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APPENDIX A
UNEXPECTED DISCOVERIES
&
UNMARKED HUMAN BURIALS

UNEXPECTED DISCOVERIES AND UNMARKED HUMAN BURIALS

Unexpected Discoveries

The project area received a cultural resource assessment survey by this company; however it is impossible to ensure that all cultural resources will be discovered. Even at sites that have been previously identified and assessed there is still a potential for the discovery of unidentified archaeological components, features, or human remains that may require additional investigation and assessment. A procedure has been developed for the treatment of any unexpected discoveries that may occur during site development. Below are the steps that should be followed:

- All work in the immediate area of the discovery should cease and reasonable efforts should be made to avoid or minimize any impacts
- A qualified Registered Professional Archaeologist (RPA) should be contacted immediately and should evaluate the nature of the discovery.
- The qualified archaeologist should then contact the State Historic Preservation Office (SHPO), and if human remains are involved the State Archaeologist as stated in Florida Statute 872.05 (F.S. 872.05).
- As much information as possible concerning the cultural resource and significance should be provided to SHPO.
- Consultation with SHPO should occur in order to obtain technical advice and guidance for the evaluation of the discovered cultural resource.
- If needed, a mitigation plan should be prepared for the discovered cultural resource which is to be sent to SHPO for review. SHPO should respond with preliminary comments within two working days, with final comments following as quickly as possible.
- If a formal data recovery mitigation plan is required, development activities in the near vicinity of the cultural resource should be avoided to ensure no adverse impacts to the resource.

Unanticipated Discovery of Human Remains and Unmarked Graves

Although a project area may receive a complete cultural resources assessment, it is impossible to ensure that all cultural resources will be discovered. There is always the potential for the discovery or uncovering of human remains. The mandates of the Florida Statute Chapter 872.05, *Offenses Concerning Dead Bodies and Graves* apply when human skeletal remains, human burial(s), or associated burial artifacts have been or are discovered upon or within any public or private land within the state of Florida. This section applies to all human burials, human skeletal remains, and associated burial artifacts not otherwise protected under Chapter 497 or other state law and found upon or within any public or private land in the state, including submerged lands.

Any person who knows or has reason to know that an unmarked human burial is being unlawfully disturbed, destroyed, defaced, mutilated, removed, excavated, or exposed shall immediately notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located.

Any law enforcement agency that finds evidence that an unmarked human burial has been unlawfully disturbed shall notify the district medical examiner. When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.

If the district medical examiner finds that the unmarked human burial may be involved in a legal investigation or represents the burial of an individual who has been dead less than 75 years, the district medical examiner shall assume jurisdiction over and responsibility for such unmarked human burial, and no other provisions of this section shall apply. The district medical examiner shall have 30 days after notification of the unmarked human burial to determine if he or she shall maintain jurisdiction or refer the matter to the State Archaeologist. If the district medical examiner finds that the unmarked human burial is not involved in a legal investigation and represents the burial of an individual who has been dead 75 years or more, he or she shall notify the State Archaeologist, and the division may assume jurisdiction over and responsibility for the unmarked human burial. When the division assumes jurisdiction over an unmarked human burial, the State Archaeologist shall consult a human skeletal analyst who shall report within 15 days as to the cultural and biological characteristics of the human skeletal remains and where such burial or remains should be held prior to a final disposition.

Discovery of an Unmarked Human Burial during an Archaeological Excavation

When an unmarked human burial is discovered as a result of an archaeological excavation and the archaeologist finds that the unmarked human burial represents the burial of an individual who has been dead less than 75 years, the archaeologist shall notify the district medical examiner, and all activity that may disturb the unmarked human burial shall cease until the district medical examiner authorizes work to resume. If such unmarked human burial represents the burial of an individual who has been dead 75 years or more, archaeological activities may not resume until the State Archaeologist has been notified of the unmarked human burial. Within 15 days after the discovery of an unmarked human burial, the archaeologist conducting the excavation shall report to the State Archaeologist his or her opinion regarding the cultural and biological characteristics of the unmarked human burial and where human skeletal remains and associated burial artifacts should be held prior to a final disposition. The division may assume jurisdiction over and responsibility for the unmarked human burial.

Duties of the State Archaeologist

The division may assume jurisdiction over and responsibility for an unmarked human burial in order to initiate efforts for the proper protection of the burial and the human skeletal remains and associated burial artifacts. Whenever the division assumes jurisdiction over and responsibility for an unmarked human burial, the State Archaeologist shall:

- Determine whether the unmarked human burial is historically, archaeologically, or scientifically significant. If the burial is deemed significant, re-interment may not occur until the remains have been examined by a human skeletal analyst designated by the State Archaeologist.

- Make reasonable efforts to identify and locate persons who can establish direct kinship, tribal, community, or ethnic relationships with the individual or individuals whose remains constitute the unmarked human burial. If possible, the State Archaeologist shall consult with the closest related family member or recognized community leaders, if a community or ethnic relationship is established, in determining the proper disposition of the remains found in the unmarked human burial.
- If he or she is unable to establish a kinship, tribal, community, or ethnic relationship with the unmarked human burial, determine the proper disposition of the burial and consult with persons with relevant experience.

