy and Sustainable Harvest Calculation**

25 Angus Brodie, Deputy Supervisor for State Uplands

26 Andrew Hayes, Division Manager Forest Resources  
27

28 Mr. Brodie began by explaining that this was one of several presentations that will be given to  
29 the Board before they are asked to make a decision. Starting with a reminder of why the Board is  
30 being asked to make a decision: to comply with both the Endangered Species Act and the trust  
31 mandate. The Board has a set a tools for use in making the decision, one of which is the EIS.  
32

33 Mr. Brodie summarized the major themes of today’s presentation:

- 34 • Process: will recap the process of developing the HCP amendment; staff’s understanding  
35 of Board direction and how it evolved.
- 36 • Habitat model
- 37 • Environmental analysis: socioeconomics and environmental justice
- 38 • Conservation: will explain why the amendment/Alternative H strikes the right balance of  
39 meeting Endangered Species Act criteria and trust obligations
- 40 • Murrelet recovery
- 41 • Significant contribution: How Alternative H makes a significant contribution.

42 Mr. Brodie thanked DNR staff for their work on the amendment. He also mentioned positive  
43 feedback the local USFWS personnel received from their Washington D.C. office on the  
44 readability of the EIS.  
45

1 Mr. Brodie shared a timeline, with the Board decision on the amendment slated for December  
2 2019. He reminded the Board that the draft EIS was published in 2016, which was an important  
3 step in informing the public. There have been meetings with both the Board and the public over  
4 several years.

5  
6 Mr. Brodie began the discussion on process by mentioning that several of the commenters earlier  
7 mentioned a mistake in the decision-making process. He explained that the current process  
8 started with public scoping in 2012, followed by a draft EIS with public comment, a revised draft  
9 EIS with public comment, and a final EIS. Decision making occurs after the final EIS is  
10 available with actions by the Board and USFWS. The Board approves a conservation strategy  
11 and USFWS issues an incidental take permit, biological opinion, Section 10 findings, and a  
12 NEPA Record of Decision.

13  
14 He reviewed what has transpired to date and informed that Board that in 2012, the plan was to  
15 first develop a conservation strategy, submit it to USFWS to conduct their NEPA process and  
16 come back with an incidental take permit. The Board could then adopt the strategy if they agree  
17 with the conditions, and the Department could implement. This plan had the two entities making  
18 decisions concurrently.

19  
20 In 2017, Department and USFWS discussions about the timing to submit an application for a  
21 new incidental take permit lead to the realization that the application for an incidental take  
22 permit needed to be circulated at the same time as a draft EIS was available for public comment.  
23 Therefore, DNR staff needed to develop a preferred alternative and submit it to USFWS with an  
24 application for an incidental take permit. This was shared with the Board in May 2018, when  
25 staff presented a timeline showing that development of a revised draft EIS and HCP amendment  
26 needed to comply with USFWS' process. Developing the EIS and amendment in parallel has  
27 been a consistent message since 2017.

28  
29 In March 2019, staff presented the final steps necessary, showing the DEIS and revised DEIS  
30 with responses to comments and an HCP amendment, based on the preferred alternative. During  
31 this time, USFWS is expected to issue an incidental take permit based on the amendment along  
32 with the biological opinion, Record of Decision, and Section 10 findings but up until this point  
33 no decision has been made. In December, the Board will decide whether to adopt the amendment  
34 or do something else. The Board will have to determine whether the amendment meets their  
35 principles and obligations. If the Board does not accept the amendment they can select another  
36 alternative within the range of alternatives analyzed in the EIS or can ask for a different  
37 alternative and more analysis.

38  
39 DNR staff do not believe there has been a mistake in the process or issue and has worked with  
40 USFWS for efficiency.

41  
42 Director Brown asked whether development of the FEIS included modifications based on public  
43 comments and at what point will the Board be able to review the differences between the revised  
44 draft EIS and the final EIS.

1 Mr. Brodie responded that yes, there were changes based on public comment and the changes  
2 between the revised draft and final EIS's would be discussed today, with more information at  
3 later meetings if needed.

4  
5 Chair Franz reminded the Board there will be two more regular Board meetings before the end of  
6 the year and expressed her wish to hold an additional special meeting to ensure the Board has  
7 time to understand the EIS, hear public comments, and respond to the public comments.

8  
9 Commissioner Peach noted that the timeline shown appeared to have December 29, 2019 as an  
10 important date. He said he understands the Department of Interior had issued DNR an extension  
11 in the HCP process and asked how much time would be needed for coordination with  
12 Department of Interior if another extension were needed.

13  
14 Mr. Brodie responded that this is the timeline for the Board and the Department. There is not  
15 strict timeline for making a decision. USFWS however, is under direction to finish NEPA  
16 processes within 12 months of starting. The local USFWS office was granted an exception for  
17 this process because it was already underway when the direction (Executive Order) was issued.

18  
19 Mr. Hayes added that they were given a one-time grandfathering and USFWS had a set date for  
20 completing their process, which they will be meeting.

21  
22 Director Brown asked whether there is a timeline associated with the steps that occur after  
23 USFWS issues an incidental take permit of when the amendment is adopted. Mr. Brodie replied  
24 that there is not a timeline but the permit does not become effective until after the Board adopts  
25 the amendment.

26  
27 Superintendent Reykdal commented that it is a two-part process and asked if the Board changes  
28 the alternative would USFWS have to reconsider the permit. Mr. Brodie replied yes, if the  
29 decision is different from the amendment USFWS would have to go back and reconsider a new  
30 permit.

31  
32 Commissioner Peach asked if the Department needed to a request for an extension, how long  
33 would it take for Department of Interior to approve it. Mr. Brodie replied that he did not know.

34  
35 Director Brown asked if the decision lead to a need for a new permit would it therefore require a  
36 new timeline. Mr. Brodie replied that if a new application needs to be submitted it would need to  
37 be circulated with a draft EIS so a new revised draft EIS would need to be published.

