

Title 352 WAC

PARKS AND RECREATION COMMISSION

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- 352-04 Policy—Meetings and delegation.
- 352-11 SEPA procedures.
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- 352-20 Use of motor driven vehicles in state parks—
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- 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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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 Repealed by 84-20-112 (Order 84), filed 10/3/84.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.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

APPENDICES TO TITLE 352 WAC

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 Repealed by Order 8, filed 6/10/70.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 Repealed by Order 8, filed 6/10/70.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 Repealed by Order 8, filed 6/10/70.

Chapter 352-10

GUIDELINES INTERPRETING AND IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

- 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

- 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.

Title 352

Title 352 WAC: Parks and Recreation Commission

<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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- (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 predraft 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.

Chapter 352-36
REGULATIONS FOR THE USE AND CONTROL OF
VEHICULAR TRAFFIC ON THE OCEAN BEACHES

- 352-36-010 Definitions. [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.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-020 Vehicular traffic—Where permitted—Generally. [Statutory Authority: RCW 43.51.040, 43.51.660 and 43.51.680. 79-12-080 (Order 43), § 352-36-020, filed 11/30/79, effective 1/1/80; Order 13, § 352-36-020, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-025 Equestrian traffic. [Statutory Authority: RCW 43.51.040, 43.51.660 and 43.51.680. 79-12-080 (Order 43), § 352-36-025, filed 11/30/79, effective 1/1/80.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-030 Pedestrians to be granted right of way. [Order 13, § 352-36-030, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-040 Restricted areas. [Statutory Authority: RCW 43.51.040, 43.51.060 and 43.51.650-680. 88-10-017 (Order 104), § 352-36-040, filed 4/27/88; Order 28, § 352-36-040, filed 11/19/76; Order 13, § 352-36-040, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-050 Parking. [Order 13, § 352-36-050, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-060 Overnight parking or camping prohibited. [Order 13, § 352-36-060, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-070 Operator's license required. [Order 13, § 352-36-070, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-080 Speed limits. [Order 13, § 352-36-080, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-090 Certain practices prohibited. [Order 13, § 352-36-090, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-100 Rules of the road incorporated. [Order 13, § 352-36-100, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-110 Certain vehicle lighting and equipment standards incorporated. [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.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-115 Aircraft. [Order 28, § 352-36-115, filed 11/19/76.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-120 Violations—Penalty. [Order 13, § 352-36-120, filed 4/19/72.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.

- 352-36-130 Excluded/limited recreation activities. [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.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.
- 352-36-140 Special group recreation event permit. [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.] Repealed by 90-10-024, filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.050.

Chapter 352-42

CRITERIA FOR HISTORIC PRESERVATION PROJECTS— FINANCING

- 352-42-010 Scope of chapter. [Order 24, § 82-40-010 (codified as WAC 352-42-010), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-020 Entities eligible for funding assistance. [Order 24, § 82-40-020 (codified as WAC 352-42-020), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-030 Projects eligible for funding. [Order 24, § 82-40-030 (codified as WAC 352-42-030), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-040 Matching requirements. [Order 24, § 82-40-040 (codified as WAC 352-42-040), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-050 Procedural detail. [Order 24, § 82-40-050 (codified as WAC 352-42-050), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-060 Administrative costs. [Order 24, § 82-40-060 (codified as WAC 352-42-060), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-42-070 Joint rules. [Order 24, § 82-40-070 (codified as WAC 352-42-070), filed 9/4/75.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.

Chapter 352-44A

RULES AND REGULATIONS FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

- 352-44A-010 Purpose. [Order 1, § 352-44A-010, filed 6/11/74.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-44A-020 Definitions. [Order 1, § 352-44A-020, filed 6/11/74.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-44A-030 Description of purpose and staff. [Order 1, § 352-44A-030, filed 6/11/74.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-44A-040 Procedures. [Order 1, § 352-44A-040, filed 6/11/74.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.
- 352-44A-050 Public records available. [Order 1, § 352-44A-050, filed 6/11/74.] Repealed by 87-11-037 (Order 101), filed 5/18/87. Statutory Authority: RCW 43.51.040 and 43.51.060.

Chapter 352-04 WAC

POLICY—MEETINGS AND DELEGATION

WAC

- 352-04-010 Duties of chairperson and conduct of meetings.
- 352-04-020 Delegation of authority to director.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 352-04-030 Land acquisition procedure. [Order 7, § 352-04-030, filed 4/1/70.] Repealed by 82-07-078 (Order 58), filed 3/23/82. Statutory Authority: RCW 43.51.040.

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, on the dates, times, and locations published in the January publication of the Washington State Register, 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 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-04-010, filed 11/24/87. 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.]

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

(2) The director may appoint, suspend, and dismiss employees of the agency.

[Order 7, § 352-04-020, filed 4/1/70.]

Chapter 352-11 WAC SEPA PROCEDURES

WAC

352-11-010	Authority.
352-11-020	Adoption by reference.
352-11-030	Purpose.
352-11-040	Additional definitions.
352-11-055	Timing of the SEPA process.
PRODUCTION	
352-11-310	Threshold determination process—Additional considerations.
352-11-350	Mitigated DNS.
352-11-420	EIS preparation.
352-11-504	Availability and costs of environmental documents.
352-11-508	Notice of environmental documents.
352-11-510	Public notice requirements.
352-11-615	Coordination on combined agency—Federal action.
352-11-665	Policies and procedures for conditioning or denying permits or other approvals.
352-11-800	Threshold levels adopted by counties/cities.
352-11-905	Responsibilities of individuals and work units within the agency.
352-11-908	Critical areas.
352-11-910	Designation of responsible official.
352-11-950	Severability.

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.

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial action.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.

- 197-11-630 Adoption—Procedures.
 197-11-635 Incorporation by reference—Procedures.
 197-11-640 Combining documents.
 197-11-650 Purpose of this part.
 197-11-655 Implementation.
 197-11-660 Substantive authority and mitigation.
 197-11-680 Appeals.
 197-11-700 Definitions.
 197-11-702 Act.
 197-11-704 Action.
 197-11-706 Addendum.
 197-11-708 Adoption.
 197-11-710 Affected tribe.
 197-11-712 Affecting.
 197-11-714 Agency.
 197-11-716 Applicant.
 197-11-718 Built environment.
 197-11-720 Categorical exemption.
 197-11-722 Consolidated appeal.
 197-11-724 Consulted agency.
 197-11-726 Cost-benefit analysis.
 197-11-728 County/city.
 197-11-730 Decision maker.
 197-11-732 Department.
 197-11-734 Determination of nonsignificance (DNS).
 197-11-736 Determination of significance (DS).
 197-11-738 EIS.
 197-11-740 Environment.
 197-11-742 Environmental checklist.
 197-11-744 Environmental document.
 197-11-746 Environmental review.
 197-11-750 Expanded scoping.
 197-11-752 Impacts.
 197-11-754 Incorporation by reference.
 197-11-756 Lands covered by water.
 197-11-758 Lead agency.
 197-11-760 License.
 197-11-762 Local agency.
 197-11-764 Major action.
 197-11-766 Mitigated DNS.
 197-11-768 Mitigation.
 197-11-770 Natural environment.
 197-11-772 NEPA.
 197-11-774 Nonproject.
 197-11-776 Phased review.
 197-11-778 Preparation.
 197-11-780 Private project.
 197-11-782 Probable.
 197-11-784 Proposal.
 197-11-786 Reasonable alternative.
 197-11-788 Responsible official.
 197-11-790 SEPA.
 197-11-792 Scope.
 197-11-793 Scoping.
 197-11-794 Significant.
 197-11-796 State agency.
 197-11-797 Threshold determination.
 197-11-799 Underlying governmental action.
 197-11-800 Categorical exemptions.
 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
 197-11-900 Purpose of this part.
 197-11-902 Agency SEPA policies.
 197-11-904 Agency SEPA procedures.
 197-11-906 Content and consistency of agency procedures.
 197-11-908 Critical areas.
 197-11-912 Procedures on consulted agencies.
 197-11-914 SEPA fees and costs.
 197-11-916 Application to ongoing actions.
 197-11-920 Agencies with environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead agency.
 197-11-926 Lead agency for governmental proposals.
 197-11-928 Lead agency for public and private proposals.
 197-11-930 Lead agency for private projects with one agency with jurisdiction.
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
 197-11-938 Lead agencies for specific proposals.
 197-11-940 Transfer of lead agency status to a state agency.
 197-11-942 Agreements on lead agency status.
 197-11-944 Agreements on division of lead agency duties.
 197-11-946 DOE resolution of lead agency disputes.
 197-11-948 Assumption of lead agency status.
 197-11-960 Environmental checklist.
 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: RCW 43.21C.120. 96-01-029, § 352-11-020, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-020, filed 10/3/84.]

WAC 352-11-030 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 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: RCW 43.21C.120. 96-01-029, § 352-11-040, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-040, filed 10/3/84.]

WAC 352-11-055 Timing of the SEPA process. (1) 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 through 197-11-948.

(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: RCW 43.21C.120. 96-01-029, § 352-11-055, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-055, filed 10/3/84.]

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.

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(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 and for the acquisition of land suitable for parks, for repair, maintenance and new construction of park facilities which have potential to impact the environment and which are subject to the provisions of this chapter:

(a) Authority to acquire and develop parks and parkways (chapter 43.51 RCW);

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

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

(d) 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));

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

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

(g) 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); and or

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

(h) Stewardship, management and development of resources, including land acquisition in accordance with the State Wildlife and Recreation Lands Management Act (chapter 43.98B RCW);

(i) Administration, acquisition, development, operation and maintenance of snowmobile facilities (RCW 46.10.080);

(j) Acquisition, development and maintenance of scenic and recreational highways, and rest areas, including landscaping and signing (chapter 47.39 RCW);

(k) Review and approval or disapproval of plans for acquisition and operation of parks and recreation facilities by any port district (RCW 53.08.270);

(l) Acquisition, development, operation and maintenance of recreational trails (chapter 67.32 RCW);

(m) Development of a state-wide scenic rivers program plan, including proposals for acquisition and development of public access sites and facilities (chapter 79.72 RCW);

(n) 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).

(o) 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: RCW 43.21C.120, 96-01-029, § 352-11-665, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW, 84-20-112 (Order 84), § 352-11-665, filed 10/3/84.]

WAC 352-11-800 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 programs 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 critical 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.

(1) 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 programs section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

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

(c) Ensuring that permit decisions are consistent with the final EIS and DNS.

[Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-905, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-905, filed 10/3/84.]

WAC 352-11-908 Critical areas. (1) The agency's responsible official shall obtain maps of all designated "critical 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 "critical area" designations made by counties/cities under WAC 197-11-908.

[Statutory Authority: RCW 43.21C.120. 96-01-029, § 352-11-908, filed 12/11/95, effective 1/11/96. Statutory Authority: Chapter 43.21C RCW. 84-20-112 (Order 84), § 352-11-908, filed 10/3/84.]

WAC 352-11-910 Designation of responsible official.

(1) The ultimate responsible official is the commission. Normally, the operational responsibility shall be delegated via the director to the (manager), environmental programs. The manager, environmental programs may delegate this authority to the assistant manager, environmental programs and to the regional environmental specialists.

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

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

352-12-005	Definitions.
352-12-010	Moorage and use of marine facilities.
352-12-020	Moorage fees.
352-12-030	Annual moorage permits.
352-12-040	Use of onshore campsites.
352-12-050	Self-registration.
352-12-060	Penalties.

WAC 352-12-005 Definitions. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commission" shall mean the Washington state parks and recreation commission. Where appropriate, the term "commission" also refers to the staff and employees of the Washington state parks and recreation commission.

(2) "Facility" shall mean state park floats, piers and mooring buoys.

(3) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

(4) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(5) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, not including bowsprit or bunkin or as shown on vessel's state or coast guard registration certificate.

(6) "Night" shall mean the period between 3 p.m. and 8 a.m.

[Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-005, filed 3/31/82.]

WAC 352-12-010 Moorage and use of marine facilities. (1) No person or persons shall moor or berth a vessel of any type in a commission owned or operated park or marine area except in designated marine park areas and at designated facilities.

(2) Use of designated marine park areas and facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: *Provided however*, Park managers and park rangers may allow extended or night moorage at any facility during the period September 15 through April 30, inclusive, to commercial vessels unloading passengers transported to the park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor.

(3) In order to afford the general public the greatest possible use of marine park facilities, continuous moorage at a facility by the same vessel, person or persons shall be limited to three consecutive nights, unless otherwise posted by the commission at any individual facility or area.

(4) In order to maximize usable space at mooring floats, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(5) Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(6) Dinghies shall be tied up only in designated spaces on moorage floats.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on state park floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the ranger shall make final determination.

(8) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-010, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-12-010, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 83-06-051 (Order 65), § 352-12-010, filed 3/2/83. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-010, filed 3/31/82; filed 6/30/65.]

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the director shall be charged the nightly moorage fee published by state parks during the period May 1 through September 30, inclusive: *Provided, however*, This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks: *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.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-12-020, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 93-08-025, § 352-12-020, filed 3/30/93, effective 5/1/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-020, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-12-020, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-12-020, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-12-020, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-12-020, filed 3/23/87, effective 5/15/87. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-12-020, 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.]

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-12-030, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 93-08-025, § 352-12-030, filed 3/30/93, effective 5/1/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-030, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-12-030, filed 4/4/91, effective 1/1/92; 90-07-062, § 352-12-030, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-030, filed 3/31/82.]

WAC 352-12-040 Use of onshore campsites. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) shall be paid in addition to any moorage fee charged pursuant to this chapter as published by state parks. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-12-040, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-040, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-040, filed 3/31/82.]

WAC 352-12-050 Self-registration. In those marine park areas so posted by the commission, park visitors shall register for the use of marine facilities, overnight parking and onshore campsites, and pay the appropriate moorage, campsite fees or unattended vehicle overnight parking permit fee, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay required fees may result in eviction from moorage and campsite space, in addition to any other penalty prescribed by law for violation of commission rules and regulations. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040. 93-06-001, § 352-12-050, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-050, filed 3/31/82.]

WAC 352-12-060 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-060, filed 9/17/92, effective 10/18/92.]

Chapter 352-16 WAC

NAMING OF STATE PARK AREAS AND THE LAND CLASSIFICATION SYSTEM

WAC

352-16-010	Naming and classification of state park areas—Commission action.
352-16-020	Land classification system.
352-16-030	Management within land classifications.

WAC 352-16-010 Naming and classification of state park areas—Commission action. (1) All areas dedicated for public park purposes, excluding separately located administrative areas, and under the ownership and/or management of the Washington state parks and recreation commission, shall be defined as state park areas.

(2) The official name of any state park area shall generally include in it the term "state park."

(3) The official naming of any state park area shall be the function of the commission: *Provided*, That the commission may not change any name established by the legislature, including specified conservation areas, seashore conservation areas and other recreation and open space areas.

(4) The official land classification, or reclassification, of any state park area, pursuant to WAC 352-16-020, shall be the function of the commission: *Provided*, That the director shall have authority to manage, on an interim basis, state park areas in accordance with any appropriate land classification prior to final commission action.

(5) Any named or unnamed state park area may have one or more land classifications within its boundary.

(6) Land classifications defined in this chapter shall apply throughout Title 352 WAC.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-16-010, filed 12/18/95, effective 1/18/96; Order 7, § 352-16-010, filed 4/1/70.]

WAC 352-16-020 Land classification system. State park areas are of state-wide natural, cultural and/or recreational significance and/or outstanding scenic beauty. They provide varied facilities serving low-intensity, medium-intensity, and high-intensity outdoor recreation activities, areas reserved for preservation, scientific research, education, public assembly, and/or environmental interpretation, and support facilities. They may be classified in whole or part as follows:

(1) **Recreation areas** are suited and/or developed for high-intensity outdoor recreational use, conference, cultural and/or educational centers, or other uses serving large numbers of people.

(2) **Resource recreation areas** are suited and/or developed for natural and/or cultural resource-based medium-intensity and low-intensity outdoor recreational use.

(3) **Natural areas** are designated for preservation, restoration, and interpretation of natural processes and/or features of significant ecological, geological or paleontological value while providing for low-intensity outdoor recreation activities as subordinate uses.

(4) **Heritage areas** are designated for preservation, restoration, and interpretation of unique or unusual archaeological, historical, scientific, and/or cultural features, and traditional cultural properties, which are of state-wide or national significance.

(5) **Natural forest areas** are designated for preservation, restoration, and interpretation of natural forest processes while providing for low-intensity outdoor recreation activities as subordinate uses, and which contain:

(a) Old-growth forest communities that have developed for one 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 ninety years or longer; or

(c) Unusual forest communities and/or interrelated vegetative communities of significant ecological value.

(6) **Natural area preserves** are designated for preservation of 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 an appropriate natural resource agency pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-16-020, filed 12/18/95, effective 1/18/96. 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.]

WAC 352-16-030 Management within land classifications. (1) The director shall develop management guidelines for each land classification listed in WAC 352-16-020. The guidelines shall provide specific direction for each

classification, outlining the philosophy of each classification, its appropriate physical features, location, allowed and prohibited activities, and allowed and prohibited developments.

(2) Nothing in this section shall be construed to allow uses that are otherwise prohibited, nor prohibit uses that are otherwise expressly allowed, by the commission, this code or by statute.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-16-030, filed 12/18/95, effective 1/18/96.]

Chapter 352-20 WAC

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

WAC

352-20-010	Parking.
352-20-020	Motor vehicles on roads and trails.
352-20-030	Speed limits.
352-20-040	Vehicles in snow areas.
352-20-050	Trucks and commercial vehicles.
352-20-060	Definitions.
352-20-070	Penalties.

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

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

(3) No person shall park, leave standing, or abandon a vehicle being used for commercial purposes in any state park area without written permission from the ranger.

(4) Any vehicle found parked in violation of subsection (1), (2), or (3) of this section may be towed away at the owner's or operator's expense.

(5) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-20-010, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-010, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 90-07-062, § 352-20-010, filed 3/20/90, effective 4/20/90; Order 9, § 352-20-010, filed 11/24/70; Rule filed 8/24/67.]

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

(2) Subject to the provisions of subsection (1) of this section, no person shall operate a motor vehicle within the boundaries of a state park area except on roads, streets, highways, parking lots, parking areas, ATV areas or snowmobile trails and areas.

(3) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-020, filed 9/17/92, effective 10/18/92; Order 29, § 352-20-020, filed 1/26/77; Order 9, § 352-20-020, filed 11/24/70; Resolution filed 12/11/67.]

WAC 352-20-030 Speed limits. No person shall drive a motor vehicle within any state park area at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife: *Provided, however,* That in no event shall a vehicle be driven at a speed greater than 15 miles per hour in camp, picnic, utility, or headquarters areas, or in areas of general public assemblage: *And provided further,* That in no event shall a vehicle be driven at a speed greater than 25 miles per hour in any other area except designated ATV areas and trails. In no event shall a person operate a vehicle in a designated ATV area or trail at a speed which is not reasonable and prudent for the activity and existing conditions. The commission, however, upon finding that the safety of persons and the condition of the road and the traffic thereon so warrants, may establish lower speed limits and shall post the same in the area where so established. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-030, filed 9/17/92, effective 10/18/92; Order 29, § 352-20-030, filed 1/26/77; Order 9, § 352-20-030, filed 11/24/70.]

WAC 352-20-040 Vehicles in snow areas. All vehicles operating upon roads within the boundaries of any state park area when such roads are covered with snow or ice, and so posted, shall be equipped with approved snow tires or chains. Roads and conditions will be posted and traffic permitted only at the discretion of the ranger. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-040, filed 9/17/92, effective 10/18/92; Order 9, § 352-20-040, filed 11/24/70.]

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

Any vehicle in violation of this section may be towed away at the owner's or operator's expense. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-050, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 90-07-062, § 352-20-050, filed 3/20/90, effective 4/20/90; Order 9, § 352-20-050, filed 11/24/70.]

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

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

(2) "Trail" shall mean any path or track designed for use of pedestrians or equestrians and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so as to permit its use by standard passenger automobiles; or any other right of way specifically designated and posted for nonvehicular use.

[Order 9, § 352-20-060, filed 11/24/70.]

WAC 352-20-070 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-20-070, filed 9/17/92, effective 10/18/92.]

