

## Proposed Agenda Recreation and Conservation Funding Board Meeting

July 13-14, 2016

Washington Department of Ecology, Northwest Regional Office, 3190 160<sup>th</sup> Ave SE, Bellevue, WA

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

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

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

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

### WEDNESDAY, JULY 13

#### OPENING AND WELCOME

<b>9:00 a.m.</b>	<b>Call to Order</b>	<i>Chair</i>
	<ul style="list-style-type: none"> <li>Roll Call and Determination of Quorum</li> <li>Welcome to Bellevue</li> <li>Review and Approval of Agenda</li> </ul>	
<b>9:10 a.m.</b>	<b>1. Consent Agenda (<i>Decision</i>)</b>	<i>Chair</i>
	A. Time Extension Requests <ul style="list-style-type: none"> <li>Sinlahekin Ecosystem Restoration, Ph 2 (RCO Project #10-1629)</li> </ul> B. Board Meeting Minutes – April 27-28, 2016 <u>Resolution 2016-22</u>	
<b>9:15 a.m.</b>	<b>2. Director's Report (<i>Briefing</i>)</b>	
	<ul style="list-style-type: none"> <li>Director's Report               <ul style="list-style-type: none"> <li>Annual Director's Evaluation Process</li> <li>Overview of Agenda for 2017 Board Retreat</li> </ul> </li> <li>Legislative, Budget, and Policy Update</li> <li>Grant Management Report               <ul style="list-style-type: none"> <li>Overview of 2016 Grant Round</li> <li>Follow-up Briefing: City of Spokane Riverfront Park Combined Sewer Overflow (RCO #72-040)</li> </ul> </li> <li>Fiscal Report (<i>written only</i>)</li> <li>Performance Report (<i>written only</i>)</li> </ul>	<i>Kaleen Cottingham</i> <i>Scott Robinson</i>  <i>Wendy Brown</i> <i>Marguerite Austin</i>
<b>9:45 a.m.</b>	<b>3. State Agency Partner Reports</b>	
	<ul style="list-style-type: none"> <li>Department of Natural Resources</li> <li>State Parks and Recreation Commission</li> <li>Department of Fish and Wildlife</li> </ul>	<i>Jed Herman</i> <i>Peter Herzog</i> <i>Joe Stohr</i>
<b>10:15 a.m.</b>	<b>General Public Comment</b> for issues not identified as agenda items. Please limit comments to 3 minutes.	
<b>10:20 a.m.</b>	<b>4. Boating Infrastructure Grants Project Overview</b>	<i>Marguerite Austin</i>

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**10:35 a.m.      BREAK**

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**BOARD BUSINESS: DECISIONS**

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- 10:50 a.m.      5. Operating and Capital Budget Requests for 2017-2019** *Kaleen Cottingham  
Wendy Brown*
- A. Operating Budget and Capital Budget Requests Based on Revenue Projections
  - B. Washington Wildlife and Recreation Program (WWRP)  
Resolution 2016-23\*
  - C. Youth Athletic Facilities (YAF)  
Resolution 2016-24\*
  - D. All Other Board-Funded Grant Programs  
Resolution 2016-25\*

**\*Public comment** will occur prior to adopting each individual resolution. Please limit comments to three minutes.

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**12:00 p.m.      LUNCH**

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- 12:30 p.m.      6. Youth Athletic Facilities Project Match Waiver Requests** *Marguerite Austin*
- A. Chief Tonasket Park Ball Field Complex Renovation  
(RCO Project # 16-2033)  
Resolution 2016-26\*
  - B. Twisp Sports Complex Renovation Project– phase 1  
(RCO Project #16-2023)  
Resolution 2016-27\*

**\*Public comment** will occur prior to adopting each individual resolution. Please limit comments to three minutes.

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**BOARD BUSINESS: REQUESTS FOR DIRECTION**

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- 1:00 p.m.      7. Washington Wildlife and Recreation Program (WWRP) Policy Direction**
- A. Funding Allocations in the Local Parks and State Parks Categories *Adam Cole*
  - B. Funding Allocation in the Urban Wildlife Habitat Category *Leslie Connelly*
  - C. Forest Land Preservation Category Policies and Evaluation Criteria *Leslie Connelly*
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**BOARD BUSINESS: DECISIONS**

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- 2:30 p.m.      8. Policy Decisions**
- A. Nonhighway and Off-road Vehicle Activities Policy Changes *Adam Cole*  
Resolution 2016-28\*
  - B. Changes to Project Type Definitions for Nonhighway and Off-road Vehicle Activities and Recreational Trails Program *Adam Cole*  
Resolution 2016-29\*

**\*Public comment** will occur prior to adopting each individual resolution. Please limit comments to three minutes.

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## BOARD BUSINESS: BRIEFINGS

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**3:30 P.M.      9. Follow-up on Policy Issues**

A. Project Area Special Committee Update

*Leslie Connelly*

B. Review of Firearms Range and Course Safety Guidance and Qualifications

*Adam Cole*

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## BOARD BUSINESS: DECISION

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**4:00 p.m.      10. Public Hearing for Amendments to Chapters 286-04 and 286-13 of the Washington Administrative Code**

*Leslie Connelly*

Resolution 2016-30

**Public comment** will occur prior to adopting the resolution. Please limit comments to three minutes.

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**4:30 p.m.      ADJOURN FOR THE DAY**

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## THURSDAY, JULY 14

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### PROJECT TOUR

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**8:00 a.m.      Meet in Hotel Lobby**

Embassy Suites by Hilton Seattle Bellevue, 3225 158th Avenue Southeast, Bellevue, WA 98008

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**8:30 a.m.      Mercer Slough**

Winters House, 2102 Bellevue Way Southeast, Bellevue, WA 98004

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**9:30 a.m.      Meydenbauer Bay**

Meydenbauer Beach Park, 419 98th Avenue Northeast, Bellevue, WA 98004

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**10:35 a.m.      Cross Kirkland Trail Corridor**

South Kirkland Park and Ride, 10610 Northeast 38th Place, Kirkland, WA 98033

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**11:45 a.m.      LUNCH**

Kirkland Justice Center, 11750 NE 118<sup>th</sup> St, Kirkland, WA (along the Cross Kirkland Trail Corridor)

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**1:00 p.m.      East Lake Sammamish Trail**

Meeting point located immediately south of paved driveway for "Kokomo Place 1531 – 1543 Private Drive" sign and 1603 E Lake Sammamish Pkwy NE, Sammamish

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**2:30 p.m.      Lake Sammamish State Park**

2300 NW Sammamish Road, Issaquah

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**3:30 p.m.      Reconvene at Hotel and End Tour**

Embassy Suites by Hilton Seattle/Bellevue, 3225 158<sup>th</sup> Ave SE, Bellevue, WA 98008

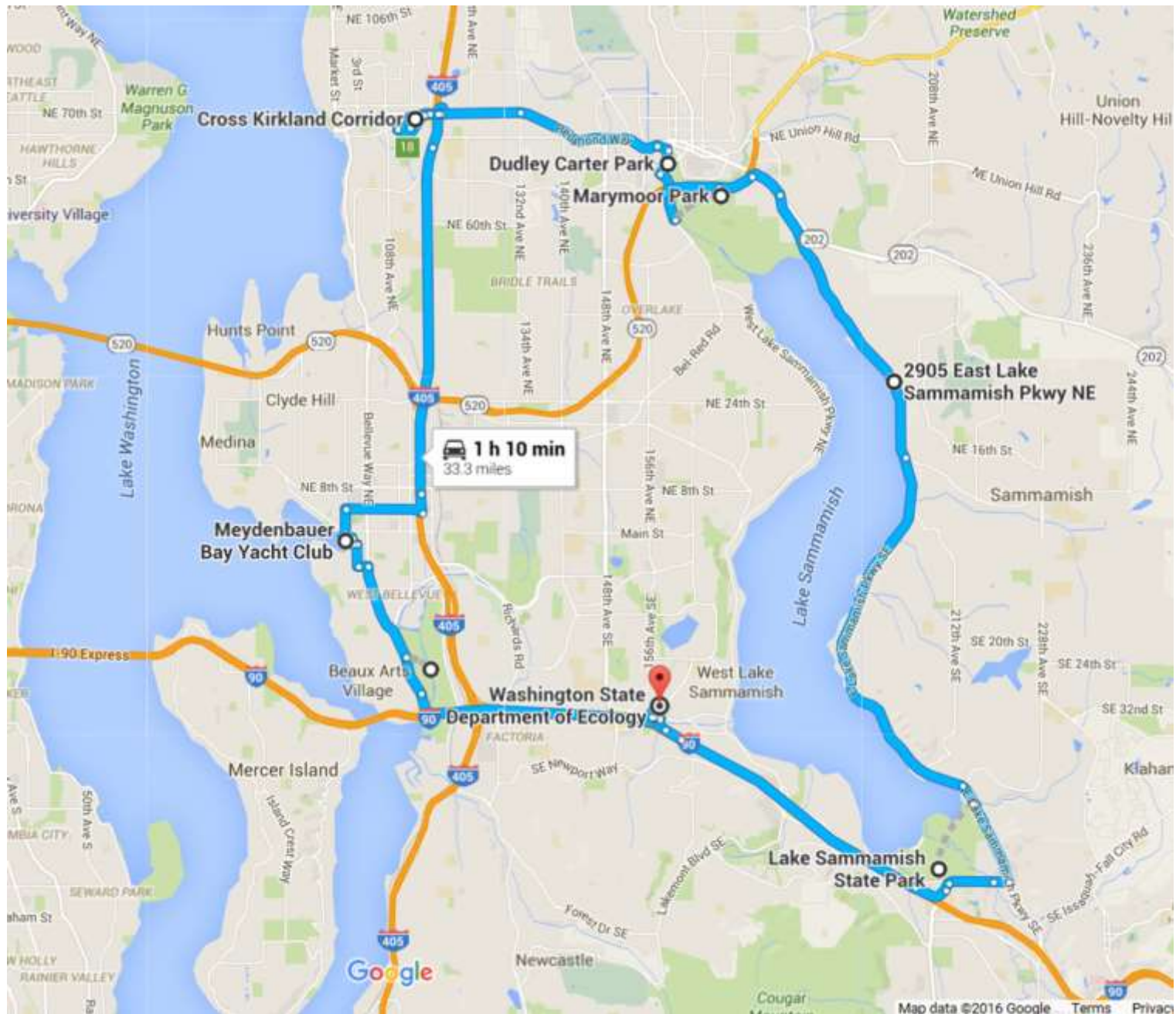
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**Next Regular Meeting:**

October 26-27, 2016

Natural Resources Building, Room 172

Olympia, WA



**Recreation and Conservation Funding Board**  
**Resolution #2016-22**  
**July 13-14, 2016 Consent Agenda**

**BE IT RESOLVED**, that the following July 13-14, 2016 Consent Agenda items are approved:

A. Time Extension Requests

- Sinlahekin Ecosystem Restoration, Ph 2 (RCO Project #10-1629)

B. Board Meeting Minutes – April 27-28, 2016

Resolution moved by: \_\_\_\_\_

Resolution seconded by: \_\_\_\_\_

Adopted Date: \_\_\_\_\_

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

## INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

### **RESOLUTION #2002-01 Consent Agenda Policy**

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

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

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

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

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

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

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

#### Meeting Day / IAC Action Process:

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

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

Implementation:

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

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

*Resolution moved by:* Cleve Pinnix

*Resolution seconded by:* Bob Parlette

Adopted / Defeated / Deferred

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016  
**Title:** Time Extension Request  
**Prepared By:** Recreation and Conservation Section Grants Managers

#### Summary

This is a request for the Recreation and Conservation Funding Board to consider the proposed project time extension shown in Attachment A.

#### Board Action Requested

This item will be a:

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

**Resolution:** 2016-22

**Purpose of Resolution:** Approve the requested time extension.

### Background

Manual #7, *Funded Projects*, outlines the board's adopted policy for progress on active funded projects. Key elements of this policy are that the sponsor must complete a funded project promptly and meet the project milestones outlined in the project agreement. The director has authority to extend an agreement for up to four years. Extensions beyond four years require board action.

The RCO received a request for a time extension for the project listed in Attachment A. This document summarizes the circumstances for the requested extension and the expected date of project completion. Board action is required because the project sponsor is requesting an extension to continue the agreement beyond four years.

General considerations for approving time extension requests include:

- Receipt of a written request for the time extension;
- Reimbursements requested and approved;
- Date the board granted funding approval;
- Conditions surrounding the delay;
- Sponsor's reasons or justification for requesting the extension;
- Likelihood of sponsor completing the project within the extended period;
- Original dates for project completion;
- Current status of activities within the grant;
- Sponsor's progress on this and other funded projects;
- Revised milestones or timeline submitted for completion of the project; and
- The effect the extension will have on re-appropriation request levels for RCO.



**Plan Link**

Consideration of this request supports the board's goal of helping its partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems.

**Summary of Public Comment**

At the time of the writing of this memo, no public comment on the project has been received.

**Staff Recommendation**

Staff recommends approval of the time extension request for the project listed in Attachment A.

**Attachments**

A. Time Extension Request for Board Approval

## Time Extension Request for Board Approval

### *Washington Department of Fish and Wildlife*

Project number and type	Project name	Grant program	Grant funds remaining	Current end date	Extension request	Reasons for Delay and Justification of Request
<a href="#">10-1629</a> Restoration	Sinlahekin Ecosystem Restoration, Phase 2	Washington Wildlife and Recreation Program, State Lands Restoration Category	\$53,400 (21%)	7/31/2016	12 months (6/30/2017)	<p>The Department of Fish and Wildlife (WDFW) is restoring the Sinlahekin Wildlife Area ecosystem by thinning and burning ponderosa pine forest to improve habitat for wildlife species. Progress to date includes harvesting 275 acres, prescribed burning of 286 acres, and hand-thinning of 50 acres.</p> <p>Progress was hindered due to mild weather conditions over the past several winters. Frozen ground or 18 inches of snow is needed to avoid damaging soils with heaving logging equipment. Long-standing burn bans (usually July 1 through September 30) went into effect earlier and later in the season. Finally, the Okanogan Complex Fire impacted the Sinlahekin significantly making it necessary to re-scope previous prescribed fire plans to take the burn perimeter of the wildfire into account.</p> <p>WDFW has updated its fire plans and has filled vacant burn team positions. Additional time will allow crews to prepare units this summer and implement prescribed burns on approximately 150 acres this fall and early next spring.</p>

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Director's Report

#### Summary

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

#### Board Action Requested:

This item will be a:

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

#### In this Report:

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

## Agency Update

### 4-0 Ranch Dedication

RCO staff recently traveled to the far southeast corner of the state to celebrate the protection of more than 10,500 acres of critical habitat. For the past five years, the Washington Department of Fish and Wildlife (WDFW) has been using grants from RCO and the U.S. Fish and Wildlife Service to buy the 4-O Ranch for wildlife habitat. The creation of this new wildlife area connects protected land in the lower Grande Ronde watershed, from low elevation canyons to high elevation forests. This healthy, fully functioning habitat supports a large suite of fish and wildlife including threatened steelhead and Bull Trout, bighorn sheep, elk, deer, golden eagles, northern goshawks, sagebrush lizards, redband trout, and many other species. The ranch is next to the Umatilla National Forest's roadless area to the north and U.S. Bureau of Land Management-owned canyon lands to the south. The ranch enlarges the block of public lands available for wildlife watching, hunting, and fishing.



### Potential Health Study to Use SCORP Data

Earth Economics asked RCO to jointly apply for a grant from the Environmental Protection Agency (EPA) to study vulnerable communities and ecosystem services. Earth Economics would like to use data from the new *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* for its analysis. RCO may benefit from the data the company collects on vulnerable communities. EPA Grant awards are expected this fall.

## RCO's Squeaky Clean Audit

RCO underwent two audits this year: a federal single audit, which looked at the use of federal funds, principally the federal salmon funds; and a state accountability audit, which looked primarily at grants (mostly the Washington Wildlife and Recreation Program) and contract procurement and payment for fiscal year 2015. In both cases RCO came through with NO FINDINGS. The audit summary from the State Auditor's Office noted, "...Agency operations complied with applicable requirements and provided adequate safeguarding of public resources. The agency also complied with state laws and regulations and its own policies and procedures in the areas we examined." A huge shout out to grant and contract managers, fiscal staff, and managers for doing such a fantastic job with our funds. [View the audits.](#)

## RCO Employee Changes

- **Sean O'Neill** joins RCO as the new technical support specialist intern. He comes through the WaTech IT Internship Program from South Puget Sound Community College. Sean's past experiences include IT support, decorative concrete construction, and the Army National Guard. He will be shadowing IT staff and helping to support the IT Help Desk.
- **Ben Donatelle** joins the Recreation and Conservation Grants Section as its newest outdoor grants manager. He comes from Montana, where he worked to develop non-motorized recreational trails on public lands. Ben recently completed his master's in environmental studies with a focus on public land and resource policy, and received a graduate certification in natural resource conflict resolution.
- **Jia "Leon" Wu** has joined RCO as PRISM Support. Leon received his bachelor's degree in computer science and his master's degree in software engineering from the University of Alaska Fairbanks. Following graduation, he worked for the University of Alaska providing information technology support to students and staff.



## Meetings with Partners

- **Washington State Conservation Commission and Washington Association of Land Trusts:** RCO met with the commission and WALT to discuss topics including the Washington Wildlife and Recreation Program legislation, changes and new applications for the Farmland Preservation Category and the new Forestland Preservation Category. With the Commission, we also discussed the Department of Fish and Wildlife's riparian buffer guidance technical paper.

## Update on Sister Boards

### Salmon Recovery Funding Board (SRFB)

Preparations are underway for the next SRFB meeting scheduled for June 23 in Olympia. The SRFB will begin to develop the capital and operating budget requests for the 2017 legislative session. Staff will provide briefings on potential policy changes and updates from the monitoring panel. Guest presenters from the Department of Fish and Wildlife and the State Conservation Commission will share information about their programs relating to board interests.

### Washington Invasive Species Council

The Invasive Species Council has been extended until 2027, following passage of Senate Bill 6162. The council has been awarded federal funding for a cooperative project (with Washington State University and six counties in two states) to enhance existing prevention and outreach efforts in the Columbia Gorge

National Scenic Area. Staff is working to kick-off this project in July. The council last met June 16 in Olympia.

### Habitat and Recreation Lands Coordinating Group

The Lands Group published its state land acquisition [2017-19 forecast](#) report, which forecasts land acquisition and disposal projects for which state agencies will seek funding in the 2017-19 Budget. The Lands Group last met June 15 and discussed the 2017 legislative session proposals and budget, the unified state strategy and the role of the lands group, the Dabob Bay restoration sponsored by the Department of Natural Resources, and the Department of Fish and Wildlife's priority landscapes program.

## Legislative, Budget, and Policy Update

Agencies recently received instructions from the Office of Financial Management (OFM) as we begin to prepare for 2017-19 biennial budget requests. Although the economic outlook for the 2017-19 biennium stabilized, the operating budget outlook continues to be challenging and operating budget shortfalls are predicted to be even greater than they were for 2015-17. The capital budget bond capacity is expected to increase slightly from last biennium to approximately \$2.3 billion. However, pressures from K-12 educational needs (class size and all-day kindergarten) and the operating budget deficit may decrease the amount of bonds available for regularly funded programs such as the RCO's Washington Wildlife and Recreation Program and salmon grant programs.

Instructions to agencies are to 'think brutally' about performance and outcomes, start looking for ways to save, and develop options that meet our highest priorities in the most cost-efficient manner. Again, this relates more to the operating side of the budget than to the capital side, but it is something for RCO to keep in mind when developing budget requests which are due to OFM on September 9, 2016.

## Grant Management Report

### First Round of Grant Applications for Recreation and Conservation

Applicants requested \$195.9 million in grant funds for 318 outdoor recreation and conservation projects submitted by May 2. Table 1 provides a summary of the grant requests for five programs.

**Table 1. Summary of Grant Requests by Program**

Grant Programs	Number of Applications	Grant Requests	Applicant Match	Total
Aquatic Lands Enhancement Account	26	\$12,819,931	\$29,792,939	\$42,612,870
Boating Infrastructure Grants	10	\$5,499,854	\$6,778,796	\$12,278,650
Land and Water Conservation Fund	25	\$9,706,429	\$26,924,822	\$36,631,251
Washington Wildlife and Recreation Program	235	\$163,315,052	\$189,729,646	\$353,044,698
Youth Athletic Facilities	22	\$4,607,701	\$15,517,844	\$20,125,545
<b>Total</b>	<b>318</b>	<b>\$195,948,967</b>	<b>\$268,744,047</b>	<b>\$464,693,014</b>

Compared to the 2014 grant cycle, we received the same number of grant applications for this round; however, the total amount requested is up by four percent. There were significant increases in the number of applications in two grant programs: 43 percent increase in the Boating Infrastructure Grant program and 19 percent in the Land and Water Conservation Fund. The Washington Wildlife and Recreation Program applications were up 9 percent. The most significant drop overall was in Youth Athletic Facilities,

which fell by 52 percent. Staff believes there are at least 3 contributing factors; 1) availability of matching resources, 2) grants are for renovation of existing facilities only, and 3) most applicants are focused on implementation of the projects most recently funded and were not ready to submit subsequent phases. In July, the board will approve a budget request for this portfolio of projects. Following approval of the State's capital budget next year, the board will award grants at the July 2017 meeting.

### Technical Reviews are Complete

Eight advisory committees completed in-person reviews of more than 220 grant applications in May and written reviews of 37 applications in June. The applications submitted for the Aquatic Lands Enhancement Account, Land and Water Conservation Fund, and the Washington Wildlife and Recreation Program were reviewed for their technical merits and for eligibility. The applications have been returned to the applicants for revisions based on comments and recommendations by advisors and RCO staff. All proposals must be resubmitted by established deadlines in July to remain eligible for consideration.

### Washington State Trails Conference

The Washington State Trails Coalition will sponsor its 11th biennial State Trails Conference in the Tri-Cities from October 13-16. More information will be available at: <http://washingtonstatetrailscoalition.org>.

### Recreational Trails Program Report Online

The 2015 [Recreational Trails Program Annual Report](#), which provides information about this federal program and the projects funded from 1993 to 2014 is now available online. The report highlights program funding and administration, the database, and how states use funds for trail projects. It illustrates eligible project types along with award-winning examples from across the country and documents the many benefits of the program and national trends and issues affecting trails.

### Land and Water Conservation Fund

Secretary of the Interior Sally Jewell recently announced Congressional approval of \$1.9 million for the state of Washington for the Land and Water Conservation Fund (LWCF). This apportionment provides cause for celebration because it more than doubles the amount of funding available in the last 5 years. Along with the increased funding, Congress reauthorized the LWCF Act for another 3 years. This federal program provides matching grants to states to acquire and develop outdoor recreation areas for public use. Washington's apportionment is a 122 percent increase over funds approved for federal fiscal year 2015. The board approved the ranked list of LWCF projects for the 2015-17 biennium and delegated authority to the director to award grants, pending Congressional approval of funds. After setting aside funds for program administration and development of the next State Comprehensive Outdoor Recreation Plan (SCORP), the director used federal fiscal year 2016 funds to fully fund 1 partially funded project and 4 alternates. The projects funded are shown in Table 2.

**Table 2: LWCF Awards for Federal Fiscal Year 2016**

Project Number	Project Name	Sponsor	Grant Request	Funds Approved
<a href="#">14-1537D</a>	Covington Community Park Phase 2	City of Covington	\$500,000	\$188,052*
<a href="#">14-1716D</a>	Inspiration Playground Construction	City of Bellevue	\$500,000	\$500,000
<a href="#">14-1699D</a>	Point Defiance Loop Trail	Metropolitan Park District of Tacoma	\$500,000	\$500,000
<a href="#">14-1752D</a>	Lake Meridian Dock Redevelopment	City of Kent	\$500,000	\$500,000
<a href="#">14-1532D</a>	Trillium Community Forest Trailheads	Island County	\$163,140	\$163,140

*\*Note: This project was partially funded with a \$311,948 grant in federal fiscal year 2015.*

## National Federal Competitive Grant

RCO submitted two projects for the Outdoor Recreation Legacy Partnership Program. This national competition for Land and Water Conservation Funds (LWCF) targets projects that acquire, develop, or renovate parks in highly urbanized areas. One of the projects is proposed by King County – a \$355,000 request for its Skyway Park Revitalization project. The other project is proposed by the Metropolitan Park District of Tacoma – a \$720,323 request for the Swan Creek Park Trail Network. RCO's LWCF Advisory Committee reviewed the federal program criteria and each project proposal and recommended submittal to the national competition. Each state can only submit two projects. The National Park Service has set aside \$15 million for this program and plans to award grants by March 2017.

## Using Returned Funds for Alternates

Funds were awarded to an alternate project on the Washington Wildlife and Recreation Program list for the Water Access category. The \$450,000 grant was awarded to the Department of Fish and Wildlife for the Edmonds Fishing Pier Renovation ([12-1160D](#)). The funds are from projects that did not use the full amount of their grant awards.

## Project Administration

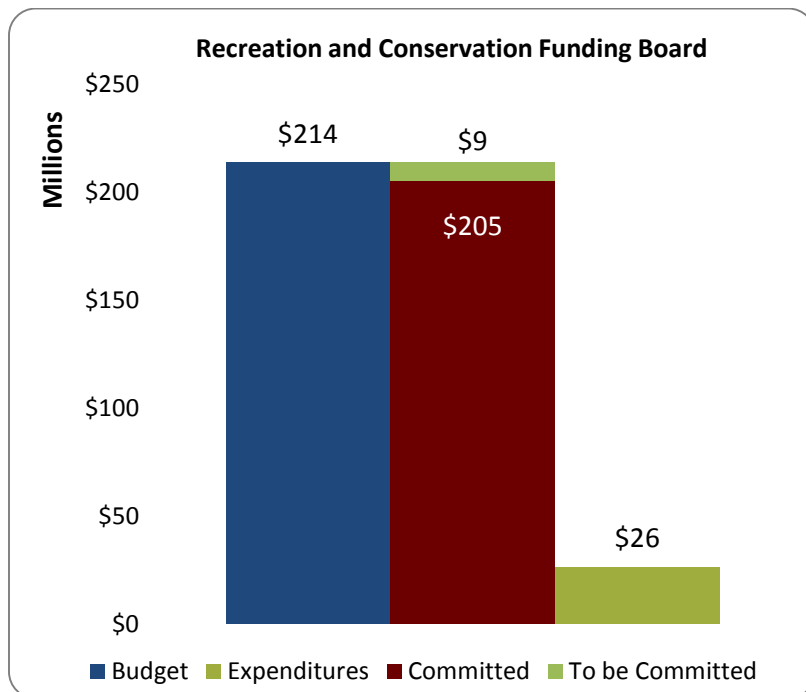
Staff administer outdoor recreation and habitat conservation projects as summarized in the table below. "Active" projects are under agreement and are in the implementation phase. "Director Approved" projects includes grant awards made by the RCO director after receiving board-delegated authority to award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

Program	Active Projects	Board Funded Projects	Director Approved Projects	Total Funded Projects
Aquatic Lands Enhancement Account (ALEA)	24	0	1	25
Boating Facilities Program (BFP)	27	0	10	37
Boating Infrastructure Grant Program (BIG)	4	0	3	7
Firearms and Archery Range Recreation (FARR)	8	0	2	10
Land and Water Conservation Fund (LWCF)	5	0	6	11
Marine Shoreline Protection (MSP)	2	0	0	2
Nonhighway and Off-Road Vehicle Activities (NOVA)	107	17	4	128
Recreation and Conservation Office Recreation Grants (RRG)	48	0	5	53
Recreational Trails Program (RTP)	58	0	8	59
Washington Wildlife and Recreation Program (WWRP)	142	0	6	148
Youth Athletic Facilities (YAF)	27	6	0	33
Total	452	23	45	514

## Fiscal Report

For July 1, 2015-June 30, 2017, actuals through May 31, 2016 (Fiscal Month 11). Percentage of biennium reported: 45.8 percent. The "Budget" column shows the state appropriations and any received federal awards.

Grant Program	BUDGET New and Re-appropriations 2015-2017	COMMITTED  Dollars	% of Budget	TO BE COMMITTED		EXPENDITURES	
				Dollars	% of Budget	Dollars	% Expended of Committed
Grant Programs							
ALEA	\$10,014,000	\$9,737,199	97%	\$276,801	3%	\$1,854,710	19%
BFP	\$19,108,000	\$17,854,082	93%	\$1,253,918	7%	\$3,111,648	17%
BIG	\$1,556,829	\$1,556,829	100%	\$0	0%	\$178,367	11%
FARR	\$895,000	\$753,127	84%	\$141,873	16%	\$114,857	15%
LWCF	\$1,468,743	\$1,468,743	100%	\$0	0%	\$172,481	12%
NOVA	\$15,289,708	\$14,906,875	97%	\$382,833	3%	\$2,454,897	16%
RTP	\$6,057,927	\$5,935,792	98%	\$122,135	2%	\$1,440,864	24%
WWRP	\$106,746,111	\$104,085,098	98%	\$2,661,013	2%	\$10,738,628	10%
RRG	\$33,245,160	\$30,661,969	92%	\$2,583,191	8%	\$2,513,910	8%
YAF	\$11,791,595	\$10,711,886	91%	\$1,079,709	9%	\$1,036,328	10%
Subtotal	\$206,173,073	\$197,671,600	96%	\$8,501,473	4%	\$23,616,690	11%
Administration							
General Operating Funds	\$7,464,926	\$7,464,926	100%	\$0	0%	\$2,698,375	36%
Grand Total	\$213,637,999	\$205,136,526	96%	\$8,501,473	4%	\$26,315,065	12%



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



## Board Revenue Report

For July 1, 2015-June 30, 2017, actuals through April 30, 2016 (Fiscal Month 10). Percentage of biennium reported: 41.6%.

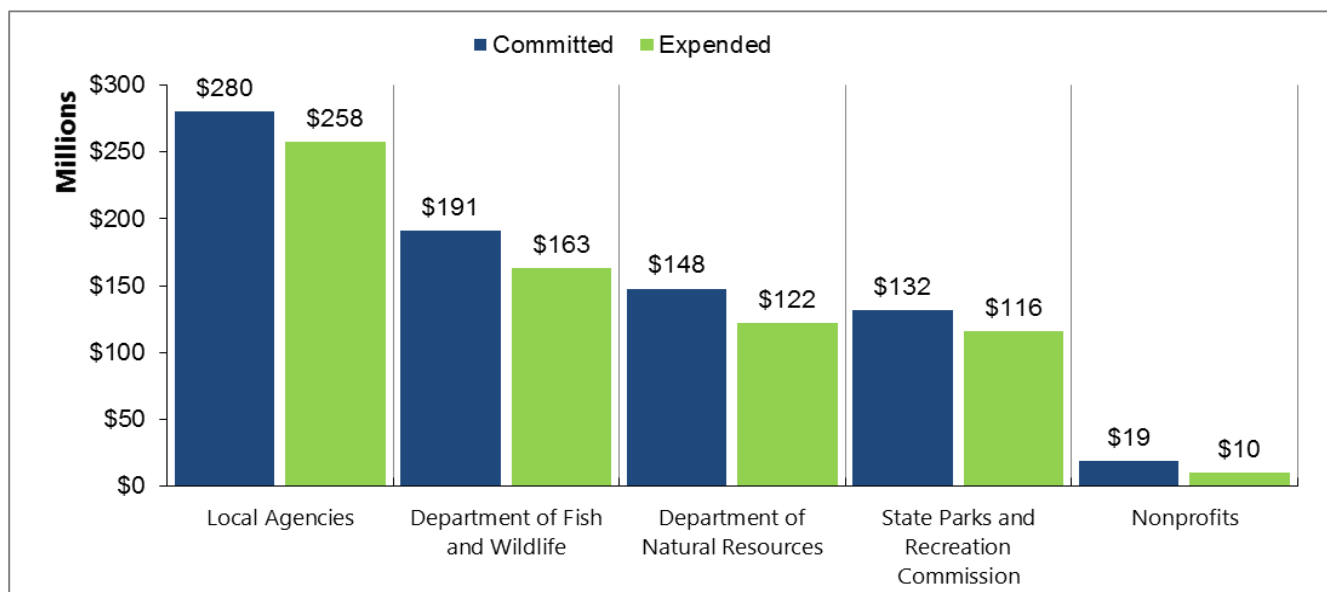
Program	Biennial Forecast	Collections	
	Estimate	Actual	% of Estimate
Boating Facilities Program (BFP)	\$17,801,006	\$6,639,135	37.3%
Nonhighway, Off-Road Vehicle Program (NOVA)	\$12,470,301	\$4,796,708	38.5%
Firearms and Archery Range Rec Program (FARR)	\$617,000	\$323,781	52.5%
<b>Total</b>	<b>\$30,888,307</b>	<b>\$11,759,624</b>	<b>38.1%</b>

### Revenue Notes:

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

## WWRP Expenditure Rate by Organization (1990-Current)








Agency	Committed	Expenditures	% Expended
Local Agencies	\$280,013,804	\$257,600,894	92%
Department of Fish and Wildlife	\$191,344,613	\$163,187,399	85%
Department of Natural Resources	\$147,671,815	\$122,240,070	83%
State Parks and Recreation Commission	\$131,762,092	\$115,757,171	88%
Conservation Commission	\$18,664,495	\$10,377,271	56%
Nonprofits	\$378,559	\$378,559	100%
Tribes	\$689,411	\$639,892	93%
<b>Other</b>			
Special Projects	\$735,011	\$735,011	100%
<b>Total</b>	<b>\$771,259,800</b>	<b>\$670,916,267</b>	<b>87%</b>



## Performance Measures for Fiscal Year 2016

The following performance data are for recreation and conservation projects in fiscal year 2016 (July 1, 2015 – June 30, 2016). Data are current as of June 10, 2016.

### Recreation and Conservation Funding Board Performance Measures

Measure	Target	Fiscal Year-to-Date	Status	Notes
<sup>1</sup> Percent of Projects Issued Agreement within 120 Days of Board Funding	85-95%	<b>76%</b>		248 agreements for RCFB-funded projects were due to be mailed this fiscal year. Of those, 188 agreements were mailed on time.
<sup>2</sup> Percent of Projects Under Agreement within 180 Days of Board Funding	95%	<b>84%</b>		248 projects were set to come under agreement this fiscal year. Of those, 209 agreements were issued on time.
Percent of Progress Reports Responded to On Time	65-75%	<b>93%</b>		333 progress reports were due so far this fiscal year. Of these, 311 were responded to within 15 days or less.
Percent of Bills Paid within 30 days	100%	<b>100%</b>		192 bills were due this fiscal year, and staff paid all within 30 days.
Percent of Projects Closed on Time	60-70%	<b>52%</b>		There were 169 recreation and conservation projects due to close and 88 closed on time.
Number of Projects in Project Backlog	0	<b>35</b>		Staff continues to work with sponsors to get the proper documentation to close backlog projects.
Number of Compliance Inspections (by Worksite)	No target set	<b>191</b>	N/A	Staff revised the performance query for this measure to count inspections by worksite.
Percent of Project Sponsors Submitting Annual Bill	100%	<b>82%</b>		Of the 142 active recreation and conservation projects required to submit a bill this FY, 116 have done so. The remaining sponsors have until June 30, 2016 to submit a bill.

<sup>1,2</sup> Adding the new Omni-Circular language to the RCO agreement resulted in delays.

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13, 2016  
**Title:** Process for Fiscal Year (FY) 2016 Director Evaluation  
**Prepared By:** Scott Robinson, Deputy Director

#### Summary

This memo will provide information concerning the annual evaluation of the Director of the Recreation and Conservation Office.

#### Board Action Requested

This item will be a:

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

### Background

Each year, the Recreation and Conservation Funding Board (board) makes it a priority to review the performance of the Recreation and Conservation Office (RCO) director and provide feedback and direction in an executive session. In 2014, the board developed its current process for conducting the RCO director's evaluation. In even numbered years, the board will conduct a midterm performance evaluation based solely on a review written by the director that outlines the major accomplishments achieved and challenges encountered over the last year. In odd numbered years, the board will conduct a full performance evaluation that is more in-depth using information collected from the Director, staff, and partners, and covers the previous two years.

### Draft Evaluation Timeline

Below is a proposed timeline for completing the 2016 RCO director's performance evaluation. RCO staff seeks input from the board on the suggested dates for completing the process.

1. **September 15, 2016:** The director provides the board chair a short list of major accomplishments achieved, challenges encountered, and any suggested modifications to the current work plan.
2. **October 14, 2016:** The board chair reviews the list, provides additional information if necessary, and shares with all board members.
3. **October 26-27, 2016:** The board meets with the director in executive session for an informal evaluation discussion.
4. **December 15, 2016:** The board chair drafts the evaluation and shares it with the Governor's Office.

### Next Steps

Staff will implement the RCO director's performance evaluation per board direction.

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Boating Infrastructure Grant Projects

**Prepared By:** Marguerite Austin, Recreation and Conservation Section Manager

#### Summary

This memo presents the applications that have been submitted for federal Boating Infrastructure Grant (BIG) program funding in 2016. The July 2016 meeting provides an opportunity for review of the applications in an open public meeting of the Recreation and Conservation Funding Board.

#### Board Action Requested

This item will be a:

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

### Background

The U.S. Fish and Wildlife Service (USFWS) has announced its request for proposals for the Boating Infrastructure Grant (BIG) program. The Recreation and Conservation Funding Board (board) has delegated the following authority to the Recreation and Conservation Office (RCO) director for the BIG program:

- The director may approve funding for Tier 1 projects after the Boating Programs Advisory Committee (BPAC) reviews the grant applications. If there are multiple applications, the committee evaluates and ranks the projects.
- The director may submit Tier 2 projects to the USFWS for the national competition following review of the projects by the BPAC and presentation of the applications at a regular meeting of the board.

At the board meeting in July, staff will present the grant applications submitted for funding consideration and fulfill the open public meeting requirement.

