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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

Read first time 01/31/25. Referred to Committee on Environment,  
Energy & Technology.

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

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C  
7 RCW to read as follows:

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

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

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

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

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

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

3           (a) Pursuant to RCW 43.21C.229;

4           (b) Pursuant to RCW 43.21C.240;

5           (c) As identified through rule making conducted pursuant to RCW  
6 43.21C.110; and

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

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