

DNS under WAC 197-11-340(2), a mitigated DNS under WAC 344-18-350, a scoping notice under WAC 344-18-360, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the department shall integrate the public notice required under this section with existing notice procedures for the required license.

(3) The department shall use one or more of the following reasonable methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the license, public interest expressed in the proposal, and whether the proposal is a project or regulation:

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

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

(c) Posting the property.

(4) The department may require an applicant to perform the public notice requirement at his or her expense. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-510, filed 1/7/85.]

**WAC 344-18-665 Policies for conditioning or denying licenses.** (1) Policies - General. The committee adopts by reference policies of the State Environmental Policy Act as expressed in RCW 43.21C.020.

(2) Policies - Specific. The committee and the department recognize the need to protect the public from oil and gas drilling effects such as but not limited to the contamination of the ground water, the surface water, the possibility of a blowout, fire hazards, drilling fluids contamination, and surface disturbance. The decision-maker may, when necessary, condition any license to mitigate specific adverse environmental impacts identified in an environmental document on a proposal. The decisionmaker may deny a license for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and denial is consistent with the oil and gas conservation act, the State Environmental Policy Act, and the public interest. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-665, filed 1/7/85.]

**WAC 344-18-910 Designation of responsible official.** (1) The responsible official for any action taken by the committee or department in connection with the implementation of chapter 78.52 RCW shall be the supervisor. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-910, filed 1/7/85.]

**WAC 344-18-950 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. [Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-950, filed 1/7/85.]

## Title 352 WAC

### PARKS AND RECREATION COMMISSION

#### Chapters

352-04	Policy--Meetings, delegations, and land acquisition.
352-10	Guidelines interpreting and implementing the State Environmental Policy Act.
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#### Chapter 352-04 WAC

### POLICY--MEETINGS, DELEGATIONS, AND LAND ACQUISITION

#### WAC

352-04-010 Duties of chairperson and conduct of meetings.

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

(2) The duties of the vice chairperson shall be to preside at all regular or special meetings in the absence of the chairperson. In addition, the vice chairperson shall serve as chairperson upon the resignation, death, or incapacitation for any reason of the chairperson, and shall so serve until the next regular election, or until the chairperson 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 chairperson or chairperson in the same manner and under the same conditions as set forth above for the vice chairperson.

(4) Eight regular meetings shall be held each calendar year, commencing at 9:00 a.m., on the third Friday of each month in which a meeting is to be held, unless otherwise called by the chairperson or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission during the last regular meeting of each calendar year, and will be published

each January in the Washington State Register, in accordance with RCW 42.30.075.

(5) An annual election shall be conducted for the offices of chairperson, vice chairperson, 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 chairperson shall be a voting member of the commission. A majority of the authorized commission membership shall constitute a quorum for the transaction of business at all regular and special meetings. A majority vote of the commissioners present shall be sufficient to pass or defeat each measure brought to a vote, unless otherwise required by law. 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 chairperson shall identify the absent commissioner or commissioners so voting, and that such identification shall be incorporated into the minutes of the meeting. [Statutory Authority: RCW 42.30.070 and 43.51.060. 84-04-035 (Order 75), § 352-04-010, filed 1/26/84. Statutory Authority: RCW 42.30.070. 83-01-113 (Order 64), § 352-04-010, filed 12/21/82. Statutory Authority: RCW 43.51.060 and 42.30.070. 82-07-077 (Order 57), § 352-04-010, filed 3/23/82. Statutory Authority: RCW 43.51.030. 80-14-010 (Order 47), § 352-04-010, filed 9/22/80; Order 12, § 352-04-010, filed 1/28/72; Order 7, § 352-04-010, filed 4/1/70.]

### Chapter 352-10 WAC

#### GUIDELINES INTERPRETING AND IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

WAC

352-10-010 through 352-10-920 Repealed.

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

352-10-010 Authority. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-010, filed 6/15/78; Order 20, § 352-10-010, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 352-11 WAC.

352-10-020 Purpose. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-020, filed 6/15/78; Order 20, § 352-10-020, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed

10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-025 Scope and coverage of this chapter. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-025, filed 6/15/78; Order 20, § 352-10-025, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-030 Integration of SEPA procedures with other governmental operations. [Order 20, § 352-10-030, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-040 Definitions. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-040, filed 6/15/78; Order 20, § 352-10-040, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-050 Use of the environmental checklist form. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-050, filed 6/15/78; Order 20, § 352-10-050, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-055 Timing of the EIS process. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-055, filed 6/15/78; Order 20, § 352-10-055, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-060, filed 6/15/78; Order 20, § 352-10-060, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-100 Summary of information which may be required of a private applicant. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-100, filed 6/15/78; Order 20, § 352-10-100, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-150, filed 6/15/78; Order 20, § 352-10-150, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-160 No presumption of significance for nonexempt actions. [Order 20, § 352-10-160, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-170 Categorical exemptions. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-170, filed 6/15/78; Order 20, § 352-10-170, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-175 Exemptions and nonexemptions applicable to specific state agencies. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-175, filed 6/15/78.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

352-10-177 Environmentally sensitive areas. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-177, filed 6/15/78; Order 20, § 352-10-177, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

- 352-10-180 Exemption for emergency actions. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-180, filed 6/15/78; Order 20, § 352-10-180, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-190 Use and effect of categorical exemptions. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-190, filed 6/15/78; Order 20, § 352-10-190, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-200 Lead agency—Responsibilities. [Order 20, § 352-10-200, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-203 Determination of lead agency—Procedures. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-203, filed 6/15/78; Order 20, § 352-10-203, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-205 Lead agency designation—Governmental proposals. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-205, filed 6/15/78; Order 20, § 352-10-205, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order 20, § 352-10-210, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order 20, § 352-10-215, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-220, filed 6/15/78; Order 20, § 352-10-220, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-225, filed 6/15/78; Order 20, § 352-10-225, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-230 Lead agency designation—Specific proposals. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-230, filed 6/15/78; Order 20, § 352-10-230, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-235 Local agency transfer of lead agency status to a state agency. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-235, filed 6/15/78; Order 20, § 352-10-235, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-240 Agreements as to lead agency status. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-240, filed 6/15/78; Order 20, § 352-10-240, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-245 Agreements between agencies as to division of lead agency duties. [Order 20, § 352-10-245, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-260 Dispute as to lead agency determination—Resolution by CEP. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-260, filed 6/15/78; Order 20, § 352-10-260, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-270 Assumption of lead agency status by another agency with jurisdiction. [Order 20, § 352-10-270, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-300 Threshold determination requirement. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-300, filed 6/15/78; Order 20, § 352-10-300, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-305 Recommended timing for threshold determination. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-305, filed 6/15/78; Order 20, § 352-10-305, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-310 Threshold determination procedures—Environmental checklist. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-310, filed 6/15/78; Order 20, § 352-10-310, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-320 Threshold determination procedures—Initial review of environmental checklist. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-320, filed 6/15/78; Order 20, § 352-10-320, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-330 Threshold determination procedures—Information in addition to checklist. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-330, filed 6/15/78; Order 20, § 352-10-330, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-340 Threshold determination procedures—Negative declarations. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-340, filed 6/15/78; Order 20, § 352-10-340, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-345, filed 6/15/78; Order 20, § 352-10-345, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-350 Affirmative threshold determination. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-350, filed 6/15/78; Order 20, § 352-10-350, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-355 Form of declaration of significance/nonsignificance. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-355, filed 6/15/78; Order 20, § 352-10-355, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

