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**APPENDIX 4C**

**Procedures Guiding the Discovery of  
Unanticipated Cultural Resources and Human Remains**

# UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN REMAINS

**NEXUS Gas Transmission, LLC's  
NEXUS Gas Transmission Project  
Columbiana, Stark, Summit, Wayne, Medina, Lorain, Huron, Erie, Sandusky, Wood, Lucas,  
Henry, and Fulton Counties, Ohio and  
Lenawee, Monroe, Washtenaw, and Wayne Counties, Michigan**

## I. INTRODUCTION

This document outlines the procedures Spectra Energy Partners, LP (“Spectra” or “Spectra Energy”) and DTE Energy Company (“DTE” or “DTE Energy”), collectively NEXUS Gas Transmission, LLC (“NEXUS”), will follow to prepare for and address the unanticipated discovery of cultural resources and human remains for the NEXUS Gas Transmission Project (“NEXUS Project” or “Project”). It provides direction to NEXUS personnel and their consultants regarding the proper procedures to follow in the event that unanticipated historic properties or human remains are encountered during construction of the NEXUS Project.

## II. TRAINING AND ORIENTATION

The Environmental Inspector (EI) will be responsible for advising construction contractor personnel on the procedures to follow in the event that an unanticipated discovery is made. Training will occur as part of the pre-construction on-site training program for foremen, company inspectors, and construction supervisors. The EI will advise all operators of equipment involved in grading, stripping, or trenching activities to:

- A. Stop work immediately if they observe any indication of the presence of cultural materials (artifacts or other man-made features), animal bone, or possibly human bone.**
- B. Contact the EI (or the Chief Inspector if the EI is not available) as soon as possible.**
- C. Comply with unanticipated discovery procedures.**
- D. Treat human remains with dignity and respect.**

## III. PROCEDURE WHEN CULTURAL MATERIALS ARE OBSERVED

Cultural materials include man-made objects (prehistoric and historic period items) and features (e.g., walls constructed of natural materials such as cobbles; surfaces paved by cobbles, brick or other material; or other remnants of cultural activity).

- A. Stop work in the immediate vicinity of the observed cultural materials**
  - 1. Notify the EI of the discovery.
  - 2. If EI believes that an unanticipated discovery has been made:
    - a) EI directs all ground-disturbing activities in the area of the discovery to stop.

b) EI will protect and secure the evidence in place by delineating the find with flagging or fencing.

- B. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.**
- C. EI will immediately notify the NEXUS Construction Superintendent, as appropriate.**
- D. NEXUS Construction Superintendent will immediately notify the designated Spectra and TRC Environmental Corporation (“TRC”) contacts by telephone with written confirmation (via email or overnight mail). (If primary contact cannot be reached, notify the indicated alternate.)**

***NEXUS Contact***

Matt Barczyk  
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5400 Westheimer Court  
Houston, TX 77056-5310  
mbarczyk@spectraenergy.com  
Office: (713) 627-5635  
Cell: (713) 834-2438

***NEXUS Alternate Contact***

Laura Rowe  
NEXUS Gas Transmission, LLC  
Environmental Construction Permitting  
Park Center Plaza Ste 200  
6050 Oak Tree Blvd  
Independence, OH 44132  
Office: (216) 393-6379

***TRC Contact***

Tracy L. Millis  
TRC Environmental Corporation  
50101 Governors Drive  
Suite 250  
Chapel Hill, NC 27517  
tmillis@trcsolutions.com  
Office: (919) 530-8446 x224  
Cell: (919) 414-3420  
Fax: (919) 530-8525

***Alternate TRC Contact***

Michael Lychwala  
TRC Environmental Corporation  
6 Ashley Drive  
Scarborough, ME 04074  
mlychwala@trcsolutions.com  
Office: (207) 274-2603  
Cell: (207) 232-1739  
Fax: (207) 879-9293

- E. Within 24 hours, if possible, a professional archaeologist will examine the location of the discovery, accompanied by the EI.**

