

## HUMAN REMAINS DISCOVERY PROTOCOL (11-2008)

In the event that human remains are encountered during construction or archaeological investigations, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that the following protocol is implemented:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The county coroner/medical examiner, local law enforcement, the OPRHP, the appropriate Indian Nations, and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.
- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the OPRHP and the Indian Nations. The involved agency will consult OPRHP and appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the OPRHP. Consultation with the OPRHP and other appropriate parties will be required to determine a plan of action.

## UNANTICIPATED DISCOVERIES

Unanticipated archaeological discoveries may occur during construction. If during ground-disturbing activities artifacts and/or structural remains that appear to be of Native American or pre-modern (i.e. early 20<sup>th</sup> Century or earlier) origin are exposed, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that the following procedures be carried out.

1. If the discovery includes human remains or other indications of human interment, please follow our Human Remains Discovery Protocol.
2. If the discovery does not appear to include human remains or other indications of human interment, please do the following.
  - a. Suspend activities in the vicinity of the discovery and protect it from any further disturbance.
  - b. Notify OPRHP regarding the discovery, digital photographs which can be transmitted electronically would be very helpful.
  - c. OPRHP will then make a determination whether the discovery warrants additional examination and, if so, will recommend what should be done next.