



CULTURAL RESOURCE UNANTICIPATED DISCOVERY PLAN & MONITORING PLAN

Cenex Pipeline Sidney to Minot Construction Segment

Prepared for:
Cenex Pipeline, LLC

Prepared by:
KLJ

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CULTURAL RESOURCE UNANTICIPATED DISCOVERY PLAN AND MONITORING PLAN FOR CENEX PIPELINE SIDNEY TO MINOT CONSTRUCTION SEGMENT

For
Cenex Pipeline LLC.

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I. DESCRIPTION

Cenex Pipeline, LLC. (Cenex) has proposed the construction of the Cenex Sidney to Minot Pipeline segment (Project) consisting of an approximate 149.7-mile (North Dakota portion) 10-inch pipeline containing refined petroleum fuels (i.e. gasoline and distillate fuels) in Williams, Mountrail & Ward Counties. Construction is anticipated to begin in the Spring of 2018 with commercial operation by the end of that year. No federal funding is anticipated.

A Class III Cultural Resource Inventory has been conducted. The work was completed in 2016 and 2017. The Project has committed to avoidance of *significant* and *unevaluated* cultural resources during construction through the use of a 50-foot buffer around all identified resources. KLJ and Cenex have developed this discovery and monitoring plan to address the proper procedures if previously unidentified resources are encountered during construction.

II. UNANTICIPATED DISCOVERY PLAN

This discovery plan will apply to any cultural features discovered during the course of construction or construction monitoring. The discovery plan may be used in conjunction with a monitoring effort at some locations to ensure that any previously unrecorded features are identified and data recovered from them before they are disturbed by construction activities.

The discovery of single or sparse concentrations of cultural material by KLJ, Cenex, and any subcontractor would not activate the terms of this discovery plan. The discovery plan, as written, is focused on the recovery of information from inadvertently exposed precontact and historic features, which may include: cache pits, fire-hearths, cairns, stone circles, post-molds, house floors, discrete *precontact* artifact concentrations, foundations, cellars, vaults, privy pits, or other definable remnants of historic structures.

Under circumstances not involving burial of human remains, work will stop in the immediate area of the discovery. The Project's lead archaeologist will be contacted. The archaeologist will then advise the State Historical Society of North Dakota (SHSND) of the discovery. Any features encountered will be plotted on a map of the area (site map) and a USGS 7.5' quadrangle map. All features will be fully recorded and excavated in compliance with SHSND Guidelines and KLJ Excavation Standards (or equivalent). The features will be exposed in plan view, photographed, and mapped, then one-half of the feature will be expediently excavated (and bagged for screening) to expose the profile. The second half of the feature will be excavated after a profile has been photographed and illustrated. If fill



sequences or strata are identified in the profile or during the excavation of the first half, these units will be excavated and bagged separately.

A 10 percent sample of feature fill (matrix) will be reserved for floatation processing. The rest of the feature fill will be processed using standard screening methods through 1/4 inch mesh screen. After excavation of the feature is complete, photographs will be taken and any changes to the plan view of the feature will be added to the original illustration. A site form, or site form update, will be prepared and submitted to the SHSND.

Analysis of artifacts, float samples, and reporting will also be in compliance with SHSND Guidelines and KLJ Excavation Standards (or equivalent). Construction may recommence upon completion of the excavation.

A. Burials

Intentional, unauthorized disturbance of a human burial site under North Dakota State law is a Class C felony:

"Any person who knows or has reasonable grounds to believe that a human burial site, human remains, or burial goods, found in or on any land, shall refrain from any activity which might disturb or immediately cease any continued activity which might cause further disturbance of such burial, remains, or goods and shall, as soon as practicable, report the presence or discovery of the burial, remains, or goods, to the local law enforcement agency with jurisdiction in the area in which the burial, remains, or goods are located. A person is guilty of a class B misdemeanor who is required to make such report and willfully, as defined in section 12.1-02-02, fails to make the same. The requirements imposed in this subsection do not apply to any person engaged in the salvaging excavation or other disinterment of a human burial under authority of law." (23-06-27.5).

If human remains are discovered during construction or monitoring activities, the following will take place in accordance with procedures defined in North Dakota Administrative Code (N D A C) 40-02, in accordance with North Dakota Century Code (N D C C) 23-06-27 (Protection of human burial sites, human remains, and burial goods-Unlawful acts-Penalties-Exceptions):

- Work will immediately cease in the vicinity of the burial and the County Sheriff and SHSND will be contacted immediately.
- The SHSND shall inform the North Dakota State Health Department and Intertribal Reinterment Committee (ITRC).
- All appropriate respect will be shown for any burial discovered on the Project including efforts to ensure that the burial is protected from on-lookers and potential looting.
- At the discretion of the SHSND and/or the ITRC, the human remains and the immediate burial area may be protected by careful back fill or tarps.
- All areas within 50 feet of the burial will be protected from further disturbance until the above listed parties are notified, they consult on the Project, and they devise a scope of work under which the Project may proceed.



