
ENGROSSED HOUSE BILL 2288

State of Washington

57th Legislature

2002 Regular Session

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

Read first time 01/14/2002. Referred to Committee on Transportation.

1 AN ACT Relating to environmental mitigation sites; and adding a new
2 section to chapter 47.12 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.12 RCW
5 to read as follows:

6 (1) The department may enter into exchange agreements with local,
7 state, or federal agencies, tribal governments, or private nonprofit
8 groups incorporated in this state that are organized for environmental
9 conservation purposes, to convey properties under the jurisdiction of
10 the department that serve as environmental mitigation sites, as full or
11 part consideration for the grantee assuming all future maintenance and
12 operation obligations and costs required to maintain and operate the
13 environmental mitigation site in perpetuity.

14 (2) Tribal governments shall only be eligible to participate in an
15 exchange agreement if they:

16 (a) Provide the department with a valid waiver of their tribal
17 sovereign immunity from suit. The waiver must allow the department to
18 enforce the terms of the exchange agreement or quitclaim deed in state
19 court; and

1 (b) Agree that the property shall not be placed into trust status.
2 (3) The conveyances must be by quitclaim deed executed by the
3 secretary of transportation, and must expressly restrict the use of the
4 property to a mitigation site consistent with preservation of the
5 functions and values of the site, and must provide for the automatic
6 reversion to the department if the property is not used as a mitigation
7 site or is not maintained in a manner that complies with applicable
8 permits, laws, and regulations pertaining to the maintenance and
9 operation of the mitigation site.

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