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**SENATE BILL 6103**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Ranker, Palumbo, Carlyle, Wellman, McCoy, Nelson, Billig, Van De Wege, Rolfes, Kuderer, and Hasegawa

AN ACT Relating to conveyances of federal public lands in the state of Washington; and adding new sections to chapter 79.02 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 79.02 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Board" means the board of natural resources created in RCW 43.30.205.

(2) "Certificate" or "certificate of compliance" means a certificate issued by the board under section 2 of this act.

(3) "Conservation plan" or "habitat conservation plan" means a habitat conservation plan developed pursuant to section 10 of the federal endangered species act of 1973, 16 U.S.C. Sec. 1539, and its implementing regulations, as the federal act and regulations existed as of January 1, 2018.

(4) "Conveyance" includes any method, including sale, donation, or exchange, by which all or a portion of the right, title, and interest of the United States in and to federal lands located in Washington is transferred to another entity.

(5) "Federal public land" means any land owned by the United States, including the surface estate, the subsurface estate, or any improvements on those estates. The term does not include any lands in trust or taken into trust for a Native American tribe or an individual Native American.

(6) "Infrastructure" means any development or construction that is not on or appurtenant to the federal public land at the time of transfer.

NEW SECTION. **Sec.**  A new section is added to chapter 79.02 RCW to read as follows:

(1) Except as provided in RCW 79.02.100 through 79.02.160, it is the policy of the state of Washington to discourage conveyances that transfer ownership of federal public lands in Washington from the federal government.

(2) Except as provided in this section and section 3 of this act, conveyances of federal public lands in Washington are void *ab initio* unless the board was provided with the right of first refusal to the conveyance or the right to arrange for the transfer of the property to another entity.

(3) The board may seek declaratory and injunctive relief from a court of competent jurisdiction to contest conveyances made to any entity unless the requirements of this section are met.

(4) The board shall consider its right of first refusal or arrange for the transfer of federal lands to another entity at a public hearing in which the public is afforded an opportunity to provide comments on the proposal before the board.

(5) Prior to the conveyance of federal public lands in Washington, if the board was provided with the right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, the board shall issue a certificate affirming compliance with this section.

(6) The board may waive its right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, and issue a certificate affirming compliance with this section for a conveyance that the board deems to be routine. A conveyance deemed by the board to be routine includes, but is not limited to, the exchange of lands of equal value between the federal government and a private entity. The board may adopt rules to establish a process and criteria for determining the types of conveyances it considers to be routine.

(7) The board, the fish and wildlife commission, the state parks and recreation commission, the director of the department of archaeology and historic preservation, and the recreation and conservation funding board shall undertake all feasible efforts to protect against any future unauthorized conveyance or any repeal of a federal public land designation including, but not limited to, any change in use, classification, or legal status of any lands designated as federal monuments pursuant to the federal antiquities act of 1906 (54 U.S.C. Sec. 320301 et seq.).

(8) The board shall ensure that the transferee of the federal public land pursuant to a conveyance is solely responsible for all costs associated with the management of those lands as well as the cost in developing any infrastructure for all future uses of the lands.

(9) The board may establish procedures and standards for engaging with federal land managers and potential purchasers of federal public lands early in the conveyance process.

(10) This section does not apply to any of the following:

(a) The conveyance of federal public lands pursuant to a conservation plan;

(b) The renewal of a lease in existence as of January 1, 2018; or

(c) The conveyance of federal public lands to a federally recognized Native American tribe or lands taken into or out of trust for a Native American tribe or an individual Native American.

NEW SECTION. **Sec.**  A new section is added to chapter 79.02 RCW to read as follows:

(1) A person may not knowingly file or record a deed, instrument, or other document relating to a conveyance subject to section 2 of this act unless it is accompanied by a certificate of compliance from the board.

(2) A deed, instrument, or other document related to a conveyance that is subject to section 2 of this act must be titled "federal public land deed of conveyance" and may not be recorded without a certificate from the board.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**