

# Title 352 WAC

## PARKS AND RECREATION COMMISSION

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 352-11-310 Threshold determination process—Additional consider-  
ations. [Statutory Authority: Chapter 43.21C RCW. 84-  
20-112 (Order 84), § 352-11-310, filed 10/3/84.]  
Repealed by 07-03-121, filed 1/22/07, effective 2/22/07.  
Statutory Authority: Chapter 79A.05 RCW.  
352-11-508 Notice of environmental documents. [Statutory Author-  
ity: Chapter 43.21C RCW. 84-20-112 (Order 84), §  
352-11-508, filed 10/3/84.] Repealed by 07-03-121,  
filed 1/22/07, effective 2/22/07. Statutory Authority:  
Chapter 79A.05 RCW.  
352-11-615 Coordination on combined agency—Federal action.  
[Statutory Authority: Chapter 43.21C RCW. 84-20-112  
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07-03-121, filed 1/22/07, effective 2/22/07. Statutory  
Authority: Chapter 79A.05 RCW.  
352-11-800 Threshold levels adopted by counties/cities. [Statutory  
Authority: Chapter 43.21C RCW. 84-20-112 (Order  
84), § 352-11-800, filed 10/3/84.] Repealed by 07-03-  
121, filed 1/22/07, effective 2/22/07. Statutory Author-  
ity: Chapter 79A.05 RCW.  
352-11-905 Responsibilities of individuals and work units within the  
agency. [Statutory Authority: RCW 43.21C.120. 96-01-  
029, § 352-11-905, filed 12/11/95, effective 1/11/96.  
Statutory Authority: Chapter 43.21C RCW. 84-20-112  
(Order 84), § 352-11-905, filed 10/3/84.] Repealed by  
07-03-121, filed 1/22/07, effective 2/22/07. Statutory  
Authority: Chapter 79A.05 RCW.  
352-11-908 Critical areas. [Statutory Authority: RCW 43.21C.120.  
96-01-029, § 352-11-908, filed 12/11/95, effective  
1/11/96. Statutory Authority: Chapter 43.21C RCW.  
84-20-112 (Order 84), § 352-11-908, filed 10/3/84.]  
Repealed by 07-03-121, filed 1/22/07, effective 2/22/07.  
Statutory Authority: Chapter 79A.05 RCW.

**WAC 352-11-020 Adoption by reference.** The Wash-  
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lowing sections or subsections of chapter 197-11 WAC by  
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[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-020, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-020, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-020, filed 10/3/84.]

**WAC 352-11-040 Additional definitions.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Agency" means the entire staff and appointed commission members constituting the Washington state parks and recreation commission.

(2) "Authorized public use" as used in WAC 197-11-800 Part nine - Categorical exemptions means that a particular parcel of real property has been classified for public use, or has developed facilities subject to public use or has been spe-

cifically designated and classified for such public use. No "authorized public use" shall be construed to have occurred on parcels of real property being held for future use and development nor on portions of existing park lands remote from existing public use facilities, including developed trail systems.

(3) "Commission" means the Washington state parks and recreation commission.

(4) "Decision maker" means any agency staff authorized to take an action as provided through agency delegation of authority.

(5) "Demolition of any structure or facility with recognized historical significance" as used in WAC 197-11-800 Part nine - Categorical exemptions means the destruction of any character-defining feature or other change which would degrade or destroy the significance of that structure or facility.

(6) "Director" means the director of the Washington state parks and recreation commission.

(7) "Existing roads in nonresidential areas" as used in WAC 197-11-800 Part nine - Categorical exemptions means any transportation corridor through the land affected, not formally zoned or designated for residential use, where such use does not interfere with normal public use of the property.

(8) "Grazing lease" as used in WAC 197-11-800 Part nine - Categorical exemptions shall include lands grazed through authorization prior to acquisition by the agency, regardless of formal "leasing."

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-040, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-040, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-040, filed 10/3/84.]

**WAC 352-11-055 Timing of the SEPA process.** (1)

The SEPA process shall be integrated with agency activities following and according to established agency SEPA procedures at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) Additional timing considerations.

(a) Agency staff receiving an application will forward it to the responsible official who will determine whether the proposal is an "action" and, if so, whether another agency is the lead agency for the proposal. If not, the responsible official will determine if the action is "categorically exempt" from SEPA. If the proposal is an "action" and is not exempt, the responsible official will ask the applicant to complete an environmental checklist. A new checklist is not needed if the responsible official and applicant agree that an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a complete checklist is included with the application.

(b) Notwithstanding the guidance and requirements of WAC 197-11-922 through 197-11-948, if the agency is presented with an application to undertake a project generally falling under the jurisdiction and/or environmental expertise of another state or local agency, staff will direct the applicant to initiate SEPA with the appropriate agency before it considers the action being requested by the applicant.

(c) Agency staff and applicants may hold preliminary discussions or exploration of ideas and options prior to com-

mencing formal environmental review, under provisions of this chapter and chapter 197-11 WAC, subject to RCW 42.36.060.

(3) All commission actions require SEPA.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-055, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-055, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-055, filed 10/3/84.]

**WAC 352-11-330 Threshold determination process—Additional considerations.** (1) Applicants are required to fully complete an environmental checklist to aid the agency in rendering a threshold determination.

(2)(a) To make the final determination, the responsible official will consider: All comments received, mitigation measures proposed, and suggested changes to the project.

(b) If there are substantial changes to the project during the SEPA process, the final determination must undergo similar public notice as the initial determination. Projects without changes or only minor changes do not require public notice of a final determination.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-330, filed 1/22/07, effective 2/22/07.]

**WAC 352-11-350 Mitigated DNS.** (1) An applicant may ask the agency whether issuance of a determination of significance (DS) is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the commission is lead agency; and

(c) Precede the agency's actual threshold determination for the proposal.

(2) The responsible official can suggest that the applicant may change or clarify the proposal to mitigate the impacts indicated and revise the environmental checklist as necessary to reflect the changes or clarifications.

(3) The agency shall not continue with the threshold determination until after receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the agency will make its threshold determination based on the changed or clarified proposal.

(a) If the agency's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the agency shall issue a determination of nonsignificance and circulate the DNS for comments as directed in WAC 197-11-340(2).

(b) If the agency indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the agency shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The agency may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the agency shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the agency may require the applicant to submit a new checklist.

(7) The agency's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the agency to consider the clarifications or changes in its threshold determination.

(8) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the agency's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-350, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-350, filed 10/3/84.]

**WAC 352-11-420 EIS preparation.** For draft and final EISs and supplemental environmental impact statements (SEISs):

(1) Preparation of the EIS is the responsibility of the agency, by or under the direction of its responsible official, as specified by the agency's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

(2) The agency may have an EIS prepared by agency staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the agency. The agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(3) If a person other than the agency is preparing the EIS, the agency shall:

(a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency and the public that is needed by the person;

(b) Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;

(c) Allow any party preparing an EIS access to all public records of the agency that relate to the subject of the EIS, under RCW 42.17.250 through 42.17.340.

(4) Normally, the agency will prepare an EIS for its own proposals.

(5) For applicant proposals, the agency normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of this chapter and chapter 197-11 WAC.

(6) The agency may require an applicant to provide information that the agency does not possess, including specific investigations. The applicant is not required to supply information that is not required under this chapter and chapter 197-11 WAC.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-420, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-420, filed 10/3/84.]

**WAC 352-11-510 Public notice requirements.** (1) The agency shall give public notice when issuing a DNS under WAC 197-11-340(2), a scoping notice under WAC 352-11-420, or a draft EIS under WAC 197-11-455.

(2) The agency shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the agency, other public notice(s) required by agencies with jurisdiction, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notifying persons or groups who have expressed interest in the proposal, of the type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented;

(c) Posting the property for site-specific proposals;

(d) Notifying the news media;

(e) Placing notice in appropriate regional, neighborhood, ethnic, or trade journals;

(f) Hosting a public hearing on the proposal; or

(g) Other methods of notice expressly authorized by the department of ecology.

(3) The agency may require an applicant to perform the public notice requirement at the applicant's expense.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-510, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-510, filed 10/3/84.]

**WAC 352-11-665 Policies and procedures for conditioning or denying permits or other approvals.** (1)(a) The overriding policy of the Washington state parks and recreation commission is to avoid or mitigate adverse environmental impacts which may result from the agency's decisions.

