

# Chapter 286-13 WAC

## GENERAL GRANT ASSISTANCE RULES

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-13-030	Application review. [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.] Repealed by WSR 16-16-001, filed 7/20/16, effective 8/20/16. Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210.
286-13-080	What rules govern expenses 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.] Repealed by WSR 16-16-001, filed 7/20/16, effective 8/20/16. Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.-030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.-130, and 79A.25.210.

**WAC 286-13-010 Scope of chapter.** (1) This chapter contains general rules for grant program eligibility, applications, and projects funded with money from or through the board.

(2) Further rules are in chapter 286-30 WAC (Firearms range).

(5/17/17)

(3) The director may apply the rules in this chapter to programs administered by the office that are not subject to the board's approval.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 17-11-071, § 286-13-010, filed 5/17/17, effective 6/17/17; WSR 16-16-001, § 286-13-010, filed 7/20/16, effective 8/20/16. 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 286-13-015 Eligible applicants.** (1) Eligibility to apply for grant funding is determined by a grant program's statutory requirements unless authority is granted to the board.

(2) Eligible applicants in the aquatic lands enhancement account grant program are any division of local or state government and Native American tribes that are legally authorized to acquire and develop public open space, habitat, recreation lands or natural resources.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-015, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-020 Application requirements and the evaluation process.** (1) The board shall adopt a competitive evaluation process to guide it in allocating funds to grant applicants. The board may also adopt a technical review process to assist applicants in preparing for evaluation of their applications.

(2) The board's technical review and evaluation process for applications shall:

(a) Be developed, to a reasonable extent, through the participation of a grant program advisory committee and interested parties;

(b) Consider applicant, local, regional, and statewide needs, a project's technical merits, and other evaluation criteria;

(c) Be adopted by the board in open public meetings;

(d) Be made available in published form to interested parties;

(e) Be designed for use by an advisory committee selected for this purpose; and

(f) Be in accord with chapters 46.09, 79A.15, 79A.25, 79A.35 RCW, and RCW 79.105.150 and all other applicable statutes and federal laws and rules.

(3) The office shall administer the technical review and evaluation process adopted by the board. The office shall inform all applicants of the application requirements and the technical review and evaluation process.

(4) All applications completed in the format prescribed and submitted to the office that meet the application requirements and deadlines in this chapter will be referred to an advisory committee for evaluation.

(5) The results of the evaluation of applications from an advisory committee shall be referred to the director. The director shall use the results of the evaluation process to make funding recommendations to the board.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 16-16-001, § 286-13-020, filed 7/20/16, effective 8/20/16. 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 286-13-035 Planning requirement.** (1) An applicant must submit a plan in accordance with WAC 286-13-040 in order to apply for a grant from any of the following programs:

(a) Boating facilities program pursuant to the Marine Recreation Land Act, chapter 79A.25 RCW;

(b) Land and water conservation fund pursuant to the Land and Water Conservation Fund Act of 1965;

(c) Nonhighway and off-road vehicle activities account pursuant to chapter 46.09 RCW, except when applying for a grant for an education and enforcement project or a maintenance and operation project; or

(d) Washington wildlife and recreation program funded under chapter 79A.15 RCW, except when applying for a grant for a project funded from the farm and forest account.

(2) At a minimum, the plan must include:

(a) A statement of the applicant's long-range goals and objectives;

(b) An inventory;

(c) An analysis of demand and need, that is, why action is required;

(d) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;

(e) A current capital improvement program of at least six years; and

(f) 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 may be approved by department heads, district rangers, regional managers or supervisors, etc.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-035, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-040 Grant program deadlines.** (1) 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 by the deadline established by the director. The only exceptions 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.

(2) 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.

(3) 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.

(4) To prepare a project agreement, other 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).

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

(6) Sponsors must submit a request for reimbursement at least once each year as described in the agreement.

(7) Sponsors must submit final project deliverables at the completion of the project as described in the agreement.

(8) Compliance with the deadlines is required unless an extension is approved by the board or director. Requests to extend a deadline must be submitted to the office before the deadline. Extensions are considered based on several factors which may vary with the type of extension 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: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 16-16-001, § 286-13-040, filed 7/20/16, effective 8/20/16. 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 Matching resources and request limits.** (1) The board shall establish sponsor matching share requirements and fund request limits as allowed by law. Any changes will normally be done at a board meeting six months before program funding consideration.

