

APPENDIX H

DRAFT UNANTICIPATED DISCOVERIES PLAN



Draft Unanticipated Discoveries Plan

Lake Erie Connector Project

Prepared For
ITC Lake Erie Connector LLC
Novi, Michigan

May 8, 2015



Contents

1	Introduction.....	1
2	UDP Coordinator	1
3	Training.....	2
4	Procedures for the Unanticipated Discovery of Archaeological Resources.....	2
5	Procedures for the Unanticipated Discovery of Human Remains.....	3
6	Contact Information	5



This page is intentionally left blank.

1 Introduction

ITC Lake Erie Connector LLC (ITC Lake Erie) is proposing to construct and operate the Lake Erie Connector Project (Lake Erie Connector or the Project), an approximately 72.4 mile (116.5 kilometer) 1,000 megawatt +/-320 kilovolt (kV) high-voltage direct current (HVDC) bi-directional electric transmission interconnection to transfer electricity between Canada and the United States. For purposes of permits being issued in the U.S., the Project consists of an approximately 42.5-mile (68.4 kilometer) HVDC transmission line that would be buried in the lakebed of Lake Erie from the U.S.- Canada border and be installed underground in Pennsylvania to a new converter station, called the Erie Converter Station, as well as approximately 1,900 feet to 3,000 feet (579 meters to 914 meters) of underground 345 kV alternating current (AC) cable between the Erie Converter Station and the nearby existing Penelec Erie West Substation. The transmission line cables in the U.S. are proposed to be installed entirely underground, with the vast majority of the route through Springfield, Girard, and Conneaut Townships to be placed within the existing right-of-way of township roads and Pennsylvania Department of Transportation highways.

Although unlikely, there is the potential that undocumented archaeological resources or human remains may be inadvertently discovered within the Project's area of potential effects (APE) during the course of Project construction activities. The procedures described in this Unanticipated Discoveries Plan (UDP) provide protocols for the inadvertent discovery of archaeological materials or human remains as a result of Project construction activities. Contact information for the parties described in this plan is provided in Section 6 of this UDP.

This UDP takes into consideration the following guidance documents:

- The Advisory Council on Historic Preservation's (ACHP) 2007 *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects*.
- The Pennsylvania Historical and Museum Commission – Bureau for Historic Preservation's (PHMC-BHP) 2008 *Guidelines for Archaeological Investigations in Pennsylvania*.

2 UDP Coordinator

Prior to the start of Project construction activities, ITC Lake Erie will designate a UDP Coordinator who will be responsible for overseeing implementation of the UDP requirements. The UDP Coordinator will:

- Serve as the primary point-of-contact for parties consulted pursuant to this UDP;
- Have the authority to stop work in the vicinity of any reported unanticipated discoveries or human remains;
- Coordinate any notification and/or deliverables required under this UDP; and

- Coordinate training as described in this UDP and maintain applicable training records.

3 Training

Prior to the start of Project construction activities, ITC Lake Erie will provide training to assist On-Site Construction Superintendents in recognizing and reporting archaeological material and/or human remains that may be discovered during Project construction. This training will be conducted by a professional archaeologist¹, and will include:

- A description of the nature and type of archaeological resources that may be encountered within the Project's APE, including historic and prehistoric artifacts, deposits, and features; and
- A description of the procedures described in this UDP for reporting any unanticipated archaeological discoveries and/or human remains encountered during Project construction activities.

Additional training will be conducted on an as-needed basis (e.g., for new On-Site Construction Superintendents) during Project construction. The UDP Coordinator will be responsible for coordinating the training and will maintain an Unanticipated Discoveries Plan Training Log (UDP Log) documenting:

- The qualifications of the archaeologist conducting the training;
- The names of On-Site Construction Superintendents that have completed the training; and
- The date training was completed.

4 Procedures for the Unanticipated Discovery of Archaeological Resources

On-Site Construction Superintendents will immediately notify the UDP Coordinator in the event that a potential archaeological resource is encountered during Project construction activities. If a potential archaeological resource is encountered, the UDP Coordinator will take the following actions:

- The UDP Coordinator will direct ground-disturbing activities to be halted in the vicinity of the discovery. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the potential resource. Vehicles, equipment, and unauthorized personnel will not be permitted to access the discovery site.

¹ As used in this UDP, an "archaeologist" is defined as an individual who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (36 CFR Part 61).

