

Washington State Trust Lands HCP and the Marbled Murrelet

Background: The marbled murrelet, listed as Threatened under the Endangered Species Act (ESA) in 1992, spends a majority of its life in marine waters and the species relies on coastal old growth forest stands for nesting habitat. While the marbled murrelet continues to decline in Washington state, beneficiaries of Department of Natural Resources (DNR) state trust lands have sacrificed to conserve the species.

In 1997, the State of Washington agreed to a multi-species Habitat Conservation Plan (HCP) with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service to provide greater certainty under the ESA for the management of over 1.6 million acres of state trust lands in Western Washington – including trust lands granted at statehood and county trust lands held in trust by DNR. **DNR has a fiduciary obligation to manage these trust lands to generate revenue for schools and other beneficiaries, including counties, hospitals, universities, and libraries.**

Marbled Murrelet Conservation: Within the range of the marbled murrelet, the 1997 HCP set aside 567,000 acres of state trust lands for species conservation – including about 150,000 acres of suitable, old growth marbled murrelet habitat. These 567,000 acres represent over 35 percent of the trust land base, which has resulted in lost revenues to beneficiaries, through the reduction in manageable acres. By the end of the HCP in 2067, there will be an additional 150,000 acres of suitable, old growth habitat developed in these conservation areas – a significant conservation contribution that often isn't fully recognized.

The 1997 HCP anticipated the development of a Long-Term Conservation Strategy for the Marbled Murrelet (MMLTCS) as more was learned about the species. Since 1997, DNR has implemented an “interim strategy” that set aside an additional 33,000 acres of trust lands until a MMLTCS could be developed. At the time, this was believed to be an overly restrictive approach that exceeded DNR's obligations under the ESA. After **decades** of delay, the DNR and USFWS are currently in the process of developing and negotiating a MMLTCS. DNR has a fiduciary obligation to negotiate with the USFWS to reach agreement on a MMLTCS that does not exceed the minimum level required to comply with the 1997 HCP and the ESA.

Concerns: The DNR recently released a revised Draft Environmental Impact Statement (RDEIS) with a preferred alternative (Alternative H) that would set aside at least 43,000 additional acres of state trust lands – a large amount of which is not suitable marbled murrelet habitat and won't grow into marbled murrelet habitat by the end of the HCP in 2067. State trust land beneficiaries, state legislators, federal elected officials, and local communities are concerned about the amount of acreage being proposed for additional set asides under the MMLTCS, the lack information about the fiscal and economic impacts of the plan, and DNR's rejection of an alternative that focuses on the protection of approximately 9,000 acres of occupied and truly suitable habitat (Alternative B).

The beneficiaries of Washington's trust lands shouldn't be required to set aside valuable trust lands that aren't currently suitable habitat, will not be suitable habitat by during the life of the HCP, or exceed DNR's obligations and ignore the habitat already set aside under the 1997 HCP.