

# 5. 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, to help small landowners retain their forestland and not convert the land to another land use, authorized the creation of a Small Forest Landowner Office within DNR. This office was directed 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. As of June 30, 2009, the State has purchased 278 Forestry Riparian Easement Program conservation easements on over 5,300 acres of forest land that is adjacent to over 150 miles of streams. The Family Forest Fish Passage Program has a total of 626 fish passage barriers entered in the program. Of those, 165 have been repaired since 2003.

## 5.2 Forestry Riparian Easement Program

Provisions included in the 1999 legislation created the Forestry Riparian Easement Program (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.

FREP compensates eligible small forest landowners in exchange for a 50-year easement on those lands with “qualifying timber.” Qualifying timber are those trees the landowner is required to leave unharvested as a result of forest practices rules protecting Washington’s aquatic resources. Landowners cannot cut or remove any qualifying timber during the life of 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. DNR does not evaluate the merits of FREP applications. The applications are processed and purchased in the order received, commensurate with available funding.

The Legislature did not fund FREP for the 2009-11 biennium. As directed in rule, the Small Forest Landowner Office will continue to accept FREP applications in anticipation of future funding. The following table “Forestry Riparian Easement Program Capital Budget Summary” provides additional information.

**Department of Natural Resources  
Small Forest Landowner Office  
Forestry Riparian Easement Program  
Capital Budget Summary**

	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>Totals</b>
	<i>7/1/01-6/30/02</i>	<i>7/1/02-6/30/03</i>	<i>7/1/03-6/30/04</i>	<i>7/1/04-6/30/05</i>	<i>7/1/05-6/30/06</i>	<i>7/1/06-6/30/07</i>	<i>7/1/07-6/30/08</i>	<i>7/1/08-6/30/09</i>	
<b>Holdovers from Waiting List</b>	—	28	43	50	59	97	114	116	
<b>Applied during FY</b>	36	36	36	38	72	57	44	36	355
<b>Total Applicants on List in FY</b>	36	64	79	88	131	154	158	152	
<b>Easements Purchased</b>	8	21	29	29	34	40	42	75	278
<b>Waiting List</b>	28	43	50	59	97	114	116	77	
<b>Amount Appropriated</b>	\$3,750,000		\$4,000,000		\$8,000,000		\$10,300,000		\$26,050,000
<b>Amount used for FTE's</b>					\$300,000		\$560,000		\$860,000
<b>Amount Spent</b>	\$680,000	\$3,070,000	\$1,850,000	\$1,497,350	\$2,892,000	\$4,808,000	\$4,079,000	\$5,500,000	\$24,376,350
<b>Amount Remaining</b>				\$652,650				\$161,000	
<b>Average Value of Easement per FY</b>	\$85,000	\$146,190	\$63,793	\$51,633	\$85,059	\$120,200	\$97,119	\$73,333	
<b>Cumulative Average Value of Easement</b>	—	\$129,310	\$96,552	\$81,579	\$82,557	\$91,909	\$92,987	\$89,501	
<b>Amount Requested</b>	\$5,000,000?		\$5,000,000		\$13,050,000		\$13,800,000		

*Dollar values include all costs associated with easement acquisition*

**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, and miles opened. Not all projects are fixed in year they were funded.**

**Family Forest Fish Passage Program - Summary of Rounds Updated 08/12/09 Till**

	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Total All Rounds
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	7/1/08 - 6/30/09	
Application Year	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	
<b>Eligible Applications</b>	61	72	86	63	44	60	56	442
<b>Eligible Sites</b>	101	104	135	73	54	80	79	626
# in Western WA	75	80	98	41	32	69	48	443
% in Western WA	74%	77%	73%	56%	59%	86%	61%	71%
# in Eastern WA	26	24	37	32	22	11	31	183
% in Eastern WA	26%	23%	27%	44%	41%	14%	39%	29%
<b>Funded Sites</b>	34	26	38	21	33	28	0	180
<b>Completed Projects</b>	29	20	26	24	37	29		165
<b>Fixed in</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	
# in Western WA	29	15	24	17	21	25		131
% in Western WA	100%	75%	92%	71%	57%	86%		78%
# in Eastern WA	0	5	2	7	16	4		34
% in Eastern WA	0%	25%	8%	29%	43%	14%		21%
<b>Miles Opened Statewide</b>	43.49	74.76	63.13	68.37	101.66	42.40		393.81

### **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 Family Forest Fish Passage Program (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:

- 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 revised Memorandum of Understanding for the Family Forest Fish Passage Program (Appendix K).

The Family Forest Fish Passage Program has assisted many small landowners since its inception. See the table on page 35, *Family Forest Fish Passage Program, Summary of Rounds 1 through 7*, for fiscal year details on the program. In summary, since 2003 there have been 626 barriers entered in the program and put on the list for repair. One hundred and sixty-five fish passage barriers have been repaired, 131 on Westside and 34 on Eastside. This has opened 393 miles of stream.

### **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 Family Forest Fish Passage 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 percent
2. Foresters or tribal biologists. It is also supplied by contractors who walk the streams and evaluate barriers and habitat quality
3. The existing WDFW fish passage inventory
4. 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 Family Forest Fish Passage Program 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 inventory includes those stream crossings that have been identified through Washington State Department of Transportation inventories, local government inventories, barriers identified in Family Forest Fish Passage Program stream checks, and local inventories funded by the Salmon Recovery Funding Board.

