

**DRAFT FINAL (DRAFT 4)**  
**MEMORANDUM OF AGREEMENT**  
**AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,**  
**MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,**  
**MASHPEE WAMPANOAG TRIBE,**  
**WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),**  
**THE STATE HISTORIC PRESERVATION OFFICERS**  
**OF MASSACHUSETTS AND RHODE ISLAND,**  
**SOUTHCOAST WIND ENERGY LLC,**  
**AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**REGARDING THE SOUTHCOAST WIND PROJECT**  
**(LEASE NUMBER OCS-A 0521)**

**WHEREAS**, the Bureau of Ocean Energy Management (BOEM) is considering whether to authorize construction and operation of the SouthCoast Wind Project (Project) pursuant to subsection 8(p)(1)(C) of the Outer Continental Shelf (OCS) Lands Act (43 United States Code [U.S.C.] 1337(p)(1)(C)) and in accordance with Renewable Energy Regulations at 30 Code of Federal Regulations (CFR) Part 585; and

**WHEREAS**, BOEM determined that the Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. 306108), and its implementing regulations (36 CFR Part 800); and

**WHEREAS**, BOEM is considering whether to approve with conditions the Project Construction and Operations Plan (COP) submitted by SouthCoast Wind Energy LLC (hereinafter, *Lessee*); and

**WHEREAS**, BOEM determined the construction, installation, operations and maintenance (O&M), and conceptual decommissioning of two parts of the Project planned for Lease Area OCS-A 0521 (Project 1, referring to the development in the northern portion of the Lease Area and associated interconnection, and Project 2, referring to the development in the southern portion of the Lease Area and associated interconnection) and to include up to 147 offshore wind turbine generators (WTGs) and their foundations; up to five offshore substation platforms (OSPs) and their foundations; interarray cables; one preferred export cable corridor (ECC) making landfall and interconnecting to the ISO New England Inc. (ISO-NE) grid at Brayton Point, in Somerset, Massachusetts; one variant ECC which, if utilized, would make landfall and interconnect to the ISO-NE grid in Falmouth, Massachusetts via onshore cable route corridors; up to two new high voltage direct current (HVDC) converter stations at Brayton Point and, if the Falmouth ECC is utilized, one new onshore substation at one of two onshore substation options (i.e., the Lawrence Lynch [the Lessee's preferred location] or Cape Cod Aggregate site, both in Falmouth, Massachusetts) have the potential to adversely affect historic properties as defined under 36 CFR 800.16(l); and

**WHEREAS**, the preferred ECC making landfall and interconnecting to the ISO-NE grid at Brayton Point, in Somerset, Massachusetts may be used for both Project 1 and Project 2, except in the event that technical, logistical, grid interconnection, or other unforeseen challenges arise during the Project design and engineering phase that prevent Project 2 from utilizing the preferred ECC, in which case Project 2 would utilize the variant ECC and make landfall and interconnect to the ISO-NE grid in Falmouth, Massachusetts; and

**WHEREAS**, BOEM prepared an Environmental Impact Statement (EIS) for the Project pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.) (NEPA) and elected to use the NEPA substitution process with its Section 106 consultation pursuant to 36 CFR 800.8(c); and

**WHEREAS**, in accordance with 36 CFR 800.3, on September 29, 2021, BOEM invited the Massachusetts State Historic Preservation Officer (SHPO), Rhode Island SHPO, and Advisory Council on Historic Preservation (ACHP) to consult on the Project and notified the SHPOs and ACHP of its decision to use NEPA substitution and follow the standards for developing environmental documents to comply with the Section 106 consultation for this Project pursuant to 36 CFR 800.8(c), and the SHPOs accepted through participation in consultation after that date, and ACHP accepted and responded with acknowledgement on October 6, 2021; and

**WHEREAS**, BOEM posted its decision to use NEPA substitution pursuant to 36 CFR 800.8(c) in the Federal Register with its Notice of Intent to prepare an EIS for the Project on November 1, 2021, and has followed the standards for developing environmental documents to comply with the Section 106 consultation for this Project; and

**WHEREAS**, throughout this document the terms “Tribe” or “Tribal Nation” have the same meaning as “Indian Tribe” as defined in 36 CFR 800.16(m); and

**WHEREAS**, BOEM recognizes its government-to-government obligation to consult with Tribal Nations that may attach religious and cultural significance to historic properties that may be affected by the proposed undertaking and will comply with the American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Orders 13007, 13175, and 14112, Departmental Manual 512, Chapters 4 and 5 (November 2022), and the Memorandum of Understanding to Protect Sacred Sites (November 2021); and

**WHEREAS**, BOEM acknowledges the United Nations draft resolution, Our Ocean, Our Future: Call for Action (Seventy-first session, A/71/L.74, June 2017) and UNESCO, SDG 11 Synthesis Report, Target 11.4, Strengthen efforts to protect and safeguard the world’s cultural and natural heritage, July 5, 2023; and

**WHEREAS**, BOEM invited the following Federally recognized Tribal Nations to consult on this Project: Delaware Tribe of Indians, Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, Mohegan Tribe of Connecticut, The Delaware Nation, The Narragansett Indian Tribe, The Shinnecock Indian Nation, and Wampanoag Tribe of Gay Head (Aquinnah); and

**WHEREAS**, the Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head (Aquinnah) accepted BOEM’s invitation to consult, have certain responsibilities assigned to them in this Memorandum of Agreement (MOA) related to implementation of mitigation measures for their respective Tribal Nations, and BOEM invited these Tribal Nations to sign this MOA as invited signatories; and

**WHEREAS**, The Narragansett Indian Tribe accepted BOEM’s invitation to consult on November 1, 2021; and The Shinnecock Indian Nation accepted BOEM’s invitation to consult on February 4, 2022, and BOEM invited these Tribal Nations to sign this MOA as concurring parties; and

**WHEREAS**, The Delaware Nation declined BOEM’s invitation to consult; and

**WHEREAS**, the Delaware Tribe of Indians and Mohegan Tribe of Connecticut did not respond to BOEM’s invitation to consult; however, BOEM has included these Tribal Nations in all consulting party communications, and BOEM invited these Tribal Nations to sign this MOA as concurring parties; and

**WHEREAS**, the Mashpee Wampanoag Tribe continues to participate in Section 106 consultations with BOEM and in compliance with the NHPA and as a cooperating Tribal government under Council on Environmental Quality (CEQ) guidance to preserve and protect its sacred sites and natural and cultural resources, and through consultation, the Mashpee Wampanoag Tribe categorically objects to the adverse effects as a result of the undertaking; and

**WHEREAS**, the Mashpee Wampanoag Tribe attaches traditional and cultural association to ancient submerged landform features (ASLFs) and asserts sacred sites should be avoided comparable to the same extent historic shipwrecks are being avoided; and

**WHEREAS**, the Mashpee Wampanoag Tribe asserts that it has inherent aboriginal rights, title, and jurisdictional interest over the submerged lands once inhabited by their ancestors and objects to ACHP's advice provided in an email on April 1, 2024, regarding SHPO signatory authority for an offshore wind development MOA; and

**WHEREAS**, the Mashpee Wampanoag Tribe is a Federally recognized Tribe and asserts that it has inherent aboriginal rights, title, and jurisdictional interest over submerged lands within the Nantucket shelf region extending to the Exclusive Economic Zone (EEZ) and does not recognize SHPO authority over Tribal authority of maritime environments and submerged landscapes within the Nantucket shelf region; and

**WHEREAS**, the Mashpee Wampanoag Tribe extends its spiritual and cultural connections to these submerged lands and maritime environments within the Nantucket shelf region as a traditional cultural place (TCP) and sacred site based on traditional cultural knowledge and Indigenous expertise and, therefore, expects a consensus-seeking model and co-management approach to these spiritually connected environments based on cultural provenance; and

**WHEREAS**, BOEM acknowledges that Tribal Nations possess special expertise in assessing the National Register of Historic Places (NRHP) eligibility of properties of religious and cultural significance to the Tribal Nations pursuant to 36 CFR 800.4(c)(1), and BOEM has consulted with Tribal Nations to identify historic properties of religious and cultural significance to Tribal Nations that may be eligible for listing in the NRHP, including sacred sites, cultural landscapes, and TCPs, and that may be affected by the undertaking; and

**WHEREAS**, BOEM invited the non-Federally recognized historic Massachusetts Chappaquiddick Tribe of the Wampanoag Nation to participate as a consulting party; and

**WHEREAS**, in accordance with 36 CFR 800.3, BOEM invited other Federal agencies, state and local governments, and consulting parties with a demonstrated interest in the undertaking to participate in this consultation; the list of those invited and accepting participation can be found in the *Lists of Invited Governments and Organizations and Participating Consulting Parties* (Attachment 1); and

**WHEREAS**, BOEM notified and invited the Secretary of the Interior (hereinafter, *SOI*, represented by the National Park Service [NPS]) to consult regarding this Project pursuant to the Section 106 regulations, including consideration of the potential effects on National Historic Landmarks (NHLs) as required under NHPA Section 110(f) (54 U.S.C. 306107) and 36 CFR 800.10, NPS accepted BOEM's invitation to consult, and BOEM invited NPS to sign this MOA as a concurring party; and

**WHEREAS**, BOEM invited the United States Army Corps of Engineers (USACE) to consult because USACE has the authority to issue any required permits or permissions for this Project under Section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act (RHA; 33 U.S.C. 403), and potentially under Section 14 of the RHA (33 U.S.C. 408) and Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA); and

**WHEREAS**, construction of the Project requires a Department of the Army (DA) permit from USACE for activities that would result in the discharge of dredged or fill material in waters of the United States, including wetlands, pursuant to Section 404 of the CWA, and work and structures in navigable waters of the United States and structures from the mean high water mark to the seaward limit of the OCS pursuant to Section 10 of the RHA; and

**WHEREAS**, USACE designated BOEM as the Lead Federal Agency, pursuant to 36 CFR 800.2(a)(2), to act on its behalf for purposes of compliance with Section 106 for this Project (in a letter dated June 22, 2023), and BOEM invited USACE to sign this MOA as a concurring party; and

**WHEREAS**, the Bureau of Safety and Environmental Enforcement (BSEE) designated BOEM as the Lead Federal Agency pursuant to 36 CFR 800.2(a)(2) to act on its behalf for purposes of compliance with Section 106 for this Project on November 19, 2024, and BOEM invited BSEE to sign this MOA as a concurring party; and

**WHEREAS**, BOEM has consulted with the Lessee in its capacity as the applicant seeking Federal approval of the COP, and, because the Lessee has responsibilities under the MOA, BOEM has invited the Lessee to be an invited signatory to this MOA; and

**WHEREAS**, the Project is within a commercial lease area (OCS-A 0521) that was subject to previous NHPA Section 106 review by BOEM regarding the issuance of the commercial lease and approval of a site assessment plan; both Section 106 reviews, one for the lease issuance and the other for approval of the site assessment plan, were conducted pursuant to a Programmatic Agreement (PA) and concluded with a Finding of No Historic Properties Affected, consistent with the Finding of No Significant Impact for lease issuance on June 18, 2014, and site assessment plan approval on January 28, 2020, under the PA for the review of OCS renewable energy activities offshore Massachusetts and Rhode Island (*Programmatic Agreement Among the U.S. Department of the Interior, Bureau of Ocean Energy Management; the State Historic Preservation Officers of Massachusetts and Rhode Island; the Mashpee Wampanoag Tribe; the Narragansett Indian Tribe; the Wampanoag Tribe of Gay Head [Aquinnah]; and the Advisory Council on Historic Preservation; Regarding the “Smart from the Start” Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities offshore Massachusetts and Rhode Island*), and this PA expired on May 12, 2022; and

**WHEREAS**, consistent with 36 CFR 800.16(d) and BOEM’s *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (May 27, 2020), BOEM defined the area of potential effects (APE) for the undertaking as the depth and breadth of the seabed potentially impacted by any bottom-disturbing activities, constituting the marine portion of the APE (marine APE); the depth and breadth of terrestrial areas potentially impacted by any ground-disturbing activities, constituting the terrestrial portion of the APE (terrestrial APE); the viewshed from which offshore or onshore renewable energy structures would be visible, constituting the visual portion of the APE (visual APE); and any temporary or permanent construction or staging areas that may fall into any of the aforementioned offshore or onshore portions of the APE (see Attachment 2, *APE Maps*); and

**WHEREAS**, BOEM identified the following historic properties in the APE: 32 marine archaeological resources and nine (9) ASLFs in the marine APE; two (2) terrestrial archaeological resources and one (1) aboveground historic resource in the terrestrial APE; two (2) TCPs and 24 aboveground historic resources in the visual APE (i.e., 14 in the visual APE for Offshore Project components and 13 in the visual APE for Onshore Project components); and one (1) TCP in both the marine and visual APEs; and

**WHEREAS**, BOEM identified one (1) NHL in the visual APE for Offshore Project components (i.e., Nantucket Historic District); and

**WHEREAS**, BOEM determined that the Project design and implementation of avoidance measures identified in this MOA will avoid adverse effects on certain historic properties: 31 marine archaeological resources (i.e., Potential NOAA 7840 [known shipwreck *Kershaw*]; Potential AWOIS 9821 [known shipwreck *Sagamore*]; Marine Archaeological Resources 20-02, 20-03, 20-04, 20-05, 20-07 [known shipwreck NOAA 9820], 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 21-02, 21-03, 21-04, 21-05, 21-06, BP-03, BP-04, BP-05, BP-09, BP-11, BP-12, BP-13, BP-14, BP-18, BP-19, BP-20, and BP-21 [Swan Ha-20]); and seven (7) ASLFs (i.e., FM-P-21-04A, FM-P-21-04B, FM-P-21-05, FM-P-21-07, BP-



P-21-01A, BP-P-21-01B, and BP-P-21-03) in the marine APE; one (1) TCP in the visual APE; and 22 aboveground historic resources in the visual APE; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined one (1) marine archaeological resource (i.e., 21-01) would be adversely affected by physical disturbance from Offshore Project construction within the avoidance buffer of this resource; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined two (2) of the nine (9) ASLFs identified in the marine APE (i.e., LA-P-20-01 and BP-P-21-02) would be adversely affected by physical disturbance from Offshore Project construction within the defined spatial extent of these resources; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined the following two (2) terrestrial archaeological resources in the terrestrial APE in Rhode Island would be adversely affected by physical disturbance from Onshore Project construction within the avoidance buffers of these resources: RI-2816 and RI-2817; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined the Chappaquiddick Island TCP in the visual APE for Offshore Project components would be adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined the Nantucket Historic District NHL in the visual APE for Offshore Project components would be adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined the Nantucket Sound TCP in the marine and visual APEs for Offshore Project components would be visually adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

**WHEREAS**, within the range of Project alternatives analyzed in the EIS, BOEM determined Oak Grove Cemetery, Falmouth, Massachusetts in the visual APE for Onshore Project components would be adversely affected with implementation of the undertaking, and in the event that technical, logistical, grid interconnection, or other unforeseen challenges that arise during the Project's design and engineering prevent Project 2 from making interconnection at Brayton Point and the Falmouth variant ECC is utilized, making landfall and interconnection in Falmouth, Massachusetts; and

**WHEREAS**, BOEM has taken action to minimize harm, as required by NHPA Section 110(f) at 36 CFR 800.10, to the one (1) adversely affected NHL in the visual APE (i.e., Nantucket Historic District) as explained in BOEM's *Finding of Adverse Effect for the SouthCoast Wind Energy Construction and Operations Plan* (hereinafter, *Finding of Adverse Effect*), with minimization measures including the use of non-reflective white or light gray paint on Offshore Project components and Aircraft Detection Lighting System (ADLS) to minimize visibility of the Project from the NHL; and

**WHEREAS**, Massachusetts SHPO and Rhode Island SHPO concurred with or did not object to BOEM's Finding of Adverse Effect; and

**WHEREAS**, in accordance with 36 CFR 800.6(a)(1), BOEM notified the ACHP of its adverse effect determination with its distribution of the Finding of Adverse Effect, including adverse effects on the NHL, pursuant to 36 CFR 800.10(b), and on April 24, 2023, the ACHP chose to participate on the

resolution of adverse effects on the historic properties, pursuant to 36 CFR 800.6(a)(1)(iii) and 36 CFR 800.10(b); and

**WHEREAS**, BOEM has consulted with the consulting parties participating in the development of this MOA regarding the definition of the undertaking, delineation of the APEs, identification and evaluation of historic properties, assessment of potential effects on the historic properties, and measures to avoid, minimize, and mitigate adverse effects on historic properties; and

**WHEREAS**, BOEM conducted five Section 106 consultation meetings on July 7, 2022; March 16, 2023; January 24, 2024; July 15, 2024; and October 8, 2024, and invited consulting parties (see Attachment 1) to these meetings; and

**WHEREAS**, BOEM sought and considered the views of the public regarding Section 106 for this Project through the NEPA process by holding virtual public scoping meetings when initiating the NEPA and NHPA Section 106 review on November 10, 15, and 18, 2021, and virtual public hearings related to the Draft EIS on March 20, 22, and 27, 2023; and

**WHEREAS**, BOEM made the first, redacted Draft MOA available to the public for review and comment from February 17, 2023, to April 3, 2023, and made an updated version of the redacted Draft MOA available to the public on October 4, 2024, using BOEM's Project website, and BOEM received comments from the public; and

**WHEREAS**, BOEM, in consultation with Tribal Nations, Massachusetts and Rhode Island SHPOs, ACHP, and consulting parties, has developed this MOA to document the resolution of the undertaking's adverse effects, as required by NHPA Section 106 at 36 CFR 800.6, on three (3) historic properties in the marine APE (i.e., one [1] marine archaeological resource and two [2] ASLFs), two (2) historic properties in the terrestrial APE, one historic property in the marine and visual APEs (i.e., Nantucket Sound TCP), and three (3) historic properties in the visual APE (i.e., Chappaquiddick Island TCP, Nantucket Historic District NHL, and Oak Grove Cemetery); and

**WHEREAS**, pursuant to 36 CFR 800.6, BOEM invited all consulting parties not designated as required or invited signatories, as stated in the previous clauses of this MOA, to sign as concurring parties; however, the refusal of any consulting party to sign this MOA or otherwise concur does not invalidate or affect the effective date of this MOA, and consulting parties who choose not to sign this MOA will continue to receive information if requested and have an opportunity to participate in consultation as specified in this MOA; and

**WHEREAS**, the required and invited signatories (hereinafter, *signatories*) agree, consistent with 36 CFR 800.6(b)(2), that adverse effects will be resolved in the manner set forth in this MOA; and

**NOW, THEREFORE**, BOEM, Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah), Massachusetts SHPO, Rhode Island SHPO, and ACHP agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties pursuant to 36 CFR 800.6(c).

## STIPULATIONS

BOEM, with the assistance of the Lessee, will ensure that the following measures are carried out as conditions of its approval of the undertaking:

### I. MEASURES TO AVOID ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

- A. BOEM will include the following measures for avoiding adverse effects on historic properties located in the Project APE as conditions of approval of the Project COP:
  1. Marine APE

- i. The Lessee will avoid 31 marine archaeological resources by complying with protective buffers recommended by the Qualified Marine Archaeologist (QMA) for Potential NOAA 7840 (known shipwreck *Kershaw*), Potential AWOIS 9821 (Known shipwreck *Sagamore*); and Marine Archaeological Resources 20-2; 20-03; 20-04; 20-05; 20-07; 20-08; 20-09; 20-10; 20-11; 20-12; 20-13; 20-14; 21-02; 21-03; 21-04; 21-05; 21-06; BP-03; BP-04; BP-05; BP-09; BP-11; BP-12; BP-13; BP-14; BP-18; BP-19; BP-20; and BP-21.
    - a. For resources with visual footprints measuring greater than or equal to 5 meters (16.4 feet), the Lessee will maintain a distance of no less than 50 meters (164 feet) from each resource's extant features. These resources include: Potential NOAA 7840 (known shipwreck *Kershaw*); Potential AWOIS 9821 (Known shipwreck *Sagamore*); 20-07; 20-09; 20-10; 20-12; 21-06; BP-03; BP-04; BP-05; BP-09; BP-12; BP-14; BP-18; BP-19; BP-20; and BP-21 (Swn Ha-20).
    - b. For resources with visual footprints measuring less than 5 meters (16.4 feet), the Lessee will maintain a distance of no less than 50 meters (164 feet) from each resource's centroid, resulting in a total avoidance area of 7,853.98 square meters (84,539.54 square feet) per resource. These resources include: 20-2; 20-03; 20-04; 20-05; 20-08; 20-11; 20-13, 20-14; 21-02; 21-03; 21-04; 21-05; BP-11; and BP-13.
  - ii. The Lessee will avoid seven (7) ASLFs (i.e., FM-P-21-04A; FM-P-21-04B; FM-P-21-05, FM-P-21-07, BP-P-21-01A, BP-P-21-01B and BP-P-21-03) by complying with protective buffers recommended by the QMA based on the defined spatial extent of each ASLF, which has been determined based on the maximum observed presence within the seismic data.
  - iii. To demonstrate avoidance of all marine archaeological resources and ASLFs identified in Stipulation I.A.1, the Lessee will provide as-placed and as-laid maps with both the horizontal and vertical extent of all seafloor impacts. These seafloor impacts may include anchoring activities (location of all anchors, anchor chains, cables, and wire ropes on the seafloor, including sweep but excluding the vertical extent of anchor penetration of the seafloor), cable installation (including trenching depths and seafloor footprint of the installation vessel), and WTG installation (anchoring and spudding/jack-up vessel placement). The as-built or as-laid position plats must be submitted at a scale of 1-in. = 1,000-ft., with Differential Global Positioning System (DGPS) accuracy demonstrating that these seafloor disturbing activities complied with the avoidance criteria applied to the archaeological sites or historic properties established in this MOA. The Lessee must submit these documents and maps to BOEM for consulting parties to review no later than 90 days after completion of the seafloor disturbing/construction activities.
  - iv. During construction of the Project, the Lessee will prepare and submit annual reports to BOEM that describe implementation of avoidance buffers, pursuant to Stipulation XIV (*Reporting*).
2. Terrestrial APE
- i. The Lessee will conduct archaeological monitoring during onshore construction in areas identified as having high or moderate archaeological sensitivity.
    - a. Monitoring in Massachusetts. BOEM will include the procedures as described in the *Falmouth Terrestrial Archaeological Monitoring Plan* (Attachment 3) as conditions of approval of the Project COP.

- b. Monitoring in Rhode Island. BOEM will include the procedures as described in the *Aquidneck Island Terrestrial Archaeological Monitoring Plan* (Attachment 4) as conditions of approval of the Project COP.
  - c. The Lessee will coordinate with Tribal Nations to provide an opportunity to participate as monitors during ground disturbing activities in the areas identified for monitoring in Massachusetts and Rhode Island. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to start of activities for monitoring. The Lessee must provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.
  - d. In the event of a post-review discovery during archaeological monitoring, the process identified under the Post-Review Discoveries Stipulation (Stipulation XII) will apply.
3. Visual APE
- i. To maintain avoidance of adverse effects on historic properties in the visual APE where BOEM determined no adverse effects or where no effects would occur, BOEM will require the Lessee to ensure Project structures are within the design envelope, sizes, scale, locations, lighting prescriptions, and distances that were used by BOEM to inform the definition of the APE for the Project and for determining effects in the Finding of Adverse Effect. If the Project is modified, BOEM will follow processes defined in Stipulation VII (*Project Modifications*).

## II. MEASURES TO MINIMIZE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

### A. Visual APE

- 1. BOEM has undertaken planning and actions to minimize adverse effects on aboveground historic properties in the visual APE, including minimizing harm to the adversely affected NHL (i.e., Nantucket Historic District). The measures stipulated here will minimize visual adverse effects on all adversely affected aboveground historic properties in the visual APE. Additionally, these measures will minimize the undertaking's additive adverse effects to the cumulative visual adverse effects on these adversely affected historic properties from all reasonably foreseeable offshore wind energy developments. BOEM will include the following measures for minimizing adverse effects on historic properties in the visual APE as conditions of approval of the Project COP:
  - i. In the visual APE for Offshore Project components:
    - a. The Lessee will adhere to a 1 nm x 1 nm (1.9 km x 1.9 km) grid layout agreed upon with the United States Coast Guard (USCG) to decrease visual clutter.
    - b. The Lessee will use uniform WTG design, height, and rotor diameter for Project 1 and uniform WTG design, height, and rotor diameter for Project 2 to reduce visual contrast and decrease visual clutter.
    - c. The Lessee will apply a paint color to the WTGs no lighter than Pure White (RAL 9010) and no darker than Light Grey (RAL 7035) in accordance with Federal Aviation Administration (FAA) Advisory Circular 70/7460-1M (2020) and BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (April 28, 2021).

- d. The Lessee will implement an Aircraft Detection Lighting System (ADLS) to reduce nighttime visual effects on aboveground historic properties in the visual APE for Offshore Project components, pursuant to approval by the FAA and BOEM and commercial and technical feasibility at the time of Facility Design Report/Fabrication and Installation Report approval. The WTGs and OSPs must be lit and marked in accordance with FAA and USCG lighting standards and will be consistent with BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (April 28, 2021) to reduce light intrusion.
- ii. In the visual APE for Onshore Project components:
  - a. The Lessee will design the onshore substation and converter station to minimize visual effects on the extent feasible, including height, location, color, improving site aesthetics by adhering to landscape codes and edge treatments, and improving building architecture to fit local context.
  - b. The Lessee will work with the Towns of Falmouth, Somerset, and Portsmouth to ensure the lighting scheme complies with town requirements. The Lessee will ensure the design of outdoor light fixtures at the onshore substation complies with night sky lighting standards to the extent practicable. The Lessee will keep lighting at the onshore substation to a minimum; only a few lights will be illuminated for security reasons on dusk-to-dawn sensors and other lights will use motion-sensing switches. The majority of lights will be switched on for emergency situations only.

### III. MEASURES TO MITIGATE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

- A. BOEM will include the mitigation measures and below-referenced Historic Property Treatment Plans (HPTPs) listed in Stipulation III as conditions of approval of the Project COP.
- B. BOEM will require the Lessee to fund these measures per *Mitigation Funding Amounts* (Attachment 5), which contains good-faith estimates based on the experience of qualified consultants with similar activities and comparable historic properties.
- C. Marine APE
  - 1. The Lessee cannot avoid adverse effects on one (1) marine archaeological resource (i.e., 21-01) and two (2) ASLFs (i.e., LA-P-20-01 and BP-P-21-02). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the *Historic Properties Treatment Plan for Ancient Submerged Landforms and Submerged Cultural Resources* (Attachment 8) and Stipulation IV (Marine Archaeological Resource 21-01).
    - i. ASLFs (i.e., LA-P-20-01 and BP-P-21-02):
      - a. Preconstruction Geoarchaeology. The Lessee will implement the following measures: Collaborative review of existing geophysical and geotechnical data with Tribal Nations; selection of coring locations in consultation with Tribal Nations; collection of vibracores within the affected ASLF, with a sampling focus on areas that will be disturbed by Project construction activities; written verification to BOEM that the samples collected are sufficient for the planned analyses and consistent with the agreed scope of work; collaborative laboratory analyses at a laboratory located in the Atlantic region, decided through consultation with Tribal Nations; screening of recovered sediments for debitage or micro-debitage associated with indigenous land uses; laboratory analyses, including micro- and macro-faunal analyses, micro- and macro-botanical analyses, radiocarbon dating of organic subsamples, and chemical

analyses for potential indirect evidence of indigenous occupations; temporary curation of archival core sections; draft reports for review by BOEM and consulting Tribal Nations; final reporting; and public or professional presentations summarizing the results of the investigations, developed with the consent of the consulting Tribal Nations.

- 1) The collection of vibracores will be completed prior to commencing seabed disturbing activities within the ASLF.
- 2) The Qualified Marine Archaeologist (QMA) leading the research will meet the professional qualifications listed under Stipulation X (*Expertise and Qualifications*).
- 3) If any unanticipated discovery is found during the implementation of this mitigation measure, then BOEM, with the assistance of the Lessee, will follow the Stipulation XII (*Post-Review Discoveries*).
- 4) The Lessee will provide Tribal Nations with notification of any opportunity to participate in core opening and processing no less than 30 days prior to start of activities for monitoring. The Lessee will invite consulting Tribal Nations to participate during core opening and processing and must provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.
- 5) The Lessee will notify signatories and Tribal Nations of completion of this measure through annual reporting, per Stipulation XIV (*Reporting*).

b. Post-Construction Seafloor Assessment.

- 1) **Assessment.** The Lessee will assess seafloor impacts on the two ASLFs that are adversely affected and analyze the ASLFs for the presence of archaeological materials, including but not limited to chipped stone tools, flakes, modified wooden implements, and bone. The post-construction seafloor assessment may consist of a QMA conducting or overseeing a Remotely Operated Vehicle (ROV) of the seafloor in the areas where previously identified ASLFs exist and where construction activities will permanently disturb the ASLFs and displace material culture.
- 2) **Three-Dimensional (3D) Model.** The Lessee will develop a 3D model to define the spatial relationship of Project components and installation methodology (e.g., cable installation via trenching or jetting) relative to the ASLFs. The 3D model will identify portions of ASLFs within the vertical APE that will be impacted and that possess a high potential for preserved evidence of human occupation.
- 3) **Documentation.** The QMA will document the impacts immediately following the installation of any inter-array cables, WTGs, service platforms, and export cables that impact the previously identified ASLFs. Documentation of the impacted ASLFs must include the use of standard archaeological methodologies.
- 4) **Methods.** This inspection will cover not only the immediate physical impacts on the seafloor but also any berms created during trenching activities, anchoring activities, and scour or berms made during pile driving and installation of WTGs. These methodologies may include, but are not limited



to, establishing a permanent datum, mapping, photo, video, 3D photogrammetry, and collecting a limited number of artifacts. For position accuracy, the ROV should be tracked using an Ultra- Short Base Line (USBL) positioning system.

- 5) Reporting. In the final report for each of these investigations, the QMA will note the seafloor conditions (visibility), environmental conditions (e.g., sandy, mud, shell hash bottom), sea state, and how much time has passed since the construction activities have concluded in the area of the ASLF. The Lessee will produce a series of as-laid or as-placed plats that will show the location of the infrastructure in relation to the ASLF and should include both horizontal and vertical penetration into the ASLF. The maps will also include the location of any sites and artifacts identified as a result of the visual inspection. If sites are identified on state-owned submerged bottomlands, a copy of the notification to the state, a copy of the site file, and the site trinomial must be provided as part of the final report. The QMA will include all logs and other data associated with the ROV visual inspection of the seafloor.
- 6) Identification of potential cultural material during the ROV inspection would not constitute a post-review discovery under Stipulation XII (*Post-Review Discoveries*) and would not trigger the reporting and consultation requirements established in the Marine Archaeology Monitoring and Post-Review Discovery Plan because the ASLFs subject to this mitigation measure are previously identified historic properties that have already been determined to be adversely affected by the undertaking. In the event that human remains or potential human remains are identified during the ROV inspections, the Lessee will adhere to the Marine Archaeology Monitoring and Post-Review Discovery Plan, inclusive of the statutory, regulatory, and policy requirements incorporated, therein.
- 7) The Lessee will provide Tribal Nations and BOEM with draft and final technical reports, including 3D models and resulting seafloor impact assessments.
- 8) The Lessee will notify signatories and Tribal Nations of completion of this measure through annual reporting, per Stipulation XIV (*Reporting*).
- 9) Timing. The Lessee will complete the post-construction seafloor inspection no later than 60 calendar days after final cable burial. If unanticipated issues arise during offshore construction that prevent the post-construction seafloor inspection from being completed within 60 calendar days after final cable burial, the Lessee will notify BOEM and propose an alternate completion timeframe for BOEM approval.
- 10) Tribal Monitors. Upon execution of the MOA, the Lessee will commence coordination with consulting Tribal Nations to obtain the necessary training to participate as monitors either via live feed or on the vessel (depending upon vessel space, monitors' offshore safety training and certification, monitors' availability, and health and safety concerns) during the post-construction seafloor inspection of the previously identified ASLFs in the APE (as described above). The Lessee will commence coordination with Tribal

Nations with sufficient time to allow Tribal Nations' members to obtain safety training and other certifications as necessary. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to start of activities for monitoring. The Lessee will provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.

- c. Scholarships and Training for Tribal Resource Stewardship: The Lessee will fund scholarships and fees for professional training or certification programs in fields as designated by Tribal Nations' self-determined related fields of interest.
2. BOEM will require the Lessee to fulfill any on-site aspects of these mitigation efforts prior to construction at the applicable locations of the affected historic properties, with the exception of the post-construction seafloor assessment, which will occur on the timeline described in Stipulation III.C.1.ii.b. Mitigation measures under Stipulation III.C will be completed within five years of MOA execution, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s) and accepted by BOEM.

#### D. Terrestrial APE

1. The Lessee cannot avoid adverse effects on two (2) terrestrial archaeological resources (i.e., RI-2816 and RI-2817). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the *Historic Properties Treatment Plan for Terrestrial Archaeological Sites in Rhode Island* (Attachment 9)
2. BOEM will require the Lessee to fulfill any on-site aspects of these mitigation efforts prior to construction or other ground disturbing activities proceeding at the applicable locations of the affected historic properties. BOEM may allow Project construction or ground-disturbing construction to proceed outside of the locations of the affected historic properties and does not require that all mitigation be completed prior to the Project proceeding. Mitigation measures will be completed within five (5) years of MOA execution, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s) and accepted by BOEM:
  - i. Phase III Archaeological Data Recovery:
    - a. The Lessee will complete the following mitigation actions detailed in the HPTP: acquire a State Archaeology Permit and approvals from Rhode Island SHPO and Town of Portsmouth (as applicable); conduct background research; conduct oral history interviews with Tribal members; complete data recovery of 20 percent of impacted site areas; implement temporary avoidance measures at portions of the sites that will not be impacted by construction activities; prepare draft and final data recovery report; prepare updated site forms; prepare Historic Property Archaeological Protection Plan; prepare construction monitoring report; curate materials at a long-term curation facility agreed upon by consulting Tribal Nations pursuant to the Stipulation IX (*Curation*); and prepare a summary report detailing the mitigation measures undertaken pursuant to the HPTP.
    - b. The Lessee will develop the data recovery program consistent with the Rhode Island Historical Preservation & Heritage Commission's (RIHPHC) *Performance Standards and Guidelines for Archaeology in Rhode Island* (hereinafter, *RIHPHC Guidelines*).
    - c. The Lessee will develop a Data Recovery Plan (DRP) as part of the data recovery program. The DRP will be submitted to BOEM for technical review and approval. Once BOEM approves the DRP, the Lessee will submit the DRP to RIHPHC as part



of the State Archaeological Permit request and to consulting Tribal Nations for review and comment.

- d. The Lessee will submit the Phase III Archaeological Data Recovery Report (drafts and final); Archaeological Construction Monitoring Report (drafts and final); updated site forms; and Historic Property Archaeological Protection Plan (drafts and final), to BOEM for technical review prior to submittal to the consulting Tribal Nations and RIHPHC for review. The reports will be prepared in accordance with RIHPHC Guidelines.
- e. Following the completion of the Phase III archaeological data recovery and before construction, the Lessee will implement temporary site avoidance measures to protect the portions of the site that will not be impacted by construction. This will include the installation of temporary site protective fencing and identifying the sensitive resource areas to construction work crews as areas where no ground-disturbing activities can take place. Archaeologists and Tribal monitors will be onsite during any construction in proximity to the sites to monitor construction activities and ensure compliance with the HPTP (see Attachment 9).
- f. The Lessee will coordinate with Tribal Nations to provide an opportunity to participate as monitors during ground disturbing activities associated with implementation of this mitigation measure. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to the start of ground disturbing activities requiring monitoring. The Lessee will provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.

#### E. Visual APE

1. The Lessee cannot avoid adverse effects on four aboveground historic properties (i.e., Chappaquiddick Island TCP; Nantucket Historic District NHL; Nantucket Sound TCP; and Oak Grove Cemetery in Falmouth, Massachusetts). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the applicable HPTPs.
2. These mitigation measures must be completed within five (5) years of MOA execution and may be completed simultaneously, as applicable, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s), after other consulting party views are taken into consideration, and accepted by BOEM.
3. All mitigation is subject to the applicable SHPO(s) review and approval and must comply with the SOI Standards for the Treatment of Historic Properties.
  - i. Chappaquiddick Island TCP. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Chappaquiddick Traditional Cultural Place* (Attachment 10)
    - a. The Lessee will work with the non-Federally recognized historic Massachusetts Chappaquiddick Tribe of the Wampanoag Nation to develop a Tribal study related to a Tribal site placed in the larger context of local, state, and regional environmental and cultural history; oral history from Chappaquiddick Tribe of the Wampanoag Nation Tribal members will be recorded and considered when designing the field and reporting components of the study; a draft of the study plan will be provided to the consulting Chappaquiddick Tribe of the Wampanoag Nation; a final study plan will be developed, incorporating comments from the consulting Chappaquiddick Tribe of

- the Wampanoag Nation; and upon acceptance of documentation by BOEM, the plan will be implemented.
- ii. Nantucket Historic District NHL. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Nantucket Historic District* (Attachment 11).
    - a. The Lessee will survey areas of the NHL selected in consultation with the Massachusetts SHPO, consulting Tribal Nations, and other participating consulting parties and informed by the survey priorities identified in the Town of Nantucket's *Historic Properties Survey Plan (2022)*; the survey will consist of new survey work and updating existing survey forms; all survey work will be recorded on large-scale maps and may be formatted for compatibility with the Town of Nantucket's GIS database; descriptions will include the overall characteristics of the area and key and representative resources; conduct research to supplement and update existing historical contexts; prepare NRHP eligibility recommendations for individual properties and selected neighborhoods; the survey will include preparation of an archaeological assessment and overview consisting of report and graphics summarizing background research and providing environmental and cultural frameworks for pre-contact and post-contact site potential across the south and southwest neighborhoods with emphasis on the coast, conducting surface examination of Nantucket to examine physical conditions of recorded archaeological sites and historically documented/mapped resources, and developing site sensitivity model for pre-contact and historic archaeological site potential; prepare digital photographs and include GIS-based sensitivity maps in final report.
  - iii. Nantucket Sound TCP. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Nantucket Sound Traditional Cultural Place* (Attachment 12).
    - a. The Lessee will work with the RPS Group, an international, scientific technical consulting firm to continue Protected Species Observer (PSO) Certification Training, Offshore Wind Training, and Health Safety and Environment Training for the consulting Tribal Nations; the Lessee and RPS Group will hold at least one local training session annually for five years following SouthCoast's financial close on the project; RPS Group will coordinate the delivery of all training modules and required physical examination to the enrolled Trainees; an RPS Group mentor will be provided to each trainee for the full course of the program; following successful completion of the PSO training program, RPS Group will deploy the PSOs on an offshore program for surveys, construction activities; the Lessee will prepare and distribute to consulting parties annual summary reports until the Project is constructed detailing outreach measures taken to engage tribal members in the PSO program and how many members successfully completed the program.
  - iv. Oak Grove Cemetery, Falmouth, Massachusetts. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Oak Grove Cemetery* (Attachment 13) in the case that the variant Falmouth ECC is utilized and prior to initiation of construction of any Onshore Project components in Falmouth as part of this undertaking.
    - a. The Lessee will complete the mitigation measures within two years of selection of the Lawrence Lynch site for use as part of the variant Falmouth ECC unless a different timeline is agreed upon by interested consulting parties and accepted by BOEM.

- b. The Lessee will conduct an inventory of existing vegetation on the Lawrence Lynch substation site and within the cemetery where it abuts the substation site and develop a landscape inventory; identify vegetation on the site to be protected during construction and retained following construction; develop a plan for protection of the cemetery during construction; implement protection measures for existing vegetation to be retained during construction; develop a landscape plan with hardscape and softscape improvements to reduce views of the substation from the cemetery; and implement the landscape plan. A draft of the protection plan and the landscape plan will be provided to the Massachusetts SHPO, Oak Grove Cemetery Association of Falmouth, Inc. and other interested consulting parties for a 30-day review and comment period; develop final plans, incorporating comments from the participating consulting parties; and upon acceptance of documentation by Massachusetts SHPO, implement the plans.

#### **IV. MARINE ARCHAEOLOGICAL RESOURCE 21-01**

- A. Marine archaeological resource 21-01 is a historic property that BOEM has determined is eligible for the National Register of Historic Places and will be adversely affected by the Project.
- B. The Lessee conducted a remotely-operated vehicle (ROV) survey of marine archaeological resource 21-01 located in Lease Area OCS-A 0521 on September 27, 2024. The ROV survey determined that marine archaeological resource 21-01 is in a high-energy, high-current environment and the historic property is currently buried just beneath the seafloor surface.
- C. The Lessee will develop a monitoring plan for marine archaeological resource 21-01 for the duration of the lease that will encompass construction, post-construction, and periodic inspections of the historic property.
  1. BOEM, with the assistance of the Lessee, will use the procedures in Stipulation VI (Review Process for Documents Produced under MOA Stipulations) to consult with the signatories, Tribal Nations, and consulting parties on the monitoring plan.
  2. Prior to the start of construction within a 50-meter avoidance buffer around marine archaeological resource 21-01, BOEM, with the assistance of the Lessee, will conclude the consultation on the monitoring plan.
  3. BOEM will approve the final monitoring plan after the completion of the consultation procedures in Stipulation VI and after addressing any comments from signatories, Tribal Nations, and consulting parties. BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties when BOEM has approved the final monitoring plan.
  4. The MOA will not require an amendment after the final monitoring plan is approved by BOEM. The monitoring plan will be attached to the MOA after it is approved by BOEM.

#### **V. PHASED IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES**

- A. BOEM will defer and phase the final identification and evaluation of historic properties within the terrestrial APE, pursuant to 36 CFR 800.4(b)(2) and 800.5(a)(4), and consistent with the *Terrestrial Archaeology Phased Identification Plan* (Attachment 14). BOEM determined deferred and phased identification was necessary for those select areas of the terrestrial APE where the Lessee does not yet have site control or access. BOEM, with the assistance of the Lessee, will conduct phased identification and evaluation of historic properties in the terrestrial APE and will then assess effects and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties on identification, assessment of effects, and the resolution of adverse effects before the initiation of onshore construction of the Project at the locations subject

to phased identification as specified in the *Terrestrial Archaeology Phased Identification Plan* (Attachment 14). BOEM will implement the following measures for phased identification in the terrestrial APE:

1. The Lessee will conduct supplemental technical studies in accordance with the applicable state guidelines and recommendations presented in BOEM's most recent *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* to identify historic properties within portions of the terrestrial APE. The Lessee will coordinate with Massachusetts and Rhode Island SHPOs prior to the initiation of any such identification efforts in their respective states. These surveys, as applicable, will incorporate the principles within the ACHP's *Policy Statement on Indigenous Knowledge and Historic Preservation* to aid identification efforts.
  - i. BOEM will require the Lessee to document its identification efforts in a supplemental Terrestrial Archaeological Resources Assessment report that addresses the identification of historic properties and includes an assessment of effects on historic properties applying the criteria of adverse effects pursuant to 36 CFR 800.5(a).
  - ii. BOEM will require the Lessee to document its identification efforts for terrestrial archaeological resources consistent with Massachusetts or Rhode Island SHPO guidelines as applicable.
2. BOEM will consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties on the results of historic property identification surveys for any portions of the terrestrial APE that were not addressed in consultations prior to the execution of this MOA.
3. If Project effects on identified terrestrial archaeological resources cannot be avoided, BOEM will require the Lessee to conduct additional investigations to evaluate the NRHP eligibility of the potentially affected resources, in accordance with 36 CFR 800.4.
4. If BOEM identifies no additional historic properties or determines that no historic properties are adversely affected as a result of this deferred and phased identification, BOEM, with the assistance of the Lessee, will notify and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties following the consultation process set forth in this stipulation.
  - i. BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties about the surveys and BOEM's determination by providing the supplemental Terrestrial Archaeological Resources Assessment, including maps and a summary of the surveys and/or research conducted to identify historic properties and assess effects.
  - ii. BOEM, with the assistance of the Lessee, will provide Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties, with 30 calendar days to review and comment on the supplemental Terrestrial Archaeological Resources Assessment and BOEM's determination.
  - iii. After the 30-calendar day review period has concluded and if no comments require additional consultation, BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties that the applicable SHPOs have concurred with BOEM's determination, and if BOEM received any comments, provide a summary of the comments and BOEM's responses. If the Massachusetts or Rhode Island SHPO provides comments on BOEM's determination, then BOEM will resolve any such comments through additional consultation.

- iv. BOEM, with the assistance of the Lessee, will conduct a consultation meeting during the 30-calendar day review period if a consultation meeting is requested by Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, or consulting parties.
  - v. This MOA will not need to be amended if no additional historic properties are identified or determined to be adversely affected.
5. If BOEM determines additional historic properties will be subject to adverse effects based on the information from these surveys, BOEM, with the assistance of the Lessee, will notify and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties regarding BOEM's finding and the proposed measures to resolve the adverse effect(s), including the development of a new HPTP(s) following the consultation process set forth in this stipulation. Funding from the Lessee to the extent necessary to implement mitigation measures to resolve the adverse effect(s) to historic properties identified through phased identification would be in addition to the mitigation funding amount identified in *Mitigation Funding Amounts* (Attachment 5).
- i. BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties about the surveys and BOEM's determination by providing the supplemental Terrestrial Archaeological Resources Assessment, including maps and a summary of the surveys and/or research conducted to identify historic properties and assess effects, BOEM's determination, and the proposed resolution of adverse effect(s).
  - ii. Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties will have 30 calendar days to review and comment on the documents including the adverse effect determination and the proposed resolution of adverse effect(s), including a draft HPTP(s).
  - iii. BOEM, with the assistance of the Lessee, will conduct a consultation meeting during this 30-calendar day review period, and additional consultation meetings, if necessary.
  - iv. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
  - v. BOEM, with the assistance of the Lessee, will send the revised draft final documents to Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties for review and comment during a 30-calendar day review and comment period. With this same submittal of draft final documents, BOEM, with the assistance of the Lessee, will provide a summary of all the comments received on the documents and BOEM's responses.
  - vi. BOEM, with the assistance of the Lessee, will respond to the comments on the draft final documents and make necessary edits to the documents.
  - vii. Once BOEM has received agreement from the Massachusetts and Rhode Island SHPOs on the finding of new adverse effect(s), and BOEM has approved the final measures to resolve adverse effects, BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties that the phased identification and final measures to resolve adverse effects have been approved. With this notification, BOEM, with the assistance of the Lessee, will provide the final document(s), including the final measures to resolve adverse effects and a summary of comments and BOEM's responses to comments, if BOEM received any comments on the draft final documents.



- viii. The MOA will not require an amendment after the final measures to resolve adverse effects, including an HPTP(s), are approved by BOEM. If a new HPTP(s) is developed through consultation, it will be attached to the MOA after it is approved by BOEM.
6. If a SHPO disagrees with BOEM's determination regarding whether an affected property is eligible for inclusion in the NRHP, or if the ACHP or the SOI so request, the agency official will obtain a determination of eligibility from the SOI pursuant to 36 CFR Part 63 (36 CFR 800.4(c)(2)).
  7. If a Tribal Nation that attaches religious and cultural significance to a property off Tribal lands does not agree with BOEM's determination whether the property is eligible for inclusion in the NRHP, the Tribal Nation may ask the ACHP to request the agency official to obtain a determination of eligibility pursuant to 36 CFR Part 63 (36 CFR 800.4(c)(2)).
  8. If any of the consulting parties object to the findings or resolutions made pursuant to these measures, BOEM will resolve any such objections pursuant to the dispute resolution process set forth in Stipulation XVI (*Dispute Resolution*).

## **VI. REVIEW PROCESS FOR DOCUMENTS PRODUCED UNDER MOA STIPULATIONS**

- A. The following process will be used for any document, report, or plan produced in accordance with Stipulations of this MOA or attachments to the MOA for which a specific review process has not been defined. Tribal Nations will be provided the opportunity to review any documents produced under MOA stipulations related to sites of religious and cultural significance to the Tribal Nations pursuant to Stipulation X.F (*BOEM Acknowledgement of the Special Expertise of Tribal Nations*).
  1. Draft Document
    - i. The Lessee will provide the document to BOEM for technical review and approval.
      - a. BOEM will have 30 calendar days to complete its technical review.
      - b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 30 calendar days to address the comments.
    - ii. After BOEM has reviewed and approved the document, BOEM, with the assistance of the Lessee, will provide the draft document to the signatories, Tribal Nations, and consulting parties, except the ACHP, for review and comment.
      - a. Consulting parties will have 30 calendar days, or another time frame agreed upon by the signatories, Tribal Nations, and consulting parties, to review and comment.
      - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
      - c. BOEM will consolidate comments received from consulting parties and provide them to the Lessee within 15 calendar days after the end of the 30-calendar day review and comment period.
      - d. BOEM, with the assistance of the Lessee, will respond to comments and make necessary edits to the documents.
    - iii. If BOEM requires substantial edits to the draft document, the Lessee will make those revisions and resubmit the document as a draft for revision under Stipulation VI.A.1.i.
  2. Draft Final Document
    - i. The Lessee will provide BOEM with the draft final document and responses to consulting party comments for review and approval.

