

**RCW 70A.02.100 Tribal consultation.** (1) Covered agencies shall develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Consistent with this framework, covered agencies must offer consultation with federally recognized Indian tribes on:

(a) The inclusion or updating of an environmental justice implementation plan within the covered agency's strategic plan required under RCW 70A.02.040;

(b) The creation and adoption or updating of a community engagement plan required under RCW 70A.02.050; and

(c) Significant agency actions under RCW 70A.02.060 that affect federally recognized Indian tribes' rights and interests in their tribal lands.

(2) The department of health must offer consultation with federally recognized Indian tribes on the development of the environmental health disparities map under RCW 43.70.815.

(3) The consultation under subsections (1) and (2) of this section must be independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from an Indian tribe.

(4) Nothing in this chapter is intended to direct, authorize, or encourage covered agencies to collect, maintain, or provide data related to sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.  
[2021 c 314 § 18.]

**Conflict with federal requirements—2021 c 314:** See note following RCW 70A.02.005.