### **Status**

Approximately seven counties have completed private road inventories. During this reporting period there were no new additional county inventories completed but several previous inventories were updated.

WDFW has identified and evaluated approximately less than half of the stream crossings in the state.

### **Program Challenges**

The Family Forest Fish Passage Program 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 percent to 100 percent of funding for the barrier correction. Some landowners are reluctant to sign up with the state and will not allow access to their land.

Some small forest landowners who have not harvested may not be aware of what a fish barrier is or that there is a cost share program available to assist in the correction. These barriers may not be recognized until the landowner submits a forest practices application when they will have to address any fish passage issues in the application area.

The dynamic nature of fish passage barriers is a challenge to WDFW's knowing and ranking all fish barriers in the state. 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.

Most current inventories are road-based and only a few of the inventories are 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.

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

### **Outreach**

Outreach continued in 2008. For Round 7, 56 eligible applications were received on 79 sites marking a small decrease from Round 6 (see Table 1 - Family Forest Fish Passage Program - Summary of Rounds). It is unclear why the decrease occurred, but outreach efforts in various venues and methods will continue to attract landowners to the program.

Survey cards were distributed at the northeastern Washington Family Forest Field Days in June of 2009. Of the 117 returned cards only 19 percent of the landowners wanted additional information on the Family Forest Fish Passage Program. However, a 26 percent increase in eastern Washington eligible applications were received for 2008 indicating that outreach efforts in eastern Washington have been successful.

Further 42 percent of the landowners are traveling an average of 259 miles to their eastern Washington forest properties. This indicates that a strong share of landowners are western Washington based. For FY 2010, increased efforts will be made to western Washington groups to share Family Forest Fish Passage Program information and the program eligibility requirements for eastern Washington properties.

The Recreation and Conservation Office/DNR/WDFW Fish Passage Team will continue updating outreach materials and distributing information to help educate landowners about the program. This includes:

1. PowerPoint presentations to groups around the state,
2. Follow-up on watershed based mailers targeting small forest landowners in areas of low applications informing of the opportunity for funds for culvert replacement,
3. Distribution of program brochures and materials, *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. Family Forest Fish Passage Program presentations at Washington Farm Forestry Association meetings, and
7. Family Forest Fish Passage Program stations at Family Forest Field Days.

Due to the state budget situation, the Fish Passage Team was not able to develop a DVD promoting the program to small forest landowners. It will be pursued again when funding is available.

The Fish Passage Team continues collaboration with watershed lead entity groups, regional fish enhancement groups, Farm Forestry groups, Tribes, conservation districts and county extension offices with information on the program. This information is often included in collaborator groups' web pages and newsletters.

Successful partnerships with several agencies, tribes, and landowner groups throughout the state have helped get the Family Forest Fish Passage Program information out to a diverse audience of forest owners. As the Program experiences more success installing these projects statewide, finding additional partners interested in working with the program and helping to recruit applicants is becoming easier.

### **Coordination with Watershed Groups**

Coordination with watershed lead entity groups is required by the Family Forest Fish Passage 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, the Program is a complement to their projects. The Program's 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.

### **Cost Analysis**

Previous reporting periods showed increases in fuel and steel prices that significantly increased the costs of the projects. With the national economy in recession, 2008 showed a strong decrease

in material and labor costs. Hence anticipated project cost is down by approximately 10 percent. This will result in additional projects being funded for 2009.

Unforeseen issues or low cost estimations on large projects are a possibility when working with fish barrier correction. Significant cost increases are sent to WDFW engineers for review. Projects that are not engineered by Family Forest Fish Passage Program contractors are reviewed by WDFW engineers to ensure projects are not over or under designed. Cost increases over 20 percent must go to the Family Forest Fish Passage Program Steering Committee for approval.

#### **5.4 Small Forest Landowner Office Reports**

DNR submitted two Small Forest Land Owner legislative reports during the 2009 Legislative session; the Road Maintenance and Abandonment Plan Checklist Report and the 2008 Demographic report.

The purpose of the Road Maintenance and Abandonment Plan (RMAP) Checklist Report was to update the legislature on the extent and effectiveness of the RMAP Checklist. The report can be found electronically at:

[www.dnr.wa.gov/Publications/fp\\_sflo\\_rmap\\_legreport\\_2008.pdf](http://www.dnr.wa.gov/Publications/fp_sflo_rmap_legreport_2008.pdf)

The demographic report is required every four years. The report provides data required by the legislature which estimates the number of small forest landowners and the forestland acreage owned by small forest land owners in Washington. The report can be found electronically at:

[www.dnr.wa.gov/Publications/fp\\_sflo\\_demo\\_legreport\\_2008.pdf](http://www.dnr.wa.gov/Publications/fp_sflo_demo_legreport_2008.pdf)

The 2008 Family Forest Fish Passage Program Implementation Report was also produced (Appendix G). It was written for a wide variety of audiences. The report serves as an accomplishments report and as a marketing tool to attract new landowners to apply for the program. The report was produced in concert with Recreation and Conservation Office and WDFW and can be found electronically at:

[www.dnr.wa.gov/Publications/fp\\_sflo\\_fffpp\\_imp08.pdf](http://www.dnr.wa.gov/Publications/fp_sflo_fffpp_imp08.pdf)