

Title 286 WAC

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

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[Filed 2/16/67.] Repealed by Order 1, filed 12/10/71.

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286-16-010	Scope of chapter. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-16-010, filed 11/17/86; 78-03-032 (Order 78-1), § 286-16-010, filed 2/17/78; Order 3, § 286-16-010, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720.	286-16-080
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286-16-035	Applications—Deadlines. [Statutory Authority: Chapter 43.99 RCW. 87-08-032 (Order 87-1), § 286-16-035, filed 3/27/87. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-035, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-035, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.	286-16-080
286-16-040	Matching requirements. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-040, filed 9/5/79; 78-03-032 (Order 78-1), § 286-16-040, filed 2/17/78; Order 3, § 286-16-040, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720.	286-16-080
286-16-050	Projects eligible for funding. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-	286-16-080

050, filed 9/5/79; Order 3, § 286-16-050, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720.

Local agency requirements. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-060, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-060, filed 9/5/79; Order 3, § 286-16-060, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

State agency requirements. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-070, filed 2/17/78; Order 3, § 286-16-070, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720.

Grant-in-aid policy. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-080, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-080, filed 9/5/79; 78-03-032 (Order 78-1), § 286-16-080, filed 2/17/78; Order 76-2, § 286-16-080, filed 6/30/76; Order 3, § 286-16-080, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.-720.

**Chapter 286-20
APPLICATION PROCEDURE**

Scope of chapter. [Statutory Authority: RCW 43.98A.070(5). 93-24-006, § 286-20-010, filed 11/19/93, effective 12/20/93. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-010, filed 9/5/79; 78-03-032 (Order 78-1), § 286-20-010, filed 2/17/78; Order 3, § 286-20-010, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.-720.

Application form. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-20-020, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-020, filed 9/5/79; Order 3, § 286-20-020, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Deadlines. [Order 3, § 286-20-030, filed 7/31/73.] Repealed by 78-03-032 (Order 78-1), filed 2/17/78. Statutory Authority: Chapter 43.99 RCW.

Application review. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-040, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.-060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Acquisition projects—Required documents and deed of right to use land for public recreation purposes. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-060, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Chapter 286-24
FUNDED PROJECTS

- 286-24-010 Scope of chapter. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-24-010, filed 11/17/86; 78-03-032 (Order 78-1), § 286-24-010, filed 2/17/78; Order 3, § 286-24-010, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-015 Final decision. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-015, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-020 Project contract. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-020, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-020, filed 9/5/79; 78-03-032 (Order 78-1), § 286-24-020, filed 2/17/78; Order 3, § 286-24-020, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-040 Disbursement of funds. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-040, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-040, filed 9/5/79; 78-03-032 (Order 78-1), § 286-24-040, filed 2/17/78; Order 3, § 286-24-040, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-050 Restriction on conversion of facility to other uses. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-050, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-050, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-060 Income. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-060, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-070 Permanent project signs. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-070, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-070, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Chapter 286-04 WAC

GENERAL

WAC

- 286-04-010 What definitions apply to this chapter?
- 286-04-015 Address.
- 286-04-020 Organization and operations.
- 286-04-030 Goals.
- 286-04-050 Compliance with Environmental Act guidelines.
- 286-04-060 Manuals and waivers—Guidance.
- 286-04-065 Project evaluations.
- 286-04-070 Director's authority.
- 286-04-080 Federal overlay and requirements.
- 286-04-085 Declaratory order—Petition requisites—Consideration—Disposition.
- 286-04-090 What is the history of the committee's fund sources?

WAC 286-04-010 What definitions apply to this chapter? For purposes of Title 286 WAC, unless the context clearly indicates otherwise:

"Acquisition" means the gaining of rights of public ownership by purchase, negotiation, or other means, of fee or less than fee interests in real property.

"Applicant" means any agency or organization that meets qualifying standards, including deadlines, for submission of an application soliciting a grant of funds from the committee. Generally, a federal, state, local, tribal or special purpose government is an applicant.

"Application" means the form, including project information form, approved by the director for use by applicants in soliciting project funds administered by the committee.

"Chair" means the chair of the committee. See RCW 43.99.110.

"Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

"Development" means the construction and/or restoration of facilities to enhance outdoor recreation or habitat conservation resources.

"Director" means the director of the committee or that person's designee. See RCW 43.99.130.

"Nonhighway and off-road vehicle activities (NOVA) program" means the grants and planning program administered by the committee under chapter 46.09 RCW.

"Manual(s)" mean a compilation of state and federal policies, procedures, rules, forms, and instructions that have been assembled in manual form and which have been approved by the committee for dissemination to agencies and organizations that may wish to participate in the committee's grant program(s).

"Preliminary expense" means project costs incurred prior to committee approval, other than site preparation/development costs, necessary for the preparation of a development project.

"Project" means the undertaking which is, or may be, funded in whole or in part with funds administered by the committee.

"Project agreement" means a project agreement, supplemental agreement, intergovernmental agreement, or project contract between the committee and a sponsor.

"Sponsor" means an applicant who has been awarded a grant of funds, and has an executed project agreement.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-04-010, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.99.080(2) and 46.09.240(1). 98-08-014, § 286-04-010, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-010, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-04-010, filed 11/17/86. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-010, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-010, filed 9/5/79; Order 3, § 286-04-010, filed 7/31/73; Order 1, § 286-04-010, filed 12/10/71.]

WAC 286-04-015 Address. All communications with the committee shall be directed to its office at the Natural Resources Building, 1111 Washington Street S.E., P.O. Box

40917, Olympia, Washington 98504-0917, telephone (360) 902-3000.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-015, filed 8/17/94, effective 9/17/94.]

WAC 286-04-020 Organization and operations. The committee:

(1) Is an unsalaried body consisting of the (a) commissioner of public lands, (b) director of the department of fish and wildlife, (c) director of the parks and recreation commission, (or the designees of these individuals) and five citizens appointed by the governor from the public-at-large, with the consent of the senate, for a term of three years each. The chair of the committee is a voting member, appointed by the governor from among the five citizen members.

(2) Was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to agencies and organizations from the state's outdoor recreation and other such accounts as may now or hereafter be established.

(3) Is authorized and obligated to prepare, maintain and update statewide plans, including:

(a) A strategic recreation resource and open space or assessment and policy plan (RCW 43.99.025);

(b) A nonhighway and off-road vehicle plan (RCW 46.09.250);

(c) A trails plan (RCW 67.32.050).

(4) Does not own or operate any outdoor recreation or resource facilities.

(5) Performs and accomplishes work by a staff under the supervision of a director appointed by the governor.

(6)(a) Conducts regular meetings, pursuant to RCW 42.30.075, according to a schedule it adopts in an open public meeting.

(b) May conduct special meetings at any time, pursuant to RCW 42.30.080, if called by the chair.

(c) Maintains an official record of its meetings in a recorded audio format, unless written minutes are otherwise indicated for logistical reasons.

(7) Members who have been appointed from the public-at-large shall be reimbursed at the rate established by the office of financial management in accordance with RCW 43.03.050(1) for each day or portion thereof spent on official business and shall be entitled to receive all necessary travel expenses on the same basis as is provided by law for state officials and employees generally.

(8) Defines a quorum as five of its members.

(9) Adopts parliamentary meeting procedure generally as described in *Robert's Rules of Order*.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-020, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-020, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-020, filed 9/5/79; 78-03-032 (Order 78-1), § 286-04-020, filed 2/17/78; Order 3, § 286-04-020, filed 7/31/73; Order 1, § 286-04-020, filed 12/10/71.]

