

Request for Approval

A project sponsor may request Recreation and Conservation Office (RCO) approval of an exception to conversion or a non-conforming use or temporary closure of a project area. The sponsor is encouraged to review the policy (found in Appendix A) on the exceptions to conversion before submitting a request. RCO only may consider requests that meet the policy requirements.

To complete the request you must submit the following documents:

This Form

A letter signed by the authorized representative of the project sponsor acknowledging the request.

A map of the project area boundary¹ identifying the area where the proposed action or use will occur. In many cases the size of the project area impacted is larger than the physical footprint of the proposed action. The area identified should include all impacts related to the proposal.

Any draft encumbrance that is related to the proposed exception or use.

RCO Project Name:		Submittal Date:	
Project Sponsor Name:		RCO Project Number:	
Project Sponsor Contact:		Title:	
Address:		City:	Zip:
Phone:	E-mail:		

Select One:

Request for approval of an exception to conversion (Fill in Section A ONLY) Request

Request for approval of a non-conforming use or temporary closure (Fill in Section B)

Section A		Request for an Exception to Conversion
1.	Select the Exception/s:	
	Relocation of easement/s and related infrastructure that would benefit the intended purpose and use of the project area, with restoration in a specified period of time.	
	A new easement and/or right-of-way and related infrastructure (such as a utility box, poles, guide wires) that would benefit the intended purpose and use of the project area. Not intended to provide a blanket exception to any new easement, such as conveying an easement to a private party for its convenience.	
	A new easement and/or right-of-way for a culvert replacement or improving fish passage that has minimal impact to the intended purpose and use of the project area.	
	Changes to an existing easement, right-of-way, or encumbrance (and related infrastructure) that would have minimal impact to the intended purpose and use of the project area.	
	Right-of-way for street/road improvements that improve access to the project area.	

	Underground utility easement for electrical, fiber optic, sewer, stormwater, or water. Restoration must be within a specified period of time.
	Temporary construction easement. Restoration must be within a specified period of time.
	Levee and related infrastructure relocation that expand and support the original habitat purpose of the project. This exception is limited to habitat funded sites.
	Utility permit for an underground pipe or power line.

¹ A project area boundary is the geographic area that delineates the grant-assisted site. Minimum map requirements include an outline of the project area, the RCO project number and name, adjoining streets/roads, and north arrow scale.

2.	Briefly describe the original intent of the project when it was funded.		
3.	Explain in detail the proposed exception. Explain efforts to keep the size of the area impacted to a minimum.		
4.	Does the proposed action include an encumbrance on the project area? If yes, attach or provide the draft encumbrance document for review.	Yes	No
5.	Describe how the intended purpose, use, and function of the project area will be maintained. How does the exception benefit the function and use of the project area?		
6.	Enter the start date, end date, and date for restoration when the project area is returned to its original (or better) surface condition.		
	Start Date:	End Date:	Restoration Complete Date:

Section B Request for a Non-permanent, Non-conforming Use, or Temporary Closure

1. Briefly describe the original intent of the project when it was funded.

2. Describe in detail the proposed non-permanent, non-conforming use, or temporary closure. Explain length of time needed for the temporary non-conforming use and why. Explain efforts to keep the size of the area impacted to a minimum.

3. Enter the start date, end date, number of days the proposed action will last, and date for restoration when the portion of the project area impacted by the action is returned to its original (or better) surface condition.

Start Date:	End Date:	# of Days of Use:	Restoration Complete Date:
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4. Describe how the use will be monitored for impacts to the funded site.

5. Is there a plan or condition that provides for any needed mitigation of impacts?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/>
6. How will unexpected impacts be resolved?					
7. Does the proposed action include an encumbrance on the project area? If yes, attach or provide the draft encumbrance document for review.	Yes			No	
8. Provide an explanation of how the intended purpose, use, and function of the project area will be maintained.					

[For additional information on specific grant program policies, follow this link to RCO's grant manuals here.](#)

Appendix A: Recreation and Conservation Office (RCO) policies for an exception to conversion and non-conforming use or temporary closure of a state-funded project area.

A sponsor may request RCO review for an exception to conversion for the actions below when demonstrating the action will have no permanent impact to the intended purpose, use, and function of the project area. RCO will consider the cumulative impacts of previously approved exceptions and encumbrances.

Exceptions that may be considered include the following:[1]

- Relocation of an easement and related infrastructure that would benefit the intended purpose and use of the project area, with restoration in a specified period of time.
- A new easement and/or right-of-way and related infrastructure (such as a utility box, poles, guide wires) that would benefit the intended purpose and use of the project area. Not intended to provide a blanket exception to any new easement, such as conveying an easement to a private party for its convenience.
- A new easement and/or right-of-way for a culvert replacement or improving fish passage that has minimal impact to the intended purpose and use of the project area.
- Changes to an existing easement, right-of-way, or encumbrance (and related infrastructure) that would have minimal impact to the intended purpose and use of the project area.
- Right-of-way for road improvements that improve access to the project area.
- Underground utility easement for electrical, fiber optic, sewer, stormwater, or water, with restoration in a specified period of time.
- Temporary construction easement, with restoration in a specified period of time.
- Levee and related infrastructure relocation that expand and support the original habitat purpose of the project. A levee may consist of a landform or structure such as an embankment, dike, road, or similar structure that inhibits natural floodplain or tidal processes. Related infrastructure relocation may include easements for rights-of-way for roads, utilities, and other infrastructure. This exception is limited to sites funded for habitat conservation or restoration purposes.
- Granting utility permits. 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 include the following:
 - Not be an easement giving property rights to a third party.[2]
 - State that the pipe or power line will be underground.
 - Require that the third party give prior notice to and receive approval from the sponsor to enter the site for construction or maintenance. Regular maintenance checks and the method of performance (which must not involve disruption of any recreation or habitat conservation function), must have prior approval based on a schedule. Emergency maintenance would not normally require prior notification and approval. Adequate assurance of surface restoration also is necessary.
 - State a duration for construction and include language that allows setting a duration for reconstruction.

[1]Recreation and Conservation Funding Board Resolution 2023-09 as amended.

[2]Underground easements may be considered an exception to conversion as described above

- Non-permanent, non-conforming use or temporary closure. A non-permanent, non-conforming use or temporary closure that will have minimum impact to the project area (or portion of) that will last 180 days or less does not require RCO review. A non-permanent, non-conforming use or temporary closure that exceeds 180 days and will last no more than 2 years must be reviewed by RCO and may be approved by the director. The project area impacted must be restored^[3] in a specified period of time following the use. The board may approve an extension of the non-permanent, non-conforming use or temporary closure.

(2) The portion of the project area impacted by the action is returned to its original (or better) surface condition.

^[3]The portion of the project area impacted by the action is returned to its original (or better) surface condition.