

HISTORIC PRESERVATION SERIES



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Inadvertent Discovery and Unanticipated Effects

The term "Inadvertent Discoveries" refers to the identification of previously unknown human remains, and/or historic or prehistoric resources, in a situation other than a cultural resources' identification effort. Inadvertent discoveries usually occur during construction projects, but they can also occur as a result of natural events, such as reports from the public about eroding graves or storm-damaged historic buildings.

An inadvertent discovery can also refer to unanticipated effects of known resources, such as a dozer damaging an archaeological site adjacent to the planned project area. This type of inadvertent discovery is also referred to as an inadvertent effect. These discoveries encompass situations where the cultural resource was known prior to the project starting or was identified during necessary pre-project planning, but the nature of the project was such that an adverse effect was not anticipated or conditions for avoidance and/or minimization efforts were placed on the project to prevent an adverse effect. The need to consult and complete the inadvertent discovery process is not diminished just because the property was known.

Regardless of the circumstances, inadvertent discoveries should be reported as soon as possible to facilitate timely action to minimize damage to cultural resources. However, the process is variable due to land ownership or management, obligations under local, state, and federal statutes, and the nature of the discovery. For these reasons, the Office of History and Archaeology strongly recommends the development of an inadvertent discovery plan for any project that will be time-sensitive and will disturb ground or vegetation. We also recommend that facilities or institutions have an inadvertent discovery plan to provide guidance to staff in case of discovery or if cultural resources or burials located on the lands they manage or own.

Regulatory Framework

Section 106 of the National Historic Preservation Act (SECTION 106) or 54 USC 306108 and the Alaska Historic Preservation Act (AHPA) or AS 41.35.070(d) are the laws most frequently invoked during an inadvertent discovery. These two laws have similar information needs, which can assist with compliance during the inadvertent discovery process. However, numerous local, state, and federal laws may pertain to a project or discovery. This document is intended to provide guidance to assist with the most commonly encountered situations and in no way absolves compliance with other regulations and statutes. Please note that each inadvertent discovery is different, and there will be process variations between them. Any inadvertent discovery plan or process should be viewed as a framework to facilitate consultation amongst the required parties.

The most commonly used inadvertent discovery process is laid out at 36 CFR 800.13(b)(3). This regulation covers projects subject to Section 106, when construction has commenced, and no prior planning has been done for the contingency of an inadvertent discovery.

Summary of 36 CFR 800.13(b)(3)

1. The lead federal agency must notify parties within 48 hours of the inadvertent discovery.
 - a. Documentation must include a National Register eligibility assessment and proposed actions to resolve any adverse effects.
2. Parties may comment on eligibility and the proposal to resolve an adverse effect within 48 hours of receipt of notification.
3. The lead federal agency shall make needed modifications to the plan and implement.
 - a. Project construction or activities may proceed following implementation of on-site measures, such as documentation or archaeological excavation.
4. The lead agency shall provide a report of the actions when they are completed.

This regulatory framework for inadvertent discoveries is contingent upon having sufficient information available to the lead agency within 48 hours of the discovery, which is problematic in Alaska. Many projects do not have an archaeological monitor on-site for the discovery, and a cultural resources professional that meets the *Secretary of the Interior Professional Qualification Standards* (48 FR 447838-44739) is often unable to get to the location soon after a discovery.

Making decisions quickly is necessary for all inadvertent discoveries, not just projects subject to Section 106. As such, our office provides the following clarification for how to meet the spirit of pertinent laws under the challenging circumstances often encountered in Alaska.

What to Do

In the case of an inadvertent discovery **always**:

1. **Stop Work** – cease work as soon as it is safe to do so and ensure that the discovery's location is secured and protected from further disturbance to the extent possible. Recommend having a 100-foot radius buffer around the discovery as a no-work zone.
2. **Discovery Notification** – as soon as possible following the discovery, the responsible party on-site must notify the on-site project manager (if applicable), land manager/owner, the Office of History and Archaeology/SHPO, and, if applicable, the lead agency.
3. **Complete Consultation** – work may not resume until it has been determined that all compliance needs have been met for local, state, and federal statutes and regulations. Consultation with all parties is required to complete this step.

1. Stop Work

Discoveries are priorities for the OHA and others involved in the inadvertent discovery process. However, resolving an inadvertent discovery can take time. To minimize delays to resuming project activities, we recommend getting a cultural resource specialist to the location as quickly as possible to gather information and assist with completing the inadvertent discovery process.