WAC 286-04-030 Goals. The general goals of the committee are to:

(2005 Ed.)

(1) Provide funds and planning assistance for acquisition and development and use of outdoor recreation and habitat conservation resources to maximize protection of the natural quality of the environment;

(2) Provide funds and planning assistance for a system of public recreational facilities and opportunities for state residents and visitors;

(3) Aid organizations and local government, with funds and planning assistance, in providing the type of facilities and resources which, under their jurisdiction, will best serve their needs for outdoor recreation and habitat conservation;

(4) Encourage programs which promote outdoor education, skill development, participation opportunity and proper stewardship of recreation and natural resources. See also RCW 43.99.010.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-030, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-030, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-030, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-030, filed 9/5/79; Order 3, § 286-04-030, filed 7/31/73.]

WAC 286-04-050 Compliance with Environmental Act guidelines. (1) The committee has determined that all of its activities and programs in effect as of December 12, 1975, or pursuant to WAC 197-11-800 are exempt from threshold determinations and environmental impact statement requirements under the provisions of WAC 197-11-875.

(2) To the extent applicable, it is the responsibility of applicants and sponsors to comply with the provisions of chapter 197-11 WAC, the State Environmental Policy Act rules for acquisition or development of projects, the National Environmental Protection Act, and to obtain associated land-use permits.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-050, filed 8/17/94, effective 9/17/94; Order 76-2, § 286-04-050, filed 6/30/76.]

WAC 286-04-060 Manuals and waivers—Guidance.

(1) The committee shall adopt manuals that describe its general administrative policies for use by applicants, potential applicants, sponsors, and others. These manuals shall not have the force or effect of administrative code rules.

(2) Committee policies, including those in the manuals shall be considered and approved by the committee in an open public meeting. Notice of such considerations will be given by distribution of the agenda for the meeting, press releases, formal meeting notice in the Washington State Register, or other such means.

(3) Project applicants, sponsors, or other interested parties may petition the director for a waiver or waivers of those items dealing with general administrative matters and procedures within the manuals. Determinations on petitions for waivers made by the director are subject to review by the committee at the request of the petitioner.

(4) Petitions for waivers of subjects dealing with committee policy, and those petitions that in the judgment of the director require committee review, shall be referred to the committee for deliberation. Such waivers may be granted

after consideration by the committee at an open public meeting.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 98-08-014, § 286-04-060, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-060, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-060, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-060, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-060, filed 9/5/79; 78-03-032 (Order 78-1), § 286-04-060, filed 2/17/78.]

WAC 286-04-065 Project evaluations. It is the policy of the committee to use an open, public, competitive selection process to guide it in allocating funds to grant applicants. In this regard, the director shall use priority rating systems in preparing funding recommendations for committee consideration. These systems shall:

- (1) Be developed, to a reasonable extent, through the participation of interested parties and specialists;
- (2) Consider applicant, local, regional, and statewide needs, a project's technical merits, and other criteria;
- (3) Be adopted by the committee in advertised public meetings;
- (4) Be made available in published form to interested parties;
- (5) Be designed for use by a team of evaluators selected for this purpose;
- (6) Be in accord with statutes.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-065, filed 8/17/94, effective 9/17/94.]

WAC 286-04-070 Director's authority. Consistent with RCW 43.99.025, and other applicable laws, the director is delegated the authority and responsibility to carry out policies of the committee. This includes, but is not limited to the authority to:

- (1) Administer committee programs; employ, discipline, and terminate staff, consistent with applicable merit system and personnel rules;
- (2) Administer all applicable rules, regulations and requirements established by the committee or reflected in the laws of the state;
- (3) Approve certain cost increase or waiver requests.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-070, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-070, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-070, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-070, filed 9/5/79.]

WAC 286-04-080 Federal overlay and requirements. At times through the years, the committee's grant programs have been closely interrelated with certain federal grant programs. For example, see WAC 286-40-010, Land and Water Conservation Fund. The result of this interrelationship is that there are many federal requirements imposed on the commit-

tee and its applicants over which the committee has no control.

Many of these requirements may be found in the Land and Water Conservation Fund Grants Manual (National Park Service). In addition, most of the federal requirements are restated or clarified in the manuals.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-080, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-080, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-080, filed 9/5/79.]

WAC 286-04-085 Declaratory order—Petition requisites—Consideration—Disposition. (1) Any person may submit a petition for a declaratory order in accordance with RCW 34.05.240 in any form so long as it:

- (a) Clearly states the question the declaratory order is to answer; and
- (b) Provides a statement of the facts which raise the question.
- (2) The director may conduct an independent investigation in order to fully develop the relevant facts.
- (3) The director will present the petition to the committee at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.
- (4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.
- (5) The committee may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-085, filed 8/17/94, effective 9/17/94.]

WAC 286-04-090 What is the history of the committee's fund sources? (1) As of July 1, 1995, the "recreation resource account" included appropriations and funds, under RCW 43.99.040 (recodified as RCW 79A.25.040 since 1999), in support of the committee's boating facilities and other programs. These funds are derived from:

- (a) Unclaimed marine fuel tax refunds;
- (b) Moneys made available to the state of Washington by the federal government for outdoor recreation; and
- (c) Such other sources as may be provided.
- (2) As of July 1, 1995, the "NOVA program account" included appropriations and funds, under RCW 46.09.110 and 46.09.170, in support of the committee's nonhighway and off-road vehicle activities program. These funds are derived from:

- (a) Refunds from the motor vehicle fund for nonhighway and off-road purposes;
- (b) Off-road vehicle permit fees; and
- (c) Such other sources as may be provided.
- (3) As of July 1, 1990, the "habitat conservation account" included appropriations and funds, under chapter

43.98A RCW (recodified as chapter 79A.15 RCW since 1999), in support of the committee's Washington wildlife and recreation program. These funds are derived from:

(a) Sales of bonds approved in capital budget appropriations;

(b) Such other sources as may be provided.

(4) As of July 1, 1995, the "outdoor recreation account" included appropriations and funds, under chapter 43.98A RCW (recodified as chapter 79A.15 RCW since 1999), in support of the committee's Washington wildlife and recreation program. These funds are derived from:

(a) Sales of bonds approved in capital budget appropriations;

(b) Such other sources as may be provided.

(5) Prior to July 1, 1995, the "outdoor recreation account" included appropriations and funds, in support of the committee's programs. Funds were derived from:

(a) Unclaimed marine fuel tax refunds under RCW 43.99.040 (recodified as RCW 79A.25.404 since 1999);

(b) Sales of bonds under Referenda 11, 18, and 28, and HJR 52;

(c) State apportionments of the federal land and water conservation fund;

(d) Moneys refunded from the motor vehicle fund under RCW 46.09.170 and funds received under RCW 46.09.110 for nonhighway and off-road vehicle purposes;

(e) Off-road vehicle permit fees;

(f) Sales of general obligation bonds for outdoor recreation purposes under RCW 43.98A.050; and

(g) Such other sources as were provided.

(6) As of July 1, 1990, the "firearms range account" includes appropriations and funds, under RCW 77.12.720 (recodified as RCW 79A.25.210 since 1999), in support of the committee's firearms and archery range recreation programs. These funds are derived from:

(a) Concealed pistol license fees under RCW 9.41.070;

(b) Destruction of firearms programs under RCW 9.41.098; and

(c) Such other sources as may be provided.

(7) As of July 1, 2003, the "aquatic lands enhancement account" includes appropriations under section 377, chapter 26, Laws of 2003, 1st sp. sess. These funds are derived from the proceeds from sale or lease of aquatic lands or valuable materials therefrom under RCW 79.90.245 and 79.90.450.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-04-090, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-04-090, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-090, filed 8/17/94, effective 9/17/94.]

