



APPENDIX L

Plan for the Unanticipated Discovery of Archaeological Resources and/or Human Remains



PLAN FOR UNANTICIPATED DISCOVERY OF ARCHAEOLOGICAL RESOURCES AND/OR HUMAN REMAINS

Unanticipated Discovery of Archaeological Resources

It is possible that archaeological resources could be discovered during construction activities. This Unanticipated Discovery Plan provides the approach that would be employed to address such emergency discoveries and ensures that any potentially significant archaeological resources discovered during construction, including human remains, are dealt with in full accordance with State and Federal requirements, including the most recent *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State*. This plan would also ensure that procedures and lines of communication with the appropriate government authorities are clearly established prior to the start of construction so that discoveries can be addressed in a timely manner, minimizing the impacts to the construction schedule to the extent possible.

In the event that archaeological resources are found during construction, it is important for all involved personnel to follow standardized procedures. Both the environmental inspector and the construction personnel would be provided with a preconstruction briefing regarding potential cultural resources indicators. These indicators could include items such as recognizable quantities of bone, ceramics, glass, or brick, unusual stone or ash deposits, or black-stained earth that could be evident in spoil piles or trench walls during construction. In the event that potentially significant cultural resources are discovered during construction, the environmental inspector and construction personnel would be instructed to follow the specific requirements and notification procedures outlined below. Cultural resource discoveries that require reporting and notification include any human remains and any recognizable, potentially significant concentrations of artifacts or evidence of human occupation.

If cultural resources indicators are found by construction personnel, the construction supervisor would be notified immediately. The supervisor, in turn, would notify the environmental inspector, who would notify the archaeologist, who would be available to respond to this type of find. Based on the information provided, the archaeologist would determine if a visit to the area is required and, if so, would inform the construction crews. No construction work at the site that could affect the artifacts or site would be performed until the archaeologist reviews the site. The site would be flagged as being off-limits for work in order to protect the resources, but would not be identified as an archaeological site. The archaeologists would conduct a review of the site and would test the site as necessary. The archaeologist would determine, based on the artifacts found and on the cultural sensitivity of the area in general, whether the site is potentially significant and would consult with the OPRHP regarding site clearance.

Unanticipated Discovery of Human Remains

In construction or research situations where Native American human remains are discovered, consultation with Native American Tribes may be required. If Native American human remains are encountered during archaeological field work, TRC will follow the procedures for such discoveries in accordance with State and Federal regulations, including the Native American Graves Protection and Repatriation Act of 1990 and its implementing regulations 43 CFR § 10. This will involve consultation with the State Historic



Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and appropriate interested parties in an effort to identify and notify next of kin, closest lineal descendant, or the Indian tribes who may be culturally affiliated with the remains, and to determine appropriate treatment and disposition of the remains.

When human remains are encountered, all work in the near vicinity of the remains would cease and reasonable efforts would be made to avoid and protect the remains from additional impact. In cases of inclement weather, the human remains should be protected with tarpaulins. If discovered during construction activities, an Archaeologist will investigate the reported discovery, inventory the remains and any associated artifacts, and assist in coordinating with state and local officials. This includes notifying the County Medical Examiner of the discovery. If the remains are found to be other than human, construction will be cleared to proceed. If the remains are human, and are less than 75 years old, the Medical Examiner and local law enforcement officials will assume jurisdiction.

Regardless of the discovery context (i.e., archaeological excavation or construction activities), if the remains are found to be human and older than 75 years, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will be notified and may assume jurisdiction of the remains. If jurisdiction is assumed by the OPRHP, they will a) determine whether the human remains represent a significant archaeological resource, and b) make a reasonable effort to identify and locate persons who can establish direct kinship, tribal community, or ethnic relationship with the remains. If such a relationship cannot be established, then the OPRHP may consult with a committee to determine the proper disposition of the remains. This committee shall consist of a human skeletal analyst, Native American members of current state tribes recommended by the Governor's Council on Indian Affairs, and "an individual who has special knowledge or expertise regarding the particular type of the unmarked human burial."

A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, re-interment, or a combination of these treatments will be developed in consultation with the OPRHP and if applicable, appropriate Native American tribes or closest lineal descendants. All parties will be expected to respond with advice and guidance in an efficient time frame. Once the plan is agreed to by all parties, the plan will be implemented.