

**APPENDIX O**  
**Plan for Unanticipated Historic Properties and Human Remains**

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## **Appendix O**

### **Plan for Unanticipated Historic Properties and Human Remains**

### **Mountain Valley Pipeline Project**

*Prepared by:*



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## 1.0 INTRODUCTION

Mountain Valley Pipeline, LLC (MVP), a joint venture between affiliates of EQT Corporation, NextEra, WGL Midstream, and Vega Energy partners, Ltd., plans to construct an approximately 300-mile long natural gas pipeline in West Virginia and Virginia (Project). MVP recognizes that despite the extensive archaeological field investigations that are conducted prior to Project construction, it is nonetheless possible that potentially significant cultural resources could be discovered during Project construction, especially during excavation activities. MVP recognizes its role to protect and preserve cultural resources that might be found during construction activities, in accordance with federal and state legislation. Cultural resources in this context are defined as archaeological sites, objects, and features, and include human remains and associated grave goods.

This Plan for Unanticipated Historic Properties and Human Remains (Plan) was developed on behalf of MVP and in consultation with the West Virginia Division of Culture and History (WVDCH), the Virginia Department of Historic Resources (VDHR), the National Park Service (NPS), and the United States Forest Service (FS). The WVDCH and VDHR represent the State Historic Preservation Officers (SHPOs) in West Virginia and Virginia, respectively. Their offices are referred to generally as SHPO in this Plan. This Plan summarizes the approach MVP will follow to address the discovery of archaeological finds during construction activities within the Project's Area of Potential Effects (APE).

## 2.0 GUIDELINES, REGULATIONS AND LEGISLATION FOR UNANTICIPATED CULTURAL RESOURCES AND HUMAN REMAINS

This Plan will be followed in the event that cultural resources and/or human remains are encountered during construction of the MVP Project. The stipulations of the Plan as set forth below are in accordance with the current guidelines detailed in the following federal and state guidelines, regulations and legislation:

### 2.1 Federal

- Sections 106 and 110 of the *National Historic Preservation Act (NHPA), as amended (54 United States Code (USC) 306108 and 306101 et seq.)*
- Section 6 of the *Archaeological Resources Protection Act, as amended (16 USC 470ee)*
- Secretary of the Interior's *Standards for Archaeology and Historic Preservation (48 FR 44716-42)*
- Advisory Council for Historic Preservation (ACHP): *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (ACHP February 23, 2007)*
- Federal Energy Regulatory Agency (FERC) *Office of Pipeline Regulation: Guidelines for Reporting on Cultural Resources Investigations (FERC 2002)*
- *Native American Graves Protection and Repatriation Act (NAGPRA)*

### 2.2 West Virginia

- West Virginia SHPO's *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*
- West Virginia State Code 29-1-8, and its implementing regulations, Title 82, Series 2: "Standards and Procedures for Administering State Historic Preservation Programs"

- West Virginia State Code 29-1-8a, “Protection of human skeletal remains, grave artifacts and grave markers,” and its implementing regulations, Title 82, Series 3: “Standards and Procedures for Granting Permits to Excavate Archaeological Sites and Unmarked Graves”

### **2.3 Virginia**

- VDHR’s Guidelines for Conducting Historic Resources Survey in Virginia (October 2011)
- Virginia Antiquities Act, (§ 10.1-2305 Code of Virginia), “Permit required for the archaeological excavation of human remains;” Section 2305 of the Virginia Antiquities Act provides a permit process for archaeological field investigations involving the removal of human remains and artifacts from graves. These permits are issued through the VDHR’s Office of Review and Compliance.

### **3.0 CONSULTATION WITH SHPOS AND NATIVE AMERICAN TRIBES**

On October 13, 2014, MVP initiated consultation with WVDCH and VDHR. On December 2, 2014, MVP reached out to federally recognized Native American Tribes, to inquire about their concerns regarding potential Project effects on historic properties and human remains. Contact information for the WVDCH, VDHR, and tribes who expressed an interest in ongoing communication is included in Section 5 -Contacts Table in this Plan. In the event that cultural resources and/or human remains are encountered during construction, MVP will contact the state offices and interested Tribes to inform and elicit responses.

