MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT
LIST OF ATTACHMENTS TO THE MOA

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ATTACHMENT 1 – AREA OF POTENTIAL EFFECTS (APE) MAPS

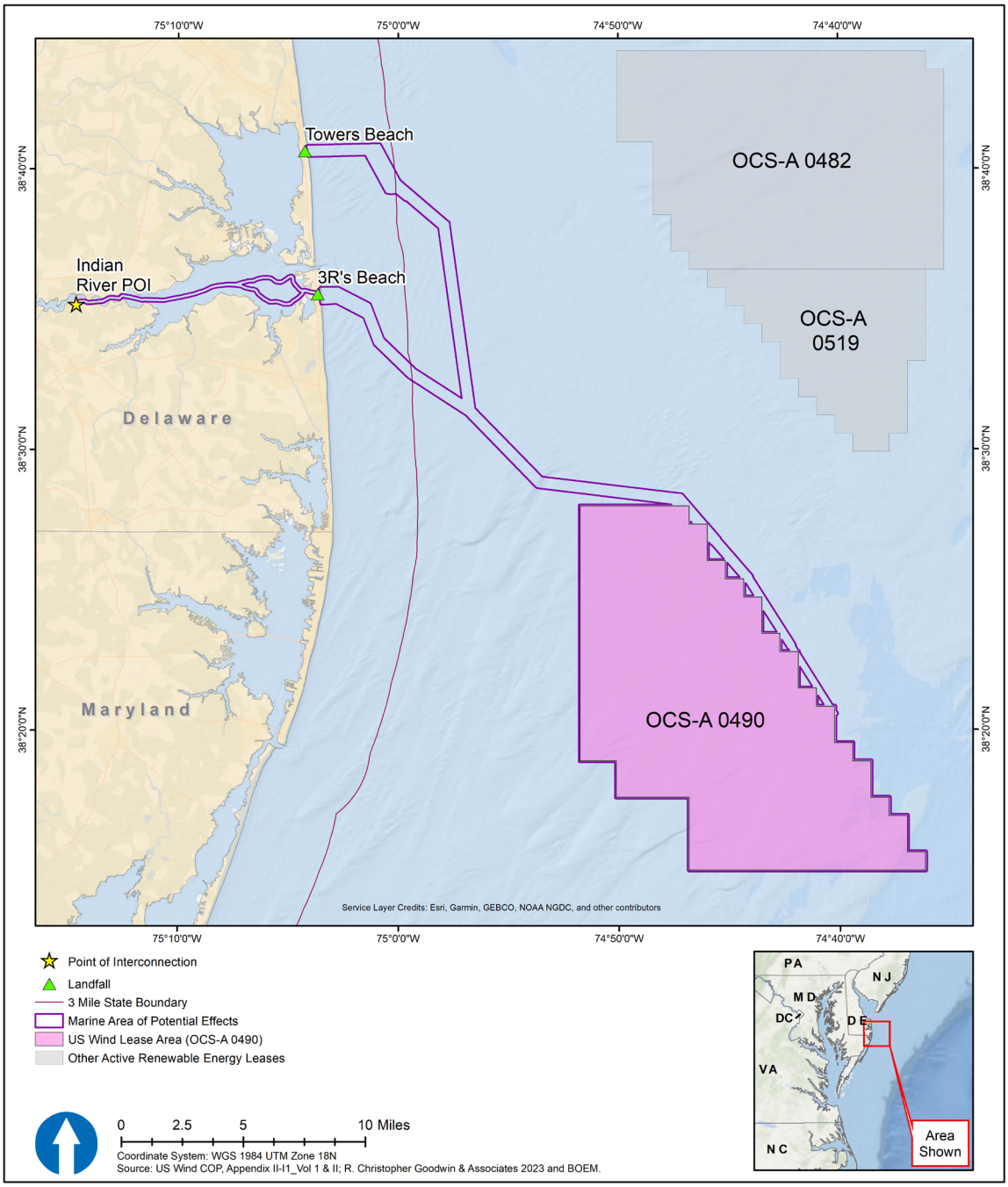

Figure 1. Marine area of potential effects

Figure 2. Terrestrial area of potential effects

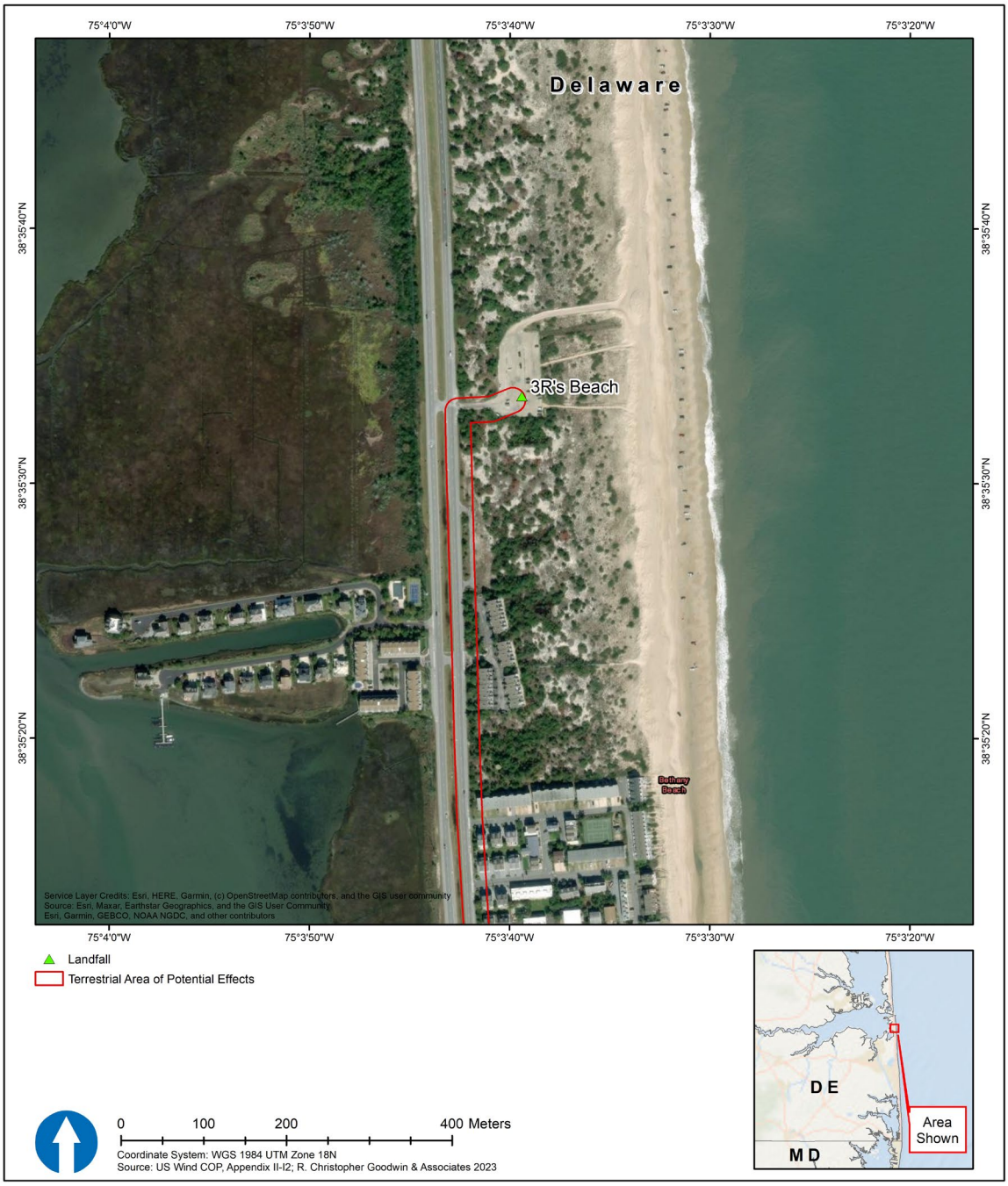

Figure 3. Terrestrial area of potential effects; landfall 3R's Beach

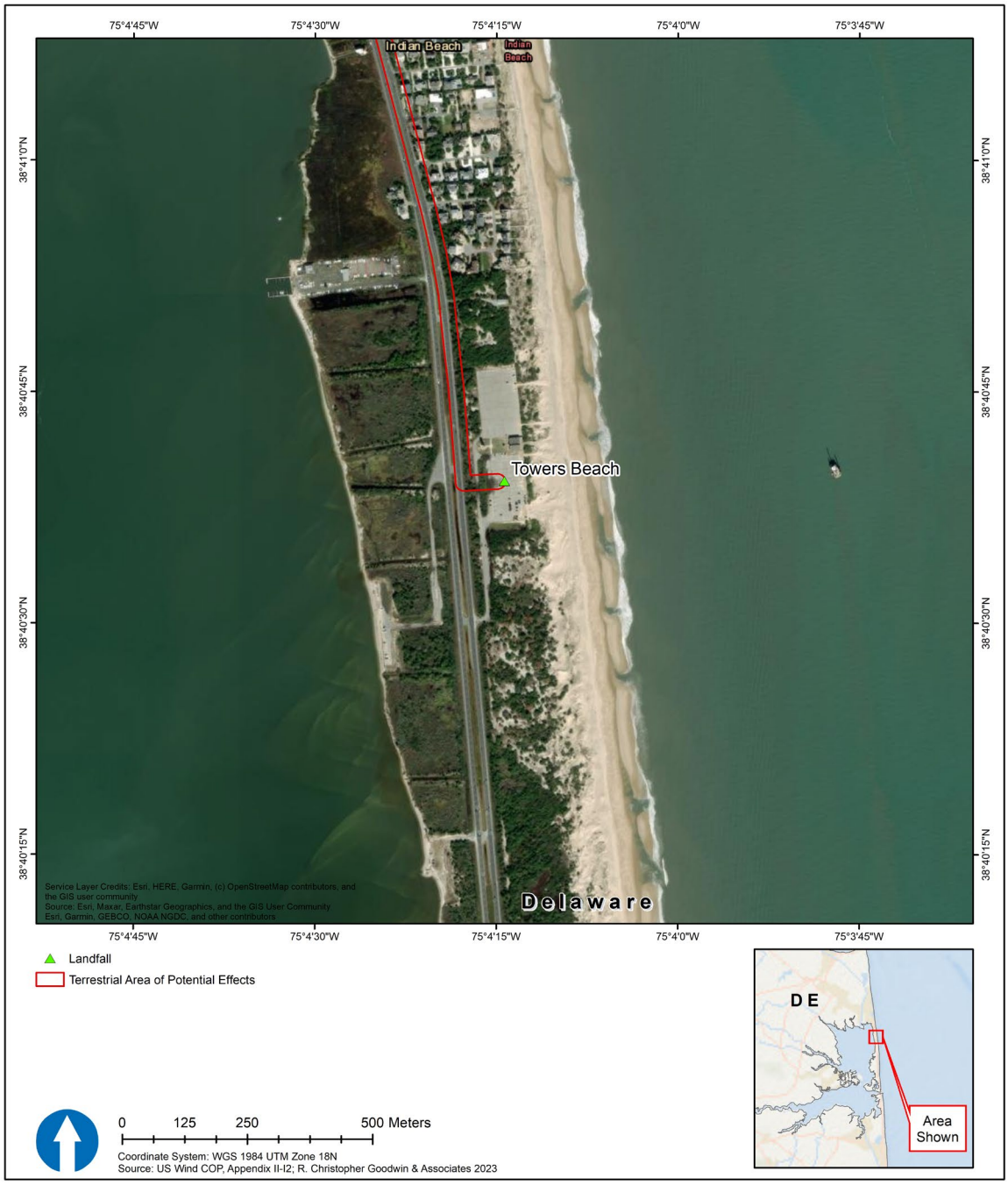

Figure 4. Terrestrial area of potential effects; landfall Towers Beach

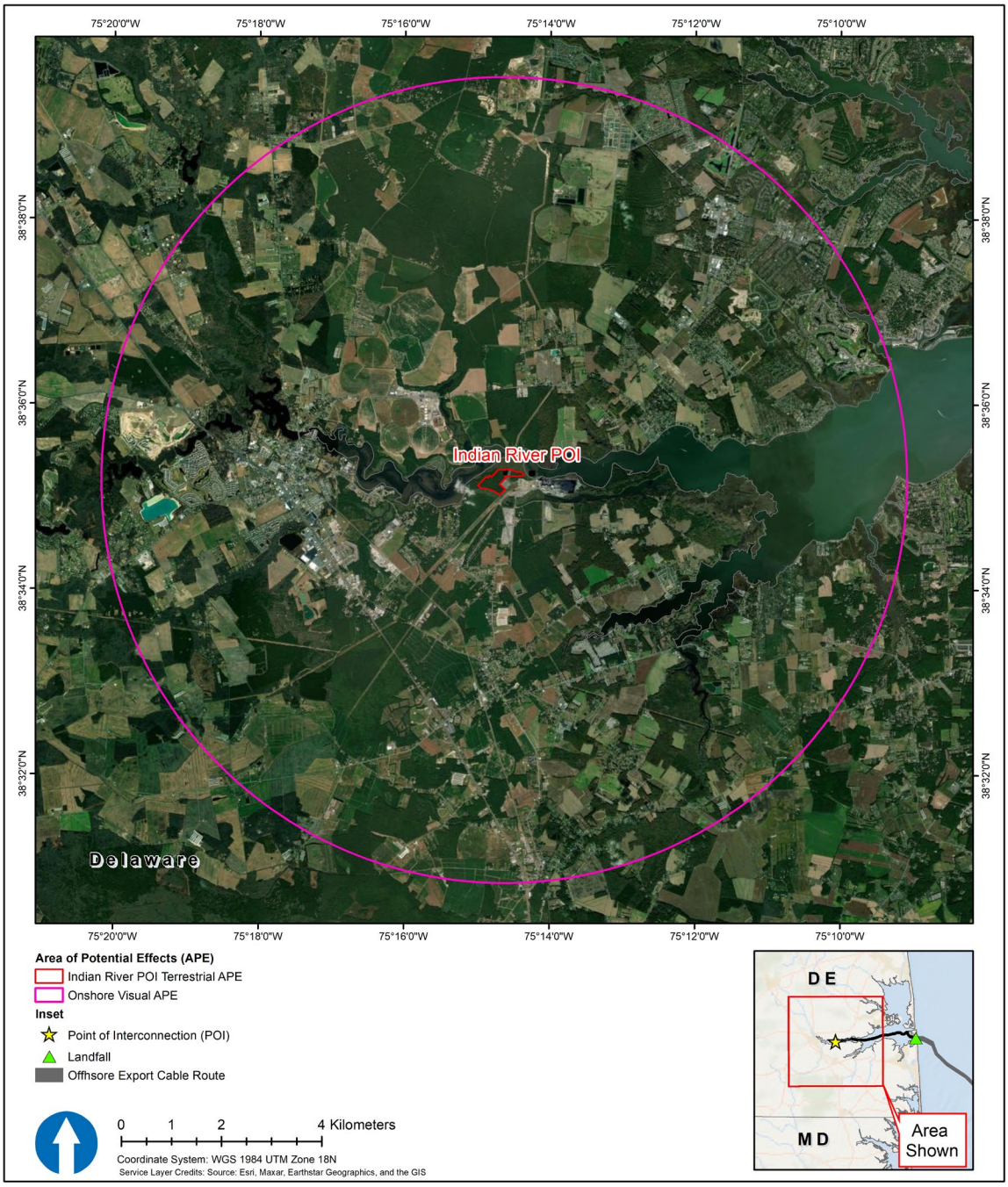

Figure 5. Terrestrial area of potential effects and onshore visual area of potential effects: Indian River Substation POI