Chapter 352-24 WAC CONCESSIONS AND LEASES

WAC

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

WAC 352-24-010 Approval of concessions and leases. The commission shall approve, or disapprove, all concessions and leases, and may, in its discretion, authorize the director to sign any lease or concession agreement on behalf of the commission, which authorization shall be

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incorporated into the minutes of the regular or special meeting at which it is granted.

[Order 7, § 352-24-010, filed 4/1/70.]

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

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

(3) In areas where the need would be in the nature of a refreshment stand, the structure will be constructed by the commission at the discretion of the commission.

[Order 7, § 352-24-020, filed 4/1/70.]

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

(2) All such merchandising shall be subject to the right of the commission to determine and control the nature, type, and sales price of merchandise or service sold in the area: *Provided, however,* That the commission may not regulate or adjust such prices below an amount that would allow a reasonable return and profit to the concessionaire nor below an amount comparable to prices on like merchandise and services in similar recreational areas in that region.

[Order 7, § 352-24-030, filed 4/1/70.]

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

(2) It is the desire of the commission to assure the concessionaire of the security of their investments in buildings, structures, and other improvements provided by them on state owned or administered lands for the purposes of a concession contract to the fullest extent of the existing authority of the commission. Accordingly, while reserving in the state of Washington legal title to such buildings, structures, and other improvements, it shall be the policy of the commission to recognize that in order to encourage

proper development and maintenance of a concession, it may be appropriate to grant possessory rights to concessionaires.

[Order 7, § 352-24-040, filed 4/1/70.]

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

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

(3) "Possessory interest," as used herein, shall mean all incidents of ownership, except the right to free transfer or mortgage and legal title, which title shall be vested in the state of Washington. "Possessory interest" shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of a structure, fixture, or improvement in which the concessionaire has a possessory interest shall be wholly subject to the applicable provisions of the contract and of laws and regulations relating to the area. A possessory interest shall not be extinguished by the expiration or other termination of the concession contract and may not be taken for public use or transferred to a successor without just compensation. The said possessory interest may be assigned, transferred, or relinquished prior to expiration or termination, but all such transactions shall require the written approval of the commission. A possessory interest may be used as collateral for a loan, but such a transaction shall require approval by the commission: *Provided*, That such approval will be deemed to have been given if the commission fails to act within forty days after being notified of the proposed transaction.

(4) "Just compensation," as used herein, shall mean an amount equal to the sound value of such structure, fixture, or improvement at the time of taking by the state or transfer to another party determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value.

[Order 7, § 352-24-050, filed 4/1/70.]

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

(2) Any salvage resulting from the removal, severance, or demolition of a concessionaire's improvements or any part thereof shall be the property of the concessionaire.

[Order 7, § 352-24-060, filed 4/1/70.]

WAC 352-24-070 Compensation for concessionaire's possessory interest. (1) If for any reason the concessionaire

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

(2) If the commission shall determine that, during the term of the contract or upon its termination for any reason, it is in the public interest to discontinue the operations authorized thereunder, or any of them, and/or to abandon, remove, or demolish any of the concessionaire's improvements, then the commission will, before making such determination effective, request of the legislature appropriations sufficient to assure the concessionaire of just compensation for his possessory interest in such improvements, and receive such appropriations: *Provided*, That the just compensation to be paid to the concessionaire shall be diminished by any debts due from the concessionaire to the commission and any damage or nonperformance claims by the commission against the concessionaire.

[Order 7, § 352-24-070, filed 4/1/70.]

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

[Order 7, § 352-24-080, filed 4/1/70.]

WAC 352-24-090 General provisions. Before calling for a bid for a concession, franchise, or lease, a plan of operation, plans, specifications, and conditions shall be prepared by the commission in such a manner that all bidders will be bidding on an identical plan.

[Order 7, § 352-24-090, filed 4/1/70.]

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

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

(2) Concessions producing an annual gross revenue not exceeding \$500 but in all such concessions quotations shall

be secured from enough vendors to assure establishment of a competitive price; and

(3) Concessions which are clearly and legitimately limited to a single source of supply or involving special facilities, services, or market conditions, in which instance the concession prices may be best established by direct negotiations.

[Order 7, § 352-24-100, filed 4/1/70.]

WAC 352-24-110 Notification to bidder. Bids for concessions shall be solicited by public notice, and through the sending of notices by mail to bidders who shall have made application to the commission. Bids may be solicited from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the commission.

[Order 7, § 352-24-110, filed 4/1/70.]

WAC 352-24-120 The highest and best bid. Concessions granted through competitive bidding shall be let to the highest responsible bidder: *Provided*, That whenever there is reason to believe that the highest responsible bid is not the best bid obtainable, all bids may be rejected and the commission may call for new bids (or enter into direct negotiations to achieve a better bid). Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "highest responsible bidder," in addition to price, the following elements shall be given consideration:

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

[Order 7, § 352-24-120, filed 4/1/70.]

WAC 352-24-130 Commission's acceptance. The commission may reject the bid of any bidder who has failed to meet any of the requirements of WAC 352-24-120 herein, and further reserves the right to reject all bids and consider the matter anew.

[Order 7, § 352-24-130, filed 4/1/70.]

WAC 352-24-140 Bond requirement. When any bid has been accepted, the commission may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the commission, conditioned that he will fully, faithfully, and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the commission. Bidders who regularly do business with the commission shall be permitted to file with the commission an annual bid bond

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in an amount established by the commission and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

[Order 7, § 352-24-140, filed 4/1/70.]

WAC 352-24-150 Transactions involving interest of concessionaire. Concessions, franchises, leases, and easements granted by the commission shall be assignable by the grantee thereof only if the commission gives written approval of the designated assignee. In order to better judge the acceptability of the designated assignee, the commission may require such background information as may be necessary.

[Order 7, § 352-24-150, filed 4/1/70.]

WAC 352-24-160 Advertising. (1) Lessees using promotional and publicity material shall include a credit line in such material indicating the respective areas as part of the Washington state parks and recreation commission system. The credit line to read: Facility under lease, operated in conjunction with Washington state parks and recreation commission.

(2) All signing to be placed by concessionaires within the respective areas, whether advertising, or of whatever nature, shall require prior written approval of the commission.

[Order 7, § 352-24-160, filed 4/1/70.]

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

(2) The concessionaire shall not employ or retain in its service or permit to remain upon any of the premises provided under the respective contracts, any person found by the commission to have violated paragraph (1) above.

[Order 7, § 352-24-170, filed 4/1/70.]

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

[Order 7, § 352-24-180, filed 4/1/70.]

WAC 352-24-190 Representation of commission endorsement. Neither concessionaire nor any of its shareholders or agents shall, in connection with raising any investment funds, represent to anyone that concessionaire has the endorsement, support, or approval of the state for any

new development or new plan of action when no such endorsement, support or approval has been given in writing.

[Order 7, § 352-24-190, filed 4/1/70.]

WAC 352-24-200 Sale of majority stock interest in corporation. The commission shall reserve the right of approval of any stock sale or transfer which, in its opinion, might result in a change in the management of any corporate concessionaire.

[Order 7, § 352-24-200, filed 4/1/70.]

WAC 352-24-210 Approval of subconcession contracts. All contracts and agreements proposed to be entered into by the concessionaire with respect to the exercise by others of the privileges granted by the specific contract shall be submitted to the commission for approval prior to their effective date.

[Order 7, § 352-24-210, filed 4/1/70.]

WAC 352-24-220 Violation of lease. The director shall, where a concessionaire is in violation of his lease, be directed to prepare and properly serve notice of intention to forfeit said lease: *Provided*, That no action shall be taken upon the actual forfeiture until the next regular meeting of the commission and after majority vote of the commission.

[Order 7, § 352-24-220, filed 4/1/70.]

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

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

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

(2) The commission also recognizes that an existing concessionaire may be unwilling or unable to construct or operate new accommodations or facilities. Therefore, the commission shall reserve the right either, on its own, or through a new concessionaire, to construct or operate new accommodations or facilities.

[Order 7, § 352-24-230, filed 4/1/70.]

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

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

(3) When directed to do so, concessionaire will file certified copies of insurance policies required under this paragraph with the commission.

[Order 7, § 352-24-240, filed 4/1/70.]

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

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

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

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

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

(3) When contract parties fail to reach agreement on contract fees in process of renegotiation, the matter will be submitted to arbitration as provided below.

[Order 7, § 352-24-250, filed 4/1/70.]

WAC 352-24-260 Audits, accounting records and reports. (1) The concessionaire shall be required to maintain such permanent books of account and records, including inventories, as may be prescribed by the commission, and as are sufficient to show specifically the item of gross income and expense, receipts and disbursements, and such other information as will correctly reflect the financial condition and results of operations. The books and records as required shall be kept available at all reasonable times for inspection by the commission or its authorized representative.

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

(3) The commission may require an audit of the concessionaire's books by an authorized public accountant whenever the commission has determined there is reasonable cause therefor. If such audit shows a variation of 10 percent the concessionaire must pay for the audit if he is to continue his lease, if less than 10 percent the cost of the audit to be borne by the state parks and recreation commission. Copies of the certified public accounting audit report shall be made available to the commission.

[Order 7, § 352-24-260, filed 4/1/70.]

WAC 352-24-270 Provision for arbitration. Whenever the concessionaire and a successor, or the concessionaire and the commission, cannot agree on what just compensation for the concessionaire's possessory interest according to WAC 352-24-050(3) may be, or whenever the concessionaire and the commission cannot agree on the fees to be paid the commission by the concessionaire, or whenever the existing concessionaire and new concessionaire cannot agree, or whenever the concessionaire and the commission cannot agree on any matter pertaining to the concession contract, the matter at issue shall be submitted to arbitration

and such arbitration shall be binding. Each party to the dispute will appoint one arbitrator who together will choose a third arbitrator. The arbitration shall be governed by the State Arbitration Act, contained in chapter 7.04 RCW.

[Order 7, § 352-24-270, filed 4/1/70.]

WAC 352-24-280 Temporary concession permits.

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

(2) The director of the Washington state parks and recreation commission may, when a need for temporary concession services be evident, negotiate and grant such temporary concession permits as are necessary to provide adequate, temporary service to the public under such conditions as are necessary to protect the public, the park features, and facilities, and the interest of established concessionaires, such temporary concession permits not to exceed seven days.

[Order 7, § 352-24-280, filed 4/1/70.]

Chapter 352-28 WAC

TREE, PLANT AND FUNGI CUTTING, REMOVAL AND/OR DISPOSAL

WAC

352-28-005	Definitions.
352-28-010	Cutting and removal 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 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 plant, fungus and lichen 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 fish and wildlife in WAC 232-12-014.

(5) "Sensitive species" means each plant, fungus and lichen 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 fish and wildlife.

(6) "Threatened species" means each plant, fungus and lichen 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 fish and wildlife.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-28-005, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040, 94-10-012, § 352-28-005, filed 4/25/94, effective 5/26/94. 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 Cutting and removal 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 area, natural forest area or a natural area preserve 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 fish and wildlife 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 the county/counties 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 county/counties in which the park is located. 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.

(2) **Protected species:** The cutting or removal of trees, other plants, 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, follow requirements of the department of fish and wildlife for animals and of the department of natural resources for plants and be approved only by the director after consultation with those agencies, and the preparation of a mitigation plan for affected species.

(3) **Land classification criteria:** Trees or other plants 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 service roads, boundary fences, or trails, or modification of conditions only as may be required to maintain a native 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.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) 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, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

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

(b) Natural areas and natural forest areas:

(i) Maintenance or construction of trails, trail structures, trail head facilities, interpretive sites, or service roads.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) 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, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of service roads for abatement of fires.

(vi) Modification of conditions only as may be required to maintain or restore a native plant community, species population, or ecological process.

(c) Recreation areas, resource recreation areas, and heritage areas:

(i) Area clearing necessary for park maintenance, and/or park development projects for day use and overnight recreation facilities, road and utility easements, and administrative facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(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, or to improve wildlife habitat.

(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) 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.

(viii) Prevent the deterioration or loss of historical/cultural resources.

(ix) Maintenance or construction of service roads for abatement of fires.

(x) Modification of conditions to maintain or restore a desired plant community, species population, or ecological process.

(xi) Grazing, hay removal, or other similar activities when performed under authority of a permit from the commission or director.

(4) **Harvest of edibles:** Nonmarine edible plants and edible fruiting bodies, including fungi, shall be managed in accordance with subsections (1) through (3) of this section, except as follows and solely for the purpose of personal consumption or scientific or educational purposes:

(a) Within a natural area preserve, no harvesting of edible plants or edible fruiting bodies, including fungi, is permitted, other than for scientific or educational purposes.

(b) Within a recreation area, resource recreation area, natural area, natural forest area, or heritage area harvesting of edible plants and edible fruiting bodies, including mushrooms, berries and nuts is permitted: *Provided*, That the director or designee may close, temporarily close or condition such harvesting upon a finding that the activity is degrading or threatens to degrade the park's natural or cultural resources.

(c) Prior to enforcement of any harvest restrictions pursuant to this subsection, state park areas so restricted shall be conspicuously posted with appropriate signs.

(5) **Hazard tree review:** At least two persons, one being a qualified professional in forestry or arboriculture, 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.

(6) **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.

(7) **Use of fallen trees:** Except where they may create safety hazards and/or interfere with the normal operation of a park, fallen trees shall be left on the ground when deemed environmentally beneficial or used for park purposes such as, but not limited to, approved building projects, trail mulching, and firewood. In natural forest areas and natural areas first consideration shall be given to leaving trees on the ground for natural purposes.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-28-010, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040. 94-10-012, § 352-28-010, filed 4/25/94, effective 5/26/94. 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

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

352-32-020	Police powers granted to certain employees. [Order 35, § 352-32-020, filed 7/29/77; Order 9, § 352-32-020, filed 11/24/70.] Repealed by 82-07-076 (Order 56), filed 3/23/82. Statutory Authority: RCW 43.51.040.
352-32-035	Campsite reservation. [Statutory Authority: RCW 43.51.040(2). 95-14-004, § 352-32-035, filed 6/21/95, effective 7/22/95. Statutory Authority: RCW 43.51.040. 93-06-001, § 352-32-035, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-035, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-32-035, filed 4/4/91, effective 5/15/91. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-32-035, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-32-035, filed 3/23/87, effective 5/15/87; 86-24-015 (Order 97), § 352-32-035, filed 11/24/86. 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.] Repealed by 95-22-067, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and [43.51.060.
352-32-036	Environmental learning centers. [Statutory Authority: RCW 43.51.040. 80-14-009 (Order 48), § 352-32-036, filed 9/22/80.] Repealed by 95-07-061, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.060 and 43.51.395.
352-32-160	Religious services or group rallies. [Order 9, § 352-32-160, filed 11/24/70.] Repealed by 83-08-032 (Resolution No. 66), filed 3/31/83. Statutory Authority: RCW 43.51.040 and 43.51.060.
352-32-190	Solicitation. [Statutory Authority: RCW 43.51.040 and 43.51.060. 83-08-032 (Resolution No. 66), § 352-32-190, filed 3/31/83; Order 9, § 352-32-190, filed 11/24/70.] Repealed by 83-13-089 (Resolution No. 70), filed 6/17/83. Statutory Authority: RCW 43.51.040 and 43.51.060.

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

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

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

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

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

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

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

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

"Director" shall mean the director of the Washington state parks and recreation commission.

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

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

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

"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.

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

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

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

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials

except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

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

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

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

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that 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.

"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.

"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.

"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:

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.

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.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individ-

ual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

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

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

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

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

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

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

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

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

WAC 352-32-011 Dress standards. (1) In order to identify temporary field operations personnel to the public for their safety and welfare, it is necessary for selected employees to furnish and wear apparel that will comply with

a generally accepted dress standard common to the outdoor recreation industry.

(2) The apparel for male and female park aides shall consist of tan long or short sleeve shirt/blouse and agency supplied logos must be applied as directed.

[Statutory Authority: RCW 43.51.040. 92-04-072, § 352-32-011, filed 2/4/92, effective 3/6/92; 90-20-031, § 352-32-011, filed 9/25/90, effective 10/26/90.]

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

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(17)).

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

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 1:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

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

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

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee. Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the

same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

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

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

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity limitations as otherwise set forth in this section. Capacities for water trail camping sites may be established by the ranger on an individual basis and are subject to change based upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid water trail permit.

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

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

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the primitive campsite fee. If a nearby flush comfort station is available, persons using overflow camping areas must pay the standard campsite fee.

(14) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-030, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and [43.51.060. 95-22-067, § 352-32-030, filed 10/30/95, effective 1/1/96.]

Statutory Authority: RCW 43.51.040, 94-23-024, § 352-32-030, filed 11/7/94, effective 1/1/95; 93-06-001, § 352-32-030, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7), 92-19-098, § 352-32-030, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060, 87-08-008 (Order 100), § 352-32-030, filed 3/23/87, effective 5/15/87; 86-06-020 (Order 91), § 352-32-030, filed 2/25/86; 83-09-031 (Resolution No. 67), § 352-32-030, filed 4/15/83; 82-09-035 (Order 60), § 352-32-030, filed 4/14/82; 81-09-034 (Order 50), § 352-32-030, filed 4/14/81; 80-05-007 (Order 45), § 352-32-030, filed 4/4/80. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6), 78-05-082 (Order 39), § 352-32-030, filed 5/1/78; Order 33, § 352-32-030, filed 4/28/77; Order 9, § 352-32-030, filed 11/24/70.]

WAC 352-32-037 Environmental learning centers.

All ELCs are reservable by:

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

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

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

WAC 352-32-040 Picnicking. Picnicking is permitted only in designated and marked picnicking areas, or in such other places within a state park area as designated by a ranger. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7), 92-19-098, § 352-32-040, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060, 86-06-020 (Order 91), § 352-32-040, filed 2/25/86; Order 9, § 352-32-040, filed 11/24/70.]

WAC 352-32-045 Reservations for use of designated group facilities. (1) All designated group facilities shall be reservable by groups. A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.

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

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

(4) Submittal of the group use permit request, payment of appropriate fees, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit are required for the use of these facilities. Fees are published by state parks. 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) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) A damage deposit may be required by the park manager as part of the 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 facility. Deposits are published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

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

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

[Statutory Authority: RCW 43.51.040 and [43.51.]060, 95-22-067, § 352-32-045, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040, 94-23-024, § 352-32-045, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060, 94-08-036, § 352-32-045, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040, 91-09-001, § 352-32-045, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-32-045, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060, 88-07-074 (Order 103), § 352-32-045, filed 3/18/88, effective 5/15/88; 83-09-031 (Resolution No. 67), § 352-32-045, filed 4/15/83; 82-09-035 (Order 60), § 352-32-045, filed 4/14/82; 80-05-007 (Order 45), § 352-32-045, filed 4/4/80; Order 32, § 352-32-045, filed 4/28/77.]

WAC 352-32-047 Special recreation event permit. Any person or group, hereinafter referred to as the "applicant," desiring to make use of a portion of a state park for a special recreation event which will require special planning, facilities, staffing, or environmental protection measures, or the closure of the area to, or restriction of, established recreational uses, shall apply for a special recreation event permit. The director or designee may consult with the

appropriate local government in reviewing the application and may issue a permit according to the criteria listed below. The permit may set forth certain conditions including but not limited to the closure of the specified area to other recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such permit may result in the unreasonable exclusion of recreationists from the remainder of the park. All events authorized under this permit shall be open to public participation and/or observation at the option of the applicant.

In determining whether to issue the permit, the director or designee will review the proposal for consistency with the following criteria:

- (1) The event is consistent with activities that are appropriate for a specific park classification;
- (2) The event will not exceed nor damage facilities or resources or interfere with park operations;
- (3) The event will not disrupt wildlife;
- (4) Past experience has not shown that the applicant has failed to comply with laws or regulations or satisfactory conduct of a previous event;
- (5) The event does not present a clear and present danger to the public health and safety;
- (6) A prior applicant for another event for the same general time and place;
- (7) The event will not unreasonably conflict with all park user's recreational pursuits;
- (8) The event will conform with all of the applicable statutes, rules, policies, and procedures of the commission and instructions of the commission staff who supervise the event.

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

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

Such application shall be submitted at least thirty days in advance of the proposed date of the event, to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency for additional staffing, equipment, facilities, or special services not normally provided by state parks, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit,

or liability insurance shall be provided by the applicant prior to the issuance of the permit.

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

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-047, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 and 89-07-098 (Orders 89-01 and 89-01-A), § 352-32-047, filed 3/7/89 and 3/22/89.]

