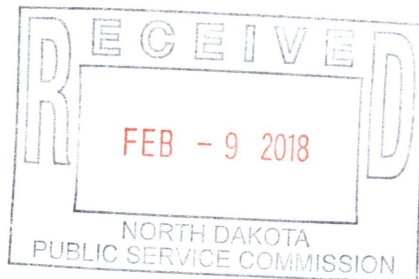


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February 9, 2018

**Hand Delivery**

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



In re: Hess North Dakota Pipelines LLC &  
Hess North Dakota Export Logistics LLC  
Keene Oil Gathering System Conversion Project  
McKenzie County  
Case No. PU-18-024  
Our File No. 011024-001751

Dear Mr. Nitschke:

Enclosed please find eleven copies of the Procedures for Unanticipated Cultural Resources Discoveries in the captioned case.

Please feel free to contact the undersigned should you have any questions. Thank you.

Sincerely,

Wade C. Mann

WCM/lh  
enc.

cc: Lacey Carver (via email)

**Keene Oil Gathering System Conversion Project  
Procedures for Unanticipated Cultural Resources Discoveries**

**Prepared for:**

Hess North Dakota Pipelines LLC and  
Hess North Dakota Export Logistics LLC

**Prepared By:**

E3 Environmental, LLC

**2018**

E3 Environmental, LLC <sup>TM</sup>  
871 Jefferson Ave  
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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 Hess North Dakota Pipelines LLC and Hess North Dakota Export Logistics LLC, referred to jointly as Hess, Keene Oil Gathering System Conversion Project (Project) that is located in McKenzie 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.

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## **SECTION 2: TRAINING**

Training is necessary in order for construction personnel to recognize potential archaeological resources. All construction personnel will meet with Hess 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 Hess 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.

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## **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 (points), and activity areas. Historic discoveries include, but are not limited to, features (historic hearths, foundations, structures, old canals, roads, etc.), artifact concentrations (glass or pottery shards, trash deposits, abandoned equipment) 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 (15 m) 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.
- Hess 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, Hess 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 the Hess Project Manager, Hess will immediately notify local law enforcement and the county coroner (see Table 1).

**Table 1: Project and Agency Contact Information**

<b>CONTACT</b>	<b>NAME</b>	<b>PHONE NUMBER</b>
Hess Construction Manager	Benjie Foss	O: 701-420-7099 M: 701-664-6399
Hess Project Manager	Benjie Foss	O: 701-420-7099 M: 701-664-6399
Environmental Representative (on-site)	TBD	M:
E3 Environmental	Katie Schmidt	O: 651-282-0652 M: 651-216-6881
McKenzie County Sherriff	Gary Schwartzberger	701-444-3654
McKenzie County Coroner	McKenzie County Medical Examiner & Coroner	701-770-4522
North Dakota State Historic Preservation Office	Paul Picha (Chief Archaeologist)	701-328-2666

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#### **SECTION 4: STATE HISTORICAL SOCIETY COORDINATION AND REPORTING**

If the discovery is deemed potentially significant, Hess 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. 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.