

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. The new rules 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 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 3398 acres under conservation easements as of December 31, 2007. FFFPP has a total of 552 fish passage barriers entered in the program. Of those, 99 have been repaired since 2003.

5.2 Forestry Riparian Easement Program

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 land with “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. The program operates on an application-driven, first-come-first-served basis. DNR does not evaluate the merits of FREP applications: applications are processed in the order received and purchased in that order, commensurate with available funding. The Washington Legislature has continued to support this program with funding for the 07-09 biennium of \$10.5 million. See the following tables “Forestry Riparian Easement Program Highlights” and “Forestry Riparian Easement Program Capital Budget Summary and Projections” for additional information.

**Forestry Riparian Easement Program Highlights
(by calendar year 2001 – 2007)**

Calendar Years	2001	2002	2003	2004	2005	2006	2007	Total
Number of Applications	15	48	31	36	59	74	50	313
Number of Easements	2	21	17	30	35	32	40	177
Acres	12	615	337	286	563	620	965	3,398
Easement Purchase*	\$0.1mm	\$2.9 mm	\$1.2 mm	\$1.2 mm	\$1.4 mm	\$2.6mm	\$5.9mm	\$15.3 mm

*easement value only, does not include reimbursement, excise tax, cruise and other operating costs.

**Department of Natural Resources
Small Forest Landowner Office
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	
Holdovers from Waiting List	—	28	43	50	59	97	114	104	
Applied during FY	36	36	36	38	72	57	32	—	307
Projected to Apply	—	—	—	—	—	—	—	50	
Total Applicants on List in FY	36	64	79	88	131	154	146	154	
Easements Purchased	8	21	29	29	34	40	42	—	203
Projected to Purchase								76	
Waiting List	28	43	50	59	97	114	104	78	
Amount Appropriated	\$3,750,000		\$4,000,000		\$8,000,000		\$10,500,000		\$26,250,000
Cumulative Average Value of Easement	—	\$129,310	\$96,552	\$89,080	\$87,950	\$95,963	\$92,987		
Amount Requested	\$5,000,000?		\$5,000,000		\$13,050,000		\$13,800,000		

includes all costs associated with easement acquisition (numbers in **BOLD font are estimated values)*

Table 1 summarizes the number of eligible Family Forest Fish Passage Program applications received and fish barrier sites identified each year. Also shows the number of fish barrier sites funded and fixed, miles opened and average costs. Not all projects were fixed in the year they were funded.

Table 1 - Family Forest Fish Passage Program, Summary of Rounds 1 through 6

Updated 06/16/2008 - Till

	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Average All	Total All	
Application Period	12/03 - 2/04	2/04 - 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	Rounds	Rounds	
Fixed in	2004	2005	2006	2007	2008	2009			
Eligible Applications	61	72	86	64	44	64	65	391	
Eligible Sites	101	104	135	74	54	84	92	552	
# in Western WA	75	80	98	41	32	70	66	396	
% in Western WA	74%	77%	73%	55%	59%	83%	70%		
# in Eastern WA	26	24	37	33	22	14	26	156	
% in Eastern WA	26%	23%	27%	45%	41%	17%	30%		
Funded Sites	34	26	38	21	33	*	30	152	
Completed Projects	29	20	26	24	*	*	25	99	
# in Western WA	29	15	24	17	*	*	21	85	
% in Western WA	100%	75%	92%	71%	*	*	85%		
# in Eastern WA	0	5	2	7	*	*	4	14	
% in Eastern WA	0%	25%	8%	29%	*	*	15%		
Miles Opened Statewide	43.49	74.76	63.13	68.37	101.6	*	70	351.41	
Miles/Project	1.50	3.74	2.43	2.85	*	*	2.63		
Average Cost per Project	\$28,432	\$41,865	\$70,257	\$120,160	*	*	\$65,178		
Average Cost per Mile	\$18,959	\$11,200	\$28,935	\$42,180	*	*	\$25,318		
Total Program Cost **	\$824,514	\$837,303	\$1,826,671	\$2,883,851	\$3,382,637	*	\$1,593,085	\$9,754,976	
Lower Priority Sites							Eligible Sites – Funded Sites =		400
Years to complete @ 30/yr									16
Cost @ 80K/proj									\$32,000,000

* To Be Determined

** Does not include matching dollars contributed.

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 create 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:

The Small Forest Landowner Office at DNR is the main point of contact for program information. The office assists landowners, provides outreach and coordinates additional funding sources.

WDFW is responsible for evaluating the degree of the barrier; habitat quality of the stream; and ranking barriers for repair.

The Recreation and Conservation Office (RCO) administers program funding and provides information on program contracts, billing and reimbursement.

More information about each agency's role and responsibilities, along with other entities' involvement (Washington Farm Forestry Association, conservation districts, regional fisheries enhancement groups, tribes), can be found in the 2007 FPHCP Annual report Chapter 5 under the Memorandum of Understanding for the FFFPP.

The FFFPP has assisted many small landowners since its inception. See Table 1, *Family Forest Fish Passage Program, Summary of Rounds 1 through 6*, (found on the previous

page) for fiscal year details on the program. In summary, since 2003 there have been 552 barriers entered in the program and put on the list for repair. Ninety-nine fish passage barriers have been repaired, 85* on Westside and 14* on Eastside. This has opened 250* miles of stream at an approximate cost of 9.6 million dollars. Fifty fish barriers are scheduled for correction during the 2008 construction season. To date, 400 fish passage barriers remain enrolled in the program.

