



# Washington Wildlife and Recreation Program Review

A Report to the Washington State Legislature



## Table of Contents

<b>Introduction</b> .....	<b>2</b>
Washington Outdoors – Our History, Heritage, and Future.....	1
What Triggered the 2015 WWRP Review?.....	1
Overview of the Report.....	2
<b>Recommendations for Changes to the WWRP</b> .....	<b>4</b>
How was the WWRP Review Conducted?.....	14
What We Heard from the Stakeholder Survey.....	24
Development of a Preliminary Draft Framework for Recommendations .....	26
<b>Acknowledgement of Participation in the WWRP Review</b> .....	<b>27</b>
<b>Appendices</b> .....	<b>28</b>
Appendix A: Proposed and Current Allocations at Different Funding Levels ...	A-1
Appendix B: Current WWRP Formula .....	B-1
Appendix C: WWRP Background and History of Investments.....	C-1
Appendix D: Map and List of WWRP Funded Projects, 1990 to 2015 .....	D-1
Appendix E: Summary of RCO Survey .....	E-1
Appendix F: Statement of Need .....	F-1
Appendix G: Review of Public Access to WWRP Acquisitions .....	G-1
Appendix H: Review Process Participants .....	H-1

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## Introduction

### Washington Outdoors – Our History, Heritage, and Future

Washington is a state with beautiful lands and unique opportunities to get outdoors. To those of us who live and travel here, access to and protection of these significant places helps critical species survive and thrive, and provides current and future generations with places to play and recreate.

More than 25 years ago, the Washington Wildlife and Recreation Program (WWRP) was conceived by outdoor enthusiasts, sportsmen, and other people who were committed to preservation and protection of fish, wildlife, natural places, and places for people to recreate. As population growth fueled development pressures, many of Washington's unique and natural areas were disappearing and demands for recreational opportunities were not being met. Visionary leaders recognized the importance of investing to preserve these special places for the benefit of its people and the resources that sustain us. Outdoor recreation opportunities were understood to be vitally important to public health and well-being.

WWRP projects provide outdoor recreation opportunities through parks, trails, and water access and preservation of conservation lands that sustain and bring us closer to nature, fish, and wildlife. During the past 10 years, farmland preservation and riparian habitat protection have been included in WWRP funding allocations. Recognized as unique and irreplaceable values in Washington's heritage, farmlands and riparian areas are significant elements of the WWRP.

Since 1990, the WWRP has served the State by investing grant resources to acquire lands, protect critical habitat and natural areas, and develop outdoor recreation opportunities. In every corner of the state, WWRP grants have funded these investments, which benefit our economy, public health, and way of life.

### What Triggered the 2015 WWRP Review?

During the past several budget cycles, questions have emerged about certain aspects of WWRP. Examples include the allocation of funding among grant categories, amount of land acquired by state agencies, ability of state agencies to maintain and steward those lands, whether land purchases are linked to strategic plans, and whether land purchases are meeting objectives. As with any program that has been operating for 25 years, it is important to periodically review and assess how well the program is working and whether elements of the program need revision.

Since the WWRP was first enacted in 1990, it has been amended at numerous times to address important emerging issues. For example, in 2005, farmland preservation and riparian habitat protection categories were added to the program to address publicly identified needs to preserve land in the face of rapid population growth. In 2009, nonprofit nature conservancy

organizations<sup>1</sup> were added to the list of eligible applicants in those two grant categories to increase the capacity to conserve important landscapes.

To address recent questions about the WWRP and to enable the program to evolve to meet changing needs of Washington citizens, the Legislature, in a 2015 capital budget proviso,<sup>2</sup> directed the Recreation and Conservation Office (RCO) to convene and facilitate a stakeholder process to review the program's accomplishments during the past 25 years, evaluate current policies, and look to the future to see what trends, issues, and concerns should be addressed to ensure that the WWRP can fulfill the needs of current and future generations who value our outdoor places and natural resources.

## Overview of the Report

This report to the Legislature provides recommendations for revisions to the WWRP and summaries of the WWRP review process. Appendices provide a history and analysis of the location, size, and types of grants since the program's inception, summaries of the survey conducted as part of this review, and references to additional sources of information relevant to the WWRP.

The recommendations evolved through the WWRP review process, which started in mid-August 2015 and continues today as active participants provide ongoing feedback and suggestions to the facilitators. The recommendations reflect stakeholder input gathered from meetings, interviews, surveys, e-mail, and telephone conferences.

As the WWRP review process unfolded, common themes and concerns emerged both from legislators and active participants in the program. The most prevalent theme was support for the WWRP values and program integrity. Nationally recognized, bipartisan, fair and transparent, merit-based evaluation, WWRP is strongly supported by a passionate and committed constituency. Not all supporters agree, however, how statutory and policy revisions should be made.

A defining characteristic of the WWRP is that land acquisitions are between a willing seller and a willing buyer with the State paying fair market value. Condemnation is not permissible under the statute. Public access to state acquired lands and respect for private land ownership are values that require balance and consideration for the WWRP.

In trying to address some of the concerns and opportunities recommended by the Legislature in the proviso and in responding to stakeholder input for recommendations, we recommend the importance of maintaining a critical balance in investments in outdoor recreation and habitat conservation in the future.

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<sup>1</sup>Revised Code of Washington 79A.15.010(7)

<sup>2</sup>Washington Laws 2015 3rd Special Session PV C 3 § 3163

The recommendations described in the following section are summarized below:

- Modify the statutory formula allocating funds to the grant categories.
- Merge the Riparian Protection Account within the Habitat Conservation Account.
- Increase the funding percentage for restoration, enhancement, renovation, and development on state lands.
- Expand the participation of nonprofit, nature conservancy organizations in certain WWRP categories.
- Increase recognition of partnerships with nonprofit organizations that support outdoor recreation and conservation programs.
- Provide incentives for projects that demonstrate multiple benefits consistent with conservation values in the Habitat Conservation Account.
- Extend the existing Farmland Preservation Account to include forestlands that provide valuable conservation benefits.
- Decrease the local parks and state parks acquisition percentage to no less than 40 percent acquisition with flexibility for adjustment up to no more than 50 percent.
- Assess the needs of underserved communities, form partnerships with organizations, and provide match waivers or other incentives as bridges to better reach these communities.
- Increase public access to WWRP lands acquired in fee simple.
- Implement a three-pronged state investment strategy: Coordinate state agency planning with 6-year updates, strengthen state partnerships with local governments and communities by developing support for projects before application, and provide total cost projections for state land purchases including costs of maintaining and improving the land.
- Implement a phased-in, transition timeline for proposed recommendations.

This report also discusses several topics worthy of legislative attention that relate to state lands: Stewardship, funding for operations and maintenance, and the importance of resolving the Payment in Lieu of Taxes (PILT) to affected counties. Resolving these issues is critical to long-term support for WWRP programs.

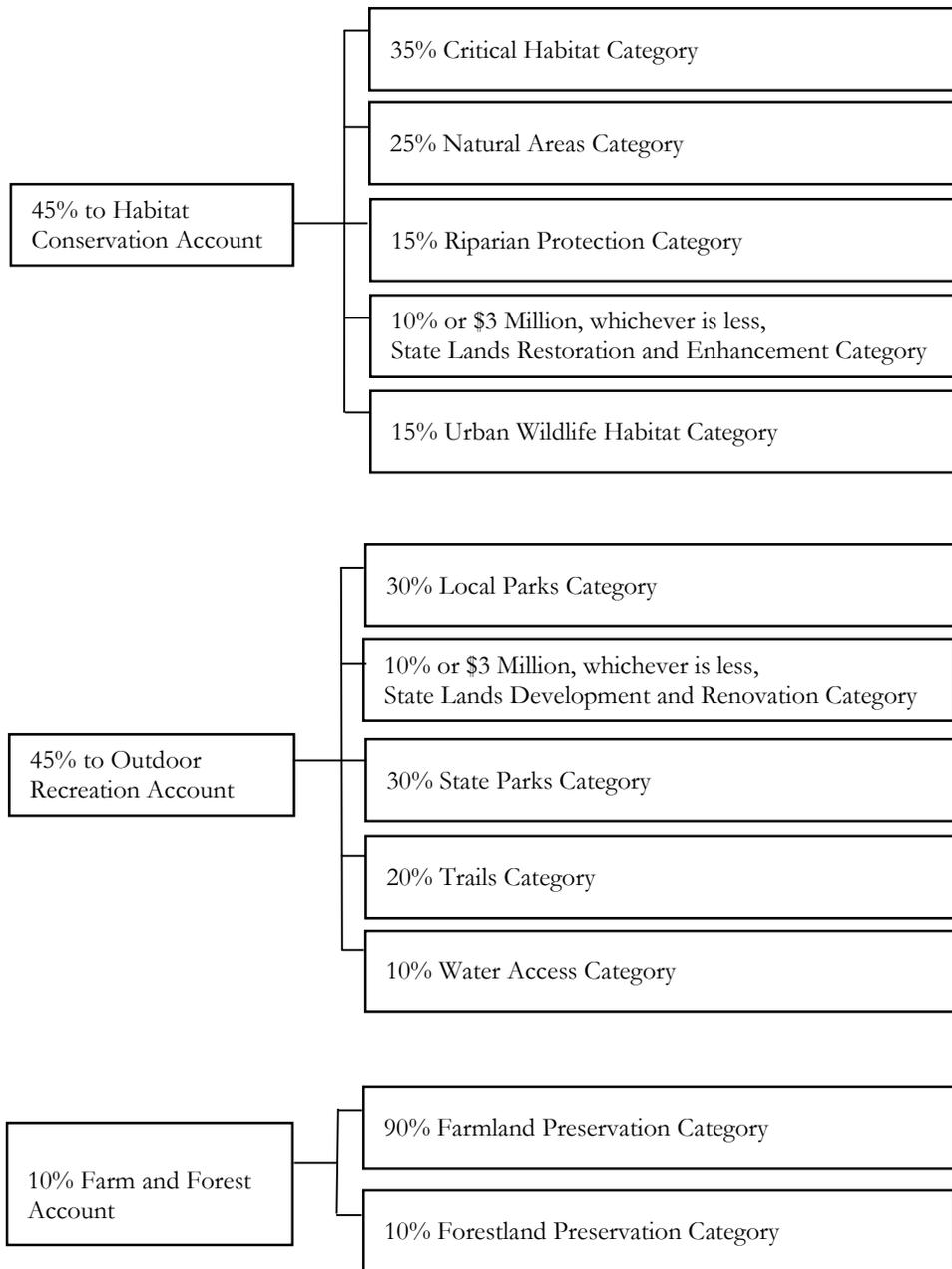
## Recommendations for Changes

The overarching principles of these recommendations are to maintain the impartiality, transparency, and merit-based foundation of the WWRP and to ensure continued success of the program for future generations. The recommendations for WWRP revisions address issues and concerns raised by stakeholders, legislators, and past and current project sponsors during the review process.

**A. Allocation Formula.** The current statutory funding formula has trigger points that determine the allocation of funds to the 4 accounts and 11 grant categories. The allocation formula changes depending on whether the total appropriation is below \$40 million, between \$40 and \$50 million, or above \$50 million (See Appendix B). To simplify the formula and make it more transparent, we recommend a new funding approach that would have no funding level triggers – all accounts and categories would have a designated fixed percentage of the total appropriation (See Figure 1). Allocation of the legislative appropriation (minus RCO administration) would be as follows:

- Forty-five percent to the Habitat Conservation Account (with categories of critical habitat, natural areas, riparian, state lands restoration and enhancement, and urban wildlife).
- Forty-five percent to the Outdoor Recreation Account (with categories of local parks, state lands development and renovation, state parks, trails, and water access).
- Ten percent to a new Farm and Forest Account (with categories of farmland preservation and forestland preservation. A more detailed description of the two categories is described in Recommendation E).

Figure 1. Proposed WWRP Formula



The recommended allocation formula showing funding at various appropriation levels is shown in Appendix A. The current statutory allocation formula is shown on Appendix B. This recommendation requires statutory changes.

The merger of the Riparian Protection Account into the Habitat Conservation Account is recommended to recognize the shared conservation values of riparian protection with the existing categories in that account. The eligibility and incentives proposed for projects with multiple benefits in the Habitat Conservation Account, together with the proposed increased eligibility of nonprofit nature conservancy organizations (See C below) to apply for grants within the Critical Habitat, Natural Areas, Riparian Protection, and Urban Wildlife Categories support this move. The rationale for doing so is as follows:

- Since the addition of the riparian category in 2005, the Washington State Legislature has increased salmon funding by adding programs like the Coastal Restoration grants, Estuary and Salmon Restoration Program, Floodplains by Design, and Puget Sound Acquisition and Restoration grants, and riparian acquisition is eligible in most of these programs.
- As an integrated part of habitat conservation, riparian projects are proposed to participate in the program at all funding levels, not just when the appropriation is above \$40 million. The proposed allocation percentage of 15 percent is recommended as a starting point based on the effort to balance categories within the Habitat Conservation Account recognizing that the Legislature may consider future needs assessments to support funding allocation changes.
- The demand for WWRP programs has greatly increased in all categories, and increasing population and development pressures continue to threaten critical species in need of conservation. Riparian protection is a significant program that should be supported by increasing the overall legislative appropriation in the future.

**B. Capital Improvements, Restoration, Renovation, and Enhancement of State Lands.** The need to improve the condition of state-owned lands and facilities was a recurring theme during the WWRP review. With WWRP funds derived from general obligation bonds, the routine operation and maintenance of acquired properties are not allowable costs. These routine operation and maintenance expenses should continue to be budgeted and funded from existing sources, such as Discover Pass revenues, federal Pittman Robertson funds, Wildlife Account funds, Parks Renewal and Stewardship Account funds, and general funds.

Some capital improvement costs are appropriate for bond funds. In the State Lands Restoration and Enhancement Category, eligible projects include ecological restoration, native plantings and weed control, erosion control, fencing, and in-stream habitat work. Within the State Lands Development and Renovation Category, eligible projects currently include the development and/or renovation of campgrounds, fishing piers, launch ramps and floats, restrooms, parking areas, and other related structures. We recommend three ways to improve the condition of state-owned lands that are acquired through the program:

- Increase the percentage of Habitat Conservation Account funds allocated for the State Lands Restoration and Enhancement Category from 5 percent to 10 percent or \$3 million, whichever is less. If the percentage allocation exceeds \$3 million in any biennial capital budget, the surplus funding up to the full 10 percent would be reallocated by the Recreation and Conservation Funding Board to the Riparian Protection Category. We also recommend that State Parks should be eligible for funding in this account. This recommendation requires a statutory change.
- Increase the percentage of Outdoor Recreation Account funds allocated for the State Lands Development and Renovation Category from 5 percent to 10 percent, or \$3 million, whichever is less. If the percentage allocation exceeds \$3 million in any biennial capital budget, the surplus funding in this category up to the 10 percent allocation would be reallocated by the Recreation and Conservation Funding Board to the Water Access Category. This recommendation requires a statutory change.
- Increase the amount of noxious weed control funding that is eligible in acquisition projects as an incidental cost from \$125 per acre to \$150 per acre. This recommendation requires a change to board policy.

