

- I. Meeting called to order, determination of a quorum, introductions.

Corrections, Additions, Approval of the Minutes

References corrections; correction of second; correction of dollar figures  
Corrections of Rich Costello.

#### II.A. FISCAL STATUS REPORTS

Fund Summary - addition of General Administration to this report was noted.

#### B. Project Services Division Reports

Administrative Actions:

1. Gibson Trail #77-713D - DNR - Approved \$92,554. Ref. 28
2. Well Projects #77-712D - DNR - Approved \$23,000 Ref. 28
3. Fort Ebey I 77-505D - Parks & Rec. Comm. - Approved \$272,000 Ref. 28.

#### C. Planning Services Reports

1. Planning Advisory Council
2. Statewide ORV Study - Kier Nash appointed.
3. Washington Natural Heritage Program
  - a. Grant \$252,000 effective 12-1-77 approved
  - b. Contract signed 12-19-77 The Nature Conservancy
  - c. Walt Matia hired - Proj. Coordinator - DNR

#### III. A. Project Changes:

1. Port of Silverdale, Waterfront Park #77-048A, Cost Increase (Trident) APPROVED - \$196,900 total cost now approved.
2. King County, Cedar River Park I, 75-026A, Cost Increase APPROVED \$53,750 increase.
3. Whitman County, Elberton III - 75-023A, Cost Increase and Reduction in Scope. APPROVED (Increase only \$1,560)
4. King County, E. Green River III, 70-077A, Reinstatement of Expired Project Contract APPROVED.
5. Douglas County, E. Wenatchee Rec. Area 68-090A/Eastmonet Swimming Pool 73-024D. APPROVED CHANGES TO POOL AS COMPATIBLE USE, NOT A CONVERSION. EXCEPTION TO EXISTING POLICY.
6. State Parks and Rec. Comm., Spencer Spit, 67-551A, Confirmation of Easement APPROVED.
7. DNR - Three-Corner Rock Trail, 77-707D, Cost Increase APPROVED.

#### III. B. Pacific Coast Bicycle Route: APPROVED REEVALUATION BY STATE TRAILS ADVISORY COUNCIL OR SUB-COMMITTEE RE FEASIBLE ALTERNATIVES TO ROUTE.

#### III. C. Evaluation Team: Added Wash. Assoc. Counties and Assoc. Wash. Cities representative to Team.

Modifications to Evaluation System: APPROVED TO MODIFY CERTAIN QUESTIONS IN "B".

#### III D. IAC Funding Schedule: APPROVED FUNDING SESSION FOR OCTOBER 1978 and OCTOBER 1979 - WITH DEADLINES FOR RECEIPT OF APS: June 1, Dev; July 1, Acq.

- 1.
- IV. C. Capital Budget - Explanation of Game Dept. submittal of supplemental budget; no funds to take care of it, etc.
2. Capital Budget Instructions - 1979-81: Distributed to Committee.
3. Bond Issue: MOTION TO APPROVE URGING LEGISLATURE TO CONSIDER CONTINUED FUNDING FOR IAC. APPROVED.
- IV. E. City of Fife, Community Pool Project #78-078D and waiver of guideline:  
APPROVED WAIVING OF GUIDELINE 05.10.010 (4) Covered Swimming Pools, for submittal of Fife Project.
- IV F. Parks and Recreation Commission - Ebey's Landing 78-509A - APPROVED PROJECT \$750,000 - 50% LWCF and 50% REF 28.

V. ADMINISTRATOR'S REPORT:

1. Six-month report
2. Assoc. of Washington Cities meetings and discussions re IAC.
3. Joint House and Senate Committee Hearings re IAC
4. Heritage Conservation and Recreation Services report - formerly Bureau of Outdoor Recreation, renamed, with added heritage conservation duties/monies distribution/etc.

OPEN PUBLIC HEARING ON WACS: Began at 1:00 p.m.  
Review WAC-by-WAC - Wilder/Cole

OFF-ROAD VEHICLE REVIEW:  
Review by Lovelady of program.

Review of ORV WAC guidelines - WAC-by-WAC - Wilder/Pelton

COMMENTS from the audience:

Sam Angove, Director, Parks and Recreation, Spokane County  
Wayne Bowen, Thurston County  
Charles Butler, Yakima County  
Joe Wernex, Dept. of Natural Resources  
Roger Purdom, Chelan County  
Ron Morgenthaler, NW Motorcycle Association  
Larry Otos, Thurston County

OPEN PUBLIC HEARING RECESSED AT 2:29 p.m. (until February 7, 1978 - SEE MINUTES)

IV. B. ORV Interim Guidelines.

Review by Wilder/Pelton/Committee.

COMMENTS from the audience:

Sam Angove, Director, Parks and Rec., Spokane County  
Roger DeSpain, Whatcom County (Director, Parks and Rec.)  
Gary Buffo, ORV Planner, Franklin County  
Ron Morgenthaler, NW Motorcycle Association representative  
J. Patrick Milliken, Long Range Planner, Whatcom County  
Larry Otos, Parks and Rec. Director, Thurston County  
Roger Purdom, Associate Planner, Chelan County  
Charles Butler, Yakima County ORV Program Coordinator  
Bill Krull, Superv. Land Access, Burlington Northern, Inc., Timber and Land Department (continued next page)

Noel Christensen, Pac. NW Four-Wheel Drive  
Joe Wernex, Dept. of Natural Resources  
IV B. 2 ORV Project Application:

Report of Pelton on the 34 pre-applications received from 11 agencies.

RECESSED WAC OPEN PUBLIC HEARING AT 4:43 p.m. (until February 7, 1978 SEE MINUTES)

ADJOURNED THE SPECIAL MEETING AT 4:45 p.m.

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
SPECIAL MEETING

DATE: January 27, 1978 TIME: 9:00 a.m.  
PLACE: Transportation Commissioners' Board Room, Highways Administration Building,  
Olympia, Washington

INTERAGENCY COMMITTEE MEMBERS PRESENT:

Warren Bishop, Pullman	W. A. Bulley, Director, Dept. of Transportation, (Morning Session only)
Micaela Brostrom, Chairman, Mercer Island	Gordon Sandison, Director, Department of Fisheries (Morning Session Only)
Helen Engle, Tacoma	Ralph Larson, Director, Department of Game (Morning Session Only)
Peter Wyman, Spokane	
Charles H. Odegaard, Director Parks and Recreation Commission	

INTERAGENCY COMMITTEE MEMBERS ABSENT:

Michael Ross, Seattle	Wilbur Hallauer, Director, Department of Ecology
Bert L. Cole, Commissioner of Public Lands	
Kazuo Watanabe, Director, Commerce and Economic Development Department	

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

Assistant Attorney General  
Dick, John

Commerce and Economic Development Department  
Smith, Merlin

Ecology, Department of  
Lawrence, Richard

Fisheries, Department of  
Costello, Richard

Game, Department of  
Brigham, James

Interagency Committee for Outdoor Recreation  
Bailey, Ron, RRS  
Cole, Kenn, Chief, Management Services  
Bowring, Ken, Planner  
Frazier, Marjorie M., Admin. Sec.  
Leach, Eugene, RRS  
Moore, Glenn, Chief, Project Admin.  
Lovelady, Gregory, Trails Coordinator  
Pelton, Jerry, Chief, Planning Services  
Romero, Frank, Agency Accounts Officer  
Taylor, Ron, RRS  
Wilder, Robert L., Administrator

Natural Resources, Dept. of  
O'Donnell, Al

SPECIAL MEETING - PAGES 1-19  
PAGES 34-41

OPEN PUBLIC  
HEARING - PAGES 20-34

APPENDICES TO THE OFFICIAL  
MINUTES ONLY: Appendix:

Form CR-1 Notice #7962	"A"	*
Filed with Code Reviser		
Amending WAC Chapter 286	"B"	*
Existing WAC Chapter 286	"C"	*
Official letters received commenting on Amendments to the WACS; and letters received commenting on ORV Guidelines	"D"	*
Evaluation System changes	"E"	

\* NOTE: Appendices may be obtained  
by calling the Administrator's  
Office: 206-753-3610

Park and Recreation Commission  
Clark, John

Financial Management, Office of  
Stevenson, Nancy  
Swan, John

Transportation, Department of  
Mylroie, Willa  
Anderson, Lee

Local TAC members present:

Fearn, William, Director, Park and Recreation, City of Spokane  
Glundberg, William O., Director, Tacoma Metropolitan Park District, Tacoma  
McCallum, Mary, Seattle Park and Recreation Department  
Bender, Fred, Asst. Reg. Director, Heritage Conservation and Recreation  
Services (formerly Bureau of Outdoor Recreation)

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1. Meeting called to Order, determination of a quorum, introductions: The meeting was called to order by Chairman Brostrom at 9:12 a.m., with eight members present constituting a quorum. The following introductions were made:

Gary Robinson, from staff of the House Office of Program Research  
Fred Bender, Assitant Director, Heritage Conservation and Recreation Services,  
(formerly Bureau of Outdoor Recreation), Department of the Interior.  
Frank Romero, Agency Accounts Officer of the Interagency Committee for Outdoor  
Recreation  
James Brigham, TAC member, Dept. of Game  
Richard Costello, TAC member, Dept. of Fisheries  
Willa Mylroie, TAC member, Dept. of Transportation  
Al O'Donnell, TAC member, Dept. of Natural Resources  
Merlin Smith, TAC member, Commerce and Economic Development Department  
John Swan and Nancy Stevenson, Office of Financial Management  
John Dick, Assistant Attorney General assigned to the Interagency Committee  
for Outdoor Recreation  
William Glundberg, Tacoma Metropolitan Park District Director, Tacoma

Corrections, Additions, Approval of the Minutes of September 26-27, 1977: Corrections to the minutes were reviewed by the Committee as presented by staff, TAC members and Committee members:

Reference changes:

1. Page 7 - change reference to St. George on this page to read Saint Edwards, (paragraph three marked as (2) and next to the last line on the page.)
2. Page 8 - second paragraph, refers to Ebey's land, and should be Ebey's Landing.
3. Page 11 - Port of Everett, paragraph 7, Boat Launch Phase II, reference is to "state agencies" and should be local agencies.

4. Page 23 - Top of the page, reference to Tukwila's project incorrectly referred to as Wonderwood Park - should be Christensen Greenbelt.
5. Page 40 - IV H 1. Paragraph 3 states Oak Trees and should be Oak Creek.

Correction of second to a motion and dollar figures:

1. Page 51 - Policy Option - Maximum number: Motion was seconded by Mr. Larson rather than Mr. Odegaard.
2. Page 32 - III C. 1. City of Spokane, Highbridge 69-105A, Cost Increase: Change figure in third line from \$100,000 to \$11,000 as noted correctly in the motion below same.

Correction requested by Gordon Sandison (Rich Costello):

1. Page 18 (5) - sentence (2)... "Therefore, the IAC funding requests exceed that available by about 40 percent (40%)."
2. Page 22, second paragraph from the bottom, should read:

"Mr. Costello briefly covered the history of the proposed project and the meetings held ~~with the sponsor and other interested persons with the Department of Fisheries officials to try to place the project under the Fisheries program~~ between Fisheries and the City to discuss the possible placement of the project under Fisheries' program. The Department of Fisheries had proposed ~~another site which would not infringe on private owners in the area~~ a project site which the City had rejected, favoring the site for which it was applying. Mrs. Brostrom then suggested that the City of Des Moines and the Department of Fisheries get together and attempt ~~to meet the requirements on all the matters which had been discussed~~ to resolve disputed matters to obtain the best possible facility at Des Moines for use of the people."

IT WAS MOVED BY MR. LARSON, SECONDED BY MR. BULLEY, THAT THE INTERAGENCY COMMITTEE APPROVE THE MINUTES OF ITS MEETING SEPTEMBER 26-27, 1977, AS CORRECTED. MOTION WAS CARRIED.

Additions or deletions to the Agenda: Mrs. Brostrom stated additions could be made to the agenda but would be considered only for discussion since the meeting was a Special Meeting of the IAC not a regular session. IT WAS MOVED BY MR. BISHOP, SECONDED BY MRS. ENGLE, THAT THE AGENDA FOR THE JANUARY 27, 1978 MEETING BE APPROVED. MOTION WAS CARRIED.

## II. STATUS REPORTS.

A. Fiscal Status Reports: Kenn Cole, Chief, Management Services, referred to the three Fiscal Status Reports in the kit, and asked if there were any questions from the Committee. Mr. Bishop inquired about the available monies for the March 30-31, 1978 funding session. Mr. Cole replied that approximately \$2.4 million is available from Ref. 28, and that ORV funds will be granted in addition -- LWCF monies are exhausted until October 1978. The addition of the Dept. of General Administration to the LWCF Cumulative Report was noted.

II B. Project Services Division Reports: Mr. Glenn Moore, Chief, Projects Services Division, referred to memorandum of staff dated January 27, 1978, and stated since the September 1977 IAC meeting, eight local agency and 22 state agency projects had been closed out, with the Projects' Division currently administering 79 local agency projects and 149 state agency projects.

Mr. Moore thanked the state agencies for submitting Land and Water Conservation Fund project billings expeditiously over the last few months. This had been extremely helpful in obtaining a significant amount of federal funds to deposit in the Outdoor Recreation Account.

The following Administrative Actions were reported by Mr. Moore:

- (a) Gibson Trail #77-713D - DNR - Approved total cost of \$92,554 (100% Ref. 28.) Development of 12.8 mile horse/hiking trail to connect with existing Wedekin Picnic area/Porter Creek Trail within Capitol Forest Multiple Use area, Thurston County. The Master List approved by the Committee had indicated \$143,000 for this project; subsequent site inspection by DNR indicated cost would be lower - \$92,554. (Approved on Master List of 9-27-77.)
- (b) Well Projects - #77-712D - DNR - Approved Total cost \$23,000 (100% Ref. 28.) Development of one drilled well at each of two existing developed sites: Bird Creek Camp and picnic area and Highland Camp and picnic area. Six water purification units at 5 existing sites: Island River (2) North Fork 9 mile, Rocky Lake, Williams Lake, and Tipacka Lake. (Approved on Master List of 12-8-75.)
- (c) Fort Ebey I #77-505D - Parks and Rec. Commission: Total Cost \$272,000 (100% Ref. 28). Development of day-use area on about 80 acres at Fort Ebey State Park. (Approved on Master List of 12-8-75.)

Mr. Moore stated for the March meeting, IAC would be processing twenty-seven local agency applications at a total cost exceeding \$9 million. There will be \$2.4 million available to expend.

Mr. Wilder also thanked the state agencies for assisting in closing out LWCF projects. At this point Mr. Odegaard informed the Committee and Administrator of his reactions concerning the letter from the IAC which had been sent to the participating state agencies requesting their assistance in this matter. It was his feeling the letter had been "strongly worded" indicating state agencies were lax in providing the IAC with certain information necessary to close out projects when all along such information had already been provided to the IAC. Apparently this information had not yet been recorded in the IAC system of accounts. He suggested that the Administrator and IAC staff check with the state agencies prior to issuing such letters to insure accurate information was being sent for verification by state agencies.

II C. Planning Services Division Reports: Mr. Gerald Pelton, Chief, Planning Services Division, reported on the three Planning Services Division reports contained in the kit material.

I. Planning Advisory Council: Committee of 106 agencies/individuals has been established. A 16 member Coordinating Committee has been appointed.

This Committee will work directly with the planning staff in the initial development of the SCORP materials. Draft material will then be sent to Planning Advisory Council members for their review and comments. Meetings and/or workshops are contemplated to be held during the year to keep the Planning Advisory Council apprised of document preparation and to review any additional input to it. Mr. Pelton reported on the Coordination Committee's first meeting held on January 13, 1978 in Seattle. The next meeting has been scheduled February 24th, 9:30 a.m., at the Carvary Restaurant's Green Room, SEATAC Airport, Terminal (main floor). Committee members were invited to attend.

2. Statewide ORV Study: Mr. Pelton reported Dr. Kier Nash, Study Director, and his assistant, Brian Hines, have set up a "work base" in Olympia and have thus far conducted four user meetings throughout the state concerning ORVs. Over 200 users attended these meetings (the largest turnout being in Yakima - approximately 75). These meetings acquainted users with the purpose of the study and through them initial information on ORV activities within the state was gathered. The user survey will be implemented during spring and summer of 1978.

3. Washington Natural Heritage Program: Mr. Pelton noted the following:

(a) Following the September 1977 IAC meeting, the HCRS (formerly BOR) approved a grant project in the amount of \$252,000, effective December 1, 1977. \$126,000 of this amount is provided as a grant from The Nature Conservancy thru the Steele Reese Foundation. \$96,000 will be from LWCF and the remaining \$30,000 will be provided through state in-kind services from DNR and the Dept. of Game.

(b) Contract was signed December 19, 1977 between The Nature Conservancy and the State of Washington establishing the "State Natural Heritage Program". Participating agencies are: Ecology, Game, DNR, Parks and Rec. Commission, with the IAC serving as Fiscal and Program Coordinator for the project (and as participant in that the program will be used in addendum to SCORP.)

(c) Walt Matia was hired by The Nature Conservancy as the Project Coordinator, with offices in the Dept. of Natural Resources. A Steering Committee of ten has been established to provide communications between The Nature Conservancy and State Agencies.

Mr. Pelton introduced: Loretta Slater, Chairman of the State Trails Advisory Council

III. OLD BUSINESS. A. Project Changes: Mr. Glenn Moore referred to agenda section "Project Changes". The following projects were reviewed and action taken as indicated by the Committee:

1. Port of Silverdale, Waterfront Park, #77-048A, Cost Increase (Trident): Mr. Moore referred to memorandum of staff dated January 27, 1978 on this project, noting staff's recommendation for a cost increase in the amount of \$71,440 increasing the total project cost to \$196,900. IT WAS MOVED BY MR. BISHOP, SECONDED BY MR. BULLEY, TO APPROVE THE RECOMMENDED COST INCREASE. Discussion followed.

Mr. Larson mentioned relocation costs and asked whether staff had ever considered attempting to change the relocation cost system -- eliminate the necessity to pay such costs when there is a willing seller. Though the Dept. of Game does not have right of condemnation it nevertheless must become involved in relocation costs when there is a willing seller, and Mr. Larson suggested the requirement for same be eliminated. He stated the Fish and Wildlife Service has also been working toward changing this requirement. Mr. Bishop suggested the Administrator could take this matter up with NASORLO at the time he meets with that group in February. Mr. Bulley noted the system also applies in acquisition for transportation purposes, and unanimous consensus of those state agencies involved in the relocation problem should be considered. The Chairman asked the Administrator to explore the matter with other comparable agencies for discussion with NASORLO. Mr. Larson will send Mr. Wilder a copy of the Fish and Wildlife Services resolution. Mr. Moore observed there was also a state law coinciding with the federal law already established concerning relocation costs.

QUESTION WAS CALLED FOR ON THE MOTION AS FOLLOWS:

WHEREAS, THE INTERAGENCY COMMITTEE ON SEPTEMBER 28, 1976, APPROVED AN APPLICATION SUBMITTED BY THE PORT OF SILVERDALE/KITSAP COUNTY FOR THE ACQUISITION OF APPROXIMATELY 3.1 ACRES FOR A TOTAL ESTIMATED COST OF \$125,400, AND

WHEREAS, AT THE TIME OF PROJECT REVIEW AND APPROVAL IT WAS DETERMINED THE PROJECT WAS TRIDENT RELATED AND THEREFORE IT WAS SUBMITTED TO THE BUREAU OF OUTDOOR RECREATION FOR CONSIDERATION OF TRIDENT IMPACT FUNDING AS THE NORMAL STATE AND FEDERAL SHARE, AND

WHEREAS, IT HAS BEEN DETERMINED THAT SINCE APPROVAL BY THE COMMITTEE INCREASES IN LAND VALUE AND THE INSTALLATION OF TWO MOBILE HOMES NECESSITATE AN INCREASE IN THE PROJECT COST TO \$196,900,

NOW, THEREFORE, BE IT RESOLVED, THE INTERAGENCY COMMITTEE APPROVES THE REQUEST BY THE PORT OF SILVERDALE/KITSAP COUNTY TO INCREASE THE PROJECT COST TO \$196,900 OF WHICH TRIDENT IMPACT FUNDS ARE TO PROVIDE THE NORMAL STATE AND FEDERAL SHARE IN THE AMOUNT OF \$147,675 WITH THE LOCAL AGENCY PROVIDING THE REMAINDER OF \$49,225, AND AUTHORIZES THE ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS.

MOTION WAS CARRIED.

2. King County, Cedar River Park I, #75-026A, Cost Increase:

Ron Bailey, Project Specialist, referred to memorandum of staff dated January 27, 1978, on this project, wherein staff recommended a cost increase of LWCF funds in the amount of \$53,750. Total cost of the project would be \$627,500 rather than the approved 1974 cost of \$520,000. (See motion)

IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. LARSON THAT,

WHEREAS, ON NOVEMBER 10, 1974, THE INTERAGENCY COMMITTEE APPROVED THE KING COUNTY APPLICATION FOR THE ACQUISITION OF 83 ACRES FOR A REGIONAL PARK ON THE CEDAR RIVER AT A TOTAL COST OF \$520,000 (50% BOR AND 50% KING COUNTY), AND

WHEREAS, KING COUNTY HAS REQUESTED A COST INCREASE FOR THE PAGUE PARCEL FROM

\$250,000 TO \$354,100 FOR ACQUISITION AND AN INCREASE IN RELOCATION BENEFITS OF \$3,400;

NOW, THEREFORE, BE IT RESOLVED BY THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION THAT THE KING COUNTY CEDAR RIVER PARK STAGE I TOTAL COST BE INCREASED FROM \$520,000 TO \$627,500 WITH THE REVISED FUNDING AS FOLLOWS:

TOTAL COST: \$627,500 LWCF: \$313,750 KING COUNTY: \$313,750

MOTION WAS CARRIED.

