

Rivers and Habitat Open Space Program

Instructions for Completing the Rivers and Habitat Open Space Conservation Easement Application Form on Forest Lands Within Qualifying State Critical Habitat Lands

**APPLICATIONS FOR THIS FUNDING PERIOD WILL BE ACCEPTED FROM
AUGUST 1, 2014 TO 5:00 PM, SEPTEMBER 30, 2014.**

Program Overview

The Rivers and Habitat Open Space Program (RHOSP) was recently amended from a program that was originally called the Riparian Open Space Program. The earlier Riparian Open Space Program allowed the State to acquire a conservation easement only on forest land within unconfined channel migration zones (CMZ). As a result of this amendment the State can now acquire a conservation easement not only within CMZs, but also on forest land containing critical habitat for state threatened or endangered species as designated by the Forest Practices Board. RHOSP is funded by the Washington State Legislature to purchase or accept donations for permanent conservation easements from private forest landowners. This voluntary program is administered by the Forest Practices Division of the Department of Natural Resources. Refer to Chapter 222-23 WAC and Forest Practices Board Manual Section 18 *Rivers and Habitat Open Space Program* for additional information describing the purpose and process of the Rivers and Habitat Open Space Program.

Areas containing critical habitat for state threatened or endangered species as designated by the Forest Practices Board have timber harvest restrictions. Willing landowners can apply to donate or sell a permanent conservation easement to the State in these areas. A list of these habitats can be found in the rules in WAC 222-16-080.

Northern Spotted Owl Implementation Team & Forest Practices Board

The Northern Spotted Owl Implementation Team (NSOIT), established by the Forest Practices Board in 2010, consists of stakeholders representing conservation, state government, industry, land trusts, and small forest landowner interests. The Forest Practices Board tasked the NSOIT in 2010 to, among other things, develop strategic voluntary incentives mechanisms on nonfederal lands in Washington to contribute to Northern Spotted Owl conservation. In 2010, the Forest Practices Board also directed the NSOIT to form a Technical Team to “assess spatial and temporal allocation of conservation efforts on nonfederal lands using best available science.” On November 8, 2013, the NSOIT sent a memo to the Washington Forest Practices Board which included current consensus recommendations on habitat incentives priorities for voluntary Northern Spotted Owl conservation on nonfederal lands in Washington, which was informed by the technical team analysis. The NSOIT finds that strategic additions of

NSO habitat can make meaningful contributions to the species' conservation and have recommended an initial set of conservation incentive priority areas (see Appendix A).

For this cycle of funding for RHOSP, additional consideration will be made to state critical habitat applications that are responsive to the NSOIT Habitat Incentives Priorities for the spotted owl.

Application

RHOSP has two sets of applications and instructions, one set is for forest land within a CMZ and another set for areas containing critical habitat for state threatened or endangered species as designated by the Forest Practices Board. All four documents can be found on [DNR's RHOSP website](#). This document contains instructions for filling out the application for qualifying critical habitat lands. For additional application guidance, please contact Dan Pomerenk, Conservation Easement Program Specialist with the Forest Practices Division of the Department of Natural Resources, (360) 902-1427.

Eligibility

To donate or receive compensation for a conservation easement in qualifying critical habitat lands under the Rivers and Habitat Open Space Program, your project must meet the following eligibility requirements:

- All or a portion of your land must be located on forest land containing critical habitat for state threatened or endangered species as designated by the Forest Practices Board.
- County assessor records must identify the land as being "designated forest land" under chapter 84.33 RCW or "current use forest land" under chapter 84.34 RCW.
- Adequate legal access to the property is available to allow DNR to process the application and administer the easement terms and conditions.
- All persons having a legal interest in the property are willing to convey or subordinate their interest to the state for the conservation easement.
- There must not be unacceptable liabilities present, such as hazardous substances present on the property or any other site condition that may jeopardize the preservation of fisheries enhancement or ecological protection of the project area.