38  
39 Chair Franz commented that the discussion was focusing on a lot of hypotheticals and suggested  
40 getting back to the presentation and questions that need to be answered.

41  
42 Mr. Brodie went on to explain that the public process started during the development of the 1997  
43 HCP and there have been many phases of implementing the interim strategy, including defining  
44 suitable habitat, conducting habitat relationship studies, and conducting Marbled Murrelet  
45 surveys. Between 2006 and 2008 the Science Team was doing their work and developed a set of  
46 recommendations. The current public process began again in 2011. During this time, DNR went  
47 through two phases of scoping, published a draft EIS in 2016, developed a preferred alternative

1 in 2017 following a Board retreat and several focused meetings. The Board principles guided  
2 publication of the revised draft EIS in 2018 with additional public comments gathered, and a  
3 final EIS was published in September 2019.

4  
5 Mr. Hayes offered to walk through what is driving the project, how it is characterized in the EIS,  
6 and how alternatives were developed to explore ways to meet identified needs. The beginning of  
7 the process included developing the need, purpose, and objectives of the proposal for each  
8 agency. DNR and USFWS are co-lead agencies for this project and their needs differ. USFWS  
9 needs to implement the Endangered Species Act, including compliance with Section 10, to issue  
10 an incidental take permit. DNR needs to meet fiduciary duties and comply with state and federal  
11 laws. DNR is seeking long-term certainty for management under the law and in accordance with  
12 fiduciary responsibilities.

13  
14 Mr. Hayes next discussed the purpose, needs, and objectives, saying that the USFWS has  
15 specific objection under Section 10 of the Endangered Species Act that must be met to issue an  
16 incidental take permit. Their goal is to work toward recovery goals.

17  
18 Director Brown asked for clarification on a comment he heard earlier in the day that because  
19 DNR already has an incidental take permit, the Section 10 issuance criteria do not need to be  
20 met.

21  
22 Mr. Hayes responded that this question was part of the discussion at the beginning of this process  
23 recognizing that DNR already had a permit and was looking to amend an existing HCP. It was  
24 determined that a new permit would be needed because moving from the interim strategy to a  
25 long-term strategy would have new or different impacts therefore a new incidental take permit  
26 would be needed, triggering the need to meet Section 10 issuance criteria.

27  
28 Director Brown asked if this was determined by USFWS and Mr. Hayes replied that it was.

29  
30 Chair Franz added that it is important to remember that this does not apply to the entire HCP but  
31 is more like adding a new species that needs to be protected.

32  
33 Mr. Brodie replied that many of the questions raised earlier today were the same as discussed in  
34 2012.

35  
36 Commissioner Peach stated that the Board had a lot of reading to do and asked if they should  
37 expect documents from USFWS in the next two weeks. Mr. Brodie replied yes, the Board should  
38 expect to receive the Record of Decision, the biological opinion, and the Section 10 findings.

39  
40 Mr. Cahill asked if the USFWS would address only Alternative H. Mr. Brodie replied yes,  
41 because this is an application driven process.

42  
43 Chair Franz reminded the Board that there had been many years of discussion, including with  
44 USFWS, about the alternatives before the preferred alternative was selected. Director Brown  
45 asked if there had been public discussion. Mr. Brodie replied that the EIS is both agency's  
46 document and although USFWS would like to maximize conservation it is an applicant driven

1 process and USFWS is not making a decision on recovery but instead on whether to permit  
2 DNR's application.

3  
4 Mr. Hayes added that the issuance criteria are a threshold that have to be exceeded to receive a  
5 permit. DNR's mission, with its fiduciary responsibility, is to not exceed what is required under  
6 the law because that would be a give-away, therefore DNR is working to meet the criteria but not  
7 exceed them.

8  
9 Chair Franz mentioned the next slide in the presentation explains the issuance criteria. Stating  
10 USFWS can review the application against the issuance criteria and can condition the application  
11 to meet the criteria. Mr. Hayes responded that DNR wants to meet the law and provide revenue  
12 for the beneficiaries, which is reflected in the objectives for the proposal, which he went on to  
13 describe.

14  
15 Director Brown asked a question whether, given that there is an existing incidental take permit,  
16 the current process improves DNR's position on any of the objectives and what is most affected  
17 by moving from an interim strategy to the new incidental take permit.

18  
19 Mr. Brodie replied that they all improve. The interim strategy has led to uncertainty because it is  
20 implemented differently in different areas, with different DNR regions being in different phases  
21 of the interim strategy. At the same time, the murrelet population continues to decline.

22  
23 Commission Peach asked for clarification about whether this is a recovery plan or a habitat plan.  
24 Mr. Brodie confirmed it is a habitat plan.

25  
26 Mr. Hayes added that as an applicant, DNR spent time making sure the application would meet  
27 the issuance criteria. The analytical framework was developed to do this, particularly minimizing  
28 and mitigating impacts of the taking to the maximum extent possible. The analytical framework  
29 allows DNR to assess impact and mitigation of the alternative strategies. Also, the population  
30 viability analysis was applied to help determine whether the proposal would jeopardize the  
31 recovery of the species in the wild, looking at a variety of spatial scales for how the proposal  
32 affects species distribution and reproduction.

33  
34 Next, the presentation moved on to the building blocks of the alternatives. There were eight  
35 alternatives in the final EIS, the No Action and seven action alternatives. The first component is  
36 long-term forest cover, an analysis tool to look at where Marbled Murrelet mitigation could  
37 occur across the landscape.

38  
39 Mr. Hayes pointed out that the 1997 HCP is a multi-species HCP so there is a good amount of  
40 existing conservation on the landscape, for example in riparian areas, steep slopes, and northern  
41 spotted owl management areas. These areas will also benefit the Marbled Murrelet, as the HCP  
42 intended. Marbled Murrelets also have specific conservation needs therefore the alternatives  
43 have added a variety of Marbled Murrelet conservation areas. This is what varies between  
44 alternatives. The six main building blocks are occupied sites, occupied site buffers, high-quality  
45 habitat, special habitat areas, emphasis areas, and Marbled Murrelet conservation areas.

