

SENATE BILL REPORT

SB 5057

As of January 23, 2013

Title: An act relating to outdoor recreation on lands purchased by a private, not-for-profit organization acquired in whole or part with public funds.

Brief Description: Regarding outdoor recreation on lands purchased by a private, not-for-profit organization acquired in whole or part with public funds.

Sponsors: Senators Ericksen, Hargrove, Sheldon, Holmquist Newbry, Becker, King, Honeyford and Shin.

Brief History:

Committee Activity: Natural Resources & Parks: 1/22/13.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: State Natural Resource Land Management Agencies. Several natural resource agencies manage significant amounts of state land and are involved in a variety of land transactions.

- *Department of Natural Resources (DNR).* DNR manages several different categories of uplands, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions. The agency also manages over 50 natural area preserves and 31 natural resource conservation areas for primarily conservation-related purposes.
- *Department of Fish and Wildlife (DFW).* DFW manages approximately 900,000 acres of conservation and recreation lands, which are divided into more than 30 wildlife areas. Additionally, the agency manages approximately 700 water access sites, which are usually one-to-five acres in size.
- *Washington State Parks (State Parks).* The State Parks system includes almost 120 developed parks stretching across approximately 120,000 acres throughout the state.

Each of these agencies have individual land disposal authorities, which include the authority to sell and exchange lands.

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.

State Recreation and Conservation Grant Programs. The state administers and funds multiple habitat and recreation grant programs, a number of which include funding for land acquisition. Examples of state-administered grant programs that nonprofit organizations are eligible for include the following:

- *Riparian protection grants.* Certain nonprofit organizations may receive grants for the acquisition of riparian habitat through the Washington Wildlife and Recreation Program. The grants are meant to allow enhancement or restoration of habitats including shorelines, estuaries, lakes, and streams, that can provide functional habitats for salmon and other fish and wildlife species.
- *Salmon recovery grants.* Certain nonprofit organizations are eligible for salmon recovery grants administered by the Salmon Recovery Funding Board. This grant program provides funds to protect and restore salmon habitats including projects relating to fish passage, diversions, in-stream habitat improvement, and the acquisition of land.

Summary of Bill: Prohibits Private, Nonprofit Organizations From Restricting Recreational Access to Certain Lands Acquired With State Resources. A private, nonprofit organization may not restrict public access to real property for public recreational purposes beyond any restrictions in effect at the time the organization acquires the property if the acquisition occurred using any funds distributed by a state agency or through a transfer from a local, state, or federal agency or tribal government where the property was acquired with state funds or funds provided by a state agency.

Directs State Agencies to Condition Grants and Transfers Accordingly. State agencies must condition any grants or land transfers to private, nonprofit organizations to be consistent with these provisions on access for outdoor recreation.

Includes Implementing Provisions. If a state or local agency discovers a potential violation of the provisions on access for outdoor recreation, it must provide notice to the Legislature before December or within 60 days from the date of the discovery.

The prohibition on private, nonprofit organizations restricting access to certain properties applies to applicable acquisitions since January 1, 1962, as does the requirement for state or local agencies to notify the Legislature of potential violations. The remainder of the bill applies prospectively.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed. However, portions of the bill apply retroactively (see bill summary).

Staff Summary of Public Testimony: PRO: The bill is an attempt to capture the concept that lands bought with state tax dollars should be open to the public. The ideas in the bill have merit, and the discussion should continue.

CON: Nonprofit organizations sometimes close off access to avoid liability or because surrounding private landowners want access limited. These land acquisitions generate jobs, leverage grants from elsewhere, and provide environmental benefits.

OTHER: This bill does not have the flexibility to account for certain habitat lands that need limited access to protect the state's investment.

Persons Testifying: PRO: Senator Ericksen, prime sponsor; Tom Davis, WA Farm Bureau.

CON: Bill Robinson, The Nature Conservancy; Bill Clarke, Trust for Public Land; Joe Kane, Nisqually Land Trust.

OTHER: Kaleen Cottingham, Recreation and Conservation Office.