

**MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE UNITED STATES COAST  
GUARD (USCG)  
AND  
THE ALASKA STATE HISTORIC PRESERVATION OFFICER (SHPO)  
REGARDING  
SENTINEL FAST RESPONSE CUTTER (FRC) FACILITIES DEVELOPMENT AT  
SITKA MOORINGS, SITKA, ALASKA**

**WHEREAS**, the USCG proposes to develop shoreside facilities and associated infrastructure necessary to homeport a new Sentinel-class FRC at Sitka Moorings in Sitka, Alaska, and has determined that the facilities development constitutes an undertaking subject to Section 106, 54 U.S.C. § 306108, of the National Historic Preservation Act (NHPA), 54 U.S.C. §§ 300101, and implementing regulations, *see* 36 C.F.R. Part 800; and

**WHEREAS**, the project Scope of Work would include constructing a combination pier providing full utility support for the existing buoy tender (WLB) with an attached floating dock for the Sentinel FRC, acquisition of approximately 1.9 acres of land, which is comprised of four parcels currently leased by USCG from the State of Alaska, relocating an existing sewer lift station, and developing the parcels with an FRC support building, site lighting, expanded security fencing, paving, parking, and laydown areas for aids to navigation; and

**WHEREAS**, the Area of Potential Effect encompasses roughly 7 acres: 4 terrestrial and 3 in water, including all project areas that may potentially cause physical impacts such as facilities development footprints, staging areas, and laydown yards, and is located on U.S. Geological Survey quadrangle Sitka A-5 (Copper River Meridian) Township 55S, Range 63E, Section 35, and Township 56S, Range 63E Township 2, roughly centered at 57.049911°, -135.347433° (Attachment A); and

**WHEREAS**, the USCG has determined that the undertaking may have an adverse effect on contributing resources to the Sitka Naval Operating Base and U.S. Army Coastal Defenses National Historic Landmark (NHL), and other properties listed in or eligible for the National Register of Historic Places (NRHP), and has received concurrence from the Alaska State SHPO, pursuant to 36 C.F.R. Part 800; and

**WHEREAS**, the U.S. National Park Service (NPS) has participated in the consultation as an interested party regarding the NHL in accordance with 36 C.F.R. § 800.10 and has been invited to participate as a concurring party to this MOA; and

**WHEREAS**, the USCG has consulted with representatives of the Sitka Tribe of Alaska (STA), a federally recognized Indian Tribe, Sitka Maritime Heritage Society (SMHS), and Sitka Historic Preservation Commission (SHPC) and they have been invited to concur in this MOA; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the USCG has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, the USCG and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in consideration of the effects this undertaking will have on historic properties.

## **STIPULATIONS**

The USCG will ensure that the following measures are carried out:

### **I. PROFESSIONAL QUALIFICATIONS**

Work pursuant to this MOA will be performed by or under the direct supervision of a person or persons with appropriate professional qualifications. The archaeologist and historian employed to implement the stipulations of this agreement shall meet the professional qualifications set forth in the Secretary of Interior's Professional Qualification Standards (36 C.F.R. Part 61, Appendix A), and be familiar with local Sitka history and community.

### **II. ARCHAEOLOGICAL MONITORING**

Through the Section 106 review process, the USCG, in consultation with the SHPO and STA, determined that there is a potential for subsurface archaeological resources and/or displaced human remains to be present on NHL property adjacent to the areas of anticipated disturbance.

#### **A. Archaeological Monitoring Plan**

- i. An Archaeological Monitoring Plan (hereinafter, referred to as the Monitoring Plan) has been developed in consultation with the signatories, *see* Attachment B, and is consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (hereinafter, referred to as the Archaeological Documentation Guidelines), *see* 48 FR 44734–44737.
- ii. To minimize inadvertent disturbance to any human remains, the USCG shall ensure that ground disturbance will be restricted to the extent possible, and that any ground disturbance will be monitored by a qualified archaeologist (see Stipulation I).
- iii. The archaeological monitor shall be authorized to halt construction in a specific location if monitoring yields an unanticipated discovery or effect. In the event of

such a discovery, the archaeological monitor shall follow the protocols established in the Monitoring Plan.

- iv. If displaced human remains are encountered, they shall be treated in accordance with the Monitoring Plan. Construction shall resume in the area of the discovery only after proper consultation with the signatories to the MOA, and other parties as deemed appropriate.
- v. A report meeting professional standards, the Archaeological Documentation Guidelines and state standards set forth at Alaska Office of History and Archaeology Historic Preservation Series #15 shall be written for the project following the completion of monitoring activities. The USCG shall ensure that the final report is provided to all signatories within one year after completion of all archaeological construction monitoring.
- vi. Any materials collected as part of archaeological monitoring efforts shall be curated in accordance with 36 C.F.R. Part 79 and 11 AAC 16.202–16.030 at the University of Alaska Museum of the North or at another federally approved repository within the state as determined by the USCG in consultation with the signatories.

## **B. Human Remains**

- i. Any and all human remains encountered during project implementation shall at all times be treated with dignity and respect.
- ii. Should human remains be encountered, work will be stopped at once in the vicinity to prevent further disturbance. The USCG shall immediately secure the area in accordance with the Monitoring Plan.

