

Title 286 WAC

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Chapters

286-04	General.
286-06	Public records.
286-16	Eligibility for state outdoor recreation grant-in-aid assistance.
286-20	Application procedure.
286-24	Funded projects.
286-26	All terrain vehicle funds.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 286-12

STATEWIDE OUTDOOR RECREATION AND OPEN SPACE PLAN (UNCODIFIED).

[Filed 2/16/67.] Repealed by Order 1, filed 12/10/71.

Chapter 286-04 WAC

GENERAL

WAC

286-04-010	Definitions.
286-04-020	Organization and operations.
286-04-030	Goals and objectives.
286-04-050	Compliance with State Environmental Protection Act guidelines (SEPA).
286-04-060	Participation manuals.
286-04-070	Administrative authority.
286-04-080	Federal overlay and requirements.

WAC 286-04-010 Definitions. For purposes of these rules: (1) "Interagency Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

(2) "Chairman" means the chairman of the interagency committee. See RCW 43.99.110.

(3) "Administrator" means the administrator of the interagency committee. See RCW 43.99.130. [(Order 1, § 286-04-010, filed 12/10/71.)]

(4) "Heritage Conservation and Recreation Service" (HCRS) means the Heritage Conservation and Recreation Service, United States Department of the Interior.

(5) "Project" means the undertaking which is, or may be, funded in whole or in part with outdoor recreation account money administered by the interagency committee.

(6) "Development" means the construction of facilities necessary for the use and enjoyment of outdoor recreational resources.

(7) "Acquisition" means the gaining of rights of public use by purchase, negotiation, or other means, of fee or less than fee interests in real property.

(8) "Planning" means the development of programs of action to increase the availability of outdoor recreational resources and/or the preparation of designs and specifications for such resources.

(9) "Action program" means the identification of actions proposed to effectuate the policies and recommendations contained in the plan.

(10) "Applicant" means a state or local government agency soliciting a grant of funds from the interagency committee for an outdoor recreation project.

(11) "Sponsor" means an applicant who has been awarded a grant of funds for an outdoor recreation project by the interagency committee.

(12) "Participation manuals" means a compilation of state and federal policies, procedures, rules and instructions that have been assembled in manual form and which have been approved by the interagency committee for dissemination to public agencies that may wish to participate in the grant-in-aid program of the interagency committee.

(13) "Local agencies" means those public bodies eligible to apply for and receive funds from the interagency committee as defined by RCW 43.99.020, except for purposes of chapter 286-26 WAC.

(14) "Grant-in-aid program" means all funding programs administered by the interagency committee except the off-road vehicle program.

(15) "Technical advisory committee" means a committee of representatives of state and local governmental entities that provides technical expertise and consultation upon request on matters of concern to the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-010, filed 9/5/79; Order 3, § 286-04-010, filed 7/31/73; Order 1, § 286-04-010, filed 12/10/71.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 286-04-020 Organization and operations. (1) The interagency committee for outdoor recreation is an unsalaried committee consisting of the (a) commissioner of public lands, (b) secretary of the department of transportation, (c) director of the ecology department, (d) director of the game department, (e) director of the

fisheries department, (f) director of the parks and recreation commission, (g) director of the department of commerce and economic development, and five citizens appointed by the governor from the public-at-large for a term of three years. The chairman of the committee is appointed by the governor from the five citizen members.

(2) The interagency committee was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to local and state agencies from the state general fund outdoor recreation account. This account includes monies derived from (a) unclaimed marine fuel tax refunds; (b) sales of bonds under Referenda 11, 18, and 28; (c) the state apportionments of the federal land and water conservation funds, and (d) from such other sources as the legislature may provide.

(3) The interagency committee is authorized and obligated to prepare, maintain and update a comprehensive state-wide outdoor recreation and open space plan.

(4) The interagency committee does not operate any outdoor recreation facilities.

(5) The work of the interagency committee is performed by a staff under the direction of an administrator appointed by the committee. The office of the committee and its staff is 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504.

