

Title 352 WAC

PARKS AND RECREATION COMMISSION

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Appendix A	[Filed 3/24/60.] Repealed by Order 8, filed 6/10/70.
Appendix B	[Filed 1/8/63.] Repealed by Order 8, filed 6/10/70.
Appendix C	[Filed 5/5/67.] Repealed by Order 8, filed 6/10/70.

Chapter 352-04 WAC

POLICY—MEETINGS, DELEGATIONS, AND LAND ACQUISITION

WAC

352-04-010	Duties of Chairman and conduct of meetings.
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WAC 352-04-010 Duties of Chairman and conduct of meetings. (1) The Chairman shall call and preside at all regular or special meetings.

(2) The duties of the Vice-Chairman shall be to preside at all regular or special meetings in the absence of the Chairman. In addition, the Vice-Chairman shall serve as Chairman upon his resignation, death, or incapacitation for any reason, and shall so serve until the next regular election, or until the Chairman is again able to serve, whichever shall first occur.

(3) The Secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall

sign such minutes when transcribed and approved by the Commission. In addition, the Secretary shall succeed to the offices of Vice-Chairman or Chairman in the same manner and under the same conditions as set forth above for the Vice-Chairman.

(4) One regular meeting shall be held on the third Monday of each month, unless otherwise agreed by a majority of the Commissioners present at the meeting held in the month immediately preceding the month in which no regular meeting is to be held.

(5) An annual election shall be conducted for the offices of Chairman, Vice-Chairman, and Secretary, at the first regular meeting of every year. The election shall be conducted by written ballot.

(6) The order of business at all regular meetings shall be:

- (a) The call of the roll.
- (b) Minutes of the previous meeting.
- (c) Acceptance of Agenda.
- (d) Business of the day.
- (e) Date and location of next meeting.
- (f) Adjournment.

(7) The Chairman shall be a voting member of the Commission. A majority of the appointed Commissioners shall constitute a quorum, unless otherwise required by law. A majority vote of the Commissioners present shall be sufficient to pass or defeat each measure brought to a vote, provided there is a quorum present. When a unanimous vote of the authorized membership of the Commission is required by law to pass any measure brought to a vote, the vote of any absent Commissioner may be registered by mail, or by telephone; provided that any mailed ballot shall be opened and read, or any telephoned vote shall be communicated during the meeting at which such measure is being considered; and provided further that the Chairman shall identify the absent Commissioner or Commissioners so voting, and that such identification shall be incorporated into the minutes of the meeting. [Order 12, § 352-04-010, filed 1/28/72; Order 7, § 352-04-010, filed 4/1/70.]

WAC 352-04-020 Delegation of authority to director. (1) Any delegation of authority by the Commission under chapter 31, section 2, Laws of 1969, shall be accomplished at a regular or special meeting of the Commission, and shall be incorporated in the minutes thereof.

(2) The Director may appoint, suspend, and dismiss employees of the agency. [Order 7, § 352-04-020, filed 4/1/70.]

WAC 352-04-030 Land acquisition procedure. (1) A majority vote of the Commissioners present at a regular or special meeting shall be necessary to authorize the purchase, lease, or other acquisition of land. A unanimous vote of the authorized membership shall be necessary to authorize disposal or exchange of any lands.

(2) No purchase of land shall be authorized until its fair market value is first determined by one or more appraisals. [Order 7, § 352-04-030, filed 4/1/70.]

**Chapter 352-10 WAC
GUIDELINES INTERPRETING AND
IMPLEMENTING THE STATE ENVIRONMENTAL
POLICY ACT**

WAC

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WAC 352-10-010 Authority. This chapter is promulgated pursuant to the direction provided in RCW 43.21C.120. The adoption of guidelines by the

Washington State Parks and Recreation Commission shall not be an "action" as defined in WAC 352-10-040(2). [Order 20, § 352-10-010, filed 5/27/76.]

WAC 352-10-020 Purpose. (1) The purpose of this chapter is to establish statewide guidelines interpreting and implementing the state environmental policy act of 1971 (SEPA) for the Washington State Parks and Recreation Commission, hereinafter referred to as the Commission.

(2) These guidelines were developed to establish methods and means of implementing SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines are not intended to govern compliance by the Commission with respect to the national environmental policy act of 1969 (NEPA). In those situations where the Commission is required by federal law or regulations to perform some element of compliance with NEPA, such agency compliance will be governed by the applicable federal statute and regulations and not by these guidelines. [Order 20, § 352-10-020, filed 5/27/76.]

WAC 352-10-025 Scope and coverage of this chapter. (1) It is the intent of the Commission that compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for any "action" as defined in WAC 352-10-040(2).

(2) The guidelines of this chapter contain no sections relating to the notice/statute of limitations provisions of RCW 43.21C.080, 43.21C.085 and 43.21C.087. To utilize these provisions, the Commission shall follow the statutory language and any applicable regulations of the department of ecology. [Order 20, § 352-10-025, filed 5/27/76.]

WAC 352-10-030 Integration of SEPA procedures with other governmental operations. To the fullest extent possible, the procedures required by these guidelines shall be integrated with existing planning and licensing procedures utilized by the Commission with other governmental agencies in the state. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort. [Order 20, § 352-10-030, filed 5/27/76.]

WAC 352-10-040 Definitions. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) **Acting Agency.** Acting agency means an agency with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

(2) **Action.** Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). [See the provisions of WAC 352-10-170 and 352-10-180 for determination and environmental impact statement requirements of SEPA and these guidelines, due to the

Commission's determination that such activities are minor, not "major", actions, even though such activities are within one of the subcategories below.] All actions fall within one of the following subcategories:

(a) Governmental licensing.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not it directly modifies the environment.

(c) Governmental action of a non-project nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) capital budgets; and

(v) road, street and highway plans.

(3) **Agencies with Expertise.** Agencies with expertise means those agencies to which a draft environmental impact statement shall be sent pursuant to WAC 352-10-465, unless they are also agencies with jurisdiction.

(4) **Agencies with Jurisdiction.** Agencies with jurisdiction means those agencies from which a non-exempt license is required for a proposal or any part thereof, or which will act upon an application for a grant or loan for a proposal, or agencies which are proposing or initiating any governmental action of a project or non-project nature. The term does not include those agencies authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for specific proposals; nor does the term include agencies, involved in approving grants or loans, which serve only as conduits between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are instrumentalities of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) **Agency or Agencies.** Agency or agencies mean all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean such successor agency.

(6) **Authorized Public Use.** Authorized Public Use shall not be construed to have occurred unless the particular parcel of real property in question has developed facilities which have been subject to public use and/or

has been specifically designated and classified for such public use without developed facilities.

(7) Commission. Commission means the Washington State Parks and Recreation Commission.

(8) CEP. CEP means the council on environmental policy.

(9) Consulted Agency. Consulted agency means any agency with jurisdiction or with expertise which is consulted, or from which information is requested by a lead agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement.

(10) County/City. County/city means a county, city or town. For the purposes of this chapter, duties and powers are assigned to a county, city or town as a unit, with the delegation of responsibilities among the various departments of a county, city or town being left to the legislative or charter authority of the individual counties, cities or towns.

(11) Declaration of Non-Significance. Declaration of non-significance means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. The form provided in WAC 352-10-355 shall be used for this declaration.

(12) Declaration of Significance. Declaration of significance means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. The form in WAC 352-10-355 shall be used for this declaration.

(13) Draft EIS. Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(14) EIS. EIS means the detailed statement required by RCW 43.21C.030(2)(c). It may refer to either a draft or final environmental impact statement, or both, depending upon context.

(15) Environment. Environment means, and is limited to, those areas listed in WAC 352-10-444.

(16) Environmental Checklist. Environmental checklist means the form contained in WAC 352-10-365.

(17) Environmental Document. Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(18) Environmentally Sensitive Area. Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 352-10-177, and within which certain categorical exemptions do not apply.

(19) Final EIS. Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may consist of a new document, or of the draft EIS together with supplementary material prepared pursuant to WAC 352-10-570, 352-10-580 or 352-10-695.

(20) Lands Covered by Water. Lands covered by water means lands underlying the water areas of the state, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded

waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(21) Lead Agency. Lead agency means the agency designated by the provisions of WAC 352-10-200 through 352-10-270 or 352-10-345, which is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(22) License. License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license thus includes the whole or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project; a license required solely for revenue purposes is not included.

(23) Licensing. Licensing means the agency process in granting, renewing or modifying a license.

(24) List of Elements of the Environment. List of elements of the environment means the list contained in WAC 352-10-444 which must be attached to every environmental impact statement.

(25) Local Agency. Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(26) Major Action. Major action means any "action" as defined in this section which is not exempted by WAC 352-10-170 and 352-10-180.

(27) Non-Project EIS. Non-project EIS means an environmental impact statement prepared for a proposal for any governmental action of a non-project nature as defined under "action" in this section.

(28) Physical Environment. Physical environment means and is limited to those elements of the environment listed under "physical environment" in WAC 352-10-444(2).

(29) Private Applicant. Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) Private Project. Private project means any proposal for which the primary initiator or sponsor is an individual or entity other than an "agency" as defined in this section.

(31) Proposal. Proposal means a specific request to undertake any activity submitted to, and which is seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. Further definition of the scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is contained in WAC 352-10-060.

(32) Responsible Official. Responsible official means that officer or officers, committee, department or section of the lead agency designated by the lead agency's guidelines to undertake its responsibilities as lead agency [See WAC 352-10-820].

(33) SEPA. SEPA means the state environmental policy act of 1971, chapter 43.21C RCW, as amended.

(34) State Agency. State Agency means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(35) Threshold Determination. Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal. [Order 20, § 352-10-040, filed 5/27/76.]

WAC 352-10-050 Use of the environmental checklist form. A form is provided in WAC 352-10-365 for an environmental checklist to be initially completed by an action proponent, whether public or private, either alone or together with the lead agency, usually in conjunction with a license application. This form must be used in the threshold determination; it will also be helpful in making the lead agency designation and in pre-draft consultation. However, where there is an agreement between the proponent of a non-exempt action (whether a private applicant or an agency which is not the lead agency) and the lead agency that an EIS is required, the completion of the environmental checklist is unnecessary. Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required. [Order 20, § 352-10-050, filed 5/27/76.]

WAC 352-10-055 Timing of the EIS process. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the Commission commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. All decisions on SEPA applicability and degree or severity of impact will be made on a case by case basis. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision-making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a non-project nature, and the proponent of the major action is also the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal. [Order 20, § 352-10-055, filed 5/27/76.]

WAC 352-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination,

threshold determination, and EIS preparation. (1) The proposal considered by an acting agency during the lead agency determination procedure, and by the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) hereof is applicable. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) hereof is applicable.

(2) The total proposal is the proposed action, together with all proposed activity which is functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates operation of the present proposal or is necessary thereto; or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the lead agency. The fact that future impacts of a proposal will require future governmental approvals shall not be a bar to their present consideration, so long as the plans for those future elements are sufficiently specific to allow some evaluation of their potential environmental impacts. Acting agencies and lead agencies should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, consideration of impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between such development and one or more of the governmental decisions necessary for the proposal in question.

(4) Proposals involving extensive future actions may be divided, at the option of the lead agency, into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for those future segments. The segmentation allowed by this subsection shall not be applied at the threshold determination to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied so as to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network, the lead agency may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall

be logical with relation to the design of the total system or network itself, and shall not be made merely to divide a larger system into exempted fragments. [Order 20, § 352-10-060, filed 5/27/76.]

WAC 352-10-100 Summary of information which may be required of a private applicant. (1) There are three areas of these guidelines where the Commission is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) **Environmental Checklist.** A private applicant is required to complete an environmental checklist as set forth in WAC 352-10-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The Commission may not require a complete assessment or "mini-EIS" at this stage. [See WAC 352-10-310].

(3) **Threshold Determination.** The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, the lead agency determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. [See WAC 352-10-330.]

(4) **Draft and Final EIS Preparation.** An EIS may be prepared by the applicant under the direction of the responsible official. [See WAC 352-10-420.] Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a pre-draft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. [Order 20, § 352-10-100, filed 5/27/76.]

WAC 352-10-150 Exemptions exclusive—CEP approval of changes in exemptions. (1) The only actions exempt from the threshold determination requirements

of this chapter are those which are categorically exempted in WAC 352-10-170 and 352-10-180. Except to specify emergencies as allowed in WAC 352-10-180, the Commission shall add additional exemptions in these guidelines only after obtaining approval of CEP or its successor agency in accordance with either subsection (2) or (3) of this section.

(2) The Commission may petition CEP, pursuant to RCW 34.04.060, for adoption of additional exemptions or for deletion of existing exemptions through amendments to these guidelines. Such petition shall set forth the language of the amendment requested, the reasons for the requested amendment, the Commission's views on the impacts to the environment resulting from the activities covered by the proposed amendment, and the approximate number of actions within any stated time period of the class proposed for exemption or deletion which come before the agency. CEP shall consider and make a determination upon any such petition within thirty days of receipt, and if the determination is favorable, shall initiate the rule-making procedures of chapter 34.04 RCW, to amend these guidelines. Amendments to these guidelines will apply either generally or to specified classes of agencies. The Commission shall amend these guidelines accordingly after the amendments to the CEP guidelines become effective.

(3) The Commission may also petition CEP for an immediate ruling upon any request to add or delete an exemption. If such a petition is granted, CEP will so notify the Commission, which may immediately thereafter include the modification approved by CEP in its own guidelines. CEP may thereafter initiate procedures to amend these guidelines to incorporate the approved modification. Until the CEP guidelines are amended, any modification granted under this subsection shall apply only to the Commission.

(4) CEP will provide public notice of all proposed amendments to these guidelines in the manner required by the Washington Administrative Procedures Act (chapter 34.04. RCW). A copy of all CEP approvals under subsection (3) of this section will be given to all persons who have made request to CEP for advance notice of its rule-making proceedings.

(5) This section shall not be construed to limit the right of any interested person to petition CEP for the promulgation, amendment or repeal of any rule, including rules establishing categorical exemptions, in accordance with RCW 34.04.060. [Order 20, § 352-10-150, filed 5/27/76.]

WAC 352-10-160 No presumption of significance for nonexempt actions. No presumption as to the significance of the impacts upon the environment shall be given to any proposed action merely because it was not exempted. [Order 20, § 352-10-160, filed 5/27/76.]

WAC 352-10-170 Categorical exemptions. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these guidelines:

(1) **Minor new construction.** The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all governmental licenses required to undertake the construction in question, except rezones or any license governing emissions to the air or water:

(a) The construction of any residential structure of four dwelling units or less.

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feedlots.

(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of floor area, and with associated parking facilities designed for twenty automobiles or less.

(d) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(e) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(f) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade separated crossings), grooving, glare screen, safety barriers, energy attenuators, highway landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right-of-way weed control), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, channelization and elimination of sight restrictions at intersections, street lighting, guard-rail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including minor widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrians walks and paths, but not including additional automobile lanes.

(g) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(h) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(i) The construction of a parking lot designed for twenty automobiles or less.

(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under chapter 200, Laws of 1975 ex. sess., or regulations promulgated thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(k) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(l) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(m) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(n) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) **Water rights.** The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pump-house reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(3) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of the Commission if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by the Commission of either private or public property for any purpose.

(c) Fire department, police patrol and traffic law enforcement except where such involves any physical construction activity.

(d) Any action undertaken by the Commission to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety: *Provided*, That no open burning shall be exempted under this subsection, nor shall the application of any pesticide or chemical. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating and safety codes, but not including building permits.

(c) Licenses to operate amusement devices and entertainment carnivals, circuses and other traveling shows, dances, music machines and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses required for permanent construction of any of the above.

(d) Licenses for solicitation or door to door sales, private security and detective services, and taxicabs and other vehicles for hire: *Provided*, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(e) Licenses for close-out sales.

(f) Licenses for food or drink services, sales and distribution.

(g) Licenses for the sale or display of fireworks.

(h) Animal control licenses.

(i) The renewal or reissuance of a license regulating any present activity or structure that was either exempted under this chapter, or the subject of a declaration of non-significance or an EIS, so long as no material changes have occurred since the determination of exemption, or completion of the prior declaration or EIS.

(6) **Activities of the legislature.** All actions of the state legislature are hereby exempted: *Provided*, That this subsection shall not be construed to exempt the proposing of legislation by any agency.

