



Updated 1/22/19 Work Session Agenda
Washington State Parks and Recreation Commission

January 23, 2019
Titlow Lodge, 8425 6th Avenue, Tacoma, WA 98465

Commissioners: Chair Ken Bounds, Vice Chair Cindy Whaley, Secretary Patricia Lantz,
Michael Latimer, Steve Milner and Mark O. Brown.
Director: Donald Hoch

Time: Opening session will begin as shown; all other times are approximate.

Public Comment: This is a work session between staff and the Commission. The public is invited but no public comment will be taken. No decisions will be made by the Commission at the work session.

9:00 a.m. CALL TO ORDER – Cindy Whaley, Commission Vice Chair

- Call of the roll
- Introduction of Staff
- Changes to agenda
- Logistics

9:10 a.m. REAL ESTATE UPDATE – Ken Graham, Property Acquisition Specialist and Karen Edwards, Property Acquisition Specialist

- This item provides the Commission an overview of recent property acquisitions, highlighting the utility of Commission-adopted long-term park boundaries.

10:00 a.m. CLIMATE CHANGE – Lisa Lantz, Stewardship Program Manager

- This item provides the Commission an update on work underway with the University of Washington Climate Impacts Group to develop a climate change adaptation plan for State Parks.

10:40 a.m. BREAK

10:55 a.m. TACOMA METRO PARKS – Pete Mayer, Deputy Director, Tacoma Metro Parks

- This item provides the Commission an opportunity for a discussion with key staff from Tacoma Metro Parks regarding common trends and issues.

12:00 p.m. LUNCH

- 12:45 p.m. STATE ENVIRONMENTAL POLICY ACT (SEPA) 101** – Jessica Logan, Environmental Program Manager
- This item provides the provides the Commission with information on how the State Environmental Policy Act (SEPA) informs agency decision making.
- 1:45 p.m. BLUE MOUNTAIN AREA CAMP UPDATE** – Laura Moxham, Parks Planner
- This item provides the Commission an update on the classification and management planning process currently underway for the Blue Mountain Area parks, including Palouse Falls, Lyons Ferry, and Lewis and Clark Trail.
- 2:30 p.m. BREAK**
- 2:45 p.m. STRATEGIC PLAN** – Owen Rowe, Policy & Governmental Affairs Director
- This item continues work on developing the Commission’s 2021-23 strategic plan which will be completed by July 2020 so that it can be submitted with the next biennial operating budget request to the Governor’s office and the legislature.
- 3:45 p.m. STAFF REPORTS**
- 5:00 p.m. ADJOURN**

Commission Meeting Agenda

Washington State Parks and Recreation Commission

January 24, 2019

Titlow Lodge, 8425 6th Avenue, Tacoma, WA 98465

Commissioners: Chair Ken Bounds, Vice Chair Cindy Whaley, Secretary Patricia Lantz, Michael Latimer, Steve Milner and Mark O. Brown.

Director: Donald Hoch

Time: Opening session will begin as shown; all other times are approximate.

Order of Presentation: In general, each agenda item will include a presentation, followed by Commission discussion and then public comment. The Commission makes decisions following the public comment portion of the agenda.

Public Comment:

Comments about topics *not on the agenda* are taken during General Public Comments.

Comments about *agenda topics* will be taken with each topic.

If you wish to comment at a meeting, please fill out a comment card and provide it to staff at the sign in table. The Chair will call you up to the front at the appropriate time. You may also submit written comments to the Commission by emailing them to Commission@parks.wa.gov by 5 p.m. on January 18, 2019.

9:00 a.m. CALL TO ORDER – Ken Bounds, Commission Chair

- Flag Salute
- Call of the roll
- Introduction of Staff
- Recognition of State and Local Officials
- Approval of the Agenda
- Approval of minutes of previous meetings: November 18, 2019 - Auburn

9:10 a.m. EXECUTIVE SESSION – *litigation and personnel matters*

9:40 a.m. COMMISSIONER REPORTS

10:20 a.m. DIRECTOR REPORT

10:30 a.m. RECOGNITION

- Service Pins
 - Paul Ruppert, 25 years state and parks

- 10:40 a.m. PUBLIC COMMENTS: Pre-Arranged Speakers**
- None
- 10:40 a.m. GENERAL PUBLIC COMMENTS: Topics not on the agenda**
- 10:50 a.m. BREAK**
- 11:00 a.m. EXECUTIVE SESSION – *Director’s Evaluation***
- 11:30 a.m. REQUESTED ACTION**
- Item E-1: Director’s Performance Agreement
This item asks the Washington State Parks and Recreation Commission to adopt the 2019 Director’s Performance Agreement. It also asks the Commission to document their conclusion that the Director performed satisfactorily in 2018, and that a meaningful evaluation process was used to reach this conclusion.
- 11:50 a.m. OTHER BUSINESS**
- Election of Officers for 2019
 - Recognition of 2018 Commission Chair Ken Bounds
 - Commission Committee Assignments
- 12:05 p.m. LUNCH**
- 12:35 p.m. REQUESTED ACTION**
- Item E-2: Annual WAC Review of Operations Division
This asks the Washington State Parks and Recreation Commission to approve revisions to several chapters of Washington Administrative Code (WAC), including chapters 352-12 Moorage and Use of Marine and Inland Water Facilities, 352-20 Use of Motor Driven Vehicles in State Parks – Parking Restrictions - Violations, 352-32 Public Use of State Park Areas, and 352-37 Ocean Beaches.
- 1:05 p.m. REPORT**
- Item E-3: Boating Program Update
This report provides an overview to the Washington State Parks and Recreation Commission on the Boating Program and snap shots of our 2018 program statistics and 2019 program initiatives. Recreational Boating is the largest economic driver in the Outdoor Recreation sector and participation in boating is increasing. Keeping our citizens safe and our waterways clean is our driving motivation.
- 1:40 p.m. BREAK**
- 1:50 p.m. REPORT**
- Item E-4: 2017-19 Financial Update and 2019-21 Budget Update

This item reports to the Washington State Parks and Recreation Commission on the status of: 1) State Parks' 2017-19 biennium operating and capital budget expenditures, 2) Parks Renewal and Stewardship Account (PRSA) revenue, 3) the 2019 supplemental budgets, and 4) the 2019-21 budget requests.

2:50 p.m. REPORT

- Item E-5: Legislative Update
This item reports on the status of issues, and bills affecting State Parks during the 2019 session of the Washington State Legislature.

3:20 p.m. ~~REQUESTED ACTION~~ REPORT

- Item E-6: Long-Term Park Boundary Terminology and Policy
This item asks the Washington State Parks and Recreation Commission to change terminology for the long-term park boundary planning tool and to define it in agency policy.

~~**4:00 p.m. EXECUTIVE SESSION** *litigation and personnel matters*~~

4:30 p.m. ADJOURN

The services, programs and activities of the Washington State Parks and Recreation Commission are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the commission assistant Becki Ellison at (360) 902-8502 or becki.ellison@parks.wa.gov. Accommodation requests should be received at least five business days prior to the meeting to ensure availability. Please provide 14-day notice for requests to receive information in an alternative format and for ASL/ESL interpretation.

Item E-1: 2019 Director’s Performance Agreement and 2018 Performance Evaluation- Requested Action

EXECUTIVE SUMMARY: This item asks the Washington State Parks and Recreation Commission to adopt the 2019 Director’s Performance Agreement. It also asks the Commission to document their conclusion that the Director performed satisfactorily in 2018, and that a meaningful evaluation process was used to reach this conclusion. This item advances the Commission’s strategic goal: “Adopt a business approach to park system administration.”

SIGNIFICANT BACKGROUND INFORMATION: The Commission has historically created Director’s Performance Agreements on an annual basis. These agreements have contained a combination of goals and tasks that relate specifically to actions the Director performed as well as agency actions that the Director was to accomplish through staff and other agency resources.

The proposed 2019 Performance Agreement (Appendix 1) includes, as it did in 2018, expectations regarding Executive Performance for the Director. It also includes the Commission and Director identified priorities for 2019 (Appendix 2).

The term for the 2019 agreement is from February 1, 2019 to December 31, 2019.

2018 COMMISSION CHAIR RECOMMENDATION: The Chair recommends the Commission record their satisfaction with the Director’s 2018 performance and that a meaningful evaluation process was used.

2019 COMMISSION CHAIR RECOMMENDATION: The Chair recommends the Commission approve the 2019 Director’s Performance Agreement.

SUPPORTING INFORMATION:

Appendix 1: 2019 Director’s Performance Agreement

REQUESTED ACTION FROM COMMISSION:

That the Washington State Parks and Recreation Commission:

1. Record their satisfaction with the Director's 2018 performance, and that a meaningful evaluation process was used.
2. Adopt the 2019 Director's Performance Agreement as presented in Appendix 1.

Author(s)/Contact: Becky Daniels, Human Resources Director
Becky.Daniels@parks.wa.gov (360) 902-8575

Reviewer(s):

Jessica Logan, SEPA REVIEW: Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(14)(g).

Shelly L. Hagen, Fiscal Impact Statement: This performance agreement is a plan; therefore there is no fiscal impact that results from the plan itself. New costs, cost savings, or changes in revenue may be associated with the implementation of an individual activity; and if appropriate, be determined at that time. Otherwise, these cost and revenue changes will be a part of normal operations.

Andrew Woo, Assistant Attorney General: 12/26/19

Approved for Transmittal to Commission



Ken Bounds, 2018 Chair



Cindy Whaley, 2019 Chair

Washington State Parks and Recreation Commission
and
Donald A. Hoch, Director
2019 Performance Agreement
February 1, 2019 to December 31, 2019

In order to ensure accountability and alignment in purpose with the administration of the Washington State Parks and Recreation Commission, the Commission and the Director enter into this agreement to establish performance expectations. This agreement provides focus to the Director's personal efforts within the full range of his responsibility for leadership and management of the Agency.

The Commission continues to fully support the Agency's 2014-2021 Strategic Plan; this agreement is an extension of the agency's management framework and a tool to help managers understand the Director's expectations for excellent performance. The Director's Agreement focuses on 1) Expectations for Executive Performance, 2) the Commission and Director identified priorities for 2019 (attached), and 3) effective operations of the Agency. Together these form the framework for aligning the activities of the agency with the interests of the public in an effective, professional manner.

The Washington State Parks Commission and agency Director, Donald Hoch, endorse the purposes of this agreement which are to affect agency accountability and to provide an objective approach to improving agency performance while working together in a manner that respects their unique roles and responsibilities. The Executive Performance Elements will be the primary tool used by commissioners to evaluate the Director's key competencies. Additional materials and or methods may be used by the Commission in this evaluation process.

The Commission and the Director affirm that this agreement does not create an employment contract nor does it alter in any way the Director's status as an exempt employee pursuant to RCW 41.06.070(1)(f).

Executive Performance

Overall Conduct: The Director must assure that no organizational practices, activities, decisions or circumstances are allowed that are unlawful, imprudent, or in violation of commonly accepted business and professional ethics and practices.

Ability to work collaboratively with the Commission: The Director must maintain a collaborative working relationship with the Commission. The Director is expected to provide sufficient support to the Commission so the Commission can successfully fulfill its role in providing policy leadership for the Agency.

Ability to work collaboratively with important external stakeholders and acting as the face of the agency in public settings: The Director must maintain ongoing and effective communications and collaborative working relationships with leadership in the State Park Foundation, NGOs, legislature, the Governor's office and the public.

Performance and Accountability: The Director must keep the workforce motivated to pursue excellence. The Director is expected to set high standards for performance and foster a climate in which all employees strive to meet those standards. He is also expected to see that supervisors provide regular positive reinforcement to recognize excellence. He must demonstrate expertise in management techniques that effectively hold employees accountable.

Problem solving skills to resolve longstanding problems: The Director should make progress in resolving longstanding problems. The Director is expected to be energetic and creative in looking for innovative means to address priority issues and conflicts among constituent groups. He must actively seek out new ideas and methods that may be brought to bear to advance the Agency's mission.

Strategic and Visionary Leadership: The Director must demonstrate strategic and visionary leadership, while supporting and embracing the state parks mission, vision, and core values. The Director is expected to assess and decide the best way to achieve substantial cost savings; while preserving critical functions and increasing agency efficiency. He must lay the foundation for a stronger and more effective and respected agency, by directing the strategic elimination of lower priority activities and the consolidation of effort and energy in higher priority programs. The Commission charges the Director with continuing to build toward a healthy and sustainable park system.

Work ethics: The Director must act as a role model for staff. The Director is expected to be personally accountable for the accomplishments and shortcomings of the agency. The Director is expected to assume direct responsibility for all aspects of agency leadership.

Signed and approved this 24th day of January 2019

Cindy Whaley, Chair, Washington State Parks and Recreation Commission

Don Hoch, Director, Washington State Parks and Recreation Commission

COMMISSION AND DIRECTOR IDENTIFIED PRIORITIES FOR 2019

1. With the Commission, advance the preparation of the 2021 - 2029 Strategic Plan.
2. Continue efforts to achieve greater diversity, equity, and inclusion in our workforce, parks and agency programs with emphasis placed on engaging youth.
3. Continue to advance the development of the Recreation Concession Areas.
4. Utilizing Commission strategies, identify a new state park for development.
5. Continue efforts to improve the system of cross-state and in-park trails.
6. Study and identify possible options for additional emphasis on the benefits of a healthy lifestyle and how State Parks contributes to this outcome through visits to parks and trails.
7. Ensure a successful launch of the new State Parks' camping reservation system and successful ongoing updates and operation.
8. Advance efforts to mitigate forest health risks, including fire danger and tree health.
9. Advance the development of the Commission's climate change adaptation plan.
10. Make continued progress engaging other natural resource agencies and local governments to further the Commission's dual recreation and conservation mission.
11. Continue to emphasize agency efforts to improve facility conditions throughout the park system.
12. Make progress toward implementing the Commission's adopted Park Acquisition and Development Strategy and otherwise emphasize consideration of landscape-level contexts (e.g., Salish Sea, Columbia River Gorge, and the Palouse) when making park system acquisition, development, management decisions.

Item E-2: Annual WAC Review of Operations Division – Requested Action

EXECUTIVE SUMMARY: This item asks the Washington State Parks and Recreation Commission to approve revisions to several chapters of Washington Administrative Code (WAC), including chapters 352-12 Moorage and Use of Marine and Inland Water Facilities, 352-20 Use of Motor Driven Vehicles in State Parks – Parking Restrictions - Violations, 352-32 Public Use of State Park Areas, and 352-37 Ocean Beaches. This item advances the Commission's strategic goal: "Demonstrate that all Washingtonians benefit from their state park".