(6)(a) Regular meetings of the interagency committee are held according to a schedule adopted by the interagency committee which schedule is reviewed from time to time as need dictates.

(b) Special meetings may be called by the chairman at any time.

(7) Reimbursement of expenses. Members of the interagency committee appointed from the public-at-large shall be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with RCW 43.03.050(1) for each day or portion thereof spent on official business and shall be entitled to receive all necessary travel expenses other than per diem on the same basis as is provided by law for state officials and employees generally. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-020, filed 9/5/79; 78-03-032 (Order 78-1), § 286-04-020, filed 2/17/78; Order 3, § 286-04-020, filed 7/31/73; Order 1, § 286-04-020, filed 12/10/71.]

WAC 286-04-030 Goals and objectives. The goals of the interagency committee for outdoor recreation are to: (1) provide funds and planning assistance for acquisition and development and use of outdoor recreation resources in a manner to maximize preservation of the natural quality of the environment; (2) provide funds and planning assistance for a system of public recreational facilities and opportunities for state residents and visitors; (3) aid local government, with funds and planning assistance, in providing the type of facilities which, under its jurisdiction, will best serve the local needs for outdoor recreation; (4) encourage programs which promote outdoor education, skill development participation

opportunity and proper husbandry of recreation resources. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-030, filed 9/5/79; Order 3, § 286-04-030, filed 7/31/73.]

WAC 286-04-050 Compliance with State Environmental Protection Act guidelines (SEPA). The Interagency Committee for Outdoor Recreation, in response to RCW 43.21C.120 calling for regulations integrating the policies and procedures of the State Environmental Policies Act of 1971, has determined after reviewing its authorized activities that all of such activities are exempt from threshold determinations and environmental impact statement requirements under the provisions of chapter 197-10 WAC, as more particularly noted in the express exemption of "all activities" of the Interagency Committee contained in WAC 197-10-175(12)(l) and the categorical exemptions referenced in WAC 197-10-170(7)(d), (3) and (8). [Order 76-2, § 286-04-050, filed 6/30/76.]

WAC 286-04-060 Participation manuals. The interagency committee shall cause to be formulated for use by project applicants, potential applicants, sponsors, and others participation manuals that describe the procedures to be followed in order to conform to the policies of the committee. Such participation manuals shall not have the force and/or effect of Washington administrative code rules.

Proposed participation manuals shall be considered by the committee in an open public meeting and may be approved, by resolution or motion, with a quorum of the members present. Informal notice of such considerations will be given by distribution of the agenda for the meeting, press releases, or other such means.

Project applicants, sponsors, or other interested parties may petition the administrator for a waiver or waivers of those items dealing with general administrative matters and procedures within the participation manuals. Determinations on petitions for waivers made by the administrator are subject to review by the interagency committee at the request of the petitioner.

Petitions for waivers of subject matter dealing with committee policy, and those petitions that in the judgment of the administrator require committee review, shall be referred to the interagency committee for its deliberation.

Petitions for waivers referred to the interagency committee may be granted after consideration by the interagency committee at an open public meeting with a quorum of the members present. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-060, filed 9/5/79; 78-03-032 (Order 78-1), § 286-04-060, filed 2/17/78.]

WAC 286-04-070 Administrative authority. The administrator for the interagency committee is delegated the authority and responsibility to carry out policies of the interagency committee. Such authority includes, but is expressly not limited to, the authority to:

(1) Administer the programs of the interagency committee;

(2) Employ, discipline, and terminate staff, consistent with applicable merit system rules;

(3) Approve master list projects of state agencies;

(4) Assure that all projects proposed for federal aid conform with federal rules and regulations; and

(5) Enforce all applicable rules, regulations and requirements established by the interagency committee or reflected in the laws of the state. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-070, filed 9/5/79.]

WAC 286-04-080 Federal overlay and requirements. The interagency committee's grant-in-aid program is closely interrelated with both the land and water conservation fund and the urban park and recreation recovery acts, each of which is administered by the heritage conservation and recreation service of the United States department of interior. The result of this interrelationship is that there are many federal requirements imposed upon the interagency committee and applicants to the interagency committee, over which the interagency committee has no control.

