



STATE OF WASHINGTON

OFFICE OF THE INTERAGENCY COMMITTEE
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January 19, 2006

TO: IAC Members and Designees

FROM: Laura Eckert Johnson, Director 

PREPARED BY: Neil Aaland, Assistant Director, Grant Services 

SUBJECT: Final Adoption WWRP Manuals Notebook Item #11

Summary. For board adoption, and to address the four new programs provided to IAC by the 2005 Legislature, staff has revised the single Washington Wildlife and Recreation Program (WWRP) policy manual into three booklets. To assist in consideration of this agenda item, we provide draft adoption resolutions, one each for the three manuals (attached). For copies of the discussion materials associated with these resolutions, see the following agenda items for the February 2, 2006 IAC board meeting:

- Resolution #2006-04 for new State Lands Categories of Restoration-Enhancement and Development-Renovation (see agenda item #7, WWRP Manuals 10-HCA and 10-ORA)
- Resolution #2006-05 for new Riparian Protection Account Program (see agenda item #8, WWRP Manual 10-HCA)
- Resolution #2006-06 for new Farmlands Preservation Program (see agenda item #9, WWRP Manual 10-F)

Discussion. In ESSB 5396, the legislature created four new funding categories in WWRP. This has led to a proposed new policy manual organization:

- | |
|---|
| ◆ <i>WWRP Manual 10-F-(Farmlands Preservation Program)</i> |
| ◆ <i>WWRP Manual 10-HCA (Habitat Conservation Account):</i> |
| ◆ Critical Habitat Category |
| ◆ Natural Areas Category |
| ◆ Urban Wildlife Category |
| ◆ Restoration-Enhancement on State Lands Category |
| ◆ <i>Riparian Protection Account</i> |



- ◆ *WWRP Manual 10-ORA (Outdoor Recreation Account):*
 - ◇ State Parks Category
 - ◇ Local Parks Category
 - ◇ Trails Category
 - ◇ Water Access Category
 - ◇ Development-Renovation on State Lands Category

Each of these manuals contain all pertinent program policies: authorities, funding limits, matching requirements, eligibility, conversion policies, post approval requirements, project selection/evaluations, etc., many of which have been carried over from the current WWRP Manual 10.

Recommendation. Pending any further board discussion or new public testimony, staff recommends in favor of the modifications presented under the agenda items noted above. Because applications for most IAC grant programs are due by May 1, adoption at the February meeting is highly desirable.

RESOLUTION #2006-04
Adoption of Washington Wildlife and Recreation Program Policy Manuals
Manual #10a, WWRP – Outdoor Recreation Account
Manual #10b, WWRP – Habitat Conservation Account

WHEREAS, Chapter 303, Laws of 2005 established State Lands Restoration and Enhancement and State Lands Development and Renovation as two new categories within the Washington Wildlife and Recreation Program; and

WHEREAS, the Interagency Committee for Outdoor Recreation (IAC) has the authority to adopt policies and rules for WWRP; and

WHEREAS, IAC staff has utilized the services of its ad hoc advisory committee composed of citizen representatives and state and local agency representatives to advise IAC on policies for these two new WWRP categories; and

WHEREAS, the proposed policy manuals, Manual #10a and Manual #10b, have been reviewed by the ad hoc advisory committee and the committee's recommendations transmitted to the IAC; and

WHEREAS, the proposed policies have been made available for review and comment by individuals and organizations that have expressed an interest in WWRP; and

WHEREAS, adoption of Manual #10a and Manual #10b is essential to implementing the first grant cycle for the State Lands Restoration and Enhancement and State Lands Development and Renovation categories, commencing May 1, 2006;

NOW, THEREFORE BE IT RESOLVED, that the IAC adopts *Manual #10a, WWRP - Outdoor Recreation Account* and *Manual 10b, WWRP - Habitat Conservation Account*; and

BE IT FURTHER RESOLVED, that IAC staff is directed to take the necessary steps for immediate implementation and distribution of these manuals to interested parties.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: February 2, 2006

**Attachment C
Resolution**

Interagency Committee For Outdoor Recreation

RESOLUTION #2006-05

Adoption of the Riparian Protection Account Policy Manual

WHEREAS, Chapter 303, Laws of 2005 established a new Riparian Protection Account (RPA) as part of the Washington Wildlife and Recreation Program; and

WHEREAS, the Interagency Committee For Outdoor Recreation (IAC) has the authority to adopt policies and rules for the WWRP and for the RPA; and

WHEREAS, IAC staff has convened a committee composed of representatives of environmental organizations, tribes, local governments, lead entities, agricultural interests, and state agency representatives to advise the IAC on RPA policies; and

WHEREAS, IAC staff held workshops in Moses Lake and Tukwila to solicit public input on the RPA; and

WHEREAS, the proposed RPA policy manual, Manual #10, has been reviewed by the RPA Advisory Committee and the Committee's recommendations transmitted to the IAC; and

WHEREAS, the proposed policy manual has been made available for review and comment by the several thousand individuals and organizations that have expressed an interest in the WWRP and the RPA, including counties, cities, conservation districts, land trusts, agricultural organizations, lead entities, and environmental organizations;

WHEREAS, adoption of Manual #10 is essential to implementing the first grant cycle of the RPA, commencing May 1, 2006;

NOW, THEREFORE BE IT RESOLVED, that the IAC adopts the Riparian Protection Account Manual #10.

_____ Moved _____ Seconded

MOTION CARRIED / FAILED

Interagency Committee For Outdoor Recreation

RESOLUTION #2006-06

Adoption of the Farmland Preservation Program Policy Manual

WHEREAS, C303 L2005 (ESSB5396) established a new farmland preservation grant program (FPP) as part of the Washington Wildlife and Recreation Program; and

WHEREAS, the Interagency Committee For Outdoor Recreation (IAC) has the authority to adopt policies and rules for the WWRP and for the FPP; and

WHEREAS, IAC staff has convened a committee composed of farmers, representatives of farming and environmental organizations and state agencies to advise the IAC on FPP policies; and

WHEREAS, IAC staff held workshops in Moses Lake and Fife to solicit public input on the FPP; and

WHEREAS, the proposed FPP policy manual, Manual 10f, has been reviewed by the FPP Advisory Committee and the Committee's recommendations have been transmitted to the IAC; and

WHEREAS, the proposed policy manual has been made available for review and comment by almost three thousand individuals and organizations that have expressed an interest in the WWRP and the FPP, including counties, cities, conservation districts, land trusts, and agricultural and environmental organizations; and

WHEREAS, adoption of Manual 10f is essential to implementing the first grant cycle of the FPP, commencing May 1, 2006;

NOW, THEREFORE BE IT RESOLVED, that the IAC adopts the Farmland Preservation Program Manual 10f.

_____ Moved _____

_____ Seconded

MOTION CARRIED / FAILED



*Interagency
Committee for*
**OUTDOOR
RECREATION**

**WASHINGTON WILDLIFE
& RECREATION
PROGRAM ~ OUTDOOR
RECREATION ACCOUNT:**

*POLICIES AND
PROJECT SELECTION*

10a

January 20, 2006

DRAFT



**WASHINGTON WILDLIFE
& RECREATION
PROGRAM ~ OUTDOOR
RECREATION ACCOUNT:**

*POLICIES AND
PROJECT SELECTION*

10a

January 20, 2006

DRAFT

Interagency Committee for Outdoor Recreation

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

Our Services Statewide strategic investments through policy development, grant funding, technical assistance, coordination, and advocacy.

Our Values Efficient, fair, and open programs conducted with integrity. The results foster healthy lifestyles and communities, stewardship, and economic prosperity in Washington.



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INTRODUCTION

The Washington Wildlife and Recreation Program (WWRP) was established in 1990 with the passage of Chapter 79A.15 RCW (Appendix A—recodified from 43.98A in 1999 and updated in 2005).

~~WWRP is administered by the Interagency Committee for Outdoor Recreation (IAC) to provide~~ funding assistance for a broad range of land protection, park development, ~~preservation/~~ habitat conservation, farmlands preservation, and outdoor recreation facilities. This landmark legislation and subsequent funding have come about through the support of the Governor, legislature, and dedication of groups such as the many organizations comprising the Washington Wildlife and Recreation Coalition.

IAC

The Interagency Committee for Outdoor Recreation (IAC) administers WWRP. IAC is an executive branch agency composed of five citizen members appointed by the Governor, and three state agency directors. The term "IAC," however, commonly refers to this director/citizen board *and* its staff, led by a Director. Whenever it is important to distinguish among these parties, this manual uses the words "*board*," "*staff*," or "*Director*," as appropriate.

Manual Authority and Scope

~~This manual has been prepared to provide WWRP—Outdoor Recreation Account information. It will provide the reader with a basic understanding of program definitions, characteristics, and guidelines.~~
This manual has been prepared to provide WWRP – Outdoor Recreation Account (ORA) information. It will provide the reader with a basic understanding of program definitions, characteristics, and guidelines. For more information on WWRP, see Manual #10a for the Outdoor Recreation Account and Manual #10c for the Farmland Preservation Account.

