

January 26, 2021
Online Meeting

ATTENTION:

Protecting the public, our partners, and our staff are of the utmost importance. Due to health concerns with the novel coronavirus this meeting will be held online. The public is encouraged to participate online and will be given opportunities to comment, as noted below.

If you wish to participate online, please click the link below to register and follow the instructions in advance of the meeting. Technical support for the meeting will be provided by RCO's interim board liaison who can be reached at julia.mcnamara@rco.wa.gov.

Registration Link: https://zoom.us/webinar/register/WN_8Xjl6PjHQf6E9LTl6SncVg

Phone Option: (669)900-6833 - **Webinar ID:** 933 1982 7844

Location: RCO will also have a public meeting location for members of the public to listen via phone as required by the Open Public Meeting Act, **unless this requirement is waived by gubernatorial executive order**. In order to enter the building, the public must not exhibit symptoms of the COVID-19 and will be required to comply with current state law around personal protective equipment. RCO staff will meet the public in front of the main entrance to the natural resources building and escort them in.

**Additionally, RCO will record this meeting and would be happy to assist you after the meeting to gain access to the information.*

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

Public Comment: General public comment is encouraged to be submitted in advance to the meeting in written form. Public comment on agenda items is also permitted. If you wish to comment, you may e-mail your request or written comments to julia.mcnamara@rco.wa.gov. You may also use the messenger in the Webinar to message Julia McNamara before the start of the item you wish to testify on. Comment for these items will be limited to 3 minutes per person.

Special Accommodations: People with disabilities needing an accommodation to participate in RCO public meetings are invited to contact Leslie Frank by phone (360) 902-0220 or e-mail Leslie.Frank@rco.wa.gov; accommodation requests should be received January 12, 2021 to ensure availability.

TUESDAY, JANUARY 26

OPENING AND MANAGEMENT REPORTS

- 9:00 a.m. Call to Order** *Chair Willhite*
- Roll Call and Determination of Quorum
 - Review and Approval of Agenda – January 26, 2021 **(Decision)**
 - Remarks of the Chair
-
- 9:05 a.m. 1. Consent Agenda (Decision)** *Chair Willhite*
- A. Board Meeting Minutes – November 5, 2020
 - B. Board Meeting Minutes – November 20 and December 9, 2020
 - C. Correcting Resolution Numbers from November 5, 2020
 - D. Time Extension Requests:
 - State Parks, Larrabee State Park: Clayton Beach Railway Overpass (RCO [14-1555D](#))
 - Whatcom County, Plantation Indoor Range HVAC Replacement (RCO [14-1127D](#))
 - E. Volunteer Recognitions
- Resolution 2021-01
-
- 9:20 a.m. 2. Director's Report**
- Director's Report *Director Cottingham*
 - Legislative, Budget, and Policy Update *Wendy Brown*
 - Grant Management Report *Marguerite Austin*
 - Grant Services Report *Kyle Guzlas*
 - Fiscal Report (written only)
 - Performance Report *Brent Hedden*
-
- 9:55 a.m. General Public Comment** for issues not identified as agenda items. Please limit comments to 3 minutes. *Chair Willhite*

BOARD BUSINESS: DISCUSSION

- 10:00 a.m. 3. Policy Updates:**
- SCORP *Katie Pruitt*
 - Underserved Communities *Ben Donatelle*
 - Environmental Justice Task Force Recommendations
-

10:20 a.m. BREAK

BOARD BUSINESS: DECISIONS

- 10:35 a.m. 4. Carbon Credits Policy Update** *Ben Donatelle*
- Resolution 2021-02
-

BOARD BUSINESS: DISCUSSION

**11:05 a.m. 5. Current Policies That Govern Commercial Uses on
Funded Projects**

Adam Cole

11:45 a.m. LUNCH

BOARD BUSINESS: BRIEFING

12:30 p.m. 6. Annual Compliance Report

*Myra Barker and
Ashley Arambul*

BOARD BUSINESS: DECISIONS

1:30 p.m. 7. Steptoe Butte Policy Waiver Request (#[18-1526D](#))
Resolution 2021-03

DeAnn Beck

2:30 p.m. 8. Seattle Red Barn Ranch Conversion Request (#[69-105A](#))
Resolution 2021-04

Myra Barker

3:00 p.m. BREAK

BOARD BUSINESS: EXECUTIVE SESSION

**3:15 p.m. Executive Session: Personnel Matter: RCO Director Recruitment (Board
Members Only)**

5:15 p.m. RECONVENE AND ADJOURN

Next Meeting:

April 27 and 28, 2021, Regular Meeting, Online- **Subject to change considering COVID**

RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED MEETING AGENDA AND ACTIONS

Thursday, November 5, 2020

Item	Formal Action	Follow-up Action
OPENING AND MANAGEMENT REPORTS		
Call to Order <ul style="list-style-type: none">A. Roll Call and Determination of QuorumB. Review and Approval of AgendaC. Remarks of the Chair	Decision <u>Agenda</u> Moved by: Member Milliern Seconded by: Member Shiosaki Decision: Approved	
1. Consent Agenda <ul style="list-style-type: none">A. Board Meeting Minutes: July 21, 2020 & August 12, 2020B. Correcting YAF administrative allocation to 4.12% (not 3%)C. Time Extensions Requests	Decision <u>Resolution 2020-18</u> Moved by: Member Burgess Seconded by: Member Shiosaki Decision: Approved	
BOARD BUSINESS: DISCUSSION		
2. Diversity, Equity, and Inclusion Statement	Decision <u>Resolution 2020-35</u> Moved by: Member Gardow Seconded by: Member Milliern Decision: Approved	
3. Director's Report <ul style="list-style-type: none">A. Director's ReportB. Legislative, Budget, & Policy UpdateC. Grant Management ReportD. Grant Services ReportE. Fiscal ReportF. Performance Report		

BOARD BUSINESS: BRIEFINGS

4. Policy Updates:

- A. Status of Policy Plan Implementation
- B. Carbon Credits Policy
- C. Follow-Up on WRPA Request for Policy Changes
- D. SCORP

Task:

4B: Member Milliern will connect with Ben Donatelle to further discuss carbon credit at DNR.

4D: Find two board members to serve on the SCORP steering committee.

BOARD BUSINESS: DECISIONS

5. Grant Program Framework

- A. Approach for presenting the ranked lists
- B. WWRP Allocation Formulas
- C. Letters of Support/Concern Received

6. Land and Water Conservation Fund (LWCF): Approval of Ranked List and Grant Awards

Decision

Resolution 2020-19

Moved by: Member Shiosaki

Seconded by: Member Gardow

Decision: Approved

7. Aquatic Lands and Water Enhancement Account (ALEA): Approval of Ranked List

Decision

Resolution 2020-20

Moved by: Member Herzog

Seconded by: Member Milliern

Decision: Approved

8. Youth Athletic Facilities (YAF): Approval of Ranked Lists	Decision <u>Resolution 2020-21</u> Moved by: Member Hix Seconded by: Member Milliern Decision: Approved	
9. Community Forests Program: Approval of Ranked Lists	Decision <u>Resolution 2020-22</u> Moved by: Member Hix Seconded by: Member Shiosaki Decision: Approved	
10. Washington Wildlife and Recreation Program (WWRP) Farm and Forest Account: Approval of Ranked Lists A. Forestland Preservation B. Farmland Preservation	Decision <u>Resolution 2020-23</u> Moved by: Member Milliern Seconded by: Member Gardow Decision: Approved <u>Resolution 2020-24</u> Moved by: Member Hix Seconded by: Member Gardow Decision: Approved	
11. Washington Wildlife and Recreation Program (WWRP) Habitat Conservation Account: Approval of Ranked Lists A. Critical Habitat	Decision <u>Resolution 2020-25</u> Moved by: Member Stohr Seconded by: Member Shiosaki Decision: Approved	Task: 11B: Chair Willhite would like to discuss opportunity to work with private landowner to trade land for conservation at the next board retreat.

B. Natural Areas	<u>Resolution 2020-26</u> Moved by: Member Milliern Seconded by: Member Shiosaki Decision: Approved	
C. Riparian Protection	<u>Resolution 2020-27</u> Moved by: Member Milliern Seconded by: Member Hix Decision: Approved	
D. State Lands Restoration	<u>Resolution 2020-28</u> Moved by: Member Shiosaki Seconded by: Member Hix Decision: Approved <u>Resolution 2020-29</u>	
E. Urban Wildlife Habitat	Moved by: Member Hix Seconded by: Member Gardow Decision: Approved	
12. Washington Wildlife and Recreation Program (WWRP) Outdoor Recreation Account: Approval of Ranked Lists A. Local Parks	Decision <u>Resolution 2020-30</u> Moved by: Member Shiosaki Seconded by: Member Hix Decision: Approved	Task: 12D: Marguerite Austin to keep Mr. Vorse's letter and talk to Wendy Brown about his involvement as we move forward and form an advisory committee for the proposed equity program.
B. State Lands Development	<u>Resolution 2020-31</u> Moved by: Member Milliern Seconded by: Member Stohr	

C. State Parks

Decision: Approved

Resolution 2020-32

Moved by: Member Herzog

Seconded by: Member Shiosaki

Decision: Approved

D. Trails

Resolution 2020-33

Moved by: Member Milliern

Seconded by: Member Gardow

Decision: Approved

E. Water Access

Resolution 2020-34

Moved by: Member Milliern

Seconded by: Member Hix

Decision: Approved

BOARD BUSINESS: UPDATE ON DELEGATED AUTHORITY

**13. Kitsap Rifle and Revolver
Club (RCO 03-1156)**

BOARD BUSINESS: EXECUTIVE SESSION

ADJOURN

Next Meeting: January 26-27, 2021, Natural Resources Building, Room 172, Olympia, WA, 98501 - Subject to change considering COVID

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: November 5, 2020

Place: Online

Recreation and Conservation Funding Board Members:

Ted Willhite, Chair	Seattle	Shiloh Burgess	Wenatchee
Kathryn Gardow	Seattle	Brock Milliern	Designee, Department of Natural Resources
Michael Shiosaki	Seattle	Peter Herzog	Designee, Washington State Parks
Henry Hix	Okanogan	Joe Stohr	Designee, Department of Fish and Wildlife

This summary is to 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 meeting.

Call to Order

Chair Ted Willhite opened the Recreation and Conservation Funding Board (RCFB or Board) meeting at 9 AM and invited the Interim Board Liaison, **Julia McNamara**, to call roll, determining quorum. Chair Willhite thanked all participants and audience members for joining the online meeting platform. It was noted that Member Burgess may be dismissed from the meeting for a family matter. Chair Willhite mentioned that questions and concerns from the public were welcomed and should be directed toward Ms. McNamara. Ms. McNamara then explained proper webinar etiquette and instructions.

Item 1: Consent Agenda

Following a brief history of the RCFB and remarks concerning COVID-19, climate change, and the recent forest fires, **Chair Willhite** requested a motion to approve the consent agenda.

Motion: Resolution 2020-18

Moved by: Member Burgess

Seconded by: Member Shiosaki

Decision: **Approved**

Item 2: Diversity, Equity, and Inclusion Statement

Opening, **Chair Willhite** explained that in the RCFB's August 2020 meeting, the Black Lives Matter movement had been discussed, leading to the formation of a sub-committee to create a Diversity, Equity, and Inclusion (DEI) statement to improve social justice within the board's authorities.

The subcommittee met three times and approved a draft statement to be considered today. Chair Willhite highlighted the Statewide Comprehensive Outdoor Recreation Plan (SCORP) for Washington State 2018-2022, which included five priorities. Chair Willhite focused on the priority "Improve Equity". To improve equity, Chair Willhite indicated that the board would be looking inside the agency as well as the public view of agency output.

Scott Robinson, Recreation and Conservation Office (RCO) Deputy Director, provided an update on the actions that RCO has been taking to improve equity, which included looking at agency operations and the office culture, as well as reviewing the grant work that RCO does. Mr. Robinson explained that RCO has been in contact with other agencies, such as the State Parks and Recreation Commission (State Parks), Department of Enterprise Services (DES), and the Office of Minority in Women's Business Enterprises, read books and articles, and created an internal staff committee to better understand how to move forward.

Following the presentation, Chair Willhite called on board members to provide discussion and commentary.

Member Stohr stated that the Washington Department of Fish and Wildlife (WDFW) continues allocating resources towards stewardship of future needs and making the agency more accessible to the public. Within WDFW's lands process and strategic plan, they recognized the importance of addressing access, cultural sensitivity, underprivileged populations, and DEI implementation. WDFW is excited about its strategic plan that will allow the agency to serve a broader population across the state.

Member Herzog stated that State Parks is looking into the employment and service delivery side of DEI to make the agency more diverse and inclusive. Member Herzog expressed the importance of making parks more accessible, as with greater accessibility to the outdoors, the likelihood of people pursuing careers in natural sciences would increase.

On the internal side, State Parks is working on their strategic plan and their DEI policies,

staff trainings, and job outreach demographics. Notably, staff resources have been put towards fulfilling a DEI coordinator position. On the service delivery side, State Parks has continued finding ways to remove financial barriers for those who do not have access to state parks. These include Discover Pass free days, Discover Pass discount programs, and the Check Out Washington program where patrons can borrow a Discover Pass from local libraries. On the programmatic side, Member Herzog stated that the agency works with partners to create ethnically diverse programs for the public to enjoy.

Member Milliern explained that the Washington Department of Natural Resources (DNR) had developed an equity scoring system that looks at land use populations and demographics. The results showed that land use did not reflect the local community. To address this issue, DNR signed a 15-month contract with a DEI consultant to work with staff to better gain common understanding of how to better serve the public.

Chair Willhite thanked RCO's Communications Manager, **Susan Zemek, Director Kaleen Cottingham** and **Member Shiosaki** for their contributions to the DEI statement.

Motion: Resolution 2020-35

Moved by: Member Gardow

Seconded by: Member Milliern

Decision: **Approved**

Item 3: Director's Report

Director's Report

Kaleen Cottingham, RCO Director, gave a brief update on RCO's activities. She provided details on staff working from home, budget reductions, the capital budget request for the 2021-2023 biennium and requests to legislature.

Director Cottingham detailed that RCO staff continued to work from home with a limited number of staff completing field work or working in the office.

To help with the budget shortfall caused by COVID-19, RCO staff took four furlough days from June 28 to July 25, 2020, with four additional days being carried out between the months of August through November. Director Cottingham then noted that the Boating Facilities Program and the Nonhighway and Off-Road Vehicle Activities program would be impacted by reduced revenues based on gas tax collections, resulting in a \$2 million dollar reduction. The agency is managing the reduction carefully to ensure sufficient funds remain for active projects.

Moving forward, Ms. Cottingham addressed RCO's operating budget request, which included a 15 percent reduction package for the general fund in the 2021-2023 biennium. The package includes the delayed hiring of the Orca recovery coordinator position and staff to develop a carbon sequestration program, and reduced funding for the salmon recovery lead entities and agency administration costs.

While RCO requested funding for each of its recreation and conservation programs, two new programs were added this year: The Community Forests Program, with a request of \$22 million, and the proposed Outdoor Recreation Equity Program, with a request of \$5 million. The Community Forests Program, which was quickly and meticulously developed by **Ben Donatelle**, RCO Policy Specialist, had already received 15 applications within a one-month application window.

In closing, Ms. Cottingham mentioned one bill request being worked on for the legislative session, which is the extension of the Washington Invasive Species Council by 10 years to 2032.

General Public Comment: No comment was provided at this time.

Item 4: Policy Updates

Status of Policy Plan Implementation

Wendy Brown, RCO Policy Director, gave a briefing on the 2019-2021 RCFB policy workplan. Ms. Brown explained the three tiers identified in the workplan (see below) and identified which policy items had been completed and which remained for completion by the end of the biennium. Ms. Brown reminded the board that they will identify and rank policy priorities for the 2021-2023 biennium during their board retreat in 2021.

Tier 1: Required by law, the Governor, or previous board direction and/or necessary for RCO operations.

Tier 2: Priorities identified by staff and/or RCFB-approved plans.

Tier 3: Assignments to be completed as time allows.

Carbon Credits Policy

Mr. Donatelle provided background information concerning carbon credits presented at the RCFB April 2020 meeting as item 2A and offered a policy proposal on developing carbon finance projects. Based on the increasing frequency of inquiries, the questions previously raised, and Assistant Attorney General (AAG) recommendations, RCO staff recommends establishing a policy to guide carbon finance projects on property acquired with RCO funding and to create consistent policy and procedures across

multiple grant programs. The policy will provide a framework for sponsors to inform RCO of their intent and establish criteria for RCO's review.

RCO staff will finalize the policy statement and procedures outlining a sponsor's requirements and RCO's process for review and approval of carbon finance projects. RCO will bring the final policy back for the board's review and approval in 2021.

Following Mr. Donatelle's briefing, **Chair Willhite** prompted questions and comments from board members.

Member Gardow asked how carbon credits would be enforced and how RCO plans to protect its interest. Mr. Donatelle explained the projects are conservation projects and the program will provide additional protection against conversion. If trees that generate carbon credits are cut down intentionally, the project developers are responsible for replacing habitat value and replacing carbon credits that have been issued. The enforcement from carbon registry is a legal contract. RCO enforces its interests through deeds of right and project agreements. Member Gardow then inquired about who the registries were. Mr. Donatelle explained that the agency would require project developers to let RCO know which registry they are working with. **Member Shiosaki** inquired about the value carbon credits provide to landowners. Mr. Donatelle explained that carbon credits do not outweigh timber value. Following, **Member Herzog** asked about the use of income and how closely it is associated with protecting the initial RCO asset. Mr. Donatelle explained that it is part of RCO's current income use policy. Chair Willhite asked if Mr. Donatelle has been collaborating with the DNR on this matter, to which **Member Milliern** offered to connect with Mr. Donatelle for further discussion.

Follow-up on WWRP Request for Policy Changes

Adam Cole, RCO Policy Specialist, provided a follow-up to July's Washington Recreation and Park Association (WRPA) presentation to the board that included the association's recommendations to improve RCO grant-making and adjust compliance policies due to pandemic impacts and other current events.

Mr. Cole gave a list of priorities for future board consideration to help support WRPA's mission:

1. Preserve flexible funding for operations and maintenance for local governments.
2. Encourage regional collaboration on recreation funding through the board.
3. Update and maintain a State Trails Database.
4. Ease requirements on conversions and allow scope changes in active projects.
This is in light of the pandemic and is related to operational and capital funding shortfalls.
5. Bolster alignment with Healthiest Next Generation.

6. Assure equitable distribution of capital investments.

Mr. Cole explained that the RCO will continue to consult with the WRPA to move forward the items of mutual interest and will include WRPA leadership on its advisory committee for the next SCORP. RCO staff will continue to brief the board on these ongoing efforts.

Following Mr. Cole's briefing, **Chair Willhite** welcomed discussion from the board.

Member Gardow expressed excitement about the State Trails Database. **Member Shiosaki** inquired if the State Trails Database had been scheduled into the workload. Mr. Cole explained that it has been incorporated in the RCO agency work plan in various ways but not exactly as described by WRPA and WRPA would be involved with the next development of the SCORP where this issue will receive attention and action.

SCORP

Katie Pruitt, RCO Planning and Policy Specialist, gave a brief overview of SCORP and explained that it is required every five years to maintain the state's eligibility for the Land and Water Conservation Fund (LWCF). SCORP sets priorities used to develop state program policies and the project evaluation criteria. The RCO develops the plan and the board reviews it. The next two years will include two phases: development and review. Ms. Pruitt explained that the outdoor recreation and conservation supply and demand will be evaluated around November/December 2020 to June 2021 and that the review phase should begin around February 2022 and last until October 2022. By December 2022, the RCO should have a 2023 adopted SCORP.

In the next few months, RCO will form a steering committee, apply for National Park Service funding, and contract for a demand survey.

Ms. Pruitt requested two board members to volunteer to participate on the committee. Staff will reach out to members to get two for the steering committee.

Break: 10:45AM-11:10AM

Item 5: Grant Program Framework

Mr. Robinson gave an overview of the 2020 grant program framework. He noted the 2020 grant round would not have been possible without the expertise and commitment from RCO's 133 volunteers. All grant-related meetings had been held online, and the new PRISM Online review and scoring module had allowed the advisory committee members to review and score applications online.

Mr. Robinson informed the board that they will be asked to approve the ranked lists for each grant program, then explained the allocation formula for the Washington Wildlife and Recreation Program (WWRP).

In closing, **Director Cottingham** added that RCO expects an increase in the LWCF and might do a second grant round if funding materializes.

Item 6: Land and Water Conservation Fund (LWCF): Approval of Ranked List and Grant Awards

DeAnn Beck, RCO Outdoor Grants Manager, presented the history and an overview of the LWCF program. This year, 23 projects requesting \$10.9 million were presented for Board consideration. There are 18 development projects, 3 acquisitions, and 2 combination projects

Ms. Beck shared a limited number of LWCF projects and highlighted some trends in the 2020 grant round, then presented the top ranked project: Make Beacon Hill Public. Ms. Beck detailed that this privately owned property is part of the largest and most heavily used trail system in Spokane County. This 231-acre acquisition project involves two local agencies, five landowners, and three existing parks. Through the partnership between the City of Spokane and Spokane County, over 560 acres of contiguous park space will be preserved.

Ms. Beck concluded the presentation by asking the board to approve the ranked list of projects for the LWCF category.

Motion: Resolution 2020-19

Moved by: Member Shiosaki

Seconded by: Member Gardow

Decision: **Approved**

Item 7: Aquatic Lands Enhancement Account (ALEA): Approval of Ranked List

Allison Dellwo, RCO Outdoor Grants Manager, presented the eligibility requirements and an overview of the ALEA program. This year, RCO received 18 applications, requesting nearly \$9 million. Applicants are bringing just under \$20 million in matching resources for a total of \$29 million.

Ms. Dellwo expressed that there are a few items of note for 2020. During the grant cycle, applicants were eligible for a match reduction via the board-adopted Federal Disaster pathway, which was designed to help mitigate the financial impacts of COVID-19. Six applicants used the policy for a total match reduction of \$641,550.

Ms. Dellwo shared highlights of some projects and presented the top ranked project: Willow Creek at Marina Beach Park, sponsored by the City of Edmonds. Marina Beach Park is a 4.9-acre park located along the shoreline of Puget Sound. This project will redevelop the park by creating an open-air, tidal channel for Willow Creek with interpretive signage and provide hand-carried boat access to Puget Sound. Additional development will include scenic overlooks, restroom facilities, and a reconfiguration of the pathways and parking. This project is unique within the ALEA program because it was able to fully satisfy the criteria requirements of both public access and protection and enhancement. The total cost of this project is \$4.6 million. The City is requesting \$500,000 from the ALEA program.

Ms. Dellwo concluded the presentation by asking the board to approve the ranked list of projects for the ALEA category.

Member Gardow inquired how the concerns of underserved communities were addressed in this category. **Marguerite Austin**, Section Manager, explained that during technical review and evaluation, the advisory committee focused on the different diversity elements that were included in the SCORP priority for underserved communities in the *Need* evaluation criteria.

Motion: Resolution 2020-20

Moved by: Member Herzog

Seconded by: Member Milliern

Decision: **Approved**

Item 8: Youth Athletic Facilities (YAF): Approval of Ranked Lists

Alison Greene, RCO Outdoor Grants Manager, presented an overview of the Youth Athletic Facilities Program (YAF) and the differences between the Large and Small categories. This year applicants submitted 45 development projects requesting \$11 million. Of these 45 projects, 21 applicants used the board's modified Federal Disaster Pathway, while 7 applicants used another pathway, which provided for an even lower match requirement. Although 62 percent of the projects have reduced match, applicants are providing more than twice the amount requested.

Ms. Greene shared some of the highlights of a few projects and presented the top ranked project in the Large category: Lion's Park Basketball Zone from the City of Othello. Funded with several grants from RCO, this park features group picnic sites, a street hockey rink, a handball court, a playground, and tennis and basketball courts. The total cost of the basketball court renovation project is \$482,000. The top ranked project

in the Small category is the Gene Goodwin Tennis Court Resurfacing project from the City of Fircrest. Fircrest is requesting \$16,000 to renovate three tennis courts and add striping for pickle ball. The City will provide 50 percent in match for a total project cost of \$32,000.

Ms. Greene concluded the presentation by asking the board to approve the ranked list of projects for the YAF category.

Motion: Resolution 2020-21

Moved by: Member Hix

Seconded by: Member Milliern

Decision: **Approved**

Lunch: 12:05PM-12:55PM

Item 9: Community Forests Program: Approval of Ranked Lists

Mr. Donatelle presented the Community Forests Program overview. He detailed that fifteen applications were submitted, requesting \$33.5 million, providing \$12 million in match, for a total budget of \$45.5 million. From this, 11,356 acres may be acquired.

The top ranked project was the Nason Ridge project from Chelan County. The project request is \$3 million with \$2.2 million in match to acquire 3,714 acres. The primary type of habitat to be protected is Cascade transition zone forests and 2.5 miles of Nason Creek, a tributary to the Wenatchee River and habitat for federally listed salmon and steelhead.

Mr. Donatelle concluded the presentation by asking the board to approve the ranked list of projects for the Community Forests Program category.

Motion: Resolution 2020-22

Moved by: Member Hix

Seconded by: Member Shiosaki

Decision: **Approved**

Item 10: Washington Wildlife and Recreation Program (WWRP) Farm and Forest Account: Approval of Ranked Lists

A: Forestland Preservation Category

Kim Sellers, RCO Outdoor Grants Manager, presented an overview of the WWRP Forestland Preservation category. Ms. Sellers explained the differences between the Forestland category and the Community Forests program. This year there were four

grant applications with a total combined investment of almost \$4.8 million. The top ranked project is phase two of the Little Skookum Inlet Forest brought in by Forterra, who is requesting \$320,872. Although not required, this project received additional points from the evaluators because the landowner, Port Blakely, allows public access on their property.

Ms. Sellers concluded the presentation by asking the board to approve the ranked list of projects for the WWRP Forestland Preservation category.

Member Gardow inquired if a sponsor could apply for this program and apply for the Community Forests program.

Ms. Sellers explained that they could apply for the Community Forests program for the purchase of land and use Forestland Preservation as match. Director Cottingham further explained that the differences for these two programs has to do with what property rights the applicant can purchase.

Motion: Resolution 2020-23

Moved by: Member Milliern

Seconded by: Member Gardow

Decision: **Approved**

B: Farmland Preservation Category

Michelle Burbidge, RCO Outdoor Grants Manager, presented the eligibility criteria and an overview of the Farmland Preservation category. Ms. Burbidge shared some project highlights and presented the top ranked project for this year: Wolf Creek Agricultural Conservation Easement, Phase 1 by the Methow Conservancy. This project site contains high quality soils and adjudicated water rights, which will be tied to the land into perpetuity. The project is requesting \$1.1 million with \$1.2 million in match. The total project cost is \$2.3 million.

Ms. Burbidge concluded the presentation by asking the board to approve the ranked list of projects for the WWRP Farmland Preservation category.

Motion: Resolution 2020-24

Moved by: Member Hix

Seconded by: Member Gardow

Decision: **Approved**

Item 11: Washington Wildlife and Recreation Program (WWRP) Habitat Conservation Account: Approval of Ranked Lists

Item 11 A: Critical Habitat Category

Ms. Burbidge presented the overview of the WWRP Critical Habitat category. Ms. Burbidge mentioned that this year, RCO received 11 applications, requesting a total of \$15.5 million in grant funding. Grant sponsors will contribute \$5.5 million, bringing the total project costs to \$21 million. If all 11 projects are fully funded, a total of 14,210 acres would be protected, along with 89 miles of shoreline. Ms. Burbidge shared this year's trends, project highlights, and presented the top ranked project: Simcoe 2020, proposed by the WDFW. This is the 6th phase of a 20,000-acre acquisition. This project will secure over 5,000 acres of critical habitat in the Simcoe Mountains, located in Klickitat County.

Ms. Burbidge concluded the presentation by asking the board to approve the ranked list of projects for the WWRP Critical Habitat category.

Member Gardow inquired about the evaluators' comments regarding the new pollinator criteria. **Ms. Austin** responded that more explanation will be presented in the Natural Areas category.

Motion: Resolution 2020-25

Moved by: Member Stohr

Seconded by: Member Shiosaki

Decision: **Approved**

Item 11 B: Natural Areas Category

Ms. Beck presented the overview of the WWRP Natural Areas category. This year, the DNR was the only applicant in this category. Ms. Beck highlighted that the species and communities with special status criterion was expanded to include pollinators. DNR addressed this expanded criteria thoroughly, noting that Natural Areas are widely recognized as critical for pollinator protection, playing an important role as long-term refugia for pollinators experiencing declines in floral diversity and habitat, urbanization, invasive species, climate change, pesticide use, disease, and parasites. DNR requested \$16.2 million this year to fund 8 acquisition projects. 4,017 total acres were proposed for protection. The top ranked project this year is the Upper Dry Gulch Natural Area Preserve acquisition project. The project will acquire multiple parcels to expand protection for the Whited's milkvetch, a Priority 1 in Washington's Natural Heritage Plan, and a relatively intact expanse of shrub-steppe ecosystem. The site is in Chelan County

ten miles south of Wenatchee. This project will acquire 1,000 acres of DNR trust land and 1,161 acres of private land.

Ms. Beck concluded the presentation by asking the board to approve the ranked list of projects for the WWRP Natural Areas category.

Member Milliern commented that the top-ranked project is critical for the continuation of the White's milkvetch species. DNR had an opportunity to conserve land in that area and worked closely with a private landowner to trade land with the goal that it would be set aside for conservation. **Chair Willhite** added that the board should discuss this type of opportunity to work with private landowners to trade land for conservation at the next board retreat.

Motion: Resolution 2020-26

Moved by: Member Milliern

Seconded by: Member Shiosaki

Decision: **Approved**

Item 11 C: Riparian Protection Category

Beth Auerbach, RCO Outdoor Grants Manager, presented the eligibility criteria and an overview of the Riparian Protection category of the WWRP. This year, the RCO received nine projects, requesting \$11 million, with a total investment of \$18 million. 4,178 acres were proposed for protection. Ms. Auerbach noted changes made to the evaluation criteria that intend to refine the focus on protecting ecologically diverse and functioning habitat while accounting for the impacts of climate change and ensuring public access and other community benefits are compatible with the proposed conservation project. The top ranked project is the Wildlboy Forest and Kwoneesum Dam acquisition, sponsored by the Columbia Land Trust and requesting just over \$1 million with a \$2 million match. Ms. Auerbach shared that the Cowlitz Indian Tribe will remove the dam and restore 6.5 miles of salmon spawning habitat.

Ms. Auerbach concluded the presentation by asking the board to approve the ranked list of projects for the WWRP Riparian Protection category.

Public Comment:

Michele Canale, North Olympic Land Trust, expressed excitement about the potential grant award. Ms. Canale made herself available to answer any questions regarding the Hoko River Watershed Conservation project, RCO #20-1333.

Member Gardow commented on the advisory committee's feedback on the challenge of upland work versus lowland work and inquired if this concern is in the review process.

Director Cottingham responded that this topic has been on the list of policies to address and is more common for the Salmon Recovery Funding Board.

Motion: Resolution 2020-27

Moved by: Member Milliern

Seconded by: Member Hix

Decision: **Approved**

Item 11 D: State Lands Restoration and Enhancement Category

Ms. Greene presented an overview of the State Lands Restoration and Enhancement category of the WWRP. This year applicants submitted 17 grant proposals and requested just over \$2.6 million. Ms. Greene shared some project highlights and the top ranked project: a joint application submitted by the DNR and WDFW. The agencies plan to restore more than 800 acres of prairie, bald, oak woodland, and wetland habitat in the South Puget Sound prairie-oak landscape. This project occurs just south of the greater Olympia area. The partnership will allow for efficiencies in spending. This would be the seventh phase of the project. The total project cost is \$485,850.

Ms. Greene concluded the presentation by asking the board to approve the ranked list of projects for the WWRP State Lands Restoration and Enhancement category.

Motion: Resolution 2020-28

Moved by: Member Shiosaki

Seconded by: Member Hix

Decision: **Approved**

Item 11e: Urban Wildlife Habitat Category

Ms. Auerbach presented an overview of the Urban Wildlife Habitat category of the WWRP. This category was overhauled in 2019 following the board's request to maintain the category's original focus of protecting native habitat, while increasing the number of local applicants who apply for funding. Ms. Auerbach explained the three main areas that were modified. This year, 11 projects were evaluated. The top ranked project was Phase 4 of the Antoine Peak Conservation Area, a 230-acre acquisition project. Spokane County is requesting just over \$1 million and will be contributing 50 percent match. The project area borders the City of Spokane Valley and will connect the City to 1,100 acres of existing public conservation land where there is a 14-mile trail network. Once

acquired, the County will develop a new trailhead, trails, and an access road that will connect to the existing conservation area, as well as sites for outdoor classrooms.

Ms. Auerbach concluded the presentation by asking the board to approve the ranked list of projects for the Urban Wildlife Habitat category.

