

MVP Southgate Amendment Project

Docket No. CP25-60-000

Resource Report 1

Updated Appendix 1-G

**Plan for Unanticipated Discovery of Historic Properties and
Human Remains**



MVP Southgate Amendment Project

Plan for Unanticipated Discoveries of Historic Properties and Human Remains

Revised March 2025

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1.0 INTRODUCTION

On June 18, 2020, in Docket No. CP19-14-000, the Federal Energy Regulatory Commission (“FERC” or “Commission”) issued a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to Mountain Valley Pipeline, LLC (“Mountain Valley”) authorizing Mountain Valley to construct and operate the MVP Southgate Project (or “Original Certificated Project”). A Final Environmental Impact Statement (“FEIS”) was issued by FERC on February 14, 2020.

In December 2023, Mountain Valley submitted an update on the status of the Original Certificated Project, indicating that it had entered into precedent agreements for a redesigned pipeline route. Mountain Valley is currently seeking to amend the MVP Southgate Project (“Amendment Project”) by truncating the Original Certificated Project to approximately 31.3 miles, incorporating certain route deviations, increasing the diameter of the pipeline, removing the Lambert Compressor Station, and modifying the proposed interconnects. The Amendment Project facilities will be located in Pittsylvania County, Virginia, and Rockingham County, North Carolina.

Mountain Valley recognizes that, despite the extensive archaeological field investigations that are conducted prior to Amendment Project construction, it is possible that potentially significant cultural resources could be discovered during construction, especially during excavation activities. Mountain Valley recognizes its role to protect and preserve cultural resources that may be found during construction in accordance with federal and state regulations. Cultural resources in this context are defined as archaeological sites, objects, and features and include human remains and associated or unassociated funerary objects.

This *Plan for Unanticipated Discoveries of Historic Properties and Human Remains* (“Plan”) was developed on behalf of Mountain Valley and in consultation with the Virginia Department of Historic Resources (“VDHR”) and the North Carolina Historic Preservation Office (“NC HPO”), which represent the State Historic Preservation Officers (“SHPOs”) in Virginia and North Carolina, respectively. This Plan summarizes the approach Mountain Valley will follow to address the discovery of archaeological finds or human remains during construction activities within the Amendment Project’s Area of Potential Effects (“APE”).

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

The stipulations of the Plan, as set forth below, are in accordance with the current guidelines detailed in the following federal and state guidelines, regulations, and legislation:

2.1 FEDERAL

- Section 106 of the *National Historic Preservation Act* (“NHPA”), as amended (54 United States Code (“USC”) 306101 et seq.)
- Secretary of the Interior’s *Standards for Archeology and Historic Preservation* (48 FR 44716-42)
- Advisory Council for Historic Preservation’s (“ACHP’s”): *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (ACHP February 23, 2007)

- Federal Energy Regulatory Commission’s (“FERC”) Office of Pipeline Regulations *Guidelines for Reporting on Cultural Resources Investigations for Natural Gas Projects* (FERC 2017);

2.2 VIRGINIA

- VDHR’s *Guidelines for Conducting Historic Resources Survey in Virginia* (2017)
- Virginia Antiquities Act, (§ 10.1-2305 Code of Virginia), “Permit required for the archaeological excavation of human remains;”

2.3 NORTH CAROLINA

- North Carolina Office of State Archaeology’s (“OSA’s”) *Archaeological Investigations Standards and Guidelines* (OSA December 2017)
- North Carolina General Statute 70-3, *The Unmarked Human Burial and Skeletal Remains Protection Act*.

