

Chapter 286-13 WAC

GENERAL GRANT ASSISTANCE RULES

WAC

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WAC 286-13-010 What is the purpose of this chapter? (1) This chapter contains general rules affecting grant program eligibility, applications, and projects funded with money from or through the board.

(2) Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle activities 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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-010, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. WSR 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). WSR 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. WSR 94-17-095, § 286-13-010, filed 8/17/94, effective 9/17/94.]

WAC 286-13-020 Applications. (1) All grant requests must be completed and submitted in the format prescribed by the director.

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

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-020, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 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. WSR 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 office will be referred to the director for review and recommendations. In reaching a recommendation, the director shall seek the advice and counsel of the office's staff and other recognized experts, includ-

ing those gathered at technical review and evaluation meetings or from other parties with experience in the field.

(2) The office 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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-030, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 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). WSR 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. WSR 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) Compliance with the following deadlines is required to be eligible for grant funding and to receive grant funding.

(a) Applications must be submitted at least four calendar months before the meeting of the board at which the applicant's project is first considered. Applications must be completed in final form and on file with the office at least one calendar month before the meeting of the board at which the applicant's project is first considered. Excepted are applications for programs where the director specifically establishes another deadline to accomplish new or revised statutory direction, board direction, or to meet a federal grant application deadline.

(b) Plans required for participation in board grant programs must be complete and on file with the office at least three calendar months before the meeting of the board 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.

(c) To develop the director's 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 office at least one calendar month before the meeting of the board at which the project is to be considered for funding.

(d) To prepare a project agreement, certain documents or materials in addition to the application may be required by the office. These documents or materials must be provided by the applicant to the office at least two calendar months after the date the board or director approves funding for the project or earlier to meet a federal grant program requirement. After this period, the board or director may rescind the offer of grant funds and reallocate the grant funds to another project(s).

(e) An applicant has three calendar months from the date the office sends the project agreement to sign and return the agreement to the office. After this period, the board or direc-

tor may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

(2) Compliance with the deadlines is required unless a waiver is granted by the board or director. Such waivers are considered based on several factors which may vary with the type of waiver requested, including any one or more of the following:

- (a) Current status and progress made to meet the deadline;
- (b) The reason the established deadline could not be met;
- (c) When the deadline will be met;
- (d) Impact on the board's evaluation process;
- (e) Equity to other applicants; and
- (f) Such other information as may be relevant.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-040, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 79.90.245, 2004 c 276 and RCW 46.09.240. WSR 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. WSR 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. WSR 98-08-014, § 286-13-040, filed 3/18/98, effective 4/18/98; WSR 97-17-004, § 286-13-040, filed 8/7/97, effective 9/7/97; WSR 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. WSR 94-17-095, § 286-13-040, filed 8/17/94, effective 9/17/94.]

WAC 286-13-045 What rules govern matching resources? (1) When the board gives preference to an applicant that provides a matching resource, it is the intent of the board to do so to foster and demonstrate local commitment to the proposed project, to make funds from a given grant program and revenue source available to a greater number of projects, and to fund projects that are ready to implement without delay.

(2) Applicant resources used to match board funds must be eligible in the grant program. Sources of matching resources include, but are not limited to, any one or more of the following:

- (a) Appropriations and cash;
- (b) Value of the applicant's expenses for labor, materials, and equipment;
- (c) Value of donated real property, labor, services, materials, and equipment use; and
- (d) Grant funds, except those from the same grant program administered by the board.

(3) The board may require the applicant to provide a portion of its matching resources in local resources.

(4) State agency projects may be assisted by one hundred percent funding from board funds except where prohibited by law or the board.

(5) Grants from state funds are intended to supplement the existing capacity of a sponsor. They are not intended to supplant existing programs or fund projects that would have been undertaken without grant funding.

(6) Except for grant applications submitted within the same biennium, matching resources or board grant funds committed in one board funded project must not be used as match in another board funded project.

(7) If a matching resource is required or provided in the grant application, it must also conform to the deadlines in WAC 286-13-040.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-045, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 79A.15.060(1), 79A.15.070(5), 79A.25.005, 79A.25.080(2), 79A.25.210. WSR 06-05-024, § 286-13-045, filed 2/7/06, effective 3/10/06. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-045, filed 3/18/98, effective 4/18/98; WSR 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). WSR 96-08-044, § 286-13-045, filed 3/29/96, effective 4/29/96.]

WAC 286-13-050 Funding decision. The board will review recommendations from the director for grant projects at regularly scheduled public meetings. The board retains the authority and responsibility to accept or deviate from these recommendations and make the final decision concerning the funding of a project.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-050, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 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 office subsequent to approval of the project by the board at a public meeting. The project agreement is executed upon the signature of the office and the applicant and the parties are bound by the agreement's terms. The applicant shall not proceed until the project agreement has been executed, unless specific authorization pursuant to WAC 286-13-085 has been given by the director.

