

**UNANTICIPATED DISCOVERIES PLAN FOR  
CULTURAL RESOURCES AND HUMAN REMAINS**

**NORTH FLORIDA RESILIENCY CONNECTION  
161 kV TRANSMISSION LINE CORRIDOR  
COLUMBIA TO JACKSON COUNTY, FLORIDA**



**Prepared for:**

Gulf Power Company  
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(Revised)**

## **PLAN AND PROCEDURES ADDRESSING UNANTICIPATED DISCOVERIES OF CULTURAL RESOURCES AND HUMAN REMAINS**

### **I. INTRODUCTION**

This document outlines the procedure Gulf Power Company (Gulf Power) will follow to prepare for and address any unanticipated discoveries of cultural resources including archaeological sites and possible human remains. It provides direction to Gulf Power personnel, their sub-consultants and contractors, as to the approved procedures to follow in the event that unanticipated archaeological discoveries are made during the construction and operation of the North Florida Resiliency Connection (NFRC) 161 kV Transmission Corridor (the Project). This plan implements the Programmatic Agreement (PA) developed for this project by the US Army Corps of Engineers (USACE), the Florida Division of Historical Resources (FDHR), the Poarch Band of Creek Indians and Gulf Power. It also complies with the portions of Florida Statute Chapter 872.05: *Offences Concerning Dead Bodies and Graves* should any human remains be inadvertently discovered during the course of construction on non-federal lands. Should human remains or associated funerary objects be discovered within the Apalachicola National Forest, the procedures found within the *Native American Graves Protection and Repatriation Act* (NAGPRA) would also apply.

### **II. TRAINING AND ORIENTATION**

The Gulf Power Environmental Project Manager (EPM), or their designee, will provide training as part of the pre-construction on-site training program for equipment operators, company inspectors, and construction supervisors. The Gulf Power Construction Manager (CM) will be responsible for advising construction-contractor personnel on the procedures to follow in the event that an unanticipated discovery is made. The EPM and/or the CM will advise all operators of equipment involved in land clearing, grading, auguring, or pole installation activities to:

- A. Stop work immediately if they observe any indications of the presence of cultural materials (artifacts or other human-made features), animal bone, or possibly human bone or human remains.**
- B. Contact the Gulf Power EPM as soon as possible if the CM is not available.**
- C. Comply with unanticipated discovery procedures.**
- D. Treat human remains with dignity and respect**

### **III. AVOIDANCE PROCEDURE IN ARCHAEOLOGICAL SENSITIVE AREAS**

Avoidance of impacts to historic properties and to all sites that have yet to be fully-evaluated for their NRHP eligibility will be accomplished by strict adherence the following archaeological site avoidance protocols.

All historic properties or sites that have not been fully-evaluated will be clearly-designated as avoidance area by being fenced-off and designated “Environmental Sensitive Areas” (EASs). Signage will be posted along the fence and at every entrance and exit area. All access corridors will be matted to allow for equipment and vehicles to traverse the corridor across these areas. Materials and

equipment must be parked, staged or stored outside the limits of these designated ESAs. All vegetation clearing will be minimal to maintain a safe and efficient work environment. Vegetation clearing within the ESAs, where allowed, must be performed from the matted area. Stump-grinding to facilitate mat installation must stop at ground level. Stumps should be ground to the level necessary for the safe installation of the protective mats, but should NEVER extend below the ground surface. An archaeological monitor will be present to observe vegetation clearing and stump grinding on all archaeological sites designated as ESAs.

Installation of utility poles and/or pole foundations will only be allowed once archaeological clearance is received for each designated location. The archaeological testing will focus on a 13x13 foot area within which the pole foundation and pole will be placed. Foundation and pole installation will require ground matting throughout the entire work area with all ground-disturbing activities limited to the designated pole footprint area only. All equipment, augurs, support materials, and vehicles MUST remain on the matting at all times.

Once the foundations are poured and the poles erected, sufficient matting should remain within the ESAs to facilitate the safe movement of vehicles and equipment across the ESA. At no time should a vehicle or piece of equipment be allowed to travel off of the matting to park or allow an on-coming vehicle to pass or go by.

#### **IV. PROCEDURE WHEN ARCHAEOLOGICAL MATERIALS ARE OBSERVED**

Archaeological cultural materials include human-made objects (prehistoric pottery or chipped stone tools and waste flakes and historic period items [items that are approximately 50 years old or greater such as bottle glass, historic ceramics, etc.]) and features (e.g., concrete or brick walls, scatters of metal, brick, cut limestone or other material), or other remnants of cultural activity.