## **C. Confidentiality**

- i. In the event that human remains or artifacts of Alaska Native affiliation are discovered, the parties to this MOA agree not to divulge to the public, media, or other outside parties the specific location of the discovery, names of the deceased or descendants, if determined, or specific details about the remains of artifacts themselves.

## **III. DESIGN OF NEW FACILITIES**

- A. The design of the new facility will be compatible with the look of the type of building, landscape, and spaces that were in Sitka during World War II with similar massing, gable

roof lines at 3:12 slope, horizontal siding that mimics wood clapboard siding, and fenestration.

- B. To minimize visual effects, the new facilities will be no taller than necessary to accommodate boats and equipment in support of maintenance requirements. The roof height required to complete boat maintenance is, at a minimum, 30' to the tip of the roof to meet operational requirements and maintain search and rescue response capabilities of the FRC. The new building height will be minimized, to the extent possible, over the 30' height requirement.
- C. New security fencing surrounding the new FRC facilities, parcels, or laydown areas for aids to navigation will be vertical iron identical to existing fencing at Sitka Moorings.
- D. To the extent possible consistent with operational requirements, the new facility will include landscaping, such as grass, even if narrow, facing the public sidewalk, and the overall landscape design will be consistent with the feel and appearance of the larger existing NHL landscape. The overall design (as far as practicable) will make this facility feel like part of the larger landscape, oriented toward the public right-of-way.
- E. A draft of the 35% design will be shared with the SHPO, SMHS, STA, SHPC, and NPS for review and comment, per Stipulation V, prior to finalizing. The USCG will consider signatory and concurring party comments, to the extent possible given FRC facility operational requirements, when finalizing design.

#### **IV. MITIGATION**

The USCG shall complete the following measures to resolve adverse effects of the undertaking:

- A. Interpretive Panel Display: The USCG shall develop and produce three educational displays to be installed within the NHL: one at the Japonski Island Boathouse, one at a publicly accessible area on the southeast margin of the facilities footprint, and one at a publicly accessible area on the waterfront, adjacent to the northwest or margin of the facilities footprint. The USCG shall ensure that the signs are responsive to professional standards as determined by SHPO, STA, SMHS, and NPS review per Stipulation V, yet easily understood by the public.
  - i. Interpretive panels:
    - a. Shall be a minimum of 24" by 36" in dimension.
    - b. Shall be designed by a graphic design and interpretation professional in collaboration with a historian meeting the Secretary of the Interior's Professional Qualification Standards for history.

- c. Content will include text easily understood by the public and images approved by SMHS and STA. Development of content will start with outreach to the signatories, public, and local experts.
  - d. Content will be developed with signatory and concurring party input and coordination per Stipulation V. One sign will explain the World War II buildup and be an introduction to the NHL, and one will illustrate the federal era of Japonski Island. The third sign will explain Sitka as traditional Tlingit land and Tlingit history in Sitka and on Japonski Island.
- ii. The interpretive panels shall be installed within one year of the completion of construction of the FRC facilities. At a minimum, the panels will remain in place for at least 10 years. Upon completion, an electronic copy of the final interpretive content and design will be provided to all parties to the agreement. The panels will be designed to last at least 20 years.

## **V. SUBMITTALS**

- A. The USCG will ensure that draft facilities designed described in Stipulation III will be provided to the signatories and concurring parties and finalized in accordance with the following:
  - i. The USCG will submit 35% facilities design with specifications consistent with Stipulation III (A–E) in a digital format for review by the signatories within four years of the execution of this MOA. The design documents will include simulated views of the new facility from various angles, including the view from the water and from the land side.
  - ii. Upon receipt of the 35% design, the signatories and concurring parties shall have 30 days to review and provide comments to the USCG.
  - iii. The USCG will consider signatory and concurring party comments on 35% design, to the extent possible given FRC facility operational requirements, when finalizing facilities design.
  - iv. Following receipt of comments, the USCG shall consider comments, incorporate suggestions to the extent possible consistent with operational constraints, finalize and submit the final facilities design in a digital format to the SHPO and signatories prior to facilities construction.

B. The USCG will ensure that a draft of the interpretive panels described in Stipulation IV(A) will be provided to the signatories and installed in accordance with the following:

- i. The USCG will submit draft panel designs for review by the signatories and concurring parties within four years of the execution of this MOA in a digital format that will include figures and text with content specified by Stipulation IV(A)(d).
- ii. Upon receipt of the draft panel(s), the signatories and concurring parties shall have 30 days to review and provide comments to the USCG.
- iii. Following receipt of comments, the USCG shall have 60 days to respond to comments and submit final panel designs in a digital format to the SHPO and signatories and concurring parties.
- iv. The USCG shall fabricate and install the panel(s) within 12 months of completion of FRC facilities construction.

**VI. AUTHORIZATION**

The USCG is authorized to enter into this MOA pursuant to 14 U.S.C. § 701 and 14 U.S.C. § 504(20).

**VII. ANTI-DEFICIENCY ACT**

All requirements set forth in this MOA requiring the expenditure of USCG funds are expressly subject to the availability of appropriations and the requirements of the Anti-deficiency Act, 31 U.S.C. § 1341. No obligation undertaken by the USCG under the terms of this MOA will require or be interpreted to require a commitment to expend funds not obligated for a particular purpose.

