Seashore Conservation Area Statutes

RCW 79A.05.600
Declaration of principles.

The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today.

[1967 c 120 § 1. Formerly RCW 43.51.650.]

Notes:

Repeal and savings -- 1967 c 120: "Chapter 78, Laws of 1929 (uncodified) is hereby repealed: PROVIDED, That the title of anyone who has purchased property under this act shall not be affected." [1967 c 120 § 10.]

RCW 79A.05.605
Seashore conservation area — Established.

There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership or control lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located; and shall also include all state-owned nontrust accreted lands along the ocean: PROVIDED, That no such conservation area shall include any lands within the established boundaries of any Indian reservation.

[1969 ex.s. c 55 § 1; 1967 c 120 § 2. Formerly RCW 43.51.655.]

Notes:

Construction -- 1969 ex.s. c 55: "No provision of this 1969 amendatory act shall be construed as affecting any private or public property rights." [1969 ex.s. c 55 § 8.]

RCW 79A.05.610
Jurisdiction over and administration of area.

Except as otherwise provided in RCW 79A.05.600 through 79A.05.630, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commission, which shall administer RCW 79A.05.600 through 79A.05.630 in accordance with the powers granted it herein and under the appropriate provisions of this chapter.

[2000 c 11 § 46; 1969 ex.s. c 55 § 2; 1967 c 120 § 3. Formerly RCW 43.51.660.]

RCW 79A.05.615
Principles and purposes to be followed in administering area.

The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in RCW 79A.05.600. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in RCW 79A.05.600 through 79A.05.630, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission.

RCW 79A.05.620
Cooperation and assistance of federal, state, and local agencies.

In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in RCW 79A.05.600 through 79A.05.630, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of RCW 79A.05.600 through 79A.05.630.

[2000 c 11 § 48; 1969 ex.s. c 55 § 4; 1967 c 120 § 5. Formerly RCW 43.51.670.]

Notes:

Construction -- 1969 ex.s. c 55: See note following RCW 79A.05.605.

RCW 79A.05.625
Powers and authority of department of fish and wildlife not interfered with.

Nothing in RCW 79A.05.600 through 79A.05.630 and 79A.05.635 through 79A.05.695 shall be construed to interfere with the powers, duties and authority of the department of fish and wildlife to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 79A.05.600 through 79A.05.630 and 79A.05.635 through 79A.05.695 be construed to interfere with the powers, duties and authority of the department of fish and wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

[2000 c 11 § 49; 1994 c 264 § 22; 1988 c 75 § 17; 1987 c 506 § 92; 1983 c 3 § 109; 1969 ex.s. c 55 § 5; 1967 c 120 § 6. Formerly RCW 43.51.675.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

Legislative findings and intent -- 1987 c 506: See note following RCW 77.04.020.

Construction -- 1969 ex.s. c 55: See note following RCW 79A.05.605.

RCW 79A.05.630
Sale, lease, and disposal of lands within the Seashore Conservation Area.

Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as herein provided. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: PROVIDED, That oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land: PROVIDED, That the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land: PROVIDED FURTHER, That net income from such leases shall be deposited in the state parks renewal and stewardship account.

[2000 c 11 § 50; (2003 1st sp.s. c 26 § 929 expired June 30, 2005); 1997 c 137 § 4; 1995 c 203 § 1; 1988 c 75 § 18; 1969 ex.s. c 55 § 6; 1967 c 120 § 8. Formerly RCW 43.51.685.]

RCW 79A.05.635
Ocean beach recreation management plans — Cooperative program.

A cooperative program to provide recreation management plans for the ocean beaches that comprise the Seashore Conservation Area established by RCW 79A.05.605 is created.

[2000 c 11 § 51; 1988 c 75 § 1. Formerly RCW 43.51.695.]

Notes:

Effective date -- 1988 c 75: "This act shall take effect January 1, 1989." [1988 c 75 § 20.]

