

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1177

Chapter 219, Laws of 2011

62nd Legislature
2011 Regular Session

ARCHAEOLOGICAL INVESTIGATIONS--PRIVATE LAND

EFFECTIVE DATE: 07/22/11

Passed by the House March 5, 2011
Yeas 66 Nays 31

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 31, 2011
Yeas 26 Nays 20

BRAD OWEN

President of the Senate

Approved May 3, 2011, 2:04 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1177** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 4, 2011

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1177

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hunt and McCoy

Read first time 01/14/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to archaeological investigations on private land;
2 amending RCW 27.53.030; and reenacting and amending RCW 27.53.070.

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

4 **Sec. 1.** RCW 27.53.030 and 2008 c 275 s 5 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Archaeology" means systematic, scientific study of man's past
9 through material remains.

10 (2) "Archaeological object" means an object that comprises the
11 physical evidence of an indigenous and subsequent culture including
12 material remains of past human life including monuments, symbols,
13 tools, facilities, and technological by-products.

14 (3) "Archaeological site" means a geographic locality in
15 Washington, including but not limited to, submerged and submersible
16 lands and the bed of the sea within the state's jurisdiction, that
17 contains archaeological objects.

18 (4) "Department" means the department of archaeology and historic
19 preservation, created in chapter 43.334 RCW.

1 (5) "Director" means the director of the department of archaeology
2 and historic preservation, created in chapter 43.334 RCW.

3 (6) "Historic" means peoples and cultures who are known through
4 written documents in their own or other languages. As applied to
5 underwater archaeological resources, the term historic shall include
6 only those properties which are listed in or eligible for listing in
7 the Washington State Register of Historic Places (RCW 27.34.220) or the
8 National Register of Historic Places as defined in the National
9 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
10 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

11 (7) "Prehistoric" means peoples and cultures who are unknown
12 through contemporaneous written documents in any language.

13 (8) "Professional archaeologist" means a person with qualifications
14 meeting the federal secretary of the interior's standards for a
15 professional archaeologist. Archaeologists not meeting this standard
16 may be conditionally employed by working under the supervision of a
17 professional archaeologist for a period of four years provided the
18 employee is pursuing qualifications necessary to meet the federal
19 secretary of the interior's standards for a professional archaeologist.
20 During this four-year period, the professional archaeologist is
21 responsible for all findings. The four-year period is not subject to
22 renewal.

23 (9) "Amateur society" means any organization composed primarily of
24 persons who are not professional archaeologists, whose primary interest
25 is in the archaeological resources of the state, and which has been
26 certified in writing by two professional archaeologists.

27 (10) "Historic archaeological resources" means those properties
28 which are listed in or eligible for listing in the Washington State
29 Register of Historic Places (RCW 27.34.220) or the National Register of
30 Historic Places as defined in the National Historic Preservation Act of
31 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.
32 Sec. 470) as now or hereafter amended.

33 (11) "Field investigation" means an on-site inspection by a
34 professional archaeologist or by an individual under the direct
35 supervision of a professional archaeologist employing archaeological
36 inspection techniques for both the surface and subsurface
37 identification of archaeological resources and artifacts resulting in

1 a professional archaeological report detailing the results of such
2 inspection.

3 **Sec. 2.** RCW 27.53.070 and 2005 c 333 s 21 and 2005 c 274 s 243 are
4 each reenacted and amended to read as follows:

5 (1) It is the declared intention of the legislature that field
6 investigations on privately owned lands should be ~~((discouraged~~
7 ~~except)) conducted by professional archaeologists in accordance with
8 both the provisions and spirit of this chapter ~~((and))~~. Persons having
9 knowledge of the location of archaeological sites or resources are
10 encouraged to communicate such information to the department. Such
11 information shall not constitute a public record which requires
12 disclosure pursuant to the exception authorized in chapter 42.56 RCW to
13 avoid site depredation.~~

14 (2) Nothing in this chapter shall be interpreted to allow
15 trespassing on private property.

Passed by the House March 5, 2011.

Passed by the Senate March 31, 2011.

Approved by the Governor May 3, 2011.

Filed in Office of Secretary of State May 4, 2011.