3.0 CONSULTATION WITH SHPOS AND NATIVE AMERICAN TRIBES

Mountain Valley initiated consultation with VDHR and NC HPO for the Original Certificated Project on April 27, 2018. Consultation was reinitiated for the Amendment Project in July 2024. Mountain Valley, on behalf of the FERC, previously contacted (via email, phone calls, and meetings) federally recognized Native American groups to provide them the opportunity to identify concerns related to the Original Certificated Project. A revised letter regarding the amended route and other changes was sent to those groups associated with the Amendment Project on July 31, 2024. Contact information for the VDHR, NC HPO, and the tribes is included in Section 5.0 of this Plan. In the event that cultural resources and/or human remains are encountered during construction, Mountain Valley will notify the VDHR or NC HPO (as applicable), those tribes that have asked to be consulted in the event of a discovery (“Interested Tribes”), any other consulting parties for the Amendment Project (potentially including non-federally recognized tribes or other organizations), and/or law enforcement, as outlined below.

4.0 UNANTICIPATED DISCOVERY PROTOCOL

4.1 CULTURAL RESOURCES TRAINING

Mountain Valley requires that its employees and contractors have a basic understanding of the nature of cultural resources, and all Amendment Project inspectors and construction contractor personnel will be given basic training in cultural resource site recognition prior to beginning work on the Amendment Project.

The cultural resource training will review Mountain Valley’s commitments regarding cultural resources compliance and provide examples of the types of cultural resources that may be encountered during construction. In addition, the training program will emphasize the exact procedures to be followed, as outlined in this Plan, regarding actions to be taken and notifications required in the event of a significant site discovery or a discovery of human remains or funerary objects during construction.

The training will ensure that Mountain Valley personnel and construction contractors understand the extent of the archaeological survey program that has been performed for the Original Certificated Project and the Amendment Project and are fully aware of the distinction between sites that have been located and “cleared”

under the cultural resource program (i.e., sites that have been determined to be non-significant after different levels of investigation or have already undergone data recovery excavations) and new discoveries that may be made during the construction process.

4.2 NOTIFICATION AND ASSESSMENT PROCEDURES (NOT INVOLVING HUMAN REMAINS OR FUNERARY OBJECTS)

The following steps will be followed in the event an unanticipated discovery of artifacts or other indications of a cultural resource (not involving human remains or funerary objects) is made during Amendment Project construction:

- (1) The Contractor or relevant party will immediately notify the Lead Environmental Inspector (“EI”) (or Chief Inspector, if the Lead EI is not immediately available) of an unanticipated discovery.
- (2) The Lead EI or Chief Inspector will direct a *Stop Task Order* to the Contractor’s Site Foreman to ensure that the activity within 100 feet of the unanticipated discovery ceases and will instruct the Contractor to flag or fence off the discovery location and buffer and take any necessary measures to ensure site security. Any unanticipated discovery made on a weekend or overnight hours will be protected with security fencing until all appropriate parties are notified of the discovery. The Contractor will not restart work in the area of the find until the Chief Inspector has agreed in writing that work can resume.
- (3) The Lead EI will inform the Amendment Project Archaeologist (“PA”) of the discovery. If the PA determines that the location is not an archaeological site or determines that the find is a previously known and cleared archaeological resource and that the find would not alter the current understanding of the resource, the PA will report that documentation to the Lead EI. The Lead EI will document that determination and notify the Chief Inspector to resume work.
- (4) If the PA determines that the find is not a previously known and cleared resource or potentially represents information that would alter the current understanding of a previously known and cleared archaeological resource, they will notify Mountain Valley. If the find is not determined insignificant by the PA within 24 hours of notification, the PA will conduct a preliminary field assessment of the discovery to determine if it is potentially a significant archaeological site.
- (5) If, based on that inspection or further review, the PA determines that the discovery is an isolated find or otherwise not a potentially significant archaeological site (e.g., lacks the type of archaeological features, intact contacts, or patterned artifact distributions that could provide substantive information concerning prehistory or history), the PA will document that determination and report the determination to the Lead EI. The Lead EI will then notify the Chief Inspector to resume work.
- (6) If the PA determines that the find is a newly identified and potentially significant archaeological site or represents information that would alter the current understanding of a previously known and cleared archaeological resource, the PA will inform Mountain Valley, the Lead EI, and the Chief Inspector of that determination.
 - a. Within 24 hours of that determination, Mountain Valley will notify the FERC, the relevant SHPO, and the Interested Tribes of the determination.

