

Title 286 WAC

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Chapters

- 286-04 General.**
- 286-06 Public records.**
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- 286-16-060 Local agency requirements. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

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 Repealed by Order 1, filed 12/10/71.

- 286-16-070 State agency requirements. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Chapter 286-16 ELIGIBILITY FOR STATE OUTDOOR RECREATION GRANT-IN-AID ASSISTANCE

- 286-16-010 Scope of chapter. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-16-010, filed 11/17/86; 78-03-032 (Order 78-1), § 286-16-010, filed 2/17/78; Order 3, § 286-16-010, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-16-020 Eligibility for funding assistance. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-16-030 Apportionment of monies between state and local agencies. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-16-035 Applications—Deadlines. [Statutory Authority: Chapter 43.99 RCW. 87-08-032 (Order 87-1), § 286-16-035, filed 3/27/87. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-16-040 Matching requirements. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

- 286-16-080 Grant-in-aid policy. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

Chapter 286-20 APPLICATION PROCEDURE

- 286-20-010 Scope of chapter. [Statutory Authority: RCW 43.98A.070(5). 93-24-006, § 286-20-010, filed 11/19/93, effective 12/20/93. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-20-020 Application form. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 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.
- 286-20-040 Application review. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-040, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-20-060 Acquisition projects—Required documents and deed of right to use land for public recreation purposes. [Statutory

Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-20-060, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

**Chapter 286-24
FUNDED PROJECTS**

- 286-24-010 Scope of chapter. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-24-010, filed 11/17/86; 78-03-032 (Order 78-1), § 286-24-010, filed 2/17/78; Order 3, § 286-24-010, filed 7/31/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-015 Final decision. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-015, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-020 Project contract. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-040 Disbursement of funds. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-050 Restriction on conversion of facility to other uses. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-060 Income. [Statutory Authority: Chapter 43.99 RCW. 79-09-124 (Order 79-1), § 286-24-060, filed 9/5/79.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-24-070 Permanent project signs. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

**Chapter 286-04 WAC
GENERAL**

WAC

- 286-04-010 Definitions.
- 286-04-015 Address.
- 286-04-020 Organization and operations.
- 286-04-030 Goals.

- 286-04-050 Compliance with Environmental Act guidelines.
- 286-04-060 Participation manuals and waivers-guidance.
- 286-04-065 Project evaluations.
- 286-04-070 Director's authority.
- 286-04-080 Federal overlay and requirements.
- 286-04-085 Declaratory order—Petition requisites—
Consideration—Disposition.
- 286-04-090 History of fund sources.

WAC 286-04-010 Definitions. For purposes of Title 286 WAC, unless the context clearly indicates otherwise:

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

"Advisory committees" mean committees of representatives of federal, state, and local governmental entities, public-at-large, user organizations and private enterprise, or any combination thereof, that provide technical expertise and consultation on request on matters of concern to the committee.

"Applicant" means any agency or organization that meets qualifying standards, including deadlines, for submission of an application soliciting a grant of funds from the committee. Generally, a federal, state, local, tribal or special purpose government is an applicant.

"Application" means the form, including project information form, approved by the director for use by applicants in soliciting project funds administered by the committee.

"Chair" means the chair of the committee. See RCW 43.99.110.

"Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

"Development" means the construction of facilities to enhance outdoor recreation or habitat conservation resources.

"Director" means the director of the committee or that person's designee. See RCW 43.99.130.

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

"Master list" means those grant projects approved, in turn, through committee and legislative processes, and subsequently returned to the committee for funding.

"Nonhighway road and off-road vehicle program" means the grants and planning program administered by the committee under chapter 46.09 RCW.

"Nonprofit organization" means any group registered as a nonprofit or not-for-profit organization with the Washington secretary of state and the United States Internal Revenue Service. The organization's articles of incorporation must contain provisions for the organizations's structure, officers, legal address, and registered agent.

"Participation manuals" mean 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 committee for dissemination to agencies and organizations that may wish to participate in the committee's grant program(s).

"Preliminary expense" means project costs incurred prior to committee approval, other than site preparation/development costs, necessary for the preparation of a development project.

"Project" means the undertaking which is, or may be, funded in whole or in part with funds administered by the committee.

"Project agreement" means a project agreement, supplemental agreement, intergovernmental agreement, or project contract between the committee and a sponsor.

"Retroactive costs" mean those project expenses incurred prior to execution of a project agreement.

"Sponsor" means an applicant who has been awarded a grant of funds, and has an executed project agreement.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-010, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-04-010, filed 11/17/86. 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 286-04-015 Address. All communications with the committee shall be directed to its office at the Natural Resources Building, 1111 Washington Street S.E., P.O. Box 40917, Olympia, Washington 98504-0917, telephone (206) 902-3000.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-015, filed 8/17/94, effective 9/17/94.]

WAC 286-04-020 Organization and operations. The committee:

(1) Is an unsalaried body consisting of the (a) commissioner of public lands, (b) director of the department of fish and wildlife, (c) director of the parks and recreation commission, (or the designees of these individuals) and five citizens appointed by the governor from the public-at-large, with the consent of the senate, for a term of three years each. The chair of the committee is a voting member, appointed by the governor from among the five citizen members.

(2) Was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to agencies and organizations from the state's outdoor recreation and other such accounts as may now or hereafter be established.

(3) Is authorized and obligated to prepare, maintain and update state-wide plans, including:

(a) A strategic recreation resource and open space or assessment and policy plan (RCW 43.99.025);

(b) A nonhighway and off-road vehicle plan (RCW 46.09.250);

(c) A trails plan (RCW 67.32.050).

