



**Appendix 8-E: Cultural Resources Management Plan and
Unanticipated Cultural Resource Discovery Plan**

CONTAINS REDACTED INFORMATION IN CASE 10-T-0139

**CHAMPLAIN HUDSON POWER EXPRESS HVDC
TRANSMISSION LINE PROJECT**

Cultural Resources Management Plan

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FINAL

PREPARED BY

TRC

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CHAMPLAIN HUDSON POWER EXPRESS HVDC TRANSMISSION LINE PROJECT

Cultural Resources Management Plan

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LIST OF ACRONYMS

ACHP – Advisory Council on Historic Preservation
APE – Area of Potential Effect
CA – Consulting Archaeologist
CHPE, LLC – Champlain Hudson Power Express, LLC
CRMP – Cultural Resources Management Plan
DOE – U.S. Department of Energy
GIS – Geographic Information System
Hartgen – Hartgen Archaeological Associates, Inc.
HVAC – high-voltage alternating current
HVDC – high-voltage direct current
MW – megawatt
NHPA – National Historic Preservation Act
NYAC – New York Archaeological Council
NYSHPO – New York State Historic Preservation Officer
NYSM – New York State Museum
PPO – Project Preservation Officer
ROW – Right-of-Way
TRC – TRC Companies, Inc.

CHAMPLAIN HUDSON POWER EXPRESS HVDC TRANSMISSION LINE PROJECT

Cultural Resources Management Plan

1.0 INTRODUCTION

This document is intended to serve as the Cultural Resources Management Plan (CRMP or Plan) for the Champlain Hudson Power Express HVDC Transmission Line Project (Project). The Programmatic Agreement for the Project, which was signed by the New York State Historic Preservation Officer (NYSHPO) and the U.S. Department of Energy (DOE) as signatory parties and the Champlain Hudson Power Express, LLC (CHPE, LLC or Permittee¹) and the U.S. Army Corps of Engineers as concurring parties, sets forth an outline for this Plan. The goal of the CRMP is to provide the framework within which potential impacts to all relevant historic properties (those properties eligible for or listed in the National Register of Historic Places) known to exist or may be discovered to exist within the Project are to be managed. It additionally establishes a framework for identifying and undertaking additional archaeological work that may be required prior to and during construction of the Project.

The development of the CRMP for the Project is authorized under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The CRMP takes into consideration the Advisory Council on Historic Preservation (ACHP) guidance on conducting archaeology under Section 106 (ACHP 2009); the ACHP's February 23, 2007 *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (ACHP 2007); NYSHPO's *Human Remains Discovery Protocol* (NYSHPO 2021); the New York Archaeological Council's (NYAC) *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State* (1994, as adopted by the NYSHPO in 1995); the *Secretary of the Interiors Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44742, September 29, 1983; as amended and revised); the DOE's *American Indian and Alaska*

¹In August 2020, Champlain Hudson Power Express, Inc. (CHPEI) converted from a corporation to a limited liability company (CHPE, LLC). For the purposes of this filing, "Permittee" represents both past and current holders of federal and state permits and approvals.

Native Tribal Government Policy (DOE 2006); and the DOE's *Policy 141.1: Management of Cultural Resources* (DOE 2011).

The CRMP is organized in the following manner: Section 2 provides general background information regarding the Project, including a description of the Project facilities, its location, and the definition of the Area of Potential Effect (APE). The historic context(s) within which all known historic properties are understood and evaluated are then presented. This is followed by a summary of past cultural resource studies for the Project and their results. Section 2 of the CRMP concludes with a description of known and potential historic properties and details their significance. Section 3 outlines the basic historic preservation standards and the project management goals which will guide the development and implementation of the CRMP. Section 4 outlines the range of Project effects upon historic properties known to fall or suspected of falling within the APE and measures that might be taken to manage those effects over the course of the construction period. It also provides details regarding the process by which consultation with the NYSHPO and Tribal Historic Preservation Officers and other consulting parties will take place; the manner in which any human remains encountered will be treated; and how provision will be made to foster public interpretation. The final section, Section 5, describes the CRMP implementation procedures, including the designation of a CRMP Coordinator and a consulting archaeologist (CA); periodic reporting requirements; periodic review of the CRMP; and dispute resolution procedures, all with a view towards facilitating consultation among the DOE, the NYSHPO, the ACHP, or other concurring parties.

Champlain Hudson Power Express
Unanticipated Cultural Resource Discovery Plan

EM&CP Segment 18B

January 2024

INTRODUCTION

This Unanticipated Cultural Resource Discovery Plan (UCRDP) outlines the procedures to be implemented during underwater cable installation in Lake Champlain (“EM&CP Segment 18B”) should potential cultural resources be incidentally discovered.

This UCRDP is based on government agency and industry standard UCRDPs developed for Underwater Cultural Resource Management and offshore projects. The UCRDP addresses the manner of how the inadvertent discovery of underwater cultural resource(s), unmarked burials, or human remains during pre-installation, installation, and post-installation activities (collectively referred to as installation activities) for the proposed Project will be managed. The specific procedures for the unanticipated discovery of these resources during Project construction were developed in consultation with the necessary State, Federal, and Local agencies as described in the Cultural Resources Management Plan (CRMP).