- b. Following notification of the FERC, the relevant SHPO, and the Interested Tribes, the PA will evaluate the discovery and assess its horizontal and vertical extent, cultural association(s), and integrity. If the find appears to be significant, the PA will also evaluate potential strategies (i.e., the installation of protective fencing or matting) that would allow the passage of construction equipment through the discovery area pending treatment of the resource. Apart from the potential installation of matting or other protective measures, further ground-disturbing activities within the flagged or fenced-off discovery location will not resume until authorized by the FERC.
- c. The PA will inform Mountain Valley, the Lead EI, the Chief Inspector, the FERC, the relevant SHPO, and the Interested Tribes of the findings and recommendations regarding site significance and, if necessary, the implementation of protective measures. If the FERC, in consultation with the SHPO and Interested Tribes, determines that the find is not eligible for the NRHP, the Chief Inspector will grant clearance for construction to resume. If the FERC determines that the find is eligible for the NRHP, the PA or their designee will develop an archaeological treatment plan that will be submitted to the FERC, the relevant SHPO, and Interested Tribes (if appropriate) for review and comment.
- d. Upon authorization by the FERC, Mountain Valley will implement the treatment plan.
- e. At the conclusion of archaeological fieldwork, a meeting or site visit may be held with the FERC, Mountain Valley, the relevant SHPO, and the Interested Tribes to review the results of the work accomplished.
- f. Upon receiving written acceptance of the results of the implemented treatment from the FERC, the Lead EI and Chief Inspector will grant clearance to the construction team to resume ground-disturbing activities within the discovery area.

4.3 NOTIFICATION AND TREATMENT PROCEDURES (HUMAN REMAINS OR FUNERARY OBJECTS)

Mountain Valley will treat any human remains encountered during the Amendment Project in a manner guided by the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and by the relevant state laws and guidelines. In particular, human remains must be treated with the utmost dignity and respect at all times. Human remains and/or associated artifacts (including grave markers, coffin hardware, or funerary objects) will be left in place and not disturbed, and no unnecessary photographs will be taken. 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. All personnel involved with the discovery will maintain confidentiality concerning the remains, and any press contacts will be referred to appropriate Mountain Valley or agency personnel.

The following measures will be taken in the event an unanticipated discovery of potential or confirmed human remains or funerary objects is made during Amendment Project construction.

- (1) The Contractor will immediately notify the Lead EI (or Chief Inspector if the Lead EI is not immediately available) of the discovery.

- (2) The Lead EI or Chief Inspector will direct a *Stop Task Order* to the Contractor's Site Foreman to ensure that work within 100 feet of the discovery ceases. The Lead EI or Chief Inspector will instruct the Contractor to flag or fence off the discovery location and buffer and take any necessary measures to ensure site security. Work will not resume in the area of the find until the Chief Inspector grants clearance to recommence work (see below).
- (3) All human remains and/or funerary items will be left in place, treated with dignity and respect, and protected from the elements. All efforts will be made to prevent the general public from viewing any gravesites and/or funerary objects.
- (4) The Lead EI will contact Mountain Valley and the PA on the day of the discovery, and the PA will examine the discovery within 24 hours of notification. If the PA determines that the finds are human remains or funerary items, the PA will immediately notify Mountain Valley.
- (5) For finds in Virginia, Mountain Valley will immediately notify the FERC, the landowner, and the VDHR of the find, as well as the Virginia State Police.
- (6) For finds in North Carolina, Mountain Valley will immediately notify the FERC, the landowner, the County Medical Examiner, and the North Carolina State Archaeologist, who shall conduct notifications per North Carolina General Statute 70-3, *The Unmarked Human Burial and Skeletal Remains Protection Act*.
- (7) If, upon inspection by the appropriate legal authorities, the remains are determined to be a criminal matter and not archaeological, Mountain Valley will await clearance by the appropriate legal authorities before resuming construction.
- (8) If the find is determined not to be a criminal matter, Mountain Valley will comprehensively evaluate the potential to avoid and/or minimize the Amendment Project's effects to the human remains.
 - a. If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance with security fencing and, if necessary, a security guard until a site-specific work plan for their avoidance or, if necessary, their removal can be generated. Note that avoidance is the preferred choice of the SHPOs and Tribes. Mountain Valley will assist the FERC, the appropriate SHPO, and the Interested Tribes in their consultation to develop a plan of action.
 - b. If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance with security fencing and, if necessary, a security guard until a site-specific work plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPOs. Consultation with the SHPO and other appropriate parties, in accordance with Virginia or North Carolina state law, will be required to determine a treatment plan.
 - c. In Virginia, if human skeletal remains must be removed, Mountain Valley will obtain a Permit for *Archaeological Removal of Human Burials* from the VDHR, and consultation will be conducted with Interested Tribes and lineal descendants, as appropriate. In North Carolina, any removal of human remains would be done in accordance with *The Unmarked Human Burial and Skeletal Remains Protection Act*