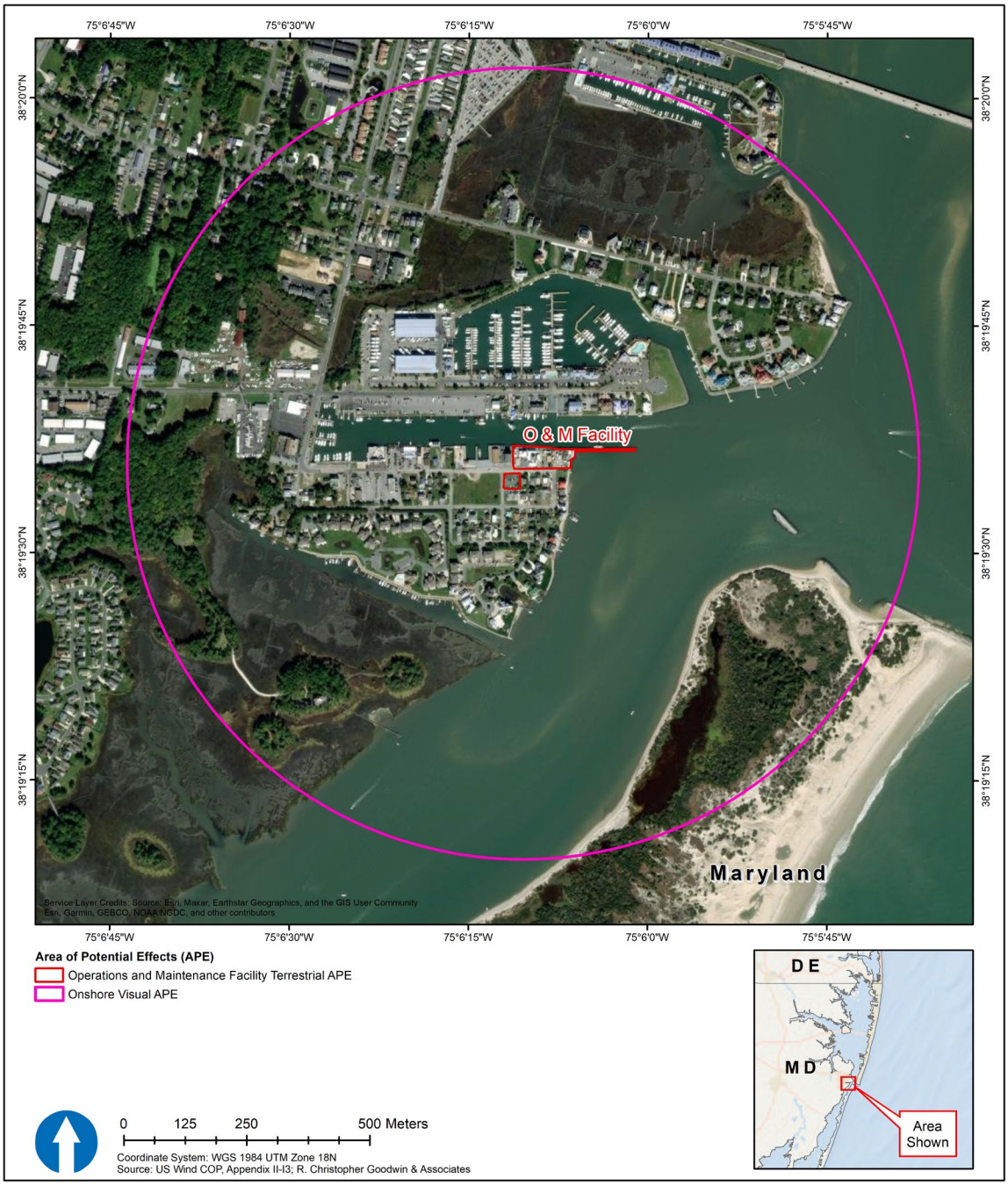

Figure 6. Onshore visual area of potential effects; O&M Facility

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ATTACHMENT 2 - LISTS OF INVITED AND PARTICIPATING CONSULTING PARTIES

2

The following is a list of governments and organizations that BOEM contacted and invited to be a consulting party to the NHPA Section 106 review of the US Wind/Maryland Wind Offshore Project between June 2022 and July 2022. During the consultations, additional parties were made known to BOEM and were added as they were identified (Attachment J-3).

John Raymond Johnson, Governor	Absentee Shawnee Tribe of Indians of Oklahoma
Michael T. Mason, County Administrator	Accomack County, Virginia
Christopher Daniel, Program Analyst	Advisory Council on Historic Preservation
Lisa Challenger, Executive Director	Beach to Bay Heritage Area
Robert Smith, Borough Administrator	Borough of Stone Harbor, New Jersey
Irina Sorset, Federal Preservation Officer	Bureau of Safety and Environmental Enforcement
Diane F. Wieland, Director of Tourism/Culture and Heritage	Cape May County Division of Culture and Heritage
F. Nathan Doughty, Jr., President	Cape May County Historical Society
Quanette Vasser-McNeal, President	Cape May County NAACP
Michael Donohue, Administrator	Cape May County, New Jersey
Zachary Mullock, Mayor	City of Cape May, New Jersey
Stephen R. Adkins, Chief	Chickahominy Indian Tribe
Gerald A. Stewart, Chief	Chickahominy Indian Tribe – Eastern Division
Jessica Phillips, Environmental Director	Chickahominy Indian Tribe – Eastern Division
Zachary Mullock, Mayor	City of Cape May, New Jersey
Ronald C. Simone III, City Administrator	City of North Wildwood, New Jersey
Evan Miller, Interim City Manager	City of Rehoboth Beach, Delaware
Dayna Cobb, Director	Delaware Department of Natural Resources, Division of Climate, Coastal, and Energy
Gwen Davis, Deputy State Historic Preservation Officer	Delaware Division of Historical and Cultural Affairs

Melody Abbott, Archaeologist/Cultural Preservation Specialist	Delaware Division of Parks and Recreation
Sarah Carr, Specialist-Archaeologist	Delaware Division of Historical & Cultural Affairs
Dr. David W. Young, Executive Director	Delaware Historical Society
Deborah Dotson, President of Executive Committee	The Delaware Nation
Carissa Speck, Tribal Historic Preservation Director	The Delaware Nation
Brad KillsCrow, Chief	Delaware Tribe of Indians
Susan Bachor, Deputy Tribal Historic Preservation Officer and Archaeologist	Delaware Tribe of Indians
Capt. Michael Witherspoon	Department of Defense (Joint Expeditionary Base Little Creek - Fort Story Wallops Island, Virginia)
Amy McDowell, Environmental Protection Specialist	Department of Defense (National Guard Training Site Bethany Beach Training Site)
Glenna J. Wallace, Chief	Eastern Shawnee Tribe of Oklahoma
Cindy Whitten, OE Wind Turbine Team Manager	Federal Aviation Administration
Harry C. Bellangy, President and Historian	Greater Cape May Historical Society
Hilary Hartnett-Wilson, Executive Director	Historical Society of the Eastern Shore of Virginia
Dennis J. Coker, Principal Chief	Lenape Tribe of Delaware
Kate Patton, Executive Director	Lower Shore Land Trust (non-governmental organization)
	Lower Sussex NAACP Chapter
Michael Laffey, Township Manager	Lower Township, New Jersey
Jeannine Haddaway-Riccio, Secretary of Natural Resources	Maryland Department of Natural Resources
John Turgeon, Director	Maryland Environmental Trust (non-governmental organization)
Bethe Cole, Administrator, Project Review and Compliance	Maryland Historical Trust
Brian Weeden, Chairman	Mashpee Wampanoag Tribe
Carlton Hendricks, Vice Chairman	Mashpee Wampanoag Tribe

David Weeden, Tribal Historic Preservation Officer	Mashpee Wampanoag Tribe
Kenneth Branham, Tribal Chief	Monacan Indian Nation
	NAACP – Worcester County Branch
Keith Anderson, Chief	Nansemond Indian Nation
	Nanticoke Indian Association
Anthony Dean Stanton, Chief	Narragansett Indian Tribe
Jeremy Eggers, Wallops Office of Communications	NASA Wallops Flight Facility
Julia Brunner, External Renewable Energy Program Director	National Park Service
Sarah Quinn, External Renewable Energy Program Manager	National Park Service
Katherine Schlegel, Historical Landscape Architect	National Park Service
Mary Krueger, Energy Specialist	National Park Service
Dennis Montagna, Program Manager, Monument Research and Preservations	National Park Service History and Preservation Assistance
Kasey Taylor, State Conservationist	Natural Resources Conservation Service, Delaware
Carl Jablonski, President	Navy Lakehurst Historical Society
Katherine Marcopul, Administrator and Deputy Historic Preservation Officers	New Jersey Historic Preservation Office
	New Jersey State Park Service - Cape May State Park
William Maley, Deputy Federal Preservation Officers	Office of the Deputy Assistant Secretary of the Navy for Environment
Alexis Catsambis, Underwater Archaeology Branch, Naval History and Heritage Command	Office of the Deputy Assistant Secretary of the Navy for Environment
Robert Gray, Chief	Pamunkey Indian Tribe
Shaleigh Howells	Pamunkey Indian Tribe
Nicholas A. Redding, President and Chief Executive Officer	Preservation Maryland
Emily R. Manz, Director	Preservation New Jersey
Woodie Walker, Director, Department of Environmental	Rappahannock Indian Tribe

Services	
Benhamin Barnes, Chief	Shawnee Tribe
Brian Polite, Chairman	Shinnecock Indian Nation
Jeremy Dennis, Tribal Historic Preservation Officer	Shinnecock Indian Nation
Jeff Bendremer, Tribal Historic Preservation Officer	Stockbridge-Munsee Community Band of Mohican Indians
Todd F. Lawson, County Administrator	Sussex County Delaware
Dan Parsons, Historic Preservation Planner	Sussex County Historic Preservation
Cliff Graviet, Town Manager	Town of Bethany Beach, Delaware
J. Arthur Leonard, Mayor	Town of Chincoteague, Virginia
Bill Zolper, Town Manager	Town of Dewey Beach, Delaware
Patricia J. Schuchman, Town Manager	Town of Fenwick Island, Delaware
Deborah Y. Botchie, Town Manager	Town of Millville, Delaware
Terry McGean, City Manager	Town of Ocean City, Maryland
Clifton C. Murray, Mayor	Town of Selbyville, Delaware
Maureen Hartman, Town Manager	Town of South Bethany, Delaware
Steve O'Connor, City Administrator	Town of Wildwood, New Jersey
Tom Jonathan, Chief	Tuscarora Nation
Frank W. Adams, Chief	Upper Mattaponi Indian Tribe
Christine Jacek, Regulatory Division	US Army Corps of Engineers
Shannon N. Gilreath, Commander 5th District	US Coast Guard - Fifth Coast Guard District
Steven Sample, Executive Director, Military Aviation and installations Assurance Siting Clearinghouse	US Department of Defense - Office of the Assistant Secretary of Defense for Sustainment
Terry Bowers, Management Analyst	US Department of Defense - Office of the Deputy Assistant Secretary of Defense (Environment), Environmental Compliance and Planning
Frankie Green, FAST-41 Coordinator	US Fish and Wildlife Service

Roger Kirchen, Director, Review and Compliance Division	Virginia Department of Historic Resources
Cheryl Andrews-Maltais, Chairwoman	Wampanoag Tribe of Gay Head (Aquinnah)
Lael Echo-Hawk, General Counsel	Wampanoag Tribe of Gay Head (Aquinnah)
Barbara Spain, Executive Assistant	Wampanoag Tribe of Gay Head (Aquinnah)
Bettina Washington, Tribal Historic Preservation Officer	Wampanoag Tribe of Gay Head (Aquinnah)
Constance Mahon, Borough Administrator	Wildwood Crest Borough, New Jersey
Kirk Hastings, President	Wildwood Crest Historical Society
Taylor Henry, President	Wildwood Historical Society
Newt Weaver, President	Worcester County Historical Society
Robert Michell, LEHS, REHS, Director of Environmental Programs	Worcester County, Maryland

The following is a current list of consulting parties to the NHPA Section 106 review of the US Wind/Maryland Wind Project, as of November 1, 2022.

Christopher Daniel, Program Analyst	Advisory Council on Historic Preservation
Sarah Carr, Specialist-Archaeologist	Delaware Division of Historical & Cultural Affairs
Deborah Dotson, President of Executive Committee	The Delaware Nation
Carissa Speck, Tribal Historic Preservation Director	The Delaware Nation
Brad KillsCrow, Chief	Delaware Tribe of Indians
Susan Bachor, Deputy Tribal Historic Preservation Officer and Archaeologist	Delaware Tribe of Indians
Amy McDowell, Environmental Protection Specialist	Department of Defense (National Guard Training Site Bethany Beach Training Site)
Kate Patton, Executive Director	Lower Shore Land Trust (non-governmental organization)
Bethe Cole, Administrator, Project Review and Compliance	Maryland Historical Trust
Michael Kickingbear Johnson, acting Tribal Historic Preservation Officer	Mashantucket (Western) Pequot Tribal Nation
Katherine Marcopul, Administrator and Deputy Historic Preservation Officers	New Jersey Historic Preservation Office
Brian Polite, Chairman	Shinnecock Indian Nation
Jeremy Dennis, Tribal Historic Preservation Officer	Shinnecock Indian Nation
Todd F. Lawson, County Administrator	Sussex County Delaware
Terry McGean, City Manager	Town of Ocean City, Maryland
Roger Kirchen, Director, Review and Compliance Division	Virginia Department of Historic Resources
Adrienne Birge-Wilson, Project Review Architectural Historian	Virginia Department of Historic Resources

Some of the parties consulted over the course of the NHPA Section 106 review have voluntarily withdrawn from further participation in the consultation, as indicated by the withdrawal date in parentheses for each of those parties.

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ATTACHMENT 3 – HISTORIC PROPERTY TREATMENT PLAN FOR HISTORIC PROPERTIES

Maryland Offshore Wind Project

Offshore Historic Properties Treatment Plan—Offshore Project Components

[Draft Final]

August 15, 2023

PREPARED FOR:

US Wind, Inc.

401 East Pratt Street

Baltimore, Maryland 21202

PREPARED BY:

R. Christopher Goodwin & Associates, Inc.

241 East Fourth Street, Suite 100

Frederick, Maryland 21701

TABLE OF CONTENTS

TABLES

LIST OF ACRONYMS

ac	acre
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ADLS	Aircraft Detection Lighting System
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
DHCA	Delaware Division of Historical and Cultural Affairs
FAA	Federal Aviation Administration
ft	foot
GIS	Geographic Information System
ha	hectare
HDD	horizontal directional drilling
HPTP	Historic Preservation Treatment Plan
HRVEA	Historic Resources Visual Effects Analysis
km	kilometer
KOP	Key Observation Point
Lease Area	the OCS-A 0490 Lease, located approximately 13 mi (11.3 nautical miles, 21 kilometers) off the coast of Maryland and includes approximately 80,000 acres of submerged lands
Lessee	US Wind
m	meter
Medusa	A historic database operated by the Maryland Historical Trust
MHT	Maryland Historical Trust
mi	mile
MPDF	Multiple Property Documentation Form
MW	megawatt
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act of 1966
nm	nautical mile
NPS	National Park Service
NRHP	National Register of Historic Places
OCS	Outer Continental Shelf
PAPE	Preliminary Area of Potential Effects
PDE Project	Project Design Envelope Maryland Offshore Wind Project
RCG&A	R. Christopher Goodwin & Associates, Inc.
SHPO	State Historic Preservation Office
USCG	United States Coast Guard
WEA	Wind Energy Area
WTG	Wind Turbine Generator

1 EXECUTIVE SUMMARY

This Historic Preservation Treatment Plan (HPTP) was developed to provide background data, information on historic properties, and detailed implementation steps for mitigation measures developed to resolve adverse visual effects to three historic properties identified by the Bureau of Ocean Energy Management (BOEM) through Section 106 consultation for the Maryland Offshore Wind Project (Undertaking), as identified by the Offshore Historic Resources Visual Effects Analysis (HRVEA), dated August 2023, and submitted to BOEM on August 15, 2023. The aforementioned Offshore HRVEA summarized effects from Offshore Project Components to onshore historic resources. The following HPTP is anticipated to support a Memorandum of Agreement (MOA) regarding the Undertaking among the Bureau of Ocean Energy Management (BOEM), the State Historic Preservation Officers (SHPO) of Delaware, Maryland, New Jersey, and Virginia, and the Advisory Council on Historic Preservation (ACHP). The mitigation measures within this document, and their implementation if selected, are anticipated to be developed in consultation with federally and state recognized tribes, the Delaware Division of Historical and Cultural Affairs (DHCA), Maryland Historical Trust (MHT), ACHP, and other consulting parties.