**C. Greater Eligibility and Competitiveness.** To increase the number of competitive projects in the habitat conservation categories and bring in additional sources of outside funding, partners, and volunteer contributions, we recommend that nonprofit nature conservancy organizations (as defined in Revised Codes of Washington 84.34.250 and 79A.15.010) retain eligibility in the Farmland Preservation and Riparian Protection Categories and expand eligibility to apply for grants in the Critical Habitat, Natural Areas, Urban Wildlife, and the new Forestland Preservation Categories. The nonprofit nature conservancy organizations would be required to provide a 50 percent match in these categories. This recommendation requires a statutory change.

Criteria would be developed to reward partnerships between nonprofit nature conservancy organizations and state or local agencies and organizations, where the nonprofit organization provides dedicated stewardship funding through reserves. Further definition of potential partnership benefits and opportunities should be considered by the Recreation and Conservation Funding Board in consultation with the nonprofit nature conservancy organizations as policies for implementation are developed.

To address a concern that was raised about land valuation, in those situations where a nonprofit land conservancy is serving as a short-term acquisition facilitator for a public agency, we recommend that the cost allowed for the land itself will be either the fair market value or the actual cost of the land to the nonprofit, whichever is less, if the transfer occurs within 1 year.

**D. Projects that Demonstrate Multiple Values.** Many WWRP projects already provide multiple benefits for habitat conservation and recreation; however, the evaluation criteria required by statute for several of the current categories tend to focus on a narrow range of

benefits. To encourage habitat conservation projects that, for example, provide enhanced recreational opportunities, permit grazing that is compatible with habitat conservation, or support working forests that enhance ecological forest health and provide other conservation benefits, we recommend making the following modifications to board policy in several of the Habitat Conservation Account categories:

- Create evaluation criteria within certain categories in the Habitat Conservation Account (Critical Habitat, Natural Areas, Riparian Protection, and Urban Wildlife) that reward projects that provide multiple benefits and are compatible with habitat conservation goals.
- Allow working lands, both rangelands and forests, to be eligible projects through the multiple benefits criteria within the Habitat Conservation Account. Continue to allow rangeland projects to be eligible under the Farmland Preservation Category.
- Multiple benefits that provide additionality to conservation benefits, habitat connectivity, recreational benefits, and community collaboration and support are examples of multiple values that should be developed as incentives in scoring and evaluation criteria for working lands and projects in the habitat conservation categories.

**E. Preservation of Working Lands.** Throughout the review process, there was strong support to continue protection of working farms; however, many participants also expressed a need to extend similar protection to other working landscapes – such as forest lands and rangelands. Increasing the state’s ability to conserve a broader range of working lands is strongly encouraged, as is a more robust use of ‘less than fee simple’ conservation tools such as conservation easements. This requires a statutory change.

As mentioned above, we recommend that forestland preservation be added as a new category within the Farmlands Preservation Account, which is proposed to be renamed the Farm and Forest Account, such that:

- The allocation percentage to the Farm and Forest Account would be established at 10 percent of the total appropriation, with 90 percent allocated to working farms and mixed farm and forestry projects. The remaining 10 percent would be allocated to working forest lands. This recommendation requires statutory changes. Further development of this proposed account would be refined by the Recreation and Conservation Funding Board during the implementation phase of the recommendations.
- In addition, we recommend that the Recreation and Conservation Funding Board continue to strengthen the Farmland Preservation program by working with applicants and their partners to modify and clarify policies that apply to farmland preservation, including using the potential productivity of the land and the opportunity for farming, rather than being limited to current farming practices. To

encourage farmers to adopt voluntary measures for riparian protection and other best practices with ecological benefits, incentives through scoring criteria and appraisal valuation for conservation easements could be developed.

Public access requirements would not apply for projects acquired through conservation easements.

We further recommend that these other working land concepts be incorporated into the WWRP Habitat Conservation Account:

- Projects that propose forest and rangeland management with conservation values will be encouraged as one of the multiple benefits in the Habitat Conservation Account.
- Projects that create or add to community forests will be encouraged, especially those that fit in the community forest program administered by the Washington Department of Natural Resources.
- Projects that propose to conserve historical ranching enterprises consistent with habitat conservation values will be encouraged as one of the multiple benefits within the Habitat Conservation Account.

**F. Local Parks and State Parks Acquisition and Development Ratios.** Four of the WWRP categories currently require a minimum percent of the allocation for land acquisition – State Parks (at least 50 percent of allocation for acquisition costs), Local Parks (at least 50 percent of allocation for acquisition costs), Water Access (at least 75 percent of allocation for acquisition costs), and Riparian Protection (all projects must include some acquisition component). To address the expressed need for more development projects, we recommend re-balancing the acquisition and development requirement in the local parks and state parks categories to the following:

- No less than 40 percent, and no more than 50 percent, of the funding shall go to projects with acquisition.

We recommend that the Recreation and Conservation Funding Board shall apply this formula as direction to look at a 60 percent set-aside for development projects, but with the flexibility to scale down to 50 percent if there are a significant number of meritorious acquisition projects. The board can choose to achieve these targets either over one funding cycle or over several funding cycles. This recommendation would require a statutory change.

**G. Underserved Populations.** Legislators, local governments, and many other stakeholders have identified concerns that WWRP projects are not available to communities in need. These traditionally underserved populations include communities with high ethnic diversity and smaller, rural communities with lower per capita income. Additionally, some urban and rural areas of the state have been hit by adverse economic conditions that may affect their

ability to provide local match. Participation in WWRP is challenging for communities without sufficient staff resources to plan for and apply for grant funding to address their outdoor recreation needs. To reduce barriers and enhance participation by underserved communities, we recommend the following bridges to assist areas currently underserved by WWRP:

- Provide match waivers or match reductions for cities and towns whose median income falls below a measureable index of need. The most appropriate trigger points for either of these metrics will be set by the Recreation and Conservation Funding Board following consultation with the Office of Financial Management and public review. After several funding cycles, the Recreation and Conservation Funding Board would evaluate whether the match waivers resulted in more communities of need competing for WWRP funding. Provide match waivers or match reductions for projects in a federal disaster area as declared per the Stafford Act that is in an active disaster status when the grant application is received by RCO and the disaster directly affected the area where the project is proposed. This will require a statutory change to allow match to be waived or reduced.
- Create evaluation criteria or provide match reductions that reward projects involving partnerships between sponsors and organizations that provide other services and community programs targeted specifically at underserved communities.
- Increase visibility of the WWRP programs and opportunities by community education and outreach. Schools, public health jurisdictions, churches, and other community service organizations are important to integrate into the WWRP outreach program for underserved communities. Bridges to connect people with parks, natural areas, and outdoor recreation opportunities in urban and rural settings need to be built and strengthened.
- Provide more direct grant manager outreach and technical assistance to rural counties, cities, and towns to assist in understanding the WWRP and how to apply for grants.

The need to better address the needs of underserved communities was especially highlighted during the review process. To get it right, we recognize that there likely will be a need to adapt this approach over time and evaluate how to measure community needs, cultural values, and benefits of WWRP opportunities. One or more pilot programs to demonstrate and model a community partnership approach for underserved communities should be evaluated for inclusion in the proposed budget submitted for the 2017-2019 Capital Budget.

**H. Public access.** Throughout the review process, we heard that there is a desire for greater public access to publicly-funded conservation lands in general and to the WWRP conservation acquisitions specifically. To clarify the importance of public access, we recommend that the public access be articulated in statute such that all lands acquired in fee

simple with WWRP funds be open to the public for recreation and outdoor education, as appropriate and regardless of project sponsor.

Limited exceptions would be made for projects where seasonal closures are necessary to protect critical species and resources, or public safety. Justification for those closures must be specifically outlined in the WWRP grant application. In this context, public access refers to the ability of the public to be on the land for passive or active recreation and outdoor education opportunities. It does not, in and of itself, require the construction of trails, parking lots, or other facilities, unless those are part of the grant application, nor constrain the ability of land managers to carry out sound land management policies.

- I. Strategic State Investments in Conservation and Recreation and Building Community Support.** We understand that there is a perception that state agencies do not plan or conduct public processes to prioritize their acquisition and development projects. During the review, however, we learned that state agencies do indeed invest a significant amount of time and effort to look to the future and prioritize their portfolios of land and facilities to achieve their statutory missions. What is missing is the effort to consolidate those plans across state agencies into a unified state strategy and to communicate those priorities to the public, local governments, and legislators.

To remedy this misperception and bring transparency and support to the state's planning efforts, we recommend that the state agencies implement the following three actions:

- 1. Coordinated State Strategy.** The state agencies would develop a coordinated, statewide, conservation and outdoor recreation strategy that outlines state agency priorities for acquisitions and development. From existing planning documents and strategic plans, this strategy would identify action areas for the next 6 years, and to the extent applicable, would reference the State Comprehensive Outdoor Recreation Plan (SCORP), the Washington Department of Fish and Wildlife's species recovery plans, and the Washington Department of Natural Resources' Natural Heritage plan. The Washington State Parks and Recreation Commission would develop a statewide park acquisition and development strategy to establish high-level goals for the state park system and set priorities for land acquisition and development that are designed to meet them.

The Habitat and Recreation Lands Coordinating Group<sup>3</sup> would facilitate pulling together the state strategy, and the statewide plan would be reviewed by the Recreation and Conservation Funding Board.

- 2. Partnership and Planning with Local Governments and Nonprofit Organizations.** The state agencies would confer with local governments and nonprofit organizations before developing projects for WWRP application. Through early vetting of projects,

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<sup>3</sup>Revised Code of Washington 79A.25.260

the agencies would seek local support and buy-in and request letters of support from county and city elected officials. "Confer" in the context of this process should include the following elements: Project purpose, scope, and concept; estimated project cost; project elements; long-term benefits to the community; cost, impact, and risk to the community; management plan; public access; and project alternatives that could be considered instead of state ownership. The state agencies also may consider how the project interfaces with local zoning and regulatory frameworks, particularly with respect to conservation values.

The agencies would seek additional evidence of support from local communities, conservation groups, recreation groups, hunters, fishers, and others. Where appropriate, the agencies may seek to form partnerships with nonprofit nature conservancy organizations and others to strengthen support for a specific project.

The Recreation and Conservation Funding Board would implement this recommendation, including development of criteria to recognize and reward projects with strong support from local governments, community members, and partnerships. In addition, we recommend that, as a matter of eligibility, the Recreation and Conservation Funding Board would require all state acquisition project applications to clearly demonstrate how they fit into the statewide strategy and to demonstrate local community support.

- 3. Funding, Development, and Restoration.** The agencies would submit project scoping for the total projected costs of all their projects that seek funding. The scoping would identify all potential fund sources that will be used, including the WWRP, and the timing of when the funding will be needed.

The total projected costs would include a 6-year projection of restoration, development, operation, maintenance, mitigation, weed control, road abandonment or improvement, and other relevant costs. The scoping would detail the total costs to reach the desired/intended outcome for state agency projects.

WWRP Needs Assessment. The Legislature may determine that an independent, statewide needs assessment that ties inventory of conservation and recreation lands to demographic changes and trends in recreation and conservation needs should be funded on a regular cycle. Some stakeholder groups expressed concerns about the cost and time requirements of additional needs assessment studies relative to the benefits of funding direct WWRP projects. Generally, however, stakeholders support targeted, science-based needs assessments that relate to habitat conservation and outdoor recreation, provided that they do not duplicate existing studies, surveys, or plans.

- J. Consistency in Planning Requirements for State Agencies.** Revised Code of Washington 79A.25.120 requires each grant applicant to the Outdoor Recreation Account to submit a "long-range plan for developing outdoor recreation facilities within its authority and detailed plans for the project sought to be financed from these accounts." To ensure equal

accountability to applicants for habitat conservation funding, we recommend that the statutory language be broadened to include all projects financed through the Habitat Conservation Account as well. This recommendation will bring more equitable requirements to all applicants and greater engagement with local elected officials in cities and counties.

To better guide the ranking process and ensure a more strategic implementation of the proposed changes, we also recommend that criteria be developed within the State Parks Category to require projects to demonstrate their relationships to relevant plans such as the State Comprehensive Outdoor Recreation Plan and the Washington State Trails Plan. Nonprofit nature conservancy organizations should similarly be required to show due diligence in demonstrating consistency with the Growth Management Act, local comprehensive plans, and state plans, and support from local communities. As local parks already are required to demonstrate consistency with local comprehensive plans and to show due diligence in obtaining community support and support from local officials, the proposed recommendation above will provide applicants with equitable requirements for consistency in planning requirements and building better community support. This recommendation requires a statutory change.

**K. Transition Time for Implementation.** Applications are expected to be received beginning in February 2016 (for projects proposed for funding in 2017). We recommend that the Legislature consider a phased-in approach for these recommendations, whereby the proposed allocation formula and/or acquisition and development ratios could be adopted in 2016 and used when funding projects in the 2017-2019 Capital Budget. Recommendations for programs in underserved communities also could be adopted for 2016 projects, possibly as a pilot project.

In order to respect the applicants' needs for predictability and the current application time line, we recommend that eligibility requirements or programmatic changes should be targeted to apply to applications submitted to the Recreation and Conservation Funding Board in 2018. This transition time will enable the RCO and the board to educate applicants on the changes, revise criteria, and modify the PRISM grant management database. This recommendation requires a statutory change.

## Summary of Recommendations

Recommendation		Statute Change	Recreation and Conservation Funding Board Policy or Rule Change
A.	Allocation Formula	✓	
B.	Capital Improvements, Restoration, Renovation, and Enhancement of State Lands	✓	✓
C.	Greater Eligibility and Competitiveness	✓	✓
D.	Projects that Demonstrate Multiple Values	✓	✓
E.	Preservation of Working Lands	✓	✓
F.	Local Parks and State Parks Acquisition and Development Ratios	✓	✓
G.	Underserved Populations	✓	✓
H.	Public Access	✓	
I.	Strategic State Investments in Conservation and Recreation and Building Community Support		✓
J.	Consistency in Planning Requirements for State Agencies	✓	✓
K.	Transition Time for Implementation	✓	

## How was the WWRP Review Conducted?

### WWRP Review Process

The Washington Wildlife and Recreation Program review process began in mid-August 2015 in response to the Legislative proviso contained in the 2015-2017 Capital Budget<sup>4</sup>. RCO contracted with facilitators Jim Waldo and Jane North to convene and facilitate a stakeholder review of the WWRP, including the acquisition of lands, and to make recommendations for statutory and policy revisions to effectively meet the needs of the State.

### Stakeholder Identification

Initially, RCO provided a list of stakeholders based upon organizations and individuals that have an active interest in the WWRP. Given the tightly constrained time frame and limited budget, the facilitators contacted selected individuals from several organizations to gather input on the

<sup>4</sup>Washington Laws 2015 3rd Special Session PV C 3 § 3163

design of the stakeholder process. These early meetings and telephone discussions in late August included legislators and individuals from the Association of Washington Cities, Washington State Association of Counties, Washington Wildlife and Recreation Coalition, The Nature Conservancy, the Trust for Public Lands, the Washington Recreation and Park Association, and the Recreation and Conservation Funding Board.

