

**WWRP Forestland Preservation Category Policies and Evaluation Criteria
Adopted by the Recreation and Conservation Funding Board (RCFB)
October 26, 2016 (Item 5D) (Olympia, WA)
Resolution #2016-37**

WWRP Forestland Preservation Category Policies

Program History

The Forestland Preservation category was created by the Washington State Legislature in 2016 along with other changes to the Washington Wildlife and Recreation Program (WWRP).¹ The Legislature changed the WWRP in response to a program review conducted in 2015.² The program review recommended creating the Forestland Preservation category to support working forestlands that also provide connectivity, habitat enhancement, sustainable ecological benefits, and public access.

Funding is available for sponsors to purchase a conservation easement or lease to protect the forestland forever. The Recreation and Conservation Office (RCO) is a party to the easement or lease but the sponsor and property owner are responsible for upholding it.³

Focus on Timber Production⁴

The primary purpose of the Forestland category is to acquire and preserve opportunities for timber production consistent with local comprehensive planning. Types of forests eligible for funding include industrial, private, community, tribal and publicly owned forests.⁵ Regardless of the type of forest, the property must be devoted primarily to timber production.

A secondary purpose is to support other benefits of preserving forestland such as jobs, recreation, protection of water and soil resources, habitat for wildlife, and scenic beauty.

Forests Must Be Designated as Timberland or Forestland by the County

Forests must be enrolled in a county's open space or forestland property tax program to be eligible for funding and must remain in the county program for the duration of the conservation easement or lease.⁶ If the property owner fails to remain in the county program, it is a violation of the conservation easement and enforceable by the sponsor and RCO.

Timberland Designation in the Open Space Program

The open space property tax program designates timberlands for the production of forest crops to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens.⁷ "Timberland" is defined as any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does

¹ [Chapter 149, Laws of 2016](#)

² [Washington Wildlife and Recreation Program Review, 2015, Recreation and Conservation Office](#)

³ Recreation and Conservation Funding Board Resolution 2016-37

⁴ Recreation and Conservation Funding Board Resolution 2016-37

⁵ Property owned by an eligible sponsor is not eligible for grant funding. See Recreation and Conservation Funding Board Resolution 2016-13, as amended.

⁶ Recreation and Conservation Funding Board Resolution 2016-37

⁷ Revised Code of Washington 84.34.010

not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.⁸

Forestland Designation

The forestland property tax program designates lands to enhance water supply; minimize soil erosion, storm and flood damage to persons or property; provide habitat for wild game; provide scenic and recreational spaces; contribute to the natural ecological equilibrium; contribute to employment and profits; and contribute raw materials for products needed by everyone.⁹ "Forestland", or "designated forestland", is defined as any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres that is or are devoted primarily to growing and harvesting timber. Designated forestland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.¹⁰

Required Documentation for Property Designation¹¹

Applicants must provide documentation that each parcel in a grant application is designated as timberland or forestland by the application due date, except as noted in the following paragraph. Acceptable documentation is a written notice from the county assessor, a current property tax notice, or a recent title report.

If a parcel is not designated as timberland or forestland by the application due date, an applicant must seek an informal or preliminary determination from the county assessor that the parcel could be designated as timberland or forestland. Acceptable documentation is a letter from the county assessor or the county assessor's approval of an application for designation. The property owner must enroll their property as timberland or forestland before the RCO releases funds for the acquisition of the easement or lease.

Applicants must also submit to RCO the county approved timber management plan, if the plan is a requirement of the county's tax program.

The director may extend the deadline for documentation up to one calendar month before the meeting of the Recreation and Conservation Funding Board meeting when it approves the ranked list of projects for submittal to the Governor and Legislature.

Grant Limits¹²

The maximum grant request amount is \$350,000. There is no minimum grant amount.