- a. BOEM will have 15 calendar days to complete its review.
- b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 15 calendar days to address the comments.
- ii. BOEM, with the assistance of the Lessee, will provide the draft final document and response to comments to signatories, Tribal Nations, and consulting parties, except the ACHP, for review, comment, and/or approval.
  - a. Consulting parties will have 30 calendar days, or another timeframe agreed upon by the signatories, Tribal Nations, and consulting parties, to review and comment.
  - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
  - c. BOEM will consolidate comments received from consulting parties and provide them to the Lessee within 15 calendar days after the end of the 30-calendar day review and comment period.
  - d. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
- 3. Final Document
  - i. The Lessee will provide BOEM with the final document and response to consulting party comments for approval.
    - a. BOEM will have 15 calendar days to complete its review.
    - b. If BOEM does not provide approval, it will submit its comments to the Lessee, who will have 15 calendar days to address the comments.
    - c. BOEM, with the assistance of the Lessee, will provide the final document and responses to previous comments to consulting parties, except the ACHP, within 30 calendar days of approving the final document.

## **VII. PROJECT MODIFICATIONS**

- A. If the Lessee proposes any modifications to the Project that expand the Project beyond the Project Design Envelope (PDE) included in the COP and/or occur outside of the defined APEs, or if the proposed modifications change BOEM's final NHPA Section 106 determinations and findings for this Project, the Lessee will notify and provide BOEM with information concerning the proposed modifications. The Lessee will not proceed with the proposed modifications until the following process under this stipulation is concluded. BOEM will determine whether these modifications require alteration of the conclusions reached in the Finding of Adverse Effect and, thus, require additional consultation with the signatories, Tribal Nations, and consulting parties. If BOEM determines additional consultation is required, the Lessee will provide the signatories, Tribal Nations, and consulting parties with the information concerning the proposed changes, and the signatories, Tribal Nations, and consulting parties will have 30 calendar days from receipt of this information to comment on the proposed changes. BOEM will consider any comments from signatories, Tribal Nations, and consulting parties prior to agreeing to any proposed changes. Using the procedure below, BOEM will, as necessary, consult with signatories, Tribal Nations, and consulting parties to identify and evaluate historic properties in any newly affected areas, assess the effects of the modification(s), and resolve any adverse effects. Any Project modification followed pursuant to this stipulation would not require an amendment to the MOA. BOEM will require the Lessee to document Project modifications, including any consultations conducted under this Stipulation in the annual report, pursuant to Stipulation XIV (*Reporting*).

1. If the Project is modified, and BOEM identifies no additional historic properties or determines that no historic properties are adversely affected due to the modification, BOEM, with the assistance of the Lessee, will notify and consult with the signatories, Tribal Nations, and consulting parties following the consultation process set forth in this Stipulation VII.A.1.
  - i. BOEM, with the assistance of the Lessee, will notify the signatories, Tribal Nations, and consulting parties about this proposed change and BOEM's determination by providing a written summary of the Project modification including any maps, a summary of any additional surveys and/or research conducted to identify historic properties and assess effects, and copies of the surveys.
  - ii. BOEM, with the assistance of the Lessee, will provide the signatories, Tribal Nations, and consulting parties with 30 calendar days to review and comment on the proposed change, BOEM's determination, and the documents.
  - iii. After the 30-calendar day review period has concluded, and if no comments require additional consultation, BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties that BOEM has approved the Project modification and, if BOEM received any comments, provide a summary of the comments and BOEM's responses.
  - iv. BOEM, with the assistance of the Lessee, will conduct any consultation meetings if requested by signatories, Tribal Nations, or consulting parties during this 30-calendar day review period.
2. If BOEM finds new adverse effects on historic properties will occur due to Project modification(s), BOEM, with the assistance of the Lessee, will notify and consult with the signatories, Tribal Nations, and consulting parties regarding BOEM's determination and the proposed measures to resolve the adverse effect(s) including the development of a new HPTP(s) following the consultation process set forth in this Stipulation VII.A.2.
  - i. BOEM, with the assistance of the Lessee, will notify the signatories, Tribal Nations, and consulting parties about this proposed modification, BOEM's determination, and the proposed resolution measures for the adverse effect(s).
  - ii. The signatories, Tribal Nations, and consulting parties will have 30 calendar days to review and comment on the adverse effect finding and the proposed resolution of adverse effect(s), including a draft HPTP(s).
  - iii. BOEM, with the assistance of the Lessee, will conduct additional consultation meetings, if necessary, during consultation on the adverse effect finding and during drafting and finalization of the HPTP(s).
  - iv. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
  - v. BOEM, with the assistance of the Lessee, will send the revised draft final documents to the signatories, Tribal Nations, and consulting parties for review and comment during a 30-calendar day review and comment period. With this same submittal of draft final documents, BOEM, with the assistance of the Lessee, will provide a summary of all the comments received on the documents and BOEM's responses.
  - vi. BOEM, with the assistance of the Lessee, will respond to the comments on the draft final documents and make necessary edits to the documents.



- vii. Once BOEM has received agreement from the appropriate SHPO(s) on the finding of new adverse effect(s), BOEM has approved the final HPTP(s), and BOEM has approved the Project modification, BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties that BOEM has approved the Project modification. With this notification, BOEM, with the assistance of the Lessee, will provide the final document(s), including the final HPTP(s) and a summary of comments and BOEM's responses to comments, if BOEM received any on the draft final documents.
  - viii. The MOA will not require an amendment after the final measures to resolve adverse effects, including an HPTP(s), are approved by BOEM. If a new HPTP(s) is developed through consultation, the new HPTP(s) will be attached to the MOA after it is approved by BOEM.
- B. If any of the signatories, Tribal Nations, or consulting parties object to the determinations, findings, or resolutions made pursuant to these measures (Stipulations VIII.A.1 and VIII.A.2), BOEM will first consult further and if still unsuccessful resolve any such objections pursuant to the dispute resolution process set forth in Stipulation XVI (*Dispute Resolution*).

## VIII. SUBMISSION OF DOCUMENTS

- A. Tribal Nations, ACHP, NPS, and consulting parties:
1. All submittals to Tribal Nations, ACHP, NPS, and consulting parties will be submitted electronically unless a specific request is made for the submittal to be provided in paper format.
- B. Massachusetts SHPO
1. All submittals to Massachusetts SHPO, if required for any document produced under an HPTP, will be in paper format and delivered by U.S. Mail, delivery service, or by hand.
  2. Plans and specifications submitted to Massachusetts SHPO, if required for any document produced under an HPTP, must measure no larger than 11 x 17-inch paper format (unless another format is agreed to in consultation); therefore, all documents that will be submitted to Massachusetts SHPO under this MOA must meet this format.
- C. Rhode Island SHPO
1. All submittals to Rhode Island SHPO, if required for any document produced under an HPTP will be provided in both digital format, submitted electronically and in paper format, delivered by U.S. Mail, delivery service, or by hand, unless specifically requested by Rhode Island SHPO to be for digital delivery only.

## IX. CURATION

- A. BOEM, with the assistance of the Lessee, will ensure that for collections from Federal lands or the OCS:
1. Any archaeological materials removed from Federal lands or the OCS as a result of the actions required by this MOA must be curated in accordance with 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 Fed. Reg. 27,085-27,087 [May 18, 1999]), or other provisions agreed to by the consulting parties and following applicable state guidelines. Other provisions may include curating materials of Native American heritage with Tribal Nations. No excavation is allowed to be initiated before acceptance and approval of a curation plan. The curation plan will be developed through consultation with the Tribal

Nations, agencies, and property owners and finalized within one year after completion of the associated construction activities.

- i. In the event artifacts and material culture of Native American heritage within the coastal and marine environments are identified and recovered during pre-construction, construction, operation, maintenance, and decommissioning of the proposed Project under this MOA, including for mitigation or resulting from post-review discovery including but not limited to vibracore sampling, those materials, if they are not replaced on the seafloor, will be housed at a curatorial facility selected in consultation with the Tribal Nations. These collection and curation directions do not apply to the post-construction seafloor inspection mitigation.
- B. BOEM, with the assistance of the Lessee, will ensure that for collections from state and local government lands:
1. Archaeological materials from state or local government lands in the APE and the records and documentation associated with these materials will be curated within the state of their origin at a repository acceptable to the applicable SHPO, or an approved and certified repository, in accordance with the standards and guidelines required by the state. State and local government lands as described here may include the seafloor in state waters. The terrestrial APE for the Project, where archaeological materials could originate, is located within Massachusetts and Rhode Island, and Tribal Nations are to be consulted on the curation location for any archaeological and Native American heritage material collections from onshore terrestrial archaeology work for the Project under this MOA, whether for mitigation or resulting from post-review discovery. If the materials are of Native American heritage, they may be curated with Tribal Nations. The curation plan will be developed through consultation with the consulting Tribal Nations, agencies, and property owners and finalized within one year after completion of the associated construction activities.
    - i. In the event artifacts and material culture of Native American heritage within the coastal and marine environments are identified and recovered from state waters during pre-construction, construction, O&M, and decommissioning of the proposed Project under this MOA, including for mitigation or resulting from post-review discovery, including but not limited to vibracore sampling, those materials, if they are not replaced on the seafloor, may be housed at a curatorial facility in consultation with Tribal Nations and the applicable SHPO and local government(s). These collection and curation directions do not apply to the post-construction seafloor inspection mitigation.
- C. BOEM, with the assistance of the Lessee, will ensure that collections from private lands would remain private property:
1. In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the landowner. In such instances, BOEM and the Lessee, in coordination with the Massachusetts SHPO or the Rhode Island SHPO, as appropriate based on which state these materials are located, and affected Tribal Nation(s), will encourage landowners to donate the collection(s) to an appropriate public or Tribal entity. To the extent a private landowner requests that the materials be removed from the site, the Lessee will seek to have the materials donated to the repository identified under Stipulation IX.B.1 through a written donation agreement developed in consultation with the consulting parties. BOEM, assisted by the Lessee, will seek to have all materials from each state curated together in the same curation facility within the state of origin. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or Tribal entity, BOEM and the Lessee will ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by BOEM, the appropriate SHPO, and

affected Tribal Nation(s), and following applicable state guidelines. To the extent feasible, the materials and records resulting from the actions required by this MOA for private lands shall be curated in accordance with 36 CFR Part 79. No excavation is allowed to be initiated before acceptance and approval of a curation plan. The curation plan will be developed through consultation with the Tribal Nations, agencies, and property owners and finalized within one year after completion of the onshore construction activities.

## X. EXPERTISE AND QUALIFICATIONS

- A. SOI's Standards for Archaeology and Historic Preservation. The Lessee will ensure that all work carried out pursuant to this MOA meets the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* (48 Fed. Reg. 44,716, September 29, 1983), and considers the suggested approaches to new construction in the SOI's Standards for Rehabilitation.
- B. SOI Professional Qualifications Standards. The Lessee will ensure that all work carried out pursuant to this MOA is performed by or under the direct supervision of historic preservation professionals who meet the *Secretary of the Interior's Professional Qualifications Standards* (48 Fed. Reg. 44,738 – 44,739). A “qualified professional” is a person who meets the relevant standards outlined in such SOI's Standards. The Lessee will provide documentation to BOEM demonstrating that consultants retained for services pursuant to the MOA meet these standards prior to the implementation of mitigation measures.
- C. Investigations of ASLFs. The Lessee will ensure that the additional investigations of ASLFs will be conducted and reports and other materials produced by one or more QMAs and geological specialists who meet the SOI's Professional Qualifications Standards and have experience both in conducting HRG surveys and processing and interpreting the resulting data for archaeological potential, as well as collecting, subsampling, and analyzing cores.
- D. Tribal Consultation Experience. BOEM, with the assistance of the Lessee, will ensure that all work carried out pursuant to this MOA that requires consultation with Tribal Nations is performed by professionals who have demonstrated professional experience consulting with Federally recognized Tribal Nations.
- E. Professional Standards for the Treatment of Human Remains. The Lessee will ensure that all work carried out pursuant to this MOA is performed by professionals who adhere to the principles of the Society for American Archaeology's *Statement Concerning the Treatment of Human Remains* (April 14, 2021) and the ACHP's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (March 2023).
- F. BOEM Acknowledgement of the Special Expertise of Tribal Nations. BOEM recognizes that all Tribal participants and knowledge need not conform to the SOI's standards and acknowledges that Tribal Nations possess special expertise in identifying, assessing the eligibility of, evaluating project effects on, and developing mitigation for historic properties that may possess religious and cultural significance to Tribal Nations, pursuant to 36 CFR 800.4(c)(1).
  1. To further apply this expertise, BOEM, with the assistance of the Lessee, will incorporate Indigenous Knowledge and Indigenous Traditional Ecological Knowledge (ITEK) that is conveyed by traditional knowledge keepers of the applicable Tribal Nation into the documents and review processes when such knowledge is received from Tribal Nations in consultation and during implementation of the MOA.
  2. BOEM will implement the principles found in the following guidance on incorporating Indigenous Knowledge in consultation and during implementation of the MOA:
    - i. White House Office of Science and Technology Policy and Council on Environmental Quality memorandums (Executive Branch policy) on ITEK and Federal Decision Making

(November 15, 2021) and “Guidance for Federal Departments and Agencies on Indigenous Knowledge” (November 30, 2022);

- ii. Department of the Interior “301 DM 7 Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Department Actions and Scientific Research” (December 5, 2023); and
  - iii. ACHP’s *Policy Statement on Indigenous Knowledge and Historic Preservation* (March 21, 2024).
3. Tribal Nations will also be afforded the opportunity to review the application of their knowledge in documents produced under the MOA pursuant to Stipulation VI (*Review Process for Documents Produced Under MOA Stipulations*).

## **XI. DURATION**

- A. This MOA will expire at (1) the decommissioning of the Project in the Lease Area, as defined in the Lessee’s lease with BOEM (Lease Number OCS-A 0521), or (2) 33 years from the date of COP approval, whichever occurs first. Prior to such time, BOEM may consult with the signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XVII (*Amendments*).

## **XII. POST-REVIEW DISCOVERIES**

- A. Post-Review Discoveries. A post-review discovery may include either the unanticipated discovery of a previously unidentified historic property or an unanticipated effect on a known historic property. BOEM and BSEE, with the assistance of the Lessee, will implement the following measures in the event of a post-review discovery.
- B. Implementation of Post-Review Discovery Plans. If properties are discovered that may be historically significant or unanticipated effects on historic properties are found, BOEM and BSEE, with the assistance of the Lessee, will implement the post-review discovery plans found in the *Unanticipated Discoveries Plan for Marine Archaeological Resources* (Attachment 13) and *Unanticipated Discoveries Plan for Terrestrial Archaeological Resources* (Attachment 14).
  1. The signatories acknowledge and agree that it is possible that additional historic properties may be discovered during implementation of the Project, despite the completion of a good-faith effort to identify historic properties throughout the APE.
- C. All Post-Review Discoveries. In the event of a post-review discovery of a historic property or unanticipated effects on a historic property prior to or during construction, operations and maintenance, or decommissioning of the Project, the Lessee will implement the following actions which are consistent with the post-review discovery plans (Attachments 13 and 14):
  1. Immediately halt all ground- or seafloor-disturbing activities within the area of discovery in accordance with all safety procedures and emergency shut down protocols while considering whether stabilization and further protections are warranted to keep the discovered resource from further degradation and impact.
  2. Notify BOEM and BSEE simultaneously in writing via a report within 72 hours of the discovery including any recommendations on need and urgency of stabilization and additional protections for the discovered resource.
  3. BOEM, with the assistance of the Lessee, will notify Tribal Nations of the post-review discovery within 72 hours of receiving notification from the Lessee.
  4. Keep the location of the discovery confidential and take no action that may adversely affect the discovered property until BOEM or the designated archaeologist or QMA (as described in

- Attachments 13 and 14) has made an evaluation and instructs the Lessee on how to proceed.
5. BOEM, with the assistance of the Lessee and in consultation with Tribal Nations, will consider the implementation of post-review discovery protocols developed by Tribal Nations, as applicable, prior to conducting additional investigations.
  6. Conduct any additional investigations as directed by BOEM or the designated archaeologist or QMA to determine, in consultation with the appropriate SHPOs and applicable Federally recognized Tribal Nations, whether the resource is eligible for listing in the NRHP (30 CFR 585.702(b)). BOEM will also be notified about the transmittal of information on the archaeological site to the SHPO(s). BOEM will direct the Lessee to complete additional investigations, as BOEM deems appropriate, if:
    - i. The site has been impacted by Project activities; or
    - ii. Impacts on the site from Project activities cannot be avoided.
  7. If investigations indicate that the resource is eligible for listing in the NRHP, BOEM, with the assistance of the Lessee, will work with the signatories, Tribal Nations, and consulting parties to this MOA who have a demonstrated interest in the affected historic property on the further avoidance, minimization, or mitigation of adverse effects.
  8. If investigations identify that human remains or funerary items are present and associated with Tribal Nations or Native American (as defined at 25 U.S.C. 3001 (9)) occupations, then BOEM, assisted by the Lessee, will implement the treatment process consistent with NAGPRA. BOEM will consult with Tribal Nations prior to the development or execution of a treatment plan, consistent with the provisions of NAGPRA at 25 U.S.C. 3001-3013 and related law at 18 U.S.C. 1170. The Lessee will assist BOEM in the development and execution of a treatment plan at BOEM's request that is responsive to Tribal Nation concerns that might be expressed in the consultation.
  9. If there is any evidence that the discovery is from a Native American society or appears to be a preserved burial site, the Lessee will contact the Tribal Nations as identified in the notification lists included in the post-review discovery plans within 72 hours of the discovery with details of what is known about the discovery and consult with the Tribal Nations pursuant to the post-review discovery plan.
  10. If BOEM incurs costs in addressing the discovery, under Section 110(g) of the NHPA, BOEM may charge the Lessee reasonable costs for carrying out historic preservation responsibilities, pursuant to its delegated authority under the OCS Lands Act (30 CFR 585.702 (c)-(d)).

### **XIII. EMERGENCY SITUATIONS**

- A. In the event of an emergency or disaster that is declared by the U.S. President or the Governors of Massachusetts or Rhode Island, which represents an imminent threat to public health or safety or creates a hazardous condition due to impacts from this Project's infrastructure damaged during the emergency and affecting historic properties in the APE, the Lessee will notify BOEM and BSEE. BOEM, with the assistance of the Lessee, will notify the Tribal Nations, SHPOs, and the ACHP of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. BOEM will make the notification as soon as reasonably possible but no later than 48 hours from when it becomes aware of the emergency or disaster. If the Tribal Nations, SHPOs, or the ACHP desire to provide technical assistance to BOEM, they will submit comments within seven (7) calendar days from notification if the nature of the emergency or hazardous condition allows for such coordination.

### **XIV. REPORTING**



- A. By January 31 of each calendar year, following the execution of this MOA until it expires or is terminated, the Lessee will prepare and, following BOEM's review and agreement to share this summary report, provide signatories, Tribal Nations, and consulting parties to this MOA with a summary report detailing work undertaken pursuant to the MOA. The report will include:
  - 1. A description of how the stipulations relating to avoidance, minimization, and mitigation measures (Stipulations I, II, and III) were implemented;
  - 2. Any scheduling changes proposed;
  - 3. Any project modifications, including consultations conducted pursuant to Stipulation VII (*Project Modifications*);
  - 4. Any changes to the attachments to the MOA;
  - 5. Any amendments to the MOA, pursuant to Stipulation XVII (*Amendments*);
  - 6. Any problems encountered regarding implementation of this MOA; and
  - 7. Any disputes and objections received in BOEM's efforts to carry out the terms of this MOA.
- B. The Lessee can satisfy its reporting requirement under this stipulation by providing the relevant portions of the annual compliance certification required under 30 CFR 285.633.
- C. If requested by the signatories, BOEM, with assistance from the Lessee, will convene an annual meeting with the signatories, Tribal Nations, and consulting parties to discuss the annual report, the implementation of this MOA, and other related requested topics.

#### **XV. LEASE ASSIGNMENT AND SEGREGATION**

- A. If as a result of an assignment of 100 percent of the record title interest to a portion of Lease OCS-A 0521 in accordance with 30 CFR 585.408 – 585.411 the assigned and retained portions become segregated into separate and distinct leases or a new legal entity is assigned 100 percent of the record title interest in the entirety of the lease, BOEM will ensure that approval of any activity on the assigned lease or portions of the lease includes conditions binding the assignee to the terms of this MOA as they apply to the original lease. The assignee will notify the signatories in writing that it agrees to the terms of this MOA and intends to sign the MOA as an invited signatory.
  - 1. BOEM will consider any necessary amendments to the MOA as a result in accordance with Stipulation XVII (*Amendments*).
  - 2. An amendment under Stipulation XVII (*Amendments*) will not be necessary if BOEM determines the assignee's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. In such a case, BOEM will document these conditions and involvement of the legal entity in a written notification to the signatories, Tribal Nations, and consulting parties and include a copy of the legal entity's executed signature page as an invited signatory.
- B. For the purposes of this MOA only, upon assignment of 100 percent of the record title interest in the entirety of Lease OCS-A 0521, the assignee will assume and implement all stipulations assigned to the Lessee in this MOA.
- C. For the purposes of this MOA only, upon assignment and segregation of Lease OCS-A 0521 into separate and distinct leases, the Lessee of the retained portion and the assignee of the assigned portion will each assume and implement all stipulations assigned to the Lessee in this MOA.

#### **XVI. DISPUTE RESOLUTION**

- A. If any signatory, Tribal Nation, or consulting party to this MOA objects at any time to any actions proposed or the manner in which the terms of this MOA are implemented, they must notify BOEM in writing of their objection. BOEM will consult with such party, and potentially with other interested parties, to resolve the objection and, if necessary, may amend the MOA to resolve the objection pursuant to Stipulation XVII (*Amendments*). If BOEM determines that such objection cannot be resolved:
  - 1. BOEM will forward all documentation relevant to the dispute, including BOEM's proposed resolution, to ACHP requesting that the ACHP provide BOEM with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, BOEM will prepare a written response that considers any timely advice or comments regarding the dispute from ACHP, signatories, Tribal Nations, and/or consulting parties, and provide them with a copy of this written response. BOEM will make a final decision and proceed accordingly.
  - 2. BOEM may make a final decision on the dispute and proceed accordingly if ACHP does not provide its advice regarding the dispute within the 30-calendar-day time period. Prior to reaching such a final decision, BOEM will prepare a written response that considers any timely comments regarding the dispute from the signatories, Tribal Nations, and/or consulting parties to the MOA, and provide them and ACHP with a copy of such written response.
- B. BOEM's and the Lessee's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
- C. At any time during the implementation of the measures stipulated in this MOA, should a member of the public object in writing to the signatories regarding the manner in which the measures stipulated in this MOA are being implemented, that signatory will notify BOEM. BOEM will review the objection and notify the other signatories as appropriate and respond to the objector.

## **XVII. AMENDMENTS**

- A. This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by the signatories is filed with ACHP.
- B. Revisions to any attachment may be proposed by any signatory by submitting a draft of the proposed revisions to all signatories with a notification to the consulting parties. The signatories will consult for no more than 30 calendar days (or another time period agreed upon by all signatories) to consider the proposed revisions to the attachment. If the signatories unanimously agree to revise the attachment, BOEM will provide a copy of the revised attachment to the other signatories, Tribal Nations, and consulting parties. Revisions to any attachment to this MOA will not require an amendment to the MOA.

## **XVIII. TERMINATION**

- A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories, Tribal Nations, and consulting parties to attempt to develop an amendment per Stipulation XVII (*Amendments*). If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- B. Once the MOA is terminated, and prior to work continuing on the undertaking, BOEM will either (a) execute a new MOA pursuant to 36 CFR 800.6; or (b) request, take into account, and respond to ACHP comments under 36 CFR 800.7. BOEM will notify the signatories as to the course of action it will pursue.

**XIX. COORDINATION WITH OTHER FEDERAL AGENCIES**

- A. In the event that another Federal agency not initially a party to or subject to this MOA receives an application for funding/license/permit for the undertaking as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this MOA and notifying the signatories that it intends to do so. Such Federal agency may become a signatory, invited signatory, or a concurring party (collectively referred to as a signing party) to the MOA as a means of complying with its responsibilities under Section 106 and based on its level of involvement in the undertaking. To become a signing party to the MOA, the agency official will provide written notice to the signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA. The participation of the agency is subject to approval by the signatories who will respond to the written notice within 30 calendar days, or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with Stipulation XVII (*Amendments*).
- B. If the signatories approve the Federal agency's request to be a signing party to this MOA, an amendment under Stipulation XVII (*Amendments*) will not be necessary if the Federal agency's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. BOEM will document these conditions and involvement of the Federal agency in a written notification to the signatories, Tribal Nations, and consulting parties, and include a copy of the Federal agency's executed signature page, which will codify the addition of the Federal agency as a signing party in lieu of an amendment.

**XX. ANTI-DEFICIENCY ACT**

- A. Pursuant to 31 U.S.C. 1341, BOEM's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. BOEM will make reasonable and good-faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs BOEM's ability to implement the stipulations of this agreement, BOEM will consult in accordance with the amendment and termination procedures found at Stipulations XVII and XVIII of this agreement.

Execution of this MOA by BOEM, Massachusetts SHPO, Rhode Island SHPO, and the ACHP and implementation of its terms demonstrates that BOEM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]



**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Signatory:**

Bureau of Ocean Energy Management (BOEM)

\_\_\_\_\_  
Elizabeth A. Klein  
Director  
Bureau of Ocean Energy Management

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Signatory:**

Massachusetts State Historic Preservation Officer (SHPO)

\_\_\_\_\_  
Brona Simon  
State Historic Preservation Officer  
Massachusetts Historical Commission

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Signatory:**

Rhode Island State Historic Preservation Officer (SHPO)

\_\_\_\_\_  
Jeffrey Emidy  
Executive Director and State Historic Preservation Officer  
Rhode Island Historical Preservation & Heritage Commission

Date: \_\_\_\_\_

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOAST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOAST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Signatory:**

Advisory Council on Historic Preservation (ACHP)

\_\_\_\_\_  
Reid J. Nelson  
Executive Director  
Advisory Council on Historic Preservation

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Invited Signatory:**

Mashantucket (Western) Pequot Tribal Nation

\_\_\_\_\_  
Rodney Butler  
Chairman  
Mashantucket (Western) Pequot Tribal Nation

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOAST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOAST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Invited Signatory:**

Mashpee Wampanoag Tribe

\_\_\_\_\_  
Brian Weeden  
Chairman  
Mashpee Wampanoag Tribe

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOAST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOAST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Invited Signatory:**

Wampanoag Tribe of Gay Head (Aquinnah)

\_\_\_\_\_  
Cheryl Andrews-Maltais  
Chairwoman  
Wampanoag Tribe of Gay Head (Aquinnah)

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Invited Signatory:**

SouthCoast Wind Energy LLC

\_\_\_\_\_  
Michael Brown  
Chief Executive Officer  
SouthCoast Wind Energy LLC

Date: \_\_\_\_\_

DRAFT



**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

United States Bureau of Safety and Environmental Enforcement (BSEE)

\_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

United States Bureau of Safety and Environmental Enforcement (BSEE)

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOAST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOAST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

United States Army Corps of Engineers (USACE)

\_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

United States Army Corps of Engineers (USACE)

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

Delaware Tribe of Indians

\_\_\_\_\_  
Brad KillsCrow  
Chief  
Delaware Tribe of Indians

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

Mohegan Tribe of Connecticut

\_\_\_\_\_  
James Gessner  
Chairman  
Mohegan Tribe of Connecticut

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

The Narragansett Indian Tribe

\_\_\_\_\_  
Anthony Dean Stanton  
Chief Sachem  
The Narragansett Indian Tribe

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

The Shinnecock Indian Nation

\_\_\_\_\_  
Lisa Goree  
Chairwoman  
The Shinnecock Indian Nation

Date: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

**Concurring Party:**

Organization: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

DRAFT

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,  
MASHPEE WAMPANOAG TRIBE,  
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),  
THE STATE HISTORIC PRESERVATION OFFICERS  
OF MASSACHUSETTS AND RHODE ISLAND,  
SOUTHCOAST WIND ENERGY LLC,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE SOUTHCOAST WIND PROJECT  
(LEASE NUMBER OCS-A 0521)**

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ARCHAEOLOGICAL RESOURCES



**ATTACHMENT 1 – LISTS OF INVITED GOVERNMENTS AND ORGANIZATIONS AND  
PARTICIPATING CONSULTING PARTIES**

DRAFT

**Table 1. Governments or Organizations Invited to Participate in NHPA Section 106 Consultation**

| Government or Organization Type                       | Invited Government or Organization Name                          |
|---|--|
| Federal Agencies or Facilities                        | U.S. Advisory Council on Historic Preservation (ACHP)            |
|   | U.S. Army Corps of Engineers (USACE)                             |
|   | U.S. Bureau of Safety and Environmental Enforcement (BSEE)       |
|   | U.S. National Park Service (NPS)                                 |
|   | U.S. Navy, Naval Facilities Engineering Systems Command (NAVFAC) |
|   | U.S. Navy, Naval History and Heritage Command                    |
| Federally Recognized Tribal Nations                   | Delaware Tribe of Indians  |
|   | Mashantucket (Western) Pequot Tribal Nation                      |
|   | Mashpee Wampanoag Tribe  |
|   | Mohegan Tribe of Indians of Connecticut                          |
|   | The Delaware Nation  |
|   | The Narragansett Indian Tribe                                    |
|   | The Shinnecock Indian Nation                                     |
|   | Wampanoag Tribe of Gay Head (Aquinnah)                           |
| SHPOs and State Agencies                              | Massachusetts Board of Underwater Archaeological Resources       |
|   | Massachusetts Commission on Indian Affairs                       |
|   | Massachusetts Historical Commission                              |
|   | Rhode Island Historical Preservation & Heritage Commission       |
| Non-Federally Recognized Historic Massachusetts Tribe | Chappaquiddick Tribe of the Wampanoag Nation                     |
| Local Government                                      | Barnstable County Board of Commissioners                         |
|   | Cape Cod Commission  |
|   | City of Cranston, Rhode Island                                   |
|   | City of East Providence, Rhode Island                            |
|   | City of Fall River, Massachusetts                                |
|   | City of New Bedford, Massachusetts                               |
|   | City of New Bedford, New Bedford Port Authority, Massachusetts   |
|   | City of Pawtucket, Rhode Island                                  |
|   | City of Providence, Rhode Island                                 |
|   | City of Warwick, Rhode Island                                    |
|   | County of Edgartown, Massachusetts                               |

| Government or Organization Type | Invited Government or Organization Name                        |
|---------------------------------|--|
|                                 | Dukes County Commission, Edgartown, Massachusetts              |
|                                 | Falmouth Historical Commission                                 |
|                                 | Martha's Vineyard Commission                                   |
|                                 | Nantucket Historic District Commission                         |
|                                 | Nantucket Historical Commission                                |
|                                 | Nantucket Planning and Economic Development Commission (NPEDC) |
|                                 | Town of Aquinnah, Massachusetts                                |
|                                 | Town of Barnstable, Massachusetts                              |
|                                 | Town of Barnstable, Historical Commission, Massachusetts       |
|                                 | Town of Barrington, Rhode Island                               |
|                                 | Town of Bristol, Rhode Island                                  |
|                                 | Town of Charlestown, Rhode Island                              |
|                                 | Town of Chilmark, Massachusetts                                |
|                                 | Town of Dartmouth, Massachusetts                               |
|                                 | Town of East Greenwich, Rhode Island                           |
|                                 | Town of Falmouth, Massachusetts                                |
|                                 | Town of Gosnold, Cuttyhunk Island, Massachusetts               |
|                                 | Town of Jamestown, Rhode Island                                |
|                                 | Town of Little Compton, Rhode Island                           |
|                                 | Town of Middletown, Rhode Island                               |
|                                 | Town of Nantucket, Massachusetts                               |
|                                 | Town of Narragansett, Rhode Island                             |
|                                 | Town of New Shoreham, Block Island, Rhode Island               |
|                                 | Town of Oak Bluffs, Massachusetts                              |
|                                 | Town of Portsmouth, Rhode Island                               |
|                                 | Town of Somerset, Massachusetts, Historical Commission         |
|                                 | Town of South Kingston, Wakefield, Rhode Island                |
|                                 | Town of Swansea, Massachusetts                                 |
|                                 | Town of Tisbury, Vineyard Haven, Massachusetts                 |
|                                 | Town of Tiverton, Rhode Island                                 |
|                                 | Town of Warren, Rhode Island                                   |
|                                 | Town of Westerly, Rhode Island                                 |

| Government or Organization Type          | Invited Government or Organization Name                |
|--|--|
|  | Town of Westport, Massachusetts                        |
| Nongovernmental Organizations or Groups  | Alliance to Protect Nantucket Sound (APNS)             |
|  | Charlestown Historical Society                         |
|  | Gay Head Lighthouse Advisory Board                     |
|  | Martha's Vineyard Museum                               |
|  | Massachusetts Historical Society                       |
|  | Museum of African American History, Boston             |
|  | Museum of African American History, Nantucket          |
|  | Nantucket Conservation Foundation                      |
|  | Nantucket Historical Association                       |
|  | Nantucket Preservation Trust                           |
|  | Oak Grove Cemetery Association of Falmouth, Inc.       |
|  | Preservation Massachusetts                             |
|  | Rhode Island Historical Society                        |
|  | South County History Center, Kingston, Rhode Island    |
|  | The Maria Mitchell Association (Dark Skies Initiative) |
| Trustees Martha's Vineyard and Nantucket |  |
| Vineyard Power Cooperative               |  |
| Lessee                                   | SouthCoast Wind Energy LLC                             |

**Table 2. Consulting Parties Participating in Section 106 Consultation**

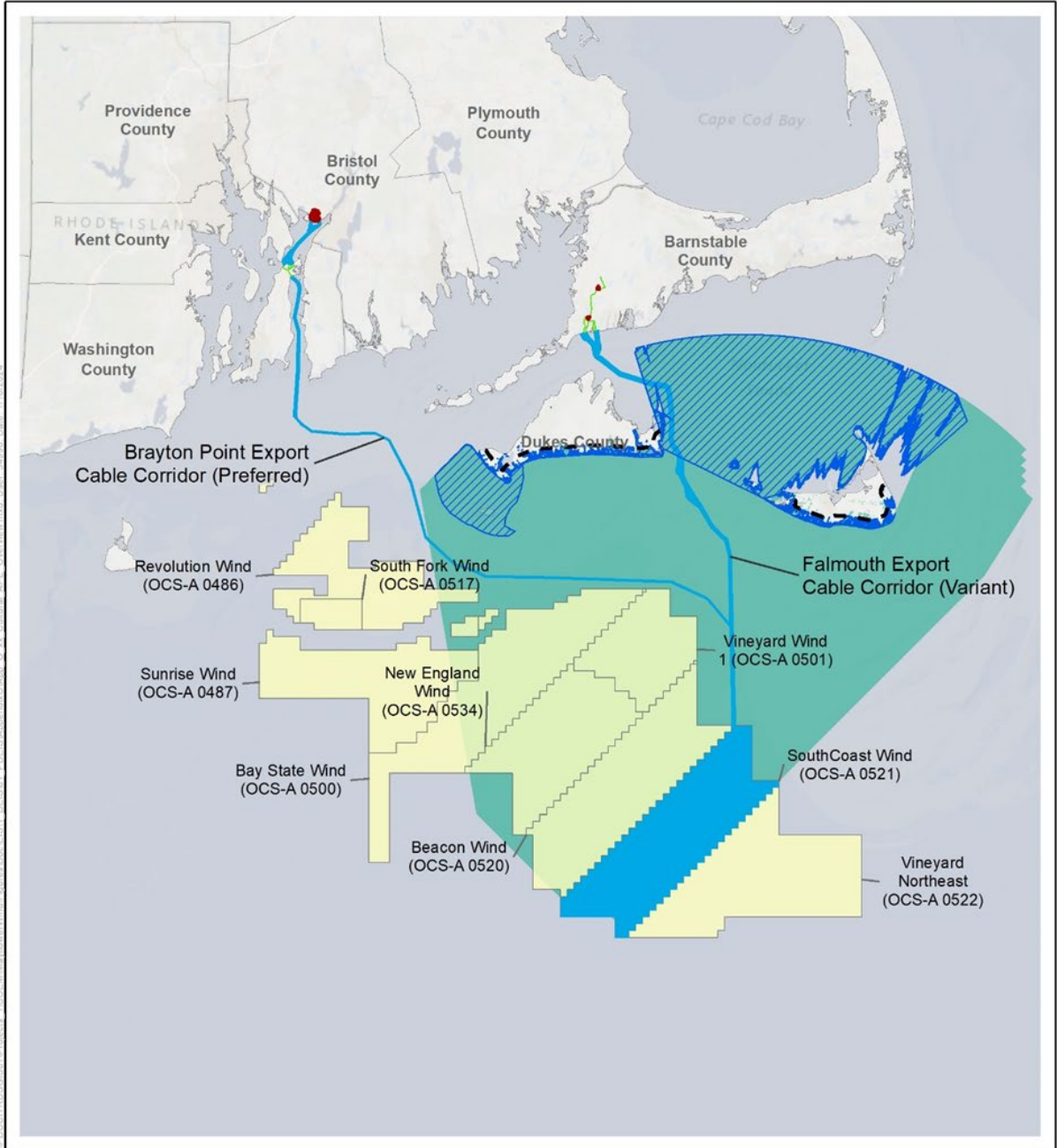
| Government or Organization Type                       | Participating Government or Organization Name   |
|---|---|
| Federal Agencies or Facilities                        | U.S. Advisory Council on Historic Preservation (ACHP)   |
|   | U.S. Bureau of Safety and Environmental Enforcement (BSEE)  |
|   | U.S. National Park Service (NPS)  |
|   | U.S. Army Corps of Engineers (USACE)  |
|   | U.S. Navy, Naval Facilities Engineering Systems Command (NAVFAC)  |
|   | U.S. Navy, Naval History and Heritage Command   |
| Federally Recognized Tribal Nations                   | Delaware Tribe of Indians   |
|   | Mashantucket (Western) Pequot Tribal Nation   |
|   | Mashpee Wampanoag Tribe   |
|   | Mohegan Tribe of Indians of Connecticut   |
|   | The Narragansett Indian Tribe   |
|   | The Shinnecock Indian Nation  |
|   | Wampanoag Tribe of Gay Head (Aquinnah)  |
| SHPOs and State Agencies                              | Massachusetts Board of Underwater Archaeological Resources (BUAR)   |
|   | Massachusetts Historical Commission (MHC)   |
|   | Rhode Island Historical Preservation & Heritage Commission (RIHPHC)   |
| Non-Federally Recognized Historic Massachusetts Tribe | Chappaquiddick Tribe of the Wampanoag Nation  |
| Local Government                                      | Cape Cod Commission   |
|   | City of East Providence, Rhode Island   |
|   | City of New Bedford and New Bedford Port Authority, Massachusetts   |
|   | Martha's Vineyard Commission  |
|   | Nantucket Historic District Commission  |
|   | Nantucket Historical Commission   |
|   | Nantucket Planning & Economic Development Commission (NPEDC, represented by Cultural Heritage Partners [CHP]) |
|   | Town of Aquinnah, Massachusetts   |
|   | Town of Barnstable, Massachusetts   |

| Government or Organization Type                  | Participating Government or Organization Name            |
|--|--|
|  | Town of Barnstable, Historical Commission, Massachusetts |
|  | Town of Bristol, Rhode Island                            |
|  | Town of Falmouth, Massachusetts                          |
|  | Town of Jamestown, Rhode Island                          |
|  | Town of Middletown, Rhode Island                         |
|  | Town of Nantucket, Massachusetts (represented by CHP)    |
|  | Town of Somerset, Historical Commission, Massachusetts   |
|  | Town of South Kingstown, Rhode Island                    |
|  | Town of Swansea, Massachusetts                           |
|  | Town of Swansea, Conservation Commission, Massachusetts  |
|  | Town of Warren, Rhode Island                             |
|  | Town of Westport, Massachusetts                          |
|  | Non-governmental Organizations or Groups                 |
| Gay Head Lighthouse Advisory Board               |  |
| Nantucket Preservation Trust                     |  |
| Oak Grove Cemetery Association of Falmouth, Inc. |  |
| The Maria Mitchell Association                   |  |
| Lessee   | SouthCoast Wind Energy LLC                               |

**ATTACHMENT 2 – APE MAPS**

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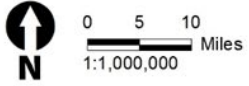




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- Terrestrial Area of Potential Effect
- Marine Area of Potential Effect
- Maximum WTG Tip Height
- Visual APE for Offshore Project Components
- Visual APE for Onshore Project Components
- Landward Limit of Field Confirmed Visibility
- Other BOEM Lease Areas

Source: SouthCoast Wind 2024.



**Figure 1. Project Area of Potential Effects**

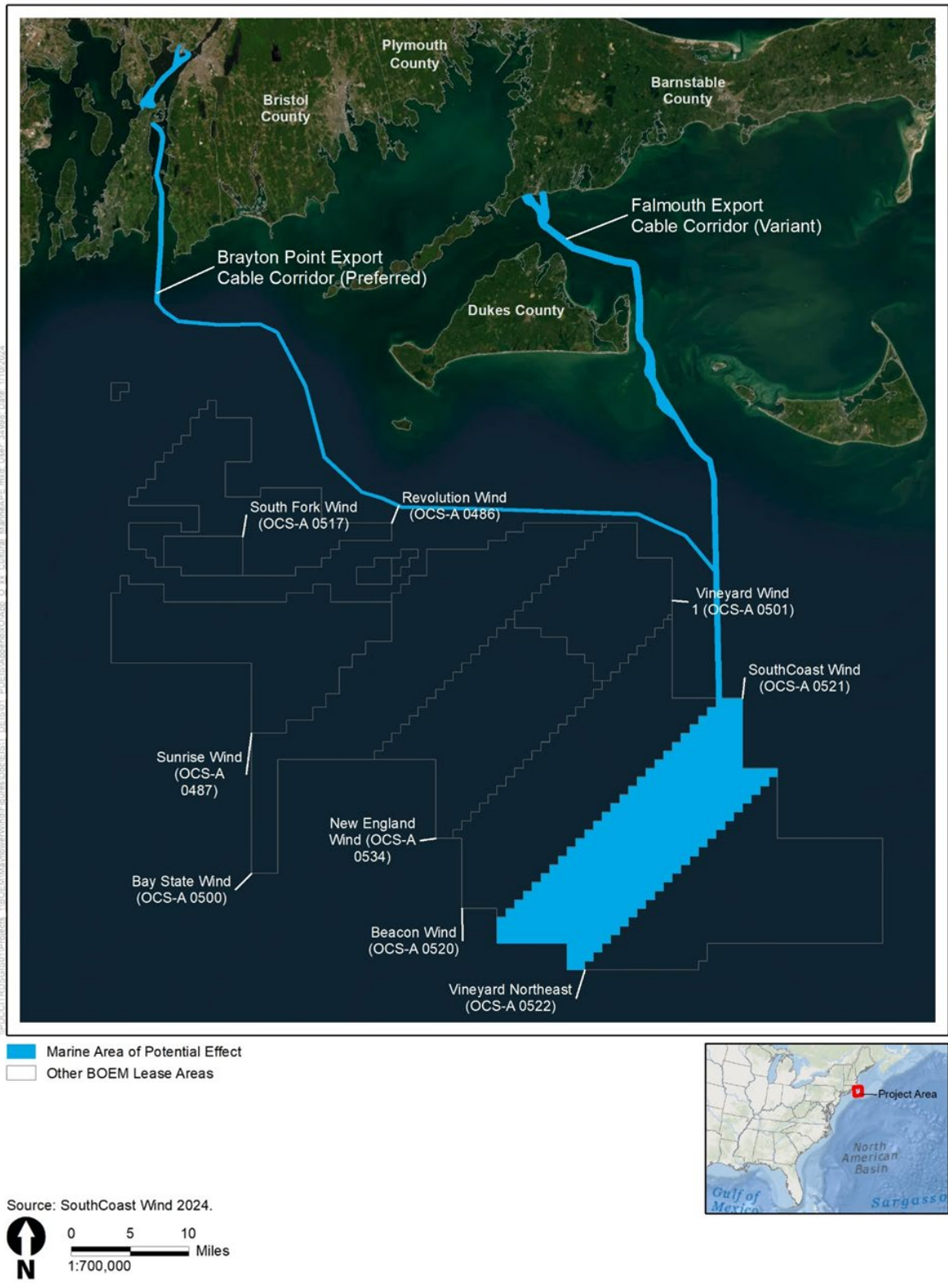
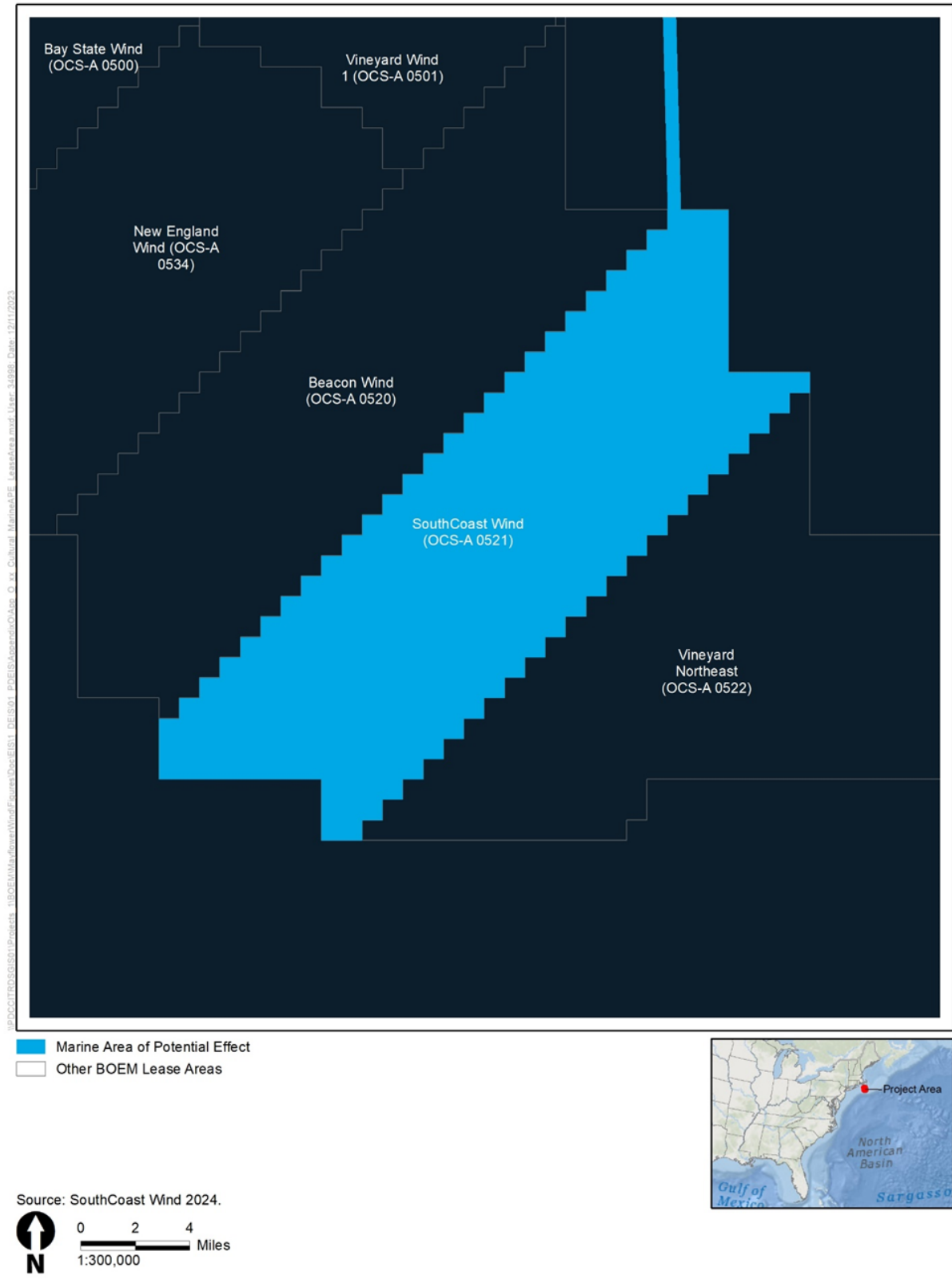
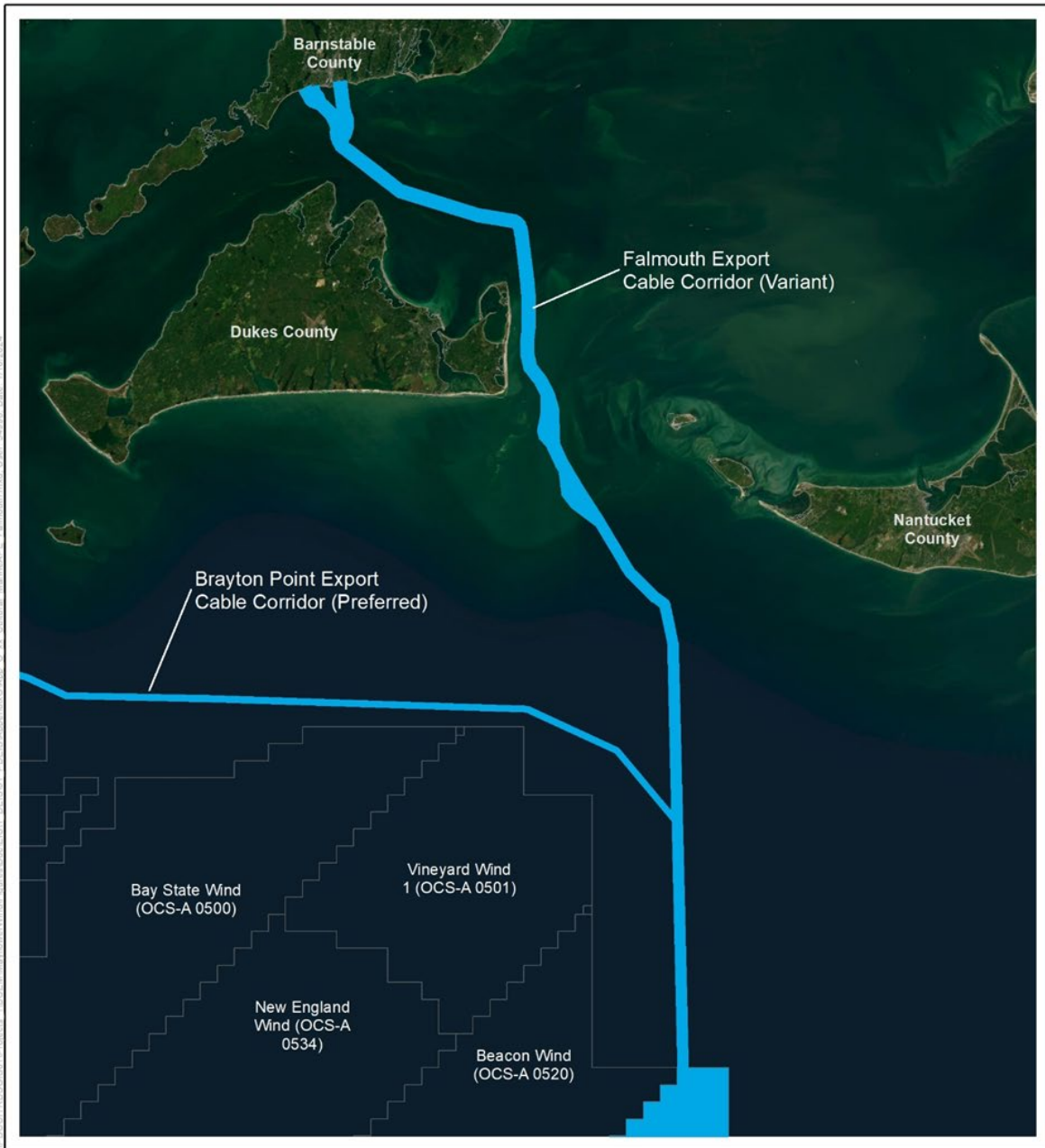


Figure 2. Marine APE



**Figure 3. Detail of Marine APE within the Lease Area**



■ Marine Area of Potential Effect  
 Other BOEM Lease Areas



Source: SouthCoast Wind 2024.

