

WATER ACCESS FACILITY GRANT 2019 INFORMATION GUIDE FOR APPLICANTS

OVERVIEW

Tacoma Power operates the Cowlitz River Hydroelectric Project in Lewis County, Washington under a license from the Federal Energy Regulatory Commission (FERC). As part of Tacoma Power's recreation program associated with our FERC license, we developed a grant program to provide \$201,000 in funding during three grant periods for construction of water access facilities in the Cowlitz River basin upstream of the Toutle River. A water access facility is a new improvement that encourages or enables users to make use of public waters such as docks, piers, beaches, trails to or along the water, parking lots, restrooms and similar items. The first Tacoma Power grant was awarded to the City of Toledo for improvements to their riverside park including a large gazebo and interpretive signage. The second grant was awarded to Ike Kinswa State Park for a disabled-accessible fishing dock which was just completed in December, 2018. The final grant opportunity is described in this packet. Applications are **due March 22, 2019** and are available to non-profit groups, governments, agencies and tribes in the Cowlitz River Valley as described below.

Amount of money available in 2019:

- **\$89,120 in one grant**
 - Note: The grant funding in 2019 exceeds \$67,000 because a previous recipient of a grant was able to complete their project below budget and we have added the unspent funds to this grant cycle.
- The award is in the form of reimbursements for paid eligible expenses.

Important Dates:

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| • March 22, 2019 | Deadline to have the application to Tacoma Power |
| • March 29, 2019 | Applicant will be notified of any missing information |
| • April 19, 2019 | Applicant due date to correct any missing information |
| • June 3, 2019 | Expected notification of award |
| • July 15, 2019 | Execution of a Project Agreement with Grantee |

ELIGIBILITY

Who are eligible applicants?

- State and federal agencies
- Municipal subdivisions of the state (cities, towns, counties, ports, public utility districts, park and recreation districts and school districts)

- Native American tribes
- Nonprofit organizations with a primary mission to protect and enhance natural or cultural resources, tourism and/or outdoor recreation opportunities

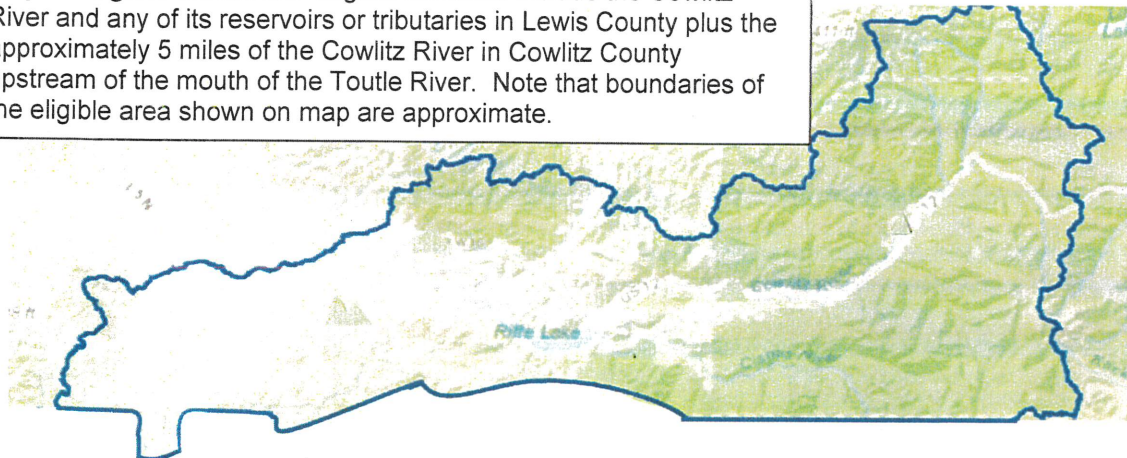
Non-profit organizations must prove their Internal Revenue Service status as a 501(c) (3) or a 501(c)(4) organization that has, as one of its primary missions, the protection and enhancement of natural or cultural resources and/or outdoor recreation opportunities. Non-profit applicants must have a presence (membership or board members) in Lewis or Cowlitz counties, Washington. The IRS status, a list of the board of directors and officers, and a Mission Statement are required with non-profit organization applications.

