

APPENDIX 3. INADVERTENT DISCOVERY PROTOCOL DOCUMENT

Kootenai County, Idaho

Inadvertent Discovery Plan

The Inadvertent Discovery Plan (IDP) protocol provides guidance if cultural materials, including human remains, are encountered during ground disturbing activities during construction. The following Inadvertent Discovery Plan outlines procedures to perform in the event of discovering archaeological materials or human remains in accordance with state and federal laws.

INTRODUCTION

An *inadvertent discovery* is an unanticipated encounter or detection of cultural material, features or human remains.

Applicable Laws/Regulations/Procedural Requirements:

- National Historic Preservation Act
- National Environmental Policy Act
- Archaeological and Historic Preservation Act
- Archaeological Resource Protection Act
- Native American Graves Protection and Repatriation Act

The Inadvertent Discovery Plan outlines protocol to be followed if cultural material including human remains are encountered during construction.

Regardless of whether an archaeological inventory has been completed and regardless of whether a planned undertaking has been assessed for its effect on known historic properties, every undertaking that disturbs the ground surface has the potential to discover buried and previously unknown archaeological deposits. This Inadvertent Discovery Plan (IDP) outlines the protocol to follow if such a discovery occurs.

RECOGNIZING CULTURAL RESOURCES

An *inadvertent discovery* consists of previously unidentified Native American or Euro-American artifacts or human remains (see Appendix B for photo examples):

Native American artifacts may include (but are not limited to):

- Flaked stone tools (arrowheads, knives scrapers etc.)

- Waste flakes (debitage) that resulted from the construction of flaked stone tools
- Ground stone tools like mortars and pestles used for food processing.
- Faunal bones, bone fragments
- Fire-affected rocks and midden
- Layers (strata) of discolored earth resulting from fire hearths. May be black, red or mottled brown and often contain discolored cracked rocks or dark soil with broken shell, bones.
- Human remains
- Structural remains- wooden beams, post holes, fish weirs, rock alignments

Euro-American artifacts may include (but are not limited to):

- Glass (from bottles, vessels, windows etc.)
- Ceramic (from dinnerware, vessels etc.)
- Metal (nails, drink/food cans, tobacco tins, industrial parts etc.)
- Building materials (bricks, shingles etc.)
- Building remains (foundations, architectural components etc.)
- Old wooden posts, pilings, or planks
- Even what looks to be old garbage could very well be an important archaeological resource
- Old farm equipment
- Human remains

PROTOCOL FOR COORDINATION IN THE EVENT OF INADVERTENT DISCOVERY

In the event of an inadvertent discovery of possible archaeological materials, all work will stop immediately in the vicinity of the find. Refer to Appendix A flow chart.

STEP 1: Stop Work and Notify the Project Manager.

If any project personnel, contractor or subcontractor believes that he or she has uncovered a cultural resource at any point in the project, all work must stop immediately. Leave the surrounding area, a 100 ft. buffer, untouched. Work can proceed outside of this buffered area unless additional cultural materials are encountered. Provide a demarcation adequate to provide the total security, protection, and integrity of the discovery. The discovery location must be secured at all times by a temporary fence or other on-site security.

STEP 2: Notify the Appropriate Parties.

The Project Manager or applicable staff will make all calls and necessary notifications after notifying the archaeological monitor/professional archaeologist if one has been designated. The monitor will follow the outlined procedure which includes the appropriate notifications and documentation. The Project Manager or monitor will notify the State Historic Preservation Office (SHPO) or the local sheriff's department as appropriate.

If human remains are encountered, the Sheriff's Department must be notified and they will coordinate with the Idaho State Police (ISP), the coroner, appropriate Tribal governments.

Project personnel must treat human remains with dignity and respect at all times. Do not disturb the remains. Cover the remains with a tarp or other material (not soil or rocks) for temporary protection and to shield them from being photographed.

Do not call 911 or speak with the media. Do not take photos!

STEP 3: Wait for Guidance.

No work resumes within the buffered area until the archaeologist and agency personnel have assessed the situation. All work will stop immediately in a surrounding area adequate to provide for the complete security of location, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological/cultural material as set forth in this document (see Appendix C). The project manager may direct construction away from cultural resources to work in other areas.

STEP 4: Proceed with Construction.

Construction can proceed in the buffered zone after the proper archaeological inspections have occurred and environmental clearances are obtained in coordination with SHPO and Tribal governments.