WAC 352-32-050 Park periods. (1) The director shall establish for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person shall enter or be present in a state park area after the posted closing time except:

- (a) Currently registered campers who are camping in a designated campsite or camping area;
- (b) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;
- (c) Guests of a state park employee;
- (d) Technical rock climbers who bivouac on vertical climbing routes not otherwise closed to public use.

(2) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-050, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-050, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 90-07-062, § 352-32-050, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-050, filed 2/25/86; 80-05-007 (Order 45), § 352-32-050, filed 4/4/80; Order 21, § 352-32-050, filed 3/20/75; Order 9, § 352-32-050, filed 11/24/70.]

WAC 352-32-053 Park capacities. The director may establish for each state park area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any state park area or structure at any given time or period. No person shall enter in any state park area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the director and when the individual is informed either by signs or by park staff that such capacity has been met and the park is full. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-053, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-053, filed 2/25/86.]

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

- (1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of 11:00 p.m. and 6:30 a.m.

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

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

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-056, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-056, filed 2/25/86.]

WAC 352-32-060 Pets. (1) All pets or domestic animals must be kept on leash no greater than eight feet in length, or otherwise physically restrained, and under control at all times while in a state park area.

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

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

(4) In any state park area, pets or domestic animals, except for guide dogs, may be prohibited for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes, if approved by the director or designee and so posted.

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

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

(7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

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

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-060, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-060, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 86-20-020 (Order 96), § 352-32-060, filed 9/22/86; 82-12-008 (Order 61), § 352-32-060, filed 5/21/82; Order 9, § 352-32-060, filed 11/24/70.]

WAC 352-32-070 Use of horses, llamas, sled dogs or similar animals for recreation. (1) No horses, llamas, sled dogs or similar animals for recreation shall be permitted in any state park area, except where designated and posted to specifically permit, or conditionally permit, such activity.

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

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

(4) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied.

(5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-070, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-070, filed 9/17/92, effective 10/18/92; Order 9, § 352-32-070, filed 11/24/70.]

WAC 352-32-075 Use of nonmotorized cycles or similar devices. (1) Whenever used in this section, nonmotorized cycle or similar device shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, roller blades and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon roads and trails in state park areas, except:

(a) Where posted with prohibitory signing by approval of the director or designee. Prior to such posting, a public meeting shall be advertised and conducted in the region where the park is located. A closure decision shall be based on an evaluation of the degree of conflict with other park users, public safety, or damage to park resources and/or facilities related to these devices.

(b) Within designated natural areas, natural forest areas, or natural area preserves: *Provided*, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(c) Upon designated special use trails such as interpretive or exercise trails.

(d) Upon docks, piers, floats, and connecting ramps.

(3) Persons operating such devices in state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750, Effect of regulations—Penalty.

(4) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (2) of this section.

(5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-075, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-075, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-01-034 (Order 108), § 352-32-075, filed 12/13/88.]

WAC 352-32-080 Swimming. (1) Swimming areas in state park areas are marked with buoys, log booms, or other markers, clearly designating the boundaries of such areas.

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

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

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

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

(6) Use of inflated mattresses, rubber rafts, rubber boats, inner tubes, or other objects, except U.S. Coast Guard approved life jackets, in state park areas for the purpose of buoyancy while swimming or playing in any designated swimming area is prohibited. Concessionaires are not permitted to rent or sell such floating devices within state parks without written approval of the commission.

(7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-080, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-080, filed 2/25/86; Order 10, § 352-32-080, filed 8/3/71; Order 9, § 352-32-080, filed 11/24/70.]

WAC 352-32-085 Technical rock climbing. (1) Whenever used in this section, technical rock climbing shall mean climbing while using such aids as pitons, carabiners or snap links, chalk, ropes, fixed or removable anchors, or other

similar equipment. Technical rock climbing includes bouldering and free soloing (respectively low and high elevation climbing without ropes).

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

(a) Not permitted in natural area preserves;

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

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

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

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

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

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

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

(6) Each state park area with an established advisory committee of technical rock climbers will have a climbing management plan which will specify technical rock climbing rules concerning overnight stays on climbing routes, bolting, power drills, stabilization of holds, group size and activities, gardening/cleaning of routes pursuant to chapter 352-28 WAC and RCW 43.51.180, chalk, special use designations for climbing areas, protection of sensitive park resources, and other such issues required by the director. Climbing management plans that relate to natural forest areas or heritage areas must be approved by the commission. The

director shall ensure that any technical rock climbing rules contained in a climbing management plan are conspicuously posted at the entrance of the affected park area.

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

(8) The use of power drills will be allowed only if the park climbing management plans specifically permit under specified conditions for bolt replacement and bolt installation on new routes. They are otherwise prohibited.

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

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

[Statutory Authority: RCW 43.51.180, 96-02-015, § 352-32-085, filed 12/21/95, effective 1/21/96.]

WAC 352-32-090 Games. Playing games in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7), 92-19-098, § 352-32-090, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060, 86-06-020 (Order 91), § 352-32-090, filed 2/25/86; Order 9, § 352-32-090, filed 11/24/70.]

WAC 352-32-095 Squak Mountain State Park—Natural area—Prohibited uses. Outside of designated parking areas, human foot traffic only shall be allowed within Squak Mountain State Park—Natural area. All other means of transportation, including, but not limited to, horses or any mechanized vehicles such as motor vehicles, bicycles, or similar vehicles are specifically excluded.

[Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060, 88-19-087 (Order 106), § 352-32-095, filed 9/19/88.]

WAC 352-32-100 Disrobing. (1) No person shall disrobe in public in any state park area.

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

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7), 92-19-098, § 352-32-100, filed 9/17/92, effective 10/18/92; Order 9, § 352-32-100, filed 11/24/70.]

WAC 352-32-110 Tents, etc., on beaches. No person shall erect, maintain, use, or occupy any temporary tent or shelter on any swimming beach in any state park area unless there is an unobstructed view through such tent or shelter from at least two sides: *Provided, however,* That nothing herein contained shall be construed to authorize camping except in designated areas. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7), 92-19-098, § 352-32-110, filed 9/17/92, effective 10/18/92; Order 9, § 352-32-110, filed 11/24/70.]

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WAC 352-32-120 Firearms and/or weapons. No person shall possess a firearm with a cartridge in any portion of the mechanism within any upland state park area, nor shall any person discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010(13), a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state parks use.

[Statutory Authority: RCW 43.51.040, 93-06-001, § 352-32-120, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.060, 86-06-020 (Order 91), § 352-32-120, filed 2/25/86; Order 9, § 352-32-120, filed 11/24/70.]

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

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

(3) Individuals paragliding in state parks must:

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

(b) Observe all applicable laws and regulations;

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

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

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

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

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

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

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

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

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental

oxygen and communication equipment as appropriate for conditions;

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

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

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

(x) Fly only in designated areas of parks;

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

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

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

[Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-130, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040. 94-01-087, § 352-32-130, filed 12/13/93, effective 1/13/94. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-130, filed 11/24/87; Order 9, § 352-32-130, filed 11/24/70.]

WAC 352-32-140 Fireworks. No person shall possess, discharge, set off, or cause to be discharged, in or into any state park area, any firecrackers, torpedoes, rockets, fireworks, explosives, or substance harmful to the life or safety of persons or property.

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

WAC 352-32-150 Fishing. (1) For the purposes of this section, the following definition applies: Fish are defined as all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

(2) Except for those state park areas in which harvest has been prohibited pursuant to subsection (3), (4), or (5) of this section, all state park areas are open for the harvest of fish, subject to all laws, rules, and regulations of the state department of fish and wildlife relating to seasons, limits, and methods of harvest. The director may develop or amend a memorandum of agreement with the state department of fish and wildlife to guide management of state park fishing areas.

(3) No person shall remove or cause to be removed any fish from any state park area except for food fish as defined by WAC 220-12-010, shellfish as defined by WAC 220-12-020, and game fish as defined by RCW 77.08.020 and WAC 232-12-019.

(4) The commission may, after consultation with the state department of fish and wildlife and local tribes, close state park areas to the harvest of some or all species of fish. Such state park areas shall be conspicuously posted as closed to harvest.

(5) The director may temporarily close any state park area to the harvest of some or all species of fish. Any such closure may be for only so long as is necessary to bring the issue before the commission at its next scheduled regular meeting. Such state park areas shall be conspicuously posted as closed to harvest.

(a) Prior to closing any park area pursuant to this subsection, the director or the director's designee shall hold a public hearing in the general vicinity of the park area to be

closed. Prior notice of the public hearing shall be published in a newspaper of general circulation in the vicinity.

(b) In the event the director determines that an immediate harvest closure is necessary to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff or commission property, the director may take emergency action to close a park to the harvest of fish without first complying with the publication and hearing requirements of this subsection. Such emergency closures may be effective for only so long as is necessary for the director to comply with the publication and hearing requirements of this subsection.

(6) A list of the state park areas closed pursuant to subsection (4) or (5) of this section shall be maintained by the director or the director's designee and be available to the public upon request.

(7) No person shall harvest or possess any fish from within a state park area posted as closed to harvest pursuant to subsection (4) or (5) of this section, except as necessary for scientific research authorized in writing by state parks.

[Statutory Authority: RCW 43.51.180(3). 96-01-030, § 352-32-150, filed 12/11/95, effective 1/11/96; Order 19, § 352-32-150, filed 2/1/74; Order 9, § 352-32-150, filed 11/24/70.]

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

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

(2) This section does not apply to commission employees in the performance of search and rescue, medical emergency response, law enforcement or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes activities in writing associated with the operational or administrative needs of the agency or state.

[Statutory Authority: RCW 43.51.040, 43.51.060 and 43.51.650-680. 88-10-017 (Order 104), § 352-32-15001, filed 4/27/88.]

WAC 352-32-155 Lakes located wholly within state parks boundaries—Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace, and

tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are:

Horsethief Lake in Horsethief Lake State Park.

(3) This provision does not apply to employees of the commission, other law enforcement officers or public agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-155, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040, 43.51.395 and 43.51.400(6). 86-11-053 (Order 94), § 352-32-155, filed 5/19/86.]

WAC 352-32-157 Lakes located partially within state park boundaries—Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace and tranquility, and to protect and preserve wildlife, increase visitor safety, and to limit the degradation of lake water quality, the Washington state parks and recreation commission, in conjunction with the following ordinance(s), prohibits the use of internal combustion engines on the following lakes partially within park boundaries:

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

(2) This provision does not apply to employees of the commission, other law enforcement officers or governmental agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-157, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040, 43.51.395 and 43.51.400(6). 86-11-053 (Order 94), § 352-32-157, filed 5/19/86.]

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

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

(a) Name, address and phone number of the applicant;

(b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;

(c) Estimate of the number of persons expected to attend including the basis for the estimate;

(d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches

or the like, and any sound amplification equipment to be used in connection with the event;

(e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;

(f) Crowd control to be provided by the event sponsor;

(g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

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

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

(5) The applicant must submit a completed environmental checklist along with the application. Environmental checklists are available at libraries, city planning offices, state parks, and similar outlets. Upon request, the agency will assist the applicant in completing the environmental checklist.

(6) It is recommended that permit applications be submitted at least fifteen days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare.

(7) The permit application must be submitted along with a nonrefundable permit fee as published by state parks to the director of the Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504. The director, or his or her designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. The director will issue a permit on proper application unless:

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

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

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

(8) All permit applications shall be deemed granted if not denied or otherwise conditioned or limited as herein specified, and the applicant advised of such action by written notification mailed, first-class postage prepaid, within ten days of receipt of the application. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the state Environmental Policy Act and implementing regulations which are independent of this permit requirement.

(9) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review

of the denial as provided in subsection (11) of this section.

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

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

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-165, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-165, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-08-014 (Order 92), § 352-32-165, filed 3/24/86; 83-08-032 (Resolution No. 66), § 352-32-165, filed 3/31/83.]

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

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

[Order 9, § 352-32-170, filed 11/24/70.]

WAC 352-32-180 Sanitation. No person shall, in any state park area:

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

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

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

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

[Order 9, § 352-32-180, filed 11/24/70.]

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW 43.51.060(2), no person shall engage in solicitation, or sell or peddle any services[,] goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession or permit granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-

(1997 Ed.)

32-195, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.180. 94-16-026, § 352-32-195, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-195, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-13-089 (Resolution No. 70), § 352-32-195, filed 6/17/83.]

WAC 352-32-200 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.

(3) It shall be a civil infraction, under chapter 7.84 RCW, to fail to abide by a prominently posted restriction on the public use of park property.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-200, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040. 91-07-014, § 352-32-200, filed 3/12/91, effective 4/12/91; Order 9, § 352-32-200, filed 11/24/70.]

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

(a) In designated campsites, 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 is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

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

(i) In designated campsites, by registered campers or their guests.

(ii) 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.

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

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

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

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

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

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

(8) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

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

WAC 352-32-220 Intoxication in state park areas. Being or remaining in, or loitering about in any state park area while in a state of intoxication shall be prohibited. Any

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

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-220, filed 9/17/92, effective 10/18/92; Order 11, § 352-32-220, filed 7/29/71.]

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

(2) The provisions of this rule shall not apply to any portion of the seashore conservation area as designated and established by RCW 43.51.655.

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-230, filed 9/17/92, effective 10/18/92; Order 11, § 352-32-230, filed 7/29/71.]

WAC 352-32-235 Use of metal detectors in state parks. The use and operation of metal detectors, as well as the removal of small contemporary materials, is permitted within selected state parks as designated by the director, subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of the developed day use areas of these state parks as posted for public reference.

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

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

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

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

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

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which appears to be of historical or archaeological significance, remaining from either early pioneer activity or from a native American presence, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall not be disturbed further.

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

immediately refilled and the surface restored to its earlier condition.

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

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

(7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

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

WAC 352-32-240 Nondiscrimination certification.

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

(2) The provisions of this certification shall apply to all contractors, lessees, licensees, and concessionaires operating under any legal instrument issued by the Washington state parks and recreation commission, as well as areas operated by the Washington state parks and recreation commission itself.

[Order 27, § 352-32-240, filed 9/23/76.]

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the Washington state parks and recreation commission for use of lands, facilities, programs, services, and materials as published by state parks: *Provided, however,* That the director has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived.

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

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

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

(4) Group camping area - certain parks: Individual camping units using these facilities must pay the primitive campsite fee or other appropriate fee based on facilities available;

(5) Environmental interpretation:

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

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

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

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

(7) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided,* An extra vehicle overnight parking fee shall not be imposed when 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;

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

(9) Watercraft launch site permit fee - charged according to facilities provided. Boat launch permit shall not be required for:

(a) Vehicles registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

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

(d) Vehicles displaying a valid annual watercraft launch site permit;

(10) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the

commission. Permit must be displayed as instructed on permit backing;

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

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

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

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

(13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(14) A surcharge per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

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

(16) Reservation transaction - fee will be charged as published by state parks;

(17) Moorage facilities - fee will be charged as published by state parks;

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

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

(20) Commercial recreation provider permit - effective January 1, 1998, a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

[Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-250, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and [43.51.060. 95-22-067, § 352-32-250, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-250, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-250, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-13-080, § 352-32-250, filed 6/13/94, effective 7/14/94; 94-08-036, § 352-32-250, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 93-19-113, § 352-32-250, filed 9/20/93, effective 10/21/93; 93-08-025, § 352-32-250, filed 3/30/93, effective 5/1/93. Statutory Authority: Chapter

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

WAC 352-32-25001 Recreational and conference center housing fees and meeting room fees charged. Recreation and conference center housing and meeting room fees for Fort Worden State Park are reviewed and modified as necessary by the commission each year. A fee schedule listing these fees is available by contacting Fort Worden State Park, 200 Battery Way, Port Townsend, Washington 98368. In reservation of facilities at Fort Worden State Park, certain deposits and cancellation fees apply. Please consult the annual fee schedule for reservation, deposit and cancellation rules and information. 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. During the months of October through April, all of the upper campground and twenty sites in the beach level campground may be reserved by conference groups.

[Statutory Authority: RCW 43.51.060(6). 95-03-005, § 352-32-25001, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 43.51.060. 94-04-075, § 352-32-25001, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.51.040. 93-01-029, § 352-32-25001, filed 12/7/92, effective 1/7/93; 91-22-063, § 352-32-25001, filed 11/1/91, effective 12/2/91. Statutory Authority: RCW 43.51.949 and 43.51.060. 90-23-031, § 352-32-25001, filed 11/14/90, effective 1/1/91. Statutory Authority: RCW 43.51.040. 90-07-062, § 352-32-25001, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-22-073, § 352-32-25001, filed 10/31/89, effective 12/1/89; 88-22-050 (Order 107), § 352-32-25001, filed 10/31/88. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-25001, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-24-016 (Order 98), § 352-32-25001, filed 11/24/86. 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 transaction fee published by state parks. Mail-in reservations will be processed in the order that they are received. Reservation requests postmarked earlier than the twentieth day of the preceding month will be returned to the sender. Reservation of campsites will not be accepted by telephone. Walk-in reservations will be accepted beginning the first day of the current month for the current month and the first succeeding month. During the period from the Friday before Memorial Day through Labor Day an individual may reserve no more than ten campsites for use at the same time, and, may reserve campsites for no more than ten nights in each calendar month. Other state parks are subject to continuous occupancy rules provided for in WAC 352-32-030(6).

(2) Reservations for a specific campsite will not be guaranteed.

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.

(3) Campers who arrive at the park without a reservation may use unreserved campsites for up to ten consecutive nights during the period from May 1 through September 30 and fifteen consecutive nights during the period from October 1 through April 30, beginning the day of arrival, on a first-come-first-served basis, without paying a reservation fee.

(4) 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 ten recreational vehicles and may not exceed two hundred recreational vehicles. Rally area reservations may be made by contacting Fort Worden State Park.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-25002, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060(6). 95-03-005, § 352-32-25002, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 43.51.040(2). 92-05-002, § 352-32-25002, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-24-016 (Order 98), § 352-32-25002, filed 11/24/86. Statutory Authority: RCW 43.51.040 and 43.51.060(6). 85-23-069 (Order 90), § 352-32-25002, filed 11/20/85.]

WAC 352-32-251 Limited income senior citizen, disability, and veteran disability passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder and the holder's camping unit to free admission to any state park

administered facility, free use of trailer dump stations, watercraft launch sites, and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

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

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a five year disability pass at no charge and other disabled persons who meet the eligibility requirements of RCW 43.51.055 and have been residents of Washington state for at least one year shall, upon application to the commission, receive a one year disability pass which entitles the holder and the holder's camping unit to free admission to any state park administered facility, free use of trailer dump stations, watercraft launch sites, and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a lifetime veteran disability pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to free use of any state park campsite, trailer dump station, watercraft launch site, or moorage facility.

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

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

(6) 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.

(7) 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.

(8) If the conditions of a pass holder change during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 43.51.055

and WAC 352-32-251, then a pass holder shall return a pass to the commission.

[Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040, 96-22-018, § 352-32-251, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.060. 90-04-024, § 352-32-251, filed 1/29/90, effective 3/1/90. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 88-19-087 (Order 106), § 352-32-251, filed 9/19/88. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-251, filed 11/22/83.]

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

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

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

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

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

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee, on a self-registration basis, in accordance with all posted instructions. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-255, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-255, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-255, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-09-035 (Order 60), § 352-32-255, filed 4/14/82.]

WAC 352-32-260 Sno-park permit. Only those vehicles properly displaying a valid winter recreational area parking permit issued by the state of Washington or by another state or nation which honors a Washington state winter recreational area parking permit shall park in designated winter recreational parking areas: *Provided*, That Washington licensed vehicles shall be required to display a Washington state winter recreational area parking permit. Those vehicles in violation of this rule shall be subject to the application of RCW 46.61.587. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-260, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040(1), 43.51.050(3) and 43.51.290(2). 92-15-119, § 352-32-260, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 43.51.040 and 43.51.290. 78-02-038 (Order 38), § 352-32-260, filed 1/17/78; Order 37, § 352-32-260, filed 10/6/77.]

WAC 352-32-265 Sno-park permit—Display. The winter recreational area parking permit issued by the state of Washington shall be displayed near the lower left corner and on the inside of the windshield of the vehicle when the vehicle is parked in a designated winter recreational parking area. Those vehicles in violation of this rule shall be subject to application of RCW 46.61.587. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-265, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.330 and 46.61.585. 80-18-004 (Order 49), § 352-32-265, filed 11/21/80.]

