



DEPARTMENT OF
ECOLOGY
State of Washington

Streamflow Restoration Grants Fiscal Year 2019

Interim Funding Guidelines

June 2018

Publication 18-11-010

Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1811010.html>

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**Streamflow Restoration Grants
Fiscal Year 2019**

Interim Funding Guidelines

Water Resources Program
Washington State Department of Ecology
Olympia, Washington

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Chapter 1: Program Overview

The 2018 Streamflow Restoration Act (ESSB 6091) provides for actions in watersheds to offset potential impacts to instream flows associated with permit exempt domestic water use and achieve net ecological benefit. The purpose of this Streamflow Restoration Grant program is to provide funding for those actions (“projects”).

In passing this new law, the Legislature also authorized the sale of capital bonds for this purpose in the aggregate amount of \$300 million over the next 15 years. Of this total, \$20 million was made available to start projects in 2018-19.

The Washington State Department of Ecology’s (Ecology) Water Resources Program administers the Streamflow Restoration Grants program. Ecology awards grants on a competitive basis for projects throughout the state that improve streamflows and instream resources, as directed under the new law.

This Interim Funding Process will be used for projects seeking funding in the first round of Streamflow Restoration Grants in 2018-19. This document describes how to apply for funding, meet program requirements, and manage funded projects.

Finalized guidance for future rounds of grants will be in place in 2019.

Timeline

The planned schedule for making funding decisions for this first round of grants is:

- Interim Funding Guidance issued late spring 2018.
- One-month solicitation of grant applications no later than September 2018.
- Ecology’s rating and ranking of applications in fall 2018.
- Grant awards decided by the end of December 2018.

Project Selection

Project Priorities¹

In watersheds where updated watershed plans and streamflow restoration plans are being developed under the new law, plans must identify projects to offset impacts from new domestic permit exempt uses and achieve net ecological benefit. The law prioritizes projects in plans as follows:

¹ ESSB 6091 Section 202 (4)(b) & 203 (3)(b)

1. Highest priority projects will offset the impacts of new domestic permit-exempt consumptive water use during the same time and in the same place as the impact of that use.
2. Lower priority projects are in the same Water Resource Inventory Area (WRIA) and replace new domestic permit-exempt consumptive water use only during critical flow periods.
3. Lowest priority are projects that protect or improve instream resources without replacing the consumptive quantity of water, where such projects are in addition to those actions necessary to offset potential impacts to instream flows associated with new permit-exempt domestic consumptive water use.

Project Categories

Water Projects - higher priority

1. Water acquisition. Proposed water right acquisitions must be coordinated with Ecology to ensure that the rights being considered provide actual stream flow benefits.
2. Water storage. The proposal must demonstrate how the storage or aquifer recharge project will enhance streamflows and benefit instream resources.
3. Altered water management (such as conservation) and infrastructure projects may be eligible for funding; however, the project will be prioritized by the amount of resulting water that will benefit streamflows.

Non-water Projects – lower priority

4. This category includes projects that protect or improve instream resources but do not replace water. These would include a variety of riparian and habitat projects such as channel habitat improvement, riparian restoration, strategic land acquisition, or floodplain modification, etc. that can demonstrate a beneficial impact to the fisheries resource.

Geography

Entities submitting projects in a Water Resource Inventory Area (WRIA) in Washington are eligible to apply for funding. Ecology will prioritize funding consistent with ESSB 6091 as follows:

1. WRIAs prioritized specifically under this new legislation.²

² ESSB 6091 Section 208 (2)

2. WRIAs that contain ESA-listed fish species, for projects that benefit recovery of listed salmonids.
3. The remainder of the state.

For an [interactive map of the WRIAs](https://waecy.maps.arcgis.com/apps/webappviewer/index.html?id=000d6773daed4deda1c969e0d28f2fda), and how they are affected by ESSB 6091, see <https://waecy.maps.arcgis.com/apps/webappviewer/index.html?id=000d6773daed4deda1c969e0d28f2fda>. [Appendix C](#) contains a map of the ESSB 6091 priority basins.

Rating and Ranking Projects

Ecology staff will evaluate and prioritize projects for the first round of grant funding in 2018. Project scoring will be driven by requirements in the legislation along with other important factors such as:

- Project benefits and basin needs.
- The permanence and resiliency of the project.
- Project costs.
- The capacity of the project proponent to manage the project, their readiness to proceed, and the adequacy of their plan (included in their application) to monitor and maintain the project to ensure continued project benefits.

Additional Guidance

- [Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL](https://fortress.wa.gov/ecy/publications/summarypages/1401002.html); see <https://fortress.wa.gov/ecy/publications/summarypages/1401002.html>.
- [ESSB 6091](http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6091-S.SL.pdf#page=1); see <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6091-S.SL.pdf#page=1>

Chapter 2: Funding Program

This chapter provides a basic overview of the funding program, including applicant and project eligibility and funding provisions. More specific information about project eligibility may be found in [Chapter 3](#) and [Appendix D](#).

Applicants must complete an application in Ecology's grant and loan management system (EAGL) to apply for funds from the Streamflow Restoration Grant program. Ecology reviews, rates, and ranks applications. Ecology then distributes funds to the highest priority projects that are ready to proceed.

Eligible Applicants

Applicants eligible for funding include:

- Counties, cities, and towns.
- Water districts and sewer districts.
- Port districts.
- Conservation districts.
- Irrigation districts.
- Watershed improvement districts.
- Quasi-municipal corporations.
- Federally recognized tribes.
- Washington State agencies.
- Washington State institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Federal agencies.
- Non-profit organizations.

Eligible Projects

See [Chapter 3](#).

Ineligible Project Elements

Projects or project components that are ineligible to receive Streamflow Restoration Grant funding include, but are not limited to:

- Projects or project objectives previously funded by Ecology. However, additional phases of the same project that provide additional stream restoration benefits beyond those identified in earlier phases may be eligible.
- Applicants proposing to purchase property must get pre-approval from Ecology. Requirements for property acquisition projects will align with the Washington Recreation and Conservation Office's (RCO) [Acquisition Manual 3](#); see http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.pdf.
- Projects that treat process water to meet an individual or general NPDES permit.
- Major and capital equipment purchases without pre-approval from Ecology.
- Lighting, landscaping, or other project elements that do not provide a benefit to instream resources.
- Contaminated soils removal or remediation.
- Projects required under statute, rule, ordinance, or court order.

For more information about project eligibility please refer to [Chapter 3](#).

Chapter 3: Eligible Project Types

The purpose of the Streamflow Restoration Grant Program is to fund projects that improve stream flows and provide permanent benefits to instream resources.

Eligible projects fall into two main categories and four types:

Water projects category

- Water acquisition
- Water storage
- Altered water management or infrastructure

Non-water projects category

- Riparian and fish habitat improvement

Water Acquisition

The highest priority acquisition projects are water right purchases that offset the impacts of permit-exempt domestic well consumptive water uses during the time and in the locations that the impacts occur. The next highest priority projects are water right purchases that offset the impacts from permit-exempt domestic well consumptive water uses during critical low flow periods.

Eligible acquisitions projects may also include a portion of a water right (for example, the purchase of 20 acre-feet from a 50 acre-foot water right, or purchasing just the late season water use in a basin where late season low flows are impacting the fisheries resource). Proponents of partial and late season acquisitions projects must show that the water right was historically available in dry years.

Proposed water right acquisitions must be coordinated with Ecology to ensure that the rights being considered provide actual stream flow benefits.

Payment for water acquisitions will be based on the quantity of the water right determined to be valid.

Funding of a water right purchase will require that:

- The applicant describes when, and to what extent, the water right purchase will offset permit-exempt domestic well consumptive water use and/or benefit stream flow.
- The purpose of the water right is changed to instream flow and mitigation through a change process under RCW 90.03.380.

