

ATTACHMENT 2
Inadvertent Discovery Plan
For the (Local Agency Name) (Project Name)

The (Local Agency) plans to construct the (Project) project, located in (County), Maryland. The purpose of this project is to (Purpose).

Approval and funding of this project is conditioned on review of effects to historic properties under Section 106 of the National Historic Preservation Act and/or the Maryland Historical Trust Act of 1985 (MHT Act). As a condition of this approval, in the event of inadvertent discovery of previously unknown and potentially significant cultural resources, or unforeseen effects to historic properties, the following procedure must be implemented.

--Failure to follow the Inadvertent Discovery Plan (IDP) risks violation of state and federal law and loss of project funding--

If an inadvertent discovery is determined by the MDOT SHA to require further evaluation and consultation, MDOT SHA and FHWA will assume responsibility to consult to resolve the discovery and determine whether construction activities will have adverse effects on the resource, in accordance with the terms outlined in the *Amended Programmatic Agreement Among the Federal Highway Administration, the Maryland Department of Transportation State Highway Administration, Maryland Transportation Authority, the Maryland State Historic Preservation Officer, and the Advisory Council on Historic Preservation Implementing Section 106 of the National Historic Preservation Act for Federal Highway Administration Undertakings in Maryland* (PA). Further detail for all inadvertent discoveries is included in Appendix 3 of the PA, and can be found at this link:

<https://www.roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=729>.

A. Recognizing Cultural Resources:

A cultural resource discovery could involve precontact (Native American) or historic period discoveries. These can include:

- Discovery of buried bone, concentrations of oyster shells, arrowheads, old bottles, or dark brown soil containing this type of material.
- Discovery of stone or brick walls, building foundations, cellars, cisterns, privies, wells, etc.
- Accidental damage to a known archaeological site (if indicated on plans as a restricted area) or to a historic building or structure.

B. On-Site Responsibilities:

STEP 1: STOP WORK. If at any point in the project a (Local Agency) employee, contractor, or subcontractor believes that they have uncovered any human skeletal remains, potential archaeological materials, or identifies damage to a standing structure, building, or known archaeological resource, heavy equipment operation is required to immediately **STOP** in the discovery area and a surrounding buffer (minimum 100 feet) must be established to protect the find. **Any reasonable suspicion that a discovery may be archaeological requires implementation of this procedure.** No media, agency (other than MDOT SHA), or other external contacts should be made until an archaeologist evaluates the discovery and provides additional direction.

STEP 2: NOTIFY ARCHAEOLOGICAL MONITOR. If an archaeological monitor is present at the project, notify them immediately. If there is a monitoring plan in place, the monitor will follow its provisions.

STEP 3. NOTIFY PROJECT MANAGEMENT AND MDOT SHA. Contact the (Local Agency) Project Manager and the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Local Programs Lead. Contact information is provided at the end of this document. MDOT SHA will follow procedures identified in its statewide Programmatic Agreement or a project-specific agreement if applicable. MDOT SHA will work with the Federal Highway Administration (FHWA), Maryland Historical Trust, and other parties as required. The MDOT SHA Cultural Resources Local Programs Lead or other designate will serve as liaison to keep the (Local Agency) informed of the process and resolution.

C. (Local Agency) Project Manager's Responsibilities:

- **Protect the Discovery.** The Project Manager is responsible for taking appropriate measures to protect and secure the discovery site. All work at the location of the discovery must immediately stop, including a 100 foot buffer around the location of the discovery that allows the location to be secure, protected, and intact. Vehicles, equipment, and unauthorized personnel may not traverse the discovery site. Work in the immediate area of the discovery will not resume until treatment of

the discovery has been completed as set forth in this document. If additional discoveries are made outside the initial buffer zone, this procedure applies to each new discovery location.

- **Known Resources.** If the inadvertent discovery involves damage to a known resource (structure, building or archaeological site), the Project Manager must immediately stop any activity causing damage and take any appropriate immediate steps to stabilize or minimize further damage.
- **Direct Construction Elsewhere On-site.** The project manager may direct construction activities to other areas outside the buffer or affected resource, so that work may continue.
- **Contact MDOT SHA Cultural Resources Local Programs Lead.** If the MDOT SHA Cultural Resources Local Programs Lead has not yet been contacted, the Project Manager must do so.

D. MDOT SHA Cultural Resources Local Programs Lead Responsibilities:

- **Verify the Discovery.** The Cultural Resources Local Programs Lead will ensure that a qualified archaeologist is available immediately to provide guidance and ensure any work delays are minimized. The qualified archaeologist will identify and evaluate the discovery. If the MDOT SHA staff or designated qualified personnel determines the discovery requires no further evaluation or consultation, construction may immediately proceed.
- **Consultation.** If the MDOT SHA determines further consultation is required, the Cultural Resources Local Programs Lead will continue with the process of notification and resolution per MDOT SHA's PA requirements and continue to serve as liaison with the (Local Agency).
- **Human Remains.** If the discovery appears to be human remains or funerary objects, the Cultural Resources Local Programs Lead will ensure that a qualified individual examines the discovery to confirm if remains are human and assist with notifications required by law.
- **Communication.** MDOT SHA will conduct all required notifications and consultation pursuant to state and federal law, including tribal notifications. (Local Agency) may follow any county or local requirements that are not obligations of MDOT SHA. The Cultural Resources Local Programs Lead will keep the (Local Agency) informed of next steps during this process.

E. Proceeding with Construction

Project construction outside the discovery site, affected resource and/or the buffer zone(s) may continue while inadvertent discoveries are being addressed.

Construction at the discovery site or affected resource may continue after the inadvertent discovery and effects have been resolved in accordance with the terms of the PA, and MDOT SHA and FHWA have determined that compliance with state and federal laws is complete. MDOT SHA will provide written notice of this compliance to the (Local Agency).

(Local Agency) Contact Information

(Local Agency) Project Manager
(Name)
(Phone Number); (Email)

Alternate Contact:

(Title)
(Name)
(Phone Number); (Email)

MDOT SHA Contact Information

Call down list until connecting **directly** with MDOT SHA personnel to complete notification requirements. Email should only be used as a secondary means of notification.

Cultural Resources Local Programs Lead

Office (Phone Number); Cell (Phone Number) (Email)

Cultural Resources Team Leader

Office (Phone Number); Cell (Phone Number) (Email)

Assistant Division Chief and Chief Archaeologist

Office (Phone Number); Cell (Phone Number); (Email)