For eligible applicants, your project will be placed in order of funding by a selection committee. The ranking criteria are as follows:

- Conservation value of ecological and biological characteristics
- Landowner management options that show manageability and viability

Note: Competitive applications for this funding cycle will be responsive to the Northern Spotted Owl Implementation Team's Nov. 8th 2013 recommendations to the WA Forest Practices Board regarding Habitat Incentives Priorities for the Northern Spotted Owl.

See Forest Practices Board Manual Section 18, Part 3 for more information about ranking criteria.

Compensation for Conveyances

RCW 76.09.040(3) specifies the compensation DNR shall pay for purchases of a conservation easement on qualifying lands, unless the landowner chooses to donate the conservation easement. For those projects selected for funding, DNR will determine the compensation value based on the volume of timber on the area being conveyed and the timber value tables.

Easement Valuation Process

To determine the value of a Rivers and Habitat Open Space easement, the law directs DNR to use the cruised volume and a stumpage value of all the commercial timber on the land to be conveyed. The cruise will be accomplished and paid for by DNR. The stumpage values are based on the stumpage value tables used for timber harvest excise tax under RCW 84.33.091. The date your application is received determines which timber value table is used. Hauling Distance Zone and Stumpage Value Area designation for your land is used with the stumpage value tables to determine the timber value component. Stumpage value tables, as adopted in WAC 458-40-660(2), can be found on the Washington State Department of Revenue web site <http://dor.wa.gov> under the section titled "Home" then "Find taxes & rates" then "Other taxes" then the category "Timber (forest)". Or contact the Department of Revenue's Forest Tax Section at 1-800-548-3203.

If you wish to convey an interest on both land and trees you can be additionally compensated for the land value based on the land value tables established by WAC 458-40-540. This value is multiplied by the total acreage of land being conveyed in the respective land grade. The acreage value will be determined from a survey completed by a licensed surveyor or GPS data using a GPS with mapping grade accuracy. The work from a licensed surveyor must be paid for by the applicant and will be required only for high value easement acquisitions. Lower value easements acreage will be determined with GPS data provided either by the landowner or DNR.

General Instructions

Please fill out all portions of the Rivers and Habitat Open Space Program application. Incomplete or illegible applications will not be accepted and will be returned to the applicant.

Please attach map(s) indicating the location of the area(s) in the project in relation to your property including parcel lines and other landmarks such as road and stream locations.

Attach any reports or documents you would like to include in this application that will assist DNR to consider eligibility or prioritization of your project.

Details of Specific Questions in the Application Form

Information About Qualifying Land

Question #1 – Applicant Name

Provide the full legal name(s) of the owner(s) of the property the project occupies.

Question #2 – Applicant’s Contact Information

Provide the information to be used to correspond with the property owner(s)

Question #3 – Primary Contact Person

Identify one of the applicants or a representative of the owner(s) familiar with the project, can provide access to the property, and is knowledgeable of all the items submitted in the application. Provide the contact information for this person.

Question #4 – List Tax Parcel Identification Number(s)

List all of the parcels the project occupies using the county’s tax parcel identification number and the corresponding County the parcel occupies. The number(s) can be determined by contacting your County Auditor or will be listed on your property deed or assessor statement.

Question #5 – Verify Parcel Eligibility

Verify all parcels indicted in Question #4 is classified in county assessor’s records as “forest land” under chapter 84.33 RCW or “current use timber land” under chapter 84.34 RCW. Those parcels not meeting the criteria will be excluded from the project.

Question #6 – Estimated Acreage of the Project

This acreage number only needs to be an estimate. After the project is found eligible for the program and is prioritized for funding, DNR will determine a more accurate acreage.

Question #7 – Location of Land(s) by Legal Description

List the Section(s) all the parcels in the project occupy. If multiple parcels are within the same Section, the Section may be listed only once. Enter all the Sections within the same Township and Range on the same line in the table on the application form (example: all four sections, Section 3, 5, 12, & 36 can be listed on one line, of Twp. 13, Rng. 4 East). Attach an additional sheet of paper if necessary.

