

**SKAGIT COUNTY HEARING EXAMINER**

*re:*     **Application of The RJ Group** for  
a Shoreline Substantial Development  
Permit, a Variance, and Conditional Use  
Permit for the development of a stormwater  
outflow

PL 22-0528

**1st ORDER**

*Required Actions by Parties*

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The Hearing Examiner, mid-hearing, having reviewed the testimony through August 21, 2024 and exhibits submitted to date, and seeing a potentially issues that should be established prior to the end of the hearing, with the authority pursuant to §1.01(g and j) of the Skagit County Office of the Hearing Examiner Rules of Procedure for Hearings (SCRPH), as authorized by Skagit County Resolution #R20080511, the Hearing Examiner hereby orders:

**ORDER**

1. When testimony resumes, the parties will, either:
  - a. Present proposed language for a condition regarding an inadvertent discovery plan in the event archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities; or in the alternative
  - b. Propose edits to and fill in the blanks of the following language:

Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Local Government Archaeologist, 360-586-3088)

and the [redacted] Nation Tribal Historic Preservation Office ([Contact A], [Contact A's Phone Number]; [Contact B], [Contact B's Phone Number]) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

**SO ORDERED** this 22<sup>nd</sup> day of August 2024.



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Rajeev D. Majumdar, Hearing Examiner