3. Whitman County, Elberton III - #75-023A, Cost Increase and Reduction in Scope: Mr. Bailey referred to memorandum of staff dated January 27, 1978, on this project, noting staff was recommending a cost increase on one parcel and a reduction in scope through the deletion of two parcels within the project. The increase in value of certain parcels were not supported by appraisal technique. IT WAS MOVED BY MR. BISHOP, SECONDED BY MRS. ENGLE, TO APPROVE THE COST INCREASE AND REDUCTION IN SCOPE AS OUTLINED BY STAFF.

Mr. Larson asked why the two parcels (11 and 19) were being deleted. Mr. Bailey replied there had been a stalemate in negotiations and that the County now intends to acquire these parcels with its own funds in the future. The project will not be significantly changed. Persons living on the two parcels have opted to spend their remaining years at those locations. Mr. Bailey also noted that the increase was \$1,560.

QUESTION WAS CALLED FOR ON THE FOLLOWING MOTION:

ON JUNE 17, 1977, THE INTERAGENCY COMMITTEE APPROVED THE WHITMAN COUNTY ELBERTON III PROJECT, #75-023A, FOR THE ACQUISITION OF APPROXIMATELY 9 ACRES WITH A TOTAL PROJECT COST OF \$19,655, AND

WHEREAS, WHITMAN COUNTY HAS REQUESTED A COST INCREASE ON SIX PARCELS AND A REDUCTION IN SCOPE THROUGH THE DELETION OF TWO PARCELS, AND

WHEREAS, THE INCREASE IN COST OF PARCEL NUMBER 12, FROM \$1,000 TO \$9,500 IS SUPPORTED BY APPRAISAL TECHNIQUE, AND

WHEREAS, THE INCREASE IN VALUE FOR PARCELS 1, 2, 7, 9, AND 10 WAS A RESULT OF NEGOTIATION, AND

WHEREAS, THE DELETION OF PARCELS 11 AND 19 WILL NOT SIGNIFICANTLY AFFECT RECREATIONAL USE OF THE PROJECT SITE AND IT IS INTENDED THAT THESE PARCELS WILL BE ACQUIRED BY THE COUNTY AS THEY BECOME AVAILABLE,

NOW, THEREFORE, BE IT RESOLVED, THAT THE WHITMAN COUNTY ELBERTON III, #75-023A, PROJECT COST BE INCREASED FROM \$19,655 TO \$22,255 TO PROVIDE FOR AN INCREASE IN COST OF PARCEL 12 AND THAT PARCELS 11 AND 19 BE DELETED FROM THE PROJECT SCOPE RESULTING IN THE FOLLOWING FUNDING:

TOTAL COST: \$22,255 REF. 28: 13,353 WHITMAN COUNTY: \$8,902

MOTION WAS CARRIED.

4. King County - East Green River III, #70-077A, Reinstatement of Expired Project Contract: Mr. Bailey referred to memorandum of staff dated January 27, 1978, reporting staff's recommendation that the Committee extend the East Green River III project ending date from December 31, 1975 to June 30, 1976, due to various difficulties in acquisition which had occurred.

IT WAS MOVED BY MR. LARSON, SECONDED BY MR. BULLEY, THAT

WHEREAS, THE KING COUNTY EAST GREEN RIVER III, #70-077A, PROJECT CONTRACT EXPIRED DECEMBER 31, 1975, AND

WHEREAS, KING COUNTY COMPLETED PROPERTY ACQUISITION IN FEBRUARY OF 1976, AND

WHEREAS, EXTENSION OF THE CONTRACT PERIOD TO JUNE 30, 1976, WOULD MAKE THE COUNTY'S EXPENDITURES FOR THIS ACQUISITION ELIGIBLE FOR IAC REIMBURSEMENT, AS WAS THE ORIGINAL INTENT;

NOW, THEREFORE, BE IT RESOLVED, BY THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION THAT THE KING COUNTY EAST GREEN RIVER III, #70-077A, PROJECT CONTRACT BE EXTENDED TO JUNE 30, 1976, AND THOSE COSTS INCURRED FROM THE DATE OF EXPIRATION DECEMBER 31, 1975, TO JUNE 30, 1976, BE AUTHORIZED AS ELIGIBLE EXPENDITURES.

MOTION WAS CARRIED.

5. Douglas County, East Wenatchee Recreation Area #68-090A/Eastmont Swimming Pool #73-024D. Mr. Moore reviewed memorandum from staff dated January 27, 1978, reporting on the projects and pending matter involving the permanent enclosure of an outdoor swimming pool without prior IAC knowledge. The pool had been constructed by the County with IAC and HCRS (BOR) funds. At Committee direction staff had discussed the matter with the BOR in light of (1) a common sense approach; (2) covering was exclusively at cost of the County; (3) proposed new federal policy on swimming pools; (4) climactic conditions; (5) the action was already a matter of fact.

The BOR advised IAC on October 17, 1977 that it would be in the best interest of all parties to consider the enclosed pool a compatible use and not a conversion. Staff concurred and recommended approval as compatible use.

IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MRS. ENGLE, TO APPROVE STAFF'S RECOMMENDATION. Discussion followed.

In response to questions, Mr. Moore noted the motion pertained only to Ref. 18 and 11 funds, not Ref. 28. Should the motion as prepared by staff be approved by the Committee, he stated there were approximately eight other swimming pools constructed with Ref. 11 and 18 funds which would require the the same type of procedure if the sponsors were to enclose them. Referendum 28 funds did not have this restriction. Mrs. Engle asked if this motion would set a precedent, and would it also be possible to enclose tennis courts? Mr. Moore stated this could be a possibility.

Mr. Wilder then reviewed the history of the enclosed swimming pool in Douglas County; stating the decision of the Committee in regard to it would be only for the specific project and would not encompass others. Further, BOR had

changed its guidelines to provide for covered enclosures, but had placed a moratorium on the guideline pending further action concerning the climactic conditions portion of it. He felt the Douglas County project should be considered as an exception and the Committee should recognize it as such.

In reply to Mr. Bulley's inquiry concerning the Attorney General's opinion, Mrs. Brostrom stated the advice had been that the Committee should decide whether conversion had taken place. The staff and BOR have now recommended the project be considered as "compatible use".

QUESTION WAS CALLED FOR ON THE MOTION AS FOLLOWS:

WHEREAS, DOUGLAS COUNTY HAS RECEIVED AND EXPENDED FUNDS DERIVED FROM REFERENDUM 11 TOWARDS THE ACQUISITION OF FIFTEEN (15) ACRES FOR OUTDOOR RECREATION PURPOSES UNDER IAC PROJECT #68-090A, AND

WHEREAS, DOUGLAS COUNTY RECEIVED AND EXPENDED FUNDS DERIVED FROM REFERENDUM 18 AND THE LAND AND WATER CONSERVATION FUND FOR THE CONSTRUCTION OF AN OUTDOOR SWIMMING POOL UNDER IAC PROJECT #73-024D, UPON LANDS ACQUIRED UNDER THE IAC PROJECT #68-090A, AND

WHEREAS, IT HAS BEEN DETERMINED THAT DOUGLAS COUNTY HAS CAUSED TO BE CONSTRUCTED A PERMANENT ENCLOSURE OVER THE OUTDOOR POOL CONSTRUCTED UNDER PROJECT #73-024D UTILIZING ONLY COUNTY FUNDS IN CONSTRUCTION OF THE COVER, AND

THE CONSTRUCTION OF THE PERMANENT ENCLOSURE DOES EXTEND THE USABILITY OF THE SUBJECT FACILITY LOCATED ON THIS PARTICULAR CLIMACTIC AREA AND MAINTAINS THE ORIGINAL INTENT OF THE FUNDED PROJECT FOR SWIMMING PURPOSES,

NOW, THEREFORE, BE IT RESOLVED THAT THE INTERAGENCY COMMITTEE HEREBY DETERMINES THAT THE PLACEMENT OF A PERMANENT ENCLOSURE OVER THE SUBJECT SWIMMING POOL CONSTRUCTED WITH ASSISTANCE FROM REFERENDUM 18, UPON LANDS ACQUIRED WITH REFERENDUM 11 MONIES, TO BE CONSISTENT WITH THE PURPOSES OF THE SUBJECT REFERENDA, WITH THE UNDERSTANDING THAT THIS ACTION IS AN EXCEPTION TO EXISTING POLICY AND SIMILAR ACTIONS MUST BE CONSIDERED ON AN INDIVIDUAL BASIS PRIOR TO SUCH ACTION.

MOTION WAS CARRIED.

6. State Parks and Recreation Commission, Spencer Spit, IAC #67-551A, Confirmation of Easements: The secretary distributed new memorandum concerning this project. Mr. Moore referred to same in discussing the need for confirmation of easements on this site. An Attorney General's opinion (John Dick, Assistant Attorney General) states that since there is an indication that the acquisition project was approved by the IAC subject to the easements identical to that which was clarified by the Parks and Recreation Commission's action, no conversion occurred on the project. Upon clarification of access sites in response to Mr. Larson's questions, IT WAS MOVED BY MR. BISHOP, SECONDED BY MRS. ENGLE, THAT

WHEREAS, THE INTERAGENCY COMMITTEE ON DECEMBER 9, 1966, APPROVED THE SPENCER SPIT ACQUISITION PROJECT, AND

WHEREAS, INCLUDED IN THE LANDS ACQUIRED UNDER PROJECT #67-551A WERE EASEMENTS ON RECORD AS IDENTIFIED IN THE FILES OF THE INTERAGENCY COMMITTEE,

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE AFFIRMS THAT THE ACTION BY THE PARKS AND RECREATION COMMISSION TO GRANT USE OF SUCH EASEMENTS FOR RESIDENTIAL PURPOSES IS IN KEEPING WITH THE INTENT OF THE PROJECT AS APPROVED BY THE COMMITTEE AND SUCH USE IS NOT DEEMED TO BE A CONVERSION.

MOTION WAS CARRIED.

7. Dept. of Natural Resources, Three-Corner Rock Trail, #77-707D, Request for Cost Increase: Mr. Moore referred to memorandum of staff dated January 27, 1978, outlining the need for a cost increase in the project. He corrected the dollar figure in the motion on page (2) of the memorandum to indicate in the last paragraph a cost increase of \$77,520 rather than \$77,720, and noted that the IAC increase would be \$52,000. The scope of the trail had been changed from 7.1 miles to 9.1 miles and extenuating circumstances which then ensued were as noted in the staff's memorandum to the Committee.

IT WAS MOVED BY MRS. ENGLE, SECONDED BY MR. WYMAN, THAT

WHEREAS, THE INTERAGENCY COMMITTEE ON SEPTEMBER 28, 1976, APPROVED THE DEPARTMENT OF NATURAL RESOURCES' THREE-CORNER ROCK TRAIL APPLICATION PROJECT, #77-707D, FOR A TOTAL COST OF \$25,520, AND

WHEREAS, THE DEPARTMENT OF NATURAL RESOURCES HAS EXPERIENCED UNFORESEEN PROBLEMS IN COMPLETING THE PROJECT AND HAS REQUESTED AN INCREASE IN PROJECT SCOPE FROM 7.1 MILES TO 9.1 MILES AND AN INCREASE IN PROJECT TOTAL COST FROM \$25,520 TO \$77,520,

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE HEREBY APPROVES THE REQUEST SUBMITTED BY THE DEPARTMENT OF NATURAL RESOURCES TO AMEND THE THREE-CORNER ROCK TRAIL PROJECT, #77-707D, WITH AN INCREASE IN SCOPE FROM 7.1 MILES TO 9.1 MILES AND AN INCREASE OF PROJECT COST FROM \$25,520 TO \$77,520 (100 % REF. 28) WITH THIS INCREASE TO BE ALLOCATED FROM EXISTING DEPARTMENT OF NATURAL RESOURCES' REAPPROPRIATED IAC FUNDS.

MOTION WAS CARRIED.

Following Project Changes review, Mrs. Brostrom introduced:

Honorable Frances North, State Representative  
Vice-Chairman of the House Parks and Recreation Committee  
Sam Angove, Director, Spokane County Parks and Recreation Department  
William Fearn, Director, Parks and Recreation, City of Spokane

On reconvening from a short break, the Chairman called upon Mr. Pelton for review of the Pacific Coast Bicycle Route - State Recreation Trail recommendation.

III. B. Pacific Coast Bicycle Route: Mr. Pelton stated the motion proposed at the September 1977 IAC meeting had been tabled by the IAC with the request that staff consult with the Dept. of Transportation's staff on the proposed route certain safety problems which had been discussed. Staff recognized the major intent of the application and the recommendation of the Trails Council to encourage the early development of a bicycle trail through Western Washington from the Canadian border to the Oregon border. Further, staff concurred with this intent; however,

further investigation had indicated that adoption of the specifically proposed route could be premature without additional study into the potential for alternate locations of segments of the route to improve safety -- and other factors such as costs of construction, maintenance, etc. Therefore, staff is recommending a reevaluation of the proposed or feasible alternatives for the route by the State Trails Advisory Council and their recommendation for any or all specific segments of such a route be brought before the IAC at its September 1978 meeting. (LATER CHANGED TO OCTOBER 1978.)

Material from Loretta Slater, Chairman, Trails Advisory Committee, was distributed to each Committee member. Mr. Pelton advised she was available for questions from the Committee.

There followed discussion on the material received from Mrs. Slater and that provided by staff. Mrs. Brostrom mentioned to the Committee that the information they have received had not been screened by the Trails Council. The Council would be reviewing the material at a later date.

Mr. Wyman asked which agency would be responsible for maintaining the bike route; Mr. Bulley replied it could well be the Department of Transportation, and this caused him concern along those highway routes where safety matters were involved. Liability in case of accidents was discussed. Mr. Bulley briefly mentioned the history of bike trails the last four or five years. He felt the Transportation Department should not be liable or have the responsibility for the bicyclists using the routes. Further, the Department does not have sufficient funds to provide adequate shoulders along highways for use of bicyclists in all of the needed areas. He felt alternate routes should be carefully considered. At the same time, he suggested looking at improving those areas used by cyclists that are now in existence but which are unsafe -- and having these remedied if at all possible.

Mr. Wyman asked about bike traffic and Highway 109 through the Indian reservation. Mr. Bulley advised him of the problems re jurisdiction, rights-of-way, etc. The Dept. of Transportation has been attempting to work out alternative solutions but has not been successful. Mr. Wyman recommended a trail project be considered there at some future time; it would be a good project and would involve a new highway at the same time.

MR. WYMAN MOVED, SECONDED BY MRS. ENGLE, TO APPROVE STAFF'S RECOMMENDATION.

Mrs. Brostrom read the fourth paragraph on page 2 of the memorandum:

"Therefore staff recommends the following motion for Committee consideration, and if adopted, suggests that when any final designation proposals are made that they include written concurrence from all agencies within whose jurisdiction on-the-ground segments of the proposed route will lie."

She asked that this be made a part of the motion, stating she would like to know that preliminary discussions had taken place before action was required. Mr. Pelton assured Mrs. Brostrom that prior to a trail application coming to the Committee, it would of necessity be screened through the agency and State Trails Council -- indeed all such aspects of the trail would be clarified.

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

WHEREAS, THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION HAS ESTABLISHED A PROGRAM TO DESIGNATE TRAILS, AS PROPOSED OR EXISTING, AS "STATE RECREATION TRAILS" WITHIN A STATE TRAILS SYSTEM; AND

WHEREAS, THE INTERAGENCY COMMITTEE HAS RECEIVED AN APPLICATION FOR DESIGNATION OF A COASTAL BICYCLE ROUTE AS A "PROPOSED STATE RECREATIONAL TRAIL"; AND

WHEREAS, ALTERNATES TO SEGMENTS OF THE SAID PROPOSED ROUTE EXIST AND HAVE BEEN IDENTIFIED; AND

WHEREAS, CHANGING SOCIAL, ECONOMIC, AND ENVIRONMENTAL CONDITIONS HAVE A BEARING ON THE SELECTION OF SUCH A PROPOSED ROUTE; AND

WHEREAS, THE INTERAGENCY COMMITTEE CONCURS IN THE CONCEPT OF A BICYCLE ROUTE BETWEEN THE CANADIAN AND OREGON BORDERS RUNNING GENERALLY NORTH/SOUTH THROUGH THE COASTAL COUNTIES OF THE STATE AND LYING BASICALLY WITHIN BICYCLE CORRIDORS ESTABLISHED IN THE WASHINGTON STATE RECREATION TRAIL PROGRAM;

NOW, THEREFORE, BE IT RESOLVED, THAT THE STATE TRAILS ADVISORY COUNCIL ACTING THROUGH SUCH EXISTING OR ADDED COMMITTEES OR SUB-COMMITTEES AS DEEMED ADVISABLE, IS DIRECTED TO REEVALUATE IN DEPTH PROPOSED OR FEASIBLE ALTERNATIVES FOR SUCH A ROUTE AND SUBMIT A RECOMMENDATION IN SEPTEMBER, 1978\* AT THE IAC FUNDING SESSION FOR ANY OR ALL SPECIFIC SEGMENTS OF SUCH A ROUTE.

III C. Evaluation Team: Mr. Wilder referred to memorandum of staff dated January 27, 1978, and advised the Committee of his proposal to add two more members to the Local Agencies' Technical Advisory Committee; one from the Association of Washington Cities, and one from the Washington Association of Counties. He also extended an invitation to anyone interested in the IAC and TAC functions to sit in on evaluation sessions whenever possible.

Modifications to Evaluation System: Memorandum of staff dated January 27, 1978, relating to modifications to the Project Evaluation System was then reviewed. The proposed changes were shown as Attachment #1 to the memorandum, and were for clarification purposes only. In the opinion of staff these did not change the intent of the questions but did allow for a more precise response by the evaluation team. IT WAS MOVED BY MR. BISHOP, SECONDED BY MR. BULLEY THAT,

WHEREAS, QUESTIONS B2A, B2B, B5A, AND B5B, WITHIN THE LOCAL AGENCY PROJECT EVALUATION SYSTEM HAVE BEEN FOUND TO REQUIRE ALTERATION FOR PURPOSES OF CLARIFICATION, AND

WHEREAS, THESE NECESSARY CHANGES DO NOT ALTER THE INTENT OF THE QUESTIONS,

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE DOES ACCEPT THESE CHANGES TO BE EFFECTIVE IMMEDIATELY.

MOTION WAS CARRIED. (Approved changes are as noted in APPENDIX "E" of the official minutes.)

III. D. IAC Funding Schedule: Mr. Kenn Cole referred to memorandum of staff

dated January 27, 1978, and reported on the proposed change in funding schedule for the IAC. Inasmuch as the federal fiscal year now begins on October 1st, the annual LWCF apportionment is not made to the states in time for the State of Washington to have adequate knowledge as to the amount available to it for commitment to projects by the scheduled September meeting date. Staff therefore recommended change in meeting date from September to October. A concurrent change in the Procedural Guideline identifying the deadlines for receipt of applications was also in order: June 1 for development projects, instead of May 1; and July 1 for acquisition projects, instead of June 1.

Following clarification that there would still be a March funding session and a June session for capital budget review, IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. BISHOP THAT

WHEREAS, THE PRESENT PROCEDURAL GUIDELINES STATE THAT THE INTERAGENCY COMMITTEE SHALL HOLD THREE MEETINGS PER YEAR DURING THE LAST WEEK OF THE MONTHS OF MARCH, JUNE AND SEPTEMBER, AND

WHEREAS, DEADLINES FOR RECEIPT OF APPLICATIONS FOR THE FALL MEETING ARE NOTED AS MAY 1 FOR DEVELOPMENT PROJECTS AND JUNE 1 FOR ACQUISITION PROJECTS, AND

WHEREAS, THE ANTICIPATED COMMITMENT OF REMAINING REFERENDUM 28 FUNDS AND ANNUAL ACCUMULATION OF ORV RECEIPTS IN MARCH, 1978, WILL LEAVE THE LAND AND WATER CONSERVATION FUND AND INITIATIVE 215 PROCEEDS AS THE ONLY RESOURCES FOR THE INTERAGENCY COMMITTEE TO COMMIT AT THE FALL 1978 MEETING; AND

WHEREAS, IT IS LESS PROBLEMATICAL IF THE IAC COMMITS LWCF FUNDS FOLLOWING THEIR NOTIFICATION OF THE ANNUAL ALLOCATION AMOUNT IN OCTOBER OF EACH YEAR;

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION HEREBY ADOPTS THE FOLLOWING REVISED MEETINGS AND DEADLINE SCHEDULE FOR THE FALL MEETING OF 1978 AND THE FALL MEETING OF 1979, AND THAT THE PROCEDURAL GUIDELINES REFERENCES BE CHANGED ACCORDINGLY:

OCTOBER 1978 FUNDING SESSION (OCTOBER 30-31)  
OCTOBER 1979 FUNDING SESSION

DEADLINES FOR RECEIPT OF APPLICATIONS:

JUNE 1 DEVELOPMENT PROJECTS  
JULY 1 ACQUISITION PROJECTS

*Changed to Nov 2-3, 1978*

MOTION WAS CARRIED.

IV. NEW BUSINESS. C. Capital Budget:

1. Supplemental Capital Budget: Mr. Kenn Cole referred to memorandum of staff dated January 27, 1978, calling to the attention of the Committee that the Department of Game had submitted a Supplemental 1977-79 Capital Budget to the Office of Financial Management which included requests totaling \$2,563,900 from the Outdoor Recreation Account. Since monies from ORA for the 1977-79 biennium have all been committed, it would not be possible to fund any projects for the Game Department through the ORA Supplemental Budget procedure. Mr. Wilder stated this matter reaffirmed the importance that all State agencies participating in the IAC grant-in-aid program follow the

Capital Budget procedures as adopted by the IAC in order for the Committee to exercise its responsibility to achieve an equitable distribution of ORA funds among the several state agencies eligible for and in need of the account's monetary resources. Mr. Larson replied all of the projects submitted by the Department of Game within the Supplemental Budget had been those approved by the IAC but which did not pass the 1977 State Legislature. He explained that the Department of Game wanted to be prepared should a Special Session be called for 1978, and be able to obtain any funds that might become available.

