

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION SUMMARY MINUTES - REGULAR MEETING

DATE: November 15, 2001
TIME: 8:30 a.m.

PLACE: Natural Resources Building
Olympia, Washington

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INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION SUMMARY MINUTES - REGULAR MEETING

DATE: November 15, 2001
Building
TIME: 8:30 a.m.
Washington

PLACE: Natural Resources
Olympia,

INTERAGENCY COMMITTEE MEMBERS PRESENT:

Ruth Mahan, Chair	Friday Harbor
Christine Wakefield Nichols	Snohomish
Connie Kearney	Vancouver
Bob Parlette	Wenatchee
Cleve Pinnix	State Parks
Bonnie Bunning	Designee, Department of Natural Resources
Elyse Kane	Designee, Department of Fish and Wildlife

it is intended that this summary be used with the notebook provided in advance of the meeting.
a recorded tape is retained by iac as the formal record of meeting.

ITEM 1. MEETING CALLED TO ORDER

On behalf on the Chair, Connie Kearney convened the meeting at 8:26 a.m., determined there was a quorum, and asked for a motion to approve the September 27, 2001, minutes. Cleve Pinnix **moved** adoption of the minutes as presented. Elyse Kane **seconded. MOTION CARRIED.**

Ms. Kearney asked if there were any changes to the agenda. Director Johnson responded there were two changes: (1) Director's report includes discussion of budget cutbacks and their impact on a number of WWRP grants, which requires the Committee to approve an emergency WAC rule change; (2) the Committee may choose to delay adoption of the NOVA plan (item 11) after public testimony is heard.

Chair Mahan arrived and assumed direction of the meeting.

ITEM 2. MANAGEMENT AND STATUS

REPORTS

Director's Report: Director Johnson presented the Director's report (see notebook for details).

- Commended Tammy Owings and project staff on their help in successfully hosting the National Association of State Outdoor Recreation Liaison Officers' (NASORLO) annual conference.
- Reported that the Joint Legislative Audit Review Committee (JLARC) adopted the *Public and Tribal Lands Inventory*.
- Noted the Local Parks' M&O task force met three times: its last meeting is scheduled for November 16. Recommendations from this group may involve policy and/or statutory changes.
- Shared that the Governor's Office has asked larger agencies to prepare plans for operating budget cuts; the Salmon Recovery Funding Board (SRFB) will also be challenged by these budget problems.
- Reported that that in late September, the Governor's Office "paused" all capital budget expenditures not previously authorized. This included WWRP grant funds. Sixty-five projects are on hold (\$43.6 million). For short-term assistance, staff recommends an emergency WAC revision to allow waiver of retroactivity for development costs with respect to these 65 projects.

Discussion followed regarding emergency WAC revision procedures, current waiver of retroactivity rules, and intent of this emergency WAC revision.

Connie Kearney **moved** approval of the emergency WAC revision presented by staff with an effective date of November 15, 2001. Elyse Kane **seconded**.

Following discussion on the need for clarification of the last sentence of attachment 1 of the resolution, Elyse Kane **moved** approval with the following sentence added:

"Waivers granted pursuant to this authority shall be effective until November 8, 2002."

Bonnie Bunning **seconded**. **MOTION CARRIED** (Resolution #2001-41).

Financial & Administration Report: Debra Wilhelmi provided the financial/administrative update (see notebook for details).

- The IAC has closed its books for the 1999-2001 biennium.
- Introduced Mark Jarasitis, the new Financial Manager.

Planning-Related Status Report: Greg Lovelady updated the Committee on planning-related activities (see notebook for details).

- IAC co-sponsored the successful Trails Conference in October.
- Continued implementation of the agency's *Strategic Plan*.
- Continued working with Federal Energy Regulatory Commission (FERC), utility companies, and the public on hydropower dams. Efforts focus on recreation resources.
- Summarized participant feedback on five NOVA plan public forums.

Project Services Report: Marguerite Austin presented an update on project services activities (see notebook for details).

- Reviewed and evaluated 57 projects for Boating Facilities (BFP) and Non-Highway and Off-Road Vehicle Activities (NOVA) programs.
- Held post-evaluation meetings with the two advisory committees.
- Conducted a successful applicant workshop.
- Executed agreements for projects funded at the September IAC meeting.
- Held planning meeting to identify accomplishments for the past year and objectives for the upcoming year.

NOVA Fuel Study Update Report: Jim Fox presented this update (see notebook for details).

- Hebert Research was selected to conduct the study.
- Three approaches will be tested in November and results compared. The best approach will be used for remaining eleven months of study.

ITEM 3. BFP – LOCAL FUNDING

Marguerite Austin reviewed the Boating Facilities Program policies and evaluation procedures (see notebook for details). The Boating Advisory Committee evaluated eleven projects on October 10. Staff recommended distribution of \$2.2 million to fund the ten highest ranked projects; project eleven was withdrawn.

Project staff (Darrell Jennings, Kammie Bunes, and Myra Barker) presented the ten projects proposed for funding.

Connie Kearney **moved** approval of the projects recommended for local agency BFP funding for fiscal year 2002. Bob Parlette **seconded**. **MOTION CARRIED** (Resolution #2001-30).

ITEM 4. STATEWIDE RECREATION PLAN (APP) – REVIEW

Jim Eychaner presented an update on the rewrite of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) document: Assessment and Policy Plan 2002-2006 (APP) (see notebook for details).

