



(Attachment B). This policy limits scope changes to contiguous parcels for director consideration. All other requests must be approved by a SRFB sub-committee

## Analysis

It is important to ensure that a change in project scope results in an amended project that is consistent with the intent of the original agreement. It might be unfair to competing sponsors to allow scope changes that result in a project that differs significantly from the originally contemplated project. Although the funding might be the same, the amended project is different and may have been scored differently by evaluators. Additionally, in the WWRP and ALEA grant program, the lists of projects are presented to and approved by the Legislature, so there might be legal limits to changing the scope after the legislature adopts the original list.

With that in mind, Recreation and Conservation Office (RCO) staff considers whether the replacement substantially changes the project in comparison with the original agreement, and if the amended project would be consistent with the intent of the original agreement. Questions may include:

1. Is the substitute property eligible in the same category as the original project?
2. Does the substitute have similar conservation values, habitat types, recreation utility, etc. as the original parcel?
3. Is the substitute property contiguous or close to the original project?
4. Would the substitute property have scored as well or better than the original project?

The challenge for staff is to develop and consistently apply similar criteria across grant programs.

Staff have begun developing procedural guidelines to use when determining whether to recommend approval of a scope change request for replacement land. In addition to the questions above, staff are considering the following:

- Did the sponsor exhaust all practical alternatives before requesting the change?
- Does the scope change request arise from circumstances outside the sponsor's control?
- What are the potential consequences of changing the scope, including reappropriation?
- Is the current project meeting its milestone and billing obligations?
- Does the sponsor have a positive history of implementing projects?

To guide the procedural effort, staff will ask both the RCFB and SRFB to clarify and adopt more consistent policy concerning replacement land later this year. For example, scope change requests might only be approved if they are within the same geographic envelope as the originally contemplated project or contiguous to the original project and if the amended project will provide the same habitat benefits. Also, the substitute property might need to score as well or better than the original project in order to be approved. The role of stakeholder and local government outreach will also be a contemplated procedural step prior to requesting a scope change amendment.

### **Next Steps**

RCO policy staff and grant managers will work with external stakeholders to develop criteria for evaluating scope change requests. In addition, staff will seek legal advice on limits that might exist to changing project scope after the legislature adopts project lists. Staff will design evaluation criteria and draft a policy proposal to present to the board later this year.

### **Attachments**

- A. Multi-Site Acquisition Strategy
- B. Manual #18: Salmon Recovery Grants Manual

## **ATTACHMENT A: MULTI-SITE ACQUISITION STRATEGY**

### **Manual #10b: Washington Wildlife and Recreation Program, Habitat Conservation Account and Riparian Protection Program Policies**

#### 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 RCFB 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 would 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.
- RCO staff may request that projects targeting acquisitions in more than one geographic envelope or containing non-contiguous parcels 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 in making their determination.
- Applicants must 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 conditions be placed 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.

**ATTACHMENT B: MANUAL #18, SALMON RECOVERY GRANTS MANUAL**

**This Copy Shows Policies Applicable to Acquisition Projects Only**

<b>Amendment Request</b>	<b>Lead Entity</b>	<b>RCO Director</b>	<b>SRFB Subcommittee</b>	<b>SRFB</b>	<b>Example</b>
7. Change site to a contiguous site	Consult	May approve site add / change			Sponsor proposed to purchase six parcels. One of the parcels is not available, and the sponsor asks to buy a different contiguous site.
8. Change site to a non-contiguous site	Consult	Recommend	May approve site add / change		Sponsor proposed to purchase four parcels. One of the parcels is not available, and the sponsor asks to buy a different site on a different part of the river.
9. Pay more than fair market value (no increase in funding)		May approve up to 10%	May approve 10-20%	May approve over 20%	Sponsor and landowner negotiate a purchase price above the fair market value.