This manual is created under the authority granted to IAC's board in the enabling legislation for WWRP [RCW 79A.15.060(1), 79A.15.070(1) and (5), 79A.15.120(4), and 79A.15.130(4)]. It reflects the specific statutory requirements of Chapter 79A.15. RCW, Chapter 286-27, 286-13, and 286-06 WAC, and policies of IAC.

IAC's board adopted the policies in this manual in a public meeting.

Program Goals

~~The program WWRP~~ has two primary goals:

To assist with the rapid acquisition of the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses;

RCW 79A.15.005

To develop existing public recreation land and facilities to meet the needs of present and future generations.

Figure 1. WWRP ORA ELIGIBLE PROJECT SPONSORS

CATEGORY	STATE AGENCIES ¹	LOCAL AGENCIES ²
Local Parks	=	✓
State Lands Development and Renovation	<u>WDNR and WDFW only</u>	=
State Parks	<u>State Parks only</u>	=
Trails	✓	✓
Water Access	✓	✓

Legal Opinion

A legal opinion by the project applicant’s attorney stating the applicant’s eligibility to receive IAC grants is required for all first time applicants. See Manual 5, Application Instructions for information pertaining to the legal opinion.

PLANNING REQUIREMENTS

At least three months before IAC's first funding meeting for consideration of WWRP outdoor recreation projects, applicants must establish eligibility by submitting evidence that their agency or organization has adopted a comprehensive outdoor recreation plan project(s) are supported by appropriate planning documents. Plans accepted by IAC establish eligibility for up to six years. It is the applicant's responsibility to ensure that plans and documents are current. For further information, consult Manual 2, *Planning Policies*. ~~In summary, and at minimum, this includes the following elements:~~

Goals & Objectives

~~A statement of the applicant's long range goals and a list of objectives that describe specific actions aimed at achieving each goal.~~

Description of Current Conditions

~~A description of agency authorities, the physical setting, and sphere of influence or service area. Include recreational use information and an evaluation of existing opportunities, including opportunities that are managed by agencies other than the applicant.~~

Demand and Need

~~An explanation of why actions are necessary and establishment of priorities for these actions.~~

Public Involvement

~~A description of how the planning process gave the public ample opportunity to be involved in development of the plan.~~

Capital Improvement Program

~~A current capital improvement program that covers a period of at least~~

¹ "State Agencies," except as noted above, means State Parks and the Departments of Natural Resources, General Administration, and Fish and Wildlife.

² "Local agencies" means a city, county, town, federally recognized Native American Indian Tribes, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state if legally authorized to acquire and develop public open space, habitat, farmlands, riparian habitat, or recreation facilities.

six years.

Official Adoption

Evidence that the document has been approved by the authority most appropriate to the plan's scope.

ACCOUNTS AND CATEGORIES

By statute, WWRP funding is divided into ~~two~~ four accounts: 1) the Habitat Conservation Account ~~and~~, 2) the Outdoor Recreation Account, 3) the Farmlands Preservation Account, and 4) the Riparian Protection Account. ~~Each account receives half of the total WWRP appropriation. These accounts contain specific funding categories. Each category is designed to provide for a specific project type.~~

Accounts

<i>Habitat Conservation Account</i>	50% of all funds
Category	Eligible Participants
Critical Habitat.....	State Agencies only
Natural Areas.....	State Agencies only
Urban Wildlife Habitat.....	State and Local Agencies ³
 <i>Outdoor Recreation Account</i>	 50% of all funds
Category	Eligible Participants
Local Parks.....	Local Agencies
Trails.....	State and Local Agencies
Water Access.....	State and Local Agencies
State Parks.....	State Parks and Rec. Comm. Only

The accounts receive appropriated funds as determined by RCW 79A.15. Each WWRP category must receive a specified percentage of the funds appropriated for the program. While state law requires that these minimum percentages be met over the life of the program, it is IAC's intent to generally meet them, by category, each biennium. However, IAC's board retains the discretion to forego these statutory minimums in any one year or biennium, should circumstances so warrant.

The chart in Appendix X illustrates distribution of appropriated funds for WWRP and the amount available for the Outdoor Recreation Account.

Categorization of Projects

Projects submitted for WWRP funding assistance are placed in a category based on project characteristics, intent, and scope. As a part of the application process, an applicant submits the proposal to a specific WWRP category. Project applicants should, on submittal of an application, recommend placement of their project in one of the following categories. IAC staff will review these recommendations, the applicant's choice for compliance with category criteria and definitions and notify applicants of any recommended changes. Staff's decision to change categories may be appealed to IAC's Director and, if necessary,

³ Pursuant to RCW 79A.15.010(4) definitions, "Local agencies" means a city, county town, tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

IAC's board..

~~IAC's intent is that a~~ WWRP project will be evaluated in only one category ~~unless otherwise authorized by the Director~~. At the applicant's discretion, projects appropriate to more than one category may be divided into more than one "stand-alone" project and submitted separately.

A project's account-category is of major importance in the evaluation process. Any applicant's change to a project's account-category must be made by the technical completion deadline, unless otherwise authorized by the Director.

**Grant Program
Categories**

~~Projects submitted for WWRP funding assistance will be placed in an category based on project characteristics, intent, and scope according to the following threshold criteria~~ WWRP categories for the Outdoor Recreation Account are described as follows:

State Parks Category

- ▶ This category is available only to the Washington State Parks and Recreation Commission for acquisition and/or development of State Parks.
- ▶ Projects involving renovation of an existing facility are ineligible.

Trails Category

- ▶ Provides for projects whose primary intent is to acquire, develop, or renovate pedestrian, equestrian, bicycle, or cross-country ski trails.
- ▶ Trails must be for non-motorized use and cannot be part of a street or roadway such as a sidewalk or unprotected road shoulder. Trails adjacent to a roadway that are separated by a physical barrier and are improved solely for pedestrian, equestrian, or bicycle use are eligible.
- ▶ ~~Acquisition and/or development or renovation~~ Projects may include land and/or facilities such as trailheads, parking, and rest/picnic/view areas and rest rooms that are directly related to an existing or proposed public trail.

Local Parks Category

- ▶ Provides, via acquisition, development, or renovation, property or facilities for active or passive outdoor recreation.
- ▶ Local agency projects may contain both upland and water oriented elements. Projects with a primary focus on upland recreation elements, and all outdoor swimming pools, will be classified as local parks category projects.

Water Access Category

- ▶ Includes projects that solely or predominately provide physical access to shorelines for non-motorized water related recreation activities such as, but not limited to, boating, fishing and beach access.
- ▶ Acquisition, development, or renovation may include facilities that support water dependent recreation such as parking, rest rooms, picnic areas, access trails, fishing piers, platforms, swim beaches, boat access facilities, and water trails for non-motorized watercraft such as canoes and kayaks.

State Lands Development and Renovation Category

- ▶ This category is available only to the Department of Fish and Wildlife and the Department of Natural Resources.
- ▶ Renovation or development must occur on existing state recreation land.

PROGRAM LIMITS AND GUIDELINES

IAC's intent is that its funds will be allocated to projects with the greatest need and those where the greatest benefit can be achieved.

Statutory Minimums

RCW 79A.15.040 and 79A.15.050

Each WWRP category must receive a specified percentage of the funds appropriated for the program. While state law requires that these minimum percentages be met over the life of the program, it is IAC's intent to generally meet them, by category, each biennium. However, IAC's board retains the discretion to forego these statutory minimums in any one year or biennium, should circumstances so warrant.

By statute, IAC must ensure that, over the life of the program, WWRP funds are expended as follows:

Habitat Conservation Account:.....50% of all funds

Critical Habitat	not less than	35% of account
Natural Areas	not less than	20% of account
Urban Wildlife Hab.	not less than	15% of account
Unallocated	not more than	30% of account
		100%

Outdoor Recreation Account:.....50% of all funds

State Parks	not less than	25% of account	(Min. 75% for Acquisition) ⁴
Local Parks	not less than	25% of account	(Min. 50% for Acquisition)
Trails	not less than	15% of account	
Water Access	not less than	10% of account	(Min. 75% for Acquisition)
Unallocated	not more than	25% of account	
		100%	

"Unallocated" Funds

The intent of unallocated funding is to allow IAC's board the discretion to supplement statutory funding levels in those categories with the greatest need. The distribution of unallocated funds is not preset by formula or administrative division, rather, each year the board considers a number of factors before adopting a resolution recommending funding. A full description of the board's annual funding discussions is in the

⁴Between July 27, 2003 and June 30, 2009, at least 50% for acquisition costs, per RCW 79A.15.050.

