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POST-REVIEW DISCOVERIES PLAN
for
NEW ENGLAND POWER COMPANY
BEVERLY REGIONAL TRANSMISSION RELIABILITY PROJECT
N-192 CABLE REPLACEMENT

BEVERLY AND SALEM, MASSACHUSETTS

MHC # RC.65410
PAL # 3523

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September 8, 2021



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1.0 INTRODUCTION

This Post Review Discoveries Plan (PRDP) sets forth the measures that will be implemented to provide for the avoidance of project effects on historic properties that may be present in road and railroad right-of-ways (ROW) for the New England Power Company (NEP) Beverly Regional Transmission Reliability Project, N-192 Cable Replacement. The need for a Post-Review Discoveries Plan is because of the proximity and density of recorded pre-contact archaeological sites including human burials in the surrounding project areas. The PRDP will be implemented before, during, and after construction activities for the entire length of the Project.

The cultural resource investigations described in this document are detailed in the following report:

- *Archaeological Reconnaissance Survey, National Grid, Beverly Regional Transmission Reliability Project, N-192 Cable Replacement, Beverly and Salem, Massachusetts – April 2020* (Banister and Cherau 2020).

NEP is proposing to remove the existing N-192 cable and replace it with a new approximately 4.6 mile underground cable system primarily within existing street ROWs in Beverly and Salem. The existing N-192 cable is 3.6 miles long, including a 0.5-mile section of submarine cable within the Danvers River west of the Veterans Memorial (Essex) Bridge and MBTA Commuter Rail bridge (Figure 1). Except for the river crossing, the cable is within ROWs for existing roadways and the MBTA Commuter Railroad Newburyport/Rockport Line. The approximately 13-foot (ft) wide N-192 cable relocation duct bank route will begin at an overhead connection to the B-154S Transmission Line at the proposed Waite Street Substation (at 5 Ferry Street); pass through and connect to the Beverly #12 Substation; and terminate at the East Beverly #51 Substation. The Danvers River crossing will occur via the underside of the Veterans Memorial (Essex) Bridge. Ancillary work will include upgrades to the Beverly 12 and the Beverly East substations and construction of the proposed Waite Street Substation within a 6,780-square ft parcel at the intersection of Waite and Ferry streets in Salem. The new cable route's duct bank and manhole system will be installed within existing roadways, and the river crossing will be installed in an open utility bay within the Veterans Memorial (Essex) Bridge structure. The design plans indicate that the bottom of the new cable duct bank will be approximately 3–15 ft deep and below existing underground utilities.

The Project requires a permit from the USACE and is subject to review under Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR 800. The Project is also subject to review by the Massachusetts Historical Commission (MHC) and the Massachusetts Board of Underwater Archaeological Resources (MBUAR) in accordance with Massachusetts General Law Chapter 9, Sections 26-27C, and the regulations that guide MHC review of state funded, licensed, or permitted projects (950 CMR 71).

2.0 CULTURAL RESOURCE TRAINING

PAL will conduct cultural resource training to NEP managers, contractors, and environmental inspectors prior to the start of any Project construction. Training will include a review of the status and results of the cultural resource investigations, including the location of known cultural resources, the preventive measures described above, the kinds of resources that may be encountered during construction, and basic artifact and archaeological site recognition skills.

The training will describe procedures for communication among all contractors if an unanticipated discovery is made. NEP will ensure that if previously unidentified historic properties are discovered that may be affected by the Project, they will immediately notify the USACE and the MHC. The USACE and

the MHC will consult pursuant to 36 CFR 800.13 and apply the National Register criteria of eligibility (36 CFR 60).

Copies of this PRDP will be delivered at the cultural resource training to all parties responsible for implementing its requirements, including NEP managers, contractors, and environmental inspectors, who, in turn, will be responsible for informing any new personnel to the Project of these requirements.

3.0 POST- REVIEW DISCOVERIES

NEP is committed to the protection and preservation of cultural resources, in accordance with federal and state legislation. NEP recognizes that it is possible that previously unknown cultural resource sites could be discovered during the project construction process, particularly during excavation activities. NEP recognizes the requirement for strict compliance with federal and state regulations and guidelines regarding the treatment of human remains, if any are discovered. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered during the construction process.

