

## **APPENDIX G – CULTURAL RESOURCES UNANTICIPATED DISCOVERIES PLAN**

# Unanticipated Discoveries Plan

Plan and Procedures Addressing Unanticipated Discoveries of  
Cultural Resources and Human Remains

## Flickertail Solar Project Richland County, North Dakota



**September 23, 2024**

### PRESENTED TO

---

**Flickertail Solar Project, LLC**  
422 Admiral Blvd.  
Kansas City, Missouri 64106

### PRESENTED BY

---

**Tetra Tech, Inc.**  
2001 Killebrew Drive, Suite 141  
Bloomington, Minnesota 55425  
(612) 643-2200

## TABLE OF CONTENTS

---

<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Key Project Staff Contact Information .....	2
1.2 Training and Orientation.....	2
<b>2.0 PROCEDURE WHEN POTENTIAL CULTURAL MATERIALS ARE OBSERVED .....</b>	<b>3</b>
<b>3.0 PROCEDURE WHEN POTENTIAL HUMAN REMAINS AND ASSOCIATED ITEMS ARE OBSERVED .....</b>	<b>6</b>

## 1.0 INTRODUCTION

This Unanticipated Discoveries Plan outlines the procedures that Flickertail Solar Project, LLC will follow to prepare for and address any unanticipated discoveries of cultural resources, including potential archaeological sites and possible human remains, during construction of the Flickertail Solar Project (the Project). It provides direction to Project personnel and their subcontractors regarding proper procedure in response to such unanticipated discoveries during construction of the Project. Installation of Project facilities will result in ground disturbances, which may result in the unanticipated discoveries of cultural resources.

Due to the types of construction activities anticipated at the Project site, the potential for unanticipated discoveries of cultural resources to occur during Project construction exists. This plan provides guidance on compliance with North Dakota's "Protection of human remains, and burial goods" law (North Dakota Century Code [NDCC] 23-06-27) and accompanying administrative rules (North Dakota Administrative Code [NDAC] 40-02-03) that also applies to the Project if human remains are inadvertently discovered during the course of construction.

## 1.1 KEY PROJECT STAFF CONTACT INFORMATION

---

Listed below is the contact information for key staff which will be referenced throughout the document. Flickertail Solar Project, LLC is managing the Project during construction. The Project's Engineering, Procurement, and Construction (EPC) contractor has yet to be determined. Tetra Tech, Inc. (Tetra Tech) has been contracted by Flickertail Solar Project, LLC to provide environmental consultation for the Project. Staff from all three entities are considered Project personnel.

***Flickertail Solar Project, LLC Project Manager (PM)***

TBD

Phone: TBD

Mobile: TBD

Email: TBD

***Project Construction Manager (CM)***

To be determined (TBD)

Phone: TBD

Mobile: TBD

Email: TBD

***Tetra Tech PM and Project Archaeologist***

Adam Holven

Phone: (612) 643-2237

Mobile: (507) 301-1943

Email: [adam.holven@tetrattech.com](mailto:adam.holven@tetrattech.com)

## 1.2 TRAINING AND ORIENTATION

---

The Project CM will be responsible for advising construction-contractor personnel on the procedures outlined in this document.

## 2.0 PROCEDURE WHEN POTENTIAL CULTURAL MATERIALS ARE OBSERVED

Cultural materials can include:

- Prehistoric man-made objects (prehistoric pottery, stone tools, and chipped stone flakes)



Left: Examples of prehistoric pottery



Right: An example of a prehistoric stone tool



Left and Right: Examples of prehistoric chipped stone flakes



- Historic period artifacts (often glass, ceramics, metal, building materials, etc.)



Left and Right: Examples of historic period artifacts

- Features (e.g., structural remains, walls constructed of natural materials such as stone cobbles, surfaces paved by stone cobbles, brick, or other material)



An example of a concrete feature visible on the ground surface.

