

SENATE BILL REPORT

SB 5130

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 26, 2007

Title: An act relating to wildlife related recreational access.

Brief Description: Expanding hunter access to certain private lands.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/07, 2/26/07 [DPS-WM, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Stevens.

Staff: Kim Johnson (786-7346)

Background: Under current law, the Department of Fish and Wildlife has the authority to enter into agreements with individuals and public and private entities regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish and wildlife. More specifically, the Department may enter into agreements with the owners or lessees of real or personal property to provide for the use of such property for fish, shellfish, and wildlife-oriented recreation.

The recreation use immunity statute, RCW 4.24.210, protects landowners or those in lawful possession of land from liability where: no fee is charged for the recreational use of land; land is used for a fish and wildlife cooperative project; or access to land is provided for the cleanup of litter or solid waste.

Summary of Bill: The Department may furnish money, material, or labor pursuant to agreements with landowners or lessees for the use of property for fish, shellfish, and wildlife-oriented recreation where such agreements provide for public access to the real property.

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.

Landowners or others in lawful possession and control of land who contract with the state to provide fish and wildlife-related recreational access are not liable for unintentional injuries to land users.

A surcharge of \$5 to residents and \$25 dollars to nonresidents is applied to big game licenses and small game licenses that are not purchased with a big game license. A surcharge of \$5 applies to the three-day nonresident small game license. All revenue from these surcharges is deposited in a separate account within the state wildlife fund and may be used only for the management and implementation of wildlife recreation access and habitat enhancement agreements. The administrative costs charged to this program may not exceed 10 percent of its annual expenditures.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): DFW must develop legislative options to increase access for nonconsumptive users to department owned and leased lands. The options must include a discussion of the cost of providing additional access for nonconsumptive users and an equitable fee structure or other revenue source to support such access, if necessary. The options are due to the Legislature by November 1, 2007.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Given Washington's large population but relatively small amount of land available for recreation leads to the need for innovative programs to open up additional lands for public recreation. This bill creates a user supported fund to open up private lands to the public for wildlife related recreation. It is a "Pay to Play" type of measure. There is an increasing loss of land for public hunting access and this bill would help to address this loss. I'm not able to afford a guided hunt. I enjoy being in the outdoors and I purchase hunting licenses every year. I would gladly pay the \$5 to get additional access.

The tribe just wants to be involved in these matters. The tribe already has many access agreements with many of the private landowners. We would like to be involved in the negotiation of the access agreements and can participate financially at that point. The agreements should recognize tribal participation.

CON: There is a concern that if a landowner enters into an agreement with Department of Fish and Wildlife that there is an expectation that these lands be open at all times of the year. We need to be able to close lands when necessary to log or during fire season. This would need to be made clear to the public so that there was not the expectation that the lands would be open 360 days a year.

OTHER: Time of access is a concern for us. There needs to be language and understanding during certain times of the year, the public will not have unrestricted access to the property at all times. Duration of the contract is an issue for landowners, in order to be clear with the public on what their access rights are. We need to ensure that money gets to the landowners.

Persons Testifying: PRO: Steve Pozzanghera, Department of Fish and Wildlife; Ed Owens, Hunter's Heritage Council; Dale Sharp, citizen; Rick Liebel, citizen; Steve Wehry, Muckleshoot Indian Tribe.

CON: Debora Mungia, Washington Forest Protection Association.

OTHER: Jack Field, Washington Cattleman's Association.