Chapter 286-06 WAC PUBLIC RECORDS

WAC

286-06-045	Committee and the salmon recovery funding board.
286-06-050	Public records available.
286-06-060	Responsibility.
286-06-065	Indexes.
286-06-070	Office hours.
286-06-080	Requests for public records.
286-06-090	Copying.
286-06-100	Exemptions.

(2005 Ed.)

286-06-110
286-06-120

Review of denials.
Protection of public records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-06-010	Purpose. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-010, filed 12/8/82; Order 73-4, § 286-06-010, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-020	Definitions. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-020, filed 2/17/78; Order 73-4, § 286-06-020, filed 12/19/73.] Repealed by 83-01-030 (Order IAC 82-1), filed 12/1/82. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240.
286-06-030	Description of the organization of the interagency committee for outdoor recreation. [Order 73-4, § 286-06-030, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-040	Operations and procedures. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-040, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-040, filed 2/17/78; Order 73-4, § 286-06-040, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-130	Records index. [Order 73-4, § 286-06-130, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-140	Committee address. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-140, filed 2/17/78; Order 73-4, § 286-06-140, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-150	Adoption of form. [Order 73-4, § 286-06-150, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-990	Appendix A—Form—Request for public record. [Order 73-4, Appendix A (codified as WAC 286-06-990), filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

WAC 286-06-045 Committee and the salmon recovery funding board. The committee provides support to the salmon recovery funding board, as directed in RCW 79A.25.-240, including administration and management of the salmon board's public records. Such records shall be managed and made available through the committee's public records officer in the same manner as provided for committee records and set forth in this chapter.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-045, filed 8/14/01, effective 9/14/01.]

WAC 286-06-050 Public records available. All public records of the committee and board, as defined in RCW 42.17.260, as now or hereafter amended, are available for public inspection and copying pursuant to this regulation,

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except as otherwise provided by law, including, but not limited to, RCW 42.17.255 and 42.17.310 and WAC 286-06-100 - Exemptions.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-050, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-050, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-050, filed 12/8/82; Order 73-4, § 286-06-050, filed 12/19/73.]

WAC 286-06-060 Responsibility. The public records shall be available through a public records officer designated by the director. The public records officer shall be responsible for: Implementation of the rules and regulations regarding release of public records, coordinating the staff of the committee in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW as now or hereafter amended.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-060, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-060, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-060, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-060, filed 2/17/78; Order 73-4, § 286-06-060, filed 12/19/73.]

WAC 286-06-065 Indexes. (1) Through its public records officer, the committee shall maintain indexes for the records and files listed in subsection (2)(a) through (g) of this section. These indexes:

(a) Provide identifying information as to its files and records;

(b) Are available for public inspection and copying at its offices in the Natural Resources Building, Olympia, in the manner provided in this chapter for the inspection and copying of public records;

(c) Are updated at least every five years and revised at appropriate intervals;

(d) Are public records even if the records to which they refer may not, in all instances, be subject to disclosure.

(2) Indexes of the following records and files are available:

(a) Archived files;

(b) Equipment inventory;

(c) Committee and board policies and procedures, including manuals;

(d) Active project files;

(e) Publications such as brochures and special reports;

(f) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(15), including grant program manuals;

(g) Rule-making files, as described in RCW 34.05.370, for each rule proposed for adoption in the *State Register* and adopted.

(3) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs and/or complexity, however, no master index is maintained.

(a) Administrative files;

(b) Comprehensive park-recreation plans;

(c) Summaries of committee staff meetings;

(d) Closed/inactive project files;

(e) General correspondence;

(f) Attorney general opinions;

(g) Financial records;

(h) Summaries and memoranda of committee and board meetings;

(i) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(j) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

(k) Interpretive statements as defined in RCW 34.05.010 (8) (each indexed by the committee or board program).

(4) Before June 30, 1990, the committee maintained no index of:

(a) Declaratory orders containing analysis or decisions of substantial importance to the committee in carrying out its duties;

(b) Interpretive statements as defined in RCW 34.05.010 (8);

(c) Policy statements as defined in RCW 34.05.010(14).

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-065, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 42.17.260. 98-08-014, § 286-06-065, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-065, filed 8/17/94, effective 9/17/94.]

WAC 286-06-070 Office hours. Public records shall be available for inspection and copying during the committee's customary office hours. Those hours shall be consistent with RCW 42.04.060 and 42.17.280, from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-070, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-070, filed 12/19/73.]

WAC 286-06-080 Requests for public records. Consistent with chapter 42.17 RCW, public records may be inspected or copied or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing, preferably on a form prescribed by the director, which shall be available at its Olympia office or electronically. The request shall be presented to the public records officer or designee. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The calendar date on which the request was made;

(c) The nature of the request;

(d) A reference to the requested record as it is described in any current index, if the matter requested is referenced within indexes;

(e) An appropriate description of the record requested, if the requested matter is not identifiable in the indexes.

(2) Whenever a member of the public makes a request, the public records officer or designee shall ensure the request receives a "date received" stamp or equivalent notation and that assistance is provided in promptly identifying the public record requested as defined in RCW 42.17.320. The agency shall assist to the maximum extent consistent with ongoing operations, and retains the authority to condition records access to prevent unreasonable invasions of privacy, access to other information protected from disclosure by law, damage/disorganization, and excessive interference with office operations and equipment.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-080, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-080, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-080, filed 12/19/73.]

WAC 286-06-090 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The director shall charge a fee of fifteen cents per page for providing copies of public records and for use of the committee's copy equipment. Copying in other formats shall be subject to a fee established by the director. These charges will be the amount necessary to reimburse the committee for its actual costs incident to such copying.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-090, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-090, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-090, filed 12/19/73.]

WAC 286-06-100 Exemptions. (1) The committee and/or board and the director reserve the right to determine that a public record requested in accordance with the procedures outlined in WAC 286-06-080 is exempt under the provisions of state or federal law, or chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the committee and/or board and the director reserve the right to delete identifying details when made available or published in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy, or would disclose information otherwise protected by law.

(3) All denials of requests for public records, in whole or part, will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-100, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-100, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-100, filed 12/19/73.]

WAC 286-06-110 Review of denials. (1) Any person who objects to the denial of a request for a public record may petition the director for review by submitting a written

request. The request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying inspection of a public record, the director, or designee, will either affirm or reverse the denial by the end of the second business day following receipt according to RCW 42.17.320. This shall constitute final committee and/or board action. Whenever possible in such matters, the director shall first consult with the committee's or board's chair and members.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-110, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-110, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-110, filed 12/8/82; Order 73-4, § 286-06-110, filed 12/19/73.]

WAC 286-06-120 Protection of public records. Unless approved by the director, original records shall not be removed from the place designated for their inspection. The public records officer or designee may make reasonable arrangements for ensuring the security of the record(s) during inspections.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-06-120, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-120, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-120, filed 12/19/73.]

**Chapter 286-13 WAC
GENERAL GRANT ASSISTANCE RULES**

WAC

286-13-010	What is the purpose of this chapter?
286-13-020	Application form.
286-13-030	Application review.
286-13-040	What are the grant program deadlines and how can the deadlines be waived?
286-13-045	Eligible matching resources.
286-13-050	Final decision.
286-13-060	Project agreement.
286-13-070	Disbursement of funds.
286-13-080	Committee funds intended to supplement.
286-13-085	Retroactive and increased costs.
286-13-090	Federal assistance.
286-13-100	Nonconformance and repayment.
286-13-110	Income, income use.
286-13-115	Discrimination, preferences.
286-13-120	Permanent project signs.

