

OVCBCHW

Legislative report

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Abstract

The following pages contain information gleaned from several sources concerning legislative matters that are of concern to BCHW members. Most of the information contained concerns issues before the State Legislature, DNR, WDFW, WSP, and the Executive Office. For the most part, federal legislation is beyond the scope of this document.

Legislative Day

No legislative day date set as yet. This will be a long session and the issues we need to work are yet to be determined. I do not want to travel to Olympia unless we have some real business to accomplish. This may change as the session progresses.

House Bill 1102

HB1102 (a Brian Blake bill) modifies the Recreational Immunity Statute (RCW 4.24.210) to recognize unsigned barriers on roads that cause injury to recreational users as a result of their use, not due to an irresponsible act of the landowner. In other words, dive into a tank trap and it is your own fault. This bill would apply to public and private property.

These types of adjustments to the statute were recommended by the DNR Sustainable Recreation Work Group. However we would also add other items to the exclusion to "known dangerous artificial latent condition" (which wavers immunity) than just rock climbing anchors (currently covered in statute) and a physical construction on a forest road being added to this bill. We'd like to see added something to the effect of "visible trail infrastructure including trail bridges, puncheons, and trail objects used or built for recreation but subject to the effects of weather and improper use".

RCW 4.24.210 will also need to be modified to allow DNR to assess a fee. That is not covered in HB 1102.

House Bill 1109

HB1009 would require legislative authorization for any Habitat Conservation Plan (HCP) and Incidental Take Permits (ITP) worked out between the federal government and the state government. Indeed, such a statewide HCP plan is currently under development between WDFW and USFWS that when done will regulate horseback riding group events, dog trial events, water crossing standards for trails, etc. on WDFW lands. While we are giving input on this effort in a cooperative matter with WDFW, we have no way of knowing what the outcome will be, particularly since so many species are listed in the plan. We do know there will be another opportunity for public comment later this year, but we may not know if those comments will be considered in the final plan.

My understanding is that if HB1009 passes, the plan once finalized would still need a vote by the legislature to go into effect. This will give us an opportunity to review the completed plan and give input on it through our legislators before it becomes official. Being that we are one of the two named recreation uses being addressed by the statewide HCP, it is understandable that we would support this bill that would provide additional tools for public involvement.

HB 1093

We made the decision a while back that anything that deals with horses should be looked at by BCHW. That doesn't mean we need to take a position. My main personal concern is that it does provide contradictory definitions for livestock, horses, and mules. That could very well be a BCHW issue and is on its own a reason not to support the bill as written.

The bill is not apparently going to get a hearing as is. It could be rewritten though if some of the issues are addressed (and Rep. Haigh opens the door to us on this). I personally wouldn't push that we help make this happen as it could get into contentious issues that we may have a hard time getting agreement on. This will touch on the changing viewpoints on horses as not being livestock and whether they are more "pets". Even Representative Haigh broaches sensitive subjects when she said we don't eat horses. This gets into the slaughterhouse issue, which if anyone was following the to-do about the recent "Summit of the Horse" in Vegas which was to raise support for slaughterhouse in Wyoming then we are going into an area where we probably need not go as an organization. One thing I did get out of that was that I really found BLM Director Bob Abbey's speech given there on wild horse matters to be very good.

That said, I am very glad that we have a representative like Representative Haigh who is both a veterinarian and a horse person. Having legislators who are both sensitive to and knowledgeable about the equestrian community is a big plus.

NOVA Funds

Terry Kohl and Bob met with Sen. King 01/12 concerning NOVA lid lift. It was agreed that, this year there are serious concerns about the over all financial condition of the state. Sen. King agreed that the sweep of NOVA funds was ill-advised and an effort to prevent that in the future is a necessity this year. Regarding the lid lift Sen. King is supportive of our position and will review any submitted bill. He will make a decision on co-sponsor support after reading the bill.

WTA Lobby Day

FYI from WTA. Jonathan today invited all recreation users to join the hikers and come to the WTA lobby day if they so choose. Again, we haven't taken an official position on the revised stakeholder bill mentioned in this as we haven't flushed out the details on it (it is still being developed with our help along with the motorized and bicycle community), but you certainly can sign the petition if what you read so far sounds good to you.

In response to the budget crisis facing the state, the Washington Department of Natural Resources (DNR) and the Washington Department of Fish and Wildlife (WDFW) have proposed the Explore Washington Pass. This would implement a new user fee system on DNR and WDFW lands. The fee system would require each visitor to carry a \$10/person/day permit, or a \$40 annual pass.

State recreation lands need a new sustainable source of funding, but the Explore Washington Pass fee proposal is not a reasonable solution.

There is an alternative. WTA is working with other recreation groups on a more reasonable proposal that will bring in sustainable revenue to keep these state recreation lands open, but not be an onerous burden for hikers. WTA's proposal will mirror the Northwest Forest Pass using a per-car structure.

Washington State Parks

The start of the 2011 legislative session finds State Parks at a crossroads. Now, more than ever, donations tied to vehicle license tabs are needed to bridge the budget gap, as we potentially move from an agency that relies on general fund state tax dollars to one that may rely primarily on user fees.

