

## NONPROJECT REVIEW FORM

### PART I - FRAMEWORK

#### 1) Background

##### a) Name of proposal, if any, and brief description.

*Revising of Chapter 332-52 WAC, Managed Lands and Roads- Use of.*

*Washington State Department of Natural Resources (DNR) intends to revise Chapter 332-52 WAC regarding recreation and public access on DNR-managed lands*

##### b) Agency and contact name, address, telephone, fax, email

*Washington State Department of Natural Resources  
Asset Management and Protection Division  
1111 Washington St. SE,  
Olympia, WA 98504-7014*

*Doug McClelland  
email: [douglas.mcclelland@dnr.wa.gov](mailto:douglas.mcclelland@dnr.wa.gov)  
cell: 206-920-5907  
fax: 360-902-1789  
work: 360-825-1631*

##### c) Designated responsible official

*Gretchen Nicholas, Natural Resources Division Manager, Land Management Division*

##### d) Describe the planning process schedule/timeline

*2004 – A proposal was initiated with the intention of revising Chapter 332-52 WAC. The Department of Natural Resources was defined as the lead agency. Its goal was to ascertain what changes needed to be made to the Chapter 332-52 WAC in order to improve the management of recreational activities.*

September 30, 2004 -- A Determination of Significance/Scoping Notice was issued under RCW 43.21C.030(2)(c), in order to gather public input on the necessary revisions to the WAC and to identify any significant issues that would require analysis in an Environmental Impact Statement. As a part of the WAC revision process, eight public meetings were held around the state to elicit comments from stakeholders, tribal members, and the public. The comments were compiled and reviewed in order to better evaluate a course of action.

*Eight scoping meetings held statewide*

*The schedule for the public meetings was as follows:*

Lacey: October 19, 2004

*Time: 6-8 pm*

*Lacey Community Center at Woodland Creek Community Park*

*6729 Pacific Avenue SE*

*Lacey, WA 98509-3400*

Mount Vernon: October 20, 2004

*Time: 6-8 pm*

*Best Western Cotton Tree Inn & Convention Center, Orcas Room*

*2401 Riverside Drive*

*Mount Vernon, WA 98362*

Port Angeles: October 26, 2004

*Time: 6-8 pm*

*Peninsula College, A-12*

*1502 E Lauridsen Blvd*

*Port Angeles, WA 98362*

Vancouver: October 27, 2004

*Time: 6-8 pm*

*Red Lion*

*100 Columbia Street*

*Vancouver, WA 98660*

Spokane: October 28, 2004

*Time: 6-8 pm*

*Hilton Garden Inn, Spokane Airport – Granite Room*

*9015 West Highway 2*

*Spokane, WA 99224*

Seattle: October 28, 2004

*Time: 6-8 pm*

*The Mountaineers, Tacoma 2 Room*

*300 Third Avenue West*

*Seattle, WA 98119*

Okanogan: November 3, 2004

*Time: 6-8 pm*

*Okanogan Inn*

*1 Apple Way*

*Okanogan, WA 98840*

Ellensburg: November 4, 2004  
Time: 6-8 pm  
Central Washington University, Black Hall 150  
400 E. 8<sup>th</sup> Avenue  
Ellensburg, WA 98926

November 15, 2004 – A Summary of Scoping was completed that summarized the issues that would be analyzed in Draft EIS.

Four Advisory Committee meetings held at the DNR on November 28, 2005, February 27, 2006, April 17, 2006, and June 26, 2006.

Spring 2006—After further review of the SEPA review process and results of the Advisory Committee meeting, it was determined that the proposal is not likely to have a probable significant impact on the environment. A Determination of Non-Significance will likely be issued and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). See section 8b of this NPRF for additional information regarding the consideration of impacts related to the identified issues and the options proposed.

APA public hearings will be scheduled in spring/summer 2008

**e) Location - Describe the jurisdiction or area where the proposal is applicable.  
(Attach map(s) if appropriate)**

*The rules will apply, as appropriate, to DNR-managed trust uplands and roads; Aquatic Lands; Natural Resources Conservation Areas and Natural Area Preserves*

**f) What is the legal authority for the proposal?**

*RCW 79.10.120: Multiple uses compatible with financial obligation of trust management – Other uses permitted, when.*

*RCW 43.12.065: Rules pertaining to public use of state lands – Enforcement – Penalty.  
Chapter 34.05 RCW: Administrative procedure act*

**g) Identify any other future nonproject actions believed necessary to achieve the objectives of this action.**

*Regional operational recreational plans and other forest land plans may be developed.*

**2) Need and Objectives**

**a) Describe the need for the action. (Whenever possible this should identify the broad or fundamental problem or opportunity that is to be addressed, rather than a legislative or other directive.)**

*Public access and recreation are a component of DNR's management of department managed lands. RCW 79.10.120 Multiple Use Act, directs DNR to provide for multiple uses of the trust lands it manages – including recreation areas and trails, education and scientific studies, special events, hunting and fishing and other sports activities, maintenance of scenic areas and historic sites, public watershed protection, and public rights of way – when such uses are compatible with trust land management. RCW 43.12.065 (in accordance with RCW 34.05 Administrative Procedures Act) gives DNR authority to adopt and enforce rules pertaining to use by the public of state-owned lands for the promotion of public safety and the protection of public property on DNR-managed lands. RCW 79.90450 defines the public benefits for which state-owned aquatic lands are to be managed – including encouraging direct public use and access – ensuring the generation of revenue is consistent with the public benefits outlined.*

*Chapter 332-52 WAC, Use of Managed Lands and Roads, was originally written in 1970. Since that time, there have been a number of changes in the type; location and intensity of public use on DNR managed lands. Although decisions regarding types of use, location and intensity are made at the regional operational level, the rules need to be amended to ensure that they provide the necessary guidance to the public and to the DNR for the promotion of public safety and protection of public property and natural resources across DNR-managed lands.*

*It is DNR's intention in revising Chapter 332-52 WAC to provide a safe experience for the public, department employees, lessees, and contractors as the public accesses and recreates on DNR-managed lands, as well as to protect public property and resources through effective management of public access and recreation.*

*Gaps have been identified in the existing rules for providing a statewide framework for dealing with organized events, dispersed recreation and recreational activities. For instance, presently, rules regarding organized events apply in the Capitol State Forest only. A need was identified to revise the rules to apply to all DNR-managed lands. Gaps have also been identified in defining various types of uses, vehicles and other equipment involved in those uses, land and site designations, and authorizations. Recreation uses and intensity have changed dramatically in the 38 years since the rules were last revised.*

