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4	16/09/2016	Response to LSP Comments	MFC	See attachment of reviewers signature	
3	21/08/2016	MFC updates to reflect optimised Project Design	MFC	See attachment of reviewers signature	
2	20/04/2015	Response to LSP Comments and Final for Issue	ERM	See attachment of reviewers signature	
1	03/02/2015	Response to LSP Comments	ERM	See attachment of reviewer signature	
0	23/01/2015	Issue For Review	ERM	See attachment of reviewer's signature	
REV.	DATE (dd/mm/yyyy)	DESCRIPTION	PREPARED	CHECKED	APPROVED

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### ATTACHMENT OF REVIEWER'S SIGNATURE

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### REVISION LOG

Rev.	Date (dd/mm/yyyy)	Item	Page	Article	Revised Detail
					Description
0	23/01/2015	all	all	all	Issue for Review
1	03/02/2015	All	All	All	Response to LSP Comments
2	20/04/2015	All	All	All	Response to LSP Comments and Final for Issue
3	21/08/2016	All	All	All	Updates to reflect optimised Project design
4	16/09/2016	All	All	All	Response to LSP Comments


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### **ACRONYMS**


CHCFP	Cultural Heritage Chance Finds Procedure
CR	Community Relations
CSR	Corporate Social Responsibility
DoCST	Department of Culture, Sports and Tourism
EPC	Engineering, Procurement and Construction
HSSE	Health, Safety, Security and Environmental
IFC	International Finance Corporation
LFDC	Land Fund Development Corporation
LSP	Long Son Petrochemicals Company Limited
MoCST	Ministry of Culture, Sports and Tourism
PC	The People's Committee
PS	Performance Standard
UXO	Unexploded Ordnance

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## **1 INTRODUCTION**

### **1.1 INTRODUCTION**

This document is the Cultural Heritage Chance Finds Procedure (CHCFP) for the Long Son Petrochemical (LSP) Complex (hereafter ‘the Project’). According to the Vietnam National Museum of History, a number of archaeological sites have been identified on Long Son Island through studies and surveys, such as Bai Ca Song, Giong Ong Truong, Giong Lon, Kenh Tap Doan, Go Ong Kien and Go Gang. Objects found at these sites may represent the cultural and social lives of local residents from around 2,500 to 2,000 years ago.


As part of land preparation for the Project, preliminary and in-depth surveys were conducted within the 400 ha Project site by local authorities in December 2008 and from July to September 2014. While the preliminary survey in 2008 was conducted across the 400 ha, the later in-depth survey and excavation focused on 5 ha that comprise two earlier identified high potential sites (Giong Ong Truong and Bai Ca Song). Whilst surveys have occurred, it is possible that artefacts of cultural heritage significance may be encountered across during the land development and construction phases. In addition, unmarked graves and unexploded ordnance (UXO) remnants from the Vietnam war may also be encountered.

The Project Environmental and Social Impact Assessment (ESIA) originally prepared in 2014 and subsequently updated in August 2016 identified the need for a chance finds procedure. This document provides an overarching chance finds procedure for the Project, to be applied in the event that previously ‘unknown items of archaeological and cultural heritage significance, unmarked graves or UXO are discovered. This CHCFP is a detailed management plan that forms part of the Environmental and Social Management System (ESMS). The ESMS will be used to guide the Project’s environmental and social management.

This CHCFP has been developed with the following considerations:

- International and national regulations/standards regarding cultural heritage management and particularly the obligations of a project sponsor when discovering cultural/archaeological heritage during project development.
- Application of these regulations in the local context.
- The potential for archaeological chance finds at the Project site.



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- The potential for chance finds of unmarked graves during land development.
- The potential for unearthing unexploded ordinance.

This document also takes into account the outcomes of consultation with the Division of Cultural Heritage – Department of Culture, Sports and Tourism of Ba Ria-Vung Tau Province (DoCST) on 9 December 2014.

## 1.2 OBJECTIVES

The purpose of this document is to provide an overarching chance find procedure to be applied for the Project. Specific objectives include:

- Outline the legal framework and international requirements;
- Detail the procedure to be followed when cultural resources are discovered;
- Detail the procedure to be followed when unmarked graves are discovered;
- Detail the requirements for managing UXO;
- Outline the record keeping process; and
- Define LSP and contractor responsibilities.

## 1.3 APPLICABILITY


This CHCFP will apply to the Main Site of 464 ha, the Sea Port Area of 194 ha, including the Main Jetty and the Construction Jetty; and extends to all associated facilities which are developed by LSP and its contractors (e.g. workers' camps).

## 1.4 SCOPE OF THIS CHCFP

This CHCFP has been developed to ensure compliance with Vietnam's Laws on Cultural Heritage (28/2001/QH10 of June 29, 2001 and 32/2009/QH12 of June 18, 2009) and relevant regulations as well as taking into consideration of international best practice based on the IFC Performance Standards (PS8). This CHCFP relates to the land clearance and construction phases of the Project. It should be noted that EPC contractors will develop their own detailed chance find procedures, which align with this document. Updates as necessary will be made to the CHCFP for the operations phase.

## 1.5 RELATIONSHIPS TO OTHER MANAGEMENT PLANS & DOCUMENTS

This document is prepared with reference to the following documents:

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- LSP Environmental and Social Impact Assessment (ESIA) 2016;
- Supplemental Resettlement Action Plan (Ref: LSP-1S03-0005);
- Dredging Management Plan (Ref: LSP-1S01-0020); and
- EHSS Management Plan for Land Clearance Phase (Ref: LSP-1S01-0001);
- Construction HSP Management Plan (Ref: LSP – 000-000)


## 1.6

### PROJECT OVERVIEW

The Project main site is located in Hamlet 2 and Rach Gia Hamlet, Long Son Commune, Vung Tau City, Ba Ria – Vung Tau Province, Vietnam. The Project comprises upstream, intermediate and downstream technological clusters to produce petrochemical products. The Project includes:

- The Main Site of 464 ha for developing the Petrochemical Plant;
- The Seaport of 194 ha<sup>1</sup> comprising of the Main Jetty (including trestle, berths, turning basin and approach channel) and the Construction Jetty; and
- The Project's associated facilities (i.e., Ethane Pipeline, Water Pipeline, 110 kV Transmission Line, 22 kV Transmission Line, Dredging Disposal Site, Nitrogen Pipeline).

<sup>1</sup> The total area of the seaport is 330 ha if the approach channel is included or 199 ha if the approach channel is not included.

