

I. Opening of meeting, determination of a quorum, introductions.

II. ADMINISTRATOR'S RECOMMENDATION:

Memo re hiring of intern - review WACS/GUIDELINES; determine source of same; recommend to Administrator those to rescind, etc., and in turn to go to Committee for consideration/review.

MOTION APPROVED

III. WAC REVIEW AND ADOPTION

WAC-by-WAC - Wilder/Cole

Chapter 286.04 Amendments ADOPTED

Chapter 286.06 Amendments ADOPTED

Chapter 286.16 Amendments ADOPTED

Chapter 286.20 Amendments ADOPTED Repeal of WAC 286-20-030 ADOPTED

Chapter 286.24 Amendments ADOPTED

Chapter 286.26 Amendments ADOPTED Repeal of 286-25-050 ADOPTED

3:05 p.m. - OPEN PUBLIC HEARING CLOSED.

3:06 p.m. - CONTINUED MEETING OF IAC

IV. ORV Guidelines

Changes reviewed by Pelton.

Staff analysis of ORV Guidelines concluded at 3:22 p.m. (discussion by Committee)

ORV Guideline MOTIONS:

Chapter 01 APPROVED

Chapter 02 APPROVED

Chapter 03 APPROVED AS AMENDED BY COMMITTEE

Chapter 04 APPROVED

Chapter 05 APPROVED

Chapter 06 APPROVED

Chapter 07 APPROVED

Chapter 08 APPROVED

Chapter 09 APPROVED AS AMENDED BY COMMITTEE

Chapter 10 APPROVED

Meeting adjourned at 4:12 p.m.

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
OLYMPIA, WASHINGTON

OPEN PUBLIC HEARING - FEB. 7, 1978

MINUTES

CONTINUATION OF OPEN PUBLIC HEARING OF JANUARY 27, 1978

DATE: February 7, 1978 TIME: 2:00 p.m.  
PLACE: Transportation Commissioners' Board Room, Highways Administration Building  
Olympia, Washington.

INTERAGENCY COMMITTEE MEMBERS PRESENT:

Micaela Brostrom, Chairman, Mercer Island  
Helen Engle, Tacoma  
Peter Wyman, Spokane  
Charles H. Odegaard, Director, Parks and Recreation Commission  
Bert L. Cole, Commissioner of Public Lands, Dept. of Natural Resources  
W. A. Bulley, Director, Dept. of Transportation  
Gordon Sandison, Director, Department of Fisheries  
Ralph Larson, Director, Department of Game  
Wilbur Hallauer, Director, Department of Ecology

INTERAGENCY COMMITTEE MEMBERS ABSENT:

Michael Ross, Seattle  
Kazuo Watanabe, Director, Commerce and Economic Development  
Warren A. Bishop, Pullman

STAFF OF TECHNICAL ADVISORY COMMITTEES (STATE OR LOCAL) AND MEMBER AGENCIES PRESENT:

Assistant Attorney General  
Dick, John

Commerce and Economic Development Department  
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Ecology, Department of  
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Fisheries, Department of  
Costello, Richard

Game, Department of  
Brigham, James

Interagency Committee for Outdoor Recreation  
Cole, Kenn, Chief, Management Services  
Frazier, Marjorie M., Admin. Sec.  
Lovelady, Gregory, Trails Coordinator  
Moore, Glenn, Chief, Projects Admin.  
Pelton, Gerald W., Chief, Planning Admin.  
Wilder, Robert L., Administrator  
(Hines, Brian - ORV Study assistant)

Natural Resources, Dept. of  
O'Donnell, Al

APPENDICES TO OFFICIAL MINUTES  
ONLY:

SEE January 27, 1978 minutes  
for Appendices "A thru D-1"  
concerning Open Public Hearing.

Additional Appendices to Feb. 7,  
1978 minutes:

Parks and Recreation Comm. Appendix:  
letter re ORV Guidelines "F" \*

Asst. Attorney General Appendix:  
Opinion 2-2-78 WACS/vs/ Guidelines "G" \*

Off-Road Vehicle Guideline Appendix:  
changes as APPROVED by IAC members "H" \*

WACS CHAPT 286 AS ADOPTED "I" \*

Park and Recreation Commission  
Clark, John

Financial Management, Office of  
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Transportation, Department of  
Mylroie, Willa

Local TAC members present:  
McCallum, Mary, Seattle Park and Recreation Department

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1. Meeting called to Order, determination of a quorum, introductions: Chairman Brostrom called the meeting to order at 2:07 p.m., with seven members present constituting a quorum. She announced two other members were enroute to the meeting, due to arrive soon: Peter Wyman, Spokane; Ralph W. Larson, Director, Department of Game.

The Chairman stated the Open Public Meeting recessed on January 27, 1978 was officially reconvened for continued discussion of amended Washington Administrative Code 286 of the IAC (revisions, additions) and to hear any further testimony from those organizations and individuals who desired to address the Committee prior to action being taken on the amendments. She stated minutes of the January 27th Open Public Hearing and Off-Road Vehicle discussion portion of the January 27, 1978 Special Meeting of the IAC were available on the information table in the back of the room.

The Chairman then called for any additional testimony from the audience. There being none, Mr. John Dick, Assistant Attorney General, then read the Notice of Continuation of Open Public Hearing which had been filed with the Code Reviser's Office on January 31, 1978 - being a continuation of Notice #7962, filed December 31, 1977. Proper press release had been issued prior to the Continued Open Hearing and official transcript was available as required by law.

The Committee opted to review the WACS section-by-section, and proceed to adopt at the conclusion of each Chapter (with any proposed revisions if so made),

Prior to these steps, Mr. Wilder asked to have distributed a memorandum from the Administrator entitled "Administrator's Recommendation", dated February 7, 1978. He then outlined the concerns which had been expressed the past few months over the Committee's action in approving certain guidelines. Though the Committee has used this procedure over a number of years and has historically been open in its review and ultimate approval of new guidelines, there had been new legislation developed and passed by the Legislature which affected the entire process. He stated it was now necessary to review the guidelines and the WACS, determine definitions, and arrive at a procedure which would maintain the integrity and credibility of the IAC. He suggested the Administrator be given authority to reprioritize its funds to enable the employment of a qualified individual who would be able to review IAC WACS and Guidelines as to their appropriateness, recommend to him certain ones for rescinding, identify those necessary in accordance with laws (or federal mandate), and ultimately to rewrite or reorganize them for review of the Interagency Committee, thus determining which guidelines are considered WACS and which are not, etc.

DuPont: At this point, Mr. Hallauer brought out his discussions with the Mayor of DuPont concerning a possible suit against the State and the IAC in connection with an application that city had made to the Committee. He asked for background information on this suit and the resolution which had been passed by the Association of Washington Cities. Mr. Dick clarified that the City of DuPont had filed against the IAC feeling the requirements called for in the contract were too restrictive. The complaint named individual members of the Committee as defendants. Mr. Dick stated at his request the City had filed an amended complaint naming the Committee and removing the individual members as defendants. He stated he was in process of answering the amended complaint.

