
HOUSE BILL 1118

State of Washington 61st Legislature 2009 Regular Session

By Representatives Blake, Orcutt, Green, Ormsby, VanDeWege, and Herrera

Read first time 01/14/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to requirements of signs on public land; amending
2 RCW 77.12.210, 79.10.210, 79.71.070, and 79A.05.305; reenacting and
3 amending RCW 79.10.125; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to
6 read as follows:

7 (1) The director shall maintain and manage real or personal
8 property owned, leased, or held by the department and shall control the
9 construction of buildings, structures, and improvements in or on the
10 property. The director may adopt rules for the operation and
11 maintenance of the property.

12 (2) The commission may authorize the director to sell, lease,
13 convey, or grant concessions upon real or personal property under the
14 control of the department. This includes the authority to sell timber,
15 gravel, sand, and other materials or products from real property held
16 by the department, and to sell or lease the department's real or
17 personal property or grant concessions or rights-of-way for roads or
18 utilities in the property.

1 (3) Oil and gas resources owned by the state which lie below lands
2 owned, leased, or held by the department shall be offered for lease by
3 the commissioner of public lands pursuant to chapter 79.14 RCW with the
4 proceeds being deposited in the state wildlife ((fund:—PROVIDED,
5 That)) account created in RCW 77.12.170. The commissioner of public
6 lands shall condition ((such)) leases ((at the request of the
7 department)) entered into under this section to protect wildlife and
8 its habitat, at the request of the department.

9 (4) If the commission determines that real or personal property
10 held by the department cannot be used advantageously by the department,
11 the director may dispose of that property if it is in the public
12 interest.

13 (5) If the state acquired real property with use limited to
14 specific purposes, the director may negotiate terms for the return of
15 the property to the donor or grantor. Other real property shall be
16 sold to the highest bidder at public auction. After appraisal, notice
17 of the auction shall be published at least once a week for two
18 successive weeks in a newspaper of general circulation within the
19 county where the property is located at least twenty days prior to
20 sale.

21 (6) Proceeds from the sales shall be deposited in the state
22 wildlife ((fund)) account created in RCW 77.12.170.

23 (7) If any undeveloped real property owned, leased, held, or
24 managed by the department is not available for any specific type of
25 public access or recreation for more than three consecutive weeks, a
26 sign indicating the land's closed status must be located in an obvious
27 location on the land and contain a reference to the relevant state law
28 or administrative rule supporting that land's closure.

29 **Sec. 2.** RCW 79.10.210 and 2003 c 334 s 539 are each amended to
30 read as follows:

31 (1) For the purpose of providing increased continuity in the
32 management of public lands and of facilitating long range planning by
33 interested agencies, the department is authorized to identify and to
34 withdraw from all conflicting uses at such times and for such periods
35 as it shall determine appropriate, limited acreages of public lands
36 under its jurisdiction.

1 (2) Acreages (~~se~~) withdrawn under this section shall be
2 maintained for the benefit of the public and, in particular, of the
3 public schools, colleges, and universities, as areas in which may be
4 observed, studied, enjoyed, or otherwise utilized the natural
5 ecological systems (~~thereon~~) on the land, whether (~~such~~) the
6 systems be unique or typical to the state of Washington.

7 (3) Nothing (~~herein~~) in this section is intended to or shall
8 modify the department's obligation to manage the land under its
9 jurisdiction in the best interests of the beneficiaries of granted
10 trust lands.

11 (4) If, in the administration of this section, any land owned,
12 leased, held, or managed by the department is not available for any
13 specific type of public access or recreation for more than three
14 consecutive weeks, a sign indicating the land's closed status must be
15 located in an obvious location on the land and contain a reference to
16 the relevant state law or administrative rule supporting that land's
17 closure.

18 **Sec. 3.** RCW 79.10.125 and 2003 c 334 s 371 and 2003 c 182 s 1 are
19 each reenacted and amended to read as follows:

20 (1) Except as otherwise provided in this section, all state lands
21 (~~hereafter~~) leased for grazing or agricultural purposes shall be open
22 and available to the public for purposes of hunting and fishing, and
23 for nonconsumptive wildlife activities, as defined by the board of
24 natural resources(~~, unless closed~~).