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

(1) Seasonal permit - \$20.00 per vehicle per season - commences October 1 and expires May 1 of the winter season for which it is issued.

(2) Three day permit - \$10.00 per vehicle - commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.

(3) One day permit - \$7.00 per vehicle - commences on the date identified on the permit in the space provided and expires on that same date.

[Statutory Authority: RCW 43.51.040. 92-15-120, § 352-32-270, filed 7/21/92, effective 8/21/92; 91-09-001, § 352-32-270, filed 4/4/91, effective 10/1/91. 91-09-001, § 352-32-270, filed 4/4/91, effective 10/1/91. Statutory Authority: RCW 43.51.050. 90-10-023, § 352-32-270, filed

4/23/90, effective 5/24/90. Statutory Authority: RCW 43.51.300. 82-19-075 (Order 63), § 352-32-270, filed 9/21/82.]

WAC 352-32-280 Applicability of standard fees. The fees published by state parks pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

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

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

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

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

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this sub-section shall be limited to 30 consecutive nights, unless otherwise approved by the director.

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

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

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

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-280, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-09-035 (Order 60), § 352-32-280, filed 4/14/82. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 78-05-082 (Order 39), § 352-32-280, filed 5/1/78; Order 34, § 352-32-280, filed 7/29/77.]

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The fees published by state parks 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) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

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

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

(5) The volunteer shall perform personal services under the following provisions.

(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed.

The limit placed on any camper by WAC 352-32-030(7) 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 thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW 43.51.130 through 43.51.160.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-285, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 93-06-001, § 352-32-285, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-15-068 (Order 105), § 352-32-285, filed 7/19/88. 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 that may be removed without significantly adversely impacting the environment of the park at which it is located and that 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 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.

(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 ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be established by the director consistent with limitations identified in RCW 4.24.210, 43.51.045 and 43.52.065.

(6) This section shall be implemented in compliance with chapter 352-28 WAC.

[Statutory Authority: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061 and [43.51.]395. 96-01-078, § 352-32-290, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-290, filed 10/30/95, effective 1/1/96. 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. When the exchange includes a transfer to the commission of land valued at one hundred dollars or more than the value of land transferred by the commission, the transfer fee shall be considered paid by the difference in the land value.

[Statutory Authority: Chapter 43.51 RCW. 92-15-121, § 352-32-295, filed 7/21/92, effective 8/21/92. 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
P.O. Box 42650
Olympia, WA 98504-2650

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

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

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

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

(2) The application fee, processing fee, use fee, and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or 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. 96-19-031, § 352-32-300, filed 9/10/96, effective 10/31/96; 84-20-069 (Order 81), § 352-32-300, filed 10/2/84.]

WAC 352-32-310 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW, except that a violation of WAC 352-32-220, 352-32-260, and 352-32-265 shall at all times constitute a civil infraction.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-310, filed 9/17/92, effective 10/18/92.]

WAC 352-32-320 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 is not affected.

[Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-320, filed 3/31/94, effective 5/1/94.]

WAC 352-32-330 Commercial recreation providers—Permits. (1) Effective January 1, 1997, commercial recreation providers are required to register in order to engage in commercial recreational use of state parks. Effective January 1, 1998, commercial recreation providers are required to register and possess a commercial recreation provider permit in order to engage in commercial recreational use of state parks. Registration for commercial recreation provider permits requires completion of application forms, providing proof of insurance and paying the appropriate fees. The commission shall establish the permit and registration fees and the director shall set the amount of the fees.

(2) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-330, filed 10/29/96, effective 1/1/97.]

Chapter 352-37 WAC OCEAN BEACHES

WAC

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352-37-050	South Beach.
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352-37-200	Special group recreation event permit.
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352-37-220	Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-37-180	Violations—Penalty. [Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-180, filed 3/19/90, effective 4/19/90.] Repealed by 92-19-098, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.180(7)
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WAC 352-37-010 Purpose. The purpose of this chapter is to implement the provisions of RCW 43.51.650 through 43.51.765 which require local governments which have a portion of the Seashore Conservation Area within their boundaries to prepare recreation management plans for the ocean beaches designating at least forty percent of the beach for use by pedestrians and nonmotorized vehicles from April 15 to the day following Labor Day of each year.

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-010, filed 3/19/90, effective 4/19/90.]

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

(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/her designee.

(3) "Persons" shall mean all natural persons, firms, partnerships, 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 Peninsula" 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 chapter 46.12 RCW (Certificates of ownership and registration), and chapter 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 43.51.040. 90-07-050, § 352-37-020, filed 3/19/90, effective 4/19/90.]

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

Areas identified within the Long Beach Peninsula, South Beach, and North Beach Recreation Management Plans as referenced in RCW 43.51.650 through 43.51.765, adopted by local governments located on the same beach and approved by the commission, identify those areas where the operation or parking of any vehicle is prohibited. Exceptions that allow for the use of any vehicles in these areas identified as exclusive pedestrian/nonmotorized use areas are found in WAC 352-37-070. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-030, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-030, filed 3/19/90, effective 4/19/90.]

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

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

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

(2) Long Beach/Seaview exclusive pedestrian/nonmotorized vehicle use area is described as the area from the south side of the Bolstad Avenue beach access road south to the north side of the Seaview beach access road at 38th Avenue.

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

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

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-040, filed 3/19/90, effective 4/19/90.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-060, filed 3/19/90, effective 4/19/90.]

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

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

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

(3) As provided by RCW 43.51.720, public vehicles operated in the performance of official duties and vehicles responding to an emergency can use the areas at any time.

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

(b) On the Long Beach Peninsula pursuant to RCW 4.24.210, 43.51.045(5), and 43.51.715(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or his designee for a wood debris removal permit.

(5)(a) Motor vehicles may be used to remove wood debris under RCW 4.24.210 and 43.51.045(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW 43.51.715(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-070, filed 3/19/90, effective 4/19/90.]

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

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

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

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

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

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

(7) Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-080, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-080, filed 3/19/90, effective 4/19/90.]

WAC 352-37-090 Pedestrians to be granted right of way. Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians on the ocean beaches. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-090, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-090, filed 3/19/90, effective 4/19/90.]

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

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-100, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-100, filed 3/19/90, effective 4/19/90.]

WAC 352-37-110 Overnight parking or camping prohibited. Overnight parking or camping shall be prohibited on any area of the ocean beaches. Except as provided in

WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-110, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-110, filed 3/19/90, effective 4/19/90.]

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

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

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

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

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

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

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the maximum speed limit for operation of motor vehicles on the ocean beaches shall be twenty-five miles per hour.

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

(4) Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-130, filed 9/17/92, effective 10/18/92. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-130, filed 3/19/90, effective 4/19/90.]

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

(1) Squirreling;

(2) Circling;

(3) Cutting figure eights;

(4) Racing;

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-140, filed 3/19/90, effective 4/19/90.]

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

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

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-160, filed 3/19/90, effective 4/19/90.]

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

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-170, filed 3/19/90, effective 4/19/90.]

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

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

(2) Wind/sand sailers.

(3) Parasails.

(4) Hovercraft.

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-190, filed 3/19/90, effective 4/19/90.]

WAC 352-37-200 Special group recreation event permit. (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event

which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or 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.

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

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

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

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

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

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the

additional costs are not paid, the director 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 43.51.040 and [43.51.]060. 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-200, filed 3/19/90, effective 4/19/90.]

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

[Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-210, filed 3/19/90, effective 4/19/90.]

WAC 352-37-220 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

[Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-37-220, filed 9/17/92, effective 10/18/92.]

**Chapter 352-40 WAC
PUBLIC RECORDS**

WAC

352-40-010	Purpose.
352-40-020	Definitions.
352-40-030	Description of central and field organization of the Washington state parks and recreation commission.
352-40-040	Operations and procedures.
352-40-050	Public records available.
352-40-060	Public records officer.
352-40-070	Office hours.
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352-40-090	Copying.
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352-40-110	Review of denials of public records requests.
352-40-120	Protection of public records.
352-40-125	Purpose of records index.
352-40-127	Definitions in records index.
352-40-130	System of indexing records.
352-40-140	Location of record indexes and communications.
352-40-150	Adoption of form.
352-40-900	Request for public record—Form.

WAC 352-40-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state parks and recreation commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

[Order 15, § 352-40-010, filed 7/25/73.]

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

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of

recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington state parks and recreation commission" shall mean the commission appointed by the governor pursuant to chapter 43.51 RCW. The Washington state parks and recreation commission shall hereinafter be referred to as the "commission." Where appropriate, the term "commission" also refers to the staff and employees of the Washington state parks and recreation commission.

[Order 15, § 352-40-020, filed 7/25/73.]

WAC 352-40-030 Description of central and field organization of the Washington state parks and recreation commission. The commission is an appointed commission. The administrative office of the commission and its staff are located at Tumwater Airdustrial Center, Olympia, Washington. Five regional offices with limited records availability, as specified in WAC 352-40-070, are located at Millersylvania State Park, Olympia, Washington; 220 Walnut Street, Burlington, Washington; 2201 North Duncan Drive, Wenatchee, Washington; Sacajawea State Park, Pasco, Washington; and 3107 "R" Street S.E., Auburn, Washington.

[Statutory Authority: RCW 42.17.250. 83-23-095 (Order 72), § 352-40-030, filed 11/22/83; Order 15, § 352-40-030, filed 7/25/73.]

WAC 352-40-040 Operations and procedures. All decisions involving basic policy are made by the commission at its regular and special monthly meetings as outlined in chapters 352-04, 352-16, 352-24, 352-28, and 352-32 WAC.

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

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

[Order 15, § 352-40-050, filed 7/25/73.]

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

[Order 15, § 352-40-060, filed 7/25/73.]

WAC 352-40-070 Office hours. Public records shall be available for inspection and copying during the customary

office hours of the commission. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. All public records of the commission are located at the Olympia headquarters office of the commission. In addition, certain specific records such as commission minutes, commission statements of policy, administrative staff manuals, and instructions to staff emanating from the commission, director, deputy director, and assistant directors can be obtained at the five regional offices identified in WAC 352-40-030. All other requests will be referred to the headquarters office located in Olympia through use of the "request for public information" form, WAC 352-40-900.

[Statutory Authority: RCW 42.17.250. 83-23-095 (Order 72), § 352-40-070, filed 11/22/83; Order 15, § 352-40-070, filed 7/25/73.]

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

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

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

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

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

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;

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

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

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

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

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area.

[Order 15, § 352-40-080, filed 7/25/73.]

WAC 352-40-090 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page per copy for public records and for use of the commission copy equipment. This charge is the amount necessary to reimburse the commission for its costs for copying.

[Statutory Authority: Chapter 43.51 RCW. 92-10-019, § 352-40-090, filed 4/29/92, effective 5/30/92; Order 15, § 352-40-090, filed 7/25/73.]

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

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 15, § 352-40-100, filed 7/25/73.]

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

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

(3) Administrative remedies shall not be considered exhausted until the director has returned the petition with a

decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 15, § 352-40-110, filed 7/25/73.]

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

[Order 15, § 352-40-120, filed 7/25/73.]

WAC 352-40-125 Purpose of records index. The purpose of this section is to implement the provisions of RCW 42.17.260 which requires all state agencies to establish and implement a system of indexing records.

This chapter sets forth rules to implement the provision in RCW 42.17.260 which applies to the Washington state parks and recreation commission.

[Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-125, filed 9/25/90, effective 10/26/90.]

WAC 352-40-127 Definitions in records index. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise.

(1) Washington Administrative Codes. Commission adopted administrative regulations are codified as the Washington Administrative Code. They apply to the general public, the commission, and its staff; they are legal basis for park staff to enforce rules and are often adopted to implement a state statute. There are normally multiple subjects covered in one regulation, addressing agency operation in detail.

(2) Commission policies. Commission policies are broad statements from the commission to the agency director and staff. These are codified in the commission's policy manual. They provide the criteria for carrying out a course of action which may or may not be directed by a statute or regulation. They are not directive on the general public. Commission policies assist commission staff as a guideline when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each policy normally addresses one subject.

(3) Administrative policies. Administrative policies are broad statements from the director to the agency staff, providing general guidance on a specific subject. They may or may not be directed by a statute, a regulation, or commission policy. They are not directive on the general public. These policies assist staff as guidance when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable on the general public. Each policy normally covers only one subject.

(4) Agency procedures. Agency procedures are originated by any agency division. They are written communications of an approved system or method to accomplish one or

more purposes. They may or may not establish specific responsibilities. They are not directive upon the general public. They assist staff as a guide when dealing with the general public. They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public. Each procedure covers only one subject.

(5) Memorandums of understanding (MU). Memorandums of understanding are originated by any agency unit. They are written communications outlining a mutually agreed upon interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signatories of the MU and/or upon the signatories' staff. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each MU normally covers only one subject.

(6) Operations directives. Operations directives are originated by the operations division. They are written communications outlining an interpretation of another communication, oral or written. They may or may not establish specific responsibilities. They are directive only upon the signature of the assistant director of operations. They assist staff as a guide when dealing with the general public.

They could eventually result in the creation of a statute or regulation which would make them enforceable upon the general public; or in the creation of an administrative policy or agency procedure which would be directive upon other staff within the agency. Each directive normally covers only one subject.

(7) Official public record (OPR). Official public records include those listed above and those records which:

- (a) Financially obligate the agency;
- (b) Document legal actions or transactions; and/or
- (c) Are required by statute.

These records are to be retained for at least six years.

(8) Office files and memorandums. Office files and memorandums are all other documents beyond the official public records, which do not need to be retained for six years.

(9) Central file. The central file is intended to protect, retain, and make accessible those records of organizational, historical, and statutory importance to the agency.

[Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-127, filed 9/25/90, effective 10/26/90.]

WAC 352-40-130 System of indexing records.

Agency records are indexed and retained as follows:

The index for commission policies, administrative policies, agency procedures, memorandums of understanding, and operations directives is located in the central files office. Office files and memoranda, and official public records as defined by RCW 42.17.260, are retained in the agency and their locations are identified by the existing central files index coding system.

Such records are the responsibility of the individual agency divisions to inventory, maintain, and dispose. Record descriptions, retention, and authorization disposition are listed on the records inventory schedule of each office of record and are located in the central files office.

[Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-130, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-130, filed 7/25/73.]

WAC 352-40-140 Location of record indexes and communications.

All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions, commission policies, administrative policies, agency procedures, memorandums of understanding, operations directives, official public records, office files and memorandums, and agency record indexes and other matters, shall be addressed as follows: Washington State Parks and Recreation Commission, c/o Public Records Officer, 7150 Cleanwater Lane, Mailstop KY-11, Olympia, WA 98504-5711.

[Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-140, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-140, filed 7/25/73.]

WAC 352-40-150 Adoption of form. The commission hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as WAC 352-40-900, entitled "Request for public record."

[Order 15, § 352-40-150, filed 7/25/73.]

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

TO: Washington State Parks and Recreation Commission
Attn: Public Records Officer
7150 Cleanwater Lane
Mailstop KY-11
Olympia, WA 98504-5711

Name of requestor:

Address or requestor:
(Street)

.....
(City) (State) (Zip)

Date of request:
(Month) (Day) (Year)

Time of request:
a.m.
p.m.
(Hour)

What information is requested?
.....
.....

Is information indexed?

If so, how?

Are copies requested?

If so, how many?
Total pages?
Fee charged \$
(Pages x \$.. . . .)

AGREEMENT TO PROTECT RECORDS FROM USE FOR COMMERCIAL PURPOSES

I hereby agree that the list of individuals and/or information provided to me by the shall not be used for any commercial purpose by myself or by any organizations I represent.

Requester

SUBSCRIBED AND SWORN TO before me this day of, 19. .

NOTARY PUBLIC in and for the state of Washington, residing at

[Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-900, filed 9/25/90, effective 10/26/90; Appendix A (codified as WAC 352-40-900), filed 7/25/73.]

Chapter 352-44 WAC
RECREATIONAL CONVEYANCES—
CERTIFICATION—INSPECTIONS—OPERATOR
QUALIFICATIONS—VIOLATIONS, ETC.

WAC

- 352-44-010 Recreational conveyances—Definitions.
352-44-020 Recreational conveyances—Certification.
352-44-030 Recreational conveyances—Conditional certificate.
352-44-040 Recreational conveyances—Access to certificate.
352-44-050 Recreational conveyances—Safety inspections.
352-44-060 Recreational conveyances—Standards.
352-44-070 Recreational conveyances—Construction of new conveyances.
352-44-080 Recreational conveyances—Simulated load test.
352-44-090 Recreational conveyances—Operators and operator qualifications.
352-44-100 Recreational conveyances—Notice of malfunctions.
352-44-110 Recreational conveyances—Nonliability of the state and personnel.
352-44-120 Recreational conveyances—Violation constitutes a misdemeanor.

WAC 352-44-010 Recreational conveyances—Definitions. Whenever used in this chapter, the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

- (1) "Commission" shall mean the Washington state parks and recreation commission.
(2) "Director" shall mean the director of the Washington state parks and recreation commission or his designee.
(3) "Certificate" shall mean either the certificate to operate or the conditional certificate to operate.

(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.

[Statutory Authority: RCW 43.51.040. 91-19-068, § 352-44-010, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-010, filed 7/31/74.]

WAC 352-44-020 Recreational conveyances—

Certification. Each conveyance for persons generally engaging in winter sports recreational activities, as described in RCW 70.88.010, shall have a current annual certificate to operate on a form approved and provided by the commission. Said certificate shall be for an annual term of one year beginning January 1 of each year.

- (1) Signed by the director.
(2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
(3) Adequately protected from the elements.

[Order 20, § 352-44-020, filed 7/31/74.]

WAC 352-44-030 Recreational conveyances—

Conditional certificate. The director may, if deemed necessary, issue a conditional certificate to operate for a specified period of time. Operation during the period that the conditional certificate is in effect shall be in strict compliance with the conditions stated in the conditional certificate.

- (1) Signed by the director.
(2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
(3) Adequately protected from the elements.

[Order 20, § 352-44-030, filed 7/31/74.]

WAC 352-44-040 Recreational conveyances—Access

to certificate. The director shall have access to the certificate at all times and the authority to revoke the certificate at any time that he determines the conveyance is not safe for public use.

[Order 20, § 352-44-040, filed 7/31/74.]

WAC 352-44-050 Recreational conveyances—Safety

inspections. The director shall carry out a minimum of one safety inspection on each conveyance each calendar year. Additional inspections may be made as deemed necessary by the director. Costs accrued by the commission for inspection of conveyance facilities shall be charged to the owner or operator of the conveyance inspected and shall become a lien upon said equipment.

[Order 20, § 352-44-050, filed 7/31/74.]

WAC 352-44-060 Recreational conveyances—

Standards. The current American National Standards Safety Requirements for Aerial Passenger Tramways shall apply to the design, 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.

[Statutory Authority: RCW 43.51.040. 91-19-068, § 352-44-060, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-060, filed 7/31/74.]

WAC 352-44-070 Recreational conveyances—Construction of new conveyances. All new conveyances which are to be constructed after the effective date of these regulations shall:

(1) Require approval of the director prior to commencement of construction.

(2) Be designed by 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.

[Statutory Authority: RCW 43.51.040. 91-19-068, § 352-44-070, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-070, filed 7/31/74.]

WAC 352-44-080 Recreational conveyances—Simulated load test. All aerial conveyances (those which carry passengers above ground) shall be subject to an annual simulated load test to specifically demonstrate the braking capabilities of each braking system on the lift. Additional load testing may be required when requested by the director.

(1) Simulated loads shall be in the amount recommended by 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.

[Statutory Authority: RCW 43.51.040. 91-19-068, § 352-44-080, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-080, filed 7/31/74.]

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.

[Statutory Authority: RCW 43.51.040. 91-19-068, § 352-44-090, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-090, filed 7/31/74.]

WAC 352-44-100 Recreational conveyances—Notice of malfunctions. Operators shall be required to notify the commission of incidents or malfunctions which occur, wherein public safety either has been or could have been in

jeopardy on forms and according to instructions provided by the commission.

[Order 20, § 352-44-100, filed 7/31/74.]

WAC 352-44-110 Recreational conveyances—Nonliability of the state and personnel. Inspections, rules and orders of the commission resulting from the exercise of any provision of this chapter shall not in any manner be deemed to impose liability upon the state of Washington and its personnel for any injury or damage resulting from the operation of the facilities regulated, and all actions of the commission and its personnel shall be deemed to be an exercise of the police power of the state.

