

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. WSR 94-17-095, § 286-35-020, filed 8/17/94, effective 9/17/94.] Repealed by WSR 96-08-044, filed 3/29/96, effective 4/29/96.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). WSR 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. WSR 94-17-095, § 286-35-040, filed 8/17/94, effective 9/17/94.] Repealed by WSR 97-08-003, filed 3/20/97, effective 4/20/97.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. WSR 94-17-095, § 286-35-050, filed 8/17/94, effective 9/17/94.] Repealed by WSR 96-08-044, filed 3/29/96, effective 4/29/96.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. WSR 94-17-095, § 286-35-070, filed 8/17/94, effective 9/17/94.] Repealed by WSR 96-08-044, filed 3/29/96, effective 4/29/96.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 boating facilities program administered by the board under the Marine Recreation Land Act, chapter 79A.25 RCW. 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, § 286-35-010, 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, § 286-35-010, 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;

(4/18/14)

(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; and

(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: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-35-030, 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 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). WSR 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. WSR 94-17-095, § 286-35-030, filed 8/17/94, effective 9/17/94.]

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

[Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-35-060, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.99.124. WSR 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). WSR 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. WSR 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;
- (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 79A.25.080 shall not, without the approval of the board, be converted to uses other than those for which such expenditure was originally approved. The board 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; 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, § 286-35-080, 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, § 286-35-080, filed 8/17/94, effective 9/17/94.]

WAC 286-35-090 Development projects—Conversion to other uses. (1) Without prior approval of the 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 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 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, § 286-35-090, 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, § 286-35-090, filed 8/17/94, effective 9/17/94.]