

# Recreation and Conservation Funding Board

## Summary Minutes

Day 1

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*Date:* June 19, 2008

*Place:* Bellingham Cruise Terminal  
Bellingham, Washington

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Recreation and Conservation Funding Board Members Present:

Val Ogden, Chair	Vancouver
Bill Chapman	Mercer Island
Karen Daubert	Seattle
Steven Drew	Olympia
Jeff Parsons	Leavenworth
Dave Brittell	Designee, Department of Fish and Wildlife
Steve Hahn	Designee, State Parks and Recreation

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IT IS INTENDED THAT THIS SUMMARY BE USED WITH THE NOTEBOOK PROVIDED IN ADVANCE OF THE MEETING.  
A RECORDING IS RETAINED BY RCO AS THE FORMAL RECORD OF MEETING.

### MEETING CALLED TO ORDER

Chair Val Ogden called the meeting to order at 9:15 a.m. Introductions were made and a quorum was determined.

Director Kaleen Cottingham introduced new staff members – Heath Packard and Megan Duffy, policy analysts, and Jim Anest, conversion specialist.

The agenda was approved.

### CONSENT CALENDAR

(See notebook item #2)

Reviewed Resolution #2008-023 Consent Calendar approving:

- a) Recognition of former Advisory Committee Members
- b) Approval of RCFB Minutes – March 27 and 28, 2008
- c) Time Extensions
- d) Scope Change

Dave Brittell **MOVED** to adopt Resolution #2008-023, approving the items on the Consent Calendar. Bill Chapman **SECONDED**.

Board Discussion:

There was discussion on possible consequences for project time extensions. Karen Daubert commented that the potential loss of grant funding for the project sponsor could create a stronger motivation to get the project finished.

Steven Drew suggested that grant recipients be required to come before the Board to give an explanation on why a time extension is necessary.

Kaleen noted that Jim Fox and other staff will be working on policies for consequences of late projects.

Resolution #2008-023 **APPROVED** as presented.

## **MANAGEMENT REPORTS**

Director Kaleen Cottingham presented this agenda item. (See notebook item #3 for detailed report.)

Kaleen informed the Board members of the office structure reorganization and its alignment with the boards and services. One of the recommendations from Berk and Associates was to split the Recreation Grants section, creating a new Conservation and Grant Services section. The new section will include work in support of grants, such as cultural resources, Americans with Disabilities Act (ADA), planning, and compliance functions.

Kaleen explained the new automated e-mail notifications that are being sent to project sponsors whose contracts end in 90 days. This should help to increase completion of projects on time. Additional automatic notices also will be sent to project sponsors as they near five other key milestones, and to grant managers to notify them of federal ending dates.

Kaleen highlighted the quarterly work plan, noting the performance targets and measures.

Bill Chapman asked for additional measures to record that projects are needed, evaluated, and meet community priorities.

Kaleen noted that as staff works on updating and simplifying the work plan, as well as the strategic plan, we will be sure to include these measures.

The Open Public Meetings Act (OPMA) was discussed. Kaleen reminded Board members to avoid sending email correspondence or responding to emails with copies to all members as this could be considered a "meeting" under the OPMA. For this Board, five members would constitute a quorum.

## **REPORT ON APPLICATIONS RECEIVED FOR 2008 GRANT CYCLE**

Kaleen Cottingham presented this agenda item. (See notebook item #4 for details.)

Kaleen reported that, due to increased outreach efforts, we have received a record number of grant applications (642), with a combined total request of \$319.5 million for the 2008 grant cycle.

Staff is working hard to put these projects through the evaluation process and will present prioritized lists for Board's review at the September and November meetings.

## **STRATEGIC PLANNING**

Kaleen Cottingham presented this agenda item. (See notebook item #5 for details.)

Kaleen presented the RCO strategic plan and discussed how the overarching agency plan has been reframed to reflect the evolution of the agency's mission.

Rebecca Connolly noted that the strategic plan includes only a limited number of performance measures. A more comprehensive series of performance measures and deliverables will be included in the annual work plan.

There was discussion on the issue of design-only grants and giving preference to projects that are ready to proceed as one way of reducing the need for time extensions and reappropriations. Jim Fox noted that this is part of a Board subcommittee, including Dave Brittell and Jeff Parsons, that will be looking into these issues.

Kaleen presented a copy of the proposed Board strategic plan. Some revisions to the strategic plan are based on feedback received from Board members following the March 2008 meeting. Five guiding principles have been added to the revised plan. Tasks, assignments, and due dates were removed.

The Board suggested the following edits to the proposed Board strategic plan:

1. Add "integrity and impartiality" in the guiding principles;
2. Clarify the language in Goal #2 regarding open public process;
3. Address resubmitted projects in Activity 1 and note that the policies are a few among many open to review;
4. Incorporate conversion policy in Goals #1 and/or #2;
5. Change Objective 2.a. to read "existing legal authorities";

Karen Daubert **MOVED** to adopt the Board strategic plan with suggested modifications. Dave Brittell **SECONDED**.

Motion was **APPROVED**. Staff will change the plan and distribute it to Board members.

## **2009-2011 BUDGET DEVELOPMENT**

Kaleen Cottingham presented this agenda item. (See notebook item #6 for details.)

Kaleen gave an overview of the 2009-2011 operating and capital budget request. The RCO must submit its biennial budget to the Office of Financial Management in early September 2008.

Due to a grim forecast from the Governor's office, Kaleen noted that the agency is not likely to get any new general fund monies.

Bill Chapman **MOVED** to adopt Resolution #2008-025. Karen Daubert **SECONDED**.

### *Washington Wildlife and Recreation Program*

Bill noted that the Washington Wildlife and Recreation Commission Executive Committee has asked that this Board make a budget request for at least \$100 million. He feels it is crucial that the Board endorse staying at \$100 million and that this would not be a good year to ask for more funds due to budget constraints.

Bill Chapman made a **MOTION TO AMEND** Resolution #2008-025, requesting \$100 million from the 2009-2011 Capital Budget for the Washington Wildlife and Recreation Program. Jeff Parsons **SECONDED**.