SIGNIFICANT BACKGROUND INFORMATION

The Operations Division conducts an annual WAC review to ensure rules are meeting the current needs of the agency. Staff considers suggestions and feedback from park visitors, user groups, and field staff and determines if changes are necessary. As a result of the annual review staff presents the Commission changes in to the following chapters.

STAFF RECOMMENDATION:

WAC 352-12 Moorage and Use of Marine and Inland Water Facilities

Staff recommends several changes to this chapter, which includes administrative clean-up to language, language clarification to a definition, and repeal of an unnecessary section.

WAC 352-20 Use of Motor Driven Vehicles in State Parks – Parking Restrictions – Violations

Staff recommends language clarification to this chapter that affects the Winter Recreation Program.

WAC 352-32 Public Use of State Park Areas

Staff recommends multiple changes to this chapter, which includes administrative clean-up to language and language clarification to the following rules: Park Periods, Games or Activities, Fires and Campfires, Aircraft; Limited Income Senior Citizen, Disability, and Disabled Veteran's Pass; Off-Season Senior Citizen Pass-Fee, and the Foster Parent Program. Staff also recommends additional language to the Aircraft rule establishing a timeframe to allow for operational and environmental impact reviews for use of remote-controlled aircraft. New definition – *recreational fires means any open flame from a wood source for the purpose of day-use recreation.*

WAC 352-37 Ocean Beaches

Staff recommends multiple changes to this chapter, which includes administrative clean-up to language and language clarifications to the following rules: Definitions, Conditions Under Which Motor Vehicles May Be Used in the Exclusive Pedestrian/Nonmotorized Use Area, Fires and Campfires, Certain Practices Prohibited, Aircraft, Special Group Recreation Event Permit, and Games or Activities. Staff also recommends additional language to the Aircraft rule regulating the use of remote-control aircraft on the ocean beaches and to special group recreation event permits increasing the current timeframe to allow for operational and environmental impact reviews. New definition – *recreational fires means any open flame from a wood source for the purpose of day-use recreation.*

LEGAL AUTHORITY: RCW 79A

SUPPORTING INFORMATION:

Appendix 1: Copy of the updated WACs 352-12, 352-20, 352-32, and 352-37.

REQUESTED ACTION FROM COMMISSION:

That the Washington State Parks and Recreation Commission:

1. Declare this meeting to be a public hearing to adopt as permanent rules Washington Administrative Codes 352-12, 352-20, 352-32, and 352-37, as shown in Appendix 1.
2. Consider the data, views, and arguments submitted by any person on the proposed rules as published in the Washington State Register and as further modified herein.
3. Formally adopt as permanent rules Washington Administrative Codes 352-12, 352-20, 352-32, and 352-37, as shown in Appendix 1.

4. Authorize the Director to file the regulations and to comply with all necessary procedural requirements.

Author(s)/Contact: Heather Colwell, Program Specialist 5 Operations
Email: Heather.Colwell@parks.wa.gov 360-902-8507

Reviewer(s):

Jessica Logan, SEPA REVIEW: Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800 (14)(c)

Chris Leeper, Fiscal Impact Statement: There is no fiscal impact expected from the proposed action.

Andy Woo, Assistant Attorney General: 1/7/2019

Mike Sternback, Assistant Director

Approved for Transmittal to Commission



Don Hoch, Director

APPENDIX 1 Requested WAC Changes 2019

AMENDATORY SECTION (Amending WSR 04-01-068, filed 12/12/03, effective 1/12/04)

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

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

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

(3) "Designated fee facility" ~~((shall))~~ means any facility designated as a fee facility by the director or designee.

(4) "Director" ~~((shall))~~ means the director of the Washington state parks and recreation commission.

(5) "Facility" (~~(shall)~~) means state watercraft launches, park floats, piers, mooring buoys, docks, pilings, and linear moorage facilities.

(6) "Length" (~~(shall)~~) means 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 bumkin or as shown on vessel's state or coast guard registration certificate.

(7) "Manager or ranger" (~~(shall)~~) means a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW 79A.05.160.

(8) "Night" (~~(shall)~~) means the period between 1 p.m. and 8 a.m.

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

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. WSR 04-01-068, § 352-12-005, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. WSR 99-04-117, § 352-12-005, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and 43.51.060. WSR 82-08-027 (Order 59), § 352-12-005, filed 3/31/82.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-12-060

Penalties.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

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 authorized for such use.

(3) No person shall operate a motor vehicle on any identified winter recreation groomed or ungroomed trail during official winter closures except snow mobiles on authorized snow mobile trails.

(4) 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). WSR 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.]

AMENDATORY SECTION (Amending WSR 13-17-037, filed 8/13/13, effective 9/13/13)

WAC 352-32-050 Park periods. (1) The director or designee (~~shall establish~~) establishes 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~~) may 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;

(e) When granted prior authorization by the director or designee;

(f) When attending or participating in approved special events or activities that are scheduled outside of posted operating hours.

(2) The director or designee may, for a specified period or periods of time, close any state park area to public access if the director or designee concludes that such a closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources.

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

[Statutory Authority: RCW 79A.05.030 and 79A.05.035. WSR 13-17-037, § 352-32-050, filed 8/13/13, effective 9/13/13. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 00-13-070, § 352-32-050, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.180. WSR 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). WSR 92-19-098, § 352-32-050, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. WSR 90-07-062, § 352-32-050, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. WSR 86-06-020 (Order 91), § 352-32-050, filed 2/25/86; WSR 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.]

AMENDATORY SECTION (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

WAC 352-32-090 (~~(Games or)~~) **Damaging or injurious activities.**

~~((Playing games and/or))~~ Engaging in activities in a manner (~~(and/or location which))~~ or at a location that subjects people or personal property, (~~(the park resource or))~~ park resources, or park facilities to (~~(risk of))~~ injury or damage (~~(shall be))~~ is prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. WSR 04-01-067, § 352-32-090, filed 12/12/03, effective 1/12/04. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 00-13-070, § 352-32-090, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040 and 43.51.180(7). WSR 92-19-098, § 352-32-090, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. WSR 86-06-020 (Order 91), § 352-32-090, filed 2/25/86; Order 9, § 352-32-090, filed 11/24/70.]

AMENDATORY SECTION (Amending WSR 12-22-031, filed 10/31/12, effective 12/1/12)

WAC 352-32-125 Fires and campfires. All fires, except campfires, fires for stoves, candles, torches, barbeques and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, (~~(campfires))~~ recreational fires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No (~~(campfires))~~ fires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety, and welfare of the public, park visitors or staff, or for the protection of park resources.

At Crystal Springs and Easton Reload sno-parks all campfires must be restricted to portable fire receptacles not to exceed three feet in

diameter and must be at least six inches off the ground, and are only permitted when the sno-parks are open for winter recreation access.

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

[Statutory Authority: RCW 79A.05.030 and 79A.05.035. WSR 12-22-031, § 352-32-125, filed 10/31/12, effective 12/1/12. Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-32-125, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 05-01-069, § 352-32-125, filed 12/9/04, effective 1/9/05.]

AMENDATORY SECTION (Amending WSR 17-15-082, filed 7/17/17, effective 8/17/17)

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, emergency evacuations 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 and hang gliders in state park areas specifically designated by the director or designee as available for paragliding and hang gliding. 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 or designee shall consider the potential impacts of paragliding and hang gliding in the proposed area including, but not limited to the following factors: The degree of conflict paragliding and hang gliding

may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding and hang gliding shall be conspicuously posted as such by the agency.

(3) Individuals paragliding and hang gliding 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 archaeological 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 restrictions 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 paragliders or hang gliders to the ground or other stable (~~nonmovable~~) immovable object.

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

(4) Except as provided in subsection (5) of this section, individuals flying remote controlled aircraft may do so only within flying areas designated by the director or designee and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) Prior to designating any remote controlled aircraft flying area, the director or designee shall advise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of remote controlled aircraft flying in the proposed area including, but not limited to, the following factors: The degree of conflict remote controlled aircraft flying may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park area designated for remote controlled aircraft flying shall be conspicuously posted as such by the director or designee.

(b) The director or designee shall establish a committee to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying area.

(c) Each state park area with an established advisory committee, which includes remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying restrictions concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and cleanup. The director or designee shall ensure that any remote controlled aircraft flying restrictions contained in the

remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) The director or designee may permanently, or for a specified period or periods of time, close any designated flying area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying 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 designated flying area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. 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 or park manager determines that it is necessary to close a designated flying 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 resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(5) Remote controlled aircraft may be flown in any state park area only pursuant to (~~written permission from~~) issuance of permit by the director or designee. A remote controlled aircraft is flown in a state park area when the operator is within the state park area while flying the remote controlled aircraft or where the remote controlled aircraft takes off from or lands on the state park area.

(a) In granting such ~~((permission))~~ permit, the director or designee may specify time, geographic, and elevation restrictions, and any other restrictions necessary to protect the public, park visitors or staff, or park resources. While operating a remote controlled aircraft ~~((pursuant to written permission under this subsection))~~, the operator ~~((shall))~~ must be in possession of a copy of the written permission and ~~((shall))~~ will produce it upon request by parks staff. Permission granted by the director or designee to fly a remote controlled aircraft ~~((is subject to rescission as necessary))~~ may be rescinded at any time for permittee's failure to comply, to protect the public, park visitors or staff, or park resources.

(b) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty-day application filing requirement may be waived in extenuating circumstances.

(c) The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee will 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 must be provided prior to the issuance of the permit.

(6) Any violation of this section, including any failure to abide by a conspicuously posted remote controlled aircraft flying restriction or failure to abide by the terms of written permission to fly remote controlled aircraft, is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. WSR 17-15-082, § 352-32-130, filed 7/17/17, effective 8/17/17; WSR 16-10-002, § 352-32-130, filed 4/20/16, effective 5/21/16; WSR 07-03-121, § 352-32-130, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030,

79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-32-130, filed 11/30/05, effective 12/31/05. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 00-13-070, § 352-32-130, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040(2). WSR 98-23-063, § 352-32-130, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040. WSR 98-04-065, § 352-32-130, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. WSR 96-22-018, § 352-32-130, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040. WSR 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. WSR 87-24-032 (Order 102), § 352-32-130, filed 11/24/87; Order 9, § 352-32-130, filed 11/24/70.]

AMENDATORY SECTION (Amending WSR 11-17-067, filed 8/16/11, effective 9/16/11)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months (~~shall~~) will, upon application to the Washington state parks and recreation 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~~) Social Security Administration form SSA-1099, receive a five-year limited income senior citizen pass at no charge, which entitles the holder's camping party to free use of trailer dump stations, watercraft launch sites, day-use vehicle access to state parks and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks. (~~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~~) will be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are:

(a) Permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months (~~shall~~) will, upon application to the commission, receive a five-year disability pass at no charge;

(b) Temporarily disabled and who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past three consecutive months (~~shall~~) will, upon application to the commission, receive a one-year disability pass at no charge; and

(c) Residents of Washington who have been issued a (~~card, decal (placard)~~) disabled parking ID card, or special license plate for a permanent disability under RCW 46.16.381 (~~shall~~) will be entitled, along with the members of their camping party to free use of trailer dump stations, watercraft launch sites, day-use vehicle access to parks and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months (~~shall~~) will, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the state parks director or director's designee. The pass entitles the holder's camping party to free use of a state park campsite, day-use vehicle access to state parks, trailer

dump station, watercraft launch site, moorage facility, and reservation service.

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

(5) Verification of age (~~(shall)~~) will be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, (~~(or driver's)~~) ID card, or driver license. Verification of residency shall be by original or copy of a Washington state (~~(driver's)~~) driver license, (~~(voter's)~~) voter registration card, or senior citizen property tax exemption, or other proof of continued residency as determined by the state parks director or director's designee.

(6) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(7) Pass holders that violate or abuse the privileges of their pass, as listed below, may be subject to suspension of their pass and assessed other fees.

(a) Duplicate or multiple reservations for the same night - Thirty-day suspension.

(b) Use of pass by unauthorized person - Sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) (~~(for reservations between May 1 and November 1)~~) - Ninety-day suspension.

(d) Repeated park rule violations - Minimum ninety-day suspension.

The pass will be confiscated by the (~~(ranger on duty or their)~~) on-duty ranger or the on-duty ranger's designee and sent to the (~~(Olympia)~~) state parks headquarters office in Olympia. At the end of the suspension, the pass will be returned to the authorized pass holder at no cost.

(8) The commission may deny or revoke any Washington state parks pass issued under this section for cause as stated in RCW 79A.05.065.

(9) Pass holders may appeal a suspension or revocation of their pass by ((providing written justification/explanation)) mailing a written statement of the basis for appeal to the state parks director ((or designee at P.O. Box 42650, Olympia, WA 98504)) within ten days of receipt of the notice of suspension or revocation. The appeal may be decided as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494 and will be decided by the state parks director or director's designee. Unless the suspension period expires, the suspension will remain in effect during the pendency of appeal.

~~((9))~~ (10) Pass holder discounts shall apply only to those fees listed in subsections (1), (2), and (3) of this section. Pass holder discounts will not apply to all other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

~~((10))~~ (11) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder ((shall)) will return the pass to the commission or surrender the pass to a state parks representative.

~~((11))~~ (12) Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030 and 79A.05.035. WSR 11-17-067, § 352-32-251, filed 8/16/11, effective 9/16/11. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-32-251, filed 11/20/08, effective 12/21/08. Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-32-251, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-32-251, filed 11/30/05, effective 12/31/05. Statutory Authority:

RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 05-01-069, § 352-32-251, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. WSR 03-01-079, § 352-32-251, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. WSR 00-13-070, § 352-32-251, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. WSR 98-04-065, § 352-32-251, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300. WSR 97-21-133, § 352-32-251, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. WSR 96-22-018, § 352-32-251, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and 43.51.060. WSR 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. WSR 88-19-087 (Order 106), § 352-32-251, filed 9/19/88. Statutory Authority: RCW 43.51.055 and 43.51.060. WSR 83-23-094 (Order 71), § 352-32-251, filed 11/22/83.]

AMENDATORY SECTION (Amending WSR 11-17-067, filed 8/16/11, effective 9/16/11)

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 the past three consecutive months (~~shall~~) will, upon application to the commission, receive an off-season senior citizen pass which entitles the holder's camping party to camp at any camping areas made available by the state parks 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 1st through March 31st, and Sunday through Thursday nights in April as determined by the state parks director and posted. Each such pass (~~(shall)~~) will be valid only during one off-season period.