*These figures are lower than reported in the 2007 FPHCP Annual Report due to:

- A revision of focus from the number of projects funded to number of projects fixed in any given year.
- The number of projects funded decreased between the 2007 and 2008 tables in some years because the funding was pulled.

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

- 1) WDFW field biologists to determine the amount of habitat upstream of the barrier with gradients less than 20%; and from
- 2) Information supplied by foresters or tribal biologists. It is also supplied by contractors who walk the streams and evaluate barriers and habitat quality;
- 3) And the existing WDFW fish passage inventory.
- 4) 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 Fish Passage 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 the 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. From July 2007 – June 2008 there were no new county inventories but previous inventories were updated.

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 ongoing 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. 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. When these landowners submit a forest practices application they will have to address any fish passage issues at that time.

One problem with contracting out inventories has been reduced quality control as a result of different inventory emphasis and implementation.

Recently, signups for the program have decreased. Larger and larger outreach efforts are needed to maintain signups for the program. In 2007 the program received 44 eligible applications. In 2006, 64 landowners signed up and in 2005, 86 landowners signed up. In 2008, 64 eligible landowners signed up.

To address this issue the RCO/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 program brochure, *Family Forest Fish Passage Program*,
4. Program report mailed to WDFW and DNR staff who work with forest landowners,
5. Targeted mailings to landowners with known barriers in nine counties via a brochure, *Do you have roads with stream crossings on your forestland?*
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. A 2007 Implementation Report was published and distributed.

2008 Outreach

Throughout the latter part of 2007 and first half of 2008, the Fish Passage Team focused much attention on outreach for the FFFPP. In August of 2007, the Washington Department of Natural Resources hired a person as the Small Forest Landowner Outreach Specialist. He has found opportunities to talk about the program in front of audiences at workshops, landowner meetings, field days, and conferences. In total, over 1000 landowners learned about the program at 28 events around the state. Information was also given to landowners by setting up an information table at landowner education events. Staff attended two such events in the past year and were able to have in-depth discussions regarding the FFFPP with several attendees.

The Fish Passage Team also tries to reach landowners through other routes besides meetings or face to face contact because many landowners do not attend events, and do not join landowner groups or associations. Coverage on the FFFPP was included in at least three newspapers around the state that are delivered to over 30,000 readers. There is also potential that press releases were published by other newspapers or media outlets that staff from the program never learned about.

Information was also featured in newsletters of several organizations including conservation districts, regional fisheries enhancement groups, and the Tree Farm

Program. Lastly, over 3600 people were contacted by mail and received a brochure about the FFFPP.

About 6 weeks before the application deadline, over 3500 of the mailings were sent to landowners who were known to own forestland or own land on a fish bearing stream. The mailings shortly before the deadline resulted in 23 of the 64 eligible applications received this year. Several partners who have worked with the FFFPP in the past were able to help the Fish Passage Team to acquire these focused mailing lists. Successful partnerships with several agencies, tribes, and landowner groups throughout the state have helped get our message out to a diverse audience of forest owners. As we experience more success installing these projects statewide, we are finding more partners interested in working with us and helping us to recruit applicants to the program.

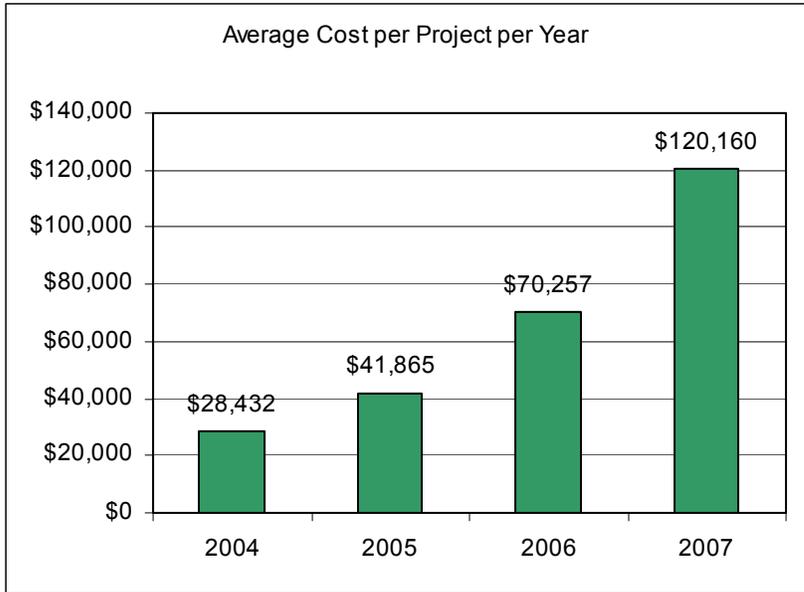
Coordination with Watershed Groups

Coordination with Watershed Lead Entity Groups is required by the Program. These groups are contacted once 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.

Project Backlog

Early in the program, project implementation was a challenge resulting in a backlog of incomplete projects. To address this issue, contract engineers are hired to provide more accurate estimates, improved designs and project management. Recent increases in fuel and steel prices have significantly increased the costs of the projects. (See graph below.) Rapidly increasing fuel and steel prices are exasperated by delays in implementation. Often the cost estimate is obsolete by the time the project goes to construction.

The contracted engineers are key to minimizing implementation time, proper design and keeping cost increases to a minimum. Significant cost increases are sent to WDFW engineers for review. Projects not engineered by FFFPP contract engineers are reviewed by WDFW engineers to ensure projects are not over or under designed. Cost increases over 20% must go to the FFFPP Steering Committee for approval.



DNR will be submitting a report to the legislature by December 31, 2008 which will document findings related to the 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.