[Order 20, § 352-44-110, filed 7/31/74.]

WAC 352-44-120 Recreational conveyances—Violation constitutes a misdemeanor. In accordance with the provisions of RCW 70.88.040 the violation of any provision of this chapter shall constitute a misdemeanor and shall be punished as such.

[Order 20, § 352-44-120, filed 7/31/74.]

Chapter 352-48 WAC SNOWMOBILE ACCOUNT GRANTS AND CONTRACTS

WAC

352-48-010	Purpose.
352-48-020	Definitions.
352-48-030	Snowmobile programs.
352-48-040	Eligibility.
352-48-050	Application process.
352-48-060	Funding priorities.
352-48-070	Disbursement of funds.
352-48-080	Accountability.

WAC 352-48-010 Purpose. This chapter is promulgated in order to establish procedures by which the Washington state parks and recreation commission will administer grants and contracts supported by snowmobile account funds in accordance with chapter 46.10 RCW.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-010, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-010, filed 8/27/80.]

WAC 352-48-020 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) "Snowmobile" means any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(2) "Snowmobile use area" means an area described by boundary and acreage in which snowmobile use is authorized.

(3) "Snowmobile trail" means a corridor described by location and length which is designated for snowmobile travel.

(4) "Snowmobile funds" means the funds deposited in the snowmobile account which are administered by the Washington state parks and recreation commission pursuant to this chapter and chapter 46.10 RCW.

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

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

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-020, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-020, filed 8/27/80.]

WAC 352-48-030 Snowmobile programs. Snowmobile funds may be disbursed by the commission for snowmobile purposes which may include, but not be limited to, the administration, acquisition, development, operation, and maintenance of snowmobile facilities, such as snowmobile trails, snowmobile use areas, parking areas, sanitary facilities, and equipment and the development and implementation of snowmobile safety, enforcement, and education programs.

All snowmobile facilities which receive snowmobile funds must be open to the general public and meet all legally enforceable safety requirements.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-030, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-030, filed 8/27/80.]

WAC 352-48-040 Eligibility. Any public agency is eligible to receive from the commission grants of snowmobile funds to support up to one hundred percent of the cost of snowmobile programs.

Any public or private agency or person is eligible to enter into contracts with the commission to receive snowmobile funds to support up to one hundred percent of the cost of snowmobile programs.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-040, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-040, filed 8/27/80.]

WAC 352-48-050 Application process. In order to be considered by the commission for the receipt of snowmobile funds, a public or private agency or person must:

(1) Complete an application on a form prescribed by the commission and file the application with the commission by June 1 prior to the beginning of the first snow season for which funds are requested.

(2) Obtain permission to conduct a program from all owners of the land on which a program is to occur and file documentation of such permission with the commission at the time of application for funds.

(3) Agree to:

(a) File with the commission an annual report on a program for which funds are received by May 15 after the end of each snow season for which funds are received;

(b) Return, or replace in kind, to the commission any losses to a program for which funds are received, if due to the action of a recipient of funds, a program is not completed in a timely manner or cancelled; and

(c) Execute a contract with the commission on a program for which funds are received and fulfill all obligations of the contract.

(4) Certify to the commission that any facility for which funds are received will be open to the general public.

(5) Comply with all applicable local, state, and federal laws.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-050, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-050, filed 8/27/80.]

WAC 352-48-060 Funding priorities. The priorities for the distribution of snowmobile funds by the commission shall be:

(1) Administration of a state-wide snowmobile program which includes safety, education, and information programs;

(2) Operation and maintenance of major trailgrooming equipment;

(3) Operation and maintenance of snowmobile trails, use areas, parking areas, and other facilities which include an emergency reserve and an enforcement program;

(4) Replacement of equipment which supports snowmobile programs;

(5) Acquisition and development of new snowmobile facilities and equipment; and

(6) Support of special snowmobile programs.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-060, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-060, filed 8/27/80.]

WAC 352-48-070 Disbursement of funds. Applicants for snowmobile funds whose requests are approved by the commission may receive funds (1) on a reimbursement basis after a billing which indicates satisfactory compliance with a contract has been filed with the commission or (2) through an advance payment upon a written request to and approval by the director.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-070, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-070, filed 8/27/80.]

WAC 352-48-080 Accountability. Recipients of snowmobile funds shall maintain accurate accounting records on the expenditure of the funds, provide the commission with these records upon request, and permit the commission to audit the use of the funds in accordance with generally accepted audit practices and standards.

[Statutory Authority: RCW 46.10.210. 83-13-087 (Resolution No. 68), § 352-48-080, filed 6/17/83. Statutory Authority: RCW 46.10.080. 80-12-022 (Order 46), § 352-48-080, filed 8/27/80.]

Chapter 352-52 WAC HOSTELS

WAC

352-52-010
352-52-020
352-52-030
352-52-040

Purpose.
Definitions.
Grants or moneys for support of hostels.
Operation of hostels.

WAC 352-52-010 Purpose. This chapter is promulgated to carry out the commission's duties and responsibilities as contained in RCW 43.51.375.

[Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-010, filed 9/23/81.]

WAC 352-52-020 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated.

(1) "Hostel" means a simple basic structure which serves as a safe, low-cost overnight accommodation for mobile people of all ages from this country and abroad.

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

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

[Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-020, filed 9/23/81.]

WAC 352-52-030 Grants or moneys for support of hostels. The commission will accept grants or moneys from any federal or private source for support of hostels. The commission, at its discretion, will apportion and transfer any such moneys to public agencies which have contracted for the operation of a hostel or hostels, or to political subdivisions which operate hostels. Application for such moneys shall be made on a form provided by the director, which may be obtained upon request by writing in care of the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504: *Provided*, That no contracting agency or political subdivision will be eligible to receive any such moneys in support of hostels unless their hostels are operated in accordance with WAC 352-52-040.

[Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-030, filed 9/23/81.]

WAC 352-52-040 Operation of hostels. Hostels shall be operated in substantial compliance with the operating standards and customs established by American Youth Hostels, Inc. (AYH), as reflected in the AYH Hostel Operations Manual, January 1977 revision. Copies of the manual are available upon request by writing in care of the director, whose address is given in WAC 352-52-030. There will be a charge for copying the manual according to the fees established in WAC 352-40-090 for copying public records.

[Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-040, filed 9/23/81.]

Chapter 352-56 WAC

WINTER RECREATIONAL PROGRAM ACCOUNT GRANTS AND CONTRACTS

WAC

352-56-010	Purpose.
352-56-020	Definitions.
352-56-030	Winter recreational programs.
352-56-040	Eligibility.
352-56-050	Application process.
352-56-060	Funding priorities.
352-56-070	Disbursement of funds.

WAC 352-56-010 Purpose. This chapter is promulgated in order to establish procedures by which the Washington state parks and recreation commission will administer grants and contracts supported by winter recreational program funds in accordance with chapter 43.51 RCW.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-010, filed 6/17/83.]

WAC 352-56-020 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) "Commission" means the Washington state parks and recreation commission.

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

(3) "Trail" means a corridor described by location and length which is designated for nonsnowmobile winter recreational activities.

(4) "Use area" means an area described by boundary and acreage in which nonsnowmobile winter recreational activities are authorized.

(5) "Winter recreational" means nonsnowmobile winter recreational activities, facilities, or programs.

(6) "Winter recreational program funds" means the funds deposited in the winter recreational program account which are administered by the Washington state parks and recreation commission pursuant to this chapter and chapter 43.51 RCW.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-020, filed 6/17/83.]

WAC 352-56-030 Winter recreational programs. Winter recreational program funds may be disbursed by the commission for purposes which may include, but not be limited to, the administration, acquisition, development, operation, planning, and maintenance of winter recreational facilities, such as parking areas, sanitary facilities, trails, use areas, and equipment, and the development and implementation of winter recreational safety, enforcement, and education, and information programs.

All winter recreational facilities which receive winter recreational program funds must be open to the general public and meet all legally enforceable safety requirements.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-030, filed 6/17/83.]

WAC 352-56-040 Eligibility. Any public agency in the state of Washington is eligible to receive from the commission grants of winter recreational program funds to support up to one hundred percent of the cost of winter recreational programs.

Any public or private agency or person in the state of Washington is eligible to enter into contracts with the commission to receive winter recreational program funds to support up to one hundred percent of the cost of winter recreational programs.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-040, filed 6/17/83.]

WAC 352-56-050 Application process. In order to be considered by the commission for the receipt of winter recreational program funds, a public or private agency or person must:

(1) Complete an application on a form prescribed by the commission and file the application with the commission by June 1 prior to the beginning of the first snow season for which funds are requested.

(2) Obtain permission to conduct a program from all owners of the land on which a program is to occur and file documentation of such permission with the commission at the time of application for funds.

(3) Agree to:

(a) File with the commission an annual report on a program for which funds are received by May 15 after the end of each snow season for which funds are received;

(b) Return, or replace in kind, to the commission any losses to a program for which funds are received, if due to the action of a recipient of funds, a program is not completed in a timely manner or cancelled; and

(c) Execute a contract with the commission on a program for which funds are received and fulfill all obligations of the contract.

(4) Certify to the commission that any facility for which funds are received will be open to the general public.

(5) Comply with all applicable local, state, and federal laws.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-050, filed 6/17/83.]

WAC 352-56-060 Funding priorities. The priorities for the distribution of winter recreational program funds by the commission shall be:

(1) Administration of a state-wide winter recreational program which includes safety, education, and information programs;

(2) Operation and maintenance of winter recreational parking areas designated by the commission;

(3) Operation and maintenance of winter recreational use areas, trails, and other facilities which include an emergency reserve fund and an enforcement program;

(4) Acquisition and replacement of equipment to support winter recreational programs;

(5) Acquisition and development of new winter recreational facilities; and

(6) Support of special winter recreational programs.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-060, filed 6/17/83.]

WAC 352-56-070 Disbursement of funds. Applicants for winter recreational program funds whose requests are approved by the commission may receive funds (1) on a reimbursement basis after a billing which indicates satisfactory compliance with a contract has been filed with the commission or (2) through an advance payment upon a written request to and approval by the director.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-070, filed 6/17/83.]

WAC 352-56-080 Accountability. Recipients of winter recreational program funds shall maintain accurate accounting records on the expenditure of the funds, provide the commission with these records upon request, and permit the commission to audit the use of the funds in accordance with generally accepted audit practices and standards.

[Statutory Authority: RCW 43.51.330. 83-13-033 (Resolution No. 69), § 352-56-080, filed 6/17/83.]

Chapter 352-60 WAC

RECREATIONAL VESSEL EQUIPMENT AND OPERATION

WAC

352-60-010	Purpose.
352-60-020	Definitions.
352-60-030	Personal flotation devices required.
352-60-040	Visual distress signals.
352-60-050	Ventilation.
352-60-060	Navigation lights and shapes.
352-60-065	Sound producing devices.
352-60-066	Sound and light signals.
352-60-070	Steering and sailing.
352-60-080	Fire extinguisher required.
352-60-090	Backfire flame control.
352-60-100	Liquefied petroleum gas.
352-60-110	Canadian vessels.
352-60-120	Water ski observer.
352-60-130	Whitewater river guides.

WAC 352-60-010 Purpose. This chapter is promulgated in order to establish standards for boating safety equipment and related activities in recreational boating in accordance with RCW 43.51.400.

Application. These requirements apply to all recreational vessels used on waters of the state of Washington.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-010, filed 7/25/94, effective 8/25/94. 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.

"Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

"Coastal waters" means those waters (i.e., bays, sounds, harbors, rivers, inlets, etc.) directly connected to the territorial seas of the state of Washington where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for naviga-

tion. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"International waters" means the high seas within the territorial limits of Washington state seaward of the demarcation lines dividing the high seas from the harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, and are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Inland waters" means the waters within the territorial limits of Washington state shoreward of the demarcation lines dividing the high seas from harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, 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.

"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.

"Observer" means an individual riding in a vessel who is responsible for observing a water skier at all times.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Personal flotation device" means a wearable Type I offshore life jacket, Type II wearable near-shore buoyant vest, Type III wearable flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160.

"PFD" means a personal flotation device.

"Power-driven vessel" means any vessel propelled by machinery.

"Sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"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.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Use" means to operate, navigate, moor or employ.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include

inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

"Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

"Vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel.

"Vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel. Vessels restricted in their ability to maneuver include, but are not limited to:

- A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable, or pipeline;
- A vessel engaged in dredging, surveying, or underwater operations;
- A vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;
- A vessel engaged in the launching or recovery of aircraft;
- A vessel engaged in mineclearance operations; and
- A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

"Visual distress signal" means any signalling device approved by the United States Coast Guard for use on recreational vessels.

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

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

"Whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications found in Title 33, Code of Federal Regulations, Part 81, Appendix A.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-020, filed 7/25/94, effective 8/25/94. 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 required. No person shall operate or permit the operation of a vessel on the waters of the state unless the vessel has on board United States Coast Guard approved personal flotation devices as follows:

- (1) Vessels less than sixteen feet (4.9 meters) in length, and canoes and kayaks of any length, must have one Type I, II, or III PFD of the proper size for each person on board.
- (2) Vessels sixteen feet (4.9 meters) or more in length, except a canoe or kayak, must have one Type I, II, or III wearable PFD of the proper size for each person on board and, in addition, one Type IV throwable PFD.
- (3) Alternate PFD requirement. A United States Coast Guard approved Type V PFD may be carried in lieu of any required PFD under this section if it is approved for the

activity in which the vessel is engaged in and used in compliance with requirements on the approval label.

(4) Stowage and condition. All personal flotation devices required by this section shall be readily accessible to all persons on board and be in good and serviceable condition. All devices shall be approved by the United States Coast Guard and marked in compliance with Coast Guard standards.

(5) Exemptions. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of this section provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-030, filed 7/25/94, effective 8/25/94. 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. (1) Application. The requirements for this section apply to coastal waters.

(2) No person shall operate or permit the operation of a vessel unless visual distress signals are carried on board under the following conditions:

(a) For vessels sixteen feet (4.9 meters) or more in length, devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use must be carried on board.

(b) For vessels less than sixteen feet (4.9 meters) in length, visual distress signals for night use must be carried on board when operating between sunset and sunrise.

(3) Visual distress signals accepted. Any of the following signals as specified in Title 46, Code of Federal Regulations, Part 160, when carried in the number required, can be used to meet the requirements of this section:

(a) An electric distress light meeting the standards of Chapter 46, Code of Federal Regulations, Part 161.013. One is required to meet the night only requirement.

(b) An orange flag meeting the standards of Chapter 46, Code of Federal Regulations, Part 160.072. One is required to meet the day only requirement.

(c) Pyrotechnics meeting the standards noted in the table below:

Distress Signal Description	USCG Approval Number	Use	Number Required
Hand-Held Red Flare Signals	160.021	Day and Night	3
Floating Orange Smoke Signals	160.022	Day Only	3
Parachute Red Flare Signals	160.024	Day and Night	3
Hand-Held Rocket Propelled Parachute Red Flare Signals	160.036	Day and Night	3
Hand-Held Orange Smoke Signals	160.037	Day Only	3
Floating Orange Smoke Signals	160.057	Day Only	3
Red Aerial Pyrotechnic Flares	160.066	Day and Night	3

(4) Marking and stowage. Visual distress signals required by this section must be legibly marked with the United States Coast Guard approval number and must be readily accessible.

(5) Condition and expiration date. Visual distress signals required by this section must be in serviceable

condition, and if marked with an expiration date, shall not be expired.

(6) Launchers. Any vessel that carries a visual distress signal required by this section where a launcher is necessary to activate the signal, must also have on board a launcher approved by the United States Coast Guard.

(7) Prohibited use. No person in a vessel shall display a visual distress signal on the waters of Washington state under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

(8) Exceptions. The following vessels, when operating between sunset and sunrise, must carry visual distress signals that meet the requirements of this section and are suitable for night use:

(a) A vessel competing in any organized marine parade, regatta, race or similar authorized event;

(b) A vessel being manually propelled; or

(c) A sailing vessel of completely open construction, less than twenty-six feet (7.9 meters) in length, and not equipped with propulsion machinery.

(9) Any combination of signal devices selected from the types noted in subsection (3)(a), (b) and (c) of this section, when carried in the number required, may be used to meet both day and night requirements. Examples - the combination of two hand-held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand-held orange smoke (160.037) with one electric distress light (161.013) meet both day and night requirements.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-040, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-040, filed 5/18/84.]

WAC 352-60-050 Ventilation. (1) No person shall operate or permit to be operated any vessel having on board a gasoline engine used for any purpose, unless it shall be provided with proper ventilation.

(2) Compartments with gasoline engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor must be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

(3) Natural ventilation system. A natural ventilation system must be approved for use by the United States Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water.

(4) Exhaust blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information: "WARNING - GASOLINE VAPORS CAN EXPLODE. BEFORE

STARTING ENGINE OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS."

(5) In lieu of the ventilation and warning label required in this section, a vessel may be provided with any type of ventilating system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-050, filed 7/25/94, effective 8/25/94. 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. The requirements of this section are equal to the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82. Application.

(1) The requirements in this section shall be complied with in all weathers. The requirements concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for lights specified by the United States Coast Guard, or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. Lights and shapes shall meet the requirements for visibility, color, shape, and location as required by Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A, Rules 21, 22, and Annex I, as amended.

(2) The lights herein prescribed shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(3) The requirements concerning shapes shall be complied with by day.

(4)(a) Power-driven vessels underway - International waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(A) A power-driven vessel of less than seven meters (23.0 feet) in length whose maximum speed does not exceed seven knots may in lieu of the lights prescribed in (a)(i) of this subsection exhibit an all-round white light and shall, if practicable, also exhibit sidelights;

(B) The masthead light or all-round white light on a power-driven vessel of less than twelve meters (39.4 feet) in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or

located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

(b) Power-driven vessels underway - Inland waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward; except that a vessel of less than twenty meters (65.6 feet) in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(5) Towing and pushing.

(a) International waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern of the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(a) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(A) Instead of the light prescribed in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights,

(C) A sternlight.

(iv) A power-driven vessel to which (a)(i) or (iii) of this subsection apply shall also comply with subsection (4)(a)(i)(B) of this section.

(v) A vessel or object being towed, other than those mentioned in (a)(vii) of this subsection, shall exhibit:

(A) Sidelights;

(B) A sternlight;

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel.

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights;

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (a)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed 100 meters (328.1 feet);

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and if the length of the tow exceeds two hundred meters (656.2 feet) an additional diamond shape where it can best be seen and located as far forward as is practicable.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in (a)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights or shapes prescribed by (a)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by WAC 352-60-066(5), in particular by illuminating the towline.

(b) Inland waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern to the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(b) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except as required by (b)(ii) of this subsection, shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights; and

(C) Two towing lights in a vertical line.

(iv) A power-driven vessel to which (b)(i) or (iii) of this subsection apply shall also comply with subsection (4)(b)(i)(A) and (B) of this section.

(v) A vessel or object other than those referred to in (b)(vii) of this subsection being towed shall exhibit:

(A) Sidelights;

(B) A sternlight; and

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights, and a special flashing light; and

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near each end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, four all-round white lights to mark its length and breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (b)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed one hundred meters (328.1 feet): *Provided*, That any vessels or objects being towed alongside each other shall be lighted as one vessel or object;

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and

(E) The towing vessel may direct a searchlight in the direction of the tow to indicate its presence to an approaching vessel.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in (b)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed by (b)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being assisted. The searchlight authorized by WAC 352-60-066(5) may be used to illuminate the tow.

(6) Sailing vessels underway and vessels under oars - International and inland waters.

(a) A sailing vessel underway shall exhibit:

- (i) Sidelights; and
- (ii) A sternlight.

(b) In a sailing vessel of less than twenty meters (65.6 feet) in length the lights prescribed in (a) of this subsection may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in (a) of this subsection, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by (b) of this subsection.

(d)(i) A sailing vessel of less than seven meters (23.0 feet) in length shall, if practicable, exhibit the lights prescribed in (a) or (b) of this subsection, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this subsection for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward: *Provided*, That for inland waters only, a vessel of less than twelve meters (39.4 feet) in length is not required to exhibit this shape, but may do so.

(7) Fishing vessels - International and inland waters.

