

STANDARD OPERATING PROCEDURE NO. 5
for
Inadvertent Discovery of Cultural Materials

Contact:

Cultural Resources Manager
Virginia Department of Military Affairs
NGVA-FMO-ENV
Building 316, Fort Pickett MTC
Blackstone, VA 23824-6316
434-298-6411

Note: In case the Cultural Resources Manager cannot be reached for immediate consultation, please see alternative contact chain identified on page 4-1.

Scope: This Standard Operating Procedure (SOP) outlines the steps to be taken upon inadvertent discovery of cultural resources. It is intended for all personnel. Examples of applicable personnel are:

- Environmental unit command officer
- Integrated Training Area Management (ITAM)
- Joint forces
- Plans, Operations, and Training Officer (POTO)
- Public affairs
- Range control
- Reservation maintenance
- Unit commander and environmental liaison
- Unit/activity personnel and tenants
- Non-VaARNG users.

Statutory Reference(s):

- American Indian Religious Freedom Act (AIRFA, 42 USC 1996) and Executive Order 13007
- Archaeological Resources Protection Act (ARPA, 16 USC 470aa-470mm) and its implementing regulation (32 CFR 229)
- National Historic Preservation Act (NHPA, 16 USC 470) and its implementing regulation (36 CFR 800)
- Native American Graves Protection and Repatriation Act (NAGPRA, 25 USC 3001) and its implementing regulation (43 CFR 10)
- Paleontological Resources Preservation Act (16 USC 470aaa) and its implementing regulation (forthcoming)
- Executive Order 13175
- Executive Order 13287

Applicability:

Typical actions that may trigger these requirements:

- Activities such as digging, bulldozing, clearing or grubbing
- Construction and maintenance

- Field training exercises
- General observations (i.e., eroded areas, gullies, trails, etc.)
- Off-road traffic

Discovery of the following will trigger these requirements:

- Archaeological features, including remains of buildings and structures
- Discovery of known or likely human remains
- Indian or historical artifacts
- Unmarked graves
- Paleontological remains

Actions: This section describes specific actions to be taken for inadvertent discovery of cultural materials. The flow chart is intended to be used by unit/activity level personnel, unit commanders, and similar personnel as a decision-making guide when inadvertent discoveries are made as described under the applicability section of this SOP (see Figure 4-5).

Unit personnel, contractor, field crews, other tenants:

1. According to federal law, all ground-disturbing activities must cease immediately, as soon as any suspected cultural artifacts, features, or human remains are detected.
2. Immediately report the inadvertent discovery to the Officer in Charge (OIC), Project Manager (PM), or other designated POC.
3. Return any cultural artifacts or human remains that have been disturbed or dislodged, and secure the discovery location. At a minimum, cordon off a buffer area of at least ten feet (10') around the discovery location with rope or high visibility flagging tape and post a sentry. Cover the discovery location with a tarp, ground cloth, or canvas. Ensure that no one has collected any cultural materials as souvenirs.
4. All discovered human remains will be treated with respect and dignity. Regardless of the assumed ethnicity or cultural origin of the deceased, do not photograph exposed burials or associated funerary objects.

Officer in Charge, Project Manager, or designated POC:

1. According to federal law, all ground-disturbing activities must cease immediately, as soon as any suspected cultural artifacts, features, or human remains are detected.
2. Immediately report the inadvertent discovery to the Cultural Resources Manager

434-298-6411
or in case the CRM cannot be reached, alternative contacts in place of the CRM are identified on page 4-2.
3. Immediately report the inadvertent discovery to:

434-292-2227 (or) 434-292-8334

If in a Fort Pickett training facility or training area, notify the Fire Desk (Range Operations)

If at an Armory, Maintenance Facility, or other VaARNG property, notify the Armory Commander or the Facility Manager (<https://vko.va.ngb.army.mil/gstaff/VAFM/default.aspx>)

434-298-6285

If human remains are discovered, Range Operations, the Armory Commander, or the Facility Manager will provide written confirmation of the inadvertent discovery to the CRM within twenty-four (24) hours of the event. Be prepared to provide names, dates, and details pertaining to the discovery.

