Manual 7

Long-Term Obligations

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WASHINGTON STATE
Recreation and
Conservation Office

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Section 1: Introduction

In this section, you'll learn about the following:

- ✓ The manual
- ✓ The Recreation and Conservation Office
- ✓ Grant agreement
- ✓ Public disclosure rules
- ✓ Where to get information

About this Manual

This manual provides basic information and policies for projects funded by the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board. The policies apply to grant sponsors of all state-funded grant programs and also may apply to federal grant programs[1] administered by the Recreation and Conservation Office (RCO). RCO grant programs with long-term obligations include the following:

- Aquatic Lands Enhancement Account (ALEA)
- Boating Activities Program (BAP)
- Boating Facilities Program (BFP)
- Boating Infrastructure Grant (BIG)
- Brian Abbott Fish Barrier Removal Board (BAFBRB)
- Community Forests Program (CFP)

[1]Grant program manuals for the Boating Infrastructure Program, Land and Water Conservation Fund, and Recreational Trails Program may provide additional policies and information.

- Estuary and Salmon Restoration Program (ESRP)
- Family Forest Fish Passage Program (FFFPP)
- Firearms and Archery Range Recreation (FARR)
- Land and Water Conservation Fund (LWCF)
- Nonhighway and Off-Road Vehicle Activities (NOVA)
- Puget Sound Acquisition and Restoration (PSAR)
- Recreational Trails Program (RTP)
- Salmon Recovery
- Washington Wildlife and Recreation Program (WWRP)
- Youth Athletic Facilities (YAF)

Manual Authority

Authority for the information in this manual is found in the following statutes and rules: Revised Codes of Washington chapters, 46.09, 77.85, 79.105, 79A.15, 79A.25, and Title 286 and 420 of the Washington Administrative Code. The Recreation and Conservation Funding Board adopted the policies in this manual in a public meeting. The Salmon Recovery Funding Board also has accepted these policies.

About RCO

RCO is a small state agency that supports boards and councils including the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board. RCO manages multiple grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and working lands, and help return salmon and orca from near extinction.

RCO does not own or manage lands or operate facilities, but it does provide grants for many types of facilities and habitat enhancement work, including the following:

- Athletic fields and sports courts
- Boating and water access
- Farmland and forestland preservation
- Habitat conservation

- Parks
- Salmon and orca recovery
- Shooting and archery ranges
- Trails

Grant Agreement

Each grant recipient signs a grant agreement. The grant agreement includes a description of the intended use and purpose or function of a funded project and a section describing the long-term obligations. The grant agreement also contains a Standard Terms and Conditions section, which provides a comprehensive list of the contractual obligations.

The remainder of the grant agreement includes other documents considered part of the agreement, such as the eligible scope activities, the legal description for projects including property acquisition. The project sponsor's final report to RCO will describe the completed project scope at closeout. See a sample grant agreement used for RCO grant programs on the RCO website.

For information about a project, visit the RCO Project Search Web page.

Public Disclosure Rules

RCO records and files are public records that are subject to the Public Records Act.[2] More information about RCO's disclosure practices is available online.

Where to Get Information

Recreation and Conservation Office
Natural Resources Building
1111 Washington Street
Olympia, WA 98501
E-mail

Telephone: (360) 902-3000
FAX: (360) 902-3026
Relay Service for the Hearing Impaired: Call 711
Website

Mailing Address
PO Box 40917
Olympia, WA 98504-0917

[2]Revised Code of Washington 42.56

RCO outdoor grants managers are available to answer questions about this manual feel free to call or e-mail.

Other Information Needed

RCO's website provides more information on these and related programs, including the following:

- Fact sheets that describe each grant program
- Grant policy manuals
- State plans that give broad policy background.

Contact RCO for more information about these and other free publications or online resource tools. Each can be made available in an alternate format for people with disabilities.

Section 2: Compliance

In this section, you'll learn about the following:

- ✓ Introduction
- ✓ Definitions
- ✓ Compliance Policies
- ✓ Non-compliance

Introduction

When receiving an RCO grant, the grant recipient, called a project sponsor, signs a grant agreement with terms and conditions that affect the project area even after the work is completed and the final reimbursement is made. The long-term obligation or compliance period is determined by the grant program policy, project type,[3] and ownership of the project area.

- A project that acquires property requires a perpetual obligation.
- Development projects typically require a perpetual obligation; however, certain grant programs allow a lesser period.
- Restoration projects may require perpetual obligation or a 10-year obligation, depending on the grant program.

Unless otherwise allowed by policy, program, or agreement, the RCO grant agreement requires the project sponsor to operate and maintain the project area for its intended purpose, which is either to provide public outdoor recreation or habitat conservation, or both, through the compliance period.

[3]Acquisition, development, and restoration project types have long-term obligations.

A sponsor must contact RCO when a change is planned at a project site (or portion of). RCO will determine if the change will create a compliance issue and if RCO approval is required as determined by the laws, administrative rules, grant agreement, and policies.

Definitions

The most common terms used in compliance are defined below.

Acquisition project: A project that purchases or receives a donation of a right to or in real property including, but not limited to, fee simple land acquisition, conservation easement, access/trail/recreational easements, covenants, leases, water rights, and mineral rights.

Compliance period: The timeframe of the long-term obligation that begins when the project is accepted as completed by RCO. This period may be perpetual or for a specified number of years.

Conversion: A conversion occurs 1) when facilities acquired, developed, renovated, or restored in the project area change to a use other than that for which funds were approved, without obtaining prior written approval from RCO or the funding board, 2) when property interests are conveyed to a third party not eligible to receive grants in the program from which funding was approved without obtaining prior written approval from RCO or the funding board, or 3) when obligations to operate and maintain the funded property are not complied with after a reasonable opportunity to cure.[4]

Development project: A project that results in the construction of, or work resulting in, new elements, including but not limited to structures, facilities, and/or materials to enhance outdoor recreation resources. A development project also is inclusive of those activities that redevelop or renovate a facility, and these may occur exclusively in the project or in combination with new construction.

Element or Work Type: A RCO term used in its PRISM database that means the land, elements, structures, or facilities (or portion of) that comprise the project scope.

Long-term obligation: A sponsor's contractual obligation after the project period of performance end date, as specified in the grant agreement, applicable regulations, policies, and manuals.

Non-compliance: A project status that results when the sponsor or RCO identifies a compliance issue.

[4]As defined in the RCO grant agreement's Standard Terms and Conditions.

Obsolescence: A condition where a facility or structure is no longer useful, having met the expected service life.

Perpetuity: Perpetual, seemingly ceaseless, or the condition of an estate that is limited so as to be inalienable either perpetually or longer than the period determined by law.[5]

Project: The undertaking that is funded either in whole or in part with funds administered by RCO.

Project area: A geographic area that delineates a grant-assisted site, which is subject to the grant agreement long-term obligations. The area is established by a project area boundary or legally described in the Deed of Right and is agreed upon by the project sponsor and RCO.