- The water right is conveyed to Ecology to be held and managed in Ecology’s Trust Water Rights Program.

Water right studies, assessments, and valuations will **not** be eligible for funding in the 2018-2019 grant cycle.

Water Storage

Examples of water storage that are eligible for grant funding include:

- *Surface storage:* Depressions in the land surface can be utilized or created to serve as surface storage reservoirs or ponds. Streamflow (when available) or other water sources can be diverted to the reservoir for later release to enhance streamflow during low flow periods. The reservoir can be lined to prevent seepage loss and allow the maximum retention of stored water (minus evaporative loss). Alternatively, a pond could be unlined, to allow the release of water through the bed of the pond into the subsurface and ultimately recharge the shallow aquifer. This would increase instream baseflow by increasing groundwater discharge back to connected surface water sources.

Storage projects such as reservoirs constructed by damming a canyon to take advantage of natural topography are not likely to receive funding given their significant environmental footprint and controversial nature.

- *Managed aquifer recharge:* Managed aquifer recharge (MAR) is the purposeful recharge of water to aquifers for eventual groundwater discharge to benefit streamflows. For example, shallow spreading basins excavated into the landscape to expose the top of the permeable gravel material (which makes up the matrix of the water table aquifer) can be filled with diverted surface water, when it is available. This water can then percolate into the subsurface, eventually reaching the groundwater table. This extra recharged water can flow downgradient, augmenting the naturally occurring groundwater. Eventually, this groundwater can then re-emerge as instream baseflow in connected surface water sources. Another option is to use an infiltration gallery, which is a buried structure with horizontally placed perforated plastic pipe installed in porous material to expedite the transfer of water to the shallow aquifer.

MAR sites require a significant investment in water quality testing to ensure groundwater quality is not degraded pursuant to WAC 173-200, Water Quality Standards for Groundwater of the State of Washington. Certain aspects of MAR projects may fall under the jurisdiction of WAC 173-218, Underground Injection Control Program rules also designed to protect groundwater quality. Also, water with surface water continuity should not exceed surface water quality standards.

- *Infiltration ponds:* An infiltration pond is a shallow artificial depression that is designed to infiltrate water through permeable soils into the shallow aquifer.

- *Cisterns*: A cistern is a waterproof receptacle for holding water. They have historically been built to catch and store rainwater. Below ground cisterns are distinguished from wells by their waterproof linings.

Applicants proposing water storage projects must:

- Identify the source of water for storage.
- Demonstrate how water will be managed and maintained to offset the impacts of new consumptive domestic permit exempt well uses.
- Document how the project will acquire and maintain all necessary permits.
- Document how water quality standards and aquatic species will not be negatively effected.

Altered Water Management or Infrastructure

Water management improvements involve changes in how and when water is used. Eligible water conservation and efficiency projects must provide permanent streamflow benefits.

To be eligible, projects that save water - such as conservation, irrigation efficiencies, or market reallocation - must occur in tandem with changes that ensure saved water will benefit stream flow during critical flow periods. An example of an eligible water conservation project would be one that occurs in conjunction with retirement of a portion of a valid water right.

Examples of other potentially eligible types of infrastructure or water management projects include:

- Source switches: includes moving a surface water diversion from fish-critical tributaries to mainstem rivers or wells.
- Streamflow re-timing: includes projects that modify the date or season when water is withdrawn or diverted in order to improve flow conditions during times of critical low flow.
- Infrastructure improvements that conserve water. Examples include but are not limited to:
 - Diversion modification
 - Lining and piping
 - Sprinkler conversion
- Stream augmentation: e.g., pumping water upstream or from a deep aquifer to increase streamflow.

Applicants proposing altered water management or infrastructure projects must:

- Identify the source of water for the project.
- Identify how the project will provide stream benefits.
- Demonstrate how the project will be managed and maintained to permanently improve stream flows.
- Document how the project will acquire and maintain all necessary permits.
- Document how water quality standards and aquatic species will not be negatively affected.

Funding is not available for projects that are otherwise obligated under statute.

Riparian and Fish Habitat Improvement

Although riparian and stream habitat improvements without direct and measurable stream flow benefits are a lower priority for funding, ESSB 6091 provides that they are eligible under the grant program. Applicants must clearly identify how the projects will improve instream resources and include quantitative and/or qualitative estimates of the benefit provided. Proposed riparian and fish habitat improvement projects must provide: metrics for project success; plans for monitoring; commitments to long-term maintenance; and, contingency plans in the event the project fails to provide the proposed benefit in perpetuity. Projects that do not have adequate assurances for on-going project benefits are ineligible for funding.

Potentially eligible projects include:

- *Channel habitat improvements*: This type of project improves stream conditions without increasing stream flow. Examples include streambank restoration, gravel and woody structure augmentation, and channel remeandering.
- *Riparian restoration*: Riparian planting to replace invasive species with native vegetation, increasing shading and food sources; livestock exclusion fencing; removing creosoted wood and garbage; reducing impervious surfaces.
- *Strategic land acquisition*: Acquisitions, conversions, or easements should be associated with improving stream conditions such as protecting stream banks, promoting a healthy riparian corridor, and preserving an area against future development.
- *Levee modification*: Levee setback projects are the most common, but any modification that improves stream conditions, such as increased shading, will be considered.
- *Floodplain modification*: Healthy floodplains provide numerous ecological benefits such as juvenile rearing, high flow refuge, and increased species diversity. These projects may provide streamflow benefits by elevating the water table.

- *Fish passage:* Removing or modifying barriers to allow fish passage is helpful when it increases the range of salmonid access. Removing an upstream barrier when downstream barriers still exist is not eligible for funding under this grant funding opportunity. In addition, culvert replacement required by law, ordinance, or court order is not eligible for grant funding.
- *Beaver introduction:* Beaver dams increase channel complexity, species diversity, and salmonid rearing habitat. These projects may provide streamflow benefits by elevating the water table, which improves baseflow conditions.

Applicants proposing riparian and fish habitat projects must:

- Demonstrate how the project will be managed to ensure streamflow benefits persist over time.
- Document how the project will acquire and maintain all necessary permits.
- Document how water quality standards and aquatic species will not be negatively affected.

Chapter 4: Applying for Funding

The Funding Cycle

The state fiscal year 2019 application cycle is planned to begin in September 2018. Applications will be accepted for a minimum of 30 days. Ecology will review and rank the applications based on the ranking guidelines. Additional assessment may occur, including on-site field evaluations and consultations with other agencies or entities.

A prioritized list of the top ranked eligible projects will be developed by Ecology. A courtesy copy of the draft list of projects to be funded will be provided to the Governor's Office of Financial Management, appropriate legislative committees and tribes. Development of agreements with grant recipients will begin in late 2018/early 2019.

How to Apply

The Application

Applicants submit applications for funding through the Ecology Administration of Grants and Loans (EAGL) system. The funding application is available by going to <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans> and following the instructions. Once in the EAGL system, applicants can access the funding application and an EAGL User's Manual that provides instructions on accessing and using the system.

All applications must be submitted by 5:00 pm on **October 31, 2018**.

Please note:

Information found in the funding proposal is the basis for developing the funding agreement. Funding agreements for clearly defined project proposals that include a detailed scope of work, measurable objectives, operation and maintenance plans, and accurate budgets take less time to develop. If the applicant makes significant changes to the scope of work after the award, Ecology may withdraw or modify a funding offer.

Evaluation Process

Ecology evaluates project proposals based on responses provided in project applications. Table 1 shows the project ranking guidelines Ecology will use to prioritize projects for funding.

A team of Ecology Water Resources Program staff will review each project proposal. At least one reviewer will be selected from each of Ecology's four regions and from headquarters. Each reviewer will give each proposal a rank using the project ranking guidelines.