Mrs. Brostrom noted this action on the part of DuPont did not involve the Procedural Guidelines. The requirement in the IAC Contract that land acquired with IAC outdoor recreation funds must remain for outdoor recreation purposes in perpetuity had been the issue. This requirement she stated was imposed on the IAC by the federal government and IAC is required to abide by it in issuing contracts to local governmental entities.

Mr. Dick then explained the Association of Washington Cities' resolution which in essence stated IAC guidelines are in fact administrative codes -- rules and regulations which local government must follow -- and should therefore be within the WACS of the IAC. Further, they had objected to the Committee's action in September of setting a limit of 50-50 funding - plus the guideline passed which would call for funding "no more than one project from each applying agency at any one funding session, i.e., maximum of two per year." There were indications AWC was considering filing on these matters, but Mr. Dick advised to date no suit had been received.

Mr. Wilder advised a sub-committee of Association of Washington Cities had been formed to look into the IAC program, make-up of the Committee and other matters concerning the IAC. He stated he had met with the Association of Washington Cities' Board and with some of the staff members. He felt "semantics" were the main problem -- what is a procedural guideline and what is a WAC? There is a need to define these and resolve the conflicts. A WAC has the force and effect of law; a guideline is considered a "working rule" or regulation for the conduct of business. The two guidelines referred to by the Association of Washington Cities did not have the force and effect of law - permitting the Committee at some future time to rewrite them, or make exceptions to them.

The Chairman asked for a motion to adopt Mr. Wilder's recommendation. IT WAS MOVED BY MRS. ENGLE, SECONDED BY BERT COLE, TO ADOPT THE ADMINISTRATOR'S RECOMMENDATION. (MR. LARSON ARRIVED AT 2:12 p.m.; AND MR. WYMAN AT 2:30 p.m.)

Mr. Cole then asked the Assistant Attorney General if it was necessary to adopt the resolution - was it needed in addition to regular Attorney General work for the IAC? Mr. Dick stated it would be considered an administrative matter. He noted the IAC now has Procedural Guidelines of a considerable number of pages. These need to be identified - whether they fit WAC category; whether they are merely guidelines; as well as their source. He felt the purpose of the Administrator in proposing the recommendation was for identification, analyzation, and coordination of guidelines and WACS -- a necessary procedure under new laws which have come into being. He stated it would be impossible for anyone in his office to undertake this chore; also staff of the Committee would not have the needed time. It was his personal opinion the Administrator's recommendation was desirable.

Mr. Cole was assured by Mr. Wilder the \$3,500 required for the needed work would come out of the current budget through salary savings (personnel not yet employed).

The Governor's directive to all state agencies to save 6% was then noted by Mr. Bert Cole. He asked if the IAC had met that request. Mr. Wilder stated the IAC had two vacancies at the moment, had lapsed some funds, and with a staff of 18 it did not take long to make up the 6 percent figure. Mrs. Engle noted the IAC had been holding all of its meetings in Olympia to save monies.

At this point, Mr. Odegaard made two suggestions which he felt should be amendments to the motion:

Item (2)

- (1) Page 2 - rather than stating "rescind those items that are not necessary or applicable" ... state: "PREPARE AND RECOMMEND FOR RESCINDING THOSE ITEMS THAT ARE NOT NECESSARY OR APPLICABLE."

Item (4)

- (2) Page 2 - rather than stating "Adopt through the appropriate process those items....etc." ... state: "RECOMMEND FOR ADOPTION TO THE INTERAGENCY COMMITTEE THROUGH THE APPROPRIATE PROCESS THOSE ITEMS....etc."

The question was asked whether action other than WAC adoption and those items on the agenda could be considered by the Committee at this Open Public Hearing. Mr. Dick responded it was proper for the Committee to pass the resolution if it so desired -- that there was no conflict in doing so.

Mrs. Brostrom suggested amending (5) in the same context to include the Committee's prerogative. She withdrew her amendment on noting the involvement of the Assistant Attorney General in all "rewrites" of the WACS as contained in paragraph ten of the proposed motion.

QUESTION WAS CALLED FOR ON THE AMENDED MOTION AND IT WAS CARRIED AS FOLLOWS:

WHEREAS, THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION HAS ALWAYS STRIVEN TO MAINTAIN ITS CREDIBILITY AND INTEGRITY IN THE EYES OF ALL;  
AND

WHEREAS, A CONCERN HAS BEEN EXPRESSED REGARDING THE ADOPTION OF GUIDELINES FOR ITS PROGRAMS; AND

WHEREAS, NEW LEGISLATION HAS BEEN PASSED IN THE 1977 WASHINGTON STATE LEGISLATIVE SESSION DEALING WITH THE ADMINISTRATIVE PROCEDURES ACT THAT HAS CAUSED THE HISTORICAL PROCEDURES OF THE INTERAGENCY COMMITTEE TO BE QUESTIONED;

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE, IN AN EFFORT TO BE RESPONSIVE AND SENSITIVE TO SAID CONCERNS, HERINAFTER DIRECTS STAFF TO:

- (1) REVIEW ALL WASHINGTON ADMINISTRATIVE CODES AND PROCEDURAL GUIDELINES OF THE INTERAGENCY COMMITTEE AS TO THEIR APPROPRIATENESS TO THE ADMINISTRATIVE PROCEDURES ACT AND ITS INTENT;
- (2) PREPARE AND RECOMMEND FOR RESCINDING THOSE ITEMS THAT ARE FOUND NOT NECESSARY OR APPLICABLE;

- (3) IDENTIFY THOSE ITEMS THAT ARE BASED UPON LAW AND/OR FEDERAL MANDATE;
- (4) RECOMMEND FOR ADOPTION TO THE INTERAGENCY COMMITTEE THROUGH THE APPROPRIATE PROCESS THOSE ITEMS THAT APPROPRIATELY SHOULD BE CONSIDERED AS WACS;
- (5) REWRITE THOSE WACS THAT REQUIRE A PROVISIO IN ORDER FOR THE ADMINISTRATOR AND/OR COMMITTEE TO BE RESPONSIVE TO THOSE WE SERVE;

FURTHER, THAT SAID EFFORT IN (5) ABOVE BE UNDERTAKEN WITH FULL COUNSEL OF THE ASSISTANT ATTORNEY GENERAL'S OFFICE, AND

FURTHER, THE INTERAGENCY COMMITTEE RECOGNIZES THAT THIS UNDERTAKING MAY REQUIRE SPECIAL FUNDING AND PERSONNEL, AND THE ADMINISTRATOR IS HEREIN AUTHORIZED TO PROCEED ON THIS PROJECT BY THE REPRIORITIZING OF FUNDS, SAID FUNDS NOT TO EXCEED \$3,500.00

WACS Review and Adoption: The Chairman then asked Mr. Wilder to conduct the WACS review. Mr. Wilder reiterated the procedure for the Open Public Hearing: (1) The amended WACS would be reviewed section-by-section; (2) Additional comments received on any particular section since the January 27, 1978 Open Public Hearing would be read to the Committee; staff response given as in the previous procedure; (3) Discussion would then be held on the section; (4) at the conclusion of each Chapter, the Committee would take action to adopt (with any proposed revisions if so made).