2. Capital Budget Instructions 1979-81: The secretary distributed copies of Capital Budget Instructions 1979-81 to Committee members. Mr. Pelton gave a brief overview of the requirements within the instructions, stating the instructions were to be used in conjunction with Capital Budget Instructions issued by Governor Ray in September 1977 (1978-1980 Fiscal Period). Proposals from State agencies should be in to the IAC by May 1, 1978 in order that an agency capital budget proposal may be formulated. Three major points were made by Mr. Pelton:

- (a) That all projects submitted for IAC consideration will need to qualify for 50% federal funding from the Land and Water Conservation fund;
- (b) That a source OTHER THAN THE OUTDOOR RECREATION ACCT. will need to be identified for the state portion of project funding on all projects that do not qualify for available Initiative 215 funds.
- (c) Potential sources of funding as discussed in memorandum from Mr. Wilder, dated January 27, 1978, to be addressed later in the meeting would need to be taken under advisement by the Committee.

Mr. Wilder further elaborated on the instructions and the discussions with OFM. He explained the proposal for Statewide Funding of Parks, Recreation and Conservation as contained in proposed motion in the memorandum dealing with this subject (dated January 27, 1978). It was his proposal that the Committee request the Governor and members of the State Legislature to give highest priority to the making of a long-range commitment of state resources in order to replace the depleted Referendum 28 source and to maximize receipt of LWCF. This could either be through the Constitutional Amendment (HJR 52) which authorizes the State Legislature to approve bonds without going through the referendum process for a vote of the people, or through the regular referendum process which requires a vote of the people. Regardless, matching funds will be required for LWCF and Mr. Wilder felt it was imperative the IAC members take action to insure their receipt.

Discussion followed. Mr. Odegaard asked if the Capital Budget Instructions had been discussed with state agencies' staff responsible for developing the agencies' Capital Budget Requests from the ORA. He was advised by Mr. Pelton that the instructions were actually no different than those in the Governor's document, and that state agencies' representatives would be meeting for a thorough review of the instructions in the coming weeks. Also, the instructions followed along those issued in previous years and were easily understandable. Mr. Odegaard asked that in the future state agencies' representatives be included in a review of the instructions before they are delivered to the IAC Committee members.

Mr. Larson asked if a vote of the Committee was required for acceptance of the Capital Budget Instructions. He was advised by the Chairman this was not necessary since the material was informational in nature, but a vote on the proposed motion concerning Capital Funding for Parks, Recreation and Conservation was required. IT WAS MOVED BY MRS. ENGLE, SECONDED BY MR. WYMAN, THAT

WHEREAS, THE 1977 STATE LEGISLATURE INTRODUCED TO BOTH THE HOUSE AND THE SENATE BILLS DEALING WITH ADDITIONAL FUNDING FOR PARKS, RECREATION AND CONSERVATION IN THE FORM OF SENATE BILL #2203 AND SUBSTITUTE HOUSE BILL #171, AND

WHEREAS, THE NEEDS OF THE STATE OF WASHINGTON, TO EVEN MAINTAIN A STATUS QUO, ARE INCREASING RAPIDLY, AND

WHEREAS, THE CITIES, COUNTIES, PARK DISTRICTS, STATE AND OTHER ELIGIBLE AGENCIES OF THE STATE ARE DEPENDENT UPON CONTINUED FUNDING SOURCES IN ORDER TO MAINTAIN THEIR EXISTING CAPITAL PROGRAM AS WELL AS TO ACQUIRE, DEVELOP AND PRESERVE OTHER UNIQUE PARK AND RECREATION RESOURCES OF THE STATE, AND

WHEREAS, THE REFERENDUM 28 BOND MONIES WILL BE COMPLETELY EXHAUSTED BY THE END OF THE 1977-79 BIENNIUM, AND

WHEREAS, THE FEDERAL LAND AND WATER CONSERVATION FUND MONIES WILL CONTINUE TO COME TO THE STATE OF WASHINGTON AND NEED TO BE MAXIMIZED BY BOTH STATE AND LOCAL CONTRIBUTIONS,

NOW, THEREFORE, BE IT RESOLVED, THAT THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, ON BEHALF OF THE CITIZENS OF THE STATE OF WASHINGTON, RESPECTFULLY REQUESTS THAT THE GOVERNOR AND THE MEMBERS OF THE WASHINGTON STATE LEGISLATURE GIVE THE HIGHEST PRIORITY TO THE MAKING OF A LONG-RANGE COMMITMENT OF STATE RESOURCES IN ORDER TO REPLACE THE DEPLETED REFERENDUM 28 FUNDS AND TO MAXIMIZE THE RECEIPT OF FEDERAL LAND AND WATER CONSERVATION FUNDING MONIES FOR THE STATE AND LOCAL JURISDICTION OF WASHINGTON, AND

FURTHER, THAT IF A SPECIAL SESSION OF THE WASHINGTON STATE LEGISLATURE IS CALLED IN 1978, *THE INTERAGENCY COMMITTEE URGES\** THESE ITEMS BE GIVEN THE HIGHEST PRIORITY CONSIDERATION AT SUCH SESSION IN ORDER THAT THE PARK, RECREATION AND CONSERVATION PROGRAMS OF THE STATE OF WASHINGTON MAY CONTINUE WITH THE SAME VITALITY AS THEY HAVE IN THE PAST, AND

FURTHER, SINCE PARK, RECREATION AND CONSERVATION AREAS AND FACILITIES HAVE PROVEN TO BE A SOCIAL AND ECONOMIC STIMULUS TO THE CITIZENS OF THE STATE, BE IT FURTHER RESOLVED THAT CONTINUATION OF THESE PROGRAMS REMAIN OF THE HIGHEST PRIORITY, AS IT IS ALTOGETHER FITTING AND PROPER THAT THE STATE OF WASHINGTON REMAIN A CATALYST, A LEADER AND A PARTNER IN PROGRESS FOR PARKS, RECREATION AND CONSERVATION FOR THE CITIZENS OF THE STATE.

*\*Mr. Sandison asked that the words "THE INTERAGENCY COMMITTEE URGES" be added to the motion.*

THE MOTION WAS UNANIMOUSLY CARRIED.

Following the motion Mr. Wilder advised the Committee members that as a matter

of practice and courtesy the state agencies' representatives and directors are consulted on all issues pertaining to them. Due to lack of time and the fact that the Capital Budget Instructions for the state agencies were routine, there had perhaps not been as thorough communication as there should have been. However, he expressed the willingness of IAC staff to keep channels of communication open at all times; that the IAC is sensitive to the needs of the state agencies. He asked that this be made a matter of record.

IV. E. City of Fife, Community Pool Project, #78-078D, Request to Waive IAC Procedural Guideline 05.10.010 (4) Covered Swimming Pools: Mr. Ron Taylor, Project Specialist, referred to memorandum of staff dated January 27, 1978, concerning this project, which recommended that the Procedural Guideline subsection (4) of 05.10.010 be waived by the Committee in order that staff may continue processing the City of Fife's covered pool proposal as submitted for the March 1978 meeting. In response to questions, Mr. Taylor stated the BOR (HCRS) guideline concerning covered pools was in moratorium status as had been explained earlier. Their policy had been so restrictive that it had been suggested there be a more liberal and fair criteria developed and approved through Congress. Meanwhile, the IAC had adopted within its Procedural Guidelines in April 1977, the same BOR criteria for enclosing pools. It was therefore necessary for the Committee to consider waiving (4) of 05.10.010 as adopted in order that the City of Fife's project could be considered for funding at the March 1978 meeting.

IT WAS MOVED BY MR. ODEGAARD, SECONDED BY MR. BISHOP, THAT

WHEREAS, THE INTERAGENCY COMMITTEE ON APRIL 25, 1977, AMENDED IAC PROCEDURAL GUIDELINE 05.10.010 (4) TO ALLOW ENCLOSING OF POOLS AT THE SPONSOR'S EXPENSE, UNDER CERTAIN COLD CLIMACTIC CONDITIONS, IN ORDER TO ALIGN IAC POLICY WITH THE BUREAU OF OUTDOOR RECREATION LWCF MANUAL POLICY (NOW HERITAGE CONSERVATION AND RECREATION SERVICE MANUAL), AND

WHEREAS, THE CITY OF FIFE HAS SUBMITTED AN APPLICATION FOR THE CONSTRUCTION OF AN ENCLOSED SWIMMING POOL WHICH DOES NOT MEET THE CLIMACTIC CRITERIA SPECIFIED WITHIN THE ADOPTED GUIDELINE, AND

WHEREAS, THE MARCH 30-31, 1978 IAC FUNDING SESSION WILL UTILIZE ONLY STATE REFERENDUM FUNDS,

NOW, THEREFORE, BE IT RESOLVED BY THE INTERAGENCY COMMITTEE THAT SUB SECTION (4), OF IAC PROCEDURAL GUIDELINE 05.10.010 BE WAIVED IN ORDER TO ALLOW THE CONTINUED PROCESSING OF THE SWIMMING POOL DEVELOPMENT APPLICATION FROM THE CITY OF FIFE FOR THE MARCH 30-31, 1978 IAC FUNDING MEETING.

MOTION WAS CARRIED.

IV. F. Parks and Recreation Commission - Ebey's Landing, #78-509A, Project Approval: Mr. Eugene Leach, Project Specialist, referred to memorandum of staff dated January 27, 1978, concerning this project. He asked that the Committee correct the dollar amount indicated on the first page in paragraph 6 from \$570,000 to \$750,000. Explanation of the project was then given with slide presentation. Since the project was added by Legislative process it had not been included on the State Agency Master List, therefore required review and approval of the Committee. The project involved acquisition of a 6 mile scenic corridor up to 400' wide between Fort Casey and Fort Ebey State Parks, Island County.

Following discussion of tidelands and scope of the project, IT WAS MOVED BY

MR. BISHOP, SECONDED BY MRS. ENGLE, THAT

WHEREAS, THE OCEAN BEACH SCENIC CORRIDOR PROJECT SUBMITTED BY THE PARKS AND RECREATION COMMISSION IS FOUND TO BE CONSISTENT WITH THE WASHINGTON STATEWIDE OUTDOOR RECREATION AND OPEN SPACE PLAN ADOPTED BY THE INTERAGENCY COMMITTEE ON FEBRUARY 26, 1973, AND

WHEREAS, IT IS IN THE BEST INTEREST OF THE PROJECT TO PROVIDE FOR ADMINISTRATIVE APPROVAL FOR THE ACQUISITION OF EACH SEGMENT AS IT BECOMES AVAILABLE,

NOW, THEREFORE, BE IT RESOLVED, THE INTERAGENCY COMMITTEE HEREBY APPROVES THIS PROJECT FOR A TOTAL COST OF \$750,000 (50% LWCF, 50% REF. 28) AND AUTHORIZES THE ADMINISTRATOR TO EXECUTE THE INTERAGENCY COMMITTEE PROJECT CONTRACT WITH THE PARKS AND RECREATION COMMISSION AND TO APPROVE ALLOTMENTS OF FUNDS FROM THE OUTDOOR RECREATION ACCOUNT IN AMOUNTS NOT TO EXCEED A CUMULATIVE TOTAL OF \$750,000 (50% LWCF, 50% REF. 28) AS EACH SEGMENT IS DETERMINED TO BE ELIGIBLE IN CONFORMANCE WITH REQUIREMENTS AS CONTAINED IN THE IAC PROCEDURAL GUIDELINES.

MOTION WAS CARRIED.

V. ADMINISTRATOR'S REPORT: Mr. Wilder noted the following:

1. Committee members had received in the mail the Administrator's Six-Month Report.
2. Association of Washington Cities meetings: Material concerning meetings with the Association of Washington Cities had also been sent to Committee members. Update of the situation was then reviewed by Mr. Wilder:
  - (a) Administrator met with sub-committee of AWC on January 18th, concerning major questions and problems. The AWC was interested in Committee structure, process for evaluation of local projects, and the continuity and continuation of funding for the IAC.
  - (b) Discussion centered on "how to do a better job" - constructive discussions. AWC offered assistance to the IAC in this regard; as result Administrator will add a representative from AWC on the Local Technical Advisory Committee, as well as one from the Washington Association of Counties. Have local input to a greater degree.
  - (c) Felt AWC is now supportive of a bond issue, but want to insure that IAC is administered properly and is responsive to local government needs.
  - (d) Will keep Committee advised of AWC/IAC liaison activities.
3. Joint House and Senate Committee Hearings re IAC: Meetings are being held re IAC - its structure, program, problems, potential, etc. Will keep Committee advised of activities.

Discussion followed. Mr. Bishop expressed his concern with the AWC resolution and the wording that the IAC "showed marked insensitivity to local officials". He asked how many officials were involved -- was this representative of many cities, or how did it come about? Also, mention was made of "improperly" adopting guidelines. He felt the Committee had consistently over the years adopted guidelines without going through WAC procedure; that these guidelines were merely to aid the Committee in its decision-making and application processing, etc. He asked if the attorneys associated with AWC were aware of this matter.

Mr. John Dick, Assistant Attorney General, replied the attorneys of AWC were not specifically made aware of this, but that the Association of Washington Cities officials were and had still expressed a desire to see the guidelines placed within the WACS. It was their feeling the guidelines have the full force and effect of law. The Committee, on the other hand, does not.

Mr. Wilder stated the points in the resolution of AWC were discussed with him; that there are some philosophical differences in how the guidelines and WACS are to be interpreted. Mrs. Brostrom mentioned that the Technical Advisory Committee members representing local agencies had not been communicating their participation on TAC back to the Association of Washington Cities -- that there had been a communication-gap which could now be remedied. Also, she noted that the IAC staff deals almost exclusively with local park and recreation directors and others, not with the elected officials of cities and counties; another communication-gap.

Mr. Bishop informed the Committee of calls he had received from local governmental representatives following the resolution adopted by the AWC. These local representatives were greatly concerned and expressed their desire to assist the IAC in the grant-in-aid program of which they were most appreciative. Apparently there had been a breakdown in communication within cities and counties management.

Mr. Wilder advised of a resolution from the Washington Recreation and Park Association supporting the IAC and its program, and suggesting there be support from local government towards a new bond issue - or some source of continued funding of the IAC.

In response to Mrs. Engle, Mr. Wilder stated IAC felt the examination of its programs, future potential, by the Senate and House sub-committees and the AWC was appreciated; that the IAC was interested in being useful to state and local agencies who participate in its program and want to do the work in the best possible way.

4. Heritage Conservation and Recreation Service: Mr. Wilder continued the Administrator's report commenting on the BOR's new title -- and the new administrative agency HERITAGE CONSERVATION AND RECREATION SERVICE. The Committee asked that the press release and other information be sent to them concerning this matter.

Mr. Fred Bender, HCRS, commented briefly on the program and answered questions of the Committee.

Mr. Odegaard inquired whether President Carter had the power to make the changes in the federal agency as had been done. Mr. Bender replied the President has such power, that there are then consultations and if no objections are heard within a sixty day period, the changeover takes effect.

The funding of the Heritage portion was then discussed; whether these dollars would come from LWCF, and if so what had been earmarked for same. It was reported that \$63 million of LWCF was earmarked for the National Heritage Program, with \$306 million funded for the remainder of LWCF purposes. This was the same amount as had been previously appropriated (FY 1978) thus there would be no increase in regular LWCF funding coming to each state for FY 1979.

Mr. Odegaard asked if the Administrator had had any report from Washington State's Congressional delegation on the new agency and the funding program. Mr. Wilder replied he had not; other than the press release and information received from the new HCRS department, no other information had come in to IAC. Mr. Odegaard then suggested that the Administrator and the IAC Chairman insure that contact was made through NASORLO on the State of Washington's (IAC's) reaction to the "reduction in dollars" flowing to the states for acquisition and development of outdoor recreation areas and facilities.

Following Mr. Wilder's report, the Committee discussed techniques for the Open Public Hearing at 1:00 p.m. It was decided to tape the session. The Chairman notified the Committee there would not be a quorum at the afternoon session due to the need for two of the directors to attend other conferences, taking precedence over the IAC Open Public Hearing. These meetings had arisen at the "last minute" and involved Governor Ray and/or other individuals of high priority. She stated there had been a quorum "assured" in order to consider and approve the WACS, and she felt displeased with the situation, however there was no way to remedy it -- thus, the IAC would continue its meeting with the Open Public Hearing for the public, and reconvene said hearing the following week.

In response to Mr. Odegaard, Mr. Dick stated the WACS would not be effective when passed by the Committee until thirty days after adoption, unless an emergency clause were placed on them, in which case another Open Public Hearing would need to take place.

The meeting recessed at 11:51 a.m.

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(Pages 20 to 34 minutes are: OPEN PUBLIC HEARING on WASHINGTON ADMINISTRATIVE CODE

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## INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

## OPEN PUBLIC HEARING - WACS

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DATE: January 27, 1978

TIME: 1:00 p.m.

PLACE: Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington 98502

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INTERAGENCY COMMITTEE MEMBERS PRESENT:

Warren Bishop, Pullman  
Micaela Brostrom, Chairman, Mercer Island  
Helen Engle, Tacoma  
Peter Wyman, Spokane

Charles Odegaard, Director, Parks and Recreation Commission

INTERAGENCY COMMITTEE MEMBERS ABSENT:

Michael Ross, Seattle  
W. A. Bulley, Director, Dept. of Transportation  
Bert L. Cole, Commissioner of Public Lands  
Wilbur Hallauer, Director, Department of Ecology  
Gordon Sandison, Director, Department of Fisheries

Ralph H. Larson, Director, Department of Game  
Kazuo Watanabe, Director, Commerce and Economic Development Department

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

Assistant Attorney General  
Dick, John

Commerce and Economic Development  
Smith, Merlin

Ecology, Department of  
Lawrence, Richard

Fisheries, Department of  
Costello, Richard

Game, Department of  
Brigham, James

Interagency Committee for Outdoor Recreation  
Bailey, Ron, RRS  
Cole, Kenn, Chief, Management Services  
Frazier, Marjorie M., Admin. Sec.  
Leach, Eugene, RRS  
Moore, Glenn, Chief, Project Admin.

Taylor, Ron, RRS  
Wilder, Robert L., Administrator  
Romero, Frank, Agency Accounts Officer  
Pelton, Gerald, Chief, Planning Services  
Lovelady, Gregory, Trails Coordinator  
Bowring, Ken, Planner

Natural Resources, Dept. of  
O'Donnell, Al

Park and Recreation Commission  
Clark, John

Financial Management, Office of  
Stevenson, Nancy

Transportation, Department of  
Mylroie, Willa

Local TAC members present:

Fearn, William, Director, Park and Recreation, City of Spokane  
Glundberg, William O., Director, Tac. Metropolitan Park District, Tacoma  
McCallum, Mary, Seattle Park and Recreation Department  
Bender, Fred, Asst. Reg. Director, Heritage Conservation and Recreation Services,  
(formerly Bureau of Outdoor Recreation)

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1. Open Hearing Called to Order, determination of a quorum, introductions: Chairman Brostrom reconvened the IAC Special meeting at 1:00 p.m. declaring an Open Public Hearing as authorized and publicized through regulations of the Open Public Meetings Act. Since a quorum was not present, the Chairman advised the Open Public Hearing would be held under the regulations to provide information on amended Washington Administrative Code of the IAC (revisions, additions) to the Committee and to provide testimony from those organizations and individuals on various chapters and sections of the WACS for the benefit of the Committee members present. A continuation of the Open Public Hearing was contemplated for the first week in February.

Chairman Brostrom introduced Mr. John Dick for the reading of the official notification for rules adoption of the IAC. (Code Reviser Form CR-1, Notice #7962, filed on December 31, 1977 attached to these minutes.) Mr. Dick stated the full matter of the rules being proposed was contained in the Notice and had been stated in the press release issued prior to the Hearing; further, legal notices had been provided through the press as required by the Open Public Meetings Act. The Chairman noted that copies of the Amended proposed rules as well as the existing WACs of the IAC were available on the information material table on entry into the meeting room. Chairman Brostrom stated letters which had been received concerning the WACS had been made an official part of the record and were available at the Hearing upon contacting the Chairman should any organization or individual wish to review same. She then called upon Mr. Robert Wilder, Administrator of the IAC, to conduct the review of the WACS section-by-section.

Mr. Wilder stated: (1) The amended WACS would be reviewed section-by-section; (2) Staff of the IAC would then comment on any remarks or suggestions which had been sent to the IAC on each particular section to insure input of the public and state agencies involved; (3) following staff report, Committee members would be asked for any discussion of each section; (4) upon completion of Committee input, those persons wishing to discuss a section would then be called upon for their remarks. He stated it was essential each person coming to the microphone for remarks give his/her name and agency being represented. The audience was further advised the meeting was being taped through the microphone system.



- (3) If policies or procedures are to be applied to organizations and individuals outside of the IAC, organizations and agencies concerned must be advised and included in discussions.
- (4) 286-04-060 would authorize IAC to adopt procedural guidelines and this would take place outside of the Administrative Procedures Act, and would not have force or effect of a WAC; however, Association of Washington Cities felt this could strike at what the Legislature has established for all state agencies by RCW 34.04, the APA Act.
- (5) Interest of State Legislature in strengthening the APA and insuring that state agencies adhere to the provisions of that legislation was reinforced during the 1977 Legislative Session in which three bills were enacted into law: Washington State Registers Act being one of these clearly setting up procedures for state agencies to follow.
- (6) Commented on the three main points of Assoc. of Washington Cities (letter of January 27, 1978 to the Committee on file with the IAC):
  - (a) Adoption of 286-04-060 would comprise agency rule-making and as such must be accomplished in accordance with APA and adopted into the Washington Administrative Code rules.
  - (b) RCW 34.04.022 - provides for uniform procedural rules to be followed by state agencies.
  - (c) RCW 34.04.020 (2), provides that each agency, to assist interested persons in dealing with it, "shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person shall be required to comply with agency procedure not adopted as a rule as required herein....." (emphasis supplied by Association of Washington Cities.)
- (7) Urged the IAC to adhere to statutory procedures established by the State Legislature for establishing policies, requirements and procedures affecting individuals and organizations who do business with the agency.

At conclusion of Mr. Lockwood's remarks, the Chairman asked John Dick, Assistant Attorney General, whether the proposed changes in the WACS had been discussed with him and whether his advice had been taken in regard to the procedural guidelines being guidelines only to eligible agencies and not official WACS. Mr. Dick replied in the affirmative.