Motion: Resolution 2020-29
Moved by: Member Hix
Seconded by: Member Gardow
Decision: **Approved**

Item 12: Washington Wildlife and Recreation Program (WWRP) Outdoor Recreation Account: Approval of Ranked Lists

Item 12A: Local Parks Category

Brian Carpenter, RCO Outdoor Grants Manager, presented an overview of the Local Parks category of the WWRP. Mr. Carpenter stated that the top ranked project: Spokane County's "Make Beacon Hill Public" was also the top-ranked project in the LWCF program. Because this project was already presented, Mr. Carpenter shared highlights of the second ranked project: Jefferson County's Universal Movement Playground, also known as JUMP. This project is representative of a theme shown among the applications this year: a strong, positive focus on accessibility for people of all abilities, especially by building inclusive playgrounds.

Mr. Carpenter concluded the presentation by asking the board to approve the ranked list of projects for the Local Parks category.

Member Gardow inquired about the evaluators' comments regarding if there was a plan to evaluate the effectiveness of this evaluation process. **Director Cottingham** responded that Ms. Austin plans to compile together the evaluators' comments after the grant rounds RCO will send a survey to applicants and the evaluators for feedback. Member Gardow further asked when the Local Parks category evaluation process was last reviewed. Director Cottingham answered that it has not been reviewed in a long time.

Motion: Resolution 2020-30
Moved by: Member Shiosaki
Seconded by: Member Hix
Decision: **Approved**

Item 12B: State Lands Development Category

Dan Haws, RCO Outdoor Grants Manager, presented an overview of the State Lands Development and Renovation category of the WWRP. This year, both the DNR and WDFW submitted seven applications each, requesting just over \$3.9 million in grant funding, with a total cost of over \$5.1 million. The top ranked project is the DNR's Tiger Mountain Summit Trailhead Renovation. The new trailhead will be designed with both upper and lower parking areas. It will expand the current 50 vehicle parking capacity to 150 new parking spaces. These improvements will allow the trailhead to accommodate more visitors at one time while decreasing the impact to the natural resources of the surrounding area.

Mr. Haws concluded the presentation by asking the board to approve the ranked list of projects for the State Lands Development and Renovation category.

Motion: Resolution 2020-31

Moved by: Member Milliern

Seconded by: Member Stohr

Decision: **Approved**

Item 12C: State Parks Category

Karl Jacobs, RCO Outdoor Grants Manager, presented an overview of the State Parks category of the WWRP. Ten applications were submitted this year, requesting just over \$16.4 million, with the applicant providing over \$955,000 match. If all ten projects were funded, over 440 acres would be purchased, 9 acres would be developed, 46 miles of new trails built, and the applicant would restore 1,400 feet of shoreline. The top ranked project is an acquisition in the Green River Gorge along the Icy Creek Ridge near Black Diamond. Purchase of this property will prevent residential development and allow for trail construction. The acquisition will make significant progress toward realizing the vision of the legislature that State Parks has been pursuing for over 50 years.

Mr. Jacobs concluded the presentation by asking the board to approve the ranked list of projects for the State Parks category.

Member Gardow inquired if ranking the inholdings project in the evaluation process is necessary. Mr. Jacobs responded that it would require work by policy staff to see if the board has the authority to just fund the inholdings project. **Mr. Herzog** commented that the project usually ranks within the funding level.

Motion: Resolution 2020-32
Moved by: Member Herzog
Seconded by: Member Shiosaki
Decision: **Approved**

Item 12D: Trails Category

Jesse Sims, RCO Outdoor Grants Manager, presented an overview of the Trails category of the WWRP. Mr. Sims shared some project highlights and presented the top ranked project: Clallam County's western terminus of the Olympic Discovery Trail. The County is requesting just over \$900,000 to acquire the trail corridor for one of the last remaining links in the 135-mile long Olympic Discovery Trail. The County will be matching their request with \$300,000. This important segment will link two small communities together almost entirely off-road and will also tie into the popular Olympic National Park's second and third beach trailheads.

Mr. Sims concluded the presentation by asking the board to approve the ranked list of projects for the Trails category.

Member Gardow asked about the last time the board reviewed the evaluation process for the Trails category. **Director Cottingham** responded that the review process will be a topic at the next retreat.

Motion: Resolution 2020-33
Moved by: Member Milliern
Seconded by: Member Gardow
Decision: **Approved**

Item 12E: Water Access Category

Ms. Dellwo presented an overview of the Water Access category of the WWRP. 12 projects met the requirements for a match reduction via the board-approved federal disaster pathway. Ms. Dellwo shared some project highlights and the top ranked project: Kayak Point Waterfront Improvements, Phase 1, by Snohomish County Parks and Recreation. The project will renovate the area by moving parking and roadways off the shoreline, constructing a soft shore berm with native plant enhancements, and renovating the 300-foot fishing pier. The total project cost is \$3.2 million, and the sponsor is requesting \$500,000. The combination restroom/picnic shelter is currently a separate 2020 proposed renovation project under the WWRP Local Parks category. The other recreation amenities will be completed in a future phase.

Ms. Dellwo concluded the presentation by asking the board to approve the ranked list of projects for the Water Access category.

Member Gardow inquired, based on comments from the evaluators, if there should be a do-not-fund option. **Director Cottingham** responded that some of RCO's grant programs have a do-not-fund option, which is a process RCO goes through before bringing the ranked lists to the board; however, this option is not available for WWRP projects. **Ms. Austin** added that the "do not fund" comment came from an evaluator concerned about the eligibility of a project to renovate an RV camp.

Staff determined the project was eligible and the advisory committee didn't make any recommendations to not fund any of the projects.

Motion: Resolution 2020-34

Moved by: Member Milliern

Seconded by: Member Hix

Decision: Approved

Public Comment:

David Vorse, City of Castle Rock, stated that he sent a letter regarding the WWRP Trails Category applications submitted for 2020. The letter discussed the grant processes managed by RCO and deals with the staff scored criteria. Mr. Vorse pointed out the perceived disadvantage for small communities. Most small communities do not have the dedicated staff or resources to support the preparation or submission of these grants. Mr. Vorse wanted to see if there was any interest in having a discussion on these criteria. Additionally, Mr. Vorse offered his availability as part of a committee to help brainstorm solutions, if requested.

Chair Willhite stated that the board has been trying to address this concern from many different perspectives and it is a continuing effort for the agency and the board.

Director Cottingham commented that if included in the Governor's budget, the agency has been looking into a new equity program to use as a pilot program on topics such as shorter application processes and more staff-intensive involvement for smaller jurisdictions such as Castle Rock. RCO will keep Mr. Vorse's name in mind for the advisory committee formed. This topic will also be discussed at the board's retreat.

Break: 3:15PM-3:30PM

Item 13: Kitsap Rifle and Revolver Club (RCO 03-1156)

Ms. Sellers presented an update on the status of the Kitsap Rifle and Revolver Club (KRRC), the project background, and KRRC's progress towards reopening for the shooting of firearms. **Mr. Robinson** stated that RCO staff brought this compliance issue to the board on January 31, 2018. Staff's recommendation at the time was to declare this a conversion and seek repayment of the entire grant. After staff's presentation and testimonies from several club members, the board decided to give the club more time, resulting in the creation and execution of Amendment 7. This amendment was signed by both the club and RCO. The conditions of the Amendment were explained. Mr. Robinson stated that RCO sent notice to the KRRC on October 1st about the approaching obligation and this discussion item. Up until 5 minutes before this topic, RCO had received no reply. The board does not need to take action at this time. The board has already delegated authority to Director Cottingham to act. The Director intends to discuss the best course of action with RCO's legal counsel after expiration of the time period set forth in the amendment (January 1, 2021). Staff will provide an update at the January 2021 meeting.

Public Comment:

Marcus Carter, Kitsap Rifle and Revolver Club, apologized for not sending a letter to RCO sooner and asked the board to review the letter and any other upcoming materials before the next board meeting. Mr. Carter stated that the "No Shooting" sign posted in the presentation was a picture that was highly prejudicial. The sign was up for a short period of time. Mr. Carter explained that the court decision was not just overturned, but the judge's decision was vacated. It was said by staff that the club received permits for the RCO work that was done, but the ongoing court action is for the work that was done with RCO's grant funding. The work was inspected and reviewed by various agencies. These agencies issued no notice to the club that it should have done anything differently. The club did not decide to take court action. Due to COVID-19, the hearing was delayed, and KRRC is waiting for the determination from the Court of Appeals. KRRC expects the trial courts to be overturned again and the county to direct which permit for RCO work is needed. The club has applied for various permits as recommended by the county and was denied multiple times. The club has fulfilled its obligations to RCO. The facility has always been open. Certain types of rifles have not been allowed due to court order, not because of the club. The club is working diligently to restore all of its historic use. Mr. Carter invited the board to visit the club.

Barbara Butterson, Kitsap Rifle and Revolver Club stated that this year has been unusual due to COVID-19. Hearings were delayed and that the club appealed the court's decision right away. In the event that everything had been approved by the Court of Appeals, the club would still have been closed due to the Governor's Stay Home Order. Ms. Butterson requested the board to take this into consideration.

Chair Willhite thanked Ms. Butterson and stated that RCO has received the letter sent in by Mr. Carter a few moments ago.

Executive Session: Director's Evaluation (Board Members Only)

Chair Willhite announced that the board was going into Executive Session, and read the statement as required by law, to review the performance of Director Cottingham.

Closing:

Chair closed the meeting at 4:33 pm

ADJOURN- Meeting adjourned at 4:33 pm

The next meeting will January 26-27, 2021, Natural Resources Building, Room 172, Olympia, WA, 98501 - Subject to change considering COVID

Approved by:

Ted Willhite, Chair

RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED MEETING AGENDA AND ACTIONS

FRIDAY, November 20, 2020

Item	Formal Action	Follow-up Action
OPENING AND MANAGEMENT REPORTS		
Call to Order <ul style="list-style-type: none">A. Roll Call and Determination of QuorumB. Remarks of the Chair		
BOARD BUSINESS: EXECUTIVE SESSION		
Executive Session: Personnel Matter (Board Members Only)		
ADJOURN		

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: November 20, 2020

Place: Online

Recreation and Conservation Funding Board Members:

Ted Willhite, Chair	Seattle	Shiloh Burgess	Wenatchee
Kathryn Gardow	Seattle	Brock Milliern	Designee, Department of Natural Resources
Michael Shiosaki	Seattle	Don Hoch	Designee, Washington State Parks
Henry Hix	Okanogan	Joe Stohr (Absent)	Designee, Department of Fish and Wildlife

This summary is to 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 meeting.

Call to Order

Chair Ted Willhite opened the meeting at 11 a.m. Following roll call and determination of quorum by Interim Board Liaison, **Julia McNamara**, Chair Willhite covered webinar protocol and etiquette.

Executive Session: Personnel Matter (Board Members Only)

Chair Willhite explained the Recreation and Conservation Funding Board (RCFB) members would be convening for an executive session to discuss a personnel matter. This session would include RCFB members, RCO staff members Director Kaleen Cottingham and Deputy Director, Scott Robinson, and Jim Reid, a contracted process facilitator. Through [RCW 42.30.110\(g\)](#), the RCFB entered an Executive Session that lasted until 12 p.m.

ADJOURN- Meeting adjourned at 12:00 P.M.

When returning to adjourn the meeting, **Chair Willhite** noted the executive session only held discussion of a personnel matter, with no decisions made. Chair Willhite also mentioned that Member Milliern had recused himself from the personnel matter.

The next meeting will January 26-27, 2021, Online- Subject to change considering COVID. If another special meeting is convened before January 26, 2021 to address this personnel issue, proper notice will be given to partners and the public.

Approved by:

Chair Ted Willhite

DRAFT

RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED MEETING AGENDA AND ACTIONS

WEDNESDAY, DECEMBER 9, 2020

Item	Formal Action	Follow-up Action
OPENING AND MANAGEMENT REPORTS		
Call to Order <ul style="list-style-type: none">Roll Call and Determination of QuorumReview and Approval of AgendaRemarks of the Chair	Decision <u>Approval of December 9, 2020 Agenda</u> Moved by: Member Shiosaki Decision: Approved by consensus	
PUBLIC COMMENT OPPORTUNITY		
Overview of the process and timeline		
Public Comment		
BOARD BUSINESS: EXECUTIVE SESSION		
Executive Session: Personnel Matter- Recruitment of a new director of the Recreation and Conservation Office (Board Members Only)		
ADJOURN		

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: December 9, 2020

Place: Online

Recreation and Conservation Funding Board Members:

Ted Willhite, Chair	Seattle	Shiloh Burgess	Wenatchee
Kathryn Gardow	Seattle	Brock Milliern (Recused)	Designee, Department of Natural Resources
Michael Shiosaki	Seattle	Joe Stohr	Designee, Department of Fish and Wildlife
Henry Hix	Okanogan	Peter Herzog (Recused)	Designee; Washington State Parks

This summary is to 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 meeting.

Call to Order

Chair Ted Willhite opened the meeting at 10:30 a.m. To determine quorum, **Julia McNamara**, interim Board Liaison, called roll and determined a quorum was present. Following, Chair Willhite thanked the audience members for joining the webinar and noted the meeting topic: the retirement and replacement of Recreation and Conservation Office (RCO) Director, **Kaleen Cottingham**. Director Cottingham's last day with RCO will be April 30, 2021.

In closing, Ms. McNamara covered webinar rules and etiquette.

Overview of the process and timeline

Scott Robinson, RCO Deputy Director, provided details on the hiring process for a new director. He noted that the recruitment release is targeted for Friday, December 11, 2020, and to close January 11, 2021. From February 9-11, 2021, the Recreation and Conservation Funding Board (RCFB) will interview candidates. On February 15, three of the candidates will be submitted to the governor, who will go through his own process to decide who to appoint. It is hoped that the new RCO director will start on between April 1-15, 2021.

Following Mr. Robinson's briefing, **Chair Willhite** welcomed comment and commended Director Cottingham and Mr. Robinson for their work at RCO. Chair Willhite then welcomed public comment on attributes the board should seek in a new director.

Public Comment:

Christine Mahler, Washington Wildlife and Recreation Coalition (WWRC), began by thanking Director Cottingham for her leadership at RCO and all the facets of her position.

She then listed the three qualities that WWRC expects out of the new RCO director:

- 1) They must have the desire to improve equity at and through RCO by knowing the history of the exclusivity of recreation and conservation, by living through the inequity, and by coming from a community of color.
- 2) The new director should be adept to representing RCO effectively, including all aspects of relationship management. This would include internal management, relationships with the Governor's Office and legislature, local level relationships, and Tribal partnerships.
- 3) A director that is open to consistent growth and change.

Tricia Snyder, Washington Salmon Coalition (WSC), discussed three attributes that WSC expects to see in the new RCO director.

- 1) Someone who has a strong understanding of the foundation surrounding salmon recovery structure.
- 2) Someone who has a strong understanding of the state budget, accompanied by the fiscal creativity and ability to problem solve.
- 3) Someone who is willing to listen and communicate across all programs.

Roxanne Miles, Washington Recreation and Parks Association (WRPA), stated three key attributes that the RCO director should possess.

They should be:

- 1) A collaborative convener of industry stakeholders.
- 2) A champion in public lands who is visionary and influential with other state agencies, especially with DNR and State Parks who often play a role in data collection, planning and policy reviews through RCO.
- 3) Action oriented and able to build strategies that are broad based, ensuring that no elements are winning against another in the recreation and conservation world.

Nick Norton, Washington Association of Land Trusts (WALT), thanked RCO for the opportunity to provide comment and expressed thanks for working with Kaleen over the years.

Three key attributes that WALT expects from a director include:

- 1) Strong visionary leadership. Externally, the director would be a committed vocal ambassador for outdoor recreation and conservation and the environment. Internally, this would be someone who would create an environment of empowerment, dedication and accountability among staff at all levels
- 2) Dedication to community building through relationships with key stakeholders, the building of new relationships and responsiveness to partners with work on the ground.
- 3) Politically savvy- meaning they pay strong attention to programmatic details and demonstrate experience and success in working on policy issues with elected officials.

Executive Session: Personnel Matter- Recruitment of a new director of the Recreation and Conservation Office (Board Members Only)

Chair Willhite explained the RCFB members would be convening for an executive session to discuss the hiring process of the new RCO director. This session would include RCFB members, RCO staff members Director Kaleen Cottingham and Deputy Director, Scott Robinson, and Jim Reid, a contracted process facilitator. Through [RCW 42.30.110\(g\)](#), the RCFB entered an Executive Session that was extended until 12:20 P.M.

ADJOURN- Meeting adjourned at 12:20 P.M.

When returning to adjourn the meeting, **Chair Willhite** noted the executive session only held discussion of a personnel matter, with no decisions made.

The next meeting will January 26-27, 2021, Online- Subject to change considering COVID. If another special meeting is convened before January 26, 2021 to address this personnel issue, proper notice will be given to partners and the public.

Approved by:

Chair Ted Willhite

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: January 26, 2021

Title: Time Extension Requests

Prepared By: Recreation and Conservation Outdoor Grants Managers

Summary

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

Board Action Requested

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

Resolution: 2021-01 (Consent Agenda)

Purpose of Resolution: Approve the requested time extensions.

Background

Manual #7, Funded Projects, outlines the Recreation and Conservation Funding Board's (board) 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 Recreation and Conservation Office (RCO) director has authority to extend an agreement for up to four years. Extensions beyond four years require board action.

RCO received requests for time extensions for the projects listed in Attachment A. This document summarizes the circumstances for the requested extensions and the expected date of project completion. Board action is required because the project sponsors are 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;

Plan Link

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

Staff Recommendation

Staff recommends approval of the time extension requests for the projects listed in Attachment A.

Attachments

A. Time Extension Requests for Board Approval

Washington State Parks and Recreation Commission

Project number and type	Project name	Grant program	Grant funds remaining	Current end date	Extension request
14-1555 Development	Larabee State Park: Clayton Beach Railway Overpass	WWRP State Parks	\$1,714,972 (74%)	3/31/2021	6/30/2022

Reasons for Delay and Justification of Request

The Washington State Parks and Recreation Commission is building a pedestrian bridge over an active rail line at Larabee State Park. This bridge will solve a critical trespass and safety issue and allow public access to Clayton Beach. The preconstruction work, however, has proven to be quite complex.

The need for an extension is based upon the time spent coordinating approvals from various jurisdictions with authority over the project or project area. These include Puget Sound Energy, Burlington Northern Santa Fe Railway (BNSF), Washington Utilities and Transportation Commission, the Army Corps of Engineers, Skagit and Whatcom Counties, Washington Department of Fish and Wildlife, Washington State Department of Ecology, and the Washington State Department of Archeology and Historic Preservation (DHAP),

Here is a summary of the major issues:

1. BNSF owns the right of way that this bridge will cross. Communication with BNSF and navigating their process, has been very difficult. It cannot be understated the amount of additional coordination this project requires and has endured.
2. The project spans two counties with separate permitting requirements and added coordination. Skagit County even required a formal public hearing.
3. The project includes vacating a segment of a Puget Sound Energy (PSE) easement. Removing a portion of the trail and completing restoration work on existing State Parks land is planned to satisfy the mitigation requirement because PSE does not allow mitigation on their property. One of the counties requested a memorandum of understanding with State Parks to ensure that the mitigation site is perpetually maintained.
4. Consultation with affected tribes as well as coordination with DAHP on historic and cultural resources within the project area required additional effort.

In general, the critical regulatory coordination over the last 10 months, which was impacted by the COVID-19 pandemic, has resulted in unexpected delays. This 15-month extension will provide the additional time needed to finalize the permits, bid the project, and complete construction in 2021-22.

Whatcom County

Project number and type	Project name	Grant program	Grant funds remaining	Current end date	Extension request
<u>14-1127</u> Development	Plantation Indoor Range HVAC Replacement	Firearms and Archery Range Recreation (FARR)	\$259,012 88%	1/31/2021	12/31/2021

Reasons for Delay and Justification of Request

Whatcom County owns and operates a shooting facility that has an outdoor pistol and small bore range, 300-yard outdoor rifle range, indoor pistol and small bore range, trap shooting facility, along with classroom space for police training and hunter education. The facility serves over 23,000 shooters a year.

The original project was to replace the 25-year-old heating, ventilation and cooling system (HVAC) at the indoor pistol range. Due to unanticipated roof damage and decay, they discovered upon HVAC inspection, they could not move forward with just an HVAC system replacement without a new roof to support the new equipment. The county applied for and received a second FARR grant in 2016 to help with roof replacement costs. With this scope revision that now included a new roof, there was a delay in securing required permits and bid documents. In addition, the county anticipated construction last summer, but the design/build firm did not provide the construction drawings and bid package in a timely manner. As a result, the county could not solicit bids and award a contract before the weather turned cold and rainy.

This has been complex process for the county. They were planning on soliciting bids at end of February and awarding a construction contract in the spring, but due to delays caused by the COVID-19 pandemic, announcement and award dates were delayed. There has also been a six-month delay in the availability of materials. The projected completion date is now December 31, 2021.

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: January 26, 2021

Title: Recognition of Volunteer Service

Prepared By: Tessa Cencula, Volunteer and Grants Process Coordinator

Summary

This action will recognize the years of service by agency and citizen volunteers on the advisory committees that the Recreation and Conservation Office uses to assist in its grant programs.

Board Action Requested

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

Resolution Number: 2021-02

Background

The Recreation and Conservation Office relies on volunteers to help administer its grant programs. Volunteers provide a strategic balance and perspective on program issues. Their activities, experience, and knowledge help shape program policies that guide us in reviewing and evaluating projects and administering grants.

The following individuals have completed their terms of service or have otherwise bid farewell after providing valuable analysis and excellent program advice. Outdoor recreationists in Washington will enjoy the results of their hard work and vision for years to come. Staff applauds their exceptional service and recommends approval of the attached resolutions via Resolution 2021-01 (consent).

Boating Programs

Name	Position	Years
Al Wolslegel	Citizen and State Parks Representative	7

Recreation Trails Program

Name	Position	Years
Daniel Collins	Citizen-at-Large	8
Marc Toenyan	Off-Road Motorcycle Representative	8

Washington Wildlife and Recreation Program Forestland Preservation

Name	Position	Years
Stephen Bernath	Washington Department of Natural Resources Representative	5

Youth Athletic Facilities

Name	Position	Years
NeSha Thomas-Schadt	Local Agency Representative	6

Attachment

A. Individual Service Resolutions



A Resolution to Recognize the Service of

Al Wolslegel

To the Residents of Washington State and the Recreation and Conservation Funding Board

WHEREAS, from 2014 to 2020, Al Wolslegel served the citizens of the state of Washington and the Recreation and Conservation Office by participating on the Boating Programs Advisory Committee; and

WHEREAS, the result of this service was the provision of valuable analysis and excellent advice that assisted in the development of exemplary program policies, program planning, and the evaluation of boating projects for funding;

WHEREAS, members of the Recreation and Conservation Funding Board wish to recognize this support and service,

NOW, THEREFORE BE IT RESOLVED, that in recognition of Mr. Wolslegel's dedication and excellence in performing these services, the board and its staff extend their sincere appreciation and compliments on a job well done, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent along with a letter of appreciation to Mr. Wolslegel.

Approved by the Recreation and Conservation Funding Board
in Olympia, Washington
on January 26, 2021

Ted Willhite, Chair



A Resolution to Recognize the Service of

Daniel Collins

To the Residents of Washington State and the Recreation and Conservation Funding Board

WHEREAS, from 2013 to 2020, Daniel Collins served the citizens of the state of Washington and the Recreation and Conservation Office by participating on the Recreation Trails Program Advisory Committee; and

WHEREAS, the result of this service was the provision of valuable analysis and excellent advice that assisted in the development of exemplary program policies, program planning, and the evaluation of trails projects for funding;

WHEREAS, members of the Recreation and Conservation Funding Board wish to recognize this support and service,

NOW, THEREFORE BE IT RESOLVED, that in recognition of Mr. Collins's dedication and excellence in performing these services, the board and its staff extend their sincere appreciation and compliments on a job well done, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent along with a letter of appreciation to Mr. Collins.

Approved by the Recreation and Conservation Funding Board
in Olympia, Washington
on January 26, 2021

Ted Willhite, Chair



A Resolution to Recognize the Service of

Marc Toenyan

To the Residents of Washington State and the Recreation and Conservation Funding Board

WHEREAS, from 2013 to 2020, Marc Toenyan served the citizens of the state of Washington and the Recreation and Conservation Office by participating on the Recreation Trails Program Advisory Committee; and

WHEREAS, the result of this service was the provision of valuable analysis and excellent advice that assisted in the development of exemplary program policies, program planning, and the evaluation of trails projects for funding;

WHEREAS, members of the Recreation and Conservation Funding Board wish to recognize this support and service,

NOW, THEREFORE BE IT RESOLVED, that in recognition of Mr. Toenyan's dedication and excellence in performing these services, the board and its staff extend their sincere appreciation and compliments on a job well done, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent along with a letter of appreciation to Mr. Toenyan.

Approved by the Recreation and Conservation Funding Board
in Olympia, Washington
on January 26, 2021

Ted Willhite, Chair



A Resolution to Recognize the Service of

Stephen Bernath

To the Residents of Washington State and the Recreation and Conservation Funding Board

WHEREAS, from 2016 to 2020, Stephen Bernath served the citizens of the state of Washington and the Recreation and Conservation Office by participating on the Washington Wildlife and Recreation Program (WWRP) Forestland Preservation Advisory Committee; and

WHEREAS, the result of this service was the provision of valuable analysis and excellent advice that assisted in the development of exemplary program policies, program planning, and the evaluation of forestland projects for funding;

WHEREAS, members of the Recreation and Conservation Funding Board wish to recognize this support and service,

NOW, THEREFORE BE IT RESOLVED, that in recognition of Mr. Bernath's dedication and excellence in performing these services, the board and its staff extend their sincere appreciation and compliments on a job well done, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent along with a letter of appreciation to Mr. Bernath.

Approved by the Recreation and Conservation Funding Board
in Olympia, Washington
on January 26, 2021

Ted Willhite, Chair



A Resolution to Recognize the Service of

NeSha Thomas-Schadt

To the Residents of Washington State and the Recreation and Conservation Funding Board

WHEREAS, from 2015 to 2020, NeSha Thomas-Schadt served the citizens of the state of Washington and the Recreation and Conservation Office by participating on the Youth Athletic Facilities Advisory Committee; and

WHEREAS, the result of this service was the provision of valuable analysis and excellent advice that assisted in the development of exemplary program policies, program planning, and the evaluation of recreation projects for funding;

WHEREAS, members of the Recreation and Conservation Funding Board wish to recognize this support and service,

NOW, THEREFORE BE IT RESOLVED, that in recognition of Ms. Thomas-Schadt's dedication and excellence in performing these services, the board and its staff extend their sincere appreciation and compliments on a job well done, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent along with a letter of appreciation to Ms. Thomas-Schadt.

Approved by the Recreation and Conservation Funding Board
in Olympia, Washington
on January 26, 2021

Ted Willhite, Chair



Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: January 26, 2021

Title: Director's Report

Prepared By: Kaleen Cottingham, Director

Summary

This memo outlines key agency activities and happenings since the last board meeting.

Board Action Requested

This item will be a:

☐
☐
☒

Request for Decision

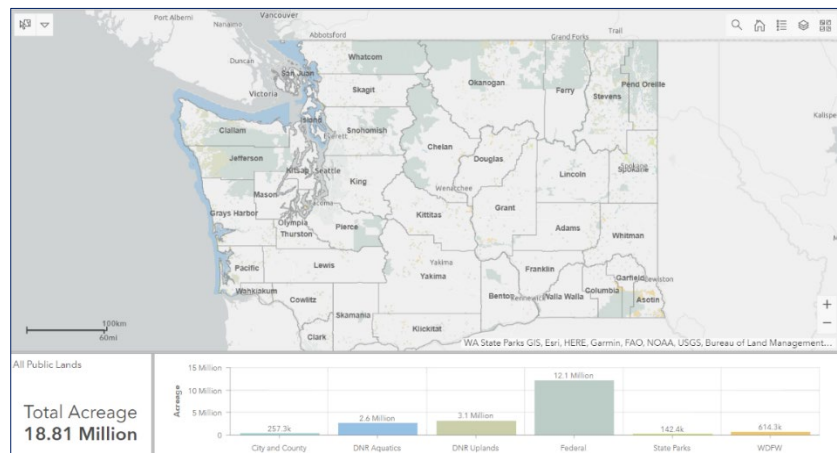
Request for Direction

Briefing

Agency Updates

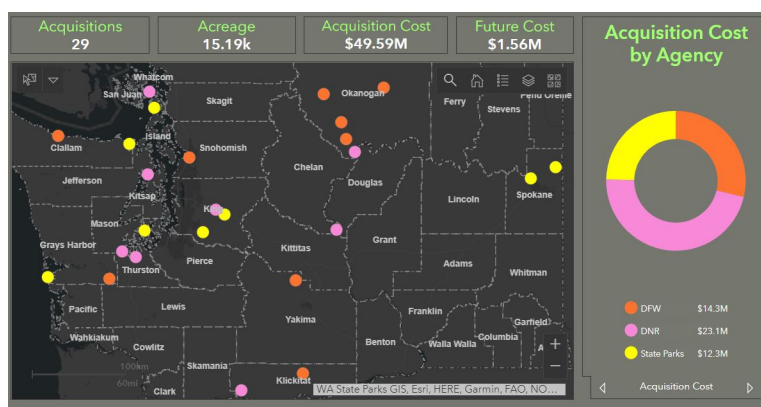
Public Lands Inventory Published

RCO, with input from the Department of Fish and Wildlife, Department of Natural Resources, and State Parks and Recreation Commission, recently completed an update to the public lands inventory. This new Web application maps all publicly owned (federal, state, local) recreation and conservation lands in Washington. The interactive map allows the user to filter by ownership and primary land use. The last update to the Public Lands Inventory was in 2014. [View the app.](#)



RCO Launches Web App to Forecast State Agency Land Purchases

RCO, in conjunction with the Habitat and Recreation Lands Coordinating Group, recently completed the Biennial State Land Acquisition Forecast Report. Previously, this report was a PDF that showed all the proposed acquisitions for the Department of Fish and Wildlife, Department of Natural Resources, State Parks and Recreation Commission, and Conservation Commission. This biennium, we made the report an interactive Web application that users can filter by agency, county, and legislative district to see what acquisitions are being proposed in their neighborhood and across the state, as well as other information about the proposed acquisition. [See the Web app.](#)



Director Recruitment Underway

The job of replacing the RCO director is no easy feat. The recruitment announcement was distributed December 11. Deputy director Scott Robinson is working with the Recreation and Conservation Funding Board chair to layout the screening and interviewing processes. Staff is pulling together the transition book, which provides details on the agency for the new director. RCO hired Jim Reid as a process facilitator for the recruitment and vetting process. It is expected that candidates will be interviewed in early February and that the board will send the names of three candidates to the Governor for consideration shortly thereafter. Hopefully a new director will have some overlap with the RCO director Cottingham in April.

Governor's Proposed 2021-2023 Budgets

RCO Operating Budget

While the recent revenue forecast has shown significant improvements in the budget outlook for next biennium, there still remains a budget shortfall in the general fund of approximately \$1.6 billion for 2021-23 (compared to \$3.8 billion predicted back in April 2020). To mitigate the significant reductions in near general fund revenue in the operating budget, the Governor's office asked agencies in September to submit a plan for a 15 percent cut to their general fund appropriations in the 2021-23 operating budget. With the improvements in the shortfall mentioned above, only some of our proposed cuts were taken. All of these cuts relate to salmon related expenditures.

The cuts taken included the agency-proposed shifts from state to federal funds, as well as \$68,000 we had been given for implementing HB 2311 (we will do the work with existing funds). The budget maintains full funding for the orca position in GSRO (which we had proposed to reduce by waiting to fill the position), maintains funding for the salmon recovery lead entities, and provides \$3.868 million in new general fund funding for two salmon recovery projects.

For recreation, the Governor's budget includes funding for three new projects:

- \$175,000 for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022. The source of funding is from the Youth Athletic Facilities dedicated account.
- \$400,000 to review state grant programs administered by the Recreation and Conservation Funding Board and develop targeted equity strategies informed by a public stakeholder process. The agency is directed to convene an equity steering committee to identify investments, programs, and policy changes that prioritize highly impacted communities and vulnerable populations for the purpose of reducing disparities in recreation and conservation and advancing positive outcomes for all residents. A final report must be submitted to the legislature no later than June 30, 2022.
- \$360,000 set aside in NOVA funds to maintain a statewide plan for trails. Specifically the funds are to be used to manage an advisory committee, administer the grant program, and update the state trails plan.

For State Parks, funding for the No Child Left Inside grant program is provided at \$2 m, which is a \$500,000 increase over the current appropriation.

RCO Capital Budget

To stimulate the state's economy, the Governor's Office assumes an additional \$1.25 billion in new bond capacity next biennium, providing a total bond capacity of \$4.8 billion. Most of the increase in bonds is used throughout the capital budget on climate, housing and equity, but our grant programs also benefit. It is uncertain at this time if the increased bond capacity will be supported by the Legislature.