**VIII. DURATION**

This MOA will expire if the terms are not carried out within eight years from the date of its execution. Prior to such time, the USCG may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

**IX. DISPUTE RESOLUTION**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the signatories shall consult to resolve the objection. If the USCG determines, within 30 days, that such objection(s) cannot be resolved, the USCG shall:

- A. Forward all documentation relevant to the dispute, including the USCG's proposed resolution, to the ACHP in accordance with 36 C.F.R. § 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise the USCG on the resolution

of the objection within 30 days. Prior to reaching a final decision on the dispute, the USCG shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and provide SHPO with a copy of this written response. The USCG will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the expected 30-day period, the USCG may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USCG shall prepare a written response that takes into account any timely comments regarding the dispute from SHPO and provide them and ACHP with a copy of such written response.
- C. The USCG's responsibility to carry out all other actions subject to the terms of this MOA which are not the subject of the dispute, remain unchanged.

**X. AMENDMENTS**

The MOA may be amended when such amendment is agreed upon in writing by all signatories. This amendment will be effective on the date a copy signed by all signatories is filed with the ACHP.

**XI. TERMINATION**

- A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation IX above. If within 30 days (or another period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- B. Once the MOA is terminated, and prior to work continuing on the undertaking, the USCG must either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The USCG shall notify the signatories as to the course of action it will pursue.

**XII. EXECUTION IN COUNTERPARTS**

This MOA may be executed in counterparts, with a separate page for each signatory.

**XIII. DECLARATION OF SIGNATORY PARTIES**

Execution of this MOA, as well as implementation of its terms, are evidence that the USCG has taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MOA BETWEEN THE USCG  
AND  
THE ALASKA SHPO  
REGARDING  
SENTINEL FRC FACILITIES DEVELOPMENT AT SITKA MOORINGS,  
SITKA, ALASKA**

**SIGNATORIES:**

UNITED STATES COAST GUARD



Digitally signed by  
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Date: 2024.09.25 11:13:01 -04'00'

Date: 25 SEPT 2024

N. E. ARMSTRONG, P.E.

Captain


Commanding Officer , Facilities Design & Construction Ctr

United States Coast Guard

**MOA BETWEEN THE USCG  
AND  
THE ALASKA SHPO  
REGARDING  
SENTINEL FRC FACILITIES DEVELOPMENT AT SITKA MOORINGS,  
SITKA, ALASKA**

**SIGNATORIES:**

ALASKA STATE HISTORIC PRESERVATION OFFICE

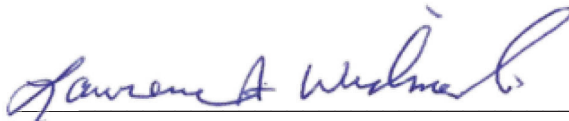
  
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Judith Bittner  
Alaska State Historic Preservation Officer

Date: 10/22/2024

**MOA BETWEEN THE USCG  
AND  
THE ALASKA SHPO  
REGARDING  
SENTINEL FRC FACILITIES DEVELOPMENT AT SITKA MOORINGS,  
SITKA, ALASKA**

**INVITED SIGNATORIES:**

SITKA TRIBE OF ALASKA



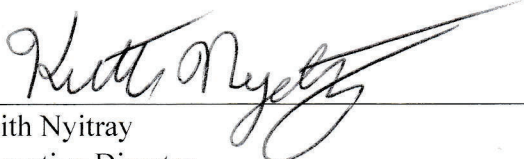
Date: 9/18/2024

Lawrence Widmark  
Chairman  
Sitka Tribe of Alaska

**MOA BETWEEN THE USCG  
AND  
THE ALASKA SHPO  
REGARDING  
SENTINEL FRC FACILITIES DEVELOPMENT AT SITKA MOORINGS,  
SITKA, ALASKA**

**INVITED SIGNATORIES:**

SITKA MARITIME HERITAGE SOCIETY

  
\_\_\_\_\_  
Keith Nyitray  
Executive Director  
Sitka Maritime Heritage Society

Date: 8/13/24

**MOA BETWEEN THE USCG  
AND  
THE ALASKA SHPO  
REGARDING  
SENTINEL FRC FACILITIES DEVELOPMENT AT SITKA MOORINGS,  
SITKA, ALASKA**

**CONCURRING PARTIES:**

NATIONAL PARK SERVICE INTERIOR REGION 11 – ALASKA

**MARY CREACHBAUM** Digitally signed by MARY  
CREACHBAUM  
Date: 2024.10.03 17:14:00 -08'00' Date: \_\_\_\_\_

M. Sarah Creachbaum  
Regional Director

**ATTACHMENT A**  
**PROJECT LOCATION AND AREA OF POTENTIAL EFFECT**



Document Path: G:\PROJECTS\BEN\GAM\EC\_WOOD\6708\_Sitka\FRC\_EAL\_GIS\1\_MXD\REPORT\F1\_Project\_Location.mxd

