

March 24, 2026

Via Electronic Mail & U.S. Mail

Mr. Brian Johnson
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

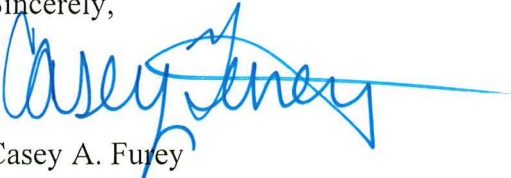
In re: Emmons-Logan Energy Storage, LLC
Emmons-Logan Battery Energy Storage System – Emmons County
Siting Application
Case No. PU-25-209

Dear Mr. Johnson:

Enclosed for filing in the above-referenced matter, please find eight copies of the Unanticipated Discoveries and Effects Plan.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh
Enc.

cc: Adam Renfandt (via email)
Tracy Davis (via email)
Dina Brown (via email)
Erik Edison (via email)

UNANTICIPATED DISCOVERIES AND EFFECTS PLAN FOR CULTURAL RESOURCES AND HUMAN REMAINS

Emmons-Logan Energy Storage Project Emmons County, North Dakota



Prepared for:

Emmons-Logan Energy Storage, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

October 2025

I. INTRODUCTION

This Unanticipated Discoveries and Effects Plan (UDEP) outlines the procedures Emmons-Logan Energy Storage, LLC (Emmons-Logan Energy Storage), a wholly owned subsidiary of NextEra Energy Resources, LLC (NextEra), will follow in the event of an unanticipated discovery of cultural resources, possible human remains, or unanticipated effects on previously identified cultural resources requiring avoidance during Project activities for the Emmons-Logan Energy Storage Project (Project). For the purposes of this UDEP:

- Cultural resources refers to archaeological sites and resources listed, eligible, or potentially eligible for the National Register of Historic Places (NRHP), and cultural heritage sites identified by federally recognized tribes; and
- Human remains refers to skeletal material of prehistoric, historic, or unknown origin.

This UDEP provides direction for Emmons-Logan Energy Storage and NextEra personnel and their consultants on procedures to follow in the event of a discovery of cultural resources (or unanticipated effects on previously identified cultural resources) and/or human remains or effect during Project activities.

This UDEP was developed in consideration of the 2020 North Dakota State Historic Preservation Office (SHPO) Guidelines Manual for Cultural Resource Inventory Projects. This UDEP also identifies the procedures to follow should any human remains be inadvertently discovered during construction, in accordance with North Dakota Administrative Code 40-02-03 (Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods) and North Dakota Century Code 23-06-27 (Protection of Unmarked Human Burials).

Emmons-Logan Energy Storage will obtain a Certificate of Site Compatibility from the North Dakota Public Service Commission for the Project that involved coordination with the State Historical Society of North Dakota prior to construction. Neither the North Dakota Public Service Commission nor State Historical Society of North Dakota identified Project-specific requirements for this UDEP.

II. TRAINING AND ORIENTATION

The Emmons-Logan Energy Storage Environmental Specialist or a qualified archaeologist will provide training as part of the pre-construction on-site training program for foremen, company inspectors, and construction supervisors. As part of this training, details regarding potential indicators of cultural resources or human remains will be identified. These indicators will include items such as culturally modified stone, charcoal, brick, ceramics, glass, and bone found on the ground surface, in spoil piles, or within graded areas during construction. The *What to Do If You Discover Cultural Resources or Human Remains Handout* (Section VII of this document) will be provided to field personnel, including cultural resource monitors and construction crews, as appropriate.

The Construction Manager will be responsible for instructing construction-contractor personnel on the procedures to follow in the event that an unanticipated discovery is made or an unanticipated effect on a previously identified cultural resource occurs (see Sections III and IV of this document).

III. PROCEDURES WHEN CULTURAL RESOURCES ARE DISCOVERED

In the event that unanticipated cultural resources are discovered, or unanticipated effects on previously identified cultural resources occur, the following steps shall be implemented. A summary of these procedures is provided in the *UDEP Flow Chart* (Section VI of this document).