Tacoma Power, as a municipal subdivision of the state, is eligible to apply for a grant for a project not otherwise required by the FERC license or other obligation but such an application will only be considered during a second round of solicitations. This could occur if 1) there are no viable applicants in the first round of advertising or 2) the awarded applicant fails to move forward with the project after one year. Cooperators may also propose projects on Tacoma Power property with the approval of Tacoma Power (see Cooperative Projects). No Tacoma Power employee that has worked on the development or review portion of the Water Access Facilities Grant program is eligible to develop a grant proposal.

What are the eligible locations? (See map)

- The proposed project must either be located in the following water bodies, on the shoreline lands surrounding the water bodies or provide access to the water bodies:
 - Cowlitz River in Lewis or Cowlitz counties, upstream of the mouth of the Toutle River.
 - Mayfield Lake, Riffe Lake, Swofford Pond or Lake Skanewa
 - Tributaries to the Cowlitz River or its reservoirs in Lewis County
- It must access publically accessible waters.
- It must be located on land open to the public; either owned in fee title by a public entity or with a public access easement, lease or long-term permit in place. Applicants that submit proposals to build facilities on lands not directly under their control must have written concurrence of the landowner before submitting a proposal. Further detail is in the Cooperative Projects section on page 4. If the project is funded, additional documentation of land control is required.
 - Any installed structure must be maintained as a public amenity for at least 25 years.

Map of eligible locations. Eligible locations include the Cowlitz River and any of its reservoirs or tributaries in Lewis County plus the approximately 5 miles of the Cowlitz River in Cowlitz County upstream of the mouth of the Toutle River. Note that boundaries of the eligible area shown on map are approximate.



What types of projects are eligible?

The following types of projects will be considered. The applicant is urged to contact Tacoma Power in advance before submitting an application for any project not listed below. If the proposal is for renovation of an already existing facility, additional value from the renovation needs to be demonstrated to be a competitive project. See the Reimbursement section (page 8) for a discussion of reimbursable expenses as part of an approved project.

- New or improved boat launch ramps or take-in/take-out areas
- New or improved piers, platforms and docks for launching, fishing or short-term public mooring. Moorage docks are only allowed if they serve a short-term mooring need, i.e. no more than 14 days.
- Safety or ADA improvements to existing water access facilities
- New or improved trails to or along the water
- New or improved swim beaches
- New or improved parking, restrooms, fencing and directional signage associated with a water access facility
- New or improved public amenities at water access sites such as picnic areas, covered shelters and benches
- Interpretive displays that educate about the water body, local history or the environment.
- New roads, but only to the extent that they access a water access facility

What types of projects are NOT eligible?

- Acquisition of land, easements or leases
- Aquaculture projects such as hatcheries and net pens
- Campgrounds, playgrounds, adventure courses (exception if adventure course uses the waterbody)
- Viewpoints and overlooks of water bodies without direct access to the shoreline
- Housing, office and storage buildings
- Computers, cameras, radios and other similar technology. Media screens will only be considered as part of interpretive displays.
- Dikes, pond construction and water control structures
- Swimming pools, spray parks or similar improvements
- Commercial facilities and concession areas
- Other items not closely associated with the enhancement of public water access as determined by Tacoma Power.
- Routine or periodic maintenance will not be funded.
- Grants will not be awarded for improvements that are already legally required to be provided, such as mitigation projects.

Status of applicants that have received previous grants

Tacoma Power endeavors to make grant funding available to a wide range of applicants and geographic areas and some of the scoring criteria reflect this objective. For that reason, those applicants that have been successfully awarded a Water Access Grant in the past may compete in another round of solicitations only if the proposed project is substantially different than the one previously funded and preferably in a different location.

What requirements must a successful applicant meet?

Post-approval documents are required after a successful applicant is chosen. Applicants are urged to review the post-funding approval section (see Award of Grant section on page 5) to ensure they can meet the additional requirements, especially those regarding insurance and land control, should their project be chosen. If an applicant is unable to satisfy the post-approval requirements, funding will not be awarded.

Cooperative Projects

Tacoma Power encourages cooperative projects. When two or more agencies or organizations are involved in a project, a Cooperative Projects Form must be submitted with the application (Application Form 4 in the application packet). One organization should be identified as the Lead for purposes of communication. If the project is funded, a Cooperative Agreement between all of the cooperators must be developed and submitted to Tacoma Power. The primary purpose of a cooperative project must be to provide public water access facilities, despite any other goals of the separate cooperators.