2 BACKGROUND INFORMATION

2.1 Project Overview

BOEM has determined that the Maryland Offshore Wind Project (Undertaking) constitutes an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C. § 306108) and its implementing regulations (36 CFR §800). The proposed activities to support the Project, as detailed in the US Wind, Inc. (US Wind) Construction and Operations Plan (COP), have the potential to affect historic properties. The work of the Project detailed in the COP will be performed for US Wind. The Project is located in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Maryland (OCS-A 0490, the Lease), which was awarded to US Wind (Lessee) through the Bureau of Ocean Energy Management (BOEM) competitive renewable energy lease auction of the Wind Energy Area (WEA) offshore of Maryland in 2013. The Lease area covers approximately 80,000 acres (ac; 32,375 hectares [ha]) and is approximately 13 statute miles (mi) (11.3 nautical miles [nm], 21 kilometers [km]) off the Ocean City, Maryland, coastline. Up to 121 Wind Turbine Generators (WTGs) and up to 4 offshore substations (OSSs) would be constructed in the Lease area. The Offshore Export Cable Route Corridor will connect the Lease area to a Point of Interconnection at the Delmarva Power & Light Indian River Substation near Millsboro, Delaware.

The Offshore HRVEA (Appendix B) that was prepared as part of the Maryland Offshore Wind Project COP evaluated effects to onshore historic properties from Offshore Project Components. Based on the results of the Offshore HRVEA, it has been determined that the Undertaking will result in an adverse visual effect to three properties that are either listed or treated as eligible for listing for purposes of this analysis. Consultation will be undertaken between federally and state recognized Native American tribes, DHCA, MHT, and other consulting parties to develop manners in which to avoid, minimize, and mitigate adverse effects to these three historic properties.

2.1.1 Section 106 of the NHPA

Under the Section 106 regulations at CFR § 800.6(b)(1)(i-iv), an undertaking that will or may adversely affect historic properties calls for the federal agency to consult with the SHPO or Tribal Historic Preservation Officer (THPO) and other parties to negotiate and execute a Section 106 agreement document that sets out the measures the federal agency will implement to resolve those adverse effects through avoidance, minimization, or mitigation. An MOA is considered appropriate for this Undertaking in order to record the agreed upon resolution for this specific undertaking, which includes a defined beginning and conclusion, where adverse effects are understood. This HPTP was developed to address adverse effects determined in the Offshore HRVEA and is intended to help mitigate the visual adverse effects from the Undertaking. These proposed mitigation measures may be appropriate for consultation and inclusion in an MOA for the Undertaking.

3 HISTORIC SIGNIFICANCE AND EXISTING CONDITIONS OF THE HISTORIC PROPERTY

Three historic resources are included in this HPTP based on analysis of visual effects to properties as outlined in the HRVEA; these properties are listed in Table 3-1. Two of these properties are located in Ocean City, Worcester County, Maryland, and one is located in Lewes, Sussex County, Delaware.

Table 3-1. Table of Effected Properties

SHPO ID Number	Name	City	State	Eligibility	Distance from Nearest Turbines
S06048	Fort Miles Historic District	Lewes	DE	NRHP	20-30 mi
WO-347	U.S. Coast Guard Tower	Ocean City	MD	Eligible for Listing Pending SHPO Concurrence	12-20 mi
WO-595	Oceanside North Ocean City Survey District	Ocean City	MD	Eligible for Listing Pending SHPO Concurrence	11-20 mi

3.1 Historic Context and Significance

3.1.1 Sussex County, Delaware

Coastal development at Sussex County began with the establishment of camp meeting grounds which, over time, evolved into resort towns during the late-nineteenth and early-twentieth centuries. As such, two types of coastal development emerged: the religious camp and seasonal, recreational development. Camp meeting grounds generally were seasonal religious communities comprised of modest dwelling units or tents, a central gathering place for worship or meetings, and landscaped exteriors (University of Delaware 2014). In contrast, the resort town emerged in the late-nineteenth and early twentieth-centuries as a seasonal place of leisure, generally along the coast or mountains, with recreational amenities and lodging facilities (Ressetar 2011:8). In Delaware, camp meeting grounds often were expanded by real estate developers. These developers platted parcel lots and these camp meetings grounds evolved into resort towns between the by the early twentieth-century, catering to expanded wealth affording the American family disposable income and more time-off from work.

At the end of the nineteenth century, the predominantly agricultural economy of Sussex County began to be supplemented by the economy of seasonal, religious developments along the coast (Carter 1976:32). Rehoboth Beach was one of the earliest these communities, first established as camp meeting grounds. When Reverend Todd and the Rehoboth Beach Camp Meeting Association established their seaside retreat, the meeting grounds were placed at the west end present-day Rehoboth Beach on lands acquired from local farmers. The grounds were laid out in a fan-shaped design with wide streets, parks, and modest or narrow building lots. Instead of tents, simple frame houses had populated the meeting ground streets. Most of these buildings were standard designs comprising 300-sq ft. wooden structures divided into two rooms (Morgan 2010:29).

The area surrounding the camp meeting grounds began to develop after the New Castle Railroad had extended to Rehoboth Beach in 1878 (Morgan 2010:30). Initially, the tracks ended at the periphery of the camp. However, in 1884, the line was extended down Rehoboth Avenue to a new depot near the current-day center of town. This line extension provided vacationers from the Washington-Baltimore metropolitan area more convenient access to Rehoboth Beach. As the camp evolved into a desirable seasonal community, it began to attract visitors unrelated to its religious purposes. These visitors constructed their own summer cottages or, in certain cases, year-round houses. In 1891, Delaware's General Assembly established the growing development a municipality, originally naming it Henlopen City; later that year it had been renamed Rehoboth Beach.

Approximately 13 mi south of Rehoboth Beach, another camp meeting ground would soon be developed. In 1898, F.D. Powers, a minister at a congregation of the Disciples of Christ in Washington, D.C., suggested a Christian meeting place be established along the Atlantic coast. The Delmarva Peninsula subsequently was chosen as a suitable location for such a settlement. An empty coastal area owned by Ezekiel Evans, a Sussex County landowner, was selected. This site would become Bethany Beach (Meehan and Dukes 1998:17). In 1900, the Disciples of Christ formed the Bethany Beach Improvement Company, which raised money to purchase the land from Evans. The company sold 150 lots in Bethany Beach, primarily to families from Washington, D.C., Pittsburgh, Pennsylvania, and Scranton, Pennsylvania. The company laid out streets and divided the blocks into 40- by 125-ft lots (Morgan 2010:24). In addition to these residential lots, the Christian Church reserved a large area near the town center to serve as the assembly grounds, which included a building known as the Tabernacle. This building was an octagonal auditorium completed in 1903 and served as the central meeting place. The octagon-shaped wooden building was designed with sides that could be opened to allow the sea breeze to cool the audience (Morgan 2010:24). The building was situated on an open field several blocks from the beachfront and would become a symbol of the town; it also held lectures and some of the first picture-shows to be shown at the beach (Morgan 2010:25).

Resort tourism did not flourish at Bethany Beach with the same speed as its northern neighbor, Rehoboth Beach. In fact, the first fifty years of Bethany Beach history generally are referred to as the "Quiet Years" by local residents, tourists, and historians (Meehan and Dukes 1998:18). Despite the Bethany Beach Improvement Company's efforts to connect the town by existing rail lines along the Delmarva Peninsula, such efforts were never realized. Therefore, traveling to Bethany Beach required greater time and more transfers between ferries, trains, and automobiles. Financial problems also contributed to the camp's slow development. Local bankers were hesitant to loan money for the development of Bethany Beach because they recently had lost money on similar camp meeting grounds. Without sufficient financial backing, the company was unable to move forward with its ambitious construction and little development occurred. Eventually, in 1903, six Pittsburgh investors agreed to purchase all of the Bethany Beach Improvement Company's stock, leaving three shares to a Delaware resident so that the company could retain local ownership (Meehan and Dukes 1998:19). This influx of capital improved the company's financial footing and allowed development of Bethany Beach to resume, albeit slowly.

As the development of Bethany Beach progressed, a series of recreational, residential, and maritime properties were constructed to support the growing seasonal community. Recreational properties included a boardwalk, modest hotels, and theaters; residential properties included summer residences; and maritime properties included life-saving stations.

The boardwalk was constructed in 1903 and later rebuilt in 1905 following a severe storm and a United States Lifesaving Service (USLSS) station was constructed and began operations in 1907. The Town of Bethany Beach was incorporated in 1909. In 1910, Bethany Beach had 56 recorded permanent residents, many of whom lived in summer houses. Unlike the tent houses of Rehoboth Beach, many of the first houses in Bethany Beach were two-story buildings with wide porches and several rooms (Morgan 2010:26). Many families built houses north of the Tabernacle, near present-day 1st Street. As many of the early families were from western Pennsylvania, this area became known as Little Pittsburgh. Louis Drexler, who later would serve in the Delaware state legislature, built a two-story cottage with a wrap-around porch one block from the beachfront (Morgan 2010:27). This house design was representative of a domestic architecture found at Bethany Beach during the early-twentieth century.

During this period, two hotels operated at Bethany Beach: the Sussex Hotel or and the larger, Bellevue-Atlantic, which later became known as the Seaside Inn (Morgan 2010:28). These hotels did not adopt many of the luxury standards that had been implemented since the founding of Tremont House in 1830. The Tremont House in Boston, Massachusetts, often is credited as the earliest iteration of modern hotel standards in the United States. The design of the Tremont House incorporated several innovations including lobbies, indoor plumbing, lock-key rooms, and private dining or social halls.

These patterns of hotel innovations implemented over the nineteenth and early-twentieth were not realized at Bethany Beach. Most visiting Bethany Beach either had their own summer cottage or family and friends who could host them (Morgan 2010:27). As Bethany Beach was not attracting large crowds of tourists, their lodging stock represented more minimal and modest design and function (Morgan 2010:28). Bethany Beach began to offer attractions during this period as well, realized through recreational properties. Boardwalks were constructed in coastal resorts on both the east and west coasts. By the 1920s, boardwalks had expanded to include hotels and restaurants. The boardwalks at Bethany and Rehoboth followed these early trends. The Bethany Beach Boardwalk constructed in 1903 had been rebuilt several times over the years due to storm damage. Seasonal communities along the coasts built boardwalks, generally constructed of poured concrete or wood-plank, as a pedestrian path along the ocean. This pedestrian thoroughfare typically was lined with hotels, commercial buildings, and recreational facilities. The Ringler Theater opened on the boardwalk in 1923 and became one of the town's major attractions. Restaurants and new hotels began to open in the 1930s and a dirt road connected Rehoboth and Bethany in 1934 (Meehan and Dukes 1998:23).

The recreational boardwalk had been flourishing just north at Rehoboth Beach since the early twentieth century as well. Aided by the more direct transportation and access, during much of what Bethany Beach considers the "Quiet Years", was a period of recreational growth for Rehoboth Beach. The Rehoboth Boardwalk was constructed in 1905 and was credited with offering evening recreation to vacationers who, prior to its construction, had few entertainment options in the evenings (Morgan 2009:18). The boardwalk was built on elevated wood-plank pilings and was popular during both day and evening. After sundown, the pedestrian thoroughfare was gaslit until 11:00pm allowing vacationers to stroll along a protected pathway (Morgan 2009:19). Not unlike at Bethany Beach, by the 1930s the Rehoboth Beach boardwalk was lined with commercial storefronts and low-scale hotels.

After war broke out in Europe in 1939, the U.S. government took an increasing interest in defending the Delaware coast. The dirt road between Rehoboth and Bethany was paved in 1940 and both towns were blacked out at night to reduce the chances of German submarine attacks on ships offshore (Meehan and

Dukes 1998:99). German prisoners of war were held in the area, a radar station was built to the west of Bethany Beach, and the U.S. Army built a gunner control tower south of town to support Coast Artillery guns at Fort Miles on Cape Henlopen (Meehan and Dukes 1997:115). A destructive storm struck Bethany and Rehoboth beaches in mid-September 1944 destroying the boardwalks in both towns and several recreational amenities (Meehan and Dukes 1997:117). While the boardwalks were rebuilt the following year, some of the major attractions never reopened, including the Ringler Theater at Bethany Beach.

Following World War II, the Delaware coastline rapidly developed as a seasonal tourism destination. The first wave of development occurred between 1952 and 1978. During this period, Rehoboth Beach became a vacation destination and the "Quiet Years" of Bethany Beach had ended as the community expanded and was accessible by automobile. Outlying development in unincorporated areas expanded to include the areas in and around Fenwick Island and Dewey Beach. Fenwick Island, sited just north of Ocean City, Maryland, was incorporated in 1953 and Dewey Beach, just south of Rehoboth Beach, was incorporated by 1981. These communities slowly developed during early- to mid-twentieth century as collections of single-family residences. Unlike Rehoboth Beach and Bethany Beach, Fenwick Island and Dewey Beach did not follow a planned development pattern comprising platting and subdivided lots.

Rapid development of the Sussex County coastline between 1952 and 1978 was two-fold. In 1952, the Chesapeake Bay Bridge opened, beginning a pattern of accelerated construction among coastal communities. For the first time, motorists were able to drive from Washington, D.C., and Baltimore to the Delmarva Peninsula without a lengthy detour around the northern tip of the Chesapeake Bay. In addition, a growing sector of the American population had more time and money for vacations and second homes (Lasner 2012:169). As a result, condominiums were created during this period. During the 1960s, condominiums were introduced as a form of low-cost homeownership. Vacation condominiums for younger families proliferated in this era and many viewed vacation condominiums as a sound way to invest surplus equity with the possibility to rent these spaces to vacationers when not occupied (Lasner 2012:169). However, while other Mid-Atlantic coastal communities saw an increase in multi-unit buildings and high-rises along their beachfronts, such as Ocean City, Maryland, and Virginia Beach, Virginia, the Delaware communities remained low-scale and residential building heights seldom exceed 35-ft due to strict zoning. Consequently, condominiums rarely exceeded two- to three-stories in height.

3.1.2 Worcester County, Maryland

In the middle of the nineteenth century, towns such as Cape May City, New Jersey, Saratoga Springs, New York, and Newport, Rhode Island, developed as areas that wealthy citizens along the east coast of the U.S. could travel to during the summer months. Small-scale, seasonal oceanfront communities with direct access to the water were constructed to accommodate recreational activities. The "resort town" emerged during the late-nineteenth and early twentieth-centuries as seasonal places of leisure, generally along the coast or mountains, with recreational amenities and lodging facilities (Ressetar 2011:8). While Ocean City, Maryland, began its development later than the aforementioned resort towns, Ocean City's architectural, economic, and population growth patterns closely followed those of other resort towns found along the east coast.

