

Unanticipated Discoveries Plan

For

**Basin Electric Power
Cooperative**

**Pioneer Generation Station
Project**

May 2013

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1.0 Emergency Contact List

| Entity | Name | Role | Telephone Number |
|--|----------------|--|------------------|
| Basin Electric Power Cooperative | Lucas Tiegen | Manager of Construction | 701.223-0441 |
| Basin Electric Power Cooperative | Cris Miller | Senior Environmental Project Administrator | 701.223-0441 |
| Basin Electric Power | Myron Steckler | Project Manager | 701.223-0441 |
| Metcalf and Associates | | Project Archaeologist | 701.258-1518 |
| State Historical Society of North Dakota | Paul Picha | State Archaeologist | 701.328-3574 |

2.0 Unanticipated Discovery of Cultural Resources

2.1 Procedures at Time of Discovery of Unanticipated Cultural Resources

If unanticipated cultural resources are discovered during construction of Basin Electric Power Cooperative's (Basin Electric) Pioneer Generation Station Project (Project), all construction activity will immediately cease within 100 feet in all directions from the discovery. Basin Electric's project inspector and/or the contractor will immediately report the discovery to all parties identified in the Emergency Contact List in Section 1.0 of this plan. Ground-disturbing construction activities will not occur within 100 feet in any direction from the cultural resource until the State Historical Society of North Dakota (SHSND) permits construction to resume. In the event that an archaeologist, tribal monitor, or other necessary persons are not immediately available, the contractor will secure and protect the discovery until such time that the archaeologist and tribal monitor, if appropriate, can inspect and evaluate the discovery.

Metcalf's archaeologist will investigate any unanticipated discovery in consultation with the SHSND. Basin Electric may invite a tribal monitor to participate in the investigation, as appropriate. Metcalf's archaeologist, in conjunction with the tribal monitor if appropriate, will ascertain the nature and the extent of the resource, and the potential for intact deposits. Evaluation will involve an examination of the ground surface, backfill piles, and exposed construction surfaces. Metcalf's archaeologist will discuss the potential for additional impacts to the resource with the construction manager. Based on this examination, Metcalf's archaeologist will recommend the locus is:

- (1) not a site (e.g., isolated find or less than 50 years in age);
- (2) not a historic property, ie. not eligible for inclusion in the National Register of Historic Places (NRHP);
- (3) a historic property, ie. eligible for inclusion in NRHP-eligible or culturally sensitive site for which no further impacts are likely to occur;
- (4) an NRHP-eligible or culturally sensitive site (e.g. exposed hearths, house pits) that is likely to be impacted with further construction; or,
- (5) a site for which additional information is required to ascertain extent and NRHP eligibility.

Metcalf's archaeologist will provide information about the resource to SHSND to determine the most appropriate action.

2.2 Emergency Salvage of Cultural Resources

Unstable earth conditions in trenches or other unforeseen natural or cultural events could endanger cultural resources discovered during construction of the transmission line. If cultural resources are in imminent danger of destruction, Basin Electric will apply prudent methods to stabilize landforms around the unanticipated discovery. Once stabilized the resource shall be assessed as described above, subject to safety concerns.

2.3 Curation or Disposition of Cultural Materials

All cultural materials recovered from privately owned lands are the property of the landowner. After necessary laboratory analysis is completed, Basin Electric will provide the landowner with photographs and descriptions of cultural materials from his/her property. The landowner will be encouraged to contribute the materials for curation at the SHSND. If the landowner desires, Basin Electric will return cultural materials from his/her land to him/her.

3.0 Unanticipated Discovery of Human Remains

Any human remains encountered in a discovery situation will be handled according to the provisions of North Dakota Law. Treatment of human remains found on state or private lands in North Dakota is governed primarily under two laws: Protection of Human Burial Sites, Human Remains and Burial Goods in North Dakota Century Code (NDCC 23-06-27) and Protection of Prehistoric Sites and Deposits in the North Dakota Administrative Code (NDAC 40-02-03).

If human remains are discovered, all ground-disturbing construction activity will be immediately suspended within 100 feet in all directions from the human remains, and Basin Electric and Metcalf's archaeologist will be notified immediately. As required by law, Basin Electric will notify the Williams County Sheriff within 24 hours of discovery. Basin Electric will also notify the SHSND's of the finding.

If allowed by law enforcement, Basin Electric and/or the contractor will secure the location by means of flagging or roping the perimeter of the avoidance area and covering or otherwise protecting the human remains and any associated materials. The remains will not be further disturbed prior to completion of consultations with respective agencies unless such disturbance is necessary to preserve or protect the human remains. Any disturbance necessary to preserve or protect the remains must be done in consultation with law enforcement, SHSND, and Metcalf's archaeologist. The 100-foot-radius avoidance area may be expanded if the context of the human remains suggests additional human remains may exist within the construction area or if construction activities outside the 100-foot-radius area might destabilize or otherwise degrade the context of the human remains.

Law enforcement will determine whether the finding is associated with a crime scene within 15 days. If deemed not a crime scene, law enforcement will notify the SHSND of their findings. **No cultural resource investigations of human remains can occur without a permit from SHND.** Metcalf's archaeologist will work with SHSND to obtain a permit to conduct investigations of the location. If the remains are determined Native American, or if the ethnic identity of the remains is unknown, SHSND will notify the Intertribal Re-interment Committee. A meeting of interested parties will be set up as soon as possible, preferably within 36 hours of the decision that there is no evidence of a crime, to ensure that the disturbed remains receive the maximum protection and that costly delays are avoided. Together the SHSND, in consultation with the tribes (as appropriate) and Basin Electric will agree upon a suitable action.

Work cannot proceed until the stipulations of Protection of Human Burial Sites, Human Remains and Burial Goods in North Dakota Century Code (NDCC 23-06-27) and Protection of Prehistoric Sites and Deposits in the North Dakota Administrative Code (NDAC 40-02-03) have been met.

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