1. If the archaeologist determines that the discovery is not a cultural resource, the archaeologist will immediately advise the EI, the NEXUS contact, the Chief Inspector and/or the NEXUS Construction Superintendent, any of whom will have the authority to remove the stop-work order. The archaeologist will submit a letter report including photographs of the discovery site to the NEXUS and TRC contacts within 15 business days. No further action is required.
2. If the archaeologist determines that the discovery is a cultural resource, the archaeologist will immediately advise the EI who will notify the NEXUS and TRC contacts. The NEXUS contact will notify the Federal Energy Regulatory Commission (FERC), the FERC Environmental Project Manager, and the relevant State Historic Preservation Officer (SHPO) by telephone, with written confirmation by overnight mail. If these conditions are met, then proceed to the next step in the Plan, Item F below. All ground-

disturbing activities within the area of the discovery will cease and construction will not resume until the FERC provides authorization.

***FERC Archaeologist Contact***

Laurie Boros  
 Project Archaeologist  
 Office of Energy Projects  
 Division of Gas- Environment and Engineering  
 Gas Branch 4  
 Email: [laurie.boros@ferc.gov](mailto:laurie.boros@ferc.gov)  
 Tel: (202) 502-8046

***FERC Environmental Contact***

Eric Howard  
 Federally Energy Regulatory Commission  
 Office of Energy Projects  
 888 First Street, NE  
 Washington, D.C. 20426  
 Phone: (202) 502-8046

***Ohio SHPO Contact***

Nathan J. Young  
 Project Reviews Manager  
 Resource Protection and Review  
 Ohio Historic Preservation Office  
 800 East 17th Avenue  
 Columbus, OH 43211-2474  
 nyoung@ohiohistory.org  
 Office: (614) 298-2000

***Alternate Ohio SHPO Contact***

Mark Epstein  
 Department Head  
 Resource Protection and Review  
 Ohio Historic Preservation Office  
 800 East 17th Avenue  
 Columbus, OH 43211-2474  
 mepstein@ohiohistory.org  
 Office: (614) 298-2000

3. If the discovery is aboriginal, NEXUS will also notify appropriate Native American tribes (from the tribes listed below). Notification will be by telephone, with written confirmation by overnight mail. Notification will be the responsibility of the NEXUS contact.

***Tribal Contacts***

Absentee-Shawnee Tribe of Indians of Oklahoma  
 Joseph Blanchard, Cultural Preservation Director  
 Tribal Historic Preservation Officer  
 2025 S. Gordon Cooper Drive Shawnee, OK 74801  
 Phone No: (405) 275-4030

Shawnee Tribe  
 Ron Sparkman, Chairperson  
 P.O. Box 189  
 Miami, OK 74355  
 Phone No: (918) 542-2441

Bad River Band of the Lake Superior Tribe of Chippewa  
 Indians of the Bad River Reservation  
 Edith Leoso, Tribal Historic Preservation Officer  
 P.O. Box 39 Odanah, WI 54861-0039  
 Phone No: (715) 682-7111

Delaware Tribe of Indians  
 Dr. Brice Obermeyer Director, Tribal Historic  
 Preservation Office  
 Roosevelt Hall, Room 212 1200 Commercial Street  
 Emporia, KS 66801  
 Phone No: (918) 335-7026

Bay Mills Indian Community  
 Paula Carrick, Tribal Historic Preservation Officer  
 12140 W. Lakeshore Drive Brimley, MI 49715  
 Phone No: (906) 248-8458

Seneca-Cayuga Tribe of Oklahoma  
 Paul Barton, Tribal Historic Preservation Officer  
 23701 South 655 Road  
 Grove, OK 74344  
 Phone No: (918) 533-0664

Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe  
 Rosemary Berens, Tribal Historic Preservation Officer  
 P.O. Box 16, Nett Lake, MN 55772  
 Phone No: (218) 757-3261