(7) **Activities of the Commission.** The following administrative, fiscal and personnel activities of the Commission shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services previously authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: *Provided*, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(8) **Review and comment actions.** Any activity where the responsible official of the Commission reviews or comments upon the actions of another agency or another division within the Commission shall be exempt.

(9) **Purchase or sale of real property.** The following real property transactions by the Commission shall be exempt:

(a) The purchase or acquisition of any right to real property by the Commission.

(b) The sale, transfer or exchange of any publicly owned real property by the Commission to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use. [See WAC 352-10-040(6)].

(c) The lease of real property by an agency to a private individual or entity, or to an agency or federal agency, only when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(10) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

(11) **Acceptance of filings.** The acceptance by the Commission of any document or thing required or authorized by law to be filed with the Commission and for which the Commission has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(12) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

(13) **Information collection and research.** Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any action which commits the Commission to proceed with the proposal.

(14) **Utilities.** The utility-related actions listed below shall be exempt: *Provided*, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, together with repair, replacement, maintenance, operation or alteration by the Commission or private entity which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: *Provided*, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or highway right-of-way in its design condition: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel.

(g) All grants of franchises by the Commission to utilities.

(h) All disposals of rights-of-way by utilities.

(i) All grants of rights-of-way by the Commission to utilities for use for distribution (as opposed to transmission) purposes.

(15) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III and IV forest practices as defined by chapter 200, Laws of 1975 ex. sess., or regulations promulgated thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel.

(j) Issuance of rights-of-way, easements and use permits to use existing public roads in nonresidential areas.

(16) **Non-actions.** Proposals for activities which are not "actions" as defined in WAC 352-10-040(2) are not subject to the threshold determination and EIS requirements of this chapter. [Order 20, § 352-10-170, filed 5/27/76.]

WAC 352-10-177 Environmentally sensitive areas.

(1) Each county/city may at its option designate areas within its jurisdiction which are environmentally sensitive areas. Environmentally sensitive areas shall be those within which the exemptions listed in subsection (2) hereof could have a significant adverse environmental impact, including, but not limited to, areas with unstable soils, steep slopes, unusual or unique flora or fauna, or areas which lie within flood plains. The location and extent of all environmentally sensitive areas shall be clearly indicated on a map which shall be adopted by reference as part of the SEPA guidelines of the county/city.

(2) Each county/city which adopts and maps environmentally sensitive areas may select certain categorical exemptions which do not apply within various environmentally sensitive areas. The selection of exemptions that will not apply may be made from the following list: WAC 352-10-170(1)(a) through (f) and (i) through (n); (5)(c), (9)(a) through (c); (18)(a) through (d) and (i); and, (19)(d), (f) and (h). All other categorical exemptions apply whether or not the proposal will be located within an environmentally sensitive area. Exemptions selected by an agency to not apply within the various environmentally sensitive areas shall be listed within the SEPA guidelines of any county/city adopting such areas.

(3) Major actions which will be located within environmentally sensitive areas are to be treated no differently than other major actions under this chapter. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. [Order 20, § 352-10-177, filed 5/27/76.]

WAC 352-10-180 Exemption for emergency actions. Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. [Order 20, § 352-10-180, filed 5/27/76.]

WAC 352-10-190 Use and effect of categorical exemptions. (1) Those activities excluded from the definition of "action" in WAC 352-10-040(2), or categorically exempted by WAC 352-10-170 and 352-10-180, are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and (2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a proposal includes a series of actions, physical or functionally related to each other, some of which

are categorically exempt and some of which are not, the proposal is not exempt.

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 352-10-055. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the lead agency irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. [Order 20, § 352-10-190, filed 5/27/76.]

WAC 352-10-200 Lead agency—Responsibilities. The lead agency shall be the only agency responsible for complying with the threshold determination procedures of WAC 352-10-300 through 352-10-390; and the lead agency shall be responsible for the supervision, or actual preparation, of draft EISs pursuant to WAC 352-10-400 through 352-10-495, including the circulation of such statements, and the conduct of any public hearings required by this chapter. The lead agency shall also prepare or supervise preparation of any required final EIS pursuant to WAC 352-10-550 through 352-10-695. [Order 20, § 352-10-200, filed 5/27/76.]

WAC 352-10-203 Determination of lead agency—Procedures. (1) The first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, shall determine the lead agency for that proposal. To ensure that the lead agency is determined early, the Commission shall determine the lead agency for all proposals for a major action received by the Commission, unless the lead agency has been previously determined or the Commission is aware that another agency is in the process of determining the lead agency. The lead agency shall be determined by using the criteria in WAC 352-10-205 through 352-10-245.

(2) If the acting agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 352-10-260.

(3) If the acting agency determines that it is the lead agency, it shall immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The acting agency shall then proceed, as the lead agency, to the threshold determination procedure of WAC 352-10-300 through 352-10-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot

be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 352-10-260.

(4) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, an acting agency must determine to the best of its ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA). [Order 20, § 352-10-203, filed 5/27/76.]

WAC 352-10-205 Lead agency designation—Governmental proposals. The Washington State Parks and Recreation Commission shall be the lead agency for all proposals initiated by the Commission: *Except* in the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will assume the status of lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity. [Order 20, § 352-10-205, filed 5/27/76.]

WAC 352-10-210 Lead agency designation—Proposals involving both private and public construction activity. When the total proposal will involve both private and public construction activity, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the Commission or from the private sector. Any project in which Commission and private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined pursuant to WAC 352-10-205. [Order 20, § 352-10-210, filed 5/27/76.]

WAC 352-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction. [Order 20, § 352-10-215, filed 5/27/76.]

WAC 352-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. For proposals for private projects which require licenses from more than one agency when at least one of the agencies requiring a license is a county/city, the lead agency shall be the county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county. [Order 20, § 352-10-220, filed 5/27/76.]

WAC 352-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. (1) For private projects which require licenses from more than one state agency, but require no license from a county/city, the lead agency shall be one of the state agencies requiring a license, based upon the following order of priority:

- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Utilities and transportation commission.
- (g) Department of motor vehicles.
- (h) Department of labor and industries.

(2) For private projects requiring a license from more than one state agency, but requiring no license from a county/city, and when none of the state agencies requiring a license is on the above list, the lead agency shall be the licensing agency which has the largest biennial appropriation.

(3) When, due to the provision of subsection (1) of this section, an agency would be the lead agency solely because of its involvement in a program jointly administered with another agency, the other agency shall be designated the lead agency for proposals for which it is primarily responsible under agreements previously made between the two agencies for joint operation of the program. [Order 20, § 352-10-225, filed 5/27/76.]

WAC 352-10-230 Lead agency designation—Specific proposals. Notwithstanding the lead agency designation criteria contained in WAC 352-10-205 through 352-10-225, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to thermal power plants for which certification is required under chapter 80.50 RCW, the lead agency shall be the thermal power plant site evaluation council: *Provided*, That for any public project requiring such certification and for which the study authorized by RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the utilization of geothermal resources subject to chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee pursuant to chapter 78.52 RCW, the lead agency shall be the department of natural resources, except that for projects subject to RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be the department of natural resources: *Provided*, That for any proposal which will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the

state agency managing the lands in question: *Provided*, That this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), chapter 90.62 RCW, the lead agency shall be determined by the department of ecology; except that when county/city licenses are applied for prior to filing the ECPA application, a lead agency shall be determined pursuant to the standards of these guidelines prior to granting such county/city licenses.

(7) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure, the lead agency shall be the department of ecology.

(8) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency shall be the department of ecology. [Order 20, 352-10-230, filed 5/27/76.]

WAC 352-10-235 Local agency transfer of lead agency status to a state agency. For any proposal for a private project where a city or town with a population of under five thousand or a county of fifth through ninth class would be the lead agency pursuant to the designation criteria of WAC 352-10-210 through 352-10-230, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in WAC 352-10-225. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal. [Order 20, § 352-10-235, filed 5/27/76.]

WAC 352-10-240 Agreements as to lead agency status. Nothing herein shall prohibit the Commission from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction. [Order 20, § 352-10-240, filed 5/27/76.]

WAC 352-10-245 Agreements between agencies as to division of lead agency duties. Two or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved shall designate one of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these guidelines. Other agencies with

jurisdiction shall be notified of the agreement and determination of the nominal lead agency. [Order 20, § 352-10-245, filed 5/27/76.]

WAC 352-10-260 Dispute as to lead agency determination—Resolution by CEP. (1) In the event that the agencies with jurisdiction are unable to determine which agency is the lead agency under these guidelines, any agency with jurisdiction may petition CEP for such determination. Such petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. Any such petition shall be filed with CEP within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any private applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with CEP a written response to the petition within ten days of the date of the initial filing.

(2) Within fifteen days of receipt of a petition, CEP shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. CEP shall make its determination in accordance with these guidelines; or in the event the guidelines do not control, the lead agency shall be the agency whose action, license, or licenses will have the greatest effect on the environment. [Order 20, § 352-10-260, filed 5/27/76.]

WAC 352-10-270 Assumption of lead agency status by another agency with jurisdiction. When there has been an assumption of lead agency status by another agency with jurisdiction over a proposal, pursuant to WAC 352-10-345, the lead agency responsibilities regarding threshold determination procedures (WAC 352-10-300 through 352-10-390) transfer to the new lead agency. [Order 20, § 352-10-270, filed 5/27/76.]

WAC 352-10-300 Threshold determination requirement. (1) Except as provided in subsection (2) hereof, a threshold determination shall be made for every proposal for a major action. The responsible official designated by the lead agency shall be responsible for making the threshold determination. Only the lead agency shall make a threshold determination, except when lead agency duties are shared or assumed pursuant to WAC 352-10-245 and 352-10-345, respectively.

(2) The threshold determination requirement of completion of an environmental checklist may be omitted, unless pre-draft consultation occurs, when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The sponsor of the proposal and the lead agency are the same entity and decide that an EIS is required.

(3) When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 352-10-305 through 352-10-390 may be disregarded. [Order 20, § 352-10-300, filed 5/27/76.]

WAC 352-10-305 Recommended timing for threshold determination. In most cases the time required to complete a threshold determination should not exceed fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the lead agency shall transmit to the private applicant a written statement as to the expected date of decision. [Order 20, § 352-10-305, filed 5/27/76.]

WAC 352-10-310 Threshold determination procedures—Environmental checklist. (1) An environmental checklist substantially in the form provided in WAC 352-10-365 shall be completed for any proposed major action before making the threshold determination. The proposal's proponent shall complete the checklist either alone or together with the lead agency. Explanations of every "yes" and "maybe" answer on the checklist shall be provided, and persons completing the checklist may provide explanations of "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) An environmental checklist may be required by an acting agency receiving an application for a major action, or (if one has not been previously completed) shall be required by the lead agency prior to making the threshold determination.

(3) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 352-10-170 and 352-10-180. [Order 20, § 352-10-310, filed 5/27/76.]

WAC 352-10-320 Threshold determination procedures—Initial review of environmental checklist. (1) The lead agency shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the lead agency shall independently evaluate each item on the checklist and indicate thereon the results of this evaluation.

(2) After completing the initial review of the environmental checklist, the lead agency shall apply the criteria of WAC 352-10-060 and 352-10-360 to the checklist as evaluated by the lead agency. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the lead agency shall initiate the negative threshold determination procedures of WAC 352-10-340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the lead agency shall initiate the EIS preparation procedures of WAC 352-10-350 and 352-10-400 through 352-10-695; or,

(c) There is not sufficient information available to the lead agency to enable it to reasonably make a determination of the environmental significance of the proposal; in which case the lead agency shall implement one or more of the information gathering mechanisms in WAC 352-10-330. [Order 20, § 352-10-320, filed 5/27/76.]

WAC 352-10-330 Threshold determination procedures—Information in addition to checklist. (1) The threshold determination by the lead agency must be based upon information reasonably sufficient to determine the environmental impact of a proposal. In the event that the lead agency determines the information available to it is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information shall be limited to those categories on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The lead agency may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The lead agency may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Agencies so consulted shall respond in accordance with the requirements of WAC 352-10-500 through 352-10-540.

(2) When, during the course of collecting further information on a proposal, the lead agency obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall immediately make the threshold determination utilizing the criteria of WAC 352-10-360 and 352-10-365. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared. [Order 20, § 352-10-330, filed 5/27/76.]

WAC 352-10-340 Threshold determination procedures—Negative declarations. (1) In the event the lead agency determines a proposal will not have a significant adverse impact on the quality of the environment, it shall prepare a proposed or final declaration of non-significance, as appropriate, substantially in the form provided in WAC 352-10-355.

(2) The lead agency shall prepare a final declaration of non-significance for all proposals except for those listed in subsection (3) below.

(3) A lead agency making a threshold determination of non-significance for any of the following proposals shall prepare a proposed declaration of non-significance, and comply with the requirements of subsection (4) through (6) below prior to taking any further action on the proposal:

(a) Proposals for which there is another agency with jurisdiction.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 352-10-170(1)(n) or 352-10-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 352-10-170 or 352-10-180.

(4) The lead agency shall list all proposed declarations of non-significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to any other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(5) Any person or agency may submit written comments on the proposed declaration of non-significance to the lead agency within fifteen days from the date of its listing in the register. The lead agency shall take no further action on the proposal which is the subject of the proposed declaration of non-significance for fifteen days from the date of its listing in the register. If comments are received, the lead agency shall reconsider its proposed declaration in light thereof; however, the lead agency is not required to modify its proposed declaration of non-significance to reflect the comments received thereon.

(6) After the fifteen day time period has elapsed, and after considering any comments, the lead agency shall either adopt its proposed declaration as a "Final Declaration of Non-Significance," or determine that the proposal is significant, or utilize the additional information gathering mechanisms of WAC 352-10-330(1).

(7) Issuance of proposed and final declarations of non-significance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 352-10-345. [Order 20, § 352-10-340, filed 5/27/76.]

WAC 352-10-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—

Pre-requisites, effect and form of notice. (1) Notwithstanding the lead agency determination criteria of WAC 352-10-200 through 352-10-260, an agency with jurisdiction over a proposal, upon review of a proposed declaration of non-significance, may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." Such form of notice shall be substantially similar to that described in subsection (4) below. Assumption of lead agency status, if it is to occur, shall take place within fifteen days of the listing of the proposal in the "Proposed Declaration of Non-Significance Register" as provided for in WAC 352-10-340.

(2) An agency with jurisdiction over a proposal, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding shall be based only upon information contained in the environmental checklist attached to the proposed declaration of non-significance transmitted by the lead agency and any other information possessed by

the agency with jurisdiction relative to the matters contained in the environmental checklist.

(3) As a result of the transmittal of a completed form of the notice contained in subsection (4) below and attached declaration of significance, the consulted agency with jurisdiction shall become the "new" lead agency and shall begin preparation of a draft EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal -----
Proponent -----
Location of Proposal -----
Initial Lead Agency -----
New Lead Agency -----

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of non-significance dated ----- A review of the information relative to the environmental checklist has been made by the new lead agency and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official -----
Position/Title -----
Address/Phone -----
Date ----- Signature -----

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. A copy of the notice shall be retained in the new lead agency's SEPA public information center.

(6) Agencies with jurisdiction may still comment critically upon a proposed declaration of non-significance without assuming lead agency status. No agency shall be deemed to have assumed lead agency status pursuant to this section unless a notice substantially in the form of subsection (4) hereof is completed and transmitted by that agency. The decision of any agency with jurisdiction to not assume lead agency status pursuant to this section shall create no new legal obligation upon that agency. [Order 20, § 352-10-345, filed 5/27/76.]

WAC 352-10-350 Affirmative threshold determination. (1) In the event the lead agency determines that the proposal will have a significant adverse effect upon the quality of the environment, it shall prepare a declaration of significance using the form in WAC 352-10-

355 which shall be retained in the files of the lead agency. The lead agency shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center of the lead agency, and then begin the EIS preparation procedures of WAC 352-10-400 through 352-10-695.

(2) After the additional information gathering mechanisms of WAC 352-10-330 have been utilized, and when there exists a reasonable belief by the lead agency that the proposal could have a significant adverse impact, the procedure contained in subsection (1) above shall also be followed. [Order 20, § 352-10-350, filed 5/27/76.]

WAC 352-10-355 Form of declaration of significance/non-significance. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for all declarations of significance and proposed and final declarations of non-significance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 352-10-330, and maintained in the files of the lead agency. The form without the attachments shall also be retained in the SEPA public information center of the lead agency for one year after issuance.

