

ALASKA LNG PROJECT	DOCKET No. CP-17-____-000 RESOURCE REPORT No. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES	Doc No: USAI-PE-SRREG-00- 000004-000 DATE: APRIL 14, 2017 REVISION: 0
	PUBLIC	

**APPENDIX F PLAN FOR UNANTICIPATED DISCOVERY OF
CULTURAL RESOURCES AND HUMAN REMAINS**



**PLAN FOR UNANTICIPATED DISCOVERY
OF CULTURAL RESOURCES AND HUMAN
REMAINS**

USAI-PE-SRREG-00-000004-006



	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 1 OF 9

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Definition of Unanticipated Discoveries	1
2.0	WORKFORCE CULTURAL RESOURCES BRIEFING	2
3.0	PROCEDURES TO PROTECT DISCOVERY	3
3.1	Documentation and Evaluation of Unanticipated Discovery	5
3.2	Treatment of NRHP Eligible Unanticipated Discoveries and authorization to resume work	5
3.2.1	Documentation of treatment and preservation of cultural Materials	6
4.0	DISCOVERY OF HUMAN REMAINS	7
4.1	Protocols for the Discovery of Human Remains	7
4.2	Treatment of Human Remains found in an archaeological context.....	9

LIST OF TABLES

Table 1:	Notification List for Unanticipated Discovery	4
Table 2:	Notification List for Potential Human Remains	9

	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 1 OF 9


1.0 INTRODUCTION

The Plan for Unanticipated Discovery of Cultural Resources and Human Remains establishes procedures for the identification, protection, and treatment of cultural resources or human remains discovered by project archaeologist(s) or Alaska LNG Project (Project) personnel during construction activities. In the event previously unknown cultural resources are discovered, the Project archaeologist or Project site manager will have the authority to divert or temporarily halt ground disturbance to allow evaluation of the cultural resource. If evaluation of the discovery by a qualified archaeologist (as defined by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation) in consultation with Federal Energy Regulatory Commission (FERC), the Office of History and Archaeology/State Historic Preservation Office (OHA/SHPO), and possibly other consulting parties, determines that the resource is not eligible for listing on the National Register of Historic Places (NRHP) and there are no potential human remains at the location, then no further management is required and work may resume. If, during consultation with FERC, OHA/SHPO, and other consulting parties, the site is determined to be eligible for listing in the NRHP (is a historic property), impacts to the historic property will be avoided or, if avoidance is not feasible, will be mitigated following procedures outlined in 36 C.F.R. 800. Procedures to address the discovery of human remains are discussed in Section 4. This plan identifies key individuals and agencies and their roles, responsibilities and specific contact information, and applicable timeframes, consultation protocols, and legal requirements that apply in the event of a discovery of cultural resources or human remains.

1.1 DEFINITION OF UNANTICIPATED DISCOVERIES


Unanticipated discoveries are defined as:

- Previously unidentified cultural resources such as hearths, prehistoric or historic artifacts, walls, foundations, post molds, pits, etc.
- Any evidence of human remains regardless of discovery context. All discoveries of suspect bone are to be treated by Project personnel as potential human remains until a determination can be made by the State Medical Examiner (SME) or, if acceptable to the SME, a qualified archaeologist, as described in subsequent sections.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT No. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 2 OF 9

2.0 WORKFORCE CULTURAL RESOURCES BRIEFING

The Project archaeologist or his/her designate will train all Project personnel involved in field activities on identification of potential cultural resources or human remains or gravesites prior to construction commencement. The training will also include the steps to be taken in the event of an unanticipated discovery. Personnel will also be informed of the legal and/or regulatory implications of knowingly destroying or removing artifacts, human remains, or other cultural materials.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT No. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 3 OF 9

3.0 PROCEDURES TO PROTECT DISCOVERY

In the event of an unanticipated discovery, the Project will make its best efforts, in accordance with state and federal law, to ensure that its employees and contractors keep all discovery details confidential. To the extent permitted by law, prior to any release of information, the Project, the FERC, OHA/SHPO, the landowner, and any other consulting parties will concur on the information, if any, to be released to the public, any third party, or the media and the procedures for such a release. In the event of a discovery, the following steps will be taken:

Step 1: Stop Work. If any Project employee, contractor, or subcontractor believes that he or she has located a cultural resource, all work will be immediately halted at the discovery location, followed as soon as possible by cessation of all other ground-disturbing activity within 100 feet of the discovery.

Step 2: Immediate Notification and Protection. The individual making the discovery will immediately notify the Project site manager of the discovery and will ensure that at least a 30-foot buffer around the discovery is flagged with flagging spaced no greater than 25 feet apart or is fenced with construction fencing or similar material. The Project site manager will be responsible for preventing traffic through the resource area, except traffic necessary to remove vehicles and equipment already within the immediate area of the discovery.

