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BY E-MAIL

Hon. Nicola Armacost, Mayor
and Members of the Village Board of Trustees
Village of Hastings-on-Hudson
Municipal Building
7 Maple Avenue
Hastings-on-Hudson, New York 10706

RE: Electric Owl Holdings, LLC: Petition to Amend the Code of the Village
Site: One South Broadway, Hastings-on-Hudson, New York

Dear Mayor Armacost and Members of the Village Board of Trustees:

On behalf of Electric Owl Holdings, LLC (the "Applicant"), we respectfully submit this letter in furtherance of the Application pending before the Village seeking to amend the Code to establish a "Multimedia Production Studio Overlay District." Accordingly, enclosed please find the following:

1. A revised draft of the Proposed Zoning Text amending Chapter 295 of the Code of the Village of Hastings-on-Hudson to establish a "Multimedia Production Studio Overlay District" and to set forth the relevant Use and Area Regulations (which draft is marked to show revisions from the initial text submitted).
 - a. Changing the minimum front yard setback to 150 feet along Broadway, but 50-feet on all other streets, subject to the provisions allowing the Planning Board to further reduce such setback in certain circumstances; and
 - b. Granting the Planning Board the jurisdiction to reduce the parking requirements by up to twenty-five percent (25%) by allowing valet parking for all components of the Studio use.
2. A revised Environmental Assessment Form (EAF), Part 3 incorporating previously noted information, correcting, and clarifying other information, and ensuring that the EAF is consistent with the record set forth herein.

3. A copy of the draft Letter of Resolution (LOR) pursuant to Section 14.09 of the New York State Historic Preservation Act that is being reviewed by New York State Office of Parks, Recreation and Historic Preservation (OPRHP/ SHPO) and others regarding the redevelopment of this Site.

In addition, we respectfully submit the following responses to questions raised by the Planning Board at its meeting on November 16, 2023.

- A. *What is the status of the current review by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP/ SHPO)?*

A Letter of Resolution (LOR) has been prepared by OPRHP/ SHPO and will be circulated for review and signature among OPRHP/ SHPO, New York State Department of Environmental Conservation, and the Village of Hastings. The draft LOR specifically sets as a condition:

“Continued coordination with OPRHP to avoid impacts to the adjacent Old Croton Aqueduct Trail, including mitigating the issues included in Christopher Pelosi’s letter from March 16, 2023.”

It is our understanding that OPRHP/ SHPO is satisfied that the revised parking garage plans will not negatively impact the Old Croton Aqueduct Trail based on the reduced footprint, a more easterly location, and proposed evergreen landscaping as further screening.

- B. *Can Con Edison supply sufficient electrical energy for the proposed Studio?*

The Environmental Assessment Form (EAF) contains details regarding the energy demands and supply for the proposed Studio use. The Applicant is working with Con Ed to obtain a “will-serve” letter confirming its ability to meet these needs (without factoring for the proposed solar energy that also will be provided on the site). The Applicant will keep the Village advised regarding the issuance of such letter but does not anticipate any substantive issues in Con Ed being able to service the Studio use.

- C. *Does the Studio have plans to provide electric vehicle charging stations?*

The garage will include electric vehicle charging stations and Con Ed has confirmed it has the capacity to supply electricity for these facilities.

- D. *Will there be any generators on the site?*

There are no generators proposed as part of this Project.

- E. If there are production breakdowns, would they increase truck traffic counts (i.e., removing equipment/materials from site; removing significant trash from site)?*

The traffic counts for truck and passenger vehicle volumes were generated based upon the set-up and breakdown cycle associated with operation of the Studio, including production breakdowns. The projected traffic generation for trucks is representative of a typical cycle of Studio operations including breakdowns of sets, etc.

- F. Can the parking garage be reduced in size? What is the visual impact of the garage?*

The size of the parking garage is based upon the parking needs of the School and the Studio, each of which have separate parking areas and distinctly different demands.

The parking proposed for the Studio was designed to serve a competitive multimedia production market, recognizing that on-site parking is a material requirement for this type of high-end Studio operation. The initially proposed size of the garage was reduced by one bay through the proposal to use valet parking at peak demand times. The garage cannot be further reduced without jeopardizing the marketability of the project.