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## 2 **LEGAL FRAMEWORK AND REQUIREMENTS**

### 2.1 **VIETNAMESE REGULATIONS**

This section summarises the existing national regulations regarding management of archaeological heritage in consideration of the local and Project context as raised by the DoCST during the meeting with ERM on 9 December 2014.


Generally, protection and conservation of cultural heritage and particularly archaeological heritage in Vietnam is regulated by the Law on Cultural Heritage 2001, the amended Law on Cultural Heritage 2009 and their by-law regulations, including:

- Decision 86/2008/QD-BVHTTDL dated 30 December 2008 of MoCST promulgating the regulation on archaeological exploration and excavation;
- Decree 96/2009/QD-CP dated October 30, 2009 of the Government on handling of buried and sunk property which is discovered or found in the mainland, on islands and in the sea of Vietnam; and
- Decree 01/2012/ND-CP dated 4 January 2012 of the Government on amending, supplementing, replacing, annulling or cancelling the provisions relating to administrative procedures under scope of management responsibility of MoCST.

#### ***Terrestrial Archaeological Chance Finds***

According to Decision 86/2008/QD-BVHTTDL, archaeological relics are objects accidentally discovered or discovered during archaeological exploration and excavation that are valued in terms of historical, cultural or scientific aspects. As stipulated in the amended 2009 law, during renovation and construction, if the investors of projects identify or discover archaeological relics, they shall suspend construction, protect the site and promptly notify competent authorities in charge of culture, sports and tourism. It was confirmed by the DoCST that this procedure is strictly required regardless of the scale and the significance of findings. Decision 86/2008/QD-BVHTTDL details further the notification procedure. As prescribed by this Decision, organizations or individuals who discover archaeological heritage are responsible to protect the site and provide timely notification to any of the following local authorities:

- Provincial Department of Culture, Sport and Tourism (DoCST);

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- Culture and Information Division of the nearest District People's Committee (PC); or
- The nearest Commune PC.

In cases of initially notifying lower level authorities (i.e. District PC or Commune PC), the information shall be subsequently reported to the DoCST for handling the case. According to Ba Ria – Vung Tau DoCST, in the local context, notification from the Project should be concurrently sent to the DoCST (Division of Cultural Heritage) and the PC of Long Son Commune for a quick and appropriate response. DoCST will assign its relevant officers to visit the site for preliminary assessment to determine the significance of the findings under support of the PC of Long Son commune. It is noted that Vietnamese regulations do not stipulate any criterion for defining the significance of archaeological heritage. Decisions regarding significance will be made by authorities based on expertise and experience. During the DoCST officer's site visit, a minute of chance find information receipt standardised by Decision 86/2008/QD-BVHTTDL shall be signed between the Project and DoCST (See *Annex A* for a template of required data for this minute).

Based on the preliminary assessment, the time and the area of work suspension at the Project site will be decided and notification given to the Project by DoCST. Depending on the assessment, before excavation can commence or continue, an archaeological excavation plan shall be approved (1) by the Ministry of Culture, Sport and Tourism (MoCST) if the potential site is 1,000 m<sup>2</sup> or greater or archaeological relics are found underwater; or (2) by the provincial PC if the site is less than 1,000 m<sup>2</sup>. The estimated time for receiving approval from the MoCST is to 15 to 30 days while the provincial PC takes approximately 5 days.

When the relics are discovered during construction, it is however normally considered an emergency case regardless of the scale of discovery as there is high risk of damage to archaeological resources. In such case, an emergency excavation plan will be developed for each site found by chance, which requires approval from the provincial PC within 3-5 days in accordance with Decision 86/2008/QD-BVHTTDL and Decree 01/2012/ND-CP. This is considered to be applicable for the Project's associated facilities (i.e. worker camps). However, given the overall archaeological excavation plan was already approved for the 400 ha of the Project Main Site (including the sea water area) by the MoCST in its official Decision No. 2238/QD-BVHTTDL dated 15 June 2014<sup>1</sup> (see *Annex B*),

<sup>1</sup> The approved archaeological excavation plan is the legal basis for the excavation that was undertaken at the Main Site from July to September 2014 but verbally confirmed by DoCST being valid for any archaeological survey and excavation needed in the future.

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excavation can be carried out immediately by the authorities in charge without the need of approval from the provincial PC in case that relics are found within this 400 ha area as confirmed by the provincial DoCST.

### ***Underwater Archaeological Chance Finds***


*Decree 96/2009/QĐ-CP* regulates a responding and reporting procedure when discovering sunk or buried properties underwater, including those related and not related to cultural heritages with a number of authorities required to be reported to (i.e., military, DoCST, commune PC, port authorities) depending on types of objects found. Within the scope of the CHCFP, only the procedure for cultural heritage found underwater specified in the Decree is addressed. This legal procedure is considered applicable for the remaining 64 ha of the Main Site and 330 ha of the Seaport (including the Main Jetty and the Construction Jetty).

Consultation with the provincial DoCST shows that the response and reporting procedure for underwater archaeological heritage is similar to that for the terrestrial as described above. Given the remaining 64 ha of the Main Site, the 194 ha of the Seaport (including the Main Jetty and the Construction Jetty) are outside the 400 ha of the overall archaeological excavation plan already approved by the MoCST, emergency excavation plan (in case of significant finding) will require approval from the Provincial PC.

### ***Financial Liability***

As prescribed in the amended Law on Cultural Heritage 2009, the financial cost of archaeological excavations will be covered by the government in all cases. However, during consultation with the DoCST in December 2014, it was communicated that this cost may need to be contributed to by the Project Sponsor due to limitations of the provincial budget. The Project Sponsor remains open to providing budget support on a case by case basis depending on the context of the Project at the time.

An average unit cost of archaeological survey and excavation could not be determined by the DoCST during the consultation meeting. As such a rough estimation is made by LSP based on the cost of the excavation conducted for the 400 ha of the Main Site in


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2014 as indicated in Notification No. 236/SVHTTDL-TB<sup>1</sup>. Considering the small scale and nature of the second phase among the total 4 phases of the survey which seems to be relevant to any case of chance finds in the future (i.e. the cost mainly for excavation within 1,500 m<sup>2</sup> area conducted in 37 days), the cost of this phase (about VND 770 million) is used for determining the unit cost. This unit cost of archaeological survey and excavation is estimated of approximately VND 14,000/m<sup>2</sup>/day or USD 0.7/m<sup>2</sup>/day, including (1) equipment, material and stationary expenses, (2) health and safety (i.e. equipment, medicines) and drinking water, (3) transportation, (4) expert/ authority salary and accommodation, and (5) site safeguard. It is noted that there may be some scope to reduce this cost as LSP may be able to provide some resources directly, e.g. security, equipment and drinking water.

