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December 28, 2016

Hand Delivery

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480



In re: Epping Transmission Company, LLC
DAPL Epping Facility Connector Pipeline Project
Williams County
Case No. PU-16-614
Our File No. 088393-000004

Dear Mr. Nitschke:

Please find enclosed for filing eleven copies of amended Late-filed Exhibits 13 and 15. Late-filed Exhibit 13 has been amended to correct some of the dates in the last column of the table that had been mismatched with the applicable facility due to an Excel spreadsheet sorting issue. Late-filed Exhibit 15 has been updated to include Public Service Commission contact information in the Unanticipated Cultural Resources Discoveries plan.

Also enclosed for filing is a letter in follow-up to the work session.

Please call should you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Wade C. Mann".

Wade C. Mann

WCM/lh
enc.

cc: Megan Davis (via email)

45 **PU-16-614** Filed: 12/28/2016 Pages: 9
**Amended Late-Filed Exhibit LF15 - Unanticipated
discoveries plan**

Epping Transmission Company, LLC
Wade C. Mann, Crowley Fleck, PLLP

Epping Transmission Company, LLC
DAPL Connector Pipeline Project
Procedures for Unanticipated Cultural Resources Discoveries



Prepared for:

Epping Transmission Company, LLC

Prepared By:

E3 Environmental, LLC

2016

E3 Environmental, LLC TM
871 Jefferson Ave
St. Paul, MN 55102

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SECTION 1: INTRODUCTION

This Unanticipated Discovery and Monitoring Plan (Plan) presents procedures to be implemented in the event potential cultural resources are discovered during construction of the Epping Transmission Company, LLC (Epping Transmission) DAPL Connector Pipeline Project (Project) in Williams County, North Dakota

Significant historical or archaeological artifacts or sites under the jurisdiction of the State of North Dakota or its political subdivisions are protected under Section 55-02-07 of the North Dakota Century Code (NDCC). Furthermore, NDCC Section 23-06-27 and North Dakota Administrative Code (NDAC) Section 40-02-03 provide special protection of human burial sites, human remains and burial goods. This Plan presents procedures for addressing potential cultural resource discoveries identified during the construction of the Project, including procedures for the initial treatment of discoveries, the evaluation and treatment of discoveries, and the treatment of human remains.

SECTION 2: TRAINING

Training is necessary in order for construction personnel to recognize potential archaeological resources. All construction personnel will meet with Epping Transmission representatives for basic training prior to participating in construction. This training will provide orientation regarding recognition of cultural resources as well as a general overview of the culture history of the region, so construction personnel are familiar with the types of archaeological resources that may be encountered during construction. The training will also outline the steps to be followed in the event of a potentially significant archaeological discovery during construction (e.g., the discovery of human remains). The following items will be reviewed within the program:

- Definition of a discovery and examples of discoveries;
- Steps towards discovery protection until such time as they can be properly evaluated by a qualified archaeologist;
- Proper notification of the appropriate Epping Transmission personnel;
- Necessity of reporting discoveries in a timely manner and complying with the other stipulations provided in this plan;
- Need to treat any human skeletal remains that are encountered with dignity and respect; and
- Penalties for failure to report discoveries or to comply with the procedures outlined in this Plan.

SECTION 3: UNANTICIPATED CULTURAL RESOURCE DISCOVERY PROCEDURE

3.1 Definition of an Unanticipated Cultural Resources Discovery

Cultural resource discoveries consist of evidence of human activity, more than 50 years old, with potential to yield data pertinent to regional history and prehistory. Prehistoric discoveries include, but are not limited to, features (small hearth features, housepit features, storage features, etc.), artifact concentrations, and activity areas. Historic discoveries include, but are not limited to, features (historic hearths, foundations, trash deposits, structures, old canals, roads, etc.), artifact concentrations, and activity areas. Isolated historic artifacts or small concentrations of non-human bone will not be considered discoveries.

3.2 Procedure for Addressing Discoveries Identified by Construction Personnel

The following procedures will be initiated in the event unanticipated potential cultural resources are discovered.

