
SUBSTITUTE HOUSE BILL 2695

State of Washington

64th Legislature

2016 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Rossetti, and Scott)

READ FIRST TIME 02/04/16.

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; adding a
4 new section to chapter 79.10 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that agencies
7 charged with managing the state's public lands face the challenge of
8 balancing many competing interests, values, and land management
9 objectives within a finite budget. In addition to the general land
10 management objective for any parcel of land, the public land manager
11 must also consider the other public benefits of the land. These
12 benefits can include revenue generation, habitat preservation,
13 environmental resource enhancement, and public recreational access.

14 (2) The legislature further finds that, with foresight and
15 planning, public access can be provided to public lands without
16 jeopardizing the other values of a land holding. Recreational access
17 can take many forms and public land managers should strive to
18 accommodate as many forms of public access as their balancing of
19 values allows. However, at a minimum, foot access should only be
20 restricted when public safety or the safety of the recreationalist is
21 in jeopardy.

1 (3) It is the intent of the legislature to provide direction to
2 state land managers that underscores the importance of maintaining
3 public access to public lands. It is not the intent of the
4 legislature to require access for every form of recreation or every
5 possible user group, or to mandate the construction of bridges or
6 other conveyances that require a capital outlay or maintenance.
7 Instead, it is the intent of the legislature to ensure that
8 recreation is part of the conversation when land management decisions
9 are being made and to ensure that projects are not designed in a way
10 that prohibits at least the most passive modes of access.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.10
12 RCW under the subchapter heading "Part 2 Multiple Use" to read as
13 follows:

14 (1)(a) The department must, when undertaking a road maintenance
15 or abandonment effort on state land, ensure that all related road
16 projects preserve, at a minimum, the opportunity for pedestrian
17 recreational access.

18 (b) The requirement in this section includes, but is not limited
19 to, ensuring all projects that remove a culvert or bridge are
20 conducted in a manner that ensures a graded final product is left:

21 (i) At a slope that approximates the natural conditions that
22 existed prior to the construction of the culvert or bridge; or

23 (ii) At an angle that allows pedestrian access to the stream
24 edge.

25 (2) This section must be implemented in a manner that preserves
26 historic public pedestrian access to state lands:

27 (a) Without diminishing or jeopardizing the habitat value or
28 other public benefits of the underlying road maintenance or
29 abandonment efforts;

30 (b) In a manner that allows the department to fulfill its
31 fiduciary responsibilities to the trust beneficiaries of state lands;
32 and

33 (c) With full consideration being given to public health and
34 safety.

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

1 (4) This section must be implemented in a manner that is
2 consistent with the official recreational trail policy adopted under
3 RCW 79.10.500.

4 **Sec. 3.** RCW 79.10.130 and 2014 c 114 s 5 are each amended to
5 read as follows:

6 (1) The department is (~~hereby~~) authorized to carry out all
7 activities necessary to achieve the purposes of this section and RCW
8 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.200 through
9 79.10.330, 79.44.003, and 79.105.050 including, but not limited to:

10 (a) Planning, construction, road maintenance, and operation of
11 conservation, recreational sites, areas, roads, and trails developed
12 or maintained consistent with RCW 79.10.500 and section 2 of this
13 act, by itself or in conjunction with any public agency, nonprofit
14 organization, volunteer, or volunteer organization, including
15 entering cooperative agreements for these purposes;

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

20 (c) Improvement of any lands to achieve the purposes of this
21 section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
22 79.10.200 through 79.10.330, 79.44.003, and 79.105.050, including
23 entering cooperative agreements with public agencies, nonprofit
24 organizations, volunteers, and volunteer organizations for these
25 purposes;

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

1 provided that the cooperative agreements are consistent with land
2 management obligations;

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

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

13 (g) The authority to make such leases, contracts, agreements, or
14 other arrangements as are necessary to accomplish the purposes of
15 this section and RCW 79.10.060, 79.10.070, 79.10.100 through
16 79.10.120, 79.10.200 through 79.10.330, 79.44.003, and 79.105.050.
17 However, nothing in this section shall affect any existing
18 requirements for public bidding or auction with private agencies or
19 parties, except that agreements or other arrangements may be made
20 with public schools, colleges, universities, governmental agencies,
21 nonprofit organizations, volunteers, and volunteer organizations. In
22 addition, nothing in this section is intended to conflict with the
23 department's trust obligations.

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

26 (a) "Nonprofit organization" means: (i) Any organization
27 described in section 501(c)(3) of the internal revenue code of 1986
28 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax under section 501(a)
29 of the internal revenue code; or (ii) any not-for-profit organization
30 that is organized and conducted for public benefit and operated
31 primarily for charitable, civic, educational, religious, welfare, or
32 health purposes.

33 (b) "Volunteer" or "volunteer organization" means an individual
34 or entity performing services for a nonprofit organization or a
35 governmental entity who does not receive compensation, other than
36 reasonable reimbursement or allowances for expenses actually
37 incurred, or any other thing of value, in excess of five hundred

1 dollars per year. "Volunteer" includes a volunteer serving as a
2 director, officer, trustee, or direct service volunteer.

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