

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.

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.

(8/14/01)

(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 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.

[Ch. 286-40 WAC—p. 1]

[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.]