



STATE OF WASHINGTON

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January 18, 2006

TO: IAC Members and Designees
FROM: Laura E. Johnson, Director 
PREPARED BY: Neil Aaland, Assistant Director for Project Services 
SUBJECT: **Topic #8 WWRP - Riparian Protection Category**

Background

Staff have been working since last summer on developing the new Riparian Protection Account as an element of the Washington Wildlife and Recreation Program (WWRP). Applications for the Riparian Protection Account will be due May 1, the same date for all programs and funding categories within the Washington Wildlife and Recreation Program. Relevant sections of the draft policy manual (Manual 10) that includes this new program accompany this memo. The manual includes eligibility and evaluation criteria and a proposed grant evaluation process.

As a reminder, general information on the program adapted from a previous IAC Board memo is provided in Attachment A. The relevant language from ESSB 5396 establishing the Riparian Habitat Account is provided in Attachment B.

This agenda item is one part of the adoption of four new WWRP programs and the associated Washington Administrative Code (WAC) revisions, as discussed in Agenda Item #5. The proposed WAC includes changes needed to create the new grant program. The WAC adoption will occur later today for all four programs as part of Agenda Item #10.

Information on the new grant program has been posted on the IAC website and made available for public comment. As of the date of this memo, we have received four comments. For your information, these are shown in Attachment F. Any additional comments we receive prior to the meeting will be provided to you then.



Process for Developing Draft Policy Manual and Evaluation Criteria

The Riparian Protection Account Advisory Committee has had three meetings to assist with development of the program and make recommendations on the proposed evaluation criteria and policy manual.

What are the Primary Issues for Consideration?

1. *Should public access be mandatory?*

The proposed policy is to encourage public access when appropriate. Public access may be restricted to protect sensitive riparian habitat or comply with landowner interests. See Attachment E (Evaluation Criteria), #6.

2. *How should the grant evaluation team be structured?*

The evaluation team is comprised of similar members as the WWRP Habitat Conservation Account evaluation teams with additional expertise in riparian habitat and land use management skills. See Attachment D (Policy Manual – Abridged), page 4.

3. *Are evaluations conducted in-person?*

Presentations of the applicant's proposal to the evaluation team will be made in-person. The evaluation process is similar to the WWRP Habitat Conservation Account. See Attachment D (Policy Manual – Abridged), page 4.

4. *Should there should be a minimum and maximum dollar amount for a grant, and if so in what amount?*

The Advisory Committee recommends a minimum grant amount of \$20,000 and a maximum amount of \$1,000,000 See Attachment D (Policy Manual – Abridged), page 2.

5. *How should the evaluation criteria be established and weighted?*

a. The advisory committee recommends a three-tiered approach to the evaluation criteria. The first tier provides twenty points each for riparian habitat benefits, planning priority, and site suitability and project design. The second tier provides fifteen points for threats to habitat, project support, and public access opportunities. The third tier provides ten points for stewardship and five points for match. See Attachment E (Evaluation Criteria).

b. The advisory committee recommends awarding similar match points to all applicants, not just local agencies, even though state agencies are not required to provide a match. Sponsors would receive one point for providing fifty percent of match, which is the minimum match requirement for local agencies. Additional match points would be awarded with increasing matching shares.

Staff does not recommend the board approve the advisory committee's recommendation. Since state agencies are not required to provide a match, in most instances this would mean they would not receive this additional point. This would result in state agencies being penalized for not providing a match. Staff does not believe the legislation intended this, and recommends only awarding match points when a sponsor has provided more than the minimum match requirement. The draft evaluation criteria provided with this report reflects the advisory committee recommendation.

- c. As a reminder, these criteria will also be used to evaluate any projects submitted under this category for the mitigation bank Request for Proposals (RFP). See Board Item #12.

6. *Are stewardship plan costs eligible for reimbursement?*

At the last meeting of the advisory committee, members recommended allowing the development of site stewardship plans to be an eligible cost as part of the project sponsor's match. Development of site stewardship plans is currently not an eligible cost in the WWRP for any of our programs.

Staff believes this is a policy question that, if considered, should be addressed for all WWRP grant programs. If the Board wishes to consider this policy question, our recommendation is to schedule this as a general policy question later this year.

7. *Is there a need to further define "Riparian Area"?*

The statute contains a definition of "riparian area". The advisory committee discussed the need to further define this term. The primary issue is how much of the area surrounding a water body would be considered riparian. For example, riparian area could include the FEMA floodplain, the length of a tree that falls ("site potential tree height"), or a set value such as 300 feet.

