

January 4, 2008

Topic #4: Aquatic Lands Enhancement Account – Proposed Revisions

Prepared and Presented By: Leslie Ryan Connelly, Outdoor Grants Manager

Approved by the Director:

Proposed Action: Update

Summary

Staff submits for consideration to the Recreation and Conservation Funding Board revisions to the Aquatic Lands Enhancement Account (ALEA) Grant Program. The revisions are primarily designed to clarify program goals and objectives and to ensure all projects are evaluated on an equal basis. The changes are proposed for projects beginning with the 2008 grant round. This memorandum summarizes the proposed changes and outlines staff's recommendation for further comment and Recreation and Conservation Funding Board action in March 2008.

Staff Recommendation

Staff recommends modifying the ALEA grant program to better address statutory goals to (1) enhance, improve or protect aquatic lands and (2) provide and improve access to aquatic lands. Staff also recommends modifying policy materials to provide guidance on project eligibility related to navigable water bodies. The specific changes include the following:

1. Add program goals and objectives to clarify the dual program purposes.
2. Provide further guidance on the definition of a navigable water body.
3. Provide additional guidance on the selection of evaluation team members.
4. Revise the evaluation instrument and scoring matrix to allow for enhancement and protection projects and public access projects (or components of projects) to be scored separately but with equal weight.

Staff also recommends gathering additional public comment for proposed changes in January and February 2008 with Board action at the March 27-28 meeting.

Background

The Washington State Legislature established the Aquatic Lands Enhancement Account in 1984. The account is funded with revenue generated by the Department of Natural Resources from management of state-owned aquatic lands.¹ The ALEA grant program is one of several activities funded with money from the account. The grant program was transferred to the Recreation and Conservation Office (RCO) for administration in 2003.

The ALEA grant program funds projects that involve the enhancement, improvement or protection of aquatic lands and projects that provide access to aquatic lands.²

The Recreation and Conservation Funding Board adopts the policies outlined in Manual #21, ALEA Grant Program: Policies and Selection Criteria that govern administration of the grant program. The grant program's two purposes are not clear in either the ALEA policy manual or the evaluation criteria that assesses a project's need and benefits.

Public comments were solicited in October 2007 regarding the relative emphasis between the two purposes of the ALEA grant program: 1) aquatic land protection and enhancement and 2) public access to aquatic lands. To address any perceived inconsistency between the two program purposes that are both identified in statute, three options were presented to the public for consideration:

- **Option 1.** Make it more clear in the ALEA manual, instructions to applicants, and instructions to the evaluation team that the public access and environmental enhancement portions of a grant are equally important, and ensure that the evaluation team includes people with interest and expertise in aquatic land access, recreation, and environmental education as well as members with expertise in ecological restoration and environmental protection.
- **Option 2.** Modify the evaluation criteria so that the public access and environmental enhancement needs and benefits of a proposed project are scored separately, but giving equal weight to both sets of questions. In addition, give extra points to projects where the access and environmental portions of a project complement each other and negative points where they are in conflict.
- **Option 3.** Retain current policies.

The majority of comments received encouraged maintaining the equally emphasis of the dual program purposes, with clarification on how the two program components—public access and habitat protection and restoration—are evaluated. To this end, most respondents preferred Option 2 as described above. A handful of comments discussed combining Options 1 and 2, thereby reinforcing the program purposes, providing more

¹ Aquatic lands are defined as all tidelands, shorelands, harbor areas, and the beds of navigable waters. RCW 79.105.060(1)

² RCW 79.105.150. (Attached to the end of this memo)

clarity to the evaluation process and revising the evaluation criteria to provide separate but equal scoring mechanisms. A minority of comments preferred Option 1 only.

Other comments beyond the three options presented included encouraging projects that involve both public access and habitat protection measures. Comments also reflected an interest in funding projects with additional environmental benefits such as those utilizing low impact development techniques, environmentally preferred products, and incorporating environmental education (which is already encouraged in the program).

In November 2007, the Recreation and Conservation Funding Board directed staff to prepare a proposal that incorporates the recommendations in Option 1 and Option 2 and amend grant program criteria accordingly, providing equal weight to the public access and habitat protection and enhancement portions of a project.

Proposal for Consideration

The following changes are proposed for revision in Manual #21, ALEA Grant Program: Policies and Selection Criteria.

