

# Rights-of-Way Program



**Scott Nelson, Acting Assistant Division Manager**

# Rights-of-Way (ROW): Who we are

- Program within the Product Sales and Leasing Division
  - Five ROW Specialists based out of Division
  - Eleven ROW Specialists based out of the Regions
- Staff have diverse backgrounds including:



# ROW: What we do

ROW Specialists both GRANT and ACQUIRE legal access.

- **GRANTING:**

- Provide access for external stakeholders utilizing Permits or Easements for many purposes:
- Some access requests (for Resource Extraction) are a mandatory grant by Statute (RCW 79.36.370)
- Some access is also required to be granted as certain utility and government stakeholders have condemnation authority

- **ACQUIRING:**

- Use multiple legal documents to acquire access from third parties for trust land management activities



# What does legal access look like?

- An existing road does NOT equal legal access
- Legal access is usually a written document (*easement, permit, or license*) that grants clear access rights.
  - Purpose is important!
    - Timber Haul
    - Ingress/Egress
    - Administrative
    - Resource Extraction



- County roads and State Highways also provide legal access



# Granting Access

- The ROW program grants access for multiple purposes:
  - Utility access
    - Including electric, water, pipeline, communications
  - Third-party timber sales crossing DNR
  - Agricultural land management
  - County Roads
  - Residential access\*
- Transfers of Jurisdictions (to WSDOT)
- Easement Exchanges\*\*
- All Easement grants must be valued at full market value (per RCW [79.36.355](#))



# \*Residential Access

- DNR does not readily grant residential access
- Residential access conflicts with DNR's land management activities and poses safety concerns
- DNR roads are built for resource management, not for residential use
- Roads are narrow, and maintenance is completed only as needed during active timber sales





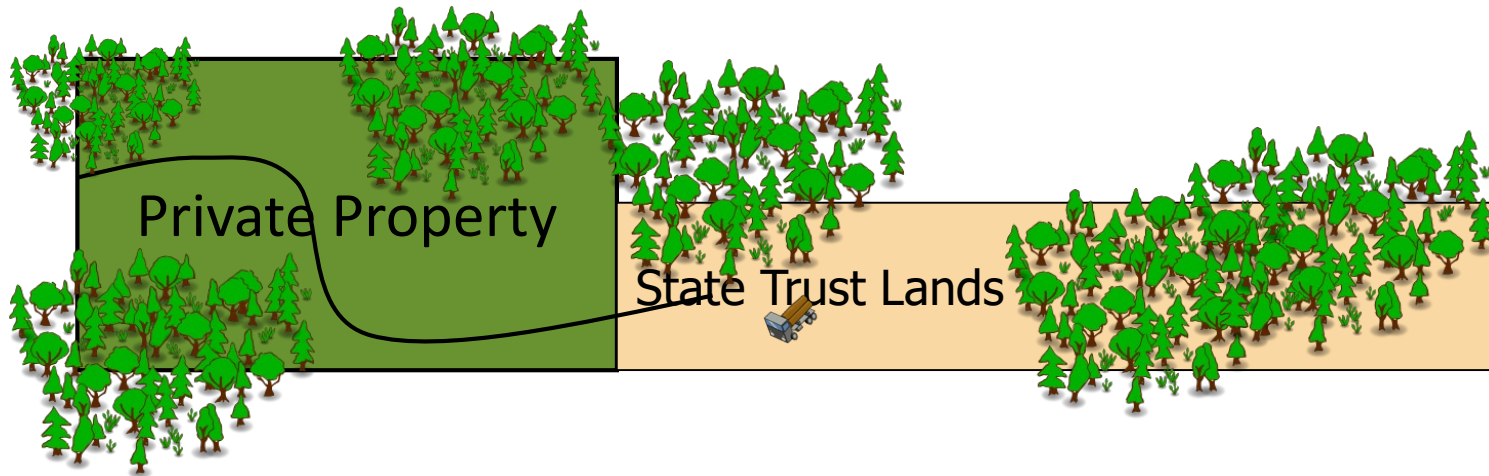
# \*\*Easement Exchanges

DNR often completes easement exchanges with other large landowners (industrial timber landowners, grazing range landowners, etc.) to grant and acquire easements. Often these exchanges are managed to ensure permanent access is obtained without a need to spend large sums of funds.



# Acquiring Access

The ROW program acquires legal access from third parties for resource management and administration of State Trust Lands



- Agency policy is to acquire perpetual access via Easement
- Temporary access may be acquired via a Road Use Permit





# Accomplishments FY21

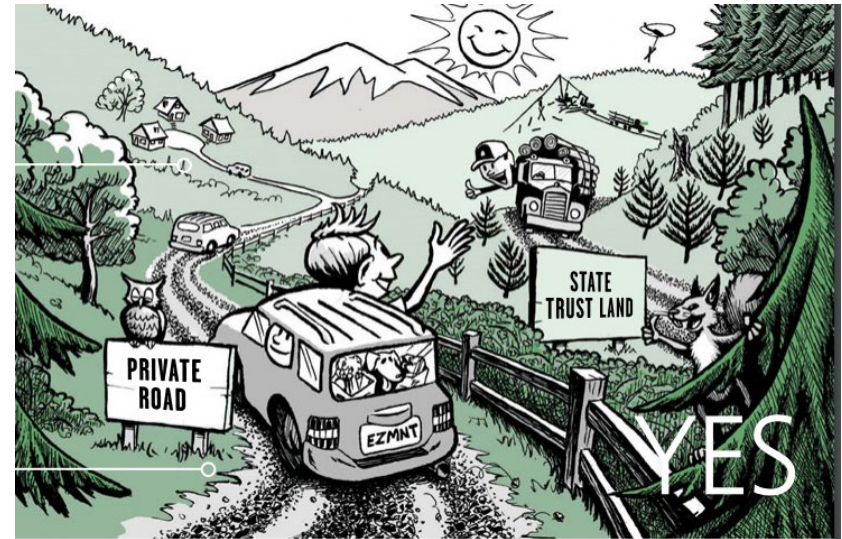


- \$1.48 million in revenue
- 90 new Easements or Road Use Permits granted
- 75 Land Use Licenses granted
- 73 agreements gaining access from third parties
- Management of 7,703 active agreements