Stephen Taber, a speculator, purchased the land that became Ocean City in 1868 (Corddry 1991:15-16). Four years later, Taber sold ten acres of land on the barrier island to a group of five investors from

Baltimore, Philadelphia, and the Eastern Shore who formed the Atlantic Hotel Company Corporation (DeVincent-Hayes & Jacob 1999:iv; Corddry 1991:17). As part of the deal, Taber agreed to expand the amount of property sold to 50-acres in order to build a town around the Atlantic Hotel once it was completed (Corddry 17:1991).

Developing Maryland's barrier island into a resort town was not a new concept by the time the Atlantic Hotel Company Corporation purchased the land from Taber. Between 1869 and 1872, Isaac Coffin built the first beachfront guest cottage on the island called the Rhode Island Inn and a guest cottage was built by James Massey at the present-day intersection of Baltimore Avenue and Wicomico Street (Walker & Sullivan 2001:xxiii). However, the opening of the Atlantic Hotel on July 4, 1875, often is considered the official founding of Ocean City (the name of the town was selected by the company's board of directors) and the beginning of the town's reputation as a resort destination (DeVincent-Hayes & Jacob 1999:iv).

When the Atlantic Hotel opened in 1875, the hotel had rooms to house 400 guests, a billiards room, and other entertainment (Oceancity.com 2017). The building extended a full city block from the ocean front to Baltimore Avenue (Craig 2023:12). After the hotel opened, the additional land Taber provided for the building of a town was subdivided into 205 lots and roads were graded. Shortly after the opening of the Atlantic Hotel, 104 of the 205 lots were sold. However, the sale of these lots did not guarantee development and many remained undeveloped for years. North-south roads were named after prominent U.S. cities, and east-west roads were named after counties in Maryland's Eastern Shore, with South Division Street and North Division Street marking the boundaries of the original town (Craig 2023:10; DeVincent-Hayes & Jacob 1999:iv).

At the end of the late-nineteenth century, many of the Ocean City parcels were sporadically developed and planned streets went unpaved. By 1913, Baltimore Avenue had only been paved to 7th Street (Sullivan 2001:74). The densest development was between present-day South Division and Caroline streets (Sullivan 2001:5). Archival photographs of the Ocean City Boardwalk, also known as Atlantic Avenue, during this period depict three-story buildings with verandas fronting directly onto the boardwalk or beach. These three-story buildings exhibited residential designs, but often were hotel or lodging facilities. Several hotels had opened along the boardwalk during the first decade of the twentieth century, including the Mt. Pleasant Hotel (Atlantic Avenue and 1st Street) and the Hamilton Hotel (Atlantic Avenue and 3rd Street) (Sullivan 2001:10). These hotels strategically fronted the boardwalk as it operated as a pedestrian thoroughfare featuring commercial and recreational buildings or amenities.

By 1938, the Maryland General Assembly approved the construction of the Chesapeake Bay Bridge; however, construction of the bridge did not begin until after World War II (Morgan 2011:29). After the Chesapeake Bay Bridge north of Annapolis opened in 1952, Ocean City changed rapidly due to the increased accessibility to residents of the greater Baltimore-Washington metropolitan area. Within four years of its opening, the bridge transported vacationers every weekend during the summer months (Morgan 2011:30).

During the 1950s, tens of thousands of visitors came to Ocean City every weekend during the summer, filling the city's hotels to capacity. Private cottages attempted to fill the excess demand for seasonal housing. Despite the additional capacity provided by cottages, there were still not enough rooms available to meet the demand. In response, local residents built cottage courts and cabin camps. These were groups

of small square or rectangular wood cabins with gable roofs that were built along the roadside, often in an L or U shape (Craig 2023:71-72). However, most of these seasonal cottages were demolished to clear way for housing redevelopment, generally multi-unit condominiums between five- to ten-stories in height, during the 1960s and 1970s.

3.2 NRHP Criteria and Aspects of Integrity Affected by the Undertaking

This section details the historic and physical context of the affected properties and their character defining views to the ocean.

3.2.1 DELAWARE

3.2.1.1 DHCA ID: S06048, Fort Miles Historic District (NRHP Listed)

Located east and south of Lewes, Sussex County, Delaware, Fort Miles represents nationally significant trends in federal coastal defense policy, military landscape and post planning, and standardized military architecture. The installation was constructed between 1938 and 1941 with primary purpose to defend the Delaware Bay and protect domestic shipping between Cape May and Cape Henlopen. The historic district consists of 51 contributing buildings and 9 structures over approximately 1,165-acres. Fort Miles is exemplary of a mid-twentieth century military landscape consisting of defense and support buildings and structures. These include resources such as batteries, gun emplacements, fire control towers, a parade ground, and road layout, as well as examples of support resources such as storage buildings, barracks, and mess halls. The buildings that support the fortifications represent significant examples of buildings constructed from standard Army plans. The historic district was listed in the NRHP under Criteria A and C in 2004 (Ross and Bodo 2004). Fort Miles is strategically situated at the point where the Delaware Bay and Atlantic Ocean meet at Cape Henlopen, Delaware. Maritime setting and unobstructed ocean views are key to the significance of the property.

As a result of the Project, the integrity of location, workmanship, design, and materials would not be affected. However, the integrity of setting, feeling, and association of the lighthouse would be diminished. Unobstructed ocean views and a beachside or maritime setting are character-defining features of the property that contribute to its significance because they were integral considerations in the placement and design of the property. The introduction of modern elements would interfere with how visitors experience the historically and currently unadulterated ocean viewscape. Therefore, the Project would result in an adverse effect to the Fort Miles Historic District.

3.2.2 MARYLAND

3.2.2.1 WO-347, U.S. Coast Guard Tower (Recommended Eligible Pending SHPO Concurrence)

The U.S. Coast Guard Tower was constructed ca. 1934-1935. The property follows the standardized design used by the USCG for coastal, steel lookout towers (U.S. Department of Transportation, USCG 2002; Mattheis and Hutchinson n.d.). Archival images and available architectural plans indicate the property historically has been used as a coastal, lookout tower operated by the USCG.

The presence of the USCG played a role in the development of Ocean City with lookout towers constructed to increase safety measures along the Atlantic Ocean coastline. Due to expanded maritime activities throughout the twentieth century, purpose-built lookout towers directly benefited USCG operations. The period of significance spans ca. 1934-1935 to 1964 and correlates to the tower's operation by the USCG. The U.S. Coast Guard Tower is directly associated with documented events and recognized historic trends, specifically the development and evolution of the USCG (Criterion A). Archival research, including a review of property deeds and newspaper articles, did not identify associations with individuals whose specific achievements or historic contributions can be identified and documented (Criterion B). Lastly, the lookout tower embodies the characteristics depicted in the standardized plans developed by the USCG for the construction of such resources and as represented in similar towers constructed along the Atlantic seaboard during the 1930s. The steel, lookout tower represents a type, period, and method of construction for such resources constructed during the period (Criterion C).

The property retains integrity of location, design, setting, materials, workmanship, feeling, and association. Despite no longer operated by the USCG, the property remains at the original location overlooking the Ocean City Inlet. A review of original plans and historic photographic suggests the building has undergone relatively few modifications. The structure maintains its appearance as an observation tower constructed during the early 1930s, and as such, maintains integrity of design, materials, and workmanship. While new construction was built adjacent to the tower, the structure still maintains its association and feeling as a lookout tower. The building retains significance for association with the standardized plans developed for the USCG for observation towers (Criterion A and C) and integrity to merit consideration for inclusion in the National Register of Historic Places. As such, the structure was recommended eligible for listing in the NRHP pending MHT concurrence.

The Project will not alter the aspects of integrity of location, workmanship, design, or materials. However, the integrity of setting, feeling, and association of the U.S. Coast Guard Station would be diminished. Unobstructed ocean views and a beachside or maritime setting from the early twentieth century are character-defining features of the property integrity of setting that contribute to its significance. The Project would result in an adverse effect to the U.S. Coast Guard Station.

3.2.2.2 WO-595, Oceanside North Ocean City Survey District (Recommended Eligible Pending SHPO Concurrence)

The Oceanside North Ocean City Survey District has a period of development between 1900 and 1989 with most development occurring between 1965 and 1978. A period of significance from 1900 to 1989 was identified for the survey district. This period of significance encapsulates the broad development patterns exhibited through the intact built environment, ranging from the modest summer cottages of the early-twentieth century through the large-scale building developments of the mid- to late-twentieth century.

Visually, the Oceanside North Ocean City Survey District is defined by multi-story and high-rise buildings along the beachfront and primary and secondary streets. These buildings generally are residential or recreational lodging facilities that occupy similar forms and exhibit similar design characteristics. Commercial properties are in the survey district, generally facing onto Coastal Highway, but are not represented in as high quantities as residential or recreational lodging. Smaller-scale, early twentieth housing also is present in the survey district and offer visual reminders of the summer cottages that once

were sited along the beachfront prior to the survey district's annexation into Ocean City during the early 1960s.

The Oceanside North Ocean Survey District is significant for its association with mid-twentieth century patterns of ocean- side development along the east and west coasts of the U.S. during the twentieth century (Criterion A) and the evolution of hotel design and seasonal lodgings (Criterion C). These patterns are represented in the extant early-twentieth century summer cottages and contemporary, large-scale developments of the mid- to late-twentieth century. These patterns also offer context to the evolving purpose, expectations, and function of how tourists or short- or long-term residents interacted with the seasonal communities along the east and west coasts of the U.S. over the twentieth century. For example, the modest summer cottages represent the early twentieth-century culture of vacationing defined by modest living spaces and relation to the natural environment while the multi-story or high-rise condominiums and hotels represent the mid- to late-twentieth century culture of high-density housing or lodging; the full-service nature of these buildings to include living quarters, restaurants, and pools; and, vehicle-oriented design and development. The district successfully illustrates the changing expectations regarding seasonal, vacation destinations and the evolution in lodging design. As such, the survey district has been recommended eligible for listing in the NRHP under Criteria A and C, pending MHT concurrence.

As a result of the Project, the integrity of location, workmanship, design, and materials would not be affected. However, the integrity of setting, feeling, and association of the Oceanside North Ocean City Survey District would be diminished. The introduction of modern elements would interfere with how visitors experience the historically and currently unadulterated ocean viewscape. Therefore, the Project would result in an adverse effect to Oceanside North Ocean City Survey District.

4 POTENTIAL MITIGATION MEASURES

The following mitigation options were developed to further preservation, preservation education, and preservation scholarship in the public interest. The mitigations that have been developed are classified as "alternative" or "creative" mitigation—mitigation that does not prescribe the traditional documentation of the affected resources, but, rather, chooses to further the preservation needs of the community as a whole. Guidance on alternative mitigation can be found by the Advisory Council on Historic Preservation.

Table 4-1. Table of Effected Properties and Associated Mitigation Proposals

SHPO ID Number	Name	City	State	Applicable Mitigation Proposal	Distance from Nearest Turbines
S06048	Fort Miles Historic District	Lewes	DE	4.2	20-30 mi
WO-347	U.S. Coast Guard Tower	Ocean City	MD	4.3	12-20 mi
WO-595	Oceanside North Ocean City Survey District	Ocean City	MD	4.1	11-20 mi

4.1 Mitigation Measure—Interpretational Materials and Technical Historical Documentation for the Oceanside North Ocean City Survey District

4.1.1 Purpose and Intended Outcomes

US Wind would provide financial support to the Beach to Bay Heritage Area, a heritage area covering Ocean City, overseen by the Maryland Heritage Areas Authority, and administered by MHT, to hire a contractor to develop interpretive signage for the preparation of interpretational materials and/or technical historical documentation for the Oceanside North Ocean City Survey District. These funds would support scholarship on the historic resources and further the understanding of the district by the public. This measure serves to educate the public on the mid- to late-twentieth century development of Ocean City and serves to mitigate the adverse effects to various properties in North Ocean City.

4.1.2 Scope of Work and Methodology

The scope of work for this mitigation is providing funds for the development of interpretational materials and/or historical documentation for the Oceanside North Ocean City Survey District. The Beach to Bay Heritage Area, a heritage area covering Ocean City, overseen by the Maryland Heritage Areas Authority, and administered by MHT, is proposed to oversee scheduling, setting standards, hiring contractors, and deliverables, and US Wind would pay their fees. Fees include design and production of signage as well as printing and binding of technical historical documentation.

4.1.3 Deliverables

The Beach to Bay Heritage Area, suggested by the MHT, is proposed to oversee the deliverables of this project resulting in interpretational materials and/or historical documentation for the Oceanside North Ocean City Survey District. US Wind solely would provide the funding.

4.1.4 Funds and Accounting

US Wind would provide the funding for this project to the administrator, proposed as the Beach to Bay Heritage Area. US Wind proposes up to $80,000 for consultant fees, printing and binding of technical historical documentation, and signage production. Fees would be negotiated between US Wind and stakeholders.

4.1.5 Minimum Standards for the Professionals Engaged to Complete the Work

All work and documentation for this mitigation measure will be completed by professionals meeting the Secretary of the Interior (SOI) professional qualification standards as outlined in the NHPA (NHPA; 54 U.S.C. § 306108) and its implementing regulations (36 CFR §800).

4.2 Mitigation Measure—Interpretative Signage for Coastal Defense Structures and Facilities located along the Atlantic Ocean in Delaware

4.2.1 Purpose and Intended Outcomes

US Wind would provide the funds for the State of Delaware to hire a contractor to develop interpretive signage overviewing the history of WWII Defense Structures and Facilities constructed to monitor and defend coastal Delaware during World War II, or other purposes as determined by Delaware. This mitigation measure would further preservation and educational efforts of historic defense structures located along the Atlantic Ocean and at Cape Henlopen for the public good. This mitigation measure will mitigate adverse effects to the Fort Miles Historic District located at Lewes, Delaware.

4.2.2 Scope of Work and Methodology

The scope of work for this mitigation is providing funds for the development of interpretive signage for World War II structures and histories along the Atlantic Ocean. As the World War II properties are state-owned, the DHCA would oversee scheduling, setting standards, hiring contractors, and deliverables, and US Wind would pay their fees. Fees include design and production of signage.

4.2.3 Deliverables

The DHCA would oversee the deliverables of this project resulting in interpretive signage. US Wind solely would provide the funds.

4.2.4 Funds and Accounting

US Wind would provide the funding for this project to the DHCA, who would hire a contractor to develop signage and content. US Wind proposes up to $40,000 for consultant fees and signage production. Fees would be negotiated between US Wind and stakeholders.

4.2.5 Minimum Standards for the Professionals Engaged to Complete the Work

All work and documentation for this mitigation measure will be completed by professionals meeting the Secretary of the Interior (SOI) professional qualification standards as outlined in the NHPA (NHPA; 54 U.S.C. § 306108) and its implementing regulations (36 CFR §800).

4.3 Mitigation Measure—Interpretative Signage for U.S. Coast Guard History at Ocean City

4.3.1 Purpose and Intended Outcomes

US Wind would provide the funds for the Beach to Bay Heritage Area, a heritage area covering Ocean City, overseen by the Maryland Heritage Areas Authority, and administered by MHT, to hire a contractor to develop interpretive signage overviewing the history of U.S. Coast Guard at Ocean City and the U.S. Coast Guard Tower. This mitigation measure would further preservation efforts and public knowledge of the US Coast Guard's involvement at Ocean City. This mitigation measure will mitigate adverse effects to the U.S. Coast Guard Tower.

4.3.2 Scope of Work and Methodology

The scope of work for this mitigation is providing funds for the development of interpretive signage for U.S. Coast Guard history at Ocean City, particularly related to the U.S. Coast Guard Tower. The Beach to Bay Heritage Area, as suggested by MHT, is proposed to oversee scheduling, setting standards, hiring contractors, and deliverables, and US Wind would pay their fees. Fees include design and production of signage.

