Title 352 WAC
PARKS AND RECREATION COMMISSION

Chapters
352-12 Moorage and use of marine facilities.
352-32 Public use of state park areas.
352-44 Recreational conveyances—Certification—Inspections—Operator qualifications—Violations, etc.
352-75 Boat sewage pumpout contract program.

Chapter 352-12 WAC
MOORAGE AND USE OF MARINE FACILITIES

WAC 352-12-020 Moorage fees.
352-12-030 Annual moorage permits.

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 September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, $9.00 per night;
(b) Vessels under twenty-six feet in length, $6.00 per night: Provided, however, This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;
(c) Vessels moored to state park buoys, $5.00 per night: Provided further, Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: Provided further, There shall be no moorage fee for 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.

Chapter 352-32 WAC
PUBLIC USE OF STATE PARK AREAS

WAC 352-32-010 Definitions.
352-32-035 Campsite reservation.
352-32-045 Reservations for group day use.
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352-32-210 Consumption of alcohol in state park areas.
352-32-250 Standard fees charged.
352-32-25001 Recreational and conference center housing fees and meeting room fees charged.
352-32-252 Off-season senior citizen pass—Fee.
352-32-270 Sno-park permit—Fee.

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

(1) "Commission" shall mean the Washington state parks and recreation commission.
(2) "Director" shall mean the director of the Washington state parks and recreation commission.
(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.
(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.
5. "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

6. "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

7. "Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water or sewer.

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

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

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

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

12. "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

13. "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from alienation or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352–16–020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352–36 WAC.

14. "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Aosotin County; and Sequim Bay State Park, Clallam County.

15. "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speachmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend. Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

16. "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

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

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352–32–030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

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

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

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

20. "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

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

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a $5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night’s camping fee must accompany the reservation request.

(7) 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.

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

(9) Reservations for a specific campsite within a park 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.

(10) Campsites which have not been reserved may be used on a first-come–first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) 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 twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night’s camping fee.

(12) 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 9:00 P.M. After this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 P.M. and 9:00 P.M. on the day of arrival.

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

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

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A daily permit fee of twenty dollars for groups of 20 to 50 persons, fifty dollars for groups of 51 to 100 persons, one hundred dollars for groups of 101 to 500 persons, and two hundred fifty dollars for groups of more than 500 persons shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be $35. For groups in excess of 50, but not exceeding 100, this deposit shall be $75. For groups in excess of 100, but not exceeding 500, this deposit shall be $150. For groups in excess of 500, this deposit shall be $300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.
(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

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

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


WAC 352-32-200 Penalties. (1) In addition to the penalty provided in RCW 43.51.180, or any other existing or future law of the state of Washington, failure to comply with any section of this chapter, or of any other chapter of this title, or any other rule or regulation of the commission, or with any other federal, state, or local law, rule, or regulation applicable under the circumstances, shall subject the person so failing to comply to ejection from any state park area.

(2) All drug or alcohol related misconduct for which a citation is issued shall additionally subject the individual to expulsion from all lands administered by the commission for the following periods:

(a) One incident shall result in a twenty-four-hour expulsion.

(b) Two incidents shall result in a thirty-day expulsion.

(c) Three incidents shall result in a one-year expulsion.


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

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

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

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

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages shall be prohibited at Dash Point State Park and Saltwater State Park except in the following designated areas and under the following circumstances:

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

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

(3) Dispensing alcoholic beverages from kegs or containers larger than two gallons is prohibited in state park areas except when authorized in writing (group use permit) by the park manager.

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

(5) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park shall be prohibited.


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: $8.00 per night;

(2) Overnight camping – utility campsite: $12.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be $2.00 per night;

(3) Overnight camping – primitive campsite: $4.00 per night for nonmotorized vehicle and $5.50 per night for motorized vehicle;

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

(5) Overnight camping – multiple campsites: Where camp sites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple
certain parks: $.75 per person per day and/or night; nonrefundable reservation fee—$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;
(7) Environmental learning center—overnight camping: $3.65 per camper per night: Provided, however, The fee shall be $3.90 per camper per night, effective June 15, 1991;
(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: $4.05 per camper per night: Provided, however, The fee shall be $4.30 per camper per night, effective June 15, 1991;
(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;
(8) Hot showers: $.25 for a minimum of six minutes shower time;
(9) Electric stoves: $.25 for thirty minutes cooking time;
(10) 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;
(11) Extra vehicle charge: $4.00 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;
(12) Marine park moorage facilities—see WAC 352-12-020 and 352-12-030;
(13) Overnight camping—emergency camp area: The fee shall be the standard campsite fee.
These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.
(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the $4.00 per night permit fee. The permit must be prominently displayed in the vehicle.
(15) Campsite reservations—see WAC 352-32-035(6).