(2) The form is as follows:

FORM FOR [PROPOSED/FINAL] DECLARATION OF [SIGNIFICANCE/NON-SIGNIFICANCE]

Description of Proposal -----
Proponent -----
Location of Proposal -----
Lead Agency -----

This proposal has been determined to [have/not have] a significant adverse impact upon the environment. An EIS [is/is not] required under RCW 43.21C.030(2)(c). This decision was made after review by the lead agency of a completed environmental checklist and other information on file with the lead agency.

Responsible Official -----
Position/Title -----
Date ----- Signature -----

(3) If the form is for a declaration of environmental significance, the lead agency may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the lead agency would withdraw its declaration and issue a [proposed/final] declaration of non-significance. [Order 20, § 352-10-355, filed 5/27/76.]

WAC 352-10-360 Threshold determination criteria—Application of environmental checklist. (1) The lead agency shall apply the questions in the environmental checklist to the total proposal, including its indirect effects [See WAC 352-10-060], to determine whether

the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed therein shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. It is probable there will be affirmative answers to several of these questions while the proposal would still not necessarily have a significant adverse impact; however, a single affirmative answer could indicate a significant adverse impact, depending upon the nature of the impact and location of the proposal. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The lead agency shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the lead agency has utilized the additional information gathering mechanisms of WAC 352-10-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the lead agency that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the lead agency or by the private applicant is required when the information available to the lead agency is not sufficient for it to make a determination of the potential adverse environmental impacts [See WAC 352-10-330]. It is expected, however, that many proposals can be evaluated entirely through an office review [See WAC 352-10-320] of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner. [Order 20, § 352-10-360, filed 5/27/76.]

WAC 352-10-365 Environmental checklist. (1) The form in subsection (2) hereof is the environmental checklist. The Commission may at its option revise the format of this form; however, the language of the questions shall not be changed. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 352-10-360 shall not be used in making a threshold determination. This checklist does not supersede or void application

forms required under any other federal or state statute or local ordinance, but rather is supplementary thereto.

(2) Environmental checklist form:

ENVIRONMENTAL CHECKLIST

Introduction:The State Environmental Policy Act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the State of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent -----
2. Address and Phone Number of Proponent:

3. Date Checklist Submitted -----
4. Agency Requiring Checklist -----
5. Name of Proposal, if applicable:

6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):

- | | Yes | Maybe | No |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|----|
| 7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):

----- | | | |
| 8. Estimated Date for Completion of the Proposal:
----- | | | |
| 9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local—including rezones):

----- | | | |
| 10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

----- | | | |
| 11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:

----- | | | |
| 12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the nature of such application form:

----- | | | |

- (e) Any increase in wind or water erosion of soils, either on or off the site? --- --- ---
- (f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? --- --- ---
- Explanation:** -----

- (2) **Air.** Will the proposal result in:
- (a) Air emissions or deterioration of ambient air quality? --- --- ---
 - (b) The creation of objectionable odors? --- --- ---
 - (c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? --- --- ---
 - Explanation:** -----

- (3) **Water.** Will the proposal result in:
- (a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters? --- --- ---
 - (b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? --- --- ---
 - (c) Alterations to the course or flow of flood waters? --- --- ---
 - (d) Change in the amount of surface water in any water body? --- --- ---
 - (e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? --- --- ---

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

- | | Yes | Maybe | No |
|-----------------------------------------------------------------------------------------------------------------|-----|-------|----|
| (1) Earth. Will the proposal result in: | | | |
| (a) Unstable earth conditions or in changes in geologic substructures? --- --- --- | | | |
| (b) Disruptions, displacements, compaction or overcovering of the soil? --- --- --- | | | |
| (c) Change in topography or ground surface relief features? --- --- --- | | | |
| (d) The destruction, covering or modification of any unique geologic or physical features? --- --- --- | | | |

- | | Yes | Maybe | No |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|-----|
| (f) Alteration of the direction or rate of flow of ground waters? | --- | --- | --- |
| (g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | --- | --- | --- |
| (h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters? | --- | --- | --- |
| (i) Reduction in the amount of water otherwise available for public water supplies? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (4) Flora. Will the proposal result in: | | | |
| (a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)? | --- | --- | --- |
| (b) Reduction of the numbers of any unique, rare or endangered species of flora? | --- | --- | --- |
| (c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species? | --- | --- | --- |
| (d) Reduction in acreage of any agricultural crop? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (5) Fauna. Will the proposal result in: | | | |
| (a) Changes in the diversity of species, or numbers of any species | | | |

- | | Yes | Maybe | No |
|----------------------------------------------------------------------------------------------------------------------|-----|-------|-----|
| of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | --- | --- | --- |
| (b) Reduction of the numbers of any unique, rare or endangered species of fauna? | --- | --- | --- |
| (c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna? | --- | --- | --- |
| (d) Deterioration to existing fish or wildlife habitat? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (6) Noise. Will the proposal increase existing noise levels? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (7) Light and Glare. Will the proposal produce new light or glare? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (9) Natural Resources. Will the proposal result in: | | | |
| (a) Increase in the rate of use of any natural resources? | --- | --- | --- |
| (b) Depletion of any nonrenewable natural resource? | --- | --- | --- |
| Explanation: -----
----- | | | |
| (10) Risk of Upset. Does the proposal involve a risk of | | | |

- | | Yes | Maybe | No |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|-----|
| an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (11) Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (12) Housing. Will the proposal affect existing housing, or create a demand for additional housing? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (13) Transportation/Circulation. Will the proposal result in: | | | |
| (a) Generation of additional vehicular movement? | --- | --- | --- |
| (b) Effects on existing parking facilities, or demand for new parking? | --- | --- | --- |
| (c) Impact upon existing transportation systems? | --- | --- | --- |
| (d) Alterations to present patterns of circulation or movement of people and/or goods? | --- | --- | --- |
| (e) Alterations to waterborne, rail or air traffic? | --- | --- | --- |
| (f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (14) Public Services. Will the proposal have an effect upon, or result in a need | | | |

- | | Yes | Maybe | No |
|-----------------------------------------------------------------------------------------------------------------------|-----|-------|-----|
| for new or altered governmental services in any of the following areas: | | | |
| (a) Fire protection? | --- | --- | --- |
| (b) Police protection? | --- | --- | --- |
| (c) Schools? | --- | --- | --- |
| (d) Parks or other recreational facilities? | --- | --- | --- |
| (e) Maintenance of public facilities, including roads? | --- | --- | --- |
| (f) Other governmental services? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (15) Energy. Will the proposal result in: | | | |
| (a) Use of substantial amounts of fuel or energy? | --- | --- | --- |
| (b) Demand upon existing sources of energy, or require the development of new sources of energy? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (16) Utilities. Will the proposal result in a need for new systems, or alterations to the following utilities: | | | |
| (a) Power or natural gas? | --- | --- | --- |
| (b) Communications systems? | --- | --- | --- |
| (c) Water? | --- | --- | --- |
| (d) Sewer or septic tanks? | --- | --- | --- |
| (e) Storm water drainage? | --- | --- | --- |
| (f) Solid waste and disposal? | --- | --- | --- |
| Explanation: ----- | | | |
| ----- | | | |
| (17) Human Health. Will the proposal result in the creation of any health hazard or potential | | | |

	Yes	Maybe	No
health hazard (excluding mental health)?	---	---	---

Explanation: -----

(18) **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? --- --- ---

Explanation: -----

(19) **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? --- --- ---

Explanation: -----

(20) **Archeological/Historical.** Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building? --- --- ---

Explanation: -----

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of non-significance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: -----

[Order 20, § 352-10-365, filed 5/27/76.]

WAC 352-10-370 Withdrawal of affirmative threshold determination. If at any time after the entry of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the lead agency, all significant adverse environmental impacts resulting therefrom are eliminated, the declaration of significance shall be withdrawn and a declaration of non-significance entered instead. The lead agency shall also revise the registers at its SEPA public information center accordingly. If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until

all license applications for the proposal are revised to reflect the modification. [Order 20, § 352-10-370, filed 5/27/76.]

WAC 352-10-375 Withdrawal of negative threshold determination. (1) Except after a non-exempt license has been issued for a private project, the lead agency may withdraw any proposed or final declaration of non-significance when new information becomes available to it indicating that the proposal may have significant adverse environmental impacts.

(2) The lead agency may withdraw any proposed or final declaration of non-significance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or willful lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the lead agency shall immediately re-evaluate the proposal and make a revised threshold determination pursuant to WAC 352-10-300 through 352-10-360.

(4) Whenever a final declaration of non-significance has been withdrawn for one of the reasons in subsection (2) hereof, and the lead agency upon re-evaluation determines that the proposal will have significant adverse environmental impacts, agencies with jurisdiction shall initiate procedures to suspend, modify or revoke, as appropriate, any non-exempt licenses issued for the proposal until compliance with the procedures of these guidelines is met. [Order 20, § 352-10-375, filed 5/27/76.]

WAC 352-10-380 Intra-agency appeals of threshold determinations. Agencies may at their option provide in their guidelines for internal review or appeals of threshold determinations, including appeals initiated by members of the public. The time required to complete any such review or appeal mechanisms may be considered an addition to that recommended by WAC 352-10-305. [Order 20, § 352-10-380, filed 5/27/76.]

WAC 352-10-390 Effect of threshold determination by lead agency. (1) Except as provided in subsection (2) below, a threshold determination by the lead agency is binding upon all agencies, and no agency shall repeat the threshold determination procedures for substantially the same proposal. This section shall not be construed to permit or prohibit judicial review of a threshold determination by a court, or quasi-judicial review of a threshold determination by an agency during an administrative hearing.

(2) An agency with jurisdiction over a proposal, upon receipt of a proposed declaration of non-significance from the lead agency, may complete and transmit a notice of assumption of lead agency status after meeting the requirements of WAC 352-10-345. As a result of compliance with WAC 352-10-345, the agency with jurisdiction has in effect reversed the decision of the initial

lead agency regarding environmental insignificance and as the new lead agency, will be required to prepare a draft EIS and exercise the other responsibilities of a lead agency under these guidelines. [Order 20, § 352-10-390, filed 5/27/76.]

WAC 352-10-400 Duty to begin preparation of a draft EIS. After compliance with WAC 352-10-350, relating to preparation of a declaration of significance and the listing of the proposal in the "EIS in Preparation Register," the lead agency shall prepare the draft and final EIS in compliance with WAC 352-10-410 through 352-10-695. [Order 20, § 352-10-400, filed 5/27/76.]

WAC 352-10-405 Purpose and function of a draft EIS. (1) The principal purpose of the draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the lead agency from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the lead agency any issue of potential environmental concern which should be explored by the lead agency prior to the issuance of a final EIS. [Order 20, § 352-10-405, filed 5/27/76.]

WAC 352-10-410 Pre-draft consultation procedures. (1) Pre-draft consultation is consultation by the lead agency with another agency with jurisdiction or expertise prior to completion of the draft EIS. Pre-draft consultation with another agency on proposals for private projects shall only be initiated by the lead agency when requested by a private applicant participating in the preparation of the draft EIS. Pre-draft consultation with another agency on public proposals may be initiated at the option of the lead agency.

(2) Pre-draft consultation is commenced when the lead agency sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal in the possession of the lead agency.

(b) A copy of the environmental checklist required by WAC 352-10-310, as reviewed pursuant to WAC 352-10-320.

(c) Any information in addition to the checklist resulting from application of WAC 352-10-330.

(d) Any other information deemed relevant to the proposal by the lead agency such as:

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

(3) Agencies so consulted will have forty-five days from receipt of the packet to respond in writing to the lead agency. The required contents of the consulted agency response are governed by WAC 352-10-500 through 352-10-540.

(4) The lead agency shall incorporate the relevant information received from other agencies during the pre-draft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the lead agency disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the lead agency. The information required by this subsection may be placed wherever in the draft EIS the lead agency deems most appropriate. There is no requirement that either the draft or final EIS include responses to pre-draft consultation in a separate "response" section. [Order 20, § 352-10-410, filed 5/27/76.]

WAC 352-10-420 Preparation of EIS by persons outside the lead agency. (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the lead agency. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with the provisions of the guidelines of the lead agency.

(2) An EIS may be prepared by a private applicant or agent thereof, or by an outside consultant retained by either a private applicant or the lead agency. In such case, the responsible official within the lead agency shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) If a person other than the lead agency is preparing the EIS, the responsible official will coordinate any pre-draft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which are relevant to the subject matter of the EIS, pursuant to chapter 42.17 RCW [Public Disclosure and Public Records Law; Initiative 276, 1973].

(4) Private applicants applying to the Commission under RCW 43.51.130 to improve state park lands are authorized to participate in the preparation of any EIS required for proposed work. The Commission shall not require more information than that specified in WAC

352-10-310, 352-10-320 or 352-10-330. The Commission reserves the right to require less information of the applicant. *Provided*, That nothing herein shall be construed to prohibit the Commission from charging any fee of an applicant which the Commission is otherwise authorized to charge [See WAC 352-10-860].

(5) A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS. [Order 20, § 352-10-420, filed 5/27/76.]

WAC 352-10-425 Organization and style of a draft EIS. (1) The required contents of a draft EIS for proposals of both a project and non-project nature are set forth in WAC 352-10-440. The contents of a draft EIS prepared pursuant to that section shall be organized as set forth in subsections (2) and (3) of this section.

(2) Each draft EIS shall begin with an introduction, table of contents, distribution list, summary, and a description of the proposed action. The information contained in each section shall conform to the applicable requirements set forth in WAC 352-10-440(1) through 352-10-440(6). Organization variation is not permitted for these portions of the draft EIS.

(3) The organization and style of the remaining content of the EIS may be varied, at the option of the lead agency, from the format set forth in WAC 352-10-440(7) through 352-10-440(14): *Provided*, That all of the subject matters required by WAC 352-10-440 shall be contained somewhere within the draft EIS.

(4) The lead agency that prepares a draft EIS should keep in mind that the purpose of a draft EIS is to aid decision-makers in considering the significant environmental impacts of their decisions. This purpose is not served by EISs which are excessively detailed and overly technical. Clarity and conciseness of presentation are of crucial importance in ensuring that EISs prepared under these guidelines are considered and actually utilized in decision-making processes. [Order 20, § 352-10-425, filed 5/27/76.]

WAC 352-10-440 Contents of a draft EIS. (1) The following subsections set forth the required contents of a draft EIS: *Provided*, That where an agency is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be expanded as necessary to meet the requirements of that federal agency.

(2) **Introduction.** The following information shall be succinctly set forth at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) **Table of contents.**

(4) **Distribution list.** The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication [See WAC 352-10-460].

(5) **Summary of the contents of the draft EIS.** Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The lead agency is to bear in mind that agencies other than the lead agency may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the various subject areas. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. In most cases it is expected that the summary will run two to five pages, but it shall not be more than ten pages. The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be effectuated by the applicant, lead agency, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) **Description of the proposal.** The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a non-project action, including an address, if any, and a legal description: *Provided*, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction over a period of time, the timing of each construction phase

should be identified; and if it is anticipated that later phases of the proposal will require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts later discussed, with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in agency files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the lead agency has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) **Existing environmental conditions.** This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 352-10-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided; rather, emphasis should be placed upon those species and habitats which may be significantly affected.

(iv) This subsection shall be brief, non-technical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) **The impact of the proposal on the environment.** The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 352-10-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 352-10-444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) above shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) **The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity.** The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) **Irreversible or irretrievable commitments of resources.** The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and non-renewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) **Adverse environmental impacts which may be mitigated.** The following items shall be included in this subsection:

(a) A description of reasonable alterations to the proposal which may result in avoiding, mitigating or reducing the risk of occurrence of any adverse impacts upon the environment.

(b) Energy conservation measures, including more efficient utilization of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) above shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) **Alternatives to the proposal.** This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) In those instances where the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) **Unavoidable adverse impacts.** This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided by modifications to the project.

(b) For any impact discussed in subsection (8) of this section which is determined to be non-adverse, the rationale for such determination shall be clearly stated.

(c) [Optional] A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) **Other issues.** A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 352-10-444, but which are relevant to the proposal, shall be identified. The section shall be limited to a brief identification of such problems or issues. The lead agency may adopt guidelines that delineate the problems or issues identified under this subsection. [See WAC 352-10-446.] [Order 20, § 352-10-440, filed 5/27/76.]