~~public record. It consists of a meeting summary, an audio tape recording, and a notebook with individual project details.~~

~~Typical factors considered by IAC's board when distributing unallocated funds include:~~

- ~~▶ Total number of requests in each category~~
- ~~▶ Total dollar amount requested in each category~~
- ~~▶ Number of projects in each category considered by project staff and evaluators as "high priority"~~
- ~~▶ Viability of partially funded projects if additional funding was not received~~
- ~~▶ Geographic distribution of projects in each category and account~~
- ~~▶ Historic funding patterns in each category, including the distribution of unallocated funds to first year projects~~
- ~~▶ Needs assessment conducted as part of IAC's Statewide Comprehensive Outdoor Recreation Planning process~~
- ~~▶ Stakeholder feedback.~~

**Fund
Appropriation,
Recommended
Projects, and
Alternates
Recommended
First & Second
Year Funding**

~~WWRP funds are appropriated through the legislative process biennially and distributed by IAC during the first year of the biennium through a separate first and second year selection process. After reviewing staff's recommendation, public testimony, and other factors, IAC's board decides on the distribution of funds between these first and second year grant cycles.~~

~~Each year biennium IAC's board recommends to the Governor specific projects for funding. These recommendations are in the form of a ranked list, by category, whose total value exceeds requested WWRP funding. More projects are recommended than requested funding will allow in order that "alternate" projects can be ready if projects higher on the list are withdrawn, are unable to be completed, or use fewer funds than requested. These situations can occur due to problems such as finding a willing seller, developing purchase agreements, obtaining permits, local bond passage, loss of matching resources, etc.~~

~~Projects that, because of their relative ranking, are beyond available funding levels are known as "alternate projects." Alternate projects are submitted in both the HCA and ORA, usually in an amount equal to 50 percent of the dollar amount requested for each category. When possible, no fewer than six alternate projects are submitted.~~

**Legislative
Approval and
Appropriations**

~~After receiving the list from IAC, the Governor has the statutory authority to remove individual projects prior to forwarding final recommendations to the legislature. The legislature may also remove individual projects. Project lists approved by the legislature in any one biennium are to be completed to the fullest extent possible within the biennial appropriation. Biennial project lists are to remain active until funding is exhausted or no feasible projects remain. If a biennial list is completed and appropriation authority remains, these funds may be~~

allocated subject to legislative appropriation to new projects in future biennia.

**Matching
Resources
GENERAL PROJECT
GUIDELINES**

Normally, once every four years at a meeting six months before funding consideration, IAC establishes sponsor matching share requirements and ~~acquisition-development-fund request limits. The current amounts are:~~

Local Agencies, Native American Tribes, and Lead Entities.

1. Local agencies, native American tribes, and lead entities must match WWRP funds. By statute, The the minimum sponsor matching share of non IAC funds is 50 percent for each project. While there is no similar requirement for state agencies, all applicants are encouraged to contribute matching shares to the greatest extent possible. In addition, applicants are encouraged to reduce government costs to the extent possible. This is reflected in the project evaluation criteria.
2. The “match” may include, but is not limited to:
 - a. Donations of cash, labor, equipment, and materials (see IAC Manual 5, Application Instructions for wage and equipment donation standards).
 - b. Force account⁵ labor, equipment, and materials.
 - c. Federal, state, and local grants (if applied in accordance with the requirements of those programs; may include IAC grants, see 5 below).
 - a. Appropriations/cash and/or bonds.
3. Absent other statutory direction, a minimum of ten percent of the total cost of a project must be provided by the local project sponsor (sponsors that are not a state agency) in the form of a local (non-state, non-federal) contribution.
4. Existing sponsor assets, including real property and/or developments, must not be used as the match.
5. An IAC grant may be used to help meet the match requirements of another IAC grant as follows:
 - a. The grants may not be from the same IAC grant program.
 - b. Only funding provided for elements that are eligible in both grant programs will count as the match.
 - c. The sponsor will be required to provide 10 percent of the combined total project cost to satisfy the requirement in 3 above.
6. Double counting is not allowed. That is, a cost incurred by a sponsor in a project that has been reimbursed by IAC shall not be used as a donation on another IAC project. For example, if the value of volunteer labor is used as the match in a BFP project, the same value must not be used as the match in any other IAC project.
7. IAC will not reimburse more than the sponsor’s “out-of-

⁵ “Force account” means to use the applicant agency’s employees as opposed to a contractor’s staff, volunteers, or others.

pocket” costs.

State Agencies. There is no state agency matching share requirement or per project limit.

WAC 286-27-075

Fund Limits

To more widely distribute funds available in the *Outdoor Recreation Account*, IAC has established fund limits for some WWRP categories.

The current fund amounts are:

Local Agencies and ~~Indian~~ Native American Tribes.

- ▶ The minimum matching share of non-IAC funds is 50 percent for *each* project.
- ▶ The maximum ~~IAC~~-WWRP share for *local parks category* acquisition projects is \$500,000 each.
- ▶ The maximum ~~IAC~~-WWRP share for *local parks category* development projects is \$300,000 each.
- ▶ The maximum ~~IAC~~-WWRP share for *local parks category* combination projects (acquisition and development) may not exceed \$500,000, of which not more than \$300,000 may be for development costs.
- ▶ ~~IAC will not reimburse more than the sponsor’s “out-of-pocket” costs.~~
- ▶ The minimum matching share for *state lands renovation and development* is \$25,000 per project.
- ▶ The maximum WWRP share for *state lands renovation and development* is \$250,000 per project.
- ▶ There are no maximum request levels in the following categories: *trails, water access.*

State Agencies. There is no state agency matching share requirement

WAC 286-27-075

Cost increases are not allowed. This means the grant amount will not be increased once the project has been evaluated. Project cost overruns become the responsibility of the sponsor.

Administration, Architecture, Engineering.

Direct administrative costs for acquisition of real property are limited to no more than five percent of the total acquisition cost.

Architecture and Engineering costs for development and/or renovation projects are limited to twenty percent of the total development and/or renovation project cost.

~~Information~~ Additional information about eligibility and reimbursement ceilings for these elements is contained in IAC policy Manuals 3,

Acquiring Land (administration costs) and 4, *Development Projects: Policies*, (A&E).

**Availability of
Matching Share**

~~Local agency~~ Applicants ~~should~~ must have matching funds available for expenditure prior to IAC granting funding approval. ~~First and second year local agency match~~ Match deadlines are listed in the "Project Selection Timeline" (page 19). When one IAC grant is used to match another, the Director has authority to extend the match certification deadline. The extension may not exceed 180 days.

For those projects requiring ballot issues to secure the required local matching share, applicants are advised to plan accordingly. Projects without proof of matching funds availability may be declared ineligible and/or passed over for other projects with the local match in place. Such decisions are based on IAC's confidence in the applicant's ability to have the match in place when required.

**Mult-Site
Development or
Restoration**

These conditions apply to the eligibility of development, restoration, or enhancement projects that include more than a single location:

- ▶ All elements in development projects, across all sites, must be of the same type (for example, fishing docks, vault toilets, parking, etc.).
- ▶ All elements in restoration/enhancement projects must be for similar habitat improvements – i.e. wetland restoration, shrub steppe, etc.; no combinations of significantly different habitats.)
- ▶ All elements must be in no more than two adjacent counties and/or within the same natural area or wildlife area.
- ▶ All elements must meet the Office of Financial Management's capital project criteria, defined in the biennial publication *Washington State Capital Plan Instructions*.
- ▶ Funding for each site may total no more than \$50,000.
- ▶ No more than five sites may be included in single project.

Phased Projects

IAC requests that agencies consider the potential program difficulties that ~~multi-million~~ high dollar projects usually create and, for this reason, to discuss phasing/staging with IAC staff. Staged projects are subject to the following:

- ▶ Approval of any single stage is limited to that stage; no approval or endorsement is given or implied toward future stages.
- ▶ Each stage must stand on its merits as a viable or complete recreation experience project.
- ▶ Each stage must be submitted as a separate application.
- ▶ Progress and sponsor performance on earlier stages is other grants may be considered by IAC when making decisions on current project proposals.

**Eligible Project
Activities**

Acquisition. Includes the purchase of perpetual interest in real property land in fee title or non-perpetual lesser-interests such as leases and conservation easements. Acquisition of non-perpetual interests must be for at least 50 years. Incidental costs related to acquisition are eligible.

~~Rules~~ Additional rules for land acquisition may be found in IAC Manual 3, *Acquiring Land*.

Any lands that have been acquired with WWRP grants by the Department of Fish and Wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

Any lands that have been acquired with grants under this section by the Department of Natural Resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

Development. Complete guidelines for development projects are found in IAC Manual 4, *Development Projects: Policies*. Eligible project elements include:

Trails

- ▶ Benches, tables
- ▶ Interpretive kiosks/signing
- ▶ Parking
- ▶ Restrooms
- ▶ Roadways
- ▶ Site preparation
- ▶ Trail surfacing
- ▶ Viewpoints.

Local Parks and State Parks -- ~~Local Parks~~

- ▶ Buildings (see note)
- ▶ Campgrounds
- ▶ Fishing floats
- ▶ Hard court areas
- ▶ Interpretive kiosks/signing
- ▶ Outdoor swim pools
- ▶ Parking
- ▶ Paths
- ▶ Picnic shelters
- ▶ Play areas
- ▶ Playing fields
- ▶ Rest rooms
- ▶ Roadways
- ▶ View areas.

Note: In this category, buildings are an eligible cost; such elements as furnishings and equipment are ineligible unless consistent with OFM Capital Budget Guidelines for state agency projects. These buildings typically include administrative offices, shops, and residences, and are eligible for reimbursement only if they are essential to the operation and maintenance of the assisted site.

Water Access

- ▶ Buoys
- ▶ Fishing piers and platforms
- ▶ Interpretive kiosks/signs
- ▶ Launch ramps/floats
- ▶ Parking
- ▶ Paths
- ▶ Picnic shelters
- ▶ Rest rooms
- ▶ Roads
- ▶ Swimming beaches.