- The APP is based on four elements: (1) participation (demand); (2) inventory (supply); (3) public input; (4) data and public processes from other agencies and IAC.
- Survey results have shown “no surprises”.
- There is a need for new partnerships between transportation, recreation, and health professionals to provide the kinds of facilities that meet needs in these three areas.
- The draft document will be completed by the end of year, circulated, revised, and brought to the Committee for adoption at its February meeting.

Committee discussion followed with some comments:

- Possibly expand into the correlation between recreational activities and mental health.
- Collaborate with WSDOT in regards to trail maintenance.
- Build a coalition with health specialists.
- Use the document to serve as a vehicle to call policy-makers attention to deficiencies in providing recreation opportunities and taking care of resources in the state.
- Use trends information, such as Department of Natural Resources’ *Our Changing Nature*, with this document to develop policies and recreational plans.
- Strengthen the APP and use it to help revitalize federal funding.

Public Testimony

Len Barson, The Nature Conservancy of Washington (TNC), reiterated the importance of the Washington Wildlife and Recreation Program (WWRP) and Trust Land Transfer Program in providing funds for habitat and recreation; suggested the plan should include the Salmon Recovery Funding Board (SRFB) as well. He further stated the demand for outdoor recreation activities is high; and with the increased population, the need to protect natural settings has never been greater. TNC is working with Legislature to obtain stewardship funding for DNR natural areas. TNC is working on a planning process and would be happy to share their work with IAC. They applaud the IAC for moving forward with this and are interested in participating.

Following discussion, alternatives to the current timelines were suggested:

- Review the draft, discuss in February, send out for public comment, and adopt in July
- Conduct a telephone conference in late December/early January to discuss the draft, submit for public comment, and discuss in February
- Establish a sub-committee to determine if review by the whole Committee is needed before going out for public comment, with final discussion in February.
- Add a second day to the February meeting to discuss further, with adoption in July.
- Submit for public review in December, with Committee discussion on the second day at February meeting.
- Share the draft early in December with Committee members for review and comments, release for public comment, discuss in February, and hopefully, finalize at the February meeting.

Discussion followed with comments:

- Some Committee members felt they wanted to discuss in person rather than teleconferencing.
- Subcommittee may not serve Committee well, as all members have an interest.
- Subcommittee would decide only if document is ready for public comment, not final adoption.
- Good public comment may be hard to obtain in this time frame.
- National Park Service (NPS) needs to be contacted regarding their deadline. IAC could possibly adopt a draft for NPS purposes and develop a more strategic plan approach later.
- Decisions are shaped by group process – concerned that subcommittee will work

very hard, get very hands-on involved, become attached to the product, but part of the board won't be part of the process.

Connie Kearney **moved** that the draft plan be reviewed by a subcommittee appointed by the Chair, with a draft to be presented at the February meeting, followed by public review, and adoption in July; that the Director request an extension of the deadline from the National Park Service; if denied, a teleconference be held to address the issue. Christine Wakefield Nichols **seconded**.

Mr. Pinnix offered a friendly amendment to set aside time in February for discussion by the full Committee, followed by public review, and adoption in July. Also, delegate to the Director and Committee Chair the ability to change the timeline after consultation with NPS.

Bob Parlette **seconded** the amended motion. **AMENDED MOTION FAILED.**

Cleve **moved** adoption of a four-point plan: (1) staff provides pre-publication draft to Committee members before December; (2) discussion by full Committee on March 1; (3) public comment period; (4) final discussion/approval in July. Also, delegate to the Director and Committee Chair the ability to change the timeline to comply with eligibility requirements after consultation with NPS. Christine Wakefield Nichols **seconded**. **MOTION CARRIED.**

ITEM 5: LAND AND WATER CONSERVATION FUND (LWCF) GUIDELINES:

Jim Eychaner briefed the Committee on the LWCF program, stating IAC anticipates about \$2.8 million available for federal fiscal year 2002 (see notebook for details). IAC is requesting Committee approval of the draft policies/procedures for 2002 only. Staff will develop a policy manual based on its work with the advisory

committee, for approval by the Committee at its February meeting.

Elyse Kane **moved** adoption of the policies for the state's Land and Water Conservation Funds for federal fiscal year 2002. Cleve Pinnix **seconded**. **MOTION CARRIED** (Resolution #2001-31).

Jim Fox reported staff is working on a report to the Legislature recommending legislation creating a competitive process for selection of projects to receive LWCF funding (see notebook for details). Elements for inclusion in a draft bill include:

- Statement of findings.
- Funds will be placed in the Recreation Resource Account.
- Funds will be administered by IAC pursuant to the federal Land and Water Conservation Fund Act.
- IAC shall establish an open competitive selection process resulting in a prioritized list of projects.
- Eligible projects would consist of acquisition, development, and/or renovation.
 - Acquisition projects must be from a willing seller.
 - All projects must meet needs identified in SCORP.
 - All projects must comply with LWCF, including restriction on conversions.
 - A prioritized list of projects will be submitted to the Legislature by January 1 of each year that funds are available.
 - The Legislature can remove projects from, but not add to, the list.
 - This legislation shall apply to FFY 2003 appropriations and later.

At this time, staff is looking for comments and how to proceed. i.e., does the Committee want final approval of bill language?

Public Testimony

Len Barson, The Nature Conservancy of Washington, stated it is important that habitat projects be legitimized as candidates for funding and the processes used do not preclude funding for habitat projects. This is a good start and would like to work with the IAC on this piece of legislation.