- 352-10-360 Threshold determination criteria—Application of environmental checklist. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-360, filed 6/15/78; Order 20, § 352-10-360, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-365 Environmental checklist. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-365, filed 6/15/78; Order 20, § 352-10-365, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-370 Withdrawal of affirmative threshold determination. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-370, filed 6/15/78; Order 20, § 352-10-370, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-375 Withdrawal of negative threshold determination. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-375, filed 6/15/78; Order 20, § 352-10-375, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-380 Intra-agency appeals of threshold determinations. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-380, filed 6/15/78; Order 20, § 352-10-380, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-390 Effect of threshold determination by lead agency. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-390, filed 6/15/78; Order 20, § 352-10-390, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-400 Duty to begin preparation of a draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-400, filed 6/15/78; Order 20, § 352-10-400, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-405 Purpose and function of a draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-405, filed 6/15/78; Order 20, § 352-10-405, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-410 Predraft consultation procedures. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-410, filed 6/15/78; Order 20, § 352-10-410, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-420 Preparation of EIS by persons outside the lead agency. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-420, filed 6/15/78; Order 20, § 352-10-420, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-425 Organization and style of a draft EIS. [Order 20, § 352-10-425, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-440 Contents of a draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-440, filed 6/15/78; Order 20, § 352-10-440, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-442, filed 6/15/78; Order 20, § 352-10-442, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-444 List of elements of the environment. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-444, filed 6/15/78; Order 20, § 352-10-444, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-446 Draft EIS—Optional additional elements—Limitation. [Order 20, § 352-10-446, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-450 Public awareness of availability of draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-450, filed 6/15/78; Order 20, § 352-10-450, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-455 Circulation of the draft EIS—Review period. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-455, filed 6/15/78; Order 20, § 352-10-455, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-460 Specific agencies to which draft EIS shall be sent. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-460, filed 6/15/78; Order 20, § 352-10-460, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-465 Agencies possessing environmental expertise. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-465, filed 6/15/78; Order 20, § 352-10-465, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-470 Cost to the public for reproduction of environmental documents. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-470, filed 6/15/78; Order 20, § 352-10-470, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-480 Public hearing on a proposal—When required. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-480, filed 6/15/78; Order 20, § 352-10-480, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-485 Notice of public hearing on environmental impact of the proposal. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-485, filed 6/15/78; Order 20, § 352-10-485, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-490 Public hearing on the proposal—Use of environmental documents. [Order 20, § 352-10-490, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-495 Preparation of amended or new draft EIS. [Order 20, § 352-10-495, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-500 Responsibilities of consulted agencies—Local agencies. [Order 20, § 352-10-500, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

- 352-10-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-510, filed 6/15/78; Order 20, § 352-10-510, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-520, filed 6/15/78; Order 20, § 352-10-520, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-530 Responsibilities of consulted agencies—When pre-draft consultation has occurred. [Order 20, § 352-10-530, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-535 Cost of performance of consulted agency responsibilities. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-535, filed 6/15/78; Order 20, § 352-10-535, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-540 Limitations on responses to consultation. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-540, filed 6/15/78; Order 20, § 352-10-540, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-545 Effect of no written comment. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-545, filed 6/15/78; Order 20, § 352-10-545, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-550 Preparation of the final EIS—Time period allowed. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-550, filed 6/15/78; Order 20, § 352-10-550, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-570, filed 6/15/78; Order 20, § 352-10-570, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-580, filed 6/15/78; Order 20, § 352-10-580, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-600 Circulation of the final EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-600, filed 6/15/78; Order 20, § 352-10-600, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-650, filed 6/15/78; Order 20, § 352-10-650, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order 20, § 352-10-652, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-660 Use of previously prepared EIS for a different proposed action. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-660, filed 6/15/78; Order 20, § 352-10-660, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-690, filed 6/15/78; Order 20, § 352-10-690, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-695 Draft and final supplements to a revised EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-695, filed 6/15/78; Order 20, § 352-10-695, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-700 No action for seven days after publication of the final EIS. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-700, filed 6/15/78; Order 20, § 352-10-700, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-710 EIS combined with existing planning and review processes. [Order 20, § 352-10-710, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-810 Amendments to this chapter. [Order 20, § 352-10-810, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-820 Designation of responsible official. [Order 20, § 352-10-820, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-825 Procedures when consulted agency. [Order 20, § 352-10-825, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-830 Commission SEPA public information center. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-830, filed 6/15/78; Order 20, § 352-10-830, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-840 Application of commission guidelines to ongoing actions. [Order 20, § 352-10-840, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-860 Fees to cover the costs of SEPA compliance. [Order 20, § 352-10-860, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-910 Severability. [Order 20, § 352-10-910, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.
- 352-10-920 Effective date. [Statutory Authority: RCW 43.21C.120 and 43.51.040(2). 78-07-023 (Order 40), § 352-10-920, filed 6/15/78; Order 20, § 352-10-920, filed 5/27/76.] Repealed by 84-20-112 (Order 84), filed 10/3/84. Statutory Authority: Chapter 43.21C RCW.

**WAC 352-10-010 through 352-10-920 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 352-11 WAC**  
**SEPA PROCEDURES**

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**WAC 352-11-010 Authority.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules). [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-010, filed 10/3/84. Formerly chapter 352-10 WAC.]

**WAC 352-11-020 Adoption by reference.** The Washington state parks and recreation commission adopts the following sections or subsections of chapter 197-11 WAC by reference.

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- 197-11-750 Expanded scoping.  
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 197-11-965 Adoption notice.  
 197-11-970 Determination of nonsignificance (DNS).  
 197-11-980 Determination of significance and scoping notice (DS).  
 197-11-985 Notice of assumption of lead agency status.  
 197-11-990 Notice of action.
- [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-020, filed 10/3/84.]
- WAC 352-11-030 Purpose.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the Washington state parks and recreation commission. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-030, filed 10/3/84.]
- WAC 352-11-040 Additional definitions.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:
- (1) "Agency" means the entire staff and appointed commission members constituting the Washington state parks and recreation commission.
  - (2) "Authorized public use" means that a particular parcel of real property has developed facilities which have been subject to public use or has been specifically designated and classified for such public use without developed facilities. No "authorized public use" shall be construed to have occurred on parcels of real property being held for future use and development nor on portions of existing park lands remote from existing public use facilities, including developed trail systems.
  - (3) "Commission" means the Washington state parks and recreation commission.
  - (4) "Director" means the director of the Washington state parks and recreation commission.
  - (5) "Program" means any of the headquarters' sections or divisions of the Washington state parks and recreation commission that administers a program, such as, but not limited to, boating safety, winter recreation, and youth programs.
  - (6) "Regions" means any of the five regional offices of the Washington state parks and recreation commission.
  - (7) "Section" means any section within the divisional structure of the Washington state parks and recreation commission. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-040, filed 10/3/84.]
- WAC 352-11-055 Timing of the SEPA process.** (1) Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.
- (2) Timing of review of proposals. The agency shall prepare its threshold determination and environmental

impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) A proposal exists when the agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(ii) Preliminary steps or decisions are sometimes needed before a proposal is sufficiently definite to allow meaningful environmental analysis.

(b) Environmental reviews will normally begin when sufficient information is available for agency staff to make preliminary decisions. The agency may also organize environmental review in phases, as specified in WAC 197-11-060(5).

(c) Appropriate consideration of environmental information shall be completed before the agency commits to a particular course of action under WAC 197-11-070.

(3) Applications and rule-making. The timing of environmental review for applications and for rule-making shall be as follows:

(a) At the latest, the agency shall begin environmental review, if required, when an application is complete. The agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or final environmental impact statement (FEIS) shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. The substance of an ex parte communication of parties with any member of the commission concerning the decision of action will be placed on the record and subject to public announcement and opportunity for rebuttal at public hearings as required by RCW 42.36.060.

(b) For rule making, the DNS or DEIS shall normally accompany the proposed rule. A FEIS, if any, shall be issued at least seven days before adoption of a final rule under WAC 197-11-460(4).

(4) Additional timing considerations.

(a) Commission staff receiving a completed application and environmental checklist shall forward such application and checklist to the responsible official who will determine whether the commission or another agency is the SEPA lead agency under WAC 197-11-050 and 197-11-922 through 197-11-940 within five working days. If the commission is not the lead agency, the responsible official shall send the completed environmental checklist and a copy of the application, together with an explanation of the determination to the identified lead agency.

