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UNANTICIPATED CULTURAL RESOURCES DISCOVERY PROTOCOL
HIGH BRIDGE WIND PROJECT, TOWN OF GUILFORD, CHENANGO COUNTY, NEW YORK

August 2019

Introduction:

High Bridge Wind, LLC (the "Applicant"), has proposed to construct a wind energy generating facility (the "Facility") in the Town of Guilford in Chenango County, New York. The proposed Facility will consist of up to 25 wind turbines and associated infrastructure.

Environmental Design & Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C. (EDR), in conjunction with the Public Archaeology Facility at Binghamton University (PAF), completed a Phase IB archaeological survey of the Area of Potential Effect (APE) for Direct Effects of the proposed Facility on behalf of the Applicant. The purpose of the Phase IB survey was to determine whether archaeological sites or stone features are located in the areas that may be affected by the proposed Facility. The Applicant has sited the Facility to avoid or minimize impacts to archaeological sites and stone features identified during the Phase IB survey, wherever practicable.

The Applicant recognizes that despite previous archaeological investigations, it is possible that unanticipated buried or aboveground archaeological features, stone features, and/or artifacts may be encountered during project construction or maintenance, even in areas regarded as possessing low archaeological sensitivity. In order to provide additional safeguards against the possibility that the proposed Facility might impact archaeological resources or stone features, EDR, on behalf of the Applicant, has prepared this Unanticipated Cultural Resources Discovery Protocol (the "Protocol"). The Protocol outlines the steps for dealing with unanticipated discoveries of cultural resources, including human remains, during the construction of the proposed Facility.

The Protocol:

1. Presents to regulatory and review agencies the protocol the Applicant and its contractors and consultants will follow to prepare for and deal with unanticipated cultural resource discoveries; and

2. Provides guidance and instruction to High Bridge Wind, LLC personnel and its contractors and consultants as to the proper procedures to be followed in the event of an unanticipated cultural resource discovery.

The following terms are used throughout the Protocol:

- The Facility: As previously noted, the proposed High Bridge Wind Facility is located in the Town of Guilford in Chenango County, New York. The proposed Facility will consist of up to 25 wind turbines and associated infrastructure, including access roads, collection lines, a short span of overhead transmission line, collection and point of interconnection substations,[1] permanent meteorological towers, an operations and maintenance facility, and a laydown/staging area.

- Unanticipated Discovery/Unanticipated Cultural Resource Discovery: Any indications of the presence of archaeological materials including historic-period or pre-contact Native American artifacts, stone features, animal bone, and/or human remains. Common historic-period artifacts encountered may include bottles/glass, pottery/ceramics, stone foundations, hand-dug wells, brick, nails, miscellaneous metal fragments, or charcoal or ash-stained soils. Common pre-contact Native American artifacts encountered may include arrowheads/spearheads, stone chips or flakes, charcoal or ash-stained soils, rough gray, black, or brown pottery, and other stone tools/artifacts of obvious human origin. Stacked or piled groupings of stone (referred to in the Phase IB report as "stone features") located on the ground surface or on top of boulders may also be encountered, which may be of either pre-contact Native American or historic-period origin.

- Area of Potential Effect (APE) for Direct Effects: All areas of potential soil/rock disturbance associated with the construction and operation of the proposed Facility.

1.0 Training and Orientation

1.1 The Applicant will provide a summary presentation to construction contractor personnel of the relevant results/findings of the Phase IB archaeological survey. Instruction will also be provided as to the general cultural history of the Facility area so that personnel have a greater understanding of what cultural resources may be encountered and so that they can be more readily identified in the field. The ability to identify stacked or piled groupings of stone (stone features) is of particular concern.

1.2 The Applicant will assure that construction personnel are made aware of the procedures they must follow in the event of an unanticipated discovery. All construction personnel, including operators of equipment involved in grading, stripping, or trenching activities, will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery as defined above. Construction personnel will be instructed to immediately contact the High Bridge Wind Construction Site Manager (see Attachment A) upon the observation of a potential unanticipated discovery as defined in the introduction.

[1] A battery storage facility will be contained within the footprint of the collection substation.