Ecology will request input from the Department of Fish & Wildlife, and may consult with other Ecology programs.

Ecology will develop a ranked list of projects based on the individual project rankings and other supporting information.

A Successful Project Proposal

Demand for Streamflow Restoration Grants may exceed available funding. Applicants should develop a strong project application to display the project in the best light. While there is no guarantee that a project proposal will be funded, applicants can do several things to improve their chances of success.

A successful project proposal will:

Show how the project addresses impacts to surface water and fish habitat from rural residential development.

- Identify a documented streamflow or fish issue.
- Demonstrate a clear connection between the proposed project and how it will help resolve the identified issue.
- Explain how the applicant will document the benefit.

Explain why the applicant chose the project.

- Describe the process the applicant used to select the project over other solutions.
- Provide documentation of plan(s) that supports the project.
- Explain why the project is the applicant's highest priority.

Demonstrate that the project is well thought out.

- Include a well-defined scope of work that has goals, objectives, timelines, and measurable outcomes.
- Show how the project enjoys broad support by the community and agency partners.

Show that funds will be well spent.

- Provide an accurate and reasonable budget.
- Show that the funding request is reasonable compared to the calculated benefit.

Illustrate that the project is ready to go.

- Document that the applicant has completed all required environmental review or has a plan and schedule to do so.

- Document that the applicant has obtained or applied for all permits.
- Verify that the applicant has completed all necessary easements, property owner agreements, or land acquisition.

Be easy to read and understand.

- Address all of the items identified in the evaluation criteria and scoring guide.
- Give clear, concise answers to all questions.
- Write in complete sentences.

Helpful hints:

- Include maps, diagrams, and pictures of the project and project area and display past projects (if any exist).
- Provide documentation to support answers.
- Include citations.

Phasing

Applicants may choose to divide large, expensive, or complex projects in phases, particularly when each phase can be shown to provide streamflow/fish benefits. Ecology also reserves the right to divide a proposal into phases due to funding availability and priorities, or other considerations. Please note however, funding for one phase does not guarantee funding for subsequent phases.

Environmental Review

State Environmental Policy Act

The recipient must complete State Environmental Policy Act (SEPA) review before Ecology may sign a funding agreement for construction projects or before construction begins for combined design/construction projects.

SEPA provides a mechanism to achieve environmental review and disclosure. A [basic overview of SEPA](https://ecology.wa.gov/regulations-permits/SEPA-environmental-review) is available at <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>. SEPA applies to decisions made by every state and local agency, including state agencies, counties, cities, ports, and special districts. The SEPA lead agency is responsible for identifying and evaluating the potential environmental consequences of a proposal. This evaluation is documented and sent to other agencies and the public for review and comment.

If a federal agency has completed a National Environmental Policy Act (NEPA) review of the project, that review can be used to satisfy SEPA requirements.

Cultural resource review

Many proposed projects have the potential to significantly impact traditional cultural properties, places, or historically significant locations or artifacts. Ecology staff coordinates with the Washington State Department of Archaeology and Historic Preservation (DAHP) to meet all state requirements regarding cultural and historic preservation.

Staff from Ecology’s Water Resources Program work with grant recipients to follow the appropriate steps to work with DAHP and tribes to determine if a site has the potential of disturbing or significantly impacting cultural or historic resources. All activities associated with site assessments for historic properties are grant eligible.

[Appendix D](#) provides more information regarding cultural resources review requirements and the process.

Table 1: Considerations for Ranking Streamflow Restoration Projects

Application Ranking Guidelines (maximum weighting total 225 points)
ESSB 6091 Priority Basin³ (40 points maximum)
Project proposes to restore streamflow in a basin that has been identified as a priority under ESSB 6091 and/or contains ESA-list fish species. Scoring • Choose one: <ul style="list-style-type: none">○ The project is located in an ESSB 6091 prioritized basin <u>and</u> contains ESA-listed fish.○ The project is located in an ESSB 6091 prioritized basin.○ The proposal is located in a basin with ESA-listed fish.

³ Map of the ESSB 6091 priority basins is available in [Appendix C](#).

Application Ranking Guidelines (maximum weighting total 225 points)

Basin Needs (25 points maximum)

The basin has adverse instream water conditions such as current or projected water shortages, ESA-listed aquatic species, high development pressure, and/or water quality issues.

Scoring

- Clear linkage between current flow conditions and negative impacts on instream resources.
- Level of rural residential development pressure.
- Low flows contributing to water quality concerns.

Budget (20 points maximum)

The project will achieve measurable benefits for instream resources that are justified relative to the project costs.

Scoring

- Cost estimate for the project and individual tasks is based on current real-world data.
- The cost to complete the scope of work is reasonable when compared to similar projects in the region and the benefits of the project.

Benefits (90 points maximum)

The proposed project will provide benefit to streamflows (offsetting impacts in-time and place or during critical low flow periods), directly addressing factors for recovery of ESA-listed species, addressing water quality, and other environmental considerations.

Scoring

- Choose one:
 - Consumptive use replaced in same place and same time as the projected impact.
 - Same time or same place, but not both.
 - Consumptive use replaced but re-timed to critical low flow period.
- Fish habitat improvements/other environmental benefits.
 - Implements an existing recovery plan action.
- Water quality benefits.

Application Ranking Guidelines (maximum weighting total 225 points)

Permanency and Resilience (15 points maximum)

Applicant used a complete and well-defined set of criteria to determine the feasibility and effectiveness of the proposed project, including consideration of climate change and any long-term maintenance costs.

Scoring

- Permanent streamflow benefit, or self-sustaining.
- Climate change considerations.

Scope of Work (15 points maximum)

The application contains well defined and documented scope, tasks, and deliverables to implement the project, and to achieve, monitor, and maintain project benefits.

Scoring

- Scope covering all elements necessary to implement and complete the project, including operation and maintenance if appropriate.
- Maps, plans, and other documents uploaded showing the feasibility of the project.
- Deliverables would evidence that tasks have been successfully completed.

Human Resource Capacity, Monitoring, and Readiness to Proceed (20 points maximum)

Applicant has sufficient staff, planning, and commitments in place to complete the project, monitor effectiveness, and sustain the benefits of this project, or the project is inherently resilient.

Scoring

- Applicant has a plan in place to maintain sufficient staffing to complete the project and assure on-going benefit. Team members' past experience, roles, and responsibilities are well defined and adequate for the scope of work.
- Key stakeholders have been identified and will support the project.
- The applicant is ready to start on the proposed scope of work (permits/design/etc. if needed prior to implementation.).

Chapter 5: Agreement Development, Management, and Conditions

Agreement Development

Project Management Team

Ecology makes formal funding offers at the time of the Final List publication. Ecology assigns a Project Management Team to each project receiving a funding offer. The Project Management Team consists of one or more of the following: a Financial Manager from the headquarters office and a Project Manager from the regional office where the project is located. A Technical Advisor may also be included on the team. Ecology's Project Management Team contacts the applicant within four weeks of the grant offer to schedule a time to discuss the funding offer and begin the process of developing a funding agreement. The Project Management Team works to develop and negotiate funding agreements and monitor recipient performance after an agreement is signed.

The Project Management Team uses information found in the funding proposal as the basis for developing the funding agreement. Funding agreements for clearly defined project proposals that include a detailed scope of work, measurable objectives, and accurate budgets take less time to develop. If the applicant makes significant changes to the scope of work after the award, Ecology may withdraw or modify a funding offer.

To speed development and processing, Ecology standardizes much of the funding agreement language and includes general terms and conditions and other conditions that are required by state or federal law.

The Financial Manager reviews and approves payment requests and assists the Project Manager in the negotiation of agreements. The Financial Manager also administers the project, determines eligibility, and maintains project files.

