

# Chapter 352-37 WAC

## OCEAN BEACHES

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-37-180	Violations—Penalty. [Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-180, filed 3/19/90, effective 4/19/90.] Repealed by WSR 92-19-098, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.180(7)
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**WAC 352-37-010 Purpose.** The purpose of this chapter is to implement the provisions of RCW 79A.05.600 through 79A.05.695 which require local governments which have a portion of the Seashore Conservation Area within their boundaries to prepare recreation management plans for the ocean beaches designating at least forty percent of the beach for use by pedestrians and nonmotorized vehicles from April 15 to the day following Labor Day of each year.

This chapter sets forth those sections of the plans which the commission has adopted as rules.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.-070, and 79A.05.165. WSR 05-01-068, § 352-37-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-010, filed 3/19/90, effective 4/19/90.]

(6/24/16)

**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:

"Aggregate" shall mean a mixture of minerals separable by mechanical or physical means.

"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, between the hours of 11:00 p.m. and 6:00 a.m.; or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

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

"Concentrate" shall mean the valuable mineral content separated from aggregate.

"Concentrator" shall mean a device used to physically or mechanically separate the valuable mineral content from aggregate.

"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.

"Excavation site" shall mean the pit, furrow, or hole from which aggregate is removed to process and recover minerals or into which wastewater is discharged to settle out sediments.

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

"Ganged equipment" shall mean two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

"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").

"Hand-held mineral prospecting tools" shall mean tools that are held by hand and are not powered by internal combustion, hydraulic, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and vac-pacs.

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"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.

"High-banker" shall mean a stationary concentrator that can be operated outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes.

"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.

"Mineral prospecting equipment" shall mean any natural or manufactured device, implement, or animal (other than the human body) that can be used in any aspect of prospecting for or recovering minerals.

"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.

"Pan" shall mean an open metal or plastic dish that can be operated by hand to separate gold or other minerals from aggregate by washing the aggregate.

"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.

"Placer" shall mean a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

"Power sluice" shall mean high-banker.

"Power sluice/suction dredge combination" shall mean a machine that can be used as a power sluice, or with minor modifications as a suction dredge.

"Prospecting" shall mean the exploration for minerals and mineral deposits.

"Riffle" shall mean the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

"Rocker box" shall mean a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that can be operated with a rocking motion.

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

"Sluice" shall mean a trough equipped with riffles across its bottom which can be used to recover gold and other minerals with the use of flowing water.

"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.

"Spiral wheel" shall mean a hand-operated or battery-powered rotating pan that is used to recover gold and minerals with the use of water.

"Suction dredge" shall mean a machine that is used to move submerged aggregate via hydraulic suction. Aggregate is processed through an attached sluice box for the recovery of gold and other minerals.

"Wetted perimeter" shall mean the areas of a water-course covered with flowing or nonflowing water.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 16-14-020, § 352-37-020, filed 6/24/16, effective 7/25/16. Statutory Authority: RCW 79A.05.030, 79A.05.165, and 79A.05.615. WSR 11-19-015, § 352-37-020, filed 9/8/11, effective 10/9/11. Statutory Authority: Chapter 79A.05 RCW. WSR 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. WSR 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. WSR 05-01-068, § 352-37-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 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. WSR 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. WSR 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). WSR 92-19-098, § 352-37-030, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 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. WSR 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. WSR 05-01-068, § 352-37-040, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 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. WSR 07-03-121, § 352-37-050, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 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/nonmotorized 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) Moclipis 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 Moclipis 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. WSR 07-03-121, § 352-37-060, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 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/nonmotorized 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. WSR 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. WSR 05-01-068, § 352-37-070, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 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. WSR 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). WSR 92-19-098, § 352-37-080, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 90-07-050, § 352-37-080, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-085 Wind/sand sailer traffic.** (1) Operations of wind/sand sailers is allowed on the ocean beaches within the seashore conservation area only as authorized in this section.

