

# Chapter 352-68 WAC

## WATER TRAIL PROGRAMS

### WAC

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#### WAC 352-68-010 Purpose.

- (1) This chapter:
- Establishes procedures by which the Washington state parks and recreation commission will administer grants supported by water trail program funds; and
  - Provides for issuance and use of water trail permits; and
  - Provides for distribution of trail use guidelines.

(2) The commission retains the authority pursuant to RCW 43.51.442 and 43.51.444 to enter into nongrant contracts with any public agency, tribal government, entity, or person to develop and implement water trail programs. Such contracts are not subject to this chapter.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-010, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-020 Definitions.** When used in this chapter the following words and phrases shall have the meanings designated in this section:

"Commission" means the Washington state parks and recreation commission.

"Director" means the director of the Washington state parks and recreation commission or the director's designee.

"Site" means a designated area and the fixtures and improvements thereon or nearby provided to people traveling the water trail for their overnight stays ashore.

"Water trail program funds" means the funds deposited in the water trail program account administered by the Washington state parks and recreation commission pursuant to this chapter and chapter 43.51 RCW.

"Water trail system" means a network of designated water trail sites strategically located for the convenience, and use of holders of water trail permits when traveling from site to site.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-020, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-030 Water trail program funds.** Water trail program funds may be used by the commission solely for water trail program purposes, including, but not limited to, grants for planning, acquisition, development, maintenance, operation and administration of a water trail program and a water trail system of sites and water trail access and launch-

ing areas and facilities, such as sanitary facilities, trails, camping areas, and equipment, and for enforcement, education and information programs. Sites for which water trail program funds are used shall be open to holders of a water trail permit.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-030, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-040 Funding priorities.** The unranked priorities for the water trail program grant funds are:

- Administering a water trail program which includes safety education and trail information;
- Incorporating public land holdings into the water trail system, with emphasis on reducing distances between sites and providing alternate routes through scenic areas;
- Developing sites that minimize the potential for conflict with other users of public lands;
- Developing, in cooperation with public and private entities, programs, regulations, site improvements, and equipment that minimize maintenance costs and reduce impacts of trail use on sites and adjacent areas;
- Acquiring new sites for the water trail system;
- Conducting studies of the interaction of the trail system, its users, and the public to guide future development of the trail system;
- Supporting special water trail programs; and
- Other water trail program needs as may be determined by the commission.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-040, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-050 Eligibility.** Any municipal corporation, public agency, or tribe in the state of Washington is eligible to apply for grants of water trail program funds to support up to one hundred percent of the cost of the water trail programs.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-050, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-060 Application process.** Applicants for water trail program grant funds must:

- Complete an application form and timely file it with the commission.
- File documentation of permission to conduct the proposed program from all owners of land on which the program is to occur.
- Comply with applicable laws and ordinances.
- Agree to:
  - File an annual report with the commission on the funded program by January 15 following receipt of the program funds;
  - Return, or replace in kind, to the commission, any losses of grant funds, if due to the action of a recipient of

funds, or unspent grant funds if a program is not completed in a timely manner or is canceled;

(c) Execute a grant contract with the commission for the program to be funded; and

(d) Fulfill all obligations of the grant contract.

(5) Certify to the commission that any facility for which funds are received will be open to all holders of a water trail permit for, at minimum, the period of time specified in the grant contract.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-060, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-070 Grant selection.** The selection process which will be used by the commission in the review and disbursement of water trail grant funds is as follows:

(1) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(2) The director will receive and consider the recommendations of the water trails advisory committee and will present final recommendations to the commission.

(3) The commission retains the authority and responsibility to make the final decision concerning the grant of funds.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-070, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-080 Disbursement of funds.** The commission may disburse funds for approved water trail programs either:

(1) After submittal of a billing indicating satisfactory compliance with contractual obligations; or

(2) In the case of municipal corporations or other public agencies, in advance payment upon written request to and approval by the director.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-080, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-090 Accountability.** Recipients of water trail program funds shall maintain accurate accounting records on the expenditure of funds, provide the commission with these records upon request, and permit the commission to audit the use of the funds.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-090, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-100 Water trail permit—Issuance.** Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as published by state parks. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. WSR 95-22-067, § 352-68-100, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-100, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-110 Water trail permit—Inspection.** Any person using a designated water trail site shall carry the water trail permit and make it available for inspection when requested by an authorized agent. A violation of this section

shall constitute a civil infraction as provided in RCW 43.51.454.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-110, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-120 Water trail use regulations.** Guidelines for use of water trails shall be distributed with the water trail permit. Use of commission owned or commission administered sites shall be subject to all applicable public use regulations of the commission.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-120, filed 11/3/94, effective 12/4/94.]

**WAC 352-68-130 Severability.** Should any section of the foregoing regulations be found invalid, the remainder of the regulations shall remain in full force and effect.

[Statutory Authority: RCW 43.51.440. WSR 94-23-009, § 352-68-130, filed 11/3/94, effective 12/4/94.]