##### **A. Stop work in the immediate vicinity of the observed cultural materials**

1. Notify the CM of the discovery.
2. If the CM believes that an unanticipated discovery has been made:
  - a) CM directs all ground-disturbing activities to stop within a minimum of 100 feet of the discovery.
  - b) The CM, in coordination with the FPL Archaeologist/Cultural Resource Manager (CRM), will determine the adequacy of the buffer required to avoid the discovery.
  - c) CM will protect and secure the evidence in place by delineating the find with flagging or fencing.
  - d) Project activities can continue outside of the delineated unanticipated find area.

##### **B. Minimize movement of vehicles and equipment in area immediately surrounding the discovery**

##### **C. CM will immediately notify the Gulf Power EPM and Archaeologist/Cultural Resources Manager (CRM)**

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FPL Construction Manager (CM)  
Konrad Flemk – Senior Project Manager  
Florida Power & Light Company  
Phone: (561) 694-6317  
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**E. The Gulf Power EPM or Archaeologist/CRM will determine whether the discovery is part of a previously-recorded archaeological site:**

1. Based on the location of the discovery, the Gulf Power EPM or the Archaeologist/CRM will determine whether the discovery is part of a previously-recorded archaeological site or is an unanticipated find.
2. If the discovery is determined to be part of a previously-recorded site, the Archaeologist/CRM will ensure:
  - a) Notify all of the Consulting Parties to the PA of the discovery within three (3) calendar days of the discovery,
  - b) That the artifact/materials are properly collected, attributed to the site, and securely stored temporarily until the artifact/materials can be retrieved.
  - c) Should this discovery potentially change or alter the existing NRHP eligibility determination for this site, the process outlined in Section III (*Treatment of Historic Properties*) of the Programmatic Agreement (PA) should be implemented.
  - d) Should the discovery of this artifact/material does not alter the existing NRHP eligibility determination for a previously-recorded site, the find should be documented and secured. Project activities can continue once the discovery is removed from the work area or otherwise secured.

**F. Should the Gulf Power EMP or Archaeologist/CRM determines that the discovery is an unanticipated find:**

1. If the discovery is determined to be part of a newly-identified site, the Archaeologist/CRM will ensure:
  - a) That the artifact/materials are left in-place, and the site location is secured until the site can be evaluated.
  - b) Notify all of the Consulting Parties to the PA of the discovery within three (3) calendar days of the discovery.
  - c) Implement the process outlined in Section III (*Treatment of Historic Properties*) of the PA to develop an archaeological testing plan or historic properties treatment plan to

evaluate the NRHP-eligibility of the discovery or mitigate adverse effects from the Project on the discovery, whichever is appropriate.

2. Ensure that Project-related construction activities avoid this defined “avoidance area” established around the unanticipated find until construction clearance is provided electronically or in writing.

## **V. PROCEDURE WHEN HUMAN REMAINS AND/OR POTENTIALLY HUMAN SKELETAL MATERIALS ARE OBSERVED**

Any person who discovers a human burial, an unmarked burial ground or a suspected burial or any discovery of human remains shall cease all activities that may disturb that burial, suspected remains or any object or artifact associated with that burial and shall notify their supervisor and the CM and EPM immediately. An unmarked burial means a location where there exists a burial or burials of any human being which is not visibly marked on the surface of the ground in any manner traditionally or customarily used for marking burials and includes any funerary object, material object or artifact associated with the burial or burials. Human remains can include bones, teeth, hair, and flesh, but also may include cremated remains and fully and partially-burned bone.

When you're not sure – STOP and investigate or report before proceeding!

Any person who willfully and knowingly disturbs, destroys, removes, vandalizes, or damages an unmarked human burial is guilty of a felony of the third degree – Chapter 872.05(10)(a) *Florida Statutes*.

There are two (2) different procedures for investigating and reporting discoveries of human remains or potential human remains. If you're working within the Project, but NOT within the Apalachicola National Forest (Federal Lands), use the first set of procedures should be followed; if you are working within the Forest, the Apalachicola National Forest procedures should be followed (see ANF Responding to Inadvertent Discovery of Human Remains and Associated Cultural Resources attached).