WAC 352-10-442 Special considerations regarding contents of an EIS on a non-project action. (1) The requirements of WAC 352-10-440 apply to the contents of a draft EIS on a proposal for a non-project action. Lead agencies, however, have greater flexibility in their approach to achieving compliance with the requirements of WAC 352-10-440 in writing and EIS for non-project actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The lead agency should be alert to the fact that it is in the development and review of proposals for non-project actions where the range of alternatives is typically more broad than that of a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. [Order 20, § 352-10-442, filed 5/27/76.]

WAC 352-10-444 List of elements of the environment. (1) Every EIS shall have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The lead agency shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing.

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) **Earth.**
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
- (b) **Air.**
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
- (c) **Water.**
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
- (d) **Flora.**
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
- (e) **Fauna.**
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
- (f) **Noise.**
- (g) **Light and glare.**
- (h) **Land use.**

- (i) **Natural resources.**
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
- (j) **Risk of explosion or hazardous emissions.**

(3) ELEMENTS OF THE HUMAN ENVIRONMENT

- (a) **Population.**
- (b) **Housing.**
- (c) **Transportation/circulation.**
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.
- (d) **Public services.**
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
- (e) **Energy.**
 - (i) Amount required.
 - (ii) Source/availability.
- (f) **Utilities.**
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.
 - (vi) Solid waste.
- (g) **Human health (including mental health).**
- (h) **Aesthetics.**
- (i) **Recreation.**
- (j) **Archeological/historical.**

(4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A," but shall not be considered part of the environment for other purposes:

- (a) **Additional population characteristics.**
 - (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

[Order 20, § 352-10-444, filed 5/27/76.]

WAC 352-10-446 Draft EIS—Optional additional elements—Limitation. The guidelines of the lead agency shall control the content of the EIS, even though other agencies with jurisdiction are involved in the proposal. No agency shall prescribe additional material for an EIS beyond that which is required or optionally allowed by WAC 352-10-440 and 352-10-444, or which is added to the elements of the environment by the guidelines of the lead agency pursuant to the authority in this section [See WAC 352-10-440(14)]. [Order 20, § 352-10-446, filed 5/27/76.]

WAC 352-10-450 Public awareness of availability of draft EIS. (1) Upon publication of the draft EIS, the responsible official shall list the proposal in the lead agency's "EIS Available Register" maintained at the agency's SEPA public information center.

(2) The lead agency is encouraged, but not required, to use any reasonable method calculated to inform the public of the availability of the draft EIS and of the procedures for requesting a public hearing. Examples of such methods are publication of notice in a newspaper of general circulation in the county, city or general geographic area where the proposal is located; notifying private groups that are known to be interested in a certain proposal; contacting news media personnel and encouraging news coverage; and, placing notices in appropriate regional, neighborhood or ethnic periodicals. [Order 20, § 352-10-450, filed 5/27/76.]

WAC 352-10-455 Circulation of the draft EIS—Review period. (1) A consulted agency shall have a maximum of thirty-five days from the date of listing of the proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the lead agency. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the lead agency. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of the listing of the proposal in the "EIS Available Register" for the public to forward to the lead agency any comments upon or substantive information related to the proposal and the draft EIS. [Order 20, § 352-10-455, filed 5/27/76.]

WAC 352-10-460 Specific agencies to which draft EIS shall be sent. (1) A copy of each draft EIS shall be mailed no later than the day that it is listed in the "EIS Available Register" to the following:

- (a) The department of ecology.
- (b) Each federal agency having jurisdiction by law over a proposed action.
- (c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 352-10-040 and 352-10-465 (required by RCW 43.21C.030(2)(d)).
- (d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for non-project actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs [See RCW 36.64.080, RCW 35.63.070 and RCW 36.70.070].

(g) The lead agency's SEPA public information center.

(h) [Optional] Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. [See WAC 352-10-040, 352-10-465, 352-10-510 and 352-10-520 for those provisions that define a consulted agency.] [Order 20, § 352-10-460, filed 5/27/76.]

WAC 352-10-465 Agencies possessing environmental expertise. The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(1) Air quality.

- (a) Department of ecology.
- (b) Department of natural resources (only for burning in forest areas).
- (c) Department of social and health services.
- (d) Regional air pollution control authority or agency.

(2) Water resources and water quality.

- (a) Department of game.
- (b) Department of ecology.
- (c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).
- (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
- (e) Department of fisheries.
- (f) Oceanographic commission (marine waters).

(3) Fish and wildlife.

- (a) Department of game.
- (b) Department of fisheries.
- (c) Oceanographic commission (marine waters).

(4) Solid waste.

- (a) Department of ecology.
- (b) Department of fisheries (dredge spoils).
- (c) Department of social and health services.

(5) Noise.

- (a) Department of ecology.
- (b) Department of social and health services.

(6) Hazardous substances (including radiation).

- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of agriculture (foods or pesticides).
- (d) Department of fisheries (introduction into waters).
- (e) Oceanographic commission (introduction into marine waters).

(7) Natural resources development.

- (a) Department of commerce and economic development.
- (b) Department of ecology.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Oceanographic commission (related to marine waters).

(8) Energy production, transmission and consumption.

- (a) Department of commerce and economic development (office of nuclear energy development—nuclear).
- (b) Department of ecology.
- (c) Department of natural resources (geothermal, coal, uranium).
- (d) State energy office.
- (e) Thermal power plant site evaluation council (thermal power plants).
- (f) Utilities and transportation commission.

(9) Land use and management.

- (a) Department of commerce and economic development.
- (b) Department of ecology.
- (c) Department of fisheries (affecting surface or marine waters).
- (d) Department of natural resources (tidelands or state-owned or -managed lands).
- (e) Office of community development.

(10) Transportation.

- (a) Department of highways.
- (b) Utilities and transportation commission.
- (c) Oceanographic commission (water borne).

(11) Recreation.

- (a) Department of commerce and economic development.
- (b) Department of game.
- (c) Department of fisheries.
- (d) Parks and recreation commission.
- (e) Department of natural resources.

(12) Archaeological/historical.

- (a) Parks and recreation commission.
- (b) Washington state university at Pullman (Washington archaeological research center).

[Order 20, § 352-10-465, filed 5/27/76.]

WAC 352-10-470 Cost to the public for reproduction of environmental documents. The lead agency shall make available a copy of any environmental document, in the manner provided by chapter 42.17 RCW, charging only those costs allowed therein and mailing costs: *Provided*, That no charge shall be levied for circulation of documents to other agencies which is required by these guidelines. [Order 20, § 352-10-470, filed 5/27/76.]

WAC 352-10-480 Public hearing on a proposal—
When required. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist the lead agency in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty-five days of the listing of the proposal in the "EIS Available Register"; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty-five days of the listing of the proposal in the "EIS Available Register."

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the listing of the proposal in the "EIS Available Register" and no earlier than fifteen days from such date of listing. [Order 20, § 352-10-480, filed 5/27/76.]

WAC 352-10-485 Notice of public hearing on environmental impact of the proposal. (1) Notice of all public hearings to be held pursuant to WAC 352-10-480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For non-project actions the notice shall be published in the general area where the lead agency has its principal office. The notice shall be published no later than five days preceding the hearing. For non-project proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

(2) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained at the lead agency's SEPA public information center. [Order 20, § 352-10-485, filed 5/27/76.]

WAC 352-10-490 Public hearing on the proposal—Use of environmental documents. Whenever a public hearing is held on the environmental impact of a proposal, it shall be open to discussion of all environmental documents and any written comments which have been received by the lead agency prior to the hearing. A copy of the draft EIS shall be made available for public inspection at the public hearing. [Order 20, § 352-10-490, filed 5/27/76.]

WAC 352-10-495 Preparation of amended or new draft EIS. (1) A lead agency shall prepare an amended or new draft EIS whenever it determines:

(a) That substantial changes have been made in the proposal, or significant new information concerning anticipated environmental impacts has become available subsequent to circulation of the initial draft EIS, and

(b) That circulation of a new draft EIS is necessary to provide further input and review on the proposal.

(2) In such event, the lead agency shall follow the provisions of WAC 352-10-450 through 352-10-490 for the amended or new draft EIS. [Order 20, § 352-10-495, filed 5/27/76.]

WAC 352-10-500 Responsibilities of consulted agencies—Local agencies. Each local agency, when responding to a consultation request prior to a threshold determination, participating in pre-draft consultation, or reviewing a draft EIS, shall provide to the lead agency that substantive data, information, test results and other material which it possesses relevant to its area of jurisdiction, to the services it will provide, or to the impacts upon it associated with the proposal. Field investigations are not required of local consulted agencies. Local agencies are not required to transmit information which has been previously transmitted to the lead agency, or which is already reflected in the draft EIS. [Order 20, § 352-10-500, filed 5/27/76.]

WAC 352-10-510 Responsibilities of consulted agencies—State agencies with jurisdiction. Each state agency with jurisdiction, when responding to a consultation request prior to a threshold determination, participating in pre-draft consultation, or reviewing a draft EIS, shall immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal; or, in the event no license is involved the agency with jurisdiction shall investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The end result of these investigations should be that each agency with jurisdiction will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the agency with jurisdiction. An agency with jurisdiction, in its response to the lead agency, should also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risks which remain after it has conducted the investigations that may have been required. [Order 20, § 352-10-510, filed 5/27/76.]

WAC 352-10-520 Responsibilities of consulted agencies—State agencies with environmental expertise. (1) Each state agency participating in pre-draft consultation, or reviewing a draft EIS, lacking jurisdiction, but possessing environmental expertise pertaining to the impacts associated with a proposal [see WAC 352-10-465], when requested by the lead agency, shall provide to the lead agency that substantive data, information, test results or other material relevant to the proposal which the consulted agency then possesses relating to its area of special expertise.

(2) The consulted agency may at its option investigate, develop and transmit whatever additional information is necessary for the lead agency to meet its responsibilities under WAC 352-10-440 or 352-10-442. [Order 20, § 352-10-520, filed 5/27/76.]

WAC 352-10-530 Responsibilities of consulted agencies—When pre-draft consultation has occurred. When a consulted agency has engaged in the pre-draft consultation procedures set forth in WAC 352-10-410, the scope and depth of its required review and comment upon the draft EIS is limited to those appropriate and relevant matters which were not contained in its previous response (such as when significant new information becomes available which was not available to the consulted agency during the pre-draft consultation stage). [Order 20, § 352-10-530, filed 5/27/76.]

WAC 352-10-535 Cost of performance of consulted agency responsibilities. A consulted agency shall not charge the lead agency for any costs incurred in complying with WAC 352-10-500 through 352-10-540, including, but not limited to, such functions as providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization. [Order 20, § 352-10-535, filed 5/27/76.]

WAC 352-10-540 Limitations on responses to consultation. In those instances where part or all of the relevant data possessed by any consulted agency is either voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the consulted agency in its comments to the lead agency and the data itself need not be transmitted. When the consulted agency identifies relevant data, files or other material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the consulted agency shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request. [Order 20, § 352-10-540, filed 5/27/76.]

WAC 352-10-545 Effect of no written comment. If a consulted agency does not respond with written comments within thirty-five days of the date of listing of the draft EIS in the "EIS Available Register," or fails to respond within the fifteen-day extension period which may have been granted by the lead agency, the lead agency may assume that the consulted agency has no

information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with WAC 352-10-400 through 352-10-495, or with the contents of the final EIS. [Order 20, § 352-10-545, filed 5/27/76.]

WAC 352-10-550 Preparation of the final EIS—Time period allowed. The lead agency shall prepare a final EIS within seventy-five days of the listing of the proposal in the "EIS Available Register." The lead agency may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex. [Order 20, § 352-10-550, filed 5/27/76.]

WAC 352-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. (1) If the lead agency does not receive any comments critical of the scope or content of the draft EIS, the lead agency may prepare a statement to the effect that no critical comments were received and circulate that statement in the manner prescribed in WAC 352-10-600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies. [Order 20, § 352-10-570, filed 5/27/76.]

WAC 352-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. (1) When the lead agency receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it shall comply with either subsection (2) or (3) below.

(2) The lead agency may determine that no changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The lead agency must prepare a document containing a general response to the comments that were received, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The lead agency shall then circulate the document in the manner prescribed in WAC 352-10-600: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The lead agency may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the

lead agency shall circulate the re-written EIS in the manner specified in WAC 352-10-600. The lead agency shall ensure that the re-written EIS evidences an affirmative response by the lead agency to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal. [Order 20, § 352-10-580, filed 5/27/76.]

WAC 352-10-600 Circulation of the final EIS. The final EIS shall be circulated to the department of ecology, office of the governor or the governor's designee, the ecological commission, the lead agency's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS. [Order 20, § 352-10-600, filed 5/27/76.]

WAC 352-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 U.S.C. § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 352-10-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the lead agency determines that the federal EIS is adequate, it shall be listed in the "EIS Available Register" in the SEPA public information center.

(4) A public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of its listing in the register, at least fifty persons who reside within the jurisdiction of the lead agency, or are adversely affected by the environmental impact of the proposal, make written request therefor. The lead agency shall reconsider its determination of adequacy in view of comments received at any such public hearing. [Order 20, § 352-10-650, filed 5/27/76.]

WAC 352-10-652 Supplementation by a lead agency of an inadequate final NEPA EIS. When a final EIS prepared pursuant to NEPA is inadequate under the criteria set forth in WAC 352-10-650(2), then the lead agency shall either:

(1) Prepare a draft EIS independent of the final NEPA EIS or

(2) Modify or supplement the final NEPA EIS as necessary to prepare an adequate draft EIS. [Order 20, § 352-10-652, filed 5/27/76.]

WAC 352-10-660 Use of previously prepared EIS for a different proposed action. (1) An agency may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) A previous EIS shall not be used without an explanatory supplement where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the lead agency shall prepare a draft supplemental EIS and comply with the provisions of WAC 352-10-400 through 352-10-695. The contents of the draft and final supplemental EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the lead agency may prepare a written statement setting forth its determination under this subsection and list the proposal in the "EIS Available Register". The lead agency shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. The provisions of WAC 352-10-480 through 352-10-490, relating to a public hearing on the environmental impact of a proposal shall apply, however, to proposed actions determined to be under the provisions of this subsection. [Order 20, § 352-10-660, filed 5/27/76.]

WAC 352-10-690 Use of lead agency's EIS by other acting agencies for the same proposal. (1) When an agency is considering an action which is identified as part of a proposal covered by a final EIS of a lead agency, and the agency now considering the action was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, such agency must utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) hereof.

(2) An agency with jurisdiction shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the acting agency shall prepare a supplement to the lead agency's EIS if, and only if, it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If an agency is not listed as a licensing agency in the draft EIS pursuant to WAC 352-10-440(2)(d) and did not receive a copy of the draft EIS, such agency shall not be limited by the contents of the earlier EIS in preparing its statement. [Order 20, § 352-10-690, filed 5/27/76.]

WAC 352-10-695 Draft and final supplements to a revised EIS. (1) In any case where the lead agency is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it shall prepare a draft supplemental EIS and comply with WAC 352-10-450. Copies of both the prior and supplemental EIS shall be maintained at the SEPA public information center, and copies of the prior EIS, as well as the supplement, shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the lead agency shall comply with WAC 352-10-550 through 352-10-580 and the final supplemental EIS, together with the earlier EIS, shall be regarded as a final EIS for all purposes of these guidelines. [Order 20, § 352-10-695, filed 5/27/76.]

WAC 352-10-700 No action for seven days after publication of the final EIS. No agency shall take any major action (as defined in WAC 352-10-040(26)) on a proposal for which an EIS has been required, prior to seven days from the publication of the final EIS and its listing in the "EIS Available Register" maintained at the agency's SEPA public information center. [Order 20, § 352-10-700, filed 5/27/76.]

WAC 352-10-710 EIS combined with existing planning and review processes. The EIS process shall be combined with the existing planning, review and project approval processes being used by each agency with jurisdiction by law over a proposal. When required to be prepared, the EIS, the declaration of non-significance, or the previously circulated EIS being utilized pursuant to WAC 352-10-660, shall accompany a proposal through the existing review processes. [Order 20, § 352-10-710, filed 5/27/76.]