### **4.0 UNANTICIPATED DISCOVERY PROTOCOL**

#### **4.1 Training**

MVP will be responsible for advising construction personnel on the procedures to follow in the event that historic properties or human remains (an unanticipated discovery) are discovered during construction activities. Training will occur as part of the pre-construction on-site training program for all construction personnel.

Copies of this Plan will be incorporated into all relevant construction documents, and will be available in hard copy format on-site during construction. The training will emphasize the procedures to follow in the event that an unanticipated discovery is encountered during Project construction.

#### **4.2 Notification and Assessment Procedures (Not Including Human Remains)**

The following steps outline the protocols to be taken in the event an unanticipated discovery is made during Project construction:

- 1 Work in the immediate vicinity of the discovery should cease once an unanticipated discovery has been revealed;
- 2 Notify the Environmental Inspector (EI) as soon as possible of the unanticipated discovery;
- 3 Flag or fence off the discovery location and take measures to ensure the security and integrity of the discovery without delay. Work in the area of the discovery will not resume until the EI grants clearance;
- 4 The EI will quickly contact the MVP Project Manager (PM) and the Project Environmental Coordinator (EC);

- 5 The EC will contact the Project Archaeologist (PA) within 24 hours of the discovery;
- 6 The PA will, within 48 hours of notification, conduct a preliminary assessment of the discovery to determine whether it is potentially a significant archaeological site;
- 7 If the PA determines that the find is not an archaeological site, the PA will report the information to the EI and the EC. The EI will then grant clearance to the construction crews for work to resume;
- 8 If the PA determines that the find may be an archaeological site and potentially NRHP-eligible, the PA will inform the EI and EC of this determination;
  - a. The EC will, within 24 hours of the determination that the site may be NRHP-eligible, notify the FERC, the relevant SHPO, and Interested Tribes, and the NPS and FS if appropriate, of the determination. Work will not resume until authorized by the FERC and other appropriate agencies;
  - b. Following consultation with the relevant SHPO and the FERC, (and Interested Tribes, NPS, and FS if appropriate), the PA will evaluate the discovery and assess its horizontal and vertical extent, cultural association(s), and degree of disturbance. MVP will ensure that the PA has full access to the discovery;
  - c. The PA will inform the EI, EC, the FERC, and the relevant SHPO of the findings and recommendations. If the finds are determined to not be significant, the EI and EC, after consultation with the FERC, the relevant SHPO, and Interested Tribes, and when appropriate the FS and NPS, will grant clearance to the construction team to resume work. If a determination of potential NRHP-eligibility is made, EC will authorize the archaeological investigators to develop an archaeological treatment plan which will be submitted to the FERC, the relevant SHPO, and Interested Tribes, and when appropriate the FS and NPS, for review;
  - d. If the NRHP-eligible discovery cannot be avoided by Project construction, MVP, in consultation with the FERC, the relevant SHPO, Interested Tribes, and when appropriate the FS and NPS, will authorize the archaeological investigators to implement the mitigation plan;
  - e. At the conclusion of archaeological fieldwork, the PA will submit a report of the treatment results and recommendations to MVP. MVP will provide the report for review to the FERC, the relevant SHPO, Interested Tribes, and to NPS and FS if appropriate;
  - f. Upon receiving written acceptance of the results of the implemented treatment from the FERC, the EC and EI will grant clearance to the construction team to resume work.

#### **4.3 Notification and Assessment Procedures (Human Remains)**

Human remains are physical remains of a human body or bodies including, but not limited to, bones, teeth, hair, and preserved soft tissues (mummified or otherwise preserved) of an individual. Remains may be articulated or disarticulated bones or teeth. Disturbance of human remains, burial places and or burial offerings and other grave furnishings without appropriate permits is a felony in West Virginia and Virginia.

The following steps outline the protocols to be taken in the event an unanticipated discovery of human remains is made during Project construction.

