

**Title 286 WAC
INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

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**Chapter 286-04 WAC
GENERAL**

WAC

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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) "Director" means the director of the interagency committee. See RCW 43.99.130.

(4) "National Park Service" means the National Park 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) "Plan" means the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

(9) "Planning" means the development of documents and programs to identify and propose actions for increasing the availability of outdoor recreational resources and the preparation of, and review of, designs and specifications for such resources.

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

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

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

(13) "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.

(14) "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.

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

(16) "Advisory committees" means committees of representatives of federal, state, and local governmental entities, user organizations and private enterprise, or any combination thereof, that provide technical expertise and consultation upon request on matters of concern to the interagency committee.

(17) "Off-road vehicle program" means the off-road vehicle grants program administered by the interagency committee. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-010, filed 12/8/82. 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.]

WAC 286-04-020 Organization and operations. (1) The interagency committee is an unsalaried committee consisting of the (a) commissioner of public lands, (b) Washington state director of the department of game, (c) Washington state director of the department of fisheries, (d) director of the parks and recreation commission, 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, and recreational bond issue funds as authorized by the state legislature under authority of Article VIII, Section 1, Constitution of the State of Washington (1971 House Joint Resolution 52, Approved November, 1972); (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 statewide comprehensive outdoor recreation 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 a director 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.

(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 at the rate established by the office of financial management 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-020, filed 12/8/82. 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 are to: (1) Provide funds and planning assistance for acquisition and development and use of outdoor recreation resources 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-030, filed 12/8/82. 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 286-04-060 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 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, meeting notice in the Washington State Register, or other such means.

Project applicants, sponsors, or other interested parties may petition the director 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 director 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 director 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-060, filed 12/8/82. 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 director 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 or state aid conform with appropriate 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-070, filed 12/8/82. 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 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 national park service grant-in-aid manual. In addition, most of the federal requirements are restated or clarified

in the participation manuals. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-04-080, filed 12/8/82. 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	Repealed.
286-06-040	Operations and procedures.
286-06-050	Public records available.
286-06-060	Public records officer.
286-06-110	Review of denials of public records requests.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-06-020	Definitions. [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.] Repealed by 83-01-030 (Order IAC 82-1), filed 12/1/82. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240.
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WAC 286-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the interagency committee for outdoor recreation, hereinafter referred to as the "committee," 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. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-010, filed 12/8/82; Order 73-4, § 286-06-010, filed 12/19/73.]

WAC 286-06-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 286-06-040 Operations and procedures. The committee staff performs under the direction of a director appointed by the committee. The office of the committee and its staff is 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. 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-040, filed 12/8/82. 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 RCW 42.17.370, as now or hereafter amended, are deemed to be available for public inspection and copying pursuant to this regulation, except as otherwise provided by WAC 286-06-100 - Exemptions. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-050, filed 12/8/82; 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 director. 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 ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW as now or hereafter amended. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-060, filed 12/8/82. 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.]

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 or her 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 or her designee denying the request shall refer it to the committee's director or his or her designee. The director or his or her designee shall promptly consider the matter, either affirm or reverse such denial after consulting with the committee chairman and/or the attorney general's office whenever possible to review the denial. In any case, the request shall be returned with a final decision whenever possible within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the committee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-06-110, filed 12/8/82; Order 73-4, § 286-06-110, filed 12/19/73.]

Chapter 286-16 WAC

ELIGIBILITY FOR STATE OUTDOOR
RECREATION GRANT-IN-AID ASSISTANCE

WAC

286-16-035	Applications—Deadlines.
286-16-060	Local agency requirements.
286-16-080	Grant-in-aid policy.

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 a waiver by the director. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-035, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-16-035, filed 9/5/79.]

WAC 286-16-060 Local agency requirements. Local government agencies desiring to participate in the grant-in-aid program must provide evidence to the director of the interagency committee, at least 30 days before submitting an application, unless a shorter time is authorized by the director, 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 and facilities 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 director. Upon acceptance of the plan by the director 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 director. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-060, filed 12/8/82. 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 286-16-080 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 director 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 director 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 director to purchase and (2) the federal agency has notified the director 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 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 requested 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 director 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 initial cost for a development project. The director 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 initial cost for each parcel of land for which a cost increase is requested. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-16-080, filed 12/8/82. 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
286-20-020 Application form.

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 director 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060,

42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-20-020, filed 12/8/82. 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.]

Chapter 286-24 WAC FUNDED PROJECTS

WAC	
286-24-020	Project contract.
286-24-040	Disbursement of funds.
286-24-050	Restriction on conversion of facility to other uses.
286-24-070	Permanent project signs.

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 director 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 director.

(2) If the project is approved by the interagency committee to receive grant-in-aid from the federal land and water conservation fund, the director 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. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-020, filed 12/8/82. 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 director 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) 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.

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

(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) Exceptions. (a) State agencies' appropriations. 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.

(b) 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 director 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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-040, filed 12/8/82. 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 director of the interagency committee. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-050, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-050, 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 are required. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-24-070, filed 12/8/82. 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.
286-26-040	Qualification.
286-26-055	Funded projects.
286-26-060	Disbursement of funds.
286-26-070	Fund accountability.

WAC 286-26-010 Scope of chapter. This chapter contains rules affecting the eligibility of agencies to share in off-road vehicle funds used for off-road vehicle trails and areas. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-010, filed 12/8/82. 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 for which an exemption or rebate is claimed. This exception 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 chapter 46.09 RCW, and IAC-ORV participation manuals 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; this may include race courses for ORV motorcycles and four-wheeled vehicles over 40 inches width which are equipped with four-wheel drive or other characteristics such as non-slip drive trains and high clearance. Such courses will be designed to include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses designed primarily for other vehicles, such as go-karts and formula cars, constitute an inappropriate use of ORV funds.

(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: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-020, filed 12/8/82. 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 286-26-040 Qualification. (1) Forms. To be considered for an ORV grant of up to 100 percent of a project's cost, an eligible agency must file with the interagency committee an application form or project information form (as applicable) supplied by the interagency committee.

(2) Review. (a) All applications or project information forms for funding submitted to the interagency committee will be referred to staff for review and recommendations. In addition, in reaching its recommendation, staff will seek the advice and counsel of the off-road vehicle advisory committee; and

(b) The interagency committee shall inform all applicants of the process and the methods of project review by delineating these items in the off-road vehicle participation manuals. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-040, filed 12/8/82. 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 286-26-055 Funded projects. (1) Final decision. The interagency committee will review all staff

recommendations for off-road vehicle projects. The interagency committee retains the authority and the 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.

(2) Project contract. For every funded project, a project contract must be executed. The project contract shall be prepared by the interagency committee staff subsequent to approval of the project by the committee. The director shall execute the contract on behalf of the interagency committee and tender the document to the sponsoring agency for execution. Upon execution by the sponsoring agency, the parties will thereafter be bound by the project contract. The sponsoring agency may not proceed with the project until the project contract has been executed unless specific authorization has been given by the director. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-055, filed 12/8/82.]

WAC 286-26-060 Disbursement of funds. Except as otherwise provided herein the director 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, according to procedures delineated in the off-road vehicle participation manual, 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, according to procedures delineated in the off-road vehicle participation manual. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-060, filed 12/8/82. 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 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 of ORV funds not in conformance with the act must be repaid to the outdoor recreation account. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-070, filed 12/8/82. 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.]