
HOUSE BILL 2138

State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake, Kretz, and Chapman

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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