Basemap Source: Esri, Garmin, GEBCO, NOAA NGDC, and other contributors.  
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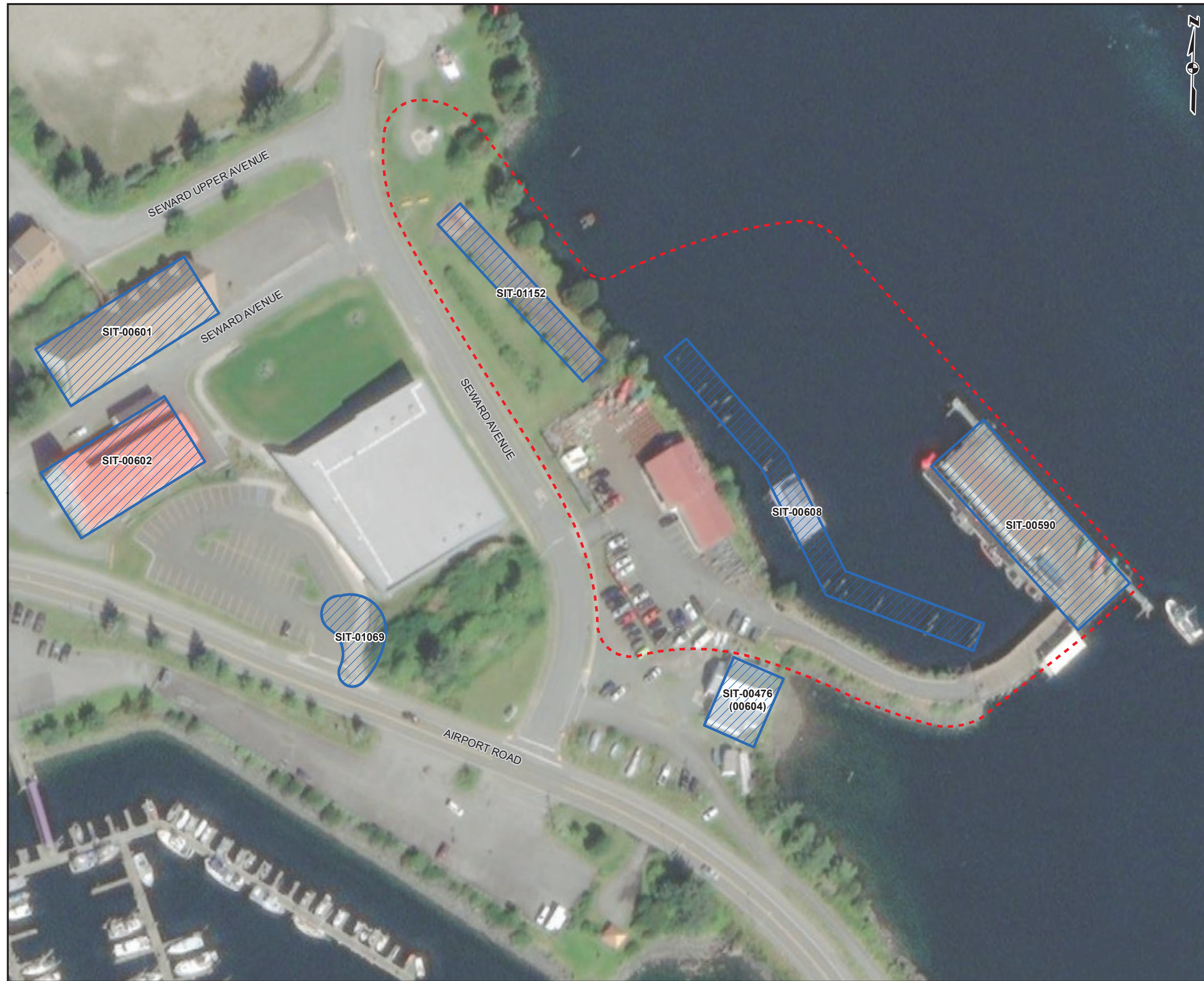
3800 Centerpoint Dr. Ste. 400  
Anchorage, AK 99503

**CULTURAL RESOURCES SURVEY AND SECTION 106  
REVIEW FOR FAST RESPONSE CUTTER FACILITIES  
DEVELOPMENT AT U.S. COAST GUARD SITKA MOORINGS  
SITKA, ALASKA**

**STATE AND SITE VICINITY**

DATE:	7/10/2023
PROJECT No.:	670802
DRAWN:	T.A.

FIGURE:  
**1**



CULTURAL RESOURCES SURVEY AND SECTION 106 REVIEW FOR FAST RESPONSE CUTTER FACILITIES DEVELOPMENT AT U.S. COAST GUARD SITKA MOORINGS  
SITKA, ALASKA

AREA OF POTENTIAL EFFECT AND AHR SITES



**Legend**

- AHR Site
- Area of Potential Effect

**Abbreviations**

- AHRS Alaska Heritage Resources Survey
- APE area of potential effect
- USCG U.S. Coast Guard

**Notes**

1. For conceptual purposes only. All locations are approximate.
2. Map produced using ESRI ArcMap v. 10.7.
3. Entire APE is within Sitka Naval Operating Base National Historic Landmark (SIT-00079).