In general, the following issues regarding relevant legal requirements and local context have been considered during the development of this procedure:

- The Project shall suspend construction at specifically impacted sites, protect the site by cordoning it off and notifying the authority in charge when discovering archaeological heritage regardless of the scale and significance of the findings.
- The authorities to be notified should be the Division of Cultural Heritage of the Provincial DoCST and the PC of Long Son commune concurrently in order to facilitate the most immediate response.
- Site assessment, archaeological survey, exploration, collection and preservation of relics found shall be conducted by relevant authorities (i.e. the DoCST in collaboration with the Vietnam National Museum of History).
- Archaeological survey and excavation if needed can be carried out by the authorities in charge at the Main Site without waiting for any approval from the local government given that approval from the MoCST is already in place. Meanwhile, approval of an emergency excavation plan from the Provincial PC may be required for the associated facilities of the Project.
- The cost of any necessary archaeological survey and excavation conducted by authorities is generally the responsibility of the authorities. However, due to limited provincial budgets LSP may consider providing appropriate support on a case by case basis, dependent upon the context. Therefore, an appropriate

<sup>1</sup> Notification No. 236/SVHTTDL-TB dated 3 June 2014 of DoCST on implementation of archaeological exploration survey and excavation at Long Son Petrochemical Complex


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amount of budget will be reserved in advance by the Project Sponsor in order to facilitate a quick survey and excavation, and reduce Project delay risks.

## 2.2 IFC PERFORMANCE STANDARDS

IFC Performance Standard (PS) 8 - Cultural Heritage, establishes requirements for borrowers to responsibly site and design projects to protect cultural heritage from the adverse impacts, and sets out the following requirements:

- Preserve sites in place in all cases – remove cultural heritage only when there are no technically or financially feasible alternatives to removal and/or the overall benefits of the project outweigh any heritage losses;
- Remove replicable non-critical cultural heritage that cannot be avoided using the prescribed mitigation hierarchy (minimise impact, restore in-situ or elsewhere, compensate when unfeasible);
- Remove replicable non-critical cultural heritage only when: there are no technically or financially feasible alternatives to removal; the overall benefits of the project conclusively outweigh the anticipated cultural heritage loss from removal; and using the best available technique.
- Do not remove, alter or damage critical cultural heritage such as world heritage sites and nationally protected areas; when impacts are unavoidable, protection measures should be implemented in consultation with local communities and external experts;
- Use internationally recognised practices for the protection, field-based study, and documentation of cultural heritage; and
- Develop and implement Chance Finds Procedures to be followed during construction and operations if cultural heritage is expected to be found in the project area, and include requirements to not disturb any chance finds until an assessment by a competent specialist is made.

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### 3 OVERVIEW OF ARCHAEOLOGICAL HERITAGE AT THE PROJECT SITE

#### 3.1 POTENTIAL FOR CHANCE FINDS WITHIN PROJECT SITE

Preliminary and an in-depth surveys have been undertaken within the 400 ha Project Main Site by the authorities in December 2008 and from June to September 2014, respectively. In the 2014 archaeological survey, excavation was only conducted at Giong Ong Truong. Meanwhile, collection of uncovered relics was carried out at the Bai Ca Song mudflat area. The exploration survey was also conducted at three other potential sites within the Project Main Site, including Go Tram Bau, Giong Cat Rach Gia Nuoc and Go Ong Kien with an average area of 200 m<sup>2</sup> each. The archaeological heritage can easily be identified from the ground level down to 1 meter depth underground during the two archaeological surveys within the Main Site. Specific locations of these archaeological sites within the Main Site are indicated in *Figure 3.1*.


Given a comprehensive archaeological excavation has not been conducted for the entire Main Site, there is still potential for chance finds within this area as confirmed by DoCST. However, given the sites of highest potential (i.e. Giong Ong Truong, Bai Ca Song, Go Tram Bau, Giong Cat Rach Gia Nuoc and Go Ong Kien) were explored and excavated by the authorities, the probability of finding archaeological heritage in the remaining area is much lower. Assessment from these earlier studies indicates that areas with the highest potential for chance finds are the more elevated areas that would have been more suitable for ancient coastal community habitation. Land at lower elevations was found to be more extensively disturbed by human activities such as agriculture, aquaculture, salt ponds and residential housing. Therefore, if any archaeological heritage exists, it has been likely to be degraded, disturbed, destroyed or removed by local people. Nevertheless, survey results indicate that there remains a high possibility of chance finds in the area along the Tap Doan Channel near the southeast boundary of the Main Site (highlighted in a blue circle in