Cleve Pinnix **moved** adoption of staff recommendations for elements to be included in the bill. Connie Kearney **seconded**. **MOTION CARRIED**.

Cleve Pinnix further **moved** Committee delegation to staff the authority to develop final language for bill submission. Connie Kearney **seconded**. **MOTION CARRIED**.

ITEM 6. WWRP UNALLOCATED PERMANENT DISTRIBUTION

Jim Fox presented an overview of the current distribution of unallocated funds (see notebook for details). Working with a small group of stakeholders, three approaches to distribution of unallocated funds were identified:

- Continue with the current approach.
- Establish a permanent distribution formula.
 - Establish a permanent distribution formula that sets aside a small amount of funds for distribution after session. (The Washington Wildlife and Recreation Coalition recommends this approach.)

At this time, staff is asking for Committee permission to proceed with further public comment on these three options.

Public Testimony

- *Len Barson, The Nature Conservancy*, would like to continue with current process, but with a smaller unallocated portion held back.

Following discussion, the Committee directed staff to proceed with public comment.

ITEM 7. NOVA - NHR FUNDING

Marguerite Austin reviewed the Nonhighway Road (NHR) category of the Nonhighway and Off-Road Vehicle Activities (NOVA) program (see notebook for details). She reported there were nine applications submitted for funding in this category; staff recommends distribution of \$425,927, which fully funds the six highest ranked projects and partially funds the seventh.

Cleve Pinnix **moved** approval of fiscal year 2002 funding for the NOVA Nonhighway Road projects as recommended by staff. Elyse Kane **seconded**. **MOTION CARRIED** (Resolution #2001-33).

ITEM 8. NOVA – ORV FUNDING

Marguerite Austin reviewed this NOVA program category (see notebook for details). She reported there were ten applications submitted for funding consideration; staff recommends distribution of \$924,169, which fully funds the eight highest ranked projects and partially funds the ninth.

Cleve Pinnix **moved** approval of fiscal year 2002 funding for the NOVA Off-Road Vehicle projects as recommended by staff. Bonnie Bunning **seconded**. **MOTION CARRIED** (Resolution #2001-34).

ITEM 9. NOVA – M&O FUNDING

Marguerite Austin provided background on this NOVA category (see notebook for details). She stated there were thirteen applications submitted for funding consideration; staff recommends distribution of \$1,232,225, which fully funds the twelve highest ranked projects and partially funds the thirteenth. Further, it was recommended that some of the returned funds from last biennium's M&O projects be used to provide additional funding to project 13.

Christine Wakefield Nichols **moved** approval of fiscal year 2002 funding for the NOVA ORV Maintenance & Operation projects as recommended by staff. Elyse Kane **seconded**. **MOTION CARRIED** (Resolution #2001-35).

ITEM 10. NOVA – E&E FUNDING

Marguerite Austin provided background information on the NOVA Off-Road Vehicle Education and Enforcement category. She described the legislative budget proviso in the 2001 capital budget, which will impact this year's grant funding. In response to the proviso, staff developed strategies to help direct the allocation of the money available:

- 50 percent (\$710,067) of the EE funding is available for distribution.
- E&E grants will only be for one year.
- Staff will develop a preliminary plan by December 2001 for use of the restricted portion of the E&E funds.

Fourteen applications were submitted for funding consideration. Staff recommends allocation of \$710,067, which will fully fund the first eleven projects and partially fund the twelfth project. In addition, staff recommends using returned monies from last biennium's E&E projects to provide full funding of the twelfth project and partial funding for the last two proposals.

Cleve Pinnix **moved** approval of fiscal year 2002 funding for the NOVA ORV Education & Enforcement projects as recommended by staff. Elyse Kane **seconded**. **MOTION CARRIED** (Resolution #2001-36).

ITEM 11. NOVA PLAN 2001-07 FINAL ADOPTION

Greg Lovelady presented an overview of the NOVA plan and outlined steps taken to arrive at this adoption process (see notebook for details). Mr. Lovelady and Scott Chapman presented the policies, rationale/intent for each policy, and comments received on the policy.

Mr. Lovelady summarized that 24 of the 39 policies have been carried over from the 1993 NOVA plan; and, for the most part, there is agreement on 35 of the 39 policies. Comments were summarized and provided to the Committee.

Mr. Pinnix commented: Regarding policy C-10, the plan calls for having M&O proposals compete head-to-head with capital development proposals. How would this be done? Regarding policy B-9, even though M&O is very important, it can be a bottomless pit and the NHR fund doesn't have much to contribute to this need and may allow budget writers to reduce existing M&O amounts.

Mr. Chapman and Mr. Lovelady responded that in other IAC programs, there are evaluation instruments that successfully rank capital and M&O projects on a single list. If approved in this NOVA plan, changes to the current evaluation instrument are needed to accommodate the combination of capital and M&O projects; these would be brought to the Committee for approval. Regarding Mr. Pinnix's second question, the criteria in the draft plan are structured in such a way that capital projects would receive at least 40% of available funds.

Mr. Pinnix suggested staff consider differentiating between ordinary, every-day maintenance and cyclical maintenance. The objective would be to not supplant (assist) day-to-day operations, which could lead to: (a) less (general fund) money for these purposes and (b) less money for capital developments.

