

Item 8

Meeting Date: March 2010
Title: Critical Updates for Land and Water Conservation Fund
Prepared By: Jim Eychaner, Policy Specialist

Approved by the Director:

Proposed Action: Decision

Summary

The Land and Water Conservation Fund (LWCF) provides federal money to the state to help pay for variety of outdoor recreation sites and facilities.

The Recreation and Conservation Funding Board (board) administers the LWCF Program in the state of Washington. The LWCF Advisory Committee has recommended adding a “design” question to the evaluation instrument.

Strategic Plan Link

Consideration of this addition supports the board’s objectives to (1) develop strategic investment policies and plans so that projects selected for funding meet the state’s recreation needs and (2) fund the best projects as determined by the evaluation process.

Staff Recommendation

RCO staff recommends that the board adopt a revised evaluation instrument, also known as a “priority rating system” via resolution #2010-07. This revision would:

- Add a design question for development projects
- Add an urgency/viability question for acquisitions, and
- Allow combined acquisition-development projects to compete by responding to both questions.

Background

The board approved the evaluation instrument (priority rating system) in March 2009. Following the 2009 grant round, the LWCF advisory committee asked that the RCO add an evaluation question to measure project design. In response, RCO staff wrote a design question that would help the evaluators to identify better development projects.

RCO staff realized that the design question needed to be balanced with an additional question to ensure that acquisition and combined acquisition-development projects could compete on

equal footing with development projects. Therefore, staff is proposing to add a second question called "urgency and viability."

Analysis

Staff anticipates that use of the additional question will allow better evaluation results. The new questions would be worth a total of 10 points, which evaluators would award as follows:

- Development projects will be evaluated with the "design" question, worth up to 10 points
- Acquisition projects will be evaluated with the "urgency and viability" question, worth up to 10 points
- Combination (acquisition and development combined) projects will be evaluated with both questions (up to 5 points for each), for a maximum total of 10 points

This model has been used successfully in the Washington Wildlife and Recreation Program's "urban parks" category.

As shown in the tables below, RCO is not proposing to remove or modify any of the questions used in 2009 (questions 3 through 7 in Table 1 are renumbered as 5 through 9 in Table 2).

Table 1: Priority rating system approved in March 2009

Score	#	Question Title	Score and Multiplier	Max. Points	Priority
Team	1	Consistency with SCORP	0-5 (x 3)	15	SCORP
Team	2	Need	0-5 (x 3)	15	SCORP
Team	3	Federal grant program priorities	0-5 (x 2)	10	LWCF
Team	4	Readiness	0-5	5	LWCF
Team	5	Cost Efficiencies	0-5	5	LWCF
Staff	6	Population Proximity	0-3	3	State law
Staff	7	Applicant Compliance	0-5	5	NPS Policy
Total Points				58	

Table 2: Proposed priority rating system for 2010 applications

Score	#	Question Title	Score and Multiplier	Max. Points	Priority
Team	1	Consistency with SCORP	0-5 (x 3)	15	SCORP
Team	2	Need	0-5 (x 3)	15	SCORP
Team	3	Project Design	<i>Development</i> 0-5 (x 2) <i>Combination</i> 0-5 (x 1)	10 <i>or</i> 5	LWCF
Team	4	Urgency-viability	<i>Acquisition</i> 0-5 (x 2) <i>Combination</i> 0-5 (x 1)	10 <i>or</i> 5	LWCF
Team	5	Federal grant program priorities	0-5 (x 2)	10	LWCF
Team	6	Readiness	0-5	5	LWCF
Team	7	Cost Efficiencies	0-5	5	LWCF
Staff	8	Population Proximity	0-3	3	State law
Staff	9	Applicant Compliance	0-5	5	NPS Policy
Total Points				68	

Public Involvement

In addition to review by the LWCF Advisory Committee, the proposed criteria were made available to the public via email and the agency in February 2010. We received eight written comments (Attachment B).

- Five favored the proposal as presented, or with minor edits.
- One respondent suggested that the urgency/viability question be adopted, but that the design question be clarified.
- Two strongly opposed the proposal based on its perceived effect on smaller communities or land trusts. Staff noted that land trusts are not eligible sponsors in this program.

Next Steps

If approved, staff will publish the revised criteria in Manual 15 for the 2010 grant cycle.