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

(3) There (~~(shall)~~) will 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 percent 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) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(5) Pass holder discounts shall apply only to those fees in subsections (1) and (3) of this section. Pass holder discounts will not apply to other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass becomes invalid and the pass holder shall return the pass to the commission or surrender the pass to a state parks representative.

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

[Statutory Authority: RCW 79A.05.030 and 79A.05.035. WSR 11-17-067, § 352-32-252, filed 8/16/11, effective 9/16/11. Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-32-252, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. WSR 03-01-079, § 352-32-252, filed 12/13/02, effective

1/13/03. Statutory Authority: RCW 43.51.040. WSR 98-04-065, § 352-32-252, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.040 and [43.51.]060. WSR 95-22-067, § 352-32-252, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060. WSR 94-08-036, § 352-32-252, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. WSR 93-08-025, § 352-32-252, filed 3/30/93, effective 5/1/93; WSR 91-09-001, § 352-32-252, filed 4/4/91, effective 5/15/91; WSR 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. WSR 88-19-087 (Order 106), § 352-32-252, filed 9/19/88; WSR 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. WSR 83-23-094 (Order 71), § 352-32-252, filed 11/22/83.]

AMENDATORY SECTION (Amending WSR 08-24-006, filed 11/20/08, effective 12/21/08)

WAC 352-32-253 Foster parent program. (1) Any Washington state resident who provides out-of-home care to a child as either a current licensed foster family home or a person related to the child is entitled to day-use vehicle access to parks and free camping. To use a campsite, the qualified resident shall:

(a) If the park is subject to the state parks reservation system, foster parents will make reservations through the reservation services call center, pay the reservation fee, and show their foster home license or foster parent ID card along with their Washington state driver((s)) license or photo ID upon arrival at the park(s).

(b) For nonreservation parks, the foster parents upon arrival at the park will show their foster home license or foster parent ID card along with their Washington state drivers license or photo ID.

~~((c) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites,~~

~~with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte and Lyons Ferry.))~~

(2) The foster parent or relative to the child and the child must be present for the duration of the stay.

(3) Violations or abuse of these privileges, including but not limited to the list below, may be subject to revocation, suspension of their privileges and/or assessed other fees.

(a) Duplicate or multiple reservations for the same night -
Thirty-day suspension.

(b) Use of privileges by unauthorized person - Sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations (~~between May 1 and November 1~~) - Ninety-day suspension.

(d) Repeated park rule violations - Minimum ninety-day suspension.

(4) Foster parents may appeal a suspension or revocation (~~of privileges by providing written justification/explanation to the state parks director or designee at P.O. Box 42650, Olympia, WA 98504~~) to the state parks director by mailing a written statement of the basis for appeal to the director within ten days of receipt of the notice of suspension or revocation. The appeal may be decided as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494, and will be decided by the director or designee. Unless the suspension period expires, the suspension will remain in effect during the pendency of an appeal.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. WSR 08-24-006, § 352-32-253, filed 11/20/08, effective 12/21/08.]

AMENDATORY SECTION (Amending WSR 16-14-020, filed 6/24/16, effective 7/25/16)

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

"Access road" means a road designated by a city, county, or the state for the purpose of accessing the ocean beaches.

"Aggregate" (~~((shall))~~) means a mixture of minerals separable by mechanical or physical means.

"Aircraft" (~~((shall))~~) means any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft ((shall)) does not include paraglider ((or remote controlled aircraft)).

"Campfires" (~~((shall))~~) means any open flame from a wood source.

"Camping" (~~((shall))~~) means erecting a tent or shelter or arranging bedding, or both, between the hours of 11:00 p.m. and 6:00 a.m.; or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

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

"Concentrate" (~~((shall))~~) means the valuable mineral content separated from aggregate.

"Concentrator" (~~((shall))~~) means a device used to physically or mechanically separate the valuable mineral content from aggregate.

"Director" (~~((shall))~~) means the director of the Washington state parks and recreation commission or the director's designee.

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

"Dry sand area" (~~(shall)~~) means that area lying above and to the landward side of the hard sand area as defined in this section.

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

"Fire" (~~(shall)~~) means any open flame from any source or device including, but not limited to, recreational fires, campfires, stoves, candles, torches, barbeques and charcoal.

"Fishtailing" means to swerve or skid from side to side.

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

"Geocache" means geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called geocachers) use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").

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

"Hard sand area" (~~(shall)~~) means that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"High-banker" (~~(shall)~~) means a stationary concentrator that can be operated outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water

supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes.

"Hovercraft" (~~(shall)~~) means a powered vehicle supported by a cushion of air capable of transporting persons.

"Intimidate" means to engage in conduct which would make a reasonable person fearful.

"Long Beach Peninsula" (~~(shall)~~) means that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

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

"Motor vehicle" (~~(shall)~~) means every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" (~~(shall)~~) means that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 (~~(shall)~~) does not constitute obstruction of pedestrian or vehicular traffic.

"Ocean beaches" (~~(shall)~~) means all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable,

between the Seashore Conservation Line, as established by survey of the commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches (~~shall~~) does not include any lands within the established boundaries of any Indian reservation.

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

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

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

"Placer" (~~shall~~) means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

"Power sluice" (~~shall~~) means high-banker.

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

"Prospecting" (~~shall~~) means the exploration for minerals and mineral deposits.

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

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

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

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

"South Beach" (~~(shall)~~) means that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

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

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

"Wetted perimeter" (~~(shall)~~) means the areas of a watercourse covered with flowing or nonflowing water.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 16-14-020, § 352-37-020, filed 6/24/16, effective 7/25/16. Statutory Authority: RCW 79A.05.030, 79A.05.165, and 79A.05.615. WSR 11-19-015, § 352-37-020, filed 9/8/11, effective 10/9/11. Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-020, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-020, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of ~~((fisheries which))~~ fish and wildlife that 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))~~ for designated activities 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))~~ director or designee.

(3) As provided by RCW 79A.05.660, public vehicles operated in the performance of official duties and vehicles responding to an emergency ~~((can))~~ may use the areas at any time.

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

(b) On the Long Beach Peninsula pursuant to RCW ~~((4.24.210, 79A.05.035(5), and))~~ 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood

debris within the seashore conservation area must apply to the director or designee for a wood debris removal permit.

(5) (a) Motor vehicles may be used to remove wood debris under RCW ((4.24.210 and)) 79A.05.035(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-070, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-070, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-070, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-105 (~~((Fires and campfires.))~~) **Recreational fires.**

~~((All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet.))~~ On ocean beaches, (~~((campfires))~~) recreational fires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No (~~((campfires))~~) fires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-105, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-105, filed 12/9/04, effective 1/9/05.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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;))~~) Fishtailing;
- (2) Circling;
- (3) Cutting figure eights;
- (4) Racing;
- (5) Driving in the surf;

(6) 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(~~(-~~

~~(6))~~);

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-140, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-140, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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)~~) is 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))~~ (2) of this section, airplanes (~~(shall only be)~~) are only allowed to make emergency landings on the ocean beaches.

~~(3))~~ The provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations, 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) On the North Beach airplanes may land and take off on the ocean beach in the area commencing at the Copalis River north of the "rocks."

(3) Remote controlled aircraft may be flown from the ocean beach only pursuant to issuance permit by the director or designee. A remote controlled aircraft is flown from an ocean beach when the operator is on the ocean beach while flying the remote controlled aircraft or where the remote controlled aircraft takes off from or lands on the ocean beach.

(a) In granting such a permit, the director or designee may specify time, geographic, and elevation restrictions, and any other restrictions necessary to protect the public, park visitors or staff, or park resources. While operating a remote controlled aircraft the operator must be in possession of a copy of the permit and will produce it upon request by parks staff. Permits granted by the director or designee to fly a remote controlled aircraft may be rescinded at any time for permittee's failure to comply, to protect the public, park visitors or staff, or park resources.

(b) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirement may be waived in extenuating circumstances.

(c) The permittee must pay any fees published by state parks for the use of the park lands or facilities. The director or designee will 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 must be provided prior to the issuance of the permit.

(4) Any violation of this section, including any failure to abide by a conspicuously posted remote controlled aircraft flying restriction or failure to abide by the terms of permission permit to fly remote controlled aircraft, is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-170, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-170, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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

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

(3) A special ((group)) recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits

will be issued to a given applicant for the same event during a one-year period. The ((group)) recreation activity must be consistent with the seashore conservation area (RCW 79A.05.600 through 79A.05.630), and may include an activity otherwise excluded under this chapter. Special ((group)) recreation events shall not exceed three days or seventy-two hours.

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

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

~~Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application))~~ park where the event is proposed to take place.

(5) If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency may assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

(6) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirements may be waived in extenuating circumstances.

(a) The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

~~((5))~~ (b) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director or designee may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-200, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-200, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and [43.51.]060. WSR 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. WSR 90-07-050, § 352-37-200, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 05-24-030, filed 11/30/05, effective 12/31/05)

WAC 352-37-250 (~~((Games or))~~) **Damaging or injurious activities.**

~~((Playing games and/or))~~ Engaging in activities in a manner (~~((and/or location which))~~) or at a location that subjects people or personal property, park resources, or park facilities in the seashore conservation area to (~~((risk of))~~) injury or damage (~~((shall be))~~) is

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

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-250, filed 11/30/05, effective 12/31/05.]

AMENDATORY SECTION (Amending WSR 16-14-020, filed 6/24/16, effective 7/25/16)

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

"Access road" means a road designated by a city, county, or the state for the purpose of accessing the ocean beaches.

"Aggregate" (~~((shall))~~) means a mixture of minerals separable by mechanical or physical means.

"Aircraft" (~~((shall))~~) means any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft (~~((shall))~~) does not include paraglider (~~((or remote controlled aircraft))~~).

"Campfires" (~~((shall))~~) means any open flame from a wood source.

"Camping" (~~((shall))~~) means erecting a tent or shelter or arranging bedding, or both, between the hours of 11:00 p.m. and 6:00 a.m.; or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

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

"Concentrate" (~~((shall))~~) means the valuable mineral content separated from aggregate.

"Concentrator" (~~((shall))~~) means a device used to physically or mechanically separate the valuable mineral content from aggregate.

"Director" (~~((shall))~~) means the director of the Washington state parks and recreation commission or the director's designee.

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

"Dry sand area" (~~((shall))~~) means that area lying above and to the landward side of the hard sand area as defined in this section.

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

"Fire" (~~((shall))~~) means any open flame from any source or device including, but not limited to, recreational fires, campfires, stoves, candles, torches, barbeques and charcoal.

"Fishtailing" means to swerve or skid from side to side.

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

"Geocache" means geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called geocachers) use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").

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

"Hard sand area" (~~shall~~) means that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

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

"Hovercraft" (~~shall~~) means a powered vehicle supported by a cushion of air capable of transporting persons.

"Intimidate" means to engage in conduct which would make a reasonable person fearful.

"Long Beach Peninsula" (~~shall~~) means that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Mineral prospecting equipment" (~~shall~~) means any natural or manufactured device, implement, or animal (other than the human body)

that can be used in any aspect of prospecting for or recovering minerals.

"Motor vehicle" (~~(shall)~~) means every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" (~~(shall)~~) means that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 (~~(shall)~~) does not constitute obstruction of pedestrian or vehicular traffic.

"Ocean beaches" (~~(shall)~~) means all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches (~~(shall)~~) does not include any lands within the established boundaries of any Indian reservation.

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

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

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

"Placer" (~~((shall))~~) means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

"Power sluice" (~~((shall))~~) means high-banker.

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

"Prospecting" (~~((shall))~~) means the exploration for minerals and mineral deposits.

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

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

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

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

"South Beach" (~~((shall))~~) means that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

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

"Suction dredge" (~~((shall))~~) means a machine that is used to move submerged aggregate via hydraulic suction. Aggregate is processed

through an attached sluice box for the recovery of gold and other minerals.

"Wetted perimeter" (~~(shall)~~) means the areas of a watercourse covered with flowing or nonflowing water.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 16-14-020, § 352-37-020, filed 6/24/16, effective 7/25/16. Statutory Authority: RCW 79A.05.030, 79A.05.165, and 79A.05.615. WSR 11-19-015, § 352-37-020, filed 9/8/11, effective 10/9/11. Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-020, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-020, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of (~~(fisheries which)~~) fish and wildlife that 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)~~) for designated activities 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)~~) director or designee.

(3) As provided by RCW 79A.05.660, public vehicles operated in the performance of official duties and vehicles responding to an emergency (~~(ean)~~) may use the areas at any time.

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

(b) On the Long Beach Peninsula pursuant to RCW (~~(4.24.210, 79A.05.035(5), and)~~) 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or designee for a wood debris removal permit.

(5) (a) Motor vehicles may be used to remove wood debris under RCW (~~(4.24.210 and)~~) 79A.05.035(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to

vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-070, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-070, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-070, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-105 (~~(Fires and campfires.)~~) Recreational fires.

~~((All fires, except campfires, fires for stoves, candles, torches, barbeques and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet.))~~ On ocean beaches, (~~(campfires)~~) recreational fires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No (~~(campfires)~~) fires are

allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-105, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-105, filed 12/9/04, effective 1/9/05.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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,)~~) Fishtailing;
- (2) Circling;
- (3) Cutting figure eights;
- (4) Racing;
- (5) Driving in the surf;

(6) 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(~~(-~~
~~(6)))~~);

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-140, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-140, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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)~~) is 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)~~) (2) of this section, airplanes (~~(shall only be)~~) are only allowed to make emergency landings on the ocean beaches.

~~(3))~~ The provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations, 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) On the North Beach airplanes may land and take off on the ocean beach in the area commencing at the Copalis River north of the "rocks."

(3) Remote controlled aircraft may be flown from the ocean beach only pursuant to issuance permit by the director or designee. A remote controlled aircraft is flown from an ocean beach when the operator is on the ocean beach while flying the remote controlled aircraft or where the remote controlled aircraft takes off from or lands on the ocean beach.

(a) In granting such a permit, the director or designee may specify time, geographic, and elevation restrictions, and any other restrictions necessary to protect the public, park visitors or staff, or park resources. While operating a remote controlled aircraft the operator must be in possession of a copy of the permit and will produce it upon request by parks staff. Permits granted by the

director or designee to fly a remote controlled aircraft may be rescinded at any time for permittee's failure to comply, to protect the public, park visitors or staff, or park resources.