Remediation: Actions taken by a project sponsor to restore or replace changed elements or to correct conversions. Return or repayment of the grant as remediation is allowed only in the Firearms and Archery Range Recreation program.

Replacement: Structure or property interest of equivalent size, reasonable usefulness, and value to any structure or property lost to conversion.

Restoration project: A project that aims to bring a site back to its historic function as part of a natural ecosystem, or one that aims to improve the ecological or habitat functionality or capacity of a site or part of a site, landscape, marine environment, or watershed.

Useful service life: The period during which a built asset or fixture is expected to be useable for the purpose it was acquired, installed, developed, or renovated.

Compliance Policies

Use of RCO grants creates a condition under which funded property and structures become part of the public domain in perpetuity or for a specified period of time.[6] The original grant program funding, the grant agreement, the project area boundary, Deed of Right, or agricultural or conservation easement help determine compliance.

[5]Recreation and Conservation Funding Board Resolution 2007-14

[6]The compliance period is established by grant program policy and project type.

RCO requires each sponsor to establish a project area[7] boundary and map. A sponsor submits the boundary map with the grant application. Before RCO accepts the project as complete and approves the final reimbursement, the sponsor and RCO will agree on the map depicting the extent of the project area covered by the grant agreement. RCO and the sponsor use the map to ensure long-term compliance with provisions in the grant agreement.

RCO policy, consistent with state law,[8] indicates that interests in real property, structures, and facilities acquired, developed, enhanced, or restored with RCO funds must not be changed, either in part or in whole, nor converted to uses other than those for which the funds originally were approved. If an RCO-funded project is found to have been changed or converted (out of compliance with the grant agreement or agreement amendments), the project sponsor is responsible for replacing the changed or converted interests in real property, structures, or facilities with interests, structures, or facilities of equivalent size, value, and utility.

Recreation Project Areas

RCO recreation grants support public outdoor recreation facilities and areas. Project sponsors must ensure that funded project areas, properties, and facilities, including undeveloped sites, are operated, used, and maintained in accordance with the grant agreement. Facilities open and accessible to the public must meet be available for use at reasonable hours and times of the year, according to the type of area or facility, unless otherwise approved by RCO.

Habitat Project Areas

RCO habitat grants support protecting and restoring functioning habitat conditions.

If a plant or animal is specified in a grant agreement and that plant or animal is lost as the result of events beyond the control of the sponsor, it does not constitute a non-compliance issue. Examples of events beyond the control of the sponsor include, but are not limited to, the following: acts of nature (floods, drought), actions of upstream or adjacent landowners, and ocean conditions.

If a plant or animal is specified in the agreement and that plant or animal is lost as the result of events in the control of the sponsor, including sponsor inaction, it may result in

[7]Washington Administrative Code 286-04-010 (19): “Project area” is defined as a geographic area that delineates a grant-assisted site, which is subject to application and grant agreement requirements. Washington Administrative Code 420-04-010: "Project area" means the area consistent with the geographic limits of the scope of work of the project. For restoration projects, the project area must include the physical limits of the project's final site plans or final design plans. For acquisition projects, the project area must include the area described by the legal description of the properties acquired in the project.
[8]See Revised Code of Washington 79A.25.100 and 79A.15.030(8).

a compliance issue even if a habitat function remains. The sponsor is expected to act with due diligence as steward of the property in question.

If no plant or animal is specified in the grant agreement, loss of a specific species does not constitute a compliance issue as long as the site continues to support properly functioning habitat conditions.

Agricultural or Conservation Easement Compliance

Sponsors who acquire property rights through an easement must follow long-term obligations for the term of the easement. Agricultural and conservation easements contain conditions that identify permitted and prohibited uses of a funded property. The project sponsor is responsible for enforcing the terms and conditions of the easement. This includes addressing and resolving violations. Each easement includes a condition that identifies how to address a conversion or extinguishment. As a beneficiary of the easement, RCO has a third-party right of enforcement.

A sponsor must submit an easement monitoring report on the funded property at least every five years.[9]

Compliance Inspections

RCO has a policy to inspect completed projects to compare actual conditions to the terms and conditions of the grant agreement. A compliance inspection may be done at any time after a project is closed and before the long-term obligation or compliance period expires.

The results of the inspection are sent to the project sponsor. When a compliance issue is found during the inspection, the report identifies the action or condition that is inconsistent with the grant agreement. The sponsor is asked to contact RCO staff with information on the noted issue so that RCO and the sponsor may begin work to resolve the issue.

RCO encourages sponsors to regularly inspect their projects and to advise RCO if potential compliance issues exist or if planned changes will impact the intended use and purpose of the project.

[9]Recreation and Conservation Funding Board Resolution 2010-34.

Non-Compliance

There are a number of ways a project can be out of compliance with the grant agreement. Examples include the following:

- Lack of a permanent sign acknowledging grant funding.
- Transfer of the property or project area to another organization.
- Grant-funded structures or facilities are closed or removed.
- Ineligible structures are constructed or installed in the project area.
- Restricted or no public access (unless approved by policy or RCO).

Non-Compliance: Element Change

A change to an element or work type may result in non-compliance and may require an amendment to the grant agreement. These changes may be minor or major and remediation (replacement) may be required.

RCO only may approve a request when a sponsor provides documentation that supports the request and the project area remains available for the intended use and purpose.

A permanent change of use of the land to any non-outdoor, non-recreation, or non-habitat purpose will result in a conversion.

Minor Element Changes

Minor element changes do not conform to the grant agreement but create no negative effect on the recreational opportunity or habitat function for which the project was originally funded. RCO will require a project amendment to account for the change and the amendment may be subject to review by RCO's director or funding board.

Examples of Minor Element Changes:

- **Recreation:** A grant funded a trailhead with 15 parking spaces included in the original agreement. During a compliance inspection, RCO found only 12 spaces. The results do not conform to the grant agreement but do not have a negative effect on the recreational experience. RCO and the project sponsor would agree to an amendment to reduce the parking spaces.
- **Habitat:** A grant was funded to plant 5 acres of trees along a stream. During a compliance inspection, RCO found that some of the trees had been removed to make way for a trail through the habitat. RCO and the project sponsor would agree to an amendment to reduce the acres planted.

Major Element Changes

Major element changes do not conform to the grant agreement and negatively affect, but do not eliminate, the recreational opportunity or habitat function for which the project originally was funded.

RCO staff will work with the sponsor to find remedies for major element changes. RCO will require a project amendment to account for the change and the amendment must be reviewed by RCO's director or funding board.

Examples of Major Element Changes:

- **Recreation:** A grant funded a playground as part of a project to renovate a park. During a compliance inspection, RCO found the playground had been removed and the area was fenced off. RCO and the project sponsor agree to a remedy, which might include replacing the playground.

- **Habitat:** A grant was used to build several small log structures in a stream to create fish habitat. During a compliance inspection, RCO found that one of the log structures had been intentionally removed, reducing the pools that fish can use. RCO and the sponsor agree to a remedy, which might include replacing the log structure.