Match Funding

Tacoma Power funding can be used as a match for another grant program if it is allowed by the other granting agency and if no conflicting restrictions or requirements are placed on the project that conflict with this Water Access Grant program or Tacoma Power's FERC obligations. Match funding must be obtained within one year of the Tacoma Power grant award. If match funding is denied and if the project cannot be entirely built with funding provided by Tacoma Power, the grant will be rescinded (see Failure to Meet Deadlines, page 7).

DESIGN AND CONSTRUCTION

Barrier-free Access (ADA)

All new projects funded and built under grants from Tacoma Power should be designed to meet or exceed current Americans with Disability Act (ADA) barrier-free standards and related laws or building codes. In cases where no formal ADA guidance exists, the most recent proposed rule should guide design. Basic services such as parking lots, toilets, signs, routes of travel, etc. should always be designed to be barrier-free. Some specialized recreational developments may be difficult to design as barrier-free or no guidance may exist. If there are any questions about providing a barrier-free facility, please contact Tacoma Power.

AWARD OF GRANT

Funding Committee Review

A Funding Committee will review all proposals meeting minimum application requirements. The Funding Committee will consist of Tacoma Power and members representing at least two of the following organizations:

- Washington State Recreation Conservation Office
- Lewis County government
- U.S. Department of Agriculture - Forest Service

- Washington State Parks and Recreation Commission (aka State Parks)

If any of the above agencies decide not to participate, alternative representation will be sought from other state, federal, tribal and local agencies with the concurrence of the existing funding committee members. No member of the Funding Committee will evaluate or make funding decisions if their agency has a proposal submitted for funding. If Tacoma Power has a proposal submitted for funding, they will not review or vote for projects, but will continue to manage the process. Any Tacoma Power staff member responsible for managing the grant process is prohibited from writing or submitting a proposal.

Criteria for Evaluating Proposals

The Funding Committee will rate the public benefit and value to recreationists by scoring the following criteria, in no particular order, with scores from 1-5 (5 being the highest):

- Proximity to users
- User demand as measured by state and county recreation planning documents
- Ability to meet an unmet need
- How the project complements existing and planned water access recreational opportunities in the Cowlitz River watershed
- Ability to make project barrier-free (ADA accessible)
- The cost/benefit
- Creative elements of design
- Ease of public access
- Community support
- Suitability of site for proposed use
- Extent to which the project provides a new opportunity not likely to be funded in other ways
- Ability to complete the project within budget and on time
- Few or no adverse environmental or cultural resource impacts
- Readiness to proceed and likelihood of getting timely permits
- Ability of grantee to perform work based on history of similar projects
- Long-term maintenance processes in place
- If the applicant has received grant funding from Tacoma Power in the past

Notification

All grant applicants will be notified by mail and/or email when the grant award is made. Post-approval forms will be provided to the successful applicant at that time. When a grant is awarded to an applicant they are then considered the Grantee.

AFTER AWARD OF GRANT

Post-approval Responsibilities

Project Agreement

A Project Agreement describing mutual responsibilities must be completed and signed after the grant award is announced and before any expenditure can take place. The Agreement will be

recorded by Tacoma Power with the county of jurisdiction and will be binding on all successors and assigns for the period of no less than 25 years.

The Project Agreement includes, but is not limited to:

- All of the provisions stated in the application materials
- A requirement to send final plan drawings within the first year. For structures proposed to be built on Tacoma Power property, engineering plans may be required.
- A list of reimbursable expenses
- Procedure for submitting invoices to Tacoma Power for reimbursable expenses
- An authorization for Tacoma Power to take photos and write articles about the project for use on Tacoma Power web sites and other documents
- Legal requirements including, but not limited to:
 - The City of Tacoma not be deemed a co-owner, joint venture partner, or developer of the property or improvements and shall have no beneficial interest in the improvements other than ensuring public access and maintenance of the improvements occur for no less than 25 years.
 - The improvements are not considered a "public works project" and funds withheld by the City are not withheld pursuant to Washington State law (RCW 60.28.)
 - The Project Agreement will be binding on all successors and assigns of the property. The Project Agreement will be recorded with the county.
 - Insurance requirements including proof of insurance and adding the City of Tacoma as an "additional insured" if the project is on City of Tacoma property.
 - A provision that the Grantee may need a City of Tacoma business license if the project is on City of Tacoma property