⁸Revised Code of Washington 84.34.020(3)

⁹ Revised Code of Washington 84.33.010

¹⁰ Revised Code of Washington 84.33.035(5)

¹¹ Recreation and Conservation Funding Board Resolution 2016-37

¹² Recreation and Conservation Funding Board Resolution 2016-37

Matching Share¹³

Cities, counties, and nonprofit nature conservancies must provide a one-to-one matching share. There is no match requirement for the Washington State Conservation Commission.

Eligible Applicants¹⁴

- Cities and counties
- Nonprofit nature conservancies¹⁵
- Washington State Conservation Commission

Qualified Nonprofits¹⁶

Nonprofit nature conservancies must meet the following eligibility requirements:

- Be registered in the State of Washington as a nonprofit corporation as defined by Chapter 24.03 Revised Code of Washington AND meet the definition for a nonprofit nature conservancy in Revised Code of Washington 84.34.250; and
- Demonstrate at least 3 years actively managing projects relevant to the types of projects eligible for funding in the Forestland category. "Actively managing projects" means performing the tasks necessary to manage on-the-ground forestland management functions, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.
- Demonstrate a proven ability to draft, acquire, monitor, enforce, and defend conservation easements.

Compliance with the Forest Practice Act¹⁷

Property owners must comply with the Forest Practices Act.¹⁸ RCO will consult with the Washington Department of Natural Resources (DNR) to determine compliance after an application is submitted. If a parcel in the application is not in compliance, the property owner must correct the violation before RCO issues the project agreement. If the property owner fails to comply with the Forest Practices Act after a conservation easement or lease is acquired, it is a violation of the conservation easement and enforceable by the sponsor and RCO as well as DNR.

For more information on compliance with the Forest Practices Act, contact the Washington State Department of Natural Resources at (360) 902-1400, fpd@dnr.wa.gov, or <http://www.dnr.wa.gov/programs-and-services/forest-practices/rule-implementation>.

Eligible Project Types

Acquisition Projects

Grant funds are available to buy development rights and other less than fee title real property rights through a conservation easement and lease.¹⁹ Less than fee interests include access, water, air, carbon,

¹³ Revised Code of Washington 79A.15.130(9)

¹⁴ Revised Code of Washington 79A.15.130(4)

¹⁵ Revised Code of Washington 79A.15.010(7)

¹⁶ Recreation and Conservation Funding Board Resolution 2016-37

¹⁷ Recreation and Conservation Funding Board Resolution 2016-37

¹⁸ Chapter 76.09 Revised Code of Washington

¹⁹ Revised Code of Washington 70A.15.130(3)

mineral and other rights that aid in preservation of the forest for secondary benefits supported by the category.

Acquisition must include purchase and extinguishment of all development rights. Acquisition of must be in perpetuity. Acquisitions must be recorded at the county auditor's office where the land is located.²⁰

Incidental and administrative costs related to acquisitions are eligible including a baseline inventory and a forest stewardship plan as described below. Additional policies for property acquisition are in *Manual 3, Acquisition Projects*.

*Multiple Parcels*²¹

Applications may include one or more parcels.

- All parcels proposed for acquisition must be identified in the grant application by the technical completion deadline.
- Each parcel must be identified on a map in the application and with a county parcel number.
- All parcels must be contiguous or within the same ownership.²² Ownership means the individual, individuals, or businesses that hold title to a parcel of land. Contiguous means two or more parcels that physically touch one another along a boundary or a point. Land divided by a public road, but otherwise an integral part of a forestry operation, is considered contiguous.

*Ineligible Acquisition Projects*²³

The following projects are ineligible:

- Acquisition of rights that are less than perpetual.
- Land already owned by an applicant or sponsor described in RCW 79A.15.130(4) except as allowed by other board policy.
- Properties acquired by a condemnation action of any kind.²⁴ The value of parcels acquired by condemnation may not be used as part of the required matching share.
- Transfer of development rights. Development rights acquired under this program may not be transferred to other property or for other uses.
- Protection of land for the purposes of satisfying a Habitat Conservation Plan under the Endangered Species Act.