**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—#33 and #332
(4 units, each with 2 bedrooms) ........................................ $ 68.60/unit
Officers' row buildings—#5, #6, and #7
(6 units, each with 3 bedrooms) ........................................ $ 110.79/unit
Officers' row buildings—#4 and #11
(4 units, each with 6 bedrooms) ....................................... $ 183.85/unit
Charge for additional rollaway beds ........................................ $ 10.20 per bed

(b) Nonrenovated housing
Officers' row building—#9, #10 and #16
(5 units, each with 3 bedrooms) ........................................ $ 85.19/unit
Officers' row building—#15
(1 unit with 5 bedrooms) ................................................ $ 134.45/unit
Charge for additional rollaway beds ........................................ $ 10.20 per bed
Bliss vista building—#235
(1 unit with 1 bedroom) ................................................... $ 56.34/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.

Meal charges vary depending upon which meals and services are selected by the visitor in the reservation agreement. All conference groups utilizing dormitory accommodations must contract for food services for a minimum of two meals per full day of occupancy. Food services are optional for nonconference groups using above-listed recreational housing.

(c) Dormitory housing (for group reservations only—meals not included)

1 - 2 days .......................................................... $ 10.63/person/day
3 - 13 days ......................................................... $ 8.70/person/day
14 or more days .................................................. $ 7.08/person/day

Dormitory linen and towel charge .................................... $ 8.85
Additional towel charge ............................................... $ 1.85
Emergency bedroll ..................................................... $ 9.15

(d) Barracks-style housing (for group reservations only—meals not included)

1 - 2 days .......................................................... $ 8.72/person/day
3 - 13 days ......................................................... $ 7.00/person/day
14 or more days ..................................................... $ 5.21/person/day

[1991 WAC Supp—page 2335]
All meals are served in the dining hall. Washington state sales tax is added to all charges. The Centrum organization has a preferential right to reserve certain facilities and services at Fort Worden State Park in conjunction with special group programs administered by Centrum as set forth in the Fort Worden State Park Master Facility Use Plan and by separate agreement with Centrum. For further information contact Fort Worden State Park.

(2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between $6.85 and $34.65 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—$105.00 per day; for rehearsals—$27.30 per night. For larger performances or events, the balloon hangar pavilion is available at the following rental rates:

<table>
<thead>
<tr>
<th>Commercial events</th>
<th>$800 per day (plus $100 or 10% of net profit, whichever is greater)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonprofit or charitable events</td>
<td>$50 per day</td>
</tr>
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Pavilion rates apply to users except as otherwise provided under separate contracts pertaining to project funding. The kitchen shelter is available for the minimum fee of $21.00 per day plus a refundable $50.00 cleaning deposit.

(3) Groups or organizations of thirty-two or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may make application for reservations in advance consistent with the provisions of the Fort Worden Master Facility Use Plan by contacting the park. Confirmation of reservations is subject to the user group complying with the procedures specified in the Master Facility Use Plan and the reservation agreement, copies of which are available at the park.

(4) Consistent with the Fort Worden State Park Master Facility Use Plan, conference groups may also reserve campsites in advance as their sole overnight accommodation: Provided, That there will be a twenty-site minimum for any individual reservation. During the months of May through September only the upper campground may be reserved by such conference groups. For further information contact Fort Worden State Park.

(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 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.

(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.

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 senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping area made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, 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 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be $30.00. 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.

WAC 352-32-270 Sno-park permit—Fee. The fees and commencement and expiration dates for a winter recreational area parking permits issued by the state of Washington shall be as follows:

[1991 WAC Supp—page 2336]
Chapter 352–44 WAC

RECREATIONAL CONVEYANCES—CERTIFICATION—INSPECTIONS—OPERATOR QUALIFICATIONS—VIOLATIONS, ETC.

WAC
352–44-010 Recreational conveyances—Definitions.
352–44-060 Recreational conveyances—Standards.
352–44-080 Recreational conveyances—Simulated load test.
352–44-090 Recreational conveyances—Operators and operator qualifications.

WAC 352–44–010 Recreational conveyances—Definitions. Whenever used in this chapter, the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:
(1) "Commission" shall mean the Washington state parks and recreation commission.
(2) "Director" shall mean the director of the Washington state parks and recreation commission or his designee.
(3) "Certificate" shall mean either the certificate to operate or the conditional certificate to operate.
(4) "Qualified engineer" shall mean an engineer meeting the requirements of the state of Washington Professional Engineers Registration Act (chapter 18.43 RCW).
(5) "Lift signing" shall mean all signs required to meet applicable codes as determined in WAC 352–44–060.

WAC 352–44–060 Recreational conveyances—Standards. The current American National Standards Safety Requirements for Aerial Passenger Tramways shall apply to the design, inspection, signing, and operation of all conveyances as interpreted by the director unless a request for waiver is submitted by the operator and a waiver is granted by the director.