Land control

Before a Project Agreement is signed by Tacoma Power, the Grantee must provide additional proof of land control and a legal description of the parcel or portion of a parcel where the improvements will be located. For projects proposed on the applicant's land, a copy of the deed or title for the property noting any restrictions, encumbrances or easements is required. For projects on lands other than the applicant's, the following documents must be submitted to Tacoma Power:

- For land held in fee, a copy of the deed or title noting any restrictions or encumbrances,
- If the land is held as an easement, lease or permit, documentation showing land tenure rights extend for at least 25 years and that the documents contain no revocable clauses.

In all cases, the landowner must agree in writing to allow improvements and must certify that management and maintenance are the responsibility of the landowner unless other arrangements are demonstrated to Tacoma Power in a Cooperative Agreement.

Additional information required

The Grantee will need to provide information enabling Tacoma Power to set up accounts for reimbursement including a business identifier or taxpayer ID number.

Non-profit groups

A copy of a resolution of the Board of Directors accepting the Project Agreement and terms is required.

Cooperative Agreements

An approved project may involve two or more cooperating agencies or organizations. If the project is funded, a Cooperative Agreement between all cooperators must be developed and submitted to Tacoma Power. Said agreement will, at minimum, set forth the duration of the project, purpose, administration, methods of handling funding and reimbursements, mutual responsibilities and future maintenance. State agency cooperative guidance is provided in the State of Washington Interlocal Cooperation Act RCW 39.34.

Liability

Liability for any constructed structures built with Tacoma Power funds remains with the landowner or permittee and not with Tacoma Power. A Cooperative Agreement may determine other responsibilities. If the project is approved for installation on Tacoma Power property, proof of insurance and adding the City of Tacoma as an "additional insured" on the policy will be required during the construction phase.

PERMITTING, CONSTRUCTION AND REIMBURSEMENT

Timeline

Projects should be in these stages in the first three years:

- Year 1: Projects must be in the design and permit phase within the first year after a grant award is made. Construction could begin after plans are approved by Tacoma Power. This timeline could be modified by up to a year if the applicant demonstrates they are seeking match funding.
- Year 2: Construction should begin no later than the second year. Projects requiring match funds or with complex permitting or mitigation requirements may have until the third year to begin construction.
- Year 3: All projects must be complete at the end of the third year following funding unless approval for a time extension is given in writing by Tacoma Power.

Failure to Meet Deadlines

Grantees may face complications which delay the project. Tacoma Power will work with the Grantee if they are making a good faith effort to complete the project and have been delayed due to factors out of their control. If progress had not been made by the end of year one, Tacoma Power will meet with the Grantee to determine their ability to complete the project. If substantial planning and design has not been completed by Year 2, the project is at risk of losing funding. Funding may be rescinded if the project is not fully underway by Year 3 with a time extension in place. The Project Agreement describes the required notices and actions.

Reporting

A progress report with annual accounting must be provided to Tacoma Power by December 15 of each year following the grant award until the grant work is completed.

Permits

A Grantee is responsible for obtaining all necessary permits before beginning construction. Permit application fees, as well as costs for biological or cultural resource inspections, can be included in project costs, but only if the costs were incurred after a successful award of the grant. Grantees for projects on Tacoma Power property are required to follow the Tacoma Power FERC license requirements which will be communicated to the applicant. For planning purposes, if a project requires ground disturbing within the FERC Project Boundary, the cost of a cultural resource inspection will range from \$900 to several thousand dollars or more depending on the location and amount of disturbance. Tacoma Power staff can assist the grant applicant in estimating permitting costs for the purpose of the application. After the grant award, Tacoma Power will provide direction to the Grantee regarding specific FERC requirements, if needed. Tacoma Power may also need to apply to, and receive approval from FERC, if the funded project will be constructed on Tacoma Power property.

Mitigation Related to Permits

Permits from regulatory agencies could require mitigation for impacts to wetlands or other resources. The applicant should seek to identify this possibility and build it into the application and funding request. No additional funds will be available after the grant is awarded. The applicant should not assume that required mitigation can be installed on Tacoma Power property because most of Tacoma Power's property is dedicated to specific uses. In addition, Tacoma Power may not approve the ongoing responsibility for maintenance of the mitigation site.

