



## **VALLEY LATERAL PROJECT**

### ***RESOURCE REPORT 4*** ***Cultural Resources***

***FERC Docket No. CP16-\_\_-000***

**November 2015**

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**RESOURCE REPORT 4 -- CULTURAL RESOURCES**

<b>Filing Requirement</b>	<b>Location in Environmental Report</b>
<ul style="list-style-type: none"> <li>• Resource Report 4 must contain: (§ 380.12 (f) (1))               <ul style="list-style-type: none"> <li>(i) Documentation of the applicant's initial cultural resources consultation, including consultations with Native Americans and other interested persons (if appropriate);</li> <li>(ii) Overview and Survey Reports, as appropriate;</li> <li>(iii) Evaluation Report, as appropriate;</li> <li>(iv) Treatment Plan, as appropriate; and</li> <li>(v) Written comments from State Historic Preservation Officer(s) (SHPO), Tribal Historic Preservation Officers (THPO), as appropriate, and applicable land-managing agencies on the reports in paragraphs (f)(1)(i)-(iv) of this section.</li> </ul> </li> </ul>	<p align="center">Section 4.5</p> <p align="center">Summary Tables are in Appendix 4A.</p> <p align="center">Initial correspondence are in Resource Report 1, Appendix 1D.</p> <p align="center">Survey Reports and other documentation, as applicable, are in Volume III, Appendix 4C.</p>
<ul style="list-style-type: none"> <li>• The initial application must include the documentation of initial cultural resource consultation, the Overview and Survey Reports, if required, and written comments from SHPOs, THPOs and land-managing agencies, if available. The initial cultural resources consultations should establish the need for surveys. If surveys are deemed necessary by the consultation with the SHPO/THPO, the survey report must be filed with the application. (§ 380.12(f) (2))               <ul style="list-style-type: none"> <li>(i) If the comments of the SHPOs, THPOs, or land-management agencies are not available at the time the application is filed, they may be filed separately, but they must be filed before a final certificate is issued.</li> <li>(ii) If landowners deny access to private property and certain areas are not surveyed, the unsurveyed area must be identified by mileposts, and supplemental surveys or evaluations shall be conducted after access is granted. In such circumstances, reports, and treatment plans, if necessary, for those inaccessible lands may be filed after a certificate is issued.</li> </ul> </li> </ul>	<p align="center">Section 4.5</p> <p align="center">Initial correspondence is in Resource Report 1, Appendix 1D.</p> <p align="center">Survey Reports are in Volume III, Appendix 4C.</p> <p align="center">Comments will be provided as received.</p>
<ul style="list-style-type: none"> <li>• The Evaluation Report and Treatment Plan, if required, for the entire project must be filed before a final certificate is issued. (§ 380.12(f) (3))               <ul style="list-style-type: none"> <li>(i) The Evaluation Report may be combined in a single synthetic report with the Overview and Survey Reports if the SHPOs, THPOs, and land-management agencies allow and if it is available at the time the application is filed.</li> <li>(ii) In preparing the Treatment Plan, the applicant must consult with the Commission staff, the SHPO, and any applicable THPO and land-management agencies.</li> <li>(iii) Authorization to implement the Treatment Plan will occur only after the final certificate is issued.</li> </ul> </li> </ul>	<p align="center">To Be Filed, If Applicable</p>
<ul style="list-style-type: none"> <li>• Applicant must request privileged treatment for all material filed with the Commission containing location, character, and ownership information about cultural resources in accordance with § 388.112 of this chapter. The cover and relevant pages or portions of the report should be clearly labeled in bold lettering: “CONTAINS PRIVILEGED INFORMATION - DO NOT RELEASE.” (§ 380.12(f) (4))</li> </ul>	<p align="center">As Filed</p>
<ul style="list-style-type: none"> <li>• Except as specified in a final Commission order, or by the Director of the Office of Energy Projects, construction may not begin until all cultural resource reports and plans have been approved. (§ 380.12(f) (5))</li> </ul>	<p align="center">As Filed</p>

FERC COMMENTS ON DRAFT RESOURCE REPORT 4	LOCATION OR RESPONSE TO COMMENT
<b>OCTOBER 1, 2015 COMMENTS</b>	
<b><u>Resource Report 4 – General Project Description</u></b>	
22. File with the Secretary any correspondence or documentation of consultation with the State Historic Preservation Officer or Indian Tribes not previously filed with the Commission.	Correspondence will be included in Resource Report 1, Appendix 4A, or will be provided to FERC as received.
23. Provide a Phase I Archeological Survey Report.	Volume III (Privileged and Confidential)
24. In section 4.3.3, clarify whether any of the 15 historic architectural resources that are listed or eligible for the National Register of Historic Places are located within the planned construction workspaces.	Resource Report 4, Section 4.3.3.
25. In section 4.5.2, clarify whether the Stockbridge Munsee Band of Mohicans tribal field monitor participated in the field investigations, as was requested in their letter dated May 1, 2015.	Resource Report 4, Section 4.5.2.
26. Clarify who would be the designated Cultural Resource Monitor (CRM), as discussed in the draft Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains. Explain how the CRM would have the authority to make significance determinations in the field sufficient to authorize crews to resume work.	Resource Report 4, Appendix 4B, Section 4.2.