(b) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirement may be waived in extenuating circumstances.

(c) The permittee must pay any fees published by state parks for the use of the park lands or facilities. The director or designee will 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 must be provided prior to the issuance of the permit.

(4) Any violation of this section, including any failure to abide by a conspicuously posted remote controlled aircraft flying restriction or failure to abide by the terms of permission permit to fly remote controlled aircraft, is an infraction under chapter 7.84 RCW.

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-170, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 43.51.040. WSR 90-07-050, § 352-37-170, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

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~~)) that will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special ((~~group~~)) recreation event permit.

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

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

(3) A special ((group)) recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The ((group)) recreation activity must be consistent with the seashore conservation area (RCW 79A.05.600 through 79A.05.630), and may include an activity otherwise excluded under this chapter. Special ((group)) recreation events shall not exceed three days or seventy-two hours.

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

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~~Olympia, WA 98504-2650~~

~~Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application))~~ park where the event is proposed to take place.

(5) If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency may assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

(6) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirements may be waived in extenuating circumstances.

(a) The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

~~((5))~~ (b) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director or designee may recover such costs from the bond or

damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

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

[Statutory Authority: Chapter 79A.05 RCW. WSR 07-03-121, § 352-37-200, filed 1/22/07, effective 2/22/07. Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165. WSR 05-01-068, § 352-37-200, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 43.51.040 and [43.51.]060. WSR 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. WSR 90-07-050, § 352-37-200, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 05-24-030, filed 11/30/05, effective 12/31/05)

WAC 352-37-250 ((~~Games or~~)) **Damaging or injurious activities.**

((~~Playing games and/or~~)) Engaging in activities in a manner ((~~and/or location which~~)) or at a location that subjects people or personal property, park resources, or park facilities in the seashore conservation area to ((~~risk of~~)) injury or damage ((~~shall be~~)) is prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.035, 79A.05.070, 79A.05.165, 79A.05.605, and 79A.05.610. WSR 05-24-030, § 352-37-250, filed 11/30/05, effective 12/31/05.]

Item E-3: Boating Program Update - Report

Executive Summary: This report provides an overview to the Washington State Parks and Recreation Commission on the Boating Program and snap shots of our 2018 program statistics and 2019 program initiatives. Recreational Boating is the largest economic driver in the Outdoor Recreation sector and

participation in boating is increasing. Keeping our citizens safe and our waterways clean is our driving motivation. This item advances the Commission’s strategic goal: “Provide recreation, cultural and interpretive opportunities people will want”.

REcreational Boating Safety Program Goal: Promote a culture of safe boating and reduce overall recreational boating fatalities in Washington State.

CLEAN VESSEL ACT PROGRAM GOAL: Ensure boat sewage disposal facilities are strategically located to accommodate the need of recreational boaters.

SIGNIFICANT Background Information:

Recreational Boating Safety Program

All states and territories have recreational boating safety programs under authority delegated by the U.S. Coast Guard in a memorandum of agreement. Federal law supports and encourages state participation through financial support (46 US Code 13102). In 1983, the Washington State Legislature authorized and directed the Commission to undertake a program of recreational boating safety with the passage of legislation now codified as RCW 79A.06.310. In 1984, Washington’s program was authorized by the Legislature, making Washington the 49th state to initiate a boating safety program. The Commission adopted rules as stipulated in the legislation to initiate the legal requirements for Washington State’s boating safety program. Once the legal requirements were set in place, the U.S. Coast Guard (USCG) signed a memorandum of understanding (MOU) with State Parks, recognizing the Commission’s role as the designated agency, eligible to receive and expend federal funds for recreational boating safety. The Washington State Boating Safety Advisory Council composed of boaters and stakeholders helps set program priorities and provides recommendations to the program on recreational boating issues. Current members and their affiliations:

- Loyd Walker, Recreational Boating Assoc. of Washington (Chair)
- Robert Miller, US Power Squadrons
- Greg Whittaker, Human Powered Boaters
- Peter Schrappen, NW Marine Trade Assoc. (Vice Chair)
- Dan Shipman, 13th Coast Guard District
- Steve Exe, Washington Kayak Club, Education
- Aimee D’Avignon, DOH, Injury Prevention
- Penelope M. Milczewski, USCG Auxiliary
- Gig Harbor Police Chief Kelly Busey, Assoc. of Washington Cities
- Lewis County Sheriff Rob Snaza, Washington Assoc. of Counties
- Jim Virgin, White Water Boaters
- Don Crook, Wash. Water Trails Assoc.
- Paul Wenzel, Private Citizen, Representing Anglers and Hunters
- Nigel Malden, Personal Watercraft Owners
- Greg Young, Unaffiliated Boaters
- Andrew Nelson, Sailing Foundation
- Rory Calhoun, Outdoor Grants Manager, RCO

Clean Vessel Program

The Clean Vessel Act of 1992, 33U.S.C.1322, 106 Stat 5039, Subtitle V(F) of P.L. 102-587, signed November 4, 1992, established a recreational boater sewage disposal program and amends the Federal Aid in Sport Fish Restoration Act (Wallop-Breaux Act; [16 U.S.C. 777](#)) to allow the Secretary of Interior to issue grants to coastal and inland States for pump out stations and waste reception facilities to dispose of recreational boater sewage. The Act directs the Secretary of the Interior:

- To provide grants to States to pay for the construction, renovation, operation, and maintenance of pump out stations and waste reception facilities.

- Requires each coastal State to conduct a survey to determine the number and location of all operational pump out facilities and the number of recreational vessels in the area with certain marine sanitation devices (Type III) or portable toilets.
- Requires coastal States to develop and submit a plan for the construction and/or renovation of pump out stations and waste reception facilities within the coastal zone of the State.
- Requires the Under Secretary of Commerce for Oceans and Atmosphere to publish charts indicating the locations of pump out and waste reception facilities.
- Allows the Secretary of the Interior to issue grants to inland States which demonstrate a need for pump out stations and waste reception devices.

The act allows only one state agency to apply for Clean Vessel grant funds and in 1994 Governor Mike Lowry designated Washington State Parks as the administering agency for the state.

Clean Vessel Act grant funds are available to both the public and private sector. This includes all local and Tribal governmental entities and private businesses that own and operate boating facilities that are open to the general public during their normal business hours.

Grants fund 75% of the purchase and installation of waste disposal facilities on a reimbursement basis. The grant also funds 75% of the annual operation and maintenance costs, reimbursed one time annually at the close of the federal fiscal year.

FUNDING AUTHORITY:

Recreational Boating Safety Program Funding for the RBS program is administered from the U.S. Coast Guard from the Sport Fish Restoration and Boating Trust Fund. The USCG allocates funds among the states using the following formula:

- 1/3 of the funds are distributed equally
- 1/3 of the funds are distributed by each state's percent of total registered vessels
- 1/3 of the funds are distributed by each state's percent of total state spending on boating

The USCG allocation is tied to the number of registered vessels and the amount of state spending on boating. When either or both increases, generally, Washington State Parks Boating Program sees an increase in its funding.

Clean Vessel Act Program Funding for the CVA program is administered through annual grants from the U.S. Fish & Wildlife Service. One grant encompassing coastal projects while the other inland projects.

2018 Recreational Boating Statistics

- Mandatory Boater Education Cards sold: **27,937** (+346 from 2017)
- Total Mandatory Boating Cards Sold since inception (law passed in 2005): **342,569**
- Reportable recreational boating fatalities: **21** (+7 from 2017)
- Of those 21 lives lost, **14 did not have on a life vest and 16 did not have a Boater Education Card and 16 were in vessels 16 feet or less.**
- Reportable accidents: **100** (-8 from 2017)

Marine Law Enforcement: Green Lab

- National level attention because we are on the leading edge of training and research around marijuana impairment. Stakeholders and partners include: United States Department of Justice, NASBLA (National Association of Boating Law Administrators), Washington State Patrol, Washington Traffic Safety Commission, Washington Central Growers Association, Seattle Traffic Safety Research Prosecutor and the Washington Department of Fish and Wildlife.
- May 2019 in Ellensburg will be a combined Basic and Advanced BUI course which encompasses a wet lab, green lab and a combined wet/green lab (poly drug use).
- Our Boating Program is partnering with professor Nicholas Lovrich, of Washington State University's Criminology Department to help compile a database with blood draw data, motor skills test data and detectible behavior under the influence of marijuana.
- We are the only agency in the country doing this type of training and research with the eventual goal of developing a roadside blood THC nanogram detection device and standardized field sobriety tests which will withstand legal scrutiny.
- In October 2018 we conducted a Green Lab to facilitate the production of the 2018 NASBLA THC/BUI detection training video which will be used nationally for law enforcement agencies around the country.

Recreational Boating Safety: Life Jacket Loner Program

- Number of participants in 2018: **84**
- Number of Life jackets given to participants in 2018: **127**
- Number of State Parks participating in 2018: **18**
- Total number of state parks with recreational water access in 2018: **130**
- We are going to double and triple down with this program in 2019 by leaning into SP facilities with a goal to make sure every single park with boating access has Life Jackets available for our guests.

State Parks Operations Staff Training

- The boating team looks at our State Parks Operations Staff as the best conduit to encourage safety for the millions of guests that visit our parks annually. In 2019, along with our traditional MLE trainings with jurisdictions all over the state, we are partnering with Parks to provide training designed specifically and attended only by Parks staff.
- Marine Law Enforcement Training: Commissioned Rangers trained in MLE tactics will increase staff ability to prevent and respond to on-water incidents. Boat ramp vessel inspections and managing BUI's are two examples of the type of situational training which will be delivered.
- The Recreational Bating Safety Program will be providing basic boater operator training to noncommissioned Parks staff.

Clean Vessel Program

- In 2018, our team added Catherine Buchalski-Smith as the new Clean Vessel Program Coordinator.
- In 2018 there was **10,137,139 gallons** of sewage pumped at clean vessel facilities in Washington from a total of **145 pump outs**.
- State Park facilities: There are **5 pump outs** that have been funded through the Clean Vessel program.

- 2019 – the CVP will make specific efforts to increase pump out funding in State Park Facilities with a geographical focus in the San Juan Islands, Moses Lake, the upper Columbia River, Lake Chelan and Hood Canal.
- Currently, our staff is conducting a review of all CVA funded facilities to ensure our program is in full compliance with all state and federal regulations. We are developing guidance and resources to help grant recipients navigate the complexity of receiving federal funding.

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Reviewer(s):

Jessica Logan, SEPA REVIEW: Pursuant to WAC197-11-704, staff has determined that this Commission agenda item is a report and therefore is not subject to State Environmental Policy Act (SEPA) review.

Christeen Leeper, Fiscal Review: Report only, no impact at this time.

Any Woo, Assistant Attorney General: Report only, no impact at this time.

Mike Sternback, Assistant Director

Approved for Transmittal to Commission



Don Hoch, Director

Item E-4: 2017-19 Financial Update and 2019-21 Budget Update – Report

EXECUTIVE SUMMARY: This item reports to the Washington State Parks and Recreation Commission on the status of: 1) State Parks’ 2017-19 biennium operating and capital budget expenditures, 2) Parks Renewal and Stewardship Account (PRSA) revenue, 3) the 2019 supplemental budgets, and 4) the 2019-21 budget requests. This item advances the Commission’s strategic goal: “Adopting a business approach to park system administration”.

CURRENT BIENNIUM FINANCIAL INFORMATION (2017-19)

2017-19 Biennium Operating Budget and Expenditures: State Parks’ 2017-19 biennial operating budget is \$166.6 million. The amount of budget that funds general operations is \$145.5 million with dedicated program funding at \$21.1 million. Of the \$145.5 million, \$29.8 million is supported by tax dollars from the General Fund, Pension Stabilization Account and Litter Tax revenue. The remainder is supported by earned revenue.

As of November 30, the agency spent \$115.9 million, of which \$101.3 million was for general operations. Overall, spending is 69.5 percent of the biennial spending plan and continues to be on target. Because the agency is operating at below needed funding levels, the agency continues to prioritize spending to optimize resources and balance business needs across the agency.

The November 30, 2018 PRSA fund balance is \$12.6 million. This balance is \$3.9 million lower than the \$16.5 million September 2018 balance, which was the last figure reported to the Commission. The fund balance will continue to decline as the agency continues operations through the off season.

2017-19 Biennium Capital Budget and Expenditures: State Parks' 2017-19 capital budget now totals \$98.2 million. Of this total, \$66.4 million is from the State Building and Construction Account. The \$66.4 million is comprised of \$50.5 million for new projects and \$15.9 million for re-appropriated projects. In addition, spending authority and grant dollars are available and currently total \$31.8 million.

As of September 30, the agency spent a total of \$31.2 million; \$13.7 million on new projects, \$11.9 million on re-appropriated projects and \$5.6 million on grant related projects.

2017-19 Biennium Revenue: No forecast adjustment was made in November, keeping the earned revenue forecast at \$111.4 million. In addition, the agency will receive \$9.0 million in Litter Tax revenue that will be deposited into the PRSA account for a total of \$120.4 million in expected revenue.

Collectively, PRSA revenue collections for Discover Pass sales, camping, cabins and other lodging, "opt-out" donations through the Department of Licensing, and other earned revenue are 0.9 percent above estimates which equates to \$785K.

Comparing biennium-to-date revenue collections against estimates for the five categories shows:

- 1) Discover Pass revenue is 2.7 percent above projection
- 2) Revenue from camping is 1.0 percent below projection
- 3) Cabins and other lodging revenue are 1.2 percent above projection
- 4) Donations through the "opt out" program are 0.1 percent above projection
- 5) Other revenue sources are 2.0 percent above projection

The next update to the earned revenue forecast will be in March 2019.

2019 SUPPLEMENTAL BUDGET REQUESTS

The Governor released his 2019 supplemental operating and capital budgets in December 2018. A comparison of the Commission's request versus the Governor's proposal is included in Appendix 4.

2019-21 OPERATING AND CAPITAL BUDGET REQUESTS

The Governor released his 2019-21 operating and capital budgets in December 2018. A comparison of the Governor's proposal versus the Commission's request is included in Appendices 5 and 6. The next step will be for the Senate and House to propose their versions of the budgets likely in March 2019. A final compromise budget will then be adopted and presented to the Governor for signature – hopefully by the end of the regular 2019 legislative session which occurs in April.

