

Time: Opening sessions will begin as shown; all other times are approximate.

Order of Presentation: In general, each agenda item will include a presentation, followed by board discussion and then public comment. The board makes decisions following the public comment portion of the agenda item.

Public Comment: If you wish to comment at the meeting, please fill out a comment card and provide it to staff. Please be sure to note on the card if you are speaking about a particular agenda topic. The chair will call you to the front at the appropriate time. Public comment will be limited to 3 minutes per person. You also may submit written comments to the board by mailing them to the RCO, attn: Wendy Loosle, Board Liaison, or at wendy.loosle@rco.wa.gov.

Meeting Accommodations: Persons with disabilities needing an accommodation to participate in RCO public meetings are invited to contact us via the following options: 1) Leslie Frank by phone (360) 902-0220 or e-mail leslie.frank@rco.wa.gov; or 2) 711 relay service. Accommodation requests should be received at least three business days prior to the meeting to ensure availability. Please provide two weeks' notice for requests to receive information in an alternative format and for ASL/ESL interpretation requests.

WEDNESDAY, APRIL 27

OPENING AND MANAGEMENT REPORTS

9:00 a.m.	Call to Order	<i>Chair</i>
	<ul style="list-style-type: none"> • Roll Call and Determination of Quorum • Review and Approval of Agenda 	
9:05 a.m.	1. Consent Agenda (Decision)	<i>Chair</i>
	<p>A. Board Meeting Minutes – February 9-10, 2016</p> <p><u>Resolution 2016-12</u></p>	
9:15 a.m.	2. Director's Report (Briefing)	
	<ul style="list-style-type: none"> • Director's Report • Legislative, Budget, and Policy Update • Grant Management Report • Projects of Note <ul style="list-style-type: none"> - Railroad Bridge Trestle Extension (RCO Project #10-1364D) - Naches Spur Rail to Trail (RCO Project #10-1596) • Fiscal Report (<i>written only</i>) • Performance Report (<i>written only</i>) 	<p><i>Kaleen Cottingham</i></p> <p><i>Wendy Brown</i></p> <p><i>Marguerite Austin</i></p> <p><i>Kat Moore</i></p> <p><i>Alison Greene</i></p>
10:00 a.m.	3. Introduction of Governor's Outdoor Recreation Policy Advisor	<i>Jon Snyder</i>
10:15 a.m.	4. State Agency Partner Reports	
	<ul style="list-style-type: none"> • Department of Natural Resources • State Parks and Recreation Commission • Department of Fish and Wildlife 	<p><i>Jed Herman</i></p> <p><i>Peter Herzog</i></p> <p><i>Joe Stohr</i></p>
10:45 a.m.	General Public Comment for issues not identified as agenda items. Please limit comments to 3 minutes.	

10:50 a.m. BREAK

BOARD BUSINESS: BRIEFINGS & DISCUSSIONS

11:05 a.m. 5. Department of Natural Resources' Natural Heritage Program: *Jed Herman*
How Proposed Acquisitions are Prioritized

12:00 p.m. LUNCH

1:00 p.m. 6. Follow-Up on Board Performance Measures *Scott Robinson*

BOARD BUSINESS: BRIEFINGS & DECISIONS

1:45 p.m. 7. Implementation of the Legislative Changes to the Washington Wildlife and Recreation Program (WWRP)

A. Overview of Policy Implementation for the Next Two Years (**Briefing**) *Wendy Brown*

B. Early Action Board Decisions Needed to Align Board Policy with New Law (**Decisions**) *Leslie Connelly*

- Nonprofit Conservancy Organizations Eligibility in the Habitat Conservation Account
[Resolution 2016-13](#)
- Definition of Farmland in the Farmland Preservation Category
[Resolution 2016-14](#)
- Evaluation Question on Statewide Significance in the Urban Wildlife, Critical Habitat, and Natural Areas Categories Evaluation Criteria
[Resolution 2016-15](#)

C. Upcoming Requests for Direction in July for October Decisions (**Briefing**) *Adam Cole*
Leslie Connelly

- Funding Allocations in the Local Parks and State Parks Categories
- Funding Allocation in the Urban Wildlife Habitat Category
- Forest Land Preservation Category Policies and Evaluation Criteria

3:00 p.m. BREAK

BOARD BUSINESS: BRIEFING

3:15 p.m. 8. Department of Health: *Kathryn Akeah, Healthy Communities Manager*
Healthy Communities Program *Amy Ellings, Healthy Eating Active Living Manager*

4:00 p.m. ADJOURN FOR THE DAY

THURSDAY, APRIL 28

OPENING

9:00 a.m. Call to Order *Chair*

A. Roll Call and Determination of Quorum

BOARD BUSINESS: BRIEFING

9:05 a.m. 9. Land and Water Conservation Fund: Outdoor Recreation Legacy Partnership *Marguerite Austin*

BOARD BUSINESS: DECISIONS

9:20 a.m. 10. Follow-up on Definition of "Project Area" and Formation of a Committee *Leslie Connelly*
Resolution 2016-16

9:50 a.m. 11. Conversion Request: Methow Valley Community Trail Phase 3 *Myra Barker*
(RCO Project #97-1181AD)
Resolution 2016-17

BOARD BUSINESS: BRIEFINGS

10:15 a.m. 12. State Parks Allowable Use Requests on RCO Funded Trails *Myra Barker*

10:45 a.m. BREAK

BOARD BUSINESS: REQUEST FOR DIRECTION

11:00 a.m. 13. Nonhighway and Off-road Vehicle Activities Policy Changes *Adam Cole*

11:30 a.m. 14. Proposed Changes to Project Type Definitions for Nonhighway and Off-road Vehicle Activities and Recreational Trails Program *Adam Cole*

12:00 p.m. LUNCH

BOARD BUSINESS: DECISIONS

1:00 p.m. 15. Nonhighway and Off-road Vehicle Activities Program Funding *Wendy Brown*
A. Allocation of Funding per Legislative Budget Provisos (**Briefing**)
B. The Departments of Natural Resources and Fish and Wildlife request reinstatement as alternates on the 2014 ranked lists *Darrell Jennings*
Resolution 2016-18 (WDFW)
Resolution 2016-19 (DNR)

1:30 p.m. 16. Washington Wildlife and Recreation Program, State Parks Category Criteria Changes for 2016 *Adam Cole*
Resolution 2016-20

2:00 p.m. 17. Firearms and Archery Range Safety Policy Changes for Recreation Grant Programs *Adam Cole*
Resolution 2016-21

2:30 p.m. ADJOURN

RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED AGENDA & ACTIONS
February 9-10, 2016

Item	Formal Action	Board Request for Follow-up
<p>1. Consent Calendar</p> <p>A. Extend Temporary Closure Period: City of Spokane Riverfront Park Combined Sewer Overflow (RCO #72-040)</p> <p>B. Scope Change: Farmland Preservation Grant, RCO Project #12-1580 Ebey's Reserve Farmland-3 Sisters Family Farms</p>	<p>Motion to amend the Consent Calendar: Approved</p> <p>Motion: Approved, as amended February 10, 2016</p> <p>Resolution 2016-01 Decision: Approved, as amended</p>	<p>The board removed Item 1A from the Consent Calendar.</p> <p>The board approved the extension of the temporary closure waiver for the Combined Sewer Overflow tank only, with Director Authority. The board directed staff to report at timely intervals, no extension beyond 12 months. Follow up in June and later meetings with updates. Post St Bridge Staging needs proposal, or to find alternate.</p>
<p>2. Approval of Board Meeting Minutes from November 18-19, 2015</p>	<p>Motion: Approved, as amended February 9, 2016</p>	<p>No follow-up action requested.</p>
<p>3. Director's Report</p> <ul style="list-style-type: none"> • Director's Report • Legislative, Budget, & Policy Update • Grant Management Report <ul style="list-style-type: none"> ○ Projects of Note • Fiscal Report (<i>written only</i>) • Performance Report (<i>written only</i>) 	<p>Briefings</p>	<p>No follow-up action requested.</p>
<p>4. State Agency Partner Reports</p> <ul style="list-style-type: none"> • Department of Natural Resources • State Parks and Recreation Commission • Department of Fish and Wildlife 	<p>Briefings</p>	<p>No follow-up action requested.</p>
<p>5. Washington Administrative Code Updates</p>	<p>Briefing</p>	<p>The Chair directed staff to seek additional feedback from partners and from board on forming the definition of "project area." A proposal will be formed and presented to the board for direction at the April 27-28 meeting.</p>
<p>6. Adoption of Policy and Evaluation Criteria by Grant Category</p>	<p>Briefing</p>	

A. Washington Wildlife and Recreation Program, Critical Habitat Category	Resolution 2016-02 Decision: Approved	No follow-up action requested.
B. Aquatic Lands Enhancement Account	Resolution 2016-03 Decision: Approved	No follow-up action requested.
C. Washington Wildlife and Recreation Program, Local Parks Category	Resolution 2016-04 Decision: Approved	No follow-up action requested.
D. Washington Wildlife and Recreation Program, Water Access Category	Resolution 2016-05 Decision: Approved	No follow-up action requested.
E. Land and Water Conservation Fund	Resolution 2016-06 Decision: Approved	No follow-up action requested.
F. Recreational Trails Program, General	Resolution 2016-07 Decision: Approved	No follow-up action requested.
G. Washington Wildlife and Recreation Program, Trails Category	Resolution 2016-08, as amended Decision: Approved	Resolution amended to incorporate: <ul style="list-style-type: none"> • "Trail Separation from Roadways" policy approved with three edits; • "Design" question approved with one edit; • Split "Water Access, Views, and Scenic Values" into 2 questions, adopted with edits, • A simplified SCORP Question approved, striking all sub-parts and guidance; • Cost Efficiencies Question Approved as written. <p>No follow-up action requested.</p>
H. Nonhighway and Off-road Vehicle Activities, General	Resolution 2016-09, as amended Decision: Approved	A simplified SCORP Question approved, striking all sub-parts and guidance. No follow-up action requested.
I. Boating Facilities Program	Resolution 2016-10 Decision: Approved	No follow-up action requested.
J. Boating Infrastructure Grants	Resolution 2016-11 Decision: Approved	No follow-up action requested.
7. Washington Wildlife and Recreation Program, State Parks Category: Evaluation Criteria Changes	Request for Direction	The board directed staff to solicit public comment on the proposed changes and present the results at the April 2016 meeting for board decision.

8. Policy Updates for Firearms and Archery Range Projects	Request for Direction	The board directed staff to solicit public comment on the proposed changes and coordinate a public hearing at the April 2016 board meeting.
9. Follow-up on Climate Change Policy Proposal	Request for Direction	The board directed staff to include an unscored question in the 2016 grant round. Staff will also investigate whether climate change is an appropriate topic to include in the 2017 statewide comprehensive outdoor recreation plan (SCORP).
10. Performance Measures A. Demonstration of Trust for Public Lands' Geographic Information Systems (GIS) and Demographic Data B. Board Performance Measures C. Discussion of Changes to the Board's Strategic Plan	Briefings & Discussion	The board directed staff to develop performance measures using existing data from the annual RCO Director's Report; comments offered by Member Bloomfield as part of the staff memo for this item; data regarding underserved communities; U.S. Census Bureau general population data; and synthesizing board and legislative feedback and to add to the new SCORP in development. Staff will follow up by updating the performance section of the strategic plan and present for board approval at the next meeting.
11. Washington Wildlife and Recreation Program Review: Expectations for the Board to implement legislative changes and other policy recommendations	Briefing	No follow-up action requested.
12. Conversions A. City of Yakima Chesterley Park YMCA (RCO #75-030) B. Okanogan County Methow Community Trail (RCO #91-147AD, #97-1181AD)	Briefings	No follow-up action requested.
13. Overview of State Parks' Acquisition Strategy and Prioritization Process	Briefing from Partner	The Department of Natural Resources will present their land acquisition and prioritization strategy at the April 2016 board meeting.

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: February 9, 2016

Place: South Puget Sound Community College, Lacey Campus, Lacey, WA

Recreation and Conservation Funding Board Members:

Ted Willhite	Vice Chair, Twisp	Joe Stohr	Designee, Department of Fish and Wildlife
Betsy Bloomfield	Yakima	Jed Herman	Designee, Department of Natural Resources
Pete Mayer	Renton	Peter Herzog	Designee, Washington State Parks
Mike Deller	Mukilteo		

It is intended that this summary be used with the materials provided in advance of the meeting. The Recreation and Conservation Office (RCO) retains a recording as the formal record of the Recreation and Conservation Funding Board (board) meeting.

Opening and Call to Order

Acting Chair Willhite called the meeting to order at 9:00 am. Staff called roll and determined a quorum. Member Hermann arrived mid-morning. Member Mayer was excused from the afternoon portion of the meeting.

Chair Willhite asked board members, staff, and audience to honor the passing of Harriet Spanel, Chair of the Recreation and Conservation Funding Board and legislator. Director Cottingham shared a brief biography commemorating Ms. Spanel and recognizing her for decades of service to Washington. Chair Willhite invited all to share memories and stories of Ms. Spanel.

Management Reports

Item 1: Consent Calendar

The board reviewed Resolution 2016-01, Consent Calendar, which included two requests: 1A) to extend the temporary closure period, waiving the normal policy, for the City of Spokane Riverfront Park Combined Sewer Overflow (RCO #72-040); and 1B) to approve a scope change for the Farmland Preservation Grant, RCO Project #12-1580 Ebey's Reserve Farmland-3 Sisters Family Farms.

Member Mayer moved to remove the decision items from the consent calendar; Member Deller seconded.

The board first discussed Project 72-040, the needs of the sponsor (City of Spokane), and potential alternative options. Member Mayer moved to delegate authority to the RCO Director to grant an extension for the CSO utility work, with the staging issues for the parking and Post Street Bridge be brought back to the board, expressing concerns that park areas remain protected from development effects. Member Deller seconded.

Chair Willhite requested that the board table a decision on the bridge staging project until representatives from the City are present. The board tabled decision on the project until the following day. The board reviewed Consent Calendar, Resolution 2016-01, as amended to remove Item 1A for a separate motion.

Resolution 2016-01, as amended to remove Item 1A

Moved by: Member Mike Deller

Seconded by: Member Jed Herman

Decision: Approved

Item 2: Approval of Board Meeting Minutes

Member Mayer moved to approve the November 18-19, 2015 meeting minutes, as amended; Member Bloomfield seconded. The motion carried.

Item 3: Director's Report

Director's Report: Director Kaleen Cottingham introduced several new RCO employees: grant managers Scott Thomas and Alison Greene; performance and policy analyst Brent Hedden; fiscal analyst Sandy Scott; and technical support intern Joshua Geforos.

Legislative Update: Wendy Brown, Policy Director, shared information about the RCO-request legislation for 2016. All three of our request bills have been introduced and heard in the various policy committees. Ms. Brown shared information about RCO's supplemental budget request to increase spending authority in the Boating Facilities Program (BFP) and Nonhighway and Off-road Vehicle Activities (NOVA) program was included in the Governor's budget. The increased funds coming into these two programs resulted from an increase in the gas tax last session. In the Governor's budget, our spending authority is increased by \$4.85 in BFP and \$2.5 in NOVA. Should RCO receive the increased authority, existing lists will be used to fund alternate projects.

Member Herman informed the board of several NOVA projects sponsored by the Department of Natural Resources that were not able to certify match. Since the board has decided to use the ranked list to approved projects, the DNR projects for which they did not certify match will not be funded. Director Cottingham suggested that staff research the issue and present to the board for discussion at the April meeting.

Ms. Brown concluded by sharing the direction provided by the Joint Legislative Audit and Review Committee (JLARC) regarding RCO's response to their study. Agencies should develop a single, accessible source of land acquisition and maintenance information. RCO will continue to use the information maintained by the Habitat and Recreation Lands Coordinating Group, contingent upon approval of the Legislature. If that option is not funded, RCO will pursue the no-cost option to enhance the Lands Group's reports.

General Public Comment:

Andrea Doyle, Washington Wildlife and Recreation Coalition (WWRC) Interim Executive Director, thanked the board for the work put into the review of the Washington Wildlife and Recreation Program (WWRP). The WWRC will continue their partnership through the legislative session and into the implementation phases for changes to the WWRP.

Tom Bugert, The Nature Conservancy, commented on the WWRP review and other related legislation. He highlighted the recent increase in restoration funding, recognition of local values, addition of underserved populations, addition of land trust eligibility, and reauthorization of the Lands Group. He urged the board to monitor the PILT (payment in lieu of taxes) bill and encouraged moving the bill forward towards a solution.

Hannah Clark, Washington Association of Land Trusts (WALT) Director, thanked the board for their efforts in the WWRP review. The review enhanced the respect and integrity of the program, supporting

positive momentum, and continued funding. WALT will continue working with the board in these endeavors.

Grant Management Report: Marguerite Austin, Recreation and Conservation Section Manager, provided an update on the Land and Water Conservation Fund (LWCF) Legacy Program. The National Park Service (NPS) has yet to release the notice of funding opportunity. Staff will keep the board informed of the pending announcement. Ms. Austin provided further updates on the work of the grants team and an upcoming application webinar on February 17, 2016 to introduce and provide information about the 2016 grants cycle for recreation, conservation, and farmland preservation projects.

Featured Project: Kyle Guzlas, Outdoor Grants Manager, presented information about the Kettle Falls Shooting Range development project (RCO #[12-1717](#)), sponsored by the Kettle Falls Gun Club.

Item 4: State Agency Partner Reports

Washington Department of Natural Resources (DNR): Member Herman provided an update on the current legislative session, commenting on the impact of the past two years' extreme fire conditions and the resulting budget requests for restoration and emergency preparedness. Mr. Herman shared information about an aquatic reserve on the Hood Canal, for which a legislator has requested considerable review and auditing; DNR is currently facilitating discussions and working to resolve these issues. The PILT discussions continue to be a priority, and DNR is working with partners to support moving forward as much as possible.

Washington State Parks & Recreation Commission (State Parks): Member Herzog provided an update on behalf of State Parks. Member Herzog continued to explain that a budget proviso regarding transfer of trail ownership affected the John Wayne trail issues. State Parks' has been working with legislators and interested land owners to plan and develop of trail management process that addresses the concerns raised, such as weeds, vandalism, trespassing, etc. State Parks' is also involved in two issues this session: the extension of long-term leases, as well as the process to approve a long-term lease.

Washington Department of Fish and Wildlife (WDFW): Member Stohr provided an update on behalf of WDFW. He shared information about the Wild Future report, detailing species and habitat, status of populations, and adaptability and climate change. The report is accessible to the public for educational purposes, available on the WDFW website at: <http://wdfw.wa.gov/publications/01768/wdfw01768.pdf>.

Member Stohr concluded by commenting on salmon and steelhead fisheries' continued use and sustainability. WDFW is settling a suit with the [Wild Fish Conservancy](#) regarding impacts to spring steelhead runs. He shared that WDFW is seeking to create a [steelhead license plate](#). He provided a brief update on agency request bills and legislation that WDFW is monitoring.

Break: 10:40 a.m. – 10:55 a.m.

Board Business: Briefings & Discussions

Item 5: Washington Administrative Code Updates

Leslie Connelly, Natural Resource Policy Specialist, summarized the proposed amendments to Title 286 of the Washington Administrative Code (WAC), and requested direction on whether to proceed with preparing amendments for formal public comment and adoption by the board. She also requested that the board continue their discussion on the definition of "project area."

Phase IV of Draft WAC Amendments

Ms. Connelly explained that the proposed amendments represent the fourth phase of changes since 2014. As part of this fourth phase, RCO is reorganizing some sections and adding additional information on the advisory committee roles. The board did not have additional comment about the next phase of amendments, and directed staff to prepare the WAC amendments for formal public comment and for a public hearing at the July meeting.

Definition of Project Area

In April 2015, staff briefed the board about the concept of a "project area" related to a funded project. The "project area" definition in part addresses the area "protected forever" and affects long-term obligations. Ms. Connelly revisited several examples, noting that many project types are not included due to time constraints (e.g., trails, FARR, etc.), focusing on the most common, basic projects.

The board discussed policies regarding useful life and potential conversions, control and tenure policies for respective grant categories, and obsolete facilities on funded property. Ms. Connelly explained that the property must continue to be available and open to the public until the end of the term of obligation; but facilities (e.g., restrooms) may be closed.

The board discussed the need to provide a definition and clarify the difference between various, similar terms, e.g., geographic envelope, work site, project site, etc. The board also expressed agreement that an all-inclusive definition is not necessary, and likely limiting, for all project types. Ms. Connelly explained that the "project area" is limited by what the sponsor actually controls.

Director Cottingham suggested continuing the discussion on "project area" at future meeting and allowing the other amendments to move forward in the rule-making process. The board decided to table any firm direction on the definition until a broader, more informed discussion can be held that also incorporates feedback from stakeholders. Chair Willhite suggested that the board provide written comment to staff prior to April meeting, at which a proposal will be presented to the board for direction. The board also discussed the potential creation of a subcommittee to address this work.

Lunch Break: 12:05 p.m. – 1:05 p.m.

Board Business: Decisions

Item 6: Adoption of Policy and Evaluation Criteria by Grant Category

Leslie Connelly and Adam Cole, Natural Resource Policy Specialists, described the process for updating the policies and evaluation criteria for respective grant categories in preparation for the 2016 grant round. To begin, Ms. Connelly refreshed the board on the public comment process. The public comment period was held from December 10-31, 2015 for the changes presented today for board decision. Additional comment not addressed in today's decisions is included in Item 6, Attachment K of the board materials.

Item 6A: Washington Wildlife and Recreation Program Criteria Habitat Category

Ms. Connelly summarized the proposed changes: to incorporate local planning into the "Ecological and Biological Benefits" question, and to include grazing in the "Management and Viability" question. She summarized the public comment received, which resulted in minor edits, before coming to the board.

Board Discussion: The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-02

Moved by: Member Betsy Bloomfield

Seconded by: Member Joe Stohr

Decision: Approved

Item 6B: Aquatic Lands Enhancement Account (ALEA)

Ms. Connelly summarized the proposed changes to adjust scoring to allow for evaluating both elements of acquisition and development/restoration applications, specifically in the "Urgency and Viability" and "Project Design and Viability" questions. She summarized the public comment received and shared the staff recommendation.

Board Discussion: The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-03

Moved by: Member Mike Deller

Seconded by: Member Betsy Bloomfield

Decision: Approved

Item 6K: Additional Public Comment

**Presented out of order*

Ms. Connelly summarized the proposed changes to add a SCORP question and remove the bonus point from the Cost Efficiencies. She summarized the public comment received from 19 individuals related to the two evaluation questions, which apply to the remaining grant program categories to be presented. The comments specific to each grant program, along with the staff reply, are located in each grant program category's attachment in the board materials. Additional comments related to other aspects of the board's grant programs are also included in Item 6, Attachment K of the materials, and will be considered by staff in the future.

Ms. Connelly asked for board direction regarding the removal of the bonus point and the addition of a SCORP question, based on public comment received. Member Herman expressed concerns that the scope of the SCORP question may be too narrow, or may not apply to all grant categories. Chair Willhite added that further review may be necessary via the formal SCORP advisory committees. Ms. Connelly added that the questions adopted for grant programs may need to be revised based on their feedback in the future.

Public Comment:

Glenn Glover, DNR, and **Jeff Chapman**, Backcountry Horsemen, commented on the SCORP priorities and encouraged a broader incorporation of the SCORP findings in the grant criteria. The proposed SCORP question is too narrow; additional SCORP findings should be included that address limited access and barriers. He highlighted the NOVA motorized category, stating that the SCORP question included should be specific to each grant program. Chair Willhite asked whether the removal of NOVA from the categories proposed for the SCORP question would address his concerns. Mr. Glover responded that it would be an improvement, but doesn't completely resolve issues such as trails.

The board discussed the proposed questions and public comment, and considered dropping the question from the NOVA and the WWRP Trails categories, moving forward with the question as written for other programs. Director Cottingham suggested addressing the language in each subsequent resolution as appropriate, considering the suggestion to remove NOVA and WWRP Trails.

Item 6C: Washington Wildlife and Recreation Program, Local Parks Category

Ms. Connelly summarized the proposed changes to add a SCORP question and to remove the bonus point from question #10 (Cost Efficiencies). She summarized public comment received and shared the staff recommendation. The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-04

Moved by: Member Jed Herman

Seconded by: Member Mike Deller

Decision: Approved

Item 6D: Washington Wildlife and Recreation Program, Water Access Category

Ms. Connelly summarized the proposed changes to add SCORP question and to remove the bonus point from question #10 (Cost Efficiencies). She summarized public comment received and shared the staff recommendation. The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-05

Moved by: Member Mike Deller

Seconded by: Member Betsy Bloomfield

Decision: Approved

Item 6E: Land and Water Conservation Fund (LWCF)

Ms. Connelly summarized the proposed change to remove the bonus point from question #9 (Cost Efficiencies). She summarized public comment received and shared the staff recommendation. The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-06

Moved by: Member Betsy Bloomfield

Seconded by: Member Peter Herzog

Decision: Approved

Item 6F: Recreational Trails Program (RTP), General

Ms. Connelly summarized the proposed change to remove the bonus point from question #8 (Cost Efficiencies). She summarized public comment received and shared the staff recommendation. The board did not have any questions or comments.

Public Comment: No further public comment was provided at this time.

Resolution 2016-07

Moved by: Member Mike Deller

Seconded by: Member Joe Stohr

Decision: Approved

Item 6G: Washington Wildlife and Recreation Program, Trails Category

Mr. Cole summarized the proposed changes to policy and evaluation criteria for the WWRP, Trails Category.

Trail Separation From Roadways (Policy)

Regarding situations when natural barriers cannot be addressed, Mr. Cole explained that the "Separating Trails from Roadways" policy, as currently written, dictates that the trail can be immediately adjacent to a roadway, but a barrier of some kind will be required. Mr. Cole demonstrated an example from the State of Minnesota that aligns closely with the board's trail separation policy.

Mr. Cole recommended that the board review some minor verbiage changes to the policy as outlined in the board materials, which will help staff interpret this policy. Specifically, these changes within specific statements of the policy include:

- "Barriers ~~may need~~ not be contiguous where needed to allow drainage, create trail or pedestrian connections, to allow room for utilities such as a light pole, or create access for emergency or maintenance services."
- "A strip of land separating a trail from a roadway may not be required at or approaching a road crossing, if the trail needs to be located on a bridge or in a tunnel, or in other areas that have severe spatial limitations due to geography or landownership. In these instances, a barrier, ~~other than a curb, as described above~~ is still required."
- "The ~~director board~~ may waive non-statutory requirements."

Public Comment:

Jeff Chapman, Backcountry Horsemen, addressed the board. Mr. Chapman shared that he currently lives on the Olympic Discovery Trail, and the "separation" barrier criteria is not exceedingly firm; in some cases, a barrier is not possible. He added that in other places the barrier may be rather unconventional, citing the example of a "mound of dirt" created in limited space to serve as a barrier. Although he supported adoption of the policy, he emphasized that there needs to be some flexibility in the policy. Mr. Cole explained that the space requirement was removed, and although the policy would not allow a non-contiguous barrier, the RCO Director could make a variance to this requirement on a case-by-case basis.

Evaluation Criteria Changes

Mr. Cole summarized the proposed changes to the evaluation criteria for the following questions: Trails and Community Linkages; Project Design; Water Access, Views, and Scenic Values; Wildlife Habitat Connectivity; Cost Efficiencies; and SCORP Priorities.

Public Comment:

Karen Daubert, Washington Trails Association (WTA), explained that the WTA interprets the policy to state "Water Access or Views" that are not necessarily "Water Access" and/or "Water Views." This interpretation, as explained by Adam Cole, is in opposition to the Attorney General's interpretation. The literal interpretation is preferred. Mr. Cole explained that this would be explained to evaluators to score/evaluate "Water Access" or "Views" and not both.

Chair Willhite thanked Ms. Daubert for commenting. He agreed that interpreting the current policy as is, in line with Ms. Daubert's explanation, is in current statute and should be the position the board takes.

Member Willhite asked about her opinion of the SCORP question, as it pertains to the WWRP, Trails category. She agreed that it was not a disadvantage to leave out the category as part of the policy revisions that will add a SCORP question.

Glenn Glover, Department of Natural Resources, addressed the Water Access/Views concern. He suggested revisiting the original legislative statute, or to be silent and let the sponsor determine which aspect the application will address. The board discussed the interpretation, considering both the traditional interpretation, the Attorney General's interpretation, and the interpretation of stakeholders. Mr. Glover stated that SCORP not be applied to the WWRP-Trails category, specifically because the age requirements disadvantage the scoring and do not reflect the real-world recreational activity taking place.

Yvonne Kraus, Evergreen Mountain Bike Alliance, explained that in order to continue to be competitive, trails that do not have water as a component should not be precluded from scoring in this area. Ms. Kraus also shared that back-country and high-country trails would not be penalized under the recommended criteria; her organization was pleased to see the changes set forth for public comment as soft-surface trails have been out-competed in the past based in part on this criteria.

Jeff Chapman, Backcountry Horsemen, shared that the WWRP trails category did not really apply to horsemen. Within recent years, horse trails began to see more applicability in various grant categories which generated excitement, participation, and encouragement in the grant arena. He stated that broadening the category to account for horse trails will generate advocacy and support funding for the program.

Break: 3:05 – 3:15 p.m.

Chair Willhite asked the board to review the proposed amendments to the updated policy, specifically the separation of Water Access and Scenic Values of the Site. The board also discussed whether each question should have weighted or equal scoring values.

The board discussed excluding SCORP from the WWRP-Trails category. Staff explained the related Trails Plan, an appendix to SCORP, as well as that it is part of the Outdoor Recreation Account and meant to be similar in scoring and evaluation criteria. Member Herman suggested the narrowing of SCORP is awkward for the particular cases proposed in the question – age, health, underserved communities. A generic SCORP question may be added, as presented in Ms. Connelly's section, that would provide the necessary breadth.

Mr. Cole also suggested an additional change to the "Project Design" criteria, specifically:

"If trail is adjacent to a roadway, is there adequate separation from the roadway to ensure a ~~safe and~~ quality recreation experience?"

Public Comment:

Hal Bates spoke against removing "safe" from criteria, stating that it is important to take into account the safety of the trail. Mr. Cole explained that as grant staff or for advisory committees, it may be difficult to evaluate "safety" objectively and it opens the door to liability issues for the board.

The board discussed revisions to the "Trail Separation from Roadways" policy, that the trail need not be contiguous, that the statement "barrier other than a curb" is still required, and that the RCO Director may have authority to waive non-statutory requirements. It was determined that the SCORP question as written should be broader to the more generic initial statement: "How will this project address statewide or regional priorities as described in the Statewide Outdoor Comprehensive Recreation Plan?"

Resolution 2016-08, amended to incorporate the revised policy for “Trail Separation from Roadway,” the revised policy for the division of Water Access” and “Views,” to remove the term “safe and” from the “Project Design” criteria, and the addition of generic SCORP question.

Moved by: Member Jed Herman

Seconded by: Member Mike Deller

Decision: Approved

Item 6H: Nonhighway and Off-road Vehicle Activities (NOVA), General

Mr. Cole summarized the proposed changes to add a SCORP question, expand the sustainability question to address planning projects, and to clarify scoring for combination projects. He summarized public comment received and shared the staff recommendation. The board stated they would like to use the broader SCORP question in NOVA as they approved for WWRP Trails.

Public Comment: No further public comment was provided at this time.

Resolution 2016-09, as amended to include a generic SCORP question

Moved by: Member Betsy Bloomfield

Seconded by: Member Jed Herman

Decision: Approved

Item 6I: Boating Facilities Program (BFP)

Mr. Cole summarized the proposed changes to add a SCORP question, to add a question on whether the project will serve boats on trailers, and to add a sustainability question and expand it to address planning projects. The revisions to the guidance for evaluating question 3b included deleting “Environmental Impacts.” He summarized public comment received and shared the staff recommendation.

Member Herman confirmed that the more detailed SCORP question statement was well-received by the boating community.

Public Comment: No further public comment was provided at this time.

Resolution 2016-10

Moved by: Member Mike Deller

Seconded by: Member Betsy Bloomfield

Decision: Approved

Item 6J: Boating Infrastructure Grants (BIG)

Mr. Cole summarized the proposed changes to the evaluation criteria and grant limits for Tier 1, for the eligibility of maintenance projects, and to change the long-term compliance period from 20-years to a single useful life for the entire project. Mr. Cole also provided information about the grant limits which normally follow the maximum federal allocation. The result would be formulaic, where the board would adopt the federal maximums while accounting for the needed administrative rate.

Member Herzog asked about components of a project that fail sooner than others. Myra Barker, Compliance Specialist, explained board process and policy, including options for when a conversion might be necessary. Mr. Cole shared that the option for a single useful life is one of the options offered by the federal requirements, as a set compliance period is no longer permitted. The alternate federal option is to have separate useful life periods for various components of the project.

Public Comment: No further public comment was provided at this time.

Resolution 2016-11

Moved by: Member Mike Deller

Seconded by: Member Betsy Bloomfield

Decision: Approved

Board Business: Briefings & Discussions

Item 7: Washington Wildlife and Recreation Program, State Parks Category: Evaluation Criteria Changes

Mr. Cole summarized the proposed changes to the evaluation criteria of the Washington Wildlife and Recreation Program, State Parks Category. Although the criteria adopted in January 2014 were well-received, the WWRP State Parks Advisory Committee, the Commission, and State Parks staff had additional suggestions in preparation for the 2016 grant cycle. Mr. Cole presented Attachment C, the proposed changes to the evaluation criteria, which is a draft of the new State Parks criteria summary.

Mr. Cole advised that State Parks' staff presented an overview of these criteria changes to the State Parks and Recreation Commission on January 28, 2016. Member Herzog confirmed that the Commission approves of the recommended changes.

Mr. Cole explained next steps, including soliciting public comment on the proposed changes and presenting the results at the April 2016 meeting for board decision. The board approved staff moving forward.

Item 8: Policy Updates for Firearms and Archery Range Projects

Mr. Cole summarized three potential updates to grant programs that provide funding for Firearms and Archery Range (FARR) projects: expanding the safety policy to other board-funded programs; limiting the number of range evaluations (and reports) eligible for reimbursement; and ensuring containment for Archery Park Guide projects. Mr. Cole summarize the staff recommendation for each update and requested board direction.

Mr. Cole explained that next steps include soliciting public comment and bringing recommendations for decision at the April 2016 board meeting. The board approved staff moving forward.

Item 9: Follow-up on Climate Change Policy Proposal

Leslie Connelly, Natural Resource Policy Specialist, summarized the board discussion from the November 2015 meeting, in which the board addressed potential ways to incorporate the impacts of climate change within the grant programs' evaluation criteria. The board directed RCO staff to research the possibility of drafting a non-scored application question that focuses on the big picture of climate change. Within a designated sub-committee, RCO staff discussed alternatives with Member Willhite and Member Stohr. The sub-committee recommends that the board direct RCO to include a generic question on climate change in the *unscored* grant application questions.

Ms. Connelly advised that, based on direction from the board, staff is prepared to finalize the application question on climate change and include it in the application requirements for 2016 for all grant categories. All applications will be completed by Fall 2016, at which time staff would compile all applicants' responses, analyze them, and report to the board in early 2017 on the findings. In addition, staff will investigate whether climate change is an appropriate topic to include in the 2017 statewide comprehensive outdoor recreation plan (SCORP). Staff will look more closely at what other states have

done and see if addressing climate change helps meet Washington State's outdoor recreation and conservation needs.

Chair Willhite supported the staff recommendation to include an unscored question in the 2016 grant round; Member Stohr concurred. Gathering information from applicants in this way will be largely beneficial and will inform future efforts. Member Herzog shared that the Commission recently passed a resolution stating that all decisions must consider climate change moving forward.

Closing: Day One

The meeting was adjourned at 4:45 p.m. by Acting Chair Willhite.

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: February 10, 2016

Place: Olympia, WA

Recreation and Conservation Funding Board Members:

Ted Willhite	Acting Chair, Twisp	Joe Stohr	Designee, Department of Fish and Wildlife
Betsy Bloomfield	Yakima	Jed Herman	Designee, Department of Natural Resources
Pete Mayer	Renton	Peter Herzog	Designee, Washington State Parks
Mike Deller	Mukilteo		

Call to Order

Acting Chair Willhite called the meeting to order at 9:10 a.m. Staff called roll and a quorum was determined. Member Stohr was excused.

Request from the City of Spokane, Continued Discussion

Kyle Guzlas, Outdoor Grant Manager, provided an update to questions that arose at day one of the RCFB meeting regarding the City of Spokane's request to extend the temporary closure period for the Riverfront Park Combined Sewer Overflow project (RCO #72-040). The City of Spokane requested an extension for the temporary twelve-month period, set to begin in April 2016; staging for the Post Street Bridge has been delayed until 2017.

