

HOUSE BILL REPORT

HB 2675

As Reported by House Committee On:
State Government Operations & Accountability

Title: An act relating to disclosure of certain Native American cultural resources information.

Brief Description: Exempting certain Native American cultural resources information from public disclosure.

Sponsors: Representatives B. Sullivan, Buck, Dunn, McCoy, Moeller and Lantz; by request of Archaeology and Historic Preservation.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/31/06, 2/1/06 [DPS].

Brief Summary of Substitute Bill

- Exempts from public disclosure any information acquired during watershed analysis that identifies the location of specified cultural sites and artifacts.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Stephanie Toby (786-7106).

Background:

Records, maps, or other information identifying the location of archaeological sites are exempt from public disclosure.

Watershed Analysis

The Forest and Fish Report, instigated by the Forest Practices Board (Board), was negotiated with diverse interest groups and has the support of key federal agencies. The report was released in 1999 and directs the Board to adopt rules for policies, including a watershed analysis system.

Watershed analysis is a biological and physical assessment of a watershed designed to address the cumulative effects of forest practices on specific public resources and on cultural resources. This process was developed by forest landowners, tribes, environmental groups and state natural resources agencies. Based on assessment results, voluntary management strategies are developed to protect and manage cultural resources. Watershed analysis is performed on Watershed Administrative Units (WAUs), which are defined by hydrology and geomorphology. There are 825 WAUs in Washington.

Summary of Substitute Bill:

Records, maps, and other information acquired during watershed analysis that identifies the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial or social uses and activities of affected Indian tribes are exempt from disclosure to prevent the looting or depredation of such sites.

Substitute Bill Compared to Original Bill:

The phrase "cultural resources" is removed, and the list "archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial or social uses and activities of affected indian tribes" is inserted in its place.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect July 1, 2006.

Testimony For: (In support) There is a problem with amateur archaeologists taking inappropriate items from sites, and this has caused a terrible situation for Native American tribes. This bill does allow for appropriate disclosures to agencies. This bill gives tribes a safe and secure way to communicate with the state and with landowners about the cultural areas that are important to them. It is completely voluntary on the part of the landowner to decide on protection strategies for the resources and to forward those strategies to the Department of Natural Resources. The term "cultural resources" was left broad on purpose because the Department of Archaeology and Historical Preservation did not feel it was their place to tell the tribes what constitutes a cultural resource. This bill increases the likelihood that these important analyses will take place and increases confidence among participants to share sensitive information.

(In support with amendment) There is a definition of "cultural resources" in the WAC. The activities listed in the definition are open ended and this could cause problems. It is a good idea to keep the bill restricted to the Forest Practices Act for now until further implications are understood.

Testimony Against: None.

Persons Testifying: (In support) Representative Sullivan, prime sponsor; Allyson Brooks, Department of Archeology and Historic Preservation; Leonard Young, Department of Natural Resources; and Bill Garvin, Washington Forest Protection Agency.

(In support with amendment) Rowland Thompson, Allied Daily Newspapers.

Persons Signed In To Testify But Not Testifying: None.