Tonawanda Band of Seneca Nation  
 Roger Hill, Chief  
 7027 Meadville Road Basom, NY 14013  
 Phone No: (716) 542-4244

Chippewa-Cree Indians of the Rocky Boy's Reservation  
Alvin Windy Boy, Tribal Historic Preservation Officer  
P.O. Box 230 Box Elder, MT 59521  
Phone No: (406) 352-3077

Citizen Potawatomi Nation  
Kelli Mosteller, Tribal Historic Preservation Officer  
1601 S. Gordon Cooper Drive Shawnee, OK 74801  
Phone No: (405) 878-5830

Delaware Nation  
Nekole Alligood, Cultural Preservation Director  
P.O. Box 825 Anadarko, OK 73005  
Phone No: (405) 247-2448

Grand Portage Band of the Minnesota Chippewa Tribe  
Mary Ann Gagnon, Tribal Historic Preservation Officer  
P.O. Box 428 Grand Portage, MN 55605  
Phone No: (218) 475-0111

Hannahville Indian Community  
Kenneth Meshigaud, Chairperson  
N14911 Hannahville B1 Rd Wilson, MI 49896  
Phone No: (906) 466-2932

Lac Courte Oreilles Band of Lake Superior Chippewa Indians  
of Wisconsin  
Jerry Smith, Tribal Historic Preservation Officer  
13394 West Trapania Road, Building 1 Hayward, WI 54843  
Phone No: (715) 634-8934

Lac Vieux Desert Band of Lake Superior Chippewa Indians  
giiwegiizhigookway Martin Tribal Historic Preservation  
Officer  
P.O. Box 249 Watersmeet, MI 49969  
Phone No: (906) 358-4577

Match-e-be-nash-she-wish Band of Potawatomi Indians of  
Michigan  
David Sprague, Chairman  
P.O. Box 218 Dorr, MI 49323  
Phone No: (616) 681-8830

Mille Lacs Band of the Minnesota Chippewa Tribe  
Natalie Weyaus, Tribal Historic Preservation Officer  
43408 Oodena Drive Onamia, MN 56359  
Phone No: (320) 532-7450

Nottawaseppi Huron Band of the Potawatomi  
Jeff Chivis, Tribal Historic Preservation Officer  
2221 1 1/2 Mile Road Fulton, MI 49052  
Phone No: (269) 704-8416

Peoria Tribe of Indians of Oklahoma  
John P. Froman, Chief  
P.O. Box 1527 Miami, OK 74355  
Phone No: 918-540-4155

Eastern Shawnee Tribe of Oklahoma  
Robin Dushane, Tribal Historic Preservation Officer  
12705 South 705 Road Wyandotte, OK 74370  
Phone No: 918) 666-2435 ext 247  
Fond du Lac Band of the Minnesota Chippewa Tribe  
LeRoy Defoe, Tribal Historic Preservation Officer  
1720 Big Lake Road Cloquet, MN 55720  
Phone No: (218) 878-7129

Forest County Potawatomi  
Melissa Cook, Tribal Historic Preservation Officer  
8130 Mishkoswen Drive Crandon, WI 54520  
Phone No: (800) 960-5479 ext 7248

Grand Traverse Band of Ottawa and Chippewa  
Indians  
Al Pedwaydon, Council Chair  
2605 N. West Bay Shore Drive Peshawbestown, MI  
49682  
Phone No: 1 (866) 534-7750

Keweenaw Bay Indian Community  
Chris Chosa, Tribal Historic Preservation Officer  
16429 Beartown Road Baraga, MI 49908  
Phone No: (906) 353-6272

Lac du Flambeau Band of Lake Superior Chippewa  
Indians of the Lac du Flambeau Reservation of  
Wisconsin  
Melinda Young, Tribal Historic Preservation Officer  
P.O. Box 67 Lac du Flambeau, WI 54538  
Phone No: (715) 588-2139

