H-2219.1

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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

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

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

**Sec.**  RCW 77.12.210 and 2009 c 333 s 33 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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