- At a minimum, the immediate area of any terrestrial archaeological discovery will be protected by a temporary barrier (e.g., snow fence) and the location will be marked on Project maps as a restricted area.
- If a submerged archaeological resource is discovered, the location will be marked on Project maps as a restricted area.
- Within 24 hours of the find, the UDP Coordinator will direct an archaeologist to conduct limited investigations to make a preliminary identification and assessment of the find. This may include digital photos, measurements, and limited hand excavation.
- If the find is determined not be archaeological, work may proceed.
- If the find is determined to be archaeological, the UDP Coordinator will notify the PHMC-BHP as soon as possible.
- If the find is related to the precontact (Native American) period, the UDP Coordinator will also notify the Seneca Nation of Indians (SNI).
- The archaeologist will complete investigations and provide a summary report within 72 hours of notice-to-proceed from the UDP Coordinator.
- The UDP Coordinator will provide the archaeologist's summary report to the PHMC-BHP and the SNI (if the find is related to the precontact period).
- ITC Lake Erie will consult with the PHMC-BHP and the SNI (if the find is related to the precontact period) to develop a specific Management Plan for the inadvertent archaeological discovery. Management Measures may include (but are not limited to):
 - Avoidance and protection;
 - Phase II Site Evaluation; and
 - Mitigation (Phase III Data Recovery or alternative mitigation).

Work in the vicinity of the resource will proceed once a Management Plan has been approved by the PHMC-BHP or the site is determined to be ineligible for the National Register of Historic Places (NRHP).

5 Procedures for the Unanticipated Discovery of Human Remains

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 (25 USC 3001 et seq.)² and the ACHP's 2007 *Policy Statement*

² Pursuant to 43 CFR Part 10, NAGPRA applies to human remains, sacred objects, and items of cultural patrimony (described as "cultural items" in the statute) located on federal or tribal lands or in the possession and control of federal agencies or certain museums. The Project will not occupy federal or tribal lands. Notwithstanding the limits of NAGPRA's applicability, the principles described in NAGPRA and its implementing regulations will serve as

Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects. At all times human remains will be treated with the utmost dignity and respect. If a burial site, human remains, or bones thought to be human remains are encountered, the UDP Coordinator will take the following actions:

- The UDP Coordinator will immediately direct any ground-disturbing activities to be halted within a minimum of 100 feet of the discovery. The immediate area of any human remains or suspected human remains will be protected by a temporary barrier and the location will be marked on Project maps as a restricted area.
- The UDP Coordinator will immediately notify the PHMC-BHP, SNI, the Pennsylvania State Police (PSP) and the county coroner/medical examiner having jurisdiction and will arrange for inspection of the site.
- The coroner/medical examiner and PSP will make the official ruling on the nature of the remains, being either forensic or archaeological.
- If the remains are determined to be forensic in nature, the PSP will notify the ITC Lake Erie when work in the area may resume.
- If human remains are determined to be archaeological and 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 the preferred choice of the ITC Lake Erie. ITC Lake Erie will consult with the PHMC-BHP and the SNI to develop a plan of action that is consistent with NAGPRA guidance.
- If human remains are determined to be archaeological and 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. The UDP Coordinator will coordinate with the PHMC-BHP to determine an appropriate plan of action based on consultation.
- Work will only resume following completion of appropriate treatment measures.

guidance should remains or associated artifacts be identified as Native American, and to the extent such principles and procedures are consistent with any other applicable laws, guidelines, statutes, and requirements.

6 Contact Information

Kira M. Heinrich
Archaeological Reviewer (Western
Region)
Pennsylvania Historical and Museum
Commission
Bureau for Historic Preservation
Commonwealth Keystone Building,
Second Floor
400 North Street
Harrisburg, PA 17120-0093
Phone: (717) 783-9919
Email: kheinrich@pa.gov

Scott Abrams
Tribal Historic Preservation Officer
Seneca Nation of Indians
90 Ohi:Yo' Way
Salamanca, NY 14779
Phone: (716) 945-1790, ext. 3580
Email: scott.abrams@sni.org

Pennsylvania State Police
Troop E
5950 Meadville Road
Girard, PA 16417
Phone: 814-774-9611

Lyell P. Cook, Erie County Coroner
Erie County Court House
140 West Sixth Street
Room 07
Erie, PA 16501
Phone: (814) 451-6331
After-hours phone: (814) 452-2911