



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

March 2008

**Item #27: Possible 2009 Board Request Legislation**

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**Approved by the Director:**

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**Proposed Action:** Discussion and direction

**Summary**

The deadline for submitting agency request legislation to the Governor will be in early-to-mid September. The Recreation and Conservation Funding Board (Board) should decide at its June 2008 meeting whether to submit legislation for the 2009 session. Staff is seeking direction on possible topics. We will begin stakeholder outreach and bill drafting on any items the Board would like to pursue.

**Staff Recommendation**

Staff recommends that the Board discuss the following topics for possible 2009 legislation. At minimum, staff recommends that the Board pursue legislation addressing topic #1.

1. *Population Proximity*: amend statutes requiring the Board to give preference to parks in or near urban areas.
2. *Nonhighway and Off-Road Vehicle Activities (NOVA) program*: authorize the Board to apply excess NOVA facility dollars to the Education and Enforcement (E&E) category.
3. *Washington Wildlife and Recreation Program (WWRP)*: work with the Washington Wildlife and Recreation Coalition to explore:
  - Repealing the authority to fund mitigation banking projects;
  - Providing planning/design grants to allow phasing of projects and giving preference to projects that are "ready to proceed";
  - Making certain forest land eligible in the Farmland Preservation Program or to



- create a similar category; and
  - Making nonprofit organizations eligible in one or more categories.
4. *Youth Athletic Facility Account (YAF)*
    - Give the Board the ability to move excess dollars from one category to another.
    - Amend the requirement that grants be distributed in proportion to population.
  5. *Boating*: identify areas to improve the coordination between the various boating programs in state government (as recommended in the boating needs assessment) and evaluate any related statutory changes.
  6. *Firearms and Archery Range Recreation program*: amend the term requirements for advisory committee members.

## **Background**

### Population Proximity

RCW 79A.25.250 (Attachment A) requires that the Board “place a high priority on the acquisition, development, redevelopment, and renovation of parks to be located in or near urban areas and to be particularly accessible to and used by the populations of those areas.” It defines urban areas as “any incorporated city with a population of five thousand persons or greater or any county with a population density of two hundred fifty persons per square mile or greater.”

Administering this requirement has proven difficult. For example, staff must apply the same criteria to a variety of different parks, from neighborhood play areas to regional athletic complexes or trail systems. Since the adoption of this statute in 1980, there have been many advances in the approaches used to place recreation facilities, including the Board’s Level of Service methodology. Further, in 1990, the Legislature adopted the Growth Management Act, which uses terms and approaches that would be easier to implement and would improve the link between comprehensive planning and implementation. The intent of RCW 79A.25.250 —to put parks near people—can be achieved more effectively and rationally with these modern approaches.

### NOVA Excess Funds

Currently the Board has the authority to move excess NOVA Facility funds from one category to another, but not to the education and enforcement (E&E) category. Recent years have shown a rapidly increasing demand for funds in this category. If the Board had authority to move funds to this category, it could benefit motorized and non-motorized E&E projects, and reduce the funding that would otherwise be carried over to future grant rounds.

### WWRP

Grant recipients, other stakeholders, and RCO staff have suggested a number of possible amendments to the Washington Wildlife and Recreation Program statutes. The Board could direct staff to work with the Washington Wildlife and Recreation Coalition to

explore one or more of the following:

- *Repeal the authority to fund mitigation banking projects.* Staff and others are beginning to recognize that mitigation banking projects may not be a good fit to WWRP due to philosophical, financial, and legal issues related to funding mitigation banks with public money.
- *Provide planning and design grants to foster phasing of projects.* The Board could give preference to projects “ready to proceed” and to phased projects to finish projects more quickly and reduce re-appropriations. However, doing so places a hardship on applicants that do not have resources for design and permitting prior to application. Providing grants to get engineering and permits completed in advance would solve the problem.
- *Make certain forestland eligible in the Farmland Preservation Program or to create a similar category.* Over the past several years, the Legislature has begun recognizing the importance of protecting certain forestlands threatened by conversion and maintaining these lands as “working forests.” These projects are not currently eligible for WWRP funding. It might be worth considering for inclusion in the definition of farmland or evaluating the creation of a new category to allow the acquisition of conservation easements on threatened forest lands.
- *Make nonprofit organizations eligible in one or more WWRP categories.*

#### Youth Athletic Facility (YAF) Account

Statutes require that YAF funds be distributed equally to three categories: acquiring and developing new facilities, improving existing facilities, and maintaining existing facilities. However, categories may not have enough projects to use all of the funds. In addition, the Legislature does not provide consistent funding, so grant cycles are irregular and unobligated funds may not be used for several years. The Board could seek the authority to move excess funding to categories with unfunded projects.

The requirement that YAF grants “be in proportion to the population of the city or county for where the community outdoor athletic facility is located” (RCW 43.99N.060(4)) has been nearly impossible to implement. A budget proviso eliminated this requirement for the most recent YAF appropriation. The Board could seek an amendment to this statute that would meet the intent of an equitable distribution of grants without tying grant awards into a specific formula.

#### Boating

Representatives of several boating organizations have suggested that Washington would benefit from a boating agency similar to Oregon’s Marine Board. A high-level boating board or council has been proposed as an alternative. The council would address state-level policy issues related to boating and serve as a coordinating entity for state boating programs. The Board could direct RCO staff to work with the Northwest Marine Trade Association, Recreational Boating Association of Washington, and other organizations and individuals to explore this concept. Alternatively, the Board

could ask staff to work with the other state agencies with boating programs to improve the coordination of state boating programs, including evaluating whether any statutory changes are warranted.

Firearms and Archery Range Recreation Program (FARR)

Advisory committee members are currently limited to one two-year term (RCW 79A.25.220). The limit has made it difficult to maintain continuity on the committee and attract qualified participants.

**Analysis**

None

**Next Steps**

Staff will work with the appropriate agencies, organizations, and stakeholders to explore any issues the Board wishes to pursue. Staff will report the results of those discussions and draft bill language at the June 2008 Board meeting.

**Attachments**

A. RCW 79A.25.250

## **Attachment A: RCW 79A.25.250**

### **Acquisition, development, etc., of urban area parks by recreation and conservation funding board.**

Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the Legislature hereby directs the recreation and conservation funding board to place a high priority on the acquisition, development, redevelopment, and renovation of parks to be located in or near urban areas and to be particularly accessible to and used by the populations of those areas. For purposes of RCW [79A.25.250](#) and [79A.05.300](#), "urban areas" means any incorporated city with a population of five thousand persons or greater or any county with a population density of two hundred fifty persons per square mile or greater. This section shall be implemented by January 1, 1981.

[2007 c 241 § 58; 2000 c 11 § 79; 1980 c 89 § 3. Formerly RCW [43.51.380](#).]

#### **Notes:**

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).