(b) Commission staff receiving an application will forward it to the responsible official who will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is

an "action" and is not exempt, the responsible official will ask the applicant to complete an environmental checklist. A checklist is not needed if the responsible official and applicant agree that an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(c) If the only nonexempt action is commission approval of detailed project plans and specifications, an applicant may request that the commission complete SEPA compliance before the applicant submits the detailed plans and specifications.

(d) The commission staff and applicants may hold preliminary discussions or exploration of ideas and options prior to commencing formal environmental review, under provisions of this chapter and chapter 197-11 WAC, subject to RCW 42.36.060.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they shall coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analysis shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For its own public proposals, the responsible official may extend the time limits prescribed in this chapter.

(8) When the commission staff has prepared a commission agenda item for approval by the commission, the FEIS, DNS, or exemption statement shall accompany the agenda item to the commission for its review. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-055, filed 10/3/84.]

## PRODUCTION

**WAC 352-11-310 Threshold determination process--Additional considerations.** When reviewing a completed environmental checklist to make the threshold determination, the responsible official or the designee of the responsible official will:

(1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.

(2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-310, filed 10/3/84.]

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

(a) Be written;



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

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

(2) The responsible official or his designee shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the agency is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the agency to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

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

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

(a) If the agency's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the agency shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

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

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

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

(7) The agency may change or clarify features of its own proposals before making the threshold determination.

(8) The agency's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as

opposed to a written request for early notice, shall not bind the agency to consider the clarifications or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the agency's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-350, filed 10/3/84.]

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

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

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

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

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

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

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

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

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

(6) The agency may require an applicant to provide information that the agency does not possess, including specific investigations. The applicant is not required to supply information that is not required under this chapter and chapter 197-11 WAC. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-420, filed 10/3/84.]

**WAC 352-11-504 Availability and costs of environmental documents.** (1) SEPA documents required by these rules shall be retained by the agency at the SEPA public information center, and made available in accordance with RCW 42.17.250 through 42.17.340.

(2) The agency shall make copies of environmental documents available in accordance with RCW 42.17.250 through 42.17.340, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to the agency. However, no charge shall be levied for circulation of documents to other agencies as required by this chapter. The agency will provide one complimentary copy of each environmental document to each public interest organization requesting such. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-504, filed 10/3/84.]

**WAC 352-11-508 Notice of environmental documents.** (1) The agency shall submit environmental documents required to be sent to the department of ecology for weekly publication in the SEPA register under this chapter, specifically:

- (a) DNSs under WAC 197-11-340(2);
- (b) DSs (scoping notices) under WAC 197-11-408;
- (c) EISs under WAC 197-11-455, 197-11-460, 197-11-620, and 197-11-630; and
- (d) Notices of action under RCW 43.21C.080 and 43.21C.087.

(2) The agency shall submit the environmental documents listed in subsection (1) of this section promptly and in accordance with procedures established by the department of ecology.

(3) The agency shall subscribe to the SEPA register. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-508, filed 10/3/84.]

**WAC 352-11-510 Public notice requirements.** (1) The agency shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 352-11-420, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the agency shall integrate the public notice required under this section with existing notice procedures for the agency's permit or approval required for the proposal.

(a) When more than one permit or approval required from or by the agency has public notice requirements, the notice procedures that would reach the widest audience shall be used, if possible.

(b) If the public notice requirements for the permit or approval must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the agency must use one or more public notice methods in subsection (3) of this section.

(c) If there are no public notice requirements for any of the permits/approvals required for a proposal, the agency must use one or more public notice methods in subsection (3) of this section.

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

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

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

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

(d) Notifying the news media; and or

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

(4) The agency may require an applicant to perform the public notice requirement at the applicant's expense. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-510, filed 10/3/84.]

**WAC 352-11-615 Coordination on combined agency--Federal action.** When the agency is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-615, filed 10/3/84.]

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

(b) The commission shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The agency recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

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

(2) Policies – Specific. The commission is responsible for the following approvals, permits, or rulemaking which have potential to impact the environment and which are subject to the provisions of this chapter:

(a) Grant concessions or leases in state parks and parkways (RCW 43.51.040(5));

(b) Grant franchises and easements for any legitimate purpose on parks and parkways (RCW 43.51.060(5));

(c) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development (RCW 43.51.060(7));

(d) Lease park land for television stations (RCW 43.51.062 and 43.51.063);

(e) Grant permits for improvement of parks (RCW 43.51.130 through 43.51.160);

(f) Administer the seashore conservation area including:

(i) Establish reasonable regulations for the use and control of vehicular traffic on or along the ocean beach highways (RCW 43.51.680, 79.94.340 and 79.94.360);

(ii) Sale of sand from accretions to supply the needs of cranberry growers (RCW 43.51.685);

(iii) Grant mining leases for the removal of "black sands" (minerals) (RCW 43.51.685); and or

(iv) Grant leases and permits for the removal of sands for construction purposes (RCW 43.51.685).

(g) Grant approvals for the construction, operation and maintenance of winter recreational devices, including but not limited to ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts and similar devices and equipment (RCW 70.88.010 through 70.88.040).

(h) Any other approval authority which may be granted to the commission in the future.

(3)(a) SEPA procedures. When the environmental document for a proposal for approval by the agency shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the responsible official shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The responsible official may:

(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning or denying permits or other approvals. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-665, filed 10/3/84.]

**WAC 352-11-800 Threshold levels adopted by counties/cities.** (1) In determining whether a proposal is exempt from SEPA, the agency shall respect the threshold levels adopted by counties/cities under WAC 197-11-800(1).

(2) The agency's responsible official shall obtain copies of ordinances adopted by counties/cities which have established different threshold levels from those of WAC 197-11-800(1) and which directly affect state park lands. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-800, filed 10/3/84.]

**WAC 352-11-905 Responsibilities of individuals and work units within the agency.** (1) The environmental coordination section of the agency shall be responsible for the following:

(a) Coordinating agency activities to comply with SEPA, encouraging consistency in SEPA compliance among all regions, sections, and programs.

(b) Providing information and guidance on SEPA and the SEPA rules to commission staff, agencies, groups, and citizens.

(c) Receiving all SEPA documents sent to the commission for review and comment, distributing documents and coordinating review with appropriate regions, programs and sections, preparing the agency's response, ensuring a timely response, and requesting extensions to the comment period of an EIS, when needed.

(d) Maintaining the agency's files for EISs, DNSs, scoping notices, and notices of action prepared for commission approvals and other agency actions and which are sent to the department of ecology under SEPA and the SEPA rules.

(e) Maintaining files for the city/county SEPA procedures designating environmentally sensitive areas and flexible thresholds and making the information available to agency staff.

(f) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with appropriate regions, programs, and sections.

(g) Preparing the agency's SEPA rules and amendments to the SEPA rules as necessary.

(h) Fulfilling the agency's other general responsibilities under SEPA and the SEPA rules.

(i) Determining whether a decision on a permit or other approval, program, policy, plan, or regulation is an "action" under SEPA and, if so, whether it is exempt from SEPA's requirements.

(j) Determining whether the commission or another agency is SEPA lead agency.

(k) Making the threshold determination. This shall be made by the responsible official under WAC 352-11-910.

(l) Issuing a determination of nonsignificance, if appropriate (issued by responsible official) and ensuring compliance with the public notice requirements of WAC 352-11-510;

(2) Other staff of the commission in regions, programs, and sections shall be responsible for the following:

(a) Reviewing SEPA documents and submitting comments to the environmental coordination section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

(b) Working with the environmental coordination section on preparation of EISs, DNSs, and environmental checklists.

(c) Ensuring that permit decisions are consistent with the final EIS and DNS. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-905, filed 10/3/84.]

