

Inadvertent Discovery of Archeological Deposits

Archeological investigation methods are designed to discover material evidence of past cultural activities, however, it is always possible that deeply buried archeological deposits may remain undetected during the survey process, only to be exposed by later construction or other ground disturbing activities.

Policy

In the event that archeological deposits are encountered during any construction or excavation activities, the activity must stop and the Cultural Resources Manager must be notified in person or by phone at 396-6680. Because of the potential of each archeological deposit to contain Native American human remains or cultural materials, failure to report discovery of archeological deposits may result in violation of NAGPRA, ARPA and other related federal and state laws resulting in fines and penalties against the Commander, Fort Bragg.

Procedures

When notified of the possible discovery of archeological deposits or material, the Cultural Resources Manager will visit the discovery site within 1 work day of notification to examine the discovered material and any in situ deposits. A determination of NAGPRA compliance will be made by the Cultural Resources Manager upon identification of the discovered material as archeological in origin. If the Cultural Resources Manager determines that the site contains human remains, funerary objects, sacred objects, or objects of cultural patrimony, the procedures in SOP #4 of this ICRMP will be implemented.

If the objects are determined to be not covered under NAGPRA, the procedures outlined in this SOP will be followed:

Part 2: Standing Operating Procedures

1. If, upon examination, the discovered materials are clearly of European-American or African-American origin, the Cultural Resources Manager will conduct an evaluation of the primary context of the deposit, probable age and assessment of significance.
2. If, upon examination of the recovered material, it appears that the discovered deposits are of natural origin, the Cultural Resources Manager will advise the project manager that (s)he may proceed with project activities.
3. If prehistoric archeological materials other than human burials are present and disturbance has been limited, the Cultural Resources Manager will recommend that the activity be relocated to avoid the site until a complete evaluation may be completed. If the activity cannot be relocated, the Cultural Resources Manager will consult with the North Carolina SHPO IAW 36 CFR § 800.11. Unless the activity is of the nature of an actual emergency (natural disaster or declaration of war), site activity must stop until consultation with the SHPO and/or ACHP is completed. Failure to cease activities that intentionally destroy archeological deposits prior to evaluation and determination of significance IAW 36 CFR § 800 may result in fines and penalties under ARPA against the Installation Commander.
4. The Cultural Resources Manager will telephone the North Carolina SHPO to discuss site significance. If both the SHPO representative and the Cultural Resources Manager agree that the discovered archeological deposit is not eligible for the NRHP, the telephone conversation will be summarized in a Memorandum for Record (MFR), to be included as part of the site documentation. The Cultural Resources Manager may then advise the project manager to proceed with project activities, although the Cultural Resources Manager will monitor the remainder of excavation activities to ensure that NRHP eligible deposits are protected.
5. If, in the opinion of either the SHPO or the Cultural Resources Manager, the recovered materials are of insufficient quantity or otherwise non-diagnostic thus hindering a valid assessment of significance, an emergency testing plan may be developed by the Cultural Resources Manager, in consultation with the SHPO. Further excavation in the immediate site vicinity must be halted pending the accomplishment of the emergency testing plan. The Cultural Resources Manager may request that a SHPO representative be present on site to consult directly on the assessment of site significance. The SHPO may choose to send a representative to observe the emergency testing plan without prior

request by the Army, however, access to the site by nonArmy personnel must be approved by the PAO. If the site is eligible, or if the Army and the SHPO cannot reach an agreement on determination of eligibility, the following alternative actions are available:

- a. Reconsider relocating the project to avoid adverse effect.
- b. Develop an MOA with the SHPO that specifies the scope and extent of data recovery required to mitigate the project impact. This option may be implemented as an extended test for NRHP eligibility. The mitigation may be terminated when sufficient site area has been investigated to determine the full archeological potential of the site.
- c. Where data recovery (mitigation) is limited in scope and such action is amenable to the SHPO, the Army may elect to proceed without development of an MOA. All aspects of data recovery will be fully documented and reported to the SHPO by written report at the termination of data recovery efforts.
- d. When recovery of human remains is considered likely, the Army may elect to comply with NAGPRA and related federal and state law. Such procedures will be coordinated with the SHPO and the Native American Tribes.
- e. The Army may elect to comply with 36 CFR § 800.11(b)(2)(ii), developing and implementing actions that take into account the effects of the undertaking on the property and requesting comments of both the SHPO and the ACHP. IAW 36 CFR § 800.11(c)(2), interim comments from the ACHP must be provided to the Army within 48 hours of receipt of the request and final comments within 30 days of the request. Section 106 and 36 CFR § 800 do not require the federal agency to stop work on the undertaking. However, depending on the nature of the property and the undertaking's apparent effects on it, the agency official should make reasonable efforts to avoid or minimize harm to the property until the requirements of 36 CFR § 800.11 are met.

A synopsis of this SOP will be printed on all Dig Request Result Reports as follows:

“There is always the potential for deeply buried archeological deposits that are not discovered during the survey process. If archeological materials are discovered during construction or excavation activities, this coordination becomes invalid and a Cultural Resources Manager must be notified at 396-6680 to assess the discovery.”

Part 2: Standing Operating Procedures _____

AND:

"In the event that Native American human remains or cultural items are discovered, federal law directs specific procedures that must be followed and establishes criminal and civil penalties for noncompliance. If human remains are encountered, all project activity on or near the discovery site must cease immediately. The human remains must be protected from further disturbance and a Cultural Resources Manager notified immediately at 396-6680."