



Work Session Agenda

Washington State Parks and Recreation Commission

March 20, 2019

Tolmie State Park, 7730 61st Avenue NE, Olympia, WA 98506

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

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 – Patricia Lantz, Commission Vice Chair

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

9:10 a.m. MEASURING OUTCOMES OF LAND ACQUISITIONS AND REGULATIONS REPORT – Lisa Lantz, Parks Development Division Manager

- This item provides the Commission an overview of a follow up report required by the Joint Legislative Audit Review Committee describing a plan and the resources necessary to report to the Legislature stewardship needs of lands, resources, and improvements managed by State Parks, the Department of Fish and Wildlife, and the Department of Natural Resources.

9:30 a.m. MAINTENANCE BACKLOG REPORTING PROVISIO – Dustin Madden, Capital Program Manager

- This item provides the Commission an overview of a report submitted to the Legislature and Office of Financial Management outlining the status of State Parks' maintenance backlog.

10:00 a.m. EMPLOYEE SATISFACTION SURVEY – Becky Daniels, Human Resources Manager

- This item provides the Commission an overview of the 2018 Employee Engagement Survey results.

10:45 a.m. BREAK

10:55 a.m. INTERNAL AUDIT REPORT – David Tuckett, Internal Audit Manager

- This item provides the Commission an update on the internal audit program.

11:30 a.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.

12:00 p.m. LUNCH

12:30 p.m. SAINT EDWARD ENVIRONMENTAL EDUCATION AND RESEARCH CENTER – Steve Brand, Partnerships and Volunteer Program Manager

- This item provides the provides the Commission with an update on progress made by the Saint Edward Environmental Education and Research Center strategic planning process. Invited speakers: Susan Carlson and Elizabeth Lunney.

1:00 p.m. FINANCIAL UPDATE – Shelly Hagen, Assistant Director

- This item provides the Commission with a status on 2017-19 financial information.

1:45 p.m. MARKETING AND COMMUNICATIONS – Virginia Painter, Communications Director and Todd Tatum, Business Development Manager

- This item describes cooperative activities of the agency’s Marketing Program and the Public Affairs Office.

2:25 p.m. BREAK

2:35 p.m. LEGISLATIVE DAY – Owen Rowe, Policy & Governmental Affairs Director and Commissioners

- This item is a discussion on our Tuesday meetings with legislators and what we heard from them.

3:00 p.m. STAFF REPORTS

4:00 p.m. EXECUTIVE SESSION

4:30 p.m. ADJOURN

Washington State Parks and Recreation Commission

March 21, 2019

WSPRC HQ, 1111 Israel Road SW, Tumwater, WA 98501

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

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 March 15, 2019.

9:00 a.m. CALL TO ORDER – Cindy Whaley, 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: January 24, 2019 - Tacoma

9:10 a.m. RECOGNITION

- Service Pins
 - Pamela McConkey, 40 years state and 30 years parks
- Life Saving Award
 - Keith Baker
- Combined Fund Drive (CFD)
 - Amanda Persell, CFD Agency Coordinator
 - Team Members: Tena Nickle, Heather Patti, Hailey Steele, Lisa Daniels and Becki Ellison
- Gold Stars

9:25 a.m. PUBLIC COMMENT: Pre-Arranged Speaker

- Jon Hoekstra, Executive Director, Mountains to Sound Greenway Trust

9:35 a.m. COMMISSIONER REPORTS

10:25 a.m. DIRECTOR REPORT

10:35 a.m. GENERAL PUBLIC COMMENTS: Topics not on the agenda

10:50 a.m. REPORT

- Item E-1: Long-Term Park Boundary Terminology and Policy
This item provides the Washington State Parks and Recreation Commission an update on staff's effort to change terminology for the long-term park boundary planning tool and to define it in agency policy.

11:20 a.m. BREAK

11:30 a.m. *Special Guest*

12:00 p.m. LUNCH

12:45 p.m. PUBLIC COMMENT: Pre-Arranged Speaker - continued

- Dave Robison, Executive Director, Fort Worden Public Development Authority

12:55 p.m. REQUESTED ACTION

- Item E-2: Review and Disposition of Commission Policies
This item asks the Washington State Parks and Recreation Commission to repeal previously adopted Commission policies that either have been superseded by subsequent Commission actions or are already addressed in statute, administrative rule, or internal documents.

1:15 p.m. REPORT

- Item E-3: Reservation System Update
This item reports to the Washington State Parks and Recreation Commission on the status of new reservation system.

2:15 p.m. BREAK

2:30 p.m. REPORT

- Item E-4: Capital Construction Program Updates 2017-2019
This item reports to the Washington State Parks and Recreation Commission on Capital Program progress for the 2017-2019 biennia.

3:15 p.m. REPORT

- Item E-5: Update of WAC 352-40 Public Records
This report provides information regarding proposed changes to the Washington State Parks and Recreation Commission’s public record rules.

3:45 p.m. REPORT

- Item E-6: Legislative Update
This item reports to the Washington State Parks and Recreation Commission on the status of issues, and bills affecting State Parks during the 2019 session of the Washington State Legislature.

4:15 p.m. EXECUTIVE SESSION – *if needed*

4:45 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 requests.

Item E-1: Long-Term Park Boundary Terminology and Policy - Report

EXECUTIVE SUMMARY: This item provides the Washington State Parks and Recreation Commission an update on staff's effort 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 1996 State Parks undertook an ambitious project to classify lands and prepare park management plans for all parks in the state park system. Classification and Management Planning (CAMP) has been completed for about 70% of the agency's 124 state parks and well over 80% of the agency's land base. Several planning processes are underway and staff anticipates completing CAMP for all parks during the next several biennia.

CAMP is public-driven planning process that results in three primary products:

- A land classification map for the park that 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 that shows the lands the Commission believes could advance a park's recreation and conservation mission
- 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.

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 non-Parks 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 Nearby Landowners

Including non-Parks land within a long-term boundary sometimes alarms 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 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 or other public 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 raised at Wallace Falls. Some of the properties proposed for inclusion in the park's long-term boundary are currently used for commercial timber production. Timber companies and staff from the Department of Natural Resources have expressed concern that including their land within a long-term park boundary may complicate Forest Practices permitting and expose them to increased legal risk. A higher scrutiny is placed on forest practices permits within a "park boundary."

The Washington Forest Protection Association (WFPA) and other timber interests have expressed concern about the inclusion of any commercial timber lands in long-term park boundaries. They would like the ability for commercial timber owners to selectively opt out of inclusion in a long-term park boundary.

Long-Term Boundary Terminology

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 decision, and are referenced in the agency's real estate policies, but have not been formally codified.

Staff has explored alternate terminology for the long-term boundary planning tool, and believes that "park-associated landscape" is the best alternative.

Staff developed the name park-associated landscape through an exercise that involved listing the benefits of long-term park boundaries, some of which 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, including:

- 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, who generated some more options. The top three names identified by staff were:

- Park-Associated Landscape
- Legacy Landscape
- Priority Landscape

From these, staff favors the term park-associated landscape because it captures the idea that properties within the identified landscape could advance a park’s recreation and conservation mission without necessarily needing 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 is exploring a new policy defining park-associated landscape and outlining its general principles. The Commission reviewed a draft policy at its January 2019 meeting. Since that time, staff has coordinated with WFPA to develop an updated draft policy, shown in Appendix 2. The definition and general principles are similar to language that has been used in past CAMP documents and long-term boundary decisions. The new draft policy also outlines a provision for commercial forest landowners to exclude their properties from park-associated landscapes.