The committee decided against including an additional definition of riparian area beyond the definition given in the legislation. The evaluation criteria is set up for the project sponsor to define what is the extent of the riparian area in their proposal and defend that to the evaluation team (see evaluation criteria Number 1). All land types (upland, riparian, and aquatic) are currently proposed to be eligible for grant funding.

8. *How are the issues associated with Conservation Reserve Enhancement Program (CREP) lease extensions being addressed?*

As you will recall, the Board agreed to delay implementing that portion of the program due to a number of questions that emerged. Staff will be working with stakeholders over the next year regarding this issue, and will report back to the Board later this year.

Staff Recommendation

Staff recommends conditional adoption of Manual 10-HCA, with final adoption (Resolution #2006-05) after the WWRP WAC rules are adopted.

Attachments

- a) General Information from Previous IAC Board Memo
- b) Riparian Habitat Program Language From ESSB5396
- c) Resolution #2006-05
- d) Manual (abridged)
- e) Evaluation Criteria

Attachment A General Information from Previous IAC Board Memo

Background

Engrossed Substitute Senate Bill 5396, passed by the 2005 Legislature and signed by the Governor on May 6, 2005, establishes a new Riparian Habitat Account within the Washington Wildlife and Recreation Program to be administered by IAC (see Attachment B). Riparian habitat is defined as follows:

“Riparian habitat” means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.”¹

What can be funded?

The purpose of this program is to acquire an interest in, and enhance or restore, riparian habitat. This will be done by providing grants to:

- Acquire interests in real property. The acquisition can include purchase in full, options, rights of first refusal, conservation easements, leases, and mineral rights.
- Enhance or restore property in which an interest is acquired under this program. (Note: acquisition in some manner is a required component of any enhancement or restoration project proposed under this program.)
- Extend the duration of leases for riparian areas currently enrolled in the conservation reserve enhancement program (CREP).
- Fund mitigation banking projects (see separate memo).

The bill requires state agencies to provide payment in lieu of taxes (PILT) for acquisitions, and provides that the match requirement for local agencies is 50%. State agencies have no match requirement.

Who is eligible?

The following entities can apply for funding:

- Certain state agencies – Parks and Recreation Commission, Department of Natural Resources, Department of General Administration, and the Department of Fish and Wildlife.
- Local agencies – cities, counties, towns, federally recognized Indian tribes, and other local agencies.
- Lead entities under RCW 77.85 (Salmon Recovery.)

¹ RCW 79A.15.010 (7)

What criteria are mentioned in the bill?

Subsection 10 of the bill provides specific minimum criteria for awarding grants. In summary, these criteria are:

1. Whether projects extend the duration of leases of riparian areas that are currently enrolled in the CREP program;
2. Whether projects are recommended in other plans such as 2514 watershed plans, salmon recovery plans, or habitat recovery plans;
3. Whether there is community support;
4. Whether the proposal includes an ongoing stewardship program;
5. Whether there is an immediate threat to the site;
6. Whether there is enhancement or restoration proposed and whether the habitat is linked to other high quality habitat;
7. Whether the project is consistent with local, regional or state recreational or resource plans (including specific mention of shoreline master program or comprehensive plan updates)
8. Whether the site has educational or scientific value; and
9. Whether the site has passive recreational values.

Attachment B
Riparian Habitat Program Language From ESSB5396 (Ch. 303, Laws of 2005)

Sec. 1 RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter...

..."(7) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers."

NEW SECTION. Sec. 6 A new section is added to chapter 79A.15 RCW to read as follows:

(1) The riparian protection account is established in the state treasury. The committee must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (10)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The committee may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of riparian habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (8) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where riparian habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for

the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.

(8) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(9) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

(10) In determining acquisition priorities with respect to the riparian protection account, the committee must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

(11) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the committee and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

**Attachment C
Resolution**

Interagency Committee For Outdoor Recreation

RESOLUTION #2006-05

Adoption of the Riparian Protection Account Policy Manual

WHEREAS, Chapter 303, Laws of 2005 established a new Riparian Protection Account (RPA) as part of the Washington Wildlife and Recreation Program; and

WHEREAS, the Interagency Committee For Outdoor Recreation (IAC) has the authority to adopt policies and rules for the WWRP and for the RPA; and

WHEREAS, IAC staff has convened a committee composed of representatives of environmental organizations, tribes, local governments, lead entities, agricultural interests, and state agency representatives to advise the IAC on RPA policies; and