*The applicability and scope of the rules also need to be reviewed to ensure that they provide statewide consistency and reflect the current and anticipated issues regarding public safety and protection of natural resources on DNR managed lands. To ensure public safety and protection of public property the proposed rules clearly define the role of enforcement and penalties.*

*Recreational uses on DNR-managed lands include, but are not limited to, hunting, fishing, horseback riding, off-road vehicle use, mountain biking, scenic driving, target shooting, hiking, picnicking, berry picking, ,and hang/para gliding, among other emerging activities such as paintball, geocaching, etc . DNR is faced with determining how to best manage the varying types of recreational use and users as the number of recreation enthusiasts continues to grow. It is estimated that more than 11 million visitors a year access DNR-managed lands for recreational purposes.*

**b) Describe the objective(s) of the proposal, including any secondary objectives which may be used to shape or choose among alternatives.**

*Objectives to be met in amending the rules:*

- ◆ *Comply with all state laws and policies of the Board of Natural Resources*
- ◆ *Provide for public safety and protection of public property.*
- ◆ *Provide for protection of ecological features, wildlife habitat and natural resources.*
- ◆ *Develop rules, which will be clear, consistent, and enforceable statewide.*
- ◆ *Coordinate and promote partnerships with public recreation access providers.*
- ◆ *Promote flexibility at regional operational levels to manage the variety, intensity and location of uses that occur on DNR managed lands.*
- ◆ *Establish standards for behavior of people recreating on DNR-managed lands*
- ◆ *Avoid unnecessary adoption of rules where other laws and policies provide adequate controls on the use of department managed lands and roads.*

**c) Identify any assumptions or constraints, including legal mandates, which limit the approach or strategy to be taken in pursuing the objective(s).**

*Chapter 79.10 RCW, Part 2 (Multiple Use);*

*Chapter 79.90 RCW: Aquatic Lands – In General*

*Chapter 79.70 RCW Natural Area Preserves*

*Chapter 79.71 RCW Natural Resources Conservation Areas*

*RCW 43.12.065: Rules pertaining to public use of state lands -- Enforcement -- Penalty.*

*Chapter 34.05 RCW: Administrative Procedure Act*

*Chapter 46.09 RCW: Off-road and nonhighway vehicles*

*RCW 9A.36.050: Reckless endangerment*

*RCW 46.61.500: Reckless driving -- Penalty*

*RCW 46.61.520: Vehicular homicide -- Penalty.*

*Chapter 76.04 RCW: Forest protection*

*Chapter 7.48 RCW: Nuisances.*

*DNR Policy for Sustainable Forests including but not limited to Board's policy on public access and recreation.*

*DNR PO 04-002: Risk Management*

*DNR PO 06-001: Historical, Cultural and Archeological Sites*

*DNR PO 06-003: Volunteer Program*

*DNR PO 06-004: Advisory Committees*

*DNR PO 08-014: Agricultural and Grazing Lands Plan Policies including but not limited to Public Access and Use*

*DNR PO 13-002: Natural Area Preserve Public Access*

*DNR PO 15: Real Property Management/Transactions*

*DNR PO 16: Transition Lands Plan Policies*

*DNR PO 20-001 Fire Suppression*

*DNR PO 20-002: Wildland Fire Suppression Safety*

*DNR PO 22-001: Law Enforcement*

*DNR PO 22-002: Law Enforcement, Warden/Police Powers*

*DNR PO 22-003: Law Enforcement, Natural Resource Investigators*

**d) If there is no legislative or other mandate that requires a particular approach, describe what approaches could reasonably achieve the objective(s).**

*See section 4a*

### **3) Environmental Overview**

**Describe in broad terms how achieving the objective(s) would direct or encourage physical changes to the environment. Include the type and degree of likely changes such as the likely changes in development and/or infrastructure, or changes to how an area will be managed.**

*Providing DNR operational staff more authority to manage the variety, timing, intensity and location of uses will allow quicker response to recreational and potential environmental issues.*

*Providing for better public safety and protection of public property will increase the security of recreational users and consequently may increase the numbers of users.*

*Establishing standards of behavior for people recreating on DNR-managed lands will enhance their enjoyment from recreating, increase safety, protect public property, and reduce impacts to the environment.*

### **4) Regulatory Framework**

**a) Describe the existing regulatory/planning framework as it may influence or direct the proposal.**

*Chapter 79.10 RCW, Part 2 (Multiple Use). Provides for the multiple use of state trust lands as long as the public complies with the regulations and trust management is not adversely impacted.*

*Chapter 79.90. 450 RCW: Rules pertaining the public benefits of state-owned aquatic lands – including encouraging direct public use and access.*

*Chapter 79.70.030 RCW: Gives the department the authority to limit access to Natural Area Preserves and allows low levels of public use where it is compatible with conservation objectives.*

*Chapter 79.71.020 RCW: Establishes criteria for Natural Resources Conservation Areas including opportunities for low impact public use.*

*RCW 43.12.065: Rules pertaining to public use of state lands -- Enforcement – Penalty. Gives the DNR the authority to adopt and enforce rules pertaining to use by the public of state owned lands for the promotion of public safety and the protection of public property on DNR managed lands.*

*RCW 43.30.215(2, 3). Describes the basis by which the Board of Natural Resources can direct the Department for maximum efficient acquisition and management of lands and gives the authority to the board of appraisers in Article 16, Section 2, of the State Constitution.*

*RCW 43.30.235(3) Gives the BNR the authority to create and enforce rules that allow the Department to carry out the provisions of managing trust lands.*

*Chapter 34.05 RCW: Administrative Procedure Act. Provides the legal requirements that agencies must follow when proposing and adopting rules.*

*Chapter 46.09 RCW: Off-road and nonhighway vehicles. Guides the use of off-road vehicles on state trust land.*

*RCW 9A.36.050: Reckless endangerment. Prohibits behavior that would threaten or endanger other people's lives.*

*RCW 46.61.500: Reckless driving – Penalty. Prohibits the use of vehicles in a manner that would threaten or endanger other's lives.*

*RCW 46.61.520: Vehicular homicide -- Penalty. Prohibits the intentional or non-intentional use of a vehicle for the purpose of killing another human being.*