Many of these requirements may be found in the heritage conservation and recreation service grant-in-aid manual. In addition, most of the federal requirements are restated or clarified in the participation manuals. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-04-080, filed 9/5/79.]

Chapter 286-06 WAC PUBLIC RECORDS

WAC

286-06-010	Purpose.
286-06-020	Definitions.
286-06-030	Description of the organization of the Interagency Committee for Outdoor Recreation.
286-06-040	Operations and procedures.
286-06-050	Public records available.
286-06-060	Public records officer.
286-06-070	Office hours.
286-06-080	Requests for public records.
286-06-090	Copying.
286-06-100	Exemptions.
286-06-110	Review of denials of public records requests.
286-06-120	Protection of public records.
286-06-130	Records index.
286-06-140	Committee address.
286-06-150	Adoption of form.
286-06-990	Appendix A—Form—Request for public record.

WAC 286-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Interagency Committee for Outdoor Recreation with the provisions of chapter 1, Laws of 1973 (Initiative 276), codified as chapter 42.17 RCW, Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-34 of that act, dealing with public records. [Order 73-4, § 286-06-010, filed 12/19/73.]

WAC 286-06-020 Definitions. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Interagency Committee for Outdoor Recreation. The Interagency Committee for Outdoor Recreation is the 12 member committee comprised of the Commissioner of Public Lands, Secretary of the Department [of] Transportation, Director of the Ecology Department, Director of the Game Department, Director of the Fisheries Department, Director of the Parks and Recreation Commission, Director of the Department of Commerce and Economic Development and five citizens appointed by the Governor from the public for a term of three years. The chairman of the Committee is appointed by the Governor from the five citizen members. (RCW 43.99.110). The Interagency Committee for Outdoor Recreation shall hereinafter be referred to as the "Committee." Where appropriate, the term Committee also refers to the staff and employees of the Interagency Committee for Outdoor Recreation. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-020, filed 2/17/78; Order 73-4, § 286-06-020, filed 12/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 286-06-030 Description of the organization of the Interagency Committee for Outdoor Recreation. Committee. The Committee, created by Initiative 215 (Marine Recreation Land Act of 1964) is authorized to allocate and administer funds to local and state agencies from the state general fund Outdoor Recreation Account. For more detailed description of the sources of funding and related duties, see WAC 286-04-020 detailing such special information. [Order 73-4, § 286-06-030, filed 12/19/73.]

WAC 286-06-040 Operations and procedures. The Committee staff workers perform under the direction of an administrator appointed by the Committee. The office of the Committee and its staff are located at 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504. The Committee functions through regular meetings which are held according to a schedule adopted by the Committee which schedule is reviewed periodically as the need dictates. Special meetings are authorized to be called by the chairman at any time. See

WAC 286-04-030 for specific rules and objectives adopted by the Committee for its own guidance. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-040, filed 2/17/78; Order 73-4, § 286-06-040, filed 12/19/73.]

WAC 286-06-050 Public records available. All public records of the Committee, as defined in WAC 286-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by state or federal law, section 31, chapter 1, Laws of 1973 and WAC 286-06-100. [Order 73-4, § 286-06-050, filed 12/19/73.]

WAC 286-06-060 Public records officer. The Committee's public records shall be in charge of a public records officer designated by the [Administrator]. The person so designated shall be located in the Administrative Office of the Committee. The public records officer shall be responsible for the following: The implementation of the Committee's rules and regulations regarding release of public records, coordinating the staff of the Committee in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-060, filed 2/17/78; Order 73-4, § 286-06-060, filed 12/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 286-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the Committee. For the purposes of this chapter, the customary office hours shall be consistent with RCW 42.04.060 as now or hereafter amended; i.e., from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 73-4, § 286-06-070, filed 12/19/73.]

WAC 286-06-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained consistent with these concepts by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Committee which shall be available at its administrative office. The form shall be presented to the public records officer or his designee if the public records officer is not available, at the office of the Committee during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to any of the Committee's current indexes, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested. [Order 73-4, § 286-06-080, filed 12/19/73.]