(2) 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.

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

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

(6) 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.

(7) 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.

(8) 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: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-045, filed 5/17/17, effective 6/17/17. 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 Final decision.** (1) The board shall consider recommendations from the director for grant projects at regularly scheduled public meetings.

(2) The board retains the authority and responsibility to accept or deviate from the director's recommendations and make the final decision concerning the funding of an application or a change to a funded project.

(3) Unless otherwise precluded by law, the board's decision is the final decision.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR

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16-16-001, § 286-13-050, filed 7/20/16, effective 8/20/16. 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.

(4) A board-federal agency agreement signed by the parties shall control the provision of funds granted by the board to federal agency sponsored projects. Absent this agreement, the standard terms and conditions of board's project agreement shall control.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-060, filed 5/17/17, effective 6/17/17. 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 286-13-085 Retroactive, preagreement, and increased costs.** (1) Before execution of an agreement, the office shall not approve the disbursement of funds for project costs.

(2) The office will only reimburse costs that occur within the period of performance in the project agreement except for costs in subsections (3) and (4) of this section.

(3) 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.

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

(5) Cost increases for approved projects may be granted by the board or director if financial resources are available and within the appropriation authorized by the legislature.

(a) Each cost increase request will be considered on its merits and the board's grant program policies.

(b) The director may approve a cost increase with authority delegated by the board.

(c) The director's approval of an acquisition project cost increase is limited to a parcel-by-parcel appraised and reviewed value.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 16-16-001, § 286-13-085, filed 7/20/16, effective 8/20/16. 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.

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[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, or the agreement, 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: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, and 79A.25.210. WSR 16-16-001, § 286-13-100, filed 7/20/16, effective 8/20/16. 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.

(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;

(5/17/17)

(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.]

**WAC 286-13-115 Nondiscrimination, access to the public, and preferences.** (1) Sponsors shall not discriminate against users of projects assisted with board funds on the basis of race, creed, color, sex or gender, religion, national origin, disability, marital status, or sexual orientation.

(2) Properties, structures, and facilities intended for public use within the project area shall meet state and federal accessibility guidelines and nondiscrimination laws, regulations, and policies; be maintained to a standard that encourages use; and be open and available to the public at reasonable hours and times of the year.

(3) Sponsors shall not express a preference for users within the project area 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 non-resident fee shall not exceed the amount that would be imposed on residents at comparable state or local public facilities.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-115, filed 5/17/17, effective 6/17/17. 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, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-13-120, filed 8/17/94, effective 9/17/94.]

**WAC 286-13-130 Compliance with applicable laws.** Properties, structures, and facilities developed with the assistance of money granted by the board and within the project

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area shall be built, operated, and maintained according to applicable regulations, laws, building codes, and health standards to assure a reasonably safe condition and to prevent premature deterioration.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-130, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-150 Conveyance to the state for acquisition project.** (1) Acquisition of perpetual interests. When a sponsor acquires real property in perpetuity, the sponsor must record on the title of the property a binding instrument as required by the office that contains:

(a) A legal description of the real property acquired with grant assistance;

(b) A conveyance to the state of Washington of the right to use the described real property for the purposes funded by the grant in perpetuity; and

(c) A restriction on the conversion of use of the real property.

(2) Acquisition of nonperpetual interests. When a sponsor acquires real property for less than perpetuity, the interest may not be revocable at will. The sponsor must record on the title of the property a binding instrument as required by the office that contains:

(a) A legal description of the real property acquired with grant assistance;

(b) A conveyance to the state of Washington of the right to use the described real property for the purposes funded by the grant for the duration of the nonperpetual interest acquired; and

(c) A restriction on the conversion of use of the real property based on the minimum period in the grant program as follows:

(i) At least twenty years for projects funded from the youth athletic facilities program;

(ii) At least twenty-five years for projects funded from the aquatic lands enhancement account program;

(iii) At least twenty-five years for projects funded from the nonhighway and off-road vehicle activities account;

(iv) At least fifty years for projects funded from the boating facilities program; or

(v) At least fifty years for projects funded from the Washington wildlife and recreation program, except for:

(A) Farmland category projects must be for at least twenty-five years;

(B) Riparian protection category projects for conservation reserve enhancement program leases must be for at least twenty-five years; and

(C) Forestland category projects because only perpetual acquisitions are eligible.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-150, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-160 Long-term obligations for acquisition projects.** (1) The project area may not, without prior approval of the board or director, be converted to a use other than that for which funds were originally approved.