The Project Manager is the primary contact for technical assistance and day-to-day questions. The Project Manager also works with the Financial Manager to resolve payment or eligibility issues if they arise. When in doubt, call any member of the Project Management Team for information.

After developing the agreement, the Project Management Team requests a funding program review. When the agreement is finalized, the applicant signs the agreement. The applicant will send the funding agreement to the Financial Manager for the final signature by the Water Resources Program Manager or the authorized designee.

Once Ecology signs the agreement, the Financial Manager returns a fully executed original to the recipient. The *applicant* becomes the *recipient* once the agreement is signed.

Agreement Conditions

Compliance with all applicable local, state, and federal ordinances, laws, and regulations is required regardless of funding source or specific reporting requirements. For assistance with permitting requirements, please check with the [Governor's Office for Regulatory Innovation and Assistance](http://www.oria.wa.gov) (ORIA); see <http://www.oria.wa.gov>.

Minority and Woman Owned Business Enterprises (MBE/WBE) and Disadvantaged Business Enterprises (DBE)

To document voluntary and mandatory state and federal reporting requirements around Minority and Women Owned Business Enterprises (MBE/WBE) and Disadvantaged Business Enterprises (DBE), Ecology requires all recipients to report on contracting by completing [Form D](#) when submitting all payment requests. Form D is available at <https://fortress.wa.gov/ecy/publications/summarypages/ecy06011.html>.

Project Management Consultant

In some cases it may be beneficial or necessary for recipients to hire a “Project Management Consultant” (PMC). The PMC should be well-versed in preparing and managing contracts. The PMC would represent the recipient and be completely independent of the recipient’s consulting engineer and all other contractors. Smaller communities would be most likely to benefit from having a PMC. Ecology maintains the option to require a PMC in accordance with its “*Grant and Loan Project Monitoring and Oversight*” policy. Applicants who are considering hiring a PMC should consider the costs when submitting their project budget. PMC costs are eligible for funding.

Special Conditions

The following items are required conditions of specified grant recipients.

Fiscal Sustainability Plan (FSP)

Recipients of grant funding for projects with a construction component, including habitat restoration projects, must certify that they have prepared a Fiscal Sustainability Plan (FSP) or another plan(s) that contains at least the minimum required elements of a FSP.

The minimum required elements of a FSP are:

- 1) An inventory of critical assets that are part of the system.
- 2) An evaluation of the condition and performance of the critical assets.
- 3) A plan to maintain, repair, and replace the critical assets and to fund those activities.
- 4) A process to evaluate and implement water and energy conservation efforts as part of the plan.

Recipients must complete a certification and submit it to Ecology or upload it to EAGL prior to signing the grant agreement. The certification is available at [https://ecology.wa.gov/About-](https://ecology.wa.gov/About-Publication-18-11-010)

[us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources](#).

Insurance

Where applicable, recipients must maintain comprehensive insurance coverage on projects in amounts equal to the funds disbursed.

Operation and Maintenance

The recipients must keep the project in good working order and operating efficiently.

Reporting

A schedule for project completion must be submitted by the recipient with each quarterly progress report.

Landowner Agreements

The recipient must obtain a permanent conservation easement or landowner agreement signed by the landowner prior to planning and installing a project on private property. An example landowner agreement can be found at <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees/Project-plan-examples>. The recipient must send the agreement or easement to the Ecology Project Manager. The landowner agreement must include, but not be limited to:

- A permanent maintenance agreement that is transferred with the ownership, rental, and leasing of the land which is recorded on the property deed. Agreements shall not contain provisions for termination of the agreement at any time.
- Allowance of inspection of the project area by the recipient and by Ecology staff with prior notification.
- A written and signed maintenance plan that covers establishment and long-term maintenance of the project. This plan will detail responsibilities for both the landowner and the recipient and must include details concerning, but not limited to, watering plants, maintaining a reasonable level of plant survivability, replacing dead plants, controlling noxious weeds, and repairing and maintaining exclusion fencing, off-stream watering provisions, or other eligible BMPs. This maintenance plan is generally the responsibility of the recipient unless otherwise written in the landowner agreement.

Quality Assurance Project Plan (QAPP)

If the project includes any monitoring or sampling activities, prior to initiating that work the recipient must prepare a Quality Assurance Project Plan (QAPP) describing the methods to be used and related information. If the project involves the collection of environmental measurement data with no water quality sampling, the QAPP should be developed following the [Water Resources Program-specific QAPP guidance](#) available at:

<https://fortress.wa.gov/ecy/publications/SummaryPages/1711013.html>. If a project involves water quality sampling, then a QAPP should be developed based on Ecology's [Guidelines and](#)

<https://fortress.wa.gov/ecy/publications/summarypages/0403030.html>. A QAPP template for the latter is available at <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees/Project-plan-examples>.

The recipient must submit the QAPP to Ecology’s Project Manager for review, comment, and approval before starting the monitoring or sampling activities. Any activity conducted before the QAPP receives final approval is not eligible for reimbursement.

The recipient should manage all data collected or acquired under the agreement to be available to secondary users and meet the “10-year rule.” The 10-year rule means that data documentation is sufficient to allow an individual not directly familiar with the specific monitoring effort to understand the purpose of the data set, methods used, results obtained, and quality assurance measures taken 10 years after data are collected.

Monitoring Data Management and Submittal

Recipients that collect environmental monitoring data must submit all data into Ecology’s Environmental Information Management System (EIM). Instructions for uploading data into EIM can be found at: <http://www.ecy.wa.gov/eim/submitdata.htm>, and a link toward the bottom of that website provides videos from recent training. Specific questions about data submittal may be directed to the the Water Resources Program EIM Data Coordinator. Final payment requests will be withheld until data has been approved in EIM.

Recipients must follow Ecology data standards when [Geographic Information System \(GIS\) data](https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards) are collected and processed as documented at <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. Recipients must submit copies of all final GIS data layers, imagery, related tables, raw data collection files, map products, metadata, and project documentation to Ecology.

Table 2. summarizes the applicability of some of the funding requirements listed above, including the types of projects to which they apply and when the requirements apply.

Table 2: Applicability of Various Funding Requirements

Requirement	What projects does it apply to?	When does it apply?
Cost and Effectiveness Analysis Certification		Planning projects: during project. Activity projects, design projects, construction projects, and combined design/construction projects: before funding agreement signing.
Environmental Information Management System	Recipients that collect environmental monitoring data.	Throughout project.
State Prevailing Wages on Public Works	Facility construction projects	Throughout project.

Requirement	What projects does it apply to?	When does it apply?
Fiscal Sustainability Plan Certification	Facility construction and combined design/construction projects	Before agreement signing.
Growth Management Act Compliance	Facility projects in a city, county, or town that is required to or chooses to plan under the Growth Management Act.	Before agreement signing.
Investment Grade Efficiency Audit	Design, construction, or combined design/construction projects	During project.
Landowner Agreements or Conservation Easement	Projects located on private property.	Prior to project
Minority- and Women-Owned Business Enterprises and Disadvantaged Business Enterprises	All projects.	Throughout project.
Quality Assurance Project Plan (QAPP)	Projects that collect environmental data and samples.	Prior to project.
State Environmental Review Process	All projects that are not exempt from SEPA review.	Construction projects: before agreement signing. Design/construction projects: before construction begins.

Standard Agreement Terms and Conditions

The following are important terms and conditions that play a role in the day-to-day decisions made on loan or grant projects. A complete listing of the administrative requirements for all grants and loans administered by Ecology is contained in the [Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL](#); see <https://fortress.wa.gov/ecy/publications/summarypages/1401002.html>.