A. Immediately Halt Work

- All activity shall stop within a minimum of 100 feet of the discovery location. Project activities may continue in other areas outside of the established avoidance buffer.

B. Secure and Protect the Discovery

- Secure and protect the discovery area from additional disturbance or interference (e.g. by flagging, temporarily fencing, or assigning personnel to monitor the area).
- Do not touch, move, or disturb the discovery.

- Treat information about the discovery as sensitive to protect the resource and comply with applicable laws.
- Project personnel will not speak with the media or post about the discovery on social media (e.g. Facebook, Twitter, Instagram).
- Project personnel will direct any public or media inquiries to the designated Project representative or appropriate agency.

C. Notification

- Project Personnel who identified the discovery or effect must immediately notify the Construction Manager.
- The Construction Manager will notify the Archaeological Field Monitor of the discovery. If an Archaeological Field Monitor is not on-site the Construction Manager will immediately contact the Environmental Specialist, Project Developer, and the Project Archaeologist, and an Archaeological Field Monitor will be deployed to inspect the possible discovery.

D. Archaeological Field Monitor Inspection

- The Archaeological Field Monitor will inspect the discovery.
- The Archaeological Field Monitor will determine whether the discovery is a cultural resource or non-cultural.
 - a. If the discovery is **not cultural, work may resume**. The Archaeological Field Monitor will notify the Construction Manager, Environmental Specialist, Project Developer, and the Project Archaeologist.
 - b. If the discovery is a cultural resource, the Archaeological Field Monitor will confirm whether it is a previously recorded or newly identified resource.
 - 1) If the cultural resource is previously recorded and recommended as not eligible for the NRHP, with no further work recommended with no required management recommendations (e.g. no need for avoidance during construction), **work may resume if this determination is agreed with by the Archaeological Field Monitor**. The Archaeological Field Monitor will notify the Construction Manager, Environmental Specialist, Project Developer, and the Project Archaeologist.
 - 2) If the cultural resource is newly identified, the Archaeological Field Monitor will determine if it is an isolated find or an archaeological site.
 - i. If the discovery is an isolated find, implement the *Isolated Find* procedures below.
 - ii. If the discovery is an archaeological site, implement the *Newly Identified Archaeological Sites* procedures below.
 - 3) If the discovery is a previously recorded cultural resource and has required measures or management recommendations (e.g. avoidance), or the Archaeological Field Monitor determines additional work is needed (e.g. the previous determination is outdated), implement the *Effects to Previously Identified Cultural Resources* procedures below.

E. Response to Discovery

1. **Isolated Finds** – When an isolated find (as defined by the guiding agency) is discovered the following procedures will be followed:
 - a. The Archaeological Field Monitor will record the isolated find in accordance with applicable agency guidelines and also prepare a letter report that includes a description, eligibility recommendation, geographic location (in UTM coordinates), and photographs.
 - 1) If the Archaeological Field Monitor recommends the isolated find is not eligible for listing on the NRHP **work may resume**. The letter report will be submitted to the Environmental Specialist, Project Developer, and the Project Archaeologist within ten (10) business days.
 - 2) If the Archaeological Field Monitor recommends the isolated find is significant or eligible for listing on the NRHP, the Archaeological Field Monitor will immediately contact the Designated Archaeological Consultant.