### Boating Infrastructure Grant Program Policies

The U.S. Congress created the BIG Program under the Sportfishing and Boating Safety Act of 1998. The program is managed by the USFWS and provides funds for developing and renovating boating facilities for recreational boats 26 feet and larger. Sponsors may also use funds to provide directional information and enhance boater education. Facilities eligible for funding include transient moorage docks, breakwaters, and buoys.

The USFWS has established two “tiers” of grants.

- Tier 1 is for projects that request \$200,000 or less. Each year the state of Washington may submit an unlimited number of projects requesting funds on behalf of the state or eligible sub-sponsors. However, the total may not exceed \$200,000. Tier 1 applications are not guaranteed, but have a high probability of funding approval.
- Tier 2 is for projects that request between \$200,001 and \$1.5 million. States may submit applications for any number of Tier 2 grants on behalf of itself or an eligible sub-sponsor. These projects are submitted for national competition with no assurances of success.

### New Program Policies

The board updated its BIG program policies and Tier 1 evaluation criteria in February following federal adoption and publication of new rules in 2015. The key changes include new grant limits, new evaluation criteria, approval of maintenance as an eligible cost activity, and revisions to the compliance period for BIG projects.

Rules governing Washington’s program are in Manual #12, *Boating Infrastructure Grant Program*.

<b>Eligible Applicants:</b>	Local governments, state agencies, port districts, tribal governments, and private marinas and nonprofit organizations with facilities open to the general public
<b>Eligible Projects:</b>	Development, renovation, maintenance, and education and information
<b>Match Requirements:</b>	Grant recipients must provide at least 25% matching funds in either cash or in-kind contributions.
<b>Funding Limits</b>	Tier 1: The minimum fund request is \$5,000 with a maximum request of \$ 192,086. <sup>1</sup> Tier 2: The minimum fund request is \$200,001 with a maximum request of \$1,440,645. <sup>1</sup>
<b>Public Access:</b>	Required for the longest useful life period identified for one or more capital improvements
<b>Other Program Characteristics:</b>	<ul style="list-style-type: none"><li>• Projects must be located on navigable waters.</li><li>• Transient moorage is limited to 15 days.</li><li>• Key priorities in the evaluative process include meeting documented needs, improving boater access, and demonstrating efficiencies, partnerships, innovation, and environmental stewardship.</li></ul>

RCO accepts grant applications for Tier 1 projects during the even-numbered year as part of the biennial grants cycle. Applicants may submit Tier 2 projects each year for the national competition.

### Federal Fiscal Year 2017 Grant Cycle

RCO received nine BIG applications for funding consideration during this grant cycle. There are four Tier 1 requests and five Tier 2 requests. The proposals are described in Attachment A.

<sup>1</sup> The board’s adopted policy is to set aside 4.12 percent for program administration.

## **BIG Tier 1 and 2 Technical Review**

The Boating Programs Advisory Committee is comprised of representatives from state and local agencies and citizens with expertise in boating access facilities. It is their responsibility to review the project proposals. This technical review will occur in July after applicants submit their complete applications. Applicants will have two weeks to update their proposals and submit changes following advisory committee review.

## **BIG Tier 1 and 2 Project Evaluation**

The Boating Programs Advisory Committee will evaluate the four Tier 1 projects in August. The director will approve Tier 1 funding based on the ranked list and recommendation of the committee.

After considering the recommendations of the advisory committee for Tier 2 projects, the director will submit the project applications to the USFWS by September 8, 2016 for the national competition. Tier 2 projects go through a six-step national review and selection process: application acceptance, pre-ranking review, application ranking, application selection, risk assessment, and finally award notification. The National Review Panel scores and ranks projects and recommends a ranked list to the USFWS Director who makes the final decision.

## **Program Funding**

BIG receives a percentage of the annual revenues to the Sport Fish Restoration and Boating Trust Fund. The revenue comes from excise taxes on sport fishing equipment, fuel taxes attributable to motorboats, and import duties on fishing tackle, yachts, and pleasure craft.

The state capital budget for the 2015-17 biennium includes authorization to expend up to XXX in federal funds awarded to the state. The USFWS anticipates awarding approximately \$9 million for BIG Tier 2 projects in federal fiscal year 2017 and up to \$4 million for BIG Tier 1 projects.

## **Strategic Plan Link**

Consideration of grant awards supports the board's strategy to provide funding to protect, preserve, restore, and enhance recreation opportunities statewide. The grant process supports the board's goal to achieve a high level of accountability in managing the resources and responsibilities entrusted to it. The criteria for selecting projects support strategic investments in the protection, restoration, and development of recreation opportunities.

Projects considered for BIG support board adopted priorities in the *Boating Grant Programs Plan* and the *Outdoor Recreation in Washington: The 2013 State Comprehensive Outdoor Recreation Plan*.

## **Public Comment**

No public comment has been received to date.

## **Next Steps**

The director will submit the Tier 2 projects to the USFWS for federal fiscal year 2017 fund consideration following public comment and final review by the committee. The director will select and submit Tier 1 projects to the USFWS for federal fiscal years 2017 and 2018 funding following public comment and review and evaluation by the advisory committee.

## Attachments

- A. Boating Infrastructure Grant Program Project Proposals for Federal Fiscal Year 2017-18
- B. Map of Project Locations

## Boating Infrastructure Grant Program Tier 1 Projects Proposals for Federal Fiscal Year 2017-18

Number	Name	Sponsor	Grant Request	Match	Total Cost
<a href="#">16-2078</a> Development	<b>Harbor Center Showers, Laundry and Restroom Upgrade</b>	Port of Bellingham	\$159,295	\$541,679	\$212,393
<b>Description:</b> The Port of Bellingham will upgrade the showers, laundry, and restrooms that support boaters using the visitor moorage at Gate 9 and boaters launching at the Squalicum Harbor Boat Launch. The facilities are old and worn and will be updated by removing tile on the walls and floors and replacing with durable, updated finishes as well as installing new fixtures.					
<a href="#">16-1610</a> Development	<b>Deer Harbor Marina Slip Expansion</b>	Deer Harbor Marine	191,760	180,240	300,000
<b>Description:</b> Deer Harbor Marina LLC will use this grant to acquire and install 6 flexi-floats to use for overnight moorage and will add another 60-foot finger float on the north side of the marina to use for overnight moorage. The flexi floats will extend east of the dog leg towards the fuel dock for a total of 240 feet of added moorage. The north finger will also be used as transient moorage space and will provide a total 120 lineal feet of moorage. When completed the floats will protect the marina from southerly winds and vessel wakes in Deer Harbor. This Orcas Island marina is located in the San Juan Islands one of the busiest cruising grounds in Washington State.					
<a href="#">16-2083</a> Development	<b>Friday Harbor Activity Float</b>	Port of Friday Harbor	68,625	22,875	91,500
<b>Description:</b> The Port of Friday Harbor, located at the north end of Puget Sound in the Salish Sea, has a 500-slip recreational marina in the San Juan Islands. The Port will use this grant to build a new activity float for use by guest customers, groups, or educational boating classes. The Port has opted for a 20' x 40' float for mobility to meet boater needs rather than docking it permanently in one location. The Port saw more than 15,000 overnight guest boats during 2015. The Port encourages groups, rendezvous, and educational classes during the off season, in the spring and fall, to help businesses in this seasonal community to stay open and to keep staff employed.					
<a href="#">16-2016</a> Development	<b>Columbia Point Marina Dock Replacement</b>	Richland Parks and Recreation Department	180,000	74,000	254,000
<b>Description:</b> The scope of this project is to replace 3,400 square feet of dock on the west side of Columbia Point Marina, which were originally installed in 1988. These docks provide 9 moorage slips for vessels larger than 26 feet.					



## Boating Infrastructure Grant Program Tier 2 Project Proposals for Federal Fiscal Year 2017

Number	Name	Sponsor	Grant Request	Match	Total Cost
<a href="#"><u>16-1655</u></a>					
Development	<b>Fisherman's Harbor Dock Walk (Guest Dock 5)</b>	Port of Everett	1,438,200	2,205,184	3,643,384
<p><b>Description:</b> The Port of Everett will use grant funds to develop more than 750 lineal feet of new guest moorage and a public access dock walk on the western edge of Fisherman's Harbor, the Port's 65-acre mixed-use development, which is under construction. The new guest dock is designed to support pleasure boats over 26-feet, and is located to maximize the synergies between Fisherman's Harbor development, the new Pacific Rim Plaza and Splash Park, and the recreational boating facilities. Construction of this facility provides increased capacity to support the growth of visiting boaters.</p> <p>This 12 acre area highlights commercial fishing and recreational boating, creating a unique shopping and dining area that attracts residents and regional visitors alike. The guest dock is an integral part of this development and floats below an elevated esplanade and patio for outdoor restaurant seating and views of the marina. This project connects visiting boaters to the shops, restaurants, and a hotel located in the planned development. It also provides access to the new park, splash fountain and public esplanade along the water's edge. It will be located 1,200 feet from the City of Everett's new Grand Avenue Park Bridge, giving visiting boaters easy access to downtown Everett.</p>					
<a href="#"><u>16-1593</u></a>					
Development	<b>Port of Friday Harbor Guest Moorage Renovation</b>	Port of Friday Harbor	625,556	208,519	834,075
<p><b>Description:</b> The Port of Friday Harbor is using this grant to renovate 82 guest moorage slips for 26 to 40-foot recreational vessels and guest moorage support services. Renovation includes waler replacement, new power pedestals, a guest services check-in kiosk, and a visitor activity float.</p> <p>The 500-slip marina is centrally located in the San Juan Islands in north Puget Sound. This renovation project is listed as the highest priority in the Port of Friday Harbor Waterfront Master Plan. The moorages slips were originally built with a Boating Facilities Program grant in 1985 and has served as the central guest moorage hub in the islands. The marina is immediately adjacent to Washington State Ferries, and hosts a U.S. Customs Port of Entry and International Seaplane Base. The Port welcomes more than 15,000 overnight guest boaters per year and is one of the busiest recreational harbors on the West Coast. Guest moorage is critical to the many businesses located in Friday Harbor and the 7,500 residents of San Juan Island. Guest moorage revenues make up 22 percent of the Port's annual marina budget.</p>					

Number	Name	Sponsor	Grant Request	Match	Total Cost
<a href="#">16-2046</a> Development	<b>Chambers Creek Regional Park Pier and Transient Moorage</b>	Pierce County Parks and Recreation Department	1,438,200	2,530,897	3,969,097
<b>Description:</b> Pierce County will use this grant for the construction of the remaining 120 feet of overwater pier and transient moorage floats at Chambers Creek Regional Park located in University Place. Plans are to replace a 100 year-old wood and creosote piling dock structure. The overall goal is to provide large boat access (26 feet and larger) to the Chambers Creek Regional Park via the Puget Sound. This project will provide Puget Sound boaters access to the many amenities at the 730-acre regional park, which includes the Chambers Bay Golf Course home of the 2015 U.S Open Championship.					
<a href="#">16-2069</a> Development	<b>Port Angeles Fuel Dock</b>	Port of Port Angeles	\$525,937	\$749,063	\$1,275,000
<b>Description:</b> The Port of Port Angeles will use this grant to construct a marine fueling dock at Port Angeles Boat Haven. This project will utilize much of the existing infrastructure at the marina and will replace an existing fuel dock installed in 1973. All in water and over water work will be a direct replacement of existing infrastructure. Once completed, the project will provide transient and local boaters that utilize the Port's Boat Haven and the seasonal moorage at the City's Pier, a reliable and modern marine fuel facility.					
<a href="#">16-1815</a> Development	<b>Point Hudson North Jetty Replacement</b>	Port of Port Townsend	\$680,521	\$541,679	\$1,222,200
<b>Description:</b> The Port of Port Townsend will use this grant to replace the existing north jetty that protects the entrance to the Point Hudson Marina on Puget Sound. The marina provides 66 moorage slips for recreational boaters and can accommodate vessels up to 70 feet in length. A recent engineer's assessment of both the north and south jetties concluded that they are severely compromised and that their failure could jeopardize use of this historic marina facility. By replacing this critical breakwater structure, the Port will ensure the long-term protection of the marina from the damaging wind and wave action of Port Townsend Bay.					
The marina is located adjacent to the Northwest Maritime Center, home of the first and largest wooden boat festival in North America. This educational center is a resource for wooden boat enthusiasts worldwide and attracts hundreds of recreational boaters each year. The Port received a \$1.1 million Tier 2 grant for replacement of the south jetty in 2014.					

## State Map of Boating Infrastructure Grant Projects





Washington  
**Wildlife &  
Recreation**  
C O A L I T I O N

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June 24, 2016

Ted Willhite, Chair  
Recreation and Conservation Funding Board  
1111 Washington Street SE  
Olympia, Washington 98501

**SUBJECT: COALITION'S RECOMMENDATION FOR WWRP 2017-19 FUNDING LEVEL**

Dear Chair Willhite:

Earlier this week the Board of Directions of the Washington Wildlife & Recreation Coalition voted unanimously to request \$120 million in appropriations for the Washington Wildlife and Recreation Program for the 2017-19 biennium. I am writing on behalf of the Coalition to ask the Recreation and Conservation Funding Board to support our funding recommendation for the Program.

As we have in prior years, the Coalition developed its funding request through a lengthy deliberative process, taking into consideration several indicators of WWRP Program needs. Our goal is to seek funding that is adequate to maintain the quality of our State's natural areas and to maintain current service levels for outdoor recreation. Our Board's objective is to seek funding levels that are at the same time aspirational, and justifiable.

Unfortunately, even with \$120 million for the next biennium, I am concerned that we will fail to meet this objective. Instead, I would characterize our request as "running in place." In many respects, this level is a conservative estimate of what it is needed to simply maintain the level of service our State's citizens have come to expect and treasure about our great outdoors and quality of life here in Washington. I will explain why.

First is our State's unprecedented population growth. When the WWRP was founded in 1989, the State's population was about 4.7 million people. Since then, the population has increased to about 7.2 million, and is projected to further increase to nearly 8 million by 2025. Population increases have accelerated in recent years, with the State adding nearly 200,000 residents in the last two years.

Second is inflation. By law, expenditures from the WWRP pay both for land acquisition costs, and for the costs of construction and renovation of outdoor recreation facilities. Commercial construction costs, as measured by the construction cost index, have increased at an annual average linear rate of about 8.5 since 1989. Likewise, real estate acquisition costs have increased dramatically. In some markets, where there are acute needs for local parks, water access, urban wildlife habitat, and forest and farmland preservation, land values have soared. In the last year alone, home prices have rising dramatically in many of the most populated areas of Washington, some by almost 14%. As such, real estate excise tax collections have increased at an average annual linear rate of about \$20 million since 1989.

*Unifying voices for Washington's great outdoors*

[WildlifeRecreation.org](http://WildlifeRecreation.org)

Third is the broadening of program purposes for the WWRP. Originally, the Program provided funding for acquisition of natural areas, and for development of outdoor recreation. In 2006, the Legislature added a highly-successful farmland preservation program. This year, for the first time the Legislature added forestland preservation as a Program purpose. Each new category adds to Program funding needs.

Finally, there is demand as measured by the number of project applications for the next funding cycle. We understand that the RCO received 235 project applications this year, representing more than \$162 million in requested funding. Many of these project applications, and all of those for local parks projects, include significant matching funds. Also, it is important to note that applications so far this funding cycle does not yet include the new forestland preservation category.

We both know that the WWRP is the primary tool with which the State of Washington protects our State's natural heritage and to protect and enhance the opportunities of our State's citizens to spend quality time in the great outdoors. The Coalition deeply appreciates the RCFB's efforts to implement the Program. With long-term and rapid population growth continuing, expanding employment and economic opportunities related to the outdoor economy, and ever-increasing pressures to convert open spaces, adequate funding for the WWRP is more important than ever.

Thank you again for recommending adequate funding for the WWRP for the next biennium. We hope you can support our request, and recommend \$120 million in state funding for the Program for the next biennium.

For these reasons, we respectfully request that the Board recommend funding the WWRP grant program at \$120 million in the 2017-19 Capital Budget. This is the amount we believe is necessary for the Program to adequately support the efforts of communities around the state to protect our quality of life and preserve Washington's natural heritage for future generations.

Thank you again for all your work on behalf of the WWRP.

Best regards,

A handwritten signature in black ink that reads "Joe Mentor". The signature is written in a cursive, flowing style.

Joe Mentor  
Board Chair

cc: RCFB Board members  
Kaleen Cottingham, Director, Recreation and Conservation Office



June 2, 2016

Ms. Kaleen Cottingham, Director  
Recreation and Conservation Office  
P.O. Box 40917  
Olympia, Washington 98504-0917

**RE:** *Formal request for RCO to recommend a \$12 million funding level for the Youth Athletic Facilities (YAF) program in its 2017-19 budget/policy package*

Dear Kaleen:

We are writing this letter on behalf of the Washington Recreation & Park Association (WRPA), as follow-up to the in-person and by-phone discussion you graciously convened with us last week.

As the RCO begins the work of developing 2017-19 budget and policy recommendations to submit to the Governor's Office and the Office of Financial Management (OFM), we would like to formally request that the Agency recommend a slight increase in the level of funding for YAF – to \$12 million.

We recognize that from the grant application round that closed May 2, RCO received only 22 applications for projects totaling \$4.607 million. As we shared, from both in-writing and by-phone checks with our membership, we would offer several key reasons for the lower-than-expected number of applications submitted for YAF:

- Having multiple grant programs queueing off a May 2 deadline made it difficult for some of our agencies – particularly smaller Parks and Recreation divisions – to put an application together;
- A number of our agencies had to make choices about which projects and programs to utilize limited local match funding capabilities;
- Some of our agencies would have liked to submit more outdoor recreation grant applications across more programs, but had limited staff "band-width" with which to work;
- A few of our agencies had preferred projects that involved significant environmental permitting which would have made it difficult to obligate funds in a timely manner;

We would suggest that a truer signal of interest in the YAF program came within the 2014 Letter of Intent process, when RCO received 194 letters of intent for projects covering \$38.8 million – and nearly \$100 million when local match was leveraged alongside the indicated state amount. Additionally, even after learning of the 2015-17 amount of available competitive-grant funds (\$7 million of an overall \$10

million appropriation), and even with a “closed” grant application process, RCO still received 44 applications in the Fall of 2015. Remember, too, that the *Fall 2015* grant round was only a little over half a year prior to the 2016 grant round.

In providing our request for a \$12 million YAF funding-level recommendation by RCO, we would suggest several approaches to augment the \$4.607 million in applications with \$7.393 million in additional applications, such as:

- A supplemental grant round to occur as early as Summer 2016;
- Allowing Washington Wildlife & Recreation Program (WWRP) Local Parks category applicants with qualifying YAF components to add an application for complementary YAF dollars;
- Raising the maximum per-project grant amount to \$500,000; and
- Evaluating a more robust qualifying definition for projects, building on the “renovation” basis in statute and Board policy.

We would further suggest that the aforementioned list of ideas need not be mutually exclusive, and that these ideas could be implemented in combination with one another if the Recreation & Conservation Funding Board (RCFB) so desires.

Finally, in making our \$12 million recommendation, we would point to a series of rationales:

- \$12 million matches the funding-level recommendation from the Governor’s Outdoor Recreation Task Force in Fall 2014;
- The Legislature allocated \$10 million for this program in 2015-17, reinforcing its support for the YAF program and the merits of it;
- The need for field-upgrades and year-round-play surfaces continues to increase.

Kaleen, we want to underscore our appreciation for the recent meeting with you and Wendy Brown, and for the collaborative and can-do approach you foster throughout your agency.

Thanks in advance for your consideration.

Sincerely,



---

Al Vorderbrueggen, President Elect  
City of Spokane Director of Recreation



---

John Keates, Legislative Committee Chair  
Bothell Parks and Recreation Director





## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016  
**Title:** Operating and Capital Budget Requests for the 2017-19 Biennium  
**Prepared By:** Wendy Brown, Policy Director

#### Summary

The Recreation and Conservation Office (RCO) must submit operating and capital budget requests for the 2017-19 biennium to the Office of Financial Management (OFM) in mid-September. This memo provides background to assist the Recreation and Conservation Funding Board (board) in making decisions on the final budget requests for RCO to include in its Operating and Capital Budget proposals.

#### Board Action Requested

This item will be a:

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

**Resolutions:** 2016-23, 2016-24, 2016-25

### Operating Budget

The Recreation and Conservation Office (RCO) receives administrative funds from a variety of sources. The agency uses a portion of dedicated funds from the Recreation Resources Account, the Nonhighway and Off-road Vehicle Activities (NOVA) Program Account, and the Firearms and Archery Range Recreation Account to support the administration of the agency. Additionally, agency administration is also supported by funds in the capital budget; RCO charges a percent of programs that are determined by statute or interagency agreement, such as the Washington Wildlife and Recreation Program (WWRP), Youth Athletic Facilities (YAF) Program, Family Forest Fish Passage Program (FFFPP), and Salmon Federal funding. Finally, the administration of the agency is supported by some programs which are charged the agency's federally-approved indirect rate, including the Puget Sound Acquisition and Restoration (PSAR) Program, Puget Sound Estuary and Salmon Restoration Program (ESRP), Recreational Trail Program (RTP), Land and Water Conservation Fund (LWCF) and Boating Infrastructure Grants (BIG) program. RCO combines these funds to pay for the administrative support functions of the agency. These functions include grant management, compliance, policy work, communications, information technology, fiscal/budgeting, and management.

RCO receives limited general funds in the operating budget to support salmon recovery. These funds cover the Governor's Salmon Recovery Office (GSRO), a portion of the RCO Director, and pass-through funds for lead entity organizations. RCO also receives funding in the operating budget to support the Washington Invasive Species Council (WISC).

Although the economic outlook for the 2017-19 biennium has stabilized, the operating budget outlook continues to be challenging. After maintaining current programs, making mandatory payments for pension and debt obligations, increasing health care costs, and mandatory education costs, the operating



budget shortfalls are predicted to be even greater than they were for 2015-17. At this time, the Salmon Recovery Funding Board is discussing whether RCO should submit an operating budget request for general funds to support the work of the lead entities and regional organizations that make up the watershed-based groups responsible for implementing salmon recovery. The general fund supporting those efforts has been reduced by 57% since 2003 and the federal funds have been severely reduced as well. This budget decision will be determined by the Salmon Recovery Funding Board in August.

## Capital Budget

### Bond Funding Capacity

The capital budget bond capacity is expected to increase slightly from last biennium to approximately \$2.3 billion. However, pressures from K-12 educational needs (class size and all-day kindergarten) and the operating budget deficit may decrease the amount of bonds available for regularly funded programs such as the RCO's Washington Wildlife and Recreation Program (WWRP) and salmon grant programs. There are more programs now competing for bond funds in the capital budget.

### Dedicated Funds

Many of RCO's programs depend on dedicated funds that are collected for and dedicated to certain purposes. The budget requests for these programs are based on the amount of expected collections for the 2017-19 biennium. These recreation and conservation programs are found in Table 1 below.

**Table 1. Dedicated Fund Sources for RCO Programs**

Program	Revenue Source
Aquatic Lands Enhancement Account	Revenue from DNR managed aquatic lands, including sale of geoduck harvests (a portion)
Boating Facilities Program	Motor vehicle fuel tax attributed to boating
Firearm and Archery Range Recreation (FARR)	Concealed weapons permits (a portion)
Nonhighway Off-Road Vehicle Activities (NOVA)	Motor vehicle fuel tax attributed to off highway usage and off-road vehicle permits
Youth Athletic Facilities (YAF) Program	Stadium revenue in excess of debt service (enough revenue has not been collected to contribute to the YAF, which has caused the Legislature to use bond funds)

### Federal Funds

The following RCO programs receive federal funds. The budget requests for these programs are based on the amount of expected federal appropriations for the state 2017-19 biennium. These recreation and conservation programs are found in Table 2 below.

**Table 2. Federal Fund Sources for RCO Programs**

Program	Revenue Source
Boating Infrastructure Grant (BIG) Program	U.S. Fish and Wildlife Service/Department of Interior
Land and Water Conservation Fund	National Park Service/Department of Interior
Recreational Trails Program	Federal transportation funds dedicated to trails

## Budget Requests

At the July meeting, the board will decide on the amount of 2017-19 funds to include in RCO's budget request for the recreation and conservation programs. The Salmon Recovery Funding Board will make the same determination on funds for salmon recovery at their August meeting. Several other RCO-managed grant programs will have funding requests proposed by partner organizations (Department of Natural Resources, Puget Sound Partnership, and Washington Department Fish and Wildlife).

## Washington Wildlife and Recreation Program (WWRP)

The WWRP is funded in the capital budget with general obligation bonds. This memo provides background on the new statutory funding formula per Substitute Senate Bill 6227 (2016) and explores information on which the board can determine a budget request for the program. This memo provides some optional ways to look at an appropriate WWRP funding request: 1) based the request on the percent of total bonds appropriated for WWRP in the past, 2) based the request on a per capita foundation; and 3) based on the percent of applications received that were funded. We have also referenced funding levels advocated by the Washington Wildlife and Recreation Coalition (WWRC), and included their analysis as Attachment D.

### Background – WWRP Funding Formula

Table 3 includes the statutory<sup>1</sup> funding formula for the WWRP program, as revised in the 2016 legislative session per SSB 6227. With the new formula, there are three accounts, rather than four, and the allocation per category stays the same at all appropriation levels (Table 3). Table 4 provides examples of the dollar amounts for the categories based on different appropriation levels.

**Table 3. Washington Wildlife and Recreation Program Statutory Funding Formula**

Account	At All Funding Amounts
----- Dollars in Millions -----	
Habitat Conservation	45%
Outdoor Recreation	45%
Farm and Forest	10%

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<sup>1</sup> RCW 75A.15.030

**Table 4. WWRP Statutory Funding Formula with Funding Level Examples**

WWRP Accounts	Funding Levels									
	----- Dollars in Millions -----									
	\$40M	\$50M	\$60M	\$70M	\$80M	\$90M	\$100M	\$110M	\$120M	\$130M
<b>Habitat Conservation Account</b>										
<i>Critical Habitat</i>	\$6.0	\$7.6	\$9.0	\$10.6	\$12.0	\$13.6	\$15.1	\$16.6	\$18.1	\$19.7
<i>Natural Area</i>	\$4.4	\$5.4	\$6.5	\$7.6	\$8.7	\$9.7	\$10.8	\$11.9	\$13.0	\$14.0
<i>Riparian</i>	\$2.6	\$3.2	\$3.9	\$4.5	\$5.7	\$6.7	\$7.8	\$8.9	\$10.0	\$11.0
<i>Restoration and Enhancement on State Lands</i>	\$1.7	\$2.2	\$2.6	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
<i>Urban Wildlife</i>	\$2.6	\$3.2	\$3.9	\$4.5	\$5.1	\$5.9	\$6.5	\$7.1	\$7.7	\$8.4
<b>Subtotal</b>	<b>\$17.3</b>	<b>\$21.6</b>	<b>\$25.9</b>	<b>\$30.2</b>	<b>\$34.5</b>	<b>\$38.9</b>	<b>\$43.2</b>	<b>\$47.5</b>	<b>\$51.8</b>	<b>\$56.1</b>
<b>Outdoor Recreation Account</b>										
<i>Local Parks</i>	\$5.2	\$6.5	\$7.8	\$9.1	\$10.3	\$11.7	\$13.0	\$14.3	\$15.5	\$16.8
<i>Development and Renovation on State Lands</i>	\$1.7	\$2.1	\$2.6	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
<i>State Parks</i>	\$5.2	\$6.5	\$7.8	\$9.1	\$10.3	\$11.7	\$13.0	\$14.3	\$15.5	\$16.8
<i>Trails</i>	\$3.5	\$4.4	\$5.1	\$6.0	\$7.0	\$7.8	\$8.6	\$9.5	\$10.4	\$11.3
<i>Water Access</i>	\$1.7	\$2.1	\$2.6	\$3.0	\$3.9	\$4.7	\$5.6	\$6.4	\$7.4	\$8.2
<b>Subtotal</b>	<b>\$17.3</b>	<b>\$21.6</b>	<b>\$25.9</b>	<b>\$30.2</b>	<b>\$34.5</b>	<b>\$38.9</b>	<b>\$43.2</b>	<b>\$47.5</b>	<b>\$51.8</b>	<b>\$56.1</b>
<b>Farm and Forest Account</b>										
<i>Farmland</i>	\$3.4	\$4.3	\$5.2	\$6.0	\$6.9	\$7.7	\$8.6	\$9.5	\$10.4	\$11.2
<i>Forestland</i>	\$0.4	\$0.5	\$0.6	\$0.7	\$0.8	\$0.9	\$0.9	\$1.0	\$1.1	\$1.3
<b>Subtotal</b>	<b>\$3.8</b>	<b>\$4.8</b>	<b>\$5.8</b>	<b>\$6.7</b>	<b>\$7.7</b>	<b>\$8.6</b>	<b>\$9.5</b>	<b>\$10.5</b>	<b>\$11.5</b>	<b>\$12.5</b>
<b>Administration (4.1%)</b>	\$1.6	\$2.0	\$2.4	\$2.9	\$3.3	\$3.6	\$4.1	\$4.5	\$4.9	\$5.3

For background purposes, Table 5 shows the amount of bonds requested by the board and the amount actually appropriated by biennia. On average, the program receives 66 percent of the amount requested by RCO. With the inclusion of the RCO Recreation Grants (RRG) appropriation in 2015, which included projects on the 2014 WWRP Local Parks, Trails and Water Access project lists, the average increases to 70 percent.

**Table 5: WWRP Requests, Appropriations, and Percent Difference**

Biennium	WWRP Request	WWRP Appropriation *Amount that Includes RRG Appropriation	Difference
---- Dollars in Millions ----			
95-97 <sup>^</sup>	\$90	\$45	50%
97-99	\$113	\$45	40%
99-01	\$70	\$48	69%
01-03	\$90	\$45	50%
03-05	\$55	\$45	82%
05-07	\$50	\$50	100%
07-09	\$100	\$100	100%
09-11	\$100	\$70	70%
11-13	\$100	\$42	42%
13-15	\$90	\$65	72%
15-17	\$97	\$55 (\$89*)	57% (92%*)

<sup>^</sup> NOTE: Budget request information is only available starting with the 1995-97 biennium.

\*Figure includes RRG Grants funding for 2015-2017.

Figure 1 shows the value of past appropriations based on nominal 2016 dollars. The purpose of this analysis is to demonstrate that the \$61 million appropriation in 1991 is worth \$104 million in today's dollars. The average appropriation based on 2016 dollars is \$72 million. With the inclusion of RRG funding for 2015-17 (not shown in Figure 1), the average appropriation based on 2016 dollars increases slightly to \$75 million.

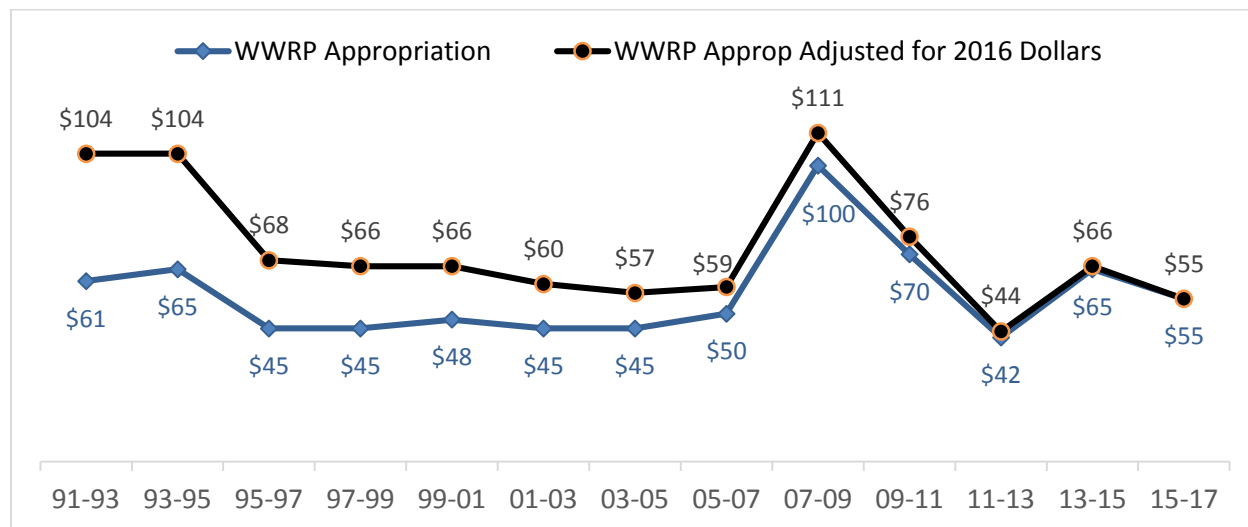


Figure 1. WWRP Appropriation by Biennium, Adjusted for 2016 Dollars. Amounts in millions.

### Option 1: Percent of Bond Capacity

To determine the amount of bonds the board should request for WWRP, there are a few possible options. One option is to base the request on the past percent of WWRP appropriation of the total amount of bonds available (bond capacity).

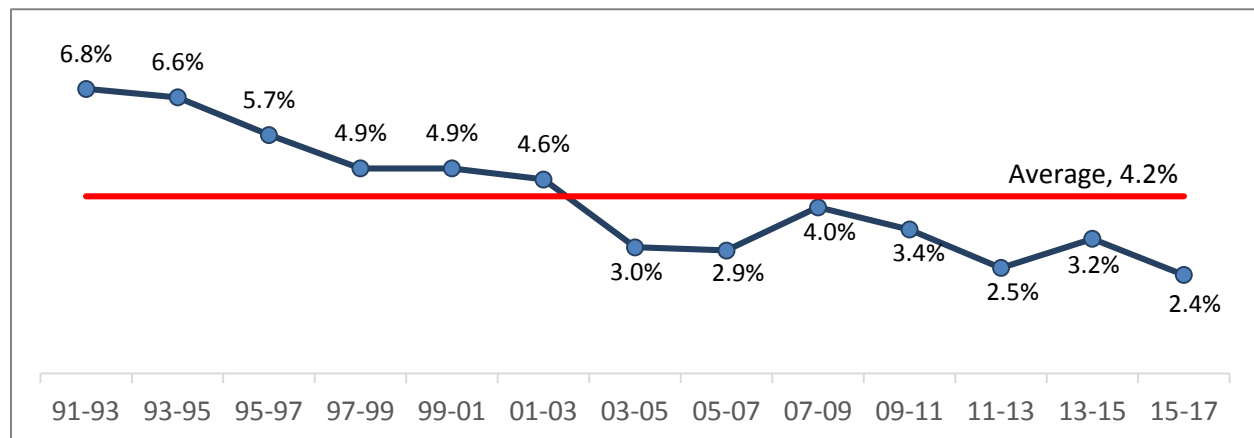


Figure 2. WWRP as a Percent of Bond Capacity (not including RRG appropriation), Listed by Biennium.

Without including the RRG appropriation in 2015, the average percentage of WWRP appropriations of the total bond capacity since the 1991-93 biennium is 4.2 percent. The amount of bond capacity available for the 2017-19 biennium is expected to be \$2.3 billion.<sup>2</sup> If the average percentage of WWRP funds to total bond capacity is used to determine the budget request, the board would ask for \$96.6 million.

With the inclusion of the 2015-17 RRG appropriation (Figure 3 below), the average percentage of WWRP appropriations of the total bond capacity since 1991 increases to 4.3 percent. Using the same amount of bond capacity and the average percentage of WWRP funds to total bond capacity to determine the budget request, the board request would be \$98.9 million.

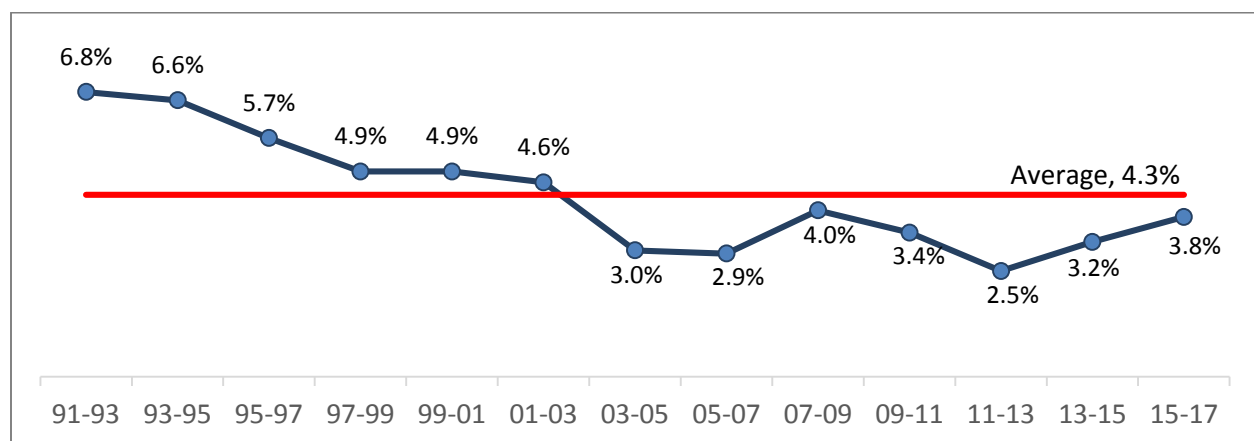


Figure 3. WWRP as a Percent of Bond Capacity (including RRG appropriation), Listed by Biennium.

<sup>2</sup> OFM, Personal communication.

### Option 2: Per Capita

Another way to view the budget request amount for WWRP is the amount appropriated per capita. Since 1992, the average per capita appropriation (adjusted for inflation<sup>3</sup>) for WWRP is \$11.87.

Washington's population continues to increase. In fact, annual estimates prepared by the Office of Financial Management show the state's population increased by 93,240 between 2014 and 2015, with an even larger increase projected between 2015 and 2016. The steady increase in population is expected to continue over the next decade and likely beyond.

The population growth is putting additional pressure on the use of and need for additional recreation and conservation space.