1) ALEA Grant Program Goals [new manual language]

RCW 79.105.150 specifies the allocation of ALEA funds (which are used by several different agencies) to be used for the following purposes:

- Aquatic land enhancement projects;
- Purchase, improvement, or protection of aquatic lands for public purposes;
- Providing and improving access to the lands; and
- Volunteer cooperative fish and game projects (implemented by the Washington Department of Fish and Wildlife).

The ALEA grant program administered by the Recreation and Conservation Office provides grants to projects that support one or more of the following goals (presented in no particular order or rank):

- Improve the ecological function of aquatic resources through the restoration and enhancement of critical marine, estuarine, and freshwater aquatic land.
- Protect existing high value aquatic land that will contribute to important ecological functions and processes.
- Provide new opportunities for people to get to the water and access aquatic resources for recreational and educational purposes.
- Renovate or improve existing public access to aquatic lands for recreational and educational use.
- Create non-motorized boating and pedestrian-oriented access to aquatic lands that is designed to protect the integrity of the environment.

- Increase public awareness of aquatic lands as a finite natural resource with irreplaceable public heritage.

ALEA Grant Program Objectives [new manual language]

To accomplish the above goals, the ALEA grant program seeks to fund projects that meet the following objectives:

- Preserve, enhance or improve naturally self-sustaining aquatic and riparian areas that are priorities in the larger ecological landscape.
- Address deficiencies in public access opportunities or improve existing facilities.
- Provide immediately useable waterfront access opportunities.
- Integrate public access in a way that is compatible with the physical features of the site and minimizes impacts to the environment.
- Include interpretive or educational elements.

2) Eligible Projects

[The following language would replace the section of Manual 21 which discusses navigability. The language proposed for deletion is shown in strikethrough on Attachment A.]

ALEA grant program funds may be used for the acquisition, restoration or enhancement of aquatic lands for public purposes and for providing and improving public access to aquatic lands and associated waters.

ALEA projects must be adjacent to aquatic lands. Projects must be associated with navigable waters of the state as defined by Washington Administrative Code 332-30-106, RCW 79.105 and Article 17 of the State Constitution.

All marine waters are, by definition, navigable, as are portions of rivers influenced by tides. Navigable rivers and lakes are those determined by the judiciary, those bounded by meander lines or those that could have been used for commerce at the time of statehood. The Department of Natural Resources assists the Recreation and Conservation Office in determining whether a water body is navigable.

Adjacent upland properties may be acquired with ALEA grant funding only if the adjacent upland will contribute to the enhancement, improvement or protection of aquatic lands or improvement of public access to aquatic lands

3) Geographic Distribution [new manual language]

The ALEA grant program strives to fund projects across the State of Washington. The Recreation and Conservation Funding Board encourages applications from eastern Washington. The Recreation and Conservation Office staff is available to assist potential applicants in determining whether a freshwater body meets the navigability criteria. Known navigable freshwater bodies in eastern Washington include:

Calispell Creek	Liberty Lake	Rock Lake
Calispell Lake	Loon Lake	Snake River
Lake Chelan	Lost Lake	Spirit Lake
Cle Elum Lake	Medical Lake	Spokane River
Columbia River	Methow River (lower)	Sprague Lake
Curlew Lake	Moses Lake	Waitts Lake
Deer Lake	Newman Lake	Wenatchee Lake
Diamond Lake	Okanogan River	Wenatchee River
Eloika Lake	Osoyoos Lake	West Medical Lake
Fishtrap Lake	Pacific Lake	Yakima River (portions)
Kachess Lake	Palmer Lake	
Keechelus Lake	Pend Oreille River	

4) Evaluation Team Make-Up

[The following language would modify existing policy manual language as shown below.]

IAC RCO manages the ALEA Grant Program with the assistance of a standing ALEA Advisory Committee. In recruiting members of for the Advisory Committee, the IAC RCO seeks to appoint people who possess a statewide perspective and are recognized for their experience and knowledge related to aquatic lands, habitat and other ecosystem functions, recreation, and public access issues. The advisory committee has representatives from state and local government, as well as citizens with demonstrated expertise or knowledge of aquatic lands or associated issues. RCO strives to have a representative balance of advisory team members from a recreation background and aquatic habitat background.

The ALEA Advisory Committee's role is to recommend policies and procedures to the IAC board RCO for administering ALEA grant funds and to evaluate and score grant application requests.

