



Appendix 9-C
Unanticipated Archaeological Discovery Plan for the Hecate Energy Cider Solar Project

UNANTICIPATED ARCHAEOLOGICAL DISCOVERY PLAN

FOR THE

HECATE ENERGY CIDER SOLAR PROJECT,

TOWNS OF OAKFIELD AND ELBA,

GENESEE COUNTY, NEW YORK

I. Prior to construction, in the Project Impact Area (PIA), of the Hecate Energy Cider Solar Project (Cider Solar Project [CSP]), Hecate Energy Cider Solar LLC will identify a Site Manager/Construction Manager, responsible for daily supervision of construction, and who is expected to be present on site during all phases of construction. The Site Manager will be informed that there is a potential for discovering unrecorded cultural resources within the PIA. Examples of cultural resources that may be unearthed in below-surface layers of artifact-bearing sediments include but are not limited to:

- Precontact Period Native American lithic and ceramic artifacts
- Human and animal bone
- Historic middens, artifacts (e.g., green, aqua, or blue glass; lead, copper, and iron items; wheels; and barrels)
- Historic features such as remnants of brick or rock walls of historical structures;
- wooden beams beneath brick walls; or
- old paved surfaces (e.g., cobble, flagstone, or wooden planking).

Hecate Energy Cider Solar LLC personnel will inform the Site Manager of the possibility that prehistoric and historical resources identified above are potentially important, and that they may be protected by law. A Project Archaeologist should be on call to evaluate any potentially National or State Register eligible resources inadvertently discovered during the construction process.

If Precontact Period Native American or historical artifacts or features are discovered the following actions will be taken:

1. The Site Manager will immediately suspend all construction/excavation activities in the area of the discovery (including a buffer area around the deposit), and will notify Hecate Energy Cider Solar LLC Project Manager.
2. The Project Manager will notify the Project Archaeologist; and the Project Archaeologist, Project Manager, and Site Manager will discuss a course of action via conference call. During this discussion, the Project Archaeologist will gather information as to the significance of the discovered resource. If the Project Archaeologist determines that the resource merits a professional examination, he or she will go to the project location as promptly as possible and evaluate the discovery.

3. The Project Archaeologist will assess the discovered resource by personal examination. In the course of this examination the Project Archaeologist may request the Site Manager to use available on-site machinery (e.g., backhoe) to expose a larger section of the resource. This additional exposure will be of limited scope. If, at this point, the Project Archaeologist determines the resource to be insignificant, construction may resume immediately. If, on the other hand, the resource is judged to be potentially significant, construction will remain suspended, the Project Archaeologist will notify the New York State Historic Preservation Office (SHPO), and a determination will be made of the need for additional examination.
4. Depending on what the New York SHPO decides, resumption of construction may be allowed, with continued monitoring during construction activities. In such case, the Project Archaeologist will remain on site for the duration of any operations that may expose or damage cultural resources. The Project Archaeologist will have the opportunity to collect further information during construction by means of photographs and various measurements, staying in contact with the New York SHPO throughout the evaluation process. If, at the end of such monitoring, and in consultation with the New York SHPO, the resource is determined to be ineligible for NHRP listing, the Project Archaeologist will submit Hecate Energy Cider Solar LLC and New York SHPO a letter documenting the results of the monitoring, descriptions of the investigated resources, and the photographic record.

If, after initial consultations, the New York SHPO determines that the resource requires an archaeological investigation (whether a Phase I survey or Phase II evaluation), the scope, methods, and reporting requirements of this investigation will be determined based on circumstances.

II. Unanticipated Human Remains.

The probability of encountering human remains in the project area is low. However, if such remains are encountered, the State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol will be followed as presented below.

**State Historic Preservation Office/
NY State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol**

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

- At all times human remains must be treated with the utmost dignity and respect. Should 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. (A buffer area should also be placed around the burial location for protection and because there may be other remains in the immediate vicinity.)
- 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 county coroner and local law enforcement as well as the SHPO and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archeological. If the remains are archeological in nature, a bioarchaeologist will confirm the identification as human.
- 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. The involved agency will consult SHPO and appropriate Native American groups to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
- If human remains are determined to be Euro-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.