**Table 6: WWRP appropriations per capita, adjusted for 2016 dollars.**

Biennium	WWRP Appropriation	State Population	WWRP per Capita
----- Dollars in Millions -----			
91-93	\$100	5.14	\$19.51
93-95	\$101	5.36	\$18.81
95-97	\$66	5.57	\$11.85
97-99	\$64	5.75	\$11.05
99-01	\$64	5.89	\$10.88
01-03	\$58	6.06	\$9.50
03-05	\$55	6.21	\$8.83
05-07	\$57	6.42	\$8.89
07-09	\$107	6.61	\$16.17
09-11	\$74	6.72	\$10.98
11-13	\$42	6.82	\$6.16
13-15	\$65	7.11	\$9.15
15-17	\$55 (*\$89)	7.20	\$7.64 (*\$12.36)

*\*Table includes RRG Grants funding for 2015-2017.*

The estimated population for 2017-19 is 7,376,095. If the WWRP budget request is based on the average per capital since 1991 of \$11.87, the request amount would be \$87.6 million. Including the RRG funding would increase the per capita request to \$90.2 million. An argument can also be made to think about WWRP projects as those that serve not only population in the next two years, but well into the future. With a longer view point of a per capita estimate 10 and 20 years from now, using the same WWRP per capita average of \$11.87 (and \$12.23) and population projections in 2026 and 2036, a per capita-based budget request would equate to \$95 (\$98) million for the Washington state population in 10 years and \$103 (\$107) million for the population in 20 years.

### Option 3: Applications Received and Funded

Table 7 displays the amount needed to fund all applications received each biennia since 1999 and the actual WWRP appropriation. Historically, the appropriation has met an average of 50 percent of the funding requested. With the inclusion of RRG funding from 2015-17, the average increases to 52 percent.

<sup>3</sup> The Bureau of Labor Statistics Consumer Price Index calculator was used to adjust to 2016 nominal dollars. The calculator uses the average Consumer Price Index for a given calendar year. The data represents changes in prices of all goods and services purchased for consumption by urban households.

**Table 7. Percentage of Applications Funded Through Appropriation**

Biennium	Total Applications (\$)	WWRP Appropriation	Percent of Applications (\$) Funded
----- Dollars in Millions -----			
99-01	\$78.9	\$48	59%
01-03	\$62.6	\$45	70%
03-05	\$116.7	\$45	37%
05-07	\$85.1	\$50	57%
07-09	\$141.5	\$100	69%
09-11	\$212.4	\$70	32%
11-13	\$162.6	\$42	25%
13-15	\$127.5	\$65	49%
15-17	\$152.0	\$55.0 (*\$89)	36% (*59%)

\*Table includes RRG Grants funding for 2015-2017.

The amount needed in 2017-19 to fund 50 percent of the applications received in 2016, which is \$162 million, is \$81 million. Using the average that includes RRG funding, the amount needed to fund 52 percent of the \$162 million request is \$84 million. To fund at least 50 percent of applications in all categories, the funding request would likely be above \$130 million.

#### Other Options

The Washington Wildlife and Recreation Coalition (WWRC) board is advocating for a WWRP request of \$120 million for 2017-19 (see Attachment D). Analysis prepared by the Coalition, using different metrics than RCO, illustrates a request range of \$96.6 to \$142 million.

#### Summary

Using the metrics outlined above, the range of WWRP funding request presented in this memo is between \$81 million and \$106 million. With consideration of the Coalition's analysis, the range extends to \$142 million. Here is how it breaks down (see Figure 4):

- 1) A request based on bond capacity would range from \$97 to \$99 million;
- 2) A request based on per capita spending would range from \$88 to \$107 million;
- 3) A request based on funding 50 or 52 percent of the applications received in 2016 would be \$81 or \$84 million;
- 4) A request based on the WWRC's advocacy recommendation would be between \$96.6 and \$142 million.

We expect other recommendations to come from several of our stakeholder groups (including the Washington Recreation and Parks Association). Their analysis may use different metrics.

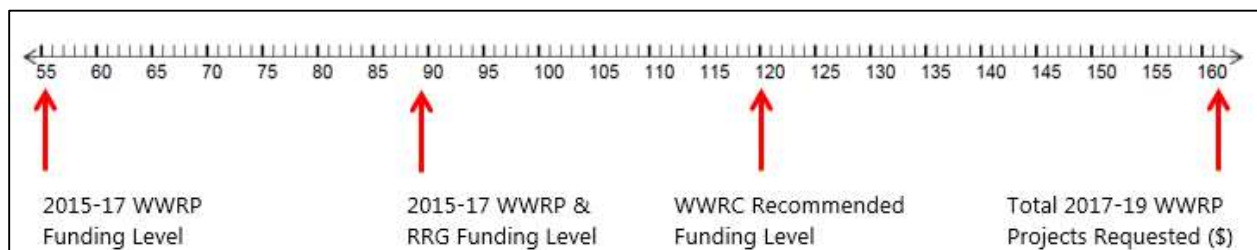


Figure 4. 2017-19 WWRP projects requested compared to current funding levels.

## Youth Athletic Facilities (YAF) Program

The Youth Athletic Facility (YAF) program was created as part of the Stadium and Exhibition Center bond issue approved by voters as Referendum 48 in 1997. Referendum 48 required the professional football team affiliate to deposit at least \$10 million into the YAF account. The referendum also required that any moneys in the Stadium and Exhibition Center Account not required for payment of bond principal and interest or for reserves must be transferred to YAF. Bond principal and interest payments for the stadium and exhibition center project are scheduled to end in 2021, and no transfers to YAF have yet occurred. For a variety of reasons, it is not expected that any funds will trickle down to the YAF program from this referendum. Because of this, the legislature has periodically used bond funds to provide funding for youth athletic facilities.

The Legislature appropriated \$10 million for the 2015-17 biennium, based on an estimated need of \$39 million. The total amount requested in YAF applications in 2016 is \$4.6 million.

The board has several options for determining a YAF request level in 2017:

- **Option 1.** Request an appropriation to fund 50 percent of the 2016 applications, for a total of \$2.3 million.
- **Option 2.** Request an appropriation to fund all 22 applications, for a total of \$4.6 million.
- **Option 3.** Request an appropriation above the full funding amount and solicit for additional projects at some point during the biennium (most likely in concert with the 2018 grant round). The Washington Recreation and Parks Association (WRPA) has suggested \$12 million (See Attachment E for the WRPA letter).

## Next Steps

After the board decides on the amount of 2017-19 funds to request for all of the recreation and conservation the programs, staff will prepare and submit final budget requests to the Office of Financial Management by September 9, 2016.

## Attachments

- A. Resolution 2016-23: Washington Wildlife and Recreation Program (WWRP)
- B. Resolution 2016-24: Youth Athletic Facilities (YAF)
- C. Resolution 2016-25: All Other Board-Funded Grant Programs
- D. Analysis by the Washington Wildlife and Recreation Coalition (WWRC) and their Recommendation for the WWRP Funding Level
- E. Washington Recreation and Parks Association (WRPA) Letter of Support and Recommendation on YAF



**Recreation and Conservation Funding Board  
Resolution #2016-23  
Recommending a Funding Level for the Washington Wildlife and Recreation Program  
for the 2017-19 Biennium**

**WHEREAS**, the Recreation and Conservation Office (RCO) must submit a 2017-19 Capital Request Budget to the Office of Financial Management; and

**WHEREAS**, the Recreation and Conservation Funding Board (board) finds there is a continuing and compelling need for funding to maintain and enhance the state's quality of life and ecosystem health by investing in outdoor recreation opportunities and important plant, fish and wildlife habitat; and

**WHEREAS**, the Washington Wildlife and Recreation Program is a critical component to furthering the goal of maintaining and enhancing the state's quality of life and healthy ecosystems; and

**WHEREAS**, requesting budget support for these grant programs, and the RCO administration necessary to implement those grant programs, enables the board to fulfill its mission and goals;

**NOW, THEREFORE, BE IT RESOLVED** that the board hereby approves the 2017-19 Budget request shown below, including retaining 4.1 percent of any appropriation for program administration.

Program	2017-19 Request
Washington Wildlife and Recreation Program	\$_____

*Resolution moved by:* \_\_\_\_\_

*Resolution seconded by:* \_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)*

*Date:* \_\_\_\_\_

**Recreation and Conservation Funding Board  
Resolution #2016-24  
Recommending a Funding Level for the  
Youth and Community Athletic Facilities Program for the 2017-19 Biennium**

**WHEREAS**, the Recreation and Conservation Office (RCO) must submit a 2017-19 Capital Request Budget to the Office of Financial Management; and

**WHEREAS**, the Recreation and Conservation Funding Board (board) finds there is a continuing and compelling need for funding to maintain and enhance the state's quality of life by investing in outdoor recreation opportunities; and

**WHEREAS**, the Youth and Community Athletic Facilities program is a critical component to furthering the goal of maintaining and enhancing the state's quality of life and healthy lifestyles; and

**WHEREAS**, requesting budget support for this grant program, and the RCO administration necessary to implement it, enables the board to fulfill its mission and goals;

**NOW, THEREFORE, BE IT RESOLVED** that the board hereby approves a general obligation bond capital budget request for 2017-19 biennium in the amount shown below and a request to retain five percent of any appropriation for program administration.

Program	2017-19 Request
Youth and Community Athletic Facilities Program	\$_____

*Resolution moved by:* \_\_\_\_\_

*Resolution seconded by:* \_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)*

*Date:* \_\_\_\_\_

**Recreation and Conservation Funding Board**  
**Resolution #2016-25**  
**Recommending a Funding Level for Recreation and Conservation Office Administration and**  
**Grant Programs in the 2017-19 Biennium**

**WHEREAS**, the Recreation and Conservation Office (RCO) must submit a 2017-19 Operating Request Budget to the Office of Financial Management; and

**WHEREAS**, the operating budget will be in conformance with the Office of Financial Management instructions, including carry-forward, maintenance level, and enhancement items; and

**WHEREAS**, the RCO must also submit a 2017-19 Capital Request Budget to the Office of Financial Management; and

**WHEREAS**, for federally supported programs and revenue-supported state programs, the amounts requested will need to reflect estimated federal apportionments (LWCF and BIG), and the current revenue projections by the Departments of Transportation and Licensing; and

**WHEREAS**, the Recreation and Conservation Funding Board (board) finds there is a continuing and compelling need for funding to maintain and enhance the state's quality of life and ecosystem health by investing in outdoor recreation opportunities and important plant, fish and wildlife habitat; and

**WHEREAS**, the RCO administered grant programs are important components furthering the Governor's initiatives of having a clean environment and healthy communities; and

**WHEREAS**, requesting budget support for these grant programs, and the RCO administration necessary to implement those grant programs, enables the board to fulfill its mission and goals;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The board hereby approves the 2017-19 budget requests shown below.

Program	2017-19 Request
Aquatic Lands Enhancement Account	\$6,600,000
Boating Facilities Program	\$17,166,000
Boating Infrastructure Grant Program (BIG)	\$2,200,000
Firearm and Archery Range Recreation (FARR)	\$738,000
Land and Water Conservation Fund	\$4,000,000
Nonhighway and Off-road Vehicle Activities (NOVA)	\$13,194,000
Recreational Trails Program	\$5,000,000

2. The Director is authorized to modify and/or update the amounts as new revenue forecasts become available or to comply with Office of Financial Management budget instructions or directives. The Director also shall modify and/or update the request as necessary to meet the budget needs of the affiliated boards and councils, and to provide for scheduled rent, services, personnel increment dates, labor contract costs, and other operations costs.

**Recreation and Conservation Funding Board**  
**Resolution #2016-25**  
**Recommending a Funding Level for Recreation and Conservation Office Administration and**  
**Grant Programs in the 2017-19 Biennium**

3. The Director is authorized to apply for outside funding sources to supplement the capital and operating budgets consistent with the board and agency mission.
4. The Director shall submit any necessary re-appropriation requests.
5. The Director shall seek concurrence by the Salmon Recovery Funding Board in the submittal of any operating and capital budget requests within their jurisdiction.
6. The Director shall coordinate with the Department of Fish and Wildlife, Department of Natural Resources, and the Puget Sound Partnership in any jointly administered grant program budget requests.
7. The Director shall coordinate with the Washington Invasive Species Council in budget requests related to the administration of that Council.

*Resolution moved by:*

\_\_\_\_\_

*Resolution seconded by:*

\_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)*

*Date:*

\_\_\_\_\_

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Youth Athletic Facilities Project Match Waiver Requests

**Prepared by:** Marguerite Austin, Recreation and Conservation Section Manager

#### Summary

The Tonasket Junior Baseball Association and the City of Twisp are asking the Recreation and Conservation Funding Board (board) to waive the match requirement for their Youth Athletic Facilities (YAF) grant applications. Both communities are within federal disaster areas and have limited resources to support their recovery efforts. If approved, the applications will remain eligible for evaluation and potential funding in the 2017-19 biennium.

#### Board Action Requested

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

**Resolutions:** 2016-26: Match Waiver for the Chief Tonasket Park Ball Field Complex Renovation (RCO Project # 16-2033)  
2016-27: Match Waiver for the Twisp Sports Complex Renovation Phase 1 (RCO Project #16-2023 and #16-2084)

**Purpose of Resolutions:** Waive the match requirement for the YAF grant applications.

## Background

The Youth Athletic Facilities (YAF) grant program provides funds for acquisition of land and renovation of outdoor athletic facilities serving youth and communities. The Recreation and Conservation Funding Board's (board) policies for YAF focus on increasing participation in outdoor recreation, sustaining our state's outdoor recreation assets, and recognizing the social, economic, and health benefits of outdoor recreation particularly for our youth. These were areas of importance for the [Governor's Blue Ribbon Task Force on Parks and Outdoor Recreation](#). The board's program policies in [Manual 17, Youth Athletic Facilities](#), allow applicants to request up to \$250,000 per project, but requires a minimum 1:1 match.

The Tonasket Junior Baseball Association applied for a YAF grant to renovate the Chief Tonasket Park Ball Field Complex ([RCO #16-2033](#)), which is located on park property in the City of Tonasket. Tonasket's Comprehensive Park and Recreation Plan identifies the need to reconfigure the playfields in Lagoon Riverfront Park and to add ball fields anywhere possible in order to relieve overcrowding and scheduling problems at the ball field complex.

The Town of Twisp (Twisp) submitted their application for a YAF grant for the Twisp Sports Complex Renovation ([RCO #16-2023](#)). This first phased project involves re-orientation of a baseball field and relocation of a soccer field so soccer and baseball can be played simultaneously, thus accommodating

more kids and sports activities. Currently, players for both sports compete for field availability for their practices, games, and tournaments.

Both of these communities are located in Okanogan County, which has had two consecutive years of federally declared disasters. The first was the Carlton Complex fire in 2014, which was the largest single wildfire in the history of Washington State. The Department of Natural Resources (DNR) reports that the lightening-sparked fire burned 256,108 acres and destroyed 322 residences.<sup>1</sup> The Okanogan Complex fires in 2015 burned 304,782 acres and resulted in the loss of three firefighters who were killed while fighting fires near Twisp.<sup>2</sup> Following these disasters, members of the communities and others in the surrounding area have pooled together their means to support neighbors in need of food, clothing, shelter, and other resources to help them recover from the damages. This leaves very little financial resources to dedicate toward meeting the communities' recreational needs.

The YAF program is the only board program available to nonprofit organizations for development of athletic facilities. While the Tonasket Junior Baseball Association hopes to secure volunteer contributions for its project, in their letter requesting the match waiver, Board Member Justin Haug includes the following, *"To this day properties still lay burnt, families displaced and ranching community [is] struggling to find pasture for their animals. Tonasket is in the midst of a healing process and asking for considerable financial assistance for this project would not be appropriate."*

Twisp has applied for a Washington Wildlife and Recreation Program, Local Parks' category grant ([RCO #16-2084](#)) to be used as match for the YAF proposal. Because of the uncertainty of knowing whether or not the community will receive a WWRP grant, they are asking the board to waive the match for the YAF grant. In her letter requesting a match waiver for Twisp, Mayor Soo Ing-Moody states, *"Our small community has endured great personal hardship while our local businesses have suffered losses of revenue – the extent of impact which is still being realized. Just yesterday a business announced it will be closing. These losses are what bring[s] a town to its knees, affecting all services we offer our community as revenue streams are gravely interrupted by the sheer extent of loss."*

### **Board Policy**

When the board updated its policies for Youth Athletic Facilities in 2015, it adopted a match waiver policy for disadvantaged communities. Specifically, the policy states:

"Recognizing that providing at least an equal matching share can be a challenge for some communities, the match requirement is waived for YAF facilities in a federal disaster area as declared per the Stafford Act<sup>3</sup> that is in active disaster status when the grant application is due to RCO and the disaster directly affected the area where the YAF facility is proposed. Projects located in a federal disaster area but not located in an area directly affected by the disaster are not eligible for a match waiver. When RCO reviews the grant application, it will determine whether a project is located within one of the designated federal disaster areas and whether the disaster directly affected the area where the project is located. If a disaster is declared after the grant application due date, the applicant at any time during the implementation of the project may request the board waive the matching share retroactively.

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<sup>1</sup> [2104 Annual Report](#), Washington Department of Natural Resources

<sup>2</sup> Washington Interagency Incident Management, [InciWeb 8/29/2015](#) and US Fire Administration [2015](#)

<sup>3</sup> [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), 42 U.S.C. 5121 et seq. Federal disaster areas include major disasters, emergency disasters, and fire management assistance.

- EXAMPLE: A project is located within a county designated as a federal disaster area due to a wildfire. The disaster area is in active status with the Federal Emergency Management Agency. The YAF facility is located in the designated county and wildfire directly affected the area where the YAF facility is proposed. This project is eligible for a match waiver.
- EXAMPLE: A project is located within a county designated as a federal disaster area due to a wildfire. The disaster area is in active status with the Federal Emergency Management Agency. The YAF facility is located in the designated county but the wildfire did not directly affect the area where the YAF facility is proposed. This project is not eligible for a match waiver.

Another relevant policy for consideration, is the board's policy that requires applicants to provide a 10 percent local contribution to a funded project. The policy published in Manual 17 states:

"Applicants must provide a minimum of 10 percent of the total cost of a project in the form of a local contribution, not from a state or federal source. This policy does not apply to Native American tribes.<sup>4</sup> For example, if a total project cost is \$500,000, the applicant must provide \$50,000 in matching share from a local source such as local government appropriation, cash, grants, or in-kind donations."

## Analysis

RCO staff considered three factors when interpreting the board's match waiver policy.

1. Whether the YAF facility is located in a federal disaster area as declared per the Stafford Act,
2. Whether the area is in an active disaster status when the grant application was due to RCO, and
3. Whether the disaster directly affected the area where the YAF facility is proposed.

The answer to the first two questions is yes. RCO staff has verified that both communities are within active federal disaster areas.<sup>5</sup> In regards to the third question, although disastrous, the fires in Okanogan County did not "directly affect" the athletic fields proposed for renovation in these two projects. However, it is painfully clear that the fires had a significant impact on these communities and the project area in general. Staff believes the intent of the board's policy is to address the needs of communities directly affected by a federal disaster, even if there is no physical damage to the recreational facility or proposed project site.

As indicated above, Twisp has submitted a WWRP matching grant proposal for its project. Following Legislative approval of the 2017-19 State Capital Budget, the board may have enough funding to award both the WWRP and YAF grant. If so, Twisp would receive up to \$500,000 for renovation of its athletic fields and the match waiver would not be needed. However, RCO staff has considered whether Twisp would be in a position to provide the required \$50,000 or 10 percent local contribution to the project. Because the Town's finances may continue to be a concern, the board may want to waive its requirement for the required 10 percent local contribution to the project as well.

## Strategic Plan Link

Consideration of this request supports the board's strategies to (1) provide funding to protect, preserve, restore, and enhance recreation opportunities statewide, and (3) regularly monitor progress in meeting objectives and adapt management to meet changing needs.

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<sup>4</sup> Recreation and Conservation Funding Board Resolution 2005-24

<sup>5</sup> Federal Emergency Management Agency, Preliminary Disaster Assessments [DR-4188](#) and [DR-4243](#)

## **Staff Recommendation**

Staff recommends the board waive the YAF match requirement for the Chief Tonasket Park Ball Field Complex Renovation (RCO # 16-2033) via Resolution 2016-26 (Attachment A). Also, staff recommends the board waive the YAF match requirement for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023) and the requirement for a 10 percent local contribution to the WWRP Local Parks grant proposal for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2084) via Resolution 2016-27 (Attachment B).

## **Next Steps**

If the board approves these match waivers, the applications will proceed through the review and evaluation process and will remain eligible for funding consideration following Legislative approval of funds for the Youth Athletic Facilities program as part of the 2017-19 State Capital Budget.

## **Attachments**

- A. Resolution 2016-26
- B. Resolution 2016-27



**Recreation and Conservation Funding Board  
Resolution 2016-26  
Match Waiver for the Chief Tonasket Park Ball Field Complex Renovation, RCO #16-2033**

**WHEREAS**, the Tonasket Junior Baseball Association has applied for a Youth Athletic Facilities (YAF) grant for the Chief Tonasket Park Ball Field Complex Renovation (RCO #16-2033); and

**WHEREAS**, Recreation and Conservation Funding Board (board) policy requires applicants to provide a minimum 1:1 matching share for YAF grants; and

**WHEREAS**, the board recognizes that providing a matching share can be a challenge for some communities and has developed a policy that allows it to waive the match for a YAF project in a federal disaster area; and

**WHEREAS**, the Tonasket Junior Baseball Association has asked the board to waive the match for the Chief Tonasket Park Ball Field Complex Renovation (RCO #16-2033) project,

**WHEREAS**, the Chief Tonasket Park Ball Field Complex Renovation (RCO #16-2033) project meets all of the eligibility requirements for a match waiver; and

**WHEREAS**, consideration of this request supports the board's strategies to provide funding to protect, preserve, restore, and enhance recreation opportunities statewide and to regularly monitor progress in meeting objectives and adapt management to meet changing needs;

**NOW, THEREFORE BE IT RESOLVED**, that the request for a match waiver for the Chief Tonasket Park Ball Field Complex Renovation (RCO #16-2033) is approved; and

**BE IT FURTHER RESOLVED**, that the Tonasket Junior Baseball Association may proceed with submitting its YAF grant application for review and evaluation; and

**BE IT FURTHER RESOLVED** that if the board awards a YAF grant the applicant may provide match, however, a matching share is not required.

*Resolution moved by:* \_\_\_\_\_

*Resolution seconded by:* \_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)Date:* \_\_\_\_\_

**Recreation and Conservation Funding Board  
Resolution 2016-27  
Match Waivers for the Twisp Sports Complex Renovation Phase 1  
RCO #16-2023 and #16-2084**

**WHEREAS**, the Town of Twisp has applied for a Youth Athletic Facilities (YAF) grant and a Washington Wildlife and Recreation Program (WWRP) Local Parks category grant for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023 and #16-2084); and

**WHEREAS**, Recreation and Conservation Funding Board (board) policy requires applicants to provide a minimum 1:1 matching share for the YAF grant; and

**WHEREAS**, if the board awards a YAF grant and a WWRP grant the Town of Twisp plans to use the YAF grant to meet the statutory match requirement for the WWRP grant; and

**WHEREAS**, board policy requires a minimum 10 percent local matching share for the WWRP grant; and

**WHEREAS**, the board recognizes that providing a matching share can be a challenge for some communities and has developed a policy that allows it to waive the match for a YAF project in a federal disaster area; and

**WHEREAS**, the Town of Twisp has asked the board to waive the match for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023) project,

**WHEREAS**, the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023) project meets all of the eligibility requirements for a match waiver; and

**WHEREAS**, consideration of this request supports the board's strategies to provide funding to protect, preserve, restore, and enhance recreation opportunities statewide and to regularly monitor progress in meeting objectives and adapt management to meet changing needs;

**NOW, THEREFORE BE IT RESOLVED**, that the request for a match waiver for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023) is approved; and

**BE IT FURTHER RESOLVED**, that the Town of Twisp may proceed with submitting its YAF grant application for review and evaluation; and

**BE IT FURTHER RESOLVED** that if the board awards a YAF grant the applicant may provide match, however, a matching share is not required; and

**BE IT FURTHER RESOLVED** that if the board awards a YAF and a WWRP grant for the Twisp Sports Complex Renovation Phase 1 (RCO #16-2023 and #16-2084) the board waives its requirement for a 10 percent local contribution.

*Resolution moved by:* \_\_\_\_\_

*Resolution seconded by:* \_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)Date:* \_\_\_\_\_

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Washington Wildlife and Recreation Program:  
Funding Allocations in the Local Parks and State Parks Categories

**Prepared By:** Adam Cole, Natural Resource Policy Specialist

#### Summary

Recreation and Conservation Office staff requests direction on potential policy-making to implement the new flexibility granted by the legislature to the Recreation and Conservation Funding Board (board) in the Washington Wildlife and Recreation Program – State Parks and Local Parks categories.

#### Board Action Requested

This item will be a:

- ☐ Request for Decision
- ☒ Request for Direction
- ☐ Briefing

### Background

[Substitute Senate Bill 6227](#) (SSB 6227) made changes to the [Washington Wildlife and Recreation Program](#) (WWRP), most of which must be implemented this year. Specifically, SSB 6227 includes changes to how the Recreation and Conservation Funding Board (board) may allocate funds between acquisition and development project costs in the WWRP State Parks and WWRP Local Parks categories.

For both the State Parks and Local Parks categories, the previous statute mandated that the board allocate "at least fifty percent of this money for acquisition costs."<sup>1</sup> The new law says the board shall allocate "at least forty percent but no more than fifty percent of this money to acquisition costs."<sup>2</sup>

Statute requires that the board submit a ranked list of WWRP projects to the Legislature by November 1, 2016.<sup>3, 4, 5</sup> In order to identify what projects may get funded during the 2016-17 legislative session, staff need direction on how the board wants to use this discretionary authority.

<sup>1</sup> [RCW 79A.15.050\(1\)\(b\) and \(c\)](#)

<sup>2</sup> [Substitute Senate Bill 6227 Sec 5. \(p.8, lines 8-15\)](#)

<sup>3</sup> [Substitute Senate Bill 6227 Sec 6. \(p.11, lines 29-38\)](#)

<sup>4</sup> [Substitute Senate Bill 6227 Sec 7. \(p.13, lines 12-21\)](#)

<sup>5</sup> [Substitute Senate Bill 6227 Sec 10. \(p.18, lines 12-18\)](#)

## Options to Consider

Should the board adopt a policy that contains a framework to direct WWRP State Parks and Local Parks categories' funding decisions consistently from one grant cycle to the next? If so, staff prepared the following list to facilitate a discussion towards potential policy adoption. Funding frameworks for WWRP State Parks and Local Parks categories do not need to be the same.

**Table 1. WWRP State Parks and Local Parks funding Framework Options**

Framework	Description
<b>"Strict 40/60"</b>	Fund acquisition projects at the minimum 40% and fund development projects at 60%.
<b>"Modified 40/60"</b>	Fund acquisition projects at the minimum 40% and fund development projects at 60%, but adjust final funding decision to fully fund any partially funded acquisition projects. In any given cycle, the split may actually somewhat higher than 40% (e.g., 41% acquisition and 59% development).
<b>"Aim For 50/50"</b>	<ul style="list-style-type: none"> <li>Fund acquisition projects up to 50% but fund no partial acquisitions. The remainder of funds go to development projects. In this case the formula for any given cycle might result in 47% for acquisitions and 53% to development for example.</li> <li>Fund acquisition projects in excess of 40% (up to 50%) but stop at the first occurrence when a development project would be "jumped over."</li> </ul>
<b>"Preference"</b> <b>(Only allowed in the Local Parks Category<sup>6</sup>)</b>	<p><u>Prioritize Match Waiver Projects:</u> Fund acquisitions at 40%. Fund additional acquisitions (up to 50%) if these projects have received a match waiver (not a reduction) because the project serves an "underserved population" or the sponsor represents a "community in need." The match waiver projects funded in excess of 40% shall only be funded if in doing so there is no "jumping over" a development project.</p> <p><i>(This option is only available to local government applicants.<sup>7</sup> Additionally, this would not be available until the 2018 grant cycle as the terms "underserved population" and "community in need" have not been defined for the 2016 cycle.)</i></p>
<b>"Weighted"</b>	<p>Attempt to mirror the weight of acquisition projects within the project list.</p> <ul style="list-style-type: none"> <li>If 50% or more of projects (by number or by dollar amount) on the list are acquisition, then the split would be 50% of funds to acquisitions and 50% to development.</li> <li>If acquisition projects (by number or dollar amount) are less than 40% of the project list, the split would be 40% acquisition and 60% development</li> <li>For acquisition projects (by number or dollar amount) coming in between 40% and 50% of the project list, the split would be the actual %.</li> </ul>

<sup>6</sup>Substitute Senate Bill 6227 Sec 7. (p.12, lines 15-20)

<sup>7</sup>Substitute Senate Bill 6227 Sec 7. (p.12, lines 15-20)

## Strategic Plan Link

Developing policy to allocate funding in the WWRP State Parks and Local Parks category per the new WWRP statutes addresses Goals 2 and 3 in the board's [Strategic Plan](#).

Goal 2: We achieve a high level of accountability in managing the resources and responsibilities entrusted to us.

Goal 3: We deliver successful projects by inviting competition and by using broad public participation and feedback, monitoring, assessment, and adaptive management.

## Next Steps

Once directed by the board, staff will solicit public comment on a policy proposal and present recommendations for board decision at the October 2016 meeting.

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Washington Wildlife and Recreation Program:  
Funding Allocation in the Urban Wildlife Habitat Category

**Prepared By:** Leslie Connelly, Natural Resource Policy Specialist

#### Summary

This memo summarizes changes made in state law to the Washington Wildlife and Recreation Program, Urban Wildlife Habitat category. Due to the changes in the types of sponsors eligible for funding, the Recreation and Conservation Funding Board (board) must reconsider its policy of funding allocations based on the types of sponsors. Staff presents three options for the board's consideration and requests direction on which options to distribute for public comment in August. The board will make a decision at the October meeting.

#### Board Action Requested

This item will be a:

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

## Background

### Urban Wildlife Habitat Category

The Urban Wildlife Habitat (UWH) category is one of four categories in the Habitat Conservation Account (HCA) of the Washington Wildlife and Recreation Program (WWRP). Over time, the statutory allocation to the UWH category has changed as shown in Attachment A. Starting July 1, 2016, the funding allocation to the UWH is 15 percent of funding in the HCA.

Since the inception of the WWRP in 1989, the board has awarded \$79 million to 89 projects in the UWH category.

Urban wildlife habitat is defined in state law as "lands that provide habitat important to wildlife in proximity to a metropolitan area."<sup>1</sup> The law also directs the board to consider the urban area nearest the UWH project.<sup>2</sup> Based on these two factors, the Recreation and Conservation Funding Board (board) adopted policy that defines an eligible project in the UWH category is:

- In or within 5 miles of an adopted Urban Growth Area of a community in a county that has a population density of at least 200 people per square mile, or

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<sup>1</sup> [RCW 79A.15.010\(12\)](#)

<sup>2</sup> [RCW 79A.15.060\(5\)\(b\)\(i\)](#)

- Within the corporate limits of a community with a population of at least 5,000 or within 5 miles of such a community (or its adopted urban growth area boundary).

Eligible sponsors in the UWH category are local agencies including Native American tribes and state agencies.<sup>3</sup> In 2016, the Legislature added non-profit nature conservancies as eligible applicants. Local agencies, Native American tribes, and non-profits must provide a matching share that is at least equal to the amount of the grant award.<sup>4</sup>

### **History of Current Funding Allocation in the Urban Wildlife Category**

The Legislature revised the WWRP law in 2005 and one of the changes increased the funding allocation to the UWH category from fifteen to twenty percent of the Habitat Conservation Account.<sup>5</sup> In response to this increase in funding, the board reviewed the history of grant awards in the UWH category because there was a concern that state agencies were receiving a majority of the funding and would benefit the most from the additional money available.

In 2006, staff analysis determined that state agencies were receiving more grants than local agencies and projects were located further from the urban core areas compared to earlier years of the program. See [Item 10](#) from the June 2006 meeting for a thorough history of the UWH category and WWRP.

Based on this review, in 2008, the board adopted an allocation policy for the UWH category to distribute funding more evenly among local agencies, including Native American tribes, and state agencies. The current funding allocation formula is:

#### *Urban Wildlife Habitat Funding Allocation<sup>6</sup>*

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

### **WWRP Changes 2016**

The Legislature changed the UWH category again in 2016 in two ways.<sup>7</sup> First, the Legislature reduced the funding allocation to the UWH category from 20 to 15 percent. In addition, the Legislature reduced the funding allocation to the HCA from 50 to 45 percent. Therefore, there will be slightly less funding in the UWH category.

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<sup>3</sup> [RCW 79A.15.010\(5\)](#) defines local agencies as “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”.

<sup>4</sup> [RCW 79A.15.060\(4\)](#)

<sup>5</sup> [Chapter 303, Laws of 2005](#)

<sup>6</sup> [Item 9 January 2008, Resolution 2008-06](#)

<sup>7</sup> [Chapter 149, Laws of 2016](#)

The second change the Legislature made added non-profit nature conservancies as eligible sponsors in several categories, including UWH. As of the writing of this memo, there are nine 2016 applications in the UWH category by the following types of sponsors:

- 5 state agency applications
- 3 non-profit organization applications
- 1 local agency application

## Issues and Analysis

At a minimum, the board must revisit its policy on funding allocation by the type of sponsor within the UWH category since non-profit organizations are eligible sponsors. The board must provide direction to staff at the October meeting because the ranked list of projects is due to the Legislature by November 1, 2016.<sup>8</sup> In order to identify what projects may be funded during the 2017 legislative session, staff requests direction on how the board wants to address this allocation issue.

### Effect of Board Funding Allocation Policy Since 2008

The board's current policy took effect starting with the 2007-2009 biennium. Overall, the UWH funding allocation policy is achieving its original intent to ensure an equal distribution of funds among local and state agency sponsors when the board awards the grants. However, based on analysis of projects completed or near completion, there is not an equal distribution of funds since the policy started in 2007-2009 biennium.

Chart 1 shows the funding amounts by the type of sponsor. The UWH allocation policy applied in the last five biennium. In three out of five of those biennia, more UWH funding went to state agency sponsors than local agency sponsors.<sup>9</sup>

Chart 2 shows the number of projects by the type of sponsor. Since 1999-2001 biennium, the number of projects by type of sponsor has remained equal ranging between two to six projects for both state and local agency sponsors.

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<sup>8</sup> [RCW 79A.15.060\(6\)](#)

<sup>9</sup> In the 2009-2011 biennium, the Legislature exercised their discretion to alter the ranked project list and the board policy did not apply.



Chart 1

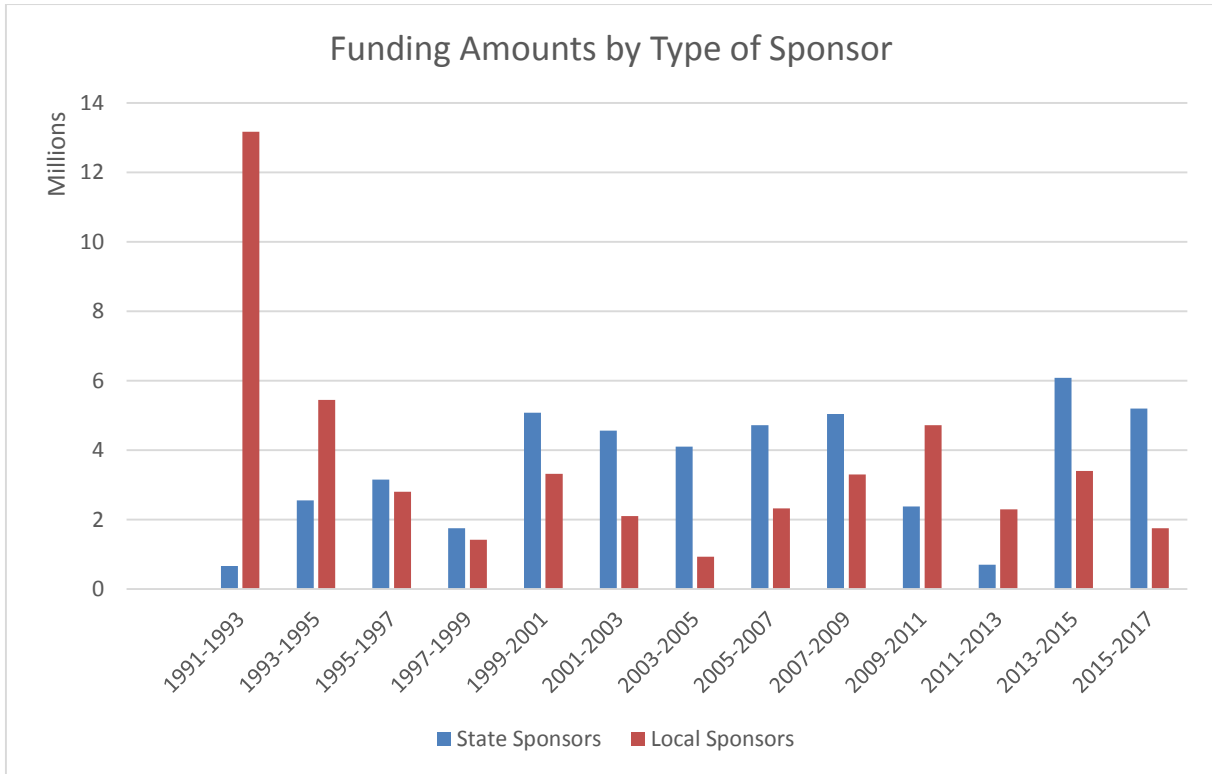
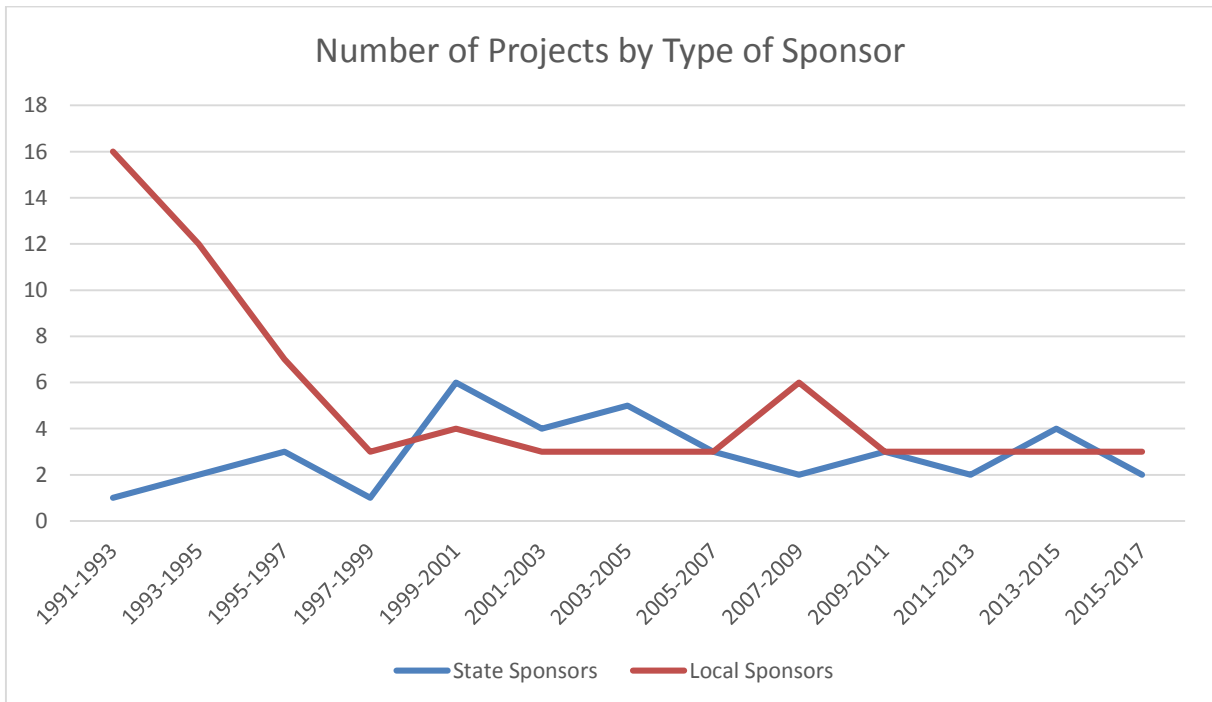


Chart 2



The reasons why the board policy is not meeting the intended results to provide equal funding among state and local agency sponsors could be:

- There are less applications from local sponsors,
- State agencies are requesting more funding, or
- Local sponsors are not completing projects as originally funded.