Here are the appropriations for our grant programs in the Governor's budget:

Budget and Program	2021-23 Agency Request	2021-23 Governor
CAPITAL		
RECREATION AND CONSERVATION:		
Washington Wildlife and Recreation Program	\$140,000,000	\$100,000,000
Youth Athletics Facilities	\$11,300,000	\$11,227,000
Aquatic Lands Enhancement Account	\$9,100,000	\$9,100,000
Outdoor Recreation Equity	\$5,000,000	\$400,000
Community Forests	\$22,000,000	\$9,713,000
Boating Facilities Program	\$16,200,000	\$14,950,000
Nonhighway and Off-Road Vehicle Activities	\$13,200,000	\$10,000,000
Firearms and Archery Range Recreation	\$630,000	\$630,000
SALMON RECOVERY:		
Salmon Recovery Funding Board	\$80,000,000	\$40,000,000

News from the Boards

The **Salmon Recovery Funding Board** met in November and welcomed Jeff Breckel as its new chair. During this meeting, the board discussed the next steps for moving forward with its monitoring program and discussed on-going work with the Governor's Office and tribes to address riparian restoration widths.

The **Invasive Species Council** wrapped up a series of seven seminars focusing on urban forest pest readiness with the Department of Natural Resources. In total, 97 participants attended the seminars and learned about the council's [Urban Forest Pest Readiness Playbook](#). The council met December 10 and discussed the Pacific Northwest Regional Invasive Species and Climate Change Network, Asian giant hornet research, U.S. Bureau of Reclamation's aquatic invasive species funding, and the statewide strategic plan update.

Grant Management

10 Miles Open on the Olympic Discovery Trail

Clallam County hosted a ribbon cutting ceremony, on October 29, for the final segment of the 10-mile-long Spruce Railroad Trail. This trail is located along the shores of Lake Crescent on the north side of the Olympic peninsula. The railroad corridor was built to haul spruce logs for building aircraft during World War I.

Clallam County, in partnership with the Olympic National Park, developed the multi-use trail, which included the restoration of two large tunnels, several bridges, and parking. RCO funded four segments beginning in 2008. The socially distanced event was held next to the Daley-Rankin Tunnel.



Beth Auerbach represented RCO and shared words about the trail's funding and the greater economic impact of trails to the region and the state.

The Spruce Railroad Trail is part of the greater Olympic Discovery Trail (ODT) that, once completed, will stretch about 130 miles from near Port Townsend across the northern Olympic Peninsula to the Pacific Ocean at La Push. Today, about 90 miles have been developed. RCO has funded 28 projects along the ODT including more than 70 acres of acquisition, 50 miles of trail, at least 10 bridges, and two tunnels. The total investment is greater than \$23,000,000 with more than \$12,000,000 in direct RCO investments. Clallam County hopes to add 119 acres of land and 14 miles of trail in the future. They requested funds in 2020 for these two new segments, which received high rankings in the WWRP Trails evaluation process.



Grant Information for Ports

Allison Dellwo and Karl Jacobs presented a session at the Boating Facilities Grant Workshop hosted by Washington Sea Grants on December 11, 2020. More than 40 people tuned in to this virtual workshop where RCO staff presented information about RCO's Boating Facilities Program, Boating Infrastructure Grants, and other board

programs open to ports and public and private marinas providing public outdoor recreation. Following the general session presentation, participants joined RCO staff members in a break-out session where staff could provide some more focused information and answer questions about specific project proposals.

Washington Sea Grant's mission is to help people and marine life thrive by supplying research, technical expertise and educational activities that support the responsible use and conservation of ocean and coastal ecosystems. The workshop provided an opportunity for participants to learn about federal and state grants and how to leverage different grants to maximize funding for boating facilities.



RCO staff also participated in the "Small Ports Big Work" virtual roundtable in October. At the event, Marguerite Austin congratulated the Port of Grapeview on its success in using \$1.6 million in grants from the Boating Facilities Program to build a boat launch, install boarding floats and a pay station, and create a new staging area at an access site on Case Inlet. The Washington Public Ports Association awarded the Port of Grapeview its Creative Partnership Award for the work. Marguerite then conducted a workshop on RCO grant programs available to small ports. Following the workshop, small ports entered grant applications for the fall cycle and RCO received two applications from volunteers willing to serve on its advisory committee.



Second Round of Grants Underway

Applicants are requesting more than \$40 million for 212 grant applications submitted in November. RCO accepted applications for the Boating Facilities, Firearms and Archery Range Recreation, Nonhighway and Off-road Vehicle Activities, and the Recreational Trails Programs. Advisory committees for boating sites and shooting ranges completed technical review of 36 grant proposals during the virtual review meetings held on November 16 and 17. Staff are working to complete review of these, and more than 176 applications submitted for backcountry trail grants. Evaluations are scheduled for early winter. Staff will ask the Recreation and Conservation Funding Board to approve the preliminary ranked lists in April 2021. We expect the board to award grants in June following legislative approval of the 2021-2023 capital budget.

Board Approves Ranked Lists | RCO's Director Approves Grant Awards

On November 5, the board approved preliminary ranked lists for 4 grant programs: Aquatic Lands Enhancement Account (ALEA), Land and Water Conservation Fund, Youth Athletic Facilities, and the Washington Wildlife and Recreation Program (WWRP). The

ranked lists for ALEA and WWRP were forwarded to the Governor for inclusion in the capital budget request for the 2021-23 biennium. Also, the board delegated authority to RCO's director to award grants for the federal Land and Water Conservation Fund (LWCF). With more than \$4 million available, the director approved the following 9 LWCF projects.

Rank	Project Number and Type	Grant Applicant	Project Name	Grant Request	Applicant Match	Total
1	20-1276A	Spokane County	Make Beacon Hill Public	\$500,000	\$2,711,500	\$3,211,500
2	20-1363D	Othello	Lions Park Pride Rock Playground	\$500,000	\$509,000	\$1,009,000
3	20-1833D	Seattle	North Rainier Land Banked Park	\$500,000	\$2,618,428	\$3,118,428
4	20-1648D	Poulsbo	Play for All at Raab Park	\$370,000	\$379,824	\$749,824
5	20-1389D	Pierce County	Sprinker Recreation Center Outdoor Improvements	\$500,000	\$13,609,000	\$14,109,000
6	20-1763D	Lakewood	Wards Lake Park Enhancements Phase 1	\$500,000	\$1,460,430	\$1,960,430
7	20-1731D	Renton	Gene Coulon Beach Park Trestle Bridge	\$500,000	\$999,572	\$1,499,572
8	20-1828D	Seattle	Maple Wood Playfield Renovation	\$500,000	\$2,801,615	\$3,301,615
9	20-1746D	Gig Harbor	Gig Harbor Sports Complex Pickle Bo Spot	\$500,000	\$2,664,100	\$3,164,100

Using Additional Delegated Authority to Address Emerging Issues

Considering the COVID-19 pandemic, the board delegated new authority to the director to make project specific decisions necessary for project implementation provided the decisions were consistent with the program purpose, the intent of adopted policies, and

in line with any statutory limitation. The board requested a summary of the director's decisions. RCO's director did not approve any waiver request during this reporting period.

Using Returned Funds for Alternate and Partially Funded Projects

The director has approved grants for alternate and partially funded projects. The awards are comprised of unused funds from previously funded projects that did not use the full amount of their grant award. Attachment A, *Funds for Alternate and Partially Funded Projects*, shows the grant awards for alternate projects (Table A-1) and the additional funding for partially funded projects (Table A-2).

Project Administration

Staff administer outdoor recreation and habitat conservation projects as summarized in the table below. "Active" grants are those currently under agreement and in the implementation phase. "Director Approved" grants include 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 grants under agreement.

Program	Active Projects	Board and Director Approved Projects	Total Funded Projects
Aquatic Lands Enhancement Account (ALEA)	25	0	25
Boating Facilities Program (BFP)	60	1	61
Boating Infrastructure Grant (BIG)	5	2	7
Firearms and Archery Range Recreation (FARR)	11	0	11
Land and Water Conservation Fund (LWCF)	21	1	22
No Child Left Inside (NCLI)	25	0	25
Nonhighway and Off-road Vehicle Activities (NOVA)	110	1	111
Recreation & Conservation Office Recreation Grants (RRG)	3	0	3
Recreational Trails Program (RTP)	38	5	43
Washington Wildlife and Recreation Program (WWRP)	218	3	221
Youth Athletic Facilities (YAF)	41	1	42
Total	557	14	571

Viewing Closed Projects

Attachment B lists projects that closed between October 1, 2020 and December 31, 2020. Click on the project number to view the project description, grant funds awarded, and other information (e.g., photos, maps, reports, etc.).

Grant Services

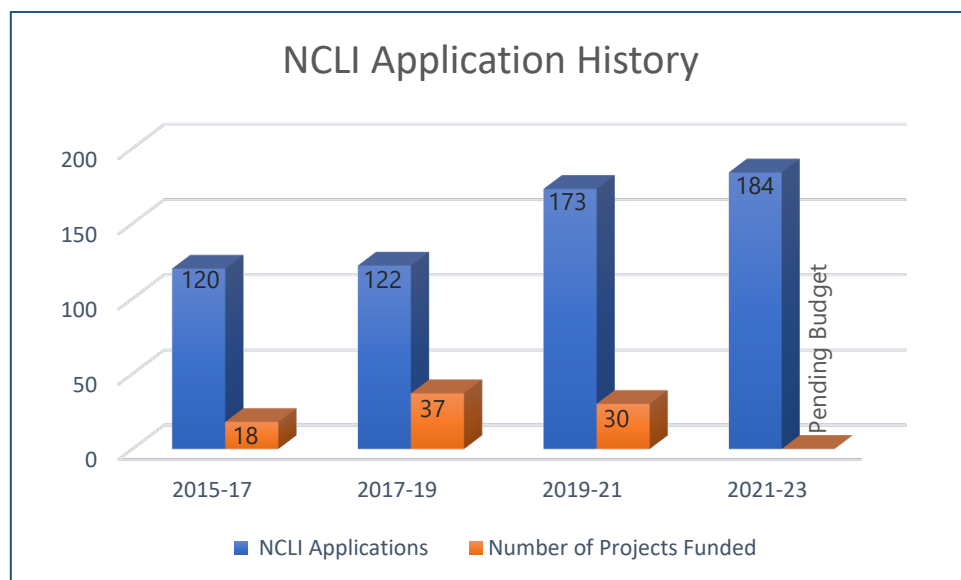
No Child Left Inside

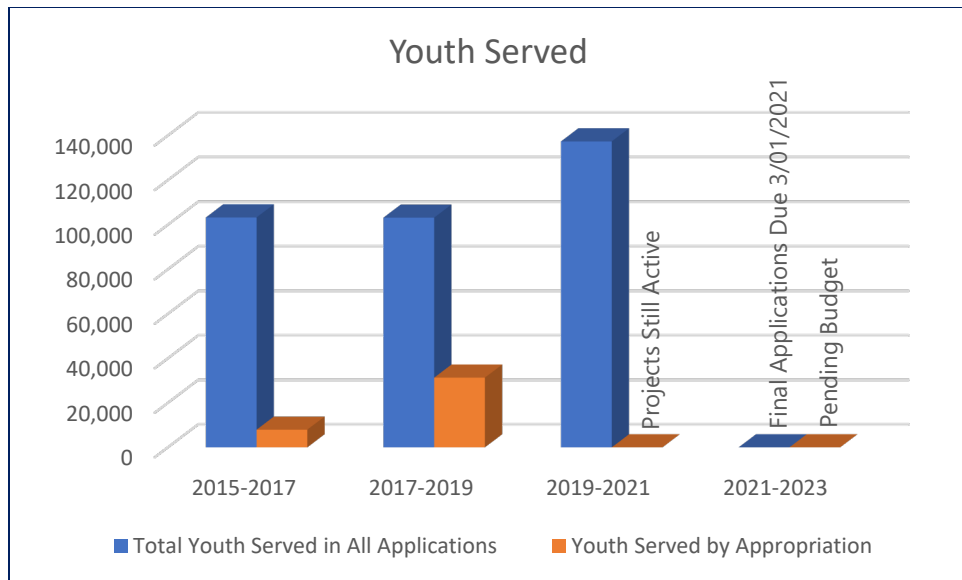
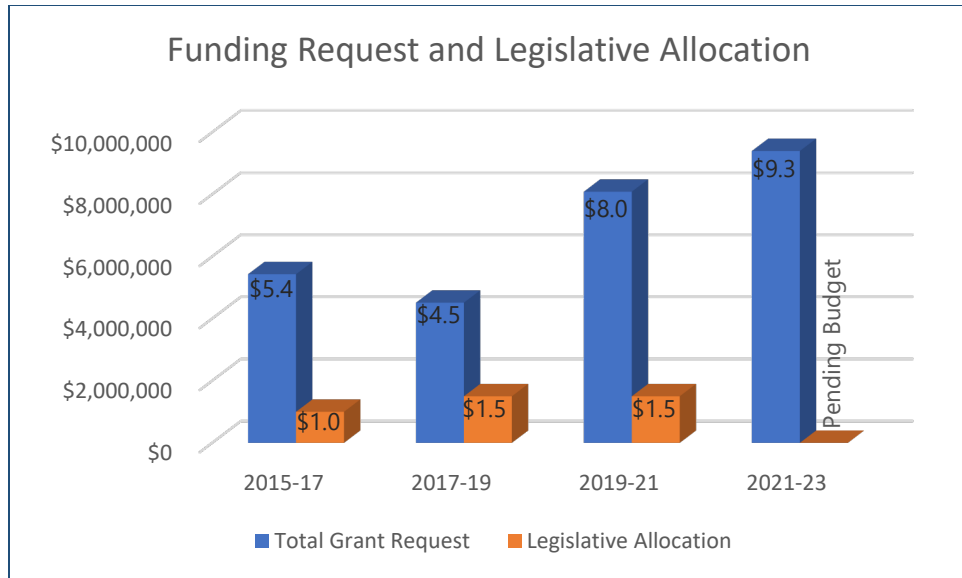
The Washington State Legislature created the No Child Left Inside (NCLI) grant program to provide underserved youth with quality opportunities to experience the natural world. The Washington State Parks and Recreation Commission partnered with the Recreation and Conservation Office to administer this grant program.

NCLI is intended to empower local communities to engage youth in outdoor education and recreation experiences and focuses on serving youth with the greatest needs. Youth work to improve their overall academic performance, self-esteem, personal responsibility, community involvement, personal health, and understanding of nature.

The COVID-19 pandemic has magnified the importance of getting youth outdoors to promote positive physical and mental health. Active NCLI projects across the state have shown significant resiliency as they have adapted programs to meet COVID-19 safety measures and protocols as these have shifted over the past 10 months.

Demand for NCLI grant funds has grown exponentially over the past four grant cycles with the highest projected program request coming from the current cycle. In the 2019-2021 biennium, just 17% of the applications submitted received funding. The funding success rate for this program is significantly lower than other RCO programs. Despite this, the number of applications has continued to grow since 2015.





Fiscal Report

For July 1, 2019-June 30, 2020, actuals through December 23, 2020 (Fiscal Month 17). Percentage of biennium reported: 70.8 percent. The "Budget" column shows the state appropriations and any received federal awards.

Grant Program	BUDGET	COMMITTED		TO BE COMMITTED		EXPENDITURES	
	Re-appropriations 2019-2020	Dollars	% of Budget	Dollars	% of Budget	Dollars	% Expended of Committed
Grant Programs							
ALEA	\$17,027,288	\$16,735,074	98%	\$292,214	2%	\$4,236,415	25%
BFP	\$32,120,671	\$29,248,944	91%	\$2,871,727	9%	\$6,050,578	21%
BIG	\$4,517,560	\$4,517,560	100%	\$0	0%	\$654,604	14%
FARR	\$1,432,948	\$1,077,774	75%	\$355,174	25%	\$164,961	15%
LWCF	\$8,754,323	\$8,754,323	100%	\$0	0%	\$3,593,489	41%
NOVA	\$21,330,670	\$20,655,205	97%	\$675,465	3%	\$7,055,400	34%
RTP	\$5,285,000	\$4,949,135	94%	\$335,865	6%	\$2,645,146	53%
WWRP	\$160,689,144	\$157,871,928	98%	\$2,817,215	2%	\$39,436,857	25%
RRG	\$12,711,254	\$12,419,691	98%	\$291,564	2%	\$3,969,486	32%
YAF	\$16,533,125	\$15,878,891	96%	\$654,234	4%	\$4,008,163	25%
Subtotal	\$280,401,983	\$272,108,525	97%	\$8,293,458	3%	\$71,815,099	26%
Administration							
General Operating Funds	\$9,669,554	\$9,669,554	100%	\$0	0%	\$6,057,981	63%
Grand Total	\$290,071,537	\$281,778,079	97%	\$8,293,458	3%	\$77,873,080	28%

Acronyms:

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

Board Revenue Report

For July 1, 2019-June 30, 2021, actuals through October 31, 2020 (Fiscal Month 16).
Percentage of biennium reported: 66.7%.

Program			Biennial Forecast	Collections
Estimate	Actual	% of Estimate		
Boating Facilities Program (BFP)			\$18,953,509	\$12,469,475 65.8%
Nonhighway, Off-Road Vehicle Program (NOVA)			\$13,718,659	\$9,160,588 66.8%
Firearms and Archery Range Recreation (FARR)			\$560,800	\$319,624 57.0%
Total			\$33,232,968	\$21,949,687 66.0%

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.
- FARR revenue is from \$2.16 of each concealed pistol license fee.

This reflects the most recent revenue forecast of November 2020. The next forecast is due in February 2021.








WWRP Expenditure Rate by Organization (1990-Current)

Agency	Committed	Expenditures	% Expended
Local Agencies	\$323,504,544	\$300,660,351	93%
Department of Fish and Wildlife	\$217,889,400	\$196,972,831	90%
Department of Natural Resources	\$181,476,602	\$148,541,859	82%
State Parks and Recreation Commission	\$153,262,581	\$129,080,708	84%
Nonprofits	\$45,642,295	\$28,582,210	63%
Conservation Commission	\$4,570,758	\$951,851	21%
Tribes	\$2,241,411	\$741,411	33%
Other			
Special Projects	\$735,011	\$735,011	100%
Total	\$929,322,601	\$806,266,231	87%

Performance Measures for Fiscal Year 2021

The following performance data are for recreation and conservation projects in fiscal year 2021 (July 1, 2020-June 30, 2021). Data are current as of December 30, 2020.

Recreation and Conservation Funding Board Performance Measures

Measure	Target	Fiscal Year-to-Date	Status	Notes
Grant agreements mailed within 120 days of funding	90%	56%		10 of 18 agreements have been mailed within 120 days.
Grants under agreement within 180 days of funding	95%	50%		7 of 14 agreements have been under agreement within 180 days.
Progress reports responded to within 15 days	90%	86%		RCFB staff received 473 progress reports and have responded to 462 of them in an average of 9 days.
Bills paid in 30 days	100%	100%		577 bills have come due and all were paid within 30 days. On average, staff paid bills within 14 days.
Projects closed within 150 days of funding end date	85%	79%		26 of 33 projects have closed on time.
Projects in Backlog	5	18		There are 18 RCFB projects in the backlog
Compliance inspections done	125	0		There have been no worksites inspected this fiscal year. Staff have until June 30, 2021 to reach the target.

Funds for Alternate and Partially Funded Projects

Table A-1: Funds for Alternate Projects,

Project Number ⁱ	Project Name	Sponsor	Grant Request	Grant Award	Grant Program, Category
18-1586D	Smokiam Park Basketball Court Improvements	Soap Lake	\$211,445	\$211,445	Washington Wildlife and Recreation Program, Local Parks
18-1962C	Five Acre Woods Park	Lake Forest Park	\$732,875	\$232,875	Washington Wildlife and Recreation Program, Local Parks
18-1697D	Evergreen Playfield Number 1 Turf Conversion	Mountlake Terrace	\$500,000	\$235,870	Washington Wildlife and Recreation Program, Local Parks
18-1854D	Mack Lloyd Park Water Access	Winthrop	\$176,000	\$176,000	Washington Wildlife and Recreation Program, Water Access
18-1536D	Squire's Landing Waterfront and Natural Area Access	Kenmore	\$1,700,000	\$200,000	Washington Wildlife and Recreation Program, Water Access

Table A-2: Funds for Partially Funded Projects

Project Number ⁱ	Project Name	Sponsor	Grant Request	Previous Grant Award	Current Grant Funding	Grant Program, Category
18-1529A	Lower Big Beef Creek Acquisition	Hood Canal Salmon Enhancement Group	\$1,572,330	\$583,816	\$676,305	Washington Wildlife and Recreation Program, Riparian Protection
18-1830R	Wenas Watershed Enhancement	Washington Department of Fish and Wildlife	\$647,950	\$343,886	\$344,971	Washington Wildlife and Recreation Program, State Lands Restoration and Enhancement

Project Number ⁱ	Project Name	Sponsor	Grant Request	Previous Grant Award	Current Grant Funding	Grant Program, Category
18-1507D	Meadowdale Beach Park Access Development	Snohomish County	\$1,000,000	\$500,000	\$604,075	Washington Wildlife and Recreation Program, Water Access

ⁱA=Acquisition, C=Acquisition and Development, D=Development, E=Education/Education and Enforcement, M=Maintenance, O=Operation R=Restoration

Projects Completed and Closed from October 1, 2020 to December 31, 2020

Project Number ⁱ	Project Name	Sponsor	Program	Closed On
19-1139E	Outdoor Learning Expansion for Urban Spokane Youth	Camp Fire Inland Northwest Council	No Child Left Inside, Tier 1	10/15/2020
19-1328E	Tacoma Outdoor Learning Opportunities	Child and Family Hope Center	No Child Left Inside, Tier 1	12/23/2020
19-1196E	Tacoma Outdoor Learning Opportunities	North Cascades Institute	No Child Left Inside, Tier 1	12/15/2020
19-1301E	Youth Environmental Stewards New Leaders	Northwest Watershed Institute	No Child Left Inside, Tier 1	11/10/2020
16-2471E	Gifford Pinchot Wilderness High Use Areas	U.S. Forest Service, Gifford-Pinchot National Forest, Mount Adams Ranger District	Nonhighway and Off-road Vehicle Activities, Education and Enforcement	10/20/2020
16-2703E	Naches Ranger District Wilderness Education and Enforcement 2017-19	U.S. Forest Service, Okanogan Wenatchee National Forest, Naches Ranger District	Nonhighway and Off-road Vehicle Activities, Education and Enforcement	10/21/2020
16-2513M	Okanogan Highlands Snowmobile Program	Washington State Parks and Recreation Commission	Recreational Trails Program, Education	11/19/2020
16-2529M	Pacific Northwest Scenic Trail Deferred Maintenance	U.S. Forest Service, Okanogan Wenatchee National Forest, Methow Ranger District	Recreational Trails Program, Education	10/8/2020
14-1096A	Simcoe 2014	Washington Department of Fish and Wildlife	Washington Wildlife and Recreation Program, Critical Habitat	10/26/2020

Project Number ⁱ	Project Name	Sponsor	Program	Closed On
19-1445A	Olson Farm, Lewis County	PCC Farmland Trust	Washington Wildlife and Recreation Program, Farmland Preservation	11/17/2020
16-1942A	Whatcom County Anderson Creek Area Acquisitions	Whatcom County	Washington Wildlife and Recreation Program, Farmland Preservation	10/26/2020
18-1419D	Electric City Ice Age Park	Electric City	Washington Wildlife and Recreation Program, Local Parks	12/16/2020
16-1613A	Mount Grant Preserve	San Juan County Land Bank	Washington Wildlife and Recreation Program, Local Parks	10/19/2020
18-1207A	Waterman Trails Property Acquisition	South Whidbey Parks and Recreation District	Washington Wildlife and Recreation Program, Local Parks	10/7/2020
16-1950A	Moran State Park Jones Property Acquisition	Washington State Parks and Recreation Commission	Washington Wildlife and Recreation Program, State Parks	12/23/2020
14-1097A	Reardan Audubon Lake 2014	Washington Department of Fish and Wildlife	Washington Wildlife and Recreation Program, Riparian Protection	10/26/2020
18-1308A	Mica Peak North Acquisition	Spokane County	Washington Wildlife and Recreation Program, Urban Wildlife Habitat	10/1/2020

Project Number ⁱ	Project Name	Sponsor	Program	Closed On
18-1932D	Sehmel Homestead Park Turf Lights	Peninsula Metropolitan Park District	Youth Athletic Facilities, Large	12/4/2020
16-1432D	Cedar Grove Park Athletic Field Drainage	Bothell	Youth Athletic Facilities, Renovation	12/2/2020
16-2038D	King's Way Christian Schools North East Field Improvements	King's Way Christian Schools	Youth Athletic Facilities, Renovation	12/2/2020
18-1482D	Prosser Competitive Pool Improvements	Prosser	Youth Athletic Facilities, Small	10/19/2020
18-2026D	Holley Park Youth Athletic Fields	La Center	Youth Athletic Facilities, Small	12/30/2020

ⁱ A=Acquisition, C=Acquisition and Development, D=Development, E=Education/Education and Enforcement, M=Maintenance, O=Operation R=Restoration



APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: November 5, 2020

Title: Policy Update – Underserved Communities and Environmental Justice Taskforce

Prepared By: Ben Donatelle, Natural Resources Policy Specialist

Summary

This memo summarizes RCO's work to address the needs of underserved communities in Recreation and Conservation Funding Board grant programs, including a brief summary of Governor Inslee's Environmental Justice Taskforce final report.

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 2019-2021 Biennial Policy Work Plan directs staff to continue their work on addressing the needs of underserved communities and communities in need. As an initial phase of this project, staff conducted a review and presented lessons learned from the first year of implementing the match reduction policy (January 2020, Item 11). The match reduction policy identifies underserved communities based on factors that include median household income, non-taxable land, and federal disaster declarations. Several ideas emerged from the Recreation and Conservation Funding Board's (board) discussion of the lessons learned, including:

- Evaluate the planning requirements for small agencies;
- Assess how the population proximity statute influences project rankings;
- Improve program outreach to underserved communities;
- Evaluate barriers to participation in grant programs;
- Create grant opportunities for smaller communities;
- Streamline the grant application process; and
- Reduce requirements to travel to Olympia

Collectively, these items represent a significant body of work and may only begin to chip away at the edges of underserved communities' needs for outdoor recreation. Arguably, these items are all symptoms of a problem that has yet to be clearly defined. Without significant outreach and participation from the underserved communities, any definition of the problem and proposed solutions may fall short or miss the mark entirely. To effectively engage with communities that have either not previously participated in our programs or been discouraged by their past experience, a commitment from the board and staff is necessary to allow for the time to establish new relationships and support building new community partnerships.

Policy work plan priorities shifted considerably this year due to legislative direction in the 2020 supplemental budget and the impacts of COVID-19. The significant challenges we faced this past year highlighted the power of outdoor recreation to function as a stabilizing factor in the lives of Washington residents. However, the increased demand for outdoor recreation also highlighted the inequities of access and barriers to participation. For example, a recent Trust for Public Land report included amongst its findings, "Parks serving majority low-income households are, on average, four times smaller and nearly four times more crowded than parks that serve majority high-income households."¹

To advance RCO's work on addressing barriers to access, this fall RCO submitted a budget request, approved by the board, to develop a new Outdoor Recreation Equity Program. The program would provide funding for community-led pre-design and local engagement, eliminate any match requirement, and leverage partnerships among local jurisdictions, neighborhood advocacy groups, community health organizations, and affordable housing providers. Funds would be targeted towards high-need communities identified, in part, through the match reduction policy work and statewide outreach, and focus on addressing access deserts identified in RCO's 2019 Recreational Assets of Statewide Significance study. RCO staff conducted a brief preliminary outreach effort to support the program's conceptual development and began to learn several valuable lessons. Among them are:

- Despite the match reduction policy, the ability to cover upfront preliminary plan and design costs and raise matching funds remains a significant barrier for low-income communities.

¹Trust for Public Land. 2020. The Heat is On: A Special Report from The Trust for Public Land. Available: <https://www.tpl.org/the-heat-is-on>

- Current limits on the use of grant funds prevent supporting needed community engagement and planning activities to develop projects that are culturally and socially relevant for the residents they serve.
- Current limits on project and sponsor eligibility in existing grant programs prevent funding creative partnerships with community-based organizations that operate at the intersection of social support services, community health, economic development, and conservation.

Simultaneously, Governor Inslee’s Environmental Justice Task Force worked throughout 2020 to devise (as excerpted from the EJ Taskforce Final Report executive summary):

- **Measurable Goal Recommendations:** “Measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals.”
- **Model Policy Recommendations:** “Model policies that prioritize highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.”
- **Environmental Health Disparities Map Recommendations:** “Guidance for using the Washington Environmental Health Disparity Map to identify communities that are highly impacted by EJ issues with current demographic data.”
- **Community Engagement Recommendations:** “Best practices for increasing meaningful and inclusive community engagement that takes into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level.”

The Environmental Justice Task Force final report has many recommendations from which RCO can learn including an entire chapter dedicated to equitable investment of state funds. The full report can be found here: [Environmental Justice Task Force Final Report \(wa.gov\)](https://www.wa.gov/EnvironmentalJusticeTaskForceFinalReport)

Next steps

RCO staff is just beginning to assess the Environmental Justice Taskforce recommendations and how they may be applied to funding programs and agency operations. Certainly, RCO can use many of the lessons from this outstanding work.

The Governor’s budget, released in December, did not include funding for the proposed Outdoor Recreation Equity Program. Instead, the Governor’s budget proposed funding for “the Recreation and Conservation Office to lead a public stakeholder process for reviewing a subset of the state grant programs it administers. The group will assess the

equity outcomes that these programs provide and recommend how we can increase the success of projects that serve highly impacted communities and vulnerable populations.” This is a welcome opportunity to engage in concerted outreach to communities that historically have seen an underinvestment in social services, including parks, recreation and conservation spaces. Through this effort, we can better define the problem and begin to co-develop creative solutions that create more equitable and culturally relevant outdoor recreation opportunities. However, such a study will take time and, because of the biennial nature of the budget and grant process, any resulting recommendations will take several years to implement.

Absent additional funding, RCO Staff is dedicated to continuing outreach efforts to better clarify the needs of underserved communities in accessing RCO funding programs. In the coming year, RCO staff will work with stakeholders and the board to identify opportunities within our current grant program offerings, board authority, and operational procedures to make adjustments that more equitably distribute funds to address critical gaps in access to outdoor recreation, particularly for low income communities and communities of color.



APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: November 5, 2020

Title: Carbon credits policy

Prepared By: Ben Donatelle, Natural Resources Policy Specialist

Summary

This memo describes a new policy enabling properties funded with Recreation and Conservation Funding Board assistance to be used by sponsors in securing payments for carbon and ecosystem service credits.

Board Action Requested

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

Resolution: 2021-02

Purpose of Resolution: To approve a new policy on carbon credits.

Background

In April 2020, the Recreation and Conservation Funding Board (board) reviewed a policy memo summarizing the carbon finance marketplace, carbon credit projects and their potential intersection with Recreation and Conservation Office (RCO) funded projects (Item 2B, [April 2020](#)). These carbon and other payment for ecosystem services programs may allow project sponsors to leverage the state's investment and realize revenue to fund stewardship and maintenance or acquire additional conservation and park lands.

At that time, discussion on the issue was postponed due to the impacts of the COVID-19 pandemic and the Governor's Stay Home, Stay Healthy order. Then, in November 2020, RCO staff gave an update on the carbon credit policy development and an analysis of how carbon projects are likely to intersect with properties acquired with RCO funding assistance (Item 4B, [November 2020](#)). The November memo proposed a draft policy to enable and guide carbon finance projects on board funded properties. The policy was

developed based on advice received from RCO's assigned assistant attorney general, internal agency conversations, and stakeholder input.

Carbon Finance Policy

Subject to board approval, the following policy and procedures will appear as a new section in *Manual 3: Acquisition Projects*.

Carbon and ecosystem service credits

Properties acquired or encumbered with state funding assistance from the Recreation and Conservation Funding Board may be enrolled in carbon credit and other payments for ecosystem service market programs to the extent that activities generating the credits or payments do not conflict or interfere with the Recreation and Conservation Office (RCO) funding purpose. Through such markets, funded properties may be used to leverage the state's investment to secure a source of income for stewardship and maintenance of conserved properties or future property acquisitions in accordance with RCO's income use policy and Washington Administrative Code 286-13-110.

If the sponsor secures the activity generating the carbon or ecosystem service credits with a restriction on the title of the RCO funded property or properties, the restriction may not:

- Subordinate RCO's deed of right or assignment of right;
- Conflict or interfere with RCO's funding purpose and ability to enforce the terms of RCO's project agreement;
- Reduce or diminish RCO's ability to pursue a remedy in the event RCO issues a determination of non-compliance or conversion for the project area.

If the activities generating carbon or ecosystem services credits are found to be incompatible or conflict with RCO's funding purpose, the RCO funded project area may be subject to a determination of non-compliance or conversion. See *RCO Manual 7: Long-Term Obligations* for more information on compliance, non-compliance and conversion policies and procedures.

Procedure and delegation of authority

Prior to committing to a carbon finance or other payment for ecosystem services project, the sponsor must provide RCO with written notice. The notice must include:

- Which RCO funded properties will be included in the project;
- The crediting or payment terms and anticipated time commitment of the project;
- Acknowledgement of RCO's income use policy

Prior to recording any deed restriction, the sponsor must provide RCO the opportunity to review the deed restriction for compatibility with RCO's funding terms and conditions. RCO may approve the deed restriction under the complementary covenants policy, suggest modifications to receive approval, or deny based on the above provisions. The RCO Director or their designee is responsible for approval of the deed restriction.