WAC 286-06-090 Copying. No fee shall be charged for the inspection of public records. The Committee shall charge a reasonable fee per page of copy for providing copies of public records and for use of the Committee's copy equipment. This charge is the amount necessary to reimburse the Committee for its actual costs incident to such copying. [Order 73-4, § 286-06-090, filed 12/19/73.]

WAC 286-06-100 Exemptions. (1) The Committee reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 286-06-080 is exempt under the provisions of state or federal law, or section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the Committee reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973.

(3) All denials of requests for public records, in whole or part, must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [Order 73-4, § 286-06-100, filed 12/19/73.]

WAC 286-06-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or his designee which constituted or accompanied the denial.

(2) Promptly after receiving a written request for review of a decision denying a public record, the public records officer or his designee denying the request shall refer it to the Committee's administrator or his designee. The administrator or his designee shall promptly consider the matter, either affirm or reverse such denial after consulting with the Committee chairman and/or the

now or hereafter recognized as such by the federal government for participation in the land and water conservation fund, are eligible for funding assistance by the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-020, filed 2/17/78; Order 3, § 286-16-020, filed 7/31/73.]

WAC 286-16-030 Apportionment of monies between state and local agencies. Unless otherwise specified in the enabling legislation, which shall be construed to include appropriation bills enacted into law, monies from all sources, including the United States government, shall be divided into two equal shares, one for aid to state agencies and one for aid to local public agencies; except that this provision shall not apply to federal land and water conservation fund monies apportioned or re-apportioned from the secretary of the interior's contingency fund. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-030, filed 9/5/79; 78-03-032 (Order 78-1), § 286-16-030, filed 2/17/78; Order 3, § 286-16-030, filed 7/31/73.]

WAC 286-16-035 Applications--Deadlines. (1) Acquisition project applications from local agencies must be submitted to the interagency committee at least five months prior to a scheduled funding meeting to be considered at that meeting. Development project applications from local agencies must be submitted at least six months prior to a scheduled funding meeting to be considered at that meeting. Project applications from local agencies that are not completed in the manner required by these rules and the participation manuals will not be considered by the interagency committee unless all of the required material is on file with the interagency committee at least 30 days preceding a funding meeting at which the projects are to be considered for funding.

(2) These deadlines must be complied with unless an agency requests and is granted by the administrator a waiver of a particular deadline. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-035, filed 9/5/79.]

WAC 286-16-040 Matching requirements. (1) Local agencies--matching requirements. (a) Insofar as it is possible under the state-wide outdoor recreation plan, local project applications will be administered and approved for funding from the outdoor recreation account in a manner that will maximize federal assistance available for the benefit of state and local outdoor recreation projects in Washington.

(b) The interagency committee will not approve any local project where the local share is less than 25 percent of the total project cost, with the remaining share of up to, but not exceeding, 75 percent being composed of state funds, federal funds, or state and federal funds, regardless of federal source. Local agencies must provide written assurance at least 30 days, unless a shorter period is authorized, preceding the funding meeting during which any project is to be considered for funding assistance that funds and/or resources are available to provide the required local share of the project.

(c) The local share can be local funds, certain federal funds, or the value of private donated property, equipment, equipment use, labor, or any combination thereof. Private donated real property or the value of that property must consist of real property (land and facilities) which would normally qualify for interagency committee grant-in-aid funding.

(2) State agencies -- matching requirements. (a) The interagency committee may approve 100 percent funding from the outdoor recreation account for projects proposed by state agencies.

(b) If federal matching money, regardless of federal source, is available, the state agency may be assisted by interagency committee funds so as to achieve 100% funding. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-040, filed 9/5/79; 78-03-032 (Order 78-1), § 286-16-040, filed 2/17/78; Order 3, § 286-16-040, filed 7/31/73.]

WAC 286-16-050 Projects eligible for funding. Projects eligible for funding are (1) acquisition and (2) development projects which encompass the goals and objectives contained in WAC 286-04-030.