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this subsection.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) A masthead light abaft of and higher than the all-round green light; a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such a light but may do so; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) When there is outlying gear extending more than one hundred fifty meters (492.1 feet) horizontally from the

vessel, an all-round white light or a cone apex upward in the direction of the gear; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals as found in Chapter 33, Code of Federal Regulations, Part 81, Annex II and Part 85, Annex II.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this subsection, but only those prescribed for a vessel of her length.

(8) Vessels not under command or restricted in their ability to maneuver - International and inland waters.

(a) A vessel not under command shall exhibit:

(i) Two all-round red lights in a vertical line where they can best be seen;

(ii) Two balls or similar shapes in a vertical line where they can best be seen; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver, except a vessel engaged in mineclearance operations, shall exhibit:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(iii) When making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in (b)(i) of this subsection; and

(iv) When at anchor, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, the light, lights or shapes prescribed in subsection (11) of this section.

(c) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall exhibit:

(i) For inland waters, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, exhibit the lights or shape prescribed in WAC 352-60-066 (5)(b);

(ii) For international waters, in addition to the lights or shapes prescribed in subsection (5)(a)(i) of this section, exhibit the lights or shapes prescribed in (b)(i) and (ii) of this subsection.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in (b)(i), (ii), and (iii) of this subsection and shall in addition, when an obstruction exists, exhibit:

(i) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass; and

(iii) When at anchor, the lights or shape prescribed by this paragraph, instead of the lights or shapes prescribed in subsection (11) of this section for anchored vessels.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and

shapes prescribed in (d) of this subsection, the following shall be exhibited:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) A rigid replica of the International Code flag "A" not less than one meter (3.3 feet) in height. Measures shall be taken to insure its all-round visibility.

(f) A vessel engaged in mineclearance operations shall in addition to the lights prescribed for a power-driven vessel in subsection (4) of this section or to the lights or shape prescribed for a vessel at anchor in subsection (11) of this section as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within one thousand meters (3280.8 feet) of the mineclearance vessel.

(g) A vessel of less than twelve meters (39.4 feet) in length, except when engaged in diving operations, is not required to exhibit the lights or shapes prescribed in this subsection.

(h) The signals prescribed in this subsection are not signals of vessels in distress and requiring assistance. Such signals are contained in Chapter 33, Code of Federal Regulations, Part 87, Annex IV: Distress Signals.

(9) Vessels constrained by their draft - International waters. A vessel constrained by her draft may, in addition to the lights prescribed for power-driven vessels in subsection (4)(a) of this section, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

(10) Pilot vessels - International and inland waters.

(a) A vessel engaged on pilotage duty shall exhibit:

(i) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) When underway, in addition, sidelights and a sternlight; and

(iii) When at anchor, in addition to the lights prescribed in (a)(i) of this subsection, the anchor light, lights, or shape prescribed in subsection (11) of this section for anchored vessels.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a vessel of her length.

(11) Anchored vessels and vessels aground - International and inland waters.

(a) A vessel at anchor shall exhibit where it can best be seen:

(i) In the fore part, an all-round white light or one ball; and

(ii) At or near the stern and at a lower level than the light prescribed in (a)(i) of this subsection, an all-round white light.

(b) A vessel of less than fifty meters (164.0 feet) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in (a) of this subsection.

(c) A vessel at anchor may, and a vessel of one hundred meters (328.1 feet) or more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in (a) or (b) of this subsection and in addition, where they can best be seen:

(i) Two all-round red lights in a vertical line; and

(ii) Three balls in a vertical line.

(e) A vessel of less than seven meters (23.0 feet) in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in (a) and (b) of this subsection.

(f) A vessel of less than twelve meters (39.4 feet) in length when aground shall not be required to exhibit the lights or shapes prescribed in (d)(i) and (ii) of this subsection.

(g) For inland waters only, a vessel of less than twenty meters (65.6 feet) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, shall not be required to exhibit the anchor lights and shapes required by this subsection.

(12) Seaplanes - International and inland waters. Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the requirements section she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

(13) Law enforcement vessels - Inland waters.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this subsection may only be displayed by law enforcement vessels of the United States, Washington, and its political subdivisions. The use of blue lights by other vessels is prohibited.

(14) Public safety activities - Inland waters.

(a) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the rules found in WAC 352-60-060, 352-60-065, 352-60-066, and 352-60-070, and must not presume that the light or the exigency gives them precedence or right of way.

(b) Public safety activities include but are not limited to patrolling marine parades, regattas, or special water celebrations; traffic control; salvage; fire fighting; medical assistance; assisting disabled vessels; and search and rescue.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-060, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-060, filed 5/18/84.]

WAC 352-60-065 Sound producing devices. No person shall operate, or permit to be operated, a vessel on the waters of this state without sound producing devices as follows:

(1) A vessel of twelve meters (39.4 feet) or more in length shall be provided with a whistle and a bell and a

vessel of one hundred meters (328.1 feet) or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with Chapter 33, Code of Federal Regulations, Part 86. The bell or gong, or both, may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(2) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to carry the sound signaling appliances prescribed in subsection (1) of this section, but if she does not, she shall be provided with some other means of making an efficient sound signal.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-065, filed 7/25/94, effective 8/25/94.]

WAC 352-60-066 Sound and light signals. For the purposes of this section, the term "short blast" means a blast of about one second's duration, and the term "prolonged blast" means a blast of from four to six seconds' duration.

(1) Maneuvering and warning signals - International waters.

(a) When vessels are in sight of one another, a power-driven vessel underway, when maneuvering as authorized or required by these requirements, shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I am altering my course to starboard";

- Two short blasts to mean "I am altering my course to port";

- Three short blasts to mean "I am operating astern propulsion."

(b) Any vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals, repeated as appropriate, whilst the maneuver is being carried out:

(i) These light signals shall have the following significance:

- One flash to mean "I am altering my course to starboard";

- Two flashes to mean "I am altering my course to port";

- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of five miles, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 81, Appendix A, Annex I.

(c) When in sight of one another in a narrow channel or fairway:

(i) A vessel intending to overtake another shall in compliance with WAC 352-60-070 (6)(e)(i) indicate her intention by the following signals on her whistle:

- Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

- Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";

(ii) The vessel about to be overtaken when acting in accordance with WAC 352-60-070 (6)(e)(i) shall indicate her agreement by the following signal on her whistle:

- One prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle only shall be used for giving maneuvering and warning signals.

(2) Maneuvering and warning signals - Inland waters.

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within one-half mile of each other, each vessel underway, when maneuvering as authorized or required by these requirements:

(i) Shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I intend to leave you on my port side";

- Two short blasts to mean "I intend to leave you on my starboard side"; and

- Three short blasts to mean "I am operating astern propulsion."

(ii) Upon hearing the one or two blast signal the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in (d) of this subsection and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals:

(i) These signals shall have the following significance:

- One flash to mean "I intend to leave you on my port side";

- Two flashes to mean "I intend to leave you on my starboard side";

- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second; and

(iii) The light used for this signal shall, if fitted, be one all-around white or yellow light, visible at a minimum range of two miles (3219.1 meters), synchronized with the whistle, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 84, Annex I.

(c) When in sight of one another:

(i) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle:

- One short blast to mean "I intend to overtake you on your starboard side";

- Two short blasts to mean "I intend to overtake you on your port side"; and

(ii) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in (d) of this subsection.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle only shall be used for giving maneuvering and warning signals.

(g) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(h) A vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radiotelephone as prescribed by the Federal Bridge-to-Bridge Radiotelephone Act (85 Stat. 165; 33 U.S.C. 1207), is not obliged to sound the whistle signals prescribed by this subsection, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

(3) Sound signals in restricted visibility - International waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to maneuver when carrying out her work at anchor, shall instead of the signals prescribed in

(g) of this subsection sound the signal prescribed in (c) of this subsection.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in (g) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (g) of this subsection sound an identity signal consisting of four short blasts.

(4) Sound signals in restricted visibility - Inland waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, whether under way or at anchor; a sailing vessel; a vessel engaged in fishing, whether underway or at anchor; and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely, one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(f) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in (f) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (f) of this subsection sound an identity signal consisting of four short blasts.

(j) The following vessels shall not be required to sound signals as prescribed in (f) of this subsection when anchored in a special anchorage area designated by the United States Coast Guard:

(i) A vessel of less than twenty meters (65.6 feet) in length; and

(ii) A barge, canal boat, scow or other nondescript craft.

(5) Signals to attract attention - International and inland waters.

(a) If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these requirements, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

(b) For international waters only, any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this subsection the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-066, filed 7/25/94, effective 8/25/94.]

WAC 352-60-070 Steering and sailing. The requirements in this section meet the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82, and shall be construed to supplement federal laws and regulations. Federal laws and regulations shall control if any requirement is inconsistent with federal laws and regulations.

(1) Application - International and inland waters. The requirements in this section shall apply in any conditions of visibility.

(2) Look-out - International and inland waters. Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

(3) Safe speed - International and inland waters. Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account by:

(a) All vessels:

(i) The state of visibility;

(ii) The traffic density including concentrations of fishing vessels or any other vessels;

(iii) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(v) The state of wind, sea, and current, and the proximity of navigational hazards;

(vi) The draft in relation to the available depth of water;

(b) Additionally, by vessels with operational radar:

(i) The characteristics, efficiency and limitations of the radar equipment;

(ii) Any constraints imposed by the radar range scale in use;

(iii) The effect on radar detection of the sea state, weather, and other sources of interference;

(iv) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) The number, location, and movement of vessels detected by radar; and

(vi) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

(4) Risk of collision - International and inland waters. Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(a) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(b) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(c) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and

(ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow, or when approaching a vessel at close range.

(5) Action to avoid collision - International and inland waters.

(a) Any action to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)(i) A vessel which, by any of these requirements, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the requirements of this part.

(iii) A vessel, the passage of which is not to be impeded remains fully obliged to comply with the requirements of this part when the two vessels are approaching one another so as to involve risk of collision.

(6) Narrow channels - International waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (1)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (1)(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in WAC 352-60-066 (1)(c)(ii) and take steps to permit safe passing. If in

doubt she shall sound the signals prescribed in WAC 352-60-066 (1)(d).

(ii) This subsection does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (1)(e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(7) Narrow channels - Inland waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (2)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (2)(c) and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in WAC 352-60-066 (2)(d).

(ii) This requirement does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (2)(e).

(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(8) Vessel traffic separation schemes - International and inland waters.

(a) This subsection applies to traffic separation schemes and does not relieve any vessel of her obligation under any other requirement.

(b) A vessel using a traffic separation scheme shall:

(i) Proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) So far as practicable keep clear of a traffic separation line or separation zone;

(iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading

as nearly as practicable at right angles to the general direction of traffic flow.

(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than twenty meters (65.6 feet) in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

(ii) Notwithstanding (d)(i) of this subsection, a vessel may use an inshore traffic zone when *enroute* to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

(i) In cases of emergency to avoid immediate danger;

(ii) To engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k) A vessel restricted in her ability to maneuver when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this subsection to the extent necessary to carry out the operation.

(l) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this subsection to the extent necessary to carry out the operation.

(9) Conduct of vessels in sight of one another - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(10) Conduct of vessels in sight of one another - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purpose of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(11) Overtaking situation - International and inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Notwithstanding anything contained in this section, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these requirements or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(12) Head-on situation - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(13) Head-on situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Unless otherwise agreed, when two power-driven vessels are meeting on reciprocal or nearly reciprocal courses

so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(14) Crossing situation - International waters. The requirements in this subsection apply to vessels in sight of one another. When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(15) Crossing situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(16) Action by give-way vessel - International waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(17) Action by give-way vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(18) Action by stand-on vessel - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(19) Action by stand-on vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel

may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(20) Responsibilities between vessels - International waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (6), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver.

(d) Any vessel other than a vessel not under command or a vessel restricted in her ability to maneuver shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draft, exhibiting the signals in WAC 352-60-060(9). A vessel constrained by her draft shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(21) Responsibilities between vessels - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (7), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver.

(d) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(22) Conduct of vessels in restricted visibility - International waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

(23) Conduct of vessels in restricted visibility - Inland waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears, apparently

forward of her beam, the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-070, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-070, filed 5/18/84.]

WAC 352-60-080 Fire extinguisher required. (1) Every vessel with a motor, except vessels with an outboard motor, less than twenty-six feet (7.9 meters) in length and of open construction, shall carry on board, fully charged and in serviceable condition the following hand portable United States Coast Guard approved fire extinguishers:

(a) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) in length - One extinguisher;

(ii) Twenty-six feet (7.9 meters) but less than forty feet (12 meters) in length - Two extinguishers;

(iii) Forty feet (12 meters) or longer in length - Three extinguishers.

(b) Motorboats with a fixed extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) - No hand portable extinguisher required;

(ii) Twenty-six feet (7.9 meters) or longer in length, but less than forty feet (12 meters) in length - One extinguisher;

(iii) Forty feet (12 meters) or longer in length - Two extinguishers.

(2) The fire extinguishers required by this section are Class B-I as described in Title 46, Code of Federal Regulations, 25.30, however, one Class B-II described in that regulation may be substituted for two Class B-I extinguishers.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-080, filed 7/25/94, effective 8/25/94. 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. No person shall operate or permit the operation of a vessel powered by a gasoline engine unless it meets the following requirements:

(1) All gasoline engines, except outboard motors, must be equipped with an acceptable means of backfire flame control. Installations consisting of backfire flame arresters approved by the United States Coast Guard under 46 Code of Federal Regulations Parts 25 and 58 are acceptable.

(2) A United States Coast Guard approved flame arrester bearing basic Approval Numbers 162.015 or 162.041 or engine air and fuel induction systems bearing basic Approval Numbers 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must meet the applicable requirements of subsection (3) of this section.

(3) The following are acceptable means of backfire flame control for gasoline engines:

(a) A backfire flame arrester complying with SAE J-1928 or UL 1111, and marked accordingly. The flame

arrester must be suitably secured to the air intake with a flametight connection.

(b) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester, must either include a reed valve assembly or be installed in accordance with SAE J-1928.

(c) An arrangement of the carburetor or engine air induction system that will disperse any flames caused by the engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flametight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but must comply with this requirement.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-090, filed 7/25/94, effective 8/25/94. 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.]

WAC 352-60-120 Water ski observer. Qualifications. These rules are to establish minimum requirements for the observer required when water skiing on the waters of the state.

(1) The observer shall be physically capable and mentally competent of performing the following requirements:

- (a) Continuously observe the skier or skiers;
- (b) Inform the operator of the vessel towing the skier or skiers when they are no longer being towed;
- (c) Raise the skier down flag as required when a person is in the water preparing to ski or returning to the ski vessel.

(2) Nothing in this section shall preempt local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt

more stringent regulations on the qualifications for water ski observer.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-120, filed 7/25/94, effective 8/25/94.]

WAC 352-60-130 Whitewater river guides. Lifesaving qualifications.

(1) Any person who is charged with the responsibility to perform or act as a whitewater river guide for a commercial whitewater company that takes passengers for hire onto the waters of the state is required to have a valid first-aid card from a course that is approved by the Washington department of labor and industries or the department of health, qualifying that person to perform first aid and cardiopulmonary resuscitation (CPR).

(2) The outline of the first-aid course will include cardiopulmonary resuscitation (CPR) instruction consistent with the most current guidelines of the most recent supplement to the *Journal of the American Medical Association* (JAMA). The course outline will include instruction criteria consistent with current Washington state medical protocols.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, CFR Part 175.15. 94-16-027, § 352-60-130, filed 7/25/94, effective 8/25/94.]

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 grants.
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.

"State parks" means the operating arm of the Washington state parks and recreation commission, which is responsi-

ble 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 council" means the volunteer advisory body created by the commission 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 43.51.040. 90-04-064, § 352-64-020, filed 2/5/90, effective 3/8/90. 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 state parks 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 43.51.040. 90-04-064, § 352-64-030, filed 2/5/90, effective 3/8/90. 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, nonprofit organization is eligible to apply for grants 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. The matching requirement may be reduced to not less than twenty-five percent by state parks when necessary to enable the applicant to initiate and continue for a second year a program of boating safety, safety education, or enforcement.

[Statutory Authority: RCW 43.51.040. 90-04-064, § 352-64-040, filed 2/5/90, effective 3/8/90. 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 state parks and file the application on or before the filing date set by state parks in the application form.

(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 state parks. 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 43.51.040. 90-04-064, § 352-64-050, filed 2/5/90, effective 3/8/90. 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.

(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 43.51.040. 90-04-064, § 352-64-060, filed 2/5/90, effective 3/8/90. 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 grants. Following is a description of procedures which will be used by the commission in the review and disbursement of boating safety grants.

(1) Applications will be reviewed by state parks staff and scored by the boating safety council 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 council for the disbursement of boating safety grants in developing final recommendations for presentation to the commission.

(3) Applications will be subject to approval by the commission. 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 state parks which indicates satisfactory compliance with the agreement; or

(b) Through an advance payment upon written approval by the director.

(5) The applicant and state parks 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 43.51.040. 90-04-064, § 352-64-070, filed 2/5/90, effective 3/8/90. 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 state parks 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 43.51.040. 90-04-064, § 352-64-080, filed 2/5/90, effective 3/8/90. Statutory Authority: RCW 43.51.400. 85-03-087 (Order 87), § 352-64-080, filed 1/21/85.]

Chapter 352-65 WAC BOATING SAFETY PROGRAM APPROVAL

WAC

352-65-010	Declaration of purpose and authority.
352-65-020	Program description and assurances.
352-65-030	Equitable local distribution.
352-65-040	Minimum program requirements.
352-65-050	Distribution of funds.
352-65-060	Annual program assessment and report.

WAC 352-65-010 Declaration of purpose and authority. This chapter is adopted to implement RCW 88.02.040 wherein the Washington state parks and recreation commission has been directed to establish a process to review and approve local boating safety programs and to make funds available to local jurisdictions to offset out-of-county boater impacts. These rules pursue the legislature's intention to provide funding to counties and local governments for boater education about safe and responsible boating and to encourage boating safety education in the primary and secondary school system, to increase the level and visibility of the enforcement of boating laws, to purchase equipment including vessel noise measurement equipment, and to stimulate local efforts toward safe boating.

The chapter is promulgated and published pursuant to the authority granted to the parks and recreation commission in RCW 88.12.385. These rules identify the necessary elements of a county boating safety program, specify the approval process, and establish a time frame for approval and distribution of available funds.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. 94-04-076, § 352-65-010, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. 90-13-008, § 352-65-010, filed 6/7/90, effective 7/7/90.]

WAC 352-65-020 Program description and assurances. Each county or local jurisdiction requesting approval of its boating safety program must:

(1) Complete a description of its program on the forms provided by state parks identifying each required program element as specified in WAC 352-65-040;

(2) Provide assurance that the boating safety program will be operated throughout its scheduled season in compliance with program requirements and that the funds allocated will be deposited into an account dedicated solely for supporting the jurisdiction's boating safety program activities as specified in WAC 352-65-040.

(3) Agree to submit to state parks a copy of any audit which discloses disallowed or questioned costs pertaining to funds provided through RCW 88.02.040 and this chapter and agree to resolve to the satisfaction of state parks findings pertaining to these funds.

(4) Enforce boating safety equipment, vessel operation, noise level, and registration laws as specified in Title 88 RCW, navigation and harbor improvements, or as specified in local rules or ordinances.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. 94-04-076, § 352-65-020, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. 90-13-008, § 352-65-020, filed 6/7/90, effective 7/7/90.]

WAC 352-65-030 Equitable local distribution. The legislative authority of each county with an approved boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. The county shall make the equitable distribution to all eligible jurisdictions within seventy-five days of the allocation from the state treasurer and shall notify state parks of the amount distributed to each eligible jurisdiction. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks' approval for their boating safety program.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. 94-04-076, § 352-65-030, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. 90-13-008, § 352-65-030, filed 6/7/90, effective 7/7/90.]

WAC 352-65-040 Minimum program requirements. A boating safety program must provide the necessary services and support to allow the recreational boater the opportunity to enjoy safe and clean waters. State parks, as the state's boating safety program coordinator, has established the following minimum requirements for approval of boating safety programs:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal accidents will be thoroughly investigated to the maximum extent possible, and that

copies of the investigative reports will be submitted to state parks in a timely manner as specified in RCW 88.12.175.