Leech Lake Band of the Minnesota Chippewa Tribe  
Gina Lemon, Tribal Historic Preservation Officer  
115 6th Street NW Suite E Cass Lake, MN 56633  
Phone No: (218) 335-8200

Miami Tribe of Oklahoma  
George Strack, Tribal Historic Preservation Officer  
P.O. Box 1326 Miami, OK 74355  
Phone No: (918) 542-1442

Minnesota Chippewa Tribe  
Norman Deschampe, President  
P.O. Box 217 Cass Lake, MN 56633  
Phone No: (218) 335-8581

Ottawa Tribe of Oklahoma  
Rhonda Dixon, Tribal Historic Preservation Officer  
P.O. Box 110 Miami, OK 74354  
Phone No: (918) 542-6162

Pokagon Band of Potawatomi Indians  
Marcus Winchester, Tribal Historic Preservation  
Officer  
P.O. Box 180 Dowagiac, MI  
Phone No: (269) 462-4224

Prairie Band of Potawatomi Nation  
 Steve Ortiz, Chairman  
 16277 Q Road Mayetta, KS 66509  
 Phone No: (785) 966-4000

Quechan Tribe of the Fort Yuma Indian Reservation  
 Mike Jackson, President  
 P.O. Box 1899 Yuma, AZ 85366  
 Phone No: (760) 572-0213

Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin  
 Larry Balber, Tribal Historic Preservation Officer  
 88385 Pike Road, Hwy 13 Bayfield, WI 54814  
 Phone No: (715) 779-3650

Red Lake Band of Chippewa Indians  
 Floyd Jourdain, Chairperson  
 P.O. Box 550 Redlake, MN 56671  
 Phone No: (218) 679-3341

Saginaw Chippewa Indian Tribe of Michigan  
 Dennis V. Kequom, Chief  
 7070 East Broadway Road Mt. Pleasant, MI 48858  
 Phone No: (989) 775-4000

Sault Ste. Marie Tribe of Chippewa Indians of Michigan  
 Aaron Payment, Chairperson  
 523 Ashmun Street Sault Ste. Marie, MI 49783  
 Phone No: (906) 635-6050

Seneca-Cayuga Tribe of Oklahoma  
 Paul Barton, Tribal Historic Preservation Officer  
 23701 South 655 Road Grove, OK 74344  
 Phone No: (918) 787-7979

Seneca Nation of Indians  
 Melissa Bach, Tribal Historic Preservation Officer  
 90 O:hi'yoh Way Salamanca, NY 14779  
 Phone No: (716) 945-1790, ext 3580

Shawnee Tribe  
 Kim Jumper, Tribal Historic Preservation Officer  
 P.O. Box 189 South Highway 69A, Miami, OK 74355  
 Phone No: (918) 542-2441

Sokaogon Chippewa Community  
 Garland McGeshick, Chairman  
 3051 Sand Lake Road Crandon, WI 54520  
 Phone No: (715) 478-7504

St. Croix Chippewa Indians of Wisconsin  
 Stuart Bearheart, Chairman  
 24663 Angeline Avenue Webster, WI 54893  
 Phone No: (715) 349-2195

Tonawanda Band of Seneca Indians of New York  
 Darwin Hill, Chief  
 7027 Meadville Road Basom, NY 14013  
 Phone No: (716) 542-4244

Turtle Mountain Band of Chippewa Indians of North Dakota  
 Richard McCloud, Chairman  
 P.O. Box 900 Belcourt, ND 58316  
 Phone No: (701) 477-2600

White Earth Band of Minnesota Chippewa Tribe  
 Renee Lampi, Tribal Historic Preservation Officer  
 P.O. Box 418 White Earth, MN 56591  
 Phone No: (218) 983-3263

Wyandotte Nation  
 Sherri Clemons, Tribal Historic Preservation Officer  
 64700 E. Highway 60 Wyandotte, OK 74370  
 Phone No: (918) 678-2297 ext 244

**F. Notifications to FERC about observations of cultural material will:**

1. Explain why the archaeologist believes the resource is not significant and request permission from FERC for construction to recommence.
2. Describe a scope-of-work for evaluating the significance of the resource and evaluating potential project effects on the resource. A request for authorization to immediately implement the work scope will also be made to FERC and the SHPO.
3. Invite FERC, SHPO, and identified tribal representatives, when appropriate, to observe the implementation of any proposed work.
4. All work to evaluate significance and Project effects will be confined to the Project's potential area of impact.