WAC 286-13-010 What is the purpose of this chapter? This chapter contains general rules affecting grant program eligibility, applications, and projects funded with money from or through the committee. Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle program), chapter 286-27 WAC (Washington wildlife and recreation program), chapter 286-30 WAC (Firearms and archery range recreation program), chapter 286-35 WAC (Initiative 215 boating facilities program), chapter 286-40 WAC (Land and water conservation fund program) and chapter 286-42 WAC (Aquatic lands enhancement account program).

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-13-010, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and

77.12.720(4). 96-08-044, § 286-13-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-010, filed 8/17/94, effective 9/17/94.]

WAC 286-13-020 Application form. (1) All grant requests must be completed and submitted in the format prescribed by the committee unless otherwise allowed by the director.

(2) If the director determines that the applicant is eligible to apply for federal funds administered by the committee, the applicant must execute the forms necessary for that purpose.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-020, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-020, filed 8/17/94, effective 9/17/94.]

WAC 286-13-030 Application review. (1) All applications for funding submitted to the committee will be referred to the director for review and recommendations. In reaching a recommendation, the director shall seek the advice and counsel of the committee's staff and other recognized experts, including those gathered at technical review and evaluation meetings or from other parties with experience in the field.

(2) The committee shall inform all applicants of the specific project application process and methods of review, including current evaluation tests and instruments, by delineating these items in the manuals or other publicly available formats.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 98-08-014, § 286-13-030, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-030, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-030, filed 8/17/94, effective 9/17/94.]

WAC 286-13-040 What are the grant program deadlines and how can the deadlines be waived? (1) **Applications.** To allow time for review, applications must be submitted at least four calendar months before the funding meeting at which the applicant's project is first considered. Applications must be completed in final form and on file with the committee at least one calendar month before this meeting. *Excepted* are applications for the National Recreational Trails Funding Act, Riparian Habitat, and Youth Athletic Facilities Programs, and programs where the director specifically establishes another deadline to accomplish new or revised statutory direction.

(2) **Plans.** Plans required for participation in committee grant programs must be complete and on file with the committee at least three calendar months before the funding meeting at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to six years.

(3) **Matches.** To allow time for development of funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the committee at least one calendar month before the meeting at which the project is to be considered for funding.

(4) **Project agreement.** An applicant has three calendar months from the date of the committee's mailing of the project agreement to execute and return the agreement to the committee's office. After this period, the committee or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

(5) **Waivers.** Compliance with these deadlines is required for eligibility unless a waiver is granted by the director. Such waivers are considered based on several factors which may vary with the type of waiver requested, including:

(a) When the applicant started the application/planning process (for application and plan deadline waivers);

(b) Progress made;

(c) When final plan adoption will occur (for plan deadline waivers);

(d) The cause of the delay (procedural or content related, etc.);

(e) Impact on the committee's evaluation process;

(f) Equity to other applicants; and

(g) Such other information as may be relevant.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-13-040, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-13-040, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 98-08-014, § 286-13-040, filed 3/18/98, effective 4/18/98; 97-17-004, § 286-13-040, filed 8/7/97, effective 9/7/97; 96-08-044, § 286-13-040, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-040, filed 8/17/94, effective 9/17/94.]

WAC 286-13-045 Eligible matching resources. (1) Applicant resources used to match committee funds may include: Cash, local impact/mitigation fees, certain federal funds, the value of privately owned donated real estate, equipment, equipment use, materials, labor, or any combination thereof.

(2) Agencies and organizations may match with state funds so long as the state funds are not administered by the committee.

(3) Private donated real property, or the value of that property, must consist of real property (land and facilities) that would normally qualify for committee grant funding.

(4) State agency projects may be assisted by one hundred percent funding from committee sources *except* where prohibited by law.

(5) The eligibility of federal funds to be used as a match is governed by federal requirements and thus may vary with individual program policies.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 98-08-014, § 286-13-045, filed 3/18/98, effective 4/18/98; 97-08-003, § 286-13-045, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-045, filed 3/29/96, effective 4/29/96.]

WAC 286-13-050 Final decision. The committee will review recommendations for grant projects at regularly scheduled funding sessions. It retains the authority and responsibility to accept or deviate from these recommendations and, where statutory authority exists, it alone will make the final decision concerning the funding of a project.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-050, filed 8/17/94, effective 9/17/94.]

WAC 286-13-060 Project agreement. For every funded project, an agreement must be executed as provided in this section.

(1) The project agreement shall be prepared by the director subsequent to approval of the project by the committee at a public meeting. The director shall execute the agreement on behalf of the committee and tender the document to the applicant. On execution by the applicant, who through this action becomes the sponsor, the parties are bound by the agreement's terms. The applicant may not proceed with the project until the agreement has been executed and the project start date listed in the agreement has arrived, unless specific authorization pursuant to WAC 286-13-085 (1)(a) has been given by the director.

(2) If the project is approved by the committee to receive a grant from federal funds, the director shall not execute an agreement or amendment with the applicant until federal funding has been authorized through execution of a concurrent project agreement with the applicable federal agency.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-060, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-060, filed 8/17/94, effective 9/17/94.]

WAC 286-13-070 Disbursement of funds. Except as otherwise provided herein, the director will authorize disbursement of project funds only on a reimbursable basis, after the sponsor has spent its own funds and has presented a billing showing satisfactory evidence of property rights acquired and/or compliance with partial or all provisions of the project agreement.

(1) Reimbursement method. Reimbursement must be requested on voucher forms authorized by the director and must include all documentation as detailed in the manual in effect at the time reimbursement is requested.

(2) Reimbursement level. The amount of reimbursement may never exceed the cash spent on the project.

(3) Partial payment. Partial reimbursements may be made during the course of a project on presentation of billings showing satisfactory evidence of partial acquisition or development.

(4) Exceptions.

(a) State agencies' Initiative 215 (Marine Recreation Land Act) appropriations. Prior to the 1995-1997 biennium (July 1, 1995,) state agencies were required to submit voucher forms with the supporting documentation specified in the manual in effect at the time of completion of project acquisition, relocation or development.

(b) Direct payment. Direct payment to escrow of the committee's share of the approved cost of real property may be made following committee approval of an acquisition project when the sponsor indicates a temporary lack of funds to purchase the property. Prior to release of the committee's share of escrow funds, the sponsor must provide the director with a copy of a binding sale agreement between the sponsor and the seller and evidence of deposit of the sponsor's share (if any) into an escrow account.

(2005 Ed.)

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 98-08-014, § 286-13-070, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-070, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-070, filed 8/17/94, effective 9/17/94.]

WAC 286-13-080 Committee funds intended to supplement. State grants through the committee are intended to supplement the existing capacity of a sponsor; they are not intended to supplant programs, or to reimburse the cost of projects that would have been undertaken without state matching money. Furthermore, except as hereinafter provided, the committee will not approve the disbursement of funds for a project when otherwise reimbursable activities have been undertaken before a project agreement has been executed.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-080, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-080, filed 8/17/94, effective 9/17/94.]

WAC 286-13-085 Retroactive and increased costs. See WAC 286-04-010 for definition of terms for the following section.

Under most conditions, eligible expenses may only be reimbursed for activities that occur within the period cited in the project agreement. This is known as the committee's prohibition on retroactivity. To avoid this prohibition, a waiver may be issued.

(1) Retroactive land acquisition costs.

