

Manual 10c

Washington Wildlife and Recreation Program

Forestland Preservation Category

February 2024

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At a Glance

Washington Wildlife and Recreation Program's Forestland Preservation Category	
Purpose	This program provides money to acquire and preserve opportunities for timber production by leasing the land or buying a voluntary land preservation agreement, also called a conservation easement.
Who may apply?	<ul style="list-style-type: none"> • Cities and towns • Counties • Nonprofit nature conservancies • Washington State Conservation Commission
Is a plan required?	No
What types of projects are eligible?	<ul style="list-style-type: none"> • Acquisition of property rights through a conservation easement • Combination of acquisition and habitat enhancement or restoration.
What are the grant limits?	\$500,000
What must the project sponsor contribute?	Cities, counties, and nonprofit nature conservancies must provide a one-to-one matching share. There is no match required for the Washington State Conservation Commission.
How is the project evaluated?	An advisory committee evaluates a written application and scores the project.
When are applications due	May 1, 2024
When are grants awarded?	June 2025 estimate
What's new this year?	<ul style="list-style-type: none"> • Added Waiver of Retroactivity options for forestland purchases. • Included in this manual existing rules for time limits, extensions, and acknowledgments.

Section 1: Introduction

This section covers the following:

- ✓ The Washington Wildlife and Recreation Program
- ✓ Recreation and Conservation Funding Board
- ✓ Who makes decisions
- ✓ Where to get information
- ✓ Grant process and timeline
- ✓ Time limits and extensions

The Washington Wildlife and Recreation Program

The Washington State Legislature created¹ the Washington Wildlife and Recreation Program (WWRP) in 1990 to accomplish two goals: Acquire valuable recreation and habitat lands before they were lost to other uses and develop recreation areas for a growing population.

In 2016 the Legislature expanded those goals by creating the Forestland Preservation Category within the larger WWRP to conserve the state's valuable forests for timber production.

Today, WWRP provides funding for a broad range of projects that conserve wildlife habitat, preserve working farms and forests, buy lands for parks and trails, and develop outdoor recreational facilities. This landmark legislation and subsequent funding have come about through the support of the Governor, Legislature, and groups such as the many organizations comprising the Washington Wildlife and Recreation Coalition.

¹Enabling legislation is in Revised Code of Washington 79A.15.

Accounts and Categories

State law² divides WWRP funding into three accounts, which are further divided into categories with unique funding priorities, shown below.

Farm and Forest Account	10 percent
<ul style="list-style-type: none"> • Farmland Preservation Category • Forestland Preservation Category 	<p>90 percent</p> <p>10 percent</p>
Habitat Conservation Account	45 percent
<ul style="list-style-type: none"> • Critical Habitat Category • Natural Areas Category • Riparian Protection Category • State Lands Restoration and Enhancement Category • Urban Wildlife Habitat Category 	<p>35 percent</p> <p>25 percent</p> <p>15 percent</p> <p>10 percent³</p> <p>15 percent⁴</p>
Outdoor Recreation Account	45 percent
<ul style="list-style-type: none"> • Local Parks Category • State Lands Development and Renovation Category • State Parks Category • Trails Category • Water Access Category 	<p>30 percent⁵</p> <p>10 percent⁶</p> <p>30 percent⁷</p> <p>20 percent</p> <p>10 percent⁸</p>

²Revised Code of Washington 79A.15

³or \$3 million, whichever is less

⁴Recreation and Conservation Funding Board Resolution 2019-27: 45 percent to local agencies, Native American tribes, and nonprofit organizations; 45 percent to state agencies; 10 percent to fully fund partially funded local agency, Native American tribe, and nonprofit organizations; then fully fund partially funded state agency projects, and apply any remaining amount to the next highest ranked project(s), regardless of sponsor.

⁵Recreation and Conservation Funding Board Resolution 2016-52: 40 percent for acquisition costs and 60 percent for development costs.

⁶or \$3 million, whichever is less

⁷Recreation and Conservation Funding Board Resolution 2016-52: 50 percent for acquisition costs and 50 percent for development costs.

⁸75 percent must be acquisition costs. Revised Code of Washington 79A.15.050 (2)(d)

Each WWRP account and category receives a specified percentage of the money appropriated by the Legislature. While state law requires that these minimum percentages be met over the life of the program, it is the Recreation and Conservation Funding Board's intent generally to meet them, by category, each biennium. However, the board may forego these statutory minimums in any one biennium, should circumstances warrant. The board's intent is to award grants to projects meeting the greatest need and with the potential to achieve the greatest benefit.

Choosing a Grant Category

A grant applicant submits a proposal to a specific WWRP category. The applicant should attempt to find a category that best fits the project, considering the goals and evaluation criteria. RCO staff review the applicant's choice and recommend any changes. The applicant may appeal the staff's decision to change categories to RCO's director and, if necessary, the Recreation and Conservation Funding Board.

A WWRP project will be evaluated only in one category. At the applicant's discretion, a project appropriate to more than one category may be divided into stand-alone projects and submitted separately. An applicant must determine the best category for the project by the technical completion deadline, unless otherwise authorized by the director. See RCO website for WWRP [manuals about other accounts and grant categories](#).

Recreation and Conservation Funding Board

WWRP is administered by the Recreation and Conservation Funding Board, which is a governor-appointed board comprised of five citizens and the directors (or designees) of three state agencies—Department of Fish and Wildlife, Department of Natural Resources, and Washington State Parks and Recreation Commission.

The Recreation and Conservation Office (RCO) supports the board. RCO is a small state agency that manages multiple grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat, preserve working farms and forests, and help return salmon and orca from near extinction.

Diversity, Equity, and Inclusion

The Recreation and Conservation Funding Board recognizes its obligation to ensure its programs and policies are equitable and inclusive and has taken steps to address disparities. The board has resolved to continue to examine its policies and reach out to diverse partners to ensure that Washington's investments are not only for a few but reflect the board's values of diversity, equity, and inclusion. Read the board's [Resolution 2020-35](#) in full online.

Manual Authority

This manual is created under the authority granted to the Recreation and Conservation Funding Board in WWRP's enabling legislation and Revised Code of Washington 79A.15 and 79A.25. It reflects the specific statutory requirements of Revised Code of Washington 79A.15, Title 286 of the Washington Administrative Code, and Recreation and Conservation Funding Board policies adopted in public meetings.

Who Makes Decisions

Staff Decisions

Staff will review grant applications to ensure they are complete, the projects are eligible to compete, the grant applicants are eligible to apply, and the match is certified. Staff also score objective evaluation criteria, such as those relating to match. Finally, staff make routine grant management decisions about billings, reports, minor scope changes, short time extensions, and more.

Advisory Committee Decisions

An advisory committee evaluates grant applications and scores them to create a ranked list of projects for the funding board to consider. The advisory committee also reviews proposed program policies and criteria changes and, in some cases, makes recommendations to the funding board or director about how funding should be distributed.

Director Decisions

The RCO director, or designee, makes many project decisions based on rules and board policies. The decisions range from authorizing payments, to approving cost increases, to approving payment of charges in excess of lower bids, to terminating projects.

A project sponsor may request that the Recreation and Conservation Funding Board reconsider a decision made by the director. To request reconsideration, the project sponsor must send a letter to the board chair at least sixty calendar days before a board meeting. The request is added to the board's meeting agenda and the project sponsor then may address the board at the meeting. The board's decision is final.

Board Decisions

The Recreation and Conservation Funding Board makes the final decisions for funding, policy, and project changes although some decisions it has delegated to the agency director.

Not a Public Hearings Board

The Recreation and Conservation Funding Board is not a public hearings board and does not decide land-use issues. To the extent possible, each project proposal should demonstrate adequate public notification and review and have the support of the public body applying for the grant.

More detailed information about board and director decisions is available in *Manual 3: Acquisition Projects* and *Manual 5: Restoration Projects*.

Where to Get Information

Recreation and Conservation Office:

Natural Resources Building
1111 Washington Street Southeast
Olympia, WA 98501

[Email](#)

Telephone: (360) 902-3000

FAX: (360) 902-3026

Hearing Impaired Relay Service: Call 711

[Website](#)

Mailing Address

PO Box 40917

Olympia, WA 98504-0917

RCO grants managers are available to answer questions about this manual and grant program. Please feel free to call. In addition, manuals, forms, and most other materials referenced in this manual are available on RCO's website on the [forestland grant page](#).

Other Grant Manuals Needed

The manuals below provide additional information for grants and are available on the [grant manual page](#). Each can be made available in an alternative format.

