



FORESTRY RIPARIAN EASEMENT PROGRAM

Frequently Asked Questions

• What is FREP?

Washington Department of Natural Resources (DNR's) Forestry Riparian Easement Program (FREP) is a voluntary 40-year easement program that compensates landowners for timber required to be left unharvested as a result of Washington's Forests and Fish Rules. See our website www.dnr.wa.gov/sflo for more information.

• What do I need to do to prepare for the easement process?

- Provide mill receipts and forest excise tax returns to ensure a fair and equitable value determination. Refer to WAC 222-21-045 (attached) for detailed instructions on what type of mill receipts and tax return methods are required.
- If a mortgage or deed of trust exists on the property, we will need a subordination agreement. For this we will need the company name and address of the mortgage holder.
- Maintain ownership of the land during the timber harvest and at the time of the purchase of the riparian easement.
- You may be eligible for reimbursement for the compliance costs for participation in this program which may include the cost to mark the streamside buffer trees that are a part of this application. If you incurred these costs you will need to submit an itemized invoice showing payment to a private consultant that completed this work. Reimbursement is subject to the work being acceptable to the Department of Natural Resources' Small Forest Landowner Office.

• How much compensation will I receive on the easement?

Following the site visit, DNR will hire and pay a forester to measure and inventory (cruise) the qualifying timber and determine the value of the

easement.

The value of your easement depends on a number of factors. WAC 222-21-045 (attached) describes these factors and the easement valuation process.

- **Are there any tax implications to receiving this compensation?**

There are no state or local tax implications when receiving compensation. However, there may be federal tax implications after receiving this compensation.

- **Am I granting the state or the public access to my property?**

The easement does not allow the state to grant the public access to the land, remove trees or limit the use of the land within the easement, other than to deny activities that would cause damage to either the trees or their riparian function. Occasional access to the property by DNR staff may be needed in order to ensure compliance with the terms of the easement. If DNR staff need to come out to your property, we will contact you in advance. This information is found within the FREP easement document.

- **What if I want to sell my property?**

During the first 10 years the Forestry Riparian Easement is in place, a landowner's ability to sell the land within the easement is limited to buyers that meet the conditions of a "qualifying small forest landowner" see RCW 76.09.450 (attached). After 10 years there is no restriction on who the landowner can sell the property to. However, the easement stays in effect for 40 years from the time the FREP application was received.

- **Can I cut firewood within the easement boundary?**

Not within the easement boundary. Landowners retain ownership of and full access to the property during the term of the easement but are prohibited from cutting, removing or damaging the timber within the easement. Section 5.4 of the FREP easement allows "danger trees" which are any tree/trees that are reasonably perceived as posing an imminent danger to life or improved property, to be cut.

Any qualifying timber in the easement that falls as a result of natural causes must be left in place and not salvaged. However, if the downed trees present a nuisance factor such as blocking a road, they may be moved out of the way and into the easement. If salvage is the only option, the landowner must get permission from, and pay reimbursement to the state.

- **Can I cancel my application to the FREP program?**

A landowner can opt out at any time in the easement acquisition process.

If you sell your property prior to the acquisition process, please notify us that you no longer wish to be in the program.

- **What is the process for easement acquisition?**

Once your easement is funded, we will be under a two-year funding window based on biennial legislative appropriations. Therefore, once you are notified that your easement is funded and can be purchased, we appreciate your timely responses to finalize the acquisition within the time allowed.

- **Who should I contact with questions?**

Forestry Riparian Easement
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