Mr. Bishop felt since the Assistant Attorney General had so advised staff of the agency that proper steps were being followed in amending the existing WACS without addition of the procedural guidelines, and since there appeared to be a question on whether this was legally permissible, a FORMAL ATTORNEY GENERAL OPINION should be obtained by the Administrator on the entire matter as soon as possible. The Chairman agreed and so instructed the Administrator.

Kathy Scanlon 286-04-060  
(Speaking for Walter Hundley, Supt., Seattle Parks and Recreation Department)

- (1) Advised Mr. Hundley could not be present due to previous commitments.
- (2) Referred to Mr. Hundley's letter of January 27, 1978 to the Committee..(on file with the IAC.)
  - (a) Seattle seriously concerned about this particular section of the WACS. Does not define formulation and application of "procedural guidelines". These are important. Action of the Committee in September 1977 increasing the minimum local match for IAC funding, and also limiting jurisdictions to a maximum of one project approval per funding session, would and did significantly change the accessibility to local agencies of state and federal funds administered by the IAC.
  - (b) Seattle felt these policies constituted substantive rather than mere procedural administrative actions.
  - (c) Felt procedural Guidelines should be adopted under the WACS, since recent actions adopted by the Committee at September 1977 meeting constitute Administrative Procedures under APA.
  - (d) Urged Committee consider adoption of the new section only if it is amended to include a clearly understandable definition of "procedural guideline".

There were no questions by the Committee or the audience concerning WAC 286-04-060.

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WAC 286-06-020 - Amending  
Definitions

Change in name of Department of Highways - Transportation - Director to Secretary thereof.  
There were no questions by the Committee or the audience concerning WAC 286-06-020

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WAC 286-06-040 - Amending  
Operations and Procedures.

Change in address to include Mail Stop KP-11.  
There were no questions by the Committee or the audience concerning WAC 286-06-040.

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WAC 286-06-060 - Amending  
Public Records Officer

Change designated the Administrator rather than Chairman to appoint Records Officer.  
There were no questions by the Committee or the audience concerning WAC 286-06-060.

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Amending WAC 286-06-140  
Committee Address

Adding Mail Stop KP-11 to Interagency Committee's address.

There were no questions by the Committee or the audience concerning WAC 286-06-140.

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Amending WAC 286-16-010  
Grant-in-Aid Program - Scope of Chapter

Changing wording All-Terrain to Off-Road to conform to new legislation.

There were no questions by the Committee or the audience concerning WAC 286-16-010

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Amending WAC 286-16-020  
Eligibility for Funding Assistance.

Changing wording Land and Water Conservation program to Land and Water Conservation Fund.

There were no questions by the Committee or the audience concerning WAC 286-16-020

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Amending WAC 286-16-030  
Apportionment of Monies Between State and Local Agencies.

Adding wording re federal LWCF monies - provision would not apply.

Comments received:

James Webster  
King County Parks

286-16-030

Apportionment of monies between state/local: Statement to divide monies from all sources including U. S. Govt. 50-50 (half state-half local) precludes any flexibility that Committee might want to take regarding possible transfer of monies from state share to local share.

Staff responses:

This is correct. The Committee has deliberated this matter on more than one occasion and has each time adhered to the established policy of dividing the funds. Further, Contingency Funds of the HCRS (BOR) are assigned on a project-by-project basis and there is no way that these can be split 50-50 in advance by Committee policy.

Comments received:

James Webster  
King County Parks

286-16-030

Referendum 28 states up to 50% will be available to state and not less than 50

to local -- could not the Administrative Code reflect same verbiage?

Staff response: Not so. Referendum 28 requires that the bond proceeds administered by IAC be divided equally between the state agencies and the local public bodies. The proposed legislation for a new bond issue authorization includes the flexibility cited by Mr. Webster.

There were no questions by the Committee or the audience concerning WAC 286-16-030.

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Amending WAC 286-16-040  
Matching Requirements

Comments received:

Charles Odegaard, Director  
Parks and Rec. Commission

286-16-040 2 (a)

Recommend all WACS reflect that State Legislature appropriates ORV funds directly to each state agency, 100 percent for each project and/or program.  
(SEE 286-24-020 (1))

Staff response:

WAC's applicable to ORV funds must be treated in the manner presented to the Committee. ORV funds will be distributed to both state and local government applicants on a competitive basis. Therefore, no prediction as to how much any state agency might receive can be made for inclusion in the agency's budget for subsequent direct appropriation. OFM has been consulted on this matter and the present understanding is that ORV funds in the Outdoor Recreation Account will be appropriated to IAC for distribution as part of the grant-in-aid program. Grants of ORV funds to state agencies would be handled on an inter-agency reimbursement basis.

There were no questions by the Committee or the audience concerning WAC 286-16-040.

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Amending WAC 286-16-070  
State Agency Requirements

Agency must submit to IAC six-year capital improvement program, etc.

There were no questions by the Committee or the audience concerning WAC 286-16-070

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Amending WAC 286-16-080  
Reimbursement Policy

Comments received:

James Brigham  
Department of Game

286-16-080 (2)

Understand this would conform to HCRS (BOR) policy; technically waivers could be granted by HCRS; is it desirable to totally eliminate the possibility of granting a waiver?

Staff response:

The WAC as written is consistent with HCRS policy and IAC policy as indicated to date. If the WACS are supposed to set forth Committee policy, then it is desirable to eliminate the inference that waivers might be granted in this situation.

In response to question of Mr. Bishop, Mr. Wilder explained this would not preclude site planning and preliminary engineering, construction specifications -- which would still be eligible. Agencies would be required not to "break ground". Mr. Brigham asked Mr. Moore if BOR Guidelines specifically disallow waivers for development projects. Mr. Moore replied in the negative.

There were no further questions from the Committee or the audience on WAC 286-16-080.

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Amending WAC 286-20-010  
Procedures - Scope of Chapter

Changing All Terrain wording to Off-Road - to conform to legislation enacted into law.

There were no questions from the Committee or the audience on WAC 286-20-010.

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REPEALER - WAC 286-20-030  
Deadlines

There were no questions from the Committee or the audience on repealing of this section of the WAC.

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Amending WAC 286-24-010  
Funding of Projects - Scope of Chapter

Included wording "chapter contains rules relating to the manner of funding ..... ...other than Off-Road Vehicle funds....to conform to law.

There were no questions from the Committee or the audience on WAC 286-24-010

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Amending WAC 286-24-020  
Project Contract

Clarified execution of the project contract.

Comments received:

Charles Odegaard, Director      286-24-020      Do projects appropriated by Legislature  
Parks and Rec. Commission      directly to state agency need additional  
Committee approval?

Staff response:      Yes, if not on master list. Otherwise, the project has  
been "approved by the Committee at a public meeting" --  
the meeting at which the MASTER LIST of the agency's projects  
has been approved by the Committee.

Mr. Bishop noted that in the WACS it had been made clear this section was discussing only those projects funded through the Outdoor Recreation Account and Mr. Odegaard's question was not addressed to a project appropriated directly to the Park and Recreation Commission from some other source.

There were no further questions from the Committee or the audience on WAC 286-24-020.

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Amending WAC 286-24-040  
Disbursement of Funds

There were no questions from the Committee or the audience on WAC 286-24-040, the changes being merely of housekeeping nature.

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Off-Road Vehicle

At this point, Mr. Wilder called upon Greg Lovelady, of the IAC staff (Trails Coordinator) for a presentation on the proposed Off-Road Vehicle Funding Program.

Mr. Lovelady introduced the following persons: (ORV)

Gary Buffo	Franklin County	Roger Purdom	Chelan County
Bill Henager	Grant County	Wayne Bowen	Thurston County
Sam Angove	Spokane County	Vern Veasey	Clark County
Charles Butler	Yakima County	Tom Thompson	NMA Trail Div.
	Don Phillips	Cowlitz County	

Mr. Wilder extended to the above persons the appreciation of staff and the Committee for their efforts in reviewing and drafting the Off-Road Vehicle Funding Program under the new law.

Mr. Lovelady proceeded with graphic demonstration of the ORV program up to the present time, outlining in his speech the historical involvement of the IAC in the ORV program, the philosophy behind the recommendations being made by staff

and those who have assisted in the guidelines drafting, and pertinent facts leading to the recommendations of staff for the funding program.

His points included A. The Rapid Growth and Popularity of ORV's;  
B. The Legal requirements as specified in RCW 46.09;  
C. Differences between the proposed and past ORV/ATV programs;  
D. Possible use of ORV funds as a source of state agency matching funds.

He basically outlined the "old" All-Terrain Vehicle Program of 1971-77 -- which had been funded through an inventory system, and the present or "new" Off-Road Vehicle Grant Program with its opportunities and potential problems.

The new system will allow the IAC to judge quality and quantity of ORV programs, and the IAC will be able to set priorities. Individual projects will be rated on their merits, thus only the highest qualified projects would be recipients of grants. One potential problem concerns providing maintenance and management funding for the life of approved projects -- does IAC want to commit itself to long-term funding arrangements?

Mr. Lovelady then officially acknowledged receipt and review of comments received from state agencies and organizations/individuals concerned in the ORV program which have been made a matter of record with the IAC. These comments would be reviewed later in the meeting by Mr. Jerry Pelton, Chief, Planning Services, IAC. The comments involved: provisions for funding maintenance and management of ORV facilities up to 100% of the reasonable cost incurred during the useful life of the facility; provision to advance sufficient monies applicant may "draw" upon; include federal government in worthy ORV projects; provision for repayment to ORV account if monies not used within certain time; flexibility within projects; and site inspection matters.

Mr. Wilder and Mr. Lovelady noted that the Assistant Attorney General had advised just recently that funds could not be advanced, and thus it would be necessary to go the reimbursement route.

(Mr. Odegaard arrived at 2:11 p.m. during the discussions.)

In summation Mr. Wilder stated, the parameters re ORV funding recognize the need to: (1) expedite them; (2) get facilities "on the ground"; (3) avoid duplication; (4) not preclude flexibility; (5) and build upon experience. He called upon Mr. Pelton for summation of comments on the WACS pertaining to Off-Road Vehicles -- Chapter 286-26.

Amending WAC 286-26-010  
Scope of Chapter

To change reference: all-terrain vehicle funds to off-road vehicle funds.

There were no questions or comments by the Committee or audience on WAC 286-26-010.

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Amending WAC 286-26-020  
Definitions

To change definitions to conform to the new law.



Staff response: 286-26-040 applies to ORV funds only and the granting of up to 100% of the project amount from this source is the proposal being considered in this section.  
286-16-040 applies to grants to local agencies from Outdoor Recreation Account funds other than ORV.

There were no further comments or questions from the Committee or the audience on WAC 286-26-040.

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Amending WAC 286-26-060  
Disbursement of Funds (formerly Distribution of funds)

Mr. Pelton read the revised pink page which had been inserted in the Committee's kit material by the secretary, and had already been inserted in the WAC revisions distributed to the general public attending the meeting. He referred to recent Assistant Attorney General advice that it would not be possible for ORV funds to be advanced, thus the sentence pertaining to advancement had been changed to read:

"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....."

Mr. Wilder stated for the record that the staff had discussed the matter thoroughly and felt the agency could be expeditious in handling reimbursement on a monthly basis, that staff would assist the agencies through the mechanics of reimbursement procedures as rapidly as possible.

Mr. Pelton was asked to read comments received:

Comments received:

Charles Odegaard, 286-26-060 Since project funds are appropriated  
Director, Park and directly to each state agency, this section  
Rec. Commission is not applicable to state agencies as  
written.

Staff response: This chapter of WACS deals with ORV matters. ORV funds  
were NOT directly appropriated to state agencies in the  
current biennium (ATV funds were). ORV funds will be  
budgeted for appropriation to the IAC for distribution as  
grants to state and local agencies in succeeding biennia  
(see explanation in reference to 286-16-040 2 (a).)

Bert Cole, Commissioner 286-26-060 "Should be rewritten to read that a portion  
of Public Lands, DNR of ORV project funds would normally be  
advanced to the successful applicant in  
keeping with my comments."

Staff response: This would be illegal according to the Assistant Attorney  
General.

Comments were asked of Committee members; there being none, comments were asked

from the audience. Several persons addressed the Committee members as follows:

(1) Sam Angove, Director, Parks and Recreation, Spokane County:

- (a) Preferred to receive funds in advance. Was concerned with inability to receive reimbursement from the IAC in timely manner.
- (b) County was meanwhile paying interest on the money involved (5.4%). Felt the WAC should speak to the amount of interest during the time of building and construction of the ORV areas, and ORV funds should pay that interest.

Mr. Bishop stated this would be part of the legal question to be addressed through Mr. John Dick, Assistant Attorney General, and the Attorney General's Office. Would the interest be a reimbursable cost? Could the state pay it from ORV funds?

(2) Wayne Bowen, Thurston County:

- (a) Interest problem also was of concern to Thurston County.
- (b) Seriously concerned with having monies advanced rather than reimbursed. Appreciated having the Attorney General look into whether advancement of funds would be possible.

(3) Charles Butler, Yakima County:

- (a) Questioned the 10% retainage; difficult to explain to county commissioners and those involved in getting the project.
- (b) County commissioners won't endorse change to reimbursable rather than advance of funding. Had letter on hand for delivery to Administrator complimenting staff on arriving at decisions re ORV funding in advance. Unable to deliver that letter because of change in the clause to "reimbursable".
- (c) Felt ORV drafted guidelines were received too late to be reviewed adequately.

(4) Joe Wernex, Dept. of Natural Resources

- (a) Reiterated Mr. Bert Cole's comments regarding 286-26-060 suggesting there be advance funding of ORV.
- (b) Read Mr. Cole's letter, which he stated was still valid. If "old" ATV funds were advanced 100%, why could not "new" ORV funds be treated likewise?

At this point, Mr. Kenn Cole, Chief, Management Services, IAC, explained that the "old" ATV funds were mandated by law to be paid, not advanced; they were to be paid on a formula basis of an existing formula; a block grant. Thus, the funds were not an advance of the State's credit.

(5) Roger Purdom, Chelan County:

- (a) If interest could be eligible cost --would be a better situation for counties.
- (b) Suggested legislation be submitted to amend the law so that monies could be used to pay for the interest.

(6) Ron Morgenthaler, NW Motorcycle Assoc.:

- (a) Would like to see funds advanced. The counties who do participate in other IAC programs, however - such as Referendum 28 - do so without advance funding. Suggested the ORV program be on advance basis.

(7) Larry Otos, Thurston County:

- (a) Asked Kenn Cole for explanation of advance funding given to Thurston County from Ref. 28 in the past. Mr. Cole explained there was a provision in the guidelines which speaks to an advance of funds relative to acquisition projects, but in essence this is a direct payment by the IAC for the property through an escrow arrangement -- the state's credit is not being advanced. The IAC is making a direct payment in that instance. The money was not given to Thurston County to hold.

Mr. Otos asked Mr. Cole if the money for ORV acquisition could be placed in escrow. The reply was in the affirmative.

Mr. Roger DeSpain asked the Chairman if it would be possible to come back to some of the matters being discussed at the time the ORV Guidelines are on the table for discussion. He felt there were a number of items influencing the ORV guidelines presently being discussed. On conferring with the Chairman, Mr. Wilder stated there would be no problem in taking up some of the matters on the WACS at the same time as ORV Guidelines are being discussed.

Mr. Wilder then returned to the WAC review:

Amending WAC 286-26-070  
Fund Accountability

There were no questions or comments from the Committee or the audience on WAC 286-26-070.

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REPEALER - WAC 286-26-050  
Apportionment of Funds

Repealer necessary to conform to the new law on ORV and funding thereof. Dealt with the inventory funding process.

There were no questions or comments from the Committee or the audience on WAC 286-26-050 repeal.

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The Chairman advised the action of the Committee in reviewing the WACS today

at the Open Public Hearing was considered official action of the IAC though it had not been possible to vote on the WACS due to the lack of a quorum. She stated the Open Public Hearing could reconvene on action of the Committee the week of February 6th in Olympia at the Transportation Commissioners' Board Room at 2:00 p.m. when called through action of the Chairman and Committee.

Mr. Angove asked the anticipated date of application of the WACS if they were adopted the week of the 6th of February. Mr. Wilder replied the IAC would still meet all legal deadlines required.

Mr. Bishop asked when the Chairman turned to the next item of business -- review of the ORV Proposed Guidelines, would it be possible to discuss these if questions were raised also about the WACS pertaining to ORVS? In response to question from the Chairman on this matter, Mr. John Dick ruled if the meeting on WACS is concluded, then any further comments on the WACS sections would not be a matter of public record under the Open Public Hearing. Mr. Bishop then asked if the Guidelines on ORVS would be a part of the WACS being discussed at the Open Public Hearing. Mr. Dick replied in the negative. He stated the advice from the Attorney General's Office has been that it is legitimate and legal for the Interagency Committee for Outdoor Recreation to adopt guidelines as guidelines and not as WACS -- administrative rules or regulations -- and therefore, it is not necessary to go through the WAC Administrative Procedures Act process to do so.

Mr. Wilder then asked if the WAC hearing were concluded and during ORV Guidelines discussion it became necessary to refer back to the WACS, would it be possible to reopen the hearing on the WACS. Mr. Dick replied in the affirmative -- for that portion the Chairman and Committee so desired to reopen.

Chairman Brostrom then declared the Open Public Hearing regarding the WACS closed for comments, etc., and recessed until opened again for discussion of WACS business.

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IV. B. ORV Interim Guidelines: At 2:30 p.m., Chairman Brostrom called for discussion of the ORV Interim Guidelines.

Mr. Wilder referred to memorandum of staff dated January 27, 1978, which outlined the 1977 amendments to RCW 46.09 pertaining to ORVS and their effect on the ORV fund (formerly ATV fund) allocation process. Staff had been instructed at the September 1977 meeting of the IAC to work towards development of ORV fund distribution guidelines for the acquisition and development of ORV areas and facilities. These were to be based on the existing grant-in-aid guidelines. Staff had further been asked to develop a system of fund distribution for other eligible purposes.

Proposed Interim ORV Guidelines were developed including directions to applying agencies for submitting acquisition projects, development projects, maintenance/management projects and planning projects ----- all of which are eligible purposes under RCW 46.09. The ORV proposed guidelines were reviewed by a sub-committee of the IAC-ORV Advisory Committee (ORVAC). Draft copies were furnished all ORVAC members and other individuals and agencies concerned in the program. A second

draft was then taken to a meeting with IAC staff to discuss specific elements. Approximately 35 individuals, including elected county officials, attended this meeting on January 4th. Their concerns were as listed in the memorandum to staff dated January 27, 1978, contained in the kits of the meeting.

The most significant differences between the existing grant-in-aid program guidelines and those proposed for ORVS were also contained in memorandum to the Committee dated January 27, 1978.

Staff had proposed a motion to adopt the ORV Interim Guidelines; however, due to lack of a quorum, Mr. Wilder stated the Committee would hear testimony from the audience on the Guidelines which testimony would be made an official record of the Open Public Hearing. A Continued Public Hearing would then be held the week of February 6th under the Open Public Meetings Act, with all agencies, organizations and individuals involved being properly notified.

Mr. Wyman commented he would like the ORV Guidelines shortened somewhat to provide easier processing for eligible agencies. Mr. Wilder assured him the ORV Guidelines were preliminary at this stage; would be reworked; perhaps divided into sections which could be distributed as needed to those applying for ORV funds. The IAC staff and ORVAC will be working toward that kind of a program.

Mr. Pelton mentioned that the Guidelines are still considered drafted at this stage. It will be necessary, for instance, to change the Guideline concerning "advance" payment should this be authorized.

Comments were asked of the audience with the request that each person contain remarks to approximately three minutes.

(1) Sam Angove, Director, Parks and Recreation, Spokane County:

- (a) Unable to get ORV facilities "on the ground". General public not receptive to having this type of facility in certain areas.
- (b) Must have assurance that maintenance/management funds are going to be available.
- (c) Spokane County approves of ORV Interim Guidelines, but feels these could be reduced to fewer pages, still containing the needed information. Recommended that the Committee reduce the pages; make them simpler as are difficult to understand and explain.
- (d) Support the 100% maintenance/management.

(2) Roger DeSpain, Whatcom County (Director, Parks and Recreation Board):

- (a) Referred to his letter of January 17, 1978 (Official record of these minutes in appendices.)
  1. Guidelines as presently worded do not give assurance there is guarantee for 100% M & M funding for approved projects.

2. Felt state has responsibility to provide full funds without local match.
3. Referred to ORV Guideline 06.02.000 and suggested change in first paragraph -- eliminate "any period up to" and substitute "for each approved project 100% funding will be made available unless otherwise agreed upon for the life of the project."
4. 06.02 -- in third sentence strike "and time period" and insert "terms regarding specific dollar amounts are included within the project contract."
5. Also Whatcom County having difficulty getting projects "off the ground". May be faced with problem of returning monies if it comes to that point in time.
6. Mentioned efforts put forth to get project started: EIS, staff time, citizens, users, non-users, etc. Need assurance of dollars coming in for the project.

On questioning Mr. DeSpain, Mr. Wyman stated he felt deleting reference to the "time period" would be giving less flexibility to the guidelines. He noted that a statement in the guidelines concerns four years: "When four years from the date of adoption of these guidelines (that is prior to 1982 distribution) has elapsed or when the annual IAC maintenance/management commitments reach 50 percent of the annual IAC-ORV receipts -- whichever occurs first - this maintenance/management policy will be evaluated to determine: (1) If future projects should continue to be considered for 100 percent funding; and (2) if such funding for future projects should continue for the duration of said project's useful life."

(3) Gary Buffo, ORV Planner, Franklin County:

- (a) County cannot participate in IAC at its own expense; recommended 100% funding and understood this is what had been contemplated.
- (b) Referred to letter of Franklin County Commissioners -- written by Merle R. Hornbaker, County Commissioner, Chairman of the Board -- dated January 26, 1978 (Official record of these minutes in appendices.)
  1. Imperative that Franklin County have 100% funding for maintenance and management cost to include: maintenance, operation, liability insurance, education, enforcement and some information expenses.
  2. Board further recommended provision for ORV projects which become unused or unfeasible to operate -- allow sponsoring agencies to request Committee approval to repay the ORV account and terminate the project contract.
  3. If advance funding is not available and reimbursable basis is established, Franklin County willing to take part in ORV program

until such time as financial details are worked out.