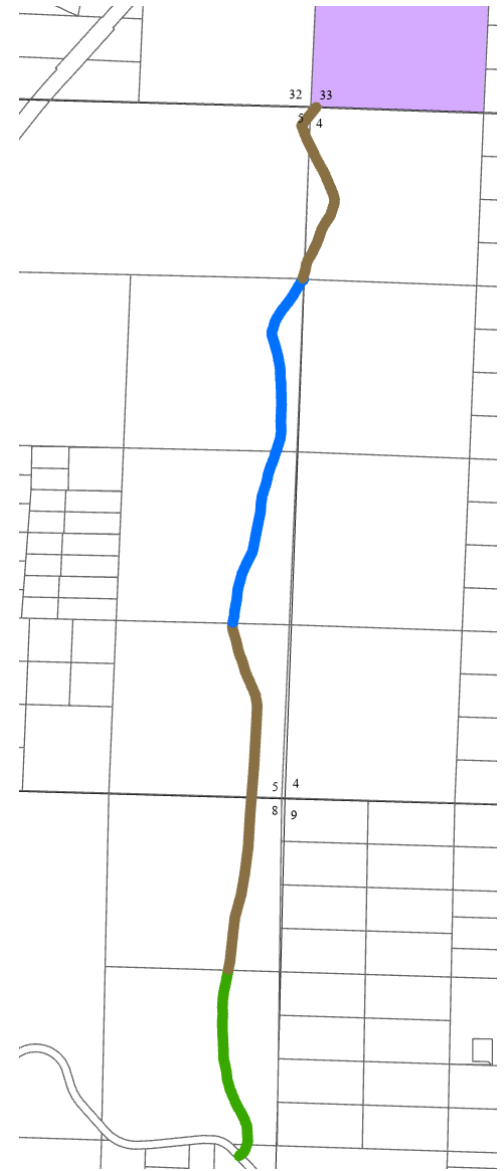
# Planning and Timber Sales

- ROW planning is a critical part of timber sales planning
- Early development of access plans is critical
- Planning needs to include options and alternatives to meet the specific needs of the individual timber sale
- Planning must meet the needs of the long term goals of the agency



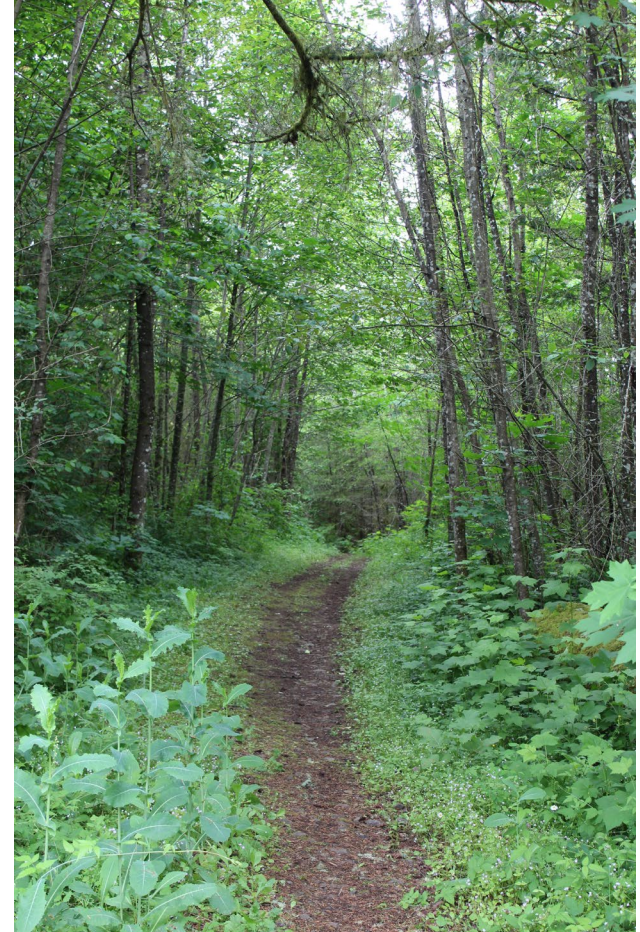
# Planning and Timber Sales

- Securing legal access can take years
- May require negotiations with multiple landowners
- Each Property Owner may have specific concerns unique to their parcel



# ROW and Moving the Timber

- Even where we have access we need to review easement requirements
  - Notification requirements
  - Pre/Post Haul Maintenance requirements
  - Special concerns
- Outreach to property owners in advance
  - Address known concerns
  - Resolve potential issues





# The Rights-of-Way Program

## Critical part of the Timber Sale Process

- Guaranteeing Legal Access that is needed prior to the sale of the timber sale
- Resolving access issues before haul, during the timber sale, and reserving access for future opportunities
- Ensure that Trusts are fully compensated for encumbrances on State uplands
- Assisting proponents with their access needs.





# Questions?



