



Demicks Lake Pipeline Project

UNANTICIPATED DISCOVERIES PLAN

ISSUED FOR CONSTRUCTION

Prepared by:



April 2019

Owner: Environment – Large Construction Projects Management

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LIST OF ACRONYMS AND ABBREVIATIONS

EI(s)	Environmental Inspector(s)
LMNG	Little Missouri National Grasslands
Merjent	Merjent, Inc.
MTSHPO	Montana State Historic Preservation Office
NRPH	National Register of Historic Places
ONEOK	ONEOK Bakken Pipeline, L.L.C.
UDP or Plan	Unanticipated Discoveries Plan
Project	Demicks Lake Pipeline Project
SHSND	State Historical Society of North Dakota
USACE	United States Army Corps of Engineers
USFS	United States Forest Service

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1.0 INTRODUCTION

ONEOK Bakken Pipeline, L.L.C. (ONEOK) has established procedures to be followed by ONEOK personnel and their contractors in the event previously unreported and unanticipated cultural resources or human remains are found during construction of the Demicks Lake Pipeline Project (Project).

The identification of possibly significant cultural materials is addressed in Sections 2.0 and 3.0 of this *Unanticipated Discoveries Plan (UDP or Plan)*. The discovery of possible human remains is addressed in Section 4.0.

Prior to the commencement of construction, Environmental Inspector(s) (EIs) 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 as 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 stone circles or cairns, storage pit features, postmolds, hearths, occupational surfaces, middens, and anthropogenic soil horizons;
- Prehistoric artifact concentrations such as projectile points, waste flakes/debitage, and clay pottery;
- 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 number 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 will 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 EI(s). No cultural material will be transported from its original location.

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

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2. The EI(s) 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 Mgr: Edwin Zedaker
Phone: (918) 595-1783

Email: Edwin.Zedaker@oneok.com
Address: ONEOK, Inc.
100 W. Fifth Street
Tulsa, OK 74103

If applicable, ONEOK's Environmental Manager will promptly notify the lead federal agency of the find. If the find is within the U.S. Forest Service (USFS) area of jurisdiction (i.e., within the Little Missouri National Grassland (LMNG) or on private lands within the LMNG) ONEOK's Environmental Manager will notify the USFS:

Dakota Prairie Grasslands, Medora Ranger District

Contact: Adam Russell, Archaeologist
Phone: (701) 842-8505
Email: adamrussell@fs.fed.us

If the find is within the U.S. Army Corps of Engineers (USACE) area of jurisdiction (i.e., within a delineated wetland or waterbody) ONEOK's Environmental Manager will notify the appropriate USACE's Omaha District Office:

North Dakota Regulatory Office

Contact: Patricia McQuery
Phone: (701) 255-0015
Email: Patricia.L.Mcquery@usace.army.mil

Montana Regulatory Office

Contact: Todd N. Tillinger
Phone: (406) 657-5910
Email: Todd.N.Tillinger@usace.army.mil

3. 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 EI(s) to prevent further disturbance by vehicle and foot traffic. A general guideline is to create a buffer of at least 100 feet 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 to 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.
4. The on-site EI(s) will take photographs of the find, including photographs of artifacts, features, and general landscape in the vicinity of the find. NOTE: DO NOT TAKE PHOTOGRAPHS OF HUMAN REMAINS. Additionally, the EI(s) 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 Cultural Resources Manager at Merjent, Inc. (Merjent). The consulting archaeologist will meet the Secretary of Interior's Professional Qualification Standards as described in 36 CFR 61. Following notification, construction may resume outside of the 100-foot (or greater as necessary) buffer surrounding the find.

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Archaeological Consultant: Merjent, Inc.
Cultural Resources Manager: Kari Krause
Phone: (612) 643-5248

Email: kkrause@merjent.com
Address: Merjent, Inc.
800 Washington Ave. N, Suite 315
Minneapolis, MN

5. 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 EI(s) will notify the construction contractor that construction activities may resume after the fencing or signage is removed.
6. If the find is discovered in an area where a site was not previously recorded, the Consulting Archaeologist/Cultural Resource Manager will review the location and type of discovered material. If the discovery is determined to be non-cultural, the EI(s) will notify the Contractor that construction may resume. The Archaeological Consultant/Cultural Resource Manager will submit a letter report regarding the discovery and findings to ONEOK's Environmental Manager within 5 business days. ONEOK's Environmental Manager will submit the letter report to the lead federal agency, if appropriate.
7. If on-site assessment is necessary to determine the find's significance, the Cultural Resource Manager will arrange for an Archaeologist to travel from their home office to the discovery. Mobilization will occur within one (1) day of notification.
8. If the find is determined to lack integrity or not be significant, the Archaeologist will document the find and notify the Cultural Resource Manager and ONEOK's Environment Manager who will consult with the State Historic Preservation Office of North Dakota (SHSND), the Montana State Historic Preservation Office (MTSHPO), USFS, or USACE, as appropriate, and will request approval to resume construction. ONEOK's Environmental Manager will inform the EI(s) that construction can proceed. The Archaeologist 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. Additionally, the Archaeologist will submit a site form for the non-significant cultural site to the SHSND or the MTSHPO, as appropriate, for their records. ONEOK's Environmental Manager will provide the summary to the USACE and/or USFS, as appropriate.

North Dakota Contact: Paul Picha, Lead Archaeologist
State Historical Society of North Dakota
Historic Preservation Office
Telephone: (701) 328-3574
Email: ppicha@nd.gov

Montana Contact: Stan Wilmoth, State Archaeologist
Montana State Historic Preservation Office
Telephone: (406) 444-7719
Email: swilmoth@mt.gov

9. If the Archaeologist determines that the discovery represents a significant find, the Archaeologist 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.