The motion to amend was **APPROVED**

### *Youth Athletic Facilities (YAF)*

Kaleen discussed that there was only enough money to fund about 50 percent of the YAF applications in the last grant cycle. She also pointed out that one major difference between YAF and WWRP Local Parks projects is that nonprofit organizations are not eligible to receive Local Parks grant funds but are eligible to apply for YAF funds. Marguerite Austin, Recreation Section Manager, noted that cities and counties also are eligible to apply for YAF funds, but not park districts.

Jeff suggested changing the criteria for YAF to give preference to projects that are co-sponsored by local agencies and nonprofit organizations.

Steven Drew asked if there is a high demand for funding requests from nonprofits. Marguerite noted that there has been tremendous interest from nonprofit groups.

Jeff Parsons made a **MOTION TO AMEND** Resolution #2008-025, requesting \$2.5 million from the 2009-2011 Capital Budget for Youth Athletic Facilities and to add priority funding for partnerships. Steven Drew **SECONDED**.

There was discussion on who should be eligible to receive YAF funds and how that intersects with WWRP. The Board may want to consider policy changes to the eligibility requirements to make that distinction stronger.

Bill does not support requesting \$2.5 million for YAF, and suggested reducing the amount of the appropriation to \$1 million.

Steven Drew, Karen Daubert, Jeff Parsons, and Steve Hahn voted in favor of the motion. Dave Brittell and Bill Chapman opposed. The motion to amend was **APPROVED**.

Jim Fox asked that the Board give him clear direction if they decide to change eligibility for applicants in the future. He explained that making YAF funds eligible only to nonprofit organizations would require a change in statute, but giving preference to nonprofits could be done with a proviso.

### *Boating Activities Program*

There was discussion about boater education and safety as part of the Boating Activities Program. Kaleen noted that funds were given to State Parks for marine law enforcement and boater safety education.

Steven Drew made a **MOTION TO AMEND** Resolution #2008-025, requesting \$2 million for the Boating Activities Program. Steve Hahn **SECONDED**.

The motion to amend was **APPROVED**.

Resolution #2008-025 **APPROVED** as AMENDED.

## **POLICY ON REVENUE GENERATION AND MITIGATION BANKS**

Jim Fox presented this agenda item. (See notebook item #7 for details.)

Jim gave an overview of the issues surrounding mitigation banking and presented the following options to the Board:

- Option 1: Revenues from the sale of credits on the WWRP-funded portions of a mitigation bank would be returned to the RCO, where they would be applied to alternate projects within the appropriate WWRP category or account.
- Option 2: Revenues from credit sales would be used by the grant sponsor to acquire and/or restore another mitigation banking site.
- Option 3: Revenues would be used by the grant sponsor to acquire high-quality habitat land. This land would not be used in a mitigation bank, but could be contiguous to the mitigation bank that was originally funded with the WWRP grant, complement its ecosystem functions, or provide similar functions in the same watershed or service area.

Staff recommends that the Board adopt Option 3, restricting grant recipients' use of mitigation credit sale income (or the value of exchanged credits) to acquiring additional conservation land. The acquisition would have to meet the requirements of the appropriate WWRP funding category and be approved by the Board.

Chair Ogden asked about Option 3 and how much staff time would be involved. Jim noted that all three options would be time consuming for staff.

Bill Chapman asked for clarification on why it would be acceptable to buy more land with the proceeds but not to enhance existing land.

Jim responded that enhancing existing land could also be a viable option.

Bill would like to explore the use of credit funds for land enhancement.

Marguerite provided the status of two mitigation bank projects that have been funded and noted that the Board's decision would apply to these projects.

Jeff Parsons **MOVED** to adopt Resolution #2008-026. Steven Drew **SECONDED**.

Jeff would like to make sure the money from the two pilot projects will not be used for future mitigation banking projects.

Bill Chapman **MOVED TO AMEND** Resolution #2008-026 by adding additional language as follows: "NOW, THEREFORE BE IT RESOLVED, that recipients of WWRP grants for mitigation banks must use income from mitigation credit sale (or the value of exchanged credits) to acquire additional conservation land, or enhance existing lands to provide additional or enhanced wetlands in close proximity to existing mitigation bank. The acquisition would have to meet the requirements of the appropriate WWRP funding category, and comply with Board policies"

Jeff Parsons **SECONDED**.

There was discussion concerning the correct language to be used for the amendment to the resolution.

Steven Drew **MOVED TO TABLE** the proposed amendment to the resolution so as not to rush the decision. There was no second to this motion.

Resolution #2008-026 **APPROVED AS AMENDED**.

Staff will implement the Board's decision by amending Manual 10b, *WWRP: Habitat Conservation Account and Riparian Protection Account: Policies and Project Selection* accordingly and notifying applicants and other interested parties.

## **POLICY ON SALE OF FARMLAND ACQUIRED THROUGH WWRP**

Jim Fox presented this agenda item. (See notebook item #8 for details.)

The WWRP Farmland Preservation Program statutes allow grant recipients to buy farmland through a fee simple or less than fee acquisition. In fee simple acquisitions, the grant recipient must place an agricultural conservation easement on the property and attempt to resell the underlying land, subject to the easement. The recipient may use the proceeds from the sale of the property to purchase interests in additional property or to repay the grant. However, repaying the grant or leasing the land for farming if the property is not sold violates federal restrictions on the use of the tax-exempt bond funds that are the source of funds for WWRP.

Jim explained that the Treasurer's bond counsel had noted that the current policies could effectively create a revolving loan fund. To avoid this, staff recommends that when a grant recipient intends to purchase farmland in fee simple, the RCO would reimburse the sponsor only on the appraised value of the easement and exclude the underlying land.

Bill was concerned about whether this change would affect the number of applications to this program, but Kaleen and Marguerite both noted that applications in both rounds have been for easements only.

Karen Daubert **MOVED** to adopt Resolution #2008-027. Steven Drew **SECONDED**.

Resolution #2008-027 **APPROVED** as presented.

## **LEGISLATION REQUEST FOR 2009 LEGISLATIVE SESSION**

Jim Fox presented this agenda item. (See notebook item #9 for details.)

Staff recommends that the Board pursue two requests for legislation for 2009.

1. Amend RCW 79A.25.250, which requires the Board to give preference to projects related to parks in or near urban areas.
2. Repeal RCW 79A.15.060(4) and RCW 79A.15.120(7), which make mitigation banking projects eligible to receive grants in the Urban Wildlife Habitat, Critical Habitat, and Riparian Protection categories of the Washington Wildlife and Recreation Program.