(The Committee opted to withhold action on the minutes of January 27, 1978 (both Open Public Hearing and ORV Portion of the Special Meeting) until the March 30-31, 1978 IAC meeting.)

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WAC 286.04.020 ORGANIZATION AND OPERATIONS. No additional comments were  
Amendatory given re WAC 286.04.020 as amended.

WAC 286.04.060 PROCEDURAL GUIDELINES. No additional comments were given re  
New WAC 286.04.020 - new section.

IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MRS. ENGLE, TO ADOPT AMENDMENTS AS PROPOSED BY STAFF TO CHAPTER 286.04, WASHINGTON ADMINISTRATIVE CODE AND NEW SECTION 286.04.060 PROCEDURAL GUIDELINES. MOTION WAS CARRIED.

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WAC 286.06.020 DEFINITIONS. (Public Records)  
Amendatory No additional comments were given re WAC 286.06.020 as amended.

WAC 286.06.040 OPERATIONS AND PROCEDURES. No additional comments were given  
Amendatory re WAC 286.06.040 as amended.

WAC 286.06.060 PUBLIC RECORDS OFFICER. No additional comments were given  
Amendatory re WAC 286.06.060 as amended.

WAC 286.06.140 COMMITTEE ADDRESS. No additional comments were given  
Amendatory re WAC 286.06.140 as amended.

IT WAS MOVED BY MRS. ENGLE, SECONDED BY MR. ODEGAARD, TO ADOPT AMENDMENTS AS PROPOSED BY STAFF TO CHAPTER 286.06 WASHINGTON ADMINISTRATIVE CODE. MOTION WAS CARRIED.

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WAC 286-16-010 SCOPE OF CHAPTER. (Grant-in-Aid Program)  
Amendatory No additional comments were given re WAC 286.16.010 as amended.

WAC 286-16-020 ELIGIBILITY FOR FUNDING ASSISTANCE. No additional comments were  
Amendatory given re WAC 286.16.020 as amended.

WAC 286-16-030 APPORTIONMENT OF MONIES BETWEEN STATE AND LOCAL AGENCIES.  
Amendatory No additional comments were given re WAC 286-16-030 as amended.

WAC 286-16-040 MATCHING REQUIREMENTS. No additional comments were given re  
Amendatory WAC 286-16-040 as amended.

WAC 286-16-070 STATE AGENCY REQUIREMENTS. No additional comments were given re  
Amendatory WAC 286-16-070 as amended.

WAC 286-16-080 REIMBURSEMENT POLICY. No additional comments were given re  
Amendatory WAC 286-16-080 as amended.

Prior to the motion to adopt, Mr. Hallauer asked for clarification on WAC 286-16-030 - Apportionment of monies between state and local agencies. Mr. Wilder stated this rule applied to the apportionment of monies and acknowledges the Contingency Funds which are available to the state -- how they are to be handled. These funds are not split 50-50 as is the usual case with LWCF funds. Mr. Hallauer asked why the rule to split 50-50 would not apply and questioned the need for an exception. He was informed that Contingency Funds from the HCRS (formerly BOR) are received for a specific project and are ear-marked for that particular project only, such as the St. Edwards' Seminary project approved in September 1977 by the Committee. It was not appropriate to give half of the funds received for that particular project to local government. Mr. Wilder explained that the amended WAC was actually a "housekeeping" matter.

Mr. Hallauer then questioned WAC 286-16-080, Reimbursement Policy, and the problem of advance funding. Mr. Wilder explained the advance funding matter would be discussed later on the review of WAC 286-26. There followed considerable discussion on the matter of receipt of federal funds and possible "line of credit" being entered into by the State. Mr. Larson commented on the fact that State Auditors are looking into those instances where a State agency expends state funds on federal projects and then must await receipt of reimbursement for a considerable length of time. The Auditors feel this is, in actual fact, extending a State line of credit and is illegal. Mr. Bulley noted that the Department of Transportation has operated in this fashion for many, many years, and receives reimbursement from the federal government in timely fashion. Mr. Odegaard suggested the Administrator check into the question, especially since ORV monies would be handled in a different manner than the other regular ORA funds. State agencies should be apprised of the procedures and be able to "live within them".



- WAC 286-26-060     DISBURSEMENT OF FUNDS. No additional comments were given  
Amendatory            re WAC 286-26-060 as amended.
- WAC 286-26-070     FUND ACCOUNTABILITY. No additional comments were given re  
Amendatory            WAC 286-26-070 as amended.
- WAC 286-26-050     APPORTIONMENT OF FUNDS. No additional comments were given  
Repealer              re WAC 286-26-050.

The Chairman called for discussion. In response to question from Mr. Larson, Mr. Pelton stated WAC 286-26-060 had been changed to indicate disbursement of funds on a reimbursable basis rather than in advance since the Assistant Attorney General had ruled advances could not be made by the State.

A citizen from the audience who did not give his name or agency representation asked the Committee whether Indian Tribes would be eligible for ORV funds. Mr. Pelton and Mr. Dick replied Indian Tribes as such are not specifically named in the Act. The legislation for off-road vehicle funds specifically identifies counties, municipalities, and state and federal agencies. However, Mr. Wilder felt it would be possible through intergovernmental cooperation to arrange for an eligible sponsor to work with the Indian Tribe should there be an ORV project contemplated on tribal land. He also stated the legislation could be changed through legislative procedures to add Indian Tribes. Mrs. Brostrom felt it had been an oversight not to have included them. Mr. Hallauer stated his agency (Ecology) contracts with Indian Tribes for federal funding and it is possible to make such arrangements. Mr. Wilder noted that the IAC has funded three Indian Tribe park and recreation projects over the past few years and that the general public is permitted to use those facilities. The IAC enabling legislation (RCW 43.99) does include Indian Tribes (those recognized by the federal government) as eligible for grant-in-aid funds.

IT WAS MOVED BY MRS. ENGLE, SECONDED BY MR. LARSON, TO ADOPT AMENDMENTS AS PROPOSED BY STAFF TO CHAPTER 286-26 WASHINGTON ADMINISTRATIVE CODE AND REPEAL WAC 286-26-050.

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3:05 p.m.

The chairman declared the Open Public Hearing for review of Washington Administrative Code 286 closed; all amendments and repealers having been approved by the Interagency Committee.

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ORV Guidelines: Mr. Wilder asked Jerry Pelton, Chief, Planning Services Section, to inform the Committee of the few changes made in the Guidelines by staff:

Mr. Pelton noted the following:

1. Section 02.05.010 - Application Submittal Deadlines: Changed wording to indicate "October meeting" rather than March.
2. Section 02.07.000 - Fund Advance Policy: All references to "advance" funding have been changed to "reimbursement". This includes rewrites of Chpts. 9 & 10.

3. Section 02.13.000 Acquisition Involving Compatible Multiple Uses:  
Replacement of this paragraph -- added to Chapter 4 as 04.19.000.
4. Section 04.11.000 Determination of the Grant Amount: Second paragraph stricken: "~~The actual total grant is determined on the basis of the total approved total cost or the appraised value of the purchase price, whichever is less.~~"
5. Section 09.09.000 Site Inspections: In first paragraph on last line the word "resolve" has been changed to "identify".

