

# Appendix J

## Unanticipated Discoveries Plan

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# **DAIRYLAND POWER COOPERATIVE**

## **CULTURAL RESOURCES UNANTICIPATED DISCOVERIES PLAN BEAVER CREEK 161kV ELECTRICAL TRANSMISSION LINE PROJECT**

**July 2024**



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# TABLE OF CONTENTS

|                                                            | Page |
|------------------------------------------------------------|------|
| I. INTRODUCTION.....                                       | 1    |
| II. WORKFORCE EDUCATION.....                               | 1    |
| III. PROCEDURE WHEN CULTURAL MATERIALS ARE DISCOVERED..... | 2    |

## APPENDICES

Appendix A: SHPO and Law Enforcement Contact Information

# CULTURAL RESOURCES UNANTICIPATED DISCOVERIES PLAN

## Q-8A BEAVER CREEK 161kV ELECTRICAL TRANSMISSION LINE PROJECT

### I. INTRODUCTION

This document outlines the procedures that Dairyland Power Cooperative (Dairyland) will follow to prepare for and address any unanticipated cultural resource discoveries during ground disturbing pre-construction activities and construction of the Q-8A Beaver Creek 161kV Electrical Transmission Line Project (Project) in Minnesota. Such discoveries include archaeological deposits and human remains.

This plan provides step-by-step directions for Dairyland personnel and their contractors to follow in the event that unanticipated discoveries are made during ground-disturbing construction activities associated with the Project. Inadvertent discoveries on state and private land shall comply with applicable state notification standards, federal laws, Title 36 Code of Federal Regulations (CFR) Part 800.13, and the Advisory Council on Historic Preservation's (ACHP's) Policy Statement Regarding Treatment of Burial Sites, Human Remains, or Funerary Objects (February 23, 2007).

The requirements of the Unanticipated Discoveries Plan must be incorporated into all construction contracts and must be in keeping with confidentiality restrictions. Dairyland personnel and their contractors shall protect information about historic properties to the extent allowed by Section 304 of the National Historic Preservation Act (54 United States Code (USC) § 307103), 36 CFR Part 800.11(c), and other applicable state and local laws. This will include specifically protecting information on properties of traditional religious and cultural significance to Indian tribes to which the consulting parties may become privy, including protecting location information or information provided by Native American tribes to assist in the identification of such properties. **Copies of this plan must be made available to field personnel onsite.**

### II. WORKFORCE EDUCATION

Dairyland will be responsible for advising construction personnel and all other contractors involved in earthmoving or other ground disturbing activities on the proper procedures to follow in the event that an unanticipated discovery is made,

1. Stop work immediately if they observe any indications of the presence of cultural materials (artifacts or other man-made features 50 years old or older), animal bone, or suspected human bone.
2. Contact the Dairyland Environmental Lead and Dairyland Field Supervisors assigned to the Project immediately:

| Name           | Title                           | Phone Number | Role               |
|----------------|---------------------------------|--------------|--------------------|
| TBD            | TBD                             | TBD          | Field Supervisor   |
| Michael Peters | Power Delivery Services Manager | 608-792-4593 | Environmental Lead |

3. Contact the Dairyland Project Manager as soon as possible:

Name: Caleb J Hefti  
Title: Project Manager II, Project Engineering  
Office: 608-787-1350 Mobile: 608-790-5495  
Email: Caleb.Hefti@DairylandPower.com  
Address: 3200 East Avenue South, La Crosse, WI 54602-0817

4. Comply with the unanticipated discovery procedures outlined in this document.
5. Treat human remains and any associated objects with dignity and respect.

### **III. PROCEDURE WHEN CULTURAL MATERIALS ARE DISCOVERED**

Cultural materials may include prehistoric man-made objects (e.g., prehistoric pottery or chipped stone tools and flakes), historic-era items (e.g., artifacts that are not prehistoric, but which are more than 50 years old) and features (e.g., foundation walls, wells, privies, cisterns), or other remnants of cultural activity.

In the event that any member of the project work force believes that a cultural resource discovery is encountered, the following plan will be implemented:

1. All work, including vehicular traffic, must immediately stop within a 50-foot radius of the discovery and the Dairyland Project Manager will be immediately notified of the discovery.
2. For all discoveries, work must also stop in the surrounding area where further historic properties, subsurface burial sites, or human remains can reasonably be expected to occur.
3. Stopping work for such discoveries is the responsibility of Project-affiliated personnel who made the discovery, in coordination with other Project workers at the discovery site and supervisors overseeing the on-site work, and in communication with the appropriate representative(s) of Dairyland. Personnel working on site will be directed, informed, and authorized by Dairyland to protect discoveries following the procedures outlined in this Unanticipated Discoveries Plan.
4. Within 24 hours of receiving notification of an inadvertent discovery, the Dairyland Project Manager shall notify the State Historic Preservation Office (SHPO) and appropriate local authorities, and will have the work site inspected to ensure that all work, including vehicular traffic, has ceased, and to protect the area of discovery from looting and vandalism.
5. All archaeologists or other specialists employed in response to inadvertent discoveries will be Secretary of the Interior-qualified and have the knowledge to assess the cultural resources. Dairyland will assess the National Register of Historic Places eligibility of the

archaeological resource in consultation with the relevant SHPO and other stakeholders as appropriate.