WHEREAS, IAC staff held workshops in Moses Lake and Tukwila to solicit public input on the RPA; and

WHEREAS, the proposed RPA policy manual, Manual #10, has been reviewed by the RPA Advisory Committee and the Committee's recommendations transmitted to the IAC; and

WHEREAS, the proposed policy manual has been made available for review and comment by the several thousand individuals and organizations that have expressed an interest in the WWRP and the RPA, including counties, cities, conservation districts, land trusts, agricultural organizations, lead entities, and environmental organizations;

WHEREAS, adoption of Manual #10 is essential to implementing the first grant cycle of the RPA, commencing May 1, 2006;

NOW, THEREFORE BE IT RESOLVED, that the IAC adopts the Riparian Protection Account Manual #10.

_____ Moved _____ Seconded

MOTION CARRIED / FAILED

Interagency Committee for Outdoor Recreation
Washington Wildlife and Recreation Program

**Riparian Protection Account
DRAFT Policy Manual Sections**

The following sections relating to the Riparian Protection Account will be incorporated into the existing Manual #10 regarding the Washington Wildlife and Recreation Program. The sections are provided below to provide an easier public review of the policies for the Riparian Protection Account specifically.

The IAC Board will take action on these proposed policies at its regularly scheduled meeting on February 2-3, 2006 in Olympia.

Category Description

Projects submitted for WWRP funding assistance are placed in an account-category based on project characteristics, intent, and scope according to the following threshold criteria:

Riparian Protection Account

- Projects must include acquisition of real property interest.
- Projects must provide for riparian habitat protection for land adjacent to any waterbody and/or its submerged lands.
- Riparian habitat may include shorelines, nearshore marine habitat, estuaries, lakes, wetlands, streams and rivers.
- Projects may include functional habitat for salmonids, other fish and wildlife species.
- Projects may include restoration or enhancement of the property to be acquired.
- Projects may include passive public access, if appropriate.

Match Policy and Fund Limits

IAC establishes sponsor matching share requirements and acquisition-development fund request limits. The current amounts are:

Local Agencies, Native American Tribes and Lead Entities

- The minimum sponsor match is fifty percent for each project. RCW 79A.15.120(8)

- Not less than ten percent of the minimum match must be from non-federal and non-state sources. (Pending proposed WAC change for all IAC grant programs. For more information see IAC's website at: http://www.iac.wa.gov/news_item.htm)
- IAC will not reimburse more than the sponsor's "out-of-pocket" costs.

State Agencies

- State agencies are not required to provide a match.

The funding minimum in the Riparian Preservation Account is \$20,000.

The funding maximum in the Riparian Preservation Account is \$1,000,000.

Eligible Project Activities

- Acquisition

Includes the purchase of land in perpetual and non-perpetual interests such as leases and conservation easements. Acquisition of non-perpetual interests must be for at least 50 years. Incidental costs related to acquisition are eligible expenses. Rules for land acquisition may be found in IAC Manual 3: Acquiring Land.

Acquisition of riparian habitat for rivers, streams and other flowing waters should comply with recommendations established in Management Recommendations for Washington's Priority Habitats: Riparian produced by the Washington Department of Fish and Wildlife. The document can be accessed at <http://wdfw.wa.gov/hab/ripsum.htm>.

- Development

Complete guidelines for development projects are found in IAC Manual 4: Development Projects: Policies. Eligible project elements include:

- Benches, tables
- Paths
- Restrooms
- Interpretive kiosks/signing
- Roadways
- Parking

- Restoration

Complete guidelines for development projects are found in IAC Manual 4: Development Projects: Policies. Eligible project elements include:

- Estuary restoration including bulkhead removal, shoreline restoration, and tide gate removals
- Fencing, gates, and signs
- Instream habitat such as bank stabilization, channel reconfiguration, and woody debris placement
- Instream passage improvements
- Riparian habitat protection such as native plantings and invasive plant removal
- Upland erosion control, impervious surface removal, and ditches
- Landscaping
- Permits

Restoration projects should follow the Washington State Aquatic Habitat Guidelines Program for road culverts, stream restoration and streambank protection. The guidelines can be found at <http://wdfw.wa.gov/hab/ahg/>.

Projects involving mitigation banking activities will be eligible for funding in WWRP Habitat Conservation Account and Riparian Protection Account. Proposals for a pilot mitigation banking project are being solicited separately from the current grant cycle. Parties interested in the mitigation banking pilot program should contact IAC at (360) 902-3000 or info@iac.wa.gov.

