

Rivers and Habitat Open Space Program

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

**APPLICATIONS FOR THE 2019-2021 BIENNIUM FUNDING CYCLE WILL BE ACCEPTED
BEGINNING AUGUST 22, 2019 AND ENDING DECEMBER 20, 2019 @ 5:00 P.M. PST**

Program Overview

The Rivers and Habitat Open Space Program (RHOSP) is a Washington State funded program that purchases conservation easements on unique forest land. This voluntary program is administered by the Forest Practices Division of the Department of Natural Resources to purchase or accept donations for permanent conservation easements from private forest landowners. Forest land that are eligible are those that are found in one of two habitat types:

1. The first habitat type is *forest lands within qualifying critical habitat for state listed threatened or endangered species as designated by the Forest Practices Board*. These instructions describe the application for this habitat type.
2. The second habitat type is *forest lands within unconfined channel migration zones*. The instructions for the channel migration zone (CMZ) application can be found on the RHOSP web site.

Refer to [Chapter 222-23 WAC](#) and Forest Practices [Board Manual Section 18](#) *Rivers and Habitat Open Space Program* for additional information describing the purpose and process of RHOSP.

Critical Habitat

Washington State Forest Practices Rules restrict timber harvest in areas containing critical habitat for state threatened or endangered species as designated by the Forest Practices Board. The rules also allow the State to purchase or accept a donation for a permanent conservation easement from landowners that own land located in these unique habitat areas, if funding allows. A list of the species' description of the unique forest habitats can be found in the rules in WAC 222-16-080.

Easement Application

There are two sets of applications and instructions in the program because DNR needs information specific to the habitat in order to determine program eligibility and funding

priority for both habitat types. All four documents can be found on [DNR's RHOSP website](#).

Please fill out all sections of the Rivers and Habitat Open Space Program application. You are not limited to the space available in the application. You may add pages to your application and refer to those pages the application. Incomplete or illegible applications will not be accepted and will be returned to the applicant. Please attach map(s) indicating the location of the area(s) in the application in relation to your property including parcel lines and other landmarks such as road and stream locations. Attach any reports or documents you would like to include in this application that will assist DNR when considering eligibility and prioritization of your application. For additional guidance for filling out the application, please contact Dan Pomerenk, Conservation Easement Program Manager, Forest Practices Division, Department of Natural Resources, (360) 902-1427.

For those applications that the State determines to be eligible, but are not selected for funding during the funding period the application was submitted, the application will be returned to the applicant. The applicant may resubmit the application with or without revision in the next open application period.

Eligibility

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

- All or a portion of your land must be located on forest land containing critical habitat for state listed threatened or endangered species as designated by the Forest Practices Board.
- County assessor records must identify the land as being “designated forest land” under chapter 84.33 RCW or “current use forest land” under chapter 84.34 RCW.
- Adequate legal access to the property is available to allow DNR to process the application and administer the easement terms and conditions.
- All persons having a legal interest in the property are willing to convey or subordinate their interest to the state for the conservation easement.
- There must be no unacceptable liabilities present, such as hazardous substances on the property or any other site condition that may jeopardize the ecological protection of the application area.

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

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

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

Compensation for Conveyances

RCW 76.09.040(3) specifies the procedure DNR uses to determine the compensation value for conservation easements on qualifying lands, unless the landowner chooses to donate the conservation easement. For those applications selected for funding, DNR will determine the compensation value based on the volume of timber on the area being conveyed and the Dept. of Revenue's timber value table. The timber value table applied will be the one in effect as of the date the complete timber cruise is received by the department for new or resubmitted applications. The volume of timber will be determined only for those applications that are determined to be funded.

