

UNANTICIPATED DISCOVERY PLAN

ARROW FIELD SERVICES

OFF-RESERVATION PROJECTS IN NORTH DAKOTA

FEBRUARY 2018

PREPARED FOR
Arrow Field Services, LLC

PREPARED BY
SWCA Environmental Consultants

**UNANTICIPATED DISCOVERY PLAN
ARROW FIELD SERVICES
OFF-RESERVATION PROJECTS IN
NORTH DAKOTA**

Submitted to
Arrow Field Services

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Table 1. Contact Information	Error! Bookmark not defined.
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APPENDICES

Appendix A	Procedures for Addressing Cultural Resource Discoveries by Construction Personnel
Appendix B	Procedures for the Treatment of Unanticipated Discovery of Human Remains

1 INTRODUCTION

This Unanticipated Discovery Plan (Plan) documents the procedures to be implemented in the event that potential cultural resources are discovered during construction of any Arrow Field Services, LLC (Arrow) projects constructed outside the Fort Berthold Indian Reservation (FBIR) in North Dakota. Arrow retained SWCA Environmental Consultants (SWCA) to complete this Plan as a due diligence effort.

Significant historical or archaeological artifacts or sites located on lands 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. In accordance with applicable North Dakota laws and regulations, this Plan contains procedures for addressing cultural resource discoveries identified by construction personnel during construction of any Arrow project outside the exterior boundaries of the FBIR, including procedures for the initial treatment of discoveries, the evaluation and treatment of discoveries, and the treatment of human remains. This Plan has been prepared because the potential exists for exposure of previously unidentified or buried cultural material within project sites/routes during mechanical grading or excavation.

2 QUALIFICATIONS

2.1 Construction Personnel

Training is necessary to ensure construction personnel recognize potential archaeological resources. Arrow's responsible parties and construction personnel will meet with Arrow 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 that 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 any possible archaeological discovery during construction. The following items will be reviewed during the training program.

- Definition of a discovery and examples of discoveries.
- Discovery protection until the discovery can be properly evaluated by a qualified archaeologist.
- Proper notification of appropriate Arrow personnel.
- Reporting discoveries in a timely manner and complying with the other stipulations provided in this Plan.
- The need to treat any human skeletal remains that are encountered with dignity and respect.
- Penalties for failure to report discoveries or to comply with the procedures outlined in this Plan.

2.2 Archeologist

Any archeologist called on to assist in carrying out the measures in this plan shall be qualified in accordance with NDAC Section 40-02-02.

3 DISCOVERY DEFINITION

Archaeological discoveries consist of evidence of human activity that is 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, house pit features, storage features, etc.), artifact concentrations, and activity areas. Historic discoveries include, but are not limited to, features (historic hearths, trash deposits, structures, old canals, roads, etc.), artifact concentrations, and activity areas. Small concentrations of non-human bone will not be considered discoveries.

4 PROCEDURES FOR ADDRESSING DISCOVERIES IDENTIFIED BY CONSTRUCTION PERSONNEL

The following procedures will be initiated in the event unanticipated cultural resources are discovered. A flow chart presenting an abbreviated version of the procedures is provided in Appendix A. When a discovery is encountered, the construction activity that resulted in the exposure of the discovery will be immediately halted and the construction manager will be notified. The construction manager in turn will notify the Arrow project manager.

Arrow's responsible party involved in unanticipated discoveries of archeological materials will order construction contractors to suspend ground-disturbing activities adjacent to the discovery. Cessation of ground-disturbing activity will encompass a sufficient area to protect the discovery and provide a buffer zone for adequate and safe investigation of the discovery and any associated features or artifacts. A recommended guideline for the buffer zone is at least 50 feet (15 meters [m]) around the discovery, but its size can be adjusted to protect the discovery adequately without unnecessary hindrance to construction. Visual barriers such as flagging, staking, or temporary fencing will be placed around the discovery area and established exclusion zone to protect from further disturbance. Vehicle traffic within the vicinity may need to be limited or halted until the discovery is inspected.

Arrow's responsible party will then consult a qualified archeologist to review the discovery. In the event a qualified archaeologist is not immediately available, photographs of the discovery may be transmitted to the archaeologist for review, at which time the archaeologist will determine if a field visit is required. If the archaeologist determines that the discovery is non-cultural, Arrow will be notified and the responsible party will notify the construction manager that activities can resume.

If the discovery is deemed cultural and a field visit is required, the archaeologist will be scheduled for an on-site visit as soon as possible. Work will remain suspended within the buffered discovery area until the archaeologist completes the field visit and analysis. During the field visit, the archaeologist will determine if the discovery is potentially significant.

5 TREATMENT OF DISCOVERIES BY ARCHAEOLOGICAL PERSONNEL

When a discovery is reviewed by an archaeologist, the discovery will be fully recorded 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 or all feature fill will be collected for laboratory analysis including pollen studies, flotation, and carbon dating 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. Collection of a discovery will occur when appropriate.

6 AGENCY NOTIFICATION AND REPORTING

If a discovery is deemed potentially significant, Arrow and the archaeologist will consult and coordinate with a Principal Investigator to determine the next course of action. If necessary, the Principal Investigator will coordinate with the State Historical Society of North Dakota (SHSND) to propose procedures for further treatment of the discovery while minimizing impacts to the construction schedule to the extent practicable. Suspended construction activities in the discovery area may not proceed until approval has been obtained from the SHSND and/or other involved agencies and parties.

A report detailing all cultural resources identified, recorded, tested, and/or excavated during the construction phase of any Arrow project outside the exterior boundaries of the FBIR, regardless of significance, will be prepared by the archaeologist and submitted to the SHSND for review as required by applicable regulations.