(4) Does not own or operate any outdoor recreation or resource facilities.

(5) Performs and accomplishes work by a staff under the supervision of a director appointed by the governor.

(6)(a) Conducts regular meetings, pursuant to RCW 42.30.075, according to a schedule it adopts in an open public meeting.

(b) May conduct special meetings at any time, pursuant to RCW 42.30.080, if called by the chair.

(c) Maintains an official record of its meetings in a recorded audio format, unless written minutes are otherwise indicated for logistical reasons.

(7) Members who have been 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 on the same basis as is provided by law for state officials and employees generally.

(8) Defines a quorum as five of its members.

(9) Adopts parliamentary meeting procedure generally as described in *Robert's Rules of Order*.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-020, filed 8/17/94, effective 9/17/94. 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. The general goals of the committee are to:

(1) Provide funds and planning assistance for acquisition and development and use of outdoor recreation and habitat conservation resources to maximize protection 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 organizations and local government, with funds and planning assistance, in providing the type of facilities and resources which, under their jurisdiction, will best serve the local needs for outdoor recreation;

(4) Encourage programs which promote outdoor education, skill development, participation opportunity and proper stewardship of recreation and natural resources. See also RCW 43.99.010.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-030, filed 8/17/94, effective 9/17/94. 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 286-04-050 Compliance with Environmental Act guidelines. (1) The committee has determined that all of its activities and programs in effect as of December 12, 1975, or pursuant to WAC 197-11-800 are exempt from threshold determinations and environmental impact statement requirements under the provisions of WAC 197-11-875.

(2) To the extent applicable, it is the responsibility of applicants and sponsors to comply with the provisions of chapter 197-11 WAC, the State Environmental Policy Act rules for acquisition or development of projects, the National Environmental Protection Act, and to obtain associated land-use permits.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-050, filed 8/17/94, effective 9/17/94; Order 76-2, § 286-04-050, filed 6/30/76.]

WAC 286-04-060 Participation manuals and waivers-guidance. (1) The committee shall cause to be written for use by applicants, potential applicants, sponsors, and others, participation manuals that describe general administrative matters to be followed in order to conform to the policies of the committee. These manuals shall not have the force or effect of administrative code rules.

(2) The manuals shall be considered and approved by the committee in an open public meeting. Notice of such considerations will be given by distribution of the agenda for the meeting, press releases, formal meeting notice in the Washington State Register, or other such means.

(3) 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 committee at the request of the petitioner.

(4) Petitions for waivers of subjects dealing with committee policy, and those petitions that in the judgment of the director require committee review, shall be referred to the committee for deliberation. Such waivers may be granted after consideration by the committee at an open public meeting.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-060, filed 8/17/94, effective 9/17/94. 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 286-04-065 Project evaluations. It is the policy of the committee to use an open, public, competitive selection process to guide it in allocating funds to grant applicants. In this regard, the director shall use priority rating systems in preparing funding recommendations for committee consideration. These systems shall:

(1) Be developed, to a reasonable extent, through the participation of interested parties and specialists;

(2) Consider applicant, local, regional, and state-wide needs, a project's technical merits, and other criteria;

(3) Be adopted by the committee in advertised public meetings;

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

(5) Be designed for use by a team of evaluators selected for this purpose;

(6) Be in accord with statutes.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-065, filed 8/17/94, effective 9/17/94.]

WAC 286-04-070 Director's authority. Consistent with RCW 43.99.025, and other applicable laws, the director is delegated the authority and responsibility to carry out policies of the committee. This includes, but is not limited to the authority to:

(1) Administer committee programs;

Employ, discipline, and terminate staff, consistent with applicable merit system and personnel rules;

(2) Approve master list projects of state agencies;

(3) Administer all applicable rules, regulations and requirements established by the committee or reflected in the laws of the state;

(4) Approve certain cost increase or waiver requests.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-070, filed 8/17/94, effective 9/17/94. 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.]

WAC 286-04-085 Declaratory order—Petition requisites—Consideration—Disposition. (1) Any person may submit a petition for a declaratory order in accordance with RCW 34.05.240 in any form so long as it:

(a) Clearly states the question the declaratory order is to answer; and

(b) Provides a statement of the facts which raise the question.

(2) The director may conduct an independent investigation in order to fully develop the relevant facts.

(3) The director will present the petition to the committee at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.

(5) The committee may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-085, filed 8/17/94, effective 9/17/94.]

WAC 286-04-090 History of fund sources. From time to time, the outdoor recreation account has included moneys derived from:

(1) Unclaimed marine fuel tax refunds;

(2) Sales of bonds under Referenda 11, 18, and 28, and recreational bond issue funds authorized by the state legislature under authority of Article VIII, Section I, Constitution of the state of Washington (1971 House Joint Resolution 52, approved November 1972);

(3) The state apportionments of the federal land and water conservation funds; and

(4) From such other sources, and for such specific purposes, as the legislature has provided or may provide.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-04-090, filed 8/17/94, effective 9/17/94.]

