

RULE ESTABLISHING MARINE RESERVES WITHIN CERTAIN CITY PARKS

PREFACE

This Rule has been developed pursuant to SMC 18.12.040 because there is a need to provide enhanced protection for certain sensitive inter-tidal and marine areas within Seattle park boundaries. These areas provide valuable habitat for fish and wildlife and a valuable educational and scientific resource for the citizens of Seattle. While general parks policies provide some protection for such areas, marine and inter-tidal areas within certain portions of Golden Gardens, Carkeek Park, South Alki/Richey Viewpoint, Lincoln Park, Schmitz Viewpoint, and Discovery Park, will benefit from enhanced protection as designated Marine Reserves.

1. PURPOSE

1.1. To establish the boundaries of Marine Reserves within certain Seattle Parks and to establish the rules governing such Marine Reserves.

2. ORGANIZATIONS AFFECTED

2.1. Department of Parks and Recreation

3. REFERENCES

3.1. SMC 18.12.030(10)

3.2. SMC 18.12.040

3.3. SMC 18.12.080

3.4. SMC 18.12.090

3.5. SMC 18.12.278

4. POLICY

4.1. Marine Reserves are hereby established within the City-owned portions of certain marine and inter-tidal areas of Golden Gardens, Carkeek Park, South Alki/Richey Viewpoint, Lincoln Park, Schmitz Viewpoint and Discovery Park as set forth in Attachment A.

4.2. All such Marine Reserves shall remain open to the public unless public access is otherwise

restricted pursuant to a separate policy or order. Shellfish gathering is not authorized within the boundaries of a Marine Reserve.

- 4.3. Dogs or other domestic animals (except service animals, or dogs used by public law enforcement agencies and under control of a law enforcement officer) are prohibited within the boundaries of a Marine Reserve.
- 4.4. Unless specifically permitted pursuant to Section 4.5 of this Rule, the following activities are prohibited within the boundaries of a Marine Reserve except as part of a pest eradication program or other specifically approved activity:
 - 4.4.1. Hunting, or intentionally wounding, killing, trapping, or capturing any wildlife species, including without limitation, any non-domesticated mammal, bird, amphibian, or reptile (and including the eggs or offspring thereof);
 - 4.4.2. Intentionally removing, damaging, or destroying any fish or wildlife nests or breeding places;
 - 4.4.3. Intentionally removing, harvesting, damaging, or destroying any plant (including but not limited to kelp and seaweed and other aquatic plants);
 - 4.4.4. Digging, trenching, scouring, drilling or otherwise disturbing submerged or inter-tidal lands;
 - 4.4.5. Engaging in any activity otherwise prohibited by applicable city ordinances or other Parks Rules.

Incidental damage that may be caused by otherwise permitted activities shall not be considered a violation of this Rule. This section shall not be applied to impair the exercise of any right protected by the Treaty of Point Elliot (12 Stat.927 (1859)) or other tribal treaty.

- 4.5. Upon application and a finding of a legitimate public need (which may include, without limitation, educational uses, research, park improvement, utility and habitat restoration activities) the Superintendent may permit activity otherwise prohibited by this Rule, provided that permission shall not be granted for any activity that would violate other applicable federal, state or local law. Legitimate maintenance activity, including but not limited to the removal of pests or invasive flora by authorized personnel, may be permitted at any time by the Superintendent or his or her designee. The Superintendent may issue a permit for a specific activity or issue general permits for categories of activities.
- 4.6. The Superintendent has the discretion to close all or part of a Marine Reserve area to all public access for a specified period of time. The Superintendent may only do so after public review by the Park Board.
- 4.7. Pursuant to SMC 18.12.030(10) and SMC 18.12.278, violation of any provision of this

Rule may, be grounds for exclusion of the violator from park property.

4.8. This Rule is not intended to prohibit the use of wheelchairs by disabled persons or strollers anywhere in parks where public access is permitted.

5. RESPONSIBILITY

5.1. It is the responsibility of Department of Parks and Recreation staff to monitor and ensure these policies are carried out. Each affected Director will assign staff to inspect impacted parks and recommend appropriate actions to the Superintendent including establishing additional restrictions within Marine Reserve areas.

5.2. The Park Recreation Managers are responsible to have signs made and installed as needed, to control and direct the use of Marine Reserves pursuant to Section 4 of this Rule.

5.3. The Superintendent's Office will keep a log of complaints involving activities within Marine Reserves and report to Park Resource Managers particular problems and trends.

5.4. The Superintendent's Office will develop permission forms for public or educational use activities within Marine Reserves pursuant to Section 4.5 of this Rule.

5.5. It is the responsibility of the COS Graphic Design and Signage Section to prepare a Marine Reserve sign manual with layouts for standard signs. The warehouse shall stock an inventory of standard Marine Reserve use signs.