## LIST OF ACRONYMS AND ABBREVIATIONS

APE	Area of Potential Effects
CFR	Code of Federal Regulations
CPV	CPV Valley, LLC
CRIS	Cultural Resources Information System
FERC or Commission	Federal Energy Regulatory Commission
GPS	Global Positioning System
Millennium	Millennium Pipeline Company, L.L.C.
MP	Milepost
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
Project	Valley Lateral Project
SHPO	State Historic Preservation Office/Officer
TRC	TRC Environmental Corporation

## 4.0 CULTURAL RESOURCES

Millennium Pipeline Company, L.L.C. (Millennium) is seeking authorization from the Federal Energy Regulatory Commission (FERC or Commission) pursuant to Section 7(c) of the Natural Gas Act<sup>1</sup> to construct, install, own, operate, and maintain the Valley Lateral Project (Project). The Project will provide firm transportation of natural gas to the new 650 megawatt gas-powered CPV Valley Energy Center being constructed by CPV Valley, LLC (CPV) in the town of Wawayanda, New York. The Project, as proposed, includes approximately 7.8 miles of new natural gas pipeline that will extend from Millennium's existing main line pipeline north to the CPV Valley Energy Center, as well as ancillary aboveground facilities. The target in-service date for the Project is April 2017.

The Project consists of the following components and facilities:

- approximately 7.8 miles of new 16-inch diameter pipeline in Orange County, New York;
- one delivery meter station and associated piping at the CPV Valley Energy Center, approximate milepost (MP) 7.8;
- one launcher facility (MP 0.0); and
- one receiver facility at the CPV Valley Energy Center (MP 7.8).

Resource Report 4 provides a discussion of existing cultural resources within the vicinity of the Project area and identifies the scope and authority under which the cultural resource investigations and consultations for the Project are being undertaken. The Area of Potential Effects (APE) evaluated for cultural resources is defined in Section 4.2. Section 4.3 provides a summary of the cultural resources investigation conducted to date. Section 4.4 provides a discussion of areas that have not been surveyed. Agency, Native American, and consulting party consultations are discussed in Section 4.5. Section 4.6 describes the Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains: Post-Review Discoveries (Unanticipated Discovery Plan), which is included in Appendix 4B. Section 4.7 provides an overall summary.

### 4.1 REGULATORY OVERVIEW

Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), requires federal agencies, including the FERC, to take into account the effect of an undertaking on cultural resources listed or eligible for listing in the National Register of Historic Places (NRHP) and afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. The Section 106 compliance process is coordinated at the state level by the State Historic Preservation Officer (SHPO), represented in New York by the Office of Parks Recreation and Historic Preservation. The FERC, as the lead federal agency, must consult with the New York SHPO, appropriate federally recognized Native American tribes, and other consulting parties regarding the potential effects of the Project on historic properties.

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<sup>1</sup> 15 U.S.C. § 717f(c) (2012).

The primary goals of cultural resource investigations conducted as part of the Section 106 review are to:

- locate, document, and evaluate buildings, structures, objects, landscapes, and sites that are listed, or eligible for listing, in the NRHP;
- assess potential effects of the Project on those resources; and
- provide recommendations for subsequent treatment, if necessary, to assist with compliance with Section 106.

In addition to complying with Section 106 and its implementing regulations (36 Code of Federal Regulations (CFR) Part 800, *Protection of Historic Properties*), the cultural resources investigation was conducted for the Project in accordance with:

- 18 CFR Part 380, FERC’s Regulations Implementing the National Environmental Policy Act (including Sections 380.3 – Environmental Information to be Supplied by an Applicant and 380.14 – Compliance with the NHPA, and FERC’s Office of Energy Projects’ Guidelines for Reporting on Cultural Resources Investigations (2002);
- the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 Federal Register 44, 716-42 (Sept. 29, 1983)); and
- the New York State Historic Preservation Act of 1980, Section 14.09

The proposed Project route does not cross federal lands.

To assist FERC in complying with the NHPA, on behalf of Millennium, TRC Environmental Corporation (TRC) initiated the requisite consultations and is conducting a Phase I cultural resources survey to determine if any historic properties might be affected by the Project. Millennium is committed to avoiding Project-related impacts on all NRHP-listed eligible resources. Technical survey reports for archaeological resources and historic architectural resources for the Project are provided in Volume III, Appendix 4C. Due to the sensitive nature of some of the material within the reports, the covers and any applicable pages are labeled “*CONTAINS PRIVILEGED INFORMATION – DO NOT RELEASE*” in accordance with 36 CFR § 800.11(c)(1) in Volume III filed with Millennium’s application.

## **4.2 AREA OF POTENTIAL EFFECTS**

The APE is the “geographic area or areas within which an undertaking may directly or indirectly cause changes in the character of or use of historic properties, if any such properties exist” (36 CFR § 800.16(d)). The APE is defined based on the potential for effects, which may differ for aboveground resources (historic structures and landscapes) and subsurface resources (archaeological sites). The APE for subsurface resources includes all areas where ground disturbances are proposed along the Project’s pipeline route, while the APE for aboveground locations includes the disturbed areas as well as areas where land use may change and any locations from which the Project may be visible.