46



1 Mr. Hayes then went on to describe each of these elements, starting with occupied sites. He  
2 explained that these are determined through a standard survey protocol published by the Pacific  
3 Seabird Group.

4  
5 Dean Wright asked for clarification between occupied sites and nesting. Mr. Hayes replied that  
6 occupied sites are expected to be used for nesting and is based on point-in-time observation.

7  
8 Dean Wright asked whether occupied sites include areas where murrelets were observed  
9 displaying occupied behavior over a tree with none of the characteristics needed for nesting.

10 Mr. Hayes replied that the occupancy is applied at the stand level, not the individual tree.

11 Director Brown then asked if DNR would evaluate stands for nesting habitat and Mr. Brodie  
12 replied no, occupancy is applied based on observed behaviors in the vicinity. He noted that  
13 Marbled Murrelets have been found nesting on smaller branches and red alder trees where they  
14 would not be expected. There is a lot of variability.

15  
16 Dean Wright asked if that meant there was more data available for occupied sites than for nesting  
17 sites. Mr. Brodie said yes, then described an unpublished study being conducted in Oregon  
18 where researchers are climbing trees in occupied sites to look for nests.

19  
20 Director Brown asked whether this is why the P-stage model is a concern, with both false  
21 positives and false negatives possible. Mr. Brodie replied yes, that is part of the uncertainty.

22  
23 Director Brown stated that it is important that there is not a complete survey, asking if there are  
24 occupied sites that are not surveyed. Mr. Brodie explained that no, occupancy is based on  
25 surveys, however not all surveys were completed therefore occupied sites are not all identified.

26  
27 Mr. Hayes explained that the acreage of occupied sites varies between Alternative A and other  
28 alternatives because the Science Team redefined the occupied sites. Alternative A represents  
29 what is required by the 1997 HCP. He explained that occupied sites are important because it is  
30 where we know murrelets have been in the past and they are most likely thought to be in the  
31 future. He also stated that occupied sites are not strategically located but are remnants on the  
32 landscape.

33  
34 Mr. Hayes explained that Alternatives C through H include buffers on occupied sites. DNR and  
35 USFWS evaluated different buffer widths and applications during the EIS process and  
36 determined that 100-meter buffers on all occupied sites would be applied under Alternative H.  
37 The buffer protects the occupied site and creates interior forest

38  
39 Mr. Hayes described high-quality habitat, talking about P-stage and how the model attributes a  
40 value to a stand based on the probability of occupancy by Marbled Murrelets. The top three P-  
41 stage values (P-stage 0.47 and above) are defined as high quality habitat. These stands are also  
42 dispersed across the landscape. They have similar characteristics to occupied sites but occupancy  
43 has not been detected in them. High quality habitat contains the structure needed for nesting.  
44 Because of the length of time to grow murrelet habitat, it is important to identify and keep what  
45 exists. There would be harvest of high quality habitat under some alternatives, and this harvest  
46 would be metered under Alternative H.

1 Commissioner Peach asked if metering means even flow. Mr. Hayes replied no, that it means  
2 delaying harvest for the first decade of implementation, adding that metering was employed to  
3 prevent the pseudo population from going beneath a baseline. Metering prevents this because it  
4 prevents a temporary reduction in the amount of habitat on the landscape.

5  
6 Chair Franz reminded the Board members about the charts showing this in the population  
7 viability analysis.

8  
9 Superintendent Reykdal asked whether, within metered habitat, DNR needed to find big enough  
10 patches to not need a buffer that still sustain the species, but allow forest practices and harvest  
11 right up to their edges. Adding that occupied sites get a buffer, but these do not.

12  
13 Mr. Brodie answered that in the alternatives that include conservation of high quality habitat,  
14 there was no consideration of buffering the high quality habitat, including under Alternative H  
15 where harvest of this is metered. The patches of high quality habitat not conserved under  
16 Alternative H were released because, although they may have some value for murrelets today,  
17 they do not have long-term value because they are highly fragmented. Again, it is about balance.  
18 If the goal was only to minimize take, these areas would be protected. Instead, special habitat  
19 areas were developed to capture much of the high-quality habitat areas and the remainder are  
20 identified for harvest and are part of the take.

21  
22 Commissioner Peach asked about financial considerations if the metered stands end up not being  
23 harvested; if the protection remains after they are supposed to be released. Mr. Brodie replied  
24 that there is precedent of harvesting habitat that has had temporary protection, specifically in  
25 northern spotted owl circles that USFWS asked DNR to protect during the first decade of the  
26 HCP even though the HCP moved the agency away from circle management. Those areas did  
27 become available for harvest.

28  
29 Mr. Hayes next described special habitat areas which are featured in the preferred alternative,  
30 explaining that these areas remain unmanaged, with a few exceptions. Special habitat areas are  
31 built around occupied sites and high-quality habitat in blocks and will be protected. Some limited  
32 management activities would be allowed, such as thinning for habitat purposes in special habitat  
33 areas within northern spotted owl management areas. Special habitat areas reduce disturbance to  
34 Marbled Murrelets by reducing habitat fragmentation and allowing security forest to grow.

35  
36 Mr. Cahill asked whether a special habitat was a buffer on the buffers. Mr. Hayes replied no,  
37 that it is a building block for habitat.

38  
39 Mr. Cahill asked if the habitat with a special habitat area was immaterial. Mr. Brodie replied no,  
40 that they are an attempt to build around occupied sites and high-quality habitat now and in the  
41 future. Looking at habitat gaps between occupied sites and high-quality habitat, there needs to be  
42 a decision about whether to include the area in a special habitat area or not. There is not much  
43 science known about how Marbled Murrelets find new sites, but there is a suspicion of high site  
44 fidelity.