Public Testimony

Dave Hiatt, Northwest Motorcycle Association: They are asking plan approval be delayed and that staff properly address the users' concerns. The history of this is ORV users went to the Legislature almost 30 years ago and effectively donated their fuel tax refund and then effectively hired IAC to manage those funds.

The current and worsening situation is an increasing distrust of IAC and staff management of those funds – a concern that is coming from motorized users, not just motorcyclists. There are many issues in the plan commented on by the users that have

yet to be properly addressed by staff. Would like to provide a feeling of what the motorized community is saying about the plan.

The plan says IAC doesn't believe ORV funds are in short supply because more funds are available than requested. Yet, the plan makes no comment to show an understanding that land managers have been intimidated and frustrated by one hiker group on the NOVA committee.

Staff says its role is not to promote off-highway vehicles. They acknowledge motorized NHR uses, but want to promote nonmotorized designation without promoting their namesake. They disagree with our desire to pull agency voting rights, which is an obvious conflict of interest, from motorized users' perspective.

In a document you have before you [green pages, 11/2/01 "IAC staff response to NMA"], staff responds "we are not sure your addition of Chinook and Cayuse highways is correct... is there a way we can confirm." Here it appears the state is asking us, a totally volunteer organization, what the law is. This is still an unanswered question. The users further stated (page 3) that we need language here explaining that only ORV users have given up their right to an individual [gasoline tax] refund. This right must be reinstated if the total amount allocated to ORV through NOVA is less than their contribution. Motorized users have a question, "Why hasn't IAC staff researched this?" This was one of the critical agreements that started NOVA and is still in effect. There's a lot of history on this. Motorized users founded NOVA.

Page 4, policy B-3, IAC states, "we cannot find the term *promote* or *encourage* or similar in RCW 45.09." To motorized users who established NOVA, this is an insult. If NOVA is what IAC is funded to provide, then promotion of NOVA is not a big leap. This plan is not restricted to using only words found in the RCW or there would be no need for the plan.

On page 5, motorized users feel the Gilmore Research Group was negligent in omitting background material, including accountability and log sheets. IAC needs to review Gilmore's detailed comments. IAC's response was a concern regarding confidentiality. The motorized users feel this information could be researched without revealing individual names.

On page 5/16, item #12, green sheets, policy C-6, it states "...IAC's policies on this subject are not more restrictive than the statutes or those of other agencies." Given this, is there a reason for making this change? What the motorized users have asked for is that IAC not make rules that are more restrictive than law. It must be revised to be

applicable only when required by law, i.e., not to be required by IAC when not required by law. We feel this is a reasonable request that has not been addressed. On page 7, item #15, policy C-9, it states IAC agrees, but we are concerned. Staff says it agrees with #13, but still lists an artificial 40-40-20 quota with no discussion of the flexibility they claim to agree with here. We have provided a lot of detail about what we feel the flexibility should be. We would like to have this clarified in more detail.

Page 15, item #30, E&E funding, IAC states (regarding accountability and logs) that "... due to confidentiality, all we received... were the composite final report." Our answer to that is why doesn't IAC staff ask for the details without the user names. This is bureaucratic tapdancing where you are not giving real service to the users.

These are our concerns. We would appreciate it if the Committee would delay plan adoption until February 2002 to give staff a chance to work with the users. If the plan were to be adopted as presented, our options are very limited and point toward legal action. Thank you.

In lieu of Mr. Hiatt reading Mr. Buchal's (Northwest Motorcycle Association attorney) 10/26/01 letter to Greg Lovelady, Chair Mahan assured him it would be included as part of the meeting's public record. (Attachment A).

Mr. Parlette asked Mr. Lovelady if the Buchal letter had been referred to IAC's legal counsel (affirmative) and asked the harm in delaying plan adoption until the AAG responds. Mr. Lovelady responded that it had been a long process and IAC feels the policies are ready. The mentioned issue is one that we do need to hear from counsel about, though (the eligibility of Nonhighway Road recreation to be a part of this program). Once received, we can make any necessary adjustments and bring it back to the Committee.

Mr. Parlette asked if staff is proposing the Committee adopt a draft plan that can be changed? Mr. Lovelady responded staff considers all plans to be dynamic and can be changed when needed. Mr. Parlette posed the following hypothetical situation: what if the AAG agreed with one of Mr. Buchal's points, could the Committee's action be revised? Mr. Lovelady replied in the affirmative.

Mr. Parlette asked Mr. Hiatt if he is dissatisfied with this process. Mr. Hiatt replied in the affirmative; more research needs to be done and many questions need answers from staff.

Jonathan Guzzo, Fair Trails Coalition (Washington Trails Association, Issaquah Alps Trail Club, Mountaineers, Sierra Club, Washington Wilderness Coalition), stated he's here to speak for the plan. FTC had issues with the plan that were not addressed due to disagreements. We understand this happens. Generally, this is an excellent plan developed over a long period with much public comment. This has resulted in a plan that addresses the needs of many user groups. To hold it up because of the issues of one organization would be unfair; they urge adoption of the plan today.

Mr. Parlette asked why rush the plan adoption when there may be a state constitutional issue to consider? Mr. Guzzo expressed the concern the plan could be delayed due to the late concerns of one organization. Further, IAC can have the best of both worlds by adopting the plan now and later making any needed adjustments.

Ms. Kane indicated her view of Mr. Buchal's letter is it has at least four issues, only one of which is going to the AAG. Regardless how that one is resolved, at least three other issues will remain. How does this get us to the end of the process?