**Figure 4. Detail of Marine APE within the Falmouth Export Cable Route Corridor**





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Marine Area of Potential Effect  
 Other BOEM Lease Areas



Source: SouthCoast Wind 2024.  
  
 1:500,000

**Figure 5. Detail of Marine APE within the Brayton Point Export Cable Route Corridor**







Terrestrial Area of Potential Effect

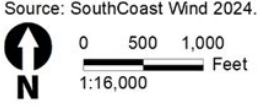


Figure 7. Detail of terrestrial APE for Aquidneck Island





■ Terrestrial Area of Potential Effect



Source: SouthCoast Wind 2024.



**Figure 8. Detail of terrestrial APE for Brayton Point**





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- Terrestrial Area of Potential Effect
- Marine Area of Potential Effect
- Maximum WTG Tip Height
- Landward Limit of Offshore PAPE
- Landward Limit of Field Confirmed Visibility

Source: SouthCoast Wind 2024.



**Figure 10. Detail of visual APE for offshore Project components for Martha's Vineyard**



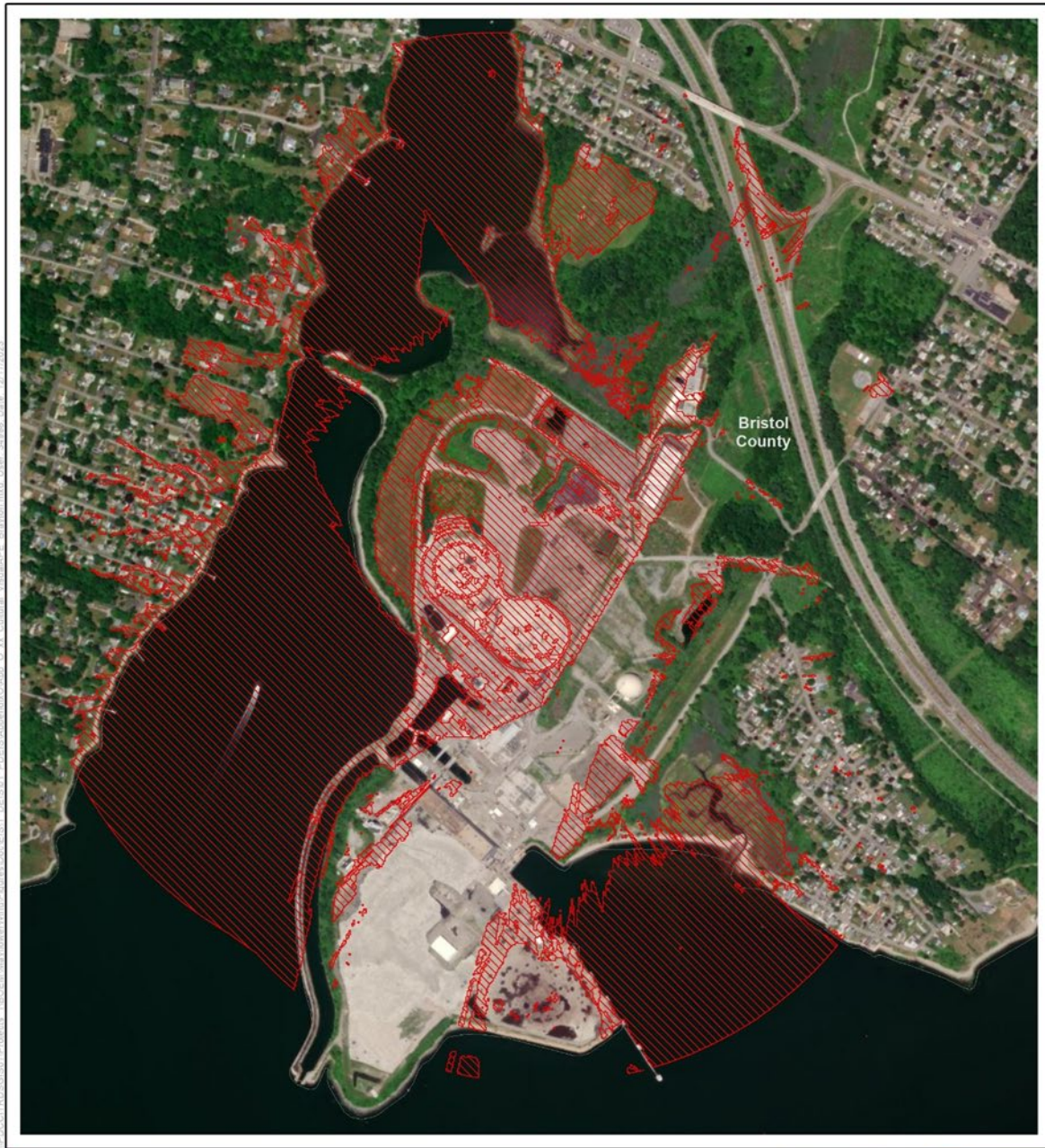











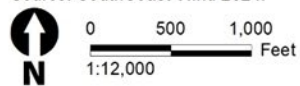


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 Visual APE for Onshore Project Components



Source: SouthCoast Wind 2024.



**Figure 14. Visual APE for onshore Project components, Brayton Point**



**ATTACHMENT 3 – FALMOUTH TERRESTRIAL ARCHAEOLOGICAL MONITORING  
PLAN (CONFIDENTIAL)**

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**ATTACHMENT 4 – AQUIDNECK ISLAND TERRESTRIAL ARCHAEOLOGICAL  
MONITORING PLAN (CONFIDENTIAL)**

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## ATTACHMENT 5 – MITIGATION FUNDING AMOUNTS

The mitigation measures in Stipulation III have been developed by individuals who meet the qualifications specified in the SOI's Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture (36 CFR 61) and are based on input from consulting parties. The mitigation measures consider the nature, scope, and magnitude of adverse effects caused by the Project and the qualifying characteristics of each historic property that would be affected. The funding amounts that follow are those that have been committed to by the Lessee, which is responsible for providing this funding, as developed in consultation with consulting parties. As detailed below, the Lessee would provide funding to support mitigation of all adverse effects caused by the Project as described in the MOA in Stipulation III. These costs are good-faith estimates, based on the experience of these qualified consultants with similar activities and comparable historic properties.

The mitigation funding amounts for each adversely affected historic property for which mitigation has been stipulated in Stipulation III are summarized in the lists below. The corresponding mitigation measures are summarized in more detail in Stipulation III and referenced HPTPs, where applicable.

### Mitigation Measures for Adversely Affected Historic Properties in the Marine APE

- Per Stipulation III.C, a maximum of \$700,000 for mitigation to resolve adverse effects on one marine archaeological resource (21-01) and two ASLFs (i.e., LA-P-20-01 and BP-P-21-02), including:
  - \$500,000 for Preconstruction Geoarchaeology and Post-Construction Seafloor Assessment.
  - \$200,000 for Scholarships and Training for Tribal Resource Stewardship.

### Mitigation Measures for Adversely Affected Historic Properties in the Terrestrial APE

- Per Stipulation III.D, mitigation to resolve adverse effects on two terrestrial archaeological resources (i.e., RI-2816 and RI-2817), for:
  - Phase III Archaeological Data Recovery.
    - The Lessee has budgeted \$30,000 for completion of this mitigation measure; however, completion of this mitigation measure consistent with the description in the MOA and in the HPTP is required regardless of actual cost at the time of implementation.

### Mitigation Measures for Adversely Affected Historic Properties in the Visual APE

- Per Stipulation III.E, a maximum of \$610,000 for mitigation to resolve adverse effects on the following three (3) adversely affected historic properties in the visual APE as follows:
  - \$100,000 for the implementation of the *Historic Properties Treatment Plan for Chappaquiddick Traditional Cultural Place* (Attachment 10) for Chappaquiddick Island TCP.
  - \$150,000 for the implementation of the *Historic Properties Treatment Plan for Nantucket Historic District* (Attachment 11) for Nantucket Historic District NHL.
  - \$360,000 for the implementation of the *Historic Properties Treatment Plan for Nantucket Sound Traditional Cultural Place* (Attachment 12) for Nantucket Sound TCP.

- Per Stipulation III.E, mitigation to resolve adverse effects on the Oak Grove Cemetery in the visual APE as follows:
  - Implementation of the *Historic Properties Treatment Plan for Oak Grove Cemetery* (Attachment 13) for Oak Grove Cemetery in Falmouth, Massachusetts.
    - The Lessee has budgeted \$15,000 for completion of this mitigation measure; however, full completion of this mitigation measure consistent with the description in the MOA and in the HPTP is required, regardless of actual cost at the time of implementation. This mitigation measure would be funded and implemented by the Lessee if the variant Falmouth ECC is utilized.

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**ATTACHMENT 6 – HISTORIC PROPERTIES TREATMENT PLAN FOR ANCIENT  
SUBMERGED LANDFORMS AND SUBMERGED CULTURAL RESOURCES**

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## Appendix Q.4: Draft Historic Properties Treatment Plan for Ancient Submerged Landforms and Submerged Cultural Resources

|                                 |  |
|---------------------------------|--|
| <b>Document Revision:</b>       | E  |
| <b>Issue Date:</b>              | June 2024                                    |
| <b>Security Classification:</b> | Confidential                                 |
| <b>Disclosure:</b>              | For use by BOEM and Authorized Third Parties |



**APPENDIX Q.4**

**HISTORIC PROPERTIES TREATMENT PLAN FOR ANCIENT  
SUBMERGED LANDFORMS AND SUBMERGED CULTURAL  
RESOURCES**

Confidential Document

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## Abbreviations

| <b>Abbreviations</b> | <b>Definition</b>  |
|----------------------|--|
| ac                   | acres  |
| Alpine               | Alpine Ocean Seismic Survey, Inc.                              |
| ASLF                 | Ancient Submerged Landforms                                    |
| APE                  | Area of Potential Effects                                      |
| BOEM                 | Bureau of Ocean Energy Management                              |
| bsb                  | below seabed   |
| BUAR                 | Board of Underwater Archaeological Resources                   |
| CFR                  | Code of Federal Regulations                                    |
| COP                  | Construction and Operations Plan                               |
| CPT                  | cone penetration test  |
| ECC                  | Export Cable Corridor  |
| ft                   | feet   |
| Fugro                | Fugro USA Marine, Inc.   |
| Geoquip              | Geoquip Marine Operations AG                                   |
| ha                   | hectares   |
| HPTP                 | Historic Properties Treatment Plan                             |
| HRG                  | high-resolution geophysical                                    |
| IAC                  | inter-array cable  |
| km                   | kilometers   |
| m                    | meters   |
| SouthCoast           | SouthCoast Wind Energy LLC                                     |
| MARA                 | Marine Archaeological Resource Assessment                      |
| MA SHPO              | Massachusetts State Historic Preservation Office               |
| MHC                  | Massachusetts Historic Commission                              |
| mi                   | miles  |
| NEPA                 | National Environmental Policy Act                              |
| NHPA                 | National Historic Preservation Act                             |
| nm                   | nautical miles   |
| NRHP                 | National Register of Historic Places                           |
| OCS                  | Outer Continental Shelf  |
| OSP                  | offshore substation platform                                   |
| OW                   | Ocean Winds North America LLC                                  |
| PFR                  | Preliminary Feature Report                                     |
| QMA                  | Qualified Marine Archaeologist                                 |
| RCG&A                | R. Christopher Goodwin & Associates                            |
| RIHP&HC              | The Rhode Island Historical Preservation & Heritage Commission |
| RI SHPO              | Rhode Island State Historic Preservation Office                |
| ROV                  | Remoted Operated Vehicle                                       |
| SCPT                 | seismic cone penetration test                                  |
| SUP                  | Special Use Permit   |
| WTG                  | wind turbine generators  |

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## EXECUTIVE SUMMARY

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This draft Historic Properties Treatment Plan (HPTP) for Ancient Submerged Landforms (ASLFs) and submerged cultural resources (Targets) adversely affected by the SouthCoast Wind Energy LLC (SouthCoast Wind) (formerly known as Mayflower Wind Energy LLC) (Project) project provides background data, historic property information and steps to carry out the mitigation. The mitigation plans are based on Section 106 of the National Historic Preservation Act of 1966 (NHPA) and in consultation with the Bureau of Ocean Energy Management (BOEM), Tribal Historic Preservation Offices, Massachusetts Historic Commission (MHC), which serves as the Massachusetts State Historic Preservation Office (MA SHPO), the Massachusetts Board of Underwater Archaeological Resources (BUAR), and The Rhode Island Historical Preservation & Heritage Commission (RIHPHC) which serves as the Rhode Island Historic Preservation Office (RI SHPO).

Mitigation measures will be outlined in this plan, with satisfaction to the requirements of Section 106 of the NHPA of 1966, as amended regulations 36 Code of Federal Regulations (CFR) 800, entitled “Protection of Historic Properties.” The Project must also work in accordance with the National Environmental Policy Act of 1969 (NEPA), Archaeological and Historic Preservation Act of 1974, the Abandoned Shipwreck Act of 1988 (43 U.S.C. 2101-2106), Title 36 of the CFR, Parts 60-66 and 800. Studies within the Lease Area and in federal waters were pursuant to BOEM (2020a and 2020b) guidelines for renewable energy projects. Surveys in states waters were coordinated at the state level with MA SHPO/ MHC, BUAR, and RIHPHC.

The timelines for the mitigation measures will be based on the consultation with the parties listed above and in Section 4 Implementation. After agreeing on measures that will be implemented for mitigation, the final version of the HPTP will be reviewed by BOEM and relevant Participating Parties.

The following draft of the HPTP is organized in the sections as listed below:

## **Executive Summary**

### **Section 1 Background Information**

This section outlines the Project conducted by SouthCoast Wind Energy LLC and the general information of the HPTP.

### **Section 2 Summary of Historic Property**

This section summarized the Targets and the ASLFs that may be affected in the development of the SouthCoast Wind Project. This section specifically focuses on the findings in the Marine Archaeological Resource Assessment (MARA) report that is located in the full version of the Construction and Operations Plan (COP) under Appendix Q.

### **Section 3 Mitigation Measures**

This section reviews the mitigation measures that can be proposed based on the findings of the MARA, and the consultation with BOEM, and relevant Participating Parties.

### **Section 4 Implementation**

This section goes over how to complete the mitigation measures that were proposed in Section 3. This section presents an overview of the timelines and requirements of the interested Participating Parties.

### **Section 5 References**

This section is a work cited page for the references used during the HPTP.

# 1. BACKGROUND INFORMATION

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## 1.1 Project Overview

SouthCoast Wind is a project fully owned by Ocean Winds North America LLC (OW). The Project consists of three major sections; the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) (OCS-A 0521) (Lease Area), and two Export Cable Corridors (ECCs) to two points of interconnection, located at Falmouth, Massachusetts and Brayton Point in Somerset, Massachusetts (Figure 1.1-1). The Project Area of Potential Effects (APE) includes these components stated above as well as a 1-kilometer (km) (1-mile [mi]) buffer around each area. The vertical APE for the two ECCs is approximately 5 meters (m) (16.4 feet [ft]) below seabed (bsb).

The Lease Area is located approximately 48 km (26 nautical miles [nm]) south of Martha's Vineyard, Massachusetts and over 37 km (20 nm) from Nantucket, Massachusetts. The Lease Area is approximately 48 km (26 nm) in length and 14 km (8 nm) in width resulting in an area of approximately 51,552 hectares (ha) (127,388 acres [ac]). The Lease Area has an APE of 12,991.60 ha (32,102.94 ac) and will have two submarine ECCs, which will connect to the landfall locations in Falmouth, Massachusetts and Brayton Point, in Somerset, Massachusetts. SouthCoast Wind's Project Design Envelope consists of up to 147 wind turbine generators (WTGs) at a total of 149 positions on a one-by-one nautical mile grid layout within the Lease Area.

The Falmouth ECC exits the Lease Area and travels north along the Muskeget Channel between Martha's Vineyard and Nantucket before turning northwest to the landing in Falmouth. The Brayton Point ECC will run north and west from the Lease Area traveling through Rhode Island Sound, the Sakonnet River, and Mount Hope Bay, reaching landfall at Brayton Point, in Somerset, Massachusetts. The Brayton Point ECC is planned to route north up the Sakonnet River to a point south of the Old Stone Bridge in Tiverton, RI before crossing over Aquidneck Island, in Portsmouth, RI to Mount Hope Bay, and running north to Brayton Point, in Somerset, MA. There are currently two landings under consideration for the Brayton Point ECC; one heading northwest through the Lee River to the western side of Brayton Point (preferred) and the other traveling northeast through Mount Hope Bay before heading northwest to a landfall via the Taunton River (alternate).



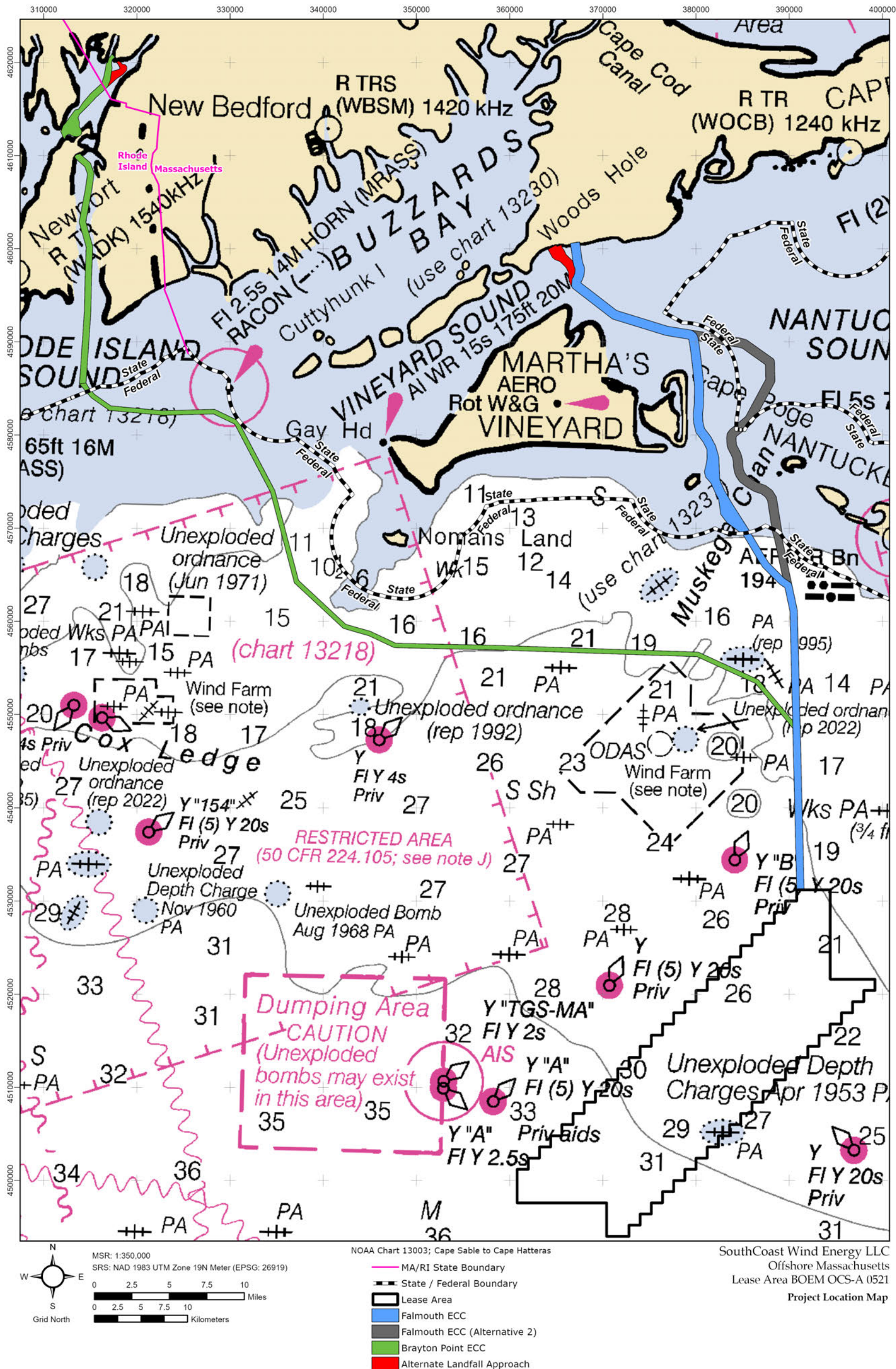


Figure 1.1-1. SouthCoast Wind Locator Map



### **1.1.1 Bottom Disturbing Activities**

The seabed of the APE will be impacted by the construction of the foundations, WTGs, offshore substation platforms (OSPs), and inter-array cables. Seafloor disturbance during installation of a WTG typically results from jacking and/or anchoring activities associated with vessel operations; the type and number of vessels required for the installation is determined by the foundation design selected (e.g., monopile, piled jacket, suction bucket, gravity base, etc.) and the complexity of the installation process. To resist pressure from strong currents or destabilization from undercutting, an engineering design plan will determine the appropriate scour protection for WTG/OSP foundations.

The inter-array cable (IAC) system connects the WTGs to the OSPs through a series of submarine IACs. Each IAC will be installed within a construction corridor and buried to a target depth determined by seabed conditions. Within the Falmouth ECC, up to five submarine offshore export cables, including up to four power cables and up to one dedicated communications cable, will be installed. Within the Brayton Point ECC, up to six submarine offshore export cables, including up to four power cables and up to two dedicated communications cables, will be installed, from one or more OSP(s) within the Lease Area. The installation methodology for all sea-to-shore transitions will be horizontal directional drilling (HDD).

For both IACs and offshore ECCs, if the appropriate cable depth is not achieved during installation or where a cable crossing is required, secondary cable protection in the form of rock placement, concrete mattress placement, or other protection methods may be used.

### **1.2 Historic Property Treatment Plan (HPTP) and Section 106 of the National Historic Preservation Act (NHPA)**

This HPTP is designed to comply with Section 106 and provides background data, historic property information, and information on how to proceed with the mitigation plan during the consultation with BOEM and other relevant Participating Parties.

### **1.3 Participating Parties**

For the purposes of this HPTP, Participating Parties are defined as a subset of the NHPA Section 106 consulting parties that have a functional role in the process of fulfilling the mitigation measure implementation processes described herein. Participating Parties with an interest in the potential adversely affected historic properties as summarized in the list below.

- The Massachusetts Historical Commission
- The Massachusetts Board of Underwater Archaeological Resources
- Rhode Island Historical Preservation & Heritage Commission



- Mashpee Wampanoag Tribe
- Narragansett Indian Tribe
- Wampanoag Tribe of Gay Head (Aquinnah)
- Mashantucket Pequot Tribal Nation
- Delaware Tribe of Indians
- Shinnecock Indian Tribe of New York

## 2. SUMMARY OF HISTORIC PROPERTY

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Targets and ASLFs were found both in the Lease Area and in ECCs. There was a total of 16 ASLFs identified within the APE as follows: one in the Lease Area; 11 in Falmouth ECC; and four in Brayton Point ECC. There was a total of 46 targets found in the APE as follows: five in the Lease Area; 16 in Falmouth ECC; and 25 in Brayton Point ECC. Targets and ASLFs were given an avoidance area if deemed necessary by the QMA. Avoidance areas differed depending on the cultural remains of either the targets or the ASLFs, but not all targets and ASLFs were given an avoidance area due to their lack in cultural integrity. Further details on the targets and ASLFs are included in the MARA (COP Appendix Q).

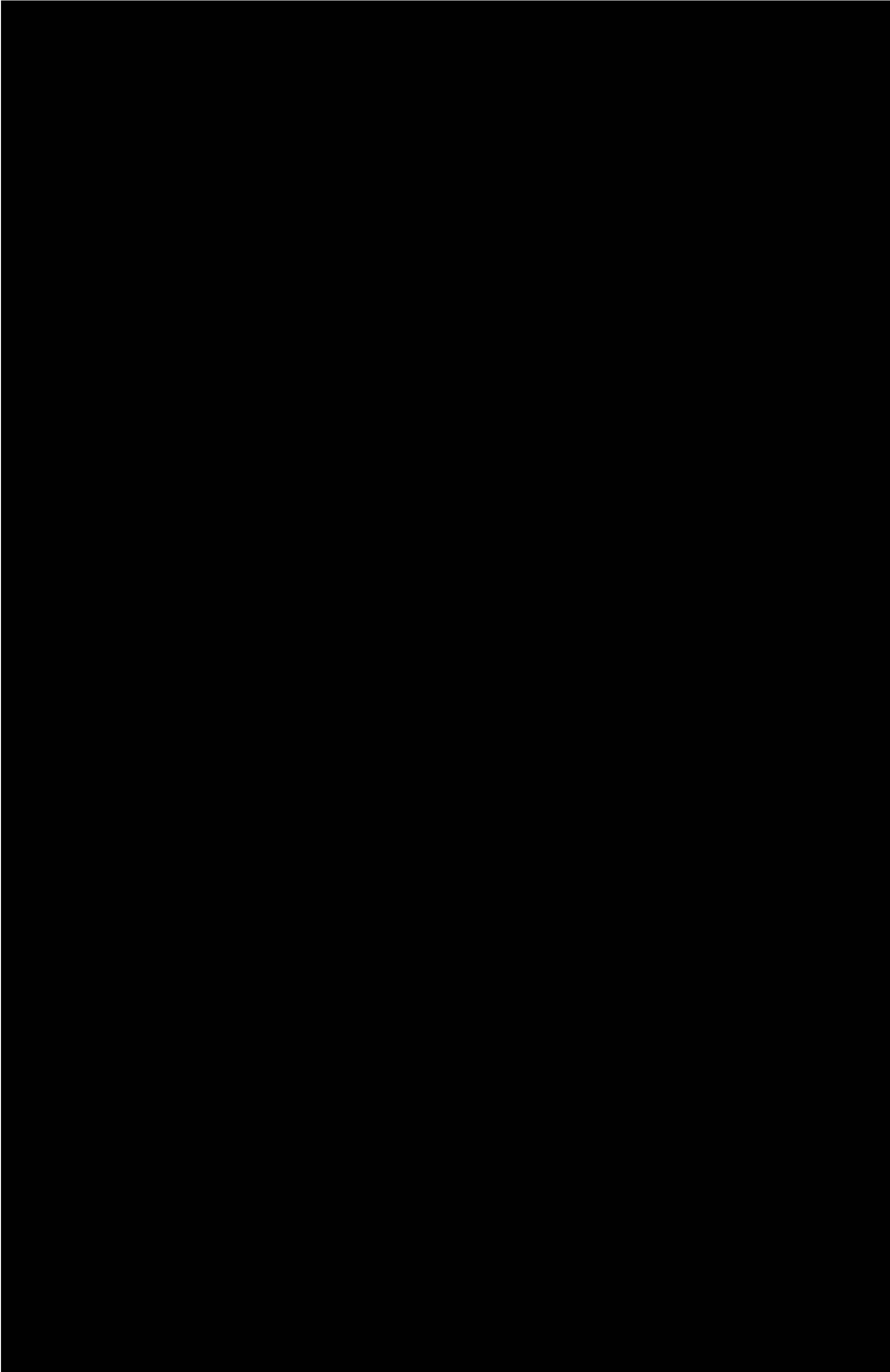
### 2.1 Ancient Submerged Landforms

There was a total of 16 ASLFs located within the APE. Fifteen (15) of those ASLFs were given an avoidance area. The 15 ASLFs that were given an avoidance area fell within the Falmouth ECC (Figure 2.1-1) and the Brayton Point ECC (Figure 2.1-2).

#### 2.1.1 Physical Description and Existing Conditions

ASLFs are preserved landforms that have the potential to contain cultural resources. Features that were given an avoidance area have the potential for preservation and were sub-aerially exposed during a period of potential human habitation. The one ASLF within the Lease Area underwent sediment testing from a core sample taken within the feature. Analysis found that the sediments within the sample were heavily reworked and, as such, is unlikely to contain intact and in situ cultural materials, and no avoidance buffer was recommended. Eleven ASLFs located within the Falmouth ECC and four located within the Brayton Point ECC were assigned avoidance areas based on the extents of the features observed within the seismic data, with an additional 50 m (164 ft) buffer off the horizontal extents.

Table 2.1.1-1 shows the 16 ASLFs, their avoidance areas, and their minimum depth bsb. The table also denotes exactly which Project component, if any, the ASLF would have the potential by which to be impacted. Within the Falmouth ECC, four ASLFs have the potential to be impacted by project components. Within the Brayton Point ECC, four ASLFs have the potential to be impacted by Project components. Other ASLFs either do not overlap with planned Project components or are located at a depth which is below the component's APE and is not expected to be impacted.



**Figure 2.1-1** Locator map of ASLFs marked for avoidance along the Falmouth ECC

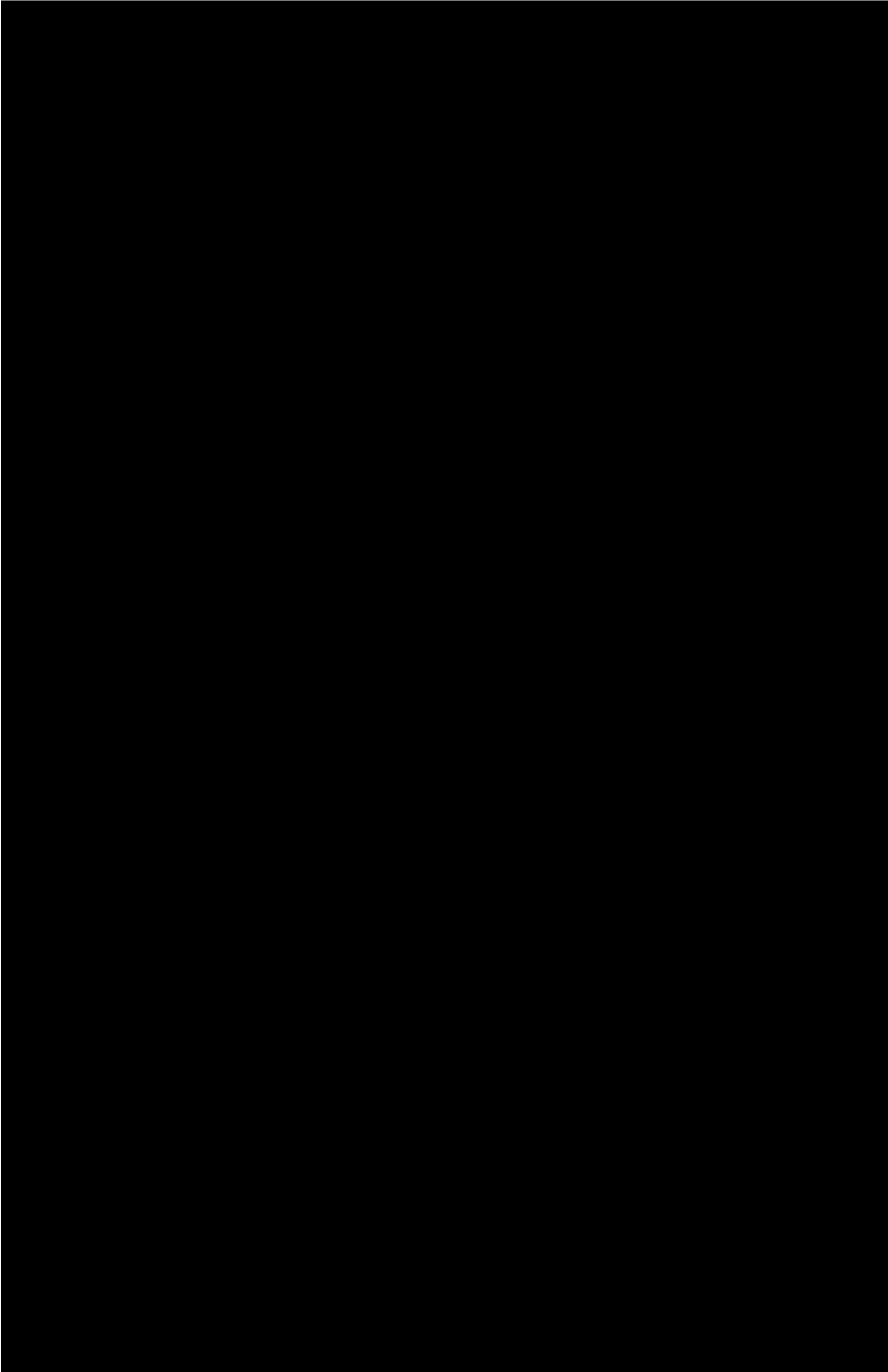


Figure 2.1-2. Locator map of ASLFs marked for avoidance along the Brayton Point ECC

**Table 2.1.1-1. Possibly preserved ASLFs within the SouthCoast Wind APE**

| ASLF ID                       | Centroid Easting (X) <sup>1</sup> | Centroid Northing (Y) <sup>1</sup> | Centroid Longitude <sup>2</sup> | Centroid Latitude <sup>2</sup> | Depth m (minimum bsb) | Recommended Avoidance ha (ac) | Within APE of Project Component | SouthCoast Wind Avoidance Commitment |
|-------------------------------|-----------------------------------|------------------------------------|---------------------------------|--------------------------------|-----------------------|-------------------------------|---------------------------------|--------------------------------------|
| <b>Lease Area 2020</b>        |                                   |                                    |                                 |                                |                       |                               |                                 |                                      |
| LA-P-20-01 <sup>3</sup>       | ██████                            | ██████                             | ██████                          | ██████                         | -8.09 (-26.54 ft)     | No avoidance recommended      | -                               | N/A                                  |
| <b>Falmouth ECC 2020</b>      |                                   |                                    |                                 |                                |                       |                               |                                 |                                      |
| FM-P-20-01                    | ██████                            | ██████                             | ██████                          | ██████                         | -6.24 (-20.47 ft)     | 10.27 (25.39)                 | -                               | N/A                                  |
| <b>Falmouth ECC 2021</b>      |                                   |                                    |                                 |                                |                       |                               |                                 |                                      |
| FM-P-21-01A                   | ██████                            | ██████                             | ██████                          | ██████                         | -6.1 (-20.01 ft)      | 3.44 (8.50)                   | -                               | N/A                                  |
| FM-P-21-01B                   | ██████                            | ██████                             | ██████                          | ██████                         | -5.3 (-17.39 ft)      | 3.97 (9.81)                   | -                               | N/A                                  |
| FM-P-21-01C                   | ██████                            | ██████                             | ██████                          | ██████                         | -5.8 (-19.03 ft)      | 6.62 (43.00)                  | -                               | N/A                                  |
| FM-P-21-02                    | ██████                            | ██████                             | ██████                          | ██████                         | -11.7 (-38.39 ft)     | 3.53 (8.73)                   | -                               | N/A                                  |
| FM-P-21-03                    | ██████                            | ██████                             | ██████                          | ██████                         | -14.4 (-47.24 ft)     | 2.68 (6.62)                   | -                               | N/A                                  |
| FM-P-21-04A                   | ██████                            | ██████                             | ██████                          | ██████                         | -5 (-16.40 ft)        | 2.36 (5.83)                   | ECC                             | Avoid                                |
| FM-P-21-04B                   | ██████                            | ██████                             | ██████                          | ██████                         | -4 (-13.12 ft)        | 7.90 (19.51)                  | ECC                             | Avoid                                |
| FM-P-21-05                    | ██████                            | ██████                             | ██████                          | ██████                         | -4.2 (-13.78 ft)      | 4.88 (12.06)                  | ECC                             | Avoid                                |
| FM-P-21-06                    | ██████                            | ██████                             | ██████                          | ██████                         | -5.4 (-17.72 ft)      | 13.71 (33.87)                 | -                               | N/A                                  |
| FM-P-21-07                    | ██████                            | ██████                             | ██████                          | ██████                         | -2.8 (-9.19 ft)       | 2.16 (5.35)                   | ECC                             | Avoid                                |
| <b>Brayton Point ECC 2021</b> |                                   |                                    |                                 |                                |                       |                               |                                 |                                      |
| BP-P-21-01A                   | ██████                            | ██████                             | ██████                          | ██████                         | -4.6 (-15.09 ft)      | 5.72 (14.13)                  | ECC                             | Avoid                                |
| BP-P-21-01B                   | ██████                            | ██████                             | ██████                          | ██████                         | -4.8 (-15.75 ft)      | 4.75 (11.74)                  | ECC                             | Avoid                                |
| BP-P-21-02                    | ██████                            | ██████                             | ██████                          | ██████                         | -3.7 (-12.14 ft)      | 7.41 (18.30)                  | ECC                             | TBD <sup>4</sup>                     |
| BP-P-21-03                    | ██████                            | ██████                             | ██████                          | ██████                         | -4.1 (-13.45 ft)      | 5.59 (13.82)                  | ECC                             | Avoid                                |

<sup>1</sup>Project coordinates are referenced to UTM Zone 19N, NAD83 (EPSG:26919), (m).

<sup>2</sup>Geographic coordinates are in decimal degrees referenced to NAD83 (EPSG:26919)

<sup>3</sup>Determined not to be preserved by SouthCoast Wind QMA with no avoidance recommended. However, BOEM has requested that SouthCoast Wind consider this ASLF to be an intact landform and therefore proposed mitigation measures have been included in this HPTP.

<sup>4</sup> SouthCoast Wind is still evaluating the feasibility to micro-route around these features.

### 2.1.2 Historic Context

The location of ASLFs is important because they are used to establish the locations of potential settlements by pre-contact peoples. The paleolandscape reconstruction suggests that it may retain deposits that supported human occupation from the terminal Pleistocene until submergence. Evidence for such occupation is dependent upon the preservation potential within the Study Area. Overall, the Lease Area has a low to moderate probability for preserved landforms with the potential to contain cultural resources. The Falmouth ECC is also recognized to have a low probability for preserved landforms with the potential to contain cultural resources, with the exception of Nantucket Sound (Robinson et al 2004). All of the targets along the Falmouth ECC appear to be possibly part of the same channel feature extending from Chappaquiddick into the Nantucket Sound. Nearshore to Chappaquiddick, also contains areas of preservation. Therefore, the Nantucket Sound should be considered as having a moderate probability for preserved landforms with the potential to contain cultural resources. The Brayton Point ECC has a low probability for preserved landforms with the potential to contain cultural resources.

### 2.1.3 National Register of Historic Places (NRHP) Criteria

ASLFs are imperative to understanding pre-contact people and therefore fall under the NRHP under Criterion D. ASLFs are also considered archaeologically sensitive due to the potential for undiscovered archaeological materials to be present and retains sufficient integrity that could be eligible for listing on the NRHP.

## 2.2 Submerged Cultural Resources

There was a total of 46 targets found in the APE: five in the Lease Area (Figure 2.2-1); 16 in Falmouth ECC (Figure 2.2-2); and 25 in Brayton Point ECC (Figure 2.2-3, Figure 2.2-4, Figure 2.2-5 and Figure 2.2-6). Of the 26 targets within the Brayton Point ECC, 13 targets were not considered for eligible for the National Register of Historic Places. The archaeological avoidance areas are determined using several factors. Targets with a small visual footprint (i.e., <5 m [16.4 ft]), are protected by a recommended minimum 50-m (164-ft) radius (7,853.98 m<sup>2</sup> [84,539.54 ft<sup>2</sup>]) extending from the target's centroid. For targets having a larger visual footprint, a minimum 50-m (164-ft) buffer is established off all extant features, typically creating an ellipsoid or polygon-shaped avoidance area. Targets that were originally marked by Preliminary Feature Report (PFR), but determined to not be culturally significant, were assigned a target area (avoidance not recommended). For each target, the QMA ensures that all associated magnetic responses, which are visualized in the magnetic contour mapping, are encompassed within the avoidance area to adequately protect possible buried features. The target coordinates reported are based on the centroid coordinates, whether a radius, elliptical or polygon-shaped avoidance area.

