

**Combined Application for Certificate of Corridor
Compatibility and Route Permit
Appendix F
Unanticipated Discoveries Plan**



Unanticipated Discoveries Plan

North Dakota CarbonSAFE: Project Tundra Oliver County, North Dakota

Prepared for
Minnkota Power Cooperative, Inc.

June 2023

Unanticipated Discoveries Plan

Tundra Pipeline Project

Contents

1	Introduction	1
2	Roles and Responsibilities.....	2
3	Protocol for the Unanticipated Discovery of Cultural Resources	3
3.1	Recognizing Cultural Resources	3
3.2	Protocol	4
3.3	Points of Contact, Unanticipated Discovery of Cultural Resources	5
4	Protocol for the Unanticipated Discovery of Human Remains.....	6
4.1	Points of Contact, Unanticipated Discovery of Human Remains.....	7

List of Tables

Table 3-1	Points of Contact, Unanticipated Discovery of Cultural Resources.....	5
Table 4-1	Points of Contact, Unanticipated Discovery of Human Remains.....	7

List of Attachments

Attachment 1	Example Cultural Resource Photographs
Attachment 2	Flow Chart for Unanticipated Discoveries: Cultural Resources
Attachment 3	Flow Chart for Unanticipated Discoveries: Human Remains

Abbreviations

APE	Area of Potential Effects
MPC	Minnkota Power Cooperative, Inc.
NDCC	North Dakota Century Code
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
Project	North Dakota CarbonSAFE: Project Tundra
SHPO	State Historic Preservation Officer
UDP	Unanticipated Discoveries Plan

1 Introduction

This Unanticipated Discoveries Plan (UDP) provides the procedures that Minnkota Power Cooperative, Inc. (MPC) will implement in the event cultural resources and/or human remains are identified during construction of the Tundra Pipeline Project (Project).

Unanticipated discoveries typically occur when previously undetected cultural resources are exposed during construction or other permitted surface disturbing activities, but after the federal agency has completed the Section 106 process.

The purpose of this UDP is to properly identify and protect any cultural resource materials such as artifacts, sites, human skeletal remains, or any other cultural resources eligible, or potentially eligible, for listing in the National Register of Historic Places (NRHP) that are discovered during construction of the Project. This UDP provides guidance to MPC and their contractors so they can:

- Comply with any applicable federal and state laws regarding cultural resources;
- Describe to regulatory agencies, review agencies, and Tribal Historic Preservation Offices (THPOs) the procedures MPC will follow to prepare for and deal with unanticipated discoveries; and
- Provide direction and guidance to Project personnel for the proper procedures to be followed should an unanticipated discovery occur.

2 Roles and Responsibilities

The following roles and responsibilities have been defined for this UDP.

- **MPC Environmental Specialist:** MPC Representative. Responsible for Notifying the State Historic Preservation Office (SHPO) in the event of an accidental discovery.
- **State Historic Preservation Officer (SHPO):** State-appointed official responsible for consulting with Federal, State, and local governments in matters of historic preservation and NRHP eligibility pursuant to Section 106 of the NHPA.
- **SHPO-permitted Archaeological Consultant:** Qualified archaeologist as defined in 36 CFR Part 61 and in receipt of the Annual Archaeological Permit required by North Dakota Century Code (NDCC) section 55-03-01.
- **Archaeological Monitor:** SHPO-permitted Archaeological Consultant on-site during construction to monitor ground disturbing activities for the presence of cultural resources. Has authority to stop construction to further investigate potential resources.
- **Supervisor:** Supervisory construction personnel. Responsible for ensuring that any unanticipated discoveries are promptly reported to the MPC Environmental Specialist and further disturbance halts as required in this plan. Supervisors are also responsible for confirming that workers under their direction are familiar with and adhere to the requirements of this plan.

3 Protocol for the Unanticipated Discovery of Cultural Resources

Cultural resources typically consist of archaeological and historic architectural resources. Archaeological resources are defined as any site location that contains material remains of past human life or activities, or other places and/or items that possess cultural importance to individuals or a group. They are typically identified on the surface or below ground. Historic architectural resources include “buildings, bridges, tunnels, statues, and other structures that create tangible links to the American past, whether in relation to historical events and people, traditional ways of life, architectural design, or methods of construction”¹. Historic architectural resources are above ground resources.