5) Evaluation Instrument and Scoring Criteria

[Substitution for current evaluation questions.]

The evaluation instrument is revised to replace the existing scoring matrix and evaluation criteria based upon whether a project includes aquatic land protection or enhancement activities, or public access activities, or both. The scoring matrix is changed to designate specific points for protection and enhancement criteria or public access criteria. The point system has equal weight. If a project includes both protection and enhancement and public access elements, applicants answer all the criteria and the weight of each criterion is halved.

The evaluation criteria have been revised to include a new criterion and modify existing criteria. The new criterion (question #1) asks whether a project fits with the ALEA program goals, which are proposed earlier in this memo (pages 3-4). The intent of this question is to address whether a project meets the goals for the program as adopted by the RCFB. Questions 2, 3, and 4b (formerly Questions 1, 2 and 3b and c) are modified to address equal but separate scoring by project type. Questions 4a and 5 (formerly Questions 3a and 6) are modified to expand the annotated explanation of the criteria. Questions 6 and 7 (formerly Questions 7 and 8) remain the same as the existing criteria.

Two questions from the existing criteria are proposed for deletion. Old Question 4 - Opportunity for Improved Public Access has been incorporated into new Question 1 related to the ALEA program goals. Old Question 5 - Outcome-Focused Performance Measures is removed as this question pertains more to ALEA program performance measures rather than project specific performance measures.

A cross-walk of the existing criteria and the proposed criteria is shown below in Table 1. The changes proposed for the evaluation instrument are shown in Attachment C. The existing evaluation instrument is shown in Attachment D for reference.

Table 1: Existing and Proposed ALEA Evaluation Criteria Cross-walk

Score	#	Existing Question	Proposed Question
Team	1	Need	Fit with ALEA Program Goals
Team	2	Site Suitability	Project Need
Team	3		Site Suitability
Team	3a	Acquisition	
Team	3b	Sustainability, integration	
Team	3c	Design (access structures or facilities)	
Team	4	Opportunity for improved access	
Team	4a		Urgency and Viability
Team	4b		Project Design and Viability
Team	5	Outcome-Focused Performance Measures	Community Involvement and Support
Team	6	Local Community Support	GMA Preference
RCO	7	GMA Preference	Proximity to People
RCO	8	Proximity to People	

Next Steps

RCO staff will seek public comment on the proposed revisions. A final draft will be prepared for consideration for the March 27-28, 2008 meeting.

Attachment A

Text from Manual 21 related to navigability proposed for deletion.

POLICIES
Eligible
Project
Activities

~~ALEA Grant Program funds may be used for the acquisition (purchase), restoration (improvement), or development of aquatic lands for public purposes, and for providing and improving public access to aquatic lands and associated waters.~~

~~**All projects must be consistent with the local shoreline master program and must be located on lands adjoining a water body that meets the definition of “navigable.” Projects intended primarily to protect or restore salmonid habitat must be consistent with the appropriate lead entity strategy or regional salmon recovery plan.**~~

~~“Navigable waters” are those water bodies over which the state of Washington asserts its ownership, including the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.⁴ Under federal law “navigable waters” are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.²~~

~~A map of navigable waters is posted on the Department of Natural Resources (DNR) Internet site (http://www.dnr.wa.gov/htdocs/aqr/prospecting/nav_intro.htm). This map, and the list of navigable waters kept by the United States Coast Guard (on the Internet at http://www.uscg.mil/d13/exhibit11_k1.pdf), will assist in determining whether a water body is navigable.~~

¹ Washington State Constitution, Article XVII

² 33 Code of Federal Regulations 32. A determination of navigability, once made, applies laterally over the entire surface of the water body, and is not extinguished by later actions or events which impede or destroy navigable capacity. Precise definitions of navigable waters of the United States or navigability are ultimately dependent on judicial interpretation and cannot be made conclusively by administrative agencies.