**G. When the evaluation of the cultural resources is complete:**

1. NEXUS will notify FERC and the SHPO by telephone and discuss the project archaeologist's opinion concerning the potential significance of the resource.
2. As soon as possible following the field investigation, the archaeologist will provide TRC and NEXUS with a written report describing the results of the fieldwork.
3. If the resource is believed to be significant, the archaeologist will prepare a proposal for data recovery.

**H. NEXUS may choose to prepare an analysis of alternatives to data recovery to determine what form of mitigation is preferable.**

1. If an alternatives analysis is conducted, NEXUS will submit, by fax, email, or overnight mail, the archaeologist's report and the alternatives analysis to the SHPO and FERC.
2. If proposed mitigation measures may be carried out without being impeded or affected by construction, the submittal to FERC will be accompanied by a request that construction in the area of the discovery be permitted to resume.

**I. Upon receipt of authorization from FERC, implementation of mitigation measures will begin immediately.**

1. NEXUS will advise FERC and the SHPO when all mitigation measures have been completed.
2. If construction has been halted, NEXUS will also request authorization from FERC to recommence construction.
3. NEXUS will submit a summary report describing the results of mitigation to FERC and the relevant SHPO within 30 days of notification that mitigation fieldwork has been completed.
4. If archaeological data recovery is a component of the mitigation plan, a full report will be submitted to FERC and the SHPO in accordance with a schedule to be established in consultation with FERC.

**IV. PROCEDURE WHEN HUMAN REMAINS AND/OR POTENTIALLY HUMAN SKELETAL MATERIALS ARE OBSERVED**

Human remains are physical remains of a human body or bodies, including, but not limited to, bones, teeth, hair, ashes, and preserved soft tissues (mummified or otherwise preserved) of an individual. Remains may be articulated or disarticulated bones or teeth.

**A. Workers will treat all human remains with dignity and respect.**

**B. Immediately stop work in the vicinity of an unanticipated discovery involving potentially human remains.**

- C. Immediately notify the EI about the find.**
- D. If the EI believes that potentially human skeletal remains have been found, EI will stop all ground-disturbing activities within the area of the discovery.**
1. Protect and secure the evidence of the discovery.
  2. Delineate the area with flagging or safety fencing.
  3. Minimize movement by vehicles and equipment in the immediate vicinity of the discovery.
  4. Limit movement of vehicles in the vicinity of the find to the construction right-of-way authorized by NEXUS's FERC certificate.

EI will immediately notify the Construction Superintendent who will, in turn, immediately notify the designated NEXUS, TRC, FERC, and appropriate SHPO contacts:

***NEXUS Contact***

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NEXUS Gas Transmission, LLC  
5400 Westheimer Court  
Houston, TX 77056-5310  
mbarczyk@spectraenergy.com  
Office: (713) 627-5635  
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***Alternate NEXUS Contact***

Laura Rowe  
NEXUS Gas Transmission, LLC  
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***TRC Contact***

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Chapel Hill, NC 27517  
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***Alternate TRC Contact***

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***FERC Archaeologist Contact***

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Project Archaeologist  
Office of Energy Projects  
Division of Gas- Environment and Engineering  
Gas Branch 4  
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***FERC Environmental Contact***

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Federal Energy Regulatory Commission  
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***Ohio SHPO Contact***

Nathan J. Young  
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***Alternate Ohio SHPO Contact***

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800 East 17th Avenue  
Columbus, OH 43211-2474  
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Office: (614) 298-2000