The last paragraph of 09.09.000 is stricken: "~~A final inspection will be made prior to release of retainage to insure that the project has been completed in compliance with the Project Contract.~~"

Mr. Wilder then asked for additional comments received by IAC staff pertaining to the ORV Guidelines. Mr. Greg Lovelady, Trails Coordinator, noted the following:

02.07.000 Fund Advance Policy:

Parks and Recreation Commission comment: "The 10% retainage and the need for an audit prior to release of the retainage is placing an unnecessary burden upon applicants. An applicant must know that funds are readily available to pay a contractor."

Staff response: That section will be deleted and reimbursement language will be placed in the guidelines.

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03.02.000 General Planning Policies:

Parks and Recreation Commission comment: "The limit of \$100,000 in planning funds allotted at any one funding meeting seems to be unrealistic. Our concern is that, in the initial stages, more planning funds may be needed. It would appear that the Committee should have as much flexibility as possible."

Staff response: (a) \$100,000 is intended to be a general guideline as a ceiling amount. This was recommended to IAC staff by ORVAC (Off-Road Vehicle Advisory Council).

(b) To date the IAC has distributed some \$6.7 million ORV funds, much of which has gone or will go for planning purposes.

(c) The State of Washington is now developing a Statewide ORV Plan as required by recent amendments to RCW 46.09. This plan is intended to provide general planning direction.

Mr. Odegard stated his concern dealt with the \$100,000 limit; there should be flexibility for the locals and planning should be done on the ORV projects. Since the Committee wants to put these projects "on the ground" why restrict any funds at all? Mr. Lovelady replied the ORVAC members felt there had been enough money which can be used for planning purposes disbursed. Approximately six percent of ORV money has been used for planning under the old inventory system. Mr. Wilder felt the Committee could consider this a statement of intent and if it so desired could make exceptions.

04.11.000 Determination of the Grant Amount:

Parks and Recreation Commission comments: "The last sentence would be clarified if a period was placed after the phrase 'IAC approved total cost.' "

Staff response: Entire paragraph has been deleted: ~~"The actual IAC grant is determined on the basis of the IAC approved total cost or the appraised value or the purchase price, whichever is less."~~

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09.08.000 Construction Plans and Specifications:

Parks and Recreation Commission comments: "Plans and specifications are the responsibility of the applicant. It appears that the IAC staff could be better programmed than to evaluate construction plans and specifications of an applicant."

Staff response: Staff felt this review served as a check; that it should be IAC staff prerogative to review the plans and specifications.

Mr. Odegaard stated he did not question staff's ability or knowledge, but there are already so many rules and regulations on bid advertisement and other such matters relating to construction plans and specifications that it is adding another burden not only to ORV grant-in-aid participants, but to state agencies' staffs concerned and the IAC staff being called upon to review each item. Mr. Wilder agreed that IAC staff did not want to get into the administrative detail of any agency, nor did it desire to do a complete engineering analysis. Mr. Odegaard stated he had a problem with the guideline as written.

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09.09.000 Site Inspections:

Parks and Recreation Commission comments: "The last phrase of the second sentence which reads, 'to help solve any apparent or anticipated problems' should be followed with 'when requested by the applicant'. Development contract administration is the responsibility of the applicant."

"The last sentence refers to retainage and should be changed by deleting the reference to release of retainage."

Staff response: The reference by Parks was improperly worded, it should have stated "to help resolve" instead of "help solve". Staff recommended "resolve" be stricken and "identify" inserted so that portion of the sentence would read, "to help identify any apparent problems."

Staff also recommended deleting the second paragraph as previously noted -- (page 9, Item 5 of these minutes).

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Staff analysis of the ORV Guidelines concluded at 3:22 p.m.

Mr. Bulley referred to Mr. Odegaard's comments concerning 09.08.000, calling for review of various items by IAC staff. He suggested a document of certification

from the ORV grant-in-aid participant might serve the IAC staff and relieve them of the responsibility to review each and every aspect of the ORV proposed project. Mr. Wilder agreed this would serve as a check and should there be a specific item in question, staff could be able to follow through with a discussion of the problem at that time. Mrs. Brostrom stated the program was in its initial stages, that everyone should keep in mind there would be changes made as the need dictated.

ORV GUIDELINE MOTIONS:

On reconvening from a short break at 3:36 p.m., a quorum was again established and the Chairman opened the meeting for testimony from the Committee and the audience concerning the ORV Guidelines. No one responded. The Committee opted to vote on the ORV Guidelines by Chapter and accept amendments within each Chapter from Committee members.

Chapter 01. Introduction: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MRS. ENGLE TO ADOPT CHAPTER 01 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 02. General Policies: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. LARSON, TO ADOPT CHAPTER 02 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 03. Planning Policies: IT WAS MOVED BY MR. LARSON, SECONDED BY MR. ODEGAARD TO ADOPT CHAPTER 03 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION.

MR. ODEGAARD AMENDED THE MOTION AS FOLLOWS:

03.02.000 STRIKE FIRST SENTENCE IN LAST PARAGRAPH WHICH READS, "DURING ANY GIVEN IAC-ORV FUNDING MEETING, A MAXIMUM OF \$100,000 IN PLANNING FUNDS MAY BE ALLOCATED AS THE TOTAL FOR THAT MEETING."

03.02.000 RETAIN THE LAST SENTENCE IN THAT PARAGRAPH WHICH READS, "INDIVIDUAL PLANNING PROJECTS MAY BE CONSIDERED FOR UP TO 100 PERCENT FUNDING."

MR. LARSON SECONDED THE AMENDMENT TO THE MOTION.

Mr. Odegaard stated he appreciated staff's response but he did not wish to restrict the ORV program in light of the fact there are funds to be used whether for planning or getting projects "on the ground". Mr. Wyman supported the amendment, stating the counties would be initiating their programs and could use the funds more expediently if not restricted. Mr. Hallauer asked the reason for placing the \$100,000 amount in the guideline in the first place. Mrs. Brostrom replied it was the recommendation of the ORV Advisory Council itself; they had felt enough funds had been expended on planning and now needed monies to begin ORV projects. The figure of \$100,000 was picked arbitrarily, but it would allow the Committee some flexibility to respond to staff ORV project recommendations. QUESTION WAS CALLED FOR ON THE AMENDMENT TO THE MOTION. MR. HALLAUER AND MR. BULLEY VOTED IN THE NEGATIVE. THE AMENDMENT TO THE MOTION WAS CARRIED BY MAJORITY VOTE.

QUESTION WAS THEN CALLED FOR ON THE MOTION TO ADOPT CHAPTER 03 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MR. HALLAUER VOTED IN THE NEGATIVE. THE MOTION WAS CARRIED BY MAJORITY VOTE.

