

Inadvertent Discoveries Plan: Cultural Resources and Human Remains

Associated Electric Cooperative, Inc.

Turney Project

INTRODUCTION

Associated Electric Cooperative, Inc. (AECI) is proposing construction of the Turney Project in Clinton County, Missouri (Project).

Pursuant to 36 CRF 800.13, the following Inadvertent Discoveries Plan (IDP) has been developed to ensure that:

- Sites recommended as eligible or not determined will be protected during construction.
- Discoveries made during construction will be treated as expeditiously as possible to comply with the provisions of the discovery program and (in the case of human remains and associated objects) Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.) and its implementation regulations (43 CFR Part 10) and, at the same time, to avoid undue delays of construction.

This document describes the procedures for dealing with unanticipated discoveries during the course of Project construction within the State of Missouri. It is intended to:

- Maintain compliance with applicable Federal and State laws and regulations during construction of the Project.
- Describe to regulatory and review agencies the procedure the Project or its representative will follow to prepare for and deal with unanticipated discoveries.
- Provide direction and guidance to Project personnel as to the proper procedure to be followed should an unanticipated discovery occur.

PROCEDURES FOR THE DISCOVERY OF CULTURAL RESOURCES

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

- All work within 100 feet both sides of the discovery will immediately stop and the Project Manager will be notified. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the materials. A cultural resource can be prehistoric or historic in age and could consist of, but not be limited to, for example:
 - An accumulation of shell, burned rocks, or other subsistence related materials
 - An area of charcoal or very dark soil with artifacts
 - Stone tools, arrowheads, or dense concentrations of stone artifacts
 - A cluster of bones in association with shell, charcoal, burned rocks, or stone artifacts
 - A historic structure or assemblage of historic materials older than 50 years
- If the Project Manager believes that the discovery is a cultural resource, the Project Manager

will take appropriate steps to protect the discovery site. This will include flagging the immediate area of discovery and stop work or exclusion zone. Work in the immediate area will not resume until treatment of the discovery has been completed.

- AECI or its representative will arrange for the discovery to be evaluated by a qualified archaeologist in accordance with applicable regulations. The archaeologist will evaluate the remains and provide recommendations for how to manage the resource.
- If the discovery is within an area of federal jurisdiction, the appropriate federal agency will be consulted. If the discovery is determined to have the potential for eligibility, the archaeologist and AECI will also consult with the State Historic Preservation Officer (SHPO), the Missouri Department of Natural Resources (MODNR), and the Rural Utility Service (RUS) on how best to avoid, minimize, or otherwise mitigate further impacts. Treatment measures may include mapping, photography, sample collection, or excavation activity.

The archaeologist will implement the appropriate treatment measure(s) and provide a report on its methods and results as required. The investigation and technical report will be performed in compliance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734--44737); the Advisory Council on Historic Preservation (ACHP) publication "Treatment of Archaeological Properties" (ACHP 1980); and follow the guidelines set forth after consultation with the SHPO, MODNR, and RUS.

PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS

In the event that human remains are encountered during either construction or maintenance activities, this IDP outlines the specific procedures to be followed. These procedures meet or exceed the Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects set forth by the National Historic Preservation Act (Public Law [PL] 89-665), its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); the NAGPRA (43 CFR Part 10); Procedures for the Protection of Historic Properties (33 CFR 325 Appendix C); the Archaeological and Historic Preservation Act; and Consultation and Coordination with Tribal Governments (EO 13175); and the Unmarked Human Burial Sites Act, Missouri Revised Statutes, Sections 194.400-410. Missouri law protects all human burials regardless of their historical age, sex, or cultural/ethnic affiliation on both state-owned and privately-owned land. Among the provisions of the Burial Desecration Law:

- It is illegal to knowingly disturb, buy, sell, or barter human skeletal remains or associated items from unmarked graves. Also, these items may not be displayed for profit or in any commercial enterprise.
- People who encounter or discover unmarked graves and their contents should stop any further disturbance activities and report the find to an appropriate law enforcement officer in the county where the remains are found.
- Violators of this law may be guilty of either a misdemeanor or a felony. For a misdemeanor conviction, violators may be fined up to \$500 and/or be imprisoned up to six months in the county jail. A felony conviction could result in a \$1000 fine with up to two years imprisonment in the state penitentiary.

Through the Community Assistance Program and other MODNR staff work to assist federal, state, and local agencies as they navigate their compliance with these laws and regulatory processes, and as they take steps to protect Missouri's archaeological resources.

All activity that might disturb the remains shall cease and may not resume until authorized by appropriate law enforcement officials, RUS, SHPO, or the MODNR. Any human remains, burial sites, or burial related materials that are discovered during construction will at all times be treated with dignity and respect. Project Manager shall ensure that the following procedures are observed in the event that human remains are encountered during construction:

- Any activity that may disturb the unmarked burial site, human skeletal remains, or burial artifacts associated with the site will immediately cease on discovery. The site will be carefully covered and secured for protection from degradation by weather or unauthorized individuals. No photographs will be allowed.
- The Project Manager will be notified and responsible for taking appropriate steps to protect the discovery. This will include fencing off the immediate area of discovery and flagging the area as an exclusion zone and report the find to the Clinton County Sheriff's Department. Once the appropriate officials have determined that the find is not an active crime scene, the MODNR, SHPO, and RUS will be consulted to determine the appropriate next steps. No activity may resume until authorized by the agency authority governing the disposition of the human remains.

PROJECT CONTACTS

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