



thoroughbred solar

Attachment P

Unanticipated Discoveries Plan

Exhibit 12 – Site Assessment Report



Unanticipated Discoveries Plan

Thoroughbred Solar
Hart County, Kentucky

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1. Goals and Objectives

Thoroughbred Solar, LLC (Thoroughbred) is proposing to construct a solar energy facility, Thoroughbred Solar (the Project) on approximately 530 acres within Hart County, Kentucky, just west of the town of Rowletts (the Project Area). No federal actions are required for the Project; therefore, the Project is not subject to review under the National Historic Preservation Act

Substantial buffer has been retained around the grove of trees surrounding the private cemetery located within the Project Area such that impact is not anticipated. However, Thoroughbred recognizes that unanticipated cultural resources have the potential to be encountered during construction at any property. Therefore, this Unanticipated Discoveries Plan (UDP) has been developed to establish a procedure for recognizing potential cultural resources and taking appropriate steps during construction of the Project.

An unanticipated cultural resources discovery occurs when previously unidentified cultural remains or materials are encountered. Such remains or materials could include bone, pottery, flaked or ground stone artifacts, stone features, other relics, buried historic debris, foundations, or similar features. If such discoveries were to be encountered, work in the specific area would be halted to make the appropriate notifications and determine whether work can proceed without adverse effect to a materially significant cultural resource.

Following the guidance reflected in the UDP will be required as a part of agreements with selected construction contractors.

1.1 PROJECT RESPONSIBILITIES

In the event of an unanticipated discovery, Thoroughbred would be responsible for:

- Notifying the appropriate agencies/authorities.
- Providing guidance to the Construction Contractor (Contractor).
- Ensuring that the area of the unanticipated discovery is not further disturbed without appropriate actions taken.
- Engaging specialists for further actions, as appropriate.

1.2 CONTRACTOR RESPONSIBILITIES

The Contractor shall be responsible for identification of the unanticipated discovery and for implementation of initial response procedures. Other responsibilities may be required, as directed by Thoroughbred.

2. Discovery and Initial Response Procedures

If unknown materials are encountered, the Contractor will immediately suspend all construction/excavation activities in the area of discovery (including a 25-foot buffer around the identified area) and will notify the Thoroughbred Site Supervisor and await further instruction before proceeding work within this area. Based upon a review of the identified material, Thoroughbred will determine whether a specialized consultant – in the case of potential cultural resource material, an archaeologist – should be called for identification and determination of significance of the discovered resource. The archaeologist should meet the qualifications standards outlined in 36 Code of Federal Regulations (CFR) Part 61 in order to conduct the assessment. If such call is deemed necessary, information will first be shared via conference call with capabilities to share images of the identified material. If the archaeologist determines that the material merits a professional examination, he or she will go to the Project Area as promptly as possible and evaluate the discovery. If the archaeologist determines that no such further review is necessary, construction may resume immediately.

The archaeologist will assess the discovered resource by personal examination, focused on both the material and its integrity. In the course of this examination, the archaeologist by request the Contractor to use available on-site machinery (e.g., backhoe) to expose a larger section of the resource or area where the resource was discovered. This additional exposure will be of limited scope. If, at this point, the archaeologist determines the resource to be insignificant, construction may resume immediately. If the resource is, on the other hand, judged to be potentially significant, construction will remain suspended, and the notifications outlined in Section 3 will be undertaken to determine the appropriate course of action.

If the materials found are human remains, a physical anthropologist may be more appropriate to assess the discovery. Such an expert must be acknowledged as competent to positively identify human skeletal remains. If human remains are encountered, additional notifications to law enforcement authorities may be appropriate, as outlined in Section 3. The following additional protocols will be implemented for human remains:

- At all times human remains will be treated with the utmost dignity and respect.
- 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 will make the official ruling on the nature of the remains, as to whether they are forensic or archaeological. If archaeological in nature, the archaeologist or physical anthropologist 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 pending identification of an appropriate plan that is consistent with Native American Graves Protection and Repatriation Act (NAGPRA) guidance through consultation with both the State Historic Preservation Office (SHPO) and appropriate Native American groups.
- If human remains are determined to be Euro-American, the remains will be left in place pending identification of an appropriate plan in consultation with the SHPO and other appropriate parties.

3. Agency Notifications, Assessment, and Mitigation Measures

The following procedures would be used to determine the nature of the unanticipated discovery, and appropriate further actions. The actions following discovery and discovery area protection would include:

- Protecting and characterizing the unanticipated discovery.
- Notifying the proper authorities, as required.
- Evaluating further the location and/or extent of the unanticipated discovery, as appropriate.
- Developing and implementing actions from discovery and through final disposition documentation.

3.1 AGENCY NOTIFICATIONS

In the event of an unanticipated discovery of a cultural resource, the Hart County Historic Society and the property owner will be initially notified. In addition, if the discovery appears to reflect human remains, the county coroner and local law enforcement will be informed to support the review. Should human remains appear to be Native American, additional tribal contacts would be made.

