

Appendix Q. Unanticipated Cultural Resource Discovery Plan

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APPENDIX Q - UNANTICIPATED DISCOVERY PLAN

UNANTICIPATED DISCOVERY OF ARCHAEOLOGICAL RESOURCES

The specific procedures for the unanticipated discovery of archaeological resources during Project's construction were developed in consultation with the necessary State, Federal, and Local agencies and described in the CRMP (Appendix R). As specified in the CRMP, should archeological materials be encountered during constructions, the Certificate Holder will stabilize the area and cease all construction activities in the immediate vicinity of the find, and protect the site from further damage. As stated in the BMP Document, typically, measures and barriers to avoid known archaeological sites include installation of temporary fencing, and site delineation of Facility maps. Specific control measures and barriers will be developed in consultation with the NYSHPO and other Consulted Parties, as appropriate. In addition, cultural resources sensitivity training will be provided to all contractors and others that will be working on the Facility in a capacity that has the potential to cause ground disturbing activities in areas of known historic properties or areas where construction preparation work is being conducted prior to archaeological assessment of the area (2012 BMPs, Section 17). Within twenty-four (24) hours of such discovery, the Certificate Holder will notify and seek to consult with DPS Staff and OPRHP Field Services Bureau to determine the best course of action. The Project PPO must be notified immediately upon discovery of cultural resources and the PPO must notify the CA. No ground-disturbing activities will be permitted in the vicinity of the archeological materials until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation have been determined.

UNANTICIPATED DISCOVERY OF HUMAN REMAINS

As described in the CRMP (Appendix R), should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity of the find will be halted immediately and the site will be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder will notify the DPS Staff and NYSHPO Field Services Bureau. Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the Native American Graves Protection and Repatriation Act (NAGPRA); the Advisory Council on Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains, any Funerary Objects (February 2007); and NYSHPO's

Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling will be further reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections. The following measures will be implemented in accordance with the BMP Document (2012 BMPs, Section 17):

- a) Any human remains discovered will be treated with the utmost dignity and respect.
- b) Work in the general area will stop immediately, and the area will be physically secured and a barrier prohibiting vehicles, equipment, and unauthorized persons from accessing the discovery site will be put in place. The site will be protected from damage and disturbance to the fullest extent possible.
- c) Human remains and associated artifacts will be left in-situ and not disturbed. No human remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place.
- d) The Certificate Holder will contact local law enforcement, the county coroner's office, the NYSHPO, and Native tribes, as appropriate. Local law enforcement officials, and the county coroner's office will examine the remains to determine if the remains are forensic or archaeological.
- e) Within twenty-four (24) hours of any such discovery, the Certificate Holder will notify the DPS Staff and OPRHP Field Services Bureau/NYSHPO. Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the Native American Graves Protection and Repatriation Act ("NAGPRA"); the Council's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (February 2007); and OPRHP/NYSHPO's Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling will be reported in the status reports summarizing construction activities and reviewed in the site compliance audit inspections.
- f) If the remains are determined to be Native American, the remains will be left in-situ and protected from disturbance until a plan for their protection or removal can be generated. The Certificate Holder will notify the NYSHPO and Native tribes within twenty-four (24) hours (during normal business hours) or as soon as possible after the discovery has been determined to be archaeological rather than forensic. The Certificate Holder will consult with the NYSHPO and Native tribes to develop a plan of action, consistent with the guidance provided in the NAGPRA, the Council's 2007 Policy Statement, and the OPRHP/NYSHPO's Human Remains Discovery Protocol. Avoiding further disturbance of the remains is the preferred option.

g) If the human remains are determined to be non-Native American, the remains will be left in-situ and protected from disturbance until a plan for their avoidance or removal can be generated. The Certificate Holders will consult with the NYSHPO and other appropriate parties to determine a plan of action.

h) Work will resume only after the completion of the necessary consultation and treatment.

The Certificate Holder will respond promptly to any complaints of negative archeological impacts during the Project's construction and will consult with NYSHPO, the Advisory Council on Historic Preservation (ACHP), Native tribes, and other appropriate parties identified in the CRMP to resolve adverse effects on historic properties and determine the appropriate avoidance, treatment, or mitigation measure.