As a general rule only those project costs which are eligible under the Federal Land and Water Conservation Fund Act as specified in the land and water conservation fund manual will be eligible for consideration by the interagency committee. However, from time to time the interagency committee decides as a matter of policy that certain project costs are either eligible or ineligible irrespective of the status of those project costs under the Land and Water Conservation Fund Act. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-050, filed 9/5/79; Order 3, § 286-16-050, filed 7/31/73.]

WAC 286-16-060 Local agency requirements. Local government agencies desiring to participate in the grant-in-aid program must provide evidence to the administrator of the interagency committee, at least 30 days before submittal of application, unless a shorter time is authorized by the administrator, that they have a current comprehensive park and recreation plan in effect or that such a plan is currently in the process of being prepared.

Before the interagency committee will consider any project proposed by a local agency, the agency must have on file with the interagency committee an accepted comprehensive park and recreation plan completed in accordance with the participation manuals. To be complete, the comprehensive park and recreation plan must include:

(1) An officially adopted comprehensive plan of the area within the agency's jurisdiction which includes a park and recreation element, or a separate park and recreation plan;

(2) A current six year capital improvement program reported on forms prescribed by the interagency committee; and

(3) A current inventory of public outdoor recreation lands managed by the applicant agency, reported on forms prescribed by the interagency committee.

The completed comprehensive park and recreation plan must be on file and accepted at least 30 days preceding the funding meeting at which a project is to be considered for funding unless a shorter time is authorized by the administrator. Upon acceptance of the plan by the administrator of the interagency committee, the local agency is granted eligibility to submit applications for funding for a five year period unless otherwise specified by the administrator. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-060, filed 9/5/79; Order 3, § 286-16-060, filed 7/31/73.]

WAC 286-16-070 State agency requirements. Before the interagency committee will consider any project proposed by a state agency, that agency must submit to the interagency committee a six-year capital improvement program which shall include a long term statement of agency outdoor recreation acquisition and development goals. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-070, filed 2/17/78; Order 3, § 286-16-070, filed 7/31/73.]

WAC 286-16-080 Grant-in-aid policy. State aid for acquisition or development of outdoor recreation land is intended to supplement and expand the existing capacity of a state or local agency; it is not intended to supplant the agency's own program, or to reimburse the agency for the cost of projects it would have undertaken without the state matching money. Therefore, except as hereinafter provided, the interagency committee will not approve the disbursement of outdoor recreation funds for a project when land has been purchased or the development has been undertaken before the interagency committee has approved the project and a project contract has been signed.

(1) **Retroactive costs. Acquisition:** Retroactive costs on an acquisition project are those costs incurred after receipt of application but prior to the execution of the project contract.

(a) When it is determined by an applicant that an emergency exists, which may jeopardize the project, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission to proceed by issuance of a written waiver of retroactivity which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the costs thus incurred will be eligible for assistance. If the project is to remain eligible for grant-in-aid support from federal funds, the administrator shall not grant a waiver of retroactivity to the applicant agency until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) After a project application for acquisition has been approved by the interagency committee, the sponsor agency will not lose its approved state assistance because it thereafter acquires the subject property prior to

action on the agency's application for assistance from a federal agency if (1) the sponsor requests in writing, and receives the permission of the administrator to purchase and (2) the federal agency has notified the administrator that acquisition of the land will not jeopardize the proposed federal funding.

(2) **Retroactive costs. Development:** Retroactive costs on a development project are defined as those site improvement and/or construction costs incurred prior to execution of the project contract. Retroactive development costs as defined herein are not eligible for reimbursement.

(3) **Preliminary expense. Development:** Preliminary expense on a development project is defined as consisting of costs incurred prior to project approval, other than on-site preparation costs, that are necessary for the preparation of a development project. Preliminary expense attributable to a development project may be eligible for reimbursement, but only if it is specifically mentioned in the project application.

(4) **Cost increases.** Cost increases for approved projects may be granted by the interagency committee provided that financial resources are available.