Delegated Authority

Staff has also been working on a revision to Section K of Commission Policy 25-07-1 Delegations of Authority for Real Estate Transactions & Service for future Commission consideration. This section relates to the purchase of relatively small parcels of land using the Parkland Acquisition Account or a grant source. Currently, the policy 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. The draft change would allow the Director

or designee the flexibility to acquire property that is wholly or partially within a park-associated landscape where necessary.

In addition to that delegated authority, staff is also working on a proposal for 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, correcting an error in the definition of “conversion,” and correcting typographical errors.

Next Steps

As work on the draft park-associated landscapes policy has continued, staff’s view on the best approach continues to evolve. Effectively addressing the concerns of timber interests while maintaining the usefulness of the planning tool and the integrity of previous planning efforts has not been satisfactorily reconciled. Staff intends to continue working with WFPA and the public to determine the best approach and timeline for a policy defining and describing park-associated landscapes.

SUPPORTING INFORMATION:

Appendix 1: Washington State Parks Land Classification System

Appendix 2: Draft Park-Associated Landscape Policy

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

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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 Impact Statement: Report only, no fiscal impact.

Andy Woo, Assistant Attorney General: Approved March 5, 2019.

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

Washington State Parks Recreation Areas

State Parks Recreation Areas are suited and/or developed for high-intensity outdoor recreational use, conference, cultural and/or educational centers, or other uses serving large numbers of people.

State Parks Recreation Areas 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.

State Parks Recreation Areas 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.

State Parks Recreation Areas 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.

State Parks Recreation Areas 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.

State Parks Recreation Areas 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.

Land Classification Management Guidelines Resource Recreation Areas

TITLE

DEFINITION

PHILOSOPHY

PHYSICAL FEATURES

LOCATION

ACTIVITIES

DEVELOPMENTS

Washington State Parks Resource Recreation Areas

State Parks Resource Recreation Areas are suited and/or developed for natural and/or cultural resource-based medium- and low-intensity recreational use.

State Parks Resource Recreation Areas 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.

State Parks Resource Recreation Areas 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.

State Parks Resource Recreation Areas 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.

State Parks Resource Recreation Areas 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.

State Parks Resource Recreation Areas 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.

Land Classification Management Guidelines

Natural Areas

TITLE
DEFINITION
PHILOSOPHY
PHYSICAL FEATURES
LOCATION
ACTIVITIES
DEVELOPMENTS

Washington State Parks Natural Areas

State Parks 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.

State Parks Natural Areas 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.

State Parks Natural Areas 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.

State Parks Natural Areas 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.

State Parks Natural Areas 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. State Parks Natural Area 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.

Land Classification Management Guidelines Heritage Areas

TITLE
DEFINITION
PHILOSOPHY
PHYSICAL FEATURES
LOCATION
ACTIVITIES
DEVELOPMENTS

Washington State Parks Heritage Areas

State Parks Heritage Areas 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.

State Parks Heritage Areas 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.

State Parks Heritage Areas 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.

State Parks Heritage Areas 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.

State Parks Heritage Area 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.

State Parks Heritage Area 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

Washington State Parks Natural Forest Areas

State Parks 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 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.

State Parks Natural Forest Areas 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.

State Parks Natural Forest Areas 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.

State Parks Natural Forest Areas 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. State Parks Natural Forest Areas 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.

State Parks Natural Forest Areas 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.

Land Classification Management Guidelines Natural Area Preserves

TITLE
DEFINITION
PHILOSOPHY
PHYSICAL FEATURES
LOCATION
ACTIVITIES
DEVELOPMENTS

Washington State Parks Natural Area Preserves

State Parks 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.

State Parks Natural Area Preserves 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.

State Parks Natural Area Preserves 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.

State Parks Natural Area Preserves 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.

State Parks Natural Area Preserves 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.

State Parks Natural Area Preserves development shall be limited to access facilities for permitted activities and structures to inhibit general public access. No other facilities or structures are permitted.

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: DRAFT

I. Definition

Park-associated landscape: Property identified by the Commission within, near, or adjacent to a state park or property that would advance the State Parks recreation and conservation mission if the agency acquires a legal property interest. A park-associated landscape is not managed, owned, or regulated by State Parks and is not dedicated to public park purposes.

Commercial forest lands: Private, community, tribal, federal, local, and state-owned and managed forests devoted primarily to timber production and enrolled in a county's open-space or forestland property tax program.

II. General Principles

A. An identification as a park-associated landscape, formerly known as long-term park boundary, indicates State Parks' long-term interest in pursuing a legal interest in a property. The prospective land classifications are for internal planning purposes, are not binding upon the property, and do not extend State Parks' management or regulatory authority over the property. By identifying a property as a park-associated landscape, State Parks does not have any ownership, management, or regulatory authority over the non-Park property. If State Parks acquires a legal property interest, the property will then be managed consistent with prospective land classifications.

Owners of property identified as a park-associated landscape are governed by local and state regulations, but not by State Parks. Park-associated landscape decisions are for Commission long-term planning only, and are not intended to:

- Affect private property values
- Be used as an indication of a property owner's willingness to sell
- Be used as a basis for making federal, state, or local government regulatory, permitting, or zoning decisions on property identified as a park-associated landscape.

B. Subject to appropriate delegations of authority, agency staff may negotiate and enter into agreements with owners of property identified as a park-associated landscape. A variety of agreements may be considered, including easements, management agreements, leases, or purchases by the agency. Parks staff has discretion to determine which agreement best advances the park's recreation and conservation mission.

C. There is no guarantee that property identified as a park-associated landscape will be acquired by State Parks. Agency acquisition of title or other legal interest in properties is subject to available funding, staff capacity, and agency priority.

III. Commercial Forest Lands

A. State Parks staff may evaluate commercial forest lands within, near, or adjacent to state parks or state park properties to identify as a park-associated landscape. State Parks staff will provide owners of commercial forest lands written notice that their property is under consideration for identification as a park-associated landscape. The written notice will be provided by mail to the address maintained in county records as the legal landowner. The written notice will inform the property owner of the option to "opt out" of the park-associated landscape

consideration under this policy. Parks will provide the written notice prior to any formal publication of planning materials. Commercial forest landowners may exclude their property from identification as a park-associated landscape by opting out. Parks will provide commercial forest landowners with at least fourteen days to respond to the written notice and request exclusion.

B. Nothing in this policy precludes a landowner from requesting State Parks to evaluate commercial forest lands for identification as a park-associated landscape.

C. Agency staff may negotiate and enter into agreements with owners of commercial forest lands within, near, or adjacent to a state park or property to pursue legal rights for properties that advance a park's recreation and conservation mission, and where such properties have clear benefit to the park, such as protecting or enhancing recreation opportunities, habitat connectivity, cultural landscape cohesiveness, viewsheds, or topographic features. Legal rights may include easements, management agreements, leases, and land purchases, provided that any land transactions are completed under existing authority delegated to agency staff by the Commission for properties designated as a park-associated landscape.

APPENDIX 3

DRAFT 2019 revisions are shown in red and strikethrough

25-07-1 Delegations of Authority for Real Estate Transactions & Service: DRAFT
(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 value ” 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 identified, 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 State Liquor and Cannabis Board and in general conformance with Washington Administrative Code 352-32-210.

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 at least equivalent size, function, and value.value and reasonably equivalent usefulness and location.

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, property identified by the Commission within, near, or adjacent to a state park or property that would advance the State Parks recreation and conservation mission if the agency acquires a legal property interest. A park-associated landscape is not managed, owned, or regulated by State Parks and is not dedicated to public park purposes.

