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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

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

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

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

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

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

(2) This section applies to a public landowner both during compliance efforts related to the road maintenance and abandonment plan element of the forest practices rules and on all other road maintenance and abandonment efforts.

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

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

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

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

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

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

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

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

(d) Entering cooperative agreements with public agencies, nonprofit organizations, volunteers, and volunteer organizations regarding the use of lands managed by the department for the purpose of providing a benefit to lands managed by the department, including but not limited to the following benefits: The utilization of such lands for watershed purposes; carrying out restoration and enhancement projects on such lands, such as improving, restoring, or enhancing habitat that provides for plant or animal species protection; improving, restoring, or enhancing watershed conditions; removing nonnative vegetation and providing vegetation management to restore, enhance, or maintain properly functioning conditions of the local ecosystem; and other similar projects on these lands that provide long-term environmental and other land management benefits, provided that the cooperative agreements are consistent with land management obligations;

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

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

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

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

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

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

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