(b) The agency shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2) Policies - specific. Agency policies, plans, rules and regulations are rooted in the agency's legislation, stewardship policies and rules promulgated by the agency. The following may be used to fulfill the intent of SEPA and may be used to

mitigate significant adverse environmental impacts of agency actions:

- (a) Authorities provided to the agency through Title 79A RCW Public recreation lands;
- (b) Any other approval authority which may be granted to the commission in the future;
- (c) Rules promulgated under Title 352 WAC;
- (d) Approved commission and administrative policies;
- (e) Other state agencies' applicable habitat conservation plans;
- (f) Acquisition, development and maintenance of scenic and recreational highways, and rest areas, including landscaping and signing (chapter 47.39 RCW).

(3) The agency may exercise substantive authority to mitigate the environmental impacts of a project, according to the limitations provided in WAC 197-11-660, by conditioning or denying that project based upon agency SEPA policies.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-665, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-665, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-665, filed 10/3/84.]

#### **WAC 352-11-910 Designation of responsible official.**

(1) The authority of responsible official is delegated via the director, or designee, to staff.

(2) Depending upon the size and scope of the proposed action, the responsible official may be established at the level of director, deputy director, or assistant deputy director.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-11-910, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-910, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-910, filed 10/3/84.]

### **Chapter 352-18 WAC**

#### **BACKGROUND CHECKS FOR JOB APPLICANTS, VOLUNTEERS AND INDEPENDENT CONTRACTORS**

##### **WAC**

352-18-010	What definitions apply to this chapter?
352-18-020	Who may be subject to criminal background checks?
352-18-021	Will a criminal conviction prohibit me from working, volunteering, or contracting with Washington state parks?
352-18-022	To whom is the criminal background check information released?
352-18-023	How will I know if I have been disqualified by the criminal background check?
352-18-024	What do I do if I disagree with the results of the criminal background check?
352-18-030	What happens if I do not comply with the criminal background check or make false statements in my application?

**WAC 352-18-010 What definitions apply to this chapter?** The following definitions apply:

**"Child"** means an individual that has not reached the age of sixteen.

**"Criminal background check"** means a criminal history record information search that may include but is not limited to, the following:

- (a) A record check of arrests and convictions through the Washington state patrol;
- (b) Fingerprints processed through the FBI to obtain a complete criminal history.

**"Independent contractor"** means any independent for-profit or nonprofit private person or organization with which the commission has or is considering a contractual relationship. In the case of large organizations, the contractor background to be reviewed is that of the organization's principal on-site manager.

**"Unsupervised access"** means that an individual will or may be left alone with a child or vulnerable adult at any time or any length of time.

**"Volunteer"** means a person who is willing to work without expectation of salary or financial reward.

**"Vulnerable adult"** means adults of any age who lack the functional, mental, or physical ability to care for themselves. As defined in chapter 74.34 RCW "vulnerable adult" includes a person: Found incapacitated under chapter 11.88 RCW; or who has a developmental disability as defined under RCW 71A.10.020; or admitted to any facility; or receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or receiving services from an individual provider.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-010, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-020 Who may be subject to criminal background checks?** The Washington state parks and recreation commission requires criminal background checks on job applicants, volunteers, and independent contractors who:

(1) Have unsupervised access to children or vulnerable adults; or

(2) Persons who will be responsible for collecting or disbursing agency cash or processing credit/debit card transactions for agency sales.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-020, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-021 Will a criminal conviction prohibit me from working, volunteering, or contracting with Washington state parks?** (1) Conviction of a crime will not automatically preclude a person from working, volunteering, or contracting with Washington state parks. The nature of the conviction and any extenuating or mitigating circumstances will be considered.

(2) Convictions for certain crimes may prohibit you from working, volunteering, or contracting with Washington state parks. Those convictions include but are not limited to:

- (a) A crime against another person;
- (b) A crime against a child (including child pornography);
- (c) Child abuse and/or neglect;
- (d) Spousal abuse;
- (e) Animal cruelty crimes;
- (f) A crime relating to the possession, sale, distribution, manufacture or use of an illegal drug;
- (g) Indecent exposure;
- (h) Fraud or false pretenses in obtaining something of value;
- (i) Larceny or a misdemeanor theft by taking;
- (j) Soliciting for prostitutes;
- (k) Pattern of failure to file federal tax returns in years in which taxes are due;

(l) Criminal issuance of a bad check;

(m) Make a false report of a crime.

(3) Washington state parks may consider the following mitigating factors:

(a) The seriousness of the crime that led to the conviction;

(b) The number and types of other convictions in your background;

(c) Your age at the time of conviction;

(d) The amount of time that has passed since your conviction; and

(e) Documentation indicating that you have successfully completed all court-ordered programs and restitution.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-021, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-022 To whom is the criminal background check information released?** (1) Washington state parks will only share pass/fail results of the criminal background check with the supervisor(s) except as provided by chapters 42.17 and 10.97 RCW.

(2) Washington state parks will follow laws related to the release of criminal history records (chapter 10.97 RCW and RCW 43.43.570) and public disclosure (chapter 42.17 RCW) when releasing any information.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-022, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-023 How will I know if I have been disqualified by the criminal background check?** Job applicants, volunteers, and independent contractors who fail to pass a background check will be notified in writing by Washington state parks that they did not pass the criminal background check.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-023, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-024 What do I do if I disagree with the results of the criminal background check?** (1) Job applicants, volunteers, and independent contractors who do not pass the criminal background check are entitled to challenge the accuracy and completeness of any information contained in their background check. Contact may be made with Washington state parks human resources or the volunteer programs to review the information.

(2) Disqualified individuals may provide, in writing, justification/explanation with supporting documentation to the state parks director requesting further consideration at 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-024, filed 11/21/07, effective 12/22/07.]

**WAC 352-18-030 What happens if I do not comply with the criminal background check or make false statements in my application?** (1) Washington state parks will not hire, continue to employ, allow volunteering or contracting with individuals who do not consent to a criminal background check or refuse to be fingerprinted.

(2) Washington state parks will not hire, continue to employ, allow volunteering, or contracting with individuals

who make false statements orally or in writing regarding the criminal background check.

(3) Any person making false statements regarding their criminal background check may be denied employment or their employment terminated.

(4) Any person refusing a criminal background check may be refused employment.

[Statutory Authority: RCW 79A.05.070 and 79A.05.030(10). 07-24-001, § 352-18-030, filed 11/21/07, effective 12/22/07.]

## Chapter 352-32 WAC

### PUBLIC USE OF STATE PARK AREAS

#### WAC

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**WAC 352-32-010 Definitions.** Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Campfires" shall mean any open flame from a wood source.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons not to exceed eight) that is organized, equipped and capable of sustaining its own camping activity in a single campsite. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commercial use (nonrecreation)" is any activity involving commercial or business purpose within a state park that may impact park facilities, park visitors or staff and is compatible with recreational use and stewardship, limited in duration and does not significantly block/alter access or negatively impact recreational users.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

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

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELCs), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELCs)" shall mean those specialized facilities, designated by the director or designee, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbecues and charcoal.

"Fish" shall mean all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

"Geocache" shall mean geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called "geocachers") use a Global Positioning System receiver or other navigational tech-

niques to hide and seek containers (called "geocaches" or "caches").