(2) Projects impacted by a reversion order by the Interstate Commerce Commission under section 8(d) of the

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National Trails System Act, 16 United States Code 1247(d), are not considered a conversion by the board. Substitution or replacement with interest in real property, facilities or monies which are of at least equal market value at the time of replacement may be required.

(3) The board may only approve a conversion when the sponsor:

(a) Demonstrates the need to convert the project area including all efforts to consider practical alternatives, how they were evaluated, and the reasons they were not pursued;

(b) Provides an opportunity for the public to participate in the identification, development and evaluation of the alternatives, including a minimum public comment period of at least thirty days; and

(c) Commits to provide another interest in real property to serve as a replacement. The replacement must:

(i) Be of reasonably equivalent usefulness and location;

(ii) Be administered by the same sponsor unless otherwise approved by the board;

(iii) Satisfy need(s) identified in the sponsor's current plan as described in WAC 286-13-035 or other relevant local or statewide plan;

(iv) Be eligible in the same grant program account or category from which funds were originally allocated, unless otherwise approved by the board;

(v) Be interest in real property of at least equal current market value to the converted property; and

(vi) Satisfies the conversion without grant assistance from the board.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-160, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-170 Long-term obligations for development and renovation projects.** (1) The project area may not, without prior approval of the board or director, be converted to a use other than that for which funds were originally approved.

(2) Projects impacted by a reversion order by the Interstate Commerce Commission under section 8(d) of the National Trails System Act, 16 United States Code 1247(d), are not considered a conversion by the board. Substitution or replacement with interest in real property, facilities or monies which are of at least equal market value at the time of replacement may be required.

(3) The board may only approve a conversion when the sponsor:

(a) Demonstrates the need to convert the project area including all efforts to consider practical alternatives, how they were evaluated, and the reasons they were not pursued;

(b) Provides an opportunity for the public to participate in the identification, development and evaluation of the alternatives, including a minimum public comment period of at least thirty days; and

(c) Provides another project area to serve as a replacement. The replacement must:

(i) Be of reasonably equivalent usefulness and location;

(ii) Be administered by the same sponsor unless otherwise approved by the board;

(iii) Be a new project area with facilities that satisfy need(s) identified in the sponsor's current plan as described in

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WAC 286-13-035 or the other relevant local or statewide plan;

(iv) Be eligible in the same grant program account or category from which funds were originally allocated, unless otherwise approved by the board; and

(v) Satisfies the conversion without grant assistance from the board.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-170, filed 5/17/17, effective 6/17/17.]

**WAC 286-13-180 Long-term obligations for restoration projects.** (1) The project area may not, without prior approval of the board or director, be converted to a use other than that for which funds were originally approved.

(2) The board may only approve a conversion when the sponsor:

(a) Demonstrates the need to convert the project area including all efforts to consider practical alternatives, how they were evaluated, and the reasons they were not pursued;

(b) Provides an opportunity for the public to participate in the identification, development and evaluation of the alternatives, including a minimum public comment period of at least thirty days; and

(c) Provides another project area to serve as a replacement for the restoration project. The replacement must:

(i) Be of reasonably equivalent habitat utility and location;

(ii) Be administered by the same sponsor unless otherwise approved by the board;

(iii) Be a new project area that satisfies need(s) identified in the sponsor's current plan as described in WAC 286-13-035 or the other relevant local or statewide plan;

(iv) Be administered under similar stewardship methods as the converted project area;

(v) Be eligible in the same grant program or category from which funds were originally allocated, unless otherwise approved by the board; and

(vi) Satisfies the conversion without grant assistance from the board.

[Statutory Authority: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210. WSR 17-11-071, § 286-13-180, filed 5/17/17, effective 6/17/17.]