

# **North Dakota Cultural Resource Discovery Plan**

## **Big Stone South to Ellendale 345kV Transmission Line**

January 2015

*Prepared for:*

**Montana-Dakota Utilities Co. and Otter Tail Power Company**

*Prepared by:*

**HDR Engineering, Inc.**

## 1. INTRODUCTION

The Big Stone South to Ellendale 345 kV transmission line project (project) entails the development and construction of a transmission line from the Big Stone South substation located near Big Stone City, South Dakota to the Ellendale 345kV substation located near Ellendale, North Dakota. This plan provides guidance for addressing discovery situations as pre-construction, construction, and maintenance activities occur for the development and operation of the transmission line.

A cultural resource discovery occurs when previously unidentified cultural remains are encountered or a previously identified historic property is affected in an unanticipated manner. Cultural resource discoveries may occur during any phase of construction or during maintenance of the project. Cultural resource discoveries occur when archaeological remains such as bone, pottery, or flaked or ground stone artifacts, buried historic debris, foundations and other similar types of artifacts are encountered or are suspected. When such discoveries occur, project personnel are obligated to cease all project activities in the vicinity of the discovery, notify appropriate personnel of the event and circumstances, and await further instruction prior to proceeding with activities that may affect the discovered remains.

**Table 1 - Discovery Contact Information**

<b>Entity</b>	<b>Name</b>	<b>Role</b>	<b>Telephone Number</b>
Cultural Resource Specialist (CRS)	Stephen Sabatke	Professionally Qualified Archaeologist	(763) 591-5400
Otter Tail Power Company	Al Koeckeritz	Project Manager	(218) 739-8416
Montana-Dakota Utilities Co.	Dan Albrecht	Project Manager	(701) 222-7680

**Table 2 - Agency Representative Contact Information**

<b>Entity</b>	<b>Name</b>	<b>Role</b>	<b>Telephone Number</b>
Tribal Historic Preservation Officer (THPO)	Dianne Desrosiers	THPO	(605)-698-3584
State Historic Preservation Officer (SHPO)	Paul Picha	Chief Archaeologist	(701)-328-2666
USFWS Cultural Representative	Barry Williams	Region 6 – Dakotas Zone Archaeologist	(701)-355-8577
USACE Cultural Representative	Patsy Crooke	USACE North Dakota Regulatory Office Project Manager	(701)-255-0015 Ext 2002
Local Law Enforcement	Dickey County Sheriff	Sheriff	(701)-349-3249 Ext. 1

