

Appendix H

Unanticipated Discoveries Plan

UNANTICIPATED DISCOVERY CONDITIONS

If possible archaeological and cultural materials or suspected human skeletal remains are identified during ground disturbing activities within the Project Area, work in the area will cease immediately and the Great River Energy Environmental Project Manager will be notified of the discovery.

1. Immediately following notification of the discovery, Great River Energy shall:
 - (a) Establish and delineate a 100-foot buffer around the edge of the discovery (using flagging and/or fencing), advise the on-site construction manager to halt all ground-disturbing activities within the buffered area until otherwise notified by Great River Energy, and implement measures to protect the discovery from looting and vandalism, including a 24-hour watch, if necessary; and
 - (b) Contact a qualified Professional Archaeologist meeting the Professional Qualification Standards of the Secretary of Interior as stated in Title 48 Federal Regulation 44716 and/or Forensic Anthropologist/Physical Anthropologist (suspected human skeletal remains) with a graduate degree in said discipline and a recognized body of work in the professional community, to conduct an assessment of the discovery. The Professional Archaeologist must meet the qualification standards outlined in 36 Code of Federal Regulations Part 61 in order to conduct the assessment. The Forensic Anthropologist/Physical Anthropologist must be acknowledged as competent to positively identify human skeletal remains during the initial event of their discovery. As indicated below, this individual will work closely with the Office of the State Archaeologist (OSA) and Minnesota Indian Affairs Council (MIAC), who have the statutory responsibility to assess human burials in Minnesota.
2. When contacted by Great River Energy, the Professional Archaeologist shall gather additional information from the discovery area and assess the potential significance and condition and integrity of the discovery according to the guidelines established by the National Park Service in Bulletins 15 and 36 and their amendments:
 - (a) The Professional Archaeologist will determine whether or not the discovery is an archaeological site or cultural resource over 45 years of age. If the discovery is an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will record as much information as possible to secure a Smithsonian Trinomial Number from the appropriate state agency. Great River Energy would then initiate the process outlined in the Discovery of Historic Properties section below.
 - (b) If the discovery is an archaeological site or cultural resource not greater than 45 years of age, the Professional Archaeologist will document the discovery for the record, and Great River Energy will advise the on-site construction manager to restart ground-disturbing activities.

3. When contacted by Great River Energy, the Physical Anthropologist shall investigate the site to make an assessment of the likely nature of the remains:
 - (a) If the remains are likely human, then Great River Energy would initiate the process outlined in the Discovery of Human Skeletal Remains Section below as they have access to multiple forms of communication to quickly follow the procedures outlined in this plan.
 - (b) If the discovery does not represent human skeletal remains, the Physical Anthropologist will document the discovery for the record and Great River Energy will advise the on-site construction manager to restart ground-disturbing activities.

DISCOVERY OF HISTORIC PROPERTIES

Upon the discovery of an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will advise Great River Energy of the proper agency notification procedure and recommend a plan of action for the discovery area. This plan dictates initial notification of the State Historic Preservation Office (SHPO) as follows:

- (a) Great River Energy will notify the SHPO and provide information regarding its significance and condition and integrity.
- (b) Within 24 hours of notification, the SHPO shall provide notice of the discovery to other parties who may wish to participate in consultation, including but not limited to, private landowner(s), as applicable. After 24 hours, consultation for eligibility and effect will continue in order for avoidance and mitigation options to be developed.
- (c) The SHPO shall have 5 calendar days following notification to determine the discovery's eligibility for listing on the National Register of Historic Places (NRHP) in consultation with other consulting parties. The SHPO may extend the review period by an additional 7 calendar days by providing written notice to consulting parties prior to the expiration of the 5-calendar-day period. The SHPO shall provide Great River Energy with avoidance or mitigation treatment options by the end of the 5-calendar-day period.
- (d) For properties determined eligible for listing on the NRHP pursuant to (c) above, Great River Energy shall notify the SHPO and other consulting parties of Great River Energy's proposed treatment measures to resolve adverse effects to the discovered resource. Great River Energy will confer with their consulting archaeologist in developing avoidance or mitigation options. The consulting parties shall comment on the proposed treatment measures within 48 hours. The SHPO shall ensure that the recommendations of the consulting parties are considered prior to granting approval of Great River Energy-proposed treatment measures. Once approval has been granted by the SHPO, Great River Energy shall carry out the approved treatment measures and, after doing so, Great River Energy may resume construction.