Item E-2: Review and Disposition of Commission Policies – Requested Action

EXECUTIVE SUMMARY: This item asks the Washington State Parks and Recreation Commission to repeal previously adopted Commission policies that either have been superseded by subsequent Commission actions or are already addressed in statute, administrative rule, or internal documents. This item advances the Commission’s strategic goal: “Adopt a business approach to park system management.”

SIGNIFICANT BACKGROUND INFORMATION: This agenda item is the seventh in a series of policy reviews to update and streamline the organization and construction of Commission Policies. As part of this process, staff reviewed five Commission Policies and determined that these policies are either redundant or no longer necessary.

Policies relating to duties and authority of Commission and Director- 15-62-1, 25-62-1, 25-85-1
Three policies relating to the Commission duties and authority, definitions, and Commission compensation are already addressed in statute. It is unnecessary to replicate statute in Commission policy unless a higher degree of protocol is established. RCW 79A.05 addresses the powers and duties of the Commission and Director.

Vending Services Concession Contract Policies- 26-99-07, 37-99-07

Two commission policies both titled: Statewide Vending Services Concession Contracts are redundant and unnecessary, as the information contained in both policies are included in the Agency’s Concession Manual.

RECOMMENDATIONS:

Staff recommends repealing Commission policies 15-62-1, 25-62-1, 25-85-1, 26-99-07, and 37-99-07 that are already addressed in statute or agency documents.

SUPPORTING INFORMATION:

Appendix 1 includes the policies recommended for repeal. Each policy is followed by the staff rationale for repeal.

LEGAL AUTHORITY: RCW 79A.05.030

REQUESTED ACTION OF COMMISSION:

That the Washington State Parks and Recreation Commission:

Repeal the following Commission Policies in Appendix 1:

15-62-1 Definitions

25-62-1 Commission Duties and Authority

25-85-1 Compensation of Washington State Parks and Recreation Commission

37-99-07 Statewide Vending Services Concession Contract

26-99-07 Statewide Vending Services Concession Contract

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

Shelly Hagen, Fiscal Review: There is no fiscal impact from this proposed action.

Andy Woo, Assistant Attorney General: Approved February 20, 2019

Approved for Transmittal to Commission

Don Hoch, Director

Repeal Policies
APPENDIX 1

15-62-1 DEFINITIONS

A. POLICY RELATING TO THE STATE PARKS COMMISSION AND TO THE DIRECTOR

Generally, a policy is a broad statement, with modifiers, that provide a criteria for carrying out a course of action. Its use here is for the purpose of clarification of responsibilities, duties and for overall efficiency in the total operation of the State Parks and Recreation Commission.

Recognition of the legislature and law, the Chief Executive, the Commission and the Director is made, and no thought or attempt to limit the rights of these is a part of this policy consideration.

It is recognized that by majority vote of the Commission a policy can be adopted, and it is recognized, too, that by a majority vote of the Commission an adopted policy can be altered, totally disapproved or a new policy substituted, provided that any change to be made in this policy manual shall be presented, read and considered for adoption at a regular or special meeting of the Commission.

It is also recognized that the Director must have a clear understanding of things that are expected of him, toward the end that his talents may be best applied in administration of the parks system.

In consideration of the several situations mentioned above, it is obvious that a policy must be first based on understanding, friendliness and willingness to cooperate, and toward this goal must be exerted relentless effort if united action and efficient operation are to be obtained. (CM Dec. 18, 1978)

B. COMMISSION

Commission means the appointed individuals comprising the Washington State Parks and Recreation Commission.

C. DEPARTMENT

Department shall mean the organization to include the director, staff and all personnel. (CM Aug. 20, 1962, pp. 1 -5)

D. PROCEDURE

The Director should ask the Commission for decisions on policy, rather than for decisions in specific situations, except:

1. Where the specific situation is unique and not likely to be duplicated often;
2. On matters where the Commission has indicated a desire to review for specific approval; and
3. Where the "risk" involved is greater than the authority delegated by the Commission.

It is the Director's responsibility to provide the method and the procedure of putting a policy into effect; however, he shall bring to the Commission for advice specific operating situations for which there are no guiding policies. (CM Aug. 20, 1962, pp.1-5)

Rational for repeal: This policy, adopted in 1962 and amended in 1978, replicates portions of Commission Policy 25-62-2 Duties and Authority of the Director. The authority and duties of the Commission and Director are addressed in RCW 79A.05. This policy was originally adopted to clarify responsibilities and duties of the operation of the State Parks and Recreation Commission. Since this policy's adoption, internal protocols and documents have been developed to delineate roles and responsibilities of the Commission and Director. These documents include the Director's Annual Performance Agreement, and the Director's job description.

25-62-1 DUTIES AND AUTHORITY OF THE COMMISSION

The duties of the State Parks and Recreation Commission are policy making and not administrative, except pursuant to duties delegated by resolution of the Commission.

A. POWER TO ACT

Any duty delegated must be adopted at a regular or special meeting and must be made a matter of record. Although each member agrees to a proposition separately, it still is not binding except as acted upon in a Commission meeting.

B. AREA OF RESPONSIBILITY

It must be remembered that the Commission represents the state as a whole rather than specific geographic areas.

C. FUNCTIONAL COMMITTEES

Limitation and Responsibility

1. Functional committees are established for the guidance of the Commission and are to report to the Commission.
2. The functional committee may recommend to the Commission for their guidance and consideration necessary police for adoption.
3. It is the responsibility of the functional committee to see that previously adopted policy is carried out.
4. Functional committee shall be of temporary or permanent duration according to the wishes of the Commission. Its purpose is to explore a condition that is of special concern to the Commission. Once the mission is accomplished the committee will be relieved of that responsibility.

D. RECOGNITION OF CHAIN OF COMMAND

An established chain of command wherein each employee is responsible to only one superior, as far as possible, is necessary for an effective, efficient operation.

The chain of command in the Department must be respected, Commissioners should not instruct employees of the Department but recommendations should be referred to the Director for appropriate action.

E. SERVICES TO CHIEF EXECUTIVE AND MEMBERS OF LEGISLATURE

An especially valuable service to be rendered by the Commission members is to continually inform the State Chief Executive and members of the legislature as to state parks' aims, program, philosophy, needs and problems.

F. BUDGET

It is a responsibility of each Commission member to enlighten the legislators of budget requirements of the State Parks Department. (CM Aug. 20, 1962)

Rational for Repeal: This 1962 commission policy is redundant and unnecessary. The powers, duties and responsibilities of the Washington State Parks Commission are included in RCW 79A.05.

25-85-1 COMPENSATION OF WASHINGTON STATE PARKS AND RECREATION COMMISSION UNDER RCW 43.03.240 AND 43.51.020

In compliance with RCW 43.03.240 and 43.51.020 the Washington State Parks and Recreation Commission defines "statutorily prescribed duties" for which compensation is earned as those Washington State Parks and Recreation Commission duties mandated or other actions authorized under chapter 43.51. RCW. Statutory and compensatory duties shall specifically include, but not be limited to, attendance at regular and special Commission meetings, authorized sub-committee meetings, conferences, conventions, meetings with outside parties on park related subjects, and park visitations by individual members or members as a group.

Activities excluded are telephone conferences between Commissioners, prior preparation by Commissioners for Commission meetings, correspondence prepared by Commissioners and travel days to and from meetings where no performance of a "statutory prescribed duty" was performed on those days.