- i. If the Designated Archaeological Consultant agrees with the determination, they will then contact the Construction Manager, Environmental Specialist, Project Developer, and the Project Archaeologist.
 - ii. Work will not resume in the area until granted by the appropriate agencies, if required, and upon notification by Construction Manager.
2. **Newly Identified Archaeological Sites** – When a previously unidentified archaeological site is discovered the following procedures will be followed:
 - a. Archaeological Field Monitor shall immediately notify the Construction Manager, Designated Archaeological Consultant, and Project Archaeologist of the discovery, providing documentation of the discovery (description, eligibility recommendation, location, and photographs).
 - b. If the Designated Archaeological Consultant agrees with the determination that the cultural material is a newly identified archaeological site, the Designated Archaeological Consultant will immediately notify the Construction Manager, Environmental Specialist, Project Developer, Project Archaeologist, and Tribal Relations Manager with a description, eligibility recommendation, location, and photographs of what has been found or occurred.
 - c. The Tribal Relations Manager will coordinate with Tribal points of contact as needed.
 - d. The Archaeological Field Monitor will record the archaeological site according to applicable guidelines and prepare a letter report with description, eligibility recommendation, geographic location (UTM coordinates), and photographs. The letter report will be submitted to the Environmental Specialist, Project Developer, and the Project Archaeologist.
 - e. The Construction Manager, Project Developer, and Project Archaeologist will determine if the archaeological site can be avoided by Project activities.
 - 1) If the site **can be avoided** by Project activities that may cause adverse effects:
 - a. Buffer the archaeological site and enact avoidance measures.
 - b. Include the site location included in the Project’s avoidance area maps/GIS.
 - c. Project activities may continue with the approval from the appropriate agencies (if required) and notification by Construction Manager.
 - 2) If the site **cannot be avoided** by Project activities that may cause adverse effects, the Project Archaeologist will assess the eligibility in consultation with the SHPO (as required) within five (5) working days.
 - i. If the site is found through consultation (as required) to be **not eligible** and no further measures are required, Project activities may continue at that location upon notification by Construction Manager.
 - ii. If the site is found through consultation to be **eligible** and will be adversely affected by the Project activities, a Historic Properties Treatment Plan (HPTP) scope of work will be written and submitted to the Environmental Specialist, Project Developer, and the Project Archaeologist within two (2) business days if required by relevant agencies or if feasible. Once approved by the Environmental Specialist, Project Developer, and the Project Archaeologist, the Designated Archaeological Consultant or Project Archaeologist will submit the scope of work to the appropriate agencies.
 - a) Emmons-Logan Energy Storage Notification: The Project Developer will notify the following (in coordination with the Environmental Specialist, Construction Manager, Project Archaeologist, and as necessary the Tribal Relations Manager):
 - i. Corporate Security
 - ii. External Affairs
 - iii. Marketing and Communications

- b) The Environmental Specialist, Project Archaeologist, or Designated Archaeological Consultant will provide the final HPTP to the appropriate agencies and SHPO (as required).
 - c) Once consultation is complete, the HPTP will be implemented.
 - d) Work may resume according to the HPTP upon written (email) permission from the appropriate agencies and upon notification by Construction Manager.
3. **Effects to Previously Identified Cultural Resources** – When an effect on a previously identified cultural resource is discovered, the following procedures will be followed:
- a. If the Archaeological Field Monitor determines the discovery is an effect on a previously identified cultural resource that required avoidance, the Archaeological Field Monitor shall immediately notify the Construction Manager, Designated Archaeological Consultant, and Project Archaeologist of the discovery, providing documentation of the effect (description, location, and photographs).
 - b. If the Designated Archaeological Consultant agrees with the determination that the discovery is an effect on a previously identified cultural resource that required avoidance, the Designated Archaeological Consultant will immediately notify the Construction Manager, Environmental Specialist, Project Developer, Project Archaeologist, and Tribal Relations Manager with a description, location, photographs of what has been found and/or occurred and recommendation of whether the effect adversely affected the eligibility of the cultural resource.
 - c. The Tribal Relations Manager will coordinate with Tribal points of contact as needed.
 - d. The Project Archaeologist, in coordination with relevant agencies, will determine if the effect adversely affected the eligibility of the cultural resource.
 - 1) If the effect **did not adversely affect** the cultural resources, the Project Archaeologist (in coordination with relevant agencies) will advise on next steps and notify the Construction Manager, Environmental Specialist, Project Developer. Work may resume upon notification by Construction Manager.
 - 2) If the effect **did adversely affect** the cultural resource, an HPTP scope of work will be written and submitted to the Environmental Specialist, Project Developer, and Project Archaeologist within two (2) business days. Once approved by the Environmental Specialist, Project Developer, and Project Archaeologist; the Designated Archaeological Consultant or Project Archaeologist will submit the scope of work to the appropriate agencies (as required) or feasible.
 - a) Emmons-Logan Energy Storage Notification: The Project Developer will notify the following (in coordination with the Environmental Specialist, Construction Manager, Project Archaeologist and as necessary the Tribal Relations Manager):
 - i. Corporate Security
 - ii. External Affairs
 - iii. Marketing and Communications
 - b) The Environmental Specialist, Project Archaeologist, or Designated Archaeological Consultant will provide the final HPTP to the appropriate agencies and SHPO (as required).
 - c) Once consultation is complete, the HPTP will be implemented.
 - d) Work may resume within the buffered site location upon written (email) permission from the appropriate agencies (as required) and upon notification Construction Manager.

