



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

Date March 28, 2023

To Chairman Craven and the members of the House Judiciary Committee

Re: BHA Opposition to RI - 2023 – H5363 – Relating to Parks and Recreational Areas – Public Use of Private Lands

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members prioritize protecting and enhancing access to public lands and waters, and consider access a top-tier issue in accomplishing BHA's mission.

With these things in mind, we respectfully urge the Committee to **oppose H5363**, which seeks to remove liability protection from state and municipally owned lands under RI's Recreational Use Statute (RUS).

The stated purpose of RUS is to *"encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability to persons entering thereon for those purposes"* (§ 32-6-1). In turn, and by necessity, recreational users who choose to enter publicly-accessible lands do so without any assurance of safety. This balance has incentivized the State, municipalities, land trusts, and other private landowners to increase Rhode Island's outdoor recreation opportunities since the RUS was originally signed in to law in 1978.

A 2022 survey of hunters conducted by RI's Department of Environmental Management (DEM) found that 56% most frequently hunted on state-owned WMA's. Additionally, a 2016 DEM report stated that over 9 million visitors enjoyed state-owned parks, beaches, and fishing areas annually. The benefits of keeping state-owned land open to the public are not exclusively recreational, either. According to DEM, hunting generates \$235 million annually for the state, and parks bring in nearly \$40 million and are responsible for over \$300 million in spending at local businesses. Quite literally, RI's outdoor recreation economy relies on access to state and municipally owned lands currently protected by RUS.

There is little doubt that removing liability protection from state and municipally owned lands will complicate the decision to keep them open to the public. Without an incentive to keep lands open for free the state and municipalities could be forced to charge for access to offset the financial burden of defending themselves against liability challenges under mechanisms like case-by-case comparative negligence. Or keeping lands open might become such a legal and financial burden that lands are simply closed to the public, or even worse sold to private developers and no longer protected.

We do not consider any of the potential outcomes of removing liability protection from state and municipal owned preferable to the current balance – where all landowners including the state and municipalities are incentivized to allow public access free of charge, and the public chooses to enter with no assurance of safety. As a result, we respectfully urge the Committee to **oppose H5363**.

Thank you for your consideration.

Sincerely,

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