4. Ensure that any disturbed or dislodged cultural artifacts or human remains have been returned and that the discovery location is secured. At a minimum, cordon off a buffer area of at least ten feet (10') around the discovery location with rope or high visibility flagging tape and post a sentry. Cover the discovery location with a tarp, ground cloth, or canvas. Verify that no one has collected any cultural materials as souvenirs.
5. All discovered human remains will be treated with respect and dignity. Regardless of the assumed ethnicity or cultural origin of the deceased, do not all any photographs of the exposed burials or associated funerary objects.
6. Coordinate with Range Operations, the Armory Commander, or the Facility Manager to determine where activities can resume.
7. Provide direction to the field troops, construction crew, or non-VaARNG user regarding locations where training exercises or activities may continue.

Range Operations, the Armory Commander, or the Facility Manager:

1. Ensure that activities have ceased at the discovery site.
2. Immediately report the inadvertent discovery to the Cultural Resources Manager

434-298-6411

or if the CRM is unavailable, please see alternative chain of cultural resources contacts on page 4-2.

3. Notify law enforcement only if human remains are discovered:

If at Fort Pickett, notify Military Police

434-292-8444

If at Fort Pickett, an Armory, Maintenance Facility, or other VaARNG property, notify the State Police. Refer to the State Police webpage (http://www.vsp.state.va.us/Office_Locations.shtm) to identify which office has jurisdiction.

4. Ensure that any disturbed or dislodged cultural artifacts or human remains have been returned and that the discovery location is secured. At a minimum, cordon off a buffer area of at least ten feet (10') around the discovery location with rope or high visibility flagging tape and post a sentry. Cover the discovery location with a tarp, ground cloth, or canvas. Verify that no one has collected any cultural materials as souvenirs.

5. All discovered human remains will be treated with respect and dignity. Regardless of the assumed ethnicity or cultural origin of the deceased, do not take any photographs of the exposed burials or associated funerary objects.
6. Provide direction to the field troops, construction crew, or non-VaARNG user regarding locations where training exercises or activities may continue.

No activity will resume in the area of discovery until cleared by the CRM. Anticipate a minimum of 30 days before activity can resume.

7. Within twenty-four (24) hours of the event, provide the CRM with written confirmation of a discovery of human remains. Provide names, dates, and details pertaining to the discovery.

Cultural Resources Manager:

- Inadvertent Discovery of Archaeological Artifacts or Features on Federal or State Land:
 1. Ensure that activities have ceased at the discovery site, and that the site has been secured from human and natural forces.
 2. Notify the SHPO of the discovery.
 3. If the CRM determines that activities can continue at the discovery location but avoid disturbing the cultural resources, survey the location, document the resource, and implement an appropriate conservation strategy. Contract for support as required.
 4. If the CRM determines that activities can continue at the discovery location, but not without disturbing the cultural resources, survey the location, document the resource, evaluate for eligibility for NRHP, and mitigate (if necessary). Contract for support as required.
 5. Consult with SHPO and Tribes. Transmit copies of technical reports and any management or action plans to these stakeholders according to Federal and State regulations, and subject to any agreements in place that govern this action.
 6. Note: Per 36 CFR 800.12(d), immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 of the NHPA.
- Inadvertent Discovery of Human Remains or Funerary Objects on Federal Land:
 1. Ensure that activities have ceased at the discovery site, and that the site has been secured from human and natural forces.
 2. Ensure that law enforcement has been notified of the discovery of human remains to determine whether or not this is a crime scene:

If at Fort Pickett, notify State Police and Military Police at:

434-292-8444

If at an Armory, Maintenance Facility, or other VaARNG property, notify the State Police. Refer to the State Police webpage (http://www.vsp.state.va.us/Office_Locations.shtm) to identify which office has jurisdiction

3. Notify the SHPO of the discovery. This notification should be by telephone, to be followed immediately by written notification.