Chair Mahan asked Director Johnson for pros and cons of delaying the decision to adopt the plan. Director Johnson asked Ms. Austin and Mr. Chapman to address any implementation impacts. Mr. Chapman replied a decision to delay would also postpone drafting updates to the three policy manuals, including the evaluation instruments. Staff's original intent after a November plan adoption was to bring new draft manuals to the Committee for adoption in February so the documents could be used at IAC's March 2002 application workshops.

Director Johnson noted a decision to delay plan adoption should include extension of the 1993 plan or some other process that would permit continuation of an orderly grant program. Mr. Chapman reported staff is considering a proposal to move the NOVA application due date from May to September – May is the start of a very busy period, for both IAC staff and some NOVA applicants (fire season). If the plan is adopted in February, a second round of workshops would need to be held at a later time, after the manuals have been updated with the new plan policies.

Ms. Johnson suggested if adoption is delayed, the Committee narrow the scope by advising staff which portions of the plan to focus on. IAC's staff capability is limited and it is not appropriate to re-open the entire plan in light of the recently concluded year-long process. Also, staff has responded on a point-by-point basis to the Buchal letter.

Ms. Kearny stated she felt the plan's new emphasis on M&O is a good thing – to take

responsibility for maintaining our existing facilities. However, she would vote to have the recommended water quality policy removed. The issue of whether NOVA funds can be used for NHR activities is very significant. She would be disappointed if the AAG should indicate this use is inappropriate. It is a legitimate issue and there are other significant issues in the plan. She recommended adoption consideration be continued until February. To segment the plan by adopting some policies and holding others would be very difficult. For example, the composition of the advisory committee – would nonmotorized folks be included if the AAG suggests their activities should not be a part of the NOVA program?

Ms. Kearney **moved** plan adoption be tabled until February. There was **no second** to the motion.

Mr. Parlette then **moved** an alternative motion to approve the final NOVA plan subject to receipt of a written opinion from the Attorney General's Office affirming the plan is fully in compliance with the state constitution and state law.

With the understanding this motion was a conditional approval, Ms. Kane **seconded** the motion.

Ms. Bunning agreed the plan is a dynamic document and concurred with the motion.

Mr. Pinnix noted the motion's use of the word "opinion" may carry larger significance – it may mean the state Attorney General would need to issue the opinion. Perhaps we should ask for a "letter advice", and not an AGO – could someone help with this?

Mr. Parlette clarified that he meant the Office – the assistant attorney general assigned to IAC.

Mr. Pinnix asked if the intent of the motion was that the new plan would not go into effect until the letter from the AAG was received? Mr. Parlette replied in the affirmative.

Mr. Pinnix asked about the motion's use of the terms "fully in compliance with the state constitution and state law." Mr. Parlette replied in the affirmative. Ms. Mahan said this means the AAG would need to read the plan.

Mr. Pinnix suggested alternate motion language: "...that there is a letter that says the plan is not inconsistent with the law and constitution." He is concerned about the "...fully in compliance..." language. Mr. Parlette said this is a distinction without a difference. He wants the AAG to have read the Buchal letter, analyzed the statute, and then state

IAC is within its authority to approve this plan. Mr. Pinnix and Ms. Mahan agreed with this.

Ms. Kearney said she would vote against the motion as there are other policies in the draft she would vote to strike. Particularly policy A-5 on water quality even if the AAG indicates this provision is within IAC's authority. She doesn't mind the condition aspect of the motion, but there are other sections of the plan that are worthy of discussion.

Ms. Wakefield Nichols asked for clarification on Policies C-10 (ORV) and D-9 (NHR) and head-to-head competition among M&O and capital projects. After staff's response, she said she was comfortable with that type of M&O funding.

Director Johnson stated she was concerned that the plan has significant outstanding Committee questions. Also, due to the nature of the complex issues, the difficulty in getting an AAG response before the Christmas season, and with only a month to implement the plan's policies, it may be more realistic to hold adoption off until February.

Chair Mahan asked for a vote on the motion, noting it does not address other ancillary issues (water quality, advisory committee, etc.).

Mr. Pinnix **amended** the motion to strike it all and to state the Committee defers action on the plan today, will seek appropriate legal advice from legal counsel for questions raised, and expects to take action regarding final plan approval at its February 2002 meeting. Connie Kearney **seconded**. Amendment to the motion approved.

AMENDED MOTION APPROVED.

Director Johnson asked Committee members to note those plan elements that need further information.

Mr. Parlette: has questions but would take them up with staff after the meeting, regarding a separate case involving Maverick Saddle and how it relates to this NOVA plan.

Bonnie Bunning: no issues.

Mr. Pinnix: already expressed his concerns. Also, we may owe Mr. Hiatt some response, but he would look through staff's comments to Mr. Hiatt's letter and provide feedback after the meeting.

Ms. Mahan: expressed her intent to also reply after the meeting. She noted the comment the advisory committee should not include state agencies and how this was

addressed in the statute and asked that staff discuss this at the next meeting. She also asked for more explanation on the water quality policy, how the intent is not to spend NOVA money on this. On policy C-8 (applicant required policies), the section on “need not include completion of any required permits...” is a little ambiguous.

Ms. Kearney: C-12: why only fund the current three sport parks?

Ms. Kane: no issues.

Ms. Wakefield Nichols: would like discussion on state agency votes; is somewhat concerned about the conflict comments.