Element Change Exceptions

When there is a change in an element that occurs beyond the control of the sponsor, RCO may remove it from a grant agreement without a need for remediation under certain conditions. Approval is limited to instances where the underlying land remains available for the intended use of the original grant. The conditions are as follows:

- Obsolescence (described in detail below).

- Extraordinary vandalism that renders the element useless or dangerous.

- Acts of nature including, but not limited to, flood, earthquake, volcanic eruption, forest fire, and adverse weather.

- Fire, whether arson or accidental.

- Permit requirements that disallow specified elements.

- Projects impacted by a reversion order by the Interstate Commerce Commission under Section 8(d) of the National Trails System Act, 16 United States Code 1247(d), are not considered a conversion by the board. Substitution or

replacement with interest in real property, facilities, or money, which are at least equal market value at the time of replacement may be required.[10]

Obsolescence: Structures and Facilities

RCO recognizes a difference between projects that acquire interest in land and projects that fund structures or facilities.[11] Compliance with grant agreements involving structures or facilities will be tied to a reasonable, agreed-upon service life for the structure or facility, *with the further provision that the development of the structure or facility constitutes the sponsor's agreement to provide outdoor recreation opportunity on the RCO grant project area in perpetuity*[12].

Obsolescence may apply under the following conditions:

- An RCO-funded structure or facility has become outmoded due to change in generally accepted professional design and construction practices that now render the structure or facility out-of-date.
- Significant and documented changes in prevailing outdoor recreation participation in the sponsor's jurisdiction over five years or more.
- A structure reaches the end of its anticipated or agreed-upon service life.
- When a structure is placed or built for habitat purposes and the habitat changes beyond the control of the project sponsor.

Examples of Obsolescence:

- RCO funded a restroom as part of a park development project. The sponsor provides documentation that the restroom was available and maintained for 35 years and had reached the end of a useful service life.
- RCO funded a baseball field that is being changed to a soccer field to meet changing recreational needs and demand. The baseball field met the recreational need for 10 years and the sponsor documented more demand for a soccer field compared to a baseball field. The specific recreation use may change from a baseball field to a soccer field without resulting in a conversion.

[10]Washington Administrative Code 286-13-160
[11]Post-completion compliance generally is not an issue for projects in which RCO has provided funds for planning, maintenance, operations, education, and enforcement activities.
[12]Recreation and Conservation Funding Board Resolution 2007-14

Review of an Element Change

As soon as the sponsor or RCO staff identifies a non-compliance issue related to an element or work type, steps shall be taken to determine remediation and approval of the change. The sponsor contacts RCO staff to arrange a site visit. After the initial discussion and site visit, RCO staff will identify the documentation necessary to support the requested change. The sponsor submits a written request for approval and includes the supporting documentation. The supporting documentation includes the following:

- A description of the element change.
- Justification for the element change, including evidence that all practical alternatives to the element change have been evaluated on a sound basis.
- A list and discussion of alternatives for replacement or remediation of the element change.
- Additional documents that help explain the element change such as maps, plans, graphics, or photographs.

Usually, an amendment to the grant agreement[13] will document remediation.

Non-Compliance: Conversion

A conversion occurs when one or more of the following takes place, whether affecting an entire site or a portion of a site funded by RCO:

- Permanent property interests are conveyed for non-public, outdoor recreation, habitat conservation, or salmon recovery uses.[13]
- Permanent property interests are conveyed to a third party not eligible to receive grants in the program from which funding was derived.[14]
- Non-outdoor recreation, habitat conservation, or salmon recovery uses (public or private) are made in a manner that impairs the originally intended purposes of the project area.
- Non-eligible indoor facilities or non-eligible structures are built in the project area.

[13]Unless approved as an Exception to Conversion. See Exception to Conversion section.
[14]An exception is allowed under Salmon Recovery Funding Board rules: Property acquired for salmon recovery purposes may be transferred to federal agencies, provided the property retains adequate habitat protections, and with written approval.

- Public use of the property or a portion of the property acquired, developed, or restored with an RCO grant is terminated unless public use was not allowed under the original grant.

- If a habitat project, the property or a portion of the property acquired, restored, or enhanced no longer provides the environmental functions for which RCO funds were approved originally.

Examples of a Conversion:

- Conveying a property right to an individual, business, or organization not eligible for a grant

- An encroachment on the property or project area boundary by an adjacent landowner's fence, garage, or structure

- An adjacent landowner's private use of a portion of the property or project area

- Construction of a fire station, utility station, fitness center, or other ineligible structure

A conversion is not prohibited; however, prior RCO approval is required.[15] A conversion requires replacement. Replacement requirements vary by program and project type but, at a minimum, must provide equivalent value and reasonably equivalent usefulness. The replacement must be eligible in the grant account or category that funded the original project.

A sponsor may not use RCO funding to purchase replacement land or develop replacement facilities or for replacement of restoration activities on the replacement project area. Grants may be used to develop or restore replacement property only for acquisition projects that have been converted.

Review of a Conversion

As soon as the sponsor or RCO identifies a project change that may create a conversion, the sponsor must provide enough information for RCO to verify that the change will result in a conversion. There are several steps a sponsor completes. Appendices A and B provide a description of the steps in the approval process.

First the sponsor should arrange a site visit with an RCO grants manager. After an initial discussion and site visit, the sponsor submits a written request that includes the following:

[15]Revised Code of Washington 79A.15; Washington Administrative Codes 286-13 and 420-12.

- A description of the original project.
- A description of the proposed change creating the conversion.
- A map of the proposed conversion area.
- A description of the potential replacement properties or project areas, if known.

The sponsor must provide an alternatives analysis that evaluates alternatives to the conversion and the replacement. In addition, the public must be given the opportunity to comment on the proposal.[16]

Approval of a conversion involves approval of the replacement. RCO will determine whether the conversion requires approval by the RCO director or the funding board.

If the conversion is referred to the funding board, the sponsor must attend the funding board meeting when the proposed conversion will be presented and decided.

Conversions of Land and Water Conservation Fund Projects

A proposed conversion of a Land and Water Conservation Fund project area requires RCO review and approval by the National Park Service. RCO's director or board makes a recommendation for approving a conversion to the National Park Service.

A sponsor must document compliance with the National Environmental Policy Act and the National Historic Preservation Act, Section 106 requirement when seeking approval of a conversion.

Conversion Approval Decision Levels

When a sponsor provides sufficient information, RCO staff will determine whether the proposal requires approval by the RCO director or by the funding board using the following guidelines.

Approval by RCO Director

The director may make decisions on the conversion requests that meet any of the following conditions:

- Impact less than 20 percent of the original scope.
- Have a dollar value for the conversion of $75,000 or less at current value.

[16]Washington Administrative Code 286-13-160-180.

- Is created by a land exchange with adjacent landowners to consolidate a sponsor's ownership and management.
- Is created by a trail realignment.

The director may approve, deny, or defer the decision to the appropriate board. The director's decision also may be appealed to the appropriate board.

All other requests are presented directly to Recreation and Conservation Funding Board or the Salmon Recovery Funding Board, as appropriate.