Step 3: Notify Project Archaeologist. If the Project archaeologist is not present at the time of the discovery, the Project site manager will contact the Project archaeologist who will access the site to determine if the unanticipated discovery is a cultural resource. If the Project archaeologist determines that the discovery is not a cultural resource, he/she will notify the Project site manager that construction may proceed in the area of the discovery. If the Project archaeologist determines that the discovery constitutes a cultural resource that has not been previously recorded and determined as not eligible for listing on the NRHP, he/she will proceed as described in Section 3.1.

Step 4: Notify Project Management. The Project site manager will be responsible for notifying Project Management and any private landowner, if applicable, of the discovery and the Project archaeologist's determination as to whether the discovery constitutes a cultural resource.

Individuals who will be notified in the event of an unanticipated discovery are listed in Table 1. In the event a discovery involves potential human remains, notifications will additionally include individuals listed in Table 2 in Section 4.



	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 4 OF 9

Table 1: Notification List for Unanticipated Discovery

Name	Agency/Company	Role/Title	Contact Information
[To be determined]	Project	Site Manager	[To be determined]
[To be determined]	Project	Project Archaeologist	[To be determined]
Judith E. Bittner	Alaska Office of History and Archaeology (SHPO)	State Historic Preservation Officer (SHPO)	Office: 907-269-8721 Judith.bittner@alaska.gov
Richard VanderHoeck	Alaska Office of History and Archaeology (SHPO)	State Archaeologist/ Deputy SHPO	Office: 907-269-8728 Richard.vanderhoeck@alaska.gov
Shina duVall	Alaska Office of History and Archaeology (SHPO)	SHPO Compliance Officer	Office: 907-269-8720 shina.duvall@alaska.gov
Laurie Boros	Federal Energy Regulatory Commission	Senior Technical Expert	Office: 202-502-8046 Email: Laurie.boros@ferc.gov
[To be determined]	BLM	Federal Land Manager	[To be determined]

Step 5: Complete Work Stoppage Log. A Work Stoppage Log will be completed whenever construction has been halted due to a discovery. Log documentation will demonstrate that Project procedures, as noted above, are in place and will also document any Project down time. The log will include:

- Date, time, and duration of the stoppage;
- Activity halted;
- Who requested the stoppage;
- Reason for the stoppage;
- Location; and
- Description of the find and an explanation as to why it does/does not qualify as a cultural resource.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 5 OF 9

3.1 DOCUMENTATION AND EVALUATION OF UNANTICIPATED DISCOVERY

The Project Archaeologist will complete a Discovery Record and report the discovery to the OHA/SHPO, the FERC, and any appropriate federal land manager such as the BLM. The Project Archaeologist will evaluate the cultural resource and determine the resource’s boundaries within the Project’s area of potential effect to gather information to help the FERC, the OHA/SHPO and other consulting parties determine whether the resource is eligible for inclusion in the NRHP (a historic property). The FERC will determine if it is appropriate to consult with any tribes in making the eligibility determination.

If the FERC, in consultation with the OHA/SHPO, the land manager, and other appropriate parties possibly including tribes, determines that the resource is not eligible for listing in the NRHP (not a historic property), additional work at the site is not required, and construction may resume. The Project Archaeologist will develop a site form to be submitted to the Alaska Heritage Resources Survey so that the resource is included in the State of Alaska’s cultural resource database. The Project Archaeologist will also prepare a memorandum to document FERC’s decision and the steps taken and provide the memorandum to the Project for review. The Project will submit the finalized memorandum to the FERC and the OHA/SHPO. No further consultation would be required.


If the FERC, in consultation with the OHA/SHPO and other appropriate parties including tribes, determines that the resource is a historic property and that the Project will have an adverse effect on the property, the Project, in consultation with the FERC and the OHA/SHPO will determine if/how the property can be avoided. If the property cannot be avoided, the Project will develop a treatment plan in consultation with the FERC, the OHA/SHPO and other consulting parties to mitigate the adverse effect. Treatment could include mapping, photography, subsurface testing and sample collecting, data recovery or other measures.

3.2 TREATMENT OF NRHP ELIGIBLE UNANTICIPATED DISCOVERIES AND AUTHORIZATION TO RESUME WORK

Treatment of NRHP eligible cultural resources (historic properties) will be directed by the Project archaeologist or an archaeological consultant as determined by the Project. The treatment plan developed in consultation with FERC, OHA/SHPO, the land owner or land manager, and other consulting parties will be completed before construction activity at the discovery site will resume. Treatment will not prohibit Project work except within the boundaries of the historic property.

