

Small Forest Landowner Office

5.1 Introduction

The Small Forest Landowner Office serves as a resource and focal point for small forest landowner concerns and policies. The office has a mission to promote the economic and ecological viability of small forest landowners. The office was created in 1999 when the Forests and Fish rules were passed and resulted in increased size of riparian buffers and created further measures to protect water quality and restore salmon habitat. The Washington Legislature recognized that the Forests and Fish rules would have a disproportionate effect on small, family-owned forests. The Legislature wanted to help small landowners to retain their forestland and not convert the land to another land use. The Legislature authorized a Small Forest Landowner Office to be created within the DNR to assist small landowners and begin assessing ways in which policies could be crafted to support small forest landowners.

This chapter describes two small forest landowner incentive programs: The Forestry Riparian Easement Program (FREP) and the Family Forest Fish Passage Program (FFFPP). Both were developed by the Small Forest Landowner Office to assist small forest landowners. FREP has a total of 2433 acres under easements as of June 30, 2007. FFFPP has a total of 450 fish passage barriers on the list for repair of which 122 have been repaired as of June 30, 2007.

5.2 Forestry Riparian Easement Program

The Legislature recognized that Forests and Fish riparian rules would have a disproportionate impact on small forest landowners. Provisions included in the 1999 legislation created the FREP that is managed by the Small Forest Landowner Office. The easement program acknowledges the importance of small forest landowners and the contributions they make to protect wildlife habitat and water quality.

The FREP compensates eligible small forest landowners in exchange for a 50-year easement on “qualifying timber.” This is the timber the landowner is required to leave unharvested as a result of forest practices rules protecting Washington’s aquatic resources. Landowners cannot cut or remove the qualifying timber during the easement period. The landowner still owns the property and retains full access, but has “leased” the trees and their associated riparian function to the state.

From June 5, 2006 to June 30, 2007, there were 57 applicants for FREP compensation and 40 easements purchased. The Washington Legislature increased the 07-09 biennium funding level from \$8 million to \$10.5 million. See the following table “Forestry Riparian Easement Program Capital Budget Summary and Projections” for additional information.

**Forestry Riparian Easement Program
Capital Budget Summary and Projections**

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Totals
	7/1/01- 6/30/02	7/1/02- 6/30/03	7/1/03- 6/30/04	7/1/04- 6/30/05	7/1/05- 6/30/06	7/1/06- 6/30/07	7/1/07 - 6/30/08	7/1/08- 6/30/09	
“Beginning Waiting List	—	28	43	50	59	97	114	109	
Applied during FY	36	36	36	38	72	57			275
Total Applicants on List in FY	36	64	79	88	131	154	164	159	
Easements Purchased	8	21	29	29	34	40	—	—	161
Projected to Purchase							55	55	
Ending Waiting List	28	43	50	59	97	114	109	104	
Amount Appropriated	\$3,750,000		\$4,000,000		\$8,000,000		\$10,500,000		\$26,250,000
Amount Spent	\$680,000	\$3,070,000	\$1,850,000	\$2,150,000	\$2,892,000	\$4,826,700			\$15,468,700
Amount Remaining						\$281,300			
Average Value of Easement per FY	\$85,000	\$146,190	\$63,793	\$74,138	\$85,059	\$120,668			

Numbers in **BOLD** font are estimated values

5.3 Family Forest Fish Passage Program

The Family Forest Fish Passage Program was developed in 2003 to provide regulatory relief to small forest landowners from the cost of complying with the Forests and Fish rule requirement for fish passage barriers.

Because eliminating fish passage barriers can be costly, especially for the family forest landowner, the 2003 Washington Legislature established the FFFPP (RCW 76.13.150). In general, the bill required that:

- The state creates a cost-share program that would provide 75-100 percent of the cost of correcting small forest landowners' fish barriers.
- Small forest landowners enrolling in the program would be required to fix their barriers only if financial assistance is available from the state.
- Barriers be prioritized and repaired on a "worst-first" basis.

Once a year, projects submitted to the program are prioritized, and fish barrier corrections providing the greatest benefit to public resources are funded. Lower priority projects remain in the program to be funded once they become higher priority and money is available.

By signing up for the program, a landowner is relieved of any forest practices obligation to fix a fish passage barrier until the state determines the barrier is a high priority.