Once a discovery has been identified, it is essential to take action to prevent further disturbance. A no-work buffer is a common first step measure. Until more is known about the nature and extent of the discovery, our office recommends a 100-foot radius buffer. Other necessary measures may include covering the discovery with a tarp, restricting all access to the discovery, shoring up unstable walls, and putting up fencing or barricades to prevent people and animals from falling into excavations.

Special provisions may be required if the discovery includes human remains (Attachment 1). The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, postmortem interval (time since death), and biological/cultural affiliation. First and foremost, the site of discovered remains should be regarded as a potential "crime scene" until a person with appropriate expertise and authority determines otherwise. Human remains should be treated with respect and notifications completed as expeditiously as possible. Coordination involving ancestral remains of Native Alaskan descent or origin should include local Tribes to assist with the identification of descendants and appropriate handling of their ancestor(s).

2. Discovery Notification

Discovery notification has two components: an immediate notification and a written notification. The immediate notification activates the inadvertent discovery process and informs the necessary parties of the discovery, but sufficient information to make decisions may not be available at that time. Written notification is essential to provide full

documentation of the discovery's nature, the circumstances surrounding the discovery, and an assessment of the extent of damage to the discovery. Ideally, sufficient information to make decisions has been gathered when the written notification is distributed.

An inadvertent discovery plan should detail who makes the initial notifications and completes subsequent consultation. If an inadvertent discovery plan was not prepared in advance for a project, then the on-site project manager bears the responsibility that relevant statutes and regulations are followed. The OHA is available to provide technical assistance for all inadvertent discoveries in Alaska.

One of the barriers to the inadvertent discovery process is inadequate information. The following section discusses what information needs to be passed on in order to ensure that all relevant statutes and regulations are followed.

Initial Notification

Initial notification of an inadvertent discovery is generally made by telephone, but there is growing use of email to fill this need. Regardless of the method, notification should be provided to all parties listed in Table 1 within 24 hours or one business day. If a cultural resource specialist is not on-site, then additional coordination may be necessary to provide information to OHA, the Alaska State Troopers, and/or the Alaska State Medical Examiner's office to determine if any bones are human, and if so, whether they are forensic or archaeological in nature.

Information to Provide:

1. Name of the person providing notice and their relationship to the discovery
2. Type of discovery and protection measures
3. Discovery background: project-related or other information
4. Any information known about the discovery and/or effects
5. Is a cultural resource professional on-site, and if not, when will they arrive?

Table 1. Notification List

Notification List	Entities
All discoveries:	<ul style="list-style-type: none"> • Project proponent, • Land manager/owner, • Local government (city and/or borough) • Office of History and Archaeology/SHPO, • Tribes with ancestral use of the land, and • Lead agency (if applicable)
IF human remains are found the following must be contacted:	<ul style="list-style-type: none"> • Alaska State Troopers, • Alaska State Medical Examiner's Office, • Local law enforcement, and • AST/Missing Persons Clearinghouse

Follow-up Notification

The second contact following an inadvertent discovery should be completed in writing, which can be communicated by mail or through email. Written notification is necessary to ensure that information provided verbally was recorded accurately and to assist with delivering an administrative record for local, state, and federal compliance. Written notice is often sent within 2 to 3 business days of the inadvertent discovery and should incorporate any updates, clarifications, or new information about the discovery or project. Written notification should be sent to all parties contacted during the initial notification process (Table 1).

Information to Provide:

1. Name of the person providing notice and their relationship to the discovery
2. Information provided in the immediate notification
 - a. Include any updates
3. Map sufficient to understand the relationship of discovery to surrounding properties and, if applicable, the project
4. Latitude/longitude
5. Description of the disturbance and measures enacted to prevent further damage
6. Description of steps taken to understand the discovery, such as photographs, tests, profiles, and collection
7. Description of the discovery
 - a. Does the stop-work area need to be enlarged?
8. Evaluation of NRHP eligibility
 - a. If NRHP eligibility cannot be established, then describe the work that will be necessary to gather sufficient information.
 - b. If proposing to treat-as-eligible, then describe why and by what criteria.
 - c. Can the discovery contribute to a district?
9. Assessment of effect
 - a. If the discovery is not eligible, then the recommended finding is no historic properties affected.
 - b. If the discovery is eligible, then the recommended finding could be no adverse effect or adverse effect.
 - i. Recommendation of no adverse effect if the initial disturbance was minor and the project can avoid further disturbance to the property.
 - ii. A recommendation of adverse effect is appropriate if the historic property's integrity and essential characteristics were diminished by the project before work was stopped or will be diminished after the resumption of the project.