1.3 It should be noted that four archaeological sites and 35 stone features in 10 discrete locations were identified during the Phase IB survey. The mapped locations of all archaeological sites and stone features within approximately 200 feet (61 meters) of proposed Facility construction-related activities, which are not proposed to be impacted, will be identified as "Environmentally Sensitive Areas," or similar wordage, on Facility construction drawings and marked in the field by construction fencing with signs that restrict access. These areas will be regarded as off-limits but will not be identified as archaeological sites or stone features to protect the resource.

1.4 The Applicant will stress the necessity of compliance with this Protocol and special emphasis and attention will be given to potential circumstances involving human remains. The Applicant will stress the importance of treating any human remains, or potential human remains, encountered during construction of the Facility with the utmost dignity and respect (see Section 3.0 below concerning human remains and Attachments B and C).

2.0 Observed Resources

2.1 If any member of the construction workforce believes that potential archaeological materials/artifacts or stone features have been encountered, he or she will be required to stop work in the immediate vicinity of the find and notify the High Bridge Wind Construction Site Manager (see Attachment A). If human remains are involved, the procedure described in Section 3.0 concerning human remains will be followed.

2.2 Archaeological features, stone features, and/or artifacts will be left in place and not disturbed. Stacked or piled groupings of stone (stone features) must not be moved, rearranged, walked or built upon, or disturbed in any manner. No materials will be collected or removed until appropriate consultation with the designated cultural resources consultant (see Attachment A) has taken place and a plan of action has been developed.

2.3 If the Applicant (or its contractors/consultants) believe that an unanticipated discovery has been made, all ground-disturbing activities within the vicinity of the discovery will be stopped until such time as it is determined that construction in this area may continue. The Applicant will be responsible for taking appropriate steps to protect and secure the evidence of the discovery. Construction personnel will delineate the immediate area of the discovery with flagging tape and/or construction fencing. The area will be regarded as off-limits but will not be identified as an archaeological site or stone feature to protect the resource. Vehicles and equipment may be permitted to traverse the area surrounding the delineated area if necessary; however, such movement will be minimized to the extent practical, and no vehicles or equipment will be permitted within the delineated area.

2.4 Upon the identification of a potential discovery, the Applicant will immediately notify the designated cultural resources consultant identified in Attachment A. Notification will be by telephone with additional notification via email, if necessary.

2.5 As soon as possible following the unanticipated discovery, a Registered Professional Archaeologist (RPA) will examine the discovery and determine if it is, in fact, an archaeological resource or stone feature. If the archaeologist determines no archaeological resource or stone feature is present, he/she will immediately advise the High Bridge Wind Construction Project Manager that the Stop Work Order can be removed. The archaeologist will prepare and submit a letter including photographs of the (non-) discovery site to the Applicant within a reasonable timeframe.

2.6 If the archaeologist determines the discovery is an archaeological resource or stone feature, he/she will immediately notify the High Bridge Wind Construction Project Manager. The U.S. Army Corps of Engineers (USACE) and the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) will be notified as soon as possible via email with follow-up notification via telephone if receipt of the initial notification cannot be confirmed via email. Notifications will be made within 48 hours of the determination that an archaeological resource or stone feature has been discovered. USACE and NYSOPRHP contacts are in Attachment A. All ground-disturbing activities within the vicinity of the discovery will remain suspended until such time as it is determined that construction in this area may continue.

2.7 In many cases, it may be possible for the archaeologist to determine the nature of the unanticipated discovery remotely (i.e., through a review of photographs taken by on-site personnel and phone conversations with these personnel). If this is the case, a site visit will still be performed by the archaeologist, but initial notification of the discovery may be provided to the USACE and the NYSOPRHP prior to the visit.

2.8 If the archaeological resource is of Native American origin, the Applicant will request that the USACE and/or NYSOPRHP notify representatives of the appropriate Native American Tribal Nation(s) (see Attachment A). The request to notify Tribal Nation(s) will also be made if stacked or piled groupings of stone (stone features) have been identified.

