
ENGROSSED SUBSTITUTE HOUSE BILL 2151

State of Washington

63rd Legislature

2014 Regular Session

By House Environment (originally sponsored by Representatives Blake and Seaquist)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to recreational trails; amending RCW 79.10.120 and
2 79.10.130; adding new sections to chapter 79.10 RCW; creating new
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the citizens of
6 the state will benefit from a coordinated effort to plan recreational
7 trails on land managed by the department of natural resources that are
8 accessible by the greatest number of people and are constructed to
9 standards that are consistent statewide. The legislature recognizes
10 that demand for outdoor recreational opportunities continues to expand
11 while the places to enjoy outdoor recreation has diminished due to
12 changes in private landownership and reduced access to federal lands
13 that resulted from a reduction in federal forest road networks. As a
14 result, the public has greater expectations of state-owned land for
15 recreational use. Therefore, greater emphasis on policies that secure
16 recreational access are needed, for public health and safety, as well
17 as for maintaining protections for the state-owned land that are
18 subject to the recreation so that the interests of current and future
19 generations are afforded the same opportunities.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.10 RCW
2 to read as follows:

3 (1) The department must develop and implement, through an inclusive
4 stakeholder process managed by the department, an official recreational
5 trail policy that is consistent with this section and the management
6 mandate of the department.

7 (2)(a) The recreational trail policy developed by the department
8 under this section must provide that recreational trails be developed
9 and managed in a manner that ensures the following principles are
10 satisfied:

11 (i) Causing the least impact to the land;

12 (ii) Providing environmental and water quality protection; and

13 (iii) Maintaining the lowest construction and maintenance costs
14 that are reasonable.

15 (b) The department should use trail standards developed by the
16 United States forest service as primary guidelines for trail
17 construction and maintenance. However, the department must develop its
18 own construction standards and best management practices when the
19 primary guidelines are deemed insufficient or inapplicable.

20 (c) Trails developed or maintained consistent with a recreational
21 trail policy developed under this section must comply with Title 79 RCW
22 and all applicable state laws and rules, including those administered
23 by the department of ecology.

24 (d) After developing the recreational trail policy required in this
25 section, and when developing or assessing recreational trail systems,
26 the department should evaluate existing nondesignated trails for
27 compliance with trail standards and incorporate those trails, when
28 compliant and consistent with the standards, into comprehensive
29 recreational management plans.

30 (3) When appropriate, the department should incorporate public
31 input on new and existing trail systems, and if deemed appropriate, the
32 department should support formal or informal public forums to allow
33 members of the local community to share concerns and ideas or organize
34 themselves for volunteer trail maintenance.

35 (4)(a) A recreational trail policy developed by the department
36 under this section must provide for the department to enter into a hold
37 harmless agreement with all volunteers coordinating with the department

1 under the policy or enter into other agreements that limit the
2 department's liability from the actions of volunteers.

3 (b) Whenever volunteers or volunteer organizations are authorized
4 to perform activities or carry out projects under this subsection, the
5 volunteers or members of the organizations may not be considered
6 employees or agents of the department and the department is not subject
7 to any liability whatsoever arising out of volunteer activities or
8 projects. The liability of the department to volunteers and members of
9 the volunteer organizations is limited in the same manner as provided
10 for in RCW 4.24.210.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.10 RCW
12 to read as follows:

13 The department should work with representatives of local
14 governments to find efficiencies in gaining local government permits
15 for the development and maintenance of recreational facilities and
16 trails. If barriers to permitting efficiencies require legislative
17 action to overcome, then the department must provide options for
18 solutions to the appropriate committees of the legislature.

19 **Sec. 4.** RCW 79.10.120 and 2003 c 182 s 2 are each amended to read
20 as follows:

21 Multiple uses additional to and compatible with those basic
22 activities necessary to fulfill the financial obligations of trust
23 management may include but are not limited to:

- 24 (1) Recreational areas;
- 25 (2) Recreational trails for both vehicular and nonvehicular uses
26 developed or maintained consistent with section 2 of this act;
- 27 (3) Special educational or scientific studies;
- 28 (4) Experimental programs by the various public agencies;
- 29 (5) Special events;
- 30 (6) Hunting and fishing and other sports activities;
- 31 (7) Nonconsumptive wildlife activities as defined by the board of
32 natural resources;
- 33 (8) Maintenance of scenic areas;
- 34 (9) Maintenance of historical sites;
- 35 (10) Municipal or other public watershed protection;
- 36 (11) Greenbelt areas;

1 (12) Public rights-of-way;

2 (13) Other uses or activities by public agencies;

3 If such additional uses are not compatible with the financial
4 obligations in the management of trust land they may be permitted only
5 if there is compensation from such uses satisfying the financial
6 obligations.

