HIGH RIVER ENERGY CENTER

UNANTICIPATED DISCOVERY PLAN

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High River Energy Center
Unanticipated Discover Plan

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1.0 Introduction

The High River Energy Center (the Project) will follow guidelines set forth in this Unanticipated Discovery Plan (the Plan), to be implemented in the event that archaeological resources are discovered during construction of the Project, inclusive of tree clearing and grading activities. The Plan presents the approach to address such emergency discoveries to ensure that potentially significant archaeological resources are dealt with in full accordance with State and Federal requirements, including the most recent Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State. This approach would also ensure that procedures and lines of communication with the appropriate government authorities are clearly established prior to the start of construction so that discoveries can be addressed quickly, minimizing the impacts to the construction schedule if possible.

Based on the background research conducted, portions of the Project Area are considered archaeologically sensitive, and a potential exists for identifying archaeological resources in the Project Area. Therefore, the involved personnel will follow standardized procedures in accordance with State and Federal regulations detailed below. Additionally, known archaeological sites and cemeteries within 100 feet of proposed limits of disturbance will be marked in the field prior to the start of construction.

2.0 Standardized Procedures to be Followed in Accordance with State and Federal Regulations

Both the Environmental Monitor (EM) and the construction personnel would be provided with a preconstruction briefing regarding potential cultural resources indicators. These indicators would include items such as recognizable quantities of bone, unusual stone or ash deposits, or black-stained earth that could be evident in spoil piles or trench walls during construction. In the event that potentially significant cultural resources or human remains are discovered during construction, the EM and construction personnel would be instructed to follow the specific requirements and notification procedures outlined below. Cultural resource discoveries that require reporting and notification include human remains and recognizable, potentially significant concentrations of artifacts or evidence of human occupation.

If cultural resources indicators are found by construction personnel, the construction supervisor would be notified immediately. The supervisor, in turn, would notify the EM. The EM would notify a designated archaeologist, who would be available to respond to this type of find. Based on the

information provided, the archaeologist would determine if a visit to the area is required and, if so, would inform the construction crews. No construction work at the potential archaeological site that could affect the artifacts or site would be performed until the archaeologist reviews the site. As per Certificate Conditions 74(b), all ground-disturbing construction-related activities within 100 feet of the discovery will cease. The potential archaeological site would be flagged as being off-limits for work but would not be identified as an archaeological site per se to protect the resources. The archaeologist would conduct a review of the site and would test the site as necessary. The archaeologist would determine, based on the artifacts found and on the cultural sensitivity of the area in general, whether the site is potentially significant and would consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding site clearance.

3.0 Discovery of Human Remains

If Native American human remains are encountered, procedures for such discoveries would be followed in accordance with State regulations. This will involve consultation with the New York State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and appropriate interested parties in an effort to identify and notify next of kin, closest lineal descendant, or the Indian tribes who may be culturally affiliated with the remains, and to determine appropriate treatment and disposition of the remains.

When human remains are encountered, as per Certificate Conditions 74(b), all ground-disturbing construction-related activities within 100 feet of the discovery will cease and reasonable efforts made to avoid and protect the remains from additional impact. In cases of inclement weather, the human remains would be protected with tarpaulins. Upon discovery of human remains, the SHPO, the appropriate Indian Nations, the involved state/federal agencies, the coroner, and local law enforcement will be notified immediately and a qualified anthropologist, bioarcheologist or physical anthropologist will assess the remains in situ to determine if the remains are Native American or non-Native American, per the SHPO's Human Remains Discovery Protocol (August 2018). The County Medical Examiner would be notified of the discovery. If the remains are found to be other than human, construction will be cleared to proceed. If the remains are human, and are less than 75 years old, the Medical Examiner and local law enforcement officials will assume jurisdiction.

If the remains are found to be human and older than 75 years, the OPRHP will be notified and may assume jurisdiction of the remains. If jurisdiction is assumed by the OPRHP, they will a) determine whether the human remains represent a significant archaeological resource, and b)

make a reasonable effort to identify and locate persons who can establish direct kinship, tribal community, or ethnic relationship with the remains. If such a relationship cannot be established, then the OPRHP may consult with a committee to determine the proper disposition of the remains. This committee shall consist of a human skeletal analyst, Native American members of current State tribes recommended by the Governor's Council on Indian Affairs, and "an individual who has special knowledge or expertise regarding the particular type of the unmarked human burial."

A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, re-interment, or a combination of these treatments will be developed in consultation with the OPRHP and if applicable, appropriate Native American tribes or closest lineal descendants. 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. Work shall not resume in the area of the discovery of such remains until written permission is received from the OPRHP.