Based upon input and recommendations from these initial interviews, the list of potential stakeholders expanded significantly, and opportunities for interfacing with the many diverse groups were identified. Together with the RCO team, the facilitators developed a communications strategy for getting the word out about the WWRP review process.

## Communications

The initial communications included a series of e-mails and Web communications to identified stakeholders, including legislators, local government leaders, tribal organizations, grant recipients, advisory committees, elected officials, sports and recreation organizations, and all of the entities listed above. After the initial e-mails, the communications process became very dynamic. The facilitators and RCO staff were contacted by many individuals who had received e-mails, and a series of follow-up telephone interviews and small group communications occurred. The facilitators continued to reach out to additional individuals and organizations throughout the next 2 months.

## Surveys

Parallel to the communications, the RCO and facilitators developed a survey to distribute to all grantees and interested individuals in the RCO PRISM database, which included more than 4,000 contacts. The survey also was distributed to all identified stakeholders, organizations, and legislators. Almost 500 responses were received, with more than 3,000 individual comments. The survey results are summarized in the next section. Specific comments were explored in follow-up phone calls and meetings with participating organizations.

The Washington Recreation and Park Association distributed its own survey to its members. It formed a committee to evaluate its survey responses and formulate recommendations to the facilitation team as part of the review process. The Washington Wildlife and Recreation Coalition also designed and distributed its own survey to its membership and summarized the survey responses for its Policy Committee and board members to help form the Coalition's guiding principles. Both the Coalition and the Washington Recreation and Park Association worked closely with the facilitation team in providing input from their members, including feedback on the recommendations and the report to the Legislature.

## Roundtable Review Meetings

The facilitation team hosted three meetings with cross-sections of representative groups to discuss issues and concerns that were identified from the initial interviews and survey responses.

The first meeting held in Tacoma on September 29 included a diverse group of participants who shared their perspectives on the WWRP and identified issues for consideration.

A second stakeholder meeting on October 9 brought the three state land managing agency representatives together to focus on concerns and opportunities specific to state lands acquisition and priorities. A follow-up meeting with state agencies was held in Olympia on October 30. From these meetings, a three-pronged state strategy evolved, which helped to form several of the recommendations.

A third roundtable review meeting was held in Wenatchee on November 3, 2015. The attendees represented regional staff from state agencies, local park directors, the Department of Agriculture, and local land trust leaders. They shared their perspectives and concerns about the WWRP and provided helpful guidance to the facilitation team drafting a preliminary framework for draft recommendations, which was circulated on November 6 among participants in the roundtable review meetings for review and comment.

## Invitational Meetings Organized by Stakeholders

In addition to the roundtable review meetings organized by the facilitation team, interested stakeholder organizations invited the facilitators to participate in meetings to gather input from their members. At these in-person meetings or facilitated conference calls (except the PILT meeting in Ellensburg, which Jane North attended for background information), the facilitators were invited to summarize the ongoing WWRP process and then hear from the participants concerning their perspectives, issues, and concerns on the WWRP.

These meetings were invaluable for helping the facilitation team understand the many important perspectives that supporters of the WWRP bring to the table. While not all perspectives are shared in common, what is shared is the passion and commitment of the individuals and organizations that care about the program. Even critics of the program acknowledge the integrity, fairness, and transparency of the grant evaluation program and the WWRP history in preserving conservation lands and developing recreation opportunities.

In chronological order, these meetings are summarized below:

September 2 Conference call with lobbyists and state agency legislative liaison group

September 9 Farmlands Preservation Roundtable in Olympia

September 16 Recreation and Conservation Funding Board meeting in Spokane

September 17 Payment in Lieu of Taxes (PILT) meeting in Ellensburg

September 25 The Big Tent Coalition meeting in Seattle

October 7 The Habitat and Recreation Lands Coordinating Group meeting in Olympia

- October 14     The Washington Wildlife and Recreation Coalition board meeting in Cle Elum
- November 4    Washington Association of Land Trusts, Trust for Public Lands, and the Nature Conservancy meeting in Seattle

## Development of Background Resources

During the 3-month WWRP review process, the facilitators reviewed key background documents and identified resources for consideration of the needs and benefits of the WWRP to Washington State. Based upon RCO survey responses and background data available in the PRISM database, the RCO team developed charts, summaries, and responses to stakeholder and facilitator requests. Legislators also directed the facilitators to individuals and studies to provide background information on the economic impacts of outdoor recreation and conservation lands, past needs assessments, and the 25-year history of the WWRP. Selected background documents are included in the appendices to this report, and Web links to related studies that are too lengthy to be included in the report are provided.

## What We Heard from Facilitated Discussions and Written Submittals

During the WWRP review process, the facilitators consulted with more than 200 individuals and reviewed all survey comments. We also received more than 25 letters of response to the preliminary draft framework for recommendations and received numerous phone calls and follow-up e-mails. The range of views and perspectives about the WWRP are strongly held and passionately advocated. In this section, we are summarizing some of the core themes that led to the final list of recommendations that are contained in this report to the Legislature.

- A. The current WWRP allocation formula is complex and challenging for grant applicants and legislators. There is a need to streamline the allocation formula and evaluate the funding percentages among categories. It is important to maintain the equal split between habitat conservation and outdoor recreation accounts. Maintaining the impartiality, transparency, and merit-based foundation of the program was the pre-eminent theme that emerged from nearly all participants.

Preserving the fundamental values of the WWRP is very strongly supported by stakeholders. The core values of the program are still as appropriate today as they were 25 years ago. Keep the balance among the categories, and preserve the principles that justify the categories as distinct programs. As much as possible, provide for predictability in scoring criteria so that grant applicants have some degree of confidence that if they meet the criteria, their projects will be scored consistently from biennium to biennium.

- B. The stewardship and care of publicly acquired lands needs improvement and increased funding. Many stakeholders support the use of state funds to acquire lands to preserve habitat and provide outdoor recreation. Acquisition of state lands, however, is

accompanied by an obligation to restore, enhance, develop, and renovate acquired lands to protect and preserve them for future generations.

Operations and maintenance funding needs to come from fund sources that are not subject to the same use restrictions as general obligation tax-exempt bonds. State agencies need to plan and account for operations and maintenance and demonstrate those costs in their project applications. Partnerships with nonprofit organizations may be helpful in meeting some of the operations and maintenance requirements, particularly on projects where nonprofit organizations may apply as grant sponsors, for all or part of a project.

- C. Many nonprofit organizations across the state are dedicated to preserving and protecting Washington's valuable land resources. These nonprofit organizations are rooted in communities, provide invaluable stewardship reserves, and involve deeply committed volunteers who work actively to support and maintain the WWRP lands.

The WWRP should develop partnership opportunities for nonprofit organizations to work with state and local grant sponsors to help develop and acquire new resources identified by state or local plans. Helping to improve public access, expanding outdoor recreation opportunities, and addressing the needs of underserved communities are the WWRP goals that nonprofit organizations can help address.

Increasing the eligibility of nonprofit nature conservancy organizations (as defined in Revised Code of Washington 79A.15.010, 84.34.250), typically land trusts, to participate in habitat conservation categories as grant sponsors may increase available resources and enable these organizations to partner more directly with state and local agencies. Concerns about how these partnerships will be structured and compete with existing grant sponsors suggest the importance of developing implementation criteria in collaboration with the Recreation and Conservation Funding Board and the nonprofit organizations. Nonprofit nature conservancy organizations should be eligible to sponsor project applications in the Habitat Conservation Account categories.

- D. Projects with multiple benefits are currently eligible to receive WWRP grants, but the scoring process does not reward these projects. The WWRP, through policies and criteria adopted by the Recreation and Conservation Funding Board, should include incentives that encourage landscape-scale projects that combine habitat conservation values, promote outdoor recreation, and support working lands. Large landscape projects with multiple values are serving as models in several areas of the state. Building community support by partnering with local governments and communities will help strengthen the success of these multiple values projects.

There is a concern, however, that the recognition and incentives for multiple benefits projects should not require all values to be present in all projects. For example, there may be strategic parcels where critical species habitat needs to be protected and preserved in order to help implement habitat conservation goals.

- E. Farmland preservation grants received strong support among diverse groups of stakeholders. Local governments, the Washington State Conservation Commission, the Farm Bureau, land trusts, nonprofits, and other farm organizations would like to see an increase in funding for farmland preservation. Many long-time WWRP supporters recognize that ranchers in eastern Washington have strong interests in preserving working ranches that also may integrate with habitat conservation projects. In some eastern Washington communities, ranchers and the Washington Department of Fish and Wildlife are working collaboratively to permit grazing that is consistent with conservation values. Building trust among state agencies and farm, forest, and ranching communities will help promote the preservation of state lands with shared resources.

Forest owners and nonprofit land trusts support forestland preservation that helps preserve working forests, particularly those that can provide connectivity, habitat enhancement, and sustainable ecological benefits. The Community Forest model was often cited as an effective program model, although underfunded. Forestlands provide important connectivity to critical habitat, and forestlands where best practices can help prevent wildfires provide recognized benefits that would add conservation values to WWRP acquired lands.

Public access for recreation on working forestlands was identified as an important issue by many stakeholders, and although privately-owned lands are not required to provide public access, there is a strong recommendation that public access should be rewarded through scoring criteria. Some stakeholders expressed caution that the scarce resources and limited availability of critical habitat and natural areas should be balanced carefully in promoting working lands within the WWRP.

- F. Stakeholders representing local parks suggested that the current 50/50 requirement between acquisition and development projects should be revised to allow no less than 40 percent of funds be used for acquisition. This change was proposed along with provisions to strengthen, reinforce, and reaffirm existing statutory authority and flexibility for the Recreation and Conservation Funding Board to adjust these requirements up to a 50 percent acquisition threshold to meet most "pressing needs" and to support highly meritorious projects.

The rationale for this revision is that increasing density and population growth means that there is a renewed emphasis on developing quality open space and recreation opportunities for residents. Local parks and recreation directors noted that they have more funding tools at their disposal to acquire property than they do tools for development. Local parks advocated that the revision to no less than 40 percent acquisition, subject to adjustment by the board over time, would improve the overall quality of WWRP projects.

State Parks noted that since its inception, the WWRP has been the largest, single source of funding for state park land acquisitions. About 95 percent of park lands acquired with WWRP funds have been properties that are inholdings or adjacent to existing state parks.

Securing these properties has not only helped to enhance recreation and conservation opportunities, but also helped to avoid adjacent land development that conflicts with the public's use and enjoyment of its state parks. In addition, a smaller proportion of WWRP funds has been used to secure significant natural, cultural, and scenic resource lands and hold them for future development of state parks.

State Parks also uses WWRP funds for development of new facilities, which provide access, trailheads, trails, picnic areas, restrooms, water trail sites, campgrounds, and other new amenities that permit recreation use and help connect visitors with state park resources. The balance between acquisition and development within state parks currently is set at 50/50, which is acceptable to the agency, but in the interest of responsiveness to legislative concerns about the condition and need for infrastructure improvements and development of already acquired state park lands, State Parks accepted the recommendation for no less than 40 percent of funds in the State Parks grant category to be used for acquisition projects, with board flexibility to adjust upward to 50 percent for meritorious acquisition projects.

- G. The Legislature directed RCO in the review process to evaluate the program's effectiveness in assessing and serving smaller and traditionally underserved populations, including communities with lower per capita income levels. In the survey conducted by RCO, many respondents recognized the challenges of reaching underserved populations and recommended increasing the program visibility by forming partnerships among communities, parks, and service organizations. Some of the underserved populations were described as elderly, disabled, youth from ethnically diverse and economically disadvantaged socio-economic backgrounds, rural poor, urban poor, and smaller cities and towns with limited outdoor recreation opportunities.

We heard from grant applicants who had worked hard with volunteers to put together a grant application with limited resources. In some cases, those applicants were unsuccessful and felt that the WWRP grant requirements were too onerous and complicated for small cities or counties to compete. Technical assistance and reduced match requirements were identified as possible ways that access to the WWRP grant programs could be improved.

To better serve youth, we heard recommendations to connect with public health organizations and schools. Many stakeholders suggested programs that are being sponsored by outdoor organizations, including Washington Trails, REI, the Mountaineers, and recommended reviewing the Governor's Blue Ribbon Task Force on Parks and Outdoor Recreation report and the State Comprehensive Outdoor Recreation Plan for an assessment of needs in this area.

- H. In virtually all of the meetings and discussions with stakeholders, the importance of public access to WWRP acquired lands was emphasized. From hunters, fishers, hikers, bikers, nature enthusiasts, legislators, local government officials, parks representatives,

and many other organizations who actively use the WWRP, we heard that increasing public access to state-owned lands should be a high priority.

RCO staff evaluated the information available on public access from grant recipients since 1992, reviewed and surveyed a sample of the projects, and prepared a summary of the lands for which public access is available. This summary is referenced as Appendix H. Generally, the majority of lands acquired under the Habitat Conservation and Riparian Protection Accounts (60 percent) are open for public use, with limited or seasonal restrictions. Under the Natural Areas Category, more projects have site specific restrictions on recreational uses. Natural Area Preserves are governed by statute (Revised Code of Washington 79.90) and prioritize natural resource preservation and scientific study. Natural Resource Conservation Areas are governed by Revised Code of Washington 79.71 and offer much broader "low impact" recreational use. Motorized recreation is not considered "low-impact" and is generally not allowed on Department of Natural Resource Natural Area Preserves and Natural Resource Conservation Areas lands.

Stakeholder concerns with broadening public access on WWRP acquired lands included concerns from private landowners and land trusts that public access should be mandatory only on lands that are acquired in fee simple and not required on lands with conservation easements. Additional concerns about dumping garbage, damage, vandalism, and erosion were raised by some stakeholders who are forest owners. They communicated that road closures and restrictions to public access often are necessary or required to comply with state regulations to protect water quality or prevent vandalism and garbage dumping.

- I. Land trusts raised concerns that requiring public access on conservation easements would discourage some farmers and ranchers from participating in WWRP programs. In order to strike a balance among these stakeholder concerns and promote public access, the recommendation is to make public access mandatory by statute on lands acquired in fee simple with WWRP funds, regardless of sponsor. Conservation easements on private lands would not be subject to public access requirements, although grant applicants and landowners who support public access on conservation lands may receive incentives under the multiple benefit scoring criteria.
- J. State agencies currently receive most of the WWRP grants in the Critical Habitat, Natural Areas, and State Parks Categories. State agency representatives in the WWRP review process recognized concerns expressed by legislators and others that the planning and needs assessments that are performed by state agencies as part of their long-term missions for species recovery, critical habitat, and natural areas may not have been communicated clearly to local communities and elected officials. In order to improve this communication and to better provide more complete information to legislators and local communities, the Washington Department of Fish and Wildlife, the Department of Natural Resources, and State Parks recommended that a coordinated state strategy for acquisition of state lands be developed by the agencies.

This coordinated acquisition strategy would be updated every 6 years, and would be based on existing agency planning processes, but integrated across the three agencies statewide to show where targeted land acquisitions and development are planned and how they fit into long-range plans for the agencies. It was suggested that RCO facilitate integrating the state agency plans into a statewide strategy through the Habitat and Recreation Lands Coordinating Group.

