



Standards and Guidelines for Certificates of Authority for Care and Maintenance of Abandoned Cemeteries

Background

Under RCW 68.60.030, the Department of Archeology and Historic Preservation (DAHP) may grant by nontransferable certificate the authority to maintain and protect abandoned cemeteries. Certificates are available through application to:

- Preservation organizations that have been incorporated for the purpose of restoring, maintaining, and protecting abandoned cemeteries,
- Non-profit corporations not expressly incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery (at DAHP's discretion),
- State or local governmental organizations, such as counties, cities, and tribes.

As established in RCW 68.60.030 (3), the DAHP shall establish standards and guidelines for granting certificates of authority under subsections (1) and (2) of the law to assure that any restoration, maintenance, and protection activities are conducted and supervised in an appropriate manner.

[RCW 68.60.030: Preservation and maintenance corporations—Authorization of other corporations to restore, maintain, and protect abandoned cemeteries.](#)

Abandoned Cemeteries

An abandoned cemetery is explicitly defined under RCW 68.60.010 as a burial ground of the human dead:

- For which the county can find no record of an owner;
- Where the last known owner is deceased and lawful conveyance of the title has not been made; or
- In which the cemetery company, cemetery association, corporation, or other organization that formed for the purposes of burying the dead:
 - Has been disbanded, has been administratively dissolved by the Secretary of State, or has otherwise ceased to exist, and for which title has not been conveyed; or
 - No longer has a valid certificate of authority as determined by the funeral and cemetery board.

Application Process

The application for the Certificate of Authority for Care and Maintenance of an Abandoned Cemetery can be found at the DAHP web site (<https://dahp.wa.gov/archaeology/cemeteriesburial-sites/abandoned-cemeteries>). In addition to the completed application, other relevant documentation is required, including the following:

- Articles of incorporation if applying as a non-profit preservation organization,
- Articles of incorporation if applying as a non-profit not expressly incorporated as a cemetery preservation non-profit with an explanation of why the non-profit is applying for the certificate of authority,
- A copy of the Secretary of State-issued certificate of incorporation if applying as a non-profit,
- A copy of the non-profit's bylaws,
- A copy of the non-profit's current annual report filed with the Secretary of State,
- A copy of a letter from the relevant county assessor indicating abandonment of the cemetery property with no conveyance of title to another owner,
- A copy of a letter from the Washington State Funeral and Cemetery Board indicating that no cemetery authority is on file or that the cemetery authority has lost their license to operate,
- Other relevant information regarding the cemetery's establishment and evidence of abandonment and/or dissolution of the cemetery authority or cemetery association.

If the county assessor records indicate that the land on which the cemetery sits is owned, or if the cemetery property is circumscribed by private property, the DAHP encourages potential certificate holders to work with the property owner to establish an agreement allowing the certificate holder access to the cemetery to perform maintenance and preservation activities.

The completed application form and supporting documentation should be submitted to:

Dr. Guy Tasa, State Physical Anthropologist
 Department of Archaeology and Historic Preservation
 1110 Capitol Way S., Suite 30
 Olympia, Washington, 98501

Once a complete application is received, the DAHP will review and send it along with a recommendation to the director of the agency. DAHP reserves the right to request additional information or clarifications from applicants. If the application is approved, the DAHP will issue a Certificate of Authority for Care and Maintenance to the applicant. Questions about the application and process should be directed to Dr. Guy Tasa by email at guy.tasa@dahp.wa.gov or by phone at 360-790-1633.

Care and Maintenance of Abandoned Cemeteries

The Certificate of Authority for Care and Maintenance of an Abandoned Cemetery grants the holder the authority to conduct care, maintain, restore, protect and preserve a cemetery; it does not include the authority to make burials.

Allowable Activities

A certificate of authority granted to a non-profit preservation organization incorporated for the express purposes of preservation may hold and possess original burial records, maps, and other historical documents. Washington non-profits that were not incorporated expressly for care and maintenance of a historic cemetery may not hold original records, maps, and other historical documents. Maintenance and preservation corporations that are granted care and maintenance authority may establish care funds. The DAHP encourages all care and maintenance certificate holders to seek guidance from the DAHP for any restoration or protection activities. The DAHP web page (<https://dahp.wa.gov/archaeology/cemeteriesburial-sites/abandoned-cemeteries>) offers links to

specific guidelines for certain restoration and cemetery care, and the DAHP plans to compile a Washington Historic Cemetery Preservation Handbook in the future to provide guidance on historic preservation activities in historic cemeteries.

Activities Requiring a Permit

Any proposed preservation, care, maintenance, restoration, or protection project undertaken by a certificate holder that will cause any subsurface disturbance must seek prior approval by the DAHP. Possible ground disturbing activities might include installation of signage, walkways, fencing, tree removal, etc. Such work may require an archaeological permit issued under RCW 27.53 and the presence of a qualified archaeologist during ground-disturbing activities.

Prohibited Activities

In some cases, burials may be allowed in the cemetery under the conditions set forth by the funeral and cemetery board (WAC 308-52A-030), but the care and maintenance certificate issued by the DAHP **does not grant the authority to make burials in the cemetery**. To activate a historical cemetery for burial, a certificate of authority to operate a cemetery must be obtained from the Washington State Funeral and Cemetery Board.

The care and maintenance certificate issued by the DAHP **does not grant ownership of the cemetery or cemetery property**. Certificate holders **may not prohibit the visitation** of the cemetery by the public, except for limited closures during certain work, or conditions, to ensure public safety and/or to protect the cemetery. Washington State law prohibits the use of cemetery property for anything other than as a cemetery and for cemetery purposes.

Liability

Washington State law protects certificate holders from liability to those claiming burial rights or ancestral ownership and from any person or organization alleging to have control by any form of conveyance not previously recorded at the county auditor's office in the county where the abandoned cemetery is located. State law also protects the certificate holder from liability for any reasonable alterations made during restoration work on memorials, roadways, walkways, features, plantings, or any other detail of the abandoned cemetery.

Yearly Report

A yearly report of the care and maintenance activities performed by the certificate holder must be submitted to the DAHP at the completion of each calendar year's activities, no later than April 15th of the new year. The report should also describe future care and maintenance activities for the upcoming year. Failure to submit reports as required could result in the revocation of the certificate.

Competing Interests

If two or more otherwise qualified entities submit care and maintenance applications that are under consideration at the same time for the same cemetery, preference will be given to the entity whose members can demonstrate that they are living descendants of the people buried in the cemetery. Other relevant factors may be considered to decide among competing entities, such as whether members are local and thus more able to complete care and maintenance and whether they have a demonstrated interest in the cemetery and its preservation.

Revocation of Certificate

DAHP's Certificate of Authority for Care and Maintenance of an Abandoned Cemetery may be revoked under certain circumstances, including but not limited to the following:

- The maintenance and preservation corporation has dissolved,
- The maintenance and preservation corporation loses its non-profit status,
- The maintenance and preservation corporation violates State laws protecting historic cemeteries,
- Yearly reports to the DAHP are not completed and filed with the DAHP.

Following revocation of the certificate, the disposition of burial records, maps, and other historical documents will be relocated to State Archives.