These general procedures have been developed in consultation with the MHC, as well as the federally recognized Mashpee Wampanoag Tribe, the Wampanoag Tribe of Gay Head/Aquinnah (WTGH/A), and Narragansett Indian Tribe (NIT) tribal historic preservation officers (THPOs). The stipulations of the procedures are in accordance with the current federal/state standards/guidelines and laws/regulations set forth below:

3.1 Federal/State Standards/Guidelines and Laws/Regulations

3.1.1 Federal

- Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 306108);
- Secretary of the Interior's Standards for Archeology and Historic Preservation (48 CFR 44716-42); and
- Advisory Council on Historic Preservation (ACHP): *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects*, Advisory Council February 23, 2007).

3.1.2 Massachusetts

- Massachusetts SHPO: *Know How #4 What to do when Human Burials are Uncovered* (no date); and
- Massachusetts SHPO: *Policy and Guidelines for the Disposition of Non-Native Human Remains Which are One Hundred Years Old or Older* (2/4/1990); and
- Massachusetts General Laws, Chapter 38, Sections 6B & 6C; Chapter 9, Sections 26-27C (950 CMR 70-71); Chapter 7, Section 38A; Chapter 114, Section 17; all as amended by Chapter 659 of the Acts of 1983 and Chapter 386 of the Acts of 1989.

3.2 Post-Review Discovery Procedures

3.2.1 Cultural Resources Training

As part of the cultural resource training, PAL will emphasize the types of unanticipated discoveries that could be encountered in the field, including human remains, and the exact procedures to be followed regarding actions to be taken and notification required in the event of a significant site discovery during construction. The training will be designed to ensure that NEP Project personnel and construction contractors understand the extent of the archaeological survey program that has been performed for the Project and are fully aware of the distinction between sites that have been located or "cleared" under the cultural resource program and new discoveries during the construction process.

3.2.2 Notification Procedures

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

- 3.2.2.1 The Contractor will immediately notify the NEP Project Manager of a post-review discovery.
- 3.2.2.2 The Project Manager will direct a *Stop Work* order to the Contractor's Site Foreman to flag or fence off the archaeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend or overnight hours will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Project Manager has granted clearance.
- 3.2.2.3 The Project Manager will indicate the location and date of the discovery on the project plans and will notify the PAL project manager (Gregory Dubell) and principal investigator (Suzanne Cherau) who will undertake a site visit or otherwise coordinate an on-site archaeological consultation to conduct a preliminary assessment of the find to determine if it is a potentially significant archaeological site.
- 3.2.2.4 If the find is determined by the PAL project manager to not be a potentially significant archaeological site, the Project Manager will notify the Contractor's Work Foreman to resume work.
- 3.2.2.5 If the PAL project manager determines the find is a potentially significant archaeological site, NEP will immediately notify USACE and MHC of the find; notifications will be made by NEP within 4-hours. Mitigation plans should only be considered for development and implementation after all prudent and feasible alternatives for site avoidance and protection have been considered in consultation.
- 3.2.2.6 In the case of submerged cultural resources, NEP will inform MBUAR in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.
- 3.2.2.7 NEP will direct the PAL project manager to begin a more detailed assessment of the find's significance and the potential project effects. The PAL project manager will dispatch an archaeological team to the site to determine the nature and extent of the archaeological deposits; NEP and the PAL project manager will ensure that the team has full access to the required site

area and be accommodated by the Contractor to complete this investigation in the most expeditious manner possible.