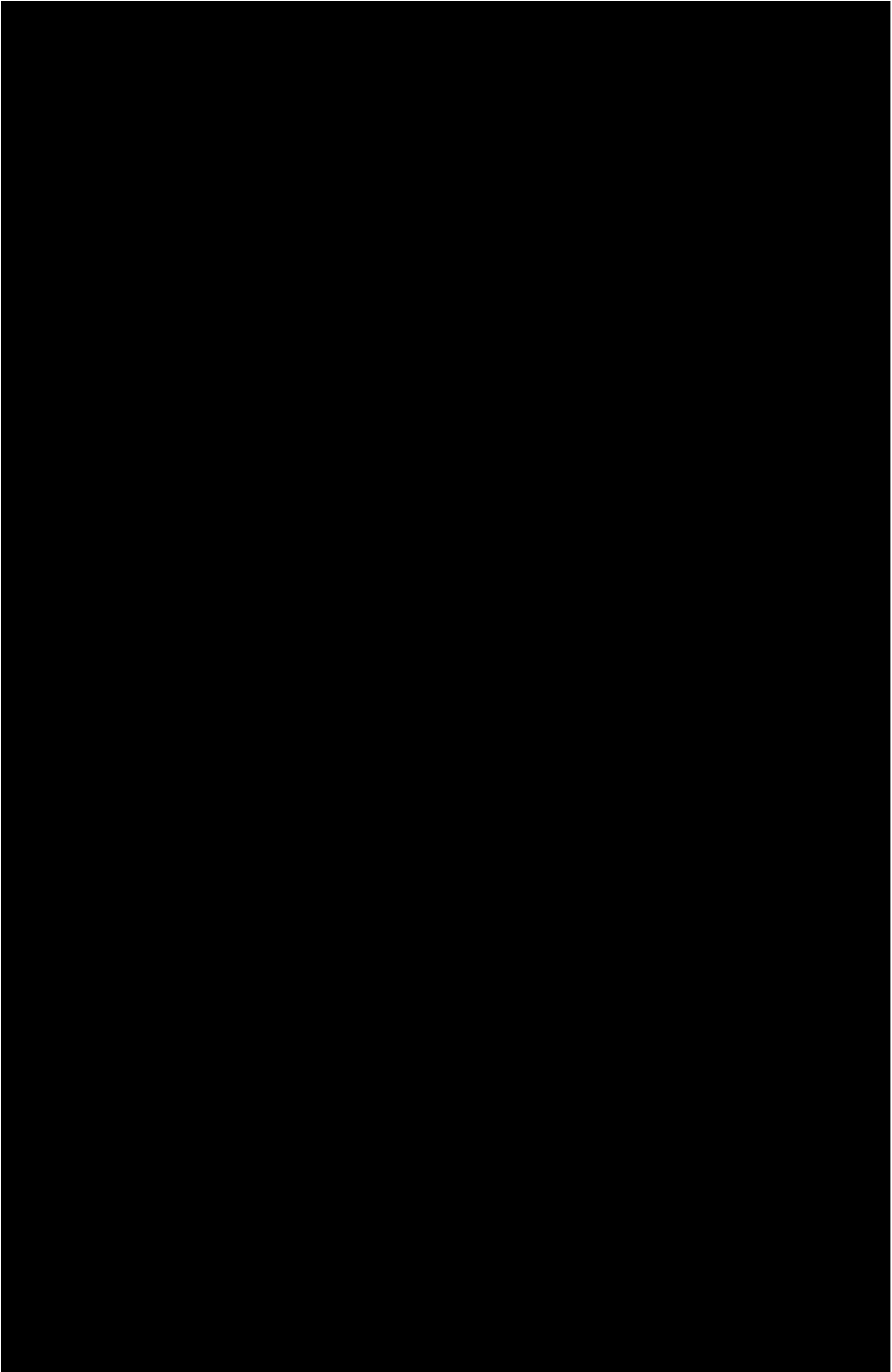


Figure 2.2-1. Locator map of targets in the Lease Area

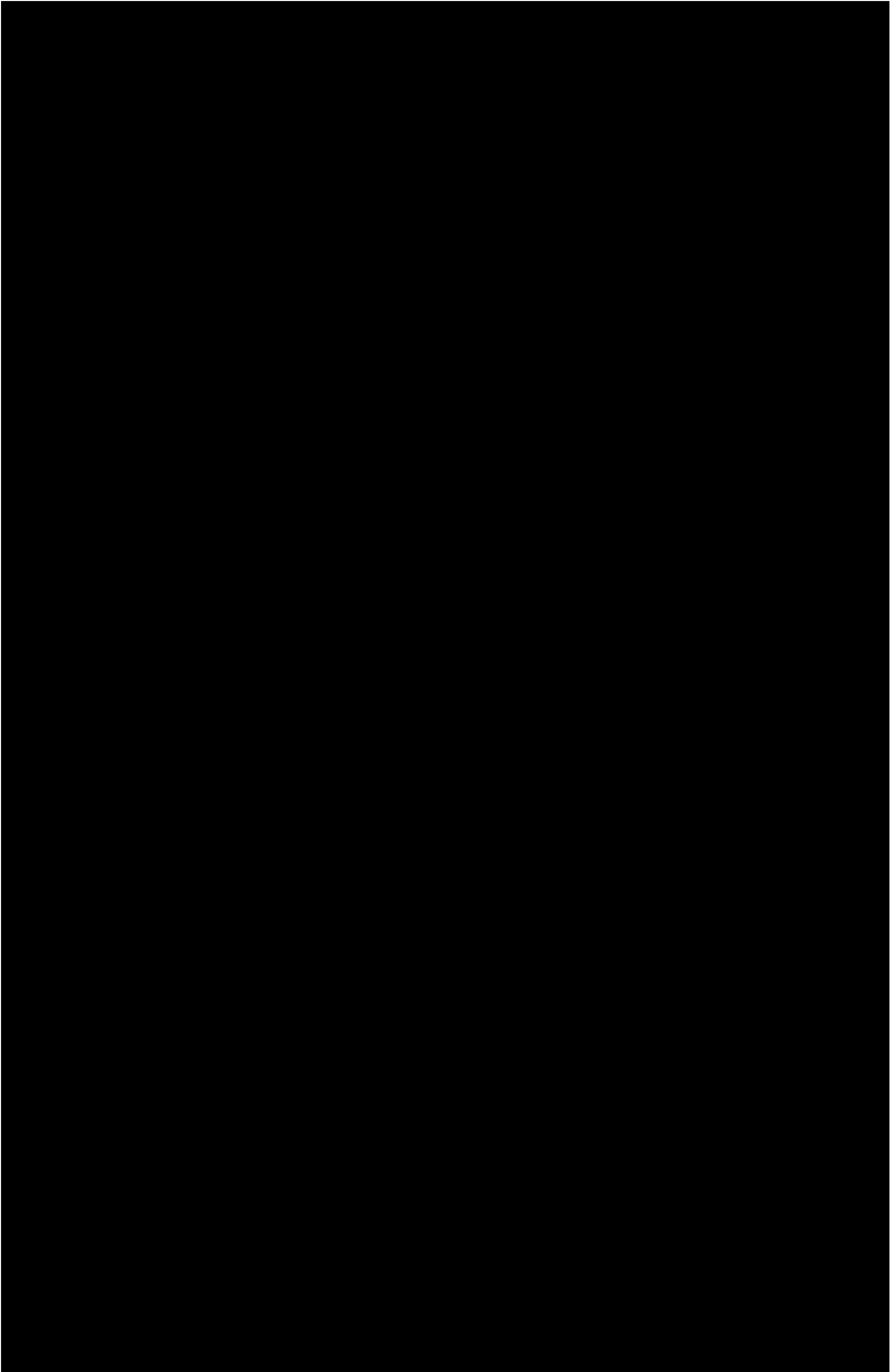
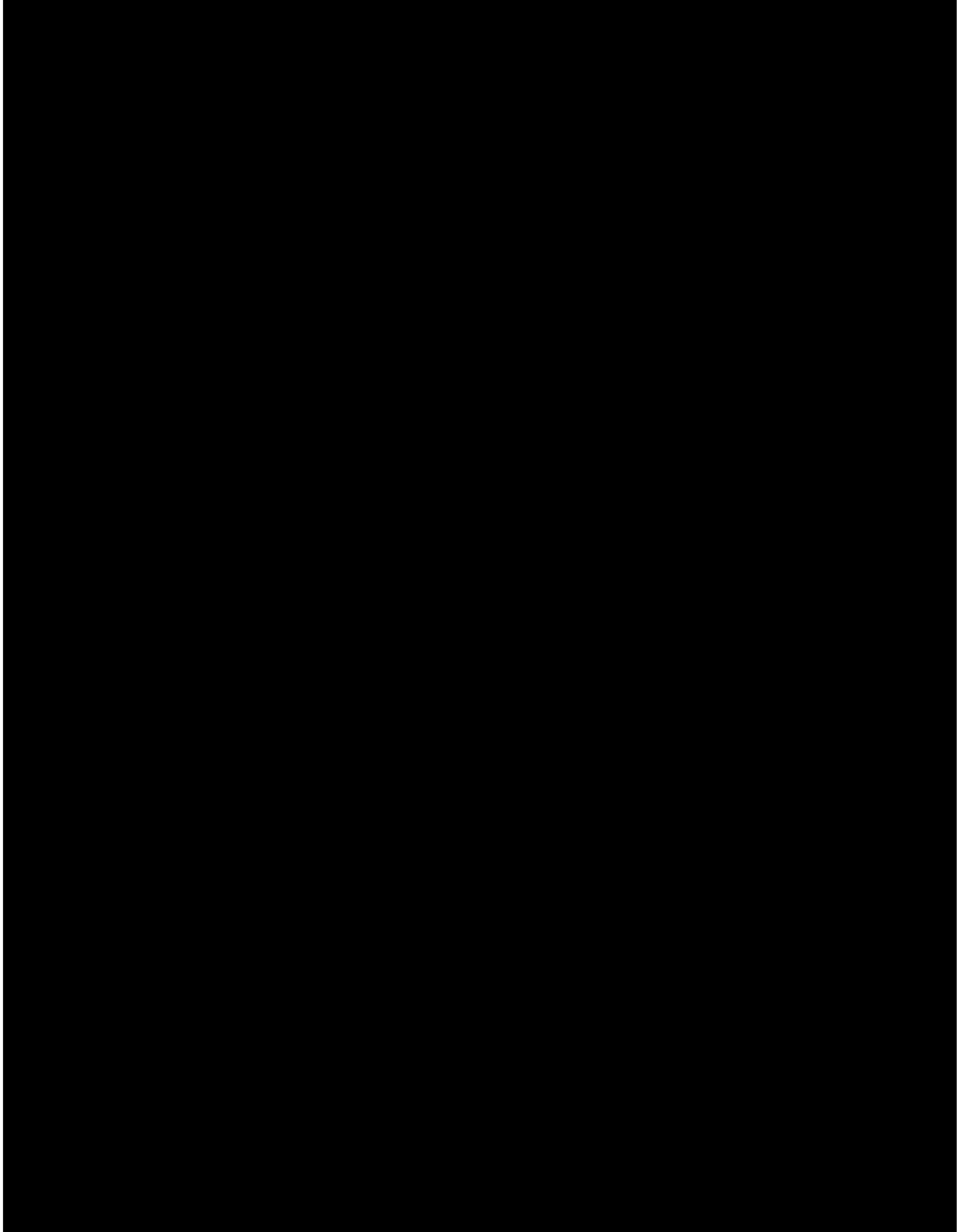
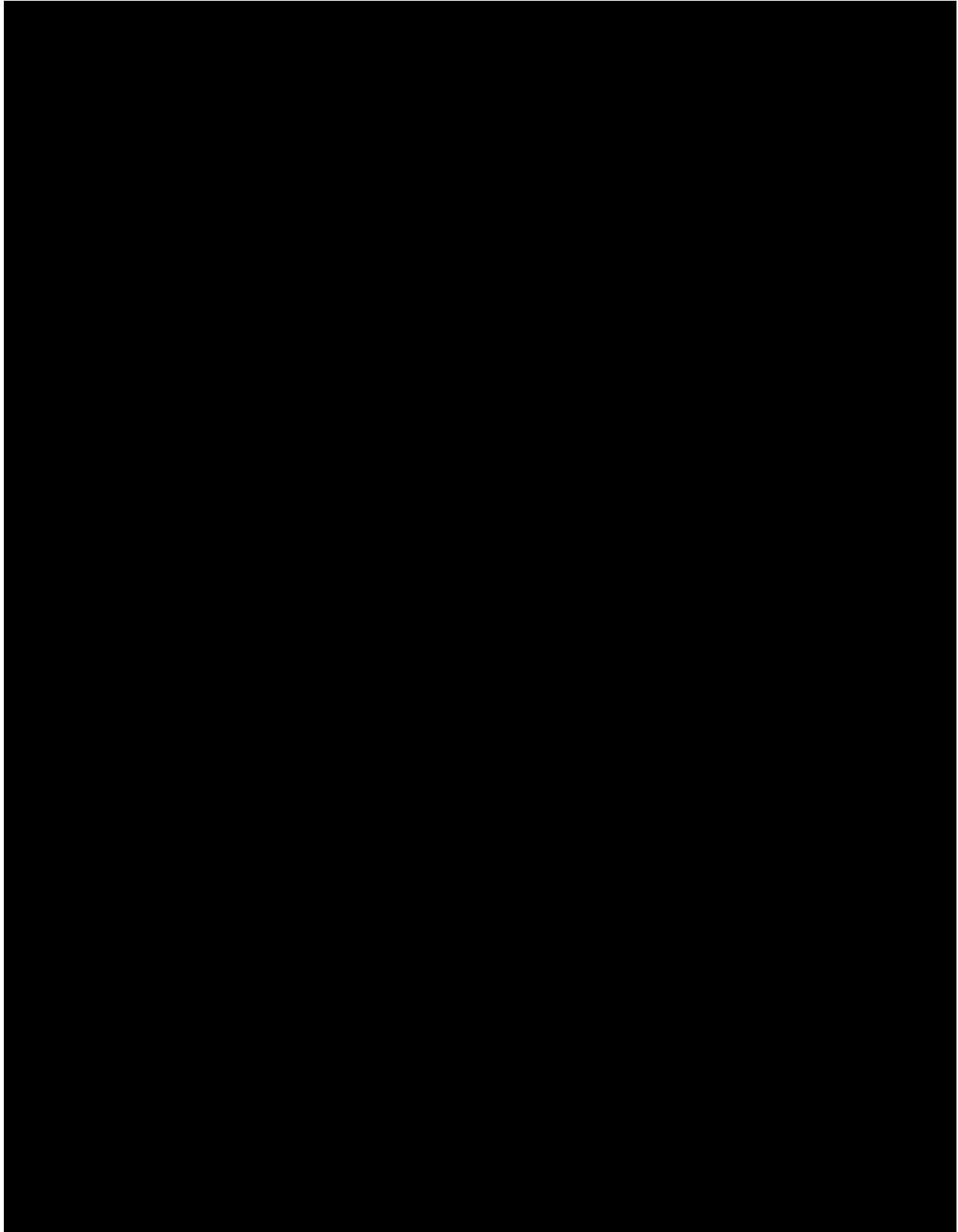


Figure 2.2- 2. Locator map of targets in the Falmouth ECC

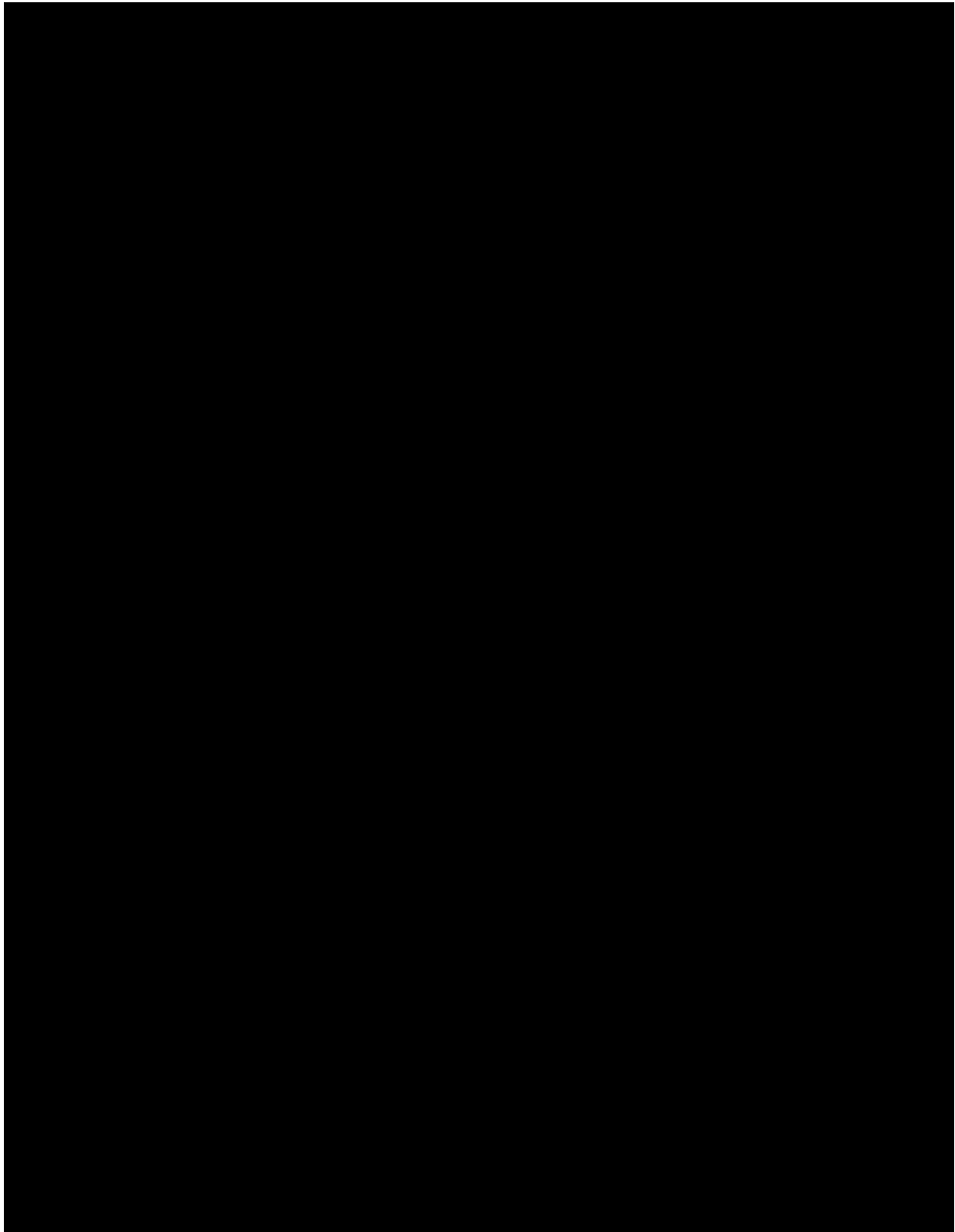




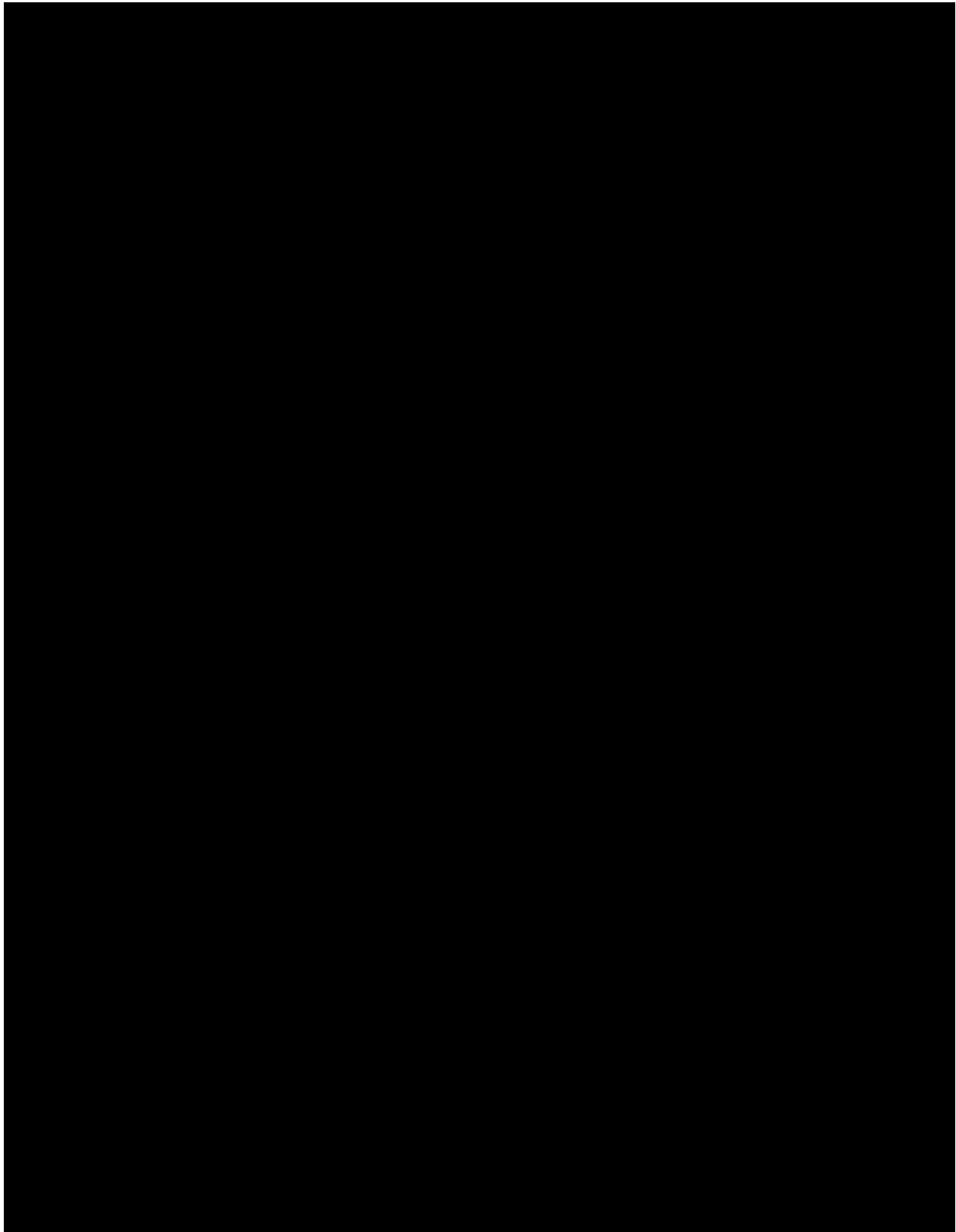
**Figure 2.2-3. Locator map of targets in segment of Brayton Point ECC**



**Figure. 2.2-4. Locator map of targets in segment of Brayton Point ECC**



**Figure 2.2-5. Locator map of targets in segment of Brayton Point ECC**



**Figure 2.2-6. Locator map of targets in segment of Brayton Point ECC**

### 2.2.1 Physical Description and Existing Conditions

Three criteria are applied to the targets that are described in this section. The first criteria are those objects and features submitted in a PFR to BOEM, which the QMA reviewed, and determined did not possess the qualities of historic properties as defined under Section 106 of the NHPA. These targets were not given a designated target area.

The second criteria are objects and features submitted in a PFR to BOEM, which the QMA reviewed, and determined did not possess the qualities of historic properties as defined under Section 106 of the NHPA. However, these targets were mapped with a target area designed to focus attention and assist SouthCoast Wind with their review.

The third criteria are objects and features that were determined by the QMA to be a historic property of potential archaeological significance. These targets have been identified by a PFR or were discovered during post-survey data analysis and interpretation. To protect these archaeological targets from seabed impacts, the QMA established an avoidance area. Table 2.2.1-1, Table 2.2.1-2 and Table 2.2.1-3 summarize the targets located within the APE, and their recommended avoidance area.

**Table 2.2.1-1. Identified targets within the Lease Area APE**

| Target Name         | APE             | Cultural Resources Recommended Avoidance m <sup>2</sup> (ft <sup>2</sup> ) | SouthCoast Wind Avoidance Commitment |
|---------------------|-----------------|--|--------------------------------------|
| Target 20-02        | Lease Area 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 21-01        | Lease Area 2021 | 7,853.98 (84,539.54)   | TBD <sup>1</sup>                     |
| Target 21-02        | Lease Area 2021 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 21-03        | Lease Area 2021 | 7,853.98 (84,539.54)   | Avoid                                |
| <i>Rebecca Mary</i> | Lease Area 2021 | No avoidance recommended   | N/A                                  |

<sup>1</sup> SouthCoast Wind is still evaluating the archaeological significance associated with this target.

**Table 2.2.1-2. Identified targets within the Falmouth ECC APE**

| Target Name    | APE               | Cultural Resources Recommended Avoidance m <sup>2</sup> (ft <sup>2</sup> ) | SouthCoast Wind Avoidance Commitment |
|----------------|-------------------|--|--------------------------------------|
| Target 20-03   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| <i>Kershaw</i> | Falmouth ECC 2020 | 7,853.98 (84,539.54) <sup>11</sup>   | Avoid                                |
| Target 20-04   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 20-05   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 20-07   | Falmouth ECC 2020 | 20,544.93 (221,143.79)   | Avoid                                |
| Target 20-08   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 20-09   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |
| Target 20-10   | Falmouth ECC 2020 | 7,853.98 (84,539.54)   | Avoid                                |

| Target Name     | APE               | Cultural Resources Recommended Avoidance<br>m <sup>2</sup> (ft <sup>2</sup> ) | SouthCoast<br>Wind<br>Avoidance<br>Commitment |
|-----------------|-------------------|---|---|
| Target 20-11    | Falmouth ECC 2020 | 7,853.98 (84,539.54)  | Avoid   |
| <i>Sagamore</i> | Falmouth ECC 2020 | 17,910.37 (192,785.61)  | Avoid   |
| Target 20-12    | Falmouth ECC 2020 | 15,092.57 (162,455.07)  | Avoid   |
| Target 20-13    | Falmouth ECC 2020 | 7,853.98 (84,539.54)  | Avoid   |
| Target 20-14    | Falmouth ECC 2020 | 7,853.98 (84,539.54)  | Avoid   |
| Target 21-04    | Falmouth ECC 2021 | 7,853.98 (84,539.54)  | Avoid   |
| Target 21-05    | Falmouth ECC 2021 | 7,853.98 (84,539.54)  | Avoid   |
| Target 21-06    | Falmouth ECC 2021 | 14,406.71 (155,072.54)  | Avoid   |

<sup>1</sup>Site classified as Exempted by BUAR; final avoidance area to be determined through consultation with BUAR.

**Table 2.2.1-3. Identified targets within the Brayton Point ECC APE**

| Target Name  | APE                    | Cultural Resources<br>Recommended Avoidance<br>m <sup>2</sup> (ft <sup>2</sup> ) | SouthCoast Wind<br>Avoidance Commitment |
|--------------|------------------------|--|---|
| Target BP-01 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-03 | Brayton Point ECC 2021 | 16,127.41 (173,594.64)   | Avoid                                   |
| Target BP-04 | Brayton Point ECC 2021 | 10,497.55 (112,994.69)   | Avoid                                   |
| Target BP-05 | Brayton Point ECC 2021 | 9,536.65 (102,651.65)  | Avoid                                   |
| Target BP-06 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-07 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-08 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-09 | Brayton Point ECC 2021 | 14,122.52 (152,013.54)   | Avoid                                   |
| Target BP-10 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-11 | Brayton Point ECC 2021 | 7,853.98 (84,539.54)   | Avoid                                   |
| Target BP-12 | Brayton Point ECC 2021 | 11,717.78 (126,129.13)   | Avoid                                   |
| Target BP-13 | Brayton Point ECC 2021 | 7,853.98 (84,539.54)   | Avoid                                   |
| Target BP-14 | Brayton Point ECC 2021 | 11,561.61 (124,448.13)   | Avoid                                   |
| Target BP-15 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-16 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-17 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-18 | Brayton Point ECC 2021 | 9,661.82 (103,998.96)  | Avoid                                   |
| Target BP-19 | Brayton Point ECC 2021 | 11,347.59 (122,144.44)   | Avoid                                   |
| Target BP-20 | Brayton Point ECC 2021 | 12,722.44 (136,943.20)   | Avoid                                   |
| Target BP-21 | Brayton Point ECC 2021 | 12,540.73 (134,987.29)   | Avoid                                   |
| Target BP-22 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-23 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-24 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-25 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |
| Target BP-26 | Brayton Point ECC 2021 | No avoidance recommended   | N/A                                     |



### 2.2.2 Historic Context

The precontact occupation of southern New England extends from ca. 12,000 to 350 cal BP, and is characterized by numerous changes in tool types, subsistence patterns, and land use strategies. For most of the era, precontact groups practiced a subsistence pattern based on a mixed economy of hunting and gathering wild plant and animal resources. It was not until the Late Woodland period that incontrovertible evidence for the use of maize horticulture appeared as an important subsistence pursuit. Furthermore, settlement patterns throughout the era shifted from seasonal occupations of small co-residential groups to large aggregations of people in riverine, estuarine, and coastal ecozones. In consideration that the residents within those “riverine, estuarine, and coastal ecozones” almost certainly (at least according to early European accounts) would have engaged in maritime ventures, the potential exists not only for terrestrial sites and cultural resources, but also for submerged ones.

During the contact period the indigenous peoples of southern New England first interacted with Europeans between 1500 and 1630. There was intermittent direct contact between Native Americans and Europeans during this period can be assumed, given the presence of both groups of people in the general area, although evidence for that contact is limited (MHC 1985). Once Europeans settled permanently in the region, agriculture constituted their primary mode of subsistence but, marine resources continued to be important components of the subsistence regime for the region’s indigenous populations (Nantucket Historical Association [NHA] 2016).

Most colonists, especially in the interior, sought to make a living from agriculture (Cirbus et al. 2013:9). The fur trade, at first a considerable source of revenue, soon failed, and fish and lumber could not easily compete with European and English sources. In contrast, all types of marine resources, including shellfish, finfish, and even beached whales, continued to be important components of the subsistence regime for indigenous peoples who lived on or near the coast (NHA 2016).

During the Colonial Period (1675-1775) economic growth directly affected the nature and amount of maritime traffic that plied the waters adjacent to Falmouth, Nantucket, and Martha’s Vineyard, and the approaches to Narragansett Bay and its tributaries. However, the American Revolution and the War of 1812 acutely impacted southeastern New England because these events introduced large numbers of military vessels into regional waters and drastically curtailed pre-war vessel traffic. After maritime traffic through area waters increased exponentially during the Early Industrial Period (1830-1870). In the Late Industrial Period (1870-1930) New England’s industrial capacity expanded steadily through the last half of the nineteenth century and into the early decades of the twentieth. Improvements in the region’s transportation infrastructure kept pace with its industrial growth. During the modern age despite some overall regional

negative trends, post-war navigation charts indicate significant modifications were initiated to facilitate maritime access.

The waters encompassing the SouthCoast Wind Study Area, including the Lease Area and two proposed ECCs, have been utilized intensively by mariners for centuries. The earliest settlers in the region introduced European vessels and adopted and modified indigenous craft to suit their purposes (Hall 1884). Since that time, all types of vessels, from small to medium sized seventeenth through nineteenth century sail-powered merchant and military ships to larger, late twentieth century steam- and diesel-propelled vessels, have transited the waters of the APE.

### **2.2.3 NRHP Criteria**

The targets that qualify under NRHP (Title 36 of the CFR, Part 60.4) are to be avoided during construction. Wrecks or other structures that are less than 50 years old do not meet the criteria for listing to NRHP. The relevant Participating Parties will be involved in mitigation plans if a target meets the NRHP Criteria.

### 3. MITIGATION MEASURES

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This section provides details on the mitigation measures for the submerged historic properties and/or ASLFs located within the APE. This section will address the effects that may be caused by the Project.

#### 3.1. Purpose and Intended Outcome

The purpose of this HPTP is to outline the steps taken to identify possible cultural resources within the APE, how the potential resources were delineated from the survey data, and the potential impacts from construction by the Project to these resources. SouthCoast Wind is currently committed to mitigation of all cultural resources via avoidance to the extent practicable. If avoidance is not feasible, this plan further outlines a staged approach to gather additional data within the Project Area, including environmental and archaeological data, and consideration for alternative mitigation measures.

##### 3.1.1. Pre-Construction Geoarchaeology

SouthCoast Wind completed geotechnical surveys in 2019 by Geoquip Marine Operations AG (Geoquip), in 2020 by Fugro and Alpine, and in 2021 by Fugro and Alpine. Samples that were taken included vibracores, boreholes, seismic cone penetration tests (SCPTs), and cone penetration tests (CPTs) (Alpine 2020, Alpine 2021a, Alpine 2021b, Geoquip 2019, Fugro 2023c, and Fugro 2022b). Subsequent to the geotechnical campaign, SouthCoast Wind conducted additional testing and surveys to better characterize and define the paleolandscape and potential ASLFs within the APE.

##### 3.1.2. Core Analysis Methodology

The coring acted as ground-truthing for the seismic interpretation providing information regarding sediment compositions, radiometric dates, and pollen analysis. In 2019 Geoquip collected three boreholes, five CPTs and two SCPTs (Geoquip 2019). Between 2020 and 2023 Fugro collected 134 boreholes with a combination of sampling and downhole CPT/SCPT, 174 CPTs, five SCPTs and eight vibracores (Fugro , 2023a, 2023b, and 2023c). In 2020 Alpine collected 161 cores which includes: 55 vibracores 3 m long; 64 vibracores 6 m long; and 42 CPTs (Alpine 2020). In 2021 Fugro collected 127 CPTs (Fugro 2021b). In 2021, Alpine collected 138 vibracores and 13 CPTs (Alpine 2021a and Alpine 2021b).

A combined total of 230 geotechnical liner samples (including 5 bag samples) from 40 geotechnical vibracore locations, and a total of 37 archaeological liner samples (including 1 bag sample) from 7 archeological vibracore locations were collected in 2020 and 2021 (Fugro 2023c). Recovery depths for the vibracore locations range from no recovery to 6.30 m (20.67 ft), with an average of 4.07 m (13.35 ft). No offshore laboratory tests were conducted on the recovered archaeological vibracore samples; however, field soil description was noted and was based on field observations of the material present in liner ends.

Archaeological core segments were then immediately capped, labelled, and stored upright in wire baskets located in a temperature-controlled (4°-8°Celsius) (39.2°-46.4°Fahrenheit) refrigerated container onboard the vessel (Fugro 2023c).

Prior to splitting, the QMA prioritized geoarchaeological core runs according to archaeological potential. In preparation for splitting, vibracore characterization included the Project name, date, core number, and run designation; those data were placed on an archaeological letterboard during each session to facilitate identification in visual records. Visual records included the placement of a metric scale and the letter board. SouthCoast Wind launched a web-based Geographic Information Systems map viewer with photos of cores for review by Tribes. In addition to standard practices for photography pertaining to laboratory analyses, live videography streamed via the internet was carried out in 2020 to support stakeholder inclusion during analyses, and especially tribal engagement in the process. Live stream videos of vibracore analysis streamed at 1080P and were followed by an open conference call held to allow tribal representatives and other stakeholders to ask questions and offer comments on the analysis.

Once split, the core sections were delineated stratigraphically, logged, and subsequently placed in climate-controlled storage at R. Christopher Goodwin & Associates' (RCG&A's) laboratory facilities. One half of each core run was retained unsampled to support future analyses, while the other half was sampled where appropriate to obtain radiometric and palynological data. A Marine Geologist/Nautical Archaeologist and laboratory analysts (archaeologists) conducted vibracore sampling for potential radiocarbon dating to characterize the geochronology of the area, and for palynological examination to support archaeological interpretations and paleoenvironmental reconstruction. RCG&A's core-splitter was operated by two laboratory analysts (Figure IV-20). Upon completion of sampling, both halves of each vibracore were placed back into climate-controlled storage.

### **3.2. Recommended Mitigation Measures**

#### **3.2.1 Ancient Submerged Landforms**

If Project-related impacts to an ASLF are unavoidable, the Project proposes a staged approach to mitigate adverse effects through consultations with BOEM, Native American Tribes and appropriate state agencies. The approach stages are briefly described below in sequential order.<sup>1</sup>

- Preconstruction Geology: SouthCoast Wind will implement the following measures for applicable affected ASLF(s)<sup>2</sup>: Collaborative review of existing geophysical and geotechnical data with Tribal Nations; selection of coring locations in consultation with Tribal Nations; collection of vibracores

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<sup>1</sup> At this time, SouthCoast Wind considers the following ASLFs to be potentially unavoidable, pending further assessment of the feasibility of micro-routing around these features: BP-P-21-02, and LA-P-20-01.

<sup>2</sup> SouthCoast Wind's QMA believes ASLF LA-P-20-01 is located a depth that is not feasible for vibracoring activities and therefore preconstruction geology measures will be conducted at ASLF BP-P-21-02 only.

within the affected ASLF, with a sampling focus on areas that will be disturbed by Project construction activities; written verification to BOEM that the samples collected are sufficient for the planned analyses and consistent with the agreed scope of work; collaborative laboratory analyses at a laboratory located in the Atlantic region, decided through consultation with Tribal Nations; screening of recovered sediments for debitage or micro-debitage associated with indigenous land uses; laboratory analyses, including micro- and macro-faunal analyses, micro- and macro-botanical analyses, radiocarbon dating of organic subsamples, and chemical analyses for potential indirect evidence of indigenous occupations; temporary curation of archival core sections; draft reports for review by BOEM and consulting Tribal Nations; final reporting; and public or professional presentations summarizing the results of the investigations, developed with the consent of the consulting Tribal Nations.

- ASLF Post-Construction Seafloor Impact Inspection:
  - Assessment. SouthCoast Wind will assess seafloor impacts on adversely affected ASLFs to analyze the ASLFs for the presence of archaeological materials, including but not limited to chipped stone tools, flakes, modified wooden implements, and bone. The post-construction seafloor assessment may consist of a QMA conducting or overseeing a Remotely Operated Vehicle (ROV) of the seafloor in the areas where previously identified ASLFs exist and where construction activities will permanently disturb the ASLFs and displace material culture.
  - Three-Dimensional (3D) Model. SouthCoast Wind will develop a 3D model to define the spatial relationship of Project components and installation methodology (e.g., cable installation via trenching or jetting) relative to the adversely affected ASLFs. The 3D model must identify portions of ASLFs within the vertical APE that will be impacted and that possess a high potential for preserved evidence of human occupation.
  - Documentation. SouthCoast Wind's QMA will document the impacts immediately following the installation of any inter-array cables, WTGs, service platforms, and export cables that impact the previously identified ASLFs. Documentation of the impacted ASLFs will include the use of standard archaeological methodologies.
  - Methods. This inspection will cover not only the immediate physical impacts on the seafloor but also any berms created during trenching activities, anchoring activities, and scour or berms made during pile driving and installation of WTGs. These methodologies may include, but are not limited to, establishing a permanent datum, mapping, photo, video, 3D photogrammetry, and collecting a limited number of artifacts. For position accuracy, the ROV should be tracked using an Ultra- Short Base Line (USBL) positioning system.
  - Reporting. In the final report for each of these investigations, SouthCoast Wind's QMA will note the seafloor conditions (visibility), environmental conditions (e.g., sandy, mud, shell hash bottom), sea state, and how much time has passed since the construction activities have concluded in the area of the adversely affected ASLFs. SouthCoast Wind will produce a series of as-laid or as-placed plats that will show the location of the infrastructure in relation to the ASLF and should include both horizontal and vertical penetration into the ASLFs. The maps will also include the location of any sites and artifacts identified as a result of the visual inspection. If sites are identified on state-owned submerged bottomlands, a copy of the notification to the state, a copy of the site

file, and the site trinomial must be provided as part of the final report. SouthCoast Wind will include all logs and other data associated with the ROV visual inspection of the seafloor.

- Identification of potential cultural material during the ROV inspection would not constitute a post-review discovery and would not trigger the reporting and consultation requirements established in the Marine Archaeology Monitoring and Post-Review Discovery Plan because the ASLFs subject to this mitigation measure are previously identified historic properties that have already been determined to be adversely affected by the undertaking.
  - SouthCoast Wind will provide Tribal Nations and BOEM with draft and final technical reports, including 3D models and resulting seafloor impact assessments.
  - SouthCoast Wind will notify signatories and Tribal Nations of completion of this measure through annual reporting.
- Timing. SouthCoast Wind will complete the post-construction seafloor inspection no later than 90 calendar days post-final cable burial. If unanticipated issues arise during offshore construction that prevent the post-construction seafloor inspection from being completed within 90 calendar days post-final cable burial, SouthCoast Wind will notify BOEM and propose an alternate completion timeframe for BOEM approval.
  - Tribal Monitors. SouthCoast Wind will coordinate with consulting Tribal Nations to provide them with an opportunity to participate as monitors either via live feed or on the vessel (depending upon vessel space, monitors' offshore safety training and certification, monitors' availability, and health and safety concerns) during the post-construction seafloor inspection of the adversely affected ASLFs. SouthCoast Wind will commence coordination with Tribal Nations with sufficient time to allow Tribal Nations' members to obtain safety training and other certifications as necessary. SouthCoast Wind will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to start of activities for monitoring. SouthCoast Wind will provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.

### 3.2.2 Shipwrecks

The Project continues to evaluate feasible design and construction options that would avoid or minimize adverse effects to the potential known and historic shipwrecks identified within the marine APE. These evaluations are ongoing and include micro-siting and cable realignments to avoid seabed disturbance within the QMA-recommended avoidance area surrounding each resource.<sup>3</sup> The Project proposes implementing the following measures to avoid or minimize adverse effects to the potential known and historic shipwrecks:

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<sup>3</sup> At this time, SouthCoast Wind considers the following targets to be potentially unavoidable, pending further assessment of the feasibility of micro-routing around these features: Target 21-01.



- Adherence to the recommended avoidance areas established at each potential and known historic shipwreck based on the HRG survey data. Dissemination of the avoidance areas as shapefiles or other suitable formats to engineering and construction personnel before activities commence.
- If through micro-siting opportunities, avoidance is not feasible, then the Project will consult and coordinate with BOEM to develop appropriate mitigation measures. Further archaeological investigations will be conducted and completed prior to the initiation of bottom disturbing activities. In the event any of the targets are historic sites that are sitting on or imbedded in the surface of the seafloor, and they will not be avoided and will be adversely affected, further investigations of these targets will be conducted to determine if these sites are NRHP eligible. The mitigation of impacts may include the following:
  - Remotely Operated Vehicle (ROV) systems will be configured for observation, inspection and/or recovery operations. The type/class of ROV and its support equipment and instrumentation payloads would be customized to the task. Telepresence technologies could be utilized to provide the QMA real-time observations and interactions with the ROV. This would also provide real-time tribal engagement in understanding the archaeological approach to documenting/evaluating shipwreck sites.
  - QMA diving operations will only be considered if alternative means of achieving the Project objectives are unsuccessful and if, following a formal operational risk assessment and management process, it has been determined that diving operations can be safely conducted to achieve the desired objectives. Specialized audio/video links may be used if feasible to facilitate tribal engagement.

The mitigation reports for all historic properties will follow regulatory (e.g., BOEM and SHPO; in MA, also BUAR) guidelines for cultural resources investigations.

## 4. IMPLEMENTATION

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Construction that may negatively affect historic properties cannot begin until the HPTP has been accepted by BOEM. Historic properties that have been specifically listed in the HPTP must be avoided until approval, but construction can start before the acceptance of the HPTP if there is no effect on historic properties.

### 4.1 Timeline

SouthCoast Wind will agree on a timeline and organizational responsibilities with BOEM and Participating Parties.

### 4.2 Organizational Responsibilities

#### 4.2.1 Bureau of Ocean Energy Management (BOEM)

BOEM is responsible for the following during the construction and completion of the Project:

- Serving as the lead agency
- Making federal decisions and determine compliance with Section 106.
- Ensuring that the mitigation measure adequately resolves adverse effects, consistent with the NHPA, and in consultation with the Participating Parties.
- Consulting with SouthCoast Wind, MASHPO, relevant federally recognized tribes, BUAR, and other Participating Parties with demonstrated interest in the affected historic property.
- Distributing the annual summary report to all parties involved.

#### 4.2.2 Bureau of Safety and Environmental Enforcement (BSEE)

- Consult, when necessary, on implementation of this HPTP with the following contacts:
  - W. Shawn Arnold, BSEE, FPO, Archaeologist, 504 736-2416 or [william.arnold@bsee.gov](mailto:william.arnold@bsee.gov)
  - Barry Bleichner, BSEE, Archaeologist, 504 736-2947 or [barry.bleichner@bsee.gov](mailto:barry.bleichner@bsee.gov)

#### 4.2.3 SouthCoast Wind Energy LLC (SouthCoast Wind)

SouthCoast Wind is responsible for the following during the construction and completion of the Project:

- Execution of the HPTP.
- Examining and reviewing comments made from Participating Parties involved and identified in the HPTP.
- Reporting annually to BOEM on the progress of the HPTP.
- Funding the mitigation measures necessary, up to a reasonable amount, outlined in Section 3.
- Completing the mitigation measures necessary outlined in Section 3.

- Meeting correct standards.
- Providing correct documentation to all necessary Participating Parties involved for them to review and comment.

#### **4.2.4 Massachusetts Historical Commission (MHC/SHPO); Massachusetts Board of Underwater Archaeological Resources (BUAR)**

- Consult, when necessary, on implementation of this HPTP.
- Ensure compliance with applicable state laws, regulations, and guidelines.
- Confirm that proper mitigation measures are being undertaken in conformance with state permitting requirements.

#### **4.2.5 Rhode Island State Historic Preservation Office (RI SHPO); The Rhode Island Historical Preservation & Heritage Commission (RIHPHC)**

- Consult, when necessary, on implementation of this HPTP.
- Ensure compliance with applicable state laws, regulations, and guidelines.
- Confirm that proper mitigation measures are being undertaken in conformance with state permitting requirements.

#### **4.2.6 Other Relevant Participating Parties**

- Consult, when necessary, on implementation of this HPTP.

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## RESOURCES

---

### Alpine Ocean Seismic Survey, Inc. (Alpine)

- 2020 *Mayflower Shallow Water Geotechnical ECR Campaign*. Submitted to Mayflower Wind Energy LLC, Boston.
- 2021a *Mayflower 2021 Shallow Geotechnical Campaign: Falmouth ECR & Lease Area*. Operations Report, Rev. 3. Prepared for Mayflower Wind Energy LLC, Boston.
- 2021b *Mayflower 2021 Shallow Geotechnical Project: Brayton Point ECC*. Operations Report, Rev. 2. Prepared for Mayflower Wind Energy LLC, Boston.

### Bureau of Ocean Energy Management (BOEM), Office of Offshore Renewable Energy Programs

- 2020a *Guidelines for Submission of Spatial Data for Atlantic Offshore Renewable Energy Development Site Characterization Surveys and the Guidelines for Providing Geophysical, Geotechnical, and Geohazard Information Pursuant to 30 CFR Part 585*.
- 2020b *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585*.

### Cirbus, Mary, Casey MacNeill, Haley Wilcox, and Eric Dray

- 2013 *Falmouth Reconnaissance Report: Heritage Landscape Inventory Program*. Prepared for the Town of Falmouth and Cape Cod Commission. Boston University Preservation Program, Boston.

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- 2022b *Field Operations and Field Results Report: Mayflower Wind Offshore Windfarm Geotechnical Investigation 2021 – Brayton Point Export Cable Route, Offshore New England, 02.21020071-1 02* (Final Report). January 11, 2022.
- 2023a *Field Operations Report: SouthCoast Wind Offshore Wind Farm Geotechnical Investigation 2021 and 2023*. Prepared for SouthCoast Wind Energy, LLC.
- 2023b *Field Results Report: SouthCoast Wind Offshore Wind Farm Geotechnical Investigations 2021 and 2023*. Prepared for SouthCoast Wind Energy, LLC
- 2023c *Marine Site Investigation Report, SouthCoast Wind Offshore Project, Offshore Massachusetts, 02.21010076 MSIR 05* (Draft). November 10, 2023.

### Geoquip Marine Operations AG

- 2019 *Volume I: Field Operations and Preliminary Results, Mayflower Project - Reconnaissance Geotechnical Investigation, Geoquip Ref.: GMOP19-G-013-Flid-01, Revision: B1*. Prepared For Shell New Energies US LLC.

### Hall, Henry

- 1884 *Report on the Shipbuilding Industry of the United States*. United States Department of the Interior, Census Office, Washington, D.C.



## Massachusetts Historical Commission (MHC)

1985 *MHC Reconnaissance Survey Town Report: Falmouth*. Massachusetts Historical Commission, Boston.

## Nantucket Historical Association (NHA)

2016 *Nantucket's First People of Color: The Ancient Proprietors: Wampanoags*. Electronic document, <https://nha.org/wp-content/uploads/PUB-Other-Islanders-1aWamp1o2.pdf>, accessed November 29, 2021.

## Robinson, D.S., Ford B., Herbster H., and Waller J.N.

2004 *Marine Archaeological Reconnaissance Survey Cape Wind Energy Project, Nantucket Sound, Massachusetts, PAL Report No. 1485*.

**ATTACHMENT 7 – HISTORIC PROPERTIES TREATMENT PLAN FOR TERRESTRIAL  
ARCHAEOLOGICAL SITES IN RHODE ISLAND (CONFIDENTIAL)**

DRAFT



**ATTACHMENT 8 – HISTORIC PROPERTIES TREATMENT PLAN FOR CHAPPAQUIDDICK ISLAND TRADITIONAL CULTURAL PLACE (CONFIDENTIAL)**

DRAFT

**ATTACHMENT 9 – HISTORIC PROPERTIES TREATMENT PLAN FOR NANTUCKET  
HISTORIC DISTRICT**

DRAFT



SOUTHCOAST WIND

## Appendix S.3 Historic Properties Treatment Plan for Nantucket Historic District

|                          |                       |
|--------------------------|-----------------------|
| <b>Document Revision</b> | D                     |
| <b>Issue Date</b>        | September 2024        |
| <b>Document Number</b>   | MW01-COR-COP-RPT-0026 |



# Historic Properties Treatment Plan for the SouthCoast Wind Project

## Historic Properties Subject to Adverse Visual Effect

Nantucket, Massachusetts

Submitted to:



Bureau of Ocean Energy Management  
U.S. Department of the Interior

Prepared for:



SouthCoast Wind Energy  
LLC

<https://southcoastwind.com>

Prepared by:



The Public Archaeology Laboratory, Inc.  
<https://www.palinc.com/>

September 2024

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## LIST OF ACRONYMS

|        |   |
|--------|---|
| ACHP   | Advisory Council on Historic Preservation           |
| ADLS   | Advanced Detection Lighting System                  |
| APE    | Area of Potential Effects                           |
| APVI   | Area of Potential Visual Impact                     |
| BOEM   | Bureau of Ocean Energy Management                   |
| CFR    | Code of Federal Regulations                         |
| COP    | Construction and Operations Plan                    |
| FR     | Federal Regulation                                  |
| HRVEA  | Historic Resources Visual Effects Assessment        |
| HDD    | Horizontal Directional Drilling                     |
| HPTP   | Historic Preservation Treatment Plan                |
| HVDC   | High Voltage Direct Current                         |
| MA     | Massachusetts                                       |
| MARA   | Marine Archaeological Resource Assessment           |
| MASHPO | Massachusetts State Historic Preservation Office(r) |
| MGL    | Massachusetts General Laws                          |
| MHC    | Massachusetts Historic Commission                   |
| MOA    | Memorandum of Agreement                             |
| NHL    | National Historic Landmark                          |
| NHPA   | National Historic Preservation Act                  |
| NRHP   | National Register of Historic Places                |
| NEPA   | National Environmental Policy Act                   |
| OCS    | Outer Continental Shelf                             |
| PAPE   | Preliminary Area of Potential Effects               |
| RFP    | Request for Proposal                                |
| ROD    | Record of Decision                                  |
| SOI    | Secretary of the Interior                           |
| TARA   | Terrestrial Archaeological Resource Assessment      |

## 1.0 EXECUTIVE SUMMARY

This Historic Property Treatment Plan (HPTP) provides background data, historic property information, and detailed steps that will be implemented to resolve the adverse visual effects to the Nantucket Historic District in Nantucket, Massachusetts (MA) resulting from the construction and operation of the SouthCoast Wind Project (the Undertaking or Project) to satisfy requirements of Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA) of 1966 (54 USC 300101; United States Code, 2016). This HPTP outlines the implementation steps and timeline for these mitigation actions.

Section 1.0, Executive Summary, outlines the content of this HPTP.

Section 2.0, Background Information, briefly summarizes the Undertaking while focusing on cultural resources regulatory contexts (federal, state, and local), identifies the single historic property discussed in this HPTP that will be adversely affected by the Undertaking, and summarizes the pertinent report that guided the development of this document (prepared by AECOM).

Section 3.0, Existing Conditions and Historic Significance, provides a physical description of the Nantucket Historic District (the historic property). Set within its historic context, the applicable National Register of Historic Places (NRHP) criteria for the Nantucket Historic District are discussed with a focus on its overall significance and integrity.

Section 4.0, Mitigation Measures, presents specific steps to carry out mitigation to minimize adverse Project impacts. The mitigation measures include the proposed treatment, purpose and intended outcomes, scope of work, methodology, standards, reporting requirements, and accounting.

Section 5.0, Implementation, establishes the process for executing mitigation measures for the Nantucket Historic District as identified in Section 4.0 of this HPTP.

Section 6.0, Finalization, establishes when the mitigation will be finalized, unless a different timeline is agreed upon by the Section 106 Consulting Parties and accepted by BOEM.

Section 7.0, References, is a list of works referenced and/or cited in preparing this HPTP.