Staff would need to conduct additional research to verify why the UWH allocation policy is not meeting the intended results.

## Options for Consideration

To address the statutory changes allowing nonprofits to be eligible in the UWH category, staff has prepared the following options for consideration. Staff seeks direction on which options to prepare for formal public comment in August.

1. Competitive allocation
2. 40/40/20 percent allocation
3. 30/30/30/10 percent allocation

### **Option 1 – Competitive Allocation**

The board allocates UWH category funds in ranked order on the project list regardless of the type sponsor.

Effect of the Change	Pros	Cons
Funding would no longer be allocated based on the type of project sponsor.	Awards grant funds based on competitive scoring results.	Sponsors not guaranteed a portion of the funds.

### **Option 2 - 40/40/20 Percent Allocation**

The board retains the current funding allocation policy and adds non-profit nature conservancies to the portion of funds awarded to local agencies and Native American tribes.

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

Effect of the Change	Pros	Cons
Non-profit organizations added to the funding allocation with local agencies and Native American tribes.	Incorporates non-profits into the framework of the existing policy.	Funding allocation shared between local agencies, non-profit organizations, and Native American tribes.

### **Option 3 - 30/30/30/10 Percent Allocation**

The board distributes funds equally at 30 percent each to local agencies (including Native American tribes), non-profit organizations, and state agencies. Ten percent is remains to fully fund partially funded projects.

- 30% local agencies including Native American tribes
- 30% non-profit organizations
- 30% state agencies
- 10% fully fund partially funded local agency and Native American tribes, then fully fund partially funded non-profit organization projects, then fully fund partially funded state agency projects, and finally apply any remaining funds to the next highest ranked project(s), regardless of sponsor. Funds remaining, due to an insufficient number of applications by either local agency, Native American tribes, non-profit organization or state agency sponsors, will be awarded to the next highest ranked project(s) regardless of sponsor.

Effect of the Change	Pros	Cons
Funding allocation split equally at 30% between the types of project sponsors and 10% to complete funding of partially funded projects.	Guarantees a portion of funds to specific types of sponsors.	Does not award grant funds on an overall competitive basis.

### **Next Steps**

Based on direction from the board, RCO staff will prepare materials for public comment in August. Staff will consider comments received and prepare final draft materials for the board's consideration at the October 2016 meeting. The board will need to make a decision in October because the ranked list of projects is due to the Legislature by November 1, 2016.

### **Attachments**

- A. Washington Wildlife and Recreation Program - Funding Allocation Changes Since 1989

## Washington Wildlife and Recreation Program - Funding Allocation Changes Since 1989

### WWRP Funding Allocation Formula (1989 - 2004)

#### **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 Habitat	not less than 15% of account
Unallocated	not more than 30% of account
	100%

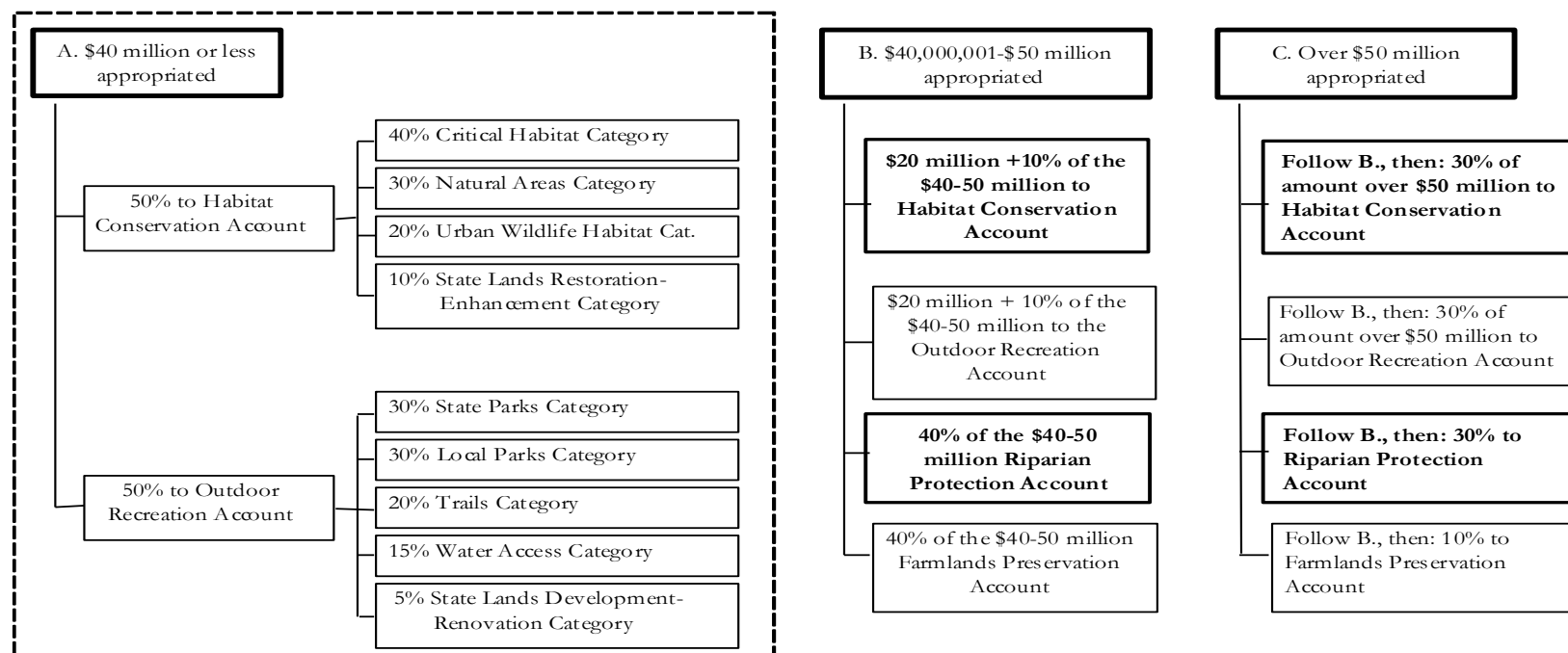
#### **Outdoor Recreation Account: 50% of all funds**

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

<sup>10</sup>Between July 27, 2003 and June 30, 2009, at least 50% for acquisition costs, per RCW 79A.15.050.

## WWRP Funding Allocation Formula (2005-2015)

### Appendix B. Allocation of WWRP Funds



RCW 79A.15.030:

- (a) Appropriations for a biennium of \$40 million or less must be allocated equally between HCA and ORA.
- (b) If appropriations for a biennium total *more than \$40 million*, the money must be allocated as follows:
  - (i) \$20 million to HCA and \$20 million to ORA;
  - (ii) Any amount over \$40 million up to \$50 million shall be allocated as follows:
    - (A) 10% to HCA; (B) 10% to ORA; (C) 40% to RPA; (D) 40% to FPA;
  - (iii) Any amounts over \$50 million must be allocated as follows:
    - (A) 30% to HCA; (B) 30% to ORA; (C) 30% to RPA; and (D) 10% to FPA.

Under distribution scenarios B and C, Habitat Conservation Account and Outdoor Recreation Account funds are distributed as shown in the nine categories under scenario A.

Item 7B

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Washington Wildlife and Recreation Program:  
Forestland Preservation Category Policies and Evaluation Criteria

**Prepared By:** Leslie Connelly, Natural Resource Policy Specialist

#### Summary

This memo summarizes development of the Forestland Preservation category in the Washington Wildlife and Recreation Program. The memo includes background, research into other forestland preservation programs, formation of the advisory committee, a public participation plan, timeline, and update on the conservation easement template.

Recreation and Conservation Office (RCO) staff seeks direction from the Recreation and Conservation Funding Board (board) on the draft policies and evaluation criteria prior to distribution for public comment. Staff will update the board at the meeting on feedback and changes to the draft policies and evaluation criteria suggested by the advisory committee, which is meeting on June 29.

#### Board Action Requested

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

## Background

The Legislature created a new category in the Washington Wildlife and Recreation Program (WWRP) called the Forestland Preservation category.<sup>1</sup> The legislative intent of the program is to “maintain forest lands for the opportunity for forest management.”

The Recreation and Conservation Funding Board (board) must provide a ranked list of projects by November 1, 2017 as part of the supplemental capital budget request. To meet this deadline, the board must develop policies and evaluation criteria at its October 2016 meeting so that staff can solicit and evaluate projects in early 2017.

Recreation and Conservation Office (RCO) staff outlined the work plan for the Forestland Preservation category at the April 2016 meeting. See [Item 7A and Item 7C](#) for background on this new grant category.

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<sup>1</sup> [Chapter 149, Laws of 2016](#)

## Other Forestland Programs

There are a number of other programs that aid forestland owners in protecting their forests and providing technical assistance for forest stewardship. Attachment A provides a brief description of each program with a link to the administering agency's website for more information. Many of these programs may interact with the WWRP Forestland Preservation category.

In particular, the programs listed below provide funding for forestland conservation easements:

- Forest Legacy Program
- Healthy Forest Reserve Program
- Forestry Riparian Easement
- Rivers and Habitat Open Space

In reviewing the programs listed above, staff will identify best practices as well as unique opportunities for the WWRP Forestland Preservation category.

## Advisory Committee Formed

The RCO director formed an advisory committee in June 2016 to assist with developing the Forestland Preservation category policies and evaluation criteria. Committee members were appointed by RCO's director and will serve in an advisory capacity to the board. After the program is developed, the committee will evaluate grant applications in spring 2017.

See Attachment B for a list of the committee members and their affiliations. Committee members have knowledge and expertise in forestland management, operations, or conservation. We also sought individuals who understand the practical, political, personal, and economic issues surrounding forestlands.

The first meeting of the committee is scheduled for June 29, 2016. Staff will present the draft policies and evaluation criteria to the committee and provide an overview of the committee's discussion to the board at the July board meeting.

## Draft Policies

As a new funding category within the WWRP, the board will need to adopt new policies to administer the Forestland Preservation category. At the July meeting, staff will ask for the board's feedback on the draft policies contained in Attachment C. The draft policies include:

- Grant limits
- Qualified nonprofit nature conservancy organizations
- Legal opinion for first time applicants
- Eligible forests
- Eligible projects types
- Baseline inventory
- Forestland stewardship plans
- Permitted uses within the conservation easement
- Prohibited uses within the conservation easement
- Administrative rule exceptions
- Evaluation process



## Draft Evaluation Criteria

In addition to grant category policies, the board will need to adopt criteria for the evaluation of applications. At the July meeting, staff will ask for the board's feedback on the draft evaluation criteria contained in Attachment D.

At a minimum, the board must consider the following criteria as required in state law<sup>2</sup>:

- Community support for the project;
- A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated region-wide prioritization effort;
- The likelihood of conversion of the site to non-timber or more highly developed use;
- Consistency 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;
- Multiple benefits of the project;
- Project attributes, including but not limited to:
  - Clean air and water;
  - Storm water management;
  - Wildlife habitat; and
  - Potential for carbon sequestration.

The draft evaluation criteria presented in Attachment D include all the required criteria described above, except for the multiple benefits of the project. Staff will develop the criteria on multiple benefits in conjunction with work on this same requirement in other categories of WWRP and implement it in the 2018 grant cycle.

## Public Participation

### Advisory Committee

Staff will continue to work with the advisory committee to review draft material and discuss issues. RCO will actively engage advisory committee members each step of the way to guide development of this grant category. We expect to meet at least once a month from June through October, either in-person or through the web based platforms.

### Stakeholders

Staff will brief key stakeholders such as the Washington Wildlife and Recreation Coalition, Washington Association of Land Trusts, Washington Parks and Recreation Association and Washington State Conservation Commission. These stakeholders represent eligible applicants and are key partners in implementation. It will be important to understand if the policies and evaluation criteria will generate successful projects with sponsors.

### Formal Public Comment

RCO will accept public comment in August. After staff receives feedback and direction from the board at the July meeting, staff will revise the draft policies and evaluation criteria and distribute them to the

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<sup>2</sup> Section 10 of [Chapter 149, Laws of 2016](#)

advisory committee, stakeholders, and the public for comment. Staff will use the agency's email distribution list and post materials on RCO's website. Staff will also request that advisory committee members and stakeholders share the materials within their networks.

## Conservation Easement Template

Staff is working with the Office of the Attorney General to develop a template for the forestland conservation easement. Similar to the approach taken with the Farmland Preservation category, staff will rely on the best practices from the Land Trust Alliance to form the easement template. Staff will also review easement templates from other forestland easement programs, particularly those listed in Attachment A. Staff will ask the board to approve a template for the forestland conservation easement in the spring of 2017. An update will be provided at the October board meeting on progress.

## Timeline

Date/Timeframe	Task
<b>June 29, 2016</b>	Advisory Committee Meeting
<b>July 13-14, 2016</b>	Recreation and Conservation Funding Board Meeting
<b>Late July 2016</b>	Advisory Committee Meeting and Stakeholder Outreach
<b>August 2016</b>	Public Comment
<b>September 2016</b>	Advisory Committee Meeting and Stakeholder Outreach
<b>October 26-27, 2016</b>	Recreation and Conservation Funding Board Meeting - Adopt Policies and Evaluation Criteria - Update on Conservation Easement Template
<b>January 2017</b>	Applications Materials Ready
<b>Winter/Spring 2017</b>	Recreation and Conservation Funding Board Meeting Board approves Conservation Easement Template
<b>February – May 2017</b>	Grant Applications Accepted
<b>June 2017</b>	Technical Review
<b>August 2017</b>	Evaluations
<b>Fall 2017</b>	Ranked List Approved by Recreation and Conservation Funding Board
<b>November 1, 2017</b>	Ranked List Provided to Governor and Legislature
<b>After Legislature Approves Ranked List</b>	Funding Awarded by Recreation and Conservation Funding Board

## Attachments

- A. Other Forestland Programs
- B. 2016-2017 WWRP Forestland Preservation Advisory Committee Members
- C. Draft WWRP Forestland Preservation Category Policies
- D. Draft WWRP Forestland Preservation Category Evaluation Criteria

## Attachment A: Other Forestland Programs

### Forest Legacy Program

Administered by the United States Forest Service (USFS), in cooperation with Washington Department of Natural Resources (DNR), the [Forest Legacy Program](#) protects private working forests that protect water quality, provide habitat, forest products, opportunities for recreation and other public benefits. To protect the working forests, USFS awards grants to purchase a conservation easement on the working forests. DNR typically holds the easement on the property.

### Healthy Forest Reserve Program

The [Healthy Forest Reserve Program](#) helps landowners restore, enhance and protect forestland resources on private lands through easements and financial assistance. The Natural Resources Conservation Service (NRCS) in partnership with the Washington State Conservation Commission and local conservation districts administers this program.

NRCS also provides technical assistance for landowners to develop a Forest Management Plan through its [Environmental Quality Incentive Program](#).

### Small Forest Landowner Assistance

DNR administers the [Small Forest Landowner Office](#) provides assistance to promote the economic and ecological viability of small, private forestland. Small, private forest landowners are those lands which harvest less than 2 million board feet of timber each year from land they own in Washington.

The Small Forest Landowner Office provides four programs:

- Family Forest Fish Passage – funding to replace fish passage barriers,
- Forestry Riparian Easement – 50-year conservation easements along riparian corridors
- Forest Stewardship – cooperative program with USFS to develop Forest Stewardship Plans
- Rivers and Habitat Open – permanent conservation easements to protect species and rivers

## Attachment B

### 2016-2017 WWRP Forestland Preservation Advisory Committee Members

Name	Affiliation	Location	Type
<b>Arno Bergstrom</b>	Forester, Kitsap County Parks Retired, Washington State Extension	Bremerton	Local Agency
<b>Stephen Bernath</b>	Deputy Supervisor -- Forest Practices, Washington Department of Natural Resources	Olympia	State Agency
<b>Mark Ferry</b>	Forest Engineer, Hancock Forest Management	Orting	Forest Management Services
<b>Joe Kane</b>	Executive Director, Nisqually Land Trust	Olympia	Non-profit Nature Conservancy
<b>Cherie Kearney</b>	Forest Conservation Director, Columbia Land Trust	Vancouver	Non-profit Nature Conservancy
<b>Jay McLaughlin</b>	Executive Director, Mt. Adams Research Stewards	Glenwood	Non-profit Organization
<b>David Overton</b>	Partner, Overton & Associates	Olympia	Forest Management Services
<b>Stuart Thronson</b>	Assistant Director, Special Programs, Washington Department of Revenue	Olympia	State Agency
<b>Reed Wendel</b>	Silviculture and Forest Inventory, Green Crow Corporation	Port Angeles	Forest Management Services
<b>Rich Weiss</b>	Washington Farm Forestry Association	Olympia	Small Forest Landowner

## Attachment C: Draft WWRP Forestland Preservation Category Policies

### Forestland Preservation Grants Purpose

The purpose of the forestland category is to acquire and preserve opportunities for forest management activity on forestland.<sup>3</sup> Forestland must be devoted primarily to the growth and harvest of timber for commercial purposes. See the section on Eligible Forests for more details on the types of land eligible for grant funding.

### Grant Limits<sup>4</sup>

Grant limits for forestland projects are as follows:

- There is no minimum grant amount.
- The maximum grant request amount is \$250,000.

### Eligible Applicants<sup>5</sup>

- Cities, counties
- Nonprofit nature conservancies<sup>6</sup>
- Washington State Conservation Commission

### Qualified Nonprofits<sup>7</sup>

Nonprofit nature conservancies must meet the following eligibility requirements:

- Be registered in the State of Washington as a nonprofit corporation as defined by Chapter 24.03 Revised Code of Washington AND a Washington tax-exempt limited liability company wholly-owned by an organization incorporated under Revised Code of Washington 84.34.250 and; and
- Demonstrate at least 3 years actively managing projects relevant to the types of projects eligible for funding in the applicable WWRP category. "Actively managing projects" means performing the tasks necessary to manage an on-the-ground habitat conservation project, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.

Forestland category applicants also must demonstrate the following:

- The preservation of working forestlands is a priority of the organization.
- A proven ability to draft, acquire, monitor, and enforce conservation easements.

<sup>3</sup>Revised Code of Washington 79A.15.130

<sup>4</sup>Recreation and Conservation Funding Board Resolution 2016-XX

<sup>5</sup>Revised Code of Washington 79A.15.130(4)

<sup>6</sup>Revised Code of Washington 79A.15.010(7)

<sup>7</sup>Recreation and Conservation Funding Board Resolution 2016-XX

## Legal Opinion for First Time Applicants<sup>8</sup>

The Recreation and Conservation Funding Board requires all organizations wishing to apply for a grant for the first time to submit a legal opinion that the applicant is eligible to accomplish all of the following:

- Receive and expend public funds including funds from the Recreation and Conservation Funding Board.
- Contract with the State of Washington and the United States of America.
- Meet any statutory definitions required for board grant programs.
- Acquire and manage interests in real property for conservation or outdoor recreation purposes.
- Develop and/or provide stewardship for structures or facilities eligible under board rules or policies.
- Undertake planning activities incidental thereto.
- Commit the applicant to statements made in any grant proposal.

The legal opinion is required only once to establish eligibility.

## Eligible Forests<sup>9</sup>

State law defines "Forestland" in WWRP<sup>10</sup> the same as "Timberland" in the Open Space Tax Act.

"Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.<sup>11</sup>

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

Applicants must also submit to RCO the property's timber management plan required by Revised Code of Washington 84.34.041.

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

<sup>8</sup>Recreation and Conservation Funding Board Resolution 2016-XX

<sup>9</sup>Recreation and Conservation Funding Board Resolution 2016-XX

<sup>10</sup>Revised Code of Washington 79A.15.010(15)

<sup>11</sup>Revised Code of Washington 84.34.020(3)

The property owner is not required to participate in the Open Space Tax Act. However, meeting the definition of forestland is required for the life of the conservation easement. If the property owner does not participate, the timberland management plan does not need to be submitted to RCO.

The director may extend the deadline for demonstrating that the land meets the definition of timberland up until the date of the Recreation and Conservation Funding Board meeting when it approves the ranked list of projects.

## **Eligible Project Types**

### *Acquisition Projects*

Grant funds are available to buy less than fee title real property rights such as easements and leases.<sup>12</sup> Acquisition of term easements or leases must be for at least 50 years. The scope of an acquisition must include purchase and extinguishment of all development rights.<sup>13</sup>

### *Multiple Parcels<sup>14</sup>*

Applications may include one or more parcels in the Forestland category.

- All parcels proposed for acquisition must be identified in the grant application by the technical completion deadline.
- Each parcel must be identified on a map in the application and with a county parcel number.
- All parcels must be contiguous or within the same ownership.<sup>15</sup> For purposes of this policy, ownership means the individual, individuals, or businesses that hold title to a parcel of land. Contiguous means two or more parcels that physically touch one another along a boundary or a point. Land divided by a public road, but otherwise an integral part of a forestry operation, is considered contiguous.

### *Ineligible Acquisition Projects<sup>16</sup>*

The following projects are ineligible:

- Acquisition of rights for a term of less than 50 years.
- Land already owned by an eligible sponsor as described in RCW 79A.15.130(4) except as allowed by other board policy.
- Properties acquired by a condemnation action of any kind.<sup>17</sup> The value of parcels acquired by condemnation may not be used as part of the required matching share.
- Transfer of development rights. Development rights acquired under this program may not be transferred to other property or for other uses.
- Protection of land for the purposes of satisfying a Habitat Conservation Plan under the Endangered Species Act.

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<sup>12</sup> Revised Code of Washington 70A.15.130(3)

<sup>13</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>14</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>15</sup> Revised Code of Washington 84.34.020(6)(b)(i) and (ii)

<sup>16</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>17</sup> Revised Code of Washington 79A.15.090

*Combination Projects<sup>18</sup>*

Combination projects involve acquisition and habitat enhancement or restoration. Habitat enhancement and restoration activities must occur within the area acquired.<sup>19</sup>

Habitat enhancement or restoration activities must be less than 50 percent of the acquisition cost of the project including any in-kind contribution by any party.<sup>20</sup> For example, if the total acquisition cost is \$200,000, restoration costs may not exceed \$100,000, for a total project cost of \$300,000. Total project cost includes the grant amount and sponsor's matching share.

Habitat enhancement or restoration activities within a project must further the ecological functions of the forestland. Projects should enhance the viability of the preserved forestland to provide timber production while conforming to any legal requirements for habitat protection. Examples of eligible activities include fencing, bridging watercourses, replanting native vegetation, replacing culverts. Restoration activities should be based on accepted methods of achieving beneficial enhancement or restoration results.<sup>21</sup>

*Fish Passage Barriers<sup>22</sup>*

Projects must include replacement of all fish passage barriers within the area proposed for acquisition from a private, small forest landowner. A private, small forest landowner harvests less than 2 million board feet of timber each year from land they own in Washington. Funding from the Family Forest and Fish Passage Program and the Salmon Recovery Funding Board are eligible source of match for this restoration activity. Fish passage barriers on other forestland are not eligible for grant funding because landowners are required to address barriers in their Road Abatement and Management Plan that is a requirement of the Forest Practices Act.

*Ineligible Enhancement and Restoration Costs<sup>23</sup>*

The following items are not eligible:

- Restoration work required under the Forest Practices Act or other regulatory mitigation requirement.
- "Consumable" supplies such as fuel, fertilizers, pesticides, or herbicides, except as a one-time applications if they are necessary parts of eligible restoration activities.
- Elements that cannot be defined as fixtures or capital items.
- Environmental cleanup of illegal activities (i.e. meth labs).
- Indoor facilities.
- Purchase of maintenance equipment, tools, or supplies.
- Restoration work done before a project agreement is signed between the applicant and the Recreation and Conservation Funding Board. This work also cannot be used as match.
- Routine operation and maintenance costs.
- Utility payments such as monthly water or electric bills.

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<sup>18</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>19</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>20</sup> Revised Code of Washington 79A.15130(13)

<sup>21</sup> Revised Code of Washington 79A.15130(13)

<sup>22</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>23</sup> Recreation and Conservation Funding Board Resolution 2016-XX



### **Baseline Inventory<sup>24</sup>**

A baseline inventory is required. A baseline inventory records and characterizes the condition of the property at the time of the easement acquisition. The inventory provides the basis for future easement monitoring and, if necessary, enforcement. See Manual 3, Appendix F for baseline inventory requirements. The baseline inventory must be prepared before closing and signed by the landowner and easement holder at closing. In the event of poor seasonal conditions for documenting all conservation values, an interim baseline with a completion schedule must be signed at closing. If the baseline has been completed and a significant amount of time has elapsed before the easement is transferred, it should be reviewed and possibly updated before closing.

### **Forestland Stewardship Plans<sup>25</sup>**

A forestland stewardship plan is an eligible cost activity. The maximum allowable cost for development of a site stewardship plan is \$10,000.

An outline of the proposed stewardship plan must be submitted with the grant application and at a minimum contain the following elements:

- Long-term stewardship goals and objectives.
- Monitoring goals and objectives.
- Restoration goals and objectives (if applicable).
- Short-term, land management goals and objectives.
- Description of the project site, to include the following (the first four of which may be incorporated by reference to the baseline documentation that outlines current site conditions):
  - U.S. Geological Survey quad map and county assessor's parcel map.
  - Map showing all human-made and natural features.
  - Narrative description of the property.
  - Photographs taken at permanent photograph points.
  - A detailed stewardship plan implementation budget that identifies the source of funding.

### **Permitted Uses within the Conservation Easement<sup>26</sup>**

The following uses are permitted within the conservation easement area:

- Forest management in accordance with an approved forest stewardship plan
- Non-commercial and public recreational uses
- Limited building rights for forest management purposes and ranching facilities
- Ranching and farming activities
- Limited use of agricultural chemicals
- Fire defense

### **Prohibited Uses within the Conservation Easement<sup>27</sup>**

The following uses are prohibited within the conservation easement area:

- Subdivision of the property to smaller parcels
- Construction of new buildings, structures or improvements
- Surface or subsurface mineral extraction

<sup>24</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>25</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>26</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>27</sup> Recreation and Conservation Funding Board Resolution 2016-XX

- Topographic modifications
- Waste disposal
- Hazardous materials disposal
- Industrial, commercial and residential activities
- Game farming or game farm animals
- Commercial feed lots
- Signs and billboards
- New or expanded utility rights-of-way
- Alteration of water courses
- Mining and excavation

### **Administrative Rule Exceptions<sup>28</sup>**

The following administrative rules do not apply to projects funded the forestland preservation category:

WAC 286-13-110	Income, use of income.
WAC 286-13-120	Permanent project signs.
WAC 286-27-040	Does the program have planning eligibility requirements?

### **Evaluation Process<sup>29</sup>**

The process for evaluation application is described below:

- The director establishes a forestland advisory committee to recommend policies and procedures to RCO for administering grant funds and to review, evaluate, and score grant applications. The advisory committee is comprised of external people with expertise in forestland preservation and management. RCO staff do not participate on the committee as members but do staff the committee and moderate application evaluations.
- The advisory committee evaluates all complete grant applications that meet the required deadlines. Applicants present their proposed project to the committee in person by responding to the evaluation criteria, in order, in a PowerPoint presentation format. During the presentation, the advisory committee scores applications using the evaluation criteria adopted by the board. Scoring is by confidential ballot.
- After the presentations, the office calculates the average total score of each application and generates a ranked list of applications.
- The director provides the preliminary ranked list of applications to the board in the fall of even numbered years. The board approves the preliminary ranked list in an open public meeting and instructs RCO provide the list to the Governor and Legislature as part of RCO's budget request. After the Legislature approves funding, the board approves funding to the ranked project list in an open public meeting.

<sup>28</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>29</sup> Recreation and Conservation Funding Board Resolution 2016-XX

## Attachment D: Draft WWRP Forestland Preservation Category Evaluation Criteria

### Evaluation Criteria Summary<sup>30</sup>

Scored By	Number	Evaluation Criteria	Maximum Score	Percent of Total
Advisory Committee	1	<b>Viability of the Site</b> – What is the viability of the site for commercial timber production?	10	25%
Advisory Committee	2	<b>Threat of the Land</b> – What is the likelihood the land <u>will not</u> stay in forestland use if it is not protected?	10	25%
Advisory Committee	3	<b>Building Envelope</b> – How much of the property is included in the building envelope?	4	10%
Advisory Committee	4	<b>Forestland Stewardship</b> – What stewardship practices are in place that provide ecological benefits such as clean air, clean water, storm water management, wildlife habitat, carbon sequestration factors and other benefits?	8	20%
Advisory Committee	5	<b>Benefits to the Community</b> – How will protecting the land for forest management purposes provide other benefits to the community? Does the community and area Native American tribes support the project?	8	20%
RCO Staff	6	Easement Duration	0	0%
<b>Total Points</b>			<b>40</b>	<b>100%</b>

### ADVISORY COMMITTEE SCORED QUESTIONS

1. **Viability of the Site** – What is the viability of the site for commercial timber production?

Viability of the site includes:

- Soil type and other natural characteristics.
- Ability to grow and harvest timber.
- Potential for non-timber revenue (e.g., hunting and fishing, ranching, non-timber forest products)

Score 0 – 10 points based on the viability of the site for timber production.

2. **Threat of the Land** – What is the likelihood the land will not stay in forestland use if it is not protected?<sup>31</sup>

Score the question based on the severity of the threat that the property will be converted to some use other than forestland within the next five years? Threat may include lack of protection of the

<sup>30</sup> Recreation and Conservation Funding Board Resolution 2016-XX

<sup>31</sup> Revised Code of Washington 79A.15.130(12)(c)

land, landowner circumstances, adjacent land uses, the ability to develop the land, or other conditions.

- Low likelihood it will be converted to another use (0 point)
- Medium likelihood it will be converted to another use (1 - 5 points)
- High likelihood it will be converted to another use (6 - 10 points)

3. **Building Envelope** – How much of the property is included in the building envelope?

- The size of the building envelop is not appropriate for the size of the proposed conservation easement area. (0 point)
- The size of the building envelop is appropriate for the size of the proposed conservation easement area. (1 – 4 points)

4. **Forestland Stewardship** – What stewardship practices are in place that provide ecological benefits such as clean air, clean water, storm water management, wildlife habitat, carbon sequestration factors and other benefits?<sup>32</sup>

Examples of specific types of stewardship practices to consider are:

- ✓ Sustainable forest management practices in accordance with:
  - An integrated forest management plan.
  - Forest Stewardship Plan (DNR approved)
  - Conservation Activity Plan (NRCS)
  - Tree Farm Management Plan (Washington Tree Farm Program)
- ✓ Managing for wildfire
- ✓ Managing the spread of invasive species
- ✓ Managing for forest health and climate change
- ✓ Obtaining a third party certification (e.g., Sustainable Forestry Initiative, Forest Stewardship Council, American Tree Farm System)
- ✓ Demonstrating an estimate of the amount of biological carbon stored in trees and understory plants
- ✓ Efforts to protect state priority plant and animal species and ecosystems
- ✓ Flood reduction and floodplain connections
- ✓ Removal or correction of fish passage barriers
- ✓ Dedication of stream and wetland riparian areas larger than the minimum requirements in the Forest Practices Act

Score as follows:

- There are no specific stewardship practices in place. (0 points)
- There are one or more stewardship practices planned for the future. (1 – 3 points)
- There are one or more stewardship practices in place. (4 – 6 points)

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<sup>32</sup> Revised Code of Washington 79A.15.130(12)(f)

- BONUS POINTS: Voluntary stewardship practices described will be included in the terms of the conservation easement if the project is funded. (Add 1 – 2 points to the score.)
5. **Benefits to the Community** – How will protecting the land for forest management purposes provide other benefits to the community? Does the community and area Native American tribes support the project?<sup>33</sup>
- The project will provide few additional benefits to the community. (0 – 3 points)
  - The project will provide many additional benefits to the community. (4 – 6 points)
  - There are one or more letters of support in the application that demonstrate community support for the project. (2 additional points)

Benefits to the community include:

- ✓ The project is identified as a recommendation in a:
  - Limiting factors analysis or critical pathways analysis.
  - Watershed plan.
  - Habitat conservation plan.
  - Coordinated region-wide prioritization effort.<sup>34</sup>
- ✓ The project is consistent with a:
  - Local land use plan.
  - Regional or statewide recreational or resource plan<sup>35</sup> and provides public recreational access.
- ✓ The project assists in the implementation of:
  - A local shoreline master plan updated according to RCW 90.58.080.
  - A local comprehensive plan updated according to RCW 36.70A.130.36.

#### **OBJECTIVE SCORED QUESTIONS BY RCO**

6. **Easement or Lease Duration** – What is the duration of the conservation easement or lease?
- The duration of the conservation easement is forever. (0 point)
  - The duration of the conservation is not forever. (-10 points)

<sup>33</sup> Revised Code of Washington 79A.15.130(12)(a)

<sup>34</sup> Revised Code of Washington 79A.15.130(12)(b)

<sup>35</sup> Revised Code of Washington 79A.15.130(12)(d)

<sup>36</sup> Revised Code of Washington 79A.15.130(12)(d)

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Nonhighway and Off-road Vehicle Activities Policy Changes

**Prepared By:** Adam Cole, Natural Resource Policy Specialist

#### Summary

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

#### Board Action Requested

This item will be a:

- ☒ Request for Decision
- ☐ Request for Direction
- ☐ Briefing

**Resolution:** 2016-28

#### Summary

At the [April 2016 meeting](#)<sup>1</sup>, the Recreation and Conservation Funding Board (board) directed Recreation and Conservation Office (RCO) staff to solicit public comments on the following proposed policy changes in the Nonhighway and Off-road Vehicle Activities (NOVA<sup>2</sup>) grant program:

##### 1) Grant Limits

- a. Raise the maximum grant limits from \$100,000 to \$200,000 for all project types in the Nonhighway Road<sup>3</sup> and Nonmotorized categories; and
- b. Remove the annual \$50,000 spending maximum for maintenance and operations projects.

##### 2) Eliminate Advisory Committee Technical Review of All Grant Applications

##### 3) Nonprofit Off-road Vehicle Organizations' Eligibility

- a. Further define eligibility criteria for a "non-profit off-road vehicle organization";
- b. Define "publicly-owned lands," as it appears in RCW 46.09.530; and
- c. Establish control and tenure requirements.

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<sup>1</sup> Agenda Item 13

<sup>2</sup> Complete NOVA Nonmotorized, Off Road Vehicle, and Nonhighway Road grant category descriptions, policies, and project scoring criteria: [Manual 14 Nonhighway and Off-road Vehicle Activities 2014](#).

<sup>3</sup> Also known as the Ira Spring Outdoor Recreation Facilities Fund (RCW 46.09.520(2)(ii)(A))

RCO notified over 1,600 people of the proposed changes and the associated public comment period of May 13 – June 1, 2016, including: 1) those identified in RCO's PRISM database as having applied for at least one NOVA or Recreational Trails Program (RTP) grant; 2) those interested in the activities of the board; 3) the mailing list for the Washington State Trails Conference; 4) the NOVA and RTP Advisory Committee members; 5) representatives of government agencies interested in the NOVA and RTP programs; and 6) the RCO's "Grant News You Can Use" distribution list.

Based on this solicitation, RCO received ten public comments. The verbatim comments, staff responses, and consideration of each comment are included as Attachment A. A summary of comments follows in the next section.

