
HOUSE BILL 1626

State of Washington 52nd Legislature 1991 Regular Session

By Representatives McLean and Ballard.

Read first time February 4, 1991. Referred to Committee on State Government.

1 AN ACT Relating to archaeological objects and sites; and amending
2 RCW 27.53.030 and 27.53.060.

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

4 **Sec. 1.** RCW 27.53.030 and 1989 c 44 s 6 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions
7 contained in this section shall apply throughout this chapter.

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

1 lands and the bed of the sea within the state's jurisdiction, that
2 contains archaeological objects.

3 (4) "Department" means the department of community development.

4 (5) "Director" means the director of community development or the
5 director's designee.

6 (6) "Historic" means peoples and cultures who are known through
7 written documents in their own or other languages. As applied to
8 underwater archaeological resources, the term historic shall include
9 only those properties which are listed in or eligible for listing in
10 the Washington State Register of Historic Places (RCW 27.34.220) or the
11 National Register of Historic Places as defined in the National
12 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
13 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

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

16 (8) "Professional archaeologist" means a person who has met the
17 educational, training, and experience requirements of the society of
18 professional archaeologists.

19 (9) "Qualified archaeologist" means a person who has had formal
20 training and/or experience in archaeology over a period of at least
21 three years, and has been certified in writing to be a qualified
22 archaeologist by two professional archaeologists.

23 (10) "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 (11) "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

1 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.
2 Sec. 470) as now or hereafter amended.

3 (12) "World heritage site" means an archaeological site more than
4 four thousand five hundred years old that has the potential for
5 yielding scientific information of importance to all cultures and
6 nationalities.

7 **Sec. 2.** RCW 27.53.060 and 1989 c 44 s 70 are each amended to read
8 as follows:

9 (1) On the private and public lands of this state it shall be
10 unlawful for any person, firm, corporation, or any agency or
11 institution of the state or a political subdivision thereof to
12 knowingly remove, alter, dig into, or excavate by use of any
13 mechanical, hydraulic, or other means, or to damage, deface, or destroy
14 any historic or prehistoric archaeological resource or site, or remove
15 any archaeological object from such site, except for Indian graves or
16 cairns, or any glyptic or painted record of any tribe or peoples, or
17 historic graves as defined in chapter 68.05 RCW, disturbances of which
18 shall be a class C felony punishable under chapter 9A.20 RCW, without
19 having obtained a written permit from the director for such activities.

20 (2) The director must obtain the consent of the private or public
21 property owner or agency responsible for the management thereof, prior
22 to issuance of the permit. The property owner or agency responsible
23 for the management of such land may condition its consent on the
24 execution of a separate agreement, lease, or other real property
25 conveyance with the applicant as may be necessary to carry out the
26 legal rights or duties of the public property landowner or agency. The
27 director, in consultation with the affected tribes, shall develop
28 guidelines for the issuance and processing of permits. Such written
29 permit and any agreement or lease or other conveyance required by any

1 public property owner or agency responsible for management of such land
2 shall be physically present while any such activity is being conducted.
3 The provisions of this section shall not apply to the removal of
4 artifacts found exposed on the surface of the ground which are not
5 historic archaeological resources or sites.

6 (3) Provided that consent of the property owner has been obtained
7 pursuant to subsection (2) of this section, no permit applied for under
8 this chapter may be denied, conditioned, or revoked except for failure
9 to meet minimum scientific standards or failure to comply with permit
10 conditions.

11 (4) Archaeological sites which have been scientifically dated at
12 more than four thousand five hundred years old should be considered to
13 be world heritage sites. When soliciting public comments concerning
14 permit applications involving world heritage sites, the director shall
15 not give greater consideration to the concerns of any one racial or
16 religious group.