#### WAC 352-11-908 Environmentally sensitive areas.

(1) The agency's responsible official shall obtain maps of all designated "environmentally sensitive areas" on existing state park lands which have been prepared by counties/cities under WAC 197-11-908.

(2) In determining whether a proposal is exempt from SEPA, the agency shall respect "environmentally sensitive area" designations made by counties/cities under WAC 197-11-908. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-908, filed 10/3/84.]

**WAC 352-11-910 Designation of responsible official.** The ultimate responsible official is the commission. Normally, the operational responsibility shall be delegated via the director to the chief, environmental coordination. Depending upon the size and scope of the proposed action, consideration may be given to establishing the responsible official at the level of assistant director, resources development, Washington state parks and recreation commission, or at the level of director. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-910, filed 10/3/84.]

**WAC 352-11-950 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. [Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-950, filed 10/3/84.]

### Chapter 352-12 WAC

#### MOORAGE AND USE OF MARINE FACILITIES

WAC  
352-12-020 Moorage fees.

[1985 WAC Supp—page 1670]

**WAC 352-12-020 Moorage fees.** (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through Labor Day, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, \$5.50 per night;

(b) Vessels under twenty-six feet in length, \$3.50 per night: *Provided, however,* Vessels properly displaying a valid seasonal permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length. [Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-12-020, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-12-020, filed 4/16/84; 82-08-027 (Order 59), § 352-12-020, filed 3/31/82.]

### Chapter 352-16 WAC

#### NAMING OF SITES AND LAND CLASSIFICATION

WAC  
352-16-020 Land classification.

**WAC 352-16-020 Land classification.** State parks are of state-wide natural and/or recreational significance and/or outstanding scenic beauty. They provide for active and passive, low and high density outdoor recreation activities. They also may be classified in whole or part as:

(1) **Recreation areas** are land and/or water sites that are suited and/or developed for high density outdoor recreational use.

(2) **Natural areas** are sites obligated to conserving a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities. These areas may be found in all types of environments.

(3) **Heritage areas** are sites which preserve and interpret unique or unusual geological, paleontological, archaeological, historical, scientific, and cultural features of the state which transcend local interest and are of state-wide or national significance.

(4) **Launch areas** are sites solely developed for boating ingress and egress.

(5) **Conservation areas** are aggregates of recreationally developed and undeveloped open space sites 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.

(6) **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.

(7) **Environmental learning center sites** 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.

(8) **Natural forest areas** are certain forest sites which are natural ecosystems designated for preservation and interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:

(a) Old-growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for approximately ninety to one hundred fifty years; or

(c) Unusual forest communities.

(9) **Natural area preserves** are sites which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC. [Statutory Authority: RCW 43.51.040 and 43.51.045. 84-08-016 (Resolution No. 74), § 352-16-020, filed 3/27/84; 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 352-28 WAC TIMBER CUTTING AND SALES

#### WAC

352-28-005	Definitions.
352-28-010	Timber cutting criteria.
352-28-020	Timber sales.

**WAC 352-28-005 Definitions.** When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Catastrophic forest event" means a natural or accidental devastation of major park proportions that results in drastic alteration of the natural environment by, but not limited to, wind, fire, insect infestation, forest disease, flooding, or landslide.

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

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

(4) "Endangered species" means each vascular plant species identified as endangered on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as endangered by the Washington department of game in WAC 232-12-014.

(5) "Environmental learning center" means resident camping facilities with buffers made available to interested groups to provide their members with the opportunity to live, work, study, and play in the outdoor environment.

(6) "Heritage area" means the parts of a park with buffers which are maintained for preservation and interpretation, and, which contain unique or unusual geological, paleontological, archaeological, historical, scientific, and cultural features of the state which transcend local interest and are of state-wide or national significance.

(7) "Launch area" means the parts of a park with buffers which are solely developed for boating ingress and egress.

(8) "Natural area" means the parts of a park with buffers which are maintained for the conservation of a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities.

(9) "Natural area preserve" means the parts of a park with buffers which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

(10) "Natural forest area" means certain forest areas with buffers which are natural ecosystems designated for preservation and interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:

(a) Old-growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for approximately ninety to one hundred fifty years; or

(c) Unusual forest communities.

(11) "Ocean beach access area" means sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

(12) "Recreation area" means the parts of a park with buffers which are land and/or water sites that are suited and/or developed for high density outdoor recreational use.

(13) "Sensitive species" means each vascular plant species identified as sensitive on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as sensitive on the list of such species prepared by the Washington department of game.

(14) "Threatened species" means each vascular plant species identified as threatened on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as threatened on the list of such species prepared by the Washington department of game. [Statutory Authority: RCW 43.51.040 and 43.51.045. 84-08-017 (Resolution No. 76), § 352-28-005, filed 3/27/84.]

**WAC 352-28-010 Timber cutting criteria. (1) Significant trees:**

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural forest area shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of game and the department of natural resources Washington natural heritage program, the preparation of a mitigation plan for affected resources, and a public hearing on each such proposed cutting or removal conducted in Olympia and/or the county in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the counties in which hearings are to be held. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

(c) The cutting or removal of any trees, flora, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of game and the department of natural resources Washington natural heritage program, and the preparation of a mitigation plan for affected species.

(2) **Cutting and removal criteria:** Trees or other flora may be cut and/or removed from the areas listed below for the following reasons only:

(a) Natural area preserves:

(i) Maintenance or construction of fire lanes, boundary fences, and interpretive trails as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Modification of conditions only as may be required to maintain a plant community, species population, or ecological process as specified in a natural area

preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(b) Natural forest areas:

(i) Maintenance or construction of trails and trail head facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Maintenance or construction of fire lanes for abatement of fires.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(c) Natural areas:

(i) Area clearing necessary only for passive low density outdoor recreation activities such as, but not limited to, trails, trail head facilities, and interpretive sites, and, for road and utility easements authorized by the commission or mandated by condemnation.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Maintenance or construction of fire lanes for abatement of fires.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(vi) Create diversity of tree size, age, and species only within immature forests to achieve visual aspects appropriate to a natural or historical setting, or that improve wildlife habitat.

(d) Recreation areas, heritage areas, launch areas, ocean beach access areas, and environmental learning centers:

(i) Area clearing necessary for park maintenance, and/or park development projects, road and utility easements.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a moderate or high degree of hazard.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural, or historical setting.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs,

and understory and overstory trees to provide screening, wind, and sun protection.

(vii) Forest and flora protection and interpretation such as, but not limited to, abatement of forest diseases, insect infestations, and fires.

(3) **Hazard tree review:** At least two persons, preferably one being a forest pathologist or ecologist, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

(4) **Tree cutting and removal operations:** Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

(5) **Timber utilization:** When feasible, felled timber shall be left on the ground for natural purposes or used for park purposes such as, but not limited to, building projects, trail mulching, and firewood. In natural forest areas first consideration shall be given to leaving timber on the ground for natural purposes. [Statutory Authority: RCW 43.51.040 and 43.51.045. 84-08-017 (Resolution No. 76), § 352-28-010, filed 3/27/84; Order 7, § 352-28-010, filed 4/1/70.]

**WAC 352-28-020 Timber sales. (1) Qualification for sale of timber:**

Only timber which qualifies for cutting and removal under RCW 43.51.045(2), WAC 352-28-010, and which is surplus to the needs of the park may be sold and such timber may be sold only because of the presence of one or more of the following conditions:

(a) The timber significantly hinders the public use or operation of a park and is of such a quantity that park personnel cannot dispose of it in a timely manner.

(b) The timber is cut or removed as part of a park maintenance or development project, or conservation practice.

(c) The timber is cut or removed as part of a road or utility easement.

(d) The timber is blown down, burned, or damaged by a catastrophic forest event.

