POLICY 45-16-1 COMMERCIAL ADVERTISING IN WASHINGTON STATE PARKS

I. Introduction

A. Purpose

This Commission policy guides staff on commercial advertising in Washington State Parks and provides decision-making authority on advertising placement to the Director or designee. The Washington State Parks and Recreation Commission (Commission) already allows commercial advertising on its websites, social media channels and printed collateral.

B. Background

Through the 2009-11 and 2011-13 State Parks operating budgets, the Legislature directed the agency to work toward greater self-sufficiency. The agency’s Transformation Strategy identified commercial advertising on or within agency assets as having significant potential to raise advertising revenue to support park operations. In 2014, the Legislature enacted statute (RCW 79A.05.087) that allowed commercial advertising on or in State Parks lands and buildings under certain conditions.

C. Definition – Advertising

The term advertising is defined as the activity of attracting public attention to a product or business through paid announcements. For purposes of this policy, advertising does not include naming rights, donor recognition or sponsorships.

II. Commission Direction

Employees are directed to follow this advertising policy for all revenue-generating advertising in Washington state parks, to the extent allowed by law and in accordance with this policy. This policy advances the advertising program’s revenue-generating objective while prohibiting advertisements that could create substantial controversy, interfere with or divert resources from State Parks operations, and/or could be viewed as offensive, inappropriate or harmful to the general public.

III. Information to Carry Out this Policy

The Commission establishes policies, rules, and procedures for advertising that are consistently and fairly applied to protect public and state resources.

A. Advertising Goals

The advertising program shall be sensitive to public perception and balance revenue-generating goals with public policy issues. The goals and implementation steps are as follows:
1. Generate new revenue for the state park system through in-park advertising.
   - Build a sales force with program, region and field staff helping to recruit advertisers and create market awareness.
   - Apply business enterprise principles, providing details on operating costs and the project’s ability to deliver net revenue to the agency operating budget.

2. Protect the public and state resources.
   - Evaluate the public’s perception and experience when visiting state parks with advertising by collecting and tracking public feedback.
   - Protect the agency brand and agency credibility by providing accurate, convenient and current information in placed advertising.
   - Prohibit advertising that is controversial, offensive, inappropriate or harmful to the general public.
   - Respect the First Amendment rights of prospective advertisers.

B. Review for impact to historic, archaeological and cultural landscapes/structures

1. Staff review of advertising proposals will ensure consideration of impacts to historic structures, archaeological sites and cultural landscapes. Each advertising proposal will be carefully screened to determine if it requires consultation with the Department of Archaeology and Historic Preservation (DAHP) and is in compliance with the memorandum of agreement between the two agencies. Staff will consult with DAHP on commercial advertising proposals in the following areas:
   - Within or directly adjacent to National Register-listed or eligible properties, including historic districts and cultural landscapes;
   - Within areas classified as a Heritage Area under the individual park’s Classification and Management Plan;
   - Within or directly adjacent to previously recorded archaeological sites, if the proposal includes ground disturbing activities;
   - If the proposal has the potential to impact a building 45 years of age or older, that has NOT been previously recorded, a Historic Property Inventory Form will be completed by staff and forwarded to DAHP for concurrence on eligibility;
   - Staff will consult with DAHP regarding commercial advertising in writing, and will provide information regarding the nature of historic properties in the area along with the details of the proposed commercial advertising and staff comments on the proposal.

2. Temporary (less than one month) installations, i.e. event banners, will not require consultation provided they are not permanently affixed to historic properties or have ground-disturbing activities within or directly adjacent to previously recorded archaeological sites.
3. To achieve a timely response to advertising partners, DAHP will be provided a maximum of 30 calendar days to make comments.