Appeal of Director's Decision

An appeal must be made in writing and addressed to the chair of the appropriate funding board. The appeal must include the reason for the appeal, the preferred outcome, and facts supporting the appeal.

Review by RCO Boards

Both the Recreation and Conservation Funding Board and Salmon Recovery Funding Board meet in open public forums according to pre-published schedules. The boards will review conversion requests at these regular meetings. Sponsors must submit the required documentation in advance of the meeting date and should anticipate providing the materials at least eight weeks before the meeting date.

RCO staff prepare a memorandum for the funding board's review explaining the conversion and the proposed replacement or remediation. On review of the sponsor's documentation, the funding board may approve or deny the request.

If a project received any federal funding through RCO, the funding board's decision may be forwarded to the appropriate federal agency for further review. Federal law and regulations will apply.

Implementing RCO Approval

Approval from the director or funding board is conditioned on the sponsor completing the approval process and providing the required documentation.[17] Staff will amend the grant agreement to reflect the change when the sponsor submits all required materials and documents.

[17]See Appendices A and B for a complete list of required submittals and documents.

Exceptions to Conversion

Under certain circumstances, a change in the use or function of a project area may be considered an exception to conversion.[18]

A sponsor may request RCO review for an exception to conversion for the actions below when demonstrating the action will have no permanent impact to the intended purpose, use, and function of the project area. RCO will consider the cumulative impacts of previously approved exceptions and encumbrances.

Exceptions that may be considered include the following:[19]

- Relocation of an easement and related infrastructure that would benefit the intended purpose and use of the project area, with restoration in a specified period of time.
- A new easement and/or right-of-way and related infrastructure (such as a utility box, poles, guide wires) that would benefit the intended purpose and use of the project area. Not intended to provide a blanket exception to any new easement, such as conveying an easement to a private party for its convenience.
- A new easement and/or right-of-way for a culvert replacement or improving fish passage that has minimal impact to the intended purpose and use of the project area.
- Changes to an existing easement, right-of-way, or encumbrance (and related infrastructure) that would have minimal impact to the intended purpose and use of the project area.
- Right-of-way for road improvements that improve access to the project area.
- Underground utility easement for electrical, fiber optic, sewer, stormwater, or water, with restoration in a specified period of time.
- Temporary construction easement, with restoration in a specified period of time.
- Levee and related infrastructure relocation that expand and support the original habitat purpose of the project. A levee may consist of a landform or structure such as an embankment, dike, road, or similar structure that inhibits natural floodplain or tidal processes. Related infrastructure relocation may include

[18]Recreation and Conservation Funding Board Resolution 2019-05. Additionally, this policy does not apply to the Land and Water Conservation Fund. The National Park Service policy does not exempt these actions from conversion.
[19]Recreation and Conservation Funding Board Resolution 2023-09 as amended.

easements for rights-of-way for roads, utilities, and other infrastructure. This exception is limited to sites funded for habitat conservation or restoration purposes.

- Granting utility permits. After determining that a pipe or power line will have no adverse effect on present and future public recreation or habitat use of a project site, any permit issued must include the following:
    - Not be an easement giving property rights to a third party.[20]
    - State that the pipe or power line will be underground.
    - Require that the third party give prior notice to and receive approval from the sponsor to enter the site for construction or maintenance. Regular maintenance checks and the method of performance (which must not involve disruption of any recreation or habitat conservation function), must have prior approval based on a schedule. Emergency maintenance would not normally require prior notification and approval. Adequate assurance of surface restoration also is necessary.
    - State a duration for construction and include language that allows setting a duration for reconstruction.
- Non-permanent, non-conforming use or temporary closure. A non-permanent, non-conforming use or temporary closure that will have minimum impact to the project area (or portion of) that will last 180 days or less does not require RCO review. A non-permanent, non-conforming use or temporary closure that exceeds 180 days and will last no more than 2 years must be reviewed by RCO and may be approved by the director. The project area impacted must be restored[21] in a specified period of time following the use. The board may approve an extension of the non-permanent, non-conforming use or temporary closure.

A sponsor request form for an exception to conversion may be found on RCO's website.

Allowable Use Policy

RCO grants support Washington State's habitat and outdoor recreation resources. Use of a project site must have no overall impairment to the habitat or outdoor recreation resource funded by RCO.

[20]Underground easements may be considered an exception to conversion as described above.
[21]The portion of the project area impacted by the action is returned to its original (or better) surface condition.

To be in compliance with the grant, use of grant-assisted project site must be one of the following:

- Identified in the grant agreement.
- Allowed by RCO policy.
- Approved by RCO or the funding board.

For the use to be approved by RCO or the funding board, it must meet all of the following criteria:

- The use must be consistent with the essential purposes of the grant (i.e., consistent with the grant agreement and grant program).
- All practical alternatives to the use, including the option of no action, must have been considered and rejected on a sound basis.
- The use must achieve its intended purpose with the least possible impact to the habitat or outdoor recreation resource.
    - If the use impacts the type of resource the grant is designed to protect (habitat or outdoor recreation), it must provide at least equivalent benefits to that type of resource so there is no overall impairment.

To remain in compliance with the grant, the project site use must continue in the manner approved by RCO. This policy does not modify other RCO policies, such as cultural resource policies.

Income generated on the project site must be managed in accordance with RCO policies on income and income use. See Appendix F for additional information.

The request form for an allowable use may be found on RCO's website.

Allowable Uses–Conditional Approval for Certain Uses

RCO approval is not required for the specific uses that meet the following conditions.

Telecommunications Facilities
Washington Wildlife and Recreation Program, Local Parks Category
Funded Sites Only[22]

Telecommunications facilities[23] and equipment cabinets are allowed on funded project sites provided that their placement, construction, modification, or servicing does not diminish the essential purposes of the grant and all the following criteria are satisfied:

- The antenna[24] is attached to a new or existing building or structure that furthers the outdoor recreation purposes of the grant, such as a utility pole, sign, or restroom rooftop.
- The footprint of the equipment cabinet is the minimum necessary.
- The facility and equipment cabinet are placed, constructed, and modified to have the least impairments, including cumulative impairments, to outdoor recreation opportunities. Concealed or camouflaged facilities and equipment cabinets are preferred.
- Servicing does not interfere with the recreational use of the project area.
- The building or structure to which the facility is attached is not damaged by the facility.
- Facilities and equipment cabinets no longer in use or determined to be obsolete are removed within twelve months of the cessation of use.

Leases or permits issued by the grant sponsor for telecommunications facilities are allowed in this grant category. Leases must be equivalent to market rate and managed in accordance with RCO policies on Concessions and Leases in Manuals 3 and 4.

Requests for telecommunications facilities that do not meet the criteria in this policy or are on board-funded project sites in other grant categories or programs must be reviewed under the Allowable Uses Framework.

[22]Recreation and Conservation Funding Board Resolution 2012-21
[23]Telecommunications facility is defined by Federal Standard 1037C at https://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm.
[24]Antenna is defined by Federal Standard 1037C at https://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm.