"Group" shall mean twenty or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Intimidate" means to engage in conduct that would make a reasonable person fearful.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 shall not constitute obstruction of pedestrian or vehicular traffic.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director or designee as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for

the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that a minimum of twenty persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director or designee may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(1) Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(2) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Seaweed" shall mean all species of marine algae and flowering sea grasses.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level

normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle" shall include every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. For the purposes of this chapter, this definition excludes bicycles, wheelchairs, motorized foot scooters, electric personal assistive mobility devices (EPAMDs), snowmobiles and other nonlicensed vehicles.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Vessel" shall mean any watercraft used or capable of being used as a means of transportation on the water.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch" is any developed launch ramp designated for the purpose of placing or retrieving watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

"Wood debris" shall mean down and dead tree material.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-010, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.-030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-010, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 02-19-069, § 352-32-010, filed 9/13/02, effective 10/14/02. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-010, filed 6/16/00, effective 7/17/00. Statutory Authority: Chapter 79A.05 RCW and RCW 79A.05.070. 00-01-201, § 352-32-010, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 43.51.040(2). 98-23-

063, § 352-32-010, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040, 98-04-065, § 352-32-010, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300, 97-21-133, § 352-32-010, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040, 96-22-018, § 352-32-010, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.180, 96-02-015, § 352-32-010, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and [43.51.]060, 95-22-067, § 352-32-010, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395, 95-07-061, § 352-32-010, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040, 94-23-024, § 352-32-010, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060, 94-08-036, § 352-32-010, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040, 94-01-087, § 352-32-010, filed 12/13/93, effective 1/13/94; 93-08-025, § 352-32-010, filed 3/30/93, effective 5/1/93; 93-06-001, § 352-32-010, filed 2/17/93, effective 3/20/93; 91-09-001, § 352-32-010, filed 4/4/91, effective 5/15/91. Statutory Authority: RCW 43.51.040 and 43.51.060, 89-07-020 (Order 89-01), § 352-32-010, filed 3/7/89. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060, 87-24-032 (Order 102), § 352-32-010, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060, 87-08-008 (Order 100), § 352-32-010, filed 3/23/87, effective 5/15/87; 86-06-020 (Order 91), § 352-32-010, filed 2/25/86; 81-09-034 (Order 50), § 352-32-010, filed 4/14/81. Statutory Authority: RCW 43.51.040, 80-14-009 (Order 48), § 352-32-010, filed 9/22/80. Statutory Authority: RCW 43.51.040 and 43.51.060, 80-05-007 (Order 45), § 352-32-010, filed 4/4/80; Order 9, § 352-32-010, filed 11/24/70.]

**WAC 352-32-01001 Feeding wildlife.** No person shall intentionally feed, attract, or artificially sustain wildlife in state park areas. The feeding of indigenous wildlife is prohibited in all state park areas unless otherwise posted. This section does not apply to authorized feeding programs established with the Washington state department of fish and wildlife.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW, 07-03-121, § 352-32-01001, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040, 98-04-065, § 352-32-01001, filed 2/2/98, effective 3/5/98.]

**WAC 352-32-030 Camping.** (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping party may use any state park facility for residence purposes, as defined (WAC 352-32-010).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom no later than 1:00 p.m., if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who

have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping party for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping party must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee and providing the required information regarding the occupants of the other sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping parties. Multiple campsites in designated reservation parks may be reserved under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping party shall be limited. Campers may stay ten consecutive nights in one park, after which the camping party must vacate the park for three consecutive nights, April 1 through September 30, not to exceed thirty days in a forty-day time period; provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights in one park, after which the camping party must vacate the park for three consecutive nights, October 1 through March 31, not to exceed forty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) A maximum of eight people shall be permitted at a campsite overnight, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car and one recreational vehicle: Provided, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the developed tent pad or designated area as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles may occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are subject to the campsite capacity limitations as otherwise set forth in this section. Exceptions for emergencies may be approved by the ranger on an individual

basis. Water trail site fees, as published by state parks, must be paid at the time the site is occupied.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas may be used only when all designated campsites are full and at the park ranger's discretion. Persons using emergency areas must pay the applicable campsite fee and must vacate the site when directed by the park ranger.

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the applicable campsite fee.

(14) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-030, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05-070, and 79A.05.075. 03-01-079, § 352-32-030, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-030, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51-040. 98-04-065, § 352-32-030, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-030, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-030, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-030, filed 11/7/94, effective 1/1/95; 93-06-001, § 352-32-030, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-030, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 87-08-008 (Order 100), § 352-32-030, filed 3/23/87, effective 5/15/87; 86-06-020 (Order 91), § 352-32-030, filed 2/25/86; 83-09-031 (Resolution No. 67), § 352-32-030, filed 4/15/83; 82-09-035 (Order 60), § 352-32-030, filed 4/14/82; 81-09-034 (Order 50), § 352-32-030, filed 4/14/81; 80-05-007 (Order 45), § 352-32-030, filed 4/4/80. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-030, filed 5/1/78; Order 33, § 352-32-030, filed 4/28/77; Order 9, § 352-32-030, filed 11/24/70.]

#### **WAC 352-32-037 Environmental learning centers (ELCs).** All ELCs can be reserved by:

- (1) Complying with the reservation procedure; and
- (2) Paying the appropriate fees and deposits as published by state parks.

Use of ELCs shall be on a first-come-first-served basis if the facility is not reserved.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-037, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-037, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-037, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-037, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-09-031 (Resolution No. 67), § 352-32-037, filed 4/15/83. Statutory Authority: RCW 43.51.040. 80-14-009 (Order 48), § 352-32-037, filed 9/22/80.]

#### **WAC 352-32-045 Reservations for use of designated group facilities.** (1) All designated group facilities shall be reservable by groups as defined in WAC 352-32-010.

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable fee for a minimum of 20 people.

(3) Use of designated group facilities may be by reservation. Requests made at parks, not on central reservation system, for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) Submittal of the group use permit request and payment in full of appropriate fees are required for the use of these facilities. Fees must be paid by credit card, certified check or money order. Fees are published by state parks. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) The organization or delegated group leader making the reservation is responsible for any damages or extra cleaning that occurs as a result of the use of the facility(ies) beyond normal care and wear.

(7) Facility reservations for parks not on the central reservation system are made at the park and will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted at the park during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-045, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05-070, and 79A.05.075. 03-01-079, § 352-32-045, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-045, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51-040. 98-04-065, § 352-32-045, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-045, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-045, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-045, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-32-045, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-32-045, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-32-045, filed 3/18/88, effective 5/15/88; 83-09-031 (Resolution No. 67), § 352-32-045, filed 4/15/83; 82-09-035 (Order 60), § 352-

32-045, filed 4/14/82; 80-05-007 (Order 45), § 352-32-045, filed 4/4/80; Order 32, § 352-32-045, filed 4/28/77.]

**WAC 352-32-047 Special recreation event permit.**

Any person or group, hereinafter referred to as the "applicant," desiring to make use of a portion of a state park for a special recreation event which will require special planning, facilities, staffing, or environmental protection measures, or the closure of the area to, or restriction of, established recreational uses, shall apply for a special recreation event permit. The director or designee may consult with the appropriate local government in reviewing the application and may issue a permit subject to conditions established by the agency. Such conditions may include but not be limited to the closure of the specified area to other recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such permit may result in the unreasonable exclusion of recreationists from the remainder of the park. All events authorized under this permit shall be open to public participation and/or observation.

A special recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for a similar event at the same park during a one-year period.

Persons or organizations that desire to conduct a special recreation event in a state park shall submit a permit application obtainable at any state park and the basic permit application fee as published by state parks to the park where the event is proposed to take place.

If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency may assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

Permit applications must be submitted at least sixty days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare. The sixty-day time limit is also necessary to comply with SEPA review requirements to identify any potential environmental impacts and mitigation. This requirement for an application to be filed sixty days prior to an event may be waived in rare circumstances where arrangements can be made in a shorter time while still complying with all other requirements of this section.

Such application shall be submitted at least sixty days in advance of the proposed date of the event, to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees

necessary to cover costs incurred by the agency for additional staffing, equipment, facilities, or special services not normally provided by state parks, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided by the applicant prior to the issuance of the permit.

If additional unanticipated costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-047, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-047, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-047, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 and 89-07-098 (Orders 89-01 and 89-01-A), § 352-32-047, filed 3/7/89 and 3/22/89.]

**WAC 352-32-056 Peace and quiet.** To insure peace and quiet for visitors:

(1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of 10:00 p.m. and 6:30 a.m.

(2) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions, or other such equipment, at a volume which emits sound beyond the person's vehicle or immediate area of use, individual camp or picnic site that may disturb other park users without specific permission of the park ranger.

(3) Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 9:00 p.m.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-056, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-070, and 79A.05.075. 03-01-079, § 352-32-056, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-056, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.-040 and 43.51.180(7). 92-19-098, § 352-32-056, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-056, filed 2/25/86.]

**WAC 352-32-057 Disturbances.** Disorderly conduct, or conduct with the intent to intimidate or obstruct pedestrian or vehicular traffic, or which otherwise impedes or disturbs state park employees or volunteers in the performance of their duties, or which impedes or disturbs the general public in the use and enjoyment of state park areas, is prohibited.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-057, filed 1/22/07, effective 2/22/07.]

**WAC 352-32-060 Pets.** (1) All pets or domestic animals must be kept under physical control, on a leash no greater

than eight feet in length, or otherwise physically restrained, at all times while in a state park area.