Chair Willhite proposed a motion for approval to extend the policy waiver for the temporary closure period for the CSO tank only, with authorization given to RCO Director to negotiate, monitor construction, and report to board at regular intervals, but not beyond 12 months authorized by the board. Member Bloomfield moved to approve the motion; Member Mayer seconded. The motion carried.

Item 10B: Performance Measures

**Presented out of order due to technical delays.*

Scott Robinson, Deputy Director, provided a brief update in continuing its discussion about revising its performance measures.

Member Deller spoke to narrowing gaps in data collection, similar to the comments submitted by Members Mayer and Bloomfield (see Item 10, Attachments A and B of the board materials). He suggested that the board should identify statutory deficiencies and continue to move forward with the current strategic plan, as it is a good business model.

The board discussed the difficulty of selecting measures that show results, as some may take decades to be realized. Member Mayer addressed the language included in the State of Colorado's outdoor recreation plan, stating that the clearly defined "benchmarks" model is straightforward and could be a model for Washington. Using data to inform the benchmarks would provide a mechanism by which the board could monitor achieving each of their strategic plan goals. The board should be able to communicate how they are breaking down silos to achieve tangible conservation and recreation goals. The data that speak to these accomplishments seems to be already collected, but is not being reported in a meaningful or clear way.

Member Bloomfield suggested that by reframing the strategic plan questions (as suggested in her submitted comments) she hopes that the board can "roll up" the data so that it is visible where the actions are being taken place and how the grant awards are affecting these goals.

Scott Robinson will work with Member Bloomfield's suggestions and bring a final set of performance measures to the April Board meeting.

Item 10A: Demonstration of Trust for Public Lands GIS and Demographic Data

Breece Robertson, Trust for Public Lands, provided a demonstration of TPL's GIS and demographic data. She provided an overview of TPL's mission, plan, method of operations, and goals to protect land and educate the public.

Ms. Robertson provided details on several of the Trust for Public Lands' programs for cities and parks. The Trust for Public Lands' created a Park Evaluator Tool to help cities plan, evaluate, and adjust according to public needs. The "Park Score Index" rates and ranks cities' park systems, looking at metrics such as acreage, facilities, investment, and uses GIS to calculate access. GIS and statistics are also used to estimate the need, tell stories to funders and partners, and strategize what future actions need to be taken, and measure successes. The Climate Smart Cities Program aims to connect citizens to the outdoor world, cool cities by reducing the urban heat island effect, mitigate storm water impacts, and protect coastal cities from sea level rise, flooding, etc.

The board discussed the applicability and feasibility of the TPL programs and tools within Washington State, as well as necessary funding and data collection efforts. The board also discussed options for incorporating GIS into their metrics and how technology may present challenges and unique opportunities.

To summarize what outcomes or follow-up actions the board should direct staff to take prior to the next meeting, given the discussion today, Deputy Director Robinson suggested curating existing, general population data from the U.S. Census Bureau (contingent upon what the board intends to measure), using Member Bloomfield's submitted comments to improve the strategic plan framing questions, using data from the annual director report for measuring progress and monitoring long-term actions, and synthesizing the board and legislative feedback and adding it to SCORP. Acting Chair Willhite commented on the use of the U.S. Census Bureau population data, as it may additionally support changes that need to be made to address underserved communities.

Item 11: Washington Wildlife and Recreation Program Review: Expectations for the Board to implement potential legislative changes and other policy recommendations

Wendy Brown, Policy Director, provided information about what might follow from the passage of the legislation updating the Washington Wildlife and Recreation Program. In addition to the statutory changes proposed in the bill (SB 6227), there are many policy changes that will need to be addressed by the board, as outlined in the board materials. She concluded by sharing a proposed implementation timeline.

Public Comment:

Tom Bugert, The Nature Conservancy and Washington Association of Land Trusts Advocacy Committee Chair, requested that two WWRP areas – “Underserved Communities” and “Multiple Values” – involve stakeholder outreach processes. Mr. Bugert also cautioned that during these outreach efforts, the board should be mindful that opinions during the WWRP review process were often divisive and to try not to push those divisions further.

The board discussed language in the WWRP as it pertains to public access and conservation easements, the definition of working lands, and using the National Recreation and Park Association (NRPA) as a resource for social equity when looking at underserved communities.

Item 12A: Conversions – City of Yakima, Chesterley Park YMCA (RCO #75-030)

Ms. Barker summarized a request from the City of Yakima regarding the conversion of 7.5 acres at Chesterley Park. The City plans to lease a portion of the park to a YMCA for development of an indoor aquatics facility and fitness center. Ms. Barker began by reminding the board of their responsibility and authority in the conversion process, as well as the process for resolving a conversion.

Ms. Barker asked for comments and questions from the board at this time in order to prepare for a board decision at the April 2016 meeting, if ready.

Public Comment

Ken Wilkinson, Yakima Parks and Recreation Manager, was present at the meeting and offered to answer board questions as requested.

Jeff Cutter, Interim City Manager/City Attorney with City of Yakima, was present at the meeting and offered to answer board questions as requested.

Scott Schafer, Public Works Director for the City of Yakima, was present at the meeting and offered to answer board questions as requested.

The board discussed the conversion requirements, classification of the replacement property, parking needs and uses for the proposed installation, community support, and potential alternatives. Member Mayer requested that the sponsor provide details on the interim and future plan as it regards parking on the replacement site. Ms. Barker stated that at the next briefing she will update the board on public comment received, as well as the environmental assessment (which has yet to be published).

Item 12B: Conversions – Okanogan County

Ms. Barker summarized a request from Okanogan County regarding the conversion of 1.44 acres located at the Mazama Trailhead. The conversion is due to a land exchange with an adjacent property owner. Ms. Barker reviewed the board’s authority and responsibility in the case of a conversion.

Ms. Barker asked for comments and questions from the board at this time in order to prepare for a board decision at the April 2016 meeting. John Hayes, who has been working with Okanogan County in the exchange, was present at the meeting and offered to answer board questions as requested.

The board discussed the existing trail, alternate parking options, proposed replacement property and facilities, and the removal and maintenance of existing structures.

Public Comment:

Kenneth Madden addressed the board, sharing that he owns the property adjacent to the east side of the proposed replacement property. He expressed concerns with change of ownership, believing the public process to be incomplete. He requested confirmation that the public will have a chance to review the proposed plan prior to a board decision. Mr. Madden also shared that the property was purchased 18 years ago, and would like to see the board have the commitment from the County to move forward with the parking lot plan within a shorter timeframe.

John Hayes explained that the original property was acquired several years ago; it was known that a parking lot for the trail was desired, especially after the trail's popularity increased. The parking area was private land, which causes trail users to park on the side of the road. As a result of the public comments received, it became apparent that there needed to be a buffer between the proposed area and residential land, which would offer Mr. Madden the privacy required and created a boundary line for parcels with restrooms. Mr. Hayes advised all land included in the proposed plan has been donated.

Chair Willhite raised the issues by Mr. Madden, and encouraged the County to publish a schedule and development plan.

Lunch Break: 12:46 p.m. – 1:25 p.m.

Item 13: State Parks'

Nikki Fields provided an overview of the State Parks' approach to land acquisition. She described five goals that State Parks' set forth to achieve strategic planning. For each goal, she provided examples within Washington that demonstrate the types of landscapes, cultural history, economy and industry, recreational activities, health, conservation, and community identity unique to the state. Within the data collected for each of these goals are the usual data needs, such as population, cultural resources, diversity, natural resources, and economic development.

State Parks' evaluation process includes gap analysis to determine what lands they have, whether it's enough, what's missing, and what other partners may own. Evaluation data is tracked according to the goals established. With this data, GIS is used to assess existing resources and examine things such as proximity to horse trails, bike trails, amphitheaters, etc. or relative to population density.

State Parks worked with Earth Economics to examine the benefits provided by state parks. The tool compares park costs and benefits, including benefits like tax contributions to the general fund, ecosystem services, health and social benefits, and recreational benefits. This tool can be used to compare current parks and properties, or it can be used to evaluate new properties.

Ms. Fields described next steps to build out the existing tools, gather new data, and use public outreach to conduct a gap analysis. She concluded by sharing the strategic direction in State Parks' acquisition approach. Member Herzog (State Parks) shared that the data is largely rhetorical, and while they are working on building the tools to reflect more on-the-ground methods, the intent is to blend the approach to create a high-level vision for land acquisitions.

Chair Willhite asked about the extent of cooperation with other state agencies to share information. Member Herzog replied that the basic mechanism is through their long-term boundary process, which is park by park. Through this method, the review allows them to see who owns the neighboring lands, which

often results in management or coordination agreements. On a higher, landscape scale, only State Parks' specific data is utilized in their analysis. Next steps include integration with the Public Lands Inventory (PLI) and other agencies' data to add meaning to their analysis.

Chair Willhite stated, with regard to new parks, that smaller parks may be a new direction for the board to take in investment.

Director Cottingham asked that the Department of Natural Resources present their strategy at the next board meeting.

Closing

Acting Chair Willhite adjourned the meeting at 2:03 p.m.

Approved by:

Theodore Willhite, Acting Chair

Date

DRAFT

Correspondence Summary



- **Correspondence from Geoffrey Bidwell**

The City of Bellevue advised the appeal by Geoffrey Bidwell of Sound Transit's East Link Light Rail Design and Mitigation permit had been dismissed. The permit covers portions of Mercer Slough Nature Park that was included in the approved conversion area. The Bellevue Hearing Examiner Order of Dismissal is included in the board's correspondence.

- **Correspondence from the Department of Natural Resources**

LATE ARRIVING:

- **Correspondence from Robert Kavanaugh, April 20, 2016**

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BELLEVUE**

In the Matter of Appeal of the)
Director’s Decision Approving Sound)
Transit’s Design and Mitigation Permit)
to Construct the East Link Regional)
Light Rail Transit Facilities and)
Regional Light Rail Transit System in)
the South Bellevue Area, DSD File No.)
14-134626-LD)

AAD 16-01

ORDER OF DISMISSAL

Geoffrey Bidwell)
Appellant,)

Sound Transit (project applicant) and)
the City of Bellevue **Development**)
Services Department,)

Respondents)
_____)

BACKGROUND.

As established in previous Orders and notices properly transmitted to all parties of record, the appeal hearing on the above matter was scheduled to go forward on Wednesday, April 13, 2016 at 9:00 a.m. in the Bellevue City Council Chambers.

The March 22, 2016 Prehearing Scheduling Order confirmed various procedural deadlines, including a requirement that “the parties shall exchange Final Witness and Exhibit Lists and copies of documentary evidence and a copy of such materials shall be delivered to the Hearing Examiner’s Office no later than **3:00 p.m. on April 8, 2016.**” Final Witness Lists were to include a brief summary of the testimony expected from each person identified. The Prehearing Scheduling Order placed the parties on notice that any failure to properly identify a witness, potential expert, or exhibits on the preliminary lists will likely serve as grounds to exclude such witness or documentary evidence from consideration at the hearing, absent a showing of a compelling excuse or lack of prejudice

ORDER OF DISMISSAL
AAD 16-01

BELLEVUE HEARING EXAMINER’S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 to other parties.

2 Last week, the Examiner issued another pre-hearing order, captioned “Appeal
3 Hearing Format Summary,” outlining the appeal hearing format, to avoid any confusion or
4 misunderstanding at the time of the hearing, and noting that specific objections to particular
5 witnesses or proposed exhibits may be addressed at the opening of the hearing.

6 All parties to an appeal before the Bellevue Hearing Examiner are required to make
7 every reasonable effort to avoid delay, consistent with fairness to all parties. HExRP 1.1.

8 On Friday, April 8th, at about 12:45 p.m., the Examiner’s Office received a notebook
9 with more than 600 pages of Exhibits, copies of exhibits on compact disks, and a proper
10 identification of nine witnesses and a brief summary of their testimony from Sound Transit.
11 On the same date, more than an hour before the 3:00 p.m. deadline, the City of Bellevue
12 delivered three large binders of hearing exhibits, containing approximately 2,020 pages, as
13 well as the required list of witnesses and a brief summary of their testimony. The 3:00
14 deadline passed without Mr. Bidwell filing any of the materials as required in the
15 Prehearing Order.

16 The Examiner finds that all parties were fully aware of their obligations in this appeal
17 process, and that Mr. Bidwell failed to comply with the Order requiring him to submit final
18 hearing exhibits, a list of his hearing witnesses, and a summary of their testimony. His
19 failure to file such material within the time and manner required by the Prehearing Order is
20 prejudicial and unfair to the other parties, who obviously devoted a substantial amount of
21 time and public resources to prepare a large and complex record, and many witnesses, for
22 the upcoming appeal hearing.

23 Instead of filing any exhibits and witness lists as required by the Order, Mr. Bidwell
24 transmitted an after-hours email on the night before such items were due, seeking a
25 continuance of the hearing. The Examiner invited the respondents to submit any response
26 before noon on the 8th. Based on the legal authority and reasoning set forth in such
responses, the Examiner denied Mr. Bidwell’s untimely request for a continuance, and
issued notice of such decision before 1:30 p.m., on April 8th, again aware that all parties
were fully instructed that their prehearing exhibits and witness materials were due by 3:00
p.m.

27 **SUPPLEMENTAL FINDINGS SUPPORTING**
28 **DENIAL OF APPELLANT’S UNTIMELY REQUEST FOR A CONTINUANCE.**

29 The following findings serve as supplemental findings in support of the Examiner’s
30 decision to deny the appellant’s untimely request for a continuance, which was not received
31 until the night before his final exhibit and witness lists were due:

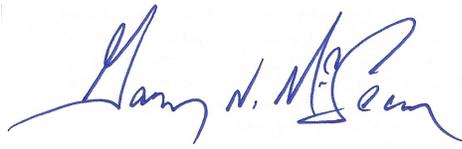
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ORDER.

Based on the foregoing, and all records, filings and materials contained in the record for this appeal having been considered, and the Hearing Examiner being fully advised,

IT IS HEREBY ORDERED, that the above-captioned appeal is hereby dismissed in its entirety and with prejudice, without need for further proceedings. All appeal hearing dates and other procedural matters associated with this appeal are cancelled in accord with this Order.

ISSUED this 11TH Day of April, 2016



Gary N. McLean, Hearing Examiner

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STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

February 25, 2016

Geoffrey Bidwell
1600 109th Ave SE
Bellevue, WA 98004

Re: City of Bellevue, Mercer Slough Nature Park, RCO #73-026A; #78-513A

Dear Mr. Bidwell:

I am writing in response to your letter sent to me via email on February 9, 2016, that was addressed to the members of the Recreation and Conservation Funding Board (RCFB) and to your email message on February 24, 2016. We will provide your letter, email, and the letter to the Bellevue Hearing Examiner (email attachment) to the RCFB at their April 27-28, 2016 meeting.

In the meantime, I wanted to respond to your request to review the Land and Water Conservation Fund (LWCF) agreement amendment.

As you are aware and noted in your letter, the Recreation and Conservation Funding Board (RCFB) approved conversion of a total of 1.06 acres of park land, of which 0.77 acres had been funded through LWCF. The RCFB also approved conversion of 0.29 acres of park land that was funded by state bonds.

The approved replacement property satisfies both conversion areas. The city excluded 0.16 acres of the overall replacement property at the eastern boundary for a future right-of-way. The excluded area was described in the RCFB, April 2015 Meeting Item 10, staff memorandum. Because the replacement satisfies both conversion areas, the acres listed on the federal agreement amendment are correct.

If you have any questions, please let me know. I can be reached at myra.barker@rco.wa.gov, or at (360) 902-2976.

Sincerely,

Myra Barker
Compliance Specialist

cc: Recreation and Conservation Funding Board
Camron Parker, City of Bellevue



From: GeoffBidwell [<mailto:geoffreybidwell@yahoo.com>]

Sent: Wednesday, February 24, 2016 11:44 AM

To: Barker, Myra (RCO)

Subject: Mercer Slough Nature Park

Dear Ms. Barker,

Please find attached a letter from me to the Bellevue Hearing Examiner regarding the Mercer Slough Nature Park and issues that the RCO Board have been involved in and taken action on.

Would you please ensure that this letter is provided to the RCO Board?

I will also be sending via US Mail a CD containing the attachments of A1 through A26, all the supporting documentation referenced in my letter. Would you please let the RCO Board know that this supporting documentation is available for them, as well?

Should you require any other information regarding this issue, I will be happy to oblige. Thank you for your time.

Sincerely,

Geoffrey J. Bidwell

1600 109th AVE SE

Bellevue WA 98004

FEB 19 2016

City of Bellevue
Hearing Examiner

February 19, 2016

To the **Bellevue Hearing Examiner** and respondents of the appeal regarding the East Link Design and Mitigation Permit 14-134626-LD.

I have informed all parties that I was unable to attend the pre-conference hearing on February 23, 2016, however, I have rescheduled my appointments in order to oblige the Hearing Examiner.

The following pages contain a list of the initial documents, witnesses and responses to questions raised by City of Bellevue (COB) and Sound Transit (ST). This list is not complete, but an initial list of issues that will be added when the COB and ST responds to open requests.

Numbers represent Appellants Initial Documents:

- A1. Letter to Trust for Public Lands December 2, 2015 and response dated December 14, 2015
- A2. 90% engineering drawings public release December 2014
- A3. FOIA request dated December 8, 2015 - conveyance of Balatico property - awaiting response from the COB
- A4. Weekly Permit Bulletin January 21, 2016
- A5. Letter to planner M. Jackson re: Weekly Permit Bulletin dated February 1, 2016
- A6. FOIA request dated January 29, 2016 – drawings of Balatico Trailhead for Mercer Slough Nature Park – awaiting response from the COB
- A7. FOIA request dated February 1, 2016 – review petition for Mercer Slough Nature Park
- A8. Letter to M. Jackson dated January 28, 2016 re: request for conveyance of park lands
- A9. Letter from City attorney dated February 2, 2016 - re: sale of land in Mercer Slough Nature Park
- A10. Letter to Hearing Examiner for appeal 14-134626-LD dated February 3, 2016
- A11. E-mail Addendum to the appeal dated February 4, 2016
- A12. FOIA request dated February 4 2016 - re: Appraisal Review for Balatico and Ostbo-Riepl properties dated February 4 2016
- A13. FOIA request dated February 8, 2016 - re: FEE TAKE and CONST ESMT in Mercer Slough Nature Park
- A14. Letter sent to RCOB February 9 2016 – re: 2 additional acres
- A15. Letter to Hearing Examiner February 11, 2016 - re: issues raised and request change in date for pre- conference hearing
- A16. MOA re Light Rail and Historical Preservation dated October 24, 2011
- A17. COB minutes re: Balatico property dated 1988, COB Resolution November 29, 1988
- A18. Amendment to Project Agreement NPS dated December 18, 2015
- A19. COB memo to Park Commission and RCOB dated September 9, 2014
- A20. Presentation to COB Fact Sheet re MSNP dated April 6, 2015
- A21. Picture of light rail alignment on Balatico property
- A22. ST letter dated March 16, 2015 re: 6:1 ratio for MSNP replacement
- A23. COB letter dated March 10, 2015 re: 6 acres for MSNP replacement
- A24. King County (KC) letter dated March 16, 2015 re: 6:1 ratio for MSNP replacement
- A25. CH2M Hill missing document re: Wetlands and Winters House
- A26. List of Winters House issues not addressed in permit

Initial Witness List:

Mayor John Stokes
Deputy Mayor John Chelminiak
Councilmember Kevin Wallace
Councilmember Lynne Robinson
RCO Board representative TBD
NPS representative TBD
Trust For Public Lands representative TBD
Park Director Patrick Foran
Parks staff Camron Parker
Parks Board member Sherry Grindeland
Neighborhood Traffic John Murphy
Surrey Downs CAC member Siona Van Dyck

Response to questions raised by COB and ST:

The permit has been issued in error and contains errors and omissions with regard to each of the issues listed.

In the Design and Mitigation Permit (permit) approval document, 14-134626-LD, the light rail alignment consumes portions of the Balatico and Ostbo-Riepl (BOR) properties for non-park use that have not been replaced with the accepted replacement ratio of 6:1, in order to be consistent with previous non-park use conversions as unanimously approved by Resource and Conservation Board (RCOB) (A14).

The Mercer Slough Nature Park (MSNP) was created by citizens concerned with the development and paving over of this natural and beloved gem to our environment. A petition was circulated to get this issue on the ballot. These park properties were then purchased and secured by a city wide park bond in 1988. The permit states on page 51 '...the conversion of a small area of the Mercer Slough Nature Park (MSNP) to a non park use was approved by the RCOB...due to the fact that a much larger area adjacent to the park will be included...' This area consisting of fee take and easement totals 1.06 acres with a replacement land conversion of 6.1 acres, i.e. a 6:1 ratio for land within the MSNP.

This replacement ratio was approved by the City of Bellevue (COB) (A23), RCOB (A14), King County (A24), Sound Transit (A22), and NPS (A18).

The rail alignment and construction will consume large portions of the BOR properties. The report fails to identify the replacement of all the MSNP properties, namely BOR properties that were secured by city wide bond measure in 1988.

In a letter from City of Bellevue (COB) city attorney Monica A Buck (A9) calls for a conveyance of 2 additional acres of property within the MSNP in fee take, but does not provide any details. Using the methodology used by the Assessor Report (A12), the fee take also includes the construction easement. Using this same methodology and based on the 90% engineering drawings, (A2) the BOR properties total fee take and easement is 4.31 acres, but only for the properties that the alignment plus easement and tree clear zone will consume.

Using the 6:1 ratio established in the MSNP, the required replacement for this portion of the BOR is 4.31 acres times 6:1 ratio, equals 25.87 acres. This replacement park land is not identified nor discussed in the permit.

The solution here is for the city to provide Assessor report that defines the MSNP land that will be used and apply the same ratio of replacement as previously approved and applied the COB, ST, King County, and the RCOB.

This use of park land does not include the land consumed for greater than 6 months for construction purposes on the BOR and other MSNP lands. State law in the RCO statues in Manual 7 requires any park land taken for more than six months be treated as a permanent taking of park lands. Such permanent taking raises issues of replacement park lands that are omitted and is therefore in error in the permit.

The solution here is for the city to provide Assessor report that defines the MSNP land that will be used and apply the same ratio of replacement as previously approved and applied the COB, ST, King County, and the RCOB.

The Winters House lies within the BOR properties. This property is the only property on the Eastside that is listed on the National Registry of Historic Places. As such, it has special and significant requirements in its preservation. The Memorandum of Agreement (MOA) (A16) among Washington State Historic Preservation Office, and the Central Puget Sound Regional Authority implementing Section 106 of the National Historic Preservation re: for the East Link Light Rail Transit Project in the State of Washington (A16) states "WHEREAS, FTA and Sound Transit have determined that the Project will have an adverse effect which result from a potential impact on the Winters House...", and "Any changes to character-defining features of the winters house resulting from the Project (including, but not limited to: setting, landscaping, access, etc.) proposed to take place within the Winters house National Register designation boundary plus an additional 50-foot buffer, shall be developed in consultation with the SHPO, City of Bellevue, and EHC." This permit does not include this MOA nor the issues raised in connection with the Winters House. The alignment violates this and all the above listed requirements.

The solution here is to provide the 50 foot buffer to adjust the alignment in order to protect this National treasure from any disruption and damage and conform with the above MOA.

There is no reference to the engineering by CH2mHill (A25) that was kept private from the community as a whole and including the COB until it was discovered from citizen FOIA to ST. The issues outlined in that letter have not been fully addressed in the permit and is therefore in error. See also, FOIA request for specific information on this issue still outstanding (A25) and (A26).

The solution here is to fully and completely provide public awareness to the potential de-watering issues to the MSNP and to the probable damage of the Winters House and associated wetlands. These issues should have been brought out in both the Environmental Impact Statement and the SEPA - and were not. Further, the Bellevue City Council, Bellevue City Staff, and residents were never made aware these probable problems, extreme cost implications, and future maintenance and operations.

Many of the previously mentioned documents are not within the permit, which is clearly in error and incomplete. This really is fundamental in the public awareness of the complete picture of this train alignment and how it will impact our environment, our neighborhoods, our streets, our quality of life, basically every aspect imaginable. The solution here is to correct the errors by including all the documents for public awareness and to provide a full record for now and the future.

Another important error and omission from the permit is the lack of traffic mitigation during construction and operation. The nearby neighborhoods have for years been very concerned about the traffic that will result from this project. Bellecrest, Enatai, Bellefield, and Surrey Downs will be significantly and negatively impacted by the cut through traffic that will use the neighborhoods streets, lessening our quality of life, impacting access to our homes both for residents and safety vehicles, and a direct reduction in property values.

There are really only two major arterials to and from the south in and out of downtown Bellevue and these are 112th AVE SE and Bellevue Way SE. All other roads to and from the south in and out of downtown Bellevue travel through single family neighborhoods, with home driveways, kids, pets, schools, school bus stops, and daily life within our community. The permit notes that the Citizens Advisory Committee (CAC) and citizen comments note concern about traffic during both construction and expanded parking at the South Bellevue Station and will have negative impacts on traffic on 112th AVE SE, Bellevue Way, and within neighborhoods to the west. The permit states on page 101 that "Finding: Staff acknowledges that there will be unavoidable impacts due to construction activities as it relates to light rail. The city and Sound Transit will continue to work together to minimize these impacts as the project moves towards construction." The city plainly knows there will be impacts to the neighborhoods yet nowhere in the permit is any mitigation for this anticipated problem. This is a serious error and omission.

The solution is to ensure for less traffic in the neighborhoods and close the I-90 entrance to single occupant vehicles unless they live in the neighborhoods to stop the commuter traffic from overwhelming our streets and negatively impacting our quality of life and property values. In addition, COB and ST must hire additional police to keep commuters out of the neighborhoods, whether by legislation (such as making our streets a private road) or with some kind of electronic pass to get in and out of our neighborhood - we are open to solutions.

On the other hand, if COB and ST either directly or indirectly choose to direct traffic through our neighborhoods to facilitate traffic during construction and operation, then a different solutions must also be considered. Residents who want or need to sell their homes and will be dealing with the pre-condemnation blight that will occur with the ST construction, operation, and access issues, must be fairly compensated for this degradation of their property values. Each homeowner must be fairly compensated at fair market value with value established before the traffic increase occurred.

The South Bellevue Park and Ride (SBPR) will be closed for 7 years, so will the blueberry farm, the Winters House and the MSNP access. The COB Memorandum of Understanding with Sound Transit (MOU) states that at least 60 days prior to the closure, ST will identify and implement alternative parking and transit access for commuters who utilize the existing SBPR in consultation with the transportation department director and King county Metro. ST stated to the COB on February 9, 2015 that they will need to close the SBPR in March of 2016. There is no stated reason or discussion to close this site now so far before construction of the new parking garage. Further, there is no discussion of its impacts or mitigation to the city, our street system, the neighborhoods, etc. This error and omission is significant as it represents not only a city issue, but a regional issue as well.

The solution is satisfying the rules of the MOU.

The COB noise code has been strongly and consistently enforced for decades. The ST light rail trains will travel through our city and wetlands every 6 minutes for 20 hours a day, likely more frequent with the introduction of the Maintenance and Operations Facility in the Bel-Red area, creating a disruption to people, wildlife and the peaceful enjoyment of our community. The same and consistent level of

protection should apply to ST trains. COB staff states that the noise code never envisioned these kinds of trains and that is for a reason – these kinds of loud, noisy trains were not to be an approved use in neighborhoods and wetlands. Allowing this use is a gross error in application of the Noise and Land Use Code (LUC).

The solution is to put this alignment in a tunnel. I also note here that tunnels for light rail in Seattle have been constructed many times now and have proven to be economically viable and cheaper, especially when considered with mitigation than compared with an at grade or elevated alignment. Tunnels are vastly more acceptable to residents, the environment, our pocketbooks, and future streetscapes. In fact, the downtown is receiving a tunnel for these very reasons.

The COB Land Use code 20.25M states ST can apply for permits without having full ownership of properties that it will use. This seems to fly in the face of Constitutional property rights for everyone – except for Sound Transit. No one can be above the law. This is a gross error in application of the LUC.

The solution here is for Sound Transit to fully own all properties it needs to own for ROW and construction before this permit is issued.

The permit appears to be all encompassing, in that should this permit be approved, all other ancillary permits are approved as well. This permit appears to override and supersede all other permits, and fails to give checks and balances in doing so.

The solution here is to approve the subordinate permits before this design and mitigation permit.

In closing, the solution for almost every issue presented herein, is to put the alignment in a tunnel. Not only will this save money, the Mercer Slough, and the neighborhoods, but the many and negative impacts will be addressed and not have to be mitigated. This tunnel solution will be quicker to build than an at-grade and elevated alignment.

Within Sound Transit, it is widely known that a tunnel will be cheaper and easier to build in Bellevue. We beseech the COB staff to acknowledge this and stand up for Bellevue citizens by immediately making known the massive impacts from this alignment to our City Council, our businesses, and our residents.

Further, we implore the Bellevue City Council to honor their oath and commitment to the citizens of Bellevue to prevent giving the appearance of abdicating their authority and responsibility as public servants approving this alignment and all its associated preventable impacts.

The associated attachments will be delivered to the Hearing Examiners office at or before the hearing on February 23rd. All documents are included by reference if not included as copies.

Sincerely,

Geoffrey J. Bidwell
1600 109th AVE SE
Bellevue WA 98004

From: GeoffBidwell [<mailto:geoffreybidwell@yahoo.com>]

Sent: Tuesday, February 09, 2016 2:44 PM

To: RCO MI General Info (RCO); Barker, Myra (RCO); Michael.linde@nps.gov

Subject: Conversion of Park lands in the Mercer Slough Nature Park in Bellevue Washington

February 9, 2016

Members of the RCO Board

C/O Myra Barker

VIA EMAIL

info@rco.wa.gov

Myra.Barker@rco.wa.gov

Dear Members of the RCO Board,

It has come to my attention that the City of Bellevue has incorrectly attributed the Resolution approved on April 9, 2015 by the Board regarding the conversion properties of 1.06 acres for 6.1 acres in the Mercer Slough Nature Park for mitigation of the Sound Transit train alignment.

On February 2, 2016, City of Bellevue attorney Monica Buck sent a letter in response to a citizen request for sale and/or transfer documents for additional portions of the Mercer Slough Nature Park properties, called the Balatico and Ostbo-Riepl properties, to be consumed by the Sound Transit train alignment, tree clear zone, and construction easement. These lands were acquired through a city wide bond measure in 1988.

In this letter, attached, the city attorney implies that the sale of these city of Bellevue taxpayer owned park lands are included in the by stating "6.1 acres of replacement property in the Mercer Slough to replace the property to be conveyed to Sound Transit."

The city attorney further states in this letter the "Washington State Recreation and Conservation Office approved the City's conveyance of certain rights in the Mercer Slough to Sound Transit".

There are only two parcels that the RCO Board has authority to accept conversion; RCO Projects #73-026 and #78-513. These are the lands the RCO Board approved on Resolution 2014-32.

The Bellevue city attorney has confused the specific approval of the RCO Boards conversion Resolution with additional park land takings and conversion within the Mercer Slough Nature Park. It is my understanding that the RCO Board does not have authority over these additional park lands.

I am bringing this to your attention, so that when you formalize the agreements of the transfer of the lands to the city, to please be specific in clarifying the Board approval of the 1.06 acre taking is for the 6.1 acre replacement, approximately a 6 to 1 ratio, as approved by the Board.

It should also be brought to your attention that documents provided by the City of Bellevue, signed by the City Parks Director, Patrick Foran, and provided to the National Park Service for their Amendment to Project Agreement dated December 18, 2015, incorrectly states there is a 6 acre replacement for just their

.77 acres in the Mercer Slough Nature Park. This Agreement should be reviewed and corrected to reflect accurate park conversion acreage.

Sincerely,

Geoffrey J. Bidwell
1600 109th AVE SE
Bellevue WA 98004

Cc: Michael Linde VIA EMAIL Michael.linde@nps.gov

Attachment: City of Bellevue letter dated February 2, 2016



February 2, 2016

Sent via Email and U.S. Mail

Mr. Geoffrey Bidwell
1600 109th Avenue SE
Bellevue, WA 98004

Re: Conveyance of City Park property for Sound Transit Light Rail

Dear Mr. Bidwell:

Thank you for letter dated January 28, 2016, regarding conveyance of portions of the Mercer Slough Nature Park to Sound Transit for the East Link Project. The City Council authorized the conveyance of portions of the Mercer Slough Nature Park when it approved the Amended and Restated Memorandum of Understanding dated May 6, 2015 ("Amended MOU").

This process is consistent with both Bellevue City Code Section 4.32.060 ("... any sale of real property shall be submitted to the council for approval. A public hearing on the proposed sale is not required") and RCW 35A.11.010 (cities "may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit"). The statute cited in your letter, RCW 39.33.020, does not apply to the conveyances under the Amended MOU. A formal public hearing is not required.

The Amended MOU includes conveyance of approximately 2 acres of property within the Mercer Slough Nature Park in fee, which includes a portion of the Balatico and Ostbo-Rieple properties. As identified in Exhibit D-1 to the Amended MOU, the City acquired approximately 6.1 acres of replacement property in the Mercer Slough to replace the property to be conveyed to Sound Transit. On April 9, 2015, the Washington State Recreation and Conservation Office approved the City's conveyance of certain rights in the Mercer Slough to Sound Transit and accepted the replacement property acquired by the City.

Under Section 24.0 of the Amended MOU, the City is required to convey those portions of the Mercer Slough Nature Park needed for the construction of East Link to Sound Transit within sixty days of receiving notice. Sound Transit has indicated that they will likely not need the property rights for the Mercer Slough Nature Park until October of

Mr. Geoffrey Bidwell
February 2, 2016
Page 2

2016. As a result, we anticipate that these conveyances will take place during the summer of 2016.

The permit file includes the City's consent, as property owner, to pursue the design and mitigation permit for the property prior to transfer of ownership to Sound Transit.

Sincerely,

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney



Monica A. Buck
Assistant City Attorney

cc: Matt Jackson, Neighborhood Development Planning Manager



Dear RCFB,

Thank you for considering five grant certifications that the Washington State Department of Natural Resources (DNR) applied for in the most recent grant cycle. We originally did not certify match for these grants because we had an internal paperwork error. I was on vacation when the error was discovered and one of my staff called me to make a decision on how to proceed. We were close to the deadline for having certification turned in. Given what seemed to be a low risk decision of not matching these grants, which were far enough below the "funding line" that it seemed impractical that they would have any chance to receive funding, I made a choice to forge ahead without turning in certification for these five grants.

The funding situation changed with the new gas tax, and it became clear that not certifying was the wrong decision. These projects are high-quality projects that DNR was thoughtful about developing and confident in. They are important to our stakeholders and users. It is my hope that despite my own error, there is still an opportunity to certify these projects and provide recreationists in Washington with the best projects we can.

Thank you for taking the time to reconsider the uncertified grants DNR put forward.

Sincerely,

Brock Milliern

Department of Natural Resources
Statewide Recreation Manager
360-927-4589

RECEIVED
MAR 23 2016
WA STATE
RECREATION AND CONSERVATION OFFICE

20Apr.2016

RECEIVED

APR 25 2016

Dir.Ted Willhite & RCO Board Members
RCO,
P.O.40917
Olympia,Wa.
98504

WA STATE
RECREATION AND CONSERVATION OFFICE

Greetings:

The purpose of this letter/briefing is to inform you of the many problematic environmental issues surrounding the provisions of the RCO providing acquisitions fund for the Wa.Dept.of Fish Wildlife to use these lands for exotic livestock grazing.We are of the opinion that both RCO and WDFW livestock grazing policy are not being followed or enforced.This puts at threat fish,wildlife,and ecological integrity of the property purchased by RCO funding in some cases.RCO policy monitoring ,auditing,and enforcement are lacking but urgently needed.

We provide you with a summary of our concerns:

1.The WDFW issues exotic livestock grazing permits,sometimes as a condition of a pending land sale by private landowners.Some of these permits are issued without following WDFW/RCO grazing policy requirements as an incentive to the seller to sell the land to WDFW.Other grazing permits were issued in Perpetuity to the seller either as an incentive to sell or because of WDFW staff family relationship with the seller.(Tayer Reg.Mgr. and Betsy Bloomfield,wife of Tayer)This is under investigation by the EEB and the SAO.at this time.These kinds of transactions are unethical and illegal because they deny open public competition by private citizens wishing to compete for a grazing permit. The RCO staff are either unaware or dont care?

See also the 4-0,Odum land purchase by WDFW.(Asotin WMA)ongoing livestock grazing permit in perpetuity etc.WDFW 2014/15 by C.Sprague,FW Lands Mgr & Nate Pamplin FW AD Wildlife Programs.