ITEM 12. NATIONAL RECREATIONAL TRAILS PROGRAM (NRTP) MANUAL 16 REVISIONS

Greg Lovelady provided background on the NRTP program and presented the proposed manual updates (see notebook for details). The updates were prepared in collaboration with the NRTP advisory committee and address one policy issue and nine housekeeping clarifications.

Cleve Pinnix **moved** adoption of the NRTP manual 16 revisions presented by staff. Elyse Kane **seconded**. **MOTION CARRIED** (Resolution #2001-38).

ITEM 13. CONSENT CALENDAR PROCESS

Director Johnson reviewed the process proposed for inclusion of items on the consent calendar (see notebook for details). Following discussion, the following suggestions were provided:

- Move consent calendar to beginning of the agenda.
- Change wording on pulling an item to: “....any request to ‘pull’ a consent item ~~must~~ should be pulled at least 3 working days before the IAC meeting.”

ITEM 14. CONSENT CALENDAR

Bob Parlette **moved** approval of the consent calendar (time extension requests). Bonnie Bunning **seconded**. **MOTION CARRIED** (resolution #2001-40).

ITEM 15. FEBRUARY WORKSHOP

Director Johnson suggested a workshop with the Salmon Recovery Funding Board (SRFB) to discuss permitting issues, since they have similar questions.

Items identified for agenda included:

- SCORP
- Strategic plan
- NOVA
 - LWCF guidelines
 - Public relations
 - Non-fee ownership
 - Partnerships
- Statewide Trail Plan
 - Urban/rural issues
 - Consent calendar

It will be a challenge to get these items into two days; Director Johnson will work with Chair Mahan in developing a 2002 planning calendar and may fit some of these items in at a later date.

PARTNER AGENCY REPORTS

Bonnie Bunning, Department of Natural Resources, reported they have been focusing strategically on multiple use and how to be successful in light of budget challenges.

Elyse Kane, Department of Fish and Wildlife, reported they have been asked to prepare proposals for budget cuts. This will impact their level of service and asked for support when complaints increase.

Cleve Pinnix, State Parks, reported they are engaged in development of their vision of what parklands should look like and what role State Parks should play in the park system. Due to budget cuts, they are looking at the various options. i.e., others ways to manage public use on public lands, park closures, cutback hours, seasons, days of operation, etc.

With no further items or comments, the meeting adjourned at 5:10 p.m.

Ruth Mahan, Chair

Next Meeting: February 28 – March 1, 2002
Natural Resources Building, Room 172
Olympia, Washington

RESOLUTION #2001-30
Local Agency Boating Facilities Program Funding
Fiscal Year 2002

WHEREAS, ten Local Agency Boating Facilities Program projects are submitted for Fiscal Year 2002 funding consideration by the Interagency Committee for Outdoor Recreation (IAC), and

WHEREAS, all ten projects have been evaluated against an evaluation instrument approved by the Committee, and

WHEREAS, these project evaluations occurred in a public meeting, and

WHEREAS, all Local Agency Boating Facilities Program projects meet program requirements as stipulated in statute, administrative rule, and policy, and

NOW, THEREFORE BE IT RESOLVED, that IAC hereby approves the ranked list of projects as depicted in *Table 1 - Local Agency Boating Projects (2001-30)*, and

BE IT FURTHER RESOLVED, that IAC hereby approves Fiscal Year 2002 funding for the projects in this table, and

BE IT FURTHER RESOLVED, that the Director is authorized to execute all project agreements necessary to facilitate prompt project implementation.

*Resolution moved by:*_____Connie Kearney_____

*Resolution seconded by:*_____Bob Parlette_____

Adopted/Defeated/Deferred (circle one)

Date: November 15, 2001

Resolution 2001-31

Management of the State's Land and Water Conservation Fund Share

For Federal Fiscal Year 2002

Whereas, the Land and Water Conservation Fund was created by the United States Congress to help ensure public access to much needed recreation and habitat lands and facilities, and

Whereas, the state side of the Land and Water Conservation Fund has for more than 40 years provided invaluable financial assistance to the State of Washington in providing priority outdoor recreation and habitat lands and facilities for citizens and visitors, and

Whereas, the United States Congress has again recognized the value of the Land and Water

Conservation Fund through appropriations to the state side program, and

Whereas, public involvement is a cornerstone of the success of the Land and Water Conservation Fund,

Now, therefore, be it resolved, that the Interagency Committee for Outdoor Recreation approves the draft guidelines and procedures for public review, with anticipated final adoption review February 28, 2002.

Resolution moved by: _____ Elyse Kane _____

Resolution seconded by: _____ Cleve Pinnix _____

Adopted/Defeated /Deferred (circle one)

Date: November 15, 2001

**RESOLUTION #2001-33
NOVA Nonhighway Road Category Funding
Fiscal Year 2002**

WHEREAS, nine NOVA Nonhighway Road projects are submitted for Fiscal Year 2002 funding consideration by the Interagency Committee for Outdoor Recreation (IAC); and

WHEREAS, all nine projects have been evaluated against the evaluation instrument approved by the Board through a written evaluation process; and

WHEREAS, all projects meet program requirements as stipulated in statute, administrative rule, and policy,

NOW, THEREFORE BE IT RESOLVED, that IAC hereby approves the ranked list of Nonhighway Road projects as depicted in Table 1 – *Fiscal Year 2002, NOVA Nonhighway Road Projects (2001-33)*; and

BE IT FURTHER RESOLVED, that IAC hereby approves Fiscal Year 2002 project funding for the NOVA Nonhighway Road projects as depicted in this table; and

BE IT FURTHER RESOLVED, that the Director be authorized to execute any and all project agreements necessary to facilitate prompt project implementation.