Accounting Standards

Recipients must maintain accurate records and accounts for the project in accordance with Generally Accepted Accounting Principles (GAAP) as issued by the [Governmental Accounting Standards Board](#) (GASB), including standards related to the reporting of infrastructure assets, or in accordance with the state standards in [Chapter 43.09.200 RCW](#) Local Government Accounting – Uniform System of Accounting. For more information see <http://www.gasb.org/home> and <http://app.leg.wa.gov/rcw/default.aspx?cite=43.09.200>.

Advisory Committee Time

Time spent by advisory councils to carry out projects is an eligible cost, including costs incurred by advisory councils or committees established according to federal or state requirements.

Amendment Process

Modifications and changes to the funding agreement may become necessary. The recipient must negotiate changes and document the changes as an amendment to the funding agreement. All proposed project changes are subject to approval by Ecology.

Either the recipient or Ecology may initiate the amendment process. If the recipient initiates the process, they must request the change through the EAGL system. If the Project Manager concurs with the request, the Financial Manager prepares the amendment.

The recipient prints, signs, and returns two copies of the amendment to Ecology. Ecology's Water Resources Program Manager or designee signs the amendment. Ecology sends one of the original copies of the signed amendment to the recipient contact.

Reasons for amendments could include:

- Budget increases or decreases.
- Scope of work changes.
- Changes to required performance.
- Time extensions.

Requests for Additional Funding and Budget Adjustments

Subject to available funding, Ecology may provide additional funds to a project to cover additional costs or address unforeseen circumstances. Requests for additional funding for construction bid overruns and change orders are subject to the following limitations.

Construction Bid Overruns

Ecology may adjust a recipient's grant agreement to be consistent with the low, responsive, responsible bid. If the low, responsive, responsible bid exceeds the original engineer's estimate of construction costs, Ecology may approve a funding increase for up to 10 percent of the original engineer's cost estimate as supplied with the bid documents.

If the low, responsive, responsible bid falls below the existing grant agreement amount, Ecology will amend the agreement to match the actual eligible bid amount based on the percentage of Ecology's participation in the overall funding of the project. Ecology may begin the amendment process as soon as possible after the completion of the bid process in order to make any surplus funds available to other projects.

Construction Change Orders

A change order is a formal document that modifies some condition(s) of the original construction contract. Ecology reviews all construction change orders submitted for eligibility for reimbursement. Significant changes that reflect a deviation from the approved planning document require pre-approval. Variations typically include changes in scope of work, contract price, construction methods, times to complete the work, and major design or process changes (such as changes in location, size, or capacity). Ecology may require a final quantity adjustment at the end of each contract to reconcile the originally contracted quantities with the quantities actually used.

Ecology may provide a five percent contingency for change orders subject to available funding. The five percent contingency will be based on the actual low, responsive, responsible bid. The five percent contingency can be included in the grant agreement. Ecology may approve funding for change orders of greater than five percent of the eligible portion of the low responsive responsible construction bid only if the recipient can demonstrate that the additional funding is needed to remedy unforeseeable, extraordinary site-specific conditions. Change orders are not eligible for design-build or design-build-operate projects. If funding is available for change orders, hardship communities will be given first priority based on the severity of financial need of the community. Ecology will provide a contingency for change orders to non-hardship recipients on a first-come, first-served basis.

Appeals Process

Grant recipients may formally appeal a written decision by Ecology. A recipient cannot bring a lawsuit to Superior Court unless the aggrieved party adheres to the following procedures. The procedures are intended to encourage the informal resolution of disputes.

- 1) The recipient may seek review of initial funding decision within 30 days of the decision. The recipient makes the request for review in writing to the Water Resources Program Manager.
- 2) The Program Manager will consider the appeal information and will issue a written decision within 30 days from the date the appeal is received.
- 3) If the recipient is not satisfied with the Program Manager's decision, the recipient has 30 days to submit a written request to Ecology's Deputy Director of Ecology for a review of the decision.
- 4) The Deputy Director will consider the appeal information and will issue a written decision within 30 days from the date the request is received. The Deputy Director's decision will be the final decision of Ecology.
- 5) If the recipient is not satisfied with the Deputy Director's final decision, the recipient may appeal to the Thurston County Superior Court, pursuant to RCW 34.05.570(4), [*Judicial Review*](#); see <http://app.leg.wa.gov/rcw/default.aspx?cite=34.05.570>.
- 6) Unless all parties to such appeal agree that a different time frame is appropriate, the parties shall attempt to bring the matter for a superior court determination within four months of the date in which the administrative record is filed with the court. This time frame is to ensure minimal disruptions to the program.

Budgets

All recipients must track the project budget by task. An object-based budget is not permitted. Object budget information provided in the application is used to evaluate if all costs were considered by the applicant at the time of application and to track requested purchases during project implementation.

The budget amount for Administration cannot exceed 15 percent of the total eligible cost of the project.

Definitions

See [Appendix E](#) for a complete list of the standard definitions found in loan and grant funding agreements.

Disbursements of Grant Funds

Ecology disburses grant funds to recipients on a cost-reimbursable basis. The recipient must incur eligible costs within the effective date and the expiration date of the funding agreement.

Equipment Purchase and Equipment Fees

Equipment purchases are eligible if Ecology's Project Management Team approved them in advance or they are specified in the agreement. The recipient may charge an appropriate use fee for equipment it owns.

A use fee for equipment owned by the recipient or utilized through a valid interlocal agreement:

- Must be justifiable, fair, and reasonably attributed to the project.
- Must directly satisfy the project scope of work.
- Must be shown to be cost effective.
- Cannot exceed the acquisition cost of the equipment or facilities.
- Cannot exceed the rental rate or purchase price for comparable equipment or facilities in the recipient's market.

Force Accounts and Staffing Plans

Force account refers to a local government that uses its own staff to complete a facilities project. For activities projects, it may be considered a staffing plan. Force accounts and staffing plans may be eligible for funding if:

- The recipient complies with laws on discrimination, such as wages, job safety, insurance, licenses, and certifications; see <http://app.leg.wa.gov/RCW/default.aspx?cite=39.04>; <http://app.leg.wa.gov/RCW/default.aspx?cite=35.22.620>; and <http://app.leg.wa.gov/RCW/default.aspx?cite=35.23.352>.

- The recipient demonstrates that they have the legal authority and the technical capability to perform the work.
- The recipient demonstrates that other essential functions will not be affected by performing the work.
- The work is accomplished more economically than if procured competitively.
- The recipient submits a written request to fund the force account work that includes a dollar amount and a general description of the force account work. The request must be approved by the Ecology Regional Section Manager.
- The work to be performed using recipient forces is included as a separate budget line item in the financial assistance agreement.

The recipient must maintain separate and identifiable records for a force account or staffing plan to ensure eligible costs are charged to the project. Overtime differential is not allowed.

Interlocal Agreements

Interlocal agreements must be consistent with the terms of the grant agreement and Chapter 39.34 RCW, [Interlocal Cooperation Act](#); see <http://app.leg.wa.gov/rcw/default.aspx?cite=39.34&full=true>.

Light Refreshments

Light refreshment costs for meetings or conferences are eligible as permitted by Ecology's travel policy. They must be approved by the Ecology Project Manager.

Coffee and any other non-alcoholic beverage, such as tea, soft drinks, juice, or milk, and snacks served at meetings or conferences are considered light refreshments.

Payment Holds or Termination

If a recipient does not satisfy conditions in the funding agreement, Ecology may terminate the agreement and request that the recipient repay all of the funds disbursed, withhold a payment, or decrease the payment by the amount proportionate to the costs associated to the incomplete work.

Payment Requests Processing

Payment requests are initiated and processed through the EAGL system. Backup documentation is required for all goods and services listed in a payment request.

Permits

Recipients must secure any required permits and provide documentation upon request. Work on the permit preparation is an eligible cost. Permit fees associated with completing a funded project are also eligible. Ecology considers annual permit fees a normal operating expense, so annual permit fees are not eligible for funding.