4.3.3 Deliverables

The Beach to Bay Heritage Area, suggested by the MHT, is proposed to oversee the deliverables of this project resulting in interpretational materials and/or historical documentation for the U.S. Coast Guard Tower. US Wind solely would provide the funds.

4.3.4 Funds and Accounting

US Wind would provide the funding for this project to the Beach to Bay Heritage Area, who would hire a contractor to develop signage and content. US Wind proposes up to $60,000 for consultant fees and signage production. Fees would be negotiated between US Wind and stakeholders.

4.3.5 Minimum Standards for the Professionals Engaged to Complete the Work

All work and documentation for this mitigation measure will be completed by professionals meeting the Secretary of the Interior (SOI) professional qualification standards as outlined in the NHPA (NHPA; 54 U.S.C. § 306108) and its implementing regulations (36 CFR §800).

5 IMPLEMENTATION

5.1 Timeline

Mitigation measures discussed within this HPTP and selected would be implemented as follows:

- US Wind would make funds available upon the finalization and signature of the MOA and COP approval with a three-year timeline for completion.

5.2 Reporting Requirements

US Wind will provide annual reports to BOEM to document the progress and completion of mitigation measures.

5.3 Organizational Responsibilities

5.3.1 BOEM

- Act as the federal agency and oversee Section 106 compliance;
- Determine if mitigation measures selected adequately address adverse effects; and
- Oversee consultation with consulting parties.

5.3.2 US Wind

- Fund mitigation measures.

5.3.3 DHCA and MHT

- Consult as appropriate, on the implementation of the HPTP.

5.3.4 ACHP

- Consult as appropriate, on the implementation of the HPTP.

6 FINALIZATION

6.1 Notification

Upon completion of the selected mitigation measures, US Wind will notify BOEM and signatories of the proposed MOA.

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ATTACHMENT 4 – US WIND/MARYLAND WIND TERRESTRIAL POST REVIEW DISCOVERY PLAN

SEPTEMBER 01, 2023

PLANS AND PROCEDURES ADDRESSING UNANTICIPATED DISCOVERIES OF CULTURAL RESOURCES AND HUMAN REMAINS, IN SUPPORT OF THE MARYLAND OFFSHORE WIND PROJECT LOCATED ON THE OUTER CONTINENTAL SHELF BLOCK OCS-A 0490 AND OFFSHORE MARYLAND AND DELAWARE: TERRESTRIAL RESOURCES

PREPARED FOR:

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Plans and Procedures Addressing
Unanticipated Discoveries of Cultural Resources and Human Remains,
In Support of The Maryland Offshore Wind Project Located on The Outer Continental Shelf Lease OCS-A 0490
And Offshore Maryland and Delaware:
Terrestrial Resources

by

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TABLE OF CONTENTS

1.0 INTRODUCTION

US Wind, Inc., (US Wind) is majority owned by Renexia, a leader in renewable energy development in Italy and a subsidiary of Toto Holding S.p.A. US Wind's Maryland Offshore Wind Project (Project) is located in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Maryland (Lease No. OCS-A 0490 [Lease Area]), by the merge of Lease Areas OCS-A 0489 and the Lease Area OCS-A 0490, with the retaining lease OCS-A 0490. The merged Lease Area was granted to US Wind by the Bureau of Ocean Energy Management (BOEM) on January 10, 2018. The Lease Area covers approximately 32,256 hectares (ha) (79,706.31 acres [ac]) off the Maryland coastline. The Offshore Export Cable Corridor (OECC) would connect the Lease Area to the onshore Point of Interconnection (POI) at the US Wind Substations property on Burton's Island via one of two proposed landfall sites south of Indian River Inlet at 3R's Beach or Tower Road Beach, Delaware.

The preliminary area of potential effect (PAPE) for the preferred route (Onshore Export Cable Corridor 1 [OnECC1]) includes the landfall location at 3R's Beach and extends through Indian River Bay to the POI at the US Wind Substations property. The terrestrial components of this route are minimal and, in addition to the substation property, include two Horizontal Directional Drill (HDD) corridors at 3R's Beach and the Indian River to Burton's Island HDD at the US Wind Substations property adjacent to the Delmarva Power and Light (DPL) Power Plant. Several variant cable routes were are being considered including three fully land-based options that extend south and then west from 3R's Beach to the US Wind Substations (OnECC1a, OnECC1b, and OnECC1c). The fourth variant option (OnECC2) is also almost entirely land-based and incorporates the proposed Tower Road Beach landfall. Variant OnECC2 would extend north of the landfall and continue west and south around Rehoboth and Indian River Bay to the US Wind Substations. All of the variant routes would be buried within or adjacent to previously disturbed Right-of-Ways (ROWs). The preferred OnECC1 route and the variants (OnECC1a-c and OnECC2) are all located within Sussex County, Delaware. In addition, US Wind anticipates installing an Operations and Maintenance (O&M) facility in West Ocean City, Maryland.

From 2021 to 2023, US Wind and R. Christopher Goodwin & Associates Inc. (RCG&A), the Consulting Archaeologist, completed a Terrestrial Archaeological Resource Assessment (TARA) that included a thorough background review of all preferred and variant Project components, a Phase I survey of the US Wind Substations property and the contiguous Indian River to Burton's Island HDD corridor, and archaeological monitoring of soil boring at both landfall options for the Project. Subsequent terrestrial surveys of the variant onshore routes will be undertaken should these routes be selected.

The TARA identified only one terrestrial archaeological site (Site 7S-G-010) within the Project's preferred PAPE at the US Wind Substations property and the contiguous OnECC1 Indian River to Burton's Island HDD corridor. Site 7S-G-010 represents a multicomponent site with precontact to historic period

occupations that is considered potentially eligible for inclusion in the National Register of Historic Places (NRHP). The variant PAPE for the variant cable routes contained between three and five previously identified terrestrial archaeological sites including four (7S-K-086, 7S-K-186, 7S-K-186A, 7S-K-186B) that are listed or determined eligible for inclusion in the NRHP; many others have yet to be evaluated. Notably, additional sites may be identified within the variant PAPEs if one of the alternative routes is pursued for construction thereby requiring supplemental archaeological surveys. Dozens of additional aboveground historic properties are registered by the Delaware State Historic Preservation Office's (SHPO) Division of Historical and Cultural Affairs (DHCA) in the vicinity of the variant routes including numerous properties that have been listed in the NRHP or have been determined eligible for listing. The O&M facility in West Ocean City, Maryland is on made land and no archaeological sites are recorded or likely to be present there.

US Wind recognizes that although there has been intensive background research and survey of the preferred PAPE, there is still a potential to encounter additional terrestrial cultural resources including human burials during construction and throughout operation of the Project. Furthermore, US Wind acknowledges that identification of cultural resources is not complete for the variant routes and that if one of these variant routes are incorporated into the preferred PAPE, an intensive archaeological survey would be undertaken.

This Unanticipated Discoveries Plan (UDP) has been developed to support US Wind in its compliance with Section 106 of the National Historic Preservation Act (NHPA) 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 regulations of the Advisory Council on Historic Preservation (36 CFR Part 800.3); standards set forth in the *Secretary of the Interior's Guidelines for Archaeology and Historic Preservation* (48 FR 44716); the Native American Graves Protection and Repatriation Act (NAGPRA); *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (May 27, 2020), as set forth by BOEM; as well as *Archaeological Survey in Delaware* (Division of Historical and Cultural Affairs 2015).

2.0 POTENTIALLY SIGNIFICANT CULTURAL RESOURCES

The archaeological potential to discover precontact and historic period resources within portions of the preferred and variant onshore components is considered high. This is partially due to the Project's coverage through, and in the vicinity to, major and minor waterways. Both precontact and historic period sites are generally found in close proximity to natural water sources where the landscape is, or was, characterized by well-drained soils and relatively level terrain. In addition, the Project's variant routes all follow various roadways that were utilized as early as the nineteenth century and traverse through numerous

historic towns. Other portions of the preferred and variant onshore components have low or no potential to contain unrecorded archaeological sites. These locations include disturbed areas, poorly drained wetland areas, and areas located beneath modern construction.

Potentially significant terrestrial cultural resources may include, but are not limited to the following:

- Precontact period features (hearths, shell middens, storage pits, post molds, etc.);
- Precontact period artifacts (lithic projectile points, stone tools, debitage, ceramic artifacts, etc.);
- Historic period features (foundation, well, post hole, privy, kitchen midden, etc.)
- Historic artifacts (kitchenware, glass bottles, architectural debris, clothing, toys, farm equipment, etc.)
- Human remains, grave markers and furniture;
- Animal bone, marine shell, and other food waste;

3.0 ARCHAEOLOGICAL RESOURCE IDENTIFICATION/TRAINING

Basic training is required in order to recognize potential cultural and archaeological resources. Training will be provided by the Consulting Archaeologist for resident engineers and contractor field supervisors prior to the implementation of the Project. 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 so that both US Wind and contract personnel will be aware of the kinds of unanticipated archaeological resources that may be encountered in the field. The training program will present the procedures to be followed and notifications required if an unanticipated discovery is identified during Project implementation. The training will be designed to ensure that Project personnel and contractors 1) understand the archaeological survey program that has been performed for the Project, 2) are fully informed on the identified cultural resources and the avoidance areas that have been demarcated for Project implementation activities, 3) have the basic knowledge to identify potential cultural resources, and 4) understand how to address any new discoveries which would constitute unanticipated finds during the Project implementation process.

4.0 PROCEDURES FOR THE DISCOVERY OF A POTENTIAL CULTURAL RESOURCE

US Wind's designated on-site representatives have the responsibility to monitor construction sites for potential cultural resources throughout construction. If a suspected cultural resource is identified, the approved Consulting Archaeologist will inspect the discovery and provide a verbal or written notification

within 24-hours of the suspected discovery. The UDP includes a stop-work order and requires coordination with the Project, the Consulting Archaeologist, BOEM, Bureau of Safety and Environmental Enforcement (BSEE), State Historic Preservation Offices (DHCA or MHT), Tribal Historic Preservation Offices (THPO), and relevant stakeholders on the manner to proceed. Stop Work Authority enables the appropriate project personnel the ability to safely stop all ground disturbing work in the vicinity of the discovery in order to prevent further impacts and preserve the find in its original place.

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

- All construction activities in the area of discovery will cease and every effort will be made to avoid or minimize damage to the potential cultural resource(s).
- The field/construction crew that identifies an unanticipated find will immediately notify US Wind or US Wind's designated on-site representative of the discovery.
- US Wind will issue an order to stop work within a safe distance of the discovery pending its identification as a potential historic property or non-historic property, as determined by the Consulting Archaeologist.
- US Wind will notify BOEM and BSEE of the discovery of a potential terrestrial cultural resource within 24 hours of such discovery (OCS-A 0490 Lease stipulation 4.2.7.2). US Wind will also notify the appropriate SHPO (DHCA or Maryland Historical Trust [MHT]) and THPOs or other designated representatives of federally and state recognized Native American Tribes (see Section 7.0). US Wind will immediately notify the Consulting Archaeologist concerning the potential find(s). The Consulting Archaeologist will initiate an assessment of the find's potential to qualify as a historic property. Information shared with the Consulting Archaeologist will include, but not be limited to, coordinates, discernable characteristics, photographs, and survey data. If necessary to support an initial assessment, the Consulting Archaeologist may request to visit the site to inspect the find. If the Consulting Archaeologist determines the find(s) represent a potential historic property, the Consulting Archaeologist will immediately advise US Wind of the preliminary determination.
- If upon further consideration of available information the Consulting Archaeologist determines that the find (i.e., site, feature, or potential cultural resource) is not cultural or not associated with a potential historic property, the Consulting Archaeologist will notify US Wind's on-site representative that the find is not a potential historic property.

- If the Consulting Archaeologist determines that the find is associated with a potential historic property, the Consulting Archaeologist will notify US Wind and work may not resume at the given location until the field/construction crew is notified accordingly in writing by US Wind.
- Within 72 hours of the discovery of a potential terrestrial cultural resource, the Consulting Archaeologist will prepare, and US Wind will submit to BOEM, BSEE, and the appropriate SHPO, a report summarizing the available information regarding the nature and characteristics of the resource and observed attributes relevant to the resource's potential eligibility for listing in the NRHP. US Wind and the Consulting Archaeologist will consult, as feasible, with BOEM, BSEE, and SHPO during the preparation of the report and preliminary assessment of the resource's significance.
- If BOEM and BSEE, in consultation with the appropriate SHPO, determine the affected resource is eligible for listing in the NRHP, US Wind will prepare a mitigation plan and submit that plan to BOEM, BSEE, and SHPO. The mitigation plan will prioritize avoidance and minimization measures to the extent practicable based on the specific location and circumstances of the discovery. US Wind will address any BOEM and BSEE comments in a revised draft mitigation plan before submitting the document to the SHPO and THPOs. The SHPO and THPOs will provide US Wind, BOEM, and BSEE any comments or suggestions within one week of receipt of the mitigation plan.
- US Wind will respond to all comments on the mitigation plan in preparing the final mitigation plan for submittal to BOEM, BSEE, and SHPO. Work in the vicinity of the discovery may not resume until US Wind receives written authorization from BOEM and BSEE. US Wind will be responsible for implementing the final mitigation plan in such circumstances.
- If BOEM and BSEE determine that the potential cultural resource is not eligible for listing in the NRHP, US Wind may proceed with construction activities in the vicinity of the find upon receipt of BOEM and BSEE's written authorization and the SHPO's written approval of the final mitigation plan.
- The location of any unanticipated discovery will be kept confidential, and the findings will be reported within the TARA, which will be attached to the Construction and Operations Plan and submitted to the relevant federal and state agencies.

Note: a permit is required to conduct any archaeological excavations on state-owned and state-operated lands in Delaware (7 Del. Code § 5308) and Maryland (Md. State Finance and Procurement Code § 5A-342).

5.0 UNANTICIPATED DISCOVERY OF HUMAN REMAINS

In the event that suspected human remains are encountered during construction activities, DHCA and MHT recommend implementing the following protocol:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance. No photographs or digital recordings are to be taken of the remains by any unapproved project personnel and the location of the discovery must be kept confidential.
- 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 archaeological recovery of human remains will require written approval by the Director of the DHCA (7 Del. Code §5401-5411) or the Director of the MHT (MD Real Prop Code § 14-121.1).
- The State Medical Examiner's Office, law enforcement, BOEM, BSEE, DHCA/MHT, and THPOs or other designated representatives of federally recognized and state recognized Native American Tribes (see Section 7.0) will be notified immediately. The Medical Examiner and local law enforcement will first assess whether the remains are human and represent an accident, crime scene, or other instance that would put the remains under their jurisdiction.
- If the remains are determined to be archaeological, the Consulting Archaeologist and/or an archaeologist with the DHCA/MHT will conduct a site visit within 24 hours of notification of the discovery to determine an approximate time period for the deposition of the remains. The DHCA and MHT's preference is to leave the remains where they were found until a treatment plan has been established. If the remains must be removed for safekeeping, remains locate in Delaware will be transported by the DHCA to the division's curation facility until a re-interment plan has been made. The MHT will consult with US Wind, BOEM and BSEE regarding the temporary disposition of remains the must be removed in Maryland.
- If DHCA/MHT conclude that the remains may be Native American:
    - BOEM, BSEE, and the appropriate SHPO will consult with federally recognized and state recognized Native American Tribes regarding a plan of action.
    - In Delaware, the DHCA will notify a committee comprised of, in part, the Chiefs or another representative of the Nanticoke Indian Tribe and the Lenape Indian Tribe of Delaware, within five days of notification of the discovery.