The director may grant a waiver of retroactivity whenever an applicant asserts, in writing, that a condition exists which may jeopardize the project. When evidence warrants, the director may grant the applicant permission to proceed by issuing the written waiver. This waiver of retroactivity will not be construed as an approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for assistance. If the project is to remain eligible for grant support from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(2) Retroactive development costs. The only retroactive development costs eligible for reimbursement consideration are preliminary expenses (e.g., engineering costs).

However, solely in respect to WWRP projects on LEAP Capital Document 5, the director is authorized to grant a waiver of retroactivity which establishes eligibility for future reimbursement of all appropriate development costs. Such applicants' retroactivity requests must be in writing, and provide sufficient justification. Reimbursement of expenditures is subject to the provisions of WAC 286-13-070. This authority shall be effective until the execution of a project agreement or June 30, 1997, whichever occurs first.

(3) Cost increases.

(a) Cost increases for approved projects may be granted by the committee if financial resources are available.

(b) Each cost increase request will be considered on its merits.

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(c) If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor may request that the committee increase assistance by an equivalent amount; such requests shall be considered on their merits.

(d) The director may approve a sponsor's acquisition, development, and/or noncapital project cost increase request so long as the total request does not exceed ten percent of the project's approved initial cost. The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720.98-08-014, § 286-13-085, filed 3/18/98, effective 4/18/98; 97-08-003, § 286-13-085, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5) and 43.99.080(2). 96-15-082, § 286-13-085, filed 7/18/96, effective 8/18/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-085, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-085, filed 8/17/94, effective 9/17/94.]

WAC 286-13-090 Federal assistance. Insofar as is possible under the committee's statewide plan(s) provided under WAC 286-04-020(3) applications will be administered and approved in a manner that will maximize any federal assistance available for the benefit of projects in Washington.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-090, filed 8/17/94, effective 9/17/94.]

WAC 286-13-100 Nonconformance and repayment. Any sponsor expenditure of committee grant moneys deemed by the committee or director to conflict with applicable statutes, rules and/or related manuals must be repaid, upon written request by the director, to the appropriate state account. Such repayment requests may be made in consideration of an applicable report from the state auditor's office.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720.98-08-014, § 286-13-100, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-100, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-100, filed 8/17/94, effective 9/17/94.]

WAC 286-13-110 Income, income use. (1) Income.

(a) Compatible source. The source of any income generated in a committee assisted project or project area must be compatible with the element(s) defined in the project agreement. The way the project or project area is defined varies with the source of funds provided by the committee. That is, income generated in a project assisted with funds that originate from:

(i) A state source must be consistent with the limits of the element(s) assisted by the committee (for example, within the area of an athletic field or habitat area).

(ii) The federal land and water conservation fund must be consistent within the boundary described in chapter 660.2.6.A. ("project area") of the *L&WCF Grants-in-Aid Manual*.

(b) Fees. User and/or other fees may be charged in connection with land acquired or facilities developed with committee grants if the fees are consistent with the:

- (i) Value of any service(s) furnished; and
- (ii) Value of any opportunity(ies) furnished; and
- (iii) Prevailing range of public fees in the state for the activity.

Excepted are firearms and archery range recreation program safety classes (firearm and/or hunter) for which a facility/range fee must *not* be charged (RCW 77.12.720).

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

- (a) The sponsor's matching funds; and/or
- (b) The project's total cost; and/or
- (c) The expense of operation, maintenance, and/or repair of the facility or program assisted by the committee grant; and/or
- (d) The expense of operation, maintenance, and/or repair of other units in the sponsor's park and recreation and/or habitat conservation system; and/or
- (e) Capital expenses for similar acquisition and/or development.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-17-004, § 286-13-110, filed 8/7/97, effective 9/7/97; 97-08-003, § 286-13-110, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-13-110, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-110, filed 8/17/94, effective 9/17/94.]

WAC 286-13-115 Discrimination, preferences. (1)

Sponsors shall not discriminate against users of projects assisted with committee funds on the basis of race, creed, color, sex, religion, national origin, disability, marital status, or sexual orientation.

(2) Sponsors shall not express a preference for users of committee grant assisted projects on the basis of residence (including preferential reservation, membership, and/or permit systems). However, reasonable differences in admission and other fees may be maintained on the basis of residence. The committee does not encourage the imposition of such differential fees. Fees for nonresidents must not exceed twice the fee imposed on residents. Where there is no fee for residents but a fee is charged to nonresidents, the nonresident fee shall not exceed the amount that would be imposed on residents at comparable state or local public facilities.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-17-004, § 286-13-115, filed 8/7/97, effective 9/7/97; 96-08-044, § 286-13-115, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-115, filed 8/17/94, effective 9/17/94.]

WAC 286-13-120 Permanent project signs. Permanent signs identifying that land was acquired or facilities developed with financial assistance from the committee are required unless waived by the director. Such waivers are considered based on agreed project goals.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-120, filed 8/17/94, effective 9/17/94.]

1), § 286-26-070, filed 2/17/78; Order 3, § 286-26-070, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Chapter 286-26 WAC

NONHIGHWAY ROAD AND OFF-ROAD VEHICLE FUNDS

WAC

- 286-26-010 Scope of chapter.
- 286-26-020 What definitions apply to this chapter?
- 286-26-080 Does this program have planning eligibility requirements?
- 286-26-083 What long term rules apply?
- 286-26-085 When considering approval of a conversion, what rules apply?
- 286-26-090 For land acquisition projects, are there long term obligations?
- 286-26-100 For development projects, are there long term obligations?
- 286-26-105 What provisions apply to federal agencies?
- 286-26-110 Matching amounts and caps determined.

WAC 286-26-010 Scope of chapter. This chapter contains rules affecting the nonhighway and off-road vehicle activities grant program administered by the committee under chapter 46.09 RCW. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-26-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-010, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-010, filed 11/17/86. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.-020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-010, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-010, filed 2/17/78; Order 3, § 286-26-010, filed 7/31/73.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 286-26-030 Eligibility. [Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-030, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-030, filed 11/17/86; 78-03-032 (Order 78-1), § 286-26-030, filed 2/17/78; Order 3, § 286-26-030, filed 7/31/73.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).
- 286-26-040 Qualification. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-040, filed 11/17/86. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-040, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-040, filed 2/17/78; Order 3, § 286-26-040, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-050 Apportionment of funds. [Order 3, § 286-26-050, filed 7/31/73.] Repealed by 78-03-032 (Order 78-1), filed 2/17/78. Statutory Authority: Chapter 43.99 RCW.
- 286-26-055 Funded projects. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-055, filed 11/17/86; 84-17-029 (Order 84-2), § 286-26-055, filed 8/8/84. Statutory Authority: RCW 43.99.010, 43.99.-110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-055, filed 12/8/82.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-060 Disbursement of funds. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-060, filed 11/17/86. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-060, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-26-060, filed 9/5/79; 78-03-032 (Order 78-1), § 286-26-060, filed 2/17/78; Order 3, § 286-26-060, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-070 Fund accountability. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-070, filed 11/17/86. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-070, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-

WAC 286-26-020 What definitions apply to this chapter? For purposes of this chapter, the following definitions shall apply:

"Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

"NOVA" means the committee's nonhighway and off-road vehicle activities program described in chapter 46.09 RCW.

"NOVA advisory committee" as provided in RCW 46.09.280, means the panel of representatives chosen to advise the director in the development of the statewide NOVA plan, the development of a project priority rating system, the suitability and evaluation of NOVA projects submitted to the committee for funding, and other aspects of NOVA recreation as the need may arise, in accordance with chapter 46.09 RCW.