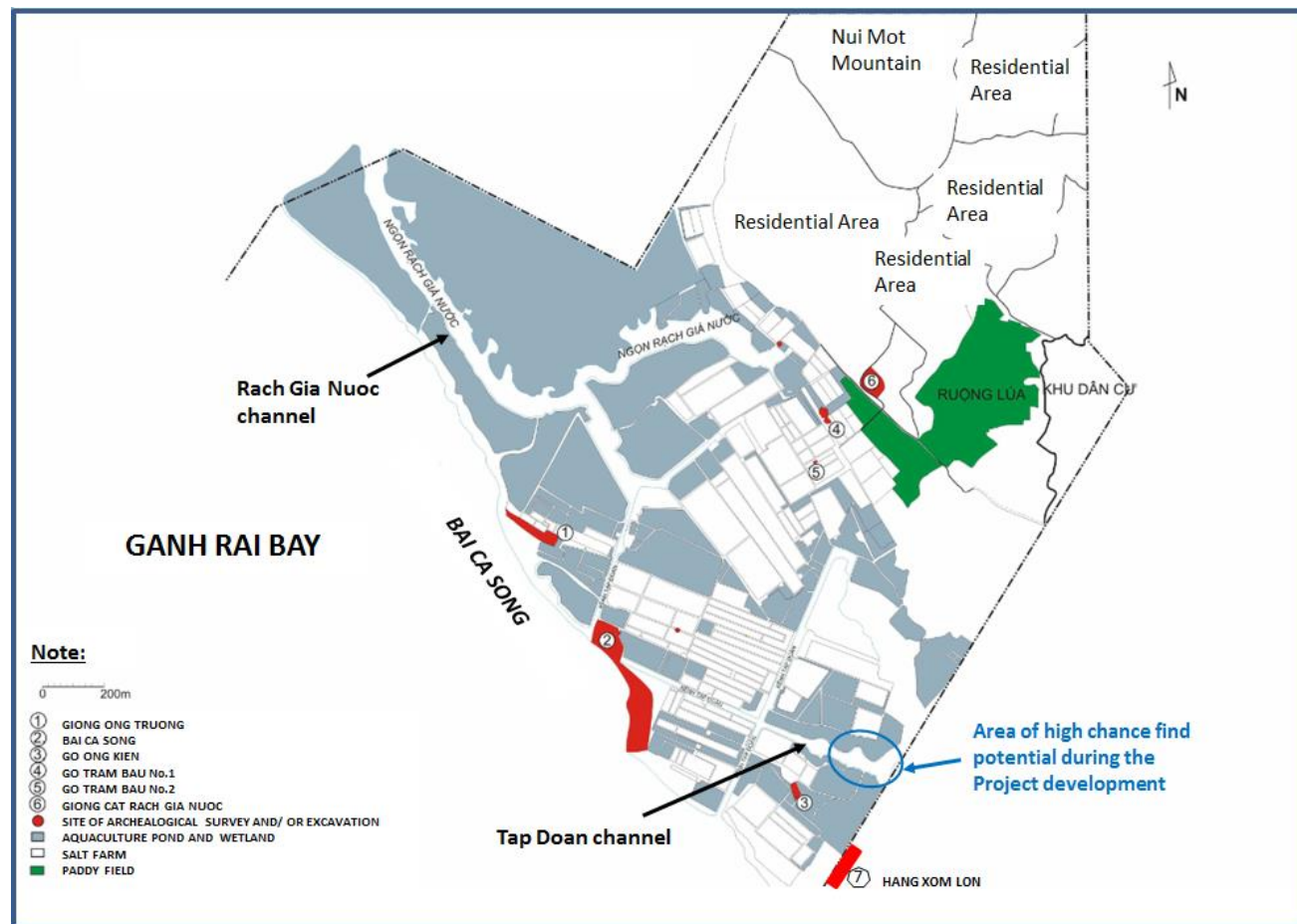
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**Figure 3.1** below). This area is near a site identified by the authorities as being of high archaeological potential (namely Hang Xom Lon).

Because the specific information regarding the Project associated facilities (e.g. worker camps) are yet to be confirmed (i.e. the exact location) and no previous archaeological survey was conducted in the seawater of Ganh Rai Bay, including the sites of Sea Port and Construction Jetty, LSP is unable to clarify the potential for chance finds during development of these associated facilities and the Port. This procedure will be updated at the time this information becomes available.

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**Figure 3.1**      *Archaeological sites within 400 ha of the Main Site*



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### 3.2 *RECOGNITION OF ARCHAEOLOGICAL HERITAGE RELEVANT TO THE PROJECT SITE*

Therefore, the information presented within this section is mainly based on the following documents provided by the DoCST:


- Initial report (January 2015) of archaeological exploration survey and excavation at Long Son Petrochemical Complex conducted by the Vietnam National Museum of History and DoCST of Ba Ria-Vung Tau Province in 2014;
- Final report of the preliminary archaeological exploration survey at the 400 ha of Long Son Petrochemical Complex conducted by the Vietnam National Museum of History and DoCST of Ba Ria-Vung Tau Province in 2008;
- Official letter No. 268/BC-SVHTTDL dated 16 June 2014 of DoCST of Ba Ria-Vung Tau Province reporting on the progress of the 2014 in-depth archaeological survey and excavation at the 400 ha of Long Son Petrochemical Complex; and
- Official letter No. 364/BC-SVHTTDL dated 06 November 2014 of DoCST of Ba Ria-Vung Tau Province reporting on the progress of the 2014 in-depth archaeological survey and excavation at the 400 ha of Long Son Petrochemical Complex.

According to these documents, the main archaeological relics found within the Project Main Site are artefact scatters which are primarily debris of ancient production tools (i.e. hatchet, knife), accessories (i.e. earrings) and containers (i.e. pots) made by stone and terracotta. Some ancient burial tombs were also discovered, including jar tombs and normal soil tombs but assessments of the Main Site indicate a low likelihood of the remains of burial sites here. Additionally, remains of a structural foundation reinforced by layers of soil mixed with seashells and terracotta debris were also found (i.e. at Giong Ong Truong). Images of some archaeological relics (i.e. stone and terracotta artefact scatters) provided by the DoCST are presented in *Annex C*.

### 3.3 *RECOGNITION OF UNEXPLODED ORDNANCE AT THE PROJECT SITE*

Four decades after the end of the war, Vietnam is still heavily contaminated by UXO, including cluster munitions. UXO are explosive weapons (bombs, bullets, shells, grenades, land mines, naval mines, etc. refer Annex C) that did not explode when they were employed and still pose a risk of detonation, potentially many decades after they were used or discarded.


UXO clearance for the main site was undertaken in August 2008; May 2009; and completed in September 2015 once all houses had been demolished.

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UXO clearance for the offshore area was conducted from January-August 2015. The total area is approximately 194 hectares, includes the main jetty and approach channel, and the area of the construction jetty.

There are number of tools used to detect and destroy landmines, including manual deminers, mechanical resources and mine detection dogs. The methods are strictly regulated by the Ministry of Defence (MOD) and only permitted entities can perform de-mining activities. These entities are companies/ organizations under MOD. Depending on the specific condition of the site, the methods are determined by the entity and approved by MOD.

No additional de-mining activities are anticipated at the time of writing (August 2016) in the lead up to the construction phase.

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## 4 PROCEDURE


### 4.1 DEFINITION OF ARCHAEOLOGICAL HERITAGE

As defined in *Decision 86/2008/QĐ-BVHTTDL* of MoCST, archaeological heritage is objects accidentally discovered during archaeological exploration and excavation that are valued in terms of historical, cultural or scientific aspects. It is considered tangible cultural heritage located on the earth's surface, beneath the surface or underwater. There is no further detailed definition of archaeological heritage prescribed in any Vietnamese regulations.

