

# HOUSE BILL REPORT

## EHB 1177

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**As Passed House:**  
March 5, 2011

**Title:** An act relating to archaeological investigations on private land.

**Brief Description:** Regarding field investigations on privately owned lands.

**Sponsors:** Representatives Hunt and McCoy.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 1/27/11, 2/2/11 [DP].

**Floor Activity:**

Passed House: 3/5/11, 66-31.

**Brief Summary of Engrossed Bill**

- Revises legislative intent that field investigations on privately owned lands should be conducted by professional archaeologists.
- Adds a definition for "field investigation."

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

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**Majority Report:** Do pass. Signed by 7 members: Representatives Hunt, Chair; Taylor, Ranking Minority Member; Darneille, Dunshee, Hurst, McCoy and Miloscia.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

**Staff:** Marsha Reilly (786-7135).

**Background:**

State law provides that archaeological studies conducted on public lands be performed by professional archaeologists. Professional archaeologist is defined as a person with qualifications meeting the federal Secretary of the Department of Interior's (Secretary) standards for a professional archaeologist. Archaeologists not meeting this standard may be

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conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the Secretary's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.

The Secretary's standards for a professional archaeologist require a graduate degree in archaeology, anthropology, or closely related field, plus:

- at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
- at least four months of supervised field and analytic experience in general North American archaeology; and
- demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology must have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology must have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

**Summary of Engrossed Bill:**

Legislative intent pertaining to archaeological field investigations conducted on privately owned lands is revised to state that such work should be conducted by professional archaeologists, and clarifying that such intent is not to be interpreted to allow trespassing on private property.

A "field investigation" is defined as an on-site inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing archaeological inspection techniques for both the surface and subsurface identification of archaeological resources and artifacts resulting in a professional archaeological report detailing the results of such inspection.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Yakama Nation supports the bill. It clarifies the law and provides a definition for field investigation. The current wording of the statute has caused some counties to discourage field investigations on private lands, while the statute indicates to discourage field investigations on private lands that do not follow the spirit of the law.

(Opposed) None.

**Persons Testifying:** Representative Hunt, prime sponsor; and David Powell, Yakama Nation.

**Persons Signed In To Testify But Not Testifying:** None.