*Chapter 76.04 RCW: Forest protection. Provides DNR with the authority and responsibility to protect lands from the effects of wildland fires.*

*Chapter 7.48 RCW: Nuisances. Prevents people from offending others or creating situations that would set up an unhealthy, injurious or prevent the full enjoyment of life in general.*

*Policy for Sustainable Forest 2006 including but not limited to Board's policy on public access and recreation. Provides the Board of Natural Resources policy guidance for 25 policy subjects including public access and recreation.*

*Habitat Conservation Plan (HCP) 1997 included coverage of recreation activities on department-managed lands included in the nine HCP planning units (see document for detail).*

*Natural Resources Conservation Areas Statewide Management Plan: Provides statewide policies for activities within and management guidance for NRCAs not having site specific management plans.*

*DNR PO 04-002: Risk Management. Provides guidelines for continuous process of risk identification which is aimed at protecting employees, assets and revenues against accidental loss*

*DNR PO 06-001: Historical, Cultural and Archeological Sites. Requires that The department will establish a program to identify and inventory historic and archaeological sites and protect them by working in coordination with the Department of Archaeological and Historical Preservation (DAHP) and/or the appropriate Tribes so that they can be protected to the full extent allowable by law*

*DNR PO 06-003: Volunteer Program. Provides guidelines for expectations and responsibilities of volunteers working for the DNR*

*DNR PO 06-004: Advisory Committees. Establishes the rules for creating and the functions of Advisory Committees.*

*DNR PO 08-014: Agricultural and Grazing Lands Plan Policies including but not limited to Public Access and Use. Restricts the recreational use of agricultural lands for hunting and camping in order to limit the impact of those activities on the environment.*

*DNR PO 13-002: Natural Area Preserve Public Access. Provides requirements for establishing management plans to protect natural features of designated sites by working with state and federal agencies, area local governments, interested local tribes, and the public. Among other issues, the management plans will specify what and where public access is allowed.*

*DNR PO 15-001: Trespass, Damage and Waste on State Uplands. Deals with the pursuit of unauthorized use of Department-managed lands through consideration of continual action as well as civil damages for willful acts of trespass, damage and waste.*

*DNR PO 15-004: Rewards for Information About Certain Offenses. Provides rewards for information about certain offences including theft, vandalism, and damage to facilities, streams and other Department-managed resources. (see RCW 79.02.080)*

*DNR PO 16: Transition Lands Plan Policies. Provides direction for identifying, managing and ultimately divesting of lands that are likely to have a greater economic return and/or provide for more efficient management by the conversion of the land to another use. (see also the DNR Transition Lands Policy Plan. June 1988)*

*DNR PO 20-001 Fire Suppression. Establishes the priorities of the Department's fire control program in order to: 1. Protect human life 2. Protect natural resources on Department protected lands 3. Minimize resource losses and fire costs with the safety of firefighting personnel as their first priority.*

*DNR PO 22-001: Law Enforcement. Provides guidelines for protecting agency assets through the use of trained DNR law enforcement personnel by working independently and with external law enforcement agencies.*

*DNR PO 22-002: Law Enforcement, Warden/Police Powers. Establishes directions for the accepted and appropriate amount of enforcement at a level necessary to achieve compliance of agency objectives.*

*DNR PO 22-003: Law Enforcement, Natural Resource Investigators. Provides regulations for the appropriate amount of enforcement in order to achieve compliance of agency objectives within the established provisions and organizational structure of the Department's trained Law Enforcement Officers.*

**b) Identify any potential impacts from the proposal that have been previously designated as acceptable under the Growth Management Act (GMA), Chapter 36.70A RCW.**

N/A

## **5) Related Documentation**

**a) Briefly describe any existing regulation, policy or plan that is expected to be replaced or amended as a result of the proposal. (Adequate descriptions in section 4.a may be referenced here, rather than repeated.)**

*Chapter 332-52 WAC: Managed lands and roads -- Use of.*

**b) List any environmental documents (SEPA or NEPA) that have been prepared for items listed in 4.a. or that provide analysis relevant to this proposal.**

**Note: Impacts with previous adequate analysis need not be re-analyzed, but should be adopted or incorporated by reference into the NPRF. Identify the:**

**i) Type of document**

*Agricultural and Grazing Lands Program Policy for the Management of State trust Lands (1988):  
Determination of Non-Significance and Environmental checklist*

*Policy for Sustainable Forests (PSF): Draft and Final EIS (2005-2006)*

*Department of Natural Resources Habitat Conservation Plan: Draft and Final EIS (1996)*

*Natural Resources Conservation Area Statewide Plan: Environmental Checklist and  
Determination of Non-Significance (1992)*

**ii) Lead agency and issue date**

*DNR was a lead agency for all of above documents.*

*Issue dates:*

*Agricultural and Grazing Lands Program Policy for the Management of State trust Lands DNS:  
1988*

*Policy for Sustainable Forests Draft EIS: 2005*

*Policy for Sustainable Forests Final EIS: 2006*

*Habitat Conservation Plan Draft EIS: 1996*

*Habitat Conservation Plan Final EIS: 1996*

*NRCA Statewide Management Plan 1992*

**iii) Where copies can be viewed or obtained**

*DNR SEPA Center*

**iv) The portions of the document applicable to the current proposal and briefly explain relevancy. Summarize the relevant impact assessment or, provide reference to discussion(s) in Part II that includes this information.**

*PSF Final EIS, Chapter 3 Alternatives and Analysis*

*Section 3.1.1 Economic Performance*

*Section 3.2 Forest Ecosystem Health and Productivity*

*Section 3.3 Social and Cultural Benefits*

*Section 3.4.1 Forest Land Planning*

#### Section 3.4.4 Forest Roads

*Final HCP 1997, Chapter IV. H. Forest Land Management Activities – addresses department managed recreational facilities as de minimus.*

*HCP Implementation Agreement, Section 16.2 b.- establishes non-timber resource activity including recreation as subject to annual review.*

- c) List other relevant environmental documents/studies/models which have been identified as necessary to support decision making for this proposal.**

*None*

#### **6) Public Involvement (Optional)**

- a) Identify agencies with jurisdiction or expertise, affected tribes, and other known stakeholder groups whose input is likely to be specifically solicited in the development of this proposal.**