Landowner's Intent and Valuation Information

Question #8 – List of Other Interest Holders

List all legal names of interest holders in all the parcels included in the project. Attach an additional sheet of paper if necessary. Typical interests in land may include: fee ownership, mineral rights, water rights, mortgages, liens, judgments, easements, encumbrances, transfer of development rights, rights of way, etc. This program requires all parties with a right or an interest in the land agree to participate. Participation may include being a signator on the easement or subordinating an interest to the state for the value of the easement. Contact the Conservation Easement Program Manager at DNR if you are unsure if a subordination agreement is required or for a sample subordination agreement. If a subordination agreement is required, it is advised to begin early in the process to request the document from an interest holder as authorization could hold up the process and jeopardize the closing. Funding for this program can be short-lived. For the funding period your project is selected in, a subordination agreement must be received at least six months prior to the end of the funding period or DNR may forgo your acquisition to a subsequent funding period and proceed with the next project on the prioritization list.

Question #9 – Readiness to Proceed

DNR must have assurance all parties owning an interest in the land within this project is aware of and agrees to proceed to grant to the state a Rivers and Habitat Open Space conservation easement. If the answer is “no, not all holders have been contacted” please indicate a date when all holders will be contacted. DNR may proceed with eligibility determination and prioritization for this project but only when all holders have been contacted and agree to proceed will DNR begin the acquisition process. DNR will expect to see a written document (or email) indicating all holders have been contacted and agree to proceed. Because the acquisition process can take some time to complete and our funding source has a deadline, depending on when the applicant is ready to proceed, DNR may have to postpone the acquisition to a subsequent funding period.

If the answer to this question is “No, all holders have been contacted and not all agree to proceed” it is unlikely DNR will be able to proceed with this acquisition.

Question #10 – Access Assurance

Legal access of the property is required for the purpose of processing the application and monitoring the site over time for compliance with the terms and conditions of the easement. In addition to the conservation easement transaction, DNR may require the landowner to grant or obtain a permanent access easement on an access road or trail, only for the purpose of the conservation easement compliance. The conservation easement or access easement does not grant public access to the property. If access to the entire project is via a public road or trail, note here.

Question #11 – Permission to Place Application on Waiting List

The project(s) with the highest priority will be funded first and with limited funding available for the current round of applications the number of projects to be funded in this

round is unknown. Should your application not get selected for funding during the current funding cycle, the landowner is given the option here to keep the same application on a waiting list. The unfunded projects will remain on a list and will be eligible to compete with any subsequent funding available in the future. If your application is not chosen for the current funding period, DNR will return your application if you selected no for this question. At your option you may submit an application for a subsequent funding cycle regardless of selecting either yes or no.

Question #12 – Declaration of Hazardous Substances

Indicate here the presence or absence of hazardous substances located on your property in the project area. Presence of hazardous substances could jeopardize the eligibility and prioritization of your project unless all persons with an interest in the land are willing to provide reasonable indemnification to the state.

Question #13 – Type of Interest to Convey

Indicate here what type of interest you wish to convey for the conservation easement, either “Trees Only” or “Both Land and Trees”. There are two outcomes related to this selection. One outcome affects the scope of what the easement conserves in the terms and conditions of the easement document. The other affects the method for determining the compensation for the easement (see Easement Valuation Process above).

Description of Land Values

Question #14 – State Critical Habitat

Describe the characteristics of your project area relating to the presence of critical habitat of state-recognized threatened or endangered species as recognized by the Forest Practices Board and documented in WAC 222-16-080. All areas and features described as critical habitat in the rules may qualify. Additional points will be awarded to how an application relates to the Habitat Incentives Recommendations provided to the Forest Practices Board in a memo dated November 8, 2013 from the Northern Spotted Owl Implementation Team (NSOIT) (See Appendix A of these instructions). Landowners with Habitat Conservation Plans, Cooperative Habitat Enhancement Agreements, Safe Harbor Agreements, multiple listed species habitat in the project area, and how responsive the application is toward fulfilling the NSOIT recommendations will score higher. If relying on reports or documents in your descriptions, please indicate the reference source.