**Attachment B
Proposed ALEA Evaluation Instrument**

**Aquatic Lands Enhancement Account
Evaluation Instrument for Projects Meeting a Single Program Purpose**

*Protection and Enhancement Only Projects
Public Access Only Projects*

Score	#	Question	Evaluators Score 0-5 Points	Protection and Enhancement ONLY Projects		Public Access ONLY Projects	
				Multiplier	Maximum Total Points	Multiplier	Maximum Total Points
Team	1	Fit with ALEA Program Goals	5	3	15	3	15
Team	2	Project Need	5	4	20	4	20
Team	3	Site Suitability	5	2	10	2	10
Team	4a	Urgency and Viability <i>(acquisition projects only)</i>	5	2	10	2	10
Team	4b	Project Design and Viability <i>(restoration and development projects only)</i>	5	2	10	2	10
Team	5	Community Involvement and Support	5	2	10	2	10
RCO	6	GMA Preference	0	1	0	1	0
RCO	7	Proximity to People	1	1	1	1	1
TOTAL POSSIBLE POINTS					76		76

KEY: Team = Criteria scored by interdisciplinary evaluation *team*

RCO = Criteria scored by RCO *staff*

Aquatic Lands Enhancement Account
Evaluation Instrument for Projects Meeting Both Program Purposes
Protection and Enhancement AND Public Access Projects

Dual Program Purpose Projects											
				Protection and Enhancement Elements		Public Access Elements		All Projects			
Score	#	Question	Score 0-5 Points	Multiplier	Maximum Total Points	Multiplier	Maximum Total Points	Multiplier	Maximum Total Points	Total Points	
Team	1	Fit with ALEA Program Goals	5	1.5	7.5	1.5	7.5			15	
Team	2	Project Need	5	2	10	2	10			20	
Team	3	Site Suitability	5	1	5	1	5			10	
Team	4a	Urgency and Viability <i>(acquisition projects only)</i>	5					2	10	10	
Team	4b	Project Design and Viability <i>(restoration and development projects only)</i>	5	1	5	1	5			10	
Team	5	Community Involvement and Support	5					2	10	10	
RCO	6	GMA Preference	0					1	0	0	
RCO	7	Proximity to People	1					1	1	1	
TOTAL POSSIBLE POINTS						27.5		27.5		21	76

KEY: Team = Criteria scored by interdisciplinary evaluation *team*

RCO = Criteria scored by RCO *staff*

Aquatic Lands Enhancement Account

SCORING CRITERIA

The ALEA program strives to fund projects that enhance, improve or protect aquatic lands for public purposes and provide and improve public access to aquatic lands (RCW 79.105.150(1)). The scoring criteria are weighted so that aquatic land protection and enhancement related projects and aquatic land public access related projects have equal scoring opportunities. Applicants respond to protection and enhancement questions or public access questions or both depending upon the type of proposal.

1. Fit with ALEA Program Goals.

How well does this project fit the ALEA program goals to enhance, improve or protect aquatic lands and provide public access to aquatic lands? RCW 79.105.150

Additional guidance on ALEA program goals and objectives are in Section 1 of this manual [Manual #21, ALEA Grant Program: Policies and Selection Criteria].

Protection and Enhancement Projects

How will this project:

- Protect existing high value aquatic land that will contribute to important ecological functions and processes?
- Improve the ecological function of aquatic resources through the restoration and enhancement of critical marine, estuarine, and freshwater aquatic land?
- Preserve or establish naturally self-sustaining aquatic and riparian areas that are a high priority in the larger ecological landscape?

Public Access Projects

How will this project:

- Provide new opportunities for people to get to the water and access aquatic resources for recreational and educational purposes?
- Renovate or improve existing public access to aquatic lands for recreational and educational use?
- Create non-motorized boating and pedestrian-oriented access to aquatic lands that is designed to protect the integrity of the environment?
- Integrate public access in a way that is compatible with the physical features of the site?
- Increase public awareness of aquatic lands as a finite natural resource with irreplaceable public heritage?

What are the environmental benefits of the proposed project? RCW 79.105.150(2) and Chapter 520 Laws of 2007.

Evaluators score 0-5 points for protection and enhancement only projects or public access only projects. The total score is multiplied by 3 for a total of 15 possible points. If the project includes both protection and enhancement and public access elements, evaluators score 0-5 for protection and enhancement questions and 0-5 for public access questions. The total score is multiplied by 1.5 for a total of 15 possible points.

2. Project Need.

What is the need for this project?

Protection and Enhancement Projects

- How does the project address priorities contained in an approved watershed plan, shoreline master plan, species recovery plan, or other state or local plan? Is it mentioned specifically in the plan?
- How does it enhance or complement other nearby efforts in the watershed or on the shoreline?
- How is the need for this project supported in studies, surveys, and other analyses?
- Will the project benefit sensitive, threatened or endangered species or critical plant and animal communities? If so, how?