3. Complete Consultation

Consultation between parties should be on-going following initial notification of an inadvertent discovery. However, who decides how to move forward varies depending on state and federal laws, as well as land status. For this reason, our office recommends making decisions in consultation with other parties to assist with situations with layered compliance requirements. Table 2 can provide some guidance on which laws may apply to a situation but a review of project information and consultation amongst parties is critical to ensure that the scope of the discovery and associated compliance is fully understood.

Consultation after a project-related inadvertent discovery is considered time-sensitive, and information needs to be gathered quickly to facilitate decision making. Consultation needs to determine the significance or NRHP eligibility of the discovery, what the project's effect was or will be, what (if anything) needs to be completed to resolve an adverse effect, and when the project can proceed. Consultation can be achieved through correspondence or email but may require one or more meetings. Meetings or calls may be critical if there is a disagreement and/or if the situation is an emergency.

Consultation for an inadvertent discovery unrelated to a project is important, but it may not be urgent, and finding funding to address a situation may be problematic. The inadvertent discovery process will still need to determine the significance or NRHP eligibility of the discovery, assess any imminent dangers, determine what (if anything) needs to be done to safeguard the discovery, and determine if any management steps need to be taken.

Resuming Project Activities

Many discoveries are made during the implementation of a project, and resuming activities is of critical concern to those involved. Resuming a project after an inadvertent discovery requires more than just notifying the SHPO or getting one party to say "yes" since many projects have multiple compliance needs. Consultation should establish who needs to have a voice in the final decision to resume work, as some situations may require the agreement of multiple entities. For example, a discovery of an adverse effect to a historic property on State land during a project using federal funds that involves human remains needs to have:

- agreement from law enforcement that the human remains are not forensic in nature;
- agreement from the lead federal agency that all on-site measures to resolve the adverse effect are complete; and
- agreement from OHA that construction may proceed pursuant AS 41.35.070(d).

Table 2. Legal Requirements

	State Land	Federal Land	Local Land	Private Lands
Federal Permit/Project/Funds	SECTION 106 ¹ /AHPA ² /HR ³	SECTION 106/HR	SECTION 106/Local ⁴ /HR	SECTION 106/Local/HR
State Permit/Project/Funds	AHPA/HR	SECTION 106/AHPA/HR	AHPA/Local/HR	AHPA/Local/HR
No State or Federal Involvement	--	--	Local/HR	Local/HR

Best Practices

All projects that disturb ground should have an inadvertent discovery plan on site.

Projects should have a tailored inadvertent discovery plan to correctly identify all legal requirements and accurate contact information for necessary parties. Attachment 2 is an example inadvertent discovery plan.

Frequently Asked Questions

What happens if a project has multiple inadvertent discoveries?

Each discovery requires following the inadvertent discovery process of Stop, Notify, and Consult. Decisions made to comply with local, state, and federal law are based on information available at that time. Consultation on one discovery does not ensure compliance for future or further discoveries.

We are working with an archaeological monitor, do these protocols still apply?

Typically, the archaeological monitor will be required to follow the standard inadvertent discovery process. Exceptions would be if alternative agreements were reached through prior consultation. These would be outlined in or attached to a legal agreement (Memorandum of Agreement or Programmatic Agreement).

What are the requirements if there is no State or Federal involvement?

If the inadvertent discovery occurs on Private land during an activity or event that has no Federal or State involvement, then there is no applicable historic preservation law---with the exception of human remains. AS 11.46.482(a)(3), which applies to all lands in Alaska, makes the "intentional and unauthorized destruction or removal of any human remains or the

¹ SECTION 106 – Section 106 of the National Historic Preservation Act

² AHPA – Alaska Historic Preservation Act

³ HR – human remains regulations and statutes

⁴ Local – local ordinances or landowner requirements

intentional disturbance of a grave" a class C felony. In addition, AS 18.50.250, which applies to all lands in Alaska, requires permits for the disinterment, transport, and reinterment of human remains. However, we strongly encourage all inadvertent discoveries to be reported to our office so what may be valuable information about our collective heritage is not lost.

Do We Really Need to Report Every Nail, Can, and Barrel We Encounter?