Limitations

This policy only applies to state funding programs administered by the Recreation and Conservation Funding Board. Properties acquired with federal funds administered by the board are not eligible unless carbon and ecosystem service payment projects are authorized by the federal program.

Strategic Plan Link

This issue intersects with several of the board's strategic plan objectives, including:

- | | |
|---------------------|---|
| Objective 1A | Provide leadership to help our partners strategically invest in the protection, restoration, and development of habitat and recreation opportunities. |
| Objective 2A | Ensure funded projects and programs are managed efficiently, with integrity, in a fair and open manner, and in conformance with existing legal authorities. |
| Objective 2B | Support activities that promote continuous quality improvement. |

Staff Recommendation

RCO staff recommends the board approve the carbon and ecosystem service credits policy as presented.

Next steps

Subject to board approval of Resolution 2021-02 in Attachment A, RCO staff will add the policy to Manual 3, and implement the administrative procedures for recording carbon and ecosystem service projects on properties acquired with RCO funding assistance.

Attachments

Attachment A: Resolution 2021-02; *Carbon Credits Policy*

**Recreation and Conservation Funding Board
Carbon Credits Policy
Resolution 2021-02**

WHEREAS, the Recreation and Conservation Funding Board (board) directed RCO staff to develop an approach to addressing climate change within board funded programs; and

WHEREAS, an emerging opportunity exists to leverage the board's investments by enabling sponsors to participate in carbon and other payment for ecosystem services markets; and

WHEREAS, revenue generated through carbon and ecosystem service markets can provide RCO project sponsors with a valuable source of stewardship and operating funds and further secure the conservation value of the board's investments; and

WHEREAS, RCO staff, consulted with the board, stakeholders, carbon project developers and RCO's assistant attorney general to develop a policy for enabling carbon projects that is efficient and protects the integrity of the board's investments; and

WHEREAS, the board gave direction to RCO staff to finalize the policy at their meeting on November 5, 2020;

NOW, THEREFORE BE IT RESOLVED, the board adopts the carbon credits policy as described in Item 4;

BE IT FURTHER RESOLVED, the RCO is directed to take the necessary steps to implement the policy for state funding programs administered by the Recreation and Conservation Funding Board.

Resolution moved by:

Resolution seconded by:

Adopted/Defeated/Deferred (underline one)

Date:



Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN

Meeting Date: January 26, 2020

Title: Current Policies That Govern Commercial Uses on Board Funded Projects

Prepared By: Adam Cole, Natural Resources Policy Specialist

Summary

This memo summarizes Recreation and Conservation Funding Board (board) and RCO policies that allow or preclude uses of board funded facilities or properties that are commercial in nature. Staff seek feedback on these policies to understand if changes are desired or more information is needed to better identify areas of interest. The term "commercial uses" is not a board or RCO policy term at the present time and in itself does not describe any type of allowable or ineligible uses. Rather, in the context of this discussion, it is a useful term for the kinds of revenue generating activities that typically occur in parks and recreation areas.

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

When developing the 2019-21 RCO policy work plan, we asked board members to identify and then rank their policy items of highest interest. In so doing, the board collectively ranked "Address Commercial Uses in Parks" as its top priority in the RCO Policy Work Plan.

Land managers are under great pressure to raise revenue for their parks and recreation systems, be responsive to stakeholders, and support greater community priorities and infrastructure needs. This policy discussion aims to flush out the important issues at the nexus of grant-making, managing long-term responsibilities of sponsors, and their revenue needs.

Commercial Uses Defined

Parks and conservation properties are purchased, built, and maintained with a variety of funding sources. These include general taxes (e.g., property, real estate excise, sales, utility taxes), government fees (e.g., building permit fees), and established tax programs (e.g., conservation futures, voter approved special purpose levies). Other significant forms of revenue are grants and gifts/donations. Lastly, and the focus of this discussion, land managers rely on earned revenue to manage their properties, which can generally be described as selling parks and recreation services and spaces. For the purpose of this discussion, these are referred to as “commercial uses.” Here is a functional categorization of such commercial uses:

1. **User Fees.** Fees charged for access to and use of a facility such as entrance and parking fees. User fees also come from payments for program participation and use of specialized facilities, such as golf courses or shooting ranges.
2. **User Permits.** Fees charged for exclusive use of a facility such as ball fields, campsites, cabins, and picnic shelters.
3. **Event Permits.** Fees charged to organizations hosting festivals, concerts, summer camps, farmers markets, car shows, and specialized sporting events like ironman, aerial competitions, or hunting and fishing tournaments.
4. **Leases.** Payments for facilities or spaces for point of sale establishments such as restaurants or hotels, or establishments or space for outfitter facilities, programs like day camps, and rental of equipment. Leases may be issued for activities that do not have a connection to the recreational user experience such as power generation, telecommunication facilities, power lines, pump stations, and agricultural and other consumptive uses.
5. **Miscellaneous.** Sponsorships, advertising, partnerships, carbon credits, etc.

RCO's Management of Commercial Uses

Commercial uses are managed at the staff (and at times board) level through the implementation of RCW's, WAC's, board policies, the RCO Grant Agreement terms and conditions, and best practices. There are two general areas of management of commercial uses on project properties: 1) eligible scope items for a current grant (application or actively funded), and 2) allowed commercial uses of a previously funded property (on a completed project.)

Eligible Scope Items for a Current Grant:

1. Eligible, or “allowable,” costs within a grant are those to acquire, develop, renovate, or restore areas that are for the direct use of the general recreating public or conservation. These may include areas that require a user fee or user permit, and those areas that are used for events.
2. Ineligible items, or things a grant cannot be used for, are costs to acquire or develop lands that are exclusively dedicated to private enterprise commercial uses in the form of leases or event permits (or similar property right) for the operation of a business or utility. This includes restaurants, concession stands, paved areas or hook-ups for food trucks, and infrastructure for other private enterprises. Relatedly, costs for areas that primarily support professional, amateur, or scholastic competitions are also ineligible.

Allowed Commercial Uses of a Previously Funded Property:

1. Many commercial uses are allowed on board funded properties without special permission from the board or RCO. These include things that require (or do not require) a recreational user fee or user permit and those areas that are used ad hoc for public events, programs, and special competitions (for example). These allowable uses also include activities like programs where the public may purchase items such as during farmers markets.
2. Leases for things like restaurants that serve parks users, and agricultural uses may be allowed by program or federal program policies (see below).

Rules and Policies that Address Commercial Uses

Below is a list of discrete board policies (often supported by RCWs and WACs) that RCO operationalizes on a case-by-case basis:

1. **Conversion Policy**¹. RCO grants are intended to support habitat and provide outdoor recreation. Other types of uses must have no overall impairment to the conservation or outdoor recreation resource or exclude the general public for a

¹ [RCW 79a.25.100](#) Marine recreation land with respect to which money has been expended under RCW [79A.25.080](#) shall not, without the approval of the board be converted to uses other than those for which such expenditure was originally approved. The board shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location.

private enterprise activity. Commercial uses of grant-assisted project sites must be either identified in the project agreement, allowed by RCO policy, or approved by RCO or the funding board. A conversion occurs when a sponsor changes a facility or property funded by the board for a purpose for which funding was not intended or allowed, or when the sponsor transfers property rights to an organization who is otherwise ineligible for grant funds, or when property interests are conveyed for non-public outdoor recreation, habitat conservation uses. A conversion can also occur when a non-eligible indoor facility is developed within the project area, or when public use of the property or a portion of the property acquired or developed/restored with RCO assistance is terminated. In these cases, a replacement property or new development (depending on the type of grant) is required to mitigate the conversion.

2. **Allowable Uses Policy (“Framework”)**². Any use of a funded site may be allowed by board policy if it meets the following criteria: the use must be consistent with the essential purposes of the grant (i.e., consistent with the grant agreement and grant program), all practical alternatives to use the site differently have been considered and rejected, and the use must achieve its intended purpose with the least possible impact to the habitat or outdoor recreation. If the use impacts the type of resource the grant is designed to protect (habitat, outdoor recreation, or salmon habitat), it also must provide at least equivalent benefits to that type of resource so there is no overall impairment.
3. **Telecommunications Facilities**³. In the Washington Wildlife and Recreation Program (Local Parks category only), the installation of a telecommunications utility is allowable under certain conditions. These include limiting the installation to existing park infrastructure and not otherwise displacing recreational opportunity on the property.
4. **Income Use**⁴. Any site-based income generated on the property or facilities funded by the board must be market rate and not excessively overpriced for nonresidents. Income must be used to support the operation of the facility or similar facilities managed by the sponsor.

² Recreation and Conservation Funding Board Resolution 2012-21, [Manual #7 Long-Term Obligations](#)

³ Recreation and Conservation Funding Board Resolution 2018-06, See [Manual 10a: WWRP Outdoor Recreation Account](#)

⁴ [WAC 286-13-110](#)

5. **Restaurants and Concessionaire Facilities**⁵. These are not allowed. Where they do exist on funded sites, the grant monies shall not be used for their acquisition, development, restoration or renovation. However, in the Land and Water Conservation Fund grant program, commercial facilities in the form of restaurants and hotels (for example) are allowed (by federal policy) if their primary purpose is to serve the users of the park. RCO does not allow grant funds to acquire or develop such facilities.
6. **Grazing Policy**. In the Washington Wildlife and Recreation Program – Critical Habitat Category⁶, and Farmland Preservation Program⁷, grazing is allowed. In Critical Habitat, it may only be allowed if it does not interfere with the conservation values of the property.
7. **Commercial “Use Certification” Policy**. In the Boating Facilities Program⁸ (only), the operator of a grant funded facility may allow commercial uses of the facility in the form of the moorage or launching of commercial vessels, boat rental facilities, or food concessionaires (for example) if the use is de minimis for the overall site.
8. **Bond Rules**. For those programs funded by tax free bonds, there are limits on the percentage of “private enterprise” benefit they may provide.
9. **“Granting of Utility Permits”**⁹. Utilities may be allowed on board funded properties. After determining that a pipe or power line will have no adverse effect on present and future public recreation or habitat use of a project site, any permit issued must not be an easement giving property rights to a third party. Pipes or power lines must be underground.

Also, RCO approves commercial uses on funded sites if they are allowable by law and policy and consistent with the project proposal at the time of funding. If not, they may lead to a conversion or other remedy per the RCO Grant Agreement.

⁵[Manual 15, Land and Water Conservation Fund, Land and Water Conservation Fund State Assistance Program Federal Financial Assistance Manual](#)

⁶[Manual 10b: Washington Wildlife and Recreation Program Habitat Conservation Account](#)

⁷[Manual 10f: Washington Wildlife and Recreation Program Farmland Preservation Category](#)

⁸[Manual 9: Boating Facilities Program](#)

⁹[Manual #7 Long-Term Obligations](#)

Next Steps

At the board meeting on January 26, staff will highlight recent examples of commercial use activities that are program compliant, those that were approved or denied by staff or the board, and emerging issues in this subject area. Staff will ask the board if the current policy is sufficient for the needs of grant recipients. Staff will take direction from the board and provide more information or policy recommendations at a future meeting if needed.

Strategic Plan Link

This issue intersects with several of the board's strategic plan objectives, including:

Objective 1A

Provide leadership to help our partners strategically invest in the protection, restoration, and development of habitat and recreation opportunities.

Objective 2A

Ensure funded projects and programs are managed efficiently, with integrity, in a fair and open manner, and in conformance with existing legal authorities.

Objective 2B

Support activities that promote continuous quality improvement.

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM**Meeting Date:** January 26, 2021**Title:** Annual Compliance Report**Prepared By:** Myra Barker, Compliance Specialist**Summary**

Staff will provide a briefing on the agency's compliance program, the results of implementing the 2020 inspection strategy, and the focus of the 2021 inspection strategy and compliance workplan.

Board Action Requested

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

Background

The focus of RCO's compliance program is to work actively to ensure the project area is managed for its intended purpose, use and function, consistent with grant program policies and long-term obligations. Sponsor outreach and an on-site inspection of the funded project area are the primary methods used to monitor and determine compliance.

A project sponsor decides how a funded project area is managed and used. The needs and priorities of a sponsor can change over time. How RCO responds to a change is determined by state laws, administrative rules, board policies, and the grant agreement.

Staff work collaboratively with a sponsor to address and resolve compliance issues. A small part of an outdoor grants manager's responsibilities is to work with sponsors in their respective territories on compliance issues. The compliance specialist and compliance assistant are dedicated solely to compliance-related work.

Compliance Portfolio

The long-term obligation or compliance period is determined by grant program policy and project type¹. The agency's compliance portfolio includes 5,943 worksites funded by grants from the Recreation and Conservation Funding Board (RCFB), Salmon Recovery Funding Board (SRFB), and the Office (RCO). The RCFB sites represent 75% of the portfolio with 4,446 worksites.

Washington Wildlife and Recreation Program (WWRP) projects represent 25% of the portfolio funded by the RCFB. State Bonds² funded projects represent 15% and LWCF projects represent 12% of the compliance portfolio.

Salmon grant programs (federal and state) represent 25% of the portfolio.

Compliance Inspections

2020 presented a new challenge with travel restrictions related to the COVID-19 pandemic. Inspection protocol was modified to follow the agency's Safe Start Site Visits and Traveling Procedures. Staff complete a self-screen assessment, wear a face covering, practice social distancing, minimize contact with the public, and do not share vehicles with others.

RCO's goal is to inspect a project area for compliance every five years³. RCO has established procedures and tools for compliance inspections. Projects located within a compliance area (a specific geographic area such as a greenway, park, or wildlife area) are inspected while staff are on-site to maximize time in the field and to provide a consolidated report to the sponsor.

To prepare for an inspection, staff review the file documentation to understand the purpose of the grant funding, the boundary of the project area, and identify approved changes to the project area. The results of the inspection, including site photos and project area boundary map, are sent to the project sponsor. The inspection report identifies issues and the sponsor is asked to contact staff with information on the noted issue so that work may begin on resolving the issue.

¹ Acquisition, development, and restoration project types have long-term obligations.

² State bonds funded the earliest projects in the portfolio through Referendums 11, 18, 21, and 29. This fund source was often used to match LWCF funding from 1966 – 1990.

³ National Park Service Land and Water Conservation Fund policy requires compliance inspections every 5 years.

2020 Compliance Report

Allowable Uses and Exception to Conversion

Board policies on allowable uses and exception to conversion provide flexibility for responding to changes in the use of a project area. Approval may be given when the use meets the conditions outlined in each policy.

The Allowable Use policy is applied when a use is not identified in the grant agreement and is not allowed by other RCO policies. The use may be approved when it does not impact the purpose of the grant and the funded site continues to function consistent with and as originally intended.

The Exception to Conversion policy is applied to specific actions. Those are:

- Relocation of existing easements.
- Right-of-way for street/road improvements that improve access to the project area.
- Underground public utility easement for water, sewer, stormwater, or fiber optic;
- Temporary construction easement;
- Levee and related infrastructure relocation that result in expanding and supporting the original habitat purpose of the project (limited to sites funded for habitat conservation or restoration purposes).
- Granting utility permits.
- Non-permanent, non-conforming use or temporary closure that will have minimum impact may be approved for up to 2 years, with an extension subject to board approval.

Five allowable use requests and four exception to conversion requests were approved in 2020. Information on those requests will be provided at the board meeting.

Compliance Inspections

The agency's goal was to complete 700 compliance inspections in 2020. The pandemic impacted staff's ability to conduct inspections as no travel took place from April through August. In September, travel was limited to counties based upon phases in the Governor's Safe Start Plan. Given the limitations, the goal was not achievable.

However, staff was able to complete compliance inspections on 161 projects comprised of 166 worksites. 92% were found to be in compliance and 8% had a compliance issue. The issues included 4 conversions, 2 sites where the development had been removed, and 3 sites with questions on the boundary, the site management or the site maintenance. Staff has been in communication with each of these sponsors and is working on the next steps for resolution of these issues.

Compliance Issues

There are 197 open compliance issues. Compliance issues are categorized as potential, preliminary, or pending.

RCO is tracking 62 conversions that range from potential (2), preliminary (17), to pending (43). The pending conversions are at various stages in the approval process and have yet to be presented for a decision.

The remaining compliance issues are related to changes in the project sponsor and various other issues. Other issues include encroachments, structures in the boundary, and property has not been developed to date.

Staff closed 51 compliance issues in 2020, with the majority of those concerning liability insurance for Firearms and Archery Range Recreation (FARR) projects.

Conversions

Staff presented three conversions for the Director's approval. One conversion was presented to the RCFB and there were no conversions presented to the SRFB.

2021 Compliance Program Inspection Strategy and Workplan

Compliance Inspections

RCO's goal is to complete 500 inspections across the grant sections. The priorities for compliance inspections in 2021 are as follows.

Compliance Assistant

The compliance assistant will inspect projects funded by the RCFB and SRFB. The goal for the Compliance Assistant position is to complete 250 inspections that include at least 50% of LWCF sites.

Goal – 250 inspections.

RCFB

Inspect acquisition projects focusing on sites funded with Land and Water Conservation Fund (LWCF)/Bonds (State) and Washington and Wildlife Recreation (WWRP) grants.

Goal -150 inspections.

SRFB

Inspect acquisition projects. There are over 200 sites that are due for inspection.

Goal - 100 inspections.

Compliance Issues

Focus on resolution of pending compliance issues and those issues found during the 2021 inspections. The priority is working with sponsors with active grants and those that are seeking new grant funding.

RCO's goal is to resolve 25% of the current issues recognizing that resolving compliance issues is dependent upon a sponsor's ability to actively work with RCO staff.

Compliance Program Workplan

An ongoing priority is completing board and director approved conversions. Obtaining approval is needed before the subsequent recording of the deed of right for replacement property, release of the deed of right for the conversion area, or new project area boundary, and grant agreement amendments can be completed.

Compliance staff will continue to provide consultation to outdoor grants managers and sponsors on a wide variety of issues. Increased funding for infrastructure may lead to additional consultations.

Staff plan updates to the Stewardship Web page and in-house improvements to the PRISM Compliance Workbench. A revision to RCO's Manual 7 is expected to be completed in February.

Staff will be requesting board approval at the April meeting for a minor clarification to the LWCF compliance criterion. The proposed amendment would simplify the criterion and would not change the scoring. It is the only grant program that includes a criterion regarding a sponsor's record on compliance. It is scored by RCO staff.

Next Steps

Staff will continue to update the board on compliance efforts and results on an annual basis.



APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: January 26, 2021

Title: Policy Waiver Request: Department of Natural Resources
Steptoe Butte Proposed Natural Area, RCO #18-1526A

Prepared By: DeAnn Beck, Outdoor Grants Manager

Summary

The Department of Natural Resources (DNR) is asking the Recreation and Conservation Funding Board to waive policies to allow an ineligible income-producing structure (communication site) to remain in its Washington Wildlife and Recreation Program's Natural Areas Category acquisition project. Current board policy does not allow for ineligible structure retention and continuing second party use for communication sites. When considering this request, the board also must consider an existing administrative rule regarding the compatibility of income derived on a funded site.

Board Action Requested

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

Resolution: 2021-03

Purpose of Resolution: Approve one of the suggested options.

Background

Grant Proposal and Natural Area Designation

In 2018, the Department of Natural Resources (DNR), with the Washington State Parks and Recreation Commission as a secondary sponsor, applied for a Washington Wildlife and Recreation Program (WWRP), Natural Areas Category grant for the Steptoe Butte Proposed Natural Area ([RCO #18-1526A](#)). This acquisition project ranked #2 and was fully funded at \$1,238,510. DNR will use this grant to purchase approximately 447 acres

to create a new natural area preserve adjacent to Steptoe Butte State Park in Whitman County. See Attachments B, C, D and E for maps and photos of the site

This property was identified for acquisition because it will conserve the largest remaining occurrence of Palouse prairie in Washington. The site has at least three rare plants (including federally threatened Spalding's catchfly and state endangered broad-fruit mariposa-lily), four priority plant communities, and one rare species of earthworm listed as a species of greatest conservation concern. The primary purpose of this grant is to provide long-term conservation of Palouse prairie ecosystems and secondarily to provide recreation opportunities.

DNR manages its natural areas under two different designations: Natural Area Preserves (NAP) as defined in RCW 79.70 and Natural Resources Conservation Areas (NRCA) defined in RCW 79.71 and sometimes, a combination of both, such as proposed for this acquisition. Both designations protect native plants, plant communities and animals, and both are used as outdoor classrooms for environmental education and scientific research. NAPs protect the highest quality native ecosystems and generally host more sensitive or rare species. NRCAs often include significant geologic features, archaeological resources or scenic attributes. NRCAs often have developed public access facilities, while some of the more sensitive NAPs have limited, or guided, access to protect resources.

On June 14, 2018, the Washington Natural Heritage Advisory Committee (NHAC) passed the following motion: "The NHAC recognizes that the lands within the boundary of the Steptoe Butte Prairie Reserve and Steptoe Butte State Park meet the standards for a NAP. The NHAC recommends the site be approved as a natural area, with designation as a NAP or NRCA or a combination of the two, to be determined through a management planning process involving State Parks and stakeholders." The Washington Natural Heritage Advisory Council has provided a letter of support for DNR's waiver request, see Attachment F.

On June 25, 2018, the Commissioner of Public Lands signed Commissioner's Order No. 201811, which ordered and directed that Steptoe Butte Natural Area be designated as a Natural Area under RCW 79.70 or RCW 79.71, or a combination NAP/NRCA having the characteristics for conservation lands described in the statutes. The Order further directed that DNR work with landowners and State Parks to determine the timing and procedures for acquisition of the privately owned lands at Steptoe Butte by the State of Washington and with interested parties in determining future land designation and management within the site boundary. The final designation of the site is pending an open management planning process, which will detail recreation opportunities.

Ineligible Structures in a Natural Areas Category Application

As part of its WWRP Natural Areas application, DNR disclosed that the Steptoe Butte grant proposal included a communication site with associated structures located within an approximate 1-acre footprint (Attachment D). DNR acknowledged that it could not use WWRP funds under this category to acquire and retain the communication site. With this understanding, RCO allowed the application to go forward since the ineligible structures would be removed from the grant. In its application, DNR outlined three options that were under consideration:

1. DNR or State Parks acquires everything within the project boundary, except the towers, associated structures and the footprint on which they stand.
2. DNR or State Parks acquires everything within the project boundary, including the towers, structures and footprint, but transfers ownership of the towers, structures and their footprint to a third party within three years.
3. DNR or State Parks acquires everything within the project boundary, including the towers, structures and footprint, but removes the towers and structures from the site.

Board Briefing

In January 2020, DNR approached the board explaining that none of the three options described in the application were determined to be its preferred alternative. Instead, DNR wanted to pursue a fourth option, which would be to retain the communication site and associated structures and use the lease income generated to maintain the natural area. Before DNR would be prepared to bring a formal request to the board for consideration, it was determined that an appraised value of the property (under various scenarios) was necessary.

In its 2020 briefing, DNR also offered the information below, which has since been corrected (**corrections bolded**).

1. The communication site and associated structures are located on a small footprint (less than one acre) and there are no plans for expansion. **DNR has since determined that the footprint of the communication site and associated structures is 2.8 acres.**
2. The communication site currently generates revenue around \$22,000 to \$23,000 annually. If the communication site were retained, this amount would not be enough to purchase the site, however, the amount could help defray the cost of maintenance and ongoing stewardship.

3. State Parks has communication towers on neighboring Steptoe Butte State Park. RCW 79A.05.080 gives specific authority for leasing for television stations at this park. In addition, State Parks has leasing authorities under RCWs 79A.05.025, 79A.05.030(5), 79A.05.085 and 79(A).05.215. **It has not been determined if State Parks has legal authority to manage these telecommunication towers within a state park designation.**
4. The Whitman County Commissioners voiced support for the proposed acquisition and stated that the towers located on the butte are important for emergency communications. **DNR now believes that this statement was related to the towers on State Parks' property; these towers are for cell phones only and do not have a role in emergency communications.**

DNR's Waiver Request

DNR is asking the board to waive policies to allow an ineligible income-producing structure (communication site) to remain in its Natural Areas Category acquisition project. DNR's justification for its waiver request includes the following:

1. **Available grant funds will not cover the cost of purchasing all the property, removing or relocating the towers, and extinguishing the existing leases.**

DNR has had the property appraised under three scenarios:

- a. A value for the entire 447-acre property, including the communication infrastructure, with cost to demolish the towers;
- b. A value for 444 acres (less the 2.8-acre communication site and infrastructure); and
- c. A value for the entire 447-acre property with a hypothetical condition that the communication infrastructure be removed prior to purchase.

The cost of the of the 447-acre property is \$1,000 per acre with a contributory value of \$313,000 for the communication infrastructure. The appraised value of the entire property with the communication infrastructure is \$760,000. The cost to remove all three towers and restore the property to its original condition is \$235,000. Demolition is an eligible grant expense in this project and the total cost of the property plus demolition is \$995,000.

One of the three towers is owned by the landowner and is leased to a third party; this tower lease expires July 30, 2037. The other two towers are

owned by third parties who hold ground leases; one lease expires March 14, 2022 and the other expires May 1, 2037. Once the leases expire, the tower owners are responsible for removal of equipment at the end of their lease term.

If the towers were moved and reconstructed (not demolished), this would reduce the demolition cost some but more importantly, would add another \$365,000-\$465,000 hard costs to the project plus an as yet unknown cost, if any of the leaseholders or sublessees were deemed eligible for relocation expenses under the Uniform Relocation Assistance and Real Property Acquisition Policies Act. Aside from the relocation expenses that could be due the affected leaseholders, the project cost could rise to \$1.36 to \$1.46 million with the hard costs to relocate or reconstruct the towers off-site. These figures do not include incidentals or administrative costs. DNR's grant request and subsequent grant award is \$1,238,510.

2. **The established 2.8-acre communication site does not detract from the conservation values of the site.** It is accessible by a road owned and managed by State Parks and there are no documented rare plant or plant communities on this portion of the property. Furthermore, there are no known negative impacts to the habitat surrounding the communications site.
3. **Acquiring the whole property prevents creation of an inholding.** This eliminates the risk of a future sale or communication site infrastructure expansion, which could conflict with management of the natural area. In addition, the property could be sold for other uses that could potentially have an even greater impact to this important habitat area.
4. **There is a potential stewardship benefit to the site, with the income from the communication site being directed to manage the natural area.** In order to protect the ecological elements at this site, this property requires annual noxious weed management. The property is in desirable condition because the current owners are managing for noxious weeds, which costs \$18,000 to \$22,000 annually. The management costs for this site have been covered to date by the lease income from the communication site.

Alternatives Considered by DNR

DNR considered and rejected the following alternatives to its waiver request:

1. Purchase the property less the 2.8-acre communication site. It appears the owner is unwilling to divide the property and either retain the communication site or market it independent of the larger property.
2. Purchase the property in conjunction with State Parks with State Parks either taking ownership of the communication site and towers or relocating the towers to adjacent State Parks property. While it has not yet been determined if co-sponsor State Parks will take ownership of any part of the property, State Parks and DNR agree that its preferred outcome is approval of DNR's waiver request.
3. Purchase the property in conjunction with the DNR Trust, with the Trust acquiring and owning the 2.8-acre communication site. The Trust would need to perform an evaluation of the property as a revenue-producing asset before agreeing to purchase and then if interested, a value would need to be negotiated. If the Trust owned the communication site, income collected from the rents would likely be split with 70% to the common school construction account and 30% for management of the lease and communication site property overhead costs. Under this scenario, no funds would be directed to management of the adjacent natural area.

The Natural Areas program is not inclined to be supportive of this option as having another owner (even though it is the same agency) is not desirable.

4. Seek a private buyer for the communication site. DNR prefers not to have a privately-owned inholding managing multiple tenants and controlling property within the natural area design, which could conflict with DNR's management objectives for the site.

Analysis

There is the WWRP statute, several board policies, and an administrative rule to address when considering DNR's request. One key policy is that retaining structures and allowing for long-term second party uses is not allowed under and conflicts with the eligibility policy for the Natural Areas category. In addition, Washington Administrative Code (WAC) 286-13-110 requires income generated from funded sites to be compatible with the funding source and grant agreement. Before considering approving this waiver request, the board must first determine that the telecommunications/cell tower revenue generated is compatible with the grant funding and grant agreement in order to comply with the administrative rule.

Definition of Natural Areas Category and DNR's Natural Area Designations

As defined under the WWRP statute, RCW 79A.15.010(6), "natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural, historical, or similar features of scientific or educational value.

Manual 10b, WWRP Habitat Conservation Account: Natural Areas Category

The board adopted policies for the Habitat Conservation Account which are outlined in Manual 10b. Section 2, Policies, describes the categories and grants offered. Here are key policies for this category:

Natural Areas Category

These grants provide funding to acquire areas set aside to protect high quality, representative, native ecosystems; unique plant or animal communities; habitat for endangered, threatened, or sensitive species; rare geological features; or features of significant scientific or educational value.

- Must have retained most of their natural character.
- Must be managed primarily for resource preservation, protection, and study.
- May include limited development of public facilities, such as trails, roads, parking, restrooms, signs and kiosks, and fences.
- Must be accessible for public recreation and outdoor education. See the board's public access policy for allowed limitations to public access.
- May include costs for developing stewardship plans.
- Does not allow for habitat creation, enhancement, or restoration
- Does not allow renovation of facilities.

Section 2 further states under Developing Facilities that the Habitat Conservation Account allows for limited development of passive public outdoor access facilities in most categories. Additional guidelines for development projects are found in Manual 4, *Development Projects*. Eligible project elements include fences, interpretive kiosks and signs, park furniture such as benches and tables, parking, paths, restrooms, roads and viewing shelters. There are no policies under Manual 10b that would allow the proposed structure retention and second party use.

Manual 3, Acquisition Projects

Section 2 of Manual 3, Existing Structures, states: "All structures on property acquired with RCO grants must be removed or demolished unless RCO determines the structure is allowed by program policy and will support the intended uses at the site." And, "If a project sponsor wishes to retain a structure that is not eligible for RCO grant funding, then the structure and associated land and support facilities must be excluded from the grant proposal."

The board's Allowable Uses Framework, which is included in Manuals 3 and 4, states that "Uses of project sites must have no overall impairment to the habitat conservation, outdoor recreation, or salmon habitat resource funded by RCO." The policy goes on to say:

"To be in compliance with the grant, uses of grant-funded project sites must be identified in the project agreement, allowed by RCO policy, or approved by RCO or the funding board. For the use to be approved by RCO or the funding board it must meet all of the following criteria:

- The use must be consistent with the essential purposes of the grant (i.e. consistent with the grant agreement and grant program).
- All practical alternatives to the use, including the option of no action, must have been considered and rejected on a sound basis.
- The use must achieve its intended purpose with the least possible impact to the habitat, outdoor recreation, or salmon habitat resource. If the use impacts the type of resource the grant is designed to protect (habitat, outdoor recreation, or salmon habitat), it also must provide at least equivalent benefits to that type of resource so there is no overall impairment.
- An approved use of a project site must continue in the way it was approved to remain in compliance with the grant. This policy does not modify other RCO policies, such as cultural resource policies.
- Income generated on the project site must be managed in accordance with RCO policies on income and income use.

Additional guidance regarding the eligibility of structures is included in Manual 3, *Acquisition Policies* and Manual 4, *Development Policies*. See Attachment G, Additional Policies Related to the Waiver Request.

Washington Administrative Code (WAC) 286-13-110

Finally, while conducting the analysis for this board meeting, staff identified an administrative rule which has bearing on this request.

WAC 286-13-110 Income, use of income. (1) The source of any income generated in a funded project or project area must be compatible with the funding source and project agreement.

This WAC requires income generated from a funded site to be compatible with the purpose of the grant. The board does not have authority to waive administrative requirements. The board would need to determine that the continuing use of the

structures is compatible with the purposes of the grant agreement to comply with the administrative rule.

Options for Board Consideration

After analysis, RCO staff offers the following options for consideration:

Option 1: The board denies the waiver request.

Under this option DNR could:

- a) Acquire the entire 447 acres, relocate the tenants, and demolish the structures;
- b) Acquire only the 444 acres of property that is compatible with the grant; or
- c) Withdraw the grant request.

Given the cost of demolition and relocation, it is unlikely the DNR will proceed with this acquisition as it does not have enough funding.

Pros	Cons
<ul style="list-style-type: none">• No policy waivers needed since these choices are compatible with existing policies.• If DNR purchases all of the property, this option could eliminate the potential inholding and reduce the opportunity for future management conflicts.• DNR could still acquire the most ecologically sensitive portion or all of the property.• This option aligns with DNR's original proposal.	<ul style="list-style-type: none">• Insufficient funding in the grant to cover all of the costs, if relocation or reconstruction is required.¹• Depending on DNR's selection, this option may include a potential inholding, thus increasing the opportunity for future management conflict.• DNR or State Parks must find other funding to facilitate acquisition of the ineligible 2.8-acre portion of the property, since the owner wants to sell all not part of the property.• This option eliminates the opportunity to collect and use the revenue for operation and management of this habitat area.• Potential loss of this habitat area for public purposes.

