

HOUSE BILL REPORT

E2SHB 2480

As Passed House:
February 15, 2010

Title: An act relating to implementing certain recommendations of the sustainable recreation work group.

Brief Description: Adopting policy recommendations developed by the sustainable recreation work group.

Sponsors: House Committee on General Government Appropriations (originally sponsored by Representatives Blake, Warnick, Takko, Upthegrove, Dunshee, Hinkle, Sells, Kretz and Ormsby; by request of Commissioner of Public Lands).

Brief History:

Committee Activity:

Ecology & Parks: 1/12/10, 1/15/10 [DPS];

General Government Appropriations: 2/5/10 [DP2S(w/o sub EPAR)].

Floor Activity:

Passed House: 2/15/10, 64-33.

Brief Summary of Engrossed Second Substitute Bill

- Provides the Department of Natural Resources with specific authority to assess user charges on individuals or groups interested in accessing specific recreation sites or hosting specific events on public land.
- Expands the recreational immunity statute to allow the Department of Natural Resources to charge user fees or require statewide access permits without losing liability protection.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase, Dickerson, Eddy, Finn, Hudgins and Morris.

Minority Report: Do not pass. Signed by 5 members: Representatives Short, Ranking Minority Member; Kristiansen, Orcutt, Shea and Taylor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Callahan (786-7117).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Ecology & Parks. Signed by 11 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Van De Wege and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives McCune, Ranking Minority Member; Short.

Staff: Owen Rowe (786-7391).

Background:

Sustainable Recreation Work Group.

The 2008 Legislature assigned to the Department of Natural Resources (DNR) the task of convening and staffing a group of concerned citizens who eventually, through the process established in the enabling legislation, named themselves the Sustainable Recreation Work Group (Work Group). The Work Group was asked to make recommendations to the Legislature on ways to improve recreation on state trust lands, aquatic lands, and other lands managed by the DNR.

The final report of the Work Group was delivered to the Legislature in December 2009. The report contains a number of recommendations as to how recreation on land managed by the DNR could be improved. These recommendations are divided into access-related goals and funding-related goals. In total, between the two categories, the Work Group recommended 13 different measures for legislative consideration.

Recreational Immunity.

Generally, a landowner cannot be found negligent for injuries sustained by members of the public while on his or her property if the member of the public was allowed on the land for the purposes of recreation. This legal condition is known as recreational immunity.

Recreational immunity does not apply in instances when the landowner charges a fee to recreate on his or her land. However, permits or licenses for statewide use issued for a charge by the Washington Department of Fish and Wildlife (WDFW) or the State Parks and Recreation Commission (Parks Commission) are not considered to be fees and therefore do not eliminate the recreational immunity for the associated lands. Likewise, a daily charge of up to \$20 for access to a public off road vehicle park is also not considered to be a fee under the recreational immunity statute.

Summary of Engrossed Second Substitute Bill:

The stated intent is to adopt certain policy recommendations forwarded by the Work Group. The recommendations that were selected for inclusion were those that are capable of being implemented in the near-term and that provide near-term benefits to sustainable recreation.

The DNR is provided with specific authority to assess use charges on individuals or groups interested in accessing specific, improved sites dedicated to recreation or hosting specific events on land managed by the DNR. The money collected from use charges must be reinvested by the DNR into the management of recreational opportunities at the site where it was collected.

If the DNR assesses a use charge to access a specific site, that requirement can be satisfied one of four ways:

- purchase of a \$5 one-day parking and access pass;
- purchase of a \$10 camping fee;
- purchase of a \$20 annual access pass; or
- display of a Department of Fish and Wildlife lands vehicle access permit.

The DNR may also charge a group to host an event located on land managed by the DNR. The fee for hosting events is a \$200 administrative fee plus either 10 percent of the event's entrance fees or 10 percent of the host's total operations.

The DNR is prohibited from assessing use charges at off-road vehicle facilities. The DNR may also waive use charges for individuals that volunteer with the DNR.