- *Manual 3: Acquisition Projects*
- *Manual 5: Restoration Projects*
- *Manual 7: Long-Term Obligations*
- *Manual 8: Reimbursements*

Grant Process and Timeline

RCO offers grants in even-numbered years, in conjunction with the state budget. The grant process, from application to grant award, spans eighteen months and is outlined

below. While the order of the steps in this process remains consistent, visit the RCO website [for precise dates](#).

Even-Numbered Years

Webinars. RCO conducts a webinar (an online meeting) in the winter or early spring to provide information about the grant programs offered that year.

Entering Applications. RCO strongly encourages applicants to start the online application early. PRISM Online usually opens by March 1.

To enter an application, the applicant must sign up for a [SecureAccess Washington](#) account and submit a [PRISM account form](#). When using either of these databases for the first time, the applicant must complete a double sign-in.

1. Using SecureAccess Washington credentials, login to PRISM.
2. When redirected to the SecureAccess login page, enter the SecureAccess credentials.
3. When redirected to a one-time PRISM sign-in page, enter the PRISM login credentials.
4. The applicant will be directed back to the PRSM home page.

This double sign-in will happen only once. After completing the double sign-in, the applicant will use SecureAccess Washington credentials to log into PRISM.

To begin an application, log into PRISM Online and select the + *New Application* button to enter grant application information. RCO uses this information to assign an outdoor grants manager. This manager guides the applicant through the process, reviews application materials, helps determine whether the proposal is eligible, and may visit the project site to discuss site-specific details. Visit RCO's website to learn more about [PRISM's components and technical requirements](#).

Applications Due. The application is due in early May of even-numbered years. The application includes the data entered into PRISM and all required attachments. The applicant should *submit* the application before the deadline. The *Check Application for Errors* button on the *Submit Application* screen will indicate which pages are incomplete. An incomplete application and an application received after the deadline will be rejected unless RCO's director has approved a late submission in advance. Follow the requirements in the Applicant's To-Do List online.

Technical Reviews. The advisory committee reviews the project, including the written responses to the evaluation criteria, to identify any issues of concern and provide

feedback on the strengths and weaknesses of the proposal. Grants managers review the application to ensure it is eligible and will send comments to the applicant. The applicant then may make changes to improve the project, if needed. The applicant must complete all changes and resubmit the applications by the technical completion deadline.

Technical Completion Deadline. RCO establishes a technical completion deadline by which the application must be in its final form. After this date, the applicant will not be able to make any further changes. RCO will score applicable evaluation criteria as of this date.

Board Submits Biennial Budget Request. The Recreation and Conservation Funding Board sends the Governor a recommended funding amount for WWRP for the next biennium.

Project Evaluation–Written Process.⁹ The advisory committee reviews the grant application and the applicant’s written responses to the evaluation questions and scores the proposal against a set of questions approved by the Recreation and Conservation Funding Board.

Post-Evaluation Conference. After project evaluations, RCO staff tabulate the scores and share the results with the advisory committee. The committee discusses the preliminary ranked list and the application and evaluation processes. The public may join this advisory committee conference call; however, to ensure a fair and equitable process, guests may not testify. Shortly after the conference call, staff post the preliminary ranked list on RCO’s website. The resulting ranked list of projects is the basis for the funding recommendation to the board.

Board Approves Project List. In an open public meeting, the Recreation and Conservation Funding Board considers the recommendations of the advisory committee and staff, written public comments submitted before the meeting, and public testimony at the meeting. The board then approves the list of projects for submittal to the Governor by November 1.

When considering a list of projects for submittal, the board will use both anticipated funding and project evaluation results to determine the length of the list. This list normally will exceed anticipated funding and will include alternate projects that could be funded if higher ranked projects fail or use less money than requested. Applicants are cautioned that the board’s recommendation of project lists to the Governor is not the same as funding approval.

⁹Recreation and Conservation Funding Board Resolution 2022-05

The funding board submits alternate projects in an amount equal to 50 percent of the dollar amount requested. When possible, no fewer than six alternate projects are submitted.

Governor Approves Projects. Typically, the Governor’s capital budget request to the Legislature includes funding for WWRP. The Governor may remove projects from the list recommended by the board but may not re-rank or add projects to the list.

Odd-Numbered Years

Legislature Approves Projects. When it develops the state capital budget, the Legislature considers the project list submitted by the Governor. The Legislature may remove projects from the list submitted by the Governor but may not re-rank or add projects to the list.

Project lists approved by the Legislature in any one biennium are to be completed, to the fullest extent possible, within that biennium. Biennial project lists are active until all the funding is used or no feasible projects remain. If a biennial list is completed and money remains, it may be awarded to projects in future years.

Proof of Matching Funds. An applicant with match included in the application must provide proof of the availability of matching funds by the match certification deadline, which is at least one calendar month before board approval of funding.¹⁰

Board Awards Grants. After the Legislature and Governor approve the capital budget, the board makes the final grant awards, again in a public meeting. Applicants are encouraged, but not required, to attend.

Grant Agreements Issued. After grant awards, the applicant has two calendar months¹¹ to submit pre-agreement documents (checklist provided by grants managers). RCO staff then prepare and issue the grant agreement. The applicant must return the signed agreement within three calendar months from the date RCO sends the agreement to the applicant for signature.¹² Once the agreement is signed, the applicant, now referred to as a project sponsor, may begin the project, according to the terms of the grant agreement. Each agreement will be written and monitored for compliance by RCO staff. See *Manual 7: Long-term Obligations* for more information.

Successful Applicant Webinar. After the board approves funding, RCO publishes online a recorded webinar for successful grant applicants. The webinar covers the sponsor’s responsibilities to comply with the grant agreement, issues that might come up when

¹⁰Washington Administrative Code 286-13-040(3)

¹¹Washington Administrative Code 286-13-040(4)

¹²Washington Administrative Code 286-13-040(5)

implementing a project, billing procedures, amendments for changes and time extensions, closing project procedures, and long-term compliance.

Time Limits and Extensions

The sponsor must complete the funded project promptly. For this reason, RCO staff, with applicant assistance, establishes a timetable for project completion, including enforceable milestones and a project completion date. To avoid the risk of the Recreation and Conservation Funding Board or director withdrawing the grant, the board adopted the following guidance for each project phase.

Application Phase

The applicant must provide reasonable assurance that the project can be completed on time and meet milestones. Reasonable assurance may include such evidence as the following:

- Appraisals and review are completed.
- Designs are completed.
- Bid documents are prepared.
- Environmental assessment is completed.
- Hazardous substances review is completed.
- Option agreements are signed.
- Permits are in-hand.
- Property is in escrow.
- Waiver of Retroactivity is in-hand and signed.

At least one calendar month before the funding meeting, when requested by RCO, the applicant must provide written certification of matching fund availability.¹³

Applicants may only submit projects that are likely to be completed within four years.

¹³Washington Administrative Code 286-13-040(3)

Pre-Agreement Phase

- The applicant must submit the pre-agreement materials requested by RCO within two calendar months of funding approval.¹⁴
- With RCO staff assistance, the applicant must develop milestones, to be included in the grant agreement and a timeline that does not exceed two to three years.

Implementation Phase

To help ensure reasonable and timely project completion, accountability, and the proper use of funds, sponsor must do the following:

- Develop milestones for project implementation that ensures timely completion as follows:
 - Acquisition projects 1-2 years
 - Combination projects 2-3½ years
(The acquisition portion must be completed in ninety days. See “Combination Projects” below for more information)
 - Exceptionally complex projects 3½ years

RCO staff monitors critical project milestones (for example, ordering appraisals and reviews, starting restoration). Unsatisfactory progress may be cause for project termination or other remedies (See the grant agreement section on termination and other remedies)¹⁵ Any RCO director decision may be appealed to the Recreation and Conservation Funding Board.

- Begin project implementation quickly and aggressively to show measurable progress towards meeting project milestones.
- Submit a reimbursement request at least once a year.¹⁶
- Submit progress reports at intervals as designated by the RCO grant agreements.

By June 1 of each year, RCO reviews the status of projects that are incomplete three or more years from the date of funding approval. RCO will ask sponsors to provide assurances that their projects will be completed on time, such as the following:

¹⁴Washington Administrative Code 286-13-040(4)

¹⁵Recreation and Conservation Funding Board Resolution 2006-13b

¹⁶Washington Administrative Code 286-13-040

- Executed purchase and sale agreements.
- Proof of permitting approvals.
- Awarded construction contracts.
- Progress on other significant milestones listed in the grant agreement.

If satisfactory assurances are not provided, the director may terminate the project.

Extensions

The director may approve a project up to four years. When one Recreation and Conservation Funding Board grant is used to match another, RCO staff will use the earliest grant to determine the four-year window.

Requests for extensions that would exceed four years may be referred to the Recreation and Conservation Funding Board for action.