Bill Chapman asked what type of wording would be used to replace the language in the population proximity. Jim suggested using a level of service approach, with the flexibility to meet the needs of different areas. The current language is out-dated since there have been many advances in the approaches used to locate recreational facilities.

Kaleen noted the need to ensure opportunities for small communities with high recreation value.

Karen would like to participate in any discussions on population proximity.

There was discussion about the merits of mitigation banking, that while the concept may be a good one, it is not well aligned with WWRP.

Jeff supports staff's recommendation #2 – removing mitigating banking projects from WWRP.

Jim noted that, in terms of project administration, mitigation banking projects can be very staff intensive and the reinvestment issues can cause them to drag on for many years.

The Board authorized staff to begin drafting the two bills and meet with stakeholders. Staff will bring the results for final Board approval at the September meeting.

## **PRESENTATION OF WASHINGTON RECREATION AND PARKS ASSOCIATION PRESIDENT'S AWARD**

Jennifer Schroder, WRPA past president, presented Chair Val Ogden with the Washington Recreation and Park Association's President's Award. This award is given to an individual who has made significant contributions to the Parks and Recreation field. Ms. Ogden's professional and personal dedication, support and advocacy for protecting important natural areas, development of public parks, and expansion of programs to benefit youth make her a very deserving recipient for this award.

## **AMERICANS WITH DISABILITY ACT (ADA) CONSIDERATIONS IN PROJECTS FUNDED BY THE BOARD**

Rory Calhoun, RCO's Accessibility Specialist, presented this agenda item. (See notebook item #11 for details.)

Rory gave a PowerPoint presentation on ADA issues concerning compliance and common mistakes found in projects. Rory provides specific technical assistance to sponsors to address access and design issues for persons with disabilities and general park design.

Chair Ogden thanked Rory for his very informative presentation and would recommend that everyone involved with building construction should spend a day with someone in a wheelchair or a walker.

Jeff asked whether Rory is asked to consult with grant applicants or a wider range of people who are involved with development issues.

Rory responded that he is available to any grant recipient who has questions about, or issues with, accessibility.

Dave remarked that Rory is a great asset to the agency.

## **PRESENTATION OF PROJECTS TO BE TOURED**

Paul Leuthold, Bellingham Parks and Recreation Director, and Tim Wahl, Bellingham Parks and Recreation Greenway Program Coordinator presented this agenda item. (See notebook item #12 for details.)

Paul Leuthold welcomed the Board and thanked them for coming to the City of Bellingham. He noted that they have enjoyed a 37-year partnership with the RCO. Grant funds have allowed Bellingham's park system to become a national award winner and to be named as Trails City USA. He commented that people enjoy playing here and are very supportive of the park

system, so much so that they voluntarily tax themselves to maintain, develop, and acquire parks, which helps to leverage matching funds from RCO.

Tim Wahl gave an overview of the project tour and history of parks system in Bellingham. He discussed not only the projects and parks, but also unique features such as exceptions to the Deed of Right to respect archaeological sites, ability to protect biodiversity and Salmonid populations in the estuaries, and the need to manage people's expectations and desire to use areas for recreation. He highlighted several projects that have required multiple RCO grants over many years to complete the full vision of the project (e.g., acquisition, development, and phasing). One of the challenges is to do enough development of raw land to keep people interested until funding is available for complete development. His department has done outreach to keep voters involved and buying property while they still can.

The meeting recessed for the project tour at 2:15 p.m.

Recreation and Conservation Funding Board  
Summary Minutes

Day 2

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*Date:* June 20, 2008

*Place:* Bellingham Cruise Terminal  
Bellingham, Washington

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Recreation and Conservation Funding Board Members Present:

Val Ogden, Chair	Vancouver
Bill Chapman	Mercer Island
Karen Daubert	Seattle
Steven Drew	Olympia
Jeff Parsons	Leavenworth
Steve Hahn	Designee, State Parks and Recreation

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The meeting was reconvened at 9:10 a.m. by Chair Val Ogden.

### **NOVA NOISE ENFORCEMENT GRANT AWARD**

Marguerite Austin presented this agenda item. (See notebook item #13 for details.)

Staff and the NOVA program's Outdoor Recreation Vehicle noise enforcement evaluation team recommend that the Board adopt Resolution #2008-030 to fund the USFS Wenatchee National Forest Cle Elum Ranger District Noise Education and Enforcement project.

Marguerite explained that because about \$90,000 in ORV noise enforcement funds remain, staff plans to re-announce availability of these grants to potential applicants. Staff also will continue to review the 2007 NOVA Education and Enforcement (E&E) grants to determine if excess "noise" funds could be used for existing ranked but unfunded grant requests, thereby freeing up some of the E&E funds to give additional money to partially funded projects.

Steven Drew **MOVED** to adopt Resolution #2008-030. Bill Chapman **SECONDED**.

Resolution #2008-030 was **APPROVED** as presented.

Steven Drew asked who can apply for these grants. He expressed concern that if there were noise complaints from cities that abut recreational areas, we may not be reaching those who could benefit from these grant funds.

Marguerite noted that very few local police agencies apply for these grants as they have limited jurisdiction on state and county lands. Most of the grant recipients in this category would be those who are enforcing state laws – mostly county sheriffs and forest service or DNR rangers.

## **ADVISORY COMMITTEE POLICY PROPOSAL FOR “DO NOT FUND” RECOMMENDATIONS**

Jim Fox presented this agenda item. (See notebook item #14 for details.)

Jim explained that during grant evaluations, evaluators will occasionally say that a specific project does not merit funding even if sufficient monies are available. They have asked for a process to facilitate making a “do not fund” recommendation to the Board. In response, the RCO staff drafted a process and asked interested people to comment. Overall, staff received favorable comments about the proposal.

When staff presented this topic to the Board in March 2008, the Board asked staff to re-work its proposed solution. Staff reported that they completed the revisions, summarized as follows:

- Evaluators may nominate a project(s) for “do not fund” consideration at the end of each evaluation day, after evaluating a category, or during the evaluation meeting’s wrap-up session.
- If a majority of evaluators want to continue this discussion, RCO staff would invite the applicant to participate (either in-person or by phone) in the post evaluation meeting, typically conducted a few weeks after evaluations.
- In the post evaluation meeting, evaluators would decide whether to adopt a do not fund recommendation.
- If the decision is to adopt, all committee members would document their reasons for supporting or opposing the recommendation. RCO staff would summarize those reasons and provide the information to the Board.

