

**APPENDIX F  
UNANTICIPATED DISCOVERY PLAN**

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The purpose of this Unanticipated Discovery Plan (UDP) is to assist OE2 North LLC (OE2) with the avoidance of impacts to historical resources as well as compliance with applicable North Dakota laws related to human remains. This UDP is specific to the Bill Sanderson Gas Processing Plant construction project located in North Dakota (Project) and is to be implemented should cultural resources be found after construction has begun on the Project.

The plan detailed here will be implemented by OE2 if previously undiscovered archaeological resources and/or human remains are identified during soil disturbance (excavation, boring, and coring) or during plant construction.

The following steps will be implemented should an unanticipated discovery be made by an OE2 employee, inspector, contractor, or subcontractor during an undertaking:

- 1) Construction activities within the immediate area of an unanticipated discovery will be halted ("immediate area" is a context-specific measure. However, approximately 30 to 50 feet (10-15 meters) feet should be adequate, although special attention should be given to the possible extension of a new find beyond this buffer zone), and the discovery protected from further disturbance.
- 2) OE2 will notify their cultural resources consultant (potential consultants are listed at the end of this plan) on the Project who will notify by telephone the North Dakota State Historic Preservation Office (SHPO) contact and, if necessary, the applicable law enforcement agency and coroner (the latter parties will be notified only in the case of a finding of human remains). These notifications will take place within 24 hours of an unanticipated discovery.
- 3) Specific SHPO suggestions concerning an unanticipated discovery resulting from the notification as described above will be factored in to determining a course of action. That course of action may include any of the following; sufficient archaeological work will be performed on the unanticipated discovery location to stabilize deposits, protect deposits from scavengers or looters, and to collect readily available samples (e.g., for radiocarbon dating) that may help pinpoint the age of deposits or the presence (in the case of burials) of data that may serve to identify lineal or cultural descendants.
- 4) OE2 and their cultural resources consultant will consult with the SHPO to follow through on the course of action. This may involve further archaeological study or consultation with additional groups.

In the case of an unanticipated discovery of human remains, OE2 will follow all relevant federal and/or state law which may include some of the following:

**Federal Statutes and Guidelines:**

- Native American Graves Repatriation Act (NAGPRA) – Public Law 101-601; 25 U.S.C. 3001 et seq.
- Advisory Council on Historic Preservation (ACHP) Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects.

**North Dakota Statutes and Regulations:**

- North Dakota Century Code §23-06-27: Protection of human burial sites, human remains, and burial goods.

- North Dakota Century Code §55-03-06: Protection of prehistoric sites and deposits: upon sale of land by state or municipality archeological or paleontological materials retained.
- North Dakota Century Code §55-03-07: Protection of prehistoric sites and deposits: violation; penalty.
- North Dakota Administrative Code §40-02-03: Protection of prehistoric and historic human burial sites, human remains, and burial goods

OE2 recognizes the importance of providing careful and respectful treatment for human remains recovered as an unanticipated discovery or as part of an archaeological investigation. In the event of an unanticipated discovery of human remains, OE2 will contact the applicable agency to identify and coordinate consultation with the appropriate groups. Lastly, in coordination with the applicable agency, a decision will be made for the treatment of the remains (e.g., reburial, preservation in place, scientific study, sacred rituals, or a combination thereof).

The following table provides the contact information for the OE2 point of contact, the North Dakota SHPO, and potential cultural resources consultants that can be contacted in the event of an unanticipated discovery during the construction of the gas processing plant project.

<b>OE2 Logistics Contacts</b>	
<b>(Main Contact)</b>	
<p><b>Andrew Perdue</b>            Director of Operations and Engineering            1200 17<sup>th</sup> Street, Suite 900            Denver, CO 80202            720-361-2580            aperdue@outriggerenergy.com</p>	
<b>North Dakota State Historic Preservation Office</b>	
<p><b>The State Historical Society of North Dakota</b>            612 East Boulevard Ave.            Bismarck, North Dakota 58505            701-328-2666            histsoc@nd.gov</p>	
<b>Cultural Resources Consultants in North Dakota</b>	
<p><b>Metcalf Archaeological Consultants, Inc.</b>            PO Box 2154            Bismarck, ND 58502            701-258-1215</p> <p><b>Golder Associates Inc.</b>            400 East Broadway Ave, Suite 300            Bismarck, ND 58501            701-258-5905</p> <p><b>AECOM</b>            1000 E. Calgary Ave Suite 1            Bismarck, ND 58503            701-221-4140</p> <p><b>Carlson McCain, Inc.</b>            600 S. 2nd St., Suite 105            Bismarck, ND 58504            701-255-1475</p>	<p><b>KLJ</b>            4585 Coleman Street            Bismarck, ND 58503-0431            701-355-8400</p> <p><b>Barr Engineering Company</b>            234 West Century Avenue            Bismarck, ND 58503            701-255-5460</p> <p><b>SWCA</b>            116 N. Fourth Street, Suite 200            Bismarck, ND 58501            701-258-6622</p> <p><b>Grouse Mountain Environmental</b>            760 West Fetterman Street            Buffalo, WY 82834            307-684-2112</p>