- 1 Cease work in the immediate vicinity of the discovery once an unanticipated discovery has been made;
- 2 Ensure that all human remains and/or grave items are left in place and treated with dignity and respect. Do not collect, disturb, or remove materials determined to be human remains or associated grave objects. All efforts will be made to exclude the general public from viewing any gravesites and/or funerary objects and no photographs of any gravesites and/or funerary objects will be released to or taken by the press;
- 3 Immediately notify the EI of the discovery that appears to be associated with human remains or an unmarked grave;
- 4 Flag or fence off the discovery location within the same day as the discovery, and take measures to ensure the security and integrity of the discovery. Work will not resume in the area of the find until the EI grants clearance to recommence;
- 5 The EI will contact the PM and the EC on the day of the discovery;
- 6 The EC will notify the PA on the day of the discovery;
- 7 The PA will examine the discovery within 48 hours of receipt of notification of the discovery. If the PA determines that the finds are human remains or funerary grave items, the PA will immediately notify the EI and EC. The PM will notify the appropriate law enforcement agency. The EC will notify the FERC, the relevant SHPO, and Interested Tribes. The NPS and FS will be notified if the discovery is located on property managed by their agency;
  - a. West Virginia Code requires communication of finds to the county sheriff within 48 hours (§29-1-8a (d)), although as a matter of practice the sheriff should be notified on the day of the discovery.
  - b. The Virginia Department of Historic Resources recommends that the finder of unmarked human remains contact local or state police immediately ([http://www.dhr.virginia.gov/homepage\\_general/faq\\_cem\\_presv.htm#A](http://www.dhr.virginia.gov/homepage_general/faq_cem_presv.htm#A)).
  - c. If the find is on National Forest System lands, the FS will notify the tribes per NAGPRA and 43CFR10.

If, upon inspection by the appropriate legal authorities, the remains are determined to be forensic and not archaeological (i.e., of a criminal nature), then MVP must await action by the authorities before construction may resume;

- 1 If the remains are determined to be archaeological in nature, MVP will determine whether a Project modification can avoid disturbing the remains. If Project actions cannot avoid the remains, MVP, in consultation with the FERC, the relevant SHPO, Interested Tribes, and NPS and FS as appropriate, will evaluate the remains and any associated sites, artifacts or features for their eligibility for listing on the National Register. While the process to determine NRHP eligibility may vary depending upon the nature of the particular discovery. In general the

- condition and number of remains, the identification of possible associated diagnostic artifacts (i.e. artifacts of known cultural and time association), and the presence of observable and definable features would be characteristics that may be indicative of the NRHP-eligibility of the discovery. There may prove to be other characteristics that could also contribute to the potential NRHP-eligibility of the discovery.
2. If the remains are determined to be not eligible for listing on the National Register, the MVP in consultation with the FERC, the relevant SHPO, Interested Tribes, and NPS and FS as appropriate, will direct the PA to develop a disinterment/re-interment treatment plan;
    - a. Once the treatment plan is approved by FERC, the relevant SHPO, Interested Tribes, and NPS and FS as appropriate, the EC will authorize the PA to implement the treatment plan;
    - b. **In Virginia**, if the human skeletal remains must be removed, MVP shall obtain a Permit for Archaeological Removal of Human Burials from the VDHR and consultation would be done with Interested Tribes. **In West Virginia**, any removal of human remains would be done in or guided by consultation with the WVDCH and Interested Tribes;
    - c. The treatment plan will address the curation of any artifacts recovered in the process of excavation and provide for appropriate final disposition of the remains in accordance with applicable laws. MVP will be responsible for all costs associated with the discovery, evaluation and agency consultation, excavation, investigation and study, disinterment, repatriation, re-interment, reporting, and curation of any human remains and associated funerary items encountered during Project construction; and,
    - d. Project construction may resume only after successful implementation of the treatment plan (which may entail excavation of all identifiable human remains and associated features and artifacts, disinterment or removal of human remains and associated grave goods), and after MVP receives written approval by the FERC, the relevant SHPO, and Interested Tribes, and from NPS and FS if appropriate.