Chapter 04. Acquisition Policies: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. WYMAN, TO ADOPT CHAPTER 04 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 05. Development Policies: IT WAS MOVED BY MR. WYMAN, SECONDED BY MR. ODEGAARD TO ADOPT CHAPTER 05 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 06. Maintenance/Management Policies: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. WYMAN TO ADOPT CHAPTER 06 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 07. Preparation of An Application: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. WYMAN, TO ADOPT CHAPTER 07 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 08. Application Processing: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. WYMAN, TO ADOPT CHAPTER 08 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED.

Chapter 09. Administration of Approved Projects: IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MRS. ENGLE, TO ADOPT CHAPTER 09 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION.

MR. ODEGAARD AMENDED THE MOTION AS FOLLOWS:

09.08.000 Construction Plans and Specifications:

"IT IS REQUIRED THAT one A CERTIFIED COPY OF ALL CONSTRUCTION PLANS AND SPECIFICATIONS BE SUBMITTED ~~for approval at least~~ TO THE INTERAGENCY COMMITTEE TWO WEEKS PRIOR TO ADVERTISING FOR BIDS OR INITIATING CONSTRUCTION. ~~THE B+B-- ADVERTISEMENT--AND--ALL--ADDENDUMS--MUST--ALSO--BE--SUBMITTED--FOR--APPROVAL--THE--IAC--WILL--REVIEW--THE--PLANS--AND--SPECIFICATIONS--AND--DETERMINE--CONFORMANCE--WITH--THE--IAC--PROJECT--CONTRACT--IT--IS--REQUIRED--THAT--CONSTRUCTION--PLANS--AND--SPECIFICATIONS--MEET--ALL--APPLICABLE--CODES--AND--CURRENT--ENGINEERING--PRACTICES--~~

"COPIES OF CONSTRUCTION CONTRACTS AND OTHER SIMILAR DOCUMENTS RELATED TO THE PROJECT MUST ALSO BE SUBMITTED TO THE IAC FOR PERMANENT FILE."

MR. WYMAN SECONDED THE AMENDMENT TO THE MOTION.

Discussion followed. Mr. Wilder agreed staff would be able to document its records through the certification approach and there would be no problem in this type of procedure. However, staff will need to develop the process and would have this on tap prior to the next funding session.

QUESTION WAS CALLED FOR ON THE AMENDMENT TO THE MOTION. THE AMENDMENT TO THE MOTION WAS CARRIED BY MAJORITY VOTE.

QUESTION WAS THEN CALLED FOR ON THE MOTION TO ADOPT CHAPTER 09 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES 1978 EDITION. MOTION WAS CARRIED BY MAJORITY VOTE.

Chapter 10. Billing Procedures: The Committee was reminded by Mr. Pelton that all reference to "advance funding" will need to be removed from Chpt. 10, Billing Procedures. IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MRS. ENGLE TO ADOPT CHAPTER 10 OF THE OFF-ROAD VEHICLE PROCEDURAL GUIDELINES, 1978 EDITION. MOTION WAS CARRIED BY MAJORITY VOTE. (IT IS UNDERSTOOD THAT FUNDS WILL BE GRANTED ON A REIMBURSABLE BASIS AND THE CHAPTER REPHRASED ACCORDINGLY.)

Mr. Wyman stated for the record he was impressed with the effort which had been put forth to produce the ORV Procedural Guidelines, and appreciated the input from organizations and individuals interested in the program during the Open Public Hearing on ~~February~~ <sup>January</sup> 27th. The first "draft document" will be most useful, and the condensed version staff had recently completed could simplify procedures even more.

Mrs. Brostrom, on behalf of the Committee, congratulated Mr. Bulley on his appointment as Secretary to the Department of Transportation.

She also referred to an article by Neil Peirce emanating from Washington, D.C., in the morning's paper, concerning "Federal Parks Money Shifting to Cities". An Interior Department study (The National Urban Recreation Study) soon to be sent to Congress was the focus of the article. It suggests shifting part of the Land and Water Conservation Fund (60 percent of which goes to the states for preservation of natural areas and outdoor recreation development) toward direct aid to cities to develop and operate their own park and recreation facilities. Mr. Wilder stated he would be meeting in Washington, D.C., with NASORLO (National Association of State Outdoor Recreation Liaison Officers) February 12-14, and would be discussing this study and program with Chris Delaporte, Director of the Heritage Conservation and Recreation Service.

There was some discussion on funding of federal projects, and Mr. Wilder stated five of the ORV applications had been received from the U. S. Forest Service directly to the IAC for ORV grant-in-aid. Mr. Odegaard was concerned that the federal government would then be required to follow ORV guidelines and state rules and regulations imposed upon them. He asked if they could be held to their commitment. He was assured by the Administrator and Assistant Attorney General that the federal ORV grant-in-aid recipients would be required to adhere to the same policies and procedures as expected of the other recipients. Further, ORV users approve of the participation by the federal entities since ORV trails are already prevalent in their areas.

IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. LARSON, THAT THE MEETING ADJOURN. MOTION WAS CARRIED.

Mr. Wilder expressed his appreciation and that of IAC staff to those people who had assisted in the ORV Procedural Guideline program.

ADJOURNED at 4:12 p.m.

RATIFIED BY THE COMMITTEE *as amended 3/30/78*

3-31-78

(DATE)

Micaela Brostrom  
MICAELA BROSTROM, CHAIRMAN

## MEMORANDUM

IN REPLY REFER TO:

February 6, 1978

**TO:** Robert Wilder, Administrator  
Interagency Committee for Outdoor Recreation

**FROM:** John A. Clark   
Capital Budget Coordinator

**SUBJECT:** Guidelines

Mr. Odegaard has asked that I acquaint you with our concerns over the following guidelines:

02.07.000

The 10% retainage and the need for an audit prior to release of the retainage is placing an unnecessary burden upon applicants. An applicant must know that funds are readily available to pay a contractor.

03.02.000

The limit of \$100,000 in planning funds allotted at any one funding meeting seems to be unrealistic. Our concern is that, in the initial stages, more planning funds may be needed. It would appear that the committee should have as much flexibility as possible.

04.11.000

The last sentence would be clarified if a period was placed after the phrase "IAC approved total cost".

09.08.000

Plans and specifications are the responsibility of the applicant. It appears that the IAC staff could be better programmed than to evaluate construction plans and specifications of an applicant.

09.09.000

The last phrase of the second sentence which reads "to help solve any apparent or anticipated problems." should be followed with when requested by the applicant. Development contract administration is the responsibility of the applicant.

The last sentence refers to retainage and should be changed by deleting the reference to release of retainage.

These are our immediate concerns. I trust these comments will be of value to you.

er



OFFICE OF THE ATTORNEY GENERAL

*Inter-office Correspondence*

APPENDIX "G"

Date: February 2, 1978

To: Robert Wilder, Administrator, IAC  
From: John R. Dick, Assistant Attorney General  
Subject: Procedural Guidelines vs.  
WAC Rules

During the last regular meeting of the Interagency Committee for Outdoor Recreation (IAC) on January 27, 1978, you requested the opinion of this office as to whether the "Procedural Guidelines" of the IAC, as now formulated or as proposed in the future, should be adopted as WAC rules.