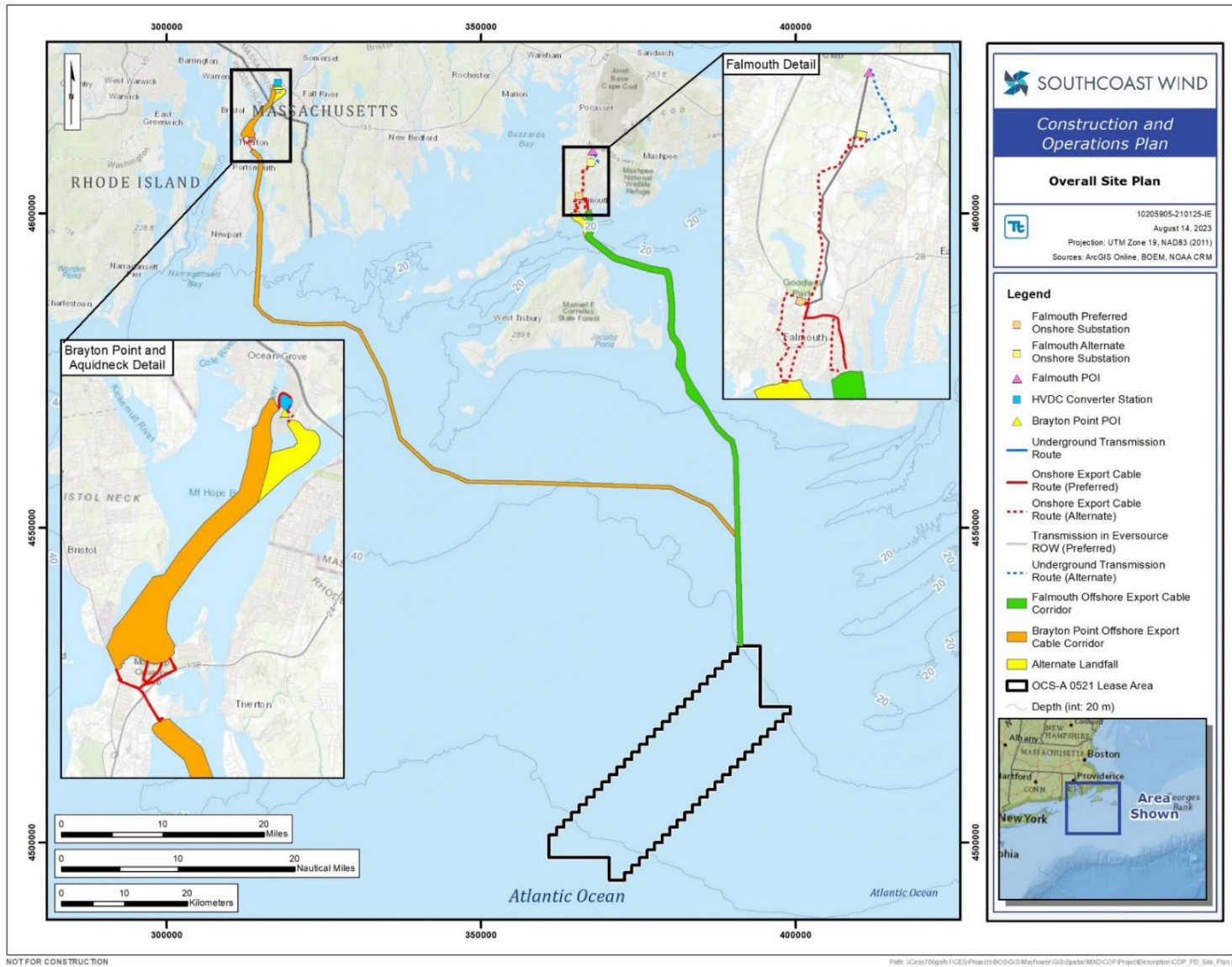
## 2.0 BACKGROUND INFORMATION

### 2.1 Project Overview

OW North America LLC (Ocean Winds) proposes to construct and operate the SouthCoast Wind Project (Project). The Project includes construction of the SouthCoast Wind turbine array inter-array cables, and offshore substation platforms in federal waters on the Atlantic Outer Continental Shelf (OCS) within the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0521 (Lease Area) approximately 20 nautical miles (37 kilometers) south of Nantucket Island; export cables that traverse federal and state waters with landfalls in Falmouth and Somerset, Massachusetts; and onshore High Voltage Direct Current (HVDC) converter stations at Brayton Point in Somerset and in Falmouth, Massachusetts, points of interconnection, and onshore, underground transmission delivery systems (see Figure 2.1-1). As a part of the onshore components for the Brayton Point export cable corridor, SouthCoast Wind is considering several cable duct bank route segment options and horizontal directional drilling (HDD) site options in Portsmouth, Rhode Island.

This Historic Properties Treatment Plan (HPTP) addresses the potential for adverse effects to the Nantucket Historic District, which is comprised of the entire island of Nantucket, as well as Tuckernuck and Muskeget Island.

**Figure 2.1-1. SouthCoast Wind Project Overview**



## 2.2 Section 106 of the National Historic Preservation Act

As a project that requires approval from BOEM, the Project is considered a federal undertaking and as such, must comply with Section 106 and Section 110 of the National Historic Preservation Act of 1966 (NHPA), as amended, and the National Environmental Policy Act of 1970 (NEPA). This report addresses adverse visual impacts to historic properties in compliance with Section 106 and Section 110 of the NHPA.

Section 106 of the NHPA requires federal agencies to identify and assess the effects of undertakings on historic resources and to resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts. Section 110 of the NHPA requires federal agencies to establish a historic preservation program for the identification, evaluation, and protection of historic properties under their control or ownership within an Area of Potential Effect (APE). An APE, as defined by 36 CFR § 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”.

Regulations under Section 106 (36 Code of Federal Regulations [CFR] 800.8(c)) allow the substitution of the NEPA reviews for the Section 106 process. Under this subsection, an agency can use the NEPA process and the documents it produces to comply with Section 106 in lieu of the procedures set forth in 36 CFR 800.3-800.6. In 2020, BOEM announced its intention to implement the NEPA substitution process for Section 106 review for renewable energy Construction and Operations Plans (COPs). Per the available guidance (Advisory Council on Historic Preservation [ACHP] and Council on Environmental Quality, 2013), the NEPA substitution process provides an opportunity for an agency to streamline its overall environmental and historic preservation review process. A Project Notification Form containing a preliminary Project description, general schedule, and recommended cultural resources studies was submitted to the Massachusetts State Historic Preservation Office (MASHPO, Office of the Massachusetts Historical Commission [MHC]) on February 14, 2020. MASHPO issued a response to the submittal on March 9, 2020. Consultation with MASHPO, the Town of Nantucket, and other Interested Consulting Parties is ongoing. Section 106 and Section 110 of the NHPA was initiated with the issuance of a Notice of Intent (NOI) by BOEM on November 1, 2021.

## 2.2.1 Municipal Regulations

The Town of Nantucket and Nantucket Historical Commission may provide comments on implementation of the proposed mitigation.

Table 2.2.1–1. Municipal Departments that may provide comments on implementation of mitigation

| Name                        | Municipality      | Departments  |
|-----------------------------|-------------------|--|
| Nantucket Historic District | Town of Nantucket | Planning Department<br>Nantucket Historic District of Nantucket, Inc.<br>Nantucket Historical Commission |

## 2.3 Resolution of Adverse Effects Measures

To support BOEM’s efforts to identify historic properties within the Project’s Preliminary Area of Potential Effects (PAPE), SouthCoast Wind conducted an Analysis of Visual Effects to Historic Properties (AVEHP) assessment, terrestrial archaeological resources assessment (TARA), and a marine archaeological resources assessment (MARA). The results of these investigations can be found in the SouthCoast Wind COP, Volume II, Section 7, Appendix S, Appendix S.1, Appendix R, and Appendix Q. Based on a review of these documents and consultation with Interested Consulting Parties, BOEM is expected to issue a Finding of Adverse Effect for the proposed Project on the Nantucket Historic District in Nantucket, MA.

Pursuant to 36 CFR § 800.6 (a), SouthCoast Wind will be required to mitigate the adverse effect in accordance with requirements laid out by BOEM in a forthcoming Record of Decision (ROD). BOEM will be executing a Memorandum of Agreement (MOA) with the MASHPO and other Interested Consulting Parties, which will outline the mitigation stipulations. This HPTP will be referenced in an attachment to the MOA.

This HPTP provides background data, and steps that may be implemented to carry out any mitigation measures. Standard mitigation measures for visual impacts that have been taken into consideration include the color of the turbines and blades that will allow them to blend in with their setting, as well as implementing Aircraft Detection Lighting System (ADLS) which will significantly reduce impacts in twilight and nighttime hours (see COP Appendix Y.3, Aircraft Detection Lighting System Efficacy Analysis). Alternative mitigation measures implemented under this HPTP will be conducted in consultation with the Town of Nantucket, and other Interested Consulting Parties, as appropriate, and in accordance with applicable local, state, and federal regulations and permitting requirements. Responsibilities for specific compliance actions are described in further detail in Section 5.2, Organizational Responsibilities.

For the purposes of this HPTP, Interested Consulting Parties are defined as a subset of the NHPA Section 106 consulting parties that have a functional role in the process of fulfilling the mitigation measure implementation processes described herein. Interested Consulting Parties with an interest in the adversely affected historic properties as summarized in Table 2.3-1.

Table 2.3-1. Interested Consulting Parties Potentially involved with the Nantucket Historic District, National Historic Landmark Historic Property

| <b>Name</b>  | <b>Relationship to Historic Property</b>                            | <b>Address</b>   |
|--|---|--|
| Advisory Council on Historic Preservation  | Federal Agency  | Federal Property Management Section, 401 F St NW, Suite 308, Washington DC 20001 |
| Massachusetts State Historic Preservation Office/<br>Massachusetts Historical Commission | State Historic Preservation Office /<br>State Historical Commission | 220 Morrissey Boulevard, Boston, MA 02125  |
| Town of Nantucket/Nantucket Historical Commission  | Local Government / Local Historical Commission                      | 59 Town Hall Square, Town Hall, Nantucket, MA 02540                              |
| Wampanoag Tribe of Gay Head (Aquinnah)   | Traditional Homeland  | 20 Black Brook Road<br>Aquinnah, MA 02535-1546                                   |
| Mashpee Wampanoag Tribe  | Traditional Homeland  | 483 Great Neck Road South<br>Mashpee, MA 02649                                   |

Figure 2.3-1. Nantucket Historic District Location (and NAN.C and NAN.D), Nantucket, Massachusetts



## 3.0 HISTORIC SIGNIFICANCE OF THE HISTORIC PROPERTY

### 3.1 Historic Property

This HPTP involves one historic property, the Town of Nantucket, Nantucket County. The Nantucket Historic District, designated a National Historic Landmark (NHL) (NRIS 66000772) in 1966, now encompasses the entire island of Nantucket and contains 27,207 acres and approximately 13,000 historic resources built before or in 1975. In 1966 the Historic District NHL did not include the entire island; the boundaries were expanded in 1975 to include the entire island. An update to the NRHP Form/NHL was completed in 2012 and definitively included the islands of Tuckernuck (878 acres) and Muskeget (296 acres). *The following sections on historic context and significance are excerpted from the 2012 National Park Service (NPS) National Register of Historic Places (NRHP) Registration Form.*

### 3.2 Historic Context and Significance

The historic context for Nantucket spans its history from 1659 when Thomas Macy and his family together with Edward Starbuck, James Coffin and Isaac Coleman sailed from Salisbury, Massachusetts to Nantucket and spent the winter in a hut near Madaket Harbor at the southwest corner of the island. The context extends through the Settlement Period until 1722, continuing through the Colonial and Revolutionary Periods (1723-1791), the Federal and Classic Periods (1791 – 1860), and including Tourism (1835 -1935) and Preservation & Revivalist Architecture (ca. 1880-1955) and finally the Modern Period from 1955 -1975. For an extensive history of Nantucket please refer to the 2012 NPS Registration Form.

Nantucket retains two exceptionally well-preserved village centers (Nantucket Town and Siasconset) which retain nationally important examples of architecture from the Colonial, Federal, Greek Revival and Victorian periods, as well as from the 20<sup>th</sup> century when architectural preservation and architectural revivals based upon Nantucket's past became the dominant themes of local architecture because of the island's nationally significant historic preservation movement. Three historic properties in Nantucket have individual historic listing designations. The Jethro Coffin House, built in 1686 and likely the oldest Nantucket house on its original site, was designated an NHL in 1966. Brant Point Light Station and Sankaty Light Station were listed separately in the National Register in 1987. Brant Point Light, built in 1901, is the tenth light on the point. Sankaty Head Light, built in 1850, was one of the first lighthouses in the country to receive a Fresnel lens. Both lighthouses were automated in 1965.



The period of significance of the NHL, as listed in the 2012 update extends from 1659 to 1975 in the areas of architecture, commerce, conservation, entertainment/recreation, ethnic heritage of Black and Native Americans, maritime history, and social history.

### 3.3 National Register of Historic Places and National Historic Landmark Criteria

Nantucket, including the islands of Tuckernuck and Muskeget, is eligible at the National level to the NRHP under Criteria A, B, C, and D.

- A. Associated with events that have made a significant contribution to the broad patterns of history.
- B. Associated with the lives of persons significant in our past.
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- D. That have yielded or may be likely to yield information important in prehistory or history.

Nantucket is a nationally significant property under Criteria 1 through 4 of the six NHL criteria:

Criterion 1: Properties that are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained.

Criterion 2: Properties that are associated importantly with the lives of persons nationally significant in the history of the United States.

Criterion 3: Properties that represent some great idea or ideal of the American people.

Criterion 4: Properties that embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style, or method of construction, or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction.

Criterion 5: Properties that are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively

compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture.

Criterion 6: Properties that have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

## 4.0 MITIGATION MEASURES

This section details the proposed mitigation measures to resolve adverse effects to historic properties as described in the SouthCoast Wind COP, and describes the purpose and intended outcome, scope of work, methodology, standards, deliverables, and funds and accounting for the measure. The content of this section was developed on behalf of SouthCoast Wind by individuals who meet the Secretary of the Interior (SOI) Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture (62 FR 33708) and is consistent with fulfilling the mitigation measures such that they fully address the nature, scope, size, and magnitude of the adverse visual effect. Fulfillment of the mitigation measures will be led by personnel with demonstrated experience working in historic preservation, in coordination with individuals who meet SOI Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture.

### 4.1 Mitigation Measure – Nantucket Historic District

SouthCoast Wind is prepared to fund and implement historic property surveys of neighborhoods along the south coast depicted on Figure 2-3.1. The Town of Nantucket and Nantucket Historical Commission may choose to provide input on the selection of neighborhoods to be surveyed.

SouthCoast Wind is also prepared to fund and implement an Archaeological Overview and Assessment of these same neighborhoods. This assessment will concentrate on the pre-contact history of the south coast of the island, a period that has not been recognized in the NRHP/NHL designation. The assessment also will take particular note of those areas along the coast in these neighborhoods that are subject to coastal erosion that is impacting archaeological sites. Similarly, the Town of Nantucket and Nantucket Historical Commission may choose to provide input on the Archaeological Overview and Assessment of these neighborhoods.

#### ***4.1.1 Purpose and Intended Outcome***

The purpose of the mitigation will be to offset the visual effects that may affect Nantucket. These effects involve the presence of visual infrastructure, i.e., the WTGs and OSPs in the Lease Area, and their lighting. Some visual effects will be minimized by the color of the towers and turbines, and the proposed ADLS to be implemented on all turbines. Other proposed mitigation will provide a benefit to the public and Native American tribes that are affected by elements of the wind farm through documentation of properties that

are important to the communities. The historic property surveys will contribute to implementation of the Town of Nantucket's Historic Properties Survey Plan (Adams, et al. 2022),

#### **4.1.2 Scope of Work**

The scopes of work for the historic surveys and the Archaeological Overview and Assessment will consist of the following:

#### **4.1.3 Methodology**

##### **4.1.3.1 Historic Properties Survey**

###### **Coordination:**

Areas subject to survey will be selected in consultation with the Massachusetts SHPO, Wampanoag THPOs, and other Interested Consulting Parties as necessary. All surveys will follow the MHC's *Historic Properties Survey Manual: Guidelines for the Identification of Historic and Archaeological Resources in Massachusetts* (1992), *Survey Technical Bulletin #1* (1993), *MHC Interim Survey Guidelines* (March 1999, et seq.), *MHC Interim Guidelines for Inventory Form Photographs* (2009), *MHC's Guidelines for Inventory Form Locational Information* (2013), and related technical guidance. The survey will include new survey work and updating existing forms. All survey work will be recorded on large-scale maps and may be formatted for compatibility with the Town's GIS database for historic resources. Most historic resources on Nantucket are buildings, and the Nantucket Historic District is a local historic district, therefore, the individual **Form B – Building** will be the most used form. Other types of individual resources are found on Nantucket and will be documented on specific forms as follows: Monuments and markers on **Form C – Objects**; cemeteries on **Form E – Burial Grounds and Cemeteries**; bridges, walls, piers on **Form F – Structures**; and parks and landscapes on **Form H – Parks and Landscapes**. The **Form A - Area** is used to document a collection of adjacent and related historic resources that share a design or event history, such as in a neighborhood, cottage colony or other building complex, or streetscape resources within a given work effort. Descriptions will include the overall characteristics of the area and key and representative resources. The survey methodology will be consistent with the Town of Nantucket's Historic Properties Survey Plan (Adams, et al. 2022) and the selection of survey neighborhoods will be informed by the survey priorities identified in the Survey Plan.

**Research:**

Research will be conducted to supplement and update existing historical contexts for a comprehensive understanding of the history and potential significance of individual surveyed resources. The Nantucket Island-wide historical contexts are generally well developed in the 1966 NHL nomination and the 2012 NHL Nomination Update and other past research and publications. Research conducted by local historians and students under the Nantucket Historical Association, Nantucket Atheneum, Nantucket Historic Preservation Trust, and Preservation Institute: Nantucket will be reviewed.

**Fieldwork:**

Most locations are accessible on foot and by car. Data collected will include the built resource, its property characteristics, and its town or natural settings. Survey updates will record changes that have occurred since the original survey. Buildings with existing survey information that have been demolished or moved will be noted. The surveyors will use GIS mapping to locate properties, handheld devices or paper for field notes, and high-resolution digital color photography.

**National Register of Historic Places Eligibility Evaluations:**

National Register nomination eligibility recommendations and other related recommendations will be made for individual properties as well as the selected neighborhoods. The recommendations will be based on the NRHP criteria listed in Section 3.3.

***4.1.3.2 Archaeological Overview and Assessment***

The Archaeological Assessment and Overview may consist of a narrative report and graphics that summarize background research and provide environmental and cultural frameworks for pre-contact and post-contact site potential across the southwest and south neighborhoods (see Figure 2.3-1) of Nantucket with special emphasis on the coast.

**Coordination:**

The principal investigator will coordinate the project schedule and deliverables for the overview and assessment project with the Massachusetts SHPO and other Interested Consulting Parties, as necessary, including the Native American Tribes.

**Research:**

Background information specific to Nantucket will be reviewed, placed in the larger context of local, state, and regional environmental and cultural history, and tied to the predictive models for archaeological pre-contact and post-contact site potential. A comprehensive review of primary and secondary sources of information including published and unpublished paleoenvironmental and geological studies, paleoecological studies, informant interviews, and previous archaeological reports will be conducted.

Archaeological site files maintained at the MHC and in MACRIS will be reviewed and site locational data and information will be included in the report text and on scaled USGS maps of Nantucket. Town and county histories, historical maps, and archaeological reports from nearby surveys and from those surveys previously conducted on Nantucket also will be reviewed for information pertinent to the study area. Research will be conducted at the NHS and coordinated with NHS staff.

**Fieldwork:**

The principal investigator will conduct a surface examination (walkover/drive over) of Nantucket to examine the current physical condition of recorded archaeological sites and historically documented/mapped resources on the island. Information collected during the fieldwork will be used to assist in the development of the site sensitivity model for pre-contact and historic site potential within each refuge. Digital photographs of representative environmental zones and site locations will be taken. GIS-based sensitivity maps will be produced and include I the final report.

**4.1.4 Standards**

The Project will comply with the following standards:

- The Secretary of the Interior's Standards for the Treatment of Historic Properties (1983).
- The Secretary of the Interior's Standards and Guidelines: Archeology and Historic Preservation (1983).

**4.1.5 Documentation / Deliverables**

The following draft and final documents will be provided for review and comment by the Interested Consulting Parties:

- Historic survey reports for selected neighborhood areas of the island of Nantucket.
- Appropriate MHC Forms (A, B, C, F, H) for all inventoried properties in the selected neighborhoods.

- Archaeological Overview and Assessment report of the southwest and south neighborhoods of Nantucket as depicted on Figure 2.3-1.
- MHC archaeological site forms for newly identified sites.
- Updates, where warranted, to existing MHC forms.
- Publication(s) suitable for public distribution by SouthCoast Wind

#### ***4.1.6 Reporting***

Following Project approval, SouthCoast Wind shall prepare a summary report detailing the mitigation measures undertaken pursuant to the HPTP. The report will be provided to the Town of Nantucket and all other Interested Consulting Parties. The report will be prepared, reviewed, and distributed by January 31 of each calendar year until the HPTP is complete. The report will summarize the work undertaken during the previous year.

#### ***4.1.7 Funds and Accounting***

SouthCoast Wind will be responsible for funding and implementation of these mitigation measures.



## 5.0 IMPLEMENTATION

### 5.1 Timeline

The mitigation measures identified within this HPTP may be implemented prior to the commencement of, during, or after construction for the Undertaking.

### 5.2 Organizational Responsibilities

#### *5.2.1 Bureau of Ocean Energy Management*

- Will be the lead federal agency
- Make all federal decisions and determine compliance with Section 106.
- Consult with SouthCoast Wind, MASHPO, relevant federally recognized tribes, and other Interested Consulting Parties with demonstrated interest in the affected historic properties.
- Review and approve all deliverables prepared and distributed to the Interested Consulting Parties.

#### *5.2.2 SouthCoast Wind*

- Fund and implement the mitigation measures described in Section 4.0 of this HPTP.
- Prepare a summary report, submit report to BOEM for review and approval, and distribute to Interested Consulting Parties per Section 4.1.6.
- Submit information for Interested Consulting Parties review per Sections 4.1.2, 4.1.3, and 5.1.
- Creation and distribution of RFP to solicit consultant support for mitigation measure fulfillment.
- Selection of a consultant who meets the Secretary of the Interior's Professional Qualifications Standards for History, Architectural History and Archeology (36 CFR Part 61). Initial review of documentation for compliance with the Scope of Work, Methodology and Standards.
- Distribution of documentation to Interested Consulting Parties for their review.
- Review and comment on deliverables.

#### *5.2.3 Massachusetts State Historic Preservation Office*

- Consult, when necessary, on implementation of this HPTP.

#### ***5.2.4 Advisory Council on Historic Preservation***

- Consult, when necessary, on implementation of this HPTP.

## 6.0 FINALIZATION

The HPTP will be finalized with the execution of the MOA. Mitigation measures within this HPTP will be completed within five years of execution of the MOA, unless a different timeline is agreed upon with BOEM. Mitigation measures may be completed simultaneously, as applicable.

## 7.0 REFERENCES

### Works Cited

Advisory Council on Historic Preservation and Council on Environmental Quality. 2013. *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*. March 2013.

AECOM, Tetra Tech, Inc., and DNV Energy USA, Inc. 2023. *Construction and Operations Plan, SouthCoast Wind Energy*. SouthCoast Wind Energy, LLC, Boston, MA.

Adams, Virginia H, Melissa J. Andrade, Eryn Boyce 2022 *Historic Properties Survey Plan Nantucket, Massachusetts*, The Public Archaeology Laboratory, Inc. Report No. 4267. Submitted to Town of Nantucket and Nantucket Historical Commission and Massachusetts Historical Commission, Boston MA

Chase-Harrell, Pauline and Brian Pfeiffer. 2012 *Nantucket Historic District National Historic Landmark Nomination Form, Nantucket, MA (NAN.D) Update*. On file, Massachusetts Historical Commission, Boston, MA.

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## **Federal Regulations**

Code of Federal Regulations (CFR). 2022a. 40 CFR 1500 – National Environmental Policy Act Implementing Regulations. Available at <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A>.

Code of Federal Regulations (CFR). 2022b. 36 CFR 800 – Protection of Historic Properties [incorporating amendments effective December 15, 2021]. Available at <https://www.ecfr.gov/current/title-36/chapter-VIII/part-800>. Accessed September 12, 2022.

CFR. 2022d. 36 CFR 61.4(e)(1) – Procedures for State, Tribal, and Local Government Historic Preservation Programs [incorporating amendments effective December 15, 2021]. Available at [https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4\(e\)\(1\)](https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4(e)(1)). Accessed September 12, 2022.

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## **State Regulations**

MGL. 2012. Chapter 9, Sections 26 – 27c: Protection of Properties Included in the State Register of Historic Places. Available at <https://www.mass.gov/regulations/950-CMR-71-protection-of-properties-included-in-the-state-register-of-historic-places#downloads>, accessed September 12, 2022.

**ATTACHMENT 10 – HISTORIC PROPERTIES TREATMENT PLAN FOR NANTUCKET  
SOUND TRADITIONAL CULTURAL PLACE**

DRAFT

## Appendix S.4 Draft Historic Properties Treatment Plan for Nantucket Sound Traditional Cultural Place

|                                |   |
|--------------------------------|---|
| <b>Document Revision Issue</b> | D   |
| <b>Date</b>                    | August 2024                                     |
| <b>Security Classification</b> | Confidential                                    |
| <b>Disclosure</b>              | For Use by BOEM and Authorized<br>Third Parties |
| <b>Document Number</b>         | MW01-COR-COP-RPT-0028                           |



# Historic Properties Treatment Plan for the SouthCoast Wind Project

## Historic Properties Subject to Adverse Effects

Nantucket Sound, Massachusetts

Submitted to:



Bureau of Ocean Energy Management  
U.S. Department of the Interior

Prepared for:



SouthCoast Wind Energy  
LLC

<https://southcoastwind.com>

Prepared by:



The Public Archaeology Laboratory, Inc.

<https://www.palinc.com/>

**August 2024**





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## LIST OF ACRONYMS

|        |   |
|--------|---|
| ACHP   | Advisory Council on Historic Preservation           |
| APE    | Area of Potential Effects                           |
| APVI   | Area of Potential Visual Impact                     |
| BOEM   | Bureau of Ocean Energy Management                   |
| CFR    | Code of Federal Regulations                         |
| COP    | Construction and Operations Plan                    |
| FR     | Federal Regulation                                  |
| HRVEA  | Historic Resources Visual Effects Assessment        |
| HDD    | Horizontal Directional Drilling                     |
| HPTP   | Historic Preservation Treatment Plan                |
| HVDC   | High Voltage Direct Current                         |
| MA     | Massachusetts                                       |
| MARA   | Marine Archaeological Resource Assessment           |
| MASHPO | Massachusetts State Historic Preservation Office(r) |
| MGL    | Massachusetts General Laws                          |
| MHC    | Massachusetts Historic Commission                   |
| MOA    | Memorandum of Agreement                             |
| NHL    | National Historic Landmark                          |
| NHPA   | National Historic Preservation Act                  |
| NRHP   | National Register of Historic Places                |
| NEPA   | National Environmental Policy Act                   |
| OCS    | Outer Continental Shelf                             |
| PAPE   | Preliminary Area of Potential Effects               |
| PSO    | Protected Species Observer                          |
| RFP    | Request for Proposal                                |
| ROD    | Record of Decision                                  |
| SOI    | Secretary of the Interior                           |
| TARA   | Terrestrial Archaeological Resource Assessment      |
| TCP    | Traditional Cultural Place                          |

## 1.0 EXECUTIVE SUMMARY

This Historic Property Treatment Plan (HPTP) provides background data, historic property information, and detailed steps that will be implemented to resolve the potential adverse visual effects to the Nantucket Sound Traditional Cultural Place (TCP) in the state waters of Massachusetts (MA) and the federal waters of the United States resulting from the construction and operation of the SouthCoast Wind Project (the Undertaking or Project) to satisfy requirements of Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA) of 1966 (54 USC 300101; United States Code, 2016). This HPTP outlines the implementation steps and timeline for these mitigation actions.

Section 1.0, Executive Summary, outlines the content of this HPTP.

Section 2.0, Background Information, briefly summarizes the Undertaking while focusing on cultural resources regulatory contexts (federal, state, and local), identifies the single historic property discussed in this HPTP that may be adversely affected by the Undertaking, and summarizes the pertinent report that guided the development of this document (COP Appendix S, Analysis of Visual Effects to Historic Properties, prepared by AECOM).

Section 3.0, Existing Conditions and Historic Significance, provides a physical description of the Nantucket Sound TCP (the historic property). Set within its historic context, the applicable National Register of Historic Places (NRHP) criteria for the Nantucket Sound TCP are discussed with a focus on its overall significance and integrity.

Section 4.0, Mitigation Measures, presents specific steps to carry out mitigation to minimize adverse Project impacts. The mitigation measures include the proposed treatment, purpose and intended outcomes, scope of work, methodology, standards, reporting requirements, and accounting.

Section 5.0, Implementation, establishes the process for executing mitigation measures for the Nantucket Sound TCP as identified in Section 4.0 of this HPTP.

Section 6.0, Finalization, establishes when the mitigation will be finalized, unless a different timeline is agreed upon by the Section 106 Consulting Parties and accepted by BOEM.

Section 7.0, References, is a list of works referenced and/or cited in preparing this HPTP.

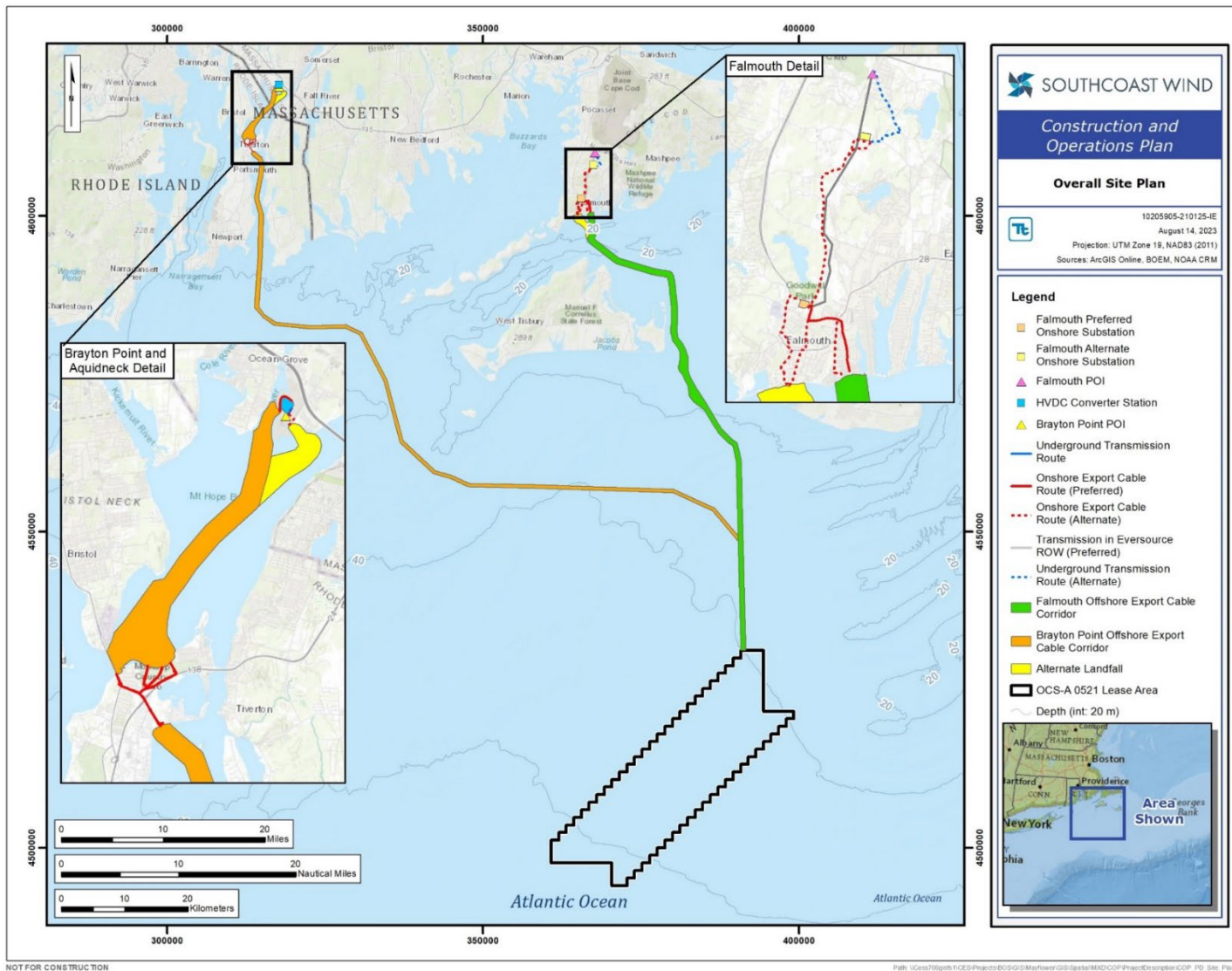
## 2.0 BACKGROUND INFORMATION

### 2.1 Project Overview

OW North America LLC (Ocean Winds) proposes to construct and operate the SouthCoast Wind Project (Project). The Project includes construction of the SouthCoast Wind turbine array, inter-array cables, and offshore substation platforms in federal waters on the Atlantic Outer Continental Shelf (OCS) within the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0521 (Lease Area) approximately 20 nautical miles (37 kilometers) south of Nantucket Island; export cables that traverse federal and state waters with landfalls in Falmouth and Somerset, Massachusetts; and onshore High Voltage Direct Current (HVDC) converter stations at Brayton Point in Somerset and another in Falmouth, Massachusetts, points of interconnection, and onshore, underground transmission delivery systems (see Figure 2.1-1). As a part of the onshore components for the Brayton Point export cable corridor, SouthCoast Wind is considering several cable duct bank route segment options and horizontal directional drilling (HDD) site options in Portsmouth, Rhode Island.

This Historic Property Treatment Plan (HPTP) addresses the potential for adverse effects to the Nantucket Sound TCP located in state (MA) and federal waters.

Figure 2.1-1. SouthCoast Wind Project Overview



Historic Property Treatment Plan  
 Nantucket Sound Traditional Cultural Place, Massachusetts

## 2.2 Section 106 of the National Historic Preservation Act

The Project, requiring approval from BOEM, is considered a federal undertaking and as such, must comply with Sections 106 and 110 of the National Historic Preservation Act of 1966 (NHPA), as amended, and the National Environmental Policy Act of 1970 (NEPA). This report addresses potential adverse impacts to a historic property in compliance with Section 106 and Section 110 of the NHPA.

Section 106 of the NHPA requires federal agencies to identify and assess the effects of undertakings on historic resources and to resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts. Section 110 of the NHPA requires federal agencies to establish a historic preservation program for the identification, evaluation, and protection of historic properties under their control or ownership within an Area of Potential Effect (APE). An APE, as defined by 36 CFR § 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”.

Regulations under Section 106 (36 Code of Federal Regulations [CFR] 800.8(c)) allow the substitution of the NEPA reviews for the Section 106 process. Under this subsection, an agency can use the NEPA process and the documents it produces to comply with Section 106 in lieu of the procedures set forth in 36 CFR 800.3-800.6. In 2020, BOEM announced its intention to implement the NEPA substitution process for Section 106 review for renewable energy Construction and Operations Plans (COPs). Per the available guidance (Advisory Council on Historic Preservation [ACHP] and Council on Environmental Quality, 2013), the NEPA substitution process provides an opportunity for an agency to streamline its overall environmental and historic preservation review process. A Project Notification Form containing a preliminary Project description, general schedule, and recommended cultural resources studies was submitted to the Massachusetts State Historic Preservation Office (MASHPO, Office of the Massachusetts Historical Commission [MHC]) on February 14, 2020. MASHPO issued a response to the submittal on March 9, 2020. Consultation with MASHPO, the Town of Nantucket, and other Participating Parties is ongoing. Consultation under Sections 106 and 110 of the NHPA was initiated with the issuance of a Notice of Intent (NOI) by BOEM on November 1, 2021.

## 2.3 Resolution of Adverse Effects Measures

To support BOEM's efforts to identify historic properties within the Project's Preliminary Area of Potential Effects (PAPE), SouthCoast Wind conducted an Analysis of Visual Effects to Historic Properties (AVEHP) assessment, terrestrial archaeological resources assessment (TARA), and a marine archaeological resources assessment (MARA). The results of these investigations can be found in the SouthCoast Wind COP, Volume II, Section 7, Appendix S, Appendix S.1, Appendix R, and Appendix Q. Based on a review of these documents and consultation with Participating Parties, BOEM may issue a Finding of Adverse Effect from the proposed Project on the Nantucket Sound TCP in state and federal waters off of Nantucket, MA.

Pursuant to 36 CFR § 800.6 (a), SouthCoast Wind will be required to mitigate the adverse effect in accordance with requirements laid out by BOEM in a forthcoming Record of Decision (ROD). BOEM will be executing a Memorandum of Agreement (MOA) with the MASHPO and other Participating Parties, which will outline the mitigation stipulations. This HPTP will be referenced in an attachment to the MOA.

This HPTP provides background data and steps that may be implemented to carry out any minimization and mitigation measures. Standard minimization measures for visual impacts that have been taken into consideration include the color of the turbine and blades that will allow them to blend in with their setting, as well as implementing Aircraft Detection Lighting System (ADLS) which will reduce impacts in twilight and nighttime hours (see COP Appendix T, Visual Impact Assessment, and Appendix Y3, Aircraft Detection Lighting System Efficacy Analysis). Alternative mitigation measures implemented under this HPTP will be conducted in consultation with the Participating Parties, as appropriate, and in accordance with applicable local, state, and federal regulations and permitting requirements. Responsibilities for specific compliance actions are described in further detail in Section 5.2, Organizational Responsibilities.

For the purposes of this HPTP, Participating Parties are defined as a subset of the NHPA Section 106 consulting parties that have a functional role in the process of fulfilling the mitigation measure implementation processes described herein. Participating Parties with an interest in the potential adversely affected historic properties as summarized in Table 2.3-1.



Table 2.3-1. Participating Parties Potentially involved with the Nantucket Sound TCP, National Historic Landmark Historic Property

| Name   | Relationship to Historic Property                                | Address  |
|--|--|--|
| Advisory Council on Historic Preservation  | Federal Agency   | Federal Property Management Section, 401 F St NW, Suite 308, Washington DC 20001 |
| Massachusetts State Historic Preservation Office/<br>Massachusetts Historical Commission | State Historic Preservation Office / State Historical Commission | 220 Morrissey Boulevard, Boston, MA 02125  |
| Massachusetts Board of Underwater Archaeological Resources                               | State Agency   | 100 Cambridge Street Suite 900 Boston, MA 02114                                  |
| Town of Nantucket/Nantucket Historical Commission  | Local Government / Local Historical Commission                   | 59 Town Hall Square, Town Hall, Nantucket, MA 02540                              |
| Wampanoag Tribe of Gay Head (Aquinnah)   | Traditional Homeland   | 20 Black Brook Road Aquinnah, MA 02535-1546                                      |
| Mashpee Wampanoag Tribe  | Traditional Homeland   | 483 Great Neck Road South Mashpee, MA 02649                                      |

### 3.0 HISTORIC SIGNIFICANCE OF THE HISTORIC PROPERTY

#### 3.1 Historic Property

This HPTP involves one historic property, Nantucket Sound, Massachusetts. The Nantucket Sound TCP was determined eligible for listing in the NRHP under Criteria A, B, D, and D (36 CFR Part 60 and pursuant to 36 CFR Part 63) on January 4, 2010 by the Keeper of the NRHP. Nantucket Sound is eligible for listing as both a traditional cultural place and as a historic and archaeological property. The boundaries of the Nantucket Sound TCP are not precisely defined but the eligibility determination focused on [REDACTED]

National Register Criteria are defined as follows:

- A. Associated with events that have made a significant contribution to the broad patterns of history.
- B. Associated with the lives of persons significant in our past.
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- D. That have yielded or may be likely to yield information important in prehistory or history.

*The following section on historic context and significance are excerpted from the 2010 National Park Service (NPS) National Register of Historic Places Determination of Eligibility.*

#### 3.2 Historic Context and Significance

Nantucket Sound is part of a large culturally significant landscape that is treasured by the Wampanoag tribes and is part of their history and traditional cultural practices and beliefs. The tribes have maintained a continuous relationship with Nantucket Sound both on previously exposed land surfaces and the islands around the Sound. They have traversed, lived on, and buried their dead on the land that is now submerged below the waters of the Sound. The Tribes identify the Sound as a direct link to their ancestral origins, and the Sound plays a role in their cultural, religious, and ceremonial practices. [REDACTED]

Wampanoag Tribes cannot be separated from the natural environment of the Sound, Cape Cod, and the Islands. They are the “People of the First Light or Dawn” and the vista over the Sound is essential to their identity.

The resilience of the Wampanoag people and their oral traditions continue today as they also have a relationship to the Sound for economic purposes, including shell fishing, fishing, recreation, and tourism.

The period of significance of the Sound extends from thousands of years ago through the current day. The specific items under each criteria of eligibility are listed below.

### 3.3 National Register of Historic Places Criteria

Nantucket Sound is eligible at the National level to the NRHP under Criteria A, B, C, and D, as follows:

- A. For its associations with the ancient and historic period Native American exploration and settlement of Cape Cod and the Islands, and with the central events of the Wampanoags’ stories [REDACTED]
- B. For its association with [REDACTED]
- C. As a significant and distinguishable entity integral to Wampanoags’ folklife traditions, practices, cosmology, religion, material culture, foodways, monitoring, and narratives.
- D. For the important cultural, historical, and scientific information it has yielded or/may be likely to yield through archeology, history, and ethnography about access to resources, patterns of settlement, mobility, and land use prior to and after 6,000 years ago because of the inundation of the Sound. It is also important for the significant information it provides and can provide about the cultural practices and traditions of the Native Americans of Cape Cod and the Islands in relationship with other peoples since ancient times.

### 3.4 Physical Description

The US Department of Commerce, Coast and Geodetic Survey has defined the geographical boundaries of Nantucket Sound as follows: a small shallow marine basin on the continental shelf, roughly triangular in area, that lies between the southern shore of Cape Cod (between Monomoy and Mashpee) and the islands of Martha’s Vineyard and Nantucket. It merges with Vineyard Sound at its western end and the Atlantic

Ocean on its eastern end. Currently a natural body of water, the basin was once exposed land, as part of the Continental Shelf.

## 4.0 MITIGATION MEASURES

This section details the proposed mitigation measures to resolve potentially adverse effects to the Nantucket Sound TCP and describes the purpose and intended outcome, scope of work, methodology, standards, deliverables, and funds and accounting for the measure. The content of this section was developed on behalf of SouthCoast Wind by individuals who meet the Secretary of the Interior (SOI) Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture (62 FR 33708) and is consistent with fulfilling the mitigation measures such that they fully address the nature, scope, size, and magnitude of the potential adverse effect.

### 4.1 Mitigation Measure – Nantucket Sound TCP

SouthCoast Wind is prepared to continue with and expand upon the Protected Species Observer (PSO) training program for tribal members. SouthCoast Wind and its consultant, RPS, are working together to sponsor and provide local Native American communities with cost-free training and all certifications required to work as a PSO. The Native American Wampanoag communities will have the opportunity to be trained and certified to monitor for the presence of protected species in the Sound. Once graduated from the program, they will be able to implement mitigation measures to ensure animal species, including endangered marine mammal and other protected species, are not impacted by marine activities, such as site characterization surveys and construction activities, of the SouthCoast Wind Project.

#### *4.1.1 Purpose and Intended Outcome*

The purpose of the mitigation will be to offset effects that may affect Nantucket Sound during the SouthCoast Wind Project development and construction activities. This mitigation measure will be invaluable for the protection of marine species in the Sound, not just during Project construction activities, but year-round for other industrial and recreational activities that may take place in the Sound. SouthCoast Wind also recognizes the traditional ecological knowledge that local Tribal members hold and the value that this insight can bring to the Project and offshore wind industry generally.

The proposed mitigation will provide a benefit to the public and Native American tribes through monitoring and promotion of the health of the ecosystem of Nantucket Sound as well as integrate tribal knowledge to protect the TCP. Additionally, a benefit to the Native American community will be increased opportunities for employment during the Project development, construction, operation, decommissioning, and for other

industries travelling through and operating in the waters of the Sound. Once Tribal members have been trained under the SouthCoast Wind PSO Training Program, they will be able to use their BOEM and NMFS-approved certifications and new skills to be employed as PSOs on SouthCoast Wind vessels as well as other offshore wind projects and other offshore industries as well.

#### ***4.1.2 Scope of Work***

SouthCoast Wind will work with the RPS Group, an international, scientific technical consulting firm to set up PSO Certification Training, Offshore Wind Training, and Health Safety and Environment Training for the Wampanoag communities. SouthCoast Wind is committed to actively recruiting from those communities to provide this certification as well as support post-certification employment applications with both SouthCoast Wind and RPS Group. SouthCoast Wind and RPS plan to hold at least one local training session annually through Project development and five years following SouthCoast Wind 1's financial close milestone.

#### ***4.1.3 Methodology***

RPS will coordinate the delivery of all training modules and required physical examination to the enrolled trainees. An RPS mentor will be provided to each trainee for the full course of the program. Following successful completion of the PSO training program RPS will deploy the PSOs on an offshore program for surveys, construction activities, etc.

#### ***4.1.4 Standards***

The PSO program will meet the international standards approved by BOEM and the National Marine Fisheries Service.

#### ***4.1.5 Reporting***

Following Project approval, SouthCoast Wind shall prepare a summary report detailing the mitigation measure undertaken pursuant to the HPTP. The report will include updates on the Tribal members participating annually and the status of those participants upon graduating. The report will be provided to the Participating Parties and detail the outreach measures taken to engage tribal members in the PSO certification program and how many individuals have successfully completed the program. The report will

be prepared, reviewed, and distributed by January 31 of each calendar year until the wind farm is constructed. The report will summarize the work undertaken during the previous year.

#### ***4.1.6 Funds and Accounting***

SouthCoast Wind will be responsible for funding and implementation of this mitigation measure.

## 5.0 IMPLEMENTATION

### 5.1 Timeline

The mitigation measure identified within this HPTP will be implemented prior to the commencement of construction for the Undertaking. SouthCoast Wind and RPS Group have completed two local training sessions (2022 and 2023) and have scheduled a third for September 2024. It will likely continue throughout the construction period of the Undertaking, and into the lifetime of the operational SouthCoast Wind Project. SouthCoast Wind has committed to holding one local training session annually for at least 5 years following SouthCoast Wind 1's financial close milestone.

As of August 2024, two graduates from the Mashpee Wampanoag Tribe and one from the Pocasset Wampanoag Tribe have completed the program and have deployed on SouthCoast Wind's offshore survey program with RPS. The next training program is scheduled in Fall River, Massachusetts for September 2024.

### 5.2 Organizational Responsibilities

#### *5.2.1 Bureau of Ocean Energy Management*

- Will be the lead federal agency
- Make all federal decisions and determine compliance with Section 106.
- Ensure that the mitigation measure adequately resolves adverse effects, consistent with the NHPA, and in consultation with the Participating Parties.
- Consult with SouthCoast Wind, MASHPO, relevant federally recognized tribes, and other Participating Parties with demonstrated interest in the affected historic property.

#### *5.2.2 SouthCoast Wind*

- Fund and implement the mitigation measures described in Section 4.0 of this HPTP.
- Prepare a summary report, submit report to BOEM for review and approval, and distribute to Participating Parties per Section 4.1.5.
- Submit information for Participating Parties review per Sections 4.1.2, 4.1.3, and 5.1.
- Work with RPS Group, the PSO training vendor, to ensure mitigation measure fulfillment.



- Coordinate with Tribal Historic Preservation Officers (THPOs) to notify the Tribes of the training program
- Review and comment on deliverables.

### ***5.2.3 Massachusetts State Historic Preservation Office***

- Consult, when necessary, on implementation of this HPTP.

### ***5.2.4 Advisory Council on Historic Preservation***

- Consult, when necessary, on implementation of this HPTP.

## 6.0 FINALIZATION

The HPTP will be finalized with the execution of the MOA. Mitigation measures within this HPTP will be completed within five years of execution of the MOA, unless a different timeline is agreed upon by Participating Parties and accepted by BOEM. Mitigation measures may be completed simultaneously, as applicable.

## 7.0 REFERENCES

### Works Cited

Advisory Council on Historic Preservation and Council on Environmental Quality. 2013. *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*. March 2013.

AECOM, Tetra Tech, Inc., and DNV Energy USA, Inc. 2023. *Construction and Operations Plan, SouthCoast Wind Energy*. SouthCoast Wind Energy, LLC, Boston, MA.

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**ATTACHMENT 11 – HISTORIC PROPERTIES TREATMENT PLAN FOR OAK GROVE  
CEMETERY**

DRAFT



## Appendix S.2 Draft Historic Properties Treatment Plan for Oak Grove Cemetery

|                                |  |
|--------------------------------|--|
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| <b>Document Number</b>         | MW01-COR-PRT-PRT-0037                        |



# Historic Properties Treatment Plan for the SouthCoast Wind Project

## Historic Properties Subject to Adverse Visual Effect

Falmouth, Massachusetts

Submitted to:



Bureau of Ocean Energy Management  
U.S. Department of the Interior

Prepared for:



SouthCoast Wind Energy  
LLC

<https://southcoastwind.com>

Prepared by:



The Public Archaeology Laboratory, Inc.  
<https://www.palinc.com/>

September 2024

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## LIST OF ACRONYMS

|        |   |
|--------|---|
| ACHP   | Advisory Council on Historic Preservation           |
| APE    | Area of Potential Effects                           |
| APVI   | Area of Potential Visual Impact                     |
| ASLA   | American Society of Landscape Architects            |
| BOEM   | Bureau of Ocean Energy Management                   |
| CFR    | Code of Federal Regulations                         |
| COP    | Construction and Operations Plan                    |
| FR     | Federal Regulation                                  |
| HRVEA  | Historic Resources Visual Effects Assessment        |
| HDD    | Horizontal Directional Drilling                     |
| HPTP   | Historic Preservation Treatment Plan                |
| HVDC   | High Voltage Direct Current                         |
| MA     | Massachusetts                                       |
| MARA   | Marine Archaeological Resource Assessment           |
| MASHPO | Massachusetts State Historic Preservation Office(r) |
| MGL    | Massachusetts General Laws                          |
| MOA    | Memorandum of Agreement                             |
| NHPA   | National Historic Preservation Act                  |
| NRHP   | National Register of Historic Places                |
| NEPA   | National Environmental Policy Act                   |
| OCS    | Outer Continental Shelf                             |
| PAPE   | Preliminary Area of Potential Effects               |
| RFP    | Request for Proposal                                |
| ROD    | Record of Decision                                  |
| SOI    | Secretary of the Interior                           |
| TARA   | Terrestrial Archaeological Resource Assessment      |

## 1.0 EXECUTIVE SUMMARY

This Historic Property Treatment Plan (HPTP) provides background data, historic property information, and detailed steps that will be implemented to resolve the adverse visual effects to the Oak Grove Cemetery in Falmouth, Massachusetts (MA) resulting from the construction and operation of the SouthCoast Wind Project (the Undertaking or Project) to satisfy requirements of Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA) of 1966 (54 USC 300101; United States Code, 2016). This HPTP outlines the implementation steps and timeline for these mitigation actions.