A Washington State Parks and Recreation Commissioner shall not receive compensation under RCW 43.03.240 and 43.51.020 if the Commissioner occupies a position normally regarded as full-time in nature, in any agency of the federal government, Washington state government or Washington state local government and receives any compensation from such government for working that day. Compensation by such public employers does not include authorized leave, either paid or unpaid. (CM December 20, 1985, pp 15-17)

Rational for repeal: This commission policy is redundant and is unnecessary to continue updating. The commission compensation and types of business activities are addressed in RCW 43.03.250, RCW 79A.05.015 and the Agency's Travel Manual that adheres to the State Administrative Accounting Manual (SAAM).

26-99-07 Statewide Vending Services Concession Contract

Vending Guidelines:

1. Propriety - Goods and services should be evaluated for the propriety of being made available in Washington state parks.
2. Aesthetics - The agency must strictly control the placement and aesthetics of equipment, striving for harmony with a park's historic or natural ambiance.
3. Service - The service to customers must be held to the highest standards of performance, and should be regularly measured and evaluated.
4. Choice - When possible, the customer should enjoy a range of products and affordable prices.
5. Environment - Litter and other potential collateral effects must be proactively addressed, and environmentally sensitive practices such as recycling made a priority.
6. Protection - Protect staff and visitor safety, the agency's reputation, and its financial, natural, cultural, and other interests.

7. True Accounting - Recover the agency's real project costs, assure that net new revenue results, and direct a portion of profit to each host park. Minimize impact on staff at all levels, and commensurately reward parks that may choose to service their own machines.
8. Concessionaires - Collaborate rather than compete with existing concessionaires where rights for the product or service to be vended may already exist.
9. Market Returns - Concessionaire remuneration to the Commission should be competitive, commensurate with the market opportunity and with the privilege of association with Washington State Parks, and made in the form best suiting the agency's needs, which may include in-kind and other noncash considerations.
(CM July 23, 1999)

37-99-07 Statewide Vending Services Concession Contract

Proposed Vending Guidelines:

10. Propriety - Goods and services should be evaluated for the propriety of being made available in Washington state parks.
11. Aesthetics - The agency must strictly control the placement and aesthetics of equipment, striving for harmony with a park's historic or natural ambiance.
12. Service - The service to customers must be held to the highest standards of performance, and should be regularly measured and evaluated.
13. Choice - When possible, the customer should enjoy a range of products and affordable prices.
14. Environment - Litter and other potential collateral effects must be proactively addressed, and environmentally sensitive practices such as recycling made a priority.
15. Protection - Protect staff and visitor safety, the agency's reputation, and its financial, natural, cultural, and other interests.
16. True Accounting - Recover the agency's real project costs, assure that net new revenue results, and direct a portion of profit to each host park. Minimize impact on staff at all levels, and commensurately reward parks that may choose to service their own machines.
17. Concessionaires - Collaborate rather than compete with existing concessionaires where rights for the product or service to be vended may already exist.
18. Market Returns - Concessionaire remuneration to the Commission should be competitive, commensurate with the market opportunity and with the privilege of association with Washington State Parks, and made in the form best suiting the agency's needs, which may include in-kind and other non cash considerations.

Some public entities have been able to exact an economic premium for extraordinary market opportunities. New York State Parks, for example, was able to negotiate an annual licensing fee for a product to be known as the "Official Soft Drink of New York State Parks." New York and Pennsylvania State Parks were both able to negotiate marketing support. The objective would be to secure competitive rates of return and collateral benefits for its business opportunities, providing that prices to visitors necessitated under such returns do not become excessive.

The Commission's statutory authority to engage in concession contracts is clear. Under RCW 79A.05.040, the Commission shall:

- (5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon

such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 79A.05.063, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

Concession contracting rules were recently revised and set forth in policy adopted by the Commission in December 1997:

(1) Under the authority of RCW 79A.05.040 (5) and as set forth in, the Commission is empowered to grant concessions and leases for the provision of public accommodations, facilities, and services in state park areas. The Commission may, in its discretion, authorize the Director or designee to sign any lease or concession agreement on behalf of the Commission, which authorization shall be incorporated into the minutes of the regular or special meeting at which it is granted.

(2) The Director may approve fixed and mobile concession agreements where annual gross income is expected to be less than \$100,000 and where the term is not more than 5 years, provided there is no apparent controversy or opposition to the concession.

The Washington State Parks and Recreation Commission approved the following:

1. Approve and adopt the proposed Vending Guidelines for vending machine services in Washington State Parks.
2. Delegate to the Director or the Director's designee the authority to enter into and administer single- or multi-park concession contracts for vending services consistent with the Vending Guidelines, and provided that:
 - a. The contracts are consistent with the Commission's mission and statutory, regulatory, policy and other authorities; and
 - b. Do not exceed original contract terms of five years; and
 - c. Do not entail major new policy implications; and
 - d. Annually report to the Commission on contract awards granted under this authority.
3. Authorize the Director or the Director's designee to engage the agency in self-operated vending services where conditions warrant, subject to the approved Vending Guidelines as they may apply.

Rationale for Repeal: These two vending service policies include the same content. The more detailed policy 37-99-07 has been included in the Agency Concessions Manual.

Item E-3: Reservation System Update - Report

EXECUTIVE SUMMARY: This item reports to the Washington State Parks and Recreation Commission on the status of new reservation system. This item advances the Commission’s strategic goal: “Adopt a business approach to park system administration.”

SIGNIFICANT BACKGROUND INFORMATION: In April 2016, the Central Reservation System (CRS) project team held its first meeting to begin working on the procurement of a replacement reservation system. A Request for Information was done in August 2016, giving vendors an opportunity to present their reservation system and services. State Parks posted the bid for 2 months, which closed in February 2017. Evaluations during the next several months led to the successful bid being awarded to Camis and a contract was signed in October 2017. Over the next year, system design and development took place, along with 8 testing sessions and final User Acceptance Testing. In November 2018, agency wide training was provided by Camis for system users. The system, originally scheduled to launch in December 2018 was launched about a month later, on January 16, 2019. With the launch of the system, the project to procure and develop a replacement reservation system was closed on February 28, 2019. The system operation and maintenance transitioned to the Central Reservation System (CRS) program within the Operations Division, who had responsibility for operation and maintenance of the prior system. Although the project is complete, there is continued development planned in 2019 that has been agreed to between State Parks and Camis. Program staff will be managing this phase of development in anticipation of final system acceptance in January 2020.

SUPPORTING INFORMATION: None

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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.

Chris Leeper, Fiscal Impact: Report only, no impact at this time.

Andy Woo, AAG Review: Report only, no impact at this time.

Mike Sternback, Assistant Director

Approved for Transmittal to Commission



Don Hoch, Director

Item E-4: Capital Construction Program Updates 2017-2019 Biennia - Report

EXECUTIVE SUMMARY: This item reports to the Washington State Parks and Recreation Commission on the status of Capital Program progress for the 2017-2019 biennia.

This item advances the Commission's strategic goal: "Demonstrating that all Washingtonians benefit from their state parks".

SIGNIFICANT BACKGROUND INFORMATION: State Parks' Capital Program designs, permits, and constructs facilities that provide visitors with access to natural, cultural, and recreational experiences in state parks. Total spending authority for the 2017-2019 biennium Capital Budget was \$98.3 million. Our budget was comprised of new appropriations that focus on health and safety and facility preservation; re-appropriations from earlier biennia; grants for both land acquisition and development projects; and additional spending authority. Appendix 1 shows \$36.1 million in spending and contractual obligations for the 2017-2019 biennium as of January 31, 2019.