Livestock Grazing
Washington Wildlife and Recreation Program, Critical Habitat Category Funded Sites Only[25]

In the Critical Habitat Category, livestock grazing is allowed on funded project sites provided that the grazing does not diminish the essential purposes of the grant and either of the following conditions are met:

- Grazing is included in the grant agreement and project evaluation materials.
- Grazing is a continuing use of the project area.

Livestock grazing must be managed in accordance with a site-specific management plan that incorporates current laws, rules, and guidelines to protect or enhance the health of species targeted by the grant. Grazing management plans must include a duration and periodic renewal schedule.

Leases or permits issued by the grant sponsor for livestock grazing are allowed in this grant category. Leases must be equivalent to market rate and managed in accordance with RCO policies on Concessions and Leases in RCO manuals.[40]

Requests for livestock grazing that do not meet the criteria in this policy or are on board-funded project sites in other grant categories or programs must be reviewed under the Allowable Uses Framework.

Washington State Parks Palouse to Cascades Trail (former John Wayne Pioneer Trail)
Agricultural Use by Adjacent Landowners[26]

RCO approval is not required for agricultural-related use of the Washington State Parks Palouse to Cascades Trail (former John Wayne Pioneer Trail) by adjacent landowners when permitted by the Washington State Parks and Recreation Commission.

[25]Recreation and Conservation Funding Board Resolution 2012-21
[26]Recreation and Conservation Funding Board Resolution 2019-05

Section 3: High-Risk Sponsor Policy

In this section, you'll learn about the following:

- ✓ High-risk sponsors

High-risk Sponsors

The director may recommend to the funding board that a sponsor with unresolved conversion projects be designated a "high-risk sponsor." A sponsor may be designated as high risk if it meets the following tests:

- Has one or more unresolved conversions of which the combined Recreation and Conservation Funding Board and Salmon Recovery Funding Board dollar total exceeds $1 million or 25 percent of all Recreation and Conservation Funding Board and Salmon Recovery Funding Board funds received by that sponsor, whichever dollar amount is less (NOT including local match or contribution) OR
- Has a conversion of any size or amount that has been unresolved for two or more years after notification by the RCO, AND
- Has no record of substantial progress towards resolving outstanding conversions.

Substantial Progress

After recommendation by the director, the funding board will decide if a sponsor shows a record of substantial progress.

Substantial progress is indicated when a sponsor has (1) expressed, in writing, a willingness to replace the converted property or remedy the conversion and (2) has taken specific and timely actions as stipulated by RCO. These actions may include, but are not limited to, identifying potential replacement property, convening a task force or assigning staff, demonstrating an adequate public involvement process, ordering appraisals or appraisal reviews, or other relevant actions.

Notice to Sponsors

Before making a recommendation to the funding board, the director will notify a sponsor in writing that it is responsible for one or more unresolved conversions and that the director is recommending that it be designated as "high risk."

- The funding board, as appropriate, shall consider the director's recommendation in an open public meeting.
- Sponsor notification will occur at least thirty days before the board meeting and will include the date and time of the meeting, specific project references, and actions that will constitute substantial progress.
- If the board chooses to designate a sponsor as "high risk," the director will notify the sponsor in writing.

Applying for New Grants

A high-risk sponsor still may apply and compete for additional grants for one grant cycle or calendar year from the date of designation (whichever is longer). After that time, RCO will not accept grant applications from the sponsor until the high-risk designation is removed.

If a high-risk sponsor's new application is successful, the sponsor will be given ninety days following the funding board's funding meeting to have the high-risk sponsor designation removed pursuant to "Removal of Designation" section below.

If, after ninety days the sponsor still has the high-risk designation, RCO will not issue the grant agreement and the funds will be redistributed pursuant to board policy.

Removal of Designation

If a sponsor believes that it should no longer be designated as "high risk," it may petition the director to remove the designation.

The director shall have authority to remove the designation if he/she determines that the conversion has been fully resolved.

If the conversion has not been fully resolved, the director shall refer the decision to funding board if he/she concludes that the sponsor made substantial progress toward resolving the conversion or has other legitimate reasons why the high-risk designation might be removed.

Appendix A: Conversion Approval Process and Required Documentation for State-Funded Projects

The Process for State-funded Projects

Conversion of a grant-funded project area (or portion of) requires RCO approval and replacement.

The replacement varies by project type.

- Conversion of an acquisition project requires replacing the land.
- Conversion of a development or renovation project requires replacing the developed or renovated facilities at a new project area.[27]
- Conversion of a restoration project requires replacing the restored area at a new project area.

The steps and required documents are listed below. While these are listed in a chronological order, some of the steps may be done at the same time. Examples of steps that may occur simultaneously include obtaining appraisal reports for the conversion area, identifying potential replacement properties, starting to draft the alternatives analysis, and a cultural resource review for the proposed replacement.

Sponsors are encouraged to review RCO Manuals 3, 4, and 5. RCO applies Manual 3 policies for appraising a conversion and replacement property and for the required property documentation. Manuals 4 and 5 and grant program manual policies are applied to determine eligible replacement development and restoration activities.

[27]A new project area has no prior RCO grant funding.

Please consult with RCO before proceeding.

Step 1: Initial Review and Site Visit

The sponsor contacts RCO to discuss a proposed change or RCO staff contacts sponsor on suspected or discovered conversion.

The sponsor arranges a site visit with an RCO grants manager.

After initial contact and the site visit, RCO staff determines the action will create a conversion.

Step 2: Sponsor Submits Conversion Request

The sponsor must submit a formal written request to the RCO director for approval of the conversion and potential replacement.

The written request includes the following:

- A description of the original project.
- A description of the proposed conversion.
- A map and site plan that clearly indicates the proposed conversion area.
- A description of potential replacement properties or project areas, if known.

Step 3: Sponsor and RCO Agree on the Conversion Area

RCO and sponsor agree on the conversion area.

For conversion of property acquired with a grant, the sponsor establishes the value of the conversion area. A sponsor must comply with RCO *Manual 3: Acquisition Projects* for appraisal reporting requirements.

Step 4: Sponsor Identifies Potential Replacements

The sponsor identifies potential replacement properties (for conversion of an acquisition project) or new project areas (for conversion of a development or restoration project) and submits the descriptions and maps.

The replacement properties or replacement project areas must meet eligibility requirements in the same grant program account or category that funded the original property or project area. The new project areas must have no previous RCO funding.

RCO reviews and determines if the potential replacement properties or project areas are eligible.

Step 5: Cultural Resources Review for Proposed Replacement[28]

The sponsor will submit Area of Potential Effect (APE)[29] map of the proposed replacement.

RCO will initiate cultural resources consultation with affected tribes and the Department of Archaeology and Historic Preservation on the proposed replacements. The outcome of the initial consultation may require an applicant to complete cultural resources surveys and continued consultation. RCO must complete consultation before a conversion can be approved.