- US Wind will consult with DHCA and the committee to develop a plan of action that is consistent with NAGPRA guidance.

- If DHCA/MHT conclude that the remains are from the historic period:
  - DHCA/MHT will form a committee of interested parties and post public notices of the discovery in an attempt to identify lineal descendants who may join the committee.
  - US Wind will consult with DHCA/MHT and the committee to develop a plan of action for the remains.

Note: a permit is required to conduct any archaeological excavations (including of human remains) on Delaware state lands (7 Del. Code § 5308).

6.0 GUIDANCE FOR SUPPLEMENTAL ARHCAEOLOGICAL INVESTIGATIONS OF POST-REVIEW DISCOVERIES

Targeted subsurface investigation and/or survey may be necessary to evaluate and characterize a discovery and to gather sufficient information to support BOEM and BSEE's determination of a find's eligibility to the NRHP. The following procedures were developed to provide for informed decision-making in the event of a post-review discovery during construction of Onshore Project Components. The procedures account for appropriate decisions at each step in the event of a post-review discovery. Appropriate resolution of a post-review discovery may not require completion of all the steps described below.

1. *Review available archaeological and environmental data in the vicinity of the discovery and determine the appropriate course of action. This may necessitate onsite inspection to determine context and potential boundaries of the site.*
   a. Consulting Archaeologist to evaluate potential significance of find in consultation with BOEM and BSEE.
   b. May result in BOEM and BSEE's determination that the find is not associated with a NRHP-eligible resource and no further consideration or protective measures are required.
   c. May result in a recommendation for avoidance and/or further evaluations

2. *Determine appropriate avoidance area based on supplemental inspections.*
   a. No ground disturbance may occur within any avoidance area recommended by the Consulting Archaeologist or determined by BOEM and BSEE, until such time as BOEM provides US Wind with written authorization to proceed with construction.

3. *Delineate the horizontal and vertical boundaries of the site within the Project APE and assess*

potential damage or disturbance to the resource.

a. May be accomplished through limited surface clearing and/or subsurface testing including shovel tests, test units, or narrow exploratory trenches. Note: If the site is located on state or federal lands, a permit may be required to conduct archaeological work.
b. May necessitate supplemental background research.
c. May result in BOEM and BSEE's determination that no further conservation/preservation actions are warranted.

4. NRHP-eligibility evaluation

a. May require intensive excavations.
b. May require supplemental archival research.
c. Will require consultation among BOEM, BSEE, US Wind, DHCA/MHT, 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 the terrestrial site.
   b. Will prioritize feasible and practicable avoidance and minimization measures.
   c. May include on-site monitoring of ground disturbing activities to avoid further damage to the archaeological site.

7.0 NOTIFICATION LIST

<table>
<tr><th colspan="2">NOTIFICATION LIST</th></tr>
<tr><th colspan="2">US Wind</th></tr>
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<tr><th colspan="2">Delaware State Contacts</th></tr>
<tr><td rowspan="2">Delaware Division of Historical and Cultural Affairs (DHCA)

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Sheriff Robert T. Lee
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<tr><td>Delaware Medical Examiner

Sussex County Coroner
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302-933-3050</td></tr>
<tr><th colspan="2">Maryland State Contacts</th></tr>
<tr><td colspan="2">Maryland Historical Trust</td></tr>
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</table>

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Consulting THPOs (Tribal Historic Preservation Officers) and Tribal Representatives	
Narragansett Indian Tribe John Brown Tribal Preservation Officer PO Box 268, 4425 S. County Trail Charlestown, RI 02813 401-491-9459 tashtesook@aol.com brwnjbb123@aol.com	Shinnecock Indian Nation Shavonne Smith Director Shinnecock Environmental Department PO Box 5006, 100 Church St, Shinnecock Community Center Southampton, NY 11969 631-283-6143 ShavonneSmith@shinnecock.org
Lenape Indian Tribe of Delaware Dennis J. Coker Principal Chief 4164 N. DuPont Hwy., Suite 6 Dover, DE 19901-1573 302-730-4601 lenapedelaware@comcast.net	Rappahannock Tribe Woodie Walker Director, Department of Environmental Services 5036 Indian Neck Road Indian Neck, VA 23148 804-769-0260 x107 wwalker@rappahannocktribe.org
The Delaware Nation Katelyn Lucas Historic Preservation Assistant 405-544-8115 klucas@delawarenation-nsn.gov	Delaware Tribe of Indians Susan Bachor Archaeologist, DTHPO Representative P.O. Box 64 Pocono Lake, PA 18347 610-761-7452 sbachor@delawaretribe.org
Chickahominy Indian Tribe Wayne Adkins 8200 Lott Cary Road Providence Forge, VA 23140 804-829-2027 ext. 1002 wayne.adkins@chickahominytribe.org	Chickahominy Indian Tribe- Eastern Division Jessica Phillips 2895 Mt. Pleasant Road Providence Forge, VA 23140 804-966-7815 Jessica.phillips@cied.org

NOTIFICATION LIST	
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Consulting THPOs (Tribal Historic Preservation Officers) and Tribal Representatives (continued)	
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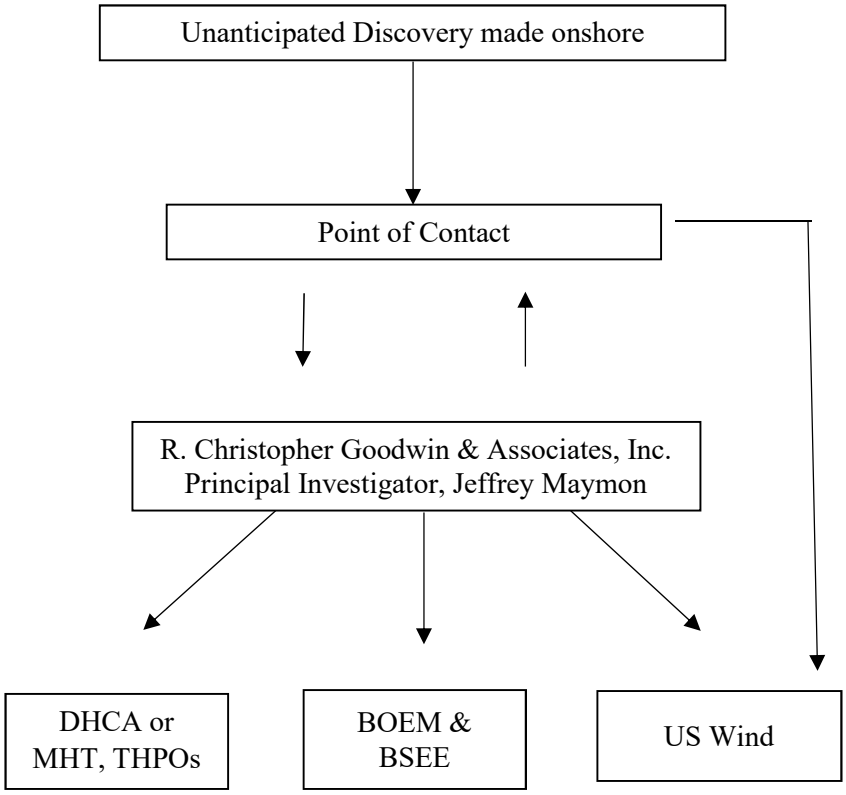
Eastern Shawnee Tribe of Oklahoma Paul Barton, Cultural Preservation Director 70500 East 128 Road, Wyandotte, OK 74370 918-238-5151 ext. 1833 pbarton@estoo.net	Absentee-Shawnee Tribe of Indians of Oklahoma Ms. Devon Frazier, THPO 2025 S Gordon Cooper Dr. Shawnee, OK 74801 405-275-4030 ext. 6243 405-432-9078 dfrazier@astribe.com
Nanticoke Indians Chief Natosha Carmine, Principal Chief Nanticoke Indian Association, Inc. 27073 John J. Williams Highway Millsboro, DE 19966 302-945-3400 nncarmine@gmail.com	Mashantucket Pequot Tribal Nation Michael Kickingbear Johnson 110 Pequot Trail Mashantucket, CT 06338 860-396-7575 MEJohnson@mptn-nsn.gov

Additional tribes for notification, pending contact individual verification from BOEM:

- Mashpee Wampanoag Tribe
- Stockbridge-Munsee Community Band of Mohican Indians
- Tuscarora Nation
- Wampanoag Tribe of Gay Head (Aquinnah)

8.0 COMMUNICATIONS AND NOTIFICATIONS PLAN FOR UNANTICIPATED DISCOVERIES



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ATTACHMENT 5 - US WIND/MARYLAND WIND TERRESTRIAL MONITORING PLAN

Archaeological Monitoring Plan
for the
Maryland Offshore Wind Project

Terrestrial Resources

Prepared for

US Wind, Inc.
401 East Pratt Street, Suite 1810
Baltimore, MD 21202

Prepared by:

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

September 01, 2023

LIST OF ACRONYMS

ac	acres
APE	Area of Potential Effect
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
DHCA	Delaware Division of Historical and Cultural Affairs
DPL	Delmarva Power and Light
ft	foot/feet
ha	hectares
GPS	Global Positioning Device
HDD	Horizontal Directional Drill
LOD	Limits of Disturbance
m	meter(s)
MHT	Maryland Historical Trust
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
O&M	Operations and Maintenance facility
OCS	Outer Continental Shelf
OECC	Offshore Export Cable Corridor
POI	Point of Interconnection
RCG&A	R. Christopher Goodwin & Associates Inc.
RFI	Request for Information
ROW	Right-of-Way
SHPO	State Historic Preservation Office
TARA	Terrestrial Archaeological Resource Assessment
THPO	Tribal Historic Preservation Office
UDP	Unanticipated Discovery Plan

1.0 Introduction

US Wind, Inc., (US Wind) is majority owned by Renexia, a leader in renewable energy development in Italy and a subsidiary of Toto Holding S.p.A. US Wind's Maryland Offshore Wind Project (Project) is located in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Maryland (Lease No. OCS-A 0490 [Lease Area]), by the merge of Lease Areas OCS-A 0489 and the Lease Area OCS-A 0490, with the retaining lease OCS-A 0490. The merged Lease Area was granted to US Wind by the Bureau of Ocean Energy Management (BOEM) on January 10, 2018. The Lease Area covers approximately 32,256 hectares (ha) (79,706.31 acres [ac]) off the Maryland coastline. The Offshore Export Cable Corridor (OECC) would connect the Lease Area to the onshore Point of Interconnection (POI) at the US Wind Substations property on Burton's Island via one of two proposed landfall sites south of Indian River Inlet at 3R's Beach or Tower Road Beach, Delaware.

The preliminary area of potential effect (PAPE) for the preferred route (Onshore Export Cable Corridor 1 [OnECC1]) includes the landfall location at 3R's Beach and extends through Indian River Bay to the US Wind Substations property. The terrestrial components of this route are minimal and, in addition to the substation property, include two Horizontal Directional Drill (HDD) corridors at 3R's Beach as well as the Indian River to Burton's Island HDD POI location at the US Wind Substations property adjacent to the Delmarva Power and Light (DPL) Power Plant. Several variant cable routes were are being considered including three fully land-based options that extend south and then west from 3R's Beach to the US Wind Substations (OnECC1a, OnECC1b, and OnECC1c). The fourth variant option (OnECC2) is also almost entirely land-based and incorporates the proposed Tower Road Beach landfall. Variant OnECC2 would extend north of the landfall and continue west and south around Rehoboth and Indian River Bay to the US Wind Substations. All of the variant routes would be buried within or adjacent to previously disturbed Right-of-Ways (ROWs). The preferred OnECC1 route and the variants (OnECC1a-c and OnECC2) are all located within Sussex County, Delaware. In addition, US Wind anticipates installing an Operations and Maintenance (O&M) facility in West Ocean City, Maryland.

1.1 Terrestrial Archaeological Resource Assessment Overview

From 2021 to 2023, US Wind and R. Christopher Goodwin & Associates Inc. (RCG&A), the Consulting Archeologist, completed a Terrestrial Archaeological Resource Assessment (TARA) that included a thorough background review of all preferred and variant Project components, a Phase I survey of the US Wind Substations property and the contiguous Indian River to Burton's Island HDD corridor, and

archaeological monitoring of soil boring at both landfall options for the Project. The TARA identified one previously identified terrestrial archaeological site within the Project's preferred PAPE at the US Wind Substations property and the contiguous Indian River to Burton's Island HDD corridor that is anticipated to be avoided during the Project's implementation. No archaeological resources were identified or are anticipated within the landfall at 3R's Beach due to the dynamic nature of the surrounding environment which significantly reduces the area's potential to retain intact archaeological sites. The O&M facility in West Ocean City, Maryland is on artificial land and no archaeological sites are recorded or likely to be present at the location.

US Wind recognizes that although intensive background research and survey of the preferred PAPE is complete, there is still a potential to encounter additional terrestrial cultural resources during construction and throughout operation of the Project. US Wind also acknowledges that if a variant route is later incorporated into the preferred PAPE, additional archaeological subsurface survey would be required. Consequently, this Monitoring Plan is prepared in support of the Project.

1.2 Purpose

The purpose of this Monitoring Plan is to detail the protocols that have been developed in order to avoid, minimize, and mitigate adverse effects to any known and potentially unknown terrestrial historic properties resulting from the Project's activities. Consideration of the Project's potential adverse effects is required by Section 106 of the National Historic Preservation Act (NHPA) and is particularly relevant to historic properties, including archaeological sites, listed in or considered eligible for listing in the National Register of Historic Places (NRHP). Specifically, this Monitoring Plan identifies where monitoring is required; describes temporary avoidance measures to be employed during construction (e.g., high-visibility fencing); presents procedures for archaeological monitoring; and, procedures for reporting the results of this work. The plan also presents procedures to be implemented in the case of an unanticipated discovery of cultural resources or human remains during the course of archaeological monitoring.

2.0 Training of Construction Crews

Basic training is required in order to recognize and identify potential archaeological resources, and to familiarize construction crews with the established protection measures. The training program will be designed to ensure that Project personnel, including contractors, understand the significance of cultural resources within the Project Area and the protocols regarding the designated archaeological monitoring zones and avoidance areas.

Prior to mobilization to the Project site, US Wind, contractor, and construction crew field supervisors will receive cultural resource training by the Consulting Archaeologist and Tribal Representatives, if consulting Tribes deem it necessary. The purpose of the training program will be to:

- review state and federal regulations concerning archaeological resource compliance.
- provide an overview of the previously identified cultural resources within and in the vicinity of the Project. Examples of potential archaeological finds will be provided including images and descriptions of cultural artifacts and features that may be encountered. An overview of the history and background of local Indigenous people may also be included.
- review the temporary avoidance measures to be implemented during construction.
- present the procedures to be followed and notification process required if an unanticipated discovery is identified during Project implementation.

Field supervisors and their crews are required to be vigilant of potential cultural resources during work within the Project APE. All field supervisors of contractors, subcontractors, and construction crews as well as Archaeological and Tribal Monitors have Stop Work Authority if cultural resources are encountered during Project construction. Stop Work Authority enables the appropriate project personnel the ability to safely stop all ground disturbing work in the vicinity of the discovery in order to prevent further impacts and preserve the find in its original place.

2.1 Documentation

This Monitoring Plan is required to be on hand at the field site and easily accessible to all Project personnel, contractors, and construction crews during the Project's implementation. All persons working in the field will be made aware of the plan prior to mobilization to the site. US Wind will maintain documentation, via contractors and subcontractors, including construction crews, of 1) the individuals who have reviewed the Monitoring Plan, and 2) has received cultural resources identification training.