*Consultation with affected tribes statewide*

*Washington State Parks*

*Washington Department of Fish and Wildlife*

*Washington Department of Ecology*

*Washington State Recreation Conservation Office*

*US Forest Service*

*Department of Natural Resources' Recreation Focus Groups*

*Pacific Northwest Four-Wheel Drive Association*

*Washington Water Trails Association*

*Northwest Motorcycle Association*

*Back Country Horsemen*

*Backcountry Bicycle Trails Club*

*Washington State Quad Riders*

*Washington Trails Association*

*Mountains to Sound Greenway*

*Representatives of hunting organizations*

*Representatives of target shooting groups*

- b) Briefly describe the processes used or expected to be used for soliciting input from those listed. [Examples: ad hoc committees, tribal consultations, interagency meetings, public workshops or hearings, newsletters, etc.]**

*Eight scoping meetings were held statewide*

*Four Advisory Committee meetings were held at the DNR on November 28, 2005, February 27, 2006, April 17, 2006, and June 26, 2006.*

*The Draft rules were offered to Advisory Committee to review.*

*APA public hearings will be scheduled in spring/summer 2008.*

*Opportunities for public testimony before the Board of Natural Resources at regularly scheduled meetings.*

## **PART II – IMPACT ANALYSIS AND ALTERNATIVES**

### **7) Affected Environment**

**Generally describe the existing environmental landscapes or elements (e.g., character and quality of ecosystem, existing trends, infrastructure, service levels, etc.) likely to be affected if the proposal is implemented. Include a description of the existing built and natural environment where future “on the ground” activities would occur that would be influenced by the nonproject proposal.**

**Note: When complete, this section needs to provide information on existing conditions for the elements of the environment discussed in sections 8 and 9. A list of both the built and the natural elements of the environment is found in WAC 197-11-444, and included at the end of this form.**

*DNR provides recreation and public access opportunities across 5.1 million acres of state trust lands, aquatic lands and natural areas. Every year hikers, hunters, trail riders, off-road vehicle users, campers and others who enjoy recreating outdoors make more than eleven million visits to DNR-managed lands. Recreation on DNR lands tends to be dispersed and emphasizes trails and primitive facilities. Activities also include low impact, education-centered recreational opportunities including areas with interpretive signs and overlooks. Most recreation takes place in forest settings supported by primitive facilities.*

*DNR ownership patterns influence the accessibility of the land to the state’s population. Lands managed by DNR in Western Washington have been for the most part aggregated in large blocks. Much of the land also lies in low to middle elevations, making it accessible for most, if not all, of the year. Areas such as the Capitol State Forest at more than 93,000 acres and the Tahuya State Forest at 23,000 acres provide large landscapes for public access. The high rainfall, especially in the fall, winter and spring, means that recreation facilities require constant maintenance to remove overgrowing vegetation and stabilize soils against erosion.*

*The geographic locations of forested state trust lands are, in many instances, between high density urban or urbanizing areas and higher elevation federal lands. This tends to increase their accessibility to the major population centers of the state. Surveys have shown that the number of people accessing state trust lands has grown as population has increased. This is*

especially true in Western Washington because of the short travel distances from major cities and towns. In some locations, recreational activities on forested state trust lands provide a significant contribution to local economies.

Recreation use in Eastern Washington is also concentrated in larger blocks of moderately unrestricted access land. The Loomis State Forest, at 134,000 acres, is one of the largest contiguous blocks of forested state trust land managed by DNR. The state forests in the Ahtanum and Naneum areas are more examples of large unconsolidated ownerships with high levels of dispersed recreational use. Eastern Washington forests are generally more open with less dense understory vegetation, providing more opportunities for dispersed recreation activities. Lower rainfall and higher snowfall allow recreation in winter, such as snowmobiling and cross-country skiing. Vegetation management along trails is less of a concern. High snowfall can close or restrict use in some areas because of access difficulty.

Recreation opportunities in Eastern Washington also exist long distances from population centers. This favors "destination-site" activities that include camping or staying in vacation facilities close to forestlands. Dispersed activities, especially hunting, are popular and the high temperatures of the summer months tend to push recreation to sites with water access. Many dispersed activities occur from a campsite or recreational vehicle parked within a developed recreation area or a clearing in the forest.

As of 2008, DNR's Recreation Program includes 143 recreational sites and more than 1,100 miles of trails statewide. Of the sites, 57 percent are campgrounds and 43 percent are day-use facilities (trailheads, picnic areas, boat launches and/or interpretive areas). Additionally, there are countless dispersed opportunities, including an unknown amount of user-built trails. In addition to campgrounds, picnic areas and trails, DNR provides considerable public access along its 12,000 miles of forest roads.

Forested state trust lands, within which most recreational activities occur, provide a broad range of opportunities, including but not limited to: hunting, fishing, camping, equestrian use, motorcycle and all-terrain vehicle riding, hiking, mountain biking, camping, 4 x 4 riding, educational field tours, cross country skiing, snowmobiling, paragliding, hang gliding, boating and sightseeing. Facilities that DNR manages to support recreational access include: day-use areas with picnic sites and group shelter areas, primitive camping, interpretative centers/nature centers, trailheads, boat ramps and/or docks and public beach access sites. However, because of the large land base managed by the department, most recreation occurs on trails and roads.

DNR manages more than 1,100 miles of trails. Of these miles, more than 450 miles are multiple-use non-motorized trails, more than 120 miles are hiking only trails and almost 200 miles are winter trails for snowmobiles and cross-country skiing. With more than 400 miles of designated motorized trails, DNR provides the most state-managed off-road vehicle trail riding opportunities in Washington. As demand for different uses increases, conflicts between different types of recreation and users may increase as well, making multiple use trail systems more difficult to manage. Many more miles of trails have been built by the users themselves that are not designated or managed by DNR.