Building partnerships with local communities as part of a review and vetting process before proposing a project was strongly supported by counties, parks boards, and legislators. In many areas of the state, the Washington Department of Fish and Wildlife, State Parks, and Washington Department of Natural Resources are working successfully with local governments in planning and implementing projects. State agencies proposed that they develop and/or improve their partnerships with local governments and communities as part of a three-step process for the WWRP. In addition, state agencies suggested that local support for a project could be a requirement for grant funding. Because needs for WWRP projects far exceed available funding, the state agencies recognize that local support and buy-in are critical to successful projects.

The total projected costs for state projects, including acquisition-related and ongoing stewardship costs, need to be identified as part of the strategic plan for state agencies. When opportunities arise to purchase critical habitat lands from a willing seller, the agencies require time to develop their cost estimates and project applications. In some cases, land trusts have stepped in to acquire available properties quickly to act as a bridge to state agency acquisition through the WWRP grant process. The transparency of these acquisitions is critical to the WWRP integrity. State agencies propose to identify the costs of stewardship, both in the capital area and in the operating area, so that the total cost of maintaining, restoring, enhancing, renovating, and developing publicly acquired lands with WWRP funds is shown in the scoping for project applications.

- K. Some stakeholder groups expressed concerns about a level playing field among grant applicants. Local parks representatives and some legislators articulated that among local entities, the need to show how a proposed project fits within a local comprehensive plan or other regulatory framework is more specific and detailed than for state agencies. Similarly, nonprofit nature conservancy organizations are required to demonstrate how their proposed projects fit within local plans and regulatory frameworks. State agencies are committed to working similarly with the proposed state planning strategy and partnering with local communities, so that state agency projects are evaluated by equitable standards with respect to comprehensive planning efforts.
- L. The potential changes to the WWRP generated a great deal of discussion among project applicants, grant sponsors, and stakeholder organizations. Some proposed changes will require changes to electronic applications, manuals, and rules, while other changes can be implemented with little change to administrative process. Some advocates believe that a phased-in transition is important to address legislative concerns and implement first recommendations that do not affect the predictability of the grant eligibility criteria.

Other stakeholders supported the draft recommendations only if the revisions to the WWRP apply to the 2018 grant application cycle in order to provide time for development of revised criteria and educate grant applicants. The recommendation presented in the report to the Legislature blends both approaches and provides for a phased-in approach on the allocation formula and funding percentages and a 2018 transition for implementation that requires planning, policy and criteria revision, and education for applicants and advisory committees.

- M. In many stakeholder conversations, the issue of land stewardship was raised. Land stewardship requires both capital investments, including improvements to a property, and funding for ongoing operation and maintenance of the lands.

There has been a long-held concern that state agencies are not adequately maintaining the lands they currently own. Often cited are the limited ability of the agency to control the spread of noxious weeds and other invasive plants, control the buildup of fire fuels, and otherwise maintain a healthy condition of public lands. The agencies involved in the review realize that they have made progress in these areas, but that considerable needs remain and they attribute it to a lack of operating funding for land stewardship.

Generally, people believe that the WWRP should promote stewardship on lands acquired through the program and bring greater transparency to short and long term costs associated with operation and maintenance of public lands. A consistent theme in the survey was the need for resources for stewardship of public lands. Sixty-eight percent of the respondents to the question of "Are WWRP policies (including eligibility and evaluation criteria) doing a good job taking into consideration stewardship needs?" answered that the program was doing a fair or poor job in that regard.

The ongoing operation and maintenance of lands is not an allowable use of bond funds and thus cannot be funded through the WWRP. The funding for operations and maintenance activities must come from other sources, such as appropriate state and federal funds. The recommendations provided present options to enhance the initial condition of lands acquired and allow for one-time capital improvements to the land itself and its facilities that are appropriate uses of bond funding. We recognize that this is only a partial solution to the land stewardship problem.

- N. Throughout the WWRP review, the need to resolve the Payment in lieu of Taxes (PILT) issue was a part of nearly all conversations and prevalent in the survey. PILT refers to payments made to local taxing districts for certain public lands that do not pay property taxes. When a state agency acquires land through the WWRP (and other programs), the property is taken off the local tax rolls and put into a non-taxable status. PILT payments from the state are critically important to local governments to offset these shifts in property taxes due to non-taxable lands within their boundaries.

Both the Department of Natural Resources and Department of Fish and Wildlife pay PILT at a level that is defined by the state Legislature. For the Department of Natural

Resources, the PILT fee is equivalent to the amount the property would be taxed as open space under the current use program (open space method). Using 2011 and 2012 data, on average, the department paid \$9.44 per acre in 2011 and \$9.67 per acre in 2012<sup>5</sup>.

Before 2012, counties had a choice in formula for the Department of Fish and Wildlife PILT payment. In 2011, the choices that counties made in selecting their PILT option led to a 45 percent increase in PILT payments between 2010 and 2011. In response, the Legislature froze the 2012 amount at the 2009 levels, which resulted in a significant decrease in payment to the counties. From 2011 and 2012 data, on average, the Department of Fish and Wildlife WDFW paid \$2.47 per acre in PILT in 2011 and \$1.17 per acre in PILT in 2012<sup>6</sup>. The disparity in funding levels and the artificially low funding amount from department lands causes much consternation within county governments.

In certain counties, particularly in eastern Washington, the significant amount of publicly-owned lands produces a disproportionate impact on county revenues. Legislation was introduced in 2014 to resolve the PILT issue, but it was not enacted. A coalition, led by the counties and including other state and local participants, has been formed to continue working on this issue. Until the PILT issues are resolved, counties will be unfairly and disproportionately impacted by programs that have statewide value.

## What We Heard from the Stakeholder Survey

RCO e-mailed links to an online SurveyMonkey<sup>7</sup> questionnaire on September 15, 2015 to more than 4,000 WWRP stakeholders listed in the RCO PRISM database. In addition, some stakeholder organizations provided the link to their members through e-mail and newsletters. The survey captured 485 responses before closing on October 18, 2015. The purpose of the survey was to gather observations, opinions, ideas, and recommendations from people who have been involved in the WWRP in order to identify issues and a range of possible recommended actions. The survey was not, nor was it intended to be, a scientific survey. Respondents were "self-selected" rather than being chosen randomly, and therefore the survey's results are biased towards opinions of the most frequent respondents: People involved in preparing a grant application, managing a project, or advocating for WWRP programs, funding, and projects. The results of the survey are presented in Appendix E. The following findings and conclusions are based on an analysis of the survey's results, including the 3,060 responses to open-ended questions.

- The statutory mission of the WWRP is still relevant. A frequently mentioned addition to the mission statement is conservation of working lands.
- In addressing Washington's recreation and conservation needs, WWRP is:

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<sup>5</sup>Washington Department of Revenue, 2013

<sup>6</sup>Washington Department of Revenue, 2013

<sup>7</sup>[www.surveymonkey.com/](http://www.surveymonkey.com/)

- Doing well at meeting recreational needs of urban areas and people with disabilities; less well for ethnic and racial groups and low income populations.
- Doing well at preserving open space, biodiversity, endangered species, and threatened habitats; less well at preserving rangeland and taking climate change into consideration.
- Not doing as well meeting the needs of small, rural jurisdictions that are at a competitive disadvantage due to limited resources for planning, preparing grant applications, providing matching funds, and implementing projects.
- Regarding the statutorily-mandated 11 grant categories:
  - The statutory allocation formula needs to be changed, including modifying the distribution of funding among the grant categories and eliminating the \$40 million threshold.
  - The existing grant categories adequately address current needs and future trends, but consolidation of some categories and addition of a forestland conservation category should be considered.
- Regarding WWRP conservation and recreation funding priorities:
  - Although not specifically addressed in a survey question, the distribution of funds between land acquisition projects and development and restoration projects was often noted in the open-ended questions, with no clear trends in opinion. Proponents for prioritizing land acquisition projects cited the need to acquire land before it is lost to development. Other respondents cited the importance of acquiring land only if there is funding to take care of it and emphasized the importance of developing and restoring existing recreation and conservation lands. The need for funding projects that have multiple benefits came up in open-ended responses to a number of survey questions, where respondents noted that grant categories tend to be "silos," not taking into consideration projects that accomplish more than the objectives of the particular grant category.
- There is a need for funding for stewardship of completed WWRP projects.
- Eligibility of nonprofit organizations to receive grants in other grant categories should be considered, especially in the Critical Habitat, Natural Areas, Urban Wildlife, and Trails Categories.
- Increasing public access to WWRP conservation lands needs to be addressed in a way that provides more public access while protecting conservation values.

## **Development of a Preliminary Draft Framework for Recommendations**

In mid-October, the facilitators began outlining a preliminary draft framework for recommendations. As the framework began to coalesce around the issues and concerns that were identified during the WWRP review process, the facilitation team continued to communicate with active participants to consider alternatives for shaping the recommendations to the Legislature.

Many of the challenges identified for the WWRP relate to the ever-present funding realities and competition for scarce resource dollars. Without exception, each category of the WWRP has strong advocates, and certain recommendations propose increases or decreases in categories. Strong support for simplifying the allocation formula brings additional considerations of how the percentages in each category should be balanced. In the recommendations, the facilitation team identifies the rationale for the proposed recommendation and outlines whether it requires a statutory change or a policy revision.

The written responses to the preliminary draft framework for recommendations were significant. In addition to the written responses, the facilitation team participated in several conference calls and meetings to discuss the draft recommendations. With the limited time available, it was not feasible to reach consensus on the recommendations.

## Acknowledgement of Participation in the WWRP Review

Jim Waldo and Jane North, the facilitators of the WWRP review process, would like to thank all of the individuals and organizations who participated in the process. Many of you attended several meetings, responded to questions, communicated by phone and e-mail, completed more than one survey, spoke directly and frankly, and helped us to better understand the history, the challenges, and the opportunities for making the recommendations to the Legislature.

While it is not possible to list everyone who contributed to the surveys, we want to thank each of you for taking the time to complete the surveys, add your individual comments, and communicate with the WWRP review process. Many of you completed three surveys during the course of the review. Jim Fox, RCO consultant, who designed and summarized the RCO survey and background on the WWRP, provided invaluable assistance to the facilitators and this review.

We also want to thank the organizations who hosted meetings, brought people together to share their perspectives, and helped us develop and revise the recommendations. And we especially appreciate the support of the RCO staff: Kaleen Cottingham, Wendy Brown, Meg O'Leary, and Susan Zemek.

Stakeholders with whom we spoke, met, or exchanged e-mails are listed in Appendix H.

Jim Waldo      Jane North

## Appendices

Appendices A-C are in this report, and they, as well as the remaining appendices may be found on RCO's Web site at [www.rco.wa.gov/WWRP-Review.shtml](http://www.rco.wa.gov/WWRP-Review.shtml).

[Appendix A: Proposed and Current Funding Allocations at Different Funding Levels](#)

[Appendix B: Current WWRP Formula](#)

[Appendix C: WWRP Background and History of Investments](#)

[Appendix D: Map and List of WWRP Funded Projects, 1990-2015](#)

[Appendix E: Summary of RCO Survey](#)

[Appendix F: Statement of Need](#)

[Appendix G: Review of Public Access to WWRP Acquisitions](#)

[Appendix H: Review Process Participants](#)

## Appendix A: Proposed and Current Allocations at Different Funding Levels

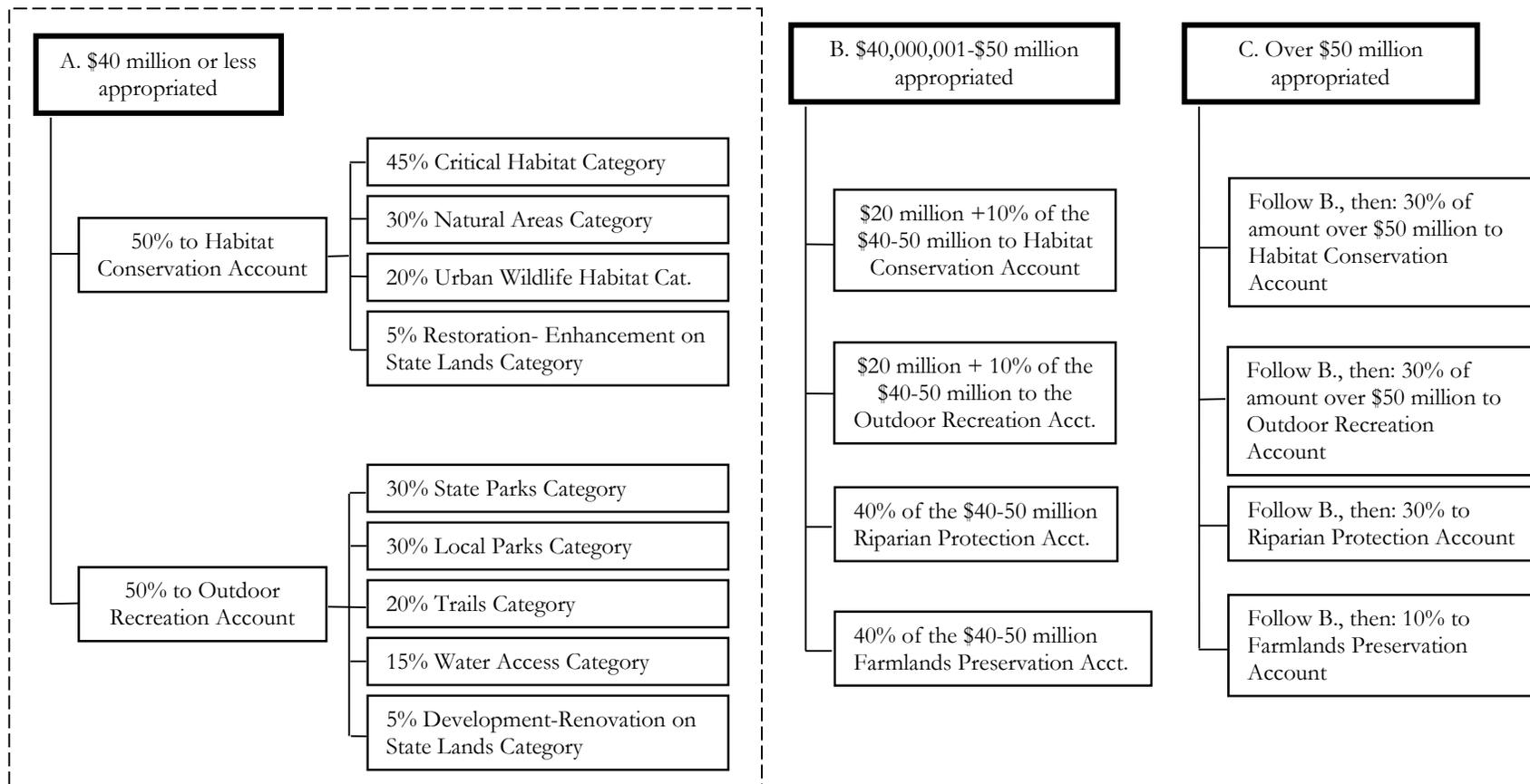
\$55 Million Appropriation			Current Formula	\$75 Million Appropriation			Current Formula	\$100 Million Appropriation		Current Formula
<b>Habitat Conservation Account</b>										
<b>Overall<sup>+</sup></b>	<b>45%</b>	<b>\$23,685,750</b>	\$21,532,500	<b>45%</b>	<b>\$32,298,750</b>	\$27,274,500	<b>45%</b>	<b>\$43,065,000</b>	\$34,452,000	
Critical Habitat	35%	\$8,290,013	\$9,689,625	35%	\$11,304,563	\$12,273,525	35%	\$15,072,750	\$15,503,400	
Natural Areas	25%	\$5,921,438	\$6,459,750	25%	\$8,074,688	\$8,182,350	25%	\$10,766,250	\$10,335,600	
Riparian	15%*	\$3,552,863	\$5,263,500	15%*	\$5,074,688	\$11,005,500	15%*	\$7,766,250	\$18,183,000	
State Lands Restoration and Enhancement	10% or \$3,000,000	\$2,368,575	\$1,076,625	10% or \$3,000,000	\$3,000,000	\$1,363,725	10% or \$3,000,000	\$3,000,000	\$1,722,600	
Urban Wildlife	15%	\$3,552,863	\$4,306,500	15%	\$4,844,813	\$5,454,900	15%	\$6,459,750	\$6,890,400	
<b>Outdoor Recreation Account</b>										
<b>Overall</b>	<b>45%</b>	<b>\$23,685,750</b>	\$21,532,500	<b>45%</b>	<b>\$32,298,750</b>	\$27,274,500	<b>45%</b>	<b>\$43,065,000</b>	\$34,452,000	
Local Parks	30%	\$7,105,725	\$6,459,750	30%	\$9,689,625	\$8,182,350	30%	\$12,919,500	\$10,335,600	
State Lands Development and Renovation	10% or \$3,000,000	\$2,368,575	\$1,076,625	10% or \$3,000,000	\$3,000,000	\$1,363,725	10% or \$3,000,000	\$3,000,000	\$1,722,600	
State Parks	30%	\$7,105,725	\$6,459,750	30%	\$9,689,625	\$8,182,350	30%	\$12,919,500	\$10,335,600	
Trails	20%	\$4,737,150	\$4,306,500	20%	\$6,459,750	\$5,454,900	20%	\$8,613,000	\$6,890,400	
Water Access	10%*	\$2,368,575	\$3,229,875	10%*	\$3,459,750	\$4,091,175	10%*	\$5,613,000	\$5,167,800	
<b>Farm and Forest Account</b>										
<b>Overall</b>	<b>10%</b>	<b>\$5,263,500</b>		<b>10%</b>	<b>\$7,177,500</b>		<b>10%</b>	<b>\$9,570,000</b>		
Farmland Preservation	90%	\$4,737,150	\$4,306,500	90%	\$6,459,750	\$6,220,500	90%	\$8,613,000	\$8,613,000	
Forestland Preservation	10%	\$526,350		10%	\$717,750		10%	\$957,000		
<b>RCO Administration<sup>^</sup></b>										
		<b>\$2,365,000</b>	\$2,365,000		<b>\$3,225,000</b>	\$3,225,000		<b>\$4,300,000</b>	\$4,300,000	
<b>Total</b>		<b>\$55,000,000</b>	\$55,000,000		<b>\$75,000,000</b>	\$75,000,000		<b>\$100,000,000</b>	\$100,000,000	

