

Cultural Resources Unanticipated Discovery Plan

Construction of the Tatanka Ridge Wind Project

Deuel County, South Dakota

September 2019

Tatanka Ridge Wind, LLC (Tatanka Ridge) has proposed to construct the Tatanka Ridge Wind Project (Project) in Deuel County, South Dakota. The proposed Project will be up to 155-megawatts and will include wind turbines, an electrical collector system, access roads, a substation, laydown yards, an operations and maintenance (OM) facility, and a transmission line.

HDR was contracted to conduct a record search and Level III intensive archaeology survey for the Project. Tatanka Ridge recognizes that, despite previous archaeological investigations, it is possible that unanticipated archaeological features and/or artifacts may be encountered during Project construction or maintenance, even in areas regarded as possessing low archaeological sensitivity. In order to further minimize the risk that archaeological resources could be affected during construction of the Project, HDR, on behalf of Tatanka Ridge, has prepared this Cultural Resources Unanticipated Discovery Plan (The Plan). The Plan outlines the steps for dealing with unanticipated discoveries of cultural resources, including human remains, during the construction of the proposed Project.

An unanticipated cultural resources discovery occurs when previously unidentified cultural remains are encountered or a previously identified historic property is affected in an unanticipated manner. Cultural resources discoveries may occur during any phase of construction or during maintenance of the Project. Cultural resources discoveries occur when cultural remains such as bone, pottery, flaked or ground stone artifacts, stone features, buried historic debris, foundations, and other similar types of cultural remains are encountered or are suspected. When such discoveries occur, Project personnel are obligated to cease all Project activities in the vicinity of the discovery, notify appropriate personnel of the materials and circumstances under which they were found, and await further instruction prior to proceeding with activities that may affect the discovered remains.

The following procedures have been developed to provide Tatanka Ridge guidance in responding appropriately to unanticipated discoveries during Project construction. The procedures outlined below are consistent with 36 Code of Federal Regulations § 800.13 (Post-review Discoveries) and South Dakota Codified Laws Chapter 34-27: Cemeteries and Burial Records.

1.0 Discoveries During Construction

Prior to the initiation of Project construction, Tatanka Ridge will notify the construction contractor (Contractor) and all construction personnel of the necessity to report all discoveries, or suspected discoveries, of cultural materials or human remains encountered during Project

construction. The Contractor will be responsible for notifying all new personnel after construction has commenced.

In the event previously unrecorded cultural resources are encountered during construction or are affected in an unanticipated manner, Tatanka Ridge and the Contractor will adhere to the following procedures.

- All activities that may disturb the discovery will cease within a 150-foot (46-meter) radius of the discovery, or as determined on site to be a reasonable and appropriate distance from the suspected discovery, to assure further damage of the resource is averted.
- The Contractor will immediately notify Tatanka Ridge of the potential discovery. Tatanka Ridge will then notify their appointed Cultural Resources Specialist (CRS) of the potential discovery.
- Tatanka Ridge or the Contractor will ensure the 150-foot buffer zone is secured from additional vehicular or foot traffic and take any other actions necessary to protect the discovery.
- The CRS will travel to the location of the discovery to investigate and validate whether the discovery is a cultural resource within 48 hours of notification.
- In the event that the discovery contains remains that cannot clearly be confirmed as non-human by the CRS, the CRS will contact an osteologist or a qualified specialist for further evaluation. This will initially include photo-documentation of the remains for identification through photographic review. If it is determined that additional information is needed or a possible on-site visit is required by an osteologist/specialist, the CRS will contact Tatanka Ridge to determine an appropriate course of action.
- If the discovery is non-cultural and does not contain or is not suspected to contain human remains, then the CRS will notify Tatanka Ridge within 24 hours via a phone conversation, email, or brief report and recommend that construction may resume.
- Tatanka Ridge will be responsible for authorizing the Contractor to resume construction based on the recommendation of the CRS.
- If the discovery is verified as cultural and no human remains or grave goods are associated with it, see the *Procedures for Cultural Discoveries Absent Human Remains* section below.
- If human remains are encountered at the discovery, see the *Procedures for Discovery of Human Remains* section below.

