

---

**SENATE BILL 6519**

---

**State of Washington**

**66th Legislature**

**2020 Regular Session**

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

Read first time 01/20/20. Referred to Committee on State Government, Tribal Relations & Elections.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
7 a rich and diverse cultural heritage, as represented by the numerous  
8 archaeological and cultural sites that have been identified and  
9 located throughout our state, and that preservation of these sites is  
10 of critical importance to the tribes whose lands and people live and  
11 travel in this territory that became the state of Washington. In  
12 addition, these important sites provide educational and cultural  
13 values and lead to a better understanding between cultures of the  
14 region; that many people in Washington contribute their time and  
15 efforts to preserve and protect unique archaeological sites and  
16 traditional cultural places; and that these sites and places hold  
17 special cultural, historical, and spiritual significance.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 27.53  
19 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

6           (5) For purposes of this section:

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

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

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

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

--- END ---