Procuring Goods and Services

The recipient is responsible for procuring professional, personal, and other services using sound business judgment and good administrative procedures consistent with applicable federal, state, and local laws, orders, regulations, and permits. This includes issuance of invitation for bids, requests for proposals, selection of contractors, award of sub-agreements, and other related procurement matters.

The Office of Minority and Women Owned Business Enterprises (OMWBE) has established voluntary goals for the participation of minority- and women-owned businesses in procurements made with Ecology funds. Each grant agreement will contain a condition regarding OMWBE. While participation is voluntary, Ecology requires reporting the level of participation.

Progress Reports

Recipients must submit progress reports at least quarterly and with every payment request. Progress reports are submitted through the EAGL system.

Progress reports should include a description of all progress made in the reporting period to meet goals as well as any successes, problems, and delays that affect the project. If a problem exists, recipients must discuss the corrective actions taken or proposed and identify any Ecology assistance that may be needed.

Project Site Visits and Post Project Assessments

Ecology's Project Management Team may conduct site visits to provide technical assistance and verify progress or payment information for projects.

Recipients of grant funding for activities projects must agree to participate in a brief survey regarding the key project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion.

Public Awareness

Recipients must inform the public about the project and about Ecology participation for the following:

- Any site-specific project that is accessible to the public must acknowledge state participation by one of the following means:
 - Standard signage (appropriately sized and weather resistant).
 - The Ecology logo is available from Ecology's Financial Managers for use on signs.
 - Posters and wall signage in a public building or location.
 - Newspaper or periodical advertisement for project construction, groundbreaking ceremony, or operation of the new or improved facility.
 - Online signage placed on a community website or social media outlet.

- Press release.
- All publications must include acknowledgment of state participation.

Transportation Costs

The recipient may charge mileage to the project at the current state mileage rate. The mileage charge includes all vehicle-related needs, such as gas, tires, insurance, and maintenance.

Agreement Management

Contractor or Consultant Role Permissions in EAGL

Recipients may not allow any contractors or consultants to hold the Authorized Official role in EAGL. In order to maintain effective internal controls and accountability for all project cash and avoid related audit findings, only organization staff can have an Authorized Official role for an active grant. This role allows certification and submittal of payment request/progress reports, submittal of amendment requests, and the ability to change member roles. Recipients may assign contractors to a Contractor or Writer role if they need access permissions for grant administration.

Incurring Eligible Costs - Important Dates

The *effective date* is the earliest date on which eligible costs may be incurred. The effective date is negotiated between the applicant and Project Management Team during agreement development.

Unless explicitly stated by the State Legislature in a budget appropriation, the effective date for grants cannot be before the beginning of the state fiscal year (July 1, 2018).

The applicant may incur project costs on and after the effective date and before Ecology's signature of the final agreement, but expenditures cannot be reimbursed until the agreement has been signed by Ecology's Water Resources Program Manager. While applicants can incur eligible costs before the agreement is signed, they do so at their own risk.

The *expiration date* (of an agreement or amendment) is the last date on which costs may be incurred and be considered eligible. The *project completion date* is the date specified in the agreement on which the Scope of Work will be fully completed. Both dates are negotiated between the applicant and the Project Management Team.

The *initiation of operation date* applies to facilities construction projects. It is the actual date that a facility starts operation or can be used for its intended purpose. This date may occur prior to final inspection. Ecology will determine the initiation of operation date after consultation with the recipient. This date may be the same as the project completion date, or it may be earlier.

Project Completion Dates and Extensions

Projects are expected to be completed within the timelines established within the project proposal and scope of work. Extensions will be considered and approved on a case-by-case basis.

Conditions under which Ecology can authorize time extensions include but are not limited to:

- Schedules included in permits, consent decrees, or enforcement orders.
- Work that falls within an environmental window in a specific season of the year.

To ensure timely processing, the recipient must request extensions no less than three months before the funding agreement is due to expire.

Appendix A: Acronyms and Abbreviations

Acronyms and Abbreviations	
APE	Area of Potential Effect
BMP	Best Management Practice
DAHP	Department of Archaeology and Historic Preservation
DBE	Disadvantaged Business Enterprises
DEPs	Designated Equivalency Projects
EAGL	Ecology Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EIM	Ecology Information Management System
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FCA	Financial Capability Assessment
FIP	Financial Institution Partner
FSP	Fiscal Sustainability Plan
GAAP	Generally Accepted Accounting Principles
GASB	Governmental Accounting Standards Board
GC/CM	General Contractor/Construction Manager
GMA	Washington State's Growth Management Act
GULD	General Use Level Designation
IACC	Infrastructure Assistance Coordinating Council
IGEA	Investment Grade Efficiency Audit
LID	Low Impact Development
MBE/WBE	Minority- and Woman-Owned Business Enterprises
MOU	Memorandum of Understanding
N/A	Not applicable

Acronyms and Abbreviations	
NPDES	National Pollution Discharge Elimination System
OHWM	Ordinary High Water Mark
OMWBE	Office of Minority and Women Owned Business Enterprises
ORIA	Governor's Office for Regulatory Innovation and Assistance
PMC	Project Management Consultant
QAPP	Quality Assurance Project Plan
RCO	Washington Recreation and Conservation Office
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SFY	State Fiscal Year
UIC	Underground Injection Control
ULID	Utility Local Improvement District
WAC	Washington State Administrative Code

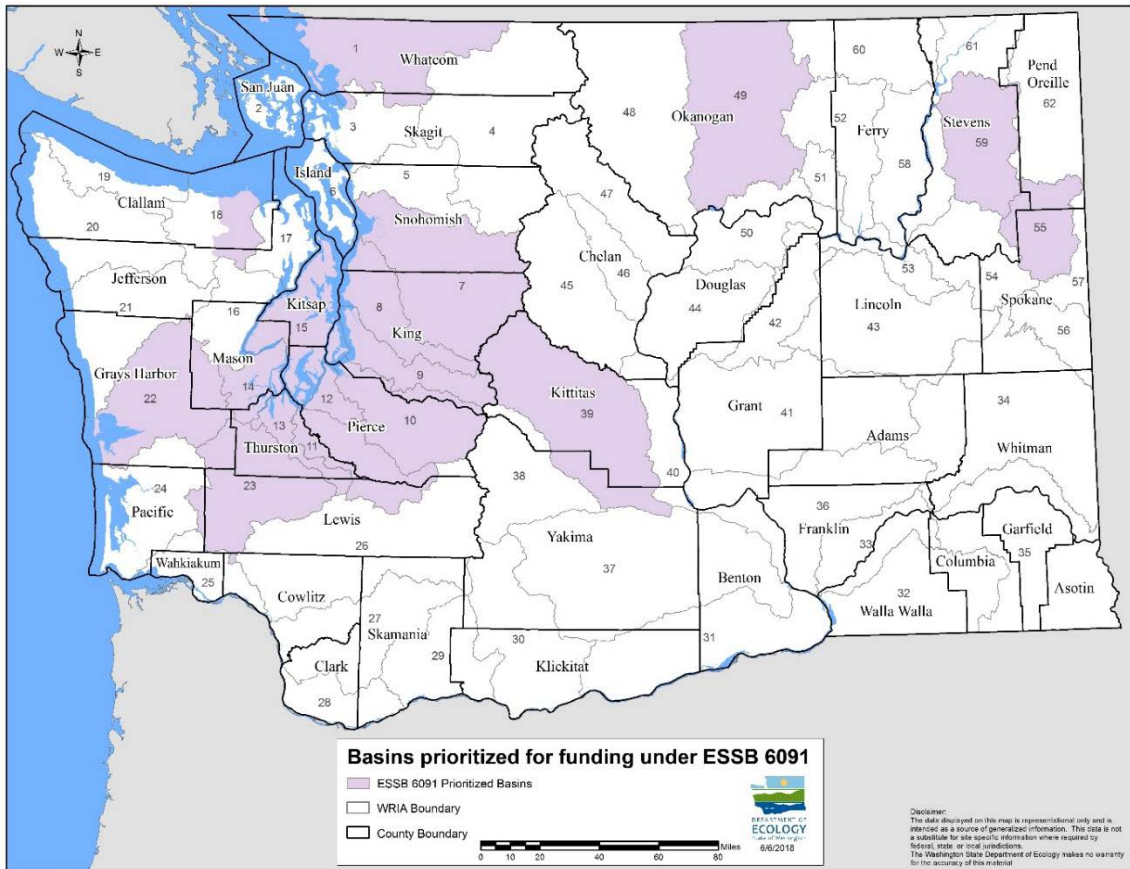
Appendix B: Department of Ecology Regional Offices