Public Access Projects

- Does the project address the priorities contained in an approved public access recreational plan or other state or local plan? Is it mentioned specifically in the plan?
- How is the need for this project supported in studies, surveys, and other analysis?
- How does this project provide opportunities for unserved or underserved recreational need, especially for water dependent uses?
- Does the project include interpretive or educational elements?

Evaluators score 0-5 points for protection and enhancement only or public access only projects. The total score is multiplied by 4 for a total of 20 possible points. If the project includes both protection and enhancement and public access elements evaluators score 0-5 for protection and enhancement questions and 0-5 for public access questions. The total score is multiplied by 2 for a total of 20 possible points.

3. Site Suitability.

All Projects

Is the site well suited for the intended uses?

- Are the location and natural features of the site, for example the size, topography, soil conditions, natural amenities well suited for the intended uses?
- What are the historic and current human uses of the site?
- What are the historic and current ecological functions of the site?
- What steps have been taken to avoid or mitigate adverse impacts to the site once it has been acquired, restored, enhanced, or developed? Possible impacts to address could include flooding, extreme tides, storm events, sources of contamination, and long-term impacts due to development and climate change.
- Are there similar sites available in or near the area or is this property a one-of-a-kind opportunity to address an ecological or access need?

Protection and Enhancement Projects

- Is the site size and configuration sufficient to meet the specified ecological goals on its own? Possible things to address include water quantity and flow patterns at the site, patch size and shape, edge and interior habitat, corridors.
- Is the site contiguous with other conservation areas or actions that address similar ecological functions and processes?

Public Access Projects

- Can the site support facilities necessary for the intended type and quantity of use?
- Is the site of adequate size to accommodate the facilities proposed?

Evaluators score 0-5 points for protection and enhancement only or public access only projects. The total score is multiplied by 2 for a total of 10 possible points. If the project includes both protection and enhancement and public access elements evaluators score 0-5 for protection and enhancement questions and 0-5 for public access questions for a total of 10 possible points. There is no multiplier.

4a. Urgency and Viability.

Only acquisition projects answer this question.

Why purchase this particular property at this time? How viable are the anticipated future uses and benefits of the site?

- If ALEA funding is not made available, will high priority aquatic land habitat and/or public access be lost?
- What are the alternatives to acquiring the property?
- Is there an immediate threat or will the property be available for acquisition or enhancement at a later time?
- What is the likelihood that the property will be converted to a non-recreational use or that aquatic habitat resources will be impacted or lost if the property is not acquired now?
- Is there a threat to the public availability of the resources at the site?
- Will the site be available immediately for public use or will the site require some improvement to make it available for public use? If improvements are necessary, what is the timeframe for implementing future site improvements?
- What is the nature and condition of existing surrounding land use as well as future factors such as shoreline designation, zoning, comprehensive or project-specific planning that may impact the viability of the site?
- Describe land management practices in the area that may affect the viability of the site?
- Who will maintain the site and what resources are necessary and available for maintenance for the site?

Evaluators score 0-5 points for all project types. The total score for all project types is multiplied by 2 for a total of 10 possible points.

4b. Project Design and Viability.

Only restoration and enhancement projects, public access development projects, or combination projects answer this question.

Restoration and Enhancement Projects

How does the project address the stated restoration or enhancement need? Is the project well designed? Will the project lead to sustainable ecological functions and processes over time?

- How will the site be treated to re-establish the desired ecological processes and functions?
- What habitat functions will be enhanced or restored?

- How well does the proposed restoration or enhancement design or actions address desired long-term results?
- What is the certainty that the restoration or enhancement actions will be successful?
- Will the project require decreasing involvement over time?
- What is the habitat quality and land management practices in the area that may affect the viability of the site?
- What is the nature and condition of existing surrounding land use as well as future concerns such as shoreline designation, zoning, comprehensive or project-specific planning?
- How will the site be managed over time to maintain the desired ecological processes and functions?
- Who will maintain the site and what resources are necessary and available to do it?

Public Access Projects

How well does the project address the stated public access need? Is the project well designed? Will the project result in public access to aquatic lands that protect the integrity of the environment?

