
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2480

State of Washington

61st Legislature

2010 Regular Session

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

READ FIRST TIME 02/09/10.

1 AN ACT Relating to implementing certain recommendations of the
2 sustainable recreation work group; amending RCW 79.10.140, 4.24.210,
3 and 77.32.010; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the members
6 of the sustainable recreation work group created in chapter 195, Laws
7 of 2008 volunteered numerous hours and dedicated considerable personal
8 resources and knowledge to aid the legislature with the development of
9 recommendations aimed at improving recreational opportunities on land
10 managed by the department of natural resources. Their dedication and
11 contributions deserve the respect and appreciation of everyone who
12 enjoys recreating in Washington's great outdoor spaces.

13 (2) The legislature further finds that the input and expertise of
14 these volunteers, which was presented to the legislature in a final
15 report dated December 2009, has created an invaluable document that
16 deserves consideration by state policymakers both today and into the
17 future.

18 (3) It is the intent of this act to adopt certain policy
19 recommendations developed by the sustainable recreation work group that

1 are capable of being implemented in the near term and that may provide
2 near-term benefits to sustainable recreation or additional information
3 that may be used to improve recreational activities in Washington.

4 **Sec. 2.** RCW 79.10.140 and 2007 c 241 s 23 are each amended to read
5 as follows:

6 The department is authorized:

7 (1)(a) To construct, operate, and maintain primitive outdoor
8 recreation and conservation facilities on lands under its jurisdiction
9 which are of primitive character when deemed necessary by the
10 department to achieve maximum effective development of such lands and
11 resources consistent with the purposes for which the lands are held.
12 (~~This~~)

13 (b) The authority provided by this section shall be exercised only
14 after review by the recreation and conservation funding board and
15 determination by the recreation and conservation funding board that the
16 department is the most appropriate agency to undertake such
17 construction, operation, and maintenance. Such review is not required
18 for campgrounds designated and prepared or approved by the department;

19 (2) To acquire right-of-way and develop public access to lands
20 under the jurisdiction of the department and suitable for public
21 outdoor recreation and conservation purposes;

22 (3) To receive and expend funds from federal and state outdoor
23 recreation funding measures for the purposes of this section and RCW
24 79A.50.110;

25 (4)(a) To assess use charges on individuals for the privilege of
26 accessing certain specific improved, dedicated recreation sites
27 identified by the department or assess an operation fee on individuals
28 or organizations hosting specific events located on public lands. The
29 department may only require use charges to access specific recreation
30 sites if the department determines that the use charge revenue would be
31 critical given the expenses required to maintain access to the site,
32 the amount of public access pressure on the site is significant, or
33 that the site is likely to otherwise be closed to public access due to
34 lack of financial resources.

35 (b) For any recreation site subject to an access use charge, the
36 department must allow the use charge requirement to be satisfied by one
37 of the following methods:

1 (i) Purchase of a one-day only parking and access fee at
2 trailheads, campgrounds, or other parking areas in the amount of five
3 dollars;

4 (ii) Purchase of an annual parking and access pass in the amount of
5 twenty dollars;

6 (iii) Purchase of a one-night campsite fee for overnight camping at
7 a designated camping facility, in the amount of ten dollars; or

8 (iv) Display of a department of fish and wildlife lands vehicle use
9 permit obtained under RCW 77.32.380.

10 (c) For any specific event located on public lands, the department
11 must allow the operation fee requirement to be satisfied by the payment
12 of a flat administrative fee set at two hundred dollars, plus the
13 greater of either ten percent of entrance fees collected by the host or
14 ten percent of the host's total commercial operations.

15 (d) A violation of the use charge or operation fee requirements of
16 this section is punishable as a natural resources infraction under
17 chapter 7.84 RCW.

18 (e) Except for annual parking and access passes, all revenues
19 collected through use charges under this section must be reinvested by
20 the department into the management of, and the provision of
21 recreational opportunities at, the site where the use charge was
22 collected.

23 (f) In recognition of the financial support provided to the
24 department under RCW 46.09.170 through the payment of the motor vehicle
25 fuel tax, the department may not require the payment of a use charge
26 under this section to access ORV recreation facilities, as that term is
27 defined in RCW 46.09.020.

28 (g)(i) The department may allow a noncommercial organization to
29 host an event on public lands without having to pay an otherwise
30 required operation fee if the organization has recorded at least one
31 thousand cumulative hours of recorded volunteer time with the
32 department in the previous fiscal year. The department may allow each
33 unit of one thousand recorded cumulative volunteer hours to entitle the
34 organization to host one event without paying an operation fee.