- 1. If potential cultural materials are identified, work should cease immediately in the vicinity of the discovery.**
  - a. The Project CM is notified of the discovery.
  - b. The Project CM directs all ground-disturbing activities to stop within a minimum of 100 feet of the discovery.
  - c. The Project CM protects and secures the evidence in place.
  - d. The Project CM delineates a 100-foot buffer surrounding the discovery with flagging or fencing.
  - e. The Project CM takes GPS coordinates of the location of the discovery, photos of the discovery location, and photos of what was discovered.
  - f. Project ground-disturbing activities can continue outside of the 100-foot buffer surrounding the unanticipated discovery.
- 2. The Project CM immediately notifies the Flickertail Solar Project, LLC PM (see Section 1.1 for contact information).**
  - a. The Project CM provides the Flickertail Solar Project, LLC PM the GPS coordinates and photographs of the discovery and discovery location.
- 3. The Flickertail Solar Project, LLC PM immediately notifies the Tetra Tech PM and Project Archaeologist (see Section 1.1 for contact information).**
  - a. The Flickertail Solar Project, LLC PM provides the Tetra Tech PM and Project Archaeologist the GPS coordinates and photographs of the discovery and discovery location.
- 4. The Project Archaeologist reviews the information provided by the Flickertail Solar Project, LLC PM.**
  - a. If the Project Archaeologist determines that the discovery is not a cultural resource, the Project Archaeologist so advises the Flickertail Solar Project, LLC PM via telephone and follow up email. The Flickertail Solar Project, LLC PM then notifies the Project CM. Both the Project CM and the Flickertail Solar Project, LLC PM have the authority to remove the stop work order and ground-disturbing activities within 100 feet of the unanticipated discovery may resume.
  - b. If the Project Archaeologist determines that the discovery is or may be a cultural resource, the Project Archaeologist so advises the Flickertail Solar Project, LLC PM.
- 5. If the Project Archaeologist determines that the discovery is or may be a cultural resource, the Project Archaeologist will examine the discovery within 2 days of the disturbance to determine if the discovery is a cultural resource, accompanied by the Project CM.**
  - a. If the Project Archaeologist determines that the discovery is not a cultural resource, the archaeologist immediately so advises the Project CM and/or the Flickertail Solar Project, LLC PM. Both the Project CM and the Flickertail Solar Project, LLC PM have the authority to remove the stop work order.
  - b. If the Project Archaeologist determines that the discovery is a cultural resource, the Project Archaeologist immediately so advises the Flickertail Solar Project, LLC PM and Project CM. The



Project Archaeologist will collect additional information from the discovery location, including but not limited to additional photographs, notes about the cultural resource, and GPS coordinates. The Project Archaeologist then immediately notifies the State Historical Society of North Dakota (SHSND) Archaeologist by telephone, with written confirmation by email, of the discovery.

***State Historical Society of North Dakota***

Andrew Robinson, State Archaeologist  
Archaeology & Historic Preservation Division  
State Historical Society of North Dakota  
612 East Boulevard Ave.  
Bismarck, North Dakota 58101  
Phone: (701) 328-3575  
Email: [andrewrobinson@nd.gov](mailto:andrewrobinson@nd.gov)

6. **Following notification of the disturbance, the Project Archaeologist will work with the Project to determine appropriate actions to abide to the anticipated conditions of the Project's North Dakota Public Services Commission (NDPSC) permit. Appropriate actions could include avoidance or additional investigation. If avoidance is not appropriate, the Project Archaeologist will work with the Project to develop an appropriate plan to present to the SHSND, which may include survey, recovery, and analysis methodologies, as applicable and necessary.**
7. **Following the Project decision to avoid or impact the site, the Project Archaeologist will notify the SHSND of the find and the Project decision. If the site will not be avoided, the appropriate plan, which may include survey, recovery, and analysis methodologies, as applicable will be presented for SHSND review and comment.**
  - a. Duration of coordination with SHSND on the appropriate treatment plan, implementation of the SHSND-approved treatment plan, and final SHSND approval will be dependent on the type and size of resource encountered.
8. **Project ground-disturbing activities within 100 feet of the discovery will not recommence until the resolution of Step 7a.**

### **3.0 PROCEDURE WHEN POTENTIAL HUMAN REMAINS AND ASSOCIATED ITEMS 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). Remains may be articulated or disarticulated bones or teeth and may be identified in association with burial markers or associated artifacts/burial objects.