Extension requests must be in writing and provided to RCO not less than sixty days before expiration of the project's completion date.¹⁷ The request must justify the need and commit to a new set of specified milestones.

Project Completion

The grant agreement end date will be written into the grant agreement. It is the date that is the end of the period of performance and all project work must be complete and may be extended only when authorized by the board or director.

When a project is completed, the sponsor must submit the final bill, final report, and supporting documents needed to close the project as specified in the agreement.¹⁸ If the bill and documentation are not submitted within six months of the end date in the agreement, the Recreation and Conservation Funding Board may terminate the agreement without payment.

¹⁷Washington Administrative Code 286-13-040(8)

¹⁸Washington Administrative Code 286-13-040(7)

Section 2: Policies

This section covers the following:

- ✓ Forestland Preservation Category
- ✓ Eligible forestland
- ✓ Eligible applicants
- ✓ Eligible project types and activities
- ✓ Environmental requirements
- ✓ Property requirements
- ✓ Other requirements and things to know
- ✓ Project area stewardship and ongoing obligations

Forestland Preservation Category

Program History

The Washington State Legislature created the Forestland Preservation Category in 2016 when it made other changes to WWRP¹⁹ in response to a program review in 2015.²⁰ The program review recommended creating the Forestland Preservation Category to support working forests that also provide connectivity, habitat enhancement, sustainable ecological benefits, and public access.

Funding is available for sponsors to buy a voluntary land preservation agreement, also called a conservation easement, to protect forestland forever. RCO is a party to the easement or lease but the sponsor and landowner are responsible for upholding it.²¹

¹⁹[Chapter 149, Laws of 2016](#)

²⁰[Washington Wildlife and Recreation Program Review, 2015, Recreation and Conservation Office](#)

²¹Recreation and Conservation Funding Board Resolution 2016-37

Purpose²²

Focus on Timber Production

The primary purpose of this 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.²³ 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.

Eligible Forestland

Definition of Forestland²⁴

Forests must be designated by the county as either timberland or forestland to be eligible for funding and must remain in the county program for the duration of the conservation easement or lease. 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:**²⁵ "Timberland" means any parcel of land that is five or more acres, or multiple parcels of land that are contiguous and total five or more acres, and is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland 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 10 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.
- **Forestland Designation:**²⁶ "Forestland" means any parcel of land that is five or more acres, or multiple parcels of land that are contiguous and total five or more acres, and that is or are devoted primarily to growing and harvesting timber. Designated forestland means the land only and does not include a residential

²²Recreation and Conservation Funding Board Resolution 2016-37

²³Property owned by an eligible sponsor is not eligible for grant funding. See Recreation and Conservation Funding Board Resolution 2016-13, as amended.

²⁴Revised Codes of Washington 84.33.010, 84.33.035(5) and 84.34.020(3)

²⁵Full definition in Revised Code of Washington [84.34.020](#)

²⁶Full definition in the Timber and Forest Lands Tax Act, Revised Code of Washington 84.33.035(5)

homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than 10 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.

Required Documentation for Property Designation²⁷

The applicant must provide a written notice from the county assessor, a current property tax notice, or a recent title report to document 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.

If a parcel is not designated as timberland or forestland by the application due date, the 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 the property as timberland or forestland before RCO releases funds for the acquisition of the easement or lease.

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

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

Eligible Applicants²⁸

Eligible applicants²⁹ are shown below.

- Cities and counties
- Nonprofit nature conservancies³⁰
- Washington State Conservation Commission

²⁷Recreation and Conservation Funding Board Resolution 2016-37

²⁸Revised Code of Washington 79A.15.130(4)

²⁹Revised Code of Washington 79A.15.130(4)

³⁰Revised Code of Washington 79A.15.010(10)

Applicant Requirements

Nonprofit Nature Conservancies

A nonprofit nature conservancy must meet all 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.
- Demonstrate at least three 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 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.
- Provide a copy of articles of incorporation and bylaws including any amendments.

Legal Opinion for First-time Applicants³¹

The Recreation and Conservation Funding Board requires all organizations wishing to apply for a grant for the first time to submit a legal opinion that the applicant is eligible to do the activities below. The legal opinion is required only once to establish eligibility.

- Contract with the State of Washington and the United States of America.
- Meet any statutory definitions required for board grant programs.
- Receive and spend public funds including funds from the Recreation and Conservation Funding Board.
- Acquire and manage interests in real property for conservation or outdoor recreation purposes.
- Develop and/or provide stewardship for structures or facilities eligible under board rules or policies.

³¹Recreation and Conservation Funding Board Resolutions 2010-08 and 2016-37

- Undertake planning activities incidental thereto.
- Commit the applicant to statements made in any grant proposal.

Eligible Project Types³²

Acquisition Projects

Grants are available to buy development rights and other less-than-fee interests in real property through a conservation easement or lease.³³ Less-than-fee interests include access, water, air, carbon, mineral, and other rights that aid in preservation of the forest for secondary benefits supported by the category.

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

Incidental and administrative costs related to an acquisition 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

An application 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 shown on a map with a county parcel number.
- Each parcel must be enrolled with the county as either forestland or timberland.
- All parcels must be contiguous or within the same ownership.³⁴ "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.

³²Recreation and Conservation Funding Board Resolution 2016-37

³³Revised Code of Washington 70A.15.130(3)

³⁴Revised Code of Washington 84.34.020(6)(b)(i) and (ii)

Combination Projects³⁵

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

To help ensure timely completion of a combination project, the applicant must secure the property at least one month before the Recreation and Conservation Funding Board considers funding by using one of the methods listed below.

- Acquisition under Waiver of Retroactivity policies outlined in *Manual 3: Acquisition Projects*.
- Have property in escrow pending board grant award. Closing must occur within ninety days after this meeting.
- Obtain an option or purchase and sale agreement on the property that extends past the board funding meeting. Execution of the option or agreement must occur within ninety days after this meeting.

If property rights were not acquired already via a Waiver of Retroactivity, then the applicant also must provide draft copies of all leases or easements to RCO staff for review. Execution of the leases or easements must occur within ninety days after the funding meeting.

For the acquisition to remain eligible, the sponsor must follow all the requirements and procedures outlined in *Manual 3: Acquisition Projects*.

Fish Passage Barriers

The project must include correcting all fish passage barriers on property owned by a private, small forest landowner. A private, small forest landowner harvests less than two million board feet of timber each year from land it owns in Washington. Funding from the Family Forest and Fish Passage Program and the Salmon Recovery Funding Board 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 Plans as required by the Forest Practices Act.

³⁵Recreation and Conservation Funding Board Resolution 2016-37

Other Considerations

Phased Projects³⁶

The Recreation and Conservation Funding Board recommends that the applicant discuss phasing a very expensive and large project with RCO staff. A phased project is subject to the following conditions:

- Approval of any single phase is limited to that phase. No approval or endorsement is given or implied toward future phases.
- Each phase must stand on its merits as a viable project and not be dependent on the completion of future phases or work.
- Each phase must be submitted as a separate application.

The Recreation and Conservation Funding Board may consider progress and sponsor performance on previous grants when making decisions on a current project proposal.

If two or more projects are ranked equally through the evaluation process, the Recreation and Conservation Funding Board will give preference to a project that has had a previous phase funded by the board.³⁷

Eligible Project Activities

Incurring Pre-agreement Costs³⁸

RCO may reimburse a sponsor for certain allowable expenses incurred before the start date of a grant agreement. However, any costs associated with the preparation or presentation of the grant application are ineligible.

For an acquisition project, most incidental costs incurred before a RCO grant agreement are allowable for reimbursement. Property costs are not allowable as a pre-agreement cost unless a Waiver of Retroactivity has been approved. See *Manual 3: Acquisition Projects*.

For a combination acquisition and restoration project, preliminary costs necessary to get a project ready for construction (i.e., architecture and engineering, permits) are allowable for reimbursement. No construction costs may be incurred before the period of

³⁶Recreation and Conservation Funding Board Resolution 2016-37 and 2007-27

³⁷Recreation and Conservation Funding Board Resolution 2007-27

³⁸Washington Administrative Code 286-13-085

performance in the agreement unless approval has been given by the Recreation and Conservation Funding Board. See *Manual 5: Restoration Projects* for further information.

Acquiring Property

Acquiring property includes purchasing or receiving a donation of less-than-fee interest in real property. Incidental and administrative costs related to acquisition are eligible. Additional rules for land acquisition are in *Manual 3: Acquisition Projects*.