WAC 352-10-810 Amendments to this chapter. In the event that CEP or its successor agency adopts amendments to its guidelines, the Commission shall adopt amendments of its own guidelines within one hundred twenty days to bring commission guidelines into conformance as provided by RCW 43.21C.100, RCW 43.21C.110 and RCW 43.21C.120. [Order 20, § 352-10-810, filed 5/27/76.]

WAC 352-10-820 Designation of responsible official. The ultimately responsible official is the Commission. Normally, the operational responsibility shall be delegated via the Director to the level of Chief, Environmental Coordination. When significant Commission involvements converge at a level higher than Chief, Environmental Coordination, consideration shall be given to establishing the responsible official at the level of Assistant Director, Resources Development. When significant Commission involvements converge at a level higher than Assistant Director, Resources Development, consideration shall be given to establishing the responsible official at the level of Director, Washington State Parks and Recreation Commission. [Order 20, § 352-10-820, filed 5/27/76.]

WAC 352-10-825 Procedures when consulted agency. The Commission shall develop internal procedures for providing responses to consultation requests from other agencies pertaining to threshold investigations, pre-draft consultation, or draft EISs. Such procedures shall ensure that the agency will be able to comply with the requirements of WAC 352-10-500 through 352-10-540. It is recommended that these procedures be integrated within existing procedures of investigating license applications when the consulted agency is also an acting agency. [Order 20, § 352-10-825, filed 5/27/76.]

WAC 352-10-830 Commission SEPA public information center. (1) The Commission's SEPA public information center shall be located in the office of the environmental coordination section at the headquarters office of the Commission in Olympia.

(2) The following documents shall be maintained at the Commission's SEPA public information center:

(a) Copies of all declarations of non-significance filed by the Commission, for a period of one year.

(b) Copies of all EISs prepared by the Commission, for a period of three years. Draft EISs which have been superseded by a final EIS need not be maintained at the center.

(3) In addition, the Commission shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained:

(a) A "Proposed Declaration of Non-Significance Register" which shall contain a listing of all current proposed declarations of non-significance.

(b) An "EIS in Preparation Register" which shall contain a listing of all proposals for which the Commission is currently preparing an EIS, and the date by which the EIS is expected to be available.

(c) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by the Commission during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4) Each of the registers required by subsection (3) hereof shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the register, in which event a copy of the register or update shall be mailed when a new proposal is added. The Commission may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(5) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request. The Commission may charge for copies in the manner provided by chapter 42.17 RCW, and for the cost of mailing. [Order 20, § 352-10-830, filed 5/27/76.]

WAC 352-10-840 Application of commission guidelines to ongoing actions. (1) These guidelines shall apply to any proposed action when initiated subsequent to the effective date of the guidelines of the lead agency or the agency proposing the action.

(2) For proposals made prior to the effective date of the guidelines of the lead agency or the agency proposing the action, these guidelines shall apply to those elements of SEPA compliance remaining to be undertaken subsequent to the effective date of such guidelines. These guidelines adopted pursuant to RCW 43.21C.120 shall not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed prior to the effective date of the guidelines of the lead agency or agency proposing the action. [Order 20, § 352-10-840, filed 5/27/76.]

WAC 352-10-860 Fees to cover the costs of SEPA compliance. Except for the reproduction and mailing costs specifically allowed by this chapter, and the provisions of WAC 352-10-535, these guidelines neither authorize nor prohibit the imposition of fees to cover the costs of SEPA compliance. [Order 20, § 352-10-860, filed 5/27/76.]

WAC 352-10-910 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Order 20, § 352-10-910, filed 5/27/76.]

WAC 352-10-920 Effective date. These guidelines shall become effective not sooner than June 25, 1976. [Order 20, § 352-10-920, filed 5/27/76.]

Chapter 352-12 WAC

MOORAGE AND USE OF MARINE FACILITIES

WAC

352-12-010 Moorage and use of marine facilities.

WAC 352-12-010 Moorage and use of marine facilities. (1) No person or persons shall moor, dock or berth a boat or other object overnight in a Washington state parks and recreation commission owned and/or operated park or marine area except in designated areas.

(2) Use of these areas and facilities by commercial craft is prohibited. For the purpose of this rule "commercial craft" shall mean craft used for any commercial purpose but shall not include a commercial craft operated within the terms of a concession lease with the commission.

(3) In order to afford the general public the greatest possible use of such marine facilities, continuous occupancy by the same person or persons of facilities in any area is limited to thirty-six hours. Shorter or longer limitation for occupancy may be established by the Washington state parks and recreation commission at any individual facility or area. [Filed 6/30/65.]

Chapter 352-16 WAC

NAMING OF SITES AND LAND CLASSIFICATION

WAC

352-16-010 Naming of sites.

352-16-020 Land classification.

WAC 352-16-010 Naming of sites. (1) The official naming of any State Parks site shall be the function of the commission. In addition, the commission may consider suggestions made by its individual members, or by members of the interested public made at a regular or special meeting. [Order 7, § 352-16-010, filed 4/1/70.]

WAC 352-16-020 Land classification. (1) **State Parks** are spacious combinations of natural and recreational areas with overall statewide significance and outstanding scenic beauty. They provide for active and passive, low and high density outdoor recreation activities. Heritage areas or other special use areas may be included, but are not prerequisites to this classification.

(2) **State Recreation Areas** are land and water areas suited and/or developed for high density outdoor recreational use. Such areas do not necessarily meet the high scenic standards for State Parks.

(3) **State Natural Areas** are areas obligated to conserving a natural environment in a nearly undeveloped state for active and passive low density outdoor recreation activities. These areas may be found or made. They may be considered heritage areas and developed accordingly if their flora or fauna is unique or exceptional in size or character.

(4) **State Heritage Areas** are areas which preserve and interpret unique geologic, paleontologic, archaeologic, historic, scientific, ecologic and cultural features of the state which transcend local interest and are of statewide or national significance.

(5) **State Launch Areas** are areas solely developed for boating ingress and egress.

(6) **State Conservation Areas** are aggregates of recreationally developed and undeveloped open space legally dedicated to sustained recreational use. They may contain any combination of State Park, Recreation Area, Natural Area, Heritage Area, Launch Area, or other open space area under public ownership or administration.

(7) **State Ocean Beach Access Areas** are sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

(8) **State Environmental Learning Centers** are resident camping facilities made available to interested groups to provide their members with the opportunity to live, work, study and play in the outdoor environment. [Order 31, § 352-16-020, filed 3/28/77; Order 18, § 352-16-020, filed 2/1/74; Order 7, § 352-16-020, filed 4/1/70.]

Chapter 352-20 WAC

USE OF MOTOR DRIVEN VEHICLES IN STATE PARKS—PARKING RESTRICTIONS—VIOLATIONS

WAC

352-20-010	Parking.
352-20-020	Motor vehicles on roads and trails.
352-20-030	Speed limits.
352-20-040	Vehicles in snow areas.
352-20-050	Trucks and commercial vehicles.
352-20-060	Definitions.

WAC 352-20-010 Parking. (1) No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any state park area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked either in a designated parking area, or in another area with the permission of a ranger.

(2) No person shall park, leave standing, or abandon a vehicle in any state park area after closing time, except when camping in a designated area, or with permission from the ranger.

(3) Any vehicle found parked in violation of subsection (1) or (2) of this section may be towed away at the owner's or operator's expense. [Order 9, § 352-20-010, filed 11/24/70; Rule filed 8/24/67.]

WAC 352-20-020 Motor vehicles on roads and trails. (1) No person shall operate any motor vehicle on a trail in any state park area unless such trail has been specifically designated and posted for such use.

(2) Subject to the provisions of subsection (1) of this section, no person shall operate a motor vehicle within the boundaries of a state park area except on roads, streets, highways, parking lots, parking areas, ATV areas or snowmobile trails and areas. [Order 29, § 352-20-020, filed 1/26/77; Order 9, § 352-20-020, filed 11/24/70; Resolution filed 12/11/67.]

WAC 352-20-030 Speed limits. No person shall drive a motor vehicle within any state park area at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than 15 miles per hour in camp, picnic, utility, or headquarters areas, or in areas of general public assemblage; and provided further that in no event shall a vehicle be driven at a speed greater than 25 miles per hour in any other area except designated ATV areas and trails. In no event shall a person operate a vehicle in a designated ATV area or trail at a speed which is not reasonable and prudent for the activity and existing conditions. The commission, however, upon finding that the safety of persons and the condition of the road and the traffic thereon so warrants, may establish lower speed limits and shall post the same in the area where so established. [Order 29, § 352-20-030, filed 1/26/77; Order 9, § 352-20-030, filed 11/24/70.]

WAC 352-20-040 Vehicles in snow areas. All vehicles operating upon roads within the boundaries of any state park area when such roads are covered with snow or ice, and so posted, shall be equipped with approved snow tires or chains. Roads and conditions will be posted and traffic permitted only at the discretion of the ranger. [Order 9, § 352-20-040, filed 11/24/70.]

WAC 352-20-050 Trucks and commercial vehicles. No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any state park area or any park road therein except in the service of the commission at the request of an employee of the commission, or by express permission of the Director for a special activity not inconsistent with State Park use: *Provided, That*, The provisions of this section shall not apply to county roads or state highways. [Order 9, § 352-20-050, filed 11/24/70.]

WAC 352-20-060 Definitions. Whenever used in this chapter the following terms shall be defined as indicated herein:

(1) "Motor vehicle" shall mean any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motorbikes, motor scooters, jeeps, or similar type 4-wheel drive vehicles, and snowmobiles, whether or not they can legally be operated upon the public highways.

(2) "Trail" shall mean any path or track designed for use of pedestrians or equestrians and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so as to permit its use by standard passenger automobiles; or any other right of way specifically designated and posted for nonvehicular use. [Order 9, § 352-20-060, filed 11/24/70.]

**Chapter 352-24 WAC
CONCESSIONS AND LEASES**

WAC

352-24-010	Approval of concessions and leases.
352-24-020	Preservation and use.
352-24-030	Merchandising.
352-24-040	Acquisition and ownership of facilities by the commission.
352-24-050	Definitions.
352-24-060	Abandonment or destruction of improvements.
352-24-070	Compensation for concessionaire's possessory interest.
352-24-080	Compensation to the state for improvements placed by the state.
352-24-090	General provisions.
352-24-100	Bidding procedures.
352-24-110	Notification to bidder.
352-24-120	The highest and best bid.
352-24-130	Commission's acceptance.
352-24-140	Bond requirement.
352-24-150	Transactions involving interest of concessionaire.
352-24-160	Advertising.
352-24-170	Concessionaire's employees.
352-24-180	Anti-discrimination.
352-24-190	Representation of commission endorsement.
352-24-200	Sale of majority stock interest in corporation.
352-24-210	Approval of sub-concession contracts.
352-24-220	Violation of lease.
352-24-230	Preferential right.
352-24-240	Insurance requirement.
352-24-250	Contract, franchise, or lease fees.
352-24-260	Audits, accounting records and reports.
352-24-270	Provision for arbitration.
352-24-280	Temporary concession permits.

WAC 352-24-010 Approval of concessions and leases. The Commission shall approve, or disapprove, all concessions and leases, and may, in its discretion, authorize the Director to sign any lease or concession agreement on behalf of the Commission, which authorization shall be incorporated into the minutes of the regular or special meeting at which it is granted. [Order 7, § 352-24-010, filed 4/1/70.]

WAC 352-24-020 Preservation and use. (1) The Laws of 1921 and all Acts Amendatory thereto creating the Washington State Parks and Recreation Commission prescribe both preservation and use of the parks and parkways administered by the Commission. To harmonize these objectives to the greatest extent possible, it shall be the policy of the Commission to permit the development of accommodations and facilities within the areas administered by the Commission only to the extent that such accommodations and facilities are necessary and appropriate for the public use and enjoyment of the areas.

(2) The number of sites and the locations and the sizes of the tracts of land assigned for necessary accommodations and facilities shall be held to the minimum essential to the proper and satisfactory operation of the accommodation or facility authorized to be installed and operated. Such developments as are permitted shall be constructed so as to be as harmonious as possible with their surroundings. To this end, plans and specifications for buildings and other structures to be erected by the concessionaire shall be prepared at the expense of the concessionaire and submitted to the Commission for approval before construction is begun. Such plans, when

approved, shall be adhered to by the concessionaire in erecting the structures authorized.

(3) In areas where the need would be in the nature of a refreshment stand, the structure will be constructed by the Commission at the discretion of the Commission. [Order 7, § 352-24-020, filed 4/1/70.]

WAC 352-24-030 Merchandising. (1) Merchandising within the areas administered by the Commission shall be limited, in general, to those items and services appropriate or necessary for the public use and enjoyment of the areas.

(2) All such merchandising shall be subject to the right of the Commission to determine and control the nature, type, and sales price of merchandise or service sold in the area; provided, however, that the Commission may not regulate or adjust such prices below an amount that would allow a reasonable return and profit to the concessionaire nor below an amount comparable to prices on like merchandise and services in similar recreational areas in that region. [Order 7, § 352-24-030, filed 4/1/70.]

WAC 352-24-040 Acquisition and ownership of facilities by the commission. (1) The Commission policy is that concession facilities should be operated under contract with private concessionaires wherever feasible.

(2) It is the desire of the Commission to assure the concessionaire of the security of their investments in buildings, structures, and other improvements provided by them on state owned or administered lands for the purposes of a concession contract to the fullest extent of the existing authority of the Commission. Accordingly, while reserving in the State of Washington legal title to such buildings, structures, and other improvements, it shall be the policy of the Commission to recognize that in order to encourage proper development and maintenance of a concession, it may be appropriate to grant possessory rights to concessionaires. [Order 7, § 352-24-040, filed 4/1/70.]

WAC 352-24-050 Definitions. (1) "Concessionaire's Improvements", as used herein shall mean all buildings, fixtures, equipment, and other improvements or parts thereof placed upon lands assigned in the particular contract that have been erected or may be erected in the future with the Commission's consent by the concessionaire.

(2) "State Improvements", as used herein, shall mean all buildings, fixtures, equipment, and other improvements or parts thereof placed upon lands assigned in the particular contract, that have been erected or constructed with state finances.

(3) "Possessory Interest", as used herein, shall mean all incidents of ownership, except the right to free transfer or mortgage and legal title, which title shall be vested in the State of Washington. "Possessory Interest" shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of a structure, fixture, or improvement in which the concessionaire has

a possessory interest shall be wholly subject to the applicable provisions of the contract and of laws and regulations relating to the area. A possessory interest shall not be extinguished by the expiration or other termination of the concession contract and may not be taken for public use or transferred to a successor without just compensation. The said possessory interest may be assigned, transferred, or relinquished prior to expiration or termination, but all such transactions shall require the written approval of the Commission. A possessory interest may be used as collateral for a loan, but such a transaction shall require approval by the Commission; provided, that such approval will be deemed to have been given if the Commission fails to act within forty days after being notified of the proposed transaction.

(4) "Just Compensation", as used herein, shall mean an amount equal to the sound value of such structure, fixture, or improvement at the time of taking by the state or transfer to another party determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. [Order 7, § 352-24-050, filed 4/1/70.]

WAC 352-24-060 Abandonment or destruction of improvements. (1) In the event that a concessionaire's improvement is removed, abandoned, demolished, or substantially destroyed, and no other improvement is constructed on the site, the concessionaire shall, promptly upon the request of the Commission, restore the site as nearly as possible to a natural condition.

(2) Any salvage resulting from the removal, severance, or demolition of a concessionaire's improvements or any part thereof shall be the property of the concessionaire. [Order 7, § 352-24-060, filed 4/1/70.]

WAC 352-24-070 Compensation for concessionaire's possessory interest. (1) If for any reason the concessionaire shall cease to be authorized to conduct the operations authorized hereunder, or any of them, and thereafter such operations are to be conducted by a successor, whether a private person or an agency of the state, the concessionaire shall sell and transfer to the successor designated by the Commission the possessory interest in concessionaire's improvements and all other property of the concessionaire used or held for use in connection with such operations; and the Commission will require such successor, as a condition to the granting of a permit or contract to operate, to purchase from the concessionaire such possessory interest and other property, and to pay the concessionaire the just compensation therefor.

(2) If the Commission shall determine that, during the term of the contract or upon its termination for any reason, it is in the public interest to discontinue the operations authorized thereunder, or any of them, and/or to abandon, remove, or demolish any of the concessionaire's improvements, then the Commission will, before making such determination effective, request of the legislature appropriations sufficient to assure the

concessionaire of just compensation for his possessory interest in such improvements, and receive such appropriations; provided, that the just compensation to be paid to the concessionaire shall be diminished by any debts due from the concessionaire to the Commission and any damage or nonperformance claims by the Commission against the concessionaire. [Order 7, § 352-24-070, filed 4/1/70.]