(2) Pets and domestic animals may not be allowed to dig or otherwise disturb or damage the natural or cultural features of any state park area.

(3) In any state park area, pets or domestic animals, except for assistance animals for persons with disabilities, are not permitted on any designated swimming beach; within a natural area preserve; during the skiing season on any designated alpine ski site or cross country ski trail in which the track has been prepared, set, or groomed; or in any public building unless so posted.

(4) In any state park area, pets or domestic animals, except for assistance dogs for persons with disabilities, may be prohibited in areas where there could be conflict with domestic livestock or agricultural activities on adjacent land, for the protection of wildlife, sensitive natural systems, special cultural areas, or for other recreational or health and safety purposes, if approved by the director or designee and so posted.

(5) No person shall allow his/her pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his/her pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(6) Any person bringing a pet or domestic animal into a state park area shall dispose of animal feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

(7) Pet off-leash areas may be approved and designated by the director or designee. Approved pet off-leash areas will be exempt from subsections (1), (2), and (3) of this section. Approved pet off-leash areas may be closed permanently or temporarily by the director or designee for the protection of wildlife, sensitive natural systems, and special cultural areas. Any park area designated for pets off-leash shall be conspicuously posted as such by the director or designee.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

(9) This section shall not apply to the recreational use of horses, llamas, sled dogs, or similar animals as authorized by WAC 352-32-070.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-060, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-060, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-060, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-060, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 86-20-020 (Order 96), § 352-32-060, filed 9/22/86; 82-12-008 (Order 61), § 352-32-060, filed 5/21/82; Order 9, § 352-32-060, filed 11/24/70.]

**WAC 352-32-070 Use of horses, llamas, sled dogs or similar animals for recreation.** (1) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity. The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, conflict with other park users, public safety, and damage to park resources and/or facilities. This

evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located. Trails designated open for such use may be temporarily closed by the park manager due to emergency health, safety, or resource protection considerations.

(2) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(3) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted in any designated swimming areas, campgrounds - except designated horse or pack-oriented camping areas - or picnic areas, nor within a natural area preserve.

(4) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted within natural areas or natural forest areas, except that relocation of existing equestrian or other similar trails into natural areas or natural forest areas may be permitted upon a finding by the director or designee that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(5) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, or damage park resources and/or facilities, and no person shall allow a horse or other animal to stand unattended or insecurely tied. Persons using horses or other animals for recreation shall obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of use.

(6) Any person bringing a horse, llama, sled-dog or similar animal into a state park area shall cleanup animal feces in parking lots, at trail heads and other central locations used by park visitors.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-070, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-070, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040, 43.51.045, 43.51.050, 43.51.060(1), 43.51.061 and 43.51.395. 99-15-030, § 352-32-070, filed 7/13/99, effective 8/13/99. Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-070, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-070, filed 9/17/92, effective 10/18/92; Order 9, § 352-32-070, filed 11/24/70.]

**WAC 352-32-085 Technical rock climbing.** (1) Whenever used in this section, technical rock climbing shall mean climbing while using such aids as pitons, carabiners or snap links, chalk, ropes, fixed or removable anchors, or other similar equipment. Technical rock climbing includes bouldering and free soloing (respectively low and high elevation climbing without ropes).

(2) Technical rock climbing will be allowed in state parks except it is:

(a) Not permitted in natural area preserves;

(b) Conditioned in heritage areas, natural areas and natural forest areas;

(c) Not permitted where the director or designee has closed the area pursuant to subsection (3) of this section;

(d) Limited in state park areas without climbing management plans pursuant to subsection (6) of this section to the use of routes with established fixed protection, new routes that do not use fixed protection, nor require gardening/cleaning with any type of cleaning tool;

(e) Not permitted in state park areas closed to public use.

(3) The director or designee may, permanently or for a specified period or periods of time, close any state park area to technical rock climbing if the director or designee concludes that a technical rock climbing closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. Prior to closing any park or park area to technical rock climbing, the director or designee shall hold a public meeting in the general area of the park or park area to be closed to technical rock climbing. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee determines that it is necessary to close a rock climbing area immediately to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resource, the director or designee may take emergency action to close a park area to rock climbing without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park area closed to technical rock climbing pursuant to subsection (3) of this section is conspicuously posted as such at the entrance of said park area. Additionally, the director or designee shall maintain a list of all parks and park areas closed to technical rock climbing pursuant to subsection (3) of this section.

(5) The director or designee shall establish a committee of technical rock climbers, to advise park staff on park management issues related to technical rock climbing for each state park area where deemed necessary by the agency.

(6) Each state park area with an established advisory committee of technical rock climbers will have a climbing management plan which will specify technical rock climbing rules concerning overnight stays on climbing routes, bolting, power drills, stabilization of holds, group size and activities, gardening/cleaning of routes pursuant to chapter 352-28 WAC and RCW 79A.05.165, chalk, special use designations for climbing areas, protection of sensitive park resources, and other such issues required by the director or designee. Climbing management plans that relate to natural forest areas or heritage areas must be approved by the commission. The director or designee shall ensure that any technical rock climbing rules contained in a climbing management plan are conspicuously posted at the entrance of the affected park area.

(7) Bolting will be allowed as specified in climbing management plans.

(8) The use of power drills will be allowed only if the park climbing management plans specifically permit under

specified conditions for bolt replacement and bolt installation on new routes. They are otherwise prohibited.

(9) The addition of holds onto the rock face by any means, including gluing, chipping, or bolting is prohibited.

(10) Except as provided in WAC 352-32-310, any violation of this section and rules contained in the park management plan and posted at the park is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-085, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-085, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-085, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-085, filed 12/21/95, effective 1/21/96.]

**WAC 352-32-121 Other weapons.** No person shall display, discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-121, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-070, and 79A.05.075. 04-01-067, § 352-32-121, filed 12/12/03, effective 1/12/04.]

**WAC 352-32-125 Fires and campfires.** All fires, except campfires, fires for stoves, candles, torches, barbeques and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, campfires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-125, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-125, filed 12/9/04, effective 1/9/05.]

**WAC 352-32-130 Aircraft.** (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by the director or designee as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of paragliding in the proposed area, including but not limited to the following factors: The degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the agency.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times;

(xii) Do not tether paraglider to the ground or other stable nonmovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Individuals flying remote controlled aircraft must do so only within flying areas designated by the director or designee and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) Prior to any such designation, the director or designee shall advise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of remote controlled aircraft flying in the proposed area, including, but not limited to, the following factors: The degree of conflict remote controlled aircraft fly-

ing may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park area designated for remote controlled aircraft flying shall be conspicuously posted as such by the director or designee.

(b) The director or designee shall establish a committee to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying site.

(c) Each state park area with an established advisory committee, which includes remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying rules concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and cleanup. The director or designee shall ensure that any remote controlled aircraft flying rules contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) The director or designee may permanently, or for a specified period or periods of time, close any designated flying area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any designated flying area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a designated flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(e) Except as provided in WAC 352-32-310, any violation of this section or failure to abide by a conspicuously posted remote controlled aircraft flying rule is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-130, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-130, filed 11/30/05, effective 12/31/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-130, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-130, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-130, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-130, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040. 94-01-087, § 352-32-130, filed 12/13/93, effective 1/13/94. Statutory Authority:

RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-130, filed 11/24/87; Order 9, § 352-32-130, filed 11/24/70.]

**WAC 352-32-140 Fireworks.** No person shall possess, discharge, set off, or cause to be discharged, in or into any state park area, any firecrackers, torpedoes, rockets, fireworks, explosives, or substance harmful to the life or safety of persons or property. Provided that the director or designee may issue permits for firework displays subject to conditions established by the agency and as provided in chapter 70.77 RCW.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-140, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-140, filed 2/2/98, effective 3/5/98; Order 9, § 352-32-140, filed 11/24/70.]

**WAC 352-32-15001 Little Spokane River natural area—Prohibited uses.** (1) The Little Spokane River Natural Area was established by the commission to conserve a unique natural environment in a nearly undeveloped state for passive low density outdoor recreation activities. To conserve the natural resources, scenic beauty and tranquility of the area, the following are prohibited within the Little Spokane River Natural Area:

- (a) Bicycles.
- (b) Camping.
- (c) Commercial development or activities.
- (d) Consumption of alcoholic beverages.
- (e) Fires or fireworks.
- (f) Horseback riding.
- (g) Hunting.
- (h) Motorized boats, personal watercraft, or boats propelled by means other than oars or paddles; use of canoes, rowboats, kayaks and rafts is specifically authorized.
- (i) Pets including all dogs except assistance dogs for persons with disabilities.
- (j) Swimming, or use of innertubes, air mattresses or similar floatation devices.
- (k) Travel by foot, skis or snowshoes off designated trails or outside designated corridors.