Some design elements that may be considered include accuracy of cost estimate, aesthetics, maintenance requirements, materials, phasing, risk management, recreational experience, space relationships, and user friendly/barrier free design.

- Does the project demonstrate good design criteria; does it make the best use of the site?
- Does the design provide access to disabled persons and persons with limited abilities?
- Does the proposed development protect the natural resources on site? For example, does the project include low impact development techniques, green infrastructure, or environmentally preferred building products?
- How the site design is visually integrated into the landscape features?
- How will the site be designed to handle projected use?
- What is the nature and condition of existing surrounding land use as well as future concerns such as shoreline designation, zoning, comprehensive or project-specific planning?
- How likely are the proposed public use facilities given the required regulatory and proprietary approvals, funding, etc?
- Who will maintain the site and what resources are necessary and available to do it?
- What outdoor environmental education elements are included in the project?
 - How much effort is dedicated to interpreting the value of the aquatic lands?
 - Are the themes or concepts appropriate to the specific site?

- ▶ Does the content in the display match the intended audience?
- ▶ Is the interpretive display accessible to wide variety of users?

Evaluators score 0-5 points for protection and enhancement only or public access only projects. The total score is multiplied by 2 for a total of 10 possible points. If the project includes both protection and enhancement and public access elements evaluators score 0-5 for protection and enhancement questions and 0-5 for public access questions for a total of 10 possible points. There is no multiplier.

5. Community Involvement and Support.

All Projects

To what extent has the community been provided with an adequate opportunity to become informed about the project and provide input? What is the level of community support for the project?

Examples of community involvement may include public meetings, notices in local papers, newsletters, media coverage, and/or involvement in a local planning process that includes the specific project.

Examples of community support may include voter approved initiatives, bond issues, or referenda; endorsements or other support from advisory boards and user or “friends” groups; letters; letters to the editor; and/or private contributions to the project.

Evaluators score 0-5 points for all projects. The score is multiplied by 2 for a total of 10 possible points.

SCORED BY RCO STAFF *All projects*

6. GMA Preference.

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 determined by RCO staff based on information obtained from the state Department of Community, Trade, and Economic Development (Growth Management Services). To qualify for the current grant cycle, the GMA comprehensive plan and development regulations must be completed by RCO’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 state, Tribal, or federal agency..... (0 points)

RCO staff subtracts a maximum of 1 point; there is no multiplier.

[†] County, city, town, and special district applicants only. This segment of the question does not apply to state agency applicants.

SCORED BY RCO STAFF *All projects*

7. Proximity to People. RCO is required by law to give funding preference to projects located in populated areas. Populated areas are defined (RCW 43.51.380) as a town or city with a population of 5,000 or more, or a county with a population density of 250 or more people per square mile. *RCW 79A.25.250*

Is the project located in an area meeting this definition?

No..... 0 points
Yes..... 1 point

RCO staff awards a maximum of 1 point; there is no multiplier.

Appendix to Manual #21: ALEA Statutory References

RCW 79.105.150

Deposit, use of proceeds from sale or lease of aquatic lands or valuable materials therefrom -- Aquatic lands enhancement project grant requirements -- Aquatic lands enhancement account.

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the *interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

[2007 c 341 § 32. Prior: 2005 c 518 § 946; 2005 c 155 § 121; 2004 c 276 § 914; 2002 c 371 § 923; 2001 c 227 § 7; 1999 c 309 § 919; 1997 c 149 § 913; 1995 2nd sp.s. c 18 § 923; 1994 c 219 § 12; 1993 sp.s. c 24 § 927; 1987 c 350 § 1; 1985 c 57 § 79; 1984 c 221 § 24; 1982 2nd ex.s. c 8 § 4; 1969 ex.s. c 273 § 12; 1967 ex.s. c 105 § 3; 1961 c 167 § 9. Formerly RCW 79.90.245, 79.24.580.]

NOTES:

*Reviser's note: Chapter 241, Laws of 2007 changed the name of the interagency committee for outdoor recreation to the recreation and conservation funding board.

Severability -- Effective date -- 2007 c 341: See RCW 90.71.906 and 90.71.907.

Severability -- Effective date -- 2005 c 518: See notes following RCW 28A.500.030.

Severability -- Effective date--2004 c 276: See notes following RCW 43.330.167.

Severability -- Effective date -- 2002 c 371: See notes following RCW 9.46.100.

Findings -- Intent -- 2001 c 227: See note following RCW 43.41.270.

