



Forestry Riparian Easement Program

Updating rules for eligibility and program efficiency

ISSUE The 2011 Legislature through ESHB 1509 made changes to the Forestry Riparian Easement Program. The Forest Practices Board has begun the rule making that will implement the changes made through Engrossed Substitute House Bill 1509, as well as making the language more clear and the program implementation more efficient.



BACKGROUND The 1999 Legislature established the Forestry Riparian Easement Program to help offset the diminishing economic viability of small forest landowners due to disproportionate impacts of increased regulatory requirements. Small forest landowners—those who harvest less than two million board feet of timber per year—often are eligible to apply to the Forestry Riparian Easement Program and receive some compensation for the trees they are required to retain in the riparian area. The Forestry Riparian Easement Program is administered by the Small Forest Landowner Office at DNR.

It is estimated that there are 215,000 small forest landowners in the State of Washington that own and manage 3.2 million acres of forestland. To date, the Forestry Riparian Easement Program has purchased conservation easements on more than 4,900 acres of streamside forest adjacent to about 170 miles of streams that flow year round. These streamside forests protect water quality and quantity and fish habitat along these waters. About \$25.3 million has been spent to purchase 290 easements at an average of \$87,200 per easement.

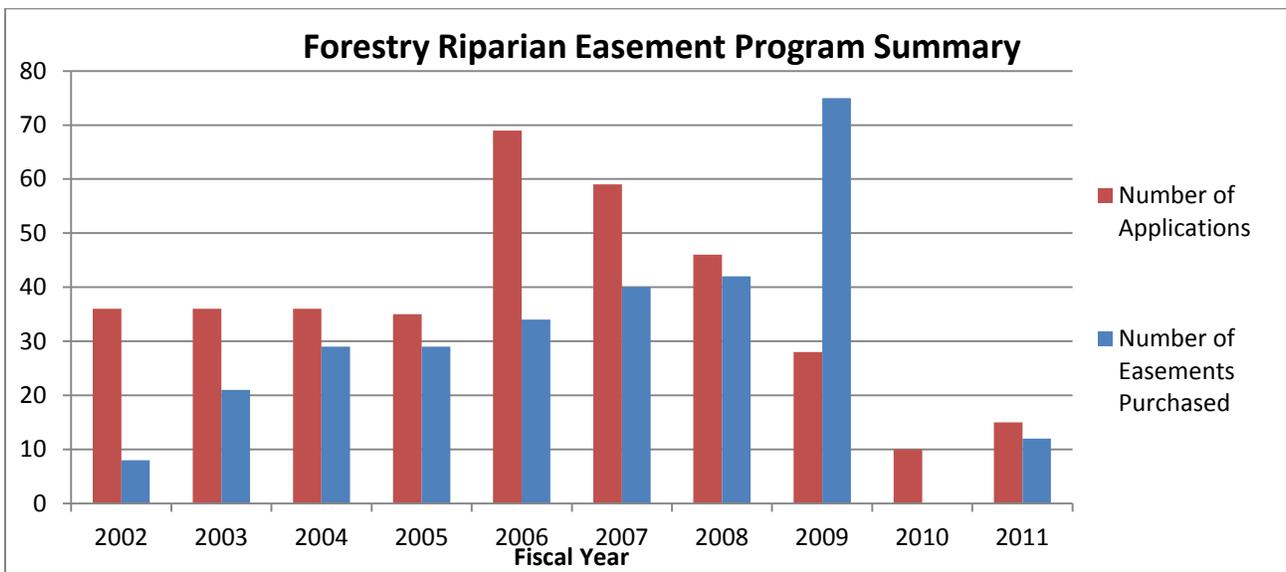
PROPOSAL Proposed rule for the Forestry Riparian Easement Program would make the following changes to the program:

- Define and establish eligibility for qualifying small forest landowners for the Forestry Riparian Easement Program (for example, at the time compensation is offered for a forestry riparian easement the landowner must be a small forest landowner).
- Remove non-profit organizations from program eligibility.
- Expand the definition for qualifying timber to include forest trees associated with an approved forest practices application that cannot be harvested according to forest practices rules on areas of potentially unstable slopes or landforms. These areas include those with the potential to deliver debris to a public resource or threaten public safety.
- Limit compensation to a maximum of \$50,000 per forest riparian easement for timber on potentially unstable slopes or landforms. Limit compensation to each landowner to \$50,000 total for any biennial funding period.

- Require the DNR Small Forest Landowner Office to use no more than 50 percent of the funds to determine the value of the easement based on timber values on the date the complete Forestry Riparian Easement Program application is received.
- Change the date the 50-year easement term will begin from the date the forest practice application pertaining to the easement area is received to the date the completed easement application is received.
- Expand the authority for DNR to reimburse qualifying landowners for the preparation costs to prepare a forestry riparian easement (for example, geotechnical reports, marking riparian trees).
- Require a method to collect reimbursement from the selling landowner to DNR for the full forestry riparian easement compensation if the easement land is sold to a non-qualifying landowner within the first 10 years of compensation.

OBJECTIVE It is anticipated these rule changes will minimize administrative costs and maximize easement purchases from small forest landowners committed to long term forestry which will:

- Enable increasingly scarce funding for this program to be put to use in the most appropriate situations.
- Encourage fewer conversions of forestlands to other land uses by providing incentives for small forest landowners to continue to keep working forests on the landscape.
- Modernize the program for these tougher economic times.



Fiscal Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Totals
Number of Applications	36	36	36	35	69	59	46	28	10	15	370
Number of Easements Purchased	8	21	29	29	34	40	42	75	0	12	290
Waiting List	28	43	50	56	91	110	114	67	77	80	
Amount Spent	\$680,000	\$3,070,000	\$1,850,000	\$1,497,350	\$2,892,000	\$4,808,000	\$4,079,000	\$5,500,000	\$0	\$975,000	\$25,351,350