



ONEOK 12" Cherry Creek Lateral Pipeline Conversion Project

**Plan for Unanticipated Discovery of
Cultural Resources or Human Remains
During Construction in North Dakota**

Rev. 1

Issued for Construction



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**ONEOK 12” Cherry Creek Lateral Pipeline
Conversion Project
Plan for Unanticipated Discovery of Cultural Resources or Human Remains
During Construction**

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ONEOK ONEOK 12" Cherry Creek Lateral Pipeline Conversion Project PIPELINE PROJECT

Plan for Unanticipated Discovery of Cultural Resources or Human Remains During Construction in North Dakota

1.0 INTRODUCTION

ONEOK Rockies Midstream, L.L.C. (ONEOK) has established the following procedures to be followed by ONEOK personnel and their contractors in the event that previously unreported and unanticipated historic properties, or human remains are found during construction of the 12" Cherry Creek Lateral Pipeline Conversion Project (Project).

The identification of possibly significant cultural materials is addressed in Sections 2.0 and 3.0. The discovery of possible human remains is addressed in Section 4.0.

Prior to the commencement of construction, Environmental Inspectors and Contractor personnel will receive environmental training, which will include guidance on identifying potential cultural materials and human remains. The orientation will consist of two parts. The first part will provide training in the recognition of both prehistoric and historic cultural resources and human remains and is briefly described below. The second part will provide the chain of communication and protocols that must be followed if unanticipated cultural resources or human remains are discovered during construction.

A cultural resource discovery could consist of, but is not limited to:

- Prehistoric features such as storage pit features, postmolds, hearths, occupational surfaces, middens, and anthropogenic soil horizons;
- prehistoric artifact concentrations such as projectile points and waste flakes/debitage;
- historic features such as trails, roads, canals, wells, cisterns, foundations, and trash pits at least 50 years in age; and
- historic artifact concentrations such as glass bottles, tin cans (e.g., hole-in-top cans) tableware, dishware, architectural debris (e.g., bricks, mortar, window glass), hardware (e.g., square nails), and farm implements at least 50 years in age.

Evidence of a burial site could consist of, but is not limited to:

- any human remains including articulated or disarticulated bones, teeth, hair, preserved soft tissue, etc.;
- burial pit or grave shaft outlines in the soil;
- headstones or footstones; and

- coffin wood fragments and coffin hardware.

Archaeological discoveries may be classified as simple or complex. Simple archaeological discoveries consist of isolated artifacts or isolated features with minimal artifacts or diagnostic characteristics. Complex discoveries are those that entail a significant amount of artifacts or features, or sensitive or unique finds such as housepits, bone beds, or human remains.

2.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS

If a contractor believes that he or she has uncovered any cultural resources during construction the following steps shall be taken.

1. The Contractor will cease work immediately within the area of the find to avoid disturbing the find and will immediately notify the on-site Environmental Inspector. No cultural material will be transported from its original location.

Environmental Inspector: TBD
 Cell Phone Number: TBD
 Email: TBD

2. The Environmental Inspector will immediately notify ONEOK's Environmental Manager of the find. The call will be followed up by an email notification summary to ONEOK's Environmental Manager.

ONEOK Environmental Manager: Loretta Earnest
 Phone: (918) 732-1320
 Cell Phone: (918) 519-8618
 Email: Loretta.Earnest@oneok.com
 Address: ONEOK, Inc.
 100 W. Fifth Street
 Tulsa, OK 74103

3. If the find is located in the U.S. Army Corps of Engineers (USACE) area of jurisdiction, within a delineated wetland or waterbody, ONEOK's Environmental Manager will notify the USACE's Omaha District, North Dakota Regulatory Office:

USACE Omaha District, North Dakota Regulatory Office
 Contact: Jason Renschler
 Phone: (701) 255-0015
 Email: jason.j.renschler@usace.army.mil

4. Cessation of ground-disturbing activity will encompass a sufficient area to protect the discovery itself and provide a buffer zone for adequate and safe investigation of the discovery and any other features or artifacts that may be associated with the discovery. The buffer zone will be fenced or delineated with signage by the

on-site Environmental Inspector to prevent further disturbance by vehicle and foot traffic. A general guideline is to create a buffer of at least 100 feet (ft) around the discovery. The fenced or signed area can be larger or smaller depending on the width of the ROW in order to protect the discovery adequately without unnecessary hindrance to construction and allow for a passing lane, if appropriate. No fencing or signage will be installed outside of the construction workspace without prior approval from the landowner.