SUPPORTING INFORMATION

Appendix 1: 2017-19 Operating and Capital Budget Financial Report

Appendix 2: 2017-19 Parks Renewal and Stewardship Account (PRSA) Revenue Summary

Appendix 3: Earned Revenue – Percentage Over or Under Estimate

Appendix 4: 2019 Supplemental Capital and Operating Proposals – Agency versus Governor

Appendix 5: 2019-21 Capital Budget Proposals – Agency versus Governor

Appendix 6: 2019-21 Operating Budget Proposals – Agency versus Governor

Author/Contact(s): Shelly L. Hagen, Assistant Director, Administrative Services
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Reviewer(s):

Jessica Logan, SEPA Review: Pursuant to WAC197-11-704, staff has determined that this Commission agenda item is a report and therefore is not subject to State Environmental Policy Act (SEPA) review.

Christeen Leeper, Fiscal Review: Report only, no fiscal impact.

Andy Woo, Assistant Attorney General: 1/7/19

Approved for Transmittal to Commission



Don Hoch, Director

**APPENDIX 1
OPERATING AND CAPITAL BUDGET FINANCIAL REPORT
2017-19 BIENNIUM
As of November 30, 2018**

Operating Budget:

Fund/Account	Biennial Budget	Expenditures To Date	Balance	Percent Spent
General Operating Funds				
General Fund - State*	19,321,000	12,986,088	6,334,912	67.2%
Parks Renewal and Stewardship Acct. (PRSA)	124,719,000	87,589,254	37,129,746	70.2%
Pension Funding Stabilization Account	1,498,000	750,000	748,000	50.1%
Subtotals	145,538,000	101,325,342	44,212,658	69.6%
Other Funds				
PRSA/Dedicated Funds**	21,103,731	14,551,237	6,552,494	69.0%
Totals	166,641,731	115,876,579	50,765,152	69.5%

* Includes Avalanche Center and LID Property Assessments

** Restricted for private/local grants, donations, Boating and Winter Recreation Programs, ORV, Roads, Pension and non-appropriated funds

PRSA Fund Balance:

Date	Balance
June 30, 2017	8,914,440
November 30, 2018	12,578,869

Capital Budget:

Funding Source	Biennial Budget	Expenditures To Date	Balance	Percent Spent
New Projects - State Bldg. Constr. Acct.	50,517,000	13,683,605	36,833,395	27.1%
Reappropriations - State Bldg. Contstr. Acct.	15,912,217	11,866,218	4,045,999	74.6%
Subtotals	66,429,217	25,549,823	40,879,394	38.5%
Grants/Donations/Pass Through Funds				
State Grants/Donations/Parkland Acquisition*	28,410,377	5,001,271	23,409,106	17.6%
Federal Grants/Pass through Funds**	3,350,000	630,173	2,719,827	18.8%
Totals	98,189,594	31,181,267	67,008,327	31.8%

* Includes private/local spending authority for grants including re-appropriations

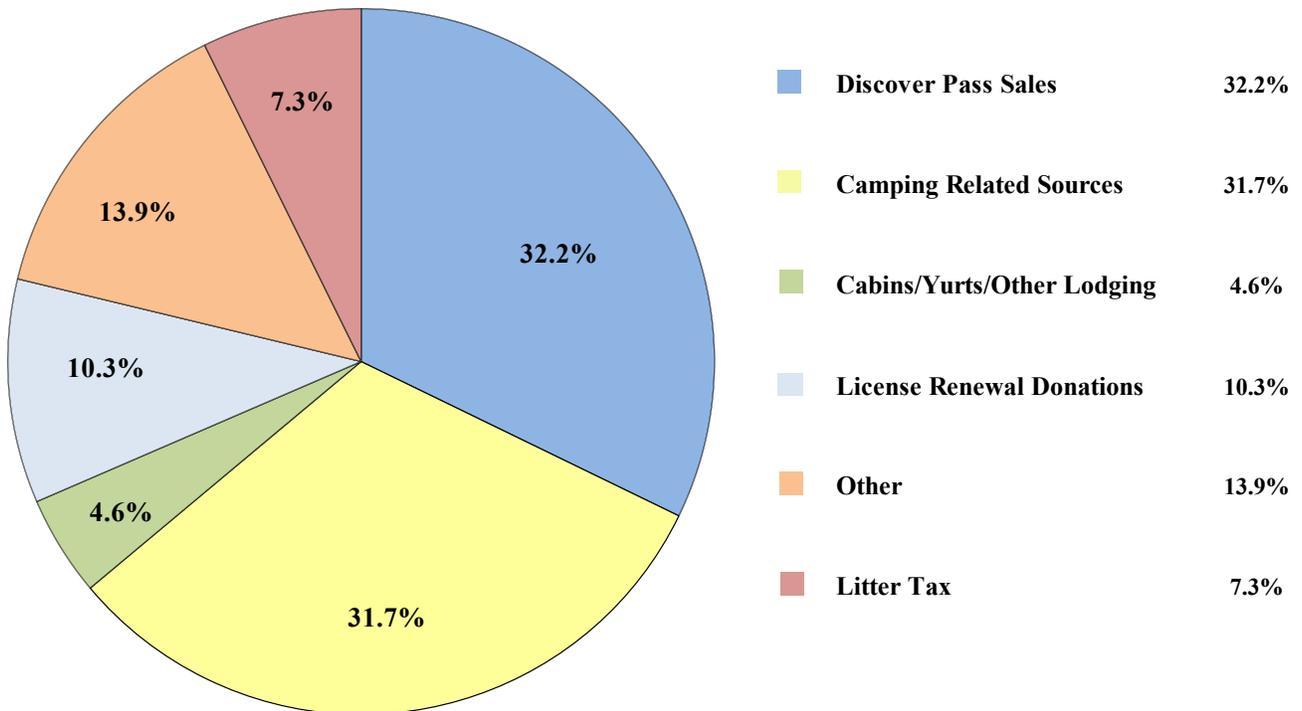
** Includes Clean Vessel grants issued to other entities, and spending authority for grants

**APPENDIX 2
PARKS RENEWAL AND STEWARDSHIP ACCOUNT (PRSA) REVENUE SUMMARY
2017-19 BIENNIUM
As of November 30, 2018**

Revenue Category	Biennial Estimate	Estimate To Date	Actuals To Date	Variance To Date	Percent Actuals Over/Under To Date
Discover Pass Sales	41,250,000	28,628,100	29,399,833	771,733	2.7%
Camping & Related Sources	35,631,411	29,235,600	28,943,823	(291,777)	-1.0%
Cabins/Yurts/Other Lodging	5,431,589	4,152,000	4,201,319	49,319	1.2%
License Renewal Donations	13,066,000	9,353,700	9,362,445	8,745	0.1%
Other *	16,042,000	12,471,300	12,718,597	247,297	2.0%
Subtotal	111,421,000	83,840,700	84,626,017	785,317	0.9%
Litter Tax	9,000,000	6,666,667	6,666,667	-	0.0%
Totals	120,421,000	90,507,367	91,292,684	785,317	0.9%

* Other revenue sources include leases, reservation fees, retreat centers, boat moorage and watercraft launch fees, day use fees, etc.

Percent of Revenue Collected by Source



**APPENDIX 3
PARKS RENEWAL AND STEWARDSHIP ACCOUNT
EARNED REVENUE – PERCENTAGE OVER OR UNDER ESTIMATE
CUMULATIVE
As of November 30, 2018**

	Sep 2017 Variance	Dec 2017 Variance	Mar 2018 Variance	June 2018 Variance	Sep 2018 Variance	Nov 2018 Variance
Discover Pass	16.2%	6.0%	7.5%	0.9%	1.9%	2.7%
Camping	4.7%	5.2%	5.5%	3.3%	-2.7%	-1.0%
Other Lodging	4.4%	4.8%	3.0%	4.1%	1.0%	1.2%
Donations	-8.4%	2.7%	6.1%	0.4%	0.9%	0.1%
Other	17.3%	9.9%	4.7%	2.3%	4.1%	2.0%
Totals	8.4%	5.9%	6.0%	2.0%	0.4%	0.9%

↑	↑	↑	↑
\$107.2M	\$107.8M	\$108.6M	\$111.4M
Initial June 2017	Nov 2017	Feb 2018	June 2018
Forecast	Forecast	Forecast	Forecast

**APPENDIX 4
2019 SUPPLEMENTAL CAPITAL AND OPERATING BUDGET PROPOSALS
AGENCY VERSUS GOVERNOR**

Operating Budget

Title	Agency Request		Governor Proposal	
	FTEs	Dollars	FTEs	Dollars
By Fund Type:				
Parks Renewal and Stewardship Account	5.3	1,399,000	0.0	729,000
General Fund - State	0.0	363,000	0.0	250,000
Total	5.3	1,762,000	0.0	979,000
By Line Item:				
Workload and Inflationary Increases	2.1	1,185,000	0.0	729,000
Policy/Performance Level Items				
Peak Season Staff Coverage	3.2	327,000	0.0	0
Natural Resources Rehabilitation	0.0	250,000	0.0	250,000
Subtotal	3.2	577,000	0.0	250,000
Total	5.3	1,762,000	0.0	979,000

Capital Budget

Title	Agency Request		Governor Proposal	
	FTEs	Dollars	FTEs	Dollars
By Fund Type:				
State Bldg & Construction Account	0.0	922,000	0.0	150,000
Total	0.0	922,000	0.0	150,000
By Project:				
Steamboat Rock - Build Dunes Campground	0.0	772,000	0.0	0
Nisqually New Full Service Park (Predesign)	0.0	150,000	0.0	150,000
Total	0.0	922,000	0.0	150,000

**APPENDIX 5
2019-21 CAPITAL BUDGET PROPOSALS
AGENCY VERSUS GOVERNOR**

Project Title	Agency Request	Governor Proposal	Difference
State Construction Account			
Total Preservation - New Projects	79,172,000	47,451,000	(31,721,000)
Total Programmatic - New Projects	16,505,000	11,227,000	(5,278,000)
Total - New Projects	95,677,000	58,678,000	(36,999,000)
Total Preservation - Reappropriations	19,988,300	23,822,000	3,833,700
Total Programmatic - Reappropriations	4,892,300	5,024,000	131,700
Total - Reappropriated Projects	24,880,600	28,846,000	3,965,400
Total - All Projects - State Construction Account	120,557,600	87,524,000	(33,033,600)
New Grants and Spending Authority	7,350,000	7,350,000	0
Reappropriated Grants and Spending Authority	2,350,000	2,350,000	0
Total - Grants and Spending Authority	9,700,000	9,700,000	0
Total - All Projects, Grants and Spending Authority	130,257,600	97,224,000	(33,033,600)

**APPENDIX 6
2019-21 OPERATING BUDGET PROPOSAL
AGENCY VERSUS GOVERNOR**

Total Budget Request by Fund Title/Description	Agency Request		Governor Proposal	
	FTEs	Dollars	FTEs	Dollars
Parks Renewal and Stewardship Account	557.4	119,648,000	551.2	122,906,000
General Fund - State	225.0	54,050,000	151.3	40,878,000
Pension Stabilization	0.0	1,496,000	0.0	1,496,000
Dedicated & Other Funds	20.7	21,833,000	20.7	21,665,000
Total Request	803.1	197,027,000	723.2	186,945,000

Total Budget Request by Item Title/Description	Agency Request		Governor Proposal	
	FTEs	Dollars	FTEs	Dollars
2019-21 Base Budget	682.0	157,712,000	682.0	157,712,000
Inflationary/Workload Cost Increases	13.2	6,652,000	9.3	4,546,000 *
Policy/Performance Level Items				
Maintain Critical Core Operations	0.0	10,000,000	0.0	10,000,000
Protect and Maintain Park Properties	44.8	9,046,000	15.5	4,500,000
Meet Customer Expectations	44.2	4,779,000	11.0	1,195,000
Modernize Parks Technology	1.1	961,000	1.1	761,000
Protect Natural Resources	1.8	1,262,000	1.8	1,262,000
Engage Youth and Communities	3.4	951,000	0.0	0
Automate Employee Time Recording	2.5	2,500,000	0.0	0
Improve Business Processes and Data	3.4	1,248,000	1.0	425,000
Promote Parks & Statewide Tourism	1.1	853,000	0.0	0
Build Up Core Support Services	4.5	699,000	0.0	0
Support Orca Recovery Efforts	1.1	364,000	1.5	539,000
Policy/Performance Level Subtotal	107.9	32,663,000	31.9	18,682,000
2019-21 Total ML and PL Requests	121.1	39,315,000	41.2	23,228,000
Total 2019-21 Agency Request - All Funds	803.1	197,027,000	723.2	180,940,000
Compensation Changes	0.0	0	0.0	5,872,000
Central Services/Other Statewide Costs	0.0	0	0.0	133,000
Total 2019-21 Proposed Budget - All Funds	803.1	197,027,000	723.2	186,945,000

* Some items funded in Policy Level of Governor's Proposal

Item E-5: Legislative Update - Report

EXECUTIVE SUMMARY: This item provides an update on the status of the 2019 session of the Washington State Legislature. This item advances the Commission’s strategic goal: “Demonstrating that all Washingtonians benefit from their state parks”.

SIGNIFICANT BACKGROUND INFORMATION: The regular session of the 2019 Washington State Legislature began on January 14, 2019. This report will provide the Commission with a briefing on the status of the agency’s legislative agenda, and other legislation that could affect agency programs and policies.

SUPPORTING INFORMATION: None

Author/Contact(s): Owen Rowe, Policy and Governmental Affairs Director
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Reviewer(s):

Jessica Logan, SEPA REVIEW: Pursuant to WAC 197-11-704, staff has determined that this Commission agenda item is a report and therefore is not subject to State Environmental Policy Act (SEPA) review.

Shelly Hagen, Fiscal Review: Report only, no impact at this time.

Andy Woo, Assistant Attorney General: Report only, no impact at this time.

Approved for Transmittal to Commission



Don Hoch, Director

Item E-6: Long-Term Park Boundary Terminology and Policy - Requested Action

EXECUTIVE SUMMARY: This item asks the Washington State Parks and Recreation Commission to change terminology for the long-term park boundary planning tool and to define it in agency policy. This item advances the Commission’s strategic goal: “Develop amenities and acquire lands that advance transformation.”

SIGNIFICANT BACKGROUND INFORMATION:

In January 1992, the Commission adopted a publicly developed Strategic and Action Plan. One question in the plan was “How do we provide for protection and wise use of park resources and assets?” In response to the question, the agency committed to a number of actions, including the preparation of management plans for each park in the system. To further this goal, in December 1995, the Commission adopted a revised land classification system (see Appendix 1). Following adoption of the revised classification system, it became clear to staff that simply classifying park lands on a map would not on its own adequately address the goal of preparing management plans for each park. As a result, in 1996 State Parks developed a combined planning effort called Classification and Management Planning (CAMP).