In practice, archaeological heritage categories vary widely, but can be captured by the following:

- **Burial Places** - locations used by local communities in the past to inter their dead. Normally, burial places have negligible surface visibility and are comprised of human bones which are usually easily distinguishable from surrounding sub-surface sediments. In contrast to most animal bone discoveries, buried human bones are usually found intact. Human beings are large organisms, and many human bones seem remarkably large when first observed. However, human burials can be incomplete, or may consist of scattered, partially decayed bones which fragment easily.
- **Artefacts** - any portable (i.e. moveable) object that is the product of human activity. An archaeological artefact may be artefact scatters or an isolated find found on the ground or buried beneath the surface. Common examples of artefacts are intact pottery and potshards, worked stone tools and stone waste flakes, and metal objects or fragments such as tools and weapons. They may also include bone (as a worked material or food residue), wood and textile if the soil conditions are appropriate. Artefact scatters are likely present around habitation sites, but can also occur in sites by themselves. Isolated artefacts consist of single artefact finds that usually represent lost or discarded tools.
- **Structural Remains** - refers to standing or ruined historic structures. In the Project area, they are unlikely to include intact historic buildings or unrecorded standing buildings, but may include ruins or foundations.

UXO are also covered under this CHCFP. UXO, whilst not strictly considered cultural heritage, refers to explosive weapons (bombs, bullets, shells, grenades, land mines, naval mines, etc.) that did not explode when they were employed and still pose a risk of detonation, potentially many decades after they were used or discarded.

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## 4.2 *RECOGNIZING CHANCE FINDS*

All employees, contractors and subcontractors will be trained to identify archaeological heritage relevant to the area (i.e., recognition of heritage) and their obligations under this CHCFP and any detailed chance find procedures developed by their EPC. LSP will be responsible for training LSP employees; Contractors and sub-contractors shall be responsible for training their employees.


Personnel of LSP and its contractors will be made aware of the following information in order to be able to recognize archaeological heritage that may be found with the Project Site:

- Items of cultural and archaeological heritage significance will likely be found throughout the Project Main Site and its associated facilities, even on exposed ground and especially on elevated ground;
- Special attention should be given during ground disturbance activity at the high potential area along Tap Doan Channel near to the southeast boundary of the Main Site as marked in the blue circle in Figure 3.1 above.

The types of relics that may be exposed during the Project construction at the Main Site (and can be considered for extension to locations where the three associated facilities will be constructed) include:

- Artefact scatters comprising stone and terracotta objects.
- Remains of structural foundation reinforced by layers of soil mixed with seashells and terracotta debris (i.e. pottery shards).
- Ancient burial tombs, jar tombs and normal soil tombs. However, earlier assessment of the Main Site indicates a low likelihood of the presence of burial sites. Should they be encountered, burial site management and relocation is within the jurisdiction of the Long Son Commune PC. Should human remains be found for which the death be attended with suspicious or unusual circumstances, local police should be immediately notified.
- Remains of UXOs explosive weapons (bombs, bullets, shells, grenades, land mines, naval mines, etc.). Whilst the main site and offshore area have been cleared for UXOs, should any metal objects be encountered, work should stop immediately, the worker should notify their supervisor and the procedure outlined in Section 4.7 below should be followed.

Images of some archaeological relics (i.e., stone and terracotta artefact scatters) that may be relevant to the Project site are presented in *Annex C* along with examples of UXO for reference purposes.

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#### 4.3 *ORGANISATIONAL FRAMEWORK OF CHANCE FINDS MANAGEMENT*

Prior to the construction phase commencing, the CSR Officer within the CSR Planning Section (based in Long Son Commune) and the CSR Manager will be engaged in the event that chance finds are uncovered (see Section 4.4. procedure prior to construction) These roles are responsible for implementation of the CHCFP including interaction with local authorities and contractors, reporting, updating of the procedure and record keeping. Involvement of a Health, Safety, Security and Environment (HSSE) Monitoring Officer from the HSSE Department during any site visit of the authorities/ experts in charge is also recommended in order to ensure health and safety protection for the guests.

During the construction phase, contractors will prepare detailed chance find procedures (consistent with this overarching CHFP), which they are responsible for implementing. They will regularly inform the EPC Interface Lead of any chance finds who will relay this information to the CSR Department.

#### 4.4 *PROCEDURE PRIOR TO CONSTRUCTION*


Before any ground-disturbing construction activity commences, LSP's CSR Department will:

- Provide job specific training in the Chance Finds Procedure to appropriate LSP personnel and contractors (such as those operating earth-moving equipment) to identify archaeological heritage, unmarked graves and UXO relevant to the area and familiarise contractors with their obligations under this CHCFP (i.e., to stop work if chance finds are uncovered and follow the procedure as per Section 4.5, 4.6, 4.7). Training will be provided by LSPs CSR department.
- Reserve budget for any chance find discoveries, relative to the survey/excavation which would be conducted by the authorities. As discussed in *Section 2.1* above, the unit cost for an archaeological survey and excavation estimated is less than 1 USD/m<sup>2</sup>/day.

#### 4.5 *PROCEDURE DURING CONSTRUCTION (UNMARKED GRAVES)*

During the construction phase (and land clearance period) in the instance that any unmarked graves are uncovered, the following steps are to be undertaken:

- Where the contractor (any worker at any level) discovers an unmarked grave they will immediately stop work, and report it to their immediate supervisor.
- The supervisor will verify the grave, immediately contact security to secure the area, and inform the EPC HSSE&S Representative.

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- The EPC HSSE&S Representative will contact the PC of Long Son Commune (Mr. Tan –Vice Chairman of LSPC) who will investigate and excavate the grave in accordance with local procedures. The EPC HSSE&S Representative will keep LSP’s EPC Interface Lead up to date with relevant progress.

Burial sites are within the jurisdiction of Long Son Commune PC, including burial site management and relocation. Should human remains be found for which the death could be attributed to suspicious or unusual circumstances, local police should be immediately notified.

**The PC of Long Son commune:**

- Telephone Number: 0643 636 533; or
- Mobile Number: 01678158499 (Mr. Dinh Thanh Tan) Vice Chairman of the commune PC in charge of cultural and social management).

#### **4.6** *PROCEDURE DURING CONSTRUCTION (ARCHAEOLOGICAL RESOURCES)*


During construction (including the land clearance period) contractors will prepare detailed chance find procedures. These detailed procedures will be consistent with this CHCFP and the overarching process outlined herein and presented in Figure 4.1).

##### **4.6.1** *Initial Work Suspension*

During the construction phase (and land clearance period) in the instance that any items are uncovered which may be of archaeological or historical interest, the following steps are to be undertaken:

- Where the contractor (any worker at any level) notes any items of potential cultural heritage, they will immediately stop what work in the area of the find and report it to their immediate supervisor.
- The supervisor will verify the potential find, immediately contact security to secure the area, and inform the EPC HSSE&S Representative, providing all relevant details (such as the exact location, name of person discovering and context of discovery).
- The EPC HSSE&S Representative will ensure their officers immediately gather any additional information needed and inform LSP’s EPC Interface Lead.