- E. Within 24-hours of the discovery, if possible, a professional archaeologist will examine the discovery to determine if the remains are human and have an archaeological association and, if so, if that association is aboriginal or non-aboriginal.**
1. Pursuant to the Ohio Revised Code (§ 517.24), Michigan Compiled Laws (§ 333.2853) and the Michigan 1982 Annual Administrative Code Supplement (AACS) (R 325.8052) an application for disinterment must be filed with the local health officer prior to excavation and disinterment of human remains. In addition, pursuant to AACS (R 325.8052), law enforcement will be notified immediately in the event that human remains are discovered. The police or sheriff will then examine the remains and determine whether or not they are aboriginal.
  2. The services of a physical anthropologist or other qualified professional will be retained if the archaeologist is unable to determine if the remains are human.
- F. If skeletal remains are determined to be non-human and there is no archaeological association, the archeologist making the determination will immediately advise the EI and/or the NEXUS Construction Superintendent, and construction may resume. The archeologist will submit a letter report including photographs of the discovery site to the NEXUS and the TRC contacts within 15 business days of the determination.**
- G. If the skeletal remains are non-human, but are associated with an archaeological site, follow the steps described in Section III A through J.**
- H. If the skeletal remains are human and not associated with an archaeological context, the NEXUS Construction Superintendent will notify the NEXUS Contact, the relevant SHPO, FERC, the landowner, and the appropriate sheriff's office.**

***Columbiana County Sheriff***  
Sheriff Raymond L. Stone  
105 S Market St  
Lisbon, OH 44432  
(330) 424-9519

***Wayne County Sheriff***  
Sheriff Travis Hutchinson  
201 W. North Street  
Wooster, OH 44691  
(330) 287 5750

***Medina County Sheriff***  
Sheriff Tom Miller  
555 Independence Drive  
Medina, OH 44256  
(330) 764 3635

***Summit County Sheriff***  
Sheriff Steve Barry  
52 University Ave  
Akron, OH 44308  
(330) 643 2111

***Erie County Sheriff***  
***Sheriff Paul A. Sigsworth***  
2800 Columbus Ave  
Sandusky, OH 44870  
(419) 625 7951

***Lorain County Sheriff***  
Sheriff Phil R. Stammitt  
9896 Murray Ridge Road  
Elyria, Ohio 44035  
(440) 329 3709

***Stark County Sheriff***  
Sheriff George T. Maier  
4500 Atlantic Blvd., N.E.  
Canton, Ohio 44705  
(330) 430-3800

***Wood County Sheriff***  
Sheriff Mark Wasylshyn  
1960 E Gypsy Lane Rd  
Bowling Green, OH 43402  
(419) 354 9001

***Henry County Sheriff***  
Sheriff Michael Bodenbender  
123 E Washington St  
Napoleon, OH 43545  
(419) 592 8010

***Huron County Sheriff***  
Sheriff Dane Howard  
255 Shady Lane Drive  
Norwalk, OH 44857  
(419) 668 6912

***Wayne County Sheriff***  
Sheriff Benny N. Napoleon  
3100 S Henry Ruff Road  
Westland, MI 48186  
(734) 721 2222

***Monroe County Sheriff***  
Sheriff Dale Malone  
100 E. Second Street  
Monroe, MI 48161  
(734) 240 7401

***Sandusky County Sheriff***  
Sheriff Kyle Overmyer  
100 N park Ave #300  
Fremont, OH 43420  
(419) 332 2613

***Lucas County Sheriff***  
Sheriff John Tharp  
1622 Spielbusch Ave  
Toledo, OH 43604  
(419) 213 4924

***Fulton County Sheriff***  
Sheriff Roy E Miller  
129 Courthouse Plaza  
Wauseon, OH 43567  
(419) 335 4010

***Lenawee County Sheriff***  
Sheriff Jack Welsh  
405 N. Winter St  
Adrian, MI 49221  
(517) 265 8010

***Washtenaw County Sheriff***  
Sheriff Jerry Clayton  
2201 Hogback Road  
Ann Arbor, MI 48105  
(734) 971 9248

- I. Human remains found in a prehistoric archaeological context will be assumed to be aboriginal. If aboriginal human remains are identified (whether or not in an archaeological context), NEXUS will immediately notify the TRC Contact. TRC will then notify the relevant SHPO, as appropriate, and FERC archaeologists. Construction will not resume in the area of discovery until the FERC provides authorization.**

