

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

NORTH DAKOTA

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 of the discovery.

Lead Environmental Inspector:	[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 State Historical Society of North Dakota (SHSND) of the discovery.

Contact:	Elizabeth Orlando NEPA Contact & Project Manager
Telephone:	(202) 647-4284
E-mail:	orlandoea2@state.gov
Address:	United States Department of State Bureau of Oceans and International Environmental and Scientific Affairs Room 2657 Washington, DC 20520

Contact:	Merlan E. Paaverud, Jr. Director/SHPO
Telephone:	(701) 328-2672
Fax:	(701) 328-3710
E-mail:	mpaaverud@nd.gov
Address:	State Historical Society of North Dakota 612 East Boulevard Avenue Bismarck, ND 58505-0830

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 SHSND 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, SHSND, 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 a unmarked human burial or skeletal remains are encountered during construction activities, Enbridge shall comply with North Dakota's "Protection of human remains, and burial goods – Unlawful acts – Penalties - Exceptions" law (North Dakota Century Code [NDCC] 23-06-27) and its accompanying administrative rules (North Dakota Administrative Code [NDAC] 40-02-03).
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:	[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 and SHSND as stipulated by NDCC 23-06-27.

Contact: Merlan E. Paaverud, Jr.
Director/SHPO
Telephone: (701) 328-2672
Fax: (701) 328-3710
E-mail: mpaaverud@nd.gov
Address: State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

- 4. The Lead Environmental Inspector also shall promptly notify the DoS of the find.

Contact: Elizabeth Orlando
NEPA Contact & Project Manager
Telephone: (202) 647-4284
E-mail: orlandoea2@state.gov
Address: United States Department of State
Bureau of Oceans and International
Environmental and Scientific Affairs
Room 2657
Washington, DC 20520

- 5. As stipulated by NDAC 40-02-03-03, upon receiving notification of the discovery of human remains, a human burial, or burial goods, the local law enforcement agency shall, as soon as practicable, report the receipt of such notification to SHSND and the North Dakota State Department of Health and Consolidated Laboratories (NDS DHCL). Within a period of twenty-four (24) hours of notification these two state agencies shall commence the initial examination of the discovery.
- 6. Enbridge will consult with the SHSND and DoS (and other parties as directed by SHSND and/or DoS) regarding the appropriate measures to handle such a discovery. If SHSND and NDS DHCL determine that the unanticipated discovery consists of Native American human remains, the SHSND, as stipulated by NDCC 23-06-27, will contact the North Dakota Intertribal Reinterment Committee.
- 7. After permission to resume construction has been issued by DoS, Enbridge's lead on-site Environmental Inspector who 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.

Contact: Elizabeth Orlando
NEPA Contact & Project Manager
Telephone: (202) 647-4284
E-mail: orlandoea2@state.gov
Address: United States Department of State
Bureau of Oceans and International
Environmental and Scientific Affairs
Room 2657
Washington, DC 20520

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 North Dakota Geological Survey at the North Dakota Department of Mineral Resources and, upon request, provide copies of the written and photographic documentation of the potential paleontological materials.

Contact: Edward C. Murphy, State Geologist
Telephone: (701) 328-8000

Address:

North Dakota Industrial Commission
Department of Mineral Resources
North Dakota Geological Survey
1016 East Calgary Ave.
Bismarck, ND 58503