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#### 4.6.2 *Notification to Authorities in Charge*

The EPC HSSE&S Representative will promptly and fully report the relevant information to the Division of Cultural Heritage – DoCST of Ba Ria- Vung Tau Province and the PC of Long Son commune concurrently via the following contact details:

##### **Division of Cultural Heritage – DoCST of Ba Ria- Vung Tau Province:**

- Telephone Number: 0643 511 290; or
- Mobile Number: 0977 009 499 (Mr. Tran Anh Thien – Head of Division of Cultural Heritage)

##### **The PC of Long Son commune:**

- Telephone Number: 0643 636 533; or
- Mobile Number: 01678158499 (Mr. Dinh Thanh Tan) Vice Chairman of the commune PC in charge of cultural and social management).


This contact information should be checked and updated by the EPC HSSE&S representative every six month or whenever there is a change recognised.

#### 4.6.3 *Site Visit of the Authorities in Charge*

As confirmed during consultation with DoCST in December 2014, within 24 hours upon receiving oral notification, officers from Division of Cultural Heritage, the commune PC and specialists from the Provincial Museum will visit the site and conduct a preliminary assessment to define the significance of the findings and decide subsequent actions. It is noted that:

- If the findings are identified of minor significance and/or of small scale, survey and collection of archaeological relics will be carried out immediately by the specialists during the visit and the site will be handed over back to the Project within a day.
- If the findings are determined of higher level of significance and/ or larger scale, the suspension of work will be required by the authorities on site. An official letter from DoCST notifying the specific period (i.e. 7 days to a month), exact location and area of work suspension will be issued and sent to the Project immediately after the site visit.

The EPC HSSE&S Representative should be assigned to accompany, support and ensure health and safety protection for the authorities during their site visit. LSP's interface lead

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can provide support as needed. During the site visit, the minutes of chance finds information receipt will be signed between all parties (see *Annex A*).

#### 4.6.4 *Official Work Suspension*

If suspension of work is officially decided by DoCST, the EPC HSSE&S Representative will:

- Inform in writing the contractor the specific period, exact location and area of work suspension as required by the authorities; and
- Recommend the contractor to maintain a security guard at the site until an Archaeological Survey and Excavation is completed by the authority in charge;

The contractor and its workforce must suspend all work in the immediately affected area following the above instruction.


#### 4.6.5 *Archaeological Survey and Excavation*

In case the findings are determined of higher level of significance, an Archaeological Survey and Excavation will be planned, approved and implemented by the authorities.

It is noted that no approval of the excavation plan (developed by DoCST) from the BRVT PC is needed if further Archaeological Survey and Excavation is required within the 400 ha area of the Main Site, given such approval decision from MoCST for this area is already available. However, approval from the Provincial PC for emergency excavation may be required for the remaining 64 ha of the Main site, 194 ha of the Seaport (including the Main Jetty and the Construction Jetty) and other associated facilities of the Project s (e.g., workers' camps), which may increase the amount of Project delay time as the plan will need to be prepared by DoCST and approved by BRVT PC. Excavation works in the area in question cannot commence until this plan has been approved.

The main responsibilities of LSP in supporting this process include:

- The EPC Interface Lead to collaborate with and support the DoCST in seeking approval from the Provincial PC for emergency archaeological excavation at the sites of its associated facilities (i.e., administrative support);
- LSP to promptly review, approve and transfer support budget for the Archaeological Survey and Excavation when requested from the local government and agreed to by LSP;
- LSP's EPC Interface Lead to accompany, support and ensure health and safety protection for the authority officers/ specialists during the archaeological Survey and Excavation.

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#### 4.6.6 *Resumption of Work*

Construction works could resume when permission is provided by the authorities (i.e. minutes of the site hand over signed between DoCST and LSP/joint statement of completion. There will be regular dialogue between LSP/ Authorities and the EPC through weekly site meetings where up-dates on progress of any excavation will be made known. As part of these weekly meetings, the joint statement of completion and the minutes of meetings permitting the resumption of work will be prepared. This documentation will serve as the evidence base for the EPC to claim any Change Orders/Standing time and other delays due to the find.

#### 4.7 *PROCEDURE DURING CONSTRUCTION FOR UNMARKED ORDNANCE*

During the construction phase (and land clearance period) in the instance that any metal items are uncovered which may be UXO, the following steps are to be undertaken:

- Where the contractor (any worker at any level) notes any items that may be UXO, they will immediately stop what work in the area of the find and report it to their immediate supervisor.
- The supervisor will verify the potential find, immediately contact security to secure the area (establishing a perimeter), and inform the EPC HSSE&S Representative, providing all relevant details (such as the exact location, name of person discovering and context of discovery).
- The EPC HSSE&S Representative will ensure their officers immediately gather any additional information needed and inform LSP's EPC Interface Lead.

The EPC HSSE&S Representative will call the relevant UXO clearance contractor (see below), and inform the local police and military.


##### **Contractor Responsible for UXO clearance (land site)**

- Lung Lo Corporation (state owned company under MOD).
- Telephone number: +84 43 5633582

##### **Contractor Responsible for UXO clearance (offshore)**

- 319 Corporation (state owned company under MOD).
- Mr. Tran Dang Tu / General Director, 63 Le Van Luong street, Trung Hoa ward, Cau Giay district, Ha Noi city.
- Telephone Number: 04 38319319.

##### **Long Son Commune Police**

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- Telephone Number: 0903.603.397
- Mr Khuay (Chief of Police)

#### **Military Contact**

- Telephone Number: 1694559313
- Mr. Lu (Chief of Military)

The contractor responsible for UXO clearance will assess the risk and provide confirmation of UXO safety before any construction/land disturbance activities can recommence.


Resumption of work will commence once the statement of completion and minutes of meetings permitting the resumption of work are completed. As per the procedure for archaeological chance finds, updates will be discussed between LSP/ Authorities and the EPC through weekly site meetings where progress will be made known. As part of these weekly meetings, the joint statement of completion and the minutes of meetings permitting the resumption of work will be prepared. This documentation will serve as the evidence base for the EPC to claim any Change Orders/Standing time and other delays due to the find.