#### **4.2.1 APE for Archaeological Resources**

For archaeological resources, the Project APE consists of areas of potential ground disturbance for the pipeline trench and permanent easement, associated temporary workspaces (temporary construction right-of-way and additional temporary workspace), meter station site, launcher/receiver facilities, access roads, and pipeyards. The areal extent of the individual facilities varies, and specific dimensions of each location are provided in the technical reports. The vertical APE for the proposed pipeline trench is typically five feet below surface, depending on conditions encountered during construction (e.g., depth of existing utilities). However, the pipeline trench may be deeper in agricultural areas with drainage tiles, at locations where existing utilities are crossed, in horizontal directional drills, etc. The archaeological overview survey typically consists of a 300-foot-wide study corridor for the pipeline and encompasses all areas where ground disturbances are currently proposed. The APE for archaeological resources also includes areas where the pipeline will be installed using the horizontal directional drill method and the entire area that will be acquired for the aboveground facilities.

#### **4.2.2 APE for Historic Architectural Resources**

TRC developed the Project APE for historic architectural resources to define the areas within which historic architectural resources could be affected by construction-related activities. The majority of the Project facilities will be situated below ground, but Project facilities will also include an aboveground meter station, launcher/receiver facilities, and permanent access roads. The APE for direct effects to historic architectural resources includes the 300-foot-wide environmental study corridor and the land that will be acquired for the aboveground facilities.

Beyond such areas of direct effects, the APE for historic resources also includes areas that have a visual link to the Project such that their landscape setting and viewshed (through removal of vegetation or modifications of surface topography, for example) lie within view of a historic resource, which is defined as any building or structure listed in or eligible for listing in the NRHP. Viewsheds to and from the Project corridor(s) were terminated where vegetation and/or topography obstructed lines-of-sight and would not change as a result of construction. Viewsheds to and from the aboveground ancillary facilities were terminated where vegetation and/or topography obstructed lines-of-sight. Potential noise impacts are being evaluated and may require further analysis to make the appropriate evaluation and recommendation. The APE for architectural resources may be further refined following consultation with the New York SHPO.

### **4.3 CULTURAL RESOURCE INVESTIGATIONS**

Cultural resource investigations are being conducted in accordance with FERC and New York SHPO guidelines by persons who meet or exceed all requirements set forth by the Secretary of Interior at 36 CFR Part 61. Tables 4A-1 through 4A-6 in Appendix 4A summarize the status of cultural resources surveys for the pipeline lateral, aboveground facilities, access roads, and pipeyards, respectively.



### 4.3.1 Overview Literature Survey

The initial phase of the investigation involved an overview literature survey to gather information about previous cultural resource investigations and known archaeological sites and historic architectural/industrial properties within one mile of the Project APE. The following methodology was used to complete the overview:

- identification of any known archaeological sites and previously recorded historic architectural resources through background research and state site file searches. Data pertaining to the known sites, including their locational, functional, and temporal characteristics, were reviewed where applicable;
- review of recent cultural resource management surveys performed in the county where the Project will be located; and
- review of primary and secondary historic information (e.g., maps, county histories) to learn of areas where previous structures and landscapes are potentially located.

As part of this work, research was conducted on the New York SHPO online Cultural Resources Information System (CRIS). A search of available records indicates that there are various cultural resources located within one mile of the Project APE. The frequency and type of cultural resources previously recorded within the vicinity of each element of the Project, including those previously recorded cultural resources located within the Project APE (access roads and contractor yard), are discussed in the technical reports.

### 4.3.2 Archaeological Survey Results

Systematic archaeological field surveys typically include a 300-foot-wide survey corridor along the proposed Project pipeline route and a 50-foot-wide corridor centered on the proposed access roads. Other proposed Project facility sites (e.g., meter station, launcher/receiver facilities, and pipeyards) were surveyed in their entirety. The survey procedures include a pedestrian walkover of all portions of the APE, systematic surface examination of all suitable areas, and systematic subsurface testing of areas lacking sufficient surface visibility or which had potential for subsurface resources. All portions of the APE are being inspected for caves, quarries, benches, rock faces, rock overhangs, and rock shelters. The archaeological surveys were conducted from May 6 through May 17, 2015, July 22 through July 23, 2015, and September 9 through September 10, 2015.

Shovel test pits measuring 40 centimeters (16 inches) in diameter were excavated at a maximum interval of 15 meters (50 feet), and additional close interval shovel test pits were excavated to delineate potential archaeological sites and finds. Excavated soil was hand screened through 0.25-inch wire mesh. Cultural materials remaining in the mesh were bagged and tagged by level within each shovel test pit, and the count and types of recovered cultural material were noted on field forms. Soil profiles were recorded for each shovel test pit on standardized forms. All shovel test pits were filled following excavation to restore the ground surface to its original contour. Digital photographs were taken of the general Project area and recorded on standardized logs. Shovel test pit locations within the study area were recorded with a sub-meter accurate Global Positioning System (GPS) data collector. Summary data on each isolated find, site,

or other resource were recorded on standardized site and isolated find forms. Visible surface features (e.g., foundations) encountered during the survey were recorded through description and photographs, and locational data were collected with the GPS and drawn on Project maps.

The archaeological surveys completed have resulted in the identification of 24 archaeological resources in the Project study corridor, including: one archaeological site with prehistoric and historic components and 23 isolated finds (see Table 4A-4 in Appendix 4A). The archaeological site has limited research potential and is not eligible under NRHP Criterion D, and also does not appear to be eligible under NRHP Criteria A, B, or C. The site is recommended as not eligible for listing in the NRHP, and no further archaeological evaluation is recommended (see Table 4A-5 in Appendix 4A).