2.0 Procedures for Cultural Discoveries Absent Human Remains

- Upon verification that a discovery is cultural and that no human remains are present, the CRS will secure the location of the discovery and will work with the Contractor to prevent further risk of construction damage or vandalism to the discovery.
- The CRS will examine any discovered material and the context in which they were found and assess the likelihood that additional cultural materials may exist in a surface or subsurface context. Additional investigation may include pedestrian survey and/or subsurface testing to determine whether additional materials are associated with the

discovery, the vertical and horizontal boundaries of any cultural deposits within the Project area, and the integrity of any such materials.

- Upon completion of the discovery investigation, the CRS will notify Tatanka Ridge of preliminary findings and proposed next steps via phone call and/or email.
- Within 48 hours of completion of the field investigations, the CRS will prepare and submit to Tatanka Ridge a memo report detailing the results of the discovery investigation and an avoidance plan.
- If Tatanka Ridge determines that the discovery cannot be avoided, then the CRS will develop a treatment plan outlining further investigations to evaluate the discovery for NRHP eligibility and/or mitigate adverse effects to it if necessary. This will occur within one week of completion of field activities.
- Upon approval from Tatanka Ridge, the CRS will contact the South Dakota State Historic Preservation Office (SHPO) to inform them of the preliminary findings and the proposed avoidance and treatment plans. This may include a phone call, email, or submittal of the memo report.
 - SHPO shall have two working days from receipt of the phone call, email, or memo report to respond to Tatanka Ridge regarding the findings and recommendations of the CRS.
 - Tatanka Ridge will not proceed until a response from SHPO has been obtained.
- Tatanka Ridge and SHPO shall agree on the appropriate treatment for the discovery, either through implementation of the avoidance plan, as stated above, or implementation of a treatment plan. The CRS will assist Tatanka Ridge with the development of the treatment plan.
 - If Tatanka Ridge and SHPO agree that avoidance of the discovery is possible, then Tatanka Ridge shall ensure that the avoidance procedures will be implemented.
 - After avoidance procedures are implemented, Tatanka Ridge may authorize resumption of construction immediately.
 - Implementation of avoidance procedures will be photographically documented and submitted to the SHPO as an addendum to the memo report or as part of the memo report if not already submitted.
 - If Tatanka Ridge and SHPO agree that a discovery cannot be avoided, Tatanka Ridge shall ensure that the terms of the treatment plan are implemented.
 - Tatanka Ridge may authorize resumption of construction activities after the fieldwork portion of the treatment plan has been implemented and the CRS notifies Tatanka Ridge and SHPO of its completion.
 - A report detailing the results of treatment of the discovery shall be prepared by the CRS. The CRS shall submit copies of the report to Tatanka Ridge and SHPO within one month of completion of any fieldwork and shall complete any other requirements pertaining to the discovery.

3.0 Procedures for Discovery of Human Remains

- If the CRS suspects or confirms the presence of human remains at the discovery, then the CRS will notify Tatanka Ridge, secure the location of the discovery, and work with the Contractor to prevent further risk of construction damage or vandalism to the discovery.
- Tatanka Ridge, or the CRS if requested, shall contact local law enforcement with jurisdiction of the area. Law enforcement will determine whether the finding is associated with a crime scene.
- If local law enforcement determines the discovery to be a crime scene, then they will notify the landowner and the coroner and complete their procedures to document the site and manage the location.
- If local law enforcement determines the discovery is not a crime scene, then they will relinquish responsibility to the South Dakota state archaeologist. The CRS will notify and work with the state archaeologist as needed. The state archaeologist will follow procedures set forth in South Dakota Codified Laws Chapter 34-27: Cemeteries and Burial Records (relevant sections attached as **Appendix A**).
- The CRS will help coordinate with the state archaeologist, SHPO, and any other applicable parties, to develop a mutually acceptable treatment plan.
- Upon approval of the treatment plan by reviewing parties as appropriate, it will be implemented. The CRS will provide a report to the consulting parties documenting the implementation and results of the treatment plan.
- Upon fulfillment of any field work required under the treatment plan, Tatanka Ridge may allow construction to resume, in accordance with any remaining agreed-upon requirements.