State Lands Development and Renovation

- ▶ Campgrounds
- ▶ Fishing piers and platforms
- ▶ Interpretive kiosks/signs
- ▶ Launch ramps/floats
- ▶ Parking
- ▶ Paths/Trails
- ▶ Picnic shelters
- ▶ Rest rooms
- ▶ Roads
- ▶ Viewpoints

**Ineligible Project
Activities and
Elements**

Several sources are used to determine project eligibility, including chapter 79A.15. RCW and the category information on page 4 of this manual. The following WWRP project elements are ineligible for funding consideration:

- ▶ Indoor facilities such as community centers, environmental education or learning centers, gymnasiums, swimming and/or therapy pools, and covered ice skating rinks.
- ▶ Offices, shops, residences, meeting and storage rooms except as described under "buildings" in the State Parks--Local Parks section, above.
- ▶ Concessionaire buildings.
- ▶ Fish or wildlife production facilities such as fish hatcheries for the production of sport fish populations.
- ▶ Properties acquired via a condemnation action of any kind. On multi-parcel acquisitions sponsors may acquire those parcels that cannot be purchased from a willing buyer/willing seller via condemnation using only non-WWRP funds. Complete documentation of parcels acquired by WWRP funding versus those acquired entirely by sponsor funds under condemnation must be maintained and available. The value of parcels acquired via condemnation may not be used as part of the required local agency matching share.
- ▶ ~~Indirect costs~~ Cost not directly related to implementing the project such as indirect and overhead charges.
- ▶ Crop plantings
- ▶ Animal species introduction or propagation
- ▶ Routine operation and maintenance costs.
- ▶ Environmental cleanup of illegal activities (i.e. removal of derelict vessels, trash (dumping), meth labs, etc.).

**Universal-Barrier
Free Access**

Sponsors must ensure that all facilities assisted with IAC funds meet barrier-free standards. Several laws and codes provide construction designs that meet these standards (Americans With Disabilities Act, State Building Code: Accessibility, Rehabilitation Act of 1973, etc.). Program facilities not covered by these laws and codes are not exempt from barrier-free access. Sponsors must to the highest degree reasonable, make project elements accessible. To this end, applicants should refer to IAC's "Universal, Barrier-Free Access" policy in Manual 4, *Development Projects: Policies*.

Plans, project applications, cost estimates, and construction drawings must reflect compliance with facility access and signing requirements.

**PROJECT
EVALUATION**

~~A formal evaluation of each project is one step in the process used to decide which proposals will be funded. Except as described under "State Parks," below, the Project evaluation is done in two parts, each based on a set of questions adopted by IAC's board. The questions are created from based on statutory and other criteria developed through a public process. While considered a part of this manual, evaluation questions are~~

published separately – check IAC’s website or call our office ~~as described on page x.~~

There are two sections to the evaluation criteria: team-scored questions and IAC-staff scored questions. In the first partsection, the evaluation team (see below) uses somewhat subjective team-scored criteria to score each project. Scores are based on each applicant's oral-response to evaluation questions, a-graphics submitted or presentation presented during the evaluation meeting, and summary application material made available in advance of the meetingproject's evaluation.

In the second partsection, IAC's staff prescores ~~all-the~~ projects using objective measures, ~~like-such as~~ matching share, population, and conformance to growth management planning. Scores are based on material submitted by applicants and information obtained from the state Offices of Financial Management and the Department of Community, Trade, and Economic Development.

Scores from sections one and two are combined for the project's total evaluation score.

**General
Evaluation
Process Pol**

Two evaluation processes are used for assessment of ORA projects. A written evaluation process is used for the State Lands Development and Renovation category. Applicants submit packets of materials for review and include written responses to the evaluation criteria for assessment of projects and development of a ranked list. Complete details for development of the evaluation packet are included in Manual 5, Application Instructions.

While IAC's evaluation meetings are open to anyone, they are not public hearings. As such, only applicant ~~agency-employees~~ or designated spokespersons may address the evaluation team. At these meetings, an IAC staff member serves as nonvoting moderator. Scoring is by secret ballot. Scoring instructions are contained in the individual evaluation instruments. Following the meeting, *all* scores are tabulated and compiled to establish a ranked list of projects. The ranked list is the basis for funding recommendations to the IAC Board.

**Public Hearings
Board**

The IAC is not a public hearings board before which land use issues are heard. To the extent possible, all project proposals should demonstrate adequate public notification and review and have the support of the public body applying for the grant.

**Review of
Proposed Project**

As part of the application process, a state or local agency shall review its proposed project application with the county or city with jurisdiction over the project area prior to applying for funds for acquisition of property. The appropriate county or city legislative authority may, at its discretion, submit a letter to the Board identifying the authority's position with regard to the acquisition project. The Board shall make the letters received available to the Governor and the legislature when the prioritized project list is submitted

RCW 79A.15.110

**Evaluation Team
Make-Up**

Outdoor Recreation Account Categories.

When recruiting individuals to evaluate Outdoor Recreation Account projects, IAC staff shall attempt to select evaluators that possess a statewide perspective and are recognized for their experience and knowledge related to outdoor recreation in Washington state.

Local Parks Category

- ▶ Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- ▶ Four Local Agency (city, county) representatives
- ▶ Two-three "Citizens-At-Large" (depending on availability)

State Parks Category

Because State Parks can be the only recipient of this category's funds, project evaluation is addressed among IAC and State Parks in a collaborative way according to the following policies:

- a. ~~The evaluation meeting is facilitated by IAC staff~~ facilitates the meeting.
- b. ~~The evaluation team is comprised of State Parks staff and other interested parties~~ comprise the evaluation team.
- c. IAC adopted WWRP State Parks Category evaluation criteria ~~is~~ are used to evaluate projects.
- d. The evaluation meeting is open to the public.
- e. After evaluation, State Parks' Capital Committee may re-order the project list if changes are identified and supported by defined strategic needs when presented to the Parks Commission for approval.
- f. The Parks Commission may approve a project listing differently from that established by the evaluation team if the changes are identified and supported with clear reasoning.
- g. Before submission to IAC's Board for approval, ~~the project listing must be adopted by the Parks Commission~~ must adopt the ranked project listing at one of its regularly scheduled meetings (~~preferably September~~), during which time interested members of the public are given an opportunity to comment.
- h. Final adoption of the ranked listing, before submittal to the Governor, continues to reside with IAC, including the prerogative to

re-order the list.

State Lands Development and Renovation

Because the Department of Natural Resources and the Department of Fish and Wildlife are the only recipients of this category's funds, project evaluation is addressed between IAC, WDNR, and WDFW in a collaborative way according to the following policies:

- ▶ The evaluation team should include eight members.
- ▶ There will be at least one representative from the Department of Fish and Wildlife, the Department of Natural Resources, and State Parks.
- ▶ There will be two-three local agency representatives, and
- ▶ There will be two-three citizens representations.

Depending on availability; preference would be given to representatives from land trusts, wildlife and recreation groups, conservation clubs, trail groups, and federal agency experts

Trails Category

- ▶ Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- ▶ Three Local Agency representatives (preference given to members of IAC's State Trails Advisory Committee)
- ▶ Two-three "Citizens-At-Large" (depending on availability; preference given to representatives from recreational bicycle, equestrian and pedestrian trail groups, and federal agency experts).

Water Access Category

- ▶ Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- ▶ Three Local Agency (city, county) representatives
- ▶ Two-three "Citizens-At-Large" (depending on availability; preference given to representatives from such organizations as land trusts, wildlife and recreation groups, conservation clubs, and federal agency experts).

**PROJECT
IMPLEMENTATION**

**Combination
Projects**

Combination projects involve ~~both~~ land acquisition and facility development and/or renovation. To help ensure timely completion of projects without tying up grant funds for extended periods, ~~at least one month before IAC considers approval of funding such projects,~~ applicants must secure the property by one of the ~~following methods:~~ listed below. This action must be complete at least one month before IAC considers approval of funding such projects.

1. Acquisition under Waiver of Retroactivity policies outlined in *Manual 3~~+~~, Acquiring Land: Policies*.
2. Have property in escrow pending IAC grant approval.
3. Obtain an option on the property that extends past the IAC funding meeting. Execution of the option must occur within 90 days after this meeting.
4. Provide draft copies of all leases or easements to the IAC for review. Execution of the leases or easements must occur within 90 days after the funding meeting.

**POST APPROVAL
REQUIREMENTS**

After approval of funding, and prior to executing a Project Agreement, IAC's Director may request additional information. Applicants have 60 days, from the date the IAC Board approves funding, to submit any additional information requested. To expedite this process, IAC staff will request additional items *before* the IAC funding meeting.

~~After this has been supplied~~ all post-approval materials have been supplied, the Agreement will be sent to the applicant, who is strongly encouraged by IAC ~~policy~~ to execute and return the signed agreement within 60 days.⁶ The applicant becomes the project sponsor on execution of the Agreement. Each Agreement will be written and monitored for compliance by IAC staff (*Manual 7, Funded Projects: Policies & the Project Agreement*).

⁶ Memorandum to the IAC Board policy board (March 19, 2004) and Resolution #2004-08 (adopted April 2, 2004). Also see WAC 286-13-040(4).