2.Some WDFW grazing permits are now issued along with a previous agreement before the property is sold to WDFW to the wife of Reg.3 Dir.(Tayer) giving her a lifetime grazing permit and all grazing revenue proceeds.(Tieton Co.purchase)The RCO staff are aware of this unethical action put apparently dont care? see also,Odum,4 0 land purchase,Asotin WMA.

3.The WDFW Livestock grazing Pol.6003(which I helped write) requires that all grazing must benefit fish and wildlife.See Herman vs.WDFW Thurston Sup Crt.Judge Casey Almost every grazing permit violates this policy.RCO staff are aware and take no action to enforce Pol.6003.

4.WDFW livestock grazing permits must protect/support ecological integrity.None of the livestock grazing permits show that grazing benefits ecological/biological integrity. The RCO staff are knowledgeable of this requirement but do nothing to require enforcement.

5. According to a WDFW policy directive 2014 given to the WCA WDFW permits must provide for "community character"? We see no RCO enforcement requirements in any RCO grant to WDFW.

6. The same WDFW policy ltr requires WDFW provide to the local economy by the grazing permits. WDFW already provides extensive recreation dollars to the economy by public use of our WMAs with or without livestock grazing. RCO is very aware and supportive of public recreation spending on our WMAs.

7. Political pressures by the WCA to "increase grazing opportunity" place severe pressures on WDFW top mgrs and Reg. staff to relent and provide permits, crossing permits, pilot studies, and nonenforcement of HB1309 Rangeland Standards (Riparian Area Protection Sec. 5 HB1309) not to be enforcement by staff. RCO staff are well aware of HB1309 (which I wrote) but fail to make it a RCO grant requirement if RCO funds are used by WDFW.

8. WDFW fails to provide essential timely monitoring control over the permittees by not counting livestock going on and off WMAs. Thus there is no accurate basis to assess the annual AUM permit revenue fees. Again RCO is aware but non involved.

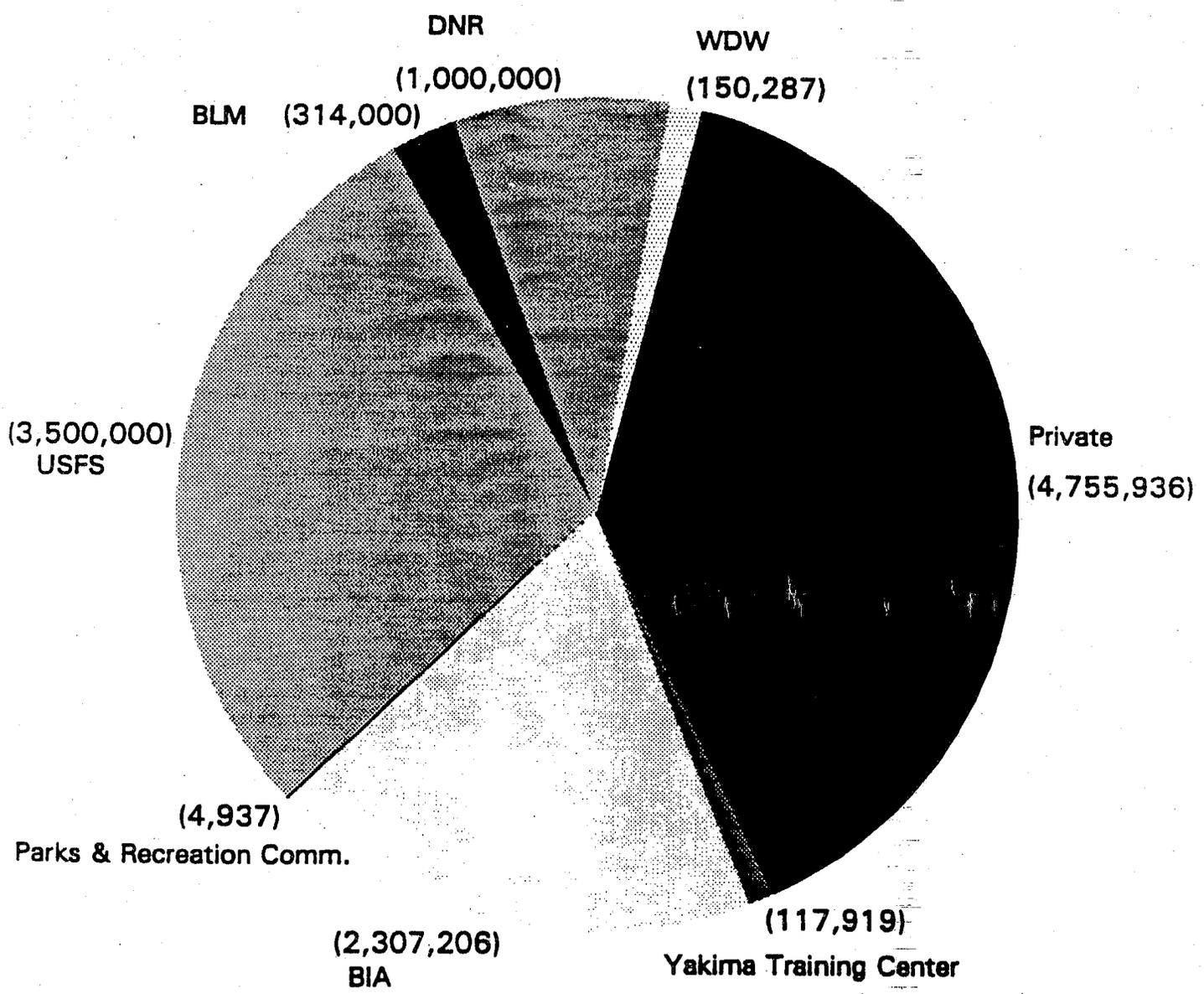
9. Some WDFW grazing permit violate SEPA. See Herman v. Quan WDFW Whisky Dick/Quillamene WMA. Thurs. Sup. CRT. There is an upcoming SEPA law suit over the WDFW Grazing Pol. changes putting fish & wildlife even at more risk and ecological integrity not enforced by staff. RCO staff are unaware of this WDFW EXotic livestock grazing policy. I tried to inform both Robinson and Cottingham to no avail. Emphasis on the CRMs is misguided. Each entity uses vastly different range lands standards and monitoring protocols. ie DNR, Fw, BLM, USFS, and private landowners.

10. Trespass livestock grazing on our WDFW goes unenforced against by WDFW Reg./Hqs mgrs. This puts at risk wildlife habitat, HB1309 riparian areas and spread exotic weeds. We find only one enforcement action (Oak Cr. WMA) in over ten years. Yet Reg staff and Enf. staff continue to report violations by names and brands. This shows a lack of control over trespass. RCO is aware but indifferent?

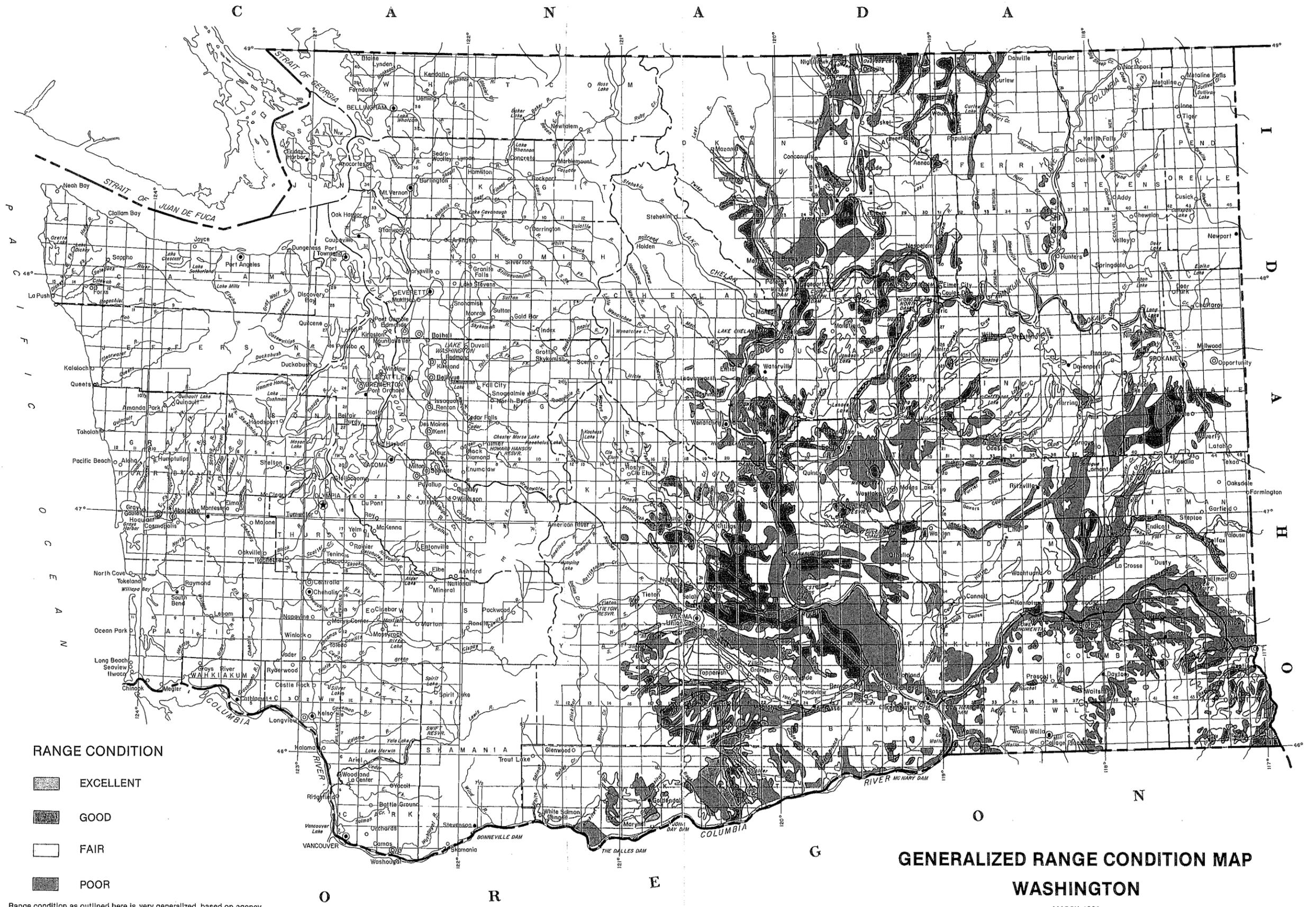
11. WDFW WMA staff do not have the proper staffing levels to properly enforce either RCO or WDFW grazing policy, benefit fish and wildlife, ecological integrity, protect HB1309 riparian standards build cattle fences, spray weeds, and protect habitat. This fact is well known and is part of the reason the Legislature does not want to spend more money on new lands WDFW can not manage properly. (also existing lands too) RCO is aware and has tried to insure adequate maintenance funds are including in RCO pas thru grants.

12. The WDFW/RCA make no effort to consult with our 21 Treaty Tribes.

So why do livestock growers want to use our fish and wildlife lands and habitat to raise their cattle? First it is profitable. Beef prices are very high. \$205 to \$227 at 400lbs Toppenish 8Apr2016. Second, WDFW staff do not have the time to control the permittees cattle or the permittee. This makes it easy to avoid the written conditions of the permits. Third, the permit holders get a lot of free fencing out of the WDFW. Forth, the permit holder can move his cattle when it pleases him thus maximizing weight gains with min exertion by cows and their calves.



ACREAGE AVAILABLE FOR LIVESTOCK GRAZING IN WASHINGTON, 1992



RANGE CONDITION

-  EXCELLENT
-  GOOD
-  FAIR
-  POOR

Range condition as outlined here is very generalized, based on agency surveys. Condition for the general area has been mapped, not for specific acreages. Smaller areas of different range condition may be included in a larger unit, but not shown.

Source:
 Base map prepared by SCS, National Carto Center from USGS 1:1,000,000 Nat. Atlas.
 Thematic detail compiled by state staff.
 U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE USDA SCS-FORT WORTH, TEXAS 1983



WASHINGTON GRAZING LAND ASSESSMENT
 published by: Washington Range Land Committee
 Washington Conservation Commission
 in conjunction with: Pacific Northwest Regional Commission

**GENERALIZED RANGE CONDITION MAP
 WASHINGTON**

MARCH 1983
 10 0 10 20 30 40 MILES

HB 1309
ECOSYSTEM STANDARDS
FOR STATE-OWNED
AGRICULTURAL AND
GRAZING LAND

December 1994

Prepared by the
ECOSYSTEM STANDARDS ADVISORY COMMITTEE
at the direction of the
1993 WASHINGTON STATE LEGISLATURE
and under the guidance of the
WASHINGTON STATE CONSERVATION COMMISSION

NAS.

SUBSTITUTE SENATE BILL 6551

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Loveland, Rasmussen, Snyder, Morton, Oke, Prince, A. Anderson, Hargrove, Hochstatter, Winsley and Sellar)

Read first time 02/02/96.

1 AN ACT Relating to agricultural grazing on state-owned and managed
2 lands; adding a new section to chapter 79.01 RCW; and adding section 1,
3 chapter 4, Laws of 1993 sp. sess. (uncodified) to chapter 79.01 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. Sec. 1. A new section is added to chapter 79.01 RCW
6 to be codified between RCW 79.01.295 and 79.01.296 to read as follows:

7 (1) It is the purpose of chapter . . . , Laws of 1996 (this act)
8 that all state agricultural, grazing, and grazeable woodlands shall be
9 managed in keeping with the statutory and constitutional mandates under
10 which each agency operates. Chapter . . . , Laws of 1996 (this act) is
11 consistent with section 1, chapter 4, Laws of 1993 sp. sess.

12 (2) The ecosystem standards presented in chapter 4, Laws of 1993
13 sp. sess. for state-owned agricultural and grazing lands are defined as
14 desired ecological conditions. The standards are not intended to
15 prescribe practices. For this reason, land managers are encouraged to
16 use an adaptive management approach in selecting and implementing
17 practices that work towards meeting the standards based on the best
18 available science and evaluation tools.

1 (3) For as long as the chapter 4, Laws of 1993 sp. sess. ecosystem
2 standards remain in effect, they shall be applied through a
3 collaborative process that incorporates the following principles:

4 (a) The land manager and lessee or permittee shall look at the land
5 together and make every effort to reach agreement on management and
6 resource objectives for the land under consideration;

7 (b) They will then discuss management options and make every effort
8 to reach agreement on which of the available options will be used to
9 achieve the agreed-upon objectives;

10 (c) No land manager or owner ever gives up his or her management
11 prerogative;

12 (d) Efforts will be made to make land management plans economically
13 feasible for landowners, managers, and lessees and to make the land
14 management plan compatible with the lessee's entire operation;

15 (e) Coordinated resource management planning is encouraged where
16 either multiple ownerships, or management practices, or both, are
17 involved;

18 (f) The department of fish and wildlife shall consider multiple
19 use, including grazing, on lands owned or managed by the department of
20 fish and wildlife where it is compatible with the management objectives
21 of the land; and

22 (g) The department of natural resources shall allow multiple use on
23 lands owned or managed by the department of natural resources where
24 multiple use can be demonstrated to be compatible with RCW 79.68.010,
25 79.68.020, and 79.68.050.

26 (4) The ecosystem standards are to be achieved by applying
27 appropriate land management practices on riparian lands and on the
28 uplands in order to reach the desired ecological conditions.

29 (5) The legislature urges that state agencies that manage grazing
30 lands make planning and implementation, using the coordinated resource
31 management and planning process, a high priority, especially where
32 either multiple ownerships, or multiple use resources objectives, or
33 both, are involved. In all cases, the choice of using the coordinated
34 resource management planning process will be a voluntary decision by
35 all concerned parties including agencies, private landowners, lessees,
36 permittees, and other interests.

13. The WDFW does not require the livestock to be disease free before coming onto the WMAs or crossing thru (crossing permit) the WMAs. This is especially of concern with domestic sheep who may spread disease to wild bighorn sheep. WMAs near the Canadian border are of concern for mad bovine disease. No effort is made by the WDFW to determine if the exotic livestock have been inoculated.

14. Domestic livestock are a major vector for the spread of exotic weeds on our WMAs. The WDFW does not require cattle or sheep be feed weed free hay for one week prior to entering the WMAs each spring. (quarantine period) The WDFW is then required to control weeds with costly time consuming herbicides on the areas used by livestock each year. This is a major operating expense for all grazed WMAs every year.

15. Domestic livestock cause considerable pollution from fecal coliform wherever they use streams, ponds, and spring areas. They cause bank erosion and soil siltation, thus degrading water sources that should have been protected by HB1309 Standards. This in turn makes the water source unfit for big game use and degrades salmon, steelhead, and trout habitat. See Asotin WMA Pilot Grazing Project photos by the WWP science Team. (Johnson, Herman, & Fite) Conclusions

To summarize, domestic exotic livestock grazing activities do not benefit wildlife (any species) do not benefit fish (all species) and do not protect ecological integrity. This is determined by the records provided by the WDFW and our own photos and investigations including the results of the WSU Pilot Grazing Project. Early spring grazing by exotic livestock, before seed shatter, harms vegetation including grasses, forbs, and shrubs needed by all wildlife species. WDFW WMA staff do not have the time, funds, materials, and knowledge to adequately control the livestock, or the livestock permittee as required under the permit conditions that for the most part, go unsupervised. Livestock go onto and onto and off of the WMAs uncounted by WMA staff. The WDFW monitoring methodology is inadequate to evaluate if the ecological integrity is being protected during each permit season. The issuance of livestock permits in perpetuity is contrary to state law and is unethical in the extreme but now practiced by top WDFW mgrs in their real estate transactions and land purchase funded by the RCO? ESA species, plants animals, and fish are put at unnecessary risk by domestic livestock grazing on our WMAs. RCO livestock grazing policy is inadequate and for the most part unenforced and without the essential audit controls by RCO staff. Es verdad.

I request you strengthen and enforce your RCO Livestock policy.

Sincerely,

Rob Kavanaugh

Rob Kavanaugh

cc. WWP

Dr. Ben Roche

Dr. Herman

Dr. Don Johnson

NPIT

1/B
✓
✓

Range Management

PUBLIC GRAZING PROGRAMS IN WASHINGTON STATE



By

Robert Kavanaugh

Olympia, WA

1992

206-456-6448

From: Mike Lithgow [mailto:MLithgow@pendoreille.org]
Sent: Tuesday, April 26, 2016 11:40 AM
To: Loosle, Wendy (RCO)
Cc: Guzlas, Kyle (RCO)
Subject: Pend Oreille County Non-Motorized NOVA Submittal

Wendy,

I would like to make a formal comment to the Board. Pend Oreille County has made significant strides in the last couple of years to promote the development and maintenance of parks and recreation opportunities. Pend Oreille County is a very rural and impoverished county in the very NE corner of Washington. The grant programs that the RCO facilitates make a huge difference in the projects we are able to undertake. We take pride in our relationship with the RCO. We also do our best to provide the RCO with all of the information they need in a timely manner. In fact we Certified our match for Project 14-2129 on May 6th, 2015. Thanks for your consideration of these issues as you make your decisions.

Sincerely,



Michael Lithgow

Director

PEND OREILLE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
625 W 4TH STREET
PO BOX 5066
NEWPORT, WA 99156

☎ (509) 447-6457

Fax (509) 447-5890

Cell (509) 671-3507

✉ mlithgow@pendoreille.org

Website www.pendoreilleco.org



NOTICE: All emails, and attachments, sent to and from Pend Oreille County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

Certification of Applicant Match

Organization Name Pend Oreille County

Project Name Pend Oreille County Rustlers Gulch-County Park Non-Motorized Connect

Project Number 14-2129

The sources and amounts of our matching share will be:

Source of Match	Amount
Non-Motorized Paths and Trails Budget	130,000
Total	\$ 130,000

As the authorized **financial** representative for the above identified organization, I hereby certify that the sponsor matching resources are available for the project referenced above. I further acknowledge that our organization is responsible for supporting all non-cash commitments and donations should they not materialize.

Signature 

Printed Name Mike Lithgow

Title Community Development Director

Date 5/6/15

**Recreation and Conservation Funding Board
Resolution #2016-12
April 27-28, 2016 Consent Agenda**

BE IT RESOLVED, that the following April 27-28, 2016 Consent Agenda items are approved:

A. Board Meeting Minutes – February 9-10, 2016

Resolution moved by: _____

Resolution seconded by: _____

Adopted Date: _____

Recreated content from the [summary minutes of the February 28-March 1, 2002](#) regular meeting of the Interagency Committee for Outdoor Recreation.

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

RESOLUTION #2002-01 Consent Agenda Policy

The IAC hereby resolves: To achieve benefits of efficiency and better use of public meeting time, the IAC will handle certain items on its business meeting agendas on a "consent agenda" basis. IAC's policy for consent agenda items will be as follows:

Criteria for placing an action item on the "Consent Agenda" are:

- Action item is non-controversial
- Action item is not precedent-setting
- Action will not establish or significantly change IAC policy or prior decisions

Examples of items suitable for inclusion on the "Consent Agenda" (assuming above criteria are met):

- Time extensions beyond the director's authority
- Minor conversions (i.e., boundary-line adjustment) or project scope changes
- Minor policy changes over 10%
- Previous meeting's Minutes

Process for announcing the "Consent Agenda" items for each meeting:

- Staff identifies consent items, and places on the agenda mailed prior to the meeting.
- Before the meeting, IAC members may request the Chair or Director to place the item on the regular discussion agenda. A request to withdraw ('pull') a consent item, and place it on the regular agenda, should be made at least 3 working days before the IAC meeting. (If a consent item is to be pulled, staff will notify any affected proponents, and try to secure their presence for discussion of the item on the regular agenda portion of the IAC meeting. IAC members are encouraged to notify the Chair or Director as early as possible if a consent item needs to be pulled, so that proponents have as much advance notice as possible to attend if desired.)
- If a consent item attracts public inquiry or opposition, it will be moved to the regular agenda and presented.

Meeting Day / IAC Action Process:

- The Consent Agenda will be considered near the start of the business meeting session. This will allow board members to identify questions, if any, and allow staff to obtain additional information if needed to respond to an information inquiry.
- The board's review materials will consist of a briefing paper only, without separate staff or proponent presentations. No discussion shall take place regarding any item on the consent agenda beyond members' questions for clarification. Staff will be available to respond to brief clarifying or informational inquiries, but in most cases proponents will not be present. No testimony will be taken.

- No debate will be allowed on the motion for the consent items. The resolution of approval will encompass all listed items.
- If a board member objects to consideration of any specific item within the resolution, that item can be removed from consent consideration and be acted on separately as appropriate.

Implementation:

The IAC will use this policy for its agendas for meetings through March 2003. Staff is directed to implement this policy, and, prior to the end of March 2003, seek board guidance on whether to continue or modify the consent agenda policy and implementation after March 2003.

Adopted this 28th day of February, 2002, at Olympia, WA.

Resolution moved by: Cleve Pinnix

Resolution seconded by: Bob Parlette

Adopted / Defeated / Deferred

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Director's Report

Summary

This memo is the director's report on key agency activities.

Board Action Requested:

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

In this Report:

- Agency update
- Legislative, budget, and policy update
- Grant management report
- Fiscal report
- Performance report

Agency Update

Responding to the JLARC Audit

The Recreation and Conservation Office (RCO) and our partners, the Washington Departments of Fish and Wildlife, Natural Resources, State Parks, and the Office of Financial Management, prepared a response to the Joint Legislative Audit and Review Committee's (JLARC) July report titled, *State Recreation and Habitat Lands*. The report made the following recommendations to more clearly identify the costs of land acquisitions:

- State agencies should develop a single, easily accessible source for information about proposed recreation and habitat land acquisitions, including details about each acquisition and funding, linkages to plans, and future costs identified to achieve outcomes and maintenance.
- OFM should develop guidelines that standardize cost estimates and a process to reconcile estimated costs with actual expenditures.

In the response, the agencies presented three options (free, somewhat costly, and expensive). JLARC recommended the expensive approach, which would revise and enhance the existing Public Lands Inventory to more completely provide information on detailed outcomes and future costs of land acquisitions. However, the Legislature did not fund any further work.

Volunteers Needed to Evaluate Grants for Parks

RCO recruited volunteers during the winter to fill nine advisory committees and is still looking for a few more volunteers to evaluate recreation and conservation grant proposals. Vacancies remain on four advisory committees, which will do their work this spring and summer:

- One local government volunteer for the Aquatic Lands Enhancement Account program.
- Two citizens and one local government volunteer for the Land and Water Conservation Fund program.
- One citizen volunteer for the Washington Wildlife and Recreation Program's Local Parks program and one local government volunteer for the Water Access program.

Nod to New Nisqually State Park

On January 20, RCO attended the grand opening of Nisqually State Park. After more than 20 years of land acquisitions, all funded in the Washington Wildlife and Recreation Program's State Parks Category, the Washington State Parks and Recreation Commission completed the development of the initial park access, which include a trailhead, parking, a vault toilet, informational signs, and a hitching post and mounting ramp for equestrians. The dedication was shared with the Nisqually Indian Tribe, which owns property in the long-term park boundary, and several council members who spoke eloquently of the significance of this property to their people. The park is a few miles east of Eatonville. It is about 1,300 acres but will be more than 3,000 acres when all the land inside the long-term boundary are acquired, making it one of the largest state parks. Future development will include camping, trails, and an interpretive center that tells the story of the Nisqually and other Native American tribes in this area.

RCO Employee Changes

- **Scott Thomas**, outdoor grants manager in the Recreation and Conservation Section, announced he is leaving RCO to work King County Parks as a community partnerships and grants program manager. Recruitment is underway for his replacement.
- **Justin Bush** will join RCO on May 2 as the new Executive Coordinator for the Invasive Species Council. Justin comes to us from King County and brings a wealth of invasive species experience.

Meetings with Partners

- **Washington Boaters Alliance:** The director gave a presentation to boating advocates at the annual Washington Boaters Alliance Leadership Summit at the Seattle Boat Show. Topics included an overview of RCO's boating programs, our investment in boating infrastructure around the state, the economic impact of boating in the state, and highlights of some completed projects. Perhaps most notable is the high praise we received from the crowd for running what they described as the **best and most responsive boating grant funding process in the state!**
- **Washington State Conservation Commission:** The director met with WSCC staff to discuss legislative issues such as the pending Washington Wildlife and Recreation Program (WWRP) bill and Habitat Lands Coordinating Group extension. The commission offered help in recruiting advisory committee members for the new Forestland Protection category that will be created if the WWRP bill passes. We also discussed the latest riparian buffer guidance from the U.S. Department of Agriculture's Natural Resources Conservation Service. Finally, we discussed how to coordinate with the WSCC should it decide to request funding for its farmland conservation easement program.
- **Washington Association of Land Trusts:** The director attended the quarterly meeting of WALT to update its members on the WWRP review, board policy changes, the Joint Legislative and Audit Review Committee's study of state land acquisitions, the new No Child Left Inside grant program, federal rule changes affecting grant programs, and RCO's new grant managers. The director also participated in a coordinating meeting with land trusts and the Washington Department of Fish and Wildlife in eastern Washington.

Update on Sister Boards

Salmon Recovery Funding Board (SRFB)

The SRFB held its most recent meeting March 16-17 in Olympia. The board spent time discussing budget priorities for the 2015-17 Biennium, and made funding decisions about next year's Salmon Recovery Conference, the SRNet communication plan, a hatchery reform video, and various data needs. The meeting also included a public hearing for the latest round of proposed changes to the Washington Administrative Code (WAC), and an update on newly proposed WAC sections. Three partner presentations were provided by The Nature Conservancy, the Puget Sound regional organization, and the University of Washington and Department of Fish and Wildlife. The next meeting is June 22-23 in Olympia.

Washington Invasive Species Council

The council had its quarterly meeting March 3 and discussed the Department of Natural Resources' Urban Forestry Restoration Program, the Kalispel Tribe's northern pike management program, feral swine response plan, and outcomes of the Aquatic Invasive Species Funding Workgroup. The council also continues to coordinate a group of stakeholders to develop funding recommendations on aquatic invasive species management.

Habitat and Recreation Lands Coordinating Group

The lands group completed its [2015 Progress Report](#) and [2016 Biennial State Land Acquisition Performance Monitoring Report](#), as required by state law. The lands group also held its annual coordinating forum in March 2016. At this meeting, the state natural resources agencies forecast land acquisition and disposal projects for which they will seek funding in the 2017-2019 Budget. Agency presentations can be found on our [Web site](#).

Legislative, Budget, and Policy Update

The Legislature adjourned on Tuesday, March 29, after passing a final budget and over-turning the Governor's veto on twenty-seven bills. In doing so, the Invasive Species Council bill became law. In addition, the WWRP and Habitat and Recreation Lands Coordinating Group bills were passed by the legislature and signed into law by the Governor.



On the budget front, the RCO saw a slight reduction to our General Fund-State funding in the operating budget and a merging of provisos and budget appropriations in the capital budget, detailed in the following table.

	Governor	House	Senate	Final Budget
Operating Budget: General Fund / State	(\$98,000)	(\$179,000)	(\$179,000)	(145,000)
Boating Facilities Program Funds	\$4.85 million	\$4.85 million	\$4.85 million	\$4.85 million
Boating Facilities Program Proviso			The board is encouraged to consider funding for the purchase and installation of equipment to control invasive species.	The board is encouraged to consider funding for the purchase and installation of equipment to control invasive species.
Nonhighway and Off-road Vehicle Activities Program Funds	\$2.5 million	\$2.5 million	\$2.5 million	\$2.5 million
Nonhighway and Off-road Vehicle Activities Program Proviso	-	Shifts new funding from E&E projects to other categories. Sets aside \$50,000 for the trails database.	-	Shifts new funding from E&E projects to other categories. Sets aside \$50,000 for the trails database.
RCO Recreation Grants Funds	-	(\$3.615 million)	-	(\$3.615 million)
RCO Recreation Grants Proviso		Sets aside \$1 million for continued acquisition and development of the Olympic Discovery Trail (ODT) in Jefferson Co.	No match is required for the Concrete spray park project.	\$1 million for continued acquisition and development of the ODT and no match requirement for the Concrete Spray Park project

2016 Grant Application Webinar

On February 17, more than 200 people joined staff via the Web for the Recreation and Conservation Section's virtual application workshop. This webinar provided a high-level look at the board's grant programs and changes to policies and procedures. Staff also shared tips on developing and submitting an application, and a heads-up about long-term grant obligations. Staff also covered board-adopted changes to the grant programs. RCO is accepting applications until May 2, 2016 for five grant programs: Aquatic Lands Enhancement Account, Boating Infrastructure Grant, Land and Water Conservation Fund, Washington Wildlife and Recreation Program, and Youth Athletic Facilities. The rest of the grant applications will be due November 1.

Funder's Forum for Grant Applicants

Alison Greene presented on RCO grants to more than 35 people participating in the Yakima County Regional Funders' Forum in March. The event, hosted by the Yakima Valley Conference of Governments, was held in the Grandview Community Center. Federal, state, and local funding agencies shared information about grant and loan programs that support renovation and development of infrastructure. Participants also were given the opportunity to meet one-on-one with funders to have more specific project discussions. Alison spent most of the afternoon discussing proposed projects with the cities of Wapato, Zillah, Toppenish, and Grandview.

Grant Round Preparation

Staff dedicated a considerable amount of time preparing for the 2016 grant cycle and helping applicants establish planning eligibility for four board programs. Approximately 180 organizations adopted plans that make them eligible for one or more grant programs. The RCO director approved extensions for 28 organizations who are working to meet their extended deadline. Staff updated 15 policy manuals, countless web pages, and forms, including new application authorizations. In addition, staff continues to recruit volunteers for several standing advisory committees. These committees are essential to implementing the board-approved process for review and evaluation of grant proposals.

Applications are Rolling In

With the deadline less than a month away, applicants have entered nearly 160 applications for five of the board's grant programs. Applicants may request funds to acquire, develop, or renovate athletic fields, parks, trails, boating facilities, and water access sites. Grants are also for preserving farmland and protecting and restoring habitats for fish and wildlife species. Applications are due May 2, 2016.

RCO's Newest Grant Program Proves Popular

One of RCO's newest grant program, the No Child Left Inside program, opened to applicants in February and has been flooded with proposals – 122 to be precise, requesting \$5.4 million (with \$6.2 million in match), far outstripping the available funding of \$940,000. The grant program, which RCO is managing at the request of State Parks, provides funding for programs that teach environmental education or get kids outside, has two tiers. RCO received 94 requests for grants of \$50,000 or less (Tier 1) and 28 requests for grants between \$50,001 and \$125,000 (Tier 2). Applicants come from 31 of the state's 39 counties and range from programs to introduce kids to hunting, canoeing, backpacking, and sailing to others focusing on using the outdoors for Science Technology Education and Math (STEM)-based education programs or using outdoor activities to benefit at-risk teens. While applicants include counties, cities, and tribes, the majority of applicants are nonprofit organizations. More than one-quarter of the proposals serve kids of veterans or active military families. Applications have been reviewed by RCO staff and the advisory committee, with the ranked list presented to the State Parks director for approval and funding in May.

RCO Offers Outdoor Recreation Legacy Partnership Grants

RCO has received three grant applications for the national Outdoor Recreation Legacy Partnership Program, which is offered through the Land and Water Conservation Fund (LWCF) by the National Park Service. The \$15 million legacy program is designed to complement LWCF by creating new opportunities for outdoor play in urban areas. Projects must showcase how they support close-to-home recreation opportunities that connect youth to public lands. RCO can submit only two applications for the national competition. Grant awards will be made by March 2017. More information provided in Item 9.

Recreation Trails Program Grants

On February 25, as the result of federal transportation funding, RCO received notice of more than \$1.8 million in federal fiscal year 2016 funds for the Recreational Trails Program (RTP). The funding was anticipated and has allowed me to approve grants for approximately 20 alternate projects on the board approved ranked list for the 2015-17 biennium. Staff are working to issue agreements so sponsors may implement their scopes of work beginning this summer. The funded projects are shown in Attachment A, Funding for Alternates and Partially-Funded Projects.

Using Returned Funds for Alternates and Partially-Funded Projects

The RCO director recently awarded grants for alternate projects (Attachment A, Table A-1). The funds are from projects that did not use the full amount of their grant awards. Also, as unused funds have become available from other projects, the director has approved additional funding for partially-funded projects. Attachment A, Table A-2 shows the projects' original grant award and the total grant funds now approved.

Project Administration

Staff administer outdoor recreation and habitat conservation projects as summarized in the table below. "Active" projects are under agreement and are in the implementation phase. "Director Approved" projects includes grant awards made by the RCO director after receiving board-delegated authority to award grants. Staff are working with sponsors to secure the materials needed to place the Director Approved and Board Funded projects under agreement.

Program	Active Projects	Board Funded Projects	Director Approved Projects	Total Funded Projects
Aquatic Lands Enhancement Account (ALEA)	19	0	2	21
Boating Facilities Program (BFP)	30	0	1	31
Boating Infrastructure Grant Program (BIG)	5	0	0	5
Firearms and Archery Range Recreation (FARR)	7	0	4	11
Land and Water Conservation Fund (LWCF)	4	0	2	6
Marine Shoreline Protection (MSP)	3	0	0	3
Nonhighway and Off-Road Vehicle Activities (NOVA)	109	0	3	112
Recreation and Conservation Office Recreation Grants (RRG)	44	0	11	55
Recreational Trails Program (RTP)	52	0	20	72
Washington Wildlife and Recreation Program (WWRP)	142	0	6	148
Youth Athletic Facilities (YAF)	19	12	0	31
Total	434	12	49	495

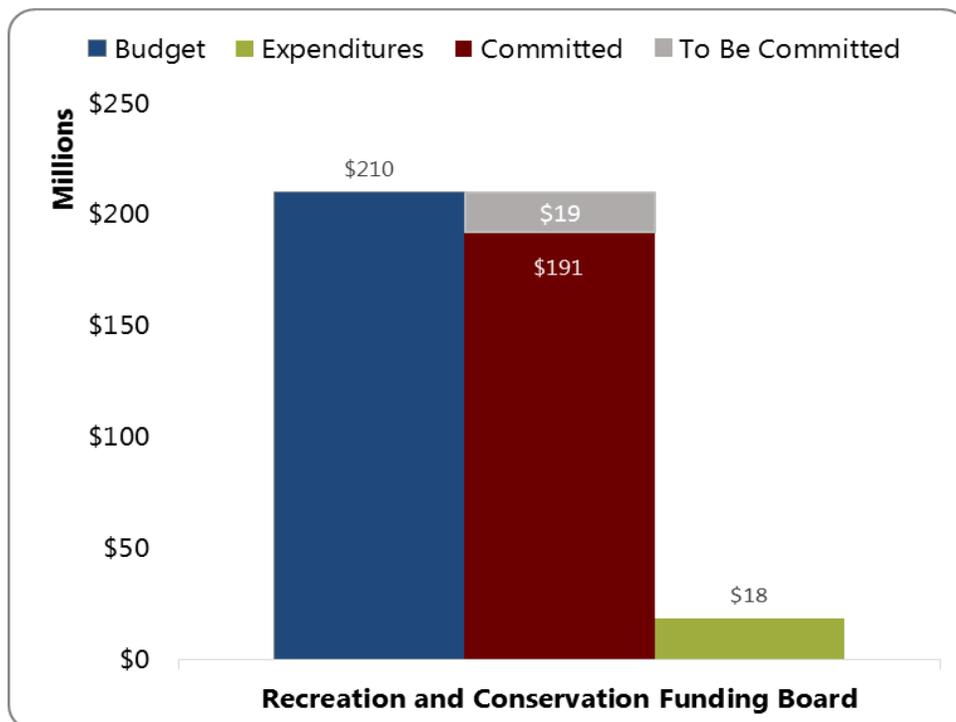
Fiscal Report

For July 1, 2015-June 30, 2017, actuals through February 29, 2016 (Fiscal Month 8). Percentage of biennium reported: 33.3 percent. The "Budget" column shows the state appropriations and any received federal awards.