5. The on-site Environmental Inspector will take photographs of the find, including photographs of artifacts, features, bones, and general landscape in the vicinity of the find. Additionally, the Environmental Inspector will provide a description of the discovery and note the location by tract, milepost, and/or stationing. This information will be provided by email to ONEOK's Environmental Manager and the Project Manager at Merjent. Merjent's Project Manager will work with an Archaeological Consultant that meets the Secretary of Interior's Professional Qualification Standards as described in 36 CFR 61.

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| Environmental Consultant: | Madeline Krumwiede |
| Phone: | (612) 924-3973 |
| Cell Phone: | (612) 554-7169 |
| Email: | mkrumwiede@merjent.com |
| Address: | 800 Washington Ave N, Suite 315 Minneapolis, MN 55401 |

6. The Archaeological Consultant will determine whether the find was recorded during a previous survey. If the find is determined to be within a previously identified site area that has been determined as not eligible for listing in the National Register of Historic Places (NRHP), the Environmental Inspector will notify the construction contractor that construction activities may resume after the fencing or signage is removed.
7. If the find is discovered in an area where sites were not previously recorded, the Archaeological Consultant, in coordination with Merjent's Cultural Resource Manager, will review the location and type of discovered material. If the discovery is determined to be non-cultural, the Environmental Inspector will notify the Contractor that construction may resume. The Archaeological Consultant will submit a letter report regarding the discovery and findings to the Cultural Resources Manager within 5 business days for submittal to ONEOK's Environmental Manager. ONEOK's Environmental Manager will submit the letter report to the USACE if the find is located within a delineated wetland or waterbody.
8. If on-site assessment of the find's significance is necessary, the Cultural Resource Manager will arrange for the Archaeological Consultant to travel from their home office to the discovery. Mobilization will occur within 1 day of notification.
9. During the on-site assessment, if the Archaeological Consultant determines the find is not significant or has been completely disturbed by construction activities, then the Archaeological Consultant will document the find and inform the

Environmental Inspector that construction can resume. The Archaeological Consultant will also notify the Cultural Resource Manager (who will notify the Environmental Project Manager) that construction can proceed. The Archaeological Consultant will submit a letter report regarding the discovery and findings to the Cultural Resources Manager within 5 business days for submittal to ONEOK's Environmental Manager. ONEOK's Environmental Manager will provide the summary to the USACE if the find is located within a delineated wetland or waterbody.

10. If the Archaeological Consultant determines that the discovery represents a significant find, the Archaeological Consultant will notify the Cultural Resources Manager the same day and the procedures in Section 3.0 of this plan will be followed. Merjent's Cultural Resources Manager will notify ONEOK's Environmental Manager of any significant discoveries by telephone and follow up email. Following notification, construction may resume outside of the 100-ft (or greater as necessary) buffer surrounding the find.
11. ONEOK or its representative will notify the landowner of the significant find as appropriate.
12. If the Archaeological Consultant determines that the discovery constitutes human remains, the procedures described in Section 4.0 of this plan will be followed.

3.0 DISCOVERY OF POTENTIALLY SIGNIFICANT CULTURAL MATERIALS

As discussed above in Section 2.0, the on-site Environmental Inspector will ensure that appropriate measures have been taken to protect the discovery from further disturbance. The Cultural Resources Manager will promptly notify the ONEOK Environmental Project Manager of significant finds by telephone and will follow up in with an email.

1. If upon evaluation, the find is recommended to be significant and continuing construction may damage more of the site, ONEOK may authorize the Archaeological Consultant to develop a Treatment Plan for finds outside USACE jurisdiction to avoid, minimize, or mitigate the adverse effect within the construction right-of-way.
2. For all finds within USACE jurisdiction, ONEOK's Environmental Manager will consult with the USACE and will request approval to resume construction, subject to any mitigation or avoidance measures required by the USACE. These measures may include:
 - Preparation of a treatment plan;
 - Visits to the site by the USACE or other parties;
 - Implementation of the treatment plan through data recovery; and

- Approval to resume construction following completion of the fieldwork component of the treatment plan.