**References**

1. Imagery source: Esri, Maxar, Earthstar Geographics, and the GIS User Community.

ALASKA STATE PLANE COORDINATE SYSTEM ZONE 1, U.S. SURVEY FEET  
HORIZONTAL DATUM: NAD83 (2011) | VERTICAL DATUM: NAVD88



<b>B</b> ANC8(a) <b>Brice</b> ENGINEERING	<b>Fairbanks Office</b>	<b>Anchorage Office</b>
	301 Cushman Street, Suite 100 Fairbanks, AK 99701 907.456.1955 (office) 907.452.5018 (fax)	3800 Centerpoint Drive, Suite 400 Anchorage, AK 99503 907.275.2896 (office and fax)

PROJECT No.: 670802	DATE: 7/11/2023	FIGURE: <b>2</b>
P.M.: N.G.	DRAWN: J.C.	

**ATTACHMENT B**  
**ARCHAEOLOGICAL MONITORING PLAN**

**ATTACHMENT B: ARCHAEOLOGICAL MONITORING PLAN  
SENTINEL FAST-RESPONSE CUTTER FACILITIES DEVELOPMENT AT  
U.S. COAST GUARD SITKA MOORINGS, SITKA, ALASKA**

In order to prevent adverse effects to unidentified, but potentially significant, cultural resources and archaeological materials that could be disturbed by Fast Response Cutter (FRC) facilities development, the U.S. Coast Guard (USCG) shall ensure that a professional who meets the Secretary of Interior's (SOI) Standards for archaeology (36 CFR 61, Appendix A) and is approved by the Sitka Tribe of Alaska (STA) will serve as the project archaeologist and perform archaeological monitoring of all activities that have the potential to impact archaeological materials, which are anticipated primarily to be ground-disturbing activities. The project archaeologist will be onsite during all ground-disturbing project activities, perform monitoring fieldwork and reporting, and work alongside project personnel to ensure that any potential effects to as-of-yet unidentified cultural resources are avoided. Archaeological monitoring will follow the protocols described below.

The project will be on USCG land, which is subject to the Archaeological Resource Protection Act (ARPA) (16 USC 470aa). Thus, archaeological monitoring will be required to be performed under the authority of an ARPA permit to be issued by USCG to the project archaeologist.

**WORKFORCE BRIEFING AND MEETINGS**

Prior to any ground disturbance the archaeologist will brief all project personnel directly involved in the excavation or construction activities on identification of potential cultural resources and types likely to be found in the project area. Personnel will also be cautioned on the legal and/or regulatory implications of knowingly destroying or removing artifacts, human remains, and other cultural materials. Monitoring procedures, safety around equipment, and in-field communication, such as hand signals with operators, will be discussed. The briefing will emphasize the authority of the archaeologist to stop any work activity to assess discoveries. It will include instructions about actions to be taken in the event of such a discovery. A formal presentation will be given to all field project personnel by the archaeologist at the beginning of the project, or when new personnel start their initial rotation. Daily informal, pre-work "tailgate meeting" briefings will include a review of the day's planned work activities, cultural resource concerns or types of resources that may be encountered during the day's work, and reiteration of discovery protocols.

**ARCHAEOLOGICAL MONITORING**

During ground-disturbing activities, or other work that has the potential to impact archaeological materials, the archaeologist will work closely with project personnel including site superintendent, foreman, equipment operators, and laborers. Field monitoring will include visual inspection prior to, during, and after ground-disturbing activities to identify the presence of archaeological material and/or human remains and ensuring proper treatment of potential inadvertent discoveries according to the following protocols.

**INADVERTENT ARCHAEOLOGICAL DISCOVERIES**

In the event of a potential archaeological discovery, the project archaeologist will have the authority to divert or halt work activities to allow for proper notification, evaluation, and consultation. This section identifies the key responsibilities and protocols in the event of a potential

inadvertent archaeological discovery. Procedures to address the discovery of human remains are discussed later.

In the event of an unanticipated discovery, the following steps will be taken:

**Step 1: INITIAL DISCOVERY – STOP WORK. (Everyone’s Responsibility)** If the project archaeologist or any other project personnel believes that he or she has uncovered any cultural resource at any point in the project, all work will be halted immediately at the discovery location, followed as soon as possible by cessation of all other ground-disturbing activity within 100 feet of the discovery. The onsite project manager will be notified immediately. Project activities outside the discovery location may continue while documentation and assessment of the find proceeds. The project manager may direct project activities away from cultural resources to work in other areas prior to contacting concerned parties.

**Step 2: IMMEDIATE PROTECTION.** The project archaeologist or other individual making the discovery will ensure that an area of at least 100 feet around the discovery is flagged or fenced with flagging tape, high visibility staking, or similar material so that it is obvious to all personnel that the area must be avoided. If the find is staked, the stakes should be painted with a florescent color and have flagging attached. The archaeological monitor, field director (project superintendent or foreman), and USCG will all be responsible for preventing traffic through the find location. The archaeologist shall use protective measures if the discovery is threatened by exposure to the elements. This could include covering the discovery with a tarp or shoring up cut banks or trench walls so that additional exposure does not occur. The archaeologist shall secure especially small or fragile items. In some cases, it may be necessary to place items in archival quality bags or containers, but those items should be left in place at the discovery site (to the extent possible) until notifications can be completed.