IV. PROCEDURE WHEN KNOWN OR SUSPECTED HUMAN REMAINS ARE DISCOVERED

In the event that known or suspected human remains, unmarked burials, including both Native American and non-Native American remains, are encountered, the following steps shall be implemented. A summary of these procedures is provided in the *UDEP Flow Chart* (Section VI of this document).

A. Immediately Halt Work

- Cease all activity within a minimum of 100 feet of the discovery location.
- Project activities may continue in areas outside the avoidance buffer.
- Minimize movement of vehicles and equipment near the discovery.

B. Secure and Protect the Discovery

- Secure and protect the discovery area from additional disturbance or interference (e.g. by flagging, temporarily fencing, or assigning personnel to monitor the area).
- Do not touch, move, or disturb the discovery.
- Keep information about the discovery confidential and on a need-to-know basis.
- Project personnel will not speak with the media or post about the discovery on social media (e.g. Facebook, Twitter, Instagram).

C. Treat Human Remains with Dignity and Respect

- Photography of any type is prohibited, except as required for notification and protection of the discovery.
- Physical interaction with the human remains is prohibited, except as required to secure the discovery location (Section IV.D of this document).
- Use of mobile devices near the remains is prohibited, except as required for notification and protection of the discovery.

D. Initial Notification

1. **Project Personnel who identified the discovery** (e.g. cultural resource monitor, Tribal monitor, construction personnel) must immediately notify the Construction Manager.
2. **The Construction Manager must immediately notify the Archaeological Field Monitor**
 - a. Notify the Archaeological Field Monitor of the discovery. If an Archaeological Field Monitor is not on-site the Construction Manager will contact the Environmental Specialist, Project Developer, and the Project Archaeologist immediately, and an Archaeological Field Monitor will be deployed to inspect the possible discovery.

E. Archaeological Field Monitor Inspection

1. The Archaeological Field Monitor will inspect the discovery to determine if it is human bone. If it is determined it is not human bone, **work may resume.**
 - **If the remains are non-human but are associated with an archaeological site, follow the steps described in *Section III Procedures When Cultural Resources Are Discovered.***
2. If the determination is inconclusive or confirms human remains, work must remain halted.
 - a. The Archaeological Field Monitor will ensure the discovery is secured and protected from additional disturbance or interference.
 - b. Archaeological Field Monitor will immediately notify the Designated Archaeological Consultant and Project Archaeologist of the discovery, providing documentation the discovery (description, location, and photographs – as necessary)

F. Further Notification

1. If the Designated Archaeological Consultant agrees with the determination of inconclusive or confirmed human remains, the Designated Archaeological Consultant will immediately notify the Construction Manager, Environmental Specialist, Project Developer, Project Archaeologist, and Tribal Relations Manager.
2. Emmons-Logan Energy Storage Notification: The Project Developer will notify the following (in coordination with the Environmental Specialist, Construction Manager, Project Archaeologist and as necessary the Tribal Relations Manager):
 - Corporate Security
 - External Affairs
 - Marketing and Communications
3. The Construction Manager (or other responsible designee) shall contact the Emmons County Sheriff's Office.
 - The Sheriff and North Dakota State Forensic Examiner will determine if the remains are part of an active crime scene.

G. Next Steps

- Work will not resume in the area until:
 - Law Enforcement confirms that the discovery is not an active crime,
 - Permission is granted by the appropriate agency official(s), and
 - Notification is provided by Construction Manager.