(b) The approved county or local jurisdiction must support the state-wide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR in a timely fashion as specified in RCW 88.12.155; and

(ii) Submitting to state parks a completed boating accident report (BAR) form which includes all available information about the accident or casualty as specified in chapter 352-70 WAC.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, Washington state parks, or any county or local jurisdiction whose training program is approved by Washington state parks.

Such training must be acquired within one year of initiating a new boating safety program, and within one year for each newly assigned boating safety officer.

(4) Rules and regulations. When the county or local jurisdiction adopts ordinances governing recreational boating, the ordinances must be as restrictive, but may be more restrictive than Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must provide:

(a) Boating safety officers with law enforcement commissions which empower such officers to enforce all boating laws and regulations;

(b) A patrol schedule which insures the waterways are patrolled during peak recreational periods;

(c) Response to on-water complaints, accidents, or emergencies;

(d) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

(6) Boating education. The county or local jurisdiction must have a boating education and information program satisfactory to state parks.

(a) A satisfactory boating education program may include any of the following: Presentations in primary and secondary schools, to boating organizations, to youth groups or a course of instruction to the boating public using lessons and materials from state parks education curriculum, or other state or nationally recognized curriculum approved by state parks.

(b) The county or local jurisdiction boating education and information program must:

(i) Have an officer trained by state parks as a boating education instructor;

(ii) Have a designated officer to coordinate the activities of state parks trained volunteer boating education instructors and to act as liaison to boating education organizations; and

(iii) Distribute boating safety information and materials, including materials provided by state parks, to boating and outdoor recreation organizations, the boating public, public agencies and the local media.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the Uniform State Waterway Marking System found in chapter 352-66 WAC.

(8) Boating safety inspections.

The county or local jurisdiction will complete written boating safety inspections during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. State parks will provide boating safety inspection forms. A copy of the completed inspection will be submitted to state parks for statistical purposes.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program and to submit an annual report of all program expenditures. The county or local jurisdiction agrees to participate in state-wide boating surveys coordinated by state parks. Forms will be provided by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing local funds used for boating safety programs. The county or local jurisdiction agrees to deposit boat registration fees allocated by the state treasurer under RCW 88.02.040, into an account dedicated solely for boating safety purposes which include all activities or expenditures identified in this section.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. 94-04-076, § 352-65-040, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. 90-13-008, § 352-65-040, filed 6/7/90, effective 7/7/90.]

WAC 352-65-050 Distribution of funds. (1) Funds available under RCW 88.02.040, which are to be distributed by the state treasurer based on the number of registered vessels by county of moorage, shall be released upon notification to the state treasurer:

(a) By state parks that the county has an approved program; and

(b) By the department of licensing of:

(i) The amount of registration fees collected by each county through June 30 of that calendar year; and

(ii) The total vessels registered by each county through June 30 of that calendar year.

(2) State parks will award those remaining funds not distributed in subsection (1) of this section to help offset out-of-county boater law enforcement and boating safety impacts. The following information will be considered when awarding unallocated funds:

(a) State-wide surveys of vessel use;

(b) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys; and

(c) Other available professionally conducted surveys, studies, or research.

[Statutory Authority: RCW 43.51.400 and 88.12.385. 90-13-008, § 352-65-050, filed 6/7/90, effective 7/7/90.]

WAC 352-65-060 Annual program assessment and report. An annual assessment and report of activities of each approved county or local jurisdiction boating safety program will be made by state parks in order to insure the integrity of the program approval.

(1) The annual assessment will be based on program requirements as specified in this chapter. Counties and local jurisdictions meeting the requirements will maintain approval; those counties or local jurisdictions unable to demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, Administrative Procedure Act.

(2) When boating safety program approval requirements change or when deemed appropriate to document changes to an approved program, state parks may require a revised program description be submitted to state parks as specified in WAC 352-65-020.

(3) State parks will publish an annual report of the program activities and the expenditures of state vessel registration fees for all approved boating safety programs.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. 94-04-076, § 352-65-060, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. 90-13-008, § 352-65-060, filed 6/7/90, effective 7/7/90.]

Chapter 352-66 WAC

UNIFORM WATERWAY MARKING SYSTEM

WAC

352-66-010	Purpose.
352-66-020	Definitions.
352-66-030	General regulations.
352-66-040	Regulatory markers.
352-66-050	Aids to navigation.
352-66-060	Size, shape, material, and construction of waterway markers.
352-66-070	Numbers, letters, or words on markers.
352-66-080	Reflectors or reflective materials.
352-66-090	Navigation lights.
352-66-100	Mooring (anchor) buoys.
352-66-110	Placement to conform.
352-66-120	Abuse prohibited.

WAC 352-66-010 Purpose. (1) The purpose of this chapter is to establish a uniform waterway marking system of aids to navigation, including regulatory markers compatible with the United States lateral system of buoyage, to which all waterway markers owned by state, local government, or private parties shall conform. The uniform waterway marking system is designed to assist the recreational boater in safe navigation and to allow the state and its political subdivisions to provide uniform regulatory information regarding vessel operation on the waters of Washington state not serviced by a marking system administered by the federal government.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-010, filed 3/19/90, effective 4/19/90.]

WAC 352-66-020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Buoy" is any waterway marker designed to float on the water while anchored in a fixed position so as to be clearly visible to operators of an approaching vessel and used to convey an official message.

(2) "Lateral system" is a system of waterway markers prescribed in Title 33, Code of Federal Regulations, part 62, employing an arrangement of shapes, colors, numbers, and light characteristics to indicate to a vessel operator the preferred direction of travel for safe passage.

(3) "Sign" is any device designed to carry an official message which is attached to another object, such as a piling, buoy, pier, or the land itself.

(4) "Uniform state waterway marking system (USWMS)" means the system of aids to navigation including regulatory markers, buoys, and signs prescribed in Title 33, Code of Federal Regulations, subpart 66.10, which are used to provide vessel operators guidance for safe navigation and to identify water areas where vessel operation is restricted or controlled.

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

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

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-020, filed 3/19/90, effective 4/19/90.]

WAC 352-66-030 General regulations. (1) On the navigable waters of Washington state, marking to assist navigation is accomplished by a lateral system of buoyage for use with nautical charts. The lateral system is used by the United States Coast Guard in the marking of navigable waters of the United States as determined by the United States Coast Guard Commandant. The lateral system may be also used by the state and subdivisions thereof for private aids to navigation only when all applicable permits for private aids to navigation have been approved by the United States Coast Guard and other federal, state, or local authorities.

(2) The USWMS has been developed to provide a means to convey to the small vessel operator, in particular, adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The USWMS is suited to use on all waters of Washington state and is designed to satisfy the needs of all types of small vessels. It supplements and is generally compatible with the Coast Guard lateral system of aids to navigation.

(3) The USWMS consists of two categories:

- (a) A system of regulatory markers; and
- (b) A system of aids to navigation.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-030, filed 3/19/90, effective 4/19/90.]

WAC 352-66-040 Regulatory markers. Regulatory markers indicate to a vessel operator the existence of dangerous areas, as well as those areas which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions:

(1) Each regulatory marker shall be colored white with international orange geometric shapes.

(2) When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the water line of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of the buoy body visible between the two bands shall be white.

(3) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

(a) A vertical open faced diamond shape means danger.

(b) A vertical open faced diamond shape having a cross centered in the diamond means that a vessel is excluded from the marked area.

(c) A circular shape means that a vessel operated in the marked area is subject to certain operating restrictions.

(d) A square or rectangular shape with directions or information will have lettering on the inside.

(4) Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white with an international orange border. When a diamond or circular geometric shape associated with the meaning of the marker is included, it shall be centered on the signboard.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-040, filed 3/19/90, effective 4/19/90.]

WAC 352-66-050 Aids to navigation. Aids to navigation used in the USWMS are an organized system of buoys with conspicuous shapes, colors, and markings primarily established to assist vessel operators by indicating position or the safe and proper course on which to proceed.

(1) Aids to navigation used in the lateral system indicate to a vessel operator the preferred direction of travel for safe passage principally by defining the port or left-hand side and the starboard or right-hand side of a route to be followed. Buoys used in the cardinal system indicate to a vessel operator the preferred direction of travel for safe passage through distinct colors which have meaning in relation to the cardinal points of the compass, north, east, south, and west.

(2) On a well-defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each

other to inform the user that the channel lies between the buoys and that he or she should pass between the buoys.

(3) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he or she should pass between the buoys.

(4) Where there is no well-defined channel, or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning may be used. The use of aids to navigation having cardinal meaning is discretionary provided that they are not used on waters considered navigable by the United States Coast Guard Commandant unless specifically permitted by the United States Coast Guard.

(5) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(a) A white buoy with a red top may be used to indicate to a vessel operator that he or she must pass to the south or west of the buoy.

(b) A white buoy with a black top may be used to indicate to a vessel operator that he or she must pass to the north or east of the buoy.

(c) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he or she must not pass between the buoy and the shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-050, filed 3/19/90, effective 4/19/90.]

WAC 352-66-060 Size, shape, material, and construction of waterway markers. The size, shape, material, and construction of all waterway markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the waterway marker will be recognizable before the observer is endangered or is violating a restricted or controlled area.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-060, filed 3/19/90, effective 4/19/90.]

WAC 352-66-070 Numbers, letters, or words on markers. (1) Numbers, letters, or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(2) Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(3) Letters only may be used to identify regulatory markers and the white and red vertically striped obstruction markers. When used the letters shall follow alphabetical sequence in an upstream direction. The letters I and O shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-070, filed 3/19/90, effective 4/19/90.]

WAC 352-66-080 Reflectors or reflective materials.

(1) The use of reflectors or reflective materials shall be discretionary.

(2) When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-080, filed 3/19/90, effective 4/19/90.]

WAC 352-66-090 Navigation lights. The use of navigational lights on state aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than thirty flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency or flashes may not be less than sixty flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light only on a solid colored black buoy; a white light only for all other buoys including regulatory markers.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-090, filed 3/19/90, effective 4/19/90.]

WAC 352-66-100 Mooring (anchor) buoys. (1) Mooring buoys for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line.

(2) A lighted mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(3) A mooring buoy shall bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-100, filed 3/19/90, effective 4/19/90.]

WAC 352-66-110 Placement to conform. No person, political subdivision, or agent of the state shall establish, erect, or place any new or replacement regulatory marker or aid to navigation after January 1, 1991, unless such device conforms to the provisions of this chapter.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-110, filed 3/19/90, effective 4/19/90.]

WAC 352-66-120 Abuse prohibited. (1) No person shall damage, remove, interfere with, moor to, or otherwise obstruct the purpose of any regulatory marker or aid to navigation.

(2) When a vessel is involved with a violation of this chapter, violators shall be subject to the penalties set forth in RCW 88.02.110.

(3) Other violations of this chapter shall subject the violator to the penalties set forth in RCW 43.51.180.

[Statutory Authority: RCW 43.51.040. 90-07-051, § 352-66-120, filed 3/19/90, effective 4/19/90.]

Chapter 352-67 WAC

VESSEL SOUND LEVEL MEASUREMENT PROCEDURES

WAC

352-67-010	Purpose.
352-67-020	Definitions.
352-67-030	Instrumentation.
352-67-040	General requirements.
352-67-050	Specific requirements.

WAC 352-67-010 Purpose. The purpose of these rules is to adopt vessel sound level measurement procedures. These rules are adopted pursuant to chapter 88.12 RCW Regulation of motor boats, under authority of chapter 88.12 RCW and RCW 43.51.400. These test procedures are based on SAE recommended practices SAE J1970, Shoreline Sound Level Measurements Procedure, and SAE J2005, Stationary Sound Level Measurement Procedures for Pleasure Motorboat, and are obtained from and printed with the permission of the Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

[Statutory Authority: RCW 43.51.400. 93-21-014, § 352-67-010, filed 10/11/93, effective 11/11/93.]

WAC 352-67-020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"dB" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

"Commission" means the state parks and recreation commission.

"Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute (ANSI), Specifications for Sound Level Meters, S1.4-1983.

"Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

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

[Statutory Authority: RCW 43.51.400. 93-21-014, § 352-67-020, filed 10/11/93, effective 11/11/93.]

WAC 352-67-030 Instrumentation. (1) A sound level meter which meets Type 1 or Type 2 specifications shall be used.

(2) A microphone windscreen that does not affect the overall reading by more than ± 0.5 dB shall be used.

(3) A sound level calibrator shall be used to calibrate the sound level meter. Proper acoustical calibration shall comprise the complete measurement system including extension cables, etc. Field calibration shall be performed immediately before and after each test sequence.

[Statutory Authority: RCW 43.51.400. 93-21-014, § 352-67-030, filed 10/11/93, effective 11/11/93.]

WAC 352-67-040 General requirements. The following general requirements shall be followed when conducting sound level measurement procedures:

(1) The measurements shall be conducted only by persons qualified by training to perform these procedures.

(2) Proper use of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer should be consulted for both recommended operation of the instrument, and precautions to be observed.

(3) A measurement shall be invalid if changes in the background sound level affect the applicable reading.

[Statutory Authority: RCW 43.51.400. 93-21-014, § 352-67-040, filed 10/11/93, effective 11/11/93.]

WAC 352-67-050 Specific requirements. (1) A person who is qualified to conduct sound level measurement procedures may use either the shoreline sound level measurement procedure, or the stationary sound level measurement procedure, or both.

(2) The shoreline sound level measurement procedure shall be performed as follows:

(a) A suitable measurement site is the shore of a body of water, or dock projecting out from the shore into the body of water, or a raft, or a vessel moored to a dock, or anchored so that the sound level meter or microphone is not more than

six meters (twenty feet) from shore. If the measurement is made from a dock, the dock shall be of open construction so that it presents a minimum of reflecting surfaces. The area around the microphone and vessel being measured shall be free of large obstructions or reflective surfaces including but not limited to buildings, high embankments, sea walls, hills, large piers, or breakwaters, for a minimum distance of thirty meters (one hundred feet).

(b) The applicable reading does not require that the vessel subject to the procedure be at any specific distance from the shoreline or microphone.

(c) This measurement procedure shall not be used during the time period of thirty seconds following engine start-up and/or preceding engine shutdown.

(d) The microphone shall be placed 1.2 meters to 1.5 meters (four feet to five feet) above the water, and no less than 0.6 meter (two feet) above the curve of the shore, dock, or platform. If on a dock or platform, the microphone shall be placed near or beyond the end of the dock or platform. If the measurement is made from a vessel, the microphone shall be held at a height of not less than 0.6 meter (two feet) above the surface of the water. A suitable vessel for this purpose is of open hull construction.

(e) The meter shall be set for slow response and the A-weighting network on the sound level meter.

(f) The observer reading the meter shall not be closer than arm's length from the microphone. Only one other person may be within fifteen meters (fifty feet) of the microphone when measuring from the dock or shoreline, and that person shall be directly behind the observer reading the sound level meter.

(g) The applicable reading shall be the highest sound level measured during a period when the background sound level is at least ten dB lower than the maximum allowable sound level. Background sound level includes wind effects, noise from boats other than the one being measured, wave action, boat wakes, and other extraneous noises. Readings due to hull slaps which create intermittent sound levels shall be disregarded.

(h) The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after applicable reading.

(i) When sound level readings are taken from inside a vessel, three dB shall be subtracted from the reading to better correlate with shoreline readings.

(3) The stationary sound level measurement procedure shall be performed as follows:

(a) A suitable measurement site is a body of water free of large obstructions or reflective surfaces including but not limited to buildings, vessels other than those involved in the procedure, large embankments, or breakwaters, for a minimum distance of eight meters (twenty-five feet) from the vessel being measured. The vessel being tested shall either be moored to a dock or lashed to another vessel. If moored to a dock, the dock shall be of open construction so that it presents a minimum of reflecting surfaces. If the measurement is made in open water, the vessel being measured shall be lashed to the measurement vessel to prevent relative motion and to allow positioning of the microphone in the prescribed location. The measurement vessel shall be positioned to minimize reflected sound.

(b) The engine or motor of the vessel being evaluated shall be operated at low idle speed within the engine manufacturer's recommended operating range, in neutral gear if so equipped. For vessels without a neutral gear, the engine or motor shall be operated at its lowest operational speed. The engine or motor shall be operated for a sufficient amount of time to allow water to flow through the exhaust system before taking measurements.

(c) The microphone shall be placed at a distance of 1.2 meters to 1.5 meters (four feet to five feet) above the water and no closer than one meter (3.3 feet) from the vertical projection of any part of the vessel in the area adjacent to the exhaust outlet(s).

(d) The meter shall be set for slow response and the A-weighting network.

(e) The observer reading the meter shall not be closer than arm's length from the microphone to minimize sound reflections.

(f) The applicable reading shall be the average sound level measured during a period when the background sound level is at least ten dB lower than the measured sound level. Background sound level includes wind effects, noise from vessels other than the one being measured, wave action, vessel wakes, and other extraneous noises. Peak readings of intermittent sound levels created by wave slaps or changes in sound level due to wave action and/or engine or motor speed variation shall not be included in the applicable reading.

(g) The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after the applicable reading.

[Statutory Authority: RCW 43.51.400. 93-21-014, § 352-67-050, filed 10/11/93, effective 11/11/93.]

Chapter 352-68 WAC WATER TRAIL PROGRAMS

WAC

352-68-010	Purpose.
352-68-020	Definitions.
352-68-030	Water trail program funds.
352-68-040	Funding priorities.
352-68-050	Eligibility.
352-68-060	Application process.
352-68-070	Grant selection.
352-68-080	Disbursement of funds.
352-68-090	Accountability.
352-68-100	Water trail permit—Issuance.
352-68-110	Water trail permit—Inspection.
352-68-120	Water trail use regulations.
352-68-130	Severability.

WAC 352-68-010 Purpose. (1) This chapter:

(a) Establishes procedures by which the Washington state parks and recreation commission will administer grants supported by water trail program funds; and

(b) Provides for issuance and use of water trail permits; and

(c) Provides for distribution of trail use guidelines.

(2) The commission retains the authority pursuant to RCW 43.51.442 and 43.51.444 to enter into nongrant contracts with any public agency, tribal government, entity,

or person to develop and implement water trail programs. Such contracts are not subject to this chapter.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-010, filed 11/3/94, effective 12/4/94.]

WAC 352-68-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section:

"Commission" means the Washington state parks and recreation commission.

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

"Site" means a designated area and the fixtures and improvements thereon or nearby provided to people traveling the water trail for their overnight stays ashore.

"Water trail program funds" means the funds deposited in the water trail program account administered by the Washington state parks and recreation commission pursuant to this chapter and chapter 43.51 RCW.

"Water trail system" means a network of designated water trail sites strategically located for the convenience, and use of holders of water trail permits when traveling from site to site.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-020, filed 11/3/94, effective 12/4/94.]

WAC 352-68-030 Water trail program funds.

Water trail program funds may be used by the commission solely for water trail program purposes, including, but not limited to, grants for planning, acquisition, development, maintenance, operation and administration of a water trail program and a water trail system of sites and water trail access and launching areas and facilities, such as sanitary facilities, trails, camping areas, and equipment, and for enforcement, education and information programs. Sites for which water trail program funds are used shall be open to holders of a water trail permit.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-030, filed 11/3/94, effective 12/4/94.]

WAC 352-68-040 Funding priorities. The unranked priorities for the water trail program grant funds are:

(1) Administering a water trail program which includes safety education and trail information;

(2) Incorporating public land holdings into the water trail system, with emphasis on reducing distances between sites and providing alternate routes through scenic areas;

(3) Developing sites that minimize the potential for conflict with other users of public lands;

(4) Developing, in cooperation with public and private entities, programs, regulations, site improvements, and equipment that minimize maintenance costs and reduce impacts of trail use on sites and adjacent areas;

(5) Acquiring new sites for the water trail system;

(6) Conducting studies of the interaction of the trail system, its users, and the public to guide future development of the trail system;

(7) Supporting special water trail programs; and

(8) Other water trail program needs as may be determined by the commission.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-040, filed 11/3/94, effective 12/4/94.]

WAC 352-68-050 Eligibility. Any municipal corporation, public agency, or tribe in the state of Washington is eligible to apply for grants of water trail program funds to support up to one hundred percent of the cost of the water trail programs.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-050, filed 11/3/94, effective 12/4/94.]

WAC 352-68-060 Application process. Applicants for water trail program grant funds must:

(1) Complete an application form and timely file it with the commission.