CAMP is a public process that results in three primary products:

- A land classification map for the park, which functions as park zoning, describing the kinds of facilities and activities that are appropriate in each area of a park
- A long-term park boundary map, which shows the lands the Commission believes should be managed consistent with park purposes
- A management plan that describes how the issues and concerns brought up during the CAMP process will be addressed.

Land classifications and long-term park boundaries are approved by the Commission, while management plans are approved by the Director. Thus far, about 70% of the agency’s 124 state parks and well over 80% of the agency’s land base have gone through CAMP, along with a number of state park properties and historic sites. Staff is continuing to undertake CAMP processes for the remaining parks and properties in the system.

Long-Term Park Boundaries

A long-term park boundary is a planning tool intended to take a big-picture look at what lands, independent of ownership, would advance the conservation and recreation mission of a park. It also considers whether agency-owned property should be retained or be considered surplus to park needs.

Including privately owned property in a long-term boundary gives Commission direction to staff to work directly with nearby landowners on potential land transactions. Transactions may range from simple agreements, to recreation or conservation easements, and sometimes to agency purchase of a property. If a landowner is not interested in a transaction or agreement, State Parks is unlikely to pursue the matter further. However, since land frequently changes hands, the agency may still include the property in a long-term park boundary for future consideration and planning purposes.

For properties included within a long-term boundary, State Parks might:

- Seek to formalize an agreement with an adjacent property owner to advance a shared property management goal
- Solicit a conservation easement from an adjacent property owner to protect certain natural or cultural features
- Accept a donation of all or part of a private property
- Exchange agency-owned property for a private property
- Purchase a private property in fee.

Concerns Raised by Private Landowners

Including private land within a long-term park boundary can needlessly alarm private property owners. During the CAMP process, the planning team contacts potentially affected landowners to explain the implications of their property being included within a long-term park boundary. Long-term boundary and land classification decisions are for Commission policy direction only, and should not affect private property values, be used as an indication of a property owner's willingness to sell, or be used as a basis for making state or local government regulatory, permitting, or zoning decisions on private land holdings.

Planning staff is currently working with the public to develop a CAMP for Wallace Falls State Park in Snohomish County. In addition to the concern that proposed long-term boundaries cause adjacent landowners in many CAMP projects, there were additional concerns at Wallace Falls. Some of the properties proposed for inclusion in the park's long-term boundary are currently used for commercial timber production. Two companies have expressed concern that including their land within a long-term park boundary would result in additional requirements when they apply for Forest Practices Permits to harvest their timber. These additional requirements come into play when harvesting within a "park boundary." Although State Parks designated long-term boundaries are for planning purposes only, and thus will not actually trigger additional permitting requirements, the companies would prefer not to have to defend against potential challenges made on this basis.

As a result of perennial concerns expressed by landowners and specific issues raised at Wallace Falls, staff believes it is appropriate to consider changing the terminology for long-term park boundaries. Issues raised at Wallace Falls also brought to staff's attention that the term long-term park boundary is not defined in Commission policy or administrative rules. By contrast, land classifications are defined in WAC 352-16-020, and further described in the Director-approved Management Guidelines and Compatibility Matrices (Appendix 1). Long-term park boundaries

are described in each CAMP document, and are referenced in the agency’s real estate policies, but have not been formally codified.

STAFF RECOMMENDATION:

Staff recommends that the Commission change terminology for the long-term boundary planning tool to “park-associated landscape” and adopt the definition and principles as provided in Appendix 2. This language should also be integrated into existing agency real estate policies and the Lands Manual.

Staff developed the name *park-associated landscape* through an exercise that involved listing the benefits of designating long-term park boundaries. Some of the benefits included:

- Helps conceptualize and plan for park land base in perpetuity
- Helps make faster and more efficient decisions when people offer their property for donation and sale
- Provides continuity of decision-making as staff and commissioners change
- Describes long-term future of the park to the public
- Involves the public in acquisition planning
- Helps neighbors make decisions about the future of their property
- Facilitates landscape-level planning
- Allows prioritization of limited funds to make better acquisition decisions
- Allows agency to dispose of surplus lands and reinvest proceeds into high-priority acquisitions

From this exercise, staff listed key words from the benefit statements. Those key words included:

- | | |
|---------------|-----------------|
| • Ideal | • Nimble |
| • Continuous | • Direction |
| • Transparent | • Participatory |
| • Legacy | • Holistic |
| • Landscape | • Intent |
| • Strategic | • Priority |
| • Assessment | • Investment |
| • Vision | • Future |

And from these key words, staff put together some possible combinations and shared them with staff, which generated some more options. The top three names identified by staff were:

- Park-Associated Landscape
- Legacy Landscape
- Priority Landscape

From these, staff recommends the term *park-associated landscape* because it captures the idea that properties within the designated landscape should be managed consistent with park purposes, but do not necessarily need to be owned by State Parks. It will hopefully be less concerning to private landowners than long-term park boundary while better reflecting what it means.

Staff liked the aspirational sentiment behind “legacy landscape,” which connotes a gift left to future generations, but believes that its meaning would not be obvious from the title. “Priority landscape” is less vague, but does not capture the idea that the properties do not necessarily need to be owned by State Parks as well as park-associated landscape does.

In addition to the new terminology, staff recommends that the Commission establish a new policy (Appendix 2) defining park-associated landscape and outlining its general principles. The definition is the same that has been used in agency CAMP documents, and the general principles are similar to statements affirmed by the Commission in past long-term boundary decisions.

Staff further recommends that the Commission revise Section K of Commission Policy 25-07-1 Delegations of Authority for Real Estate Transactions & Service. This section relates to the purchase of relatively small parcels of land using the Parkland Acquisition Account or a grant source. Currently, the delegated authority only delegates such purchases if a property is entirely within a Commission-approved long-term boundary. However, since many long-term boundaries are based on topography or vegetation communities rather than on tax parcel lines, it is sometimes necessary to purchase a whole tax parcel in order to secure the portion of it within the long-term park boundary. This requested change would allow the Director or designee to acquire property that is wholly or partially within a park-associated landscape and flexibility to purchase entire parcels where necessary.

Finally, staff recommends that the Commission approve minor revisions to Policy 25-07-1 as shown in Appendix 3. These revisions include changing terminology from long-term boundary to park-associated landscape, adding the definition of park-associated landscape, and correcting typographical errors.

LEGAL AUTHORITY:

RCW 79A.05.030 Powers and duties – Mandatory

WAC 352-16-020 Land classification system

WAC 352-16-020 Management within land classifications

SUPPORTING INFORMATION:

Appendix 1: *Washington State Parks Land Classification System*

Appendix 2: Proposed Park-Associated Landscape Policy

Appendix 3: Proposed Revision to Policy 25-07-1 Delegations of Authority for Real Estate Transactions & Service

REQUESTED ACTION FROM COMMISSION:

That the Washington State Parks and Recreation Commission:

1. Change terminology for the long-term park boundary planning tool to *park-associated landscape*.
2. Establish policy 55-19-1 Park-Associated Landscape as shown in Appendix 2.

3. Direct staff to update agency policies and procedures that refer to long-term park boundaries with the new terminology, and to add the definition to the agency Lands Manual.
4. Approve revisions to Commission Policy 25-07-1 Delegations of Authority for Real Estate Transactions & Service, as shown in Appendix 3.

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Reviewer(s):

Jessica Logan, SEPA REVIEW: Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(14)(h) and WAC 197-11-800(19).

Christeen Leeper, Fiscal Impact Statement: Approval of this request has no fiscal impact at this time.

Andy Woo, Assistant Attorney General: Approved December 27, 2018.

Peter Herzog, Assistant Director

Approved for Transmittal to Commission



Don Hoch, Director

APPENDIX 1

Washington Administrative Code Establishing Land Classification System

WAC 352-16-020 Land classification system. State park areas are of statewide 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) Recreational 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 statewide 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.

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.

**Land Classification Management Guidelines
Recreation Areas**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
<p>Washington State Parks Recreation Areas</p>	<p><u>State Parks Recreation Areas</u> 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.</p>	<p><u>State Parks Recreation Areas</u> are to respond to the human needs for readily available areas for outdoor recreation and facilities to congregate for education, artistic expression and other ennobling pursuits. They are to provide a variety of outdoor recreational, educational, artistic, and cultural opportunities to large numbers of participants. Primary emphasis is on the provision of quality recreational services and facilities with secondary recognition given to protection of the areas natural qualities.</p>	<p><u>State Parks Recreation Areas</u> physiographic features such as topography, soil type, drainage, etc., shall be adaptable to varied types of intensive uses and development. An attractive natural setting is desirable, however, human-made settings are acceptable. There are no specific size criteria.</p>	<p><u>State Parks Recreation Areas</u> generally are made, not found. They shall be located throughout the state with primary emphasis to service major centers of urban populations and/or outstanding recreational tourist attractions. Scenic and inspirational values shall be considered but are secondary to the site adaptability and population criteria. When part of a large diverse park, recreation areas should be sited in proximity to public roads and utilities.</p>	<p><u>State Parks Recreation Areas</u> may allow and provide for a wide variety of indoor and outdoor day, weekend and vacation activities. Provision may be made for high intensity participation in camping, picnicking, trail use, water sports, winter sports, group field games, and other activities for many people Off-trail equestrian and/or bicycle use may be appropriate in selected areas if approved by the commission. Activities requiring high levels of social interaction are encouraged.</p>	<p><u>State Parks Recreation Areas</u> shall provide appropriate facilities and services for the participation and enjoyment of high concentrations of outdoor recreationists and/or participants in indoor educational, cultural and artistic activities. A high degree of development is anticipated. Facilities may include road and parking networks, swimming beaches, full service marinas, trails, bathhouses, artificial lakes and pools, play fields, large sanitary and eating facilities; standard and utility campgrounds, stores, picnic grounds, group shelters, conference centers, environmental learning centers, hostels, and administrative support facilities.</p>

**Land Classification Management Guidelines
Resource Recreation Areas**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
<p>Washington State Parks Resource Recreation Areas</p>	<p><u>State Parks Resource Recreation Areas</u> are suited and/or developed for natural and/or cultural resource-based medium- and low-intensity recreational use.</p>	<p><u>State Parks Resource Recreation Areas</u> are sites where the high quality of a particular natural or cultural resource or set of such resources is the lure for human recreation. Thus, the rationale for recreation is based on the value of attractive natural or cultural resources. Management of these areas must stress the centrality of preserving the quality of the natural and cultural resources while allowing appropriate and sustainable levels of human use and enjoyment.</p>	<p><u>State Parks Resource Recreation Areas</u> have a variety of physiographic features. While they may contain areas of environmental sensitivity, most portions of each area will be able to withstand low- to medium-intensity recreation use without significant environmental degradation.</p>	<p><u>State Parks Resource Recreation Areas</u> may be located anywhere in the state where natural or cultural factors produce land and water sites particularly suited for recreation in a natural setting. Access to these sites should be reasonably proximate to major urban centers, but some access restriction may be necessary to avoid overuse of resources. Within large diverse parks, these areas should be located at least a moderate distance from public roads and high use intensity areas, while still maintaining reasonable public access for their intended use.</p>	<p><u>State Parks Resource Recreation Areas</u> provide opportunities for low- and medium-intensity recreational experiences including, but not limited to, picnicking, primitive camping, a variety of recreational trail experiences, interpretive facilities, historic/cultural exhibits, nature observation, photography, orienteering, kayaking, canoeing, floating, and fishing. Off-trail equestrian and/or bicycle use may be appropriate in selected areas if approved by the commission. Basketball, tennis, organized group sporting activities requiring formal sports fields, commercial-sized piers and docks, standard and utility camping, indoor accommodations and centers, developed swimming areas, and other similarly intense uses are not appropriate. Scientific research is permitted.</p>	<p><u>State Parks Resource Recreation Areas</u> development shall be permitted to the extent necessary to serve allowed activities. Parking, sanitary facilities, and other ancillary developments and support facilities should be constructed in a manner that is consistent with the site's ability to manage environmental change.</p>

**Land Classification Management Guidelines
Natural Areas**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
<p>Washington State Parks Natural Areas</p>	<p><u>State Parks Natural Areas</u> 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.</p>	<p><u>State Parks Natural Areas</u> are to respond to the human need for readily available "conservatories" of nature and open spaces. Emphasis is directed toward nature and the conservation of native flora and fauna, special geologic or paleontologic resources, and the natural amenities of the area. Human wants for other than naturally existing educational and recreational opportunities are considered secondary to nature's requirement for the sustained maintenance of its natural balances, or the preservation of special geologic or paleontologic features.</p>	<p><u>State Parks Natural Areas</u> have a variety of topography and features to provide a diversified natural environment with interesting but not necessarily unique flora and fauna, or geologic or paleontologic features. Where classification is based on biological considerations, sites should consist of land areas large enough to maintain natural biological processes in a nearly undeveloped state and provide users with a feeling of solitude and tranquility, and an opportunity to view nature in its "uncontrolled" form. They may be partially or wholly on land, subterranean, or part of the marine environment.</p>	<p><u>State Parks Natural Areas</u> are not "made", but rather currently exist due to historical circumstances that have resulted in little or no human interference in the natural environment. Those areas most desirable in terms of physical features and size usually are "found" and "held" against creeping encroachments and raising land values. They often become over used and "lost" as populations spread around them. As a part of the overall system, these areas should be geographically spread throughout the state. When classifying specific park areas, consideration must be given to the ability to adequately manage the areas against undesirable human encroachment.</p>	<p><u>State Parks Natural Areas</u> provide opportunities for outdoor recreation on designated trails. Those trails may be developed and used only to the extent that they do not significantly degrade the system of natural processes in a classified area. Hiking, non-groomed cross-country skiing, snowshoeing, or other trail uses of similar impact to natural systems and providing a compatible recreational opportunity, may be permitted, after consultation with appropriate local, state, federal and tribal resource management agencies, and upon a finding by the agency that such trails are not likely to significantly degrade natural processes. Relocation of existing equestrian, bicycle, nordic track or other similar trails into a natural area may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts. All trails may be moved, redesigned, closed and/or removed upon a finding that their use is causing significant degradation to the system of natural processes. Technical rock climbing requires authorization by the commission. Off-trail use for nature observation, photography, cross-country skiing, harvesting of mushrooms and berries and similar uses are permitted to the degree that they do not significantly degrade natural processes. Scientific research is permitted.</p>	<p><u>State Parks Natural Area</u> development shall be limited to facilities required for health, safety and protection of users and features consistent with allowed activities. Facilities to enhance public enjoyment shall be limited to primitive items such as trails, trail structures and minor interpretive exhibits. All improvements shall harmonize with, and not detract from, the natural setting. Parking and other trailhead facilities should be located outside of a classified area.</p>

**Land Classification Management Guidelines
Heritage Areas**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
Washington State Parks Heritage Areas	<u>State Parks Heritage Areas</u> are designated for preservation, restoration, and interpretation of outstanding, unique or unusual archaeological, historical, scientific, and/or cultural features, and traditional cultural properties, which are of statewide or national significance.	<u>State Parks Heritage Areas</u> are designated to preserve and/or interpret selected areas or features for the education and enjoyment of the public, an area's intrinsic cultural value, and/or for scientific research.	<u>State Parks Heritage Areas</u> vary in size and physiographic makeup according to their location and reason for existence. Historic landscapes may require relatively large acreage while archaeological sites may be measured in square feet.	<u>State Parks Heritage Areas</u> usually are located where they are found or the feature exists. However, in some instances relocation or re-creation of artifacts, resources or facilities is possible. In these situations they may be located in appropriate settings and concentrated near major population centers and along primary travel routes.	<u>State Parks Heritage Area</u> activities shall generally be limited to those directly associated with the interpretation of the area or feature, and the education of the patrons. Picnicking, recreational trails, and other low- to medium-intensity recreation uses may be allowed if they do not detract from the principal purpose of the area, its setting, structures, sites and objects.	<u>State Parks Heritage Area</u> development shall generally be limited to that necessary for the protection and interpretation of the area or feature, and the education and safety of the patrons. Sanitary facilities, recreation trails, and picnicking facilities may be provided in a manner which does not detract from the aesthetic, educational or environmental quality of the area, its setting, structures, sites or objects, or, if applicable, its value for scientific research.