- (e) In the event of any disagreements between the consulting parties regarding the NRHP eligibility of the newly discovered property or the treatment measures proposed to mitigate adverse effects to the property,
- (f) If, after consultation, the SHPO determines that the discovery does not represent an NRHP-eligible resource, the SHPO will direct Great River Energy to resume ground-disturbing activities at the discovery location at its discretion.

DISCOVERY OF HUMAN SKELETAL REMAINS

Upon the discovery of human remains, the Professional Archaeologist will advise Great River Energy of the proper agency notification procedure and recommend a plan of action for the discovery area. This plan dictates a simultaneous initial notification of both the OSA and the MIAC as follows:

1. If unmarked human burial or skeletal remains are encountered during construction activities, Great River Energy will comply with Minnesota's "Private Cemeteries Act" (Minn. Stat. §307.08) as revised in 2023.
2. The On-site manager/Contractor shall immediately halt all ground disturbing work within a 100-foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting, or moving human remains or other items shall occur after the initial discovery. Protection measures may include the following:
 - Flag the buffer zone around the find spot.
 - Ensure adequate security is in place to keep workers, press, and curiosity seekers away from the find spot until the status of the discovery can be determined.
 - Tarp the find spot.
 - Prohibit photography of the find unless requested by the agency official.
 - Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.
3. The On-Site manager/Contractor shall notify law enforcement and the OSA and MIAC within forty-eight (48) hours of the discovery.
4. In the event a human burial or skeletal remains are encountered during ground-disturbing construction activity, all construction shall immediately cease in the vicinity, and Great River Energy will notify the local law enforcement agency (county sheriff). As required by Minn. Stat. §307.08, Great River Energy will also notify the OSA and MIAC of the find.
5. If local law enforcement determines that the remains are not associated with a crime, the State Agency or Project representative responsible for the project shall determine if it is prudent and feasible to avoid disturbing the remains. If the State Agency in consultation with Great River Energy determine that disturbance cannot be avoided, the OSA and MIAC will determine acceptable procedures for the removal, treatment and repatriation of the burial or remains. The OSA and MIAC

shall ensure that Great River Energy implements the plan for removal, treatment and disposition of the burial or remains as authorized by the OSA and MIAC

6. If such burials are not American Indian or their ethnic identity cannot be ascertained, as determined by the state archaeologist, they shall be dealt with in accordance with provisions established by the OSA and other appropriate authority.
7. If such burials are American Indian, as determined by the OSA and MIAC, efforts shall be made to follow procedures as defined in United States Code, Title 25, Section 3001 et seq., and its implementing regulations, Code of Federal Regulations, Title 43, Part 10, within reservation boundaries. For burials outside of reservation boundaries, the procedures defined in United States Code, Title 25, Section 3001 et seq., and its implementing regulations, Code of Federal Regulations, Title 43, Part 10, are at the discretion of MIAC.

Contact List

Organization / Agency	Point of Contact Name and Title	Address/Telephone
Great River Energy	Mark Strohfus, Environmental Project Manager	Great River Energy 12300 Elm Creek Blvd. Maple Grove, MN 55369-4178 Telephone: 763-445-5210 E-mail: mstrohfus@GREnergy.com
Office of the State Archaeologist	Amanda Gronhovd, Minnesota State Archaeologist	Office of the State Archaeologist Fort Snelling History Center 200 Tower Avenue St. Paul, MN 55111 Telephone: (612) 725-2411 E-mail: Amanda.Gronhovd@state.mn.us
Minnesota Indian Affairs Council	Melissa Cerda, Senior Cultural Resources Specialist	Minnesota Indian Affairs Council 161 St. Anthony Ave, Ste. 919 St. Paul, MN 55103 Telephone: (651) 539-2200 Email: melissa.cerda@state.mn.us
Minnesota State Historic Preservation Office	Kelly Gragg Johnson, SHPO Review Manager	Minnesota State Historic Preservation Office Department of Administration 50 Sherburne Avenue, Suite 203 St. Paul, MN 55155 Telephone: (651) 201-3289 E-mail: kelly.graggjohnson@state.mn.us
Dakota County	Joe Leko, County Sheriff	Dakota County Sheriff's Department 1580 Highway 55 Hastings, MN 55033 Telephone: ((651) 438-4700 E-mail: sheriff@co.dakota.mn.us