**Step 3: NOTIFY RESPONSIBLE PERSONNEL.** The project archaeologist will immediately notify the project field director of the situation, who will then immediately (same business day) inform the USCG contracting officer or project manager. If the crew supervisor is not immediately available, then USCG will be contacted directly by the archaeologist.

First notifications will go to USCG. USCG will be responsible for notifying one of the three personnel listed below at the Alaska Office of History and Archaeology (OHA), State Historic Preservation Officer (SHPO); STA; and NPS. Individuals who will then be notified within 24 hours of the event of a cultural resource discovery are listed in Table 1.

The following information must be provided at the time of the notification:

- Information regarding the nature and extent of the discovery, including descriptions of the items found.
- Narrative description and GPS coordinates of the precise location of the discovery.
- When the discovery occurred and who documented it.
- Initial assessment of the significance and integrity of the discovery, and potential National Register of Historic Places (NRHP) eligibility, or an estimate of how much time will be needed to complete an assessment.

**Table 1. Inadvertent Discovery Notifications**

NAME	AGENCY/COMPANY	ROLE/TITLE	CONTACT
Judith E. Bittner	Alaska Office of History and Archaeology	SHPO	907-269-8700
Richard VanderHoeck	Alaska Office of History and Archaeology	State Archaeologist/Deputy SHPO	907-269-8728
Sarah Meitl	Alaska Office of History and Archaeology	SHPO Compliance Officer	907-269-8720
Jeff Feldpausch	Sitka Tribe of Alaska	Resource Protection Director	907-747-7469
Erik Johnson	National Park Service	National Historic Landmark Historian	Erik_johnson@nps.com

**Step 4: TREATMENT OF ARCHAEOLOGICAL MATERIALS.** Archaeological discoveries will be evaluated and treated in accordance with the following section and in consultation with SHPO and STA.

Within five business days of notification in Step 2, USCG will consult with SHPO, STA, and other consulting parties by phone or email on the nature of the discovery and its potential significance, to determine if additional investigation is necessary to make an eligibility assessment or if other parties should be notified of the discovery. The onsite manager, project archaeologist, or other persons knowledgeable of the discovery may be asked to participate in meetings or calls so they can provide additional information or context about the find.

Archaeological discoveries will be assumed eligible for inclusion in the NRHP under Criterion D (information potential) and treated as historic properties until a formal determination of NRHP eligibility is made in consultation with SHPO and STA.

If the discovery is determined to not be significant by USCG and STA, and SHPO concurs, USCG will provide written authorization to proceed with project activities at the discovery site. USCG will provide this within one day of SHPO's concurrence. Monitoring at the discovery site should continue (unless directed otherwise by USCG).

If USCG determines that additional investigations are needed to complete an NRHP eligibility, the project archaeologist, with other SOI-qualified and Tribal-approved archaeologists as needed, will complete any investigations necessary to make the assessment. This could include archaeological excavations or data recovery and the permittee must provide all necessary equipment, gear, and personnel for the work to be completed consistent with industry standard practices. The archaeologist(s) will have a 10-day window from the date of USCG's notification to complete the eligibility assessment and provide a report.

The report must be submitted to USCG within the 10-day window and include:

- Detailed descriptions of the nature of the discovery
- Detailed descriptions of the investigations and results of the investigations
- Maps, drawings, soil profiles, photographs, artifact logs (as applicable)
- NRHP eligibility assessment and recommendation
- If recommended as eligible, an assessment of effects, per 36 CFR 800.5.

## **RESOLUTION**

If the discovery is determined eligible (i.e., is a historic property), USCG will notify all consulting parties of this within one business day of the determination and will then ensure a treatment plan is prepared by an SOI-qualified archaeologist that lists specific measures to be implemented that will resolve any adverse effects to the historic property. The archaeologist will have a five-day window from the date of USCG's notification to prepare the treatment plan.

The treatment plan must be submitted to USCG during the five-day window. USCG will then distribute the plan to SHPO, STA, and any other consulting parties for a five-business-day review. USCG will consider any comments received during the review period, and require any changes to be incorporated, before approving the treatment plan. USCG will then notify STA, SHPO, and other consulting parties that the plan has been approved and will be implemented.

USCG is responsible for implementing the treatment plan and must provide an implementation report that describes how and when the measures were implemented. USCG must approve the report before it can be considered finalized; in general, USCG's approval of the report will indicate that the Section 106 requirements have been met. Project work at the location cannot continue until USCG determines that all Section 106 requirements have been met.

## **DISCOVERY OF HUMAN REMAINS**

If a discovery involves potential human remains, all the steps listed above will be followed and the following additional protocols apply.

Any human skeletal remains, regardless of ethnic origin, will be treated with dignity and respect at all times. Human remains may include intact burials or isolated bones, including teeth or other fragmentary bone pieces. The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, postmortem interval, and biological/cultural affiliation. Since the project is on federal lands owned by USCG, the treatment and disposition of human remains is governed by the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001-3013) and Alaska state law.