Grant Program	BUDGET New and Re-appropriations 2015-2017	COMMITTED Dollars	TO BE COMMITTED		EXPENDITURES		
			% of Budget	Dollars	% of Budget	Dollars	% Expended of Committed
Grant Programs							
ALEA	\$10,014,000	\$9,737,199	97%	\$276,801	3%	\$1,571,195	16%
BFP	\$14,258,000	\$13,979,794	98%	\$278,206	2%	\$1,736,178	12%
BIG	\$1,556,829	\$1,556,829	100%	\$0	0%	\$70,668	5%
FARR	\$895,000	\$811,279	91%	\$83,721	9%	\$100,759	12%
LWCF	\$1,468,743	\$1,468,743	100%	\$0	0%	\$78,352	5%
NOVA	\$12,789,708	\$12,417,128	97%	\$372,579	3%	\$2,316,045	19%
RTP	\$6,050,628	\$5,992,599	99%	\$58,029	1%	\$738,154	12%
WWRP	\$106,746,111	\$96,461,113	90%	\$10,284,998	10%	\$7,466,689	8%
RRG	\$36,860,160	\$30,773,964	83%	\$6,086,196	17%	\$1,730,393	6%
YAF	\$11,642,000	\$10,634,791	91%	\$1,007,209	9%	\$475,102	4%
Subtotal	\$202,281,179	\$183,833,439	91%	\$18,447,739	9%	\$16,283,535	8%

Administration

General Operating Funds	\$7,464,926	\$7,464,926	100%	\$0	0%	\$2,140,001	29%
Grand Total	\$209,746,105	\$191,298,365	91%	\$18,447,739	9%	\$18,423,536	9%



Acronym	Grant Program
• ALEA	Aquatic Lands Enhancement Account
• BFP	Boating Facilities Program
• BIG	Boating Infrastructure Grant
• FARR	Firearms and Archery Range Recreation
• LWCF	Land and Water Conservation Fund
• NOVA	Nonhighway and Off-road Vehicle Activities
• RTP	Recreational Trails Program
• WWRP	Washington Wildlife and Recreation Program
• RRG	RCO Recreation Grants
• YAF	Youth Athletic Facilities

Board Revenue Report

For July 1, 2015-June 30, 2017, actuals through February 29, 2016 (Fiscal Month 8). Percentage of biennium reported: 33.3%.

Program	Biennial Forecast	Collections	
	Estimate	Actual	% of Estimate
Boating Facilities Program (BFP)	\$17,801,006	\$5,280,774	29.7%
Nonhighway, Off-Road Vehicle Program (NOVA)	\$12,522,771	\$3,716,612	29.7%
Firearms and Archery Range Rec Program (FARR)	\$597,086	\$235,320	39.4%
Total	\$30,920,863	\$9,232,706	29.9%

Revenue Notes:

- BFP revenue is from the un-refunded marine gasoline taxes.
- NOVA revenue is from the motor vehicle gasoline tax paid by users of off-road vehicles and nonhighway roads and from the amount paid for by off-road vehicle use permits. NOVA revenue is from the motor vehicle gasoline tax paid by users of off-road vehicles and nonhighway roads and from the amount paid for by off-road vehicle use permits.
- FARR revenue is from \$3 of each concealed pistol license fee.
- This reflects the most recent revenue forecast of February 2016. The next forecast is due in June 2016.

WWRP Expenditure Rate by Organization (1990-Current)

Agency	Committed	Expenditures	% Expended
Local Agencies	\$280,471,466	\$255,861,277	91%
Department of Fish and Wildlife	\$186,676,001	\$160,631,406	86%
Department of Natural Resources	\$147,674,557	\$122,233,765	83%
State Parks and Recreation Commission	\$129,108,317	\$115,157,727	89%
Conservation Commission	\$378,559	\$378,559	100%
Nonprofits	\$17,902,495	\$10,139,803	57%
Tribes	\$689,411	\$639,434	93%
Other			
Special Projects	\$735,011	\$735,011	100%
Total	\$763,635,817	\$665,776,982	87%



Performance Measures for Fiscal Year 2016

The following performance data are for recreation and conservation projects in fiscal year 2016 (July 1, 2015 – June 30, 2016). Data are current as of March 28, 2016.

Recreation and Conservation Funding Board Performance Measures

Measure	Target	Fiscal Year-to-Date	Status	Notes
¹ Percent of Projects Issued Agreement within 120 Days of Board Funding	85-95%	75%	●	250 agreements for RCFB-funded projects were due to be mailed this fiscal year. Of those, 188 agreements were mailed on time.
² Percent of Projects Under Agreement within 180 Days of Board Funding	95%	85%	●	221 projects were set to come under agreement this fiscal year. Of those, 187 agreements were issued on time.
Percent of Progress Reports Responded to On Time	65-75%	93%	●	253 progress reports were due so far this fiscal year. Of these, 236 were responded to within 15 days or less.
Percent of Bills Paid within 30 days	100%	100%	●	141 bills were due this fiscal year, and staff paid all within 30 days.
Percent of Projects Closed on Time	60-70%	51%	●	There were 126 recreation and conservation projects due to close and 64 closed on time.
Number of Projects in Project Backlog	0	37	●	Staff continues to work with sponsors to get the proper documentation to close backlog projects.
Number of Compliance Inspections (by Worksite)	No target set	191	N/A	Staff revised the performance query for this measure to count inspections by worksite.
Percent of Project Sponsors Submitting Annual Bill	100%	75%	●	Of the 169 active recreation and conservation projects required to submit a bill this FY, 126 have done so. The remaining sponsors have until June 30, 2016 to submit a bill.

^{1,2}Adding the new Omni-Circular language to the RCO agreement resulted in delays.

Funds for Alternate and Partially Funded Projects

Table A-1: Funds for Alternate Projects

Project Number	Project Name	Sponsor	Grant Request	Funds Approved	Category
14-1859D	Possession Ramp Construction	Port of South Whidbey Island	\$360,500	\$130,505	Boating Facilities Program, Local
14-1839D	East Tiger Mountain Trail Connections Final Phase	Washington Department of Natural Resources	\$99,000	\$99,000	Nonhighway and Off-road Vehicle Activities, Nonmotorized
14-1984M	Methow Valley Fire Trail Maintenance	U.S. Forest Service, Okanogan-Wenatchee National Forest, Methow Ranger District	\$82,150	\$82,150	Nonhighway and Off-road Vehicle Activities, Nonmotorized
14-1802P	Ice Caves Trail Boardwalk Replacement	U.S. Forest Service, Mount Baker-Snoqualmie National Forest, Darrington Ranger District	\$27,500	\$27,500	Nonhighway and Off-road Vehicle Activities, Nonmotorized
14-2158D	Olallie State Park Twin Falls Trail Realignment	Washington State Parks and Recreation Commission	\$88,800	\$88,800	Nonhighway and Off-road Vehicle Activities, Nonmotorized
14-1971M	Alpine Lakes Trail Maintenance 2015-2016	U.S. Forest Service, Mount Baker-Snoqualmie National Forest, Snoqualmie Ranger District	\$150,000	\$150,000	Recreational Trails Program, General
14-2132M	Snoqualmie-White River Trail Maintenance 2015	U.S. Forest Service, Mount Baker-Snoqualmie National Forest, Snoqualmie Ranger District	\$83,000	\$83,000	Recreational Trails Program, General
14-2046M	Lake Chelan Down Lake Trail Maintenance	U.S. Forest Service, Okanogan-Wenatchee National Forest, Chelan Ranger District	\$150,000	\$150,000	Recreational Trails Program, General
14-2010M	2014 GPNF Wilderness Trails Maintenance	U.S. Forest Service, Gifford Pinchot National Forest, Cowlitz Valley Ranger District	\$105,206	\$105,206	Recreational Trails Program, General
14-1882M	Washington Conservation Corps: Vanishing Trails Initiative	Washington Department of Ecology	\$150,000	\$150,000	Recreational Trails Program, General
14-2114M	2014 Tahoma Trails Maintenance Grant	Mount Tahoma Trails Association	\$55,000	\$55,000	Recreational Trails Program, General
14-2019M	Lake Chelan Uplake Trail Maintenance	U.S. Forest Service, Okanogan-Wenatchee National Forest, Chelan Ranger District	\$150,000	\$150,000	Recreational Trails Program, General

14-2075D	Mazama Trail head Improvement	Methow Valley Sport Trail Association	\$104,800	\$104,800	Recreational Trails Program, General
14-1781M	Olympic Youth Crews	Pacific Northwest Trail Association	\$150,000	\$150,000	Recreational Trails Program, General
14-2093M	I-90 Corridor - Non-Motorized Plowing & Grooming	Washington State Parks and Recreation Commission	\$127,782	\$127,782	Recreational Trails Program, General
14-1765M	Mt. Baker Snowmobile Sno-Parks and Trails	Washington State Parks and Recreation Commission	\$54,772	\$54,772	Recreational Trails Program, General
14-2090M	Evans Creek ORV Maintenance & Operation 2014	U.S. Forest Service, Mount Baker-Snoqualmie National Forest, Snoqualmie Ranger District	\$75,000	\$75,000	Recreational Trails Program, General
14-1768M	Stemilt-Colockum Sno-Parks and Groomed Trails	Washington State Parks and Recreation Commission	\$41,319	\$41,319	Recreational Trails Program, General
14-1775M	Southeast Region - Snowmobile Sno-Parks and Trails	Washington State Parks and Recreation Commission	\$53,967	\$53,967	Recreational Trails Program, General
14-1780M	Greenwater-Yakima - Snowmobile Trail System	Washington State Parks and Recreation Commission	\$150,000	\$150,000	Recreational Trails Program, General
14-2088M	Shoestring Jeep Trail Bridge Replacement	U.S. Forest Service, Okanogan-Wenatchee National Forest, Cle Elum Ranger District	\$45,000	\$45,000	Recreational Trails Program, General
14-1774M	Northeast Region - Snowmobile Sno-Parks and Trails	Washington State Parks and Recreation Commission	\$150,000	\$132,981	Recreational Trails Program, General
12-1135A	Merrill Lake Natural Area	Washington Department of Fish and Wildlife	\$2,300,000	\$2,300,000	WWRP Natural Areas
14-1172D	Oak Creek Tim's Pond Access Development	Washington Department of Fish and Wildlife	\$324,500	\$324,500	WWRP State Lands Development
14-1355R	LT Murray Forest and Aquatic Habitat Enhancement	Washington Department of Fish and Wildlife	\$375,000	\$375,000	WWRP State Lands Restoration
14-1634D	Klickitat Trail	Washington State Parks and Recreation Commission	\$2,229,000	\$2,229,000	WWRP State Parks

*WWRP = Washington Wildlife and Recreation Program

Table A-2: Funds for Partially Funded Projects

Project Number	Project Name	Sponsor	Grant Request	Original Grant Funding	Current Grant Funding	Grant Program
12-1332D	Levee Street Boat Launch Renovation	City of Hoquiam	\$590,136	\$511,948	\$590,136	Boating Facilities Program, Local
14-1139A	Chapman Lake Access	Washington Department of Fish and Wildlife	\$1,150,000	\$653,239	\$800,938	Boating Facilities Program, State
14-2113E	Methow Valley Climbing Rangers	U.S. Forest Service, Okanogan-Wenatchee National Forest, Methow Ranger District	\$59,150	\$31,939	\$59,150	Nonhighway and Off-road Vehicle Activities, Education and Enforcement
10-1087D	Pearygin Lake Expansion Phase 1	Washington State Parks and Recreation Commission	\$2,186,352	\$1,053,828	\$1,480,734	WWRP State Parks

*WWRP = Washington Wildlife and Recreation Program

April 27-28, 2016

For Agenda Item 3, no formal memo is included as part of the board materials.

Item 3: Introduction of Governor's Outdoor Recreation Policy Advisor

Jon Snyder

April 27-28, 2016

For Agenda Item 4, no formal memo is included as part of the board materials.

Item 4: State Agency Partner Reports

- Department of Natural Resources
- State Parks and Recreation Commission
- Department of Fish and Wildlife

*Jed Herman
Peter Herzog
Joe Stohr*

April 27-28, 2016

For Agenda Item 5, no formal memo is included as part of the board materials.

Item 5: Department of Natural Resources' Natural Heritage Program: How Proposed Acquisitions are Prioritized

Jed Herman

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: Follow-up on Board Performance Measures
Prepared By: Scott Robinson, Deputy Director

Summary

This item provides additional requested information as the Recreation and Conservation Funding Board (board) continues its discussion about revising its performance measures.

Board Action Requested

This item will be a:

<input type="checkbox"/>	Request for Decision
<input checked="" type="checkbox"/>	Request for Direction
<input type="checkbox"/>	Briefing

Background

The Recreation and Conservation Funding Board (board) adopted its current [strategic plan](#) in June 2012. Within the plan, the board's mission is stated:

"Provide leadership and funding to help our partners protect and enhance Washington's natural and recreational resources for current and future generations."

In support of this mission, the plan focuses on three goals:

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

Over the past year the board has been reviewing its strategic plan; members agree that the mission, goals and guiding principles are satisfactory as currently written. More recent discussion focuses on identifying some new or revised performance measures that more accurately measure the board's goals.

At the April 2016 meeting staff will present the board a draft of revised performance measures and share information on projects as they relate to previous discussions concerning the board's ability to fund the highest priority proposals.

Previous Board Discussions and Actions

April 2015 - Board Discussion

The board's [April retreat](#) included a robust discussion about the board's strategic plan and performance measures. Board members agreed that the current plan is still relevant, but perhaps some modification may be needed to reflect current trends.

The board identified the following key future considerations and action items:

1. Strategic Plan

- a. How to address quality of life
- b. How to respond to emerging trends
- c. How to reflect other investments or costs leveraged by the board's investments (i.e. volunteer time)
- d. How to capture costs of operating and maintaining projects into the future
- e. How should the board encourage meaningful civic engagement

2. Performance Measures

- a. Develop performance measures that reflect:
 - i. Is the funding going to the right places?
 - ii. The "big picture" by use or project type (i.e., some uses, such as trails, span several funding sources/categories)
 - iii. How historic data compares to a recent span of time-trends
- b. Have further discussion about measures that would better align with a unifying statewide strategy.

June 2015 - Board Discussion

In 2012, the board adopted performance measures that, until mid-2015, were not being actively monitored and reported. In June 2015, staff presented the board with a graphic overview of its performance measures and included outcomes for review and discussion (see June 2015 meeting materials, Item 4). After a brief conversation, the suggestion was made by one board member to form a team to scope the performance measures that meet board, staff, and legislative needs. It was decided that Chair Spanel would choose whether to form a subcommittee.

October 2015 - Action

After some consideration, Chair Spanel decided that instead of forming a subcommittee to work on the board's strategic plan and performance measures update, the board as a whole would hold a discussion and decide on a path forward at the November meeting.

November 2015 – Board Discussion

In November 2015, the board continued its discussion of performance measures and requested that staff provide some examples from other states. Additionally, staff was asked to see if the Trust for Public Lands might be available to provide a demonstration of their Geographic Information System (GIS) which displays public lands related to demographic data and other information. Additionally, each board member was asked to send their comments and suggested changes to the performance measures to the Deputy Director for review by the board in February 2016. Staff researched performance approaches of other states, including Colorado and Oregon.

February 2016 – Board Discussion

In February the board viewed a presentation from the Trust for Public Land on its Geographic Information System and Demographic data. The board discussed formal comments on their current performance

measures submitted by Members Mayer and Bloomfield. The board reached consensus over the continued importance of reviewing measures related to the agency's performance and finances, and directed staff to work with Member Bloomfield in revising her suggested draft measures for discussion at the next meeting.

Performance Measures – Factors to Consider

When developing or adjusting performance measures, staff suggests the board consider whether the measures are:

1. Cost Effective
 - a. Is data available?
 - b. Can data can be "rolled up" to the program, board, or agency level?
 - c. Can the measure be compared to a target?
2. Timely
 - a. Is the data current and updated on a set schedule?
3. Relevant
 - a. Does the measure tell a story about whether the program, board, or agency is meeting its objectives?
 - b. Does the measure relate to the State Comprehensive Outdoor Recreation Plan (SCORP)?
 - c. Does the measure tie to the board and agency's strategic plan?
4. Understandable
 - a. Is the measure clear?
 - b. Is the measure concise?
 - c. Is the measure is non-technical?

Next Steps

After board discussion, staff will conduct the necessary work to firm up the board's performance measures. Staff will then finalize the board's strategic plan, which includes the performance measures, and present it for adoption in July 2016.

Resources

1. [Board's Current Strategic Plan](#) (adopted June 2012)
2. [Board's Strategic Plan Performance Measures](#) (presented in June 2015, Item 4)
3. [Agency Performance Measures](#) (presented in June 2015, Item 4)
4. [RCW 79A.24.005](#)
5. [Colorado Parks and Wildlife 2015 Strategic Plan](#)
6. [Great Outdoors Colorado \(GoCo Web site\)](#)
7. [Oregon Parks and Recreation Performance Reporting](#)
8. [Results Washington – Goal 3 – Sustainable Energy & Clean Environment](#)

Attachments

- A. Performance Measure Comparison: Current Measures and Member Bloomfield's Proposed Changes

RCFB Key Performance Measures

Goal	Current Framing Questions	Current Measures	Proposed Framing Questions	Proposed Measures
<p><i>We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, wildlife, and ecosystems.</i></p>	<p>Is the board creating opportunities for recreation?</p>	<p>Projects funded by type, location.</p>	<p><u>Within its authority</u> is the board creating opportunities for recreation?</p> <p><u>Is the board funding projects that have been identified as priorities through recognized planning efforts, such as SCORP?</u></p>	<p>Projects funded by type, location, <u>sponsor type.</u></p> <p>Projects submitted for funding that address current gaps in service per <u>SCORP and state-wide recreation plans.</u></p>
	<p>Is the board protecting natural systems and landscapes?</p>	<p>Acres protected (through acquisition) or restored.</p>	<p><u>Within its authority is the board protecting and restoring natural systems and landscapes?</u></p> <p><u>Is the board funding projects that protect and restore natural systems and landscapes as identified in planning efforts?</u></p>	<p>Acres protected (through acquisition). Acres restored.</p> <p>Projects submitted for funding that address current gaps based upon <u>recent planning efforts.</u></p> <p><u>Projects implemented by natural resource agencies in relationship to their internal plans and priorities.</u></p>
	<p>Are we affecting the health of Washingtonians?</p>	<p>Percent of respondents to OFM and statewide recreation surveys reporting participation in active recreation.</p>		

Goal	Current Framing Questions	Current Measures	Proposed Framing Questions	Proposed Measures
<i>We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.</i>	Is the evaluation process objective and fair?	Percent of applicants reporting that the evaluation is objective and fair.	Is the evaluation process objective and fair?	<u>Reduced negative responses to biennial sponsor surveys.</u>
	Are we managing grants efficiently and reducing project delays?	Agency re-appropriation rate.	<u>Is the board fulfilling its statutory role to ensure statewide outdoor recreation and conservation needs are being met through grant programs?</u>	<u>Perform a board self-assessment on a biennial basis.</u>
	How well do we maintain the state's investments?	Percent of grants in compliance. {Sustainability measure to be developed with policy}.	How well do we maintain the state's investments?	<u>Percent of completed projects in compliance with the grant agreement.</u> <u>Number of sites inspected over a biennium.</u>
Goal	Current Framing Questions	Current Measures	Proposed Framing Questions	Proposed Measures
<i>We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.</i>	Are stakeholders involved in policy development?	Percent of sponsors agreeing with the survey question that "The board considers input before making policy decisions".	Are stakeholders <u>and the public</u> involved in policy development?	<u>Biennial increase in the number of individuals and discrete organizations actively participating in policy development and/or review.</u>
	Are we achieving statewide participation in our grant programs?	Number of funded projects by location (e.g., county or other geography).	Are we achieving statewide participation in our grant programs?	Number of projects <u>submitted</u> by location (e.g., county or other geography).

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Implementation of the Legislative Changes to the Washington Wildlife and Recreation Program: Overview of Policy Implementation for the Next Two Years

Prepared By: Wendy Brown, Policy Director

Summary

This memo summarizes the phases for changes to the Washington Wildlife and Recreation Program (WWRP) planned over the next two years in order to implement the statutory changes and other recommendations resulting from the 2015 WWRP program review.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Background

In the 2015 Legislative Session, the Legislature directed the Recreation and Conservation Office (RCO) to convene and facilitate a stakeholder process to review and make recommendations for statutory revisions to the Washington Wildlife and Recreation Program (WWRP). Between July and November 2015, RCO conducted this review and prepared recommendations. These recommendations were presented to the Legislature on December 1, 2015 and formed the basis of RCO-request legislation to modify RCW 79A.15. The details of the report and legislation have been previously presented to the board; this memo will review how RCO plans to implement the new law, including the timeline for bringing policy and criteria changes to the board for approval.

Implementation of SSB 6227

Senate Substitute Bill (SSB) 6227, implementing the recommendations of the 2015 review of the WWRP, was signed into law on March 31, 2016. With the passage of the bill and inclusion of a modified emergency clause, some parts of the law become effective immediately and others are phased in over the next two years. RCO anticipates implementation of the new law to occur in three over-lapping phases, detailed below.

Phase 1

Phase 1 will occur between April 1 and October 31, 2016 and will include those elements called out for immediate action in the bill language, as well as other components necessary for the 2016 grant round. Listed in Section 11 of the bill language for immediate implementation are the:

- New funding allocation;

- Revised required percentages of acquisition and development in the Local Parks and State Parks categories (“at least forty percent but no more than fifty percent of the money for acquisition costs”); and the
- Expanded eligibility of nonprofit nature conservancies in Critical Habitat, Natural Areas, and Urban Wildlife categories.

Implementation of the new funding allocation will require changes to RCO grant manuals, internal working spreadsheets, and the PRISM database. Revising the percentage of funding that goes towards acquisition versus development projects in the local and state parks categories will require not only manual and database changes, but also a policy decision by the board on how to implement the flexibility provided in the new language. A briefing on this issue will be provided to the board at the July 2016 board meeting.

Putting in place the expanded eligibility of nonprofit nature conservancies in the Habitat Conservation Account categories will require changes to grant manuals and the PRISM database, and possibly further extending the deadline for nonprofits to meet planning requirements. In addition, the board will be asked to make a policy decision related to the acquisition of lands already owned by an eligible sponsor.

Other changes to be made for the 2016 grant round include:

- Broadening the definition of farmland per Section 2 of SSB 6227;
- Revising the ‘statewide significance’ criteria in Critical Habitat, Natural Areas, and Urban Wildlife categories;
- Ensuring that the public access requirement is made clear in RCO grant manuals; and
- Determining how to allocate funds in the Urban Wildlife Habitat category with the new eligibility of nonprofit nature conservancies.

Phase 2

The second phase of implementation relates solely to creating the Forest Land Preservation category and will occur between April and December 2016. In April, staff will begin to develop program policies that form the basis of the planning requirements, eligibility requirements, eligible costs, and evaluation criteria. At the same time, RCO will establish and recruit member for the program’s advisory committee. Additionally, RCO will work with a contractor to draft a forestland conservation easement (and also likely update the existing farmland conservation easement at the same time).

With the program development and manual creation scheduled for completion in December 2016, RCO recommends the board open a grant round in January/February 2017 and make funding decisions at the October 2017 board meeting. The final ranked list of forest land projects will be presented to the Governor (and Legislature) by November 1, 2017 for spending authority as part of the supplemental capital budget.

Proposed Timeline for Phase 2 (Forestland Preservation Category)

Establish Forest Land Advisory Committee	June 2016
Development of policies and program requirements	October 2016
Preparation of Forestland Easement	October 2016
New Manual Completed	December 2016
Update RCO’s PRISM database	December 2016

Grant Round Opened	January/February 2017
Grant Applications Due	May 2017
Grant Application Evaluations	August 2017
RCFB Funding Decision Made	October 2017
Ranked List of Projects Provided to Governor and Legislature	November 2017

Phase 3

The final implementation phase will occur from mid-2016 through December 2017 and be applied to the 2018 grant cycle. The following elements will be included:

- Develop new evaluation criteria (see below);
- Establish the parameters around the state agencies' coordinated plan and work with the Habitat Lands Coordinating Group to assist in developing the plan;
- Determine means to address underserved communities for WWRP;
- Develop policy to address what constitutes an exception to the public access requirement and what process the Recreation and Conservation Funding Board undertakes to make that determination;
- Increase allowable per acre noxious weed maximum amount; and
- Develop specific requirements for conferral process.

Evaluation Criteria

Most of the amendments to the bill during session involved adding board considerations for prioritizing applications. Those new considerations include multiple benefits of a project (habitat and forestland categories), whether a conservation easement can be used to meet the purposes of the project (habitat categories), community support for the project based on input from the local community and others (habitat categories), and estimated costs of maintaining and operating the project (habitat categories). For the 2018 grant round, staff will develop evaluation criteria for board approval to address these new considerations. In addressing the multiple benefits approach, RCO will form an informal group of stakeholders to help develop the recommendations to the board.

State Agencies' Coordinated Plan

The WWRP review recommends that the state agencies develop a coordinated, statewide conservation and recreation strategy that outlines state agency priorities for acquisitions and development. The idea is to recognize the planning efforts already completed by the agencies and consolidate them into a more unified state strategy. This recommendation tasks the Habitat and Recreation Lands Coordinating Group (Lands Group) with helping to pull together the state strategy and the board with reviewing the plan. The Lands Group will begin discussing this work at their June 2016 meeting.

Underserved Communities

The new bill language provides a match waiver or reduction for a "project that meets the needs of an underserved population or community in need, as defined by the board." Over the next year, RCO will work with economists, stakeholders, and others to develop options for defining an underserved population and community in need. Policy staff will also meet with community leaders to better understand hindrances to participating in the WWRP. In addition to determining when and how to

implement project match waivers or reductions, RCO will identify other means to assist communities that have historically been under-represented in the program. Staff will present options to the board for consideration in late 2017.

Public Access

The public access requirement in the bill language allows the board to approve exceptions to the public access requirement in order to protect sensitive species, water quality or public safety. Before the 2018 grant round, the board will be asked to decide what constitutes such an exception and define a process for making those determinations.

Noxious Weed Control

As part of the push towards increased land stewardship, the WWRP review recommends that RCO increase the allowable per acre cost of noxious weed control for acquisition projects from \$125 per acre to \$150 per acre. RCO staff will bring the board a proposal in 2017 to make this change.

Conferral Process

There is a requirement in the new statutory language for state and local agencies and nonprofit nature conservancies to confer with local governments before developing projects for WWRP application. Confer means a dialogue between project sponsors and local county and city officials with the purpose of early review of potential projects. Over the next year, staff will develop specific requirements for the conferral process, as well as make it an eligibility criterion, and bring them to the board for approval well before the 2018 grant round.

Next Steps

RCO staff will develop recommended policies and criteria for board consideration as outlined in this memo and keep the board apprised of the progress.

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: Early Action Board Decisions Needed to Align Board Policy with Statutory Changes
Prepared By: Leslie Connelly, Natural Resource Policy Specialist

Summary

This memo includes three requests for action by the Recreation and Conservation Funding Board (board) to prepare for grant applications this year. These changes all relate to the recently enacted legislation (Senate Substitute Bill 6227) implementing the recommendations of the Washington Wildlife and Recreation Program (WWRP) review.

- 1) The first request concerns policies needed in response to nonprofit nature conservancies becoming eligible applicants in the Habitat Conservation Account. This action includes:
 - Update acquisition policies to:
 - Clarify land already owned by a sponsor is ineligible for funding,
 - Allow certain properties already owned by nonprofit organization to be granted a Waiver of Retroactivity, and
 - Add a new policy on partnerships and property transfers.
 - Extend existing policies on nonprofit qualifications to all categories in the Habitat Conservation Account.

The first request is reflected in Resolution 2016-13.

- 2) The second request expands the definition of farmland in the Farmland Preservation Category to reflect the definition in the new state law. The second request is reflected in Resolution 2016-14.
- 3) The third request revises the evaluation criteria in the Critical Habitat, Natural Area, and Urban Wildlife Habitat categories to incorporate the question on statewide significance as required in the new law. The third request is reflected in Resolution 2016-15.

Board Action Requested

This item will be a: Request for Decisions
 Request for Direction
 Briefing

Resolutions: 2016-13, 2016-14, 2016-15

Background

Staff identified three sets of early action items from Senate Substitute Bill 6227 (SSB 6227) to implement for this year's grant applications. These actions are necessary to address eligibility issues and the existing evaluation criteria. The changes are considered minor, but necessary, for the 2016 grant cycle.

Due to the nature of the changes and the quick turn-around between the bill passage and the Recreation and Conservation Funding Board (board) meeting, public participation in reviewing these action items was limited. Staff circulated draft materials related to the acquisition policies to nonprofit nature conservancies (nonprofits) and staff at the State Parks and Recreation Commission, Washington Department of Fish and Wildlife (WDFW), and Washington Department of Natural Resources (DNR). Staff worked with the nonprofits to understand their situation as newly added eligible sponsors and prepared the memo with consideration of their feedback.

Nonprofit Nature Conservancies as Eligible Applicants

SSB 6227 adds nonprofits as eligible applicants in the critical habitat, natural areas, and urban wildlife habitat categories.¹ The new law implements nonprofits eligibility immediately. Staff identified the following issues related to nonprofits competing for grant funds:

- Update acquisition policies to:
 - Clarify that land already owned by a sponsor is ineligible for funding;
 - Allow certain properties already owned by nonprofit organizations to be granted a Waiver of Retroactivity;
 - Add a new policy on partnerships and property transfers; and
- Extend existing policies on nonprofit qualifications to all categories in the Habitat Conservation Account.

Following is a discussion and staff recommendation on each of these issues. Attachment A and Resolution 2016-13 reflect the staff recommendations presented in this section of the memo.

1. Update Acquisition Policies

When discussing the types of property that would be eligible and ineligible for grant funding, there was confusion as to whether property already owned by nonprofits would be eligible. The concern appeared to be based on the transition from being a property owner to being an eligible sponsor. Before the new law, a nonprofit was a property owner in the Habitat Conservation Account. An eligible sponsor could purchase property from a nonprofit using grant funds. With nonprofits now an eligible sponsor, three issues developed:

- When is property already owned by a sponsor eligible for funding?
- How to address property held temporarily by a nonprofit?
- How nonprofits and other eligible sponsor can partner together?

When is property already owned by a sponsor eligible for funding?

Property already owned by a sponsor is ineligible for grant funding unless it meets certain requirements established by the board. See the first column in Table 1 for the current policy statement on this type of ineligible project.

¹ Nonprofits were already eligible applicants in the riparian protection category and the farmland preservation program when the law was passed.

This policy statement is causing confusion as it could be interpreted to only apply to the specific sponsor of an application, not any sponsor. This interpretation would mean that property owned by another eligible sponsor – but not the actual sponsor – would be eligible for grant funding. Staff does not believe this was the intent of the policy and request the board clarify the statement as shown in column 2 of Table 1.

The proposed policy for adoption in column 2 of Table 1 is also included in Attachment A.

Table 1. Excerpt Ineligible Project Types, Manual 3, Acquiring Land²

Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
Land already owned by the applicant/sponsor, unless the property meets the eligibility requirements described in the "Acquisition of Existing Public Land" section or the "Buying Land before an RCO Project Agreement is Signed" section in this manual.	Property already owned by an eligible sponsor, unless the property meets the eligibility requirements described in the "Acquisition of Existing Public Property" or "Buying Land Without a Signed RCO Agreement (Waiver of Retroactivity)".	<p>Pros</p> <p>Includes any property rights, not just land.</p> <p>Clarifies that property owned by any eligible sponsor is ineligible unless it meets one of the two other policies.</p> <p>Cons</p> <p>Sponsors cannot acquire property from another eligible sponsor unless it meets one of the two other policies.</p>

How to address property held temporarily by a nonprofit?

Based on the staff’s recommendation above, the next issue was concern that property already owned by a nonprofit for the purposes of temporarily holding the property on behalf of another eligible sponsor would be ineligible for grant funding. This issue appears to be an unintended consequence of nonprofits treated as a property owner prior to the passage of SSB 6227 and an eligible sponsor immediately after the bill’s passage.

Eligible sponsors have the benefit of requesting a Waiver of Retroactivity³ to acquire property before receiving a grant. A waiver is good for two consecutive grant cycles from the date the sponsor acquires the property. For WWRP, this means a waiver is good for up to four years depending on the date of acquisition and grant application deadline.

² The complete list of ineligible projects are listed on page 24 of Manual 3, *Acquiring Land* http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.pdf

³ The Waiver of Retroactivity policy is on page 23 of Manual 3, *Acquiring Land* http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.pdf

Since nonprofits did not have the benefit of requesting a Waiver of Retroactivity prior to the passage of SSB 6227, staff recommends the board allow RCO to issue a waiver on property already owned by a nonprofit as if they were eligible sponsors the past four years. This would “grandfather” in properties acquired by nonprofits and allow them to be eligible for grant funding. This action is consistent with the benefits available to other eligible sponsors and with the board’s administrative rules on Waivers of Retroactivity.⁴

Granting the director authority to issue a waiver of retroactivity on property purchased by a nonprofit within the last four years is included in Resolution 2016-13.

How nonprofits and other eligible sponsor can partner together?

With nonprofits added as eligible sponsors, the nature of nonprofit partnerships with other eligible sponsors changed. Nonprofits no longer need to collaborate with sponsors for projects because they are ineligible sponsors. Instead, they can submit applications directly, compete for funds, and transfer property to other eligible sponsors when they do not intend to hold the property.

Currently, sponsors can transfer property, and the terms of the project agreement, to another eligible sponsor when approved by RCO through a change in the project agreement. This is typical administrative procedures for RCO. Examples of these kinds of transfers include county to city transfers or state parks to a local jurisdiction.

Staff recommends the board formalize the property transfer process. Staff also recommends the board set policy on how to apply matching requirements for partnerships and property transfers. The proposed policy for adoption is in Attachment A.

2. Extend Policies on Eligible Nonprofits and Planning Requirements

Eligibility Requirements

Nonprofits in the Farmland Preservation and Riparian Habitat categories must meet certain requirements in order to be eligible to apply for grant funds. These policies were adopted by the board in March 2010⁵ and based on long-standing policies in other grant programs. See Column 1 of Table 2 for the policy adopted.

With the addition of nonprofits into the Critical Habitat, Natural Areas, and Urban Wildlife Habitat category, there is a difference in nonprofit eligible requirements between categories in the Habitat Conservation Account.

Staff recommends applying a similar policy adopted for the Riparian Habitat category to the other categories. Doing so would provide consistent requirements for nonprofits in all categories. The proposed policy includes minor word changes to the existing policy. The proposed policy for adoption is in column 2 of Table 2 and Attachment A.