3.1 Recognizing Cultural Resources

A cultural resource discovery could be precontact (i.e., from a time period that predates Native American contact with Europeans) or historic in nature. Examples include, but are not limited to:

- An accumulation of shell, burned rocks, or other food-related materials.
- Bones, intact or in small pieces and burned or unburned.
- An area of charcoal or very darkly stained soil, with or without artifacts.
- Stone tools or waste flakes (for example, an arrowhead or stone chips), or precontact ceramics.
- Modified natural features, such as rock drawings.
- Agricultural or industrial materials that appear older than 50 years. These could include equipment, fencing, canals, derelict buildings, tools, and many other items.
- Clusters of tin cans, bottles, or other debris that appear older than 50 years.
- Old munitions casings. **Always assume these are live and never touch or move.**
- Railroad tracks, decking, foundations, or other industrial materials.
- Foundation remnants, cisterns, and wells.
- Remnants of homesteading. These could include bricks, nails, household items, toys, food containers, and other items associated with homes or farming sites.

The above list does not cover every possible cultural resource. When in doubt, assume the material is a cultural resource. Example photographs of cultural resources that could be encountered during the Project are included in Attachment 1.

¹ <https://www.nps.gov/orgs/1027/architecture.htm>

3.2 Protocol

If an archaeological monitor, employee, contractor, or subcontractor believes that they have uncovered cultural resources or human remains at any point in the Project, take the following steps to **Stop-Notify-Protect**. If you suspect that the discovery includes **human remains**, follow the protocol outlined in **Section 4**. A flow chart with additional information regarding the procedures to be followed in the event that cultural resources are inadvertently discovered is included in Attachment 2.

STEP 1: Stop Work

All work must stop within the immediate vicinity, defined as within 100 feet of the discovery.

STEP 2: Notify the Appropriate Personnel

Either the Archaeological Monitor (if present) or the Supervisor will notify the MPC Environmental Specialist of the accidental discovery. The MPC Environmental Specialist then has 48 hours to notify the SHPO and THPOs by email or telephone.

During the discovery, the Supervisor in charge is responsible for informing persons in the area who are associated with the Project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or collecting artifacts.

STEP 3: Protect the Discovery

Leave the discovery and the surrounding area untouched and create a clear, identifiable, and wide boundary of 100 feet or larger with temporary fencing, flagging, stakes, or other clear markings. Provide protection of the discovery until cleared by the MPC Environmental Specialist.

Do not permit vehicles, equipment, or unauthorized personnel to traverse the discovery site. Do not allow work to resume within the boundary until clearance is received from the MPC Environmental Specialist.

STEP 4: Archaeological Investigation

The SHPO-permitted archaeological consultant or Archaeological Monitor will determine if the discovery is cultural and, if so, record and evaluate the discovery and make a recommendation of eligibility and effect. The archaeological investigation and evaluation will follow North Dakota SHPO standards.

STEP 5: Clearance

Following the appropriate archaeological investigation and eligibility determination for the cultural resource(s), the SHPO will issue a written letter of concurrence and construction will be allowed to resume in the area of the discovery. Work may not resume within the 100-foot buffer until SHPO concurrence and the the Supervisor in charge has received authorization to proceed from the MPC Environmental Specialist.

3.3 Points of Contact, Unanticipated Discovery of Cultural Resources

The following points of contact have been identified for the Project in the event that cultural resources are discovered.

Table 3-1 Points of Contact, Unanticipated Discovery of Cultural Resources

Position	Name	Phone Number
MPC Environmental Specialist	Samantha Roberts	(701) 795-4289
SHPO	Andrew Robinson	(701) 328-3575
SHPO-permitted Archaeological Consultant	John Morrison	(701) 400-3575
Archaeological Monitor	Pending	
Supervisor	Pending	
Chairman, Apache Tribe of Oklahoma	Durell Cooper or Bobby Komardley	(405) 247-9493
THPO, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Michael Blackwolf	(406) 353-2295
THPO, Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	Allan Demaray	(701) 421-6640

4 Protocol for the Unanticipated Discovery of Human Remains

Any human remains or suspected human remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect. Human remains or suspected human remains may be associated with any of the following: funerary objects, sacred objects, or objects of cultural patrimony. Follow these steps to **Stop-Notify-Protect**. A flow chart with additional information regarding the procedures to be followed in the event that human remains are inadvertently discovered is included in Attachment 3.

STEP 1: Stop Work

All work must stop within the immediate vicinity, defined as within **300 feet** of the discovery. It is very important for law enforcement personnel and the SHPO or North Dakota Department of Health to examine the location as it was found.