A typical developed recreation site could include a variety of improvements and facilities. Camping and day-use areas can include tables, fire pits and vault toilets; improved paths and fencing; directional, interpretive or other signs; horse corrals; water systems; semi-permanent host sites, including utilities hook-up; some limited garbage collection facilities and other ancillary improvements. Trails often include areas hardened with concrete blocks or timbers,

*bridges with hardened approaches, signage systems, improved parking areas that are graveled or paved and trails within maintained vegetation-free corridors.*

*Developed sites are found on forest edges and deep within managed forest areas. Trails typically include loops that traverse a variety of forest stand and soil types and elevations. While most of the recreation activity is concentrated in larger forest blocks, even a small parcel of land may be used as a favorite hunting or fishing area or may contain sport trails frequented by a local neighborhood or community.*

*The Natural Areas program, which includes more than 125,000 acres at 82 sites managed by the Department of Natural Resources, protects outstanding examples of the state's extraordinary diversity. These lands represent the finest natural, undisturbed ecosystems in state ownership, often protecting natural features that are unique to this region. Natural Resources Conservation Areas (NRCA) and Natural Areas Preserves (NAP) are the two types of natural areas managed by the Department of Natural Resources.*

*Natural Resource Conservation Areas (NRCA) allow low impact uses that do not negatively affect special features of the sites. Recreation activities may include hiking, wildlife watching, hunting and other uses, and is determined on a site by site basis with input from the surrounding community as management plans are developed. Typical facilities include parking areas, trailheads, vault toilets, pedestrian trails, interpretation signs with kiosks, overlooks or raised platforms.*

*Natural area preserves are open primarily for education and research. More intensive human use of the preserves can alter natural processes, introduce weeds, damage rare species, and compromise the value of the areas as research sites so recreational access is kept to low levels in previously disturbed or buffer areas. Typical facilities include pedestrian trails and trail heads with parking areas, vault toilets and interpretation signs with kiosks, overlooks or raised platforms.*

*The Department manages Washington's 2.6 million acres of state-owned aquatic lands which includes the marine waters of Puget Sound, the coast and the Straits of Juan de Fuca, and the bedlands of the navigable rivers and lakes across the state. Recreation on these lands includes but is not limited to pleasure boating, kayaking, canoeing, shoreline access, swimming and diving, fishing and shellfish collection. Typical facilities managed by the department are generally limited to mooring buoys unless there is also an associated campground or boat launch on the adjacent uplands. In those instances facilities are more typical of other primitive recreational facilities managed by the department.*

## **8) Key Issue Assessment**

**List the identified key issues or areas of controversy or concern and include a brief statement of why each is a key issue. For each item listed:**

### **◆ Organized events**

*An organized event is defined in the current WAC as "any event involving more than fifty participants, which is advertised in advance, sponsored by any recognized club(s), and*

conducted at a predetermined time and place.”<sup>1</sup> Currently, however, these regulations exist only for the Capital Forest. According to WAC 332-52-055, “organized events are prohibited in the Capital Forest without the prior written approval of the Department. Any group or organization desiring to utilize department lands or recreational facilities within the Capital Forest for an organized event shall make a written request at least thirty days in advance of such event to the department’s Central Area office in Chehalis<sup>2</sup> on a form designated by the department for this purpose.”<sup>3</sup>

At present, there is no consistency in the rules statewide. The way they are now written, the regulations address only one specific area – Capital Forest. But organized events occur on DNR-managed lands in many areas state-wide. This has compelled the DNR regional offices to make decisions based on their knowledge local conditions and experience with recreational groups or activities. Organized events vary in numbers from about 25 to 1,000 people, which are localized or dispersed widely across the landscape. Due to an increase of numbers and size of the events, safety and sanitary issues for attendees have arisen. The potential for impacts on the environment have grown because of the frequency of the events. Effects on the environment are not the only concerns. Safety of forest visitors and commercial operations occur when active logging roads, during timber harvesting, may get clogged with event participants’ vehicles parked on the road. This creates even greater threats to safety involving traffic issues, as well as emergency access.

The department identified a need to authorize local land managers to establish the conditions for which a permit is required for recreational events on all DNR-managed lands. The new language is applicable to department lands across the state and will allow a more consistent approach while still providing the flexibility for local land managers to determine requirements for events based on the environmental conditions and resources needed for appropriate management.

#### ◆ **Capacity**

Presently the rules do not specifically authorize the department to establish the number of individuals or vehicles allowed in developed recreational facilities. This can lead to overcrowding and increased potential for environmental impacts, threats to public safety and user conflicts. The authorization to establish the maximum number of vehicles or individuals was identified as a need during the WAC revisions process.

#### ◆ **Parking**

According to the current WAC, “Driving or parking any vehicle or trailer except in places designed for this purpose” is prohibited at DNR-developed recreation sites.<sup>4</sup> Additionally, “No person shall stop, park or leave standing any vehicle or obstacle upon the main-traveled part of the road; any vehicles otherwise parked must leave sufficient room for the passage of at least normal traffic, provided, that this does not apply to the driver of: (i) A disabled vehicle, (ii) an emergency vehicle, (iii) a fire vehicle.”<sup>5</sup>

The increase in visitors and amount of vehicle traffic along with limited-sized parking lots has brought up a problem of parking. The capacity of some parking lots designed years ago has

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1 WAC 332-52-010

2 Currently this office is closed

3 WAC 332-52-055

4 WAC 332-52-050

5 WAC 332-52-030(4)(q)

been exceeded by continuously growing numbers of vehicles. Many areas of state forest lands do not have developed parking for events or regular forest users. When people come for organized events or just recreation and find that there is no parking available in designed areas they park in any other available places, including clearings in the forest and roadsides. Parking along these roads can pose a safety threat and impede access of emergency vehicles as well as logging trucks. Many parking areas have become locations for multiple uses such as camping, riding, playgrounds and gatherings, not just for parking. This can also create safety problems and congestion. In the summer, forest fire is another potentially serious hazard from parking on roadway shoulders close to dry vegetation.

◆ **Road and trail access**

According to the current WAC,

- “(a) Vehicles may travel over all roads adequate for conventional 2-wheel drive passenger automobiles unless posted against such use.*
- (b) Roads, abandoned railway grades, skid roads, and similar routes inadequate for conventional 2-wheel drive automobiles and all trails are closed to vehicular use unless designated or posted as open for such use.*
- (c) Vehicular travel off-road or off-trails is prohibited except in areas designated or posted by the department as open for vehicular travel.”<sup>6</sup>*

At present, approximately 1,100 miles of trails and 12,000 miles of roads on trust lands are available for public use. Recreational trails managed by the department include trails for motorized and non-motorized activities. The department manages more than 400 miles of designated multiple-use motorized trails, more than 450 miles of multiple-use non-motorized trails, more than 120 miles of hiking only trails and almost 200 miles of winter trails for snowmobiles and cross-country skiing. Existing trails are constructed on many slope, soil and land types and may be many miles in length.