<sup>+</sup>In the Habitat Conservation Account section, the "Overall" funding in the Current Formula column does not include the Riparian Category.

\*Allocations above \$3 million to State Lands Restoration and Enhancement Category would shift to the Riparian Protection Category; allocations above \$3 million to State Lands Development and Renovation would shift to the Water Access Category.

<sup>^</sup>RCO administrative rate per Revised Code of Washington 79A.15.030 is currently 4.3 percent.

## Appendix B: Current WWRP Formula



RCW 79A.15.030:

- (a) Appropriations for a biennium of \$40 million or less must be allocated equally between HCA and ORA.
- (b) If appropriations for a biennium total more than \$40 million, the money must be allocated as follows:
  - (i) \$20 million to HCA and \$20 million to ORA;
  - (ii) Any amount over \$40 million up to \$50 million shall be allocated as follows:
    - (A) 10% to HCA; (B) 10% to ORA; (C) 40% to RPA; (D) 40% to FPA;
  - (iii) Any amounts over \$50 million must be allocated as follows:
    - (A) 30% to HCA; (B) 30% to ORA; (C) 30% to RPA; and (D) 10% to FPA.

Under distribution scenarios B and C, Habitat Conservation Account and Outdoor Recreation Account funds are distributed as shown in the nine categories under scenario A.

## Appendix C: WWRP Background and History of Investments

### Introduction to Washington Wildlife and Recreation Program

In 1990, the Washington State Legislature found that "if current trends continue, some wildlife species and rare ecosystems will be lost in the state forever and public recreational lands will not be adequate to meet public demands" and created the Washington Wildlife and Recreation Program (WWRP). The purpose of the program was "to acquire as soon as possible the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses, and to develop existing public recreational land and facilities to meet the needs of present and future generations."<sup>8</sup> Today, 25 years later, the WWRP continues to provide funding for a broad range of projects that conserve wildlife habitat and farmland, buy lands for parks and trails, and develop outdoor recreational facilities.

The WWRP is administered by the Recreation and Conservation Funding Board, a governor-appointed board composed of five citizens and the directors or designees of three state agencies – Department of Fish and Wildlife, Department of Natural Resources, and Washington State Parks and Recreation Commission. The Recreation and Conservation Office (RCO) provides administrative support to the board. RCO is a small state agency that manages multiple grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and farmland, and help return salmon from near extinction.

### Eleven WWRP Grant Programs

The WWRP has 11 different programs in which towns, cities, counties, state agencies, special purpose districts, port districts, Native American tribes, and in some cases nonprofit organizations, compete for grants for outdoor recreation, conservation, and farmland protection projects. The 11 programs are contained in 4 accounts that receive funds appropriated by the Legislature in the biennial capital budget:

- Outdoor Recreation Account
  - Local Parks Category
  - State Lands Development and Renovation Category
  - State Parks Category
  - Trails Category
  - Water Access Category

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<sup>8</sup>Washington Laws 1990 1st Ex. Sess. C 14 § 1

- Habitat Conservation Account
  - Critical Habitat Category
  - Natural Areas Category
  - State Lands Restoration and Enhancement Category
  - Urban Wildlife Habitat Category
- Farmlands Preservation Account
- Riparian Protection Account

The portion of the total WWRP appropriation going to the 4 accounts and the 11 grant categories is set in statute, with the distribution based on the amount of the total appropriation.<sup>9</sup> With an appropriation of \$40 million or less, only the Habitat Conservation Account and Outdoor Recreation Account receive funding, 50 percent to each. For a total appropriation above \$40 million, a portion goes to the Riparian Protection Account and the Farmland Preservation Account. Table 1 shows the current statutory allocation formula for different appropriation levels.

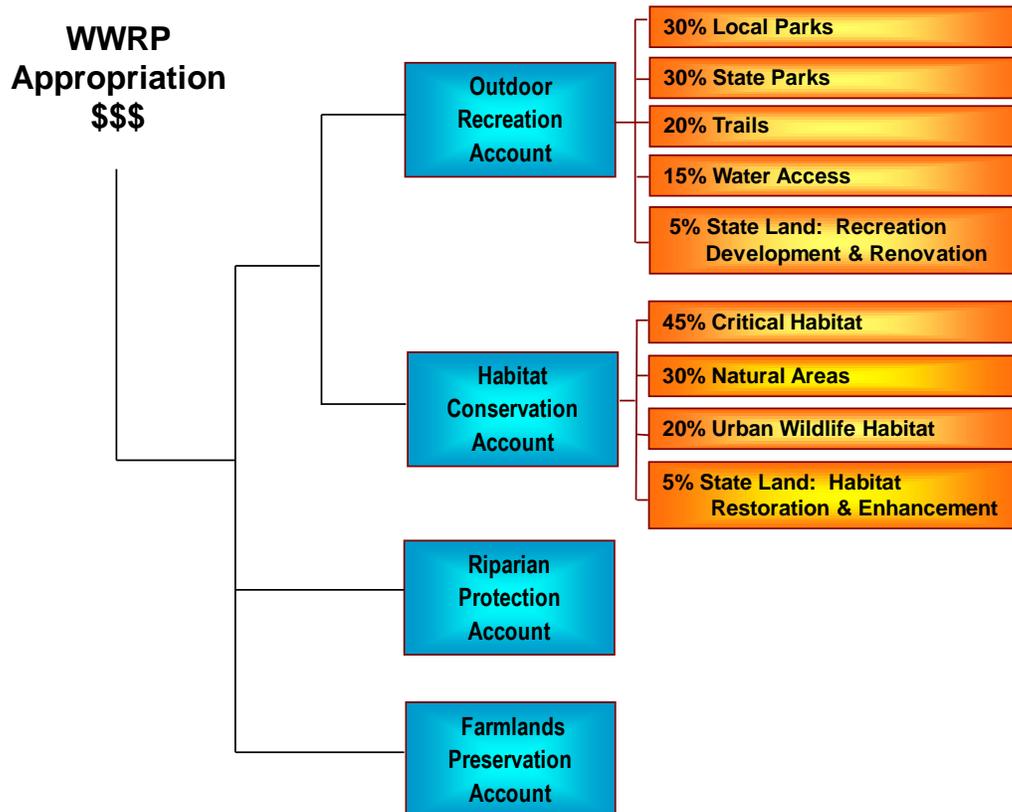
**Table 1. Allocation of WWRP Funds**

ACCOUNT	WWRP Appropriation		
	Under \$40 Million	\$40-\$50 Million	Over \$50 Million
Habitat Conservation Account	50%	\$20 million plus 10% of the amount over \$40 million	\$21 million plus 30% of the amount over \$50 million
Outdoor Recreation Account	50%	\$20 million plus 10% of the amount over \$40 million	\$21 million plus 30% of the amount over \$50 million
Riparian Protection Account	0%	40% of the amount over \$40 million	\$4 million plus 30% of the amount over \$50 million
Farmland Preservation Account	0%	40% of amount over \$40 million	\$4 million plus 10% of the amount over \$50 million

<sup>9</sup>Revised Code of Washington 79A.15

Within the Habitat Conservation and Outdoor Recreation Accounts, the allocation of funds to the different grant categories is also set by statute. The distribution of funds within the four accounts is shown in Figure 1.

**Figure 1. Allocation of Washington Wildlife and Recreation Program Funds**



### Critical Habitat Category

This category provides grants to acquire, create, enhance, or restore<sup>10</sup> habitat for wildlife including game and non-game species; food fish; shellfish; and freshwater, anadromous, and other fish including habitat for endangered, threatened, or sensitive species. It includes habitats such as wetlands, forests, shrub-steppe, deer and elk winter range, and riparian zones, and habitats for saltwater or freshwater fish and shellfish and may include public use for both consumptive and non-consumptive activities. Funds may be used for limited development of public facilities such as roads, trails, parking, restrooms, signs, and fences to allow public use and enjoyment. All lands are open to the public, although in limited cases managers may restrict

<sup>10</sup>"Enhance" means to improve the ecological functionality of a site. "Restore" means bringing a site back to its original function so that it is self-sustaining and will not require continual intervention to function as a natural ecosystem.

public use if necessary to protect habitat and species, for example during a sensitive timeframe, such as nesting or breeding season. Eligible applicants are cities, towns, counties, Native American tribes, special purpose districts, port districts, and state agencies.

## Farmlands Preservation Account

The primary focus of the farmland program is to acquire development rights on farmlands in Washington to help ensure the lands remain available for agricultural practices.<sup>11</sup> Grants must be used to buy development rights on farmland, typically through purchase of an agricultural conservation easement. Funding also can be used to obtain leases that limit development for a fixed period of time. A secondary program goal is to enhance or restore ecological functions on farmland preserved with farmland preservation grants. However, a project does not have to include an enhancement or restoration element to be eligible; restoration-only projects are not eligible.

Cities, counties, nonprofit nature conservancy corporations or associations, and the Washington State Conservation Commission are eligible for grants from the Farmland Preservation Account. Nonprofit nature conservancy corporations or associations must demonstrate at least 3 years of experience actively managing on-the-ground projects similar to the one seeking funding, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.

Most grants in the Farmland Preservation Account have been used for acquiring agricultural conservation easements. By Recreation and Conservation Funding Board policy, proposals that include acquisition of development rights in perpetuity receive preference during evaluation. Less than perpetual acquisitions (term easements) must be for at least 25 years. Long-term leases are also eligible, providing a way for a sponsor to buy a possessory interest in a parcel's development rights. To be eligible, leases must be for at least 25 years and be recorded at the county auditor's office where the land is located. Leases may not be revocable at will.

## Local Parks Category

Grants in this category provide for active (high impact) and passive (low impact) parks. Grants may be used to buy land or develop or renovate<sup>12</sup> park land and facilities. Local agency projects may contain both upland and water-oriented elements. Eligible applicants are cities, towns, counties, Native American tribes, special purpose districts, and port districts. A minimum of 50 percent of the funds allocated to this category must be used for acquisition.<sup>13</sup>

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<sup>11</sup>Farmland is defined as "farm and agricultural land" in Revised Code of Washington 84.34.020

<sup>12</sup>Renovation means renovation of land and facilities.

<sup>13</sup>Revised Code of Washington 79A.15.050

## Natural Areas Category

These grants provide funding to state agencies to acquire areas to protect high quality, representative, native ecosystems; unique plant or animal communities; habitat for endangered, threatened, or sensitive species; rare geological features; or features of significant scientific or educational value. As established by Recreation and Conservation Funding Board policy, lands must be managed primarily for resource preservation, protection, and study but may provide limited public use and may include limited development of public facilities, such as trails, roads associated with trail heads, parking, restrooms, signs, and fences.

## Riparian Protection Account

This program provides grants to acquire riparian habitat adjacent to any water body or its submerged lands. Riparian habitat may include shorelines, near-shore marine habitat, estuaries, lakes, wetlands, streams, or rivers. Grants also may include restoration or development components. All grants must include acquisition of real property (fee title, easement, or lease). By Recreation and Conservation Funding Board policy, projects may include limited development for low impact, public access, such as trails, roads to trailheads, parking, restrooms, signs, and fences. However, in limited situations managers may limit public access if needed to protect habitat and species. Riparian protection grant applications are, among other factors, evaluated on "whether the site has passive recreational value for wildlife viewing or the observation of natural settings."<sup>14</sup>

Eligible applicants are cities, towns, counties, nonprofit nature conservancy corporations or associations, Native American tribes, and lead entities<sup>15</sup>. Nonprofit nature conservancy corporations or associations must demonstrate at least 3 years of experience actively managing on-the-ground riparian projects, such as negotiating for acquisition of property rights, closing on an acquisition, developing and implementing management plans, designing and implementing projects, securing and managing the necessary funds regardless of fund source, and other tasks.

