

SENATE BILL REPORT

EHB 2288

As Reported By Senate Committee On:
Transportation, February 25, 2002

Title: An act relating to environmental mitigation sites.

Brief Description: Facilitating perpetual management of environmental mitigation sites.

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

Brief History:

Committee Activity: Transportation: 2/21/02, 2/25/02 [DP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Oke and Shin.

Staff: Janice Baumgardt (786-7319)

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 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, 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.

Tribal governments may only participate if they provide a waiver of their tribal sovereign immunity from suit and agree that the property not be placed into trust status.

The conveyances must be by quitclaim deed and restrict use of the property to a mitigation site. Reversion to the department is required if the site is not used as a mitigation site. 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: This bill would allow mitigation sites to go to groups that are better equipped to managed mitigation sites. The department will save costs.

Testimony Against: None.

Testified: PRO: Jerry Alb, WSDOT; Len Barson, The Nature Conservancy of WA; Willy O'Neil, AGC of Washington.