The visual impact of the garage is detailed in multiple renderings provided in the package submitted to the Village on October 31, 2023, confirming that it will not be readily visible to those on the Old Croton Aqueduct or off-premises.

- G. Can any of the Studio buildings be setback any farther along Dudley Street?*

The Studio project is designed around the existing Administrative Building, which will remain. The internal roadway accessing the Studio buildings needs to circulate around the Administrative Building and provide truck access to the Studio buildings to the south (which align approximately parallel to Dudley Street). Given the need for the circular internal roadway the Studio buildings to the south cannot be moved farther north and away from Dudley Street, while maintaining the existing Administrative Building.

- H. What type of screening will be provided along Dudley Street and what visual appearance would be along Dudley Street frontage (considering extensive setbacks and topography)?*

- a. The plans submitted on October 31, 2023 included detailed landscaping plans and we respectfully refer the Village to Exhibit 7 that provides a Schematic Site Plan

with Overall Landscape, as well as to Appendix G. Further, several renderings are provided showing existing conditions and proposed conditions with landscaping. Please also see the following plans entitled, "Electric Owl Studios, 1 S. Broadway, Hastings on Hudson, NY," prepared by Granoff Architects, dated October 30, 2023 (L 1.0); and "Schematic Site Plan – Overall Landscape" and (L.4.0) "Schematic Site Plan – Landscape Lighting."

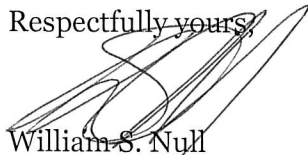
I. Can sidewalks be provided along Broadway and Dudley Street connecting the site into the community and enhancing pedestrian infrastructure?

The design of the Studio project includes a sidewalk along South Broadway extending to both the Studio and the School sites. There is no anticipated, increased pedestrian activity along Dudley Street, along which it would be difficult to provide an ADA compatible sidewalk given the steep grades. The project itself does not include a sidewalk along Dudley Street for these reasons.

Further, please note that we wish to clarify the record herein regarding a statement in our October 31, 2023 letter to this Board concerning the calculation of the square footage of proposed building area to contain a green roof. The October 31, 2023 letter inadvertently misstated the building footprints to be 55,020 square feet, whereas the correct area proposed for green roofs is 43,000 square feet (i.e., 31,000 square feet for the Mill Shop green roof and approximately 12,000 square feet for the Wardrobe green roof).

We look forward to appearing before this Board to address any further questions and thank you for your consideration.

Respectfully yours,


William S. Null

Enclosures

cc: Mary Beth Murphy, Village Manager; Linda Whitehead, Esq., Village Attorney; Patrick Cleary, Village Planner; Douglas J. Hahn, P.E.; Michael Hahn & Dan Rosenfelt, Electric Owl Holdings, LLC; Granoff Architects; Griffco Design Build; Kimley-Horn Engineering and Landscape Architecture of New York, P.C.; Maximillian R. Mahalek, Esq.; and Graham School

REVISED
Village of Hastings-on-Hudson, NY Village Code

Chapter 295. Zoning

Article IX. District Use and Area Regulations.

Section 295-85.2. Multimedia Production Studio Overlay District.

- A. **Purpose.** The Comprehensive Plan of the Village of Hastings-on-Hudson adopted in 2011 recognized that the development of large tracts had the potential to increase property tax revenues, in order to lessen the tax burden on residential property owners while not increasing municipal costs. The Comprehensive Plan also called for certain large tracts to be preserved, as they are definitional to the community character, and promoted development on said tracts that had the potential to generate greater tax revenues, rather than single-family residential development.
- B. **Definition of “Multimedia Production Studio”** [added to Article I, Section 295-5 of the Village Code]:

MULTIMEDIA PRODUCTION STUDIO

A business enterprise engaged in the creation and production of audio-visual presentations for film, television, and/or digital media.

