

## **DNR litigation discussion**

**February 10, 2020**

**4:18 p.m.**

Present: Commissioner Stamper, Commissioner Fund, Commissioner Jackson, Becky Butler, Eric Eisenberg, Steve Walton, Josh Metcalf, Tim Fife, American Forest Resource Council (AFRC) General Counsel Lawson Fite, AFRC Washington Manager Matt Comisky (4:23 p.m.)

Guest: Frank Corbin

Recorder: Rieva Lester

American Forest Resource Council (AFRC) General Counsel Lawson Fite discussed the Department of Natural Resources' sustainable harvest calculations. He noted that it appears that there are no marbled murrelets in Lewis County.

Matt Comisky joined at 4:23 p.m.

The group discussed the Department of Natural Resources "Solutions Table."

Lawson said the DNR is setting aside four times as much land as needed for the marbled murrelet. He said the DNR's sustainable harvest calculation is a case of "garbage in, garbage out."

Matt Comisky discussed indirect impacts the sustainable harvest has on business and industry in Lewis County. Matt noted that DNR's last on-the-ground inventory count took place 20 years ago. He said there are also problems with the DNR's growth-yield models.

Becky Butler left at 4:43 p.m.

Matt discussed WSAC's interest in the state lands discussion and AFRC's litigation. He said some governmental entities will be economically harmed directly, while decreased volume will harm others indirectly.

Matt said AFRC is carrying the financial burden of the litigation. He said some beneficiaries want to pitch in as well. He said the group meets by phone for an hour every two weeks. He said participating governmental entities will not be asked for financial contributions.

Lawson Fite clarified that there would be no settlement as the AFRC is not seeking damages, it's just looking to force the DNR to manage the state lands differently.

Lawson said he is proposing that Lewis County join the AFRC lawsuit with Mason, Pacific, Wahkiakum, Skamania County and others.

He noted that AFRC also is involved in litigation related to Skagit County's sustainable harvest.

Lawson said the firm AFRC has hired would represent Lewis County if the county signs up for joint representation.

Lawson reiterated that the counties won't be asked to share in costs.

Josh Metcalf left at 5:05 p.m.

Lawson and Matt said the beneficiaries standing together sends a stronger message to the DNR.

Matt discussed intergenerational inequities related to past overharvests in Lewis County, which hampered future harvests.

Commissioner Jackson left at 5:10 p.m.

Matt said DNR has an \$11 million backlog in silvaculture.

Commissioner Jackson returned at 5:13 p.m.

Lawson said the area junior taxing districts, such as school districts and fire districts, could join the lawsuit as well. Matt said Timberland Regional Library has expressed interest in AFRC's litigation.

Lawson guess-timated that litigation could be a three-year process. He said the case was filed Jan. 2 and that DNR has not yet responded.

Meeting adjourned at 5:27 p.m.