Chapter 286-06 WAC PUBLIC RECORDS

WAC

286-06-050	Public records available.
286-06-060	Responsibility.
286-06-065	Indexes.
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.
286-06-120	Protection of public records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-06-010	Purpose. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
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.
286-06-030	Description of the organization of the interagency committee for outdoor recreation. [Order 73-4, § 286-06-030, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-040	Operations and procedures. [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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-130	Records index. [Order 73-4, § 286-06-130, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
286-06-140	Committee address. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-140, filed 2/17/78; Order 73-4, § 286-06-140, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

286-06-150 Adoption of form. [Order 73-4, § 286-06-150, filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

286-06-990 Appendix A—Form—Request for public record. [Order 73-4, Appendix A (codified as WAC 286-06-990), filed 12/19/73.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

WAC 286-06-050 Public records available. All public records of the committee, as defined in RCW 42.17.260, as now or hereafter amended, are available for public inspection and copying pursuant to this regulation, except as otherwise provided by RCW 42.17.310 and WAC 286-06-100 - Exemptions.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-050, filed 8/17/94, effective 9/17/94. 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 Responsibility. The committee's public records shall be in charge of a public records officer designated by the director. The public records officer shall be responsible for: 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 with the public records disclosure requirements of chapter 42.17 RCW as now or hereafter amended.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-060, filed 8/17/94, effective 9/17/94. 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 286-06-065 Indexes. (1) Through its public records officer, the committee shall maintain indexes for the records and files listed in subsection (2)(a) through (j) of this section. These indexes:

(a) Provide identifying information as to its files and records;

(b) Are available for public inspection and copying at its offices in the Natural Resources Building, Olympia, in the manner provided in this chapter for the inspection and copying of public records;

(c) Are updated at least once a year and revised at appropriate intervals;

(d) Are public records even if the records to which they refer may not, in all instances, be subject to disclosure.

(2) Indexes of the following records and files are available:

(a) Archived files;

(b) Equipment inventory;

(c) Summaries and memoranda of committee meetings;

(d) General committee policies and procedures;

(e) Active project files;

(f) Publications including grant program manuals, state-wide plans, technical assistance and special reports;

(g) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(h) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

(i) Interpretive statements as defined in RCW 34.05.010(8) (each indexed by the committee program);

(j) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(14) (also see grant program manuals).

(3) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs and complexity, however, no master index is maintained.

- (a) Administrative files;
- (b) Comprehensive park-recreation plans;
- (c) Summaries of committee staff meetings;
- (d) Closed/inactive project files;
- (e) General correspondence;
- (f) Summaries of committee staff meetings;
- (g) Attorney general opinions;
- (h) Financial records;
- (i) Payroll and personnel records.

(4) Before June 30, 1990, the committee maintained no index of:

(a) Declaratory orders containing analysis or decisions of substantial importance to the committee in carrying out its duties;

(b) Interpretive statements as defined in RCW 34.05.010(8);

(c) Policy statements as defined in RCW 34.05.010(14).

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-065, filed 8/17/94, effective 9/17/94.]

WAC 286-06-070 Office hours. Public records shall be available for inspection and copying during the committee's customary office hours. Those hours shall be consistent with RCW 42.04.060 and 42.17.280, from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-070, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-070, filed 12/19/73.]

WAC 286-06-080 Requests for public records. Public records may be inspected or copied or copies of such records may be obtained consistent with chapter 42.17 RCW (unreasonable invasions of privacy, protection from damage/disorganization, and excessive interference) by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing on a form prescribed by the director which shall be available at its Olympia office. The form shall be presented to the public

records officer or designee. 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) A reference to the requested record as it is described in any current index, if the matter requested is referenced within indexes;

(e) An appropriate description of the record requested, if the requested matter is not identifiable in the indexes.

(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 designee to assist in appropriately identifying the public record requested as defined in RCW 42.17.320.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-080, filed 8/17/94, effective 9/17/94; 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 director shall charge a fee of ten cents per page for providing copies of public records and for use of the committee's copy equipment. Copying in other formats shall be subject to a fee established by the director. These charges are the amount necessary to reimburse the committee for its actual costs incident to such copying.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-090, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-090, filed 12/19/73.]

WAC 286-06-100 Exemptions. (1) The director 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 chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the director reserves the right to delete identifying details when made available or published in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy.

(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.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-100, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-100, filed 12/19/73.]

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

(2) After receiving a written request for review of a decision denying inspection of a public record, the director, or designee, will either affirm or reverse the denial by the end of the second business day following receipt according

to RCW 42.17.320. This shall constitute final committee action. Whenever possible in such matters, the director or designee shall first consult with the committee's chair and/or office of the attorney general.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-110, filed 8/17/94, effective 9/17/94. 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.]

WAC 286-06-120 Protection of public records.

Unless approved by the director, records shall not be removed from the place designated for their inspection. The public records officer may make reasonable arrangements for ensuring the security of the record(s) during inspections.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-06-120, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-120, filed 12/19/73.]

Chapter 286-13 WAC

GENERAL GRANT ASSISTANCE RULES

WAC

286-13-010	Scope of chapter.
286-13-020	Application form.
286-13-030	Application review.
286-13-040	Applications and plans—Deadlines.
286-13-050	Final decision.
286-13-060	Project agreement.
286-13-070	Disbursement of funds.
286-13-080	Committee funds intended to supplement.
286-13-085	Retroactive and increased costs.
286-13-090	Federal assistance.
286-13-100	Nonconformance and repayment.
286-13-110	Income.
286-13-115	Discrimination.
286-13-120	Permanent project signs.

WAC 286-13-010 Scope of chapter. This chapter contains general rules affecting grant program eligibility, applications, and projects funded with money from or through the committee. Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle program), chapter 286-27 WAC (Washington wildlife and recreation program), chapter 286-30 WAC (Firearms range program), chapter 286-35 WAC (Initiative 215 boating facilities program), and chapter 286-40 WAC (Land and water conservation fund program).

