

James River Water Project

Emergency Archaeological Discovery Plan

Timmons Group has prepared this Emergency Discovery Plan related to the potential for encountering historic sites and/or discovering cultural resource artifacts during the construction of the James River Authority waterline in Fluvanna County, Virginia.

In the event that previously unidentified archaeological resources or artifacts are discovered during land-disturbing activities within the project area, the construction contractor shall immediately halt all activity within a one hundred (100)-foot radius of the discovery, immediately notify the Authority/County, and implement interim measures to protect the discovery from looting and vandalism. Any artifacts upon discovery shall be the property of Fluvanna County.

For verification purposes, a representative from Authority/County shall be notified to inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted. Actions will be taken to clearly mark the area of discovery; implement additional measures, as appropriate, to protect the discovery from looting and vandalism. A professional archaeologist shall inspect the construction site to determine the extent of the discovery and provide recommendations regarding its National Register of Historic Places eligibility and treatment; and notify the U. S. Army Corps of Engineers (Corps) and the Virginia Department of Historic Resources (VDHR) of the discovery describing the measures that have been implemented. Construction work may continue in the area outside the archaeological resource as defined by the Corps and VDHR, or their designated representative.

Within forty-eight (48) hours of receipt of the notification, the professional archaeologist shall provide VDHR and other consulting parties with its assessment of the National Register of Historic Places eligibility of the discovery and the intended action to resolve any determined adverse effect(s). Within five (5) working days of the original notification of discovery, the Corps, in consultation with VDHR and the other consulting parties, will review the assessment and make a formal determination on the National Register of Historic Places eligibility of the resource.

If the resource is determined eligible for the National Register of Historic Places, the contractor and professional archaeologist shall prepare a plan for its avoidance, protection, or recovery of information. The Corps and VDHR shall approve such plan and provide copies to other consulting parties, prior to implementation.

Work in the affected area shall not proceed until either:

the development and implementation of appropriate data recovery or other recommended mitigation procedures, or

the determination is made that the located resources are not eligible for inclusion on the National Register of Historic Places.

In the encountering of burials, the professional archaeologist shall treat all human remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement in a manner consistent with the Advisory Council on Historic Preservation *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007, available online at <http://www.achp.gov/docs/hrpolicy0207.pdf>). All reasonable efforts will be made to avoid disturbing gravesites, including those containing Native American human remains and associated artifacts. If the contractor/ professional archaeologist/Authority/County agrees that avoidance of the human remains is not prudent and feasible, the professional archaeologist shall apply for a permit from VDHR for the archaeological removal of human remains in accordance with provisions of the *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*, and with the final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register of July 15, 1991.

All parties on the property shall make a good faith effort to ensure that the general public is excluded from viewing any American Indian burial site or associated funerary artifacts. The consulting parties to this agreement shall release no photographs of any American Indian burial site or associated funerary artifacts to the press or general public. The Corps shall notify the appropriate Federally-recognized Tribe(s) and/or individual Virginia tribes(s), as appropriate when burials, human skeletal remains, or funerary artifacts are encountered on the project, prior to any analysis or recovery. The Corps shall deliver any American Indian human skeletal remains and associated funerary artifacts recovered pursuant to this agreement to the individual tribe to be reinterred. The disposition of any other human skeletal remains and associated funerary artifacts shall be governed as specified in any permit issued by VDHR or any order of the local court authorizing their removal.

Disturbance of human burials, whether willful or accidental, is prohibited under state law without appropriate permits (see Code of Virginia 18.2-126). Conviction of unlawful disturbance or disinterment is punishable by two to ten years in prison and up to \$100,000 in fines.