Map of Counties Served



Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400

Appendix C: Priority Water Resource Inventory Areas (WRIAs)



- | | | |
|---------------------------------------|--|---------------------------|
| 1. Nooksack | 22. Upper Chehalis | 43. Wenatchee |
| 2. San Juan | 23. Willapa | 44. Entiat |
| 3. Lower Skagit-Samish | 24. Grays-Elochoman | 45. Chelan |
| 4. Upper Skagit | 25. Cowlitz | 46. Methow |
| 5. Stillaguamish | 26. Lewis | 47. Okanogan |
| 6. Island | 27. Salmon-Washougal | 48. Foster |
| 7. Snohomish | 28. Wind-White Salmon | 49. Nespelem |
| 8. Cedar-Sammamish | 29. Klickitat | 50. Sanpoil |
| 9. Duwamish-Green | 30. Rock-Glade | 51. Lower Lake Roosevelt |
| 10. Puyallup-White | 31. Walla Walla | 52. Lower Spokane |
| 11. Nisqually | 32. Lower Snake | 53. Little Spokane |
| 12. Chambers-Clover | 33. Palouse | 54. Hangman |
| 13. Deschutes | 34. Middle Snake | 55. Middle Spokane |
| 14. Kennedy-Goldsborough | 35. Esquatzel Coulee | 56. Middle Lake Roosevelt |
| 15. Kitsap | 36. Lower Yakima | 57. Colville |
| 16. Skokomish-Dosewallips | 37. Naches | 58. Kettle |
| 17. Quilcene-Snow | 38. Upper Yakima | 59. Upper Lake Roosevelt |
| 18. Elwha-Dungeness | 39. Alkali-Squilchuck | 60. Pend Oreille |
| 19. Lyre-Hoko | 40. Lower Crab | 61. Upper Lake Roosevelt |
| 20. Soleduc-Hoh | 41. Grand Coulee/
Upper Crab-Wilson | 62. Pend Oreille |
| 21. Queets-Quinault/Lower
Chehalis | 42. Moses Coulee | |

Appendix D: Cultural Resource Review

This guidance provides information for projects funded by Ecology to meet Executive Order 05-05 (E.O. 05-05) and Section 106 (Section 106) of the National Historic Preservation Act (NHPA) requirements.

Federal and state laws and rules require the funding agency (Ecology) to contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes regarding the proposed project activities. Any prior communication between the recipient, the DAHP, and the tribes is not sufficient to meet requirements. This contact initiates Government-to-Government consultation between Ecology and tribal governments. Requirements are not met until Ecology has provided information to the Tribes and DAHP about project activity.

If another agency reviewed the project area within the past five years, under E.O. 05-05 or Section 106, Ecology may be able to adopt that review. Recipients should submit the review documents to Ecology's Project Manager for review and approval.

Any ground-disturbing activities that occur prior to the completion of the project review process will not be eligible for reimbursement. Activities associated with E.O. 05-05 and Section 106 review are grant and loan eligible and reimbursable. Any mitigation measures as an outcome of the process will be requirements of the agreement. Recipients must comply with all E.O. 05-05 and Section 106 requirements prior to implementing any project that involves ground disturbing activities.

This process must be followed even if the recipient has been working with Tribes on the project.

- 1) The recipient completes an Ecology E.O. 05-05 or Section 106 project review form, or submits a DAHP EZ-1 form or [Ecology's ECY 05-05/106 form](https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070537.html) (<https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070537.html>). When there will be ground-disturbing activities, complete DAHP's EZ-1 form or ECY 05-05/106 form, or conduct a site-specific cultural resources survey (when there is a high likelihood of cultural resources on the project site). Use [DAHP's Cultural Resource Report Cover Sheet](#) for cultural resources surveys at http://www.dahp.wa.gov/sites/default/files/CRSURVEYcoversheet_Aug2011.doc. The archaeologist must designate Ecology an owner of the data that is entered into DAHP's database. If an applicant completes a site-specific cultural resources assessment or survey, the applicant does not need to complete an EZ-1 form or ECY 05-05/106 form.
- 2) The recipient is responsible for researching the sensitivity of the location selected for project funding and documenting this in the form.
- 3) If there are any activities involving structures 50 years or older, complete a Historic Property Inventory form on DAHP's Historic Property Inventory online database for their review.
- 4) Submit an electronic copy of the Ecology Project Review Form, EZ-1 Form or ECY 05-05/106 form or two hard copies and an electronic (.pdf) copy of the site-specific cultural

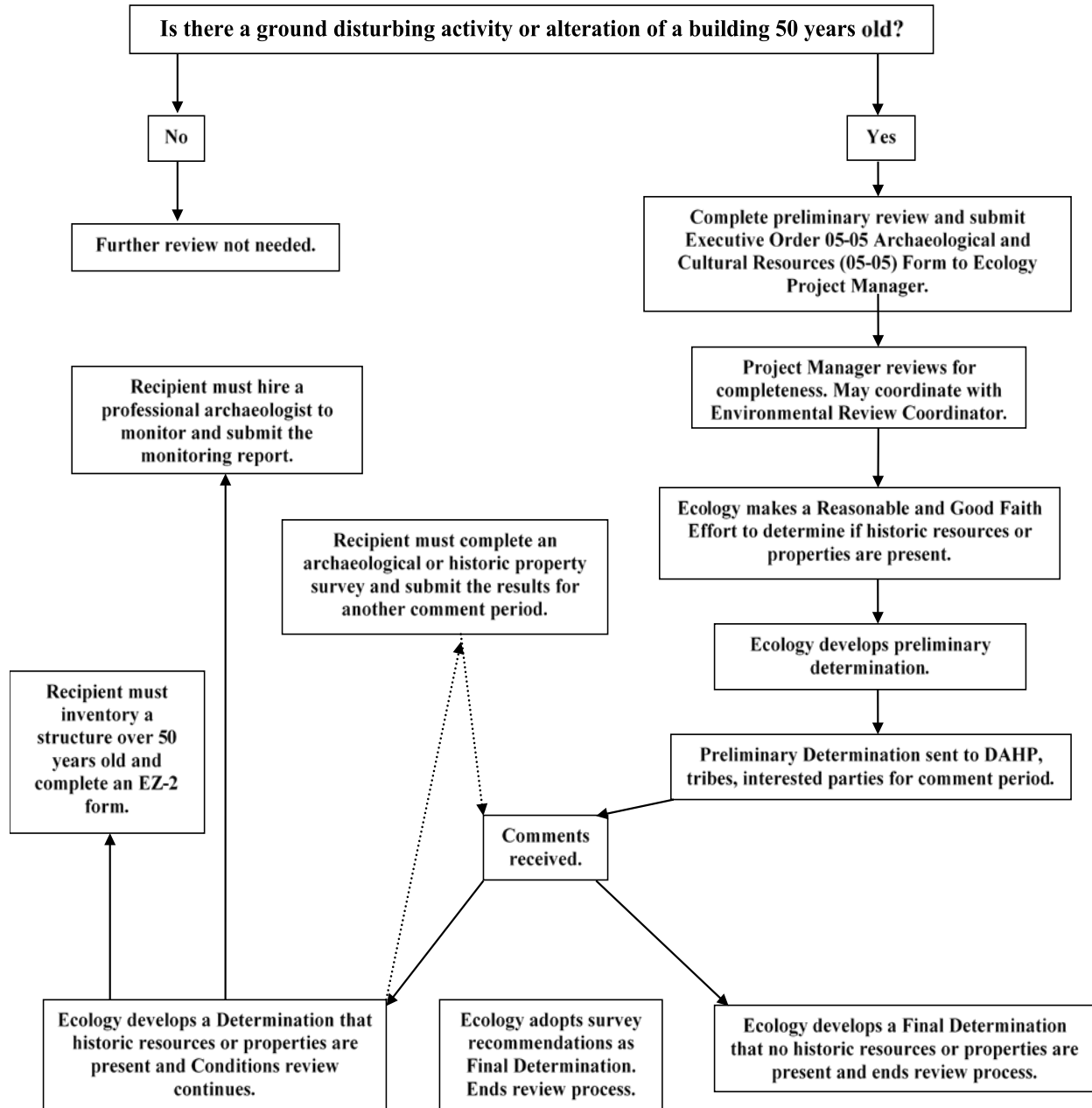
resources survey report, along with any previous tribal and DAHP correspondence regarding the project to Ecology's Project Manager.