Mr. Bishop asked questions of Mr. Buffo concerning the Department of Licenses' Excise Tax going to the counties. There followed some discussion on the Juniper Forest area of approximately 338 acres with Mrs. Engle expressing an interest in the Bureau of Land Management areas adjacent to it.

(4) Ron Morgenthaler, Northwest Motorcycle Association representative:

- (a) Referred to 06.02 -- felt the present writing of this guideline provided the desired flexibility discussed earlier.

Mr. Angove remarked that one of the complaints concerned the user fee. Users feel they already pay a percentage of the fuel tax for off-road vehicle permit and should not have to pay to use facilities provided for them for which they have already paid. There followed brief discussion on permit fees and fact that the "sticker requirement" has not been enforced as well as it should be.

(5) J. Patrick Milliken, Long Range Planner, Whatcom County:

- (a) Explained reasoning behind Whatcom County's desire for changes in 06.02 as pointed out previously by Roger DeSpain. Whatcom County did not wish to get involved in ORV projects unless could be assured monies were there "for the life of the project". Could Committee guarantee there would be those funds?

Considerable discussion ensued on this point, with Mr. Wilder, Mr. Odegaard, and Mr. Wyman having input. Mr. Milliken felt the wording of the guideline gives Committee the option to not give counties life time funding. Mr. John Dick, Assistant Attorney General, questioned the legality of Mr. Milliken's proposal since it could very well be that the IAC would then over-commit funds coming to it. He suggested having a statement of Committee policy rather than a letter of commitment for this type of funding. Mr. Bishop stated Whatcom County was asking for such commitment even before submitting an application and this would be a problem.

(6) Larry Otos, Director, Parks and Recreation, Thurston County:

- (a) County commissioners have approved of the project in Thurston County for ORV.
- (b) Need to have 100% funding. Have already been three years getting project to the point where it can be considered for funding.
- (c) Need commitment from the Committee that maintenance/management would be included -- given high priority.
- (d) Figure involved would be responsibility of County to provide to the IAC, with assurance that figure would be honored.

Mrs. Brostrom pointed out the Committee would be unable to make any commitment of funds until the legality of the funding program had been resolved.

(7) Roger Purdom, Associate Planner, Chelan County:

- (a) Referred to letter to IAC dated January 24, 1978, signed by James L. Young, Chairman, Board of Chelan County Commissioners (official record of these minutes in appendices.)
1. Felt wording in guideline of "Up to" has in effect left a great deal of flexibility to the IAC which could detrimentally affect Chelan County's participation in the program. Suggested more positive specifications be put in writing in the Guidelines to keep faith with the ORV recreation plans of the counties and eligible agencies.
  2. If maintenance/management funds are not available in the future, suggest counties be given opportunity to liquidate the project and refund the monies back into the ORV account.
  3. Requested that Committee direct staff to commence detailed review of the ORV Interim Guidelines in time for next year's funding session thus obtaining a set of quality guidelines. Felt proposal had been too hastily put together.

(Break - Reconvened at 4:05 p.m.)

(8) Charles Butler, Yakima County ORV Program Coordinator:

- (a) Suggested on page five of the proposed motion concerning ORV Guideline adoption adding the fact that guidelines are INTERIM. i.e., "A set of ORV Interim Guidelines have been prepared which outline this system."
- (b) Ltr. of January 3, 1978, Les Conrad, member, Board of Yakima County Commissioners made part of official record as appendices to these minutes.
- (c) Referred to 04.10.010 - Intergovernmental Acquisition of Real Property: Precludes county from leasing BLM land and then purchasing it later.
- (d) Referred to 05.09.000- Control and Tenure: More flexibility is needed in this guideline. There is a lot of Forest Service land in the State of Washington; this requires county to prove "control and tenure"; Forest Service will not release control and tenure but they will allow ORV use. Section needs to be looked over in the interest of language desirable for this kind of use. Could then have Forest Service working on joint projects.

Mrs. Brostrom read the last sentence of the first paragraph: "When the applicant holds less than fee title, copies of leases, easements, special use permits, or other appropriate documents must be provided." Mr. Butler stated the Forest Service would not lease the land for ORV trail -- but would assist in obtaining funds for it and in providing this type of recreation for the public. What is needed in the guideline is some kind of verbiage which will assist in dealings with the Forest Service. The Chairman directed the Administrator to consider this guideline and rework it.

- (e) Mr. Butler referred to 02.09.000 -- Conversion of Property. Requested more clarification on this guideline. What are the specific conditions County would be asked to adhere to?
- (9) Bill Krull, Supervisor Land Access, Burlington Northern, Inc., Timber and Land Department:
- (a) Burlington Northern, Inc. does not have any objections to ORV sites for user groups.
  - (b) 02.13.000 - Acquisition Involving Compatible Multiple Uses: Guideline stated timber management is legitimate use, etc. - and is understandable.
  - (c) 02.15.020 Income Derived After the Project Period: Noted that this guideline referred to "nonrecreational income accruing subsequent to the project period, including that from land management practices, must be used only to offset expenses of operation and maintenance of the facility." Mr. Krull felt that in many instances it should be possible to produce a product from the land other than from its being an ORV site. Burlington Northern land base is fixed base, and that agency should be able to make the ORV use the primary use for ORV park -- but conditions might vary from one ORV park to another. Should change this guideline to conform to Burlington Northern management practices.
  - (d) 04.02.000 - Eligible Acquisition Projects: There is nothing in the section which would provide for land acquisition by way of land trades. By excluding this, IAC may have reduced the flexibility somewhat in that it may find some private land owner who would be much easier to deal with if there was a piece of land to trade with him instead of leaving him with no land at all.
  - (e) 04.16.000 - Condemnations: Might want to add some wording to encourage the use of discretion by sponsoring agency in initiating this type of procedure. If there is large opposition from landowners, then it is best to look somewhere else.
  - (f) ORV PLAN STUDY: Have copy of the resolution asking participation in this plan. In that outline there was no reference at all to addressing the total need for ORV sites. Felt it was going to be necessary from outset of the program to be thinking about answering the question of "how much is enough?".

Mr. Odegaard expressed interest in hearing from the timber companies, and asked about the harvesting and planting period and the suitability of having ORV areas in certain places prior to the reforestation period. Mr. Krull stated this might be feasible, except that there would be a need to look into the soil compaction and soil quality when reforestation would take place. He felt it might be better to have ORV areas under a forest canopy rather than in a bare and cut area. In response to Mr. Odegaard's question, Mr. Krull stated the timber management people would be willing to explore possibilities of ORVS using

their lands; however, it would require that the lands be still productive for timber and preserved as much as possible. The use of land should be very carefully evaluated.

Mr. Odegaard asked whether the Committee (staff) should work with the Forest Protection Association, or through each single timber company. Mr. Krull replied each project would vary so much that it might better be through each single company; however, the Forest Protective Association would be able to dispense information on the ORV site use and it would then be possible to go to the actual landowner to see how the situation might shape up regarding ORV use -- the particular management practices of each landowner needs to be taken into consideration.

The Committee and audience were then advised by Mr. Pelton that the type of information Mr. Krull alluded to would be a part of the ORV Study Plan. The concerns Mr. Krull had expressed would also be addressed.

(10) Noel Christensen, Pacific Northwest Four-Wheel Drive:

- (a) As member of ORVAC, stated he had heard some very good comments from those who have reviewed the Guidelines in depth. Reiterated that these were Interim Guidelines -- realizing that they do not meet everybody's best benefit at this point.
- (b) As user and as member of ORVAC, urged the Committee to consider the guidelines as a program -- understanding that certain revisions would be taking place to get the program going at as early a date as possible.

(11) Joe Wernex, Department of Natural Resources:

- (a) Referred to 02.13.000 - Acquisition Involving Compatible Multiple Uses: Mr. Wernex read the guideline, and stated DNR had a problem with this since DNR feels recreational use on the trust lands of the state will always be considered secondary to the primary function of the land trust.
- (b) Recreation use is had on DNR land; in regard to private lands, DNR obtains easement; that private landowner is trying to realize an economic benefit on his land as well and would be more likely to allow ORV use (recreational use) if his primary function is not intruded upon.

Mr. Odegaard asked whether IAC funds for that trail were not actually being used for recreational use. Mr. Wernex explained the development of DNR trails and certain timber sales which take place upon it. Mr. Odegaard stated he then had a serious problem with IAC (ORA) funds being used for something else since the funds are required by law to be used for recreation. Trails should not be closed off to the public once established. Mrs. Brostrom stated the ORV program was an entirely different type of recreation funded program and the Committee would need to make some decisions to conform to the specific laws under which it was being formed. She also noted an alternate site could be provided if a DNR trail were closed down for six months' time. Mr. Wernex replied this is already being done.

The Administrator acknowledged there would be differences in the program and that the staff would be looking at this matter as well as the other problems which had been presented.

At this point, Ron Morgenthaler again addressed the Committee, advising them of off-road vehicle use on DNR trails. He stressed the fact that the land is only being used - not purchased. It is understood that timber is the primary purpose of those lands.

Mr. Morgenthaler referred to WAC 286-26-30 and asked if federal agencies were to be considered in the ORV program. Mr. Lovelady clarified the issue, stating this was taken directly from the law; if the Committee wishes to fund federal applications for ORV projects it may do so. Mr. Morgenthaler felt federal agencies should be encouraged to come in with projects. Roger Purdom announced he had turned in three projects already relating to Forest Service lands.

This concluded the comments on ORV Guidelines.

IV. B. 2. ORV Project Applications: Mr. Pelton then referred to memorandum of staff dated January 27, 1978, "ORV Project Applications", reporting:

- (1) Thirty-four pre-applications were received from 11 agencies for ORV projects including the U. S. Forest Service;
- (2) During first week of February, ORVAC will review all project applications received and make recommendations;
- (3) Following ORVAC review, staff will work with ONE of the applicant agencies in the presentation of a representative project to the Technical Advisory Committee for the purpose of (a) determining technical adequacy and (b) if future projects should be routed through the TAC or if the ORVAC review will suffice; and
- (4) All capital projects will be included in team evaluation process and will be assigned points on the basis of the present Evaluation System.

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Mrs. Brostrom declared the WAC Open Public Hearing again recessed to RECONVENE the week of February 6th, at 2 p.m., in the Transportation Commissioners' Board Room, Highways Administration Bldg., Wing D-1, Olympia, -- the date will be selected through conference with all twelve Committee members by the Administrator. Notice of continued Open Public Hearing will be sent to all those interested persons involved, and proper form will be filed with the Code Reviser's Office for such continuation.

Mrs. Brostrom adjourned the Special Meeting of the IAC at 4:45 p.m.

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

(DATE)

Micaela Brostrom  
MICAELA BROSTROM, CHAIRMAN, IAC

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and RCW 43.99  
that the INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, STATE OF WASHINGTON  
(name of agency)  
intends to adopt, amend, or repeal rules concerning:<sup>2</sup>

Semantic changes to WAC 286 as well as revisions specifically to amend the Code to comply with Legislative amendments to the Off-Road Vehicle Act (ORV) (originally passed in 1972) concerning definitions (changing the term "All-Terrain Vehicle" to "Off-Road Vehicle"), and rewriting of eligibility, qualifications, disbursement of funds and fund accountability to conform to the law. Adding new section pertaining to Procedural Guidelines of the agency  
(286-04-060)

(HEARING DATE AND PLACE)

(2) (Use only if hearing is to be held) that such agency will at  
1:00 p.m. FRIDAY JANUARY 27, 1978  
(time) (day) (date)  
in the Transportation Commissioners' Board Room, Wing D-1, Highways Administration  
Building, Olympia, Washington. (place)  
conduct a hearing relative thereto;

(3) and that the adoption, amendment, or repeal of such rules will take place at  
1:00 p.m. FRIDAY JANUARY 27, 1978  
(time) (day) (date)  
in the Transportation Commissioners' Board Room, Wing D-1, Highways Administration  
Building, Olympia, Washington. (place)

(4) The authority under which these rules are proposed is: RCW 34.04.025 and RCW 43.99

(5) Interested persons may submit data, views, or arguments to this agency —

(a)  in writing to be received by this agency prior to JANUARY 17, 1978 and/or  
(date)

(b)  orally at 1:00 p.m. FRIDAY JANUARY 27, 1978  
(time) (day) (date)

Transportation Commissioners' Board Room, Wing D-1, Highways Administration  
Building, Olympia, Washington. (place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. \_\_\_\_\_  
filed with the code reviser's office on \_\_\_\_\_  
(date)

INTERAGENCY COMMITTEE FOR OUTDOOR  
RECREATION, STATE OF WASHINGTON  
(AGENCY)

Dated: DECEMBER 30, 1977

By: Robert L. Wilder  
ROBERT L. WILDER, ADMINISTRATOR  
INTERAGENCY COMMITTEE FOR OUTDOOR  
RECREATION  
(TITLE)

STATE OF WASHINGTON  
**FILED**  
DEC 30 1977  
CODE REVISER'S OFFICE  
DOCKET # \_\_\_\_\_ FILE # \_\_\_\_\_  
NOTICE # 7962

(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

WASHINGTON ADMINISTRATIVE CODE      CHAPTER 286

<u>AMENDING</u>	<u>WAC 286-04-020</u>	ORGANIZATION AND OPERATIONS	(IAC goals/objectives, etc.)
<u>NEW</u>	04-060	PROCEDURAL GUIDELINES	(Guidelines)
<u>AMENDING</u>	<u>WAC 286-06-020</u>	DEFINITIONS	(Public Records)
<u>AMENDING</u>	06-040	OPERATIONS AND PROCEDURES	
<u>AMENDING</u>	06-060	PUBLIC RECORDS OFFICER	
<u>AMENDING</u>	06-140	COMMITTEE ADDRESS	
<u>AMENDING</u>	<u>WAC 286-16-010</u>	SCOPE OF CHAPTER	(Grant-in-Aid Program)
<u>AMENDING</u>	16-020	ELIGIBILITY FOR FUNDING ASSISTANCE	
<u>AMENDING</u>	16-030	APPORTIONMENT OF MONIES BETWEEN STATE AND LOCAL AGENCIES.	
<u>AMENDING</u>	16-040	MATCHING REQUIREMENTS.	
<u>AMENDING</u>	16-070	STATE AGENCY REQUIREMENTS	
<u>AMENDING</u>	16-080	REIMBURSEMENT POLICY	
<u>AMENDING</u>	<u>WAC 286-20-010</u>	SCOPE OF CHAPTER	(Procedures)
	<u>REPEALER</u>	REPEAL DEADLINES 286-20-030	
<u>AMENDING</u>	<u>WAC 286-24-010</u>	SCOPE OF CHAPTER	(Funding of Projects)
<u>AMENDING</u>	24-020	PROJECT CONTRACT	
<u>AMENDING</u>	24-040	DISBURSEMENT OF FUNDS.	
<u>AMENDING</u>	<u>WAC 286-26-010</u>	SCOPE OF CHAPTER.	(Off-Road Vehicles)
<u>AMENDING</u>	26-020	DEFINITIONS.	
<u>AMENDING</u>	26-030	ELIGIBILITY.	
<u>AMENDING</u>	26-040	QUALIFICATION	
<u>AMENDING</u>	26-060	DISBURSEMENT OF FUNDS	
<u>AMENDING</u>	26-070	FUND ACCOUNTABILITY	
	<u>REPEALER</u>	REPEAL APPORTIONMENT OF FUNDS 286-26-050	

286-04

- ORGANIZATION AND OPERATIONS

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

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) ~~((Director))~~ Secretary of the ((Highways)) 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) 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 statewide 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 ~~((receive per diem and travel expenses while engaged))~~ 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,  
~~((RCW 43.99.110)).~~

NEW SECTION

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 followed 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 Committee, either directly or through the staff of the Committee, for a waiver or waivers of the guidelines. Such petitions for waivers may be granted after consideration by the Committee at an open public meeting with a quorum of the members present and voting.~~

~~Projects 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. Subjects that deal 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. Determinations on petitions for waivers made by the Administrator are subject to review by the Committee at the request of the petitioner. Such petitions for policy waivers may be granted after consideration by the Committee at an open public meeting with a quorum of the members present.~~

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.

placed  
in parag.  
now follow  
advice  
counsel  
with Attorney  
General's office.

NEW SECTION

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Replaced with parag. below following advice & counsel with Attorney General's office.

286-06

PUBLIC RECORDS

AMENDATORY SECTION (Amending Order 73-4, 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. ((u))

(3) Interagency Committee for Outdoor Recreation. The Interagency Committee for Outdoor Recreation is the 12 member committee comprised of the Commissioner of Public Lands, ((Director)) Secretary of ((Highways)) 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.

AMENDATORY SECTION (Amending Order 73-4, 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.

AMENDATORY SECTION (Amending Order 73-4, 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 ((Committee chairman)) 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.

AMENDATORY SECTION (Amending Order 73-4, 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.

286-16 GRANT-IN-AID PROGRAM

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

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 ((Att Ferrain)) Off-Road Vehicle trails and areas.

AMENDATORY SECTION (Amending Order 3, 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 ((program)) Fund, are eligible for funding assistance by the Interagency Committee.

AMENDATORY SECTION (Amending Order 3, 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.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

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

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

(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.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-070 STATE AGENCY REQUIREMENTS. Before the Interagency Committee will consider any project proposed by a state agency, ((the following steps must be taken by)) 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.

AMENDATORY SECTION (Amending Order 76-2, filed 6/30/76)

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 for Outdoor Recreation 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 ((or project contract amendments)).

(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 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 eligible for grant-in-aid support from federal funds, the administrator shall not grant a~~ 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 ((contract)) application for acquisition has been ((executed)) 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 ((after receipt of an application but)) prior to execution of the project contract ((or project contract amendments)). Retroactive development costs as defined herein are not eligible for reimbursement.

~~((a))~~ When it is determined by an applicant that an emergency exists, which may jeopardize the project's progress and/or benefits, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission by 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.

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(b) After a project ((contract)) application for acquisition has been ((executed)) 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.

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~~((a))~~ When it is determined by an applicant that an emergency exists, which may jeopardize the project's progress and/or benefits, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission by 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.

WAC 286-16-080 REIMBURSEMENT POLICY continued

(b) Necessary costs for the preparation of a development project incurred prior to project approval may be eligible; but must be specifically listed in the project proposal:

(c) After a project contract for development; which has been funded wholly or partially with federal funds has been executed; no costs will be eligible for consideration as retroactive; except as provided in WAC 286-16-080 (2) (b); unless the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations:

Provided; that the administrator shall file said rule with the code reviser:))

(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.

~~((3))~~ (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 ((under these circumstances;)) and the request shall be considered on its merits ((and in relation to competing requests for any available funds)).

(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 ((and in relation to competing requests for available funds)).

286-20 PROCEDURES

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

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 ((All Terrain)) Off-Road Vehicle Funds.

REPEALER

The following section of the Washington Administrative Code is repealed:  
WAC 286-20-030 DEADLINES.

286-24

FUNDING OF PROJECTS

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

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 ((except All-Terrain Vehicle funds)).

AMENDATORY SECTION (Amending Order 3, 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 ((prior)) subsequent to approval of the project by the Committee at a public meeting ((when the proposed project will be considered for approval)). The ((agency)) administrator or his designee shall execute the contract ((prior to that meeting)) 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) ((After approval)) 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 ((will)) shall not execute ((the)) a project contract ((and)) with the ((applicant)) grantee agency ((will thereafter be bound by)) until the federal funding has been authorized through the execution of a concurrent project ((contract terms)) agreement between the Interagency Committee and the United States Department of the Interior, Bureau of Outdoor Recreation.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-24-040 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the administrator or his designee will ((provide)) 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 and ((on)) 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 ((or development)) projects following Interagency Committee approval when the applicant agency demonstrates to the administrator that it lacks financial resources to purchase the proposed property ((or complete the development)) and then seek reimbursement.

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

286-26

OFF-ROAD VEHICLES

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of agencies to share in ~~((at terrain))~~ off-road vehicle funds for ~~((at terrain))~~ off-road vehicle trails and areas.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following definitions shall ~~((be defined as follows))~~ 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, motor-cycles, 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.

~~((1))~~ (2) "((At Terrain)) Off-Road Vehicle" ((AFV)) (ORV) means any ((self-propelled)) non-highway vehicle when used for cross-country travel on trails ((and non-vehicle roads)) or any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain ((; except any vehicle designed primarily for travel on; over; or in the water; farm vehicles; logging and private forestry vehicle; snowmobiles or any military or law enforcement vehicles)).

~~((2))~~ (3) "((At terrain)) Interagency Committee for Outdoor Recreation Off-road Vehicle funds" ((AFV-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, RCW 46.09, and IAC-ORV Procedural Guidelines for the planning, acquisition, development and management of ((AFV)) ORV trails and areas.

~~((3))~~ (4) "((At-terrain)) Off-road vehicle trail" ((AFV trail)) (ORV trail) means a corridor designated and maintained for public ORV recreational ((AFV-travel)) use which ((may-be-either-a-trail-not-generally-traversable by a conventional two-wheel drive vehicle or a non-highway road which: (1) is any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles; and (2) is private or controlled and maintained by the Department of Natural Resources; the State Parks and the Recreation Commission of the State Game Department; and (3) may not be built or maintained by appropriation from the motor vehicle fund)) 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.

WAC 286-26-020 DEFINITIONS continued

~~((4))~~ (5) "~~(All-terrain)~~ Off-road vehicle use area" ~~((shall be divided into two types: (a) intensive use - a designated area suitable for high density public use with a sufficient percentage of total site free enough of vegetative cover and of gentle slope to be traversed by ATV vehicles; and (b) dispersed use - an area suitable for low-density, off ATV trail public recreational ATV use and not normally requiring support facilities or on-site staffing))~~ 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.