Potential impacts from trail-based recreation activities vary by activity type, soil category and terrain. The greatest potential for impacts comes from risks of erosion due to the nature of the activity (wheeled or non-wheeled), the erodability of the soil and the steepness of the slope which the trail traverses and the season of use. The linear nature of trails and focus of the department on primitive or natural recreational opportunities favors designs that have minimal impacts from soil clearing or earth moving. Trails that are predominately pedestrian have the lowest potential for impacts from erosion. These activities even on native soils have minimal risk of erosion, have little in the way of fill and are rarely hardened. Use from mountain bicycles, motorized use such as motorcycles (single track), all terrain vehicles (ATV), and four wheel drive vehicles (4X4) pose greater potential for impacts from soil erosion. Winter trail activities such as cross-country skiing and snowmobile use have low risks of impacts to soil due to the snow pack required for those activities to take place. Many of the trails managed by the department have more than one use and may have a variety of activities occurring on them.

Recreation trails managed by the department already are designated for specific uses. The department does not anticipate changes to those existing designations. However, the department identified the need to authorize operational staff to designate or restrict uses based on local environmental conditions including seasonal considerations and demand for any newly developed or adopted trails..

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6 WAC 332-52-030(4)(a,b,c)

Roads managed by the department are generally open to most forms of transportation. The department identified the need to include language in the revised WAC that refers to traffic control measures that the department may use and the methods employed to indicate when roads are closed to vehicle use.

◆ **Dispersed recreation**

The public engages in recreation on state lands both within established recreational facilities and outside of them. The activities, which occur beyond the boundaries of established recreational facilities and trails, are considered to be dispersed recreation, which may include but is not limited to hunting, fishing, sightseeing, bird watching, recreational harvesting for personal use, dispersed camping, and recreational target shooting. In the past decade alone new dispersed activities, including geocaching, paintballing, and air soft war games have been conducted on public lands. Because these types of recreation are not limited to specific sites, the scope of their potential impact on the environment can be broader. The department makes decisions regarding new activities on a case-by-case basis based on local environmental conditions and demand. The revision to the rules addresses the following dispersed recreation activities specifically:

Recreational harvesting for personal use. Some of the main activities of recreational harvesting include collecting firewood, rocks, berries, mushrooms, and plants. Approval for these activities is made at the local level by the DNR administrative regions. Commercial harvesting is addressed in other department regulations and is not included in the revisions to 332-52 WAC.

Dispersed camping. The existing rules address camping activities within developed campgrounds. However, camping outside of developed facilities occurs in many places on department-managed lands, especially on the eastside of the state and during hunting season. The revised WAC includes language regarding the manner in which dispersed camping can occur.

Recreational target shooting. Recreational target shooting is not currently included in existing rules for DNR-managed lands. Target shooting on public lands is a popular sport. The people who practice target shooting on public lands do so typically because they either do not belong to gun clubs or prefer the freedom to shoot where they want. Many hunters target shoot on public lands in preparation for hunting season. The revised rules address the manner in which target shooting should be conducted.

**a) Identify alternative options or solutions that were considered to address key issues.**

ALTERNATIVES CONSIDERED

◆ **Organized Events**

Alternative options were considered to set a minimum number of participants within the definition of a recreation event. The department considered establishing a minimum number of participants for defining an event. This would become a threshold above which a permit would be required. The minimum number of participants considered were 12, 25, 30 and 50. However the potential for impact to natural and built resources can best be determined by the type of activity, the terrain on which the activity will occur, the season of use, and the resources available for managing the activity. These factors may have more to bear on the

potential for environmental impact than the number of participants. For example, an event including 50 mountain bike participants in steep terrain would pose a higher potential for impact than an event including 50 hikers on flat terrain.

◆ **Capacity**

An alternative was considered to identify criteria to set a site's capacity based on staff levels and site design. However, local factors such as environmental conditions, season, climate, and use type may be more reliable considerations. These factors are likely best identified at the regional level through a regional management planning process.

◆ **Parking**

The department considered developing a definition for "Safe parking" however, the public is expected to follow the state road rules. A suggestion to issue parking permits was also considered. Proposals to restrict parking along roads to one side only and to not encumber egress and ingress are covered by the new rules by stating that no one may park in such a manner that blocks the passage of normal traffic.

◆ **Road and trail access**

The department considered a number of approaches regarding ways to provide clear direction to the public about appropriate use of roads and trails. Posting all roads and trails as open requiring the assumption that any road or trail not posted is closed was considered. Also considered was posting roads and trails closed requiring the assumption that any road or trail not posted is open. However, all trails managed by the department are designated and signed as to allowed uses. The department has a number of methods of indicating when roads are closed which are listed in the revised rule language. Updated rule language indicates methods used by the department for identifying appropriate use of roads and trails.,

◆ **Dispersed recreation**

The department considered a number of options to list and address specific dispersed recreation activities, such as gold panning and rock collection, and to create a list of items and locations for recreational gathering. This type of decision is best made at the local region level based on local conditions or is addressed through other state regulations. The department also considered options regarding dispersed camping including prohibiting camping within less than 50 feet of streams or 200 feet from any body of water. However, many existing dispersed camping sites have been in use for many years and do not present an unacceptable increase in potential impacts. Establishing hours for target shooting from 7:00am to sunset was considered. However, seasonal and daylight considerations may be more appropriate determining factors.

◆ **Enforcement and education**

A proposal about developing a program for educating the public was considered. However, it was determined to be outside the scope of the project. Consideration of a suggestion to increase the number of enforcement officers was also determined to be outside the scope of this project.