#### Aboveground Facilities

A meter station and pig receiver at the northern terminus of the proposed lateral and a pig launcher at the southern end of the lateral near the existing mainline tie-in is proposed. Additionally, two pipeyards are proposed. No previously recorded sites have been identified at the proposed facilities.

#### **4.3.3 Historic Architectural Desktop Study Results**

To date, no comprehensive historic architectural survey had been conducted in the Project area. Existing information on historic architectural resources includes NRHP nominations for NRHP-listed resources, and survey forms for resources that have been previously determined NRHP-eligible by the New York SHPO or that have not been evaluated for NRHP. A desktop file search of historic resources within one mile of the Project was conducted in July 2015 utilizing the Office of Parks Recreation and Historic Preservation's online CRIS system. The search identified three NRHP-listed historic properties and 12 NRHP-eligible properties within one mile of the Project (see Table 4A-6 in Appendix 4A). None of the NRHP-listed or eligible architectural resources identified in the desktop search are located within proposed construction workspaces.

#### **4.4 REMAINING SURVEYS**

Table 4A-7 in Appendix 4A provides the status of remaining cultural resource surveys for the Project as of November 2015. For the archaeological survey, less than 10 percent of the APE remains to be surveyed. The historic architectural study was limited to a desktop file search of NRHP-listed, NRHP-eligible, and previously recorded surveys only. Further field studies to identify any additional historic resources within the Project APE may be conducted following consultation with the New York SHPO.

#### **4.5 CONSULTATIONS**

Millennium, as authorized by FERC, initiated Section 106 consultation with various state and local agencies, and contact with Native American groups located in or having interests regarding cultural resources in New York. Initial correspondence related to these consultations and contacts is included in Resource Report 1, Appendix 1D. Additional correspondence will be forwarded to the Commission upon receipt.

#### **4.5.1 New York State Historic Preservation Office Consultation**

Millennium initiated Section 106 consultation with the New York SHPO by submitting a Project information package, including a map of the Project for review and comment on April 29, 2015. On May 11, 2015, Millennium received an email response acknowledging the initiation of the pre-filing review process and requested that future projects be submitted online through the CRIS. The archaeological / historic architectural study reports will be submitted to the New York SHPO for review and comment concurrent with the submittal of this final Environmental Report.

#### **4.5.2 Native American Tribal Consultation**

Millennium, as authorized by FERC, initiated contact with four federally-recognized Native American groups that may have an interest in the Project area to provide them with an overview and map of the Project, and an opportunity to identify any concerns related to properties of traditional religious or cultural significance that may be affected by the Project (see Table 4A-2 in Appendix 4A). Letters were sent to the Native American groups with an interest in the Project area by certified mail on April 29, 2015. Three of the contacted Native American groups (St. Regis Mohawk Tribe, the Stockbridge-Munsee Band of Mohicans, and the Delaware Tribe of Indians) have responded to the notification letter. The St. Regis Mohawk acknowledged receipt of the Project information package. The Stockbridge-Munsee Band of Mohicans requested to receive copies of the Archaeological Testing Protocols and Inadvertent Discovery Protocol for the Project prior to fieldwork and the opportunity to conduct tribal monitoring of the fieldwork. The Stockbridge Munsee Band of Mohicans did not participate in field investigations; however, Millennium will provide the Stockbridge Munsee Band of Mohicans with a copy of the Phase I Archeological Survey Report concurrent with the filing of this final Environmental Report and will coordinate with the Tribe if they determine any locations warrant a site visit. The Delaware Tribe of Indians responded with a request for a copy of the Phase I report to evaluate the Project, including a review fee. A copy of the Phase I report will be submitted to the Delaware Tribe of Indians concurrent with the filing of this final Environmental Report. To date, no response has been received from the Delaware Nation.

#### **4.6 UNANTICIPATED DISCOVERIES PLAN**

A plan has been prepared to address the procedures that will be employed if previously unreported cultural resources, including human remains, are discovered during construction of the Project facilities. The plan will be submitted to the SHPO for review, and revised as appropriate, and all SHPO comments and a revised (if necessary) plan will be provided to FERC. Copies of this plan will be available on-site during construction and construction field management and environmental inspectors will be trained regarding these procedures. A copy of the *Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains: Post-Review Discoveries* is included as Appendix 4B.

#### **4.7 SUMMARY**

To date, the archaeological surveys completed have resulted in the identification of 24 archaeological resources (one archaeological site and 23 isolated finds) in the Project APE, none of which are recommended as eligible for listing in the NRHP. No additional evaluation is recommended. The historic

architecture desktop file search identified three NRHP-listed historic properties and 12 NRHP-eligible properties within one mile of the Project APE. Further consultation with the SHPO will refine the extent of the APE for architectural resources (direct and indirect effects) and will determine if additional historic architectural surveys are necessary to determine potential effects on historic resources.