**(2) Procedures and general provisions:**

(a) A public meeting on each proposed sale shall be conducted in the county in which the sale is to take place. Prior notice of a meeting shall be published in a newspaper of general circulation in such county. Any person who requests notification of proposed sales shall be sent prior notice of a meeting by mail. A summary of the testimony presented at a meeting or received in writing shall be presented to the commission. All sales shall require approval by a majority of the commission.

(b) Sales shall be conducted through an agreement with the department of natural resources pursuant to RCW 43.30.260 or by the director or the designee of the director in accordance with (c) through (j) of this subsection.

(c) Prior to requesting bids, park personnel shall record the height and diameter at four and one-half feet in height of each standing tree identified for sale. Park personnel shall conduct a cruise of all timber identified for sale, appraise the value of such timber, and establish a minimum acceptable bid: *Provided*, That a cruise of downed timber may be based upon ten percent of such timber. Complete records of the assumptions used to make these appraisals and estimated minimum acceptable bids shall be maintained.

(d) Sales shall be granted on the basis of competitive, sealed bids or public auction made by responsible qualified bidders. At least three qualified bidders shall be invited to bid and an advertisement for bids shall be published in a newspaper of general circulation in the county in which the sale is to take place. Reasonable efforts shall be made to invite bids from prospective contractors operating or living in or near the general location of the sale.

(e) All sales shall be granted on the basis of the highest bid from a responsible qualified bidder. No timber shall be sold for less than the minimum acceptable bid established by park personnel. Any bid shall be rejected if the prospective contractor is deemed unqualified. To qualify for bidding, a contractor 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 current or previous forest products sale contract with the state.

(f) All timber sold shall be measured, graded, and counted by a scaling bureau: *Provided*, That when a scaling bureau is not located in the vicinity of a log buyer, such measuring, grading, and counting shall be performed according to standard log grading practices by a log buyer agreed to by a contractor and the director or the designee of the director.

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

(h) All sales shall require contract validation by the director or the designee of the director. The number of additional trees which may be added to a sale approved by the commission shall be no more than four percent of the board feet of the trees included in an approved sale.

The addition of trees to a sale approved by the commission may occur only upon the approval of the director or the designee of the director.

(i) All sales shall require authorization by the state of Washington, department of general administration, division of purchasing as provided in RCW 43.19.1919; 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.

(j) All contracts shall be of a form approved by the attorney general with special provisions to tailor a contract to the particular needs of a park site. [Statutory Authority: RCW 43.51.040 and 43.51.045. 84-08-017 (Resolution No. 76), § 352-28-020, filed 3/27/84; 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

352-32-035	Campsite reservation.
352-32-250	Standard fees charged.
352-32-25001	Recreational and conference center housing fees and meeting room fees charged.
352-32-25002	Campsite and rally area reservations—Fort Worden State Park.
352-32-252	Off season senior citizen pass—Fee.
352-32-285	Applicability of standard fees to volunteers in parks.
352-32-290	Wood debris collection permit—Fee.
352-32-295	Land exchange—Fee.
352-32-300	Easement, franchise, license, and special use permit applications and fees.

**WAC 352-32-035 Campsite reservation.** (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Requests for reservations may be made in writing and must be postmarked a minimum of 14 days in advance. Reservations may be made in person, at the park where camping is to occur, up to 24 hours in advance of the first camping day requested. Written requests may be made from the second Monday in January and up to 14 days in advance of Labor Day.

(4) Reservation requests can only be made for camping dates within the current calendar year.

(5) There will be a \$3.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved: *Provided, however*, The fee shall be \$4.00 effective January 1, 1986. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(6) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(7) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(8) Reservations for a specific campsite within a park will not be guaranteed.

(9) Unreserved campsites may be used on a first-come-first-served basis without a reservation.

(10) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than 24 hours in advance of the first day of the reservation, or in writing to the park, post-marked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue. In lieu of payment for the first night's camping fee, they may accompany the reservation request for which they are to be used.

(11) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 6 p.m. on Sunday through Thursday, or 9 p.m. on Friday, Saturday, and the night before a holiday. After these hours your site may be reassigned unless specific arrangements are made with the park to arrive later. [Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-035, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-32-035, filed 4/16/84; 81-12-014 (Order 52), § 352-32-035, filed 5/28/81; 80-05-006 (Order 44), § 352-32-035, filed 4/4/80.]

**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 – standard campsite: \$6.00 per night;

(2) Overnight camping – utility campsite: \$6.00 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping – primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.50 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Group camping area – certain parks: \$.35 per person per night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(6) Environmental learning center – overnight camping: \$2.95 per camper per night: *Provided, however*, The fee shall be \$3.15 per camper per night, effective September 3, 1985;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: \$3.35 per camper per night: *Provided*,



however, The fee shall be \$3.55 per camper per night, effective September 3, 1985;

(b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;

(7) Hot showers: \$.25 for a minimum of six minutes shower time;

(8) Electric stoves: \$.25 for thirty minutes cooking time;

(9) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(10) Extra vehicle charge: \$2.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(11) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended. [Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-250, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-32-250, filed 4/16/84. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-250, filed 11/22/83. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-09-031 (Resolution No. 67), § 352-32-250, filed 4/15/83; 82-15-059 (Order 62), § 352-32-250, filed 7/20/82; 82-09-035 (Order 60), § 352-32-250, filed 4/14/82; 81-09-034 (Order 50), § 352-32-250, filed 4/14/81; 80-05-007 (Order 45), § 352-32-250, filed 4/4/80. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 79-09-077 (Order 42), § 352-32-250, filed 8/30/79, effective 10/1/79; 79-02-032 (Order 41), § 352-32-250, filed 1/23/79, effective 5/1/79; 78-05-082 (Order 39), § 352-32-250, filed 5/1/78; Order 36, § 352-32-050 (codified as WAC 352-32-250), filed 10/11/77; Order 27, § 352-32-250, filed 11/19/76.]

**WAC 352-32-25001 Recreational and conference center housing fees and meeting room fees charged.** (1) The following fees shall be charged per day for recreational and conference center housing at Fort Worden State Park:

(a) Renovated housing

Noncommissioned officers' row buildings—#331 and #332  
 (4 units, each with 2 bedrooms) ..... \$59/unit  
 Officers' row buildings—#5, #6, and #7  
 (6 units, each with 3.5 bedrooms) ..... \$95/unit  
 Officers' row buildings—#4 and #11  
 (4 units, each with 6 bedrooms) ..... \$157/unit  
 Charge for additional rollaway beds..... \$9.50 per bed

(b) Nonrenovated housing

Officers' row building—#9, #10 and #16  
 (5 units, each with 3 bedrooms) ..... \$73/unit  
 Officers' row buildings—#15  
 (1 unit with 5 bedrooms)..... \$115/unit  
 Charge for additional rollaway beds..... \$9.50 per bed  
 Bliss vista building—#235  
 (1 unit with 1 bedroom) ..... \$49/unit

A deposit equal to the cost of the first night's fee for each unit rented is required. A \$10.00 per unit cancellation fee is deducted from the deposit for any cancelled reservations, to cover processing costs. If the cancellation is made less than three weeks prior to the arrival date, the entire deposit is forfeited, unless the unit is rerented.

Standard meal charges (meals optional for above-listed housing)

Breakfast.....\$ 2.75  
 Lunch..... \$ 3.25  
 Dinner..... \$ 5.25  
 Total ..... \$11.25

Coffee service.....\$10.00  
 minimum charge for  
 any group of 20 or  
 less. 50¢ per person  
 for additional persons.

(c) Dormitory housing (for group reservations only—meals included)

1 – 2 days.....\$20.60/person/day  
 3 – 13 days ..... \$18.90/person/day  
 14 or more days..... \$17.40/person/day

Dormitory linen and towel charge..... \$7.75  
 Additional towel charges..... \$ .60  
 Additional towel set..... \$1.50

The parks and recreation commission has an agreement with the Centrum organization which provides for use of Fort Worden State Park dormitory facilities and services in conjunction with special group programs administered by Centrum. For further information, contact Centrum at Fort Worden State Park.