Additional Board Action: No further action required by board.

¹Board policy prohibits cost increases for WWRP projects.

Option 2: The board approves the waiver request with a special condition:

- a) That the second party use is phased out as existing leases expire, or
- b) That the second party use is phased out within a shorter period.

Under this option, the DNR could acquire the entire 447 acres, removing the structures over time as the leases expire. The structures would remain, in some cases, through 2037.

Pros	Cons
<ul style="list-style-type: none">• Acquire the entire 447 acres, leases run to current expiration dates and DNR completes relocation requirements (if any) and ensures removal of the structures.• DNR receives income until the leases are phased out. This income would be used for stewardship of natural areas statewide in accordance with the board's Income Use Policy.• This option eliminates the potential inholding because DNR would have control of all property.• The continuing second party uses will be phased out.• Except for the 2.8 acres, the second party use does not unreasonably limit public use or the objectives of the grant.	<ul style="list-style-type: none">• Requires the board to determine that the continuing use of the structures (source of income) is compatible with the purposes of the grant agreement thereby complying with WAC 286-13-110.• Requires the board to extend the Interim Land Uses, Pre-Existing Second Party Use period from 3 years to as much as 16 years. Manual 3, <i>Acquisition Projects</i>, Section 2• Requires the board to approve the incompatible structures as an allowable use via the Allowable Uses Policy in Manual 3, <i>Acquisition Projects</i>, Section 7.• Under Option 2b, if the leases cannot be extinguished within a shorter timeframe, DNR would not be able to purchase the property.

Additional Board Action: Under Option 2, the board would need to address WAC 286-13-110, extend the Interim Land Uses period, and approve the communications site as an allowable use.

Option 3: The board approves DNR’s request.

Under this option, the DNR can acquire all 447 acres and allow the communications site to remain, with revenues used to provide stewardship funding.

Pros	Cons
<ul style="list-style-type: none">• Allows acquisition of the entire property.• No funds needed for relocation or demolition.• Provides for long-term income that goes into DNR’s Stewardship Account, which is used to manage natural areas across the state.	<ul style="list-style-type: none">• Requires the board to determine that the continuing use of the structures (source of income) is compatible with the purposes of the grant agreement thereby complying with WAC 286-13-110.• Requires the board to approve the incompatible structures as an allowable use via the Allowable Uses Policy. Manual 3, <i>Acquisition Projects</i>, Section 7• Requires the board to waive eligibility requirements for a Natural Areas Category project. Manual 10b, <i>WWRP Habitat Conservation Account</i>, Section 2• Requires the board to waive the Existing Structures policy. Manual 3, <i>Acquisition Projects</i>, Section 2• Policies would need to be waived potentially setting a precedent for allowing income-producing structures within natural areas.• Waiving policies could set a precedent for similar requests for the WWRP and other grant programs.

Additional Board Action: Under Option3 the board would need to address WAC 286-13-110, extend the Interim Land Uses period, approve the communications site as an allowable use, and waive the Existing Structures policy.

Strategic Plan Link

Consideration of this request supports the board's goal to help its partners protect, restore, and develop habitat and recreation opportunities that benefit people, fish and wildlife, and ecosystems. Another goal is to achieve a high level of accountability in managing the resources and responsibilities entrusted to its members. This is done by ensuring funded projects and programs are managed efficiently, with integrity, in a fair and open manner, and in conformance with existing legal authorities.

Staff Recommendation

Staff recommends the board adopt one of the options referenced above.

Next Steps

Staff will work with the Washington Department of Natural Resources and the Washington State Parks and Recreation Commission to implement the approved option.

Attachments

Attachment A: Resolution 2021-03, *Policy Waiver Request: Retention of Steptoe Butte Communication Site*

Attachment B: Steptoe Butte Location Map

Attachment C: Steptoe Butte Parcel Map

Attachment D: Steptoe Butte Aerial Photo

Attachment E: Steptoe Butte Communication Site Photos

Attachment F: Letter from the Washington Natural Heritage Advisory Council and other Letters of Support or Concern

Attachment G: Additional Policies Related to the Waiver Request

**Recreation and Conservation Funding Board
Policy Waiver Request: Retention of Steptoe Butte Communication Site
Resolution 2021-03**

WHEREAS, the Department of Natural Resources (DNR) was awarded a Washington Wildlife and Recreation Program (WWRP), Natural Areas Category grant to acquire the Steptoe Butte property for natural area purposes under RCO #18-1526A; and

WHEREAS, the 447-acre Steptoe Butte property includes a 2.8-acre income producing communication site that is encumbered with cell tower leases, and

WHEREAS, the WWRP Natural Areas Category does not allow retention of ineligible structures; and

WHEREAS, DNR is asking for board approval to retain the ineligible income-producing structures upon acquisition of the property with plans to use the income to offset the costs of operation and maintenance of natural areas statewide; and

WHEREAS, consideration of this request supports the board's strategy to provide funding to protect, preserve, restore, and enhance habitat and recreation opportunities statewide; and

WHEREAS, RCO staff offers the following options for board consideration:

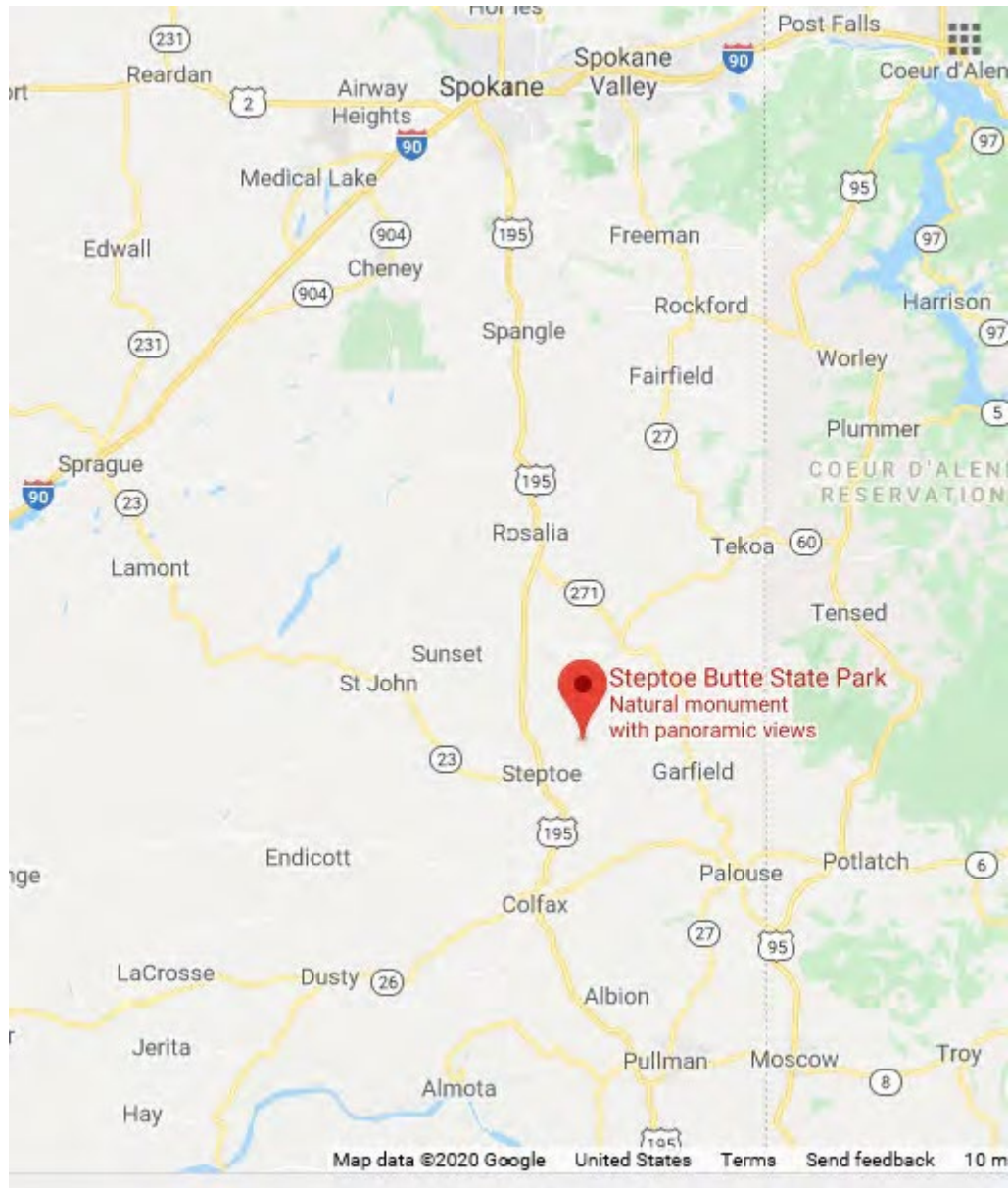
- ☐ Option 1: The board denies the request. DNR could proceed with one of the choices outlined in this memo under this option.
- ☐ Option 2: The board approves the request with the condition that the second party use of the property is phased out as existing leases expire. If the leases cannot be extinguished, DNR will return the grant funding. This option requires the following board actions:
 - The board determines that the continuing use of the structures (source of income) is compatible with the purposes of the grant agreement thereby complying with WAC 286-13-110.
 - The board approves the incompatible structures as an allowable use via the Allowable Uses Policy in Manual 3, *Acquisition Projects*, Section 7.
 - The board waives the eligibility requirements for a Natural Areas Category project as specified in Manual 10b, *WWRP Habitat Conservation Account*, Section 2.
- ☐ Option 3: The board approves the request via the following additional actions:

- The board determines that the continuing use of the structures (source of income) is compatible with the purposes of the grant agreement thereby complying with WAC 286-13-110.
- The board approves the incompatible structures as an allowable use via the Allowable Uses Policy in Manual 3, *Acquisition Projects*, Section 7.
- The board waives the eligibility requirements for a Natural Areas Category project as specified in Manual 10b, *WWRP Habitat Conservation Account*, Section 2.
- The board waive the Existing Structures policy included in Manual 3, *Acquisition Projects*, Section 2.

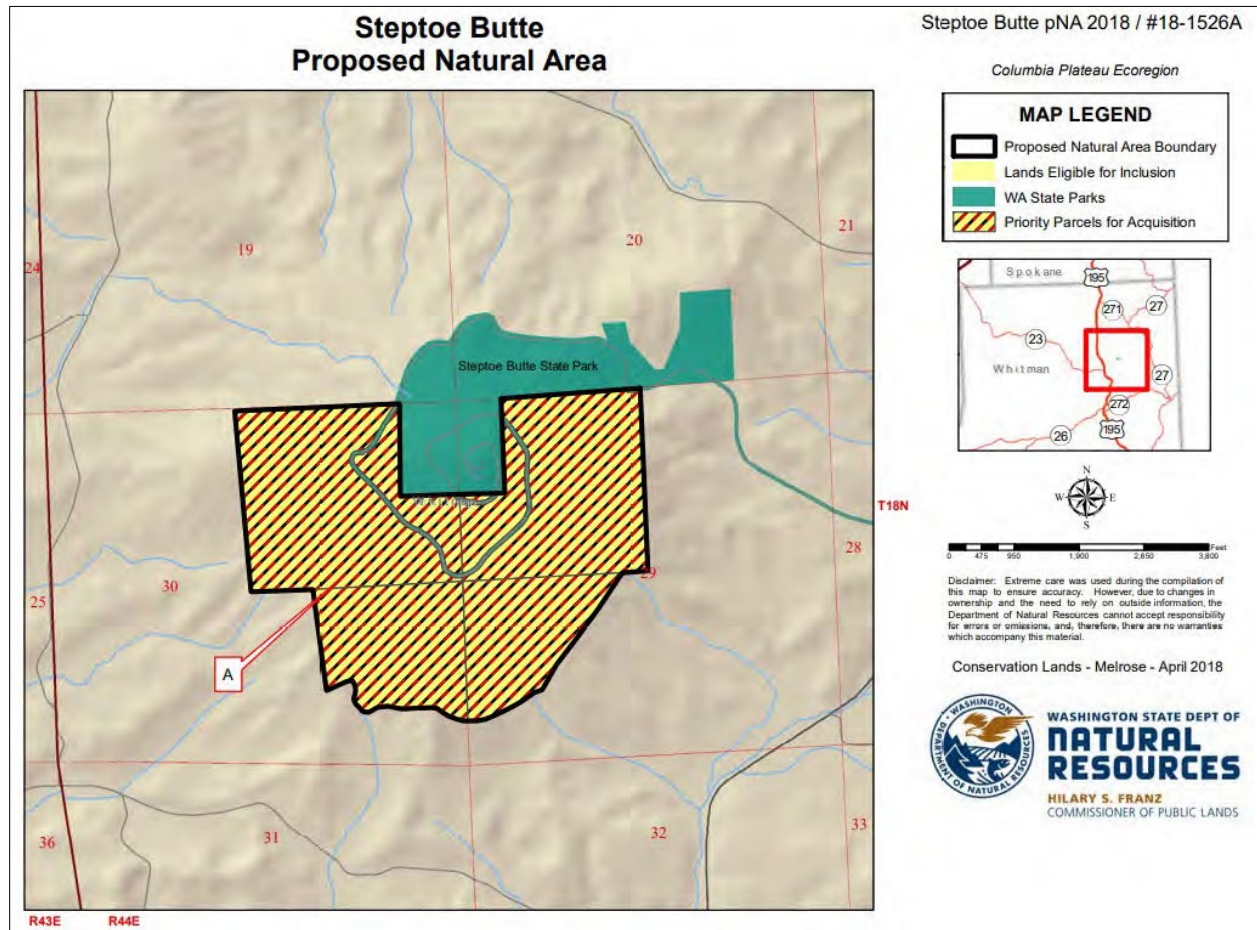
NOW, THEREFORE BE IT RESOLVED, the board adopts Option __ as described in Item 7 and delegates authority to RCO's Director to complete the appropriate paperwork for implementing this option.

<i>Resolution moved by:</i>	
<i>Resolution seconded by:</i>	
<i>Adopted/Defeated/Deferred (underline one)</i>	
<i>Date:</i>	

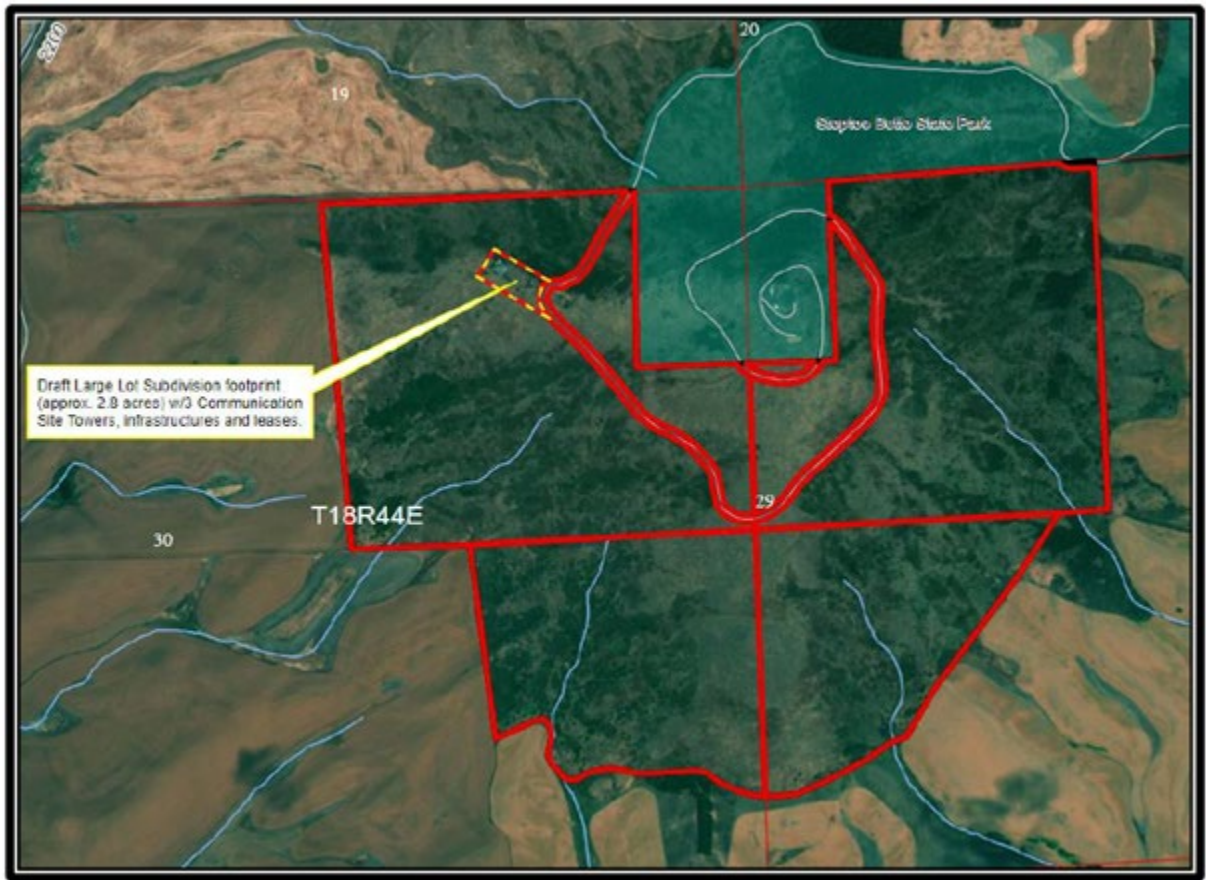
Steptoe Butte Location Map



Step toe Butte Parcel Map



Step toe Butte Aerial Photo



Steptoe Butte Communication Site Photos

The communication site is in the foreground looking northwest, communication towers, further upslope, are located on Steptoe Butte State Park.



Subject communication site, looking northwest from the paved access road.



Letters of Support or Concern for the Steptoe Butte Waiver Request

- Peter Dunwiddie, Washington State Natural Heritage Advisory Council
- David Hall, Citizen

5548 38th Ave NE
Seattle, WA 98105

5 October, 2020

Ted Willhite, Chair and Members:
Recreation and Conservation Funding Board
PO Box 40917
Olympia WA 98504-0917
info@rco.wa.gov

Dear Chairman Willhite:

On behalf of the Washington State Natural Heritage Advisory Council, I am writing in support of land acquisition and continuing cell tower revenue use for the proposed natural area at Steptoe Butte in Whitman County. We understand a decision may be made during your January 2021 board meeting concerning the ability to acquire the land with existing cell towers and to use the current revenue generated from the towers onsite to assist with land management costs into the future.

During the September meeting of the Natural Heritage Advisory Council, staff from the Department of Natural Resources (DNR) characterized the values in the draft property appraisal. The council was pleased to learn that the interim conservation buyers, who stepped in to purchase this high-quality remnant of the once expansive Palouse prairies, will be made whole through the sale to the state under the Recreation and Conservation Office grant.

We also learned that the couple of acres on the conservation parcel occupied by the cell towers have relatively little value if separated from the larger acquisition, and that the current revenue stream from the towers is being used to help defray weed control and other land management costs by the private owners. No specific figures were offered, but the council understands that annual revenue may be on the order of \$20,000 to \$30,000 per year, which could increase pending new leases issued for the towers in future years. These funds, if DNR were to be able to retain them for onsite weed control and land management expenses, would help assure adequate protection for this conservation feature.

On the other hand, moving the towers, which are privately owned separately from the underlying land, is a costly option, running into the hundreds of thousands of dollars. State funds would need to be used for this action, given existing lease agreements, and thus the project cost would increase while a potential funding source for managing this valuable conservation site would be foregone.

The Natural Heritage Council has long recognized the difficulties in sustaining adequate funding for managing natural areas, and were particularly struck by the opportunities this

project offers for a unique win-win outcome: a virtually unequalled remnant of Palouse prairie is protected, the interim conservation buyers are reimbursed, and a specific, long-term source of revenue for maintaining the ecological quality of the site is ensured. We hope you concur that this is a remarkable opportunity that would afford significant conservation benefits in this highly threatened ecosystem.

Sincerely,

A handwritten signature in dark ink, reading "Peter W. Dunwiddie". The signature is written in a cursive style with a clear, legible font.

Peter W. Dunwiddie, Chair
Washington State Natural Heritage Advisory Council

cc: Kaleen Cottingham, RCO Director
Brock Milliern, DNR

From: David Hall <david_hall@hotmail.com>
Sent: Friday, January 8, 2021 11:16:58 AM
To: RCO MI General Info (RCO) <info@rco.wa.gov>
Cc: Cottingham, Kaleen (RCO) <Kaleen.Cottingham@rco.wa.gov>; Milliern, Brock (DNR) <Brock.Milliern@dnr.wa.gov>
Subject: Public comment for the January 2021 Recreation and Conservation Funding Board meeting

January 8, 2021

Washington State Recreation and Conservation Funding Board

PO Box 40917

Olympia WA 98504-0917

Recreation and Conservation Funding Board <info@rco.wa.gov>

cc:

Kaleen Cottingham, Recreation and Conservation Office Director
<kaleen.cottingham@rco.wa.gov>

Brock Milliern, Department of Natural Resources <brock.milliern@dnr.wa.gov>

Public comment for the January 2021 Recreation and Conservation Funding Board meeting

Ted Willhite, RCO Chair, and Members:

A high-quality remnant of Palouse prairie at Steptoe Butte in Whitman County, Washington is expected to be purchased by the State of Washington from private property owners under a Recreation and Conservation Office grant.

I fully support the purchase of this property by the State. I also fully support the proposal that the purchase of this spectacular property include the associated cell towers and to have the cell tower lease fees be earmarked for the purpose of weed control and other land management costs for the property. These funds would help assure adequate protection and upkeep for the property.

I understand that current regulations specify that the Department of Natural Resources can own cell tower land leases, but the proceeds from the leases must be turned over to the Common School fund. Please find a way to allow the Department of Natural

Resources to retain the cell tower lease funds for this property for use for the Steptoe Butte property.

David Hall

1334 Wallen Road

Moscow, ID 83843

Additional Policies Related to the Waiver Request

Manual 10b, *WWRP Habitat Conservation Account*, Section 2

Natural Areas Category

- These grants provide funding to acquire areas set aside to protect high quality, representative, native ecosystems; unique plant or animal communities; habitat for endangered, threatened, or sensitive species; rare geological features; or features of significant scientific or educational value.
- May include limited development of public facilities, such as trails, roads, parking, restrooms, signs and kiosks, and fences.

Developing Facilities

- The Habitat Conservation Account allows for limited development of passive public outdoor access facilities in most categories. Complete guidelines for development projects are in *Manual 4: Development Projects*. Eligible project elements include the following fences, interpretive kiosks and signs, park furniture, such as benches and tables, parking, paths, restrooms, roads and viewing shelters.

Manual 3, *Acquisition Projects*, Section 2

Existing Structures

All structures on property acquired with RCO grants must be removed or demolished unless RCO determines the structure is allowed by program policy and will support the intended uses at the site. Allowable structures vary by program. Consult the appropriate program policy manual for guidance on allowable structures. New proposed uses of structures must be reviewed by RCO per the requirements in *Manual 7, Long-term Obligations*.

Before demolition or removal of any structure or any ground-disturbing activity, a project sponsor must comply with cultural resources review requirements in this manual under the Cultural Resources Review section.

If a project sponsor wishes to retain a structure that exists on the property, the intended use of the structure must be clearly identified in the grant application. RCO then will determine whether the structure is eligible to be retained per the specific grant program policies. If allowed, discussion of the structure's purpose and use must be included in the evaluation process.

If a project sponsor wishes to retain a structure that is not eligible for RCO grant funding, then the structure and associated land and support facilities must be excluded from the grant proposal. See the Project Scoping section for more details on how to exclude areas from the scope of an RCO project.

Manual 3, *Acquisition Projects*, Section 2

Interim Land Uses, Pre-Existing Second Party Use, policy states that “a secondary party use is a use that was occurring on the land before the property was acquired by the project sponsor and the landowner or lessee wishes to continue that use after the property is acquired with RCO grants. The secondary party may be the landowner who sold the property to the project sponsor or another party with existing rights. RCO may approve a second party use when all of the following conditions are met:

- The use is a *continuing* second party use. The use already is occurring on the land at the time the property is acquired.
- The use does not unreasonably limit public use or the achievement of the purpose of the RCO project agreement or RCO funding program.
- The second party’s use will be phased out within 3 years of the date of acquisition. If the use will proceed longer than 3 years, it must be reviewed under the compatible use policy in this manual.
- Use of any income derived from the second party use is consistent with the RCO income policy in *Manual 7: Long-Term Obligations*.

Manual 3, *Acquisitions Projects*, Section 7

Allowable Uses Framework

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

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

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

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

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

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

Permitted Use Under the Local Parks Category: Manual 10a, WWRP Outdoor Recreation Account

Although DNR's project was funded under the WWRP Habitat Conservation Account, Natural Areas Category, the board does have a policy that allows telecommunications facilities only for WWRP Local Parks Category projects, as described in Section 2, Policies: "Telecommunications facilities^[1] and equipment cabinets are allowed on funded project sites provided that their placement, construction, modification, or servicing does not diminish the essential purposes of the grant and all of the following criteria are satisfied:

- The antenna^[2] is attached to a new or existing building or structure that furthers the outdoor recreation purposes of the grant, such as a utility pole, sign, or restroom rooftop.
- The footprint of the equipment cabinet is the minimum necessary.
- The facility and equipment cabinet are placed, constructed, and modified to have the least impairments, including cumulative impairments, to outdoor recreation opportunities. Concealed or camouflaged facilities and equipment cabinets are preferred.
- Servicing does not interfere with the recreational use of the project area.
- The building or structure to which the facility is attached is not damaged by the facility.
- Facilities and equipment cabinets no longer in use or determined to be obsolete are removed within 12 months of the cessation of use.

Leases or permits issued by the grant recipient for telecommunications facilities are allowed in this grant category. Leases must be equivalent to market rate and managed in accordance with RCO policies on "Concessions and Leases" in Manuals 3 and 4.

[1] Telecommunications facility is defined by Federal Standard 1037C at www.its.bldrdoc.gov/fs-1037/fs-1037c.htm.

[2] Antenna is defined by Federal Standard 1037C at www.its.bldrdoc.gov/fs-1037/fs-1037c.htm.



Recreation and Conservation Funding Board Decision Memo

Item **8**

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: January 26, 2021

Title: Conversion Request: City of Seattle Red Barn Ranch Conversion
RCO #69-150A

Prepared By: Myra Barker, Compliance Specialist

Summary

The City of Seattle is asking the Recreation and Conservation Funding Board (board) to approve a conversion of approximately 38.7 acres of property acquired near Auburn using funding from State Bonds and an open space grant from the federal Department of Housing and Urban Development (HUD).

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: 2021-04

Purpose of Resolution: Approve the conversion of the Red Barn Ranch property and the North Rainier Charlestown property as replacement.

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

The subject of this memo is a proposed conversion of property acquired with a grant using funding from state Bonds and the Department of Housing and Urban Development (HUD) Open Space Program¹. The project involved the acquisition of a

¹ The HUD grant program was established in 1961 and was repealed in 1983. Projects funded with this

youth recreational camp near Auburn in 1970. The sponsor, the City of Seattle Parks and Recreation, plans to convert the approximately 38.7 acres of property and replace it with property within the City of Seattle.

The Role of the Board

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

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

Applicable Policies and Rules

The board has adopted Washington Administrative Code² and policy that defines when a conversion occurs, the appropriate replacement measures, and the steps that sponsors must take to request approval. The rule that applies to acquisition projects is as follows:

- The sponsor has demonstrated the need to convert the project area³ including all efforts to consider practical alternatives, how they were evaluated, and the reasons they were not pursued;
- Provide an opportunity for the public to participate in the identification, development and evaluation of the alternatives, including a minimum public comment period of at least thirty days; and
- Provide another property (project area) to serve as replacement. The replacement for conversion of property acquired with a grant must:
 - Be interest in real property of at least equal market value to the converted property;
 - Be of reasonably equivalent usefulness and location;
 - Be administered by the same sponsor unless otherwise approved by the board;

federal grant through IAC/RCO remain subject to long-term obligations that survive the grant program.

² WAC 286-13-160; WAC 286-13-170

³ WAC 286-04-010 (19) Project area is a geographic area that delineates a grant assisted site which is subject to application and project agreement requirements.

- Satisfy need(s) identified in the sponsor's current plan, or other relevant local or statewide plan;
- Be eligible in the grant program of the original project unless otherwise approved by the board; and
- Satisfies the conversion without grant assistance from the board.

Background – RCO Project Impacted

Project Name: Red Barn Ranch		Project #: 69-150A
Grant Program: State Bonds and the Department of Housing and Urban Development ⁴ (HUD)		Board funded date: May 1970
State Bonds Amount	\$56,250	Original Purpose: The project acquired approximately 38.7 acres for an outdoor educational and recreational camping facility.
HUD Amount	\$112,500	
Project Sponsor Match	\$56,250	
Total Amount:	\$225,000	

The City of Seattle was awarded a grant in 1970 to acquire an approximately 38.7-acre developed recreation and sports camp. It is located in unincorporated King County about 35 miles southeast of the city and 7 miles east of the City of Auburn. (Attachment A)

The property, a former farm, had been developed with a dormitory, a house, a barn, sheds, silo, and recreational amenities that included a basketball court and swimming pool. Past use included a sports camp operated by Elgin Baylor and the Seattle Sonics basketball team.

Prior to purchasing the property, the camp was leased by the city, in partnership with the school district, for an educational and recreation camp. The lease included an option to purchase and the city acquired the property in April 1970.

⁴ The US Department of Housing and Urban Development offered an Open Space Land Program to help curb urban sprawl by providing financial assistance for acquiring land for parks, recreational areas, and for conservation. RCO/IAC utilized the federal funding as a match to state bonds from 1966 to 1983 for fifty six (56) projects. The program was eliminated in 1983.

Red Barn Ranch and the facilities were acquired as part of the city's implementation of the Model Neighborhood Program⁵. The purpose of the program was to provide outdoor educational and recreational camping experiences for youth ages 7-17 in a rural setting.

The city operated the property as a summer camp through 1982. After that time, the site has been intermittently closed (1982-1985; 1991-1994). In the interim, it was operated as a conference and recreation center (1985-1987); for school group use (1988-1991); leased for Camp Barachah (1995-2007); jointly leased for shared use by Camp Barachah and Seattle Tilth (2008-2016); and lastly by Seattle Tilth (2017-2018). It has been closed since early 2018.

The Conversion

The conversion is being created by the city's decision to dispose of the property. The site is located over 30 miles from the city. In addition to its distance from the city, the property no longer meets an identified need in the Parks Plan. The property is closed, and the structures have deteriorated.

Details of Replacement Property

Location / Property Characteristics

The city has identified the North Rainier Charlestown property (Attachment D) as the replacement property. It is a 0.15-acre parcel that is generally flat. It is adjacent to city owned property and will comprise the southwestern area of a future neighborhood park. (Attachment E)

Request for Policy Waiver – Eligibility of Contaminated Property

The board's policies for eligible property are applied to replacement property. Purchase of contaminated property is ineligible. However, approval of a policy waiver has been given when the sponsor has a remediation plan for the subject property.

The replacement property was used for commercial and residential purposes. Environmental studies and a Phase II environmental assessment revealed that the property is contaminated from an underground storage tank for heating oil.

⁵ The Model Neighborhood Program was part of a federal Model Cities Program created in 1966 to help fund programs to reduce socio-economic disadvantages in designated neighborhoods in urban cities. The federal program ended in 1974.

Seattle Parks used past environmental assessments of the property and supplemented that information by conducting tests to develop the remediation plan. The underground storage tank and the surrounding soils in the immediate area have been removed and remediation of that area has been completed.

The remediation includes exporting 4 inches of soil, installing an impervious barrier backfill with clean soil, and soil sampling to confirm the area meets or exceeds clean-up standards. Soil sampling and the required reporting will be submitted to Ecology. Remediation will be completed as part of the site preparation for park construction. The remediation is expected to be completed by September 2021.

The city is requesting the board waive the policy on contaminated property to allow the Rainier property as eligible replacement.

Analysis

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

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

Evaluation of Practical Alternatives for Conversion

The city could choose to not convert the Red Barn Ranch property. However, it would remain closed, unused, and as such, constitutes an unresolved conversion.

The city considered other alternatives including transferring the property to another local agency or finding a buyer who would operate the site in compliance with grant program policies. The city contacted King County regarding a transfer or sale, and discussions took place over the period of a year. The county was not interested. Attempts to find a buyer who would accept and operate the site in compliance with grant program policies were unsuccessful.

Evaluation of Practical Alternatives Considered for Replacement Property

The city focused their search for replacement property where there are opportunities to add to existing public open space within a 5-minute walk from where people live.

The potential replacement properties (Attachment C and F) included:

The North Rainier (Charlestown) property is a 0.15-acre parcel located at the intersection of 35th Ave. S and S. Charlestown Street. It is adjacent to city-owned Parks property that is being developed into a new neighborhood park. It is mostly level. This is the replacement property.

The South Park Bridge property is a county-owned 0.40-acre property located on South Rose Street near the South Park bridge. It is across the street from the South Park Plaza property, which is planned for development in 2021 to provide community access to open space. It is mostly level and is adjacent to the Duwamish River.