### **Within Areas OUTSIDE of the Apalachicola National Forest (ANF):**

- A. Workers will treat all human remains with dignity and respect.**
- B. Immediately stop work in the vicinity of an unanticipated discovery involving potentially human remains.**
- C. Immediately notify the CM and/or EPM about the find.**
- D. The CM will stop all ground-disturbing activities within a minimum of 100 feet of the discovery.**
  1. Protect and secure the evidence of the discovery.
  2. The CM, in coordination with the FPL CRM, will determine the adequacy of the buffer required to avoid the discovery.
  3. Delineate the area with flagging or safety fencing.
  4. Minimize movement by vehicles and equipment in the immediate vicinity of the discovery.

4. CM will immediately notify the Gulf Power EPM who will, in turn, immediately notify the designated contacts (see Section III C and D and Section IV C for contact information):
- E. If the discovery can be clearly identified as being human remains, the procedures found in Chapter 872.05 Florida Statutes shall be followed. The District Medical Examiner and the County Sherriff should be notified. The District Medical Examiner and the County Sheriff will determine if the remains are associated with a crime scene. The office of the State Archaeologist should also be contacted as well as the Tribal Historic Preservation Offices of both the Seminole Tribe of Florida and the Poarch Band of Creek Indians. The USACE will initiate the Burials Resource Agreement with the Seminole Tribe of Florida.**
- F. If the District Medical Examiner and/or the County Sheriff takes jurisdiction over the remains, construction within the area will not resume until their investigations into the situation concerning the remains has been resolved and permission is granted to resume work.**
- G. If remains are determined to be human and the District Medical Examiner has determined that they are not part of a legal investigation or are greater than 75 years old, she/he may allow the State Archaeologist to take jurisdiction over the discovery.**
1. The State Archaeologist will request that a human skeletal analyst (a “specialist”) examine the remains and report back to the State Archaeologist concerning the cultural and biological characteristics of the remains within 15 calendar days.
  2. The State Archaeologist will determine whether the burial is historically, archaeologically or scientifically significant and will attempt to establish direct kinship, tribal, community or ethnic relationships.
  3. Gulf Power will make every effort to redesign the Project to avoid the discovery location and to leave the remains interred in-place.
  4. Gulf Power will secure the discovery location and provide reasonable precautions to ensure that the remains are protected until the State Archaeologist and USACE, in coordination with the THPOs, resolves the concerns related to the disposition of the remains.
- H. If remains are determined to be non-human and there is no archaeological association, the Archaeologist/specialist making the determination will immediately advise the CM and/or the PMS, and construction may resume.**
1. The Archaeologist/specialist will submit a letter report including photographs of the discovery site (but not the discovery itself) to the CM and/or PMS within 10 calendar days.
- I. If the skeletal remains are non-human but are associated with an archaeological site, follow the steps described in Section IV A through F.**
- J. Preservation in-place of any human remains is the preferred outcome.**
- K. Construction work will not recommence until permission is granted electronically or in writing by the Florida State Archaeologist, the USACE Archaeologist and appropriate law enforcement agencies if applicable.**

**Within area INSIDE the Apalachicola National Forest (ANF; see ANF's Responding to Inadvertent Discovery of Human Remains and Associated Cultural Resources attached):**

- A. Workers will treat all human remains with dignity and respect.**
- B. Immediately stop work in the vicinity of an unanticipated discovery involving potentially human remains.**
- C. Immediately notify the CM and/or EPM about the find.**
- D. The CM will stop all ground-disturbing activities within a minimum of 100 feet of the discovery.**
  - 1. Protect and secure the evidence of the discovery.
  - 2. Delineate the area with flagging, t-post and rope or safety fencing.
  - 3. Minimize movement by vehicles and equipment in the immediate vicinity of the discovery.
  - 4. CM will immediately notify the Gulf Power EPM who will, in turn, immediately notify the designated contacts (see Section IV C and Section VI for contact information):
- E. If the discovery can be clearly identified as being human remains, the procedures found in Chapter 872.05 Florida Statutes and the ANF NAGPRA Plan of Action shall be followed. The District Medical Examiner and the County Sherriff should be notified. The District 2 Medical Examiner and the Leon County Sheriff will determine if the remains are associated with a crime scene. The office of the State Archaeologist, the USACE archaeologist Robin E. Moore should be contacted as well as Dr. Andrea C. Repp, the ANF Zone Archaeologist. The USACE will initiate the Burials Resource Agreement with the Seminole Tribe of Florida.**
- F. If the District 2 Medical Examiner and/or the County Sheriff takes jurisdiction over the remains, construction within the area will not resume until their investigations into the situation concerning the remains has been resolved and permission is granted to resume work.**
- G. If remains are determined to be human and the District 2 Medical Examiner has determined that they are not part of a legal investigation or are greater than 75 years old, she/he may allow the State Archaeologist and/or the ANF Archaeologist to take jurisdiction over the discovery.**
  - 1. The State Archaeologist will request that a human skeletal analyst (a "specialist") examine the remains and report back to the State Archaeologist concerning the cultural and biological characteristics of the remains within 15 calendar days.
  - 2. The State Archaeologist will determine whether the burial is historically, archaeologically or scientifically significant and will attempt to establish direct kinship, tribal, community or ethnic relationships.
  - 3. Gulf Power will redesign the Project to avoid the discovery location and to leave the remains interred in-place.

