

RECREATION AND CONSERVATION FUNDING BOARD SUMMARIZED MEETING AGENDA AND ACTIONS, NOVEMBER 5, 2009

Agenda Items without Formal Action

Item	Board Request for Follow-up (<i>Due Date in Italics</i>)
Management Report	Show link between work plan and performance measures on board work plan; update following each meeting (3/2010) Move performance measure annual report to June meeting, and tie to annual work plan development (6/2010) Sustainability in grant programs: Themes of board discussion: requirements vs. incentives, concerns regarding unintended consequences, consideration of economic and social sustainability (<i>Report at each meeting in 2010</i>)
Biodiversity Council Update	
Executive Session: Personnel Matter	

Agenda Items with Formal Action

Item	Formal Action	Board Request for Follow-up (<i>Due Date in Italics</i>)
Consent Calendar	Approved <ul style="list-style-type: none"> October minutes Time Extension (RCO #04-1502D) 	
Aligning Washington Wildlife and Recreation Program (WWRP) and Aquatic Lands Enhancement Account (ALEA) with Puget Sound Partnership Action Agenda	Approved <ul style="list-style-type: none"> Approved policies to meet statutory requirements re: eligibility and reference to Action Agenda. Approved placeholder language re: partner designation 	Present the Partnership's proposal for partner designation (<i>When finalized by PSP</i>)
Inclusion of CREP Projects in WWRP Riparian Protection Account	Approved <ul style="list-style-type: none"> Approved policies and process to meet statutory requirement to fund conservation easements and lease extensions for continuing CREP projects. 	Add land trusts to stakeholder group for CREP criteria. (<i>Immediate</i>)
Changes to WWRP Farmland Preservation Program (FPP)	Approved as amended <ul style="list-style-type: none"> Approved policies to: revise definitions; make non-profit organizations and the State Conservation Commission eligible sponsors; and, set eligibility rules for nonprofits. Amendment rewrote eligibility rules and omitted environmental value criteria. 	Deferred issues regarding environmental criteria for work group (3/2010)
Scope Changes for Acquisition Projects	Approved as amended <ul style="list-style-type: none"> Approved definition of major scope change and process for staff review of acquisition scope change Amendment clarified definition 	
Waivers of Match Policy in WWRP Farmland Preservation Program (FPP) for Fiscal Year 2010	Approved <ul style="list-style-type: none"> Extended the match certification deadline for State Fiscal Year 2010 projects that had applied for but not received federal Farm and Ranch Land Protection Program funds 	
Firearms and Archery Range Recreation (FARR) Grant Awards	Approved <ul style="list-style-type: none"> Approved eight projects requesting \$301,763 for state fiscal year 2010. Program is undersubscribed. 	
Land and Water Conservation (LWCF) Grant Awards	Approved <ul style="list-style-type: none"> Approved two projects and eight alternates for federal fiscal year 2009, and authorized the director to submit application materials to the National Park Service 	

RECREATION AND CONSERVATION FUNDING BOARD SUMMARY MINUTES

Date: November 5, 2009

Place: Natural Resource Building, RM 172, Olympia, Washington

Recreation and Conservation Funding Board Members Present:

Bill Chapman, Chair	Mercer Island	Dave Brittell	Designee, Department of Fish and Wildlife
Steven Drew	Olympia	Stephen Saunders	Designee, Department of Natural Resources
Jeff Parsons	Leavenworth	Rex Derr	Director, State Parks and Recreation
Harriet Spanel	Bellingham		

It is intended that this summary be used with the notebook provided in advance of the meeting. A recording is retained by RCO as the formal record of meeting.

Opening and Management Report

Chair Bill Chapman called the meeting to order at 9:00 a.m. Staff called roll, and a quorum was determined.

- The Recreation and Conservation Funding Board (board) approved the agenda, omitting item 11 because there were no appeals to be considered.
- The board reviewed Resolution #2009-26, Consent Calendar

Resolution 2009-26 moved by: Jeff Parsons **and seconded by:** Dave Brittell
Resolution APPROVED

Management Report

Director Kaleen Cottingham and Recreation and Conservation Office staff members presented the management report. The board asked for a performance measures update in June 2010, and for the work plan to include measureable outcomes. Board members also requested additional performance measure analysis.

Steve McLellan presented the policy report and highlighted the issue of non-profit eligibility in WWRP. The issue of public involvement in the planning process has been contentious, and he asked for board direction so that staff can bring this to the March board meeting.

Board members commented on the [non-profit](#) issue, noting the following for staff consideration:

- How can the board ensure continuity of public benefit?
- Can nonprofits effectively use or adopt existing public plans?
- Should a nonprofit meet the requirement for public hearings, and if so, how can they do that?
- Are there planning gaps that nonprofits can fill?