⁴ Washington Administrative Code 286-13-085(2)

⁵ Resolution 2010-08

Table 2. Nonprofit Eligibility Policy

Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Nonprofit nature conservancy corporations or associations must meet the following eligibility requirements:</p> <p>Be registered in the State of Washington as a nonprofit as defined by Revised Code of Washington 84.34.250,</p> <p>Consistent with Revised Code of Washington 24.03.220, 24.03.225, and 24.03.230, identify a successor organization fully qualified to ensure management continuity of any WWRP grants received by the corporation or association; and</p> <p>Demonstrate at least 3 years activity in managing projects relevant to the types of projects eligible for funding in the applicable WWRP category. "Activity in managing projects" means the tasks necessary to manage an on-the-ground riparian or farmland project, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary fund source, and other tasks.</p>	<p>Nonprofit nature conservancies must meet the following eligibility requirements:</p> <p>Be registered in the State of Washington as a nonprofit as defined by Revised Code of Washington 84.34.250, and</p> <p>Consistent with Revised Code of Washington 24.03.220, 24.03.225, and 24.03.230, identify a successor organization fully qualified to ensure management continuity of any WWRP grants received by the organization; and</p> <p>Demonstrate at least 3 years actively managing projects relevant to the types of projects eligible for funding in the applicable WWRP category. "Actively managing projects" means performing the tasks necessary to manage an on-the-ground habitat conservation project, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.</p>	<p>Pros</p> <p>Extends existing policy already approved by the board.</p> <p>Applies the same requirements for all categories in the Habitat Conservation Account.</p> <p>Uses the term in state law to describe nonprofits.</p> <p>Cons</p> <p>Requires nonprofits applying in Critical Habitat, Natural Areas, and Urban Wildlife Habitat to meet an additional eligibility requirement.</p>

Planning Requirements

With the removal of the Riparian Protection Account and the creation of the Riparian Habitat category in the Habitat Conservation Account, the planning requirements need to be reconciled. The reason is that there are expanded planning options in the Riparian Habitat category only. Consistency in all the categories of the Habitat Conservation Account is preferred.

To be eligible for a grant in the Habitat Conservation Account, an applicant must submit a comprehensive habitat conservation plan that has been adopted by the organization's governing body.⁶ When the Legislature created the Riparian Protection Account, the board applied the Habitat Conservation Account planning eligibility requirement to sponsors in this the new account. The policy is:

Planning Eligibility Requirement in the Habitat Conservation Account and Riparian Protection Account

To be eligible for a grant, the applicant must submit a comprehensive habitat conservation plan that has been adopted by the applying organization's governing body. Plans must be accepted by RCO by March 1 in even-numbered years. Once RCO accepts the plan, the applicant is eligible to apply for grants for up to 6 years from the date the applicant's organization adopted the plan. It is the applicant's responsibility to ensure that plans and documents are current. For further information, consult Manual 2, Planning Policies and Guidelines at www.rcow.wa.gov/documents/manuals&forms/Manual_2.pdf.

In 2010, the board expanded the planning options in the Riparian Protection Account for nonprofits to include other types of planning efforts. The reason was to allow some flexibility for nonprofits to adjust to the planning requirement. The expanded policy is:

Expanded Planning Options for Nonprofits for the Riparian Protection Account

Nonprofit conservancy corporations or associations must meet the planning requirements in WAC 286-27-040 for the riparian category. To meet the planning requirement, corporations or associations must do one of the following:

- 1. Submit a corporate or association developed plan that meets the planning requirements in WAC 286-27-040; OR*
- 2. Submit a shared jurisdiction plan that meets the planning requirements in WAC 286-27-040; OR*
- 3. Submit a cooperative plan that meets the planning requirements in WAC 286-27-040; OR*
- 4. Certify that the corporation or association has published a plan or document that has been accepted or incorporated into a plan or program managed by a public agency for public purposes. For example, an "ecoregional assessment" accepted or incorporated by the Washington Department of Fish and Wildlife or the Biodiversity Council or other public agency would meet this requirement.*

In the expanded options above, 1, 2, and 3 are part of the planning guidance in Manual 2, *Planning Policies and Guidelines* and therefore included by reference in the planning requirements for the Habitat Conservation Account.

Today, option 4 is not used. Nonprofits are meeting the planning requirement by submitting plans that meet options 1, 2 or 3 that are part of the planning guidance in Manual 2, *Planning Policies and Guidelines*. Therefore, staff recommends the board rescind the expanded planning option for nonprofits for riparian projects. The planning requirement in the Habitat Conservation Account would remain and apply to all sponsors. Options 1, 2 or 3 would remain in the planning guidance in Manual 2.

⁶ Resolution 2006-04

Resolution 2016-13 includes action to rescind the expanded planning option from the Riparian Protection Account.

Definition of Farmland in the Farmland Preservation Category

SSB 6227 expanded the types of farmland eligible for funding in the Farmland Preservation category to include lands that meet the definition of "Farms and Agricultural Conservation Land" in the Open Space Tax Act. This change in the law requires the board to update its policy on Parcels Eligible in the WWRP Farmland Preservation category. The proposed change affects the definition of farmland only. The rest of the policy is not affected.

See Attachment B for the revised policy language. Adoption of Attachment B is the board action in Resolution 2016-14.

Statewide Significance in the Evaluation Criteria

SSB 6227 revised the question in the evaluation criteria on statewide significance. The law removes reference to local agency sponsors addressing a project's statewide significance in the Critical Habitat category. The effect of the change is that all applications in the Critical Habitat, Natural Area, and Urban Wildlife Habitat categories must address how the project has statewide significance.

To make this adjustment, staff proposes the board apply the existing questions about statewide significance in the Critical Habitat category to the other two categories. The questions would be added to criteria #1 *Ecological and Biological Characteristics* in the subsection on *The Bigger Picture*. This is the same placement of the questions as in the Critical Habitat category.

The questions on statewide significance are:

- What is the statewide significance of the project site?
- Does it meet priorities identified in a state plan?
- What elevates this site to a state significance level in addition to needs identified for the local community?

See Attachment C for the proposed change to the evaluation question #1 in the Critical Habitat, Natural Area, and Urban Wildlife Habitat categories. For reference, the full set of evaluation criteria is in [Manual 10b, Washington Wildlife and Recreation Program, Habitat Conservation and Riparian Protection Accounts](#).

Adoption of Attachment C is included in Resolution 2016-15.

Strategic Plan Link

Revising the board's policies and evaluation criteria addresses Goals 1, 2 and 3 in the board's *Strategic Plan*.

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

Next Steps

Should the board approve the proposed changes to policies, they will apply to grant proposals starting in immediately in 2016.

Attachments

- A. Acquisition Policies, Policies on Eligible Nonprofits and Planning Requirements and Resolution 16-13
- B. Definition of Farmland in the Farmland Preservation Category and Resolution 2016-14
- C. Statewide Significance in the Evaluation Criteria and Resolution 2016-15

Attachment A

Proposed Change to Acquisition Policies

The following policy statements are included in the board's policies on Acquisition Projects.

1. Ineligible Project Type – Revised Statement

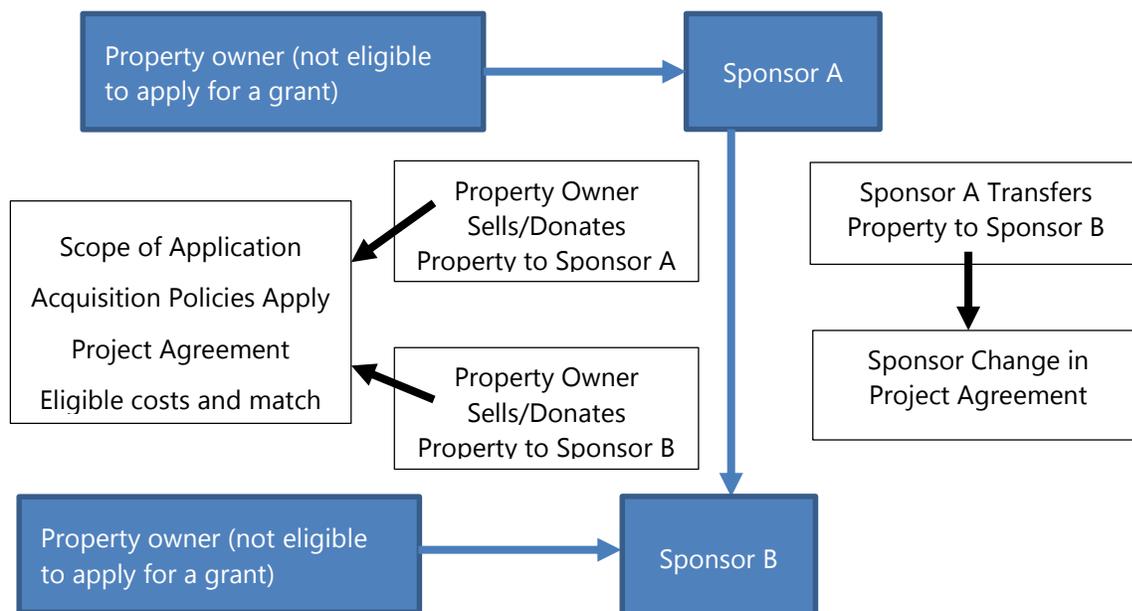
- Property already owned by an eligible sponsor, unless the property meets the eligibility requirements described in the "Acquisition of Existing Public Property" or "Buying Land Without a Signed RCO Agreement (Waiver of Retroactivity)".

2. Partnerships and Property Transfers – New Policies

Project Partners

- Two or more eligible sponsors may apply for grant funds together when they are working in partnership to buy property.
- Sponsors that plan to purchase property before receiving a project agreement must request a Waiver of Retroactivity in advance of the purchase.
- The minimum matching share required in the application is determined by who will own the property when the project is complete.
- Regardless of how partnerships are formed, the scope of the application is only property acquired from an owner who is not eligible to receive funds in the grant program. This applies the board's acquisition policies and procedures, including appraisal requirements, offers of just compensation, and relocation benefits, to the property owner who is not eligible to receive funds.
- When multiple eligible sponsors partner together, the sponsors that will acquire property within the scope of the project, including property acquired through a donation or used as match, must be included as applicants in the application. See the Diagram 1 for how to structure the application for multiple sponsors.

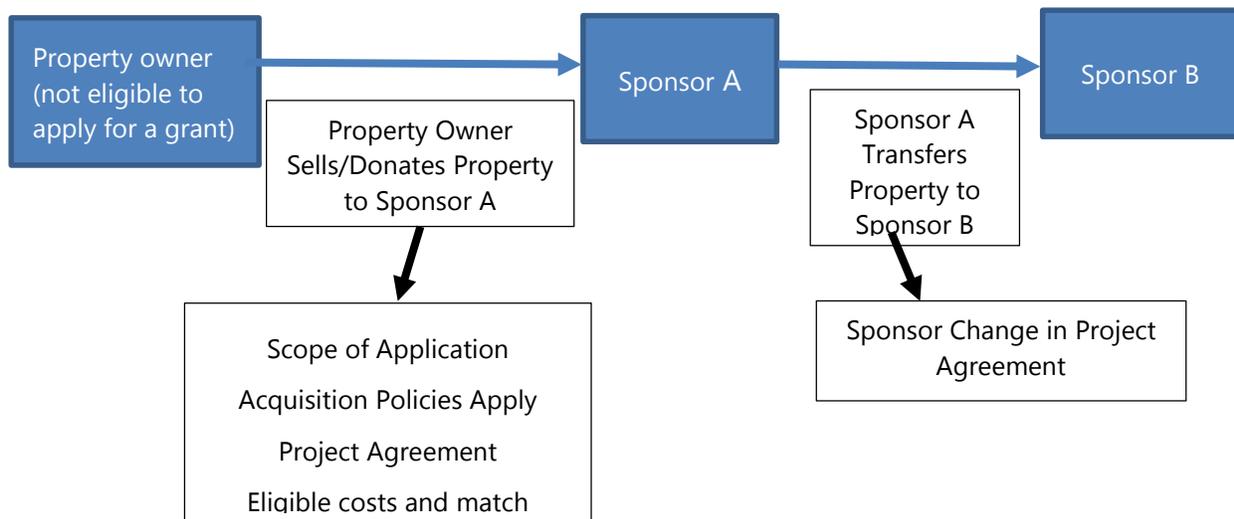
Diagram 1. Multiple Sponsors



3. Property Transfers among Eligible Sponsors

- An eligible sponsor may apply for a grant with the understanding they intend to transfer the property to another eligible sponsor. A sponsor may transfer property to another eligible sponsor after both parties request an amendment to the project agreement to change sponsors and the amendment is signed by RCO and both the original sponsor and the new sponsor. The new sponsor becomes responsible for complying with the terms of the project agreement. See Diagram 2 below for how to structure the application for property transfers.

Diagram 2 – Property Transfers



Partial Transfers

- An eligible sponsor that intends to transfer property to another eligible sponsor but will retain any portion of the property rights, including any rights or encumbrances such as a covenant or conservation easement, must remain as a sponsor to the project agreement. The sponsor receiving property rights must be added as a sponsor to the project agreement with an amendment signed by RCO and both the original sponsor and the new sponsor. Alternatively, RCO may issue a new project agreement to the sponsor receiving property for the portion of the property transferred. This ensures that the complete bundle of rights acquired with a grant continues to be protected by the terms of a project agreement.

Policy on Eligible Nonprofits

The following policy applies to any nonprofit nature conservancy that seeks to apply for grant funds from the Habitat Conservation Account.

1. Eligible Nonprofits – Existing Policy Applied to the Habitat Conservation Account

Nonprofit nature conservancies must meet the following eligibility requirements:

- Be registered in the State of Washington as a nonprofit as defined by Revised Code of Washington 84.34.250, and
- Consistent with Revised Code of Washington 24.03.220, 24.03.225, and 24.03.230, identify a successor organization fully qualified to ensure management continuity of any WWRP grants received by the organization; and
- Demonstrate at least 3 years actively managing projects relevant to the types of projects eligible for funding in the applicable WWRP category. "Actively managing projects" means performing the tasks necessary to manage an on-the-ground habitat conservation project, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.

**Recreation and Conservation Funding Board
Resolution 2016-13
Update to Acquisition Policies
And
Nonprofit Eligibility in the Habitat Conservation Account**

WHEREAS, pursuant to RCW 79A.15.060, the Recreation and Conservation Funding Board (board) administers and approves policies that govern the Washington Wildlife and Recreation Program (WWRP) Habitat Conservation Account and sets evaluation criteria for grant applications; and

WHEREAS, the Legislature amended RCW 79A.15.040 to allow nonprofit nature conservancies to compete for grants in the Critical Habitat, Natural Areas, and Urban Wildlife Habitat categories in the Habitat Conservation Account; and

WHEREAS, the board has adopted policies regarding policies regarding the types of acquisition projects that are eligible and ineligible for funding;

WHEREAS, the addition of nonprofit nature conservancies has raised some issues on how to apply the board's acquisition policies on ineligible projects; and

WHEREAS, the types of partnerships and property transfers in an acquisition project needs to be formalized to provide transparency; and

WHEREAS, the board seeks to foster partnerships among sponsors to achieve the goals of the Habitat Conservation Account; and

WHEREAS, the board also has nonprofit eligibility requirements for grants in the Farmland Preservation and Riparian Protection categories; and

WHEREAS, the board has planning requirements in the Habitat Conservation Account and Riparian Protection Account which are different;

NOW, THEREFORE BE IT RESOLVED, that the board does hereby adopt revisions to the acquisition policies as described in Attachment A; and

BE IT FURTHER RESOLVED, that the Recreation and Conservation Office (RCO) Director may issue Waivers of Retroactivity on properties already owned by nonprofit nature conservancies as if they were eligible sponsors the past four years; and

BE IT FURTHER RESOLVED, that the board adopt policy for nonprofit eligibility in the WWRP Habitat Conservation Account as described in Attachment A; and

BE IT FURTHER RESOLEVED, that the board rescinds the planning eligibility requirements for nonprofit nature conservancies adopted in resolution 2010-08; and

BE IT FURTHER RESOLVED, that the board directs RCO staff to incorporate these changes in the appropriate policy manuals with language that reflects the policy intent; and

BE IT FURTHER RESOLVED, that the board directs RCO staff to implement these policies changes beginning with the 2016 grant cycle.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Attachment B

Proposed Change to Definition of Farmland

The following change to the definition of farmland reflects changes in state law.

1. Parcels Eligible in the WWRP Farmland Preservation Category

This policy applies to each parcel included in a grant application to the WWRP Farmland Preservation category.

1. State Law Defines "Farmland" in WWRP⁷ the Same as "Farm and Agricultural Land" or "Farm and Agricultural Conservation Land" in the Open Space Tax Act.⁸

The director will ensure each parcel protected with funds from the WWRP Farmland Preservation Account meets the definition of farm and agricultural land or farm and agricultural conservation land in the Open Space Tax Act.

2. Applicants Must Provide Documentation that Parcels Meet Eligibility Requirements.

Applicants must provide documentation that each parcel in a grant application is classified as farm and agricultural land or farm and agricultural conservation land in the Open Space Tax Act. Acceptable forms of documentation are a written document from the county assessor, a current property tax notice, or a recent title report that shows the classification as an encumbrance on the property. The director relies on documentation provided by the applicant to make a determination of eligibility.

If a parcel is not classified as farm and agricultural land or farm and agricultural conservation land, an applicant may seek an informal or preliminary determination from the county assessor that the parcel could be classified as farm and agricultural land or farm and agricultural conservation land in the Open Space Tax Act. Acceptable documentation are a letter from the county assessor or the county assessor's approval of an application for farm and agricultural land or farm and agricultural conservation land classification.

The property owner is not required to participate in the Open Space Tax Act. However, meeting the definition of farm and agricultural land or farm and agricultural conservation land is required for the life of the conservation easement as stated in section 3 of this policy.

3. Eligibility is Determined at the Application Due Date.

To be eligible for grant funding, the applicant must demonstrate that each parcel in the grant application meets the definition of farm and agricultural land or farm and agricultural conservation land in the Open Space Tax Act by the application due date. The director may extend the deadline up until the date of the Recreation and Conservation Funding Board meeting when it approves the ranked list of projects. Parcels must continue to meet the definition of farm and agricultural land or farm and agricultural conservation land for the life of the conservation easement.

⁷ RCW 79A.15.010(4)

⁸ RCW 84.34.020(2)

**Recreation and Conservation Funding Board
Resolution 2016-14
Washington Wildlife and Recreation Program
Definition of Farmland in the Farmland Preservation Category**

WHEREAS, pursuant to RCW 79A.15.130, the Recreation and Conservation Funding Board (board) administers and approves policies that govern the Washington Wildlife and Recreation Program Farmland Preservation category and sets evaluation criteria for grant applications, and

WHEREAS, the Legislature amended the definition of farmland in RCW 79A.15.010 to include "Farm and Agricultural Conservation Land" in the Open Space Tax Act, and

WHEREAS, board policy on eligible parcels in the Farmland Preservation category includes reference to the definition of farmland which is outdated due to the changes made by the Legislature;

NOW, THEREFORE BE IT RESOLVED, that the board adopts a revised policy on eligible parcels in the Farmland Preservation category to update the definition of farmland as described in Attachment C, and

BE IT FURTHER RESOLVED, that the board directs RCO staff to incorporate these changes in the appropriate policy manuals with language that reflects the policy intent; and

BE IT FURTHER RESOLVED, that these policies shall be effective beginning with the 2016 grant cycle.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Attachment C**Proposed Changes to Evaluation Question #1 for the
Critical Habitat, Natural Areas, and Urban Wildlife Habitat Criteria**

The following changes to evaluation question #1 reflect a change in state law regarding statewide significance.

Critical Habitat Category**1. Ecological and Biological Characteristics**

Why is the site worthy of long-term conservation?⁹

“Paint a picture” of your project for the evaluators – the what, where, and why. This is the “heart” of your presentation and evaluators will draw conclusions based on the information presented about the quality and function of the habitat and the demonstrated need to protect it for fish and wildlife.

The Bigger Picture

How is this project supported by a current plan (i.e., species management population plan, habitat conservation, local, conservation futures, watershed, statewide, agency, or conservation), or a coordinated region-wide prioritization effort? What is the status of the plan? Does this project assist in implementation of a local shoreline master program, updated according to Revised Code of Washington 90.58.080 or local comprehensive plans updated according to Revised Code of Washington 36.70A.130? What process was used to identify this project as a priority? What specific role does this project play in a broader watershed or landscape picture? Is it part of a phased project? Is it a stand-alone site or habitat? For Water Resource Inventory Areas 1-19, how is the project referenced in the *Action Agenda* developed by the Puget Sound Partnership? The *Action Agenda* can be found online at www.psp.wa.gov. Evaluators should ignore this question for projects outside Water Resource Inventory Areas 1-19.

Local agencies only: What is the statewide significance of the project site? Does it meet priorities identified in a state plan? What elevates this site to a state significance level in addition to needs identified for the local community?

Uniqueness and Significance

Explain how the site is unique or significant on a global, regional, state, ecosystem, and/or watershed level. How unique is the site in relation to habitat quality, connectivity, diversity, and rarity? How is the site important in providing critical habitat or biological function for wildlife species or communities? How does this site compare to others of the same type?

Fish and Wildlife Species or Communities

Which, if any, are the target species or communities¹⁰? (Target species may or may not be special status species.) Are the target species or communities geographically isolated to this particular site?

⁹ Revised Code of Washington 79A.15.060 (6)(a)(iii, v - vii, xi, xiv); (6)(b)(ii)

¹⁰ A target species or community is the project’s primary objective for protection and stands to gain the greatest benefit from the acquisition. For example, a project’s primary objective may be to acquire and protect high quality shrub-steppe. This is the “target community” but that community also provides important habitat for shrub-steppe-

Explain the condition of the population of target species. Which species have the potential and likelihood to use the site in the future and will reintroduction occur naturally or otherwise?

Quality of Habitat

Describe the ecological and biological quality of the habitat. What specific role does the habitat play in supporting the species or communities using the site? How is this habitat important in providing food, water, cover, connectivity, and resting areas? Are the size, quality, and other characteristics of the habitat adequate to support the target species or communities within the context of the project areas? Has the habitat or characteristics of the site been identified as limiting factors or critical pathways to the target species and communities?

▲ Maximum Points = 20

Revised ~~February~~ April 2016

Natural Areas Category

1. Ecological and Biological Characteristics

Why is the site worthy of long-term conservation?¹¹

“Paint a picture” of your project for the evaluators – the what, where, and why. This is the “heart” of your presentation and evaluators will draw conclusions based on the information presented about the *quality and function of the plant community, habitat*, or other unique geological or natural historical features, and the *demonstrated need to protect* it.

The Bigger Picture

How is this project supported by a current plan (i.e., Natural Heritage Plan, habitat conservation, local, watershed, statewide, or species/community management or recovery plans), or a coordinated region-wide prioritization effort? What is the status of the plan?

Does this project assist in implementation of a local shoreline master program, updated according to Revised Code of Washington 90.58.080 or local comprehensive plans updated according to Revised Code of Washington 36.70A.130? What process was used to identify this project as a priority? What specific role does this project play in a broader watershed or landscape picture? Is it part of a phased project? Is it a stand-alone site or habitat?

For Water Resource Inventory Areas 1-19, how is the project referenced in the *Action Agenda* developed by the Puget Sound Partnership? The *Action Agenda* can be found online at www.psp.wa.gov. Evaluators should ignore this question for projects outside Water Resource Inventory Areas 1-19.

What is the statewide significance of the project site? Does it meet priorities identified in a state plan? What elevates this site to a state significance level in addition to needs identified for the local community?

dependent species.

¹¹Revised Code of Washington 79A.15.060 (6)(a)(iii, v - vii, xi); (6)(b)(ii)

Uniqueness and Significance

Explain how the site is unique or significant on a global, regional, state, ecosystem, and/or watershed level.

- How unique is the site in relation to habitat quality, connectivity, diversity, and rarity?
- How is the site important to the target species and/or communities? Are the target species and/or communities geographically isolated to this particular site?
- How does this site compare to others of the same type?

Species or Communities

What significant species and/or communities currently exist on, or use the site? Which, if any, are the target species and/or communities? (*"Target species or communities" may or may not be special status species.*)

- Describe the community type(s) and explain the relative condition of the population of target species and/or communities.
- Which species and/or communities have the potential and likelihood to use the site in the future and will reintroduction occur naturally or otherwise?

Quality of Habitat or Natural Features

Describe the ecological and biological quality of the site and how it supports the species or communities present.

- Describe how this site represents a native ecosystem, or, its rarity in relation to other types. Describe how this site has retained, to a significant degree, its natural character.
- Are the size, quality, and other site characteristics adequate to support the target species or communities within the context of the project area?
- Has the habitat or characteristics of the site been identified as limiting factors or critical pathways to the target species/communities?

▲ Maximum Points=20

Revised April ~~2006~~ 2016

Urban Wildlife Habitat

1. Ecological and Biological Characteristics

Why is the site worthy of long-term conservation?

"Paint a picture" of the project site for the evaluators – the what, where, and why. This is the heart of your presentation and evaluators will draw conclusions based on the information presented about the quality and function of the habitat and the demonstrated need to protect it for fish and wildlife.

The Bigger Picture

How is this project supported by a current plan (i.e., local, watershed, statewide, agency, habitat conservation, open space, or species management plans), or a coordinated region-wide prioritization effort? What is the status of the plan?

- Does this project assist in implementation of a local shoreline master program, updated according to Revised Code of Washington 90.58.080 or local comprehensive plans updated according to Revised Code of Washington 36.70A.130?
- What process was used to identify this project as a priority?
- What specific role does this project play in a broader watershed or landscape picture? Is it part of a phased project? Is it a stand-alone site or habitat?
- For Water Resource Inventory Areas 1-19, how is the project referenced in the *Action Agenda* developed by the Puget Sound Partnership? The *Action Agenda* can be found online at www.psp.wa.gov. Evaluators should ignore this question for projects outside Water Resource Inventory Areas 1-19.
- What is the statewide significance of the project site? Does it meet priorities identified in a state plan? What elevates this site to a state significance level in addition to needs identified for the local community?

Uniqueness or Significance of the Site

Explain how the site is unique or significant in the regional, ecosystem, watershed, or urban growth area.

- How unique is the site in relation to habitat quality, connectivity, diversity, and rarity?
- How is the site important in providing critical habitat or biological function for wildlife species or communities?
- How does this site compare to others of the same type?

Fish and Wildlife Species and or Communities

What significant species or communities use the site?

- Which, if any, are the target species or communities?¹² Target species may or may not be special status species.
- Are the target species or communities geographically isolated to this particular site? Explain the condition of the population of target species.
- Which species have the potential and likelihood to use the site in the future and will reintroduction occur naturally or otherwise?

Quality of Habitat

Describe the ecological and biological quality of the habitat.

- What specific role does the habitat play in supporting the species or communities using the site?
- How is this habitat important in providing food, water, cover, connectivity, and resting areas?
- Are the size, quality, and other characteristics of the habitat adequate to support the target species or communities within the context of the project area?

¹²A target species or community is the project's primary objective for protection and stands to gain the greatest benefit from the acquisition. For example, a project's primary objective may be to acquire and protect high quality shrub-steppe. This is the "target community," but that community also provides important habitat for shrub-steppe-dependent species.

- Has the habitat or characteristics of the site been identified as limiting factors or critical pathways to the target species/communities?

▲ Maximum Points=20

| Revised April ~~2006~~2016

**Recreation and Conservation Funding Board
Resolution 2016-15
Washington Wildlife and Recreation Program
Critical Habitat, Natural Areas, and Urban Wildlife Habitat Evaluation Criteria**

WHEREAS, the Revised Code of Washington (RCW) 79A.15 authorizes the Recreation and Conservation Funding Board (board) to adopt evaluation criteria for the Washington Wildlife and Recreation Program (WWRP) Critical Habitat, Natural Areas, and Urban Wildlife Habitat categories, and

WHEREAS, the Legislature amended the evaluation criteria for the Critical Habitat, Natural Areas, and Urban Wildlife Habitat categories to include all projects addressing a question on statewide significance, and

WHEREAS, the Critical Habitat category includes questions on statewide significance that can be applied to the other categories;

NOW, THEREFORE BE IT RESOLVED, that the board adopts revised evaluation criteria for the Critical Habitat, Natural Areas, and Urban Wildlife Habitat categories as described in Attachment C, and

BE IT FURTHER RESOLVED that the board directs Recreation and Conservation Office staff to incorporate these changes in the appropriate policy manual; and

BE IT FURTHER RESOLVED that these policies shall be effective beginning with the 2016 grant cycle.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Upcoming Requests for Direction in July for October Decisions for WWRP

Prepared By: Leslie Connelly, Natural Resource Policy Specialists

Summary

This memo outlines the plan to incorporate changes into the Washington Wildlife and Recreation Program for the remainder of this year. The plan includes:

- Funding allocations in the Local Parks and State Parks categories,
- Funding allocation in the Urban Wildlife Habitat category, and
- Forest Land Preservation Category policies and evaluation criteria.

Staff will prepare draft policies for consideration by the Recreation and Conservation Funding Board (board) in July and final policies for the board's action in October. Staff will seek public comment at various points along the way.

Board Action Requested

This item will be a:

<input type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input checked="" type="checkbox"/>	Briefing

Background

Substitute Senate Bill 6227 (SSB 6227) makes changes to the Washington Wildlife and Recreation Program (WWRP) which must be implemented this year. Specifically, the bill includes requirements to:

- Allow nonprofit nature conservancies to be eligible for grant funding May 2, 2016;
- Apply the new funding allocation percentages to the list of projects submitted to the Legislature by November 1, 2016; and
- Provide a prioritized list of projects for the Forest Land Preservation category by November 1, 2017.

The first item regarding nonprofit nature conservancies (nonprofits) is addressed in Item 7B of this April 2016 board meeting. However, the funding allocation previously adopted by the Recreation and Conservation Funding Board (board) for the Urban Wildlife Habitat category does not include nonprofits and needs to be revised for this year's grant cycle.

Implementation Plan for 2016

To accomplish the requirements in the new law, the implementation plan includes:

- Funding allocations in the Local Parks and State Parks categories;
- Funding allocation in the Urban Wildlife Habitat category; and
- Forest Land Preservation Category policies and evaluation criteria.

Funding Allocations in the Local Parks and State Parks Categories

The new law provides the board some flexibility to allocate funds between acquisition and development projects in the Local Parks and State Parks categories. Specifically, the law says:

"Not less than thirty percent to the state parks and recreation commission for the acquisition and development of state parks, with at least forty percent but no more than fifty percent of the money for acquisition costs."

"Not less than thirty percent for the acquisition, development, and renovation of local parks, with at least forty percent but no more than fifty percent of the money for acquisition costs."

The board will need to decide at its October 2016 meeting how much funding to allocate within the range stipulated in the law. The board will approve the prioritized list of projects in these categories in October as well.

Funding Allocation in the Urban Wildlife Habitat Category

The new law adds nonprofits as eligible sponsors to the Urban Wildlife Habitat category. The funding allocation previously adopted by the board does not include an allocation to nonprofits. The funding allocation¹ is:

- 40% to local agencies and Native American tribes
- 40% to state agencies
- 20% to fully fund partially funded local agency and Native American tribe projects, then fully fund partially funded state agency projects, and finally apply any remaining funds to the next highest ranked project(s), regardless of sponsor. Funds remaining, due to an insufficient number of applications by either local agency, Native American tribe, or state agency sponsors, will be awarded to the next highest ranked project(s) regardless of sponsor.

The board will need to decide at its October meeting how to allocate funding in the Urban Wildlife Habitat category, given the addition of nonprofits as eligible sponsors. The board will approve the prioritized list of projects in this category in October as well.

Forest Land Preservation Category Policies and Evaluation Criteria

The new law creates a new grant category called Forest Land Preservation category and requires the board to provide a ranked list of projects by November 1, 2017 as part of the supplemental capital budget request. To achieve this deadline, staff recommends the board establish a grant policies and evaluation criteria this year and an application cycle in 2017.

¹ Resolution 2008-06

To meet the legislative deadline, staff will draft materials for the board's review at the July meeting and final policies and evaluation criteria at the October meeting. Staff will work with a soon-to-be-created advisory committee and stakeholders to develop the draft materials. Formal public comment is planned for August.

Below is a list of implementation actions needed to develop the Forest Land Preservation category this year.

Implementation Actions for the Forest Land Preservation Category

- Create and recruit for an advisory committee
- Conduct stakeholder and public outreach
- Develop program requirements including sponsor planning requirements, nonprofit eligibility requirements, geographic envelope of applications, eligible and ineligible costs, eligible and ineligible projects, public access, cultural resources, ecosystem services opportunities, hazardous substances, scope changes, access fees, utilities, harvest regimes, fish passage, baseline inventory, and stewardship plan.
- Develop grant request maximum and minimum limits
- Develop evaluation process
- Develop evaluation criteria
- Develop compliance policies
- Develop conservation easement template
- Develop administrative rules in the Washington Administrative Code

After the board adopts the grant policies and evaluation criteria, implementation of the grant cycle can begin. Staff proposes the board launch a grant cycle in early 2017 to receive applications in preparation for the prioritized list of projects due to the Governor and Legislature November 1, 2017. A full implementation schedule is included in Item 7A of these meeting materials.

Strategic Plan Link

Developing and implementing the new Forest Land Preservation category addresses Goals 1, 2 and 3 in the board's *Strategic Plan*.

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

Next Steps

Staff will proceed with developing the Forest Land Preservation category and provide draft materials for the board's consideration at its July 2016 meeting.

April 27-28, 2016

For Agenda Item 8, no formal memo is included as part of the board materials.

Item 8: Department of Health: Healthy Communities Program

*Kathryn Akeah, Healthy Communities Manager
Amy Ellings, Healthy Eating Active Living Manager*

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: Land and Water Conservation Fund: Legacy Program Nationwide Competition
Prepared By: Marguerite Austin, Recreation and Conservation Section Manager

Summary

This memo summarizes the National Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program and provides an overview of the applications submitted in 2016. The Recreation and Conservation Funding Board (board) delegated authority to the director to approve projects for submittal to the national competition following review and ranking by the advisory committee. The April 2016 board meeting provides an opportunity for board review of the applications in an open public meeting.

Board Action Requested

This item will be a:

<input type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input checked="" type="checkbox"/>	Briefing

Background

The federal Land and Water Conservation Fund (LWCF) provides matching grants to states to preserve and develop quality outdoor recreation resources. Rules governing the program are in the [Land and Water Conservation Fund Federal Financial Assistance Manual](#). The National Park Service (NPS) announced plans in March 2016 for the national competitive grant program. Congress set aside an appropriation of \$15 million and each state has been given an opportunity to submit two projects for consideration.

The National Land and Water Conservation Fund Outdoor Recreation Legacy Partnership (ORLP) Program is for projects designed to acquire or develop outdoor recreation sites in large urban areas (population of 50,000 or more). The NPS will prioritize projects that:

- Address recreational deficiencies for urban neighborhoods
- Demonstrate unique features that are innovative and transformative
- Engage residents in the project's development
- Have experienced sponsors or partners who have successfully completed similar projects
- Improve recreation service to minorities, youth, or low to moderate income individuals or families
- Involve partnerships that leverage non-public resources that exceed the 1:1 match level
- Provide clear and detailed budgets with secured match, and
- Will be implemented and open to the public within two to three years.

In addition to the objectives listed above, projects have to clearly advance the goals or meet needs identified in their respective State's Comprehensive Outdoor Recreation Plan (SCORP).

NPS first offered this program in 2014. They made plans to offer it again in 2015 and encouraged states to begin soliciting proposals. The modifications, however, took longer than expected so the announcement

was delayed until this spring. This table below provides a summary of the eligibility requirements for this grant cycle.

Eligible Applicants	State and local governments (cities, counties, park districts, port districts, special purpose districts) and federally recognized Native American tribes.
Eligibility Requirements	<p>Eligible applicants must:</p> <ul style="list-style-type: none"> • Establish planning eligibility • Represent a jurisdiction of at least 50,000 people, and • Be named as one of the 497 urbanized areas delineated by the Census Bureau or be a jurisdiction that lies geographically within one of the delineated urbanized areas. <p>If the project sponsor is a state agency, the project must serve one or more of the urbanized area jurisdictions as described above.</p>
Eligible Project Types	Acquisition, development, and renovation projects.
Match Requirements	At a minimum, grant recipients must provide a 1:1 match from state, local or private sources.
Fund Limits¹	<p>Minimum grant request: \$250,000 per project Maximum grant request: \$750,000 per project, less RCO's indirect rate</p> <p>The cost estimate defines the maximum federal share. This policy is to prevent scope changes that might alter the competitive nature of the project. In other words, no cost increases.</p>
Public Access	Required for the whole (e.g., entire park) project area.
Other Program Characteristics	<ul style="list-style-type: none"> • Property acquired must be developed within three years. • Project sponsors must record language against the deed of the assisted property stating the property acquired, developed, or renovated must be preserved for public outdoor recreation uses in perpetuity. • The conversion rules found in section 6(f)(3) of the Land and Water Conservation Act applies.

NPS made the following changes for this cycle:

- Clarified that eligible applicants must represent a jurisdiction of at least 50,000 people;
- Revised the evaluation criteria; and
- Increased the minimum and maximum request limits (as shown in the table above).

In addition, NPS combined the funding for 2015 and 2016 and increased the amount of funds available to \$15 million compared to \$3 million in 2014.