The agency's Capital Program Manager, among other duties, directs and oversees development of capital projects statewide. Three regional capital development teams and a small headquarters group are responsible for planning, design, permitting, construction supervision, and related public works contracting activities for an assigned suite of projects. The purpose of this report is to provide the Commission with an update of the Capital Program's progress towards completion of projects funded through 2017-2019, as well as those funded with reappropriations from previous biennia.

Performance Measures

Performance measures are useful for tracking progress and managing work toward completion of capital projects for the current funding cycle and informing midcourse corrections, as needed.

Performance measures are also helpful for communicating with internal and external stakeholders and managing their expectations regarding the Capital Program's overall performance. Staff is currently tracking three general performance measures:

1. Percentage of allotted versus actual funds spent to date (variance).
2. Agency's planned versus projected completion date.
3. Percentage of appropriated funds projected to remain unspent at the close of the biennium.

Performance Measure #1: Percentage of allotted versus actual funds spent to date (variance).

The purpose of this measure is to indicate whether the pace of spending on capital development projects is on track to fully spend appropriated funds by the end of the biennium. This measure compares expenditures against allotments on a biennium-to-date basis and represents what proportion of the planned allotment for capital development projects has actually been spent. This measure includes funds not spent during the biennium and reappropriated. Funds for this measure come from the State Building Construction Account as well as local grants from the agency's Parks Renewal/Stewardship Account.

2017-2019 biennium:

As of January 31st, 2019:

\$ 48,371,829 Total biennium allotment

\$ 19,257,676 Total expenditures (this does not include encumbered)

\$ 29,114,153 Total variance

40 percent of allotment to date has been spent.

Performance Measure #2: Agency's planned versus actual project completion date.

This measurement compares actual project completion dates against the agency's planned completion dates (appendices 2 through 5).

Significant setbacks due to the lack of a Capital Budget at the onset of 2017-2019 biennium have delayed the approximately 130 capital projects funded either through legislative appropriation, grants, or other outside sources. Despite setbacks the majority (57% percent) of the funded projects are on schedule to be completed as planned.

Performance Measurement #3: Percentage of appropriated funds projected to remain unspent by the end of the biennium (reappropriation rate).

The State Capital Budget funding process is designed for community colleges, universities, and state hospitals where the majority of capital project are large. Projects under \$1,000,000 are expected to be completed in one biennium. This is not an unreasonable requirement for campuses where environmental permitting and work windows are straightforward. However, many of our projects require extensive and time-consuming permitting and are restricted by work windows around park use seasons and the need to protect sensitive flora and fauna.

When a project cannot be completed during the biennium in which it was appropriated, the agency must request that unspent funds be reappropriated during the subsequent biennium. Reappropriation, however, is not automatic. It is expected that some new projects funded in 2017-2019 will require some amount of reappropriation.

Staff is currently projecting that approximately 43% of funds appropriated for the 2017-2019 Capital Budget will remain unspent at the close of the biennium (appendices 2 through 5).

SUPPORTING INFORMATION:

Appendix 1: 2017-2019 Capital Construction Program Expenditure Summary

Appendix 2: Headquarters Capital Projects Status 2017-2019

Appendix 3: Southwest Region Project Status 2017-2019

Appendix 4: Northwest Region Project Status 2017-2019

Appendix 5: Eastern Region Project Status 2017-2019

Author/Contact(s): Dustin Madden, Capital Program Manager
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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.

Chris Leeper, Fiscal Impact: Report only, no impact at this time.

Andy Woo, AAG Review: February 27, 2019

Peter Herzog, Assistant Director

Approved for Transmittal to Commission:

A handwritten signature in black ink that reads "Donald Hoch". The signature is written in a cursive style with a large initial "D".

Don Hoch, Director

APPENDIX 1
2017-2019 CAPITAL PROGRAM EXPENDITURE SUMMARY
As of January 31, 2019

➤ **Appropriated, Reappropriated and Dedicated Funds**

- Appropriated & Reappropriated Spending Authority \$ 66,429,217
- Allotted \$ 66,429,217
- Not allotted \$ 0

➤ **Appropriated Funds and Reappropriated Spent and Committed Under Contract**

- Funds Spent \$ 14,274,112
- Total Expended and Under Contract \$ 30,324,456 = 47%

➤ **Grants, Donations and Parkland Acquisition Funds Available**

- Available \$ 28,476,824

➤ **Grant Funds Spent and Committed Under Contract**

- Funds Spent \$ 8,856,944
- Total Expended and Under Contract \$ 5,183,424 = 18 %

➤ **Pass-Through Grants and Funds**

- Available \$ 3,350,000
- Total Expended and Under Contract \$ 630,173 = 19%

➤ **Total Capital Funds Available**

- Total Agency Spending Authority \$ 98,256,041
- Allotted \$ 98,256,041
- Not Allotted \$ 0
- Total Expended and Under Contract \$ 36,138,053 = 37%

**APPENDIX 2
HEADQUARTERS PROJECTS
2017-2019 NEW PROJECTS**

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
0220	Statewide	Fish Barrier Removal	\$300,000	Design	\$53,000	2020
0244	Statewide	Depression Era Structures	\$1,151,000	Mixed Project	\$183,500	2020
0248	Statewide	Code/Regulatory Compliance	\$857,000	Mixed Project	\$200,000	2020
0249	Statewide	Ice Age Floods Interpretive Exhibit	\$389,000	Design	\$80,000	2020
0250	Statewide	Electric Vehicle Charging Station	\$195,000	Mixed Project	\$0	6/30/2019
0251	Statewide	Historic Window Rehabilitation	\$695,000	Design	\$200,000	2020
0252	Statewide	Provide Event Infrastructure	\$993,00	Mixed Project	\$500,000	6/30/2020
0253	Statewide	Marine Facilities Moorage Float Replacement	\$569,000	Mixed Project	\$110,300	2020
0254	Statewide	Water System Renovation	\$500,000	Assessment	\$50,000	12/1/2019
0255	Statewide	Septic System Renovation	\$250,000	Assessment	\$50,000	12/1/2019
0256	Statewide	Electric System Renovation	\$750,000	Assessment	\$50,000	12/1/2019
0257	Statewide	New Park	\$313,000	Design	\$160,000	2020
0258	Statewide	Trail Renovations	\$280,000	Design	\$0	6/30/2019
0259	Statewide	ADA Compliance	\$1,000,000	Bid	\$217,100	12/1/2019
0260	Statewide	Comfort Station Piolet Project	\$1,167,000	Design	\$1,062,700	6/30/2020

REAPPROPRIATIONS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
---	Statewide				\$0	

GRANTS/OUTSIDE FUNDED PROJECTS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
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0222	Flaming Geyser	Fish Barrier Removal	\$36,267	Complete	\$0	6/30/2019
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**APPENDIX 3
SOUTHWEST REGION PROJECTS
2017-2019 NEW PROJECTS**