It is noted that the book entitled PROCEDURAL GUIDELINES for Grant-In-Aid-Assistance--Local Agencies, is a compilation of excerpts from various statutes and existing WAC rules, statements of IAC policy, procedures for getting grant-in-aid assistance, internal administrative procedures for the IAC and staff and general information. Only a few of the sections included in the GUIDELINES are specifically identified as being included in one or another of these categories. Although I have not reviewed procedural guidelines books for state agencies or off road vehicle projects, I assume that such books are organized in like fashion.

At issue is which, if any, segments of IAC policy and procedures, commonly known as guidelines should be considered for adoption as WAC rules.

Those sections of the GUIDELINES book which are quotations of statutes and existing WAC rules need not be adopted or readopted.

Agencies are required by RCW 42.17.250 to publish in the Washington Administrative Code:

- " . . . (b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;
- (c) Rules of Procedure;
- (d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agent; and . . ."

The Administrative Procedure Act in RCW 34.04.010(2) defines "rule" as:

Robert Wilder  
February 2, 1978  
Page 2

" . . . any agency order, directive or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters or revokes any procedure, practice or requirement relating to agency hearing; (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters or revokes any qualifications or standards for the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession; or (e) which establishes, alters or revokes any mandatory standards for any project or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission."

While this definition, as applied to IAC guidelines, is subject to various interpretations, it is my personal opinion that an agency order, directive, or regulation of general applicability that affects private rights or procedures available to the public fits within the definition of a rule.

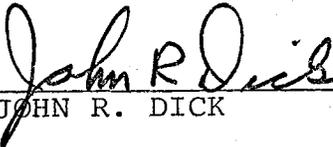
Arguably the words "private rights" do not apply to project sponsors, or potential project sponsors, in the governmental sphere. The "right" of a class of governmental entities to receive state funds by virtue of the state constitution and statute is identified in Island County Committee on Assessment Ratios, et al, vs. The Department of Revenue, 81 Wn.2d 193, wherein the State Supreme Court stated that "The right of school districts to receive state funds derives from that (cited) constitutional mandate and the legislation enacted pursuant thereto."

Most, if not all of the statutes which create sources of funds to be administered by the IAC specify those classes of governmental entities which are to receive specified percentages of the funds from the particular source. Thus, in my personal opinion, the identified classes, state and local agencies for example, have a right to IAC administered funds, and IAC directives, regulations and orders that share requirements on how such funds may be obtained by agency project sponsors fall within the RCW 34.04.010(2) definition of "rule".

Robert Wilder  
February 2, 1978  
Page 3

I appreciate the fact that previous opinions from this office have indicated that the "procedural guidelines" were merely in-house policy which historically have been changed through informal processes, including review by the Technical Advisory Committees and discussions at open public meetings, by the IAC, without having to go through the formal rule adoption procedures. Unquestionably many of the "guidelines" of the IAC fall within this classification. However, it is my personal opinion that "guidelines" which require project sponsors to follow specified procedures in order to exercise their right to receive IAC administered funds and which have not been adopted as WAC rules should be considered for adoption into the Washington Administrative Code.

Should you or members of the Committee have questions on the above, I would be pleased to address them.

  
\_\_\_\_\_  
JOHN R. DICK

JRD:jb

cc: John C. Martin  
Deputy Attorney General

OFF-ROAD VEHICLE GUIDELINES AS AMENDED BY INTERAGENCY COMMITTEE 2-7-78:03.02.000 GENERAL PLANNING POLICIES

IAC-ORV grants for planning projects may be handled in one of two ways. First, an applicant agency may develop a potential ORV project in stages (i.e., planning first, acquisition second, development third, etc.). In this method, only limited agency time and funds are invested before IAC makes a determination to fund or defer the project request. This method will be more time-consuming than method two (2) in bringing a project to completion. For example, the sponsoring agency may request a "planning" grant to cover the costs associated with comprehensive planning (i.e., demand studies, etc., (see Chapter 3), acquisition planning (see Chapter 4), development planning (see Chapter 5), or maintenance/management planning (see Chapter 6). Once such a request has been favorably acted upon by IAC, a second grant request may be initiated to cover the cost of implementing the plan.

Second, the sponsoring agency may decide to accept the costs associated with such planning and complete all necessary requirements for filing an acquisition, a development, or a maintenance/management application with IAC. This is the more expedient of the two (2) methods; however, agency time and fiscal investments can only become eligible for reimbursement upon IAC approval of the project.

DELETED BY  
COMMITTEE

~~During any given IAC-ORV funding meeting, a maximum of \$100,00 in planning funds may be allocated as the total for that meeting.~~ Individual planning projects may be considered for up to 100 percent funding.

09.08.000 CONSTRUCTION PLANS AND SPECIFICATIONS

ADDED BY  
COMMITTEE

It is required that one a certified copy of all construction plans and specifications be submitted ~~for approval at least~~ to the Interagency Committee two weeks prior to advertising for bids or initiating construction.

DELETED BY  
COMMITTEE

~~The bid advertisement and all addendums must also be submitted for approval. The IAC will review the plans and specifications and determine conformance with the IAC Project Contract. It is required that construction plans and specifications meet all applicable codes and current engineering practices.~~

Copies of construction contracts and other similar documents related to the project must also be submitted to the IAC for permanent file.

Title 286 WAC

APR 26 1978

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

FINAL

AS  
ADOPTED

CHAPTERS

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

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 286-12

STATEWIDE OUTDOOR RECREATION AND OPEN SPACE PLAN (UNCODIFIED).

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

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## Chapter 286-04 WAC

## GENERAL

WAC

- 286-04-010 Definitions.  
 286-04-020 Organization and operations.  
 286-04-030 Goals and objectives.  
 286-04-050 Compliance with State Environmental Protection Act guidelines (SEPA).  
 286-04-060 Procedural guidelines.

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

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

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

(4) "Bureau of Outdoor Recreation" (BOR) means the bureau of outdoor recreation. United States Department of Interior.

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

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

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

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

(9) "Action program" means the identification of actions proposed to effectuate the policies and recommendations contained in the plan. [Order 3, § 286-04-010, filed 7/31/73; Order 1, § 286-04-010, filed 12/10/71.]

WAC 286-04-020 ORGANIZATION AND OPERATIONS. (1) The Interagency Committee for Outdoor Recreation is an unsalaried committee consisting of the (a) Commissioner of Public Lands, (b) Secretary of the Department of Transportation, (c) Director of the Ecology Department, (d) Director of the Game Department, (e) Director of the Fisheries Department, (f) Director of the Parks and Recreation Commission, (g) Director of the Department of Commerce and Economic Development, and five citizens appointed by the governor from the public-at-large for a term of three years. The chairman of the committee is appointed by the governor from the five citizen members. (RCW 43.99.110)

(2) The Interagency Committee was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to local and state agencies from the State General Fund Outdoor Recreation Account. This account includes monies derived from (a) unclaimed marine fuel tax refunds; (b) sales of bonds under Referenda 11, 18, and 28; (c) the state apportionments of the federal land and water conservation funds, and (4)[(d)] from such other sources as the legislature may provide. (RCW 43.99.060)

(3) The Interagency Committee is authorized and obligated to prepare, maintain and update a comprehensive state-wide outdoor recreation and open space plan. (RCW 43.99.122)

(4) The Interagency Committee does not operate any outdoor recreation facilities.

