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HOUSE BILL 2138

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake, Kretz, Chapman, and Dent

Read first time 03/06/19. Referred to Committee on Rural Development, 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 2009 c 333 s 33 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  
9 the construction of buildings, structures, and improvements in or on  
10 the 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  
15 timber, gravel, sand, and other materials or products from real  
16 property held by the department, and to sell or lease the  
17 department's real or personal property or grant concessions or  
18 rights-of-way for roads or utilities in the property.

19 (3) Oil and gas resources owned by the state which lie below  
20 lands owned, leased, or held by the department shall be offered for  
21 lease by the commissioner of public lands pursuant to chapter 79.14

1 RCW with the proceeds being deposited in the state wildlife account  
2 created in RCW 77.12.170 (~~(: PROVIDED, That)~~). The commissioner of  
3 public lands shall condition ((such)) leases ((at the request of the  
4 department)) entered into under this section to protect wildlife and  
5 its habitat, at the request of the department.

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

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

18 (6) Proceeds from the sales shall be deposited in the state  
19 wildlife account created in RCW 77.12.170.

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

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

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

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

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

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

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

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

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

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

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

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

29       (3) In the event any (~~such~~) lands are (~~so~~) posted as closed  
30 under this section, it shall be unlawful for any person to hunt or  
31 fish, or pursue nonconsumptive wildlife activities, on any (~~such~~)  
32 of the posted lands. (~~Such~~) Posted lands shall not be open and  
33 available for wildlife activities when access could endanger crops on  
34 the land or when access could endanger the person accessing the land.

35       (4) Any lands closed to any specific type of public access or  
36 recreation for more than three consecutive weeks under this section  
37 must be posted with a sign indicating the land's closed status  
38 located in an obvious location on the land and containing a reference

1 to the relevant state law or administrative rule supporting that  
2 land's closure.

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

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

7 (1) The department shall develop a management plan for each  
8 designated area. The plan shall identify the significant resources to  
9 be conserved consistent with the purposes of this chapter and  
10 identify the areas with potential for low-impact public and  
11 environmental educational uses. ((The plan))

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

15 (3) The department shall make ((such)) plans developed under this  
16 section available for review and comment by the public and other  
17 state, tribal, and local agencies, prior to final approval by the  
18 commissioner.

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

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

27 (1) The legislature declares that it is the continuing policy of  
28 the state of Washington to set aside and manage certain lands within  
29 the state for public park purposes. To comply with public park  
30 purposes, these lands shall be acquired and managed to:

31 ((+1)) (a) Maintain and enhance ecological, aesthetic, and  
32 recreational purposes;

33 ((+2)) (b) Preserve and maintain mature and old-growth forests  
34 containing trees of over ninety years and other unusual ecosystems as  
35 natural forests or natural areas, which may also be used for  
36 interpretive purposes;

37 ((+3)) (c) Protect cultural and historical resources, locations,  
38 and artifacts, which may also be used for interpretive purposes;

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

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

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

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

16       NEW SECTION.   **Sec. 6.** This act applies prospectively only. Any  
17 land impacted by this act that is signed as closed to access on the  
18 effective date of this section is not required to meet the  
19 requirements of this act until the signs on the land are updated or  
20 replaced. Nothing in this act requires any agency of state government  
21 to increase or change their existing sign update, replacement, or  
22 removal schedules.

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