At the conclusion of the treatment plan work, the Project archaeologist or archaeological consultant will prepare a preliminary report summarizing the results of the investigations. The preliminary report will be submitted to the Project within 72 hours of the completion of the treatment plan. The Project will submit a copy of the preliminary report to the FERC and the OHA/SHPO within 72 hours of receipt of the report. The FERC, the OHA/SHPO, and other consulting parties will have up to three business days from receipt of the preliminary report to determine whether additional investigations will be required.

If the FERC, the OHA/SHPO, and other consulting parties concur that no additional investigations are required, then the FERC and the OHA/SHPO will either provide an authorization to proceed or provide concurrence on the preliminary report. The authorization to proceed or concurrence will be submitted to the Project by fax or e-mail and mail.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 6 OF 9


The Project may resume work immediately upon receipt of either the authorization to proceed or concurrence. The Project will not resume work at the location of the historic property until it has received either the written authorization to proceed or signed concurrence.

3.2.1 DOCUMENTATION OF TREATMENT AND PRESERVATION OF CULTURAL MATERIALS

While the treatment plan developed in consultation with the FERC, OHA/SHPO and possibly other consulting parties will govern investigations of the historic property, the treatment could include evaluation techniques such as test units that could yield additional cultural materials beyond those that may have been recovered at the time of discovery.

All cultural material recovered from unanticipated discoveries and during any ensuing treatment will be documented and treated in keeping with professional standards. All prehistoric and historic artifacts collected from the surface or from probes or excavation units will be analyzed, catalogued, and temporarily curated by the Project. Ultimate disposition of cultural materials will be determined in consultation with the appropriate land managing agencies or private landowners (if appropriate) and the FERC and the OHA/SHPO. The Project has secured a provisional artifact curation agreement with the University of Alaska, Museum of the North (UAMN) in Fairbanks for the eventual disposition of the artifacts, if appropriate. The UAMN is the repository for all archaeological collections made on federal and state lands in Alaska and is the intended repository for the artifacts collected from archaeological investigations for all phases of the Project.

If assessment activity exposes human remains (burials, isolated bones or teeth) the process outlined in the following sections will be followed.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT No. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 7 OF 9

4.0 DISCOVERY OF HUMAN REMAINS

The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, post-mortem interval, and biological/cultural affiliation. Human remains may include intact burials or isolated bones, including teeth, or other fragmentary bone pieces. Under Alaska State Law, the following procedures apply, whether or not a Project archaeologist is present. Notification and treatment procedures will conform to appropriate state statutes, regulations, and guidance. This information is summarized below.

Several Alaska state laws are applicable to the discovery of human remains. The SME has jurisdiction over all human remains in the state (with rare exceptions, such as military aircraft deaths), regardless of age. Alaska state laws governing discovery of human remains include:


- **AS 12.65.5**, which requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper) and the SME when death has “been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning.”
- **AS 11.46.482(a)(3)**, which applies to all lands in Alaska, makes the “intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave” a class C felony.
- **AS 41.35.200**, which applies only to state lands, makes the disturbance of “historic, prehistoric, and archeological resources” (including graves, per definition) a Class A misdemeanor.
- **AS 18.50.250**, which applies to all lands in Alaska, requires permits for transport, disinterment, and reinternment of human remains.

On federal lands and federal trust lands, the unauthorized destruction or removal of archaeological human remains (i.e., more than 100 years old) is a violation of 16 USC 470ee (Archaeological Resources Protection Act of 1979). If human remains on federal or federal trust lands are determined to be Native American, then their treatment and disposition are also governed by the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (PL 101-601; 25 USC 3001-30013; 104 Stat. 3048-3059; 43 C.F.R. 10). NAGPRA also applies to Native American human remains from any lands if the remains are curated in any institution that receives federal funds.

4.1 PROTOCOLS FOR THE DISCOVERY OF HUMAN REMAINS

In the event of a discovery of suspected or possible human remains, the following steps will be taken:

Step 1: Work Stoppage. Work at the immediate location will halt until a determination has been made as to whether the remains are human. Except to ensure safety, the location of the discovery will not be backfilled. Further, if the remains are suspected to be human, no spoils will be moved until a determination of the source of the find has been made.

	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 8 OF 9

Step 2: Determination of Whether Remains are Human. After work has stopped, it will be the responsibility of the Project archaeologist to make an initial identification of the remains, and then to initiate the processes required by state law.

In the event of a discovery of bone or other possible human remains while the Project archaeologist is not on site, any field personnel involved in such a discovery will immediately halt work at the discovery site, move at least 100 feet away, and notify a supervisor who will immediately notify the Project site manager. The Project site manager will immediately notify the Project archaeologist who will inspect the find and determine whether the remains are human. If the find is not human and not part of a cultural resource site, work will proceed. If the find is human, then the protection and notification procedures described below will be followed.