**Land Classification Management Guidelines
Natural Forest Areas**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
<p>Washington State Parks Natural Forest Areas</p>	<p><u>State Parks Natural Forest Areas</u> 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 150 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 90 years or longer; or □ Unusual forest communities and/or interrelated vegetative communities of significant ecological value.</p>	<p><u>State Parks Natural Forest Areas</u> are places where human access to and interpretation and enjoyment of natural forest processes are limited to those activities and facilities that do not significantly degrade natural forest processes. Public access into these areas emphasizes appreciation of nature through experiencing nature. The principal function of these areas is to assist in maintaining the state's bio-diversity while expanding human understanding and appreciation of natural values.</p>	<p><u>State Parks Natural Forest Areas</u> have a variety of topographic and vegetative conditions. They are generally large enough (300 or more acres) to contain one or more distinct and relatively intact vegetative communities. Smaller areas may be appropriate if representative of a unique or unusual forest community. Desirably, they are part of a large system of open space, wildlife habitat, and vegetative communities that provide a good opportunity for long-term ecosystem sustainability.</p>	<p><u>State Parks Natural Forest Areas</u> may be located anywhere in the state where natural factors produce forest vegetative cover. These areas are not "made", but rather currently exist due to historical circumstances that have resulted in little or no human interference in natural forest progression. As a part of an overall system, these areas should be geographically spread throughout the state, recognizing that maintenance of bio-diversity is one of the primary functions of their classification. When classifying specific park areas, consideration must be given to the ability to adequately manage the areas against undesirable human encroachment.</p>	<p><u>State Parks Natural Forest Areas</u> provide opportunities for outdoor recreation on designated recreation trails. Those trails may be developed and used only to the extent that they do not significantly degrade the system of natural forest processes in a classified area. Careful design of recreation trails should match intended uses, to maintain consistency with the purpose and philosophy of the classification. Hiking, non-groomed cross-country skiing, snowshoeing, or other trail uses of similar impact to natural systems and providing a compatible recreational opportunity, may be permitted, after consultation with appropriate local, state, federal and tribal resource management agencies, and upon a finding by the agency that such trails are not likely to significantly degrade natural forest processes. Relocation of existing equestrian, bicycle, nordic track or other similar trails into a natural forest area may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts. All trails may be moved, redesigned, closed and/or removed upon a finding that they are causing significant degradation to the system of natural forest processes. Technical rock climbing requires authorization by the commission. Off-trail use for nature observation, cross-country skiing, photography, harvesting of mushrooms and berries and similar uses are permitted to the degree that they do not significantly degrade natural forest processes. Scientific research is permitted.</p>	<p><u>State Parks Natural Forest Areas</u> development shall be limited to facilities required for health, safety and protection of users and features consistent with allowed activities. Facilities to enhance public enjoyment shall be limited to trails, trail structures, and minor interpretive exhibits. All improvements shall harmonize with, and not detract from, the natural setting. Parking and other trailhead facilities should be located outside of a classified area.</p>

**Land Classification Management Guidelines
Natural Area Preserves**

TITLE	DEFINITION	PHILOSOPHY	PHYSICAL FEATURES	LOCATION	ACTIVITIES	DEVELOPMENTS
<p>Washington State Parks Natural Area Preserves</p>	<p><u>State Parks Natural Area Preserves</u> 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.</p>	<p><u>State Parks Natural Area Preserves</u> are sites where human access is limited to educational and scientific purposes. The principal function of these areas is to preserve natural ecosystems or geologic features of statewide significance. Public access for recreation must be subordinate to the principal function of the classification.</p>	<p><u>State Parks Natural Area Preserves</u> have a variety of topographic and vegetative conditions. They are generally large enough (300 or more acres) to contain one or more distinct and intact ecological communities. Smaller areas may be appropriate if representative of a unique or unusual ecological community or geologic feature. They may be partially or wholly on land, subterranean, or part of the marine environment. Desirably, they are part of a large system of open space, wildlife habitat, and vegetative communities that provide a good opportunity for long-term ecosystem sustainability.</p>	<p><u>State Parks Natural Area Preserves</u> may be located anywhere in the state where natural ecological systems or significant geologic features exist. These areas are not "made", but rather exist due to historical circumstances that have resulted in little or no human interference in the natural system. As a part of an overall system, these areas should be geographically spread throughout the state.</p>	<p><u>State Parks Natural Area Preserves</u> provide opportunities for scientific research and education about natural systems, geologic features, sensitive, rare, threatened or endangered species or communities. Recreational use of existing or relocated trails may be permitted, provided that it can be clearly demonstrated that such use does not degrade the system of natural processes occurring in the preserve. Otherwise, trails are limited to administrative, scientific and organized educational activities and uses. No other activities are permitted.</p>	<p><u>State Parks Natural Area Preserves</u> development shall be limited to access facilities for permitted activities and structures to inhibit general public access. No other facilities or structures are permitted.</p>

Land Use and Land Classification Compatibility Matrix – Facilities

	Recreation	Resource Recreation	Heritage	Natural/Natural Forest Area	Natural Area Preserve*
Amphitheater	P	C	C	N	N
Archery/Target Range	C	C	N	N	N
Camping - Std and Util	P	N	C	N	N
Camping - Primitive	P	P	C	N	N
Camping - Adirondack	P	C	N	N	N
Camping - Horse-oriented	C	C	N	N	N
Camping - Water Trail	P	P	C	N	N
Children's Play Area	P	C	C	N	N
Day Use Picnic - Tables	P	P	C	N	N
Day Use Picnic - Group Shelter	P	N	C	N	N
Day Use Lodges/Centers	P	N	C	N	N
Environmental Learning Centers	C	N	C	N	N
Equestrian Facilities	C	C	C	N	N
Fields - Informal Play/Mowed	P	C	C	N	N
Indoor Accommodations	P	N	C	N	N
Interpretive - Centers	P	N	P	N	N
Interpretive - Kiosks	P	P	P	C	N
Interpretive Trail	P	P	P	P	C
Interpretive - Signs	P	P	P	P	C
Parking - Vehicles	P	P	C	N	N
Roads	P	P	C	N	N

Land Use and Land Classification Compatibility Matrix – Facilities (Continued)

	Recreation	Resource Recreation	Heritage	Natural/Natural Forest Area	Natural Area Preserve*
Sanitary: Comfort Stations	P	N	C	N	N
Sanitary: Composting/Vault	P	P	C	C	N
Sports Fields	C	N	N	N	N
Skiing - Alpine Facilities	C	C	N	N	N
Swimming Facilities	P	N	C	N	N
Trails - Hiking	P	P	P	P	C
Trails - Mountain Biking	P	C	C	N**	N
Trails - Equestrian	C	C	C	N**	N
Trails - Nordic Track Skiing	P	P	C	N**	N
Trails - C-C skiing	P	P	P	P	C
Trails - Snowmobile	P	C	C	N**	N
Trails - Paved non-motor	P	C	C	C	N
Water: Docks/Piers ≥ 10 boats	P	N	C	N	N
Water: Docks/Piers < 10 boats	P	P	C	C	N
Water: Launch Ramps	P	C	N	N	N
Water: Hand Launch Areas	P	P	C	C	N
Water: Mooring Buoys	P	P	C	C	N

P (Permitted) - Use permitted with normal agency design review

C (Conditional) - Use may be permitted, but conditioned to assure design is compatible w/purpose of land classification and abutting classification objectives.

N (Not Permitted)- Use not permitted.

NA - Not Applicable

* All uses in a Natural Area Preserve must be specifically approved by the Park and Recreation Commission as part of a management plan.

**Relocation of existing trails into a natural or natural forest area is permitted per WAC 352-32-070(3) and WAC 352-32-075(2)(b).

Land Use and Land Classification Compatibility Matrix – Activities

	Recreation	Resource Recreation	Heritage	Natural/Natural Forest Area	Natural Area Preserve*
Farming/Orchards	C	C	C	N	N
Filming/Special Events	P	P	P	C	N
Grazing	C	C	C	N	N
Harvesting - Edible Fruiting Bodies	P	P	P	P	N
Harvesting - Mushrooms	P	P	P	P	N
Harvesting - Shellfish	P	P	P	P	N
Harvesting - Fish	P	P	P	P	N
Harvesting - Algae, etc.	P	P	P	P	N
Haying	P	P	P	N	N
Metal Detecting	P	P	C	N	N
Orienteering	P	P	C	N	N
Ocean Beach Driving	P	C	N	N	N
Off-Trail: Equestrian	C	C	C	N	N
Off-Trail: Hiking	P	P	P	P	N
Off-trail biking	C	C	C	N	N
Paragliding	P	P	C	N	N
Recreation Concession Areas	C	C	C	N	N
Technical Rock Climbing	P	P	C	C	N

Land Use and Land Classification Compatibility Matrix – Activities (Continued)

	Recreation	Resource Recreation	Heritage	Natural/Natural Forest Area	Natural Area Preserve*
Water: Jet Skiing	P	C	N	N	N
Water: Kayak/Canoeing	P	P	P	C	N
Water: Power Boating	P	C	N	C	N
Water: White Water Boating	P	P	C	C	N
Water: Sailing	P	P	P	C	N
Water: Skiing	P	C	N	N	N
Water: Swimming	P	P	P	P	N
Water: Wind Surfing	P	C	C	N	N
Winter: Alpine Skiing	C	C	N	N	N
Winter: C-C Skiing (off-trail)	P	P	P	P	C
Winter: Mushing/Sled Dogs	C	C	C	N	N
Winter: Snowshoeing	P	P	P	P	C
Winter: Snowmobiling (off-trail)	P	P	C	N	N
Wood Debris Collection	P	P	P	N	N

P (Permitted) - Use permitted with normal agency design review

C (Conditional) - Use may be permitted with Commission concurrence, but conditioned to assure compatibility w/purpose of land classification and abutting classifications.

N (Not Permitted)- Use not permitted.

NA - Not Applicable

* All uses in a Natural Area Preserve must be specifically approved by the Park and Recreation Commission as part of a management plan.

**Relocation of existing trails into a natural or natural forest area is permitted per WAC 352-32-070(3) and WAC 352-32-075(2)(b).

APPENDIX 2

55-19-1 Park-Associated Landscape

I. Definition

Park-associated landscape: Commission-designated lands within, near, or adjacent to a state park or property, that if managed consistent with adopted land classifications will advance the park's recreation and conservation mission.

II. General Principles

- A. Park-associated landscape decisions are for Commission policy direction only, and should not:
 - Affect private property values
 - Be used as an indication of a property owner's willingness to sell
 - Be used as a basis for making state or local government regulatory, permitting, or zoning decisions on private land holdings.
- B. Within an adopted park-associated landscape, staff will pursue the least burdensome real estate agreement with which to advance the park's recreation and conservation mission.
- C. Inclusion in a park-associated landscape does not guarantee a future real estate agreement. Agreements are subject to available funding, staff capacity, and agency priority.

APPENDIX 3

PROPOSED 2019 revisions are shown in **red** and ~~strikethrough~~

25-07-1 Delegations of Authority for Real Estate Transactions & Service

(Commission adopted revisions March 22, 2018)

Provided that the Director or authorized designee's reserve the right to defer or abrogate any delegated authority upwards and further; provided that all actions serve the public good by enhancing the State's natural, cultural, or recreational resources, the Commission grants a consolidated Authority that allows the Director or designee to:

- A. Grant real property agreements (leases, easements, and permits) or execute transfers of fee interest or development right as provided for by law on any State Parks' property that the Commission has unanimously designated as surplus parklands (as defined in Commission Policy 55-06-1 or in RCW 79A.05.175); provided all public notice and public hearing statutes, policies and procedures are met.
- B. Transfer fee interests, through sale at public auction or as provided for in RCW 79A.05.170, in any State Parks' property which the Commission has unanimously designated as surplus parklands (as defined in Commission Policy 55-06-1 or in RCW 79A.05.175); provided:
 - 1. All public notice and public hearing statutes, policies, and procedures are met.
 - 2. No transfer of fee interest shall be executed under those authorities granted in RCW 79A.05.178.
 - 3. The minimum bid of all lands sold at public auction shall first be determined through appraisal to the satisfaction of the Commission.
 - 4. No exchange of lands shall be authorized under this authority.
 - 5. Lands authorized for sale through public auction under this delegation shall first be offered to the county, local governments, and Tribal Nation in which the lands are situated pursuant to RCW 43.17.400. If more than one other form of government offers to purchase surplus lands as described therein, the Director or designee shall offer the sale to the highest and best bid received.
- C. Accept or grant non-fee simple agreements, permanent or temporary, necessary for the implementation of State Parks' projects, to continue current management activities, or partnerships, or to complete fee-simple real property purchases approved or budgeted by the Commission, or directed/funded by the Washington legislature or Governor's Office.