Enhancing and Restoring Activities

Habitat enhancement or restoration activities within a project must further the ecological functions of the forestland. The project should enhance the viability of the preserved forestland to provide timber production while conforming to any legal requirements for habitat protection. Restoration activities should be based on accepted methods of achieving beneficial enhancement or restoration results.³⁹ Guidelines for restoration and enhancement projects are in *Manual 5: Restoration Projects*. Examples of eligible project elements include the following:

- Bridging watercourses
- Fencing, gates, and signs
- In-stream habitat such as bank stabilization
- Habitat enhancement such as native plantings and invasive plant removal
- Removal of structures
- Replacing culverts

Aquatic restoration projects should follow the Washington Department of Fish and Wildlife's aquatic habitat guidelines for water crossings, stream restoration, and stream bank protection.

- [Water Crossing Design Guidelines](#)
- [Integrated Streambank Protection Guidelines](#)
- [Stream Habitat Restoration Guidelines](#)

³⁹Revised Code of Washington 79A.15.130(13)

Preparing a Baseline Inventory⁴⁰

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

The baseline inventory must be prepared before closing and signed by the landowner 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 significant amount of time has elapsed before the easement is transferred, it should be reviewed and possibly updated before closing.

Preparing a Forest Management Plan⁴¹

A forest management plan is required and must follow the [Integrated Forest Management Plan Guidelines](#) produced by the Washington State Department of Natural Resources, Washington State Department of Revenue, U.S. Natural Resources Conservation Service, U.S. Forest Service, and American Tree Farm System. One of the cooperating agencies listed above approves the plan. The grant sponsor is strongly encouraged to include the county assessor in review and approval of any forest management plan.

The maximum allowable cost for development of a new forest management plan or updating an existing plan is \$10,000.

EXCEPTION: When another funding agency provides matching funds to a WWRP forestland preservation project, the RCO director may approve the use of an alternative plan if it meets the intent of the *Integrated Forest Management Plan Guidelines*.

Developing a Site Stewardship Plan

An applicant may request up to 1 percent of the total project cost or \$10,000, whichever is less, for development of a site stewardship plan. An outline for the stewardship plan must be submitted with the grant application and, at a minimum, it must contain the following elements:

- Long-term stewardship goals and objectives
- Monitoring goals and objectives

⁴⁰Recreation and Conservation Funding Board Resolution 2016-37

⁴¹Recreation and Conservation Funding Board Resolution 2016-37

- Restoration goals and objectives (if applicable)
- Short-term land management goals and objectives
- Description of the project area, including the following:
 - U.S. Geological Survey quadrant map and county assessor's parcel map
 - Map⁴² showing all human-made and natural features
 - Narrative description of the property
 - Photographs taken at permanent photograph points
 - A detailed stewardship plan implementation budget that also identifies the source of funding

Ineligible Activities and Costs

Several sources are used to determine project eligibility including Revised Code of Washington 79A.15. The following project elements are ineligible for funding consideration:

- Acquisition of rights for a term of less than perpetual.
- Animal species introduction or propagation, other than biological controls for invasive species, etc.
- Concessionaire buildings or concessionaire space in existing or proposed structures.
- Consumable supplies such as fuel, fertilizers, pesticides, or herbicides, except as one-time applications if they are necessary parts of eligible restoration activities.
- Costs associated with preparing this or any other grant application.
- Costs not directly related to implementing the project such as indirect and overhead charges or unrelated mitigation.
- Crop plantings.
- Elements that cannot be defined as fixtures or capital items.

⁴²Further guidance provided in appendix F of *Manual 3: Acquisition Projects*.

- Environmental cleanup of illegal activities (removal of contaminated materials or derelict vessels, trash pickup, methamphetamine labs, etc.).
- Fish or other wildlife production facilities, such as fish hatcheries for producing sport fish populations.
- Indoor facilities such as community centers, environmental education or learning centers, gymnasiums, swimming and therapy pools, and ice-skating rinks.
- Multi-site projects.
- Offices, shops, residences, and meeting and storage rooms.
- Operation, overhead, and maintenance costs.
- Purchase of land already owned by an applicant or sponsor described in Revised Code of Washington 79A.15.130(4) except as allowed by other board policy.
- Purchase of land already owned by a government agency. Limited exceptions may apply so check with a RCO grants manager.
- Purchase of land by a condemnation action of any kind. On multi-parcel acquisitions, sponsors may acquire those parcels that cannot be purchased from a willing seller via condemnation using only non-WWRP funds. Complete documentation of parcels acquired by WWRP funding versus those acquired entirely by sponsor funds under condemnation must be maintained and available. The value of parcels acquired via condemnation may not be used as part of the matching share.
- Protection of land for the purposes of satisfying a Habitat Conservation Plan under the Endangered Species Act.
- Purchase of maintenance equipment, tools, or supplies.
- Purchase of rights for a term of less than perpetuity.
- Restoration work done before a grant agreement is signed between the applicant and the Recreation and Conservation Funding Board. This work also cannot be used as match.
- Restoration work required under the Forest Practices Act or other regulatory mitigation requirement, except as described under the Fish Passage Barriers section.
- Specific projects identified as mitigation as part of a habitat conservation plan approved by the federal government for incidental take of endangered or

threatened species, or other projects identified for habitat mitigation purposes. Also, see *RCO Manual 3: Acquisition Projects* and *Manual 5: Restoration Projects* for exceptions.

- Transfer of development rights. Development rights acquired under this program may not be transferred to other property or for other uses.
- Utility payments such as monthly water or electric bills.

Environmental Requirements

Invasive Species⁴³

The Washington Invasive Species Council developed [protocols](#) for preventing the spread of invasive species while working in the field. The Recreation and Conservation Funding Board encourages grant sponsors to consider how their projects may spread invasive species and work to reduce that possibility. Invasive species can be spread unintentionally during construction, maintenance, and restoration activities. Here are examples of how it could happen:

- Driving a car or truck to a field site and moving soil embedded with seeds or fragments of invasive plants in the vehicle's tires to another site. New infestations can begin miles away as the seeds and fragments drop off the tires and the undercarriage of the vehicle.
- Sampling streams and moving water or sediment infested with invasive plants, animals, or pathogens from one stream to another via boots, nets, sampling equipment, or boats.
- Moving weed-infested hay, gravel, or dirt to a new site, carrying the weed seeds along with it, during restoration and construction activities. Before long, the seeds germinate and infest the new site.

The key to preventing the introduction and spread of invasive species on restoration projects is twofold: Use materials that are known to be free of invasive plants or animals in the project and clean equipment both before and after the job. Equipment to clean should include, but not be limited to, footwear, gloves, angling equipment, sampling equipment, boats and their trailers, and vehicles and tires.

⁴³Recreation and Conservation Funding Board Resolution 2016-37

Sustainability⁴⁴

The Recreation and Conservation Funding Board encourages grant recipients to design and build sustainable projects to maximize the useful life of what they build and do the least amount of damage to the environment.

The board encourages sponsors to use sustainable design, practices, and elements in their projects. Examples may include use of recycled materials; native plants in landscaping; pervious surfacing material for circulation paths and access routes, trails, and parking areas; energy efficient fixtures; onsite recycling stations; and composting.

Property Requirements

Reviewing the Project with the Local Jurisdiction⁴⁵

Before applying for a grant to acquire property rights, the applicant must review the proposed project with the county or city with jurisdiction over the project area. The applicant then must provide documentation that the applicant has conferred with the local county or city officials. The jurisdiction's legislative authority may submit a letter to the Recreation and Conservation Funding Board stating its support of, or opposition to, the project. The board shall make the letter available to the Governor and the Legislature when submitting its prioritized list as part of RCO's biennial capital budget request.⁴⁶ The applicant must complete this local review for each new application, even if resubmitting a project from a previous grant cycle.

To meet this requirement, the applicant must demonstrate that the conferral⁴⁷ process has begun by providing each member of the county commission or city council with a packet including all the following information:

- A cover letter referencing Revised Code of Washington 79A.15.110 along with a request to confer with the city or county officials about the project. The letter must state the option for the county or city to send a letter to the Recreation and Conservation Funding Board stating its position on the project. A sample letter is available in the [Acquisition Tool Kit](#) on RCO's website.

⁴⁴Recreation and Conservation Funding Board Resolution 2016-37 and 2011-22

⁴⁵Recreation and Conservation Funding Board Resolution 2016-37

⁴⁶Revised Code of Washington 79A.15.110

⁴⁷"Confer" is defined as a dialogue between project sponsors and local county or city officials with the purpose of early review of potential projects. The dialogue may include any matter relevant to a particular project, which may include, but need not be limited to, the following: project purpose and scope; project elements; estimated project cost; costs and benefits to the community; plans for project management and maintenance; and public access.

- The project description as it will be submitted in the grant application.
- A location map.
- A parcel map of the proposed acquisition.

A copy of the packet must be attached to the project application in PRISM before the application deadline.