and other relevant state statutes and through consultation with the NC HPO, Interested Tribes, and lineal descendants, as appropriate.

- d. Mountain Valley will be responsible for all costs associated with the discovery, evaluation, agency consultation, excavation, investigation and study, disinterment, repatriation, re-interment, reporting, and curation of any human remains and associated funerary items encountered during Amendment Project construction.
- e. Amendment Project construction may resume within the flagged or fenced-off discovery location only after successful implementation of the treatment plan and after Mountain Valley receives written approval from the FERC, the relevant SHPO, and the Interested Tribes.

5.0 CONTACTS

Federal Agency Contact	
<p>Federal Energy Regulatory Commission Allison King Office of Energy Projects 888 First Street, NE Washington, D.C. 20426 Tel: 202-502-8847 Email: allison.king@ferc.gov</p>	
State Historic Preservation Office Contacts	
Virginia	
<p>Virginia Department of Historic Resources Samantha Henderson, Director Division of Review and Compliance 2801 Kensington Avenue, Richmond, VA 23221 Tel: 804-482-6088 Email: samantha.henderson@dhr.virginia.gov</p>	
North Carolina	
<p>North Carolina Historic Preservation Office Ms. Renee Gledhill-Earley Environmental Review Coordinator 109 E. Jones Street, Raleigh, NC 27601 Tel: 919-814-6579 Email: renee.gledhill-earley@ncdcr.gov</p>	<p>North Carolina Office of State Archaeology Mr. Chris Southerly North Carolina State Archaeologist 109 E. Jones Street, Raleigh, NC 27601 Tel: 919-810-0976 Email: chris.southerly@dncr.nc.gov</p>
Tribal Contacts	
<p>Catawba Indian Nation a/ Dr. Wenonah G. Haire Tribal Historic Preservation Officer 1536 Tom Steven Road, Rock Hill, SC 29730 Tel: 803-328-2427 Email: wenonah.haire@catawba.com</p>	<p>Cherokee Nation of Oklahoma Ms. Elizabeth Toombs Tribal Historic Preservation Officer P.O. Box 948, Tahlequah, OK 74465 Tel: 918-453-5000 Email: elizabeth-toombs@cherokee.org</p>
<p>Cheroenhaka (Nottoway) Tribe The Honorable Walt "Red Hawk" Brown, Chief P.O Box 397, Courtland, VA 23837 Tel: 757-562-7760 Email: wdbrowniii@aol.com</p>	<p>Chickahominy Tribe The Honorable Stephen Adkins, Chief 8200 Lott Cary Road, Providence Forge, VA 23140 Tel: 804-829-2027 Email: stephen.adkins@chickahominytribe.org</p>
<p>Chickahominy Tribe, Eastern Division The Honorable Gerald A. Stewart, Chief Eastern Division 2895 Mt. Pleasant Road, Providence Forge, VA 23140 Tel: 804-966-7815 Email: jerry.stewart@cit-ed.org</p>	<p>Coharie Tribe The Honorable Ammie Gordon "Gordie," Chief 7531 N.US. Highway 421 Clinton, NC 28328</p>
<p>The Delaware Nation Ms. Katelyn Lucas Tribal Historic Preservation Officer 31064 SH 281, Andarko, OK 73005 Tel: 405-246-2448 Email: klucas@delawarenation-nsn.gov</p>	<p>Eastern Band of Cherokee Indians Mr. Russell Townsend Tribal Historic Preservation Officer Qualla Boundary Reservation P.O. Box 455, Cherokee, 28719 Tel: 828-554-6851 Email: russtown@ebci-nsn.gov</p>
<p>Haliwa-Saponi Tribe Dr. Ogletree Richardson, Chief P.O Box 99, Hollister, NC 27844 Tel: 252-586-4017</p>	<p>Lumbee Tribe The Honorable John Lowery, Chief P.O. Box 2709, Pembroke, NC 28372 Tel: 910-521-7861 Email: jlowery@lumbeetribe.com</p>