All other agreements for the installation, operation, and maintenance of utilities and facilities; for the use of park roads by second parties; and for other uses of parklands and facilities, shall be subject to the following conditions and limitations:

- 1. That no permanent property right is conveyed unless the conveyance meets the criteria of subparagraph C (4) below.
- 2. That permits will:

- a) Be granted for terms not to exceed five years or 60 total months.
 - b) Meet the general criteria for a use permit as detailed in the *LANDS Manual*.
 - c) Only authorize improvements or facilities that are movable and temporary in nature.
3. That leases for periods not to exceed 20 years will be granted only when the lease is for a concession or a Recreational Concession Area and the permitted use does not authorize operation of entire parks or major facilities within a developed park (e.g., campgrounds and environmental learning centers). Alternately, at least two of the following conditions must be met and lessee's permitted use will not adversely affect natural, cultural, or historic park resources: (Temporary impacts due to construction are acceptable if mitigated, and if the property is returned to a condition as good or better than before the activity.)
- a) Lessee's permitted use is not considered a commercial venture.
 - b) Lessee's permitted use will provide for increased recreational opportunity or for improved habitat/natural conditions.
 - c) Lessee's permitted use does not require new construction, is located within, or adjoins, existing facilities, and the lease area is less than ten acres.
 - d) Lessee is another government agency or sub-division thereof and the lease does not include any facility or combination of facilities larger than 5,000 square feet
 - e) The lease area is located within a rail-trail corridor.
 - f) The lease is on undeveloped land and the permitted use supports grazing or agricultural purposes.
 - g) The lease may be terminated for any higher park purpose by the Commission following formal notice of one year or less to the Lessee.
4. That easements for any period will be granted when the conveyance is the conversion of a "grandfathered" crossing permit as defined in Commission Policy 55-06-1 to an easement or when at least two of the following conditions exist and the permitted use will not adversely affect natural, cultural, or historic park resources: (Temporary impacts due to construction are acceptable if mitigated, and if the property is returned to a condition as good or better than before the activity.)
- a) The easement is underground or provides access for residential uses.
 - b) The easement area is less than 1,000 linear feet or less than two acres in total area.
 - c) Lessee is another government agency or sub-division thereof.
 - d) The easement is located within a rail-trail corridor.
5. That the applicable environmental declaration indicates that the action is minor and that the adverse effects are not significant can be readily mitigated or are categorically exempt from SEPA.
- D. Renew, replace, assign, or amend existing lease, easement, permit, and other agreements with current State Parks' documents; provided:**
- 1. All costs associated with the renewal, replacement, assignment, or amendment is borne by the proponent;
 - 2. The assignment or amendment is offered to cure a minor error or omission in the original document;

3. The amendment will not materially change the original permitted use unless such a change is necessary for public health and safety;
 4. The new agreement meets the general conditions described in Section C (3) and (4) of this delegation. (*e.g.*, 20-yr. lease; conforming language, etc.); or
 5. The agreement is appurtenant to non-traditional parklands
- E.** Accept services in lieu of or in addition to cash or monetary considerations for grants involving leases, permits, or easements; provided:
1. The in-kind services are documented and accepted in writing as being of equal or higher value than the negotiated monetary value for the use.
 2. Acceptance is consistent with state law, specifically public works and prevailing wage statutes or;
 3. The proponent is a public entity or a non-profit organization.
- F.** Accept or grant Restrictive Covenants or Declaration of Covenants and accept encumbrances, perpetual restrictions, conservation easements or deed reservations involving property for the purpose of protecting or improving recreational, natural, historical, or cultural resources, public health, safety and welfare, consistent with health requirements and/or authorities with jurisdiction.
- G.** Accept or grant agreements (*e.g.*, Memoranda of Agreement or Understanding, Interlocal Agreements) with tribal and other forms of governments, non-profits, or friends groups and accept encumbrances, perpetual restrictions, conservation easements, or deed reservations involving property for the purpose of protecting or improving recreational, natural, or cultural resources or public health, safety, and welfare; provided that any term agreement:
- Is limited to a term of 5 years
 - Is consistent with applicable statute, and with Commission rules, policies, adopted strategic planning documents and other Commission actions
 - Is consistent with park-specific Commission guidance (*e.g.*, park master plan, land classifications, and **park-associated landscape long-term boundary**)
 - Does not authorize operation of entire parks or major facilities within a park (*e.g.*, campgrounds and environmental learning centers)
- H.** Spend Parkland Acquisition Account (PAA) funds to execute agreements and purchase fee-simple ownership in properties or property rights (*i.e.*, uplands, tidelands and shorelands; improvements and structures) when the fee-simple purchase is time-sensitive, ~~and~~ or where acquisition is effectively prohibited using traditional fund sources; provided:
- The fee-simple purchase price is under \$125,000
 - The parcel is non-complex (*e.g.*, single owner, minor improvements, no liens, etc.), and
 - The parcel is adjacent to or adjoins existing parklands; or
 - The parcel meets the criteria described in Section (K) below.
- I.** Spend PAA funds to obtain non-fee-simple ownership easements and rights, preferably in perpetuity, but under no condition for less than 30-year terms, when the non-fee-simple

interest is deemed “highest value¹” when considered in the context of adopted park objectives, and the purchase price is under \$125,000.

- J. Accept donations of real property or partial interests in real property; provided, the donation parcel is adjacent to existing park property. Acceptance may be completed only after a formal acceptance letter is offered to the donor by the Director, stating that the land or partial interest of the lands involved is beneficial to the state park system.
- K. Acquire real property; provided, that the property is acquired from willing seller(s), is less than 10 total acres, or that the purchase price is under \$600,000 (20018 dollars, as adjusted for inflation); and funding is available through either the PAA or a grant source. Additionally, the property to be acquired shall be:
 - Located ~~partially or wholly entirely~~—within a Commission-approved, ~~long-term (CAMP) boundary-park-associated landscape~~ or other agency-adopted master plan or development plan,
 - Needed to complete an agency-adopted capital project, or
 - Needed to complete an agency-adopted partnership project
- L. Act on any Commission decision relating to real property and adopted in open session, for a period of 10 years from the date of the adopted item in accordance with the action and in an effort to complete the property transaction; provided, that the action is essentially the same as and materially consistent with the original Commission decision. For transactions completed beyond 24 months from the date of the original decision, staff will provide a written report to the Commission on the property transaction.
- M. Make necessary adjustments in the legal description and deed of a subject parcel as deemed to be in the best interest of the State, and take other minor or administrative actions as necessary to complete real estate transactions approved by the Commission, including but not limited to correcting scrivener’s errors, making amendments to park boundaries following disposal of parkland, and revising or amending agreements when the revision or amendment constitutes less than a 20 percent change in the original agreement or scope of work (e.g., adding a water line to a sewer line in the same trench.)
- N. Biennially, provide the Commission a summary of property transfers, leases, easements, permits, covenants and other agreements granted and accepted
- O. Grant or amend Permits, Leases, and Concessions as provided for in this policy in any building, facility, or park area operated and maintained by an authorized second party wherein the second party or concessionaire has been licensed to sell alcoholic beverages by the Washington ~~S~~state ~~L~~iquor and ~~C~~eannabis ~~B~~oard and in general conformance with Washington Administrative Code 352-32-210.

¹ *Highest Value* -- the consideration given to a property based on criteria including: future availability, value in use to the park, conversion risk and any other park-specific conditions that contribute to overall WSPRC objectives. *Example of a “park-specific condition that contributes to an overall park objective”*: Purchasing easement interests to provide water/utility services from an existing provider when the alternative is acquisition of non-recreational lands with water availability.

DEFINITIONS

Non-traditional park lands– any State Parks’ property that:

1. Is in whole or substantial part a former railroad ~~right-of-way~~ corridor (commonly referred to as a rail-trail), or
2. Shows evidence of previous or current industrial or commercial use and is appropriate for recreational concession activities or non-recreational functions, or
3. Has been designated as “non-traditional” parkland by the Commission.

Traditional park lands– all other properties of the State Parks system

Grandfathered Access – a historical road over State Parks lands used for agriculture (seasonal ingress/egress), forestry access, a single private residence, or other limited access to non-state park privately/publicly held lands.

Road Crossing - either a county road crossing or private drive that can feasibly be improved or additionally developed to access property. Utilities of any form located on, over, under, or within park lands are not considered Road Crossings.

Unreasonable hardship – where the next best alternate access route or crossing is proven to the satisfaction of the Director to be either economically infeasible or environmentally unacceptable.

Surplus park lands– those lands that the Commission has formally designated as lands under its control that cannot advantageously be used for State Parks purposes and are not consistent with, or do not contribute significantly towards, fulfilling the agency mission.

Major facilities – include but are not limited to sewage treatment facilities, central utility plants, major structures, transmission lines, new transmission towers, public and private telecommunications, commercial cables or conduits, commercial buildings, pipelines, etc.

Concession – any contractual agreement (*e.g.*, lease, franchise, permit, etc.) granted by State Parks for the purpose of providing accommodations, other facilities, ~~and~~/or services on parkland for public recreational, artistic, or educational use and enjoyment.

Concessionaire – the contractor, franchisee, or permittee who provides public accommodations, other facilities, or services on parkland as a concession.

Economic benefit – Includes cost avoidance, land or material exchange, and revenue earned to the park system as a result of an agreement.

Public Service Utility – means any of the following:

1. Municipal electric utility formed under Title 35 RCW;
2. Public utility district formed under Title 54 RCW;
3. Irrigation district formed under chapter 87.03 RCW;
4. Cooperative formed under chapter 23.86 RCW;
5. Mutual corporation or association formed under chapter 24.06 RCW;

6. Port district formed under Title 53 RCW or water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity, water, or wastewater to one or more retail customers in the state;
7. Joint operating agency formed under RCW 43.52 or non-profit mutual corporation formed under RCW 24.06 comprising and selling electricity or telecommunications to one or more of the above public service utilities; and
8. Investor-owned utility owned by investors that meets the definition of “Public Service Company” in RCW 80.04.010 and that is engaged in distributing electricity to more than one retail electric customers in the state.

Fair Market Value (FMV) – means the amount of money that a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied. Such uses must be consistent with applicable federal, state, and local laws and regulations affecting the property as of the date of valuation.

Recreational Concession ~~Activity~~/Area (RCAs) – are activities or developments located on Commission-designated sites within State Parks or State Park Properties that provide opportunities for privately financed development of recreation facilities that meet the needs of park visitors and generate revenue to support State Parks. RCAs are intended as opportunities for the private sector to finance, construct, and operate recreation facilities in appropriate areas in state parks.

Enterprise Lands – are Commission-designated surplus properties that are available for lease to other public or private parties for the primary purpose of generating revenue for State Parks.

Public Telecommunications – television broadcasting stations as authorized under RCW 79A.05.080 and RCW 79A.05.085, non-television telecommunications facilities operated by public agencies and governmental organizations, and non-television telecommunication facilities operated by public and investor-owned utilities.

Private Telecommunications – non-television telecommunications facilities operated by private businesses other than investor-owned utilities, including but not limited to AM and FM radio broadcasters, community repeaters and paging services, and cellular telephone services, together with non-television telecommunication facilities operated by non-profit amateur radio organizations.

Conversion – where land was acquired or improved with grant funding from the Recreation and Conservation Office (RCO), a conversion occurs when use or function of recreation or habitat land or facilities changes to uses or functions other than those for which assistance originally was approved. Conversions must be offset by replacement with land and facilities of equivalent size, function, and value.

Corridor Maintenance Activity – repair, replacement, or maintenance of fences, hedges, walls, or other structures by adjacent landowners

Equestrian – a person riding a horse. For the purposes of this policy, as it relates to motor vehicle width restrictions, equestrian does not include wagon riders.

Flagger – a person who provides temporary traffic control.

Long-distance trails – stand-alone trails or trails within linear parks, usually located on rail-trail corridors. State Parks long-distance trails include ~~John Wayne Pioneer Trail~~ ~~Palouse to Cascades Trail~~, Willapa Hills Trail, Columbia Plateau Trail, Klickitat Trail, and Spokane River Centennial Trail. This policy does not apply to long-distance trails that only pass through State Parks property for a small portion of their extent, such as the Olympic Discovery Trail, the Pacific Northwest Trail, or the Discovery Trail.

Motorized recreational use – motorized use for the purpose of enjoyment, often using all-terrain vehicles, off-highway vehicles, or motorcycles.

Motor vehicle – a terrestrial vehicle that is self-propelled using a motor or engine but not operated upon rails. “Motor vehicle” does not include an electric-assisted bicycle as defined in RCW 46.04.169.

Non-recreational motorized use – motorized use of a State Parks long-distance trail for the purpose of access to an adjacent landowner’s property.

Other Power-Driven Mobility Device (OPDMD) – power-driven devices other than wheelchairs used for locomotion by individuals with mobility disabilities. They are devices powered by batteries, fuel, or other engines, and may or may not be designed primarily for use by individuals with mobility disabilities. OPDMDs include golf carts, electronic personal assistance mobility devices, such as the Segway® PT, or any other mobility device designed to operate in areas without defined pedestrian routes.

Significant degradation – unmitigated loss or diminishment of sensitive public resources.

Trail corridor – an area that includes the trail tread and the area to the sides of it, including all adjacent property owned or managed by State Parks that is dedicated to the trail and its supporting uses. The typical width of a State Parks trail corridor is 50 feet on center, or 100 feet total, but corridor widths can be narrower or wider.

Trail tread – the portion of the trail on which people travel.

Parkland Acquisition Account (PAA) – created by the legislature to receive funds from sales of surplus parkland, and from which to purchase or acquire property for use as state park property (RCW 79A.05.170)

Eligible costs – purchase price/fee-simple price; administrative; incidental

Ineligible costs – overhead, including agency and attorney general staff time, court costs; road and facility development on replacement lands.

Highest value – the consideration given to a property based on criteria including: future availability, value in use to the park, conversion risk and any other park-specific conditions that contribute to overall WSPRC objectives. *Example of a “park-specific condition that contributes to an overall park objective”*: purchasing easement interests to provide water/utility services from an existing provider when the alternative is acquisition of non-recreational lands with water availability

Park-associated landscape – As described in Commission Policy 55-19-1, Commission-designated lands within, near, or adjacent to a state park or property, that if managed consistent with adopted land classifications will advance the park’s recreation and conservation mission.