Staff recommends that the Board approve this process on a trial basis in the NOVA Program. If the trial is successful, staff will recommend adopting it permanently in NOVA and investigating whether to implement the process in other grant programs.

Steven Drew would like the actual forms filled out by the evaluators to be part of the Board packet, not just the staff summary. Jim agreed to modify the process accordingly.

Karen Daubert **MOVED** to adopt Resolution #2008-017. Steven Drew **SECONDED**.

Resolution #2008-017 was **APPROVED** as presented.

## **OVERVIEW OF BOARD’S ROLE IN CONVERSIONS**

Jim Fox presented this agenda item. (See notebook item #15 for details.)

As requested by the Board at their March 2008 meeting, Jim gave an overview of project conversions and the Board’s role in these issues.

- The Board adopted detailed conversion policies and procedures in June 2007 for all grant programs by amending Section 3 of Manual 7, *Funded Projects: Policies*.
- The Board’s authority to approve conversions is delegated to the Director if the conversion affects less than 20 percent of the original project scope or cost, and the total value is less than \$75,000 in current dollars.
- The Board has discretion in discussing reasonable alternatives for replacement; opportunities for public participation; and the reasonable equivalency of the replacement site in terms of utility and location.

- It does not appear that the Board has the latitude to consider general public interest if the conversion meets the requirements set forth in RCW, WAC, and policy.
- The Board is not a quasi-judicial body. It complies with the Open Public Meetings Act, including provisions that allow for public comment, but is not subject to the appearance of fairness doctrine or rules of hearings.
- The Board has considerable discretion about which standards of “usefulness” a sponsor should be bound to in perpetuity.
- When federal funds are granted, the Board is authorized to make a recommendation to the federal authorities, but is not the final decision-maker on whether to approve a conversion.

Chair Ogden reminded the Board that this agenda item is not specific to any particular project.

Steve Hahn asked if there would be a difference in consequences if a grantee reports a conversion issue rather than “getting caught.” Jim noted that in either case, they would be required to provide replacement property, but that there is a need for flexibility in de minimus changes of use and would probably not require a formal process.

Jim stressed that the RCO considers the issues around non-compliance and conversions to be very important. The agency has nearly \$1 billion of investments in over 4,000 grants and it is crucial that we protect the public estate that we have funded. These conversion policies are key to that. We will continue to make sure that we have the ability to defend the grants that we have given in the past.

Public Comment:

Marc Laurence, chair of the “Save Our Fields” citizen’s committee, expressed concerns related to the conversion process of the Lynnwood Community Athletic Field. Mr. Laurence read portions of a letter written to Director Cottingham, requesting the Board examine evidence and hear testimony on this matter before making a decision.

## **CONVERSION OF LYNNWOOD COMMUNITY ATHLETIC FIELD**

Dan Haws presented this agenda item. (See notebook item #16 for details.)

Dan gave an overview of the conversion request of RCO #80-014 Lynnwood Community Athletic Fields. In 1980, the Edmonds School District and the City of Lynnwood received a federal Land and Water Conservation Fund (LWCF) grant (as co-applicants) to develop approximately 12.4 acres into athletic fields at the existing Lynnwood High School. The school district owns the property. The City of Lynnwood entered into a long-term lease agreement with the district to maintain the fields. In exchange for maintenance, the city would have public access and use of the fields for community and regional athletics.

The Edmonds School District is asking the Board to approve the conversion of the Lynnwood Community Athletic Fields located on the campus of the existing Lynnwood High School. The school district plans to convert a 12.4-acre LWCF assisted site. The school district has identified replacement property to remedy the conversion. The proposed conversion and replacement sites each are valued at \$7.5 million.

RCO staff finds that the conversion meets the criteria set forth for the federal LWCF Program.

Steven Drew asked how the value of the fields was determined.

Chair Ogden noted that the school district would explain the appraisal during their presentation.

Bill Chapman asked if both the City of Lynnwood and the Edmonds School District signed the original project agreement. Dan answered that both had signed the agreement as co-applicants.

Chair Ogden asked if both signatures would be necessary on an amendment to convert the property. Marguerite noted that since both parties signed the original agreement, both parties must sign an amendment. However, one party could make a request to the Board to withdraw from the agreement and its responsibilities.

Steven Drew asked whether it would be the contract or a policy that governs the Board's decision on this particular conversion.

Jim Fox believes that in this case it would be the contract and federal regulations regarding conversions that govern the Board's decision. The criteria in Manual #7 would be used as guidance in giving a recommendation to the National Park Service. Marguerite added that in section 14 of the contract between the co-applicants and our agency, it states that the contracting party shall not convert without prior approval of this Board. She also noted that there are a separate set of federal provisions that applicants also must adhere to.

Public comment:

Marla Miller, assistant superintendent of the Edmonds School District, gave a presentation of the school district's high school replacement program. The new Lynnwood High School is scheduled to open in 2009.

Jerry Lutz, attorney representing the Edmonds School District, presented background information on the conversion of the Lynnwood Athletic Fields. Mr. Lutz stated that they have been advised by staff at the National Park Service that if the property owner takes full financial responsibility for the conversion, the property owner may move forward with the conversion even though the counter party does not agree.

Gregory Goodman, appraiser, commented about the issues of property values and rezoning.

Steven Drew noted that it looks like there is a net loss in acreage between the current Lynnwood Athletic Field property and the converted property.

Ms. Miller explained that the equivalency deals only with the property that is within federal restriction.

Chair Ogden asked whether the National Park Service had accepted the appraisal. Ms. Miller replied in the affirmative.

Lynn Sordel, director of Lynnwood Parks and Recreation, spoke in opposition to the conversion request. He discussed the issue of fair market value of the converted property and the acreage required for replacement. Mr. Sordel noted that the loss of 20-plus acres of community open space within the city's boundaries would have a significant impact to the city's level of service in the parks and recreation element of their comprehensive plan.