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-010, filed 8/17/94, effective 9/17/94.]

WAC 286-13-020 Application form. (1) All applications must be completed and submitted in the format prescribed by the committee unless otherwise allowed by the director.

(2) If the director determines that the applicant is eligible to apply for federal funds administered by the committee, the applicant must execute the forms necessary for that purpose.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-020, filed 8/17/94, effective 9/17/94.]

(1995 Ed.)

WAC 286-13-030 Application review. (1) All applications for funding submitted to the committee will be referred to the director for review and recommendations. In reaching a recommendation, the director shall seek the advice and counsel of the committee's staff and other recognized experts, including those gathered at technical review and evaluation meetings or from other parties with experience in the field.

(2) The committee shall inform all applicants of the specific project application process and methods of review, including current evaluation tests and instruments, by delineating these items in the participation manuals.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-030, filed 8/17/94, effective 9/17/94.]

WAC 286-13-040 Applications and plans—Deadlines. (1) All applications must be submitted at least four calendar months prior to the funding meeting at which the applicant's project is first considered. Applications must be completed in final form and on file with the committee at least thirty days before this same meeting.

(2) All nonhighway road and off-road vehicle program, park, recreation, or habitat plans required for participation in committee grant programs must be complete and on file with the committee at least ninety days before the funding meeting at which the applicant's project is first considered.

(3) Compliance with these deadlines is required for eligibility unless a waiver is granted by the director. Such waivers are considered based on several factors which may include:

- When the applicant started the application/planning process;
- What progress has been made;
- When final adoption will occur;
- The cause of the delay (procedural or content related, etc.);
- Impact on the committee's evaluation process;
- Equity to other applicants; and
- Such other information as may be relevant.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-040, filed 8/17/94, effective 9/17/94.]

WAC 286-13-050 Final decision. The committee will review recommendations for grant projects at regularly scheduled funding sessions. It retains the authority and responsibility to accept or deviate from these recommendations and, where statutory authority exists, it alone will make the final decision concerning the funding of a project.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-050, filed 8/17/94, effective 9/17/94.]

WAC 286-13-060 Project agreement. For every funded project, an agreement must be executed as provided in this section.

(1) The project agreement shall be prepared by the director subsequent to approval of the project by the committee at a public meeting. The director shall execute the agreement on behalf of the committee and tender the

document to the applicant. On execution by the applicant, who through this action becomes the sponsor, the parties are bound by the agreement's terms. The applicant may not proceed with the project until the agreement has been executed and the project start date listed in the agreement has arrived, unless specific authorization pursuant to WAC 286-13-080 (1)(a) has been given by the director.

(2) If the project is approved by the committee to receive a grant from federal funds, the director shall not execute an agreement or amendment with the applicant until federal funding has been authorized through execution of a concurrent project agreement with the Department of Interior or applicable federal agency.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-060, filed 8/17/94, effective 9/17/94.]

WAC 286-13-070 Disbursement of funds. Except as otherwise provided herein, the director will authorize disbursement of project funds only on a reimbursable basis, after the sponsor has spent its own funds and has presented a billing showing satisfactory evidence of property rights and compliance with partial or all provisions of the project agreement.

(1) Reimbursement method. Reimbursement must be requested on voucher forms authorized by the director 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 spent on the project.

(3) Partial payment. Partial reimbursements may be made during the course of a project on presentation of billings showing satisfactory evidence of partial acquisition or development.

(4) Exceptions.

(a) State agencies' Initiative 215 (Marine Recreation Land Act) appropriations. Until such time as the committee may receive direct appropriation authority, state agencies are required to submit 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 committee's share of the approved cost of real property may be made following committee approval of an acquisition project when the sponsor indicates a temporary lack of funds to purchase the property. Prior to release of the committee's share of escrow funds, the sponsor must provide the director with a copy of a binding sale agreement between the sponsor and the seller and evidence of deposit of the sponsor's share (if any) into an escrow account.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-070, filed 8/17/94, effective 9/17/94.]

WAC 286-13-080 Committee funds intended to supplement. State aid through the committee is intended to supplement the existing capacity of a sponsor; it is not intended to supplant programs, or to reimburse the cost of projects that would have been undertaken without state matching money. Therefore, except as hereinafter provided,

the committee will not approve the disbursement of funds for a project when otherwise reimbursable activities have been undertaken before a project agreement has been executed.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-080, filed 8/17/94, effective 9/17/94.]

WAC 286-13-085 Retroactive and increased costs. See WAC 286-04-010 for definition of terms for the following section.

(1) Retroactive land acquisition costs.

(a) The director may grant a waiver of retroactivity whenever an applicant asserts, in writing, that an emergency exists which may jeopardize the project. When evidence warrants, the director may grant the applicant permission to proceed by issuing the written waiver. This waiver of retroactivity will not be construed as an approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for assistance. If the project is to remain eligible for grant support from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) A sponsor will not lose committee approved assistance if it acquires committee approved property prior to any federal funding action on the sponsor's application for assistance if:

(i) In writing, the sponsor requests and receives the director's permission to purchase; and

(ii) The federal agency has notified the director that the state assisted purchase will not jeopardize the proposed federal funding.

(2) Retroactive development costs. Retroactive development costs are not eligible for reimbursement.

However, preliminary expenses (e.g., engineering costs) contained in a development project may be eligible for reimbursement if specifically requested in the application.

(3) Cost increases.

(a) Cost increases for approved projects may be granted by the committee if financial resources are available.

(b) Each cost increase request will be considered on its merits.

