

TITLE: PROCEDURES GUIDING THE UNANTICIPATED
DISCOVERY OF CULTURAL RESOURCES AND
HUMAN REMAINS

TYPE: INFORMATION USE

DATE: 03-10-22

PROCEDURE NO:
REFERENCE NO:
REVISION:

RA-432
NONE
1

Procedures Guiding the Unanticipated Discovery of Cultural Resources and Human Remains

	Description of Change	Reason for Change
1.	Under 2.2.1, 5.1.3 and 5.3.1 changed the title of sketch RAS-432-1.	Change to sketch.
2.	Under 2.4.3.E, added 647F01CV01, sheet 2.	Reference required for clarification.
3.	Under 2.4.3.D, added Brockington cultural survey report.	Newly completed report.
4.	Under 3.2.3, added new definition "Developed Area."	Required for clarification.
5.	Under 3.2.4, modified description of "Disturbed Area."	Required for clarification.
6.	Under 3.2.5, added new definition of "Developed and Undisturbed Area."	Required for clarification.
7	Under 3.2.6, modified description of " Ground Disturbance."	Required for clarification.
8.	Under 5.1, retitled section name.	Clarification.
9.	Under 5.1.1, add explanation of how previous site activities has impacted cultural resources.	Clarification.
10.	Under 5.1.2, added new explanation of cultural resources survey information and renumbered.	Clarification.
11.	Under 5.1.4, modified to incorporate newly gathered information.	Result of cultural resources survey.
12.	Added new Section 5.4.	Specify requirements for the Denley Cemetery.

Department Acknowledgments:

EHS ENGINEERING ENV

EHS ENV ENGINEERING TECH

EHS LICENSING

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1.0 PURPOSE AND SCOPE

- | | |
|-----|---|
| 1.1 | This procedure has been developed in order to assure protection of cultural resources. |
| 1.2 | This procedure ensures all relevant state and federal laws regarding treatment of human remains are followed. |
| 1.3 | This procedure applies to: <ul style="list-style-type: none">• ALL ground disturbing activities occurring on the Columbia Fuel Fabrication Facility (CFFF) property and• ANY unanticipated discovery that is found or unearthed on the CFFF property |

2.0 SUPPORTING DOCUMENTS

- | | |
|-----|--|
| 2.1 | Controlled Forms |
| | 1. NA |
| 2.2 | Controlled Sketches |
| | 1. RAS-432-1, Previously Developed Areas of CFFF |
| 2.3 | Reference Procedures |
| | 1. RA-136, Soil Sampling and Disposal
2. SYP-233, Excavation
3. TRN-170, Cultural Resource Training |
| 2.4 | Procedure Basis |
| | 1. Regulatory Requirements/MAQP
A. NA
2. W-MS Documents
A. NA
3. Miscellaneous
A. S.C. Code Ann., Section 16-17-600
B. TA-500, Columbia Manufacturing Plant Configuration Control
C. RA-104, Regulatory Review of Configuration Change Authorization
D. Cultural Resources Survey of the Westinghouse Electric Company's Columbia Fuel Fabrication Facility, by Brockington and Associates dated February 2022
E. 647F01CV01, sheet 2 |
| 2.5 | Commitment Summary |
| | 1. CAPR Commitments <ul style="list-style-type: none">• NA |

Denotes Change

3.0 TERMS AND DEFINITIONS

- 3.1 Refer to CA-042, Procedure Terms & Definitions for the following:
1. NA
- 3.2 The following Additional Terms/Definitions are used in this Procedure:
1. **Area of Potential Effects (APE)** - The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist
 2. **Cultural Resource** - Any prehistoric or historic remains or indicators of past human activities, including artifacts, sites, structures, landscapes, and objects of importance to a culture or community for scientific, traditional, religious, or other reasons
 3. **Developed Area** - An area that has had some alteration to the surface or subsurface soils. Developed areas may be classified as disturbed or undisturbed.
 4. **Developed and Disturbed Area** - An area that has had significant alteration to the surface or subsurface soils as a result of clearing, grading, excavation, etc. There is a low probability of any cultural resources remaining in these areas.
 5. **Developed and Undisturbed Area** - An area that has had some minor alteration to the surface or subsurface soils and may include hardscaping, e.g., simple buildings, paving, telephone poles, etc. There is a higher potential for cultural resources to be found in a "developed and undisturbed" area rather than a "developed and disturbed area".
 6. **Ground Disturbance** - Means any work, operation or activity on or under the existing surface resulting in a disturbance or displacement of the soil or ground cover. Examples include: digging, excavation, trenching, ditching, tunneling, boring/drilling/pushing, auguring, topsoil stripping, land levelling/grading, plowing, tree planting, land clearing and stump removal, logging, subsoiling, blasting/use of explosives, quarrying, grinding and milling of asphalt/concrete, seismic exploration, drainage swale installation, and septic tank/drainage field installation.

