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Plan for Unanticipated Discovery of Historic Properties and Human Remains

Brookfield Resource Management

Dolsontown Road Site

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1. Introduction

Brookfield Resource Management (Brookfield) is committed to the protection and preservation of cultural resources, in accordance with federal and state regulations. Brookfield recognizes that, despite documented pre-construction efforts involving cultural resource field investigations, it is still possible that unanticipated cultural or historic resources, properties or remains could be discovered during construction.

This Plan for Unanticipated Discovery of Historic Properties and Human Remains (the Plan) presents Brookfield's approach to address unanticipated discoveries during construction of the proposed Recycling Facility (the Project) located on Dolsontown Road near the Interstate Highway 84/State Route 17M interchange in the Town of Wawayanda, Orange County, New York. This Plan describes procedures to ensure that any potentially significant archaeological resources discovered during construction, including human remains, are dealt with in full compliance with applicable regulations. More specifically, this Plan describes procedures to:

- Ensure that personnel working on this Project are trained in basic archaeological site awareness, identification and related procedures.

- Ensure that any potentially significant archaeological resources discovered during construction, including human remains, are dealt with in full compliance with applicable regulations. The Plan is intended to be consistent with federal regulations at 36 CFR 800.11, Protection of Historic and Cultural Properties. Discussions with the Office of Parks, Recreation and Historic Preservation (OPRHP) and State Police reveal that there are no specific New York regulations or procedures applicable to this Plan. In New York State, accepted practice involves immediate notification of appropriate officials, and development of discovery-specific procedures in consultation with OPRHP, state and local police and medical officials.
- Ensure that procedures and lines of communication with the appropriate government officials are clearly established prior to the start of construction. In this manner, any discoveries can be addressed in a timely manner with minimal impact to construction schedules as well as cultural resources.

2. Training for Project Inspectors and Contract Construction Personnel

Basic training is required for inspectors and construction contractors to recognize potential discoveries of historic properties or human remains. Brookfield requires field inspectors and construction contractors to have a basic understanding of, and sensitivity to, the possibility of discovering cultural and historic resources and human remains. The Project's Environmental Manager and the construction contractor's Environmental Inspector will have primary responsibility for unanticipated discoveries and for related training.

Prior to commencement of construction activities, the Environmental Inspector will contract with a qualified archaeologist (Project Archaeologist). The Project Archaeologist will participate in initial training efforts and will be available on an as-needed basis throughout the portion of the construction period involving excavation.

Also prior to commencement of construction activities, individual contacts will be identified at OPRHP and other organizations listed in Section 4, in order to ensure that a communications protocol is fully established in the event that unanticipated discoveries are encountered that would require consultations.

The purpose of the basic training is to review the Project's commitments regarding cultural resource compliance, and to provide an overview of the general cultural history of the Project area. Basic training will emphasize the procedures to be followed, as outlined in this Plan, regarding the actions to be taken, and notifications required in the event of a significant unanticipated discovery of an historic property or human remains. The Project Archaeologist will work with the Environmental Inspector to develop a training program that will involve more detailed training for inspectors and supervisors as well as written materials for any construction personnel likely to be involved in on-site excavation. This basic cultural resources training will be part of the overall environmental briefing that will be presented to Project inspectors and construction contractors prior to the start of construction. Following training, both construction contractors and Project inspectors are expected to be aware of the kinds of archaeological remains that may be encountered during construction. Trainees will be instructed to be conscious of cultural resource indicators during construction, such as recognizable quantities of bone, unusual stone and ash deposits, evidence of spoil piles, building trenches and foundation walls.

The entire Project site, construction staging areas and locations of utilities were subject to a Phase I survey and no significant cultural resources were identified. Therefore, no known locations of cultural resources exist on the site and, pending OPRHP concurrence and the receipt of all applicable permits, the entire site will be considered to be "cleared" for construction.

3. Procedures for Unanticipated Discoveries

All construction personnel working at the Project construction site will be instructed to initiate the following procedures in the event that unanticipated historic properties or human remains are encountered during construction. Unanticipated discoveries that would trigger initiation of the following procedures include:

- Any human remains; and
- Any recognizable potentially significant concentrations of artifacts or evidence of human occupation.

Part of construction personnel's routine duties will involve examination of trenches, building excavations and/or spoil piles for evidence of artifacts, features or human remains. The following procedures will be initiated in the event of discovering unanticipated historical properties and/or human remains.

3.1 Discoveries of Artifacts or Historic Property Remains

3.1.1 Unanticipated Discovery Suspension of Work and Field Notifications

Construction contractor personnel involved in unanticipated discoveries of historic properties immediately must suspend activities that could affect the integrity of the discovery, and must notify the Construction Manager or Environmental Inspector. The Construction Manager and/or Environmental Inspector, in turn, must notify Project personnel. Notification includes information about the specific location and construction area, and the nature of the discovery.

Project personnel involved in unanticipated discoveries of historic properties and/or human remains immediately must direct construction contractors to suspend activities that could affect the integrity of the discovery, and must notify the Construction Manager and/or Environmental Inspector. Notification includes information about the specific location and construction area, and the nature of the discovery.

3.1.2 Identification of Discovery Significance

Upon discovery or notification of an unanticipated discovery, the Project's Environmental Manger will be responsible for consulting with OPRHP to determine whether the discovery is a

potentially significant discovery. This will be accomplished by observing the type and nature of the discovery.

Any of the following would be considered potentially “significant” discoveries of artifacts and/or historic property remains, and would trigger the actions listed below: any intact archaeological features including evidence of a hearth and undisturbed occupation levels, such as an organization of stones or burned earth. The location and date of the discovery will be identified on the Environmental Inspector’s maps, and the Project Archaeologist will be notified by telephone. Based upon a verbal description of the finding, the Project Archaeologist will determine whether field inspection is warranted. Resolution of the discovery issue will be reported in the Environmental Inspector’s daily reports and to OPRHP.