3.0 Archaeological and Tribal Monitors

3.1 Archaeological Monitors

Archaeological Monitors would be contracted by US Wind to oversee all subsurface excavations in areas determined to be Archaeological Monitoring Zones and will have Stop Work Authority if a potential cultural resource is identified. Stop Work Authority enables the monitors the ability to safely stop all construction work in the vicinity of the discovery in order to prevent further impacts and preserve the find in its original place. The quantity of Archaeological Monitors on site will be determined by the extent of work being performed. If ground-disturbing work is being conducted in more than one area for instance, multiple Archaeological Monitors may be required. Proper notification of the extent of work anticipated will allow the Archaeological Monitor to determine monitoring needs. All Archaeological Monitors will meet the Secretary of the Interior's Professional Qualifications Standards (48 FR 44716).

US Wind must notify the Archaeological Monitors at least [TBD] business days before the start of work in areas where their presence is required. If cultural resources are exposed during archaeological monitoring for the Project, the Archaeological Monitor(s) will work closely with the Tribal Monitor(s) to complete their assessment of any exposed resources in a timely matter. If an identified resource is determined to be potentially significant, work within the vicinity of the find may be delayed for an extended period of time. Please refer to section 8.0 for additional information regarding the process to be implemented.

3.2 Tribal Monitors

Members or representatives of consulting tribes may act as Tribal Monitors at the discretion of the consulting Tribal Historic Preservation Office(s) (THPO). Tribal Monitors will have the same capabilities as Archaeological Monitors, including Stop Work Authority. The Archeological Monitor will facilitate participation of Tribal Monitors in monitoring activities and coordinate daily field activities with the Tribal Monitor(s).

US Wind must notify Tribal Monitors about upcoming work within areas where the consulting THPO(s) have requested a presence at least two weeks before the start of construction. The Tribes must respond within 10-days of the notice. If there is no response from the tribes by the end of 10-days, US Wind will contact BOEM and the Bureau of Safety and Environmental Enforcement (BSEE) for approval to proceed with work without a Tribal Monitor.

4.0 Locations where Monitoring is Required

Archaeological monitoring is specifically required during ground disturbance activities within the Archaeological Monitoring Zone at the archaeological site at the US Wind Substations property and the adjacent Indian River to Burton's Island HDD corridor. Monitoring of additional areas of the Project may be necessary at the request of consulting State Historic Preservation Offices (SHPO), THPOs, or other consulting parties. These areas should be identified during consultation prior to the start of the Project. If additional areas of disturbance are incorporated following the Project's commencement, US Wind would contact the appropriate SHPO, THPOs, and Archaeological Monitors to assess whether monitoring is required at those locations.

Archaeological Monitors must be notified that their presence is requested at least [TBD] business days before the start of work within areas requiring a monitor. US Wind must notify Tribal Monitors about upcoming work within areas where the consulting THPO(s) have requested a presence at least two weeks before the start of construction.

4.1 Archaeological Monitoring Zone for the Archaeological Site

Archaeological monitoring is required within the Archaeological Monitoring Zone located directly adjacent to the archaeological site at the US Wind Substations property and contiguous Indian River to Burton's Island HDD corridor during activities that will or have the potential to disturb the ground and underlying soils/subsoils. Ground disturbing activities that require monitoring include any earth-moving processes including grading, topsoil stripping, post hole digging, excavating, and trenching as well as vegetation clearing and tree felling activities that may result in uprooting and any disturbance of soils.

The Archaeological Monitoring Zone incorporates the portion of the Project's Limits of Disturbance (LOD) that is within [TBD] meters (m) ([TBD] feet [ft]) of the site. Importantly, although the subsurface Phase I archaeological survey has identified the core habitation area of the site, outlying areas of activity may be present. As such, the Archaeological Monitoring Zone is a distance agreed upon through the consultation process to help ensure that the site is not impacted during construction. Any resources identified outside of the Archaeological Monitoring Zone are subject to the Project's Unanticipated Discovery Plan (UDP).

Following the initial disturbance of the designated Archaeological Monitoring Zone(s), if the Archaeological and Tribal Monitors determine that the depth of disturbance fully exceeds the horizons of potential cultural occupation, no additional monitoring may be required in that area. Determination of no

further archaeological monitoring must be approved/cleared by Archaeological and Tribal Monitors, US Wind, BOEM, and BSEE. If there is a potential that the supplemental work will encounter any portion of the designated Archaeological Monitoring Zone that has not been cleared by the Archaeological/Tribal Monitors, additional monitoring will be required.

5.0 Temporary Avoidance Measures

Temporary avoidance measures are specifically required prior to ground disturbance activities at the archaeological site on the US Wind Substations property and contiguous Indian River to Burton's Island HDD corridor. Additional avoidance measures may be requested by the consulting parties during the consultation process prior to the start of the Project. If the Project's LOD is expanded or adjusted in the vicinity of the site following the Project's commencement, the appropriate SHPOs, THPOs, and Archaeological Monitors, in addition to BOEM and BSEE should be contacted to assess whether additional avoidance measures are required.

5.1 Archaeological Site

US Wind is planning to avoid impacting the archaeological site by redesign of construction plans in the vicinity of the site. Additional avoidance measures for the site include protective fencing and signage prohibiting access to the site as well as archaeological monitoring in the site's vicinity.

During the construction phase, the known boundary of the site will be delineated and protected from construction impacts using high-visibility fencing (e.g. blaze-orange snow fencing). Within [TBD] days of notice that construction will commence within the site vicinity, the boundary fencing will be established around portions of the site facing the construction area by the Archaeological Monitor using a GPS unit with sub-meter accuracy. Archaeological Monitors should be notified [TBD] days prior to construction activities within the Archaeological Monitoring Zone to permit the monitor sufficient time to cordon off the exclusion areas of the site. These areas will subsequently be marked with signage indicating that access is strictly prohibited. Signage should state "Exclusion Zone" or something similar and not mention the archaeological/cultural nature of the area. All project personnel, aside from the Archaeological Monitor and Tribal Monitor(s), will be restricted from entering the exclusion areas.

Maintenance of the protective fencing is ultimately the responsibility of the Archaeological Monitor or the on-site construction supervisors if the Archaeological Monitor is not present. However, if the protective fencing is displaced whatsoever, the Archaeological Monitor alone is required to reestablish the fence to guarantee it is positioned correctly on the boundary. The protective fencing will remain in place for the duration of the Project's construction phase at the location.

All ground-disturbing work within the designated Archaeological Monitoring Zone in the vicinity of the site will not occur unless an Archaeological Monitor is present or the area has been fully cleared by the

Archaeological and Tribal Monitor(s) and approved by US Wind, BOEM, and BSEE. The Archaeological Monitoring Zone leading up to the site boundary fencing will be demarcated with signage stating "Archaeological Monitor Required".

6.0 Process for Determining if Monitoring a Construction Activity is Necessary

Archaeological Monitors would be required if any ground disturbance is anticipated within the Archaeological Monitoring Zone near the archaeological site at the US Wind Substations property and contiguous Indian River to Burton's Island HDD Corridor unless the area has been fully cleared by the Archaeological and Tribal Monitor(s), BOEM, BSEE, and US Wind. Ground disturbing activities consist of any earth-moving processes including grading, topsoil stripping, post hole digging, general excavations, and trenching as well as vegetation clearing and tree felling activities that may result in uprooting and any disturbance of soils. In all other terrestrial portions of the project, no archaeological monitor is required unless that area is subject to an unanticipated discovery or if any of the consulting parties have requested a monitor's presence.

If unsure of whether an Archaeological or Tribal Monitor is required, US Wind should be contacted for verification prior to any ground disturbance.

Any activities requiring use of land outside of the Project's APE will require consideration through BOEM and BSEE's request for information (RFI) process and may be subject to additional archaeological review and/or archaeological monitoring. Potential auxiliary areas may include, but are not limited to, the use of additional land outside of the Project APE for work spaces, access roads, and staging areas.

7.0 Reporting

Archaeological Monitor(s) are required to communicate regularly with US Wind during the monitoring process and are required to submit a final technical report at the completion of the Project's construction. Interim reports may be necessary if construction extends over more than two years. Daily and/or weekly reports may include the date, length of time, and locations monitored, the Archaeological and Tribal monitors present, the type of construction activities that occurred, any archaeological observations and/or finds encountered, and other relevant information/comments and photographs, as needed. If possible, the interim reports should provide an update on the work schedule and/or address the anticipated needs and schedule for upcoming work. These interim reports will be sent at the end of each working day and/or week to US Wind, BOEM, BSEE and any other consulting parties, including SHPOs and THPO(s), who indicate interest in receiving the reports during the consultation process.

If archaeological deposits are encountered during the monitoring process, more thorough reporting may be required in order to provide US Wind, BOEM, BSEE, SHPO's, THPOs, and other consulting parties with sufficient information to determine the appropriate course of action to address the discovery. More information about the process of handling these situations is provided in Section 8.0 and in the UDP for Terrestrial Resources.

The final draft technical report will conform to state and federal guidelines and will be submitted to US Wind for review within four (4) months following the completion of the Project's construction phase. The report will discuss the methods and results of the archaeological monitoring including the treatment of any archaeological deposits encountered. If necessary, the significance of any archaeological deposits encountered will be addressed along with recommendations for additional work or continued consultation. The report will be provided to BOEM, BSEE, and all other interested consulting parties once finalized.

8.0 Post-Review Discoveries

During the monitoring process, Archaeological and Tribal Monitor(s) have the responsibility to oversee the construction site for potential cultural resources. Contractors and all on-site construction workers, as well, are required to alert the Archaeological/Tribal Monitor(s) of any suspected cultural resources encountered. The following summarizes the procedures to be taken in the event that a potential archaeological resource is identified. Special considerations are to be taken if human remains are encountered or if indications of a cemetery or burial ground are uncovered.

8.1 Resources Identified Outside of the Project LOD that will not be Impacted by Construction

In the event that a cultural resource (e.g. a house or structural ruins) is identified outside of the LOD and/or construction footprint, the Archaeological/Tribal Monitor(s) must be notified to determine the appropriate course of action. Generally, resources outside of the construction zone/LOD will not require an order to stop work considering they will not be impacted by construction activities. As a measure of good-practice, these finds may be cordoned off or flagged to notify on-site workers of the resource's location and prevent disturbance from subsequent activity in the area.

If the boundary of the resource is in question (e.g. a single grave stone that may indicate a larger cemetery), additional work may be required to delineate the potential cultural resource which may impede construction activities in the vicinity for an indefinite period of time.

8.2 Archaeological Resources Identified within the Project LOD (not including human remains)

If a potential cultural resource is encountered within the construction zone during construction activities that does not include human remains or a cemetery/burial ground, the following steps should be taken:

1. All activity within the vicinity of the potential cultural resource will stop. Workers will not disturb the suspected cultural resource and will not attempt to expose any more of the suspected find. The resource will be left in place as it was initially encountered.
2. The Archaeological/Tribal Monitor(s) will first assess whether the discovery is cultural and if it represents a potentially NRHP-eligible resource. Depending on the nature of the resource, a Stop Work Order may be required within a buffer around the find that protects the find and permits sufficient safe space for the monitor to make an assessment.

- If the find is determined to be non-cultural, cultural but modern, or from clearly disturbed contexts, work may be permitted to continue. **The Post-Review Discovery process may stop here.**

3. If the Archaeological/Tribal Monitor(s) determine that the find is associated with a potential NRHP-eligible resource, the monitor(s) will immediately notify US Wind of the preliminary determination and BOEM and BSEE will be notified within 24 hours. **Work may not resume at the given location until the field/construction crew is notified accordingly by US Wind.**
    - All US Wind personnel, contractors, and subcontractors must keep the location of any unanticipated discovery confidential.
4. Within 72 hours of the discovery, the Archaeological/Tribal Monitor(s) will prepare a report for US Wind detailing the information gathered about the resource and its potential eligibility for listing in the NRHP. The report will include photographs of the find and its context, hand-drawn maps, and any other items necessary to support the preliminary findings.
    - If US Wind in consultation with BOEM, BSEE, and other consulting parties determine that the discovery does not represent a NRHP-eligible resource, construction crews will be notified and work may be permitted to continue. **The Post-Review Discovery process may stop here.**
5. If US Wind, in consultation with BOEM and BSEE, determines the affected resource is eligible for listing in the NRHP, US Wind will work with the Archaeological/Tribal Monitor(s) and other consulting parties to prepare and approve a mitigation or avoidance plan.
    - If additional archaeological work is required at the archaeological site, construction crews will be notified that work in the vicinity of the site will cease until the mitigation process is complete. Supplemental archaeological work at the site will be as efficient as possible in order to avoid lengthy project delays.
    - If construction plans are modified to avoid the archaeological resource, construction crews will be notified of the changes and the measures will be taken to protect the archaeological resource from further adverse effects. These measures may consist minimally of constructing a temporary barrier around the site and signage indicating that it is a restricted area.
6. Work in the vicinity of the discovery may not resume until US Wind receives written authorization from BOEM and BSEE, and construction crews are explicitly notified that work may continue.

Note: a permit is required to conduct any archaeological excavations on Delaware (7 Del. Code § 5308) and Maryland (Md. State Finance and Procurement Code § 5A-342) state-owned and state-operated lands.

8.3 Human Remains Identified within the Project LOD

In the event that suspected human remains are encountered during construction activities, they will be handled in accordance with the Delaware Unmarked Human Burials and Human Skeletal Remains laws (7 Del. Code § 5301 and 5401-5411) or Maryland Burial Laws (Md. Criminal Law Code Ann. §§ 10-401 — 10-404; Md. Health-General Code Ann. § 4-215; Md. Real Property Code Ann. § 14-121.1) and the Advisory Council on Historic Preservation's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (see Attachments 1-3)

At all times, human remains must be treated with the utmost dignity and respect. Once exposed or identified as possible human skeletal elements, the remains must not be removed or further impacted until all appropriate consulting parties are notified and a resolution has been agreed upon through consultation.

The following protocols are recommended by Delaware's Division of Historical and Cultural Affairs (DHCA) and the Maryland Historical Trust (MHT) if human remains are encountered:

1. Work in the general area of the discovery will stop immediately and the Archaeological/Tribal Monitor(s) will secure the vicinity of the finds to protect them from further damage and disturbance. Workers will not disturb the suspected remains and will not attempt to expose any more of the area around the suspected remains. The remains will be left in place as they were initially encountered. No photographs or digital recordings are to be taken of the remains by any unapproved project personnel.
2. The Archaeological/Tribal Monitors will contact US Wind immediately. The US Wind will then contact local law enforcement along with BOEM, BSEE, and other consulting parties, as necessary. The Medical Examiner and/or local law enforcement will assess whether the remains are human and represent an accident, crime scene, or other instance that would put the remains under their jurisdiction.
3. If the remains are determined to be archaeological, the Consulting Archaeologist and/or an archaeologist with the DHCA or MHT will conduct a site visit within 24 hours of notification of the discovery to determine an approximate time period for the deposition of the remains. If the remains must be removed for safekeeping and were discovered in Delaware, they will be transported by the DHCA to the division's curation facility until a re-interment plan has been made. In Maryland, the MHT will consult with US Wind, BOEM, and BSEE regarding the temporary disposition of remains.
    - If the remains are determined to likely be Native American:

        - US Wind, BOEM, BSEE, and the appropriate SHPO will consult with the THPO(s) regarding a plan of action that is consistent with Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
    - If DHCA/MHT conclude that the remains are from the historic period:
        - US Wind, BOEM, and BSEE will consult with appropriate SHPO develop a plan of action for the remains.
4. The results of the consultation will be made in writing and, if left in place following the initial discovery, the remains will not be removed until the consultation process has been completed. Work in the vicinity of the discovery will not resume until the construction crews are given explicit notice to do so.