**b) Describe the environmental considerations/impacts relevant to each of the alternative options or solutions identified in 8.a.**

◆ **Organized events**

*At present, there is no consistency in the rules statewide. The way they are now written, the regulations address only one specific area – Capital Forest. But organized events occur on DNR-managed lands in many areas state-wide. This has compelled the DNR regional offices to make decisions based on their knowledge of local conditions and experience with recreational groups or activities. Organized events vary in numbers from about 25 to 1,000 people, which are localized or dispersed widely across the landscape. Due to an increase of numbers and size of the events, safety and sanitary issues for attendees have arisen. The potential for impacts on the environment have grown because of the frequency of the events. The minimum number of participants considered, for an activity to be defined as an “event”, were 12, 25, 30 and 50. However, the potential impact to natural and built resources can best be determined by the type of activity, the season and terrain on which the activity will occur, proximity to sensitive resources, and the resources available for managing the activity. These factors may have more to bear on the potential for environmental impact than the number of participants. For example, an event including 50 mountain bike participants in steep terrain would pose a higher potential for impact than an event including 50 hikers on flat terrain. Potential environmental impacts could include erosion, sediment getting into water bodies, temporary air quality impacts from dust or ORV exhaust, or potential disturbance to plant and animal populations.*

◆ **Capacity**

*Overcrowding at recreational facilities can put pressure on the land and increase the chance for impacts to vegetation and wildlife from vehicles and users, water quality from sedimentation and can inhibit the timely deployment of emergency services.*

◆ **Parking**

*As discussed above under section 8, inappropriate parking can result in environmental impacts to water through increased sedimentation, disturbance of plant and animal populations, and damage to road surfaces and public property.*

◆ **Road and trail access**

*Potential impacts from trail-based recreation activities vary by activity type, proximity to water sources, soil category and terrain and season of use. The greatest potential for impacts comes from risks of erosion and delivery of sediments to bodies of water and from noise disturbances to other recreators or residences. Some potential for affecting air quality due to dust also exists. Potential for impact varies based on the nature of the activity (wheeled or non-wheeled), the erodability of the soil and the steepness of the slope which the trail traverses, timing of use and proximity to sensitive resources. The linear nature of trails and focus of the department on primitive or natural recreational opportunities favors designs that have minimal impacts from vegetation removal, soil clearing or earth moving. Trails that are predominately pedestrian have the lowest potential for impacts from erosion. These activities even on native soils have minimal risk of erosion, have little in the way of fill and are rarely hardened. Use from mountain bicycles, motorized use such as motorcycles (single track), all terrain vehicles (ATV), and four wheel drive vehicles (4X4) pose greater potential for impacts from soil erosion and noise. Winter trail activities such as cross-country skiing and snowmobile use have low risks of impacts to soil due to the snow pack required*

for those activities to take place but may have noise or other potential environmental impact for animal species that can be disturbed by trail users.

◆ **Dispersed recreation**

*Activities, which occur beyond the boundaries of established recreational facilities and trails, are considered to be dispersed recreation, which may include but is not limited to hunting, fishing, sightseeing, bird watching, recreational harvesting for personal use, dispersed camping, and recreational target shooting. In the past decade alone new dispersed activities, including geocaching, paintballing, and air soft war games have been conducted on public lands. Because these types of recreation are not limited to specific sites, the scope of their potential impact on the environment can be broader. Dispersed recreation can result in potential environmental impacts to water quality, plants, soil and wildlife; however, the fact that these activities are dispersed and not concentrated in particular locations also decreases the potential effects on natural resources and lands.*

*The department considered developing rules for only a small number of the potential recreational activities that can and do occur on the lands it manages. The potential for environmental impact of existing and emerging activities can best be done on a case-by-case basis at the local operational level.*

◆ **Enforcement and education**

*Lack of rules enforcement and education may increase the potential of impacts to the environment from unregulated recreational activities, however, enforcement and education activities themselves pose little to no threat to the environment.*

**c) Describe reasonable mitigation of adverse impacts identified.**

*Further review by the DNR has resulted in a narrower scope of issues that need to be reviewed in the SEPA process than was originally identified in the Response to Scoping Comments dated November 15, 2004. Several issues have been determined to be outside the scope of this rule amendment while others, although appropriately addressed in SEPA do not appear to trigger the need for an environmental impact statement. Issues that are addressed at the regional operational level, including the location of a given recreational activity, timing, seasonality, noise, intensity and duration of uses are not included in the draft rules. In addition public safety issues are generally not SEPA issues except when they pose an “environmental” hazard such as the effects of a toxic substance on the elements of the environment. Public behavioral issues may be SEPA issues when they affect the use or modification of the environment. A summary of the issues to date and how the department is currently addressing the issues is included below.*

◆ **Organized events**

*It has been determined after further review by the department that the conditions and potential for impacts for organized events will vary by the location, time of year, type of recreational activity being proposed, and other local or regional circumstances. It is not feasible to anticipate the circumstances that would determine the appropriate number of event participants at this statewide level of rule making. Therefore, requirements to offset potential impacts will be determined as existing laws and policies are applied through*

proposals and other plans at the local and regional level. The environmental impacts of those proposals or plans will be evaluated at that time.

◆ **Capacity**

*It is not feasible to anticipate the circumstances that would determine the appropriate capacities at this statewide level of rule making. Therefore, capacity for specific facilities, trail systems and recreational areas will be determined as existing laws and policies are applied through proposals and other plans at the local and regional level. The environmental impacts of those proposals or plans will be evaluated at that time.*

◆ **Parking**

*It has been determined after further review by the department that environmental impacts can be addressed as the types, location, and intensity of recreational activities are determined through the implementation of specific plans and proposals. The site-specific plans and proposals will be required to apply department policy and existing laws governing the use of managed lands and roads proposed at the regional and local levels. With the exception of specific categorical exemptions identified in WAC 197-11 Part Nine, these proposals will normally require SEPA review at that time.*

◆ **Road and trail access**

*After further review by the department it is recognized that designations for recreational activities on any road or trail will not be made at this statewide level of rule making. The decision to designate a trail or road for a particular recreational use will be based on local conditions, site-specific management planning, existing department policies or rules as defined in section 4 of this document. The environmental impacts of any decision to designate the recreational use of a trail or road can be reviewed at the time of the proposal which will normally occur at the local or regional level.*

◆ **Dispersed recreation**

*Although a variety of dispersed recreational activities occur on DNR managed uplands, these rules do not propose any new activities nor do they prohibit activities that are not already prohibited by law. Dispersed recreational activities occurring at this time include but are not limited to hunting, fishing, and camping, sightseeing, bird watching, recreational harvesting for personal use, dispersed camping, recreational target shooting, mountain biking, geocaching, and paintballing. Any of these activities can have an impact to the environment, pose safety issues, and potentially result in damage to public property. As with most other activities the decisions on types of recreational uses, intensity, seasonality, timing, duration and location of activities will be determined based on local conditions, as plans and other proposals are developed and considered at the local operational level. The environmental impacts of these decisions will be reviewed through SEPA at that time for any proposals that are not exempt from SEPA.*

◆ **Enforcement and education**

*Enforcement and education play a critical role in controlling public behavior on DNR managed uplands. Damage to public property, safety hazards and environmental impacts can all be mitigated through increased education and enforcement. The department is continually seeking opportunities to increase education and enforcement. However, after*

Further review by the department it has been determined that educational programs should be pursued outside the scope of the rule development process. Also increased enforcement is not within the scope of the rule process but is an important component of the rules and the department's recreational and public access management. The proposed rules have no specific provision for dealing with education. However, implementation of the rules will require outreach or notification to the public.