## *APPENDIX 4A*

### *Supplemental Tables*

TABLE 4A-1	State and Federal Consulting Parties Contacted for the Project .....	4A-1
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**TABLE 4A-1  
State and Federal Consulting Parties Contacted for the Project**

<b>Consulting Party</b>	<b>Date Submitted</b>	<b>Date Response Received</b>
NOAA Fisheries Northeast Regional Office	4/29/15	6/16/15
New York State Department of Environmental Commission (NYSDEC)-NY National Heritage Program	4/29/15	6/12/15
NYSDEC Central Office	4/29/15	N/A
NYSDEC Division of Environmental Permits	4/29/15	N/A
NYSDEC Region 3	4/29/15	N/A
NYSDEC-SHPO	4/29/15	5/11/15
NYS Department of Agriculture and Markets	4/29/15	5/18/15
NYS Public Service Commission	4/29/15	N/A
USACE New York District – Western Permits Section	4/29/15	5/8/15
USEPA Region 2	4/29/15	5/1/15
USFWS Region 5	4/29/15	6/11/15
US National Park Service	4/29/15	N/A

**TABLE 4A-2  
Native American Groups Contacted for the Project**

<b>Tribe Name</b>	<b>Date Submitted</b>	<b>Date Response Received</b>
Delaware Nation	4/29/15	N/A
St. Regis Mohawk Tribe	4/29/15	5/7/15
Stockbridge-Munsee Band of Mohican Indians	4/29/15	5/1/15
Delaware Tribe of Indians (THPO)	4/29/15	5/29/15

**TABLE 4A-3  
Archaeological Resource Survey Completion Results for the Project Pipeline Facilities**

<b>Pipeline Segment</b>	<b>County</b>	<b>Length (mi)</b>	<b>Overview Survey Coverage by Facility</b>	<b>Identification Survey Coverage by Facility</b>	<b>Report Reference</b>	<b>Date Results Submitted to SHPO</b>
Survey Area 1 MP 0.0 – 2.1 (includes Pipeyard CY-1)	Orange	2.10	100%	100%	Ballantyne et al. 2015	Not submitted
Survey Area 2 MP 2.1-3.0	Orange	0.90	90%	90%	Ballantyne et al. 2015	Not submitted
Survey Area 3 MP 3.0-5.5	Orange	2.50	90%	90%	Ballantyne et al. 2015	Not submitted
Survey Area 4 MP 5.5-6.6	Orange	1.00	100%	100%	Ballantyne et al. 2015	Not submitted
Survey Area 5 MP 6.6-7.8	Orange	0.65	100%	100%	Ballantyne et al. 2015	Not submitted
Survey Area 6 (Pipeyard CY-2)	Orange	7.4 ac	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road A	Orange	0.41	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road B	Orange	0.14	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road C	Orange	0.08	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road D	Orange	0.18	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road E	Orange	0.34	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road F	Orange	0.32	100%	100%	Ballantyne et al. 2015	Not submitted
Access Road G	Orange	0.50	100%	100%	Ballantyne et al. 2015	Not submitted

**TABLE 4A-4  
Archaeological Resource Survey Completion Status for the Project Aboveground Facilities**

Pipeline Segment	County	Overview Survey Coverage by Facility (%)	Identification Survey Coverage by Facility (%)	Report Reference	Date Results Submitted to SHPO
Pipeyard CY-1 (7.5 acres)	Orange	100%	100%	Ballantyne et al. 2015	Not submitted
Pipeyard CY-2 (11.6 acres)	Orange	100%	100%	Ballantyne et al. 2015	Not submitted

**TABLE 4A-5  
Archaeological Sites Identified: Pipeline Facilities**

Site Number	County	Site Type	NRHP Recommendation	Recommended Actions
MCV-TRC-1 (SHPO site number to be assigned)	Orange	Prehistoric and Historic	Not eligible	No further work
MCV-IF-1	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-2	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-3	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-4	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-5	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-6	Orange	Indeterminate Isolated Find	Not eligible	No further work
MCV-IF-7	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-8	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-9	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-10	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-11	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-12	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-13	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-14	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-15	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-16	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-17	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-18	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-19	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-20	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-21	Orange	Prehistoric Isolated Find	Not eligible	No further work
MCV-IF-22	Orange	Historic Isolated Find	Not eligible	No further work
MCV-IF-23	Orange	Prehistoric Isolated Find	Not eligible	No further work



**TABLE 4A-6  
Previously Recorded\* Historic Architectural Properties Identified: Pipeline Facilities**

<b>USN</b>	<b>Name</b>	<b>Location</b>	<b>NRHP Status</b>
07110.000027	Maple Terrace/Hulet Clark House	S. Plank Road and Rome School Road	Eligible
07119.000062	First Baptist Church of Brookfield	U.S. 6, Wawayanda	Listed
07119.000161	N/A	29 Gonzalez Drive, Wawayanda	Eligible
07119.000163	Bartolomeo House	633 Ridgebury Rd, Slate Hill	Listed
07119.000165	N/A	106 McBride Road, Wawayanda	Eligible
07119.000167	N/A	439 Ridgebury Road, Wawayanda	Eligible
07119.000168	N/A	535 Ridgebury Road, Wawayanda	Eligible
07119.000169	N/A	699 Ridgebury Road, Wawayanda	Eligible
07119.000170	N/A	820 Ridgebury Road, Wawayanda	Eligible
07119.000172	N/A	138 Seward Road, Wawayanda	Eligible
07119.000173	N/A	169 Greeves Road, Wawayanda	Eligible
07119.000176	N/A	96-97 Deblock Road, Wawayanda	Eligible
07119.000195	Woodlawn Farm	20 Mount Orange Road, Wawayanda	Listed
07119.000210	Farmhouse & Dairy Barn	97 Deblock Road, Wawayanda	Eligible
07110.000060	Caleb Clark Farmstead	32 Fordlea Road, Minisink	Eligible
<i>*Based on desktop research; no field studies have been conducted</i>			