***FERC Archaeologist Contact***  
Laurie Boros  
Project Archaeologist  
Office of Energy Projects  
Division of Gas- Environment and Engineering  
Gas Branch 4  
Email: [laurie.boros@ferc.gov](mailto:laurie.boros@ferc.gov)  
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***FERC Environmental Contact***  
Eric Howard  
Federally Energy Regulatory Commission  
Office of Energy Projects  
888 First Street, NE  
Washington, D.C. 20426  
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**J. If human remains are present in an aboriginal archaeological context, NEXUS will follow the procedures described in Section III E through I, except as follows:**

1. Notifications to FERC and appropriate SHPO will make special note that human remains have been found.
2. NEXUS will notify appropriate Native American tribal groups and request that identified Native American representatives advise NEXUS, FERC, and SHPO of any special desires they have regarding the disposition of the human remains.
3. Proposals for site evaluation will give special consideration to the fact that human remains are present.
  - a) TRC will evaluate the potential for the presence of multiple graves and describe procedures for determining if other unidentified graves may be present.
  - b) TRC will describe efforts made to contact Native American tribes, the results of contacts, and efforts (as feasible) to accommodate the desires of the Native American tribes regarding the treatment of human remains.
  - c) If the discovery is made after pipeline trenching in the vicinity of the discovery has been completed, construction will be permitted to recommence, except within 100 feet of any human remains.
  - d) Construction within the 100-foot area of the find will be permitted to proceed when the remains have been removed (or when FERC advises NEXUS that it has determined that the remains should be left in place).
4. If FERC or the SHPO advises NEXUS that specific Native American tribal representatives wish to take custody of any human remains and rebury them on non-tribal lands, NEXUS will, if requested, assist in any negotiations between the tribe and the landowner that may be necessary.
5. NEXUS will make a good faith effort to accommodate any requests from identified Native American tribal groups that they be present during the implementation of mitigation measures related to human remains. Subject to agreements with identified Native American tribal groups, NEXUS will offer to compensate a single tribal representative for time spent observing or participating in the removal of human remains. Compensation will include the individual's time (at an hourly rate equivalent to that paid the professional archaeologist) and associated travel and living expenses.

**K. If human remains are present in a non-aboriginal archaeological context, the procedures described in Section IV E through I, will be followed except that:**

1. Proposals for site evaluation will give special consideration to the fact that human remains are present (i.e., no intrusive examination of the immediate area of the remains; proposals will include an evaluation of the potential for the presence of multiple graves, and describe procedures for determining if other unidentified graves may be present).
2. If it is determined by FERC, in consultation with the SHPO, that the associated archaeological site is not eligible for the National Register of Historic Places and that no

mitigation measures are necessary, the respective sheriff's office will be requested to coordinate with the local coroner and either direct the archaeologist to implement an approved plan for removal of the remains or arrange for alternative, appropriate removal of the human remains.

3. Unless directed to do otherwise by FERC, NEXUS will assume that it is authorized to resume construction when the remains have been removed.
4. Within 15 business days of the resumption of construction, NEXUS will provide FERC with a written report describing the removal activities.
5. Proposals for mitigation will include discussion of what steps will be taken to attempt to identify lineal descendants of the deceased.
6. If the discovery is made after trenching in the vicinity of the discovery has been completed, construction will be permitted to recommence, except within 100 feet of any human remains.
7. Construction within the remaining 100-foot area of the find will be permitted to proceed when the remains have been removed (or when FERC advises NEXUS that it has determined that the remains should be left in place).