

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Office of Archaeology and Historic Preservation

(agency name)

Administrative Order No. 8

(1) I, Jacob E. Thomas, director of Office of Archaeology and Historic Preservation

do promulgate and adopt at 111 West 21st Avenue, KL-11, Olympia, WA (place)

the annexed rules relating to: amendments to existing rules relating the the Historic Preservation Grants Advisory Committee.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Jacob E. Thomas, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

Pursuant to the National Historic Preservation Act (PL 89-665) as amended, ten percent of OAHP's total grant award must be assigned to certified local governments and projects must be implemented by those certified local governments during FY86. To date, we have not received the State's grant award and time will not allow for a 30-day comment period if funds are to be expended and projects underway in Federal fiscal year 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

* [] (c) This rule is promulgated under the general rule-making authority of the Office of Archaeology and Historic Preservation

(agency)

as authorized in RCW 27.34

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 2 1986

STATE OF WASHINGTON FILED

APR 2 1986

CODE REVISER'S OFFICE WSR 86-08-082

By Jacob E. Thomas Director

Title

[Form CR-7: Rev. 7/23/82]

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-010 PURPOSE. The purpose of this chapter is to establish an historic preservation grants advisory committee to assist the state historic preservation officer in the disbursement of grant funds as provided in RCW ((43.54A.090)) 27.34.230.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-020 DEFINITIONS. (1) Committee. Committee means the historic preservation grants advisory committee as established by this chapter, hereinafter referred to as the committee.

(2) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW ((43.54A.060)) 27.34.210 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic preservation fund. The historic preservation fund means ((the--annual--allocation)) those moneys provided ((that)) the state by the federal government to fulfill the intent of the National Historic Preservation Act of 1966 ((PH89-665)), as amended.

(4) ((Grants--Grant--means--a--sum--of--money--assigned--from--the--historic--preservation--fund--to--accomplish--a--specific--acquisition--or--development--project--)) Grant fund. Grant fund means a sum of money assigned by the SHPO or federal law from the historic preservation fund to a specified range of activities identified as allowable under National Park Service program guidelines.

(5) Proponent. Proponent means an individual or an organization requesting support from the grant fund for an activity for which the proponent has a matching amount identified as eligible under National Park Service program guidelines.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-040 COMPOSITION. The committee shall be composed of five ((members:

~~A--member--of--a--minority--race--or--legally--recognizable--group;--an--architect--experienced--in--the--rehabilitation--of--historic--structures;--a--resident--of--eastern--Washington;--and--a--resident--of--western--Washington;--both--with--an--interest--in--historic--preservation;--and--a--member--of--the--Washington--state--trust--for--historic--preservation;--Members--shall--serve--staggered--terms--of--three--years--and--shall--be--appointed--by--the--state--historic--preservation--officer)) or more members selected from the membership of the advisory council on historic preservation as established in RCW 27.34.250. Should conflict of interest be apparent or should other disciplines associated with the grant activities in question be desirable, committee members may be selected without having been appointed to the advisory council. The term of appointment shall coincide with the term of appointment to the advisory council, but shall be one year for members not appointed to the advisory council. Members shall be appointed by the SHPO in consultation with the chairman of the advisory council.~~

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-050 DUTIES AND RESPONSIBILITIES. The committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of ~~((grants-from-the-historic-preservation))~~ amounts from the grant fund;

(2) To receive public testimony of applicants and others concerned with the distribution of ~~((historic-preservation-grants-or-their))~~ the grant fund or its administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for ~~((grants))~~ assignments from the grant fund made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of ~~((grant))~~ proponent proposals and public testimony, to recommend to the SHPO the distribution of ~~((acquisition-or-development-grants--from--the--historic--preservation fund))~~ amounts from the grant fund to proponent proposals; and

(5) In all its reviews and recommendations, to be consistent with federal program guidelines for the administration of the historic preservation fund.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-060 PROCEDURES. The following is a statement of the general course and method followed in the assignment of a grant from the historic preservation fund.

(1) ~~((Interested-persons-and--organizations))~~ Proponents submit applications to the office of archaeology and historic preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the committee.

(4) The committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;

(5) The committee forwards its priority to the SHPO ~~((for-review prior-to-inclusion-in-the-state's-annual--historic--preservation--fund request))~~;

(6) The SHPO examines the priority developed by the committee, considers it in comparison with federal and state grant criteria and the state historic preservation plan, amends it if necessary, ~~((within his--discretion,))~~ and directs ~~((its-inclusion-in-the-historic-preservation-fund-request))~~ the distribution of the grant fund accordingly.

AMENDATORY SECTION (Amending Order 5, filed 4/3/80)

WAC 25-24-070 PUBLIC RECORDS AVAILABLE. All public records of the committee are available for public inspection and copying at the office of archaeology and historic preservation, pursuant to WAC 25-18-010 through 25-18-130. Financial information provided by ~~((grant applicants))~~ proponents for which confidentiality has been requested shall be exempt.