**TABLE 4A-7  
Outstanding Cultural Resource Surveys for the Project**

<b>Facility</b>	<b>Survey Type</b>	<b>Survey Status as of July 2015</b>	<b>Anticipated Completion Date</b>
Survey Area 1 MP 0.0 – 2.1	Archaeological Survey	100% complete	Completed
Survey Area 2 MP 2.1-3.0	Archaeological Survey	90% complete	TBD pending landowner permission
Survey Area 3 MP 3.0-5.55	Archaeological Survey	90% complete	TBD pending landowner permission
Survey Area 4 MP 5.55-6.6	Archaeological Survey	100% complete	Completed
Survey Area 5 MP 6.6-7.8	Archaeological Survey	100% complete	Completed
Survey Area 6	Archaeological Survey	100% complete	Completed
Access Road A	Archaeological Survey	100% complete	Completed
Access Road B	Archaeological Survey	100% complete	Completed
Access Road C	Archaeological Survey	100% complete	Completed
Access Road D	Archaeological Survey	100% complete	Completed
Access Road E	Archaeological Survey	100% complete	Completed
Access Road F	Archaeological Survey	100% complete	Completed
Access Road G	Archaeological Survey	100% complete	Completed
Pipeyard CY-1 (7.5 acres)	Archaeological Survey	100% completed	Completed

## ***APPENDIX 4B***

### ***Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains Post-Review Discoveries (36 CFR § 800.13)***

## 1.0 INTRODUCTION

Millennium Pipeline Company L.L.C. (Millennium) is committed to the protection and preservation of cultural resources in accordance with federal and state legislation during construction of the Valley Lateral Project (Project). Millennium recognizes that despite intensive cultural resource field investigations that are typically performed prior to project construction, it is nonetheless possible that potentially significant archaeological resources could be discovered during project construction or maintenance activities, particularly during excavation. Millennium also recognizes the requirement for compliance with federal and state laws and regulations regarding the treatment of human remains, if any are discovered.

As such, these *Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains* (referred to herein as the Unanticipated Discovery Plan) were developed on behalf of Millennium and in consultation with the State Historic Preservation Office (SHPO) of the New York Office of Parks Recreation and Historic Preservation. This Unanticipated Discovery Plan summarizes the approach that Millennium (and/or its contractors or consultants) will use to address unanticipated discoveries of archaeological resources during construction activities within the Project Area of Potential Effects (APE).

The purpose of archaeological investigations during the planning of natural gas pipeline projects is to determine the presence or absence of historic properties within a project area. These archaeological investigations are conducted in accordance with standards set forth in the Federal Energy Regulatory Commission (FERC) Office of Pipeline Regulation's *Guidelines for Reporting on Cultural Resources Investigations* (2002), pursuant to 18 Code of Federal Regulations (CFR) 157.206 and Appendix II of Subpart F, which require actions taken under sections 3 and 7 of the Natural Gas Act (Part 380, Appendix A) to comply with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (1976, 1980, 1992, 1999), and implementing regulations of the Advisory Council on Historic Preservation (ACHP) (36 CFR 800), specifically, those procedures regarding "post-review discoveries" as outlined in 36 CFR 800.13. All work is undertaken pursuant to the *Secretary of the Interior Standards for Archaeology and Historic Preservation* (48 Federal Regulations 44716-44742 [1983]) and the applicable laws and regulations pertaining to the cultural resources and human remains of New York.

## 2.0 STANDARDS/GUIDELINES AND LAWS/REGULATIONS FOR UNANTICIPATED HISTORIC PROPERTIES AND HUMAN REMAINS

This Unanticipated Discovery Plan will be followed in the event any archaeological resources and/or human remains are encountered during construction of the Valley Lateral Project. The stipulations of the Unanticipated Discovery Plan as set forth below are in accordance with the current standards and guidelines detailed in the following standards/guidelines and laws/regulations:

## **2.1 Federal**

- Section 106 of the NHPA, as amended (16 United States Code [USC] 470f)
- Secretary of the Interior's Standards for Archeology and Historic Preservation (48 CFR 44716-42)
- ACHP: *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (Advisory Council, February 23, 2007)
- FERC Office of Pipeline Regulation: *Guidelines for Reporting on Cultural Resources Investigations* (2002)

## **2.2 New York**

- The New York State Historic Preservation Act of 1980, Section 14.09
- The State Environmental Quality Review Act, 6NYCRR Part 617 of the New York State Environmental Conservation Law

## **3.0 CONSULTATION WITH CONSULTING PARTIES AND NATIVE AMERICAN GROUPS**

As part of development of the Project, Millennium and the FERC have initiated contact with the New York SHPO and federally recognized Native American groups. Contact information for the SHPO and Native American groups is included in Section 4.4. In the event that any archaeological resources and/or human remains are encountered during construction of the Project, Millennium will contact the relevant parties.