Section 1.0, Executive Summary, outlines the content of this HPTP.

Section 2.0, Background Information, briefly summarizes the Undertaking while focusing on cultural resources regulatory contexts (federal, state, and local), identifies the single historic property discussed in this HPTP that will be adversely affected by the Undertaking, and summarizes the pertinent report that guided the development of this document (prepared by AECOM and Tetra Tech, Inc.).

Section 3.0, Existing Conditions and Historic Significance, provides a physical description of the Oak Grove Cemetery (the historic property). Set within its historic context, the applicable National Register of Historic Places (NRHP) criteria for the Oak Grove Cemetery are discussed with a focus on the contribution of its setting to its overall significance and integrity.

Section 4.0, Mitigation Measures, presents specific steps to carry out mitigation to minimize adverse project impacts. The mitigation measures include the proposed treatment, purpose and intended outcomes, scope of work, methodology, standards, reporting requirements, and accounting.

Section 5.0, Implementation, establishes the process for executing mitigation measures at the Oak Grove Cemetery as identified in Section 4.0 of this HPTP. For the measures, a timeline is provided, and organizational responsibilities are outlined.

Section 6.0, Finalization, establishes when the mitigation will be finalized, unless a different timeline is agreed upon by the Section 106 Consulting Parties and accepted by BOEM.

Section 7.0, References, is a list of works referenced and/or cited in preparing this HPTP.

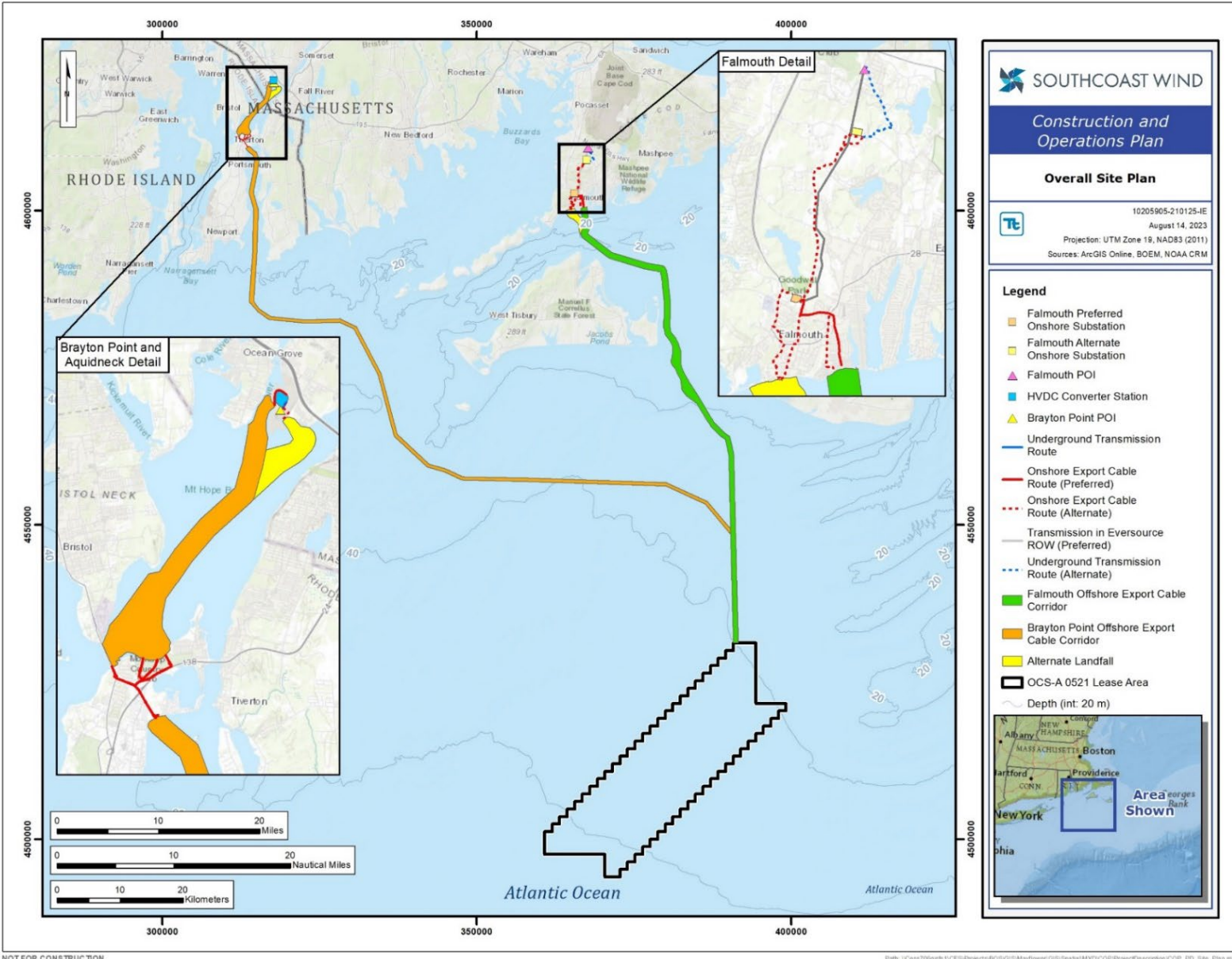
## 2.0 BACKGROUND INFORMATION

### 2.1 Project Overview

OW North America LLC (Ocean Winds) proposes to construct and operate the SouthCoast Wind Project Offshore Wind Project (Project). The Project includes construction of the SouthCoast Wind turbine array in federal waters on the Atlantic Outer Continental Shelf (OCS) within the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0521 (Lease Area) approximately 20 miles (32 kilometers) south of Nantucket Island; inter-array cables, offshore substation platforms, and export cables that traverse federal and state waters with landfalls at Falmouth and Somerset, Massachusetts; and onshore High Voltage Direct Current (HVDC) converter stations at Brayton Point in Somerset and in Falmouth, Massachusetts, points of interconnection, and onshore, underground transmission delivery systems (see Figure 2.1-1). As a part of the onshore component of the Project, SouthCoast Wind is considering several cable duct bank route segment options and horizontal directional drilling (HDD) sites in Portsmouth, Newport County, Rhode Island.

In Falmouth, Massachusetts, there are two HVDC onshore converter station locations under consideration, referred to as the Lawrence Lynch and the Cape Cod Aggregates sites. This Historic Properties Treatment Plan (HPTP) addresses the potential for adverse effects to the Oak Grove Cemetery, located near the Lawrence Lynch site in Falmouth. If the Cape Cod Aggregates site is selected for construction of the substation, the substation would not be constructed at the Lawrence Lynch site. As a result, the Oak Grove Cemetery would not be adversely affected, and this HPTP would not be implemented.

Figure 2.1-1. Project Location



Historic Property Treatment Plan  
 Oak Grove Cemetery, Town of Falmouth, Massachusetts

## **2.2 Section 106 of the National Historic Preservation Act**

As a project that requires approval from BOEM, the Project is considered a federal undertaking and as such, must comply with Section 106 and Section 110 of the National Historic Preservation Act of 1966 (NHPA), as amended, and the National Environmental Policy Act of 1970 (NEPA). This report addresses adverse visual impacts to historic properties in compliance with Section 106 and Section 110 of the NHPA.

Section 106 of the NHPA requires federal agencies to identify and assess the effects of undertakings on historic resources and to resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts. Section 110 of the NHPA requires federal agencies to establish a historic preservation program for the identification, evaluation, and protection of historic properties under their control or ownership.

Regulations under Section 106 (36 Code of Federal Regulations [CFR] 800.8(c)) allow the substitution of the NEPA reviews for the Section 106 process. Under this subsection, an agency can use the NEPA process and the documents it produces to comply with Section 106 in lieu of the procedures set forth in 36 CFR 800.3-800.6. In 2020, BOEM announced its intention to implement the NEPA substitution process for Section 106 review for renewable energy Construction and Operations Plans (COPs). Per the available guidance (Advisory Council on Historic Preservation [ACHP] and Council on Environmental Quality, 2013), the NEPA substitution process provides an opportunity for an agency to streamline its overall environmental and historic preservation review process.

A Project Notification Form containing a preliminary Project description, general schedule, and recommended cultural resources studies was submitted to the Massachusetts State Historic Preservation Office (MASHPO, Office of the Massachusetts Historical Commission [MHC]) on February 14, 2020. MASHPO issued a response to the submittal on March 9, 2020. Consultation with MASHPO and other Interested Consulting Parties is ongoing. Section 106 and Section 110 of the NHPA was initiated with the issuance of a Notice of Intent (NOI) by BOEM on November 1, 2021.

### ***2.2.1 Municipal Regulations***

Pursuant to Section 106 requirements, any on-site mitigation measures will be coordinated with local municipalities and commissions to obtain approvals, as appropriate. These may include, but are not limited

to building permits, zoning, land use, planning, historical commissions, and design review boards. See Table 2.2-1 for organizations that will be contacted as part of mitigation planning at the Oak Grove Cemetery. Additional information regarding compliance with local requirements appears below in Section 5.2 – Organizational Responsibilities.

Table 2.2.1–1. Organizations Requiring On-Site Mitigation Coordination

| Name               | Municipality     | Description   |
|--------------------|------------------|---|
| Oak Grove Cemetery | Town of Falmouth | Privately owned, non-profit, and non-denominational Garden Cemetery<br>Oak Grove Cemetery of Falmouth, Inc.<br>Falmouth Historical Commission |

### 2.3 Resolution of Adverse Effects Measures

To support BOEM’s efforts to identify historic properties within the Project Preliminary Area of Potential Effects (PAPE), SouthCoast Wind conducted an Analysis of Visual Effects to Historic Properties (AVEHP) assessment, terrestrial archaeological resources assessment (TARA), and a marine archaeological resources assessment (MARA).). The results of these investigations can be found in the SouthCoast Wind COP, Volume II, Section 7, Appendix S, Appendix S.1, and Appendix R. Based on a review of these documents and consultation with Interested Consulting Parties, BOEM is expected to issue a Finding of Adverse Effect for the proposed Project on, the Oak Grove Cemetery in Falmouth, MA. The Lawrence Lynch site Area of Potential Visual Impact (APVI)/Viewshed, Preliminary Area of Potential Effects (PAPE), Lawrence Lynch site, and Oak Grove Cemetery are depicted on Figures 2.3-1 and 2.3-2.

Pursuant to 36 CFR § 800.6 (a), SouthCoast Wind will be required to mitigate the adverse effect in accordance with requirements laid out by BOEM in a forthcoming Record of Decision (ROD). BOEM will be executing a Memorandum of Agreement (MOA) with the MASHPO and other Interested Consulting Parties, which will outline the mitigation stipulations. This HPTP will be referenced in and attached to the MOA.

This HPTP provides background data, historic property information, and detailed steps that will be implemented to carry out the mitigation measures. Mitigation measures implemented under this HPTP will be conducted in consultation with Interested Consulting Parties and with applicable local, state, and federal

regulations and permitting requirements. Responsibilities for specific compliance actions are described in further detail in Section 5.2, Organizational Responsibilities.

For the purposes of this HPTP, Interested Consulting Parties are defined as a subset of the NHPA Section 106 consulting parties that have a functional role in the process of fulfilling the mitigation measure implementation processes described herein. Interested Consulting Parties with a demonstrated interest in the adversely affected historic properties are summarized in Table 2.3-1.

Figure 2.3-1. Oak Grove Cemetery Location (FAL.BF), Falmouth, Massachusetts

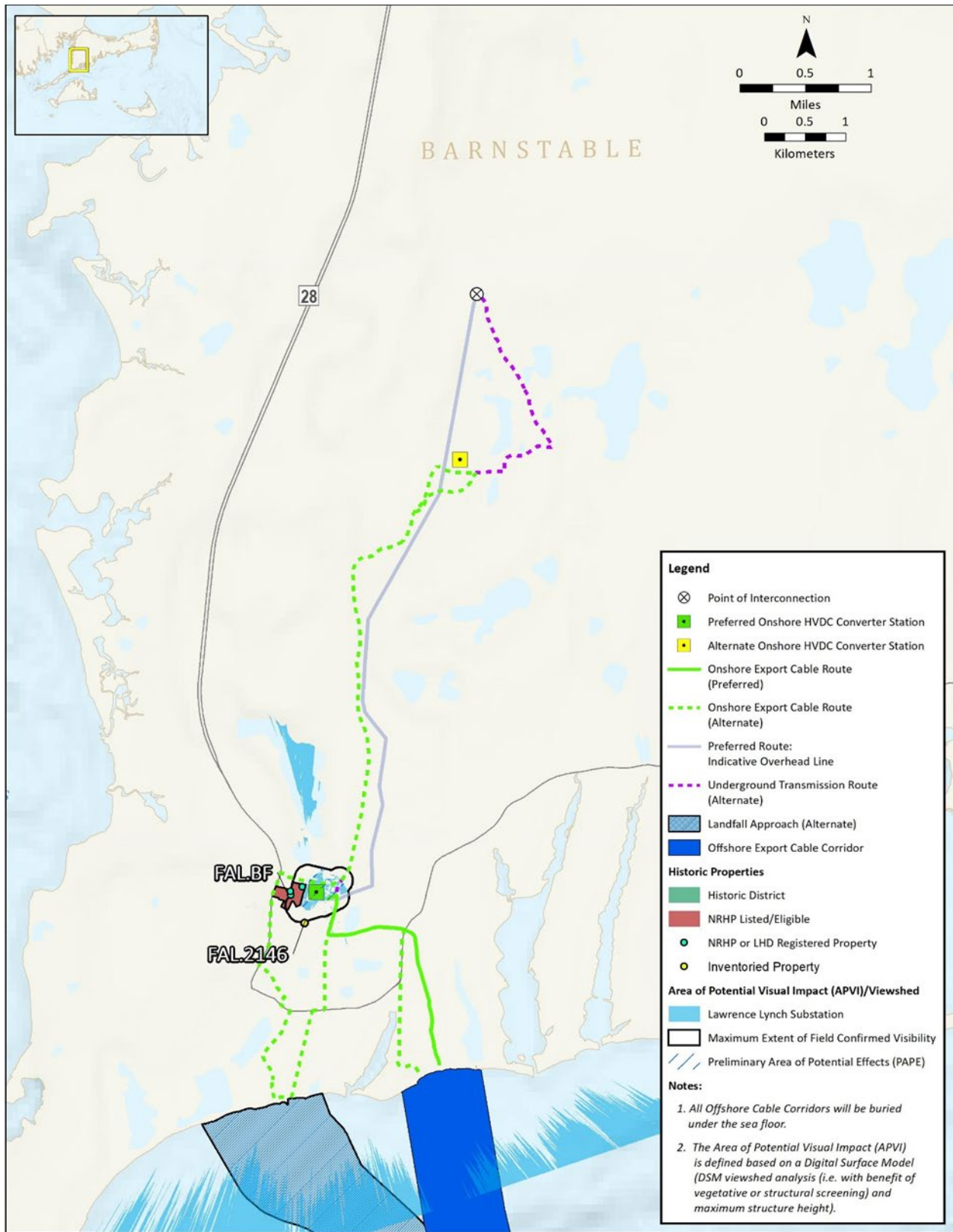




Figure 2.3-2. Lawrence Lynch Site APVI and PAPE, Falmouth, Massachusetts

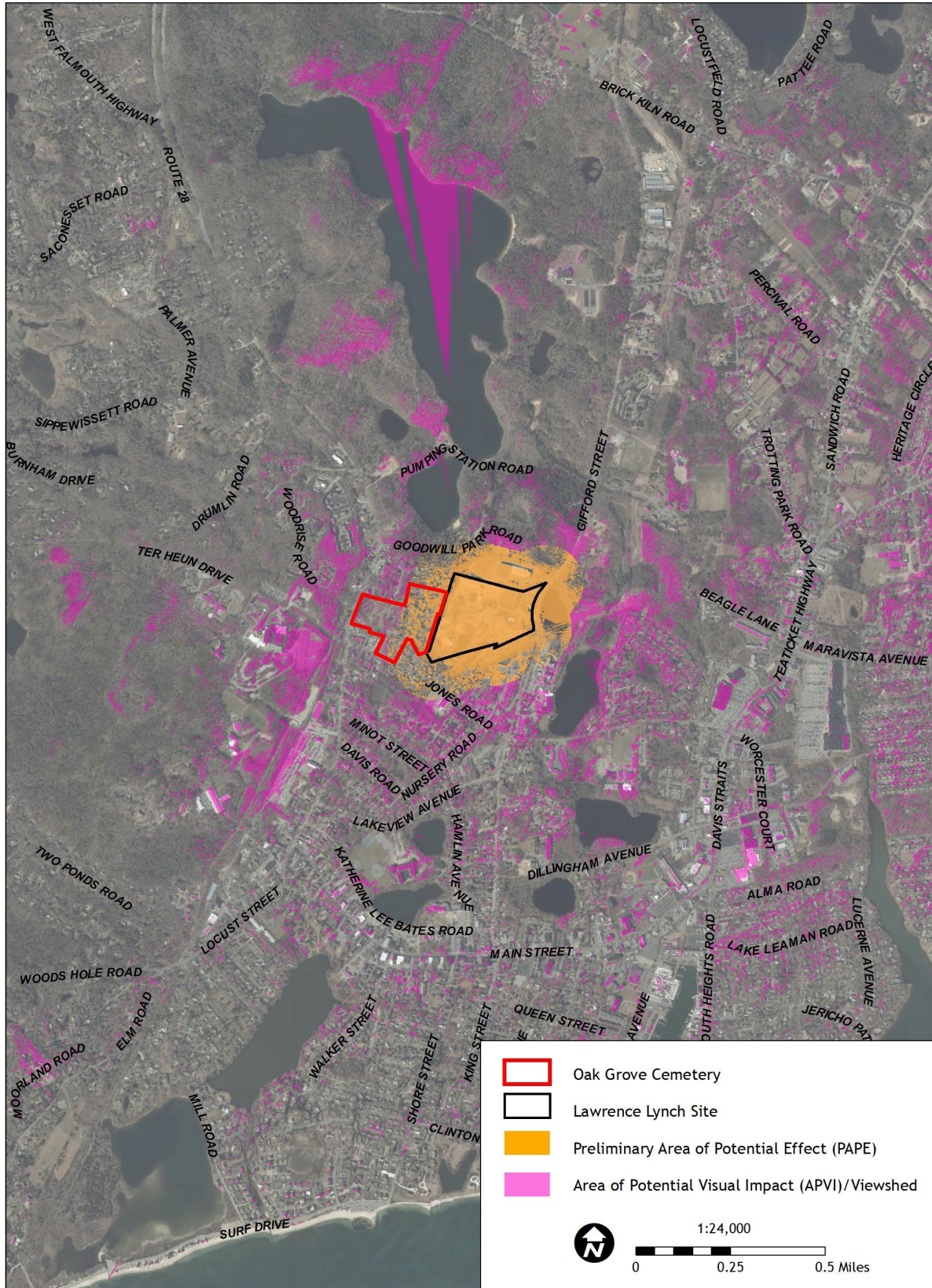


Table 2.3-1. Interested Consulting Parties Potentially Involved with the Oak Grove Cemetery Historic Property

| Name   | Relationship to Historic Property                                | Address  |
|--|--|--|
| Advisory Council on Historic Preservation  | Federal Agency   | Federal Property Management Section, 401 F St NW, Suite 308, Washington DC 20001 |
| Massachusetts State Historic Preservation Office/<br>Massachusetts Historical Commission | State Historic Preservation Office / State Historical Commission | 220 Morrissey Boulevard, Boston, MA 02125  |
| Town of Falmouth/Falmouth Historical Commission  | Local Government / Local Historical Commission                   | 59 Town Hall Square, Town Hall, Falmouth, MA 02540                               |
| Oak Grove Cemetery of Falmouth, Inc.   | Property Owner   | 46 Jones Road, Falmouth, MA 02540  |

### 3.0 HISTORIC SIGNIFICANCE AND EXISTING CONDITIONS OF THE HISTORIC PROPERTY

#### 3.1 Historic Property

This HPTP involves one historic property, as identified in Table 3.1-1.

Table 3.1-1. Historic Properties included in the HPTP

| Name               | Municipality     | State | Site No. (Agency)                   | Ownership |
|--------------------|------------------|-------|-------------------------------------|-----------|
| Oak Grove Cemetery | Town of Falmouth | MA    | MHC # FAL.BF (MHC); 14000560 (NRHP) | Private   |

In this section the historic property is described both physically and within its historic context.

#### 3.2 Historic Context and Significance

Oak Grove Cemetery is a 19th-century community cemetery organized by a voluntary association, the Oak Grove Cemetery Association. While there is no direct evidence, it appears the founding of Oak Grove Cemetery was associated with a desire on the part of prominent Falmouth citizens to have a cemetery that would provide space for burial practices fashionable at the time, including the ability to establish large family plots with marble and granite monuments. This claim may be supported by the fact that more than 195 markers were transferred from other cemeteries to family plots in Oak Grove, the majority having been relocated from the Old Town Burying Ground in Falmouth Village (Day and Friedberg 2014).

The idea for a new community cemetery was first publicly presented in 1849. It was voted to appoint a committee of five members to find a suitable piece of land, and the committee was instructed to procure subscribers for burial lots. The committee consisted of Erasmus Gould, William Nye, Jr., Thomas L. Swift (d. 1860), Silas Jones (1814-1896), and Rufus Swift. At a subsequent meeting in January 1850, it was reported that a wood lot had been located. The property (Section A) contained approximately five acres and was officially purchased in February 1850 using funds provided by Elijah and Oliver C. Swift (1797-1874) (Day and Friedberg 2014).

In addition to the money used to purchase the land, funds were also allocated for gateposts and the building of a "Public Tomb" – a receiving tomb for temporary interments, which was a common practice, especially

during the winter months. This tomb was located in the “valley” above the entrance, and the tomb was constructed of locally quarried pink granite. A storage shed for carriages was also constructed next to this tomb. The tomb was removed in the 1960s, and some of the stones were sent to be incorporated into the John F. Kennedy Memorial in Washington, D.C. The shed has also been demolished, and this area now consists of lawn and ground cover (Day and Friedberg 2014).

In 1851, the constitution of the cemetery was adopted, and the first trustees and officers of the association elected. These included Oliver C. Swift, Aaron Cornish (1794-1864), Stephen C. Dillingham, Samuel P. Bourne, Erasmus Gould, William Nye, Jr., and T. S. Swift. All of these individuals were prominent Falmouth businessmen involved in many of Falmouth’s enterprises and all, with the exception of William Nye, Jr. and Stephen Dillingham, are buried in family plots at Oak Grove Cemetery (Day and Friedberg 2014).

By 1886, the original five acres sold out and the Trustees appointed a committee, consisting of George E. Clarke (1822-1898), Silas Jones, and Solomon D. Robinson (1828-1913), to purchase additional land. Each of these men were prominent Falmouth citizens and are all buried in family plots at Oak Grove. Solomon Robinson, a descendant of Rev. Isaac Robinson, one of Falmouth’s first settlers in 1660, was the superintendent of Oak Grove Cemetery at that time. Between 1886 and 1892, approximately five more acres were purchased. These additions consisted of what is now the middle sections (Section B and C) of the cemetery that extend south to Jones Road. By this time, according to Samuel Deyo’s 1890 History of Falmouth County, Massachusetts, Oak Grove Cemetery had become the fashionable spot for Falmouth burials (Day and Friedberg 2014).

Oak Grove Cemetery remained a private cemetery, but by 1907 the cemetery had developed a relationship with the Town of Falmouth whereby certain sums of money, which had been transferred to the town for the perpetual care of cemetery grounds, were periodically distributed to this and other town cemeteries, a practice that continues to this day. In 1915, the will of Elizabeth G. Parke (1841-1915) bequeathed \$4,000 for the erection of a mortuary chapel on the cemetery grounds. Elizabeth Parke was the wife of George W. Parke (d. 1901), who owned the Spring Cove Wharf Company located at the present site of the town dock at West Falmouth Harbor. The Parkes maintained a burial plot in Oak Grove, where Elizabeth Parke is buried, northwest of the chapel site. In 1917, the cemetery association made a purchase of land that became the site for the chapel. Construction of the chapel was delayed until 1935, due to protracted heir lawsuits and insufficient funds (Day and Friedberg 2014).

The Oak Grove Cemetery Association began another series of land purchases to expand the cemetery in 1939, when the central section of the cemetery was extended eastwards to its current east boundary with a purchase of 3.36 acres (Section E). In 1952, the final expansion of the cemetery was made with the purchase of a 3.94-acre parcel, creating the addition to the northeast (Section F). Portions of Sections E and F continue to be laid out and utilized for new burial plots (Day and Friedberg 2014).

In 1988, Oak Grove Cemetery Association officially incorporated as a nonprofit organization in Massachusetts, the Oak Grove Cemetery of Falmouth, Inc. The most recent improvements to the cemetery are the expansion of a concrete-block work shed into a brick-clad, L-shaped garage and office space in 2006, and construction of a low, fieldstone and mortar wall along the Jones Street perimeter in 2010 (Day and Friedberg 2014).

### **3.3 National Register of Historic Places Criteria and Aspects of Integrity Affected by the Undertaking**

The Oak Grove Cemetery was individually listed in the NRHP in 2014 (Day and Friedberg 2014). It is significant at the local level under NRHP Criteria A and C. The cemetery is significant under Criterion A for its strong association with the history of the town of Falmouth. Oak Grove Cemetery became Falmouth's largest 19th-century cemetery and was an important civic undertaking, becoming the most popular site for 19th-century Falmouth families to own burial plots. As a result, a large number of prominent Falmouth citizens from the mid-19th century into the 20th century are buried at Oak Grove including, most notably, Katherine Lee Bates, author of "America the Beautiful." Oak Grove Cemetery is also the site of the only cemetery monument in Falmouth to veterans of the Civil War, which was erected in the late 19th century by the Falmouth chapter of the Grand Army of the Republic. The cemetery is significant under Criterion C as a well-preserved local example of both a 19th-century rural cemetery and a more formal community cemetery. It reflects the evolving design of burial grounds and funerary monuments. Oak Grove Cemetery also includes an excellent example of religious Colonial Revival architecture designed by Falmouth architect Ernest Gunnar Peterson (Day and Friedberg 2014).

### **3.4 Physical Description and Existing Conditions**

Located in the southwest section of Cape Cod just north of Falmouth Village (NRDIS 1996), the Oak Grove Cemetery was originally established in 1850 by a private association, the Oak Grove Cemetery Association, and developed in several phases. The cemetery encompasses 18.9 acres (7.6 hectares) and has 35

contributing resources. The original five acres comprise the westmost rectangular section bordering on Palmer Avenue. The cemetery was expanded in the late 19<sup>th</sup> century with the purchase of approximately six acres of land, extending it to the east and connecting to Jones Road to the south. The cemetery reached its current size and configuration in the mid-20<sup>th</sup> century, when eight acres of land to the north and east were purchased. A system of paved, gravel, and grass pathways divide the cemetery into subsections, which have been sold as family plots. The landscape of the space includes manicured lawns and native plantings under an open canopy of deciduous and evergreen trees that are up to 40 ft (12.2 m) tall. The cemetery exhibits a mix of the ideals of the rural/garden cemetery movement and the more geometric configuration of formal 19<sup>th</sup>-century community cemeteries (Day and Friedberg 2014).

## 4.0 MITIGATION MEASURES

This section details the proposed mitigation measures to resolve adverse effects to historic properties as described in the SouthCoast Wind COP, and describes the purpose and intended outcome, scope of work, methodology, standards, deliverables, and funds and accounting for the measure. The content of this section was developed on behalf of SouthCoast Wind by individuals who meet the Secretary of the Interior (SOI) Qualifications Standards for History, Architectural History, and/or Architecture (62 FR 33708) and is consistent with fulfilling the mitigation measures such that they fully address the nature, scope, size, and magnitude of the adverse visual effect. Fulfillment of the mitigation measures will be led by landscape architects with demonstrated experience working in historic preservation, in coordination with individuals who meet SOI Qualifications Standards for History, Architectural History, and/or Architecture. This document identifies which mitigation measures are likely to trigger the need for compliance with the identified state/local level legislation.

### 4.1 Mitigation Measure – Oak Grove Cemetery Visual Screening

#### *4.1.1 Purpose and Intended Outcome*

The setting of Oak Grove Cemetery is a character-defining feature that qualifies the property for individual listing in the NRHP. Construction of the Lawrence Lynch substation (preferred) would introduce a new visual element that is not compatible with the historic character of the historic property. As such, the Project would result in an adverse effect to the Oak Grove Cemetery. Mitigation measures are proposed to reduce undesirable views within and from the cemetery. These measures include maintaining existing vegetation, supplementing existing vegetation to create a vegetated buffer between the substation and the cemetery, and hardscape and softscape improvements.

#### *4.1.2 Scope of Work*

The scope of work will consist of the following:

- Conduct an inventory of existing vegetation on the preferred site, likely the portion of the Oak Grove Cemetery with views of the substation at the Lawrence Lynch site, and within the cemetery where it abuts the substation site. The inventory will identify significant, character-defining elements within the cemetery.



- Identify vegetation on the preferred site to be protected during construction and retained following construction.
- Develop a plan for protection of the entire cemetery boundary adjacent to the preferred site during construction.
- Submit a draft and final landscape inventory and landscape and cemetery protection plan for review and comment by the Interested Consulting Parties.
- Upon acceptance of the landscape inventory and landscape and cemetery protection plan, implement protection measures for existing vegetation on the preferred site to be retained during construction.
- Upon acceptance of the landscape inventory and landscape and cemetery protection plan, implement protection measures of the entire cemetery boundary adjacent to the preferred side during construction.
- Develop a draft and final landscape vegetation and screening plan with hardscape and softscape improvements to reduce views of the substation from the cemetery.
- Submit landscape vegetation and screening plan for review and comment by the Interested Consulting Parties.
- Upon acceptance of the landscape vegetation and screening plan, implement plan.

### ***4.1.3 Methodology***

SouthCoast Wind will release a Request for Proposals (RFP) for landscape architect and certified arborist consultant services and select these consultants to perform the Scope of Work listed in Section 4.1.2. The chosen consultants should have staff that meet American Society of Landscape Architects (ASLA) professional standards and SOI Professional Qualifications for Architecture, Architectural History, or History and the arborist will have an International Society of Arboriculture (ISA) certification. The consultant team will include a landscape historian to assist in conducting a landscape inventory to identify culturally significant and character-defining elements within the cemetery. The inventory will provide sufficient historical context for the landscape design of the cemetery to provide justification for which cemetery landscape elements are protected in place during construction and for the compatibility of any proposed new landscape elements used for screening. A draft of the documents will be provided to the Interested Consulting Parties for review and comment. The final landscape plan will be developed incorporating comments from the Interested Consulting Parties, following which it will be implemented.



#### **4.1.4 Standards**

The Project will comply with the following standards:

- The Secretary of the Interior's Standards for the Treatment of Historic Properties With Guidelines for the Treatment of Cultural Landscapes (1996)  
<https://irma.nps.gov/DataStore/Reference/Profile/2218736>
- National Park Service Landscape Architecture Standards  
<https://www.nps.gov/subjects/culturallandscapes/references.htm>

#### **4.1.5 Documentation / Deliverables**

The following draft and final documents are to be provided for review and comment by the Interested Consulting Parties:

- Landscape Inventory
- Landscape and Cemetery Protection Plan
- Landscape Vegetation and Screening Plan

#### **4.1.6 Reporting**

Following Project approval, SouthCoast Wind shall prepare a summary report detailing mitigation measures undertaken pursuant to the HPTP. The report will be provided to the Interested Consulting Parties. The report will be prepared, reviewed, and distributed by January 31 of each calendar year until the HPTP is complete. The report will summarize the work undertaken during the previous year.

#### **4.1.7 Funds and Accounting**

SouthCoast Wind will be responsible for funding and implementation of this mitigation measure.

## 5.0 IMPLEMENTATION

### 5.1 Timeline

This section of the HPTP identifies which mitigation measures identified within this HPTP must be implemented prior to the commencement of, during, and after construction at the Lawrence Lynch substation site. It is noted that plans for hardscape improvements on cemetery property that require ground disturbance may also require approval/monitoring by a qualified archeologist.

The following measures must be undertaken by the landscape architect, landscape historian, and certified arborist prior to construction commencing at the Lawrence Lynch substation site:

- Conduct an inventory of existing vegetation on the preferred site and within the cemetery where it abuts the substation site.
- Identify vegetation on the preferred site to be protected during construction and retained following construction.
- Identify protection measures for the cemetery during construction.
- Submit draft and final landscape inventory and landscape and cemetery protection plan to the Interested Consulting Parties, who will have 30 days to review and comment.
- Implement protection measures for existing vegetation and entire cemetery boundary where it abuts the preferred site.

The following measures may be undertaken during construction at the Lawrence Lynch substation site:

- Develop a landscape vegetation and screening plan with hardscape and softscape improvements to reduce views of the substation from the cemetery.
- Submit draft and final landscape vegetation and screening plan for review and comment by the Interested Consulting Parties, who will have 30 days to review and comment.

The following measure must be undertaken following construction at the Lawrence Lynch substation site:

- Upon acceptance of landscape vegetation and screening plan by the Interested Consulting Parties the landscape vegetation and screening will be planted within 120 days of the completion of construction.

## **5.2 Organizational Responsibilities**

### ***5.2.1 Bureau of Ocean Energy Management***

- Will be the lead federal agency
- Make all federal decisions and determine compliance with Section 106.
- Ensure that mitigation measures adequately resolve adverse effects, consistent with the NHPA, and in consultation with the Interested Consulting Parties.
- Consult with SouthCoast Wind, MASHPO, ACHP, and other Interested Consulting Parties with demonstrated interest in the affected historic properties.
- Review and approve all deliverables prepared and distributed to the Interested Consulting Parties.

### ***5.2.2 SouthCoast Wind***

- Fund and implement the mitigation measures described in Section 4.0 of this HPTP.
- Prepare a summary report, submit report to BOEM for review and approval, and distribute to Interested consulting Parties per Section 4.1.6.
- Submit information for Interested Consulting Parties review per Sections 4.1.2, 4.1.3, and 5.1.
- Creation and distribution of RFP to solicit consultant support for mitigation measure fulfillment
- Selection of a consultant who meets the qualifications specified in the ASLA professional standards and SOI Qualifications Standards for History, Architectural History and/or Architecture (62 FR 33708).
- Initial review of documentation for compliance with the Scope of Work, Methodology and Standards.
- Distribution of documentation to Interested Consulting Parties for their review.
- Review and comment on deliverables.

### ***5.2.3 Massachusetts State Historic Preservation Office***

- Consult, when necessary, on implementation of this HPTP.

### ***5.2.4 Advisory Council on Historic Preservation***

- Consult, when necessary, on implementation of this HPTP.

## 6.0 FINALIZATION

This section outlines a timeline for completing mitigation measures.

The HPTP will be finalized with the execution of the MOA. Mitigation measures within this HPTP will be completed within two years of the selection of the Lawrence Lynch site for use by Project 2, unless a different timeline is agreed upon by Interested Parties and accepted by BOEM. Mitigation measures may be completed simultaneously, as applicable.

## 7.0 REFERENCES

### Works Cited

Advisory Council on Historic Preservation and Council on Environmental Quality. 2013. NEPA and NHPA: A Handbook for Integrating NEPA and Section 106. March 2013.

AECOM, Tetra Tech, Inc., and DNV Energy USA, Inc. 2023. *Construction and Operations Plan, SouthCoast Wind Energy*. SouthCoast Wind Energy, LLC, Boston, MA.

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Dray, Eric and Betsy Friedberg. 2014. *Oak Grove Cemetery National Register of Historic Places Nomination Form*. United States Department of the Interior, Washington D.C.

### Federal Regulations

Code of Federal Regulations (CFR). 2022a. 40 CFR 1500 – National Environmental Policy Act Implementing Regulations. Available at <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A>.

Code of Federal Regulations (CFR). 2022b. 36 CFR 800 – Protection of Historic Properties [incorporating amendments effective December 15, 2021]. Available at <https://www.ecfr.gov/current/title-36/chapter-VIII/part-800>. Accessed September 12, 2022.

CFR. 2022d. 36 CFR 61.4(e)(1) – Procedures for State, Tribal, and Local Government Historic Preservation Programs [incorporating amendments effective December 15, 2021]. Available at [https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4\(e\)\(1\)](https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4(e)(1)). Accessed September 12, 2022.

Federal Register. 1997. 62 FR 33708 – The Secretary of the Interior’s Historic Preservation Professional Qualifications Standards. Office of the Federal Register, National Archives and Records Administration. Washington, D.C. Available at <https://www.govinfo.gov/app/details/FR-1997-06-20/97-16168>. Accessed September 12, 2022.

## **State Regulations**

M.G.L. 2012. Chapter 9, Sections 26 – 27c: Protection of Properties Included in the State Register of Historic Places [incorporating amendments passed before September 28, 2012]. Available at <https://www.mass.gov/regulations/950-CMR-71-protection-of-properties-included-in-the-state-register-of-historic-places#downloads>, accessed September 12, 2022.

**ATTACHMENT 12 – TERRESTRIAL ARCHAEOLOGY PHASED IDENTIFICATION PLAN**

DRAFT



## Appendix R.2. Terrestrial Archaeology Phased Identification Plan

|                                |   |
|--------------------------------|---|
| <b>Document Revision</b>       | G   |
| <b>Issue Date</b>              | January 2024                                    |
| <b>Security Classification</b> | Confidential                                    |
| <b>Disclosure</b>              | For Use by BOEM and Authorized<br>Third Parties |





**Applicant-Proposed Draft – Subject to Review by BOEM and Consulting Parties**

**Confidential Not For Public Distribution**

# Applicant Proposed Draft

## Phased Identification and Evaluation Plan for Terrestrial Archaeological Sites

for the

### SouthCoast Wind Energy Project

Falmouth, Massachusetts and Portsmouth, Rhode Island

Submitted to:



Bureau of Ocean Energy Management  
U.S. Department of the Interior

Prepared for:



SouthCoast Wind Energy  
LLC

[www.SouthCoastwind.com](http://www.SouthCoastwind.com)

Prepared by:



The Public Archaeology Laboratory, Inc.  
<https://www.palinc.com/>

January 2024

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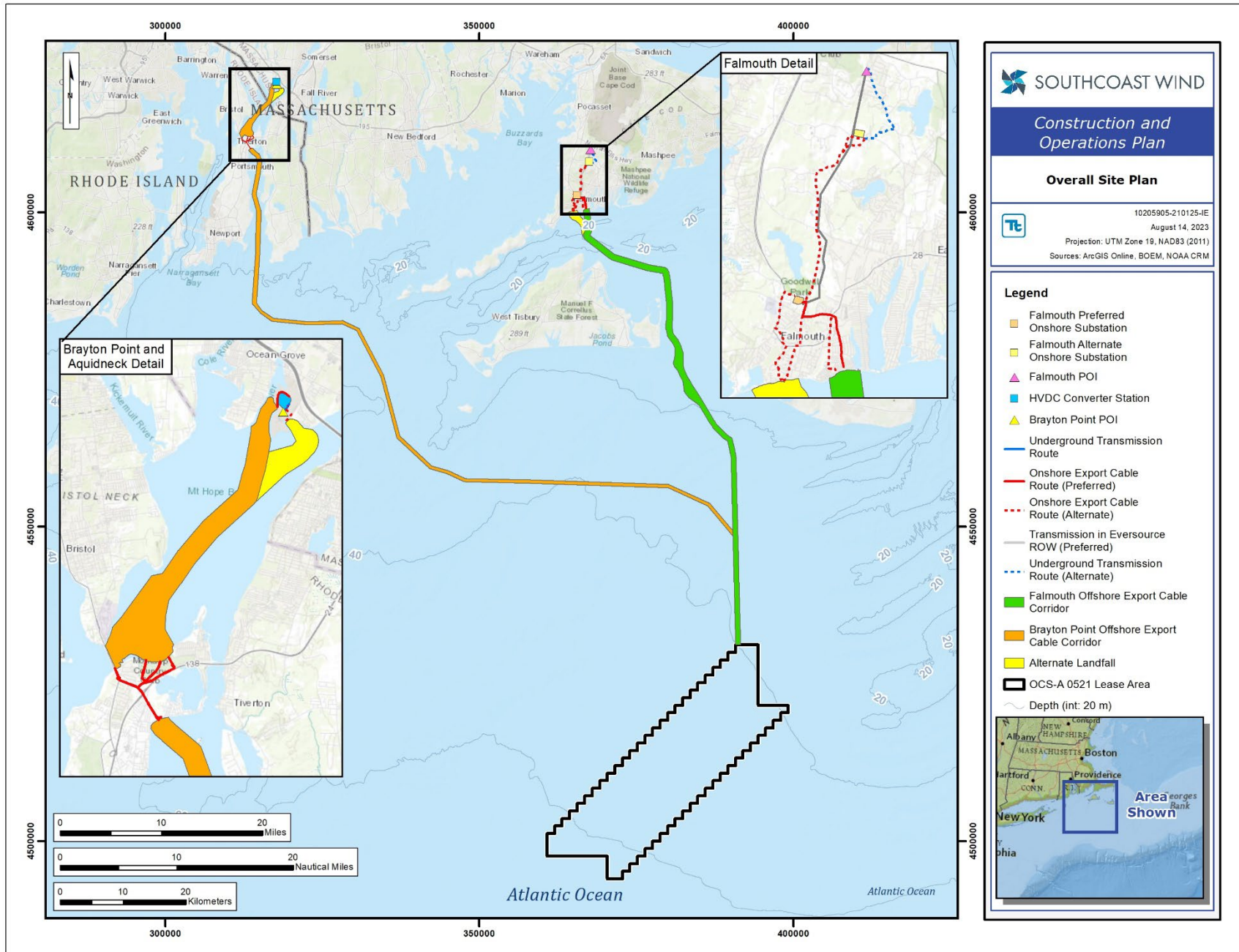
The following document is a supplement to the SouthCoast Wind Project Falmouth, Massachusetts and Portsmouth, Rhode Island Terrestrial Archaeological Resources Assessments (TARA) prepared by AECOM and The Public Archaeology Laboratory Inc. (PAL) and distributed for NHPA Section 106 Consultation. Preparation and finalization of the TARAs are ongoing while Project designs are being finalized and property access permissions are acquired to conduct Phase IB site identification archaeological investigations for potential substation locations, landfalls, and associated cable routes. In accordance with Section 106 regulations (36 CFR § 800.4 (b)(2), BOEM has determined that a Phased Identification approach is appropriate for the survey, reporting, and consultation related to the outstanding archaeological investigations. The Phased Identification Plan below serves as a process document detailing the areas where phased identification survey will be conducted, the steps SouthCoast Wind will take to complete the required cultural resources surveys, and a schedule of associated milestones.

## 1.0 INTRODUCTION

SouthCoast Wind Energy LLC, a joint venture of Shell New Energies US LLC (Shell New Energies) and OW North America LLC (Ocean Winds) (hereafter SouthCoast Wind), is proposing to construct, own, and operate the SouthCoast Wind Project (hereafter the Project) (Figure 1.0-1). The Project will be in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) within the Renewable Energy Lease Area OCS-A 0521 (Lease Area) awarded to SouthCoast Wind (Lessee) through the Bureau of Ocean Energy Management (BOEM) competitive renewable energy lease auction in December 2018. The Lease Area covers encompasses 127,388 acres (ac; 51,552 hectares [ha]) and is approximately 30 statute miles (mi; 26 nautical miles [nm], 48 kilometers [km]) south of Martha's Vineyard and 23 mi (20 nm, 37 km) south of Nantucket, Massachusetts (Figure 1).

SouthCoast Wind, recognizing its responsibility to comply with federal, state, and municipal laws and regulations pertaining to cultural resources and human remains, contracted with AECOM and The Public Archaeology Laboratory, Inc. (PAL) to conduct separate TARAs for the Onshore Project Areas in Falmouth, Massachusetts (Roy 2022), Brayton Point in Somerset, Massachusetts (Waller 2022), and Aquidneck Island in Portsmouth, Rhode Island (Waller and Flynn 2022). SouthCoast Wind is committed to the protection and preservation of cultural resources and is continuing that commitment as part of all onshore components of the Project associated with each point of interconnection.

Archaeological assessments were conducted of the various cable routing options (see Roy 2022; Waller and Flynn 2022), which will be down selected to final preferred routes. To date, Phase IB site identification archaeological testing has not been conducted for the archaeologically sensitive portions of the export cable landfall options in the Falmouth Onshore Project Area (see Figure 2.1-2) or Brayton Point overland alternative overland routes C-1 and C-2 that parallel the west and east sides of the Sakonnet River, respectively (see Figure 2.1-3). Site identification survey has been conducted in archaeologically sensitive areas on Anthony Road (Route Segments B and E), Boyds Lane from Anthony Road south to the Sakonnet River HDD (Route Segment A), and at the Sakonnet River HDD for the Aquidneck Island landfall (see Figure 2.1-1). Phase IB site identification testing on Boyds Lane from Anthony Road north to the Mount Hope Bridge (Route Segment F) and HDD Option 4 is outstanding. Phase IB survey in these areas is pending Project design refinements and/or landowner property access approvals. All outstanding survey recommended for archaeologically sensitive areas in the final terrestrial Area of Potential Effects will be conducted by, and all associated reporting and Section 106 Consultation will be completed prior to, construction.



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Figure 1.0-1. Proposed SouthCoast Wind Project.

## 2.0 PHASED IDENTIFICATION PLAN

Section 106 regulations (36 CFR § 800.4 (b)(2)) provide for phased identification of historic properties when circumstances may impede the completion of identification and evaluation efforts prior to project approval. SouthCoast Wind, in consultation with the BOEM, has proposed a phased approach to the identification and evaluation of historic properties within the terrestrial portion of the Project's APE where final design selection may occur after approval of the COP and for areas that had not been surveyed for historic properties.

SouthCoast Wind commits to implementing this Phased Identification Plan prior to Project construction to identify and evaluate archaeological resources within uninvestigated areas of the terrestrial (onshore) portions of the SouthCoast Wind Project. Additional studies will be undertaken in accordance with:

- BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (BOEM 2020);
- The Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, as amended (48 Federal Register 44716);
- MHC's *Public Planning and Environmental Review: Archaeology and Historic Preservation* (MHC 1979); and
- RIHPHC's *Performance Standards and Guidelines for Archaeology in Rhode Island* (RIHPHC 2021).

The Massachusetts and Rhode Island TARAs will proceed under the current Terrestrial Archaeology Survey Plan submitted to the MHC, RIHPHC, and BOEM and summarized below. Any proposed changes to the current methodology would be submitted in a revised survey plan for approval by the MHC/RIHPHC prior to implementation.

### 2.1 Site Identification Archaeological Hand Testing

Following permitting approval and SouthCoast Wind's notification process to access properties not yet subject to survey, Phase IB site identification archaeological surveys (a.k.a. intensive [locational] survey MA; Phase I site identification RI) will be undertaken in archaeologically sensitive areas that have yet to be surveyed for archaeological sites. Areas of proposed archaeological hand testing are summarized in Table 2.1-1 and include SouthCoast Wind Aquidneck Island Landfall Route Segment F and Mouth Hope Bridge HDD Option 4 (Figure 2.1-1) and sensitive portions of the SouthCoast Wind Falmouth Onshore Project area (Figure 2.1-2), if Falmouth is utilized as the POI for Project 2, and, if selected, the Brayton Point Overland

Alternative Routes (see Figures 2.1-4 through 2.1-7). Only areas selected for use by the Project will be included in the subsurface testing program. The subsurface testing program will include the following:

- Phase IB site identification archaeological testing will involve the hand excavation of 50-x-50-centimeter (cm) test pits organized in linear test pit transects along road edges or within parklands or woodlands.
- Transect testing will involve the excavation of 50-x-50-cm test pits at 10-m intervals along transect lines.
- Test pits will be excavated by shovel in arbitrary levels to sterile subsoils unless otherwise obstructed with excavated soil screened through ¼-inch hardware cloth to recover cultural materials.
- If isolated cultural material is found, additional bracket test pits will be excavated around the originating test pit that produced the cultural material to further explore and assess the nature of the deposit.
- Test pit profiles will be recorded on standard forms, and color digital photographs will be taken of the work areas, identified cultural features, and fieldwork.
- Aboveground features such as stone walls, historic structures or foundations, cemeteries, or other features will be recorded.