In response to the state budget crisis, the Governor's budget makes dramatic reductions in basic health, social and education programs and in the mix proposes a reduction of 70 percent of the agency's general fund tax support in the 2011-13 biennium, which begins July 1, 2011. This would leave \$20 million in one-time tax support to help the agency transition to a funding base built on new user fees. Then in 2013-15, there would be no general fund tax support, and State Parks would rely on

user fees alone. In addition, the State Parks Commission knows that it will have to manage the park system differently in order to sustain it in these times.

Faced with the prospect of losing tax support for parks operations, the Commission believes that user-based fees are the best and fairest option we have to operate the park system, because it relies upon those who use the parks to pay for them. We are optimistic that this could support the system. We are already deeply involved in the Governor's reform initiative and are working together with other natural resource agencies to find savings and efficiencies. As part of this effort, State Parks, Washington Department of Fish and Wildlife and Department of Natural Resources are exploring the idea of charging a reasonable fee for a single permit that would provide access to state parks and recreation lands.

If the Legislature includes the permit/fee in its final budget this spring, one model being considered would enable vehicle owners to buy their recreation permit at reduced cost when they renew their vehicle license tabs through the Department of Licensing. Without the permit/ fee in the next biennium, parks all over the state could be reduced to zero service.

Recreational Trails Program (RTP)

I have been conferring with transportation folks in the state and nationally about the proposed changes in the Highway funding as a result of the proposed House Rule changes that the Republicans are suggesting for Congress now that they will be the majority party. Buried in the House Rule proposal is to both scale back Highway funding and to reduce or eliminated those types of funds that do not completely benefit highway infrastructure. One clear target are Transportation Enhancements, which pay for bike lanes and pedestrian trails. Closely associated with TE is funding for the Recreational Trails Program (RTP) which pays for our grants. There are distinct differences between TE and RTP, but generally the same national groups have been advocating for both, though the TE efforts (such as by Rails to Trails) tend to overshadow the RTP effort. We may need to make more of a distinction since RTP comes from non-highway gas tax (like NOVA does), and shouldn't be confused with allocations made for transportation corridor enhancements. Both are important, but they should be separate issues (particularly with Republicans focusing on the TE part).

So indeed, the House Rules changes proposal includes provisions that could be very bad for RTP. This is further detailed in this new American Trails release.

[Proposed House rules could reduce funds available through SAFETEA-LU, including trails and bike/ped programs.](#) "This proposal simply ensures we won't be required to spend more on transportation projects than we take in. At the same time, it protects the Highway Trust Fund by ensuring every penny of the gas tax is spent on highway and transit projects, rather than diverted to pay for other items that we simply cannot afford," said Brendan Buck, spokesman for the Republican transition team. Current rules

require annual spending increases as set in SAFETEA-LU, regardless of how much revenue was collected from fuel tax. Congress has had to appropriate a total of \$35 billion to cover the shortfall.”

One person resisting the changes for the Highway Trust Fund is Republican Representative John Mica, who is taking over chairing the House Transportation Committee. Right now (today) he is trying to amend the House Rules proposal so that this discussion can take place with more transparency when a new transportation authorization bill is debated later this year.

User Fees

When looking at fees, there are two basic types. One is an amenity based fee system where you can associate the fee with a specific service or location. The USFS system is like this where you pay a fee to park or to camp.

The other one is a gate fee which doesn't try to get too specific. In my opinion, this is more like a special taxing district where only those that utilize the district pay the tax. The DNR Explore Washington Pass is like this.....everyone utilizing DNR/WDFW lands pays \$40 with no guarantee of service.

The advantage to a gate fee/tax over an amenity fee is like with all taxes, processing overhead is kept low since you don't need to tie the revenue back to a particular service. No need for iron rangers at trailheads and campgrounds.....if you are on the land, you need to carry a pass. The disadvantage to this is of course there is no clear tie between revenue and service.

What makes this difficult for us is that while we are use to the USFS amenity fee, the Northwest Forest Pass, and would prefer that kind of trailhead parking pass and camping fees to a personal access pass, for many of our members it could actually cost more money. For example, a couple recreating on DNR and WDFW lands will pay \$80/year for 2 Explore Washington Passes. On the other hand, one or both of them may be buying a hunting or fishing pass anyway (which is a substitute). This entitles you to access and camp on the state lands for a year.

It doesn't take too long of camping at USFS campgrounds to spend \$50 in camping fees (on top of \$30 for the Northwest Forest Pass).

If we can add a reasonable volunteer credit waiver system to the DNR/WDFW proposal, and reduce the 1/2/3 day passes from 10/15/20 to 5 per day, we might not be so bad off.

We of course couldn't expect knowing what service we received for each dollar with this type of fee. For example, here is the brochure (4.4mb so it takes awhile to download)

that DNR and WDFW have prepared for marketing their proposal to the legislature and the public.

http://www.dnr.wa.gov/Publications/em_wdfw_dnr_rec_reform_fs2011.pdf

I encourage you to print it out. It mentions that sites like Sahara Creek and Yacolt Burn would be affected without fees, but I infer they simply are stating that all of their lands are affected by funding. I do wonder though when they include vandalism and crime (dumping cars, killing trees by cutting the boughs) whether they are implying that recreational fees should pay for addressing these matters. I think that may be the drawback with a general access pass, it will simply fade into being another nondescript fund that can be used for a number of functions.

This is probably the biggest “hot button” issue with our members. I’ll keep the chapter updated as I find out more information.