4.0 ROLES AND RESPONSIBILITIES

1. All personnel are responsible for stopping and reporting any unusual circumstances to management.

5.0 INSTRUCTIONS		
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5.1 Ground Disturbance Requirements

1. Many areas of the CFFF site have been previously **developed** by agricultural activities that were performed on the property prior to the Westinghouse purchase and also by construction activities performed by Westinghouse to build the plant facilities.
 - The result of these activities is that much of the original surface soils have been degraded, removed or relocated such that there is a low probability of any cultural resources remaining.
 2. A Cultural Resource survey was performed in 2021 by Brockington and Associates.
 - A. Based on the results of this survey, one area inside the Controlled Access Area (CAA) as well as several areas in the flood plain require additional investigation prior to ground disturbances of a specified depth.
 - These areas are:
 - Inside the CAA fencing that is south of where the Eastern Ditch crosses through the CAA between YI-STW-650A-1 (Item 25, 647F01CV01, sheet 2) and the Charlie Valve
 - Reference RAS-432-1
 - The Congaree River Flood Plain Sandy Levees (Reference RAS-432-1)
 - Due to the composition of these landforms, there is a possibility of deeply buried archeological deposits
3. Previously **developed** areas are identified in RAS-432-1, Previously **Developed** Areas of CFFF.

WARNING

DO NOT fail to perform Ground Penetrating Radar (GPR) or other alternate identification methods for estimating utility locations as defined in SYP-233, Excavation, if needed. Failure to comply could result in injury or death.

4. For the purpose of preserving cultural resources, the following areas of interest require additional actions prior to the start of work:
 - A. Area inside the CAA fencing that is south of where the Eastern Ditch crosses through the CAA between YI-STW-650A-1 (Item 25, 647F01CV01, sheet 2) and the Charlie Valve:
 - Prior to any ground disturbance activity, contact Environmental Engineering for a review to determine if there is the possibility of archaeological deposits at that location.
 - If so determined, GPR and/or monitoring by a licensed archeologist may be required to ensure no NRHP-eligible sites are affected.
 - The review must occur prior to soil disturbance.
 - **IF** an anomaly is detected during utility locating GPR, then prior to the start of work, Section 5.2.5.C "EVALUATION" of this procedure shall be followed.
 - **IF** a cultural resource is discovered, then section 5.2 of this procedure shall be followed.
 - **IF** human remains are discovered, then section 5.3 of this procedure shall be followed.

5.1.4 Continued	<p>B. Congaree River Flood Plain Sandy Levees:</p> <ul style="list-style-type: none">Any ground disturbance activities that will extend more than three feet below the present ground surface requires an Environmental Engineering review to determine if there is the possibility of archaeological deposits at that location.If so determined, GPR and/or monitoring by a licensed archeologist may be required to ensure no NRHP-eligible sites are affected.The review must occur prior to soil disturbance.<ul style="list-style-type: none">IF an anomaly is detected during utility locating GPR, then prior to the start of work, Section 5.2.5.C "EVALUATION" of this procedure shall be followed.IF a cultural resource is discovered, then section 5.2 of this procedure shall be followed.IF human remains are discovered, then section 5.3 of this procedure shall be followed.
5.2 Cultural Resources	
	<ol style="list-style-type: none">Previously unrecorded cultural resources are sometimes discovered during the course of project work.<ul style="list-style-type: none">Such discovery is even more likely with projects involving ground disturbing activities, even after the project area has been surveyed for subsurface interferencesA. Because there is a potential to encounter undiscovered cultural resources within the limits of the project's Area of Potential Effects, CFFF has developed the following unanticipated discovery plan to be implemented should new or additional cultural resources be found after subsurface work has begun on the project.This plan has been developed in order to assure protection of cultural resources.A cultural resource discovery could be prehistoric or historic. Examples include:<ul style="list-style-type: none">An accumulation of shell, burned rocks, or other food-related materialsBones or fragments of bonesAn area of charcoal or dark stained soilStone tools or stone waste flakesClusters of glass bottles, cans, jars, bricks, etc.Stone foundations orBuried railroad ties or tracks, machinery, or other industrial equipmentAn unusual object or soil deposit should be assumed to be a cultural resource until determined otherwise by qualified personnel as described in the evaluation and consultation steps below.The following steps will be implemented should an unanticipated discovery be made by a CFFF employee, contractor, or subcontractor during project work (surveying, site surveillance, etc.) and/or ground disturbing activities:<ol style="list-style-type: none">STOP WORK - All activities within the immediate area of an unanticipated discovery will be halted ("immediate area" is a context-specific measure, however roughly 30 to 50 feet is generally adequate, although special attention should be given to the possible extension of a new find beyond this buffer zone), and the discovery will be marked off and protected from further disturbance by equipment, vehicles, or personnel.<ul style="list-style-type: none">No work will resume until identification and treatment of the find has been resolved via the procedure outlined in the consultation step

