

Forestry Riparian Easement Program Update 09/14/2010

Current Steps and Future Funding

Comments received from the August 30th open house and via email, letter, and phone call have been posted to the DNR SFLO website on September 13th, 2010.

http://www.dnr.wa.gov/BusinessPermits/Topics/SmallForestLandownerOffice/Pages/fp_sflo_overview.aspx

The Department will be drafting final recommendations based off stakeholder input and the elements to consider provided by the Legislature. The final recommendations in the form of Legislation will be submitted to the Office of Financial Management (OFM) and the Legislature by October 1st, 2010 by the Commissioner. The Legislature will review the recommendations and take further action regarding the program.

We thank all of our stakeholders who took time to supply comments at the open house events or by other means. The feedback was clear, well thought out, and truthful. For further information please email or phone the SFLO at frep@dnr.wa.gov or 360.902.1400.

Fiscal Year 2011 Allocation

The supplemental capital budget for fiscal year 2011 appropriated approximately \$1 million for the purchase of Forest Riparian Easements. In the past, the DNR's SFLO acquired riparian easements based on the receipt date of an application. The Legislature's supplemental capital budget appropriation for this fiscal year requires DNR to prioritize its funding of forest riparian easements for the coming fiscal year in a different manner. The Legislature has required the DNR to consider eight factors that would elevate the priority of certain easement requests,¹ and six more factors that would reduce the priority of certain easement requests² (*For the complete prioritization elements refer to section 3041 of the provided link to read the bill language more in depth <http://leap.leg.wa.gov/leap/Budget/Detail/2010/ccbill0413.pdf>)

We hope to begin reviewing and applying the Legislatures priorities on previously received FREP application in October.

¹ These factors will elevate an application's priority, and are ranked in order of importance: (a) the greatest proportion of riparian buffer impacted in the related forest practices application; (b) lands in deferred tax status of classified timber land or classified open space as defined in RCW 84.34.020; (c) lands at greatest risk of conversion to other land uses as determined by county zoning and land classifications and proximity to urban growth areas or other areas of concentrated land development; (d) lands that are certified by a forest certification recognized by the department; (e) the applicant has not received a forestry riparian easement since July 1, 2007; (f) the applicant is not a nonprofit organization; (g) the applicant has been waiting three years or more for a forestry easement purchase; and (h) the application does not include any of the conditions specified in subsection (2) of this section. Laws of 2010, 1st Sp. Sess. Ch. 36, § 3041(3).

² These factors will reduce an application's priority: (a) The forest management activities for the aggregated ownership of the landowner referenced in the application, his or her spouse, and his or her children exceed the small forest landowner definition in RCW 76.13.120(2)(c); (b) the applicant has had legal ownership for less than five years, except when the applicant is a lineal descendant of a landowner meeting this condition; (c) the applicant has an outstanding violation of the forest practices act under chapter 76.09 RCW; (d) the applicant is in default on a financial obligation to an agency of the state including noncompliance with a child support order under RCW 74.20A.320; (e) the application is for land on which other conservation easements have been executed and recorded on the title; or (f) the land is owned by a nonprofit organization that does not have deferred tax designations of either classified timber land or classified open space as defined in RCW 84.34.020 and does not have a county-recognized forest management plan. Laws of 2010, 1st Sp. Sess. Ch. 36, § 3041(4).