<b>CONTACTS TABLE</b>	
<b>MOUNTAIN VALLEY PIPELINE</b>	
<p>Project Environmental Coordinator (EC) Megan Neylon EQT – Sr. Environmental Coordinator 555 Southpointe Boulevard, Suite 200 Cannonsburg, PA 15317 Tel: (724) 873-3645 (office) (304) 841-2086 (cell) mneylon@eqt.com</p>	<p>Project Construction Manager (PM) John Uhrin EQT 555 Southpointe Boulevard, Suite 200 Cannonsburg, PA 15317 Tel: (304) 543-2078 (cell) Juhrin@eqt.com</p>
<p>Environmental Inspector (EI) To Be Determined Prior to Construction</p>	<p>Project Archaeologist (PA) Sydne Marshall. Ph.D. Tetra Tech 1000 The American Road Morris Plains, NJ 07950 Tel: (973) 630-8104 Email: sydne.marshall@tetratech.com</p>
<p>PA – West Virginia James T. Marine. M.S., West Virginia Cultural Resources Tetra Tech 661 Andersen Drive, Foster Plaza 7 Pittsburgh, PA 15220 Tel: (484) 680-9997 Email: james.marine@tetratech.com</p>	<p>PA – Virginia Rob Jacoby, M.A., Virginia Cultural Resources Tetra Tech 1000 The American Road Morris Plains, NJ 07950 Tel: (973) 630-8371 Email: rob.jacoby@tetratech.com</p>
<b>FEDERAL AGENCY CONTACTS</b>	
<p>FEDERAL ENERGY REGULATORY COMMISSION Paul Friedman Federal Energy Regulatory Commission Office of Energy Projects 888 First Street, NE Washington, D.C. 20426 Tel: (202) 502-8059 paul.friedman@ferc.gov</p>	
<p>U.S. FOREST SERVICE JoBeth Brown Public Affairs Officer George Washington and Jefferson National Forests 5162 Valleypointe Parkway Roanoke, VA 24019 Tel: (540) 265-5102 jobethbrown@fs.fed.us</p>	<p>Mike Madden Forest Archaeologist George Washington and Jefferson National Forests 5162 Valleypointe Parkway Roanoke, VA 24019 Tel: (540) 265-5211 mjmadden@fs.fed.us</p>

<b>CONTACTS TABLE</b>	
<b>MOUNTAIN VALLEY PIPELINE</b>	
<p><b>NATIONAL PARK SERVICE</b> Bambi Teague Chief, Resource Management and Science Blue Ridge Parkway 199 Hemphill Knob Road Asheville, NC 28803-8686 Tel: (828) 348-3439 bambi_teague@NPS.gov</p>	<p>Wendy Janssen US National Park Service Appalachian National Scenic Trail P.O. Box 50 Harpers Ferry, WV 25425 Tel: (303) 535-6279 Wendy_Janssen@nps.gov</p>
<p>John McDade Cultural Resources Manager US National Park Service 199 Hemphill Knob Road Asheville, NC 28803-8686 Tel: 823-348-3438 John_mcdade@nps.gov</p>	
<b>STATE HISTORIC PRESERVATION OFFICE CONTACTS</b>	
<b>WEST VIRGINIA</b>	
<p>Susan Pierce Director/Deputy State Historic Preservation Officer West Virginia Division of Culture and History The Culture Center, Capitol Complex 1900 Kanawha Boulevard East Charleston, WV 25305-0300 Tel: (304) 558-0240 ext. 158 Email: susan.m.pierce@wv.gov</p>	<p>Lora A. Lamarre-DeMott Senior Archaeologist West Virginia Division of Culture and History The Culture Center, Capitol Complex 1900 Kanawha Boulevard East Charleston, WV 25305-0300 Tel: (304) 558-0240 ext. 711 Email: lora.a.lamarre@wv.gov</p>
<b>VIRGINIA</b>	
<p>Roger W. Kirchen, Director, Division of Review and Compliance Virginia Department of Historic Resources 2801 Kensington Avenue Richmond, VA 23221 Tel: (804) 482-6091 Email: roger.kirchen@dhr.virginia.gov</p>	