(2) This section does not apply to government employees, or their agents in the performance of their duties, or search and rescue, medical emergency response, law enforcement or fire fighting activities.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-15001, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-15001, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040, 43.51.060 and 43.51.650-680. 88-10-017 (Order 104), § 352-32-15001, filed 4/27/88.]

**WAC 352-32-157 Lakes located partially within state park boundaries—Internal combustion engines prohibited.** (1) In order to preserve the scenic quality, peace and tranquility, and to protect and preserve wildlife, increase visitor safety, and to limit the degradation of lake water quality, the commission, in conjunction with the following ordi-

nance(s), prohibits the use of internal combustion engines on the following lakes partially within park boundaries:

Cascade Lake at Moran State Park, San Juan county ordinance 10.16.030.

(2) This provision does not apply to government employees, or their agents in the performance of their duties, or search and rescue, medical emergency response, law enforcement or fire fighting activities.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-157, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-157, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-157, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040, 43.51.395 and 43.51.400(6). 86-11-053 (Order 94), § 352-32-157, filed 5/19/86.]

**WAC 352-32-165 Public assemblies, meetings.** (1) Public assemblies are permitted in state park areas on grounds which are open to the public generally, provided a permit therefore has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

- (a) Name, address and phone number of the applicant;
- (b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;
- (c) Estimate of the number of persons expected to attend including the basis for the estimate;
- (d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;
- (f) Crowd control to be provided by the event sponsor;
- (g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection (2)(d) and (e), of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency will assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

(6) Permit applications must be submitted at least sixty days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety

and welfare. The sixty-day time limit is also necessary in order to comply with SEPA review requirements to identify any potential environmental impacts and mitigation. This requirement for an application to be filed sixty days prior to an event may be waived in rare circumstances where arrangements can be made in a shorter time while still complying with all other requirements of this section.

(7) The permit application must be submitted along with a nonrefundable permit fee as published by state parks to the Washington State Parks and Recreation Commission, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, Washington 98504-2650. The director, or designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. The following criteria will be evaluated in considering a permit application:

(a) The ability of the applicant to finance, plan and manage the activity in accordance with sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, and consistent with the protection of park resources and image;

(b) The extent to which the proposed activity, in both nature and timing, threatens interference with customary usage of the park by members of the public or interferes with the convenience of park neighbors and the general public;

(c) The experience of the applicant in performing similar activities in the past;

(d) Measures undertaken to mitigate any changes in customary park usage or damage to park resources caused by the activity.

(8) Following an evaluation of the above listed criteria, the director or designee will issue a permit unless:

(a) The application does not adequately address the evaluation criteria; or

(b) A prior application for the same time and place has been made which has been or will be granted; or

(c) The event will present a clear and present danger to the public health or safety; or

(d) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area requested. In considering this, the director or designee shall take into account the potential for significant environmental impact.

(9) The director or designee will acknowledge receipt of the permit application within ten days. The acknowledgement will estimate the timeline for processing the application based on the complexity of the requested use. The director or designee shall make the final ruling on the permit application as soon as possible but no later than ten days prior to the proposed event. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the State Environmental Policy Act and implementing regulations which are independent of this permit requirement.

(10) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection (12) of this section.

(11) A permit issued may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(a) The commission may require applicants to arrange for general liability insurance to cover participants, and the state of Washington will be named as an additional insured.

(b) The commission may require the filing of a bond with satisfactory surety payable to the state, to cover costs such as restoration, rehabilitation and cleanup of the area used, and other costs resulting from the permittee activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(12) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, Washington 98504-2650, within ten days from the date the application is denied.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-165, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-165, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-165, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-165, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-165, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-08-014 (Order 92), § 352-32-165, filed 3/24/86; 83-08-032 (Resolution No. 66), § 352-32-165, filed 3/31/83.]

**WAC 352-32-170 Rubbish.** (1) No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes (except human crematory ashes), waste paper, cans, or other rubbish, in a state park area, except in a garbage can or other receptacle designated for such purposes.

(2) No person shall deposit any household or commercial garbage, refuse, waste, or rubbish, which is brought as such from any private property, in any state park area garbage can or other receptacle designed for such purpose.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-170, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-170, filed 2/2/98, effective 3/5/98; Order 9, § 352-32-170, filed 11/24/70.]

**WAC 352-32-175 Water.** No person shall take greater than five gallons of water from state park areas for personal or commercial use outside state park boundaries, except for:

(1) Those with signed agreements with state parks for water use;

(2) Registered campers and overnight moorage visitors;

(3) Those persons who have paid the trailer dump station or watercraft launch fees when filling fresh water holding tanks in recreational vehicles or vessels;

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-175, filed 1/22/07, effective 2/22/07.]

**WAC 352-32-195 Solicitation.** Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW 79A.05.070(2), no person shall engage in commercial solicitation, or sell or peddle any services, goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession or permit granted by the commission.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-195, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-195, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-195, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.060. 95-22-067, § 352-32-195, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.180. 94-16-026, § 352-32-195, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-195, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-13-089 (Resolution No. 70), § 352-32-195, filed 6/17/83.]

**WAC 352-32-210 Consumption of alcohol in state park areas.** (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director or designee as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered occupants or their guests; provided ELC users obtain written permission through state parks application process;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

(c) Sacajawea State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director or designee may, for a specified period or periods of time, close any state park or state park area to alcohol if the director or designee concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. The director or designee shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director or designee determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resources, the director or designee may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director or designee shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 79A.05.605.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-210, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-210, filed 12/9/04, effective 1/9/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-210, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-210, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.-

300. 97-21-133, § 352-32-210, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.040. 94-13-081, § 352-32-210, filed 6/13/94, effective 7/14/94; 91-07-014, § 352-32-210, filed 3/12/91, effective 4/12/91. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-14-025 (Order 95), § 352-32-210, filed 6/24/86; 86-06-020 (Order 91), § 352-32-210, filed 2/25/86. Statutory Authority: RCW 43.51.040(3). 81-24-020 (Order 55), § 352-32-210, filed 11/24/81; Order 17, § 352-32-210, filed 2/1/74; Order 11, § 352-32-210, filed 7/29/71.]

**WAC 352-32-235 Use of metal detectors in state parks.** The use and operation of metal detectors, as well as the removal of small contemporary materials, is permitted within selected state parks as designated by the director or designee, in accordance with all commission direction on land management, and subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of approved state parks as posted for public reference. Metal detecting may be allowed in an approved campsite occupied by the registered metal detector user and in unoccupied campsites within approved campgrounds.

(2) The use of metal detectors within a state park shall be limited to daylight hours that the park has posted as "open." No use shall be allowed during periods of seasonal or emergency park closure, except where otherwise posted.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which is, or appears to be of historical or archaeological significance, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall be closed.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed two inches in width and sand scoops not to exceed six inches in width and eight inches in length, containing perforations no less than one-half inch in width, to be used only on sand surfaces. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-235, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-235, filed 12/9/04, effective 1/9/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, §

352-32-235, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 97-12-042, § 352-32-235, filed 6/2/97, effective 7/3/97; 92-19-098, § 352-32-235, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 92-15-118, § 352-32-235, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 90-04-025, § 352-32-235, filed 1/29/90, effective 3/1/90; 87-08-007 (Order 99), § 352-32-235, filed 3/23/87, effective 9/8/87.]

**WAC 352-32-237 Geocache.** (1) In order to place a cache on state parks' property, an individual or organization must obtain a geocache placement permit from state parks. Any cache located on state parks' property that does not have a permit on file is subject to removal from its location, and after notification of the owner (if known), may be disposed of within ten days.

(2) The geocache owner must check the geocache at least every ninety days unless an extension is approved by the park manager not to exceed one hundred eighty days. Proof of the check will be by e-mail, letter, or personal communication by the owner with the park manager or designee, and the owner's entry in the cache log book indicating the date of inspection.

(3) The following items shall not be placed in the geocache: Food items; illegal substances; medications; personal hygiene products; pornographic materials; inappropriate, offensive, or hazardous materials or weapons of any type. Log books are required for each cache and are to be provided by the owner of the cache.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-237, filed 1/22/07, effective 2/22/07.]