<p>Mattaponi Tribe The Honorable Mark Custalow, Chief 1314 Mattaponi Reservation Circle, West Point, VA 23181 Tel: 804-353-5908 Email: mcustalow1@gmail.com</p>	<p>Meherrin Indian Tribe The Honorable Jonathan Caudill, Jr., Chief P.O. Box 274, Ahoskie, NC 27910 Email: billyoilman2@yahoo.com</p>
<p>Monacan Indian Nation The Honorable Diane Shields, Chief 111 Highview Drive, Madison Heights, VA 24572 Tel: 434-363-4864 Email: Chief@MonacanNation.gov</p>	<p>Nansemond Tribe The Honorable Keith Anderson, Chief 1001 Pembroke Land, Suffolk, VA 23434 Email: contact@nansemond.gov</p>
<p>Nottoway Indian Tribe of Virginia The Honorable Lynette Allston, Chief P.O. Box 246 23187 Main Street, Capron, VA 2382 Tel: 252-325-5651 Email: allstonfam@aol.com</p>	<p>Occaneechi Band of the Saponi Nation <u>a/</u> (State, NC) Honorable W.A. "Tony" Hayes, Tribal Chair PO Box 356, Mebane, NC 27302 Tel: 336-421-1317 Email: tony.hayes@trancasnc.com</p>
<p>Pawmunkey Indian Tribe The Honorable Robert Gray, Chief 1054 Pocahontas Trail King William, VA 23086 Tel: 804-843-2353 Email: robert.gray@pamunkey.org</p>	<p>Patawomeck Tribe Mr. Charles "Bootsie" Bullock 638 Kings Highway, Fredericksburg, VA 22405 Tel: 540-842-0501 Email: patawomecktribalcenter@gmail.com</p>
<p>Rappahannock Tribe The Honorable Anne Richardson, Chief 5036 Indian Neck Road, Indian Neck, VA 23148 Tel: 804-769-0260 Email: info@rappahannocktribe.org</p>	<p>Sappony Tribe The Honorable Otis K. Martin, Chief P.O. Box 3265 Mebane, NC 27302 Tel: 484-585-3352 Email: sappony@msn.com</p>
<p>Upper Mattaponi The Honorable Frank Adams, Chief 13476 King William Road, King William, VA 23086 Tel: 804-769-0041 Email: chief@umitribe.org</p>	<p>Waccamaw Siouan Tribe Reverend Mike Jacobs, Chief 7275 Old Lake Road, Bolton, NC 28423 Tel: 910-619-3967 Email: revmdjacobs@gmail.com</p>
<p><u>a/</u> Responded to outreach and requested to be notified in the case of unanticipated discoveries.</p>	
<p>Law Enforcement Contacts</p>	
<p>Virginia</p>	
<p>Virginia State Police Area 43 Office (Pittsylvania County) 19255 U. S. Route 29, Chatham, VA 24531 Tel: 434-432-7287</p>	
<p>North Carolina</p>	
<p>North Carolina Office of the Chief Medical Examiner (Rockingham County / all NC counties) 4312 District Drive, Raleigh, NC 27607 Tel: 919-743-9000</p>	