- Construction activity that resulted in the exposure of the discovery will be **immediately** halted.
- The Construction Manager will be notified.
- A buffered area will be set up around the discovery. A minimum 50-foot perimeter is recommended. Visual barriers such as temporary fencing are recommended. No ground disturbing activities, including vehicle traffic, are allowed within the area until the proper cultural resource evaluation has been completed.
- Epping Transmission will notify and consult a professional archaeologist to review the discovery.
- During the review phase, suspension of all work and vehicle traffic in the buffered area is required. If the archaeologist determines that the discovery is non-cultural, Epping Transmission will be notified and the halted construction activity can resume.
- If the discovery is deemed cultural and a field visit is required, no ground disturbing activities are allowed within the buffered discovery area until the field visit by the archaeologist occurs. During the field visit, the archaeologist will determine whether the discovery is potentially significant.

3.3 Procedure for Treatment of Discoveries by Professional Archaeologist

An archaeologist will review and fully record a discovery according to approved standards. The initial treatment of any discovery will consist of recording the location of

the discovery; recording summary data concerning the feature(s) and/or other remains (including dimensions, qualitative characteristics, and associated remains); photographing the discovery and the overall context of the exposed material; and profiling trench walls containing cultural features or strata (where safe and prudent). The feature(s) will then be excavated and a sample will be collected for laboratory analysis as appropriate. Feature plans and profiles will be drawn. Features will be photographed. Uncollected feature fill will be screened using 0.25-inch mesh. If necessary, additional horizontal exposure of sediments/deposits around the feature may be investigated to evaluate the feature context.

When appropriate, the location around the discovered cultural material will be tested to determine the extent of the cultural material. Testing can include, but is not limited to, excavation of controlled units over and around the feature area or placement of test units and/or auger probes. Testing will be designed to identify the nature and extent of the discovery and any associated activity area(s) or other features, if present.

3.4 Special Procedures for Discoveries of Human Remains

Should human remains be encountered during construction of the Project, per the protocol outlined above, all work will be immediately halted at the general location of the discovery. The location will be immediately secured, including a buffer zone of 100 feet (30 m) surrounding the discovery. Construction personnel and vehicles will promptly vacate the buffer zone. Vehicle traffic within the buffer zone will be limited to that necessary to remove other vehicles and equipment from the buffer zone. Care will be taken to prevent any disturbance of the potential human remains during removal of vehicles and equipment. Until appropriate consultation has occurred, the discovery shall remain protected from any disturbance, such that no remains or associated artifacts are touched, moved or collected.

Following notification of the Construction Manager and Epping Transmission Project Manager, Epping Transmission will immediately notify local law enforcement and the county coroner (see Table 1).

Table 1: Project and Agency Contact Information

CONTACT	NAME	PHONE NUMBER
Epping Transmission Construction Manager	Dean Blikre	O: 701-540-0081 M: 701-500-2189
Epping Transmission Project Manager	Brian Raber	O: 832-930-7513 M: 281-224-3681
Environmental Representative (on-site)	TBD	M:
E3 Environmental	Katie Schmidt	O: 651-282-0652 M: 651-216-6881
Williams County Sherriff	Scott Busching	701-577-7700
Williams County Coroner	Williams County Medical Examiner & Coroner	701-774-7400
North Dakota State Historic Preservation Office	Paul Picha (Chief Archaeologist)	701-328-2666
North Dakota Public Service Commission	Julie Prescott	701-328-4188

SECTION 4: STATE HISTORICAL SOCIETY AND PUBLIC SERVICE COMMISSION COORDINATION AND REPORTING

If the discovery is deemed potentially significant, Epping Transmission and the archaeologist will consult and coordinate with the State Historical Society to propose procedures for further treatment of the discovery, while minimizing impacts to the construction schedule to the extent possible. Epping Transmission will inform the Public Service Commission of the discovery and its consultation with the State Historical Society. Suspended construction activities in the discovery area may not proceed until approval has been obtained from the State Historical Society and other involved agencies and parties.

A report detailing all cultural resources identified, recorded, tested and/or excavated during the construction phase of the Project, regardless of significance, will be prepared by the archaeologist and submitted to the State Historical Society for review within six months of project completion. A copy of the report will also be filed with the Public Service Commission.