(a) If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the sponsor agency may request the interagency committee to increase such financial assistance and the request shall be considered on its merits.

(b) If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor agency may request the interagency committee increase the state fund assistance by an equivalent amount and the request shall be considered on its merits.

(c) The administrator has the authority to grant cost increase requests submitted by an agency so long as the total of those requests does not exceed 10 percent of the approved total cost for a development project. The administrator also has the authority to grant cost increase requests submitted by an agency for individual parcels of land in an acquisition project so long as the total of those requests for each parcel does not exceed 10 percent of the approved cost for each parcel of land for which a cost increase is requested. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-080, filed 9/5/79; 78-03-032 (Order 78-1), § 286-16-080, filed 2/17/78; Order 76-2, § 286-16-080, filed 6/30/76; Order 3, § 286-16-080, filed 7/31/73.]

Chapter 286-20 WAC

APPLICATION PROCEDURE

WAC

286-20-010
286-20-020
286-20-040
286-20-060

Scope of chapter.
Application form.
Application review.
Acquisition projects—Required documents and deed of right to use land for public recreation purposes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-20-030 Deadlines. [Order 3, § 286-20-030, filed 7/31/73.]
 Repealed by 78-03-032 (Order 78-1), filed 2/17/78;
 Statutory Authority: Chapter 43.99 RCW.

WAC 286-20-010 Scope of chapter. The purpose of this chapter is to set forth the requirements which must be met by any applicant in submitting an application for funds administered or granted by the interagency committee except applicants for off-road vehicle funds. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-010, filed 9/5/79; 78-03-032 (Order 78-1), § 286-20-010, filed 2/17/78; Order 3, § 286-20-010, filed 7/31/73.]

WAC 286-20-020 Application form. (1) All applications for matching funds for outdoor recreation projects must be submitted to the interagency committee on forms supplied by the interagency committee, with all provisions of the application completed and all additional materials identified in the application form furnished.

(2) If the administrator determines that the applicant is eligible to apply for federal funds administered by the interagency committee, the applicant must execute the forms necessary for that purpose, prepared by the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-020, filed 9/5/79; Order 3, § 286-20-020, filed 7/31/73.]

WAC 286-20-040 Application review. (1) All applications for funding submitted to the interagency committee will be referred to staff for review and recommendations. In addition, in reaching its recommendation, staff may seek the advice and counsel of recognized experts, including a review by a technical advisory committee or other parties with experience in the field.

(2) The interagency committee shall inform all applicants of the application process and the methods of project review by delineating these items in the participation manuals. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-040, filed 9/5/79.]

WAC 286-20-060 Acquisition projects--Required documents and deed of right to use land for public recreation purposes. For acquisition projects sponsors must execute an instrument or instruments which contain: (1) For fee 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 in the manner provided in RCW 43.99.100, whether or not the real property covered by the deed is marine recreation land. RCW 43.99.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to

uses other than those for which such expenditures were originally approved. The committee 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 lease agreement which contains a legal description of the property acquired and which meets the criteria delineated in the participation manuals. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-060, filed 9/5/79.]

Chapter 286-24 WAC
FUNDED PROJECTS

WAC

286-24-010	Scope of chapter.
286-24-015	Final decision.
286-24-020	Project contract.
286-24-040	Disbursement of funds.
286-24-050	Restriction on conversion of facility to other uses.
286-24-060	Income.
286-24-070	Permanent project signs.

WAC 286-24-010 Scope of chapter. This chapter contains rules relating to the manner of funding projects and the duties of an agency after its project has been funded in whole or part with monies, other than off-road vehicle funds, administered by the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-24-010, filed 2/17/78; Order 3, § 286-24-010, filed 7/31/73.]

WAC 286-24-015 Final decision. The interagency committee will review all staff recommendations for grant-in-aid projects at regular scheduled funding sessions. The interagency committee retains the authority and responsibility to accept or deviate from staff recommendations and it alone has the authority to make the final decision concerning the funding of a project. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-015, filed 9/5/79.]

