



TO: Oregon Senate Committee on the Judiciary
Salem Office
FROM: Joe Moll, Executive Director
McKenzie River Trust
DATE: February 12, 2024
RE: Support for Recreational Immunity Protections through SB. 1576

Chair Prozanski, Vice Chair Thatcher, and members of the Committee

On behalf of the Board and staff of McKenzie River Trust, and as a member of the Coalition of Oregon Land Trusts, I encourage your support of the -3 amendment of SB 1576, clarifying and assuring recreational immunity on private and public lands. We know that it is but a temporary fix to something that will get more full attention in the regular 2025 legislative session. We are supportive of this amendment because we believe it is important to encourage people to spend time outdoors, in nature, under their own initiative and with the aim to explore and discover. The current situation with increased uncertainty given recent court rulings, gives us pause on providing access.

As a land trust we own and manage land and work with other landowners whose land provides public value, like fish and wildlife habitat, clean water, access to rivers, trails, and areas to simply be in nature. We welcome regular visitors to lands that we steward, and have always found some reassurance in the protection that the recreational immunity statute provides. Of course, given the wide range of conditions on the land over the course of a year, and the wide range of things we do on the land, we do not rely solely on that immunity protection. We carry high levels of liability insurance. Our staff are well trained to assess risk and discourage people from areas that pose danger, and at times we will deny entry. The ice storms from a couple of weeks ago dropped a number of trees and even power lines. High water in winter and spring can similarly increase risks, so we do what we can to help people learn about these things and make good judgements on their own when enjoying time outdoors, including in a wide range of ways that may challenge traditional conceptions of “recreation.”

Here is one example of what kinds of experiences are at stake. After a successful event with youth several years ago, I encountered a young man alone, seemingly agitated and talking with himself. He seemed absorbed in his thoughts and his words, so I was unable to make eye contact and was hesitant to disturb him. I walked back to the gathering and was about to point out the youth to one of the group leaders, thinking he might need some help. But when I turned, the youth was gone. A few minutes later I thanked the group for gathering on the land that day, and the youth leader then invited some of the group to share their thoughts on how they enjoyed the day, learning about natural history, enjoying a walkabout, putting a few small plants in the ground. From the crowd, the young man I’d noticed emerged and stepped forward. Having seen him talk to himself so intensely, I was nervous. Clearly, he was too because he was looking at the ground. Then after a brief pause to collect his thoughts, he looked up, and launched into a rap that he had composed about the day, on the spot, about how much he loved his time there. The crowd cheered. I was stunned. What I thought was disturbance was in fact focused creativity in progress. My assumptions were too narrow about how a person interacts with nature, how

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they experience land and water, how they create and *re-create* themselves while on the land. I was reminded once again that there are thousands of ways to do so and we are better off as a people as a result of that diversity in experience and perspective.

In this day and age, when there are so many virtual experiences demanding our attention, we should do whatever we can to **encourage** people to spend time outside, on the ground, in *reality* reality. The - 3 amendment helps do that by providing continued certainty to landowners and land managers like us, for the intent of recreational immunity support. That assurance helps us welcome people to the land. Again, we encourage you to include that amendment in SB 1576 as it moves forward.

Thank you for your work on this bill and the many other issues on the docket this session.

Best wishes,

A handwritten signature in purple ink that reads "Joe Moll". The signature is written in a cursive, flowing style.

Joe Moll
Executive Director