25 (2) Leased lands may be closed to public entry because (~~of~~):

26 (a) There is a fire hazard (~~or unless~~);

27 (b) The department (~~gives~~) has given prior written approval and
28 the area is lawfully posted by the lessee to prohibit hunting and
29 fishing, and nonconsumptive wildlife activities(~~, thereon~~) in order
30 to prevent damage to crops or other land cover, to improvements on the
31 land, to livestock, to the lessee, or to the general public(~~,~~); or

32 (c) Closure is necessary to avoid undue interference with carrying
33 forward a departmental or agency program.

34 (3) In the event any (~~such~~) lands are (~~se~~) posted as closed
35 under this section, it shall be unlawful for any person to hunt or
36 fish, or pursue nonconsumptive wildlife activities, on any (~~such~~) of

1 the posted lands. (~~Such~~) Posted lands shall not be open and
2 available for wildlife activities when access could endanger crops on
3 the land or when access could endanger the person accessing the land.

4 (4) Any lands closed to any specific type of public access or
5 recreation for more than three consecutive weeks under this section
6 must be posted with a sign indicating the land's closed status located
7 in an obvious location on the land and containing a reference to the
8 relevant state law or administrative rule supporting that land's
9 closure.

10 (5) The department shall insert the provisions of this section in
11 all new grazing and agricultural leases.

12 **Sec. 4.** RCW 79.71.070 and 1991 c 352 s 6 are each amended to read
13 as follows:

14 (1) The department shall develop a management plan for each
15 designated area. The plan shall identify the significant resources to
16 be conserved consistent with the purposes of this chapter and identify
17 the areas with potential for low-impact public and environmental
18 educational uses. (~~The plan~~)

19 (2) Plans developed under this section shall specify what types of
20 management activities and public uses that are permitted, consistent
21 with the conservation purposes of this chapter.

22 (3) The department shall make (~~such~~) plans developed under this
23 section available for review and comment by the public and other state,
24 tribal, and local agencies, prior to final approval by the
25 commissioner.

26 (4) If the plan for an area results in the area being unavailable
27 for any specific type of public access or recreation for more than
28 three consecutive weeks, a sign indicating the land's closed status
29 must be located in an obvious location on the land and contain a
30 reference to the relevant state law or administrative rule supporting
31 that land's closure.

32 **Sec. 5.** RCW 79A.05.305 and 1984 c 82 s 2 are each amended to read
33 as follows:

34 (1) The legislature declares that it is the continuing policy of
35 the state of Washington to set aside and manage certain lands within

1 the state for public park purposes. To comply with public park
2 purposes, these lands shall be acquired and managed to:

3 ~~((1))~~ (a) Maintain and enhance ecological, aesthetic, and
4 recreational purposes;

5 ~~((2))~~ (b) Preserve and maintain mature and old-growth forests
6 containing trees of over ninety years and other unusual ecosystems as
7 natural forests or natural areas, which may also be used for
8 interpretive purposes;

9 ~~((3))~~ (c) Protect cultural and historical resources, locations,
10 and artifacts, which may also be used for interpretive purposes;

11 ~~((4))~~ (d) Provide a variety of recreational opportunities to the
12 public, including but not limited to use of developed recreation areas,
13 trails, and natural areas;

14 ~~((5))~~ (e) Preserve and maintain habitat which will protect and
15 promote endangered, threatened, and sensitive plants, and endangered,
16 threatened, and sensitive animal species; and

17 ~~((6))~~ (f) Encourage public participation in the formulation and
18 implementation of park policies and programs.

19 (2) If, in the administration of this section, any land owned,
20 leased, held, or managed by the commission is unavailable for any
21 specific type of public access or recreation for more than three
22 consecutive weeks, a sign indicating the land's closed status must be
23 located in an obvious location on the land and contain a reference to
24 the relevant state law or administrative rule supporting that land's
25 closure.

26 NEW SECTION. Sec. 6. This act applies prospectively only. Any
27 land impacted by this act that is signed as closed to access on the
28 effective date of this section is not required to meet the requirements
29 of this act until the signs on the land are updated or replaced.
30 Nothing in this act requires any agency of state government to increase
31 or change their existing sign update, replacement, or removal
32 schedules.

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