WAC 352–44–070 Recreational conveyances—Construction of new conveyances. All new conveyances which are to be constructed after the effective date of these regulations shall:
(1) Require approval of the director prior to commencement of construction.
(2) Be designed by a qualified engineer.
(3) Be certified by a qualified engineer that the conveyance has been installed in accordance with the plans and specifications.
(4) Be subjected to an acceptance test and inspection as specified in the current American National Standards Safety Requirements for Aerial Passenger Tramways before certification by the director. The director shall be given a minimum of seven days notice of the schedule for the final load test.

WAC 352–44–080 Recreational conveyances—Simulated load test. All aerial conveyances (those which carry passengers above ground) shall be subject to an annual simulated load test to specifically demonstrate the braking capabilities of each braking system on the lift. Additional load testing may be required when requested by the director.
(1) Simulated loads shall be in the amount recommended by a qualified engineer and approved by the director.
(2) The simulated load may be a static load and shall be imposed in any manner recommended by the design engineer or be acceptable to a qualified engineer and/or the director.
(3) All brakes recommended by the design engineer and/or designated by the director shall be required to hold the test load independent of all other brakes.
(4) The load test(s) shall be performed in the presence of an individual designated by the director.
(5) All aerial conveyances shall be in full compliance with this section by December 31, 1975.

WAC 352–44–090 Recreational conveyances—Operators and operator qualifications. The director may require minimum operator qualifications, ski lift signing standards, and operational procedures to assure a reasonable degree of safety to the using public. The director shall adopt standards and the operation of all conveyances shall be in full compliance with said approved standards.

Chapter 352–75 WAC

BOAT SEWAGE PUMPOUT CONTRACT PROGRAM

WAC
352–75–010 Purpose.

[1991 WAC Supp—page 2337]
Chapter 352-75  Title 352 WAC: Parks and Recreation Commission

352-75-010 Purpose. The purpose of this chapter is to set forth the parameters for the distribution and uses of moneys administered by the parks and recreation commission. A portion of the income is derived from the watercraft excise tax pursuant to RCW 82.49.030(3). These moneys shall provide financial assistance to applicants throughout the state of Washington for the construction of sewage pumpout or sewage dump station facilities which will aid the achievement of clean waterways throughout the state of Washington.

To prevent the despoliation of the waters in Washington state, to provide adequate opportunities for the responsible disposal of boat sewage, and to obtain the most benefits for the state in protecting valuable recreational resources, the sewage pumpout and sewage dump station program was developed and criteria established for the award and use of funds made available pursuant to RCW 88.36.100(2). This chapter and chapter 88.36 RCW set forth the following:

1. The limitations on the allocation and uses of the funds;
2. The criteria to be considered for determining who will be eligible to receive funds;
3. The process to be followed for awarding the funds; and
4. Other related issues.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-010, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-010, filed 4/30/90, effective 5/31/90.]

WAC 352-75-020 Definitions. When used in this chapter or chapter 88.36 RCW, the following words and phrases shall have the meaning designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

1. "State parks" 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.
2. "Boater" means any person on a vessel on waters of the state of Washington.
3. "Boat wastes" shall include, but are not limited to, sewage, garbage, marine debris, discarded plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.
5. "Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).

[6] "Eligible cost" for sewage pumpout and sewage dump stations means the cost of that portion of the facility that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

7. "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

8. "Final offer list" is the list of projects approved by the commission which can receive funding from the account during the time period that the offer list is effective.

9. "Financial recipient" is the entity which has been awarded a contract with state parks to receive funding for the construction of a sewage pumpout or sewage dump station.

10. "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

11. "Polluted area" means a body of water used by boaters that is contaminated by boat wastes or other pollutants at unacceptable levels, based on applicable water quality and shellfish standards.

12. "Private entity" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity which operates or has the potential to operate a boat sewage pumpout or portable sewage dump station facility.

13. "Project" means sewage pumpout or sewage dump station facility(ies) for which a public or private entity applies for and receives funding or financial assistance.

14. "Priority ranking list" means the list of rated and ranked projects for which state financial assistance is requested.

15. "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

16. "Sewage dump station" means any receiving chamber or tank designed to receive vessel sewage from a portable container.

17. "Sewage pumpout station" means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-020, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-020, filed 4/30/90, effective 5/31/90.]

WAC 352-75-030 Contract eligibility. (1) The commission may award contracts to public, tribal, or private owned marinas, boat launches, or boater destination sites. The commission shall designate a marina, boat launch, or boater destination as eligible to apply for
funding for the installation of a sewage pumpout or sewage dump station based on the following criteria:

(a) The marina, boat launch, or boater destination is located in an environmentally sensitive or polluted area; or

(b) The marina, boat launch, or boater destination site has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within one-quarter mile.