The applicant also must document that the conferral process took place. The documentation must be attached to the project application in PRISM before the technical completion deadline and must include all the following:

- Conferral dates
- Name and title of each person participating in the conferral process and that person's relevant organization
- A list or map of acquisition properties under consideration
- A list of the county or city official's key questions or concerns
- A description of any project revisions resulting from the conferral process
- A summary of any relevant follow-up actions

A sample documentation form is available in the Acquisition Tool Kit on RCO's website.

A local government proposing to acquire property within its own political boundaries meets this requirement by submitting the adopted resolution that is required with the RCO grant application before the application deadline. A local government proposing to purchase property outside its jurisdiction (e.g., a city acquiring property outside its city limits or a county acquiring property within a city's limits) must comply with the conferral requirement.

Landowner Acknowledgement for Acquisition Projects⁴⁸

As part of any grant application for acquisition of an easement or lease, the applicant must demonstrate that the landowner is aware of the applicant's interest in purchasing an easement. Applicants may meet this requirement by completing one of four options detailed in RCO's *Manual 3: Acquisition Projects*.

⁴⁸Recreation and Conservation Funding Board Resolution 2016-37

Compliance with the Forest Practice Act⁴⁹

Property owners must comply with the Forest Practices Act.⁵⁰ RCO will consult with the Washington Department of Natural Resources 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 grant 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 the Department of Natural Resources.

For more information on compliance with the Forest Practices Act, contact the Washington State Department of Natural Resources' [Forest Practices Compliance Monitoring Program](#) at (360) 481-9838 or DNRreCoMo@dnr.wa.gov.

Preference for Community Priorities⁵¹

The Recreation and Conservation Funding Board recognizes that interest and commitment to preserve forestlands will vary by community. Communities may exhibit their commitments to forestland preservation through a variety of mechanisms including zoning, adopted strategies for forestland preservation, and dedicated funds to purchase development rights on land.

Consistency with community priorities is one element within the evaluation criteria. To assist evaluators, an applicant may submit any combination of the following to RCO:

- Letters of endorsement or support from local governments, chambers of commerce, and other organizations
- A copy of the applicant's current capital facilities plan or capital improvement program in which the project is listed by name or by type
- A copy of results of a needs assessment or community survey
- A copy of a survey or plan for preserving forestlands with a resulting priority list of acquisitions
- Documented results of a series of community meetings that may have resulted in consensus for forestland preservation

⁴⁹Recreation and Conservation Funding Board Resolution 2016-37

⁵⁰Chapter 76.09 Revised Code of Washington

⁵¹Recreation and Conservation Funding Board Resolution 2016-37

Control of the Land

To protect investments made by the Recreation and Conservation Funding Board and to assure public access to those investments, a sponsor must have adequate control of a project site to construct, operate, and maintain the area for the term required by the grant program and grant agreement. This “control and tenure” may be through land ownership, a lease, use agreement, or easement. See *Manual 5: Restoration Projects* for more information.

Building Envelopes⁵²

The concept of a building envelope is common in conservation easements. Building envelopes identify the footprint within which buildings are located or may be constructed in the future. A sponsor should work closely with landowners to identify appropriate locations for these envelopes to minimize disruption to the forest’s timber values. For example, if a building envelope is in the middle of a forest to take greatest advantage of a view, this not only will constrain logging, but also encourage estate-type development thereby creating a property value reflective of an estate rather than a forest. In general, the Recreation and Conservation Funding Board encourages building envelopes to be near property edges and roads, where they won’t degrade long-term viability of the forest.

If there are no buildings, the sponsor should consider whether reserving the right to develop a future home site or other buildings would increase the long-term viability of the forest and reserve the rights needed to allow such development. The appraisal must reflect the number and type of reserved rights. If there is an existing home site that will remain, at least one development right must be retained to allow the home site to continue to exist.

Locations of building envelopes and allowed improvements must be identified in the conservation easement. The sponsor should identify general locations by the time the project is evaluated so evaluators can consider their impact to the long-term viability of the forest. It also will be important for the appraiser to be made aware of building envelopes to factor that into the market value analysis. Building envelopes must be identified, preferably by survey, on a site map that will become an exhibit to the easement.

Projects on State-owned Aquatic Lands

If a project will occur over, in, or alongside a navigable body of water, an authorization to use state-owned aquatic lands may be needed.

⁵²Recreation and Conservation Funding Board Resolution 2016-37

All marine waters are, by definition, navigable, as are portions of rivers influenced by tides. Navigable rivers and lakes are those determined by the judiciary, those bounded by meander lines, or those that could have been used for commerce at the time of statehood. The Department of Natural Resources' aquatic land managers will help the grant applicant determine if the project will fall on state-owned aquatic lands and provide more information on its authorization process. See the [land manager coverage map](#) online for contact information for the Department of Natural Resources aquatic land managers.

If the project is on state-owned aquatic lands, the grant applicant will need to secure a lease or easement (use authorization) to use those lands from the Washington Department of Natural Resources. Securing a lease or easement may take up to a year. RCO requires the executed lease or easement within sixty days after board funding approval to show control and tenure for the site. The lease or easement is required before the project will be placed under agreement, unless RCO's director approves an extension in advance. Review the control and tenure requirements in *Manual 5: Restoration Projects*.

The following online resources may be helpful to review:

- [Grant Projects on State-owned Aquatic Lands](#)
- [Leasing State-owned Aquatic Lands](#)
- [Boundaries of State-owned Aquatic Lands](#)
- [Caring for Washington's Nearshore Environments](#)

Department of Natural Resources' Review of Project Scope

Local and tribal governments and nonprofit nature conservancy applicants that need to secure a use authorization must do the following:

- Meet with the Department of Natural Resources to review the proposed scope of work.
- Complete a Joint Aquatic Resource Permit Application (JARPA) and give a copy to the Department of Natural Resources.
- Attach to the grant application a Scope of Work Acknowledgement Form (signed by the Department of Natural Resources) by the technical completion deadline.

State agency applicants must follow the same procedure when developing a new facility where one currently does not exist. RCO will coordinate an interagency, in-person review of proposals for all other state agency projects.

Other Requirements and Things to Know

Carbon and Ecosystem Service Credits⁵³

Land acquired or encumbered with a RCO grant may be enrolled in carbon credit and other payments for ecosystem service programs. These programs issue credits or direct payments to landowners for activities such as protecting land, planting trees, or improving management practices that reduce, sequester, or prevent future carbon and other greenhouse gas emissions. Read more information in *RCO Manual 3: Acquisition Projects*.

Number of Grant Proposals Allowed

In general, RCO does not limit the number of grant proposals from a single applicant during the biennial grant cycle. However, each proposal must be for a different scope of work. Each application must stand alone on its own merits as a viable forest and not be dependent on other projects or future phases of work.

A grant proposal for the same project or scope of work may be submitted to another RCO grant program only if it is being used as match. Each proposal must identify the other RCO matching grant proposal. RCO recommends applicants contact staff to discuss options for phasing costly, interrelated, or complex project proposals.

Public Access⁵⁴

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.⁵⁵

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 Forestland Preservation Category shall consider whether a forestland conservation easement is consistent with a regional or statewide recreation plan.⁵⁶ Evaluators shall give higher consideration to applications that are

⁵³Recreation and Conservation Funding Board Resolution 2021-02

⁵⁴Recreation and Conservation Funding Board Resolution 2015-23 and 2016-37

⁵⁵Revised Code of Washington 79A.15.130(6)

⁵⁶Revised Code of Washington 79A.15.130(12(d))

consistent with such plans when scoring the other benefits in the “Community Values” evaluation question.

Permitted Uses⁵⁷

The area subject to a conservation easement or lease may contain the permitted uses below 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
- 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 Uses⁵⁸

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

⁵⁷Recreation and Conservation Funding Board Resolution 2016-37

⁵⁸Recreation and Conservation Funding Board Resolution 2016-37

- 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 offset regulatory requirements
- Topographic modifications, except for forest management purposes
- Unregulated use or activity that causes significant erosion or pollution
- Waste disposal
- Wireless communication facilities

Competitive Bid Requirements⁵⁹

Grant sponsors shall follow current state procurement procedures or write their own. When buying things, the grant sponsor shall provide open and free competition, to the maximum extent practical. Be aware of organizational conflicts of interest. Contractors that develop specifications, requirements, statements of work, invitations for bids, or

⁵⁹RCO's grant agreement standard terms and conditions, Compliance with Applicable Law and Procurement Requirements.

requests for proposals cannot be hired for the resulting work. The grant sponsor receiving federal money also must follow federal laws and regulations.

Grant Program Acknowledgement

The sponsor must acknowledge Recreation and Conservation Funding Board by program if possible, in all projects. This includes the following:

- Written acknowledgement in any news release or publication developed or modified for the funded project.
- Verbal acknowledgement during all ground-breaking and dedication ceremonies.