- 5) The recipient must determine the Area of Potential Effect (APE) for their project location. Submit information to the Environmental Review Coordinator.
- 6) Ecology will review the materials and develop a Preliminary Determination.
- 7) Ecology will distribute the Preliminary Determination to affected tribes and DAHP through Government to Government consultation.
- 8) Ecology will review any comments received on the Preliminary Determination and develop a Final Determination.
- 9) If the project will have an adverse effect on archaeological sites or historic resources, Ecology will consult with the DAHP and tribes per 36 CFR 800.6. The Section 106 process will follow the steps for resolving adverse effects as outlined under 36 CFR 800.
- 10) For all projects, the recipient will write an inadvertent discovery plan (IDP), if one is not in place already. Every person working on the project site must be familiar with the IDP procedures in case any cultural resources are discovered.
- 11) Any post construction discoveries must follow the procedures as outlined under 36 CFR 800.13 and the Archaeological and Historic Preservation Act (AHPA), Pub. L. No. 93-291 (1974).
- 12) Specific components of records on archaeological sites, cemeteries, cultural resources, and historic properties are exempt from public disclosure (RCW 42.56.300) and the Recipient and Ecology will maintain confidentiality.

The following flowchart outlines the review process and provides additional information for cultural resources review.

Cultural Resources Review Process

Disclaimer: This is a general overview. Every project is site-specific and outcomes are subject to change.



Section 106 versus Executive Order 05-05

- Federal actions, decisions and federal funding trigger section 106 of the National Historic Preservation Act. Ecology has delegated authority over ensuring Section 106 compliance when recipients apply for federal funding under the CWSRF, National Estuary Program and Section 319 Grant Program. Ecology is the lead for ensuring Section 106 compliance.
- The Governor's Executive Order 05-05 is required for all state-funded capital projects. This includes projects funded by the Centennial Clean Water Program, SFAP, and others. Ecology is the lead for ensuring 05-05 compliance.
 - Frequently Asked Question: Can Ecology “adopt” another agency’s Section 106 review, or 05-05 review?
 - For Section 106 Adoption:
 - The answer is *yes*, if your project is state funded.
 - Ecology can “adopt” Section 106 for state-funded projects that would normally go through the 05-05 cultural resource review process. Ecology has a review in place to verify the Section 106 documents are applicable. Please contact your Project Manager to verify a review can be adopted.
 - If your project involves federal funds, Ecology may still use another agency’s documents when making its Preliminary and Final Determinations, which helps speed up cultural resource review.
 - For Executive Order 05-05 Adoption:
 - The answer is *yes*, if your project is state funded.
 - Ecology can adopt another state agency’s 05-05 process to meet cultural resources review requirements. Please contact your Project Manager to verify a review can be adopted.
 - The answer is *no* if your project is federally funded. However, Ecology may still use another agency’s documents when making its Preliminary and Final Determinations, which helps speed up cultural resource review.

Correspondence: Ecology is responsible, as the funding agency, for contacting the Department of Archaeology and Historic Preservation (DAHP), tribes, and other interested parties to meet cultural resource review requirements. Previous approval from DAHP does not fulfill these requirements. Communication that may have occurred during a SEPA review is not sufficient to meet cultural resources review requirements.

Ground Disturbing Activities: This refers to any work that impacts the soil or ground from its current conditions.

Area of Potential Effect (APE): The APE is not the project boundary. The APE is the maximum geographic area where your project could potentially have an effect on historic properties, if any are present. The APE will vary with the type of project. To determine the APE you must know the nature and full extent of your project. For example, the APE for a natural gas pipeline might include not only the actual pipeline trench, but also includes the construction right-of-way, compressor stations, meter stations, staging areas, storage yards, access roads, and other ancillary facilities. The APE for a construction project will include the construction site, but might also include the buildings in a downtown area adjacent to the construction where vibrations may cause foundations to crack. Use the APE to determine your survey boundary.

Changes to Project Design or Project Area: If the recipient changes the project area or design after review has been completed, the recipient will have to reinitiate review in order to capture the changes.

For geo-tech work that occurs in the planning or design phases, ensuring your cultural review is completed early can not only help identify the appropriate locations from a subsurface perspective, you can obtain valuable input early in the planning process about sensitive locations.

Eligibility

- All activities associated with cultural resources review are grant and loan eligible.
- Construction or BMP implementation that occurs prior to cultural resources review will not be eligible for reimbursement.

Contact Rebecca Inman (360-407-6450 or Rebecca.Inman@ecy.wa.gov), if you have any questions.

Appendix E: Grant Agreement Definitions

“Administrative Requirements” means the effective edition of Ecology’s Administrative Requirements for Recipients of Ecology Grants and Loans at the signing of this agreement.

“Contract Documents” means the contract between the recipient and the construction contractor for construction of the project.

“Cost Effective Analysis” means a comparison of the relative cost-efficiencies of two or more potential ways to address a water resource concern.

“Effective Date” means the earliest date on which eligible costs may be incurred.

“Guidelines” means the Ecology’s Funding Guidelines that that correlate to the State Fiscal Year in which the project is funded.

“Maintenance and Operation Expense” means all reasonable expenses incurred by the recipient in causing the project to be operated and maintained in good repair, working order, and condition including payments to other parties, but will not include any depreciation or recipient levied taxes or payments to the recipient in lieu of taxes.

“Project” means the project described in this agreement.

“Project Completion Date” means the date specified in the agreement on which the Scope of Work will be fully completed.

“Project Schedule” means that schedule for the project specified in the agreement.

“Risk-Based Determination” means an approach to sub-recipient monitoring and oversight based on risk factors associated to a recipient or project.

“Scope of Work” means the tasks and activities constituting the project.

“Termination Date” means the effective date of Ecology’s termination of the agreement.

“Termination Payment Date” means the date on which the recipient is required to repay to Ecology any outstanding balance of the loan and all accrued interest.

“Total Eligible Project Cost” means the sum of all costs associated with a project that have been determined to be eligible for Ecology grant funding.

“Total Project Cost” means the sum of all costs associated with a project, including costs that are not eligible for Ecology grant or loan funding.