(c) If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor may request that the committee increase assistance by an equivalent amount; such requests shall be considered on their merits.

(d) The director may approve a sponsor's development project cost increase request so long as the total request does not exceed ten percent of the project's approved initial cost. The director may also approve land acquisition cost increase requests so long as the total request for each parcel does not exceed ten percent of both the committee approved initial cost and the appraised and reviewed value of each parcel for which a cost increase is requested.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-085, filed 8/17/94, effective 9/17/94.]

WAC 286-13-090 Federal assistance. Insofar as is possible under the committee's state-wide plan(s) provided under WAC 286-04-020(3) applications will be administered and approved in a manner that will maximize any federal assistance available for the benefit of projects in Washington.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-090, filed 8/17/94, effective 9/17/94.]

WAC 286-13-100 Nonconformance and repayment.

Any sponsor expenditure of committee grant moneys deemed by the committee or director to conflict with applicable statutes, rules and related participation manuals must be repaid, upon written request by the director, to the appropriate state account.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-100, filed 8/17/94, effective 9/17/94.]

WAC 286-13-110 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 committee grants if the fees and charges are commensurate with the value of 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 committee grants or for accrual of capital for similar acquisition and/or development.

(2) Other income. Income that accrues to an area described in a project agreement from sources other than the intended use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended use of the area as described in the project agreement.

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

(b) Gross nonintended income that accrues subsequent to the ending date identified in the project agreement must be used to offset operation and maintenance expenses of the facility funded in whole or in part by committee grants or for capital acquisition and/or development of a similar type unless precluded by state law.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-110, filed 8/17/94, effective 9/17/94.]

WAC 286-13-115 Discrimination. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. Fee differences based on residence may not exceed twice that charged to residents.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-115, filed 8/17/94, effective 9/17/94.]

WAC 286-13-120 Permanent project signs. Permanent signs identifying that land was acquired or facilities developed with financial assistance from the committee are required unless waived by the director. Such waivers are considered based on agreed project goals.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-13-120, filed 8/17/94, effective 9/17/94.]

Chapter 286-26 WAC

NONHIGHWAY ROAD AND OFF-ROAD VEHICLE FUNDS

WAC

- 286-26-010 Scope of chapter.
- 286-26-020 Definitions.
- 286-26-030 Eligibility.
- 286-26-080 Planning requirements.
- 286-26-090 Acquisition projects—Deed of right, conversions, leases and easements.
- 286-26-100 Development projects—Conversion to other uses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 286-26-040 Qualification. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-040, filed 11/17/86. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-050 Apportionment of funds. [Order 3, § 286-26-050, filed 7/31/73.] Repealed by 78-03-032 (Order 78-1), filed 2/17/78. Statutory Authority: Chapter 43.99 RCW.
- 286-26-055 Funded projects. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-055, filed 11/17/86; 84-17-029 (Order 84-2), § 286-26-055, filed 8/8/84. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-060 Disbursement of funds. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-060, filed 11/17/86. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
- 286-26-070 Fund accountability. [Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-070, filed 11/17/86. 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.] Repealed by 94-17-095, filed 8/17/94, effective 9/17/94.

9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

WAC 286-26-010 Scope of chapter. This chapter contains rules affecting the eligibility of agencies to share in committee administered nonhighway road and off-road vehicle funds. Additional provisions are contained in chapter 46.09 RCW and "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-010, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-010, filed 11/17/86. 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:

"Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

"Nonhighway road" (NHR) as provided in RCW 46.09.020.

"Nonhighway vehicle" as provided in RCW 46.09.020.

"NOVA" means the committee's nonhighway road and off-road vehicle activities program described in chapter 46.09 RCW, and NHR and ORV participation manuals for the planning, acquisition, development and management of recreation areas and trails.

"NOVA advisory committee" means the panel of NHR recreationists, including representatives of organized ORV recreational groups, chosen to advise the director in the development of the state-wide NOVA plan, the development of a project priority rating system, the suitability and evaluation of NOVA projects submitted to the committee for funding, and other aspects of NOVA recreation as the need may arise, in accordance with chapter 46.09 RCW. The NOVA advisory committee may also include representatives from various governmental entities or other interests as deemed appropriate by the director.

"Off-road vehicle" (ORV) as provided in RCW 46.09.020.

"ORV trail" as provided in RCW 46.09.020, and including, competition sites for two, three, or four-wheel ORVs, and four-wheeled vehicles over forty inches width which are equipped with four-wheel drive or other characteristics such as nonslip 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 which are paved and designed primarily for other vehicles, such as go-karts and formula cars, are not eligible for NOVA funds.

"ORV use area" as provided in RCW 46.09.020.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-020, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-020, filed 11/17/86; 84-17-029 (Order 84-2), § 286-26-020, filed 8/8/84. 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 286-26-030 Eligibility. Those agencies of government eligible to receive NOVA funds are: Departments of state government, counties, municipalities, federal agencies, and native American tribes as provided in RCW 46.09.240.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-030, filed 8/17/94, effective 9/17/94. Statutory Authority: Chapter 43.99 RCW. 86-23-038 (Order 86-2), § 286-26-030, filed 11/17/86; 78-03-032 (Order 78-1), § 286-26-030, filed 2/17/78; Order 3, § 286-26-030, filed 7/31/73.]

