

Appendix G:
UNANTICIPATED DISCOVERIES PLAN



MEMORANDUM

To: MI Energy Developments, LLC

From: Atwell, LLC

Date: April 1, 2025

Re: Exhibit A1.14 – Unanticipated Discoveries Plan

1 INTRODUCTION

Atwell, LLC (Atwell) was contracted by MI Energy Developments, LLC (Riverbend Wind) to provide an Unanticipated Discoveries Plan (UDP) for the Riverbend Wind Energy Facility located in Sanilac County, Michigan.

Based on in-depth natural resources review, the project has been sited in a manner that has minimized and mitigated impacts to state and federally regulated wetlands, streams, floodplains, parks, listed species and their preferred habitats, as well as known historic and cultural resources. The project will coordinate with Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Department of Natural Resources (MDNR), Michigan State Historic Preservation Office (SHPO), and the U.S. Fish and Wildlife Service (USFWS) to obtain, all appropriate permits, licenses, approvals, concurrences, adhere to best management practices, and clearances prior to impacting state and federally regulated wetlands, streams, floodplains, parks, listed species and their preferred habitats, as well as known historic and cultural resources.

The UDP outlines the procedures that Riverbend Wind and their contractors will follow if previously undocumented cultural and natural resources, including but not limited to historic and cultural sites, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, and threatened or endangered species are located during construction activities.

Adherence to the UDP will assist Riverbend Wind in complying with applicable state and federal statutes and policies regarding the protection and treatment of historic properties and human remains. Historic properties are any precontact or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places. The UDP complies with industry best practices and Michigan law, including Michigan Compiled Laws Chapter 750 Act 328 Sections 750.160 and 750.387 as well as Michigan Administrative Code R325.8051 Rule 1.

2 TRAINING AND ORIENTATION

Construction supervisors and construction compliance monitors will be trained in the basic recognition of human remains, evidence of cultural material, and natural resources that may be encountered during construction, and the procedure to follow if an unanticipated discovery is made.

A contact list of individuals and telephone numbers for communication with Riverbend Wind and Atwell when a potential unanticipated discovery is encountered is provided in Sections 5 of this UDP. Implementation of this UDP is the responsibility of the construction supervisor and construction compliance monitor until the arrival of Atwell on-site personnel or until case specific instructions are received from Riverbend Wind. The construction compliance monitor will provide UDP training to foremen and all operators of equipment involved in grading, stripping, and trenching activities. Specifically, the construction supervisor and construction compliance monitor will direct all operators of equipment involved in grading, stripping, or trenching activities to:

1. Stop work immediately and contact the construction supervisor if they observe any undocumented potential regulated natural features, cultural materials including artifacts or other human-made features, animal bone, or human bone.
2. Contact Riverbend Wind as soon as possible if the construction supervisor or construction compliance monitor is not available.
3. Comply with unanticipated discovery procedures.

3 PROCEDURE WHEN CULTURAL MATERIAL IS OBSERVED

Examples of pre-historic period cultural materials that may be encountered include human-made objects such as prehistoric pottery, chipped stone tools and waste flakes, or other remains or human activity. Historic period cultural materials may include bottle or can dumps, old farm equipment, walls, water wells, cisterns, paved surfaces, or other remains of human activity that are 50 years old or older.

The following procedures shall be followed if potential cultural resources are encountered during project construction or operation.

1. Personnel will stop work in the immediate vicinity of the observed cultural material.
 - a. The construction supervisor or construction compliance monitor will be notified immediately of the observation.
 - b. If the construction supervisor or construction compliance monitor believes that an unanticipated discovery has been made, the following steps will be taken:

- i. All ground disturbing activities within a minimum of 100 feet of the discovery (stop-work zone) will be immediately suspended by the construction supervisor.
 - ii. The boundaries of the stop-work zone will be clearly marked with flagging or fencing and secured against further damage or removal of cultural materials.
 - iii. Movement of equipment or vehicles will be minimized within the stop-work zone.
- 2. The construction supervisor will immediately notify Riverbend Wind within 4 hours of the discovery. See Section 6 for contact details. If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of notification.
- 3. Riverbend Wind will immediately notify Atwell within 4 hours of the discovery. See Section 6 for contact details. If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of the notification. Atwell will verify the find and initiate agency contact.
 - a. Atwell will be provided the opportunity to inspect any exposed or displaced materials at the location of the discovery, and any material removed from the location immediately before the discovery was noted, within 24 to 48 hours of the find.
 - b. If Atwell determines that the discovery is not a cultural resource, Atwell will immediately notify Riverbend Wind and the construction supervisor who has authority to remove the stop-work order. Atwell will submit an internal letter report including photographs of the discovery site to Riverbend Wind as soon as possible.
 - c. If Atwell determines that the discovery is a cultural resource, Atwell will immediately notify Riverbend Wind and the construction supervisor and begin the process of evaluating the significance of the resource.
- 4. Notification to Michigan State Historic Preservation Office (SHPO) and Determination of Significance:
 - a. If the discovery is a cultural resource that qualifies as a potential historic property, Atwell will document the discovery following the State of Michigan documentation standards. Atwell will also assist Riverbend Wind in notifying the SHPO of the discovery by telephone. The telephone conversation will include a description of the discovery and discussion regarding the plan for evaluating the significance of the resource.
 - b. Following telephone approval of the plan by the SHPO, Atwell will complete the evaluation per the agreed upon scope of work.

- c. Atwell will prepare a written report of the evaluation as soon as possible following completion of the fieldwork. The written report will be provided to Riverbend Wind for review prior to submission to the SHPO. If the discovery is not significant, the report will request concurrence by the SHPO for construction to recommence. If the discovery is determined to be significant and cannot be avoided by the project, Atwell will include a proposal for further treatment as part of the report. If construction will not impede implementation of the proposed treatment measures, the proposal for further treatment will be accompanied by a request for concurrence that construction in the area of the discovery may resume.

5. Request Agency Concurrence:

- a. Upon submission of the report, Riverbend Wind or Atwell will schedule a meeting in person or by telephone with the SHPO to discuss the potential significance of the resource, and potential effects on the resource resulting from project activities.
- b. Upon review of the findings, the SHPO will either concur with the determination of "not significant" or evaluate the recommendation for further treatment.

4 PROCEDURE WHEN HUMAN REMAINS AND/OR POTENTIALLY HUMAN SKELETAL MATERIAL ARE OBSERVED

The term "human remains" refers to any piece or component of a human body, including any amount of human bone, hair, or teeth, as well as soft tissues of any kind. It is important to remember that any human remains and the context in which they are found could be evidence in a criminal investigation. Additionally, Michigan Compiled Laws Chapter 750 Act 328 Section 750.160 states that any person, not being lawfully authorized to do so, who shall willfully dig up, disinter, remove, or convey away a human body, or the remains thereof, from the place where the body may be interred or deposited, or who shall knowingly aid in such activities, shall be guilty of a felony, punishable by imprisonment for not more than 10 years, or by fine of not more than \$5,000.00.

If any human remains or suspected human remains are found during construction, the following procedures must be followed:

1. All employees and contractors are to treat the remains with respect.
2. Work within the vicinity of the discovery involving potentially human remains will stop immediately.
 - a. The construction supervisor or construction compliance monitor will be notified immediately of the observation.

3. If the construction supervisor or construction compliance monitor believes that human remains have been discovered, the following steps will be taken:
 - a. All work within 100 feet of the discovery (stop-work zone) will be immediately suspended by the construction supervisor.
 - b. The boundaries of the stop-work zone will be clearly marked with flagging or fencing and secured against further disturbance or damage to the potential human remains.
 - c. Movement of all equipment or vehicles will be rerouted away from the stop-work zone.
4. The construction supervisor will immediately notify Riverbend Wind within 4 hours of the discovery. *See Section 6 for contact details.* If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of the notification.
5. Riverbend Wind will immediately notify Atwell within 4 hours of the discovery. *See Section 6 for contact details.* If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of the notification.
6. Atwell will be provided the opportunity to inspect any exposed or displaced materials at the location of the discovery, and any material removed from the location immediately before the discovery was noted, within 24 hours of the discovery.
 - a. If the discovery is determined to be non-human and there is not a cultural resource, Atwell will immediately notify Riverbend and the construction supervisor and construction may resume. Atwell will submit a letter report including photographs of the discovery site to Riverbend Wind as soon as possible.
 - b. If the discovery is determined to be non-human and to be a cultural resource, follow the procedures set forth in Section 3.
 - c. If the discovery is determined to potentially be human remains, Riverbend Wind will immediately notify the respective County Sheriff's department within 48 hours from the time of the discovery. *See Section 6 for contact details.*
7. The County Sheriff will do the following:
 - a. Contact the County Coroner/Medical Examiner's Office.
 - b. Contact the SHPO.