Progress Policy

By IAC policy, sponsors must complete funded projects promptly. To help ensure reasonable but timely project completion, accountability, and the proper use of funds, applicants will:

- ▶ Only submit projects that can be completed within four years of the grant award.
- ▶ Provide assurances that the project can be completed within a reasonable time, which does not exceed the board approved implementation period.
- ▶ Submit the post approval materials required within 60 days of funding approval.
- ▶ Develop milestones and a timeline for project implementation that does not exceed four years.
- ▶ Begin project implementation quickly and aggressively so as to show measurable progress towards meeting project milestones. IAC will terminate projects that do not meet critical milestones established in the Agreement.

By June 1st of each year, IAC staff will review the status of WWRP projects that remain incomplete three or more years from the date of funding approval. The sponsors of these projects will be asked to provide assurances that their projects will be completed and funds expended within the agreement period. Assurances may include:

- ▶ Purchase and sale agreements
- ▶ Proof of permitting approvals
- ▶ Construction contracts
- ▶ Other significant milestones listed in the grant agreement.

If satisfactory assurances are not provided, the agreement period will lapse or the Director will terminate the project. Additional information about the progress policy is found in Manual 7, *Funded Projects: Policies & the Project Agreement*.

Project Completion

**~~Outdoor Recreation Account~~
(~~Local Parks, Trails, Water Access, State Lands Development & Renovation Categories~~)**

When a project is completed, sponsors ~~are given~~have 90 days to submit the final bill and supporting documents needed to close the project. If the bill and documentation is not submitted within six months of project completion, IAC's Board may terminate the project without payment.

PROJECT BOUNDARY and MAP

One of the most important attachments to submit at the end of a project is the "project boundary map." With each application, the grantee is required to submit a project boundary map showing the area subject to grant conditions. This map should contain enough site-specific

information to serve several purposes:

- It ensures that both the grantee and the administering agency agree on the property boundaries covered by the Project Agreement.
- It provides location, size indicators, and a picture of key facilities and landmarks to help project inspectors better identify and evaluate the site's condition.

Boundary Map Requirements

The requirements for this map are:

- Use a sheet size 8 1/2" x 11" or a multiple thereof, to allow for filing. The maximum size of any one sheet should be 22" x 34".
- The map must be to scale, show the scale, and the scale should be sufficient to clearly distinguish the pertinent features of the park. The map must use a bar scale – a relational scale is not sufficient.
- The map must be dated and show park name and a north directional arrow.
- The park boundary line must be shown and if there is a difference between the park boundary and project boundary, this must also be clearly shown.
- A legal description of the property included within the boundary must accompany the map.
- All existing facilities, including utilities must be shown. If there has been a previous LWCF project within the park boundary, that project number should be shown on the map, indicating the funded items.
- Indicate all of the facilities to be included in the project application, either by appropriate notes or by color-coding.
- All proposed facilities to be constructed in the future should also be shown, if known. The future facilities may be shown to scale or by notes indicating general use areas such as "future picnic area" or "future ballfield."
- The map must show all known outstanding rights and interests in the area. Known easements, deed/lease restrictions, and reversionary interests must be included.
- The map must be sufficient to legally identify the lands subject to the Project Agreement.
- The map should be signed and dated.

Conversions

Note: Update with RCW and WAC language once adopted.

Natural resources and facilities purchased with WWRP funds shall not be converted to uses other than those for which the funds were originally approved. Excepted are conversions approved by IAC's board which include but are not limited to: conditions brought about by nature, fire, and projects authorized by the Interstate Commerce Commission (ICC) under the National Trails System Act [§ 8(d), 16 U.S.C. § 1247(d)].

IAC may only approve a conversion when the substitution or

replacement ~~with~~ natural resources or facilities is of at least equal fair market value at the time of conversion is assured. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible. WAC 286-27-060

In addition, projects authorized under the National Trails Act shall automatically convert if reactivated for rail purposes under an ICC order. Substitution or replacement may be required with natural resources, facilities, or moneys, of at least equal fair market value at the time of conversion. Such substitution or replacement must also, when required, be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

And last, a conversion may also be declared in instances where a project, due to a management activity, no longer meets or conforms to the intent of the category in which it was funded. ~~Here are two examples from the critical habitat and natural area categories:~~

- ~~▶ —Property that, due to a management activity, no longer supports or contains the species for which it was acquired. Replacement would be either new property to meet the original intent, or, if that is not physically or biologically possible, new property to accomplish the same goal with other species.~~
- ~~▶ —Development of habitat/natural area projects beyond minimal levels required to preserve, enhance or interpret projects of this type. Replacement would be the same as noted above.~~

**PROJECT
SELECTION
TIMELINE**
Even Years

While the steps in the funding process remain consistent each grant cycle, IAC's Director may adjust actual dates. For this reason, and since other important dates exist, applicants are encouraged to obtain the full WWRP program schedule, revised prior to each grant cycle.

May~~1~~, Even Years

IAC Accepts ~~State and Local~~ Project Applications. Applications are due for the ~~first year's~~ funding cycle ~~by in~~ early May ~~4~~ of each even year. Applications received after the deadline will be returned unless IAC's director has approved a late submission.

July, Even Years

IAC Submits Biennial Budget Request. In July of each even-numbered year, IAC's board sets WWRP's budget request level for the next biennium.

August, Even Year

Evaluations. Evaluation teams review and evaluate projects, scores are tabulated, and projects are ranked based upon the evaluation scores.

September, Even Years

IAC Approves Project Lists. IAC's board approves the ~~first year~~ list of projects for submittal to the Governor by ~~October~~ November 1. When considering a list of projects for recommendation, IAC will use both anticipated available funding and project evaluation results as a basis for

determining the length of the list to be submitted. This list will normally exceed anticipated funding. *Applicants are cautioned that IAC board recommendation of project lists to the Governor is not the same as funding approval.*

Governor Approves Projects. The Governor may delete project(s) from the list recommended by IAC's board.

Legislature Approves Projects. The Governor submits this list in the Capital Budget Request to the legislature for review and approval. The legislature may delete project(s) from the list submitted by the Governor.

July-May-June, Odd Years

Matching Funds Availability. Local agencies, Native American Tribes and lead entities must provide proof of the availability of matching funds by July 1 the match certification deadline.

IAC Approves Project Funding. IAC meets to make final funding decisions for WWRP projects that were recommended to the Governor the previous ~~October-November~~ and subsequently approved by the legislature. ~~State and local agency p~~Projects not funded at this meeting may be subsequently funded with unused dollars from higher ranked projects that are completed under budget or submitted for a later funding cycle.

**Second-Year
Grant Cycle**

~~*May 1, Odd Years*~~

~~**IAC Accepts Local Agency Acquisition Applications.** Only local agency acquisition projects may be submitted for the second year's cycle, including those denied funding in the first year. Any such project must be scored using IAC's evaluation criteria each time it is submitted.~~

~~*September, Odd Years*~~

~~**IAC Approves Project Lists/Funding** IAC's board meets to approve the second year list of local agency projects to be submitted to the Governor by October 1.~~

~~*October-December, Odd Years*~~

~~**Governor Approves Projects.** The Governor may delete project(s) from the list recommended by IAC's board. The list is then submitted to the legislature.~~

~~*January-May, Even Years*~~

~~**Legislature Approves Second Year Local Projects.** The legislature approves the list, but may delete projects from the list submitted by the Governor.~~

~~*March 1-Even Years*~~

~~**Matching Funds Availability.** For projects submitted for second year funding, local agencies must provide proof of the availability of matching funds.~~

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**WASHINGTON
WILDLIFE &
RECREATION
PROGRAM:**

**HABITAT CONSERVATION
ACCOUNT AND RIPARIAN
PROTECTION ACCOUNT**

***POLICIES AND PROJECT
SELECTION***

10b

January 19, 2006

DRAFT

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INTRODUCTION

The Washington Wildlife and Recreation Program (WWRP) was established in 1990 with the passage of Chapter 79A.15 RCW (Appendix A—recodified from 43.98A in 1999 and updated in 2005).

~~WWRP is administered by the Interagency Committee for Outdoor Recreation (IAC) to provide~~ funding assistance for a broad range of land protection, park development, preservation/habitat conservation, farmland preservation, and outdoor recreation facilities. This landmark legislation and subsequent funding have come about through the support of the Governor, legislature, and dedication of groups such as the many organizations comprising the Washington Wildlife and Recreation Coalition.

IAC

The Interagency Committee for Outdoor Recreation (IAC) administers WWRP. IAC is an executive branch agency composed of five citizen members appointed by the Governor and three state agency directors. The term "IAC," however, commonly refers to this director/citizen board *and* its staff, led by a director. Whenever it is important to distinguish among these parties, this manual uses the words "*board*," "*staff*," or "*Director*," as appropriate.

Manual Authority and Scope

This manual has been prepared to provide WWRP – Habitat Conservation Account (HCA) and Riparian Protection Account (RPA) information ~~to state and local agencies.~~ It will provide the reader with a basic understanding of program definitions, characteristics, and guidelines. For more information on WWRP, see Manual #10a for the Outdoor Recreation Account and Manual #10c for the Farmland Preservation Account.

