

6.1.7 SOP No. 7: Protecting Archaeological Resources

Every undertaking that disturbs the ground surface has the potential to adversely affect known archaeological deposits. Construction, demolition, utility maintenance and upgrades, road repair, etc. are typical Center activities that could disturb soil and archeological resources. Additionally, natural resource management activities such as habitat management (e.g., food plots, cover plantings, and pond construction) and land rehabilitation activities (e.g., erosion control, restoration, and remediation) are activities that have the potential to adversely affect known and unknown archaeological sites.

NPR 8510.1 requires an SOP for protecting archaeological resources. In compliance with Section 106 of NHPA, NEPA, NAGPRA, AIRFA, and ARPA, this SOP outlines the policies and procedures to be followed when planning such undertakings.

Applicable Laws/Regulations/Procedural Requirements

- National Historic Preservation Act
- National Environmental Policy Act
- Native American Graves Protection and Repatriation Act
- American Indian Religious Freedom Act
- Archaeological Resources Protection Act
- NASA Procedural Requirement 8510.1
- Executive Order 11593

Policy

- The HPO in the Facilities Engineering Division is designated as the point of contact for the Section 106 process, including those projects proposed by organizations that are subject to the Section 106 process.
- EMD, as delegated by HPO, implements the CRM Program for archaeological resources, and coordinates with external regulatory agencies that regulate environmental and cultural resource programs in regard to Tribal properties and resources, and to archaeological resources (e.g., sites, artifacts, features, or other archaeological indications of past human activities).
- Until such time as NASA has determined an archaeological site to be ineligible for inclusion in the NRHP, all known sites will be treated as eligible; therefore, they will be avoided wherever possible.
- All machine-aided excavations or other earth-moving projects will be designed to avoid damage to archaeological sites or other historic properties, including landscapes that may be eligible for the NRHP.
- The avoidance or mitigation of adverse impacts to NRHP-eligible sites will be proactively incorporated into the design and planning process and included in project cost

estimates, rather than deferred until archaeological deposits may be discovered during actual construction.

- It is the responsibility of the digging contractor to contact any cable, optical fiber, or telephone company before beginning excavation.
- The digging is event specific and permits cannot be reused at another work site or reused at the same site at another time after the original work has been completed.
- NASA will consult with federally recognized Tribes as sovereign nations, as afforded them in the Section 106 process when an undertaking is found to affect properties having historic value to that federally recognized Tribe (see 36 CFR Part 800.1(c)(2)(iii) and 36 CFR Part 800.2(c)(2)(ii)(b)(c).
- NASA will afford other, nonfederally recognized tribes the opportunity to participate as interested persons in the Section 106 process when an undertaking is found to affect properties having historic value to that tribe (see 36 CFR Part 800.1(c)(2)(iii)).

Procedure

I. All planned activities that may result in disturbance to the ground surface will be reviewed by the HPO, EMD, and/or contracted archaeologist. To ensure compliance with Section 106 of NHPA, NEPA, NAGPRA, AIRFA, and ARPA, the following procedures should be followed:

A. Prior to beginning any digging, the excavation proponent will obtain a dig permit from the NASA Contracting Officer. If the HPO/EMD/contracted archaeologist determines that the project is located within an area of elevated archaeological sensitivity, the EMD will determine the appropriate level of caution in order to avoid impacts to potential significant cultural resources, including those that have not yet been identified. Such levels of caution include, but are not limited to, avoidance and archaeological monitoring.

B. The personnel doing the digging will contact the occupants of the surrounding buildings to determine what cable, optical fiber, or telephone lines are being used in order to locate underground services.

C. The personnel doing the digging will contact any cable, optical fiber, or telephone company before beginning excavation.

D. When digging on NASA property, proceed with utmost caution. If unidentifiable material that is unrelated to utilities is discovered, digging should stop and the EMD should be notified to provide assistance in identifying the material.

II. If the proposed undertaking's effect is not known, then the HPO, EMD, and/or consulting archaeologist will determine whether the project APE has been archaeologically inventoried and concurred with by SHPO.

