

EXHIBIT D

Dakota Access Pipeline Project

Unanticipated Discovery Notification

Morton County, North Dakota

CASE NO. PU-14-842

PRIVILEGED

NOT FOR INTERNET PUBLICATION



Dakota Access Pipeline Project
Unanticipated Discovery Notification,
Morton County, North Dakota
October 18, 2016

In accordance with the Dakota Access Pipeline Project (DAPL) Unanticipated Discovery Plan (UDP), this memo serves as notification of the post review discovery of previously undocumented cultural materials on private property within the DAPL Project area by a 3rd-party cultural resource monitor. At approximately 1:15 pm on October 17, 2016, the monitor was conducting cursory inspection of the DAPL workspace in coordination with the clearing and grade activities and identified cultural materials in surface contexts consisting of four cairns at station 4443+00 in Morton County, North Dakota (Figures 1 through 6). No previously recorded archaeological sites are documented in this area. Once identified, the monitor immediately notified the Environmental Inspector (EI), and the Project Archaeologist (Jason Kovacs) was dispatched to the area to conduct a formal assessment of the find. The Project Archaeologist, cultural monitor and EI cordoned off the find with stakes and exclusionary fencing (Figure 8). The find was thoroughly investigated in close coordination with the archaeological Principal Investigator, and included photo-documentation, mapping of all surface features, delineation of site boundaries based on distribution of artifacts and features, and the excavation of 17 shovel probes. The shovel probes identified degrading sediments across the landform that consisted of a thin veneer of dirt near the northeastern portion of the site with a low likelihood for buried cultural deposits. Based on the presence of multiple cairns in close context with Knife River flint artifacts, the Principal Investigator recommended avoidance of the property.

Following this assessment, the location data for the site was provided to DAPL construction and engineering staff to aid in the design of a reroute to avoid impacts to this property. An avoidance route is planned that will avoid impacts to the site from DAPL construction activities (Figure 9). Exclusionary fencing will be placed along the boundary of the newly designed workspace in the vicinity of the site boundary to ensure protection of the site. Additionally, cultural monitors and EI staff will be present at this location during all stages of construction. A site form and technical report of the findings with National Register of Historic Places (NRHP) recommendation will be prepared and submitted to the North Dakota SHPO in accordance with North Dakota reporting guidelines. Overview photos, site map, and engineering drawings are provided below to demonstrate DAPL's commitment to the avoidance and preservation of this property.

In accordance with the DAPL UDP, we request concurrence from the SHSND that the documentation and avoidance are appropriate treatment measures for the cultural resource identified at station 4443+00.

