

## **APPENDIX**

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[LOGO]

**HILARY S. FRANZ**  
COMMISSIONER OF PUBLIC LANDS

August 11, 2017

The Honorable Bob Ferguson  
Attorney General  
PO Box 40100  
Olympia, WA 98504-0100

Dear Mr. Ferguson:

I would like to express my thanks to you and your team for this week's update on *United States v State of Washington*, No. 13-35474, also referred to as the "culvert case." It is an important and complex case, and I appreciate your pursuit of a resolution that will benefit all of Washington, people and place alike. With these considerations in mind, I strongly oppose appealing the decision of the Ninth Circuit Court of Appeals.

Despite decades of effort and investment by tribes, federal, state and local agencies, NGO's and others, salmon runs continue to decline across the state. Though I appreciate that you are wrestling with important legal concerns on behalf of the State, I am concerned that we are about to begin yet another chapter of fighting each other over who should do what, rather than rolling up our sleeves, standing shoulder to shoulder and investing our limited time, energy and resources toward saving salmon for future generations. Though this case is specifically about impassable culverts and lost habitat, as you know, it is only one piece of a much larger problem. It's time to work collectively

and focus on actions that address and actively aid the many concerns that our tribal governments – and so many of our non-tribal residents – have been raising for years.

If you decide to proceed with the appeal, and choose to initiate settlement discussions, you have my commitment that the Department of Natural Resources stands ready to work with you, our sister agencies, the tribes and non-state partners, as long as that effort is focused on a systemic effort to solve the problem. My agency stands ready to bring our expertise and experience in finding creative natural resource solutions to the table.

Regardless of what legal path you choose, the Department of Natural Resources will work with tribes and any other willing partners to strengthen the health and resilience of our statewide lands and waters, restore and protect Puget Sound and support salmon recovery. I make this commitment with full awareness that we didn't create this problem overnight, and it is going to take a long-term, focused effort to solve it. Saving our salmon is not simply a tribal issue. It is a Washington issue, as is evidenced by the \$38 billion dollar fishing economy in our state that so many rely on. The problem is one we share, and the opportunity to secure a bright future with thriving salmon runs is also something we share. By coming together in committed collaboration toward a common purpose, we can achieve together far more than we can individually. It's time to move forward, learn from the failings of the past, and

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devote ourselves to ensuring the presence of salmon for this and all generations to come.

Thank you again to you and your staff for your on-going efforts to find the right resolution for all.

Sincerely,

/s/ Hilary S. Franz  
Hilary S. Franz  
Commissioner of Public Lands

c: Governor Jay Inslee

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