If the State Archaeologist finds that an unmarked human burial is historically, archaeologically, or scientifically significant and if the parties with whom he or she is required under this subsection to consult agree, the human skeletal remains and the associated burial artifacts thereof shall belong to the state with title thereto vested in the division.

The archaeologist and human skeletal analyst involved in the archaeological excavation and scientific analysis of an unmarked human burial shall submit a written report of archaeological and scientific findings as well as a summary of such findings, in terms that may be understood by laypersons, to the State Archaeologist within two years after completion of an excavation. The division shall publish the summary within one year after its receipt and shall make such report available upon request.

Violation and Penalties

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, punishable as provided in F.S. 775.082, F.S. 775.083, or F.S.775.084. Any person who has knowledge that an unmarked human burial is being disturbed, vandalized, or damaged and fails to notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located is guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or F.S. 775.083. This shall not apply to any person acting under the direction or authority of the division or to any person otherwise authorized by law to disturb, destroy, or remove an unmarked human burial.

APPENDIX B
SITE PHOTOGRAPHS

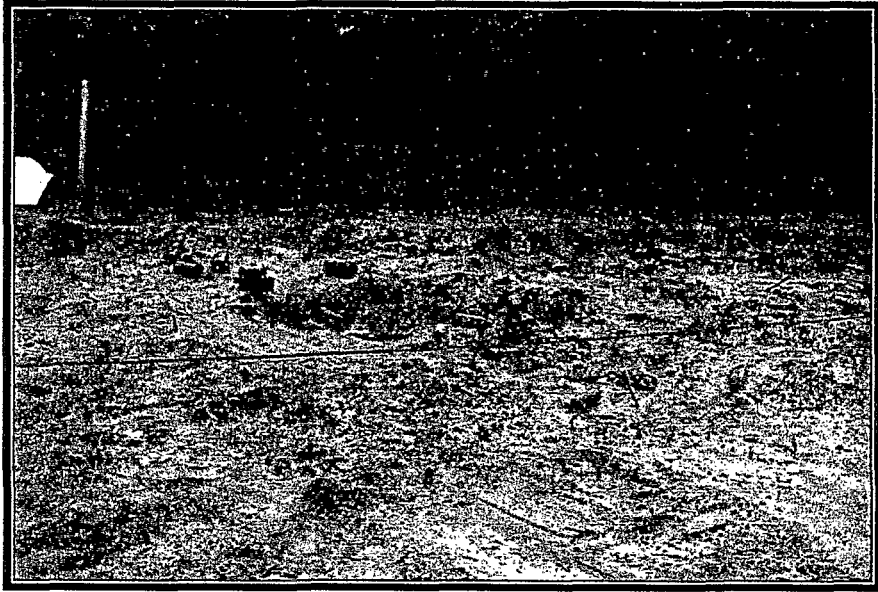
**2003
SITE PHOTOGRAPHS**



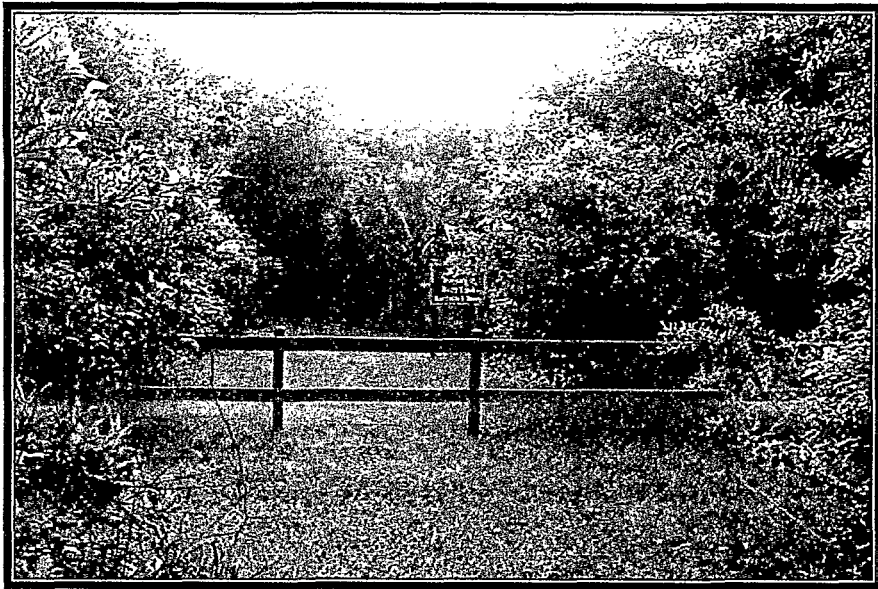
Photograph 1. Photograph from 2003 looking to the southwest toward Moore house site and refuse pit (Feature 4).



Photograph 2: Photograph from 2003 looking to the northeast of the refuse pit (flagged area) and the Moore house site (house site is delineated with a wooden fence).



Photograph 3: Photograph from 2003 of the trash pit looking to the north.



Photograph 4: Photograph from 2003 of view to the east of the Moore house site.



Photograph 5: View to north of bricks possibly from the Moore house.

**2005-2006
SITE PHOTOGRAPHS**