Mike Ruork, Lynnwood City Attorney, discussed the contractual relationship between the three parties and noted the city's contribution to develop a recreation facility in perpetuity. He noted that one party cannot modify a contract without the assent of the other party, and in doing so the

contract would be considered breached. Mr. Ruork is concerned that the city's interests have not been accommodated.

Bill asked whether the City of Lynnwood has made an offer to purchase the property. Mr. Ruork answered no.

Laura Petso, Edmonds, is opposed to the conversion because the new location is a further distance for her to travel. She also believes there was lack of notice to the community.

Bob Meador, Bothell, spoke in opposition to the conversion. He believes the Edmonds School District gave misinformation during their presentation and does not want to see the current location of the athletic fields moved to a location that has no public access or support services.

Karen Daubert **MOVED** to adopt Revised Resolution #2008-012. Jeff Parsons **SECONDED**.

Steven Drew asked about the consequence of not making a decision today.

Marguerite explained that the Board has adopted a policy that gives an appraisal a one-year shelf-life, plus a one-year extension authority by the Director. The Board also adopted a policy that allows a waiver of retroactivity for someone acquiring property. In this instance, the Edmonds School District has already purchased replacement property and received a waiver of retroactivity. The concern is that by extending the decision, the shelf-life of the appraisal for the converted property would change. When a request is submitted and appraisal documents are provided, the property values are locked in. In addition, NPS rules regarding a conversion can change if the property is altered before the conversion approval process is complete.

Steven Drew reiterated his concern with the consequences of making a decision on the conversion today and will be voting in opposition.

Karen Daubert, Jeff Parsons, Bill Chapman, and Steve Hahn voted in favor of the resolution. Steven Drew was opposed.

Revised Resolution #2008-012 **APPROVED** as presented.

## **BOATING ACTIVITIES PROGRAM: AWARDING OF REMAINING FUNDS**

Jim Eychaner presented this agenda item. (See notebook item #17 for details.)

Jim gave a brief overview of the new Boating Activities Program.

Staff recommends that the Board approve the funding allocation for the remaining \$367,066 in the Boating Activities Account as recommended by the committee.

Jeff Parsons **MOVED** to adopt Resolution #2008-029. Karen Daubert **SECONDED**.

Resolution #2008-029 **APPROVED** by the Board.

## **MEETING SCHEDULE**

Rebecca Connolly will distribute information on this agenda item for discussion in September. She will ask Board members for input on the proposed schedule for 2009 via email in advance of that discussion. (See notebook item #18 for details.)

**ADJOURN**

The meeting adjourned at 12:03 p.m.

Approved by:

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Val Ogden, Chair

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Date

Next meeting: June 19 & 20, 2008  
Walla Walla

**RESOLUTION #2008-023**  
**June 2008 Consent Agenda**

**BE IT RESOLVED**, that the following June 2008, Consent Agenda items are approved:

- a) Recognition of former Advisory Committee Members
- b) Approval of RCFB Minutes – March 27 and 28, 2008
- c) Time Extensions
  - i. RCO# 00-1526N, Washington State Parks, James Island-Replace Mooring Facilities
  - ii. RCO# 02-1045A, Department of Natural Resources, Washougal Oaks NAP/NRCA
  - iii. RCO# 02-1199A, Washington Department of Fish and Wildlife, South Puget Sound Prairies and Oak Woodland
  - iv. RCO# 02-1657A, Department of Natural Resources, South Puget Sound Prairies – Mima Mounds
  - v. RCO# 04-1141D, USFS MBSNF: Snoqualmie Ranger District, McClellan Butte Trail Reconstruction
- d) Time Extension and Scope Change for Telegraph Slough, RCO #03-1182, Department of Fish and Wildlife

*Resolution moved by:*                              Dave Brittell          

*Resolution seconded by:*                       Bill Chapman          

*Adopted/Defeated/Deferred (underline one)*

*Date:*                                                   June 19, 2008

**Attachment A: Time Extension Requests for Board Approval – March 2008**

Project #	Project sponsor	Project name	Grant program	Funding date	Extension request	Circumstances or reasons for delay
00-1526N	Washington State Parks	James Island- Replace Mooring Facilities	BFP- State	7/1/2001	12/31/2008	<p>To date, State Parks has completed the following tasks: biological assessments, eelgrass surveys, topographic surveys, in-water design alternative evaluations, and 60% design drawings for in-water and upland work to replace the mooring facilities at James Island.</p> <p>State Parks is seeking a six-month time extension for additional subsurface exploration. According to Parks, the delays are caused by the regulatory environment, which created a need for more extensive studies and creative designs to avoid or mitigate eelgrass impacts. In February 2008, State Parks entered into a contract with a geotechnical engineering firm to secure permits for two test borings. The required permits will be obtained by June and the fieldwork completed in August 2008.</p>
02-1045A	Department of Natural Resources	Washougal Oaks NAP/NRCA	WWRP Natural Areas	7/11/2003	12/31/2008	<p>DNR has acquired four properties totaling 84 acres with a combined purchase price of \$1.14 million. They have been in prolonged negotiations for a 114-acre property that is of primary importance to the Natural Area. The Purchase and Sale Agreement required the signatures of several family members, one of whom refused to sign before May 1. The property is valued at \$1.4 million and will expend the remaining funds in this grant when acquired. Closing is contingent upon an environmental assessment and the ability to clear a gravel mining easement from the title. DNR is seeking an extension that will allow sufficient time to accomplish these tasks.</p>

02-1199A	Washington Department of Fish and Wildlife	South Puget Sound Prairies and Oak Woodland	WWRP Critical Habitat	7/11/2003	6/30/2009	WDFW has experienced difficulty identifying willing sellers for this project. The Board approved a time extension in September 2007 to allow additional time to pursue alternative properties. None of those alternative properties has been successfully acquired. One of the original target properties now is available for purchase. WDFW is working with The Nature Conservancy on the transaction and expects to know whether the landowner is willing to sell to them by June 19, 2008. WDFW would need an additional nine to twelve months to complete the transaction.
02-1657A	Department of Natural Resources	South Puget Sound Prairies – Mima Mounds	WWRP Critical Habitat	7/11/2003	10/31/2008	DNR has acquired three properties totaling 11.7 acres with a value of \$584,500. One of those properties includes a modest residence that could be sold and relocated, thereby recycling the structure and avoiding the cost of demolition. DNR has twice sold the house, but the buyers have backed out of the transaction each time. DNR is seeking additional time to accomplish a sale. DNR has requested RCO reduce the project balance to \$20,000 to cover the cost of demolition, and extend the project period to accomplish demolition should a sale prove impossible. Remaining funds of approximately \$180,000 will be available to another viable project.
04-1141D	USFS MBSNF: Snoqualmie Ranger District	McClellan Butte Trail Reconstruction	NRTP - General	9/9/2004	12/31/2008	USFS will be completing the trail reconstruction work this summer once the snow melts. The first construction season (2006) was short due to high fire danger and the use of power equipment. In the next construction season, USFS stopped work and redirected staff to address immediate maintenance issues resulting from the severe winter weather. The Forest Service is unsure whether the remaining work can be complete by the current deadline of September 8, 2008. The extension will give the Forest Service until the end of this year to complete the project.