C. Compliance with RCW 79A.05.087 - Commercial advertising on or in state parks lands and buildings
Staff will limit advertising for food and drink products to those that are consistent with healthy nutrition guidelines developed by the Washington State Department of Health whenever practicable. Additionally, staff will consult with DAHP as provided above, to ensure that any advertising in or on State Parks lands or buildings complies with RCW 79A.05.087. In particular, staff shall insure that advertising in or on State Parks lands or buildings:

1. Conforms to the United States secretary of the interior’s standards for the treatment of historic properties when applied to advertising affecting historic structures, cultural and historic landscapes, and archaeological sites;

2. Does not detract from the integrity of the park’s natural, cultural, historic, and recreational resources and outstanding scenic viewsheds.

3. Does not create a potential conflict of interest because of the commercial or corporate entity’s regulatory or business relationships with the Commission;

4. Acknowledges individuals and organizations that are donors or sponsors of park events or projects or support the sustainability of park concessionaries, lessees, or service providers;

5. Does not include obscene, indecent, or discriminatory content;

6. Does not include political or public issue advocacy content;

7. Is not for products, services, or other materials that are offensive, insulting, disparaging, or degrading; and

8. Is not for products, services, or messages that are contrary to the public interest, including any advertisement that encourages or depicts unsafe behaviors or encourages unsafe or prohibited recreation activities.

D. Advertising Review
To ensure agency review of advertising proposals is fair and consistent, the Director or designee will establish a rigorous advertising review process consistent with any legislation, state directives, sound business practices and this policy.

1. State Parks Creative Services team will review all advertising content. The agency retains the right to refuse any advertiser and any posting. The agency at any time may remove any advertisement it believes violates this policy.

2. Prior to placing an advertisement, State Parks staff will screen, evaluate and approve the ad content to confirm compliance with the guidelines set forth in this policy.
3. The agency shall include a clearly posted policy and a disclaimer
disavowing any endorsement of products and services advertised within
each park; with the exception that the Commission reserves the right to
support or endorse certain products and services consistent with the agency
mission.

E. Advertising Content
Advertising sold, solicited or allowed in any state park shall be limited to
commercial advertising. By offering advertising for this limited purpose, the
Commission is not creating a public forum or designated public forum. State
Parks staff retains the right to limit advertising to the purposes set out in this
policy or to discontinue the sale of commercial advertising at its discretion. By
limiting the use of designated areas of state parks for commercial advertising
under this policy, the Commission does not limit its right to engage in speech
on behalf of itself and the State of Washington.
1. Any and all advertising sold shall be limited to informing members of the
public of the availability of commercial goods or services. No statements of
public policy, opinion or public matters shall be permitted, whether or not in
the form of an advertisement.
2. Content shall be in keeping with contemporary community standards and
any standards for public area advertising.
3. State Parks staff may use designated advertising space for State Parks
information, including promotion of agency programs, projects and services.
This space can be defined, but is not limited to, the bulletin board found in a
park office or on a wall in a park office.

F. Prohibited Advertising Content
1. Content containing any of the following characteristics is not permitted:
   a. Obscene or indecent
   b. Discriminatory
   c. Religious (other than commercial advertising of service times and
      locations)
   d. Political advertising promoting or opposing a political party; the
      election of any candidate or group of candidates to federal, state or
      local government offices; and initiatives, referendums and other ballot
      measures.
   e. Public issue advertising expressing or advocating an opinion, position
      or viewpoint on matters of public debate about economic, political,
      religious or social issues.
2. Advertising that depicts or promotes the following products, services or
other material will not be permitted:
   a. Alcohol, tobacco, marijuana, e-cigarette or vaping products.
   b. Firearms, including ads promoting or soliciting the sale, rental,
distribution or availability of firearms or firearms-related products.
   c. Adult/mature rated films, television or video games or other products
      rated by the industry as only suitable for mature audiences.
d. Adult entertainment or establishments, including but not limited to adult book or video stores, adult Internet sites, adult telephone services, and adult escort services.

e. False or misleading material that the advertiser knows or would reasonably be expected to know is false, fraudulent, misleading, and deceptive or would constitute a tort of defamation or invasion of privacy.

f. Objectionable sexual or harmful subject matter that is offensive based on contemporary community standards and would reasonably foresee harm to, disruption of or interference with the operation of the state parks system.