WAC 286-26-080 Planning requirements. For purposes of project evaluation, completed plans must be received by the director at least ninety days before the committee's meeting at which the project is to be considered for funding. A shorter period may be authorized by the director. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for up to a five-year period. To be complete, at minimum the plan must include:

- (1) A statement of the applicant's long range goals and objectives;
- (2) A description of the planning area, or existing areas and facilities, or current conditions, as appropriate;
- (3) An analysis of need, that is, why actions are required;
- (4) A description of the extent to which the public has been involved in development of the plan;
- (5) A current capital improvement program of at least five years and/or a schedule which identifies those entities responsible for the actions needed to achieve the plan's goals and objectives;
- (6) Evidence that this plan has been approved by the applicant's governing body.

[Statutory Authority: RCW 46.09.240(1). 94-24-044, § 286-26-080, filed 12/2/94, effective 1/2/95. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-080, filed 8/17/94, effective 9/17/94.]

WAC 286-26-090 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects sponsors must execute an instrument or instruments which contain:

- (1) For fee, less-than-fee, and easement acquisition projects:
 - (a) A legal description of the property acquired;
 - (b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and
 - (c) A restriction on conversion of use of the land.

That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

- (a) Must be for at least fifty years unless precluded by state law;
- (b) May not be revocable at will;
- (c) Must have a value supported through standard appraisal techniques;
- (d) Must be paid for in lump sum at initiation;
- (e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-090, filed 8/17/94, effective 9/17/94.]

WAC 286-26-100 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee, by state, county, municipality or native American tribal government sponsors, shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

- (a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;
- (b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:
 - (i) Is of reasonably equivalent recreation utility and location;
 - (ii) Will be administered by the same political jurisdiction as the converted development;
 - (iii) Will satisfy need(s) identified in the sponsor's NOVA plan (see WAC 286-26-080); and
 - (iv) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-26-100, filed 8/17/94, effective 9/17/94.]

Chapter 286-27 WAC

WASHINGTON WILDLIFE AND RECREATION PROGRAM

WAC

286-27-010	Scope.
286-27-020	Effective date.
286-27-030	Definitions.
286-27-040	Planning requirements, outdoor recreation account (ORA).
286-27-050	Planning requirements, habitat conservation account (HCA).
286-27-060	Project conversions.
286-27-070	Participation manuals.
286-27-080	Funded projects.

WAC 286-27-010 Scope. This chapter contains rules affecting the eligibility of local and state agencies to share outdoor recreation and habitat conservation account moneys under the authority of RCW 43.98A.060(1) and 43.98A.070(5). These moneys are available through the interagency committee for outdoor recreation for projects in state parks, local parks, trails, water access, critical habitat, natural areas and urban wildlife habitat categories.

Grants-in-aid for such projects are intended to supplement and expand the existing capacity of state and local agencies.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-010, filed 8/12/91, effective 9/12/91.]

WAC 286-27-020 Effective date. Rules in this chapter only apply to projects submitted after October 1, 1991.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-020, filed 8/12/91, effective 9/12/91.]

WAC 286-27-030 Definitions. Unless the context clearly requires otherwise, definitions in this section apply throughout this chapter.

- (1) "Committee" means interagency committee for outdoor recreation.
- (2) "WWRP" means the Washington wildlife and recreation program as described in chapter 43.98A RCW.
- (3) "Project" means a proposal that complies with chapter 43.98A RCW, these rules, guidelines, and plans adopted by the committee.
- (4) "HCA" means habitat conservation account funds distributed as set forth in RCW 43.98A.040 and intended for the acquisition and development of critical habitat, natural areas, and urban wildlife habitat.
- (5) "ORA" means outdoor recreation account funds distributed as set forth in RCW 43.98A.050 and intended for the acquisition and development of state parks, trails, water access sites, and the acquisition, development and renovation of local parks.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-030, filed 8/12/91, effective 9/12/91.]

WAC 286-27-040 Planning requirements, outdoor recreation account (ORA). (1) Local agencies. Before a project may be considered by the committee, local agency applicants must submit an outdoor recreation plan completed in accordance with committee guidelines. The plan must include:

- (a) An adopted comprehensive plan for the agency's jurisdiction which includes park, recreation, trails, and open space elements;
 - (b) An adopted six-year capital improvement program; and
 - (c) An inventory of public trails, open space, and outdoor recreation lands and facilities managed by the applicant agency.
- (2) State agencies. Before a project may be considered by the committee, state agency applicants must submit the following:

(a) An adopted six-year capital facilities or outdoor recreation plan which includes a statement of agency long term acquisition, development and management goals, and

(b) An inventory of public trails, open space, and outdoor recreation lands and facilities managed by the applicant agency.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-040, filed 8/12/91, effective 9/12/91.]

WAC 286-27-050 Planning requirements, habitat conservation account (HCA). (1) Local agencies.

(a) After July 1, 1993: Before a project may be considered by the committee, local agency applicants must submit a habitat conservation plan completed in accordance with committee guidelines. The plan must include:

(i) An adopted comprehensive plan for the agency's jurisdiction which includes natural areas, critical habitat and urban wildlife habitat elements,

(ii) An adopted six-year capital improvement program, and

(iii) An inventory of applicant managed lands with critical habitat, natural area and urban wildlife habitat values.

(b) Before July 1, 1993: Before a project may be considered by the committee, local agency applicants must submit the following habitat conservation plan element information:

(i) Certification of intent to complete the plan and

(ii) A plan preparation progress report.

(2) State agencies.

(a) Before the committee may consider a project, state agency applicants must submit a habitat conservation plan completed in accordance with committee guidelines. The plan must include:

(i) An adopted six-year capital facilities or conservation plan which includes a statement of agency long term acquisition, development and management goals, and

(ii) An inventory of applicant managed lands with critical habitat, natural area, and urban wildlife habitat values.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-050, filed 8/12/91, effective 9/12/91.]