**WAC 352-32-250 Standard fees charged.** Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time up to one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities;

Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity or cooperative arrangements with other state and/or federal agencies for the use of annual permits for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee.

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger.

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks.

(5) Convenience camping - fees will be charged for use of overnight accommodations such as yurts, cabins, platform tents, etc.

(6) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(7) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504-2650.

(8) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided.

(9) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An

extra vehicle overnight parking fee shall not be imposed when:

(a) Up to four motorcycles occupy one campsite, exclusive of other vehicles or recreation vehicles; or

(b) When the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay.

(10) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle.

(11) Watercraft launch permit fee shall be charged at designated facilities. Watercraft launch permit shall not be required for:

(a) Registered overnight guests in the park containing the watercraft launch;

(b) Persons holding limited-income senior citizen, disability or disabled veteran passes;

(c) Vehicles displaying a valid annual natural investment permit (watercraft launch) permit.

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(c) Vehicles displaying a valid annual natural investment permit.

(13) Variable pricing - variable prices will apply for use of campsites and/or facilities during such periods as the director or designee may specify.

(14) Popular destination park - a surcharge will apply for use of standard or utility campsites located in a popular destination park during such periods as the director may specify.

(15) Water trail site fees - for one day/night will be set by the commission.

(16) In addition to the regular fee, a surcharge may be imposed for failure to pay the self-registration fee.

(17) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more.

(18) Reservation transaction - fees will be charged as published by state parks and are not refundable.

(19) Moorage facilities - fee will be charged as published by state parks.

(20) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(21) Film permits and site location fees will be charged as outlined in chapter 352-74 WAC.

(22) Off-season pass fees will be charged as published by state parks.

(23) Administrative fees will be charged as published by state parks for the replacement of lost, stolen or destroyed passes and permits.

(24) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider.

(25) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(26) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(27) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(28) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm cleanup in the parks.

(29) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(30) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(31) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(32) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(33) Public assembly - permit fees based on costs as indicated in WAC 352-32-165.

(34) Aquatic and other state park facilities - fees will be charged as published by state parks.

(35) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

(36) Fees subject to certificate of participation (COP) and as determined by the commission.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-250, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-250, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-250, filed 12/12/03, effective 1/12/04; 03-01-079, § 352-32-250, filed 12/13/02, effective 1/13/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 02-19-069, § 352-32-250, filed 9/13/02, effective 10/14/02. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-250, filed 6/16/00, effective 7/17/00. Statutory Authority: Chapter 79A.05 RCW and RCW 79A.05.070. 00-01-201, § 352-32-250, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-250, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and

43.51.300. 97-21-133, § 352-32-250, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-250, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and [43.51.060. 95-22-067, § 352-32-250, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-250, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-250, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-13-080, § 352-32-250, filed 6/13/94, effective 7/14/94; 94-08-036, § 352-32-250, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 93-19-113, § 352-32-250, filed 9/20/93, effective 10/21/93; 93-08-025, § 352-32-250, filed 3/30/93, effective 5/1/93. Statutory Authority: Chapter 43.51 RCW. 92-10-018, § 352-32-250, filed 4/29/92, effective 5/30/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-32-250, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-32-250, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 (Order 89-01), § 352-32-250, filed 3/7/89; 88-07-074 (Order 103), § 352-32-250, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-32-250, filed 3/23/87, effective 5/15/87; Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-250, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-32-250, filed 4/16/84. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-250, filed 11/22/83. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-09-031 (Resolution No. 67), § 352-32-250, filed 4/15/83; 82-15-059 (Order 62), § 352-32-250, filed 7/20/82; 82-09-035 (Order 60), § 352-32-250, filed 4/14/82; 81-09-034 (Order 50), § 352-32-250, filed 4/14/81; 80-05-007 (Order 45), § 352-32-250, filed 4/4/80. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 79-09-077 (Order 42), § 352-32-250, filed 8/30/79, effective 10/1/79; 79-02-032 (Order 41), § 352-32-250, filed 1/23/79, effective 5/1/79; 78-05-082 (Order 39), § 352-32-250, filed 5/1/78; Order 36, § 352-32-050 (codified as WAC 352-32-250), filed 10/11/77; Order 27, § 352-32-250, filed 11/19/76.]

**WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.** (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are:

(a) Permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge;

(b) Temporarily disabled and who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge; and

(c) Residents of Washington who have been issued a card, decal (placard) or special license plate for a permanent

disability under RCW 46.16.381 shall be entitled, along with the members of their camping party to free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free use of a state park campsite, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(7) Pass holders that violate or abuse the privileges of their pass, as listed below, may be subject to suspension of their pass and assessed other fees.

(a) Duplicate or multiple reservations for the same night - thirty-day suspension.

(b) Use of pass by unauthorized person - sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations between May 1 and November 1 - ninety-day suspension.

(d) Repeated park rule violations - minimum ninety-day suspension.

The pass will be confiscated by the ranger on duty or their designee and sent to the Olympia headquarters office. At the end of the suspension the pass will be returned to the authorized pass holder at no cost.

(8) Pass holders may appeal a suspension of their pass by providing written justification/explanation to the state parks director or designee at 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504.

(9) Pass holder discounts shall apply only to those fees listed in subsections (1), (2), and (3) of this section. Pass holder discounts will not apply to all other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

(10) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

(11) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-251, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-32-251, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-251, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 03-01-079, § 352-32-251, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-251, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-251, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.-300. 97-21-133, § 352-32-251, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-251, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.060. 90-04-024, § 352-32-251, filed 1/29/90, effective 3/1/90. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 88-19-087 (Order 106), § 352-32-251, filed 9/19/88. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-251, filed 11/22/83.]

#### **WAC 352-32-252 Off-season senior citizen pass—**

**Fee.** (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder's camping party to camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the director and posted. Each such pass shall be valid only during one off-season period.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) There shall be a fee for each off-season senior citizen pass. Limited income senior citizen pass holders may purchase the off-season pass at a 50 percent discount. A surcharge equal to the fee for an electrical hookup published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(5) Pass holder discounts shall apply only to those fees in subsections (1) and (3) of this section. Pass holder discounts will not apply to other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass becomes invalid and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-252, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-070, and 79A.05.075. 03-01-079, § 352-32-252, filed 12/13/02, effective 1/13/03. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-252, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and

[43.51.]060. 95-22-067, § 352-32-252, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-252, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 93-08-025, § 352-32-252, filed 3/30/93, effective 5/1/93; 91-09-001, § 352-32-252, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-32-252, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 88-19-087 (Order 106), § 352-32-252, filed 9/19/88; 85-08-003 (Order 88), § 352-32-252, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-252, filed 11/22/83.]

**WAC 352-32-280 Applicability of standard fees.** The fees published by state parks pursuant to RCW 79A.05.070 (6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 79A.05.030(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park development and management plans.

(3) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 79A.05.140 - 79A.05.155, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this subsection shall be limited to 30 consecutive nights, unless otherwise approved by the director or designee.

(4) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(5) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

(6) The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-280, filed 1/22/07, effective 2/22/07. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-280, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-280, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-09-035 (Order 60), § 352-32-280, filed 4/14/82. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-280, filed 5/1/78; Order 34, § 352-32-280, filed 7/29/77.]

**WAC 352-32-300 Easement, franchise, license, and special use permit applications and fees.** (1) A party that desires to have a request for an easement, franchise, license, or special use permit considered by the commission shall submit an application on a form provided by the director to the:

Washington State Parks and  
Recreation Commission  
7150 Cleanwater Drive  
P.O. Box 42650  
Olympia, WA 98504-2650

Each application from a party other than a government agency shall be accompanied by a nonrefundable application fee according to a schedule adopted by the commission.

A party shall pay the commission processing and use fees as apply according to a schedule adopted by the commission.

A party shall pay the commission for any appraisal, appraisal review, and survey costs incurred by the commission during the consideration of an application for an easement, franchise, license, or special use permit. The amount of any appraisal, appraisal review, and survey costs shall be determined by the director or designee.

An application fee and any processing fees, use fees, and appraisal, appraisal review, and survey payments shall be submitted to the commission at the address listed above and shall be in the form of a check or money order payable to the commission.