~~((5))~~ "Highway" means the entire width between the boundary lines of every way publicly maintained by the State Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. ~~(RCW-46-09))~~

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

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-030 ELIGIBILITY. Those agencies of government which are eligible to receive ~~((ATV))~~ 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.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-040 QUALIFICATION. To ~~((qualify-to))~~ be considered to receive up to 100 percent ((ATV)) ORV funds an eligible recipient must file with the Interagency Committee((:

~~{1}--An-action-plan;-this-plan-must-be-accompanied-by-proof-of-official adoption-by-the-appropriate-public-administrative-bodies.~~

~~{2}--An-All-terrain-vehicle-trails-and-area-inventory-which-shall-consist of-all-present-and-proposed-ATV-trails-and-areas-on-which-the-applicant-permits or-will-permit-public;-recreational-ATV-use:~~

~~{3})) an application form supplied by the Interagency Committee. ((The-action-plan-and-the-inventory-must-be-submitted-on-or-before-November-30 of-each-odd-numbered-year:))~~

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-060 ~~((DISTRIBUTION))~~ DISBURSEMENT OF FUNDS. ~~(({1}-Fund-distribution-will-be-made-in-a-timely-manner-according-to-a-schedule-or-schedules-adopted by-the-TAG.~~

WAC 286-26-020 DEFINITIONS continued

~~((4))~~ (5) "~~(All-terrain)~~ Off-road vehicle use area" ~~((shall be divided into two types: (a) intensive use - a designated area suitable for high density public use with a sufficient percentage of total site free enough of vegetative cover and of gentle slope to be traversed by ATV vehicles; and (b) dispersed use - an area suitable for low-density; off ATV trail public recreational ATV use and not normally requiring support facilities or on-site staffing))~~ 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.

~~((5))~~ "Highway" means the entire width between the boundary lines of every way publically maintained by the State Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. (RCW-46.09))

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

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-030 ELIGIBILITY. Those agencies of government which are eligible to receive ~~((ATV))~~ 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.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-040 QUALIFICATION. To ~~((qualify to))~~ be considered to receive up to 100 percent ((ATV)) ORV funds an eligible recipient must file with the Interagency Committee((:

~~(1)--An action plan; this plan must be accompanied by proof of official adoption by the appropriate public administrative bodies.~~

~~(2)--An All-terrain vehicle trails and area inventory which shall consist of all present and proposed ATV trails and areas on which the applicant permits or will permit public; recreational ATV use;~~

~~(3))~~ an application form ~~((supplied by the Interagency Committee))~~ which when completed is in conformance with IAC-ORV Procedural Guidelines. ~~((The action plan and the inventory must be submitted on or before November 30 of each odd-numbered year:))~~

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-060 ~~((Disbursement))~~ DISBURSEMENT OF FUNDS. ~~((The fund distribution will be made in a timely manner according to a schedule or schedules adopted by the IAC.~~

~~{2}--In-the-event-a-qualified-recipient-does-not-apply-for-all-terrain-vehicle-funds-available-to-it;-such-amounts-shall-immediately-revert-to-the-Outdoor-Recreation-Account-for-reapportionment-and-distribution-to-qualified-recipients-in-the-next-funding-cycle:))~~ 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.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-070 FUND ACCOUNTABILITY. ((~~{1}--Each-agency-having-received-all-terrain-vehicle-funds-during-any-year;-shall-provide-a-summary-certified-statement-of-expenditures-of-AFV-funds-and-corresponding-accomplishments-to-the-interagency-committee-at-the-time-the-action-plan-or-plan-updated-is-submitted:~~

~~{2}--Expenditures-shall-be-made-for-and-summarized-by-planning;-acquisition;-development-and-management-categories:~~

~~{3}--All-expenses-defrayed-with-AFV-funds-must-be-associated-with-AFV-programs-identified-within-an-agency's-action-plan:))~~

((~~{4}~~)) (1) State agencies shall account for ((AFV)) ORV funds ((as-un---anticipated-receipts)) following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (RCW 43.88). Municipalities and counties shall account for ((AFV)) 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).

((~~{5}~~)) (2) Any expenditure made by a recipient of ((AFV)) ORV funds not in conformance with the Act must be repaid to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle.

((~~{6}~~))--Any-portion-of-an-AFV-fund-apportionment-not-expended-by-a-recipient-within-five-years-of-the-date-on-which-it-was-distributed-shall-be-returned-to-the-Outdoor-Recreation-Account-for-reapportionment-and-distribution-to-qualified-recipients-as-part-of-the-next-funding-cycle:))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 286-26-050 APPORTIONMENT OF FUNDS.

WAC 286-26-060 (~~(B+STR+BUT+ON)~~) DISBURSEMENT OF FUNDS. continued

~~(2) -- In the event a qualified recipient does not apply for all terrain vehicle funds available to it; such amounts shall immediately revert to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients in the next funding cycle:))~~ Except as otherwise provided herein the Administrator or his designee will normally authorize disbursement of funds allocated to a project on an advance basis at the time of contract execution, following final project approval. At that time, ninety (90) percent of the IAC approved amount will normally be released to the sponsoring agency in advance of expenditures to cover agreed upon charges. The remaining ten (10) percent will be retained by the IAC and disbursed contingent upon the successful completion of the project, and the results of an audit conducted by the State Division of Municipal Corporations.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-070 FUND ACCOUNTABILITY. (~~(1) -- Each agency having received all terrain vehicle funds during any year; shall provide a summary certified statement of expenditures of ATV funds and corresponding accomplishments to the interagency committee at the time the action plan or plan updated is submitted:~~

~~(2) -- Expenditures shall be made for and summarized by planning; acquisition; development and management categories:~~

~~(3) -- All expenses defrayed with ATV funds must be associated with ATV programs identified within an agency's action plan:))~~

~~((4)) (1) State agencies shall account for ((ATV)) ORV funds ((as un--- anticipated receipts)) following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (RCW 43.88). Municipalities and counties shall account for ((ATV)) 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).~~

~~((5)) (2) Any expenditure made by a recipient of ((ATV)) ORV funds not in conformance with the Act must be repaid to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle.~~

~~((6) -- Any portion of an ATV fund apportionment not expended by a recipient within five years of the date on which it was distributed shall be returned to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle:))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 286-26-050 APPORTIONMENT OF FUNDS. .

EXISTING

WAC 286

IAC

**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 Consistency with State Environmental Protection Act guidelines (SEPA)

**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) Director of Highways Department,
- (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 staff is 4800 Capitol Boulevard, Tumwater, Washington 98504.

11

286-04-020 Title 286: Interagency Committee for Outdoor Recreation

(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 receive per diem and travel expenses while engaged on official business away from their homes officials and employees generally, (RCW 43.99.110). [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)(l) and the categorical exemptions referenced in WAC 197-10-170(7)(d), (3) and (8). [Order 76-2, § 286-04-050, filed 6/30/76.]

Chapter 286-06

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.
- Appendix A--Form.

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 §§ 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, Director of Highways Department, 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. [Order 73-4, §286-06-020, filed 12/19/73.]

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, 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. [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, § 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 Committee chairman. 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. [Order 73-4, §286-06-060, filed 12/19/73.]

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 § 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to § 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 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,  
Tumwater, Washington 98504. [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.]

[SEE NEXT PAGE FOR APPENDIX "A"]

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: \_\_\_\_\_  
\_\_\_\_\_

Referred to \_\_\_\_\_ By \_\_\_\_\_  
Date Public Records Officer  
[Order 73-4, Appendix A, filed 12/19/73.]

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

RECEIVED  
DEC 16 1977  
DEPT. OF LABOR & INDUSTRIES  
ATTORNEY GENERAL'S DIVISION  
OLYMPIA, WASHINGTON

**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.

**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 All Terrain Vehicle trails and areas. [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 program, are eligible for funding assistance by the interagency committee. [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. [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, 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. [Order 3, § 286-16-040, filed 7/31/73.]

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

286-16-060 Title 286: Interagency Committee for Outdoor Recreation

**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, the following steps must be taken by that agency:

- (1) Submission to the interagency committee of a capital improvement program.
- (2) Submission of a long range capital plan which is to include a long term (20 years) statement of agency outdoor recreation acquisition and development goals. [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 or project contract amendments.

(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 by 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.

(b) After a project contract for acquisition has been executed, 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 costs incurred after receipt of an application but prior to execution of the project contract or project contract amendments.

(a) When it is determined by an applicant that an emergency exists, which may jeopardize the project's progress and/or benefits, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission by 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.

(b) Necessary costs for the preparation of a development project incurred prior to project approval may be eligible, but must be specifically listed in the project proposal.

(c) After a project contract for development, which has been funded wholly or partially with federal funds has been executed, no costs will be eligible for consideration as retroactive; except as provided in WAC 286-16-080(2)(b), unless the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

Provided, that the administrator shall file said rule with the code reviser.

(3) **Cost Increases:** (a) If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the applicant agency may

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**Grant-in-aid Assistance    286-16-080**

request the interagency committee to increase such financial assistance under these circumstances, and the request shall be considered on its merits and in relation to competing requests for any available funds.

(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 and in relation to competing requests for available funds. [Order 76-2, § 286-16-080, filed 6/30/76; Order 3, § 286-16-080, filed 7/31/73.]

Chapter 286-20

APPLICATION PROCEDURE

WAC

- 286-20-010 Scope of chapter.
- 286-20-020 Application form.
- 286-20-030 Deadlines.

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 All Terrain Vehicle Funds. [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.]

WAC 286-20-030 DEADLINES. Applicant agencies must meet deadlines for submittal of project applications as established and published by the interagency committee. [Order 3, §286-20-030, filed 7/31/73.]

Chapter 286-24

FUNDED PROJECTS

WAC

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

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 administered by the interagency committee except All Terrain Vehicle funds. [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 prior to the committee meeting when the proposed project will be considered for approval. The agency shall execute the contract prior to that meeting.

(2) After approval by the interagency committee, the Administrator will execute the contract and the applicant agency will thereafter be bound by the project contract terms. [Order 3, §286-24-020, filed 7/31/73.]

WAC 286-24-040 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the Administrator will provide disbursement of funds allocated to a project only on reimburseable basis, after the agency has acquired or developed the outdoor recreation land with its own funds and on 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 or development projects following interagency committee approval when the applicant agency demonstrates to the Administrator that it lacks financial resources to purchase the proposed property or complete the development and then seek reimbursement.

(3) Partial payment. Partial payments may be made during the course of an acquisition or development project upon a reimbursement basis pursuant to a billing showing satisfactory evidence of partial acquisition or development. [Order 3, §286-24-040, filed 7/31/73.]

Chapter 286-26

ALL TERRAIN VEHICLE FUNDS

WAC

- 286-26-010 Scope of chapter.
- 286-26-020 Definitions.
- 286-26-030 Eligibility.
- 286-26-040 Qualification.
- 286-26-050 Apportionment of funds.
- 286-26-060 Distribution of funds.
- 286-26-070 Fund accountability.

WAC 286-26-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of agencies to share in all terrain vehicle funds for all terrain vehicle trails and areas. [Order 3, §286-26-010, filed 7/31/73.]

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following shall be defined as follows:

(1) "All-Terrain Vehicle" (ATV) means any self-propelled vehicle when used for cross-country travel on trails and non-vehicle roads or any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicle, snowmobiles or any military or law enforcement vehicles.

(2) "All-terrain vehicle funds" (ATV Funds) mean those funds deposited in the Outdoor Recreation Account to be administered and distributed by the interagency committee for the planning, acquisition, development and management of ATV trails and areas.

(3) "All-terrain vehicle trail" (ATV trail) means a corridor designated and maintained for public recreational ATV travel which may be either a trail not generally traversable by a conventional two-wheel drive vehicle or a non-highway road which: (1) is any road other than a highway generally capable of travel by a conventional two wheel drive passenger automobile during most of the year and in use by such vehicles, and (2) is private or controlled and maintained by the Department of Natural Resources, the State Parks and the Recreation Commission or the State Game Department, and (3) may not be built or maintained by appropriation from the motor vehicle fund.

(4) "All-terrain vehicle area" shall be divided into two types: (a) Intensive use - a designated area suitable for high density public use with a sufficient percentage of total site free enough of vegetative cover and of gentle slope to be traversed by ATV vehicles; and (b) dispersed use - an area suitable for low-density, off ATV trail public recreational ATV use and not normally requiring support facilities or on-site staffing.

(5) "Highway" means the entire width between the boundary lines of every way publicly maintained by the State Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. (RCW 46.09)

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ATV trails and ATV areas. [Order 3, §286-26-020, filed 7/31/73.]

WAC 286-26-030 ELIGIBILITY. Those agencies of government which are eligible to receive ATV Funds are: Departments of state government, counties, and municipalities. [Order 3, §286-26-030, filed 7/31/73.]

WAC 286-26-040 QUALIFICATION. To qualify to receive ATV funds an eligible recipient must file with the interagency committee:

(1) An action plan. This plan must be accompanied by proof of official adoption by the appropriate public administrative bodies.

(2) An All-terrain vehicle trails and area inventory which shall consist of all present and proposed ATV trails and areas on which the applicant permits or will permit public, recreational ATV use.

(3) An application supplied by the interagency committee. The action plan and the inventory must be submitted on or before November 30 of each odd numbered year. [Order 3, §286-26-040, filed 7/31/73.]

WAC 286-26-050 APPORTIONMENT OF FUNDS. All-terrain vehicle funds shall be apportioned as follows:

(1) Up to 5% of the All-terrain vehicle permit fees may be used to reimburse the Department of Natural Resources for administrative costs upon submission to the interagency committee for outdoor recreation of vouchers detailing the expenses incurred.

(2) The apportionment of the remaining All-terrain vehicle funds to each qualified recipient shall be on a basis determined by the amount of present and proposed All-terrain vehicle trails and all-terrain vehicle areas as defined. [Order 3, §286-26-050, filed 7/31/73.]

WAC 286-26-060 DISTRIBUTION OF FUNDS. (1) Fund distribution will be made in a timely manner according to a schedule or schedules adopted by the IAC.

(2) In the event a qualified recipient does not apply for all-terrain vehicle funds available to it, such amounts shall immediately revert to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients in the next funding cycle. [Order 3, §286-26-060, filed 7/31/73.]

WAC 286-26-070 FUND ACCOUNTABILITY. (1) Each agency having received all-terrain vehicle funds during any year, shall provide a summary certified statement of expenditures of ATV funds and corresponding accomplishments to the interagency committee at the time the action plan or plan updated is submitted.

(2) Expenditures shall be made for and summarized by planning, acquisition, development and management categories.

(3) All expenses defrayed with ATV funds must be associated with ATV programs identified within an agency's action plan.

(4) State agencies shall account for ATV funds as unanticipated receipts following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (RCW 43.88). Municipalities and counties shall account for ATV 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).

(5) Any expenditure made by a recipient of ATV funds not in conformance with the Act must be repaid to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle.

(6) Any portion of an ATV fund apportionment not expended by a recipient within five years of the date on which it was distributed shall be returned to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle. [Order 3, §286-26-070, filed 7/31/73.]

LETTERS RECEIVED COMMENTING ON WACS  
CHAPTER 286

1. Association of Washington Cities      January 27, 1978  
Christopher G. Lockwood, Asst. Director
2. Seattle Parks and Recreation Dept.      January 27, 1978  
Walter R. Hundley, Superintendent
3. Bureau of Outdoor Recreation      January 10, 1978  
(Now: Heritage Conservation  
and Recreation Services)  
Maurice H. Lundy, Reg. Director
4. Department of Game      January 17, 1978  
James R. Brigham, Wildlife Planner
5. King County Parks Division      January 3, 1978  
James E. Webster, Director
6. Parks and Recreation Commission      January 11, 1978  
Charles H. Odegaard, Director



# Association of Washington Cities

4719 Brooklyn Ave. N.E.

Seattle, WA 98105

(206) 543-9050

January 27, 1978

Mrs. Micaela Brostrom, Chairman  
Interagency Committee for Outdoor Recreation  
4800 Capitol Blve.  
Tumwater, Washington 98104

Dear Mrs. Brostrom and Members of the Committee:

This letter is to express the serious concerns and objections of the Association of Washington Cities to the proposed new section to the Washington Administrative Code (WAC 286-04-060) relating to procedural guidelines. For the reasons which are set forth below, the Association of Washington Cities believes that this proposal is inconsistent with state law and urges the Interagency Committee for Outdoor Recreation not to adopt WAC 286-04-060.

By way of background, the Association of Washington Cities believes that the IAC's adoption of "funding guidelines" in September, 1977 was blatantly in violation of existing statutory provisions of the Administrative Procedures Act (Chapter 34.04 RCW) and, were it not for the delicacy of the situation, seriously contemplated seeking a declaratory judgment to void the Committee's action. In the same vein, the Association is greatly concerned that all future actions of the Interagency Committee for Outdoor Recreation strictly adhere to the Administrative Procedures Act if these actions in any way establish policies or procedures to be applied to organizations and individuals outside of the IAC. We believe that this is the principal purpose for the existence of the Administrative Procedures Act and that the Legislature fully intended all state agencies to adhere to the provisions of this statute.

Proposed WAC 286-04-060 would provide authorization for the IAC to formulate and adopt "procedural guidelines" for use by project sponsors, potential sponsors, and others. These "procedural guidelines" would apparently provide procedures to be followed by outside applicants in order to conform to the policies of the IAC. Proposed WAC 286-04-060 states that these "procedural guidelines" shall not have the force and/or effect of Washington Administrative Code rules and accordingly, the IAC would not adopt these guidelines in accordance with the State Administrative Procedures Act.

The Administrative Procedures Act provides uniform procedures to be followed by all state agencies in establishing procedures and policies to be used in dealing with each individual agency. The purpose of the Administrative Procedures Act is to provide those individuals and organizations which deal with state agencies an opportunity to become aware of, review, and otherwise pursue activities of state agencies with which they might be interested. This assures uniformity and equity for all involved. The interest of the state legislature in strengthening the Administrative Procedures Act and insuring that state agencies adhere to the provisions of that legislation was reinforced during the 1977 legislative

Mrs. Micaela Brostrom  
January 27, 1978

Page Two

session in which three bills were enacted on this subject. One of these measures, SSB 3067 (Ch. 240, Laws of 1977, 1st Ex. Sess.) established a monthly publication entitled the Washington State Register to be published by the Code Reviser's Office to serve as a compendium of information regarding state agency meetings and proposed rules and regulations. The legislature intended the Washington State Register to facilitate the ability of the public and interested organizations to track proposals under consideration by individual state agencies. It seems highly inappropriate to the Association of Washington Cities that the IAC is seeking to authorize the adoption of "procedural guidelines" outside of the established procedures for adoption of Washington Administrative Code rules and notice of such actions. Proposed WAC 286-04-060 provides that the IAC shall informally provide notification of procedural guidelines which are being considered for adoption. Such informal notice does not provide any assurance that all interested parties are apprised of the contemplated action and certainly is inconsistent with the intent of the legislature in its enactment of the Administrative Procedures Act and the most recent legislation establishing the Washington State Register.

In summary, the Association of Washington Cities strongly objects to the proposed section WAC 286-04-060 relating to procedural guidelines and urges the Interagency Committee for Outdoor Recreation not to adopt this regulation. The Association would appreciate your attention to the following considerations which we believe specifically prohibit the adoption of this regulation:

1. The adoption of "procedural guidelines" as provided for in proposed WAC 286-04-060 would comprise agency rule-making and as such, must be accomplished in accordance with the Administrative Procedures Act (Ch. 34.04 RCW) and adopted in the form of Washington Administrative Code rules. RCW 34.04.010 defines "rule" as:

" ... any agency order, directive or regulation of general applicability ... (b) which establishes, alters or revokes any procedure, practice or requirement relating to agency hearings; (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; ... 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, ..." (emphasis supplied).

Clearly, the "procedural guidelines" authorized by WAC 286-04-060 would be in actuality agency rules since they would:

- a. be of general applicability;
- b. establish procedures relating to agency hearings;
- c. establish qualifications and requirements relating to the enjoyment of benefits or privileges conferred by law;
- d. extend beyond the internal management of the agency; and
- e. affect procedures available to the public.

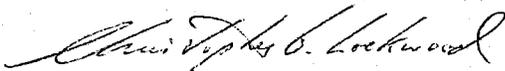
Mrs. Micaela Brostrom  
January 27, 1978

Page Three

2. RCW 34.04.022 provides for uniform procedural rules to be followed by state agencies. This section also provides that individual state agencies may adopt their own rules of practice and procedure; however, such rules of practice and procedure must be adopted in the manner provided by the Administrative Procedures Act.
3. RCW 34.04.020 (2) provides that each agency, to assist interested persons in dealing with it, "shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods where by the public may obtain information and make submissions or requests. No person shall be required to comply with agency procedure not adopted as a rule as required herein ..." (emphasis supplied). The Association of Washington Cities firmly believes that the "procedural guidelines" which are envisioned in WAC 286-04-060 would pertain to methods of the operation of the IAC and provide methods whereby the public may obtain information and make submissions or requests. It is apparent from the provisions of RCW 34.04.020 (2) that the agency is required by the legislature to adopt these requirements and procedures as rules in accordance with the Administrative Procedures Act.

In closing, the Association of Washington Cities urges the Interagency Committee for Outdoor Recreation to adhere to the statutory procedures established by the legislature for establishing policies, requirements, and procedures affecting individuals and organizations who do business with the IAC. These requests are made in the firm belief that the Administrative Procedures Act insures uniform and equitable notification and treatment of all individuals and organizations who have occasion to seek funding or in any other way be concerned with the IAC.

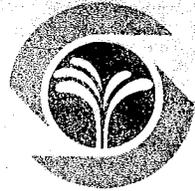
Sincerely,



Christopher G. Lockwood  
Assistant Director

CGL/sdb

**Your  
Seattle  
Parks and Recreation**



Walter R. Hundley, Superintendent  
~~Washington~~ Mayor

Charles Royer

January 27, 1978

Interagency Committee for Outdoor Recreation  
4800 Capitol Boulevard M/S KP-11  
Tumwater, WA 98504

Attention: Mr. Robert L. Wilder, Administrator

Gentlemen:

We have reviewed the proposed amendments to those sections of the Washington Administrative Code relating to the administrative procedures of the IAC which are to be considered by the Committee today.