This manual is created under the authority granted to IAC's board in the enabling legislation for WWRP [RCW 79A.15.060(1), 79A.15.070(1) and (5), 79A15.120(4), and 79A15.130(4)]. It reflects the specific statutory requirements of Chapter 79A.15. RCW, Chapter 286-27, 286-13, 286-06, and 286-06 WAC, and policies of IAC.

IAC's board adopted the policies in this manual in a public meeting.

Program Goals

~~This program~~ WWRP has two primary goals:

First, to assist with the rapid acquisition of the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses;

Second, to develop existing public recreation land and facilities to meet the needs of present and future generations.

ACCOUNTS AND CATEGORIES

By statute, WWRP funding is divided into ~~two~~ four accounts: 1) the Habitat Conservation Account and, 2) the Outdoor Recreation Account, 3) the Farmlands Preservation Account, and 4) the Riparian Protection Account. ~~Each account receives half of the total WWRP appropriation. These accounts contain specific funding categories. Each category is designed to provide for a specific project type.~~

Accounts

<i>Habitat Conservation Account</i>	50% of all funds
Category	Eligible Participants
Critical Habitat.....	State Agencies only
Natural Areas.....	State Agencies only
Urban Wildlife Habitat.....	State and Local Agencies ⁵
<i>Outdoor Recreation Account</i>	50% of all funds
Category	Eligible Participants
Local Parks.....	Local Agencies
Trails.....	State and Local Agencies
Water Access.....	State and Local Agencies
State Parks.....	State Parks and Rec. Comm. Only

The accounts receive appropriated funds as determined by RCW 79A.15. Each WWRP category must receive a specified percentage of the funds appropriated for the program. While state law requires that these minimum percentages be met over the life of the program, it is IAC's intent to generally meet them, by category, each biennium. However, IAC's board retains the discretion to forego these statutory minimums in any one year or biennium, should circumstances so warrant.

The chart in Appendix X illustrates distribution of appropriated funds for WWRP and the amounts available for the Habitat Conservation Account and the Riparian Protection Account.

Categorization of Projects

Projects submitted for WWRP funding assistance are placed in a category based on project characteristics, intent, and scope. As a part of the application process, an applicant submits the proposal to a specific WWRP category. Project applicants should, on submittal of an application, recommend placement of their project in one of the following categories. IAC staff will review these recommendations the applicant's choice for compliance with category criteria and definitions and notify applicants of any recommended changes. Staff's decision to change categories may be appealed to IAC's Director and, if necessary, IAC's board.

~~IAC's intent is that a WWRP project will be evaluated in only one category unless otherwise authorized by the Director. At the applicant's~~

⁵ Pursuant to RCW 79A.15.010(4) definitions, "Local agencies" means a city, county town, tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

that is self sustaining; that is, the site will not require continual intervention to function as a predominately natural ecosystem.”

- ▶ “**Enhancement** improves the functionality of a site”
- ▶ Restoration or enhancement must occur on existing state land.
- ▶ May include habitat enhancement or creation.
- ▶ May include reintroduction of native vegetation, altering or removing structures,
- ▶ May include wetlands, forests, shrub-steppe, riparian zones, and salt or freshwater habitats.

- ▶ May exclude public use, if needed to protect habitat and species.
- ▶ Should be managed primarily for resource preservation and protection.

HCA - Urban Wildlife Habitat Category

- ▶ To be eligible for consideration in the Urban Wildlife Habitat category, a proposal must lie:
 - a) Within the corporate limits of a city or town with a population of at least 5,000 or within five miles of such a city or town (or its adopted urban growth area boundary); or
 - b) In, or within 5 miles of an adopted Urban Growth Area (UGA) in a county that has a population density of at least 200 people per square mile.
- ▶ Provides habitat for wildlife species, food fish, shellfish, or freshwater or marine fish.
- ▶ May serve as a corridor for wildlife movement in existing populated areas.
- ▶ May include and encourage public use for wildlife interpretation and observation.
- ▶ Development of facilities will be limited to such elements as fencing, interpretive/observation trails, interpretive signs/kiosks, rest rooms, parking, and creation or enhancement of habitat.
- ▶ Projects involving renovation of an existing facility are ineligible.

RPA - Riparian Protection

- ▶ Projects must include acquisition of real property interest.
- ▶ Projects may provide for riparian habitat protection for land adjacent to any water body and/or its submerged lands.
- ▶ Riparian habitat may include shorelines, nearshore marine habitat, estuaries, lakes, wetlands, streams and rivers.
- ▶ Projects may include functional habitat for salmonids, other fish and wildlife species.
- ▶ Projects may include restoration or enhancement of the property to be acquired.
- ▶ Projects may include passive public access, if appropriate.

**"Unallocated"
Funds**

~~The intent of unallocated funding is to allow IAC's board the discretion to supplement statutory funding levels in those categories with the greatest need. The distribution of unallocated funds is not preset by formula or administrative division, rather, each year the board considers a number of factors before adopting a resolution recommending funding. A full description of the board's annual funding discussions is in the public record. It consists of a meeting summary, an audio tape recording, and a notebook with individual project details.~~

~~Typical factors considered by IAC's board when distributing unallocated funds include:~~

- ~~▶ Total number of requests in each category~~
- ~~▶ Total dollar amount requested in each category~~
- ~~▶ Number of projects in each category considered by project staff and evaluators as "high priority"~~
- ~~▶ Viability of partially funded projects if additional funding was not received~~
- ~~▶ Geographic distribution of projects in each category and account~~
- ~~▶ Historic funding patterns in each category, including the distribution of unallocated funds to first year projects~~
- ~~▶ Needs assessment conducted as part of IAC's Statewide Comprehensive Outdoor Recreation Planning process~~
- ~~▶ Stakeholder feedback.~~

**Fund
Appropriation,
Recommended
Projects, and
Alternates
Recommended
First & Second
Year Funding**

WWRP funds are appropriated through the legislative process biennially and distributed by IAC during the first year of the biennium through a separate first and second year selection process. After reviewing staff's recommendation, public testimony, and other factors, IAC's board decides on the distribution of funds between these first and second year grant cycles.

Each year biennium IAC's board recommends to the Governor specific projects for funding. These recommendations are in the form of a ranked list, by category, whose total value exceeds requested WWRP funding. More projects are recommended than requested funding will allow in order that "alternate" projects can be ready if projects higher on the list are withdrawn, are unable to be completed, or use fewer funds than requested. These situations can occur due to problems such as finding a willing seller, developing purchase agreements, obtaining permits, local bond passage, loss of matching resources, etc.

another IAC grant as follows:

- a. The grants may not be from the same IAC grant program.
 - b. Only funding provided for elements that are eligible in both grant programs will count as the match.
 - c. The sponsor will be required to provide 10 percent of the combined total project cost to satisfy the requirement in 3 above.
6. Double counting is not allowed. That is, a cost incurred by a sponsor in a project that has been reimbursed by IAC shall not be used as a donation on another IAC project. For example, if the value of volunteer labor is used as the match in a BFP project, the same value must not be used as the match in any other IAC project.
7. IAC will not reimburse more than the sponsor's "out-of-pocket" costs.

State Agencies. There is no state agency matching share requirement or per project limit.

~~WAC 286-27-075~~

Fund Limits

There are no minimum or maximum request levels in the following Habitat Conservation Account categories: critical habitat, natural areas, and urban wildlife habitat. To more widely distribute funds available in the State Lands Restoration and Enhancement category and the Riparian Protection Account, the fund limits are as follows:

State Lands Restoration and Enhancement:

- ▶ The minimum WWRP share is \$25,000 per project.
- ▶ The maximum WWRP share is \$250,000 per project.

Riparian Protection Account:

- ▶ The minimum RPA share is \$20,000 per project.
- ▶ The maximum RPA share is \$1,000,000 per project.

Cost increases are not allowed. This means the grant amount will not be increased once the project has been evaluated. Project cost overruns become the responsibility of the sponsor.

Administration, Architecture, Engineering.

Direct administrative costs for acquisition of real property are limited to no more than five percent of the total acquisition cost.

Architecture and Engineering costs for development and/or restoration projects are limited to twenty percent of the total development and/or restoration project cost.

~~Information~~ Additional information about eligibility and reimbursement ceilings for these elements is contained in IAC policy Manuals 3, *Acquiring Land* (administration costs) and 4, *Development Projects: Policies*, (A&E).

previously acquired, and landowners.

- ▶ During the evaluation of the grant proposal, evaluators may recommend that the IAC place conditions on a project to ensure there is not a significant scope change resulting from acquiring parcels with lower conservation values.
- ▶ If the sponsor anticipates that the project may have opposition from the community or local elected officials, the sponsor should work with concerned parties to resolve concerns as soon as possible.

**Mult-Site
Development or
Restoration**

These conditions apply to the eligibility of development, restoration, or enhancement projects that include more than a single location:

- ▶ All elements in development projects, across all sites, must be of the same type (for example, fishing docks, vault toilets, parking, etc.).
- ▶ All elements in restoration/enhancement projects must be for similar habitat improvements – i.e. wetland restoration, shrub steppe, etc.; no combinations of significantly different habitats.).
- ▶ All elements must be in no more than two adjacent counties and/or within the same natural area or wildlife area.
- ▶ All elements must meet the Office of Financial Management's capital project criteria, defined in the biennial publication *Washington State Capital Plan Instructions*.
- ▶ Funding for each site may total no more than \$50,000.
- ▶ No more than five sites may be included in single project.

