

**Unanticipated Discoveries Plan for the Southern Lights 20-Inch Outside
Diameter Crude Line (“LSr”) Project (North of Clearbrook)**

MINNESOTA

I. Unanticipated Discovery of Historic Properties

1. When previously unidentified historic properties are discovered during ground disturbing activities within the project construction corridor, the construction contractor will immediately notify Enbridge’s lead on-site Environmental Inspector for the appropriate construction spread of the discovery.

Lead Environmental Inspector, Spread 1: [To be determined]
Cell Phone Number: [To be determined]
Fax: [To be determined]
Address: [To be determined]

Lead Environmental Inspector, Spread 2: [To be determined]
Cell Phone Number: [To be determined]
Fax: [To be determined]
Address: [To be determined]

2. Immediately following notification of the discovery, the Lead Environmental Inspector shall:
 - (a) Inspect the work site to determine the extent of the discovery;
 - (b) Halt all construction work within 100 feet of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur;
 - (c) Clearly mark the area of the discovery using flagging and fencing; and
 - (d) Notify the Department of State (DoS) and the Minnesota State Historic Preservation Office (SHPO) of the discovery.

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Bureau of Oceans and International
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Washington, DC 20520

Contact: Dennis Gimmestad
Government Programs and Compliance Officer
Telephone: (651) 259-3450
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Address: Minnesota Historical Society
345 Kellogg Boulevard West
St. Paul, MN 55102-1903

3. Within twenty-four (24) hours of notification in accordance with No. 2.(d) above, the applicable federal agency (DoS) shall provide notice of the discovery to other parties, such as Indian tribes that might attach religious and cultural significance to the newly found properties and landowners, who may wish to participate in consultation.
4. The DoS shall have fourteen (14) calendar days following notification provided in accordance with No. 2.(d) above to determine the National Register eligibility of the discovery in consultation with the SHPO and other consulting parties. The DoS may assume the newly discovered property to be eligible for the National Register for purposes of Section 106 pursuant to 36 CFR 800.13(c) until such time an official determination of eligibility has been made by the DoS, SHPO, and other consulting parties. The DoS may extend the review period for one time by an additional seven (7) calendar days by providing written notice to consulting parties prior to the expiration of the 14-day calendar period.
5. For properties determined eligible pursuant to No. 4 above, Enbridge shall notify the DoS and other consulting parties of those actions that it proposes to resolve adverse effects to the resource. The consulting parties shall provide their views on the proposed actions within forty-eight (48) hours. The DoS shall ensure that the recommendations of the consulting parties are taken into account prior to granting approval of those actions that Enbridge will implement to resolve adverse effects to the resource. Once approval has been granted by DoS, Enbridge shall carry out the approved measures. After the treatment measures have been implemented, Enbridge can resume construction.
6. In the event of any disagreements between the consulting parties regarding the National Register eligibility of the newly discovered property or proposed actions to mitigate adverse effects to the property, the DoS shall seek and take into account the recommendations of the Advisory Council on Historic Preservation (ACHP). Within forty-eight (48) hours of receipt of a request, the ACHP shall provide the DoS with recommendations on how to resolve the dispute.

II. Unanticipated Discovery of Human Remains

1. When an unmarked human burial or skeletal remains are encountered during construction activities, Enbridge shall comply with Minnesota's "Private Cemeteries Act" (Minnesota Statute 307.08 [MS 307.08]).
2. The construction contractor will immediately notify Enbridge's lead on-site Environmental Inspector in the event that human burial or skeletal remains are encountered during ground disturbing construction activities.

Lead Environmental Inspector, Spread 1: [To be determined]
Cell Phone Number: [To be determined]
Fax: [To be determined]
Address: [To be determined]

Lead Environmental Inspector, Spread 2: [To be determined]
Cell Phone Number: [To be determined]
Fax: [To be determined]
Address: [To be determined]

3. Immediately following notification of the discovery, the Lead Environmental Inspector shall:
 - (a) Halt all construction activities within a 100 feet radius from the point of discovery;
 - (c) Implement measures to protect the discovery from looting and vandalism; and
 - (d) Notify the local law enforcement agency.
4. The Lead Environmental Inspector also shall promptly notify the DoS and SHPO of the find.

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345 Kellogg Boulevard West
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5. As stipulated in Section 307.08 of Minnesota's "Private Cemeteries Act" (MS 307), the Lead Environmental Inspector will also notify the Office of the State Archaeologist (OSA) of the find.

Contact: Scott Anfinson
Minnesota State Archaeologist
Telephone: (612) 725-2411
Fax: (612) 725-2427
E-mail: scott.anfinson@state.mn.us
Address: Office of the State Archaeologist
Fort Snelling History Center
200 Tower Avenue
St. Paul, MN 55111

6. Enbridge will consult with the SHPO, OSA, and DoS (and other parties as directed by the DoS, SHPO, and OAS) regarding the appropriate measures to handle such a discovery. Additionally, if the unanticipated discovery consists of Native American human remains, Enbridge will notify the Minnesota Indian Affairs Council if requested to do so by the DoS or SHPO.

Contact: Jim L. Jones, Jr.
Cultural Resource Director
Telephone: (218) 755-3825
Fax: (218) 755-3739
Address: Minnesota Indian Affairs Council
3801 Bemidji Avenue, Suite 5
Bemidji, MN 56601

7. After permission to resume construction has been issued by DoS, Enbridge's lead on-site Environmental Inspector will grant clearance to the Contractor to restart work.

III. Unanticipated Discovery of Paleontological Resources

Paleontological resources would be expected to be in the form of fossils. In-situ, fossils are usually found within layers of geologically old sediments and rocks where the creature lived, died and became fossilized. However, through geologic, hydrologic, and marine activity, many fossils and parts of fossils have been carried into younger geologic areas. Excavation associated with the project will generally occur within the upper 7 feet of soil. This material is sufficiently young geologically that it is very unlikely to contain fossils. However, the following procedures will be followed if fossils are encountered during construction.

1. The Contractor must stop work in the immediate area of the find to protect the integrity of the find.

The Contractor will not restart work in the immediate area of the find until the on-site Environmental Inspector has granted clearance.

2. The Contractor will immediately notify Enbridge's lead on-site Environmental Inspector of the find.

Lead Environmental Inspector: [To be determined]
Cell Phone Number: [To be determined]
Fax: [To be determined]
Address: [To be determined]

3. The Lead Environmental Inspector will immediately notify DoS of the find.

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4. The Lead Environmental Inspector will confirm the presence of potential fossils. Upon confirmation, the Lead Environmental Inspector will photograph a representation of the potential fossils present. A brief written description will be developed including the exact location of the potential fossil material along the route, the depth and apparent thickness of the stratum, local topography, and other pertinent conditions.
5. Once proper documentation has been obtained, the DoS will direct the on-site Lead Environmental Inspector to grant clearance to the Contractor to start work.
6. The DoS will promptly notify the Minnesota Geological Survey at the University of Minnesota and, upon request, provide copies of the written and photographic documentation of the potential paleontological materials.

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