## State Lands Development and Renovation Category

Grants in this category are available only to the Department of Fish and Wildlife and the Department of Natural Resources for development and renovation of outdoor recreation facilities on their existing recreation lands.

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<sup>14</sup>Revised Code of Washington 79A.15.120

<sup>15</sup>Lead entities are responsible for designating salmon recovery projects, as defined in Revised Code of Washington 77.85.050.

## State Lands Restoration and Enhancement Category

These grants provide funding to restore or enhance land owned by the State of Washington or held in trust by the State. As established by Recreation and Conservation Funding Board policy, projects should be managed primarily for resource preservation and protection; managers may exclude public use if needed to protect habitat and species. Eligible applicants are Washington State Departments of Fish and Wildlife and Natural Resources.

## State Parks Category

Grants in this category are available only to the Washington State Parks and Recreation Commission for acquisition and/or development of state parks. Projects involving renovation of existing facilities are ineligible. A minimum of 50 percent of the funds allocated to this category must be used for acquisition.<sup>16</sup>

## Trails Category

Grants in this category provide for projects whose primary intent is to acquire, develop, or renovate pedestrian, equestrian, bicycle, or cross-country ski trails. Trails must be for non-motorized use and cannot be part of a street or roadway such as a sidewalk or unprotected road shoulder. Trails funded through this program may have either hard or natural surfaces. Projects may include land and facilities, such as trailheads; parking; rest, picnic, or view areas; and restrooms that directly support an existing or proposed public trail. Eligible applicants are cities, towns, counties, Native American tribes, special purpose districts, port districts, and state agencies.<sup>17</sup>

## Urban Wildlife Habitat Category

These grants are for the acquisition, development, and restoration of urban wildlife habitat. To be eligible in this category, the land must lie within the corporate limits of a city or town with a population of at least 5,000 or within 5 miles of such a city or town (or its adopted Urban Growth Area boundary) or within 5 miles of an adopted Urban Growth Area in a county that has a population density of at least 250 people per square mile. Projects provide habitat for wildlife, food fish, shellfish, or freshwater or marine fish, and may serve as a corridor for wildlife movement in existing populated areas. Projects may include public use for wildlife interpretation and observation and development of limited facilities, such as fences, interpretive or observation trails, interpretive signs or kiosks, restrooms, and parking. Urban Wildlife Habitat grant applications are, among other factors, evaluated for "educational and scientific value of the site"

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<sup>16</sup>Revised Code of Washington 79A.15.050

<sup>17</sup>"State agencies" means Washington State Parks and Recreation Commission and the Washington State Departments of Enterprise Services, Fish and Wildlife, and Natural Resources as defined by Revised Code of Washington 79A.15.010.

and "potential for public use."<sup>18</sup> Eligible applicants are cities, towns, counties, Native American tribes, special purpose districts, port districts, and state agencies.

## Water Access Category

Grants in this category are for projects that predominately provide physical access to shorelines for non-motorized, water-related recreation activities such as, but not limited to, boating, fishing, swimming, and beachcombing. Grants may be used to buy land or develop or renovate land and facilities, including facilities that support water-dependent recreation such as parking, restrooms, picnic areas, access trails, fishing piers, platforms, swim beaches, boat access facilities, and water trails for non-motorized watercraft such as canoes and kayaks. Eligible applicants are cities, towns, counties, Native American tribes, special purpose districts, port districts, and state agencies. A minimum of 75 percent of the funds allocated to this category must be used for acquisition.<sup>19</sup>

## Grant Application and Evaluation Process

RCO offers WWRP grants biennially, in conjunction with development of the state budget. Because of the need to present fully vetted, ranked project lists to the Legislature in advance of the legislative session, the grant process, from application to grant award, spans 18 months. Applications are due in early May of even-numbered years, and are submitted electronically on RCO's online grant management system, PRISM.

In advance of the formal evaluation of grant proposals, applicants are invited to a technical review meeting where they present their projects to WWRP advisory committees and RCO staff.<sup>20</sup> This helps ensure projects are eligible, identifies any issues of concern, and provides feedback on the strengths and weaknesses of the proposal.

During the formal evaluation, applicants make an oral presentation illustrated with maps, graphics, and photographs to the advisory committees, which score each proposal against a set of criteria adopted by the Recreation and Conservation Funding Board. In the Natural Areas, State Lands Development and Renovation, and State Lands Restoration and Enhancement grant categories, the evaluation by the advisory committee is based on only the written applications.

In an open public meeting, the board considers the recommendations of the advisory committees, written public comments submitted before the meeting, and public testimony at the meeting. The board then approves the ranked lists of projects, which are then submitted to the Governor by November 1. This list normally will exceed anticipated funding, including alternate projects for each category in the event that approved projects are later not able to be

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<sup>18</sup>Revised Code of Washington 79A.15.060

<sup>19</sup>Revised Code of Washington 79A.15.050

<sup>20</sup>Applicants can attend in person or via teleconference.

accomplished or more funding becomes available. The Governor may remove projects from the list recommended by the board, but may not re-rank or add projects to the list.

When it develops the state capital budget, the Legislature considers the project list submitted by the Governor. The Legislature may remove projects from the list submitted by the Governor, but may not re-rank or add projects to the list.

Project lists approved by the Legislature in any one biennium are to be completed to the fullest extent possible within that biennium. However, project lists are active until all the funding is used or no feasible projects remain. If a biennial list is completed and money remains, it may be awarded to legislatively-approved alternate projects in future years.

After the Legislature and Governor approve the capital budget, the Recreation and Conservation Funding Board approves the final grant awards, again in a public meeting. Applicants are encouraged, but not required, to attend.

## Matching Requirements

Local agencies (towns, cities, and counties), nonprofits, and Native American tribes must, by statute, provide at least a 50 percent match to the requested grant. By Recreation and Conservation Funding Board policy, the match can be cash or an in-kind contribution such as donation of land or labor.

## Planning Requirements

To be eligible for a grant, the Recreation and Conservation Funding Board requires that applicants submit a plan that demonstrates the importance of the project or type of project. This requirement applies in all categories except farmland preservation. For recreation grants, applicants must submit a comprehensive outdoor recreation plan that has been adopted by the applicant's organization. Once RCO accepts the plan, the applicant is eligible to apply for grants for up to 6 years from the date the applicant organization adopted the plan.

To be eligible for a conservation grant, the Recreation and Conservation Funding Board requires that the applicant submit a comprehensive habitat conservation plan that has been adopted by the applicant's organization. Nonprofit applicants may rely on a plan adopted by another entity, such as a species recovery plan.

Statutes require that projects seeking grants in the trails, water access, urban wildlife habitat, critical habitat, natural areas, riparian protection and farmland preservation categories be evaluated, in part, for consistency with local, regional, or statewide plans.<sup>21</sup>

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<sup>21</sup>Revised Code of Washington 70A.15.060, 1070, .120, .130

## Consultation with Counties and Cities

State law<sup>22</sup> requires state and local agencies to review proposed acquisitions with the county or city legislative authority that has jurisdiction over the project area<sup>23</sup>. The local legislative body may submit a letter to the board stating its position about the project. These letters must be made available to the Governor and to the Legislature.

## Public Input to the Grant making Process

The public has the opportunity to comment on Recreation and Conservation Funding Board policies and procedures at every board meeting. Public input on the list of projects to be submitted to the Governor and Legislature occurs at the October board meeting. Any public correspondence received by RCO in advance of the board meeting will be provided to the board. In addition, citizens and subject matter experts participate in various standing and ad hoc advisory committees and evaluation teams. Grant applications are evaluated, in part, by the level of community support.

## Public Access

All WWRP grant applicants are required to answer the question: "Is there, or will there be, any significant public access or use restrictions? If yes, Explain." Projects in the Local Parks, State Lands Development and Renovation, State Parks, Trails, and Water Access Categories are intended to provide public access to outdoor recreation opportunities. Access to recreation lands and facilities for people with disabilities is encouraged in all of these categories and considered in the evaluation process.

In the grant programs intended primarily for habitat conservation—the Critical Habitat, Natural Areas, Riparian Protection, State Lands Restoration and Enhancement, and Urban Wildlife Categories—Recreation and Conservation Funding Board policy allows limited development of facilities for public access if the facilities will not negatively impact the conservation values of the project. In some cases, land managers may limit public access if it's needed to protect habitat and species, for example during a sensitive timeframe, such as nesting or breeding season.

RCO recently reviewed the applicants' response to the access question for a sample of 216 projects funded since 1991 in the Habitat Conservation and Riparian Protection Accounts. Out of 216 grants, 130 (60 percent) of the responses indicated that the project properties did not have

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<sup>22</sup>Revised Code of Washington 79A.15.110

<sup>23</sup>"A state or local agency 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 under this chapter. The appropriate county or city legislative authority may, at its discretion, submit a letter to the board identifying the authority's position with regard to the acquisition project. The board shall make the letters received under this section available to the governor and the legislature when the prioritized project list is submitted under RCW 79A.15.120, 79A.15.060, and 79A.15.070."

significant restrictions on recreational use. In these cases, the grant funded properties were identified by the sponsors as open to the public, but with common use restrictions such as no motorized uses, use of existing trails, and seasonal or temporary closures to protect the resources (built and natural). A total of 86 of the 216 funded grants (40 percent) had significant restrictions to public access. In these cases, based on applicant responses, either no recreational uses were allowed, or only a small or peripheral portion of the property was available to recreationists. Examples of this type of access include select viewpoints, or a single or perimeter trail, or access restricted to roadways only. For the Washington Department of Natural Resources, 70 percent of its funded projects had significant restrictions on recreational access, primarily due to the programmatic rules in the Natural Areas Program<sup>24</sup> which prioritize natural resource preservation and scientific study over recreation. For the Washington Department of Fish and Wildlife, 22 percent of its grant funded projects had significant restrictions on recreational access.

Because the property interest acquired is not fee simple, public access to Farmland Preservation Account projects is generally not allowed unless "explicitly provided for in a conservation easement or other form of deed restriction."<sup>25</sup> With landowner agreement, Recreation and Conservation Funding Board policy allows farm stands, demonstration farms, and agricultural education programs.

## Stewardship

An RCO grant comes with long-term obligations to maintain and protect the project area after a project is complete. Projects cannot be converted to a use other than that for which funds were originally approved without permission of the board.<sup>26</sup> If permission is granted, the converted property must be replaced by like property with equal or greater value and usage.

Table 2 summarizes the 11 WWRP grant categories, showing eligible participants, eligible activities, and type of public access allowed.

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<sup>24</sup>Revised Code of Washington 79.70

<sup>25</sup>Revised Code of Washington 79A.15.130

<sup>26</sup>Revised Code of Washington 79A.15.030

**Table 2. WWRP Categories, Eligible Applicants and Activities, and Public Access**

Category	Purpose	Eligible Applicants							Eligible Activity				
		Cities and Counties	State Agencies	Special Districts	Tribes	Nonprofits	Lead Entities	Acquisition	Development	Renovation	Restoration, Enhancement	Public Access	
Critical Habitat	Acquire, create, enhance, or restore habitat for wildlife	✓	✓	c	✓	✓			✓			✓	D L
Farmland Preservation	Acquire development rights on farmlands to ensure the lands remain available for agricultural practices; enhance/restore ecological functions on preserved farmlands.	✓	✓	d				✓			✓		
Local Parks	Acquire, develop, or renovate local parks.	✓	✓		✓	✓			✓	✓	✓		✓
Natural Areas	Acquire areas to protect high quality, representative, native ecosystems; unique plant or animal communities; habitat for endangered, threatened, or sensitive species; rare geological features; or features of significant scientific or educational value.			c					✓	✓			D L
Riparian Protection	Acquire riparian habitat adjacent to any water body or its submerged lands.	✓	✓	e		✓	✓	✓	✓				D L

Category	Purpose	Eligible Applicants						Eligible Activity				
		Cities and Counties	State Agencies	Special Districts	Tribes	Nonprofits	Lead Entities	Acquisition	Development	Renovation	Restoration, Enhancement	Public Access
State Lands Development and Renovation	Development and renovation			a					✓	✓		✓
State Lands Restoration and Enhancement	Restore or enhance land owned by the State of Washington or held in trust by the State			a								L
State Parks	Acquire or develop state parks.			b				✓	✓			✓
Trails	Acquire, develop, or renovate pedestrian, equestrian, bicycle, or cross-country ski trails (nonmotorized).	✓	✓	c	✓	✓		✓	✓	✓		✓
Urban Wildlife Habitat	Acquire, develop, or restore urban wildlife habitat.	✓	✓	c	✓	✓		✓	✓		✓	L
Water Access	Provide physical access to shorelines for non-motorized, water-related recreation activities.	✓	✓	c	✓	✓		✓	✓	✓		✓

a=Washington State Departments of Fish and Wildlife and Natural Resources

b=Washington State Parks and Recreation Commission

c=Washington State Parks and Recreation Commission and the Washington State Departments of Enterprise Services, Fish and Wildlife, and Natural Resources

d=Washington State Conservation Commission

e=Washington State Parks and Recreation Commission and the Washington State Departments of Enterprise Services, Fish and Wildlife, and Natural Resources, and Washington State Conservation Commission

L=May restrict public use in limited situations if needed to protect habitat and species, for example during nesting or migrating seasons.

D=May include limited development of public facilities, such as trails, roads associated with trail heads, parking, restrooms, signs, and fences.

## Legislative History of the WWRP

The idea for a state program to provide funding for outdoor recreation and habitat conservation lands came from a diverse group of Washington citizens who believed that the state was not investing enough "to preserve its natural beauty and heritage, fish and wildlife bounty, and remarkably diverse landscapes in the face of rapid population growth and development."<sup>27</sup> People from a wide range of recreation and conservation organizations, along with representatives of state and local government, came together to form the nonprofit Washington Wildlife and Recreation Coalition, which was co-chaired by former Governor Dan Evans and former Congressman Mike Lowry.<sup>28</sup> The original 48-member board of directors included five active legislators, corporate leaders, sportsman organization representatives, a Native American leader, the Seattle mayor, county commissioners, the King County executive, 15 conservation and environmental non-governmental organizations, and representatives from three industry associations.<sup>29</sup> The resulting proposal for the WWRP was developed after the Coalition conducted an intensive needs assessment, including public meetings around the state.

Although the Coalition originally proposed a statewide ballot initiative for a 10-year bond program, the program instead became part of Governor Booth Gardner's Capital Forum and was included in the evaluation of long-term capital needs of the state. In the end, the Legislature adopted the program in the 1990 first special session and appropriated \$53 million for a list of recreation and habitat projects.

Over the 25-year history of the WWRP, the Legislature has made a number of statutory changes to reflect changing needs and priorities for outdoor recreation and conservation projects. Figure 2 illustrates a timeline of major legislative changes in the program.