We are seriously concerned about the proposed New Section 285-04-060 which provides for formulation and application of "procedural guidelines" without defining what constitutes a procedural guideline. These definitions are especially important since IAC staff has advised us that the policies adopted recently by the Committee which require an increased minimum local match for IAC funding, and which limit jurisdictions to a maximum of one project approval per funding session, would be considered to be "guidelines" under this proposed amendment. We see those new policies as significantly changing the accessibility to local agencies of state and federal funds administered by the IAC. These policies constitute substantive rather than mere procedural administrative actions.

Section 34.04.010(2) of the Administrative Procedures Act states, in part, that a "rule" is "any agency order, directive, or regulation of general applicability... which establishes, alters, or revokes any qualification or requirements relating to the enjoyment of benefits or privileges conferred by law." The recently adopted policies fall within the purview of this section, consequently, these policies should have been adopted subject to the full force and effect of the Administrative Procedures Act. In consulting with our legal counsel we have been advised that the adoption of any such policies as "procedural guidelines" is legally questionable and clearly subject to change. We urge the Committee to consider adoption of this proposed new section only if it is amended to include a clearly understandable definition of "procedural guideline".

Interagency Committee for Outdoor Recreation  
Page two  
January 27, 1978

A second, and less serious, area of concern is the proposed amendment of Section 286-16-080(1) & (2) which would make the IAC Administrator's authority to grant Waiver of Retroactivity on projects funded in part with federal funds contingent upon prior approval of the waiver by BOR. It has been our experience that it is generally quite difficult to obtain a waiver from BOR even if the IAC staff has recommended that the waiver be granted based on their own vigorous review of the project status.

In addition to eliminating the IAC's flexibility to grant a waiver from the State's portion of a project which is funded with BOR and state funds, this amendment would enact a restrictive measure which downplays the importance of State funds. We request that the Administrator be allowed to retain the authority to grant waivers and to negotiate with implementing agencies to develop mutually acceptable construction/expenditure schedules on projects funded jointly with local, federal, and state funds.

My representatives will be present when the Committee considers these issues. Please call on us if we can provide additional information or clarification regarding our concerns about these proposals.

Sincerely,

  
WALTER R. HUNDLEY  
Superintendent

WRH:mmw



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF OUTDOOR RECREATION

*Kern  
action*

IN REPLY REFER TO:  
G28

NORTHWEST REGION  
915 SECOND AVENUE, RM. 990  
SEATTLE, WASHINGTON 98174

JAN 10 1978

Robert L. Wilder, Administrator  
Interagency Committee for  
Outdoor Recreation  
4800 Capitol Boulevard  
Tumwater, Washington 98504

Dear Bob:

We have reviewed the proposed changes to the Washington  
Administrative Code provided with your December 30, 1977  
memorandum and have no comments.

Sincerely yours,

*for*   
Maurice H. Lundy  
Regional Director

RECEIVED  
JAN 11 1978  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION



STATE OF  
WASHINGTON

DEPARTMENT OF GAME

Dixy Lee Ray  
Governor

January 17, 1978

Robert Wilder, Administrator  
Interagency Committee for  
Outdoor Recreation  
4800 Capitol Boulevard  
Tumwater, Washington 98504

Dear Mr. Wilder:

In reviewing the proposed changes to the Washington Administrative Code (WAC 286), I have only two questions.

WAC 286-16-080 I understand from talking to Ron Taylor that this amendment would make the IAC procedure conform with BOR policy. He also acknowledged that in the matter of waivers on development projects technically they could be granted by BOR. I can accept the fact that from a practical standpoint such waivers would not be necessary very often. However, is it desirable to totally eliminate the possibility of granting a waiver?

WAC 286-26-020 (3) If the wording here means that camping and buffer areas cannot be part of the project, the proposed guidelines on eligible costs are incorrect.

My only other comment is that I hope IAC will avoid locking in procedures too closely with BOR without the ability to deviate if BOR funds are not involved. I recognize that BOR funds will be used on more projects than in the past. There should still be flexibility to act independently when appropriate.

Sincerely,

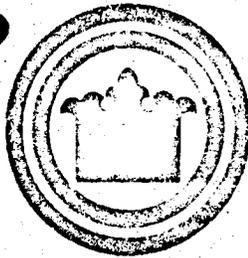
THE DEPARTMENT OF GAME

*James H. Brigham*

James H. Brigham  
Wildlife Planner  
Environmental Management Division

RECEIVED  
JAN 18 1978  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION

JHB:hy  
cc: Ralph W. Larson  
Director of Game



**King County**  
 State of Washington  
 John D. Spellman, *County Executive*  
 Department of Planning and Community Development  
 John P. Lynch, Director

**PARKS DIVISION**, James E. Webster, *Director*  
 W226 King County Courthouse  
 Seattle, Washington 98104  
 (206) 344-4232

*Copy to  
 Kenn 1/5/78*

January 3, 1978

Mr. Robert L. Wilder  
 Administrator  
 Interagency Committee for Outdoor Recreation  
 4800 Capitol Blvd.  
 Tumwater, Washington 98504

Dear Mr. ~~Wilder~~ *Wilder*:

I received your Memorandum addressed to the Interagency Committee members regarding changes in the Washington Administrative Code dealing with the Interagency Committee for Outdoor Recreation and though the copy was sent to me as an information copy only there are still two items on which I would like to make some comment.

Regarding WAC 286-16-030, Apportionment of Monies between State and Local Agencies, it states that the monies available from all sources including United States government shall be divided into two equal shares, one for the state agencies and one for local agencies. It seems that this statement precludes any flexibility that the committee might want to take regarding possible transfer of monies from the state agency's 50% to the local agency's 50%.

As I am sure you are aware, Referendum 28 states that up to 50% will be available to state agencies and not less than 50% will be available to local agencies. Could not the administrative code reflect the same verbiage.

*NOT 50*

I would also like to comment on WAC 286-26-040, Qualification for ORV funds. This WAC states that an application form which when completed is in conformance with IAC-ORV Procedural Guidelines makes an applicant eligible. Thinking back on the discussions that have taken place recently with regard to whether or not Procedural Guidelines are hard and fixed rules or whether they have flexibility, it seems that this wording precludes any flexibility since right in the Washington Administrative Code it states that an application form when completed must be in accordance with the ORV Procedural Guidelines

*"40" yes!*

APPLICATION IS ABOUT THE ONLY THING  
 WE REQUIRE.

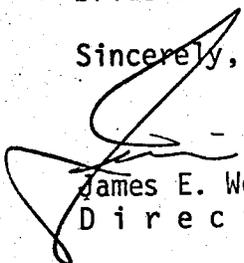
*IS APPROPRIATE!*

R. L. Wilder  
Page 2

therefore precluding an applicant from requesting a variance to those guidelines at a public meeting without going through the necessary steps to change the Administrative Code.

Thank you for the opportunity to comment and we missed you and your bride at John Van's conclave the other evening.

Sincerely,



James E. Webster  
Director

JEW/mg

RECEIVED  
JAN 2 1964  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

January 11, 1978

60-7463-2310

TO: Robert I. Wilder, Administrator  
Interagency Committee for Outdoor Recreation

FROM: Charles H. Odegaard, Director  
Washington State Parks and Recreation Commission *CHO*

SUBJECT: Washington Administrative Code - 286  
Interagency Committee for Outdoor Recreation

In response to your December 30 letter I am submitting the following comments and recommendations: *286-16 and 286-24 both exclude ORV.*

- A.* WAC 286-16-040 (2)(a) - Since the state Legislature appropriates ORV funds directly to each state agency, 100 percent for each project and/or program, I recommend that all WAC's reflect this same procedure. [See WAC 286-24-040 (1).] *ORV funds processed will not be appropriated directly to agencies.*
- B.* WAC 286-26-030 - Why should IAC want to enter into an agreement with federal agencies for use of ORV funds? *See my answer. Law allows.*
- C.* WAC 286-26-040 and WAC 286-16-040 (1)(b) appears to be in contradiction. If no less than 25 percent local share, why then not say up to 75 percent for local agencies? *ORV - up to 100% of non ORV IS OK. AS WRITTEN*
- D.* WAC 286-24-020 - Do projects appropriated by the Legislature directly to a state agency need additional committee approval? *NO, if not on master list.*  
Will the projects be part of a master project application list rather than individual applications and contracts? *NO. WILL BE INDIVIDUAL*
- E.* WAC 286-26-060 - Since project funds are appropriated directly to each state agency, this section is not applicable to state agencies as written. *ORV FUNDS. NOT APPROPRIATED DIRECTLY IN FUTURE*
- F.* WAC 286-26-070 (1) - Should the word such possibly be "for"? *RIGHT !!*

er

cc: John Clark, Capital Budget Coordinator

LETTERS RECEIVED COMMENTING ON WACS  
CHAPTER 286

1. Association of Washington Cities    January 27, 1978  
Christopher G. Lockwood, Asst. Director
2. Seattle Parks and Recreation Dept.    January 27, 1978  
Walter R. Hundley, Superintendent
3. Bureau of Outdoor Recreation    January 10, 1978  
(Now: Heritage Conservation  
and Recreation Services)  
Maurice H. Lundy, Reg. Director
4. Department of Game    January 17, 1978  
James R. Brigham, Wildlife Planner
5. King County Parks Division    January 3, 1978  
James E. Webster, Director
6. Parks and Recreation Commission    January 11, 1978  
Charles H. Odegaard, Director

## LETTERS RECEIVED - COMMENTS ON ORV GUIDELINES

1. Department of Natural Resources January 11, 1978  
Honorable Bert L. Cole, Commissioner of Public Lands
2. Whatcom County January 17, 1978  
Roger DeSpain, Director, Whatcom County  
Park and Recreation Board
3. Yakima County, Board of County Commissioners January 3, 1978  
Les Conrad, Member, Board of Yakima County  
Commissioners
4. Kittitas County Board of County Commissioners January 3, 1978  
Frank Gregerich, Chairman and Carl Ooka,  
Member of Board of County Commissioners, Kittitas County
5. Resolution - Board of County Commissioners,  
Spokane County - Signed by all December 29, 1977
6. King County Parks Division January 12, 1978  
James E. Webster, Director
7. R. D. Morgenthaler, President NMA Trail Div. December 27, 1977
8. James H. Brigham, Wildlife Planner January 17, 1978  
Department of Game, State of Washington
9. Franklin County Commissioners, Pasco January 26, 1978  
Merle R. Hornbaker, County Commissioner, Chrmn.
10. Chelan County Commissioners, Wenatchee January 24, 1978  
James L. Young, Chrmn. of the Board
11. Washington State Assoc. of Counties December 14, 1978  
Jim Williams, WSAC - and resolution of  
December 9, 1977 - Bruce D. Whitemarsh,  
President, Central District.



STATE OF WASHINGTON

Department of  
*Natural Resources*

COMMISSIONER  
BERT COLE

DON LEE FRASER  
SUPERVISOR

OLYMPIA, WASHINGTON  
98504

January 11, 1978

*all accommodated*



Mr. Robert L. Wilder, Administrator  
Interagency Committee for Outdoor Recreation  
4800 Capitol Blvd.  
Tumwater, WA 98504

Dear Bob,

In response to Glenn Moore's request of December 19, 1977, I am submitting my comments on the proposed "Interim Off-road Vehicle Procedural Guidelines" and on proposed amendments to Washington Administrative Code - 286, as requested in your letter dated December 30, 1977.

In regard to the proposed ORV guidelines my principal areas of concern are as follows:

1. Provisions should be made to fund maintenance and management of ORV facilities with ORV funds at up to 100% of the reasonable cost incurred during the useful life of the facility.
2. Provision should be made to advance a sufficient amount of ORV funds that the applicant agency does not have to draw on "other" revenues in order to plan, acquire, develop, or maintain an ORV facility.
3. As provided in Section 17 of S.B. 2472, the IAC should plan to fund worthy ORV projects submitted by agencies of the federal government.
4. In the event an ORV project becomes unused or otherwise unfeasable to operate, there should be provision in the guidelines which will allow the sponsoring agency to request committee approval to repay the ORV account and cancel the project contract.

There are other items of lesser concern about which you have been previously advised by our representative on the ORV Advisory Committee.

Based on conversations with Joe Wernex, I understand that IAC staff is agreeable to making changes in the proposed guidelines, as listed above, and others, as recommended by your advisory committee and

Mr. Robert W. Linder  
I.A.C.  
January 11, 1978  
Page 2

members of local government. In light of this and providing the requested changes are made, I would favor the adoption of the proposed and revised "Interim Off-road Vehicle Procedural Guidelines".

In regard to proposed amendments to W.A.C. 286, I find one section in need of change prior to adoption. W.A.C. 286-26-060 should be rewritten to read that a portion of ORV project funds would normally be advanced to the successful applicant, in keeping with my comment 2 above. (x)

Sincerely,



BERT L. COLE  
Commissioner of Public Lands

BLC:JW/p1

cc: Members IAC Committee

RECEIVED  
JAN 17 1978  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION

Phone 592-3061 - 733-2900

*Whatcom County*

3373 Mount Baker Highway Bellingham, Washington 98225



PARK AND RECREATION BOARD

January 17, 1978

*Jerry cc 1/23*

Mr. Robert Wilder, Administrator  
Washington State Interagency Committee  
for Outdoor Recreation  
4800 Capitol Boulevard  
Tumwater, Washington 98504

Dear Bob:

The reason for this letter is to present Whatcom County's position on the proposed IAC Revised Guidelines for ORV Funding. We realize that the new guidelines are interim and that they have been put together somewhat hastily. Generally, the new guidelines will suffice on an interim basis since all of us are under the gun to switch over to project funding by March, 1978. The only real problem, as far as we are concerned, is the matter of maintenance and management funding. We have just received what is, according to Greg Lovelady, the final version of the proposed maintenance and management revised guidelines. Attached are those guidelines as well as a version which we have put together with the changes that would be necessary to allow our continued participation in the ORV program.

On Friday, January 13, our ORV Coordinator Pat Milliken spoke to Greg on the phone. Pat's understanding of that conversation is that he and Greg agreed that your guidelines will not give us assurance that there is an IAC guarantee for 100% M & M funding for approved projects. They also agreed that IAC's position is that the present version should be acceptable to the counties because while it doesn't guarantee M & M now, it does allow for a guarantee of full M & M funding at the time a project contract is negotiated between IAC and the applicant county.

In principle we understand IAC's concern in granting the absolute guarantee which we are seeking. You must also view our situation on the local level. There are two important surface, and hopefully, temporary reasons which make it difficult for us to go along with your proposed approach. One is the political controversy involved in ORV recreation of which we are all aware. This coupled with the second temporary problem--that of tough budgets--makes it very hard to get Park Board or County Commissioners support for any general fund allowance for operating these facilities.

PARK AND RECREATION BOARD

William Dittrich, Chairperson; Carolyn Jonson, Vice Chairperson; Frederick Chesterley; Richard Johnson; Edmund Nelson; Terence Wahl; James E. Zervas

ADMINISTRATIVE STAFF

Roger A. DeSpain, Director; Raymond H. Giesecke, Deputy Director; Gary W. Chadwick, Administrative Assistant; J. Patrick Milliken, Long Range Planner; Carl M. Prince, Environmental Planner

Mr. Robert Wilder  
Page 2  
January 17, 1978

There is another and more important reason for our reluctance to take a chance. With most recreation facilities which are built and maintained by local government, there is a direct local political process which is undergone to get citizen approval for projects. Usually, this is in the form of general bond issues or special levies in the case of park districts. Direct local citizen control has been usurped in the case of ORV facilities. The State Legislature acted and we feel that the State has the responsibility to provide full funds without local match. The 1972 ORV Act was not set up with a mention of local funding responsibilities--responsibility lies clearly with the State. If the State wants the counties involved, as we feel they should be, then the State should recognize this responsibility. We have received \$345,000 since 1973 to implement an ORV program. We did our homework with regards to planning and site selection. A great deal of effort involving agencies and citizens in the discussion making from 1971 to present. All of this has been with the clear understanding that local tax dollars would not be required to build or maintain ORV facilities.

Bob, we have finally gotten to the point where a site has been selected and are in the midst of an EIS and public discussion. We still have a lot to do before we can submit a project application to IAC. As you know, ORV facilities do not come easy. Emotions are stirred up and it requires a tight rope walk to get local approval for a project. There is no guarantee that we will get local approval for our particular project.

Now to suddenly bring this particular problem (M & M funding) for local government to solve at this late date creates an additional risk which makes it questionable whether we should proceed.

We trust you will take our concerns into your discussion process for the January 27 meeting. ✓

Sincerely yours,

WHATCOM COUNTY PARK & RECREATION BOARD



Roger A. DeSpain  
Director

RAD:lm

Enclosure

WHATCOM COUNTY VERSION

DRAFT

06.02.00 BASIC MAINTENANCE/MANAGEMENT POLICY

Fifty percent of the annual IAC - ORV receipts will be allocated to ORV maintenance/management projects during any year. One hundred percent funding will be made available for each approved project for the life of that project. Details regarding specific dollar amount will be negotiated in the project contract. Continued maintenance/management funding will be subject to IAC's evaluation of the following factors:

*OK, but what if requests R. 4 less than 50% - we would still be committed.*

*what if agency wants less - we would have to give 100%*

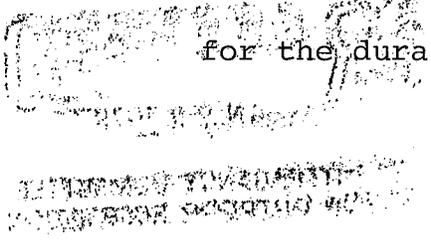
*need "appropriation" clause to be legal*

1. Continued ORV recreationist acceptance of the project  
(as evidenced through use, fulfillment of needs, and so on);
2. Continued sponsor acceptance of the project;
3. Other contractual agreements.

When four years from the date of adoption of these guidelines (that is, prior to 1982 distribution) has elapsed or when the annual IAC maintenance/management commitments reach 50 percent of the annual IAC - ORV receipts - whichever occurs first - this maintenance/management policy will be evaluated to determine:

1. If future projects should continue to be funded at 100 percent for maintenance/management.
2. And if such funding for future projects should continue for the duration of said projects useful life.

*considered for*  
*shows that only approved projects make it; only when sponsor wants 100%*



DRAFT

06.02.00 BASIC MAINTENANCE/MANAGEMENT POLICY

Up to 50 percent of the annual IAC - ORV receipts may be allocated to ORV maintenance/management projects during any year. Up to 100 percent funding will be made available for each approved project for any period up to the life of that project. Details regarding specific dollar amount and time period will be included within the project contract. Continued maintenance/management funding will be subject to IAC's evaluation of the following factors:

1. Availability of sufficient funds and legislative appropriation of those funds;
2. Continued ORV recreationist acceptance of the project (as evidenced through use, fulfillment of needs, and so on);
3. Continued sponsor acceptance of the project;
4. Other contractual agreements.

When four years from the date of adoption of these guidelines (prior to 1982 distribution) has elapsed or when the annual IAC maintenance/management commitments reach 50 percent of the annual IAC - ORV receipts - whichever occurs first - this maintenance/management policy will be evaluated to determine:

1. If future projects should continue to be considered for 100 percent funding.
2. And if such funding for future projects should continue for the duration of said projects useful life.

Changes

DRAFT

06.02.00 BASIC MAINTENANCE/MANAGEMENT POLICY

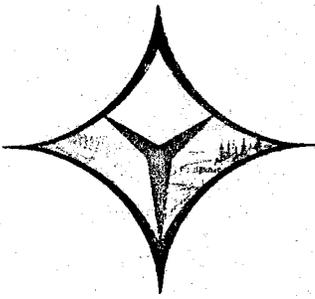
Up to 50 percent of the annual IAC - ORV receipts may be allocated to ORV maintenance/management projects during any year. Up to 100 percent funding will be made available for each approved project for any period up to the life of that project. Details regarding specific dollar amount and time period will be included within the project contract. Continued maintenance/management funding will be subject to IAC's evaluation of the following factors:

1. Availability of sufficient funds and legislative appropriation of those funds;
2. Continued ORV recreationist acceptance of the project (as evidenced through use, fulfillment of needs, and so on);
3. Continued sponsor acceptance of the project;
4. Other contractual agreements.

When four years from the date of adoption of these guidelines (prior to 1982 distribution) has elapsed or when the annual IAC maintenance/management commitments reach 50 percent of the annual IAC - ORV receipts - whichever occurs first - this maintenance/management policy will be evaluated to determine:

1. If future projects should continue to be considered for 100 percent funding.
2. And if such funding for future projects should continue for the duration of said projects useful life.

PG



yakima county, washington

# BOARD of COUNTY COMMISSIONERS

◆ District One  
LES CONRAD

◆ District Two  
GRAHAM TOLLEFSON

◆ District Three  
CHARLES A. RICH  
chairman

January 3, 1978

Mr. Robert L. Wilder, Administrator  
Interagency Committee for Outdoor Recreation  
4800 Capitol Boulevard  
Tumwater, Wa 98504 KP11

Dear Mr. Wilder:

Together with other central Washington counties, the Board of Yakima County Commissioners expressed its general concern about ORV project funding in a resolution adopted December 9, 1977, at a meeting of the Washington State Association of Counties - Central District. At this time, the Board wishes to amplify its position concerning proposed procedural changes. Yakima County welcomed the passage of RCW 46.09 as a measure whose intent was to finance ORV facilities by distribution of user-generated revenues among public agencies choosing to provide such facilities and without burdening existing revenue sources.

The Board acknowledges the authority of IAC to prepare administrative guidelines to implement the newly amended legislation, but believes that the proposed procedural changes go far beyond the intent of the legislation and serve to further delay development of ORV facilities.

1. The reimbursable funding approach is highly impractical because of local conflicts in the budgeting process. The budget year runs on a calendar year. The proposed IAC funding year would commence in March, requiring commitment of several months of program funding by local government, under assumption that ORV project applications would be approved.