7 **Sec. 5.** RCW 79.10.130 and 2013 c 15 s 1 are each amended to read
8 as follows:

9 (1) The department is hereby authorized to carry out all activities
10 necessary to achieve the purposes of this section and RCW 79.10.060,
11 79.10.070, 79.10.100 through 79.10.120, (~~79.10.130,~~) 79.10.200
12 through 79.10.330, 79.44.003, and 79.105.050 including, but not limited
13 to:

14 (a) Planning, construction, and operation of conservation,
15 recreational sites, areas, roads, and trails developed or maintained
16 consistent with section 2 of this act, by itself or in conjunction with
17 any public agency, nonprofit organization, volunteer, or volunteer
18 organization, including entering cooperative agreements for these
19 purposes;

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

24 (c) Improvement of any lands to achieve the purposes of this
25 section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
26 (~~79.10.130,~~) 79.10.200 through 79.10.330, 79.44.003, and 79.105.050,
27 including entering cooperative agreements with public agencies,
28 nonprofit organizations, volunteers, and volunteer organizations for
29 these purposes;

30 (d) Entering cooperative agreements with public agencies, nonprofit
31 organizations, volunteers, and volunteer organizations regarding the
32 use of lands managed by the department for the purpose of providing a
33 benefit to lands managed by the department, including but not limited
34 to the following benefits: The utilization of such lands for watershed
35 purposes; carrying out restoration and enhancement projects on such
36 lands, such as improving, restoring, or enhancing habitat that provides
37 for plant or animal species protection; improving, restoring, or

1 enhancing watershed conditions; removing nonnative vegetation and
2 providing vegetation management to restore, enhance, or maintain
3 properly functioning conditions of the local ecosystem; and other
4 similar projects on these lands that provide long-term environmental
5 and other land management benefits, provided that the cooperative
6 agreements are consistent with land management obligations;

7 (e) Authorizing individual volunteers and volunteer organizations
8 to conduct restoration and enhancement projects on lands managed by the
9 department through cooperative agreements authorized in this section or
10 other arrangements that are consistent with land management obligations
11 and that do not require the volunteers to pay a fee for the cooperative
12 agreement purpose;

13 (f) Authorizing the receipt of gifts of personal property,
14 services, and other items of value for the purposes of this section, as
15 well as the exchange of consideration in cooperative agreements
16 authorized under this section;

17 (g) The authority to make such leases, contracts, agreements, or
18 other arrangements as are necessary to accomplish the purposes of this
19 section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
20 (~~79.10.130,~~) 79.10.200 through 79.10.330, 79.44.003, and 79.105.050.
21 However, nothing in this section shall affect any existing requirements
22 for public bidding or auction with private agencies or parties, except
23 that agreements or other arrangements may be made with public schools,
24 colleges, universities, governmental agencies, nonprofit organizations,
25 volunteers, and volunteer organizations. In addition, nothing in this
26 section is intended to conflict with the department's trust
27 obligations.

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

30 (a) "Nonprofit organization" means: (i) Any organization described
31 in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.
32 Sec. 501(c)(3)) and exempt from tax under section 501(a) of the
33 internal revenue code; or (ii) any not-for-profit organization that is
34 organized and conducted for public benefit and operated primarily for
35 charitable, civic, educational, religious, welfare, or health purposes.

36 (b) "Volunteer" or "volunteer organization" means an individual or
37 entity performing services for a nonprofit organization or a
38 governmental entity who does not receive compensation, other than

1 reasonable reimbursement or allowances for expenses actually incurred,
2 or any other thing of value, in excess of five hundred dollars per
3 year. "Volunteer" includes a volunteer serving as a director, officer,
4 trustee, or direct service volunteer.

5 NEW SECTION. **Sec. 6.** (1) The initial recreational trail policies
6 required under section 2 of this act must be reviewed by the department
7 of ecology and a representative panel of stakeholders and be adopted by
8 October 31, 2015.

9 (2) This section expires June 30, 2016.

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