

Conservation District Corporate Status and Powers

Overview

In 1939 the Conservation District law, RCW 89.08, was enacted in the State of Washington. That statute remains the authorizing statute for conservation districts and the State Conservation Commission today. Districts are authorized to engage in many aspects of renewable natural resources conservation through the language of RCW 89.08.220.

Summary of status and powers

The “corporate status” of a district prescribes what type of entity a district is. A conservation district organized under the provisions of chapter 184...shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds”. This means that a conservation district is a **legal subdivision of the state**, a unit of local government, and a public agency. This statute also clearly states that districts do not have the authority to levy taxes or issue bonds.

Excerpts of district powers are provided in the table below with further explanation of each in the “Notes” column.

RCW 89.08.220	Notes
(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;	Almost any renewable natural resource conservation project may be undertaken; research must be undertaken in cooperation with a state/federal agency
(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;	Conduct educational and demonstration projects <i>with the permission of the landowner</i>

<p>(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010 on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;</p>	<p>A conservation district may carry out work <i>within the district</i> and <i>with the permission of the landowner</i></p>
<p>(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of chapter 184, Laws of 1973 1st ex. sess. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;</p>	<p>Cooperate with or enter into agreements with anyone to carry out conservation of renewable natural resources</p> <p>Supervisors are specifically allowed by law to participate in conservation district cost-share programs.</p>
<p>(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of chapter 184, Laws of 1973 1st ex. sess.; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of chapter 184, Laws of 1973 1st ex. sess.;</p>	<p>A district may buy or sell real estate. They may also receive it through other means such as by donation. Districts do <i>not</i> have condemnation authority.</p>
<p>(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;</p>	<p>A district may make equipment and other materials available. Many districts offer annual native plant sales.</p>
<p>(7)(a) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district.</p>	<p>A district must prepare and maintain a long-range strategic plan.</p>
<p>(b) The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated</p>	<p>A district must also prepare an annual work plan to accomplish goals</p>

funds needed to carry out the parts of the long-range programs that are of the highest priorities.	established in their long range strategic plan.
(c) The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities.	Districts must gather public input/feedback as district programs and plans are crafted, and keep the public informed about district programs, plans, and activities. This may take the form of an annual report, conducting an annual meeting, or through other means where activities are reported.
(d) Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.	
(e) The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district.....	Long range strategic and annual work plans are recognized as official and authorized district programs.
(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;	Districts may work with a federal, state, or local agency to complete a project on lands owned by another agency with an appropriate agreement in place.
(9) Cooperate with other districts organized under chapter 184, Laws of 1973 1st ex. sess. in the exercise of any of its powers;	Cooperate with other districts
(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies.....	Accept funding and other resources from any source.
(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with chapter 184, Laws of 1973 1st ex. sess. and to carry into effect its purposes;	<p>To sue and be sued.</p> <p>To have an official seal.</p> <p>To make and execute contracts.</p> <p>To borrow money and enter into a mortgage or loan contract.</p>

<p>(12)(a) Any two or more districts may engage in joint activities by agreement between or among them including, but not limited to, planning, financing, engineering, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, professional engineering, equipment, or services available to them under chapter 184, Laws of 1973 1st ex. sess.</p>	<p>May coordinate and share resources with other districts by executing an Interlocal agreement. Authorization for Area Engineering Grant cooperation.</p>
<p>(12)(b) Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements. (12)(c) The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;</p>	<p>May enter into agreements with districts in other states.</p>
<p>(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and</p>	<p>Various means may be utilized to keep the public informed.</p>
<p>(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.</p>	<p>Authorization to become members of and pay dues to area, state, and national associations.</p>

RCW 89.08 is not the only law for conservation districts to be mindful of. All other local, state, and federal laws applicable to the operation of local government entities must also be followed, including but not limited to: The Municipal Ethics Act, Open Public Meetings Act, Public Records Act, Fair Labor Standards Act and other federal and state employment laws, civil rights and equal opportunity laws, and the Americans with Disabilities Act.

To learn more about [conservation district supervisor roles and responsibilities](#) please visit the Supervisor Orientation tab located on the [State Conservation Commission](#) website.

Additional Resources

- [Supervisor Reference Guide](#)
- [Conservation Accountability and Performance Program](#)
- [SCC Regional Managers](#)