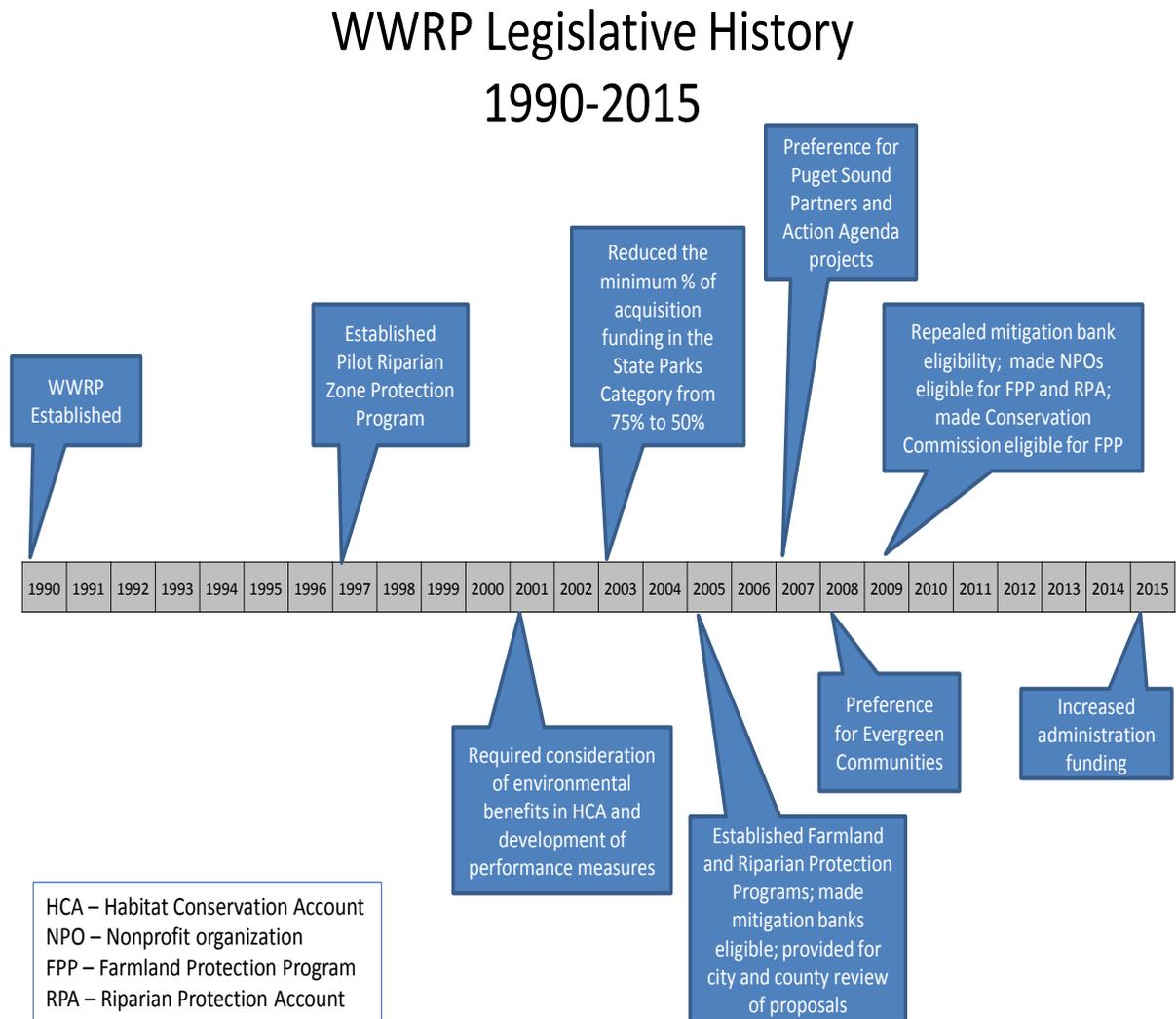
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<sup>27</sup>Marks, Elliot. Funding Conservation and Recreation in Washington State: The Remarkable Development and Success of a New Coalition. February, 2015

<sup>28</sup>Former Congressman Mike Lowry went on to serve as Governor from 1993-1997. He and Dan Evans continue to serve as Coalition co-chairs.

<sup>29</sup>Marks, Elliot. Funding Conservation and Recreation in Washington State: The Remarkable Development and Success of a New Coalition. February, 2015

**Figure 2. WWRP Legislative History**

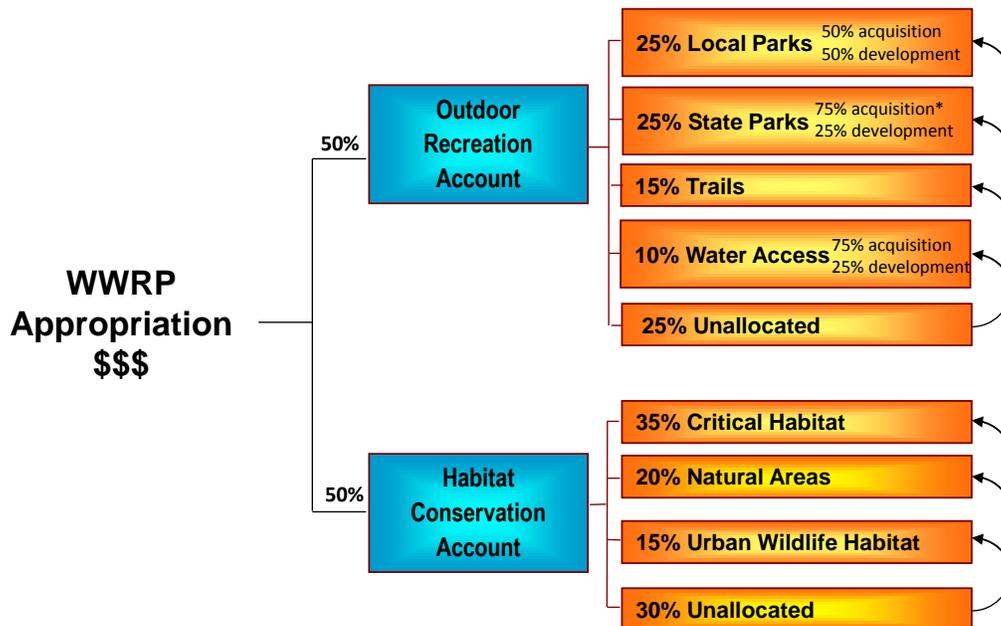


Originally, WWRP had seven funding categories, four receiving legislative appropriations from the Outdoor Recreation Account and three from the Habitat Conservation Account. In addition to providing specific percentages of the capital budget appropriation to the two accounts and the seven funding categories within the accounts, the legislation provided for "unallocated" funding that the Interagency Committee for Outdoor Recreation<sup>30</sup> could apply to high priority

<sup>30</sup>In 2007, the Legislature changed the name of the Interagency Committee for Outdoor Recreation to the Recreation and Conservation Funding Board and named the administering agency the Recreation and Conservation Office. Washington Laws 2007 C 241

projects in the different funding categories at the committee's discretion. The original distribution formulas are summarized in Figure 3.

**Figure 3. Allocation of Funds to WWRP 1990 - 2005**



\*Reduced to 50% in 2003

The first substantive change in the WWRP was in the 1997-1999 Capital Budget, establishing a pilot program to protect riparian zone habitats that implement watershed plans and designating \$4 million from the Habitat Conservation Account for matching grants for acquisition of conservation easements. The pilot program was renewed and funding re-appropriated in the 1999-2001 Capital Budget to allow completion of the ten projects that had been awarded grants.<sup>31</sup>

In 2001, in response to a Joint Legislative Audit and Review Committee report regarding capital budget programs investing in the environment,<sup>32</sup> the Legislature passed legislation requiring

<sup>31</sup>Washington Laws 1997 C 235 § 329 and 1999 C 379 § 917

<sup>32</sup>Washington Joint Legislative Audit and Review Committee, 2001. *Investing in the Environment: Environmental Quality Grant & Loan Programs Performance Audit*. Report 01-1.

grant applicants in the Habitat Conservation Account to incorporate the environmental benefits of the project into their grant applications and that these benefits be used in the grant application review process. The legislation also required the Interagency Committee for Outdoor Recreation to develop "outcome focused performance measures" to be used to assess the performance of the grant programs.<sup>33</sup> The Legislature adopted similar requirements for other natural resource environmental grant programs in other agencies.

In 2003, in response to the recommendations of the State Parks and Outdoor Recreation Funding Task Force to address the State Parks backlog of major capital improvements,<sup>34</sup> the Legislature reduced from 75 percent to 50 percent the minimum portion of the State Parks appropriation to be used for acquisition costs (as opposed to development) until June 30, 2009.<sup>35</sup> The change was made permanent in 2005.<sup>36</sup>

The 2005 legislative session<sup>37</sup> brought a number of substantive changes in the WWRP, including:

- Adding the Riparian Protection Account and riparian protection grant program.
- Adding the Farmland Preservation Account and farmland preservation grant program.
- Adding a new funding category in the Habitat Conservation Account for state habitat land restoration and enhancement.
- Adding a new funding category in the Outdoor Recreation Account for state recreation land development and renovation.
- Making mitigation banks eligible for funding in the Critical Habitat and Urban Wildlife Categories.
- Removing the unallocated funds in the Habitat Conservation Account and Outdoor Recreation Account.
- Changing formulas allocating funds to the various categories.
- Allowing up to 3 percent of the WWRP appropriation to be used for grant program administration.
- Requiring the Departments of Fish and Wildlife and Natural Resources to pay to counties an amount in lieu of property taxes on acquired land.

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<sup>33</sup>Washington Laws 2001 C 227 § 8

<sup>34</sup>Washington State Parks and Outdoor Recreation Funding Task Force, 2002. *Final Report: Recommendations to the Washington State Legislature.*

<sup>35</sup>Washington Laws 2003 C 184 § 1

<sup>36</sup>Washington Laws 2005 C 303 § 4

<sup>37</sup>Washington Laws 2005 C 303

- Requiring state and local project applicants to provide local government legislative bodies the opportunity to review and comment on grant applications for projects in their jurisdictions.

The new categories and allocation formulas took effect for funding in the 2007-09 Biennial Budget. Allocation formulas went through an intermediate step, with the formula currently in place taking effect July 1, 2011. The resulting funding categories and allocation formulas are discussed above and illustrated in Figure 1 and Table 1.

In 2005, the Legislature made mitigation banking projects eligible for grants from the Habitat Conservation Account in order to assist public entities in augmenting efforts intended to offset projects negatively impacting the environment and leveraging mitigation funding. To explore the new mitigation banking authority and stimulate creative approaches to establishing mitigation banks, the Interagency Committee for Outdoor Recreation issued a call for grant proposals for a pilot program. Four applications were received and funded, but for a variety of reasons, the projects never were implemented. The authority to fund mitigation banking projects was repealed in 2009 as a result of technical issues around use of tax-exempt bonds to fund projects where income could be generated from sale of mitigation credits and, overall, a poor fit to the intent of the WWRP.<sup>38</sup>

In 2007, the Legislature passed a law requiring preference in the Habitat Conservation Account for sponsors that are Puget Sound partners and projects that are referenced in the Puget Sound *Action Agenda*<sup>39</sup> and in 2008 for projects from sponsors designated as Evergreen communities.<sup>40</sup> (Note: These two preferences have not been used because the agencies<sup>41</sup> responsible for designating such sponsors and projects have never done so.)

In 2009, in addition to repealing the authority to fund mitigation banking projects, the Legislature passed a law to make "nonprofit nature conservancy corporations or associations" eligible for grants in the riparian habitat and farmland preservation programs and making the Conservation Commission eligible for grants in the farmland preservation program.<sup>42</sup> Like other entities eligible for grants in these funding categories, these nonprofit organizations are required to provide at least a 50 percent match and demonstrate projects are a priority in an existing watershed, salmon recovery, or other conservation plan.

In response to a request from RCO, the Legislature in 2015 amended the formula for determining the portion of the WWRP appropriation that could be used for grant program administration.<sup>43</sup>

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<sup>38</sup>Washington Laws 2009 C 16

<sup>39</sup>Washington Laws 2007 C 341

<sup>40</sup>Washington Laws 2008 C 299

<sup>41</sup>Puget Sound Partnership and the Department of Community, Trade and Economic Development (now within the Department of Commerce)

<sup>42</sup>Washington Laws 2009 C 341

<sup>43</sup>Washington Laws 2015 C 183

## Funding History

The Legislature appropriates funding for the WWRP through tax-exempt general obligation bonds authorized in the biennial capital budget. Over the 25-year history of the program, funding has ranged from \$45 million to \$100 million (Table 3) and has, on average, trended upward. Over 14 biennia, the average appropriation is \$56.4 million.

**Table 3: Historical WWRP Appropriations**

Biennium	Appropriation
1989-91	\$53,000,000
1991-93	\$61,050,000
1993-95	\$65,000,000
1995-97	\$45,000,000
1997-99	\$45,000,000
1999-01	\$48,000,000
2001-03	\$45,000,000
2003-05	\$45,000,000
2005-07	\$50,000,000
2007-09	\$100,000,000
2009-11	\$70,000,000
2011-13	\$42,000,000
2013-15	\$65,000,000
2015-17	\$55,323,000

Over the history of the program, inflation, including costs of construction and acquiring real property, has reduced the value of WWRP dollars. Since the inception of the program in 1990, the Implicit Price Deflator for Personal Consumption (IPD) increased 61.3 percent,<sup>44</sup> the Producer Price Index for All Commodities (PPI) increased 76.5 percent.<sup>45</sup> From 2000 to 2014, the IPD increased 30.8 percent, the PPI 54.7 percent, the Turner Building Cost Index 56 percent,<sup>46</sup> and average, statewide real property value 95 percent. Figure 4 shows a graph, including trend lines, of the biennial WWRP appropriation in current dollars and in 1990 dollars adjusted for inflation using the IPD—a conservative inflation measure for a program funding construction and real property acquisition.