35 (ii) The department may allow any individual volunteering at least
36 fifty hours with the department in any one fiscal year to receive one
37 free annual parking and access pass.

1 (h)(i) Any annual parking and access passes provided by the
2 department must be available at the department's Olympia headquarters
3 and at the department's regional offices.

4 (ii) The department may enter into agreements with the department
5 of fish and wildlife or the United States forest service to allow the
6 department-issued annual parking and access pass to authorize the
7 holder access to recreational lands managed by either agency.

8 **Sec. 3.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
9 as follows:

10 (1) Except as otherwise provided in subsection (3) or (4) of this
11 section, any public or private landowners or others in lawful
12 possession and control of any lands whether designated resource, rural,
13 or urban, or water areas or channels and lands adjacent to such areas
14 or channels, who allow members of the public to use them for the
15 purposes of outdoor recreation, which term includes, but is not limited
16 to, the cutting, gathering, and removing of firewood by private persons
17 for their personal use without purchasing the firewood from the
18 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
19 bicycling, skateboarding or other nonmotorized wheel-based activities,
20 hanggliding, paragliding, rock climbing, the riding of horses or other
21 animals, clam digging, pleasure driving of off-road vehicles,
22 snowmobiles, and other vehicles, boating, nature study, winter or water
23 sports, viewing or enjoying historical, archaeological, scenic, or
24 scientific sites, without charging a fee of any kind therefor, shall
25 not be liable for unintentional injuries to such users.

26 (2) Except as otherwise provided in subsection (3) or (4) of this
27 section, any public or private landowner or others in lawful possession
28 and control of any lands whether rural or urban, or water areas or
29 channels and lands adjacent to such areas or channels, who offer or
30 allow such land to be used for purposes of a fish or wildlife
31 cooperative project, or allow access to such land for cleanup of litter
32 or other solid waste, shall not be liable for unintentional injuries to
33 any volunteer group or to any other users.

34 (3) Any public or private landowner, or others in lawful possession
35 and control of the land, may charge an administrative fee of up to
36 twenty-five dollars for the cutting, gathering, and removing of
37 firewood from the land.

1 (4) Nothing in this section shall prevent the liability of a
2 landowner or others in lawful possession and control for injuries
3 sustained to users by reason of a known dangerous artificial latent
4 condition for which warning signs have not been conspicuously posted.
5 A fixed anchor used in rock climbing and put in place by someone other
6 than a landowner is not a known dangerous artificial latent condition
7 and a landowner under subsection (1) of this section shall not be
8 liable for unintentional injuries resulting from the condition or use
9 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
10 expands in any way the doctrine of attractive nuisance. Usage by
11 members of the public, volunteer groups, or other users is permissive
12 and does not support any claim of adverse possession.

13 (5) For purposes of this section, the following are not fees:

14 (a) A license or permit issued for statewide use under the
15 authority of chapter 79A.05 RCW or Title 77 RCW; (~~and~~)

16 (b) A use charge issued under the authority of RCW 79.10.140; and

17 (c) A daily charge not to exceed twenty dollars per person, per
18 day, for access to a publicly owned ORV sports park, as defined in RCW
19 46.09.020, or other public facility accessed by a highway, street, or
20 nonhighway road for the purposes of off-road vehicle use.

21 **Sec. 4.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to
22 read as follows:

23 (1) Except as otherwise provided in this chapter, a recreational
24 license issued by the director is required to hunt for or take wild
25 animals or wild birds, fish for, take, or harvest fish, shellfish, and
26 seaweed. A recreational fishing or shellfish license is not required
27 for carp, smelt, and crawfish, and a hunting license is not required
28 for bullfrogs.

29 (2) A permit issued by the department, or a department of natural
30 resources annual parking and access pass issued under RCW 79.10.140, is
31 required to park a motor vehicle upon improved department access
32 facilities.

33 (3) During the 2009-2011 fiscal biennium to enable the
34 implementation of the pilot project established in section 307, chapter
35 329, Laws of 2008, a fishing permit issued to a nontribal member by the
36 Colville Tribes shall satisfy the license requirements in subsection
37 (1) of this section on the waters of Lake Rufus Woods and on the north

1 shore of Lake Rufus Woods, and a Colville Tribes tribal member
2 identification card shall satisfy the license requirements in
3 subsection (1) of this section on all waters of Lake Rufus Woods.

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