



Mill Point
SOLAR I PROJECT

MILL POINT SOLAR I PROJECT

Unanticipated Discovery Plan

Mill Point Solar I Project
Town of Glen, Montgomery County, New York

Facility Operator:
ConnectGen Montgomery County LLC
1001 McKinney, Suite 700
Houston, Texas 77002

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1.0 Introduction

ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is proposing to construct and operate the Mill Point Solar I Project (Facility), a utility-scale solar energy generation facility, located in the Town of Glen, Montgomery County, New York.

The Office of Renewable Energy Siting (ORES) 94-c regulations: Section 900-2.10(5), requires implementation of an Unanticipated Discovery Plan, establishing procedures in the event that resources of cultural, historical, or archaeological importance are discovered during construction of the Facility. ConnectGen will follow guidelines set forth in this Unanticipated Discovery Plan (Plan) to ensure protected cultural resources are handled and protected in full accordance with State and federal requirements, including the most recent *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State*.

The Facility Site totals 2,665.59 acres of primarily agricultural land with some residential, forested, and vacant land. The Limits of Disturbance (LOD) of the Facility encompasses the outer bounds of where construction activities may occur, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of Facility components, defined work corridors, security fencing, proposed vegetation modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility. Based on the cultural resource background research performed for the Facility, portions of the Facility Site are considered archaeologically sensitive; therefore, the potential exists for an unanticipated discovery of archaeological resources during construction. In the event of an unanticipated discovery, ConnectGen will follow Section 2.0 of this Plan.

The mapped locations of identified archaeological resources within 50 feet of proposed disturbance will be identified as “Environmentally Sensitive Areas,” or similar, on the final Facility Site Plans/Engineering Design Drawings (Design Drawings) and will be marked in the field by construction fencing with signs that restrict access at the distance(s) prescribed in an Archaeological Avoidance Plan approved by the New York State Office of Recreation and Historical Preservation (OPRHP).

2.0 Standardized Procedures to be Followed in Accordance with State and Federal Regulations

The Facility’s Environmental Monitor (EM) shall conduct mandatory environmental training for all contractors and subcontractors before beginning work within the Facility. The purpose of this

training will be to explain the environmental compliance program in detail, prior to the start of construction, and to assure that all personnel are aware of the environmental requirements for construction of the Facility. Likewise, the Applicant's environmental compliance team will provide construction staff training concerning permit conditions and compliance requirements.

The Applicant requires that its employees and contractors have a basic understanding of the nature of cultural resources. Both the EM and construction personnel will be provided with a preconstruction briefing, by the Applicant, regarding potential cultural resources indicators (NYCRR 2023 §900-2.10(a)(5); NYSHPA 1980 14.09 Part 428). These indicators will include items such as recognizable quantities of bone, unusual stone or ash deposits, or black-stained earth that could be evident in spoil piles or trench walls during construction. In the event that potential resources of cultural, historical, or archaeological importance are encountered during construction, the EM and construction personnel will be instructed to follow the specific requirements and notification procedures outlined below. Cultural resource discoveries that require reporting and notification include human remains and recognizable, potentially significant concentrations of artifacts or evidence of human occupation.

2.1 Discovery Procedures and Notification Requirements

If cultural resource indicators are found by construction personnel, the construction superintendent will be notified immediately. The superintendent, in turn, will notify the EM, who will notify a designated archaeologist, who will be available to respond to this type of discovery. If possible archeological remains are found during Facility construction, all ground-disturbing construction-related activities within 100 feet of the discovery will cease and the area will be protected. ConnectGen will promptly notify the OPRHP, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement (see section 4.0 for contact information). Evaluation of such discoveries, if warranted, will be conducted by an independent Registered Professional Archaeologist, qualified according to the *New York Archaeological Council Standards*. The archaeologist will conduct a review of the site and will test the site as necessary. The archaeologist will determine, based on the artifacts found and on the cultural sensitivity of the area, whether the site is potentially significant and will consult with the OPRHP regarding site clearance.

Work will not resume in the area of the discovery of such remains until written permission is received from the OPRHP. If the archaeologist determines that an archaeological resource has been discovered, additional information will be provided to the OPRHP and State Historic

Preservation Office following the archaeologist's site visit. The additional information will either: (a) explain why the archaeologist believes the resource to be non-significant with respect to the State/National Register of Historic Places (S/NRHP); or (b) explain why the archaeologist believes the resource to be significant with respect to the S/NRHP and propose a scope of work for evaluating the significance of the resource and evaluating potential Facility-related impacts to the resource. In the latter case, the OPRHP 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 OPRHP and proceed with its implementation.