Based upon the nature of the discovery, it will be determined as to whether additional notifications, for example, to the SHPO are appropriate. Records will be maintained of the discovery.

3.2 UNANTICIPATED DISCOVERY ASSESSMENT

Thoroughbred would, as previously noted, engage a specialized contractor to evaluate the unanticipated discovery in accordance with relevant requirements, guidelines, and practices. The objective of this investigation, in consultation with the landowner, would include:

- Devising a plan for additional site-specific investigations, as necessary.
- Determining the approach for addressing the unanticipated discovery (avoidance versus documentation and removal, etc.).
- Identifying permitting needs associated with planned actions.
- Recommending a preventative action plan, as appropriate, to ensure that the unanticipated discovery and work occurring in its vicinity minimizes the potential for impact and liability.
- Determining the requirements necessary for the Contractor to resume work in the immediate vicinity of the discovery.

If local law enforcement determines that the location is a crime scene, then they will complete their procedures to document the site and manage the location. The

ability to continue work in the area of the discovery, and under what conditions, would be directed by local law enforcement agencies.

Other discoveries are expected to be under the direction of an archaeologist or physical anthropologist. The specialist in charge will keep Thoroughbred informed on a daily basis, or sooner as warranted, of the status of the evaluation. Once investigations are complete, the specialist will coordinate with Thoroughbred to review potential actions. If the discovery is determined to be material and the area can be avoided, it is likely that work in the surrounding area will be authorized to continue. Mitigation measures, if appropriate, will be addressed, as discussed in Section 3.4.

Depending upon the results of review of materials, resumption of construction may be allowed in the area of the finds, with continued monitoring during construction activities. If warranted by the find, an archaeologist will remain on site for the duration of any work that may expose or damage cultural resources. The archaeologist may collect further information during construction by means of photographs and various measurements, staying in contact with Thoroughbred, the Contractor, the Hart County Historic Society, and the SHPO (as appropriate) through the evaluation process.

If the find is determined to be ineligible for listing on the National Historic Register of Historic Places (NRHP), the archaeologist will provide a letter documenting the results of the monitoring, descriptions of the investigated resources, the photographic records, and the conclusion reached. If, after initial consultations, it is determined that additional archaeological investigation is warranted (whether a Phase I survey or a Phase II evaluation), the scope, methods, and reporting requirements of this investigation will be determined based on circumstances.

3.3 MITIGATION MEASURES

The final actions associated with the unanticipated discovery would be determined through discussions with applicable regulatory bodies, affected landowners, and specialty contractors. Mitigating actions will be selected that are intended to avoid the potential for impact or risk associated with Project construction in the vicinity of the unanticipated discovery.

If a resource is determined to be significant, avoidance would be the first priority, if possible. If a significant resource cannot be avoided, then the specialist will develop a treatment plan outlining further investigations and/or other actions to evaluate and document the discovery further and/or mitigate adverse effects if necessary. Upon review by Thoroughbred of the proposed plan, it will be submitted to the Hart County Historic Society and the SHPO for review. Agreement will be

necessary between Thoroughbred and the Hart County Historic Society and/or the SHPO regarding appropriate actions. Thoroughbred will have responsibility for notifying the Contractor as to whether work can re-commence in the discovery and buffer area and under what conditions.

4. Recordkeeping and Reporting

Documentation of the unanticipated discovery would start with the details associated with the initial discovery and end with implementation of the final recommended action, in accordance with appropriate agency or expert guidance. Appropriate photo documentation and records that include geolocation of the feature will be maintained, along with records of agency or expert interactions and recommendations.

4.1 THOROUGHbred RESPONSIBILITIES

Thoroughbred would document steps involved from initial discovery through final disposition, and written feedback from agencies, including:

- Detailed description of initial discovery.
- Initial response actions.
- Establishment of no-work areas.
- Agency contacts.
- Consultant engagement.
- Site investigation activities.
- Agreed-upon activities to resume Project construction or to avoid the location of the unanticipated discovery.

The level of associated documentation from initial discovery through final resolution would depend on the nature and extent of the discovery, the potential need for formal agency approvals, and the degree of further disturbance of the area by construction activities.

At a minimum, Thoroughbred would record the following information when an unanticipated discovery is made:

- The time and place of discovery.
- Actions taken to prevent inappropriate disturbance or contact.
- The extent of disturbance by construction activities.
- A description of the discovered item or substances.
- Additional actions taken in response to the discovery.
- Actions taken to redirect or complete construction.

4.2 CONTRACTOR RESPONSIBILITIES

The Contractor would cooperate with Thoroughbred by providing all pertinent and detailed information regarding the initial discovery.

If directed by Thoroughbred, the Contractor may be required to develop specific measures for adjustments to the construction effort.