## **4.0 UNANTICIPATED CULTURAL RESOURCES AND HUMAN REMAINS DISCOVERY PROTOCOL**

### **4.1. Cultural Resources Training**

The identification of archaeological resources requires basic training to recognize potential sites. Millennium requires that its employees and construction contractors have a basic understanding of the nature of cultural resources. As a result, all Millennium inspectors and construction contractor personnel will be given basic training in cultural resource site recognition and the Unanticipated Discovery Plan will be included in all relevant construction contractor documents.

The purpose of this training will be to review Millennium's commitments regarding cultural resources compliance and to provide an overview of the general cultural history of the various Project areas, so that both Millennium and construction personnel will be aware of the kinds of archaeological resources that may be encountered in the field. In addition, the training program will emphasize the exact procedures to be followed, as outlined in this Unanticipated Discovery Plan, regarding actions to be taken and notifications required in the event of a significant site discovery, such as a discovery of human remains, during construction.

The training will be designed to ensure that Millennium personnel and construction contractors understand the extent of the archaeological survey program that has been performed for the Project and are fully aware of the distinction between sites that have been located and “cleared” under the cultural resource program (i.e., determined to be non-significant after different levels of investigation or sites that have already undergone data recovery) and new discoveries during the construction process.

#### **4.2. Notification Procedures**

Millennium will employ a Cultural Resources Monitor (CRM) for the Project. The CRM will be on-call during construction of the Project, and will be notified by the Environmental Inspector (EI) if an archaeological discovery is made. The CRM will be a qualified Archaeologist who meets the professional qualifications and standards outlined in the Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation (Appendix C, DO-28, 1997), and will have prior experience on construction projects requiring archaeological monitoring. The CRM will rely on his/her professional judgment in determining the potential significance of a discovered resource. If a potentially significant resource is discovered, the CRM will consult with the OPRHP and, if applicable, Native American tribes to ascertain or negate the significance of the discovery prior to determining: 1) permission of work activities to resume in a non-significant discovery area; 2) need for mitigation of significant resource impact through emergency data recovery; or 3) avoidance of the resource altogether through Project redesign as practically feasible.

The following details the plan that will be followed in the event that new cultural resource sites or human remains are discovered during the construction process.

The protocol to follow in the advent of an unanticipated discovery contains the following steps:

- The Contractor will immediately notify the Cultural Resource Monitor (Lead EI or Chief Inspector, if the Lead EI is not immediately available) of an unanticipated discovery.
- The Lead EI or Chief Inspector will direct a *Stop Work* order to the Contractor’s Site Foreman to flag or fence off the archaeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend or overnight hours will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Chief Inspector has granted clearance.
- The Lead EI will indicate the location and date of the discovery on the Project plans and will notify the CRM, who will undertake a site visit or otherwise coordinate an on-site archaeological consultation.
- The CRM will conduct a preliminary assessment of the find to determine if it is a potentially significant archaeological site.
- If the find is determined by the CRM to not be a potentially significant archaeological site, the Chief Inspector will notify the Contractor’s Work Foreman to resume work.

- If the CRM determines the find is a potentially significant archaeological site, Millennium will immediately notify the FERC and the New York SHPO of that fact. Notifications will be made by Millennium within 8 hours of the determination of significance. Work will not resume at this location until FERC has provided authorization.
- Millennium will direct the CRM to begin a more detailed assessment of the find's significance and the potential Project effects. The CRM will dispatch an archaeological team to the site to determine the nature and extent of the archaeological deposits; Millennium and the CRM will ensure that the team has full access to the required site area and is accommodated by the Contractor to complete this investigation in the most expeditious manner possible.
- The CRM will notify Millennium, the FERC, and the New York SHPO of the team's findings and recommendations, whether the archaeological deposits are assessed not to be significant, and request approval from the FERC for construction to proceed, or describe a proposed scope of work for evaluating the significance of the find and evaluating Project effects.
- Millennium will assist the SHPO and FERC in providing information to Native American tribes and relevant consulting parties as appropriate. At the discretion of the FERC, the CRM, and the SHPO, a meeting may be held to discuss options and recommendations.
- If the archaeological deposits are determined to be a significant archaeological resource and it is threatened by further Project development, the CRM, at the direction of the FERC and in consultation with the SHPO, Native American tribes, and relevant consulting parties, will develop an archaeological mitigation plan.
- Upon direction by the FERC, the SHPO, and Millennium, the CRM will implement the archaeological mitigation plan.
- A meeting or site visit may be held with the FERC, Millennium, the SHPO, the CRM, and other appropriate parties either during or once the field investigation for site mitigation has been completed to review the work accomplished.
- Duration of any work stoppages will be contingent upon the significance of the identified archaeological resource(s) and consultation with the FERC, Millennium, the SHPO, the CRM, and other appropriate parties to determine the appropriate measures to avoid, minimize, or mitigate any adverse effects to the site.