WAC 352-24-080 Compensation to the state for improvements placed by the state. Private persons or corporations having concession or lease agreements with the Commission at the time of adoption of this policy, may submit proposals to modify, renew, and extend the existing agreements to provide for such a possessory interest and may include in their proposals the acquisition from the state of such a possessory interest in state improvements, which are part of the outdoor recreation facilities of the area, provided that the price to be paid to the state shall be computed by the same formula as set forth above for determining just compensation to the private person or corporation. [Order 7, § 352-24-080, filed 4/1/70.]

WAC 352-24-090 General provisions. Before calling for a bid for a concession, franchise, or lease, a plan of operation, plans, specifications, and conditions shall be prepared by the Commission in such a manner that all bidders will be bidding on an identical plan. [Order 7, § 352-24-090, filed 4/1/70.]

WAC 352-24-100 Bidding procedures. Insofar as practical, all concessions shall be granted on competitive bids and a formal sealed bid procedure shall be used as standard procedure; provided, that sealed competitive bidding shall not be necessary for:

(1) An emergency, if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Concessions producing an annual gross revenue not exceeding \$500 but in all such concessions quotations shall be secured from enough vendors to assure establishment of a competitive price; and

(3) Concessions which are clearly and legitimately limited to a single source of supply or involving special facilities, services, or market conditions, in which instance the concession prices may be best established by direct negotiations. [Order 7, § 352-24-100, filed 4/1/70.]

WAC 352-24-110 Notification to bidder. Bids for concessions shall be solicited by public notice, and through the sending of notices by mail to bidders who shall have made application to the Commission. Bids may be solicited from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the Commission. [Order 7, § 352-24-110, filed 4/1/70.]

WAC 352-24-120 The highest and best bid. Concessions granted through competitive bidding shall be let

to the highest responsible bidder: *Provided*, That whenever there is reason to believe that the highest responsible bid is not the best bid obtainable, all bids may be rejected and the Commission may call for new bids (or enter into direct negotiations to achieve a better bid). Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "highest responsible bidder", in addition to price, the following elements shall be given consideration:

- (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (3) Whether the bidder can perform the contract within the time specified;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws relating to the contract or services;
- (6) Such other information as may be secured having a bearing on the decision to award the contract. [Order 7, § 352-24-120, filed 4/1/70.]

WAC 352-24-130 Commission's acceptance. The Commission may reject the bid of any bidder who has failed to meet any of the requirements of WAC 352-24-120 herein, and further reserves the right to reject all bids and consider the matter anew. [Order 7, § 352-24-130, filed 4/1/70.]

WAC 352-24-140 Bond requirement. When any bid has been accepted, the Commission may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the Commission, conditioned that he will fully, faithfully, and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the Commission. Bidders who regularly do business with the Commission shall be permitted to file with the Commission an annual bid bond in an amount established by the Commission and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids. [Order 7, § 352-24-140, filed 4/1/70.]

WAC 352-24-150 Transactions involving interest of concessionaire. Concessions, franchises, leases, and easements granted by the Commission shall be assignable by the grantee thereof only if the Commission gives written approval of the designated assignee. In order to better judge the acceptability of the designated assignee, the Commission may require such background information as may be necessary. [Order 7, § 352-24-150, filed 4/1/70.]

WAC 352-24-160 Advertising. (1) Lessees using promotional and publicity material shall include a credit line in such material indicating the respective areas as part of the Washington State Parks and Recreation

Commission system. The credit line to read: Facility under lease, operated in conjunction with Washington State Parks and Recreation Commission.

(2) All signing to be placed by concessionaires within the respective areas, whether advertising, or of whatever nature, shall require prior written approval of the Commission. [Order 7, § 352-24-160, filed 4/1/70.]

WAC 352-24-170 Concessionaire's employees. (1) The concessionaire will agree to conduct his business in a manner so as to give efficient, safe, and courteous service to the public, and conform to all rules and regulations and orders relative to the operation of the park.

(2) The concessionaire shall not employ or retain in its service or permit to remain upon any of the premises provided under the respective contracts, any person found by the Commission to have violated paragraph (1) above. [Order 7, § 352-24-170, filed 4/1/70.]

WAC 352-24-180 Anti-discrimination. Concessionaire shall not discriminate on the basis of race, color, religion, national origin, sex, or age (unless for bona fide occupational reasons) in the solicitation of applicants for employment, the hiring of employees, and the treatment of employees. Concessionaire shall not discriminate on the basis of race, color, religion or national origin in the dispensing of services and goods to the public. In any written contracts concessionaire shall make with suppliers of goods or services to concessionaire, the concessionaire shall insert the provisions of this paragraph so as to be applicable to the supplier. [Order 7, § 352-24-180, filed 4/1/70.]

WAC 352-24-190 Representation of commission endorsement. Neither concessionaire nor any of its shareholders or agents shall, in connection with raising any investment funds, represent to anyone that concessionaire has the endorsement, support, or approval of the state for any new development or new plan of action when no such endorsement, support or approval has been given in writing. [Order 7, § 352-24-190, filed 4/1/70.]

WAC 352-24-200 Sale of majority stock interest in corporation. The Commission shall reserve the right of approval of any stock sale or transfer which, in its opinion, might result in a change in the management of any corporate concessionaire. [Order 7, § 352-24-200, filed 4/1/70.]

WAC 352-24-210 Approval of sub-concession contracts. All contracts and agreements proposed to be entered into by the concessionaire with respect to the exercise by others of the privileges granted by the specific contract shall be submitted to the Commission for approval prior to their effective date. [Order 7, § 352-24-210, filed 4/1/70.]

WAC 352-24-220 Violation of lease. The Director shall, where a concessionaire is in violation of his lease, be directed to prepare and properly serve notice of intention to forfeit said lease; provided, that no action shall be taken upon the actual forfeiture until the next

regular meeting of the Commission and after majority vote of the Commission. [Order 7, § 352-24-220, filed 4/1/70.]

WAC 352-24-230 Preferential right. (1) The Commission recognizes the investments of existing concessionaires in their concessions. Therefore, in the event existing concessionaires have performed in a manner satisfactory to the state, they shall have a preferential right to:

(a) Continue the existing concession when the concession contract expires, and,

(b) Undertake any construction or operation of any new accommodations or facilities desired by the Commission.

(2) The Commission also recognizes that an existing concessionaire may be unwilling or unable to construct or operate new accommodations or facilities. Therefore, the Commission shall reserve the right either, on its own, or through a new concessionaire, to construct or operate new accommodations or facilities. [Order 7, § 352-24-230, filed 4/1/70.]

WAC 352-24-240 Insurance requirement. (1) The concessionaire shall at the direction of the Commission carry reasonable insurance on concessionaire or state properties against losses by fire, windstorm, or other hazards.

(2) Concessionaire shall maintain policies of public liability insurance in such amounts as the Commission may require to protect the state from claims of injury or damage arising from concessionaire's operations. Concessionaire shall hold the state free and clear of all such claims.

(3) When directed to do so, concessionaire will file certified copies of insurance policies required under this paragraph with the Commission. [Order 7, § 352-24-240, filed 4/1/70.]

WAC 352-24-250 Contract, franchise, or lease fees.

(1) It shall be the policy of the Commission that fees be commensurate with

(a) the value to the concessionaire of the opportunity granted to them to do business within the areas administered by the Commission; and

(b) the services and facilities furnished by the state for which no separate fee is charged. Accordingly, as a general policy, fees will be based on percentage of gross revenues.

(2) Since concession operations vary greatly in size, location, seasons, and other pertinent respects, the Commission will, however, negotiate fee provisions differing from that mentioned above, when circumstances justify such action.

(3) When contract parties fail to reach agreement on contract fees in process of renegotiation, the matter will be submitted to arbitration as provided below. [Order 7, § 352-24-250, filed 4/1/70.]

WAC 352-24-260 Audits, accounting records and reports. (1) The concessionaire shall be required to

maintain such permanent books of account and records, including inventories, as may be prescribed by the Commission, and as are sufficient to show specifically the item of gross income and expense, receipts and disbursements, and such other information as will correctly reflect the financial condition and results of operations. The books and records as required shall be kept available at all reasonable times for inspection by the Commission or its authorized representative.

(2) It shall be the policy of the Commission to audit and inspect the concessionaire's books and records in order to protect the public interest. The Commission recognizes that only through adequate audits and inspections, can data on the financial condition and the results of a concessionaire's operations be determined. Such data is recognized as essential in planning for expansion of facilities and services with concessionaires and carrying out the principle of providing a maximum of services to the public at a minimum of cost.

(3) The Commission may require an audit of the concessionaire's books by an authorized public accountant whenever the Commission has determined there is reasonable cause therefor. If such audit shows a variation of 10 per cent the concessionaire must pay for the audit if he is to continue his lease, if less than 10 per cent the cost of the audit to be borne by the State Parks and Recreation Commission. Copies of the certified public accounting audit report shall be made available to the Commission. [Order 7, § 352-24-260, filed 4/1/70.]

WAC 352-24-270 Provision for arbitration. Whenever the concessionaire and a successor, or the concessionaire and the Commission, cannot agree on what just compensation for the concessionaire's possessory interest according to WAC 352-24-050(3) may be, or whenever the concessionaire and the Commission cannot agree on the fees to be paid the Commission by the concessionaire, or whenever the existing concessionaire and new concessionaire cannot agree, or whenever the concessionaire and the Commission cannot agree on any matter pertaining to the concession contract, the matter at issue shall be submitted to arbitration and such arbitration shall be binding. Each party to the dispute will appoint one arbitrator who together will choose a third arbitrator. The arbitration shall be governed by the state arbitration act, contained in chapter 7.04 RCW. [Order 7, § 352-24-270, filed 4/1/70.]

WAC 352-24-280 Temporary concession permits.

(1) In consideration of a need in certain park areas for the occasional and temporary provision of goods and/or services to the public to enhance their recreational experience, it shall be the policy of the Commission to permit the temporary selling of approved goods and/or services to the public by private concessionaires.

(2) The Director of the Washington State Parks and Recreation Commission may, when a need for temporary concession services be evident, negotiate and grant such temporary concession permits as are necessary to provide adequate, temporary service to the public under such conditions as are necessary to protect the public, the

park features, and facilities, and the interest of established concessionaires, such temporary concession permits not to exceed seven days. [Order 7, § 352-24-280, filed 4/1/70.]

Chapter 352-28 WAC TIMBER CUTTING AND SALES

WAC

352-28-010 Timber cutting criteria.
352-28-020 Timber sales.

WAC 352-28-010 Timber cutting criteria. (1) **Significant Trees:** Significant trees in any area under the jurisdiction and/or management of the Commission shall not be cut without the written approval of the Director or his designated representative. Significant trees shall be considered as those of outstanding shade tree quality and/or of commercial value measured either singly or collectively as a stand of timber.

(2) **Cutting Criteria:** Trees (or other flora) may be cut and/or removed from said areas for the following reasons only:

(a) Area clearing necessary for approved park maintenance, improvement, and/or development projects.

(b) Correction of conditions hazardous to persons, properties, and/or facilities.

(c) Timber stand improvement and/or protection including thinning, removal of weed species, fire lane clearing and abatement of forest diseases and infestations.

(d) Salvage of merchantable forest products that are in a condition inconsistent with and/or detrimental to park utility. [Order 7, § 352-28-010, filed 4/1/70.]

WAC 352-28-020 Timber sales. (1) **Qualification For Sale of Forest Products:**

(a) The merchantable product must qualify for removal under WAC 352-28-010.

(b) There must be sufficient merchantable volume involved to offset the amount of restriction and liability necessarily imposed on logging contractors to safeguard park features and public and private interests.

(2) **Procedures and General Provisions:**

(a) Sales shall be conducted by the Director or his designated representative.

(b) Sales shall be granted on the basis of competitive, sealed bids and it shall be required that at least three qualified buyers be invited to bid. Reasonable efforts shall be made to invite bids from prospective buyers operating or living in or near the general location of the sale; except that normally unmerchantable volumes of timber to be removed for park purposes may be sold by direct negotiation with a single buyer as approved by the Commission, also, except that timber may be sold by direct negotiation where one buyer is clearly concerned as in timber sold to a right-of-way or easement purchaser as an integral part of said purchase.

(c) Except where one buyer only is clearly concerned, all sales shall be granted on the basis of the highest bid from a responsible qualified bidder. Any bid may be rejected if the prospective buyer is deemed unqualified. To

qualify for bidding, a buyer must be of good character and reputation with demonstrated abilities and capacities sufficient to perform the contract and must not have failed to perform satisfactorily on any previous forest products sale contract with the state.

(d) Bids and sales shall be based on a return to the State of a percentage of the gross sale price of the forest products involved; except where sold by direct negotiation with a single buyer as described in WAC 352-28-020(2)(b) above. In such exceptions, cash payment shall be required of the buyer in the amount of fair market stumpage value, considering offsetting mutual benefits if applicable, or at the Commission's discretion, considering a sum to offset aesthetic loss to the State up to a maximum value equal to the best full current local market price at point of delivery of the harvested product, as determined by the Director or his designated representative.

(e) All sales shall require sufficient liability and property damage insurance and also sufficient surety bonding by the buyers to insure protection of the State and satisfactory contract compliance and completion.

(f) All sales, excluding timber sales in state parks that have no potential for significant adverse impact on the environment, shall require approval by a majority of the Commission and contract validation by the Director or his designated representative.

(g) All sales shall require authorization by the State of Washington, Department of General Administration, Division of Purchasing as provided in RCW 43.19.1919 and/or as hereafter modified, amended or rescinded; also, all sales shall be granted, subject to approval of any governing agency as may be required by legal condition of land title and/or timber ownership and/or by State or Federal statute.

(h) All contracts shall be of a form approved by the Attorney General. [Order 26, § 352-28-020, filed 6/16/76; Order 7, § 352-28-020, filed 4/1/70.]

Chapter 352-32 WAC PUBLIC USE OF STATE PARK AREAS

WAC

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352-32-280	Camping by law enforcement officers.

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

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "Ranger" shall mean a duly appointed Washington State Parks Ranger who is vested with police powers under RCW 43.51.170 and WAC 352-32-020, and shall include the Head Ranger in charge of any State Park Area and any Assistant Rangers.

(4) "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.

(5) "Trailer" shall mean a towed vehicle which contains sleeping or housekeeping accommodations.

(6) "Camper" shall mean a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.

(7) "Trailer site" shall mean designated camping sites which have water and/or electrical facilities available for hookup, and which are designed for the use of persons with trailers or campers.

(8) "Camp site" shall mean designated camping sites which are designed for the use of tent campers, and which have no water and/or electrical facilities available for hookup to a trailer or camper.

(9) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

(10) "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. [Order 9, § 352-32-010, filed 11/24/70.]

WAC 352-32-020 Police powers granted to certain employees. (1) Those actions taken by the Commission or its predecessors, commencing on August 4, 1924, and granting police powers to specific employees of the Commission are each hereby reaffirmed.

(2) In accordance with the provisions of RCW 43.51.170, the following employees of the Commission shall have police powers to enforce the laws of the State of Washington and the rules and regulations of the Commission:

- (a) The Director.
- (b) Deputy Director.
- (c) All Assistant Directors.

(d) All Regional Supervisors.

(e) All District Supervisors.

(f) All duly appointed Park Managers and Rangers.

(g) All other individuals as needed and so authorized by the Director. [Order 35, § 352-32-020, filed 7/29/77; Order 9, § 352-32-020, filed 11/24/70.]

WAC 352-32-030 Camping. (1) 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.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if applicable use fee has not been paid or if time limit for occupancy of campsite or trailer site has expired or the site is reserved by another party. Remaining in a campsite or trailer site beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer sites by tent campers shall be subject to payment of the trailer site fee.

(4) A trailer site or campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the daily use 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 or trailer site 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.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to seven (7) consecutive days in one park.

(6) The number of vehicles occupying camping facilities shall be limited to one car or one camper, or one such vehicle with trailer, per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing regular camp or trailer sites shall be limited to six persons per site.