(2) File documentation of permission to conduct the proposed program from all owners of land on which the program is to occur.

(3) Comply with applicable laws and ordinances.

(4) Agree to:

(a) File an annual report with the commission on the funded program by January 15 following receipt of the program funds;

(b) Return, or replace in kind, to the commission, any losses of grant funds, if due to the action of a recipient of funds, or unspent grant funds if a program is not completed in a timely manner or is canceled;

(c) Execute a grant contract with the commission for the program to be funded; and

(d) Fulfill all obligations of the grant contract.

(5) Certify to the commission that any facility for which funds are received will be open to all holders of a water trail permit for, at minimum, the period of time specified in the grant contract.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-060, filed 11/3/94, effective 12/4/94.]

WAC 352-68-070 Grant selection. The selection process which will be used by the commission in the review and disbursement of water trail grant funds is as follows:

(1) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(2) The director will receive and consider the recommendations of the water trails advisory committee and will present final recommendations to the commission.

(3) The commission retains the authority and responsibility to make the final decision concerning the grant of funds.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-070, filed 11/3/94, effective 12/4/94.]

WAC 352-68-080 Disbursement of funds. The commission may disburse funds for approved water trail programs either:

(1) After submittal of a billing indicating satisfactory compliance with contractual obligations; or

(2) In the case of municipal corporations or other public agencies, in advance payment upon written request to and approval by the director.

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[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-080, filed 11/3/94, effective 12/4/94.]

WAC 352-68-090 Accountability. Recipients of water trail program funds shall maintain accurate accounting records on the expenditure of funds, provide the commission with these records upon request, and permit the commission to audit the use of the funds.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-090, filed 11/3/94, effective 12/4/94.]

WAC 352-68-100 Water trail permit—Issuance. Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as published by state parks. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-68-100, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-100, filed 11/3/94, effective 12/4/94.]

WAC 352-68-110 Water trail permit—Inspection. Any person using a designated water trail site shall carry the water trail permit and make it available for inspection when requested by an authorized agent. A violation of this section shall constitute a civil infraction as provided in RCW 43.51.454.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-110, filed 11/3/94, effective 12/4/94.]

WAC 352-68-120 Water trail use regulations. Guidelines for use of water trails shall be distributed with the water trail permit. Use of commission owned or commission administered sites shall be subject to all applicable public use regulations of the commission.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-120, filed 11/3/94, effective 12/4/94.]

WAC 352-68-130 Severability. Should any section of the foregoing regulations be found invalid, the remainder of the regulations shall remain in full force and effect.

[Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-130, filed 11/3/94, effective 12/4/94.]

Chapter 352-70 WAC

BOATING ACCIDENT AND CASUALTY REPORTS

WAC

352-70-010	Purpose.
352-70-020	Definitions.
352-70-030	Applicability.
352-70-040	Written accident and casualty report.
352-70-050	Content of written accident and casualty report.
352-70-060	Submission of notification and report.

WAC 352-70-010 Purpose. This chapter is promulgated in accordance with RCW 43.51.400 and 88.12.130 in order to establish procedures by which boating accident and casualty reports are to be submitted to the Washington state parks and recreation commission and to the law enforcement agencies having jurisdiction.

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-010, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-010, filed 12/19/83.]

WAC 352-70-020 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) "Commission" means the Washington state parks and recreation commission.

(2) "Operator" means an individual who steers, directs, or otherwise has control of a vessel that is underway or exercises actual authority to control the person at the helm.

(3) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(4) "Use" means operate, navigate, or employ.

(5) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

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

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-020, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-020, filed 12/19/83.]

WAC 352-70-030 Applicability. (1) This chapter applies to each vessel used on the waters of Washington state that:

(a) Is used by its operator for recreational purposes; or

(b) Is required to register in accordance with RCW 88.02.030.

(2) This chapter does not apply to each vessel required to have a certificate of inspection in accordance with chapter I, Title 46, Code of Federal Regulations.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-030, filed 12/19/83.]

WAC 352-70-040 Written accident and casualty report. (1) The operator of a vessel shall submit a complete written report to the law enforcement agency that has jurisdiction where the accident occurred. The report shall be on a form prescribed by the commission in WAC 352-70-050. The report shall be submitted when as a result of an occurrence that involves the vessel or its equipment:

(a) A person dies;

(b) A person is injured and requires medical treatment beyond first aid;

(c) Damage to the vessel and other property totals more than five hundred dollars or there is a complete loss of a vessel; or

(d) A person disappears from the vessel under circumstances that indicate death or injury.

(2) A report required by this section must be submitted within forty-eight hours of the occurrence if a person dies within twenty-four hours of the occurrence, is injured and requires medical treatment beyond first aid, or disappears from a vessel.

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All other reports required by this section must be submitted within ten days of the occurrence.

(3) If the operator of a vessel cannot submit the report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, the law enforcement agency that has jurisdiction where the accident occurred shall complete the report on behalf of the owner.

(4) The completed report shall be submitted to the commission by the law enforcement agency that has jurisdiction within ten days of receiving or completing the report.

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-040, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-040, filed 12/19/83.]

WAC 352-70-050 Content of written accident and casualty report. Each written report required by WAC 352-70-040 shall be on a form prescribed by the commission. Each report must be dated upon completion, signed by the person who prepared it, and must contain, if available, at least the following information about the accident or casualty:

(1) The registration numbers or names as documented of each vessel involved.

(2) The name and address of each owner of each vessel involved.

(3) The name of the nearest city or town, the county, the state, and the body of water.

(4) The time and date the accident or casualty occurred.

(5) The location on the water.

(6) The visibility, weather, and water conditions.

(7) The estimated air and water temperatures.

(8) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator of the vessel of the person making the report.

(9) The name and address of each operator of each other vessel involved.

(10) The number of persons on board and towed on skis by each vessel.

(11) The name, address, and date of birth of each person injured or killed.

(12) The cause of each death.

(13) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(14) The name and address of each owner of property involved.

(15) The number, availability, and use of personal flotation devices.

(16) The type and amount of each fire extinguisher used.

(17) The nature and extent of each injury.

(18) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(19) A description of each equipment failure that caused or contributed to the cause of the accident or casualty.

(20) A description of the vessel accident or casualty.

(21) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion, or other).

(22) The opinion of the person making the report as to the cause of the accident or casualty including whether or

not alcohol or drugs, or both, was a cause or contributed to causing the casualty.

(23) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the vessel of the person making the report.

(24) The name, address, and telephone number of each witness.

(25) The manufacturer's hull identification number, if any, of the vessel of the person making the report.

(26) The name, address, and telephone number of the person submitting the report.

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-050, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-050, filed 12/19/83.]

WAC 352-70-060 Submission of notification and report. The report required by this chapter shall be submitted to the commission at the following address by the law enforcement agency that has jurisdiction where the accident occurred:

Washington State Parks and
Recreation Commission
Boating Programs
7150 Cleanwater Lane
P.O. Box 42654
Olympia, Washington 98504-2654

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-060, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-060, filed 12/19/83.]

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.
352-74-045	Filming fees.
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 director 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. 94-23-010, § 352-74-020, filed 11/3/94, effective 1/1/95; 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 this chapter and subject to the discretion of the commission as otherwise set forth herein.

[Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-030, filed 3/18/88, effective 5/15/88. 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. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a completed film permit application with the appropriate fees to the:

Director
Washington State Parks and
Recreation Commission
7150 Cleanwater Lane
PO Box 42650
Olympia, WA 98504-2650

[Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-040, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-08-005, § 352-74-040, filed 3/24/94, effective 5/1/94. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-040, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-040, filed 10/2/84.]

WAC 352-74-045 Filming fees. (1) Permit application fee - each application shall be accompanied by the appropriate application fee, based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - prior to commencing filming activities or otherwise as specified by the director or the director's designee, each applicant shall pay an additional site location fee, set by the director or the director's designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or director's designee deem appropriate.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-74-045, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-045, filed 11/3/94, effective 1/1/95.]

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 to an approved applicant after the applicant has submitted to the director any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050 and has demonstrated in its application or otherwise to the satisfaction of the director that filming:

- (1) Is compatible with the activities of park visitors;
- (2) Will not damage facilities or resources, or interfere with park operations;
- (3) Will not disrupt wildlife;
- (4) Will not imply the endorsement of the commission for the content of the film;
- (5) Will acknowledge the cooperation of the commission;
- (6) Is not inconsistent in the judgment of the director with the purposes for, or conditions on which, the property where the filming is to take place was acquired; and
- (7) Will conform with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, the conditions upon which the permit was granted, and the instructions of the commission staff who supervise the filming, then the director or designee of the director shall revoke the film permit.

[Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-060, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-060, filed 3/18/88, effective 5/15/88. 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 director 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 director 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 or exercise any such other legal rights as may be available.

[Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-070, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-070, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-070, filed 10/2/84.]

Chapter 352-75 WAC

BOAT SEWAGE PUMPOUT CONTRACT PROGRAM

WAC

352-75-010	Purpose.
352-75-020	Definitions.
352-75-030	Contract eligibility.
352-75-040	Application process.
352-75-050	Use of funds.
352-75-060	Ongoing cost.
352-75-070	Equipment breakdown.
352-75-080	General contract provisions.
352-75-090	Spill reporting and cleanup.

WAC 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.

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

(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.
- (iv) At the conclusion of the construction the applicant will provide state parks with:
 - (A) Contractor's billings;
 - (B) A19-1 invoice vouchers for reimbursement;
 - (C) Copies of all advertisements;
 - (D) Copies of all bids;
 - (E) Copies of all change orders;
 - (F) A copy of the original public works contract if a public entity, or a copy of the original contract with the general contractor if a private entity; and
 - (G) A copy of the contractor's performance bond.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-040, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-040, filed 4/30/90, effective 5/31/90.]

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.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-050, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-050, filed 4/30/90, effective 5/31/90.]

WAC 352-75-060 Ongoing cost. Each financial recipient shall comply with the requirements set forth in RCW 88.36.050 and this chapter. It shall further monitor the use of its sewage pumpout and dump station unit and report such usage to state parks not later than thirty days after the 31st day of December for the preceding year in the format prescribed by state parks.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-060, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-060, filed 4/30/90, effective 5/31/90.]

WAC 352-75-070 Equipment breakdown. Each financial recipient is responsible for the upkeep or preservation of condition of its sewage pumpout and dump station facility, including cost of ordinary repairs necessary and proper from time to time for that purpose. In the event an equipment breakdown does occur, the financial recipient must notify state parks within two working days of the breakdown. The facility must be repaired and be fully operational within ten days after the breakdown where the breakdown can be cured with normal expected repairs of five hundred dollars or less. For repairs greater than five hundred dollars, the facility must be fully operational within twenty days after the breakdown. A written report for all breakdowns must be submitted to state parks within two weeks of the breakdown describing the problem(s), repair(s), and cost(s). State parks reserves the right to make exceptions to the breakdown repair time limits in extenuating circumstances.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-070, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-070, filed 4/30/90, effective 5/31/90.]

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.
- (6) Governing law.
- (7) Severability.
- (8) Dispute resolution.
- (9) Negotiation period.
- (10) Termination.
- (11) Survival.
- (12) Ownership.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-080, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-080, filed 4/30/90, effective 5/31/90.]

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.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, § 352-75-090, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-090, filed 4/30/90, effective 5/31/90.]

Chapter 352-76 WAC CLEAN VESSEL FUNDING PROGRAM

WAC

352-76-010	Purpose.
352-76-020	Definitions.
352-76-030	Eligible applicants.
352-76-040	Eligible activities.
352-76-050	Limitations on the availability and use of funds.
352-76-060	Application process.
352-76-070	Project selection.
352-76-080	Conditions on use of funds.

WAC 352-76-010 Purpose. Sewage discharged by recreational boaters is a contributor to localized degradation of water quality in Washington state. The discharge of untreated sewage by boaters is prohibited under federal law in all areas within the navigable waters of the United States and under state law in all waters of the state. Many boaters have Type III marine sanitation devices (holding tanks), or portable toilets for sewage. However, there is currently an inadequate number of pumpout stations and dump stations for boaters to dispose of their sewage. The purpose of this chapter is to provide funds to public and private marinas for the purchase, construction, and renovation of pumpout and boater waste reception facilities and to provide funds to educational institutions, public agencies and boating organizations for boater environmental education activities.

Funding for this program will come from the federal "Clean Vessel Act of 1992," Pub.L. 102-587, Subtitle F, and state funds appropriated by the legislature for such purposes. This chapter establishes the procedures by which the commission will award funds for clean vessel projects and the conditions related to the use of funds.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-010, filed 6/13/94, effective 7/14/94.]

WAC 352-76-020 Definitions. When used in this chapter, 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.

"Boater" means any person on a recreational vessel on waters of the state of Washington.

"Boater sewage" or "boat sewage" means liquid and solid human waste material generated by boaters while using recreational vessels.

"Boating environmental committee" means a committee of the boating safety council, the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests.

"Clean Vessel Act" or "act" means the federal Clean Vessel Act, Pub.L. 102-587, Subtitle F.

"Commission" means the Washington state parks and recreation commission.

"Construction" means activities which produce new capital improvements and increase the value or usefulness of existing property.

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

"Education/information" means the education/information program designed to make recreational boaters and others aware of the environmental pollution problem resulting from sewage discharges from vessels, to inform them of facility locations, and to encourage environmentally responsible behavior.

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

"Facility" means a pumpout station, dump station or other device for the disposal, holding and/or transport of boater sewage.

"Funding recipient" is the entity which has been awarded a contract with state parks to receive funding for activities identified in WAC 352-76-040.

"Maintenance" means those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is nonroutine cyclical maintenance to keep facilities fully functional.

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

"Operation" means those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

"Plan" is the plan identified in the technical guidelines as published in the *Federal Register*, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the state titled *Comprehensive Plan for Boat Sewage Disposal for Washington State*.

"Private entities" 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 facility or a boater education program.

"Project" means a facility or a boater environmental education program for which a public or private entity applies for and receives funding.

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

"Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.

"Renovation" means major rehabilitation of a facility to restore it to its original intended purpose.

"Sewage dump station" means a facility specifically designed to receive sewage from portable toilets carried on vessels. Sewage dump stations do not include lavatories or restrooms.

"Sewage pumpout station" means a mechanical device, fixed or portable, generally stationed on a dock, pier, float, barge, vessel or other location convenient to boaters, designed to remove sewage waste from Type III marine

sanitation devices (holding tanks) installed onboard vessels.

"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.

"Type III marine sanitation device" (holding tank) means any equipment for installation onboard a vessel which is specifically designed to receive, retain, and discharge sewage.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-020, filed 6/13/94, effective 7/14/94.]

WAC 352-76-030 Eligible applicants. The commission may award funding to the owner(s) of public, tribal or private marinas, boat launches, boater destination sites, marine service enterprises, and to schools, public agencies, and boating and environmental organizations.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-030, filed 6/13/94, effective 7/14/94.]

WAC 352-76-040 Eligible activities. (1) Subject to any limitations imposed by the director pursuant to WAC 352-76-050(2), eligible activities may include:

(a) Construction/renovation of facilities including floating restrooms in the water, not connected to land or structures connected to the land used solely by boaters.

(b) Any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, and haulage costs.

(c) Any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(d) Education/information program to educate/inform the following audiences about the environmental pollution problems resulting from sewage discharges from recreational vessels, to inform them of the location of pumpout and dump stations, and to encourage environmentally responsible behaviors:

(i) Boat owners and operators;

(ii) Marina owners and operators;

(iii) Sewage treatment plant owners and operators;

(iv) Federal, state and local governmental authorities and organizations;

(v) Boating supply and retailers; and

(vi) The general public.

(2) The following activities are ineligible:

(a) Activities that do not provide public benefits.

(b) Enforcement activities.

(c) Construction/renovation of upland restroom facilities.

(d) Construction/renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-040, filed 6/13/94, effective 7/14/94.]

WAC 352-76-050 Limitations on the availability and use of funds. (1) The director may establish limitations on the availability and use of clean vessel project funds for a funding application period when the director believes that doing so would assist the commission in providing for an efficient network of boater sewage disposal facilities and/or

an effective boater education and information program. Any limitations shall be defined in the application package for each funding period. The director shall establish such limitations only after considering the following:

(a) Consistency with the *Comprehensive Plan for Boat Sewage Disposal for Washington State*.

(b) Availability of funds.

(c) Advice from the commission's "boating environmental committee."

(d) Information which identifies emerging technology, user trends, public education opportunities or other studies or data which can direct the proper disposal of boater sewage.

Limitations established by the director shall be confined to those set forth in subsections (2) through (5) of this section.

(2) Eligible activities. For each funding period the director shall determine which activities specified in WAC 352-76-040 shall be eligible for project funding, and shall determine the amount of project funding to be allocated to each category of activity.

(3) Cost sharing. The director may determine that applicants be required to make a matching contribution to be eligible for funding.

(4) Allowable costs. The director may limit the amount of funding available for any element(s) of a project including but not limited to; design, engineering and consultant fees, construction, equipment, floats or other related appurtenances, and applicant staff costs.

(5) Fees charged. A maximum of a five-dollar fee may be charged per use, with no justification, for use of pumpout facilities constructed with grant funds. If higher fees are charged, they must be justified to the director before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation each year.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-050, filed 6/13/94, effective 7/14/94.]

WAC 352-76-060 Application process. In order to be considered by the commission for receipt of clean vessel project funding an eligible applicant must:

(1) Complete an application form prescribed by the director and file the application on or before the filing date set by the director in the application package.

(2) Provide a statement of intent from the governing body of the requesting public entity or private entity that the necessary matching funds will be made available for the project as described in the application and that project funding will be accepted on a reimbursement basis.

(3) Agree to all the terms and conditions established in this chapter and as specified in the project contract.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-060, filed 6/13/94, effective 7/14/94.]

WAC 352-76-070 Project selection. The selection criteria and the selection process which will be used by the commission in the review and disbursement of clean vessel project funds are as follows:

(1) Selection criteria. The director shall select any or all of the following criteria in evaluating applications for project funding. The appropriate criteria shall be identified in the application packet. Each proposal must be compatible with the comprehensive plan for boat sewage disposal for Washington state.

(a) Proposals that provide for public/private partnership efforts to develop and operate sewage pumpout and dump stations;

(b) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;

(c) Proposals that include an education/information component;

(d) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the *Federal Register*, 59 *Federal Register* 11299;

(e) Proposals in areas with high vessel/pumpout or dump station ratios;

(f) Proposals which show consideration for the economics of installation or implementation to provide greatest cost benefit ratio;

(g) Proposals which can demonstrate their feasibility for construction or implementation;

(h) Proposals which contribute to the statewide network of facilities or programs in terms of proximity to existing facilities and geographic balance.

(2) Selection process.

(a) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(b) The director will receive and consider the recommendations of the boating environmental committee and will present final recommendations to the commission.

(c) The commission retains the authority and the responsibility to make the final decision concerning the funding of a project.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-070, filed 6/13/94, effective 7/14/94.]

WAC 352-76-080 Conditions on use of funds. The following conditions apply to the use of clean vessel project funds.

(1) Project contract. For every funded project a contract must be executed by the director or designee on behalf of the commission and by the funding recipient. The funding recipient may not proceed with the project until the contract has been executed by both parties.

(2) Design criteria. The funding recipient shall ensure that design and installation of the facilities are in accordance with the technical standards provided by state parks.

(3) Signage. A state or national symbol provided by state parks shall be installed to be clearly visible to direct boaters entering the facility to sewage pumpout and dump stations. Appropriate information shall be installed at sewage pumpout and dump stations. Such information shall indicate fees, restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable. State parks will identify required wording.

(4) Public access. All recreational vessels must have access to sewage pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

(5) Operation and maintenance. All facilities funded under this program shall be operated and maintained by the funding recipient for the full period of their useful life. All structures and related assets are to be used for their stated purpose.

(6) Reporting requirements. The funding recipient shall submit the reports required by state parks as directed in the funding contract.

(7) Compliance with state and federal laws, regulations, and policies. In accepting project funding, the funding recipient must agree to and certify compliance with all applicable federal and state laws, regulations and policies.

(8) Accountability. Funding recipients shall maintain accurate accounting records on the expenditure of project funds, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards. State parks reserves the right to terminate its participation in any program which fails to perform according to the requirements of this chapter.

[Statutory Authority: RCW 88.12.325. 94-13-082, § 352-76-080, filed 6/13/94, effective 7/14/94.]