

Appendix M

Unanticipated Discovery Plan

Unanticipated Discoveries Plan

In order to minimize the potential for the accidental discovery of cultural resources and human remains, systematic review of remote sensing data was conducted for the Liberty Natural Gas, LLC, *Port Ambrose Deepwater Port Project* (Project). To ensure full and complete compliance with all State and Federal standards concerning the protection of cultural resources, an Unanticipated Discoveries Plan was prepared for the Project. Prior to Project implementation, Project personnel, including Resident Engineers and Field Supervisors will receive training by the Project's Cultural Resource Manager. All Project inspectors will have the responsibility to monitor construction sites for potential cultural resources throughout construction.

ARCHEOLOGICAL RESOURCE IDENTIFICATION TRAINING OF MONITORS AND CONSTRUCTION PERSONNEL

The identification of archeological features requires basic training in order to recognize potential sites. Training will be provided by the Cultural Resource Manager for all Project personnel, including Resident Engineers and Field Supervisors prior to Project implementation. The purpose of this training will be to review State Historic Preservation Office (SHPO) and lead Federal Agency commitments regarding archeological resource compliance and to provide an overview of the Project-specific resources within and in the vicinity of the Project's Area of Potential Effect (APE), so that both Project personnel and contractors will be aware of the kinds of unanticipated archeological features that may be encountered in the field. In addition, the training program will emphasize the exact procedures to be followed regarding actions to be taken and notification required if an unanticipated discovery is identified during Project implementation, as outlined herein. The training will be designed to ensure that Project personnel and contractors understand the extent of the archeological survey program that has been performed for the Project and are fully aware of the distinction between sites that have been cleared (i.e., have previously been cleared for Project implementation activities by SHPO or the Federal Lands representative) and new discoveries during the Project implementation process. If necessary, the Cultural Resource Manager can provide a nautical archeologist(s) to assist the pre-construction survey, and monitor the construction impacts, during the Project implementation phase, through the project multibeam echo sounding, ROV and/or diver surveys required by the construction program.

POTENTIALLY SIGNIFICANT DISCOVERIES OF CULTURAL RESOURCES

Any of the following would be considered potentially significant submerged cultural resources:

- Lithic and ceramic artifacts;
- Skeletal remains (human and animal bone);
- Wooden ship timbers or sections of iron or steel hulls;
- Scattered cargo remains, such as ceramics, glass, wooden barrels or barrel staves;
- Any distinct mound of stones indicative of a ballast pile;
- Cannon and swivel guns and/or ammunition;
- Debris comprised of ship rigging, gear and fittings; and
- Groups of anchors or other objects that indicate the presence of a shipwreck.

CULTURAL RESOURCES DISCOVERIES

Cultural resources (including skeletal remains) may be discovered by Project or contractor personnel. Project specific protocols will be developed once construction details have been finalized. These will be followed in the event cultural resources are discovered during Project implementation. The following protocols provide a basic description of how an unanticipated discovery will be managed:

Stop Activities

If cultural resources are uncovered during a Project implementation activity, the on-site Field Supervisor will stop all activity within the immediate vicinity of the discovery, unless safety concerns are an issue. Specifically, the construction crew will stop at the spot where the find was uncovered and not resume Project implementation activities within 1,000 ft (305 m) until cleared to proceed or directed to work elsewhere within the Project APE by the Resident Engineer. This is necessary in order to provide the Cultural Resource Manager the opportunity to determine whether the feature(s) represents a potentially significant site.

Make Notifications

After Project implementation activities have stopped in the vicinity of the find, the Field Supervisor will notify the Resident Engineer, who will notify immediately the Project Manager and the Cultural Resource Manager.

Initial Determinations

The Cultural Resource Manager and the Resident Engineer will determine whether the feature(s) was recorded during a previous archeological survey. This will be accomplished by reviewing Project maps and other applicable data. The Cultural Resource Manager will review the location and type of discovered material with the appropriate on-site construction personnel. The Cultural Resource Manager will also inform and offer the SHPO and/or the Federal Lands representative the opportunity to review the discovery. If the Cultural Resource Manager determines that on-site archeological investigations are required, the Resident Engineer will inform the Field Supervisor that Project implementation activities must cease in the vicinity of the find. The Cultural Resource Manager will arrange for an archeological crew to be on the site. These activities will take place as soon as practicably possible.

Project implementation activities will not resume until the site has been surveyed and the results reviewed

with the SHPO and/or the Federal Lands representative. The site will be marked (e.g., buoyed) as being off-limits for work, but will not be identified as an archeological site per se in order to protect the resources. In addition, the site will be secured to protect the potential significant resource.

State Lands. If a potential cultural resource is identified within New York State waters during construction, all operations must immediately cease within 1,000 ft (305 m) of the area of the discovery and the discovery must be reported to the New York State Office of Parks, Recreation and Historic Preservation, State Historic Preservation Office (NY SHPO). The SHPO will develop mitigation measures and treatment plans as necessary. An approved archeological consultant will be hired in consultation with the SHPO to inspect the discovery and provide an immediate verbal report. If these investigations determine that the resource is significant, the SHPO will provide instructions regarding its protection.

Federal Lands. If a potential cultural resource is identified within Federal Lands (including submerged federal lands on the Outer Continental Shelf) during Project construction and/or inspection activities all operations must immediately cease and steps taken to ensure that the site is not disturbed in any way. The Federal Lands representative must be contacted within 48 hours of the discovery. All operations must cease within 1,000 ft (305 m) of the site until the Federal Lands representative provides instructions on what steps must be taken to assess the site's potential historic significance and to protect it. The Federal Lands representative will participate with any appropriate Native American Tribes or groups, in the development of mitigation measures and treatment plans as necessary.

Human Remains Discoveries: The treatment of human remains discovered during Project construction and/or inspection activities will be guided by the policy statement adopted by the Advisory Council on Historic Preservation and by the relevant State laws and guidelines. For discoveries on federal lands that encounter Native American human remains and funerary objects, the Native American Graves Protection and Repatriation Act applies.