- C. **“Multimedia Production Studio” and R-20 Permitted Uses.** Permitted uses in this Multimedia Production Overlay District shall include all uses permitted in the underlying zoning district and a “Multimedia Production Studio,” which is defined for the purposes of this Section as a business enterprise engaged in the creation and production of audio-visual presentations for film, television, and/or digital media.
- D. **Planning Board Authorization.** Jurisdiction for review and approval of any applications for mapping of a tract of land for use as a “Multimedia Production Studio” shall be vested with the Planning Board. In connection with any application for Site Plan Approval within the Multimedia Production Studio Overlay District, the Planning Board of the Village of Hastings-on-Hudson hereby is, and shall be authorized, pursuant to New York State Village Law Section 7-725-A, to modify applicable provisions of this Section to enable and encourage flexibility of design and development of land in such manner as to preserve natural and scenic qualities, as well as to provide for adequate fire and emergency access.

E. Development Standards and Controls.

- (1) The Multimedia Production Study Overlay District shall apply only to parcels of land exceeding 10 acres in size that front on Broadway (also known as New York State Route 9), which are classified in the One Family Residence-20 (R-20) District.
- (2) The following dimensional requirements shall apply to Multimedia Production

Studios located in the Multimedia Production Studio Overlay District:

- a. The minimum lot width shall be 150 feet.
- b. The maximum building height shall be 55 feet.
- c. The maximum building coverage shall be 35%.
- d. The maximum impervious coverage shall be 40%.
- e. The maximum floor-area-ratio shall be 0.60.
- f. **The minimum front yard setback shall be 150 feet along Broadway, but 50-feet on all other streets, subject to the provisions of Section (2)i. below.**
- g. The minimum rear yard setback shall be 50 feet.
- h. The minimum side yard setback shall be 50 feet.
- i. **Notwithstanding the foregoing, the Planning Board shall have the authority to permit a reduction in the yard setback in the following circumstances:**
 - i. **To accommodate one or more pre-existing buildings, or structures; or**
 - ii. **Where a new building or structure are proposed to be situated on property that is not a developed residential lot.**
- j. The maximum Floor Area Ratio (FAR) shall be 0.75.
- k. All driveway entrance structures such as gates, fences, etc. shall be setback at least 100 feet from the frontage along Broadway (New York State Route 9) and suitably screened.
- l. **Parking Requirement: 1 parking space/1,000 square feet of Studio and/or Mill space, provided that the Planning Board shall have the jurisdiction to allow valet parking for up to twenty-five percent (25%) of the parking required for any and all components of the Studio use.**

(3) Performance Standards.

- a. A maximum of two productions shall be active in a Multimedia Production Studio at any single time.
- b. No outdoor filming shall be permitted on the site without prior receipt of a Film Permit (or similar Village-issued permit), which shall be subject to the ordinary and typical regulations for film productions within the Village.
- c. All activities shall conform to the sound limits articulated under Chapter 217 of the Village Code.
- d. All lighting shall conform to the regulations for exterior lighting found at Section 295-49 of this Chapter.
- e. Food preparation for service on-site shall be conducted within buildings and no food trucks shall be permitted to operate on the site.

F. **Application requirements.** Such Application shall be filed with the Village Building Inspector six copies, and with the Planning Board 13 copies, of the following documents:

- a. **Site Plan.** A site plan, in conformance with applicable site plan submission requirements contained in § 295-106 of this chapter. The site plan shall show

elevations, height, width, depth, type of materials, color schemes and other relevant information for all existing and proposed structures, equipment, parking and other improvements. The site plan shall also include a description of the proposed personal wireless service facility and such other information that the Planning Board requires.

- b. **Environmental Assessment Form.** A completed environmental assessment form (EAF) in compliance with New York State Environmental Quality Review Act (SEQRA).
- c. **Traffic Study.** A study prepared by a licensed transportation engineer describing existing conditions on surrounding roadways, detailing projected times for vehicles to arrive or depart the "Multimedia Production Studio," including analyses of potential impacts on identified roadways during peak times of usage.
- d. **Fiscal Impact Study.** A study detailing the projected real estate taxes to be generated by the proposed "Multimedia Production Studio" and the anticipated costs to the Village of Hastings-on-Hudson by reason of such use being located on the proposed site.
- e. **Visual impact graphic information.** Graphic information that accurately portrays the visual impact of the "Multimedia Production Studio" from various vantage points selected by the Village Building Inspector. This graphic information should be provided in the form of photographs or computer-generated images with the "Multimedia Production Studio" superimposed.
- f. **Landscape plan.** A landscape plan delineating the existing trees or areas of existing trees to be preserved, and providing a preliminary, conceptual plan showing proposed planting areas, including the size, type and number of trees and shrubs to be planted.