Question #15 – Habitat Quality

Describe the characteristics of your project area relating to the habitat quality. It may be useful to describe about your project area any known presence of threatened or endangered species at all life stages, habitat types such as nesting, roosting, foraging or dispersal in your project, species richness, species diversity, uniqueness, type and age of vegetation, etc. If relying on reports or documents in your descriptions, please indicate the reference source.

Question #16 – Site Significance

Describe the characteristics of your project area relating to the relative significance of your project. Describe the likelihood of the project area to remain viable over the long-term and why it is important to conserve it now. It may be useful to describe known differences in this site over other similar sites, vicinity to other protected areas (i.e. Federal land, other conservation areas), whether your project is to be leveraged to achieve larger/future conservation transactions, and the relation of your project to the habitat incentives priority areas described in the memo dated November 8, 2013 to the Forest Practices Board from the Northern Spotted Owl Implementation Team (see Appendix A). Describe any planned or ongoing stewardship activities (e.g., restoration activities, habitat enhancement activities, noxious weed control, etc.). If relying on reports or documents in your descriptions, please indicate the reference source.

Question #17 – Qualifying Critical Habitat Lands Designation Process

Describe the process used to determine the identification and location of the qualifying critical habitat lands. List individuals assisting or hired by the landowner for this process and their credentials. List any documents used as references of information.

Question #18 – Landowner Management Options

Describe how the landowner's management ties in with protection of this habitat. The answer should cover topics such as long-term viability of the site to provide habitat, proximity and connectivity to existing protected land, on-going stewardship of forest, and any availability of external funding support.

Mail the completed application and any other documents as requested in the application (such as a map) to:

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

If you have questions about eligibility, the application, or the ranking process, please contact the Department of Natural Resources Conservation Easement Program Manager, Dan Pomerenk at phone 360-902-1427 or e-mail: dan.pomerenk@dnr.wa.gov.

Appendix A – Northern Spotted Owl Implementation Team 11/8/13 Memo*

**NOTE: For the sake of relevance to the above RHOSP application, the appended NSOIT memo below only includes the “Habitat Incentives Priorities” recommendation to the WA Forest Practices Board from the NSOIT, if you would like to read the entire memo, refer to the Forest Practices Board minutes and meeting materials online. The entire memo includes consensus recommendations on: habitat incentives priorities; funding sources; federal assurances; and continuing work of the NSOIT.*

MEMORANDUM

TO: Forest Practices Board Members
FROM: Northern Spotted Owl Implementation Team
DATE: November 8, 2013

RE: Consensus habitat incentive and federal assurance recommendations of the NSOIT

For the past year, the NSOIT and the Technical Team have worked to fulfill the Board’s directive to evaluate federal assurance options and complete work on Northern spotted owl habitat incentives. You will receive further briefing on the NSOIT’s status at your November 12 Board meeting. This memo summarizes the current consensus recommendations of the NSOIT.

Habitat Incentives Priorities

Significant progress in completing the conservation scenarios modeling has yielded a consensus recommendation that strategic additions of NSO habitat can make meaningful contributions to the species’ conservation, assuming a program of barred owl control is instituted. The NSOIT agrees that further refinement of scenario modeling would enable more precise strategy development. However, based on model results available at this time, the NSOIT has confidence in recommending that an initial set of conservation incentive priority areas would be best focused upon:

- New habitat within circles and existing and new habitat outside circles in the I-90 East, I-90 West and White Salmon SOSEAs. These SOSEAs respond well as strongholds of nonfederal land contributions to the NSO population, buoyed by existing barred owl encounter rates that are considerably lower than elsewhere on the landscape.
- Existing and new habitat outside SOSEAs, prioritized by:
 - Contiguity and/or proximity to the three top-tier SOSEAs.
 - Contiguity and/or proximity to long-term conservation commitments such as Habitat Conservation Plans, Safe Harbor Agreements, and Federal Reserves.
 - Site-by-site factors such as patch size, habitat quality, and species occupancy.