Step 6: Sponsor Prepares Alternatives Analysis

The sponsor submits draft alternatives analyses that include a discussion of the alternatives considered for conversion, including not converting, and a discussion of the alternatives being considered as potential replacements. More than one potential replacement must be identified. The analyses must include justification that supports that the preferred replacement (if identified) will provide equivalent value and reasonably equivalent usefulness.

RCO reviews the draft analyses and offers comments.

Step 7: Sponsor Submits Conversion Area Appraisal Reports (Acquisition Conversion)

For conversion of property acquired with a grant, the sponsor submits the appraisal and appraisal review reports for the conversion area. RCO confirms that the reports comply with acquisition policies. The value of the conversion area is used to determine the minimum value required for the replacement property.

[28]It is RCO's policy to initiate cultural resources consultation with affected tribes and the Department of Archaeology and Historic Preservation.

[29]This map or series of maps should show the location of all proposed ground-disturbing activities, including access and staging areas. The map must include a polygon of the entire project area and must include section, township, and range information; project name and number; and sponsor name. A U.S. Geological Survey quad map is the preferred base map, though the applicant may use an aerial base map, as long as section, township, and range information are included on the map. Section lines and numbers must be clearly visible in the map.

Step 8: Sponsor Prepares Public Notice

The sponsor drafts a public notice that includes a description of the original project and grant, a description of the proposed conversion, alternatives considered to conversion, and alternatives being considered as potential replacement properties or project areas.

The notice must include an opportunity for the public to comment on the proposal and participate in the evaluation of the alternatives, including offering suggestions on alternatives. The public notice must include the dates that comments may be made, describe how the public can comment, and provide a minimum thirty-day comment period.

RCO reviews draft public notice.

Sponsor publishes the public notice. During the thirty-day public comment period, the sponsor logs the comments received and responses to the comments. The sponsor provides the comment and response information to RCO after the comment period ends.

Step 9: Sponsor Submits Appraisal Reports for Preferred Replacement (Acquisition Conversion)

Sponsor obtains and submits the appraisal and appraisal review reports for the preferred replacement. This step may need to be delayed until the public comment period has ended in case an alternative not previously considered becomes the preferred replacement.

Step 10: Sponsor Submits Site Development or Restoration Plan for Replacement

The sponsor submits the site development or site restoration plan for the preferred replacement property or replacement project area. This step may need to be delayed until the public comment period has ended in case an alternative not previously considered becomes the preferred replacement.

Step 11: Director or Board Decision

RCO staff will determine who approves the conversion and replacement. RCO staff prepare a decision memorandum and present the request to the RCO director or board.

Approval of the conversion is conditioned on the sponsor completing the approval process and submitting the documentation needed to finalize a conversion.

Step 12: Finalizing the Conversion

For a conversion of an acquisition project, the sponsor submits the following for the replacement property:

- Legal description and map for the Deed of Right.
- Hazardous Substances Certification Form with RCO checklist or Phase 1 environmental site assessment.
- Final title insurance policy.
- Notice of voluntary transaction to landowner.
- Notice of just compensation to landowner.
- Relocation plan if eligible displaced parties are on site.
- Conceptual site plan and timeline for development and open public access.

For conversion of a property acquired with a grant, the sponsor submits a legal description of the conversion area (all or portion of the property being converted) and map for the release of the Deed of Right. RCO will draft the release of the original Deed of Right and the Deed of Right for the replacement property. The sponsor will be required to record the fully executed Deed of Right documents with the county auditor.

For a conversion of a development, renovation, or restoration project, a sponsor submits the following for the replacement project area:

- Final site development or restoration plan.
- Timeline for completing the development or restoration and opening the property to the public.
- Final project area boundary map.

RCO will advise the sponsor if any additional information is needed.

Step 13: Grant Agreement Amendment

RCO will prepare and forward the amendment to the grant agreement that approves the conversion and replacement. Upon receipt of the signed amendment from the sponsor and RCO, the conversion approval process has been completed.

Appendix B: Conversion Approval Process for Land and Water Conservation Fund Projects

The Process and Required Documents

After determining a conversion will occur at a project area funded with a Land and Water Conservation Fund grant, RCO will consult with the National Park Service on the sponsor's proposal and throughout the review process. The National Park Service has the final approval authority.

Conversion of a project area (or portion of) requires replacement of the land and the developed facilities regardless of project type. The federal funding requires review and compliance with the National Environmental Policy Act and the National Historic Preservation Act, Section 106.

The steps and required documents are listed below. While these are listed in a chronological order, some of the steps may be done at the same time. Examples of steps that may occur simultaneously include obtaining appraisal reports for the conversion area, identifying potential replacement properties, and starting to draft the environmental assessment.

Sponsors are encouraged to review the National Park Service's Land and Water Conservation Fund manual, Chapter 4: Environmental Review and Chapter 8: Post-Completion & Stewardship for policies related to an environmental assessment and a conversion. RCO Manuals 3, 7, and 15 should be reviewed for policies related to acquiring property, conversions, and the Land and Water Conservation Fund grant program.

Note: federal and state policy manual updates may occur, please consult with RCO before proceeding.

Step 1: Initial Review and Site Visit

The sponsor contacts RCO to discuss a proposed change or RCO staff contacts sponsor on suspected or discovered conversion.

The sponsor arranges a site visit with an RCO grants manager.

After initial contact and the site visit, RCO staff determines the action will create a conversion.

Step 2: Sponsor Submits Conversion Request

The sponsor must submit a written request to notify the RCO director of the planned conversion and intent to seek approval.

The written request must include the following:

- A description of the original project.
- A description of the proposed conversion.
- Land and Water Conservation Fund 6(f) boundary map that clearly indicates the proposed conversion area.
- A description of potential replacement properties, if known.

Step 3: Agree on the Conversion Area

RCO consults with the National Park Service on proposed conversion area. The Service, RCO, and the sponsor agree on the conversion area.

Step 4: Sponsor Proceeds with Appraisal of the Conversion Area

The sponsor establishes the value of the conversion area and obtains an appraisal and appraisal review report. The value of the conversion area must be determined to set the minimum value required for the replacement property.

A sponsor must comply with *Manual 3: Acquisition Projects* for appraisal reporting requirements for federally funded projects (*Uniform Appraisal Standards for Federal Land Acquisitions*).

Step 5: Sponsor Identifies Potential Replacement

The sponsor identifies potential replacement properties and submits the descriptions of those properties, location maps, and potential 6(f) boundary maps.

Replacement property must meet eligibility requirements in the Land and Water Conservation Fund grant program. RCO reviews to determine if the potential replacement properties are eligible.

Step 6: Sponsor Proceeds with Appraisal of the Proposed Replacement Property

The sponsor establishes the value of the proposed replacement property (if known) and obtains an appraisal and appraisal review reports. A sponsor must comply with *Manual 3: Acquisition Projects* for appraisal reporting requirements for federally funded projects (*Uniform Appraisal Standards for Federal Land Acquisitions*).

Note: This step may need to be delayed until the public comment period ends in case an alternative property not previously considered becomes the preferred replacement.