Seattle City Light Broadview property is a 0.89 property located at the intersection of N. 107th and Fremont Ave. North in the Northwest Seattle area. It is relatively level, has mature deciduous trees, and is located between a residential street and an alley.

Evaluation of Fair Market Value

The conversion and replacement properties have been appraised for fee title interests that meet board policy. The fair market value of the replacement property as determined by the appraisal included a deduction for the remediation costs for clean-up.

	Conversion Property	Replacement Property	Difference
Market Value	\$700,000	\$950,000	+\$250,000
Acres	38.7	0.15	-38.55 acres

Evaluation of Reasonably Equivalent Usefulness and Location

Administrative rule⁶ ties evaluation of a replacement providing “reasonably equivalent usefulness and location” together.

Usefulness

Red Barn Ranch provided summer recreational camping opportunities for youth for about 27 years. A portion of the property had previously developed facilities including a

⁶ WAC 286-13-160 (c) (i)

swimming pool, bunkhouse, assembly hall, dining room, tennis and basketball courts. It was also used as a conference/retreat center and as a farm.

Seattle Parks no longer operates overnight camping facilities for outdoor recreation. Outdoor recreation experiences that are located outside the city are offered through Parks O2 Program for youth. The O2 Program is “an outdoor expedition program designed to expose multi-ethnic, high school teens to outdoor recreation, environmental education, urban conservation and stewardship.” Active day sports camps for youth are available at various parks throughout the city.

The city’s replacement property will provide a different recreation use as part of a new neighborhood park. The replacement property will be developed as the entry way into the park with a picnic area and seating. The new neighborhood park development will include a central lawn, half basketball court, fitness equipment, play areas, picnic areas, and loop trail.

Location

The property to be converted is located in unincorporated King County. The replacement property is located about 35 miles away from Red Barn Ranch and is within the City of Seattle.

The city no longer acquires property outside of its jurisdictional boundary.

The replacement property is located in a predominately low-income neighborhood with commercial uses and residential housing. This area is identified in the Parks Plan Gap Analysis as deficit in parks. (Attachment D)

Evaluation of Public Participation

The city published a public notice on October 14, 2020. The 30-day comment period ended on November 14, 2020. The city received 314 comments all in support of transferring the property for agricultural use to a non-profit farming organization.

There were no comments opposing the conversion or the replacement.

The city is evaluating options for the Red Barn Ranch property and no final determination on disposal or transfer has been made to date.

Other Basic Requirements Met

Same Project Sponsor

The replacement property will be administered by the same project sponsor (City of Seattle Parks).

Satisfy Needs in Adopted Plan

The city's replacement property meets a need identified in the Parks Plan to "continue to expand park holdings, facilities, and open space opportunities with an emphasis on serving urban centers and urban villages that are home to marginalized populations and areas that have been underserved".

The replacement property is located in a densely populated area. The city plans to develop the property and the adjacent Parks properties as a neighborhood park. (Attachment E) The new park will provide public outdoor recreation opportunities that the city estimates will serve thousands of park visitors each year.

Eligible in the Funding Program

The replacement property, North Rainier Charlestown, is eligible as it was acquired under a Waiver of Retroactivity.

Conversion Policy Requirements Met

Upon the board approval of the requested policy waiver for the replacement property, RCO staff have reviewed the sponsor's conversion documentation and verify that all requirements are met.

Staff Recommendation

Staff recommend approval of the conversion and replacement properties as described and illustrated in the memorandum.

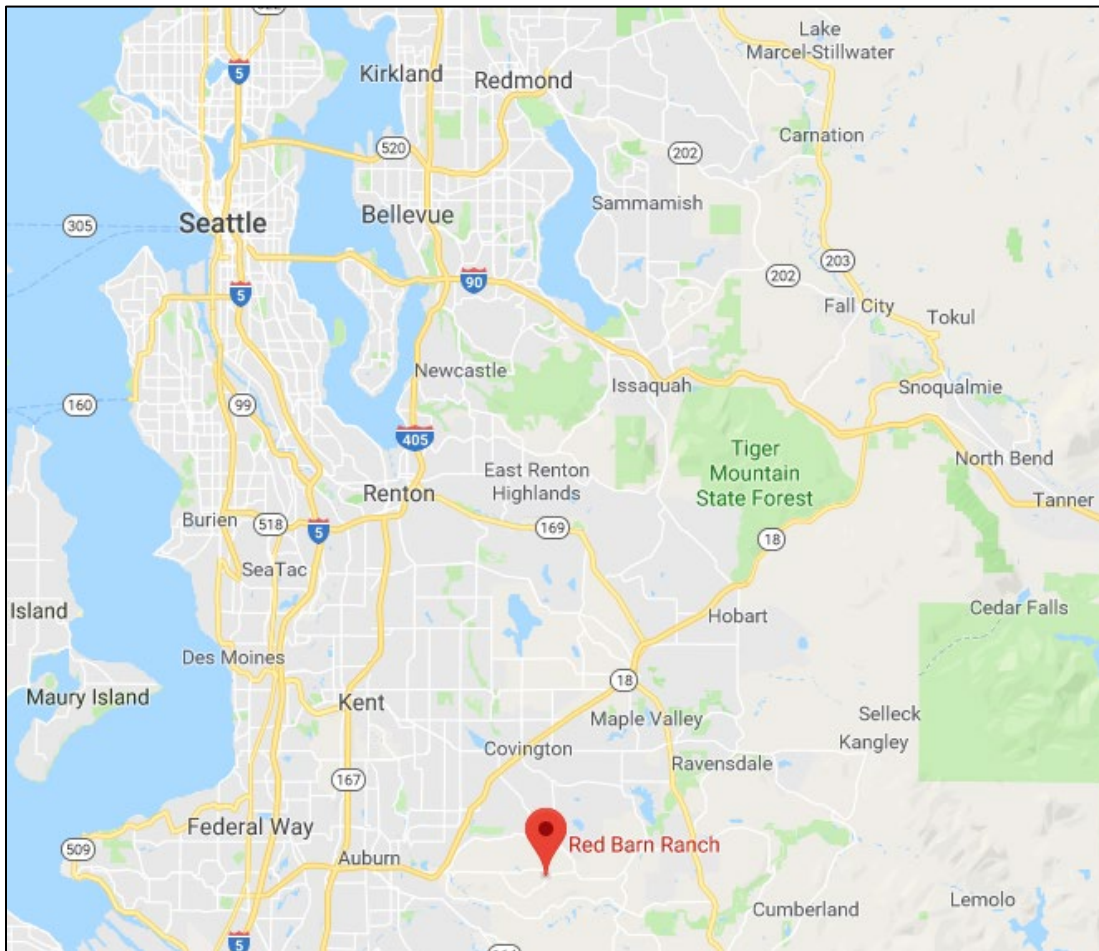
Next Steps

Should the board approve the conversion and replacement, staff will execute all necessary amendments to the project agreement, as directed.

Attachments

- A. Red Barn Ranch Location and Aerial Maps
- B. Red Barn Ranch Site Photos
- C. Potential Replacement Properties Location Map
- D. Replacement Property – Aerial and Parcel Map and Site Photos
- E. Replacement Property Conceptual Site Development Plan
- F. Other Replacement Property Options Aerial, and Parcel Maps
- G. Resolution 2021-03

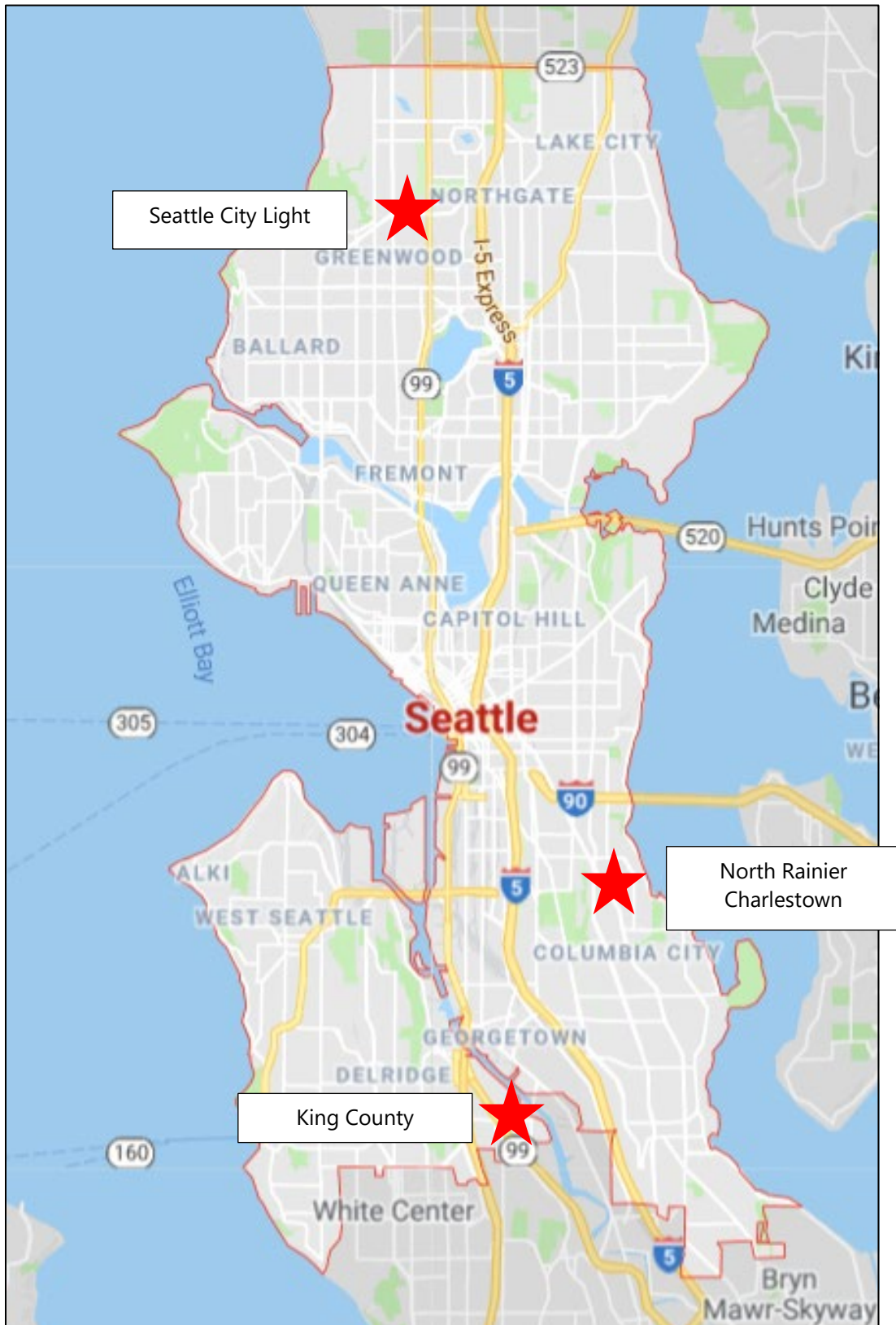
Attachment A: Red Barn Ranch Location and Aerial Map



Attachment B: Red Barn Ranch Site Photos



Attachment C: Potential Replacement Properties Location Map







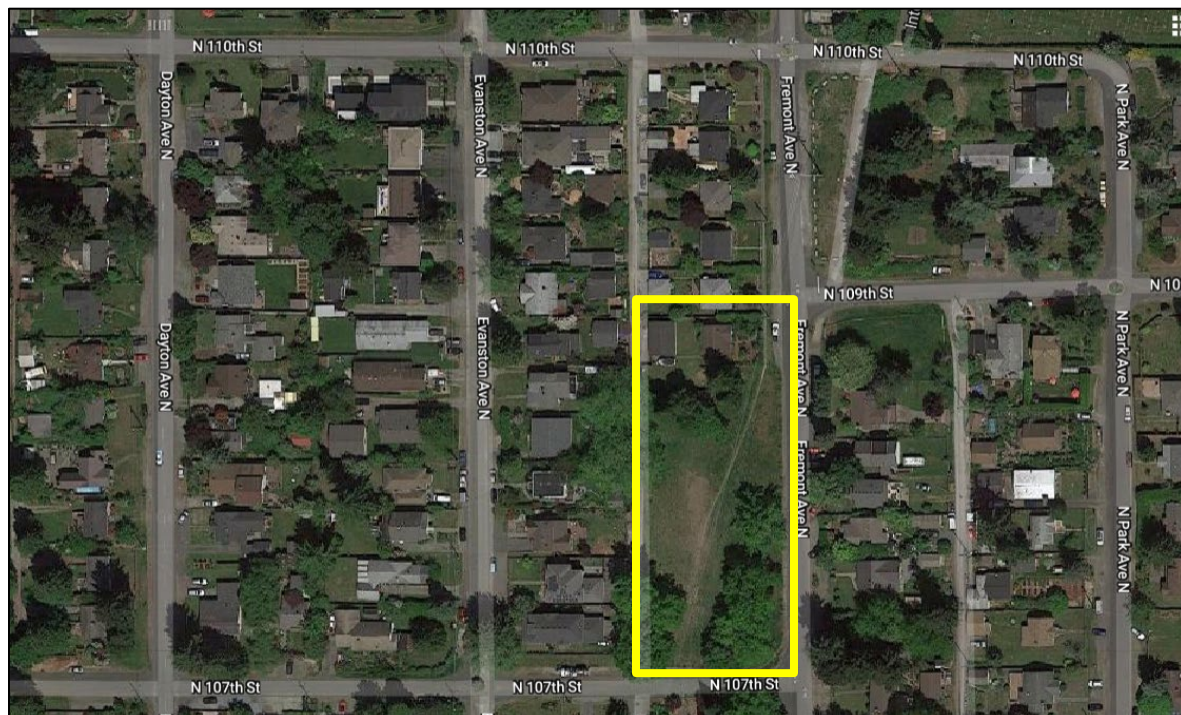
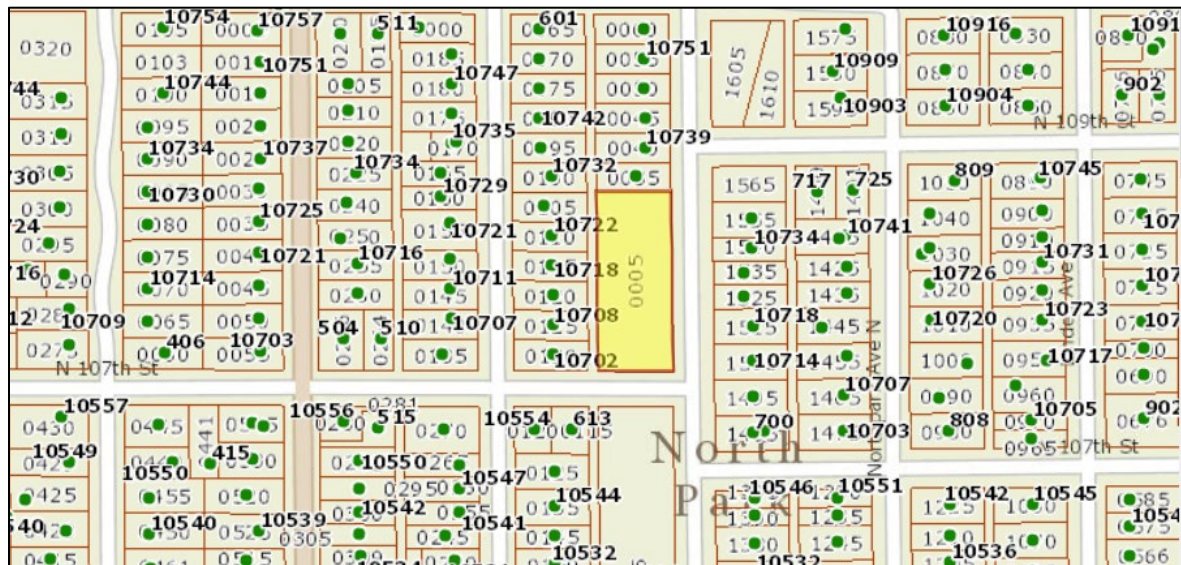
Attachment E: Replacement Property Conceptual Development Plans



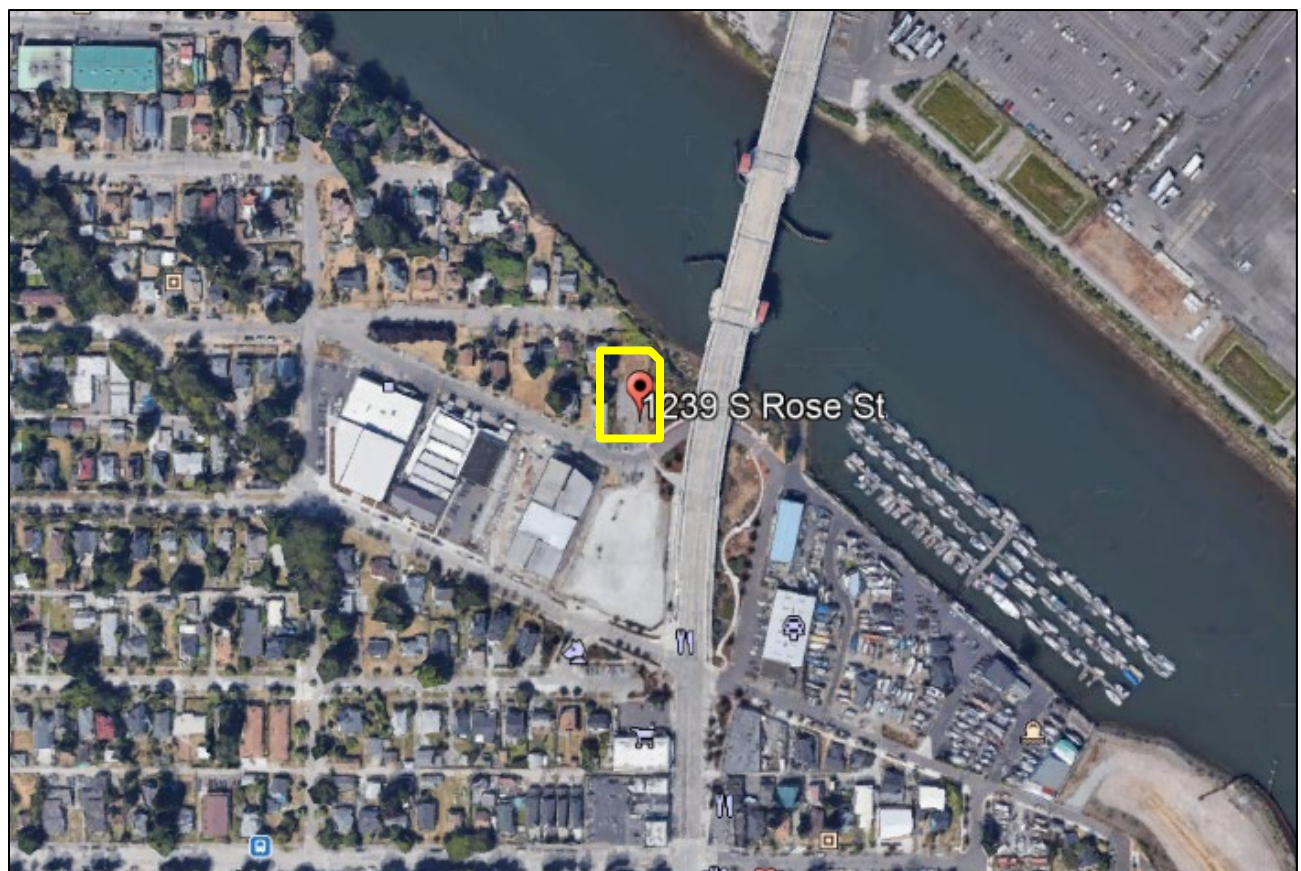
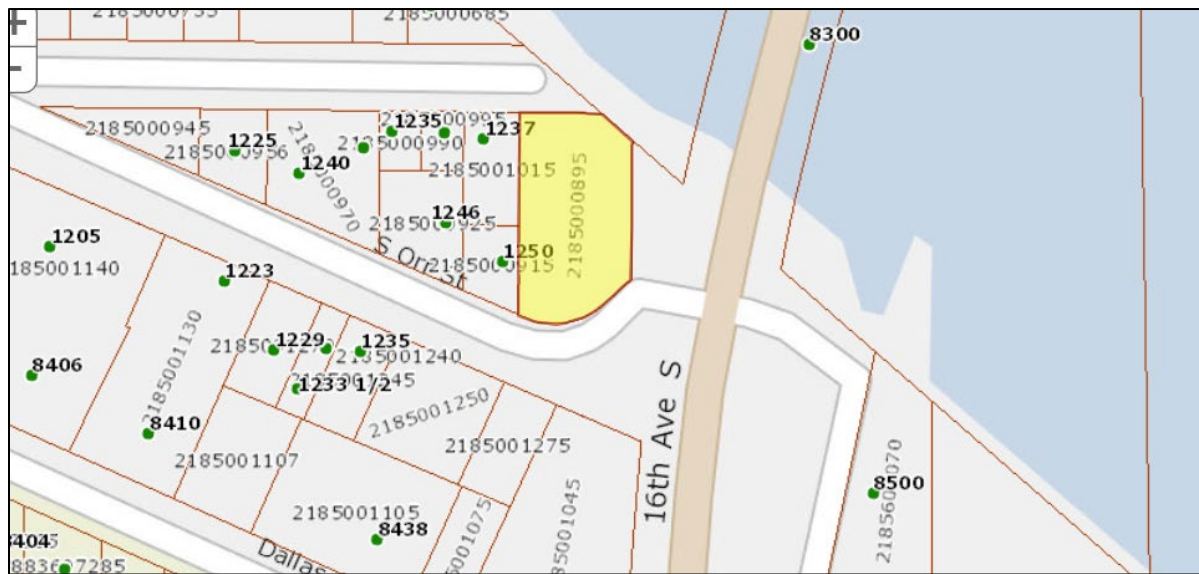
Replacement
Property

Attachment F: Other Replacement Property Options Aerial, and Parcel Maps

Seattle City Light Property



King County Property



Recreation and Conservation Funding Board

Resolution 2021-04
Conversion Request: Seattle Red Barn Ranch
RCO #69-150A

WHEREAS, that the City of Seattle used a state Bonds and a Housing and Urban Development (HUD) grant to acquire the Red Barn Ranch property; and

WHEREAS, the city has decided to sell or transfer the property acquired, thereby creating a conversion; and

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

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

WHEREAS, the proposed replacement property is adjacent to existing Parks property that will be developed as a neighborhood park, has an appraised value that is greater than the conversion area, and

WHEREAS, the board approves waiving the eligibility policy on contaminated property for the replacement property; the property clean-up will be completed as part of the park development that is scheduled for summer 2021; and

WHEREAS, the replacement property provides different and eligible recreational opportunities than those displaced by the conversion; the replacement property is part of a future neighborhood park; the replacement property is supported in the city's parks plan by improving opportunities for connecting people with nature through play, education, trails, and gatherings; thereby supporting the board's goals to provide funding for projects that result in public outdoor recreation purposes; and

WHEREAS, that the sponsor sought public comment on the conversion and replacement, thereby supporting the board's strategy to regularly seek public feedback in policy and funding decisions.

NOW, THEREFORE BE IT RESOLVED, that the Recreation and Conservation Funding Board hereby approves the conversion; and

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

Resolution moved by:

*Resolution seconded
by:*

Adopted/Defeated/Deferred (underline one)

Date:

KITSAP RIFLE & REVOLVER CLUB

BREMERTON, WASH

Organized Nov. 11th, 1926



For Sport and National Defense

November 04, 2020

To: State of Washington
Recreation and Conservation Office
Kaleen Cottingham – Director
RCO Funding Board Members

Re: RCO #03-1156D Conversion

Dear Ms. Cottingham and members of the Board,

Thank you for the opportunity to be heard. My name is Marcus Carter and I am a member and the volunteer Executive Officer of Kitsap Rifle & Revolver Club. I am also one of the original presenters to the grant in question which I signed back on January 02, 2004. I have been involved with the grant throughout the process as well as several other members of our organization over the years.

We have thanked this board and RCO staff repeatedly for the cooperation and assistance along the way. The RCO investment went to improvements to state land that was leased to the Club. The partnership between the State and the Club and community members that invested much time, labor and materials produced substantial improvements at the property for handicap access, environmental stewardship and noise reduction.

At some point in early 2009, we submitted our final bills and had an inspection by IAC/RCO. We received our final reimbursement. That started the 10 year clock spoken of as the “term of agreement” in Section D of the original contract, to wit:

“D. TERM OF AGREEMENT”

The Project Sponsor must insure that the facility developed, improved, and/or maintained identified in the Project Agreement is made available for use for a minimum of ten (10) years from the date of the project completion (issuance of final reimbursement).”

Kitsap Rifle & Revolver Club has specifically fulfilled the term of agreement. In Early 2019, the obligation was completed in full. At no time were KRRC facilities “closed” or not “available for use” (outside of maintenance) in the ten years since the issuance of final reimbursement and is open today. KRRC has maintained and made available the facilities and they have been used by members of the public and our Club for rifle shooting out to 200 yards. There are restrictions placed on use of the facilities by KRRC (site and activity specific), and currently there are court injunctions banning certain types of rifles or firearms at this time. Those issues are under appeal again and we’ve just had oral argument in late October and are awaiting the decisions.

Now we can appreciate the position the RCO feels it is in due to the never ending attacks by the Central Kitsap Citizens for a Safe and Quite Neighborhood, LLC and especially to organization organizers Gail and Kevin Gross and others. We have been told by RCO staff that the contact from them has been relentless.

The original agreement also states that the original cannot be modified without specific agreement from both parties. KRRC has never “agreed” to the “term of the agreement” being extended. RCO has in its possession a document they are relying on to claim we agreed with the modified contract and new terms of conversion. The KRRC Vice-President, Dorothy O’Dell signed the agreement “All Rights Reserved” and will testify that it was signed under threat and duress. The choice

RCW 62.A 1-308 provides protections when being forced to sign contracts. We have communicated to staff by voice and letter our position and would ask the Funding Board to reconsider its position and rescind the “conversion” order based on the following undisputed facts.

1. Kitsap Rifle & Revolver Club has made the facilities in question “available for use” for 10 years after receiving the final re-imbursement payment (early 2019). (It is open for rifle shooting virtually 7 days per week through this writing as it has been since well before the grant was issued.)
2. The Kitsap Rifle & Revolver Club facilities invested in by RCO are still in place and being used and maintained continually for rifle shooting.
3. The original agreement does not mandate that “all types of rifles” must be able to be used on the facilities.
4. The original contract does not mention “firearms” in any applicable section on use requirements.

KRRC is committed to working through the issues with the County. It is our goal to have ALL restrictions on firearm type and caliber lifted and we believe most will. It is the County that refuses to further process our operating permit (for certain firearms) until the land use issues involved in this grant are resolved. For the operating permit, the Club submitted the filing fee three times, more than 2000 pages of material and answered all the questions and requirements, requested an inspection. The Kitsap Rifle & Revolver Club has attempted 4 times to submit SDAP applications to Kitsap County and they have refused to accept any of those

applications to address the land use issues. The Courts have been asked to move the County along. We are currently awaiting a decision and direction from the Court of Appeals. Those hearings were delayed due to the Covid 19 restrictions. KRRC is moving forward at great expense and is open to the public for rifle shooting and other activities.

The Board is on solid legal ground and we implore board members to move and rescind the conversion and declare that KRRC has indeed fulfilled its "term of agreement".

Marcus Carter – Executive Officer
Kitsap Rifle & Revolver Club
4900 Seabeck Hwy NW
Bremerton, WA 98312
360-373-1007 - Range
360-710-8763 - Cell



STATE OF WASHINGTON
RECREATION AND CONSERVATION OFFICE

TO: Recreation and Conservation Funding Board
FROM: Kaleen Cottingham - Director
DATE: January 5, 2021
RE: Conversion - Kitsap Rifle and Revolver Club (#03-1156)

In 2003, the Recreation and Conservation Funding Board provided the Kitsap Rifle and Revolver Club (Club) with grant funding through the Firearms and Archery Range Recreation (FARR) program for the purpose of enabling the Club to construct improvements to its firearm range facilities as part of the Club's Rifle Line Reorientation and Sound Cover project. Specifically, this project was to renovate the rifle line and to improve safety and sound attenuation.

RCO's Project Agreement and Grant to the Club are governed by, *inter alia*, RCW 79A.25.210, which states in part, "Any non-profit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted." The corresponding regulation, WAC 286-30-040, similarly requires repayment of the entire grant amount if a conversion occurs less than ten years after the grantee receives final reimbursement under the grant.

The Project Agreement reiterates these requirements. Section 25: Restriction on Conversion, requires that facilities funded with state grant funds remain open and available to the public for ten years following final reimbursement by RCO of Grant funds. RCO's final reimbursement to the Club occurred on February 10, 2009. For the Club to avoid violating Section 25 and creating a conversion, therefore, the specific facilities funded through the Project Agreement were required to be and remain open to the public for their intended (and funded) purpose until February 10, 2019.

The Club is currently closed to shooting high powered rifles, and has not been continually open for those purposes since 2012. RCO, at the Club's request, made numerous efforts to work with the Club to help avoid a formal declaration of conversion of use, which requires repayment of grant funding.

On March 1, 2018, the RCO Funding Board declared the Club to have converted the Grant funds and ordered the Club to reimburse RCO the amount of \$46,965.16. Simultaneously, the Board agreed to stay the effect of its order if the Club agreed to amend the Project Agreement to ensure prompt and continuous opening of the range facilities.

On February 28, 2018, the Club executed Amendment 7 to the Project Agreement. In the Amendment, the Club acknowledged that the firearm facility improvements funded through the



Grant “have been closed to the shooting of firearms from 2012 forward for extensive periods of time and such facilities are currently closed for that purpose.” The Club further acknowledged the Board’s declaration of a conversion.

The operative language of Amendment 7 contains the specified conditions to which the Club agreed, and include, among other things, the following:

- Extending the 10-year period during which the facilities must remain open by adding to the 10 years both the 841 days the facilities had been closed to the 10-year period and all futures days the facilities are closed;
- “Firearm” and “shooting” refers to weapons using explosives such as gunpowder, and do not include air guns;
- The facilities will be considered “open” only during days during which the facilities are in fact open and are not subject to an injunction prohibiting firearm shooting;
- Notwithstanding any other requirement, “if the Club is not open to the shooting of firearms for at least 60 consecutive days, by January 1, 2021, the Director of the RCO may declare a conversion has occurred and require that the Club repay the entire grant amount of \$46,965.16, as of the date of such declaration;” and
- A reservation of the RCO Board’s right to declare a conversion if the Board determines that the Club is not complying with Amendment or is not diligently pursuing necessary permits.

The RCO Director has determined that, among other breaches of the Agreement and Amendment 7, Club facilities paid for by RCO Grant funds are not and have not been open and available to the public for the shooting of firearms for 60 consecutive days prior to January 1, 2021, as required by the terms of Amendment 7¹.

Accordingly, I, Kaleen Cottingham, Recreation and Conservation Office Director, hereby declare that a conversion has occurred, and require that the Club repay the entire grant amount of \$46,965.16.

Sincerely,



Kaleen Cottingham
Director

¹ On December 29, 2020, Washington State Court of Appeals Division II affirmed that the Club had the ability to obtain permits and take other steps necessary to lift Kitsap County’s injunction against operating the range, but had failed to take those steps. *Kitsap County v. Kitsap Rifle and Revolver Club*, No 53878 (Unpublished Opinion dated December 29, 2020).

CK SAFE & QUIET, LLC
AN ORGANIZATION OF CONCERNED CITIZENS

November 10, 2020

(Sent via email)

Recreation & Conservation Funding Board and Recreation & Conservation Office
PO Box 40917
Olympia, WA 98504-0917

Subject: RCO Project Agreement #03-1156, Kitsap Rifle and Revolver Club, and RCFB Resolution 2018-05

Dear Recreation & Conservation Funding Board; Recreation & Conservation Office Director Kaleen Cottingham; Recreation & Conservation Office Deputy Director Scott Robinson:

CK Safe & Quiet, LLC believes that Mr. Carter's several and fallacious allegations in the enclosed letter should be evaluated and dismissed by RCO's legal counsel when determining the standards of compliance with State law and RCO procedures as related to Project Agreement #03-1156. The Firearms and Archery Range Recreation program and Project Agreement contracts are clear and unambiguous in requirements and intent.

The single cherry-picked provision of Project Agreement #03-1156 quoted by Mr. Carter is only one of many that are applicable to the Development Project and is not determinative nor in context to the character of the violations proven to exist and addressed by Resolution 2018-05.

It is clear that Mr. Carter would prefer his own narrative to be the only input to be heard by RCO and the Funding Board in relation to #03-1156. Mr. Carter directly infers that RCO feels it has been placed in the somehow undesirable position of monitoring and taking action to fairly and equitably require compliance with the terms of the Agreement and provisions of State law, with that position being driven by "*never ending attacks*". Mr. Carter wrongly identifies CK Safe and Quiet, LLC, and then states "*We have been told by RCO staff that the contact from them has been relentless.*" Mr. Carter's statement implying that RCO staff considers input from local residents, citizens, and/or community organizations, individually or collectively, that is verifiably factual but contrary to that narrative as "relentless" is particularly disturbing.