4. Notify the following personnel:

the VaARNG Judge Advocate General (JAG),

434-298-6285

the Operations Manager in the Directorate of Operations (DSCOP), and

434-292-8471

the Public Affairs Office (PAO).

804-786-4415

5. Visit the location of the discovery within twenty-four (24) hours of the find. The services of appropriate technical experts (e.g., archeologists, specialists in human osteology, forensic anthropologists) may need to be retained to participate in the field visit.
6. If the CRM has reason to believe that American Indian human remains, funerary objects, sacred objects, or objects of cultural patrimony have been discovered, the CRM must provide immediate telephone notification of the discovery, along with written notification by certified mail, to the Department of the Interior's Departmental Consulting Archaeologist (DCA) at the following address:

Archeology Program
National Park Service
1849 C Street, NW (2275)
Washington, DC 20240
DCA@nps.gov

The DCA will be advised on the nature of the discovery. If known, as much information as possible concerning the cultural resources (such as type, date, location, any indicators of ethnicity, and circumstances of the discovery) should be provided to the DCA. The DCA retains the option of notifying and consulting with the ACHP, who may require an onsite examination of the affected remains. The DCA will determine the significance and origin of the remains and what mitigation measures to take.
7. The CRM will obtain certification of notification from the DCA. Federally recognized tribes would be notified by telephone with written confirmation within 3 days after certification. This notification must include pertinent information as to kinds of human remains, funerary objects, sacred objects, or objects of cultural patrimony, their condition, and the circumstances of discovery.
8. The CRM will consult with interested parties (SHPO, Tribes, and property owner as applicable) to discuss disposition of remains and mitigation measures. The CRM, in consultation with the SHPO and American Indian groups, as appropriate, will determine the procedures for disposition and control of any American Indian cultural items excavated or removed as a result of inadvertent discoveries.
9. Activities in the area of discovery can resume thirty (30) days after certification of notification is received, or sooner, if a signed binding agreement is reached. The PAO shall be kept informed throughout the process.

- Inadvertent Discovery of Human Remains or Funerary Objects on State/Private Land
 1. Ensure that activities have ceased at the discovery site, and that the site has been secured from human and natural forces.
 2. Ensure that law enforcement has been notified of the discovery of human remains to determine whether or not this is a crime scene:

If at an Armory, Maintenance Facility, or other VaARNG property, notify the State Police. Refer to the State Police webpage (http://www.vsp.state.va.us/Office_Locations.shtm) to identify which office has jurisdiction.

3. Notify the SHPO of the discovery. This notification should be by telephone, to be followed immediately by written notification.
4. Notify the following personnel:

the VaARNG Judge Advocate General (JAG),
434-298-6285

the Operations Manager in the Directorate of Operations (DSCOP), and
434-292-8471

the Public Affairs Office (PAO).
804-786-4415

5. Visit the location of the discovery within twenty-four (24) hours of the find. The services of appropriate technical experts (e.g., archaeologists, specialists in human osteology, forensic anthropologists) may need to be retained to participate in the field visit.
6. The CRM will consult with the SHPO to and VAARNG directorates (as applicable) to discuss disposition of remains and mitigation measures. If removal of the remains is warranted, the CRM will apply to the SHPO for a “Permit for Archaeological Removal of Human Remains”. Contract for support as required. SHPO will advise on requirements for consulting with Tribes (if necessary).
7. Activities in the area of discovery can resume thirty (30) days after certification of notification is received, or soon, if a signed binding agreement is reached. The PAO shall be kept informed throughout the process.