Ineligible Project Activities

Several sources are used to determine project eligibility, including chapter 79A.15. RCW and the category information above. The following project elements are ineligible for funding consideration:

- Indoor facilities such as community centers, environmental education or learning centers, gymnasiums, swimming and/or therapy pools, and covered ice skating rinks.
- Offices, shops, residences, meeting and storage rooms.
- Concessionaire buildings.
- Fish or wildlife production facilities such as fish hatcheries for the production of sport fish populations.
- Properties acquired via a condemnation action of any kind. On multi-parcel acquisitions sponsors may acquire those parcels that cannot be purchased from a willing buyer/willing seller via condemnation using only non-WWRP funds. Complete documentation of parcels acquired by WWRP funding versus those acquired entirely by sponsor funds under condemnation must be maintained and available. The value of parcels acquired via condemnation may not be used as part of the required local agency matching share.
- Projects required as part of a Habitat Conservation Plan approved by the federal government for incidental take of endangered or threatened species or other related habitat mitigation requirements.

Project Evaluation

Project evaluation is based on a set of questions adopted by IAC's board. The questions are based on statutory and other criteria developed through an advisory committee and public comments.

There are two sections to the evaluation criteria. In the first section, the evaluation team (see below) uses IAC board adopted criteria to score each project. Scores are based on each applicant's oral response to evaluation questions, a graphic presentation, and summary application material made available in advance of the meeting.

In the second section, IAC's staff scores the projects using objective measures, such as matching shares, population and conformance to growth management planning. Scores are based on material submitted by applicants and obtained from the state Offices of Financial Management and Community Development.

Scores from sections one and two are combined for a project's total evaluation score.

Evaluation Process

While IAC's evaluation meetings are open to anyone, they are not public hearings. As such, only applicant employees or designated spokespersons may address the evaluation team. At these meetings, an IAC staff member serves as nonvoting moderator. Scoring is by secret ballot. Scoring instructions are contained in the individual evaluation instruments. Following the meeting, all scores are tabulated and compiled to establish a ranked list of projects. The ranked list is the basis for funding recommendations to the IAC Board.

Evaluation Team

The Riparian Protection Account evaluation team has at least 8 members. Team members represent state and local agencies, non-profit organizations, recreational interests, academics, and the public at large. Evaluation team members may have experience in the following areas:

Acquisition/appraisals	Biology	Botany
Ecology	Engineering	Fish and wildlife management
Forestry	Geology	Geomorphology
Hydrology	Landscape management	Natural resource management
Marine and freshwater shorelines	Urban planning	Watershed planning
Wetlands, streams, and river systems	Zoology	Lakes

The following sections are standard WWRP policies that will apply to the Riparian Protection Account.

Planning Requirement

(An amendment to the WAC that speaks to the planning requirements for all WWRP projects is currently open for public comment. The proposed changes are captured in the policy below. For more information see IAC's website at: http://www.iac.wa.gov/news_item.htm.)

At least three months before IAC's first funding meeting for WWRP projects (typically in June of even numbered years), applicants must submit evidence that their project(s) are supported by appropriate planning documents. Plans accepted by IAC establish the sponsor's eligibility for up to six years. It is the applicant's responsibility to ensure that plans and documents are current.

For further information, consult Manual 2, Planning Policies. In summary, and at minimum, a sponsor's plan must include the following elements:

Goals & Objectives

A statement of the applicant's long range goals and a list of objectives that describe specific actions aimed at achieving each goal.

Description of Current Conditions

A description of agency authorities, the physical setting, and sphere of influence or service area. Include recreational use and/or habitat information and an evaluation of existing opportunities, including opportunities that are managed by agencies other than the applicant.

Demand and Need

An explanation of why actions are necessary and establishment of priorities for these actions.

Public Involvement

A description of how the planning process gave the public ample opportunity to be involved in development of the plan.

Capital Improvement Program

A current capital improvement program that covers a period of at least six years.

Official Adoption

Evidence that the authority most appropriate to the plan's scope has approved the document.

Multi Site Acquisition Strategy

Typically, applicants submitting habitat or riparian acquisition projects identify the specific parcel(s) of land they wish to purchase. Occasionally, however, an applicant will target an area that includes a larger number of parcels with the stated intention of acquiring only a portion of them. The Multi-Site Acquisition Strategy is designed to give clarity to elected officials, the public, WWRP evaluation teams, and IAC's board on what properties will be acquired, while maintaining flexibility for agencies to acquire the highest priority habitat lands.