The Board is concerned about the political risks involved with reimbursable funding. The ORV Program in Yakima County has been under constant public scrutiny. Citizens of the County have made it clear that they will support ORV programs only if all revenue for such projects comes from outside sources. The inherent uncertainties related to reimbursable funding causes this Board to approach the program with extreme caution. For this reason, a shift to reimbursable funding is self-defeating, in our opinion. It has been suggested that the proposed procedural changes are intended to stimulate construction of ORV facilities. However, until fiscal certainty is established, this Board cannot authorize such expenditure of funds and will not participate in establishing ORV facilities in Yakima County.

*done  
(if legal)*

2. We further wish to express our apprehension regarding less than 100% funding of management, maintenance and operations on ORV facilities. All of our previously mentioned political and practical concerns apply here as well. In addition, we believe that the intent of the legislation does not appear to be met by the proposed procedural guidelines relative to M, M & O.

This Board, because of information thus far presented by IAC, is concerned that IAC is attempting to control ORV project funding with guidelines practically identical to other types of IAC funded projects. This effort appears to be accomplished without consideration of a multitude of facts including the fact that ORV recreation is politically, philosophically, and practically different from other forms of leisure activity.

Such procedural changes should not be implemented purely for the convenience of the IAC, but rather for their benefit to the public as a whole. The changes must reflect administrative thinking which provides the needed recreation service while being in tune with local agency problems and procedures.

Until this change in philosophy can be achieved by IAC, the future of ORV projects in Yakima County, and perhaps the State, looks dim. *done*

The Board of Yakima County Commissioners urges your reconsideration of these proposed procedural guidelines in light of legislative intent. We are willing to work with you to find remedies that will allow local agencies to continue to work toward providing ORV facilities for the citizens of Washington State. *done*

Sincerely,



Les Conrad, member  
Board of Yakima County Commissioners

LC:bi

RECEIVED  
JAN 1 1978

FOR OUTDOOR RECREATION  
INTERAGENCY COMMITTEE

Kittitas County, Washington



# BOARD of COUNTY COMMISSIONERS

District One  
Carl M. Ooka

District Two  
Roy A. Lumaco

District Three  
Frank Gregerich, Jr.

January 3, 1978

Mr. Robert L. Wilder, Administrator  
Interagency Committee for Outdoor Recreation  
4800 Capital Boulevard  
Tumwater, Washington 98504

Dear Mr. Wilder:

Thank you for this opportunity to express our views on the proposed guidelines implementing the amendments to R.C.W. 46.09, the Off Road Vehicle Act.

Our major concern was expressed in the resolution from the Washington Association of Counties, Central District, wherein we stated our need for continuing funding for operation and maintenance of O.R.V. facilities. We wish to reaffirm that position.

*done (if legal)*

Another concern about the guidelines which we feel will seriously impair our ability to implement the O.R.V. Act at the County level if not changed is:

Funding must be awarded upon project approval, or shortly after. Current expense budgeting will not permit projects of the magnitude normally proposed to be funded on a reimbursable basis.

*done (if legal)*

The proposed guidelines must be thoroughly reviewed, with time for detailed input from counties, starting at some time to be firmly established at the adoption hearing for the proposed guidelines on January 27, 1978. Many details and requirements of the proposed guidelines can render the program impractical for the counties to administer.

*review is always an on-going process*

We will appreciate any additional opportunity to be active in helping to make this program workable.

Sincerely,

*Frank Gregerich*  
Frank Gregerich, Chairman

*Carl Ooka*  
Carl Ooka, Member



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON  
IN THE MATTER CONCERNING THE 1978 )  
OFF ROAD VEHICLE PROCEDURAL GUIDELINES ) RESOLUTION

WHEREAS, the Board of County Commissioners of Spokane County, pursuant to the provisions of the Revised Code of Washington, Section 36.32.120(6) has the care of County property and the management of County funds and business; and

WHEREAS, in 1972 the Washington State Legislature passed into law the Non-Highway Vehicle Act, now codified as Section 47.09 of the Revised Code of Washington; and

WHEREAS, on January 27, 1978, the Interagency Committee for Outdoor Recreation (IAC) will meet to consider the 1978 Off Road Vehicle Procedural Guidelines; and

WHEREAS, Spokane County is a participating agency in the statewide ORV plan and recognizes the use of off road vehicles as a legitimate form of recreation; and

WHEREAS, Section 02.06.000 of the proposed IAC guidelines provides that.. "Grants made to local agencies are normally on a reimbursable basis..... The participant pays in full project costs, whereupon after presentation of a billing to the IAC, the IAC share of the project is reimbursed to the participant."; and *changed (if legal)*

WHEREAS, Section 06.02.000 of said proposed guidelines provides, "Therefore funding of 100 per cent of maintenance and operation costs will normally be considered only during a project's first year of operation..."; and

WHEREAS, the Non-Highway Vehicle Act, RCW 46.09, was passed through the strong lobbying efforts of various Off Road Vehicle user representatives to impose a tax upon themselves to develop ORV areas in which all costs are being paid by said users.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Spokane County, Washington, that Sections 02.06.000 and 06.02.000 of the proposed IAC 1978 Off Road Vehicle Procedural Guidelines would impose financial obligations and unnecessary expenses on the taxpayers of Spokane County; and

BE IT FURTHER RESOLVED that said Sections 02.06.000 and 06.02.000 are not consistent with the intent that all costs of ORV areas be paid by the users of these areas.

BE IT FURTHER RESOLVED that 1978 Off Road Vehicle Procedural Guidelines be adopted by the Interagency Committee for Outdoor Recreation to provide that:

1. "All project costs be 100% funded on a advance basis" and *done - if legal*
2. "Maintenance, management and operation costs be funded 100% infinitum". *done*

APPROVED BY THE BOARD this 29 day of December, 1977.

BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

*Alan M. ...*  
*...*

ATTEST:



PG  
**King County**  
State of Washington  
John D. Spellman, *County Executive*  
Department of Planning and Community Development  
John P. Lynch, Director

**PARKS DIVISION**, James E. Webster, *Director*  
W226 King County Courthouse  
Seattle, Washington 98104  
(206) 344-4232

January 12, 1978

Mr. Glenn Moore, Chief  
Projects Services Division  
Interagency Committee for Outdoor Recreation  
4800 Capitol Blvd.  
Tumwater, Washington 98504 KP 11

Dear Glenn:

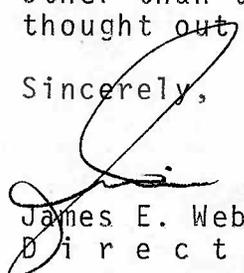
We have reviewed the proposed procedures for the distribution of ORV funds on an individual project basis and basically concur with one exception.

Chapter 06.02.000 dealing with maintenance funds causes us some concern. When the ATV program was first put together and made available to local agencies one of the major reasons that it was so attractive was that the funds could be used for maintenance as well as acquisition and development. Now you are suggesting that the maintenance funds be provided only during the first year of operation. We do not feel that this is consistent with the original intent of that program and feel that this will preclude a number of agencies from possibly attempting to get a project on the ground (I say this even with the knowledge that we have been unsuccessful so far) and we would suggest that this section be modified to allow maintenance funds to be granted over a five year period at the very minimum with a possible provision for continuation beyond that period, if a local agency shows just cause.

*changed to "life of project"*

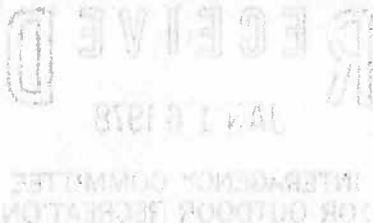
Other than the above, the guidelines appear to be well thought out and we thank you for the opportunity to comment.

Sincerely,

  
James E. Webster  
Director

JEW/mg

xc: Bob Jacobs



December 27, 1977

Mr. Greg Lovelady  
IAC  
4800 Capitol Boulevard  
Tumwater, Washington 98504

Greg:

On initial reading I found some real concern with the wording of 06.02.000. I'm in agreement with the move to locally maintained projects but Counties are not, today, able to provide this. My wording may minimize objections, provide flexibility, and protect us from unnecessary long term commitments.

I'll try to call before January 4 if I find other concerns.

Sincerely,

R. D. Morgenthaler, President  
NMA Trail Division

*done  
(see Sec. 6.02  
of guideline  
recommendations)*

EVALUATION SYSTEM CHANGES AS PASSED  
BY INTERAGENCY COMMITTEE AT ITS  
JANUARY 27, 1978 SPECIAL MEETING

06.02.009

Projects which will become partially or wholly sufficient without ORV funds will be more attractive and are encouraged. This may be achieved through alternative (local) funding, use of volunteer labor, appropriate fee schedules, etc.

Where extended O&M funding is approved in a project it will be for a maximum period of five years. If an additional funding period is required a separate project must then be submitted.



STATE OF WASHINGTON

DEPARTMENT OF GAME

Dixy Lee Ray  
Governor

January 17, 1978

*Glenn*  
Glenn Moore, Chief  
Projects Services Division  
Interagency Committee for  
Outdoor Recreation  
4800 Capitol Boulevard  
Tumwater, Washington

Dear Glenn:

I have reviewed rather quickly the proposed ORV Procedural Guidelines and have a few questions and comments. They are included here.

- 02.14.000 Last sentence of 1st paragraph and last sentence of 2nd paragraph seem to conflict. *no conflict seen*
- 02.14.020 Why is use of income restricted to that facility? *intent is to let determination re which projects are funded remain w/ IAC*
- 04.11.000 Second paragraph appears to preclude paying more than appraised value. Is this right? *no; see sec. 4.18*
- 05.02.010 This seems to contradict WAC 286-26-020. *see 46.09.170 (3)*
- 09.09.000 Project sponsor should be given the opportunity to participate in any site inspection. *?*
- 10.04.000 (1) D Cost categories are different than on voucher sample. *noted*

Sincerely,

THE DEPARTMENT OF GAME

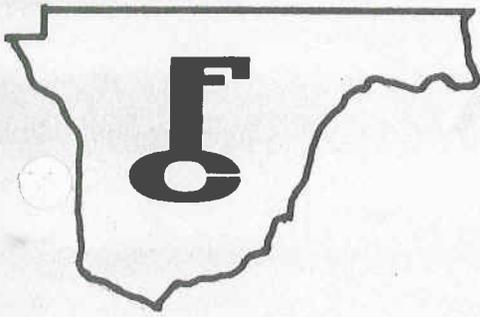
*Jim Brigham*

James H. Brigham  
Wildlife Planner  
Environmental Management Division

RECEIVED  
JAN 19 1978

JHB:hy

INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION



# FRANKLIN COUNTY COMMISSIONERS

COURTHOUSE - 1015 North Fifth  
Pasco, Washington - Phone: 545-3536

January 26, 1978

Mrs. Micaela Brostrom  
Chairperson, Interagency Committee  
4800 Capital Blvd.  
Tumwater, WA 98504

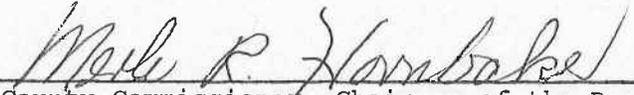
Dear Mrs. Brostrom:

The adopted All-Terrain Vehicle Act (RCW 46.09) provided provisions for 100 % funding to eligible recipients. On this premise Franklin County, realizing budgetary limitations prohibit county expenditures on ATV related programs, applied for ATV funds. Unfortunately, budgetary limitations still prevail. Therefore, the following refers to the proposed "Interim Off-Road Vehicle Procedural Guidelines," addressing those components most significant in insuring Franklin County's continued participation in the ORV planning process.

The proposed guidelines suggest, among other provisions, 100% funding availability for maintenance and management cost "... unless otherwise agreed upon..." (Sec. 06.04.000). This provision is imperative for Franklin County's continued ORV involvement. Maintenance and management cost includes, but is not limited to; maintenance, operation, liability insurance, education, enforcement and some information expenses. Pending such variables as site; design, location, size, etc., maintenance and management could easily exceed \$30,000 annually (excluding administrative expenses). These exemplified ORV expenditures, for reason previously stated, could not be realized by the County.

Therefore, the Franklin County Board of County Commissioners recommend the Interagency Committee adopt the "Interim Off-Road Vehicle Guidelines" which include provisions for 100% maintenance and management funding. The Board further recommends provision for ORV projects which become unused or unfeasable to operate. In such cases, provisions should allow sponsoring agencies to request committee approval to repay the ORV account and terminate the project contract.

Sincerely,

  
County Commissioner, Chairman of the Board



# BOARD OF COMMISSIONERS CHELAN COUNTY

STATE OF WASHINGTON  
WENATCHEE, WASHINGTON 98801  
TELEPHONE 509/663-4803

January 24, 1978

Interagency Committee for Outdoor Recreation  
Olympia, Washington, 98504

Dear Committee Members:

Chelan County would like to comment for the record on the Off-Road Vehicle Guidelines before you for consideration, at this your January 27th meeting. There are essentially three areas that we would like to address: Maintenance and management funding policy, the relationship of O.R.V. funding to long-term county fiscal concerns, and the future status of these O.R.V. guidelines.

Chelan County has been involved in the O.R.V. program for the past three years. From the beginning of our involvement, this program has been represented as being totally self-supporting. Right or wrong, such terms are essential to our continued participation due to ever tightening budgets, the prioritizing of essential county projects, and pragmatically the deep public controversy over O.R.V. projects at the present time. Commissioner Tom Green and county staff-member Roger Purdom attended a meeting held January 4 by Bob Wilder, your administrator. It appeared at that meeting that we had worked out an approach on maintenance and management that counties could function under. Subsequent to that meeting, a draft maintenance and management policy has been circulated by the IAC staff. While many of the words expressed at the January 4th meeting are included in this draft, we feel that the use of terms such as "up to" have in effect left a great deal of flexibility to the IAC that could detrimentally affect county participation. While we recognize the fact that M & M cannot be paid out perpetually with the static nature of the funds and on-going inflationary M & M increases, we feel that the IAC is remiss if they expect counties to accept the proposed "trust us" philosophy. We suggest that more positive specifications be put in writing so that we may in good faith proceed with our O.R.V. recreation plans.

Secondly, if the IAC feels they must hedge their commitments, we feel that local government must be given an equitable opportunity to reconsider the future of O.R.V. sites. We speak specifically to Sections 2.09 and 9.10. At this point in time, Chelan County cannot consider O.R.V. projects that could at some time become a financial burden because of inadequate, cut-back or terminated M & M funding. It is possible that at some time in the future this position may change; but, at the present time we cannot accept any program bearing such future fiscal risks. The above referenced sections could provide local government with an opportunity to liquidate an O.R.V. site and refund the money to the IAC O.R.V. account if rewritten to reflect financial dif-



THOMAS A. GREEN  
COMMISSIONER 1ST DISTRICT  
WENATCHEE

JAMES L. YOUNG  
COMMISSIONER 2ND DISTRICT  
CASHMERE

ALAN J. KRONSNABEL  
COMMISSIONER 3RD DISTRICT  
CHELAN

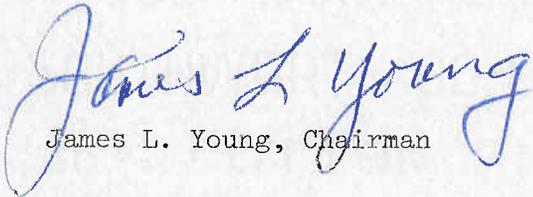
ficulties. We also would like some assurance that if the legislature changes or repeals the O.R.V. Act that local government will have the capability of terminating O.R.V. sites.

Finally, Roger Purdom of our planning staff is a county representative on the O.R.V. Advisory Committee and as such was involved in the one day review of the guidelines with that group. He has advised us of the hasty effort necessary to have the O.R.V. guidelines ready for this year's funding session. We request that the IAC direct their staff to commence a detailed and sufficiently relaxed review of the O.R.V. guidelines in time for next year's funding session to reflect the fruits of that effort. That would probably mean beginning very soon and ending some time next summer. If we are to have a quality set of guidelines to work from there must be a reasonable investment of time in their preparation. This has been evidenced by the extent of comments on many parts of the guidelines by many units of local government.

Thank you for the opportunity to communicate our concerns to you. We hope these problems can be worked out to everyone's satisfaction so we may proceed with the true objective at hand : the provision of quality O.R.V. facilities.

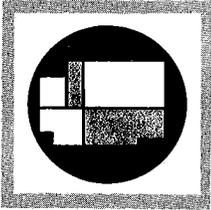
Very truly yours,

Board of Chelan County Commissioners

A handwritten signature in blue ink that reads "James L. Young". The signature is written in a cursive, flowing style.

James L. Young, Chairman

JLY:RLP:ljd



# Washington State Association of Counties

AREA CODE 206  
TELEPHONE 491-7100

6730 MARTIN WAY N.E.  
OLYMPIA, WASHINGTON 98506

December 14, 1977

TO: All Counties involved in off-road vehicle programs

FROM: Jim Williams, WSAC *Jim Williams*

SUBJECT: All Terrain Vehicle Program

Guidelines for your counties involvement in the all terrain vehicle program are again being subject to change.

At the December 8th meeting of the Central District Association of Counties, maintenance and operation funding of ATV programs was discussed. The Interagency Committee for Outdoor Recreation (IAC) staff is proposing to limit or eliminate the maintenance, management and operation funding for county facilities after the first year of operation.

These proposed changes will be discussed with the counties and IAC staff, January 4th, 12:30 p.m., at the IAC conference room in Olympia. We strongly urge that each county send at least one commissioner with their ATV staff to this meeting.

Enclosed for your review is the Central District resolution and IAC's proposed guidelines.

R E S O L U T I O N

OF THE CENTRAL DISTRICT OF THE  
WASHINGTON STATE ASSOCIATION OF COUNTIES

In the matter of All Terrain Vehicle Program Funding

WHEREAS, The State of Washington has adopted an Off-Road Vehicle Act intended to provide for off-road vehicle recreation by making monies available on a continuing basis; and → incorrect

WHEREAS, The off-road vehicle funding system has been represented in the past as totally self-sufficient; and ?

WHEREAS, This approach to funding is critical to the success of local programs; and

WHEREAS, The Interagency Committee for Outdoor Recreation has made an in-house decision to phase out maintenance, management and operation funding (changed) for off-road vehicle projects;

NOW, THEREFORE, BE IT RESOLVED, That the Central District of the Washington State Association of Counties hereby rejects this decision and strongly urges the IAC to reconsider its position; and done

BE IT FURTHER RESOLVED, That if a change in position is not made, the Central District Counties now participating in the process will withdraw.

Adopted  
This 9th day of December, 1977  
/s/ Bruce D. Whitemarsh, President-Central District

**Question B2A: IS ACCESS TO THE SITE SUFFICIENTLY SAFE FOR PUBLIC USE?**

The intent of this question is to evaluate the safety of access to the site. No facility or site should exhibit features which prevent or unduly inhibit access to it. In assessing access, the service area defined for the site should be used. (Use this question for ACQUISITION projects only.)

a. Excellent:

4

Site can be easily reached from on site or nearby parking areas without requiring pedestrians USERS BY FORCING THEM to cross UNSAFE major thoroughfares, railroad tracks or any other potentially dangerous areas.

b. Good:

3

Some potential safety hazards of the type identified in a. do exist but it appears that corrective actions will be possible without any major expenditure of funds.

c. Fair:

1

Some potential safety hazards of the type identified in a. do exist and while it appears that corrective actions will be possible, such actions will require major expenditures of funds.

d. Poor:

0

Some potential safety hazards of the type identified in a. do exist, and it appears that they could not be REALISTICALLY corrected. without an undue expenditure of funds.

**Question B2B: IS ACCESS TO THE SITE SUFFICIENTLY SAFE FOR PUBLIC USE?**

The intent of this question is to evaluate the safety of access to the site. No facility or site should exhibit features which prevent or unduly inhibit access to it. In assessing access, the service area defined for the site should be used. (Use this question for DEVELOPMENT projects only.)

a. Excellent:

4

Site can be easily reached from on site or nearby parking areas without requiring pedestrians USERS to cross major thoroughfares, railroad tracks or any other potentially dangerous areas.

b. Good:

3

Some potential safety hazards of the type identified in a. do exist but corrective actions to eliminate or minimize them are being taken as part of the project or by other actions of the community or agency.

c. Fair:

1

Some potential safety hazards of the type identified in a. do exist and no actions are being taken to correct them, except to alert the public to their existence through signing of the areas. No corrective actions to eliminate or minimize the hazard will be accomplished.

d. Poor:

0

Potential safety hazards exist and no actions are being taken to either warn the public of their existence or to minimize or correct them.

Question B5A: TO WHAT DEGREE DOES THE PROJECT ENHANCE OR INCREASE FUTURE RECREATIONAL OPPORTUNITIES WITHIN THE SERVICE AREA? (Use this question for ACQUISITION projects only.)

- a. ~~These lands are the best and/or only lands available within the service area for the uses intended and could be lost to non-compatible usage if not acquired immediately.~~ -4-
- b. ~~These lands provide a good site within the service area for the use intended, but are in an area of changing uses, therefore could be in danger of conversion within the near future. Other potential sites are extremely limited or non-existent.~~ -3-
- c. ~~These lands provide a good site within the agencies jurisdiction for the use intended, but are not in immediate danger of conversion to non-compatible usage. Other potential sites do exist.~~ --2--
- d. ~~Other similar lands could be acquired for intended usage at the same or reduced costs.~~ --1--

Question B5B: TO WHAT DEGREE DOES THE PROJECT ENHANCE OR INCREASE THE RECREATIONAL OPPORTUNITIES WITHIN THE SERVICE AREA? (Use this question for DEVELOPMENT projects only)

- a. This project will increase recreational opportunities provided by the applying agency through either the expansion or renovation of existing facilities or by THRU EITHER THE ACQUISITION OF LAND OR THE DEVELOPMENT OF adding new facilities at existing or new sites for activities which are not now available within the service area, but for which a significant need is apparent and has been documented. 4
- b. This project will increase recreational opportunities through either renovation, expansion or addition of new facilities for activities where overuse beyond normal capacity is evident. 3
- c. This project will sustain recreational opportunities at their current levels by replacing existing facilities with new ones at either an existing or new site. 2
- d. This project will increase recreational opportunities through either renovation; expansion or addition of new facilities for activities where existing sites show no evidence of being used to capacity. 1