"Off-road vehicle" (ORV) as provided in RCW 46.09.-020.

"ORV sport park" as provided in RCW 46.09.020, means a facility that accommodates racing two, three, and/or four-wheel ORVs, and four-wheeled vehicles over forty inches width which are equipped with four-wheel drive or other characteristics such as nonslip drive trains and high clearance. Such courses include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses which are paved and designed primarily for other vehicles, such as go-karts and formula cars, are not eligible for funds from the NOVA program account.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-020, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 46.09.240(1). 98-08-014, § 286-26-020, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-26-020, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-020, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-020, filed 11/17/86; 84-17-029 (Order 84-2), § 286-26-020, filed 8/8/84. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-020, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032

(Order 78-1), § 286-26-020, filed 2/17/78; Order 3, § 286-26-020, filed 7/31/73.]

WAC 286-26-080 Does this program have planning eligibility requirements? Yes. To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2), except that such a plan is not required to support a funding request for education—enforcement and/or maintenance—operation projects. At minimum the plan must include:

- (1) A statement of the applicant's long-range goals and objectives;
- (2) An inventory, or description of the planning area;
- (3) An analysis of demand and need, that is, why actions are required;
- (4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;
- (5) A current capital improvement program of at least six years;
- (6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-080, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-08-003, § 286-26-080, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-26-080, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 46.09.240(1), 94-24-044, § 286-26-080, filed 12/2/94, effective 1/2/95. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-080, filed 8/17/94, effective 9/17/94.]

WAC 286-26-083 What long term rules apply? (1) Without prior approval of the committee, land, natural resources and/or facilities purchased and/or developed with committee administered NOVA funds shall not be converted to uses other than those for which the funds were originally approved.

(2) The committee is entitled to pursue and obtain remedies that assure the substitution or replacement of natural resources or facilities in accordance with this chapter.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-083, filed 12/3/04, effective 1/3/05.]

WAC 286-26-085 When considering approval of a conversion, what rules apply? The committee shall only approve conversions when:

- (1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis; and
- (2) Another resource(s) will serve as a replacement. The replacement resource(s) must:
 - (a) (If a land acquisition) be real property(ies) of at least equal fair market value and public benefit at the time of conversion;
 - (b) (If a development) provide a facility of at least equal fair market value and public benefit as that which existed at the time of the original investment;

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(c) Be of reasonably equivalent or greater recreation usefulness and location;

(d) Be administered by the same political jurisdiction as the converted property and/or development;

(e) Satisfy need(s) identified in the committee's or sponsor's plan; and

(f) Include only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-085, filed 12/3/04, effective 1/3/05.]

WAC 286-26-090 For land acquisition projects, are there long term obligations? Yes. Sponsors must execute an instrument(s) containing:

(1) For fee or perpetual property rights acquisition projects:

- (a) A legal description of the property acquired;
- (b) A conveyance to the state of Washington for the right to use the described real property for outdoor recreation purposes forever unless a term is specified in the project agreement; and
- (c) A prohibition on conversion of use of the land to a principal use other than that for which funds were originally approved without prior approval of the committee.

(2) For lease, less than fee, or nonperpetual property rights, a binding agreement which:

- (a) Contains a legal description of the property and rights acquired;
- (b) Contains a conveyance to the state of Washington for the right to use the described real property for outdoor recreation purposes for the period of the lease;
- (c) Contains a prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee;
- (d) Is for at least twenty-five years unless precluded by state law;
- (e) Is not revocable at will;
- (f) Has a value supported through appraisal requirements approved by the committee;
- (g) Is paid for in lump sum at initiation.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-090, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-090, filed 8/17/94, effective 9/17/94.]

(2) For lease, less than fee, or nonperpetual property rights, a binding agreement which:

(g) Is paid for in lump sum at initiation.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-090, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-090, filed 8/17/94, effective 9/17/94.]

WAC 286-26-100 For development projects, are there long term obligations? Yes.

(1) Properties and facilities assisted with money granted by the committee shall not be converted (WAC 286-26-083(1)).

(2) Properties and facilities assisted with money granted by the committee shall be:

- (a) Built, operated, used, and maintained according to federal, state, and local laws and regulations, including public health standards and building codes;
- (b) Built, operated, used, and maintained in a reasonably safe condition for the project's intended use;
- (c) Operated and maintained throughout its estimated life so as to prevent undue deterioration;

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(d) Built and operated in compliance with all federal and state nondiscrimination laws, regulations, and policies.

(3) Facilities open to the public must:

(a) Be built, operated, and maintained according to state and federal accessibility guidelines.

(b) Appear attractive and inviting to the public except for brief installation, construction, or maintenance periods.

(c) Be available for use at reasonable hours and times of the year, according to the type of area or facility.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-100, filed 12/3/04, effective 1/3/05. Statutory Authority: RCW 46.09.240. 99-16-009, § 286-26-100, filed 7/22/99, effective 8/22/99. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-26-100, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A]-070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-100, filed 8/17/94, effective 9/17/94.]

WAC 286-26-105 What provisions apply to federal agencies? A committee-federal agency agreement signed by the parties shall control the provision of funds granted by the committee for facility developments to federal agency sponsored projects. Absent this agreement, the "general provisions" of committee's project agreement shall control.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-26-105, filed 12/3/04, effective 1/3/05.]

WAC 286-26-110 Matching amounts and caps determined. The committee will establish NOVA program sponsor matching share requirements and fund request limits. Any changes will normally be done at a committee meeting six months before program funding consideration.

[Statutory Authority: RCW 46.09.240(1). 98-08-014, § 286-26-110, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-26-110, filed 3/29/96, effective 4/29/96.]

Chapter 286-27 WAC

WASHINGTON WILDLIFE AND RECREATION PROGRAM

WAC

286-27-010	Scope.
286-27-020	Effective date.
286-27-040	Planning requirements.
286-27-055	Acquisition projects—Deed of right, conversions, leases and easements.
286-27-060	Project conversions.
286-27-065	Development projects—Conversion to other uses.
286-27-075	Matching amounts and caps determined.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-27-030	Definitions. [Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-030, filed 8/12/91, effective 9/12/91.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.-060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).
286-27-050	Planning requirements, habitat conservation account. [Statutory Authority: RCW 43.98A.060(1), 43.98A.-070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-27-050, filed 3/29/96, effective 4/29/96. Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-050, filed 8/12/91, effective 9/12/91.] Repealed by 97-08-003, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720.

286-27-070 Participation manuals. [Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-070, filed 8/12/91, effective 9/12/91.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.-240(1) and 77.12.720(4).

286-27-080 Funded projects. [Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-080, filed 8/12/91, effective 9/12/91.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.-060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).

WAC 286-27-010 Scope. This chapter contains rules affecting the Washington wildlife and recreation grant program administered by the committee under RCW 43.98A.060(1) and 43.98A.070(5). Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC. These moneys are available through the committee for projects in state parks, local parks, trails, water access, critical habitat, natural areas and urban wildlife habitat categories.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-27-010, filed 3/29/96, effective 4/29/96. Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-010, filed 8/12/91, effective 9/12/91.]

WAC 286-27-020 Effective date. Rules in this chapter only apply to projects submitted after October 1, 1991.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-020, filed 8/12/91, effective 9/12/91.]

WAC 286-27-040 Planning requirements. To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2). At minimum the plan must include:

- (1) A statement of the applicant's long-range goals and objectives;
- (2) An inventory, or description of the planning area;
- (3) An analysis of demand and need, that is, why actions are required;
- (4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;
- (5) A current capital improvement program of at least five years;
- (6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.;

(7) *Excepted* are riparian zone habitat protection projects under RCW 43.98A.040 (1)(d), where planning requirements in section 329(6), chapter 235, Laws of 1997, shall apply rather than those listed in subsections (1) through (6) of this section.