(2) The commission may at its discretion designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout and/or sewage dump station if it meets the following criteria:

(a) There is a demonstrated need for a sewage pumpout or sewage dump station at the marina, boat launch, or boater destination based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and

(b) The marina, boat launch, or boater destination provides commercial services, such as sales of food, fuel, or supplies, or overnight or live-aboard moorage opportunities; or

(c) The marina, boat launch, or boater destination site is located at a heavily used boater destination or on a heavily traveled route as determined by the commission; or

(d) There is a lack of adequate sewage pumpout station capacity within one-quarter mile.

(3) The commission may make exceptions to the eligibility to apply for funding for the installation of sewage pumpout and/or sewage dump station requirements under subsection (2) of this section if the marina, boat launch, or boater destination lacks available sewer, septic, water, or electrical services.

(4) State parks shall notify owners or operators of marinas, boat launches, and destination sites of the availability of funding to support installation of appropriate sewage pumpout or sewage dump stations. State parks shall also notify such operators or owners of which waters of the state have been designated as environmentally sensitive or polluted for the purpose of this program.

(5) State parks will provide all financial recipients with a set of financial guidelines for contract administration. These guidelines will include all state forms and will describe in detail state procedures for recordkeeping, reporting, reimbursement, and auditing.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-030, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050, 90-10-052, § 352-75-030, filed 4/30/90, effective 5/31/90.]

WAC 352-75-040 Application process. To be considered by the commission for receipt of sewage pumpout or sewage dump station funds a potential eligible public or private entity must:

(1) Submit a letter of intent to state parks.

(2) Complete an application form prescribed by state parks on or before the filing date set by state parks in the application form.

(3) Agree that funds are available on a reimbursement basis only.

(4) Include a copy of the applicant’s shoreline substantial development permit with the application.

(5) If a public and/or tribal entity, submit documentation of SEPA compliance with the application.

(6) If a private entity, submit an environmental checklist with the application.

(7) Agree to complete all construction by established completion date.

State parks will review all applications for compliance with the minimum qualification requirements as set forth in RCW 88.36.040 and chapter 352-75 WAC. Applicants which do not meet the minimum qualifications will be notified in writing of the disqualification. Applications will be evaluated and ranked in accordance with the following criteria:

(a) (i) Approval of site by local jurisdiction;

(ii) Proximity to existing sewage pumpout or sewage dump stations;

(iii) Resource sensitivity;

(iv) Boater use;

(v) Size of marina;

(vi) Economics of installation;

(vii) Feasibility of installation; and

(viii) Geographic balance.

(b) Based on the process set forth in subsection (1) of this section, state parks shall establish a priority ranking list. This list will rank all qualified applications in a priority order. The priority ranking list will be available for thirty days for public review and comment. One or more public hearings may be conducted if state parks determines there is significant public interest. Comments received during the public review period will be considered before the priority ranking list is submitted to the commission for final approval. State parks staff shall provide the commission with preliminary evaluations and rankings of the applications to include a summary of each proposal recommended for funding. The commission will consider the recommendations received from state parks staff and adjust the ranked list of applications based on the information provided to them, if desired, and approve the applications. As a result of the commission's decision, a final offer list will be developed and issued. If an applicant on a final offer list does not sign a contract with the commission within ninety days of the list publication, the offer is automatically cancelled, and the applicant must reapply and compete for funding during a new funding cycle.

(c) Once an applicant has contracted to participate in the boat sewage pumpout or sewage dump station program, he/she must provide state parks with:

(i) A finished final design approved and stamped by a professional engineer. Said design must be submitted to and approved by state parks prior to any construction activity.

(ii) Complete plans, specifications, and cost estimates.

(iii) Assurance through a certified statement that the bidding, contracting, and construction activities comply with the applicable portions of Title 39 RCW.

[1991 WAC Supp—page 2339]
WAC 352-75-080 General contract provisions. Contracts entered into with the commission shall be under the guidelines of RCW 88.36.050 and this chapter. Each contract shall include but not be limited to the following provisions:

1. Term and acceptance of contract.
2. Scope of project and maximum project costs.
3. Maximum project costs and budget adjustments.
4. Design and construction.
5. Reimbursement.
7. Severability.
8. Dispute resolution.
10. Termination.
11. Survival.
12. Ownership.

WAC 352-75-090 Spill reporting and cleanup. In the event that materials from the boat sewage pumpout and dump station spill in the marina, boat launch, or boat destination areas, the financial recipient shall promptly commence and complete cleanup of the area and shall notify state parks within forty-eight hours of any spill which is otherwise required to be reported to any federal, state, or local regulatory agency.

WAC 352-75-050 Use of funds. Funds in the boat sewage pumpout and sewage dump station program shall only be used to contract with public and private entities to install sewage pumpout or sewage dump stations located on fresh waters and salt waters.