1. **Project personnel and their subcontractors are to treat all potential human remains or associated artifacts/burial objects with dignity and respect and will not move them from their identified location.**
2. **Work stops immediately in the vicinity of a discovery of potential human remains.**

**3. The Project CM is notified immediately about the find.**

**4. The Project CM then:**

- a. Stops all ground-disturbing activity within a minimum of 500 feet of the discovery of potential human remains.
- b. Establishes protection and security of the evidence of the discovery, which may include covering potential remains with a tarp to prevent damage from weather events.
- c. Delineates a 500-foot buffer surrounding the potential human remains with flagging or fencing.
- d. Records GPS coordinates of the potential remains location, takes photos of the potential remains location, and takes photos of the potential remains.
- e. Immediately notifies the Flickertail Solar Project, LLC PM (see Section 1.1 for contact information).

**5. The Flickertail Solar Project, LLC PM immediately notifies the Tetra Tech PM and Project Archaeologist (see Section 1.1 for contact information).**

- a. The Flickertail Solar Project, LLC provides the Tetra Tech PM and Project Archaeologist the GPS coordinates, and photographs of the potential remains and potential remains location.

**6. The Project Archaeologist reviews the provided information.**

- a. If the Project Archaeologist determines that the remains are non-human and lacking archaeological association or paleontological significance, the Project Archaeologist immediately so advises the Flickertail Solar Project, LLC PM of the discovery's lack of significance via telephone and follow up email. The Flickertail Solar Project, LLC PM then notifies the Project CM. Both the Project CM and Flickertail Solar Project, LLC PM have the authority to remove the stop work order and construction may resume.
- b. If the Project Archaeologist determines that the remains are non-human but may be associated with an archaeological site, follow the actions described in Section 2.0, Steps 5 through 8.
- c. If the Project Archaeologist determines that the discovery is or may be human remains, the Project Archaeologist so advises the Flickertail Solar Project, LLC PM via telephone and follow up email. The Project Archaeologist will examine the discovery within 24 hours of the disturbance to determine if the remains are likely human and have an archaeological association, accompanied by the Project CM.

**7. If the Project Archaeologist determines that the skeletal remains are human or are possibly human upon physical examination of the discovery:**

- a. The Project Archaeologist immediately notifies the Flickertail Solar Project, LLC PM and the Richland 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.

***Richland County Sheriff***

Gary Ruhl, Sheriff  
Richland County Law Enforcement Center  
413 3rd Ave N  
Wahpeton, ND 58075  
Sheriff's Office Phone: (701) 642-7711  
Fax: (701) 642-7720  
Email: [gruhl@co.richland.nd.us](mailto:gruhl@co.richland.nd.us)

***North Dakota State Forensic Examiner***

Dr. William Massello  
2637 East Main  
Bismarck, ND 58501  
Office Phone: (701) 328-6138  
Fax: (701) 328-6628  
Email: [NDMEOffice@nd.gov](mailto:NDMEOffice@nd.gov)

8. **If the North Dakota State Forensic Examiner determines that the remains are human and associated with a crime scene and/or need to be removed from the discovery location for further evaluation:**
  - a. Jurisdiction of the remains are turned over to law enforcement.
  - b. Construction work will not recommence until permission is granted by law enforcement agencies.
9. **If the North Dakota State Forensic Examiner determines that remains are human and are not associated with a crime scene and are historic or prehistoric:**
  - a. The Project Archaeologist will contact the SHSND State Archaeologist (see Section 2.0, Step 5 for SHSND contact information). The Project Archaeologist will collect additional information from the discovery location, including but not limited to additional photographs, notes about the cultural resource, and GPS coordinates.
  - b. The SHSND State Archaeologist and the Project Archaeologist shall review the remains and any associated artifacts/burial objects pursuant to rules adopted by the North Dakota Department of Health and Human Services (NDDHHS) and SHSND. When review of these materials is complete, the remains and burial goods must be reinterred pursuant to rules adopted by the NDDHS and SHSND.
  - c. Project ground-disturbing activities within 500 feet of the discovery will not recommence until approval is granted by the SHSND.