Phased Projects

IAC requests that agencies consider the potential program difficulties that ~~multi-million~~high dollar projects usually create and, for this reason, to discuss phasing/staging with IAC staff. Staged projects are subject to the following:

- ▶ Approval of any single stage is limited to that stage; no approval or endorsement is given or implied toward future stages.
- ▶ Each stage must stand on its merits as a viable project.
- ▶ Each stage must be submitted as a separate application.
- ▶ Progress and sponsor performance on earlier stages is other grants may be considered by IAC when making decisions on current project proposals.

**Eligible Project
Activities**

Acquisition. Includes the purchase of perpetual interest in real property land in fee title or non-perpetual lesser interests such as leases and conservation easements. Acquisition of non-perpetual interests must be for at least 50 years. Incidental costs related to acquisition are eligible. Rules-Additional rules for land acquisition may be found in IAC Manual 3, *Acquiring Land*.

Acquisition of riparian habitat along rivers, streams and other flowing waters should comply with recommendations established in *Management Recommendations for Washington's Priority Habitats: Riparian* produced by the Washington Department of Fish and Wildlife. The document can be

A pilot mitigation banking project will be submitted for funding in the 2007-2009 biennium. Guidelines for applicants planning to submit mitigation banking projects will be developed for future WWRP grant cycles.

**Ineligible Project
Elements**
**Activitie
s**

Several sources are used to determine project eligibility, including chapter 79A.15. RCW and the category information on page 6 of this manual. The following WWRP project elements are ineligible for funding consideration:

- ▶ Indoor recreation facilities such as community centers and environmental education or learning centers, ~~gymnasiums, swimming and/or therapy pools, and covered ice skating rinks.~~
- ▶ Offices, shops, residences, meeting and storage rooms ~~except as described under "buildings" in the State Parks--Local Parks section, above.~~
- ▶ Concessionaire buildings.
- ▶ Fish or wildlife production facilities.
- ▶ Properties acquired via a condemnation action of any kind. On multi-parcel acquisitions sponsors may acquire those parcels that cannot be purchased from a willing buyer/willing seller via condemnation using only non-WWRP funds. Complete documentation of parcels acquired by WWRP funding versus those acquired entirely by sponsor funds under condemnation must be maintained and available. The value of parcels acquired via condemnation may not be used as part of the required local agency matching share.
- ▶ Projects required as part of a Habitat Conservation Plan approved by the federal government for incidental take of endangered or threatened species or other related habitat mitigation requirements.
- ▶ Crop plantings
- ▶ Animal species introduction or propagation
- ▶ Cost not directly related to implementing the project such as indirect and overhead charges.
- ▶ Routine operation and maintenance costs.
- ▶ Environmental cleanup of illegal activities (i.e. removal of derelict vessels, trash (dumping), meth labs, etc.).

**Universal-Barrier
Free Access**

Sponsors must ensure that all facilities assisted with IAC funds meet barrier-free standards. Several laws and codes provide construction designs that meet these standards (Americans With Disabilities Act, State Building Code: Accessibility, Rehabilitation Act of 1973, etc.). Program facilities not covered by these laws and codes are not exempt from barrier-free access. Sponsors must to the highest degree reasonable, make project elements accessible. To this end, applicants should refer to IAC's "Universal, Barrier-Free Access" policy in Manual 4, *Development Projects: Policies*.

Plans, project applications, cost estimates, and construction drawings

**General-
Evaluation
Process Policies**

Two evaluation processes are used for assessment of HCA and RPA projects. A written evaluation process is used for the State Lands Restoration and Enhancement category. Applicants submit packets of materials for review and include written responses to the evaluation criteria for assessment of projects and development of a ranked list. Complete details for development of the evaluation packet are included in Manual 5, Application Instructions.

Evaluation of all other HCA and RPA category projects involve an in-person oral and graphic presentation to the evaluation team by the applicant.

While IAC's evaluation meetings are open to anyone, they are not public hearings. As such, only applicant agency employees or designated spokespersons may address the evaluation team. At these meetings, an IAC staff member serves as nonvoting moderator. Scoring is by secret ballot. Scoring instructions are contained in the individual evaluation instruments. Following the meeting, *all* scores are tabulated and compiled to establish a ranked list of projects. The ranked list is the basis for funding recommendations to the IAC Board.

**Public Hearings
Board**

The IAC is not a public hearings board before which land use issues are heard. To the extent possible, all project proposals should demonstrate adequate public notification and review and have the support of the public body applying for the grant.

**Review of
Proposed Project**

As part of the application process, a state or local agency shall review its proposed project application with the county or city with jurisdiction over the project area prior to applying for funds for acquisition of property. The appropriate county or city legislative authority may, at its discretion, submit a letter to the Board identifying the authority's position with regard to the acquisition project. The Board shall make the letters received available to the Governor and the legislature when the prioritized project list is submitted

RCW 79A.15.110

**Evaluation Team
Make-Up**

Habitat Conservation Account Categories and Riparian Protection.
When recruiting individuals to evaluate ~~Habitat Conservation Account~~ (HCA) projects, IAC staff shall collaborate with other individuals and organizations to ensure the appointment of respected experts in their field.

~~For the Critical Habitat, Natural Areas, and Urban Wildlife Habitat~~ all categories, IAC staff shall attempt to select evaluators that possess a statewide perspective and are recognized for their experience and knowledge related to habitat conservation and riparian protection.

Habitat Conservation Account

Each HCA category evaluation team shall have at least eight members including at least one evaluator from the Washington Department of Natural Resources and the Washington Department of Fish and Wildlife.

**PROJECT
IMPLEMENTATION**

**Combination
Projects**

Combination projects involve ~~both~~ land acquisition and facility development and/or restoration. To help ensure timely completion of projects without tying up grant funds for extended periods, ~~at least one month before IAC considers approval of funding such projects,~~ applicants must secure the property by one of the ~~following methods:~~ listed below. This action must be complete at least one month before IAC considers approval of funding such projects.

1. Acquisition under Waiver of Retroactivity policies outlined in *Manual 3: Acquiring Land: Policies*.
2. Have property in escrow pending IAC grant approval.
3. Obtain an option on the property that extends past the IAC funding meeting. Execution of the option must occur within 90 days after this meeting.
4. Provide draft copies of all leases or easements to the IAC for review. Execution of the leases or easements must occur within 90 days after the funding meeting.

**POST APPROVAL
REQUIREMENTS**

After approval of funding, and prior to executing a Project Agreement, IAC's Director may request additional information. Applicants have 60 days, from the date the IAC Board approves funding, to submit any additional information requested. To expedite this process, IAC staff will request additional items *before* the IAC funding meeting.

~~After this has been supplied~~ all post-approval materials have been supplied, the Agreement will be sent to the applicant, who is strongly encouraged by IAC ~~policy~~ to execute and return the signed agreement within 60 days.⁸ The applicant becomes the project sponsor on execution of the Agreement. Each Agreement will be written and monitored for compliance by IAC staff (*Manual 7, Funded Projects: Policies & the Project Agreement*).

⁸ Memorandum to the IAC Board policy board (March 19, 2004) and Resolution #2004-08 (adopted April 2, 2004). Also see WAC 286-13-040(4).

information to serve several purposes:

- It ensures that both the grantee and the administering agency agree on the property boundaries covered by the Project Agreement.
- It provides location, size indicators, and a picture of key facilities and landmarks to help project inspectors better identify and evaluate the site's condition.

Boundary Map Requirements

The requirements for this map are:

- Use a sheet size 8 1/2" x 11" or a multiple thereof, to allow for filing. The maximum size of any one sheet should be 22" x 34".
- The map must be to scale, show the scale, and the scale should be sufficient to clearly distinguish the pertinent features of the park. The map must use a bar scale – a relational scale is not sufficient.
- The map must be dated and show park name and a north directional arrow.
- The park boundary line must be shown and if there is a difference between the park boundary and project boundary, this must also be clearly shown.
- A legal description of the property included within the boundary must accompany the map.
- All existing facilities, including utilities must be shown. If there has been a previous LWCF project within the park boundary, that project number should be shown on the map, indicating the funded items.
- Indicate all of the facilities to be included in the project application, either by appropriate notes or by color-coding.
- All proposed facilities to be constructed in the future should also be shown, if known. The future facilities may be shown to scale or by notes indicating general use areas such as "future picnic area" or "future ballfield."
- The map must show all known outstanding rights and interests in the area. Known easements, deed/lease restrictions, and reversionary interests must be included.
- The map must be sufficient to legally identify the lands subject to the Project Agreement.
- The map should be signed and dated.

Conversions

Note: Update with RCW and WAC language once adopted.

Natural resources and facilities purchased with WWRP funds shall not be converted to uses other than those for which the funds were originally approved. Excepted are conversions approved by IAC's board which include but are not limited to: conditions brought about by ~~Nature~~ nature, fire, and projects authorized by the Interstate Commerce Commission (ICC) under the National Trails System Act [§ 8(d), 16 U.S.C. § 1247(d)].