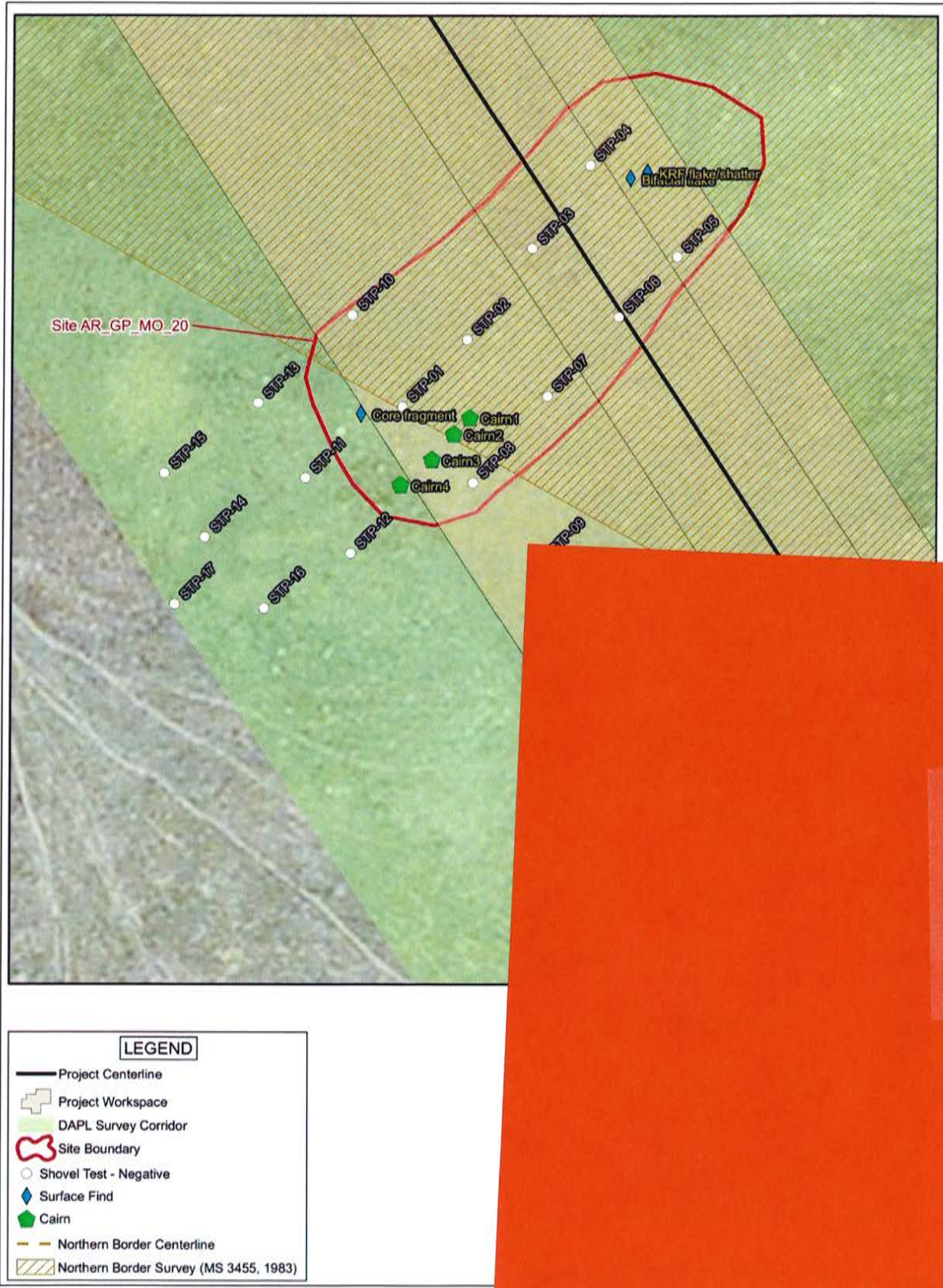


Figure 1. Site Plan View Map with old DAPL Workspace



Figure 2. Overview of Cairn #1



Figure 3. Overview of Cairn #2



Figure 4. Overview of Cairn #3



Figure 5. Overview of Cairn #4



Figure 6. Overview of cairn features



Figure 7. View of biface artifact found in surface contexts



Figure 8. View of site with exclusionary flagging

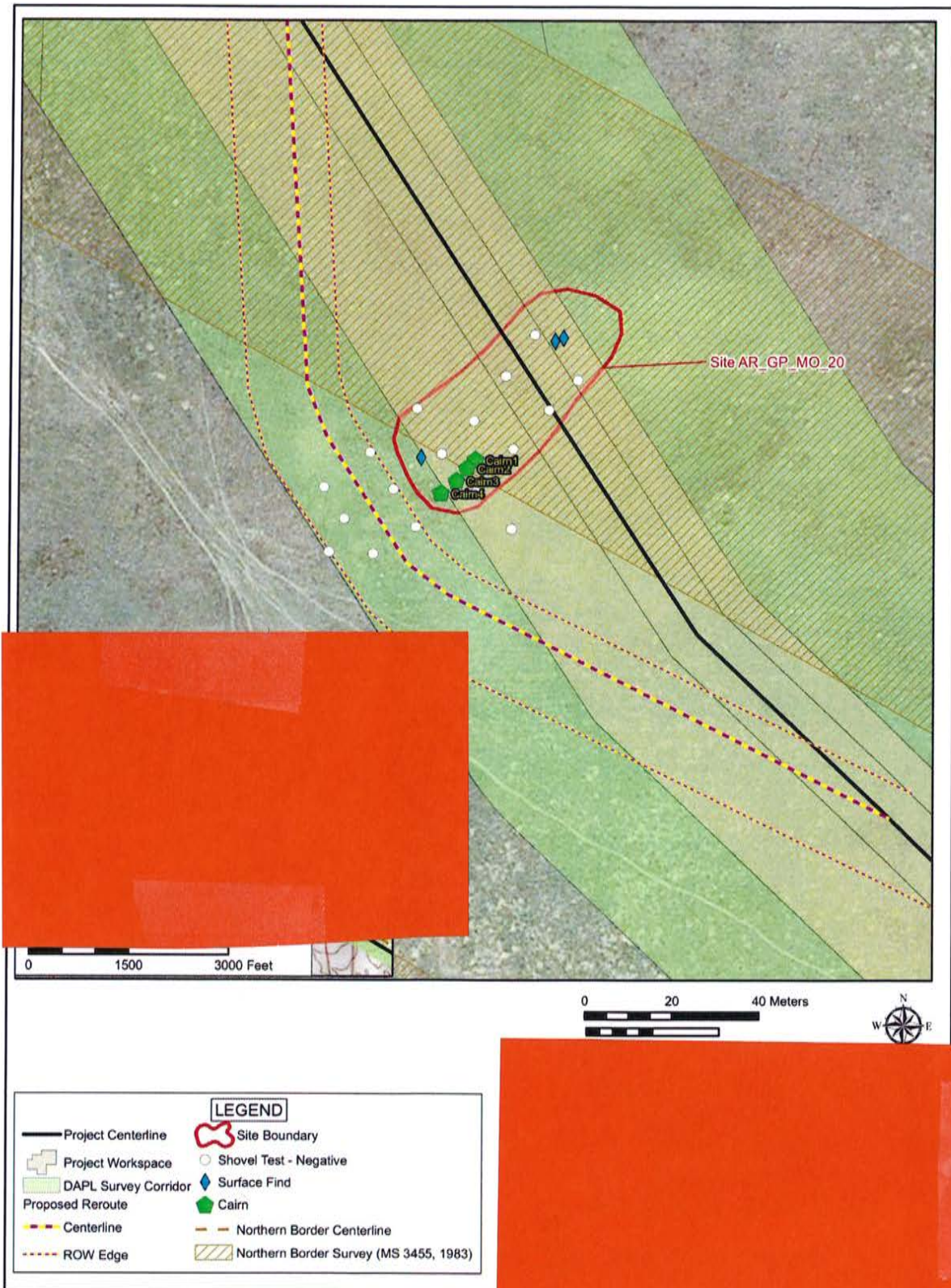


Figure 9. Engineering drawing showing route modification to avoid identified site