G. Public hearing.

- a. The Planning Board shall conduct a public hearing on the application within 62 days after the completed application is received by the Building Inspector. The hearing shall be held upon the same notice as that required for a zoning variance.
- b. In addition to the notice required for a zoning variance, the applicant shall give 14 days' written notice to the legislative body of each municipality that borders the Village, as well as to the County Planning Board.

H. Architectural Review Board. The Architectural Review Board shall review the completed application, as required by Chapter 101, Article III, of the Code of the Village of Hastings-on-Hudson.

**LETTER OF RESOLUTION
PURSUANT TO SECTION 14.09
OF THE NEW YORK STATE HISTORIC PRESERVATION ACT**

**AMONG
THE VILLAGE OF HASTINGS-ON-HUDSON,
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION,
and the
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**REGARDING DEVELOPMENT OF THE GRAHAM-WINDHAM SCHOOL,
1 SOUTH BROADWAY, HASTINGS-ON-HUDSON:
PARTIAL DEMOLITION AND NEW STUDIO CONSTRUCTION
WESTCHESTER COUNTY, NEW YORK
(22PR08752)**

WHEREAS, the Electric Owl Holdings, LLC (Electric Owl) wishes to develop approximately 17.4 acres of the 23.9-acre Graham-Windham School campus, established in 1902, as a film production studio and has petitioned the Village Board of Trustees of the Village of Hastings-on-Hudson (Village) for a zoning amendment to establish a "Multimedia Production Studio Overlay District"; and,

WHEREAS, Electric Owl wishes to acquire a portion of the 23.9-acre site, with the remaining 6.5 acres of the former Graham-Windham School campus being used for the continued operation of the late twentieth century Graham Windham School that serves the community through the public education system; and,

WHEREAS, the Village Board of Trustees is acting as the Lead Agency under the State Environmental Quality Review Act ("SEQRA") for the above zoning application actions with the consent of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) Environmental Analyst (3/16/23) provided that the Village address OPRHP environmental concerns for: (1) the property's east to west service road that intersects with the Old Croton Aqueduct Trail; (2) a successful storm management plan for the proposed development; and, (3) coordination with the OPRHP's Division of Historic Preservation/State Historic Preservation Office (SHPO); and,

WHEREAS, Electric Owl has applied to the New York State Department of Environmental Conservation (NYSDEC) for approval of a Stormwater Pollution Prevention Plan (SWPPP), for which the Village has oversight for Small Municipal Separate Storm Sewer Systems (MS4 General Permits) and NYSDEC requires SHPO review for this action; and,

WHEREAS, the Graham-Windham School campus of 18 extant buildings was determined a National Register-eligible Historic District (NR) by the New York State Office of Parks, Recreation and Historic Preservation/SHPO in 2022 (USN 11940.001568) under Criteria A and C in the areas of significance of social history and education and architecture; and,

WHEREAS, OPRHP has determined, and the Village and the NYSDEC concur, that demolition of a major portion of the historic campus (15 of the campus' 18 structures from the Period of Significance, 1901-1977), as well as alterations in a number of campus features will have an unavoidable Adverse Impact on the NR-eligible Graham-Windham School Historic District; and,

WHEREAS, the granting of permits or approvals by state agencies requires compliance with Section 14.09 of the New York State Historic Preservation Act (Article 14 of New York State Parks, Recreation and Historic Preservation Law) and its implementing regulations found at 9 NYCRR 428;

Graham-Windham School, Hastings-on-Hudson
OPRHP# 21PR07501
Letter of Resolution – July 14, 2023

and,

NOW, THEREFORE, in accordance with the New York State Parks, Recreation and Historic Preservation Law Article 14, the Village, the NYSDEC, and NYSOPRHP agree that this Letter of Resolution (LOR) ensures that appropriate short- and long-term measures are incorporated to mitigate the unavoidable Adverse Impacts on the NR-eligible Graham-Windham School campus so that the demolition may proceed subject to the stipulations set forth below.

