

§ 5.6 (d)(3)(x) Cultural Resources

(x) Cultural resources. A description of the known cultural or historical resources of the proposed project and surrounding area. Components of this description include:

§ 5.6 (d)(3)(x)(A): Historic / Archaeological Sites

(A) Identification of any historic or archaeological site in the proposed project vicinity, with particular emphasis on sites or properties either listed in, or recommended by the State Historic Preservation Officer or Tribal Historic Preservation Officer for inclusion in, the National Register of Historic Places;

In Appendix HMC-06, comments from the Maine Historic Preservation Commission appears which refers to one site near the proposed dam location which will require some attention. This investigation will be included in plans being proposed after the initiation of the PAD / NOI consultation process.

Dr. Warren Reiss also conducted a comprehensive underwater historic archaeology study of one study area in Western Passage and one study area in Half Moon Cove in the vicinity of the Project. These study areas address the geographical areas identified by the State Historic Preservation Officer (SHPO) as requiring survey (Appendix 4-E) and were based on a proposal for additional research (Appendix 4-F). The study included limited literature research and a comprehensive remote sensing survey, using state-of-the-art remote sensing instruments. Analysis of the data acquired from the literature research, local interviews, visual inspection of the intertidal zone, and remote sensing survey indicated that there are no known historic vessel remains in the study areas in Western Passage and Half Moon Cove. The report is provided in Appendix 4-G.

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4-2

Resource Report 4 – Cultural Resources

§ 5.6 (d)(3)(x)(B): Existing Discovery Measures

(B) Existing discovery measures, such as surveys, inventories, and limited subsurface testing work, for the purpose of locating, identifying, and assessing the significance of historic and archaeological resources that have been undertaken within or adjacent to the project boundary; and

Discovery plans will be incorporated into construction specifications to ensure that appropriate measures are taken to address historical and archaeological findings. The fact that a bridge was once located at the site of the proposed dam offers some insight into the cultural significance of the location. The same type of protective measures will be taken if the causeway to Passamaquoddy Bay is ever breached as part of project plans.

§ 5.6 (d)(3)(x)(C): Indian Tribe Identification:

(C) Identification of Indian tribes that may attach religious and cultural significance to historic properties within the project boundary or in the project vicinity; as well as available information on Indian traditional cultural and religious properties, whether on or off of any federally-recognized Indian reservation (A potential applicant must delete from any information made available under this section specific site or property locations, the disclosure of which would create a risk of harm, theft, or destruction of archaeological or Native American cultural resources or to the site at which the resources are located, or would violate any Federal law, including the Archaeological

The Passamaquoddy Tribe at the Pleasant Point Reservation is described below. The exact location of the Reservation is described in Section (xii) of the PAD.

8.1.3.4.1.1 Pleasant Point Passamaquoddy Tribe Reservation, Bureau of Indian Affairs

Pleasant Point Passamaquoddy Reservation sits on a peninsula, known by its residents as “Sipayik” (meaning “along the edge”). The reservation is located between the Town of Perry and City of Eastport. The reservation and trust lands include a large portion of the land from Perry at Maine Route 190, at the junction of U.S. Route 1, to the tip of the peninsula. The community has its own school, health center, housing authority, youth center, fire department, ambulance service, and police department. Tribal Government offices are situated along Route 190. There are approximately 2,000 tribal members currently on the Pleasant Point tribal census with about 1,100 residents at Sipayik.

The Reservation land extends to low water as expressed in the grant of land to the Passamaquoddy Tribe made in 1794 by the government of Massachusetts, which at that time controlled the Province of Maine. Therefore, all land between high tide and low water, including rock outcroppings on either side of Split Rock is covered by the Ground Lease. Pursuant to Maine common law, the upland owner has the right to “wharf out” over to the flats to low tide line or 100 rods (1,650 feet) which ever is the lesser. State v. Wilson 42 Me. 9, 26-27 (1856). On the Half Moon Cove side the right to lay the transfer lines may extend to that longer distance depending on the final lay out of the LNG transfer line.

At the end of the peninsula begins a causeway built by the Works Project Administration of the Federal Government for the never-completed Passamaquoddy Bay Tidal Power Project of the 1930s. The causeway filled in intertidal and submerged lands between the end of the Split Rock peninsula of the Pleasant Point Indian Reservation and Carlow Island in Eastport. The causeway now supports Route 190 on its way to, and across some of the islands that make up, the City of Eastport. The causeway located above high water line appears to be owned by the United States Government pursuant to 12 M.R.S.A Section 1865 (3), which grandfathered any submerged lands that had been filled as of October 1, 1975, and due to the ownership by the United States government as trustee of the upland area and intertidal lands of Split Rock. An easement owned by the State of Maine exists over part of the causeway for Route 190 and various utility right-of-ways exist over the causeway. The land between high tide and low tide around the causeway up to the Eastport town line is owned by the United States in Trust for the Passamaquoddy Tribe. The Ground Lease covers all property held by the United States Government in trust for the Passamaquoddy Tribe up to the Eastport town line, which would include the causeway land.