City of Pismo Beach Community Development Department
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Finding gravesites

What to do if your contractor digs up human remains on your lot

1. **Stop work.**
   The responsible superintendent on the job site should stop all grading and tape the area off.

   On most construction jobs where there is high potential for the discovery of human remains, a Native American monitor and an archaeologist's representative will be on-site during grading. These persons should direct the grading contractor to stop work and fence off the area where the remains were found. Anyone associated with the project may call the building official and coroner, but if there is an archaeologist on site that person would be best qualified to describe the find to the coroner.

2. **Notify the Chief Building Official** (773-7040)
   The Chief Building Official is responsible for monitoring events at the site, assuring that state laws are carried out.

3. **Notify the County Coroner** (781-4513)
   The Coroner has two working days to examine the remains after notification. If the coroner determines that the remains are Native American (or has reason to believe that they may be), he or she has 24 hours to notify the Native American Heritage Commission.

4. **Contact an archaeologist and the Native American Heritage Commission**
   In Pismo Beach, human remains are almost always going to be Native American. Therefore, it is appropriate to call in an archaeologist if one isn't already on site and have him or her call the Commission if required.

The **Native American Commission** is a state commission, formed in part to identify all known graves and cemeteries of Native Americans on private lands. The Commission is also responsible for determining which Native American group is most likely descended from Native Americans interred in any specific gravesite.

When notified of a burial site, the Commission must notify immediately those persons it believes to be **most likely descended** from the deceased Native American. With permission of the property owner or authorized representative, the descendent(s) may inspect the site of the discovery and may make recommendations to the owner or excavator on the disposition of the remains and associated grave goods. Such recommendations must be made within 24 hours of notification by the Commission, and may include a recommendation for scientific removal and nondestructive analysis of the remains.

The Commission has the power to mediate any disputes between landowners and known descendents about the disposition of the remains and any associated artifacts. Agreements the Commission oversees must provide protection to Native American human burials and skeletal remains, and provide for sensitive treatment of the remains consistent with the intended use of the land.

If no descendent is found or the descendent does not make a recommendation, or if the landowner or representative rejects the descendents' recommendation, and mediation by the Commission does not provide a satisfactory solution to the landowner, the landowner must re-inter the remains and associated items with appropriate dignity on the property in a location not subject to further disturbance.

Felony. It is a felony to obtain or possess any Native American artifacts or human remains taken from a Native American grave or cairn on or after January 1, 1984, except as provided by law.

Codes. This information is a summary of the following codes:

City of Pismo Beach Municipal Code 15.16.110
State of California Public Resources Code 5097.94, 5097.95, 5097.99
State of California Health and Safety Code 7050.5