Staff and board members also discussed the applicable RCWs and WACs. At the request of the Chair, Kaleen explained the framework for setting the policy. Kaleen noted that the RCFB has adopted a WAC that cannot be modified through policy. Staff needs to determine if they can clarify the current policy to address the concern, or if they will need to amend the WAC. She stated that she understood the board's direction to be that in either approach (policy or WAC amendment), staff should find a balance where there is consistency between a plan adopted by a nonprofit and a plan adopted in a public process. For example, whether they have requirements for posting the plan in a publicly-accessible way, whether they are amenable to some sort of public vetting, or whether a plan has been reviewed, adopted, or used by a public agency.

Summary of Board Direction: These are some areas to clarify via WAC or policy. Chair set expectation that there would be significant stakeholder involvement, and consideration of accountability of public investments.

Public Comment:

Bill Robinson, Nature Conservancy: Bill stated that only the best projects should go forward. The Nature Conservancy suggests that staff change the statement requiring a legal opinion that the project will meet the objectives, because it could be problematic for future projects. They suggest changing the language to "consistent with." He noted on the planning requirement that there are a number of criteria in the evaluation process that judge whether a project is consistent with public plans. However, making it an eligibility requirement is a problem because nonprofits do not have public hearings, and would not meet the threshold. Adopting an existing public plan could be hard because it may not be consistent with the organization's goals.

In response to questions from Board member Spanel, Bill Robinson stated that there are no requirements for public hearing of plans for federal grants. He further noted that the requirement for public involvement occurs during the development of the plan. Since many nonprofits already have adopted their plans, it is too late for public comment.

Bill Robinson concluded by noting that the Nature Conservancy supports the proposals for topics 4, 5, 6, and 7, as well as the process to get there.

Marcia Fromhold, Washington Wildlife and Recreation Coalition: Marcia noted that there is a need to increase the quantity and quality of applications, so the coalition asked the legislature to make nonprofits eligible to apply in Riparian and Farmland. Their perspective is that the nonprofits will not apply if the planning requirement stands as it is currently proposed. WWRC prefers to put the requirement in the evaluation process.

Briefings

The board received the following briefings.

Biodiversity Council Pilot Projects and Status

Lynn Helbrecht gave an overview of the work of the Biodiversity Council and highlighted the progress in fulfilling Executive Order 08-02. She described the progress and outcomes of the five pilot projects. She then described the next steps for the council, including securing the future of its work. She shared a video produced as one of the pilot projects.

Board member Parsons asked about hands-on education. Lynn explained a pilot project in Grays Harbor County where they worked with a school. She noted that they would like to do more, but it's a matter of resources and where they can best leverage their influence.

State Agency Partner Reports

There were no reports from Rex Derr (State Parks) or Dave Brittell (Washington Department of Fish and Wildlife). Stephen Saunders (Department of Natural Resources) described the department's new strategic planning effort.

Board Decisions

The board took action on eight topics, as follows.

Aligning Washington Wildlife and Recreation Program (WWRP) and Aquatic Lands Enhancement Account (ALEA) with Puget Sound Partnership Action Agenda

Dominga Soliz presented the staff work to align WWRP and ALEA with the Action Agenda, and noted that many stakeholders expressed concern about which WWRP categories would be affected.

Board member Drew noted that the mitigation approach is unclear and that there needs to be policy about the amount of money that can be used to mitigate the project. This amount would be a measure of the quality of the projects.

Board member Parsons and Chair Chapman both noted the need to establish fair ways to evaluate projects across the state while implementing the legislative mandate for preference for Puget Sound partners. They expressed concern that the approaches not open the door to allocating funds geographically.

Resolution 2009-27 moved by: Dave Brittell **and seconded by:** Jeff Parsons
Resolution APPROVED

Inclusion of CREP Projects in WWRP Riparian Protection Account

Dominga Soliz presented five policy proposals for board consideration. Her presentation included a review of stakeholder comments, including differing views on the proposal of how the evaluation would take place.

Board member Spanel clarified the approval process and the Legislature's role. Board member Brittell stated that the board should be careful that it does not create a disincentive for pursuing federal funds, stating that the up-front payment linked to easements may create an incentive for the state funding. He also asked who is responsible for any conversions. Kaleen clarified that the RCO retains a third party beneficiary right on the easements, so we can enforce it if needed.

Public comment:

Pat Powell, President, Washington Association of Land Trusts (WALT): WALT is in favor of the staff recommendation and wants to ensure that the titleholders have the expertise to do conservation easements. She asked that land trusts be added to list of stakeholders developing criteria. Pat also answered questions from board members about the accreditation process for land trusts, option to have the land trusts partner with the Conservation Commission, and long-term monitoring obligations.

