

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 board. These funds are administered pursuant to the Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 78 stat 897). Under the terms of this program many federal requirements are imposed on both applicants and the board over which the board has no control. Most of these federal requirements are restated or clarified in the manuals. Additional provisions are contained in "What definitions apply to this chapter?" WAC 286-04-010 and "General grant assistance rules" chapter 286-13 WAC.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-010, 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, § 286-40-010, 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. WSR 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 board. Candidate project(s) are recommended by the director, and approved by the board. 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; and
- (4) An assessment of how quickly the project(s) will progress through planning and implementation stages.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-020, filed 4/18/14, effective 5/19/14. 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, § 286-40-020, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.99.080(2). WSR 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. WSR 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). WSR 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. WSR 94-17-095, § 286-40-020, filed 8/17/94, effective 9/17/94.]

(4/18/14)

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

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

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-030, 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(4). WSR 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. WSR 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 board. However, from time to time the board 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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-040, 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, § 286-40-040, 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 board, a facility acquired with money granted by the board shall not be converted to a use other than that for which funds were originally approved. The board 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;

[Ch. 286-40 WAC p. 1]

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

(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 board.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-050, 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, § 286-40-050, filed 8/17/94, effective 9/17/94.]

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

(2) The board 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; and

(b) A new development 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 board's program from which funds were originally allocated.

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-40-060, 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, § 286-40-060, filed 8/17/94, effective 9/17/94.]