## Summary of Public Comments Received

### 1. Grant Limits

#### *A) Raise Maximum Grant Limits*

All comments received supported raising grant limits. Five comments identified a specific grant maximum; four comments did not. Of the five who specified an amount: one identified \$150,000 as an appropriate raise; two identified a range of \$135,000 to \$155,000; and the remaining three supported the staff recommendation of \$200,000.

Based on these comments staff recommends raising the maximum grant limit in the Nonmotorized and Nonhighway Road categories for Maintenance and Operations projects to \$150,000. Staff believes that an incremental approach is warranted in order to ensure that the program continues to support a broad array of projects, while at the same time responding to the increasing costs of performing trail work.

Based on these comments and discussion with the NOVA Advisory Committee and several federal sponsors, staff recommends raising the maximum grant limit in the Nonmotorized and Nonhighway Road categories for Development, Acquisition, and Planning projects to a maximum of \$200,000 per project. Staff believes that the higher limits are warranted to assist sponsors' request for larger and more costly construction projects that are needed to support sustainable trail systems.

With regard to comments that the program's higher grant limits will make the program less distributive, staff believes this potential scenario will be offset by the recent increase of revenue to the NOVA account.

The proposed policies are noted on page 4.

#### *B) Remove Annual \$50,000 Spending Limit*

Nine people commented on removing the annual limit on Maintenance and Operations project spending. Seven of the commenters approved of removing the limit. One commenter gave "conditional" support of the proposal, while another was silent on the issue.

Based on these comments in support of the proposal, staff recommend removing the annual \$50,000 spending limit on Maintenance and Operations Projects.

The proposed policies are noted on page 4.

## **2. Technical Review of Applications**

### *Summary of Public Comments*

Of the five individual comments, four supported the options presented; however, they did not identify a single preferred option. The remaining comment preferred a full technical review by the advisory committee for a grant application “upon request of the applicant.”

### *Advisory Committee Direction*

The majority of the fifteen NOVA advisory committee members expressed that the technical review process should be retained. Two of the committee members would like to see the process retained as it currently stands. Although there is no consensus on one best option, there is a general desire to move towards a more targeted approach to technical review of grant applications to help applicants “most in need.” Many of the advisory committee also think applicants should be able to request technical review.

Based on the diversity of comments, as well as substantive and similar discussions with staff at the United States Forest Service, staff recommends no changes to the staff recommendation. RCO staff recommend eliminating Advisory Committee technical review of all NOVA applications. If this recommendation is adopted by the board, staff will re-evaluate the need for a technical review process after the 2016 grant cycle.

The proposed policies are noted on page 4.

## **3. Eligibility of Nonprofit Off-Road Vehicle Organizations**

### *Summary of Public Comments*

Six individuals provided comments on the proposed policies. Three comments supported the policy statements; two comments expressed a desire to have other types of non-profit organizations, not just nonprofit off-road vehicle organizations, eligible to receive NOVA grants.

One comment supported the definition of “publicly owned lands,” but only conditionally supported the control and tenure policy and eligibility criteria. In the same comment, it was requested that RCO interpret its control and tenure policies liberally to allow for a non-profit to be involved in the construction phase of a grant, and not for the long-term compliance period. The comment also asked RCO to assess the experience of a non-profit’s membership, as well as the experience of the organization itself.

RCO staff did not make changes to the recommendations based on these suggestions. The control and tenure policies in Manual #4 state, a “use agreement” suffices as control and tenure depending on the content of the agreement. Furthermore, an administrative remedy exists to allow a sponsor of a co-sponsored grant to be removed from the project agreement upon project completion (and any other time) thereby allowing a co-sponsor (landowner for example) to retain sole responsibility of the NOVA funded and completed site over the long-term.

Likewise, staff did not make changes to the recommendations for eligibility criteria for nonprofit off-road vehicle organizations based on the comment requesting RCO assess the experience of a non-profits membership. RCO staff believe an organization’s history and ability to carry out projects is more important than membership, which may be transient in nature. RCO grants monies to the organization registered with the State of Washington as a nonprofit organization, not its members.

The proposed policies are noted on page 4.



## Final Proposed Policy Statements

For background and analysis of these policy changes, please see the meeting materials from the [April 2016<sup>4</sup>](#) board meeting.

Staff recommends the board adopt the following policy statements:

### 1. Grant Limits

- "The maximum grant for all Maintenance and Operations projects in the Nonmotorized and Nonhighway Road categories shall be \$150,000."
- "The maximum grant for all Acquisition, Development, and Planning projects in the Nonmotorized and Nonhighway Road categories shall be \$200,000."
- "There shall be no annual spending maximum for Maintenance and Operations projects."

**Table 1. Summary of Proposed Grant Limits for NOVA Recreation Grants**

Category	Maintenance and Operation	Land Acquisition, Development, Planning, and Combination
Nonhighway Road	\$150,000 per project	\$200,000 per project
Nonmotorized	\$150,000 per project	\$200,000 per project
Off-road Vehicle	\$200,000 per project*	No limit*

*\*Does not represent a change in policy (existing limit)*

### 2. Technical Review of Grant Applications

- A. "NOVA Nonmotorized (NM), Nonhighway Road (NHR), and Off-Road Vehicle (ORV) project applications shall only undergo an application review for eligibility and completeness by RCO staff and not a technical review by the NOVA Advisory Committee."

### 3. Nonprofit Off-Road Vehicle Organization's Eligibility

- A. "An eligible nonprofit off-road vehicle organization must be able to contract with the State of Washington, and meet all of the following criteria:
- Registered with the State of Washington as a non-profit per RCW 24.03
  - Demonstrate at least 3 years of actively managing projects relevant to the types of projects eligible for funding in the applicable Nonhighway and Off-Road Vehicles Activities (NOVA) category. "Actively managing projects" means performing the tasks necessary to manage a NOVA funded site; such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing plans, designing and implementing development projects, performing maintenance and operations, education and enforcement, securing and managing the necessary funds regardless of fund source, and other tasks.

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<sup>4</sup> Agenda Item 13

- Does not discriminate on the basis of age, disability, gender, sexual orientation, income, race, religion."

B. Define the term "Publicly Owned Lands" as used in RCW 46.09.530.

"For the purposes of making grant applications and project agreements available to nonprofit off-road organizations per RCW 46.09.530, publicly owned lands are defined as those lands which are owned, leased, or otherwise controlled and managed by a federal, state, or local government through statute or other legal authority, fee simple ownership, easement, lease, or interagency agreement; or memorandum of agreement or similarly formal document."

C. Establish Control and Tenure Requirements.

Project and Ownership Type	Policy Statement
Planning and Development Projects on <u>Publicly Owned</u> Property.	<p>"Nonprofit off-road vehicle organizations that propose a planning or development project on publicly owned property must either:</p> <ol style="list-style-type: none"> <li>1. Secure control and tenure of the project site as described in <a href="#">Manual #4</a>, for the period required by Development projects, or</li> <li>2. Co-sponsor the grant along with a NOVA eligible land owner." </li></ol>
Planning and Development Projects on <u>Privately Owned</u> Property.	<p>"Nonprofit off-road vehicle organizations that propose a planning or development project on privately owned property must secure control and tenure of the project site as outlined in <a href="#">Manual #4</a> for the period required for development projects; and demonstrate through easement, lease, or other legally binding agreement that the public will have access to the completed project for the required term. For planning projects, the project area does not have to be available to the public until the actual planned project (development) has been completed."</p>
Maintenance and Operations, and Education and Enforcement Projects on <u>Publicly Owned</u> Property	<p>"Nonprofit off-road vehicle organizations that propose to maintain and/or operate, or propose education and enforcement projects, must execute an RCO Landowner Agreement Form; or comparable agreement, as approved by RCO. The tenure must meet or exceed the period of performance and on-going obligations identified in the RCO Project Agreement."</p>

Project and Ownership Type	Policy Statement
Maintenance and Operations, and Education and Enforcement Projects on <u>Privately Owned</u> Property	<p>“Nonprofit off-road vehicle organizations that propose to maintain and/or operate a NOVA eligible facility, or propose education and enforcement activities, must:</p> <ul style="list-style-type: none"> <li>• Satisfy the control and tenure requirements in <a href="#">Manual #4</a>; or</li> <li>• Provide a lease, easement, or other legally binding agreement for the project property that allows the proposed project and public access; The tenure must meet or exceed the period of performance and on-going obligations identified in the RCO Project Agreement.”</li> </ul>

### Staff Recommendation

Staff recommends the board adopt Resolution 2016-28, included as Attachment B.

### Next Steps

Should the board adopt Resolution 2016-28, the new policies shall go into effect starting with the 2016 grant cycle.

### Link to Strategic Plan

Revising the board’s policies for NOVA addresses Goals 1, 2, and 3 in the [board’s strategic plan](#):

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

### Attachments

- A. Public Comments Received
- B. Resolution 2016-28

## Public Comments Received

Commenter	Comment	Staff Reply
<b>Dave Bryant, Senior Park Planner City of Richland, Parks and Public Facilities</b>	I have no problems with any of these proposals.	Thank You
<b>Catherine Kelley, Project Manager, Island County Public Works</b>	<p>I am writing you today in response to your request for comments on whether the Recreation and Conservation Funding Board should approve, or amend and approve, the changes to the Non-highway and Off-Road Vehicle Activities (NOVA) grant program, and the Recreational Trails Program (RTP) as proposed:</p> <ul style="list-style-type: none"> <li>• I move to approve the proposed NOVA policy statements.</li> <li>• I move to approve the proposed RTP policy statements.</li> </ul> <p>My reasoning to approve the proposed policy statements is to allow more funding for all types of grant applications to help with maintenance projects and needed trail facilities and help streamline the process. Additionally, as stated in the comment request, the proposed policy statements will help review process treat applicants equally and create eligibility criteria to ensure fairness project types in the Non-highway Road and Non-motorized Categories.</p>	Thank You
<b>John E Spring</b>	<p>As a former NOVA and NRTP Committee member, I am not sure where the phrase "Create eligibility criteria for a "non-profit off-road vehicle organization" Came into play in the NOVA program. Unless something has changed in the rules of funding, funds should be eligible to government agencies to use on projects not directly to a specific user group. If the intent by building "criteria" is to allow non-profits to apply for NOVA funding then this should be allowed eligibility to all non-profits, from all user groups, not just ORV non-profits. Under the "Fuel use study" I do not see how one user group over another could become eligible without all non-profit users.</p> <p>All other changes being proposed seem reasonable and justified.</p>	<p>Thank You.</p> <p>At present, NOVA statutes specify what entities are eligible to receive NOVA funds. Currently only "nonprofit off-road vehicle organizations" are included in the list of statutorily eligible applicants (<u>RCW 46.09.530(1)</u>).</p>

<b>Jim Harris, State Parks Region Director Retired, WWRP Trails Advisory Team Member</b>	<p>In years gone by I was an avid off-road vehicle user, including traveling stage and freight wagon routes in the Colorado Rocky Mountains, dropping below 10,000 feet only to obtain fuel. As society realizes the need for greater and greater environmental sensitivity, the land mass available for off road travel is shrinking. There is a need for implementation of these policy changes to allow funding of increased management activities to allow more intense use of remaining access areas with appropriate safety considerations.</p>	<p>Thank You</p>
<b>Brock Milliern, Statewide Recreation Manager, Washington Department of Natural Resources</b>	<p>Thank you for the opportunity to provide comment on the proposed changes to the RCO administered NOVA grant program. Four changes are proposed that will impact this program and potentially DNR's efforts to provide sustainable, high-quality, recreation to a diverse population of state residents:</p> <p><b>1) NOVA Grant Application and Spending Limits</b></p> <p><b>a) PROPOSAL - Raise grant limit from \$100,000 to \$200,000 for all project types in the NHR and NM categories.</b></p> <p><i><b>Comment:</b> We do not support a \$200,000 limit and instead recommend an increase to \$150,000 for all project types in the NHR and NM categories. The rationale for our alternate recommendation is as follows:</i></p> <ul style="list-style-type: none"> <li>• During the period from 1999 to 2015 the Producer Price Index for new construction (the most relevant classification we identified, class BNEW) rose by 59%, the Consumer Price Index rose by 44%, and the Bureau of Reclamation road construction cost by 54%. We believe this indicates that a 100% increase in grant limits is excessive.</li> <li>• We don't believe that there will be a significant decrease in the number of applications. Even in those situations where an applicant could potentially combine two grants into one due to a new and higher limit they are unlikely to actually do so, preferring instead to reduce the risk of not receiving any funding.</li> </ul>	<p>Thank You</p> <p>It is unclear if these indicators represent the inflationary cost of backcountry trail work in Washington state. However, the revised staff recommendation of a \$150,000 limit on <u>maintenance</u> grants allows for an incremental approach to raising grant limits to \$200,000 should there be a need for that.</p>

	<ul style="list-style-type: none"> <li>• While some maintenance backlogs exist for many or most of the recreation facilities we believe that the current system has been shown to best ensure funding to support the critical maintenance needs and public access.</li> <li>• Doubling the grant limit may result in the funding of fewer projects, increasing maintenance difficulties in more locations and reducing the broad distribution of new development projects.</li> <li>• Phasing of development projects is not an unreasonable approach. While the process is slower, it can allow for increased community and volunteer involvement as well as the refining of designs over time as usage occurs on opened elements. For development projects where phasing is not feasible the WWRP grant program provides opportunities for recreation grants with funding levels of \$325,000 or greater.</li> <li>• Applicants have, through necessity, become very efficient in implementing both maintenance and development projects. While there wouldn't be a conscious "relaxing" of this effort, an unintended consequence could be a diminished need for creativity and maximizing cost-efficient use of resources. One primary example of that may be a reduced dependence on fostering community volunteerism even though we believe that public participation in stewardship of our lands is an important goal itself.</li> <li>• An increase to \$150,000 is in line with the roughly 50% increase in available funds for NM and NHR through the gas tax increase the legislature approved in 2015.</li> </ul> <p><b>b) PROPOSAL – Remove \$50,000 annual spending limit on M&amp;O grants.</b></p> <p><b>Comment:</b> <i>We support the proposed change. While it is true that maintenance and operation work is often intended to be spread across the term of a grant there are circumstances which may prevent this including staff shortages due to extraordinary wildfire seasons and unusual trail/facility damage caused by extreme weather events.</i></p>	<p>Based on these comments staff is modifying its recommendation to raise <u>maintenance</u> grant limits to \$150,000.</p> <p>The bulk of organizations obtaining NOVA grants are ineligible in WWRP.</p> <p>Based on these comments staff is modifying its recommendation to raise <u>maintenance</u> grant limits to \$150,000.</p>
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	<p><i>In addition, the ability to cover the replacement of structures under M&amp;O (bridge, restroom, etc.) would be significantly limited with this restriction in place.</i></p> <p><b>2) NOVA Project Technical Review</b></p> <p><b>a) PROPOSAL – Eliminate the current Technical Review process for applications.</b></p> <p><b>Comment:</b> <i>We agree with the staff's observation that the current Technical Review process is less than optimal, while also recognizing that review can provide value to well-prepared applicants. For that reason we suggest an alternative to the options presented – allow applicants the option of requesting a Technical Review by the full advisory committee, but only if the grant manager determines that the application is sufficiently complete with all necessary elements submitted.</i></p> <p><b>3) NOVA Applicant and Project Eligibility Clarification</b></p> <p><b>a) PROPOSAL – Create eligibility criteria for a non-profit ORV organization.</b></p> <p><b>Comment:</b> <i>We support the staff recommendation while also recommending that the requirement for documented experience be interpreted broadly enough to include the documented professional experience of volunteers within the non-profit rather than exclusively the experience of the ORV organization itself. This will create more opportunity for ORV groups of Washington to grow and mature while strengthening their partnerships with land managers.</i></p> <p><b>b) PROPOSAL – Define “publicly owned lands” as it appears in RCW 46.09.530.</b></p> <p><b>Comment:</b> <i>We support the staff recommendation.</i></p>	<p>Requesting a Technical Review by the Advisory Committee is the status quo option staff solicited for public comment.</p> <p>Staff make no modification to its recommendation based on this comment. Membership in any organization is transient in nature. Staff believe a better measure of confidence is evaluating the organization's history of success.</p>
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	<p><b>c) PROPOSAL – Establish control and tenure requirements for project proposals submitted by eligible non-profits.</b></p> <p><b>Comment:</b> <i>Our interpretation of the current definition of control and tenure is that it may effectively prevent eligibility of an ORV non-profit organization as sole sponsor for development grants. We suggest that RCO accept a “use agreement” between the non-profit and public land manager which allows the non-profit access for development only during the term of the grant rather than the “minimum interest length” which would be 25 years. When used in conjunction with a land manager acknowledgement to provide reasonable public access and to maintain and retain the developed facility these two documents should meet the intent of control and tenure.</i></p>	<p>Staff make no modification to its recommendation based on this comment. To best steward NOVA funds and insure completed projects which are open and maintained for public use, staff recommend co-sponsor with the NOVA eligible landowner.</p>
<p><b>Jerome Brown, Woodland WA.</b></p>	<p>I am in support of the suggested changes in both policies and definitions as proposed by RCO.</p> <p>The definitions changes seem like they would take care of some issues that make it difficult for staff to comply with other regulations.</p> <p>I'm also in support of raising the limits for grant requests and for M&amp;O projects. M&amp;O limits seem very low as currently set.</p> <p>General comment: As a senior citizen with limited strength and endurance I do not participate in either off road vehicle activities or strenuous hiking in difficult terrain. I do support those who do wish to do so as it is a wonderful thing to have outdoor recreation of every type. For myself and my peers, I believe in and practice maintaining health through walking and hiking on trails in easier terrain and in focusing on the opportunities to do that in or close to our local communities.</p> <p>My sense is that smaller communities such as the one I live close to struggle financially to meet the higher priority needs like streets, sewers, policing and so forth and that trails of any sort are not on their minds or in their budgets as the local tax base is very tightly stretched. Perhaps they need encouragement to be sponsoring entities for trail grants.</p> <p>1. Support raising maximum grant limits to \$200,000 2. Conditional support changing maintenance from \$50,000 for M&amp;O projects but have a cap on individual projects of</p>	<p>Thank You.</p> <p>With regard to ensuring a geographic spread of the NOVA funds, there is currently no policy that ensures a geographic allocation, however, the programs' rules and application evaluation criteria do provide some direction and preference on where funds get allocated (by project).</p>



	<p>some percent of M&amp;O to prevent concentration of M&amp;O to just a few projects and assure geographic distribution of M&amp;O spending to all areas of the State.</p> <p>Note: without having seen an M&amp;O budget plan for NOVA and RTP it's difficult to make recommendations on proposed changes without seeing the rationale. Ex., it may be there is already a mechanism for assuring distribution of M&amp;O is allocations have a geographic component as well as a frequency of use (?) component. One imagines there is also competition among sponsoring groups for allocation of M&amp;O funds.</p>	<p>Based on this comment staff modified its recommendation to raise <u>maintenance</u> grants to \$150,000.</p>
<p><b>Andrea Imler, Advocacy Director, Washington Trails Association</b></p> <p><b>Yvonne Kraus, Executive Director, Evergreen Mountain Bike Alliance</b></p>	<p>Thank you for the opportunity to comment on the proposed policy changes for the Nonhighway and Off-Road Vehicle Activities (NOVA) program...</p> <p>Founded in 1966, Washington Trails Association (WTA) is the country's largest state-based trail maintenance and hiking advocacy non-profit organization with more than 14,000 members and more than 3.3 million unique annual website visitors. Washington Trails Association's mission is to "preserve, enhance, and promote hiking opportunities in Washington state through collaboration, education, advocacy and volunteer trail maintenance."</p> <p>The following are WTA's comments on the NOVA and RTP programs:</p> <p><b>NOVA PROGRAM</b></p> <p><b>1. NOVA Grant (Request) Limits</b></p> <p><b>Proposed Change: Raise the maximum grant limits from \$100,000 to \$200,000 for all project types in the Nonhighway Road and Nonmotorized categories</b></p> <p>We are concerned with the proposal to increase grant limits from \$100,000 to \$200,000 and recommend an increase between \$135,000 and \$155,000. This increase falls in line with the gas tax increase to the NOVA program approved by the Legislature in 2015.</p> <p>The NOVA nonhighway road and nonmotorized categories are highly competitive. We are concerned that a 100% increase in grant limits will severely limit the number of projects that receive funding during a grant cycle. The statewide backlog of</p>	<p>Thank You</p> <p>Based on this comment staff modified its recommendation to raise <u>maintenance</u> grants to \$150,000.</p>

	<p>maintenance on our trails and recreation facilities increases each year – reducing the number of funded projects will only increase that maintenance backlog and potentially increase the backlog of development projects.</p> <p><b>Proposed Change: Remove the annual \$50,000 spending maximum for maintenance and operations projects. 2</b></p> <p>We support this change as it brings more flexibility to the Nonhighway Road and Nonmotorized categories. Removing the annual \$50,000 spending maximum will allow agencies to determine how to utilize grant funding as it pertains to project and staffing needs. For example, a project that costs more than \$50,000 (ex. a bridge) could be completed in a one-year span if this change were implemented rather than extending it beyond a one-year time frame when conditions in staffing or environment could change and prevent the bridge from being completed.</p>	
<b>Bill Clarke, Attorney At Law &amp; Government Affairs</b>	<p>This comment is being submitted by The <b><i>Trust for Public Land</i></b> in support of the RCO's proposal in the NOVA program to raise the maximum grant limit from \$100,000 to \$200,000 for all project types. TPL works on a variety of such projects and we believe that this increase is necessary due to changes in project costs. TPL agrees with the analysis in the RCO's rulemaking document regarding the need for and benefit from changing this limit. Please let me know if you have further questions or want more information from the Trust for Public Land about this issue.</p>	Thank You
<b>Ken Konigsmark, Former NOVA Hiker Representative (NOVA Advisory Committee)</b>	<p>As a former NOVA Committee representative for several years, It seems very inappropriate to me that the program would "Create eligibility criteria for a "non-profit off-road vehicle organization." If the intent is to allow non-profits to apply for NOVA funding then the only conceivable way this should be allowed is to enable ALL non-profits, from all user groups, to become eligible, not just ORV non-profits. To do otherwise would grant special favoritism to ORV organizations that other user groups and non-profits would not enjoy. How could this possibly be justified?</p> <p>I strongly urge RCO to either allow ALL non-profits from all user groups to become eligible for NOVA grants or to disallow ALL non-profits to be eligible. In either case the policies must apply equally to all such organizations.</p>	<p>Thank You.</p> <p>At present, NOVA statutes specify what entities are eligible to receive NOVA funds. Currently only "nonprofit off-road vehicle organizations" are included in the list of statutorily eligible applicants (<u>RCW 46.09.530(1)</u>).</p>

**Recreation and Conservation Funding Board  
Resolution 2016-28  
Nonhighway and Off-Road Vehicle Activities Program**

**WHEREAS**, the Revised Code of Washington (RCW) 79A.25.005, 79A.25.110, 46.09.510, 46.09.520, 46.09.530, WAC 286-04, WAC 286-13, WAC 286-26 authorizes the Recreation and Conservation Funding Board (board) to adopt and manage policies for the Nonhighway and Off-Road Vehicle Activities (NOVA) program, and

**WHEREAS**, the Recreation and Conservation Office (RCO), with board direction, drafted program policies for NOVA to improve the program; and

**WHEREAS**, RCO solicited comments from over 1,600 members of the public and posted notice on its Web site, and

**WHEREAS**, staff reviewed the public comments, adjusted policy statements as appropriate and recommends the board approve the final proposed policy statements as presented in Item 8A, and

**WHEREAS**, the proposed final policy statements are consistent with state law and the board's administrative rules,

**NOW, THEREFORE BE IT RESOLVED**, that the board adopts the final proposed policy statements for the NOVA program as described in Item 8A, and

**BE IT FURTHER RESOLVED**, that the board directs RCO staff to incorporate these changes into the NOVA Manuals and other materials as appropriate; and

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

*Resolution moved by:*

\_\_\_\_\_

*Resolution seconded by:*

\_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)*

*Date:*

\_\_\_\_\_

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Decisions on Changes to Project Type Definitions for Nonhighway and Off-Road Vehicle Activities Program and Recreational Trails Program

**Prepared By:** Adam Cole, Natural Resource Policy Specialist

#### Summary

Recreation and Conservation Office staff recommends that the Recreation and Conservation Funding Board (board) defer policy-making that would update definitions for Maintenance (and Operations) and Development project types in the Nonhighway and Off-Road Vehicle Activities (NOVA) program and Recreational Trails Program. Updating these definitions would change the types of activities allowed in each project type.

#### Board Action Requested

This item will be a:

- ☐ Request for Decision
- ☐ Request for Direction
- ☒ Briefing

**Resolution:** 2016-29, Withdrawn

### Background and Summary of Public Comments Received

Recreation and Conservation Office (RCO) staff presented the background and analysis for the project type definition changes in the Nonhighway and Off-road Vehicle Activities (NOVA) program and the Recreational Trails Program (RTP) at the April board meeting ([Item 14](#)). At that time the board directed staff to solicit public comments on the proposed project type definitions. A side-by-side comparison of the 2014 board-adopted policy statements and the corresponding proposed policy statements is included in Attachment A.

RCO notified over 1,600 people of the proposed changes and the associated public comment period of May 13 – June 1, 2016, including: 1) those identified in our PRISM database as having applied for at least one NOVA or RTP grant; 2) those interested in the activities of the board; 3) the mailing list for the Washington State Trails Conference; 4) the NOVA and RTP Advisory Committee members; 5) representatives of government agencies interested in the NOVA and RTP programs; and 6) the RCO's "Grant News You Can Use" distribution list.

Based on this solicitation, RCO received 8 public comments. Five of the comments supported the adoption of the policy statements. Three of the comments, all representing organizations that receive NOVA or RTP grants, do not support the adoption of the policy statements and requested that the board retain the current project type definitions. One of these comments also requested that the board make "Architectural and Engineering" ("A&E") costs eligible in Maintenance (and Operations) grants to cover those costs associated with larger scale construction, renovation, relocation, and rehabilitation. A&E costs are already eligible for Development projects. Public comment received is included in Attachment B.

## Staff Recommendation

Recreation and Conservation Office staff recommends that the Recreation and Conservation Funding Board (board) defer any decision on changes to the definitions for the Maintenance (and Operations) and Development project types in the NOVA<sup>1</sup> and RTP<sup>2</sup> programs.

The definition of each project type provides staff and applicants guidance on the eligible scopes of work allowed in each grant. Public comments, as well as consultation with staff at the United States Forest Service, revealed general opposition to staff recommendations. Similarly, refinement of the staff recommendations did not generate a supportive consensus from these groups nor others.

Despite continued work with stakeholders, at this time staff have not identified a set of recommendations that serve the needs of our stakeholders and address the issues identified at the April 2016 board meeting ([Item 14, April meeting materials](#)). In addition, related issues such as Project Area Definitions (Item 9A, July meeting materials) and potential compliance policy making need to further inform the substance of these project type definitions.

Therefore, staff request a deferral of this decision to allow for the Project Area Definitions group to conclude its work, further confer with stakeholders, and consider a wider evaluation of how backcountry trail work should be organized within the NOVA and RTP authorities.

Although the public comment to allow Architectural and Engineering costs in Maintenance (and Operations) grants has merit, staff cannot recommend adoption of this suggestion at this time without having consulted with other RCO staff, the programs' Advisory Committees, our federal partners, and other stakeholders.

## Next Steps

Should the board defer a decision on Resolution 2016-29 (Attachment C), changes to project type definitions in NOVA and RTP, existing NOVA and RTP policies will be used for the 2016 grant applications and staff will provide a briefing in the winter or spring of 2017 on a set of new recommendations.

## Link to Strategic Plan

Revising the board's policies for NOVA and RTP addresses Goals 1, 2, and 3 in the [board's strategic plan](#):

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

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<sup>1</sup> Complete NOVA grant program descriptions, policies, and project scoring criteria in [Manual 14 Nonhighway and Off-road Vehicle Activities 2014](#).

<sup>2</sup> Complete RTP grant program descriptions, policies, and project scoring criteria in [Manual 16 Recreation Trails Program](#).

## Attachments

- A. 2014 Board-adopted Policy Statements and Corresponding Proposed Policy Statements
- B. Public Comment Received on Project Type Definitions
- C. Resolution 2016-29, Withdrawn

## Proposed Policy Statements

### Proposed NOVA Maintenance and Operations Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Maintenance and operation of existing trails may be interpreted broadly to include any kind of trailside, trailhead or trail maintenance, operation, restoration, rehabilitation, or relocation.</p> <p>"Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p> <p>"Operation" means non-capital costs such as cleaning restrooms, garbage service, septic service, etc.</p>	<p><u>Maintenance</u> activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor re-routes or repair or relocation needed to keep a facility or amenity at a useable standard.</p> <p><u>Operations</u> means routine servicing activities such as those that may occur on a daily or weekly basis to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking, grass trimming, or leaf blowing.</p>

### Proposed NOVA Development Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Development of trailside and trailhead facilities, new trails, and trail linkages for recreational trails. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p>	<p>Construction of new, or rehabilitation or replacement in place of existing recreational trails, re-routes, trailside facilities, and trailheads.</p> <p><u>"Rehabilitation"</u> means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p><u>Development</u> projects may also include minor amounts of maintenance work that directly related to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>

### Proposed RTP Maintenance Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Maintenance and restoration of existing trails may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation, or relocation.</p> <p>"Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor repair, re-routes, or relocation needed to keep a facility or amenity at a useable standard. Maintenance activities do not include operational activities to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking activities.</p>

**Proposed RTP Development Project Type Definition**

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, may be interpreted broadly to include development or rehabilitation (not routine maintenance) of any trailside and trailhead facility. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p> <p>"Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p><u>Construction</u> of new or rehabilitation or replacement of existing recreational trails, trailside facilities, re-routes, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p><u>Development</u> projects may also include minor amounts of maintenance work that directly relates to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>



## Public Comment Received on Project Type Definitions

Commenter	Comment	Staff Reply
<b>Dave Bryant, Senior Park Planner, City of Richland, Parks and Public Facilities</b>	I have no problems with any of these proposals.	Thank You
<b>Catherine Kelley, Project Manager, Island County Public Works</b>	<p>I am writing you today in response to your request for comments on whether the Recreation and Conservation Funding Board should approve, or amend and approve, the changes to the...Recreational Trails Program (RTP) as proposed:</p> <ul style="list-style-type: none"> <li>I move to approve the proposed RTP policy statements.</li> </ul> <p>My reasoning to approve the proposed policy statements is to allow more funding for all types of grant applications to help with maintenance projects and needed trail facilities and help streamline the process...</p>	Thank You
<b>John E Spring</b>	As a former NOVA and NRTP Committee member....All other changes being proposed seem reasonable and justified.	Thank You
<b>Jim Harris, State Parks Region Director Retired, WWRP Trails Advisory Team Member</b>	In years gone by I was an avid off-road vehicle user, including traveling stage and freight wagon routes in the Colorado Rocky Mountains, dropping below 10,000 feet only to obtain fuel. As society realizes the need for greater and greater environmental sensitivity, the land mass available for off road travel is shrinking. There is a need for implementation of these policy changes to allow funding of increased management activities to allow more intense use of remaining access areas with appropriate safety considerations.	Thank You
<b>Jerome Brown, Woodland</b>	I am in support of the suggested changes in both policies and definitions as proposed by RCO. The definitions changes seem like they would take care of some issues that make it difficult for staff to comply with other regulations...	Thank You

<p><b>Andrea Imler, Advocacy Director, Washington Trails Association</b></p> <p><b>And</b></p> <p><b>Yvonne Kraus, Executive Director, Evergreen Mountain Bike Alliance</b></p>	<p>Dear Recreation and Conservation Funding Board:</p> <p>Thank you for the opportunity to comment on the proposed policy changes for the Nonhighway and Off-Road Vehicle Activities (NOVA) program and Recreation Trails Program (RTP) grant.</p> <p>Founded in 1966, Washington Trails Association (WTA) is the country's largest state-based trail maintenance and hiking advocacy non-profit organization with more than 14,000 members and more than 3.3 million unique annual website visitors. Washington Trails Association's mission is to "preserve, enhance, and promote hiking opportunities in Washington state through collaboration, education, advocacy and volunteer trail maintenance."</p> <p><i>NOVA and RTP PROGRAMS</i></p> <p>1. NOVA and RTP Project Type Descriptions</p> <p>Proposed Change: Amend the maintenance and develop project type definitions in the Nonhighway and Off-Road Vehicle (NOVA) program and the Recreational Trails Program (RTP).</p> <p>We do not support the proposed changes and request that the 2014 Board Adopted Policy Statements be retained for all proposed definitions. When the definitions were adopted in 2014, the type of work eligible in a maintenance project expanded to include bridges (ex. footlogs), which should fall squarely into the maintenance category.</p> <p>WTA understands that the 2014 adopted definitions may complicate the process for RCO staff. However we believe that it is critical that important maintenance features, such as footlog bridge and culvert replacements continue to be seen as a maintenance projects that are important to a trail network. These activities and the maintenance and rehabilitation of these activities can mean the difference between a closed trail and an open, accessible trail.</p> <p>Thank you for the opportunity to comment on proposed policy changes to the NOVA and RTP grant programs. Please do not hesitate to contact me if I can assist you or if you have any questions.</p>	<p>Thank You</p>
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<b>Brock Milliern, Statewide Recreation Manager, Washington Department of Natural Resources</b>	<p>Thank you for the opportunity to provide comment on the proposed changes to the RCO administered NOVA grant program. Four changes are proposed that will impact this program and potentially DNR's efforts to provide sustainable, high-quality, recreation to a diverse population of state residents:</p> <p><b>Revise Project Type Definitions and Eligible Work for NOVA and RTP Maintenance and Operation Projects</b></p> <p><b>a) PROPOSAL – Remove renovation and rehabilitation from allowed activities within maintenance and operation project types for NOVA grant program.</b></p> <p><i><b>Comment:</b> We do not support the proposal and recommend instead that the current policy be retained. The decision by staff and board in 2014 to expand the allowed activities in maintenance and operations was based upon sound reasons and the challenges which have arisen in implementation, while clearly significant, don't diminish the basis of the original decision.</i></p> <p><i>We encourage the board to view maintenance broadly as the upkeep of an integrated asset such as a network of trails or a facility rather than a collection of discrete elements. This approach recognizes that the loss of one element such as a bridge, boardwalk, culvert, or restroom can close a facility or significantly reduce the usability of the entire system. Accordingly the ability to restore that single element can be critical to the maintenance and continued availability of the facility.</i></p> <p><i>We also ask that architectural, engineering, and permit costs be specifically included as eligible costs within the maintenance project type when these costs are incurred for the restoration or rehabilitation of an eligible trail, facility, or area.</i></p>	<p>Thank You</p>
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**Recreation and Conservation Funding Board  
Resolution 2016-29  
Project Type Definitions for the Nonhighway and Off-Road Vehicle Activities Program  
and Recreational Trails Program**

**WHEREAS**, the Revised Code of Washington (RCW) 79A.25.005, and 79A.25.110, 79A.25.130, and (RCW) 46.09.510, 46.09.520, 46.09.530, WAC 286-04, WAC 286-13, WAC 286-26 authorizes the Recreation and Conservation Funding Board (board) to adopt and manage policies for the Nonhighway and Off-Road Vehicle Activities (NOVA) program and the Recreational Trails Program (RTP), and

**WHEREAS**, the Recreation and Conservation Office (RCO), with board direction, drafted program policies for NOVA and RTP to improve the program; and

**WHEREAS**, RCO solicited comments from over 1.600 members of the public and posted notice on its Web site, and

**WHEREAS**, staff reviewed the public comments, and recommends the board approve the proposed policy statements as presented in Item 8B, and

**WHEREAS**, the proposed policy statements are consistent with state law and the board's administrative rules,

**NOW, THEREFORE BE IT RESOLVED**, that the board adopts the proposed policy statements for the NOVA and RTP programs as described in item 8B, and

**BE IT FURTHER RESOLVED**, that the board directs RCO staff to incorporate these changes into the NOVA and RTP Manuals and other materials as appropriate; and

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

*Resolution moved by:* \_\_\_\_\_

*Resolution seconded by:* \_\_\_\_\_

*Adopted/Defeated/Deferred (underline one)*

*Date:* \_\_\_\_\_

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Follow-up on Policy Issues: Project Area Special Committee Update

**Prepared By:** Leslie Connelly, Natural Resource Policy Specialist

#### Summary

This memo summarizes progress to create the project area special committee and an overview of the committee's first two meetings.

#### Board Action Requested

This item will be a:

- ☐ Request for Decision
- ☐ Request for Direction
- ☒ Briefing

### Background

At the April 2016 meeting, the Recreation and Conservation Funding Board (board) created a special committee charged with developing a recommendation on the definition of "project area." The term "project area" is used to delineate the area on the ground that is subject to long-term obligations for maintaining property acquired, developed, or restored with grant funds. There needs to be a common understanding for RCO staff and the project sponsor on what is the "project area" that is subject to the project agreement.

"Project area" is a term used in state law<sup>1</sup>, Washington Administrative Code<sup>2</sup>, and board policy<sup>3</sup>. See [Item 7](#) from the April 2015 for more background information on the term "project area" and [Item 10](#) from the April 2016 board meeting materials for background on creation of the special committee.

### Committee Update

#### Committee Formed

Chair Ted Willhite and board member Mike Deller volunteered to participate on the special committee. The board also delegated authority to the chair to appoint one other committee member to represent the local sponsor perspective. Chair Willhite appointed Larry Otos to serve in this role. Mr. Otos is the former Director of Parks and Recreation at the City of Mt. Vernon, and an active member in the Washington Wildlife and Recreation Coalition and Washington Parks and Recreation Association. He is also a successful applicant of board funds in many different grant programs.

<sup>1</sup> Revised Code of Washington 79A.15.110

<sup>2</sup> Washington Administrative Code 286-13-110

<sup>3</sup> Conversion Policy, Resolution #2007-14

## Progress to Date

At the time of the July board meeting, the special committee will have met twice. Committee members will provide an overview of their discussions at the board meeting. Below is a list of the topics discussed at each meeting.

