
HOUSE BILL 1934

State of Washington

67th Legislature

2022 Regular Session

By Representatives Fey and Robertson; by request of Department of Transportation

1 AN ACT Relating to the participation of tribal governments in
2 exchange agreements; and amending RCW 47.12.370.

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

4 **Sec. 1.** RCW 47.12.370 and 2021 c 333 s 707 are each amended to
5 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 nature conservancy corporations as defined in RCW 64.04.130, to
9 convey properties under the jurisdiction of the department that serve
10 as environmental mitigation sites, as full or part consideration for
11 the grantee assuming all future maintenance and operation obligations
12 and costs required to maintain and operate the environmental
13 mitigation site in perpetuity.

14 ~~(2) ((a) Except as provided in (b) of this subsection, tribal~~
15 ~~governments shall only be eligible to participate in an exchange~~
16 ~~agreement if they:~~

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

1 ~~(ii) Agree that the property shall not be placed into trust~~
2 ~~status.~~

3 ~~(b) During the 2021-2023 fiscal biennium, the restrictions in (a)~~
4 ~~of this subsection do not apply to any exchange agreement with a~~
5 ~~tribal government for the acquisition of real property required by~~
6 ~~the department for the SR 167/SR 509 Puget Sound Gateway project.~~

7 (3)) The conveyances must be by quitclaim deed, or other form of
8 conveyance, executed by the secretary of transportation, and must
9 expressly restrict the use of the property to a mitigation site
10 consistent with preservation of the functions and values of the site,
11 and must provide for the automatic reversion to the department if the
12 property is not used as a mitigation site or is not maintained in a
13 manner that complies with applicable permits, laws, and regulations
14 pertaining to the maintenance and operation of the mitigation site.

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