WAC 286-27-060 Project conversions. (1) Except under conditions brought about by acts of God, fire, and projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), natural resources and facilities purchased with chapter 43.98A RCW funds shall not, without the approval of the committee, be converted to uses other than those for which the funds were originally approved. The committee will only approve such conversions on conditions which assure the substitution or replacement with natural resources or facilities which are of at least equal fair market value at the time of conversion. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

(2) Projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) shall convert to railroad purposes automatically upon reactivation of a line for rail purposes under an ICC order. Substitution or replacement with natural resources, facilities or moneys

which are of at least equal fair market value at the time of conversion may be required. Substitution or replacement of natural resources and facilities, when required, must be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

(3) The committee is entitled to pursue and obtain remedies which assure the substitution or replacement of natural resources or facilities in accordance with this section.

[Statutory Authority: RCW 43.98A.070(5), 93-24-007, § 286-27-060, filed 11/19/93, effective 12/20/93. Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-060, filed 8/12/91, effective 9/12/91.]

WAC 286-27-070 Participation manuals. (1) The committee shall prepare guideline participation manuals for WWRP for use by project applicants, potential applicants, sponsors and others. The manuals shall describe the procedures to be followed in order to conform to chapter 43.98A RCW, these rules, and policies of the committee.

(2) WWRP participation manual adoption shall be considered in an open public meeting and may only be adopted by action of the committee.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-070, filed 8/12/91, effective 9/12/91.]

WAC 286-27-080 Funded projects. Contracts shall be required for all approved WWRP grants-in-aid as prescribed in committee guidelines.

[Statutory Authority: Chapter 43.99 RCW. 91-17-010, § 286-27-080, filed 8/12/91, effective 9/12/91.]

Chapter 286-30 WAC FIREARMS RANGE

WAC

286-30-010	Scope.
286-30-020	Eligibility.
286-30-030	Acquisition projects—Deed of right, conversions, leases and easements.
286-30-040	Development projects—Conversion to other uses.

WAC 286-30-010 Scope. This chapter contains rules affecting the firearms range account grant program administered by the committee under RCW 77.12.720. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-010, filed 8/17/94, effective 9/17/94.]

WAC 286-30-020 Eligibility. These moneys are available to those entities described in RCW 77.12.720.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-020, filed 8/17/94, effective 9/17/94.]

WAC 286-30-030 Acquisition projects—Deed of right, conversions, leases and easements. Sponsors must execute an instrument or instruments which contain:

(1) For fee, less-than-fee, and easement acquisition projects:

(a) A legal description of the property acquired;
 (b) A conveyance to the state of Washington of the right to use the described real property for at least ten years from the date of the committee's final reimbursement for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land for at least ten years from the date of the committee's final reimbursement, with the proviso that should use be discontinued or a noncommittee approved conversion occur, the sponsor shall pay back to the committee the entire grant amount. That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not, within ten years, be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

(a) Must be for at least ten years from the date of the committee's final reimbursement unless precluded by state law;

(b) May not be revocable at will;

(c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-030, filed 8/17/94, effective 9/17/94.]

WAC 286-30-040 Development projects—Conversion to other uses. (1) Within ten years of the committee's final reimbursement, and without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. Should a thus prohibited conversion occur, the sponsor shall pay back to the committee the entire grant amount.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction or entity as the converted development; and

(iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-30-040, filed 8/17/94, effective 9/17/94.]

Chapter 286-35 WAC

INITIATIVE 215 BOATING FACILITIES

WAC

286-35-010	Scope.
286-35-020	Eligibility.
286-35-030	Planning requirements—Local agencies.
286-35-040	State agency requirements.
286-35-050	Apportionment of marine fuel tax receipts, state and local agencies.
286-35-060	Matching requirements.
286-35-070	Projects eligible for funding.
286-35-080	Acquisition projects—Deed of right, conversions, leases and easements.
286-35-090	Development projects—Conversion to other uses.

WAC 286-35-010 Scope. This chapter contains rules affecting the Initiative 215 boating facilities grant program administered by the committee under the Marine Recreation Land Act, chapter 43.99 RCW. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-010, filed 8/17/94, effective 9/17/94.]

WAC 286-35-020 Eligibility. Marine recreation fuel moneys are available to the entities and for purposes described in RCW 43.99.020(2) and 43.99.080.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-020, filed 8/17/94, effective 9/17/94.]

WAC 286-35-030 Planning requirements—Local agencies. For purposes of local agency project evaluation, completed plans must be received by the director at least ninety days before the committee's meeting at which the project is to be considered for funding. A shorter period may be authorized by the director. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for up to a five-year period. To be complete, at minimum the plan must include:

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

(2) A description of the planning area, or existing areas and facilities, or current conditions, as appropriate;

(3) An analysis of need, that is, why actions are required;

(4) A description of the extent to which the public has been involved in development of the plan;

(5) A current capital improvement program of at least five years, and a schedule which identifies those entities responsible for the actions needed to achieve the plan's goals and objectives;

(6) Evidence that this plan has been approved by the applicant's governing body.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-030, filed 8/17/94, effective 9/17/94.]

WAC 286-35-040 State agency requirements. Before considering a state agency project for funding, that agency must submit to the committee a capital improvement

program, based on the office of financial management's prescribed planning period. A long-term statement of applicant agency outdoor recreation acquisition and development goals must be included.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-040, filed 8/17/94, effective 9/17/94.]

