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## Ecology & Parks Committee

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### HB 2480

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

**Sponsors:** Representatives Blake, Warnick, Takko, Upthegrove and Dunshee; by request of Commissioner of Public Lands.

#### Brief Summary of Bill

- Implements certain recommendations of the Sustainable Recreation Work Group.
- Provides the Department of Natural Resources with specific authority to assess use 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.
- Directs the Department of Natural Resources to implement a pilot project to explore how the use of concessionaires can reduce the costs of managing recreation sites.
- Directs three state agencies to design a statewide, multi-agency land access pass.

**Hearing Date:** 1/12/10

**Staff:** Jason Callahan (786-7117).

#### **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

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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 (RCW 4.24.210). 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 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 Bill:**

#### Intent.

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.

#### User Charges.

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

A detailed rate structure and efficient collection system must be adopted in rule prior to collecting use changes. The DNR is permitted to develop the rate structure and collection mechanism of its choosing; however, the development of the rates and collection mechanisms must be done in a manner that ensures that the final collection generates more revenue than the expense of collecting the revenue.

The DNR must include a public process during any rule development for user charges. The process must solicit information specifically regarding how the DNR could implement waivers from use charges for volunteers and how the new rules could avoid excluding certain segments of the population from recreating lands managed by the DNR.

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.

#### Concessionaries.

The DNR is directed to conduct a pilot project to evaluate how private concessionaires could reduce costs while being compatible with the existing recreational access values of the DNR. The pilot project must consist of one private concessionaire located in eastern Washington, and one located in western Washington. The structure of the pilot projects must be such that necessary oversight is maintained by the DNR.

The results of the pilot project must be delivered to the Legislature in two separate reports. A progress report must be provided in 2011, and a final report is due upon the completion of the project. The length of the concessionaire contracts, and thus the length of the pilot projects, is to be determined by the DNR.

#### Multi-agency Pass.

The DNR, the Parks Commission, and the WDFW are required to formally explore how a single multi-agency recreational access pass could be developed and implemented. The pass would allow the holder to access any fee-control land managed by either one of the three agencies.

The development of the new pass must include considerations of how the new pass can be integrated with other existing fee-based passes, how including access to lands managed by the federal government could be explored, how funds could be collected and reinvested, and how fee waivers could be implemented for active volunteers.

Proposed legislation implementing the multi-agency pass must be provided by the three agencies to the Legislature by November 2010. The proposed legislative language must be accompanied by documents explaining the approach taken in the submitted language, unanswered questions, barriers to success, and any additional relevant analysis.

**Appropriation:** None.

**Fiscal Note:** Requested on December 24, 2009.

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