Carol Smith, CREP program manager, Washington State Conservation Commission (WSCC): WSCC supports the proposals put out for public comment. They want to do permanent conservation easements, rather than lease options, to encourage landowners to take the next step. She stated that they want as much participation as possible, and are concerned that the evaluation process and master contract approach could reduce participation because of the perception of extra bureaucracy and the capability of district staff to write the proposals for each project. She also noted that CREP does a random sample for effectiveness monitoring each year. In response to questions from the Chair, Carol stated that some

districts could hold the title to property. Carol also suggested an alternative evaluation in which the WSCC would bundle only the best projects to be evaluated together.

Chair Chapman noted that Bill Robinson had spoken in favor of the proposal.

Resolution 2009-28 moved by: Rex Derr **and seconded by:** Harriet Spanel
Resolution APPROVED

Executive Session

The board conducted the Performance Review of RCO Director Kaleen Cottingham in executive session.

Changes to WWRP Farmland Preservation Program

Dominga Soliz reviewed her presentation, recommendations, and stakeholder feedback. The proposal received general support for the criteria, as well as suggestions for additional revisions.

The board discussed several changes to the language in the resolution and policy proposal shown in Attachment A as follows:

- Should the term "local" be changed or clarified to be either more or less specific about the intended environmental benefits?
- Do all areas of the state have either a farm plan or land trusts with agricultural easement experience?
- Should a land trust be required to have experience with agricultural easements, or is it enough to have experience with conservation easements?
- How can they highlight that the criteria questions offer examples, not limits?

Director Cottingham also noted the need to align the board's criteria with those used by the NRCS. Based on board discussion, staff presented an amended resolution and policy draft for board approval.

Public Comment

Chris Hilton, Whidbey Camano Land Trust: Applicants find the environmental criteria to be very confusing. There is overlap and it is difficult to determine what the evaluators are looking for. They have heard the same from evaluators. They do not think that the suggested changes go far enough. They suggest that we take more time on those values, and make them clearer. She urged the board not to approve this portion of the proposal at this time.

Pat Powell, Washington Association of Land Trusts: Suggested that the second item on eligibility to read: "a proven ability to develop, acquire, manage, monitor, and enforce..." She also questioned the role of the Washington State Conservation Commission in the policies, and whether they have the expertise and capacity to develop conservation easements.

Revised Resolution 2009-29 moved by: Steven Drew **and seconded by:** Jeff Parsons
Resolution APPROVED as amended.

Scope Changes for Acquisition Projects

Dominga presented the policy proposal for scope changes. Kaleen clarified that the policy was bifurcated, and that today they are just approving a definition that clarifies when the board would approve a scope change.

Board members noted that they are comfortable with the policy, but do not want to create additional up-front process for sponsors. Board members initially approved the resolution with a minor language change, but later changed the resolution to be stated in the positive and use language from the policy proposal.

Revised Resolution 2009-30 moved by: Dave Brittell **and seconded by:** Jeff Parsons
Resolution APPROVED as amended.

Waivers of Match Policy in WWRP Farmland Preservation Program for Fiscal Year 2010

Resolution 2009-31 moved by: Jeff Parsons **and seconded by:** Stephen Saunders
Resolution APPROVED

Firearms and Archery Range Recreation (FARR) Grant Awards

Marguerite Austin described the program and the types of projects they have funded. In response to questions from Board member Parsons, she noted that some projects remove lead, and that while many project sponsors now disallow lead, it is not part of the evaluation criteria. Marguerite also noted that the projects were evaluated in writing rather than in meetings, and that the evaluation team wants to reconsider that approach. Unspent funds will be carried forward to the 2012 cycle. Dan Haws then presented the top two projects.

Board members asked staff why there were so few applicants given the number of clubs. Staff responded that many of the clubs are affected by the economic downturn, and either could not provide the 50 percent match or had fewer volunteers to help with the work.

Resolution 2009-32 moved by: Jeff Parsons **and seconded by:** Dave Brittell
Resolution APPROVED

Land and Water Conservation (LWCF) Grant Awards

Sarah Thirtyacre gave an overview of the program, including project types, eligibility, match policies, and criteria. New criteria for this year include consistency with SCORP, compatibility with federal grant priorities, and the sponsor's compliance/conversion status. Requests totaled more than \$2.3 million. Sarah also gave an overview of the top two projects. Kaleen passed out the letter from the Governor to Washington's Congressional delegation regarding federal LWCF funding.

Resolution 2009-33 moved by: Steven Drew **and seconded by:** Jeff Parsons
Resolution APPROVED

Meeting adjourned at 3:45 p.m.

Approved by:

Bill Chapman, Chair

Date