S-1033.1

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**SENATE BILL 5609**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Kauffman, Hasegawa, Lovelett, and Nobles

AN ACT Relating to cultural resource protection for certain land use activities that are categorically exempt from the state environmental policy act; and adding a new section to chapter 43.21C RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

(1) Decisions listed in subsection (3) of this section are subject to the requirements of RCW 43.21C.030(2)(c) pertaining to cultural resources, unless the branch of government has:

(a) A data-sharing agreement with the department of archaeology and historic preservation;

(b) Either a local ordinance protecting archaeological and historic properties or a cultural resource management plan approved by the department of archaeology and historic preservation; and

(c) A written consultation agreement approved by affected federally recognized tribes.

(2) The department of archaeology and historic preservation shall develop minimum standards that must be included in a local ordinance protecting archaeological and historic properties under subsection (1)(b) of this section.

(3) This section applies to decisions pertaining to proposed actions that are categorically exempt:

(a) Pursuant to RCW 43.21C.229;

(b) Pursuant to RCW 43.21C.240;

(c) As identified through rule making conducted pursuant to RCW 43.21C.110; and

(d) Pursuant to other statutes enacted or rules adopted establishing a categorical exemption on or after the effective date of this section.

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