## AMENDED RESOLUTION 2008-025

### Recreation and Conservation Office 2009-11 Operating & Capital Budget Request

**WHEREAS**, the Recreation and Conservation Office (RCO) must submit a 2009-11 Operating and Request Budget to the Office of Financial Management; and

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

**WHEREAS**, the Recreation and Conservation Office (RCO) must also submit a 2009-2011 Capital Request Budget to the Office of Financial Management; and

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

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

**WHEREAS**, the Washington Wildlife and Recreation Program and other RCO administered grant programs are critical components furthering the goal of maintaining and enhancing the state's quality of life and healthy ecosystems;

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

1. The Board hereby approves the 2009-2011 Capital Budget request shown below.

Program	2009-11 Request
Boating Facilities Program	Based on the latest revenue projections/estimates
Aquatic Lands Enhancement Account	Based on the latest revenue projections/estimates
Nonhighway and Off-road Vehicle Activities	Based on the latest revenue projections/estimates
Firearm and Archery Range Recreation	Based on the latest revenue projections/estimates
Washington Wildlife and Recreation Program	<u>\$100 Million</u>
Youth Athletic Facilities	<u>\$2.5 Million – Add priority funding for partnerships</u>
Land and Water Conservation Fund	Based on the latest revenue projections/estimates
National Recreational Trails Program	Based on the latest revenue projections/estimates
Hatchery	Based on the latest estimates
Salmon Recovery Funding Board	Per SRFB guidance
Biodiversity Council	Per Council guidance
Invasive Species Council	Per Council guidance
Boating Activities Program	<u>\$2 Million</u>





**Resolution 2008-027**

**Sale of Farmland Acquired Through the  
Washington Wildlife and Recreation Program**

**WHEREAS**, RCW 79A.15.130 allows recipients of grants from the Farmland Preservation Account of the Washington Wildlife and Recreation Program to acquire farmland in either fee simple or less than fee; and

**WHEREAS**, if a grant recipient acquires land in fee simple, the grant recipient must place an agricultural conservation easement on the property and attempt to resell the underlying land, subject to the easement; and

**WHEREAS**, RCW 79A.15.130(2)(b) allows grant recipients to use moneys from the sale of the property to purchase interests in additional property or to repay the grant; and

**WHEREAS**, the source of funds in the Farmland Preservation Account is from the state sale of tax-exempt bonds; and

**WHEREAS**, federal regulations on the use of tax-exempt bond funds prohibit these funds from benefitting private business use; and

**WHEREAS**, there are situations in which repaying grant funds or the leasing of land acquired by the grant recipient in fee simple could violate these federal regulations; and

**WHEREAS**, adoption of this resolution furthers the Board's objective to ensure that funded projects and programs are managed in conformance with existing authorities by establishing practices and manual language that adhere to federal regulations;

**NOW, THEREFORE BE IT RESOLVED**, that when the recipient of a grant from the Farmland Preservation Account acquires land in fee simple, the grant from RCO will be only for the appraised value of the easement, not including the underlying land; and

**BE IT FURTHER RESOLVED**, that this policy shall take effect for the current 2008 grant cycle and RCO staff is directed to take the necessary steps for implementing this policy by amending Manual 10f, *Washington Wildlife and Recreation Program Farmland Preservation Program Policies and Project Selection* and notifying applicants accordingly.

*Resolution moved by:*                              Karen Daubert          

*Resolution seconded by:*                      Steven Drew          

Adopted/Defeated/Deferred (*underline one*)

*Date:*                                                  June 19, 2008

## Attachment A

### **Manual 10f, Washington Wildlife and Recreation Program Farmland Preservation Program Policies and Project Selection Page 9-10**

**Acquisition of land.** The program allows for acquisition of fee simple title (meaning not just acquiring development rights, but acquiring the land as well). If this occurs, the sponsor must record a perpetual agricultural conservation easement on the property before seeking reimbursement from RCO, and then seek to sell the land. The enabling legislation for this program directs the sponsor to 1) place “a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity”; and then 2) “seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production.” The legislation specifically requires that property rights be retained “in perpetuity”; thus, less-than-perpetual “term easements” may not be used when the sponsor acquires fee simple title

Additionally, because the enabling legislation requires the sponsor to place a conservation easement on the property before seeking to sell it, the conservation easement must be granted to “the State of Washington, by and through the Recreation and Conservation Office (RCO). The sponsor may not name itself as grantee to the easement.<sup>1</sup> If, and when, the underlying land is conveyed from the sponsor to another party, RCO will assume the role of third party to the easement and transfer its role as easement grantee to the sponsor.

~~The sponsor may seek reimbursement from RCO based either on the value of the easement, or on the value of the fee simple title, as follows:~~

~~1) Sponsors will seek reimbursement from RCO based on the appraised value of the easement, not including the underlying land. In this scenario, the sponsor may sell the underlying land in the future pursuant to the terms of the easement. The sponsor has discretion on what to do with proceeds from the sale, because the reimbursement was not based on the value of the underlying land. While sponsors are encouraged to use these proceeds towards an endowment to manage the easement or to purchase other significant farmlands, they are not obligated to do so.~~

~~OR~~

~~2) Sponsors will seek reimbursement from RCO based on the appraised value of fee simple title. Because grants are used for acquisitions of underlying lands, sponsors must seek RCFB approval before selling the land. Sponsors must follow RCFB procedures for valuing converted land when they sell the property (see Manual 3, *Acquiring Land: Policies*). This means the sales price must be based on the appraised market value of the land at time of sale.~~

~~Additionally, and at the discretion of RCFB, proceeds from the sale will either be returned to the Farmland Preservation Account, or the sponsor will be allowed to acquire property interests on land that meets farmland preservation grant eligibility criteria. If land is acquired in fee using proceeds from the sale, the sponsor must record a second perpetual conservation easement and seek to resell this land as well. Proceeds from each additional purchase and sale of underlying rights will be guided by RCFB policy until the value of the original difference between the easement and fee title has been reinvested in the program.~~

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<sup>1</sup> There are legal pitfalls associated with a single party’s ownership of the fee title and a conservation easement over the same property. If ownership of easement and fee interests becomes vested in the same party, the easement may “merge” into the fee title, terminating the easement.