Table 2.1-1. Outstanding Areas of Proposed Subsurface Phase IB Site Identification Archaeological Hand Testing.\*

| State | Town       | Component                                   | Use  | Figure Reference |
|-------|------------|---|--|------------------|
| MA    | Falmouth   | Worcester Avenue                            | Landfall and HDD staging area and Export Cable route segment | Figure 2.1-2     |
|       |            | Central Park                                | Landfall and HDD staging area                                | Figure 2.1-2     |
| RI    | Portsmouth | Mount Hope Bridge HDD Staging Area Option 4 | Landfall and HDD staging area                                | Figure 2.1-1     |
|       |            | Route Segment F                             | Onshore Export Cable routes                                  | Figure 2.1-1     |
|       |            | HDD Staging Area Option 1                   | HDD staging area   | Figure 2.1-1     |

*\*Site identification archaeological testing may be necessary in additional areas as the Project design and plans are further developed and revised. Site identification archaeological testing will only occur in areas selected for use by the Project.*



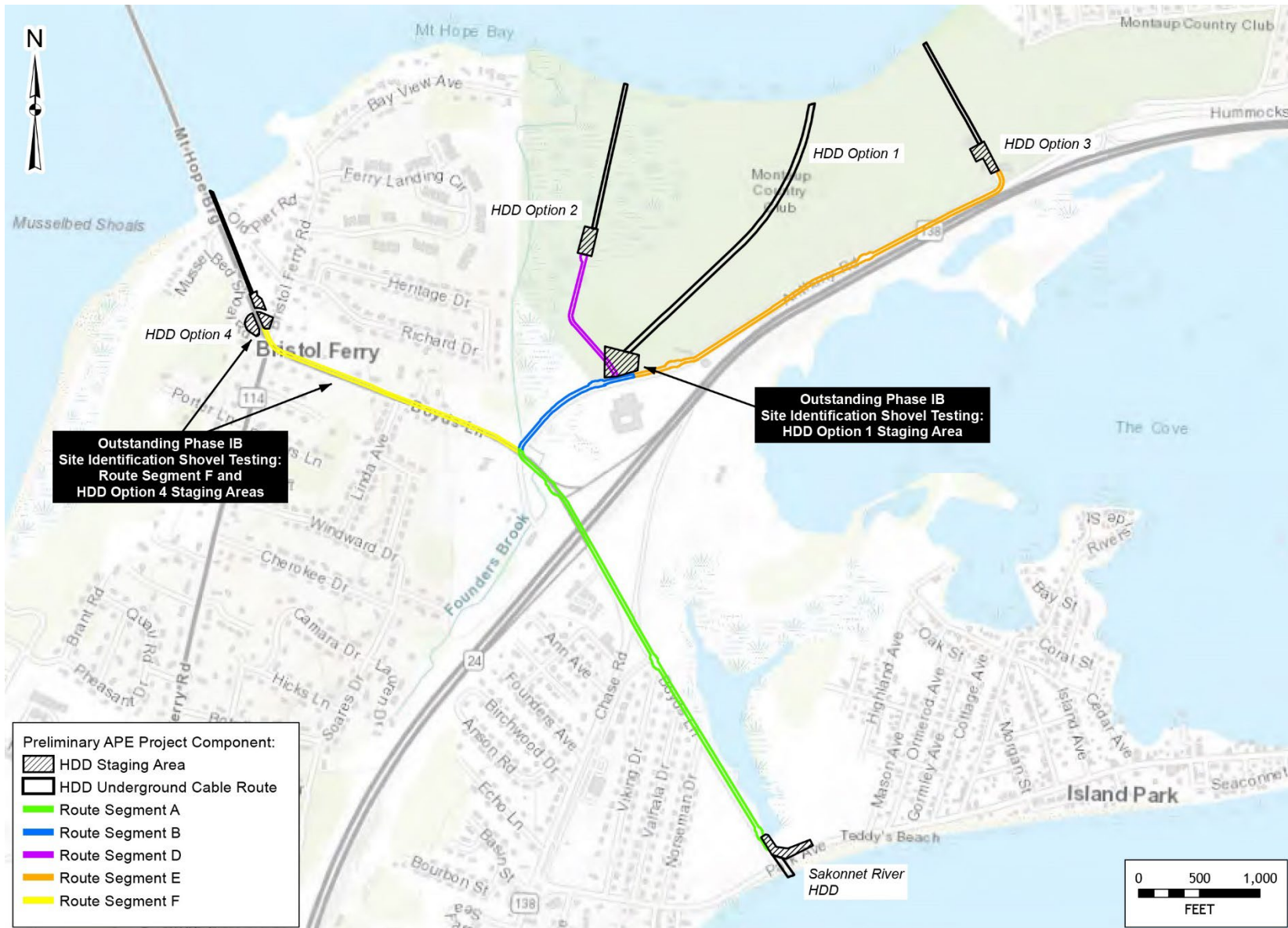


Figure 2.1-1. Proposed onshore cable routes and HDD locations for SouthCoast Wind Aquidneck Island (Portsmouth) in Portsmouth, RI

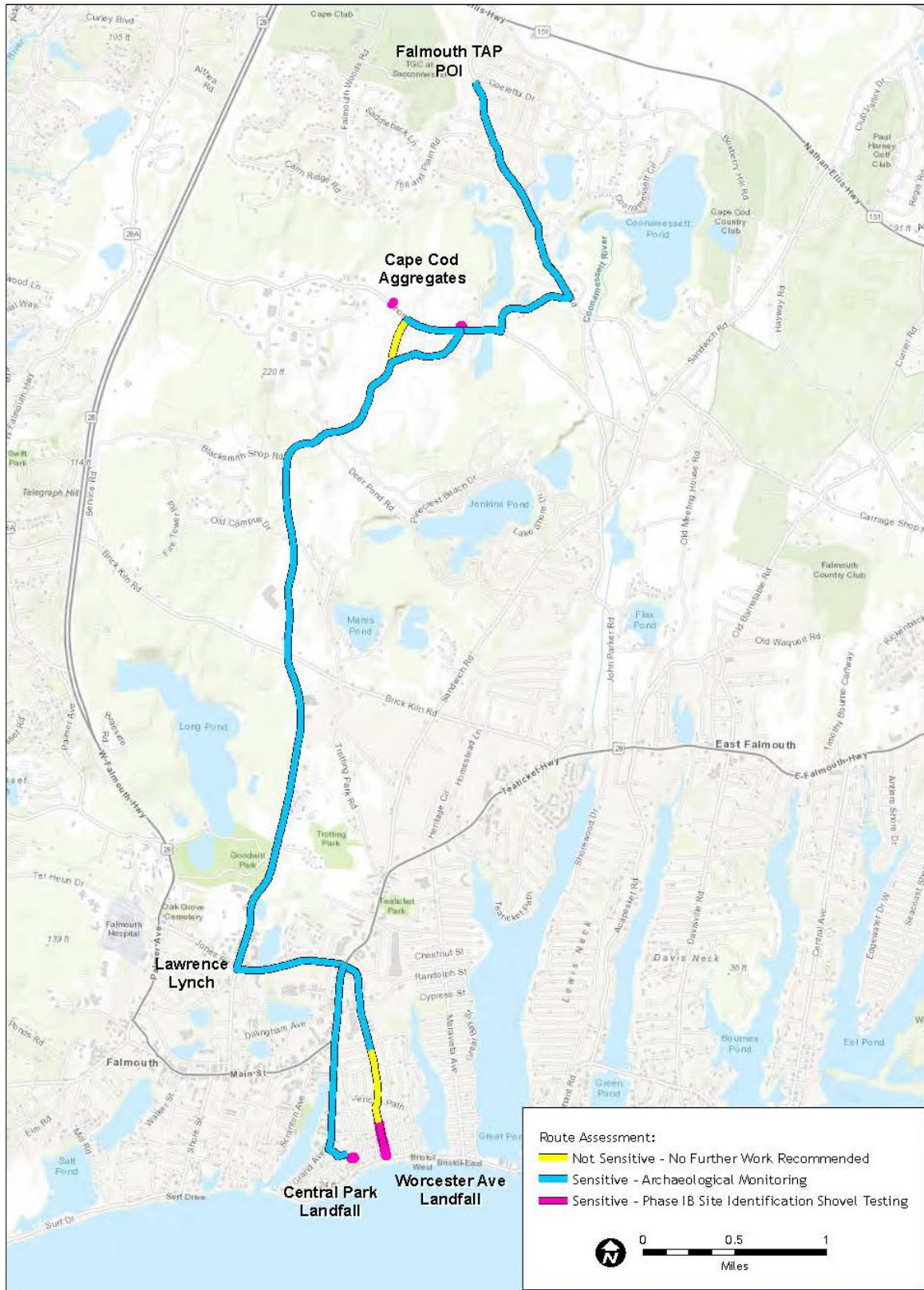


Figure 2.1-2. SouthCoast Wind Falmouth Onshore Project overview with areas of proposed construction monitoring and Phase IB site identification archaeological testing.



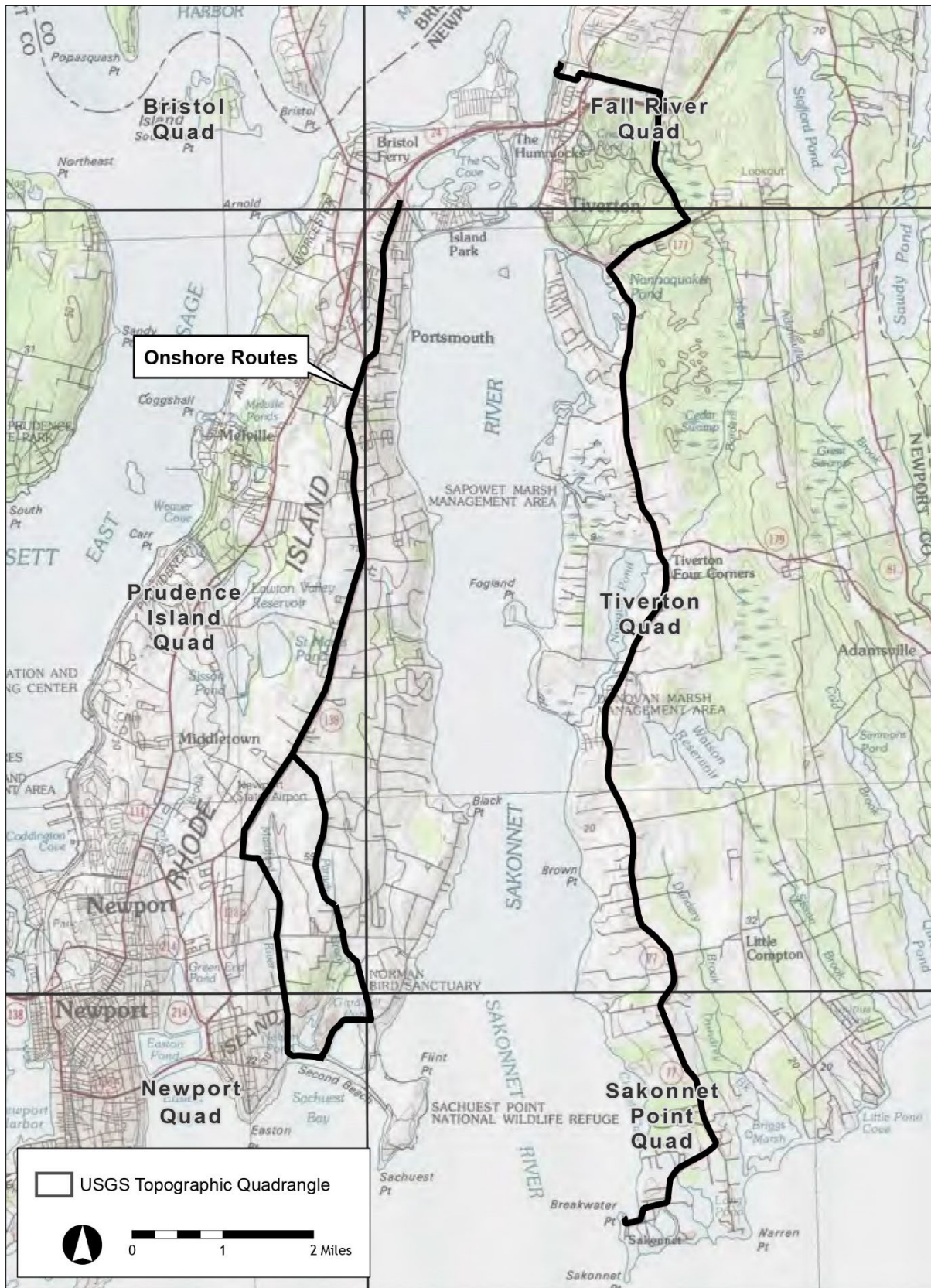


Figure 2.1-3. Location of Brayton Point Overland Alternative Routes on the Bristol, Fall River, Prudence Island, Tiverton, Newport, and Sakonnet Point USGS topographic quadrangles, 7.5-minute series.

Figure redacted – confidential information

Figure 2.1-4. Location of Brayton Point Overland Alternative Routes showing archaeological sensitivity, recorded archaeological sites and inventoried or listed aboveground resources within the study area on the Bristol, Fall River, Prudence Island, Tiverton, Newport, and Sakonnet Point USGS topographic quadrangles, 7.5-minute series.

Figure redacted – confidential information

Figure 2.1-5. Location of Brayton Point Overland Alternative Routes showing archaeological sensitivity, recorded archaeological sites and inventoried or listed aboveground resources within the study area on the Bristol, Fall River, Prudence Island, Tiverton, Newport, and Sakonnet Point USGS topographic quadrangles, 7.5-minute series.

Figure redacted – confidential information

Figure 2.1-6. Location of Brayton Point Overland Alternative Routes showing archaeological sensitivity, recorded archaeological sites and inventoried or listed aboveground resources within the study area on the Bristol, Fall River, Prudence Island, Tiverton, Newport, and Sakonnet Point USGS topographic quadrangles, 7.5-minute series.

Figure redacted – confidential information

Figure 2.1-7. Location of Brayton Point Overland Alternative Routes showing archaeological sensitivity, recorded archaeological sites and inventoried or listed aboveground resources within the study area on the Bristol, Fall River, Prudence Island, Tiverton, Newport, and Sakonnet Point USGS topographic quadrangles, 7.5-minute series.

## 2.2 Additional Studies

If archaeological sites that have potential for listing in the NRHP are identified during supplemental TARA site identification archaeological testing surveys for either the Falmouth, MA or the Portsmouth, RI onshore components of the Project, then additional site-specific site evaluation (a.k.a. site examination survey MA; Phase II RI) and site mitigation (a.k.a. data recovery MA; Phase III RI) archaeological surveys may be warranted. Site evaluation surveys include excavation of both shovel tests and larger test units to collect sufficient archaeological data to evaluate a site's eligibility for inclusion in the NRHP. If sites are identified but determined not potentially eligible for listing in the NRHP, the project may proceed as designed. If a site is determined eligible for listing in the NRHP and cannot be avoided by project redesign, a site mitigation plan will be implemented to mitigate adverse impacts that Project construction will have on the site. The mitigation plan may include archaeological data recovery. A memorandum of agreement will be developed in consultation with BOEM, MHC/RIHPHC, and consulting parties and will stipulate the measures to be undertaken to mitigate the adverse effect.

In circumstances where site evaluation and mitigation are determined to be needed in either Falmouth, MA or Portsmouth RI, the investigations will be tailored to the specific archaeological sites. Appropriate research designs will be developed and submitted to BOEM and MHC/RIHPHC for review and comment prior to fieldwork in accordance with current standards and consultation with the MHC and RIHPHC.



### 3.0 SCHEDULE

The SouthCoast Wind FEIS and ROD dates are under evaluation by BOEM and are currently unknown. An anticipated schedule for phased work will be shared when available.

The following measures will be undertaken prior to construction:

- SouthCoast Wind Aquidneck Island Revised Archaeological Sensitivity Assessment.
- Site Identification Terrestrial Archaeological Survey of all work areas selected for use by the Project.
- Site evaluation archaeological testing for identified archaeological resources (as necessary).
- Implement site protection measures or archaeological site mitigation for any identified resources (as necessary).

The following measures will be undertaken immediately before construction if impacts to the sites cannot be avoided:

- Implementation of the Anthony Road 1 Site Phase III data recovery program.
- Implementation of the Anthony Road 2 Site Phase III data recovery program.

The following measures may/will be undertaken during construction:

- Archaeological monitoring of construction with Tribal monitors.
- Archaeological data collection of exposed deposits (as necessary).
- Ongoing consultation with BOEM, SHPOs, and THPOs pertaining to identified archaeological deposits (as necessary).

The following measure will be undertaken, as necessary, following construction:

- Laboratory processing of recovered cultural materials.
- Curation of archaeological collections.
- Final reporting on the results and interpretations of the various archaeological studies.

SouthCoast Wind commits to implementing this Phased Identification Plan prior to Project construction to identify archaeological resources within uninvestigated areas of the terrestrial (onshore) portions of the SouthCoast Wind Project. If additional survey is completed after the TARA reports are finalized the information will be provided as an addenda to the TARA report. If the onshore Project design is modified throughout the federal and state permitting process to include additional areas beyond the previously assessed APE, addenda TARA surveys, reports, and associated Section 106 Consultation will be completed

as necessary in a timeline agreed upon by SouthCoast Wind, BOEM, and applicable Section 106 Participating Parties.

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**ATTACHMENT 13 – UNANTICIPATED DISCOVERIES PLAN FOR MARINE  
ARCHAEOLOGICAL RESOURCES**

DRAFT

## Appendix Q.1: Unanticipated Discoveries Plan

|                                 |  |
|---------------------------------|--|
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| <b>Issue Date:</b>              | July 2024                                    |
| <b>Security Classification:</b> | Confidential                                 |
| <b>Disclosure:</b>              | For use by BOEM and Authorized Third Parties |



**PLANS AND PROCEDURES ADDRESSING  
UNANTICIPATED DISCOVERIES OF CULTURAL  
RESOURCES AND HUMAN REMAINS,  
IN SUPPORT OF THE SOUTHCOAST WIND PROJECT  
LOCATED IN MASSACHUSETTS AND RHODE ISLAND  
STATE WATERS AND OCS-A 0521  
OFFSHORE MASSACHUSETTS**

**PREPARED FOR:**

**SOUTHCOAST WIND ENERGY LLC**

**3 CENTER PLAZA 205**

**BOSTON, MA 02108**

**R. CHRISTOPHER GOODWIN & ASSOCIATES, INC.  
241 EAST FOURTH STREET, SUITE 100 FREDERICK, MD 21701**

**Plans And Procedures Addressing  
Unanticipated Discoveries of Cultural Resources and Human Remains,  
in Support of The SouthCoast Wind Project Located in Massachusetts And Rhode Island  
State Waters And OCS-A 0521  
Offshore Massachusetts**

**by**

**R. Christopher Goodwin & Associates, Inc.  
241 East Fourth Street, Suite 100  
Frederick, MD 21701**

**July, 2024**

**Prepared for:**

**SouthCoast Wind Energy LLC  
3 Center Plaza 205  
Boston, MA 02108**



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# List of Acronyms

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| <b>Acronym</b> | <b>Definition</b>  |
|----------------|--|
| ACHP           | Advisory Council on Historic Preservation                  |
| BOEM           | Bureau of Ocean Energy Management                          |
| BSEE           | Bureau of Safety and Environmental Enforcement             |
| BUAR           | Board of Underwater Archaeological Resources               |
| COP            | Construction and Operations Plan                           |
| HRG            | High Resolution Geophysical                                |
| MARA           | Marine Archaeological Resources Assessment                 |
| MHC            | Massachusetts Historical Commission                        |
| NAGPRA         | Native American Graves Protection and Repatriation Act     |
| NRHP           | National Register of Historic places                       |
| QMA            | Qualified Marine Archaeologist                             |
| RCG&A          | R. Christopher Goodwin & Associates, Inc.                  |
| RIHPHC         | Rhode Island Historical Preservation & Heritage Commission |
| ROV            | Remotely Operated Vehicle                                  |
| SHPO           | State Historic Preservation Office                         |
| THPO           | Tribal Historic Preservation Office                        |
| UDP            | Unanticipated Discoveries Plan                             |
| UXO            | Unexploded Ordinances                                      |

## **1.0 INTRODUCTION**

Despite intensive background research and remote sensing surveys, there is always the potential to encounter cultural resources such as shipwrecks and other archaeological sites during construction or bottom disturbing activities. In order to minimize the potential for the accidental discovery of cultural resources, systematic review of remote sensing data was conducted for the SouthCoast Wind Project (Project). To ensure full and complete compliance with all federal and state regulations concerning the protection of cultural resources, an Unanticipated Discoveries Plan (UDP) was prepared for this Project. All inspectors have the responsibility to monitor construction sites for potential cultural resources throughout the construction process. R. Christopher Goodwin & Associates, Inc (RCG&A), acting as the approved Qualified Marine Archeological (QMA) consultant, will inspect the discovery and provide an immediate verbal report to SouthCoast Wind. The UDP will include a stop-work order and coordination with Project and contractor personnel, the QMA, the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and relevant stakeholders on the manner to proceed.

This plan has been written to support SouthCoast Wind in its compliance to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR 800) entitled “Protection of Historic Properties;” the Archaeological and Historic Preservation Act of 1974; the Abandoned Shipwreck Act of 1987; Title 36 of the CFR, Parts 60-66 and 800, as appropriate; standards set forth in the *Secretary of the Interior’s Guidelines for Archaeology and Historic Preservation*; the Native American Graves Protection and Repatriation Act (NAGRPA); the Guidelines for Providing Geophysical, Geotechnical, and Geohazard Information Pursuant to 30 CFR Part 585 (May 27, 2020) and Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585 (May 27, 2020) set forth by BOEM; and with relevant laws, regulations, and directives of the States of Rhode Island and Massachusetts.

## **2.0 PROCEDURES FOR THE DISCOVERY OF A POTENTIAL CULTURAL RESOURCE**

When a potential cultural resource is encountered during construction activities, the following steps should be taken:

- Consistent with post discovery clause OCS-A 0521 Lease stipulation 4.2.7 (1-5), all bottom disturbing activities in the area of discovery will cease and every effort will be made to avoid or minimize damage to the potential submerged cultural resource(s).
- The field/construction crew will immediately notify SouthCoast Wind or SouthCoast Wind’s designated on-vessel representative of the discovery.

- SouthCoast Wind will immediately notify the QMA and provide the QMA with relevant information concerning the potential find(s). The QMA will then initiate an assessment of the find's (finds') potential significance. Information shared with the QMA will include, but not be limited to, coordinates, discernable characteristics, photographs, and survey data. If necessary to support an initial assessment, the QMA may request to visit the site to inspect the find. If the QMA determines the find represents a potential historic property, the QMA will immediately advise SouthCoast Wind of their determination.
- If the QMA determines that the find (i.e., site, feature, or potential cultural resource) is not cultural and not associated with a potential historic property, the QMA will notify SouthCoast Wind, who will then notify the relevant federal and state agencies. Work may then resume in the area of discovery.
- If the QMA determines that the find is associated with a potential cultural resource, the QMA will notify SouthCoast Wind and work may not resume at the given location until the field/construction crew is notified by SouthCoast Wind.
- If the discovery is made in federal waters, SouthCoast Wind will notify BOEM and BSEE of the discovery of a potential submerged cultural resource within 24 hours of such discovery. BOEM may then elect to notify the applicable State Historic Preservation Offices (SHPOs) of Rhode Island and/or Massachusetts, the Massachusetts Board of Underwater Archaeological Resources (BUAR), and the Tribal Historic Preservation Offices (THPOs) or other designated representatives of federally-recognized Native American Tribes listed below. In state waters, SouthCoast Wind will notify BOEM, BSEE, and the applicable SHPOs, BUAR, and THPOs.

#### **For Discoveries in Federal Waters**

- Within 72 hours of the discovery of a potential submerged cultural resource, the QMA will prepare and SouthCoast Wind will submit to BOEM a report summarizing the available information concerning the nature and characteristics of the resource and observed attributes relevant to the resource's potential eligibility for listing in the National Register of Historic Places (NRHP). SouthCoast Wind and the QMA will consult, as necessary, with BOEM during the preparation of the report and preliminary assessment of the resource's significance.
- If BOEM determines that the affected resource is eligible for listing in the NRHP, SouthCoast Wind will prepare a mitigation plan and submit that plan to BOEM. The mitigation plan will prioritize avoidance and minimization measures to the extent practicable based on the specific location and circumstances of the discovery. SouthCoast Wind will address any BOEM comments in a revised draft mitigation plan before re-submitting the document to BOEM and the Tribes, who

may elect to send the mitigation plan to the SHPO's, when applicable. BOEM and the Tribes will have one week from receipt of the mitigation plan to provide SouthCoast Wind any comments or suggestions.

- SouthCoast Wind will respond to all timely comments on the mitigation plan in preparing the final mitigation plan for submittal to BOEM. Work in the vicinity of the discovery may not resume until SouthCoast Wind receives written authorization from BOEM. SouthCoast Wind will be responsible for implementing the final mitigation plan in such circumstances.
- If BOEM determines the potential submerged cultural resource is not eligible for listing in the NRHP, SouthCoast Wind may proceed with construction activities in the vicinity of the find upon receipt of BOEM's written authorization.

### **For Discoveries in Rhode Island State Waters**

The Rhode Island Historical Preservation & Heritage Commission (RIHPHC) recognizes the potential to encounter cultural resources, such as shipwrecks, during construction or any other bottom disturbing activities, despite intensive background research and remote sensing surveys. Therefore, the Project will incorporate an UDP for any potential cultural resources discovered during construction or bottom disturbing activities that will include a stop-work order, coordination with the RIHPHC, Project and contractor personnel, the QMA, and relevant stakeholders:

- If potential cultural resources are encountered in Rhode Island state waters, construction work in that area of the Project must be halted to enable the QMA to adequately assess and document what has been discovered, and to consult with the RIHPHC and any THPO's that may be involved.
- The field/construction crew will immediately notify Project and contractor personnel that activities in the area of the discovery location have been halted and Project and contractor personnel will immediately notify the QMA for review. On site, personnel will provide any relevant information and data (including, but not limited to, coordinates, discernable characteristics, photographs, and survey data) to Project and contractor personnel, which will be forwarded to the QMA.
- If the QMA determines that the site, feature, or potential cultural resource is not cultural, the QMA will notify the RIHPHC, BOEM, BSEE, and the Project of this determination. Work may then resume in the area of discovery.
- If the QMA determines that the site or feature is potentially cultural, the Project will be notified and work may not resume at the given location until field/construction crew is notified by Project and contractor personnel. The QMA will notify the RIHPHC as well as federal and other state review agencies as applicable within two working days.

- Potentially significant cultural resources may be investigated by archaeological divers or a remotely operated vehicle (ROV) to determine if the resource is eligible for listing in the NRHP. The results of the investigation will be formally submitted to relevant federal agencies and the RIHPHC. If the QMA determines that the resource is not culturally significant and RIHPHC concurs, Project and contractor personnel will be notified in writing that work may resume. If a determination cannot be reached, further investigation may be undertaken or avoidance measures developed and executed.
- If the site is determined to be eligible for NRHP, avoidance measures must be developed and executed. If avoidance is not feasible, the resource may be excavated and/or removed under the direction of the RIHPHC and federal agencies, as applicable. The RIHPHC will outline an adequate data recovery plan that specifies an appropriate research design and qualified research team. All relevant permits must be secured from the RIHPHC prior to conducting further disturbance.
- The location of any unanticipated discovery will be kept confidential and the findings will be reported within a supplement to the Marine Archaeological Resources Assessment (MARA) and submitted to the RIHPHC.

#### **For Discoveries in Massachusetts State Waters**

BUAR recognizes the potential to encounter cultural resources such as shipwrecks during construction or any other bottom disturbing activities despite intensive background research and remote sensing surveys. Therefore, the Project will incorporate an UDP for any potential cultural resources discovered during construction or bottom disturbing activities that will include a stop-work order and coordination with the Massachusetts Historical Commission (MHC)/BUAR, Project and contractor personnel, the QMA, and relevant stakeholders on the manner to proceed, in accordance with BUAR's Policy Guidance for the Discovery of Unanticipated Underwater Archaeological Resources:

- In the event that a potential cultural resource is discovered in Massachusetts state waters during construction activities, all bottom disturbing activities in the area of discovery will be halted until further investigation determines whether the object is a shipwreck or other potentially significant archaeological feature or site.
- The field/construction crew will immediately notify Project and contractor personnel that activities in the area of the discovery location have been halted and Project and contractor personnel will immediately notify the QMA for review. On site personnel will provide any relevant information and data (including, but not limited to, coordinates, discernable characteristics, photographs, and survey data) to the Project, which will be forwarded to the QMA.

- If the QMA determines that the site, feature, or potential cultural resource is not cultural, the QMA will notify BUAR, BOEM, BSEE, and Project and contractor personnel of this determination. If BUAR concurs, work may then resume in the area of discovery.
- If the QMA determines that the site or feature is potentially cultural, Project and contractor personnel will be notified and work may not resume at the given location until field/construction crew is notified by the Project. The QMA will notify the MHC as well as federal and state review agencies, BUAR, and the Advisory Council on Historic Preservation (if applicable) of this determination within two working days.
- Potentially significant cultural resources may be investigated by archaeological divers or a ROV to determine if the resource is eligible for listing in the NRHP. The results of the investigation will be formally submitted to relevant federal and state agencies, MHC/BUAR, and the Advisory Council (if applicable) for final review and comment. If the QMA determines that the resource is not culturally significant and the cognizant agencies concur, Project and contractor personnel will be notified in writing that work may resume. If a determination cannot be reached, further investigation may be undertaken or avoidance measures developed and executed.
- If the site is determined to be eligible for NRHP, avoidance measures must be developed and executed. If avoidance is not feasible, the resource may be excavated and/or removed under a Memorandum of Agreement with all interested parties including the State Archaeologist/Deputy SHPO, BUAR Director, BUAR permittee and/or Project and contractor personnel, and Advisory Council (if applicable) subject to state permits. The Memorandum of Agreement outlines an adequate data recovery plan that specifies an appropriate research design and qualified research team. All relevant permits must be secured from MHC and BUAR prior to conducting further disturbance.
- The location of any unanticipated discovery will be kept confidential and the findings will be reported within a supplement to the MARA, which will be attached to the COP and submitted to the MHC/BUAR.

### **3.0 POTENTIALLY SIGNIFICANT CULTURAL RESOURCES**

Any of the following would be considered potentially significant submerged cultural resources:

- Prehistoric shell middens
- Lithic and ceramic artifacts
- Animal bone and human remains
- Wooden ship timbers or sections of iron or steel hulls
- Scattered cargo remains, such as ceramics, glass, wooden barrels or barrel staves



- Any distinct mound of stones indicative of a ballast pile
- Cannon and swivel guns and/or ammunition
- Debris comprised of ship rigging, gear, and fittings
- Groups of anchors or other objects that indicate the presence of a shipwreck

#### **4.0 UNANTICIPATED DISCOVERY OF HUMAN REMAINS**

If potential human remains are encountered during Project construction activities, different procedures are to be followed depending on whether the remains were in federal or state waters.

##### **For Discoveries in Federal Waters**

If suspected human remains are encountered in federal waters, the below procedures, which comply with the Advisory Council on Historic Preservation’s (ACHP) *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (March 2023), should be followed.

- All work in the near vicinity of the human remains will cease and reasonable efforts will be made to avoid and protect the remains from further damage. Potential remains shall be protected, which can include keeping the remains submerged in an onboard tank of sea water or other appropriate material.
- The vessel crew or authorized Project Representative will immediately notify SouthCoast Wind of the discovery of potential human remains. SouthCoast Wind will immediately notify BOEM, BSEE, and the QMA of the discovery. BOEM will notify the THPOs.
- If necessary, the QMA may request to visit the vessel to inspect the potential human remains. If the find is a cultural resource, the QMA will provide a preliminary assessment. The QMA will document and inventory the remains and any associated artifacts, and assist in coordinating with federal, tribal, state, and local officials, as necessary.
- A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, reinternment, or a combination of these treatments will be developed in consultation with BOEM, the SHPOs, and Tribes or closest lineal descendants. All parties will be expected to respond with advice and guidance in an efficient time frame. Once the plan is agreed to by all parties, the plan will be implemented by SouthCoast Wind. SouthCoast Wind will not proceed with construction activities in the vicinity of the discovery until it has received written authorization from BOEM.

### **For Discoveries in Rhode Island State Waters**

In the event human remains are encountered during construction activities in Rhode Island state waters, RIHPHC recommends implementing the following protocol:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work/activities in the general area of the discovery will stop immediately.
- Human remains 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.
- The QMA, the RIHPHC, the relevant THPOs, and SouthCoast Wind will be immediately notified of the discovery. The Medical Examiner's Office, Rhode Island Division of Sheriffs, and other local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.
- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or repatriation can be generated. Please note that avoidance is the preferred choice of the RIHPHC and the Tribal Nations. The involved federal agency (BOEM) will consult with the RIHPHC and appropriate Tribal Nations to develop a plan of action that is consistent with NAGPRA guidance.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or repatriation can be generated.
- Within 24-hours of the notification, the RIHPHC shall notify any Native American tribe that has indicated interest in the area of the discovery. The Rhode Island Division of Sheriff's and local law enforcement officials shall assess the nature and age of the human skeletal remains. If the Medical Examiner's Office determine that the human skeletal remains are not a crime scene, the RIHPHC has jurisdiction over the remains and will work out appropriate plans with appropriate Tribes, living descendants, and other interested parties to ensure compliance with existing state laws. No remains will be repatriated until jurisdiction is established and the appropriate permits obtained from the RIHPHC.

### **For Discoveries in Massachusetts State Waters**

In the event human remains are encountered during construction activities in Massachusetts state waters, MHC/BUAR recommends implementing the following protocol:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work/activities in the general area of the discovery will stop immediately.

- Human remains 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.
- The Project Director and, if applicable, the QMA, will be notified of the exact location of the remains.
- The Project Director/QMA will be responsible for immediately notifying the State Police Detectives at the local District Attorney’s Office, Chief Medical Examiner, the MHC/BUAR, and the Environmental Police.
- If the Chief Medical Examiner determines that the remains are:
  - Older than 100 years; the Chief Medical Examiner will notify the MHC/BUAR.
  - Less than 100 years old; a criminal investigation may be warranted.
- For remains older than 100 years, the MHC/BUAR will conduct an examination to determine the identity, age, and cultural affiliation of the remains. If the remains are determined to be those of a Native American, the MHC will notify the Commission on Indian Affairs. A plan for avoidance or removal will be developed with the MHC/BUAR and the Commission on Indian Affairs that is consistent with NAGPRA guidance.
- The MHC/BUAR will determine feasible options for avoidance, mitigation, or minimization of impact for the human remains.
- Within 24-hours of the notification, the MHC/BUAR shall notify any Native American tribe that has indicated interest in the area of the discovery. The Office of the Chief Medical Examiner shall assess the nature and age of the human skeletal remains. If the Office of the Chief Medical Examiner determines that the human skeletal remains are not a crime scene and are older than 100 years of age, the MHC has jurisdiction over the remains. In consultation with BUAR, MHC will work out appropriate plans with appropriate Tribes, living descendants, and other interested parties to ensure compliance with existing state laws. No remains will be repatriated until jurisdiction is established and the appropriate permits obtained from the MHC and BUAR.

## **5.0 ARCHAEOLOGICAL RESOURCE IDENTIFICATION/TRAINING**

The identification of archaeological resources requires basic training in order to recognize potential archaeological resources. Training will be provided by the QMA for resident engineers and contractor field supervisors prior to the implementation of Project and contractor personnel. The purpose of this training will be to review state and federal regulations concerning archaeological resource compliance and to provide an overview of the Project-specific resources within and in the vicinity of the Project Area, so that both Project contractor and personnel will be aware of the kinds of unanticipated archaeological resources

that may be encountered in the field. In addition, the training program will emphasize the exact procedures to be followed regarding actions to be taken and notification required if an unanticipated discovery is identified during Project implementation. The training will be designed to ensure that Project personnel and contractors understand the extent of the archaeological survey program that has been performed for the Project and are fully aware of the distinction between areas and archaeological sites that have been cleared (i.e., have previously been cleared for Project implementation activities by the Rhode Island and Massachusetts SHPO and BUAR [for state waters] and BOEM [for federal waters]) and new discoveries during the Project implementation process.

### **Possible Unanticipated Discoveries**

Any potentially significant cultural resource or human remains not identified during survey activities prior to construction constitutes a possible Unanticipated Discovery. The most common potential cultural resources that may be discovered during construction are historical shipwrecks. Historical wrecks consist of wooden, iron, steel, concrete, or composite construction. Plastic or fiberglass wrecks are considered modern and are not eligible for registration to the National Register of Historic Places. Wooden wrecks are often broken up or deteriorated; often older wrecks will have severely broken up with wreckage scattered over a large area. Wreckage that may identify a wooden wreck include ribbing, stringers, planking, trunnels, and other sections of timber (Figures 1 and 2). Additional debris can include rigging pieces, mast beams, ship bells, or ballast piles. Transitional vessels may include steam boilers and other machinery.

Debris such as armaments may be encountered during construction. If armaments are discovered, it may require further Unexploded Ordnances (UXO) inspection. Armaments include historical cannons, naval guns, military cases, unexploded mines, shells, mortars, or missiles. Early cannons were brass, followed by cast iron, which became common by the 1700s (Figure 3). Naval guns include a variety of anti-aircraft weaponry and associated shells and projectiles.



Figure 1. Historic wooden ship timbers, planking, and stringer fragments



Figure 2. Historic wooden ship timbers



Figure 3. Historic armaments that may be encountered during construction (5<sup>7</sup>/38 CAL powder case)

Historic anchors are another type of debris that may be associated with culturally significant wrecks (Figures 4 and 5). Historic anchors are often identified as having wooden stocks and large diameter rings. The stock appears as the cross on top of the anchor to which the eye ring is attached. Large diameter rings (to accommodate large diameter natural fiber lines) averaged 12 to 24 inches in diameter. Iron bower anchors, which had iron stocks and anchor shackles, were used with the increased reliance of steam power.





Figure 4. Historic anchor



Figure 5. Historic anchor (top view)

Pre-contact cultural resources that may be discovered include ceramics, lithics, or shell middens. Lithics and ceramics (Figures 6 and 7) may be encountered during dredging activities. Other artifacts that may be encountered during dredging around possible paleolandforms include possible pre-contact fishing gear, fish traps, or weirs (Figure 8). Shell middens, decomposed remains of organic material scattered in a refuse heap that has accumulated over time and use, range in size from small accumulations to organic layers spread across a wide area, shell middens may also be encountered during dredging activities. Middens located nearshore are often marked by shell pieces (Figure 9). Lithics, ceramics, and shell middens, if encountered, should also be considered culturally significant.

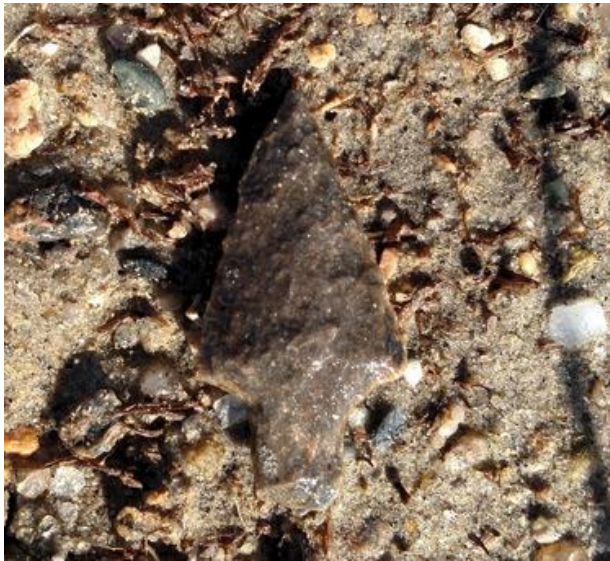


Figure 6. Lithic in situ



Figure 8. Prehistoric fish weir in situ



Figure 7. Ceramic in situ



Figure 9. Shell midden along shoreline



## **6.0 GUIDANCE FOR SUPPLEMENTAL ARCHAEOLOGICAL INVESTIGATIONS OF POST-REVIEW DISCOVERIES**

Targeted geophysical survey, ROV, and/or archaeological diver-assisted inspection may be necessary to evaluate and characterize a discovery to further gather sufficient information to support BOEM's determination of a find's National Register-eligibility. The following procedures were developed to provide for informed decision-making in the event of a post-review discovery during construction of the SouthCoast Wind offshore facilities. The procedures account for appropriate decisions at each step in the event of a post-review discovery. Appropriate resolution of post-review discovery may not require completion of all the steps described below.

1. *Review available geophysical data in the vicinity of the discovery and determine if supplemental High Resolution Geophysical (HRG) survey or ROV inspection is needed and appropriate.*
  - a. Conduct HRG survey or ROV inspection.
    - i. QMA to evaluate potential significance of find in consultation with BOEM.
    - ii. May result in BOEM's determination that the find is not associated with a National Register-eligible resource and no further consideration or protective measures are required.
    - iii. May result in a recommendation for avoidance and/or further evaluations
2. *Determine appropriate avoidance area based on supplemental HRG survey or ROV inspections.*
  - a. No seabed disturbance may occur within any avoidance area recommended by the QMA or determined by BOEM until BOEM provides SouthCoast Wind written authorization to proceed with construction.
  - b. SouthCoast Wind should assess potential micro-siting of activities to avoid seabed disturbances within the avoidance area. If so, SouthCoast Wind will submit to BOEM revised design parameters and/or construction methods demonstrating the feasibility of avoiding the find.
3. *Identify the source of the find, delineate any associated elements of a potential submerged historic property, and assess potential damage or disturbance to the resource.*
  - a. May be accomplished by ROV inspections or archaeological diver inspections.
  - b. May result in BOEM's determination that no further actions are warranted.

4. *NRHP-eligibility evaluation*
  - a. May require supplemental archival research.
  - b. Where feasible, will be supported by ROV inspection or archaeological diving.
  - c. May require data recovery.
  - d. Will require consultations among BOEM, SouthCoast Wind, SHPOs (in Massachusetts's waters, also BUAR), and THPOs.
  
5. *Mitigation Plan development*
  - a. Will draw upon data collected from all previous, relevant investigations and comments shared by the consulting parties to resolve adverse effects to a submerged historic property.
  - b. Will prioritize feasible and practicable avoidance and minimization measures.
  - c. May include on-site monitoring of seabed disturbing activities to avoid further damage to a submerged historic property.

## 7.0 NOTIFICATION LIST

### SouthCoast Wind Energy LLC

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Andrew McGregor  
Integration & Installation Package Manager  
3 Center Plaza 205  
Boston, MA 02108  
(Cell) 781-234-5949  
Andrew.McGregor@southcoastwind.com

Kori Ktona  
Permitting Manager  
3 Center Plaza 205  
Boston, MA 02108  
973-934-0153  
Kori.Ktona@southcoastwind.com

Jennifer Flood  
Permitting Director  
3 Center Plaza 205  
Boston, MA 02108  
(Cell) 781-400-4977  
Jennifer.Flood@southcoastwind.com

Victor Mastone  
Senior Archaeologist/Tribal Liaison  
3 Center Plaza 205  
Boston, MA 02108  
(Cell) 978-491-8558  
Victor.Mastone@southcoastwind.com

### R. Christopher Goodwin & Associates, Inc.

---

James Schmidt  
Principle Investigator  
241 East 4th Street, Suite 100  
Frederick, MD 21701  
(Work) 301-694-0428, ext. 226  
(Cell) 301-514-9014  
sschmidt@rcgoodwin.com

Ashley Himmelstein  
Project Archaeologist  
241 East 4th Street, Suite 100  
Frederick, MD 21701  
(Work) 301-694-0428, ext. 208  
(Cell) 240-575-4500  
ahimmelstein@rcgoodwin.com

David McCullough  
Senior Maritime Archaeologist  
241 East 4th Street, Suite 100  
Frederick, MD 21701  
(Work) 301-694-0428, ext. 223  
(Cell) 301-514-3312  
dmccullough@rcgoodwin.com

### Bureau of Ocean Energy Management

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Christopher Horrell  
Project Coordinator  
Office of Renewable Energy Programs  
45600 Woodland Road (VAM-OREP)  
Sterling, VA 20166  
703-787-1577  
Christopher.Horrell@boem.gov

### Bureau of Safety and Environmental Enforcement

---

W. Shawn Arnold  
Federal Preservation Officer, Archaeologist  
1201 Elmwood Park Blvd  
New Orleans, LA 70123-2394  
504-736-2416  
William.Arnold@bsee.gov

Barry Bleichner  
Archaeologist  
1201 Elmwood Park Blvd  
New Orleans, LA 70123-2394  
504-736-2947  
Barry.Bleichner@bsee.gov

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**Rhode Island Contacts: Discovery of Human Remains**

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Newport County, RI

Newport County Sheriff's Office  
45 Washington Square  
Newport, RI 02840  
401-841-8300

Rhode Island Division of Sheriffs

David M. DeCesare, Chief Sheriff  
670 New London Avenue  
Cranston, RI 02920  
401-275-2900

Bristol County, RI

Kevin Lynch, Chief of Police  
395 Metacom Avenue  
Bristol, RI 02809  
401-253-6900

Bristol and Newport County, RI

Medical Examiner's Office  
48 Orms Street  
Providence, RI 02904  
401-222-5500

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**Rhode Island Contacts: Discovery of Cultural Resources**

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Rhode Island Historical Preservation & Heritage Commission

Mr. Jeff Emidy  
Interim Executive Director  
Old State House  
150 Benefit Street  
Providence, RI 02903  
401-222-4130  
Jeffrey.Emidy@preservation.ri.gov

---

**Massachusetts Contacts: Discovery of Human Remains**

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Massachusetts State Office of the Chief Medical Examiner

Dr. Ann Marie Mires, Forensic Anthropologist  
720 Albany Street  
Boston, MA 02118  
617-267-6767  
AnnMarie.Mires@state.ma.us

Bristol County, MA

Thomas M. Quinn III  
Bristol County District Attorney  
218 S Main Street  
Fall River, MA 02721  
508-997-0711  
info@bristolda.com

Massachusetts Environmental Police

251 Causeway Street, Suite 100  
Boston, MA 02114  
800-632-8075  
617-626-1665

Barnstable County, MA

Coroner and Medical Examiner  
101 Academy Drive  
Bourne, MA 02532  
508-564-6371

Barnstable County, MA

Michael D. O'Keefe  
Cape and Islands District Attorney  
3231 Main Street  
Barnstable, MA 02630  
508-362-8113

Barnstable County (Sandwich Office), MA

Office of the Chief Medical Examiner  
1 Simpkins Road  
Sandwich, MA 02563  
508-539-2200

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**Massachusetts Contacts: Discovery of Cultural Resources**

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State Archaeologist/Massachusetts Historical Commission

Brona Simon, State Archaeologist/Acting Executive Director  
220 Morrissey Boulevard  
Boston, MA 02125  
617-727-8470  
mhc@sec.state.ma.us

Massachusetts Board of Underwater Archaeological Resources

David Robinson, Director  
251 Causeway Street, Suite 800  
Boston, MA 02114  
(Work) 401-874-6182  
(Cell) 401-578-7233  
David.s.robinson@mass.gov

Brona.simon@state.ma.us

### **Tribal Historic Preservation Offices**

---

Shinnecock Indian Nation

Rachel Valdez-Castillo  
Tribal Historic Preservation Officer  
P.O. Box 5006  
Southampton, NY 11969  
631-833-3293  
thpo@shinnecock.org

Mashantucket Pequot Tribal Nation

Michael Kicking Bear Johnson  
Deputy Tribal Historic Preservation Officer  
110 Pequot Trail  
Mashantucket, CT 06338  
860-501-7988  
mejohanson@mptn-nsn.gov

Delaware Tribe Historic Preservation Office

Roosevelt Hall, Rm 212  
1200 Commercial St.  
Emporia, KS 66801  
918-335-7026

Narragansett Indian Tribe

John Brown, III  
Tribal Historic Preservation Officer  
PO Box 463  
Charlestown, RI 02813  
401-491-9459  
tashtesook@aol.com

Wampanoag Tribe of Gay Head (Aquinnah)

Bettina Washington  
Tribal Historic Preservation Officer  
20 Black Brook Road  
Aquinnah, MA 02535-1546  
508-560-9014  
thpo@wampanoagtribe-nsn.gov

Mashpee Wampanoag Tribe

David Weeden  
Tribal Historic Preservation Officer  
483 Great Neck Road  
Mashpee, MA 02649  
774-327-0068  
david.weeden@mwtribe-nsn.gov

**ATTACHMENT 14 – UNANTICIPATED DISCOVERIES PLAN FOR TERRESTRIAL  
ARCHAEOLOGICAL RESOURCES**

DRAFT

## Appendix R.1: Terrestrial Unanticipated Discoveries Plan

|                                 |   |
|---------------------------------|---|
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**SouthCoast Wind Project**  
Falmouth and Somerset, Massachusetts  
Portsmouth, Rhode Island  
Unanticipated Discovery Plan

*Procedures Guiding the Discovery of Terrestrial  
Unanticipated Archaeological Resources and  
Human Remains during Construction*

April 2024

Submitted to:

**SouthCoast Wind Energy LLC**  
101 Federal Street, Suite 1900  
Boston, Massachusetts 02110

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OW North America LLC (Ocean Winds) proposes to construct and operate the SouthCoast Wind Project (Project). The Project includes construction of the SouthCoast Wind turbine array in federal waters on the Atlantic Outer Continental Shelf (OCS) within the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0521 (Lease Area) approximately 20 miles (32 kilometers) south of Nantucket Island; inter-array cables, offshore substation platforms, and export cables that traverse federal and state waters with landfalls at Falmouth and Somerset, Massachusetts; and onshore High Voltage Direct Current (HVDC) converter stations at Brayton Point in Somerset and in Falmouth, Massachusetts, points of interconnection, and onshore, underground transmission delivery systems. As a part of the onshore component of the Project, SouthCoast Wind is also considering several cable duct bank route segment options and horizontal directional drilling (HDD) sites in Portsmouth, Newport County, Rhode Island.

