

6.1.8 SOP No. 8: Inadvertent Discovery of Archaeological Resources

Regardless of whether an archaeological inventory has been completed and regardless of whether a planned undertaking has been assessed for its effect on known historic properties, every undertaking that disturbs the ground surface has the potential to discover buried and previously unknown archaeological deposits. NPR 8510.1 requires an SOP for responding to inadvertent discovery of archaeological resources. This SOP outlines the policies and procedures to be followed in such cases.

Applicable Laws/Regulations/Procedural Requirements

- National Historic Preservation Act
- National Environmental Policy Act
- Archaeological and Historic Preservation Act
- Archaeological Resource Protection Act
- Native American Graves Protection and Repatriation Act
- NASA Procedural Requirements 8580.1 and 8510.1

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 the 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).
- Archaeological deposits that are newly discovered during any undertaking will be evaluated for their NRHP eligibility.
- Until NASA has determined an archaeological site is ineligible, all known sites will be treated as eligible and will be avoided insofar as possible.
- In the event that an archaeological deposit is inadvertently discovered, work must cease, the HPO must be notified, and a professional archaeologist must be consulted. Prehistoric archaeological material may include flaked stone tools (projectile point, biface, scraper, etc.), debitage (flakes), groundstone milling tools and fragments (mortar, pestle, handstone, millstone, etc.), faunal bones, fire-affected rock, and midden deposits. Historic archaeological material may include cut nails and other metal hardware, glass fragments, ceramic or stoneware fragments, milled or split lumber, structural remains, and trash dumps.

- If the professional archaeologist and NASA recommend that the archaeological deposit is eligible, the HPO will consult with SHPO and federally recognized Tribes on the need for further testing and/or data recovery.
- If the planned undertaking(s) may affect properties having historic value to any federally recognized Tribes with which NASA consults, the HPO will consult with the federally recognized Tribes and give them an opportunity to participate as interested persons during the consultation process.
- In the event that human remains are inadvertently discovered, work must cease in the area of the discovery and the HPO and EMD must be notified. If remains are determined to be human, federally recognized Tribes will be notified and SOP No. 9, Treatment of Human Remains and Funerary/Sacred Objects, will be followed.

Procedure

- I. Workers will notify the EMD immediately upon the discovery of possible archaeological deposits. (Standard language will be placed in contracts requiring contractors to notify the HPO/EMD immediately upon discovery of possible archaeological deposits.)
- II. When notified of the possible discovery of unexpected buried archaeological material, the EMD will arrange to have a professional archaeologist evaluate the site. Work will cease and the site will be protected pending the results of the evaluation.
 - A. If fossils, natural stones, concretions, or other such items that are sometimes mistaken for archaeological materials are recovered, then the EMD may allow the excavation to proceed without further action.
 - B. If disturbances to the deposit have been slight and the project can be relocated to avoid the buried site, the EMD will determine if recordation with DPR 523 forms is warranted. If warranted, the DPR forms will be submitted to SHPO, in a routine manner, having avoided further adverse impact through relocation of the proposed undertaking.
 - C. If the location of the project cannot be changed, the EMD will contact SHPO by telephone or email, to report the discovery and initiate emergency consultation.
 1. If the deposits are evaluated as ineligible for inclusion in the NRHP by a professional archaeologist, the EMD will have the site recorded and DPR 523 Inventory forms submitted to SHPO for concurrence. Upon concurrence by SHPO that the deposits are ineligible for the NRHP, NASA may allow the excavations to proceed and will advise the excavation foreperson(s) of the possibility and nature of additional discoveries that would require immediate notification of the EMD.
 2. If, in the opinion of the professional archaeologist, the existing information is deemed insufficient to make a determination of eligibility, then an emergency-testing plan will be developed by NASA in coordination with SHPO and federally recognized Tribes. Further excavation in the vicinity of the site will be suspended

until an agreed upon testing procedure has been carried out and sufficient data have been gathered to allow a determination of eligibility.

- a) If SHPO and the EMD agree after testing that the site is ineligible for listing in the NRHP, then work on the project may resume.
- b) If the site appears eligible for listing in the NRHP, or if NASA and SHPO cannot agree on the question of eligibility, then NASA will implement the following alternative actions, depending on the urgency of the action being delayed by the discovery of cultural material.

3. NASA may relocate the project to avoid adverse effect.

4. NASA may proceed with a data recovery plan under an MOA with ACHP, SHPO, and federally recognized Tribes. The MOA will specify the scope and level of effort of data recovery required to mitigate the adverse impact of the project on the site in question.

5. 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 SHPO, federally recognized Tribes, and ACHP. Interim comments must be provided to NASA (as soon as possible) and formal comments within 30 days.

III. If examination by a professional osteologist indicates the materials are of human origin, an archaeologist must make a field evaluation of the primary context of the deposit and its probable age and significance, record the findings in writing, and document the materials.

- A. If at any time human remains, funerary objects, or Native American sacred objects are discovered, the EMD will ensure that the provisions of NAGPRA and/or AIRFA are implemented.
- B. The EMD will begin consultation with federally recognized Tribes in accordance with NAGPRA.