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**SENATE BILL 6519**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators McCoy, Conway, Liias, Lovelett, Salomon, Stanford, Wilson, C., and Zeiger

AN ACT Relating to protection of archaeological and cultural sites by state and local governments and all recipients of state appropriations; adding a new section to chapter 27.53 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that Washington has a rich and diverse cultural heritage, as represented by the numerous archaeological and cultural sites that have been identified and located throughout our state, and that preservation of these sites is of critical importance to the tribes whose lands and people live and travel in this territory that became the state of Washington. In addition, these important sites provide educational and cultural values and lead to a better understanding between cultures of the region; that many people in Washington contribute their time and efforts to preserve and protect unique archaeological sites and traditional cultural places; and that these sites and places hold special cultural, historical, and spiritual significance.

NEW SECTION. **Sec.**  A new section is added to chapter 27.53 RCW to read as follows:

(1) All recipients whose projects will involve any groundbreaking activity shall do the following before state revenue is allocated:

(a) Review the groundbreaking activity, if the project is not undergoing federal review for protection of historic properties (36 C.F.R. Part 800) under section 106 of the national historic preservation act of 1966 (16 U.S.C. Sec. 470) as now or hereafter amended, with the department and interested federally recognized tribes to determine potential impacts to archaeological and cultural sites. The review should be done as early in the project planning process as possible. The steps taken for the review and the protection measures shall be as follows:

(i) Coordinate with the governor's office of Indian affairs and the department to notify the governing bodies of federally recognized tribes of the proposed groundbreaking activity;

(ii) Consult with federally recognized tribes who have responded to the notification and expressed an interest with the goal of finding an agreed upon means to protect archaeological and cultural sites. The consultation must occur before a recipient completes the project design. If needed, the recipient may seek the department's assistance to arrange a meeting to discuss the project;

(iii) Work with the department and the interested federally recognized tribes on an appropriate archaeological survey and strategies consistent with state and federal laws and with those laws of the interested federally recognized tribes; and

(iv) Take reasonable action to avoid adverse impacts to the archaeological and cultural sites during the consultation process.

(b) The recipient must notify by certified letter to the department and the governor's office of Indian affairs of the progress of their review under this section within thirty days. The letter must:

(i) Indicate whether or not any interested federally recognized tribes responded to the notification;

(ii) Include what meetings have occurred under (a)(ii) of this subsection; and

(iii) Provide a summary of the progress of the review, including whether or not an agreed upon means to protect archaeological and cultural sites has been made.

(2) No project may be funded prior to meaningful consultation with interested federally recognized tribes.

(3) The provisions of this section are not subject to the penalties outlined under RCW 27.53.090.

(4) State agencies shall take steps to ensure that the requirements, as outlined in this section, are incorporated into their grant and loan management guidelines.

(5) For purposes of this section:

(a) "Consult" means a face-to-face meeting or other method designated by the interested federally recognized tribes.

(b) "Cultural site" means a place of importance to an interested federally recognized tribe.

(c) "Groundbreaking activity" means any activity where the earth is disturbed.

(d) "Recipient" means all state agencies, local governments, and applicants of state appropriation, including but not limited to nonprofit organizations.

**--- END ---**