Attachments

Resolution #2010-07

- A. Revised Policy Language
- B. Summarized Public Comments

Recreation and Conservation Funding Board
Resolution #2010-07
Critical Updates for Land and Water Conservation Fund

WHEREAS, RCW 79A.25.130 authorizes the Recreation and Conservation Funding Board (board) and Recreation and Conservation Office (RCO) Director to participate in federal programs respecting outdoor recreation and conservation; and

WHEREAS, the Land and Water Conservation Fund (LWCF) is managed in cooperation with the National Park Service to benefit outdoor recreation and conservation in Washington State; and

WHEREAS, projects proposed for LWCF funding are evaluated by a standing advisory committee of citizens and professionals using a priority rating system intended to identify the best projects; and

WHEREAS, RCO staff cooperated with the advisory committee to improve the priority rating system and developed and circulated a policy proposal for public review and comment, thereby promoting the board's goal to ensure the work of the board and staff is conducted with integrity and in a fair and open manner; and

WHEREAS, adopting this revision would further the boards' goal to develop strategic investment policies and plans so that projects selected for funding meet the state's recreation needs;

NOW, THEREFORE BE IT RESOLVED, that the board does hereby adopt the new policy language (evaluation questions) shown in Attachment A to the March 2010 board memo to add two questions to the priority rating system; and

BE IT FURTHER RESOLVED, that the board directs RCO staff to implement this policy beginning with the 2010 grant cycles.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Policy Language

Proposed Language

The following is proposed for inclusion in Manual 15, LWCF Program: Policies and Project Selection (Section 3).

Question 3. Project Design. Development or combination projects answer this question. Is the project well designed? Will the project result in a quality recreational opportunity while protecting the integrity of the environment?

Some design elements that may be considered include accuracy of cost estimate, aesthetics, maintenance requirements, materials, phasing, risk management, recreational experience, spatial relationships, universal accessibility, and user friendly design.

- What percentage of the design is completed to date? Is the design in the conceptual phase or has a master plan been developed? Was the master plan adopted by governing body?
 - Does the project demonstrate good design criteria; does it make the best use of the site?
 - Does the design provide equal access for all persons, including those with disabilities?
 - Does the proposed design consider protecting the natural resources on site? For example, does the project include low impact development techniques, green infrastructure, or environmentally preferred building products?
 - Is the site design visually integrated into the landscape features?
 - How well does the design appear to accommodate the projected use?
 - Suitability of the site. What is the nature and condition of existing surrounding land use as well as future concerns such as shoreline designation, zoning, comprehensive or project-specific planning?
 - How likely are the proposed public use facilities given the required regulatory and proprietary approvals, funding, etc?
 - Design complements the described need
 - Ease of maintenance
 - Realistic cost estimates provided
 - For a trail project, does the design provide adequate surfacing, width, spatial relationships, grades, curves, and switchbacks, road crossings, and trailhead locations?
- a. Poor design evidence presented (0 points)
- b. Design adequately addresses some of the above considerations (1-2 points)
- c. Design adequately addresses most or all the above considerations (3 points)
- d. Design addresses the considerations in an outstanding manner (4-5 points)

Evaluators award a maximum of 5 points that are later multiplied by 2 for development projects and 1 for combination projects.

4. Urgency and Viability. Acquisition or combination projects answer this question.

Why purchase this particular property at this time? How viable are the anticipated future uses and benefits of the site?

- If LWCF funding is not made available, will high priority outdoor recreation property be lost?
- What are the alternatives to acquiring the property?
- Is there an immediate threat or will the property be available for acquisition or development at a later time?
- What is the likelihood that the property will be converted to a non-recreational use if the property is not acquired now?
- Is there a threat to the public availability of the resources at the site?
- Will the site be available immediately for public use or will the site require some improvement to make it available for public use? If improvements are necessary, what is the timeframe for implementing future site improvements?
- Describe land management practices in the area that may affect the viability of the site?
- Who will maintain the site and what resources are necessary and available for maintenance for the site?
- Suitability of the site. What is the nature and condition of existing surrounding land use, as well as potential future concerns such as shoreline designation, zoning, comprehensive or project-specific planning?

- a. Little evidence presented (0 points)
- b. Adequate evidence to address some of the above considerations (1-2 points)
- c. Adequate evidence to addresses most or all the above considerations (3 points)
- d. Thorough and convincing evidence (4-5 points)

Evaluators award a maximum of 5 points that are later multiplied by 2 for acquisition projects and 1 for combination projects.