A sponsor should notify RCO at least two weeks before any project dedication ceremony and thirty days in advance if a RCO representative or speaker is requested at the ceremony.

Additional Rules and Instructions

The Recreation and Conservation Funding Board may issue additional or modified rules, instructions, interpretations, and guides from time to time as it believes necessary for the effective conduct of the grant program. Such changes may apply to all projects. Whenever possible, sufficient lead time will be given between the announcement and the effective date to minimize impacts to projects already in process at the time of announcement.

Public Disclosure Rules⁶⁰

RCO records and files are public records that are subject to the Public Records Act.⁶¹ More information about the RCO's [disclosure practices](#) is available online.

Administrative Rule Exceptions⁶²

The following Washington Administrative Codes do not apply to projects funded in the Forestland Preservation Category:

- Washington Administrative Code 286-13-110 Income, use of income
- Washington Administrative Code 286-13-120 Permanent project signs
- Washington Administrative Code 286-13-035 Planning requirement

⁶⁰Recreation and Conservation Funding Board Resolution 2016-37

⁶¹Revised Code of Washington 42.56

⁶²Recreation and Conservation Funding Board Resolution 2016-37

Project Area Stewardship and Ongoing Obligations⁶³

A RCO grant comes with long-term obligations to maintain and protect the project area⁶⁴ after a project is complete. The long-term obligations for the Farm and Forest Account are in state law⁶⁵ and RCO's grant agreement. A [sample grant agreement](#) may be found on RCO's website.

RCO recognizes that changes occur over time and that some facilities may become obsolete or the land needed for something else. The law discourages casual discards of land and facilities by ensuring that grant sponsors replace the lost value when changes or conversions of use take place.

In general, the project area funded with a RCO grant must remain dedicated to the use as originally funded, such as forestland preservation, for as long as defined in the grant agreement. For acquisition projects, the period is determined by the rights that are acquired.

A conversion occurs when the project area acquired, developed, or restored with an RCO grant is used for purposes other than what it was funded for originally. See RCO *Manual 7: Long-Term Obligations* for a discussion of conversions and the process for replacement of the public investment. Check the easement to see if repayment is an option and contact a grants manager if that is a possibility. The sponsor must obtain RCO approval to replace the converted property or repay the grant. Other RCO grants may not be used to resolve a conversion.

Non-compliance with the long-term obligations for a RCO grant may jeopardize an organization's ability to obtain future RCO grants.

After a project is complete (that is, after RCO's final reimbursement and acceptance of the project), RCO documents that were signed by the sponsor continue to govern the project area described in the boundary map for which funds have been granted.

Changes may be made only with the prior approval of the board. If a compliance issue arises, RCO staff works with the sponsor to resolve the issue. Unresolved, identified issues could result in restrictions on applying for, or receiving, future grants.

⁶³Recreation and Conservation Funding Board Resolution 2016-37

⁶⁴Washington Administrative Code 286-04-010(19). Project area is the geographic area that delineates a grant-assisted site, which is subject to application and grant agreement requirements.

⁶⁵Revised Code of Washington 79A.15.030(9) and Washington Administrative Code 286-13-160

Easement Compliance⁶⁶

The model agricultural conservation easement template requires that each easement include a provision to provide access to the project sponsor and RCO to conduct a general inspection of the easement area and to monitor compliance with the easement terms. The project sponsor must develop and implement a plan to monitor RCO-funded conservation easements.

Due to the complexity of the conservation easement and the long-term implications for the landowner, RCO advises the sponsor to strongly encourage the landowner to consult with an attorney before granting an easement.

Easements and leases must be recorded through the assessor's office in the county where the land lies. The easement or lease will be between the landowner and the sponsor. Partners, such as the Natural Resources Conservation Service, or another eligible co-grantee, also may be named as parties to the easement. RCO must be named as a third-party beneficiary, and its director must sign the easement before closing.

⁶⁶Recreation and Conservation Funding Board Resolution 2016-37

Section 3: Money Matters

This section covers the following:

- ✓ Grant limits
- ✓ Matching share
- ✓ Types of match
- ✓ Federal rules
- ✓ Records and reimbursements

Grant Limits⁶⁷

Recreation and Conservation Funding Board grants are intended to expand the sponsor's existing capacity, not to replace funding that would have been used for a project without the grant.⁶⁸ The board establishes grant limits for its programs. The maximum grant request can be \$500,000. There is no minimum grant amount.

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.⁶⁹ For example, if the total acquisition cost is \$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.

Administration, Architecture, and Engineering Costs

- Direct administrative costs for acquisition of real property are limited to no more than 5 percent of the total acquisition cost.

⁶⁷Recreation and Conservation Funding Board Resolution 2016-37

⁶⁸Washington Administrative Code 286-13-045(6)

⁶⁹Revised Code of Washington 79A.15.130(13)

- Architecture and engineering costs for restoration are limited to 20 percent of the total restoration costs.

Additional information about eligibility and reimbursement maximums for these elements is contained in *Manual 3: Acquisition Projects* (administration costs) and *Manual 5: Restoration Projects*, (architectural and engineering costs).

Cost Increases⁷⁰

Cost increases for approved projects may be granted by the board or director if financial resources are available. Each cost increase request will be considered on its merits. The director may approve a cost increase request as long as it does not exceed 10 percent of the total project cost. The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value. See *Manual 3: Acquisition Projects* and *Manual 5: Restoration Projects* for more details on cost increases.

Also, the Recreation and Conservation Funding Board will not reimburse more than the sponsor's actual out-of-pocket expenditures.

Matching Share

Matching Share⁷¹

Match is the project sponsor's contribution to a project. By requiring a match for grants, the Recreation and Conservation Funding Board intends to foster and demonstrate local commitment to the projects and to spread the money from the grant program to a greater number of projects.

Cities, Counties, and Nonprofit Conservancies

By statute,⁷² cities, counties, and nonprofit organizations, must contribute matching resources at least equal to the amount of the grant requested. For example, if an applicant requests a \$250,000 grant, the applicant must contribute \$250,000 for a total project cost of \$500,000. This is called providing a 50 percent or one-to-one matching share.

The applicant must provide a minimum of 10 percent of the total cost of a project in the form of a local contribution, not from a state or federal source. For example, if a total project cost is \$500,000, the applicant must provide \$50,000 in matching share from a

⁷⁰Recreation and Conservation Funding Board Resolution 2022-05

⁷¹Revised Code of Washington 79A.15.130(9), Washington Administrative Code 286-13-045

⁷²Revised Code of Washington 79A.15.060 (4) and 79A.15.120(7)

local source such as local government appropriation, cash, grants, or in-kind donations. **This 10 percent policy was waived for 2022 and 2024 applications.**⁷³

Matching shares of more than 50 percent are encouraged. Applications that include a higher match than the required minimum receive additional points in the evaluation.

State Conservation Commission

There is no match requirement for the Washington State Conservation Commission. However, all applicants are encouraged to contribute matching shares and reduce government cost. If the commission partners with another eligible applicant, the match requirement does apply.

Eligible Match

Applicant resources used to match board funds must be eligible in this grant category. A sponsor's matching share may include one or a combination of the following:

- Appropriations and cash
- Bonds—council or voter
- Conservation futures
- Corrections labor
- Donations—the value of using donated cash, equipment, labor, materials, property rights, or services (see the "Types of Match" section below)
- Force account—the value of using the sponsor's equipment, labor, or materials (see the "Types of Match section" below)
- Grants—federal, state, local, and private (see the "Types of Match" section below)
- Other Recreation and Conservation Funding Board grants that meet the requirements outlined below⁷⁴

Not Allowed as Match

- Cost associated with meeting a mitigation requirement unrelated to the funded project. See "Mitigation Funds as Match" below.

⁷³Recreation and Conservation Funding Board Resolution 2022-05

⁷⁴Washington Administrative Code 286-13-045

- Costs that are double counted. (A cost incurred by a sponsor in a project that already has been reimbursed or used as match in another RCO project shall not be used as a match on another RCO project.)
- Costs that are not eligible for grant assistance.
- Costs that are not necessary or an integral part of the project scope.
- Existing sponsor assets such as real property or developments.

Match Requirements

Before the board awards the grant, the required match must be secured so the project can move forward.

All matching resources must meet the following criteria:

- Be an integral and necessary part of the approved project
- Be part of the work identified in the application and grant agreement
- Be for eligible work types or elements
- Be committed to the project

RCO rules governing projects apply to the grant applicant's match. For example, if a grant applicant uses donated land as a match, RCO rules requiring the land to remain in conservation use forever apply to the donated land as well.

