

HOUSE BILL REPORT

ESHB 2151

As Passed Legislature

Title: An act relating to recreational trails.

Brief Description: Concerning recreational trails.

Sponsors: House Committee on Environment (originally sponsored by Representatives Blake and Seaquist).

Brief History:

Committee Activity:

Environment: 1/17/14, 1/31/14 [DPS].

Floor Activity:

Passed House: 2/12/14, 97-1.

Passed Senate: 3/7/14, 48-1.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Natural Resources to develop and implement an official recreational trail policy that is tailored to the management mandate of the agency.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Harris, Kagi, Morris, Nealey, Ortiz-Self and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Overstreet.

Staff: Jason Callahan (786-7117).

Background:

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.

The Department of Natural Resources (DNR) is charged with managing most of the state's public lands. The DNR manages nearly 3 million acres of uplands and over 2 million acres of aquatic lands. Although each individual land holding is managed by the DNR for a specific benefit or purpose, the concept of multiple use management covers all DNR-managed land.

The idea of "multiple use" means the provision of several uses simultaneously on the same tract of land. Outdoor recreation, in all of its various forms, is one of the multiple uses that the DNR is directed to provide when the recreation does not negatively impact the underlying land management purposes. Many lands managed by the DNR are used for hunting, fishing, hiking, camping, and motorized vehicle riding.

In implementing the multiple use mandates, the DNR is authorized to plan, construct, and operate recreational areas, trails, and facilities for educational, scientific, or experimental purposes. These activities may be carried out in conjunction with any other public or private agency. The DNR may enter into contracts, leases, or other agreements as necessary to implement its various mandates.

Summary of Engrossed Substitute Bill:

The DNR must work with stakeholders to develop and implement an official recreational trail policy consistent with the management mandate of the agency. The policy must ensure that trails cause the least impact to the land, that environmental protections are provided, that the lowest reasonable construction costs are used, and that any volunteers operate under a hold harmless agreement. The initial policy must be adopted by October 31, 2015.

The DNR should use trail standards developed by the United States Forest Service as the primary guidelines for trail construction and maintenance; however, it may develop its own standards if the federal standards are deemed insufficient or impractical. Any non-designated trails must be considered for inclusion on comprehensive recreational management plans so long as they are compliant and consistent with those standards.

The DNR is encouraged to work with local governments to find efficiencies in gaining local permits for the development and maintenance of trails.

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:

(In support) The parties involved with trail construction are learning how to create more trails at lower costs, and conversations along these lines need to continue. These conversations can help develop a new framework that reflects the needs of emerging user groups; a group with needs that recent studies find the current system unable to meet. The DNR has plans to

develop many new recreation sites, and those efforts should be parallel to other efforts attempting to prepare for the coming influx of new populations to the Puget Sound region. A larger population will require more infrastructure, and the current cost of trail building by the DNR will not allow that infrastructure to be built. The bill would allow trail building to an agile enterprise that can meet the needs of modern times.

Access to trails has decreased over time, leading to more pressure on the few trails that remain. Often, user built trails are the only option open to recreationists. These trails should be evaluated and, if appropriate, brought into the system.

Local rules are one cost drivers. The various counties all have different rules and the county trail standards are not uniform. Some counties impose standards with a prohibitive cost or that require a level of infrastructure development that results in a conversion of the forest land to a non-forestry use or that damages the forest land more than the trail use would if left unregulated. County involvement often drives a wedge between the DNR and the user groups.

Volunteers are involved in all aspects of trail design, construction, and maintenance. They are necessary for public lands to operate and give the volunteers a vested, multi-generational interest in supporting and caring for public lands.

(In support with concerns) Trails are not always consistent with the mission of the Washington Department of Fish and Wildlife (WDFW), and inclusion of the WDFW in the bill could create unattainable public expectations of the WDFW and detract from its agency mission. Trails should also be limited in commercial and industrial areas where they compete with other land uses.

It is important to have standards for trails, but they shouldn't be too limited.

It would be bad to replace local bureaucracy with state bureaucracy. The Growth Management Act and Shorelines Management Act, and the plans developed under those laws, should have relevancy to trail construction.

(With concerns) Event cost sharing should be limited to for-profit events. Many nonprofit organizations use events on public lands as their primary fundraising activity. The money earned at those events are used by the organizations to give back to the same lands.

Mixed use trails create public safety issues.

(Opposed) Trails are the lifeblood of the various user groups and their development has not kept up with need. The Forest Service standards are only one template to continue, but they do not meet the needs of many user types. Mandated public involvement processes around trails takes away energy and money from development and maintenance.

There is a potential that this legislation can damage people's relationship with public lands and trails. Removing local permitting and rules removes a community's ability to limit the negatives they experience and turns trails from a public asset to a local annoyance.

It is odd to focus on mining sites. Such a focus could detract from recreational opportunities on other DNR lands. Incorporating user-built trails into the DNR's trail system rewards bad behaviors and perpetuates rogue trail building activities on public lands.

Persons Testifying: (In support) Representative Blake, prime sponsor; Ted Jackson, Sky Valley Recreation; Steve Davies; Ed Tenney, Pacific Northwest Four-Wheel Drive Association; Jacob Perry; Nona Snell, Recreation and Conservation Office; and Jed Herman, Department of Natural Resources.

(In support with concerns) Paul Dahmer, Washington Department of Fish and Wildlife; Kelly Wood, Friends of Capitol Forest; Glenn Glover, Evergreen Mountain Bike Alliance; and Kelsey Beck, Futurewise.

(With concerns) M.C. Halvorsen, Boyer Towing.

(Opposed) Kindra Ramos, Washington Trails Association.

Persons Signed In To Testify But Not Testifying: None.