WAC 286-24-020 Project contract. For every funded project, a project contract must be executed as provided in this section.

(1) The project contract shall be prepared by the interagency committee staff subsequent to approval of the project by the committee at a public meeting. The administrator or his designee shall execute the contract on behalf of the interagency committee and tender the document to the grantee agency for execution. Upon execution by the grantee agency the parties will thereafter be bound by the project contract terms. The grantee agency may not proceed with the project until the project contract has been executed unless specific authorization pursuant to WAC 286-16-080(1)(a) has been given by the administrator.

(2) If the project is approved by the interagency committee to receive grant-in-aid from the federal land and

water conservation fund, the administrator or his designee shall not execute a project contract with the grantee agency until the federal funding has been authorized through the execution of a concurrent project agreement between the interagency committee and the United States Department of the Interior, Heritage Conservation and Recreation Service. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-020, filed 9/5/79; 78-03-032 (Order 78-1), § 286-24-020, filed 2/17/78; Order 3, § 286-24-020, filed 7/31/73.]

WAC 286-24-040 Disbursement of funds. Except as otherwise provided herein the administrator or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the sponsor agency has acquired or developed the outdoor recreation land with its own funds and has presented a billing showing satisfactory evidence of property rights and compliance with partial and/or total provisions of the project contract.

(1) Exception. Funds appropriated to state agencies by the legislature. State agencies are required to submit interagency committee voucher forms with the supporting documentation specified in the participation manual in effect at the time of completion of project acquisition, relocation, or development.

(2) Reimbursement method. Reimbursement must be requested by local agencies on voucher forms provided by the interagency committee and must include all documentation as detailed in the participation manual in effect at the time reimbursement is requested.

(3) Partial payment. Partial payments may be made to local sponsor agencies during the course of an acquisition or development project on a reimbursement basis upon presentation of billings showing satisfactory evidence of partial acquisition or development.

(4) Reimbursement level. The amount of reimbursement may never exceed the cash expended on the project.

(5) Direct payment. Direct payment to escrow of the interagency committee share of the approved cost of real property may be made following interagency committee approval of an acquisition project when the sponsor agency indicates the lack of financial resources to purchase the property and then seek reimbursement. The sponsor must provide the administrator a copy of a legally binding agreement between the sponsor and the seller of the real property as well as evidence of deposit of the local agency share (if any) into an escrow account before the payment of the interagency committee share to escrow will be authorized. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-040, filed 9/5/79; 78-03-032 (Order 78-1), § 286-24-040, filed 2/17/78; Order 3, § 286-24-040, filed 7/31/73.]

WAC 286-24-050 Restriction on conversion of facility to other uses. (1) Sponsors shall not at any time

convert any property or facility acquired or developed with money granted to the sponsor by the interagency committee to uses other than those for which the property or facility was originally approved for funding without the prior approval of the interagency committee, in the manner provided by RCW 43.99.100 for marine recreation land, whether or not the property was acquired with Initiative 215 funds.

(2) Sponsors shall not at any time issue easements for non-recreational purposes on any property or facility acquired or developed with money granted by the interagency committee. The non-recreational uses, when determined to be compatible with the current or proposed outdoor recreation uses, may be granted under terms of a special use permit upon approval by the administrator of the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-050, filed 9/5/79.]

WAC 286-24-060 Income. (1) Fees and charges. User or other types of fees may be charged in connection with land acquired or areas and facilities developed with interagency committee grants if the fees and charges are commensurate with the value of recreation services or opportunities furnished and are within the prevailing range of public fees and charges within the state for the particular activity involved. Unless precluded by state law, the revenue from such fees and charges may only be used to offset the expense of operation and maintenance of the facility funded in whole or in part by interagency committee grants or for accrual of capital for park acquisition and/or development.

(2) Nonrecreational income. Nonrecreational income that accrues to an outdoor recreation area described in a project contract from sources other than the intended recreational use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended outdoor recreational use of the area.

(a) Gross nonrecreational income that accrues during the project period established in the project contract will be used to reduce the total cost of the project.