2.9 If the archaeologist determines that an archaeological resource or stone feature has been discovered, additional information will be provided to NYSOPRHP and USACE following the archaeologist's site visit. The additional information will either: (a) explain why the archaeologist believes the resource is non-significant with respect to the State/National Register of Historic Places (S/NRHP); or (b) explain why the archaeologist believes the resource is significant with respect to the S/NRHP and propose a scope-of-work for evaluating the significance of the resource and evaluating Facility-related impacts to it. In the latter case, the USACE and NYSOPRHP will be advised that unless an objection is received within five business days, the archaeologist will consider the proposed scope-of-work to have been accepted by the USACE and NYSOPRHP and proceed with its implementation. Unless otherwise directed by USACE or NYSOPRHP, all work to evaluate the discovered archaeological resources or stone features will be restricted to the proposed Facility's APE for Direct Effects.

2.10 USACE or NYSOPRHP may invite interested Native American tribal representatives to observe the conduct of any proposed work.

2.11 The Applicant will be responsible for notifying the USACE and NYSOPRHP by telephone or email when the evaluation of the archaeological discovery or stone feature is complete, and if the resource is significant with respect to the S/NRHP in the opinion of the archaeologist. The archaeologist will provide the Applicant with a brief written memorandum assessing the significance of the resource with respect to the S/NRHP and make a recommendation for or against additional data recovery. The archaeologist will provide this report to the Applicant no later than five business days after the conclusion of the evaluation. If the archaeologist recommends additional data recovery in the memorandum, he/she will also submit a proposal for the additional data recovery work.

2.12 At this time, the Applicant may choose to prepare an analysis of alternative mitigation strategies in place of data recovery, if warranted.

2.13 The Applicant will submit the archaeologist's memorandum, data recovery proposal, and/or mitigation alternatives analysis (if appropriate) to NYSOPRHP via email and the online Cultural Resources Information System (CRIS) and to the USACE and representatives of designated Native American Tribal Nation(s). If the proposed mitigation measures can reasonably be conducted concurrently with ongoing Facility construction, the submittal to the USACE and NYSOPRHP will be accompanied by a request to resume construction in the area of the discovery. If the Applicant does not receive a response to the request to resume construction from the USACE and/or NYSOPRHP within five business days, the Applicant will assume the agencies concur with the request and may resume construction.

2.14 Regardless of whether the proposed mitigation measures can reasonably be conducted concurrently with ongoing Facility construction, mitigation will not proceed until the Applicant receives written authorization from USACE, following consultation with NYSOPRHP. The Applicant will notify the USACE and NYSOPRHP at the completion of all mitigation measures. If construction has been halted during mitigation, the Applicant will also request authorization from USACE and NYSOPRHP to resume construction at the conclusion of mitigation.

2.15 The Applicant will make a reasonable and good-faith effort to accommodate any requests from Native American tribal representatives that they be present during the implementation of mitigation measures pertaining to Native American cultural resources.

2.16 The Applicant will submit a summary report describing the results of mitigation to the USACE and NYSOPRHP (and the designated Native American Tribal Nation[s] if Native American cultural resources are involved) within a reasonable timeframe from the completion of mitigation fieldwork.

2.17 If archaeological data recovery is conducted, a full Phase III report will be submitted to USACE and NYSOPRHP (and to designated Native American Tribal Nation[s], if appropriate) based on a schedule to be established through consultation with USACE and NYSOPRHP.

3.0 Observed Skeletal Remains

3.1 The following protocol for dealing with skeletal remains will be followed during any circumstances in which any possible human skeletal remains are identified during construction activities ("skeletal remains" is defined as any articulated or disarticulated bones or teeth). If obviously non-human (i.e., animal) skeletal remains are discovered, the procedures outlined in Section 2.0 of this Protocol will be followed.

3.2 It is crucial that all human remains (or possible human remains) be treated with the utmost respect and dignity.

3.3 Any member of the construction team who believes an unanticipated discovery involving possible human skeletal remains has occurred is required to stop work in the immediate vicinity of the discovery and notify the High Bridge Wind Construction Project Manager.

3.4 Human remains and associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.

3.5 If the Applicant believes that possible human skeletal remains have been discovered, they will immediately stop all work within 100 feet (31 meters) of the discovery location until it is confirmed that construction may resume. The area of the discovery will immediately be protected and secured by (at a minimum) the installation of flagging tape and/or construction fencing delineating the discovery location. The area will be regarded as off-limits but will not be identified as an archaeological site or the location of skeletal remains in order to protect the resource. Vehicles and equipment may be allowed to pass through the area surrounding the discovery, if necessary; however, such movement will be minimized, and no vehicles or equipment will be permitted within the delineated area around the discovery.