4. Gulf Power will secure the discovery location and provide reasonable precautions to ensure that the remains are protected until the State Archaeologist, the USACE, and the ANF Archaeologist, in coordination with the THPOs, resolve the concerns related to the disposition of the remains.

**H. In accordance with Section 3(c) of NAGPRA and its implementing regulations at 43 CFR 10.3 and 10.5(e), the ANR NAGPRA Plan of Action establishes conditions and directions for the treatment and disposition of Native American human remains, associated funerary objects, sacred objects, and objects of cultural patrimony.**

1. The ANF Archaeologist will be contact to ensure that all provisions of the ANF NAGPRA Plan of Action are implemented.
2. Burials are to be left in place; no human remains or associated funerary objects are to be removed from the discovery location.
3. At no time will any destructive analyses be performed on the Native American human remains without the written permission of the participating Tribes.
4. No photographs or drawings other than those necessary for any potential legal or criminal investigation should be taken.

**I. Preservation in-place of any human remains is the preferred outcome.**

**J. Construction work will not recommence until permission is granted electronically or in writing by the Florida State Archaeologist, the ANF Archaeologist, the UASCE Archaeologist and appropriate law enforcement agencies if applicable.**

**VI. CONTACT INFORMATION**

**Columbia County Sheriff**  
Mark Hunter, Sheriff  
4917 US Highway 90 East  
Lake City, Florida 32055  
Phone: (386) 752-9212  
Dispatch: (386) 719-2005

**Jefferson County Sheriff**  
Mac McNeill, Sheriff  
171 Industrial Park  
Monticello, Florida 32344  
Phone: (850) 997-2523

**Suwannee County Sheriff**  
Sam St John, Sheriff  
200 Ohio Avenue South  
Live Oak, Florida 32064  
Phone: (386) 362-2222  
Direct: (386) 364-3443

**Gadsden County Sheriff**  
Morris A Young, Sheriff  
339 East Jefferson Street  
Quincy, Florida 32351  
Phone (850) 627-9233

**Madison County Sheriff**  
Benjamin J. Stewart, Sheriff  
2364 US Highway 90  
Madison, Florida 32340  
Phone: (850) 973-4151

**Jackson County Sheriff**  
Louis Roberts, III, Sheriff  
4012 Lafayette Street  
Marianna, Florida 32447  
Phone (850) 482-9624  
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**Leon County Sheriff**

Walt McNeil, Sheriff  
2825 Municipal Way  
Tallahassee, Florida 32304  
Phone: (850) 606-3300  
Fax: (850) 606-3484

**District 2 Medical Examiner (Leon, Jefferson, Gadsden, Madison and Columbia counties)**

David T. Stewart, M.D.  
560 Leonard Gray Way  
Tallahassee, Florida 32304  
Phone: (850) 606-66600  
Fax: (850) 606-6601  
[nfo@Dist2ME.org](mailto:nfo@Dist2ME.org)

**District 3 Medical Examiner (Suwannee County)**

B. Robert Pietak, M.D.  
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Jacksonville, Florida 32206  
Phone: (904) 255-4000  
Fax: (904) 630-0964  
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**District 14 Medical Examiner (Jackson County)**

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Phone: (850) 747-5740  
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**Apalachicola National Forest**

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**US Army Corps of Engineers – Archaeologist**

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**Poarch Band of Creek Indians - THPO**

Larry D. Haikey, MS  
Tribal Historic Preservation Officer  
Poarch Band of Creek Indians  
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**Seminole Tribe of Florida - THPO**

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**Apalachicola National Forest's  
Responding to Inadvertent Discovery of Human Remains  
and Associated Cultural Resources**