**d) Identify those alternatives to be carried forward for further analysis.**

◆ **Events**

The proposed rule language includes a recreation permit requirement for recreational events. The proposed minimum number of participants of an activity to be considered an event will be determined at the local operational level based on site-specific condition. This allows local land managers to determine requirements for events based on the environmental conditions and resources needed for appropriate management. Proposed language addressing reservations and permits defines the requirements for applying for and issuing permits for events.

◆ **Capacity**

Presently the rules do not specifically authorize the department to establish the number of individuals or vehicles allowed in developed recreational facilities. This can lead to overcrowding and increased potential for environmental impacts, threats to public safety and user conflicts. The authorization to establish the maximum number of vehicles or individuals was identified as a need during the WAC revision process.

◆ **Parking**

According to the existing and proposed draft rules parking will not be allowed on the main-traveled portion of department managed roads. Vehicles otherwise parked must leave sufficient room for a passage of at least normal traffic including commercial activity. Additionally, no parking will be allowed on or adjacent to a department entrance road into a developed recreation facility.

◆ **Road and trail access**

Trails as defined in the proposed rule language are those on department-managed land designated for recreational use. Recreation trails managed by the department already are designated for specific uses. The department does not anticipate changes to those existing designations. However, the department identified the need to authorize operational staff to designate uses based on local environmental conditions and demand for any newly developed or adopted trails.

The department has a number of methods for indicating when roads are not open to motor vehicle use. These methods are listed in the revised rule language. Updated rule language indicates ways by which the department identifies appropriate use of roads and trails., Decisions are developed, designed, and implemented through local planning efforts, which reflect the intent of existing laws and requirements (e.g. Multiple Use Act) as overseen by each region.

◆ **Dispersed recreation**

The department makes decisions regarding new dispersed recreational activities on a case-by-case basis based on local environmental conditions and demand. The revision to the rules addresses the following dispersed recreation activities specifically:

Recreational harvesting for personal use. Some of the main activities of recreational harvesting include collecting firewood, rocks, berries, mushrooms, and plants. Approval for these activities is made at the local level by the DNR administrative regions. Commercial harvesting is addressed in other department regulations and is not included in the revisions to 332-52 WAC.

Dispersed camping. The existing rules address camping activities within developed campgrounds. However, camping outside of developed facilities occurs in many places on department-managed lands, especially on the eastside of the state and during hunting season. The revised WAC includes language regarding the manner in which dispersed camping can occur.

Recreational target shooting. Recreational target shooting is not currently included in existing rules for DNR-managed lands. Target shooting on public lands is a popular sport. The people who practice target shooting on public lands do so typically because they either do not belong to gun clubs or prefer the freedom to shoot where they want. Many hunters target shoot on public lands in preparation for hunting season. The revised rules address the manner in which target shooting should be conducted.

**e) Briefly describe why those alternatives rejected from further consideration were not carried forward.**

◆ **Organized events**

Alternative option to set a minimum number of participants of organized events was not considered because it was realized that depending on recreation type, the landscape used for the event and frequency of use requires flexibility in establishing event sizes. . Setting a fixed number of participants was determined to be less effective at site specific locations. Fore example events in Eastern Washington on larger landscapes are very different than more urban locations in Western Washington. The rules allow flexibility for event type, location and frequency.

◆ **Capacity**

Recommendations to identify a general site capacity or criteria for setting capacity wasn't considered because site carrying capacity is best identified at the regional level.

◆ **Parking**

"Safe parking" was not defined because the public is expected to follow the state road rules. Suggestion to issue parking permits was not used because of the difficulties in implementing it. Proposals to restrict parking along roads to one side only and to not encumber egress and ingress are covered by the new rules by stating that no one may park in such a manner that blocks the passage of normal traffic.

◆ **Road and trail access**

Discussion about roads being closed unless posted open wasn't considered because of the

difficulties in posting new signage over all state trust land roads and the desire of the department to demonstrate support of public access to DNR-managed lands. Existing rule language regarding use of roads and trails has been refined to give clearer direction to the public..

◆ **Dispersed recreation**

Proposal to specify appropriate locations in new WAC for gold panning and to create a list of prohibited items and locations for recreational gathering was not considered because this type of decision will be made at the region level and is outside of scope of the project. An idea about the issuing of permits for target shooting was not considered because issuing permits for shooting would make the state liable for shooting accidents. A proposal to establish shooting hours for target shooting from 7:00am to sunset wasn't considered because other more seasonably flexible hours were deemed more appropriate.

◆ **Enforcement and education**

A proposal about developing a program for educating the public was not considered because it was outside the scope of the project. Suggestion to increase number of enforcement officers was not considered because it was outside the scope of the project.

## 9) Proposed Nonproject Action or Alternative Actions

Identify unavoidable impacts and those that will be left to be addressed at the project level.

◆ **Organized events**

Events including large groups of people have the potential to have an impact on the environment and need to be dealt with on a case-by-case basis.

◆ **Parking**

Unauthorized parking may still occur which will affect soil and vegetation. It will need to be regulated and enforced to minimize the impacts.

◆ **Road and trail access**

Numbers of vehicles using roads and numbers of people using trails will not significantly decrease with the new regulations. Thus these large numbers will still have potential for impacts to the surrounding environment. This issue will be addressed at the regional/operational level.

◆ **Dispersed recreation**

Dispersed recreation, by its very nature will continue to impact the environment at a low level, given historical use patterns. Dispersed camping, recreational target shooting, and other types of dispersed activities will now be addressed which is intended to reduce the potential impact on the environment and increase user knowledge of appropriate behavior.

◆ **Enforcement and education**

Although the new regulations should provide better protection to the environment, enforcement of the rules will still be limited to the number of officers available and partnership with local law enforcement.

**Note:** *Alternatives may be rejected at any point in the process if: they have no environmental benefit, are not within existing authority, are determined unfeasible, or do not meet the core objectives.*