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HOUSE BILL 2695

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Blake, Rossetti, and Scott

Read first time 01/18/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to ensuring that historic public recreational  
2 access is not diminished by the road maintenance and abandonment  
3 efforts of public forest landowners; amending RCW 79.10.130; and  
4 adding a new section to chapter 76.09 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 76.09  
7 RCW to read as follows:

8 (1)(a) A public landowner regulated under this chapter must, when  
9 undertaking a road maintenance or abandonment effort on forestland  
10 that has historically been open for public recreational access,  
11 ensure that all related road engineering projects preserve, at a  
12 minimum, the ability for nonmotorized recreation to occur on the  
13 affected lands upon the completion on the project.

14 (b) The requirement in this section includes, but is not limited  
15 to, ensuring all projects designed to remove a culvert that  
16 historically supported stream crossings are engineered in a manner  
17 that ensures a graded final product allowing continued stream  
18 crossing opportunities by recreationalists within a reasonable  
19 distance of the original culvert location.

20 (2) This section applies to a public landowner both during  
21 compliance efforts related to the road maintenance and abandonment

1 plan element of the forest practices rules and on all other road  
2 maintenance and abandonment efforts.

3 (3) This section must be implemented in a manner that preserves  
4 historic public access to public forestlands without diminishing or  
5 jeopardizing the habitat value or other public benefits of the  
6 underlying road maintenance and abandonment efforts.

7 (4) Compliance with this section on lands owned or managed by the  
8 department is deemed necessary for the department's compliance with  
9 the multiple use mandate in RCW 79.10.100.

10 (5) This section only applies to road maintenance and abandonment  
11 efforts undertaken after the effective date of this section. Public  
12 landowners are encouraged to retrofit existing abandoned roads to  
13 enable public access; however, this section does not require that  
14 action.

15 **Sec. 2.** RCW 79.10.130 and 2014 c 114 s 5 are each amended to  
16 read as follows:

17 (1) The department is (~~hereby~~) authorized to carry out all  
18 activities necessary to achieve the purposes of this section and RCW  
19 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.200 through  
20 79.10.330, 79.44.003, and 79.105.050 including, but not limited to:

21 (a) Planning, construction, maintenance, and operation of  
22 conservation, recreational sites, areas, roads, and trails developed  
23 or maintained consistent with RCW 79.10.500 and section 1 of this  
24 act, by itself or in conjunction with any public agency, nonprofit  
25 organization, volunteer, or volunteer organization, including  
26 entering cooperative agreements for these purposes;

27 (b) Planning, construction, and operation of special facilities  
28 for educational, scientific, conservation, or experimental purposes  
29 by itself or in conjunction with any other public or private agency,  
30 including entering cooperative agreements for these purposes;

31 (c) Improvement of any lands to achieve the purposes of this  
32 section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,  
33 79.10.200 through 79.10.330, 79.44.003, and 79.105.050, including  
34 entering cooperative agreements with public agencies, nonprofit  
35 organizations, volunteers, and volunteer organizations for these  
36 purposes;

37 (d) Entering cooperative agreements with public agencies,  
38 nonprofit organizations, volunteers, and volunteer organizations  
39 regarding the use of lands managed by the department for the purpose

1 of providing a benefit to lands managed by the department, including  
2 but not limited to the following benefits: The utilization of such  
3 lands for watershed purposes; carrying out restoration and  
4 enhancement projects on such lands, such as improving, restoring, or  
5 enhancing habitat that provides for plant or animal species  
6 protection; improving, restoring, or enhancing watershed conditions;  
7 removing nonnative vegetation and providing vegetation management to  
8 restore, enhance, or maintain properly functioning conditions of the  
9 local ecosystem; and other similar projects on these lands that  
10 provide long-term environmental and other land management benefits,  
11 provided that the cooperative agreements are consistent with land  
12 management obligations;

13 (e) Authorizing individual volunteers and volunteer organizations  
14 to conduct restoration and enhancement projects on lands managed by  
15 the department through cooperative agreements authorized in this  
16 section or other arrangements that are consistent with land  
17 management obligations and that do not require the volunteers to pay  
18 a fee for the cooperative agreement purpose;

19 (f) Authorizing the receipt of gifts of personal property,  
20 services, and other items of value for the purposes of this section,  
21 as well as the exchange of consideration in cooperative agreements  
22 authorized under this section;

23 (g) The authority to make such leases, contracts, agreements, or  
24 other arrangements as are necessary to accomplish the purposes of  
25 this section and RCW 79.10.060, 79.10.070, 79.10.100 through  
26 79.10.120, 79.10.200 through 79.10.330, 79.44.003, and 79.105.050.  
27 However, nothing in this section shall affect any existing  
28 requirements for public bidding or auction with private agencies or  
29 parties, except that agreements or other arrangements may be made  
30 with public schools, colleges, universities, governmental agencies,  
31 nonprofit organizations, volunteers, and volunteer organizations. In  
32 addition, nothing in this section is intended to conflict with the  
33 department's trust obligations.

34 (2) The definitions in this subsection apply throughout this  
35 section unless the context clearly requires otherwise.

36 (a) "Nonprofit organization" means: (i) Any organization  
37 described in section 501(c)(3) of the internal revenue code of 1986  
38 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax under section 501(a)  
39 of the internal revenue code; or (ii) any not-for-profit organization  
40 that is organized and conducted for public benefit and operated

1 primarily for charitable, civic, educational, religious, welfare, or  
2 health purposes.

3 (b) "Volunteer" or "volunteer organization" means an individual  
4 or entity performing services for a nonprofit organization or a  
5 governmental entity who does not receive compensation, other than  
6 reasonable reimbursement or allowances for expenses actually  
7 incurred, or any other thing of value, in excess of five hundred  
8 dollars per year. "Volunteer" includes a volunteer serving as a  
9 director, officer, trustee, or direct service volunteer.

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