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**Community Development, Housing &  
Tribal Affairs Committee**

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**HB 2658**

**Brief Description:** Concerning tribal cultural resources protection in the forest practices act.

**Sponsors:** Representatives Ortiz-Self, Ryu, S. Hunt, Stanford and Reykdal.

**Brief Summary of Bill**

- Identifies the protection of tribal cultural resources in forest practices as a public interest.
- Makes forest practice rules requiring meeting with a tribe over cultural resource protection enforceable under the Forest Practices Act.

**Hearing Date:** 1/25/16

**Staff:** Sean Flynn (786-7124).

**Background:**

The Forest Practices Act gives the Forest Practices Board comprehensive rulemaking authority over the management and administration of timber-related activities. Rules adopted by the Forest Practices Board require the Department of Natural Resources (DNR) to notify tribes when it receives an application for timber-related activities and other forest practices in an area identified by the tribe that may contain cultural resources. The applicant must meet with the tribe before the application deadline to discuss a plan for cultural resource protection, unless the tribe chooses not to meet.

The Department of Archeology and Historic Preservation (DAHP) maintains a complete inventory of archeological resource sites and collections within the state. Archeological resources include historic and prehistoric objects, structures, artifacts, implements, and locations pertaining, but not limited to, American Indian or aboriginal sites.

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The DAHP manages its inventory through a geographic information system database that helps agencies plan around archaeological and historic sites to avoid protected resources. The DAHP shares information with agencies that are required to consider the impact of activities on archaeological, historical, or cultural resources, including the Department of Natural Resources.

**Summary of Bill:**

Tribal cultural resource protection in forest practice regulation is declared to be a public interest of the state. An area recorded by the DAHP as having a high probability that an archeological site is present may be identified as an area of tribal cultural resources. Tribal cultural resource is defined as the ancient and spiritual, present and future cultural materials, objects, or sites that are significant to and perpetuate the living culture and history of a federally recognized tribe.

The elements of an agreement reached between a tribe and a landowner that protects a tribal cultural resource, as part of the forest practices rules application process, is made enforceable under the Forest Practices Act. The DAHP and DNR may take enforcement action against a violation of the rule.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/20/2016.

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