2016 Grants Cycle

At the September 2015 board meeting, RCO asked the board to delegate authority to the director to select the projects for submission to the national competition, since early word was that the National Park Service intended to issue its federal funding opportunity notice between board meetings. Although the

¹ The new federal limits exceed the board-approved grant limits for the stateside LWCF program.

board delegated authority to the director, she has not used that authority since NPS further delayed issuance of grant notice.

States received word on March 9 that NPS is now accepting grant applications for the national competition in 2016. Unfortunately, NPS has set a very tight timeline. Applications must be submitted to NPS by May 20, 2016. To ensure applicants from the state of Washington have an opportunity to participate in this competition, RCO staff began soliciting grant applications in March. Organizations like the Association of Washington Cities and the Washington Recreation and Park Association worked to help RCO spread the news about this federal funding opportunity.

Applicants submitted three preliminary proposals by the March 31 due date. Staff is currently reviewing and assessing the applications to ensure they meet qualifications for the national competition. Applicants will be given an opportunity to revise their proposals, if needed, before the April 22 technical completion deadline. The director will then ask the LWCF advisory committee to review the federal evaluation criteria and rank the projects in terms of how well they meet the priorities outlined in the federal evaluation criteria. The committee's recommendation is due May 13. Applications are due to NPS one week later.

Although we have set a timeline so applicants can complete their applications before the board's April meeting, the LWCF advisory committee's review is not scheduled until the second week in May. Because of this tight timeline, the director will select projects for the National Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program once they have been reviewed and ranked by the advisory committee. As requested by the board, staff is providing this update and summary of the grant applications submitted for review in an open public meeting.

Strategic Plan Link

Consideration of submitting projects for this federal funding opportunity supports the board's strategy to provide funding to protect, preserve, restore, and enhance recreation opportunities statewide. The grant process supports the board's goal to achieve a high level of accountability in managing the resources and responsibilities entrusted to it.

Projects considered for the Outdoor Recreation Legacy Partnership Program support board adopted priorities in *Outdoor Recreation in Washington: The 2013 State Comprehensive Outdoor Recreation Plan*.

Next Steps

Staff will ask the LWCF Advisory Committee to review and rank projects for RCO's director consideration. The director will select the projects for submission to the National Park Service for the national completion. Staff will update the board on the projects selected and submitted for Washington State.

Attachments

- A. Outdoor Recreation Legacy Partnership Project Synopsis

Outdoor Recreation Legacy Partnership Program Projects

Number	Name	Sponsor	Grant Request	Match	Total Cost
16-1721 Development	Little Squalicum Park Estuary	City of Bellingham	\$500,000	\$601,000	\$1,101,000
<p>Description: The City of Bellingham will use this grant to create a new estuary with adjacent recreational trails and interpretive signs in Little Squalicum Park. The goals of the project are to restore estuary habitat, a rare occurrence within existing urban environments, and provide the public with opportunities to observe, enjoy, and learn from this habitat type. Little Squalicum Park is located adjacent to high-density residential, institutional, and industrial lands. Historically, the land was for agricultural and industrial uses, including gravel mining. Recent clean-up efforts have removed historic contaminants and prepared the park for additional recreation and habitat uses.</p> <p>The primary habitat is a tidally influenced estuary that is in close proximity to the Nooksack River and Squalicum Creek. These streams support salmonid species including listed Chinook and steelhead. The estuary is expected to provide salmon rearing habitat. In addition, the estuary will provide increased nearshore and riparian vegetation in an urban environment that is likely to provide refuge and foraging opportunities to a variety of mammal and bird species.</p> <p>The project's primary recreational opportunity will be trails and interpretive signage. The estuary provides an opportunity for experiencing a natural shoreline environment within a highly developed landscape with limited natural landscapes and shoreline access.</p>					
16-1731 Development	Riverfront Park Great Floods Regional Play Area	City of Spokane	\$750,000	\$750,000	\$1,500,000
<p>Description: The City of Spokane will use this grant to develop a regional play area within Riverfront Park, which is located adjacent to the Spokane River in the Riverside Neighborhood. In 2014, the Spokane Park Board adopted the 2014 Riverfront Park Master Plan which looks to the future of the park as a vibrant expression of the region. Riverfront Park is the region's living heritage, connecting Spokane's historical roots and the city's natural beauty with its present culture. The plan outlines a vision for the Park for the next 20 years. It is comprehensive plan that documents a substantial public process. If developed in full the Master Plan would cost over \$100 million dollars to implement. One of the top three new attractions requested by the public is a destination playground.</p> <p>Plans are to develop a 1 to 1.5-acre playground as an outdoor learning and play experience that tells the story of how the Ice Age Floods shaped our region. Because of the dynamic nature of the Ice Age Floods and the rich imagery of its components, its story can be transformed into an exciting play environment that also offers rich, multi-dimensional learning opportunities. It aims to provide a completely interactive and fun way for children and adults to learn about our region's unique geologic history.</p>					

Number	Name	Sponsor	Grant Request	Match	Total Cost
16-1695 Development	Swan Creek Park Trail Network	Metropolitan Park District of Tacoma	\$750,000	\$4,500,000	\$5,250,000

Description: The Metropolitan Park District of Tacoma will use this grant to continue the phased development of Swan Creek Park in Tacoma. Tacoma Metro will enhance and provide access to 3.65 miles of walking paths and 4.94 miles of trail for hiking and mountain biking. Development of this expanded network of trails will serve multiple user groups and provide connectivity to the newly-revitalized Salishan neighborhood, the planned eastside community center, and an existing regional trail. In addition to trails, the project will include parking, bridges, restroom, picnic shelter, site furnishings, and signs.

Swan Creek Park is an existing 383-acre natural area park on the east side of Tacoma. The eastside neighborhood is home to the most diverse population in Tacoma. The area has the second-lowest household median income in the city. Swan Creek Park is adjacent to Lister Elementary School and the planned community center, both of which serve diverse, low-income populations. The proposed improvements will allow Tacoma Metro to continue efforts to convert the existing road network for World War II housing into a natural outdoor recreation area that is universally accessible, while also providing the opportunity for visitors to immerse themselves in nature.

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Follow-up on Definition of "Project Area" and Formation of a Committee

Prepared By: Leslie Connelly, Natural Resource Policy Specialist

Summary

This memo is a request to form a special committee of the Recreation and Conservation Funding Board (board) to develop a recommendation on the definition of "project area." The term "project area" is used to delineate the area on the ground that is subject to long-term obligations for maintaining property acquired, developed, or restored with grant funds. If formed, the committee would consider options and make a formal recommendation to the board for a decision. The committee would meet once a month with the goal to recommend a definition at the October 2016 board meeting.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Resolution: 2016-16

Background

Understanding the term "project area" is fundamental to how the Recreation and Conservation Office (RCO) administers grants on behalf of the Recreation and Conservation Funding Board (board). It affects where staff applies the board's policies on project lands. There needs to be a common understanding for RCO staff and the project sponsor on what is the "project area" that is subject to the project agreement.

"Project area" is a term used in state law¹, Washington Administrative Code², and board policy³. See [Item 7](#) from the April 2015 board meeting materials for more background information on the term "project area."

At the board's February 2016 meeting, staff presented examples of funded projects to illustrate options for a definition of "project area." The board provided the following feedback to staff:

- Develop a glossary of terms used in grant management that relate to geographic areas;
- Need to understand what are the biggest challenges for implementing a definition;
- Any definition of "project area" should include legal access;

¹ Revised Code of Washington 79A.15.110

² Washington Administrative Code 286-13-110

³ Conversion Policy, Resolution #2007-14

- More work needed to consult with project sponsors;
- Need to identify at what phase of the grant application and funding process the project area is described;
- May need to revisit the definition of “project area” adopted in April 2015 for the Youth Athletic Facilities Program; and
- One definition may not fit all project types.

Due to the extent of the questions and information gathering needed, members of the board suggested a committee be formed to discuss the above needs and to draft definition for consideration by the full board.

How to Form a Committee

Following Robert’s Rules of Order, the board may establish a committee to prepare preliminary work in preparation for board action. Committees are typically special or standing committees. Standing committees are formed for a definite timeframe. Special committees are appointed for a special purpose.

Committee membership may include up to four board members and may include other interested persons. The board appoints the chair of the committee or delegates appointment of a chair to the committee. The duty of the chair is to call the committee together.

Committee meetings are not official public meetings of the board unless the committee acts on the board’s behalf, conducts a hearing or takes testimony and public comment.

Staff Recommendation

Staff recommends the board form a special committee with the goal of the committee to develop a recommendation on the definition of “project area.”

Staff recommends the committee include three board members: two citizen members and one state agency member. Staff also recommends the committee include one member from a local agency sponsor such as a city, park district, or county parks department.

The committee should consider alternatives and make a formal recommendation to the board for a decision. The committee should meet once a month with the goal to make a recommendation at the October 2016 board meeting. The committee would follow the work plan described below.

Proposed Project Area Committee Work Plan

Monthly Meeting	Meeting Topics
May 2016	<ul style="list-style-type: none">• Review glossary of existing geographically-based terms.• Discuss challenges to implementing a “project area” definition.
June 2016	<ul style="list-style-type: none">• Review examples from other states and the Salmon Recovery Funding Board.• Review existing board policies that may help inform the definition of “project area” such as phased projects, compliance, and income use.• Discuss approaches for different project types with different compliance periods.
July 2016	<ul style="list-style-type: none">• Review examples from 2016 grant applications.• Scope the minimum requirements for “project area” such as the footprint of construction with legal access, area of recreation experience, and deed of right legal description.
August 2016	<ul style="list-style-type: none">• Review draft definition of “project area.”• Provide feedback and discussion ideas on how to improve the draft.
September 2016	<ul style="list-style-type: none">• Review final draft definition of “project area.”• Finalize recommendation to the board.
October 2016	<ul style="list-style-type: none">• Make a recommendation to the board.

Staff Recommendation

Staff requests that the board decide whether to create a Project Area Special Committee. If the committee is created, staff requests the board suggest members or volunteer their participation and allow the board chair to appoint members prior to the first committee meeting in May 2016.

Strategic Plan Link

Defining “project area” supports the board’s goal to achieve a high level of accountability in managing the resources and responsibilities entrusted to the board.

Attachments

A. Resolution 2016-16

**Recreation and Conservation Funding Board
Resolution 2016-16
Project Area Special Committee**

WHEREAS, the term "project area" is used to delineate the area on the ground that is subject to long-term obligations for maintaining property acquired, developed, or restored with grant funds from the Recreation and Conservation Funding Board (board), and

WHEREAS, there is a need to define "project area" so RCO staff and the project sponsor have a common understanding on what is the "project area" that is subject to the project agreement, and

WHEREAS, RCO staff has presented options for defining "project area" for the board's consideration at the April 2015 and February 2016 meetings and the board provided feedback on the need for more research and analysis; and

WHEREAS, at the February 2016 meeting, the board suggested forming a committee of the board to discuss options and to draft a definition for consideration by the full board;

NOW, THEREFORE BE IT RESOLVED, the board does hereby form a special committee on the term "project area". The special committee will review RCO staff research and analysis, options for consideration, and make a recommendation to the board on a final definition for "project area"; and

BE IT FURTHER RESOLVED, the chair of the board will appoint members to the special committee to include two citizen members of the board, one state agency member, and one member from a local agency sponsor such as a city, park district, or county parks department; and

BE IT FURTHER RESOLVED, the special committee will meet once a month with the goal to recommend a definition at the October 2016 board meeting.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Conversion Request: Okanogan County, Methow Valley Community Trail
RCO Project #97-1181AD

Prepared By: Myra Barker, Compliance Specialist

Summary

Okanogan County requests that the Recreation and Conservation Funding Board (board) approve a conversion of 1.44 acres located at the Mazama Trailhead. The conversion is due to a land exchange with an adjacent property owner.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Resolution: 2016-17

Purpose of Resolution: Approve or deny the conversion.

Overview of the Board's Role and Applicable Rules and Policies

The subject of this memo is a proposed conversion of property acquired with a grant from the Washington Wildlife and Recreation Program (WWRP), Trails Category. The sponsor, Okanogan County, is requesting approval to convey property interests to a private landowner.

At the February 10, 2016 Recreation and Conservation Funding Board (board) meeting, staff provided a briefing on the proposed conversion and replacement.

The Role of the Board

Because local needs change over time, state laws and Recreation and Conservation Office (RCO) rules allow conversions of grant-funded projects if the project sponsor provides for adequate substitution or replacement as listed below.

The role of the Recreation and Conservation Funding Board (board) is to evaluate the practical alternatives considered for the conversion and replacement (including avoidance) and to consider whether the replacement property meets the requirements set in RCO administrative rules and policies. The board does not have the authority in statute to levy penalties or dictate the future use of the property being converted.

Applicable Policies and Rules

State law states that WWRP recreation land that was purchased with a board grant may not be converted to a use other than that originally approved without prior approval of the board. The board has adopted

policy that defines when a conversion occurs for an acquisition project, the appropriate replacement measures, and the steps that sponsors must take to request approval.

For the Methow Valley Community Trail project (RCO #97-1181AD), the proposed action is considered a conversion because property interests are being conveyed to a non-grant eligible private landowner.

Conversions in the Washington Wildlife and Recreation Program

In accordance with state law,¹ the board has adopted administrative rules for the WWRP to address a project sponsor’s obligation to resolve a conversion for an acquisition project.² The applicable rules that apply to an acquisition project are as follows:

- All practical alternatives to the conversion have been evaluated and rejected, and
- The project sponsor will provide another interest in real property and/or facilities to serve as replacement. The replacement must:
 - Be of equivalent or greater usefulness and location;
 - If an acquisition project, be interests in real property of at least equal market value and public benefit at the time of replacement;
 - Be administered by the same project sponsor or successor unless otherwise approved;
 - Satisfy needs identified in the most recent plans on file at RCO related to the project sponsor’s eligibility; and
 - Be eligible in the WWRP account or category of the original project unless otherwise approved.

Board Policies for All Conversions

In addition, the board has adopted policy that requires the project sponsor supply the following for any conversion³:

- A list and discussion of all alternatives for replacement or remediation of the conversion, including avoidance; and
- Evidence that the public has been given a reasonable opportunity to participate in the identification, development, and evaluation of alternatives. The minimum requirement is publication of notice and a 30-day public comment period.

Background

The project in question is RCO #97-1181AD, Methow Valley Community Trail, Phase 3.

Project Name:	Methow Community Trail Phase 3	Project #:	97-1181AD
Grant Program:	Washington Wildlife and Recreation Program, Trails Category	Board funded date:	March 1998
WWRP Amount	\$196,000	Original Purpose:	This project acquired 11.83 acres and developed approximately 7 miles for a community trail.
Project Sponsor Match	\$201,566		
Total Amount:	\$397,566		

¹ RCW 79A.15.030(8)

² WAC 286-27-066

³ Manual 7, Section 2

Okanogan County acquired the subject property in 1998 as one of nineteen properties acquired for the Methow Community Trail, located between the Towns of Winthrop and Mazama. The property is located in Mazama near the junction of Lost River Road and Goat Creek Road (Attachment A). It is approximately 0.4 miles from Highway 20.

The conversion property is 1.44 acres of an approximately 2 acre undeveloped parcel (Attachment A). The county will retain 0.56 acres.

The Conversion

The conversion is being requested for a land exchange between a private landowner and the county. The exchange would provide for future development and expansion of the Mazama trailhead (Attachment C and D). The existing trailhead, located adjacent to the conversion area, consists of parking and a vault toilet. It is not large enough to provide adequate parking for trail users. When the new trailhead construction is completed there will be increased parking, picnic areas, pathways, a warming hut, and restrooms (Attachment D).

There is planned development for mixed commercial/residential structures on private property that is adjacent to Goat Creek Road and to the proposed replacement property. The area proposed for private development is identified on the trailhead site plan (Attachment D).

Details of Proposed Replacement Property

Location

The proposed replacement property is approximately 3.39 acres and is adjacent to the conversion property (Attachment B).

Property Characteristics

The proposed replacement property is relatively flat and an open grassy area (Attachment E).

Analysis

In summary, the board considers the following factors in addition to the scope of the original grant and the proposed substitution of land or facilities:

- All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- The fair market value of the converted property has been established and the proposed replacement property is of at least equal fair market value.
- Justification exists to show that the replacement property has at least reasonably equivalent utility and location.
- The public has opportunities for participation in the process.

Evaluation of Practical Alternatives

The Mazama trailhead serves as the primary access point to the 120 mile Methow Valley Community trail system. During the busiest winter and summer weekends, and holidays, trail users park on privately-owned property and along county roads.

The alternatives considered to conversion included:

- Continue trailhead parking on privately-owned property; access and availability is dependent upon private individuals allowing parking to take place and subject to closure at any time.
- Utilize the 2.0 acre funded property for parking; options for developing the property for trailhead use have been discussed for about 8 years; the site would need to be clear-cut and would provide a maximum parking for 50 vehicles. Developing the limited area would not provide sufficient parking. Additionally, clear cutting is not compatible with the Mazama community vision.
- Close the current trailhead and leave the 2-acre county property undeveloped. Parking would continue along the county road creating traffic issues and limiting access to the trail.
- Expand trailhead access in other locations. Access is limited throughout the Methow Community Trail network. Trail use is the greatest in the Mazama area and use is expected to continue to grow. Expanding other trailhead access is important but does not address the need in the Mazama area.

Evaluation of Fair Market Value

The conversion areas and replacement property have been appraised for fee title interests with market value dates that meet board policy. At the time of this memorandum preparation, the appraisal work has been partially completed. Staff will review of the appraisal documentation to insure compliance with board policy prior to the April meeting when the board will be asked to make a final decision on the conversion.

	Conversion Property	Replacement Property	Difference
Market Value	\$138,000	\$500,000	+\$362,000
Acres	1.44 Acres	3.39 Acres	+1.95 Acres

Evaluation of Reasonably Equivalent Location

The replacement property is located adjacent to the conversion area.

Evaluation of Reasonably Equivalent Utility

The replacement property has similar characteristics as the conversion area. It is undeveloped open space consisting of natural vegetation. The replacement parcels will provide similar utility with future development planned for the property to function as a trailhead.

Evaluation of Public Participation

At the time of this memorandum preparation, the public comment period was underway. However, there have been several outreach efforts and opportunities for the public to comment on the proposed Mazama trailhead expansion project.

Discussion and planning for the Mazama trailhead began formally with community members and the Mazama Advisory Committee (MAC)⁴ in 2008. Subsequently, the MAC is involved in ongoing planning work being done by Methow Trails for the Mazama trailhead and support the proposed exchange.

⁴ MAC was officially created in 1984 when a group of citizens were appointed by Okanogan County officials to help develop planning recommendations for the Mazama area.

The following summarizes public outreach over the last year.

- March 2015: the conceptual site plan for the Mazama trailhead expansion was posted on the MAC website and the public was invited to provide comments on the plan.
- June 2015: Methow Trails held a public meeting on the proposed trailhead expansion project. Site plans were refined based upon the public comments that were received.
- December 7, 2015: the Okanogan County Commissioners met in regular session and discussed the Mazama trailhead, its history, and the proposed expansion and land exchange. The commissioners voted to proceed with the RCO conversion.
- March 10, 2016: an article appeared in the Methow Valley News advertising a public hearing on the proposed conversion and replacement scheduled for March 14 at the county commissioner's hearing room in Okanogan.
- March 14, 2016, the Okanogan County Commissioners held a public meeting to discuss the conversion details and requirements. The commissioners voted to accept a resolution that recommended the conversion proceed.

A public notice of the proposed conversion and replacement was published in the Omak Chronicle on March 30, 2016, noting a public meeting to be held on May 2, 2016, and of the opportunity for the public to provide comments on the exchange.

The public comment period will end on May 2, 2016.

Other Basic Requirements Met

Same Project Sponsor

The replacement property will be administered by the same project sponsor (Okanogan County).

Satisfy Needs in Adopted Plan

The replacement property satisfies an identified need in the 2012 Okanogan County Outdoor Recreation Plan for acquiring land for current and future trailhead users. The plan noted the current trailhead in Mazama is "regularly over-capacity on busy winter and summer weekends, holidays, and expansion or relocation is needed".

Eligible in the Funding Program

The replacement property is privately-owned and meets eligibility requirements.

Conversion Policy Requirements Met

RCO staff review the sponsor's conversion documentation and verify that all requirements are met. At the time of this memorandum preparation, the public comment period was underway and staff was awaiting receipt of the appraisal review reports.

At the time of this memorandum preparation, the status of the conversion documentation is:

Complete:

- √ Administered by same project sponsor
- √ Fulfill a need in the project sponsor's adopted plan
- √ Eligible as a project in the respective grant programs

In-progress:

- Appraisal review of the conversion property and of the replacement property
- Public opportunity to comment (30-day public comment period)

Next Steps

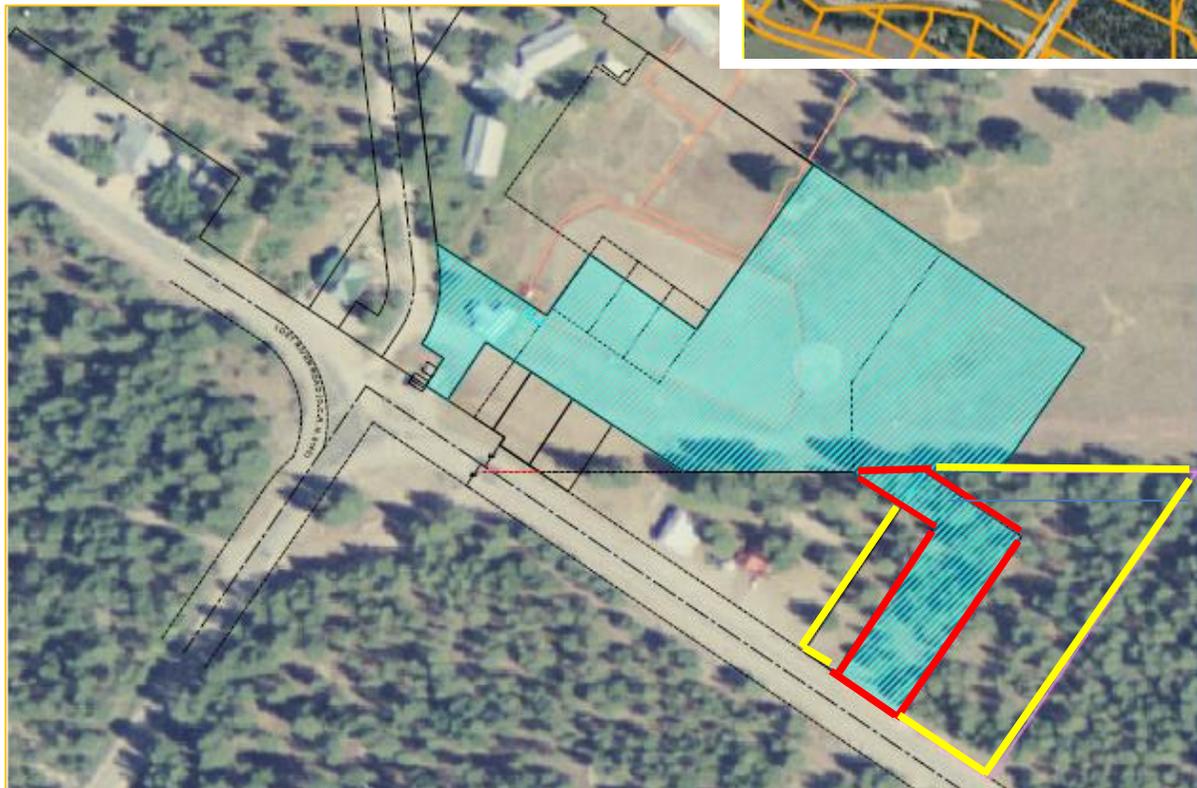
Staff is requesting the board delegate approval of the conversion to the RCO Director following completion of the remaining conversion documentation and process. Should any controversy arise from the public comments, further direction may be sought from the board.

Upon completion of the conversion process, staff will execute all necessary amendments to the project agreement, as directed.

Attachments

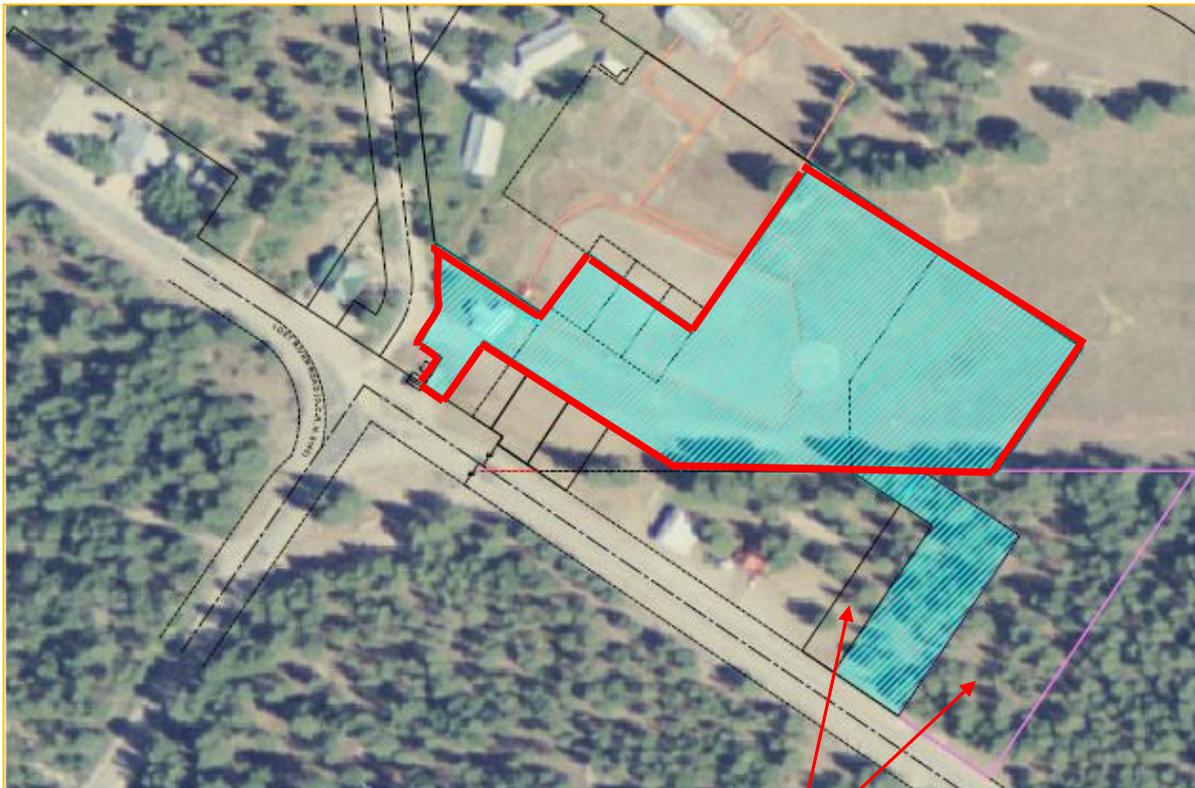
- A. Location and Aerial Parcel Maps of Conversion Property
- B. Aerial Map of Proposed Replacement Property
- C. Aerial Map of Trailhead Project Area After Conversion
- D. Trailhead Site Plan After Conversion
- E. Site Photos
- F. Resolution 2016-17

Attachment A: Location Map and Aerial Parcel Map of the Conversion Property



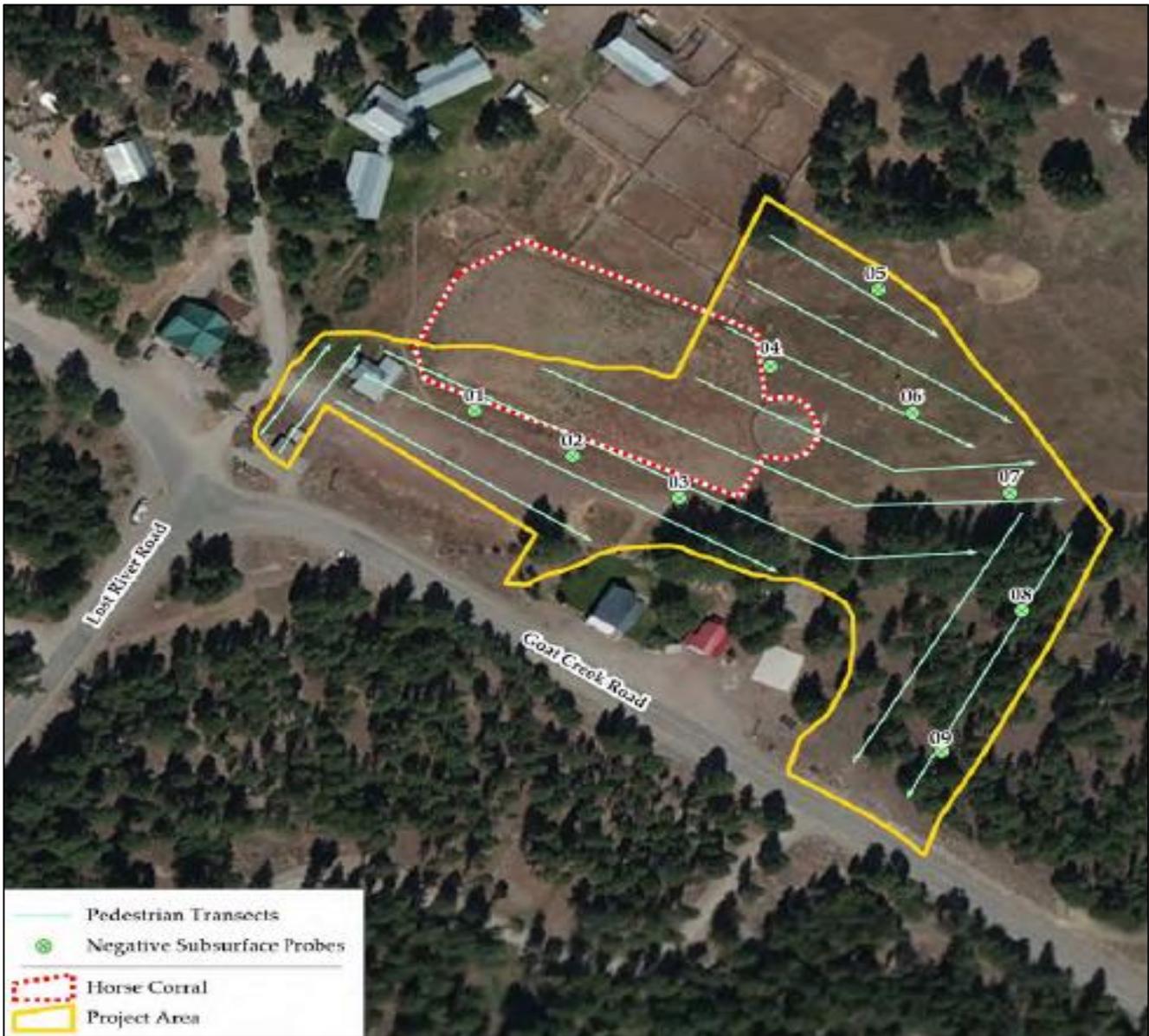
County Retains the Portion Outlined in Red; Exchanges Portion Outlined in Yellow

Attachment B: Aerial Map of the Proposed Replacement Property



Conversion

Attachment C: Aerial Map of Trailhead Project Area after Conversion



Attachment D: Trailhead Site Plan after Conversion



Attachment E: Site Photos



**Recreation and Conservation Funding Board
Resolution 2016-17
Conversion Request: Okanogan County Methow Community Trail (RCO #97-1181AD)**

WHEREAS, Okanogan County used a grant from the Washington Wildlife and Recreation Program – Trails category (WWRP-Trails) to acquire properties and to develop the Methow Community Trail; and

WHEREAS, the county will convert of a portion of one of the properties acquired; and

WHEREAS, as a result of this conversion, a portion of the property no longer satisfies the conditions of the RCO grant; and

WHEREAS, the county is asking for Recreation and Conservation Funding Board (board) approval to replace the converted property; and

WHEREAS, the proposed replacement property is adjacent to the conversion site, has an appraised value that is greater than the conversion site, and has greater acreage than the conversion site; and

WHEREAS, the site will provide opportunities that closely match those displaced by the conversion and will expand the trailhead that serves the Methow Community Trail; that has been identified in the Okanogan County Outdoor Recreation Plan recommendation on acquiring land for current and future trailhead users, thereby supporting the board’s goals to provide funding for projects that result in public outdoor recreation purposes; and

WHEREAS, the sponsor sought public comment on the conversion, thereby supporting the board’s strategy to regularly seek public feedback in policy and funding decisions;

NOW, THEREFORE BE IT RESOLVED, Recreation and Conservation Funding Board Recreation and Conservation Funding Board hereby delegates approval of the conversion to the RCO Director contingent upon completion of the conversion policy requirements.

BE IT FURTHER RESOLVED, that the board the Board authorizes the Director to execute the necessary amendments.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: State Parks Allowable Use Requests on RCO Funded Trails
Prepared By: Myra Barker, Compliance Specialist

Summary

This memo updates the board on several recent Washington State Parks' allowable use requests within the Director's authority to approve or deny in order to show the types of issues being faced by our project sponsors.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Background

The Recreation and Conservation Funding Board (board) approved the "Allowable Use Policy" in October 2012 (Attachment A). An "allowable use" must either be identified in the project agreement, allowed by policy, or approved by the Recreation and Conservation Office (RCO) or the board.

Each allowable use request is reviewed by the internal compliance team who makes a recommendation to the RCO director. The team is composed of grant managers from the Recreation/Conservation and the Salmon grant sections.

The director may approve the request (and may add conditions to the approval), deny the request; submit the request and compliance team recommendation to an ad hoc review panel before making a decision; or submit the request and staff recommendation directly to the board.

The compliance team considers the following guidance when evaluating an allowable use request:

- Whether the proposed use conflicts with the project agreement or funding program.
- Whether the board-funded project area may be affected.
- What types of effects to the project area would be allowed.
- How will the use affect the funded project area?
- Is the use compatible with the objectives of the project agreement?
- Will the use be secondary to the uses in the project agreement?
- Will the use displace any recreation or conservation uses in the project agreement?
- Does the use fit within the natural features and hydrology of the site?

- How long will the use occur? If the use is for a specified time period, will the project area return to its former state afterwards?
- Will the proposed use limit the future use of the project area?
- Does the use negatively change the recreational experience or intrinsic values of the site?
- What design alternatives at the RCO funded project site were considered for the proposed use?

Washington State Parks Allowable Use Requests

In October 2015, Washington State Parks submitted the first allowable use request for private use of a portion of the Willapa Hills Trail in Lewis County. Shortly after the first request was submitted, State Parks submitted three more allowable use requests for private use for transportation purposes for portions of the John Wayne Pioneer Trail in eastern Washington.

RCO staff worked with State Parks staff to better understand the proposed uses and potential impacts to the trails. The internal compliance team met in October 2015 to review the requests. Additional information was requested from State Parks on the proposed uses and potential impacts to the funded trails and the requests were reviewed again by the internal compliance team.

In January 2016, the internal compliance team made recommendations to the director. To date, the director has approved three of State Parks allowable use requests, as summarized in the table below. State Parks right-of-entry permits for these uses are for 5-year terms that may be renewed.

Table 1. Allowable Use Requests

Project	Project Number	Funding Program	General Location of Proposed Use	Allowable Use Request	Status of Request
Willapa Hills Trail	#91-811A	WWRP-Trails	West of Chehalis near Adna	Marwood Farms: Use of about 1 mile of trail to access privately owned agricultural fields; hauling crops; via trucks and farm machinery	Approved with conditions ¹
John Wayne Pioneer Trail	#82-701A	State Bonds	Northwest of Ellensburg	Olson Ditch District: Use about 1 mile of trail to access an irrigation ditch for inspection, maintenance and repairs; via ATV and repair trucks/equipment	Approved with conditions ²

¹ Conditions include the allowed use is tailored to the specific time period and season of use; daily, year-round use and weekend use is not permitted; off-season access is through existing roads; signs are posted prior to use; State Parks provides management oversight and regular monitoring of the use and trail conditions, and provides a report to RCO on the impact of the use, public comments received, and a description of any enforcement actions taken against the permittee.

² Conditions include the irrigation ditch district equipment and vehicles be signed and trail surfacing is always maintained.