The USACE will initiate federal, state, and tribal coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the NRHP.

3. The Archaeological Consultant will carry out the fieldwork component of the Treatment Plan prior to construction activities resuming in the location of the discovery.
4. Construction will resume following the completion of the fieldwork component of the Treatment Plan. ONEOK will notify the Environmental Inspector who will grant clearance for the Contractor to resume construction.
5. The Archaeological Consultant will prepare a report within six (6) months of resuming construction describing the results of treatment. If appropriate, a copy of the report will be provided to the landowner and to the USACE if the site is located in a delineated wetland or waterbody.

4.0 DISCOVERY OF HUMAN REMAINS

ONEOK will treat all human remains in accordance with federal and state law as it applies to all lands in North Dakota crossed by the 12" Cherry Creek Lateral Pipeline Conversion Project. As discussed above in section 2.0, the on-site Environmental Inspector will ensure that appropriate measures have been taken to protect the discovery from further disturbance. All human remains regardless of ancestry will be treated with dignity and respect. The Environmental Inspector will make notifications of the discovery to the ONEOK Environmental Manager and the Cultural Resources Manager.

If it is immediately obvious that the skeletal remains found are non-human and are in association with cultural material, the procedures described in sections 2.0 and 3.0 will be followed.

If the remains might be human, the following steps shall be taken:

1. The Archaeological Consultant will travel to the location of the find to make an in-field determination whether the remains are human. A forensic expert may be required to determine whether the remains are Native American or Euro-American. The Archaeological Consultant will provide the determination to ONEOK's Environmental Manager and the Cultural Resources Manager. ONEOK will coordinate with a forensic expert as necessary.

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| ONEOK Environmental Manager: | Loretta Earnest |
| Phone: | (918) 732-1320 |
| Cell Phone: | (918) 519-8618 |
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100 W. Fifth Street
Tulsa, OK 74103

Environmental Consultant: Madeline Krumwiede
Phone: (612) 924-3973
Cell Phone: (612) 554-7169
Email: mkrumwiede@merjent.com
Address: 800 Washington Ave N, Suite 315
Minneapolis, MN 55401

2. If the unanticipated discovery of human remains is located within a wetland or waterbody, ONEOK will consult immediately with the USACE regarding the appropriate measures to handle such a discovery.

USACE Omaha District, North Dakota Regulatory Office

Contact: Jason Renschler
Phone: (701) 255-0015
Email: jason.j.renschler@usace.army.mil

3. ONEOK or its representative will contact the landowner to keep them apprised of parties that will inspect the find in order to determine the disposition of the remains.
4. The appropriate county sheriff's office will be contacted immediately. The county sheriff's office and the county coroner have jurisdiction with regard to any discovered human remains. If they determine that the remains are not modern or do not reflect a crime scene and/or if they otherwise relinquish their jurisdiction over the remains, the SHPO or state preservation office will be contacted to assist in identifying the appropriate parties to notify and to determine additional steps to be followed.

McKenzie County Sheriff Sheriff Gary Schwartzenberger
(701) 842-6010

McKenzie County Coroner 2492 Beaver Creek Rd
Watford City, ND 58854
(701) 842-2641

Williams County Sheriff Sheriff Verlan Kvande
(701) 577-7700

Williams County Coroner 1301 15th Avenue West
Williston, North Dakota, 58801
701-774-7400

5. If the remains are determined to be human and not part of a crime scene, ONEOK's Environmental Manager will notify the SHPO or state preservation

office within 24 hours after the Sheriff and Coroner relinquish their jurisdiction over the remains.

Contact: Claudia Berg, Director
North Dakota State Historical Society
Telephone: (701) 328-2666
Email: cberg@nd.gov

Contact: Paul Picha, Chief Archaeologist
North Dakota SHPO
Telephone: (701) 328-2666
Email: ppicha@nd.gov

6. If it can be determined adequately that the identified human remains have affinity to any federally recognized American Indian tribes, ONEOK will make a reasonable effort to identify, locate, and notify these tribes.
7. The measures to protect the remains and any associated artifacts will remain in effect until they have been fully evaluated and the appropriate treatment of the discovery (if applicable) has been completed.
8. ONEOK will notify the Environmental Inspector who will grant clearance for the Contractor to start work upon completion of the treatment of the discovery.