Severability -- Effective date -- 1999 c 309: See notes following RCW 41.06.152.

Severability -- Effective date -- 1997 c 149: See notes following RCW 43.08.250.

Severability -- Effective date -- 1995 2nd sp.s. c 18: See notes following RCW 19.118.110.

Finding -- 1994 c 219: See note following RCW 43.88.030.

Severability -- Effective dates--1993 sp.s. c 24: See notes following RCW 28A.310.020.

Effective date -- 1987 c 350: "This act shall take effect July 1, 1989." [1987 c 350 § 3.]

Effective date -- 1985 c 57: See note following RCW 18.04.105.

Severability -- Effective date -- 1984 c 221: See RCW 79.105.901 and 79.105.902.

2007 Capital Budget (Chapter 520, Laws of 2007)

NEW SECTION. Sec. 3135. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (08-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

**Attachment C
Existing ALEA Evaluation Instrument**

ALEA Criteria Analysis					
Score	#	Title	A/R/D	Mult/Mx	Focus
Team	1	Need	All	3/15.0	Local
Team	2	Site Suitability	All	3/15.0	Technical
Team	3a	Acquisition	A	2/10.0	Local
Team	3b	Sustainability, integration	R	2/10.0	Technical
Team	3c	Design (access structures or facilities)	D	2/10.0	State
Team	4	Opportunity for improved public access	All	1/5.0	State
Team	5	Outcome-Focused Performance Measures	All	1/5.0	State/Local
Team	6	Local Community Support	All	1/5.0	State/Local
IAC Staff	7	GMA Preference	All	-1/0	State
IAC Staff	8	Proximity to People	All	1/1	State
TOTAL POINTS POSSIBLE Acquisition = 56 / Restoration = 56 / Development = 56					

KEY:

- Team = Criteria scored by interdisciplinary *team*
- IAC Staff = Criteria scored by *IAC staff*
- A/R/D = Acquisition, Restoration, or Development specific question
- Mult/Mx = Multiplier and maximum points possible for this criterion
- St/Loc/Tech = State priority, local priority, or technical consideration
- SCORP = State comprehensive outdoor recreation plan
- Focus = Criteria orientation in accordance with SCORP policy of developing evaluation systems based on three need factors: those that meet general *statewide* needs (often called for in RCW or SCORP), those that meet *local* needs (usually an item of narrower purview, often called for in local plans), and those that meet *technical* considerations (usually more objective decisions than those of policy).

Aquatic Lands Enhancement Account

SCORING CRITERIA

TEAM SCORED

1. **NEED. Considering the presence of existing aquatic lands with public access within the service area or watershed, what is the need for protecting or improving existing sites or providing additional sites?**

All projects.

Establish the need, including actual or potential environmental and public use benefits, by inventorying all available aquatic lands (quality/quantity/use) within a reasonable service radius. Consider how well the proposal addresses deficiencies in ecological processes or public access.

Point Range: 0-5

Evaluators award a maximum of 5 points that are later multiplied by 3.

2. **SITE SUITABILITY. Is the site well suited for the intended uses?**

All projects.

Compare the physical features of the site against the proposed use. Examine the size, topography, soil conditions, natural amenities, and location to determine if they are well suited for the intended uses. In general, sites most compatible with the proposed ecological functions and/or access will score higher.

- a. **Acquisition projects.** Is the site to be acquired well suited for the intended uses?

or

- b. **Restoration projects.** Does the site offer characteristics that are suited for the proposed restoration design?

or

- c. **Development projects.** Can the site support facilities necessary for the intended uses by type and/or quantity?

Point Range: 0-5

Evaluators award a maximum of 5 points that are later multiplied by 3.

TEAM SCORED

3a. ACQUISITION. Why purchase this particular property at this time?

Acquisition projects only.

Why is the property desirable or necessary for acquisition?

- Are there similar sites available in or near the service area, or is this property a one-of-a-kind opportunity to address an ecological or access need? *Where no alternatives exist, or where a property is truly unique, a higher score may be justified.*
- What is the risk to the public if the site is not acquired with ALEA funds at this time? *Acquisition proposals for property under a demonstrably higher degree of risk could score higher than proposals under less risk or threat.*
- Who will maintain the site and what human and financial resources are necessary and available to do it?

Evaluators award a maximum of 5 points that are later multiplied by 2.