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

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

(b) Special meetings may be called by the chairman at any time. (RCW 34.04.020 (2))

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

WAC 286-04-030 GOALS AND OBJECTIVES. The goals of the interagency committee for outdoor recreation are to: (1) provide funds and planning assistance for acquisition and development and use of outdoor recreation resources in a manner to maximize preservation of the natural quality of the environment; (2) provide funds planning assistance for a system of public recreational facilities and opportunities for state residents and visitors; (3) assist with funds and planning assistance local government in providing the type of facilities which, under its jurisdiction, will best serve the local needs for outdoor recreation; (4) encourage programs which promote outdoor education, skill development participation opportunity and proper husbandry of recreation sources. [Order 3, § 286-04-030, filed 7/31/73.]

WAC 286-04-050 COMPLIANCE WITH STATE ENVIRONMENTAL PROTECTION ACT GUIDELINES (SEPA). The Interagency Committee for Outdoor Recreation, in response to RCW 43.21C.120 calling for regulations integrating the policies and procedures of the State Environmental Policies Act of 1971, has determined after reviewing its authorized activities that all of such activities are exempt from threshold determinations and environmental impact statement requirements under the provisions

of chapter 197-10 WAC, as more particularly noted in the express exemption of "all activities" of the Interagency Committee contained in WAC 197-10-175(12)(1) and the categorical exemptions referenced in WAC 197-10-170(7)(d), (3) and (8). [Order 76-2, § 286-04-050, filed 6/30/76.]

WAC 286-04-060 PROCEDURAL GUIDELINES. The committee shall cause to be formulated for use by project sponsors, potential sponsors, and others "Procedural Guidelines" that describe the procedures to be following in order to conform to the policies of the committee. Such "Procedural Guidelines" shall not have the force and/or effect of Washington Administrative Code rules.

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

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

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

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

## Chapter 286-06 WAC

## PUBLIC RECORDS

WAC

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

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

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

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

(3) Interagency Committee for Outdoor Recreation. The Interagency Committee for Outdoor Recreation is the 12 member committee comprised of the Commissioner of Public Lands, Secretary of the Department [of] Transportation, Director of the Ecology Department, Director of the Game Department, Director of the Fisheries Department, Director of the Parks and Recreation Commission, Director of the Department of Commerce and Economic Development and five citizens

appointed by the Governor from the public for a term of three years. The chairman of the Committee is appointed by the Governor from the five citizen members. (RCW 43.99.110). The Interagency Committee for Outdoor Recreation shall hereinafter be referred to as the "Committee." Where appropriate, the term Committee also refers to the staff and employees of the Interagency Committee for Outdoor Recreation. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-020, filed 2/17/78; Order 73-4, § 286-06-020, filed 12/19/73.]

## NOTES:

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement. (see \* 1st pg.)

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

WAC 286-06-040 OPERATIONS AND PROCEDURES. The Committee staff workers perform under the direction of an administrator appointed by the Committee. The office of the Committee and its staff are located at 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504. The Committee functions through regular meetings which are held according to a schedule adopted by the Committee which schedule is reviewed periodically as the need dictates. Special meetings are authorized to be called by the chairman at any time. See WAC 286-04-030 for specific rules and objectives adopted by the Committee for its own guidance. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-040, filed 2/17/78; Order 73-4, § 286-06-040, filed 12/19/73.]

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

WAC 286-06-060 PUBLIC RECORDS OFFICER. The Committee's public records shall be in charge of a public records officer designated by the [Administrator]. The person so designated shall be located in the Administrative Office of the Committee. The public records officer shall be responsible for the following: The implementation of the

Committee's rules and regulations regarding release of public records, coordinating the staff of the Committee in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-06-060, filed 2/17/78; Order 73-4, § 286-06-060, filed 12/19/73.]

## NOTES:

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement. *See x pg 2 - "administrator" not underlined*

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

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

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

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

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

(c) The nature of the request;

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

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

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

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

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

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

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

WAC 286-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

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

(2) Promptly after receiving a written request for review of a decision denying a public record, the public records officer or his designee denying the request shall refer it to the Committee's administrator or his designee. The administrator or his designee shall promptly consider the matter, either affirm or reverse such denial after consulting with the Committee chairman and/or the Attorney General's Office wherever possible to review the denial. In any case, the request shall be returned with a final decision wherever possible within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Committee has returned the the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 73-4, § 286-06-110, filed 12/19/73.]

WAC 286-06-120 PROTECTION OF PUBLIC RECORDS. Records shall not be removed from the place designated for their inspection. [Order 73-4, § 286-06-120, filed 12/19/73.]

WAC 286-06-130 RECORDS INDEX. Availability. The current indexes promulgated by the Committee shall be available to all persons

under the same rules and on the same conditions as are applied to public records available for inspection. [Order 73-4, § 286-06-130, filed 12/19/73.]

WAC 286-06-140 COMMITTEE ADDRESS. All communications with the Committee pertaining to the administration of chapter 1, Laws of 1973 and these rules shall be addressed as follows: I.A.C., c/o Public Records Officer, 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504. [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.]

WAC 286-06-150 ADOPTION OF FORM. The Committee hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix "A", entitled "Request for Public Record." [Order 73-4, § 286-06-150, filed 12/19/73.]

WAC 286-06-990 APPENDIX A--FORM--REQUEST FOR PUBLIC RECORD.  
APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO  
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

- (a) \_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Name (Please Print) \_\_\_\_\_  
\_\_\_\_\_  
Name of Applicant's Organization, If Applicable \_\_\_\_\_  
\_\_\_\_\_  
Mailing Address of Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_
- (b) \_\_\_\_\_  
Date Request Made \_\_\_\_\_ Time of Day Request Made \_\_\_\_\_
- (c) Nature of Request \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (d) Identification Reference on Current Index \_\_\_\_\_ (Please Describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Committee's Current Index \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (f) The Requirer does not intend to use List of Individuals for Commercial Purposes.

Request

Approved: \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_ Public Records Officer

Request

Denied: \_\_\_\_\_  
Date \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_  
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Referred

to \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_ Public Records Officer

[Order 73-4, Appendix A (codified as WAC 286-06-990), filed 12/19/73.]

## Chapter 286-16 WAC

## ELIGIBILITY FOR STATE OUTDOOR RECREATION GRANT-IN-AID ASSISTANCE

WAC

- 286-16-010 Scope of chapter.
- 286-16-020 Eligibility for funding assistance.
- 286-16-030 Apportionment of monies between state and local agencies.
- 286-16-040 Matching requirements.
- 286-16-050 Projects eligible for funding.
- 286-16-060 Local agency requirements.
- 286-16-070 State agency requirements.
- 286-16-080 Reimbursement policy.

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WAC 286-16-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of local and state agencies to share outdoor recreation account money for eligible projects available from or through the Interagency Committee except for funds deposited in the Outdoor Recreation Account to be administered and distributed by the Interagency Committee for Outdoor Recreation for the planning, acquisition, development and management of Off-Road Vehicle trails and areas. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-010, filed 2/17/78; Order 3, § 286-16-010, filed 7/31/73.]