Step 7: Sponsor Prepares Environmental Review Documentation

The sponsor submits the Land and Water Conservation Fund Compliance and Stewardship Form (C&S). A draft environmental assessment may be required. Guidance for preparing an environmental assessment is found below.

The National Park Service Land and Water Conservation Fund manual provides information on the environmental assessment for a conversion proposal (the converted area and the replacement). The assessment includes an alternatives analysis of the proposed conversion and the replacement, and a discussion of the impacts of the proposed conversion on the remaining 6(f) property for partial conversions, and the impacts of development of the replacement property. A discussion of how the replacement meets an identified need in the state's comprehensive outdoor recreation plan must be included.

At a minimum, the National Park Service guidance states the environmental assessment must include discussions of all the following:

- The purpose, need, and background on the proposal.
- A description of the alternatives that describes the proposed conversion, any remaining land and facilities (for partial conversions), and a description of the replacement property and planned development and timeline for the development. The alternatives analysis includes a discussion of the alternatives considered for conversion, including not converting, and a discussion of the alternatives being considered as potential replacement. More than one potential replacement must be identified. The analysis must include justification that supports that the preferred replacement (if identified) will provide equivalent value and reasonably equivalent usefulness.

- The affected environment that includes a description of existing outdoor recreation resources and opportunities at the conversion area.
- An analysis of the environmental resources that will be impacted by the conversion and discussion of the impacts to the population served.
- A list of people, organizations, and agencies that are contacted for information on developing alternatives and analyzing impacts, and any other public involvement efforts that have been done, and the population being served.

Minimum Required Content for Environmental Assessments

An environmental assessment may be formatted in any way that is useful to facilitate planning, decision-making, and appropriate public involvement (43 CFR 46.315). An assessment must include brief discussions of the following:

- The proposal (also referred to as the proposed action).
- The need for the proposal.
- The environmental impacts of the proposed action and the alternatives considered, including the following:
    - The direct, indirect, and cumulative impacts of each alternative.
    - Objective analyses that support conclusions concerning environmental impacts.
- A list of agencies and people consulted.
- Either an analysis or specific dismissal of issues related to environmental justice and Indian Trust Resources.

Sponsors are encouraged to review the National Park Service Guidance on Focused Environmental Assessments before starting to draft the environmental assessment. The guidance document may be found on the Services' National Environmental Policy Act policy website.

RCO reviews the draft environmental assessment, consults with the National Park Service, and provides comments to the sponsor.

Step 8: Cultural Resources Review

A cultural resource review and consultation with the Department of Archaeology and Historic Preservation and affected Native American tribes is required to comply with the

National Historic Preservation Act, Section 106. RCO facilitates the review and advises the sponsor of the required documentation.

If a cultural resources survey is required, the results of the review may lead to additional survey work and a memorandum of agreement on any identified impacts.

Note: This step may be earlier in the process. The sponsor includes the results in the draft and final environmental assessments.

Step 9: Sponsor Prepares Public Notice for Review of Draft Environmental Assessment

The sponsor drafts a public notice that includes a description of the original project, grant funding, the proposed conversion, and potential replacement properties.

The notice must include an opportunity for the public to comment on the proposal and the environmental assessment. The public must be given the opportunity to identify other alternatives.

The public notice must include information on how the draft environmental assessment may be obtained, the dates that comments may be made, and how the public can comment, and must provide a minimum thirty-day comment period.

RCO reviews the draft public notice.

Step 10: Sponsor Publishes Draft Environmental Assessment for Public Comment

The sponsor publishes the public notice and draft environmental assessment. During the thirty-day public comment period, the sponsor logs the comments received and responses to the comments.

The sponsor provides the comment and response information to RCO after the comment period ends.

Step 11: Sponsor Finalizes Environmental Assessment and Grant Boundary Map

The sponsor finalizes the environmental assessment following completion of the public comment period and the cultural resources review.

The sponsor submits a draft of the final 6(f) boundary map. RCO reviews, consults with the National Park Service, and provides comments to the sponsor.

Step 12: Submit Finding of No Significant Impact (FONSI)

The sponsor drafts and submits a recommendation of a Finding of No Significant Impact (FONSI) to RCO. RCO forwards to the National Park Service. The National Park Service is responsible for issuing the FONSI.

Step 13: RCO Presents to Director or Funding Board

RCO staff prepare a memorandum and presentation for the Recreation and Conservation Funding Board or director's decision. The sponsor should plan to be present at the meeting when a conversion is presented to the board.

Step 14: RCO Submits Recommendation to National Park Service

RCO's board or director reviews the proposed conversion and replacement and submits a recommendation and documentation[30] to the National Park Service for a final decision. The required documents include the following:

- A transmittal letter briefly describing the conversion proposal, how the replacement property meets goals identified in the state's comprehensive outdoor recreation plan, and an affirmative statement that RCO supports the conversion request as represented.
- The RCO decision memorandum (board or director) for the decision and recommendation.
- Compliance and Stewardship Form indicating that the categorical exclusion is justified and the environmental assessment or an environmental impact statement.
- The Department of Archaeology and Historic Preservation or the state historic preservation officer concurrence with a determination of effect.
- Finding of No Significant Impact (FONSI).
- Land and Water Conservation Fund project amendment form identifying changes to the original Land and Water Conservation Fund boundary caused by the conversion and the new boundary around the replacement site/s. The amendment should list every grant associated with the conversion and replacement site/s if they were the subject of previous Land and Water Conservation Fund grants (as in a replacement that expands an existing park).

[30]RCO staff consult with the National Park Service on any updates or changes to the required documentation.

- Land and Water Conservation Fund Description and Notification Form.
- A copy of the summary section for each appraisal and the appraisal reviews.
- Evidence of other federal law compliance as needed (i.e. Endangered Species Act, Clean Water Act).
- Signed and dated (6f)) boundary map for any remaining parkland resulting from a partial conversion and for the replacement site/s:
    - A map showing the detailed location of the conversion in relation to the original recreation area.
    - Site development plan for the proposed replacement property. For partial conversions, the plan must demonstrate the site will continue to function as a viable recreation area if warranted by the scale of the conversion.

Step 15: Finalizing the Conversion

Upon approval by the National Park Service, the sponsor submits the following for the replacement property:

- Legal description and map for the Deed of Right.
- Hazardous Substances Certification Form with RCO checklist or Phase 1 environmental site assessment.
- Final title insurance policy.
- Notice of voluntary transaction to landowner.
- Notice of just compensation to landowner.
- Relocation plan if there are eligible displaced parties on site.
- Conceptual site plan and timeline for development and open public access.

If the conversion area is encumbered by a Deed of Right, the sponsor submits a legal description and map for the conversion area and replacement property for the Deed of Right.

RCO will draft the release of the original Deed of Right and replacement Deed of Right. The sponsor will be required to record the fully executed Deed of Right documents with the county auditor.

The sponsor may be required to record a notice of grant on the project area. Consult with your grants manager for more information.