Department of Natural Resources (DNR) Aquatic Use Authorization

If the proposal includes construction on shorelands or bedlands owned by the State of Washington and administered by the DNR, an Aquatic Use Authorization will be needed. This primarily applies to the beds of the Cowlitz and Tilton rivers. The Grantee is responsible for contacting the DNR to determine if the authorization is needed. If needed, the applicant must obtain the authorization prior to beginning construction. The application fee may be paid out of grant funds, but the renewal fee is the responsibility of the applicant unless an alternative funding source commits to ongoing payments.

Signs and Publicity

Funded projects must identify Tacoma Power as a funding source on signs and other publicity for the facility. Tacoma Power will furnish a suitable logo for the Grantee's use. The Grantee will provide a draft of any publicity or signs for Tacoma Power review.

Reimbursement

Tacoma Power will reimburse the Grantee for costs that are submitted on forms provided in the Project Agreement (see page 5). Reimbursements cannot exceed grant amounts. The Grantee must be vigilant in estimating costs and must manage funds to effectively ensure project

completion. Ten percent of the final reimbursement may be held for payment until the completion and inspection of the final project. Costs not included on the following list should be approved by Tacoma Power before expenditure to be sure they are reimbursable.

Reimbursable costs include:

- Administrative costs not to exceed twenty percent of the total, which may include engineering, planning, maps, miscellaneous supplies, cultural resource surveys, printing, reports, billing and travel to and from the site.
- Construction costs including: surveys, permits, hearings, labor and supervision cost of contractors and staff, volunteer support, equipment charges and mileage, site improvements, materials and supplies, equipment needed to make the facility usable and vegetation for landscaping.

The following costs will not be reimbursed. This should not be considered a complete list:

- Entertainment, publicity, overcharges and fines, bonus payments, costs in excess of the lowest acceptable bid (for projects that use contractors), unspecified overhead, insurance premiums, legal costs, cost to buy land or land rights, cost to operate or maintain a facility, security, donations, furniture, appliances, cameras, computers, software and retroactive costs prior to signing Project Agreement.

Cancellation of Grant

If a project is abandoned by the Grantee or terminated by the Funding Committee for breach of the agreement, the Grantee may be required to repay any previously reimbursed amounts unless alternate provisions are made to complete the project as planned.

If the Grantee does not make a reasonable effort to plan and implement the funded project Tacoma Power may cancel the project with 10 days' notice as described in the Project Agreement and retain any product purchased or built with Tacoma Power funds. During this last grant cycle, if more than \$45,000 remains unspent, the grant award will be re-advertised.

End of Project

When the Project is complete, Tacoma Power will inspect it to insure it meets the terms of the contract. The Grantee will have a reasonable time to submit last invoices but. During this last (third) grant cycle, if unspent funds total \$45,000 or more, a fourth grant solicitation will occur.

MAINTENANCE AND OWNERSHIP OF IMPROVEMENTS

Successful applicants are required to demonstrate provisions for long-term maintenance of the facility in the Project Agreement. Projects must be maintained for at least 25 years. If the project is built on lands owned by another, including Tacoma Power lands, a Cooperative Agreement must be submitted with the Project Agreement. Tacoma Power insists that the project be maintained in a good state of repair for at least 25 years unless other provisions are made with Tacoma Power.

If a project is proposed for construction on Tacoma Power property, the application will not be accepted without an agreement stating that Tacoma Power is willing to be responsible for future maintenance, which will require consultation with Tacoma Power.

Tacoma Power and the City of Tacoma are not and shall not be considered co-owners, joint venture partners or developers of the improvements and shall not have any interest in the improvements other than enforcing the requirement that they remain open to the public under the provisions of this program. In addition, any improvements constructed under this program are not considered "public works projects".

User Fees and Commercial Uses

Operators of funded projects can charge a nominal amount for public use to help offset maintenance costs, not to exceed an equivalent fee set by the Washington State Parks and Recreation Commission at Washington state parks. No profit can be made on the operation of the facility and all collected fees must be used for the project. The project recipient may not use the constructed facility to conduct commercial operations or offer special use agreements to third parties that interfere with public use.