[Statutory Authority: RCW 43.98A.060(1). 98-08-014, § 286-27-040, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-08-003, § 286-27-040, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720 (4). 96-08-044, § 286-27-040, filed 3/29/96, effective 4/29/96. Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-040, filed 8/12/91, effective 9/12/91.]

WAC 286-27-055 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments which contain:

(1) For fee, less-than-fee, and easement acquisition projects:

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington of the right to use the described real property for habitat conservation and/or outdoor recreation purposes in perpetuity unless a term is specified in the project agreement; and

(c) A restriction on conversion of use of the land. That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

(a) Must be for at least fifty years unless precluded by state law;

(b) May not be revocable at will;

(c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), 98-08-014, § 286-27-055, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-27-055, filed 3/29/96, effective 4/29/96.]

WAC 286-27-060 Project conversions. (1) Except under conditions brought about by acts of God, fire, and projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), natural resources and facilities purchased with chapter 43.98A RCW funds shall not, without the approval of the committee, be converted to uses other than those for which the funds were originally approved. The committee will only approve such conversions on conditions which assure the substitution or replacement with natural resources or facilities which are of at least equal fair market value at the time of conversion. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

(2) Projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. §1247(d) shall convert to railroad purposes automatically upon reactivation of a line for rail purposes under an ICC order. Substitution or replacement with natural resources, facilities or moneys which are of at least equal fair market value at the time of conversion may be required. Substitution or replacement of natural resources and facilities, when required, must be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

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(3) The committee is entitled to pursue and obtain remedies which assure the substitution or replacement of natural resources or facilities in accordance with this section.

[Statutory Authority: RCW 43.98A.070(5), 93-24-007, § 286-27-060, filed 11/19/93, effective 12/20/93. Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-060, filed 8/12/91, effective 9/12/91.]

WAC 286-27-065 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee, to state, county, municipality or native American tribal government sponsors, shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction as the converted development;

(iii) Will satisfy need(s) identified in the sponsor's outdoor recreation or habitat plan (see WAC 286-27-040); and

(iv) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), 98-08-014, § 286-27-065, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-27-065, filed 3/29/96, effective 4/29/96.]

WAC 286-27-075 Matching amounts and caps determined. Consistent with RCW 43.98A.060(4) and 43.98A.070(4), the committee will establish sponsor matching share requirements and acquisition-development fund request limits. Any changes will normally be done at a committee meeting six months before program funding consideration.

[Statutory Authority: None supplied by agency. 98-08-014, § 286-27-075, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-27-075, filed 3/29/96, effective 4/29/96.]

Chapter 286-30 WAC

FIREARMS RANGE

WAC

286-30-010	Scope.
286-30-030	Acquisition projects—Deed of right, conversions, leases and easements.
286-30-040	Development projects—Conversion to other uses.
286-30-050	Matching requirements and caps determined.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-30-020	Eligibility. [Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-020, filed 8/17/94, effective 9/17/94.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060
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(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).

WAC 286-30-010 Scope. This chapter contains rules affecting the firearms and archery range recreation grant program administered by the committee under RCW 77.12.720. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-30-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-010, filed 8/17/94, effective 9/17/94.]

WAC 286-30-030 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments that contain:

(1) For fee, less-than-fee, and easement acquisition projects:

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington of the right to use the described real property for at least ten years from the date of the committee's final reimbursement for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land for at least ten years from the date of the committee's final reimbursement, with the proviso that should use be discontinued or a noncommittee approved conversion occur, the sponsor shall pay back to the committee the entire grant amount. That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not, within ten years, be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

(a) Must be for at least ten years from the date of the committee's final reimbursement unless precluded by state law;

(b) May not be revocable at will;

(c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-30-030, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-030, filed 8/17/94, effective 9/17/94.]

WAC 286-30-040 Development projects—Conversion to other uses. (1) Within ten years of the committee's final reimbursement, and without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for

which funds were originally approved. Should a thus prohibited conversion occur, the sponsor shall pay back to the committee the entire grant amount.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction or entity as the converted development; and

(iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-040, filed 8/17/94, effective 9/17/94.]

WAC 286-30-050 Matching requirements and caps determined. The committee will establish sponsor matching share requirements and fund request limits. Any changes will normally be done at a committee meeting six months before project funding consideration.

[Statutory Authority: RCW 77.12.720. 98-08-014, § 286-30-050, filed 3/18/98, effective 4/18/98.]

Chapter 286-35 WAC

BOATING FACILITIES PROGRAM

WAC

286-35-010	Scope.
286-35-030	Planning requirements.
286-35-060	Matching requirements and caps determined.
286-35-080	Acquisition projects—Deed of right, conversions, leases and easements.
286-35-090	Development projects—Conversion to other uses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-35-020	Eligibility. [Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-020, filed 8/17/94, effective 9/17/94.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).
286-35-040	Planning requirements—State agencies. [Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-35-040, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].-070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-040, filed 8/17/94, effective 9/17/94.] Repealed by 97-08-003, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720.
286-35-050	Apportionment of marine fuel tax receipts, state and local agencies. [Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.-720. 94-17-095, § 286-35-050, filed 8/17/94, effective 9/17/94.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).
286-35-070	Projects eligible for funding. [Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-070,

filed 8/17/94, effective 9/17/94.] Repealed by 96-08-044, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4).

WAC 286-35-010 Scope. This chapter contains rules affecting the Initiative 215 boating facilities grant program administered by the committee under the Marine Recreation Land Act, chapter 43.99 RCW. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-010, filed 8/17/94, effective 9/17/94.]

WAC 286-35-030 Planning requirements. To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2). At minimum the plan must include:

- (1) A statement of the applicant's long-range goals and objectives;
- (2) An inventory, or description of the planning area;
- (3) An analysis of demand and need, that is, why actions are required;
- (4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;
- (5) A current capital improvement program of at least five years;
- (6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-08-003 § 286-35-030, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-35-030, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-030, filed 8/17/94, effective 9/17/94.]

WAC 286-35-060 Matching requirements and caps determined. The committee will establish sponsor matching share requirements and acquisition-development fund request limits. Any changes will normally be done at a committee meeting six months before project funding consideration.

[Statutory Authority: RCW 43.99.124. 98-08-014, § 286-35-060, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-35-060, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-060, filed 8/17/94, effective 9/17/94.]

WAC 286-35-080 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments which contain:

- (1) For fee, less-than-fee, and easement acquisition projects:
 - (a) A legal description of the property acquired;

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(b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land.

That is, marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

- (a) Must be for at least fifty years unless precluded by state law;
- (b) May not be revocable at will;
- (c) Must have a value supported through standard appraisal techniques;
- (d) Must be paid for in lump sum at initiation;
- (e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-080, filed 8/17/94, effective 9/17/94.]

WAC 286-35-090 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

- (a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;
- (b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:
 - (i) Is of reasonably equivalent recreation utility and location;
 - (ii) Will be administered by the same political jurisdiction as the converted development; and
 - (iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-090, filed 8/17/94, effective 9/17/94.]

Chapter 286-40 WAC

LAND AND WATER CONSERVATION FUND

WAC

286-40-010	Scope.
286-40-020	Funding and candidate selection.
286-40-030	Matching requirements.
286-40-040	Projects eligible for funding.
286-40-050	Acquisition projects—Deed of right, conversions, leases and easements.
286-40-060	Development projects—Conversion to other uses.