Grant applicants should identify all parcels targeted for possible acquisition. If this is not feasible, would create a hardship for targeted landowners or jeopardize potential acquisitions, applicants may instead identify a geographic envelope containing all parcels to be considered.

Proposed parcels should be contiguous with one another or contiguous with property currently protected through public or nonprofit ownership. Parcels may be non-contiguous if applicants can demonstrate that siting the project anywhere within a geographic envelope will be effective in achieving the goals of the project.

Projects targeting acquisitions in more than one geographic envelope or containing non-contiguous parcels may be requested by IAC staff to be submitted as separate grant applications. Staff shall consider the distance between geographic envelopes or non-contiguous parcels, political jurisdictions involved, similarity of ecological features, and difficulty in evaluation.

Applicants provide an acquisition strategy in their application. The strategy should show how the agency will approach selecting parcels to pursue and what will be done if negotiations are not successful. The acquisition strategy should be justified based on factors including ecological significance, threat, access, land management issues, real estate issues, degree of completion of the site, location of parcels previously acquired, and landowners.

During the evaluation of the grant proposal, evaluators may recommend that the IAC place conditions on a project to ensure there is not a significant scope change resulting from acquiring parcels with lower conservation values.

If the sponsor anticipates that the project may have opposition from the community or local elected officials, the sponsor should work with concerned parties to resolve concerns as soon as possible.

County/City Consultation

Project sponsors shall review the proposed project application with the county or city with jurisdiction over the project area prior to applying for funds for the acquisition of property. The appropriate county or city legislative authority may, at its discretion,

submit a letter to the IAC identifying the authority's positions with regard to the acquisition project. The IAC shall make the letters available to the Governor and the Legislature with the submittal of the prioritized list of projects.

Combination Projects

Combination projects involve land acquisition and facility development and/or restoration. To help ensure timely completion of projects without tying up grant funds for extended periods, at least one month before IAC considers approval of funding such projects, applicants must secure the property by one of the following methods:

- Acquisition under Waiver of Retroactivity policies outlined in Manual 3: Acquiring Land: Policies.
- Have property in escrow pending IAC grant approval.
- Obtain an option on the property that extends past the IAC funding meeting. Execution of the option must occur within 90 days after this meeting.
- Provide draft copies of all leases or easements to the IAC for review. Execution of the leases or easements must occur within 90 days after the funding meeting.

Progress Policy

By IAC policy, sponsors must complete funded projects promptly. To help ensure reasonable but timely project completion, accountability, and the proper use of funds, applicants will:

- Only submit projects that can be completed within four years of the grant award.
- Provide assurances that the project can be completed within a reasonable time, which does not exceed the board approved implementation period.
- Provide written certification of matching fund availability before the IAC funding meeting.
- Submit the post approval materials required within 60 days of funding approval.
- Develop milestones and a timeline for project implementation that does not exceed four years.

By June 1st of each year, IAC staff will review the status of WWRP projects that remain incomplete three or more years from the date of funding approval. The sponsors of these projects will be asked to provide assurances that their projects will be completed and funds expended within the agreement period. Assurances may include:

- Purchase and sale agreements
- Proof of permitting approvals
- Construction contracts
- Other significant milestones listed in the grant agreement.

If satisfactory assurances are not provided, the agreement period will lapse or the Director will terminate the project. Additional information about the progress policy is found in Manual 7, Funded Projects: Policies & the Project Agreement.

Conversions

(An amendment to the WAC that speaks to the conversions requirements for all WWRP projects is currently open for public comment. The proposed changes are captured in the policy below. For more information see IAC's website at: http://www.iac.wa.gov/news_item.htm.)

Natural resources and facilities purchased with WWRP funds shall not be converted to uses other than those for which the funds were originally approved. Excepted are conversions approved by IAC's board which include but are not limited to: conditions brought about by nature, fire, and projects authorized by the Interstate Commerce Commission (ICC) under the National Trails System Act [§ 8(d), 16 U.S.C. § 1247(d)].