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
0309	Fort Worden	Replace Failing Sewer Lines	\$2,230,000	Mixed Project	\$1,280,000	4/30/2021
1007	Beacon Rock	Entrance Road Realignment	\$366,000	Pre-Design	\$159,900	12/1/2019
1121	Cape Disappointment	North Head Bldgs. & Grounds	\$2,695,000	Construction	\$443,200	6/30/2020
1217	Willapa Hills Trail	Develop Safe Multi-Use Crossing	\$422,000	Design	\$25,000	9/1/2019
1352	Schafer	Renovate Historic Structures	\$862,000	Mixed Project	\$200,000	6/30/2020
1354	Schafer	Relocate Campground	\$742,000	Pre-Design	\$429,300	6/30/2020
1410	Twin Harbors	Relocate Campground	\$496,000	Pre-Design	\$160,100	12/1/2019
1504	Ike Kinswa	ADA Dock	\$298,000	Complete	\$0	12/4/2018
1722	Blake Island	Replace Main Lift Station	\$460,000	Design	\$100,000	12/1/2019
1723	Illahee	Replace Failing Drain field	\$807,000	Design	\$400,000	9/30/2019
1811	Kopachuck	Day Use Development	\$5,619,000	Design	\$4,291,000	6/30/2020
1816	Fort Worden	Campus Fire Alarm Systems	\$192,000	Design	\$0	6/30/2019
1817	Fort Worden	Replace Overhead Electric Supply	\$479,000	Construction	\$0	6/30/2019
1818	Fort Worden	Replace Failing Water Lines	\$377,000	Design	\$214,200	6/30/2020
1819	Fort Worden	Pier & Marine Learning CTR	\$734,000	Pre-Design	\$618,800	12/31/2020
2020	Penrose Point	Sewer Improvements	\$450,000	Design	\$318,900	9/30/2019
2203	Ocean City	Replace Comfort Station	\$1,526,000	Construction	\$0	6/30/2019
4104	Fort Flagler	WW1 Historic Facility Preservation	\$3,386,000	Mixed Project	\$1,614,300	6/30/2020

APPENDIX 3
SOUTHWEST REGION PROJECTS
REAPPROPRIATIONS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
0308	Fort Worden	Fort Worden Maintenance Shop Relocation	\$1,216,857	Complete	\$0	9/18/2018
1006	Battle Ground	Lake ADA Dock	\$445,000	Construction	\$0	6/30/2019
1214	Belfair	Welcome Center Replacement	\$115,329	Complete	\$0	11/15/2017
1215	Belfair	Replace Failing Electrical	\$150,127	Complete	\$0	12/8/2017
1902	Lake Sylvia	Dam Valve Repairs	\$217,000	Construction	\$0	6/30/2019
2016	Cape Disappointment	North Head Parking	\$420,000	Complete	\$0	12/31/2018
4902	Sequim Bay	Failing Retaining Wall	\$906,965	Construction	\$739,500	12/31/2019

GRANTS/OUTSIDE FUNDED PROJECTS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
0308	Fort Worden	Maintenance Shop Relocation	\$80,000	Complete	\$0	9/18/2018
1353	Lake Sylvia	Legacy Pavilion	\$875,120	Bid	\$0	12/31/2019
1820	Fort Worden	Boat Launch	\$315,000	Pre-Design	\$0	12/31/2019
2021	Penrose Point	Pier Replacement	\$265,000	Design	\$0	6/30/2019
2103	Tolmie	Add Parking	\$490,400	Canceled	\$0	
2403	Willapa Hills	Trial Bridge 5 Improvements	\$152,500	Complete	\$0	3/31/2018
2406	Willapa Hills	Trail Pe-Ell Development	\$734,600	Mixed Project	\$0	6/30/2019
2820	Ike Kinswa	Day Use Dock	\$116,700	Construction	\$0	12/4/2018
4903	Sequim Bay	Boating Facility Improvements	\$647,000	Construction	\$0	12/31/2019
6526	Klickitat Trail	Bridging the Final Gap	\$2,229,000	Design	\$0	12/31/2020

APPENDIX 4
NORTHWEST REGION PROJECTS
2017-2019 NEW PROJECTS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
2605	Dash Point	Replace Bridge (Pedestrian)	\$582,000	Design	\$471,400	12/1/2019
3501	Birch Bay	Replace Failing Bridge	\$337,000	Design	\$0	6/30/2019
3614	Fort Casey	Lighthouse Historic Preservation	\$217,000	Design	\$0	6/30/2019
3615	Fort Casey	ADA Improvements	\$359,000	Design	\$300,000	12/1/2019
3616	Fort Casey	Building 25 Rehabilitation	\$295,000	Bid	\$0	6/30/2019
3909	Moran	Summit Learning Center Interpretive Facility	\$1,015,000	Design	\$903,418	6/30/2020
4006	Lake Sammamish	Sunset Beach Picnic Area	\$2,760,000	Design	\$2,614,600	12/1/2020
4007	St. Edwards	ELC Development	\$75,000	Scoping	\$0	6/30/2019

REAPPROPRIATIONS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
0343	NW Multi-Park	Pit and Vault Toilet Replacement	\$73,000	Complete	\$0	10/30/2018
3712	Deception Pass	Failing Wastewater System	\$508,500	Construction	\$0	6/30/2019
4208	Flaming Geyser	Infrastructure	\$735,000	Canceled	\$0	6/30/2019
4209	Kanaskat Palmer	Replace Comfort Station	\$97,800	Complete	\$0	9/25/2018
4312	Lake Sammamish	Dock	\$1,043,418	Design	\$959,000	12/1/2019
4601	Rasar	Group Camp Improvements	\$10,000	Complete	\$0	12/31/2018
4806	NW Multi-Park	Paving Projects	\$102,500	Complete	\$0	6/30/2019
4807	San Juan Multi-Park	Multi-Park Renovation	\$154,000	Complete	\$0	6/30/2019
4810	Moran	Summit Learning Center Improvements	\$284,000	Complete	\$0	6/30/2019

**APPENDIX 4
NORTHWEST REGION PROJECTS
GRANTS/OUTSIDE FUNDED PROJECTS**

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
3713	Deception Pass	Kukutali Day Use Development	\$410,776	Complete	\$0	12/31/2018
3714	Cornet Bay	Moorage Facility Replacement	\$1,501,100	Design	\$0	12/1//2020
4006	Lake Sammamish	Sunset Beach Picnic Area	\$2,739,500	Design	\$0	12/1/2020
4307	Olallie Trail	Trail Development	\$96,800	Complete	\$0	6/30/2018
4312	Lake Sammamish	Dock	\$956,100	Design	\$0	12/1/2019
4402	Larrabee	Clayton Beach Railway OP	\$2,258,800	Design	\$0	12/1/2020
4601	Rasar	Group Camp Improvements	\$403,300	Construction	\$0	6/30/2019
4805	James Island	Moorage Replacement	\$797,600	Complete	\$0	3/30/2018
4811	San Juan Marine	Area Boating Facility Improvements	\$435,000	Construction	\$0	6/30/2019
4812	Stuart Island	Moorage Replacement	\$200,000	Design	\$0	5/1/2020
4813	Sucia Island	Moorage Replacement	\$200,000	Design	\$0	5/1/2019

**APPENDIX 5
EASTERN REGION PROJECTS
2017-2019 NEW PROJECTS**

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
6300	Field Spring	Replace Comfort Station	\$1,211,051	Design	\$1,136,656	6/30/2020
6527	Palouse Falls	Day Use Area Renovation	\$220,000	Design	\$202,300	6/30/2020
6528	Steptoe Butte	Road Improvements	\$466,000	Design	\$437,600	10/30/2020
6614	Lake Chelan	Moorage Dock Replacement	\$1,838,000	Design	\$1,596,000	10/30/2019
6819	Fort Simcoe	Historic Officers Quarters	\$292,000	Design	\$241,000	10/30/2019
6820	Goldendale	Observatory Phase 4 Expansion	\$2,700,000	Construction	\$548,500	10/1/2019
7012	Mt. Spokane	Maintenance Facility Relocation	\$2,397,000	Design	\$1,920,500	8/30/2020
7203	Pearrygin Lake	Contact Station	\$250,000	Design	\$121,300	10/30/2019
7603	Steamboat Rock	Dunes Campground	\$2,879,000	Construction Suspended	\$2,433,000	11/1/2020