A. If the proposed undertaking involves removing or remediating buried hazardous waste or other potentially dangerous materials, then no pedestrian or ground intrusive

inventory is to be conducted within the project APE, except as may be warranted for the emergency discovery of archaeological deposits. The EMD should identify the APE associated with the remediation, etc., and notify SHPO and federally recognized Tribes of the proposed undertaking and situation while working within the regulations set forth under 36 CFR Part 800. Since further identification is not possible, the EMD will consult accordingly.

1. NASA personnel or their contractors who work in an APE that has not been surveyed because of the potential for buried hazardous waste or other potentially dangerous materials must use the minimum amount of excavation to uncover and assess the waste or other hazardous material.

B. If an area must be surveyed where there is the potential for buried hazardous waste or other potentially dangerous materials, and the undertaking does not involve removal or remediation, NASA or its contractor must prepare a safety and health plan in accordance with NASA guidelines.

C. If an archaeological inventory has not been completed and concurred with by SHPO for the project APE, the EMD will ensure that professional archaeologists complete an inventory. Further planning of the undertaking may proceed while the inventory is being completed with the understanding that the discovery of archaeological sites will require Section 106 consultation and may require a change in the plans or further archaeological testing. When the inventory is completed, the report of findings will be submitted to SHPO for concurrence. If there are no archaeological sites in the project area and SHPO has concurred with the report findings, as well as the finding of “No Historic Properties Affected,” the project may proceed.

D. If an archaeological inventory has been completed and accepted by SHPO for the APE, the HPO, EMD, and/or consulting archaeologist will determine whether the undertaking will affect a known archaeological site.

1. If no archaeological site has been recorded within the APE, or if all archaeological sites that may be affected by the undertaking have been determined by NASA to be not eligible for inclusion in the NRHP and SHPO has concurred, the HPO will propose a “No Historic Properties Affected” finding to SHPO and THPOs, notify consulting parties, and provide documentation specified in 36 CFR Part 800.4(d), allowing 30 days for review.

- a) If there are no objections from SHPO or other consulting parties after the review period, the EMD may allow the excavation to proceed without further action, except responding to the discovery of inadvertent archaeological deposits.

2. For those occasions where eligibility is not yet known but impacts will still occur, NASA will develop a testing plan in coordination with SHPO for the purpose of determining eligibility. Excavation and other disturbances in the vicinity of the site will be suspended until an agreed testing procedure has been

carried out and sufficient data have been gathered to allow a determination of eligibility and SHPO has concurred with NASA's determination of eligibility.

3. If any archaeological sites that may be affected by the undertaking have been determined by NASA to be eligible for inclusion in the NRHP, then the EMD will coordinate to determine if the undertaking can be redesigned or relocated to avoid adverse impact to historic properties.

a) If the undertaking is redesigned or relocated to avoid adverse effects, new locations will also be inventoried and tested for eligible properties if they have not been inventoried. If there are no objections from SHPO or other consulting parties after the review period, the HPO may determine "No Adverse Effect," and may allow the undertaking to proceed without further action, except as may be warranted for the emergency discovery of archaeological deposits.

b) If the undertaking cannot be redesigned or relocated and will result in an adverse effect, NASA will implement one of the following alternative actions, depending on the urgency of the undertaking being planned.

(1) NASA will enter into an MOA to resolve adverse effects in accordance with 36 CFR Part 800.6 with SHPO, federally recognized Tribes, and other consulting parties as appropriate including tenants. The MOA will specify the scope and level of effort of data recovery or other measures required to mitigate the adverse impact of the project on the site in question.

(2) When the recovery of Native American human remains or funerary objects is deemed likely, NASA may initiate excavation in compliance with NAGPRA. Such excavations will be coordinated with identified and established Native American tribal groups, if Native American remains are found.

(3) NASA may request comments from ACHP and may develop and implement actions that take into account the effects of the undertaking and the comments of both SHPO and ACHP. If SHPO and ACHP both indicate that the property is significant and the effects of the undertaking on the property are serious, then NASA will make reasonable efforts to minimize harm to the property until such time as the Section 106 process is completed.

c) If the proposed undertaking is listed as "No Historic Properties Affected," then the HPO, EMD, or consulting archaeologist will write a journal note to the work order, and the undertaking may proceed.