

**HB 1102** - S COMM AMD

By Committee on Highways & Transportation

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 47.12.370 and 2002 c 188 s 1 are each amended to read  
4 as follows:

5 (1) The department may enter into exchange agreements with local,  
6 state, or federal agencies, tribal governments, or private nonprofit  
7 (~~groups incorporated in this state that are organized for~~  
8 ~~environmental conservation purposes~~) nature conservancy corporations  
9 as defined in RCW 64.04.130, to convey properties under the  
10 jurisdiction of the department that serve as environmental mitigation  
11 sites, as full or part consideration for the grantee assuming all  
12 future maintenance and operation obligations and costs required to  
13 maintain and operate the 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

20 (b) Agree that the property shall not be placed into trust status.

21 (3) The conveyances must be by quitclaim deed, or other form of  
22 conveyance, executed by the secretary of transportation, and must  
23 expressly restrict the use of the property to a mitigation site  
24 consistent with preservation of the functions and values of the site,  
25 and must provide for the automatic reversion to the department if the  
26 property is not used as a mitigation site or is not maintained in a  
27 manner that complies with applicable permits, laws, and regulations  
28 pertaining to the maintenance and operation of the mitigation site."

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1           On page 1, line 2 of the title, after "sites;" strike the remainder  
2 of the title and insert "and amending RCW 47.12.370."

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