STEP 2: Notify the Appropriate Personnel

Notify the Supervisor and Archaeological Monitor (if present) of the accidental discovery and suspected human remains. In turn, the Supervisor will **immediately** notify the MPC Environmental Specialist by telephone with follow-up written confirmation. The MPC Environmental Specialist will contact and coordinate with the appropriate Law Enforcement Agency and the SHPO. The SHPO will notify the North Dakota Department of Health.

During the time of the discovery, the Supervisor in charge is responsible for informing persons in the area who are associated with the Project that they will be subject to prosecution for knowingly disturbing human remains or collecting artifacts.

STEP 3: Protect the Discovery

Leave the discovery and the surrounding area untouched and create a clear, identifiable, and wide boundary of **300 feet** or larger with temporary fencing, flagging, stakes, or other clear markings. Provide protection of the discovery until cleared by the MPC Environmental Specialist.

Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection and shield them from being photographed by others or disturbed.

Do not permit vehicles, equipment, or unauthorized personnel to traverse the discovery site or 300-foot buffer area. Do not allow work to resume within this boundary until clearance is received from the MPC Environmental Specialist.

DO NOT speak with the media, allow photography or disturbance of the remains, or release any information about the discovery on social media.

STEP 4: Investigation of Human Remains

If the Law Enforcement Agency determines the human remains are not part of a crime scene, the SHPO will determine if the human remains are Native American in origin. If it is determined that the human remains are not Native American and the remains cannot be avoided by Project activities, the SHPO-permitted Archaeological Consultant will proceed in a similar manner to the Unanticipated Discovery procedures listed in Step 4, Section 3.2 above. If it is determined that the human remains are Native American, or if the discovery includes funerary objects, sacred objects, or objects of cultural patrimony, the SHPO will notify the North Dakota Intertribal Reinterment Committee and consultation with tribes will need to occur regarding avoidance or disinterment.

STEP 5: Clearance

Construction activities will not be allowed to resume within 300 feet of the discovery until the MPC Environmental Specialist provides authorization.

4.1 Points of Contact, Unanticipated Discovery of Human Remains

The following points of contact have been identified for the Project in the event that human remains are discovered.

Table 4-1 Points of Contact, Unanticipated Discovery of Human Remains

Position	Name	Phone Number
MPC Environmental Specialist	Samantha Roberts	(701) 795-4289
SHPO	Andrew Robinson	(701) 328-3575
SHPO-permitted Archaeological Consultant	John Morrison	(701) 400-3575
Archaeological Monitor	Pending	
Supervisor	Pending	
Local Law Enforcement	Center Police Department	(701) 794-3591
County Law Enforcement	Oliver County Sheriff	(701) 794-3450 (office)
County Coroner/Medical Examiner	Thomas Kaspari	(701) 873-4445
Chairman, Apache Tribe of Oklahoma	Durell Cooper or Bobby Komardley	(405) 247-9493
THPO, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Michael Blackwolf	(406) 353-2295
THPO, Three Affiliated Tribes of the Forth Berthold Reservation, North Dakota	Allan Demaray	(701) 421-6640

Attachment 1

Example Cultural Resources

Photographs



Stone Tool



Stone Tool and Waste Flakes



Precontact Ceramics



Precontact Ceramics



Darkly Stained Soil; Accumulation of Burned Rocks



Stone Circle²

² Ed Horner, Fratermanor (https://commons.wikimedia.org/wiki/File:Teepee_rings.jpg), <https://creativecommons.org/licenses/by-sa/4.0/legalcode>



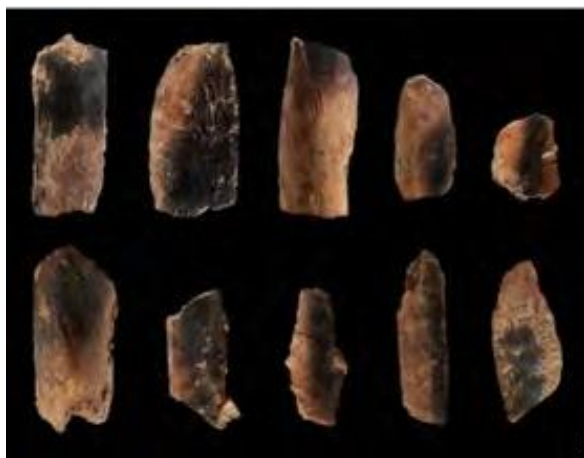
Derelict Building



Agricultural/Industrial Tool



Cluster of Historic Cans and Bottles



Burned and Unburned Bone³



Foundation Remnant

³Ruth Blasco (https://commons.wikimedia.org/wiki/File:Qesem_Cave_burned_animal_bones.jpg), <https://creativecommons.org/licenses/by/4.0/legalcode>