(2) If the project is approved by the board 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 an agreement with the applicable federal agency.

(3) Execution of the project agreement must conform to the deadlines in WAC 286-13-040.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-060, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 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. WSR 94-17-095, § 286-13-060, filed 8/17/94, effective 9/17/94.]

WAC 286-13-070 Disbursement of funds. (1) Except as otherwise provided in this chapter, the office will authorize disbursement of project funds only on a reimbursable basis at the percentage identified in the project agreement after the sponsor has presented an invoice documenting costs incurred and compliance with the provisions of the project agreement.

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

(3) Reimbursement shall not be approved for any donations, including donated real property.

(4) Direct payment to an escrow account of the office's share of the approved cost of real property and related costs may be made following office approval when the sponsor indicates a temporary lack of funds to purchase the property on a reimbursement basis. Prior to release of the office's share

into escrow, the sponsor must provide the office with a copy of a binding agreement between the sponsor and the seller, all required documentation, and evidence of deposit of the sponsor's share, identified in the project agreement, into an escrow account.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-070, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 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). WSR 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. WSR 94-17-095, § 286-13-070, filed 8/17/94, effective 9/17/94.]

WAC 286-13-080 What rules govern expenses incurred before execution of a project agreement? Unless otherwise provided in this chapter, the office shall not approve the disbursement of funds for costs incurred before execution of a project agreement.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-080, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 79A.15.060(1), 79A.15.070(5), 79A.25.005, 79A.25.080(2), 79A.25.210. WSR 06-05-024, § 286-13-080, filed 2/7/06, effective 3/10/06. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720(4). WSR 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. WSR 94-17-095, § 286-13-080, filed 8/17/94, effective 9/17/94.]

WAC 286-13-085 Retroactive, preagreement, and increased costs. (1) The office will only reimburse costs that occur within the period of performance in the project agreement.

(2) The director may grant a waiver of retroactivity for acquiring real property whenever an applicant asserts, in writing, the justification for the critical need to purchase the property in advance of the project agreement along with any documentation required by the director. When evidence warrants, the director may grant the applicant permission to proceed by issuing a written waiver. This waiver of retroactivity will not be construed as approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for grant funding. If the project is to remain eligible for funding 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. A waiver may be issued for more than one grant program.

(3) The only retroactive acquisition, development, and restoration costs eligible for grant funding are preagreement costs as defined by the board.

(4) Cost increases for approved projects may be granted by the board or director if financial resources are available.

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

(b) The director may approve a cost increase request so long as the cost increase amount does not exceed ten percent of the project's approved initial grant funding amount. The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value.

(4/18/14)

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-085, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 98-08-014, § 286-13-085, filed 3/18/98, effective 4/18/98; WSR 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). WSR 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). WSR 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. WSR 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 board's statewide plan provided in this chapter, 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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-090, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-090, filed 8/17/94, effective 9/17/94.]

WAC 286-13-100 Nonconformance and repayment. Any project cost deemed by the board 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 per the terms of the project agreement. Such repayment requests may be made in consideration of an applicable report from the state auditor's office.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-100, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 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). WSR 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. WSR 94-17-095, § 286-13-100, filed 8/17/94, effective 9/17/94.]

WAC 286-13-110 Income, use of income. (1) The source of any income generated in a funded project or project area must be compatible with the funding source and project agreement.

(a) The way the project or project area is defined varies with the source of funds provided by the board. 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 board (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 protected boundary as described in the Land and Water Conservation Fund Act, 36 C.F.R., Part 59.

(b) User or other fees may be charged in connection with land acquired or facilities developed with board grants if the fees are consistent with the:

(i) Value of any service(s) furnished;

(ii) Value of any opportunities furnished; and

(iii) Prevailing range of public fees in the state for the activity involved.

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(iv) 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 79A.25.210).

(2) Regardless of whether income or fees in a project 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 or federal law, the revenue may only be used to offset:

- (a) The sponsor's matching resources;
- (b) The project's total cost;
- (c) The expense of operation, maintenance, stewardship, monitoring, or repair of the facility or program assisted by the board's grant;
- (d) The expense of operation, maintenance, stewardship, monitoring or repair of other similar units in the sponsor's system; or
- (e) Capital expenses for similar acquisition or development.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-110, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 97-17-004, § 286-13-110, filed 8/7/97, effective 9/7/97; WSR 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). WSR 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. WSR 94-17-095, § 286-13-110, filed 8/17/94, effective 9/17/94.]

46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-120, 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 board 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 board 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 board 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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-115, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1) and 77.12.720. WSR 97-17-004, § 286-13-115, filed 8/7/97, effective 9/7/97; WSR 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. WSR 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, developed or restored with financial assistance from the board are required unless waived by the director. Such waivers are considered based on agreed project goals.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-13-120, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080,