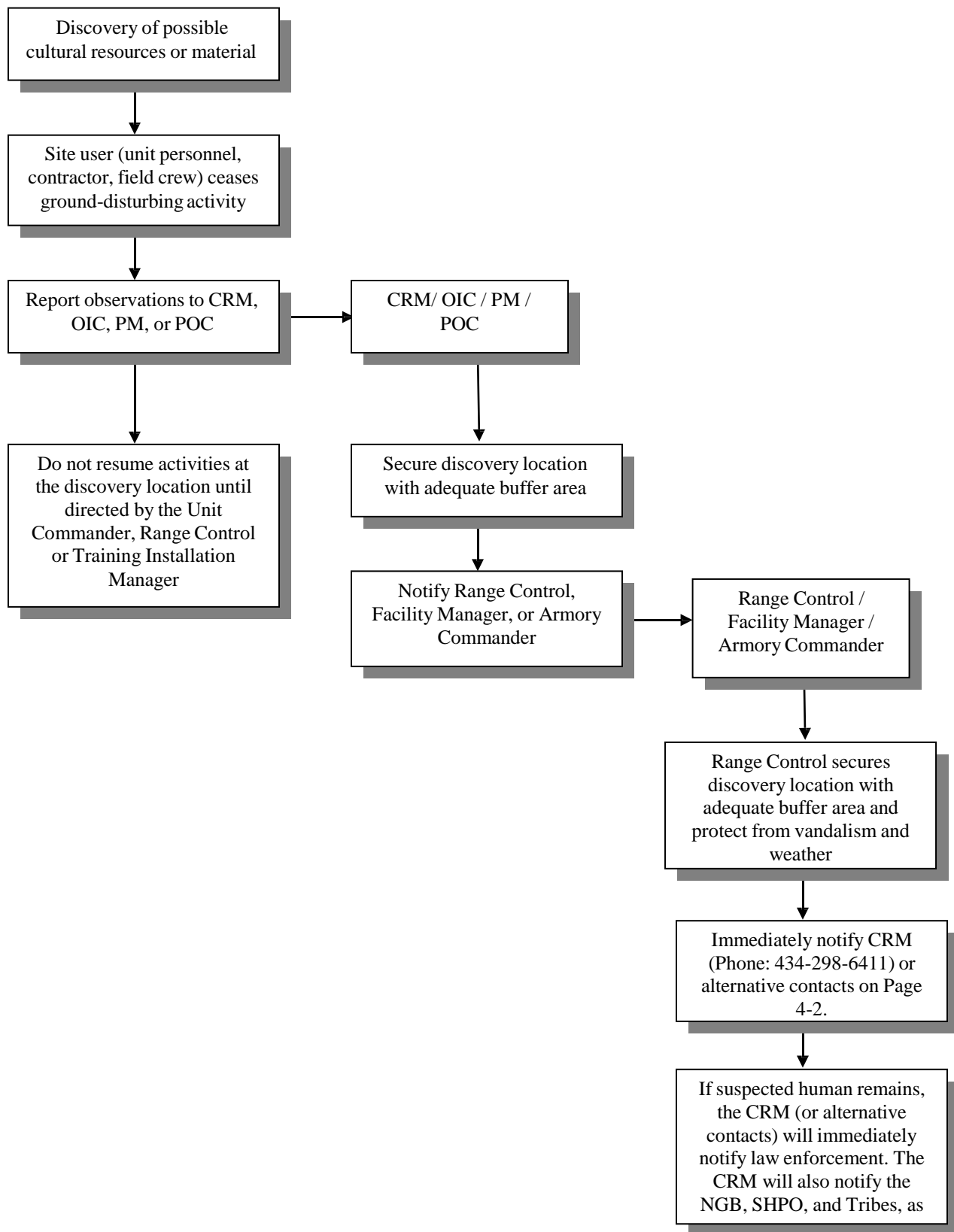


Figure 4-5: Flow Chart for the Inadvertent Discovery of Potential Cultural Resources

FROM: *Integrated Cultural Resources Management Plan Revision for Facilities of the Virginia Army National Guard, Fiscal Years 2014-2018, August 2014.*