

PROTOCOL FOR POST-REVIEW DISCOVERIES

TxDOT Archeological Studies Branch

INADVERTENT DISCOVERIES

To ensure the protection and appropriate treatment of unknown archeological sites uncovered after archeological review, TxDOT delineates clear and standardized procedures in its 2015 Section 106 Programmatic Agreement. Specifically, Stipulation XIII of the agreement document between TxDOT, the Texas State Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), and the Federal Highway Administration (FHWA) lays out standardized guidance for managing these types of discoveries to ensure compliance with all applicable regulatory statutes.

1. Initially, all project work must cease in the discovery area, followed by the implementation of appropriate protection and security measures. Next, the SHPO is notified. If the resources may be of religious or cultural significance to federally recognized Indian Tribes, TxDOT will notify the tribes within 48 hours.
2. After securing the site, TxDOT verifies that any discovered archeological site does not contain human burials. If no burials are present, TxDOT completes or updates a State of Texas Archeological Site Data Form and confirms that the discovery does not warrant preservation in place.
3. The last and most important step in this process is the development of a mitigation proposal. The mitigation proposal must be developed as an effort to resolve adverse effects of the undertaking on the archeological site. The key considerations are that the mitigation proposal must be commensurate with the significance of the resource and it must be developed in consultation with the SHPO and other consulting parties, including federally recognized tribes. The resolution of adverse effects follows guidance outlined in 36 CPR Part 800 and the 2015 Section 106 Programmatic Agreement.

Proper Treatment of Human Remains

Proper handling and treatment of human remains are of the utmost importance. For unanticipated discoveries involving human burials, TxDOT will follow procedures documented in 36 CPR Part 800.13 and applicable requirements of the Health and Safety Code, Title 8, Section 711. Project work may continue outside the boundaries of the cemetery. If the cemetery is removed following both 36 CPR Part 800.13 and the Health and Safety Code, then project work may resume.

TOOLKITS:

Read more about TxDOT's tools to comply with federal and state requirements for archeological sites and cemeteries.

Visit www.txdot.gov

Keyword "archeological sites"

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RESOURCES:

[36 CPR Part 800](#)
[Health and Safety Code](#)