(8) There are constructed in certain State Parks group camping areas. A group camping area is designated as such and generally located apart from the designated camp or trailer area. Facilities and extent of development of group areas may vary from park to park. All persons using the areas must pay the applicable fee established by the Washington State Parks and Recreation Commission.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must

have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) An emergency area is an area in the park that can be used for camping but not part of the designated camp or trailer area. Emergency areas may be used only when all designated camp or trailer sites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the fee appropriate for campsites and must be out of the site by 8:00 the following morning. [Order 33, § 352-32-030, filed 4/28/77; Order 9, § 352-32-030, filed 11/24/70.]

WAC 352-32-040 Picnicking. Picnicking is permitted only in designated and marked picnicking areas, or in such other places within a State Park Area as may from time to time be designated by a Ranger. [Order 9, § 352-32-040, filed 11/24/70.]

WAC 352-32-045 Reservations for group use. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests 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) A permit fee of five dollars shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the Group Use Permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservation seven or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the Park Manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the Region Supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the Assistant Director for Operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington State Parks and Recreation Commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups

in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by the Park Manager and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(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 Washington State Parks and Recreation 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. [Order 32, § 352-32-045, filed 4/28/77.]

WAC 352-32-050 Park periods. (1) The Director shall establish for each State Park Area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the State Park Area affected and at the park office. No person shall enter or be present in a State Park Area after closing time except when camping, in a designated campsite or trailer site, who has paid the applicable use fee; as a State Parks employee; or as a guest of a State Parks employee.

(2) The Director may establish for each State Park Area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any State Park Area or structure at any given time or period. No person shall enter in any State Park Area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the Director and when the individual is informed either by signs or by park staff that such capacity has been met and the park is full. [Order 21, § 352-32-050, filed 3/20/75; Order 9, § 352-32-050, filed 11/24/70.]

WAC 352-32-060 Pets. (1) All dogs or other pets or domestic animals must be kept on leash no greater than eight (8) feet in length, and under control at all times while in a State Parks Area.

(2) Dogs, pets, or domestic animals are not permitted on any designated swimming beach in any State Parks Area, nor in any public building unless so posted: *Provided*, That this subsection shall not apply to seeing eye dogs.

(3) No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park. [Order 9, § 352-32-060, filed 11/24/70.]

WAC 352-32-070 Horseback riding. (1) Nor horses shall be permitted in any State Parks Area, except where designated and posted to specifically permit such activity.

(2) Horses shall not be permitted on any designated swimming area, campground or picnic area.

(3) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied. [Order 9, § 352-32-070, filed 11/24/70.]

WAC 352-32-080 Swimming. (1) Swimming areas in State Park Areas are marked with buoys, log booms, or other markers, clearly designating the boundaries of such areas. Swimming shall be permitted only within these areas.

(2) Any person swimming outside the boundaries of a designated swimming area, or in any area not designated for swimming, or in any area, whether designated for swimming or not, where no lifeguard is present, shall do so at his or her own risk.

(3) All persons using any designated swimming area shall obey all posted beach rules and/or the instructions of lifeguards, Rangers, or other State Parks employees.

(4) No person shall swim or sunbathe in any designated boat launching area.

(5) No person shall give or transmit a false signal or false alarm of drowning in any manner.

(6) Use of inflated mattresses, rubber rafts, rubber boats, inner tubes, or other objects, except U.S. Coast Guard approved life jackets, in State Park Areas for the purpose of buoyancy while swimming or playing in any designated swimming area is prohibited. Concessionaires are not permitted to rent or sell such floating devices within State Parks without written approval of the Commission. [Order 10, § 352-32-080, filed 8/3/71; Order 9, § 352-32-080, filed 11/24/70.]

WAC 352-32-090 Games on beaches. Playing games and general horseplay on crowded swimming beaches is prohibited. At times large uncrowded beach areas can safely permit some games. Such games will be permitted only with the consent of a Ranger. [Order 9, § 352-32-090, filed 11/24/70.]

WAC 352-32-100 Disrobing. (1) No person shall disrobe in public in any State Park Area.

(2) Clothing sufficient to conform to common standards shall be worn at all times. [Order 9, § 352-32-090, filed 11/24/70.]

WAC 352-32-110 Tents, etc., on beaches. No person shall erect, maintain, use, or occupy any temporary tent or shelter on any swimming beach in any State Park Area unless there is an unobstructed view through such tent or shelter from at least two sides; provided, however, that nothing herein contained shall be construed to authorize camping except in designated areas. [Order 9, § 352-32-110, filed 11/24/70.]

WAC 352-32-120 Firearms. No person shall possess a firearm with a cartridge in any portion of the mechanism; nor shall any person discharge across, in, or into any State Park Area a firearm, bow and arrow, 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 Parks use. [Order 9, § 352-32-120, filed 11/24/70.]

WAC 352-32-130 Aircraft. 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. [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. [Order 9, § 352-32-140, filed 11/24/70.]

WAC 352-32-150 Fishing. (1) All laws, rules, and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in State Park Areas. No person may fish for, or possess any fish taken from any dam, dike, bridge, dock, boat landing, or beach, which is conspicuously posted with a sign prohibiting fishing.

(2) All laws, rules, and regulations of the State Department of Fisheries relating to season, limits, and methods of taking are applicable to the taking of shellfish or food fish in State Park Areas, except that, in addition to such laws, the Washington State Parks and Recreation Commission may, upon its finding and for good cause, close certain State Park beaches for specified periods of time, to the taking of shellfish. Such closed areas shall be posted with appropriate signs.

(3) No person shall remove or cause to be removed any sea life from any state park beaches except for edible varieties as defined by the Department of Fisheries. [Order 19, § 352-32-150, filed 2/1/74; Order 9, § 352-32-150, filed 11/24/70.]

WAC 352-32-160 Religious services or group rallies. Religious services or group rallies may be permitted in State Park Areas where facilities are adequate, and where such activities will not conflict in any way with normal park usage. To avoid conflict, permission for such activities must be obtained in advance from the District Ranger. Permission for the use of loudspeakers by groups must be obtained in advance. [Order 9, § 352-32-160, filed 11/24/70.]

WAC 352-32-170 Rubbish. (1) No person shall leave, deposit, drop, or scatter bottles, broken glass, 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. [Order 9, § 352-32-170, filed 11/24/70.]

WAC 352-32-180 Sanitation. No person shall, in any State Park Area:

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

(2) Clean fish or other food, or wash any clothing or other article for personal or household use, or any dog or other animal, except at designated areas.

(3) Clean or wash any automobile or other vehicle except in areas specifically for that use.

(4) 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, any State Park Area. [Order 9, § 352-32-180, filed 11/24/70.]

WAC 352-32-190 Solicitation. No person shall solicit, sell, or peddle any goods, wares, merchandise, liquids, or edibles for human consumption, or distribute or post any handbills, circulars, or signs, or use any loudspeaker or other amplifying device, in any State Park Area, except by concession granted by the Commission. [Order 9, § 352-32-190, filed 11/24/70.]

WAC 352-32-200 Penalties. In addition to the penalty provided in RCW 43.51.180, or any other existing or future law of the State of Washington, failure to comply with any section of this chapter, or of any other chapter of this title, or any other rule or regulation of the Commission, or with any other federal, state, or local law, rule, or regulation applicable under the circumstances, shall subject the person so failing to comply to ejection from any State Park Area. [Order 9, § 352-32-200, filed 11/24/70.]

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening and consuming any alcoholic beverages in any state park area shall be prohibited except in the following designated areas and under the following circumstances:

(a) In designated campgrounds, by registered campers or their guests;

(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

(c) In any building 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) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

(3) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park shall be prohibited. [Order 17, § 352-32-210, filed 2/1/74; Order 11, § 352-32-210, filed 7/29/71.]

WAC 352-32-220 Intoxication in state park areas. Being or remaining in, or loitering about in any state park area while in a state of intoxication shall be prohibited. [Order 11, § 352-32-220, filed 7/29/71.]

WAC 352-32-230 Food and beverage containers on swimming beaches. (1) The use or possession of any food or beverage container consisting wholly or in part of glass or metal is prohibited on any beach within any State Park Area, where such beach is designated as a swimming area, or where such beach is customarily and generally used as a swimming area by park patrons though not designated as such.

(2) The provisions of this rule shall not apply to any portion of the Seashore Conservation Area as designated and established by RCW 43.51.655. [Order 11, § 352-32-230, filed 7/29/71.]

WAC 352-32-240 Nondiscrimination certification. (1) This is to certify that the Washington state parks and recreation commission is an equal opportunity employer, and that no person in the United States is denied the benefits of full and equal enjoyment of the right of employment or any goods, services, facilities, privileges, advantages, and accommodations of, or on any property administered by the Washington state parks and recreation commission because of race, creed, color, age, sex, national origin, or physical disability.

(2) The provisions of this certification shall apply to all contractors, lessees, licensees, and concessionaires operating under any legal instrument issued by the Washington state parks and recreation commission, as well as areas operated by the Washington state parks and recreation commission itself. [Order 27, § 352-32-240, filed 9/23/76.]

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission:

- (1) Overnight camping – basic camp: \$3.50 per night;
- (2) Overnight camping – camp site (two or more hookups): \$4.50 per night;
- (3) Group camping area – certain parks: \$.25 per camper per night; maximum of \$10.00 per night;
- (4) Environmental Learning Center: \$1.10 per camper per night;
- (5) Hot showers: \$.10 for four minutes shower time;
- (6) Electric stoves: \$.10 for thirty minutes cooking time;
- (7) Senior Citizen Passport: \$10.00 per season (from October 1 through April 30);
- (8) Camp Wooten and Cornet Bay Swimming Pools: \$1.50 per camper per day.

(9) Washington senior citizens and disabled or handicapped persons found eligible under chapter 330, Laws of 1977 1st ex. sess. shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission.

(a) A camping unit includes the passport holder and guest or guests in one car or one camper, or one such vehicle with trailer per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bikes, or mode of transportation other than those referenced above, and who are utilizing regular camp or trailer sites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

These fees do not include fees charged by concessionaires in state parks or fees charged at the Fort Worden State Park Conference Center and Group Houses. All fees include Washington State Sales Tax. [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 352-32-260 Sno-park permit. Only those vehicles properly displaying a valid winter recreational area parking permit shall park in designated winter recreational parking areas. Those vehicles in violation of this rule shall be subject to the application of RCW 46-61.587. [Order 37, § 352-32-260, filed 10/6/77.]

WAC 352-32-280 Camping by law enforcement officers. No fee will be assessed law enforcement officers for the campsite they occupy if the following conditions are met.

(1) The individual's law enforcement authority is effective in the geographic area in which the campsite is located.

(2) The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(3) The individual agrees to act in his official capacity if requested by park staff.

The seven day limit and all other park rules apply. [Order 34, § 352-32-280, filed 7/29/77.]

Chapter 352-36 WAC

REGULATIONS FOR THE USE AND CONTROL OF VEHICULAR TRAFFIC ON THE OCEAN BEACHES

WAC

352-36-010	Definitions.
352-36-020	Vehicular and equestrian traffic—Where permitted—Generally.
352-36-030	Pedestrians to be granted right of way.
352-36-040	Restricted areas.
352-36-050	Parking.
352-36-060	Overnight parking or camping prohibited.
352-36-070	Operator's license required.
352-36-080	Speed limits.
352-36-090	Certain practices prohibited.
352-36-100	Rules of the road incorporated.

352-36-110	Certain vehicle lighting and equipment standards incorporated.
352-36-115	Air craft.
352-36-120	Violations—Penalty.

WAC 352-36-010 Definitions. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "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.

(4) "Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment on the south and Cape Flattery on the north, 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 Washington State Parks and Recreation Commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 43.51.655.

(5) "Long Beach" shall mean that area of the ocean beaches as defined in subparagraph (4) above lying between Cape Disappointment on the south and Leadbetter Point on the north.

(6) "South Beach" shall mean that area of the ocean beaches as defined in subparagraph (4) above lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

(7) "North Beach" shall mean that area of the ocean beaches as defined in subparagraph (4) above lying between Damon Point on the south and Cape Flattery on the north.

(8) "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.

(9) "Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in subparagraph (8) above.

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

(11) "Motor vehicle" shall mean any self-propelled device capable of being moved upon a public highway, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor bikes, motor scooters, jeeps, or similar type four-wheel drive vehicles, buses, campers, motor homes, and other self-propelled recreational vehicles. [Order 13, § 352-36-010, filed 4/19/72.]

WAC 352-36-020 Vehicular and equestrian 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 or the riding of horses 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, and defined as the "driveable beach" in WAC 352-36-010(10). The operation, or parking, 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. [Order 13, § 352-36-020, filed 4/19/72.]

WAC 352-36-030 Pedestrians to be granted right of way. Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians on the ocean beaches. [Order 13, § 352-36-030, filed 4/19/72.]

WAC 352-36-040 Restricted areas. (1) Vehicular traffic shall be allowed on the ocean beaches twenty-four hours a day except as further restricted within this WAC.

(2) Pedestrians only will be allowed during closed clam seasons on the following beaches:

(a) On Long Beach, from the South boundary of Leadbetter Point State Park to the North boundary of Leadbetter Point State Park—Natural Area.

(b) On North Beach, Benner Gap north to the Copalis River.

(3) Pedestrians only shall be allowed twenty-four hours a day year round on the following ocean beaches:

(a) On Long Beach from the North Jetty at the mouth of the Columbia River to North Head; and from the North boundary of Leadbetter Point State Park—natural area—to the end of Leadbetter Point.

(b) On South Beach from the Bonge Approach north to the South Jetty at Point Chehalis.

(c) On North Beach from Butter Clam Avenue south to the North Jetty at the mouth of Grays Harbor. [Order 28, § 352-36-040, filed 11/19/76; Order 13, § 352-36-040, filed 4/19/72.]

WAC 352-36-050 Parking. Parking of vehicles shall be permitted only in an area extending 100 feet westerly from the upper or landward limit of the hard sand area, or where otherwise specifically designated by the Washington State Parks and Recreation Commission. [Order 13, § 352-36-050, filed 4/19/72.]

WAC 352-36-060 Overnight parking or camping prohibited. Overnight parking or camping shall be prohibited on any area of the ocean beaches. [Order 13, § 352-36-060, filed 4/19/72.]

WAC 352-36-070 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 16 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 16 years of age and who has in his possession a valid driver's license issued to him in his home country. [Order 13, § 352-36-070, filed 4/19/72.]

WAC 352-36-080 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 section, the limits specified in this section shall be maximum lawful speeds, and no person shall operate any vehicle on the ocean beaches at a speed in excess of such maximum limits:

(a) On Long Beach 35 miles per hour;

(b) On North Beach and South Beach 25 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. [Order 13, § 352-36-080, filed 4/19/72.]

WAC 352-36-090 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. [Order 13, § 352-36-090, filed 4/19/72.]

WAC 352-36-100 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. [Order 13, § 352-36-100, filed 4/19/72.]

WAC 352-36-110 Certain vehicle lighting and equipment standards incorporated. The following sections of chapter 46.37 RCW, entitled Vehicle Lighting and Other Equipment, are herewith expressly incorporated herein, and the vehicle lighting and equipment required in those sections are hereby expressly required when operating any motor vehicle on and along the ocean beaches:

(1) RCW 46.37.020 WHEN LIGHTED LAMPS AND SIGNALLING DEVICES ARE REQUIRED.

(2) RCW 46.37.240 BRAKING EQUIPMENT REQUIRED.

(3) RCW 46.37.380 HORNS AND WARNING DEVICES.

(4) RCW 46.37.390 MUFFLERS, PREVENTION OF NOISE AND SMOKE.

(5) RCW 46.37.420 RESTRICTIONS AS TO TIRE EQUIPMENT.

(6) RCW 46.37.530(3) MOTORCYCLES - MIRRORS, GOGGLES, FACE SHIELDS, AND HELMETS - REGULATIONS AND SPECIFICATIONS BY COMMISSION ON EQUIPMENT.

(7) All vehicles must have current valid motor vehicles license or ATV use permit.

Section 3 of chapter 77 of the Laws of 1971 is also herewith expressly incorporated herein, and the requirement of that section is hereby expressly required when operating any motor vehicle on and along the ocean beaches:

UNSAFE CONDITION OF TIRES. [Order 28, § 352-36-110, filed 11/19/76; Order 13, § 352-36-110, filed 4/19/72.]

WAC 352-36-115 Air craft. (1) 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. [Order 28, § 352-36-115, filed 11/19/76.]