Combination Projects

Combination projects involve acquisition and habitat enhancement or restoration. Habitat enhancement and restoration activities must occur within the area acquired.²⁵ Additional policies for enhancement and restoration activities are in *Manual 5, Restoration Projects*.

Habitat enhancement or restoration activities must be less than 50 percent of the acquisition cost of the project including any in-kind contribution by any party.²⁶ For example, if the total acquisition cost is

²⁰ Recreation and Conservation Funding Board Resolution 2016-37

²¹ Recreation and Conservation Funding Board Resolution 2016-37

²² Revised Code of Washington 84.34.020(6)(b)(i) and (ii)

²³ Recreation and Conservation Funding Board Resolution 2016-37

²⁴ Revised Code of Washington 79A.15.090

²⁵ Recreation and Conservation Funding Board Resolution 2016-37

²⁶ Revised Code of Washington 79A.15130(13)

\$200,000, restoration costs may not exceed \$100,000, for a total project cost of \$300,000. Total project cost includes the grant amount and sponsor's matching share.

Habitat enhancement or restoration activities within a project must further the ecological functions of the forestland. Projects should enhance the viability of the preserved forestland to provide timber production while conforming to any legal requirements for habitat protection. Examples of eligible activities include fencing, bridging watercourses, replanting native vegetation, and replacing culverts. Restoration activities should be based on accepted methods of achieving beneficial enhancement or restoration results.²⁷

*Fish Passage Barriers*²⁸

Projects must include correcting all fish passage barriers on property owned by a private, small forest landowner. A private, small forest landowner harvests less than 2 million board feet of timber each year from land they own in Washington. Funding from other RCO administered programs, except for WWRP, are eligible sources of match for this restoration activity. Fish passage barriers on other forestland are not eligible for grant funding because property owners must correct barriers in their Road Maintenance and Abandonment Plan as required by the Forest Practices Act.

*Ineligible Enhancement and Restoration Costs*²⁹

The following items are not eligible:

- Restoration work required under the Forest Practices Act or other regulatory mitigation requirement, except as described under the *Fish Passage Barriers* section.
- "Consumable" supplies such as fuel, fertilizers, pesticides, or herbicides, except as a one-time applications if they are necessary parts of eligible acquisition or restoration activities.
- Elements that cannot be defined as fixtures or capital items.
- Environmental cleanup of illegal activities (i.e. meth labs).
- Indoor facilities.
- Purchase of maintenance equipment, tools, or supplies.
- Restoration work done before a project agreement is signed between the applicant and the Recreation and Conservation Funding Board. This work also cannot be used as match.
- Routine operation and maintenance costs.
- Utility payments such as monthly water or electric bills.

Baseline Inventory³⁰

A baseline inventory is required. A baseline inventory records and characterizes the condition of the property at the time acquisition. The inventory provides the basis for future easement or lease monitoring and, if necessary, enforcement. See *Manual 3, Appendix F* for baseline inventory requirements.

The baseline inventory must be prepared before closing and signed by the property owner and sponsor at closing. In the event of poor seasonal conditions for documenting all conservation values, an interim baseline with a completion schedule must be signed at closing. If the baseline has been completed and a

²⁷ Revised Code of Washington 79A.15130(13)

²⁸ Recreation and Conservation Funding Board Resolution 2016-37

²⁹ Recreation and Conservation Funding Board Resolution 2016-37

³⁰ Recreation and Conservation Funding Board Resolution 2016-37

significant amount of time has elapsed before the easement is transferred, it should be reviewed and possibly updated before closing.

Forest Management Plans³¹

A forest management plan is required and must follow the Integrated Forest Management Plan Guidelines produced by the Washington State Departments of Natural Resources and Revenue, United States Natural Resources Conservation Service and Forest Service, and American Tree Farm System. For more information, see http://file.dnr.wa.gov/publications/fp_sflo_fs_intfmgmtgdlns.pdf. One of the cooperating agencies listed above that developed the Integrated Forest Management Plan Guidelines approves the plan. Sponsors are strongly encouraged to include the county assessor in review and approval of any forest management plan.