Except for a grant application submitted within the same biennium, matching resources or board grants committed in one board-funded project must not be used as match in another board-funded project.

The board may require the applicant to provide a portion of its matching resources in local resources.⁷⁵

Match Availability and Certification

To help ensure the project is ready for implementation when approved, the applicant must have matching funds available for expenditure before the Recreation and Conservation Funding Board approves funding. The applicant must sign and submit a Certification of Match Form to ensure the project is included in the funding recommendation. The applicant is advised to plan for a project with match dependent on

⁷⁵Washington Administrative Code 286-13-045(4)

a citizen vote or ballot measure. This certification is due at least one calendar month before board action.⁷⁶ The form and deadlines for certifying match are on the RCO website.

RCO may declare a project ineligible if there is no guarantee that matching funds are available. That project may be passed over in favor of a project with match in place. Such decisions are based on the board's confidence in the applicant's ability to have the match in place when required.

When another Recreation and Conservation Funding Board grant is used as match, the certification of match will be conditioned on receipt of the other grant or on the sponsor providing the match from other resources. The applicant will have six months from the time of the first grant award to certify the match requirements of that grant. To prevent a backlog of unspent grants, the sponsor must finish the project by the earliest completion date of the two grants.⁷⁷

Types of Match

Donations

Donations are eligible only as matching funds and are not reimbursable. This means RCO will not pay more than the sponsor's out-of-pocket expenses. Valuing donations of equipment, labor (including inmates, community service labor, and volunteers), and material is discussed in *Manual 8: Reimbursements*. RCO strongly encourages the applicant to secure written confirmation of all donations planned as match and to attach the donation letters to the application.

Donated property rights must expand existing forestland or stand on their own as a viable forest. Review *Manual 3: Acquisition Projects* before taking title to property that will be donated and used as match. Manual 3 outlines the requirements for valuing the property and for securing a donation statement from the seller.

Force Account

Force account refers to use of a sponsor's staff (labor), equipment, or materials. These contributions are treated as expenditures for billing purposes.

⁷⁶Washington Administrative Code 286-13-040(3)

⁷⁷Recreation and Conservation Funding Board Resolution 2004-08 and 2006-13b

Other Grants

In some cases, a sponsor may use funds awarded from another grant program as its match. For example, federal forest easement program grants might be used to match forestland preservation grants. Other grants are eligible if the purposes are similar and grant sources do not restrict or diminish the use, availability, or value of the project area. These grants are eligible only as matching funds and are not reimbursable.

The eligibility of federal funds to be used as a match may be governed by federal and state requirements and thus will vary with individual program policies.

The applicant must clearly identify in the grant application all grants to be used as match. RCO will help determine if the source is compatible with Recreation and Conservation Funding Board grants.

Recreation and Conservation Funding Board Grants as Match⁷⁸

Another Recreation and Conservation Funding Board grant may be used to help meet the match requirements if the following conditions apply:

- The grants are not from the same Recreation and Conservation Funding Board grant program.
- Only elements eligible in both grant programs may count as match.
- Each grant is evaluated independently and on its own merits, as if the match were coming from elsewhere.
- The applicant must provide a minimum of 10 percent of the total costs of the eligible elements being matched. This sponsor match may not be from federal or state funds and may include in-kind contributions. This policy does not apply to the Conservation Commission.
- The grant applications are submitted in the same biennium.⁷⁹

For evaluation scoring purpose, a RCO grant used as match will not count toward the award of matching share points.⁸⁰

Matching resources also must conform to the deadlines discussed in section 1, Grant Process and Timeline.

⁷⁸Recreation and Conservation Funding Board Resolution 2006-04 and 2016-37

⁷⁹Washington Administrative Code 286-13-045

⁸⁰Recreation and Conservation Funding Board Resolution 2015-02

Mitigation Funds as Match

The Recreation and Conservation Funding Board allows use of impact fees and mitigation cash payments, such as money from a fund established as a mitigation requirement, as match if the money has been passed from the mitigating entity to an eligible applicant, and the board's grant does not replace mitigation money, repay the mitigation fund, or in any way supplant the obligation of the mitigating entity.

Third-Party Match⁸¹

Cash spent on restoration by a third party may be used as match, if the value of the labor, equipment, and materials applied toward the activity is a donation to the sponsor. The value would be based on the Recreation and Conservation Funding Board's existing donation policy, not necessarily on the amount the activity originally cost the third party. If the sponsor pays the third party for the value of the restoration, it becomes an expenditure and is eligible as in-kind match.

A sponsor may not use the value of development rights granted to a party other than the sponsor as a donation.

Federal Rules

For a project funded with federal funds or other grants that are used by RCO as match to a federal source, the grant sponsor must comply with [Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#) and RCO may require additional information.

Records⁸² and Reimbursements

Sponsors Must Pay First⁸³

RCO pays grants through reimbursement. A sponsor may request reimbursement only after paying employees and vendors. RCO does not provide money before vendors are paid.

Except as otherwise provided below, RCO will pay only at the percentage identified in the grant agreement after the sponsor has presented an invoice documenting cost incurred and compliance with the provisions of the grant agreement.

⁸¹ Recreation and Conservation Funding Board Resolution 2016-37

⁸² Recreation and Conservation Funding Board Resolution 2016-37

⁸³ Recreation and Conservation Funding Board Resolution 2016-37

RCO will not pay more than the sponsor's out-of-pocket costs.

Reimbursement shall not be approved for any donations, including donated land.

RCO may pay an escrow account directly for RCO's share of the approved cost of land and related costs if the sponsor indicates a temporary lack of money to buy the land on a reimbursement basis. Before release of RCO grants into escrow, the sponsor must provide RCO with a copy of a binding agreement between the sponsor and the seller, all required documentation, and evidence of deposit of the sponsor's share, identified in the grant agreement, into an escrow account. See *Manual 3: Acquisition Projects* for more information on escrow payments.

Billing procedures are explained further in *Manual 8: Reimbursements*.

Records

The sponsor must keep detailed records of all funded project costs including force account values and donated contributions. Refer to *Manual 8: Reimbursements* for details and instructions regarding audits, record retention, and documents required for reimbursement.

Audits

All records relevant to a project funded by the Recreation and Conservation Funding Board must be on file with the grant sponsor and are subject to audit by the State and inspection by RCO. If the auditor's inspection of the records discloses any charges incorrectly claimed and reimbursed, cash restitution of the incorrect amount must be made to the board.

Section 4: Project Evaluation

This section covers the following:

- ✓ How project evaluation works
- ✓ Evaluation criteria

How Project Evaluation Works⁸⁴

The evaluation process begins when the Recreation and Conservation Funding Board adopts the evaluation process⁸⁵ and evaluation criteria during public meetings.

The RCO director appoints people to serve on an advisory committee to evaluate each grant proposal. In recruiting members for the committee, RCO seeks to appoint people who possess a statewide perspective and are recognized for their experiences and knowledge of forestland management in Washington. The director may appoint *ex officio* members to the advisory committee to provide additional representation and expertise. Visit RCO's website for [membership and other details](#).

An applicant prepares written responses to address the evaluation criteria. Advisory committee members individually review the written responses, graphics included in the applications, and summary application materials, and score the projects. Scoring is confidential.

Letters and other documented expressions of project support provided to RCO by the technical completion deadline will be provided to the advisory committee as part of the evaluation materials packet. An applicant also should summarize this support when responding to evaluation Criterion 5: Community Values.

⁸⁴Recreation and Conservation Funding Board Resolution 2016-37

⁸⁵Washington Administrative Code 286-13-020

At the same time, RCO staff score the objective sections of the application, such as the amount of matching share an applicant is providing. Staff scores are based on information submitted by the applicant.

The advisory committee and staff scores are combined for an application’s total evaluation score. The resulting ranked list is the basis for funding recommendations that the RCO director submits to the Recreation and Conservation Funding Board, which makes the final decision about funding in public meetings.⁸⁶ The public is given an opportunity to comment on the grant proposals before the board makes its decision.

Forestland Preservation Evaluation Criteria

Evaluation Criteria Summary

Criteria	Evaluation Elements	Possible Points
Scored by the Advisory Committee		
1	Viability of the Site	15 points
2	Forestland Stewardship	8 points
3	Stewardship Practices	2 points
4	Threat to the Land	8 points
5	Community Values	4 points
6	Community Support	2 points
7	Multiple Benefits	2 points
Scored by RCO Staff		
8	Match	2 points
Total Possible Points		43

Detailed Evaluation Questions⁸⁷

- 1. Viability of the Site.** What is the viability of the site for commercial timber production?
 - What are the major tree species and their sizes, ages, and conditions?
 - What is the long-term forest management strategy? Will it result in ongoing commercial timber production?
 - Is there enough income generated on the property to sustain the long-term forest management strategy goals?