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5.2.5 Continued	<p>B. NOTIFICATION - Both the CFFF Project Manager (if applicable) and Environmental Protection Manager will be immediately notified by telephone.</p> <p>(1) The Environmental Protection Manager will notify the South Carolina State Historic Preservation Office (SHPO) and law enforcement agencies as needed (the latter parties will be notified only in the case of a finding of human remains).</p> <ul style="list-style-type: none">• These notifications will take place within 24 hours of an unanticipated discovery
	<p>C. EVALUATION - The Environmental Protection Manager will ensure that a qualified professional archaeologist examines the find to determine if it is of potential archaeological significance.</p> <p>(1) The archaeologist will consult with the SHPO in making the evaluation of potential significance. If it is not, work will be allowed to continue.</p> <ul style="list-style-type: none">• If it is determined to be of potential significance, additional notifications and consultation will be made <p>D. CONSULTATION - The CFFF Environmental Protection Manager will consult with the SHPO to determine further course of action. This may involve further archaeological study or consultation with Native American groups or other parties with established cultural affiliation.</p> <p>(1) All activities within the immediate area of the find will remain halted until the South Carolina Department of Health and Environmental Control (DHEC) and the SHPO indicates to CFFF that it may proceed in the area of a specific unanticipated discovery.</p>

5.3 Human Remains

1. In the case of an unanticipated discovery of human remains, CFFF will follow all relevant state and federal laws regarding treatment of human remains.

WARNING

DO NOT destroy, damage, remove or desecrate human remains. The only known location of human remains within the site boundary is Denley Cemetery. The location of Denley Cemetery is shown on RAS-432-1, Previously **Developed** Areas of CFFF. Failure to follow this procedure could result in a felony violation of S.C. Code Ann. Section 16-17-600 et. seq.

- A. In South Carolina, state laws protect cemeteries, graveyards, and burial grounds, including S.C. Code Ann. Section 16-17-600 et. seq., which make it a felony to destroy, damage, remove, or desecrate human remains, as well as to vandalize, destroy, deface, or otherwise damage graveyards, tombs, mausoleums, gravestones, memorial monuments, and markers.
 - (1) CFFF recognizes the importance of providing careful and respectful treatment for human remains recovered as an unanticipated discovery or as part of an archaeological investigation.
 - (2) In the event of an unanticipated discovery of human remains, CFFF will use the following Human Remains Discovery Protocol:
 - (a) 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.
 - (b) Human remains or associated artifacts will be left in place and not disturbed.
 - (1) 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.
 - (c) The county coroner/medical examiner, local law enforcement, and the SHPO will be notified immediately.
 - (1) The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.
 - (d) 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.
 - (1) The local law enforcement agency will consult SHPO and appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
 - (e) 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.
 - Avoidance is usually the preferred choice of the SHPO
 - (1) Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

5.4 Denley Cemetery

1. Denley Cemetery is an African American community cemetery located on CFFF property.
 - The cemetery is physically located off of Alpha Road, overlooking the bluff.

WARNING

DO NOT destroy, damage, remove or desecrate human remains. The only known location of human remains within the site boundary is within Denley Cemetery. In South Carolina, state laws protect cemeteries, graveyards, and burial grounds, including S.C. Code Ann. Section 16-17-600 et. seq., which make it a felony to destroy, damage, remove, or desecrate human remains, as well as to vandalize, destroy, deface, or otherwise damage graveyards, tombs, mausoleums, gravestones, memorial monuments, and markers.

2. Westinghouse has a responsibility to continue to maintain and protect Denley cemetery.
 - A. Westinghouse will maintain Denley Cemetery through routine lawn maintenance and upkeep, such as:
 - Regular grass cutting, weed eating, branch/limb/brush removal, etc.
 - Fire ant treatment as needed
 - Fence maintenance
 - B. Family members and descendants of deceased persons have the opportunity to coordinate site visits in accordance with Section 27-43-310 of South Carolina State Law by contacting Westinghouse Security.
3. Westinghouse will not allow any digging/trenching/excavation work in the cemetery.
 - Contact Environmental Engineering for approval of any proposed changes beyond routine lawn maintenance and upkeep.