The Department of Fish and Wildlife must allow individuals who purchase an annual pass to access land managed by that agency without the purchase of additional passes.

Use charges developed by the DNR, along with any permits issued by the DNR for statewide access, would not be considered a fee under the recreational immunity statute. As a result, the associated immunity for lands accessed after paying these charges would not be waived and the DNR would maintain immunity.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Ecology & Parks):

(In support) The Work Group members were highly engaged, showed an impressive level of commitment, and delivered a series of consensus recommendations. The various user groups showed a willingness to work together to keep recreation viable. The resulting bill may not be perfect, but it contains many important recommendations.

There is a huge need to fund outdoor recreation. The population of Washington is increasing and the access to open land is decreasing. Washington needs a plan to provide safe and

enjoyable outdoor recreation that is protective of natural resources. As it is, popular recreation sites such as Mt. Si, Little Si, and Mt. Spokane are at risk of closure.

The Work Group surprised some by showing a willingness to support new fees. Demands on the use of state lands have substantially increased over the years while the funding for recreation has decreased. Small monetary amounts can have significant access benefits. Any new fees would only be used at the sites that experience the highest levels of use and the most popular event sites. All of the fundraising ideas in the bill are fairly modest.

It is in the best interest of citizens for the various land-owning agencies to work together and recognize each other's access passes. This would avoid the confusion for the citizen to know which pass is needed and the clutter of having to display multiple passes. The WDFW is looking forward to working with the Parks Commission and the DNR to make a multi-agency pass possible.

(With concerns) Any new fees should be targeted to improved land managed by the DNR and not just to roads and other unimproved areas.

The Parks Commission should not be included in the proposal to develop a unified multi-agency pass. Currently, the Parks Commission does not charge access fees, and there could be a negative effect on donation levels if the Parks Commission is perceived as trying to create a new access fee.

Private concessionaires should not be enabled to construct recreation facilities on state land in case the authority is used to circumvent the integrity of the public bidding process.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) This bill is request legislation from the Commissioner of Public Lands, and is the result of a broad based citizen work group that includes representatives from diverse user groups and local governments. We worked for over a year and a half to come up with sustainability recommendations for managing DNR lands. Only the most modest of proposals were included in deference to the state's current economic circumstance.

(Opposed) The amendments to this bill have changed my perspective. The economic future of Sky Valley is based on recreational access. The proposed fees of \$20 per person will be difficult for our people. Recently the DNR closed an off-road vehicle area in our community and this caused an immediate negative impact on our economy. Restaurant business was down by 40 percent the next weekend, and has not recovered. Please consider that any additional fees will be hard for our people during these difficult economic times. This DNR request bill is contrary to the best interest of the state. Every nickel generated by the state begins in our communities. The imposition of access fees will hurt our local economies. Population in the state is increasing, and at the same time recreational opportunities are decreasing. Please send the DNR back to the table to work with local governments, community members, and user groups to come up with a better solution to this bill in its current form.

Persons Testifying (Ecology & Parks): (In support) Representative Blake, prime sponsor; Craig Partridge, Department of Natural Resources; Paul Dahmer, Washington Department of Fish and Wildlife; Daniel Fallstrom, Washington State Snowmobile Association; Jim King, Citizens for Parks and Recreation; and Jonathan Guzzo, Washington Trails Association.

(With concerns) Brian Hovis, Washington State Parks and Recreation Commission; and Dave Johnson, Washington State Building and Construction Trades Council.

Persons Testifying (General Government Appropriations): (In support) Craig Partridge, Office of the Commissioner of Public Lands.

(Opposed) Debbie Cople, Sky Valley Chamber of Commerce; Ted Jackson, Gold Bar Nature Trail; Ed Moats, Mike Leibold-Everett Power Sports; and Deborah Knight, City of Sultan.

Persons Signed In To Testify But Not Testifying (Ecology & Parks): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.