

HOUSE BILL REPORT

HB 2695

As Reported by House Committee On:
Agriculture & Natural Resources
General Government & Information Technology

Title: An act relating to ensuring that historic public recreational access is not diminished by the road maintenance and abandonment efforts of public forest landowners.

Brief Description: Ensuring that historic public recreational access is not diminished by the road maintenance and abandonment efforts of public forest landowners.

Sponsors: Representatives Blake, Rossetti and Scott.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/26/16, 2/2/16 [DPS];

General Government & Information Technology: 2/5/16, 2/8/16 [DPS(AGNR)].

Brief Summary of Substitute Bill

- Requires the Department of Natural Resources to ensure that road engineering projects are designed to preserve the ability for pedestrian access to continue when roads are being maintained or abandoned.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Hurst, Kretz, Lytton, Orcutt, Pettigrew, Schmick and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

The Department of Natural Resources (DNR) is charged with managing most of the state's public lands. The DNR manages nearly 3 million acres of uplands and over 2 million acres of aquatic lands. Although each individual land holding is managed by the DNR for a

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specific benefit or purpose, the concept of multiple use management covers all DNR-managed lands.

The idea of "multiple use" means the provision of several uses simultaneously on the same tract of land. Outdoor recreation, in all of its various forms, is one of the multiple uses that the DNR is directed to provide when the recreation does not negatively impact the underlying land management purposes. Many lands managed by the DNR are used for hunting, fishing, hiking, camping, and motorized vehicle riding.

In implementing the multiple-use mandate, the DNR is authorized to plan, construct, and operate recreational areas, trails, and facilities for educational, scientific, or experimental purposes. These activities may be carried out in conjunction with any other public or private agency. The DNR is also required to maintain a recreational trails policy that ensures that trails are designed and maintained to set standards.

Summary of Substitute Bill:

The DNR is required to ensure that road engineering projects are designed to preserve the ability for at least pedestrian access to continue when roads are being maintained or abandoned. This includes a requirement that projects related to the removal of culverts or bridges are designed to ensure a final product that either approximates the natural conditions of the site or that allows pedestrian access to the stream edge.

The provision of recreational road access must not be done in a manner that jeopardizes the habitat value of the underlying road maintenance efforts, the fiduciary duties of the DNR, or public health and safety. Road maintenance projects must be planned consistent with the DNR's official trails policy.

The road access requirement is prospective only. There is encouragement that the DNR should retrofit abandoned roads, but there is no requirement to do so.

Substitute Bill Compared to Original Bill:

The substitute bill adds an intent section, limits the application of the bill to only the DNR, removes new sections being amended into the Forest Practices Act, changes the required type of recreational access that must be maintained from nonmotorized recreation to pedestrian recreation, provides specific outcomes for culvert and bridge replacement projects, requires road maintenance and abandonment efforts to be coordinated with the DNR's official trail policy, and requires the DNR to consider public safety and trust management obligations when making road management recreational decisions.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested February 3, 2016.

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

Staff Summary of Public Testimony:

(In support) It is important that the public can have access to public land. There should be as much encouragement as possible for the agencies to maintain access to public land.

(Opposed) The intent of the bill is worthy of support, but not the mandates in the bill. The DNR maintains many roads for public access and builds new ones all of the time, so only a small percentage of the roads it manages would be affected by the mandate to maintain access. Using the words "road engineering" suggests an end product that is much more substantial than what the goals of the bill indicate to be the actual desire.

Amending the Forest Practices Act and the DNR's multiple-use mandate on the same issue creates a legal tension between a regulatory program and the statutes that guide the DNR's proprietary management of state lands. There may be more efficient means to get to the same end.

(Other) State employees enjoy work that allows for public access, but many agency budgets are already spread thin.

Persons Testifying: (In support) Representative Blake, prime sponsor.

(Opposed) Jed Herman, Department of Natural Resources.

(Other) Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

Majority Report: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson, Morris and Senn.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On General Government & Information Technology Compared to Recommendation of Committee On Agriculture & Natural Resources:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

(Other) There were initially concerns about the mandate of road work without additional funding to the Department of Natural Resources, but there are no longer concerns due to the description of the substitute bill as having no fiscal impact.

Persons Testifying: Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: None.