Yes - consultation is key. If there is not a legally binding inadvertent discovery/monitoring plan that addresses the treatment of specific resource types already in place, then there are no alternative procedures to the inadvertent discovery process. This is another reason why our office recommends the development of a project-specific treatment plan before project initiation. However, taking the initial step of notification with the appropriate parties can result in a consensus on appropriate measures regarding certain isolates or types of resources as a project moves forward.

What if no one responds to the notifications?

It depends. We recommend confirming that the necessary parties received the initial and written notifications. Under Section 106 the process allows for the lead federal agency to move forward once 36 CFR 800.13(b)(3), or an alternative process has been implemented. On State lands, the project must receive concurrence from OHA to resume project construction or activities.

What if we have a disagreement about appropriate resolution for the adverse effect?

It depends. Under Section 106 the process allows for the agency to make decisions after taking comments into consideration. Parties can enter dispute and request comment from the Advisory Council on Historic Preservation. On State lands, the department – as delegated to OHA – determines what data should be preserved in the public interest. These costs are required to be reimbursed by the agency sponsoring the construction project [AS 41.35.070(f)].

The Troopers told us we could go back to work. Why are we being told to stop?

The Alaska State Troopers and other law enforcement do not have decision-making authority under Section 106 or AHPA. Their authorities lie in determining whether the discovery is a crime scene, and their statement indicates that they have released their interest in the site. At that point, the parties need to complete consultation, including gathering any information necessary to determine NRHP eligibility and finding of effect. Please note that NAGPRA will apply if human remains are found on federal lands.

Attachment 1

GUIDELINES

Laws and Protocols Pertaining to the Discovery of Human Remains in Alaska

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Laws and Protocols Pertaining to the Discovery of Human Remains in Alaska

The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, postmortem interval (time since death), and biological/cultural affiliation. First and foremost, the site of discovered remains should be regarded a potential "crime scene" until a person with appropriate expertise and authority determines otherwise.

State Laws:

Several State laws are applicable to the discovery of human remains in Alaska. The State Medical Examiner (SME) has jurisdiction over all human remains in the state (with rare exceptions, such as military aircraft deaths), regardless of age.

AS 12.65.5 requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper [AST]) and the State Medical Examiner when death has "been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning."

In this regard, contact the Alaska State Troopers in the applicable region first. (See list of contacts on following page.) The AST has interpreted notification procedures as applicable to all remains, including ancient remains.

AS 11.46.482(a)(3), which applies to all lands in Alaska, makes the "intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave" a class C felony.

AS 41.35.200, which applies only to State lands, makes the disturbance of "historic, prehistoric and archeological resources" (including graves, per definition) a class A misdemeanor.

AS 18.50.250, which applies to all lands in Alaska, requires permits for the disinterment, transport, and reinterment of human remains. Guidance and permits are available from Health Analytics & Vital Records (see attached list of contacts).

Federal Laws:

On Federal lands and Federal trust lands, the unauthorized destruction or removal of archaeological human remains (i.e., more than 100 years old) is a violation of **16 USC 470ee** (Archeological Resources Protection Act). If human remains on federal or federal trust lands are determined to be Native American, their treatment and disposition are also governed by the Native American Graves and Repatriation Act (NAGPRA) of 1990 (**PL 101-601; 25 USC 3001-30013**; 104 Stat. 3048-3058; 43 CFR 10). NAGPRA also applies to Native American human remains from any lands if the remains are curated in any institution that receives federal funds.

General Guidance:

Your first contacts should be the regional Alaska State Troopers, the Alaska State Medical Examiner's Office, local law enforcement, AST/Missing Persons Clearinghouse, the Alaska Office of History and Archaeology, and the landowner.

In many instances, the field archaeologist must make a judgement call regarding the age of the remains, his/her level of confidence in the evaluation, and whether further investigation by a specialist is warranted. While notification under State Law is required, peace officers and the SME generally regard archaeologists competent to make these type determinations and welcome input that may assist with the investigation. With regard to ancient remains (> 100 years old), the SME and AST will generally defer to the opinion of the field archaeologist and require no further criminal investigation. However, the remains and a surrounding buffer area should not be disturbed until appropriate reporting and consultation have occurred.

**CONTACT INFORMATION FOR STATE OFFICIALS INVOLVED WITH HUMAN REMAINS
ISSUES IN ALASKA**

**Denotes suggested contact person in list below.*

1.) Alaska State Troopers, Missing Persons Clearinghouse:

Phone: (907) 269-5038

Fax: (907) 337-2059

Lt. Paul Fussey

Phone: (907) 269-5682

E-mail: paul.fussey@alaska.gov

*Malia Miller

Phone: (907) 269-5038

E-mail: malia.miller@alaska.gov

*After contact by phone, send e-mail with relevant information and photos to Lt. Fussey and Malia Miller.

