

APPENDIX F: Unanticipated Discovery and Treatment Plan



**UNANTICIPATED DISCOVERY AND TREATMENT PLAN:
CONTINENTAL BUDDY DOMINDGO PROJECT, WILLIAMS COUNTY,
NORTH DAKOTA
February 2022**

INTRODUCTION

Continental Resources, Inc. (Continental) intends to construct an eight-inch diameter pipeline near the town of Epping in Williams County, North Dakota to transfer natural gas from a WBI transmission line to oil well pads where the gas will be compressed and injected subsurface for enhanced oil recovery. The line will extend from the Buddy Domindgo dual well head at the north end of the project to an existing WBI transmission line at the south end.

There is no federal oversight of this project; the Public Service Commission (PSC) is the lead regulatory body for this project. They have deferred cultural resource concerns to the State Historical Society of North Dakota (SHSND).

The project area is located in Williams County, North Dakota (Figure 1), within Section 2, T. 155N, R. 99W and Sections 25, 26, 27, 34, 35, 36, T. 156N, R. 99W. The general location is depicted on the Spring Brook (1978) and Epping (1978) 7.5' USGS topographic quadrangle maps. The surveyed area is approximately 6.8 miles long with the construction corridor 75 feet wide.

UNANTICIPATED DISCOVERY PLAN

The Class III inventory prepared for this undertaking should minimize the chance of unanticipated discoveries (Kulevsky and Stine 2021). Nevertheless, should any unanticipated historic properties be discovered during construction they will be treated as required by the North Dakota State Historic Preservation Office (ND SHPO). Given the context of the proposed construction areas and the previously recorded sites in the vicinity, the most likely resources are stone feature sites and similar prehistoric camps. Prior to construction, crews will be provided photos of typical cultural resources for easier identification for non-archaeologists.

This plan addresses how discoveries will be handled, including roles and responsibilities of those involved in the discovery and the management thereof.

If at any time during construction anyone involved in the project finds what is or may be historic or prehistoric archaeological materials of any type, or human remains, this will be considered a discovery and will be investigated according to the procedures outlined in this document. This includes any artifact, feature, or human remains that may be found.

Upon the discovery of cultural materials during construction, the first priority will be to ensure that no further damage is done to the cultural materials. Continental's Environmental Inspector



(EI) (or other primary contact as designated by Continental) will be notified immediately by the construction crew and begin implementing this plan.

Discovery Procedures (Not Human Remains)

Construction will be halted in the immediate vicinity of the location of the cultural materials, usually 100 feet. The EI or a designated individual will contact Metcalf for us to assess the likelihood of the find being cultural. Metcalf would appreciate details of the find, including scaled photos, and a description of the location and depth of the find. If Metcalf has a reason to suspect the find is cultural, we will mobilize a permitted archaeologist to the location for recording of the cultural materials.

Close communication will be maintained with Continental and the construction contractor so that all parties clearly understand any limits or constraints on the continued construction. If human remains are suspected, Metcalf may contact the ND SHPO to accompany them to the location to reduce construction stoppage times. In the event that the discovery involves human remains, the notification and investigation process is statutorily determined by North Dakota's Custody and Care of the Dead law, North Dakota Century code §23-06-27.

All parties will be kept informed of decisions being made concerning discoveries, their National Register assessments, and potential further work.

Discovery of Human Remains

Discovery of human remains at any time during the course of this project shall result in the immediate cessation of all activities within 300 feet of the immediate area. Continental will ensure that those remains are respectfully protected from further disturbance or additional damage as the result of their exposure. Further treatment will be at the direction of the agency with jurisdiction.

The process by which the discovery of human remains is handled is very clearly laid out in the state's Custody and Care of the Dead law, N.D.C.C. §23-06-27. This legislation applies to the discovery of human remains anywhere in the State of North Dakota and applies regardless of how or by whom the remains come to be discovered. This statute requires notification of the County Coroner and local law enforcement agency (see Contact Information below). Their responsibility is to determine whether or not the materials constitute a crime scene or are otherwise of forensic interest, such as remains of a missing person, and to decide whether they wish to maintain jurisdiction over the materials. If they do not, the State Archaeologist is notified and further action is at the State Archaeologist's direction.

A typical process of notification and investigation upon discovery of human remains is described below, with citations to the pertinent clauses in N.D.C.C. §23-06-27. Notifications will be done by phone and/or e-mail.

- Human remains are discovered and all work stops in the immediate vicinity of the find.
- If the project archaeologist is not present, the construction contractor will immediately notify the lead inspector, who will contact the project archaeologist to request a site visit.

- If the project archaeologist is present, they will notify the EI.
- The EI or lead inspector will contact the County Sheriff’s Office to report the discovery and ask the Sheriff’s Office to contact the County Coroner and to initiate an investigation [N.D.C.C. §23-06-27].
- If the Sheriff and Coroner determine that the find is forensic (i.e. crime-related), they will continue to investigate. Work will not resume in the immediate vicinity of the find until their investigation is complete and the investigating authorities notify Continental that construction may resume.
- If the Sheriff and Coroner determine that the find is not forensic, they will contact the State Archaeologist, who will then direct further investigations in consultation with the North Dakota Indian Affairs Commission, if appropriate. Work will not resume in the immediate vicinity of the find until all investigation and consultation is complete and the State Archaeologist notifies Continental that construction may resume.
- Continental and Metcalf will not resume or initiate any activities involving discovered human remains until such time as all appropriate agencies have been contacted and agreement has been reached on treatment of the remains.

Contact Information

Person	Role	Contact Info	Organization
Andrew Clark	ND Chief Archaeologist	701-328-2666 andrewclark@nd.gov	ND SHPO
	County Sheriff	701-577-7700	Williams County
Jared Weingartner	Staff Facilities Engineer	405-420-9569, 405-234 9091 jared.weingartner@clr.com	Continental Resources, Inc.
Damita Engel	Archaeologist	701-214-1335 dengel@metcalfarchaeology.com	Metcalf Archaeology
Bill Bluemle	Archaeologist	701-400-0860 bbluemle@metcalfarchaeology.com	Metcalf Archaeology

Reporting

Applicable site forms and a summary addendum report for the project will be prepared when all archaeological investigations are complete. Documentation will follow the guidelines of the North Dakota SHPO. The report will describe the results of the investigations.

REFERENCES CITED

Kulevsky, Andrea, and Ed Stine

2021 *Continental Buddy Domindgo Gathering Pipeline’s: A Class III Cultural Resources Inventory in Williams County, North Dakota*. Metcalf Archaeological Consultants, Inc. Bismarck, North Dakota.