

HOUSE BILL REPORT

HB 1244

As Reported by House Committee On: Agriculture & Natural Resources

Title: An act relating to clarifying the department of natural resources' authority to enter into cooperative agreements.

Brief Description: Clarifying the department of natural resources' authority to enter into cooperative agreements.

Sponsors: Representatives Stanford, Orcutt, Ryu, Warnick, Maxwell, Blake, Upthegrove, Lytton, MacEwen, Van De Wege, Haigh and Tharinger; by request of Department of Natural Resources.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/29/13, 2/14/13 [DPS].

Brief Summary of Substitute Bill

- Provides the Department of Natural Resources (DNR) with the express authority to enter into agreements with certain non-state entities to assist the DNR with implementing its multiple use mandates, compliance with local ordinances, and the fostering of aquatic lands uses.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford, Van De Wege and Warnick.

Staff: Jason Callahan (786-7117).

Background:

The Department of Natural Resources (DNR) manages nearly 3 million acres of uplands and over 2 million acres of aquatic lands. Although each of the individual land holdings are

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managed by the DNR for a specific benefit or purpose, the concept of multiple use management overlays all of the DNR-managed land.

The idea of "multiple use" means the provision of several uses simultaneously on the same tract of land. Outdoor recreation, in all of its various forms, is one of the multiple uses that the DNR is directed to provide when the recreation does not negatively impact the underlying land management purposes. Many lands managed by the DNR are used for hunting, fishing, hiking, camping, and motorized vehicle riding.

In implementing the multiple use mandates, the DNR is authorized to plan, construct, and operate recreational areas, trails, and facilities for educational, scientific, or experimental purposes. These activities may be carried out in conjunction with any other public or private agency. The DNR may enter into contracts, leases, or other agreements as necessary to implement its various mandates.

Summary of Substitute Bill:

The DNR is given the express authority to enter into agreements with certain non-state entities to assist the DNR with implementing its multiple use mandates, compliance with local ordinances, and the fostering of aquatic land uses. All agreements must be consistent with the land management obligations of the DNR.

The DNR may enter into these cooperative agreements with individuals and certain nonprofit organizations or other volunteer groups. These organizations include those registered under section 501(c)(3) of the Federal Internal Revenue Code, other nonprofit groups organized for the public benefit, and groups comprised of volunteers.

The DNR may utilize the services of these groups to plan, construct, and operate recreational areas, trails, and facilities for educational, scientific, or experimental purposes or for other purposes which provide a benefit to lands managed by the DNR. These other purposes may include:

- utilizing state lands for watershed purposes;
- carrying out restoration and enhancement projects;
- enhancing watershed conditions; and
- providing vegetation management, including the removal of nonnative vegetation.

The DNR may receive gifts of personal property, services, or other items of value to help fund their various mandates and as consideration for entering into a cooperative agreement.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that any resulting cooperative agreements may not conflict with the trust mandates of the DNR.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The DNR is required to manage trust lands for revenue, but also with a multiple use mandate. The DNR is routinely approached by groups that would like to contribute time towards improving state lands, and the process now is limited. The bill would provide more flexibility to the DNR to work with volunteer groups. Cooperating with volunteer groups will allow the DNR to accomplish needed work while staying compatible with its overall trust mandates.

(With concerns) There is nothing in the bill that prevents cooperative agreements with groups that do have not a true multiple use mindset. This could lead to, over time, those groups not being supportive of other activities on the land that are not consistent with the group's idea of how the land should be used. This could be the first step towards limiting certain actions on state lands. Existing lessees and permittees need assurances that their interest will not be affected by cooperative agreements.

(Opposed) None.

Persons Testifying: (In support) Representative Stanford, prime sponsor; and Randy Acker, Department of Natural Resources.

(With concerns) Jack Field, Washington Cattleman's Association.

Persons Signed In To Testify But Not Testifying: None.