

DRAFT

UNANTICIPATED DISCOVERY PLAN

FOR
REMEDIAL ACTION PLAN
CENTENNIAL M-1 PROPERTY
DTSC Site Code 102370
Nevada County, California

April 2021

1 INTRODUCTION

This plan sets forth procedures to be followed in the event of unanticipated discovery of cultural resources during remedial action at the Centennial M-1 Property in Nevada County, California.

The proposed remedial action is not anticipated to impact any known cultural resources; however, these procedures are to be followed during all invasive and intrusive surface or subsurface site disturbances related to the proposed remedial action.

A copy of this Plan is to be maintained on-site while invasive/intrusive site investigation activities are being performed. Contractors, subcontractors and field personnel performing remedial action must be trained on the provisions of the Plan, and the following guiding principles:

- Cultural resources are nonrenewable resources that, if destroyed, are not replaceable. They are not only physical objects, but also an important part of our history.
- Cultural resources and human remains are protected under local, state and federal law. The unauthorized removal or intentional disturbance of cultural resources can result in fines and imprisonment.
- All workers must comply with the procedures outlined in this Plan to treat cultural resources appropriately and comply with the law.
- When in doubt, assume the material is a cultural resource.

2 CULTURAL RESOURCE RECOGNITION

In this Plan, cultural resources are defined as physical evidence of historic human activity, including but not limited to:

- Undocumented structural/engineered features or archaeological resources, such as foundation remains, burials, artifacts, or other evidence of human occupation or activity;
- Undocumented human remains; and

- Undocumented Native American grave sites, including human remains, funerary objects, sacred objects, or objects of cultural patrimony.

Cultural resources may be prehistoric or historic in age. Examples of prehistoric cultural resources include bones, evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks), concentrations of shellfish remains, and Native American artifacts (arrowheads, shell beads, stone mortars/bowls, rock shaped by humans). Examples of historical cultural resources include wells, trash pits (including concentration of bottles, broken dishes, cut animal bones, hardware, household items, etc.), outhouse holes, building remains (including foundations, floors, wood structural members, clay roof/floor tiles, stone walls or footings), and gravestones.

3 PROCEDURES FOR INITIAL DISCOVERY

Follow the procedures outlined below in the event that cultural resources are discovered during site investigation and cleanup activities:

1. Stop work. Immediately stop all work within 50 feet of the site of discovery if any personnel, subcontractor, regulatory personnel, stakeholder or site visitor believes that a cultural resource may have been discovered.
2. Secure the discovery location. The discovery location should not be left unsecured at any time.
3. Notify. Make the following notifications: (1) Project Manager, (2) the stakeholder representative, and (3) the EPA Project Manager. The EPA Project Manager will consult with the State Historic Preservation Office (SHPO) and/or the Tribal Historic Preservation Office (THPO).
4. Follow the specific procedures. Follow the resource-specific procedures set forth below, and other procedures that may be determined by the EPA Project Manager in consultation with project personnel and agency representatives.

4 PROCEDURES FOR SPECIFIC RESOURCES

4.1 STRUCTURAL AND ARCHEOLOGICAL RESOURCES

For unanticipated discovery of undocumented structural/engineered features or undocumented archaeological resources, including but not limited to foundation remains, burials, artifacts, or other evidence of human occupation or activity:

1. Stop work. Immediately stop all work within 50 feet of the site of discovery.
2. Secure the discovery location.
3. Notify. Notify the Project Manager, who will consult with the SHPO and/or THPO to evaluate the cultural resources and potential impacts.
4. Report damage. If unintentional partial damage occurs to an NRHP eligible site, immediately notify the Project Manager and document the damage. The Project Manager will contact SHPO and/or THPO.

4.2 HUMAN REMAINS

For unanticipated discovery of human remains:

1. Stop work. Immediately stop all invasive work within 100 feet of the site of discovery.
2. Secure the discovery location. Pursuant to the California Health and Safety Code, Section 7050.5, it is a misdemeanor to knowingly disturb a human burial.
3. Notify. Notify (1) the EPA Project Manager and (2) the local coroner. As required by law, if human remains are encountered, the County Coroner must be notified immediately. Do not call 911 or speak with the media. The EPA Project Manager will consult with the coroner, medical examiner or physical/ forensic anthropologist to determine whether the remains are human, and whether they are associated with an archaeological deposit.

If the remains are not human and are not associated with an archaeological deposit, then site investigation may continue at the discovery location. If the remains are human, the appropriate law enforcement officials should be notified so that they can visit the site and determine, with the aid of a coroner, medical examiner or physical/forensic anthropologist, whether the remains are recent or ancient.

If the remains are recent, then law enforcement officials will determine when project activities will resume. If the remains are not modern and not Native American, then the EPA Project Manager will identify adequate protection and treatment alternatives. The EPA Project Manager will submit an investigation report upon completion of the fieldwork to document compliance.

If the remains are determined to be of Native American origin, specific regulations must be followed as described below in Section 4.3.

4.3 NATIVE AMERICAN GRAVE SITES

For unanticipated discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony:

1. Stop work. Immediately stop all work within 100 feet of the site of discovery. As required by the Native American Graves Protection and Repatriation Act (NAGPRA), all assessment activities in the area of discovery must be suspended for 30 days after the appropriate California Indian Tribes, federally-recognized tribes and/or lineal descendants have been officially notified.
2. Secure the discovery location.
3. Notify. Notify the EPA Project Manager who will consult with the coroner, medical examiner or physical/forensic anthropologist and facilitate the development of an action plan and the notification of the appropriate California Indian Tribes, federally-recognized tribes and/or lineal descendants.