### **Regulatory Framework**

Enacted in 1990, NAGPRA and its implementing regulations found at 43 CFR 10 protect Alaska Native and Native American human remains and funerary items on federal lands or in federal collections and provides a mandate for repatriation of these remains. The law establishes ownership of human remains and associated funerary items excavated or discovered on federal or Tribal lands. It states that Alaska Native and Native American remains and associated funerary items belong to lineal descendants. If lineal descendants cannot be identified, then those remains and items, along with sacred objects, and objects of cultural patrimony belong to the Tribe on whose lands the remains were found, or the Tribe having the closest known affiliation. Under the inadvertent discovery component of NAGPRA, if human remains or funerary items are discovered, the responsible federal agency—in this case USCG—must consult with potential lineal descendants or affiliated Tribal (STA) officials as part of their compliance responsibilities. The regulations at 43 CFR 10 delineate a set of short deadlines for initiating and completing consultation. Once it is determined that the human remains are Alaska Native, and affiliation

established, potential analysis and disposition of remains will be determined through consultation with STA.

General NAGPRA procedures, which are based on NAGPRA's implementing regulations (43 CFR 10) are detailed in this inadvertent discovery plan. In accordance with the regulations, USCG will be responsible for fulfilling NAGPRA responsibilities. In the event of a human remains discovery, a project-specific NAGPRA plan will be developed, following consultation about the find.

Several Alaska state laws are applicable to the discovery of human remains. The State Medical Examiner has initial jurisdiction over all human remains in the state, with rare exceptions, such as military aircraft deaths. Alaska state laws governing discovery of human remains include:

AS 12.65.5, which requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper) and the State Medical Examiner when death has "been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning."

AS 11.46.482(a)(3), which applies to all lands in Alaska, makes the "intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave" a Class C felony.

AS 18.50.250, which applies to all lands in Alaska, requires permits for transport, disinterment, and reinterment of human remains.

Under NAGPRA and Alaska state law, the following notification and treatments procedures apply.

### **Protocols for the Discovery of Human Remains**

In the event of a discovery of suspected or possible human bone, the following steps will be taken:

**Step 1: INITIAL DISCOVERY – STOP WORK.** Work at the immediate location must halt until a determination has been made as to whether the bone is human. All protocols listed in Step 1 for archaeological discoveries listed above will be followed. Except to ensure safety, the location of the find will not be backfilled. Further, if the bone is suspected to be human, no spoils will be moved until a determination of the source of the find has been made.

**Step 2: DETERMINATION WHETHER BONE IS HUMAN.** After work has stopped, it will be the responsibility of the project archaeologist to make an initial identification of the remains, then initiate the process required by state and federal law.

If there is doubt about a find potentially representing human remains, work stoppage and protection procedures apply, and the State Medical Examiner must be contacted and notification procedures followed.

**Step 3. PROTECTION OF FIND.** If human remains are encountered, they will be treated with respect. Remains will be immediately covered with a tarp or other materials (not soil or rocks) for temporary protection in place, as well as to shield them from being photographed. Confidentiality

will be a priority. Responses to human remains discoveries will comply with provisions of Alaska state law.

If the find is determined to represent human remains, then excavation work and vehicular traffic may not come within 15 meters (45 feet) of the discovery location. After all such activity has been halted, appropriate steps will be taken to ensure that no further disturbance occurs to the discovery until the assessment and notification process has been completed. Such measures may include fencing, flagging, or other measures to prevent access to the area of concern. Measures taken to protect the remains and any associated artifacts will remain in effect until USCG has received formal notice from SHPO to proceed with project activities in the buffer zone.

**Step 4. NOTIFICATION.** The project archaeologist will immediately notify the USCG project manager, field director, and other project management personnel listed in Table 1. The notification will include the time and location of the discovery, a description of the find, and an assessment as to whether the remains are of archaeological origin.

Within 24 hours, the project archaeologist will assist USCG with notifying the Alaska State Trooper Missing Persons Bureau, the Alaska State Medical Examiner's Office, local law enforcement, and SHPO/OHA. The notification will include a brief description of the discovery and its location, a clear and explicit statement whether the discovery is on state or private land, and an opinion as to whether the find is archaeological.

State officials to be notified in the event of a discovery of human remains discovery are listed below. First contacts should be the regional Alaska State Troopers, then to the Alaska State Medical Examiner's Office, local law enforcement, AST/Missing Persons Clearinghouse, and the Alaska Office of History and Archaeology.

**Alaska State Troopers, Missing Persons Clearinghouse**

Phone: (907) 269-5038

Fax: (907) 337-2050

Malia Miller

Phone: (907) 269-5038

Email: [malia.miller@alaska.gov](mailto:malia.miller@alaska.gov)

\*After phone contact, send email with relevant info and photos to Malia Miller

**Alaska State Medical Examiner's Office**

\*Reporting Hotline (Death Hotline) to speak with on-duty investigator.