The first committee meeting was held on June 6, 2016, via GoTo Meeting. The committee discussed:

1. The committee's purpose and goal,
2. Examples of grant projects (previously presented to the board in February 2016),
3. How RCO uses other geographically-based terms, and
4. Challenges to implementing a "project area" definition.

The committee's second meeting is on July 12, 2016 in Bellevue. The agenda for this meeting is:

1. Review examples from other states and the Salmon Recovery Funding Board.
2. Review examples from grant applications as a source of the extent of the project area.
3. Review existing board policies that may help inform the definition of "project area" such as phased projects, compliance, and income use.
4. Discuss approaches for different project types with different compliance periods.

## Next Steps

RCO staff will continue to work with the special committee to develop a recommendation for the term "project area." The committee is working from the schedule below, previously presented to the board in April 2016.

### Project Area Special Committee Remaining Work Plan

Monthly Meeting	Meeting Topics
<b>July 2016</b>	<ul style="list-style-type: none"><li>• Review examples from 2016 grant applications.</li><li>• Scope the minimum requirements for "project area" such as the footprint of construction with legal access, area of recreation experience, and deed of right legal description.</li></ul>
<b>August 2016</b>	<ul style="list-style-type: none"><li>• Review draft definition of "project area."</li><li>• Provide feedback and discussion ideas on how to improve the draft.</li></ul>
<b>September 2016</b>	<ul style="list-style-type: none"><li>• Review final draft definition of "project area."</li><li>• Finalize recommendation to the board.</li></ul>
<b>October 2016</b>	<ul style="list-style-type: none"><li>• Make a recommendation to the board.</li></ul>

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Follow-up on Policy Issues: Review of Firearms Range and Course Safety Guidance

**Prepared By:** Adam Cole, Natural Resource Policy Specialist

#### Summary

At the April 2016 meeting, the Recreation and Conservation Funding Board (board) approved a resolution updating its Firearms and Archery Range and Course Safety Policy (safety policy). Per the board's request, the memo provides additional information on issues discussed at that meeting.

#### Board Action Requested

This item will be a:

- ☐ Request for Decision
- ☐ Request for Direction
- ☒ Briefing

### Background

At its [April 2016 meeting](#)<sup>1</sup>, the Recreation and Conservation Funding Board (board) adopted resolution 2016-21 which updated and applied the Firearms and Archery Range Recreation program's Firearms and Archery Range and Course Safety Policy (safety policy) to all board-funded programs. At that time, the board asked staff to provide information on various topics discussed during the consideration of this policy update at the July 2016 meeting.

These issues relate to firearms projects only:

1. Implementing the Safety Policy: What has happened since the board adopted the safety policy in 2014? Has anything related to ranges changed since then?
2. Overview of the NRA Source Book: Is this document the appropriate sponsor guidance for board funded firearms and archery range projects? Is the 2009 version a better guidance to follow than the 2012 version? Are issues beyond safety, such as ecological issues, addressed in the Source Book? What are the training requirements of an [NRA Range Technical Team Advisor](#)?
3. Range Designer/Evaluator Credentials: What agency or organization credentials or formally trains and approves professions responsible for firearms range design?
4. Qualified Professionals: Are there enough range designers to provide the services required by the safety policy?

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<sup>1</sup> Item 17

## Firearms and Archery Range and Course Safety Policy

### Current Board Adopted Policy Statement:

The RCO does not certify ranges or courses as being safe. However, RCO does require range and course facilities funded by the Recreation and Conservation Funding Board to be acquired, planned, designed, operated, and maintained to contain bullets, shot, arrows, or other projectiles within the facility property and to minimize noise impacts to adjacent and nearby properties. Therefore, all funded projects that directly benefit shooting activities or noise and safety abatement projects must be constructed to contain all projectiles. Depending upon the type of facility, the design must meet guidance published by the National Rifle Association (NRA), National Field Archery Association (NFAA), and the Archery Trade Association (ATA).

For projects using guidance from the Archery Trade Association: 1) projects must be acquired, planned, designed, operated, and maintained to ensure projectiles do not leave the range property the sponsor has demonstrated its control and tenure over; and 2) all safety buffer zones must be on property the sponsor has demonstrated its control and tenure over.

To determine whether a project meets RCO policy, projects that directly benefit shooting activities and noise and safety abatement projects must be evaluated by a certified advisor from one of the associations identified above or a professional engineer or other qualified professional consultant with experience and expertise in the evaluation and design of ranges and courses. Project sponsors must provide documentation of the project's evaluation by one of the above reviewers before receiving reimbursement from RCO. Costs associated with meeting this requirement are eligible administration expenses in the grant.

## 1) Implementing the Safety Policy

No state-wide changes in the regulatory environment of ranges have occurred since the safety policy was first adopted in 2014. However, Kitsap County has since adopted a new [Shooting Range Ordinance](#). This ordinance identifies the NRA Source Book as the minimum required "standards" for range development and operations.

Since the adoption of the safety policy at the [January 2014 board meeting](#), staff have published the policy in program manuals, added features to PRISM to manage sponsor requirements, and published forms and other items for use by sponsors and RCO grant managers. The only projects affected by this policy to date are the seven 2014 Firearms and Archery Range Recreation (FARR) grants. The current policy will also apply to the 2016 grant cycle and beyond. To date there are no 2016 firearms or archery range project applications, but that will change after the November 1<sup>st</sup> deadline for FARR program applications.

As shown in the two "certification" forms (Attachment A), sponsors are now required to submit show how the safety policy is being implemented. A signed form and an associated report are due 1) at the project design phase, and 2) at project completion.

## 2) Overview of the NRA Source Book

### Is the 2009 Source Book better than the 2012 version?

The [2012 edition](#) is the most recent version of the NRA Source Book. Although public testimony provided at the April 2016 board meeting suggested the 2009 edition of the source book is a superior document,



staff could not access a copy of the 2009 Source Book to evaluate this testimony. The NRA no longer sells or distributes previous versions of the Source Book. Likewise, staff could not validate this testimony via several discussions with private sector organizations to include the NRA Range Services staff. Lastly, staff could not locate any articles, or trade publications that would validate the testimony.

### **Is the Source Book the appropriate guidance for board funded firearms projects?**

Based on discussions with private and public sector professionals that design, operate, or provide funding for public recreational shooting ranges, the NRA Source Book is considered the most comprehensive set of recommendations for planning, design, and operation of a public recreational range. However, private sector range designers and consultants draw on many other published range documents to create their designs and programs.

A list of these widely referenced documents is included in Attachment B.

### **What are the training requirements of an NRA Range Technical Team Advisor?**

[NRA Range Technical Team Advisors](#) (RTTAs) are individual volunteers who receive training at a three-day conference or an equivalent on-line course and pass an exam administered by the NRA. The NRA accepts and manages their RTTA's. For a fee, the NRA will assign a RTTA to a range to provide a report regarding whether its design and operation conforms to the recommendations of the Source Book.

### **What issues beyond safety are addressed in the Source Book?**

The Source Book has stand-alone sections for various topics:

- Terminology
- Safety Plan
- Planning and Design
- Organization and Management
- Operations and Maintenance
- Sound Abatement
- Public Relations
- General Operations For Various Types of Indoor and Outdoor Shooting and Archery
- Over 150 Technical Drawings

These sections include detailed information and resources on environmental protection, human health, and sustainability. The Source Book recommends all ranges be designed with the most current best management practices for storm water and lead management; have an adopted Maintenance Plan, Environmental Stewardship Plan, and Safety Plan; and staff/officers designated to these efforts/resources. The Source Book also provides numerous forms such as maintenance and safety checklists, and inspection forms.

A sample page from the Source Book's environmental section is included as Attachment C.

## **3) Range Designer/Evaluator Credentials**

Staff consulted with several private industry range designers, agency staff in other states, the National Rifle Association, the American Institute of Architects–Washington Council, the Washington Association of Land Scape Architects, and the National Society of Professional Engineers. According to these organizations, there is no known government or professional association that certifies or licenses

someone as a professional/expert shooting range designer or evaluator. However, here are three important traits of a person potentially well qualified to design a shooting range:

1. Has completed a post-secondary degree program.
2. Has a state-wide license/stamp/registration from a government sanctioned body (board, etc.) for the profession they practice.
3. Carries professional liability insurance that does not exclude range design as a covered claim.

Also, depending on the type of project, the professions that appear most highly qualified to design/evaluate a range are architects, landscape architects, or professional engineers. These professionals may only need to be involved with parts of the project, not necessarily the entire project.

#### **4) Qualified Professionals**

Staff believe ample experienced professionals exist to provide the services required by the safety policy. Although some of these professionals are local, many are based in other states but do travel to project locations across the country. Online sources such as the [National Shooting Sports Foundation](#) provide a library of qualified professional. Sponsors will find others via a direct search of the internet or by contacting existing ranges for references.

#### **Potential Issues for Further Consideration**

The board may want to further consider the following:

- 1) Amending the current safety policy to:
  - Remove reference to guidance documents and rely on a professional's judgment and experience.
  - Specify in more detail the professions and qualifications which may provide design and evaluations for sponsors.
- 2) Hire a consultant to evaluate the safety policy and RCO's operations related to firearms and archery projects.
- 3) Consider hiring a professional to evaluate firearms and archery projects for compliance with the safety policy.

An alternate approach for further considerations is to allow the 2014 projects affected by the policy to be completed and see what issues, if any, arise as the most important to address.

#### **Attachments**

- A. Safety Certification Forms
- B. Commonly Referenced Guidance for Firearms Ranges
- C. The National Rifle Association Source Book, Excerpt

## Appendix C

### Self-Certification: Project Design

This statement must be filled out and signed by an employee or officer of the organization receiving funding from the Recreation and Conservation Funding Board (RCFB). The Range and Course Safety Policy is limited to this RCFB funded project and the associated ranges. This is not a certification that a range is safe.

RCO project number and name: \_\_\_\_\_

Name of your organization: \_\_\_\_\_

### Range and Course Safety Policy (RCFB Resolution 2016-21)

"The RCO does not certify ranges or courses as being safe. However, RCO does require range and course facilities funded by the Recreation and Conservation Funding Board to be acquired, planned, designed, operated, and maintained to contain bullets, shot, arrows, or other projectiles within the facility property and to minimize noise impacts to adjacent and nearby properties. Therefore, all funded projects that directly benefit shooting activities or noise and safety abatement projects must be constructed to contain all projectiles. Depending upon the type of facility, the design must meet guidance published by the National Rifle Association (NRA), National Field Archery Association (NFAA), and the Archery Trade Association (ATA).

For projects using guidance from the Archery Trade Association: 1) projects must be acquired, planned, designed, operated, and maintained to ensure projectiles do not leave the range property the sponsor has demonstrated its control and tenure over; and 2) all safety buffer zones must be on property the sponsor has demonstrated its control and tenure over.

To determine whether a project meets RCO policy, projects that directly benefit shooting activities and noise and safety abatement projects must be evaluated by a certified advisor from one of the associations identified above or a professional engineer or other qualified professional consultant with experience and expertise in the evaluation and design of ranges and courses. Project sponsors must provide documentation of the project's evaluation by one of the above reviewers before receiving reimbursement from RCO. Costs associated with meeting this requirement are eligible administration expenses in the grant."

### Guidance for Certification

In the above policy, containment means that projectiles do not leave property under the control of sponsor because 1) the range is being used per its rules that prevent escapement and, 2) all human and engineered controls to prevent escapement meet the facility design and are operating at their optimal level.

Meeting one or more of the guidances named in the Policy (see above), means the project design and associated range(s) (and/or acquisition) meets the intent of those guidances.

# Sponsor Certification

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Sponsor: Name and title of the person filling out this certification

Check all that apply:

- 1) Our organization has contracted with a qualified professional (an *"evaluator"*) to evaluate our project design (and/or planned acquisition) and the associated range(s) for compliance with RCO's Range and Course Safety Policy, and produce a project design evaluation report. I attest that the evaluator has determined that the design and associated range(s) (and/or planned acquisition):
  - ☐ Conforms to the RCO Range and Course Safety Policy.
  - ☐ Does not conform to the policy.
  - ☐ Evaluator meets the qualifications in the policy (see page 1).
  
- 2) As required, I have attached the evaluator's project design evaluation report which, at a minimum, contains the following sections and information:
  - ☐ **Evaluator Scope of Work:** Describes the evaluator's contracted scope of work and relationship to your organization.
  - ☐ **Project Design:** This section must contain a copy of the schematic design and layout of the funded project and associated range(s), a summary of the range's safety plan; and describe the project's purpose and its relation to the design and safety plan.
  - ☐ **Containment and Noise:** Description of how the design and associated range(s) will or will not achieve containment and minimize noise, and how the project conforms to the guidelines on Page 1. Other guidelines used also should be noted.
  - ☐ **Conclusions:** Must include a statement indicating the project design, associated range(s), and safety plan conforms (or not) to the RCO Range and Course Safety Policy.
  - ☐ **Evaluator's Qualifications and Experience:** List all relevant education, employer licenses and accreditations, recent projects, etc.

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Print/Sign name and title

Date

## Appendix D

### Self-Certification: Completed Project

This statement must be filled out and signed by an employee or officer of the organization receiving funding from the Recreation and Conservation Funding Board. The Range and Course Safety Policy is limited to this RCFB funded project and the associated ranges. This is not a certification that the range is safe.

RCO project number and name: \_\_\_\_\_

Name of your organization: \_\_\_\_\_

### Range and Course Safety Policy (RCFB Resolution 2016-21)

"The RCO does not certify ranges or courses as being safe. However, RCO does require range and course facilities funded by the Recreation and Conservation Funding Board to be acquired, planned, designed, operated, and maintained to contain bullets, shot, arrows, or other projectiles within the facility property and to minimize noise impacts to adjacent and nearby properties. Therefore, all funded projects that directly benefit shooting activities or noise and safety abatement projects must be constructed to contain all projectiles. Depending upon the type of facility, the design must meet guidance published by the National Rifle Association (NRA), National Field Archery Association (NFAA), and the Archery Trade Association (ATA).

For projects using guidance from the Archery Trade Association: 1) projects must be acquired, planned, designed, operated, and maintained to ensure projectiles do not leave the range property the sponsor has demonstrated its control and tenure over; and 2) all safety buffer zones must be on property the sponsor has demonstrated its control and tenure over.

To determine whether a project meets RCO policy, projects that directly benefit shooting activities and noise and safety abatement projects must be evaluated by a certified advisor from one of the associations identified above or a professional engineer or other qualified professional consultant with experience and expertise in the evaluation and design of ranges and courses. Project sponsors must provide documentation of the project's evaluation by one of the above reviewers before receiving reimbursement from RCO. Costs associated with meeting this requirement are eligible administration expenses in the grant."

### Guidance for Certification

In the above policy, containment means that projectiles do not leave property under the control of sponsor because 1) the range is being used per its rules that prevent escapement and, 2) all human and engineered controls to prevent escapement meet the facility design and are operating at their optimal level.

Meeting one or more of the guidances named in the Policy (see above), means the project design and associated range(s) (and/or acquisition) meets the intent of those guidances.

# Sponsor Certification

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Sponsor: Name and title of the person filling out this certification

- 1) Our organization has contracted with a qualified professional (an *evaluator*) to 1) inspect and evaluate our completed project for compliance with RCO's Range and Course Safety Policy, and 2) produce a completed project evaluation report. I attest that the evaluator has determined that the FARR funded project and its associated range(s):

- ☐ Conforms to the RCO Range and Course Safety Policy.
- ☐ Does not conform to the Policy.
- ☐ Evaluator meets the qualifications in the Policy (see page 1).

- 2) As required, I have attached the evaluator's completed project evaluation report which, at a minimum, contains the following sections and information:

- ☐ **Evaluator Scope of Work:** Describes the Evaluator's contracted scope of work, and relationship to your organization.
- ☐ **As-Built Design:** This section must contain a copy of the project's schematic as-built plans (or acquisition map), schematic of the entire associated range, and summary of its safety plan. State that the completed project was based on the previously evaluated design or planned acquisition contained in the sponsor's Appendix C and its attached *project design evaluation report (note any variances)*.
- ☐ **Containment and Noise:** Discuss how the completed project and associated range (and/or acquisition) will (or not) achieve containment and minimize noise, and how the completed project and associate range(s) (and/or acquisition) conform to the guidance(s) listed on page 1. Other guidances used should also be noted.
- ☐ **Conclusions:** Must include a statement indicating the completed project, the safety plan, and associated range(s) conform (or not) to the RCO Range and Course Safety Policy.
- ☐ **Evaluator's Qualifications and Experience:** List all relevant education, employment, licenses/ accreditations, recent projects, etc.

Print name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Commonly Referenced Guidance for Firearms Ranges

Document	Applicability	Description	Other Sections
<a href="#">NRA Source Book (2012)</a>	Civilian ranges, including those that allow use by law enforcement. Textbook for training NRA Range Technical Team Advisors	A 793 page guide to planning, construction, and operation of firearm, air gun, and archery facilities, both indoor and outdoor. Provides narrative and graphic information to include technical drawings.	Provides information and resources for design and operation considerations to protect the environment, human health; and provides guidance on how to develop range safety, maintenance, and environmental stewardship plans.
<a href="#">National Shooting Sports Foundation Digital Library</a> (variable dates)	General purpose civilian ranges for all types of firearms.	A collection of proprietary and non-proprietary recourses from multiple sources. Includes narrative and graphic information	Includes articles and resources on environmental protection best practices.
US Air Force Engineering Technical Letter 11-18: Small Arms Range Design and Construction (2011) ( <a href="https://www.wbdg.org/ccb/AF/AFETL/etl_11_18.pdf">https://www.wbdg.org/ccb/AF/AFETL/etl_11_18.pdf</a> )	United States Air Force Properties located in the lower 48 contiguous states.	A 54 page technical document with narrative and graphic information including technical drawings and safety instructions.	Includes instructions on how to protect the environment and human health. Includes numerous resources and authorities for environmental protection and safety.
<a href="#">Department of the US Army Pamphlet 385-63</a>	Army and Marine Corps training and recreational ranges during peacetime and contingency operations to ensure preservation of property and live.	A 251 page narrative and graphic resource for all types of military weapons. Includes operational considerations for safety and when it is appropriate to diverge from the standard guidance.	Identifies <a href="#">Army Regulation 200-1 Environmental Protection and Enhancement</a> and many others to implement required environmental protection and stewardship efforts.
<a href="#">US Department of Energy Range Design Criteria</a>	US Department of Energy live fire ranges.	116 pages with narrative and graphic range design criteria.	Does not contain an environmental stewardship section but states that projects must be constructed with required reviews such as NEPA and OSHA, and reassessed every 12 months.
Army Corps of Engineers Planning and Design of Outdoor Sports Facilities ( <a href="https://www.wbdg.org/ccb/ARMYCOE/COETM/tm_5_803_10.pdf">https://www.wbdg.org/ccb/ARMYCOE/COETM/tm_5_803_10.pdf</a> )	Army Corps of Engineers facilities	Several pages of a larger document provide narrative and graphic design criteria for archery and shotgun sports.	No discreet environmental stewardship or health information.
Amateur Trap Association (ATA)	ATA affiliated ranges and tournaments	Several pages of designs for trap fields	No environmental or health information

Many other state's grant and land management programs adopt the NRA Sourcebook as required recommendations for their programs. These include:

- [Michigan Department of Natural Resources](#)
- [Colorado Parks and Wildlife Shooting Range Program](#)
- [Indiana Department of Natural Resources Shooting Range Program](#)
- Arizona Game and Fish Department Shooting Range Grants
- New York State Department of Environmental Conservation Shooting Range Grant Program
- South Dakota Game, Fish and Parks Shooting Range Grant Program
- [Minnesota Department of Natural Resources](#)
- [Nevada Shooting Range Grant Program \(Click "Shooting Range Cost Share Application"\)](#)

Likewise, many state and local governments codify the Source Book into their laws and regulations. Here is a sample:

- [Clark County Washington \(Title 9.12.050 \(4\)\)](#)
- [Kitsap County, Washington \(Ordinance 10.25.090\(4\)\)](#)
- [Cowlitz County \(WA\) Code \(Chapter 10.22.050 "Range Manual"\)](#)
- [King County Code 6.84.030](#): This code does not reference the NRA Range Book by name but does except it and an NRA Range Technical Team Advisory evaluation as "...meet(ing) commonly accepted shooting facility safety and design practices..."
- [Florida State Law \(Chapter 823.16\(6\)\)](#)
- [Kansas \(Article 32.58-3221\), Kansas \(Admin Regulation Article 22 115-22-1\)](#)
- [Texas Health and Safety Code Subchapter D. Outdoor Shooting Ranges](#)
- [Michigan Sport Shooting Ranges Act 269 of 1989](#)
- [Minnesota Shooting Ranges \(2015 Statutes, Chapter 87A.02\)](#)
- [Nebraska Administrative Code \(Title 163, Chapter 6, 001.01\)](#)
- [Ohio Shooting Ranges \(Ohio Admin Code 1501:31-29-03\(D\)\)](#)



## The National Rifle Association Source Book, Excerpt

### 2.04 Environmental Management Guidance

- 2.04.1 Pro-active management of environmental issues has become an essential component of sound operation of an outdoor shooting range. Environmental challenges to ranges, related primarily to lead but also involving other shooting-associated materials, are becoming increasingly common, and pose potentially overwhelming costs, lengthy legal or regulatory processes, and major adverse publicity. To prepare for and help minimize the potential consequences of an environmental challenge, ranges should pro-actively develop and implement a site-specific Environmental Stewardship Plan (ESP) for managing shooting-associated materials.
- 2.04.2 An ESP is a written guide or “road map” for planning, implementing, monitoring, and documenting the progress of environmental management and improvements at your shooting range. A site-specific ESP is the best and most cost-effective way for a range to minimize the potential for serious consequences from environmental issues. Developing and implementing an ESP tends to:
- discourage (but not prevent) legal and regulatory actions
  - aid in systematically gathering and evaluating the information necessary to determine whether there are legitimate environmental concerns at your range
  - document the fact that no legitimate environmental issues are identified, or help identify effective and appropriate ways to resolve any legitimate environmental concerns that may be identified
  - demonstrate the need for action to members and/or shooters
  - assist in making prudent and cost-effective environmental management decisions help avoid potentially huge costs, long-term liabilities, legal uncertainties, and adverse public relations of dealing with environmental allegations
- 2.04.3 All ranges should have a site-specific ESP. Existing ranges that do not yet have an ESP should initiate ESP development and implementation promptly. Ranges in the planning or construction process should take advantage of the opportunity to coordinate ESP development and implementation into the design and construction process for maximum efficiency and so operations can begin with best environmental practices. Existing ranges planning expansions should integrate revision of their ESPs into expansion plans.
- 2.04.4 The U.S. Environmental Protection Agency (EPA) has developed lead management guidance for outdoor ranges in consultation with the NRA. The National Shooting Sports Foundation (NSSF) also developed guidance that is compatible with the EPA guidance. The guidance documents from these organizations are mutually complimentary, and together constitute a complete package of guidance and recommendations for environmental management of outdoor shooting ranges consistent with national laws, regulations, and policies. The NSSF guidance discusses

**Item 10, Attachment A, as amended**  
**Red colored text is proposed changes to the Proposed Rulemaking File #16-12-084.**

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-010** (~~((What is the purpose of this))~~) Scope of chapter~~((?))~~. (1) This chapter contains general rules (~~((affecting))~~) for grant program eligibility, applications, and projects funded with money from or through the board.

(2) Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle activities program), chapter 286-27 WAC (Washington wildlife and recreation program), chapter 286-30 WAC (Firearms and archery range recreation program), chapter 286-35 WAC (Initiative 215 boating facilities program), chapter 286-40 WAC (Land and water conservation fund program) and chapter 286-42 WAC (Aquatic lands enhancement account program).

(3) The director may apply the rules in this chapter to programs administered by the office that are not subject to the board's approval.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-010, filed 4/18/14, effective

5/19/14. Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. WSR 05-01-030, § 286-13-010, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 96-08-044, § 286-13-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-010, filed 8/17/94, effective 9/17/94.]

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-020 Application(~~(s)~~) requirements and the evaluation process.** (~~((1) All grant requests must be completed and submitted in the format prescribed by the director.~~

~~(2) If the director determines that the applicant is eligible to apply for federal funds administered by the board, the applicant must execute the forms necessary for that purpose.))~~ (1) The board shall adopt a competitive evaluation process to guide it in allocating funds to grant applicants. The board may also adopt a technical review process to assist applicants in preparing for evaluation of their applications.

(2) The board's technical review and evaluation process for applications shall:

(a) Be developed, to a reasonable extent, through the participation of a grant program advisory committee and interested parties;

(b) Consider applicant, local, regional, and statewide needs, a project's technical merits, and other evaluation criteria;

(c) Be adopted by the board in open public meetings;

(d) Be made available in published form to interested parties;

(e) Be designed for use by an advisory committee selected for this purpose; and

(f) Be in accord with chapters 46.09, 79A.15, 79A.25, 79A.35 RCW, and RCW 79.105.150 and all other applicable statutes and federal laws and rules.

(23) The office shall administer the technical review and evaluation process adopted by the board. The office shall inform all applicants of the application requirements and the technical review and evaluation process.

(34) All applications completed in the format prescribed and submitted to the office that meet the application requirements and deadlines in this chapter will be referred to an advisory committee for evaluation.

(45) The results of the evaluation of applications from an advisory committee shall be referred to the director. The director shall use the results of the evaluation process to make funding recommendations to the board.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-020, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 96-08-044, § 286-13-020, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-020, filed 8/17/94, effective 9/17/94.]

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-040 ((~~What are the~~)) Grant program deadlines ((~~and how can the deadlines be waived?~~)).** (1) ((~~Compliance with the following deadlines is required to be eligible for grant funding and to receive grant funding.~~

~~(a))~~ Applications must be submitted at least four calendar months before the meeting of the board at which the applicant's project is first considered. Applications must be completed in final form

and on file with the office (~~((at least one calendar month before the meeting of the board at which the applicant's project is first considered))~~) by the deadline established by the director. ~~Excepted~~ The only exceptions are applications for programs where the director specifically establishes another deadline to accomplish new or revised statutory direction, board direction, or to meet a federal grant application deadline.

~~((b))~~ (2) Plans required for participation in board grant programs must be complete and on file with the office at least three calendar months before the meeting of the board at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to six years ~~from the last day of the month when the applicant adopted the plan.~~

~~((c))~~ (3) To develop the director's funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the office at least one calendar month before the meeting of the board at which the project is to be considered for funding.

~~((4))~~ (4) To prepare a project agreement, ~~((certain))~~ other documents or materials in addition to the application may be required by the office. These documents or materials must be provided by the applicant to the office at least two calendar months after the date the board or director approves funding for the project or earlier to meet a federal grant program requirement. After this period, the board or director may rescind the offer of grant funds and reallocate the grant funds to another project(s).

~~((5))~~ (5) An applicant has three calendar months from the date the office sends the project agreement to sign and return the agreement to the office. After this period, the board or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

~~((6))~~ (6) Sponsors must submit a request for reimbursement at least once each year as described in the agreement.

(7) Sponsors must submit final project deliverables at the completion of the project as described in the agreement.

(8) Compliance with the deadlines is required unless ~~((a waiver is granted))~~ an extension is approved by the board or director. ~~((Such waivers))~~ Requests to extend a deadline must be submitted to the office before the deadline. Extensions are considered based on several

factors which may vary with the type of (~~waiver~~) extension requested, including any one or more of the following:

- (a) Current status and progress made to meet the deadline;
- (b) The reason the established deadline could not be met;
- (c) When the deadline will be met;
- (d) Impact on the board's evaluation process;
- (e) Equity to other applicants; and
- (f) Such other information as may be relevant.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-040, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. WSR 05-01-030, § 286-13-040, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-13-040, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-040, filed 3/18/98, effective 4/18/98; WSR 97-17-004, § 286-13-040, filed 8/7/97, effective 9/7/97; WSR 96-08-044, § 286-13-040, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080,



46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-040, filed 8/17/94, effective 9/17/94.]

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-050 ((Funding)) Final decision.** (1) The board (~~((will review))~~) shall consider recommendations from the director for grant projects at regularly scheduled public meetings.

(2) The board retains the authority and responsibility to accept or deviate from (~~((these))~~) the director's recommendations and make the final decision concerning the funding of an application or a change to a funded project.

(3) Unless otherwise precluded by law, the board's decision is the final decision.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-050, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-050, filed 8/17/94, effective 9/17/94.]

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-085 Retroactive, preagreement, and increased costs.**

(1) Before execution of an agreement, the office shall not approve the disbursement of funds for project costs.

(2) The office will only reimburse costs that occur within the period of performance in the project agreement except for costs in subsections (3) and (4) of this section.

~~((2))~~ (3) The director may grant a waiver of retroactivity for acquiring real property whenever an applicant asserts, in writing, the justification for the critical need to purchase the property in advance of the project agreement along with any documentation required by the director. When evidence warrants, the director may grant the applicant permission to proceed by issuing a written waiver. This waiver of retroactivity will not be construed as approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for grant funding. If the project is to remain eligible for funding from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own

waiver of retroactivity as provided under its rules and regulations. A waiver may be issued for more than one grant program.

~~((3))~~ (4) The only retroactive acquisition, development, and restoration costs eligible for grant funding are preagreement costs as defined by the board.

~~((4))~~ (5) Cost increases for approved projects may be granted by the board or director if financial resources are available and within the appropriation authorized by the legislature.

(a) Each cost increase request will be considered on its merits and the board's grant program policies.

(b) The director may approve a cost increase ~~((request so long as the cost increase amount does not exceed ten percent of the project's approved initial grant funding amount))~~ with authority delegated by the board.

(c) The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value. [Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-085, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-085, filed 3/18/98, effective 4/18/98; WSR 97-08-003, § 286-13-085, filed

3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5) and 43.99.080(2). WSR 96-15-082, § 286-13-085, filed 7/18/96, effective 8/18/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 96-08-044, § 286-13-085, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-085, filed 8/17/94, effective 9/17/94.]

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-100 Nonconformance and repayment.** Any project cost deemed by the board or director to conflict with applicable statutes, rules and/or related manuals, or the agreement, must be repaid, upon written request by the director, to the appropriate state account per the terms of the project agreement. Such repayment requests may be made in consideration of an applicable report from the state auditor's office.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-100, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5),

43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-100, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 96-08-044, § 286-13-100, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-100, filed 8/17/94, effective 9/17/94.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 286-13-030	Application review.
WAC 286-13-080	What rules govern expenses incurred before execution of a project agreement?

**Item 10, Revised Attachment E**

**Recreation and Conservation Funding Board  
REVISED Resolution #2016-30**

**Amendments to Chapters 286-04 General and 286-13 General Grant Assistance of the  
Washington Administrative Code (WAC)**

**WHEREAS**, pursuant to state law, the Recreation and Conservation Funding Board (board) adopts administrative rules that govern its grant programs and sets procedures for the Recreation and Conservation Office (RCO); and

**WHEREAS**, the administrative rules in Chapters 286-04 General and 286-13 General Grant Assistance of the Washington Administrative Code (WAC) provide policy direction to the board, director, and office on general grant program administration and are in need of updating to incorporate existing grant procedures and authorities; and

**WHEREAS**, RCO filed a Pre-proposal Statement of Inquiry to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC with the Office of the Code Reviser on filed April 5, 2016 and published April 20, 2016 in issue #16-08 of the Washington State Register and no comments were received; and

**WHEREAS**, RCO filed a Proposed Rule Making to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC with the Office of the Code Reviser on May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register and also provided the proposed rulemaking to the Joint Administrative Rules Review Committee; and

**WHEREAS**, RCO posted notice, in accordance with RCW 34.05.320, of the proposed rulemaking to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC on its Web site, sent an email notification to interested persons, and accepted public comments from June 15 to July 8, 2016; and

**WHEREAS**, the board conducted a public hearing, in accordance with RCW 34.05.325, on the proposed rulemaking to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC on July 13, 2016 and considered all written and verbal comments submitted;

**NOW, THEREFORE BE IT RESOLVED**, that the board does hereby adopt ~~Attachment A, as amended, with non-substantive changes in response to public comments received and staff recommendations the proposed rulemaking as filed with the Office of the Code Reviser on May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register;~~ and

**BE IT FURTHER RESOLVED** that the board directs RCO staff to file a final rule making order, in accordance with RCW 34.05.325, with the Office of the Code Reviser and it shall have an effective date of 31 days from the date it is filed.

Resolution moved by: \_\_\_\_\_

Resolution seconded by: \_\_\_\_\_

Adopted/Defeated/Deferred (underline one)

Date:

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**Item 10 – Attachment D**  
**DRAFT Concise Explanatory Statement**  
RCW 34.05.325(6) and 34.05.370(g)

**Reasons for Adopting this Rule**

The purpose of the changes to Chapters 286-04 General and 286-13 General Grant Assistance of the Washington Administrative Code is to modify grant program requirements. The modifications include changes to the application requirements, evaluation process, grant program deadlines, decision making, and eligible grant costs.

The anticipated effects of the proposed amendments are:

1. Allow the director to apply chapter 286-13 WAC to grant programs administered by the Recreation and Conservation Office;
2. Include an option for a technical review of applications before final evaluation;
3. Clarify the evaluation process and who makes final decisions;
4. Allow the director to determine application deadlines;
5. Add deadlines for reimbursement of grant funds and final project deliverables; and
6. Clarify eligible grant costs.

The reasons supporting this proposal include expanding authorities for the board and the RCO director to make decisions, formalizing portions of the grant evaluation process and certain deadlines, and enacting existing grant procedures and eligible costs into rules.

**Differences Between the Text as Proposed and Adopted**

WAC 286-13-040(1) - The term "Excepted" is replaced with "The only exceptions" at the beginning of the third sentence.

WAC 286-13-020 – Subsections (2) to (5) are renumbered.

WAC 286-13-040(2) – Text not adopted as proposed.

**Reasons for Any Differences**

WAC 286-13-040(1) – Replacing the terms provides for a stronger statement.

WAC 286-13-020 – Subsection (2) is used twice.

WAC 286-13-040(2) – Change is not necessary at this time.

**How Final Rule Reflects Agency Consideration of Comments or Why it Fails To Do So**

The change to WAC 286-13-040(1) is based on a suggestion from the public. Other changes suggested by the public were not made because they were unnecessary or addressed in grant program policies adopted by the Recreation and Conservation Funding Board.

The change to WAC 286-13-040(2) is not necessary at this time because a change now would not make any impact to the 2016 grant cycle. Staff will reconsider the change in the interim before the next grant cycle in 2018.



### Comment, Summary and Agency Response

Comments on this rule-making proposal are in the following table, including a summary of each comment, a statement of how the rule reflects agency consideration of the comment, or why it fails to do so. Before the adopted rule is filed, this report will be provided to those who have commented and those who have requested copies.

<b>Comment Author</b>	<b>Summary of Comment</b>	<b>Response</b>
Lorena Landon, Snoqualmie	<ul style="list-style-type: none"><li>Changes appear to serve the purpose of clarification and provide consistency.</li><li>WAC 286-13-085 item (b) allows the director to approve a cost increase with authority delegated by the board but no limit has been set for the cost of increase; this may encourage overruns.</li></ul>	The Recreation and Conservation Funding Board sets the cost increase limits when it adopts policies for specific programs or types of projects. The director may not always have authority to approve an increase based on the policy. Changing WAC 286-13-085(b) to reference the adopted policy avoids any confusion on whether the director can approve an increase or not.
Dick Miller, Castle Rock	The substance of the proposed new rule making sounds like positive forward steps.	Thank you.
Peggy Panisko, West Richland	<p><b>WAC 286-13-040(1)</b></p> <ul style="list-style-type: none"><li>Suggests adding "the only" to the beginning of the third sentence.</li><li>I think this rule should leave no question as to application deadlines so that all applicants have a level playing field. Adding "only" seems stronger to me.</li></ul> <p><b>WAC 286-13-040(3)</b></p> <ul style="list-style-type: none"><li>Who provides the written assurance?</li><li>Suggests adding "by the person(s), organization or agency whenever their matching resources are to be considered as part of an application."</li><li>Why is this written assurance not required at time of application?</li></ul>	<p><b>WAC 286-13-040(1)</b></p> <p>Staff will recommend to the Recreation and Conservation Funding Board the text be revised as suggested.</p> <p><b>WAC 286-13-040(3)</b></p> <ul style="list-style-type: none"><li>The applicant is the entity that provides the written assurance as reflected in the second sentence of this subsection.</li><li>The written assurance is not required at the time of application because some grant programs take up to a year to award funds. Requiring the written assurance one month before the award of funds gives the applicant more time to secure its matching share.</li></ul>

Comment Author	Summary of Comment	Response
	<b>WAC 286-13-040(8)</b> What determines if extension requests are approved by the director rather than the board?	<b>WAC 286-13-040(8)</b> The board has not adopted specific policy on when the director may approve an extension request. The director typically limits approval of extension requests to those that do not negatively affect other deadlines. The director typically forwards extension requests to the board for consideration if granting the request would affect other applicants or sponsors.

## Recreation and Conservation Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

**Meeting Date:** July 13-14, 2016

**Title:** Washington Administrative Code Public Hearing for Amendments to Chapters 286-04 and 286-13

**Prepared By:** Leslie Connelly, Natural Resource Policy Specialist/Rules Coordinator

#### Summary

This memo presents a staff recommendation for amendments to the administrative rules in Chapters 286-04 and 286-13 of the Washington Administrative Code and outlines the required public review process for the adoption of the amendments.

#### Board Action Requested

This item will be a:

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

**Resolution:** 2016-30

**Purpose of Resolution:** Adopts amendments to Chapter 286-06 and 286-13 of the Washington Administrative Code.

### Background

At the February 2016 Recreation and Conservation Funding Board (board) meeting, Recreation and Conservation Office (RCO) staff proposed a number of revisions to Chapters 286-04 and 286-13 of [Title 286 of the Washington Administrative Code](#) (WAC) that modify grant program requirements. The board reviewed the draft amendments and directed staff to prepare them for formal public review and a public hearing at the July board meeting.