IAC may only approve a conversion when the substitution or replacement with natural resources or facilities of at least equal fair market value at the time of conversion is assured. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

In addition, projects authorized under the National Trails Act shall automatically convert if reactivated for rail purposes under an ICC order. Substitution or replacement may be required with natural resources, facilities, or moneys, of at least equal fair market value at the time of conversion. Such substitution or replacement must also, when required, be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

And last, a conversion may also be declared in instances where a project, due to a management activity, no longer meets or conforms to the intent of the category in which it was funded. Here are two examples from the critical habitat and natural area categories:

- (1) Property that, due to a management activity, no longer supports or contains the species for which it was acquired. Replacement would be either new property to meet the original intent, or, if that is not physically or biologically possible, new property to accomplish the same goal with other species.
- (2) Development of habitat/natural area projects beyond minimal levels required to preserve, enhance or interpret projects of this type. Replacement would be the same as noted above.

Attachment E

Washington Wildlife & Recreation Program

Evaluation Criteria

Riparian Protection Account

(Tribal Government, State and Local Agencies, and Lead Entities)

Riparian habitat is defined as land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and nearshore marine habitat, estuaries, lakes, wetlands, streams, and rivers. *RCW 79A.15.101(7)*

WWRP Riparian Protection Account Evaluation Criteria			
Criteria Number	Scored By	Criteria Topic	Maximum Score
1	Evaluation Team	Riparian Habitat Benefits	20
2	Evaluation Team	Planning Priority	20
3	Evaluation Team	Site Suitability and Project Design	20
4	Evaluation Team	Threats to the Habitat	15
5	Evaluation Team	Project Support	15
6	Evaluation Team	Public Access Opportunities	15
7	Evaluation Team	On-going Stewardship and Management	10
8	IAC Staff	Matching Share	5
9	IAC Staff	GMA Compliance	0
Maximum Possible Score			120

Criteria 1 through 7 are scored by the Evaluation Team

1. Riparian Habitat Benefits

Maximum score = 20

- Describe the specific riparian habitat benefits for this project.
- What riparian habitat types exist on site (e.g. wetland, stream, estuary, etc.)? What is the quality of the existing riparian habitat?
- How much of the proposed acquisition is classified as riparian habitat? Address the number of acres that are riparian and what percent of the total acquisition is classified as riparian.
- How was the riparian area defined? What standard was used to define the riparian area (e.g. flood migration zone, tree height, local regulations, etc.)?
- What are the ecological and biological characteristics of the proposed acquisition? What level of species diversity exists? Are there sensitive species on site?

2. Planning Priority

Maximum score = 20

- Is this project identified or recommended in a watershed planning process under chapter 90.82 RCW, salmon recovery planning under chapter 77.85 RCW, or other local plan, such as a habitat conservation plan? *RCW 79A.15.120(10)(b)*
 - Projects identified in watershed plans developed under RCW 90.82 or salmon recovery plans developed under RCW 77.85 should receive a higher score.
- Is this project supported by any local land use plan, regional recreation or resource plan? Does the project help implement a local comprehensive plan or shoreline master plan? *RCW 79A.15.120(10)(g)*
 - Projects supported by a local plan should receive a higher score.
- Describe the plan(s) and identify how it addresses acquisition of riparian habitat. Has the plan(s) been adopted by a governing body? How does this proposal help meet the goals and/or strategy of the plan(s)? How important is this project in comparison to other potential projects?
 - Projects identified as part of a plan that specifically addressed the acquisition of riparian habitat should receive a higher score.

3. **Site Suitability and Project Design**

Maximum Score = 20

- Is this site linked to other quality habitats? *RCW 79A.15.120(10)(f)*
- What are the surrounding land uses including up, down, and across the stream or shoreline?
- What are the future potential additions to the public land base in the area? Is this site an “anchor site” for future opportunities?
- How is this project supported or not supported by local critical areas ordinances?
- What level of protection will be placed on the property? Will the site be protected in perpetuity?
- For projects involving restoration or enhancement, what is the potential for restoring quality habitat at the site? *RCW 79A.15.120(10)(f)*
 - What is the restoration plan? When will it be implemented?
 - If restoration is not included in this proposal, but needed, what is the plan for conducting restoration? Is funding secure to implement future restoration activities?
 - If restoration is part of this proposal, describe the restoration goals and project design.

4. **Immediacy of Threat** *RCW 79A.15.120(10)(e)*

Maximum Score = 15

- What are the potential threats to the loss of riparian habitat at this property? Threats may be ecological, biological, or human caused.
- Are the potential threats new or on-going? Are the threats abatable?
- How do these threats affect the function of the riparian habitat?
- How will this project address these threats?
- What other alternatives exist to address these threats?