Mr. Carter states in the letter that Amendment 7 to Project Agreement #03-1156 was never agreed to by KRRC, and was signed under threat and duress. The Club vice-president's signature was rejected by RCO as not being an authorized signatory. Mr. Carter eventually counter-signed the Amendment, with his signature appended with the notations "under duress" and "without prejudice". It is worth noting that Mr. Carter's signature on the original Project Agreement, and all other subsequent related documents, has also contained the notation "ud" or "under duress" and often "without prejudice". Mr. Carter seems to believe that these notations relieve him and the organization he represents of any legal liability.

In the simplest possible terms, fully supported and documented in official Kitsap County and Court records provided to RCO, and in RCO's own internal records, KRRC:

- (1) never obtained mandatory permitting for construction and development of the funded "improvements", yet certified to RCO that permitting was obtained and claimed reimbursement for the costs of the permits and for the unlawful construction;
- (2) violated SEPA and County requirements for protection and preservation of wetlands located on the club property directly affected by the funded development projects;
- (3) endangered surrounding residents and communities by creating firing lines and shooting area "funded improvements" that do not and cannot contain projectiles to the range property;
- (4) created public nuisance conditions by unlawfully constructing and developing "funded improvements" and then engaging in unlawful expansion of uses in those "improvements";
- (5) unlawfully conducted commercial activities directly benefiting the for-profit company (National Firearms Institute) owned and operated by Club officers;
- (6) consistently and repeatedly failed to act in good faith with the County, with the Courts, and with RCO in addressing and resolving the issues presented;
- (7) directly caused the loss of a needed, popular, and volunteer operated and maintained shooting facility that had existed in harmony with the surrounding communities for decades, by unlawfully developing and expanding the uses of the range, with the apparent primary goal of providing infrastructure to support commercial activities to the detriment of local Club members and range users.

CK Safe & Quiet, LLC, supports and requests the immediate execution of conversion of Project Agreement #03-1156 as required by RCW 79A.25.210, WAC 286-30-040, authorized by RCFB Resolution 2018-05 and implemented by Amendment 7 to Project Agreement #03-1156.

We equally and strongly support and advocate for lawful and safe shooting ranges available for public use.

We also request RCO comment on Mr. Carter's allegation that RCO feels its position on this issue is due to "*never ending attacks*" by (CKS&Q and others) and has "*..been told by RCO staff that the contact from them has been relentless.*"

Sincerely,

Terry L. Allison,
On behalf of CK Safe & Quiet, LLC

Enclosure

cc: Wyatt Lundquist (RCO Board Liaison); Brian Faller & Jeff Even (WA ATG office);
Christine Rolfes and staff (WA Senate); Timm Ormsby (WA House of Representatives)

From: tncallison@q.com
To: [Cottingham, Kaleen \(RCO\)](#); [Robinson, Scott \(RCO\)](#); [Lundquist, Wyatt \(RCO\)](#)
Cc: [Faller, Brian V. \(ATG\)](#); [Rolfes, Christine](#); [Ormsby, Timm](#); [Owens, Linda](#); [Waechter, Shannon](#); [Even, Jeffrey T \(ATG\)](#)
Subject: Recreation and Conservation Funding Board Project Agreement #03-1156, Kitsap Rifle and Revolver Club
Date: Tuesday, November 10, 2020 9:09:35 PM
Attachments: [To RCFB, RCO from CKSO Nov 2020.docx](#)
[11-05-20 krrc to RCO Letter \(1\) \(1\).docx](#)

Director Cottingham, Deputy Director Robinson, and Mr. Lundquist

The attached letter from Mr. M. Carter, acting as the official representative of the Kitsap Rifle and Revolver Club (KRRRC), continues and expands on the Club's position of denying that they are in any way liable for their failure to comply with the Firearms and Archery Range Recreation Project Agreement #03-1157 grant contract terms and requirements.

Based on available records and documents, the Recreation and Conservation Office (RCO) has made extraordinary efforts to provide KRRRC multiple opportunities to succeed in completing their funded projects. Those records definitively show that KRRRC has made a mockery of RCO's efforts from the very beginning of the Project term.

The RC Funding Board declared conversion of the Project Agreement with Resolution 2018-05 but deferred execution of the conversion for two additional years to allow time for KRRRC to resolve the issues and make the funded improvements available for the intended use by the public. Those two years have expired, the funded improvements are still not available, and have no chance of becoming available in the foreseeable future.

KRRRC's solution to avoid repaying the grant funds as is required by the Agreement contract and by State law is to contend that the original Agreement and Amendments are not valid because their authorized representative appended "*ud*" or "*under duress*" to his signature on every one of the documents.

CK Safe & Quiet, LLC provides the attached letter in response to Mr. Carter's submittal for your consideration. We respectfully request a response.

Mr. Lundquist, please forward this email to the Funding Board and attach our response letter to the correspondence file for the January 2021 (or next scheduled) Board meeting agenda item for Project Agreement #03-1156. Thank you.

Sincerely

Terry Allison
CK Safe and Quiet, LLC



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Transportation & Public Construction Division

P.O. Box 40113 • Olympia, WA 98504-0113 • (360) 753-6126

January 5, 2021

Brian D. Chenoweth
Brooks M. Foster
The Chenoweth Law Group
410 SW Fifth Avenue, Suite 500
Portland, OR 97204

sent via U.S. Certified Mail

also sent via email to: brianc@chenowethlaw.com and bfoster@chenowethlaw.com

RE: ***RCO Grant No. 03-1156D and Project Agreement Amendment #7***
Demand for Repayment of Grant Funds

Dear Messrs. Chenoweth and Foster:

I am writing on behalf of the Washington State Recreation and Conservation Office (RCO) regarding Kitsap Rifle and Revolver Club's (the Club's) failure to comply with the terms of the Project Agreement for RCO Grant No. 03-1156 (respectively, the Project Agreement and Grant), and with the terms of Amendment 7 to the Project Agreement (Amendment 7), and to demand repayment of all Grant monies provided to the Club.

As you are aware, in 2003, RCO provided the Club with grant funding through the Firearms and Archery Range Recreation (FARR) program for the purpose of enabling the Club to construct improvements to its firearm range facilities as part of the Club's Rifle Line Reorientation and Sound Cover project. Specifically, this project was to renovate the rifle line and to improve safety and sound attenuation.

RCO's Project Agreement and Grant to the Club are governed by, *inter alia*, RCW 79A.25.210, which states in part, "Any non-profit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted." The corresponding regulation, WAC 286-30-040, similarly requires repayment of the entire grant amount if a conversion occurs less than ten years after the grantee receives final reimbursement under the grant.

ATTORNEY GENERAL OF WASHINGTON

Chenoweth Law Group
January 5, 2021
Page 2

The Project Agreement reiterates these requirements. Section 25: Restriction on Conversion, requires that facilities funded with state grant funds remain open and available to the public for ten years following final reimbursement by RCO of Grant funds. RCO's final reimbursement to the Club occurred on February 10, 2009. For the Club to avoid violating Section 25 and creating a conversion, therefore, the specific facilities funded through the Project Agreement were required to be and remain open to the public for their intended (and funded) purpose until February 10, 2019.

The Club is currently closed to shooting high powered rifles, and has not been continually open for those purposes since 2012. RCO, at the Club's request, made numerous efforts to work with the Club to help avoid a formal declaration of conversion of use, which requires repayment of grant funding.

On March 1, 2018, RCO's Board of Directors declared the Club to have converted the Grant funds and ordered the Club to reimburse RCO the amount of \$46,965.16. Simultaneously, RCO's Board agreed to stay the effect of its order if the Club agreed to amend the Project Agreement to ensure prompt and continuous opening of the range facilities.

On February 28, 2018, the Club executed Amendment 7 to the Project Agreement. In the recitals to Amendment 7, the Club acknowledged that the firearm facility improvements funded through the Grant "have been closed to the shooting of firearms from 2012 forward for extensive periods of time and such facilities are currently closed for that purpose." The Club further acknowledged in the recitals that, effective on March 1, 2018, RCO's Board had declared a conversion requiring full repayment of the sum certain of \$46,965.16, with the proviso that the conversion could be stayed if the Club agreed to an amendment with specified conditions.

The operative language of Amendment 7 contains the specified conditions to which the Club agreed, and include, *inter alia*, the following:

- Extending the 10-year period during which the facilities must remain open by adding to the 10 years both the 841 days the facilities had been closed to the 10-year period and all future days the facilities are closed;
- "Firearm" and "shooting" refers to weapons using explosives such as gunpowder, and do not include air guns;
- The facilities will be considered "open" only during days during which the facilities are in fact open and are not subject to an injunction prohibiting firearm shooting;
- Notwithstanding any other requirement, "if the Club is not open to the shooting of firearms for at least 60 consecutive days, by January 1, 2021, the Director of the RCO may declare a conversion has occurred and require that the Club repay the entire grant amount of \$46,965.16, as of the date of such declaration;" and

ATTORNEY GENERAL OF WASHINGTON

Chenoweth Law Group

January 5, 2021

Page 3

- A reservation of the RCO Board's right to declare a conversion if the Board determines that the Club is not complying with Amendment or is not diligently pursuing necessary permits.

The RCO Director has determined that Club facilities paid for by RCO Grant funds are not and have not been open and available to the public for the shooting of firearms for 60 consecutive days prior to January 1, 2021, as required by the terms of Amendment 7¹. Accordingly, the Director has declared that a conversion has occurred and requires that the Club repay the entire grant amount of \$46,965.16. A copy of the Director's declaration of conversion is enclosed herewith.

RCO demands that the Club pay the amount of \$45,965.16 to RCO immediately. I have been directed to move forward with legal remedies if payment is not received on or before January 31, 2021. If RCO is forced to file suit, claims will include conversion, breach of both the original Project Agreement (which will include a request for pre-judgment interest based on a sum certain), and of the accord set forth in Amendment 7.

Please contact the undersigned if you have any questions regarding this demand.

Sincerely,

s/ David B. Merchant

DAVID B. MERCHANT
Assistant Attorney General
(360) 753-1620

DBM/MC
Enclosure

¹ On December 29, 2020, Washington State Court of Appeals Division II affirmed the decision of the trial court that the Club had the ability to obtain permits and take other steps necessary to lift Kitsap County's injunction against operating the range, but had failed to take those steps. *Kitsap County v. Kitsap Rifle and Revolver Club*, No. 53878 (Unpublished Opinion dated December 29, 2020).

From: [Cottingham, Kaleen \(RCO\)](#)
To: [McNamara, Julia \(RCO\)](#); [Austin, Marguerite \(RCO\)](#); [Robinson, Scott \(RCO\)](#); [Beck, DeAnna \(RCO\)](#)
Subject: Fwd: Public comment for the January 2021 Recreation and Conservation Funding Board meeting
Date: Friday, January 8, 2021 11:19:26 AM

Here is correspondence for rcfb
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From: David Hall <david_hall@hotmail.com>
Sent: Friday, January 8, 2021 11:16:58 AM
To: RCO MI General Info (RCO) <info@rco.wa.gov>
Cc: Cottingham, Kaleen (RCO) <Kaleen.Cottingham@rco.wa.gov>; Milliern, Brock (DNR) <Brock.Milliern@dnr.wa.gov>
Subject: Public comment for the January 2021 Recreation and Conservation Funding Board meeting

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January 8, 2021

Washington State Recreation and Conservation Funding Board

PO Box 40917

Olympia WA 98504-0917

Recreation and Conservation Funding Board <info@rco.wa.gov>

cc:

Kaleen Cottingham, Recreation and Conservation Office Director
<kaleen.cottingham@rco.wa.gov>

Brock Milliern, Department of Natural Resources <brock.milliern@dnr.wa.gov>

Public comment for the January 2021 Recreation and Conservation Funding Board meeting

Ted Willhite, RCO Chair, and Members:

A high-quality remnant of Palouse prairie at Steptoe Butte in Whitman County, Washington is expected to be purchased by the State of Washington from private

property owners under a Recreation and Conservation Office grant.

I fully support the purchase of this property by the State. I also fully support the proposal that the purchase of this spectacular property include the associated cell towers and to have the cell tower lease fees be earmarked for the purpose of weed control and other land management costs for the property. These funds would help assure adequate protection and upkeep for the property.

I understand that current regulations specify that the Department of Natural Resources can own cell tower land leases, but the proceeds from the leases must be turned over to the Common School fund. Please find a way to allow the Department of Natural Resources to retain the cell tower lease funds for this property for use for the Steptoe Butte property.

David Hall

1334 Wallen Road

Moscow, ID 83843

From: [RCO MI General Info \(RCO\)](#)
To: [Lundquist, Wyatt \(RCO\)](#); [McNamara, Julia \(RCO\)](#)
Subject: FW: Purchase of Steptoe Butte Land
Date: Monday, January 11, 2021 10:30:35 AM

For some reason looks like people are sending their comments to the info@rco.wa.gov email

Tammy Finch
Agency Operations Specialist
Cell 360-764-9086 (NEW)
[Recreation and Conservation Office](#)
Hours M-TH 6:45-3:45 – F 6:30-12:30

From: Kent Bassett <bassettfamily@gmail.com>
Sent: Monday, January 11, 2021 7:16 AM
To: RCO MI General Info (RCO) <info@rco.wa.gov>
Subject: Purchase of Steptoe Butte Land

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Jan 8, 2021

Ted Willhite, Chair and Members;
Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917
info@rco.wa.gov

Dear Mr. Willhite and Committee Members,

In September 2016 an auction was announced for the privately held land on the east, south and west sides of Steptoe Butte. I was immediately concerned that this beloved landmark could be permanently altered by development. My interest was enhanced by the observations of two local botanists who described the rare and beautiful remnants of Palouse Prairie that covered part of the land. They were adamant that the land should be preserved against farming and development.

Over the month prior to the auction I had several conversations with Steve Hahn at State Parks, the Nature Conservancy, the Palouse Land Trust, and local people who might have been able to help. It quickly became evident that none of the organizations with interest could move quickly enough to bid, and that, to our knowledge, no local group was planning a purchase for the purpose of conservation. While there was no initial intent (or obvious ability) to purchase the land, my late wife Elaine and I decided to attend the auction and at least try. We were joined immediately prior to the auction by Ray and Joan Folwell whose interest coincided with ours, but whom we had never met in person. Elaine represented our small group and successfully bid for the land, with no guarantee that a satisfactory long-term

preservation solution could be found.

During the first year of ownership, it became evident that the native Palouse Prairie was under significant threat from invasive species. Using funds from the communication towers, BFI Native Seeds from Moses Lake was engaged to inventory the weed burden and advise mitigation. Over the last three years all of the tower income in excess of administrative costs (about \$15,000/yr) has been used for weed control. The result has been greater understanding of the extent of the problem and significant progress in controlling some species, though others are proving very difficult to slow. Sixteen of these alien species are on the Whitman County Noxious Weed list. It is apparent that constant attention and mitigation efforts are required—that a start and stop cadence will be disastrously unsuccessful.

Based on this experience, I feel it most important that the land be purchased with the income producing communication towers, and that the income be used specifically for weed control on the site (including the State Park land). Given the variability of administrative interest in, and funding for weed control, this modest amount of permanent funding would allow some hope that the site could be maintained relatively intact. Observing the marked neglect of weed control on the adjacent State Park land, it is not clear that the State will otherwise find a way to maintain the property for preservation, which is the specific intent of the proposed sale.

Please understand the biological and historical value of this site--the largest remaining relatively intact fragment of Palouse Prairie, holding species specific to that ecosystem, associated insects (often inadvertently photographed with the wildflowers), local and migratory birds. The historic orchards deserve protection. The addition of public open space in Whitman County is a rare opportunity.

Please consider granting the necessary exemptions to facilitate purchase of the land holding the communication towers, and the retention of those funds for on-site weed control.

Thank You,

Kent Bassett
2210-95th Ave NE
Bellevue, WA 98004
425-922-0306
bassettfamily@gmail.com

5548 38th Ave NE
Seattle, WA 98105

5 October, 2020

Ted Willhite, Chair and Members:
Recreation and Conservation Funding Board
PO Box 40917
Olympia WA 98504-0917
info@rco.wa.gov

Dear Chairman Willhite:

On behalf of the Washington State Natural Heritage Advisory Council, I am writing in support of land acquisition and continuing cell tower revenue use for the proposed natural area at Steptoe Butte in Whitman County. We understand a decision may be made during your January 2021 board meeting concerning the ability to acquire the land with existing cell towers and to use the current revenue generated from the towers onsite to assist with land management costs into the future.

During the September meeting of the Natural Heritage Advisory Council, staff from the Department of Natural Resources (DNR) characterized the values in the draft property appraisal. The council was pleased to learn that the interim conservation buyers, who stepped in to purchase this high-quality remnant of the once expansive Palouse prairies, will be made whole through the sale to the state under the Recreation and Conservation Office grant.

We also learned that the couple of acres on the conservation parcel occupied by the cell towers have relatively little value if separated from the larger acquisition, and that the current revenue stream from the towers is being used to help defray weed control and other land management costs by the private owners. No specific figures were offered, but the council understands that annual revenue may be on the order of \$20,000 to \$30,000 per year, which could increase pending new leases issued for the towers in future years. These funds, if DNR were to be able to retain them for onsite weed control and land management expenses, would help assure adequate protection for this conservation feature.

On the other hand, moving the towers, which are privately owned separately from the underlying land, is a costly option, running into the hundreds of thousands of dollars. State funds would need to be used for this action, given existing lease agreements, and thus the project cost would increase while a potential funding source for managing this valuable conservation site would be foregone.

The Natural Heritage Council has long recognized the difficulties in sustaining adequate funding for managing natural areas, and were particularly struck by the opportunities this project offers for a unique win-win outcome: a virtually unequalled remnant of Palouse prairie is protected, the interim conservation buyers are reimbursed, and a specific, long-term source of revenue for maintaining the ecological quality of the site is ensured. We hope you concur that this is a remarkable opportunity that would afford significant conservation benefits in this highly threatened ecosystem.

Sincerely,

A handwritten signature in dark ink, reading "Peter W. Dunwiddie". The signature is written in a cursive, slightly slanted style. The letters are connected, and the overall appearance is that of a personal or professional signature on a document.

Peter W. Dunwiddie, Chair
Washington State Natural Heritage Advisory Council

cc: Kaleen Cottingham, RCO Director
Brock Milliarn, DNR

January 11, 2021

Ted Willhite, Chair of the Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917
info@rco.wa.gov

Originally, the Palouse Prairie, a state critically endangered (S1) ecosystem as listed by the WA Natural Heritage Program, covered most of Whitman County, WA, and the western third of Latah County, Idaho. Authorities now believe that less than 1%, and perhaps as little as 1/10%, remains. Most of the Prairie has been converted into agricultural production; this is because prairies around the world sequester more carbon than any other ecosystem making them extremely fertile.

The original prairie remnants that remain are usually found on rocky ground or steep slopes impossible to farm. These remnants are usually less than 2 hectares in size resulting to a high perimeter to area ratio. This condition allows the remnants to be easily invaded by weeds that out compete the native species and degrade the quality of the remnant. This alien invasion and the considerable fragmentation of this ecosystem are its greatest threats.

As reported by Kent Bassett, the Steptoe Butte Prairie Preserve, LLC, has used all fees generated from the cell tower leases (minus the annual administrative costs) for the purpose of weed control. In addition to usual control methods for the weeds inventoried, BFI Native Seeds, the firm hired for this task, has made an additional contribution. It used this property for trials to determine a successful way to chemically eliminate dog rose (*Rosa canina*). This plant is quickly becoming a formidable foe of uncultivated land (pastures, etc.) in this part of the state; BFI has established a well-documented method of control.

This property contains a population of *Silene spaldingii* (Spalding's Catchfly) which was listed as threatened in 2001 under the Endangered Species Act. USFWS is in the process of naming Steptoe Butte as a Key Conservation Area for their restoration plan. USFWS has already awarded funding in 2016 and 2016 to augment the population on the butte with additional plantings and maintenance.

The WA State Parks and Recreation Commission recently announced that a \$5,673,000 improvement to the road accessing Steptoe Butte State Park will begin this spring. This road passes through the middle of our property to reach the top of the butte. SBSP counted more than 100,000 visitors in 2017. It is well known that vehicles transport seeds. The appearance of spotted and diffuse knapweed, *Ventanata dubia*, and bachelor's button on the butte is proof of that. The soil disturbance caused by this major construction will encourage the weed invasion even more before natives have a chance to establish. State Parks has not had the funding to provide on-going weed control in the past nor does it have the expertise needed to perform the specific spraying needed.

DNR has told us that the department could not ensure the funding or the time for weed control that we feel is so necessary to preserve this disappearing ecosystem. The department has to apply for grants to help carry out maintenance requirements resulting in a consistent source of funding not guaranteed.

DNR can hold cell tower land leases. We urge you to approve this exemption so that the lease fees from this Steptoe Butte property can be earmarked for weed control. All parties will benefit: the philosophy of the owners to preserve and protect the Palouse Prairie would be fulfilled; DNR would have the continuing means to maintain the remnant against its biggest enemy; the restoration plan implemented by USFWS will be supported; and generations of the public will have the opportunity to visit a important, unique and well-tended site in the future.

Thank you for your consideration,

Ray and Joan Folwell
1301 Kitzmiller Road
Pullman, WA 99163
509-332-3946
rjfolwell@pullman.com



December 16, 2020

Recreation and Conservation Office
PO Box 40917
Olympia WA 98504-0917

Re: Letter of Support for RCO Education and Enforcement Grant

To Whom It May Concern:

San Juan County Parks and Fair Department is writing to support the Washington State Park grant request for a San Juan Area Trail Ranger. Tourism and visitation to the San Juan Islands continues to grow, which increases pressure on public lands. Additional staffing is needed to ensure that these public lands can be managed effectively.

This RCO education and enforcement grant would benefit the public through improved access to information regarding the natural environment, trails, and camping at Moran and Obstruction Pass. Effective management of visitors is critical to protect these incredible natural, cultural, and historic resources for generations to come. A Trail Ranger position would provide much needed support, take pressure off existing staff, improve visitor experience, and help protect these resources.

350 COURT ST #8

FRIDAY HARBOR WA
98250

(360) 378-8420

fax (360) 378-2075

e-mail parks@sanjuanco.com

[www.sanjuanco.com/
parks](http://www.sanjuanco.com/parks)

Jennifer Allen
San Juan County Parks & Fair
Interim Director

Toby Haskett
San Juan County Parks & Fair
Parks Operations Manager



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**Wildlife &
Recreation**
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EXECUTIVE DIRECTOR

Christine B. Mahler

*Deceased

**Non-Board Member

January 11, 2021

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The Hon. John Braun
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The Hon. Christine Rolfes
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The Hon. Laurie Jenkins
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The Hon. J.T. Wilcox
House Republican Leader

The Hon. Steve Tharinger
House Capital Budget Chair

The Hon. Mike Steele
House Capital Budget Ranking
Member

**SUBJECT: SUPPORT FOR \$140 MILLION CAPITAL BUDGET REQUEST FOR WASHINGTON
WILDLIFE & RECREATION PROGRAM AS RECOMMENDED BY THE RCO AND THE WWRC**

Dear Legislative Leaders:

The Washington Wildlife & Recreation Coalition, along with the organizations and individuals who have signed onto this letter, respectfully urge you to support the WWRC and the Recreation & Conservation Office's (RCO) \$140 million Capital Budget request for the Washington Wildlife & Recreation Program (WWRP) for the 2021-23 biennium.

The COVID19 crisis has affected our outdoor recreation needs in significant ways, bringing more people outside to recreate for their mental and physical health. Indeed, the demand for outdoor recreation has never been higher. Meanwhile, the economic crisis created by COVID19 has made the outdoor recreation economy even more important.

For over 30 years, the WWRP has been our state's premier tool for habitat conservation and outdoor recreation opportunities. The program has played a significant role in our state's landscape and quality of life, investing over \$1.5 billion into state and local parks, trails, wildlife habitat, working lands, and more. It is nationally recognized for its fair, objective, and independent funding process. Maximizing capital budget funding for the WWRP couldn't come at a more important time.

WWRP projects mitigate the impacts of rapid population growth on the environment, create outdoor recreation opportunities for families across the state, preserve wildlife habitat, and protect cherished places all across the state. They also allow hunters, anglers, farmers,

Unifying voices for Washington's great outdoors

WildlifeRecreation.org

ranchers, and foresters to protect the land their families have depended on for generations. Simultaneously, WWRP projects also address many other state priorities, including economic growth and jobs, mental and physical health issues, childhood development and school performance, and salmon and orca recovery.

In seeking a \$140 million appropriation for the WWRP, we are challenging our elected leaders to think and act boldly, working across the aisle for the greater good, much as Congress did in passing the Great American Outdoors Act in 2020. In enacting this bill, national leaders from Nancy Pelosi to Donald Trump recognized the importance of investing in our outdoors for future generations and for current economic stability in the midst of the COVID19 pandemic. We encourage our state leaders to do the same.

The need for investment has grown as our state's population has increased, demand for recreation opportunities has grown, and wildlife habitat continues to be threatened. This growth has also driven up construction and land costs, so funding for the WWRP must increase to simply maintain purchasing power. Unfortunately, the state is not keeping pace with the needs of this growing population.

Investing in the WWRP will also invest in our economy and fuel job growth, providing much-needed stimulus across the state. The WWRP and public lands support 264,000 outdoor recreation jobs in Washington—more than the information technology sector or the aerospace industry. Meanwhile, outdoor recreation generates more than \$26.5 billion in consumer spending each year, along with over \$3.4 billion in state and local taxes. Outdoor recreation areas also provide at least \$216 billion in ecosystem services, such as water storage and disaster risk reduction.

Studies show that rural counties in particular benefit from the outdoor recreation economy and tourism made possible by programs like the WWRP. In fact, an analysis by Earth Economics demonstrated that WWRP projects often provide millions of dollars in benefits to communities each year in the form of ecosystem services, tourism dollars, and other consumer spending. That means that in addition to the immediate stimulus these funds would provide in construction jobs and material purchases for some projects, the \$140 million would also be a critical long-term investment in our state's economic vitality.

The WWRP also helps eliminate some of the inequities in outdoor recreation. The COVID19 crisis highlighted these inequities, as many communities of color were left without recreation opportunities due to the lack of parks and trails in their neighborhoods. To address this, the WWRP has a reduced match requirement for lower-income jurisdictions. The scoring criteria also encourages larger communities to prioritize neighborhoods in need, such as those without parks, or those with residents of lower income and worse health conditions—conditions frequently seen in communities of color. Robust WWRP funding will help improve equity in the outdoors—although it is far from sufficient to address this need alone.

Even as we battle the effects of COVID19, we cannot forget that our environment is also in crisis. Some of the Northwest's most iconic plant and animal species are in rapid decline due to habitat loss and fragmentation, declining water quality, and ecosystem degradation. The WWRP can help here too, if you provide enough funding. For example, 31 proposed WWRP projects will aid our threatened salmon populations, protecting an additional 10,000 acres and 126 miles of stream bank. Now more than ever, robustly funding the WWRP is critical to protecting the diverse lands and iconic species that are integral to our state's identity and our environmental health.

And because our world is so integrated, the WWRP isn't just about the outdoors—it impacts many other state priorities, including mental health and childhood academic performance. Studies show access to the outdoors is critical to our mental and physical health. And, thanks to the COVID19 crisis, every Washingtonian can provide first-person testimony to this, as well. Additionally, research has consistently shown the importance of outdoor access on childhood development and academic performance in school. This year,

there are over 130 proposed projects that will create or upgrade local parks, trails, water access, and urban wildlife areas—places that will provide Washingtonians these critical close-to-home outdoor opportunities.

The WWRP does all this in an exceptionally cost-effective manner, leveraging local, state, and federal funding to make projects possible.

For all these reasons, we urge you to support this request for \$140 million for the WWRP in the 2021-23 Capital Budget. This funding will boost the economy, support equitable recreation and conservation efforts statewide and preserve Washington's natural heritage for future generations.

Respectfully,



Christine B. Mahler
Executive Director

Opinion Leaders

Governor Daniel Evans, Former Governor of Washington
Marc Berejka, Director, Government & Community Affairs, REI
Tom Reeve, National Board Chair, The Trust for Public Land

Business

Art Works Auto LLC
Ascent Law Partners, LLP
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Experiential Consulting, LLC
LBC Action
Mountain Gear
Outcomes by Levy
PCC Community Markets
Rayonier
REI
The Otos Group, LLC
Washington Forest Protection Association
Washington REALTORS

Recreation

Access Fund
American Whitewater
Back Country Horsemen of Washington
Buckhorn Range Chapter BCHW
Evergreen Mountain Bike Alliance
Ferry County Rail Trail Partners
ForeverGreen Trails
Friends of Lake Sammamish State Park
Friends of the Centennial Trail

Friends of the Centennial Trail
Inland NW Trails and Conservation Coalition
Leafline Trails Coalition
Pacific Northwest Trail Association
Palouse to Cascades Trail Coalition
Peninsula Trails Coalition
Recreation Northwest
The Mountaineers
Washington Bikes
Washington State Parks Foundation
Washington Trails Association

Agencies and Tribes

City of Pullman, Parks, Facilities & Recreation
City of Ridgefield
Olympia Parks, Arts and Recreation
Port Gamble S'Klallam Tribe
Si View Metropolitan Park District

Hunters & Anglers

Duna Fisheries, LLC
F/V Arminta
Inland Northwest Wildlife Council
Mule Deer Foundation of Washington
Rocky Mountain Elk Foundation
Three Rivers Chapter of Trout Unlimited
Washington Wildlife Federation

Conservation

American Farmland Trust
American Rivers
Audubon Washington
Bainbridge Island Land Trust

Black Hills Audubon Society
Blue Mountain Land Trust
Chelan-Douglas Land Trust
Columbia Land Trust
Conservation NW
Cowiche Canyon Conservancy
Dishman Hills Conservancy
EarthCorps
Forterra
Friends of the Columbia Gorge
Jefferson Land Trust
Lower Columbia Basin Audubon Society
Lower Columbia Fish Enhancement Group
Lummi Island Heritage Trust
Methow Conservancy
Mountains to Sound Greenway Trust
North Olympic Land Trust
Okanogan Land Trust
Palouse Land Trust
Skagit Audubon Society
Skagit Land Trust
Spokane Audubon Society
The Nature Conservancy
The San Juan Preservation Trust
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Washington Association of Land Trusts
Washington Farmland Trust
Western Rivers Conservancy
Whatcom Land Trust
Whidbey Camano Land Trust

Individuals

Jen Adut, Executive Director, Friends of Lake
Sammamish State Park
Claire Aiello
Dewi Ali
Justin Allegro, External Affairs Advisor, The Nature
Conservancy
Kolena Allen, Small Business Owner
Paul Amato
Angela Anderson, Executive Director, The San Juan
Preservation Trust
Glen Anderson
Meilee Anderson
Russell Anthes

Elena Arakaki, Urban to Wild Coordinator, The
Wilderness Society
Melissa Ashton
Sharon Asplund
Hilary Aten, Conservation & Stewardship Director,
Washington Farmland Trust
Jean Avery
Pam Badger
Gloria Baldi
Susan Ballinger
Ramona Barber
Brenda Bard
Amanda Barg
Greg Bargmann
Audrey Barka
Gregory Barnes
Michaela Barrett
Dan Bell, Land Trust Director, Friends of the
Columbia Gorge
Keith Bell, Vice President, Ferry County Rail Trail
Partners
Lisa Bellefond
Sarah Belter
David Bergeron, Owner, Art Works Auto LLC
Meryl Bernstein
Jeff Betz, Recreation and Parks Director, City of
Mountlake Terrace
Jami Bodonyi
Deborah Boe
Jeffrey R Bohman, Board President, Peninsula
Trails Coalition
Bill Booth W C V
Lincoln Bormann, Director, San Juan County Land
Bank
Pam Borso
Bruce Botka
Debra Bowen
Blaine Bowman
Mark Boyar, Board Member, Mountains to Sound
Greenway Trust
Larry Brandt, V.P., Audubon Society
Jean Bray
Joyce Breithaupt Mountaineers, WTA, Sierra Club
Lynn Brevig
Amy Brockhaus, Mountains To Sound Greenway
Trust
Brenda Brown, Life Member of the Washington
Recreation & Park Association
William Buchanan

Tom Bugert
Jessie Burch
Lys Burden, Volunteer Interpretive Naturalist,
Jefferson Land Trust
Sylvia Burges
Eric Burr, Retired National Park Ranger, The
Mountaineers
Sarah Busse
Pete Butler
Coleman Byrnes
Jason Callahan, Director of Government Relations,
Washington Forest Protection Association
Melissa Campbell, Executive Director, Washington
Farmland Trust
Addie Candib, Pacific Northwest Regional Director,
American Farmland Trust
McKenzie Carlson
Jenny Carriedo
Clark Casebolt
Angela Chabot
Bill Chapman, Director, Mountains to Sound
Greenway Trust
Jeff Chapman, Chapter Director, Buckhorn Range
Chapter BCHW
Karen Childers
Margaret Chowen Friends of the Carbon Canyon;
Presiding Officer, Carbon River Forum
Hannah Clark
Linda J. Clark
Bill Clarke, Policy Director, Washington REALTORS
Connor Colbert
Bryan Cole, Director of Landscape Architecture,
MacKay Sposito
Michael Collins
Stephen Cook
Sharron Coontz
Tim Copeland, Executive Director, Blue Mountain
Land Trust
Patricia Cosner, Back Country Horseman of
Washington
Hannah Cottle, Program Manager, Microsoft
Becky Cowan
Kitty Craig, Washington State Deputy Director, The
Wilderness Society
Michael Curry
Ian Dahl
Juelanne Dalzell, Legislative Liaison, US Pony Club
& Buckhorn Range Chapter of Backcountry
Horsemen

