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**SUBSTITUTE SENATE BILL 6743**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators McDermott and Kauffman)

READ FIRST TIME 02/05/10.

1       AN ACT Relating to archaeological investigations on private land;  
2 amending RCW 27.53.030; and reenacting and amending RCW 27.53.070.

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

4       **Sec. 1.** RCW 27.53.030 and 2008 c 275 s 5 are each amended to read  
5 as follows:

6       The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

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

18       (4) "Department" means the department of archaeology and historic  
19 preservation, created in chapter 43.334 RCW.

1 (5) "Director" means the director of the department of archaeology  
2 and historic preservation, created in chapter 43.334 RCW.

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

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

13 (8) "Professional archaeologist" means a person with qualifications  
14 meeting the federal secretary of the interior's standards for a  
15 professional archaeologist. Archaeologists not meeting this standard  
16 may be conditionally employed by working under the supervision of a  
17 professional archaeologist for a period of four years provided the  
18 employee is pursuing qualifications necessary to meet the federal  
19 secretary of the interior's standards for a professional archaeologist.  
20 During this four-year period, the professional archaeologist is  
21 responsible for all findings. The four-year period is not subject to  
22 renewal.

23 (9) "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 (10) "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  
31 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.  
32 Sec. 470) as now or hereafter amended.

33 (11) "Field investigation" means an on-site inspection by a  
34 professional archaeologist or by an individual under the direct  
35 supervision of a professional archaeologist employing archaeological  
36 inspection techniques for both the surface and subsurface  
37 identification of archaeological resources and artifacts resulting in

1 a professional archaeological report detailing the results of such  
2 inspection.

3 **Sec. 2.** RCW 27.53.070 and 2005 c 333 s 21 and 2005 c 274 s 243 are  
4 each reenacted and amended to read as follows:

5 It is the declared intention of the legislature that field  
6 investigations on privately owned lands should be (~~discouraged~~  
7 ~~except~~) conducted by professional archaeologists in accordance with  
8 both the provisions and spirit of this chapter (~~and~~). Persons having  
9 knowledge of the location of archaeological sites or resources are  
10 encouraged to communicate such information to the department. Such  
11 information shall not constitute a public record which requires  
12 disclosure pursuant to the exception authorized in chapter 42.56 RCW to  
13 avoid site depredation.

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