The maximum allowable cost for development of a forest management plan is \$10,000. If a forest management plan already exists on the property, an update to the plan is an allowable cost not to exceed \$10,000.

EXCEPTION: When another funding agency provides matching funds to a WWRP Forestland Preservation project, the director may approve an alternative plan as long as it meets the intent of the Integrated Forest Management Plan Guidelines.

Public Access³²

By state law, the acquisition of a property interest does not provide a right of access to the property by the public unless explicitly permitted by the landowner in the conservation easement or other form of deed restriction.³³

If a willing property owner, or future property owner, and the sponsor agree to allow public access in the conservation area, such use shall be identified as a permitted use and included in the forestland conservation easement or lease or amended into the easement or lease at a later date. Examples of public access may include walking, public trails, water access sites, and areas for wildlife viewing, hunting, and fishing.

By state law, acquisition priorities for the WWRP Forestland Preservation Category shall consider whether a forestland conservation easement is consistent with a regional or statewide recreation plan.³⁴ Evaluators shall give higher consideration to applications that are consistent with such plans when scoring the other benefits in the "Community Values" evaluation question.

Permitted Uses³⁵

The area subject to a conservation easement or lease may contain the following permitted uses as long as they are not inconsistent with the primary and secondary purposes of the forestland program and the designated tax program status as described above. Any foreseen uses that would be inconsistent with the program must be excluded from the conservation easement or lease area.

- Fire defense and other emergencies.
- Forest research.

³¹ Recreation and Conservation Funding Board Resolution 2016-37

³² Recreation and Conservation Funding Board Resolution 2015-23 and 2016-37

³³ Revised Code of Washington 79A.15.130(6)

³⁴ Revised Code of Washington 79A.15.130(12(d))

³⁵ Recreation and Conservation Funding Board Resolution 2016-37

- Habitat enhancement and restoration.
- Limited building rights for forest management purposes and ranching facilities.
- Limited utilities consistent with forest management purposes.
- Non-timber forest harvest and collection.
- Recreational or educational uses.
- Ranching activities consistent with an approved forest management plan.
- Sale of carbon credits for the purposes of prolonging the life of the timber stand.
- Timber harvest and forest management in accordance with a forest management plan and the Forest Practices Act.
- Use of chemicals for forest management purposes.

Prohibited Uses³⁶

The following uses are inconsistent with the primary or secondary purposes of the forestland program and are prohibited within the conservation easement or lease area.

- Agriculture.
- Alteration of watercourses, except those required to comply with the Forest Practices Act.
- Commercial feed lots.
- Commercial mining or excavation.
- Commercial signs or billboards unrelated to the forest management purposes of the property.
- Construction of new buildings, structures or improvements, except as permitted above.
- Game farming or game farm animals.
- Hazardous materials disposal.
- Industrial, commercial or residential activities.
- Intentional introduction of nonnative and invasive species.
- Subdivision of the property to smaller parcels.
- Surface or subsurface mineral extraction, except for forest management purposes.
- Third-party compensatory mitigation, including wetlands, and other habitat mitigation activities purchased by a third-party to off-set regulatory requirements.
- Topographic modifications, except for forest management purposes.
- Unregulated use or activity that causes significant erosion or pollution.
- Waste disposal.
- Wireless communication facilities.

³⁶ Recreation and Conservation Funding Board Resolution 2016-37

Administrative Rule Exceptions³⁷

The following administrative rules do not apply to projects funded in the Forestland Preservation category:

WAC 286-13-110	Income, use of income.
WAC 286-13-120	Permanent project signs.
WAC 286-27-040	Does the program have planning eligibility requirements?