Foundation Remnant



Remnant Well



Homesteading Remnants (Historic Artifacts)



Homesteading Remnants (Historic Artifacts)



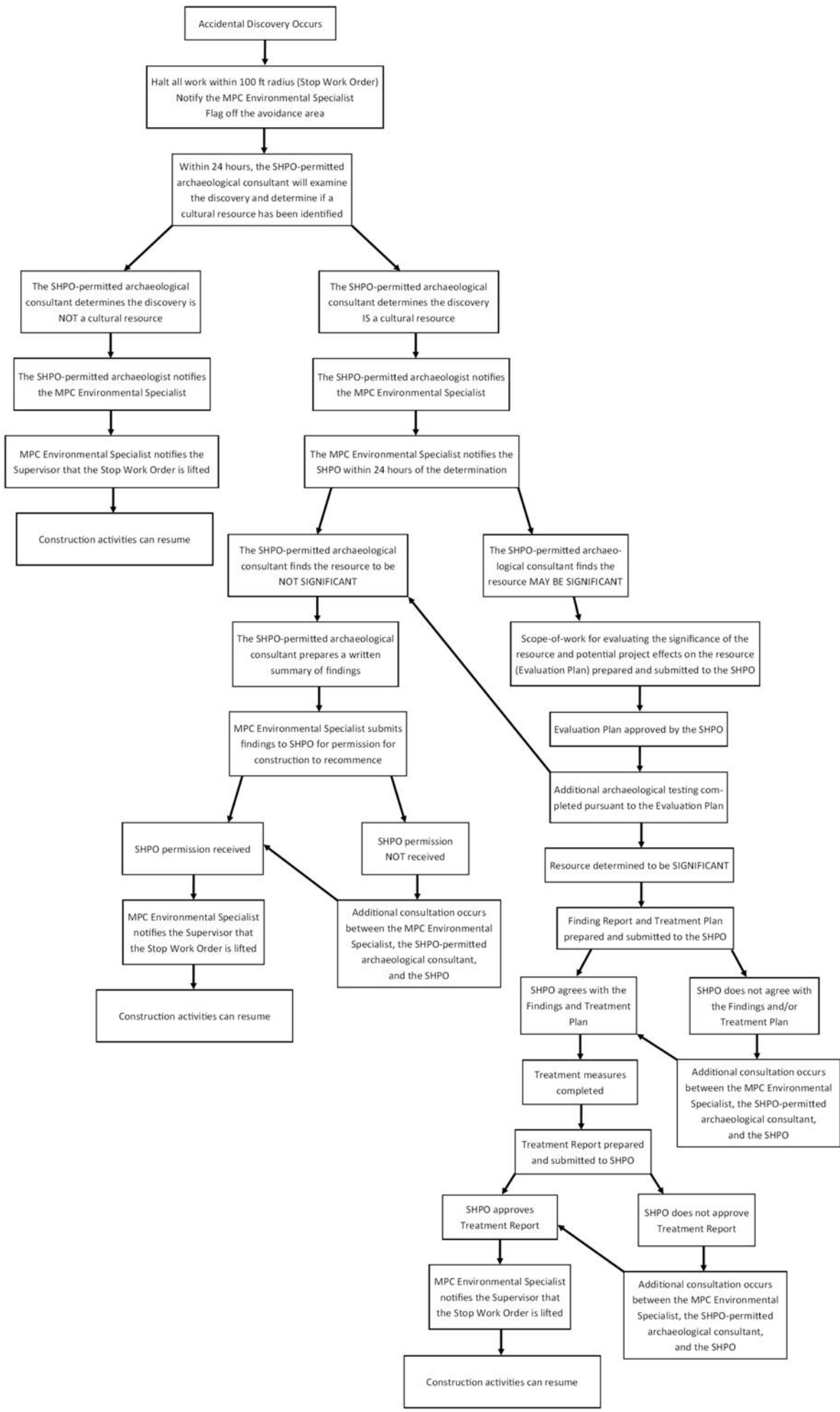
Abandoned Historic Vehicle⁴

⁴ Jim Choate (<https://www.flickr.com/photos/jimchoate/51532927587>), <https://creativecommons.org/licenses/by-nc/2.0/legalcode>

Attachment 2

Flow Chart for Unanticipated Discoveries

Cultural Resources



Attachment 3

Flow Chart for Unanticipated Discoveries

Human Remains