Phone: (907) 334-2200 (24 hours)

Anne Waisanen, Operations Administration

Phone: (907) 334-2200

Email: [anne.waisanen@alaska.gov](mailto:anne.waisanen@alaska.gov)

Dr. Gary Zientek, Chief Medical Examiner  
Phone: (907) 334-2200  
Email: [gary.zientek@alaska.gov](mailto:gary.zientek@alaska.gov)

### **Health Analytics & Vital Records**

(For burial transit permits and disinterment/transit/reinterment questions)

Phone: (907) 465-5423

### **Treatment of Human Remains**

The project archaeologist will examine the remains to determine if they appear recent or are archaeological and make appropriate recommendations. If the human remains appear recent, USCG shall defer to the opinion of the Alaska State Troopers and Alaska State Medical Examiner for a determination of whether the remains are of a forensic nature and/or subject to criminal investigation. The scene will be treated as a potential NAGPRA case if no conclusive evidence of a crime scene is apparent. Removal of the remains will not occur unless there is obvious and conclusive proof of a recent burial or that state law has been violated. If removal is necessary, appropriate crime scene and/or archaeological professional collection techniques will be employed.

If the remains are archaeological in nature, the archaeologist will also determine, in coordination with USCG, ethnic/cultural affiliation of the remains based on morphometric characteristics, context, and associated funerary objects.

If the cultural affiliation of the human remains is in question, a physical anthropologist experienced in the analysis of human remains shall examine them. The physical anthropologist shall document, analyze, and photograph the remains so that an independent assessment of cultural affiliation can be made. The physical anthropologist shall be afforded no more than a 30-day timeframe to conduct his or her analysis.

### **Alaska Native Human Remains – NAGPRA Protocols**

If human remains are found to be Alaska Native, USCG will be responsible for fulfilling NAGPRA obligations and determining STA Tribal affiliation. Culturally appropriate measures will be implemented to further secure and protect the inadvertently discovered human remains and/or cultural items (43 CFR 10.4(c)).

Following 43 CFR 10.4(d)(iii), as soon as possible, but no later than three working days, USCG will notify STA by telephone and follow-up in writing about the discovery. The notification will provide information about the human remains and/or cultural items discovered, their condition, and the circumstances of their discovery. This notification will also include an invitation to consult, and propose a date, time, and place for meetings to further consider the discovery, and any proposed treatment, evaluate if excavation or removal is appropriate, and inform subsequent disposition, in accordance with 43 CFR 10.4(d)(iii) and 43 CRR 10.5(b)(2). USCG will mail a certified return receipt letter to ensure appropriate tracking and documentation.

Following consultation, USCG will prepare and implement a Written Plan of Action, as described in 43 CFR 10.5(e). STA is anticipated to provide recommendations to USCG for the recovery, treatment, and disposition of human remains and any associated objects.

Preservation in place of human remains and associated artifacts at the discovery location may be STA's preferred option. If the remains and grave goods will not be subject to further project disturbance, then the remains and artifacts and their location will be accurately documented by the archaeologist on a burial record, and the discovery location carefully backfilled and the site will be further secured to avoid further disturbance.

If the human remains cannot be left in place without further disturbance, the remains and/or cultural items will be excavated, in close consultation with STA, following the provisions in 25 USC 3002(c), 43 CFR 10.3, and 43 10.5(e)), under the provisions and authority of the project archaeologist's ARPA permit. Recovered Alaska Native human and any associated funerary items will be repatriated to STA.

No news releases, including but not limited to photographs, videotapes, written articles, or other such means that contain information about human remains or burial-related items of Alaska Native origin will be released by any party during the discovery, recovery, and repatriation unless approved by STA and USCG.

In the event of a NAGPRA case, USCG remains the controlling owner and jurisdictionally responsible for the NAGPRA material until repatriation to STA.

### **Non-Native Human Remains**

If the human remains are not Native Alaskan, and a determination has been made by the Alaska State Troopers and Alaska State Medical Examiner that a death investigation is not warranted, then USCG, in coordination with the Alaska State Medical Examiner, will attempt to identify, locate, and inform descendants of the deceased.

If it is agreed that the human remains are to be moved from Sitka, then USCG shall obtain required permits from the Alaska State Bureau of Vital Statistics.

### **CONFIDENTIALITY**

Confidentiality will be a priority. In the event of any unanticipated discovery of archaeological materials or human remains, the project team will make its best efforts, in accordance with state and federal law, to ensure that project personnel keep the discovery confidential. To the extent permitted by law, prior to any release of information, USCG, STA, and the other consulting parties will concur on the amount of information, if any, to be released to the public, any third party, and the media and the procedures for such a release.

### **REPORTING**

Daily monitoring logs shall be kept and submitted to USCG on a weekly basis. Regardless of discoveries, upon the completion fieldwork, a technical monitoring report conforming to guidelines set forth in the SOI's Standards for Archaeological Documentation (48 FR 44734-37), ARPA permit stipulations, and State of Alaska guidelines for monitoring reports found at Historic

Preservation Series No. 15 will be prepared by the project archaeologist and submitted to USCG, SHPO, STA, and other consulting parties at their request. The report will and include, at a minimum (note this list is not exhaustive):

- Description of project activities
- Map showing project activities, monitoring locations, and inadvertent discoveries
- Results of fieldwork and analysis
- Project effects
- Description of cultural resource finds, if applicable
- Alaska Heritage Resource Survey forms for newly discovered sites, if applicable
- Photographs
- Recommendations.