

# **Aurora Wind Project Williams and Mountrail Counties, North Dakota Cultural Resources Unanticipated Discovery and Monitoring Plan**

## **INTRODUCTION**

Aurora Wind Project, LLC. (Aurora Wind) is proposing to construct a wind project (Project) that will generate up to 300 megawatts (MWs) in Williams and Mountrail Counties, North Dakota. The Project will result in the construction of up to 134 wind turbines, depending on the final turbine model selected. Additional Project facilities may include but are not limited to access roads, electrical collection and transmission lines, communication systems and cabling, an operation and maintenance building, permanent meteorological towers, and a Project substation. Construction is anticipated to begin in the fall of 2019 with commercial operation by the end of 2020. No federal funding is anticipated.

Prior to construction, a Class II Architectural View-Shed Survey and a Class III Cultural Resources Inventory were conducted. The work was completed in 2018. 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. To continue moving forward with the proposed Project, Burns & McDonnell Engineering, Inc. (Burns & McDonnell) and Aurora Wind have developed this discovery and monitoring plan to address the proper discovery 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 or construction monitoring. The discovery plan may be used in conjunction with a monitoring effort 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, Aurora 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 advise the State Historical Society of North Dakota (SHSND) of the discovery. 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 SHSND 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 plan 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 SHSND. 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 SHSND, 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 SHSND 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 North Dakota's Protection of Human Burial Sites, Human Remains, and Burial Goods – Unlawful acts – Penalties – Exceptions (North Dakota Century Code [NDCC] 23-06-27) and Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods (North Dakota Administrative Code [NDAC] 40-02-03).

Intentional, unauthorized disturbance of a human burial site under North Dakota State law is a Class C felony:

*"Any person who knows or has reasonable grounds to believe that a human burial site, human remains, or burial goods, found in or on any land, shall refrain from any activity which might disturb or immediately cease any continued activity which might cause further disturbance of such burial, remains, or goods and shall, as soon as practicable, report the presence or discovery of the burial, remains, or goods, to the local law enforcement agency with jurisdiction in the area in which the burial, remains, or goods are located. A person is guilty of a class B misdemeanor who is required to make such report and willfully, as defined in section 12.1-02-02, fails to make the same. The requirements imposed in this subsection do not apply to any person engaged in the salvaging excavation or other disinterment of a human burial under authority of law." (23-06-27.5).*

If human remains are discovered during construction or monitoring activities, the following will take place in accordance with procedures defined in NDAC 40-02, in accordance with NDCC 23-06-27 (Protection of Human Burial Sites, Human Remains, and Burial Goods – Unlawful acts – Penalties – Exceptions):

- 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 County Sheriff and SHSND will be contacted immediately. The burial will be carefully covered and secured for protection from degradation by weather or unauthorized individuals.
- The SHSND shall inform the North Dakota State Health Department and Intertribal Reinterment Committee (ITRC).
- 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.
- At the discretion of the SHSND and/or the ITRC, the human remains and the immediate burial area may be protected by careful back fill or tarps.
- 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) will assist the SHSND and ITRC as requested but will not attempt to collect, further disturb, or study any human remains from the Project unless specifically directed to do so.

### **MONITORING PLAN**

Construction monitoring is not anticipated, but if it is deemed necessary at some locations by Aurora Wind or the SHSND, the work will be led by a qualified archaeologist(s) (according to the Department of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983) and North Dakota State law (NDCC Chapter 55-03-01 and NDCC Chapter 40-02-02). If

monitoring is deemed necessary for a location, the new ground disturbing activities will be limited to daylight hours, sunrise to sunset.

If construction monitoring is required, the archaeologist will be required to complete Project safety orientation. First aid kits and personal protective equipment (PPE) (hard hats, steel-toed boots, and safety vests) will also be required. The archaeologist will not be allowed on the construction site(s) without the proper PPE.

If cultural resources are encountered during construction monitoring, all equipment activities shall stop to allow for adequate investigations of the discovery. If the discovery is determined to be a cultural feature, the guidelines provided in this plan shall then be implemented.

Monitoring will occur at selected areas if deemed necessary by the SHSND or Project representatives. Areas previously plowed for agricultural activities will be excluded from monitoring due to the extensive previous disturbance to the pre-Holocene soil depth and lack of integrity of any cultural resources found in agricultural fields in the Project area. All monitoring activity will stay within the construction limits defined by the Project.

If construction monitoring is 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 SHSND Guidelines and will be submitted to the SHSND for review and archiving. Copies of the report will also be provided to Aurora Wind and will be archived as part of the final Project file.

In North Dakota, cultural materials recovered from private lands, with the exception of human remains 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 SHSND. 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, Aurora 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**

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**SHSND**

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**County Sheriff Department Contacts**

o Mountrail County Sheriff and Emergency Services (911)  
PO Box 304  
Stanley, North Dakota 58784  
Phone: 701-628-2975

o Williams County Sheriff and Emergency Services (911)  
Williams County Law Enforcement Center  
223 East Broadway, Suite 301  
Williston, North Dakota 58801  
Phone: 701-577-7700

**County Coroner Contacts**

o Mountrail County Medical Examiner & Coroner  
PO Box 309  
Stanley, North Dakota, 58784  
Phone: 701-628-2975

o Williams County Medical Examiner & Coroner  
1301 15th Avenue West  
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