

**Appendix W – Unanticipated Discovery Plan
Rev1**



South Deuel Wind Project Deuel County, South Dakota Cultural Resources Unanticipated Discovery Plan

INTRODUCTION

Deuel Harvest Wind Energy South LLC (South Deuel Wind), an affiliate of Invenergy LLC (Invenergy), is proposing to construct a new wind energy facility and associated transmission facility in Deuel County, South Dakota. The wind energy facility will have a nameplate capacity of up to 260 megawatts (MW) and deliver up to 250 MW to the point of interconnection. The Project will result in the construction of up to 68 wind turbines. Additional Project facilities may include, but are not limited to, access roads and underground collection lines, a collector substation, and other appurtenant facilities (Project Components). Construction is anticipated to begin in 2025 with commercial operation by the end of 2026.

Prior to construction, a Historic-Age Resource Reconnaissance Survey and a Level III Intensive Archaeological Field Survey were conducted. The work was completed in 2023. The Project has committed to avoidance of *significant* and *unevaluated* cultural resources during construction through the use of a 50-foot buffer around all identified resources. Burns & McDonnell Engineering, Inc. (Burns & McDonnell) and South Deuel Wind have developed this discovery plan to address the proper procedures if previously unidentified resources are encountered during construction.

CULTURAL RESOURCES UNANTICIPATED DISCOVERY PLAN

In the event that any member of the construction work force believes that a cultural resource feature is encountered, the following discovery plan will be implemented and will apply to any cultural features discovered during the course of construction. The discovery plan may be used in conjunction with a monitoring effort, if needed, at some locations to verify that any previously unrecorded features are identified, and data recovered from them, before they are disturbed by construction activities.

This plan will not be activated by the discovery of isolated finds or sparse artifact scatters by Burns & McDonnell, South Deuel Wind, or any subcontractor. The focus of this discovery plan is on the recovery of information from inadvertently exposed precontact and historic-age features. These cultural features can be buried or surface evidence of past occupations. Subsurface *precontact* features may include cache pits, hearths, earth ovens, post-molds, house floors, or discrete artifact concentrations. Surface or near surface precontact features may include cairns, stone circles, stone effigies, or other stone alignments. This discovery plan also encompasses historic-age features, such as foundations, cellars, vaults, privy pits, and dugouts.

If a cultural feature or discrete precontact artifact concentration is discovered, work will stop in the immediate area of the discovery. The Burns & McDonnell lead archaeologist will be contacted, who will in turn, within 24 hours, advise the South Dakota State Historical Society (SDSHS) and their Review and Compliance Coordinator of the discovery. The SDSHS will

advise on measures to avoid, minimize, or mitigate adverse effects to the discovery. In consultation with the SDSHS the discovered cultural feature(s) or discrete artifact concentration will be mapped using Global Positioning System (GPS) units with sub-meter accuracy, and a site map will be generated based on GPS mapping, field notes, and sketch maps prepared during the investigation of the find to thoroughly document cultural, environmental, and topographic features. The site will also be plotted on a U.S. Geological Survey 7.5' quadrangle map. All features will be fully recorded and excavated in compliance with SDSHS Guidelines and Burns & McDonnell standards. Stone features such as cairns, stone circle, effigies, and alignments will be avoided, and a 50-foot buffer applied to protect the resource(s).

The discovery will be exposed in plain view, photographed, and mapped. If the discovery is not a stone or concrete feature, then one-half of it will be expediently excavated to expose the profile. After the profile wall has been photographed and illustrated, the second half of the feature will also be excavated. If fill sequences or strata are identified in the profile or during the excavation of the first half, these units will be excavated and documented separately.

A sample of feature fill (matrix) will be reserved for flotation processing. The size or percentage of the feature fill collected for flotation will be based on the feature type, size, and consultation with the SDSHS. The remaining feature fill will be processed using standard screening methods through a 1/4-inch mesh screen. At the completion of the excavation, additional photographs will be taken, and any needed adjustments will be added to the plan view map. A site form, or site form update, will be prepared and submitted to the SDSHS, along with Geographic Information System (GIS) shapefile(s).

Processing and analysis of any recovered artifacts and flotation samples will be undertaken and results included in a report to be submitted in compliance with SDSHS Guidelines. Construction activities may recommence upon completion of the excavation.

In the event that human remains are encountered during either construction or maintenance activities, the following plan outlines the specific procedures to be followed. These procedures take into consideration South Dakotas Codified Laws, Chapter 34-27: Cemeteries and Burial Records, specifically Chapter 34-27-25, 34-27-28, and 34-27-31.