**APPENDIX 5
EASTERN REGION PROJECTS
REAPPROPRIATIONS**

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
6524	Goldendale	Observatory Phase 3 Expansion	\$1,941,000	Construction	\$0	6/1/2019
6714	Lake Easton	RV Campsite Electrical	\$148,000	Complete	\$0	9/15/2017
7010	Mt. Spokane	Road Improvements	\$101,859	Complete	\$0	10/21/2016
7011	Mt. Spokane	Guest Services	\$754,700	Construction	\$0	6/30/2019
7013	Mt. Spokane	Nordic Improvement & Horse Camp	\$150,000	Design	\$0	6/30/2019
7109	Palouse Falls	Water System Replacement	\$412,000	Construction	\$0	6/7/2019
7406	Riverside	Fisk Property Initial Access	\$932,000	Complete	\$0	11/16/2018
7407	Riverside	Bowl & Pitcher Cabins	\$605,650	Complete	\$0	11/16/2018
7701	Sun Lakes	Campground Renovation	\$401,600	Pre-design	\$341,900	6/30/2020
7702	Sun Lakes	Water System Improvements	\$750,000	Design	\$700,600	10/30/2019

GRANTS/OUTSIDE FUNDED PROJECTS

Project Number	Park Name	Project Name	Budget	Status	Anticipated Reappropriation	Anticipated Completion Date
6501	Lyons Ferry	Campground	\$388,000	Design	\$0	2020
6529	Palouse to Cascades Trail	Renslow Trestle	\$1,235,663	Design	\$0	11/30/2020
6821	Klickitat Trail	Trail Development	\$1,522,500	Design	\$0	6/30/021
6923	Rocky Reach	Trail Amenity Development	\$10,344	Design	\$0	6/30/2019
7202	Pearrygin Lake	West CG Development – Phase 1	\$0	Canceled	\$0	5/30/2020
7711	Sun Lakes	Byway Facility Interpretation	\$91,700	Mixed Project	\$0	6/30/2019

Item E-5: Update of WAC 352-40 Public Records – Report

EXECUTIVE SUMMARY: This report provides information regarding proposed changes to the Washington State Parks and Recreation Commission’s public record rules. This item advances the Commission’s strategic goal: “Adopting a business approach to park administration.”

SIGNIFICANT BACKGROUND INFORMATION: WAC 352-40 implements procedural requirements that the Public Records Act (RCW 42.56) places on state agencies. These rules have not been reviewed or updated since 2008.

An extensive review of the current rules was conducted by the agency with the assistance of the Office of the Attorney General (ATG). An action was originally scheduled to be in front of the Commission at the November 2018 meeting, but was withdrawn so additional review could occur. Since that time, with the consultation of the ATG some additional changes were made to ensure the proposed updates are consistent with the Model Rules on Public Disclosure.

The proposed updates to the rules that were filed in November of 2018: 1) removed outdated/updated contact information; 2) removed redundant portions of the rules that are already specified in RCW 42.56; 3) updated general agency information; 4) required that requests for public record must be made in writing; and 5) stated that access to physical records would only occur at the Headquarters Office.

The most recent proposed updates to the rules (i.e., *the changes to the changes*): 1) rescinds the expectation that a request for public record is made in writing and states that an oral request will be reduced to writing and provided to the requester to memorialize the content of the request (item 4 above/WAC 352-40-080); and 2) rescinds the statement that access to physical records would only occur at the Headquarters Office, and instead states that the time and location of inspection would be determined by the agency records officer (item 5 above/WAC 352-40-030).

The original preproposal statement of inquiry (CR-101) was filed on April 3, 2018, and the original proposed rule making (CR-102) was filed on August 30, 2018. A supplemental CR-102 and the proposed updated rules have been provided to Parks’ Policy and Governmental Affairs Office for filing preparations with the Office of the Code Reviser.

The next step in this process is to gather input from the Commission and public that will be considered and incorporated into the final proposed rules for adoption by the Commission.

LEGAL AUTHORITY: RCW 79A.05.030

SUPPORTING INFORMATION:

Appendix 1: Copy of the most recently proposed updates to WAC 352-40 that were filed with Governmental Affairs Office in March of 2019.

Parks' Policy and

Author(s)/Contact: Brian Thrasher, Records and Forms Manager
brian.thrasher@parks.wa.gov (360) 902-8514

Reviewer(s):

Jessica Logan, SEPA Review: Following review, staff has determined if action was proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19). 5/7/18

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

Andy Woo, Assistant Attorney General: March 1, 2019

Shelly Hagen, Assistant Director

Approved for Transmittal to Commission

Don Hoch, Director

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to ~~((implement the procedural requirements that))~~ set forth the procedures by which state parks will respond to public records requests made under the Public Records Act, chapter 42.56 RCW ~~((, places on state agencies))~~.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-010, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-010, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-010, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-030 When and where can I access state parks' public records? Most public

records of the commission and the agency are located at the ((~~Olympia~~)) state parks'

headquarters office((~~. Copies of certain records may be accessible at regional offices.~~

~~(1) The director and administrative offices are located at the headquarters office at
1111 Israel Road S.W., Tumwater, WA 98501. Mailing address for the headquarters office is:~~

~~Washington State Parks and Recreation Commission~~

~~P.O. Box 42650~~

~~Olympia, WA 98504-2650~~

~~360-902-8500~~

~~FAX: 360-753-1594~~

~~TDD: 360-664-3133~~

~~(a) The public affairs office is available to assist with media inquiries and general
public information requests.~~

~~Phone: 360-902-8561~~

~~Email: pao@parks.wa.gov~~

~~(b) The public records officer is available to assist with public records requests or questions.~~

~~Phone: 360-902-8514~~

~~Email: public.disclosure@parks.wa.gov~~

~~(2) Location of regional offices:~~

~~**Southwest Region**~~

~~Headquarters Office~~

~~11838 Tilley Road S.E.~~

~~Olympia, WA 98512-9167~~

~~360-956-4800~~

~~**Northwest Region**~~

~~Headquarters Office~~

~~220 N. Walnut~~

~~Burlington, WA 98233~~

~~360-755-9231~~

~~Eastern Region~~

~~Headquarters Office~~

~~270 9th St. N.E., Suite 200~~

~~East Wenatchee, WA 98802~~

~~509-665-4319~~

~~Puget Sound Region~~

~~2840 Riverwalk Drive S.E.~~

~~Auburn, WA 98002-8207~~

~~253-931-3907)) in Tumwater. Appropriate parks staff will determine where physical records can be inspected. Requests for such inspections can be made by contacting the agency's public records officer.~~

Mailing address:

P.O. Box 42650

Olympia, WA 98504-2650

Physical address:

1111 Israel Road S.W.

Tumwater, WA 98501

Email: public.disclosure@parks.wa.gov

Phone: 360-902-8514

The communications office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8562

Email: washington.state.parks@parks.wa.gov

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-030, filed 11/20/08, effective 12/21/08.]

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-030, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. WSR 83-23-095 (Order 72), § 352-40-030, filed 11/22/83; Order 15, § 352-40-030, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-040 How is the agency organized and how is it operated? The Washington state park system includes approximately one hundred (~~twenty~~) twenty-four developed parks, recreation programs, trails, boating safety and winter recreation.