WAC 286-16-020 ELIGIBILITY FOR FUNDING ASSISTANCE. Only public agencies authorized to acquire or improve public outdoor recreation land, including Indian tribes now or hereafter recognized as such by the federal government for participation in the Land and Water Conservation Fund, are eligible for funding assistance by the Interagency Committee. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-020, filed 2/17/78; Order 3, § 286-16-020, filed 7/31/73.]

WAC 286-16-030 APPORTIONMENT OF MONIES BETWEEN STATE AND LOCAL AGENCIES. Unless otherwise specified in the enabling legislation, monies available from all sources, including the United States government, shall be divided into two equal shares, one for aid to state agencies and one for aid to local public agencies; except that this provision shall not apply to federal Land and Water Conservation Fund monies apportioned or reapportioned from the Secretary of the Interior's Contingency Fund. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-16-030, filed 2/17/78; Order 3, § 286-16-030, filed 7/31/73.]

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

(b) The Interagency Committee will not approve any local project where the local share is less than 25 percent of the total project cost, with the remaining share of up to, but not exceeding, 75 percent being composed of state funds, federal funds, [and/] or state and federal funds, regardless of federal source.

(2) State Agencies, Matching Requirements. (a) The Interagency Committee may approve 100 percent funding from the outdoor recreation account for projects proposed by state agencies.

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

NOTES:

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

WAC 286-16-050 PROJECTS ELIGIBLE FOR FUNDING. Projects eligible for funding are (1) acquisition, and (2) development projects which encompass the goals and objectives contained in WAC 286-04-030. [Order 3, § 286-16-050, filed 7/31/73.]

WAC 286-16-060 LOCAL AGENCY REQUIREMENTS. Before the interagency committee will consider any project proposed by a local agency, the agency must have an accepted plan on file with the interagency committee;

(1) An officially adopted comprehensive plan of the area within its jurisdiction which includes a park and recreation element, or a separate park and recreation plan.

(2) An action program including a current six year capital improvement program. [Order 3, § 286-16-060, filed 7/31/73.]

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

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

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

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

(b) After a project application for acquisition has been approved by the Interagency Committee, the applicant agency will not lose its approved state assistance because it thereafter acquires the subject property prior to action on the agency's application for assistance from a federal agency if (1) the applicant agency requests in writing, and receives the permission of the administrator to purchase and (2) the federal agency has notified the administrator that acquisition of the land will not jeopardize the proposed federal funding.

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

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

(4) Cost Increases. Cost increases for approved projects may be granted by the Interagency Committee provided that financial resources are available.

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

(b) If an approved project recommended for federal funding is denied by the appropriate federal agency, the applicant agency may

request the interagency committee to increase the state fund assistance by an equivalent amount and the request shall be considered on its merits. [Statutory Authority: Chapter 43.99 RCW. 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.]

## NOTES:

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

*See p 3 - (3) was not underlined.*

## Chapter 286-20 WAC

## APPLICATION PROCEDURE

WAC

286-20-010 Scope of chapter.

286-20-020 Application form.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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WAC 286-20-010 SCOPE OF CHAPTER. This chapter contains the mandatory procedural requirements that must be met by all agencies applying for state aid for acquisition or development of outdoor recreation land and facilities except application for Off-Road Vehicle Funds. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-20-010, filed 2/17/78; Order 3, § 286-20-010, filed 7/31/73.]

WAC 286-20-020 APPLICATION FORM. (1) All applications for matching funds for outdoor recreation projects must be submitted to the interagency committee on forms supplied by the interagency committee, with all provisions of the application completed.

(2) If the administrator determines that the applicant is eligible to apply for federal funds, administered by the interagency committee, the applicant must execute the forms necessary for that purpose, prepared by the interagency committee. [Order 3, § 286-20-020, filed 7/31/73.]

## Chapter 286-24 WAC

## FUNDED PROJECTS

WAC

286-24-010 Scope of chapter.  
 286-24-020 Project contract.  
 286-24-040 Disbursement of funds.

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

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

(1) The project contract shall be prepared by the Interagency Committee staff subsequent to approval of the project by the Committee at a public meeting. The administrator or his designee shall execute the contract on behalf of the Interagency Committee and tender the document to the grantee agency for execution. Upon execution by the grantee agency the parties will thereafter be bound by the project contract terms.

(2) If the project is approved by the Interagency Committee to receive grant-in-aid from the federal Land and Water Conservation Fund, the administrator or his designee shall not execute a project contract with the grantee agency until the federal funding has been authorized through the execution of a concurrent project agreement between the Interagency Committee and the United States Department of the Interior, Bureau of Outdoor Recreation. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-24-020, filed 2/17/78; Order 3, § 286-24-020, filed 7/31/73.]

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

(1) Exception. Funds are appropriated to state agencies by the Legislature.

(2) Advances. Advance payments may be made for acquisition projects following Interagency Committee approval when the applicant

agency demonstrates to the administrator that it lacks financial resources to purchase the proposed property and then seek reimbursement.

(3) Partial payment. Partial payments may be made during the course of an acquisition or development project on a reimbursement basis upon presentation of a billing showing satisfactory evidence of partial acquisition or development. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-24-040, filed 2/17/78; Order 3, § 286-24-040, filed 7/31/73.]

## Chapter 286-26 WAC

## ALL TERRAIN VEHICLE FUNDS

WAC

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

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-26-050 Apportionment of funds. [Order 3, § 286-26-050, filed 7/31/73.] Repealed by 78-03-032 (Order 78-1), filed 2/17/78; Statutory Authority: Chapter 43.99 RCW.

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

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

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

Non-highway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(2) "Off-road Vehicle" (ORV) means any non-highway vehicle when used for cross-country travel on trails or any one of the following or

a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain.

(3) "Interagency Committee for Outdoor Recreation Off-Road Vehicle funds" (IAC-ORV Funds) means those funds deposited in the Outdoor Recreation Account to be administered and distributed by the Interagency Committee in conformance with this WAC, chapter 46.09 RCW, and IAC-ORV Procedural Guidelines for the planning, acquisition, development and management of ORV trails and areas.

(4) "Off-road vehicle trail" (ORV trail) means a corridor designated and maintained for public ORV recreational use which is not normally suitable for travel by conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

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

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

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

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

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

## NOTES:

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement. *see x pg 2 - period "." was not underlined.*

WAC 286-26-070 FUND ACCOUNTABILITY. (1) State agencies shall account for ORV funds following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (chapter 43.88 RCW). Municipalities and counties shall account for ORV funds as Special Revenue Funds following all pertinent accounting procedures of the Budgeting, Accounting, Reporting System Manual for Counties and Cities and other Local Governments (BARS).

(2) Any expenditure made by a recipient of ORV funds not in conformance with the Act must be repaid to the Outdoor Recreation Account for reappropriation and distribution to qualified recipients as part of the next funding cycle. [Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-070, filed 2/17/78; Order 3, § 286-26-070, filed 7/31/73.]