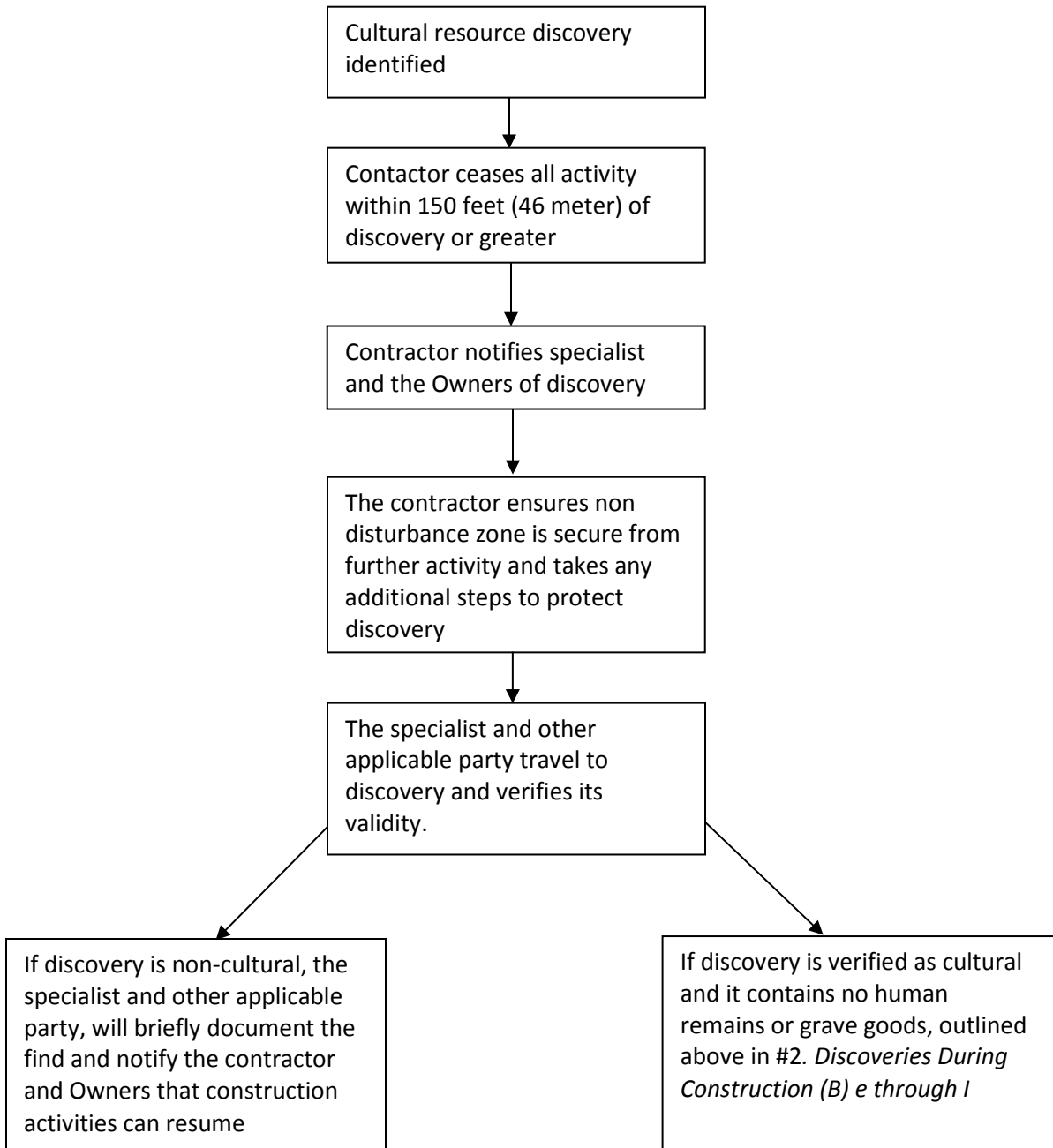
## 2. DISCOVERIES DURING CONSTRUCTION

- A. Prior to the initiation of Project construction, Otter Tail Power Company and Montana-Dakota Utilities Co. (jointly, the Owners) will notify and brief all construction personnel of the necessity to report all discoveries, or suspected discoveries, of archaeological, historic, or human remains encountered during Project construction.
  
- B. DISCOVERIES ABSENT HUMAN REMAINS: In the event of a discovery that does not include human remains, the Owners, and all construction personnel will adhere to the following procedures (also outlined on Figure 1):
  - a. All activities that may disturb the discovery will cease within 150 feet (46 meters) or greater as necessary to assure further damage of the resource is averted.
  - b. The contractor will immediately notify the Owner's representatives and Cultural Resource Specialist of the discovery (Table 1). The Cultural Resource Specialist will help the construction personnel protect the discovery from further harm or damage.
  - c. Within 48 hours of notification of a possible discovery situation, the Cultural Resource Specialist, will investigate the discovery and validate whether it is a discovered cultural resource.
  - d. If the Cultural Resource Specialist determines the discovery is not a cultural resource, the Cultural Resource Specialist will document the discovery in a brief report to the Owners and other parties as applicable and recommend that construction may resume. The Owners and/or responsible agency may authorize resumption of construction upon the Cultural Resource Specialist's verbal description and recommendation to proceed, and prior to receipt of the Cultural Resource Specialist's report.
  - e. If the Cultural Resource Specialist determines the discovery is valid, the Cultural Resource Specialist will notify the Owners, SHPO, THPO, and any federal agency with jurisdiction (the consulting parties) of preliminary findings and proposed next steps.
  - f. The consulting parties shall address the significance of the discovery and specify appropriate treatment, either through avoidance, additional study, or other measure.
    - i. An onsite meeting may be requested by the consulting parties to assess the discovery and reach consensus on appropriate avoidance or treatment. This meeting shall occur within 96 hours after the Cultural Resource Specialist notification.
  - g. The Cultural Resource Specialist will prepare an avoidance or treatment plan addressing the cultural values of the discovery and provide it to the consulting parties for review and comment within 48 hours of site validation and/or the onsite meeting. Upon acceptance of the plan by the consulting parties, the Owners shall ensure its terms are implemented.

- h. The Owners may resume construction activities when any required fieldwork has been completed and the Cultural Resource Specialist notifies applicable parties of its completion.
  - i. A report detailing the results of treatment of the discovery shall be prepared by the Cultural Resource Specialist. The Cultural Resource Specialist shall submit copies of the report to each of the consulting parties within one month of completion of any fieldwork and shall complete any other requirements pertaining to the discovery, such as disposition of artifact remains and materials in an appropriate repository.
- C. DISCOVERIES INCLUDING HUMAN REMAINS: In the event that human remains are discovered, or suspected, the Owners and all construction personnel will adhere to the following procedures as required by North Dakota Century Code § 23-06-27 “Protection of Unmarked Human Burials” and administrative rules North Dakota Administrative Code Chapter 40-02-03, “Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods.” The steps are outlined on Figure 2.
- a. All activities that may disturb the discovery shall cease within a minimum of 150 feet (46 meter) of the find or to a greater distance as appropriate, and the discovery location will be secured from further disturbance or vandalism.
  - b. The contractor or Owner’s onsite designee shall contact local law enforcement with jurisdiction of the area (Table 2). Law enforcement will determine whether the finding is associated with a crime scene.
  - c. The contractor will immediately notify the Owner’s representatives and Cultural Resource Specialist of the discovery (Table 1). The Cultural Resource Specialist will help the construction personnel protect the discovery from further harm or damage.
  - d. The contractor and Owners shall take all necessary precautions to ensure the discovery is secure from damage or vandalism.
  - e. If local law enforcement determines the discovery to be a crime scene they will complete their procedures to document the site and manage the location.
  - f. If local law enforcement determines the discovery to not be a crime scene they will relinquish responsibility to the State Historical Society. The Cultural Resource Specialist will work with the state archaeologist to complete Steps 2 (B) c through e of the plan and develop a treatment plan. The Cultural Resource Specialist will coordinate with SHPO, THPO, and Intertribal Reinterment Committee, the Owners, and any other applicable parties, before any cultural resource investigation of human remains occurs.
  - g. Upon approval of the treatment plan by reviewing parties as appropriate, it will be implemented. The Cultural Resource Specialist will provide a report to the consulting parties documenting the implementation and results of the treatment plan.

- h. Upon fulfillment of any field work required under the treatment plan, the Owners may allow construction to resume, in accordance with any agreed upon remaining requirements.

**Figure 1: Discovery Identification Procedures Absent Human Remains**



**Figure 2: Discovery Identification Procedures That Include Human Remains**

