

ATTACHMENT F

UNANTICIPATED DISCOVERIES FOR ARCHEOLOGICAL PROPERTIES INCLUDING HUMAN REMAINS

For the purposes of the Purple Line Project (project), an unanticipated discovery is defined as a significant archeological resource that is encountered in a portion of the Area of Potential Effects (APE) where it was not anticipated. As such, the work plan will require modification to adequately and appropriately identify, assess, and, if necessary, mitigate adverse impacts to the resource. Also included in the category of unanticipated discovery are any archeological resources that may be encountered during construction outside the APE if project changes require revisions to the APE. These resources are defined as historic or prehistoric artifact deposits, cultural features, or human remains.

This unanticipated discoveries plan has been developed in consultation with the Maryland Historical Trust (MHT), which serves as the Maryland State Historic Preservation Officer. It will be followed in the event that any archeological resources and/or human remains are encountered during construction of the project. The stipulations of the unanticipated discoveries plan as set forth below are in accordance with current standards and guidelines described in:

- Section 106 of the National Historic Preservation Act (16 USC 470f);
- Secretary of the Interior Standards for Archeology and Historic Preservation (48 CFR 44716-42);
- *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994);
- *Advisory Council on Historic Preservation – Section 106 Archeology Guidance* (ACHP 2007); and
- Maryland Cemetery Law (*Criminal Law Article, Title 10-401: Crimes Against Public Health, Conduct and Sensibilities; Subtitle 4*).

Should project work uncover Native American human remains on federal property, FTA will comply with the requirements of the Native American Graves Repatriation Act (NAGPRA, 25 U.S.C. 3001).

I. UNANTICIPATED ARCHEOLOGICAL DISCOVERY PROTOCOL

The protocol to follow in the advent of an unanticipated discovery contains the following steps:

- The Contractor will immediately notify the Resident Engineer or other appropriate project staff of an unanticipated discovery.
- The Resident Engineer will direct a Stop Work order to the Contractor's site foreman to flag or fence off the archeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Resident Engineer has granted clearance.
- The Resident Engineer will indicate the location and date of the discovery on the project plans and will notify MTA and project cultural resources staff who will undertake a site visit or coordinate an on-site archeological consultation.
- MTA will immediately notify the MHT of the find.

- MTA will direct the cultural resources staff to begin a more detailed assessment of the find's significance and the potential project effects. An archeological team will be dispatched to the site to determine the nature and extent of the archeological deposits. They will be granted full access to the required site area and otherwise facilitated by the Contractor to complete this investigation in the most expeditious manner possible.
- Cultural resources staff will notify MTA of their findings and recommendations, that is, whether the remains are assessed not to be significant and request approval for construction to proceed or describe a proposed scope of work for evaluating the significance of the find and evaluating project effects.
- MTA will convey this information to the MHT. At the discretion of MTA and the MHT a meeting may be held to discuss options and recommendations.
- If the resource is determined to be a significant archeological property and it is threatened by further project development, cultural resources staff in consultation with the MHT (and other appropriate parties) will develop a site mitigation plan.
- Upon direction by MTA cultural resources staff will then implement the archeological mitigation plan.
- A meeting or site visit will be held with MTA, the MHT, and other appropriate parties once the field investigation for site mitigation has been completed to review the work accomplished.
- The MHT will notify MTA that the terms of the fieldwork portion of the mitigation plan have been satisfactorily completed and MTA will notify the Contractor that it is a cleared site and excavation and/or construction may resume.

II. UNANTICIPATED DISCOVERY OF HUMAN REMAINS PROTOCOL

This protocol is specifically designed for circumstances where human remains are encountered in the project APE.

- The Contractor will immediately notify the Resident Engineer of an unanticipated discovery.
- The Resident Engineer will direct a Stop Work order to the Contractor's site foreman to flag or fence off the archeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Resident Engineer has granted clearance.
- The Resident Engineer will indicate the location and date of the discovery on the project plans and will notify MTA.
- MTA will immediately notify the MHT of the find as well as cultural resources staff, the local police, and the appropriate medical examiner's office.
- Local law enforcement and, if necessary, a representative of the medical examiner's office will inspect the site to determine whether the site constitutes a crime scene.
- If it is declared a criminal matter, cultural resources staff will have no further involvement and the decision to declare it a cleared site for construction will be made by the appropriate legal authorities.
- If the find is determined not to be a criminal matter, the disinterment/reinterment plan will be employed and modified as appropriate for the find(s). The MHT and other relevant agencies will review and approve the modified plan prior to implementation. Specific elements of the disinterment/reinterment plan to be applied in the case of the unanticipated discovery of human remains include:
 1. Cultural resources staff develop disinterment/reinterment plan.
 2. Cultural resources staff present plan to MTA for review and consultation.

3. MTA notify the MHT and other involved agencies.
4. Consultation with next of kin or descendant community.
5. Undertake fieldwork.
6. Approval to resume construction following completion of the fieldwork component of the mitigation plan.
7. Complete appropriate regulatory and legal documentation of studies.

III. **UNANTICIPATED ARCHEOLOGICAL DISCOVERY ON NATIONAL PARK SERVICE PROPERTY**

This protocol applies specifically to unanticipated archeological discoveries on National Park Service (NPS) land.

- Prior to the construction/implementation phase of the project and before any/all ground disturbing activities occur within lands owned by the NPS, specifically the Baltimore-Washington Parkway, the MTA's Cultural Resources Management Team (CRMT) archeologist, who will meet the Secretary of Interior's Professional Qualifications Standards, will apply for an Archaeological Resources Protection Act (ARPA) permit through the NPS National Capital Region Regional Archeologist in case of any inadvertent or unanticipated discovery due to project construction.
- Should any human remains be encountered, excavations will stop and the NPS Park Superintendent, NPS Park Archeologist, NPS Regional Archeologist, and MHT staff will be notified immediately. The Park Superintendent, in consultation with the Park and Regional Archeologists and MHT staff, shall determine the appropriate course of action following the Department of the Interior's guidelines on human remains.
- Should any previously unidentified archeological sites or materials be encountered, excavations will stop and the Park Superintendent, Park Archeologist, Regional Archeologist, and MHT staff will be notified immediately. The Regional and Park Archeologists and MHT staff will determine the appropriate course of action with the CRMT archeologist specified in the ARPA permit. More specific procedures and requirements will be described by the NPS in the "Special Stipulations" section of the approved ARPA permit that will be issued by the Regional Director to the CRMT archeologist.