3.6 Upon the discovery of possible human remains, the Applicant will immediately notify the designated cultural resources consultant as well as the NYSOPRHP, the appropriate Tribal Nation(s), the involved State and federal agencies, the county coroner, and local law enforcement (as listed in Attachment A) via telephone and email. The cultural resources consultant will inform these parties that an RPA will examine the remains as soon as possible, make a preliminary assessment of their nature (i.e., if they are human or non-human), and immediately notify all parties of the results of the preliminary assessment.

3.7 As soon as possible following the discovery, an RPA will examine the skeletal remains at the site and determine if they are human. If the archaeologist is unable to determine if the skeletal remains are human, the Applicant will retain the services of a forensic anthropologist.

3.8 If the remains are determined to be animal (i.e., non-human), the archaeologist will assess whether they occur in an archaeological context. Additionally, if the remains are determined to be animal, the Applicant will immediately notify the parties listed in Section 3.6 that no human remains were identified.

3.9 If the remains are non-human and are determined to occur in an archaeological context, the procedures outlined in Section 2.0 of this Protocol will be followed.

3.10 If the remains are non-human and the archaeologist determines no archaeological resource is present, he/she will immediately advise the High Bridge Wind Construction Project Manager that the Stop Work Order can be removed. The archaeologist will prepare and submit a letter including photographs of the (non-) discovery site to the Applicant within a reasonable timeframe.

3.11 If the archaeologist (or forensic anthropologist) determines the remains are human, the county coroner, local law enforcement, the USACE, NYSOPRHP, and appropriate Native American Tribal Nation(s) will be notified immediately. No additional work or examination will occur until the county coroner and local law enforcement have arrived on the scene and made an official ruling on the nature of the remains (i.e., if they are forensic or archaeological in nature).

3.12 If the human remains are determined to be archaeological and if the archaeologist/forensic anthropologist identifies them as Native American in origin, the remains will be left in place and protected from further removal or disturbance until a plan is developed for their removal in consultation with appropriate Tribal Nation(s), the USACE, and NYSOPRHP. Note that avoidance is the preferred choice of the NYSOPRHP and the Tribal Nations (see Attachments B and C). The removal plan will be consistent with the applicable provisions of the Native American Graves Protection and Repatriation Act (NAGPRA). Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Tribal Nation(s).

3.13 If human remains are determined to be archaeological but non-Native American in origin, they will be left in place and protected until a plan for avoidance or removal is developed through consultation with the USACE and NYSOPRHP. Note that avoidance is the preferred choice of the NYSOPRHP.

3.14 Proposals for site evaluation and/or mitigation will give special consideration to the presence of human remains. Proposals will also include provisions for evaluating the area for the presence of additional graves.

3.15 In cases involving Native American human skeletal remains, proposals, to the extent feasible, will incorporate any desires made known to the Applicant by Native American Tribal Nation(s) regarding the treatment of human remains.

3.16 If the USACE and NYSOPRHP determine that the archaeological site associated with the human skeletal remains is not significant with respect to the S/NRHP, the Applicant will resume construction once human

remains have been removed to the satisfaction of the USACE, NYSOPRHP, and interested Native American Tribal Nation(s).

3.17 Any proposals for mitigation or human skeletal remains removal will identify steps to attempt to identify lineal descendants of the deceased, to the extent feasible.

3.18 If the unanticipated discovery of human skeletal remains is made after trenching (or other excavation) in the vicinity has already taken place, construction may proceed except within 100 feet (31 meters) of the identified human skeletal remains.

List of Attachments:

- Attachment A: Anticipated Notification List
- Attachment B: State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol (June 2015)
- Attachment C: Grand Council of the Haudenosaunee Protocol for Handling Discovery of Human Remains

