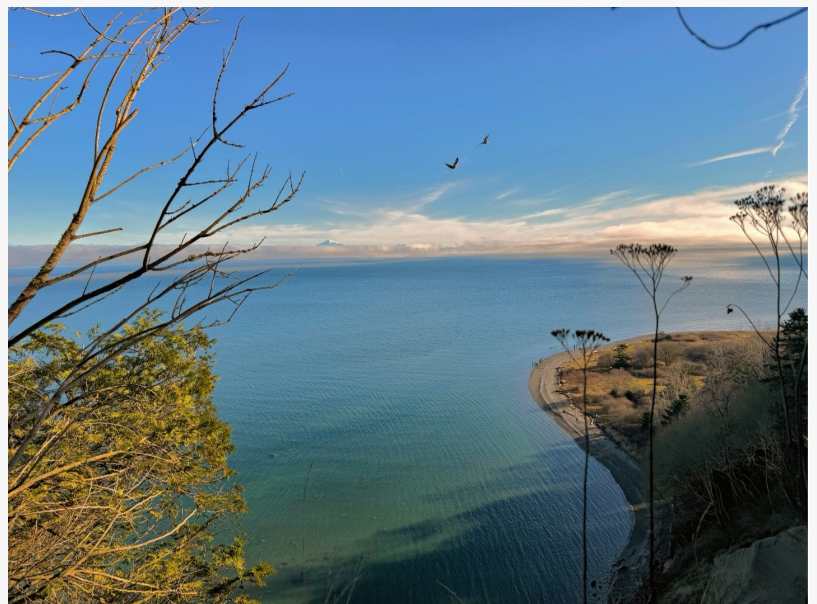


Federal Court Finds Lummi Nation Likely to Succeed in Lawsuit over Disturbance of Ancestral Burial Sites

Court Orders Advance Notice Before Any Further Ground-Disturbing Work in Point Roberts

BELLINGHAM, WA, UNITED STATES, July 16, 2026 /EINPresswire.com/ -- A federal judge yesterday [granted](#) significant preliminary relief to the Lummi Nation in its [lawsuit](#) challenging the disturbance of ancestral burial sites during federally funded broadband construction projects in Point Roberts, Washington. The Court concluded that the Lummi Nation is likely to succeed in proving that Whidbey Telecom disturbed Lummi burial sites and failed to reinter ancestral remains under the Nation's supervision, as required by Washington law.



View of the Strait of Georgia from Lily Point, Pt. Roberts. Photo courtesy of Lena Tso, Lummi Indian Nation THPO

The Court, Hon. Kymberly K. Evanson, entered a preliminary injunction requiring Whidbey Telecom to provide the Lummi Nation at least 30 days' advance notice before conducting any future ground-disturbing activities in Point Roberts, ensuring that the Nation will have the opportunity to protect its cultural resources and seek additional judicial relief if necessary.

In its opinion, the Court found that:

- The Lummi Nation is likely to succeed on its claim that Whidbey Telecom disturbed Lummi burial sites and failed to comply with Washington's Indian Graves and Records Act by not reintering ancestral remains under Tribal supervision.
- The Nation faces irreparable harm if Whidbey Telecom resumes its construction activities

without notice to the Nation.

- The balance of the equities and the public interest favor protecting Lummi ancestral burial grounds.
- Additional requests for broader relief may be renewed after the Nation completes a comprehensive damage assessment or if Whidbey Telecom plans to resume construction.

The Court also recognized the extraordinary cultural significance of Point Roberts, noting that the area contains thousands of archaeological features and numerous known ancestral burial sites

Lummi Chairman, Anthony Hillaire, stated, "Lummi has said from the beginning: these harms caused to the heart of our homeland are irreparable and immeasurable. Chulhtenum is intertwined in our living history as saltwater reef net people, throughout the northern straits. Although nothing will mend what has already occurred, this is a positive step toward preventing further and future harm to our grandparents that are at rest and under our care."

Katherine Sorrell of Cultural Heritage Partners, counsel for the Lummi Nation, said: "Preliminary injunctions are extraordinary remedies. For a federal court to conclude at this early stage that the Lummi Nation is likely to succeed on the merits is an important milestone. The Court recognized that ancestral remains were disturbed, that Washington law requires their reinterment under Tribal supervision, and that the Nation faces irreparable harm if Whidbey Telecom proceeds with its projects at Point Roberts without meaningful notice to the Nation."

Although the Court determined that some requested relief—including orders regarding site security and access—was premature because additional damage assessments remain to be completed, it expressly invited the Lummi Nation to renew those requests if necessary as the case progresses.

The lawsuit (Case Number: 2:26-cv-01435-KKE) challenges three federally funded broadband projects that traversed or are planned to traverse known archaeological sites in Point Roberts. The Lummi Nation alleges that federal agencies, Whatcom County, and Whidbey Telecom failed to comply with federal and state laws designed to protect Native American burial sites and cultural resources.

The case will now proceed toward trial while the preliminary injunction remains in effect.

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