WAC 286-35-050 Apportionment of marine fuel tax receipts, state and local agencies. Unless otherwise specified in enabling legislation or appropriation, available grant moneys from unrefunded marine fuel tax receipts shall be divided into two equal shares, one for aid to state agencies and one for aid to local agencies.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-050, filed 8/17/94, effective 9/17/94.]

WAC 286-35-060 Matching requirements. (1) Local agencies.

(a) The committee will not approve local agency projects where the applicant's share is less than twenty-five percent of the total project cost, with the remaining share not exceeding seventy-five percent, composed of state funds, federal funds, or state and federal funds, regardless of federal source. Local agencies must provide written assurance at least thirty days before the funding meeting at which the project is to be considered for funding, that funds and/or resources are available for the required local share of the project. The director may authorize a period of less than thirty days.

(b) The local share may be state funds not administered by the committee, local impact/mitigation fees, 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 committee grant funding.

(2) State agencies.

(a) The committee may approve one hundred percent funding from unrefunded marine fuel tax receipts for projects proposed by state agencies.

(b) If federal matching money, regardless of federal source, is available, the state agency may be assisted by committee funds so as to achieve one hundred percent funding.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-060, filed 8/17/94, effective 9/17/94.]

WAC 286-35-070 Projects eligible for funding. Watercraft-related acquisition and development projects that encompass the goals contained in WAC 286-04-030 are eligible for funding.

As a general rule those watercraft-related project costs eligible under the federal Land and Water Conservation Fund Act as specified in that program's manual will be eligible for consideration by the committee. However, from time to time the committee may decide as a matter of policy that certain project costs are either eligible or ineligible irrespective of

how those costs are treated under the Land and Water Conservation Fund Act.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-070, filed 8/17/94, effective 9/17/94.]

WAC 286-35-080 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments which contain:

(1) For fee, less-than-fee, and easement acquisition projects:

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land.

That is, marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was 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 agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

(a) Must be for at least fifty years unless precluded by state law;

(b) May not be revocable at will;

(c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-080, filed 8/17/94, effective 9/17/94.]

WAC 286-35-090 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction as the converted development; and

(iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-35-090, filed 8/17/94, effective 9/17/94.]

Chapter 286-40 WAC

LAND AND WATER CONSERVATION FUND

WAC

286-40-010	Scope.
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286-40-060	Development projects—Conversion to other uses.

WAC 286-40-010 Scope. This chapter contains rules affecting the federal land and water conservation fund program administered by the committee. These funds are administered pursuant to the Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 78 stat 897), and the *Land and Water Conservation Fund Grants Manual* (U.S. Department of the Interior). Under the terms of this program many federal requirements are imposed on both applicants and the committee over which the committee has no control. Most of these federal requirements are restated or clarified in the participation manuals. Additional provisions are contained in "General grant assistance rules," chapter 286-13 WAC.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-010, filed 8/17/94, effective 9/17/94.]

WAC 286-40-020 Candidate selection. Candidate project(s) under this chapter are selected by the director, and approved by the committee, from among those submitted into the outdoor recreation account allotment to the Washington wildlife and recreation program (chapter 286-27 WAC). Selection criteria includes:

- (1) Adherence to the outdoor recreation account planning requirements of WAC 286-27-040.
- (2) How well the project(s) has ranked in the evaluation;
- (3) How well the project(s) meets needs identified in the state-wide comprehensive outdoor recreation planning program and the general goals identified in WAC 286-04-030;
- (4) An assessment of how quickly the project(s) will progress through planning and implementation stages.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-020, filed 8/17/94, effective 9/17/94.]

WAC 286-40-030 Matching requirements. (1) Local agencies.

(a) The committee will not approve local agency projects where the applicant's share is less than fifty percent of the total project cost, with the remaining share of up to, but not exceeding, fifty percent federal funds, or state and federal funds, regardless of federal source. Unless a shorter period is authorized, local agencies must provide written

assurance at least thirty days before 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.

(b) The local share may be state funds not administered by the committee, local impact/mitigation fees, 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 committee grant funding.

(2) State agencies. If federal matching money, regardless of federal source, is available, the state agency may be assisted by committee funds so as to achieve one hundred percent funding.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-030, filed 8/17/94, effective 9/17/94.]

WAC 286-40-040 Projects eligible for funding.

Only those acquisition and development costs eligible under the federal Land and Water Conservation Fund Act as specified in that program's manual will be eligible for consideration by the committee. However, from time to time the committee may decide as a matter of policy that certain project costs are ineligible irrespective of how those costs are treated under the Land and Water Conservation Fund Act.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-040, filed 8/17/94, effective 9/17/94.]

WAC 286-40-050 Acquisition projects—Deed of right, conversions, leases and easements. For acquisition projects, sponsors must execute an instrument or instruments which contain:

(1) For fee, less-than-fee, and easement acquisition projects:

- (a) A legal description of the property acquired;
- (b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land. That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(2) For lease acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

- (a) Must be for at least fifty years unless precluded by state law;
- (b) May not be revocable at will;
- (c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-050, filed 8/17/94, effective 9/17/94.]

WAC 286-40-060 Development projects—

Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of at least equal fair market value and of reasonably equivalent recreation usefulness and location;

(ii) Will be administered by the same political jurisdiction as the converted development; and

(iii) Includes only elements eligible under the committee's program from which funds were originally allocated.

[Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. 94-17-095, § 286-40-060, filed 8/17/94, effective 9/17/94.]