

under a DNR-approved RMAP by July 1, 2006 and to bring all roads into compliance with forest practices standards by July 1, 2016. (WAC 222-24-050).

In 2003, the legislature passed RCW 76.09.420 to help minimize the impact of the RMAP requirements on small forest landowners. In summary, the law altered the RMAP requirements for small forest landowners by allowing them to use a simplified checklist RMAP form. They no longer were required to submit a plan for their entire ownership, only those roads affected by a forest practices application. In addition, the law exempted small forest landowners from the annual RMAP reporting requirement and created a cost-share program to provide financial assistance. The cost-share program is the Family Forest Fish Passage Program, which is administered by WDFW, DNR and RCO.

Background

Board policy currently states that “Forest Practices (Road Maintenance and Abandonment Plans [RMAP] related)” are ineligible for funding, except when they are on forested lands owned by landowners harvesting on average less than two million board feet per year (i.e., small forest landowners²).

At its May 2009 public meeting, the board discussed revisions to the *Salmon Recovery Grant Manual: Policies and Application Instructions*. As part of this discussion, RCO staff raised the issue as to whether the board policy may conflict with RCW 77.85.130 (6), which states that:

“The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as mitigation or a condition of permitting.”

Staff proposed that the board could avoid potential conflict with the RCW by removing the language stating that such forest practices are ineligible and reviewing projects on a case-by-case basis, referring to the RCW for eligibility. If a project were found to be eligible for funding, then the project would go through the local and regional prioritization processes.

The board requested further analysis and directed staff to bring the issue back to its August meeting.

² Small forest landowners, defined by RCW 76.09.450 are:

an owner of forest land who, at the time of submission of required documentation to the department, has harvested from his or her own lands in this state no more than an average timber volume of two million board feet per year during the three years prior to submitting documentation to the department and who certifies that he or she does not expect to harvest from his or her own lands in the state more than an average timber volume of two million board feet per year during the ten years following the submission of documentation to the department

Analysis

RCO staff consulted with its AAG to interpret 77.85.130(6) and its key elements. Based on the AAG's advice, staff has identified three options for the board's consideration.

Regardless of the option adopted, all proposed board projects must meet the following minimum requirements:

- Be supported by an eligible applicant;
- Be submitted through the lead entity process;
- Go through local technical advisory groups and local citizen review;
- Address the goals and actions defined in the regional recovery plans or lead entity strategies; and
- Demonstrate a commitment to 10 years or more of stewardship for the project.

Option	Eligible Landowners	Summary Notes
Option 1	Small Forest Landowners	Status Quo
Option 2	Small Forest Landowners Larger Landowners	Additional eligibility requirements and match contributions could apply to larger landowners.
Option 3	Small Forest Landowners Larger Landowners	Additional eligibility requirements apply to all. Additional match contributions apply only to larger landowners.

Option 1

Retain existing board policy, which states:

Forest practices (Road Maintenance and Abandonment Plans related) covered by the Forest Practices Act or the Forest and Fish Agreement, except when they are on forested lands owned by small private landowners. (A small forest landowner is one who at the time of applying for a board grant has not harvested more than six million board feet in the previous three years or does not expect to harvest more than 20 million board feet during the next ten years.)

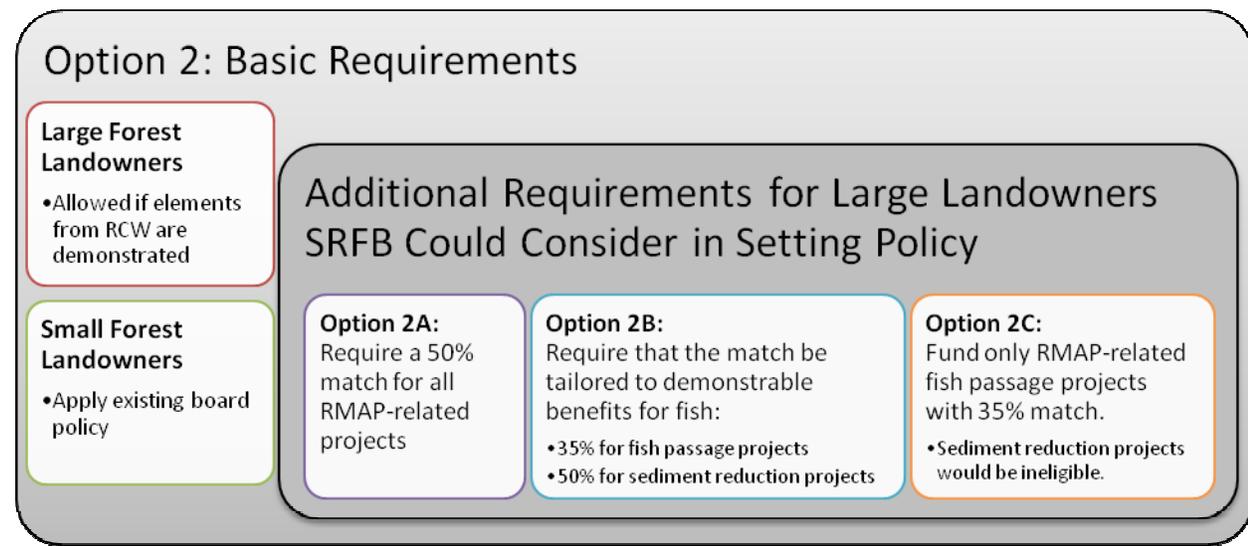
The policy is consistent with RCW 77.85.130(6) and allows only small forest landowners to apply for board funds. To date, the board has not funded any RMAP-related projects, but about 180 fish passage projects have been funded under the Family Forest Fish Passage Program. This program provides funding and technical assistance to small forest landowners who are interested in correcting fish barriers on their land.

Option 2

Apply existing board policy to small forest landowners and allow RMAP projects for larger landowners to be eligible if the following elements from RCW 77.85.130(6) are demonstrated:

- a. Project is not solely mitigation³ (i.e., not exclusively compensation for unavoidable environmental impacts of specific forestry projects/actions)
- b. Project is an expedited action ahead of the DNR-approved RMAP schedule.
 - *Expedited actions do not include RMAP projects that might be delayed beyond their originally scheduled completion date.*
- c. Project must provide a clear benefit to salmon recovery
- d. There will be harm to salmon recovery if the project is delayed. (i.e., not completed earlier than the scheduled RMAP completion date.)

In addition to demonstrating that the project meets the above criteria, the board could consider additional requirements for large landowners that address match amounts and/or specific project types. Each of the sub-options described below (2A – 2C) requires a match from large landowners that is higher than the standard board match. Increased match from the landowner would be required because of the large landowner's legal obligation to address RMAP-related actions, the potentially significant expense of these projects, and because the board process would allow for those actions to be completed ahead of schedule



When a proposed RMAP-related project became known to a lead entity, the lead entity would work with the project sponsor and RCO staff to ensure the project meets the criteria, prior to local technical advisory group and citizen review.

³ Mitigation generally refers to reducing the total adverse environmental impact of a project/s to an acceptable level and is usually defined in a series of steps:

- 1) **Avoiding** adverse impacts
- 2) **Minimizing** adverse impacts if they can't be avoided
- 3) **Compensating** for adverse impacts by replacing or providing substitute resources or environments

Option 3

Require that all RMAP related projects, regardless of landowner size, meet the elements from RCW 77.85.130(6) described above in Option Two (A-D). The match percentages selected by the board would apply only to large landowners.

Next Steps

Staff will revise Manual 18 for the 2009 grant round as necessary based upon board direction.