**Attachment A: Evaluation Ranked List and Funding Recommendations, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008, June Revision**

Rank	Score	Number	Project Name	Project Sponsor	RCFB Amt	Sponsor Amt	Total Amt	Cumulative Request	Recommend Funding
1 of 10	59.167	07-1989E	Cle Elum OHV Noise E&E	USFS WNF Cle Elum RD	\$8,565	\$1,248	\$9,813	\$8,565	\$8,565
2 of 10	51.833	07-1986E	Tahuya Event and Weekend ORV Noise E+E	Dept of Natural Resources	\$50,000	\$6,180	\$56,180	\$58,565	\$58,565
3 of 10	51.500	07-1988E	Land Adjacent to Tahuya and Green Mt. State Forest	Dept of Natural Resources	\$50,000	\$7,025	\$57,025	\$108,565	\$108,565
4 of 10	50.750	07-2001E	Naches OHV Noise E & E	USFS WNF Naches RD	\$20,170	\$8,800	\$28,970	\$128,735	\$128,735
5 of 10	50.667	07-1996E	Central Zone OHV Noise E&E	USFS WNF Entiat RD	\$29,015	\$7,900	\$36,915	\$157,750	\$157,750
6 of 10	47.833	07-1998E	City of Republic OHV Education	Republic City of	\$10,000	\$4,500	\$14,500	\$167,750	\$167,750
7 of 10	46.667	07-1991E	Spokane County Parks Noise Enforcement Program	Spokane County Parks & Rec	\$32,780	\$1,300	\$34,080	\$200,530	\$200,530
8 of 10	45.583	07-1990E	POV Sound Enforcement Ranger	USFS CNF Newport RD	\$50,000	\$3,000	\$53,000	\$250,530	\$250,530
9 of 10	44.917	07-1985E	Chelan County Sheriff ORV Noise Enforcement	Chelan County Sheriffs Office	\$49,155	\$6,000	\$55,155	\$299,685	\$299,685
10 of 10	41.417	07-2002E	Grant County ORV Noise Enforcement	Grant County Sheriff Dept	\$13,540		\$13,540	\$313,225	\$313,225
<b>Subtotal, Approved at March 2008 Meeting</b>					\$313,225	\$45,953	\$359,178		
--	--	08-1500 E	Cle Elum Additional Noise E&E	Wenatchee National Forest Cle Elum Ranger District	\$29,900	\$0	\$29,900	\$343,125	<b>\$343,125</b>
					\$343,125	\$45,953	\$389,078		

## **Attachment B: Project Description**

### **USFS Wenatchee National Forest Cle Elum Ranger District Cle Elum Additional Noise Education and Enforcement**

**\$29,900**

The U.S. Forest Service will use this grant to provide training and wages for an additional ranger to monitor sound levels of off-road vehicles. The Cle Elum Ranger District, which covers the Okanogan and Wenatchee national forests, is one of the largest off-road vehicle recreation areas in Washington, offering more than 500 miles of off-road vehicle trails. Many trailheads are near new residential areas, creating challenges for staff. Forest service staff would like to increase noise patrols, implement rules requiring off-road vehicles to be 96 decibels or below and educate users about how to ride responsibly and respectfully. This sound monitoring will be integrated with the ranger's regular trail and trailhead visits. There will be occasional emphasis stations at busy locations and times. (08-1500E)

**RESOLUTION #2008-017 (revised)**

**NOVA Program Trial Evaluation Team “Do Not Fund” Process**

**WHEREAS**, during grant evaluations, evaluators occasionally suggest that a specific project does not merit funding; and

**WHEREAS**, the reasons for this may include that an eligible project does little to further the grant program’s goals or that its costs are not in proportion to its benefits; and

**WHEREAS**, under the current evaluation system used to recommend projects for grants, there is no formal way for an evaluation team to recommend against funding a project; and

**WHEREAS**, establishing such a process would further the Board’s strategic goal to “[f]und the best projects as determined by the evaluation process”; and

**WHEREAS**, the staff of the Recreation and Conservation Office (RCO) has solicited public comment on such a process;

**NOW, THEREFORE BE IT RESOLVED**, that the RCFB does hereby direct its staff to immediately implement the process described in Attachment A hereto on a trial basis for the Nonhighway and Off-Road Vehicle Activities (NOVA) Program; and

**BE IT FURTHER RESOLVED**, that RCO staff will report to RCFB regarding the effectiveness of the process, together with recommendations on whether it should be continued and considered for other grant programs.

*Resolution moved by:* Karen Daubert

*Resolution seconded by:* Steven Drew

*Adopted/Defeated/Deferred (underline one)*

*Date:* June 20, 2008

## Proposed New Language for NOVA Program Manual 14 Project Evaluation Section

[PROPOSED NEW TEXT IS UNDERLINED]

**Project Evaluation.** The purpose of evaluations is to provide a basis for funding recommendations. This is done by assessing the merits of each project using the questions found in the appendices to this manual. Before the evaluation meeting, RCO sends evaluators information from the applications that includes project summaries and cost estimates. By appointment, applicants appear before the advisory committee/evaluation team and, over a period of about 25 minutes, orally respond to each evaluation question and any committee queries.

Though applicants use PowerPoint® to assist with their presentation, funding relies heavily on their oral responses to the evaluation questions. For help with responses, applicants should consult with their RCO outdoor grants manager. Letters and other documented expressions of project support will *not* be provided to the evaluation team. Applicants should, however, summarize this support when responding to the *Project Support* evaluation question (#5). Complete copies of all such support material must be provided to RCO.

