

State Supreme Court to hear DNR-Attorney General dispute

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OLYMPIA — A dispute between Public Lands Commissioner Peter Goldmark and State Attorney General Rob McKenna is scheduled to go before the Washington State Supreme Court on Thursday.



Rob McKenna

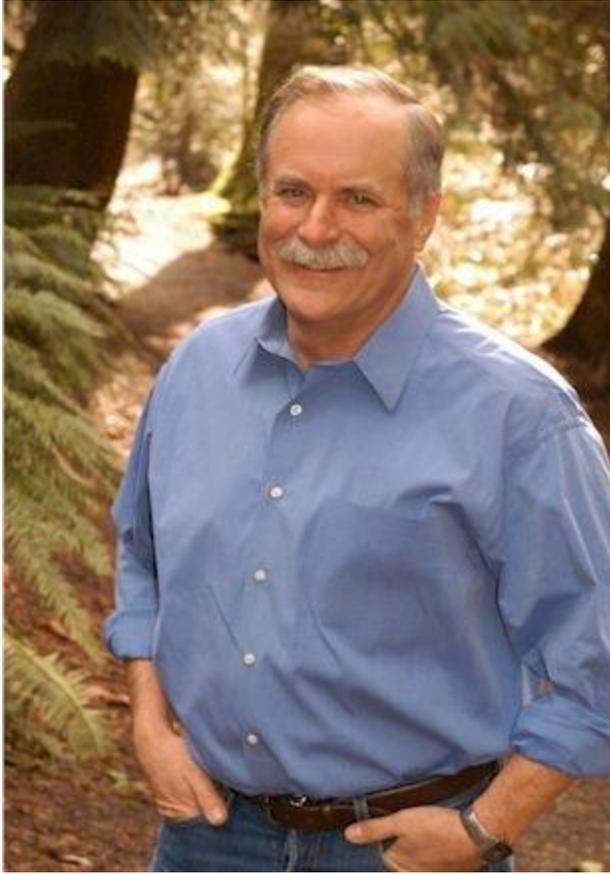
State attorney general

At issue is whether McKenna's office should be forced to appeal an Okanogan County judge's decision that allows the Okanogan County PUD to condemn state land to build a transmission line from Pateros to Twisp.

Okanogan County Superior Court Judge Jack Burchard ruled May 11 that a new transmission line would not prevent the current public use of the property, now leased for grazing livestock.

The utility has been trying for 15 years to build the power line, but their efforts have been plagued by lawsuits from residents who say a parallel line to the current Loup Loup

transmission line that feeds power to the Methow Valley is more environmentally sound. Private land has also been condemned in court for the Pateros-to-Twisp project.



Peter Goldmark

Commissioner of public lands

Goldmark's agency says the 12-mile corridor of condemned land increases the risk of wildfire on state lands, and reduces the amount of income going to the Common School Trust, which benefits the state's public schools.

"It's something we didn't want to do," said DNR spokesman Bob Redling, of filing the lawsuit. "This really gets to the core of what the commissioner of public lands has to do, which is defend the trusts. It's part of his fiduciary responsibility to protect the lands, whether that's from fire or imminent domain seizure," he said.

Dan Snyman, spokesman for the state Attorney General's office, said it's ultimately up to the attorney general whether to pursue an appeal, and that decision is based on many things, including the likelihood of prevailing.

"We believe that the state constitution, the statutes and case law clearly outline the role of the attorney general to make the final decision as to when specific appeals should or should not be filed," he said.

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