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May 8, 2017

To: The Oregon House Committee on Judiciary:

Columbia Land Trust urges you to support and advance for a vote by the full House SB 327, which would make a much-needed repair to the recreational immunity statute.

Columbia Land Trust is a non-profit, private land conservation charity which acquires, and manages, thousands of acres in Oregon as well as Washington. We have offices in Astoria, Portland and Hood River, and in Vancouver, Washington.

One of the things we do is provide public access to lands which would otherwise be off-limits to the public. Our lands are enjoyed by hikers, hunters, fishermen, bird watchers, river rafters and wildflower fans. One of our signature properties is on the Hood River, just South of downtown: we own, and provide public access to, roughly three miles of the Hood River.

We have been comfortable with the risks associated with allowing public access to our conservation properties in reliance on the protection offered by the Oregon Public Use of Lands Act, ORS 105.672 *et seq.* But the decision in *Johnson v. Gibson* punched a gaping hole in that protection by exposing our staff to liability. That in turn denies the protection of the statute to the Land Trust, because the Land Trust is ultimately responsible for liability incurred by our employees.

We're not alone—approximately 20 non-profit Oregon land trusts now face the same risk.

Therefore, we urge you to support and advance SB 327 so that it can be signed into law. This will accomplish several things. First, it will restore the original purpose of the Oregon Public Use of Lands Act, and the understanding we, other land trusts, and other landowners have been operating under for many years as we allow public access to the lands we manage. Second, it will protect our employees from claims. Third, it will protect land trusts, and the funds we raise for land conservation, from claims. And fourth, by doing the first three things, it will allow land trusts and other land owners to continue to offer the public access to the lands we manage.

For a landowner, allowing public access to land is a risky proposition. Lands, particularly wild lands like the ones we typically own, involve inherent risks. We have been very happy to make those lands available to the public, free of charge, on the understanding that in exchange our staff and our organization will not be subject to lawsuits brought by the individuals who take advantage of that access. That's only fair.

Stephen F. Cook
Deputy Director & General Counsel

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