3b. FUNCTION, SUSTAINABILITY, INTEGRATION. For restoration/improvement projects, to what extent will the project result in aquatic lands that *function* as a natural ecosystem in a manner that is *sustainable* (that is, likely to successfully address the underlying cause of the need for restoration in a manner resulting in long-term results), and *integrated* with bordering communities or habitats?

Restoration projects only.

Applicants should demonstrate how the site will be treated to re-establish the desired characteristics, and managed over time to maintain the desired characteristics. It is important to quantify environmental benefits of the project. Applicants should address questions such as:

- What ecosystem functions will be restored and how well will the proposed habitat design or actions address restoration?
- Describe ecosystem quality and land management practices along the shoreline or within the watershed or on adjacent lands that may affect the viability of the site?
- Who will maintain the site and what human and financial resources are necessary and available to do it?
- Describe any long-term site monitoring plans and identify who will implement monitoring.

Evaluators award a maximum of 5 points that are later multiplied by 2.

TEAM SCORED

3c. PROJECT DESIGN. Does the project demonstrate good design criteria; does it make the best use of the site?

Development projects only

Measures the quality of the functional and aesthetic aspects of the site plan as particularly related to the site and the proposed uses. Some design elements that may be considered include:

- Accuracy of Cost Estimates
- Aesthetics
- Maintenance
- Materials
- Phasing
- Risk Management
- Recreation Experiences
- Space Relationships
- User Friendly/Barrier Free

Evaluators award a maximum of 5 points that are later multiplied by 2.

4. OPPORTUNITY FOR IMPROVED PUBLIC ACCESS. To what extent does this project provide for improved public access, either immediate or potential?

All projects.

Aquatic lands can provide the opportunity for a variety of recreational uses including: walking, hiking, bicycling, wading/swimming, fishing, boating, picnicking, viewing/photography, and shellfish gathering. In general, projects providing opportunities for unserved or underserved *compatible* recreation uses, especially water-dependent uses, will score better than projects providing limited opportunities or opportunities readily available in the area. Also, projects that include appropriate interpretive/educational elements should score higher than those without interpretive opportunities.

Point Range: 0-5

Evaluators award a maximum of 5 points that are later multiplied by 1.

5. OUTCOME –FOCUSED PERFORMANCE MEASURES. To what extent does the project result in measurable progress toward goals and objectives for aquatic habitat or public access to aquatic lands? RCW 79.90.245

All projects

A grant award should be considered an investment, with a measurable, positive return to the public in the long run. In general, applicants who provide evidence or documentation of the goals and objectives for aquatic habitat or public access associated with the project site, and describe how the proposed project results in measurable progress toward those goals and objectives, should score higher than applicants who cannot provide evidence or documentation.

Point Range: 0-5

Evaluators award a maximum of 5 points that are later multiplied by 1.

TEAM SCORED

6. LOCAL COMMUNITY SUPPORT. The extent that the local public has been provided with an adequate opportunity to become informed, and/or support for the project seems apparent.

All projects

Broadly interpret the term *local community support* to include, but not be limited to:

- (1) Extent of efforts by the applicant to identify and contact all parties, *i.e.* an outreach program.
- (2) The extent that there is project support, including:
 - Voter approved initiatives/bond issues/referenda
 - Ordinance and resolution adoption
 - Public meeting attendance
 - Endorsements or other support from advisory boards and user/"friends" groups
 - Media coverage
 - Public involvement in a comprehensive planning process that includes this project.

Evaluators award a maximum of 5 points that are later multiplied by 2.

SCORED BY IAC STAFF (All projects)

7. GMA PREFERENCE. 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 (Growth Management Services). 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 state, Tribal, or federal agency (0 points)

IAC staff subtracts a maximum of 1 point; there is no multiplier.

[†] County, city, town, and special district applicants only. This segment of the question does not apply to state agency applicants.

SCORED BY IAC STAFF (All projects)

- 8. PROXIMITY TO PEOPLE.** IAC is required by law to give funding preference to projects located in populated areas. Populated areas are defined (RCW 43.51.380) as a town or city with a population of 5,000 or more, or a county with a population density of 250 or more people per square mile. RCW 79A.25.250

Is the project located in an area meeting this definition?

No 0 points

Yes 1 point

IAC staff awards a maximum of 1 point; there is no multiplier.