Not reporting the discovery of human skeletal remains under South Dakota State law is a Class C misdemeanor:

“Reporting discovery of human skeletal remains--Failure to report as misdemeanor. Any person who encounters or discovers human skeletal remains or what he believes may be human skeletal remains in or on the ground shall immediately cease any activity which may disturb those remains and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer. Willful failure to report the presence or discovery of human skeletal remains or what may be human skeletal remains within forty-eight hours to an

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appropriate law enforcement officer in the county in which the remains are found is a Class 2 misdemeanor.” (South Dakota Codified Law, Chapter 34-27-25)

The disturbance of human skeletal remains or funerary objects under South Dakota State law is a Class 6 felony:

“Disturbing human skeletal remains or funerary objects as felony. No person unless authorized by the state archaeologist may knowingly disturb or knowingly permit disturbance of human skeletal remains or funerary objects except a law enforcement officer or coroner or other official designated by law in performance of official duties. A violation of this section is a Class 6 felony.” (South Dakota Codified Law, Chapter 34-27-26)

If human remains are discovered during construction activities, the following will take place in accordance with procedures defined in South Dakota Codified Law, Chapter, 34-27-28 (Notification to landowner and coroner – Notification to state archaeologists and tribal officials – Time limits):

- Any activity in the vicinity of the burial that may disturb the human skeletal remains, or burial artifacts associated with it will immediately cease on discovery and the Deuel County Sheriff will be contacted immediately. The burial will be carefully covered and secured for protection from degradation by weather or unauthorized individuals.
- All appropriate respect will be shown for any burial discovered on the Project including efforts to ensure that the burial is protected from on-lookers and potential looting.
- If the skeletal remains are believed to be human the Deuel County Sheriff will notify the landowner and the coroner, pursuant to South Dakota Codified Law, Chapter 34-27-25.
- If the skeletal remains reported under South Dakota Codified Law, Chapter 34-27-25 are not associated or suspected to be associated with a crime, the state archaeologist shall be notified within 24 hours. The state archaeologist shall then follow the procedure set out in South Dakota Codified Law, Chapter 34-27-31.
- As outlined in South Dakota Codified Law, Chapter 34-27-31 if review by the state archaeologist demonstrates that there is a direct relationship of the remains or objects to a tribal group, the state archaeologist shall notify the director of the SDSHS and shall initiate contact with officials of the tribal group as designated by the office of Indian Affairs. If within one year of the first contact with the tribal group, the tribal group requests the return of the remains or objects, the state archaeologist shall turn over to the tribal group the remains or objects. If, within one year of the first contact with the tribal group as set forth in this section, the tribal group has not requested the return of the

remains or objects, the state archaeologist is responsible for their final disposition after consultation with the director of the SDSHS.

- All areas within 50 feet of the burial will be protected from further disturbance until the above listed parties are notified, they consult on the Project, and they devise a scope of work under which the Project may proceed.
- The Project's archaeologist(s), if requested, will assist the SDSHS but will not attempt to collect, further disturb, or study any human remains from the Project unless specifically directed to do so.

If at any point construction monitoring is requested or required, the archaeologist will closely observe the topsoil removal process and inspect each cut for evidence of subsurface features. Monitoring will not be required after the construction activity has exposed pre-Holocene soils. Construction monitoring will be conducted with the goal of keeping Project construction on schedule while maintaining respect for any cultural resources in the area.

If there are any unanticipated discoveries identified, a report on the archaeological investigations and any analysis of these findings will be developed. This report will meet or exceed SDSHS Guidelines and will be submitted to the SDSHS for review and archiving. Copies of the report will also be provided to South Deuel Wind and will be archived as part of the final Project file.

In South Dakota, cultural materials recovered from private lands, with the exception of human remains and associated grave goods, are the property of the private landowner(s). If a landowner does not wish to take possession of any cultural materials recovered following the analyzing and cataloging phase, the artifacts may be returned as closely as possible to where they were discovered or curated at the South Dakota Archaeological Research Center in Rapid City, South Dakota. If the artifacts are returned to the site, they will be reburied, and the location documented with a GPS. If any tribe(s) requests recovered artifacts, South Deuel Wind will consult with the landowner to procure a Gift Agreement. If such an agreement can be obtained, the artifacts and copy of the artifact catalog will then be turned over to the tribe(s).

PROJECT CONTACTS

Invenergy

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Burns & McDonnell

o John Topi– 816-885-7969 (cell), jrtopi@burnsmcd.com

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South Dakota State Historical Society Archaeological Research Center

- o Cassie Vogt, State Archaeologist – 605-209-1443; Cassie.Vogt@state.sd.us
- o Dustin Lloyd, Burial Coordinator – 605-391-2928; Dustin.Lloyd@state.sd.us

County Sheriff Department Contact

- o Deuel County Sheriff's Office
 - Cory Borg – Sheriff
 - PO Box 217
 - 408 4th Street West
 - Clear Lake, South Dakota 57226
 - Phone: 605-874-8212
 - Emergency: 911

County Coroner Contact

- o Unlisted
 - P.O. Box 188
 - Clear Lake, South Dakota, 57226
 - Phone: 605-874-2291