Summarized Public Comments

Person/Organization	Comments (Edited for brevity)	RCO Staff Reply
Dave Schwab, Eastmont Parks	The questions seem to be applicable and worded well for acquisition consideration projects.	Thank you.
John Keats, Mason County Parks seems reasonable to me.	Thank you.
Al LePage, Director, National Coast Trail Association	Given the questions and the rationale offered relative to them, they seem both reasonable and important additions to include. Therefore, my overall response is a positive one, to indeed include them.	Thank you.
Heather Ramsay, National Park Service	For consistency, do you want to include example scoring on the acquisition question like you did on the development question? (e.g. 0-1 points, project does not meet any of the parameters above - or something like that).	Thank you. We will add example scoring for consistency.
Randy Person, State Parks	<p>This idea has worked well in the past, and I believe it would in the future.</p> <p>I don't recall the exact language used previously, but suggest not including buzz words like "innovative." Innovation and new ideas are great, but I'd also be happy to fund a project that hit all the solid basic design principles.</p> <p>Good design should be part of an LWCF project, and an acquisition project that's viable and needed is a good counterpart.</p>	<p>Thank you.</p> <p>We do not propose to use the word "innovative."</p>
Su Dowie, Thea Foss Waterway Development Authority	It is prudent to add the additional qualifiers to the evaluation in order to determine the urgency and/or readiness of a project. However, I do wonder about what you mean by "design". This is a term that likely needs definition.	We attempted to leave the definition of "design" somewhat open. We will monitor use of the question, if approved, and determine if a definition needs to be added in the future.

Person/Organization	Comments (Edited for brevity)	RCO Staff Reply
Ken Wilcox, Skookum Peak Consulting	<p>Based on my experience (20 years) working with clients, many of whom are smaller cities and rural counties, my reaction to the proposed questions was negative on both counts.</p> <p>I'm concerned that the design question might invite the review committee and RCO staff to second-guess proposals, potentially imposing their own sense of good design, rather than deferring important design decisions to the proponent. It would stifle, I think, rather than encourage creativity and innovative design. Proponents might tend to focus on tried-and-true designs that received recent grants, rather than designing to meet their own needs and desires.</p> <p>Flashier, more advanced designs from better funded cities and counties could trump conceptual or preliminary designs submitted by smaller communities which lack sufficient staff or funding to hire architects and engineers. The emphasis on design would also seem to squash opportunities for design-build projects as an option, perhaps an unintended consequence.</p> <p>The viability/urgency question again allows the RCO to second-guess the effort. Smaller counties have fewer projects to choose from in the first place and there may still be a few kinks to sort out after funding is approved, so it seems a little unfair to ask a small county to rise to the same high standard of viability and urgency as Seattle or Pierce County.</p> <p>These new questions are unnecessary and may end up doing more harm than good, and that existing criteria are more than adequate to ensure that projects are responsibly planned and designed.</p>	<p>The design question was requested by the LWCF advisory committee. The advisory committee seeks to better understand applicant's "needs and desires" as they perform their evaluation duties. Evaluation by a committee in an open public forum is intended to minimize "second guessing" or manipulation of scores.</p> <p>RCO staff assists applicants prior to evaluation. Staff may refer to past projects that were successful from a grant and implementation perspective. RCO seeks to support applicants in meeting their "own needs and desires," and defers to the advisory committee for actual project evaluation.</p> <p>In State Fiscal Year 2010, Bremerton and Port Orchard were the only grant recipients, scoring higher than proposals from King County and Tacoma MPD. In the prior grant round, Tenino and Camas were two of the four successful applicants.</p> <p>We see no evidence that smaller communities cannot submit well-designed projects, or have any less urgent need for parks and recreation sites and facilities than larger communities.</p>

Person/Organization	Comments (Edited for brevity)	RCO Staff Reply
<p>Mike Denny, Riparian Coordinator, Walla Walla Conservation District</p>	<p>I am writing to urge the RCO not to assign 10 points to acquisitions.</p> <p>This would make LWCF just like WWRP and would penalize those organizations such as conservation districts and Regional Fisheries Enhancement Groups that are not set up to acquire or hold lands. This very issue precluded conservation districts from competing in the WWRP grant evaluations.</p> <p>By providing 10 points for design and 10 points for land acquisition you still are biased towards acquisitions. Conservation districts and RFEGs are not ever going to hold lands and will therefore never get the 10 points for acquisitions. So some organization that gets both design credit and purchase credit points will always get a higher ranking.</p> <p>There are many projects that need doing for the resources sake and yet the conservation organization cannot purchase the property. Remember this is about long-term protection of a site and if it requires other agreements to protect the resource such as letting the local land trust negotiate a conservation easement. So, I would include 10 points for local Land Trust Conservation Easement. This is the only way that CDs and RFEGs could "acquire" lands.</p>	<p>We note that Conservation Districts (CDs) and Regional Fisheries Enhancement Groups (RFEGs) are not normally proponents of <u>recreation</u> projects.</p> <p>Land Trusts are not eligible to apply for or receive LWCF funds; therefore, we will not propose to add points for a land trust conservation easement.</p>