Resolution moved by: _____ Cleve Pinnix_____

Resolution seconded by: _____ Elyse Kane_____

Adopted/Defeated/Deferred (circle one)

Date: November 15, 2001

**RESOLUTION #2001-34
NOVA Off-Road Vehicle Category Funding
Fiscal Year 2002**

WHEREAS, ten NOVA Off-Road Vehicle Capital Improvement and Planning projects are submitted for Fiscal Year 2002 funding consideration by the Interagency Committee for Outdoor Recreation (IAC); and

WHEREAS, all ten projects have been evaluated against an evaluation instrument, through a written evaluation process, approved by the IAC Board in an open public meeting; and

WHEREAS, all projects meet program requirements as stipulated in statute, administrative rule, and policy,

NOW, THEREFORE BE IT RESOLVED, that IAC hereby approves the ranked list of Off-Road Vehicle Capital Improvement and Planning projects as shown in Table 1 – *Fiscal Year 2002, NOVA Off-Road Vehicle Projects (2001-34)*,

BE IT FURTHER RESOLVED, that IAC hereby approves Fiscal Year 2002 project funding for the NOVA Off-Road Vehicle Capital Improvement and Planning projects as depicted in this table; and

BE IT FURTHER RESOLVED, that the Director be authorized to execute any and all

project agreements necessary to facilitate prompt project implementation.

Resolution moved by: _____ Cleve Pinnix _____

Resolution seconded by: _____ Bonnie Bunning _____

Adopted/Defeated/Deferred (circle one)

Date: November 15, 2001

**RESOLUTION #2001-35
NOVA ORV Maintenance & Operation Category Funding
Fiscal Year 2002**

WHEREAS, thirteen NOVA ORV Maintenance and Operation projects are submitted for IAC Fiscal 2002 funding consideration; and

WHEREAS, all thirteen projects have been evaluated against an evaluation instrument, through a written evaluation process, approved by the IAC Board in an open public meeting; and

WHEREAS, all projects meet program requirements as stipulated in statute, administrative rule and policy; and

WHEREAS, additional funds may be returned to the program from projects not utilizing all of the grant funds provided; and

WHEREAS, providing some of those additional funds to project 13 could help protect the investment in off-road vehicle trails in the Naches area,

NOW, THEREFORE BE IT RESOLVED, that IAC hereby approves the ranked list of ORV Maintenance & Operation projects as shown in Table 1 – *Fiscal Year 2002, NOVA Maintenance & Operation Projects (2001-35)*; and

BE IT FURTHER RESLOLVED, that IAC hereby approves Fiscal Year 2002 project funding for the NOVA ORV Maintenance and Operation projects as depicted in this table; and

BE IT FURTHER RESOLVED, that the Director is authorized to utilize returned funds to provide additional funding for project 13, not to exceed a total of \$63,750 in grant funds; and

BE IT FURTHER RESOLVED, that the Director be authorized to execute any and all project agreements necessary to facilitate prompt project implementation.

Resolution moved by: _____ Christine Wakefield Nichols _____

Resolution seconded by: _____ Elyse Kane _____

Adopted/Defeated/Deferred (Circle One)

Date: November 15, 2001

RESOLUTION #2001-36
NOVA ORV Education and Enforcement Category Funding
Fiscal Year 2002

WHEREAS, fourteen NOVA ORV Education and Enforcement projects are submitted for IAC funding consideration; and

WHEREAS, all fourteen projects have been evaluated against an evaluation instrument, through a written evaluation process, approved by the IAC Board in an open public meeting; and

WHEREAS, all projects meet program requirements as stipulated in statute, administrative rule and policy; and

WHEREAS, additional funds may be returned to the program from previously funded NOVA Education & Enforcement projects not utilizing all of the grant funds provided; and

WHEREAS, providing some of those additional funds to projects 12-14 could help protect off-road vehicle riding opportunities in this State,

NOW, THEREFORE BE IT RESOLVED, that IAC hereby approves the ranked list of ORV Education and Enforcement Projects as shown in *Table 1 – Fiscal Year 2002, NOVA Education & Enforcement Projects (2001-36)*; and

BE IT FURTHER RESOLVED, that IAC hereby approves Fiscal Year 2002 project funding for the NOVA ORV Education & Enforcement Projects as depicted in this table; and

BE IT FURTHER RESOLVED, that the Director be authorized to execute any and all project agreements necessary to facilitate prompt project implementation.

