July 20, 2011

TO: Forest Practices Board

FROM: Dan Pomerenk, Natural Resource Specialist

SUBJECT: Rule Making Proposal for the Forestry Riparian Easement Program

On August 9th I will request the Board's approval to file a CR -101, *Preproposal Statement of Inquiry.*

The legislature passed Engrossed Substitute House Bill (ESHB) 1509, 2011 session amending RCW 76.13 which established the Forestry Riparian Easement Program (FREP). This rule making proposal directs the Forest Practices Board (Board) to modify the rules under the provisions of ESHB 1509.

SHB 1509 makes nine changes to the current FREP listed as follows:

1. Defines and establishes eligibility for qualifying small forest landowners for FREP; at the time compensation is offered for a forestry riparian easement (FRE) the landowner must be a small forest landowner.

2. Removes non-profit organizations from program eligibility.

3. Expands the definition for qualifying timber to include forest trees associated with an approved forest practices application that cannot be harvested according to forest practices rules on areas of potentially unstable slopes or landforms to include areas with the potential to deliver debris to a public resource or threaten public safety.

4. Limits compensation for timber on potentially unstable slopes or landforms to each landowner to $50,000 for a biennial funding period.

5. Requires DNR Small Forest Landowner Office to utilize no more than 50% of the funds to determine the value of the easement based on timber values on the date the complete FREP application is received.

6. Changes the date the 50-year easement term will begin from the date the forest practice application pertaining to the easement area is received to the date the completed easement application is received.

7. Expands the authority for the DNR to reimburse qualifying landowners for the preparation costs to prepare a FRE (e.g. geotechnical reports, stewardship plans).

8. Requires a method to collect reimbursement from the selling landowner to the DNR for the full FRE compensation if the easement land is sold to a nonqualifying landowner within the first 10 years of compensation.

9. Directs the chair of the Board to form a group of stakeholders to investigate and recommend potential new long-term funding sources for FREP and report to the legislature by October 31, 2011. This group will disband after July 31, 2012.

If the Board approves, staff will file a CR-101, Pre-proposal Statement of Inquiry, to inform the public that the Board is considering rule making.

If you have any questions, you may contact me at (360) 902-1427 or dan.pomerenk@dnr.wa.gov. I look forward to seeing you on August 9th.

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