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**SENATE BILL 6448**

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

**By** Senators McCoy, Liias, Salomon, Lovelett, Stanford, Zeiger, and Saldaña

AN ACT Relating to protection of archaeological and cultural sites by state agencies, local governments, and all recipients of state revenue; 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 the state of Washington has a rich and diverse cultural heritage, as represented by the numerous archaeological and cultural sites that have been identified and located throughout the 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 for all citizens and lead to a better understanding between cultures of the region, and that many citizens of 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 for both tribal members and citizens of Washington.

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

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

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

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

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

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

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

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

(4) For the purposes of this section:

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

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

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