- 3.2.2.8 The PAL project manager will notify NEP and USACE of the team's findings and recommendations, whether the finds are assessed not to be significant and request approval for construction to proceed or describe a proposed scope of work for evaluating the significance of the find and evaluating project effects.
- 3.2.2.9 The PAL project manager will convey this information to the MHC, as well as to the THPOs, at the discretion of the NEP and PAL project managers and either of the SHPOs, a meeting may be held to discuss options and recommendations. Mitigation plans should only be considered for development and implementation after all prudent and feasible alternatives for site avoidance and protection have been considered in consultation.
- 3.2.2.10 If the resource is determined to be a significant archaeological resource and it is threatened by further project development, the PAL project manager, in consultation with USACE, MHC, the THPOs, and relevant consulting parties, will develop a site mitigation plan.
- 3.2.2.11 Upon direction by USACE and the MHC, and NEP, the PAL project manager will implement the archaeological mitigation plan.
- 3.2.2.12 A meeting or site visit may be held with USACE, NEP, MHC, THPOs, the PAL project manager, and other appropriate parties once the field investigation for site mitigation has been completed to review the work accomplished.
- 3.2.2.13 Duration of any work stoppages will be contingent upon the significance of the identified archaeological resource(s) and consultation with USACE, NEP, MHC, THPOs, the PAL project manager, and other appropriate parties to determine the appropriate measures to avoid, minimize, or mitigate any adverse effects to the site.

3.3 Post-Review Discovery of Human Remains Procedures

These procedures are specifically designed for circumstances where human remains are encountered during the construction of the Project.

NEP and its contractors will treat any human remains encountered during the Project in a manner guided by the policy statement adopted by the ACHP: see *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects*, Advisory Council February 23, 2007), and by the relevant state laws and guidelines. The ACHP policy statement recommends that, when burial sites, human remains, or funerary objects will be or are likely to be encountered in the course of Section 106 review, a federal agency should adhere to the following principles:

Principle 1: Participants in the Section 106 process should treat all burial sites, human remains, and funerary objects with dignity and respect.

Principle 2: Only through consultation, which is the early and meaningful exchange of information, can a federal agency make an informed and defensible decision about the treatment of burial sites, human remains, and funerary objects.

Principle 3: Native Americans are descendants of original occupants of this country. Accordingly, in making decisions, federal agencies should be informed by and utilize the special expertise of Indian tribes and Native Hawaiian organizations in the documentation and treatment of their ancestors.

Principle 4: Burial sites, human remains, and funerary objects should not be knowingly disturbed unless absolutely necessary, and only after the federal agency has consulted and fully considered avoidance of impact and whether it is feasible to preserve them in place.

Principle 5: When human remains or funerary objects must be disinterred, they should be removed carefully, respectfully, and in a manner developed in consultation.

Principle 6: The federal agency is ultimately responsible for making decisions regarding avoidance of impact to or treatment of burial sites, human remains, and funerary objects. In reaching its decisions, the federal agency must comply with applicable federal, tribal, state, or local laws.

Principle 7: Through consultation, federal agencies should develop and implement plans for the treatment of burial sites, human remains, and funerary objects that may be encountered.

Principle 8: In cases where the disposition of human remains and funerary objects is not legally prescribed, federal agencies should proceed following a hierarchy that begins with the rights of lineal descendants, and if none, then the descendant community, which may include Indian tribes and Native Hawaiian organizations.

NEP and its contractors will use the following procedures in the event that human remains are discovered during construction of the Project:

- 3.3.1 The Contractor will immediately notify the NEP Project Manager of a post-review discovery.
- 3.3.2 The Project Manager will direct a *Stop Work* order to the Contractor's Site Foreman to flag or fence off the archaeological discovery location and direct the Contractor to take measures to ensure site security. Any discovery made on a weekend or overnight hours will be protected until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Project Manager has granted clearance.
- 3.3.3 The Chief Inspector will indicate the location and date of the discovery on the project plans and notify NEP and the USACE.
- 3.3.4 At all times human remains must be treated with the utmost dignity and respect. Human remains and/or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- 3.3.5 NEP will immediately notify USACE and the MHC of the find, as well as the PAL project manager, the THPOs, the MA Commission on Indian Affairs, the local police, and the Medical Examiner's Office.
- 3.3.6 In the case of submerged human remains, NEP will inform MBUAR in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