IAC may only approve a conversion when the substitution or

approval.

October-December, Even Years

Governor Approves Projects. The Governor may delete project(s) from the list recommended by IAC's board.

January-May, Odd Years

Legislature Approves Projects. The Governor submits this list in the Capital Budget Request to the legislature for review and approval. The legislature may delete project(s) from the list submitted by the Governor.

July-May-June, Odd Years

Matching Funds Availability. Local agencies, Native American Tribes and lead entities must provide proof of the availability of matching funds by July 1 the match certification deadline.

IAC Approves Project Funding. IAC meets to make final funding decisions for WWRP projects that were recommended to the Governor the previous ~~October~~ November and subsequently approved by the legislature. ~~State and local agency p~~ Projects not funded at this meeting may be subsequently funded with unused dollars from higher ranked projects that are completed under budget or submitted for a later funding cycle.

**Second Year
Grant Cycle**

May 1, Odd Years

~~IAC Accepts Local Agency Acquisition Applications.~~ ~~Only local agency acquisition projects may be submitted for the second year's cycle, including those denied funding in the first year. Any such project must be scored using IAC's evaluation criteria each time it is submitted.~~

~~September, Odd Years~~

~~IAC Approves Project Lists/Funding~~ ~~IAC's board meets to approve the second year list of local agency projects to be submitted to the Governor by October 1.~~

~~October-December, Odd Years~~

~~Governor Approves Projects.~~ ~~The Governor may delete project(s) from the list recommended by IAC's board. The list is then submitted to the legislature.~~

~~January-May, Even Years~~

~~Legislature Approves Second Year Local Projects.~~ ~~The legislature approves the list, but may delete projects from the list submitted by the Governor.~~

~~March 1-Even Years~~

~~Matching Funds Availability.~~ ~~For projects submitted for second year funding, local agencies must provide proof of the availability of matching funds.~~

limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as "farm and agricultural land" in RCW 84.34.020(2).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(7) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

(8) "Special needs populations" means physically restricted people or people of limited means.

(9) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

(10) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

(11) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(12) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

[2005 c 303 § 1; 1990 1st ex.s. c 14 § 2. Formerly RCW 43.98A.010.]

NOTES: Effective date -- 2005 c 303 §§ 1-14:
"Sections 1 through 14 of this act take effect July 1, 2007." [2005 c 303 § 17.]

RCW 79A.15.020, Habitat conservation account.

The habitat conservation account is established in the state treasury. The committee shall administer the account in accordance with ~~Chapter~~ chapter 79A.25 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the committee.

[2000 c 11 § 65; 1990 1st ex.s. c 14 § 3. Formerly RCW 43.98A.020.]

RCW 79A.15.030, Allocation and use of moneys -- Grants. (Effective until July 1, 2007.)

(1) Moneys appropriated for this chapter shall be divided equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter.

(2) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation and outdoor recreation accounts shall be allocated under RCW 79A.15.040 and 79A.15.050 as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public on a nondiscriminatory basis.

(5) The committee may make grants to an eligible project from both the habitat conservation and outdoor recreation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040 and 79A.15.050.

[2000 c 11 § 66; 1990 1st ex.s. c 14 § 4. Formerly RCW 43.98A.030.]

fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

[1999 c 379 § 917; 1997 c 235 § 718; 1990 1st ex.s. c 14 § 5. Formerly RCW 43.98A.040.]

NOTES: Effective date -- 1999 c 379: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 18, 1999]." [1999 c 379 § 949.]

Severability -- 1997 c 235: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 235 § 901.]

Effective date -- 1997 c 235: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 26, 1997]." [1997 c 235 § 902.]

RCW 79A.15.040, Habitat conservation account -- Distribution and use of moneys. (Effective July 1, 2007.)

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than ~~thirty-five~~forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than ~~twenty~~thirty percent for the acquisition and development of natural areas;

(c) Not less than ~~fifteen~~twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands. The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) (a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for ~~critical habitat and natural areas projects~~ under subsection (1)(~~a~~), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(e) and (d) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish

parks, with at least fifty percent of this money for acquisition costs;

(c) ~~Not less than fifteen~~ twenty percent for the acquisition, renovation, ~~or~~ and development of trails;

(d) ~~Not less than ten~~ fifteen percent for the acquisition, renovation, ~~and~~ or development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) Not less than five percent for development and renovation projects on state recreation lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands. The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the outdoor recreation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) ~~Only State-state~~ and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) ~~Only State-state~~ and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

[2005 c 303 § 4; 2003 c 184 § 1; 1999 c 379 § 941; 1999 c 379 § 920; 1990 1st ex.s. c 14 § 6. Formerly RCW 43.98A.050.]

NOTES: Effective date -- 2005 c 303 §§ 1-14:
See note following RCW 79A.15.010.

Effective date -- 1999 c 379: See note following RCW 79A.15.040.

RCW 79A.15.060, Habitat conservation account -- Acquisition policies and priorities. (Effective until July 1, 2007.)

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

- (i) Community support;
- (ii) Immediacy of threat to the site;
- (iii) Uniqueness of the site;
- (iv) Diversity of species using the site;
- (v) Quality of the habitat;
- (vi) Long-term viability of the site;
- (vii) Presence of endangered, threatened, or sensitive species;

~~local agency share is less than the amount to be awarded from the habitat conservation account.~~

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support for the project;

(ii) The project proposal's ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(iii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated region-wide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;

(iv) Immediacy of threat to the site;

(v) Uniqueness of the site;

(vi) Diversity of species using the site;

(vii) Quality of the habitat;

(viii) Long-term viability of the site;

(ix) Presence of endangered, threatened, or sensitive species;

(x) Enhancement of existing public property;

(xi) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130; and

(xii) Educational and scientific value of the site.

(xiii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiv) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

~~(7) Before October-November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all state agency and local projects to be funded under *RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.~~

~~(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under *RCW 79A.15.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.~~

[2005 c 303 § 8; 2000 c 11 § 67; 1999 c 379 § 918; 1997 c 235 § 719; 1990 1st ex.s. c 14 § 7. Formerly RCW 43.98A.060.]

NOTES: Effective date -- 2005 c 303 §§ 1-14: See note following RCW 79A.15.010. **Effective date -- 1999 c 379:** See note following RCW 79A.15.040. **Severability -- Effective date--1997 c 235:** See notes following RCW 79A.15.040.

RCW 79A.15.065, Grants through habitat conservation account – Statement of environmental benefits – Development of outcome-focused performance measures.

In providing grants through the habitat conservation account, the committee shall require grant applicants to incorporate the environmental benefits of the project into their grant applications, and the committee shall utilize the statement of environmental benefits in the grant application and review process. The committee shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the committee should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The committee shall consult with affected interest groups in implementing this section.

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Except as provided in RCW 79A.15.030(7), Moneys moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and or maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition and development, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

- (i) Community support for the project;
- (ii) Immediacy of threat to the site;
- (iii) Linkage between communities;
- (iv) Linkage between trails;
- (v) Existing or potential usage;
- (vi) Consistency with an existing a local land use plan, or a regional or state-widestatewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and
(ix) Scenic values of the site.

(b) For water access proposals:

- (i) Community support for the project;
- (ii) Distance from similar water access opportunities;
- (iii) Immediacy of threat to the site;
- (iv) Diversity of possible recreational uses; and
- (v) Public demand in the area; and
- (vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130.

(7) ~~Before October~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all state agency and local projects to be funded under *RCW 79A.15.050(1) (a), (b), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

~~(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under *RCW 79A.15.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.~~

[2005 c 303 § 9; 2000 c 11 § 68; 1999 c 379 § 919; 1997 c 235 § 720; 1990 1st ex.s. c 14 § 8. Formerly RCW 43.98A.070.]

RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The committee may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of riparian habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (8) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where riparian habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.

(8) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(9) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the

amount of tax that would be due.

(10) In determining acquisition priorities with respect to the riparian protection account, the committee must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(e) Benefits to salmonids;

(f) Benefits to other fish and wildlife habitat;

(g) Integration with recovery efforts for endangered, threatened, or sensitive species;

(h) The viability of the site for continued agricultural production, including, but not limited to:

(i) Soil types;

(ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;

(iii) Suitability for producing different types or varieties of crops;

(iv) Farm-to-market access;

(v) Water availability; and

(i) Other community values provided by the property when used as agricultural land, including, but not limited to:

(i) Viewshed;

(ii) Aquifer recharge;

(iii) Occasional or periodic collector for storm water runoff;

(iv) Agricultural sector job creation;

(v) Migratory bird habitat and forage area; and

(vi) Educational and curriculum potential.

(10) In allotting funds for environmental enhancement or restoration projects, the committee will require the projects to meet the following criteria:

(a) Enhancement or restoration projects must further the ecological functions of the farmlands;

(b) The projects, such as fencing, bridging watercourses, replanting native vegetation,

replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;

(c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and

(d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the committee and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

[2005 c 303 § 7.]

Notes: Effective date -- 2005 c 303 §§ 1-14:

See note following RCW 79A.15.010.

RCW 79A.15.900, Severability -- 1990 1st ex.s. c 14.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1990 1st ex.s. c 14 § 12. Formerly RCW 43.98A.900.]

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