V. CONTACT SHEET

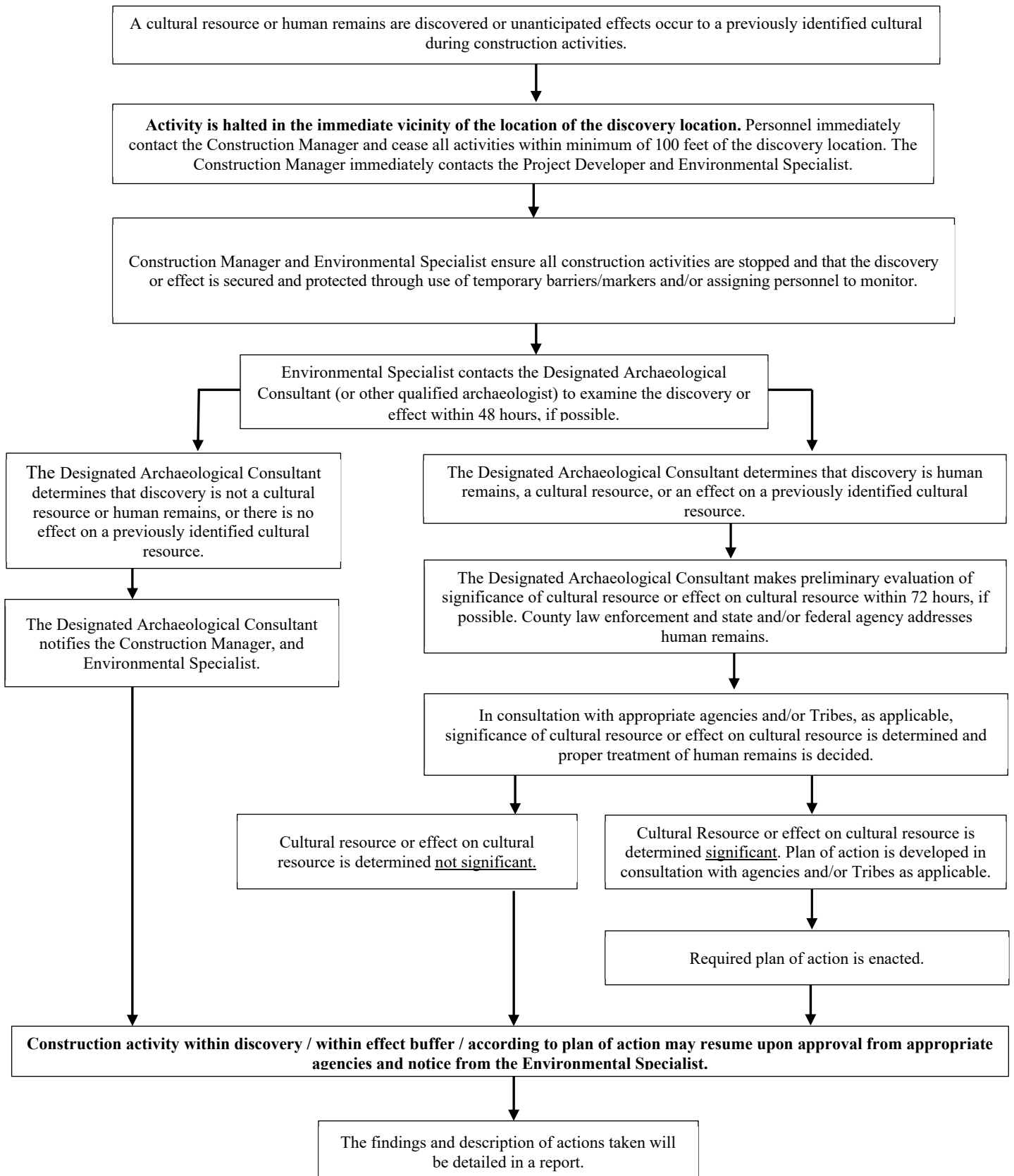
Emmons-Logan Energy Storage Contacts				
Title / Role	Company	Name	Phone	Email
Construction Manager	Emmons-Logan Energy Storage, LLC	Brian Burns	██████████	████████████████████
Project Developer	Emmons-Logan Energy Storage, LLC	Clint Scherb	██████████	████████████████████
Environmental Specialist	NextEra Energy Resources, LLC	Dina Brown	██████████	████████████████████
Project Archaeologist	NextEra Energy Resources, LLC	Debra McCarthy	██████████	████████████████████
Tribal Relations Manager	NextEra Energy Resources, LLC	Valerie Barbie	██████████	████████████████████
Consultant Project Manager	To be determined	To be determined	To be determined	To be determined
Designated Archaeological Consultant	To be determined	To be determined	To be determined	To be determined