UNANTICIPATED DISCOVERY OF IN-WATER ARCHAEOLOGICAL OR HISTORIC RESOURCES

Designated Project team members have the responsibility to monitor development and post-development procedures for the inadvertent discovery of underwater cultural resource(s), unmarked burials, or human remains. As stated in the BMP Document provided in the Joint Proposal for the Project, cultural resources sensitivity training will be provided to all contractors and others that will be working on the Facility in a capacity that has the potential to cause ground disturbing activities in areas of known historic properties or areas where construction preparation work is being conducted prior to archaeological assessment of the area (BMPs, Section 17).

Examples of potential underwater cultural resources may include the following:

- Anomalous and distinct mounds of lithic material, which could represent ballast material from a shipwreck.
- Intact articulated wooden ship timbers or sections of iron, steel, or metal-clad hulls.
- Substantial cargo remains, which may be scattered or closely grouped, and which may include armaments, ammunitions, wooden crates and barrels, ceramics, glass, and other cultural materials, some of which may be heavily concreted and readily identifiable.
- A widely scattered debris field comprised of ship’s rigging and other structural components, as well as cargo.
- Anomalous mounds of mollusk shells that may include prehistoric lithic or worked shell material.

- Human skeletal remains.

If, during any of installation activities, evidence of prehistoric or historic cultural remains is encountered, any bottom disturbing activity in the immediate area will cease immediately to preclude any further contact or damage to the resources in that area.

An avoidance/buffer zone of at least 164 feet (50 meters) or another radius measurement for an avoidance/buffer zone determined by the New York State Historic Preservation Office (SHPO) for further work in that area will be established.

If the cultural resource is discovered during any installation activities, work in the immediate vicinity will cease and at no time will the operators of installation equipment be permitted to disturb or pick up any artifacts, features, or components of the site.

The Project Preservation Officer (PPO) must be notified immediately upon discovery of cultural resources and the PPO must notify the consulting archaeologist (CA). Within twenty-four (24) hours of such discovery, the Certificate Holder will notify and seek to consult with Department of Public Service (DPS) Staff and the Office of Parks, Recreation, and Historic Preservation (OPRHP) Field Services Bureau to determine the best course of action. No ground-disturbing activities will be permitted in the immediate vicinity of the archaeological or historic materials until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

Any mitigation and avoidance measures will be conducted using methods approved by OPRHP under the direction of the PPO and CA. Such measures will use equipment and techniques deemed reasonably necessary to determine the type of underwater cultural resource(s) and confirm unmarked burials or human remains.

Additionally, confirmed underwater cultural resource(s) may be subsequently evaluated to determine eligibility for inclusion in the National Register of Historic Places (NHRP). If the underwater cultural resource(s) is determined to be historically significant, additional work that may include formal data recording and analysis may be required and approved by the appropriate agencies. Further work at the immediate location of the discovery will be suspended until clearance to proceed is granted by the appropriate agencies.

UNANTICIPATED DISCOVERY OF HUMAN REMAINS

As described in the CRMP, should human remains or evidence of human burials be encountered during the conduct of archeological data recovery, fieldwork, or during construction, all work in the immediate vicinity of the find will be halted immediately and the site will be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder

will notify the DPS Staff and OPRHP/SHPO Staff. Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the Native American Graves Protection and Repatriation Act (NAGPRA); the Advisory Council on Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains, any Funerary Objects (February 2007, updated in 2023); and OPRHP/SHPO's Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling will be further reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections. The following measures will be implemented in accordance with the BMP Document (BMPs, Section 17):

- a) Any human remains discovered will be treated with the utmost dignity and respect.
- b) Work in the general area will stop immediately, and the area will be physically secured and a barrier prohibiting vehicles, equipment, and unauthorized persons from accessing the discovery site will be put in place. The site will be protected from damage and disturbance to the fullest extent possible.
- c) Human remains and associated artifacts will be left in-situ and not disturbed. No human remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place.
- d) The Certificate Holder will contact local law enforcement, the county coroner's office, the SHPO, and Native tribes, as appropriate. Local law enforcement officials, and the county coroner's office will examine the remains to determine if the remains are forensic or archaeological.
- e) Within twenty-four (24) hours of any such discovery, the Certificate Holder will notify the DPS Staff and OPRHP/SHPO Staff. Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the NAGPRA, the Council's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (February 2007, updated in 2023), and OPRHP/SHPO's Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling will be reported in the status reports summarizing construction activities and reviewed in the site compliance audit inspections.
- f) If the remains are determined to be Native American, the remains will be left in-situ and protected from disturbance until a plan for their protection or removal can be generated. The Certificate Holder will notify the SHPO and Native tribes within twenty-four (24) hours (during normal business hours) or as soon as possible after the discovery has been determined to be archaeological rather than forensic. The Certificate Holder will consult with the SHPO and Native tribes to develop a plan of action, consistent with the guidance provided in the NAGPRA, the Council's 2007 Policy Statement, and the OPRHP/SHPO's Human Remains Discovery Protocol. Avoiding further disturbance of the remains is the preferred option.

- g) If the human remains are determined to be non-Native American, the remains will be left in-situ and protected from disturbance until a plan for their avoidance or removal can be generated. The Certificate Holders will consult with the SHPO and other appropriate parties to determine a plan of action.
- h) Work will resume only after the completion of the necessary consultation and treatment.

The Certificate Holder will respond promptly to any complaints of negative archeological impacts during the Project's construction and will consult with SHPO, the Advisory Council on Historic Preservation (ACHP), Native tribes, and other appropriate parties identified in the CRMP to resolve adverse effects on historic properties and determine the appropriate avoidance, treatment, or mitigation measure.