3.0 Discovery of Human Remains

No cemetery or burial grounds shall be disturbed by the construction or operation of the Facility. Should any unmarked, previously unknown cemeteries, burial grounds, or human remains be identified during Facility construction or operations, the following procedures will be followed.

Human remains must be treated with dignity and respect at all times. If human remains or suspected human remains are encountered during Facility construction, all ground-disturbing construction-related activities within 100 feet of the discovery will cease immediately and reasonable efforts will be made to avoid and protect the remains from additional impact. The location of discovery will be secured and protected from damage and disturbance. In cases of inclement weather, the human remains will be protected with tarpaulins. Upon discovery of human remains, the OPRHP, the appropriate Indian Nations, the involved state/federal agencies, the coroner, and local law enforcement will be notified immediately by ConnectGen. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarcheologist, or physical anthropologist will assess the remains in situ to determine if the remains are human, and if so, whether the human remains are Native American or non-Native American, per the OPRHP's Human Remains Discovery Protocol (January 2021).

Evaluation of such discoveries, if warranted, will be conducted by an independent Registered Professional Archaeologist, qualified according to the *New York Archaeological Council Standards*. No skeletal remains or associated materials will be collected or removed from the location of discovery until appropriate consultation has taken place and a plan of action has been developed. If the remains are found to be other than human, construction will be cleared to proceed. If the forensic anthropologist, bioarcheologist, or physical anthropologist is not able to conclusively determine whether the remains are human, the remains and any associated materials must be left in place until further consultation is completed. If the remains are human,

and are less than 75 years old, the Medical Examiner and local law enforcement officials will assume jurisdiction.

If the remains are found to be human and older than 75 years, the OPRHP will be notified and may assume jurisdiction of the remains. If jurisdiction is assumed by the OPRHP, they will determine whether the human remains represent a significant archaeological resource and make a reasonable effort to identify and locate persons who can establish direct kinship, tribal community, or ethnic relationship with the remains. If such a relationship cannot be established, then the OPRHP may consult with a committee to determine the proper disposition of the remains. This committee shall consist of a human skeletal analyst, Native American members of current New York State Tribes recommended by the Governor's Council on Indian Affairs, and "an individual who has special knowledge or expertise regarding the particular type of the unmarked human burial."

If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. OPRHP and the appropriate Indian Nations will be consulted 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 will not be taken without consulting with the involved Indian Nations. To protect human remains and burial sites from possible damage or looting, burial information will not be released to the public.

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. Consultation with the OPRHP and other appropriate parties will be required to determine a plan of action. To protect human remains and burial sites from possible damage or looting, burial information will not be released to the public.

A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, re-interment, or a combination of these treatments will be developed in consultation with the OPRHP and if applicable, appropriate Indian Nations or closest lineal descendants. All parties will be expected to respond with advice and guidance in an efficient time frame. Once a plan is agreed to by all parties, the plan will be implemented. Work shall not resume in the area of the discovery of such remains until written permission is received from the OPRHP.

4.0 Contact Information

Title or Role and Organization	Name of Company	Name	Address	Telephone	Email
Montgomery County Coroner	Montgomery County Coroner	Chris Hanley	Montgomery County Coroner 100 Montgomery Street, Canajoharie, NY 13317	518-844-6428	chrisoffp@gmail.com
Montgomery County Sheriff	Montgomery County Sheriff's Office	Jeffery T. Smith	200 Clark Drive P.O. Box 432 Fultonville, NY 12072	518-853-5500	None provided
OPRHP Director	State Historic Preservation Office (OPRHP)	Nancy Herter	OPRHP, PO Box 189, Waterford, NY 12188	518-268-2179	nancy.herter@parks.ny.gov
ORES Agency Preservation Officer	Office of Renewable Energy Siting (ORES)	Kristy Primeau	W.A. Harriman Campus – Building 9 1220 Washington Avenue Albany, NY 12226	518-473-4543	kristy.primeau@ores.ny.gov
Facility Archaeologist	TRC	Jordan Riccio	4425 Forbes Blvd, Suite C, Lanham, MD 20706	301-276-8040	jriccio@trccompanies.com
Facility Forensic Anthropologist	TRC	Sean Norris	621 Chatham Ave., 2nd Floor Columbia, SC 29205	803-933-9992	snorris@trccompanies.com
St. Regis Mohawk Tribe THPO	St. Regis Mohawk Tribe	Darren Bonaparte	71 Margaret Terrance Memorial Way, Akwesasne NY 13655	518-358-2272, ext. 2163	darren.bonaparte@srmt-nsn.gov

5.0 State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol (January 2021)

**State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(January 2021)**

If 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 shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.
- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.