(2) The application fee, processing fee, use fee, and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or designee when the director or designee determines that the action authorized by an easement, franchise, license, or special use permit will be of benefit to the general public, if approved by the commission.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-300, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-300, filed 2/2/98, effective 3/5/98; 96-19-031, § 352-32-300, filed 9/10/96, effective 10/31/96; 84-20-069 (Order 81), § 352-32-300, filed 10/2/84.]

**WAC 352-32-340 Approval of community-based park improvements—Policies.** The director or designee, shall approve or disapprove all permits for community-based park improvements. Specific policies concerning community-based park improvements are available upon request.

A community-based park improvement is a construction project, proposed to be accomplished by individuals, groups, churches, charities, organizations, agencies, clubs, or associations using donated labor and/or materials, that results in a permanent change to state park lands or structures, or that creates an additional structure on state park lands.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-340, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-070, 79A.05.075, 79A.05.140, 79A.05.145, 79A.05.150, and 79A.05.155. 01-20-036, § 352-32-340, filed 9/26/01, effective 10/27/01.]

**WAC 352-32-350 Seaweed harvest.** (1) For the purposes of this section, seaweed is defined as all species of marine algae and flowering sea grasses.

(2) Pursuant to RCW 79A.05.165(1), all state park areas are closed to the harvest of seaweed except Fort Ebey, Fort Flagler and Fort Worden state parks which are open to the noncommercial harvest of seaweed in accordance with RCW 79.96.210 from April 16 - May 15 each year. Seaweed harvesting in state park areas is limited to posted park hours.

(3) Seaweed shall be harvested using the following techniques: The leaves of bull kelp (*Nereocystis*) will be cut no closer than twenty-four inches (61 cm) above the bulb, and short stemmed kelps such as sugar wrack (*Laminaria*) and wing kelp (*Alaria*) are to be cut no closer than twelve inches (30 cm) above the anchor point. Cutting will be done using a knife or similar instrument, leaving the anchor point in place at all times. No tearing of the plants from the substrate or trimming is allowed, and rakes, tined forks, or similar tools are prohibited. The limit weight is ten pounds wet weight

(fresh-picked before cleaning) per person per day, and drying or partial drying is prohibited prior to weighing. Each harvester must use a scale to determine when the harvest weight limit has been reached, and use their own container. Multiple limits may not be combined in the same container.

(4) The director or designee may take immediate action to reduce harvest levels where there is evidence of environmental damage. Such state park areas shall post changes in the daily harvest limits to inform the public of the reduced harvest levels.

(5) No person shall harvest or possess any seaweed within a state park area closed to harvest pursuant to subsection (2) or (4) of this section, except as necessary for scientific research authorized in writing by the environmental program manager at state parks.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-32-350, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, and 79A.05.070. 05-01-069, § 352-32-350, filed 12/9/04, effective 1/9/05.]

**Chapter 352-37 WAC  
OCEAN BEACHES**

**WAC**

352-37-020	Definitions.
352-37-030	Vehicular traffic—Where permitted—Generally.
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352-37-070	Conditions under which motor vehicles may be used in the exclusive pedestrian/nonmotorized use areas.
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352-37-095	Disturbances.
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352-37-110	Overnight parking or camping prohibited.
352-37-130	Speed limits.
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352-37-170	Aircraft.
352-37-190	Excluded/limited recreation activities.
352-37-200	Special group recreation event permit.
352-37-210	Severability clause.
352-37-255	Geocache.
352-37-300	Sanitation.
352-37-330	Penalties.

**WAC 352-37-020 Definitions.** Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Campfires" shall mean any open flame from a wood source.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Commission" shall mean the Washington state parks and recreation commission.

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

"Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in this section.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbeques and charcoal.

"Geocache" means geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called geocachers) use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").

"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

"Intimidate" means to engage in conduct which would make a reasonable person fearful.

"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Motor vehicle" shall mean every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" shall mean that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 shall not constitute obstruction of pedestrian or vehicular traffic.

"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Seashore conservation area" shall mean all lands now or hereafter under state ownership or control as defined in RCW 79A.05.605.

"South Beach" shall mean that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-020, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-020, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-030 Vehicular traffic—Where permitted—Generally.** Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, defined as the "driveable beach" in WAC 352-37-020. The operation of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance, or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

The Long Beach Peninsula, South Beach, and North Beach Recreation Management Plans, as referenced in RCW 79A.05.600 through 79A.05.695, as adopted by local governments located on the same beach and approved by the commission, identify those areas where the operation or parking of any vehicle is prohibited. Exceptions that allow for the use of any vehicles in these areas identified as exclusive pedestrian/nonmotorized use areas are found in WAC 352-37-070. Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-030, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-030, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-030, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-030, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-040 Long Beach Peninsula.** (1) Leadbetter Point exclusive pedestrian/nonmotorized vehicle use area is described as the area from the northern tip of Leadbetter Point to the north side of the Oysterville beach access road.

(a) Motor vehicles are not allowed year round in the area located between the northern tip of Leadbetter Point and the southern boundary of Leadbetter Point State Park.

(b) Motor vehicles are not allowed in the area located between the southern boundary of Leadbetter Point State Park to the north side of the Oysterville beach access road, from April 15 to the day following Labor Day of the same year.

(2) Long Beach/Seaview exclusive pedestrian/nonmotorized vehicle use area is described as the area from the south side of the Bolstad Avenue beach access road south to

the north side of the Seaview beach access road at 38th Avenue.

Motor vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(3) Ft. Canby unit exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north jetty of the Columbia River located in Cape Disappointment State Park to north head/south boundary of Beard's Hollow.

Motor vehicles are not allowed on Benson Beach in front of Cape Disappointment State Park for the entire year. Motor vehicles may not be used on the beach in front of the state park for any clam season at any time of the year.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-040, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-040, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-040, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-050 South Beach.** (1) East North Cove exclusive pedestrian/nonmotorized vehicle use area is described as the beach on the Pacific County owned property described as the north half of the northeast quarter section of the southwest quarter section of the southwest quarter of Section 4, Township 14N, Range 11 WWM.

Motor vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(2) The Willapa National Wildlife Refuge/Warrenton Cannery road beach access exclusive pedestrian/nonmotorized vehicle use area is described as the area south of the south edge of the Warrenton Cannery beach access road east to east boundary line of the Willapa National Wildlife Refuge.

(a) Part west of Willapa National Wildlife Refuge. In the portion of this area west of the west boundary line of the Willapa National Wildlife Refuge, motor vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(b) Part within the Willapa National Wildlife Refuge. In the portion of this area within Willapa National Wildlife Refuge, motor vehicles are not allowed from April 15 to the day following Labor Day of the same year. Motor vehicles may not be used in the wildlife refuge during the portion of any clam season which is between April 15 and the day following Labor Day of the same year.

(3) Twin Harbors Gap road to the south jetty exclusive pedestrian/nonmotorized vehicle use area is described as that area from the northern edge of the Twin Harbors beach access road to the south jetty on Point Chehalis.

(a) On the beach in front of the Westport Light State Park, motorized vehicles are not allowed from April 15 to the day following Labor Day of the same year. Motor vehicles may not be used on the beach in front of the state park during the portion of any clam season which is between April 15 and the day following Labor Day of the same year.

(b) On the beach in front of Westhaven State Park motorized vehicles are not allowed for the entire year. Motor vehicles may not be used on the beach in front of the state park for any clam season at any time of the year.

(c) In the balance of the area, motorized vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-050, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-050, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-060 North Beach.** (1) North jetty to Marine View Drive beach access exclusive pedestrian/non-motorized vehicle use area is described as that area from the south edge of the Marine View Drive beach access to the north jetty of the Chehalis River.

Motor vehicles will not be allowed in this area from April 15 to the day after Labor Day of the same year.

(2) Pacific Way to Chance A La Mer beach access exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north edge of the Pacific Way beach access road north to the south edge of the Chance A La Mer beach access road.

Motor vehicles are not allowed April 15 to the day after Labor Day of the same year.

(3) Ocean City beach access north for 1.8 miles exclusive pedestrian/nonmotorized vehicle use area is described as that area from the northern edge of the Ocean City beach access road north for 1.8 miles.

Motor vehicles are not allowed in this area from April 15 to the day after Labor Day of the same year.

(4) Benner Gap road north to the north bank of the Copalis River exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north edge of the Benner Gap beach access road north to the north bank of the Copalis River. If the Copalis River shifts south of the north boundary of Griffiths-Priddy State Park, the north boundary of Griffiths-Priddy State Park shall be the north boundary of this area.