(a) Wind/sand sailers may only be operated in areas specifically designated by the director;

(b) Wind/sand sailers may only be operated on the driveable portion of the ocean beaches;

(c) Operation of wind/sand sailers is subject to safety measures or other restrictions determined by the director;

(d) Wind/sand sailers may only be operated from sunrise to sunset unless, otherwise restricted by the director;

(e) Wind/sand sailers may not be operated on a beach open for razor clam digging per Washington department of fish and wildlife rule for the period beginning three hours before the published low tide and ending three hours after the published low tide;

(f) Wind/sand sailers shall yield the right of way to all pedestrian, equestrian or vehicular traffic and observe all regulations that restrict the operation of wind/sand sailers;

(g) A person shall not operate a wind/sand sailer in a reckless manner including, but not limited to, recklessly weaving through congested pedestrian, equestrian or vehicular traffic, operating unnecessarily close to other users of the beach, or recklessly swerving at the last possible moment to avoid collision;

(h) Notwithstanding the speed limitation set forth in WAC 352-37-130, the director may authorize higher speeds for specific events.

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

[Statutory Authority: RCW 79A.05.610. WSR 15-10-013, § 352-37-085, filed 4/23/15, effective 5/24/15.]

**WAC 352-37-086 Requirements to operate wind/sand sailers.** (1) No person shall operate wind/sand sailers unless the person:

(a) Is sixteen years of age or older; or

(b) Is accompanied by and is under the supervision of a person sixteen years of age or older.

(2) Subject to WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.610. WSR 15-10-013, § 352-37-086, filed 4/23/15, effective 5/24/15.]

**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.

(6/24/16)

[Statutory Authority: Chapter 79A.05 RCW. WSR 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. WSR 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). WSR 92-19-098, § 352-37-090, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 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. WSR 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 westward 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. WSR 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. WSR 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). WSR 92-19-098, § 352-37-100, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 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. WSR 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. WSR 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. WSR 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). WSR 92-19-098, § 352-37-110, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 90-07-050, § 352-37-110, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-120 Operator's license required.** No person shall operate any motor vehicle on or along the ocean beaches unless such person has in his or her possession a valid Washington state driver's license issued under the provisions of chapter 46.20 RCW: Provided, That the following persons shall be exempt from the provisions of this section:

(1) Any person in the service of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, or in the service of the National Guard of this state or any other state, when furnished with a driver's license by such service and when operating an official motor vehicle in such service; or

(2) A nonresident who is at least sixteen years of age and who has in his possession a valid driver's license issued to him in his home state; or

(3) A nonresident who is at least sixteen years of age and who has in his possession a valid driver's license issued to him in his home country.

[Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-120, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-130 Speed limits.** (1) No person shall operate any motor vehicle or wind/sand sailer 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 section, the maximum speed limit for operation of motor vehicles or wind/sand sailers on the ocean beaches shall be twenty-five miles per hour.

(3) The driver of every motor vehicle or wind/sand sailer 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: RCW 79A.05.610. WSR 15-10-013, § 352-37-130, filed 4/23/15, effective 5/24/15. Statutory Authority: Chapter 79A.05 RCW. WSR 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). WSR 92-19-098, § 352-37-130, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. WSR 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 pas-

sengers, 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. WSR 07-03-121, § 352-37-140, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-140, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-150 Rules of the road incorporated.** Except where otherwise obviously inapplicable to the use and operation of motor vehicles on the ocean beaches chapter 46.61 RCW, constituting the rules of the road, is herewith expressly incorporated herein, and the practices required or prohibited in that chapter are hereby expressly required or prohibited when operating any motor vehicles on and along the ocean beaches.

[Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-150, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-160 Certain vehicle lighting and equipment standards incorporated.** Except where otherwise obviously inapplicable to the use and operation of motor vehicles on the ocean beaches, chapter 46.37 RCW, constituting vehicle lighting and other equipment, is herewith expressly incorporated herein, and the requirements of that chapter are hereby expressly required when operating any motor vehicles on and along the ocean beaches.

[Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-160, 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. WSR 07-03-121, § 352-37-170, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 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) Parasails.

(3) Hovercraft.

(4) Powered parasail.

(5) Ultra-light aircraft.

(6) Powered hang gliders.

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

[Statutory Authority: RCW 79A.05.610. WSR 15-10-013, § 352-37-190, filed 4/23/15, effective 5/24/15. Statutory Authority: Chapter 79A.05 RCW. WSR 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. WSR 05-01-068, § 352-37-190, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 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. WSR 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. WSR 05-01-068, § 352-37-200, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and [43.51.060]. WSR 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. WSR 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. WSR 07-03-121, § 352-37-210, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-210, filed 3/19/90, effective 4/19/90.]

**WAC 352-37-220 Disrobing.** (1) No person shall disrobe in public in the seashore conservation area.

(2) Clothing sufficient to conform to common standards shall be worn at all times.