#### **4.3. Unanticipated Discovery of Human Remains Protocol**

Millennium will treat any human remains encountered during the Valley Lateral Project in a manner guided by the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and by the relevant state laws and guidelines. In the event that human remains are discovered during construction of the Project, Millennium will implement the following:

- The Contractor will immediately notify the CRM or Lead EI (or Chief Inspector, if the Lead EI or CRM is not immediately available) of an unanticipated discovery.
- The Lead EI or Chief Inspector will direct a *Stop Work* order to the Contractor's Site Foreman to flag or fence off the discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend or overnight hours will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until FERC has granted clearance.
- The Lead EI or the CRM will indicate the location and date of the discovery on the Project plans and notify Millennium and the FERC.
- At all times human remains will be treated with the utmost dignity and respect. Human remains and/or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- Millennium will immediately notify the FERC and the SHPO of the find, as well as the CRM, the local police, and appropriate Medical Examiner's/Coroner's Office.
- Millennium will provide an opportunity for local law enforcement and, if necessary, a representative of the Medical Examiner's/Coroner's Office, to visit and inspect the site to determine whether the site constitutes a crime scene.
- If it is declared a criminal matter, the CRM will have no further involvement and the decision to declare it a *Cleared Site* for construction will be made by the appropriate legal authorities.
- If the find is determined not to be a criminal matter, the CRM, under the direction of the SHPO and the FERC, will comprehensively evaluate the potential to avoid and/or minimize the Project's effects to the human remains. If no feasible avoidance plan can be developed to allow the human remains to stay in place, at the direction of the FERC and the SHPO, Millennium and the CRM will develop a site-specific disinterment/re-interment plan.
- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a site-specific work plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPO and Native American groups. The CRM will contact the FERC and the SHPO, and will assist in coordinating with the appropriate Native American groups to develop a plan of action that is consistent with applicable federal and state laws and regulations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a site-specific work plan for their avoidance or removal can be generated. Consultation with the New York SHPO and other appropriate parties will be required to determine a plan of action.



#### 4.4. Provisions for Site Security

Provisions must be made to secure any area containing, or suspected of containing, human remains from unauthorized entry to the site. To this end, the Unanticipated Discovery Plan requires that security fencing with locked gates be erected at the site once the presence of human remains has been ascertained and the dimensions of the cemetery within the APE have been established. If it is determined that the burials must be removed, the area to be fenced will be large enough to stage and complete the disinterment. To ensure security during off-hours, a private security firm will be hired for the time during which burials are still present at the site; once they have been completely removed, the security fencing will be removed and the security patrols will cease.

Security will also be extended to the excavation and removal of the human remains. Temporary work shelters will be erected over individual (or small groups of) graves while they are in the process of being excavated and their remains removed. The shelters will permit adequate interior work space, but will prevent any outside persons from viewing the remains or the disinterment process. The shelters will also permit the disinterment team to work in most, if not all, weather conditions.

#### FEDERAL AGENCY CONTACTS

Federal Energy Regulatory Commission Office of Energy Projects 888 First Street, NE Washington, DC 20426	<b>Contact:</b> OEP/DG2E/Gas Branch 3 Anthony Rana, Project Manager Tel: (202) 502-8224 Email: anthony.rana@ferc.gov  Project Archaeologist [TBD] Tel: (202) 502-[TBD] Email: @ferc.gov
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#### STATE HISTORIC PRESERVATION OFFICE CONTACTS

Office of Parks, Recreation, and Historic Preservation New York State Division for Historic Preservation Peebles Island Resource Center Delaware Avenue Cohoes, NY 12047	<b>Contact:</b> Ruth L. Pierpont, Deputy Commission/Deputy SHPO Tel: (518) 268-2172 Email: ruth.pierpont@parks.ny.gov  Paul Archambault, Historic Preservation Specialist/Survey and Evaluation Unit Tel: (518) 268-2194 Email: paul.archambault@parks.ny.gov
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**FEDERALLY RECOGNIZED NATIVE AMERICAN GROUP CONTACTS**

Delaware Nation Cultural Preservation Office 31064 State Highway #281 Building 100 Anadarko, OK 73005	<b>Contact:</b> Jason Ross, Delaware Nation Section 106 Manager Tel: (405) 247-8903 Email: jross@delawarenation.com
Delaware Tribe of Indians Tribal Historic Preservation Office Roosevelt Hall Rm 212 1200 Commercial Street Emporia, KS 66801	<b>Contact:</b> Brice Obermeyer, Tribal Historic Preservation Representative Tel: (620) 341-6699 Email: bobermeyer@delawaretribe.org
St. Regis Mohawk Tribe Tribal Historic Preservation Office 412 State Route 37 Akwesasne, NY 13655	<b>Contact:</b> Chief Paul O. Thompson Tel: (518) 358-2272 Fax: (518) 358-3203
Stockbridge-Munsee Band of Mohican Indians Tribal Council W13447 Camp 14 Road Bowler, WI 54416	<b>Contact:</b> Wally Miller, President Tel: (715) 793-4111 Email: tribal.council@mohican-nsn.gov

**MEDICAL EXAMINER/CORONER CONTACTS**

Orange County Medical Examiner  
 22 Wells Farm Road  
 Goshen, NY 10924  
 Tel: (845) 615-3870

**LAW ENFORCEMENT CONTACTS**

First attempt to contact the Sheriff’s Department as listed below; if they cannot be reached, call 911.

Orange County

Carl E. DuBois, Sheriff  
 110 Wells Farm Road  
 Goshen, NY 10924  
 Tel: (845) 291-4033

## *APPENDIX 4C*

### *Phase I Archaeological Survey Report*

**Provided Under Separate Cover in Volume III –  
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