SouthCoast Wind is committed to the protection and preservation of cultural resources, in accordance with federal and state legislation, and is continuing that commitment as part of the onshore components of the Project including the upland cabling route and substations. SouthCoast Wind recognizes that while sections of the onshore cabling route and substation parcels have previously been subject to archaeological investigations performed as part of its pre-planning permitting responsibilities it is possible that potentially significant archaeological resources and/or human remains could be discovered during onshore Project construction.

SouthCoast Wind, recognizing its responsibility to comply with federal, state, and municipal laws and regulations pertaining to cultural resources and human remains, contracted with The Public Archaeology Laboratory, Inc. (PAL) to prepare this “Procedures Guiding the Discovery of Terrestrial Unanticipated Cultural Resources and Human Remains During Construction and Archaeological Monitoring of Construction” work plan and protocols document. The procedures outlined herein will be implemented for two separate phases of work. In areas where archaeological investigation has been completed, an archaeologist will not be present, and all the notification procedures outlined below will be in effect. These procedures were developed in consultation with the Massachusetts Historical Commission (“MHC”) and Rhode Island Historical Preservation and Heritage Commission (RIHPHC), offices of the State Historic Preservation Officer (“SHPO”) and federally recognized Indian tribes. These procedures summarize the approach that the Proponent will use to



address unanticipated discoveries of archaeological resources or human remains within the Project's Area of Potential Effect ("APE").

## **Standards/Guidelines and Laws/Regulations for Post-Review Discoveries of Archaeological Resources and Human Remains**

### ***Federal***

- Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 300101) and Advisory Council on Historic Preservation implementing regulations (36 CFR 800).
- Secretary of the Interior's Standards for Archeology and Historic Preservation (48 CFR 44716-42).
- Advisory Council on Historic Preservation (ACHP): Policy Statement on Burial Sites, Human Remains, and Funerary Objects, Advisory Council March 1, 2023) (Appendix A).

### ***Massachusetts***

- Massachusetts Unmarked Burial Law (M.G.L. c. 7, s. 38A, c. 38, s.6, c. 9, ss. 26A & 27C, and c.114, s.17).
- Massachusetts SHPO: Know How #4 What to do when Human Burials are Accidentally Uncovered (no date) (Appendix B).
- Massachusetts Historical Commission Policy and Guidelines for Non-Native Human Remains Which Are Over 100 Years Old or Older (1990); M.G.L. Chapter 9, Section 26A (7) (Appendix C).

### ***Rhode Island***

- Antiquities Act of Rhode Island (Rhode Island General Law 42-45.1).
- Rhode Island Historic Cemeteries Act (Rhode Island General Law 23-18-11 *et seq.* (Appendix D)

## **Consultation with Federal and State Agencies and Indian Tribes**

SouthCoast Wind has been consulting with the Massachusetts and Rhode Island SHPOs, the federally recognized Indian tribes including the Mashpee Wampanoag, Wampanoag Tribe of Gay Head/Aquinnah, Narragansett Indian Tribal Historic Preservation Offices (THPOs), Mashantucket Pequot Tribal Nation, Mohegan Tribe of Connecticut, Shinnecock Indian Nation, Delaware Tribe of Indians, and other interested stakeholders. Contact information for the Massachusetts and Rhode Island SHPOs, THPOs, and other stakeholders is included in this Unanticipated Discovery Plan. In the event any archaeological resources and/or human remains are encountered during construction of the Project, SouthCoast Wind will contact the relevant parties, as set forth in these Procedures.

### ***Identification/Training***

SouthCoast Wind acknowledges the sensitivity of the Project and surrounding area to potentially contain significant archaeological sites including Native American burials. The identification of

potential archaeological sites and significant resources requires basic training in recognition. All Project inspectors, Resident Engineers, and Construction Supervisors working on the Project's onshore excavation activities will be given basic training in archaeological site and burial identification by qualified PAL staff before the start of construction.

The purpose of this training will be to review SouthCoast Wind's commitments to cultural resource compliance, review the results of the archaeological investigations conducted within the onshore portions of the Project APE, and to provide an overview of the general cultural history of the area so that Project proponents and their contractors are aware of the types of archaeological resources that may be encountered during construction. The training program will outline the protocols and notification procedures, outlined in this document, if a significant cultural resource is discovered during construction. The MHC's "Know How #4: What to Do When Human Burials are Uncovered" fact sheet and a contact distribution list distributed (Appendix B). Representatives of the Narragansett Indian, Mashpee Wampanoag, and Wampanoag Tribe of Gay Head (Aquinnah) Tribal Historic Preservation Offices (THPOs) will also be informed and invited to attend the contractor training and offer comment.

## **Notification Procedures**

The procedures guiding the unanticipated discovery of cultural resources and human remains detailed below ("Procedures") summarize the approach that SouthCoast Wind will use in the event that any unanticipated archaeological discoveries or human remains are encountered during Project construction (Figure 1).

### Archaeological Discoveries

1. Contractor construction personnel have the potential to make possible archaeological discoveries during ground disturbing activities. If suspected archaeological resources (artifacts and/or features) are uncovered during a construction activity, that activity shall immediately cease in the vicinity of the discovery until it can be determined if the materials are cultural and whether they represent a potentially significant site.
2. The contractor will immediately notify the site foreman of the potential discovery, who will notify SouthCoast Wind's Permitting Director. Notification will include the activity, specific work area including the street, HDD, substation, and/or cable route, etc. and provide digital photographs of the find.
3. SouthCoast Wind will issue a Stop Work order and direct the contractor to secure the area by flagging or fencing off the area of the archaeological discovery. 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 resume work in the vicinity of the find until SouthCoast Wind's Permitting Director has granted clearance.

4. Upon discovery of a potential cultural resource, SouthCoast Wind will provide their cultural resource consultant (CRC) with a location plan and digital photographs of the discovery. The CRC will review the provided materials and determine if a site visit is necessary.
  - a. If the CRC determines a site visit is not required (the reported discovery is not potentially significant), then the CRC will notify SouthCoast Wind's Permitting Director who will notify the contractor that work may resume.
  - b. If a site visit is determined necessary, the CRC will conduct a site visit within 24 hours of notification.
5. The CRC will determine if the site is potentially significant and if on-site archaeological investigations are necessary. If so, the CRC will notify the appropriate SHPO, and, if the site is Native American, the Narragansett Indian, Wampanoag Tribe of Gay Head/Aquinnah, and Mashpee Wampanoag THPOs immediately by telephone and/or email. SouthCoast Wind will notify BOEM and the Bureau of Safety and Environmental Enforcement (BSEE). SouthCoast Wind, their contractors, and the CRC will work with the SHPOs, THPOs, BOEM, and BSEE (as necessary) to develop and implement a site treatment plan as quickly as possible.
6. Since the area of any potential discovery will have been partially disturbed by construction, the objective of an archaeological investigation will be to evaluate data as speedily as possible so that the appropriate notifications can be made and consultation can proceed. If archaeological investigations are required, SouthCoast Wind will inform the construction supervisor that no construction work can proceed in the immediate vicinity of the discovery until archaeological fieldwork is complete. The area will be flagged as being off-limits for work but will not be identified as an archaeological site per se to protect the resource(s).
7. The duration of any work stoppages will be contingent upon the significance of the identified cultural resource(s) and consultation among SouthCoast Wind, BOEM, BSEE, the applicable SHPO, THPOs, and other parties, as appropriate and necessary, to determine treatment to avoid, minimize, or mitigate any adverse effects to the identified site. Necessary archaeological investigations will be conducted under archaeological permits issued by the MHC and/or RIHPHC.
8. Once all treatment measures are complete, SouthCoast Wind will notify the contractor that construction work may proceed.

#### Discovery of Human Remains

If human remains are encountered during Project construction, they are likely to be discovered in excavations, possibly below areas where previous ground disturbance (e.g., road construction, existing utilities) has occurred. Any discoveries of human remains will be handled in accordance with the appropriate state requirements and if they appear to be Native American will be guided by the policy statement adopted by the Advisory Council on Historic Preservation ([Advisory Council]; see *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (Appendix A)).

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Human remains will be always treated with the utmost dignity and respect. No remains or associated materials will be collected or removed until all appropriate notifications have been made (Figure 2), consultation has taken place, and a plan of action has been determined. The procedures that will be followed if human remains are discovered during Project construction are:

1. If construction personnel identify human remains or suspected human remains, all construction work in the vicinity of the find that could affect the integrity of the remains will immediately cease in the vicinity of the discovery until it can be determined if the remains are human. Skeletal remains and any associated artifacts will not be touched, moved, or further disturbed. The construction supervisor will notify SouthCoast Wind's Permitting Director and take measures to ensure site security.
2. The contractor will immediately notify the site foreman of the potential discovery, who will notify SouthCoast Wind's Permitting Director. Notification will include the activity, the specific work area including the street, HDD, substation, cable route, etc., its time of discovery, and digital photographs of the find. SouthCoast Wind will contact its CRC for an opinion as to whether or not the remains appear human, as necessary. If the remains do appear to be human, the CRC will assist SouthCoast Wind with notifying law enforcement and municipal authorities in accordance with state regulations.
3. Law enforcement will notify the Office of the State Medical Examiner (OSME).
  - a. If the OSME determines the remains are less than 100 years old, then their treatment becomes the responsibility of the police and the local municipality, who will inform SouthCoast Wind when work may resume.
  - b. If the OSME determines the remains are more than 100 years old, then SouthCoast Wind will notify the CRC who will assist with notifying BOEM, BSEE, the appropriate SHPO, and the THPOs, who will determine if the remains are Native American. The CRC and MHC will notify the Massachusetts Commission on Indian Affairs if the remains are determined to be Native American and are found in Massachusetts.
4. SouthCoast Wind, BOEM, BSEE, the SHPO, the THPOs, and the Massachusetts Commission on Indian Affairs (if the remains are found in Massachusetts) will discuss whether there are prudent and feasible alternatives to protect the remains. The results of this consultation will be made in writing. If it is not possible to protect the remains, they may be excavated only under a special permit issued by the appropriate SHPO after the review of a recovery plan that specifies a qualified research team, research design, and plan for the disposition of the remains consistent with the results of consultation.
5. If the remains are not Native American, the appropriate SHPO will determine whether a skeletal analysis of the remains will be conducted and whether the remains will be deposited in a curatorial facility or reinterred. These decisions will be made in consultation with interested parties as defined in the *Policy and Guidelines for Non-Native Human Remains which are Over 100 Years Old or Older* (MHC 1990) (Appendix C) or the Rhode Island Cemeteries Act (Appendix D).



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6. In all cases, due care will be taken in the excavation, transport, and storage of any remains to ensure their security and respectful treatment.

## LIST OF CONTACTS

### ***SouthCoast Wind Energy LLC***

Jennifer Flood  
Permitting Director  
101 Federal St., Ste. 1900  
Boston, MA 02110  
[Jennifer.Flood@SouthCoastwind.com](mailto:Jennifer.Flood@SouthCoastwind.com)  
(Cell) 508-395-6886

Victor Mastone  
Senior Archaeologist/Tribal Liaison  
(Cell) 978-491-8558  
[Victor.mastone@SouthCoastwind.com](mailto:Victor.mastone@SouthCoastwind.com)

### ***Bureau of Ocean Energy Management***

*Office of Renewable Energy Programs*  
*45600 Woodland Road*  
*VAM-OREP*  
*Sterling, Virginia 20166*  
**Contact:** Sarah Stokely, Section 106 Team Lead  
Email: [sarah.stokely@boem.gov](mailto:sarah.stokely@boem.gov)

### ***Bureau of Safety and Environmental Enforcement***

*1201 Elmwood Park Blvd*  
*New Orleans, LA 70123-2394*  
**Contact:** W. Shawn Arnold, Federal Preservation Officer/Archaeologist  
Tel: (504) 736-2416  
Email: [william.arnold@bsee.gov](mailto:william.arnold@bsee.gov)

Barry Bleichner, Archaeologist  
Tel: (504) 736-2947  
Email: [barry.bleichner@bsee.gov](mailto:barry.bleichner@bsee.gov)

### ***Massachusetts State Police***

Appropriate State Police Barracks  
Tel: (508) 820-2300



***Massachusetts Office of the Chief Medical Examiner***

720 Albany Street  
Boston, Massachusetts 02118  
**Contact:** Mindy Hull, MD, Chief Medical Examiner  
Phone: (617) 267-6767

***Massachusetts Historical Commission***

220 Morrissey Boulevard  
Boston, Massachusetts 02125  
Contact: Brona Simon, State Archaeologist and SHPO  
Tel: (617) 727-8470  
Email: [brona.simon@state.ma.us](mailto:brona.simon@state.ma.us)

***Rhode Island Historical Preservation and Heritage Commission***

150 Benefit Street  
Providence, RI 02903-1209  
Contact: Charlotte Taylor, Principal Archaeologist  
Tel: (401) 222-4140  
Email: [Charlotte.Taylor@preservation.ri.gov](mailto:Charlotte.Taylor@preservation.ri.gov)

Jeffrey Emidy, Interim Executive Director, Deputy State Historic Preservation Officer  
Tel: (401) 222-4134  
Email: [Jeffrey.Emidy@preservation.ri.gov](mailto:Jeffrey.Emidy@preservation.ri.gov)

***Massachusetts Commission on Indian Affairs***

100 Cambridge Street, Suite 300  
Boston, Massachusetts 02114  
Contact: John A. Peters, Jr., Executive Director  
Phone: (617) 573-1292  
Email: [john.peters@state.ma.us](mailto:john.peters@state.ma.us)

***Rhode Island Department of Health/Office of the State Medical Examiners***

48 Orms Street  
Providence, RI 02904  
Tel: 401-222-5500

***Rhode Island State Police, Portsmouth Barracks***

838 East Main Road  
Portsmouth, RI 02871  
Tel: (401) 444-1066

***Portsmouth Police Department***

2270 East Main Road  
Portsmouth, RI 02871  
Tel: (401) 683-0300



## **TRIBAL HISTORIC PRESERVATION OFFICES**

### ***Narragansett Indian Tribe Tribal Historic Preservation Office***

Post Office Box 268

Charlestown, RI 02813

Contact: John Brown, III, Tribal Historic Preservation Officer

Tel: (401) 585-0142

Email: [tashtesook@aol.com](mailto:tashtesook@aol.com)

Cora Peirce, Deputy Tribal Historic Preservation Office

Tel: (774) 634-7959

Email: [coradot@gmail.com](mailto:coradot@gmail.com)

### ***Mashpee Wampanoag Tribal Historic Preservation Office***

483 Great Neck Road South

Mashpee, MA 02649

Contact: David Weeden, Tribal Historic Preservation Officer

Tel: (508) 477-0208, Ext. 102

Email: [David.weeden@mwtribe-nsn.gov](mailto:David.weeden@mwtribe-nsn.gov)

### ***Wampanoag Tribe of Gay Head/Aquinnah Tribal Historic Preservation Office***

20 Black Brook Road

Aquinnah, MA 02535-1546

Contact: Bettina Washington, Tribal Historic Preservation Officer

Tel: (508) 560-9014

Email: [bettina@wampanoagtribe.net](mailto:bettina@wampanoagtribe.net)

### ***Shinnecock Indian Nation Tribal Historic Preservation Office***

P.O. Box 5006

Southampton, NY 11969-5006

Contact: Rachel Valdez-Castillo, Tribal Historic Preservation Officer

Tel: (631) 833-3293

Email: [thpo@shinnecock.org](mailto:thpo@shinnecock.org)

### ***Delaware Tribe of Indians Tribal Historic Preservation Office (PA)***

126 University Circle

Stroud Hall, Rm. 437

East Stroudsburg PA 18301

Contact: Susan Bachor, Deputy Tribal Historic Preservation Officer

Tel: (610) 761-7452

Email: [sbachor@delawaretribe.onmicrosoft.com](mailto:sbachor@delawaretribe.onmicrosoft.com)

### ***Delaware Nation Tribal Historic Preservation Office***

P.O. Box 825



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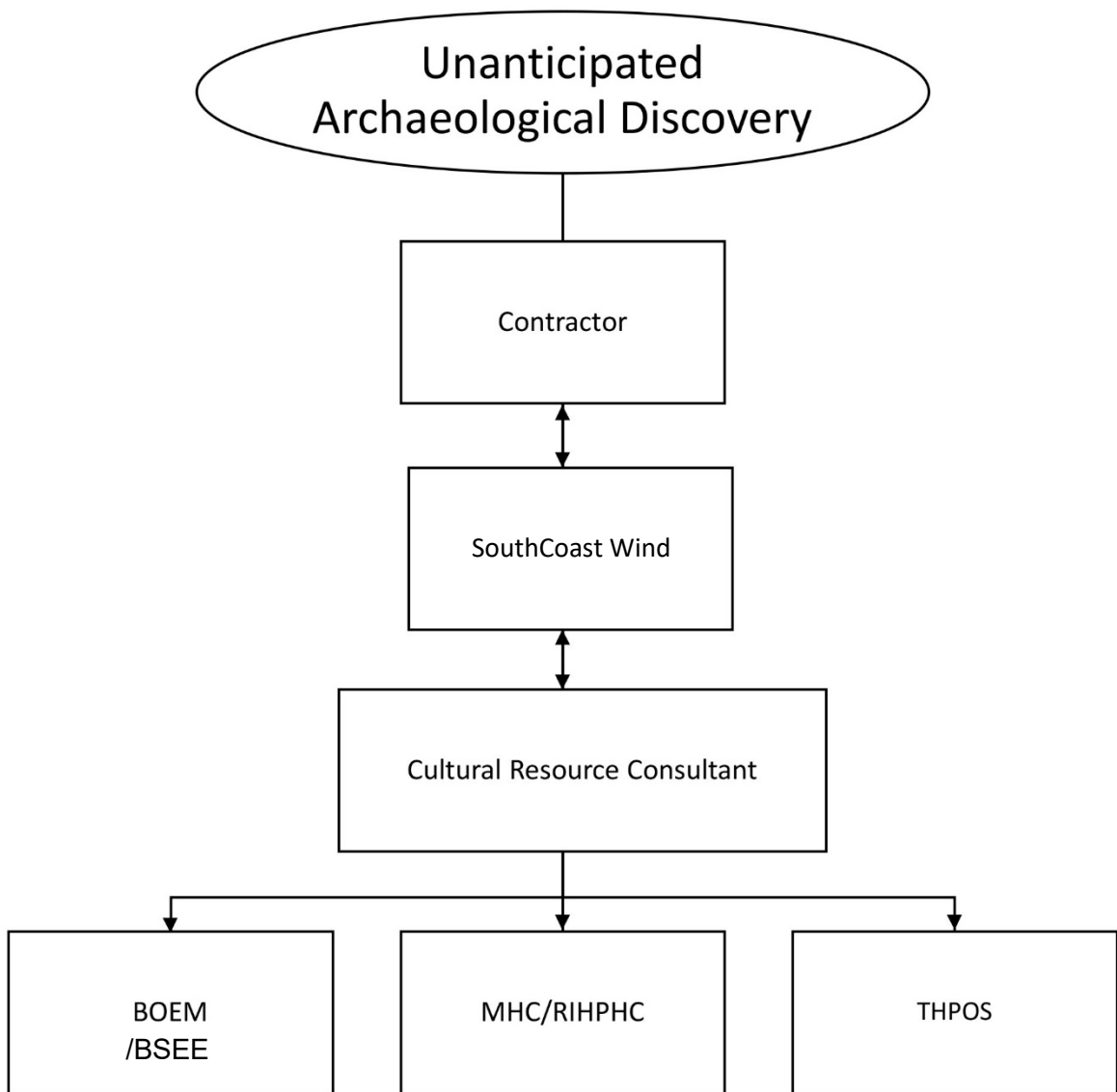
Anadarko, OK 73005  
Contact: Carissa Speck, Historic Preservation Director  
Tel: (405) 247-2488 Ext 1403  
Email: cspeck@delawarenation-nsn.gov

***Mashantucket (Western) Pequot Tribal Nation***  
110 Pequot Trail  
Mashantucket, Connecticut 06338  
Contact: Michael Kickingbear Johnson, Tribal Historic Preservation Officer  
Tel: 860-396-7575  
Email: mejohnson@mptn-nsn.gov

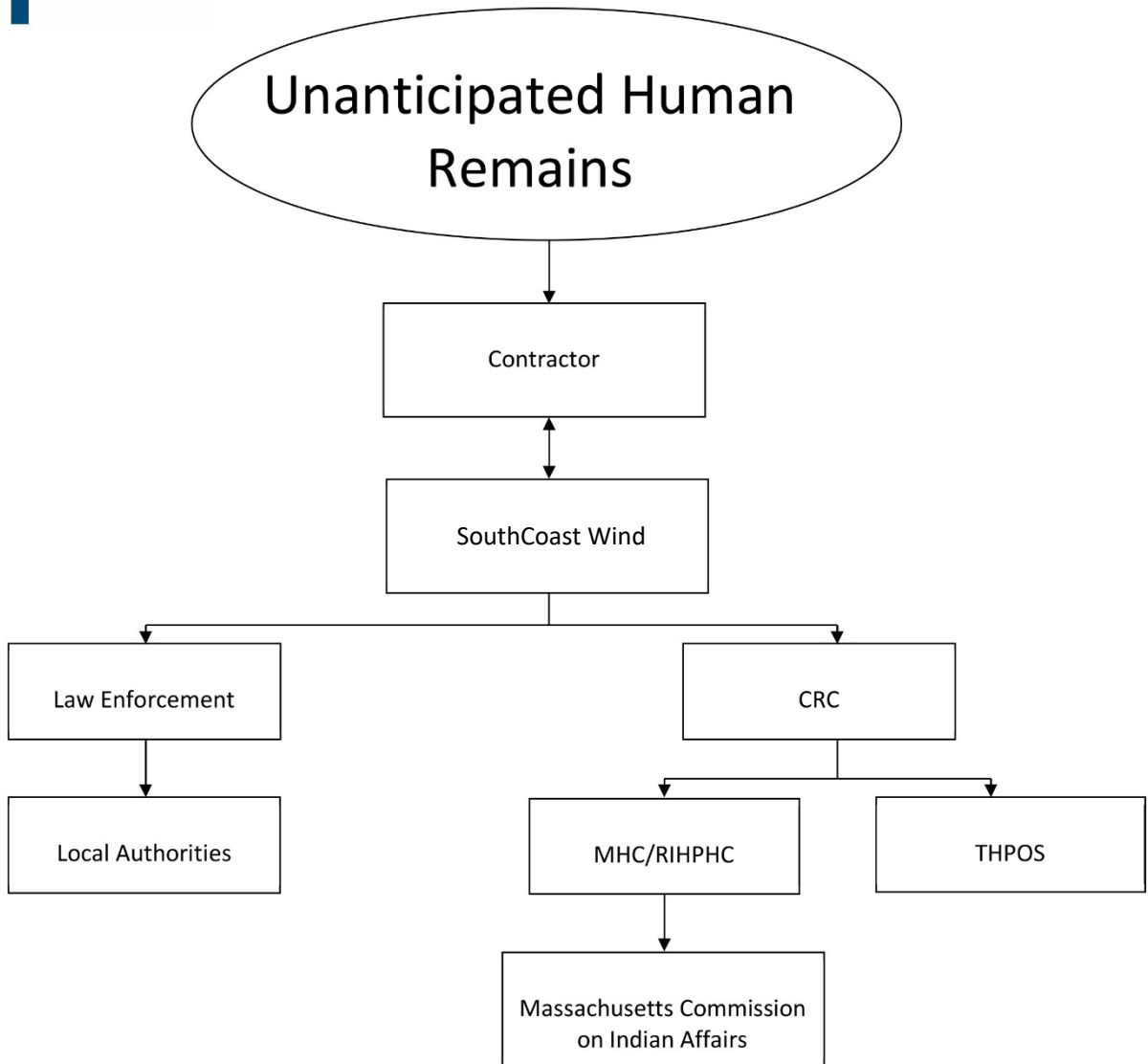
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**Figure 1. Communications and notifications plan for unanticipated archaeological discoveries during construction.**



**Figure 2. Communications and notifications plan for the unanticipated discovery of human remains during construction.**

## APPENDIX A



### ADVISORY COUNCIL ON HISTORIC PRESERVATION POLICY STATEMENT ON BURIAL SITES, HUMAN REMAINS, AND FUNERARY OBJECTS

March 1, 2023

**Preamble.** The Advisory Council on Historic Preservation (ACHP) developed this policy statement to establish a set of principles and rules that the ACHP will encourage federal agencies to adopt as they carry out their day-to-day responsibilities under Section 106 of the National Historic Preservation Act (NHPA). This statement also establishes a set of standards and guidelines that federal and state agencies, local entities, Indian Tribes, industry applicants, and other relevant entities should, at a minimum, seek to implement in order to provide burial sites, human remains, and funerary objects the consideration and protection they deserve.

This policy statement is not bound by geography, ethnicity, political or socioeconomic status, or a system of belief and recognizes that the respectful consideration for burial sites, human remains, and funerary objects is a human rights concern shared by all. However, the burial sites, human remains, and funerary objects of certain groups of people, including but not limited to Indian Tribes, Native Hawaiians, enslaved Africans and their descendants, and other Indigenous Peoples, have a higher probability of being unmarked and undocumented and thus more likely to be affected by development projects. As such, this policy statement emphasizes the need for consultation and coordination with those communities, including seeking consensus in decision making and providing deference to their practices, protocols, and preferences, where feasible.

Section 106 requires agencies to consult and seek agreement with consulting parties on measures to avoid, minimize, or mitigate adverse effects to historic properties. Accordingly, and consistent with Section 106, this policy does not recommend a specific outcome from the consultation process. Rather, it focuses on issues and perspectives that federal agencies should consider while carrying out their consultation and decision-making responsibilities. The ACHP will incorporate these principles in its work and encourages federal agencies and other entities to apply the principles in this policy any time there is potential to encounter burial sites, human remains, or funerary objects.

In many cases, burial sites, human remains, and funerary objects are subject to other applicable federal, Tribal, state, or local laws or protocols that may prescribe a specific outcome, such as the Native American Graves Protection and Repatriation Act (NAGPRA). In those scenarios, the federal agency should identify and follow all applicable laws or protocols and implement any prescribed outcomes. NHPA and NAGPRA are separate and distinct laws, with separate and distinct implementing regulations and categories of parties that must be consulted.<sup>1</sup> Compliance with one of these laws does not equate to or fulfill the compliance requirements of the other. Implementation of this policy and its principles does not, in any way, change, modify, or detract from NAGPRA or other applicable laws.

**Authority:** The authority for this policy stems from the ACHP's statutory responsibility to advise on matters relating to historic preservation (which includes the role of Indian Tribes, Tribal Historic

<sup>1</sup> The ACHP's publication [Consultation with Indian Tribes in the Section 106 Process: The Handbook](#) (2021) and the National Association of Tribal Historic Preservation Officers' publication [Tribal Consultation: Best Practices in Historic Preservation](#) (2005) provide additional guidance.

Preservation Officers [THPOs], and Native Hawaiian organizations [NHOs] in that process), to advise the President and Congress regarding historic preservation matters, and to recommend methods to federal agencies to improve the effectiveness, coordination, and consistency of their historic preservation policies. While the ACHP recognizes that not all burial sites, human remains, and funerary objects may constitute or be associated with historic properties eligible for or listed in the National Register of Historic Places, the consideration and treatment of such places fall within the concerns of the historic preservation community.<sup>2</sup>

This policy statement recognizes the unique legal and political relationship between the federal government and federally recognized Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, and court decisions, and acknowledges that the federal Indian trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian Tribes.<sup>3</sup> Part of the ACHP’s trust responsibility is to ensure that the regulations implementing Section 106 incorporate the procedural requirement that federal agencies consult with Indian Tribes and NHOs that attach religious and cultural significance to historic properties that may be affected by undertakings the federal agency proposes to carry out, license, permit, or assist.<sup>4</sup> In general, the trust responsibility establishes fiduciary obligations on the part of federal agencies to Tribes, including a duty to protect Tribal lands and cultural and natural resources for the benefit of Tribes and individual Tribal members.

The ACHP views its trust responsibility as encompassing all aspects of historic resources including intangible values.<sup>5</sup> As part of that trust responsibility, the ACHP offers this policy statement to inform how the Section 106 consultation process should consider burial sites, human remains, and funerary objects.

**Principles.** The care for and consideration of burial sites, human remains, and funerary objects is of significant social and moral consequence in the United States and U.S. territories. When burial sites, human remains, or funerary objects are or have the potential to be encountered during the planning or implementation of a proposed federal undertaking, the following principles should be adhered to:

**Principle 1:** Burial sites, human remains, and funerary objects should be treated with dignity and respect in all circumstances regardless of National Register eligibility or the circumstances of the action (i.e., exemptions, disaster, and emergencies). This includes, but is not limited to, all times prior to and during consultation, during field surveys, when handling must occur, in documenting and/or reporting, if treatment actions occur, and in all other forms of interaction.

**Principle 2:** Disturbing or disinterring burial sites, human remains, or funerary objects, when not requested by descendants, associated Indian Tribes or NHOs, or required by applicable law or regulation, should not be pursued unless there are no other alternatives available and only after consultation with descendants or other legally associated individuals or groups and fully considered avoidance of impact and preservation in place.

**Principle 3:** Only through consultation, which includes the early and meaningful exchange of information and a concerted effort to reach consensus, can informed decisions be made about the identification, documentation, National Register eligibility, and treatment of burial sites, human remains, and funerary objects.

<sup>2</sup> 54 U.S.C. §§ 304102 and 304108

<sup>3</sup> *Seminole Nation v. United States*, 316 U.S. 286 (1942)

<sup>4</sup> “[The Advisory Council on Historic Preservation’s Statement on Its Trust Responsibility](#)” (Advisory Council on Historic Preservation, 2004)

<sup>5</sup> “[Policy Statement Regarding the Council’s Relationship with Indian Tribes](#)” (Advisory Council on Historic Preservation, 2000)



requests of descendants or other legally associated individuals or groups. Where known, and in accordance with applicable law, cultural practices of the descendants or associated groups should be followed if burial sites, human remains, or funerary objects may be encountered, are inadvertently identified, impacted, or must be disinterred.

**Principle 5:** The Indigenous Knowledge held by an Indian Tribe, NHO, or other Indigenous Peoples is a valid and self-supporting source of information. To the fullest extent possible, deference should be provided to the Indigenous Knowledge and expertise of Indian Tribes, NHOs, and Indigenous Peoples in the identification, documentation, evaluation, assessment, and treatment of their burial sites, human remains, and funerary objects.

**Principle 6:** Burial sites, human remains, and funerary objects are important in and of their own right. They may also constitute or be part of a sacred site and may include or incorporate several possible elements of historic significance including religious and cultural significance. The integrity of burial sites, human remains, and funerary objects is best informed by those who ascribe significance to them.

**Principle 7:** Burial sites, human remains, and funerary objects are frequently associated with cultural practices, sacred sites, Indigenous Knowledge, and other forms of culturally sensitive actions and/or information unique to a people. Maximum effort should be taken to limit the disclosure of confidential or sensitive information through all available mechanisms including, but not limited to, the proper handling and labeling of records, limiting documentation to necessary information, and through the application of existing law.

**Principle 8:** The federal Indian boarding school system directly targeted American Indian, Alaska Native, and Native Hawaiian children in the pursuit of a policy of cultural assimilation that coincided with territorial dispossession. In partnership with the historic preservation community, federal agencies should seek to implement the recommendations identified in the Department of the Interior's Federal Indian Boarding School Investigative Report by supporting community-driven identification, documentation, interpretation, protection, preservation, reclamation, and co-management of burial sites, human remains, and funerary objects across that system, including marked and unmarked burial areas, and supporting repatriation where appropriate.

**Principle 9:** The legacies of colonization, including cultural assimilation, forced relocation, and slavery, have led to an uneven awareness of where and why practitioners are likely to encounter burial sites, human remains, and funerary objects across the United States and its territories. The historic preservation community has a key role in expanding public education to support greater awareness of and consideration for the histories and lifeways of Indian Tribes, Native Hawaiians, African Americans, and Indigenous Peoples including recognizing and respecting the historical trauma that these groups and individuals may experience.

**Principle 10:** Access to and/or repatriation of burial sites, human remains, and funerary objects should be enabled through fair, transparent, and effective mechanisms developed in conjunction with descendant communities to the fullest extent of the law.

**Principle 11:** Human remains and funerary objects may be relocated or removed from a location by or at the request of descendent communities for a variety of reasons. The continued presence of human remains or funerary objects may not be essential to the ongoing significance and integrity of a site or its relevance to a broad theme in history. The historic significance and integrity of such sites

definitions provided below are intended to be inclusive and to advance the preservation and protection of burial sites, human remains, and funerary items, as appropriate.

- **Burial Site:** Any location, whether originally below, on, or above the surface of the earth, where human remains are or have been located.

- **Confidential:** Information that is protected by law, regulation, or federal policy. Preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information

- **Consultation:** The process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them. A foundational activity in the Section 106 review process.

- **Consulting parties:** Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; Tribal Historic Preservation Officer; Indian Tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties.<sup>7</sup> Additional consulting parties may include individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.<sup>8</sup>

- **Culturally sensitive:** Tangible and intangible property and knowledge which pertains to the distinct values, beliefs, and ways of living for a culture. It often includes property and knowledge that is not intended to be shared outside the community of origin or outside of specific groups within a community.<sup>9</sup>

- **Disturbance:** Disturbance of burial sites that are listed in or eligible for listing in the National Register of Historic Places likely would constitute an adverse effect under Section 106. An adverse effect occurs when "an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, setting, materials, workmanship, feeling, or association".<sup>10</sup> Determination of what constitutes a "disturbance" should be defined in consultation with proper deference provided to the views and opinions of descendant individuals and/or communities.

- **Funerary objects:** Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to be associated with human remains.

- **Historic property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register of Historic Places criteria.<sup>11</sup>

- **Human remains:** The physical remains of a human body including cremains, fragmented human remains, hair, and fluid, among other components. When human remains are believed to be mingled with other material (such as soil or faunal), the entire admixture should be treated as human remains.

- **Indian Tribe:** An Indian Tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act<sup>12</sup>, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.<sup>13</sup>

- **Indigenous Knowledge (IK):** Information provided by an Indian Tribe, Tribal member, Native Hawaiian, or other Indigenous person uniquely reflective of their knowledge, experience, understanding, or observation relating to cultural resources, practices, or actions. Indigenous Knowledge often constitutes sensitive information.

<sup>7</sup> Based on 36 CFR § 800.2(c)

<sup>8</sup> 36 CFR § 800.2(c)(6)

<sup>9</sup> "Native American Archival Materials," (First Archivist Circle, 2007)

<sup>10</sup> 36 CFR § 800.5(a)(1)

<sup>11</sup> 36 CFR § 800.16(1)

<sup>12</sup> 43 U.S.C. § 1602

<sup>13</sup> 25 U.S.C. § 1601

Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.<sup>15</sup>

- **Preservation in place:** Taking active steps to avoid disturbing a burial site, human remains, or funerary objects including, to the maximum extent practical, any access, viewsheds, setting, and/or ongoing cultural activity that may be associated with the location.

- **Section 106:** That part of the NHPA which establishes a federal responsibility to take into account the effects of undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment with regard to such action.

- **Sensitive:** Information that may be protected by law, regulation, or federal policy; information that may be identified as sensitive by the sponsoring entity/original source.

- **State Historic Preservation Officer (SHPO):** The official appointed to administer a state's historic preservation program.<sup>16</sup>

- **Tribal Historic Preservation Officer (THPO):** The official appointed or designated to administer the Tribe's historic preservation program.<sup>17</sup>

- **Treatment:** Measures developed and implemented to avoid, minimize, or mitigate adverse effects to historic properties.



**APPENDIX B: MASSACHUSETTS HISTORICAL COMMISSION KNOW HOW #4:  
WHAT TO DO WHEN HUMAN BURIALS ARE ACCIDENTALLY UNCOVERED.**

# KnowHow #4

INFORMATION AND ASSISTANCE FROM THE MASSACHUSETTS HISTORICAL COMMISSION

## *What to Do When Human Burials are Accidentally Uncovered*

### *1. Why are bones sometimes found?*

In Massachusetts, many unmarked graves exist without gravestones, fences, tombstones, or other surface indications of their presence. These are chiefly the graves of prehistoric and historic Indians, which may never have been marked at all; and graves which had been identified at one time in the past, but the markings are no longer visible. As a result, bones are often found during ordinary ground disturbance activities such as the construction of new homes, utilities, or roads; in the agricultural or industrial use of a site; or the excavation of sand or gravel borrow. Bones are also sometimes found eroding out of areas exposed by natural erosion, floodwater scouring, or sand dune formation.

A new law has been enacted which establishes procedures to follow when human bones are accidentally discovered.

### *2. Who is involved?*

Private citizens, State and Local Police, Medical Examiners, State Archaeologist, and the Commission on Indian Affairs.

### *3. What should you do if you discover bones?*

Do not touch or disturb the bones. Notify the state or local police and the regional medical examiner about the discovery and location.

### *4. What does the Medical Examiner do?*

The Medical Examiner investigates the discovery to determine whether the bones are human, and whether they are recent or more than 100 years old. If the bones are less than 100 years old, a criminal investigation may be warranted. If the bones are more than 100 years old, the Medical Examiner then notifies the State Archaeologist, who immediately conducts an archaeological investigation of the site. Throughout these investigations, the police authorities must insure that the site is protected from further damage.

### *5. What does the State Archaeologist do?*

The State Archaeologist investigates the site to determine the age, cultural association and identity of the burial. If the State Archaeologist determines that the burial is that of a Native American, the Commission on Indian Affairs is notified. The State Archaeologist consults with the landowner to determine whether the burial can remain undisturbed. In the case of development projects, the owner and State Archaeologist discuss whether there are prudent and feasible steps the owner can take to protect the burial. If it is impossible to avoid future harm to the burial, the State Archaeologist removes the remains.

### *6. What does the Commission on Indian Affairs do?*

The archaeological investigation of Indian burials is monitored by the Commission on Indian Affairs to insure that the remains are treated respectfully.

Please remember: Once bones or artifacts are removed from the site, valuable information concerning the identity and age of the human remains is lost. Therefore, it is important not to disturb the site in any way until the State Archaeologist can conduct an investigation and record the discovery.

### **BIBLIOGRAPHY**

Massachusetts General Laws, Chapter 38, section 6B; Chapter 9, sections 26A & 27C; Chapter 7, section 38A; Chapter 114, section 17; as amended by Chapter 659 of the Acts of 1983 and Chapter 386 of the Acts of 1989.

### **For Further Information:**

Please contact the State Archaeologist at the Massachusetts Historical Commission.

**William Francis Galvin**  
Secretary of the Commonwealth  
Chairman, Massachusetts Historical Commission  
Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125  
Phone: (617) 727-8470 Fax: (617) 727-5128 TDD: 1-800-392-6090  
Website: [www.magnet.state.ma.us/sec/mhc](http://www.magnet.state.ma.us/sec/mhc)





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## **APPENDIX C: M.G.L. CHAPTER 9, SECTION 26A (7): MASSACHUSETTS HISTORICAL COMMISSION POLICY AND GUIDELINES FOR NON-NATIVE HUMAN REMAINS WHICH ARE OVER 100 YEARS OLD OR OLDER**

### **Section 26A: State archeologist; duties; reservation of lands from sale; cooperation of governmental agencies**

Section 26A. It shall be the duty of the state archeologist to:

- (1) Compile and maintain an inventory of historical and archeological sites and specimens, which inventory shall not be a public record.
- (2) Conduct surveys and field investigations relative to the recovery and preservation of scientific, historical or archeological information regarding specimens or sites, and analyze and publish said information. In the event that the site being investigated is an American Indian burial site, the survey and investigation shall be conducted in conjunction with the commission on Indian affairs.
- (3) Recommend such sites within the commonwealth or its political subdivisions as the state archeologist deems necessary for the protection of historical or archeological resources to be considered for state archeological landmarks or for the execution of preservation or conservation restrictions.
- (4) Issue permits for exploration or field investigations of archeological or historical sites pursuant to section twenty-seven C, notifying any applicant for such permit whether the permit has been granted or denied within sixty days from receipt of his application.
- (5) Notify the commission on Indian affairs, established pursuant to the provisions of section thirty-eight of chapter seven, the discovery of and existence of an information pertaining to all American Indian burial sites in the commonwealth. Records of such sites shall not be made available to the public.
- (6) Conduct, within a reasonable time, site evaluations, including limited subsurface testing, in accordance with generally accepted scientific and archaeological standards, of unmarked, human burial and skeletal remains suspected of being one hundred years old or more upon receiving notification pursuant to section six B of chapter thirty-eight, to determine the nature and extent of the site, and the cultural or biological character of the site and remains.
- (7) Arrange for the disposition of non-native, human remains, suspected of being one hundred years old or more after conducting a site evaluation pursuant to paragraph six of section twenty-six A. The state archeologist shall consult with the site's owner and other interested persons to determine whether prudent and feasible alternatives exist to avoid, minimize or mitigate harm to the burial site. The final plan or agreement which shall be in writing, may include provisions for preservation *in situ*; the conducting of additional scientific and archeological research and investigation; and, with the consent of the site's owner, the execution of a preservation restriction pursuant to section thirty-two of chapter one hundred and eighty-four. If no prudent and feasible alternative is agreed to, the state archeologist or his or her designee may excavate the site and recover the remains in accordance with generally accepted scientific and archeological standards. The state archeologist shall determine whether a skeletal analysis of the remains shall be conducted.

If he determines that such analysis shall be made after the completion of the said analysis, the state archeologist shall determine whether the remains shall be deposited in a curatorial facility or reinterred in accordance with the provisions of section forty-three M of chapter one hundred and fourteen. It shall be the responsibility of the person, whose proposed action necessitates the removal of skeletal remains, to conduct and bear the financial costs of said skeletal analysis and reinterment.

The commission by written notice to the state secretary shall recommend the reservation from sale of any land owned by the commonwealth or a political subdivision, including any forfeited to a city or town for the nonpayment of taxes, on which sites or specimens are located or may be found, as designated by the state archeologist; provided, however, that the reservation of such lands from sale shall be confined to the actual location of the site or specimens. When said sites or specimens have been explored, excavated or otherwise examined to the extent desired by the state archeologist he shall file with the state secretary a statement that there is no longer cause for reserving such land from sale.

All agencies of the commonwealth or of any political subdivision thereof shall cooperate fully with the state archeologist in the preservation, protection, excavation and evaluation of specimens and sites.

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## **APPENDIX D: RHODE ISLAND GENERAL LAWS TITLE 23 - HEALTH AND SAFETY - CHAPTER 23-18 CEMETERIES**

### ***SECTION 23-18-11***

**§ 23-18-11 Regulation of excavation around cemeteries.** – (a) The city or town council of any municipality may by ordinance prescribe standards regulating any construction or excavation in the city or town, when those standards are reasonably necessary to prevent deterioration of or damage to any cemetery or burial ground, or to any structures or gravesites located in any cemetery or burial ground. The rules and regulations shall not apply to the ordinary installation of gravesites or of monuments, markers, or mausoleums.

(b) No city or town shall permit construction, excavation or other ground disturbing activity within twenty-five feet (25') of a recorded historic cemetery except in compliance with the following provisions:

(1) The boundaries of the cemetery are adequately documented and there is no reason to believe additional graves exist outside the recorded cemetery and the proposed construction or excavation activity will not damage or destructively alter the historic cemetery through erosion, flooding, filling, or encroachment; or

(2) The proposed construction or excavation activity has been reviewed and approved by the city or town in accordance with § 23-18-11.1.

(c) Whenever an unmarked cemetery or human skeletal material is inadvertently located during any construction, excavation, or other ground disturbing activity, including archaeological excavation, the building official of the city or town where the unmarked cemetery or human skeletal material is located shall be immediately notified. The building official shall, in turn, notify the state medical examiner and the Rhode Island historical preservation and heritage commission if the grave, cemetery, or skeletal material appears to be historic. Prior to the continuation of any further construction, excavation, or other ground disturbing activity, and unless the provisions of § 23-18-7 shall apply, the property owner shall undertake an archaeological investigation to determine the boundaries of the unmarked cemetery and shall so inform the building official. In the event that the cemetery meets the criteria for a historic cemetery, the building official shall so advise the recorder of deeds of the city or town who shall record and register the cemetery in accordance with the provisions of § 23-18-10.1.

### ***SECTION 23-18-11.1***

**§ 23-18-11.1 Permit required to alter or remove historic cemetery – Powers of city or town council – Appeal.** – (a) Before an agency or a property owner may authorize or commence alteration or removal of any historic cemetery, the agency or owner must apply to the city or town council where the historic cemetery is located for a permit to alter or remove. The city or town council shall prescribe by ordinance standards to regulate the alteration or removal of any historic cemetery within its municipal limits, but shall at a minimum provide that:

- 
- (1) The applicant will examine all alternatives, and demonstrate that no prudent or feasible alternative to the proposed alteration is possible;
  - (2) The city or town provide for notification and participation in the permitting process of parties which may be interested in the proposed alteration or removal by virtue of their status as a governmental health or historic preservation authority, or as a private or nonprofit historical, genealogical or civic organization, or, in the case of American Indian cemeteries and burial grounds, the appropriate tribal organization; and
  - (3) The city or town provide for due consideration of the rights of descendants in any application to substantially alter or remove a historic cemetery.
    - (b) When an application for alteration or removal of a historic cemetery has been made and the boundary is unknown or in doubt, the city or town may require that the applicant, at its own expense, conduct an archaeological investigation to determine the actual size of the cemetery prior to final consideration by the city or town of the application to alter or remove.
    - (c) After due consideration, the city or town council may grant the application to alter or remove the historic cemetery in whole or in part, under the supervision of an archaeologist and with any restrictions and stipulations that it deems necessary to effectuate the purposes of this section, or deny the application in its entirety. Any person or persons aggrieved by a decision of the city or town council shall have the right of appeal concerning the decision to the superior court and from the superior court to the supreme court by writ of certiorari.
    - (d) Nothing in this section shall be deemed to contravene the authority of municipal bodies under § 45-5-12 to hold, manage, repair, or maintain any neglected burial ground.

### ***SECTION 23-18-11.2***

**§ 23-18-11.2 Regulation of excavation – Removal and transfer of graves and cemeteries – Penalties.** – (a) The city or town council of any municipality may by ordinance prescribe standards, in addition to those required by § 23-18-10, regulating the excavation, removal, and transfer of any graves, grave sites, and cemeteries in the municipality so as to provide an accurate record of any activity and to ensure that any remains removed are properly re-interred and the location of the new interment is recorded. In the absence of a local ordinance establishing standards, regulations adopted by the historical preservation and heritage commission shall govern. A report of any grave removal and relocation from one cemetery or burial ground to another shall be filed in the clerk's office for each municipality and shall, to the extent permitted by law, be available for public inspection. In instances where there is a headstone or other burial marker identifying the original grave, the headstone or burial marker shall be erected on the site to which any remains are transferred.

(b) To the extent not promulgated pursuant to § 23-3-5.1, the state registrar of vital records shall promulgate regulations to establish a system of record-keeping to allow descendants to locate their ancestors' graves in Rhode Island.

(c) Any person convicted of violating this section shall be subject to a fine of not more than one thousand dollars (\$1,000) and such fine shall be deemed civil in nature and not a criminal penalty.



(d) The provisions of this section shall be considered to be in addition to any other penalties provided for desecration or vandalism to cemeteries.

***SECTION 23-18-13***

**§ 23-18-13 Notification of historical preservation and heritage commission.** – The historical preservation and heritage commission shall be notified whenever an ancient burial place contains or is suspected to contain the remains of one or more persons.