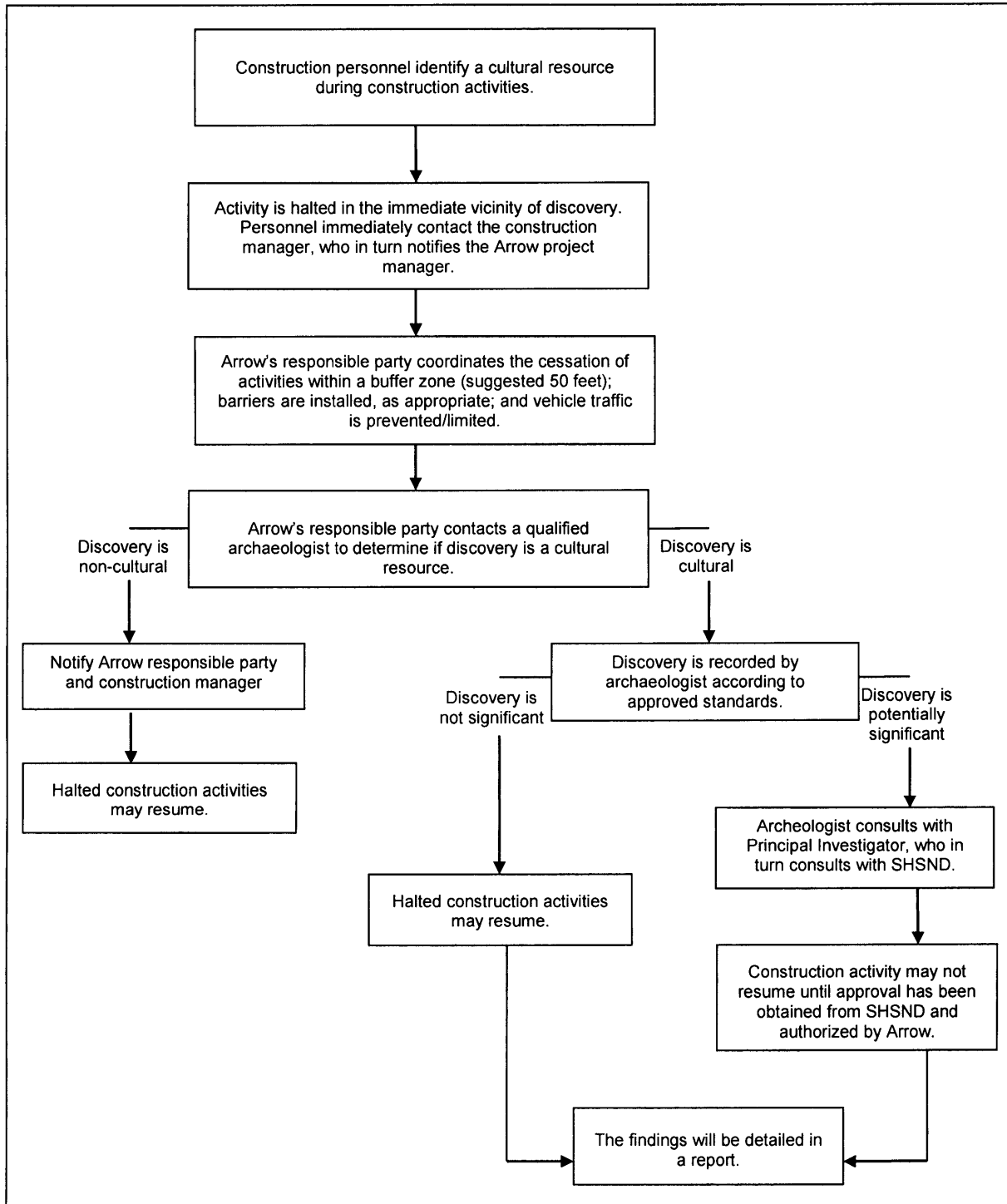
7 SPECIAL PROCEDURES FOR DISCOVERIES OF HUMAN REMAINS

Should potential human remains be encountered during construction of any Arrow project outside of FBIR, per the protocol outlined above, all work will be halted at the immediate vicinity of the discovery and the construction manager notified who will then notify the Arrow project manager. This location will immediately be secured, including a buffer zone of 50 feet (15 m) surrounding the discovery. Construction personnel, equipment and vehicles will promptly vacate the buffer zone. Vehicle traffic within the buffer zone will be limited to that necessary to remove vehicles and equipment from the buffer zone. Care will be taken to prevent disturbance of the potential human remains during removal of vehicles and equipment. Until appropriate consultation has occurred, the discovery will remain protected from any disturbance, such that no remains or associated artifacts are touched, moved, or collected.

Following notification of the construction manager and Arrow project manager, Arrow will notify a qualified archeologist and/or osteologist to verify if the remains are human. If the remains are not human the archeologist will follow the protocol in "Section 4" above. If the remains are human Arrow will immediately notify local law enforcement, the county coroner, and the SHSND. Contact information for relevant parties is listed in Table 1. Notification will also be provided to any applicable lead federal or state agency involved in the project (i.e. US Army Corps of Engineers, North Dakota Public Service Commission).

APPENDIX A

PROCEDURES FOR ADDRESSING CULTURAL RESOURCE DISCOVERIES BY CONSTRUCTION PERSONNEL



APPENDIX B

PROCEDURES FOR THE TREATMENT OF UNANTICIPATED DISCOVERY OF HUMAN REMAINS