Resolution moved by: _____ Cleve Pinnix _____

Resolution seconded by: _____ Elyse Kane _____

Adopted/Defeated/Deferred (circle one)

Date: November 15, 2001

RESOLUTION #2001-38
November 15, 2001
NATIONAL RECREATIONAL TRAILS PROGRAM
MANUAL 16 ~ REVISIONS

WHEREAS, specific housekeeping improvements and a policy update have been identified in the Interagency Committee for Outdoor Recreation's (IAC) policy Manual 16, *National Recreational Trails Program*; and

WHEREAS, these changes, described in a October 30, 2001 memorandum to IAC's board, concern adding clarifying language, deleting unnecessary or misleading text, and broadening the scope of an evaluation question; and

WHEREAS, these changes conform to both state and federal statutes, rules, and policies, and

WHEREAS, these changes have been considered and updated in a thorough public review process in which all comments were encouraged; and

WHEREAS, these changes were further considered in an advertised public meeting convened on behalf of IAC's board;

NOW, THEREFORE BE IT RESOLVED, that IAC hereby adopts the updates proposed in the October 30, 2001 memorandum, as further described in the draft October 23,

2001 Manual 16; and

BE IT FURTHER RESOLVED, that these updates will take effect beginning with the 2002 application cycle and that IAC staff will take steps necessary for implementing this decision, including communication to interested parties.

Resolution moved by: _____ Cleve Pinnix _____

Resolution seconded by: _____ Elyse Kane _____

Adopted /~~Defeated~~/~~Deferred~~ (circle one)

Date: December 15, 2001

Resolution 2001-40 Time Extensions

WHEREAS, the Interagency Committee for Outdoor Recreation adopted a project progress policy to address project terms, project progress, project extensions and project termination, and

WHEREAS, IAC policy requires Committee review of all requests for time extensions that extend longer than the original four years, and

WHEREAS, ten requests have been submitted for projects needing additional time, and

WHEREAS, the Committee has reviewed the circumstances surrounding these extension requests, and

WHEREAS, the Committee has authority to extend the timeline for projects beyond the four year period,

NOW, THEREFORE BE IT RESOLVED, that IAC approves the time extension requests for the projects listed in Attachment A, and

BE IT FURTHER RESOLVED, that the Director be authorized to execute any and all amendments necessary to facilitate implementation of extensions for each of these project agreements.

*Resolution moved by:*_____ *Bob*
*Parlette*_____

*Resolution seconded by:*_____ *Bonnie Bunning*_____

Adopted/Defeated/Deferred (circle one)

Date: November 15,2001

RESOLUTION 2001-41
Emergency Adoption, Amendment to WAC 286-13-085[2]

WHEREAS, in regard to WWRP projects on Leap Capital Document No. 2001-24, the IAC hereby recites and finds:

1. There are sixty-five board-funded projects, plus alternates, which have been suspended and cannot move forward until and unless authorized by the Legislature, Governor and/or Office of Financial Management.
2. Sponsors have assembled their non-IAC portion of funds, which include other grants, cash/appropriations, donations, labor, equipment, and materials, all intended to serve as matching funds for the WWRP grant.
3. Many sponsors of the proposed development projects are prepared to proceed with design, permitting, and the construction phases of their projects using their non-IAC portion of funds.
4. IAC's existing rule prohibits reimbursement of most development costs incurred

before entering into a Project Agreement for an IAC grant.

5. Application of the existing rule could cause significant adverse consequences for some projects. For example, a grantee's share of the project cost may increase; in some cases, such increases may render a project financially impossible. Likewise, inability to use elements of the local match during this construction season may impact certain projects adversely through permit expirations, loss of in-kind contributions or loss of a construction season. These impacts, which discourage or prohibit development of these needed recreation and habitat facilities, are contrary to the welfare of the affected communities and the effective administration of public funds.
6. Jurisdictions have asked IAC to consider offering a waiver-of-retroactivity authority as relief through this period of suspension.
7. There are few, if any, disadvantages to program administration or to other grantees if such relief is granted.

NOW THEREFORE BE IT RESOLVED that IAC finds it is appropriate to offer rapid administrative relief from the unintended and inadvertent consequences of its existing rule as applied to the suspension of the WWRP projects in Leap Capital Document No. 2001-24, and that time delays associated with adoption of a permanent rule would be contrary to the public interest in assuring timely relief;

Resolution 2001-41
Continued

BE IT FURTHER RESOLVED that Washington Administrative Code 286-13-085[c] should be amended, to enable a waiver of retroactivity for development costs in respect to projects on Leap Capital Document No. 2001-24;

BE IT FURTHER RESOLVED that any expenditures under a Waiver so issued shall be at the option and risk of the requesting jurisdiction, and cannot assure subsequent appropriation of funds or lifting of the suspension for the projects in Leap Capital Document No. 2001-24; and

BE IT FURTHER RESOLVED that the Director shall be authorized to file with the Code Reviser such documents as may be necessary for adoption of an emergency rule amending WAC 286-13-085[2] in the manner shown on Attachment 1 hereto, with an effective date of November 15, 2001, or earlier; and that an equivalent permanent rule, if

necessary, is commenced for possible adoption at the February 2002 IAC meeting.

Resolution moved by: _____ Elyse Kane_____

Resolution seconded by: _____ Cleve Pinnix_____

Adopted/Defeated/Deferred (circle one)

Date: November 15,2001

Resolution 2001-41

Attachment 1

WAC 286-13-085[2]: *Retroactive development costs.*

The only retroactive development costs eligible for reimbursement consideration are preliminary expenses [e.g., engineering costs]. However, solely in respect to WWRP projects on Leap Capital Document No. 2001-24, the director is authorized to grant a waiver of retroactivity which establishes eligibility for future reimbursement of all appropriate development costs. Such applicants' retroactivity requests must be in writing, and provide sufficient justification. Reimbursement of expenditures is subject to the provisions of WAC 286-13-070. This authority shall be effective until the suspension is lifted, funding authority is terminated, or November 8, 2002 whichever occurs first.