

APPENDIX U

Unanticipated Discoveries Plan for Cultural Resources and Human Remains

(TGL Application, Volume III, Appendix L (see Appendix G))

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UNANTICIPATED DISCOVERIES OF ARCHAEOLOGICAL SITES, HISTORIC SITES, AND SUBMERGED CULTURAL RESOURCES INCLUDING HUMAN REMAINS

Although a project area may receive a complete cultural resource study, it is impossible to ensure that all cultural resources will be discovered. Even at sites that have been previously identified and assessed, there is a potential for the discovery of previously unidentified archaeological components, features, or human remains that may require investigation and assessment. Therefore, a procedure has been developed for the treatment of any unexpected discoveries that may occur during site development.

In the event that unrecorded shipwreck sites and/or other underwater archaeological resources are discovered, the following steps should be taken:

Initially, all work in the immediate area of the discovery should cease and reasonable efforts should be made to avoid or minimize impacts to the cultural resources.

- (1) In Federal waters, BOEM Archaeologists should be contacted immediately (see contact information below). In Texas State Waters, the Texas Historical Commission, (THC) State Marine Archaeologist should be contacted immediately (see contact information below). These should evaluate the nature of the discovery.
- (2) As much information as possible concerning the cultural resource, such as resource type, location, and size, as well as any information on its significance, should be provided to the BOEM or THC archaeologist.
- (3) Consultation with the BOEM or THC should occur in order to obtain technical advice and guidance for the evaluation of the discovered cultural resource.
- (4) If necessary, a mitigation plan should be prepared for the discovered cultural resource. This plan should be sent to the BOEM or THC for review and comment. The BOEM or THC should be expected to respond with preliminary comments, with final comments to follow as quickly as possible.
- (5) If a formal data recovery mitigation plan is required, development activities in the near vicinity of the cultural resource should be avoided to ensure that no adverse impact to the resource occurs until the mitigation plan can be executed.

If HUMAN REMAINS are encountered on a site during development: All work in the near vicinity of the human remains should cease and reasonable efforts should be made to avoid and protect the remains from additional impact. A qualified Professional Archaeologist should be retained to investigate the reported discovery, inventory the remains and any associated artifacts, and assist in coordinating with state and local officials.

The County Medical Examiner should be immediately notified as to the findings. If the remains are found to be other than human, any 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. If the remains are found to be human and older than 75 years,

the BOEM or State Archaeologist should be notified and may assume jurisdiction of the remains.

If jurisdiction is assumed by the BOEM or State Archaeologist, (s)he 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 BOEM or State Archaeologist may consult with a committee of four to determine the proper disposition of the remains. This committee shall consist of a human skeletal analyst, two 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, reinternment, or a combination of these treatments will be developed in consultation with BOEM, the State Archaeologist, and, if applicable, appropriate Indian 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.

Notification of discovery of shipwrecks or other cultural resources

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