After individually scoring all projects using the criteria, the evaluation team meets to discuss the projects. At the conclusion of this open and publicly announced meeting, final ranking recommendations are decided. (In order to ensure that all projects are treated equally, no project-related testimony from visitors is taken at this meeting.) RCO's director uses the resulting ranked list of projects as the foundation for funding recommendations to RCFB's board.

During evaluations, the committee/team may express concerns about a project, and some members may want to discuss a "do not fund" recommendation. If this occurs, the discussion will take place during the post-evaluation meeting. RCO staff will invite the applicant's representatives to attend the meeting in person or by phone and respond to questions. The evaluation team will vote on the "do not fund" recommendation; the vote will pass with a simple majority vote. Each committee/team member will write his or her opinion and considerations for approving or disapproving the recommendation. RCO staff will summarize the explanations and forward them and the recommendation to the RCFB.

**Public Comments on the Proposed Do Not Fund Policy**

Commenter	Recommendation	Comments
1. Karen Daubert, RCFB member, 4/30/08	None	Great email - thanks! This makes a lot of sense.
2. Arlene Brooks, NOVA Advisory Committee, 5/6/08	Qualified support	<p>Thanks to everyone who worked to put the original recommendation together for the March RCFB meeting - I thought it would work; however, the revision now being presented will address past concerns at least in this section.</p> <p>Question: When the situation presents itself - when will the advisory committee know (collectively) that someone has an issue with a project?</p> <p>At the end of the EVALUATION WEEK - set aside an hour or (?) to discuss the proposed 'do not fund' project(s) - while the committee is all together?</p> <p>Waiting until the post evaluation meeting - there may be a chance not all of the committee can attend or be available via teleconference; applicants will have the opportunity to attend to answer concerns and questions; written questions/comments submitted by committee members would then be helpful. Lots of uncertainty.</p> <p><b>Staff reply:</b> Thanks for asking about how we think the NOVA advisory committee will address member concerns about when a project should not be funded. Pene Speaks (DNR) noted one way when she indicated a preference for addressing these infrequent concerns informally at the end of the evaluation day or when we finish evaluating a category. It could also be done on the last day of evaluations during the wrap-up.</p> <p>On any of these occasions it would probably be possible to quickly determine if there is a consensus for inviting the applicant back, either in-person or by phone, to the post evaluation meeting. At that time, the advisory committee would decide whether to proceed with a do not fund recommendation. If the decision is to proceed with "do not fund" we would ask all committee members to write out their reasoning (yea or nay), perhaps using something like the draft form previously distributed.</p>
3. Ken Irwin, NOVA Advisory Committee, 5/5/08	Agrees with the proposal and suggests the noted addition	<p>AFTER THIS: "...and given an opportunity to attend the meeting to respond to questions."</p> <p>ADD THIS: "The NOVA Advisory Committee's recommendation to "do not fund" will be achieved by a simple majority vote of the members. The recommendation, along with an explanation in writing from the committee through RCO staff, will be forwarded to the RCFB for their final determination."</p> <p><b>Staff reply:</b> We like this idea and, after a bit of wordsmithing, revised the proposal.</p>

### Public Comments on the Proposed Do Not Fund Policy

Commenter	Recommendation	Comments
4. John Spring, NOVA Advisory Committee, 4/30/08	Agrees with the proposal	<p>[Paraphrased] I like the idea of entertaining brief evaluator suggestions during project evaluations to put certain projects on the "do not fund" agenda for further consideration at the post evaluation meeting. This way the applicant will know to be present.</p> <p>Most applicants would also know that their projects are in jeopardy based on written evaluator comments made during the July technical reviews. This would have provided them with a chance to modify the request or withdraw the project before evaluations.</p> <p>I also agree that evaluators voting "do not fund" must disclose their reasons in writing. I personally have not seen more than one or two projects on which I would have ever used the "do not fund" recommendation during the years I have been involved. In those cases, it was always cost versus the number of users that would have benefited.</p>





## Attachment A: Options for Expending Remaining Boating Program Funds

Option	Advantages	Disadvantages
1. Augment grant funding for an existing approved high-ranked only partially funded through the Boating Facilities Program. Example: Castle Rock	Requires no evaluation time. No new program rules needed.	Project amendments would take time. May miss construction season. No “visibility” for the new program money.
2. Provide maintenance funding for state and local launch sites	Addresses key public/provider need	Difficult to determine where the money would best be directed. Limited time in which to create an application/review process. Likely to miss construction season.
3. Provide emergency funding for access sites damaged by winter floods; example: Friends Landing	Addresses emergent need. May have high publicity value.	Uncertainty about amount of money needed per site. Difficult to determine where the money would best be directed. Limited time in which to create an application/review process. Selecting sites now could be perceived as arbitrary.
4. Update and enhance state boating web pages to provide a virtual “state boating services,” including links to access site information, refuges and camp sites, pump out locations, etc	RCO and Parks have existing web sites known to be popular and useful. Boating study recommends a centralized web site. Would improve coordination.	Not all boaters have Internet access.
5. Provide funding for training marine law enforcement personnel on invasive species	Known unmet need. Addresses multiple recommendations of the boater needs study (coordination, law enforcement, environmental).	Not a direct service to the boating community. Turnover in law enforcement personnel may limit effectiveness.
6. Fund communications plan on environmental issues	Recommended in boater needs study. Easy to develop RFP if contracting out.	Not a direct service to the boating community.
7. Fund on-going coordination of state boating programs, assist in development of a “Boating Council” modeled on other standing councils (e.g., Invasive Species)	Better coordination recommended in boater needs study. Some advocates seeking higher visibility for boating programs.	May be unnecessary duplication of existing programs.

<b>Option</b>	<b>Advantages</b>	<b>Disadvantages</b>
8. Pay for grading access roads to WDFW launch sites	Known need.	Serves a limited segment of the boating public.
9. State Parks enhanced web site serving all boaters	Serves all boaters. No permits needed. High visibility.	May duplicate existing information.
10. Pay for additional studies (e.g., capital investment needed to improve sites statewide; how much boaters pay into state general fund; how much money the state returns in services)	Additional data of use to boaters, agencies, others.	A share of this year's funds have already been spent on the boater needs study.
11. Outreach (PR) regarding mandatory boater education	Help public comply with the law.	May not serve all boaters.