2.) Alaska State Medical Examiner's Office:

* Reporting Hotline (Death Hotline) to speak with on-duty investigator.

Phone: (907) 334-2200 (24 hours)

Anne Waisanen, Operations Administrator

Phone: (907) 334-2200

Fax: (907) 334-2216

e-mail: anne.waisanen@alaska.gov

Dr. Gary Zientek, Chief Medical Examiner

Phone: (907) 334-2200

Fax: (907) 334-2216

e-mail: gary.zientek@alaska.gov

3.) Alaska Office of History and Archaeology (State Historic Preservation Office):

Office Phone: (907) 269-8700

*Ask for State Archaeologist

Fax: (907) 269-8908

Email: richard.vanderhoek@alaska.gov or oha.permits@alaska.gov

4.) Health Analytics & Vital Records:

For burial transit permits and disinterment/transit/reinterment questions:

* Registration Help Line

Phone: (907) 465-5423

Fax: (907) 465-3423

Attachment 2

EXAMPLE

Inadvertent Discovery of Cultural Resources Plan

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Inadvertent Discovery of Cultural Resources Plan

Previously unidentified cultural resources may be encountered during the Project activities. Such resources may include historic or prehistoric materials and may be located above and/or below ground or under water due to ponding, stream changes, or erosion. If there is an inadvertent discovery of cultural materials during any Project activities, the following plan will be implemented to ensure compliance with state and federal laws. This plan includes stopping work at the location of discovery, notifying officials and stakeholders, and evaluating and consulting on the discovery.

The Inadvertent Discovery of Human Remains Plan must be implemented instead if the discovery involves human remains, funerary objects, sacred objects, or objects of cultural patrimony.

1. Stop Work (Everyone's Responsibility)

1. Stop Work in the immediate area of the discovery to ensure that it is not damaged further.
2. Notify the on-site Manager or Supervisory Monitor immediately.
3. Flag a 100-foot radius buffer around the discovery to minimize further disturbance/destruction. The buffer should be flagged with high visibility flagging/staking so that it is obvious to all personnel that the area must be avoided.
4. Use protective measures if the discovery is threatened by exposure to the elements. This could include covering the discovery with a tarp or shoring up cut banks or trench walls so that additional exposure does not occur.
5. Secure especially small or fragile items. In some cases, it may be necessary to place items in archival quality bags or containers, but those items should be left in place at the discovery site (to the extent possible) until Step 2 can be completed.

2. Notify Officials (Supervisor/Manager's Responsibility)

1. Within 1 business day, the on-site Manager or Supervisory Monitor must notify the [AGENCY⁵], the State Historic Preservation Officer (SHPO)/Office of History and Archaeology (OHA), and landowner or manager of the discovery by phone. If they cannot be reached by phone, then written notification via email must be provided. The contact information is listed below in Table [X]. The following information must be provided at the time of the notification:
 - a. Information regarding the nature and extent of the discovery, including descriptions of the items found;
 - b. Narrative description and GPS coordinates of the precise location of the discovery;
 - c. When the discovery occurred and who documented it; and

⁵ "AGENCY" is a placeholder for the lead federal agency or other entity(ies) that have a decision-making role in the process.

- d. When an SOI-qualified⁶ archaeologist will arrive on-site to assess the finds; or, if an SOI-qualified archaeologist is on site already, an initial assessment of the significance and integrity of the discovery, and potential National Register of Historic Places (NRHP) eligibility, or an estimate of how much time will be needed to complete an assessment.
2. The discovery will be treated as eligible until a full assessment can be completed.
3. Project work will be stopped in the area of the discovery until conclusion of Step 4. The on-site Manager or Supervisory Monitor must ensure the discovery is kept secure and is not disturbed.