(b) Gross nonrecreational income that accrues subsequent to the ending date identified in the project contract must be used only to offset the expense of operation and maintenance of the facility funded in whole or in part by interagency committee grants or for park and recreation capital acquisition and development unless precluded by state law. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-060, filed 9/5/79.]

WAC 286-24-070 Permanent project signs. Permanent signs identifying that land was acquired or facilities developed with assistance from the interagency committee, and the heritage conservation and recreation service, if applicable, are required. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-070, filed 9/5/79.]

Chapter 286-26 WAC OFF-ROAD VEHICLE FUNDS

WAC

286-26-010	Scope of chapter.
286-26-020	Definitions.
286-26-030	Eligibility.
286-26-040	Qualification.
286-26-060	Disbursement of funds.
286-26-070	Fund accountability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-26-050	Apportionment of funds. [Order 3, § 286-26-050, filed 7/31/73.] Repealed by 78-03-032 (Order 78-1), § 286-26-020, filed 2/17/78; Statutory Authority: Chapter 43.99 RCW.
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WAC 286-26-010 Scope of chapter. This chapter contains rules affecting the eligibility of agencies to share in off-road vehicle funds for off-road vehicle trails and areas. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-010, filed 2/17/78; Order 3, § 286-26-010, filed 7/31/73.]

WAC 286-26-020 Definitions. For purposes of this chapter, the following definitions shall apply:

(1) "Nonhighway vehicle" means any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

- (a) Any vehicle designed primarily for travel on, over, or in the water;
- (b) Snowmobiles or any military vehicles; or
- (c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(2) "Off-road vehicle" (ORV) means any nonhighway vehicle when used for cross-country travel on trails or any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain.

(3) "Interagency committee for outdoor recreation off-road vehicle funds" (IAC-ORV funds) means those funds deposited in the outdoor recreation account to be administered and distributed by the interagency committee in conformance with this WAC, chapter 46.09 RCW, and IAC-ORV procedural guidelines for the planning, acquisition, development and management of ORV trails and areas.

(4) "Off-road vehicle trail" (ORV trail) means a corridor designated and maintained for public ORV recreational use which is not normally suitable for travel by

conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

(5) "Off-road vehicle use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-020, filed 2/17/78; Order 3, § 286-26-020, filed 7/31/73.]

WAC 286-26-030 Eligibility. Those agencies of government which are eligible to receive ORV funds are: Departments of state government, counties, and municipalities. The interagency committee may make intergovernmental agreements with federal agencies for the use of ORV monies. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-030, filed 2/17/78; Order 3, § 286-26-030, filed 7/31/73.]

WAC 286-26-040 Qualification. To be considered to receive up to 100 percent ORV funds an eligible recipient must file with the interagency committee an application form supplied by the interagency committee. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-040, filed 2/17/78; Order 3, § 286-26-040, filed 7/31/73.]

WAC 286-26-060 Disbursement of funds. Except as otherwise provided herein the administrator or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the agency has acquired or developed the outdoor recreation land with its own funds or has expended monies for planning or management activities and has presented a billing showing satisfactory evidence of compliance with the project contract. Partial payments may be made during the course of a project on a reimbursement basis upon presentation of billings showing satisfactory evidence of partial compliance with the contract. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-26-060, filed 9/5/79; 78-03-032 (Order 78-1), § 286-26-060, filed 2/17/78; Order 3, § 286-26-060, filed 7/31/73.]

WAC 286-26-070 Fund accountability. (1) State agencies shall account for ORV funds following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (chapter 43.88 RCW). Municipalities and counties shall account for ORV funds as special revenue funds following all pertinent accounting procedures of the budgeting, accounting, reporting system manual for counties and cities and other local governments (BARS).

(2) Any expenditure made by a recipient of ORV funds not in conformance with the act must be repaid to

the outdoor recreation account for reapportionment and distribution to qualified recipients as part of the next funding cycle. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-070, filed 2/17/78; Order 3, § 286-26-070, filed 7/31/73.]