

# SENATE BILL REPORT

## SB 5634

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As Reported by Senate Committee On:  
Natural Resources & Parks, February 14, 2013

**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:** Senators Rolfes, Hargrove, Nelson, Kline, Fain, Hobbs, Fraser, Parlette and Pearson; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/14/13 [DPS].

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove, Hewitt, Kline, Parlette and Rolfes, Ranking Member.

**Staff:** Curt Gavigan (786-7437)

**Background:** The Department of Natural Resources (DNR) manages nearly three million acres of uplands and over two million acres of aquatic lands. Although each of the individual land holdings are managed by 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 DNR must provide when the recreation does not negatively impact the underlying land management purposes. Accordingly, many lands managed by DNR are used for hunting, fishing, hiking, camping, and ORV use.

In implementing the multiple use mandates, DNR is authorized to plan, construct, and operate recreational areas, trails, and facilities by itself or in conjunction with public agencies. It is also authorized to plan, construct, and operate facilities for educational,

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scientific, or experimental purposes in conjunction with public or private agencies. DNR may enter into contracts, leases, or other agreements as necessary to implement this authority.

**Summary of Bill (Recommended Substitute):** DNR is provided specific authority to enter into agreements with certain non-state entities to assist DNR with implementing its multiple use mandates, compliance with local ordinances, and the fostering of aquatic lands uses. These agreements must be consistent with the land management obligations of DNR.

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 non-profit groups organized for the public benefit, and groups comprised of volunteers.

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 that provide a benefit to lands managed by DNR. These other purposes may include the following:

- carrying out restoration and enhancement projects;
- enhancing watershed conditions; and
- providing vegetation management, including the removal of non-native vegetation.

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.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):** The substitute bill specifies that cooperative agreements are not intended to conflict with DNR's trust obligations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: DNR is often approached by nonprofit and volunteer groups that want to conduct beneficial projects, such as trail work or the removal of invasive plants. This bill would ensure that DNR has the authority to work with these groups to improve the lands and achieve multiple land uses wherever possible.

OTHER: There were concerns with the underlying bill regarding potential impacts to Department leasees, but these concerns are addressed in the substitute language.

**Persons Testifying:** PRO: Randy Acker, DNR.

OTHER: Jack Field, WA Cattlemen's Assn.