

Appendix 12 - Unanticipated Discovery Plan

Unanticipated Discoveries Plan – Cultural Resources and Human Remains

*Summit Carbon Solutions
Midwest Carbon Express Project*

Type of Document:

Final

Document Number:

SCS-0700-ENV-01-PLN-015

Project Number:

TAL-2105451-00

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Date + Time Submitted:

February 7, 2022

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1 Introduction

Summit Carbon Solutions (SCS) intends to construct a carbon dioxide (CO₂) capture, pipeline, and sequestration project identified as Midwest Carbon Express Project (MCE) located in North Dakota, South Dakota, Nebraska, Minnesota, and Iowa. MCE consists of the construction of approximately 1,951.3 miles of new pipelines extending from various ethanol plants and CO₂ capture facilities, 11 pump stations, several metering stations, and Class VI sequestration wells. Specifically, the portion of the proposed Project in South Dakota includes approximately 458.9 miles of mainline and laterals that will cross portions of Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner Counties.

If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly or unanticipated adverse effects on previously identified historic properties occur as pipeline construction activities are carried out within the construction corridor or other ancillary facilities and access roads, the construction contractor will immediately halt all construction activity and implement measures to protect the discovery from looting and vandalism.

This document describes the procedures for dealing with unanticipated discoveries during the course of project construction. It is intended to:

- Maintain compliance with applicable Federal and State laws and regulations during construction of the Project;
- Describe to regulatory and review agencies the procedure the Project or its representative will follow to prepare for and deal with unanticipated discoveries; and,
- Provide direction and guidance to project personnel as to the proper procedure to be followed should an unanticipated discovery occur.
- The plan will be implemented across all lands in the State of South Dakota regardless of ownership.

2 Procedures for the Protection and Discovery of Cultural Resources

Prior to construction, the Environmental Inspection (EI) staff across the Project will be part of a comprehensive training program with construction and environmental staff on how to identify and protect cultural resources. Additionally, the EI staff will also be responsible for erecting exclusionary fencing in select locations where significant cultural resource sites are mapped directly adjacent to Project workspace area. The EI staff may also install exclusionary signage that indicates a sensitive resource is present, and no trespassing may occur beyond the boundary fencing. EI staff will also be responsible for monitoring and spot-checking exclusion zones throughout all stages of construction to ensure the sites are entirely avoided by construction staff, equipment, or activity. If an exclusion zone is breached, or a cultural resources discovery is encountered, the following plan will be implemented:

1. All ground disturbing work within a 100-foot radius of the discovery will immediately stop and the EI will be notified. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the materials. A cultural resource can be prehistoric or historic and could consist of, but is not limited to, for example:
 - An accumulation of shell, burned rocks, or other subsistence related materials

- An area of charcoal or very dark soil with artifacts
 - Stone tools, projectile points, or dense concentrations of stone artifacts
 - A cluster of bones in association with shell, charcoal, burned rocks, or stone artifacts
 - A historic structure or assemblage of historic materials older than 50 years
2. If the EI believes that the discovery is a cultural resource, the EI will take appropriate steps to protect the discovery site, including 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
 - Have an individual stay at the location to prevent further disturbance until a qualified archaeologist has arrived
 3. Upon discovery, the EI will notify the environmental Project Manager and/or Company Representative. Work in the immediate area will not resume until treatment of the discovery has been completed.
 4. SCS or its representative will arrange for discoveries on all lands to be evaluated by a qualified archaeologist in accordance with applicable regulations. A qualified archaeologist is an archaeologist who meets or exceeds the Secretary of Interior's Qualification and Standards, as outlined in 36 CFR, Part 61.
 5. If the discovery is within an area of federal jurisdiction, the appropriate federal agency will be immediately notified and consulted accordingly. If the discovery is determined to have the potential for eligibility, the archaeologist and SCS will also consult with the SHPO on how best to avoid, minimize, or otherwise mitigate further impacts. Treatment measures may include mapping, photography, sample collection, or excavation
 6. The archaeologist will implement the appropriate treatment measure(s) and provide a report on its methods and results as required. The investigation and technical report will be performed in compliance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734—44737); the Advisory County on Historic Preservation (ACHP) publication "Treatment of Archaeological Properties" (ACHP 1980); and follow the guidelines set forth by the South Dakota State Historic Preservation Office.

3 Procedures for the Discovery of Human Remains

In the event that human remains or funerary objects are inadvertently discovered during either construction or maintenance activities, the following steps will be taken pursuant to South Dakota Codified Law Chapter 34-27-25, 34-27-28, 34-27-31:

1. The On-site manager/Contractor (EI) 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.
2. The On-Site manager/Contractor (EI) shall notify law enforcement, the Federal/State Agency responsible for the project and the South Dakota State Archaeologist within forty-eight (48) hours of the discovery.
 3. The Federal/State Agency or Project representative responsible for the Project shall notify the South Dakota State Historic Preservation Office (SHPO), Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
 4. If local law enforcement determines that the remains are not associated with a crime, the Federal/State Agency or Project representative responsible for the project shall determine if it is prudent and feasible to avoid disturbing the remains. If the Federal/State Agency in consultation with the Project Proponent/Applicant/Contractor determine that disturbance cannot be avoided, the Federal/State Agency shall consult with the State Archaeologist, SHPO, Indian tribes, and other consulting parties to determine acceptable procedures for the removal, treatment and repatriation of the burial or remains. The Federal/State Agency shall ensure that the Project Proponent/Applicant/Contractor implements the plan for removal, treatment and disposition of the burial or remains as authorized by the South Dakota State Archaeologist.
 5. The Federal/State Agency shall notify the Project Proponent/Applicant/Contractor that they may resume construction activities in the area of discovery upon completion of the plan authorized by the Chief Archaeologist.

4 Project Contacts

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