3. Evaluate and Consult on Discovery (Agencies and Permittee⁷)

1. Within 5 business days of notification in Step 2, the [AGENCY] will consult with the SHPO, the Permittee, and the land manager or owner by phone or email on the nature of the discovery and its potential significance, to determine if additional investigation is necessary to make an eligibility assessment or if other parties should be notified of the discovery. The on-site Manager, Supervisory Monitor, or other persons knowledgeable of the discovery may be asked to participate in meetings or calls so they can provide additional information or context about the find.
2. If the discovery is determined to not be significant by the [AGENCY], and the SHPO concurs, the [AGENCY] will provide the Permittee with written authorization to proceed with Project activities at the discovery site. The [AGENCY] will provide this within 1 day of SHPO's concurrence and will also notify the land manager or owner of the determination. Monitoring at the discovery site should continue (unless directed otherwise by the [AGENCY]).
3. If the [AGENCY] determines that additional investigations are needed to complete an NRHP eligibility assessment, the [AGENCY] will notify the Permittee via phone or email. The Permittee will then ensure that 1 or more SOI-qualified archaeologists immediately go to the discovery site to complete any investigations necessary to make the assessment. This could include archaeological excavations or data recovery and the Permittee must provide all necessary equipment, gear, and personnel for the work to be completed consistent with industry standard practices. The archaeologist(s) will have a 10-day window from the date of [AGENCY]'s notification to complete the eligibility assessment and provide a report.

The report must be submitted to the [AGENCY] within the 10-day window and include:

- Detailed descriptions of the nature of the discovery;
- Detailed descriptions of the investigations and results of the investigations;
- Maps, drawings, soil profiles, photographs, artifact logs (as applicable);
- NRHP eligibility assessment and recommendation⁸; and
- If recommended as eligible, an assessment of effects⁹.

⁶ This refers to the Secretary of the Interior Professional Qualification Standards for Archaeology, which requires a graduate degree in anthropology or archaeology (or similar field) and at least 1 year of experience, including supervisory experience. See 36 CFR 61, Appendix A

⁷ The term Permittee is a placeholder for the project representative.

⁸ The NRHP eligibility assessment and recommendation must be consistent with 36 CFR 60.4 and follow National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*.

⁹ The assessment of effects must be consistent with the requirements in the Programmatic Agreement for the Project and follow 36 CFR 800.5

4. Within 3 days of receiving the report, the [AGENCY] will consult with the SHPO (and other parties as appropriate), on the assessment and make an eligibility determination for the discovery. The SHPO may provide their response at the time of the consultation or may take up to 5 business days from the date of consultation to provide a response. If no response is received within the 5 business days, the [AGENCY] will move forward with their determination and notify the SHPO, Permittee, and landowner or manager of this.
5. If the discovery is determined to not be eligible, the [AGENCY] will provide the Permittee with written authorization to proceed with Project activities at the discovery site. The [AGENCY] will provide this within 1 business day following SHPO's 5-day review and will also notify the landowner or manager of the determination. Monitoring at the discovery site should continue (unless directed otherwise by the [AGENCY]).

4. Resolution of Effects (Agencies and/or Permittee Responsibility)

6. If the discovery is determined eligible (i.e., is a historic property), the [AGENCY] will notify the Permittee and landowner or manager (and any other consulting parties) of this within 1 business day of the determination. The Permittee will then ensure a Treatment Plan is prepared by an SOI-qualified archaeologist that lists specific measures to be implemented that will resolve any adverse effects to the historic property. The archaeologist will have a 5-day window from the date of the [AGENCY] 's notification to prepare the Treatment Plan[, *but the measures will be based on standard options developed in the Cultural Resource Management Plan (CRMP) if applicable*].
7. The report must be submitted to the [AGENCY] within the 5-day window. The [AGENCY] will then distribute the Plan to the SHPO and landowner or manager (and any other consulting parties) for a 5-business-day review. The [AGENCY] will consider any comments received during the review period, and require any changes to be incorporated, before approving of the Treatment Plan. The [AGENCY] will then notify the Permittee that the Treatment Plan has been approved that it must be implemented.
8. The Permittee is responsible for implementing the Treatment Plan and must provide a Final Implementation Report to the [AGENCY] that describes how and when the measures were implemented. The [AGENCY] must approve of the Final Implementation Report before it can be considered finalized; in general, the [AGENCY] 's approval of the report will indicate that the Section 106 requirements have been met. However, Project work at the location cannot continue until the Permittee receives written notification from the [AGENCY] stating that all Section 106 requirements have been met.

The inadvertent discovery process is completed.

Table 1-1. Contact List for Inadvertent Discoveries

Agency/Entity/ Landowner	Title	Point of Contact	Phone	Email
AGENCY				
SHPO/OHA				
Landowners (contact the landowner or manager for the lands where the discovery is found)				
Tribes				