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WAC 286-40-010 Scope. This chapter contains rules affecting the federal land and water conservation fund program administered by the committee. These funds are administered pursuant to the Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 78 stat 897), and the *Land and Water Conservation Fund Grants Manual* (U.S. Department of the Interior, National Park Service). Under the terms of this program many federal requirements are imposed on both applicants and the committee over which the committee has no control. Most of these federal requirements are restated or clarified in the manuals. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-40-010, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-010, filed 8/17/94, effective 9/17/94.]

WAC 286-40-020 Funding and candidate selection. Funding for projects approved under this chapter is from any eligible account administered by the committee. Candidate project(s) are recommended by the director, and approved by the committee. Selection criteria include:

- (1) How well the project(s) has ranked in the evaluation;
- (2) How well the project(s) meets needs identified in the statewide comprehensive outdoor recreation planning program and the general goals identified in WAC 286-04-030;
- (3) How well the project(s) meets the criteria in the Land and Water Conservation Fund Grants Manual;
- (4) An assessment of how quickly the project(s) will progress through planning and implementation stages.

[Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. 01-17-056, § 286-40-020, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.99.080(2). 00-05-008, § 286-40-020, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. 97-08-003 § 286-40-020, filed 3/20/97, effective 4/20/97. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-40-020, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-020, filed 8/17/94, effective 9/17/94.]

WAC 286-40-030 Matching requirements. (1) Local agencies. The committee shall only approve local agency projects when the applicant's share is at least equal to the committee amount awarded.

(2) State agencies. If federal matching money is available, state agency sponsors may be assisted by committee funds to meet federal matching requirements.

[Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). 96-08-044, § 286-40-030, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-030, filed 8/17/94, effective 9/17/94.]

WAC 286-40-040 Projects eligible for funding. Only those acquisition and development costs eligible under the federal Land and Water Conservation Fund Act as specified in that program's manual will be eligible for consideration by the committee. However, from time to time the committee may decide as a matter of policy that certain project costs are

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ineligible irrespective of how those costs are treated under the Land and Water Conservation Fund Act.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-040, filed 8/17/94, effective 9/17/94.]

WAC 286-40-050 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments which contain:

(1) For fee, less-than-fee, and easement acquisition projects:

- (a) A legal description of the property acquired;
- (b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land. That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

- (a) Must be for at least fifty years unless precluded by state law;
- (b) May not be revocable at will;
- (c) Must have a value supported through standard appraisal techniques;
- (d) Must be paid for in lump sum at initiation;
- (e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-050, filed 8/17/94, effective 9/17/94.]

WAC 286-40-060 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

- (a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;
- (b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

- (i) Is of at least equal fair market value and of reasonably equivalent recreation usefulness and location;
- (ii) Will be administered by the same political jurisdiction as the converted development; and
- (iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-060, filed 8/17/94, effective 9/17/94.]

Chapter 286-42 WAC

AQUATIC LANDS ENHANCEMENT ACCOUNT PROGRAM

WAC

286-42-010	What is the purpose of this chapter?
286-42-020	What organizations may receive ALEA grants?
286-42-030	Do these rules apply to projects funded on or before April 1, 2004?
286-42-040	What long term rules apply?
286-42-050	When considering approval of a conversion, what rules apply?
286-42-060	For land acquisition projects, are there long term obligations?
286-42-080	For development projects, are there long term obligations?
286-42-090	Must a grant recipient provide matching funds for the project—Are grant amounts limited?

WAC 286-42-010 What is the purpose of this chapter? This chapter provides rules affecting the aquatic lands enhancement account (ALEA) grant program administered by the committee under RCW 79.90.245 and section 377, chapter 26, Laws of 2003, 1st sp. sess. Additional provisions are contained in "Definitions," 286-04-010 and "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-010, filed 12/3/04, effective 1/3/05.]

WAC 286-42-020 What organizations may receive ALEA grants? Through the committee, ALEA grants are available to any division of local or state government and native American tribe that is eligible to apply and that is legally authorized to acquire and develop public open space, habitat, recreation lands, and/or natural resources.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-020, filed 12/3/04, effective 1/3/05.]

WAC 286-42-030 Do these rules apply to projects funded on or before April 1, 2004? No. Rules in this chapter apply only to projects funded after April 1, 2004.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-030, filed 12/3/04, effective 1/3/05.]

WAC 286-42-040 What long term rules apply? (1) Without prior approval of the committee, land, natural resources and/or facilities purchased and/or developed with committee administered ALEA funds shall not be converted to uses other than those for which funds were originally approved.

(2) The committee is entitled to pursue and obtain remedies that assure the substitution or replacement of natural resources or facilities in accordance with this chapter.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-040, filed 12/3/04, effective 1/3/05.]

WAC 286-42-050 When considering approval of a conversion, what rules apply? The committee shall only approve conversions when:

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(1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis; and

(2) Another resource(s) will serve as a replacement. The replacement resource(s) must:

(a) (If a land acquisition) be real property of at least equal fair market value and public benefit at the time of conversion;

(b) (If a development) provide a facility of at least equal fair market value and public benefit as that which existed at the time of the original investment;

(c) Be of reasonably equivalent or greater recreation and habitat usefulness and location;

(d) Be administered by the same political jurisdiction as the converted property and/or development;

(e) Satisfy need(s) identified in the committee's or sponsor's plan; and

(f) Include only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-050, filed 12/3/04, effective 1/3/05.]

WAC 286-42-060 For land acquisition projects, are there long term obligations? Yes. Sponsors must execute an instrument(s) containing:

(1) For fee or perpetual property rights acquisition projects:

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington for the right to use the described real property for habitat conservation and/or outdoor recreation purposes forever unless a term is specified in the project agreement; and

(c) A prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee.

(2) For lease, less than fee, or nonperpetual property rights, a binding agreement which:

(a) Contains a legal description of the property and rights acquired;

(b) Contains a conveyance to the state of Washington for the right to use the described real property for habitat conservation and/or outdoor recreation purposes for the period specified;

(c) Contains a prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee;

(d) Is for at least twenty-five years unless precluded by state law;

(e) Is not revocable at will;

(f) Has a value supported through appraisal requirements approved by the committee;

(g) Is paid for in lump sum at initiation.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-060, filed 12/3/04, effective 1/3/05.]

WAC 286-42-080 For development projects, are there long term obligations? Yes.

(1) Properties and facilities assisted with moneys granted by the committee shall not be converted (WAC 286-42-040(1)).

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(2) Properties and facilities assisted with moneys granted by the committee shall be:

(a) Built, operated, used, and maintained according to federal, state, and local laws and regulations, including public health standards and building codes;

(b) Built, operated, used, and maintained in a reasonably safe condition for the project's intended use;

(c) Operated and maintained throughout its estimated life so as to prevent undue deterioration;

(d) Built and operated in compliance with all federal and state nondiscrimination laws, regulations, and policies.

(3) Facilities open to the public must:

(a) Be built, operated, and maintained according to state and federal accessibility guidelines;

(b) Appear attractive and inviting to the public except for brief installation, construction, or maintenance periods;

(c) Be available for use at reasonable hours and times of the year, according to the type of area or facility.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-080, filed 12/3/04, effective 1/3/05.]

WAC 286-42-090 Must a grant recipient provide matching funds for the project—Are grant amounts limited? Yes. The committee establishes sponsor matching share requirements and fund request limits. Any changes to current requirements are normally made at a committee meeting six months before program funding consideration.

[Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. 05-01-030, § 286-42-090, filed 12/3/04, effective 1/3/05.]