## **4.8**

### **RECORD KEEPING**

All corresponding documents related to a case of chance find should be kept on record by the EPC at throughout the construction phase, including but not limited to:


- Documentation of internal communication between contractor, EPC HSSE&S Representatives and EPC Interface.
- Documentation of initial call to DoCST/LSP PC/ UXO Clearance Contractor including date, time, name of person spoken with, and details of conversation.
- Minutes of chance finds information receipt signed between LSP and DoCST;
- Official letter from the local authority in charge notifying the time and area of work suspension serving for archaeological survey;
- LSP decision on budget support for archaeological survey and excavation (if the survey and excavation is needed);
- Decision from relevant authority (i.e. provincial PC) on approval of the emergency archaeological survey and excavation plan (only applicable for the remaining 64 ha of the Main Site, 194 ha of the Seaport (including the Main Jetty and the Construction Jetty) and the other associated Project associated facilities (i.e. workers' camps);

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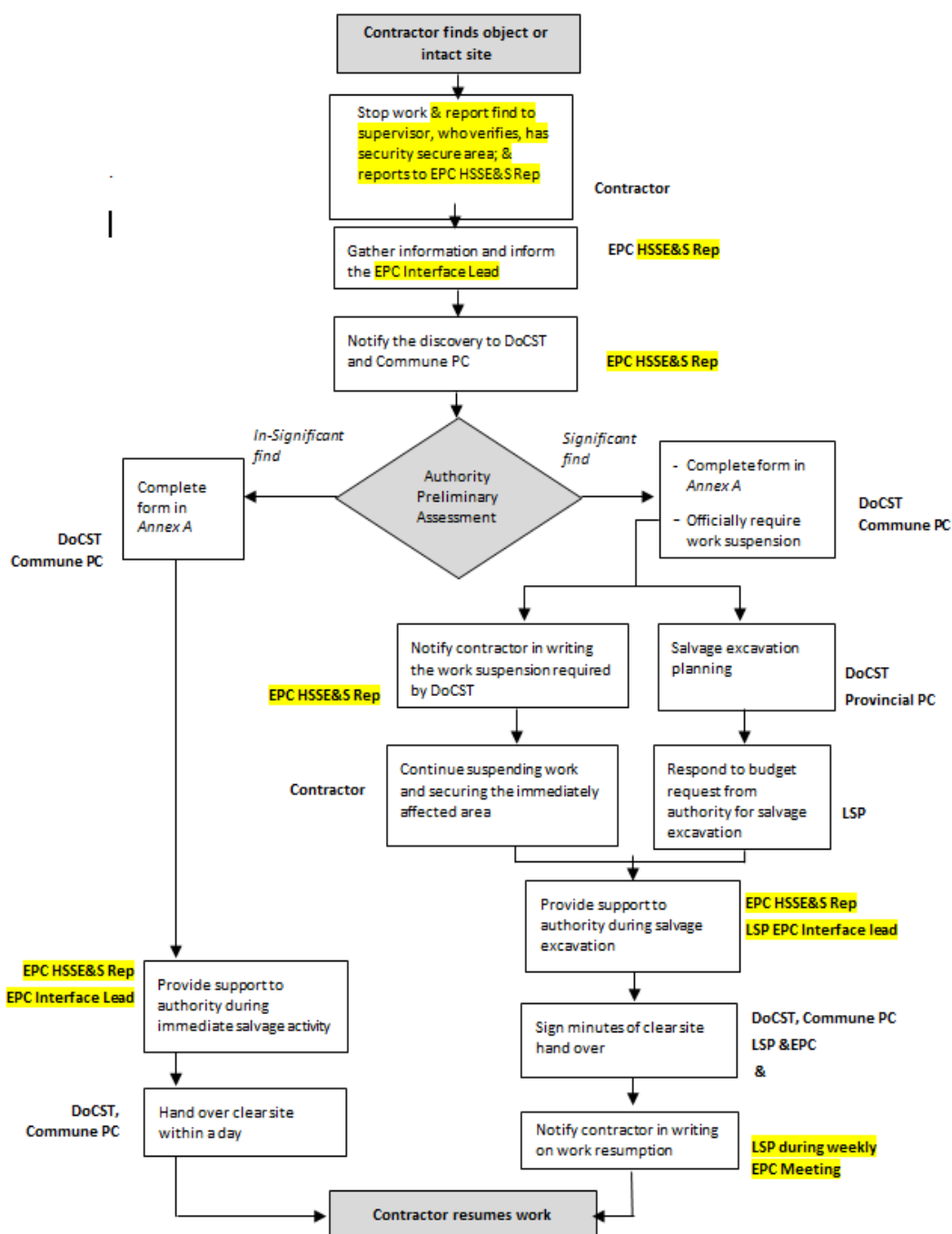
- Progress reports and final report of the archaeological survey and excavation (which can be obtained from DoCST);
- Minutes of the site hand (i.e., from the weekly LSP/EPC/Authority meeting) over to the Project signed between DoCST/Long Son PC/ UXO Clearance Agency and LSP and the written confirmation on contractor's work recommencement from LSP after completion of any excavation, survey or removal works.


Relevant information from these documents may be used by the CSR Department for updating the training materials for personnel of LSP and contractors regarding chance finds management.

The CHCFP during the construction as it relates to archaeological resources is shown in the flowchart as shown in Figure 4.1 below.


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**Figure 4.1 CHCFP Flowchart for Archaeological Finds**



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***ANNEX A - MINUTES OF CHANCE FIND INFORMATION RECEIPT***

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**MINUTES OF INFORMATION RECEIPT ON DISCOVERING ARCHEAOLOGICAL SITE, ARCHEAOLOGICAL RELICS AND HAND OVER OF ARCHEAOLOGICAL RELICS** (*Standardized by Decision 86/2008/QĐ-BVHTTDL*)

**AUTHORITY IN CHARGE**  
**(Name)**

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**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom – Happiness**

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No. ....

Province, date ..... month ..... year 200.....

1. Name of Organization or Individual notifying information on archaeological site/ relics:

Address:

Phone number:

Fax:

2. Name of organization receiving information on or receiving archaeological site/ relics:

Address:

Phone number:

Fax:

3. Name of the site where archaeological relics discovered:

4. Name of person discovering:

5. Time of discovering:

6. Context of discovering:

7. Information on discovered archaeological site and description of discovered archaeological relics:


8. Number of copies of the minutes:

**Organization/ Individual notifying**  
*(sign and stamp)*

**Person who writes the**  
**minutes**  
*(sign)*

**Head of authority in charge**  
*(sign and stamp)*



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**BIÊN BẢN TIẾP NHẬN THÔNG TIN VỀ VIỆC PHÁT HIỆN ĐỊA ĐIỂM KHẢO CỔ, DI VẬT KHẢO CỔ VÀ GIAO NHẬN DI VẬT KHẢO CỔ**

**TÊN CƠ QUAN CHỦ QUẢN**

**Tên cơ quan, tổ chức**

-----

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM**

**Độc lập – Tự do – Hạnh phúc**

-----

Số .....