Project	Project Number	Funding Program	General Location of Proposed Use	Allowable Use Request	Status of Request
John Wayne Pioneer Trail	#82-701A	State Bonds	Southeast of Kittitas	Crowe: Use about 0.36 mile of trail to access a mining operation for employee ingress/egress and for hauling mined materials; via private vehicles and dump trucks	Pending
John Wayne Pioneer Trail	#82-701A	State Bonds	Southeast of Ritzville	Figure 50 Ranch: Use about 6 miles of trail to access privately-owned agricultural fields; hauling crops and cattle; via 4-wheeler, trucks and farm machinery	Approved with conditions ³

Attachments

- A. Allowable Uses Policy
- B. Approved Allowable Uses Table
- C. Location Map of State Parks Allowable Use Requests

³ Conditions of the approval were the same as identified in footnote 1. However, State Parks recently advised the conditions were unacceptable and provided new information that the use also included access to feed cattle to allow year round, daily use of the trail for Figure 50 Ranch. The allowable use approval was modified to allow for daily cattle feeding. State Parks is in discussion with the rancher.

Allowable Uses Policy

RCO grants are intended to support Washington State's habitat, outdoor recreation, and salmon habitat resources. Uses of project sites must have no overall impairment to the habitat conservation, outdoor recreation, or salmon habitat resource funded by RCO.

To be in compliance with the grant, uses of grant-assisted project sites must be either:

- A. Identified in the project agreement; OR
- B. Allowed by RCO policy; OR
- C. Approved by RCO or the funding board.

For the use to be approved by RCO or the funding board (Option C, above) it must meet all of the following criteria:

- The use must be consistent with the essential purposes of the grant (i.e., consistent with the grant agreement and grant program)
- All practical alternatives to the use, including the option of no action, must have been considered and rejected on a sound basis
- The use must achieve its intended purpose with the least possible impact to the habitat, outdoor recreation, or salmon habitat resource
 - 1. If the use impacts the type of resource the grant is designed to protect (habitat, outdoor recreation, or salmon habitat), it also must provide at least equivalent benefits to that type of resource so there is no overall impairment

An approved use of a project site must continue in the way it was approved to remain in compliance with the grant. This policy does not modify other RCO policies, such as cultural resource policies.

Income generated on the project site must be managed in accordance with RCO policies on Income and Income Use. (*Manual 7, Funded Projects*).

Adopted October 18, 2012.

Approved Allowable Use Requests

Project Sponsor	Park Name	Grant Number	Funding Program	Allowable Use Approved*
City of Redmond	Dudley Carter Park	66-605	Referendum 11 for outdoor recreational facilities	Art installation – replication of a native haida house
Clark County	Salmon Creek Greenway	90-060	General bonds for outdoor recreational areas and facilities	Stormwater wetlands
City of Lacey	Woodland Creek Park	92-070	WWRP-Local Parks	Underground water reclamation vaults
City of Renton	Gene Coulon Park	66-018 69-073 70-016 80-024 81-008	Initiative 215, HUD, LWCF, State Bonds	Restaurants
City of Richland	John Dam Plaza Park	14-1449	RRG	Food trucks and souvenir vendors
City of Spokane	Riverfront Park	72-040	HUD	Underground combined sewer overflow tank
State Parks	Willapa Hills Trail	91-811	WWRP-Trails	Transportation corridor for local farmer
State Parks	John Wayne Pioneer Trail	82-701	State Bonds	Transportation corridor for irrigation ditch district
State Parks	John Wayne Pioneer Trail	82-701	State Bonds	Transportation corridor for local farmer

* All requests were approved by the RCO Director.

Map of State Parks Allowable Use Requests



Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: Nonhighway and Off-road Vehicle Activities Policy Changes
Prepared By: Adam Cole, Natural Resource Policy Specialist

Summary

Recreation and Conservation Office staff requests direction from the Recreation and Conservation Funding Board (board) on Nonhighway and Off-Road Vehicle Activities (NOVA) program grant funding limits, the application technical review process, and project eligibility criteria for nonprofit off-road vehicle organizations.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Background

Following each grant cycle, Recreation and Conservation Office (RCO) staff review the Nonhighway and Off-Road Vehicle Activities (NOVA) grant program¹ to identify needed improvements. In addition, RCO staff surveys the past year's applicants and meets with the standing NOVA Advisory Committee.

Through this process for the 2014 grant round, staff identified the following recommended changes to the program for 2016. Background details and analysis are listed in Attachments A, B, and C.

- 1) Grant Limits (Attachment A)
 - a. Raise the maximum grant limits from \$100,000 to \$200,000 for all project types in the Nonhighway Road and Nonmotorized categories, and
 - b. Remove the annual \$50,000 spending maximum for maintenance and operations projects.
- 2) NOVA Project Technical Review (Attachment B)
 - a. Eliminate the current application Technical Review process whereby each Advisory Committee member reviews all grant applications and provides feedback, and instead rely on RCO Grant Managers to review applications to ensure completeness and clarity.
- 3) Applicant and Project Eligibility (Attachment C)
 - a. Create eligibility criteria for a "non-profit off-road vehicle organization."
 - b. Define "publicly-owned lands," as it appears in RCW 46.09.530.

¹ Complete program descriptions, policies, and project scoring criteria: [Manual #13 Nonhighway and Off-road Vehicle Activities, Education and Enforcement 2014](#), and [Manual 14 Nonhighway and Off-road Vehicle Activities 2014](#).

- c. Establish control and tenure requirements for project proposals submitted by eligible non-profits.

Next Steps

If directed by the board, RCO staff will solicit public comments for these proposed changes to the NOVA program. At the July 2016 board meeting, RCO staff will present the results of public comments and any further proposed changes for a decision.

Link to Strategic Plan

Revising the board's policies for NOVA addresses Goals 1, 2, and 3 in the board's strategic plan:

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

Proposed Changes to Grant Limits

Background

The board set the current \$100,000 grant limit for the Nonhighway Road and Nonmotorized categories prior to 1999. According to the land manager representatives on the NOVA Advisory Committee, the demand and associated cost of maintenance and capital projects continues to increase. For this reason, sponsors often submit multiple grant requests for similar activities for a single service area (e.g., log-out, trail rehabilitation, etc.). In the field, a single sponsor staff member or construction contract may operate under more than one NOVA grant.

These issues increase the burden on sponsors and RCO staff with respect to grant management and requests for reimbursement. The relatively low \$100,000 grant limit may lead to potential applicants declining to pursue a grant because they do not view the opportunity as worth the time and effort.

Similarly, the current requirement to spend grant monies in both years of the agreement term may not match the needs of sponsors. For example, due to fire or other planned and unplanned situations, sponsors may desire to complete a maintenance project as soon as possible, or later in the project agreement term.

Therefore, increasing the grant limits for Nonhighway Road and Nonmotorized grants to \$200,000 and removing the requirement to spend monies in each year of the project agreement provides a better match to what sponsors say they need.

Table 1. Summary of Current NOVA Recreation Grants

	Maintenance and Operation	Land Acquisition, Development, Planning, and Combination
Nonhighway Road	\$100,000 per project*	\$100,000 per project
Nonmotorized	\$100,000 per project*	\$100,000 per project
Off-road Vehicle	\$200,000 per project	No limit

* Limited to a maximum of \$50,000 per year.

Analysis

The intent of the proposed changes is to:

1. Increase grant limits to keep pace with the rising cost of implementing projects.
2. Reduce RCO's and sponsors' administrative burden of managing multiple grants within the same service area.
3. Allow maintenance and operation spending to match sponsors' business needs and schedule.

Table 1: Pros and Cons of Proposed Change to Grant Limits

Pros	Cons
<ul style="list-style-type: none"> • Fewer applications and project agreements to manage reduces administrative burden for sponsors and RCO. • Maintenance and Operations grant spending timeline can match business needs of sponsor. • Increased grant limits makes seeking NOVA grants more attractive to potential applicants. • Opens the opportunity for more costly capital projects that cannot be done for under \$100,000. 	<ul style="list-style-type: none"> • Grants may go to a fewer number of organizations within a biennium. • Sponsors with Maintenance and Operations grants may defer spending late in the project agreement term which may result in returned funds if they cannot complete the project on time.

Staff Recommendations

Staff make the following recommendations with regard to setting new grant award limits in the Nonhighway Road and Nonmotorized categories:

1. Increase current grant limits, all project types, from \$100,000 to \$200,000.
2. Remove annual spending limits in Maintenance and Operations grants.

At this time, RCO staff recommend no grant limit changes for the Off-road Vehicle category in NOVA.

Proposed Changes to the NOVA Technical Review Process

Background

There is currently a two-step process in the evaluation of NOVA applications. First, there is a technical review process in which each NOVA Advisory Committee member (there are fifteen) reviews and provides feedback to applicants on between 90 and 120 applications each grant round. This gives each applicant information useful to modify or improve their grant application and/or presentation. Later in the process, the Advisory Committee evaluates, scores, and ranks each application. Staff have reviewed the utility of the technical review step with applicants and advisory committee members, and have identified the following added-value items and concerns:

1. Value Added by Advisory Committee Technical Review:
 - a. Evaluators become familiar with projects prior to evaluation.
 - b. Applicants can revise applications based on committee member questions and comments.
 - c. Projects are better scoped and articulated and thus are easier and more effectively evaluated by the committee.
 - d. First time sponsors are not disadvantaged due to lack of experience with application and evaluation process.
2. Technical Review Concerns:
 - a. The number of applications overwhelms committee members and depth of review varies by committee member.
 - b. Incomplete review generates concern in applicants.
 - c. Contradicting committee member feedback confuses applicants.

Analysis

The following table details several options for changes to the current technical review process, as well as RCO staff's recommendation.

Table 2: Options and Recommendations for Technical Review Process

Options	Effect	Pros	Cons
1. No Change. The Advisory Committee members will continue to provide technical review of each grant application prior to evaluation.	No change.	Applicants receive feedback that can help strengthen and clarify their proposal. Committee members become familiar with the projects prior to evaluation.	Applicants unlikely to get all committee members to review and comment on their application and comments they do receive may be contradictory.
2. Committee members review applications only from new, inexperienced,	Reduces burden on committee members, can focus their time on fewer	Most efficient use of committee member time,	Treats applicants unequal, may be

Options	Effect	Pros	Cons
or previously unsuccessful applicants.	applications and benefit the applicants most in need of review.	able to provide in-depth, quality reviews.	perceived as a disadvantage to some.
3. Committee members do not provide technical review of Maintenance and Operations projects and only provide technical review of Development, Planning, E&E or Combination projects.	Committee members focus their time on the project types that may contain the most unique and complex proposals.	Fewer reviews by each committee member results in higher quality reviews.	Since all project types (not E&E) compete head to head, maintenance projects could be perceived as disadvantaged.
4. Staff review applications and assign them for technical review by a small team of committee members based on project category (ORV, NHR, NM) or other criteria such as expertise or "user group" of the committee members.	Committee members review a smaller number of applications.	Most efficient use of committee member time, able to provide in depth and quality review. Reduces opportunity for conflicting comments.	Treats applicants unequally. Applicants do not benefit from all committee members' expertise during technical review. Some committee members' unfamiliarity with projects may lead to misunderstandings and questions during evaluation.
Staff Recommendation 5. RCO Grant Manager assigned to each applicant performs application review, which is less than a full technical review.	Applications do not get a technical review; applications are only reviewed for eligibility, completeness, and clarity by RCO grant managers.	Applicant receives straight forward comments. Requires the applicant to put their best foot forward without benefit of technical review by the committee.	Committee members unfamiliar with projects may lead to misunderstandings and additional questions during evaluation.

Staff Recommendation

Staff recommends elimination of the current Technical Review process for the NOVA program. Staff recommends relying on RCO Grant Managers to review applications to ensure completeness and clarity. The Advisory Committee members would continue to evaluate and rank each project.

Proposed Changes to NOVA Applicant and Project Eligibility

Background

In 2013, the Legislature changed RCW 46.09.530 to include “publicly owned lands” which greatly broadened the eligibility of nonprofit off-road vehicle organizations to receive grants in NOVA.

*“(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the board shall, at least once each year, distribute the funds it receives under RCW 46.68.045 and 46.09.520 to state agencies, counties, municipalities, federal agencies, nonprofit off-road vehicle organizations, and Indian tribes. Funds distributed under this section to nonprofit off-road vehicle organizations may be spent only on projects or activities that benefit off-road vehicle recreation on **publicly owned lands** or lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.”²*

Analysis and Staff Recommendations

Currently, NOVA lacks explicit policies to guide the eligibility and management of nonprofit sponsored grant applications. The following analysis details options for adopting three policies that would further define the eligibility of non-profit off-road vehicle organizations and their potential projects so that these groups and RCO staff have an explicit understanding of which organizations and projects are eligible.

1. Eligibility Criteria for Nonprofit Off-Road Vehicle Organizations

Issue

Eligibility for nonprofit off-road vehicle organizations is not defined in the RCWs, WACs, or NOVA manuals. To ensure that NOVA funds are spent responsibly and avoid risk, RCO staff recommend that nonprofit off-road vehicle organizations must demonstrate experience in the NOVA project type for which they are applying. The recommended requirement is based on experience with nonprofit eligibility in other grant programs. For example, where many nonprofit off-road vehicle organizations may have experience organizing and promoting competitions, they may not have experience constructing an off-road vehicle facility. In this case, awarding a development grant to an organization with no construction experience (e.g., maintenance, operation, etc.) carries risk. Therefore, RCO staff recommend only allowing nonprofit off-road vehicle organizations to compete for NOVA funds if, within the most recent ten years, they have at least three years of experience being active in NOVA related activities such as trail construction and maintenance, field education programs, etc.

Staff Recommendation

Create more detailed eligibility criteria for “nonprofit off-road vehicle organizations” by adopting the following “definition” in NOVA:

“An eligible and qualified nonprofit off-road vehicle organization must be able to contract with the State of Washington, and meet all of the following criteria:

- Registered with the State of Washington as a non-profit.

² 2013 Session Laws, 2nd Special Session, page 2854.

- Name a successor at the time of any change in organizational status (for example, dissolution), as required by state law.
- Has documented experience with the type of project for which they are applying for. This experience must have occurred in at least three of the last ten years.
- Does not discriminate on the basis of age, disability, gender, sexual orientation, income, race, religion."

2. Define "Publicly Owned Lands"

Issue

"Publicly owned lands" may have multiple interpretations, and is not currently defined in the RCWs, WACs, or NOVA manuals. Although the term "publicly owned lands" sounds specific, it may leave room for interpretation and disagreement. For example, is property leased by a public agency defined as "publicly owned lands"? Is a public right-of-way, which is not owned in fee simple by a public body, considered "publicly owned lands"? In these two examples a public agency may not own the underlying real property, but the property itself may be considered publicly owned by many. RCO staff recommend a liberal interpretation of the term "publicly owned lands" to allow potential sponsors to consider projects in a broad yet appropriate context given established control and tenure policies. An explicit definition helps RCO staff make eligibility decisions, and helps sponsors plan their grant requests.

Staff Recommendation

Define "publicly owned lands" as it applies to applications from eligible non-profit off-road vehicle organizations by adopting the following definition:

"For the purposes of making grant applications and project agreements available to nonprofit off-road organizations per RCW 46.09.530 and RCW 46.09.530, publicly owned lands are defined as those lands which are owned, leased, or otherwise controlled and managed by a federal, state, or local government through fee simple ownership, easement, lease, or interagency or other type of use agreement. For publicly owned lands not owned in fee simple by a federal, state, or local government, the federal, state, or local government must provide explicit evidence that they may lease or sub-lease, or otherwise allow the sponsor to access the property and perform the scope of work proposed in the grant. For the purposes of this definition, public nonhighway road rights-of-way are publicly owned property even if the public agency that manages the right-of-way does not own the underlying real property."

3. Control and Tenure Requirements for Nonprofit Off-Road Vehicle Organizations

Issue

A nonprofit off-road vehicle organization will likely apply for grants to improve or maintain, or educate or enforce, on property it does not own. To ensure nonprofit off-road vehicle organizations have access to the project areas identified in their applications, and so that the public may access these areas into the future, RCO staff recommend the board consider making policy statements for the variety of control and tenure situations that may materialize.

Staff Recommendations

Project and Ownership Type	Recommended Policy Statement for Board Adoption	Reason
1. Planning and Development Projects on Publicly Owned Property.	<p>“Nonprofit off-road vehicle organizations that propose a planning or development project on publicly owned property must either:</p> <ol style="list-style-type: none"> 1. Secure long-term control and tenure of the project site as described in Manual #4, or 2. Co-sponsor the grant along with a NOVA eligible land owner.” 	To ensure the sponsor can access and control the project area, the planned facility can be built, and the constructed facility is open to the general public and maintained for the required period of time.*
2. Planning and Development Projects on <u>Privately Owned</u> Property.	<p>“Nonprofit off-road vehicle organizations that propose a planning or development project on privately owned property must secure long-term control and tenure of the project site as outlined in Manual #4; and demonstrate through easement, lease, or other legally binding agreement that the public will have access to the project area during and after the project, for the required term.”</p>	To ensure the sponsor can access and control the project area, and ensure the planned facility can be built, and ensure the constructed facility is open to the general public and maintained for the required period of time.*
3. Maintenance and Operations, and Education and Enforcement Projects on <u>Publicly Owned</u> Property	<p>The board should consider adopting the following policy statement:</p> <p>“Nonprofit off-road vehicle organizations that propose to maintain and/or operate, or propose education and enforcement projects, must execute a Landowner Agreement Form as provided by RCO.” *</p>	To ensure the sponsor can access the project area and perform the scope of work proposed in the grant.
4. Maintenance and Operations, and Education and Enforcement Projects on <u>Privately Owned</u> Property	<p>“Nonprofit off-road vehicle organizations that propose to maintain and/or operate a NOVA eligible facility, or propose education and enforcement activities, must:</p> <ul style="list-style-type: none"> • Satisfy the control and tenure requirements in Manual #4*; or • Provide a lease, easement, or other legally binding agreement for the project property that allows the proposed project and public access; or • Execute a Landowner Agreement form as provided by RCO. 	To ensure the sponsor can access the project area and perform the scope of work proposed in the grant, and ensure the project area is accessible by the general public for at least the term of the project agreement.

*See “Control of Land”, pages 21-23, [Manual #4, Development Projects](#) (2016)

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016
Title: Proposed Changes to Project Type Definitions for Nonhighway and Off-road Vehicle Activities and Recreational Trails Program
Prepared By: Adam Cole, Natural Resource Policy Specialist

Summary

Recreation and Conservation Office staff recommend amending the maintenance and development project type definitions in the Nonhighway and Off-road Vehicle (NOVA) Program and the Recreational Trails Program (RTP) to allow staff and sponsors to better evaluate grant proposals and manage active projects and compliance responsibilities.

Board Action Requested

This item will be a: Request for Decision
 Request for Direction
 Briefing

Background

In January 2014, the Recreation and Conservation Funding Board (board) adopted Resolution 2014-06, which updated project type definitions in Nonhighway and Off-road Vehicle (NOVA) Program and the Recreational Trails Program (RTP). Prior to this decision, the NOVA program did not have specific definitions for "maintenance and operation" and "development," instead using a list of the eligible project types. Additionally, "development projects" contained capital construction of trails and related facilities, such as roads and support facilities, and "maintenance and operation projects" included only routine maintenance for trails, facilities, and sites such as cleaning, painting, minor repairs, and trail clearing.

In response to Recreation and Conservation Office (RCO) staff and sponsor recommendations for aligning project type definitions with how sponsors organized and conducted their work in the field, the definitions were modified to better reflect how our sponsors implement their trail maintenance and capital programs, which are often comingled.

Table 1: Summary of the 2014 Project Type Definitions

Policy Topic	Current Policy	Proposed (Adopted) Change	Reason
Revise the definitions for maintenance and development projects in the NOVA and RTP programs.	Maintenance projects are defined as routine work on trails and trail facilities within an existing trail footprint. Development projects are any trail renovation or new construction.	Modify the project type definitions so that: Maintenance projects are defined as any work on existing trails. Development projects are defined as any new trail work.	Aligns trail project work to how sponsors implement projects on the ground.

Challenges Caused by Current Definition of Maintenance Project Types

The 2014 changes greatly expanded the type of work eligible in a maintenance project. As long as the work was within the existing trail corridor, the work qualified as maintenance. The new definitions meant that *new construction*, e.g., installing (or replacing) a bridge, was considered *maintenance* if it occurred in the existing trail corridor. A similar example defined repaving a parking lot and constructing new bathrooms where facilities currently exist as maintenance work. Development projects therefore consisted of new construction where no facilities existed.

The 2014 changes have been received positively by sponsors because the definitions match up with how they scope, manage, and accomplish work in the field. However, after one grant cycle of implementation, RCO staff encountered numerous challenges managing maintenance grants, described in the following table.

Table 2: Challenges Caused by Current Definition of Maintenance Project Types

Issue	Staff Challenges
<p>Compliance on Capital Items Capital items such as bridges and restrooms built or installed via a maintenance grant are still subject to long-term compliance responsibility.</p>	<p>Board policy, agreements, and federal rules require capital construction items to be tracked for long-term compliance. However, the mix of maintenance and capital items within a maintenance project creates a challenge for RCO staff and sponsors because they are not required to monitor maintenance grants for long-term compliance.</p>
<p>Inconsistency with WAC and Federal Definitions While maintenance projects may contain capital items, WAC and federal definitions for maintenance activities exclude these items/activities. Details on the WAC and CFR 2 Part 200.452 are included in Attachment A.</p>	<p>Current decision-making for allowing capital development in maintenance grants is unintuitive and often in conflict with other rules and agency definitions.</p>
<p>Architecture, Engineering, and Permit Costs Traditionally, these services and costs are often incurred in development projects, but maintenance by its nature generally does not require architecture, permitting, and engineering costs.</p>	<p>The board's current definition of maintenance allows capital construction to occur. These types of activities often generate architecture, engineering and permitting costs. Board policy, agreements, and federal rules require these costs to be limited and managed discretely. However, our systems have not been developed to track these types of cost in a maintenance grant.</p>
<p>Environmental, Cultural Resource, and ADA Review Development of capital items such as installing bridges and bathrooms often trigger regulatory review to include review for consistency with the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).</p>	<p>Capital constructed facilities must be built in compliance with a variety of regulations and requirements. However, traditionally, maintenance activities are exempt from these types of regulations. Difficult to focus efforts on compliance with those regulatory requirements in maintenance dominated scopes of work.</p>

Current and Proposed Project Type Descriptions In Program Manuals

To best educate and direct sponsors and staff to manage their grant proposals and agreements, staff added some clarifying language to the 2014 adopted policy statements, which redefined the project types.

The following tables include the current project type descriptions as stated in the program manuals, staff recommendations for new definitions, and a brief analysis of each proposal. The proposed changes are consistent with RTP’s federal rules, and RCW. The board has the authority to make these policy changes per RCW 46.09, RCW 79A.25, and WAC 286.04.

Table 3: NOVA Maintenance and Operations Project Type Definition Changes

<p>Summary: Remove extensive renovation and rehabilitation activities from maintenance and operations project types and only allow them in development projects.</p> <p>Intent: Re-align eligible project activities and project types with traditional project descriptions and completed project compliance regimes.</p>		
2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons Analysis
<p>Maintenance and operation of existing trails may be interpreted broadly to include any kind of trailside, trailhead or trail maintenance, operation, restoration, rehabilitation, or relocation. “Rehabilitation” means extensive repair needed to bring a facility up to standards suitable for public use. “Operation” means non-capital costs such as cleaning restrooms, garbage service, septic service, etc.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor re-routes or repair or relocation needed to keep a facility or amenity at a useable standard. Operations means routine servicing activities such as those that may occur on a daily or weekly basis to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking, grass trimming, or leaf blowing.</p>	<p>Pros</p> <ul style="list-style-type: none"> Consistent with CFR 2 Part 200.452 Definition of “Maintenance and Repair” (applies when NOVA is matched with RTP) Consistent with recently approved RCO WAC Definition of “Maintenance and operation project.” No need to track individual project elements for long term compliance. Environmental clearance should be easy to determine and obtain because work most likely categorically excluded from in depth SEPA or NEPA review. Typically no need to review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> May not fit sponsors’ need to group all activities into one application/project.

Table 4: NOVA Development Project Type Definition Changes

Summary: Remove major renovation and rehabilitation project activities from maintenance project types and allow them only as development activities.

Intent: Re-align project activities and project types with traditional definitions, existing application review and compliance regimes, and best track architectural and engineering and other project costs.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Development of trailside and trailhead facilities, new trails, and trail linkages for recreational trails. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p>	<p>Construction of new, or rehabilitation or replacement in place of existing recreational trails, re-routes, trailside facilities, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p>Development project may also include minor amounts of maintenance work that directly related to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Sponsors may group new construction, renovation, rehabilitation, and minor related maintenance into one application/project. • Consistent with recently approved RCO WAC definition of "Development project". Also consistent with Development project types in other RCFB programs where both new construction and renovation work in the same program types (Manual #4). • Better evaluation of application and design drawings during active phase. • Staff able to review and inspect entire project for long-term compliance. • Allows sponsors to include (and RCO staff to monitor) architecture and engineering activities and costs. For their project. • Environmental review and documentation can be performed consistent with the type of work typically found in a development project. • Requirement for plans and specifications in development project allows for better review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • For sponsors, a project that requires significant amounts of maintenance work in addition to development may need to be submitted as 2 separate projects.

Table 5: RTP Maintenance Project Type Definition Changes

Summary: Remove extensive renovation and rehabilitation activities from maintenance project types and only allow them in development projects.

Intent: Re-align eligible project activities and project types with traditional project descriptions and completed project compliance regimes.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Maintenance and restoration of existing trails may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation, or relocation.</p> <p>“Rehabilitation” means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor repair, re-routes, or relocation needed to keep a facility or amenity at a useable standard. Maintenance activities do not include operational activities such as keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking activities.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Consistent with CFR 2 Part 200.452 Definition of “Maintenance and Repair” • Consistent with recently approved RCO WAC Definition of “Maintenance project.” • No need to track individual project elements for long term compliance. • Environmental clearance should be easy to determine and obtain because work mostly likely categorically excluded from in depth NEPA review or analysis. • Typically no need to review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • May not fit sponsors’ need to group all activities into one application/project.

Table 6: RTP Development Project Type Definition Changes

Summary: Remove major renovation and rehabilitation project activities from maintenance project types and allow them only as development activities.

Intent: Re-align project activities and project types with traditional definitions, existing application review and compliance regimes, and best track architectural and engineering and other project costs.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, may be interpreted broadly to include development or rehabilitation (not routine maintenance) of any trailside and trailhead facility. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p> <p>“Rehabilitation” means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Construction of new or rehabilitation or replacement of existing recreational trails, trailside facilities, re-routes, and trailheads.</p> <p>“Rehabilitation” means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p>Development project may also include minor amounts of maintenance work that directly relates to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Sponsors may group all activities (new construction, renovation, rehabilitation, and maintenance) into one application/project. • Consistent with recently approved RCO WAC definition of “Development project”. Also consistent with Development project types in other RCFB programs where both new construction and renovation work in the same program types (Manual #4). • Better evaluation of application and design drawings during active phase. • Staff able to review and inspect entire project for long-term compliance. • Allows sponsors to include (and RCO staff to monitor) architecture and engineering activities and costs. For their project. • Environmental review and documentation can be performed consistent with the type of work typically found in a development project. • Requirement for plans and specifications in development project allows for better review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • A project that requires significant amounts of maintenance work in addition to development may need to be submitted as 2 separate projects.

Request for Board Direction and Next Steps

If directed by the board, RCO staff will solicit public comments for the proposed changes to project type changes as proposed and amended. At the July 2016 meeting, RCO staff will present the results of public comments and any further proposed changes for board decision.

Link to Strategic Plan

Revising the board's definitions for project types addresses Goals 2 in the board's *Strategic Plan*:

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

WAC 286-04-010

Definitions.

(7) "Development project" means a project that results in the construction of or work resulting in new elements including, but not limited to, structures, facilities and materials to enhance outdoor recreation resources.

(11) "Maintenance project" means a project that maintains existing areas and facilities through repairs and upkeep for the benefit of outdoor recreationists.

(12) "Maintenance and operation project" means a project that maintains existing areas and facilities through repairs, upkeep, and routine servicing for the benefit of outdoor recreationists.

(20) "Renovation project" means a project that improves an existing site or structure in order to increase its service life or functions

(21) "Restoration project" means a project that brings a site back to its historic function as part of a natural ecosystem or improving the ecological functionality of the site.

Omni-Circular 2 CFR Part 200.452 "Maintenance and repair costs." §200.452

Maintenance and repair costs.

Costs incurred for utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and equipment (including Federal property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life must be treated as capital expenditures (see §200.439 Equipment and other capital expenditures). These costs are only allowable to the extent not paid through rental or other agreements.

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Nonhighway and Off-road Vehicle Activities Program Funding:
Allocation of Funding per Legislative Budget Provisos

Prepared By: Wendy Brown, Policy Director

Summary

This memo summarizes the 2016 supplemental budget proviso that shifts funding in the Nonhighway and Off-Road Vehicle Activities program.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Background

At the time of writing this memo, the Governor has not yet taken action on the 2016 supplemental capital budget. If signed by the Governor, the budget directs the Recreation and Conservation Funding Board (board) to make a shift in how new funds in the Nonhighway and Off-road Vehicle Activities (NOVA) Account are distributed. The supplemental budget for NOVA includes a \$2.5 million increase in the appropriation for the 2015-17 biennium. Also, it includes a proviso that constrains how the board is to spend these funds. Specifically the proviso states:

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$50,000 of the NOVA program account—state appropriation is provided solely for improvements to the trails database maintained by the recreation and conservation office.
- (2) \$2,450,000 of the NOVA program account—state appropriation is provided solely for purposes other than education and enforcement projects.
- (3) For project funds returned for projects in the NOVA program account—state, the recreation and conservation office may apply the funds to priority projects in any categories within the NOVA program.

The most significant impact is that the increased appropriation is provided for purposes other than education and enforcement.

Funding Distribution

After setting aside funds for the trails database per the proviso and program administration, \$2.2 million will be available for grants.

Table 1. Available Grant Funds

New fuel tax revenue	\$2,500,000
10% RCO administrative rate	\$250,000
Trails database	\$50,000
Available for grants	\$2,200,000

Table 2 shows a comparison of the distribution of funds as it would have been under the regular statutory formula and as it is now under the 2016 supplemental capital budget.

Table 2. Distribution of NOVA Funds

NOVA Category	2016 Proviso	
Education and Enforcement	\$660,000	\$0
Nonhighway Road category	\$462,000	\$660,000
Nonmotorized category	\$462,000	\$660,000
ORV category	\$462,000	\$660,000
Competitive funds	\$154,000	\$220,000

The board approved the NOVA ranked lists for the 2015-17 biennium at its June 2015 meeting and delegated authority to the director to award grants pending approval of the 2015-17 State Capital Budget. There were enough dollars in the original capital budget to fund all of the projects in the nonhighway road category. There are several unfunded alternates in both the nonmotorized and ORV categories.

A complete list of projects funded per the 2016 supplemental budget will be provided to the board at the April 2016 meeting.

Next Steps

RCO staff plans to allocate the funds approved in the supplemental budget to alternate projects on the approved ranked lists. The allocation will comply with the terms included in the budget proviso and with board-adopted policies for allocation of NOVA funds as outlined in [Manual 14, Nonhighway and Off-road Vehicle Activities](#).

If additional funds are returned from funded projects, RCO staff will fund alternate projects as directed by the board policy, including alternates in the education and enforcement category.

Meeting Date: April 27-28, 2016
Title: Department of Fish and Wildlife and Department of Natural Resources request for reinstatement as alternates on 2014 NOVA ranked lists
Prepared By: Darrell Jennings, Senior Grants Manager

Summary

The Departments of Fish and Wildlife and Natural Resources are seeking reinstatement of grant proposals that were not approved for funding, or as alternates, during the 2014 Nonhighway and Off-road Vehicle Activities program grants process.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Resolutions: 2016-18, 2016-19

Background

The Departments of Fish and Wildlife and Natural Resources are requesting reinstatement of six grant proposals from the 2014 Nonhighway and Off-road Vehicle Activities (NOVA) Program list. The proposals were not approved for funding, nor included as alternate projects on the 2014 list, because the applicants did not meet the match certification deadline as required in the grant application process.

Certification of Match Required

To maintain credibility with stakeholders and the Legislature, the Recreation and Conservation Funding Board (board) ensures they are only approving projects that are ready to go and can be implemented quickly. The board intends its funding to be the last piece of funding for projects. As a result, the board has adopted a requirement that all applicants certify the matching resources for their projects in advance of the funding recommendation whenever matching funds are included as part of the application.

Applicants are not required to provide match for NOVA projects, however, the evaluation criteria for evaluating NOVA projects has a scoring preference for projects that do include sponsor match as part of the proposal. Applicants that include match in the application must certify that they have matching resources available before the board's funding meeting.

"To develop the director's funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be

provided by the applicant to the office at least one calendar month before the meeting of the board at which the project is to be considered for funding.”¹

The certification requirement and lead time gives the Recreation and Conservation Office (RCO) staff and director time to develop the funding recommendation to the board based upon projects that have their matching share in place and are ready to proceed. When RCO requests the match certification form, communication is clear to applicants that failing to provide certification of match means:

- Projects will not be recommended for funding;
- Nor will they remain eligible for funding as alternate projects, should funding become available for that project list at a later time.

In developing the proposed 2014 NOVA project lists, staff notified applicants of this requirement on March 27 and May 5, 2015, in advance of the June 2015 board’s funding meeting. At that meeting, the board approved the ranked list of projects, excluding the following six projects from these categories due to the lack of match certification:

NOVA Education and Enforcement category²:

14-1826	Department of Natural Resources	Northeast Region Education and Enforcement
14-1822	Department of Natural Resources	Reiter Foothills Forest Education and Enforcement

NOVA Nonmotorized category³:

14-2148	Department of Fish and Wildlife	Wenas Wildlife Area Manastash Ridge Trail
14-1848	Department of Natural Resources	Green Mountain Trail Planning
14-1813	Department of Natural Resources	Olympic Region Reade Hill Planning
14-1821	Department of Natural Resources	Reiter Foothills Nonmotorized Trail Phase 2

These projects were removed from the director’s funding recommendation to the board and were shown as “not funded” on the ranked list. As a result of the board’s approval of the ranked list, these projects are not currently eligible to receive additional or returned funds that may be available to this list of NOVA projects.

Analysis

General Grant Assistance Rules for administering board grants are found in Washington Administrative Code (WAC) Chapter 286-13. WAC 286-13-040(2) describes the administrative requirements and authority for waiving deadlines related to the grant process requirements:

Compliance with the deadlines is required unless a waiver is granted by the board or director. Such waivers are considered based on several factors which may vary with the type of waiver requested, including any one or more of the following:

- (a) Current status and progress made to meet the deadline;*
- (b) The reason the established deadline could not be met;*
- (c) When the deadline will be met;*
- (d) Impact on the board's evaluation process;*
- (e) Equity to other applicants; and*
- (f) Such other information as may be relevant.*

¹ Washington Administrative Code 286-13-040(c)

² Resolution #2015-12

³ Resolution #2015-14

This administrative code gives the board or director the authority to waive the deadlines for certain grant requirements. Typically, waiver requests must be submitted before the deadline for which a waiver is sought.

Department of Fish and Wildlife

Staff research on the agencies' request showed that RCO staff made an error during the development of the funding recommendation. The Department of Fish and Wildlife requested an extension to the deadline for certifying match. RCO's director approved the waiver request and the agency subsequently submitted their match certification in advance of the board approval. The Department of Fish and Wildlife and RCO staff request the board reinstate this project to be eligible for any additional program revenues or returned funds that may become available, following the board's funding procedures.

Pros	Cons
Corrects a RCO staff error made during the development of the funding recommendation.	None.
Reinstates a project that met established grant program deadlines.	

Department of Natural Resources

The Department of Natural Resources did not provide match certification for five projects. The Department of Natural Resources asserts match was not certified because of a paperwork error on the part of their agency. At the time the error was discovered, the manager responsible evaluated the risk of not providing match. Since the projects were below the expected funding line, the perceived risk seemed low since funding was unlikely to reach these lower ranked projects. However, with the subsequent passage of Senate Bill (SB) 5987 increasing the gas tax during the 2015 legislative session, the amount of fuel tax revenue available for the NOVA program increased substantially. The five Department of Natural Resources projects would now be within funding range and thus DNR staff are requesting to have these projects reinstated and be eligible for additional and returned NOVA program funding.

The 2015 Legislature approved SB5987 which increases the amount of motor vehicle fuel tax available to the NOVA program by an estimated \$2.5 million for the 2015-17 biennium. However, when it acted the legislature did not grant spending authority for this additional revenue. At RCO's request, the 2016 Legislature approved a budget proviso granting the spending authority needed for the additional fuel tax revenues.

The Legislature's budget proviso gives the board authority to fund alternates in the Nonmotorized and Off-road Vehicle categories, but not projects in the Education and Enforcement category⁴. The proviso also dedicates \$50,000 for additional work on the Washington State Trails Database, a project currently led and managed by the Office of the Chief Information Officer. At the time this memo was prepared, the Governor has yet to take final action on the capital budget proviso authorizing RCO's expenditure of additional NOVA fuel tax revenue.