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10. ONEOK or its representative will notify the landowner of the significant find as appropriate.
11. If the Archaeologist determines 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 in Section 2.0, the on-site EI(s) will ensure 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 with an email.

1. If upon evaluation, and in consultation with the SHSND or MTSHP, 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 federal jurisdiction to avoid, minimize, or mitigate the adverse effect within the construction right-of-way.

For all finds on federal lands or within federal jurisdiction, ONEOK's Environmental Manager will consult with the appropriate federal agency (i.e., USFS or USACE) and will request approval to resume construction, subject to any mitigation or avoidance measures required by the federal agency. These measures may include:

- Preparation of a treatment plan;
- Visits to the site by the USFS, USACE, or other parties;
- Implementation of the treatment plan through avoidance, monitoring, or data recovery; and
- Approval to resume construction following completion of the fieldwork component of the treatment plan.

The lead federal agency will initiate federal, state, and tribal consultation required to determine if the find is potentially eligible for listing on the NRHP, and if mitigation is required.

2. The Archaeological Consultant will carry out the fieldwork component of the Treatment Plan prior to construction activities resuming.
3. Construction will resume following the completion of the fieldwork component of the Treatment Plan. ONEOK will notify the EI(s) who will grant clearance for the Contractor to resume construction.
4. The Archaeological Consultant will prepare a report within six (6) weeks of resuming construction describing the results of the treatment. The report will be provided to the SHSND or MTSHP and, if appropriate, a copy of the report will be provided to the landowner and to the lead federal agency.

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 and Montana crossed by the Demicks Lake Pipeline Project, and in accordance with North Dakota NDAC 40-02-03 and Montana MCA 22-3-805., which provide for the protection of human burial sites, human remains, and burial goods. As discussed above in Section 2.0, the on-site EI(s) 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. No photographs will be taken, nothing will be moved, and the find will be covered. The EI(s) 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 of this Plan will be followed.

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

1. The appropriate county sheriff's office will be contacted immediately. As stipulated by NDAC 40-02-03-03 and MT MCA 22-3-805, upon receiving notification of the discovery of human remains, a human burial, or burial goods, the local law enforcement agency will, as soon as practicable, report the receipt of such notification to the SHSND and North Dakota State Department of Health and Consolidated Laboratories or the MTSHP.

McKenzie County, North Dakota, Contacts:

Contact: Gary Schwartzenberger, McKenzie County Sheriff
Telephone: (701) 444-3654
Email: gschwartzernberger@co.mckenzie.nd.us

Contact: Calvin Parrish, McKenzie County Coroner
Telephone: (701) 770-4522

Richland County, Montana, Contacts:

Contact: John Dynneson, Richland County Sheriff
Telephone: (406) 433-2919

Contact: John Dynneson, Richland County Coroner
Telephone: (406) 482-2805

2. If local authorities determine the remains are not modern or do not reflect a crime scene and/or if they otherwise relinquish their jurisdiction over the remains, the SHSND or MTSHP will be contacted to assist in identifying the appropriate parties to notify and to determine additional steps to be followed. The Archaeological Consultant will assist as needed with identification efforts of the human remains. A forensic expert may be required to determine whether the remains are Native American. If in North Dakota, and the SHSND and the consulting experts determine the unanticipated discovery consists of Native American human remains, the SHSND, as stipulated by NDCC 23-06-27 will contact the North Dakota Intertribal Reinterment Committee. In Montana, if the Coroner determines that the unanticipated discovery consists of Native American human remains, the Coroner will contact the MTSHP, as stipulated by MCA 22-3-805 and the MTSHP will contact the Burial Preservation Board.

North Dakota Contact: Paul Picha, Lead Archaeologist
State Historical Society of North Dakota Historic Preservation Office
Telephone: (701) 328-3574
Email: ppicha@nd.gov

Montana Contact: Stan Wilmoth, State Archaeologist
Montana State Historic Preservation Office
Telephone: (406) 444-7719
Email: swilmoth@mt.gov

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- ONEOK's Environmental Manager and Merjent's Cultural Resources Manager will work with the SHSND, MTSHPO, USACE, or USFS, as applicable, and American Indian tribes to determine the appropriate treatment or other measures to resolve the discovery of human remains or burial goods.

ONEOK Environmental Mgr: Edwin Zedaker
Phone: (918) 595-1783

Email: Edwin.Zedaker@oneok.com
Address: ONEOK, Inc.
100 W. Fifth Street
Tulsa, OK 74103

Archaeological Consultant: Merjent, Inc.
Cultural Resources Manager: Kari Krause
Phone: (612) 643-5248

Email: kkrause@merjent.com
Address: Merjent, Inc.
800 Washington Ave. N, Suite 315
Minneapolis, MN

- 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.

Omaha District

North Dakota Regulatory Office

Contact: Patricia McQuery
Phone: (701) 255-0015
Email: Patricia.L.McQuery@usace.army.mil

Montana Regulatory Office

Contact: Todd N. Tillinger
Phone: (406) 657-5910
Email: Todd.N.Tillinger@usace.army.mil

- If the unanticipated discovery of human remains is located within LMNG or on private lands within the LMNG, ONEOK will consult immediately with the USFS regarding the appropriate measures to handle such a discovery:

Dakota Prairie Grasslands, Medora Ranger District

Contact: Adam Russell, Archaeologist
Phone: (701) 842-8505
Email: adamrussell@fs.fed.us

- 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.
- 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.
- ONEOK will notify the EI(s) who will grant clearance for the Contractor to start work upon completion of the treatment of the discovery, and resolution of all issues.