(d) Barracks-style housing (for group reservations only—meals included)

1 - 2 days.....	\$18.90/person/day
3 - 13 days .....	\$17.40/person/day
14 or more days.....	\$15.75/person/day

All meals are served in the dining hall.

Washington state sales tax is added to all charges.

(2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between \$6.50 and \$33.00 for those residing in Fort Worden recreational housing, with increased charges for nonusers of recreational housing facilities. Additional cleaning fee is charged if food or beverages are consumed in the room. Theatre is available for performances—\$100.00 per day; for rehearsals—\$26.00 per night.

(3) Groups or organizations of twenty-five or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may do so by contacting the park and completing and complying with procedures specified in the group booking agreement, available through the agency. Included in the provisions of the agreement are the following:

A deposit of \$100.00 per scheduled night for each dorm and \$100.00 per scheduled night for any combination of vacation housing rented, up to a combined maximum of \$1000.00, is required to confirm reservations. The deposit is refundable if cancellation is made more than ninety days in advance. Unrestricted partial cancellations of reserved housing facilities may be made up to sixty days in advance for dormitory facilities, or for vacation housing; partial cancellations made following these dates incur certain minimum charges specified in the group booking agreement. The deposit will be credited against the final bill. [Statutory Authority: RCW 43.51.040 and 43.51.060(6). 85-23-069 (Order 90), § 352-32-25001, filed 11/20/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-23-049 (Resolution No. 85), § 352-32-25001, filed 11/19/84.]

**WAC 352-32-25002 Campsite and rally area reservations—Fort Worden State Park.** (1) Advance individual campsite reservations will be available at Fort Worden State Park. They may be made throughout the year for no more than ten consecutive nights within the current and first succeeding calendar month, except that a continuous reservation may carry from the end of the first succeeding month into the beginning of the next succeeding month. Reservations may be made by mail, or in person, at Fort Worden State Park, and will require a completed application, the first night's camping fee and the nonrefundable reservation fee provided for in WAC 352-32-035. Tentative reservations may be made by telephone, but must be followed by a mailing containing the first night's camping fee, the reservation fee and completed application postmarked within five days of the tentative telephone reservation to become a confirmed reservation.

A refund of the first night's camping fee will be issued for any reservation which is not used, provided a cancellation request is made in person, by mail, or by telephone prior to 5:00 p.m. on the first day of the reservation. Campers will be declared no-show and, in addition to the nonrefundable reservation fee, will forfeit their reservation as well as the first night's camping fee if they have not cancelled and if the reservation is not claimed by 8:00 a.m. on the day after the confirmed arrival date.

(2) Advance reservations will be available for groups of self-contained recreational vehicles in the Fort Worden State Park rally area. The group must have a minimum of twenty-five recreational vehicles and may not exceed two hundred recreational vehicles. The non-refundable reservation fee for the rally area will be \$2.00 per recreational vehicle, or \$100.00 total, whichever is greater. The rally area camping fee is \$4.00 per night. Rally area reservations may be made by contacting Fort Worden State Park. [Statutory Authority: RCW 43.51.040 and 43.51.060(6). 85-23-069 (Order 90), § 352-32-25002, filed 11/20/85.]

**WAC 352-32-252 Off season senior citizen pass—Fee.** (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 15 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be \$15.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite

or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission. [Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-252, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-252, filed 11/22/83.]

**WAC 352-32-285 Applicability of standard fees to volunteers in parks.** The standard fees set forth in WAC 352-32-250 and 352-12-020 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) At least four hours of service per day are performed for each campsite or boat moorage occupied;

(3) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(4) The service performed is not one commonly performed by members of an organized trade union;

(5) The service performed does not result in any type of development which will necessarily create future operating costs to the commission.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to 30 consecutive nights, unless otherwise approved by the director.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160. [Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-285, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-09-035 (Order 60), § 352-32-285, filed 4/14/82; 81-15-059 (Order 53), § 352-32-285, filed 7/20/81. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-285, filed 5/1/78.]

**WAC 352-32-290 Wood debris collection permit--Fee.** (1) As used in this section "wood debris" means down and dead tree material which may be removed without adversely impacting the environment of the park at which it is located significantly and which is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park manager or ranger has issued the person a wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued and only during the calendar year when the permit is issued.

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park manager or ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be ten dollars, except for persons sixty-five years of age or over who shall be exempt from the fee. [Statutory Authority: RCW 43.51.045. 84-20-071 (Order 83), § 352-32-290, filed 10/2/84.]

**WAC 352-32-295 Land exchange--Fee.** A party who exchanges land with the commission shall pay a nonrefundable transfer fee to the commission of one hundred dollars for each exchange. [Statutory Authority: RCW 43.51.210. 84-20-068 (Order 80), § 352-32-295, filed 10/2/84.]

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

Washington State Parks and Recreation  
Commission  
7150 Cleanwater Lane KY-11  
Olympia, WA 98504

Each application from a party other than a government agency shall be accompanied by a nonrefundable application fee of one hundred dollars.

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

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

(2) The application fee and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or the designee of the director when the director or the designee determines that the action authorized by an easement, franchise, license, or special use permit will be of benefit to the general public, if approved by the commission. [Statutory Authority: RCW 43.51.040. 84-20-069 (Order 81), § 352-32-300, filed 10/2/84.]

## Chapter 352-36 WAC

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

## WAC

352-36-010	Definitions.
352-36-110	Certain vehicle lighting and equipment standards incorporated.
352-36-130	Excluded/limited recreation activities.
352-36-140	Special group recreation event permit.

**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 and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the 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, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

(5) "Long Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section 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 subsection (4) of this section 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 subsection (4) of this section 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 subsection (8) of this section.

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

(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, mopeds, jeeps, or similar type four-wheel drive vehicles, buses, camper trucks, motor homes, and other self-propelled recreational vehicles. A motor vehicle must have a means of propulsion associated or attached directly to the device, and not receive motive power from a source independent or outside of the device. A motor vehicle must be certificated and licensed according to the provisions of chapters 46.12 (Certificates of ownership and registration) and 46.16 RCW (Vehicle licenses).

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

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

(14) "Hovercraft" shall mean a powered vehicle supported by a cushion of air, capable of transporting persons. [Statutory Authority: RCW 43.51.660, 43.51.665, 43.51.680, 43.51.040 and 43.51.060. 85-16-002 (Order 89), § 352-36-010, filed 7/25/85; Order 13, § 352-36-010, filed 4/19/72.]

**WAC 352-36-110 Certain vehicle lighting and equipment standards incorporated.** Except where otherwise obviously inapplicable to the use and operation of motor vehicles on the ocean beaches, chapter 46.37 RCW, constituting vehicle lighting and other equipment, is herewith expressly incorporated herein, and the requirements of that chapter are hereby expressly required when operating any motor vehicles on and along the ocean beaches. [Statutory Authority: RCW 43.51.660, 43.51.665, 43.51.680, 43.51.040 and 43.51.060. 85-16-002 (Order 89), § 352-36-110, filed 7/25/85; Order 28, § 352-36-110, filed 11/19/76; Order 13, § 352-36-110, filed 4/19/72.]

**WAC 352-36-130 Excluded/limited recreation activities.** The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically authorized by the director as a special recreation event pursuant to WAC 352-36-140:

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

(2) Wind/sand sailers.

(3) Parasails.

(4) Hovercraft. [Statutory Authority: RCW 43.51-.660, 43.51.665, 43.51.680, 43.51.040 and 43.51.060. 85-16-002 (Order 89), § 352-36-130, filed 7/25/85.]

**WAC 352-36-140 Special group recreation event permit.** Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or

his/her designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

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

A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the Seashore conservation area (RCW 43.51.650 through 43.51.685), and may include an activity otherwise excluded under WAC 352-36-130. Special group recreation events shall not exceed three days or seventy-two hours.

