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PLAN AND PROCEDURES ADDRESSING
UNANTICIPATED DISCOVERIES OF
CULTURAL RESOURCES AND HUMAN REMAINS
OLIVER WIND III ENERGY CENTER
MORTON COUNTY, NORTH DAKOTA

PRIVILEGED INFORMATION--DO NOT RELEASE

Prepared for:



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I. INTRODUCTION

This document outlines the procedure NextEra Energy Resources, LLC (NextEra) will follow to prepare for and address any unanticipated discoveries of cultural resources, including archeological sites and possible human remains. It provides direction to NextEra personnel and their consultants as to the proper procedure to follow in the event that unanticipated discoveries are made during construction of the Oliver Wind III Energy Center (the Project).

II. TRAINING AND ORIENTATION

The NextEra Construction Manager (CM) will be responsible for advising construction-contractor personnel on the procedures to follow in the event that an unanticipated discovery is made. Training will occur as part of the pre-construction on-site training program for foremen, company inspectors and construction supervisors. The CM will advise all operators of equipment involved in grading, stripping, or trenching activities to:

- A. Stop work immediately if they observe any indications of the presence of cultural materials (artifacts or other man-made features), animal bone, or possibly human bone.**
- B. Contact the NextEra Project Manager (PM) as soon as possible if the CM is not available.**
- C. Comply with unanticipated discovery procedures.**
- D. Treat human remains with dignity and respect.**

III. PROCEDURE WHEN CULTURAL MATERIALS ARE OBSERVED

Cultural materials include man-made objects (prehistoric pottery or chipped stone tools and waste flakes and historic period items (items that are approximately 50 years old or greater such as bottle glass, can dumps, old farm equipment, etc.) and features (e.g., walls constructed of natural materials such as cobbles, surfaces paved by cobbles, brick, or other material), or other remnants of cultural activity.

- A. Stop work in the immediate vicinity of the observed cultural materials**
 - 1. Notify the CM of the discovery.
 - 2. If the CM believes that an unanticipated discovery has been made:
 - a) CM directs all ground-disturbing activities within 200 feet of the discovery to stop.
 - b) CM will protect and secure the evidence in place by delineating the find with flagging or fencing.
 - c) Project activities can continue outside of the delineated unanticipated find area.

B. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.

C. CM will immediately notify the NextEra PM.

NextEra Contact

Allen Wynn - Project Manager
NextEra Energy Resources
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Round Rock, Texas 78665
Phone : (512) 284-2608
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Tetra Tech Contact

Tracey Dubuque
Tetra Tech EC, Inc.
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Alternate Tetra Tech Contact

Dr. Sydne Marshall
Tetra Tech EC, Inc.
1000 The American Way
Morris Plains, New Jersey 07950
Phone: (973) 630-8104
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E. Within 24 hours, if possible, a professional archeologist will examine the location of the discovery, accompanied by the CM.

1. If the archeologist determines that the discovery is not a cultural resource, the archeologist will immediately advise the CM, and/or the NextEra PM, any of whom will have the authority to remove the stop-work order. The archeologist will submit a letter report including photographs of the discovery site to NextEra within 10 business days.
2. If the archeologist determines that the discovery is a cultural resource, the archeologist will immediately advise the CM who will notify the NextEra PM. The NextEra PM will notify the North Dakota Chief Archeologist by telephone, with written confirmation by email, fax or overnight mail.

North Dakota Chief Archeologist

Paul R. Picha, Chief Archeologist
State Historical Society of North Dakota
612 East Boulevard Ave.
Bismarck, North Dakota 73019
Phone: (701) 328-3574
Fax: (701) 325-3710
Email: ppicha@nd.gov

F. Notifications to North Dakota Chief Archeologist about observations of cultural material will:

1. Inform the North Dakota Chief archeologist by telephone why the resource is not significant and request concurrence by the North Dakota Chief Archeologist for construction to recommence.

2. Inform the North Dakota Chief archeologist about a recommended scope-of-work for evaluating the significance of the resource and evaluating potential Project effects on the resource. The scope of work will be written and submitted to the NextEra PM and the North Dakota Chief Archeologist within 2 business days. If approved by the North Dakota Chief Archeologist during telephone consultations, cultural resource investigations may begin.
3. Invite the North Dakota Chief Archeologist to observe the implementation of any proposed work.

G. When the evaluation of the cultural resources is complete:

1. The NextEra PM will notify the North Dakota Chief Archeologist by telephone and discuss the Project archeologist's opinion concerning the potential significance of the resource.
2. As soon as possible following the field investigation, the Project archeologist will provide the NextEra PM with a written report describing the results of the fieldwork.
3. If the resource is believed to be significant and can not be avoided by construction activities, the archeologist will prepare a proposal for data recovery for submission to NextEra PM and the North Dakota Chief Archeologist.
4. If proposed mitigation measures may be carried out without being impeded or affected by construction, the submittal to North Dakota Chief Archeologist will be accompanied by a request for concurrence that construction in the area of the discovery may be permitted to resume.

IV. PROCEDURE WHEN HUMAN REMAINS AND/OR POTENTIALLY HUMAN SKELETAL MATERIALS ARE OBSERVED

Human remains are physical remains of a human body or bodies including, but not limited to, bones, teeth, hair, and preserved soft tissues (mummified or otherwise preserved) of an individual. Remains may be articulated or disarticulated bones or teeth. Disturbance of human remains, burial places and or burial offerings is a felony under the North Dakota Century Code, Chapter 23-06-27 and Chapter 40-02-03.

- A. Workers will treat all human remains with dignity and respect.**
- B. Immediately stop work in the vicinity of an unanticipated discovery involving potentially human remains.**
- C. Immediately notify the CM about the find.**
- D. If the CM believes that potentially human skeletal remains have been found, CM will stop all ground-disturbing activities within 200 feet of the potential discovery.**
 1. Protect and secure the evidence of the discovery.
 2. Delineate the area with flagging or safety fencing.
 3. Minimize movement by vehicles and equipment in the immediate vicinity of the discovery.

4. CM will immediately notify the NextEra PM who will, in turn, immediately notify the designated contacts (see Section III.D for contact information):
 - E. **Within 24-hours of the discovery, if possible, a professional archeologist will examine the discovery to determine if the remains are likely human and have an archeological association, and if that association is aboriginal or non-aboriginal.**
 - F. **If skeletal remains are determined to be non-human and there is no archeological association, the archeologist making the determination will immediately advise the CM and/or the NextEra PM, and construction may resume.**
 1. The archeologist will submit a letter report including photographs of the discovery site to the NextEra contacts within 10 business days of the determination.
 - G. **If the skeletal remains are non-human but are associated with an archeological site, follow the steps described in Section III A through G.**
 - H. **If the skeletal remains are possibly human, the NextEra archeological consultant will notify the NextEra PM, and the Morton County Sheriff's office. The Sheriff will call the North Dakota State Forensic Examiner to determine if the remains are associated with a crime scene. If the remains are historic or prehistoric, the North Dakota Chief Archeologist will be contacted.**

Morton County Sheriff

Dave Shipman, Sheriff
205 1st Ave NW
Mandan, ND 58554
(701)667-3330

North Dakota State Forensic Examiner

George Mizell, MD
North Dakota Department of Health
600 E. Boulevard
Bismarck, North Dakota 58505-0200
Phone: (701) 328-6138
Fax: (701) 328-6228

North Dakota Chief Archeologist

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- I. **If human remains are removed by the County Sheriff, State Forensic Examiner or Chief Archeologist, construction work will not recommence until permission is granted in writing by the North Dakota Chief Archeologist and appropriate law enforcement agencies.**