
SENATE BILL 6448

State of Washington

66th Legislature

2020 Regular Session

By Senators McCoy, Lias, Salomon, Lovelett, Stanford, Zeiger, and Saldaña

Read first time 01/16/20. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to protection of archaeological and cultural
2 sites by state agencies, local governments, and all recipients of
3 state revenue; adding a new section to chapter 27.53 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the state of
7 Washington has a rich and diverse cultural heritage, as represented
8 by the numerous archaeological and cultural sites that have been
9 identified and located throughout the state, and that preservation of
10 these sites is of critical importance to the tribes whose lands and
11 people live and travel in this territory that became the state of
12 Washington. In addition, these important sites provide educational
13 and cultural values for all citizens and lead to a better
14 understanding between cultures of the region, and that many citizens
15 of Washington contribute their time and efforts to preserve and
16 protect unique archaeological sites and traditional cultural places,
17 and that these sites and places hold special cultural, historical,
18 and spiritual significance for both tribal members and citizens of
19 Washington.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 27.53

2 RCW to read as follows:

3 (1) A recipient whose project will involve any ground-breaking
4 activity shall do the following before state revenue is allocated:
5 Review any ground-breaking activity that is not subject to Section
6 106 review under the national historic preservation act of 1966 with
7 the department and interested federally recognized tribes to
8 determine potential impacts to archaeological and/or cultural sites.
9 This review should be done as early in the project planning process
10 as possible. The steps taken for this review and the protection
11 measures to be followed shall be as follows:

12 (a) The recipient shall work with the governor's office of Indian
13 affairs and the department to identify interested federally
14 recognized tribes who have proclaimed to be impacted by the
15 recipient's plan for ground-breaking activity and, if needed, seek
16 their help to arrange a meeting to discuss the project in question.
17 If the recipient is unable to arrange such a meeting, it must
18 promptly notify the governor's office of Indian affairs and the
19 department by certified letter within thirty days;

20 (b) Work with the department and the interested federally
21 recognized tribe or tribes on an appropriate archaeological survey
22 and strategies consistent with state and federal laws and with those
23 laws of the participating federally recognized tribe or tribes;

24 (c) Consult with federally recognized tribes in a manner that
25 includes a face-to-face meeting or other agreed upon method to
26 discuss the project before a recipient completes the project design.
27 The goal of these meetings shall be to find an agreed upon means to
28 protect the archaeological and/or cultural sites; and

29 (d) Take reasonable action to avoid adverse impacts to the
30 archaeological and/or cultural sites during the consultation process.

31 (2) State agencies shall take steps to ensure that the
32 requirements of this section are incorporated into their grant and
33 loan management process.

34 (3) The office of financial management is directed to include in
35 its revenue instruction a requirement that recipients consult with
36 the department if ground-breaking activity is to occur as part of the
37 budgeting process for predesign, design, or construction, and that
38 the requirements of this section are followed.

39 (4) For the purposes of this section:

1 (a) "Cultural sites" are places of importance to an interested
2 federally recognized tribe.

3 (b) "Recipient" means any state agency, local government, or
4 applicants for state revenue, including but not limited to nonprofit
5 organizations.

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