45  
46 Director Brown asked if each special habitat then has a lot of on-the-ground information about  
47 habitat continuity and landscape conditions so DNR knows where the high-quality habitat occurs

1 and which parts of the landscape are most likely to be contributing to murrelets. Mr. Brodie  
2 replied that when delineating special habitat areas DNR considered those factors along with  
3 operational constraints such as ridge tops, roads, and streams. We also looked at how each  
4 special habitat area was affecting trust beneficiaries and worked to reduce impacts to trusts by  
5 making the special habitat areas smaller or moving their boundaries. The agencies considered  
6 conservation principles and operational constraints so we did not end up with, for example,  
7 landlocked areas.

8  
9 Commissioner Peach asked about whether special habitat areas are located in areas where  
10 USFWS is recommending habitat islands, for example in areas where federal lands are lacking  
11 for future distribution. He stated this is why there is a difference between these areas and areas  
12 surrounded by thousands of acres of National Park and National Forest lands. Mr. Brodie replied  
13 that it was the Board's direction to remove as many disproportionate impacts as possible and  
14 staff believe Alternative H has achieved that.

15  
16 Mr. Hayes explained that different alternatives considered different configurations of special  
17 habitat areas. Alternative H contains twenty special habitat areas with approximately 12,000  
18 acres of conservation specific to them. Different alternatives mix and match conservation types.

19  
20 Another type of conservation is emphasis areas. These are larger landscapes that encompass  
21 occupied sites and both high- and low-quality habitat and allow some management activities.  
22 These areas would benefit murrelets because they stitch together habitat, but the downside is  
23 they continue to allow disturbance such as roads and harvest.

24  
25 Next Mr. Hayes described the Marbled Murrelet management areas. These came largely from the  
26 Science Team report. They are large sites that also include occupied sites and high- and low-  
27 quality habitat while allowing some management. The difference is that in these areas there is  
28 continual management toward developing the whole area into habitat and then no management  
29 of habitat once it develops.

30  
31 Superintendent Reykdal commented that discussion about landscapes and blocking up habitat  
32 brings up a question about slivers and stringers. He asked if these occur within the boundaries or  
33 are they outside of them and in areas where DNR sometimes gets mitigation credit and  
34 sometimes does not.

35  
36 Mr. Hayes replied that there are slides that describe this later in the presentation. Slivers and  
37 stringers are outside of conservation areas and long-term forest cover and will be discussed  
38 further on in the meeting.

39  
40 Director Brown asked a question about occupied sites, whether all are based on surveys or if the  
41 Science Team redrew them and estimated where additional occupied sites would be? In other  
42 words, what caused an increase in occupied sites?

43  
44 Mr. Hayes replied that there was no increase in sites. The process is when occupancy is detected  
45 a stand is delineated. The Science Team questioned whether the stands had been delineated  
46 correctly and looked at orthophotos and other information to redraw some of the boundaries.

1 Director Brown asked if that meant there were “holes” in occupancy and Mr. Hayes replied yes,  
2 that there are areas that were not surveyed. Director Brown replied that there are then clearly  
3 false negatives and this gets to the heart of why P-stage matters. Occupied sites alone are not  
4 enough because they do not cover the entire landscape, therefore P-stage identifies areas that  
5 may also be occupied.

6  
7 Mr. Hayes then summarized the different strategies and combination of approaches.

8  
9 Director Brown asked if some alternatives include high-quality habitat while others capture some  
10 of the high-quality habitat in special habitat areas, but not all of it. Mr. Brodie replied this was  
11 correct. Mr. Hayes added this is true for occupied sites as well. Some are isolated as opposed to  
12 being within a special habitat area.

13  
14 Director Brown then asked what fraction of high-quality habitat is included in a special habitat  
15 area. Mr. Hayes replied that it is dependent on the alternative because the special habitat areas  
16 vary by alternative. He stated he did not have that information now, but would bring it back.

17  
18 Superintendent Reykdal commented that this is an important point because if not someone is not  
19 familiar with the details they could think Alternative H was just Alternative D with metering.  
20 Mr. Hayes replied that is correct, and that Alternative H was largely the result of learning. For  
21 the draft EIS, the agencies developed alternative B through F to analyzed impacts to the Marbled  
22 Murrelet and both management and operability. Alternative H was developed later and has a  
23 more landscape approach. It protects all occupied sites and provides buffers and then creates  
24 conservation areas where disturbance is minimized and impacts mitigated. DNR determined that  
25 the best place to “spend” their mitigation is in these blocks of land this are stable over time.

26  
27 Dean Wright asked for clarification about whether all occupied sites would have buffers.  
28 Mr. Brodie responded by saying that whether there are buffers varies by alternative, and only  
29 Alternative B has no buffers. Dean Wright asked specifically about Alternative H and Mr. Brodie  
30 explained that all occupied sites are buffered under Alternative H. Mr. Hayes added that there  
31 were not buffers applied to high-quality habitat and that this contributed to take.

32  
33 Commissioner Peach remarked that the Board may not be familiar with how the EIS defines take  
34 and mitigation, saying that take is defined as harvest of 100 percent of the timber at a year zero,  
35 which is very conservative. There are also many other conservative actions in the EIS so he sees  
36 no reason how the decision could be challenged based on not enough mitigation. He went on to  
37 explain that mitigation is defined by present net worth of P-stage grown and then discounted  
38 back to zero, meaning one methodology is based on time and the other is a worst case scenario.

39  
40 Mr. Hayes next presented the sum total of the strategies as described in the final EIS, explaining  
41 how the existing conservation added to the strategies with different configurations of protection  
42 of murrelet habitat (Marbled Murrelet specific conservation) add up to the total acres of  
43 conservation for each strategy (alternative).