If there is doubt on the part of the Project archaeologist about whether a find includes human remains, work stoppage and protection procedures will apply, and the SME will be immediately contacted and notification procedures will be initiated.

Step 3. Protection of the Discovery. If possible human remains are encountered, they will be treated with dignity and respect at all times. Remains will be immediately covered with a tarp or other materials (not soil or rocks) for temporary protection in place, as well as to shield them from being photographed. Confidentiality will be a priority and responses to any discoveries of human remains and associated materials will comply with provisions of Alaska state law and NAGPRA and its implementing regulations, depending on the land status at the location of the discovery.

If the find is determined to include human remains, then excavation work and vehicular traffic will not be allowed within 100 feet of the discovery location. After all such activities have been halted, appropriate steps will be taken to ensure that no further disturbance occurs to the discovery. Other steps to secure and protect the discovery may be taken, depending on the nature and circumstances of the discovery. Such measures may include fencing around the area of concern. Measures taken to protect the remains and any associated artifacts will remain in effect until the Project has received formal notice from the FERC, OHA/SHPO, and possibly other consulting parties that construction may proceed in the 100-foot buffer zone.

Step 4. Notification. Individuals who will be notified immediately in the event of discoveries of potential human remains are listed in Table 2.

The Project Archaeologist and the Project site manager will immediately be notified. The Project Archaeologist will collect information regarding the time and location of the discovery, describe the find, and attempt to determine whether the remains are of archaeological origin.

Upon being notified of the presence of possible human remains, the Project site manager will immediately contact the Alaska State Trooper Missing Persons Bureau, the Alaska State Medical Examiner’s Office, local law enforcement, FERC, Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, OHA/SHPO, and the Alaska Bureau of Vital Statistics. The FERC will make notifications to tribes, if appropriate. The notifications will include a brief description of the discovery and its location, a clear and explicit statement as to whether the discovery is on state, federal, or private land, and an opinion as to whether the find is archaeological.


	DOCKET NO. CP-17-____-000 RESOURCE REPORT NO. 4 APPENDIX F – PLAN FOR UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS	USAI-PE-SRREG-00-000004-006 14-APR-17 REVISION: 0
	PUBLIC	PAGE 9 OF 9

Table 2: Notification List for Potential Human Remains

Name	Agency/Company	Role/Title	Contact Information
[To be determined]	Project entity	Site Manager	[To be determined]
[To be determined]	Project entity	Project Manager	[To be determined]
[To be determined]	Project entity	Project Archaeologist	[To be determined]
Chief Gus Sandahl	Kenai Police Department	Chief	907-283-7879
Sgt. Kid Chan	Alaska State Troopers	Missing Persons Bureau	Phone: 907-269-5058 Email: choong.chan@alaska.gov
Stephanie Johnson	Alaska State Troopers	Missing Persons Bureau	907-269-5497
	Alaska State Medical Examiner	Reporting Hotline	907-334-2356, 1-888-332-3273 (outside Anchorage)
Stephen Hoage	Alaska State Medical Examiner	Operations Administrator	907-334-2202
Dr. Katherine P. Raven	Alaska State Medical Examiner	Chief Medical Examiner	Phone: 907-334-2200 Fax: (907) 334-2216 katherine.raven@alaska.gov
Judith E. Bittner	Alaska Office of History and Archaeology (SHPO)	State Preservation Historic Officer (SHPO)	Office: 907-269-8721
Richard VanderHoeck	Alaska Office of History and Archaeology (SHPO)	State Archaeologist/Deputy SHPO	Office: 907-269-8728
Robert King	Bureau of Land Management (BLM)	Archaeologist	Phone: (907) 271-5510 Email: r2king@blm.gov
Laurie Boros	Federal Energy Regulatory Commission	Senior Technical Expert	Office: 202-502-8046 Email: Laurie.boros@ferc.gov
Phillip Mitchell	Alaska Bureau of Vital Statistics	Chief	907-465-8604, 907-465-8643

4.2 TREATMENT OF HUMAN REMAINS FOUND IN AN ARCHAEOLOGICAL CONTEXT

In any case of the discovery of human remains in an archaeological context during construction, the FERC, in consultation with the landowner or land manager and appropriate parties, will determine procedures for treatment. If human remains are determined to be Alaska Native, affiliated tribes may provide recommendations to the FERC or the landowner for the recovery, treatment, and disposition of the human remains and any associated grave goods.

For security reasons, no information will be released to the public by the Project unless done so in consultation with or at the behest of FERC or the landowner or land manager.