Additional background information is in [Item 5](#) of the February board meeting materials.

### Proposed Amendments

#### Proposed Amendments Chapters 286-04 General and 286-13 General Grant Assistance

The purpose of the proposed amendments to Chapters 286-04 General and 286-13 General Grant Assistance is to modify grant program requirements. The modifications include changes to the application requirements, evaluation process, grant program deadlines, decision making, and eligible grant costs. The anticipated effects will:

1. Allow the director to apply chapter 286-13 WAC to grant programs administered by the Recreation and Conservation Office;
2. Include an option for a technical review of applications before final evaluation;

3. Clarify the evaluation process and who makes final decisions;
4. Allow the director to determine application deadlines;
5. Modify the deadline for an applicant's plan;
6. Add deadlines for reimbursement of grant funds and final project deliverables; and
7. Clarify eligible grant costs.

The reasons supporting this proposal include expanding authorities for the board and the RCO director to make decisions, formalizing portions of the grant evaluation process and certain deadlines, and enacting existing grant procedures and eligible costs into rules.

Table 1 below presents a summary of the proposed amendments with an explanatory statement for each section. The text of the proposed amendments in strikethrough and underline format is included as Attachment A.

**Table 1: Summary of Revisions to Chapters 286-04 General and 286-13 General Grant Assistance**

WAC	Subject	Explanatory Statement of the Proposed Amendment
<b>286-04-065</b>	Project evaluations	<ul style="list-style-type: none"> <li>Section repealed and contents incorporated into WAC 286-13-020 Application requirements.</li> </ul>
<b>286-13-010</b>	What is the purpose of this chapter?	<ul style="list-style-type: none"> <li>Title changed to "Scope of Chapter."</li> <li>Director authorized to apply the rules in Chapter 286-13 to projects not approved by the board.</li> <li>Minor edits.</li> </ul>
<b>286-13-020</b>	Application requirements	<ul style="list-style-type: none"> <li>Title changed to "Application requirements and the evaluation process."</li> <li>Content from WAC 286-04-065 Project evaluations incorporated.</li> <li>Content from WAC 286-13-030 Application review incorporated.</li> <li>Technical review process added to the application evaluation process, as an optional step.</li> <li>Roles of the advisory committee, RCO, director and board clarified.</li> </ul>
<b>286-13-030</b>	Application review	<ul style="list-style-type: none"> <li>Section repealed and contents moved to WAC 286-13-020.</li> </ul>
<b>286-13-040</b>	What are the grant program deadlines and how can the deadlines be waived?	<ul style="list-style-type: none"> <li>Title changed to "Grant program deadlines."</li> <li>Application deadline changed to the director's authority.</li> <li>Planning deadline changed to allow to the end of the month.</li> <li>Deadlines added for reimbursements and final project deliverables.</li> <li>Deadlines extended, not waived.</li> <li>Minor edits.</li> </ul>
<b>286-13-050</b>	Funding decision	<ul style="list-style-type: none"> <li>Title changed to "Final decision."</li> <li>Scope expanded to include all board decisions, not just funding decisions.</li> <li>Minor edits.</li> </ul>

WAC	Subject	Explanatory Statement of the Proposed Amendment
<b>286-13-080</b>	What rules govern expenses incurred before execution of a project agreement?	<ul style="list-style-type: none"> <li>Section repealed and content incorporated into WAC 286-13-085.</li> </ul>
<b>286-13-085</b>	Retroactive, pre-agreement, and increased costs.	<ul style="list-style-type: none"> <li>Content from WAC 286-13-080 incorporated.</li> <li>Text changed to clarify when the office can disburse funds.</li> <li>Pre-agreement costs allowed as exceptions to costs before the period of performance.</li> <li>Cost increases allowed within the appropriate authorized by the Legislature.</li> <li>Director granted authority to approve a cost increase based on board policy.</li> <li>Minor edits.</li> </ul>
<b>286-13-100</b>	Nonconformance and repayments	<ul style="list-style-type: none"> <li>Project agreement added as a source to identify conflicts with any project cost.</li> </ul>

### Public Notice

Prior to the board meeting, RCO informed the public of the proposed rulemaking on the following occasions:

- Agenda item at the February 2016 board meeting posted on RCO's website,
- Pre-proposal Statement of Inquiry (CR-101, Attachment B) filed April 5, 2016 and published April 20, 2016 in issue #16-08 of the Washington State Register,
- Proposed Rulemaking (CR-102, Attachment C) filed May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register,
- Proposed Rulemaking filed May 31, 2016 with the Joint Administrative Rules Review Committee,
- Agenda item at the July 2016 board meeting and public hearing posted on RCO's Web site,
- Posting of proposed rulemaking on RCO's website, and
- Email notification sent to interested persons.

### Public Hearing

The Administrative Procedures Act (APA) requires at least one public hearing prior to adopting amendments to the rules<sup>1</sup>. The public hearing for the proposed rulemaking outlined in this memo is during the board's regularly scheduled public meeting and set for:

July 13, 2006 at 4:00 PM  
Washington Department of Ecology  
Northwest Region Office  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 98008

Notice of the public hearing was included in the rulemaking filing and published accordingly in the Washington State Register.

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<sup>1</sup> RCW 34.05.325

## Written Comments

Members of the public may submit written comments in advance of the public hearing or provide comments at the hearing. Written comments can be submitted:

From June 15, 2016 to July 8, 2016  
ATTN: Leslie Connelly  
WA Recreation and Conservation Office  
1111 Washington St. SE  
PO Box 40917  
Olympia, WA 98504-0917  
[Leslie.connelly@rco.wa.gov](mailto:Leslie.connelly@rco.wa.gov)  
(360) 902-3026 fax

As of the writing of this memo, RCO has not received any public comments.

Before filing an adopted rule, the APA requires an agency to prepare a "Concise Explanatory Statement"<sup>2</sup> (Attachment D) which includes a summary of all comments received and responses to them. Staff will provide a draft Concise Explanatory Statement at the July board meeting with a summary of any written public comments received prior to the public hearing.

## Options for Consideration

After the scheduled public hearing, the board will consider whether to adopt the amendments to the rules as written, amend the proposal, or postpone adoption.

State law allows the board to adopt a rule somewhat different than proposed as long as it is not "substantially different."<sup>3</sup> Factors that may affect whether a proposed rule might be substantially different include the extent to which:

- A reasonable person affected by the rule would have understood how the rule would have affected his/her interests,
- The subject differs from that originally proposed, or
- The effects of the adopted rule differ from the effects of the proposed rule.

Any changes to the recommended amendments that are substantially different from the proposal cannot be adopted without re-initiating the notification and comment procedures. If the board chooses to make substantial changes to the proposed rulemaking, staff will file a supplemental notice in the Washington State Register and the board must conduct another public hearing.

If the board prefers not to adopt all or portions of the proposed rulemaking at the July meeting, the board can postpone adoption to a future meeting within 180 days of the rulemaking filing, which is November 27, 2016. This means the board could take action on the current recommended amendments at its October 2015 meeting without needing to re-file. The board could also decide to withdraw all or portions of the proposed rulemaking.

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<sup>2</sup> RCW 34.05.325(6) and 34.05.370(2)(g)

<sup>3</sup> RCW 34.05.340

## **Staff Recommendation**

Staff recommends adoption of the proposed rulemaking filed May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register.

## **Request for Decision**

Attachment E contains resolution 2016-30 for the board's consideration.

## **Strategic Plan Link**

The proposed WAC changes reflect the opportunity to make policy improvements that support the board's goal to achieve a high level of accountability in managing the resources and responsibilities entrusted to the board.

## **Next Steps**

Should the board adopt the proposed rule-making, staff will prepare a final Concise Explanatory Statement and file a final rule adoption notice for publication in the next available Washington State Register. Adopted rules are effective 31 days after filing with the Office of the Code Reviser.

## **Attachments**

- A. Proposed Amendments to Chapters 286-04 General and 286-13 General Grant Assistance
- B. Pre-proposal Statement of Inquiry Notice (CR-101)
- C. Proposed Rulemaking Notice (CR-102)
- D. Draft Concise Explanatory Statement (to be distributed at the board meeting)
- E. Resolution 2016-30

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 286-04-065          Project evaluations.



AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-010** ~~((What is the purpose of this))~~ Scope of chapter((?)). (1) This chapter contains general rules ~~((affecting))~~ for grant program eligibility, applications, and projects funded with money from or through the board.

(2) Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle activities program), chapter 286-27 WAC (Washington wildlife and recreation program), chapter 286-30 WAC (Firearms and archery range recreation program), chapter 286-35 WAC (Initiative 215 boating facilities program), chapter 286-40 WAC (Land and water conservation fund program) and chapter 286-42 WAC (Aquatic lands enhancement account program).

(3) The director may apply the rules in this chapter to programs administered by the office that are not subject to the board's approval.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-020** Application((s)) requirements and the evaluation process. ~~((1) All grant requests must be completed and submitted in the format prescribed by the director.~~

~~((2) If the director determines that the applicant is eligible to apply for federal funds administered by the board, the applicant must execute the forms necessary for that purpose.))~~ (1) The board shall adopt a competitive evaluation process to guide it in allocating funds to grant applicants. The board may also adopt a technical review process to assist applicants in preparing for evaluation of their applications.

(2) The board's technical review and evaluation process for applications shall:

(a) Be developed, to a reasonable extent, through the participation of a grant program advisory committee and interested parties;

(b) Consider applicant, local, regional, and statewide needs, a project's technical merits, and other evaluation criteria;

(c) Be adopted by the board in open public meetings;

(d) Be made available in published form to interested parties;

(e) Be designed for use by an advisory committee selected for this purpose; and

(f) Be in accord with chapters 46.09, 79A.15, 79A.25, 79A.35 RCW, and RCW 79.105.150 and all other applicable statutes and federal laws and rules.

(3) The office shall administer the technical review and evaluation process adopted by the board. The office shall inform all applicants of the application requirements and the technical review and evaluation process.

(4) All applications completed in the format prescribed and submitted to the office that meet the application requirements and deadlines in this chapter will be referred to an advisory committee for evaluation.

(5) The results of the evaluation of applications from an advisory committee shall be referred to the director. The director shall use the results of the evaluation process to make funding recommendations to the board.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-040** ~~((What are the))~~ **Grant program deadlines** ~~((and how can the deadlines be waived?))~~. (1) ~~((Compliance with the following deadlines is required to be eligible for grant funding and to receive grant funding.~~

~~((a)))~~ Applications must be submitted at least four calendar months before the meeting of the board at which the applicant's project is first considered. Applications must be completed in final form and on file with the office ~~((at least one calendar month before the meeting of the board at which the applicant's project is first considered))~~ by the deadline established by the director. Excepted are applications for programs where the director specifically establishes another deadline to accomplish new or revised statutory direction, board direction, or to meet a federal grant application deadline.

~~((b)))~~ (2) Plans required for participation in board grant programs must be complete and on file with the office at least three calendar months before the meeting of the board at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to six years from the last day of the month when the applicant adopted the plan.

~~((c)))~~ (3) To develop the director's funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the office at least one calendar month before the meeting of the board at which the project is to be considered for funding.

~~((d)))~~ (4) To prepare a project agreement, ~~((certain))~~ other documents or materials in addition to the application may be required by the office. These documents or materials must be provided by the applicant to the office at least two calendar months after the date the board or director approves funding for the project or earlier to meet a federal grant program requirement. After this period, the board or director may rescind the offer of grant funds and reallocate the grant funds to another project(s).

~~((e)))~~ (5) An applicant has three calendar months from the date the office sends the project agreement to sign and return the agreement to the office. After this period, the board or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

~~((f)))~~ (6) Sponsors must submit a request for reimbursement at least once each year as described in the agreement.

(7) Sponsors must submit final project deliverables at the completion of the project as described in the agreement.

(8) Compliance with the deadlines is required unless ~~((a waiver is granted))~~ an extension is approved by the board or director. ~~((Such waivers))~~ Requests to extend a deadline must be submitted to the of-

fice before the deadline. Extensions are considered based on several factors which may vary with the type of ~~((waiver))~~ extension requested, including any one or more of the following:

- (a) Current status and progress made to meet the deadline;
- (b) The reason the established deadline could not be met;
- (c) When the deadline will be met;
- (d) Impact on the board's evaluation process;
- (e) Equity to other applicants; and
- (f) Such other information as may be relevant.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-050 ~~((Funding))~~ Final decision.** (1) The board ~~((will review))~~ shall consider recommendations from the director for grant projects at regularly scheduled public meetings.

(2) The board retains the authority and responsibility to accept or deviate from ~~((these))~~ the director's recommendations and make the final decision concerning the funding of an application or a change to a funded project.

(3) Unless otherwise precluded by law, the board's decision is the final decision.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-085 Retroactive, preagreement, and increased costs.**

(1) Before execution of an agreement, the office shall not approve the disbursement of funds for project costs.

(2) The office will only reimburse costs that occur within the period of performance in the project agreement except for costs in subsections (3) and (4) of this section.

~~((+2))~~ (3) The director may grant a waiver of retroactivity for acquiring real property whenever an applicant asserts, in writing, the justification for the critical need to purchase the property in advance of the project agreement along with any documentation required by the director. When evidence warrants, the director may grant the applicant permission to proceed by issuing a written waiver. This waiver of retroactivity will not be construed as approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for grant funding. If the project is to remain eligible for funding from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations. A waiver may be issued for more than one grant program.

~~((+3))~~ (4) The only retroactive acquisition, development, and restoration costs eligible for grant funding are preagreement costs as defined by the board.

~~((4))~~ (5) Cost increases for approved projects may be granted by the board or director if financial resources are available and within the appropriation authorized by the legislature.

(a) Each cost increase request will be considered on its merits and the board's grant program policies.

(b) The director may approve a cost increase ~~((request so long as the cost increase amount does not exceed ten percent of the project's approved initial grant funding amount))~~ with authority delegated by the board.

(c) The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value.

AMENDATORY SECTION (Amending WSR 14-09-074, filed 4/18/14, effective 5/19/14)

**WAC 286-13-100 Nonconformance and repayment.** Any project cost deemed by the board or director to conflict with applicable statutes, rules and/or related manuals, or the agreement, must be repaid, upon written request by the director, to the appropriate state account per the terms of the project agreement. Such repayment requests may be made in consideration of an applicable report from the state auditor's office.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 286-13-030	Application review.
WAC 286-13-080	What rules govern expenses incurred before execution of a project agreement?



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

 Do **NOT** use for expedited rule making

**Agency:** Recreation and Conservation Office on behalf of the Recreation and Conservation Funding Board

**Subject of possible rule making:**

The Recreation and Conservation Funding Board will consider amendments to chapters 286-04 General and 286-13 General grant assistance to modify grant program requirements.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 34.05.220; 42.56.040; 46.09.530; 79A.15.030; 79A.15.060; 79A.15.070; 79A.15.120; 79A.15.130; 79A.25.210

**Reasons why rules on this subject may be needed and what they might accomplish:**

The reasons for this proposal are to clarify and bring up to date grant program application and funded project requirements. The amendments will make minor clarifications and expand board and director authorities for making decisions.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

No other federal or state agencies regulate grant funding programs administered by the board and office.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study  
☒ Other (describe)

The Recreation and Conservation Funding Board will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Leslie Connelly, Rules Coordinator, Recreation and Conservation Office  
 1111 Washington Street SE  
 PO Box 40917  
 Olympia, WA 98504-0917  
 (360) 902-3080 (office) / (360) 902-3026 (fax)  
 leslie.connelly@rco.wa.gov

**DATE**  
April 5, 2016

**NAME (TYPE OR PRINT)**  
Leslie Connelly

**SIGNATURE**

*Leslie Connelly*

**TITLE**  
Rules Coordinator, Natural Resource Policy Specialist

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 05, 2016

**TIME:** 2:13 PM

**WSR 16-08-110**



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Recreation and Conservation Office on behalf of the Recreation and Conservation Funding Board

- ☒ **Preproposal Statement of Inquiry was filed as WSR 16-08-110 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or**  
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject)

Amendments to chapter 286-04 WAC General and chapter 286-13 General grant assistance WAC.

**Hearing location(s):**

Washington Department of Ecology  
 Northwest Regional Office  
 3190 160th Ave SE  
 Bellevue, WA 98008

Date: July 13, 2016 Time: 4:00 p.m.

**Submit written comments to:**

Name: Leslie Connelly  
 Address: 1111 Washington Ave. S., PO Box 40917, Olympia, WA 98504-0917  
 e-mail [leslie.connelly@rco.wa.gov](mailto:leslie.connelly@rco.wa.gov)  
 fax (360) 902-3026 by July 8, 2016

**Assistance for persons with disabilities:** Contact

Cindy Gower by July 12, 2016

TTY (360) 902-1996 or (360) 902-3013

**Date of intended adoption:** July 13, 2016  
 (Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the proposal is to modify grant program requirements for the Recreation and Conservation Funding Board. The modifications include changes to the application requirements, evaluation process, grant program deadlines, decision making, and eligible grant costs. The anticipated effects will:

- 1) Allow the director to apply chapter 286-13 WAC to grant programs administered by the Recreation and Conservation Office;
- 2) Include an option for a technical review of applications before final evaluation;
- 3) Clarify the evaluation process and who makes final decisions;
- 4) Allow the director to determine application deadlines;
- 5) Modify the deadline for an applicant's plan;
- 6) Add deadlines for reimbursement of grant funds and final project deliverables; and
- 7) Clarify eligible grant costs.

**Reasons supporting proposal:**

The reasons supporting this proposal include expanding authorities for the Recreation and Conservation Funding Board and the director to make decisions, formalizing portions of the grant evaluation process and certain deadlines, and enacting existing grant procedures and eligible costs into rules.

**Statutory authority for adoption:** RCW 34.05.220; 42.56.040; 46.09.530; 79A.15.060; 79A.15.070; 79A.15.120; 79A.15.130; 79A.25.210

**Statute being implemented:** Chapters 79A.15 and 79A.25 RCW, RCW 46.09.530

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**

May 31, 2016

**NAME** (type or print)

Leslie Connelly

**SIGNATURE**

*Leslie Connelly*

**TITLE** Rules Coordinator/Natural Resources Policy Specialist

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** May 31, 2016

**TIME:** 11:12 AM

**WSR 16-12-084**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Recreation and Conservation Office

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Leslie Connelly	1111 Washington St. SE, Olympia WA 98504	(360) 902-3080
Implementation....Kaleen Cottingham	1111 Washington St. SE, Olympia WA 98504	(360) 902-3000
Enforcement..... Kaleen Cottingham	1111 Washington St. SE, Olympia WA 98504	(360) 902-3000

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax     (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed rulemaking does not meet the definition of a “minor cost” in RCW 19.85.020(2) nor would it affect “small businesses” as defined in RCW 19.85.020(3).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax     (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

The Recreation and Conservation Office is not listed as an agency required to complete a cost-benefit analysis under RCW 34.05.328(5)(a)(i).

## Draft Concise Explanatory Statement

*To be distributed at the board meeting.*



**Recreation and Conservation Funding Board  
Resolution #2016-30  
Amendments to Chapters 286-04 General and 286-13 General Grant Assistance of the  
Washington Administrative Code (WAC)**

**WHEREAS**, pursuant to state law, the Recreation and Conservation Funding Board (board) adopts administrative rules that govern its grant programs and sets procedures for the Recreation and Conservation Office (RCO); and

**WHEREAS**, the administrative rules in Chapters 286-04 General and 286-13 General Grant Assistance of the Washington Administrative Code (WAC) provide policy direction to the board, director, and office on general grant program administration and are in need of updating to incorporate existing grant procedures and authorities; and

**WHEREAS**, RCO filed a Pre-proposal Statement of Inquiry to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC with the Office of the Code Reviser on filed April 5, 2016 and published April 20, 2016 in issue #16-08 of the Washington State Register and no comments were received; and

**WHEREAS**, RCO filed a Proposed Rule Making to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC with the Office of the Code Reviser on May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register and also provided the proposed rulemaking to the Joint Administrative Rules Review Committee; and

**WHEREAS**, RCO posted notice, in accordance with RCW 34.05.320, of the proposed rulemaking to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC on its Web site, sent an email notification to interested persons, and accepted public comments from June 15 to July 8, 2016; and

**WHEREAS**, the board conducted a public hearing, in accordance with RCW 34.05.325, on the proposed rulemaking to amend Chapters 286-04 General WAC and 286-13 General Grant Assistance WAC on July 13, 2016 and considered all written and verbal comments submitted;

**NOW, THEREFORE BE IT RESOLVED**, that the board does hereby adopt the proposed rulemaking as filed with the Office of the Code Reviser on May 31, 2016 and published June 15, 2016 in issue #16-12 of the Washington State Register; and

**BE IT FURTHER RESOLVED** that the board directs RCO staff to file a final rule making order, in accordance with RCW 34.05.325, with the Office of the Code Reviser and it shall have an effective date of 31 days from the date it is filed.

Resolution moved by: \_\_\_\_\_

Resolution seconded by: \_\_\_\_\_

Adopted/Defeated/Deferred (underline one)

Date: \_\_\_\_\_

## RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED AGENDA & ACTIONS

July 13, 2016

### Agenda Items

Item	Formal Action	Board Request for Follow-up
1. Consent Agenda A. Time Extension Requests Sinlahekin Ecosystem Restoration, Phase 2 (RCO 10-1629) B. Board Meeting Minutes – April 27-28, 2016	<b>Resolution 2016-22</b> Decision: Approved	No follow-up action requested.
2. Director's Report • Annual Director's Evaluation Process • Overview of Agenda for 2017 Board Retreat • Legislative, Budget, & Policy Update • Grant Management Report ○ Overview of 2016 Grant Round ○ Follow-up Briefing: City of Spokane Riverfront Park Combined Sewer Overflow (RCO 72-040) • Fiscal Report ( <i>written only</i> ) • Performance Report ( <i>written only</i> )	Briefings	Staff requested that board members review the list of retreat topics and the 2017 proposed calendar and contact Wendy Loosle with suggestions or scheduling conflicts.
3. State Agency Partner Reports	Briefings	No follow-up action requested.
4. Boating Infrastructure Grants Project Overview	Briefing	Staff will inform the board of the projects approved for funding in the next meeting's grant report.
5. Operating and Capital Budget Requests for 2017-2019 A. Operating Budget and Capital Budget Requests Based on Revenue Projections  B. Washington Wildlife and Recreation Program (WWRP) Resolution 2016-23  C. Youth Athletic Facilities (YAF) Resolution 2016-24  D. All Other Board-Funded Grant Programs Resolution 2016-25	   <b>Resolution 2016-23</b> Decision: Approved   <b>Resolution 2016-24</b> Decision: Approved   <b>Resolution 2016-25</b> Decision: Approved	   No follow-up action requested.  The board moved to approve a request amount of \$120 million for WWRP.  The board moved to approve a request amount of \$12 million for YAF.  The board moved to approve the request amounts for all other board-funded grant programs as listed in the resolution.

Item	Formal Action	Board Request for Follow-up
<p>6. Youth Athletic Facilities Project Match Waiver Requests</p> <p>A. Chief Tonakset Park Ball Field Complex Renovation (RCO 16-2033) Resolution 2016-26</p> <p>B. Twisp Sports Complex Renovation Project, Phase 1 (RCO 16-2023) Resolution 2016-27</p>	<p><b>Resolution 2016-26</b> Decision: Approved</p> <p><b>Resolution 2016-27, as amended</b> Decision: Approved</p>	<p>No follow-up action requested.</p> <p>The board amended the resolution prior to adoption to strike the references that would allow a policy waiver for the 10% non-state, non-federal match requirement. Chair Willhite requested that staff follow up with the project sponsor to explain the decision.</p>
<p>7. Washington Wildlife and Recreation Program (WWRP) Policy Direction</p> <p>A. Funding Allocations in the Local Parks and State Parks Categories</p> <p>B. Funding Allocation in the Urban Wildlife Habitat Category</p> <p>C. Forest Land Preservation Category Policies and Evaluation Criteria</p>	<p>Requests for Direction</p>	<p>The board directed staff to solicit public comment on three of the proposed options (removing the "Preference" and "Weighted" options, as outlined in the board materials), and for releasing materials for Local Parks and State Parks as separate decision packages. A fourth option including a 40/40/20 split, allowing the 20% to be discretionary to fully fund projects, and up to 50% as a project cost cap, was proposed as well.</p> <p>The board directed staff to solicit public comment on the competitive allocation model for funding allocation.</p> <p>The board did not recommend any major changes. Ms. Connelly will work with the advisory committee to refine the material prior to the public comment period, and will share ongoing renditions with the board.</p>

Item	Formal Action	Board Request for Follow-up
8. Policy Decisions		
A. Nonhighway and Off-road Vehicle Activities Policy Changes Resolution 2016-28	<b>Resolution 2016-28</b> Decision: Approved	No follow-up action requested.
B. Changes to Project Type Definitions for Non-highway and Off-road Vehicle Activities Program and Recreational Trails Program Resolution 2016-29	<b>Resolution 2016-29</b> Decision: Withdrawn	No follow-up action requested.
9. Follow-up on Policy Issues	Briefings	
A. Project Area Special Committee Update		Staff will present final recommendations at the October meeting.
B. Review of Firearms Range and Course Safety Guidance and Qualifications		No follow-up action requested.
10. Public Hearing for Amendments to Chapters 286-04 and 286-13 of the Washington Administrative Code Resolution 2016-30	<b>Resolution 2016-30, as amended</b> Decision: Approved	Staff will follow through with the code reviser's office and with filing the approved changes.

## RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

**Date:** July 13, 2016

**Place:** Washington Department of Ecology, Northwest Regional Office, 3190 160<sup>th</sup> Ave SE, Bellevue, WA

### Recreation and Conservation Funding Board Members:

Ted Willhite	Chairman	Michael Shiosaki	Seattle
Betsy Bloomfield	Yakima	Jed Herman	Designee, Department of Natural Resources
Pete Mayer	Renton	Peter Herzog	Designee, Washington State Parks
Mike Deller	Mukilteo		

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

### Call to Order

Chairman Willhite called the meeting to order at 9:00 am. Staff called roll and determined a quorum. Member Stohr was excused. Chairman Willhite introduced the new board member, Michael Shiosaki.

Member Shiosaki provided a brief personal background information and board members introduced themselves.

The City of Bellevue's mayor, John Stokes, welcomed the board to Bellevue and delivered brief remarks.

Member Bloomfield moved to approved the meeting agenda; Member Mayer seconded. The motion carried.

### **Item 1: Consent Agenda**

The board reviewed Resolution 2016-22, Consent Agenda, including the time extension request for Sinlahekin Ecosystem Restoration, Phase 2 (RCO 10-1629) and approval of the April 27-28, 2016 board meeting minutes.

#### **Resolution 2016-22**

**Moved by:** Member Mike Deller

**Seconded by:** Member Betsy Bloomfield

**Decision:** Approved

Director Cottingham briefly described the contents of the board folders and proceedings as planned for the two-day meeting.

### **Item 2: Director's Report**

**Director's Report:** Director Cottingham provided an overview of ribbon cutting opportunities at the 4-0 Ranch; Edmonds Pier, Ferry County Rail Trail, Kennewick Boat Launch, Lyre River, Duckabush Estuary, Henry Jackson Park and John Day Plaza.

Director Kaleen Cottingham informed the board of several recent staff changes to include Sean O'Neill, Technical Support Special Intern; Ben Donatelle, Recreation Grants Manager; Jia "Leon" Wu, PRISM Support, Justin Bush, Invasive Species Coordinator and Tammy Antilla, Policy Administrative Assistant.

Director Cottingham briefly updated the board regarding the recently completed federal and state audits; there were no findings. She shared that the Habitat and Recreation Lands Coordinating Group published their 2017-19 state land acquisition forecast, which forecasts land acquisition and disposal projects for which state agencies will seek funding in the 2017-19 budget. In current budget development efforts, RCO management staff held a retreat to discuss internal needs.

Wendy Loosle shared the proposed 2017 meeting calendar with the board. This annual coordination effort seeks to align schedules of several boards and councils to maximize participation. She requested that board members contact her regarding potential conflicts.

**Annual Director's Evaluation Process:** Scott Robinson, Deputy Director, explained that each year the board makes it a priority to review the performance of the RCO Director, providing feedback and direction in an executive session. Deputy Robinson outlined the timeline for completing the evaluation process; the board will conduct a midterm performance evaluation based solely on a review written by the director. The board confirmed that this process aligns with the protocols established by the board.

**Planning for the 2017 Board Retreat:** Scott Robinson, Deputy Director, shared that RCO staff are beginning to plan for the 2017 board retreat and requested feedback regarding potential briefings, discussion topics, and retreat goals. The board discussed holding a two-day meeting, with a retreat one day and a regular business meeting on the second day. Potential topics for retreat discussion suggested by the

board included SCORP, legislative priorities, budget needs, and requesting last year's retreat facilitator to lead the board's agenda again.

**Legislative, Budget, & Policy Update:** Wendy Brown, Policy Director, briefly discussed staff preparations for the 2017-19 budget, mentioning a JLARC study regarding the impacts of recreation and conversation projects administered through RCO and other agencies, and the influence of regulation. The study was funding in the 2016 supplemental capital budget. JLARC will contract out the study, and will share with agencies prior to publishing. She also shared the OFM is interested in funding PLI updates, re-appropriation and tightening and restricting how many times agencies can re-appropriate funds – will provide more information as it comes to light.

Director Cottingham informed the board of a project approved through the budget notes during last session, an unconventional process, in order to alleviate potential confusion should that project come up in board discussions.

**Grant Management Report:** Marguerite Austin, Recreation and Conservation Section Manager, provided an overview of the 2016 grant round, grant metrics, and recent staff accomplishments.

Ms. Austin shared information about project proposals submitted to the Outdoor Recreation Legacy Partnership Program. This national competition for Land and Water Conservation Funds (LWCF) targets projects that acquire, develop, or renovate parks in highly urbanized areas. Chair Willhite asked about the narrow geographic areas from which applications were submitted. Ms. Austin explained, citing tight timelines, grant application restrictions, national competitiveness, and applications withdrawn due to insufficiencies in meeting the grant criteria.

Ms. Austin updated the board on RCO Project #72-040, City of Spokane Riverfront Park Combined Sewer Overflow, as a follow-up to the April 2016 briefing by Kyle Guzlas, Spokane County Grant Manager. The project sponsor is still considering next steps, and may request additional time before moving forward on a long-term strategy for development.

Ms. Austin responded to board questions about project applications received during this grant round. Chair Willhite requested data regarding project applications received and total funds requested as part of the metrics reported to the board ongoing.

### **Item 3: State Agency Partner Reports**

**Washington Department of Natural Resources (DNR):** Member Herman provided an update on behalf of DNR regarding budget preparations and guidance received from the Office of Financial Management. He shared information about efforts to address an early wildfire season; a small increase (about \$9 million) in the fire budget will be put towards training, incident response structure, and local coordination. Future considerations include how to prioritize dispatches, ongoing collaboration with other agencies, and distribution of resources.

Director Cottingham provided an update regarding state agency involvement in the Oso landslide case. The Salmon Recovery Funding Board held project contracts relating to the case; however, RCO was released from the case.

**Washington State Parks (State Parks):** Member Herzog provided an update on behalf of State Parks regarding the agency's operating and capital budget preparations for 2017-19, including various program asks and potential appropriation requests. He also shared information about recent project accomplishments, particularly Fudge Point.

## **General Public Comment**

General public comment is open for items not on the agenda. No public comment was received at this time.

### **Item 4: Boating Infrastructure Grants Project Overview**

Marguerite Austin, Recreation and Conservation Section Manager, provided an overview of the Boating Infrastructure Grants (BIG) program and the applications submitted for funding in 2016. The meeting fulfills the open public meeting requirement included as part of the application process.

Ms. Austin summarized the federal grant program, outlining revenue sources, eligible applicants, grant limits, and the evaluation process. The board updated its BIG program policies and Tier 1 evaluation criteria in February 2016 following federal adoption and publication of new rules in 2015. The key changes include new grant limits, new evaluation criteria, approval of maintenance as an eligible cost activity, and revisions to the compliance period for BIG projects.

Ms. Austin informed the board that RCO received nine BIG applications for funding consideration during this grant cycle: four Tier 1 requests and five Tier 2 requests. The director will submit the Tier 2 projects to the USFWS for federal fiscal year 2017 funding consideration, following public comment and final review by the advisory committee. The director will select and submit Tier 1 projects to the USFWS for federal fiscal years 2017 and 2018 funding, following public comment and review and evaluation by the advisory committee. She provided project summaries for each of the applications received.

In response to board questions, Ms. Austin explained that the current project list is likely to be funded at the full historical amount. She also clarified the eligibility criteria for Tier 1 and 2 projects, as well as the useful life requirement of the project components.

***Break 10:32 a.m. – 10:50 a.m.***

## **Board Business: Decisions**

### **Item 5: Operating and Capital Budget Requests for 2017-2019**

#### ***Item 5A: Operating Budget and Capital Budget Requests Based on Revenue Projections***

Wendy Brown, RCO Policy Director provided a brief outline of the operating and capital budget needs, obligations, and revenue projections. She explained the predicted 2017 funding needs in the capital budget, in the Washington Wildlife and Recreation Program (WWRP, in the Youth Athletic Facilities (YAF) Program, in the Aquatic Lands Enhancement Account (ALEA), and in other board-funded programs, as outlined in the board materials. RCO must submit operating and capital budget requests for the 2017-19 biennium to the Office of Financial Management (OFM) in mid-September.

The board discussed historical funding trends for the percent of bond capacity, per capita spending, and future projections that may be impacted by these funding decisions.

#### **Public Comment:**

**Deborah Jensen**, WWRC Vice-Chair, addressed the board regarding the WWRC request to fund the WWRP at \$120 million. Ms. Jensen discussed the program metrics, funding needs, and public benefits realized through the program.

**Marc Berejka**, WWRC State Policy Chair and REI Government Affairs Director, addressed the board in support of the WWRC request to fund the WWRP at \$120 million. Mr. Berejka outlined the other programs and public benefits supported by the WWRP, citing economic and employment gains, revenue generated

through tax receipts, and improved access to Washington's natural resource recreation sites. Considering the anticipated population increases, continuing to maintain the program supports the state's goals for recreation, sustainability, and health living.

In response to board questions, Mr. Berejka explained that the business case for the request is soundly based in multiple economic studies stating the benefits of outdoor recreation to the economy. Ms. Jensen added that the net inflow from out-of-state recreators is strongly supported as well.

**Hannah Clark**, Washington Association of Land Trusts Director, addressed the board in support of the WWRC request to fund the WWRP at \$120 million. She agreed with the comments regarding maintaining the quality of life in Washington through continuing the strong funding support for the WWRP. She shared that the funds are expanded to support diversified needs across the state, and thanked the board for their consideration. She also thanked the board for their work in supporting the new Forestland Preservation category of the WWRP.

**Tom Bugert**, The Nature Conservancy, addressed the board in support of the WWRC request to fund the WWRP at \$120 million. Mr. Bugert focused his comments on the importance of anticipating, planning, and mitigating (as possible) the impacts of climate change when considering WWRP funding investments. He encouraged the board to consider long-term impacts when making their budget decisions.

Mr. Bugert responded to questions regarding the sufficiency of the \$120 million request, advocating for increased support for communities in need and/or color which are disproportionately affected by climate change impacts. He also responded to questions regarding legislative concerns over land acquisition, explaining that local coordination can support community needs, drive down costs, and improve management strategies.

**Doug Levy** and **Eric Friedl**, Washington Recreation and Parks Association, addressed the board. Mr. Levy explained the community need for youth activities, including fields, all-weather improvements, and increased recreational resources. A letter from the WRPA is included in the board materials. Mr. Friedl discussed statewide school district needs based on demographic growth, necessary upgrades to local facilities, and anticipated future demands due to population increases.

Mr. Levy responded to board questions regarding justification of the monetary ask associated with the project applications submitted for funding. He explained that the letter of intent process provided support for project-readiness, communication across entities regarding the application process, and facilitated movement of the most project-ready applications. Director Cottingham added that the grant round is run in such a way to encourage efficiency; a supplemental grant round may be a potential option based on further solicitation for letters of intent. Letters of intent are quite detailed, including project descriptions and anticipated costs.

Mr. Shiosaki expressed concerns regarding duplicating a tight grant round in the WWRP, citing the YAF grant round process as an example. Mr. Robinson explained RCO's rationale for running grant rounds for various programs either simultaneously or not, responding to concerns about workload and staff capacity. Mr. Levy agreed, stating that there are ways for the two programs (WWRP and YAF) to work together and meet local community needs and demands. He added that a strong response in the Local Parks category strengthens the strategy for supporting both programs.

Mr. Levy added comment regarding Item 7A of the board materials, agreeing with the 60/40 split for the WWRP, Local Parks Category and with the open competition process suggested by staff for the WWRP, Urban Wildlife Habitat Category.



### ***Item 5B: Washington Wildlife and Recreation Program (WWRP)***

#### **Board Discussion**

Chair Willhite asked for board comments and questions, expressing his support of the WWRC request amount of \$120 million.

Member Deller encouraged the board to be mindful of the pressures on legislative representatives when considering the requested funding amounts for each grant program. He expressed his support of the WWRC request amount of \$120 million.

Member Herman spoke to agency coordination, expressing his support of the WWRC request amount of \$120 million.

Member Shiosaki acknowledged the comments regarding legislative pressure and demands, expressing his support of the WWRC request amount of \$120 million.

Member Herzog spoke to keeping momentum after the WWRP updates, and expressed his support of the WWRC request amount of \$120 million.

Member Mayer stated his hope that the SCORP data will support quantification of the statewide needs, gaps, and trends so that they are appropriately reflected in funding considerations of the WWRP. Member Mayer expressed his support of the WWRC request amount of \$120 million.