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

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-220, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 43.51.040 and 43.51.180(7). WSR 92-19-098, § 352-37-220, filed 9/17/92, effective 10/18/92.]

**WAC 352-37-230 Firearms.** (1) No person shall discharge or propel across, in, or into the seashore conservation area a firearm, 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 a gross misdemeanor.

(2) The possession, display, carrying, discharge or use of a firearm is further regulated under chapter 9.41 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-230, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-240 Fireworks.** The possession or discharge of fireworks on or into those areas of the seashore conservation area adjacent to state park areas is prohibited, except where designated by the director or designee; provided however, that the director or designee may issue permits for fireworks 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: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-240, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-250 Games or activities.** Playing games and/or engaging in activities in a manner and/or location which subjects people or personal property, resources or facilities in the seashore conservation area to risk of injury or damage shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-250, filed 11/30/05, effective 12/31/05.]

**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 email, 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. WSR 07-03-121, § 352-37-255, filed 1/22/07, effective 2/22/07.]

**WAC 352-37-260 Intoxication in the seashore conservation area.** Being or remaining in, or loitering about in the seashore conservation area while in a state of intoxication shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-260, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-270 Peace and quiet.** To ensure peace and quiet for visitors:

(1) No person shall, at any time, use amplified sound-emitting electronic equipment that emits sound beyond the person's vehicle or immediate area of use which is at a volume that may disturb other users of the seashore conservation area, without specific permission of the park ranger.

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

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-270, filed 11/30/05, effective 12/31/05.]

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**WAC 352-37-280 Pets.** (1) In the seashore conservation area, pets or domestic animals, except for assistance dogs for persons with disabilities, may be prohibited for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes, if approved by the director or designee and so posted.

(2) No person shall allow his/her pet or domestic animal to bite or in any way molest or annoy wildlife or visitors to the seashore conservation area. No person shall permit his/her pet or domestic animal to bark or otherwise disturb peace and quiet.

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

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-280, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-290 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 the seashore conservation 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 seashore conservation 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: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.-165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-290, filed 11/30/05, effective 12/31/05.]

**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. WSR 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. WSR 05-24-030, § 352-37-300, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-310 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 solicitation, or sell or peddle any services, goods, wares, merchandise, liquids, or edibles for human consumption in the seashore conservation 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: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-310, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-320 Other weapons.** No person shall display, discharge or propel across, in, or into the seashore conservation area, 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: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-320, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-325 Seashore conservation area closures.** (1) The director or designee may, for a specified period or periods of time, close any portion of the seashore conservation area to public access if the director or designee concludes that such a closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources.

(2) Subject to WAC 352-37-330, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.610. WSR 15-10-013, § 352-37-325, filed 4/23/15, effective 5/24/15. Statutory Authority: RCW 79A.05.030 and 79A.05.035. WSR 13-17-037, § 352-37-325, filed 8/13/13, effective 9/13/13.]

**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. WSR 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. WSR 05-24-030, § 352-37-330, filed 11/30/05, effective 12/31/05.]

**WAC 352-37-340 Small-scale beach prospecting and placer mining.** (1) Small-scale beach prospecting and placer mining is allowed year-round in the seashore conservation area, except within fifty feet on either side of designated ocean beach access roads.

(2) The director may close specific areas to beach prospecting or placer mining when deemed necessary for wildlife protection or public safety.

(3) Only hand-held mineral prospecting tools and the following mineral prospecting equipment may be used in the seashore conservation area:

- (a) Pans;
- (b) Spiral wheels;
- (c) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;
- (d) Suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the

nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the suction intake nozzle size;

(e) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged equipment, suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the suction intake nozzle size; and

(f) High-bankers and power sluices that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.

(4) Upon request, other mineral prospecting equipment may be considered by the commission on a pilot basis.

(5) All trenches, depressions, or holes created in the beach during mining activities must be back-filled before working another excavation site.

(6) Setting up or using mining equipment or conducting mining activities in a manner and/or location that subjects people, personal property, or park resources to injury or damage or impedes traffic on the driveable portion of the beach is prohibited.

(7) A person may possess or transport up to ten gallons of concentrate per day.

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

[Statutory Authority: RCW 79A.05.030, 79A.05.165, and 79A.05.615. WSR 11-19-015, § 352-37-340, filed 9/8/11, effective 10/9/11.]