

HOUSE BILL REPORT

EHB 2288

As Passed Legislature

Title: An act relating to environmental mitigation sites.

Brief Description: Facilitating perpetual management of environmental mitigation sites.

Sponsors: By Representatives Fisher, Mitchell, Rockefeller, Wood and Esser; by request of Department of Transportation.

Brief History:

Committee Activity:

Transportation: 1/22/02, 1/24/02 [DP].

Floor Activity:

Passed House: 2/8/02, 97-0.

Passed Senate: 3/2/02, 47-0.

Passed Legislature.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">· Department of Transportation may convey environmental sites to groups which will maintain them.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 22 members: Representatives Fisher, Chair; Cooper, Vice Chair; Lovick, Vice Chair; Mitchell, Ranking Minority Member; Anderson, Armstrong, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Wood and Woods.

Staff: Gene Baxstrom (786-7303).

Background:

Through the local, state and federal permitting process, the Department of Transportation is required to conduct ecological restoration and enhancement activities to compensate for transportation activity impacts to environmentally sensitive areas.

The department, in many cases, purchases properties for the mitigation sites. Because

some mitigation sites are distant from the highway right of way, site maintenance can be more difficult. The department would like to release these sites to parties charged with land management.

State law now requires that the transfer of department property be at fair-market value.

Summary of Engrossed Bill:

The Department of Transportation is authorized to convey to another party properties which serve as environmental mitigation sites. These conveyances may be to governmental agencies or private, tribal governments nonprofit groups organized for environmental conservation purposes, as consideration for those agencies or groups assuming maintenance and operation obligations required to maintain the site in perpetuity.

The conveyances must be by quitclaim deed and restrict use of the property to a mitigation site. Tribal governments must waive sovereign immunity with respect to the transaction so that the state can enforce reversion rights in state court. Reversion to the department is required if the site is not used as a mitigation site or is not maintained to legal requirements.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Department of Transportation is permitted to transfer ownership of mitigation sites to persons whose business it is to manage properties. Consolidation of ownership of natural sites is allowed.

Testimony Against: None.

Testified: Jerry Alb, Department of Transportation; Len Barson, The Nature Conservancy; Kristen Sawin, Association of Washington Business; and Willy O'Neil, Associated General Contractors.