Evaluation Process³⁸

The process to evaluate applications is:

- The director establishes a forestland preservation advisory committee to recommend policies and procedures to RCO for administering grant funds and to review, evaluate, and score grant applications. The advisory committee is comprised of external people with expertise in forestland preservation and management. RCO staff do not participate on the committee as members but do staff the committee and moderate application evaluations.
- The advisory committee evaluates all complete grant applications that meet the required deadlines. Applicants present their proposed project to the committee in person by responding to the evaluation criteria, in order, in a PowerPoint presentation format. During the presentation, the advisory committee scores applications using the evaluation criteria adopted by the board. Scoring is by confidential ballot.
- After the presentations, the office calculates the average total score of each application and generates a ranked list of applications.
- The director provides the preliminary ranked list of applications to the board in the fall of even numbered years.³⁹ The board approves the preliminary ranked list in an open public meeting and instructs RCO provide the list to the Governor and Legislature as part of RCO's budget request. After the Legislature approves funding, the board approves funding to the ranked project list in an open public meeting.

Other Policies That Apply

In addition to policies in *Manual 3, Acquisition Projects* and *Manual 5, Restoration Projects*, the following policies in *Manual 10f, WWRP Farmland Preservation* also apply to the WWRP Forestland Preservation category.

- Administration, Architecture, Engineering Costs
- Building Envelopes
- Combination Projects
- Cost Increases
- Cultural Resources Review
- Easement Compliance

³⁷ Recreation and Conservation Funding Board Resolution 2016-37

³⁸ Recreation and Conservation Funding Board Resolution 2016-37

³⁹ A prioritized list of applications is due to the Legislature by November 1, 2017, for the first year of the program as required in Section 12 of Chapter 149, Laws of 2016. Thereafter, the list will be provided by November 1st of even numbered years as required in Revised Code of Washington 79A.15.130(14).

- Invasive Species
- Landowner Acknowledgement of Application
- Legal Opinion for First Time Applicants
- Local Review of Acquisition Projects
- Match Availability and Certification
- Matching Shares
- Match Requirements
- Phased Projects
- Pre-agreement Costs
- Preference for Community Priorities
- Project Area Stewardship and Ongoing Obligations
- Public Disclosure
- Records Retention
- Reimbursement
- Sustainability
- Types of Match
- Waiver of Retroactivity

WWRP Forestland Preservation Category Evaluation Criteria⁴⁰

Evaluation Criteria Summary

Scored By	Number	Evaluation Criteria	Maximum Score	Percent of Total
Advisory Committee	1	Viability of the Site What is the viability of the site for commercial timber production?	15	38%
Advisory Committee	2	Forestland Stewardship What stewardship practices beyond the Forest Practices Act are in place that support timber production or provide ecological benefits? What is the experience of the applicant to monitor the conservation easement to ensure the forest stewardship activities proposed are realized?	10	25%
Advisory Committee	3	Threat to the Land What is the likelihood the land will be converted to some other use than forestland if it is not protected?	8	20%
Advisory Committee	4	Community Values How will protecting the land for timber production provide benefits to the community? Does the community and area Native American tribes support the project?	6	15%
RCO Staff	5	Match	2	5%
Total Points			41	100%

ADVISORY COMMITTEE SCORED QUESTIONS

- Viability of the Site** – What is the viability of the site for commercial timber production?
 - What are the major tree species and their size, age, and condition?
 - What is the long-term forest management strategy? Will it result in on-going commercial timber production?
 - Is there enough income generated on the property to sustain the long-term forest management strategy goals?
 - How many acres is the area proposed for conservation? Evaluators provide a preference for larger areas.

⁴⁰ Recreation and Conservation Funding Board Resolution 2016-37

Maximum Points = 15 points

Score 0 – 15 points based on the viability of the site for commercial timber production.

- 2. Forestland Stewardship** – What stewardship practices beyond the Forest Practices Act are in place that support timber production or provide ecological benefits?⁴¹ What is the experience of the applicant to monitor the conservation easement to ensure the forest stewardship activities proposed are realized?