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

Washington State Parks and  
Recreation Commission  
7150 Cleanwater Lane KY-11  
Olympia, WA 98504

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such

costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant. [Statutory Authority: RCW 43.51.660, 43.51.665, 43.51.680, 43.51.040 and 43.51.060. 85-16-002 (Order 89), § 352-36-140, filed 7/25/85.]

### Chapter 352-60 WAC BOATING SAFETY

#### WAC

352-60-010	Purpose.
352-60-020	Definitions.
352-60-030	Personal flotation devices.
352-60-040	Visual distress signals.
352-60-050	Ventilation.
352-60-060	Navigation lights and shapes and sound and light signals.
352-60-070	Steering and sailing.
352-60-080	Fire extinguishing equipment.
352-60-090	Backfire flame control.
352-60-100	Liquefied petroleum gas.
352-60-110	Canadian vessels.

**WAC 352-60-010 Purpose.** This chapter is promulgated in order to establish boating safety standards in accordance with RCW 43.51.400. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-010, filed 5/18/84.]

**WAC 352-60-020 Definitions.** When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(2) "Coastal waters" means the high seas within the territorial limits of Washington state and the bays and sounds which empty into these waters. "Coastal waters" does not mean rivers, inside of a line drawn tangent to their headlands, unless the distance across a river is over two miles, in which case "coastal waters" means all portions of a river from the mouth to the point at which the river first narrows to two miles.

(3) "Inland waters" means the waters within the territorial limits of Washington state which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

(4) "Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.

(5) "Motorboat" means any vessel identified in Title 46, Code of Federal Regulations, Table 24.05-1(a), Column 6, which is sixty-five feet or less in length and equipped with propulsion machinery, including vessels propelled with steam machinery, and including vessels

which are temporarily or permanently equipped with a detachable motor.

(6) "Motor vessel" means any vessel which is more than sixty-five feet in length and propelled by machinery other than steam.

(7) "Passenger" means every person on board a vessel other than the following:

(a) The owner of a vessel or the representative of the owner;

(b) The operator of a vessel;

(c) The bona fide members of the crew of a vessel who are engaged in the business of a vessel, who have not contributed for their carriage, and who are paid for their services; and

(d) Guests who are on board a vessel which is being used exclusively for pleasure purposes and who have not contributed for their carriage.

(8) "Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

(9) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(10) "Use" means to operate, navigate, moor or employ.

(11) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(12) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(13) "Waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A," means the waters within the territorial limits of Washington state which are identified in Title 33, Code of Federal Regulations, 80.1365, 80.1370, 80.1375, 80.1380, 80.1385, 80.1390, and 80.1395. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-020, filed 5/18/84.]

**WAC 352-60-030 Personal flotation devices.** When a person uses a recreational boat on the waters of Washington state that is propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except racing shells, rowing sculls, and racing kayaks, such persons shall comply with Title 33, Code of Federal Regulations 175.3, 175.13, 175.15, 175.17, 175.19, 175.21, and 175.23. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-030, filed 5/18/84.]

**WAC 352-60-040 Visual distress signals.** When a person uses a boat on the coastal waters of Washington state such person shall comply with Title 33, Code of

Federal Regulations, 175.3, 175.105(a), 175.110, 175.113, 175.115, 175.120, 175.125, 175.128, 175.130, and 175.140. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-040, filed 5/18/84.]

**WAC 352-60-050 Ventilation.** When a person uses a boat on the waters of Washington state that has a gasoline engine for electrical generation, mechanical power, or propulsion such person shall comply with Title 33, Code of Federal Regulations, 175.3 and 175.201. When used on the waters of Washington state a motorboat or a motor vessel shall comply with Title 46, Code of Federal Regulations, 25.40-1. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-050, filed 5/18/84.]

**WAC 352-60-060 Navigation lights and shapes and sound and light signals.** (1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall be equipped with the navigation lights and shapes and sound and light signals as required by such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Parts 81-72 and 82-72.

(2) When used on the inland waters of Washington state, a vessel shall be equipped either with the navigation lights and shapes and sound and light signals as required by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72 or as required by the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34, and the Inland Navigational rules, Title 33, Code of Federal Regulations, Parts 84, 85, 86, 87, 88, and 89. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-060, filed 5/18/84.]

**WAC 352-60-070 Steering and sailing.** (1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall comply with the steering and sailing rules of such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72.

(2) When used on the inland waters of Washington state, a vessel shall comply with the steering and sailing rules of the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-070, filed 5/18/84.]

**WAC 352-60-080 Fire extinguishing equipment.** When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the fire extinguishing equipment as required by Title 46, Code

of Federal Regulations, Subpart 25.30. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-080, filed 5/18/84.]

**WAC 352-60-090 Backfire flame control.** When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the backfire flame control devices as required by Title 46, Code of Federal Regulations, Subpart 25.35. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-090, filed 5/18/84.]

**WAC 352-60-100 Liquefied petroleum gas.** When a vessel is used to carry persons for hire on the waters of Washington state the use on such vessel of any liquefied petroleum gas or certain flammable liquids for cooking, heating, or lighting is prohibited as required by Title 46, Code of Federal Regulations, Subpart 25.45 and Parts 146 and 147. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-100, filed 5/18/84.]

**WAC 352-60-110 Canadian vessels.** When used on the waters of Washington state for a period of less than sixty days all Canadian vessels which comply with the boating safety laws of the government of Canada shall be exempt from the provisions of chapter 352-60 WAC except for WAC 352-60-070. [Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-110, filed 5/18/84.]

### Chapter 352-64 WAC

#### THE STATE BOATING SAFETY GRANT AND CONTRACT PROGRAM

##### WAC

352-64-010	Purpose.
352-64-020	Definitions.
352-64-030	Boating safety grant and contract program.
352-64-040	Grant eligibility.
352-64-050	Application process.
352-64-060	Funding guidelines.
352-64-070	Procedures for review and disbursement of funds.
352-64-080	Accountability.

**WAC 352-64-010 Purpose.** The state boating safety grant and contract program was established to provide local and state agencies and private organizations with a comprehensive biennial plan for boating safety programs and to establish procedures by which the Washington state parks and recreation commission would allocate moneys to boating safety programs and projects of local and state agencies and private organizations in accordance with RCW 43.51.400. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-010, filed 1/21/85.]

**WAC 352-64-020 Definitions.** When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Commission" means the seven-member Washington state parks and recreation commission policy-making body created pursuant to RCW 43.51.020.

"Agency" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

"Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).

"Boating safety task force" means the volunteer advisory body created by the agency to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-020, filed 1/21/85.]

**WAC 352-64-030 Boating safety grant and contract program.** The boating safety grant and contract program is composed of the biennial boating safety plan and the disbursement of boating safety funds.

The biennial boating safety plan will be developed by the agency in cooperation with local and state agencies to provide comprehensive guidelines for the uniform implementation and operation of boating safety efforts statewide.

Boating safety funds will be disbursed to local and state agencies and private organizations by the commission to initiate or supplement boating safety activities and to promote uniformity in boating safety services in accordance with the Federal Boating Safety Act of 1971. The funds may be used for programs which include planning, development, and operation of programs for boating safety, safety education, and enforcement of boating laws, rules and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and, the maintenance of a safe boating environment.

The boating safety grant and contract program will be administered to initiate or enhance programs for boating safety, safety education and enforcement of boating laws, rules and regulations, and will not be used to supplant existing contributions and efforts toward safe boating. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-030, filed 1/21/85.]

**WAC 352-64-040 Grant eligibility.** Any state or local public agency or private organization is eligible to apply for grants or contracts for boating safety or safety education. A state or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of boating laws, rules, and regulations.

Each successful applicant must provide a minimum of fifty percent match through program expenditures, in

kind services, and/or volunteer contributions to the program. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-040, filed 1/21/85.]