- 3.3.7** NEP will provide an opportunity for local law enforcement and, if necessary, a representative of the Medical Examiner's Office, to visit and inspect the site to determine whether the site constitutes a crime scene.
- 3.3.8** If it is declared a criminal matter, the PAL project manager will have no further involvement and the decision to declare it a *Cleared Site* for construction will be made by the appropriate legal authorities.
- 3.3.9** If the find is determined not to be a criminal matter, NEP will comprehensively evaluate the potential to avoid and/or minimize the Project's effects to the human remains. If no feasible avoidance plan can be developed to allow the human remains to stay in place, NEP and the PAL project manager will develop a site-specific disinterment/re-interment plan.
- 3.3.9.1** If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a site-specific work plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the MHC and Indian Nations. The PAL project manager will contact MHC, MA Commission on Indian Affairs, and THPOs to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance and the Massachusetts Unmarked Burial Law.
- 3.3.9.2** If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a site-specific work plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the MHC. Consultation with the MHC and other appropriate parties will be required to determine a plan of action.
- 3.3.9.3** If the remains are non-Native American and are suspected of being one hundred years old or more, the state archaeologist shall determine whether a skeletal analysis of the remains shall be conducted. If the state archaeologist determines that such analysis shall be made after the completion of the said analysis, the state archaeologist shall determine whether the remains shall be deposited in a curatorial facility or reinterred in accordance with the provisions of section forty-three M of chapter one hundred and fourteen. It shall be the responsibility of the person, whose proposed action necessitates the removal of skeletal remains, to conduct and bear the financial costs of said skeletal analysis and reinterment.
- 3.3.10** Provisions must be made to secure any area containing, or suspected of containing, human remains from unauthorized entry to the site.

4.0 MEDICAL EXAMINER AND POLICE CONTACTS

FEDERAL AGENCY CONTACTS

US Army Corps of Engineers

New England District
696 Virginia Road
Concord Massachusetts 01742-2751

Contact: Michael S. Wierbonics
Tel: (978) 318-8723
Email: Michael.s.wierbonics@usace.army.mil

MEDICAL EXAMINER AND POLICE CONTACTS

Massachusetts

Massachusetts Office of the Chief Medical Examiner

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

State Police

Appropriate State Police Barracks

Contact: Tel: 911

STATE HISTORIC PRESERVATION OFFICE CONTACTS

Massachusetts Historical Commission

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125
Contact: Brona Simon, State Archaeologist and SHPO
Tel: (617) 727-8470
Jonathan Patton, Archaeologist/Preservation Planner
Tel: (617) 727-8470
Email: jonathan.patton2@state.ma.us

Massachusetts Board of Underwater Archaeological Resources

Massachusetts Board of Underwater Archaeological Resources
251 Causeway Street, Suite 800
Boston, Massachusetts 02114
Contact: David Robinson, Director
Tel: (617) 626-1014
Email: david.s.robinson@mass.gov

STATE/CITY AGENCY CONTACTS

Massachusetts Commission on Indian Affairs

100 Cambridge Street, Suite 300
Boston, Massachusetts 02114

Contact: John A. Peters, Jr., Executive Director
Tel: (617) 573-1292

FEDERALLY RECOGNIZED TRIBAL CONTACTS

Mashpee Wampanoag Indian Tribe

483 Great Neck Road South
Mashpee, Massachusetts 02649

Contact:
David Weeden, Tribal Historic Preservation Officer
Tel: (508) 447-0208, ext. 102
Email: dweeden@mwtribe.com

Wampanoag Tribe of Gay Head/Aquinnah

20 Black Brook Road
Aquinnah, Massachusetts 02535

Contact: Bettina M. Washington, Tribal Historic Preservation Officer
Tel: (508) 645-9265, ext. 175
Email: bettina@wampanoagtribe.net

Narragansett Indian Tribe

Narragansett Indian Longhouse
4425D South County Trail
Charlestown, Rhode Island 02813

Contact: John Brown, III, Tribal Historic Preservation Officer
Tel: (401) 539-1190
Email: jb@nithpo.com