Three state agencies cooperate to manage and fund the program:

1. The Small Forest Landowner Office at the DNR is the main point of contact for program information. The office assists landowners, provides outreach and coordinates additional funding sources.
2. WDFW is responsible for evaluating the degree of the barrier; habitat quality of the stream; and ranking barriers for repair.
3. The Recreation and Conservation Office (RCO) administers program funding and provides information on program contracts, billing and reimbursement.

For more information about each agencies' role and responsibilities, along with other entities' involvement (Washington Farm Forestry Association, conservation districts, Regional Fisheries Enhancement Groups, tribes), see the Memorandum of Understanding for the FFFPP included at the end of this section.

The FFFPP has assisted many small landowners since its inception. See Table 1, *Family Forest Fish Passage Program, Funding Rounds 1 through 5*, for fiscal year details on the program. In summary, since 2003 there have been 450 barriers entered in the program and put on the list for repair. One hundred and twenty-two fish passage barriers have been repaired, 100 on Westside and 22 on Eastside. This has opened 266 miles of stream at a cost of \$6 million dollars. To date, 328 fish passage barriers remain enrolled in the program

Table 1. Family Forest Fish Passage Program

Funding Rounds 1 through 5

Last updated 7/9/2007

Funded in	2004 Round 1 12/03 - 2/04	2005 Round 2 2/04 - 7/04	2006 Round 3 8/04 - 6/05	2007 Round 4 7/05 - 7/06	2008 Round 5 7/06 - 7/07	Average	Total All Rounds
Applications	53	93	108	87	39	76	380
Eligible Sites	96	100	134	75	45	90	450
# in Western WA	72	75	99	43	26	63	315
% in Western WA	75%	75%	74%	57%	58%	68%	
# in Eastern WA	24	25	35	32	19	27	135
% in Eastern WA	25%	25%	26%	43%	42%	32%	
Funded Sites	37	26	39	20	*	31	122
# in Western WA	33	20	32	15	*	25	100
% in Western WA	89%	77%	82%	75%	*	81%	
# in Eastern WA	4	6	7	5	*	6	22
% in Eastern WA	11%	23%	18%	25%	*	19%	
% of Eligible Funded	39%	26%	29%	27%	*	30%	
Lower Priority Sites	59	74	95	55	*		328
Miles Opened Statewide**	58.03	76.02	102.6	28.87	*	66	265.52
in Western WA	53.36	61.68	76	22.16	*	53	213.2
in Eastern WA	4.67	14.34	26.6	6.71	*	13	52.32
Miles/Project	1.57	2.92	2.63	1.44	*	2.14	
Cost/Project	\$30,192	\$39,708	\$54,338	\$89,200	*	\$53,359	
Cost/Mile	\$19,251	\$13,581	\$20,655	\$61,794	*	\$28,820	
Total Program Cost ***	\$1,117,110	\$1,032,396	\$2,119,180	\$1,784,000	*	\$1,513,172	\$6,052,686

* Information available in December 2007.

** Miles based on WDFW's fish habitat model.

*** Does not include matching dollars contributed.

Table 1. Family Forest Fish Passage Program Continued

FFFPP	Rounds 1-5
Applications Received	380
Number of Eligible Sites	450
in Western WA	315
in Eastern WA	135
Funded Projects	122
in Western WA	100
in Eastern WA	22
% of Eligible Funded	27%
Miles Opened	265.52
Miles Per Project	2.18
Cost Per Project*	\$49,612
Cost Per Mile	\$22,796

WDFW Ranking of Fish Passage Barriers for Family Forest Fish Passage Program

Family Forest Fish Passage Legislation (RCW 77.12.755) directs repair of worst barriers first starting with barriers lowest in the watersheds. To identify and prioritize the worst barriers, WDFW rates the barriers enrolled in the FFFPP program on the following criteria:

- Number of fish species benefiting,
- Amount and quality of habitat opened,
- Degree of fish barrier,
- Number and location of other barriers and the degree of those barriers.

Additional prioritization considerations:

- Concurrence from Lead Entity Watershed groups (groups that take the lead on salmon habitat recovery plans in the watershed)
- Cost effectiveness.

For prioritization work, information is obtained from WDFW field biologists to determine the amount of habitat upstream of the barrier with gradients less than 20% and from information supplied by foresters or tribal biologists. It is also supplied by contractors who walk the streams and evaluate barriers and habitat quality and the existing WDFW stream crossing inventory. Information is also supplied by regional fish enhancement groups, conservation districts and Lead Entity Groups. Projects are scored to provide an initial list that is evaluated by the three state agencies, DNR, RCO, and WDFW and sent to Lead Entity groups for concurrence. This information along with project cost estimates are provided to the FFFPP Steering Committee for final funding decisions.