I. STIPULATIONS:

1. Photo Recordation of the 1901-1977 Graham-Windham School buildings and campus prior to demolition, in accordance with the SHPO State Structure Documentation guidelines (January 2019), attached.

Distribution of the recordation will be as follows:
(a) One hard copy and one digital copy will be forwarded to NYSOPRHP for the NY State Library Archives;
(b) One hard copy and one digital copy will be forwarded to the Village;
(c) One digital copy will be forwarded to the Westchester County Historical Society/Records, Elmsford, NY; and,
(d) One digital copy will be forwarded to the New York Historical Society, recognized repository for the Graham School and Graham-Windham School archives.
2. An interpretive panel on the history and significance of the Graham-Windham School would be installed in a public garden area in the front lawn of the Administration Building.
3. If acceptable to the governing body of the Old Croton Aqueduct Trail, installation of an educational panel along the Trail regarding the import of the Hudson River landing and arrivals of new orphans during the early years of the school.
4. Salvaging representative samples of the historic brick-lined gutters adjacent to the school roads, and maintaining control during temporary storage against accidental loss, for eventual re-introduction into the Electric Owl's public garden areas.
5. Consultations with SHPO to review the evolving proposed design of the new movie studio buildings and the repair and rehabilitation of the three remaining school buildings.
6. Continued coordination with OPRHP to avoid impacts to the adjacent Old Croton Aqueduct Trail, including mitigating the issues included in Christopher Pelosi's letter from March 16, 2023.
7. Although unanticipated based on prior site research, the construction manager will be educated on what procedures to follow in the unlikely event that human remains are uncovered during demolition and/or construction activities. The OPRHP's standard Human Remains Discovery Protocol (Protocol) is attached. A copy of the Protocol shall be maintained on site throughout the demolition and post-demolition construction.

II. DISPUTE RESOLUTION, OBJECTIONS

Should any signatory to this LOR object at any time to the way the terms of this LOR are implemented, the NYSDEC shall consult with others NYSDEC deems appropriate to resolve the objection. Prior to reaching a final decision on the dispute, the NYSDEC shall prepare a written response that considers any timely advice or comments from the signatories regarding the dispute and provide each with a copy of this written response. The NYSDEC will then proceed according to its final decision.

III. AMENDMENTS

Any amendment must be agreed to in writing by all signatories and will take effect on the date it is signed by the last signatory. Signature pages may be scanned and transmitted to the other signatories by email. The Agreement may be amended to add other State agencies as parties if it is subsequently determined they also have jurisdiction for this undertaking.

IV. DURATION

This LOR will expire if the Project is not completed within five (5) years from the date of its execution by NYSDEC and OPRHP. Prior to expiration, the NYSDEC may consult with the signatories to reconsider its terms and propose amendments in accordance with III. AMENDMENTS above. The duration of this LOR may be extended only upon approval of all signatories.

V. TERMINATION

If any signatory to the LOR determines that its terms will not or cannot be carried out, that signatory shall immediately confer with the others to attempt to resolve a dispute under Stipulation 4 or develop an amendment per III. AMENDMENTS above. If within thirty (30) days a dispute cannot be resolved or an agreement on an amendment cannot be reached, any signatory may terminate the LOR upon written notification to the other signatories.

VI. EVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase in this LOR is, for any reason, held to be unconstitutional, invalid, or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this LOR.

VII. COUNTERPARTS

This LOR may be executed in counterparts, with a separate page for each signatory. This LOR will become effective upon the date of the final signature. The NYSDEC will ensure that each signatory is provided with a complete copy of the final LOR.