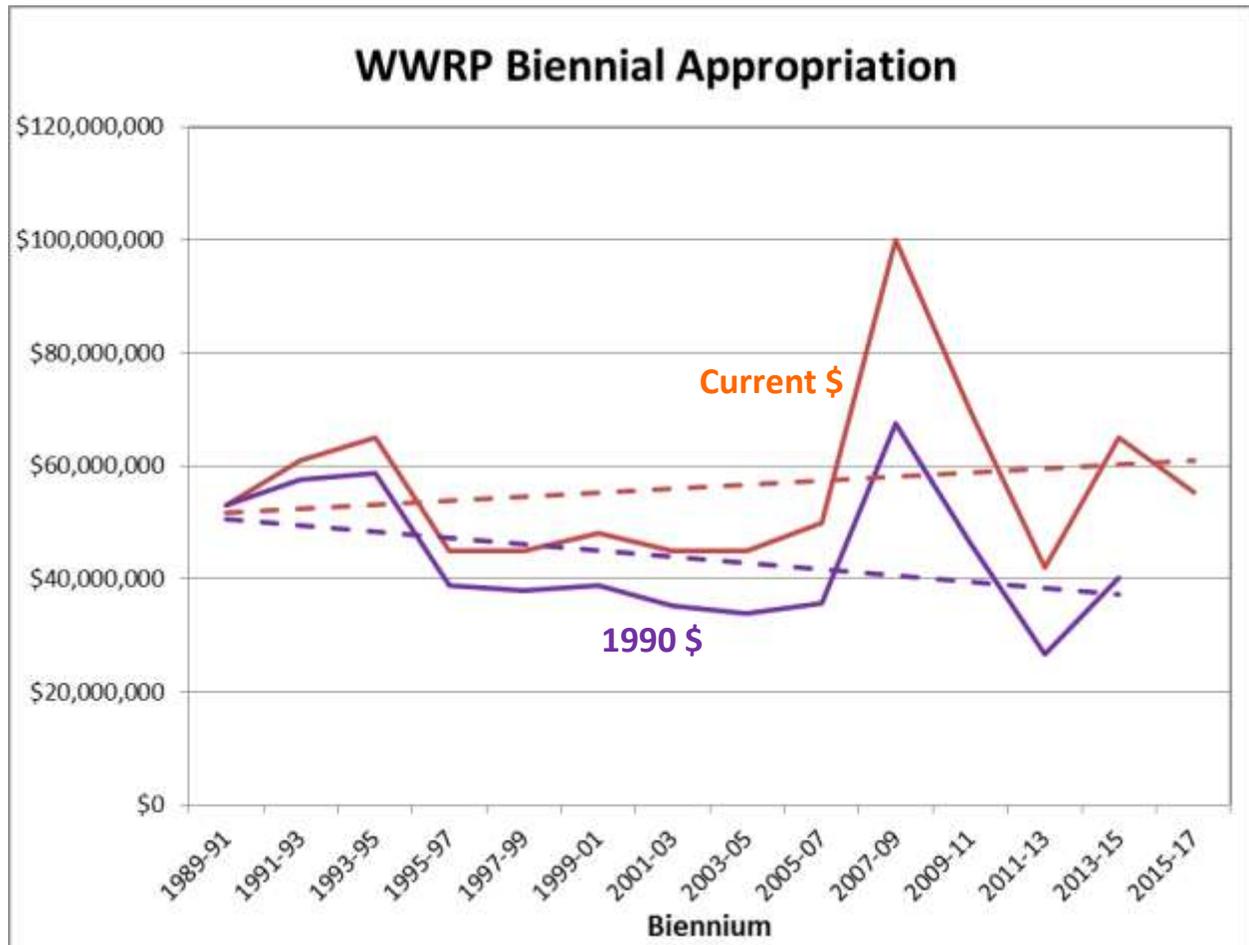
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<sup>44</sup>U.S. Bureau of Economic Analysis

<sup>45</sup>ibid

<sup>46</sup>Turner Construction Company, <http://www.turnerconstruction.com/cost-index>

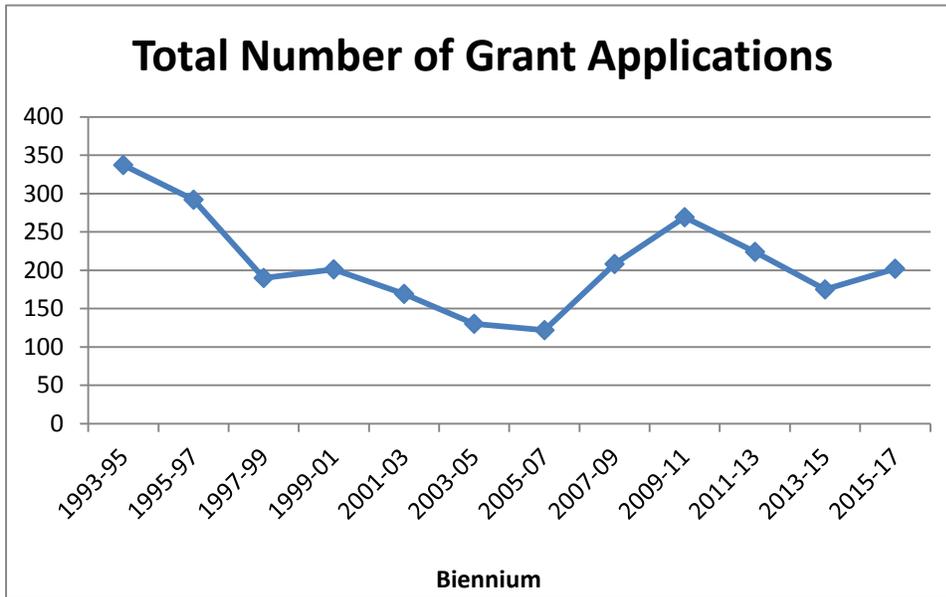
**Figure 4. The biennial WWRP appropriation in current and 1990 dollars, corrected for inflation using the Implicit Price Deflator. Dashed lines are linear trend lines.**



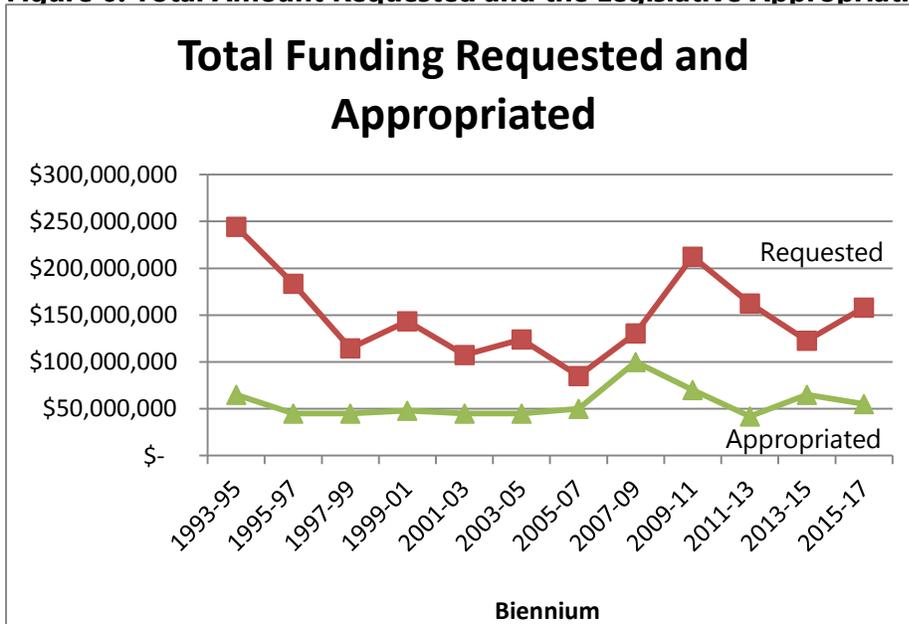
## Application History

The history of WWRP grant applications is shown in Figure 5. There was an increase in the number of applications in the 2007-09 biennium when grants became available in the new Riparian Protection, Farmland Preservation, State Lands Development, and State Lands Restoration categories. The total dollar amount requested and the appropriation are shown in Figure 6.

**Figure 5. Total Number of WWRP Grant Applications, 1993-2015.**

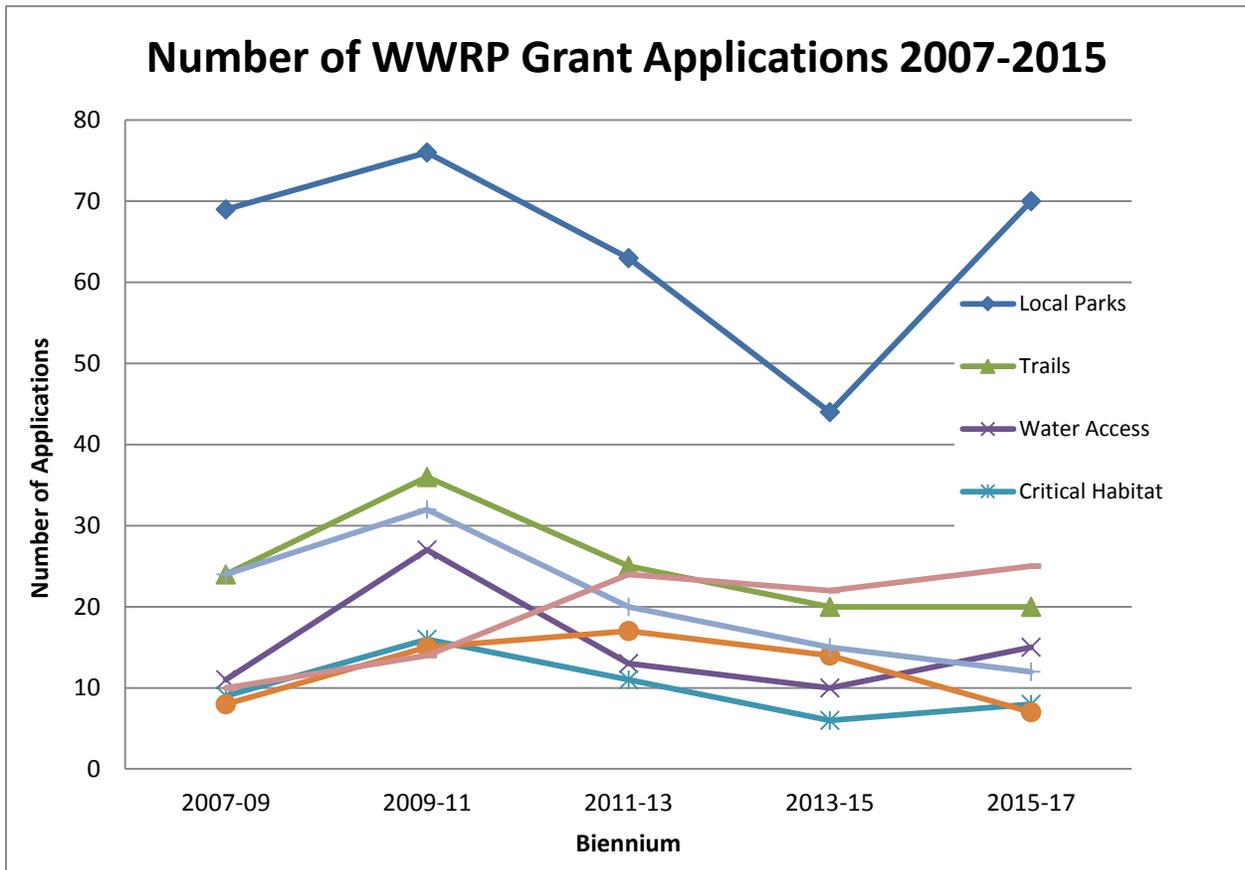


**Figure 6. Total Amount Requested and the Legislative Appropriation, 1993-2015.**



The number of WWRP grant applications by funding category is shown in Figure 7 for 2007-2017. Categories where only state agencies compete are not shown because these categories essentially are not-competitive and the number of applications has been fairly constant. A complete table of grant requests by category can be found in Appendix D.

**Figure 7. Number of WWRP Grant Applications by Grant Category, 2007-15. Categories where only state agencies compete are not shown.**



## Who Receives WWRP Grants?

State agencies, counties, cities, nonprofit organizations, colleges, ports, and Native American tribes are eligible for grants in some or all of the 11 funding categories. Table 4 shows the distribution of funding from 1990-2014.

**Table 4. WWRP Funding Distribution by Grant Recipient Type, 1990-2014.**

<b>Grant Awards by Sponsor Type*</b>		
<b>Grant Recipient</b>	<b>\$</b>	<b>%</b>
State Agencies	\$434,357,314	60.81
Cities**	\$158,431,084	22.18
Counties	\$103,978,089	14.56
Nonprofits****	\$15,925,499	2.23
Colleges	\$280,120	0.04
Ports	\$843,381	0.12
Tribes	\$425,382	0.06
Total	\$714,240,868	100

\*Does not include grant recipients' match  
 \*\*Cities include park and school districts  
 \*\*\*Counties include conservation districts  
 \*\*\*\*Eligible since 2009; includes land trusts and conservancies, fish conservancy groups

### Participation by Nonprofit Organizations

Nonprofit nature conservancy corporations or associations are defined in Revised Code of Washington 84.34.250 as:

*"...an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c) (of the Internal Revenue Code) as it exists on June 25, 1976 and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public."*

Table 5 shows the nonprofit organizations that have received grants in the farmland preservation and riparian protection programs since being made eligible for WWRP grants in 2009 through the 2013-15 Biennium.

**Table 5. Nonprofit Organizations Receiving WWRP Grants by Funding Category and Number of Grants Received**

<b>Farmland Preservation Program</b>	<b>Number of Grants</b>	<b>Riparian Protection and Riparian Habitat* Program</b>	<b>Number of Grants</b>
Blue Mountain Land Trust	1	Capitol Land Trust	1
Columbia Land Trust	2	Columbia Land Trust	1
Jefferson Land Trust	1	Great Peninsula Conservancy	1
Okanogan Land Trust	3	Jefferson Land Trust	1
PCC Farmland Trust	1	Methow Conservancy	1
Whidbey Camano Land Trust	3	Nisqually Land Trust	1
		North Olympic Land Trust	1

Farmland Preservation Program	Number of Grants	Riparian Protection and Riparian Habitat* Program	Number of Grants
		The Nature Conservancy	2
		Trout Unlimited Monroe	1
		Whidbey Camano Land Trust	1
		Wild Fish Conservancy	1

\*Pilot program 1997-2001

To date, the total number of acres acquired or intended to be acquired by nonprofit organizations in the Farmland Preservation Account is 3,827—all through conservation easements. For the Riparian Protection Account, a total of 8,768 acres were acquired or intended to be acquired, of which 3,866 were through conservation easements and 4,902 were purchased in fee.

## Participation by Washington Tribes

Washington's federally recognized Native American tribes are eligible to participate in 6 of the 11 funding categories. Over the history of the program, 15 applications have been received; 5 were funded and the rest remain as alternates or have been withdrawn. Table 6 shows the tribes successful in receiving WWRP grants.

**Table 6. Tribes Receiving WWRP Grants by Funding Category and Number of Grants Received**

Tribe	WWRP Category
Jamestown S'Klallam Tribe	Local Parks
Jamestown S'Klallam Tribe (2)	Trails
Squaxin Island Tribe	Riparian Protection
Suquamish Tribe	Local Parks
Swinomish Tribe	Local Parks

To date, tribes have acquired 8.74 acres in the Local Parks Category and 2.02 acres in the Trails Category. The Squaxin Island riparian project is just getting underway.

## What Types of Projects Are Funded?

Forty-seven percent (\$337,495,403) of the WWRP funds awarded since the establishment of the program in 1990 was for outdoor recreation projects and 53 percent (\$376,745,465) was for conservation projects.

Slightly over three-quarters of WWRP funds awarded since the establishment of the program have been used for acquisition of real property, either in fee or through purchase of property rights in the form of conservation easements, long-term leases, and other mechanisms. The remaining funding has been used for development of recreation and public access facilities (21.2 percent) and environmental restoration (1.3 percent). See Table 7.

**Table 7. Grant Awards by Project Type, 1990-2014**

Grant Category	\$	%
Acquisition	\$552,228,553	77.3
Development	\$151,676,751	21.2
Restoration	\$9,402,028	1.3
Administration	\$933,537	0.1
<b>Total</b>	<b>\$714,240,868</b>	<b>100</b>

A total of 293,140 acres have been acquired (or are planned to be acquired) using WWRP grants. The types of real property acquisition are illustrated in Figure 5.

**Figure 5. Type of Property Rights Acquired, 1990-2014**