WAC 352-36-120 Violations—Penalty. In accordance with the provisions of RCW 43.51.180(7), and except where a higher penalty is specifically prescribed by law, the violation of any provision of this chapter shall constitute a misdemeanor, and shall be punishable as such. [Order 13, § 352-36-120, filed 4/19/72.]

Chapter 352-40 WAC PUBLIC RECORDS

WAC

352-40-010 Purpose.
352-40-020 Definitions.

352-40-030 Description of central and field organization of the Washington State Parks and Recreation Commission.
352-40-040 Operations and procedures.
352-40-050 Public records available.
352-40-060 Public records officer.
352-40-070 Office hours.
352-40-080 Requests for public records.
352-40-090 Copying.
352-40-100 Exemptions.
352-40-110 Review of denials of public records requests.
352-40-120 Protection of public records.
352-40-130 Records index.
352-40-140 Communications.
352-40-150 Adoption of form.
352-40-900 Request for public record—Form.

WAC 352-40-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington State Parks and Recreation Commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records. [Order 15, § 352-40-010, filed 7/25/73.]

WAC 352-40-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington State Parks and Recreation Commission" shall mean the commission appointed by the governor pursuant to chapter 43.51 RCW. The Washington state parks and recreation commission shall hereinafter be referred to as the "commission." Where appropriate, the term "commission" also refers to the staff and employees of the Washington state parks and recreation commission. [Order 15, § 352-40-020, filed 7/25/73.]

WAC 352-40-030 Description of central and field organization of the Washington state parks and recreation commission.

(1) The commission is an appointed commission. The administrative office of the commission and its staff are located at Tumwater Airdustrial Center, Olympia, Washington. Three regional offices with limited records availability, as specified in WAC 352-40-070, are located at Millersylvania State Park, Olympia, Washington; 220 Walnut Street, Burlington, Washington; and 960 North Main, East Wenatchee, Washington. [Order 15, § 352-40-030, filed 7/25/73.]

WAC 352-40-040 Operations and procedures. All decisions involving basic policy are made by the commission at its regular and special monthly meetings as outlined in chapters 352-04, 352-16, 352-24, 352-28,

and 352-32 WAC. [Order 15, § 352-40-040, filed 7/25/73.]

WAC 352-40-050 Public records available. All public records of the commission, as defined in WAC 352-40-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 352-40-100. [Order 15, § 352-40-050, filed 7/25/73.]

WAC 352-40-060 Public records officer. The commission's public records shall be in charge of the public records officer designated by the director. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 15, § 352-40-060, filed 7/25/73.]

WAC 352-40-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. All public records of the commission are located at the Olympia headquarters office of the commission. In addition, certain specific records such as commission minutes, commission statements of policy, administrative staff manuals, and instructions to staff emanating from the commission, director, deputy director, and assistant directors can be obtained at the three regional offices identified in WAC 352-40-030(1). All other requests will be referred to the headquarters office located in Olympia through use of the "Request for Public Information" form, WAC 352-40-900. [Order 15, § 352-40-070, filed 7/25/73.]

WAC 352-40-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office or the regional offices indicated in WAC 352-40-030. The form shall be presented to the public records officer, or to any member of the commission's staff if the public records officer is not available, during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain that the information requested is not exempt from public inspection and copying as outlined in WAC 352-40-100 and further defined in section 31, Laws of 1973. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other vital governmental data.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area. [Order 15, § 352-40-080, filed 7/25/73.]

WAC 352-40-090 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the commission copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying. [Order 15, § 352-40-090, filed 7/25/73.]

WAC 352-40-100 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 352-40-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is

reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 15, § 352-40-100, filed 7/25/73.]

WAC 352-40-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the commission. The director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the director has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 15, § 352-40-110, filed 7/25/73.]

WAC 352-40-120 Protection of public records. All public records of the commission are located in the Olympia headquarters, administrative services division, central files section. Records are available for inspection and copying at this location during office hours identified in WAC 352-40-070 and then only in the presence of an authorized employee of the commission and with the aid and assistance of such an employee. [Order 15, § 352-40-120, filed 7/25/73.]

WAC 352-40-130 Records index. (1) Index. The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) planning policies and goals, and interim and final planning decisions;

(e) factual staff reports and studies, factual consultant's report and studies, scientific reports and studies, and any other factual information derived from tests,

studies, reports or surveys, whether conducted by public employees or others; and

(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 15, § 352-40-130, filed 7/25/73.]

WAC 352-40-140 Communications. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions and other matters, shall be addressed as follows: Washington State Parks and Recreation Commission, c/o Public Records Officer, P.O. Box 1128, Olympia, Washington, 98504. [Order 15, § 352-40-140, filed 7/25/73.]

WAC 352-40-150 Adoption of form. The commission hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as WAC 352-40-900, entitled "Request for Public Record." [Order 15, § 352-40-150, filed 7/25/73.]

WAC 352-40-900 Request for public record—Form.

TO: Washington State Parks and Recreation Commission
Attn: Public Records Officer
P.O. Box 1128
Olympia, Washington 98504

Name of requestor: -----

Address or requestor: -----

(Street)

(City) (State) (Zip)

Date of request: -----

(Month) (Day) (Year)

A.M.

Time of request: ----- P.M.

(Hour)

What information is requested? -----

Is information indexed? -----

If so, how? -----

Are copies requested? -----
 If so, how many? -----
 Total pages? -----
 Fee charged ----- \$-----
 (Pages x \$-----)

[Appendix A (codified as WAC 352-40-900), filed 7/25/73.]

Chapter 352-42 WAC
CRITERIA FOR HISTORIC PRESERVATION
PROJECTS—FINANCING

WAC

352-42-010	Scope of chapter.
352-42-020	Entities eligible for funding assistance.
352-42-030	Projects eligible for funding.
352-42-040	Matching requirements.
352-42-050	Procedural detail.
352-42-060	Administrative costs.
352-42-070	Joint rules.

WAC 352-42-010 Scope of chapter. This chapter establishes the criteria for historic preservation projects proposed by local and state agencies to receive grants from funds appropriated to the State Parks and Recreation Commission for the purpose of financing historic preservation grants. [Order 24, § 82-40-010 (codified § 352-42-010), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-020 Entities eligible for funding assistance. Only public agencies as defined in section 5, chapter 129, Laws of 1972 1st ex. sess. are eligible for funding assistance. [Order 24, § 82-40-020 (codified § 352-42-020), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-030 Projects eligible for funding. Projects eligible for funding must be (1) on the national register of historic places, or

(2) on the Washington State register of historic places, or

(3) possess sufficient characteristics to become eligible for either the national or state register of historic places, and/or

(4) authentic artifacts intended for use with any properties identified in (1), (2), and (3) above. [Order 24, § 82-40-030 (codified § 352-42-030), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-040 Matching requirements. The Washington State Parks and Recreation Commission may approve up to 100 percent funding of the total cost of eligible projects proposed by state agencies and may approve up to 50 percent funding of the total cost of the eligible projects proposed by local agencies. Federal historic preservation funds may not be used for local matching purposes. [Order 24, § 82-40-040 (codified § 352-42-040), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-050 Procedural detail. The Commission may delegate to the Director or his designee, the right to adopt grant application procedures to facilitate the administration of the grant program. [Order 24, § 82-40-050 (codified § 352-42-050), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-060 Administrative costs. The Commission may use program funds to assure continued administration of the historic preservation program. [Order 24, § 82-40-060 (codified § 352-42-060), filed 9/4/75. See also chapter 82-40 WAC.]

WAC 352-42-070 Joint rules. The rules contained in this chapter are adopted jointly by the Washington State Parks Commission and the Office of Program Planning and Fiscal Management pursuant to section 170(2), chapter 269, Laws of 1975 1st ex. sess. [Order 24, § 82-40-070 (codified § 352-42-070), filed 9/4/75. See also chapter 82-40 WAC.]

Chapter 352-44 WAC
RECREATIONAL CONVEYANCES—
CERTIFICATION—INSPECTIONS—
OPERATOR QUALIFICATIONS—VIOLATIONS,
ETC.

WAC

352-44-010	Recreational conveyances—Definitions.
352-44-020	Recreational conveyances—Certification.
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352-44-100	Recreational conveyances—Notice of malfunctions.
352-44-110	Recreational conveyances—Nonliability of the state and personnel.
352-44-120	Recreational conveyances—Violation constitutes a misdemeanor.

WAC 352-44-010 Recreational conveyances—Definitions. Whenever used in this chapter, the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission or his designee.

(3) "Certificate" shall mean either the certificate to operate or the conditional certificate to operate. [Order 20, § 352-44-010, filed 7/31/74.]

WAC 352-44-020 Recreational conveyances—Certification. Each conveyance for persons generally engaging in winter sports recreational activities, as described in RCW 70.88.010, shall have a current annual certificate to operate on a form approved and provided by the Commission. Said certificate shall be for an annual term of one year beginning January 1 of each year.

No conveyance shall be operated for use by the public unless a valid current certificate has been issued by the Director. The certificate shall be:

- (1) Signed by the Director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements. [Order 20, § 352-44-020, filed 7/31/74.]

WAC 352-44-030 Recreational conveyances—Conditional certificate. The Director may, if deemed necessary, issue a conditional certificate to operate for a specified period of time. Operation during the period that the conditional certificate is in effect shall be in strict compliance with the conditions stated in the conditional certificate. The conditional certificate shall be:

- (1) Signed by the Director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements. [Order 20, § 352-44-030, filed 7/31/74.]

WAC 352-44-040 Recreational conveyances—Access to certificate. The Director shall have access to the certificate at all times and the authority to revoke the certificate at any time that he determines the conveyance is not safe for public use. [Order 20, § 352-44-040, filed 7/31/74.]

WAC 352-44-050 Recreational conveyances—Safety inspections. The Director shall carry out a minimum of one safety inspection on each conveyance each calendar year. Additional inspections may be made as deemed necessary by the Director. Costs accrued by the Commission for inspection of conveyance facilities shall be charged to the owner or operator of the conveyance inspected and shall become a lien upon said equipment. [Order 20, § 352-44-050, filed 7/31/74.]

WAC 352-44-060 Recreational conveyances—Standards. The current *American National Standards Safety Requirements for Aerial Passenger Tramways* shall apply to the design and inspection of all conveyances as interpreted by the Director unless a request for waiver is submitted by the operator and a waiver is granted by the Director. [Order 20, § 352-44-060, filed 7/31/74.]

WAC 352-44-070 Recreational conveyances—Construction of new conveyances. All new conveyances which are to be constructed after the effective date of these regulations shall:

- (1) Require approval of the Director prior to commencement of construction.
- (2) Be designed by an engineer meeting the requirements of the State of Washington Professional Engineers Registration Act (chapter 18.43 RCW).
- (3) Be certified by the design engineer that the conveyance has been installed in accordance with the plans and specifications.
- (4) Be subjected to an acceptance test and inspection as specified in the current *American National Standards*

Safety Requirements for Aerial Passenger Tramways before certification by the Director. The Director shall be given a minimum of seven days notice of the schedule for the final load test. [Order 20, § 352-44-070, filed 7/31/74.]

WAC 352-44-080 Recreational conveyances—Simulated load test. All aerial conveyances (those which carry passengers above ground) shall be subject to an annual simulated load test to specifically demonstrate the braking capabilities of each braking system on the lift. Additional load testing may be required when requested by the Director. (1) Simulated loads shall be in the amount recommended by the design engineer and approved by the Director.

(2) The simulated load may be a static load and shall be imposed in any manner recommended by the design engineer and/or the Director.

(3) All brakes recommended by the design engineer and/or designated by the Director shall be required to hold the test load independent of all other brakes.

(4) The load test(s) shall be performed in the presence of an individual designated by the Director.

(5) All aerial conveyances shall be in full compliance with this section by December 31, 1975. [Order 20, § 352-44-080, filed 7/31/74.]

WAC 352-44-090 Recreational conveyances—Operators and operator qualifications. The Director may require minimum operation qualifications and operational procedures to assure a reasonable degree of safety to the using public. The Director shall appoint a committee representative of skiing interest to consider and recommend a set of guidelines and minimum standards for the operators and the safe operation of conveyances. The Director shall adopt standards on or before December 31, 1974 and the operation of all conveyances shall be in full compliance with the approved standards by December 31, 1975. [Order 20, § 352-44-090, filed 7/31/74.]

WAC 352-44-100 Recreational conveyances—Notice of malfunctions. Operators shall be required to notify the Commission of incidents or malfunctions which occur, wherein public safety either has been or could have been in jeopardy on forms and according to instructions provided by the Commission. [Order 20, § 352-44-100, filed 7/31/74.]

WAC 352-44-110 Recreational conveyances—Nonliability of the state and personnel. Inspections, rules and orders of the Commission resulting from the exercise of any provision of this chapter shall not in any manner be deemed to impose liability upon the State of Washington and its personnel for any injury or damage resulting from the operation of the facilities regulated, and all actions of the Commission and its personnel shall be deemed to be an exercise of the police power of the State. [Order 20, § 352-44-110, filed 7/31/74.]

WAC 352-44-120 Recreational conveyances—Violation constitutes a misdemeanor. In accordance with

the provisions of RCW 70.88.040 the violation of any provision of this chapter shall constitute a misdemeanor and shall be punished as such. [Order 20, § 352-44-120, filed 7/31/74.]

Chapter 352-44A WAC

RULES AND REGULATIONS FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

WAC

352-44A-010	Purpose.
352-44A-020	Definitions.
352-44A-030	Description of purpose and staff.
352-44A-040	Procedures.
352-44A-050	Public records available.

WAC 352-44A-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25 through 32 of that act [RCW 42.17.250 through 42.17.320], dealing with public records. [Order 1, § 352-44A-010, filed 6/11/74.]

WAC 352-44A-020 Definitions. (1) **Public Records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form of characteristics.

(2) **Writing.** Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **Advisory Council on Historic Preservation.** The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51.790. The advisory Council shall hereinafter be referred to as the "Council."

(4) **Executive Director of Council.** The director of Washington State Parks and Recreation Commission or his designee shall be executive director of the Council.

(5) **County Liaison Officer.** The county liaison officer is a volunteer who has been appointed by the Office of Archaeology and Historic Preservation to conduct an inventory of historic places in the county, and to prepare nominations to the national and state registers of historic places.

(6) **Office of Archaeology and Historic Preservation.** The Office of Archaeology and Historic Preservation is the staff provided by the Parks and Recreation Commission for administrative services to the Advisory Council on Historic Preservation, hereinafter referred to as "Office." [Order 1, § 352-44A-020, filed 6/11/74.]

WAC 352-44A-030 Description of purpose and staff. The Council is of an advisory nature for the governor and Washington State Parks and Recreation

Commission. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the Council by the Washington State Parks and Recreation Commission. The administrative office of the Council and its staff are located at the Washington State Parks and Recreation Commission Office at Tumwater Airdustrial Center, Olympia, Washington. The Council shall meet the last Friday of every third month unless otherwise agreed by a majority of the members of the Council at the meeting held immediately preceding. [Order 1, § 352-44A-030, filed 6/11/74.]

WAC 352-44A-040 Procedures. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) Nomination of properties may be developed by the County Liaison Officer designated by the Office or by any interested person. Nomination must be submitted to the Office of Archaeology and Historic Preservation.

(2) The Office will notify the originator of the nomination and the owner of the nominated property that the nomination has been received.

(3) The Office may return the nomination to the originator for additional information or request other information pertinent to the development of the nomination.

(4) The Office will notify the owner of the nominated property and the most appropriate political entity of the date, place and time of review of the nomination by the Council.

(5) The property owner will be notified of the action taken by the Council.

(6) In the nomination of a historic district where several properties are involved, notice of review of the district by the Council will be made in a public place or in local media.

(7) The Council will transmit its recommendations to the Director of the Parks and Recreation Commission. [Order 1, § 352-44A-040, filed 6/11/74.]

WAC 352-44A-050 Public records available. All public records of the Council, as defined in WAC 352-44-010 are available for public inspection and copying at the Washington State Parks and Recreation Commission's Office at Tumwater Airdustrial Center, Olympia, Washington, pursuant to WAC 352-40-060 through 352-40-160, except as otherwise provided by section 31, chapter 1, Laws of 1973 (RCW 42.17.310) and WAC 352-40-100. [Order 1, § 352-44A-050, filed 6/11/74.]