- The Project’s archaeologist(s) will assist the SHSND and ITRC as requested but will not attempt to collect, further disturb, or study any human remains from the Project unless specifically directed to do so.

B. Disposition of Cultural Materials

With the exception of human remains and grave associated goods, cultural materials recovered from private lands in the state of North Dakota are the property of the landowner. With this in mind, the landowner has the right of first refusal. If the landowner does not wish to take possession following the analyzing and cataloging phase, the artifacts may be returned as closely as possible to where they were discovered, or curated/accessioned at the SHSND under KLJ’s Curation Agreement (or equivalent). If reburied, the location(s) will be plotted with a GPS for future reference. If any tribe(s) requests recovered artifacts from a specific excavated feature, The Project will consult with the landowner to procure a Gift Agreement making a donation of the artifacts to the tribe(s). The artifacts will then be turned over to the tribe(s) along with a copy of the artifact catalog.

C. Safety Issues

Due to the use of heavy equipment in the Project area, personal safety is of concern. Safety Orientation will be completed and updated as/if needed, and First Aid kits and fire extinguishers will be carried in each Project or contractor vehicle, ATV, and UTV.

Personal protective equipment (PPE) will also be required. PPE shall include hard hats, steel-toed boots, and safety vests, which must be used at all times on the construction site(s). Each person is responsible for obtaining, using, and maintaining his/her PPE, and no archaeologist will be allowed on the construction site(s) without the equipment.

These procedures will also be followed if monitoring is deemed necessary at any location.

III. MONITORING PLAN

Monitoring during construction is not anticipated. However, in the event that it is deemed necessary at some locations by Project Representatives or the SHSND, the work will be led by a qualified archaeologist(s) (according to the Department of the Interior’s Professional Qualification Standards [48 FR 22716, Sept. 1983] and North Dakota state law [NDCC Chapter 55-03-01, and NDCC Chapter 40-02-02]). No new ground disturbance shall occur before sunrise or after sunset.

A. Encountered Cultural Resources

If cultural resources are encountered during construction monitoring, the archaeologist shall signal the equipment operator(s) if equipment is operating in the immediate area. The archaeologist shall not enter the area until acknowledgement is received from the operator(s) and the equipment has stopped or moved from the area. The guidelines provided in the discovery plan shall then be implemented.



B. Methods

Monitoring will occur at selected areas if deemed necessary by the SHSND or Project Representatives. Areas previously plowed for agricultural activities may not be monitored. Because the purpose of the monitoring is to identify and recover data from subsurface features, material contained within any plow zone is not of as much importance. All monitoring activity will stay within the construction limits defined by the Project.

The archaeologist will closely observe the topsoil removal process and inspect each cut to ensure that subsurface features are identified. Once pre-Holocene soils are exposed, no further monitoring in the area will be required.

The archaeologist and the point of contact for the construction crew(s) will communicate to prevent unnecessary construction stoppages during the monitoring effort. The archaeologist, however, will retain the final decision on how the work will proceed within the Project area. The decisions of the archaeologist will be based on accepted archaeological procedures as outlined by the SHSND. The overall archaeological and monitoring effort will be conducted with the goal of keeping the construction on schedule while maintaining respect for any cultural resources in the area.

IV. REPORTING

If there are any unanticipated discoveries, monitoring, or processing of any recovered feature fill, cultural materials, or specialized samples, a professional quality report will be produced. The report will meet or exceed SHSND Guidelines. The report will be submitted to the SHSND for review and archiving. Copies of the report will also be provided to the Project Representatives and will be archived as part of the final Project file.

V. CONTACTS

- Cenex Pipeline LLC.
 - Mike Stahly - 406-628-5209; cell 406-855-8247, mike.stahly@chsinc.com
- KLJ
 - Grady Wolf - 701-355-8726; cell 701-595-2881; grady.wolf@kljeng.com
 - Jim Welch - 701-355-8477; cell 701-955-0521; james.welch@kljeng.com
- SHSND
 - Paul Picha - 701-328-3574; ppicha@nd.gov
 - Susan Quinnell - 328-3576; squinell@nd.gov
- Williams County Sheriff and Emergency Services (911)
Phone: 701-577-7700
- Mountrail County Sheriff and Emergency Services (911)
Phone: 701-628-2975
- Ward County Sheriff and Emergency Services (911)
Phone: 701-857-6500