44 Next the discussion moved to public comment on the EIS. Mr. Brodie started by addressing  
45 comments on insufficient analysis. He will address the taxing district analysis, socioeconomics  
46 and environmental justice, climate change, and recreation. He will also talk about the habitat  
47 model and changes made to the analytical framework. He explained that these were only some of

1 the topics analyzed in the EIS and were areas that received a substantial amount of comments,  
2 noting that Marbled Murrelet was not in this list because it will be covered as the group discusses  
3 the amendment, changes to the analytical framework, and the P-stage model.  
4

5 Superintendent Reykdal asked if the included topics were determined by the application process  
6 or some other method. Mr. Brodie replied that the topics included in the EIS were those areas of  
7 the affected environment identified during scoping as potentially being impacted. For the EIS  
8 analysis, evaluation criteria and key questions were developed to assess how they would be  
9 affected by the proposed action.  
10

11 Mr. Brodie explained that the socioeconomic analysis examines how the alternatives affect  
12 economics and social processes in the analysis area, defined by the 55-mile line from marine  
13 water.  
14

15 He explained that there are 18 counties where DNR manages land that contains over 5 million  
16 people, adding that DNR is a revenue generating agency that provides funding for things like  
17 school construction and maintenance and other local services. The EIS analysis looked at how  
18 changes in DNR-provided revenue would affect local services. Because of the difficulty of  
19 forecasting revenue at the needed spatial scale, DNR analyzed change in operable acres to  
20 provide consistency. Mr. Brodie reminded the Board of a comment made earlier in the day about  
21 how mills are affected by the long-term strategy based on where timber is available on the  
22 landscape (operable acres). Change in operable acres is an indication of long-term revenue  
23 generating ability. The drawback to using operable acres is that it is difficult to tell if impacts are  
24 long-term or short-term, therefore DNR included an age-class analysis. Also, in order to  
25 understand DNR's contribution to revenue for counties and taxing districts was to look at sales  
26 tax revenue compared to forest tax revenue that a county receives. In some counties, the forest  
27 tax was found to contribute more than the sales tax, which implies impacts. These were  
28 Wahkiakum and Pacific counties.  
29

30 Director Brown asked if the impacts were comparing the interim strategy with the proposed  
31 strategy, or what is being compared. Mr. Brodie replied yes, that the analysis compares the  
32 proposal to the No Action alternative, representing the interim strategy.  
33

34 Mr. Brodie next explained that there were comments on the EIS about masking the impacts when  
35 analyzing at the county scale. This resulted in taxing district analysis. There are two benefits to  
36 analyzing at this scale, first it is a smaller scale and second, the taxing districts are beneficiaries  
37 of state forest purchase and state forest transfer lands.  
38

39 Mr. Brodie showed a diagram of operable acres, and the weighting process used to calculate  
40 operable acres. There are different land classes based on the allowable management intensity,  
41 with lands with little management restriction having more operable acre value than those areas  
42 with more restrictions, such as riparian areas. Mr. Brodie presented an example landscape to  
43 explain this concept.

44 Director Brown asked if special habitat areas were included in the weighting process. Mr. Brodie  
45 replied that they were, there just was not a special habitat area located in the example area he  
46 shared.  
47

1 Mr. Brodie went on to explain that this analysis was conducted for the multiple taxing districts  
2 and results for the amendment were compared to Alternative a results. The result was several  
3 taxing districts were found to have what could be significant adverse impacts. Some taxing  
4 districts saw an increase in operable acres.

5  
6 Chair Franz reminded the Board of another chart that showed some positive results under  
7 Alternative H compared to the No Action alternative. Director Brown replied that it shows the  
8 distributional effect and why it is important to look at distribution and disparities.

9  
10 Commissioner Peach asked if the 100,000 acres reserved when the 1997 HCP was established is  
11 being redistributed. Mr. Brodie replied, "Yes".

12  
13 Director Brown said it would be interesting to see how the increases or decreases compare to the  
14 original in 1997. Has DNR increased or decreased impacts? Mr. Brodie replied that there is no  
15 comparable analysis from 1997, but the analysis does make a comparison to Alternative A, the  
16 interim strategy in the 1997 HCP.

17  
18 Director Brown commented that if both Alternatives A and H were compared to having no  
19 conservation you would know if impacts were ameliorated or exacerbated. Commissioner Peach  
20 agreed, saying that this was comparable to the island concept. This is how it gets exacerbated. He  
21 then went on to express appreciation that DNR did not limit the analysis to the county level  
22 because the impact to Clallam County was small, but there are large impacts at the smaller scale,  
23 such as in the Cape Flattery school district, which has only two schools.

24  
25 Mr. Brodie then presented a summary of impacts, explaining the EIS has a similar summary for  
26 each environmental element analyzed. Per SEPA, the analysis is looking for significant adverse  
27 impacts. There were impacts identified for some counties and taxing districts.

28  
29 Moving on to discuss environmental justice. Mr. Brodie explained how it is interlinked with the  
30 socioeconomic analysis, but focuses on minority and low income communities. There were  
31 similar comments about "masking" made for this analysis. DNR explored options for a finer  
32 scale analysis and decided on a school district analysis because of the availability of data at this  
33 scale that could answer the question of whether the proposal results in disproportionate high  
34 impacts to low income or minority communities. The analysis identified several school districts  
35 that would have potential disproportionate impacts.

36  
37 Director Brown asked how the analysis defined the environmental impact. Mr. Brodie replied  
38 that it was the number of acres placed in conservation because that is the action that could impact  
39 revenue. The analysis did not find disproportionate impacts at either the county or school district  
40 level. This does not mean no impacts, but not disproportionate.

41  
42 Commissioner Peach asked whether DNR used 25 percent as a threshold. Mr. Brodie replied that  
43 the threshold varied by analysis. For environmental justice it was 20 percent and for  
44 socioeconomics it was 10 percent.

45  
46 Mr. Hayes then addressed climate and recreation. There were no impacts identified in the climate  
47 analysis. The criteria were increases in greenhouse gases and whether the alternatives

1 exacerbated the impacts of climate change on the environment. The results were that carbon  
2 sequestration is far greater than emission under all alternatives, so no increase in greenhouse  
3 gases is expected, and that the alternatives increase the resiliency of the forest to stand replacing  
4 disturbances that may increase under climate change such as insects, wind, and fire.

