

*Unanticipated Discovery Plan*

An “Unanticipated Discovery Plan” has been developed should unexpected artifacts be uncovered during maintenance activities.

In order to minimize the potential for the accidental discovery of cultural resources, Belle Fourche conducted intensive pedestrian inventories along the entire proposed route. To ensure that Belle Fourche maintains full and complete compliance with all Federal and State regulations concerning the protection of cultural resources, an Unanticipated Discovery Plan has been prepared for the Project. Soil disturbing activities during maintenance may result in the discovery of unanticipated cultural resources, or of cultural resources in areas where they were not expected to occur.

If, during the course of maintenance, sites for potential cultural resources are identified, the contractor will immediately stop tasks in the vicinity of the potential find and make work stoppage recommendations. Should a work stoppage authority be deemed necessary, Belle Fourche will notify the SHPO and will inform an archaeological consultant who will survey the site and provide an immediate verbal report to Belle Fourche and the SHPO. Belle Fourche will continue to consult with the SHPO as per the requirements of Section 106 of the National Historic Preservation Act (NHPA). The contact is:

Paul R Picha, Chief Archaeologist  
North Dakota State Historic Preservation Office  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830  
(701) 328-3574

If the unanticipated discovery is determined to be not eligible for inclusion on the NRHP, Belle Fourche will proceed following written concurrence from the SHPO. If the site is determined to be potentially eligible for inclusion on the NRHP, additional work such as a Determination of Eligibility of Data Recovery will be performed as required/approved by the SHPO. Further work at the site will be suspended until all criteria of Section 106 of the NHPA and other Federal and State regulations have been successfully completed.

If human remains and/or a burial are encountered, these remains, features, and any associated artifacts shall be left undisturbed, work at the site of discovery shall cease immediately, and the site shall be secured from further trespass. Belle Fourche shall immediately contact the SHPO and local law enforcement and shall not resume work at the site until further notice from the SHPO per North Dakota Century Code Section 23-06-27 – Protection of human burial sites, human remains and burial goods, and North Dakota Administrative Code Chapter 40-02-03 – Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods.

Under no circumstances will human remains be removed from the site without completing all coordination processes with the local law enforcement agency, medical examiner, the SHPO, and Native American representatives, as appropriate. Further work at the site will be suspended until all criteria of Section 106 of the NHPA and other related state and Federal regulations have been successfully completed