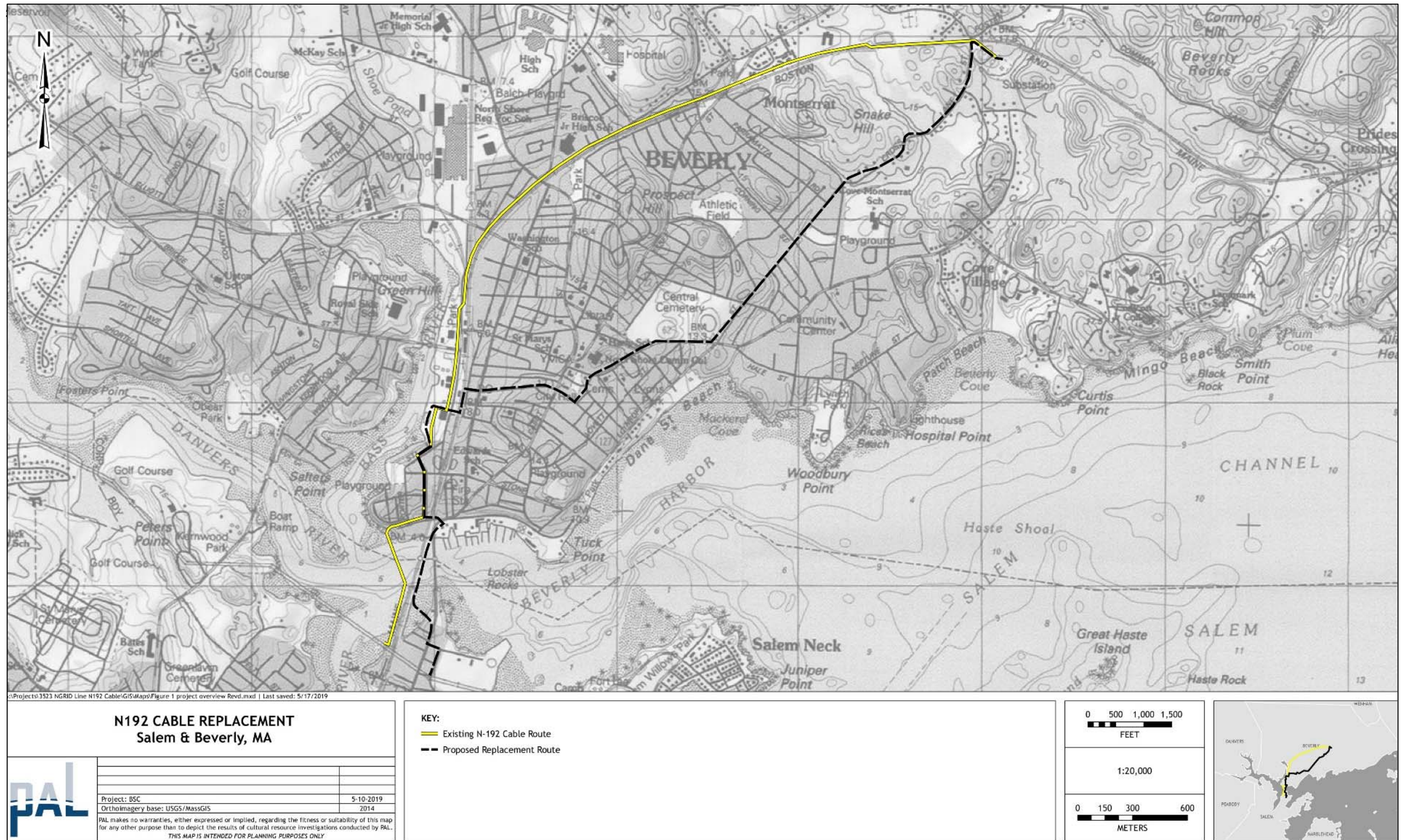


Figure 1. Location of the Beverly Regional Transmission Reliability Project, N-192 Cable Replacement APE on the Salem and Marblehead North, MA, USGS topographic quadrangle, 7.5-minute series.