5  
6 Director Brown asked whether the calculation for sequestration included the life cycle of wood.  
7 Mr. Brodie replied that he would look into the question and bring back at a later date.

8  
9 Mr. Hayes explained that climate was also addressed under cumulative effects and that there are  
10 expected climate impacts to the marine environment. He continued to explain that the criteria for  
11 recreation were impacts to recreation and that the analysis found no impacts to existing  
12 developed or dispersed recreation and that shifting recreation around murrelet conservation areas  
13 could affect some user groups in the future.

14  
15 Next the discussion moved to EIS changes. Mr. Brodie started by explaining how changes in  
16 DNR's inventory affected the number of acres of current and future P-stage. Mr. Cahill asked for  
17 an explanation of how habitat status changed. Mr. Hayes explained that new stand inventory data  
18 resulted in a change in how much habitat is available.

19  
20 Director Brown asked if this resulted in a change in the amount of conservation in each  
21 alternative. Mr. Hayes replied yes, and that he will walk through how. He also described how  
22 there have been stakeholder comments about whether slivers of older forest were actually  
23 habitat. He explained how discrepancies were identified in some areas between where  
24 boundaries were located in GIS and where they were on the ground and that this had been  
25 cleaned up.

26  
27 Superintendent Reykdal asked if this were a function of mapping and the underlying data and  
28 that if there were the areas that do not count toward mitigation. Mr. Brodie explained that this  
29 was a separate topic that would be discussed soon.

30  
31 Mr. Hayes explained additional changes in the amount of P-stage occurred because of inclusion  
32 of acres identified by Washington Department of Fish and Wildlife as having been misclassified  
33 in the P-stage model. Director Brown asked how these areas were identified. Mr. Hayes replied  
34 that they were identified by on the ground surveys. Mr. Brodie added that they used aerial photos  
35 and then field reconnaissance, noting they looked at habitat and not occupancy.

36  
37 Mr. Hayes then explained another source of change occurred as a result of going from using a  
38 large spreadsheet to calculate take and mitigation to using a repeatable script to make the  
39 calculation. This process uncovered an error in the spreadsheet that had been discounting edge  
40 habitat twice instead of one time. This was a computational error, not a change in the analytical  
41 framework.

42 A change that was made to the analytical framework came about from a public comment asking  
43 about areas outside of long-term forest cover counting as take, and how narrow areas of habitat  
44 were treated differently inside and outside of long-term forest cover. Within long-term forest  
45 cover, edge was discounted for calculating mitigation while outside of long-term forest cover  
46 edge was not discounted for calculating take. This was changed so that edge was discounted  
47 when calculating both take and mitigation.

1 Commissioner Peach asked how many acres this change affected. Mr. Brodie replied that it was  
2 almost 8,000 gross acres or 1,800 adjusted acres.

3  
4 Director Brown remarked that most of the changes were in the way take was calculated, or the  
5 way each alternative is evaluated. Mr. Brodie agreed.

6  
7 Mr. Hayes continued that the changes taken together resulted in a decrease in P-stage of about  
8 4,500 acres.

9  
10 Superintendent Reykdal asked if the numbers in today's presentation were numbers already  
11 presented to the Board or if they were new. Mr. Brodie replied that the numbers are the same as  
12 had been discussed the previous two to three months and what is published in the final EIS.

13  
14 Mr. Hayes presented a slide showing the differences between the revised draft EIS and the final  
15 EIS. He pointed out that Alternative H has an 'epsilon' of 735 acres and an overall increase of  
16 2,000 adjusted acres. He pointed out that all alternatives had an increase in habitat, therefore take  
17 and mitigation needed to be adjusted, and were shifted to get an "epsilon" that encapsulated the  
18 risk.

19  
20 Director Brown asked if there is a target epsilon and Mr. Hayes explained how the Board  
21 identified an area of risk and tasked staff with calculating an associated acreage. Director Brown  
22 asked if that meant staff had come up with a target based on Board direction and the new  
23 calculation ended up with too much mitigation. Mr. Brodie replied that this was correct.

24  
25 Mr. Hayes explained that epsilon was reduced by reducing special habitat areas using the same  
26 criteria used to identify them. The result is an epsilon of approximately 800 adjusted acres and  
27 604,000 acres of long-term forest cover under Alternative H. Mr. Hayes then presented a slide  
28 showing the acreage changes of various components of the strategy.

29  
30 Mr. Brodie then presented an overview of the amendment submitted to USFWS. He reiterated  
31 the Board's principles expressed in 2017 about minimizing impacts to Marbled Murrelets  
32 (accomplished through occupied sites, protected existing habitat in special habitat areas, and  
33 metering); offsetting impacts and addressing uncertainty (epsilon); and reducing disproportionate  
34 impacts to trust beneficiaries. This Board direction resulted from the Board understanding the  
35 impacts in the draft EIS and developing a preferred alternative for the revised drat EIS.

36  
37 Components include metering, the delay of harvest, and reporting and monitoring. Reporting and  
38 monitoring are required by USFWS and help to ensure DNR implements the amendment as  
39 agreed, and to track habitat development over time to see how it meets mitigation obligations.  
40 Mr. Brodie showed maps with the amendment components, saying that the maps are also  
41 available in the final EIS and through an on-line viewing tool on DNR's Marbled Murrelet web  
42 site.

43  
44 Mr. Brodie explained the amount of habitat that would be conserved and released. Director  
45 Brown asked if this referred to a P-stage value greater than zero and Mr. Brodie replied that it  
46 did. There was a discussion about why some of the numbers were different that previously



1 presented and the reason was that the numbers look different depending on if existing and  
2 murrelet-specific conservation are combined or shown separately.

3  
4 Mr. Cahill asked for an explanation of how habitat was expected to increase by 32 percent.  
5 Mr. Brodie explained that over the fifty year period that is the expected difference between  
6 habitat available now and ending habitat, accounting for the habitat that will be harvested and  
7 new habitat that will be developed. Mr. Cahill followed up with a question about the quality of  
8 the ending habitat. Mr. Hayes said that much of the habitat that develops will be low-quality  
9 habitat because of the fifty year analysis period and the length of time to grow habitat. Some  
10 low-quality habitat would develop into high-quality. Mr. Brodie said that staff would bring back  
11 information showing this change.