RCW 79A.05.640
Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply to RCW 79A.05.600 through 79A.05.695.

(1) "Local government" means a county, city, or town.

(2) "Ocean beaches" include the three ocean beaches described in RCW 79A.05.605.

(3) "Pedestrian use" means any use that does not involve a motorized vehicle.

[2000 c 11 § 52; 1988 c 75 § 2. Formerly RCW 43.51.700.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.645

Local recreation management plans.

Local governments having a portion of the Seashore Conservation Area within their boundaries may, individually or through an agreement with other local governments located on the same ocean beach, adopt a recreation management plan which meets the requirements of RCW 79A.05.600 through 79A.05.695 for that portion of the ocean beach. The legislature hereby encourages adoption of a single plan for each beach.

[2000 c 11 § 53; 1988 c 75 § 3. Formerly RCW 43.51.705.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.650

Reservation for pedestrian use — Restrictions on motorized traffic.

(1) Except as provided in RCW 79A.05.655 and 79A.05.660, a total of forty percent of the length of the beach subject to the recreation management plan shall be reserved for pedestrian use under this section and RCW 79A.05.665. Restrictions on motorized traffic under this section shall be from April 15th to the day following Labor day of each year. Local jurisdictions may adopt provisions within recreation management plans that exceed the requirements of this section. The commission shall not require that a plan designate for pedestrian use more than forty percent of the land subject to the plan.

(2) In designating areas to be reserved for pedestrian use, the plan shall consider the following:

(a) Public safety;

(b) Statewide interest in recreational use of the ocean beaches;

(c) Protection of shorebird and marine mammal habitats;

(d) Preservation of native beach vegetation;

(e) Protection of sand dune topography;

(f) Prudent management of clam beds;

(g) Economic impacts to the local community; and

(h) Public access and parking availability.

[2000 c 11 § 54; 1988 c 75 § 4. Formerly RCW 43.51.710.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.655

Areas reserved for pedestrian use — Exception.

Notwithstanding RCW 79A.05.650(1), recreation management plans may make provision for vehicular traffic on areas otherwise reserved for pedestrian use in order to:

(1) Facilitate clam digging;

(2) Accommodate organized recreational events of not more than seven consecutive days duration;

(3) Provide for removal of wood debris under RCW 4.24.210 and 79A.05.035(5); and

(4) Accommodate removal of sand located upland from the Seashore Conservation Area or removal of sand within the Seashore Conservation Area under the terms of a covenant, easement, or deed.

[2000 c 11 § 55; 1988 c 75 § 5. Formerly RCW 43.51.715.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.660
Public vehicles.

Recreation management plans shall not prohibit or restrict public vehicles operated in the performance of official duties, vehicles responding to an emergency, or vehicles specially authorized by the director or the director's designee.

[1999 c 249 § 1101; 1988 c 75 § 6. Formerly RCW 43.51.720.]

Notes:

Severability -- 1999 c 249: See note following RCW 79A.05.010.

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.665
Land adjoining national wildlife refuges and state parks — Pedestrian use — Exception.

Recreation management plans shall, upon request of the commission, reserve on a permanent, seasonal, or temporary basis, land adjoining national wildlife refuges and state parks for pedestrian use. After a plan is approved, the commission may require local jurisdictions to adopt amendments to the plan governing driving on land adjoining wildlife refuges and state parks. Land reserved for pedestrian use under this section for at least the period from April 15th through the day following Labor Day of each year shall be included when determining compliance with the requirements of RCW 79A.05.650.

[2000 c 11 § 56; 1988 c 75 § 7. Formerly RCW 43.51.725.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.670
Consultation with government agencies required.

In preparing, adopting, or approving a recreation management plan, local jurisdictions and the commission shall consult with the department of fish and wildlife and the United States fish and wildlife service.

[1999 c 249 § 1102; 1988 c 75 § 8. Formerly RCW 43.51.730.]