Easement Valuation Process

The value of a Rivers and Habitat Open Space easement is determined by using the cruise volume and the stumpage value of all the commercial timber on the land to be conveyed. The timber cruise will be coordinated and paid for by DNR. The stumpage values are based on the Washington State Department of Revenue (DOR) stumpage value tables used for timber harvest excise tax under RCW 84.33.091. Hauling Distance Zone and Stumpage Value Area designation for your land is used with the stumpage value tables to adjust the timber value component. Stumpage value tables, as adopted in [WAC 458-40-660\(2\)](#), can be found on the DOR web site <https://dor.wa.gov>. At the top of the page select the "Find taxes & rates" dropdown and select "Other taxes." From the list of categories, select "Timber (forest)." Once on the "Forest Tax" page select "Stumpage Value Tables" located in the column on the right side of the page. The stumpage values used to value the easement is found on the table for the time period when the timber cruise occurs on your application area. Or you may contact the Department of Revenue's Forest Tax Section at 1-800-548-8829.

If you wish to convey an interest on both land and trees you can be additionally compensated for the land value based on an average value from the land value tables established by [RCW 84.33.140](#). A separate land value is obtained for land in Western Washington and Eastern Washington. This value is multiplied by the total acreage of land being conveyed. The acreage value will be determined from GPS data provided either by the applicant or DNR using a GPS with mapping grade accuracy. If a legal land survey is required to determine acreage value or to provide an adequate legal description for the easement execution, the cost will be negotiated prior to closing.

Details of Specific Questions in the Application Form

Information About Qualifying Land

Question #1 – Applicant Name

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

Question #2 – Applicant’s Contact Information

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

Question #3 – Primary Contact Person

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

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

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

Question #5 – Verify Parcel Eligibility

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

Question #6 – Estimated Acreage of the Application

This acreage number only needs to be an estimate. After the application is found eligible for the program and is prioritized for funding, a more accurate acreage value will be determined, if necessary.

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

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

Landowner's Intent and Valuation Information

Question #8 – List of Other Interest Holders

List all legal names of interest holders in all the parcels included in the application. Attach an additional sheet of paper if necessary. Typical interests in land may include: fee ownership, mineral rights, water rights, mortgages, liens, judgments, easements, encumbrances, transfer of development rights, rights of way, etc. This program requires all parties with a right or an interest in the land agree to participate. Participation may include being a signator on the easement or subordinating an interest to the state for the value of the easement. Contact the Conservation Easement Program Manager at DNR if you are unsure if a subordination agreement is required or for a sample subordination agreement. If a subordination agreement is required, it is advised to begin early in the process to request the document from an interest holder as authorization could hold up the process and jeopardize the closing. Funding for this program will only be available until June 2021. If a subordination agreement is required for the transaction, it must be received before January 1, 2021. If not, DNR may forgo acquiring your easement and proceed with the next application on the prioritization list.

Question #9 – Readiness to Proceed

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

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

Question #10 – Access Assurance

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

Question #11 – Declaration of Hazardous Substances

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

Question #12 – Type of Interest to Convey

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

Description of Land Values

Question #13 – State Critical Habitat

Describe the characteristics of your application area relating to the presence of critical habitat of state listed threatened or endangered species as recognized by the Forest Practices Board and documented in WAC 222-16-080. All areas and features described as critical habitat in the rules may qualify. If relying on reports or documents in your descriptions, please indicate the reference source.

Question #14 – Habitat Quality

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

Question #15 – Site Significance

Describe the characteristics of your application area relating to the relative significance of your application. Describe the likelihood of the application area to remain viable over the long-term and why it is important to conserve it now. It may be useful to describe known differences in this site over other similar sites, vicinity to other protected areas (i.e. Federal land, other conservation areas), and whether your application is to be leveraged to achieve larger/future conservation transactions. Describe any planned or ongoing stewardship activities (e.g., restoration activities, habitat enhancement activities, noxious weed control, etc.). If relying on reports or documents in your descriptions, please indicate the reference source.

Question #16 – Qualifying Critical Habitat Lands Designation Process

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

Question #17 – Landowner Management Options

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

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

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

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