



Riparian Open Space Program

OPTIONS for OWNERS of TIMBERED LANDS WITHIN UNCONFINED CHANNEL MIGRATION ZONES in WASHINGTON STATE

The Riparian Open Space Program (ROSP) is funded by the Washington state legislature to provide options for landowners with timber within unconfined sections of river channel migration zones (CMZs). Qualifying landowners can apply to donate or sell a permanent conservation easement on their land and/or timber in designated forest land that exists along migrating stream channels.

The goal of the Riparian Open Space Program is to help provide ecological protection and fisheries enhancement while compensating landowners prohibited under state Forests & Fish rules from harvesting timber on riparian land isolated by river channels that have migrated over time.

Overview

As one of the aspects of implementing the Forests and Fish legislation, the Washington State Department of Natural Resources (DNR) has established a Riparian Open Space Program. This program offers options to owners of timbered lands within unconfined channel migration zones. The lands addressed by this program are essentially islands of timber within rivers or streams. Willing landowners can apply to donate or sell a permanent conservation easement covering the trees, or land and trees, to the DNR.

NOTE: A similar program that DNR manages is the Forestry Riparian Easement Program (FREP), which is only for small forest landowners. A Small Forest Landowner is someone who harvests less than an average of 2 million board feet of timber off their property in the three years prior to applying to the Forestry Riparian Easement Program. ROSP, however, is available to small *and* large forest landowners. Another difference is that ROSP is limited to an easement on forest land within a CMZ while FREP includes an easement on all trees next to water that are prevented by Forest Practice rule from being harvested, including those within a CMZ. As of July 2009, FREP has not received any funding so no money is available for this program at this time. DNR is still accepting FREP applications, but FREP was not allocated funds for FY 2009-2011.

Program Funding

The legislature has made funding available for riparian open space acquisitions through the 2009-11 biennium. DNR will request funding for additional biennia through the legislative budget process. The projects with the highest priority will be funded first. With limited funding available for the first round of applications, it is not known at this time how many projects can be funded in this biennium. The unfunded projects will be able to compete in the future when funding is available.

Qualifying Lands

To qualify for the Riparian Open Space Program, the Project must have all of the following:

- Be located within an unconfined channel migration zone;
- Be identified in county assessor records as “designated forest land” under chapter 84.33 RCW or “current use forest land” under chapter 84.34 RCW;
- Provide legal access to the land that would facilitate DNR’s ability to administer the program in relation to the land;
- Have agreement by all persons who have an interest in the project’s property to convey or subordinate their interests to the state to the extent necessary for the purchase of the property or conservation easement;

- No presence of unacceptable liabilities, such as hazardous substances or any other condition that may jeopardize DNR’s ability to maintain fisheries enhancement or ecological protection, and for which the applicant is unwilling or unable to provide reasonable indemnification; and
- No other circumstance on the land that make the land unsuitable for fisheries enhancement or ecological protection.

As defined in WAC 222-16-010, a “channel migration zone (CMZ) means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike.”

Application and Selection Process

The DNR welcomes applications from all landowners. Application forms can be downloaded from the DNR website, or requested from Dan Pomerenk in DNR’s Forest Practices Division at: 360-902-1427 or by e-mail to: dan.pomerenk@dnr.wa.gov

A selection committee will evaluate applications to determine a ranked order for purchases of land and/or conservation easements. If eligible applications exceed current funding, the remaining applicants can opt to be considered for future funding opportunities.

Selection Criteria

As specified by program legislation, the following criteria will be considered by the selection committee in prioritizing applications for funding:

- Ecological value, including importance to salmonids, water quality benefits, quality of habitat, site significance, etc.
- Immediacy of need on the part of the landowner.
- Order of receipt.

General Instructions for Completing the Riparian Open Space Application

- Before you complete an application, please verify that the timberland you wish to propose qualifies for the Riparian Open Space Program.
- The land must be located within a channel migration zone.
- County assessor records must show the land as currently classified or designated as forest land under chapter 84.33 RCW or currently subject to use taxation as forest land under chapter 84.34 RCW.
- Provide a description of the proposed property, including the location, the estimated acreage. Describe the method used to determine that the land is qualifying CMZ land. Also include a map showing the approximate boundary between the channel migration zone and the adjoining RMZ core area. (In situations where this is not applicable, describe the process used to determine that the qualifying CMZ land is within an unconfined channel migration zone.)
- See Chapter 222-23 WAC for exact language describing the purpose and process of DNR’s Riparian Open Space Program.
- Mail the completed application, property description, method for determining that the property qualifies as CMZ land, and map to:

Washington Department of Natural Resources
 Forest Practices Division
 Riparian Open Space Program
 P.O. Box 47012
 Olympia, WA 98504-7012