The following table evaluates the advantages and disadvantages of the request from the Department of Natural Resources.

⁴The Nonhighway Road category list is already fully funded.

Pros	Cons
Continues to fund projects in ranked order, without skipping.	Ignores match certification deadline requirement in Washington Administrative Code.
	<p>If approved, two projects in the ORV category that are anticipating funding from the additional revenue will go unfunded:</p> <ul style="list-style-type: none"> • 14-2160, Grays Harbor Straddleline ORV Park Maintenance • 14-2103, USFS Okanogan-Wenatchee National Forest Methow Ranger District Sawtooth Backcountry ORV Facilities Development
	Could be considered unfair to applicants in other grant programs that were disqualified and unfunded because match was not certified.
	The integrity of the process could be affected if grant deadlines and rules are perceived to not matter, if deadline requirements are waived after they have passed.

Considerations and Staff Recommendation

When making the decision to reinstate projects, the board should carefully consider the effect of granting a waiver after a deadline has passed, the precedent it will set, and the effect it will have on the integrity and reputation of the board’s grant process with others.

Staff recommends the board reinstate the Washington Department of Fish and Wildlife project #14-2148 as an alternate project, due to an RCO staff error with the match certification at the time the board approved the list. Reinstating the project will make it eligible to receive funding that could become available to unfunded projects on the ranked list, per board policy. Resolution 2016-18 is provided for the board’s consideration and approval.

RCO staff is not providing a recommendation for the board regarding the Department of Natural Resources request to reinstate five of its projects that did not have match certified by the established deadline in the grant application process; staff requests that the board deliberate this topic. Resolution 2016-19 is provided for the board’s consideration.

Attachments

- A. Resolution 2016-18 (Department of Fish and Wildlife project)
- B. Resolution 2016-19 (Department of Natural Resources projects)

**Recreation and Conservation Funding Board
Resolution 2016-18
Washington State Department of Fish and Wildlife Request to Reinstate Project #14-2148**

WHEREAS, pursuant to state law, the Recreation and Conservation Funding Board (board) approves general grant assistance rules that govern the grant programs administered by the Recreation and Conservation Office (office) on the board’s behalf, and

WHEREAS, the board has adopted in Washington Administrative Code 286-13-040(c) requirements and deadlines for when applicants must certify their matching resources for projects; and

WHEREAS, the board has adopted in Washington Administrative Code 286-13-040(2), the circumstances and process for the board or the director to consider waivers to grant process deadlines, and

WHEREAS, the Department of Fish and Wildlife applied in the 2014 grant cycle for the Wenas Wildlife Area Manastash Ridge Trail project (RCO #14-2148), a Nonmotorized category planning grant from the Nonhighway and Off-road Vehicle Activities program, and

WHEREAS, the Department of Fish and Wildlife successfully petitioned the office director for an extension of the match certification deadline for project #14-2148, and

WHEREAS, the Department of Fish and Wildlife provided the match certification on May 26, 2015; and

WHEREAS, RCO staff overlooked the approved deadline extension in the development of the director’s funding recommendation in board resolution 2015-14 that caused the board to declare project #14-2148 ineligible to receive funding, and

WHEREAS, upon recognizing the error, the Department of Fish and Wildlife is requesting reinstatement of project #14-2148 and to be eligible as an alternate to receive additional NOVA funding that may come available through additional fuel tax revenue and returned funds,

NOW, THEREFORE BE IT RESOLVED, that the board reinstates project #14-2148 for the Washington Department of Fish and Wildlife, and

BE IT FURTHER RESOLVED, that project #14-2148 be eligible to receive any available NOVA funding that may be available pursuant to the boards allocation of returned and unallocated funding.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

**Recreation and Conservation Funding Board
Resolution 2016-19
Washington State Department of Natural Resources Request to Reinstate Projects**

WHEREAS, pursuant to state law, the Recreation and Conservation Funding Board (board) approves general grant assistance rules that govern the grant programs administered by the Recreation and Conservation Office (office) on the board’s behalf, and

WHEREAS, the board has adopted in Washington Administrative Code 286-13-040(c) requirements and deadlines for when applicants must certify their matching resources for projects; and

WHEREAS, the board has adopted in Washington Administrative Code 286-13-040(2), the circumstances and process for the board or the director to consider waivers to grant process deadlines, and

WHEREAS, the Department of Natural Resources applied in the 2014 grant cycle for grant assistance from the Nonhighway and Off-road Vehicle Activities program, and

WHEREAS, because of an internal communication and paperwork error the Department of Natural Resources did not provide match certification for the following five projects:

- 14-1826 Northeast Region Education and Enforcement
- 14-1822 Reiter Foothills Forest Education and Enforcement
- 14-1848 Green Mountain Trail Planning
- 14-1813 Olympic Region Reade Hill Planning
- 14-1821 Reiter Foothills Nonmotorized Trail Phase 2

WHEREAS, the Department of Natural Resources is now requesting reinstatement of these projects to be eligible as alternates to receive additional NOVA funding that may come available through additional fuel tax revenue and returned funds,

- **NOW, THEREFORE BE IT RESOLVED**, that the board reinstates the Washington Department of Natural Resources projects, and that these projects be eligible to receive any available NOVA funding that may be available pursuant to the board’s allocation of returned and unallocated funding.

OR

- **NOW, THEREFORE BE IT RESOLVED**, that the board rejects the request from Washington Department of Natural Resources projects, and that these projects remain ineligible to receive any available NOVA funding that may be available pursuant to the board’s allocation of returned and unallocated funding.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Washington Wildlife and Recreation Program:
State Parks Category Criteria Changes for 2016

Prepared By: Adam Cole, Natural Resource Policy Specialist

Summary

Recreation and Conservation Office staff recommend adoption of resolution 2016-20 which makes project evaluation criteria changes to the Washington Wildlife and Recreation Program, State Parks Category.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Resolution: 2016-20

Background

Following each grant making cycle, Recreation and Conservation Office (RCO) staff review the Washington Wildlife and Recreation Program – State Parks Category (WWRP- State Parks) to identify needed improvements. In addition, RCO staff survey the past year’s applicants, meet with the standing WWRP – State Parks Advisory Committee, and also solicit comments from the Washington State Parks and Recreation Commission (Commission) and Commission staff.

As a result, of this review process following the 2014 grant cycle, staff identified the following recommended changes to the evaluation criteria for 2016:

1. Add a “Need Satisfaction” element to evaluation Question 1 “Public Need.”
2. Add a “Project Support” question.
3. Change the format and guidance of evaluation Question 5 “Sustainability and Environmental Stewardship.”
4. Expand the guidance for evaluation Question 6 “Expansion/Phased Project.”
5. Expand the guidance for evaluation Question 8 “Readiness to Proceed.”
6. Change the format of evaluation Question 9 “Consistency with Mission and Vision.”

At the [February meeting](#) of the Recreation and Conservation Funding Board (board), RCO staff presented these recommendations and the board directed staff to solicit public comments on the proposed changes to the evaluation criteria. Staff received public comments February 29 through March 18. Staff made an effort to reach out to a broad audience and shared the announcement using the following methods:

- Notification to 3,100 individuals with an “interest area” related to this topic;
- Notification to several Advisory Committees, including the WWRP – State Parks Advisory Committee; and
- Notification on RCO’s Policy and Rule-making Web page.

Three individuals submitted comments, which staff used to make a change to the original proposal. The public comments and RCO’s response are reprinted in the Public Comments Received section of this memo.

Recommendation

Staff recommends the board adopt Resolution 2016-20, included as Attachment B.

Next Steps

If the board adopts resolution 2016-20, RCO staff will update WWRP program manuals with the approved changes to the WWRP – State Parks evaluation criteria. The WWRP – State Parks Advisory Committee and the Commission will use the updated criteria to score the project proposals submitted in 2016.

Strategic Plan

Revising the evaluation criteria for WWRP – State Parks Category addresses Goals 1, 2, and 3 in the board’s Strategic Plan:

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

Attachments

- A. Proposed Evaluation Criteria Changes to the Washington Wildlife and Recreation Program, State Parks Category
- B. Resolution 2016-20

Proposed Evaluation Criteria Changes to the Washington Wildlife and Recreation Program, State Parks Category

Grant Program Summary

The Washington Wildlife and Recreation Program (WWRP) provides grants for purchase of valuable recreation and habitat lands; preservation of farmland; and construction of recreation and public access sites for a growing population. The State Parks Category in the WWRP Outdoor Recreation Account is open only for projects proposed by the Washington State Parks and Recreation Commission (Commission).¹

State Parks Category projects may consist of acquisition, development, or a combination of acquisition and development. Projects involving renovation of existing facilities are ineligible. There is no minimum or maximum grant request per project. The Commission does not need to provide a match for these grants and, on average, submits about twelve projects for evaluation each biennium. During the past four cycles, the total grant request averaged \$16 million per biennium.

Evaluation Process

The Recreation and Conservation Funding Board (board) approves the policies that govern the WWRP, including how standing advisory committees evaluate projects. The WWRP State Parks Advisory Committee, which scores each grant proposal is made up of six State Parks staff, three local agency staff, and three citizens. The Commission scores question #9 "Consistency with Mission and Vision" (recommended change to #10 "Commission Priorities").

Issues and Analysis

At the October 2014 board meeting, Recreation and Conservation Office (RCO) staff presented comments from the WWRP State Parks Advisory Committee about ways to improve the evaluation process. The advisory committee, the Commission, and State Parks staff have additional suggestions in preparation for the 2016 grant cycle. These suggested improvements are included in Table 1.

Table 1. Discussion of Proposed Changes and Potential Outcomes.

Criteria Changes	Outcome
1. Add "Need Satisfaction" to Question 1 "Project Need"	<ul style="list-style-type: none"> Strengthens the existing "Need" question by evaluating how well the project will address the stated need. Evaluating "Satisfaction" within the existing need question retains the existing weight of the criterion in the criteria. Emphasizes State Parks' mission in the question and scoring guidance.
2. Add "Project Support" Question	<ul style="list-style-type: none"> Adds additional criterion to measure public support. Raises total potential evaluation score by 10 points.

¹ The complete WWRP – State Parks Category grant program description and board-adopted policies for evaluating projects may be found in [Manual #10a: Washington Wildlife and Recreation Program, Outdoor Recreation Account](#).

Criteria Changes	Outcome
<p>3. Modify question and guidance for Question 5 "Sustainability and Environmental Stewardship"</p>	<ul style="list-style-type: none"> Aligns guidance with State Parks' stated stewardship policies and goals. Moves existing guidance to the body of the manual. Replaces existing guidance with a streamlined approach to encourage more relevant stewardship responses at evaluation.
<p>4. Expand guidance for Question 6 "Expansion/Phased Project"</p>	<ul style="list-style-type: none"> Clarifies the intent of the criterion. Improves guidance for scoring the criterion. Better defines a phased and/or expansion project.
<p>5. Expand guidance for Question 8 "Readiness to Proceed"</p>	<ul style="list-style-type: none"> Clarifies the intent of the criterion. Improves guidance for scoring the criterion. Guidance address State Parks' business needs and practices.
<p>6. Change question and scoring scheme for Question 9 "Commission Priorities"</p>	<ul style="list-style-type: none"> Improves criterion relevance and efficacy for the Commission. Produce more variability in scores, which should create more differentiation between projects. Raising the maximum score to 6 points, keeping the criterion near its current weight in the criteria. If adopted (along with the new "Project Support" question), this question's weight in the criteria would increase slightly, from 6.4 percent to 6.7 percent.

Public Comments Received

Summary of Public Comments

RCO received three public comments related to the proposed changes. Two people supported the changes and made no further recommendations; a third person did not explicitly support or oppose the changes, but made two suggestions. The summary changes include:

- A. Add the terms "heritage" and "cultural" to Question #5: Sustainability and Environmental Stewardship; and
- B. Add a bullet regarding tribal consultation to the proposed Question #9: Readiness to Proceed.

Based on suggestion A, staff added "heritage" and "cultural" to Question #5. For suggestion B, staff made no change to Question #9 because evaluating the status of tribal consultation is premature given that the project proposals being evaluated are not yet funded.

RCO consulted with State Parks staff regarding public comments and both agreed to the changes to Question #5, and the lack of a change to Question #9. As State Parks is the lead state agency and landowner for the potentially funded projects, according to state law and Governor Executive Order 05-05, it is responsible for conducting tribal consultation and other cultural resource review and protection actions if the board and legislature approve funding for the proposals.

Table 2. Public Comments on Changing the Cost Efficiencies Question

Commenter	Comment	Staff Reply
John Spring	<p>To whom it may concern:</p> <p>I highly endorse all the changes proposed under item # 2 (<i>Changes to State Parks Category Evaluation Criteria</i>). As a previous grader myself, I feel the changes in item # 2, will improve the scoring of Grant requests.</p>	<p>Thank you, John, for your comments on the policy and evaluation criteria changes.</p>
Dr. Peter V. Kilburn	<p>Thank you for the opportunity for input on Policy Proposals and Policy Changes and Grant Program Evaluation Criteria Changes.</p> <p>I am a Newby--my first time commenting.</p> <p>On the topics of "Proposed evaluation criteria changes for the Washington Wildlife and Recreation Program's State Parks Category," these too seem very reasonable. Not being a numbers person, the "Point range" scoring system and its variable weighting system is a little mysterious.</p> <p>All in all, the proposed changes seem reasonable and seem simple enough to implement without any serious side-tracking.</p> <p>Again, thank you for the opportunity to comment. If I may be of any further assistance, please advise.</p>	<p>Thank you for your comments.</p>
Greg Griffith, Washington State Department of Archeology and Historic Preservation	<p>On behalf of the Department of Archaeology and Historic Preservation (DAHP), I am providing the following comments/recommendations on Proposed Evaluation Criteria Changes for the WWRP's State Parks Category:</p> <ol style="list-style-type: none"> 1) In proposed language for Question 5: Sustainability and Environmental Stewardship, I recommend two changes to the two sentences so that the question would read as: What techniques or resources are proposed to ensure the project will result in a quality, sustainable, recreational, <u>heritage</u> preservation, or educational opportunity, while protecting the integrity of the environment? Describe how the project will protect natural <u>and cultural</u> resources and integrate sustainable elements such as low impact development techniques, green infrastructure, or environmentally preferred building products. 2) In proposed language for Question 9: Readiness to Proceed, I recommend addition of another bullet point to read something like the following: Has cultural resource protection consultations been completed including contact with affected Tribal governments? <p>Thank you for the opportunity to provide these comment.</p>	<p>Thank you, Greg, for your comments.</p>

Recommendations

Table 2: Evaluation Criteria Summary (areas of change in track changes).

State Parks Criteria Summary					
Score	#	Question	Project Type	Maximum Points Possible	Percent of Total Score
Advisory Committee	1	<u>Public Need</u>	All	5	6%
Advisory Committee	2	Project Significance	All	15	17%
Advisory Committee	3	Threat and Impact	Acquisition	10	11%
			Combination	5	6%
Advisory Committee	4	Project Design	Development	10	11%
			Combination	5	6%
Advisory Committee	5	<u>Sustainability and Environmental Stewardship</u>	All	10	11%
Advisory Committee	6	<u>Expansion/Phased Project</u>	All	15	17%
<u>Advisory Committee</u>	<u>7</u>	<u>Project Support</u>	<u>All</u>	<u>10</u>	11%
Advisory Committee	<u>8</u>	Partnership or Match	All	5	6%
Advisory Committee	<u>9</u>	<u>Readiness to Proceed</u>	All	10	11%
State Parks Commission	<u>10</u>	<u>Commission Priorities Consistency with Mission and Vision</u>	All	<u>6</u>	6%
RCO Staff	<u>11</u>	Proximity to Human Populations	All	3	3%
Total Points Possible = <u>89</u>					100

Current and Proposed Evaluation Criteria, by Question Number

Question 1: Public Need

Intent: Add a need satisfaction element to the question to improve evaluating how the project will satisfy the need for the project.

Current	Proposed
<p>Public Need. Describe why this project should be built or property acquired? Is it:</p> <ul style="list-style-type: none"> • Cited in CAMP (Classification and Management Plan)? • Identified in a park master plan or other approved planning document? • Included in the current State Parks 10-year capital plan? • Consistent with State Parks' strategic plan? • Identified and supported by the public or park partners? <p>Point Range: Evaluators award a maximum of 5 points.</p> <ul style="list-style-type: none"> • 0 points: No CAMP or other plan, no or little public interest. • 1-2 points: Consistent with CAMP or other plan, some public support, property acquisition listed in CAMP but not essential. • 3-5 points: Consistent with CAMP or other plan, resolves a management problem, essential to a partnership or will increase park visitation, strong public support. 	<p>Public Need and Need Satisfaction. What is the need for the proposed project? To what extent will the project satisfy the need? Consider the following:</p> <ul style="list-style-type: none"> • Cited in a Classification and Management Plan (CAMP), if one exists? • Identified in a park master plan or other approved planning document? • Included in the current State Parks' 10-year capital plan? • Consistent with State Parks' strategic plan? • Project or property is suited to serve the stated need? • To what degree will the project: <ul style="list-style-type: none"> ○ Further care for Washington's most treasured lands, waters, and historic places. ○ Connect more Washingtonians to their diverse natural and cultural heritage. ○ Improve quality or expand capacity for recreational and educational experiences. <p>Point Range: Evaluators award a maximum of 5 points.</p> <ul style="list-style-type: none"> • 0 points: No CAMP or other plan, indirectly implements State Parks' mission and vision • 1-2 points: Implements mission and vision despite a CAMP. Adequately addresses stated need. • 3-4 points: Implements mission and vision. Consistent with CAMP or other plan, resolves a management problem, essential to a partnership, or will increase park visitation. Greatly addresses stated need. • 5 points: Strongly implements mission and vision. High priority in a CAMP or other plan, resolves a management problem, essential to a partnership, or will increase park visitation. Maximizes the satisfaction of the stated need.

Current Question 5: Sustainability and Environmental Stewardship

Will the project result in a quality, sustainable, recreational opportunity while protecting the integrity of the environment? Factors to consider for acquisition and/or development and renovation projects are outlined in the table below.

Acquisition	Development and Renovation
<ul style="list-style-type: none"> Does the acquisition and proposed development preserve the natural function of the site? 	<ul style="list-style-type: none"> Does the proposed development protect natural resources onsite and integrate sustainable elements such as low impact development techniques, green infrastructure, or environmentally preferred building products?
<ul style="list-style-type: none"> How do the proposed uses protect, enhance or restore the ecosystem functions of the property? 	<ul style="list-style-type: none"> Vegetation/Surfaces – Are you replacing invasive plant species with native vegetation? Are you using pervious surfaces for any of the proposed facilities?
<ul style="list-style-type: none"> Are there invasive species on site? If there are, what is your response plan? 	<ul style="list-style-type: none"> Education – Are you installing interpretive panels/signs that educate users about sustainability?
<ul style="list-style-type: none"> What is the strategy or plan for maintenance and stewardship of the site? 	<ul style="list-style-type: none"> Materials – What sustainable materials are included in the project?
<ul style="list-style-type: none"> How do the natural characteristics of the site support future planned uses? 	<ul style="list-style-type: none"> Energy – What energy efficient features are you adding?
<ul style="list-style-type: none"> To provide for greater fuel economy, is the proposed acquisition located close to the intended users? 	<ul style="list-style-type: none"> What modes of transportation provide access to the site?
<ul style="list-style-type: none"> What modes of transportation provide access to the site? 	<ul style="list-style-type: none"> Water – Is the on-site storm water managed by rain gardens, porous paving, or other sustainable features? Does the design exceed permit requirements for storm water management?
<ul style="list-style-type: none"> Does this project protect wetlands or wetland functions? Describe the size, quality, and classification. 	<ul style="list-style-type: none"> If there are wetlands on site, describe the size, quality and classification and explain how the design considers the wetland functions.
<ul style="list-style-type: none"> How does the proposed acquisition help create connectivity? How many acres are already protected? How critical is this property to the overall plan? 	<ul style="list-style-type: none"> What is the strategy or plan for long-term maintenance and stewardship of the site?
<ul style="list-style-type: none"> What other noteworthy characteristics demonstrate how the natural features of the site contribute to energy efficiency, less maintenance, fewer environmental impacts, or sustainability? 	<ul style="list-style-type: none"> What other developed features will contribute to increasing energy efficiencies, reducing maintenance, minimizing environmental impacts, or being more sustainable?

Point Range: Evaluators award a maximum of 5 points that are multiplied later by 2.

Proposed Question 5: Sustainability and Environmental Stewardship

Intent: Changing the format of evaluation question to streamline guidance, facilitate more meaningful responses, and align scoring with State Parks' environmental stewardship plan.

Proposed

What techniques or resources are proposed to ensure the project will result in a quality, sustainable, recreational, heritage preservation, or educational opportunity, while protecting the integrity of the environment? Describe how the project will protect natural and cultural resources and integrate sustainable elements such as low impact development techniques, green infrastructure, or environmentally preferred building products.

Point Range: Evaluators award 0-5 points that are multiplied later by 2.

- 0 points: No or little stewardship elements.
- 1-2 points: Contains stewardship elements and protects natural or cultural resources. Consistent with State Parks' Sustainability Plan and goals.
- 3-4 points: Numerous stewardship elements, protects and enhances natural resources or cultural resources. Implements many of State Parks' sustainability goals
- 5 points: Maximizes natural or cultural resource protection, enhances natural resources or cultural resources, and contains innovative and outstanding stewardship elements. Implements many of State Parks' sustainability goals.

Question 6: Expansion/Phased Projects

Intent: Expand the guidance to help applicants better understand the question and help evaluators better score the question.

Current	Proposed
<p>Describe whether this project supports past investments. Consider:</p> <ul style="list-style-type: none"> • Is the project part of a phased acquisition or development? • When did the previous phases start and end? • Is this project a distinct stand-alone phase? <p>Point Range: Evaluators award a maximum of 5 points that are multiplied later by 3.</p> <ul style="list-style-type: none"> • 0 points: Not a phased project or is not a distinct stand-alone project • 1-5 points: Project is a key phase in a statewide legacy project or it expands a popular or notable park or facility. 	<p>Does this project implement an important phase of a previous project, represent an important first phase, or expand or improve an existing site? Consider:</p> <ul style="list-style-type: none"> • Is the project part of a phased acquisition or development? • To what extent will this project advance completion of a plan or vision? • Is this project an important first phase? • What is the value of this phase? • How does the project complement an existing site or expand usage, preservation, or education within a site? <p>Point Range: Evaluators award a maximum of 5 points that are multiplied later by 3.</p> <ul style="list-style-type: none"> • 0 points: Neither a significant phase or expansion nor a distinct stand-alone project. • 1-2 points: Project is a quality or important phase or expansion. • 3-4 points: Project is a key first phase or expansion or moves a project significantly towards realizing a vision. • 5 points: Project is highly important first phase, final (or near final) phase, moves a project a great deal towards realizing a vision.

Question 7: Project Support

Intent: Add a new Project Support question to better evaluate the public's support for a project.

Current	Proposed
No Project Support Question	<p>What is the extent to which the public (statewide, community, or user groups) has been provided with an adequate opportunity to become informed of the project, or support for the project seems apparent.</p> <p>Broadly interpret the term project support to include, but not be limited to:</p> <ul style="list-style-type: none"> • Extent of efforts by the applicant to identify and contact all parties, i.e. an outreach program to local, regional, and statewide entities. • The extent that there is project support, including: <ul style="list-style-type: none"> ○ Voter-approved initiative ○ Public participation and feedback. ○ Endorsements or other support from advisory boards and user and friends groups. ○ Positive media coverage. <p>Point Range: Evaluators award a maximum of 5 points that are multiplied later by 2.</p> <ul style="list-style-type: none"> • 0 points: No evidence presented. • 1-2 points: Marginal community support. Opportunities for only minimal public involvement (i.e. a single adoption hearing), or little evidence that the public supports the project. • 3 points: Adequate support and opportunity presented for participation. • 4-5 points: The public has received ample and varied opportunities to provide meaningful input into the project and there is overwhelming support. The public was so supportive from the project's inception that an extensive public participation process was not necessary.

Question 9: Readiness to Proceed

Intent: Expand the guidance to help applicants better understand the question, and evaluators to score the question.

Current	Proposed
<p>Describe the project's timeline. Consider:</p> <ul style="list-style-type: none"> • For development projects, is it fully designed and permitted? • For acquisition projects, is there written documentation indicating a willing seller? • For acquisition projects, is there a written sales agreement with the property owner? • Are there any significant zoning, permitting issues, or encumbrances? • Has an economic impact analysis been completed for the project that identifies operational impacts and potential for revenue enhancement? <p>Point Range: Evaluators award a maximum of 5 points that are multiplied later by 2.</p> <ul style="list-style-type: none"> • 0 points: (Acquisition) No agreement with landowner and fiscal impact will be substantial and require operational impact from the Legislature. (Development) Construction drawings less than 60 percent complete and fiscal impact will be substantial and require operational impact from the Legislature. • 1-2 points: (Acquisition) Willing seller and/or economic impact analysis identifies minimal operating impacts. (Development) Construction drawings over 60 percent complete, and/or economic impact analysis identifies minimal operating impacts. • 3-5 points: (Acquisition) Signed sales agreement, and/or economic impact analysis identifies potential revenue from the project. (Development) All permits in hand and/or economic analysis identifies potential revenue from the project. 	<p>Describe the project's timeline. Is the project ready to proceed? Consider:</p> <ul style="list-style-type: none"> • For development projects, is it fully designed and permitted? • For acquisition projects, is there written documentation indicating a willing seller? • For acquisition projects, is there a written sales agreement or option with the property owner? • Are there any significant zoning, permitting issues, or encumbrances? • Has State Parks completed an economic impact analysis or business plan for the project that identifies operational impacts and potential for revenue enhancement? <p>Point Range: Evaluators award a maximum of 5 points that are multiplied later by 2.</p> <ul style="list-style-type: none"> • 0 points: Not ready, business case not evident. (Acquisition) No agreement with landowner and fiscal impact will be substantial and require operational impact from the Legislature. (Development) No construction drawings, no formal (or negative) business case determined, and fiscal impact will be substantial and require operational impact from the Legislature. • 1-2 points: (Acquisition) Willing seller identified, economic impact analysis completed or positive cost-benefit determined. (Development) Construction drawings at or near 60 percent complete. Economic impact analysis identifies minimal operating impacts. Positive cost-benefit analysis exists. • 3-4 points: (Acquisition) Property (purchase) secured in some way by legal instrument to include a letter of intent, or being held in trust or by a nongovernmental organization (for example). Positive cost-benefit analysis exists. (Development) Construction drawings at or more than 60 percent complete, and economic analysis identifies potential revenue from the project or positive cost-benefit analysis exists. • 5 points: (Acquisition) Parks has a "Purchase and Sale Agreement or Option" signed and the purchase will be made within its existing term, has very strong business case, and cost-benefit analysis exists. (Development) Plans completed and all permits in hand, economic analysis identifies potential revenue from the project. Positive cost-benefit analysis exists. Completed business plan identifies potential revenue from the project.

Question 10: Commission's Priorities

Intent: Improve the relevancy and efficacy of the evaluation question.

Current	Proposed
<p>Consistency with Mission and Vision. How well does this project support the State Parks' mission and vision?</p> <p>Point Range: The State Parks and Recreation Commission awards a maximum of 5 points.</p> <ul style="list-style-type: none"> • 0 points: Does not support the State Parks' mission or vision. • 1-2 points: Moderately supports the State Parks' mission and vision. • 3-5 points: Strongly supports the State Parks' mission and vision. 	<p>Commission's Priority. How well does this project implement the commission's priorities?</p> <p>The Washington State Parks and Recreation Commission evaluates this criterion.</p> <p>The Commission provides RCO with a ranked list of their applications.</p> <p>RCO assigns a point value to each project based on its rank. The highest priority project shall receive a point score equal to the number of applications ranked. The second highest ranked project shall receive a point score 1 less than the one above it, and so on. The lowest priority application shall receive a value of 1.</p> <p>RCO will apply a variable multiplier to the scores so the highest ranked application will receive a point value of 6, and all other applications will have a point value less than 6 and proportional to their rank.</p> <p>Point Range (after multiplier): 0-6.</p>

The following is an example of how the commission's ranked list, RCO's assigned point values, and the variable multiplier function in Question 10 "Commission's Priorities." The example assumes 13 projects are ranked by the commission.

Application/ Project	Commission's Rank	RCO Assinged Point Value	Multiplier (6/13)	Final Point Value
A	1	13	0.462	6.00
B	2	12	0.462	5.54
C	3	11	0.462	5.08
D	4	10	0.462	4.62
E	5	9	0.462	4.15
F	6	8	0.462	3.69
G	7	7	0.462	3.23
H	8	6	0.462	2.77
I	9	5	0.462	2.31
J	10	4	0.462	1.85
K	11	3	0.462	1.38
L	12	2	0.462	0.92
M	13	1	0.462	0.46
Total Applications = 13				

**Recreation and Conservation Funding Board
Resolution 2016-20
Washington Wildlife and Recreation Program, State Parks Category**

WHEREAS, the Revised Code of Washington (RCW) 79A.15 authorizes the Recreation and Conservation Funding Board (board) to adopt evaluation criteria for the Washington Wildlife and Recreation Program (WWRP) State Parks category, and

WHEREAS, the Recreation and Conservation Office (RCO), with board direction, drafted evaluation criteria changes for the WWRP – State Parks category to improve the questions the WWRP – State Parks Advisory Committee and the Washington State Parks and Recreation Commission use to evaluate projects; and

WHEREAS, RCO solicited comments from over 3,000 members of the public and posted notice on its Web site, and

WHEREAS, staff reviewed the public comments, adjusted the evaluation questions as appropriate and recommends the board approve the proposed evaluation questions as presented in Item 16, and

WHEREAS, the proposed evaluation questions are consistent with state law and the board’s administrative rules,

NOW, THEREFORE BE IT RESOLVED, that the board adopts the proposed revisions to the evaluation questions for the WWRP State Parks category as described in item 16, and

BE IT FURTHER RESOLVED, that the board directs RCO staff to incorporate these changes into the evaluation criteria and in the appropriate grant program manuals; and

BE IT FURTHER RESOLVED, that the evaluation criteria shall be effective beginning with the 2016 grant cycle.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: April 27-28, 2016

Title: Firearms and Archery Range Safety Policy Changes for Recreation Grant Programs

Prepared By: Adam Cole, Natural Resource Policy Specialist

Summary

At the February 2016 meeting, the Recreation and Conservation Funding Board (board) reviewed recommended changes to the Firearms and Archery Range Recreation (FARR) program's Range and Course Safety Policy (safety policy). A public comment period was held from February 29 through March 18, 2016. This memo summarizes the proposed changes, public comments received, and recommends adoption of Resolution 2016-21 which updates policies for grant programs that provide funding for firearms and archery recreation projects.

Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

Resolution: 2016-21

Background

At the [February 2016 meeting](#), the Recreation and Conservation Funding Board (board) reviewed the following recommended changes to the Firearms and Archery Range Recreation (FARR) program's Range and Course Safety Policy (safety policy):

1. Ensure projectile containment for projects using design guidance from the Archery Trade Association;
2. Apply the FARR safety policy to all firearms and archery projects funded by the board; and
3. Limit the number of safety policy certifications, evaluations, and reports eligible for reimbursement.

The board directed Recreation and Conservation Office (RCO) staff to solicit public comments on the proposed policy changes and prepare a recommendation for decision at the April 2016 meeting.

Public Comments Received

The public comment period lasted from February 29 through March 18, 2016. During this time, staff reached out to a broad audience using the following methods:

- Notification to 3,100 individuals in RCO's PRISM database with an "interest area" related to this topic;

- Notification to several grant programs' standing Advisory Committees, including the FARR Advisory Committee;
- Outreach to planning and law enforcement staff at the Washington State Departments of Natural Resources, Fish and Wildlife, and State Parks.
- Notification on RCO's Policy and Rule-making Web page.

Four individuals submitted comments on the proposed changes, included below with RCO's responses. Two commenters agreed with all the policy recommendations; one commenter did not oppose the recommendations, but suggested considering the location of projects based on noise, amount of use, and time of day of operation; and a fourth commenter supported the recommendations and of requiring containment structures, but suggested the containment requirements could be evaluated, and potentially not required, on a case-by-case basis.

Based on the public comments received, staff made no changes to the recommended policy changes.

Table 1. Public Comments

Commenter	Comment	Staff Reply
Lunell Haught	In addition to safety, you consider the noise factor on placement, and let the public who is not shooting know that shooting happens during times/days.	<p>Thank you for your comments.</p> <p>A policy for location of a proposed project is not being considered at this time.</p> <p>RCO requires each FARR project applicant to conduct a public meeting with the nearby property owners. If the project is selected for funding, sponsors must contact those who attended the public meeting of the project's status. For firearms and archery range projects in other board funded grant programs, the applicants are government organizations which have their own public planning, public information and meeting requirements.</p>
Dr. Peter V. Kilburn	<p>Thank you for the opportunity for input on Policy Proposals and Policy Changes and Grant Program Evaluation Criteria Changes.</p> <p>I am a Newby--my first time commenting.</p> <p>I have reviewed the "Proposed policy changes for any board funded firearm or archery project. These changes proposed seem very reasonable.</p> <p>Again, thank you for the opportunity to comment. If I may be of any further assistance, please advise.</p>	Thank you for your comments.

<p>Robert Ingram, State Parks Chief Law Enforcement</p>	<p>I have no concerns, as it appears these proposed changes may provide for improved safety and access to such opportunities. A positive impact that indirectly relates to WSPRC's law enforcement function appears to be the potential for greater availability of firing ranges to practice at/on.</p>	<p>Thank you for your comments.</p>
<p>Richard Mann, Captain, WDFW Police</p>	<p><i>(Comments stem from multiple email exchanges. The main points are captured below and may contain some edits for clarity.)</i></p> <p>As for a "No Blue Sky" baffle or a shed system, I think you should really consider that requirement on a case by case basis. Berms or other containment facilities may be sufficient on a given sight w/o public or other human development nearby. If an agency can satisfy <i>(site safety considerations)</i> I don't see why the project should not be considered. Safety is the key issue. Some type of structure that forces shooters to shoot down the range and not all over should be desired. One shooter who decides to discharge outside of a shed, beyond no blue sky baffles or in the wrong direction is <i>(a)</i> problem and no type of safety measure, even on a supervised range, will account for that person.</p> <p>At least with an established, well designed facility, safety is improved and shooters contained at a single location...Think you need to do the very best you can, but also understand that there may be facilities that have been built in environmental layouts that contribute to safety without some of the built measures. Each is a case by case study, which makes it difficult at times.</p>	<p>Thank you for your comments.</p>

Staff Recommendation

Staff recommends the board adopt Resolution 2016-21, included as Attachment A.

Next Steps

If the board adopts Resolution 2016-21, RCO staff will update the program and policy manuals with the approved policy changes. These updated policies shall apply to grant proposals submitted in 2016.

Strategic Plan

The proposed policy changes support Goal 2 in the board's [Strategic Plan](#):

1. We help our partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.
2. We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.
3. We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

**Recreation and Conservation Funding Board
Resolution 2016-21
Firearms and Archery Recreation Projects**

WHEREAS, pursuant to the Revised Code of Washington (RCW) 79.15 and 79A.25, and Washington Administrative Code (WAC) 286-04 and 286-30, the Recreation and Conservation Funding Board (board) administers and approves policies that govern grant programs which do, or may, support firearms and archery range recreation; and

WHEREAS, the board adopted a Range and Couse Safety Policy for the Firearms and Archery Range Recreation (FARR) program in January of 2014 (Resolution 2014-05) and see the benefits of extending this policy to other grant programs; and

WHEREAS, the recommended changes in Item 17 reflect the opportunity to make a number of policy improvements that support the board's goals to achieve a high level of accountability in managing the resources and responsibilities entrusted to the board; and

WHEREAS, the board reviewed the draft changes in February of 2016 in an open public meeting and instructed Recreation and Conservation Office (RCO) staff to release the draft changes for public review and comment; and

WHEREAS, based upon the public comment received, RCO staff recommends the board approve the recommendations as presented in Item 17; and

WHEREAS, these proposed policy changes are consistent with state law and the board's administrative rules,

NOW, THEREFORE BE IT RESOLVED, that the board adopts the proposed policy changes for FARR and other board funded grant programs which do, or may, support firearms and archery range recreation; and

BE IT FURTHER RESOLVED that the board directs RCO staff to incorporate these changes into the appropriate grant program and policy manuals; and

BE IT FURTHER RESOLVED that the policy changes shall be effective beginning with the 2016 grant cycle.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____