8. The county attorney will determine if the human remains are associated with a crime.
9. The SHPO will assist in determining the age and cultural affiliation of the human remains.
 - a. Depending upon the cultural affiliation of the human remains and wishes of known relatives or Native American ancestors (tribal liaisons), the SHPO will determine how the remains are reburied.
10. If the human remains are removed by the County Sheriff, County Coroner, or SHPO, construction will not resume at the site of discovery (within the stop-work zone) until written permission to resume construction is granted by the appropriate agency.

5 PROCEDURE WHEN PREVIOUSLY UNDOCUMENTED NATURAL FEATURE IS OBSERVED

Extensive studies have been completed as part of the due diligence process for this project. In the unlikely event that a previously unrecorded natural resource feature is observed, the following steps will take place.

1. Personnel will stop work in the immediate vicinity of the observed natural feature.
 - a. The construction supervisor or construction compliance monitor will be notified immediately of the observation.
 - b. If the construction supervisor or construction compliance monitor believes that an unanticipated discovery has been made, the following steps will be taken:
 - iv. All ground disturbing activities within a minimum of 100 feet of the discovery (stop-work zone) will be immediately suspended by the construction supervisor.
 - v. The boundaries of the stop-work zone will be clearly marked with flagging or fencing and secured against further impacts to natural features.
 - vi. Movement of equipment or vehicles will be minimized within the stop-work zone.
2. The construction supervisor will immediately notify Riverbend Wind within 4 hours of the discovery. See Section 6 for contact details. If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of notification.
3. Riverbend Wind will immediately notify Atwell within 4 hours of the discovery. See Section 6 for contact details. If possible, photographs of the discovery and location information (i.e. GPS coordinates) should be provided as part of the notification. Atwell will verify the find and initiate agency contact.

- a. Atwell will be provided the opportunity to inspect any identified natural feature within 24 to 48 hours of the discovery.
 - b. If Atwell determines that the discovery is not a regulated natural feature, Atwell will immediately notify Riverbend Wind and the construction supervisor who has authority to remove the stop-work order. Atwell will submit an internal letter report including photographs of the discovery site to Riverbend Wind as soon as possible.
 - c. If Atwell determines that the discovery is a regulated natural feature, Atwell will immediately notify Riverbend Wind and the construction supervisor and begin the process of evaluating the necessary next steps for notifying the appropriate agency.
- 4.** Notification to Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Department of Natural Resources (MDNR), and U.S. Fish and Wildlife Service (USFWS) will be made depending on jurisdiction over the observed natural feature.

6 KEY CONTACTS IN THE EVENT OF AN UNANTICIPATED DISCOVERY

1. MI Energy Developments, LLC

Irene Bezuidenhout
Senior Manager, Environmental Planning & Permitting
(365) 292-2783

2. Atwell, LLC

Peter Regan
Atwell Director (Cultural Resources)
(786) 514-9959

Ben Sanford
Atwell Project Manager (Environmental)
(517) 648-7082

Matthew Chouest
Atwell Senior Environmental Consultant (Cultural Resources)
(517) 231-2053

3. County Sheriff

Paul D. Rich
Sanilac County Sheriff
(810) 648-2000

4. State Historic Preservation Office

Martha MacFarlane-Faes
(517)-643-1928
faesm@michigan.gov

5. Tribal Historical Preservation Offices of Michigan

- Bay Mills Indian Community
Paula Carrick, THPO
906-248-8759
- Grand Traverse Band of Ottawa & Chippewa Indians
Aaron Chivis
231-534-7764

- Hannahville Indian Community
Dustin Meshigaud
906-723-2271
- Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians
Alden Connor
906-353-6623 x 4178
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
Alina Shively
906-358-0137
- Little River Band of Ottawa Indians
Jonnie "Jay" Sam II
231-398-6893
- Little Traverse Bay Bands of Odawa Indians
Winnay Wemigwase
231-330-0590
- Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)
Lakota Hobia
269-397-1780
- Nottawaseppi Huron Band of the Potawatomi
Onyleen Zapata
269-704-8347
- Pokagon Band of Potawatomi Indians
Matthew J.N. Bussler
269-462-4316
- Saginaw Chippewa Indian Tribe of Michigan
Marcella Hadden
989-775-4751
- Sault Ste. Marie Tribe of Chippewa Indians
Emma Donmyer
906-635-6050 x26497