Tên tỉnh (thành phố), ngày ..... tháng ..... năm 200.....

1. Tên tổ chức, cá nhân cung cấp thông tin/ giao di vật khảo cổ:

Địa chỉ:

Điện thoại:

Fax:

2. Tên tổ chức, cá nhân tiếp nhận thông tin về địa điểm khảo cổ và di vật khảo cổ:

Địa chỉ:

Điện thoại:

Fax:

3. Tên địa điểm khảo cổ phát hiện:

4. Người phát hiện:

5. Thời gian phát hiện:

6. Hoàn cảnh phát hiện:

7. Thông tin về địa điểm khảo cổ và những miêu tả về di vật khảo cổ được phát hiện:

8. Số lượng biên bản được lập:

**Tổ chức, cá nhân cung cấp thông**

**tin/giao di vật khảo cổ**

(ký và ghi rõ họ tên)

(đóng dấu nếu là tổ chức)

**Người ghi biên bản**


(ký và ghi rõ họ tên)

**Thủ trưởng đơn vị**


(ghi rõ chức danh)

(Ký tên và đóng dấu)

Họ và tên của người ký

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***ANNEX B - DECISION NO. 2238/QD-BVHTTDL DATED 15 JUNE 2014 OF MOCST***

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**Annex B - Decision No. 2238/QD-BVHTTDL dated 15 June 2014 of MoCST**

**MINISTRY OF CULTURE, SPORTS  
AND TOURISM**

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No.: 2238/QD-BVHTTDL

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence– Freedom – Happiness**

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Hanoi, July 15, 2014

**DECISION**

ON EXPLORATION, EXCAVATION AND COLLECTION, REMOVAL OF ARCHAEOLOGICAL RELICS, VESTIGES

**MINISTER OF CULTURE, SPORTS AND TOURISM**

*Pursuant to the Law on Cultural Heritage dated June 29, 2001; the Law Amending and supplementing a Number of Articles of Law on Cultural Heritage and the Decree No.98/2010/ND-CP dated September 21, 2010 of the Government detailing and guiding the implementation of some Articles of the Law on Cultural Heritage;*

*Pursuant to the Decree No.76/2013/ND-CP dated July 16, 2013 of the Government regulating functions, duties, powers and organizational structure of Ministry of Culture, Sports and Tourism;*

*Pursuant to the Decision No.86/2008/QD-BVHTTDL dated December 30, 2008 of the Minister of Culture, Sports and Tourism promulgating the regulation on archaeological exploration and excavation;*


*At the proposal of Ba Ria - Vung Tau Department of Culture, Sports and Tourism in Official Letter No. 946/SVHTT-DSVH dated June 25, 2014; of National Museum of History in Official Letter No.212/BTLSQG-NCST dated June 25, 2014;*

*At the proposal of the Director General of the Cultural Heritage Department.*

**DECIDES:**

**Article 1.** To authorise Ba Ria - Vung Tau Department of Culture, Sports and Tourism to coordinate with National Museum of History for exploration, excavation and collection, removal of archaeological relics, vestiges at construction zone of Long Son Petrochemical Complex.

- Duration of exploration, excavation and collection, removal of archaeological relics, vestiges: from 15/7/2014 to 31/10/2014.
- Area of exploration, excavation and collection, removal of archaeological relics, vestiges is specified as follows:
  1. Exploring archaeological areas: 300m<sup>2</sup>
  2. Excavating and removing all relics, vestiges at Giong Ong Truong site: 5000m<sup>2</sup>
  3. Collecting and removing all relics, vestiges at Bai Ca Song: 10000m<sup>2</sup>
- To be in charge of exploration, excavation and collection, removal of archaeological relics, vestiges: Mr. Le Van Chien, National Museum of History.

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**Article 2.** During the exploration, excavation and collection, removal of archaeological relics, vestiges, authorised agencies is obliged to propagandise the protection of local cultural heritage to civilians, not to declare conclusions without the agreement of governing body and Department of Cultural Heritage.

Archaeological items collected during the exploration, excavation and collection, removal of archaeological relics, vestiges shall be temporary brought in Ba Ria - Vung Tau Museum for preservation, conservation; Ba Ria - Vung Tau Museum is obliged to receive, manage and report to Minister of Culture, Sports and Tourism in order to make decision on the handover of those items to proper public museum for protection and bringing into play.

**Article 3.** After the termination of exploration, excavation and collection, removal of archaeological relics, vestiges, within 03 (three) months Ba Ria - Vung Tau Department of Culture, Sports and Tourism and National Museum of History shall have a preliminary report and after 01 (one) year shall have a scientific report sent to the Department of Cultural Heritage.

When declaring the results of exploration, excavation and collection, removal of archaeological relics, vestiges, authorised agencies need to communicate with the Department of Culture, Sports and Tourism.


**Article 4.** The Department of Cultural Heritage is obliged to monitor, inspect the exploration, excavation and collection, removal of archaeological relics, vestiges in respect of compliance with content of the Decision.

**Article 5.** Chief of the Ministry Office, Director General of Cultural Heritage Department, Chief Officer of authorised agency are responsible for the implementation of this Decision.


**ON BEHALF OF MINISTER**

**DEPUTY MINISTER**

**Dang Thi Bich Lien**

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### ***ANNEX C- PHOTO LOG & EXAMPLE CHANCE FINDS***

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**Picture 1** – Sign of artefact scatters at the Main Site



**Picture 2** – Sign of artefact scatters at the Main Site




**Picture 3** – Stone and terra-cotta relics collected from the Main Site during the Survey and Excavation in 2014



**Picture 4** – Stone and terra-cotta relics collected from the Main Site during the Survey and Excavation in 2014



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**Picture 1** – Example UXO in Vietnam, source: <http://www.imprintsolutionsltd.com/the-problem.htm>



**Picture 2** – UXO discovered under house in Vietnam, source: [thanhniennews.com](http://thanhniennews.com)



**Picture 3** – 1000pound UXO, source: [www.legaciesofwar.org](http://www.legaciesofwar.org)



**Picture 4** –Munitions clearing operations, source: [www.newyorker.com/news](http://www.newyorker.com/news)