(1) State parks is governed by a commission consisting of seven citizens of the state, appointed by the governor to provide policy direction for the agency.

(2) The director is the commission appointed executive head of the agency.

(3) (~~The deputy director is the chief operating officer.~~)

~~(4) Regional directors are responsible for management of regional headquarters and parks within their regions.)~~ An executive leadership team reports to the director. These team members manage various aspects of agency operations such as operations, parks development, administrative services, communications, human resources, and policy and governmental affairs.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-040, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-040, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-040, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-060 Who do I contact to request state parks' public records? The agency

public records officer, located at headquarters, is responsible for:

(1) Receiving and reviewing requests for public records.

(2) Coordinating agency records management (~~(and agency indexing standards)~~) to ensure protection of, and prompt access to, public records.

(3) Implementing and ensuring compliance by the commissioners and staff with the public records disclosure requirements of chapter 42.56 RCW.

Mailing address:

P.O. Box 42650

Olympia, WA 98504-2650

Physical address:

1111 Israel Road S.W.

Tumwater, WA 98501

Email: public.disclosure@parks.wa.gov

Phone: 360-902-8514

~~((FAX: 360-586-5875))~~

(4) Contact information and ~~((our form for requesting public records from state parks are also))~~ general information regarding public records requests, a current fee schedule, and access to our public records form is available on our web site ((~~www.parks.wa.gov~~) (~~www.parks.wa.us~~)).

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-060, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-060, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-060, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-070 When can I inspect public records? Public records are available for inspection by appointment only during regular business hours, Monday through Friday, excluding legal holidays.

~~((It is recommended that you make arrangements in advance as the records that you wish to inspect may not be readily available for immediate inspection.))~~

Agency facilities shall be made available to any person for the inspection of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-070, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-070, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250.

WSR 83-23-095 (Order 72), § 352-40-070, filed 11/22/83; Order 15, § 352-40-070, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-080 How do I request copies of state parks' public records? (~~Call, mail, email, fax or drop your request at any state park~~)

While not required, using Parks' request for public record form, provides the information we need to assist you and provides you with our copy and mailing fees.

(1) The information that we will need is:

(a) The name, address (~~and~~), phone number, and email address (if available) of the person requesting the record;

(b) The date on which the request is made;

(c) (~~If inspection of the record is requested, the day and time you wish to inspect the public records;~~

~~(d))~~) A description, with as much detail as you can provide, to help identify the record(s) requested;

~~((e))~~ (d) A statement that the information will not be used for commercial purposes.

(2) Oral requests will be reduced to writing and provided to the requester to memorialize the records being requested.

(3) The agency does not distinguish among persons requesting records under the Public Records Act and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or other statute that exempts or prohibits disclosure of specific information or records to certain persons.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-080, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-080, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-080, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-090 Will I have to pay to ((view)) inspect or get copies of state parks' public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to recover its costs for producing and mailing copies of records, as provided for by RCW 42.56.120.

~~((A list of copy charges is provided with state parks' "Request for Public Records" form, or you can contact the public records officer for a list of copy and mailing fees.))~~

Our fee schedule can be found on the request for public record form and on our web site (www.parks.wa.us). Payment is required prior to receiving copies of records.

Charges totaling less than five dollars ((will)) may be waived.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-090, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-

11-068, § 352-40-090, filed 5/19/03, effective 6/19/03. Statutory Authority: Chapter 43.51 RCW. WSR 92-10-019, § 352-40-090, filed 4/29/92, effective 5/30/92; Order 15, § 352-40-090, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-100 Can my request be denied? (1) (~~Yes~~) A request can be denied if it is for records that are exempt from disclosure under the provisions of the Public Records Act, chapter 42.56 RCW (~~. State parks may also deny access to records, or parts of records, that are exempt from disclosure by~~), or other statute including RCW 79A.60.210(~~7~~) and 79A.60.220(~~7~~, ~~5.60.060~~ (2) (a), ~~46.52.080~~, ~~7.69A.030~~ (4) and ~~13.50.050~~ (3))).

(2) Whenever possible, the agency will make requested records available after exempt information has been (~~deleted or~~) redacted.

(3) Under the provisions of RCW 42.56.070(~~(+9)~~) (8), public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

If a request is denied, or if a record is withheld entirely or redacted, the agency will specify in writing the reason for the denial, withholding, or redaction, including (~~a statement~~) identification of the specific exemption authorizing the withholding or redaction of the record and a brief explanation of how the exemption applies to the record withheld or redacted.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-100, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-100, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-100, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-110 What can I do if I object to the agency's denial to inspect or receive a copy of a public record? You have options. You can:

(1) Request an internal administrative review of the denial for access.

(a) Provide state parks' public records officer with your written request for a review of the decision. Include a copy of the denial or refer specifically to the denial statement in your petition.

(b) The public records officer will promptly provide the petition and any other relevant information to the director or designee to conduct a review.

(c) The director or designee will (~~immediately~~) consider the matter and, within two business days of receiving the petition, or within such time as state parks and the requestor mutually agree, either affirm or reverse the denial. If the director or designee

has not responded to the requestor by the end of the two business days following denial of access, then the request is deemed denied.

(2) Ask the attorney (~~(general)~~) general's office to review the matter. Pursuant to RCW 42.56.530, the attorney (~~(general)~~) general's office will provide a written opinion on whether the record is exempt.

(3) Initiate an action in the superior court (~~((where the record is located. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial))~~).

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-110, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-110, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-110, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-120 (~~((How does the agency protect))~~) **What rules must be followed when**

inspecting public records? (1) The following (~~((guidelines))~~) rules have been put in place to help the agency protect the public records under its care:

(a) You may not remove any public record from the agency premises.

(b) (~~((You must have))~~) State parks may require that a designated agency employee be present while inspecting public records.

(c) You may not mark or deface a public record in any manner during inspection.

(d) You may not dismantle public records that are maintained in a file or jacket or in chronological or other filing order.

(2) Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

(3) State parks follows rules established under RCW 40.14.060 regarding destruction of public records. The destruction of records responsive to a public records request will be delayed until the request is resolved.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-120, filed 11/20/08, effective 12/21/08.

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-120, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-120, filed 7/25/73.]

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-130 How are agency records indexed? Records retention schedules established and maintained under the directives of RCW 40.14.060 serve as an index for the ~~((identification and location of agency))~~ agency's records.

~~((The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the minimum required retention period. With the assistance of the public records officer or designee, the records retention schedule is available to the public for inspection and copying.~~

~~A separate index of policy statements as defined in RCW 34.05.010(15) entered after June 30, 1990, is maintained by the agency.~~

~~In addition,)) The agency has a functional ((index coding)) indexing system for ((physical files,)) commission policy((,)) and the agency's administrative policy and ((agency)) procedures.~~

~~Commission meetings minutes and agenda items are indexed by year((, month, and agenda item number. They are also summarized by topic)) and month.~~

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-130, filed 11/20/08, effective 12/21/08.]

Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-130, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-130, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-130, filed 7/25/73.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-40-020

How do we define terms?

Item E-6: Legislative Update - Report

EXECUTIVE SUMMARY: This item reports on the status of issues, and bills affecting State Parks during 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 January 14. This report will provide the Commission with a briefing on the status of the agency’s legislative agenda, and legislation that could affect agency programs and policies.

SUPPORTING INFORMATION: None

Author/Contact(s): Owen Rowe, Policy and Governmental Affairs Director
owen.rowe@parks.wa.gov (360) 902-8504

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