

Title 286 WAC
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Chapters
286-13 General grant assistance rules.
286-26 Nonhighway road and off-road vehicle funds.
286-27 Washington wildlife and recreation program.
286-35 Boating facilities program.
286-40 Land and water conservation fund.

Chapter 286-13 WAC
GENERAL GRANT ASSISTANCE RULES

WAC 286-13-040 Deadlines—Applications, plans, and matching resources

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


WAC 286-13-045 Eligible matching resources. (1) Applicant resources used to match committee funds may include: Cash, local impact/mitigation fees, certain federal funds, the value of privately owned donated real estate, equipment, equipment use, materials, labor, or any combination thereof.
(2) Local agencies may match with state funds so long as the state funds are not administered by the committee.
(3) Private donated real property, or the value of that property, must consist of real property (land and facilities) that would normally qualify for committee grant funding.
(4) State agency projects may be assisted by one hundred percent funding from committee sources except where prohibited by law.
(5) The eligibility of federal funds to be used as a match is governed by federal requirements and thus may vary with individual program policies.


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

Under most conditions, eligible expenses may only be reimbursed for activities that occur within the period cited in the project agreement. This is known as the committee's prohibition on retroactivity. To avoid this prohibition, a waiver may be issued.
(1) Retroactive land acquisition costs.
The director may grant a waiver of retroactivity whenever an applicant asserts, in writing, that a condition 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.
(2) Retroactive development costs. The only retroactive development costs eligible for reimbursement consideration are preliminary expenses (e.g., engineering costs).

However, solely in respect to WWRP projects on LEAP Capital Document 5, the director is authorized to grant a waiver of retroactivity which establishes eligibility for future reimbursement of all appropriate development costs. Such applicants' retroactivity requests must be in writing, and provide sufficient justification. Reimbursement of expenditures is subject to the provisions of WAC 286-13-070. This authority shall be effective until the execution of a project agreement or June 30, 1997, whichever occurs first.

(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.

WAC 286-13-110 Income, income use.

(1) Income.
(a) Compatible source. The source of any income generated in a committee assisted project or project area must be compatible with the element(s) defined in the project agreement. The way the project or project area is defined varies with the source of funds provided by the committee. That is, income generated in a project assisted with funds that originate from:
   (i) A state source must be consistent with the limits of the element(s) assisted by the committee (for example, within the area of an athletic field or habitat area).
   (ii) The federal land and water conservation fund must be consistent within the boundary described in chapter 660-2.6.A. ("project area") of the L&WCF Grants-in-Aid Manual.
(b) Fees. User and/or other fees may be charged in connection with land acquired or facilities developed with committee grants if the fees are consistent with the:
   (i) Value of any service(s) furnished; and
   (ii) Value of any opportunity(ies) furnished; and
   (iii) Prevailing range of public fees in the state for the activity.

(2) Income use. Regardless of whether income or fees in a committee assisted area (including entrance, utility corridor permit, cattle grazing, timber harvesting, farming, etc.) are gained during or after the reimbursement period cited in the project agreement, unless precluded by state law the revenue may only be used to offset:
(a) The sponsor's matching funds; and/or
(b) The project's total cost; and/or
(c) The expense of operation, maintenance, and/or repair of the facility or program assisted by the committee grant; and/or
(d) The expense of operation, maintenance, and/or repair of other units in the sponsor's park and recreation and/or habitat conservation system; and/or
(e) Capital expenses for similar acquisition and/or development.

WAC 286-13-115 Discrimination, preferences.

(1) Sponsors shall not discriminate against users of projects assisted with committee funds on the basis of race, creed, color, sex, religion, national origin, disability, marital status, or sexual orientation.

(2) Sponsors shall not express a preference for users of committee grant assisted projects on the basis of residence (including preferential reservation, membership, and/or permit systems). However, reasonable differences in admission and other fees may be maintained on the basis of residence. The committee does not encourage the imposition of such differential fees. Fees for nonresidents must not exceed twice the fee imposed on residents. Where there is no fee for residents but a fee is charged to nonresidents, the nonresident fee shall not exceed the amount that would be imposed on residents at comparable state or local public facilities.
Chapter 286-26 WAC
NONHIGHWAY ROAD AND OFF-ROAD VEHICLE FUNDS

WAC 286-26-080 Planning requirements.

WAC 286-26-080 Planning requirements. To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2). At minimum the plan must include:

(1) A statement of the applicant’s long-range goals and objectives;
(2) An inventory, or description of the planning area;
(3) An analysis of demand and need, that is, why actions are required;
(4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;
(5) A current capital improvement program of at least five years;
(6) Evidence that this plan has been approved by the applicant’s governing entity most appropriate to the plan’s scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.


Chapter 286-27 WAC
WASHINGTON WILDLIFE AND RECREATION PROGRAM

WAC 286-27-040 Planning requirements.
286-27-050 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
WAC 286-27-050 Planning requirements.
286-27-050 Repealed.

286-27-050 Planning requirements, habitat conservation account.

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**WAC 275-35-040 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 286-40 WAC**

**LAND AND WATER CONSERVATION FUND**

WAC 286-40-020 Funding and candidate selection.

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Funding for projects approved under this chapter is from the 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. How well the project(s) meets the criteria in the Land and Water Conservation Fund Grants Manual;
5. An assessment of how quickly the project(s) will progress through planning and implementation stages.


**Title 287 WAC**

**INVESTMENT BOARD**

**Chapters 287-04**

**Conflict of interest.**

**Chapter 287-04 WAC**

**CONFLICT OF INTEREST**

WAC 287-04-029 Rules of conduct.

287-04-030 Gifts.

287-04-032 Personal investments.

287-04-033 Additional prohibitions.

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