5. Project Support

Maximum Score = 15

- Community Support *RCW 79A.15.120(10)(c)*
 - Describe the community support for the plan(s) that identifies this project as a priority.
 - Describe the community support for this proposal specifically.
- What project partners are involved? Partners have demonstrated a commitment to assist with project implementation and/or long-term management of the site.

6. Public Access Opportunities

Maximum Score = 15

- Does this project include any passive recreation opportunities for walking, wildlife viewing, and observation? *RCW 79A.15.120(10)(i)*
- Does this site have any educational or scientific value? *RCW 79A.15.120(10)(h)*
 - Is there an identified research or educational need documented in a management plan, thesis, or scientific journal related to the habitat, species, or communities at the site?
 - How likely is it that these opportunities will come to fruition?
 - How accessible is the site for these activities?
- If public access is excluded, describe the circumstances such as habitat characteristics and/or private landowner desires that support restricting public access? How will access be monitored in order to protect the site?

Draft

7. **On-Going Stewardship and Management**

Maximum score = 10

- What is the on-going stewardship and management plan for the site?
 - What level of stewardship is required for this proposal? Is there a stewardship plan already prepared?
 - What is the plan for inspection and enforcement of any easement acquired?
 - How will noxious weeds and invasive species be controlled? *RCW 79A.15.120(10)(d)*
 - What is the source of funds for stewardship and management of the site? *RCW 79A.15.120(10)(d)*
- How does the mission and authority of the applicant demonstrate the organization's capacity to manage the site?
- What is the probability of success for this project? What is the project sponsor's experience with riparian habitat land management?

Draft

Criteria 8 and 9 are scored by IAC staff

8. Matching Shares

Maximum score = 5

To what extent will the applicant match any IAC grant funds with other contributions?

This question is scored by IAC staff based on information submitted as part of the application. Native American tribes, local agencies, and lead entities are required to provide a fifty percent match (RCW 79A.15.120(8)). Ten percent of the fifty percent match must be from non-federal and non-state sources (proposed WAC change which may take effect February 2, 2006). State agency applicants are not required to provide a matching share.

All applications are scored on items a through e whether a match is required or not.

To qualify, contributions must be eligible for RPA funding.

- a. 50 percent of project's value will be contributed from other resources (1 point)
- b. 50.1 to 60 percent of project's value will be contributed from other resources..... (2 points)
- c. 60.1 to 70 percent of project's value will be contributed from other resources..... (3 points)
- d. 70.1 percent or more of project's value will be contributed from other resources..... (4 points)
- e. If the matching share includes non-federal or non-state contributions equivalent to more than ten percent of the total project cost:..... (Staff adds 1 point to the score assigned above.)

IAC staff scores a maximum of 5 points

Draft

9. GMA Preference

Maximum score = 0

Has the applicant made progress toward meeting the requirements of the Growth Management Act (GMA)? *RCW 43.17.250 (GMA-preference required)*

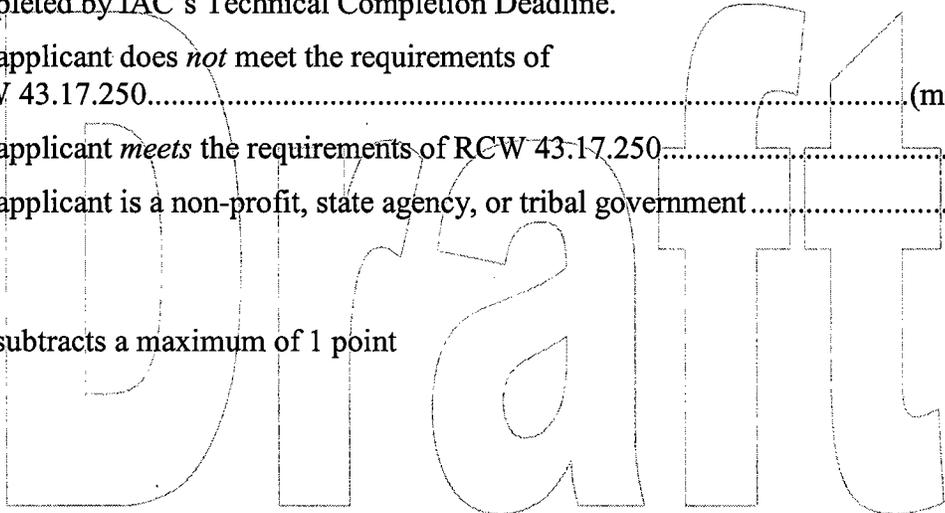
State law requires that:

- (1) Whenever a state agency is considering awarding grants to finance public facilities, it shall consider whether the applicant[†] has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 (“state law”).
- (2) When reviewing such requests, the state agency shall accord additional preference to applicants[†] that have adopted the comprehensive plan and development regulations. An applicant[†] is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations if it:
 - Adopts or has adopted within the time periods specified in state law;
 - Adopts or has adopted by the time it requests a grant or loan; or
 - Demonstrates substantial progress toward adopting within the time periods specified in state law. An agency that is more than six months out of compliance with the time periods has not demonstrated substantial progress.
- (3) A request from an applicant planning under state law shall be accorded no additional preference based on subsection (2) over a request from an applicant not planning under this state law.

This question is pre-scored by IAC staff based on information obtained from the state Department of Community, Trade, and Economic Development, GMA Division. To qualify for the current grant cycle, the GMA comprehensive plan and development regulations must be completed by IAC’s Technical Completion Deadline.

- a. The applicant does *not* meet the requirements of RCW 43.17.250.....(minus 1 point)
- b. The applicant *meets* the requirements of RCW 43.17.250.....(0 points)
- c. The applicant is a non-profit, state agency, or tribal government.....(0 points)

IAC staff subtracts a maximum of 1 point



[†] County, city, town, and special district applicants only. This segment of the question does not apply to state agency, tribal government, or non-profit lead entity applicants.

**Riparian Protection Account
Public Comments Received
As of January 19, 2006 10:00 AM**

Person	Comments
<p>Ken Miller, President Washington Farm Forestry Association</p>	<p>As I understand it both these programs [Riparian Protection Account and Farmland Preservation Account] excludes over 50,000 small family forestland owners that have over 4 million forestland in Washington State. Most of this land is as susceptible to conversion as Ag land, if not more, yet we remain invisible when it comes to programs like this that are designed to keep rural land rural. Most of us want to keep our forestland forested. Family forestland owners growing timber on there tree farms have some of our most critical riparian areas in the state. Family forestland owners provide more environmental benefits to the public and our critters than any other land use, yet we continue to be ignored and discriminated against for reasons we don't understand?</p> <p>We urge you to think of the potential societal benefits of more inclusive programs designed to maintain public benefits from our rural neighbors.</p>
<p>John Gamon, Manager Natural Heritage Program Department of Natural Resources</p>	<p>1. Under the first evaluation criterion (Riparian Habitat Benefits), no objective references for defining riparian values or benefits are provided (with the exception of "...are there any sensitive species present?". That is, there is no standard set of values or priorities our sources of information that are listed. That leaves it open to the applicant to define the benefits as they see fit. That might be okay, but it might also leave the evaluators with a feeling that they're comparing apples to oranges when evaluating two different projects. The WWRP categories that I'm most familiar with refer to the Natural Heritage Plan, WDFW's Priority Habitats and Species, and the USFWS and NMFS lists of federally listed species. To really get credit for a project, the applicant must demonstrate that the values of the site include either species or ecosystem types that are included in one of the aforementioned sources. That is, there is a standard set of values and the applicants claim of values is backed up by information being in a recognized source of data/information.</p> <p>It might be challenging, and perhaps it's too late in the game for this time around, but I think that evaluations would be better if objective measures of riparian value/benefit/ecological condition could be</p>

	<p>included in the process.</p> <p>2. Regarding the Planning Priority criterion: I recognize that there was strong interest in the oversight group to emphasize local planning and local buy-in to projects. However, I'm a strong proponent of creating a process whereby when you stitch together a series of local projects, that they actually have a regional or statewide impact. The priorities for Community A might not be the priorities for Community B, but they might both be part of a watershed, and they might both benefit from contributing to regional, or statewide, priorities. As currently written, the criteria do little to encourage applicants to contribute to regional or statewide priorities. I think that this could be achieved while also encouraging consistency with local planning.</p>
<p>Mary Bertrand, President, Chums of Barker Creek</p>	<p>The Chums of Barker Creek 501(c)(3) organization in Kitsap County would highly endorse the conservation easement acquisition component of this program. We have been successful in acquiring 10 acres from County funding; 4.62 acres from a private foundation and approx. 25 acres from SRFB funding along the Barker Creek corridor. This salmon stream is the second highest salmon escapement stream in Dyes Inlet of Puget Sound. Since we have obtained this funding, many other property owners would like to find similar financial sources to preserve this stream corridor.</p> <p>Therefore, we look forward to this being included in the IAC funding component.</p>