
SENATE CONCURRENT RESOLUTION 8435

State of Washington 54th Legislature 1996 Regular Session

By Senators Drew, Snyder, Oke, Hargrove, Owen, Rinehart and Bauer

Read first time 3/7/96.

1 WHEREAS, Trust lands are a unique asset, critical to the support of
2 state institutions of higher education, the common schools, and all of
3 the other state's trusts; and

4 WHEREAS, Concern over past and proposed management actions taken by
5 the department of natural resources as trust manager has raised the
6 possibility that other state institutions, in their role as trust
7 beneficiaries, may begin litigation to clarify the authority, rights,
8 and responsibilities related to the management of the trusts and the
9 appropriate role of the various parties; and

10 WHEREAS, The Legislature believes that litigation should be the
11 last resort to resolve disputes between state agencies and institutions
12 and that other mechanisms should be used to clarify the authority,
13 rights, and responsibilities among agencies and institutions; and

14 WHEREAS, There is substantial fiscal impact in the preparation of
15 a habitat conservation plan as well as long-term effects on trust
16 income. The board of natural resources must secure and protect the
17 interests of each of the trusts. Because of the substantial impact on
18 trust income over the length of an agreement, the board should
19 safeguard the integrity of each trust;

20 NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of
21 Washington, the House of Representatives concurring, That the Chairs of

1 the Natural Resources Committees of the Senate and House of
2 Representatives jointly request the attorney general to render an
3 opinion, no later than August 1, 1996, in response to questions
4 regarding the authority, rights, and responsibilities among agencies
5 and institutions with respect to state trust lands under existing law;
6 and

7 BE IT FURTHER RESOLVED, That in preparing the questions to be
8 submitted to the attorney general, the Chairs of the Natural Resources
9 Committees consult with the Governor, the Commissioner of Public Lands,
10 the presidents of the University of Washington and Washington State
11 University, and the Superintendent of Public Instruction; and

12 BE IT FURTHER RESOLVED, That in addition to requesting an opinion
13 on specific questions, the Chairs of the Natural Resources Committees
14 also request the attorney general to identify the factual information
15 that may be necessary to resolve disputes under the legal principles
16 set forth in the opinion; and

17 BE IT FURTHER RESOLVED, That the chairs request the attorney
18 general to appoint a facilitator to assist in the information
19 gathering; and

20 BE IT FURTHER RESOLVED, That based on the opinion, the Legislature
21 requests that the attorney general's office provide recommendations for
22 legislation to clarify the authority, rights, and responsibilities
23 among agencies and institutions; and

24 BE IT FURTHER RESOLVED, That the Chairs of the Natural Resources
25 Committees of the Senate and House of Representatives jointly request
26 the Commissioner of Public Lands, the University of Washington, and
27 Washington State University, to jointly continue their fact-gathering
28 on this subject; and

29 BE IT FURTHER RESOLVED, That the Legislature requests that the
30 trusts make every attempt to reach consensus with the department of
31 natural resources before any long-term contract is entered into with
32 the Federal Fish and Wildlife Service for a Habitat Conservation Plan
33 for state-managed trust lands; and

34 BE IT FURTHER RESOLVED, That the Legislature requests that each
35 member of the Board of Natural Resources make every effort to reach
36 consensus and that the board not take final action on a proposed
37 habitat conservation plan affecting trust lands for a sufficient time
38 after issuance of the attorney general's opinion, but in no case less
39 than sixty days after issuance of the opinion; and

1 BE IT FURTHER RESOLVED, That the Legislature requests the Board of
2 Natural Resources hold public hearings and consider public testimony in
3 each of the seven natural resource department regions between the
4 issuance of the opinion and any final action by the Board; and

5 BE IT FURTHER RESOLVED, That the Legislature requests that the
6 department of natural resources provide a trust by trust analysis of
7 how much land will be in forest production and how much land will be in
8 wildlife habitat or other designation; and

9 BE IT FURTHER RESOLVED, That the Legislature requests that the
10 department of natural resources provide the beneficiaries of the state-
11 managed timber lands all information that is requested pertaining to
12 the proposed Habitat Conservation Plan, including economic information
13 giving the base-line calculation, on a trust by trust basis, to the
14 satisfaction of each of the trusts.

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