6. If the discovery is within the U.S. Army Corps of Engineers Lands (USACE) land or within USACE-permitted areas, the USACE must authorize evaluation of the discovery. The permittee, or its representative, shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer or an approved archaeologist to determine the appropriate actions to take pursuant to the provisions of law and 36 CFR 800.7 (resources discovered during construction) to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation. Any decisions as to proper mitigation measures will be made by the authorized officer after consulting the permittee. If the discovery is made where the Project crosses a Minnesota Department of Natural Resources public water, coverage from the USACE pursuant to 33 USC § 1344 Sec. 404 would occur.
7. Work may continue in other areas of the undertaking where no historic properties, burial sites, or human remains are found. If an inadvertent discovery appears to be a consequence of illegal activity such as looting, onsite personnel will contact the appropriate legal authorities immediately if the landowner has not already done so.
8. Work may not resume in the area of the discovery until it has determined that the appropriate state and local protocols have been satisfied and Consulting Partings have been consulted.

#### ***IV. TREATMENT OF HUMAN REMAINS***

At all times, human remains must be treated with the utmost dignity and respect, and in a manner consistent with the ACHP's Policy Statement on the Treatment of Human Remains, Burial Sites and Funerary Objects.

1. Dairyland is committed and will make every effort to protect and preserve all human remains, including cemeteries, prehistoric graves, and isolated skeletal elements, during Project-related construction activities.
2. If a discovery containing human remains is located, treatment of human remains and any related grave goods or burial materials will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et. seq.) and its implementing regulations (43 CFR Part 10). NAGPRA specifically applies to human remains and related items located on Federal and tribal lands or in the possession or control of any institution or state or local government receiving federal funds (NAGPRA 43 CFR Part 10.1[b][ii]).
3. Dairyland will implement the procedures below immediately upon receipt of notification of the inadvertent discoveries of human remains and objects associated with a human burial. This plan dictates simultaneous initial notification of both the Office of the State Archaeologist (OSA) and Minnesota Indian Affairs Council (MIAC) as follows:

- a) If unmarked human burial or skeletal remains are encountered during construction activities, Dairyland will comply with Minnesota’s “Private Cemeteries Act” (Minnesota Statutes (Minn. Stat.) §307.08) as revised in 2023.
- b) The On-site manager/Contractor shall immediately halt all ground disturbing work within a 100-foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting, or moving human remains or other items shall occur after the initial discovery. Protection measures may include the following:
  - i. Flag the buffer zone around the find spot.
  - ii. Ensure adequate security is in place to keep workers, press, and curiosity seekers away from the find spot until the status of the discovery can be determined.
  - iii. Tarp the find spot.
  - iv. Prohibit photography of the find unless requested by the agency official.
  - v. Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.
- c) Dairyland will notify the local law enforcement agency (County Sheriff). As required by Minn. Stat. §307.08, Dairyland will also notify the OSA and MIAC of the find.
  - a. If Native American human remains or funerary objects are discovered during the Project on land administered by a Federal agency, Dairyland will notify the USACE, and the USACE has the responsibility for complying with applicable federal laws.
  - b. The USACE must notify both the OSA and MIAC simultaneously of all discoveries of Native American human remains or funerary objects.
  - c. The USACE must also notify consulting tribes and may notify tribes that have indicated interest in the Project’s Section 106 process and tribes that have been invited to consult on the Project of all discoveries of Native American human remains or funerary objects. Notifications of such discoveries may not be limited to consulting tribes.
- d) If local law enforcement determines that the remains are not associated with a crime, the Federal or State Agency responsible for the Project shall determine if it is prudent and feasible to avoid disturbing the remains.
- e) If the Federal Agency in consultation with Dairyland determine that disturbance cannot be avoided, the OSA and MIAC will determine acceptable procedures for the removal, treatment and repatriation of the burial or remains. The OSA and MIAC shall ensure that Dairyland implements the plan for removal, treatment and disposition of the burial or remains as authorized by the OSA and MIAC.
- f) If such burials are not American Indian or their ethnic identity cannot be ascertained, as determined by the OSA, they shall be dealt with in accordance with provisions established by the OSA and other appropriate authority.
- g) If such burials are American Indian, as determined by the OSA and MIAC, efforts shall be made to follow procedures as defined in 25 USC § 3001 et seq., and its

implementing regulations, 43 CFR Part 10, within reservation boundaries. For burials outside of reservation boundaries, the procedures defined in 25 USC § 3001 et seq., and its implementing regulations, 43 CFR Part 10, are at the discretion of MIAC.

## **Appendix A: SHPO and Law Enforcement Contact Information**

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