Construction Project Manager (on-site) TO BE DETERMINED	**Alternate** TO BE DETERMINED
Cultural Resources Consultant/Archaeologist Patrick Heaton, RPA Director of Cultural Resources Environmental Design & Research 217 Montgomery Street, Suite 1000 Syracuse, NY 13202 Phone: (315) 471-0688 Email: pheaton@edrdpc.com	**Alternate** Matthew Victor Weiss, RPA Project Archaeologist Environmental Design & Research 217 Montgomery Street, Suite 1000 Syracuse, NY 13202 Phone: (315) 471-0688 Email: mweiss@edrdpc.com
U.S. Army Corps of Engineers (USACE) Margaret Crawford Buffalo District – Regulatory Branch 7413 County House Road Auburn, NY 13021 Phone: (315) 704-0256 Email: margaret.a.crawford@usace.army.mil	**Alternate** TO BE DETERMINED
NYS Office of Parks, Recreation and Historic Preservation Nancy Herter, Ph.D. Coordinator and Native American Liaison PO Box 189 Waterford, NY 12188-0189 Phone: (518) 268-2179 Email: nancy.herter@parks.ny.gov	**Alternate** Tim Lloyd, Ph.D., RPA Scientist – Archaeology PO Box 189 Waterford, NY 12188-0189 Phone: (518) 268-2186 Email: timothy.lloyd@parks.ny.gov
Native American Representatives • Jesse Bergevin Oneida Indian Nation, Historian 1256 Union Street P.O. Box 662 Oneida, NY 13421 Phone: (315) 829-8463 jbergevin@oneida-nation.org • Corina Williams Oneida Nation of Wisconsin Tribal Historic Preservation Officer P.O. Box 365 Oneida, WI 54155 Phone: (920) 496-5386 cwilliam@oneidanation.org • Bryan Printup Tuscarora Nation GIS Manager and Cultural Resources 5226 Walmore Road	**Alternate** • Raymond Halbritter Oneida Indian Nation Nation Representative 5218 Patrick Road Verona, NY 13478 Phone: (315) 829-8900 info@oneida-nation.org • Tehassi Hill Oneida Nation of Wisconsin Chairman P.O. Box 365 Oneida, WI 54155 Phone: (800) 236-2214 rhill7@oneidanation.org • Leo Henry Tuscarora Nation Chief, Government-to-Government Consultation 2006 Mt. Hope Road

Lewiston, NY 14092 Phone: (716) 264-6011 bprintup@hetf.org	Via Lewiston, NY 14092 Phone: (716) 297-1148 No email
Law Enforcement Agency Ernest R. Cutting, Jr. Chenango County Sheriff 279 County Road 46, Norwich, NY 13815 (607) 337-1869 No email	
County Coroner Dr. John Cruz Chenango County Medical Examiner 24 Conkey Avenue, Norwich, NY 13815 (607) 336-8965 No email	

State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(June 2015)

In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:

- Human remains must be treated with the utmost dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.

- Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.

- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the corner and local law enforcement will be met. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to help determine if the remains are Native American or non-Native American.

- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPO and the Indian Nations. The involved agency will consult SHPO and appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.

- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

4.7 Protocol for Handling Discovery of Human Remains

	Known Burials	Unidentified Burials
When to contact?	**Intentional excavation** At the earliest time in decision-making process.	**Inadvertent Discovery** Upon discovery.
Which Nation to contact?	If find is within existing Nation boundary, contact that Nation's Cultural Resource representatives. If the find is within the traditional land use area (fifty mile radius from the current nation territory, contact the closest Nation's Cultural Resource Representative. If the find is within the aboriginal territory of each nation, as shown on the attached map, contact the Nation within that territory. For finds located within fifty miles on either side of the boundary lines shown on the map, contact the Cultural Resource Representatives of both Nations.	
Who to contact?	Haudenosaunee Cultural Resource Representatives HSCBRR	Haudenosaunee Cultural Resource Representatives HSCBRR
How to contact?	Contact list is provided.	
Information Required	Brief description of the find or potential find; site map and any information on the known cultural history of the area and summary of nearby archaeological findings.	
	Nation will send a representative to review the site.	Company must hire a Native American on-site observer.
Next steps	***Non-disturbance of burials is preferred.*** If after proper consultation, the remains must be removed, we prefer to have them reburied close to their original location as possible, provided the future sanctity of the grave can be assured. ***No remains should be removed without proper cultural protocols.*** If no safe local burial ground can be offered, the Haudenosaunee will reclaim the remains for reburial at an undisclosed location. The local government /state agency/developer must pay all of the costs for such reburial. All objects associated with the original burial must be reburied as well. All of the soil in the immediate area of the burial should also be placed in the new grave.	
Time Frame	30 to 45 days	As soon as possible

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