Confidentiality

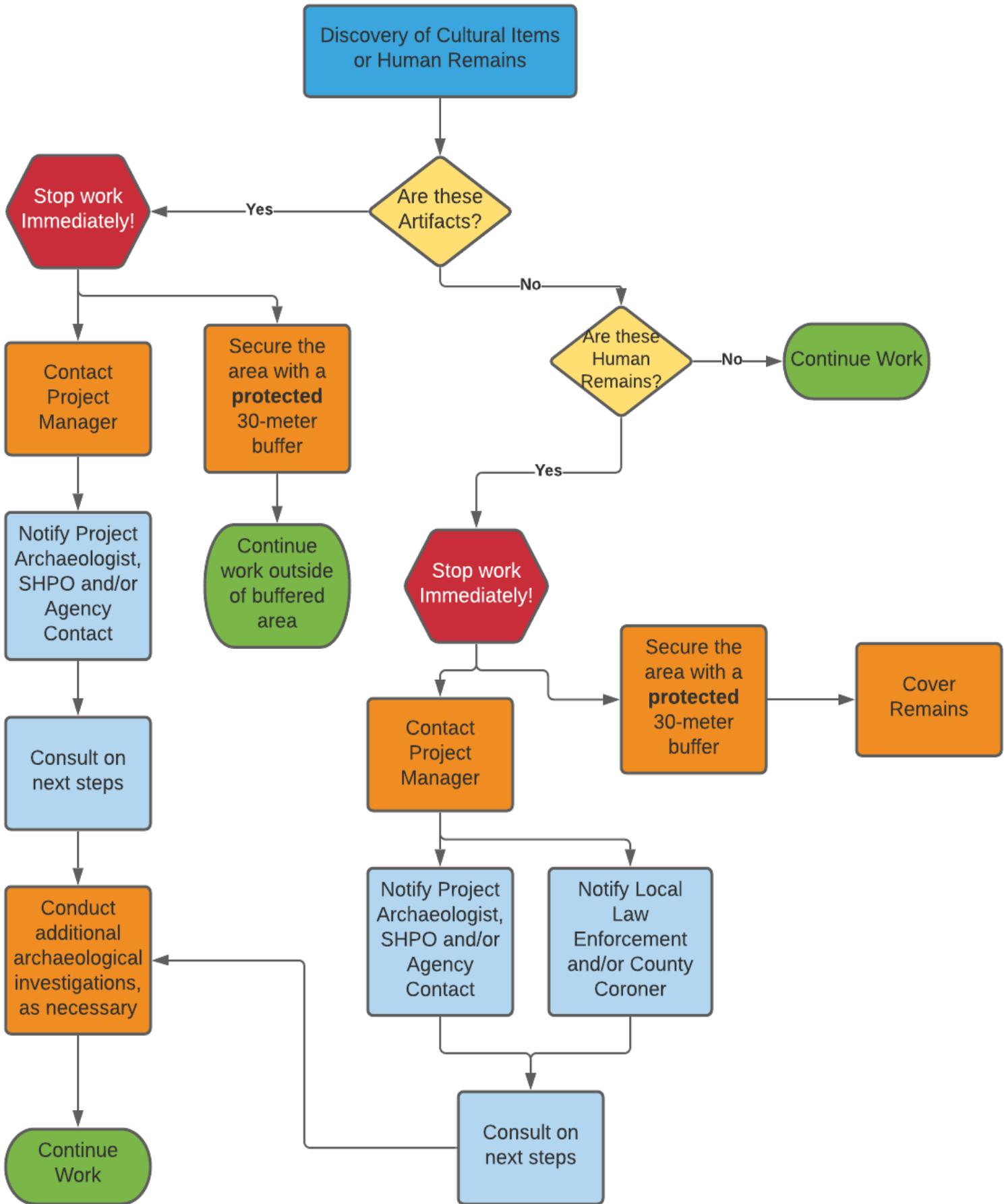
An inadvertent cultural discovery is confidential. The media or any third party member or members of the public are not to be contacted or have information regarding the discovery. Responsible agencies and Tribes shall consult on the amount of information to be released to the public.

Who to notify:

Position	Name	Phone	Email
Project Manager			
Archaeological Monitor			
Idaho State Historic Preservation Office State Archaeologist	Lindsay Johansson	208-488-7470	
Kootenai County Sheriff Office	Bob Norris	208-446-1300	
Kootenai County Coroner	Duke Johnson	208-446-2199	

THPO Coeur d'Alene Tribe	Jill Wagner	208-686-1572	
Cultural Resource Manager Kalispel Tribe	Kevin Lyons	509-445-1147	

Appendix A.



Appendix B: Visual References and Examples of Potential Discoveries

Implement the IDP if ...
You see chipped stone artifacts.