Member Bloomfield expressed her support of the WWRC request amount of \$120 million.

#### **Resolution 2016-23**

**Moved by:** Member Michael Shiosaki

**Seconded by:** Member Betsy Bloomfield

**Decision:** Approved

### ***Item 5C: Youth Athletic Facilities (YAF)***

#### **Board Discussion**

Member Mayer supported the WRPA request amount of \$12 million, citing the needs stated in the public comments received.

Member Shiosaki spoke to the pressures of population growth and increased use of recreational facilities, stating that the need for funding will come. He agreed with the WRPA request amount of \$12 million.

Member Deller stated that as long as the confidence exists concerning a robust grant round, he supports the WRPA request amount of \$12 million.

Member Bloomfield suggested an alternate request amount, similar to the past funding amount of \$10 million.

Chair Willhite agreed that the need for a \$12 million funding request is strongly demonstrated; however, he suggested putting forth the request based on the understanding that the RCO would run a supplemental grant round to encourage further project solicitation.

#### **Resolution 2016-24**

**Moved by:** Member Pete Mayer

**Seconded by:** Member Michael Shiosaki

### ***Item 5D: All Other Board-Funded Grant Programs***

#### **Resolution 2016-25**

**Moved by:** Member Mike Deller

**Seconded by:** Member Jed Herman

#### ***Lunch Break: 12:20 p.m. – 12:45p.m.***

Jon Snyder provided a brief update regarding his activities engaging in various recreation endeavors across the state. He shared information about a proposition in the San Juan Islands, State Parks recreational access budget provisos, a draft list of outdoor recreational manufacturing companies, revising the use of the state trail designation (not updated since the 1970s). Mr. Snyder responded to questions regarding budget considerations in light of the McCleary decision, stating that educational and recreational needs have some synergy.

### **Item 6: Youth Athletic Facilities Project Match Waiver Requests**

Marguerite Austin, Recreation and Conservation Section Manager, briefed the board on the match waiver policy and summarized two requests to waive the match requirement for their YAF grant applications. Both communities are within federal disaster areas and have limited resources to support their YAF projects in light of recovery needs. If approved, the applications will remain eligible for evaluation and potential funding in the 2017-19 biennium.

#### **Board Discussion**

Member Bloomfield supported the requests; however, she suggested reviewing the waiver policy for future requests. Member Deller agreed with revising the waiver policy. Director Cottingham suggested using the recent WWRP changes to revisit the YAF policies.

Ms. Austin responded to board questions, clarifying the intent of the policy and definition of communities in federal disaster areas. As this is the first policy instated, there may be an increase in requests but there is limited grant funding. Other options include reducing the match limits for projects.

Chair Willhite supported the policy waivers for both projects. Member Mayer agreed that the policy should be revisited; he stated that he is opposed to 2016-27 with regards to the request to waive the 10% non-state, non-federal match requirement. However, he supports the match waivers for both projects.

In response, Ms. Austin provided the staff rationale for recommending approval of the 10% match (outlined in the board materials); should the 10% not be approved, the sponsor is prepared to seek alternate funding sources as a solution. Ms. Austin explained that there are options for postponing the decision on the 10% match, alleviating some concerns once further information about the budget is known.

### ***Item 6A: Chief Tonakset Park Ball Field Complex Renovation (RCO Project #16-2033)***

#### **Public Comment**

No public comment was received at this time.

#### **Resolution 2016-26**

**Moved by:** Member Jed Herman

**Seconded by:** Member Michael Shiosaki

**Decision:** Approved

## ***Item 6B: Twisp Sports Complex Renovation Project– phase 1 (RCO Project #16-2023)***

### **Public Comment**

Soo Ing-Moody, Mayor of Twisp, submitted written comment to the board, distributed at the meeting.

### **Board Discussion**

The board discussed amendments to the resolution language, removing references to the approval of a 10% non-state, non-federal match waiver. Chair Willhite requested that staff follow up with the project sponsor to explain the decision.

#### **Resolution 2016-27, as amended**

**Moved by:** Member Mike Deller

**Seconded by:** Member Betsy Bloomfield

**Decision:** Approved

### **Board Business: Requests for Direction**

#### **Item 7: Washington Wildlife and Recreation Program (WWRP) Policy Direction**

##### ***Item 7A: Funding Allocations in the Local Parks and State Parks Categories***

Adam Cole, Policy Specialist, provided an overview of the eligibility criteria, evaluation processes and allocation formulae for acquisition and development in the Washington Wildlife and Recreation Program, Local Parks and State Parks categories. Mr. Cole requested board direction on potential policy-making to implement the new flexibility granted by the Legislature as a result of Substitute Senate Bill 6227 (SSB 6227). Mr. Cole reviewed options for consideration based on stakeholder feedback, in order to prepare for soliciting public comment and presenting a decision for board consideration in October.

The board discussed potential options for determining the split between acquisition and development costs. Member Mayer encouraged the board to determine a simple acquisition formula, reflecting the needs cited in public comment specifically by Doug Levy, advocating a 40% acquisition/ 60% development split for Local Parks. Member Herzog explained that, from a State Parks perspective, the aim for 50% split makes the most sense and remains in line with legislative guidance. Member Shiosaki supported the modified split (40% acquisition/ 60% development).

Director Cottingham suggested using the same funding model as the Urban Wildlife Habitat category, a sort of “modified” modified split option that caps project costs above a certain percentage. Mr. Cole expanded upon the options presented, stating that a cleaner approach could be to evaluate acquisition and development projects separately.

The board discussed putting three of the options out for public comment (removing the “Preference” and “Weighted” options, as outlined in the board materials), and for releasing materials for Local Parks and State Parks as separate decision packages. A fourth option including a 40% acquisition/ 40% development/ 20% unallocated split, allowing the 20% to be discretionary to fully fund projects, and up to 50% as a project cost cap, was proposed as well.

##### ***Item 7B: Funding Allocation in the Urban Wildlife Habitat Category***

Leslie Connelly, Policy Specialist, briefed the board on changes in the types of sponsors eligible for funding as a result of legislative changes to the WWRP in SSB 6227. The board must now reconsider its policy of funding allocations based on the types of sponsors. Ms. Connelly presented three options for board consideration – competitive allocation, a 40/40/20 percent allocation, or a 30/30/30/10 percent allocation – and requested direction on which options to distribute for public comment in August.

The board discussed the program's allocation options in terms of the program's competitive nature, intent, and efficiency in meeting needs gaps. The discussion included the need to clarify the intent of 'urban habitat' and what may fulfill the program criteria. Member Mayer encouraged the board to consider the category's intent when considering the formula, noting that urban areas are somewhat subjective. Member Deller agreed. Member Bloomfield supported an open competition model for allocation.

Chair Willhite commented on the fall-off in completion rates of local sponsors. Ms. Connelly explained that this is in part due to the nature of state sponsors requesting larger funding amounts, as well as local sponsors' requirement to provide match which state sponsors don't have to provide.

The board expressed general consensus for the competitive allocation model being released for public comment.

#### ***Item 7C: Forest Land Preservation Category Policies and Evaluation Criteria***

Leslie Connelly, Policy Specialist, shared information about the new WWRP category, Forest Land Preservation, and requested board feedback on the policies and evaluation criteria set forth in the board materials in order to solicit public comment in August. The board will make decision on the program policies and criteria at the October 2016 meeting.

#### **Public Comment**

**Lou-Anne Daoust-Filiatrault**, Washington Wildlife and Recreation Coalition (WWRC) Policy Associate, explained that the WWRC will establish a formal position on the new program's policies and criteria within the next several weeks. Ms. Daoust-Filiatrault stated that the WWRC has several issues to consider, such as how multiple projects will affect the open space tax and how easements and amendments will be processed. Ms. Daoust-Filiatrault shared that the WWRC intends to provide feedback during public comment period.

#### **Board Discussion**

The board discussed some of the definitions and potential for revisions, but did not recommend any major changes. Ms. Connelly explained that she will work with the advisory committee to refine the material prior to the public comment period, and will share ongoing renditions with the board.

***Break: 3:05 p.m. – 3:15 p.m.***

#### **Board Business: Decisions**

#### **Item 8: Policy Decisions**

#### ***Item 8A: Nonhighway and Off-Road Vehicle Activities (NOVA) Policy Changes***

Adam Cole, Policy Specialist, summarized the policy changes presented at the April 2016 board meeting. He provided an overview of the public comments received, staff responses, and considerations of each comment. He concluded by sharing the final staff recommendations based on public comment.

#### **Resolution 2016-28**

**Moved by:** Member Mike Deller

**Seconded by:** Member Michael Shiosaki

**Decision:** Approved

***Item 8B: Changes to Project Type Definitions for Nonhighway and Off-road Vehicle Activities and Recreational Trails Program***

Adam Cole, Policy Specialist, shared the staff recommendation to withdraw resolution 2016-29 and defer policy-making that would update definitions for maintenance, operations, and development project types in the NOVA and Recreational Trails programs. Updating these definitions would change the types of activities allowed in each project type; based on these considerations and public comment received, staff recommended withdrawing the resolution.

**Resolution 2016-29, withdrawn**

**Moved by:** N/A

**Seconded by:** N/A

**Decision:** N/A

**Item 9: Follow-up on Policy Issues**

***Item 9B: Firearms Range and Course Safety Guidance and Qualifications***

*\*This item presented out of order.*

Adam Cole, Policy Specialist, summarized the briefing and public comment received at the April 2016 board meeting. Mr. Cole summarized the staff actions since April, including review of related guidance since the 2014 policy adoption. He explained examples from the Kitsap County Ordinance, the status of NRA source book, and other range guidance. These examples were provided to the board to identify when the policy applies to an entire complex or certain areas.

Mr. Cole offered suggestions for moving forward, including options to amend the policy; hire a consultant to evaluate the safety policy and RCO's operations related to firearms and archery projects; consider hiring a professional to evaluate firearms and archery projects for compliance with the safety policy; or allow the 2014 projects affected by the policy to be completed and see what issues, if any, arise as the most important to address.

**Public Comment**

**Christa Little** addressed the board, following up on her public comments submitted at the April 2016 meeting. She encouraged the board to consider review in the environmental areas, and supported the recommendations provided by Mr. Cole.

***Item 9A: Project Area Special Committee Update***

Leslie Connelly, Policy Specialist, summarized the recent meetings of the special committee charged with reviewing the definition of "project area." Member Deller commented on several projects being examined by the committee to draft guidance, and potential discussion items for their next meeting. The committee's goal is to have recommendations for board adoption at the October 2016 meeting.

**Item 10: Public Hearing for Amendments to Chapters 286-04 and 286-13 of the Washington Administrative Code**

Leslie Connelly, Policy Specialist, presented a staff recommendation for amendments to the administrative rules in Title 286 of the Washington Administrative Code (WAC), Chapters 286-04 and 286-13. She outlined the required public review process for the adoption of amendments. The rules cover a number of subjects including general authorities of the Recreation and Conservation Funding Board and RCO director, general grant assistance rules, and specific program rules.

The board opened a public hearing on proposed changes to Title 286 of the WAC. There was no public comment. The public hearing was closed.

Ms. Connelly noted that three written public comments were received (Attachment D, Draft Explanatory Statement, included in the board materials and folders).

**Resolution 2016-30, amended**

**Moved by:** Member Pete Mayer

**Seconded by:** Member Betsy Bloomfield

**Decision:** Approved

**Closing: Day One**

The meeting was adjourned for the day at 4:16 p.m. by Chair Willhite.

**RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES**

**Date:** July 14, 2016

**Place:** Bellevue, Redmond, Sammamish, Issaquah

**Recreation and Conservation Funding Board Members:**

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Ted Willhite	Chairman	Michael Shiosaki	Seattle
Betsy Bloomfield	Yakima	Jed Herman	Designee, Department of Natural Resources
Pete Mayer	Renton	Peter Herzog	Designee, Washington State Parks
Mike Deller	Mukilteo		

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**Tour**

The board began the tour of projects at 8:00 a.m. and proceeded as indicated on the agenda. The tour concluded at 3:30 p.m. Member Stohr was excused.

**Approved by:**

  
Ted Willhite, Chair

OCTOBER 26, 2016  
Date

**From:** Jennifer Cory [mailto:tandjcory@yahoo.com]

**Sent:** Monday, July 11, 2016 10:09 PM

**To:** Loosle, Wendy (RCO); Edwards, Karen (RCO)

**Subject:** Tonasket Jr Baseball Grant Match Request

To Whom it May Concern:

My name is Jenny Cory and I am the Secretary/Treasurer for Tonasket Junior Baseball in Tonasket, Wa. I have been with this Little League Program for 16 years.

I am writing in concern to our match waiver that was submitted. In working on our grant we found that if our County/City was listed in a National Disaster/ State of Emergency type of situation that we could qualify for 0% match or lower than what we calculated. And at that time we were listed in that type of situation due to the fires that we experienced all up and down our valley last summer.

We come from a very rural, low income area. We are atleast 60% participation in our free and reduced lunch program in our schools. And if we could get all families to fill out the papers I think that you would find that number considerably higher.

We currently have several fields on city property. But our city does not have it in the budget to do much with our fields. They will maintain them and gladly approve any work that our program will do to the fields, but they cannot afford to build nicer fields for us. So 16 years ago we had 1 field in our park. Within the years the that I have been with the program we have added 2 more fields with all volunteer help and donated funds. They are not fancy fields by any means. But we manage to play on them and have a great time teaching the kids the love of the game.

With the impact of the fires on our community we have many businesses and people willing to volunteer time and their equipment, but not in the same capacity that we have seen in the past. Everyone is stretched thin. There have been auctions to help people who have been burned out, to help with animal feed and fencing. Put all of that on top of normal life that keeps on going on and business and people get stretched thin. But still willing to support our kids, they can handle some donation, but not in the same capacity that they would have in the past.

While having a 0% match would be amazing!! We understand that could very well be a dream. Lowering our match would also be wonderful!! Any help in getting the match as low as possible would be much appreciated.

Receiving this grant and being able to build our kids fields that they can be proud to play on would just be so wonderful! To be able to host tournaments for kids and adult ball would be so great for our program and for our city!!

Please take a moment to consider our request. And consider what the affect it could be on a city, and county that has been thru the ringer the last 2 summers. It could perk us all up and give us something positive to move forward with.

Thank you,  
Jenny Cory

**From:** Leda Chahim [mailto:Ichahim@forterra.org]  
**Sent:** Tuesday, July 12, 2016 2:00 PM  
**Subject:** Comments regarding: RCFB 2017-19 Funding Request for WWRP

Dear Chair Willhite,

On behalf of Forterra, I am writing to share our organization's longstanding support for robust funding for the Washington Wildlife and Recreation Program. As a member of the Washington Wildlife and Recreation Coalition, we wanted to echo the Coalition's funding recommendation. I've attached the Coalition's letter and position for reference.

Forterra is the largest conservation and community development organization in our region that is solely focused on Washington State. Our approach to conservation is unique: we work to protect critical habitats and natural areas together with the working lands that are critical to our community, economy, and environment. The Washington Wildlife and Recreation Program fulfills a critical niche – it allows us to act with immediacy to protect our state's most treasured landscapes. With our population growing at ever increasing rates, we must do more to keep pace and preserve the quality of life that attracts employers, serving our economy and our environment together.

Thank you for all the work you do on behalf of recreation and conservation, and please do not hesitate to contact me with any questions you might have.

Best regards,

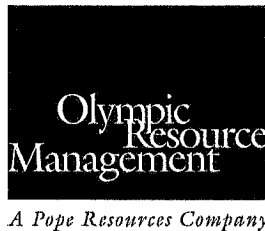
Leda

**Leda Chahim**  
**Government Affairs Director | Forterra**  
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RECEIVED

JUL 11 2016

WA STATE  
RECREATION AND CONSERVATION OFFICE

July 1, 2016

Ted Willhite, Chair  
Recreation and Conservation Funding Board  
1111 Washington Street SE  
Olympia, WA 98501

Re: Washington Wildlife and Recreation Program (WWRP) 2017-19 Funding Level

Dear Chair Willhite:

I am writing to support the Washington Wildlife and Recreation Coalition's request to fund the WWRP at \$120 million for the 2017-19 biennial capital budget. I serve on the Coalition's Board and Olympic Resource Management (ORM) has been a longtime supporter of WWRP. ORM is a subsidiary of Pope Resources, a forestry and real estate development business with a legacy in Washington State dating back to the mid 1850's.

ORM buys and sells land as part of our regular course of business and we are acutely aware of the increase in the cost of land in both urban and rural Washington. Land costs will continue rise, driven both by scarcity as well as increased demand. Large investments today will save millions of dollars relative to acquiring the same lands in the future, if they are even available to acquire in the future.

In addition to cost savings associated with early actions, these investments support economic development by adding optionality for landowners such as ourselves to make strategic conservation sales. We have taken advantage of WWRP grants to conserve land in close proximity to our development projects. In addition to providing ecological, aesthetic, and environmental value to the local communities we operate in, this improves the marketability and economic value of our nearby development opportunities.

Please consider the Coalition's request that the Recreation and Conservation Funding Board recommend funding WWRP at \$120 million in the 2017-19 biennial capital budget.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrian Miller'.

Adrian Miller  
Manager of Policy and Environment



# Town of Twisp

**118 S. Glover Street • Box 278 • Twisp, WA 98856 • 509-997-4081 • 509-997-9204 •  
TDD 800-833-6388**

July 12, 2016

Ted Willhite, Chair  
Recreation and Conservation Funding Board  
1111 Washington Street SE  
Olympia, Washington 98501

Dear Chairman Willhite and Board,

My name is Soo Ing-Moody and I am the Mayor of Twisp. I am writing to provide testimony regarding our town's request for match waiver for the YAF and WWRP Local Parks programs and ask for your approval of our request, based on the Recreation and Conservation Funding Board's ability to take such action for areas affected by federally declared disaster.

As I write this, the Town of Twisp is still in active disaster status and awaiting FEMA assistance for hazard mitigation as a result of the two largest wildfire disasters in Washington State history – the 2014 Carlton Complex fires in which the town was without power for nearly 2 weeks, surrounded by fire, and intermittently enveloped by road closures due to fire and mudslides. Then again, last year in 2015 when an even greater disaster for Twisp occurred – the death of 3 firefighters who lost their lives fighting the Twisp River Fire, in which many homes were lost, and the entire town was evacuated, followed again by the loss of power and road closures. As our continued active disaster status can attest, our small community has endured incredible personal hardship, our local businesses have suffered great losses of revenue, and the Town continues to work on the overwhelming task of healing and mitigating against further economic loss as several businesses have now closed their doors.

Although the Twisp Sports Complex, for which we are seeking funding, did not actually burn in the 2015 fire, the fire did indeed enter into the boundaries of our town. Financial resources were expended to combat the fire, and as a result, financial burden continues to be a reality long after the fires are out. The funds which have been expended to fight fire are derived from the same general fund used to finance our parks. The result is a direct adverse impact on our ability to financially provide match for the Sports Complex Project.

It is my belief that the intent of the language providing for RCO match waiver consideration is to help communities, like ours, who have truly experienced great hardship. I believe this to be the case because I was personally involved in the original request for a change enabling a waiver of YAF match. Following the Carlton Complex fire in 2014, I was asked to participate with legislators in response to

the Governor's Blue Ribbon Task Force to review the importance of outdoor recreation promoting healthy youth activities. During that time, I expressed my concern for small communities, especially in the aftermath of a disaster. In a joint letter with John Keats, Legislative Chair of WRPA, I strongly supported the request for \$12M in funding for YAF to be included in the 2015/16 Capital Budget, along with the request for changes to be made addressing match requirements. It was our particular community, and Twisp's Sports Complex which was an impetus behind the reconsideration for match requirements and as such, respectfully ask for your approval of our match waiver request for Twisp's YAF and WWRP funding applications.

As the Mayor of Twisp, I strongly believe in the importance of RCO programs as critical resources for Washington State communities. As we continue to recover, it is especially at this time that our community needs signs of hope and renewal to support our overall healing and future wellbeing – such as can be found in a renovated sports complex. However, to do this we need your assistance and ask for your approval of our very important and timely request.

I thank you for your consideration and remain hopeful for a favorable response!

Sincerely,

*Soo Ing-Moody*

Natural Resources Building  
P.O. Box 40917  
Olympia, WA 98504-0917

1111 Washington St. S.E.  
Olympia, WA 98501



**STATE OF WASHINGTON**  
**RECREATION AND CONSERVATION OFFICE**

(360) 902-3000  
TTY: (360) 902-1996  
Fax: (360) 902-3026

E-mail: [Info@rco.wa.gov](mailto:Info@rco.wa.gov)  
Web site: [www.rco.wa.gov](http://www.rco.wa.gov)

June 29, 2016

Rob Kavanaugh  
6919 41<sup>st</sup> Street SE  
Olympia, WA 98503

RE: WDFW Exotic Livestock Grazing Issues

Dear Mr. Kavanaugh:

Thank you for your June 7, 2016, letter concerning WDFW's livestock grazing. I will ensure that your letter is included with the board materials for the Recreation and Conservation Funding Board's upcoming meeting (July 13, 2016.) You are welcome to come to Bellevue and address the board in-person during our public comment period. (Please remember we limit public comment to three minutes.)

I wanted to let you know that pursuant to recent legislative direction, over the course of the next year the board will be addressing policy issues concerning multiple benefits (like grazing and forest management) on lands acquired in 2018 and beyond using funding from the Washington Wildlife and Recreation Program -- Critical Habitat category. If interested I would encourage you to monitor future board agendas on the Recreation and Conservation Office's Website or by calling our Board Liaison, Wendy Loosle at (360) 902.3027.

Sincerely,

A handwritten signature in blue ink that reads "TED WILLHITE".

Ted Willhite, Chair  
Recreation and Conservation Funding Board



RECEIVED

JUN 14 2016

7 June 2016

WA STATE  
RECREATION AND CONSERVATION OFFICE

Memo:

To: WDFW Regional Staff

*F&W Comm & Dir.*

From: Rob Kavanaugh

Subject: WDFW Exotic Livestock Grazing Issues

We asked Ret. Biologist Pat Fowler for his opinions about the issues he has observed on our Wildlife Mgt. Areas during the past thirty years and at the present time. Here are his unedited comments for public review and comment.

Send all comments to Rob Kavanaugh, 6919 41st Ave. Se. Oly, Wa. 98503. Feel free to call me at 360-456-6448. or you can call Western Watershed Project at 1-208-788-2290.

We will soon meet with the Dir. to resolve many of the long standing abusive grazing practices on our cent. and eastside Wildlife Mgt. Areas.

Best regards,

*Rob Kavanaugh*  
Rob Kavanaugh

cc. Yakima Herald  
Spokane Review  
Lewiston Tribune  
The Columbian  
Seattle Times  
Tri City Herald  
Daily Record  
YIN  
NIT  
CIT

*Chair Ted Willcutt  
FYI  
1. We, WWP, will meet  
with WDFW, Sprague, soon  
to seek a MOU on the 22 grazing  
issues.  
2. The RCO records indicate  
there are issues in allocating  
GRSNT funds on lands to  
be grazed where there is  
no benefit to fish  
wildlife + recreation!  
stay tuned.  
Kavanaugh*

*PS. Thanks  
for the public  
records.*

*1/B  
✓*

# **WASHINGTON DEPT. FISH & WILDLIFE GRAZING PROPOSALS**

## **GOALS AND OBJECTIVES FOR MANAGEMENT OF WDFW LANDS**

We need to go back to the original proposal for purchasing specific parcels of land. What were the goals/objectives stated by WDFW in the proposal to purchase these lands? Did the goals/objectives include domestic livestock grazing? Would livestock grazing conflict with the original goals/objectives? Some of these lands were purchased to get them away from livestock grazing.

Improving wildlife habitat for wildlife should be the top priority for managing department lands. Any other priority should be secondary, and should not be included if it may have a negative impact on habitat or wildlife. Strict adherence to specific goals/objectives stated in the original purchase proposal should be the top priority, and preserving optimum habitat for wildlife and fish should be the primary objective for WDFW lands.

## **RANGE INVENTORY AND ASSESSMENT**

Before any grazing proposal can be written or even considered, a comprehensive range inventory and assessment should be conducted for the lands that will be impacted. This assessment should include current range condition based on a valid and not politically motivated range condition scale. Soil erosion and noxious weed assessments should be part of the overall range assessment.

The level of forage production and current quality should be assessed to determine if there is forage available for livestock vs. the amount needed for wildlife. Included in this assessment should be an analysis of precipitation levels for the area and predicted forage production. We need to understand that in years of low precipitation forage production and quality will decline. Forage biomass and nutrition levels are significantly impacted by precipitation. In years of below normal precipitation, livestock grazing should not be permitted. Below normal precipitation levels have been common in eastern Washington over the last 20+ years!

## **GOALS AND OBJECTIVES OF GRAZING WDFW LANDS**

The first question to ask is, what is the purpose and goals of the proposed grazing program? I doubt that you will find any land purchase proposal that includes a "multiple use" aspect as a main goal. In recent years the term "multiple use" has become part of the WDFW terminology concerning management of its lands.

Are these goals consistent and compatible with purchase goals/objective and for

habitat and wildlife goals for the lands proposed for livestock grazing?

The answer from the WDFW obviously has to be, "improve habitat for wildlife." The next question needs to be, does the proposed grazing plan actually achieve the stated goal without harming various species of wildlife and habitat?

Another stated goal will be to work with local communities and economies to foster better relations between WDFW and local communities, AND, provide an economically viable grazing program for the livestock operator. This is a political goal that has no place in a program to protect wildlife habitat, and as past history has proven, becomes the main objective of a WDFW grazing program.

The answer to these questions is that in most instances domestic livestock grazing does not achieve the stated goals. A look at the results of the Pilot Grazing Program in Asotin county will substantiate this claim, along with the superior court decision in WWP vs. WDFW involving the Pilot Grazing Program in Asotin county. Also, research done by WSU on aspects of the Pilot Grazing Program will also substantiate that it had little to no value, and actually reduced forage biomass for big game without significantly increasing forage quality. Other collateral damage done by the Pilot Grazing Program occurred when natural events such as heavy rain caused substantial erosion on slopes where vegetation was removed by livestock. This resulted in tons of silt being washed into the S. Fork of Asotin Creek, a major anadromous fish tributary. It also resulted in the Asotin County Road Dept. spending approximately \$5,000 to remove silt from the Warner Gulch road.

#### **GOAL: IMPROVE FORAGE QUALITY**

The common goal stated by WDFW and the livestock industry is to remove old, wolfy vegetation to improve forage quality for wildlife. These grazing plans usually include spring-early summer grazing to improve forage quality. Studies have shown that new spring growth naturally exceeds nutritional requirements for big game and livestock, so there is no reason for a spring-early summer grazing program to improve forage quality for big game.

Grazing in spring and early summer does not remove old, wolfy vegetation because livestock will remove current, high quality spring growth before touching old, wolfy vegetation. The only way to achieve removal of the wolfy vegetation is to overstock livestock forcing them to eat the old vegetation, or leave the livestock on the range long enough to remove the new growth thereby forcing livestock to eat the old vegetation. In either scenario, wildlife loses by cleaning out new growth and reducing forage biomass, and denuding vegetation to the point of substantially increasing the risk of soil erosion; as occurred on Warner Gulch.

Other grazing plans may include summer or even fall grazing programs. The question should be how does this improve range and forage conditions for wildlife (big game)? The answer is simple, it does not because it removes current years forage production,

and if it is a drought year will definitely reduce available forage for big game. The grazing proposal will often refer to improved quality of fall regrowth for big game. Some years there is minimal to no fall regrowth due to drought, and if livestock are present on wildlife lands, the fall regrowth will be consumed by livestock, not big game. Considering the fact that recent weather patterns have resulted in dry summers, the above issues should be an overriding concern of wildlife managers when it comes to grazing programs proposed for WDFW lands.

#### **NEGATIVE ASPECTS OF SPRING-EARLY SUMMER LIVESTOCK GRAZING ON WILDLIFE**

As stated above, spring-early summer livestock grazing on WDFW lands, usually big game winter range, has little to no value in improving forage quality or quantity as confirmed by research conducted by WSU. Regardless of these facts, other impacts on wildlife need to be evaluated.

Other negative impacts to wildlife include trampling of nests for ground nesting birds, forcing pregnant cow elk/deer to abandon the best habitat for calving/fawning. These are not insignificant impacts and should definitely be considered in any grazing proposal.

The impact to micro habitats for various diversity species should also be a major concern, such as the impact to amphibians along streams and in ponds where livestock water.

Naturally, the impact on listed species (endangered, threatened, species of concern) should be a high priority.

Livestock grazing programs often cause damage to riparian habitats and increase soil erosion into streams adjacent to grazed lands. This is often a significant impact and needs to be taken seriously by fisheries managers. These negative impacts were documented in the Warner Gulch incident that occurred under the Asotin County Pilot Grazing Program.

#### **COST BENEFIT RATIO**

One major concern should be the cost/benefit ratio of any proposed grazing program on WDFW. The Pilot Grazing Program in Asotin county expended a huge amount of WDFW money on infrastructure, personnel time, and research with no grazing fees received from livestock operators. Grazing fees on WDFW lands cannot exceed grazing fees charged by DNR which are considerably below market value, which makes it impossible to show positive financial gains for WDFW.

Any grazing program on WDFW lands should not result in diverting personnel time to evaluate and conduct this program, it should not take away from important wildlife and fisheries work. If there is a grazing proposal that shows a positive impact to wildlife and habitat, which is highly doubtful, the cost of such a program should also be positive for



WDFW.

Any grazing proposal that shows an increase in diverting personnel time and resources without corresponding increase in personnel and finances from outside sources should not be implemented. Any grazing plan should show positive personnel and financial gains for the WDFW without negative impacts on fish or wildlife.

#### **POLITICAL CANCER**

The wildlife management program has been infected with what I call a political cancer (political melanoma) which is metastasizing throughout the program. It has infected predator management with the wolf plan and data manipulation by the cougar management team. It has infected big game management by creating a program that issues big game permits to landowners to sell, and giving them control of hunting seasons and game management on private lands (LHP Program). In recent years, there has been the push by the livestock industry, politicians, and bureaucrats to impose grazing on sensitive WDFW lands. If the grazing plans are placed under strict scrutiny by resource managers the plans will fail to provide a justification for grazing on these lands. Livestock grazing on lands purchased for wildlife seldom if ever provide positive impacts for fisheries, wildlife, and habitat, and certainly shows no positive financial benefits for WDFW.

Pat Fowler wildlife biologist (ret.)



June 2, 2016

Ms. Kaleen Cottingham, Director  
Recreation and Conservation Office  
P.O. Box 40917  
Olympia, Washington 98504-0917

**RE:** *Formal request for RCO to recommend a \$12 million funding level for the Youth Athletic Facilities (YAF) program in its 2017-19 budget/policy package*

Dear Kaleen:

We are writing this letter on behalf of the Washington Recreation & Park Association (WRPA), as follow-up to the in-person and by-phone discussion you graciously convened with us last week.

As the RCO begins the work of developing 2017-19 budget and policy recommendations to submit to the Governor's Office and the Office of Financial Management (OFM), we would like to formally request that the Agency recommend a slight increase in the level of funding for YAF – to \$12 million.

We recognize that from the grant application round that closed May 2, RCO received only 22 applications for projects totaling \$4.607 million. As we shared, from both in-writing and by-phone checks with our membership, we would offer several key reasons for the lower-than-expected number of applications submitted for YAF:

- Having multiple grant programs queueing off a May 2 deadline made it difficult for some of our agencies – particularly smaller Parks and Recreation divisions – to put an application together;
- A number of our agencies had to make choices about which projects and programs to utilize limited local match funding capabilities;
- Some of our agencies would have liked to submit more outdoor recreation grant applications across more programs, but had limited staff “band-width” with which to work;
- A few of our agencies had preferred projects that involved significant environmental permitting which would have made it difficult to obligate funds in a timely manner;

We would suggest that a truer signal of interest in the YAF program came within the 2014 Letter of Intent process, when RCO received 194 letters of intent for projects covering \$38.8 million – and nearly \$100 million when local match was leveraged alongside the indicated state amount. Additionally, even after learning of the 2015-17 amount of available competitive-grant funds (\$7 million of an overall \$10

million appropriation), and even with a “closed” grant application process, RCO still received 44 applications in the Fall of 2015. Remember, too, that the *Fall 2015* grant round was only a little over half a year prior to the 2016 grant round.

In providing our request for a \$12 million YAF funding-level recommendation by RCO, we would suggest several approaches to augment the \$4.607 million in applications with \$7.393 million in additional applications, such as:

- A supplemental grant round to occur as early as Summer 2016;
- Allowing Washington Wildlife & Recreation Program (WWRP) Local Parks category applicants with qualifying YAF components to add an application for complementary YAF dollars;
- Raising the maximum per-project grant amount to \$500,000; and
- Evaluating a more robust qualifying definition for projects, building on the “renovation” basis in statute and Board policy.

We would further suggest that the aforementioned list of ideas need not be mutually exclusive, and that these ideas could be implemented in combination with one another if the Recreation & Conservation Funding Board (RCFB) so desires.

Finally, in making our \$12 million recommendation, we would point to a series of rationales:

- \$12 million matches the funding-level recommendation from the Governor’s Outdoor Recreation Task Force in Fall 2014;
- The Legislature allocated \$10 million for this program in 2015-17, reinforcing its support for the YAF program and the merits of it;
- The need for field-upgrades and year-round-play surfaces continues to increase.

Kaleen, we want to underscore our appreciation for the recent meeting with you and Wendy Brown, and for the collaborative and can-do approach you foster throughout your agency.

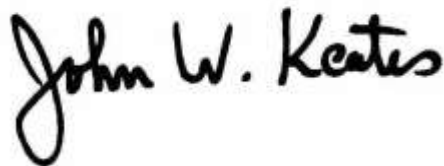
Thanks in advance for your consideration.

Sincerely,



---

Al Vorderbrueggen, President Elect  
City of Spokane Director of Recreation



---

John Keates, Legislative Committee Chair  
Bothell Parks and Recreation Director



Washington  
**Wildlife &  
Recreation**  
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June 24, 2016

Ted Willhite, Chair  
Recreation and Conservation Funding Board  
1111 Washington Street SE  
Olympia, Washington 98501

**SUBJECT: COALITION'S RECOMMENDATION FOR WWRP 2017-19 FUNDING LEVEL**

Dear Chair Willhite:

Earlier this week the Board of Directions of the Washington Wildlife & Recreation Coalition voted unanimously to request \$120 million in appropriations for the Washington Wildlife and Recreation Program for the 2017-19 biennium. I am writing on behalf of the Coalition to ask the Recreation and Conservation Funding Board to support our funding recommendation for the Program.

As we have in prior years, the Coalition developed its funding request through a lengthy deliberative process, taking into consideration several indicators of WWRP Program needs. Our goal is to seek funding that is adequate to maintain the quality of our State's natural areas and to maintain current service levels for outdoor recreation. Our Board's objective is to seek funding levels that are at the same time aspirational, and justifiable.

Unfortunately, even with \$120 million for the next biennium, I am concerned that we will fail to meet this objective. Instead, I would characterize our request as "running in place." In many respects, this level is a conservative estimate of what it is needed to simply maintain the level of service our State's citizens have come to expect and treasure about our great outdoors and quality of life here in Washington. I will explain why.

First is our State's unprecedented population growth. When the WWRP was founded in 1989, the State's population was about 4.7 million people. Since then, the population has increased to about 7.2 million, and is projected to further increase to nearly 8 million by 2025. Population increases have accelerated in recent years, with the State adding nearly 200,000 residents in the last two years.

Second is inflation. By law, expenditures from the WWRP pay both for land acquisition costs, and for the costs of construction and renovation of outdoor recreation facilities. Commercial construction costs, as measured by the construction cost index, have increased at an annual average linear rate of about 8.5 since 1989. Likewise, real estate acquisition costs have increased dramatically. In some markets, where there are acute needs for local parks, water access, urban wildlife habitat, and forest and farmland preservation, land values have soared. In the last year alone, home prices have rising dramatically in many of the most populated areas of Washington, some by almost 14%. As such, real estate excise tax collections have increased at an average annual linear rate of about \$20 million since 1989.

*Unifying voices for Washington's great outdoors*

[WildlifeRecreation.org](http://WildlifeRecreation.org)

Third is the broadening of program purposes for the WWRP. Originally, the Program provided funding for acquisition of natural areas, and for development of outdoor recreation. In 2006, the Legislature added a highly-successful farmland preservation program. This year, for the first time the Legislature added forestland preservation as a Program purpose. Each new category adds to Program funding needs.

Finally, there is demand as measured by the number of project applications for the next funding cycle. We understand that the RCO received 235 project applications this year, representing more than \$162 million in requested funding. Many of these project applications, and all of those for local parks projects, include significant matching funds. Also, it is important to note that applications so far this funding cycle does not yet include the new forestland preservation category.

We both know that the WWRP is the primary tool with which the State of Washington protects our State's natural heritage and to protect and enhance the opportunities of our State's citizens to spend quality time in the great outdoors. The Coalition deeply appreciates the RCFB's efforts to implement the Program. With long-term and rapid population growth continuing, expanding employment and economic opportunities related to the outdoor economy, and ever-increasing pressures to convert open spaces, adequate funding for the WWRP is more important than ever.

Thank you again for recommending adequate funding for the WWRP for the next biennium. We hope you can support our request, and recommend \$120 million in state funding for the Program for the next biennium.

For these reasons, we respectfully request that the Board recommend funding the WWRP grant program at \$120 million in the 2017-19 Capital Budget. This is the amount we believe is necessary for the Program to adequately support the efforts of communities around the state to protect our quality of life and preserve Washington's natural heritage for future generations.

Thank you again for all your work on behalf of the WWRP.

Best regards,

A handwritten signature in black ink that reads "Joe Mentor". The signature is written in a cursive, flowing style.

Joe Mentor  
Board Chair

cc: RCFB Board members  
Kaleen Cottingham, Director, Recreation and Conservation Office