Discovery of Human Remains and Artifacts

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Washington State's history began with indigenous people who lived here for centuries before Euro-Americans arrived. Our history tells the story of who came before us and how they shaped present-day Skagit County. This vast and rich heritage gives us a compelling reason to protect our past to share with and enrich future generations.

The State Legislature has determined that Indian burial sites, cairns, glyptic markings, and historic graves on public and private land are to be protected. State laws encourage voluntary reporting and respectful handling in cases of accidental disturbance and provide enhanced penalties for deliberate desecration.[1]

Requirement to Avoid Disturbance

Washington State makes it a Class C felony to:[2]

- dig or disturb a known archaeological site without a permit from the State Department of Archaeology and Historic Preservation (DAHP); or
- knowingly remove, mutilate, deface, injure, or destroy any cairn or grave of any native Indian, or any glyptic or painted record of any tribe or peoples.

Any person who violates these provisions is liable in a civil action by and in the name of DAHP to pay all damages occasioned by their unlawful acts. The sum recovered will be applied in payment for the repair and restoration of the property injured or destroyed and to the care fund if one is established.[3]

What Do I Do If I Find Human Remains?

Occasionally people find human remains exposed through erosion, construction, or through some other ground disturbance. If you encounter skeletal human remains in or on the ground, immediately cease any activity. Protect the area from further disturbance and contact the coroner and local law enforcement in the most expeditious manner possible.[4]

Skagit County Coroner
(360) 416-1996

Sheriff's Office
(360) 428-3211

Process after Notification

Once the coroner receives notification, they must make a determination whether the skeletal human remains are forensic or nonforensic within five business days unless there is not sufficient evidence to make such a determination within that period. The coroner will retain jurisdiction over forensic remains. If the remains are determined nonforensic, the coroner must notify the Department of Archaeology and Historic Preservation (DAHP) within two business days; DAHP will then take jurisdiction over the remains.

DAHP must notify the appropriate local cemeteries and all affected Indian tribes, and contact the appropriate tribal cultural resources staff within two business days of the finding. A notification to tribes of a finding of nonforensic skeletal human remains creates no presumption that the remains are Indian.

The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, DAHP must notify all affected Indian tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff. The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.[5]

Anyone who disturbs native Indian graves through inadvertence, including disturbance through construction, mining, logging, agricultural activity, or any other activity, may only bury the human remains under the supervision of the appropriate Indian tribe. DAHP handles expenses of burial.[6]

For More Information

The Washington State Department of Archaeology and Historic Preservation has many valuable resources concerning cultural resources in our state, including links to federal and state laws that protect cultural resources, staff contact information, and listings of historic properties.

Department of Archaeology and Historic Preservation
(360) 586-3065
www.dahp.wa.gov

[1] RCW 27.44.030(4).
[2] RCW 27.53.060.
[3] RCW 68.60.06
[3] RCW 27.44.055(1) and (2).
[5] RCW 27.44.055(3)
[6] RCW 27.34.220