Note: a permit is required to conduct any archaeological excavations (including of human remains) on Delaware (7 Del. Code § 5308) and Maryland (Md. State Finance and Procurement Code § 5A-342) state lands. A permit may be required for exhumation, transport, or reburial of human remains in Delaware (16 Del. Code § 3151 to 3156) and Maryland (Md. Health-General Code Ann. § 4-215).

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TBA

Attachments

Attachment 1 – Delaware Unmarked Burial and Human Remains Act (Title7, Part VI Chapter 54)

Attachment 2 – Maryland Burial Laws (compiled by MHT)

Attachment 3 – Advisory Council on Historic Preservation Policy Statement on Burial Sites, Human Remains, and Funerary Objects (June 30, 2023)

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ATTACHMENT 6 – US WIND/MARYLAND WIND ARCHAEOLOGICAL HISTORIC PROPERTY PROTECTION PLAN

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ATTACHMENT 7 - US WIND/MARYLAND WIND MARINE POST REVIEW DISCOVERY PLAN

AUGUST 31, 2023

PLANS AND PROCEDURES ADDRESSING UNANTICIPATED DISCOVERIES OF CULTURAL RESOURCES AND HUMAN REMAINS, IN SUPPORT OF THE MARYLAND OFFSHORE WIND PROJECT LOCATED ON THE OUTER CONTINENTAL SHELF LEASE OCS-A 0490 AND OFFSHORE MARYLAND AND DELAWARE

FEDERAL AND STATE WATERS

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Plans And Procedures Addressing
Unanticipated Discoveries of Cultural Resources and Human Remains,
In Support of The Maryland Offshore Wind Project Located on The Outer Continental Shelf Lease OCS-A 0490
And Offshore Maryland and Delaware

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TABLE OF CONTENTS

1.0 INTRODUCTION

US Wind, Inc., (US Wind) is majority owned by Renexia, a leader in renewable energy development in Italy and a subsidiary of Toto Holding S.p.A. The US Wind Maryland Offshore Wind Project (Project) is located in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Maryland (Lease No. OCS-A-0490 [Lease Area]), by the merge of Lease Areas OCS-A 0489 and the Lease Area OCS-A 0490, with the retaining lease OCS-A 0490. The merged Lease Area was granted to US Wind by the Bureau of Ocean Energy Management (BOEM) on January 10, 2018. The Lease Area covers approximately 32,256 hectares (ha) (79,706.31 acres [ac]) off the Maryland coastline. The OECC will connect the Lease Area to inshore locations through Indian River Bay south of Indian River Inlet at 3R's Beach and Tower Road, Delaware.

From 2021 to 2023, US Wind conducted high resolution geophysical (HRG) and geotechnical survey campaigns to inform the Project. The HRG surveys applied a remote sensing array consisting of multi-channel ultrahigh-resolution seismic, single-channel ultra-high-resolution seismic, multi-beam echo sounder, side scan sonar, magnetometer (transverse gradiometer configuration), and sub-bottom profiler during surveys. R. Christopher Goodwin & Associates Inc. (RCG&A) serving as the Qualified Marine Archaeologist (QMA) on the Project conducted an analyses and interpretation of the HRG and geotechnical datasets, which were integrated into the Marine Archaeological Resources Assessment (MARA) report.

The QMA identified 14 potential cultural resources (targets) within the Project Preliminary Area of Potential Effects: 13 targets are located in the Lease Area, and 1 target is in the Offshore Export Cable Corridor (OECC) where it intersects the Lease Area; all targets are located within federal waters. These potential cultural resources were recommended for avoidance of any potential impacts. Within the Lease Area, 14 buried Ancient Submerged Landforms (ASLFs) were identified from the HRG data sets, geotechnical and geoarchaeological investigations. These features were delineated based on their interpreted spatial extent and recommendations for avoidance incorporated larger areas beyond their mapped spatial extents. No paleolandscape features were identified within the OECC state waters.

Four (4) targets were identified within the OECC in state waters; however, all four of these targets were located outside of the Project PAPE. These potential cultural resources were recommended for avoidance in order to mitigate any inadvertent impacts. Within the state waters project area, there were no ASLFs identified with the potential to contain intact cultural resources.

US Wind recognizes that although there has been intensive background research and HRG and geotechnical surveys, there is still potential to encounter submerged cultural resources, including shipwrecks and archaeological sites, during Project construction or other bottom-disturbing activities. Consequently, this Unanticipated Discoveries Plan (UDP) is prepared in support of the Project.

To minimize the potential for the unanticipated discovery of cultural resources, a systematic review of remote sensing data was conducted for the Project. This UDP has been developed to support US Wind in its compliance with 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 (NAGPRA); the Guidelines for Providing Geophysical, Geotechnical, and Geohazard Information Pursuant to 30 CFR Part 585 (May 27, 2020); Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585 (May 27, 2020), as set forth by BOEM. The Section 106 process was coordinated at the state level by the Delaware Division of Historical and Cultural Affairs (DHCA), which serves as the State Historic Preservation Office (SHPO).

2.0 POTENTIALLY SIGNIFICANT CULTURAL RESOURCES

The archaeological potential to discover precontact period resources within the Lease Area is considered high, due to the rapid sea level rise between 16,000 and 12,000 calibrated Before Present (cal BP). This period is well within the Paleoindian and Early Archaic cultural periods, when the first human occupants of the region could have settled along this coastal plain environment. Rapid sea level rise also occurred sometime between 10,000 and 8,000 cal BP, which again increased the probability for coastal occupations from the early Holocene to have been preserved. The preservation potential for the precontact period is lower along the OECC due to a slower rate of submergence and intertidal, shoreface conditions, which would have led to a greater degree of erosion and effected any potential archaeological deposits. The abundance of maritime activity in this region can be correlated to a high potential for post-contact period maritime cultural resources.

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

- Precontact shell middens;
- Lithics (projectile points, stone tools) and ceramic artifacts;
- Human remains;
- Animal bone;
- 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 or any other armaments;

- Debris comprised of ship rigging, gear and fittings;
- Groups of anchors or other objects that indicate the presence of a shipwreck.

3.0 ARCHAEOLOGICAL RESOURCE IDENTIFICATION/TRAINING

The identification of cultural resources requires basic training in order to recognize potential archaeological resources. A one-day training session will be provided by the QMA for resident engineers and contractor field supervisors prior to the implementation of the Project. The purpose of this training will be to review federal and state regulations concerning archaeological resource compliance and to provide an overview of the Project-specific resources so that both US Wind and contract personnel will be aware of the kinds of unanticipated archaeological resources that may be encountered in the field and how to deal with them. The training program will present the procedures to be followed 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 archaeological survey program that has been performed for the Project and are fully informed on the resources and the avoidance areas that have previously been demarcated for Project implementation activities. New discoveries which would constitute unanticipated finds during the Project implementation process are the subject of this UDP.

4.0 PROCEDURES FOR THE DISCOVERY OF A POTENTIAL CULTURAL RESOURCE

US Wind's designated Project Representatives have the responsibility to monitor construction sites for potential cultural resources throughout construction. The QMA will inspect the discovery and provide a verbal or written notification within 24-hours of suspected discovery. The UDP includes a stop-work order and requires coordination with the Project, the QMA, BOEM, Bureau of Safety and Environmental Enforcement (BSEE), Tribes, and relevant stakeholders on the manner to proceed.

When a potential cultural resource is encountered during construction and/or bottom disturbing activities, the following steps should be taken:

- Consistent with OCS-A-0490 Lease stipulation 4.2.7.1, 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 that identifies an unanticipated find will immediately notify US Wind or US Wind's designated on-vessel representative of the discovery.
- US Wind will issue an order to stop work within a safe distance of the discovery pending its identification as a potential historic property or non-historic property, as determined by the QMA.

- US Wind will notify BOEM and BSEE of the discovery of a potential submerged cultural resource within 24 hours of such discovery (OCS-A-0490 Lease stipulation 4.2.7.2). US Wind will also notify DHCA and the Tribal Historic Preservation Offices (THPOs) or other designated representatives of federally and state recognized Native American Tribes (Section 7). US Wind will immediately notify the QMA concerning the potential find(s). The QMA will initiate an assessment of the find's potential to qualify as a historic property in accordance to the National Register of Historic Places (NRHP) criteria. 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 US Wind of their preliminary determination.
- If upon further consideration of available information, the QMA determines that the find (i.e., site, feature, or potential cultural resource) is not cultural or not associated with a potential historic property, US Wind's on-site representative will be notified that the find is not a potential historic property.
- If the QMA determines that the find is associated with a potential historic property, the QMA will notify US Wind and work may not resume at the given location until the field/construction crew is notified accordingly in writing by US Wind.

For Discoveries in Federal Waters

- In accordance with OCS-A-0490 Lease stipulation 4.2.7.3, within 72 hours of the discovery of a potential submerged cultural resource, the QMA will prepare, and US 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 NRHP. US Wind and the QMA will consult, as feasible, with BOEM and BSEE during the preparation of the report and preliminary assessment of the resource's potential historic significance.
- If BOEM determines the affected resource is eligible for listing in the NRHP, US 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. US Wind will address any BOEM comments in a revised draft mitigation plan before submitting the document to the Delaware Division of Historical and Cultural Affairs (DHCA) and THPOs. DHCA and the THPOs will provide US Wind and BOEM any comments or suggestions within one week of receipt of the mitigation plan.

- US Wind will respond to all timely comments received 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 US Wind Energy receives written authorization from BOEM. US 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, US Wind may proceed with construction activities in the vicinity of the find upon receipt of BOEM's written authorization.

For Discoveries in Delaware State Waters

- Within 72 hours of the discovery of a potential submerged cultural resource, the QMA will prepare, and US Wind will submit to BOEM and DHCA, a report summarizing the available information regarding the nature and characteristics of the resource and observed attributes relevant to the resource's potential eligibility for listing in the NRHP. US Wind and the QMA will consult, as feasible, with BOEM, BSEE and DHCA during the preparation of the report and preliminary assessment of the resource's significance.
- If BOEM, in consultation with DHCA, determines the affected resource is eligible for listing in the NRHP, US Wind will prepare a mitigation plan and submit that plan to BOEM and DHCA. The mitigation plan will prioritize avoidance and minimization measures to the extent practicable based on the specific location and circumstances of the discovery. US Wind will address any BOEM comments in a revised draft mitigation plan before submitting the document to the DHCA and THPOs. The DHCA and THPOs will provide US Wind and BOEM any comments or suggestions within one week of receipt of the mitigation plan.
- US Wind will respond to all timely comments on the mitigation plan in preparing the final mitigation plan for submittal to BOEM and DHCA. Work in the vicinity of the discovery may not resume until US Wind receives written authorization from BOEM. US 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, US Wind may proceed with construction activities in the vicinity of the find upon receipt of BOEM's written authorization and DHCA's written approval of the final mitigation plan.
- The location of any unanticipated discovery will be kept confidential, and the findings will be reported within the MARA, which will be attached to the Construction and Operations Plan and submitted to the relevant federal and state agencies.

5.0 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 located in federal or Delaware 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*, should be followed.

- All work in the proximity 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 may include keeping the remains submerged in an onboard tank of sea water or other appropriate material.
- The designated Project Representative will immediately notify US Wind of the discovery of potential human remains. US Wind will immediately notify BOEM, BSEE and the QMA of the discovery.
- 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, state, and local officials.
- 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, DHCA, and THPOs. 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 US Wind. US Wind will not proceed with construction activities in the vicinity of the discovery until it has received written authorization from BOEM.

For Discoveries in Delaware State Waters

In the event human remains are encountered during Project construction activities, DHCA recommends implementing the following protocol. DHCA provides information pertaining to the discovery and protection of unmarked burials and human remains in Delaware Code Title 7, Conservation, Chapter 54, §5401-5411.

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- 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 archaeological recovery of human remains may require a permit from the Director of the DHCA (§10.1-2305).
- The county coroner/medical examiner, local law enforcement, DHCA, the appropriate Indian Nations, and the involved agency will be notified immediately. The coroner and 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 removal can be generated. Please note that avoidance is the preferred choice of DHCA and the Indian Nations. The involved agency will consult DHCA and appropriate Indian 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 removal can be generated. Please note that avoidance is the preferred choice of DHCA. Consultation with DHCA and other appropriate parties will be required to determine a plan of action.
- Immediate notice regarding the discovery should be made to the appropriate local law enforcement agency, BOEM, BSEE and DHCA.
- Within 24-hours of the notification, DHCA shall notify any Native American Tribe that has indicated interest in the area of the discovery. The local law enforcement officials shall assess the nature and age of the human skeletal remains. If the coroner determines that the human skeletal remains are not a crime scene and are older than 50 years of age, DHCA 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 removed until jurisdiction is established, and the appropriate permits obtained from the Department of the Army.

6.0 GUIDANCE FOR SUPPLEMENTAL ARCHAEOLOGICAL INVESTIGATIONS OF POST-REVIEW DISCOVERIES

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

1. *Review available HRG and geotechnical data in the vicinity of the discovery and determine if supplemental 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 NRHP-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 such time as BOEM provides US Wind written authorization to proceed with construction.
    b. US Wind should assess potential micro-siting of activities to avoid seabed disturbances within the avoidance area. If so, US 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 observations and inspections.

b. May result in BOEM's determination that no further conservation/preservation actions are warranted.

4. NRHP-eligibility evaluation

a. Where feasible, would be supported by archaeological diving investigations.
b. May require intrusive excavations.
c. May require supplemental archival research.
d. Will require consultations among BOEM, BSEE, US Wind, DHCA, 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.

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Sheriff Robert T. Lee
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Georgetown, DE 19947
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Shawnee, OK 74801

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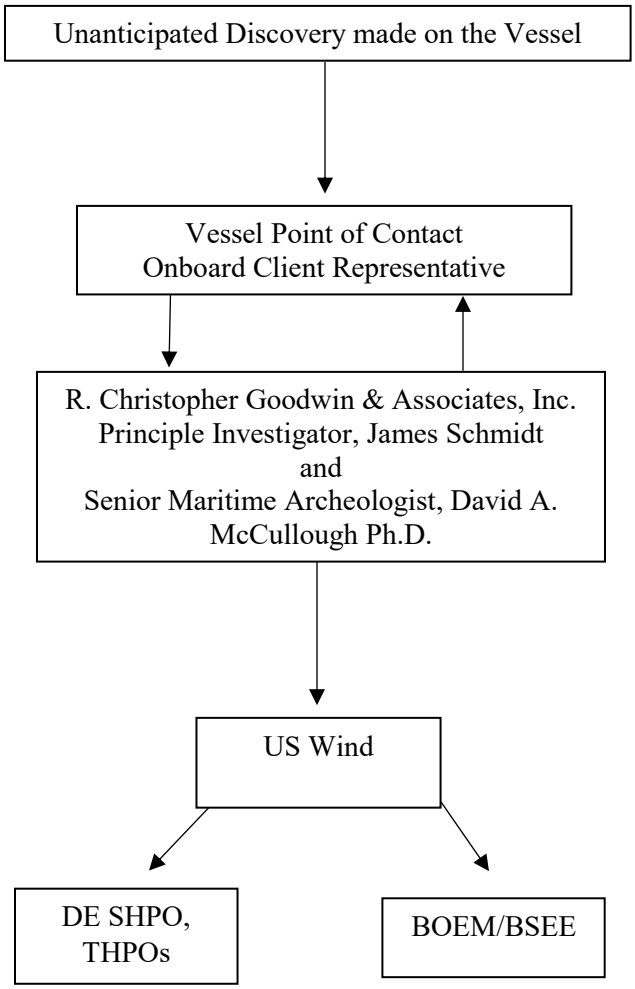
8.0 COMMUNICATIONS AND NOTIFICATIONS PLAN FOR UNANTICIPATED DISCOVERIES



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