g. Insulting, disparaging or degrading material directed at a person or group that is intended to be or could be interpreted as being disrespectful based on characteristics protected under federal or state law or that is so offensive as to reasonably foresee that it will incite or produce imminent lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order.

h. Illegal activity, including any advertising that promotes any activity or product that is illegal under federal, state or local law or any advertising that contains material that is an infringement of a copyright or trademark or is otherwise unlawful or illegal.

i. Profanity and violence, including advertising that contains any profane language or portrays images or descriptions of graphic violence or intentional infliction of pain or violent action towards or upon a person or animal.

j. Products, services or messages that might be contrary to the best interests of the agency, including any advertisement that encourages or depicts unsafe behaviors or encourages unsafe or prohibited recreation activities.

G. Additional Restrictions

In addition to general restrictions, the following guidelines apply to advertisements in Washington state parks:

1. The clarity of advertising and customer experience in Washington state parks are paramount. Advertising that interferes with this goal or distracts from or interrupts the agency’s information, will not be allowed.

2. The agency shall specifically designate advertising spaces available in state parks. It is within the agency’s sole discretion to determine which sites, structures, locations, or portions thereof, shall be available. This shall be done in collaboration between park and Creative Services staff.

3. The advertising content shall be clearly identifiable as an advertisement, distinctive from agency information. Advertisements cannot mimic news headlines or agency documentation in design, tone, third-person sentence structure or topic.

4. Advertising content cannot mislead the user. For example, advertisements cannot be designed to appear as though they are a functional part of the agency’s brand or messaging.
5. Advertising that will not be permitted in state parks includes but is not limited to billboards or stand-alone neon signs (except neon and other signs displayed on park concessionaire buildings/facilities are permitted).

6. All advertisers will execute contracts approved as to form by the agency setting out the rights and liabilities of the agency and the advertiser. The contracts will include a requirement that the advertiser agrees to hold the state of Washington and the Commission harmless and to indemnify the state of Washington and the Commission for any loss associated with the placement of an advertisement. State Parks staff will consult with the Washington State Office of the Attorney General regarding the appropriate form of such advertising contracts.

H. Permanent signs
Permanent, free-standing signs will only be allowed for concessionaires doing business with a state park. The following guidelines must be met:

1. Signs will generally be attached to concession structures or other appropriate park structures (e.g., contact station, restrooms, or park office).
2. Free-standing signs will only be permitted for park concessions where a sign on a concession structure is not adequate to inform visitors of the concession service.
3. Sign colors must be visually subordinate to the park, mostly earth and neutral tones.
4. Signs cannot be greater than 8 square feet in area, not higher than 5 feet above grade and not internally illuminated.
5. Sign content and location cannot violate any other section of this policy.

I. Posting on Bulletin Boards and Kiosks
Permitted advertising in parks may include permanent or temporary postings on park bulletin boards or kiosks. Creative Services staff will provide formatted advertising posters and signs featuring advertisers' information. Advertisers cannot post their own posters/fliers/rack cards/etc. on the boards or kiosks without a signed contract and approval from Parks staff.

J. Indoor advertising
1. Permitted advertising in state parks indoor accommodations may include:
   a. Product placement typical of what can be found in commercial hotels, including shampoo, soap and conditioner, in state parks indoor accommodations (e.g., cabins, vacation rentals, etc.).
   b. Printed materials and other items typically found in commercial hotels (e.g., folder/notebook with local amenities, things to do and local businesses).

2. Permitted advertising in state park contact stations, welcome centers, park stores and other public gathering facilities may include brochure racks and business card holders that feature information about local businesses, features, amenities and things to do.
IV. Review and Update

The Commission acknowledges that changes in commercial advertising may create issues or opportunities that surpass the scope of the specific terms and conditions enumerated herein. In those cases, the Commission reserves all rights under law and delegates to the Director the authority to apply the intent demonstrated within this policy to questions and situations that are unforeseen or unforeseeable.

Commission Action Date: March 31, 2016

Agenda Item: E-2 Washington State Parks Advertising Policy

Approved for publishing Date: 5-2-2016

[Signature]
Director Signature