Information on the fish passage barriers obtained from site visits is placed in the WDFW Stream Crossing Inventory. The WDFW inventory is a partial inventory, in part due to lack of permission by landowners to access their property; and because of different inventory standards used by the various groups providing data. The inventory includes those stream crossings that have been identified through Washington State Department of Transportation inventories, local government inventories, barriers identified in FFFPP stream checks, and local inventories funded by Salmon Recovery Funding Board. Most stream crossing information was obtained by driving roads.

Only about seven counties have completed private road inventories and many landowners refused permission for agency staff or local contractors such as regional fish enhancement groups to access their lands. Most of these inventories were road-based and only a few of the inventories were stream-based inventories. Stream-based inventories are needed to identify old overgrown logging roads and private dams. The inability to get permission to access private land is a significant challenge encountered in stream-based inventories.

WDFW has identified and evaluated approximately less than one third of the stream crossings in the state. It is sometimes assumed that WDFW knows all fish barriers in the state and can rank them all but that is not the situation. Fish passage barriers are not static. New barriers form and some are eliminated in major rain and flood events. For example, a culvert that was not a barrier last year may be a barrier this year. A culvert that was a barrier may have blown out in a major precipitation event and is no longer a barrier. Maintaining fish passage barrier inventories is an on-going process. The degree to which a higher percentage of barriers are known depends upon funding for state or contract staff to walk streams, staff training and monitoring, and interfacing and managing data.

Program Challenges

The FFFPP is a voluntary program that allows small landowners to sign up to correct fish passage barriers on their road crossings with assistance from the program. The State provides 75% to 100% of funding for the barrier correction.

Some landowners are reluctant to sign up with the state and will not allow access to their land. When these landowners submit a forest practices application they will have to address any fish passage issues at that time. In addition, there are small forest landowners who have not harvested, and may not be aware of what a fish barrier is or that there is a cost share program to assist in the correction.

Recently signups for the program have dropped. In 2007 less than 40 people signed up. In 2006, 87 landowners signed up. In 2005, 108 landowners signed up. To address this issue the ROC/DNR/WDFW Fish Passage Team has worked on outreach materials to help educate landowners about the program including:

1. PowerPoint presentations to groups around the state,
2. A mailer to be sent to small forest landowners reminding them of the opportunity for funds for culvert replacement,
3. A new program brochure, *Family Forest Fish Passage Program* (a copy is included at the end of the FFFPP section),
4. Program report mailed to WDFW and DNR staff who works with forest landowner,
5. Target mailings to landowners with known barriers in nine counties via a brochure, *Do you have roads with stream crossings on your forestland?* (a copy is included at the end of the FFFPP section),
6. FFFPP presentations at Washington Farm Forestry Association meetings, and
7. FFFPP stations at Family Forest Field Days.

The Fish Passage team is also working on developing a DVD promoting the program to small forest landowners. They have also been contacting watershed Lead Entity Groups, Regional Fish Enhancement Groups, Farm Forestry groups, Tribes, Conservation Districts and County Extension offices with information on the program for inclusion in group web pages and newsletters. Next year, a 2007 Implementation Report will be developed and published.

Coordination with Watershed Lead Entity Groups is required by the Program. These groups are contacted twice a year and given information on those projects the Fish Passage Team has listed as "Potential High Priority" and asked for their comments. For most watershed Lead Entity Groups, FFFPP is a complement to their projects. FFFPP projects are not in the same footprint as Lead Entity Group projects which are mostly low in each watershed on lands not owned by small forest landowners.

Early in the program particularly, cost overruns were also a challenge. To address this issue, contract engineers are hired to provide a cost assessment, and have resulted in more accurate estimates. Most bridges are costing almost \$100,000 and some are approaching \$180,000. There have been numerous cost increases, some over 40%. The Fish Passage Team is requesting more information and justification before approving cost overruns and guarding against over-design of projects. Significant cost increases are sent to WDFW engineers for review. Cost increases over 20% must go to the FFFPP Steering Committee for approval.

DNR will be submitting a report to the legislature by December 1, 2008 which will document findings related to the checklist road maintenance and abandonment plan checklist (see Chapter 9, section 9.1 for more information) approach for small forest landowners. This report will also include the current implementation status of the FFFPP.