Motor vehicles are not allowed in this area for the entire year.

(5) Copalis Rock north to Boone Creek exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north edge of Copalis Rock north to the north bank of Boone Creek.

Motor vehicles are not allowed in this area from April 15 to the day following Labor Day of the same year.

(6) Roosevelt Beach Gap road north to Annelyde Gap road exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north edge of the Roosevelt beach access road to the south edge of the Annelyde beach access road.

Motor vehicles are not allowed in this area from April 15 to the day following Labor Day of the same year.

(7) Moclips Gap road north to the south boundary of the Quinault Indian reservation exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north edge of the Moclips beach access road (Second Street) to the south boundary of the Quinault Indian reservation.

Motor vehicles are not allowed in this area from April 15 to the day following Labor Day of the same year.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-060, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-060, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-070 Conditions under which motor vehicles may be used in the exclusive pedestrian/nonmotorized use areas.** Unless specifically accepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/nonmotorized vehicle use area, motor vehicles may be used in the pedestrian/non-motorized vehicle use areas under the following circumstances:

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of fisheries which take place partially or entirely during the period when motor vehicles are otherwise not allowed to use the area.

(2) Motor vehicles may also be used in the areas during special events approved by the commission as set forth in WAC 352-37-200 Special group recreation event permit, which specifically allows the use of motorized vehicles. The vehicle may be used for access or in the event.

(3) As provided by RCW 79A.05.660, public vehicles operated in the performance of official duties and vehicles responding to an emergency can use the areas at any time.

(4)(a) Motor vehicles may be used to remove sand from a beach access, gap road, or other area provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula pursuant to RCW 4.24.210, 79A.05.035(5), and 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or designee for a wood debris removal permit.

(5)(a) Motor vehicles may be used to remove wood debris under RCW 4.24.210 and 79A.05.035(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in

the day in order to minimize disturbance of nearby businesses, residents, and visitors.

(6) In case of an emergency, motor vehicles may be used to maintain and construct erosion control devices, including bulkheads, provided that all required permits have been obtained and the operation of the vehicles and the construction complies with all applicable requirements.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-070, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-070, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-070, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-080 Equestrian traffic.** (1) Equestrian traffic shall be permitted on and along the ocean beaches within the seashore conservation area year round except where prohibited by this rule or other provision of statute or rule.

(2) Equestrian traffic shall be permitted only on that area between the extreme upper and landward limit of the hard sand area and the clam beds.

(3) Equestrian access shall be permitted at the point of intersection of any access road and the beach or any equestrian trail designated by the commission. Upland owners shall also be allowed equestrian access to and from their property, except for commercial purposes.

(4) Within the seashore conservation area, equestrian traffic shall yield the right of way to all pedestrian or vehicular traffic.

(5) Horses shall be ridden at a walk or led through areas of heavy pedestrian concentration.

(6) Equestrian traffic will not be permitted on the Long Beach Peninsula between Bolstad Avenue beach access road and 10th Street beach access road from April 15 to the day following Labor Day of the same year.

(7) Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-080, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040 and 43.51.-180(7). 92-19-098, § 352-37-080, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-080, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-090 Pedestrians to be granted right of way.** Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians and nonmotorized vehicles on the ocean beaches. Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-090, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-090, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-090, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-090, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-095 Disturbances.** Disorderly conduct, or conduct with the intent to intimidate or obstruct pedestrian or vehicular traffic, or which otherwise impedes or disturbs state park employees or volunteers in the performance of their duties, or which impedes or disturbs the general public in the use and enjoyment of state park areas, is prohibited.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-095, filed 1/22/07, effective 2/22/07.]

**WAC 352-37-100 Parking.** Parking of vehicles shall be permitted only in an area extending one hundred feet westerly from the upper or landward limit of the hard sand area, or driveable beach area (WAC 352-37-020) or where otherwise specifically designated by the commission. Beach parking shall only be allowed in areas open for beach driving. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-100, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-100, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-100, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-100, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-105 Fires and campfires.** All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, campfires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-105, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-105, filed 12/9/04, effective 1/9/05.]

**WAC 352-37-110 Overnight parking or camping prohibited.** Overnight parking or camping shall be prohibited on any area of the ocean beaches. Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-110, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040 and 43.51.-180(7). 92-19-098, § 352-37-110, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-110, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-130 Speed limits.** (1) No person shall operate any motor vehicle on or along any ocean beach at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, animal, vehicle or other conveyance on or entering the driveable beach in compliance with legal requirements in the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this sec-

tion, the maximum speed limit for operation of motor vehicles on the ocean beaches shall be twenty-five miles per hour.

(3) The driver of every motor vehicle operating on the ocean beaches shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing a beach access road, when approaching one or more parked vehicles, when approaching or traveling past or in the vicinity of a pedestrian or group of pedestrians, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or beach conditions.

(4) Except as provided in WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-130, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040 and 43.51.-180(7). 92-19-098, § 352-37-130, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-130, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-140 Certain practices prohibited.** The following practices while operating any motor vehicle on or along the ocean beaches are specifically prohibited:

- (1) Squirreling;
- (2) Circling;
- (3) Cutting figure eights;
- (4) Racing;

(5) The operation of any motor vehicle in such a manner as to constitute a threat to the operator thereof, his or her passengers, pedestrians or equestrians using the beaches, animals or any other vehicle or other property.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-140, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-140, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-170 Aircraft.** (1) On the North Beach airplanes may land and take off on the ocean beach in the area commencing at the Copalis River north to the "rocks."

(2) The use of the beach by aircraft shall be subject to the jurisdiction of the aeronautics commission and all state and federal laws applicable to aircraft and pilots. Except as specified in subsection (1) of this section, airplanes shall only be allowed to make emergency landings on the ocean beaches.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-170, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-170, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-190 Excluded/limited recreation activities.** The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically designated therefore or authorized by the director or designee as a special recreation event.

(1) Vehicles not licensed and certificated pursuant to chapters 46.12 and 46.16 RCW.

- (2) Wind/sand sailers.
- (3) Parasails.
- (4) Hovercraft.
- (5) Powered parasail.

(6) Ultra-light aircraft.

(7) Powered hang gliders.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-190, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-190, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-190, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-200 Special group recreation event permit.** (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW 79A.05.600 through 79A.05.630), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

Washington State Parks and  
Recreation Commission  
7150 Cleanwater Drive  
P.O. Box 42650  
Olympia, WA 98504-2650

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination.

The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director or designee may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-200, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.055, 79A.05.070, and 79A.05.165. 05-01-068, § 352-37-200, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-200, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-210 Severability clause.** If any provision of these rules or their application to any person or circumstance is held invalid, the remainder of these rules or their application to other persons or circumstances is not affected.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-210, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. 90-07-050, § 352-37-210, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-255 Geocache.** (1) In order to place a cache on state parks' property, an individual or organization must obtain a geocache placement permit from state parks. Any cache located on state parks' property that does not have a permit on file is subject to removal from its location, and after notification of the owner (if known), may be disposed of within ten days.

(2) The geocache owner must check the geocache at least every ninety days unless an extension is approved by the park manager, not to exceed one hundred eighty days. Proof of the check will be by e-mail, letter, or personal communication by the owner with the park manager or designee, and the owner's entry in the cache log book indicating the date of inspection.

(3) The geocache may be placed on Washington state parks and recreation commission managed property only by written permission from the commission.

(4) The following items shall not be placed in the geocache: Food items; illegal substances; medications; personal hygiene products; pornographic materials; inappropriate, offensive, or hazardous materials or weapons of any type. Log books are required for each cache and are to be provided by the owner of the cache.

(5) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-255, filed 1/22/07, effective 2/22/07.]

**WAC 352-37-300 Sanitation.** No person shall, in the seashore conservation area:

(1) Drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel, except in designated disposal areas or receptacles.

(2) Urinate or defecate except in designated facilities.

(3) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind, or description, including human or animal bodily waste, any stream, river, lake, or other body of water running in, through, or adjacent to, the seashore conservation area.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-300, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-300, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-330 Penalties.** Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW, except that a violation of WAC 352-37-230 shall at all times be a gross misdemeanor.

[Statutory Authority: Chapter 79A.05 RCW. 07-03-121, § 352-37-330, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.-035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. 05-24-030, § 352-37-330, filed 11/30/05, effective 12/31/05.]