- Glass-like material
- Angular
- “Unusual” material for area
- “Unusual” shape
- Regularity of flaking
- Variability of size



Implement the IDP if ...

You see ground or pecked stone artifacts.



- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity



Stone Artifacts from Oregon

Implement the IDP if ...

You see bone or shell artifacts.



- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoehorn”



Bone Awls from Oregon and Bone Wedge from California

Implement the IDP if ...

You see bone or shell artifacts.



- Often smooth
- Unusual shape
- Perforated
- Variability of size



Tooth Pendant and Bone Pendants from Oregon and Washington

Implement the IDP if ...

You see fiber or wood artifacts.



- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare



Artifacts by Mud Bay, Olympia, Washington

Implement the IDP if ... You see historic period artifacts.



Artifacts from Downtown Seattle, Alaskan Way Viaduct (Upper Left and Lower) and Unknown Site (Upper Right)

Implement the IDP if ...

You see strange, different, or interesting looking dirt, rocks, or shells.



- Human activities leave traces in the ground that may or may not have artifacts associated with them
- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Charcoal or charcoal-stained soils
- Oxidized or burnt-looking soils
- Accumulations of shell
- Accumulations of bones or artifacts
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Unknown Sites

Implement the IDP if ...

You see strange, different or interesting looking dirt, rocks, or shells.



- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Site of Muckleshoot Indian Reservation, near WSDOT ROW along SR 164

Implement the IDP if ...

You see strange, different or interesting looking dirt, rocks, or shells.



Layers of shell
midden

Historic debris

- Often have a layered or “layer cake” appearance
- Often associated with black or blackish soil
- Often have very crushed and compacted shells



Site located within WSDOT ROW near Anacortes Ferry Terminal

Implement the IDP if ...

You see historic foundations or buried structures.



45KI1924, In WSDOT ROW for SR 99 Tunnel

Appendix C.

PROJECT STAFF AND ARCHAEOLOGIST/CULTURAL RESOURCE SPECIALIST RESPONSIBILITIES

Identify Find:

Project Manager will ensure that a qualified professional archaeologist examines the area to determine if there is an archaeological find. If it is determined not to be of archaeological, historical, or human remains, work may proceed with no further delay.

If it is determined to be an archaeological find, the project manager and/or Cultural Resource Specialist/Professional Archaeologist will continue with all notifications.

If the find may be human remains or funerary objects, the Project Manager and/or Cultural Resource Specialist will ensure that appropriate channels are followed in compliance with state and federal laws to include notification of County Sheriff, Idaho State Archaeologist, and a qualified physical anthropologist to examine the find. Other law enforcement agencies, medical examiner/coroner's office will also be notified in coordination with local law enforcement.

- The physical/forensic anthropologist, or medical examiner or coroner will determine if remains are human and whether the discovery constitutes a crime scene.
- Notify Tribes: If the discovery may be of interest to Native American Tribes, the State Archaeologist and/or Sheriff will coordinate with the interested and/or affected tribes.

Documentation of Archaeological Materials:

Archaeological deposits discovered during construction will be assumed eligible for inclusion in the National Register of Historic Places under Criterion D for potential important information until a formal Determination of Eligibility is made.

Project Manager will ensure the proper documentation and field assessment will be made of any discovered cultural resources by a contracted qualified archaeologist in cooperation with all parties: federal and state agencies, ISHPO, affected Tribes.

All prehistoric and historic cultural material discovered during project construction will be recorded by a professional archaeologist using an Idaho Archaeological Survey form or isolate form using standard and approved techniques. Site overviews, features, and artifacts will be photographed; stratigraphic profiles where visible and soil/sediment descriptions will be prepared for minimal subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps. The archaeologist will evaluate the significance of the site and potential

site boundaries vs. isolated findings and make recommendations for further investigations which may utilize test units and complete data recovery.

All prehistoric and historic artifacts will be recorded and returned as close as possible to the original location discovered unless the artifact is deemed a significant diagnostic. Ultimate disposition of collected cultural materials will be determined in consultation with ISHPO and the affected tribes.

Within 30 days of concluding fieldwork, a technical report describing any and all monitoring and resultant archaeological recordings will be provided to the Project Manager, who will forward the report for review to ISHPO, agencies (if any), and the affected tribe(s).

PROCEEDING WITH WORK

Work outside the discovery location may continue while documentation and assessment of the cultural resources proceed. A professional archaeologist must determine the boundaries of the discovery location.

Work may continue at the discovery location only after the process outlined in this plan is followed and the Project Manager, ISHPO, any affected tribes, federal agencies (if any) determine that compliance with state and federal law is complete.

