

SENATE BILL REPORT

EHB 1177

As of March 16, 2011

Title: An act relating to archaeological investigations on private land.

Brief Description: Regarding field investigations on privately owned lands.

Sponsors: Representatives Hunt and McCoy.

Brief History: Passed House: 3/05/11, 66-31.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/15/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: It is unlawful for any person to knowingly and willfully remove, alter, dig into, excavate, or remove an archeological object, site, or archeological resource without a permit. An archaeological site is defined as a geographic locality in Washington, including but not limited to, submerged and submersible lands, and the bed of the sea within the state's jurisdiction that contains archaeological objects.

A professional archaeologist is defined as a person with qualifications meeting the federal Secretary of the Interior's standards for a professional archaeologist. The minimum professional qualifications require a graduate degree in archaeology, anthropology, or a closely related field. Additionally, the individual must have at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management. Finally, the person must have at least four months of supervised field and analytical experience in general North American archeology and demonstrated ability to carry research to completion.

Summary of Bill: Legislative intent pertaining to archaeological field investigations conducted on privately owned lands is (1) revised to state that such work should be conducted by professional archaeologists, and (2) clarified that such intent is not to be interpreted to allow trespassing on private property.

A field investigation is defined as an on-site inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing

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archaeological inspection techniques for both the surface and subsurface identification of archaeological resources and artifacts resulting in a professional archaeological report detailing the results of such inspection.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill came about because private property owners did not know who to call when they discovered artifacts on their property. This bill defines field investigation and clarifies that a professional archaeologist is the appropriate person to evaluate a site. This is a good bill. The Yakama Nation supports this bill.

Persons Testifying: PRO: Dawn Vyvyan, David Powell, Yakama Nation; Naomi Strong, Confederate Tribes of the Umatilla Reservation.