**WAC 352-64-050 Application process.** In order to be considered by the commission for receipt of boating safety funds an eligible agency or organization must:

(1) Complete an application on a form prescribed by the agency and file the application by September 15 of the year prior to the year for which funds are being requested, except that for programs to be implemented in 1985, applications must be filed by February 1, 1985.

(2) Provide a statement of intent from the governing body of the requesting agency or organization that the necessary matching funds or in-kind contributions will be made available for the program as described in the application.

(3) Agree to:

(a) File an annual report and other reports, as may be specified in the agreement, on a form provided by the agency. Include accomplishments, all activities, a summary of in-kind contributions, and total expenses incurred by the program or project.

(b) Refund to the commission any unexpended funds received from the commission which remain at the completion or termination of the agreement and reimburse the commission for any unauthorized expenditures. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-050, filed 1/21/85.]

**WAC 352-64-060 Funding guidelines.** Following is a list of the funding guidelines which will be considered in determining the allocation of available boating safety funds, in order of priority.

(1) Assist programs which are designed to prevent boating accidents through education and/or enforcement of safe boating laws.

(2) Assist in the training of personnel and in the operation of boater assistance and rescue programs.

(3) Assist development of state-wide boater safety information programs.

(4) Assist development of other programs which promote or enhance safe boating opportunities in Washington state. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-060, filed 1/21/85.]

**WAC 352-64-070 Procedures for review and disbursement of funds.** Following is a description of procedures which will be used by the commission in the review and disbursement of boating safety funds.

(1) Applications will be reviewed by agency staff and scored by the boating safety task force to determine consistency with the funding guidelines and the biennial boating safety plan.

(2) The director will receive and consider the recommendations of the boating safety task force for the disbursement of boating safety funds in developing final recommendations for presentation to the commission.

(3) Applications for funds will be approved by the commission prior to January 31 of the year in which

funds are being requested, except for special provisions effecting the 1985 funding year. No grant expenditures may be made until such approval is received.

(4) The successful applicant will receive funds:

(a) As reimbursement for approved expenditures following receipt of documentation by the agency which indicates satisfactory compliance with the agreement; or

(b) Through an advance payment upon recommendation of the boating safety task force and written approval by the director.

(5) The applicant and the agency will execute an agreement which specifies the duties and obligations of each party and requires the applicant's compliance with specified policies and procedures.

(6) The program will be subject to review at predetermined intervals to insure compliance with program policies and procedures. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-070, filed 1/21/85.]

**WAC 352-64-080 Accountability.** Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds, provide the director with these records consistent with the agreement or upon request, and permit the agency to audit the use of the funds in accordance with generally accepted audit practices and standards.

The commission reserves the right to terminate its participation in any program for failure to perform according to the requirements of the agreement. [Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-080, filed 1/21/85.]

## Chapter 352-74 WAC

### FILMING WITHIN STATE PARKS

#### WAC

352-74-010	Purpose.
352-74-020	Definitions.
352-74-030	Filming within state parks.
352-74-040	Film permit application, fee, and conditions.
352-74-050	Approval or disapproval of film permit application.
352-74-060	Issuance and revocation of film permit.
352-74-070	Additional fees and release of bond or damage deposit.

**WAC 352-74-010 Purpose.** This chapter is promulgated in order to establish procedures for the issuance of permits for filming within state parks. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-010, filed 10/2/84.]

**WAC 352-74-020 Definitions.** When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Applicant" means an individual or organization who submits an application to the commission to film within state parks for other than personal or news purposes.



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

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

(4) "Film and filming" mean still and movie camera filming and video taping.

(5) "Film maker" means an applicant who has received approval to film within state parks through the issuance of a filming permit by the director or the designee of the director. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-020, filed 10/2/84.]

**WAC 352-74-030 Filming within state parks.** The commission recognizes the desire of individuals and organizations to film within the state parks. Individuals and organizations may film within state parks in a manner which is not disruptive to park users or resources when the filming is for personal or news purposes. Individuals and organizations that desire to film within state parks for other than personal or news purposes may do so only in accordance with the film permit requirements of chapter 352-74 WAC. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-030, filed 10/2/84.]

**WAC 352-74-040 Film permit application, fee, and conditions.** Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a film permit application provided by the director to the:

Washington State Parks and Recreation  
Commission  
7150 Cleanwater Lane KY-11  
Olympia, WA 98504

Each application shall be accompanied by an application fee of one hundred dollars which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

All applicants shall agree to film in a manner which is compatible with the activities of park visitors, does not damage facilities or resources, does not disrupt wildlife, does not imply the endorsement of the commission for the content of the film, acknowledges the cooperation of the commission, and conforms with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-040, filed 10/2/84.]

**WAC 352-74-050 Approval or disapproval of film permit application.** The director or the designee of the director shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application.

The director or the designee of the director may require an approved applicant to submit the following to the commission prior to the issuance of a film permit:

(1) Fees payable to the Washington state parks and recreation commission in the form of a check or money order in an amount, as determined by the director or the designee of the director, which covers the charges for the facilities to be used by a film maker and any staff costs to be incurred by the commission due to the filming that are beyond the regular responsibilities of the staff of the commission;

(2) A bond or damage deposit payable to the Washington state parks and recreation commission in an amount, as determined by the director or the designee of the director, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and

(3) Certification that an approved applicant has liability insurance in an amount, as determined by the director or the designee of the director, which is sufficient to cover any liability costs associated with the actions of a film maker during filming. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-050, filed 10/2/84.]

**WAC 352-74-060 Issuance and revocation of film permit.** The director or designee of the director, shall issue a film permit provided by the commission to an approved applicant after the applicant has submitted to the commission any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming, then the director or designee of the director shall revoke a film permit. [Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-060, filed 10/2/84.]

**WAC 352-74-070 Additional fees and release of bond or damage deposit.** After completion of filming the director or the designee of the director shall determine if any additional fees are to be assessed a film maker and whether or not any bond or damage deposit submitted to the commission by a film maker may be released.

If the director or the designee of the director determines that no additional fees are to be assessed and that a bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a film maker.

If the director or the designee of the director determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the film maker shall be so informed.

If a film maker pays additional fees in the form of a check or money order payable to the Washington state parks and recreation commission which is submitted to the commission within thirty days of receipt of the notice to pay the fees, then the director or the designee of the director shall return a bond or damage deposit to a film maker.

If a film maker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee of the director

shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker. [Statutory Authority: RCW 43.51-.040, 84-20-070 (Order 82), § 352-74-070, filed 10/2/84.]

## Title 356 WAC PERSONNEL, DEPARTMENT OF

### Chapters

<b>356-05</b>	<b>Definitions.</b>
<b>356-06</b>	<b>General provisions.</b>
<b>356-07</b>	<b>Operations and public records.</b>
<b>356-10</b>	<b>Classification.</b>
<b>356-14</b>	<b>Compensation plan.</b>
<b>356-15</b>	<b>Compensation plan appendix.</b>
<b>356-18</b>	<b>Leave.</b>
<b>356-22</b>	<b>Recruitment--Examinations.</b>
<b>356-26</b>	<b>Registers--Certification.</b>
<b>356-30</b>	<b>Appointments--Separations.</b>
<b>356-34</b>	<b>Disciplinary actions--Appeals.</b>
<b>356-35</b>	<b>Disability--Separation--Appeals-- Procedures.</b>
<b>356-42</b>	<b>Labor relations.</b>
<b>356-46</b>	<b>Miscellaneous.</b>
<b>356-49</b>	<b>Inter-system employment.</b>

### Chapter 356-05 WAC DEFINITIONS

#### WAC

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356-05-010	Administrative personnel.
356-05-015	Agency.
356-05-020	Agricultural personnel.
356-05-025	Allied register.
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356-05-035	Anniversary date.
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356-05-211	Leadworker.
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356-05-215	Minimum qualifications.
356-05-220	Noncompetitive positions.
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356-05-225	Orientation.
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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-05-213	Management employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-213, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.
356-05-222	Nonmanagement employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-222, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.