⁸⁶Washington Administrative Code 286-13-050

⁸⁷Recreation and Conservation Funding Board Resolution 2016-37

- How many acres is the area proposed for conservation? Evaluators provide a preference for larger areas.

▲ Point Range: zero to fifteen 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?⁸⁸ 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 any of the following:

- Integrated forest management plan
- Forest stewardship plan (approved by the Washington Department of Natural Resources)
- Conservation activity plan (National Resources Conservation Service)
- Tree farm management plan (Washington Tree Farm Program)

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

- 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

⁸⁸Revised Code of Washington 79A.15.130(12)(f)

- Dedication of stream and wetland riparian areas larger than the minimum requirements in the Forest Practices Act

▲ Points Range: zero to eight points

Zero points	There are no specific stewardship practices in place and the applicant has minimal experience managing easements or leases.
One to four points	There are one or more stewardship practices planned and the applicant has moderate experience managing easements or leases.
Five to eight points	There are one or more stewardship practices in place and the applicant has strong experience managing easements or leases.

3. Stewardship Practices. What voluntary stewardship practices (described in question 2) will be included in the terms of the conservation easement or lease as required stewardship practices?

▲ Point Range: zero to two points.

4. Threat of the Land. What is the likelihood the land will be converted to some other use than forestland if it is not protected?⁸⁹

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.

▲ Point Range: zero to eight points

Zero points	Low likelihood it will be converted to another use
One to four points	Medium likelihood it will be converted to another use
Five to eight points	High likelihood it will be converted to another use

⁸⁹Revised Code of Washington 79A.15.130(12)(c)

- 5. Community Values.** How will protecting the land for timber production provide benefits to the community? Do the community and area Native American tribes support the project?⁹⁰

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?
- Is the project consistent with the local comprehensive plan as forestland of long-term significance or other local planning effort?
- Does the project assist in the implementation of a local shoreline master plan updated according to Revised Code of Washington 90.58.080?

Benefits to the community also may include the following:

- Creation or protection of jobs
- Support for local mills
- Viewshed and scenic beauty
- 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.

▲ Point Range: zero to four points

⁹⁰Revised Code of Washington 79A.15.130(12)(a), (b), and (d)

Zero to two points The project will provide few additional benefits to the community.

Three to four points The project will provide many additional benefits to the community.

6. Community Support. Are there one or more letters in the application that demonstrate community support for the project?

▲ Point Range: zero or two points

Zero points There are no letters of support in the application.

Two points There are one or more letters of support in the application that demonstrate community or Native American tribal support for the project.

7. Multiple Benefits

- Does the project area include recreational uses that are compatible with habitat conservation?

Explain these recreational uses and how they are compatible with the habitat conservation objectives of the project.

- Provide an evidenced-based explanation of compatibility.
- Explain how recreational uses are managed on the landscape and balanced with habitat conservation.
- Discuss the quality of the recreational experience.

- Does the project area include resource uses or management practices that are compatible with, and provide the ability to achieve, additional conservation benefits?

Describe the resource uses or management practices and explain how they are compatible with conservation and achieve additional conservation benefits.

- Provide an evidenced-based explanation of 1) compatibility with conservation and 2) achieving additional conservation benefits.
- How will these resource uses and management practices be managed?

- Describe how the local or regional communities and their leaders value these resource uses or management practices.

Evidence provided by the sponsor showing local support for conservation due to the applicant continuing a compatible historic use or practice that would otherwise be threatened may be considered as meeting the criteria of achieving additional conservation benefits.

Scoping the project to avoid impairing a locally preferred resource use or management practice may be considered as meeting the criteria of achieving additional conservation benefits.

▲ Point Range: zero to two points

Zero points No multiple benefits provided or multiple benefits are not compatible with or achieve additional conservation benefits.

One to two points More points shall be given to the extent multiple benefits exist, recreational uses are compatible with conservation, and resource uses and management practices achieve additional conservation benefits.

8. Match (applicant does not answer this question.). Is the applicant providing additional match above the minimum requirement?

For evaluation scoring purpose, a RCO grant used as match will not count toward the award of matching share points.

▲ Point Range: zero or two points

Zero points The applicant is providing less than 55 percent match.

Two points The applicant is providing 55 percent or more match.

Appendix A: Enrollment in Forestland Designation

Revised Code of Washington [84.33.130](#)

Forestland valuation—Application by owner that land be designated and valued as forestland—Hearing—Rules—Approval, denial of application—Appeal.

- (1) (a)(i) Notwithstanding any other provision of law, lands that were assessed as classified forestland before July 22, 2001, or as timberland under chapter [84.34](#) RCW before the merger date adopted by the county under RCW [84.34.400](#), are designated forestland for the purposes of this chapter.
 - (ii) The owners of land subject to the requirements of (a)(i) of this subsection are not required to apply for designation under this chapter. The land and timber on such land must be assessed and taxed in accordance with the provisions of this chapter as of the date the land is designated forestland under (a)(i) of this subsection.
- (b) If a county legislative authority opts under RCW [84.34.400](#) to merge its timberland classification with the designated forestland program of the county, the following provisions apply beginning on the adopted merger date:
 - (i) The date the property was classified as timberland is considered to be the date the property was designated as forestland under this chapter;
 - (ii) The county assessor must notify each owner of timberland of the merger by certified mail; and

- (iii) For any forestland subject to the provisions of (b)(i) of this subsection that is then removed from designation, only compensating tax will be collected as a result of the removal in accordance with RCW [84.33.140](#)(12), unless otherwise provided by law.
- (2) An owner of land desiring that it be designated as forestland and valued under RCW [84.33.140](#) as of January 1st of any year must submit an application to the assessor of the county in which the land is located before January 1st of that year. The application must be accompanied by a reasonable processing fee when the county legislative authority has established the requirement for such a fee.
- (3) No application of designation is required when publicly owned forestland is exchanged for privately owned forestland designated under this chapter. The land exchanged and received by an owner subject to ad valorem taxation is automatically granted designation under this chapter if the following conditions are met:
 - (a) The land will be used to grow and harvest timber; and
 - (b) The owner of the land submits a document to the assessor's office that explains the details of the forestland exchange within sixty days of the closing date of the exchange. However, if the owner fails to submit information regarding the exchange by the end of this sixty-day period, the owner must file an application for designation as forestland under this chapter and the regular application process will be followed.
- (4) The application must be made upon forms prepared by the department and supplied by the assessor, and must include the following:
 - (a) A legal description of, or assessor's parcel numbers for, all land the applicant desires to be designated as forestland;
 - (b) The date or dates of acquisition of the land;
 - (c) A brief description of the timber on the land, or if the timber has been harvested, the owner's plan for restocking;
 - (d) A copy of the timber management plan, if one exists, for the land prepared by a trained forester or any other person with adequate knowledge of timber management practices;
 - (e) If a timber management plan exists, an explanation of the nature and extent to which the management plan has been implemented;
 - (f) Whether the land is used for grazing;

- (g) Whether the land has been subdivided or a plat has been filed with respect to the land;
 - (h) Whether the land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title [76](#) RCW or any applicable rules under Title [76](#) RCW;
 - (i) Whether the land is subject to forest fire protection assessments under RCW [76.04.610](#);
 - (j) Whether the land is subject to a lease, option, or other right that permits it to be used for any purpose other than growing and harvesting timber;
 - (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
 - (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
 - (m) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be designated as forestland;
 - (n) An affirmation that the statements contained in the application are true and that the land described in the application meets the definition of forestland in RCW [84.33.035](#); and
 - (o) A description and/or drawing showing what areas of land for which designation is sought are used for incidental uses compatible with the definition of forestland in RCW [84.33.035](#).
- (5) The assessor must afford the applicant an opportunity to be heard if the applicant so requests.
- (6) The assessor must act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:
- (a) The land does not contain a "merchantable stand of timber" as defined in chapter 76.09 RCW and applicable rules. This reason alone is not sufficient to deny the application (i) if the land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or a longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within the land

do not meet the minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

- (b) The applicant, with respect to the land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title [76](#) RCW or any applicable rules under Title [76](#) RCW; or
 - (c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line. However, if the assessor determines that a higher and better use exists for the land but this use would not be permitted or economically feasible by virtue of any federal, state, or local law or regulation, the land must be assessed and valued under RCW [84.33.140](#) without being designated as forestland.
- (7) The application is deemed to have been approved unless, prior to July 1st of the year after the application was mailed or delivered to the assessor, the assessor notifies the applicant in writing of the extent to which the application is denied.
- (8) An owner who receives notice that his or her application has been denied, in whole or in part, may appeal the denial to the county board of equalization in accordance with the provisions of RCW [84.40.038](#).