SIGNATURE PAGES FOLLOW

ATTACHMENT FOLLOWS

New York State Office of Parks, Recreation and Historic Preservation

By:

Title:

Date:

DRAFT

VILLAGE OF HASTINGS-ON-HUDSON

By:

Title:

Date:

DRAFT

New York State Department of Environmental Conservation

By:

Title:

Date:

DRAFT



1/25/19

Property Documentation

The photographic and historical documentation of a historic property to be demolished, relocated, or substantially altered is standard practice in the field of historic preservation, and is intended to provide a record of the property in perpetuity as mitigation for adverse impacts. Federal documentation guidelines are provided under the Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) program. This sheet provides state-level guidance for producing digital and hard-copy documentation reports to be held by our office (the State Historic Preservation Office/SHPO), and by the New York State Archives. Historic properties are to be documented using the following format:

Photographs*

- Photographs should be clear, well composed, and should provide an accurate visual representation of the property and its significant features. Submit as many photographs as needed to depict the current condition and character-defining features of the property.
- Digital photographs should be taken using a ten (10) megapixel or greater digital SLR camera.
- Images should be saved in Tag Image File format (TIFF) or RAW format images. This allows for the best image resolution. RGB color digital TIFFs are preferred.
- Selected images for the hard-copy documentation package should be printed as follows: one to three 8x10-inch views of the overall property. Sufficient 5x7-inch supplemental images to fully document the present condition of all aspects of the property (important site features, all façade elevations, major architectural features and details, and representative views of the interior spaces).
- Historical photos (if available) depicting the property should be reprinted at 5x7-inch size and included in the documentation.
- Images should be printed on a high-quality color printer using compatible high quality photographic paper stock (HP printer use HP Paper, Epson printer use Epson paper)
- Each photograph must be numbered and that number must correspond to the photograph number on an accompanying Photo Log or Key. For simplicity, the name of the photographer, photo date, etc. may be listed once on the Photo Log or Key and doesn't need to be labeled on every photograph.
- Write the label information within the white margin on the front of the photograph using a photo labeling pen. Label information can also be generated by computer and printed directly in the white margin (adhesive labels are not recommended).
- Do not print information on the actual image – use only the photo margin or back of the photograph for labeling.
- At a minimum, photographic labels must include the following information: Photograph number, name or address of the property, date photograph was taken, and the county the property is located in.
- Photos should be placed in folders or photo sleeves.



Historical Narrative**

A narrative description should be prepared and should include the relevant historical context, a discussion of the development and construction history of the property, and a summary of the property's historical significance. Copies of primary source documentation (such as historic photographs, archival records, original architectural plans, and maps), if available, should be included, appropriately labeled, and referenced in the narrative text (e.g., Figure 1, Figure 2).

Plans/Drawings***

Copies of existing recent or current construction plans, if available, should be included.

Final Report

Two bound or boxed hard copies of the final documentation report (including photographs, historical narrative, and drawings) are requested: one copy of the report should be submitted to the SHPO for forwarding to the New York State Archives, and one copy of the report should be provided directly to an appropriate local repository. A digital copy of the report (saved on a thumb drive, CD or DVD) shall accompany the SHPO hard copy. **Completed documentation reports are to be submitted prior to demolition/relocation/renovations.**

PLEASE NOTE:

**Large-format (4 by 5) film photography may be warranted for National Historic Landmarks and properties possessing a high level of local significance, or statewide or national significance.*

***Creation of as-built drawings may be warranted, and could be done using traditional drawing methods, CAD-type programs, or laser scanning.*

****A useful model for the historical narrative is the HABS/HAER narrative report form, equivalent to HABS Level 2 documentation. The HABS Historical Report Guidelines can be found on the web at: https://www.nps.gov/history/local-law/arch_stnds_6.htm#guide AND*

<https://www.federalregister.gov/documents/2003/07/21/03-18197/guidelines-for-architectural-and-engineering-documentation>

NOTICE: This form is meant to be used as general guidance. Requirements may vary depending on the historic property and project in question. Property-specific requirements such as number of buildings/structures may be called out in the Letter of Resolution (LOR) agreement document or as a modification of this agreement document or as a modification of this document appended to an LOR.

State Historic Preservation Office/

New York State Office of Parks, Recreation and Historic Preservation

**Human Remains Discovery Protocol
(October 2016)**

In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:

- Human remains must be treated with the utmost dignity and respect at all times. Should human remains or *suspected* human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to help determine if they are human.
- No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to help determine if the remains are Native American or non-Native American.
- If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.
- To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.