Notes:

Severability -- 1999 c 249: See note following RCW 79A.05.010.

Effective date -- 1988 c 75: See note following RCW 79A.05.635

RCW 79A.05.675
Compliance with federal and state laws required.

Recreation management plans shall comply with all applicable federal and state laws.

[1988 c 75 § 9. Formerly RCW 43.51.735.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.680
Hearings.

Before adopting a recreation management plan, or amendments to an existing plan, local jurisdictions shall conduct a public hearing. Notice of the hearing shall be published in a newspaper of general circulation in each jurisdiction adopting the plan as well as in a newspaper of general statewide circulation on at least two occasions not less than fourteen days before the first day of the hearing. When a proposed recreation management plan has been prepared by more than one jurisdiction, joint hearings may be conducted.

[1988 c 75 § 10. Formerly RCW 43.51.740.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.685
Adoption of plans — Approval — Procedure.

Recreation management plans shall be adopted by each participating jurisdiction and submitted to the commission by September 1, 1989. The commission shall approve the proposed plan if, in the commission's judgment, the plan adequately fulfills the requirements of RCW 79A.05.600 through 79A.05.695.

If the proposed plan is not approved, the commission shall suggest modifications to the participating local governments. Local governments shall have ninety days after receiving the suggested modifications to resubmit a recreation management plan. Thereafter, if the commission finds that a plan does not adequately fulfill the requirements of RCW 79A.05.600 through 79A.05.695, the commission may amend the proposal or adopt an alternative plan.

If a plan for all or any portion of the Seashore Conservation Area is not submitted in accordance with RCW 79A.05.635 through 79A.05.695, the commission shall adopt a recreation management plan for that site.

Administrative rules adopted by the commission under *RCW 43.51.680 shall remain in effect for all or any portion of each ocean beach until a recreation management plan for that site is adopted or approved by the commission.

The commission shall not adopt a recreation management plan for all or any portion of an ocean beach while appeal of a commission decision regarding that site is pending.

[2000 c 11 § 57; 1988 c 75 § 11. Formerly RCW 43.51.745.]

RCW 79A.05.688
Appeal.

Any individual, partnership, corporation, association, organization, cooperative, local government, or state agency aggrieved by a decision of the commission under this chapter may appeal under chapter 34.05 RCW.

[1999 c 249 § 1103; 1988 c 75 § 12. Formerly RCW 43.51.750.]

Notes:

Severability -- 1999 c 249: See note following RCW 79A.05.010.

Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.690
Cooperation for law enforcement.

The commission shall cooperate with state and local law enforcement agencies in meeting the need for law enforcement within the Seashore Conservation Area.

[1988 c 75 § 13. Formerly RCW 43.51.755.]

Notes:
Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.693
Ocean beaches in Seashore Conservation Area declared public highways.

The ocean beaches within the Seashore Conservation Area are hereby declared a public highway and shall remain forever open to the use of the public as provided in RCW 79A.05.635 through 79A.05.695.

[2000 c 11 § 58; 1988 c 75 § 14. Formerly RCW 43.51.760.]

Notes:
Effective date -- 1988 c 75: See note following RCW 79A.05.635.

RCW 79A.05.695
Amendments to plan — Approval — Procedure.

Amendments to the recreation management plan may be adopted jointly by each local government participating in the plan and submitted to the commission for approval. The commission shall approve a proposed amendment if, in the commission's judgment, the amendment adequately fulfills the requirements of RCW 79A.05.600 through 79A.05.695.

After a plan is approved, the commission may require local jurisdictions to adopt amendments to the plan if the commission finds that such amendments are necessary to protect public health and safety, or to protect significant natural resources as determined by the agency having jurisdiction over the resource.

[2000 c 11 § 59; 1988 c 75 § 15. Formerly RCW 43.51.765.]

Notes:

Effective date -- 1988 c 75: See note following RCW 79A.05.635.