If it is determined that the findings do not represent a significant cultural resource that warrants additional investigation, the Environmental Inspector will inform any involved government monitors and construction personnel that no further work is required. Suspended construction activities may then proceed with the concurrence of the Project Environmental Inspector, and with his or her notification of the Construction Manager.

3.1.3 Identification of Potentially Significant Discoveries

If any artifacts and/or historic property remains are discovered that, in the judgment of the Environmental Manager and OPRHP, warrant additional investigation, the contract archaeologist will be called to review the discovery. Project personnel will discuss the location and nature of the discovery with the archaeologist. Visual barriers will be installed around the discovery area to protect it from disturbance.

If an archaeologist is not immediately available, and further work in the discovery area is not imminent, then photographs or drawings of the discovery may be mailed, delivered or transmitted by facsimile to the archaeologist for review. The archaeologist will determine if a visit to the area is required, based on the information provided. If a site visit is required, the archaeologist will be expected to be on-site within 24 hours after notification.

If on-site archaeological investigations are required, the Environmental Inspector will notify the Construction Manager. No work that could affect the discovery will be performed until the archaeologist reviews the discovery.

The archaeologist will determine, based on the artifacts and/or historic property remains discovered and the cultural sensitivity of the area, whether the discovery is potentially significant and requires immediate notification to OPRHP and other agencies or parties by telephone. If immediate notification is not required, or if other written information is required, data regarding the discovery will be transmitted by facsimile or sent by express mail, or similar expedited delivery, to these parties.

The archaeologist will consult and coordinate with OPRHP and other parties to propose procedures for treating and handling the discovery, and to clear the discovery area while minimizing impacts to the construction schedule to the extent possible.

Suspended construction activities in the discovery area may not proceed until approval has been obtained from the OPRHP and other involved agencies and parties, as appropriate, following completion of the agreed discovery specific procedures. The concurrence of the Project's Environmental Manager and his or her notification of the Construction Manager, in writing, is required to re-start suspended construction activities in the discovery area.

3.2 Discovery of Human Remains

If any historic or prehistoric human remains are discovered, they will probably be discovered in excavations. The treatment of any historic or prehistoric human remains encountered during construction will be in consultation with OPRHP, New York State Police and other local officials and interested parties. OPRHP policy recommends that human remains and grave goods should not be disinterred unless required in advance of some kind of disturbance, such as construction. In the event such disinterment is necessary, the following would apply:

- Disinterment, when necessary, should be done carefully, respectfully, and completely, in accordance with proper archaeological methods;
- In general, human remains and grave goods should be reburied in consultation with the descendants of the dead;
- Prior to reburial, scientific studies should be performed as necessary to address justified research topics;
- Scientific studies and reburial should occur according to a definite, agreed-upon schedule; and
- Where scientific study is offensive to the descendants of the dead, and the need for such a study does not outweigh the need to respect the concerns of such descendants, reburial should occur without prior study. Conversely, where the scientific research value of human remains or grave goods is determined by OPRHP to outweigh any objections that descendants may have to their study, they should be retained for study before reburial.

Discovery, suspension of work, notifications and procedures are as follows:

1. If human remains are discovered by any personnel on the construction site, all construction work in the immediate vicinity that could affect the integrity of the discovery will be suspended.
2. The Environmental Inspector and the Construction Manager will be immediately informed of the nature and exact location of the remains, as well as the time of the discovery.

3. The Project's Environmental Inspector will be responsible for informing the Project's Environmental Manager, who will be responsible for contacting the contracted archaeologist.
4. The Project's Environmental Manager will be responsible for notifying the appropriate government agency officials and other parties listed in this Plan within 24 hours of the discovery.
5. Human remains may be excavated, if approved, in consultation with the OPRHP, State Police, and other involved agencies and parties as appropriate, pursuant to discovery-specific written agreement between the Project and the involved parties that specifies the excavation methods to be used and the data to be recovered.
6. All discoveries will be protected until all of the appropriate parties have been contacted.
7. If Native American remains are found, the Project's Environmental Manager will work with OPRHP to notify affiliated Indian Tribes. The New York State Police will have the primary responsibility for contacting the appropriate medical officials and next-of-kin for recent human remains discoveries.
8. The procedures outlined by OPRHP will be followed to excavate, transport and store any human remains in a manner that respects and protects the sacred significance of the remains.
9. Suspended construction activated in the discovery area may not proceed until approval has been obtained for the OPRHP and other involved agencies and parties as appropriate, following completion of the agreed discovery-specific procedures. The concurrence of the Project's Environmental Manager and his or her notification of the Construction Manager in writing is required to re-start suspended construction activities.

4. Agency Notification Telephone Numbers and Addresses

If human remains are discovered, the appropriate federal, state and local agencies and officials will be informed within 24 hours of discovery. These will be notified at the telephone numbers listed below. If notifications are made during weekends, or at other times when telephones may not be monitored, information will be transmitted by facsimile, if available, to the listed numbers. Other written information may be sent to the listed addressee by express mail or a similar method of expedited delivery.

These parties will also be notified as required regarding the discovery of other significant cultural resources and historic properties.

Orange County Medical Examiner
Charles Catanese, MD
County Office Building
255 Main Street
Goshen, NY 10924
845-615-3870

New York State Police
Troop F – Headquarters
55 Crystal Run Road
Middletown, NY 10941
845-344-5300

OPRHP
Peebles Island
PO Box 189
Waterford, NY 12188
518-237-8643, extension 3265