The EPA Project Manager will facilitate the development of an action plan pursuant to the Code of Federal Regulations, Title 43, Part 10 (43 CFR 10), taking all reasonable measures to resolve issues regarding affiliation and disposition of discovered remains.

Pursuant to NAGPRA, if a cultural affiliation is established with a particular Native American tribe, the remains and associated funerary objects and materials are to be expeditiously returned upon the request of a known lineal descendant of the Native American tribe or organization.

Pursuant to the California Public Resources Code (PRC) Section 5097.98, the medical examiner is required to notify the California Native American Heritage Commission (NAHC) within 24 hours of a determination that human remains are of Native American origin. The NAHC will attempt to contact an individual who is most likely descended from the remains (the Most Likely Descendant, or MLD). The MLD has 48 hours to inspect the site and recommend treatment of the remains. The property owner is obligated to work with the MLD in good faith to find a respectful resolution to the situation and entertain all reasonable options regarding the MLD's preferences for treatment. The final agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains, and associated or unassociated funerary objects.

4.4 BIOLOGICAL AND HISTORICAL RESOURCES

A qualified biologist, cultural or historical specialist must make an assessment of the affected discovery area and make arrangements to protect or preserve any resources that are located.

5 REMEDIAL ACTION OUTSIDE OF THE AREA OF DISCOVERY

Remedial action, including invasive/intrusive work, may continue during the documentation and assessment of the cultural resources at the discovery location. The boundaries of the discovery location, and thus the limits of work, must be determined by a qualified archeologist, in consultation with USEPA, SHPO, and (if the discovery includes prehistoric materials) the associated tribe(s).

The appropriate level of documentation and treatment of the cultural resource must be determined by a qualified archeologist, in consultation with USEPA and SHPO. Work may continue at the discovery location only after the process outlined in this plan is followed and USEPA and SHPO determine that documentation and treatment is complete and in compliance with local, state and federal law.

6 RESPONSIBILITIES AND CONTACT INFORMATION

Contact information for the following key project and agency personnel must be verified prior to remedial action. Contact information is presented in Table 1.

- Project Lead
- Field Supervisor
- Project Manager
- Stakeholder Representative
- State/Tribal Historic Preservation Office
- Local Coroner

Responsibilities of key project personnel are outlined below.

6.1 FIELD SUPERVISOR

The Field Supervisor, in consultation with the Project Manager, is responsible for the following:

- Protect the apparent cultural resource. Take appropriate steps to protect the discovery location and the integrity of the apparent cultural resource. Do not permit vehicles, equipment or unauthorized personnel to traverse the discovery location. Do not permit intrusive/ invasive work to resume at the discovery location until assessment and treatment has been completed.
- Direct intrusive/invasive work elsewhere. Direct invasive work away from the apparent cultural resource discovery location.
- Notify. Make the following notifications: (1) Project Manager, (2) the stakeholder representative, and (3) the EPA Project Manager.

6.2 PROJECT MANAGER

The Project Manager, in consultation with the stakeholder representative and agency representatives, is responsible for the following:

- Notify. Facilitate the notifications to tribal, state and local agencies as described in this Plan.
- Identify. Facilitate the identification of the apparent cultural resource.
- Develop an action plan. If the cultural resource is determined to be not archeological, work may proceed with no further delay. If cultural resources are determined to be archeological, facilitate the development of an action plan in consultation with the stakeholder representative and the appropriate tribal, state and local agencies.

7 DOCUMENTATION AND RECORDKEEPING

Cultural resources discovered during intrusive/invasive work will be assumed eligible for inclusion in the National Register of Historic Places until a formal Determination of Eligibility is performed.

Prehistoric and historic cultural resources are to be recorded by (or under the direct supervision of) a qualified archeologist. Recordation includes narrative description, photography, stratigraphic profiles, GPS location and mapping on scaled site plans. Hand-excavated test pits may be required to expose features, collect samples or interpret complex stratigraphy.

Prehistoric and historic artifacts collected from the test pits will be analyzed, catalogued, and temporarily curated. Ultimate disposition of cultural materials will be determined in consultation with USEPA, SHPO and (if the discovery includes Native American cultural resources) the associated tribe(s).

A technical report will be prepared by the archeologist and provided to EPA, SHPO, and (if the discovery includes Native American cultural resources) the associated tribe(s).

Table 1. Contact Information for Key Project and Agency Personnel

Title/ Responsibility	Agency/ Company	Name	Phone Number/ Email Address
Project Lead	NV5	Jason Muir	530.362.2776 jason.muir@nv5.com
Field Supervisor	NV5	Jeff Claussen	530.448.4260 jeff.claussen@nv5.com
Stakeholder Contact	Rise Grass Valley Inc.	Benjamin Mossman	604.260.4577 admin@risegrassvalley.com
State/Tribal Historical Preservation Office	California SHPO	Carol Roland-Nawi	916.445.7050 calshpo@parks.gov
Local Coroner	Nevada County Coroner	Shannan Moon, Sheriff- Coroner-Administrator	530.265.1471 sheriff@co.nevada.ca.us
California Native American Heritage Commission	NAHC	California Native American Heritage Commission	916.373.3710 nahc@nahc.ca.gov

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