State Archaeological Contacts				
Title / Role	Agency	Name	Phone	Email
Director	State Historical Society of North Dakota	Bill Peterson	701-328-2666	billpeterson@nd.gov

Law Enforcement / Medical Examiner Contacts				
Title / Role	Agency	Name	Phone	Email
Emmons County Sheriff	Emmons County Sheriff's Office	Mark Pearson	701-254-4411	None provided
North Dakota State Forensic Examiner	North Dakota Department of Health	None provided	701-328-6138	None provided
None identified	North Dakota Intertribal Reinterment Committee	No contact information is available for NDIRC. State Historical Society of North Dakota will coordinate with North Dakota Intertribal Reinterment Committee.		

North Dakota Tribal Contacts				
Title / Role	Agency	Name	Phone	Email
Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	Steve Vance	██████████	████████████████████
Tribal Historic Preservation Officer	Shakopee Mdewakanton Sioux Community of MN	Leonard Wabasha	██████████	████████████████████
Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa Indians	Larus Longie	██████████	████████████████████
Tribal Historic Preservation Officer	Upper Sioux Community	Samantah Odegard	██████████	████████████████████
Tribal Historic Preservation Officer	Northern Cheyenne Tribe	Teanna Limpy	██████████	████████████████████

VI. UDEP FLOW CHART



VII. WHAT TO DO IF YOU DISCOVER CULTURAL RESOURCES OR HUMAN REMAINS HANDOUT

Discovery Protocol: Immediate Action Required

If you discover any potential cultural resource (archaeological materials – Native American or Euro-American artifacts) and/or possible human remains, immediately take the following steps. **If in doubt call it in.**



IMMEDIATELY HALT WORK: Stop all activity within a 100-foot radius of the discovery.



SECURE AND PROTECT THE DISCOVERY: *Do not touch, move, or disturb the possible human remains or item(s) in any way.* Secure and protect the area from additional disturbance or interference (such as flagging off the area and/or by assigning personnel to monitor the area). Project personnel shall ensure the discovery remains confidential, on a need-to-know basis. Project personnel will not speak with the media or discuss the find on social media (e.g., Facebook, Twitter, Instagram, etc.).



REPORT IMMEDIATELY:

- **Project Personnel who identified the discovery** (e.g. cultural resource monitor, Tribal monitor, construction personnel) must immediately notify the Construction Manager and Archaeological Field Monitor (if one is present).
- **Construction Manager** will notify the Environmental Specialist, Project Developer, and Project Archaeologist.



PAUSE ALL WORK UNTIL FURTHER NOTICE: Project activities shall be halted and will not proceed within a 100-foot radius of the discovery until approval to resume is received from appropriate agencies and notice is given by the Environmental Specialist.

Emmons-Logan Energy Storage Project Contacts				
Title / Role	Company	Name	Phone	Email
Construction Manager	Emmons-Logan Energy Storage, LLC	Brian Burns	██████████	████████████████████
Project Developer	NextEra Energy Resources, LLC	Clint Scherb	██████████	████████████████████
Environmental Specialist	NextEra Energy Resources, LLC	Dina Brown	██████████	████████████████████
Project Archaeologist	NextEra Energy Resources, LLC	Debra McCarthy	██████████	████████████████████
Tribal Relations Manager	NextEra Energy Resources, LLC	Valerie Barbie	██████████	████████████████████
Designated Archaeological Consultant	To be determined	To be determined	To be determined	To be determined