Step 16: Grant Agreement Amendment

RCO will prepare the amendment to the state grant agreement that approves the conversion and replacement and forward it to the sponsor for signature.

The conversion approval process is completed when RCO receives the signed amendment to the state grant agreement from the sponsor.

Appendix C: Conversion Approval Process Checklist

	Sponsor	RCO	Completed
Submit request of proposed conversion, proposed conversion area, and potential replacement	☐	☐	☐
Agree on conversion area	☐	☐	☐
Submit a draft alternatives analyses of proposed conversion and potential replacement[31]	☐	☐	☐
Submit a draft public notice/public involvement plan	☐	☐	☐
Publish public notice for at least thirty days; log comments and responses; submit at the end of the comment period	☐	☐	☐
Obtain appraisal reports for conversion area and for preferred replacement property (for conversion of grant-funded land)	☐	☐	☐
Submit a draft replacement property or replacement project area boundary map; site development or site restoration plan and timeline for completion of replacement elements/work types	☐	☐	☐

[31]An alternatives analysis for the conversion must include a discussion of the alternatives to conversion, including avoiding a conversion. The alternatives analysis for the replacement must include justification that supports it providing at least equivalent value, reasonably equivalent recreation or habitat usefulness, and location.

	Sponsor	RCO	Completed
Submit visuals, graphics, and other information needed for conversion briefing	☐	☐	☐
Submit Area of Potential Effect Map, other cultural resources information as requested	☐	☐	☐
Submit final visuals, graphics, and other information needed for RCO approval	☐	☐	☐
Approve conversion request, conditioned on acquiring and/or developing the replacement and completing the process	☐	☐	☐
Submit required acquisition and property documentation Acquisition Tool Kit on RCO website	☐	☐	☐
Submit legal description and parcel map for replacement property and for the property to be released	☐	☐	☐
For acquisition conversion, prepare replacement Deed of Right and release of the Deed of Right on conversion area	☐	☐	☐
Submit final conversion project area boundary map and final replacement project area boundary map.	☐	☐	☐
Record Deed of Right and release of Deed of Right with county auditor	☐	☐	☐
Prepare grant agreement amendment	☐	☐	☐

Appendix D: Project Area Boundary Map

RCO requires sponsors to establish a project area[32] boundary and map it for long-term compliance. The sponsor submits the boundary map with the grant application. Before RCO accepts the project as complete and approves the final reimbursement, the sponsor and RCO will agree on the map depicting the extent of the project area covered by the grant agreement. RCO and the sponsor use the map to ensure sponsor compliance with the grant agreement. Factors to consider when establishing boundary maps include the following:

- Project scope.
- Footprint of the work types[33] included in the project scope.
- Complete recreation or public access experience.
- Site management unit or area.
- Past board grants at the site.

Minimum Boundary Map Requirements

The boundary map must include the following:

- RCO project number and name.
- Project sponsor name and signature.

[32]Washington Administrative Code 286-04-010 (19)-Project area is defined as a geographic area that delineates a grant-assisted site, which is subject to application and grant agreement requirements.
[33]A PRISM database term that means the land, elements, structures, or facilities (or portion of) that comprise the project scope.

- Date of the map preparation.
- Adjoining streets and roads.
- Boundary line of land protected by the grant agreement.
- North arrow and scale.
- Sponsor signature and date.

Project sponsors also may submit, for the project file, more detailed maps to document other features of the property. Other information that helps identify the property includes adjoining ownerships, adjoining water bodies, natural landmarks, geographic coordinates at the site entrance or corners of the property, survey information, and other measurements. A professional survey is not required; however, if a survey has been completed with RCO funding, the survey must be recorded with the county auditor and a copy provided to RCO.

Appendix E: Related Policies

Income

The source of any income generated in a funded project or project work site must be compatible with the funding source and the agreement. User and other fees may be charged in connection with land acquired or facilities developed with funding board grants if the fees are consistent with all the following:

- Value of any services furnished.
- Value of any opportunities furnished.
- Prevailing range of public fees in the state for the activity involved.

Excepted are Firearms and Archery Range Recreation program safety classes (firearm or hunter) for which a facility/range fee must not be charged.[34]

Fees Based on Residence[35]

If different fees are charged for residents and nonresidents, the non-resident fee must not exceed twice that imposed on residents. If no resident fee is charged, then a non-resident fee must not be charged.

Use of Income

Regardless of whether income or fees in a project work site (including entrance, utility corridor permit, cattle grazing, timber harvesting, farming, etc.) are gained during or after the reimbursement period cited in the agreement, unless precluded by state or federal law, the revenue may be used only to offset the following:

[34]Chapter 79A.25.210 Revised Code of Washington
[35]Washington Administrative Code 286-13-115

- The sponsor's matching funds.
- The project's total cost.
- The expense of operation, maintenance, stewardship, monitoring, or repair of the facility or program assisted by the funding board grant.
- The expense of operation, maintenance, stewardship, monitoring, or repair of other similar units in the sponsor's system.
- Capital expenses for similar acquisition, development, or restoration.

If the income exceeds the system's operation, maintenance, or monitoring costs, it must be deposited in a capital reserve fund.

This fund must meet the following criteria:

- Be identified in the sponsor's official annual budget for acquisition and/or development of lands or facilities.
- Only be used to further the capital goals and objectives identified in the sponsor's park and recreation, habitat conservation, or salmon recovery plan.
- Only be applied to other of the sponsor's Recreation and Conservation Funding Board projects in the same category (for example, revenue raised from an RCO Boating Facilities Program grant only may be used to assist other motorized boating projects).

Concessions and Leases

A project sponsor may provide for the operation of a Recreation and Conservation Funding Board-assisted facility by granting a concession agreement or lease to a private organization or individual under certain conditions. The project sponsor is responsible for assuring compliance with all applicable state and federal requirements. Delegation or transfer of certain management or operational responsibilities to concessionaires or lessees does not relieve the project sponsor of any compliance obligations, including those relating to conversion of an RCO-funded property.

All concession or lease documents for the operation of board-funded projects by private organizations or individuals must address the following:

- In order to protect the public interest, the project sponsor must have clear ability to periodically review the performance of the lessee or concessionaire and terminate the lease or agreement if its terms and the provisions of the grant

agreement, including standards of maintenance, public use, and accessibility, are not met.

- The document shall clearly indicate that the leased/concession area is to be operated by the lessee/concessionaire for public purposes in compliance with the provisions of the grant agreement and/or the Land and Water Conservation Fund Act and implementing guidelines.

- The document shall require that the area be identified as being publicly owned and operated for public outdoor recreation and/or habitat conservation purposes on all signs, literature, and advertising and that the lessee/concessionaire be identified as such so as not to mislead the public into believing that the area is private. Signs also should be posted identifying the facility as being open to the public (See RCO's terms and conditions in the grant agreement).

- The document shall require that all fees charged by the lessee/concessionaire to the public must be competitive with similar facilities.

Before execution of the lease/agreement between the sponsor and the lessee/concessionaire, the proposed lease/agreement must be reviewed and approved by RCO.