

*Standard Operating Procedure #5
For
Inadvertent Discovery of Cultural Materials*

Contact: Irene Romero, GSFC Cultural Resources Manager (CRM)
Telephone: (301) 286-8644
E-mail: irene.j.romero@nasa.gov

Scope: This SOP outlines the steps to be taken upon inadvertent discovery of cultural resources. It is intended for all personnel. Examples of applicable personnel are:

- Facilities Project Managers
- Maintenance Office
- Environmental Program Manager
- GSFC personnel and tenants
- Office of Protective Services

Statutory reference:

- National Historic Preservation Act and its implementing regulation (36 CFR Part 800)
- Archaeological Resources Protection Act (16 United States Code 470aa-470mm)
- Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulation (43 CFR Part 10)
- NASA Procedural Requirement 8510.1A *Cultural Resources Management*
- Air Force Instruction 32-7065 Cultural Resources Management Program

Applicability:

Typical actions that trigger this SOP:

- Construction and maintenance
- Activities such as digging, bulldozing, clearing or grubbing
- General observations (i.e., eroded areas, gullies, trails)

Discovery of the following will trigger this SOP:

- Discovery of known or likely human remains
- Unmarked graves

- Indian or historical artifacts
- Archaeological features
- Paleontological remains.

Policy:

- The GSFC CRM in the Environmental Office 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.
- The GSFC CRM implements the Cultural Resources Management Program (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).
- Standard language will be placed in contracts requiring contractors to notify the GSFC CRM or Environmental Office immediately upon discovery of possible archaeological deposits.
- Archaeological deposits that are newly discovered during any undertaking will be evaluated for their National Register of Historic Places (NRHP) eligibility.
- Until GSFC has determined an archaeological site is ineligible, all known sites will be treated as eligible and will be avoided wherever possible.
- In the event that an archaeological deposit is inadvertently discovered, work must cease, the GSFC CRM 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 GSFC recommend that the archaeological deposit is eligible, the GSFC CRM will consult with the State Historic Preservation Officer (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 GSFC consults, the GSFC CRM will consult with the

Federally recognized tribes and give them an opportunity to participate as interested persons during the consultation process.

Procedures:

- I. Workers will notify the GSFC CRM immediately upon the discovery of possible archaeological deposits.
- II. When notified of the possible discovery of unexpected buried archaeological material, the GSFC CRM will arrange to have a professional archaeologist evaluate the site. Work will cease and the site will be protected with a buffer zone of at least 50 feet 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 GSFC CRM 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 GSFC CRM will determine if recordation with Maryland Historical Trust site forms is warranted. If warranted, the 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 GSFC CRM will contact the Federal Preservation Officer (FPO) and SHPO by telephone or e-mail, 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 GSFC CRM will have the site recorded and site forms submitted to SHPO for concurrence. Upon concurrence by SHPO that the deposits are ineligible for the NRHP, GSFC 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 GSFC CRM.
 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 GSFC 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 GSFC CRM 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 GSFC and SHPO cannot agree on the question of eligibility, then GSFC will implement the following alternative actions, depending on the urgency of the action being delayed by the discovery of cultural material.
 - i. GSFC may relocate the project to avoid adverse effect.
 - ii. GSFC may proceed with a data recovery plan under a Memorandum of Agreement (MOA) with Advisory Council on Historic Preservation (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.
 - iii. GSFC 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 GSFC (as soon as possible) and formal comments within 30 days.

III. If the uncovered materials are suspected to be human remains, funerary objects, or sacred objects, GSFC will arrange for the examination by a professional osteologist. If the examination indicates the materials are of human origin, GSFC will follow the procedures below.

Human Remains, Funerary Objects, or Sacred Objects

Policy:

- No Native American human remains, funerary objects, or sacred objects will be knowingly kept in government possession without preparation of an inventory and initiating consultation.

- Consultation regarding the disposition of Native American human remains, funerary objects, or sacred objects will be initiated in accordance with NAGPRA.

Procedures:

The GSFC CRM will ensure that GSFC complies with NAGPRA requirements and the implementing regulations (43 CFR Part 10).

- I. If human remains are discovered during the course of any undertaking, the following procedures will apply:
 - A. Work will immediately cease in the vicinity of the human remains.
 - B. The site supervisor will immediately notify GSFC Law Enforcement/Center Protective Services and the GSFC CRM.
 1. If GSFC Law Enforcement/Center Protective Services officers determine that the remains are of recent origin, then no further action by the GSFC CRM is necessary.
 2. If the remains are not recent, the GSFC CRM will arrange to have a professional archaeologist visit the site in a timely manner to examine and evaluate the recovered material.
 - a. If the remains are not of human origin, then they will be treated as an inadvertent discovery of archaeological deposits.
 - b. If the remains are not of Native American origin, then the site will be treated as the discovery of inadvertent archaeology deposits. However, it should be noted that, although all human remains are to be treated with dignity, not all human remains, cemeteries, etc., are NRHP properties.
 - c. If the remains are of Native American origin, then further work in the vicinity will be suspended for 30 days to allow for consultation, as required by NAGPRA. If any photographs are taken of the undertaking, only general photographs of the site area are to be taken. Photographs shall not be published or distributed. Prior to removal of any remains, the GSFC CRM will prepare an inventory of the remains and will immediately initiate emergency consultation procedures with the Archaeological

Assistance Division, National Park Service, and Federally recognized tribes.

3. If consultation allows the remains to be removed, then the GSFC CRM will cause the remains to be treated and disposed in accordance with the consultation.
4. Notwithstanding the results of consultation, the GSFC CRM will ensure that Section 106 procedures are adhered to with regard to evaluating sites.

Figure SOP 5-1: Flow Chart for the Inadvertent Discovery of Cultural Materials

