

FINAL BILL REPORT

EHB 2288

C 188 L 02

Synopsis as Enacted

Brief Description: Facilitating perpetual management of environmental mitigation sites.

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

House Committee on Transportation
Senate Committee on Transportation

Background:

Through local, state and federal permitting processes, 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 requires department property to be transferred at fair-market value.

Summary:

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, tribal governments, or private 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 must 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.

Votes on Final Passage:

House 97 0
Senate 47 0

Effective: June 13, 2002