

# HOUSE BILL REPORT

## HB 2400

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### As Reported by House Committee On:

Innovation, Community & Economic Development, & Veterans

**Title:** An act relating to an adopt-a-waterway program.

**Brief Description:** Establishing an adopt-a-waterway program.

**Sponsors:** Representative Orcutt.

### Brief History:

#### Committee Activity:

Innovation, Community & Economic Development, & Veterans: 1/23/24, 1/26/24 [DP].

#### Brief Summary of Bill

- Establishes a statewide Adopt-a-Waterway Program (Program) administered by the State Parks and Recreation Commission.
- Allows organizations, businesses, and individuals to adopt and clean up a designated waterway.
- Prescribes conditions for the Program such as age limits, recognition signs for adopters, and limits on participation.

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### HOUSE COMMITTEE ON INNOVATION, COMMUNITY & ECONOMIC DEVELOPMENT, & VETERANS

**Majority Report:** Do pass. Signed by 12 members: Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Caldier, Christian, Cortes, Senn, Shavers, Street and Wilcox.

**Staff:** Martha Wehling (786-7067).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

The State Parks and Recreation Commission (Commission) controls and supervises more than 140 state parks throughout Washington. The Commission's duties include the use, care, and administration of state parks and parkways including managing pests and invasive species, building and maintaining recreational trails and roadways, granting concessions and leases, managing timber and land to enhance aesthetic and recreational values, and acting as the lead agency for underwater parks. In addition, the Commission administers four designated conservation areas: the Seashore Conservation Area, the Green River Gorge Conservation Area, the Mount Si Conservation Area, and the Washington State Yakima River Conservation Area.

### Litter Control in State Parks.

The Commission is responsible for waste reduction and recycling and community restitution for littering in the state parks. Each campground and day-use area must have waste reduction and recycling information. Forty campground and day-use areas must have recycling receptacles that receive daily maintenance from April through September.

Littering is a class 3 civil infraction, a misdemeanor, or a gross misdemeanor, depending on the volume littered. A court may order 24 hours of community restitution, in addition to other penalties, if a person litters in a state park. The state park must state an intent to participate in the community restitution program. No state parks are enrolled in the litter pick up program for community restitution.

### Water Trail Recreation Program.

In 1993 the Water Trail Recreation Program was enacted for users of human and wind-powered, beachable vessels like kayaks, canoes, or day sailors. As part of its administration of the program, the Commission plans, constructs, and maintains suitable facilities for water trail activities; provides maps and public information about areas and facilities suitable for water trail activities; and works with individuals or organizations who volunteer their time for the program.

The Commission partners with Washington Water Trails Association, a non-profit organization, to provide camping opportunities and water trails for kayaks, canoes, and other nonmotorized, beachable boats. Sites are designated at state parks as well as on other lands, such as those managed by the Departments of Natural Resources and Fish and Wildlife, and city, county, and local park districts. There are several water trails throughout the state including the Cascadia Marine Water Trail, Kitsap Peninsula Water Trail, Lakes to Locks Water Trail (Lake Sammamish through Lake Washington to Shilshole Bay), Lower Columbia Water Trail (Bonneville Dam to the Pacific Ocean), Northwest Discovery Water Trail, and Willapa Bay Water Trail. The Cascadia Marine Water Trail stretches along inland waters from Olympia to Canada, with sites located at 35 state park properties; it was designated a National Recreation Trail and is one of 16 national Millennium Trails.

## **Summary of Bill:**

The State Parks and Recreation Commission (Commission) is required to establish a statewide Adopt-a-Waterway Program (Program). Under the Program, adopters can adopt a waterway to clean, protect, preserve, and contribute to the protection of sensitive wildlife habitats. A "waterway" is any natural waterway within Washington.

### Adopt-a-Waterway Participation.

Organizations, businesses, and individuals can participate either as volunteers or by sponsoring private contracts. Entities may also participate as a coordinated consortium. To participate, interested parties must submit a proposal to the Commission on a standardized application form. The Commission will evaluate the proposal for consistency with its policies and rules, and may accept, reject, or modify proposals. The Commission will assign each participating group a section of a waterway for a specified period of time.

All participants must be at least 15 years old, parental consent is required for any minor participants, and one adult supervisor must be present for every eight minor participants. Each participating group must designate one leader, unless the Commission coordinates a consortium of participants.

There are some limitations on participation in the Program. The Commission will not accept proposals that would result in the termination of classified employees. Applicants are not eligible to participate in the program if the applicant's name endorses or opposes a candidate for public office, advocates a position on a political issue, references a political party, or contains an obscene or offensive reference. If an organization, business, or individual fails to comply with an agreement, the entity will not be eligible to participate in another agreement for five years.

### Litter Control and Clean-Up.

The Program must include appropriate litter control and clean-up activities appropriate for each adopted waterway. The Commission must provide safety guidelines or training for clean-up participants and appropriate safety equipment. The equipment must be returned at the termination of the agreement. The Commission will provide the designated leader with trash bags and access information prior to clean-up activities.

The adopter is required to engage in clean-up activities at least once during the adoption term, or at least once per year for terms longer than one year. Before participating in a clean-up activity, the participant is required to complete and sign a standardized registration form provided by the Commission. The registration form must notify the participants of the risks and responsibilities assumed by the Commission and the participants.

### Waterway Administration.

The Commission will provide a standardized application form, contractual agreement, and registration form, and approve requests to participate in clean-up activities. Clean-up may

be accomplished through partnerships with volunteer groups and businesses. The Commission may solicit funding that allows private entities to undertake all or a portion of financing for the initiatives.

The Commission will recognize the efforts of participants by erecting and maintaining signs identifying the name of the organization, business, or individual on both ends of the adopted waterway section. The Commission may charge reasonable fees for the signs.

The Commission will administer the Program by: paying required premiums and assessments or requiring businesses to pay premiums to secure medical-aid benefits for volunteers; maintaining records of dates of clean-up activities, injuries, and accidents; adopting rules to resolve participation eligibility; and establishing procedures and guidelines for the Program, including cash, labor, and in-kind contributions performed or provided by the participants.

When a waterway would require access to a leased property, the Commission will obtain permission from the property owner(s) leasing the right-of-way before allowing the waterway to be adopted. The Program will not affect the rights, activities, or agreements with adjacent landowners, including use of rights-of-ways and crossings.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Instead of going fishing, maybe volunteers should go fishing for trash. Getting trash cleaned up from waterways was a constituent idea modeled after the Adopt-a-Highway program. It would be helpful for more people to clean garbage along waterways, protect waterways, protect the scenic beauty of waterways, and enhance the recreational aspects of waterways. It provides an opportunity to do something good for the environment and recreation in the state. It might be best to house the program in another agency.

(Opposed) None.

(Other) While State Parks used to operate an Adopt-a-Park program, those programs have shifted to friends' groups. The difference between the Adopt-a-Highway program and waterways is that the Washington Department of Transportation owns and manages all the state highways. The bill creates concern about liability, landowner agreements, managing a program outside the agency's stand-up control, and waterways with significant hazards to

volunteers. A better fit would be an Adopt-a-Beach program, because State Parks manages the Seashore Conservation Area from Cape Disappointment to the Quinault, and has a loose network of formal and informal volunteers who pick up litter. There is concern about starting a new program in State Parks that is not a good fit for the agency at this time.

**Persons Testifying:** (In support) Representative Ed Orcutt, prime sponsor.

(Other) Owen Rowe, Washington State Parks and Recreation Commission.

**Persons Signed In To Testify But Not Testifying:** None.