12  
13 Director Brown asked if there is high-quality habitat included in what is released and what the  
14 balance of habitat quality would be. Mr. Brodie reiterated staff would bring back this information  
15 at a later date.

16  
17 Superintendent Reykdal mentioned that conservation started 22 years ago with set-asides for the  
18 interim strategy and asked about the total amount when all is considered. Mr. Brodie showed  
19 how long-term forest cover is 600,000 acres under Alternative A and 604,000 acres under  
20 Alternative H. A discussion followed about the difference between the total area in conservation  
21 status and the amount of habitat available. Mr. Brodie stressed that Marbled Murrelets are tied to  
22 habitat with nesting opportunities associated with acres of habitat and that increases in security  
23 habitat are tied to increased nest success.

24  
25 Director Brown asked if the key ingredient was time and is the strategy counting on the growth  
26 of habitat to contribute to the success of the bird. Mr. Brodie responded that this is correct.

27  
28 The discussion then moved to the difference between Alternative H in the final EIS and the  
29 amendment submitted to USFWS. Mr. Brodie explained that the difference is 441 acres in the  
30 amendment that were added to the special habitat areas in southwest Washington to reduce edge  
31 effects. The change also accounts for roads and yarding corridors that may affect occupied site,  
32 buffers, and special habitat areas and accounted for disturbance take.

33  
34 A term that has been heard is significant contribution. With all the numbers that are presented, it  
35 is hard to know if there is a significant contribution. The HCP describes the steps for developing  
36 a long-term conservation and then states that the process should result in a plan that makes a  
37 significant contribution to Marbled Murrelets in Washington. This is interpreted differently by  
38 different people. DNR staff define it as an expected outcome, others define it as an objective.  
39 This is a vague term so for the analysis, staff went with the parameters USFWS uses to measure  
40 effects to a population, which are population numbers, reproduction, and distribution. Based on  
41 this, the proposal makes a significant contribution in terms of population numbers because it  
42 increases the amount of habitat and therefore the number of murrelets that can use the area.

43  
44 Director Brown asked if this is measured in acres of habitat or number of birds and Mr. Brodie  
45 replied that it was adjusted acres of habitat. Mr. Hayes added that DNR looked at the number of  
46 birds through the population viability analysis, a model that looks at survival. This is actually a  
47 pseudo-population viability analysis, because it is based on an extrapolation of the total number

1 of birds in Washington that assumes the birds are evenly distributed across habitat. This provides  
2 a basis for comparing the alternatives. This analysis includes both enhancement and risk  
3 scenarios. The enhancement scenario assumes everything goes as modeled, while the risk  
4 scenario assumed all metrics decrease. Commenters have said that there is a problem with the  
5 strategy due to the fact that populations continue to decline under the alternatives, but it actually  
6 means that the population does not respond immediately to the management change. Alternative  
7 H is in the middle of the range for alternatives in this analysis, related to population size.

8  
9 Director Brown asked if this analysis assumes take and mitigation happen immediately upon  
10 implementation or if they unfold over 50 years. Mr. Brodie replied that is assumes the take  
11 occurs at the beginning and mitigation occurs over the 50-year period.

12  
13 Mr. Brodie explained that one reason for this is that, as DNR staff interpret USFWS' view, it is  
14 not certain if habitat remains on the landscape it will be protected over the long-term.

15  
16 Mr. Hayes then discussed the metric of reproduction, explaining it is largely reflected in how  
17 DNR conserves landscapes, for example occupied sites and buffers within special habitat areas  
18 which encapsulates both existing and future habitat and security habitat and, therefore, provides  
19 secure habitat in the future. The commitment is to provide secure habitat as opposed to dispersed  
20 habitat with high amounts of disturbance.

21  
22 Director Brown remarked that it makes sense with what is known about site fidelity of the  
23 murrelet, saying it is better to protect areas of known use compared to areas dispersed across a  
24 landscape. Mr. Hayes agreed and spoke about protected core ground where habitat exists now  
25 and where habitat can grow in the future. This provides habitat rich areas where, if there is high  
26 site fidelity, it is the area murrelets are likely to return or disperse to in the future. This supports  
27 reproduction.

28  
29 Mr. Hayes reviewed the analysis on distribution. He stated that the analysis looked at a variety of  
30 spatial scales including the analysis area, strategic locations, existing habitat, occupied sites, and  
31 federal lands where the greatest number of murrelets are expected to occur and so considered  
32 both the large scale and the small scale across the landscape.

33  
34 These are three ways that DNR is confident the strategy will lead to better outcomes for  
35 populations and that the population on DNR-managed lands will end up better than it started.

36  
37 Chair Franz commented that it is important to consider federal lands where age class is an issue.  
38 It is important to connect landscapes and there is value in connecting to federal lands that will,  
39 over time, develop high value habitat.

40  
41 Mr. Hayes then talked about the amendment and how staff would be bringing more information  
42 about it at future meetings. He explained that the next meeting would be dedicated to the  
43 sustainable harvest calculation, for which a final EIS will soon be published, and the financial  
44 analysis. The discussion would also include components of the sustainable harvest calculation of  
45 arrearage and riparian harvest.

46  
47 Dean Wright asked if once approved, the numbers presented would be etched in stone.

