



HILARY S. FRANZ  
COMMISSIONER OF PUBLIC LANDS

SB 6043 | HB 2165

DNR seeks a statute change to [RCW 4.24.210](#) as an important first step in responsibly and equitably meeting the growing demand for organized recreation in Washington.

The change would bring DNR in line with similar exemptions to other State Natural Resources Agencies.

## CONTACT

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# Recreational Use Fees

## A small fix to state statute could have a big impact on DNR's ability to manage recreation events on DNR-managed lands

DNR receives more than 100 organized recreation event permit applications annually for events on DNR-managed land. Events include competitive running and biking races, fundraisers, and outdoor education opportunities, and more. Currently, the agency needs authority to develop a consistent and transparent permitting system that ensures permittees adequately mitigate for the impacts of these events. More people are engaged in recreation activities on state lands and this bill helps DNR keep up with the growing demand to recreate on DNR-managed lands.



**Increase Consistency:** Permit denials have far-reaching effects for our partners and nearby communities. The current process is inconsistent due to the lack of investments in DNR programs and projects. This results in permit denials and missed opportunities for rural economic development in gateway communities, and, makes it difficult for partner organizations to plan for events across the state. This statutory change provides some parity with authorities given to other natural resources agencies and will allow DNR to permit and manage events consistently across the state while protecting our natural resources.

**Improve Transparency:** DNR's permitting structure can be difficult to navigate and cannot provide revenue to help cover the costs that would help build efficiencies and transparency to the process. This bill allows DNR to work with Tribes and stakeholders to develop a permit application process and fee structure that is acceptable and more transparent, without compromising our management of state lands or have the agency lose recreational immunity. This also allows DNR to recover costs of managing organized recreational events, including setting clear expectations up front for permittees, while making the permit process predictable and equitable for our current and future partners.

**Reduce Impacts:** Setting permit fees for recreational events is needed to manage high use recreation sites that require more management by staff—time and resources that are not offset by permit fees. Authorizing DNR to develop a fee structure under the recreational immunity statute ([RCW 4.24.210](#)) is critical to the agency's ability to better manage the growing demand for organized recreation. Providing DNR the legal standing to develop a fee structure would help us recoup management costs and improve outdoor experiences for all Washingtonians.



**\*\*DRAFT\*\* DNR Commercial Use ARL**

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BILL REQUEST - CODE REVISER'S OFFICE

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BILL REQ. #: Z-0466.1/24

ATTY/TYPIST: KS:eab

BRIEF DESCRIPTION: Concerning the authority of the department of natural resources to determine commercial use fees for activities on agency-managed public lands.

AN ACT Relating to the authority of the department of natural resources to determine commercial use fees for activities on agency-managed public lands; and amending RCW 4.24.210.

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

**Sec. 1.** RCW 4.24.210 and 2023 c 183 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, aviation activities including, but not limited to, the operation of airplanes, ultra-light airplanes, hang gliders, parachutes, and paragliders, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing, rafting, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or

wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4) (a) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.

(i) A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor.

(ii) Releasing water or flows and making waterways or channels available for boating, swimming, fishing, kayaking, canoeing, or rafting purposes pursuant to and in substantial compliance with a hydroelectric license issued by the federal energy regulatory commission, and making adjacent lands available for purposes of allowing viewing of such activities, does not create a known dangerous artificial latent condition and hydroelectric project owners under subsection (1) of this section shall not be liable for unintentional injuries to the recreational users and observers resulting from such releases and activities.

(b) Nothing in RCW 4.24.200 and this section limits or expands in any way the doctrine of attractive nuisance.

(c) Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW;

(b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040;

(c) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.310, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use; ((and))

(d) Payments to landowners for public access from state, local, or nonprofit organizations established under department of fish and wildlife cooperative public access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement; and

(e) A permit or license issued, or any application or processing fee therefore, under authority of chapter 43.12 or 43.30 RCW or Title 79 RCW.

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