<b>CONTACTS TABLE</b>	
<b>MOUNTAIN VALLEY PIPELINE</b>	
<b>INTERESTED TRIBES</b>	
<p>Eric Oosawahee-Voss or Karen Pritchett THPO and Assistant THPO (respectively) United Keetoowah Band of Cherokee Indians in Oklahoma PO Box 746 Tahlequah, OK 74465 Tel: (918) 822-1952 ukbthpo-larue@yahoo.com</p>	<p>Ms. Cynthia Stacy NAGPRA Special Projects Manager for Tribe Peoria Tribe of Indians of Oklahoma P.O. Box 1527 Miami, OK 74355 Tel: (918) 540-2535 cstacy@peoriatribe.com</p>
<p>Chief Leo Henry, Clerk Haudenosaunee Tuscarora Nation 2006 Mt. Hope Road Lewiston, NY 14092 Phone: (716) 601-4737 Fax: (880) 990-3310</p>	<p>Ms. Nekole Alligood Delaware Nation Cultural Preservation Director P.O. Box 825 Anadarko, OK 73005 Tel: (405) 247-2448, Ext. 1403 NAlligood@delawarenation.com</p>
<p>Ms. Miranda Panther NAGPRA Officer Eastern Band of Cherokee Indians Tribal Historic Preservation Office Phone: 828-359-6850 mirapant@nc-choerokee.com</p> <p>Holly Austin Tribal Historic Preservation Office Eastern Band of the Cherokee Indians hollymaustin94@gmail.com Phone: (828) 359-6854</p>	
<b>LAW ENFORCEMENT CONTACTS</b>	
<b>WEST VIRGINIA</b>	
<p>Braxton County 300 Main Street Sutton, WV 26601 (304) 765-2838</p>	<p>Lewis County 117 Court Avenue Weston, WV 26452 (304) 269-8251</p>
<p>Doddridge County 118 East Court Street #102 West Union, WV 26456 (304) 873-2631</p>	<p>Monroe County 216 Main Street Union, WV 24983 (304) 772-3018</p>
<p>Fayette County 100 North Court Street Fayetteville, WV 25840 (304) 574-4216</p>	<p>Nicholas County 700 Main Street, Suite 3 Summersville, WV 26651 (304) 872-7880</p>

<b>CONTACTS TABLE</b>	
<b>MOUNTAIN VALLEY PIPELINE</b>	
Greenbrier County Lewisburg: (304) 647-6634 Rupert: (304) 392-6320	Webster County 2 Court Square #G3 Webster Springs, WV 26288 (304) 847-2006
Harrison County 301 West Main Street Clarksburg, WV 26301 (304) 624-8550	Wetzel County 210 Main Street New Martinsville, WV 26155 (304) 455-8218
Summers County 123 Temple Street Hinton, WV 25951 (304) 466-7111	
<b>VIRGINIA</b>	
Craig County 182 Main Street – Suite 1 New Castle, VA 24127 (540) 864-5127	Montgomery County 16 South Franklin Street Christiansburg, VA 24073 (540) 382-2951
Franklin County 70 East Court Street #101 Rocky Mount, VA 24151 (540) 483-3000	Pittsylvania County 21 North Main Street Chatham, VA 24531 (434) 432-7800
Giles County 503 Wenonah Avenue Pearisburg, VA 24134 (540) 921-3842	Roanoke County 401 East Main Street Salem, VA 24153 (540) 283-3102
Forest Service Supervisors Office George Washington and Jefferson National Forest Katie Ballew Patrol Captain 5162 Valleypointe Parkway Roanoke, VA 24019 p:540-265-5150 c:540-524-0437 f:540-265-5204 <a href="mailto:katiejballew@fs.fed.us">katiejballew@fs.fed.us</a>	