1 Mr. Brodie clarified that if he meant could the numbers change over the next fifty years. He  
2 explained the answer was, “Maybe”. The 1997 HCP contains an adaptive management process  
3 therefore, there is potential to make changes based on new science or changing circumstances.  
4

5 Dean Wright said yes, that was his point. Today staff presented how they had discovered a  
6 mistake (in calculating take and mitigation) than lead to a one percent change in the amount of  
7 existing habitat. He asked if staff finds a new mistake or there are significant changes in the  
8 landscape, can the numbers change? Mr. Brodie replied, “Yes”, but then reminded the Board that  
9 DNR does not intend to change the way that habitat is modeled.  
10

11 Dean Wright asked what if, despite DNR’s best efforts, other factors such as at-sea conditions  
12 lead to the demise of the bird. If the bird is gone, does the long-term conservation strategy stay in  
13 effect? Mr. Brodie replied that he did not know and it would likely depend if the bird remained  
14 listed under the Endangered Species Act.  
15

16 Dean Wright reiterated that he is asking about a worst-case scenario. If the bird becomes extinct  
17 does the plan remain in place?  
18

19 Director Brown asked the question another way and asked about if the murrelet recovers and is  
20 taken off the endangered species list, then would the plan be successful?  
21

22 Mr. Brodie replied that if the bird were delisted is was likely the land could be placed under  
23 production, but he would confer with USFWS about what happens in the event of a change in  
24 status (extinction or recovery) and report back.  
25

26 Chair Franz asked about what would happen if there was a timber sale planned outside of a  
27 conservation area that was found to contain occupied habitat. Mr. Brodie answered that if it is  
28 located outside of long-term forest cover (conservation area) then it would be considered  
29 incidental take. This is an example of the certainty DNR is after.  
30

31 Chair Franz stated that the remaining topics on the meeting agenda would be postponed until a  
32 later meeting, however the Board would hear public comment from those people that signed up  
33 to comment or they could wait and comment at another meeting, or comment at both.  
34

35 **PUBLIC COMMENTS FOR THE CHAIR REPORT ON WORKING FORESTS AND**  
36 **RECREATION**  
37

38 Bill Turner, Sierra Pacific Industries, Washington Log Procurement Manager. Mr. Turner  
39 reminded the Board of the definition of the term compatible by defining it for them as “able to  
40 exist or occur together without conflict” and cited RCW 79.10.120, which uses the term  
41 compatible in terms of how other activities on state trust lands relate to the trusts and generating  
42 income for the beneficiaries. He shared his concern about strategies being compatible with the  
43 goal of the trust mandate. If a group comes to DNR and says that a proposal is compatible with  
44 the trust mandate, but is not compatible with timber harvest, it is not the responsibility of DNR  
45 or the Board to change their harvest plans, it is up to the other group to fit into DNR’s plan. The  
46 presentation that will be given on this topic seems to have a premise of compromise; that DNR  
47 has to give something. Mr. Turner said that he believes DNR staff and the Board have forgotten

1 the goal or have compromised the goal. The goal is the trust mandate, not whether timber harvest  
2 is compatible with recreation but rather, is recreation compatible with timber harvest. The final  
3 slide of the presentation asked whether the policy guidance is adequate to address conflicts  
4 between harvest and recreation. An appropriate question for the Board and DNR staff is whether  
5 the action is compatible with the trust mandate or must a compromise be made. If compromise is  
6 needed, it is not compatible with the trust mandate.

7  
8 Andy Fitz, Washington Climbers Coalition. Mr. Fitz stated that Washington Climbers Coalition  
9 is a climbing advocacy group. Mr. Fitz came to affirm that outdoor recreation, especially  
10 climbing, is compatible with working forests. As an example, he referred to the Goldbar  
11 Boulders located in the Reiter Foothills area. What is notable is that there was a harvest in the  
12 last couple of years and the climber's coalition worked with DNR to make the timber harvest  
13 compatible with recreational use. This was achieved by managing access to the area so there was  
14 only recreational use on the weekends when it did not conflict with harvest activity and working  
15 with DNR on where to place leave trees. The harvest recreation has returned to the area. The  
16 climbers coalition is also working with DNR on a compatible trail system and has received two  
17 REI grants for this work with which they have hired professional trail builders and hosted  
18 volunteer event with good turnout. Mr. Fitz has seen the state's population grow along with the  
19 popularity of the sport. People need access for this to grow.

20  
21 Peter Goldman, WFLC. Mr. Goldman stated that he has no doubt that recreation can be  
22 compatible with timber harvest, stating that it is not the question here. This is not a question of  
23 being able to have both at the same time as evidenced by what people have said to this Board in  
24 the past. An example was the Loomis Forest where the Board wanted to cut 25,000 acres,  
25 including lynx denning habitat. The Loomis was purchased to spare the lynx habitat. Another  
26 example is the Plum Creek land in the checkerboard of the I-90 corridor, the heart of recreation  
27 use. He stated that when Plum Creek wanted to cut the area, it was purchased and transferred to  
28 the U.S. Forest Service. Blanchard is another example, where the community came together and  
29 worked out a plan to save it. So, it does not have to be one or the other. Sometimes there are  
30 places that just need to be saved. Not just for adventure, but for people to enjoy the woods, or  
31 where people live near nature and care about it. Some people just want the solace of a quiet  
32 place. Mr. Goldman asked the Board to consider how many sales it had approved earlier in the  
33 day, remarking that they heard no comments on those sales. The sales they do hear comments  
34 about are those few where conflict arises between a growing population and a small amount of  
35 land. Mr. Goldman believes that with use of the trust land transform program, "we" can have our  
36 cake and eat it to.

37  
38 TRUST LAND PERFORMANCE ASSET MANAGEMENT

39 There was one commenter signed up that was still present but he deferred to comment until the  
40 next meeting.

41  
42 Meeting adjourned at 4:02 p.m.

Approved this 2nd day of June, 2020.

DocuSigned by:  
Hilary S. Franz  
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Hilary S. Franz, Washington State Commissioner of Public Lands

Approved via Webinar  
Jim Cahill, Designee for Governor Jay Inslee

\_\_\_\_\_  
Chris Reykdal, Superintendent of Public Instruction

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Bill Peach, Commissioner, Clallam County

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André-Denis Wright, Dean, College of Agricultural, Human, and Natural Resource Sciences,  
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Attest:

DocuSigned by:  
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Tami Kellogg, Board Coordinator