Karen Daubert
Alan Davis, Director of Parks & Facilities, City of
Pullman, Parks, Facilities & Recreation Dept.
Dick Dawe
Mike Deller
Cara Dennis
Tiffany Deschaine
Debra Deschaine
Jennifer Devlin, Communications, King County
Parks
Derek Dexheimer
Olgy Diaz, Government Affairs Director, Forterra
Mary Dilles
Kelly Dodson, Director, Far Reaches Botanical
Conservancy
Mary Dodsworth, Director, City of Lakewood
Benjamin Donatelle
Krista Dooley, Director of Community Partnerships
& Leadership Development, Washington Trails
Association
Molly Doran, Executive Director, Skagit Land Trust
Caitlin Doughty
Mark Doumit, Executive Director, Washington
Forest Protection Association
Andrea Doyle
Steve Dubiel, Executive Director, EarthCorps
Zoey Dunne
Heidi Eisenhour, Development Director, interim,
Northwest Maritime Center
Chris Elder, Senior Planner, Whatcom County
Mark Eliassen Alaska Airlines, Retired
Todd Elsworth, Executive Director, Recreation
Northwest
Ryan Elting, Conservation Director, Whidbey
Camano Land Trust
Jessica Emerson, Section Manager - Business
Development and Partnerships, King County
Parks
Nancy Emery
David Engle
Gabe Epperson, Executive Director, Whatcom
Land Trust
Jessica Estrada
Alison Evans
Nancy Evans
Philip Evans
Mike Ewanciw
Owen Fairbank
Russell Farnsworth

Scott Faulkner
Christopher Finley
Paul Fish, Mountain Gear
Jillian Fishburn
Joan Fleming, Director - Scatter Creek Riders
Chapter BCHW, Back Country Horsemen of
Washington (BCHW)
John Floberg, Executive Director, Washington
State Parks Foundation
Jake Fouts
Marlene Fox
Glenn Franko
Polly Freeman
Mitch Friedman, Executive Director, Conservation
NW
Greg Friedrichs, Commercial Fisherman, F/V
Arminta
Ann Fu
Stephen Gear
Bob Gillespie
AnnaJoy Gillis
Shawn Gilreath
Roberta Goodnow
Sam Gordon
Robyn Grad
Clayton Graham, Davis Wright Tremaine
Danielle Graham
Geraldine Green
Joanna Grist
Amanda Grondin, Owner/Operator, Duna
Fisheries, LLC
Sarah Grossman, Board President, JUMP!
Jefferson Universal Movement Playground
Wendy Grossman
Michael Guittard, Cellarmaster, Descendant
Cellars
Joyce Gustafson
Lindell Haggin, Treasurer, Spokane Audubon
Society
Robyn Hall, Mountains to Sound Greenway Trust
Shauna Hanisch-Kirkbride, Managing Director,
Lower Columbia Fish Enhancement Group
Mette Hanson
Lori Heath
Jamie Hellerman
Katy Herko
Zachary Hewell
Roy Hill, Citizen Hiker
William Hill

Megan Hillyard
Laura Hilst
Talia Hirsch, ED, Y.E.T.I.
Jon Hoekstra, Executive Director, Mountains to
Sound Greenway Trust
Anna Hoge
Donna Hollatz, Peninsula Chapter Newsletter
Editor, Back Country Horsemen of Washington
Joan Hong, Co-Founder, Outdoor Asian
Cynthia Hoover
John Hoover
Celisa Hopkins, Executive Director, Cowiche
Canyon Conservancy
Alicia Hylton
Laura Icenogle
Andrea Imler, Advocacy Director, Washington
Trails Association
Carol Sue Ivory-Carlne
Tessa Jackson
Karl Jacobs
Xarol Jacobs-Carre
Alexandra James
Gayle Janzen
Debra Jaqua
Alex Jeffers
Sandy Jeglum
Deborah Jensen, Vice President and Executive
Director, Audubon Washington
Karen Johnson
Mary and Brian Jokela
Bruce Jones
Cheryle Jones-Johnson
McKenzie Joslin-Snyder
Olga Kachook
Bryan Kast, Public Works Director, City of
Ridgefield
Becca Kedenburg, Education Program Manager,
Mountains to Sound Greenway Trust
George Keefe
Brook Kelly
Karen Kelly
Cheryl Kerfeld, Physical Therapist, Seattle Public
Schools
Genna-Marie Kilduff
Caitlin Kimura
Brad King
Jeff Kish, Executive Director, Pacific Northwest
Trail Association
Randall Kline

Fred Koontz
Brynne Koscianski WTA and Mountaineers
Trevor Kostanich
Yvonne Kraus, Executive Director, Evergreen
Mountain Bike Alliance
Brent Kubalek, Recreation Services Manager, City
of Pasco
Paul Kundtz, Great Peninsula Conservancy
Glenn Lamb, Executive Director, Columbia Land
Trust
Jeff Lambert, Executive Director, Dishman Hills
Conservancy
Jeff Lambert, President, Inland NW Trails and
Conservation Coalition
Tracy Lamie
Michael Lampi
Lisa Langelier Spokane Audubon
Phil Larkin, Board Member, Friends of the Bluff
Ava Larsen
Dorothy Lautman
Michael Lawrence
Martin LeBlanc, Strategic Leadership Advisor, LBC
Action
Paul LeGendre
Larry Leveen
Doug Levy, Outcomes by Levy
Conrad Liegel
Annika Lindburg
Laurie Lohrer
Sandra Loi
Lisa Long
Wendy Loosle, Diplomat, U.S. Government
Nubia Lopez
D Jay Lucas
Kelly Lyon-king
Sue Madison
Sarah Malowicki
Timothy Manns, Conservation Chair, Skagit
Audubon Society
Timothy Manns
Marc Manzo
Mamie Marcuss, Director of Programs, Challenge
Seattle
Conor Marshall
Darrel Martin
Jason Martin
Claire Martini, Leafline Trails Coalition Manager,
Leafline Trails Coalition
Adam Maxwell Audubon Washington

Paul McCollum, Director, Natural Resources
Department, Port Gamble S'Klallam Tribe
Gene McConnachie
Alan McCoy, Board President, Spokane Audubon
Society
Kristen McCune
Wendy McDermott, Puget-Sound Columbia Basin
Director, American Rivers
Chris McEnany
Loreen McFaul, Executive Director, Friends of the
Centennial Trail
Kara McGinn
John McGlenn, President, Washington Wildlife
Federation
Mike McGlenn, Past Chairman and Past President,
Back Country Horsemen of America and
Washington and Whatcom County
Gary McNeil
Sarah McNulty
Neil McReynolds, President, McReynolds
Associates, Inc.
Bec Meacham
Joe Mentor, Founding Partner, Mentor Law Group
Adrian Miller, Director, Public Affairs, Rayonier
Emily Mills, Landscape Architect
Tara Mizell, Director of Parks, Culture and
Recreation, City of Marysville
Jane Mooore, Executive Director, ForeverGreen
Trails
Justin Moreno
Melissa Mossar
Cody Murphy-Hendrix
Jean Naples
Elizabeth Nedeff
Adam Neff
Carl Nelson
Katherine Nelson
Allison Nester
Marie Neumiller, Executive Director, Inland
Northwest Wildlife Council
Marie Neumiller, Executive Director, Inland
Northwest Wildlife Council
Ethan Newton
Sarah Nguyen
Terry Nightingale
Nicholas Norton, Executive Director, Washington
Association of Land Trusts
Brian Odell
James O'Hare, President, Spokane Bicycle Club

Dana Ohler
Thomas O'Keefe, Pacific Northwest Stewardship
Director, American Whitewater
Michael Orbino, Managing Broker, Avenue
Properties
Larry Otos, Principal Owner, The Otos Group, LLC
Ralph Owen
Sara Palmer, Scoutmaster, Scouts BSA Girls'
Troop 007
Suzanne Partridge
Lorraine Patterson, Chief Administrative Officer,
King County DNR and Parks
David Patton, Regional Director, The Trust for
Public Land
Jason Paulsen, Executive Director, Methow
Conservancy
Bradley Pavlik
Elizabeth Payne
Jesse Pecoraro
Thom Peters
Dennis Peterson
Robert Petersen
Joshua Petit, Coordinator, South Gifford Pinchot
Collaborative
Larry Phillips, Councilmember, King County
Council. Ret.
Mark Pidgeon
Jane Ann Pighin, Board Member, Friends of Lake
Sammamish State Park
Cleve Pinnix
Lauren Poulson
Mara Price
Julia Proctor
Kate Protage
Lin Provost
Mark Quinn, Washington Wildlife Federation
Charlie Raines, Sierra Club Washington State
Chapter
John Ramm
Imani Raunig
May Reed
James (Jim) Rettig, Eastside Audubon Society
Rebecca Rettmer, Executive Director, Lummi
Island Heritage Trust
Terese Richmond, Attorney, Van Ness Feldman
PLC
Erica Rickard
Michael Rizzitiello, City Administrator, City of
College Place, WA

Betsy Robblee, Conservation and Advocacy
Director, The Mountaineers
Bill Robinson
April Rodeghier Smith
Elizabeth Rodrick, Vice President, Black Hills
Audubon Society
Carlyn Roedell
Patrick Rofe
Brian Rogers
Joel Rogers
Harry Romberg
Dawn Rorvik
Jon Rose
Barbara Rosenkotter
Audrey Royston
Meredith Ruff
Will Russack, Wetland Scientist,
Susie Saalwaechter
Joe Sambataro, Northwest Regional Director,
Access Fund
Tom Sanford, Executive Director, North Olympic
Land Trust
Susan Saul, Conservation Chair, Vancouver
Audubon Society
Susan Saul
David Schaub, Executive Director, Inland
Northwest Land Conservancy
Mitzi Schindele
Alaina Schultz
Betsy Schultz, Member, The Tacoma
Mountaineers
Robert Scoville
Rob Sendak, Boating Programs Manager,
Washington State Parks and Recreation
Commission
John Serkowski
Steve Seward, Partner, Ascent Law Partners, LLP
Bradley Shellito
Stacy Shutts, Executive Director, Okanogan Land
Trust
Randy Sibley
Pat Siggs
Jessica Sills
Sam Silver
Paul Simmons, Director, Olympia Parks, Arts and
Recreation
Aimee Simpson, Director of Advocacy & Product
Sustainability, PCC Community Markets
Dominique Smith

Steve Smith, Founder, Experiential Consulting, LLC
Suzanne Smith, Volunteer, BackCountry Horsemen
of Washington
Jon Soine, Managing Broker, Windermere Real
Estate
Curt Soper, Executive Director, Chelan-Douglas
Land Trust
Chris Southwick
Sarah Spaeth, Director, Conservation and Strategic
Partnerships, Jefferson Land Trust
Barbara Stein
TJ Stetz, Ecologist (retired),
Mike Stevens, State Director, The Nature
Conservancy
Bobby Stewart, Operations and Volunteer
Coordinator, Evergreen Mountain Bike Alliance
Travis Stombaugh, Executive Director, Si View
Metropolitan Park District
Jane Stone, Executive Director, Bainbridge Island
Land Trust
Thomas Straub
Janet Strong, President, Grays Harbor Audubon
Society
Sunny Strong
Matthew Surprenant
Jen Syrowitz
Mark Taylor, Three Rivers Chapter of Trout
Unlimited
Graham Taylor, Program Manager, NPCA
Holly Tennant
Brenna Thompson
Anthony Thorn
John Traeger, Volunteer, Evergreen Mountain Bike
Alliance
Elizabeth Trudeau
Richard Tucker, Executive Director, Jefferson Land
Trust
Jonathon Turlove
Wendy Tyner, Director of Philanthropy,
Wintergrass Music Festival
Joaquin Uy
Marilyn Vail
Debbie Van Der Hyde
Ken Vanden Heuvel

Julian Vaughn
Michelle Vekved
Connie Veldink
Elizabeth Visconti Spokane & Seattle
Mountaineers
Tom Vogl, CEO, The Mountaineers
Rachel Voss, WA Chair, Mule Deer Foundation
Jeff Waddington
Lacey Wahl
Reed Waite
Patrick Walker
Andy Wangstad
Ryan Weeger
Kristi and Tom Weir
Roberta Weller, Board Member, Ferry County Rail
Trail Partner
Rachel Wendling
Clifford Wentworth
Fred Wert, Board Member, Palouse to Cascades
Trail Coalition
Heather Wescott
Dean Weyer
Gerald Wheeler
Sheri Whitfield, Acting President, Lower Columbia
Basin Audubon Society
Kurt Wieland
Kenton Wilcox
Katy Wilkens
Sean Williamson
Greg Wingard, President, Green River Coalition
Melody Winkle
Bridget Wood
Karen Wood
Michael Woodsum, Dir. of Development,
Mountains to Sound Greenway Trust
Suze Woolf Washington Trails Association, The
Mountaineers
Steven Woolpert
Lauren Wyckoff
Robert Wyman
Stephanie Yarton
Katy Yeh, Member, Outdoor Asian Seattle
Kathy Young, Public Lands Chairman, Back Country
Horsemen of Washington



Washington
**Wildlife &
Recreation**
COALITION

\$140M for WWRP

Washington's Urgent Need for the Outdoors

FOR OUR MENTAL & PHYSICAL HEALTH

COVID19 is demonstrating what science has been telling us for years: getting outside is critical for our mental and physical health.

Funding WWRP at \$140 million is the best way to address our overcrowded parks, trails, and open space. These vetted, shovel-ready projects will provide more recreation and nature connection opportunities for communities across the state.

FOR EQUITY

COVID19 also reminds us that not every community has equitable access to the outdoors. Communities of color are less likely to have parks—and those they do have are more likely to be old and outdated.

WWRP encourages local governments to plan projects in these communities through scoring criteria and/or reduced match requirements. Funding WWRP at \$140 million is an important part of addressing equity in our vital outdoor spaces.

FOR THE ECONOMY

Outdoor recreation and habitat lands in Washington support 264,000 jobs and generate \$26.5 billion in consumer spending plus \$3.4 billion in state and local taxes annually. They also provide at least \$216 billion in ecosystem services, such as water storage and disaster risk reduction

Funding WWRP at \$140 million will provide critical construction jobs and other economic stimulus right away, and will continue to boost the state's economy far into the future.

FOR THE ENVIRONMENT

Climate change, population growth, and increased demand mean it is more important than ever to protect our lands before it's too late, to provide more places to recreate, preserve habitat areas, and to provide funds for restoration after disasters.

Funding WWRP at \$140 million means Washington residents will get access to the best and most prepared outdoor recreation and conservation projects across the state, preserving habitat and increasing recreation opportunities right away.

EAST LAKE SAMMAMISH TRAIL (KING)

Funded 2011, 2013, 2015



WENATCHEE METHOW PARK

Funded 2019



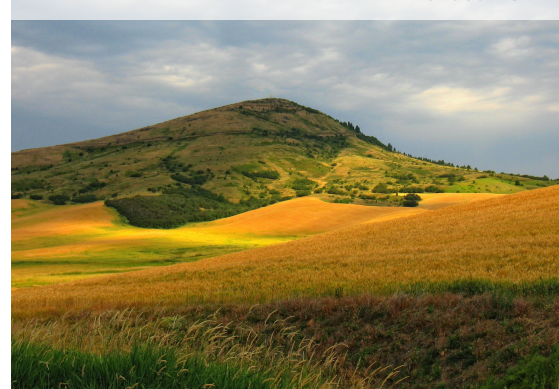
SERENDIPITY FARM (JEFFERSON)

Funded 2017



STEPTOE BUTTE (WHITMAN)

Funded 2019



WHAT IS THE WWRP?

The Washington Wildlife and Recreation Program (WWRP) is our state's premier conservation and recreation grant program. It helps create new local and state parks, protect wildlife habitat, and preserve working lands.

The WWRP helps local governments, nonprofits and state agencies buy and develop land for outdoor recreation and conservation. It helps more Washingtonians enjoy our great outdoors, while also preserving and restoring habitat lands.

Funded through the Capital Construction Budget, and managed by the Recreation & Conservation Office (RCO), this competitive grant program is nationally recognized for its fair, thorough, and transparent process.

BY THE NUMBERS

233 applications in 36 counties for the 2021-23 biennium that will:

- Generate \$182 million in local and federal match
- Fund 81 local parks, 29 trails, 14 water access projects
- Protect 522.97 miles of stream bank/shoreline
- Steward 34,215 acres of critical habitat and open space

Numbers based on applications submitted by the deadline.

\$140 million will fund the most competitive of these projects according to a nationally renowned ranking process through a statutory formula.



MIDDLE FORK SNOQUALMIE (KING)

Funded 2019, 2013, 2007, 2001, 1991



Photo: Tom O'Keefe

WHY \$140 MILLION?

In addition to the urgent needs of our mental and physical health, our disadvantaged communities, the economy, and the environment, the Washington Wildlife & Recreation Coalition considered several quantitative factors in developing this funding request, including:

50% of current
funding requests
\$88.15 MILLION

Maintaining average 4.02% of
bond capacity
\$124.92 MILLION

Requested funding level
for 2021-2023 biennium
\$140 MILLION

Total WWRP project
applications
\$176.3 MILLION

\$85 MILLION
WWRP Funding level in
2019-2021 biennium

\$112.8 MILLION
Original WWRP Funding level
adjusted for inflation

\$139.62 MILLION
WWRP levels adjusted for
REET collections

\$163.7 MILLION
Historical avg investment
(\$20.54/resident) adjusted
for projected population



WHAT IS THE WWRC?

The Washington Wildlife & Recreation Coalition is an independent nonprofit organization that led the creation of the WWRP in 1990 (and modestly named it after themselves!). Since then, the Coalition members have remained steadfast partners and stewards of the program.

Timber companies and environmentalists. Soccer moms and backcountry hunters. Mountaineers and mountain bikers. Democrats and Republicans. What can they all agree on? The importance of the WWRP.

WWW.WILDLIFERECREATION.ORG

From: [McNamara, Julia \(RCO\)](#)
To: [McNamara, Julia \(RCO\)](#)
Subject: Comments on Policy Waiver Request: DNR Steptoe Butte Proposed Natural Area, RCO #18-1526A - public comment for the January 26 board meeting (Item 7)
Date: Monday, January 25, 2021 10:59:08 AM

From: Chris Duke <cduke@phoenixconservancy.org>
Sent: Monday, January 25, 2021 10:41 AM
To: Beck, DeAnna (RCO) <DeAnna.Beck@rco.wa.gov>
Subject: Comments on Policy Waiver Request: DNR Steptoe Butte Proposed Natural Area, RCO #18-1526A

External Email

Dear Ms. Beck,

I am writing today on the behalf of The Phoenix Conservancy, a conservation nonprofit based in Pullman with a mission to restore endangered ecosystems, including Palouse Prairie. I want to express our organization's support for the proposed exception, and for using the annual revenue from the communication site to fund ongoing weed control and restoration work at Steptoe Butte.

As one of several local nonprofits focused on restoring and protecting Palouse Prairie, The Phoenix Conservancy has a vested interest in securing Steptoe Butte's future as an irreplaceable stronghold for the ecosystem. Making the proposed exception will not, in our estimation, have a negative effect on the integrity of the surrounding prairie. On the contrary, we see utilizing revenue from the communication site as an opportunity to continually improve the prairie's health through control and eradication of invasive species.

Given that the intention of the original policy is to maximize the integrity of natural areas, The Phoenix Conservancy feels that the potential negative consequences to the prairie due to invasion by non-native species is extremely high. We also feel that the ecosystem integrity potentially lost by leaving the communication area in place is negligible.

We therefore strongly urge the proposed exception to be upheld, in order to leverage funding from the already-existing structures to mitigate a much greater risk to Palouse Prairie. We look forward to a brighter future for Palouse Prairie, and to working to safeguard Steptoe Butte's priceless ecosystems into the future.

Sincerely,
Chris Duke

Jan 8, 2021

Ted Willhite, Chair and Members;
Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917
info@rco.wa.gov

Dear Mr. Willhite and Committee Members,

In September 2016 an auction was announced for the privately held land on the east, south and west sides of Steptoe Butte. I was immediately concerned that this beloved landmark could be permanently altered by development. My interest was enhanced by the observations of two local botanists who described the rare and beautiful remnants of Palouse Prairie that covered part of the land. They were adamant that the land should be preserved against farming and development.

Over the month prior to the auction I had several conversations with Steve Hahn at State Parks, the Nature Conservancy, the Palouse Land Trust, and local people who might have been able to help. It quickly became evident that none of the organizations with interest could move quickly enough to bid, and that, to our knowledge, no local group was planning a purchase for the purpose of conservation. While there was no initial intent (or obvious ability) to purchase the land, my late wife Elaine and I decided to attend the auction and at least try. We were joined immediately prior to the auction by Ray and Joan Folwell whose interest coincided with ours, but whom we had never met in person. Elaine represented our small group and successfully bid for the land, with no guarantee that a satisfactory long-term preservation solution could be found.

During the first year of ownership, it became evident that the native Palouse Prairie was under significant threat from invasive species. Using funds from the communication towers, BFI Native Seeds from Moses Lake was engaged to inventory the weed burden and advise mitigation. Over the last three years all of the tower income in excess of administrative costs (about \$15,000/yr) has been used for weed control. The result has been greater understanding of the extent of the problem and significant progress in controlling some species, though others are proving very difficult to slow. Sixteen of these alien species are on the Whitman County Noxious Weed list. It is apparent that constant attention and mitigation efforts are required—that a start and stop cadence will be disastrously unsuccessful.

Based on this experience, I feel it most important that the land be purchased with the income producing communication towers, and that the income be used specifically for weed control on the site (including the State Park land). Given the variability of administrative interest in, and funding for weed control, this modest amount of permanent funding would allow some hope that the site could be maintained relatively intact. Observing the marked neglect of weed control on the adjacent State Park land, it is not clear that the State will otherwise find a way to maintain the property for preservation, which is the specific intent of the proposed sale.

Please understand the biological and historical value of this site--the largest remaining relatively intact fragment of Palouse Prairie, holding species specific to that ecosystem, associated insects (often inadvertently photographed with the wildflowers), local and migratory birds. The historic orchards deserve protection. The addition of public open space in Whitman County is a rare opportunity.

Please consider granting the necessary exemptions to facilitate purchase of the land holding the communication towers, and the retention of those funds for on-site weed control.

Thank You,

Kent Bassett
2210-95th Ave NE
Bellevue, WA 98004
425-922-0306
bassettfamily@gmail.com



PALOUSE CONSERVATION DISTRICT

1615 NE Eastgate Blvd • Suite H • Pullman, WA 99163 • 509-332-4101 • PalouseCD.org

January 13, 2021

Ted Willhite, Chair of the Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917
info@rco.wa.gov

Dear Chairman Willhite:

The Palouse Conservation District located in southeast Whitman County would like to express its support of an exception to policy # 18-1526D to allow the Washington Department of Natural Resources (WA DNR) to acquire two ground leases and one communication tower on Steptoe Butte which is located within district boundaries. Last year, the Palouse Conservation District gathered feedback from the public in southeast Whitman County to develop a five-year, long range plan for district activities. As part of this plan the public put high priority on replenishing the landscape which includes preserving and restoring natural areas within district boundaries. Specifically, the public would like to see the district and other area organizations preserve and enhance native Palouse Prairie ecosystems, a state endangered ecosystem (S1), of which less than 1% of its pre-settlement extent remains. As the largest Palouse Prairie Remnant in Washington, Steptoe Butte is an iconic symbol of the county and maintaining the high-quality prairie ecosystem on the Butte is a priority for its citizens and the conservation district.

Revenue from the cell tower leases is being used by the current landowners to control invasive weeds, specifically dog rose and hound's tongue on the 437 acres of privately owned land soon to be purchased by WA DNR. Invasion by weed species is the number one threat to the highly diverse native Palouse Prairie plant communities on Steptoe Butte. Invasive species can displace native plants, reduce the quality of wildlife and pollinator habitat, and are a threat to rare plant species, Spalding's catchfly and broad-fruit mariposa lily on the butte. With WA State Park's planned road expansion this coming spring, the need for weed control will only increase as disturbance and vehicular traffic are known to create ideal conditions for weed encroachment and weed seed transport. By allowing WA DNR to hold the leases in question after they purchase the property, a continuous revenue stream of approximately \$16,000 per year will be available to continue weed control efforts and ensure that the state listed Palouse Prairie ecosystem remains highly diverse and native plants thrive.

Palouse Conservation District also has a vested interest in preserving and enhancing the population of the rare plant Spalding's Catchfly on Steptoe Butte. Spalding's Catchfly, *Silene spaldingii*, is a rare herbaceous perennial plant which was listed as threatened by the US Fish and Wildlife Service (USFWS) under the Endangered Species Act in 2001. Between 2016 and 2021, the Palouse Conservation District received grant funding from the USFWS to create a Key Conservation Area for the recovery of Spalding's Catchfly on Steptoe Butte. During this time, 1700 Spalding's Catchfly seedlings were planted, monitored and maintained to enhance the small, native population currently present. One of the main threats to Spalding's catchfly as listed in the USFWS 2001 recovery plan is displacement by invasive weeds. Current





PALOUSE CONSERVATION DISTRICT

1615 NE Eastgate Blvd • Suite H • Pullman, WA 99163 • 509-332-4101 • PalouseCD.org

weed control efforts by the landowners are having a noticeable positive effect in keeping weeds from encroaching into the planting plots and are reducing competition for the rare species. Spalding's catchfly is a very difficult plant to establish in the wild and we plan to continue to monitor, maintain, and plant additional seedlings as needed to ensure the recovery of the species as listed in the USFWS recovery plan and our five-year long-range plan. A steady revenue stream from the cell phone tower leases would help WA DNR continue weed control efforts and complement the work we are doing to enhance the Spalding's catchfly population. Without this steady revenue, the DNR would have to seek uncertain grant funding in these lean economic times and the work already completed and continuing to create a Key Conservation Area for the recovery of Spalding's Catchfly could be in jeopardy.

By approving the exemption for WA DNR to keep the cell phone tower leases and use the revenue accrued to fund invasive species weed control on Steptoe Butte, the Recreation and Conservation Funding Board would be accomplishing multiple goals. A steady stream of revenue would be provided to WA DNR to maintain the high-quality Palouse prairie ecosystem, the landowner goals of preservation and restoration would be met, the recovery efforts to create a Key Conservation Area for Spalding's catchfly would be supported, and an important conservation need would be met as identified by the citizens of Whitman County. Thank you for your time and we anticipate your decision on January 26th.

Sincerely,

Jennifer Boie, PhD
Director
Palouse Conservation District





Washington State Legislature

Ted Willhite, Chair
Recreation and Conservation Funding Board
P.O. Box 40917
Olympia, WA 98504-0917

January 22, 2021

Chair Willhite,

A few years ago, Ray and Joan Folwell came to visit us in Olympia during the Legislative Session. We welcomed them and listened to their request. As 9th District legislators representing the Palouse, we were impressed by their commitment to protect what was left of the Palouse Prairie. Along with their partners they purchased 437 acres on Steptoe Butte that are adjacent to the east, south, and west boundaries of Steptoe Butte State Park, with the intention of transferring it to the public domain. To that end, they have been working with the Department of Natural Resources for several years. Last summer, the Legislature provided funding for the sale. There will be a meeting of the RCO Funding Board on January 26, 2021, to discuss an exemption to the current policy #18-1526D.

There is less than 1% of the original Palouse Prairie remaining. This is the largest known high-quality remnant found to date. The biggest threat to prairie remnants is invasion species. There are three cell tower leases on this property that generate over \$20,000/year. Except for ownership costs (insurance, taxes, etc.), the remaining proceeds of \$16,000.00+ have been used for weed control. The current regulations allow DNR to own such leases, but we understand that the proceeds are already obligated and not used for the maintenance of DNR Natural Areas. It has been acknowledged by DNR that little weed control effort would be assigned to this site due to budgetary constraints.

We support the request to the Funding Board to make an exception to the current regulation to not only allow the leases for the towers to be included in the sale but also for the proceeds to be earmarked for weed control and other improvements on the site. The request for the exemption is on the January 26th agenda.

Please seriously consider this exception, as it would provide a considerable and consistent funding source to a vanishing resource that will protect the Palouse Prairie for future generations to come.

Respectfully,

Senator Mark Schoesler

Handwritten signature of Mark Schoesler in cursive.

Rep. Joe Schmick

Handwritten signature of Joe Schmick in cursive.

Rep. Mary Dye

Handwritten signature of Mary Dye in cursive.

January 11, 2021

Ted Willhite, Chair of the Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917
info@rco.wa.gov

Originally, the Palouse Prairie, a state critically endangered (S1) ecosystem as listed by the WA Natural Heritage Program, covered most of Whitman County, WA, and the western third of Latah County, Idaho. Authorities now believe that less than 1%, and perhaps as little as 1/10%, remains. Most of the Prairie has been converted into agricultural production; this is because prairies around the world sequester more carbon than any other ecosystem making them extremely fertile.

The original prairie remnants that remain are usually found on rocky ground or steep slopes impossible to farm. These remnants are usually less than 2 hectares in size resulting to a high perimeter to area ratio. This condition allows the remnants to be easily invaded by weeds that out compete the native species and degrade the quality of the remnant. This alien invasion and the considerable fragmentation of this ecosystem are its greatest threats.

As reported by Kent Bassett, the Steptoe Butte Prairie Preserve, LLC, has used all fees generated from the cell tower leases (minus the annual administrative costs) for the purpose of weed control. In addition to usual control methods for the weeds inventoried, BFI Native Seeds, the firm hired for this task, has made an additional contribution. It used this property for trials to determine a successful way to chemically eliminate dog rose (*Rosa canina*). This plant is quickly becoming a formidable foe of uncultivated land (pastures, etc.) in this part of the state; BFI has established a well-documented method of control.

This property contains a population of *Silene spaldingii* (Spalding's Catchfly) which was listed as threatened in 2001 under the Endangered Species Act. USFWS is in the process of naming Steptoe Butte as a Key Conservation Area for their restoration plan. USFWS has already awarded funding in 2016 and 2016 to augment the population on the butte with additional plantings and maintenance.

The WA State Parks and Recreation Commission recently announced that a \$5,673,000 improvement to the road accessing Steptoe Butte State Park will begin this spring. This road passes through the middle of our property to reach the top of the butte. SBSP counted more than 100,000 visitors in 2017. It is well known that vehicles transport seeds. The appearance of spotted and diffuse knapweed, *Ventanata dubia*, and bachelor's button on the butte is proof of that. The soil disturbance caused by this major construction will encourage the weed invasion even more before natives have a chance to establish. State Parks has not had the funding to provide on-going weed control in the past nor does it have the expertise needed to perform the specific spraying needed.

DNR has told us that the department could not ensure the funding or the time for weed control that we feel is so necessary to preserve this disappearing ecosystem. The department has to apply for grants to help carry out maintenance requirements resulting in a consistent source of funding not guaranteed.

DNR can hold cell tower land leases. We urge you to approve this exemption so that the lease fees from this Steptoe Butte property can be earmarked for weed control. All parties will benefit: the philosophy of the owners to preserve and protect the Palouse Prairie would be fulfilled; DNR would have the continuing means to maintain the remnant against its biggest enemy; the restoration plan implemented by USFWS will be supported; and generations of the public will have the opportunity to visit a important, unique and well-tended site in the future.

Thank you for your consideration,

Ray and Joan Folwell
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Statement in Support of DNR's Request for a Waiver for their Steptoe Butte Grant

Prepared and submitted by John Gamon

January 26, 2021

Dear RCFB Members:

I retired approximately one year ago after 34 years working at DNR, all of which was spent in the Natural Heritage and Natural Areas programs. At the time of my retirement, I was Assistant Division Manager in the Conservation, Recreation and Transactions Division, with responsibilities for those two programs and their statewide implementation. I have continued to serve as an RCO volunteer on WWRP project evaluation panels since my retirement and hope to continue to do so in the future.

As a result of my various roles at DNR over the course of my career, I am very familiar with the WWRP and its history and its implementation by RCO, so I do not take DNR's request for a policy waiver lightly. I realize that it raises important questions and that the potential implications of your decision on the request must be carefully considered.

However, I cannot think of a project more deserving of such consideration than DNR's Steptoe Butte proposal. The significance of the site in terms of conservation of our state's natural heritage is remarkable; the site harbors the largest remaining area of native Palouse grassland in the state, along with a handful of rare species. There simply are not opportunities to achieve conservation of these features elsewhere.

Rather than adding to the debate on the pros and cons of the proposal before you, I simply want to urge the RCFB to create a path whereby conservation of this site has the best chance of success, even if that means that future decisions regarding other sites become more complicated as a result. Steptoe Butte is a remarkable site; it warrants the special attention that you are giving it today.

Thank you for listening to my comments.

John Gamon
Socially-distanced retiree
Sumner, Washington