

MT. BAKER GROUP WASHINGTON STATE CHAPTER

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September 23, 2024

Hilary Franz, Commissioner of Public Lands, *via email to:* cpl@dnr.wa.gov

Whatcom County Council, *via email to:* council@co.whatcom.wa.us

Re: DNR Determination of Non-Significance for “Little Lilly” Timber Sale

Dear Commissioner Franz and County Council members:

As the largest and oldest grass roots environmental protection organization on the planet, Sierra Club’s local groups represent specific regions of each State. The Mt. Baker Group (of the Washington State Chapter) includes over 3,200 members and supporters in San Juan, Skagit, and Whatcom Counties, with over 2,000 in Whatcom County (“the County”).

In this letter the Mt. Baker Group Executive Committee, on behalf of the entire Mt. Baker Group, addresses DNR’s Notice of Final Determination for the Little Lilly Timber Sale (App. No. 106363, FPA No. 2819433, File No. 24-080101), submitted Sept. 3, 2024 by DNR’s Northwest Region Manager. We ask that this timber sale, and all other timber sales in Whatcom County, be paused until the County Council and DNR work out a shared forest management approach between DNR and the County, as offered in Commissioner Franz’s June 7, 2023 letter to the County.

Commissioner Franz’s letter may be found here:

<file:///C:/Users/ricke/Downloads/Whatcom%20County%20Ltr%20from%20Commissioner%20Franz%2020230607-1.pdf>

This letter addresses the sometimes disparate interests that DNR and the County have regarding how to manage county forest trust lands, and invites the County to work with DNR to find a forest management strategy to benefit not only state trust beneficiaries, but also “the critical environmental, social, and economic needs of your communities.” As Commissioner Franz wrote:

Historically, DNR’s management practices have been informed primarily by the Washington State Board of Natural Resources, with limited opportunities for direct input from individual county forest trust beneficiaries. I want to change that. ***As a former city councilmember, I know that the people best able to make decisions about what happens in their community are the people who live there and are most impacted by these decisions.*** I also know that what works for one county, may not work for all counties. ***That is why I’m reaching out.***

In light of the recent expansion of DNR’s toolset, and ***our shared commitment to ensuring that our forests meet the constitutional and statutory duties to our beneficiaries as well as the critical environmental, social, and economic needs of your communities, I am excited to invite you to collaborate with DNR*** on a forest-management strategy for your county trust lands that best serves the needs of the beneficiaries, your constituents, and our state.

[Page 3-4, last paragraph to first paragraph, emphasis added.]

This mention of “critical environmental” needs is no idle boilerplate, as is emphasized in the next paragraph:

The truth is that ***not all forests are the same and our management strategies should reflect that.*** . . . Like you, I believe that ***our high ecological and cultural value forests should be conserved*** and managed to maximize those benefits,

[Page 4, second paragraph, emphasis added.]

The Commissioner even describes how this collaborative effort should proceed:

I would like to invite you to work with me and my team to develop a strategy for how DNR manages the county forest trust lands in your County. I am seeking your collaboration and input so that together we can make decisions that reflect our shared values and your vision for your County, . . . I know that we are all deeply committed to creating a healthy and sustainable environment

[Page 4, third paragraph, emphasis added.]

Finally, in the penultimate paragraph, Commissioner Franz further emphasizes the importance of the County’s values, views, and participation:

I suggest we start this conversation with a deep dive into the county trust lands that DNR currently manages on your behalf and the suite of management tools available, so we all have a clear understanding of your assets and ***can make informed decisions about how best to maximize the multiple benefits that these forests provide to the beneficiaries of these lands, your communities, your local economy, your environment and the region*** we all represent. ***We want to answer any questions and listen to you*** on challenges and opportunities you see and ideas you have. From there, we can have an inclusive, robust, and collaborative discussion about the needs and interests of your community concerning these forests ***and develop a forest-management strategy for your county trust lands that best serves the needs of the beneficiaries, your constituents, and our state.***

[Page 4, 4th paragraph, emphasis added.]

The letter then ends with the Commissioner’s statement that her staff will reach out to the County “to provide further details and work with you to schedule a first meeting.”

This letter is remarkable. In it, the Commissioner of Public Lands for the entire state reaches out to an individual County and acknowledges that the views, values, and needs of the constituents of the County must be recognized and incorporated into a collaborative forest management plan between DNR and the County. For all the trust lands in the County, not on a timber-sale-by-timber-sale, case-by-case approach. And yet, for some reason, this does not appear to have happened. As far as we can determine, there has been no meeting between the Commissioner or her staff and the County. And even if that meeting occurred in secret, we have found no evidence of what was decided at that meeting.

Moreover, the actions of DNR in Whatcom County appear to directly contravene the sentiments and goals expressed in the Commissioner's letter. The Little Lilly DNS and accompanying "Response to SEPA comments" could not be farther from the tone and content of the Commissioner's letter. While the Response, to be fair, is a detailed response to the "many comments" acknowledged in the Notice of Determination to have been received from the public, there is little if any acknowledgement of the "needs of . . . your constituents," especially with regard to mature "legacy forest" concerns; or the importance of including "the people who live there" in the decision-making process; or the importance of making forestry-management a collaborative process, all of which are commitments made by the person to whom those preparing the DNS and SEPA Response report to! Yet, at this time, unless the BNR votes to not proceed with the Little Lilly timber sale at its October meeting, that sale is scheduled for Nov. 20 (according to DNR's website).

Nor should DNR (or anyone else) view the recently formed County Forest Resilience Task Force (FRTF), as the collaborative effort requested by Commissioner Franz. If that were the case, then where is any mention of the letter in the formation or operation of the FRTF? Why did DNR regional management recently demand, in an email to the County Executive, that timber sales not be considered by the FRTF? Why, in that same email, were the comments of a member of the public regarding Little Lilly dismissed and rejected? None of this comports with what Commissioner Franz called for, and nothing in the FRTF so far indicates any awareness of the goals and commitments in her letter.

The obvious disconnect between the executive level of DNR and the County-level management should be remedied. Executive and Regional DNR positions and communications should be congruent, especially when they so consequentially impact County interests, and especially when Commissioner Franz went to such pains to acknowledge and include the County in making forestry management decisions. And while fixing that divide ultimately is on DNR, the County can certainly help DNR do the right thing by voicing its concern at this dysfunctional process.

Therefore, in light of this unfortunate divide, the Mt. Baker Group requests that Commissioner Franz and the County Council:

- (1) Clarify to the public what, if anything, has been done to carry out the goals as described in the June 7, 2023 letter;**
- (2) Remind DNR of the offers and commitments made in the June 7, 2023 letter;**

- (3) Urgently demand that, in light of these offers and commitments and the ongoing efforts of the recently formed County Forest Resilience Task Force, DNR pause the auction for Little Lilly and other timber sales in the County at least until the work of the FRTF is concluded (supposedly in about 10 months); and**
- (4) Do all this by or before the next BNR meeting on October 1, 2024, where the Little Lilly timber sale is scheduled to be voted on.**

Thank you for your time and consideration of this matter. Please feel free to contact the undersigned with any questions.

Sincerely,

Rick Eggerth
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Cc: Whatcom County Executive Satpal Sidhu, *via email to:* ssidhu@co.whatcom.wa.us