Examples of stewardship that achieve sustainable forest management include practices in accordance with an:

- Integrated Forest Management Plan,
- Forest Stewardship Plan (DNR approved),
- Conservation Activity Plan (NRCS), or
- Tree Farm Management Plan (Washington Tree Farm Program).

Ecological benefits include clean air, clean water, storm water management, wildlife habitat, carbon sequestration, and other benefits. Examples of stewardship that achieve ecological benefits include:

- Managing for wildfire,
- Managing the spread of invasive species,
- Managing for forest health and climate change,
- Obtaining a third party certification (e.g., Sustainable Forestry Initiative, Forest Stewardship Council, American Tree Farm System),
- Demonstrating an estimate of the amount of biological carbon stored in trees and understory plants,
- Efforts to protect state priority plant and animal species and ecosystems,
- Flood reduction and floodplain connections,
- Removal or correction of fish passage barriers, or
- Dedication of stream and wetland riparian areas larger than the minimum requirements in the Forest Practices Act.

Maximum Points = 10 points. Score as follows:

- There are no specific stewardship practices in place and the applicant has minimal experience managing easements or leases. (0 points)
- There are one or more stewardship practices planned for the future and the applicant has moderate experience managing easements or leases. (1 – 4 points)
- There are one or more stewardship practices in place and the applicant has strong experience managing easements or leases. (5 - 8 points)

⁴¹ Revised Code of Washington 79A.15.130(12)(f).

- BONUS POINTS: Voluntary stewardship practices described will be included in the terms of the conservation easement or lease if the project is funded. (Add 1 – 2 points to the score.)

3. Threat to the Land – What is the likelihood the land will be converted to some other use than forestland if it is not protected?⁴²

Score the question based on the severity of the threat that the property will be converted to some use other than forestland within the next five years. Threat may include lack of protection of the land, landowner circumstances, adjacent land uses, zoning supports ability to develop the land, or other conditions.

Maximum Points = 8 points. Score as follows:

- Low likelihood it will be converted to another use (0 point)
- Medium likelihood it will be converted to another use (1 - 4 points)
- High likelihood it will be converted to another use (5 - 8 points)

4. Community Values – How will protecting the land for timber production provide benefits to the community? Does the community and area Native American tribes support the project?⁴³

- Preference is provided to projects that are identified in community planning efforts in one or more of the following ways.
- Is the project recommended in a limiting factors analysis or critical pathways analysis?
- Is the project recommended in a watershed plan developed under Revised Code of Washington 90.82 or other planning effort?
- Is the project recommended in a conservation plan (other than a habitat conservation plan required under the Endangered Species Act)?
- Is the project recommended in a coordinated region-wide prioritization effort?
- Is the project consistent with a regional or statewide recreational or resource plan and provides public recreational access?
- Is the project consistent with the local comprehensive plan as forestland of long-term significance or other local planning effort?
- Does the project assists in the implementation of a local shoreline master plan updated according to RCW 90.58.080?
- Benefits to the community may also include:
 - Creation or protection of jobs,
 - Support for local mills,
 - Viewshed and scenic beauty, and

⁴² Revised Code of Washington 79A.15.130(12)(c)

⁴³ Revised Code of Washington 79A.15.130(12)(a), (b) and (d)

- Research and educational opportunities.
- Support from the community and Native American tribes may be demonstrated by letters of support or donations to assist with implementing the project.

Maximum Points = 6 points. Score as follows:

- The project will provide few additional benefits to the community. (0 – 2 points)
- The project will provide many additional benefits to the community. (3 - 4 points)
- There are one or more letters of support in the application that demonstrate community or Native American tribe support for the project. (2 additional points)

OBJECTIVE SCORED QUESTIONS BY RCO

- 5. Match** - Is the applicant providing additional match above the minimum requirement?

Maximum Points = 2 points

- 0 points - The applicant is not providing additional match above the minimum requirements.
- 2 points - The applicant is providing 5 percent or more additional match above the minimum requirements.