

Washington, as do probably all western states, has a recreational use statute. It limits personal injury liability for landowners who allow the public to engage in recreational activities on their land. Even some of the eastern states now have these statutes. The purpose is to encourage private landowners to allow recreational activity such as fishing, birding, hunting, and hiking. I suspect that lots of landowners are in fear of an injury resulting in a lawsuit and they might not know about our state's statute. There is always the possibility of having a discussion about access with a private landowner who expresses this concern. It never hurts to share information with them about our recreational use statute if it seems appropriate. Of course, the law is not a substitute for our starting with a courteous request for access. Here is the statute in its entirety from the Revised Code of Washington for any of you who might wish to keep a copy in your birding vehicle or in your hip pocket:

§ 4.24.210. Liability of owners or others in possession of **land** and water areas for injuries to recreation users -- Limitation

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners 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, hanggliding, paragliding, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, 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) 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. 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. Nothing in [RCW 4.24.200](#) and this section limits or expands in any way the doctrine of

attractive nuisance. 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; and

(b) 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 46.09.020](#), or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use.