

REX East Project Plans for Unanticipated Discoveries of Historic Properties or Human Remains during Construction

From REX East Project Filing of 05-18-2007

1000 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402



TELEPHONE (612) 347-6789
FACSIMILE (612) 347-6780
www.NRGINC.com

May 11, 2007

Mr. Mark A. Miles, Director
State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

Re: Rockies Express Pipeline-East Project (REX-East)
Unexpected Discovery Plan Revised
SHPO Log Number: **007-MLT-06**

Dear Mr. Miles:

Per your letter dated May 1, 2007, Rockies Express has revised the plan for the unanticipated discovery of historic properties or human remains during construction of the REX-East project. The revised plan includes Judith Deel as a contact person at State Historic Preservation Office. In addition, the information concerning the county coroner has been removed.

If you have any questions or concerns regarding the REX-East project, please contact me by letter at the above address, by telephone at 612-347-7877, or by email at kikrause@nrginc.com. We look forward to working with you on this project.

Sincerely,
Natural Resource Group, Inc

A handwritten signature in cursive script that reads "Kari Krause".

Kari Krause, M.S., R.P.A.
Cultural Resource Manager

Enclosures: Unanticipated Discovery Plan for the REX-East project (revised)

cc: Elizabeth Dolezal, NRG, Inc.
Jim Thompson, Rockies Express

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
MISSOURI PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Missouri. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and Missouri Revised Statute 194.400 through 194.410 (Unmarked Human Burial Sites). In case of an unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard
Columbus, Missouri 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Missouri Director and Deputy State Historic Preservation Officer (SHPO) or the agency archaeologist of the find.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 4) The Project Manager will notify other parties as directed by the Missouri SHPO or FERC.
- 5) The Project Manager will then contact the Missouri SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.

- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Missouri SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Missouri SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Missouri SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Missouri Deputy SHPO or the agency archaeologist of the find.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 4) The Project Manager will immediately notify by telephone the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Missouri - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Audrain	Stuart D. Miller	(573) 473-5800	(573) 473-5856	1100 Littleby Rd., Mexico, MI 65265
Ralls	Ben J. Berghager	(573) 985-5611		P.O. Box 316, New London, MI 63459
Pike	Jim Wells	(573) 324-3335	(573) 324-3731	1600 Business Highway 54W, Bowling Green, MI 63334

- 5) The sheriff is responsible for notifying the Missouri Deputy SHPO or agency archaeologist of the find only if the remains are older than 100 years.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 6a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Missouri SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Missouri SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
ILLINOIS PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Illinois. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420), the Illinois Archaeological and Paleontological Resources Protection Act (20 ILCS 3435), and the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard
Columbus, Ohio 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Illinois Deputy State Historic Preservation Officer (SHPO) of the find.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 4) The Project Manager will notify other parties as directed by the Illinois SHPO or FERC.
- 5) The Project Manager will then contact the Illinois SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;

- ii) visits to the site by the Illinois SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Illinois SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Illinois SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Illinois SHPO of the find.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 4) The Project Manager will immediately notify by telephone the county coroner's office of the find (see list of county coroner's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Illinois - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Pike	Paul Petty	(217) 285-4471		204 East Adams, Pittsfield, IL 62363
Scott	David King, Jr.	(217) 742-3141	(217) 742-5773	35 East Market St, Winchester, IL 62694
Morgan	Jeff Lair	(217) 245-7423	(217) 479-4637	P.O. Box 1261, Jacksonville, IL 62651
Sangamon	Susan Boone	(217) 753-6610		200 South 9th, Rm 203, Springfield, IL 62701
Christian	Amy Winans	(217) 287-1020		Christian County Courthouse, Taylorville, IL 62568
Macon	Michael Day	(217) 424-1348	(217) 425-4015	253 East Wood St, Decatur, IL 62523
Moultrie	Lynn Reed	(217) 728-2355	(217) 728-2356	P.O. Box 528, Sullivan, IL 61951
Douglas	Joe Victor	(217) 253-4808	(217) 253-5235	200 South Prairie, Tuscola, IL 61953
Edgar	Pete Templeton	(217)-466-9040		430 East Wood St, Paris, IL 61944

- i) If the county coroner is not available, the Project Manager will immediately notify the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Illinois - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Pike	Paul Petty	(217) 285-5011		204 East Adams Street, Pittsfield, IL 62363
Scott	David King	(217) 742-3141	(217) 742-5773	Crthse Market St, Winchester, IL 62694
Morgan	James Robson, Jr	(217) 245-4143		300 W Court St, Jacksonville, IL 62650
Sangamon	Neil Williamson	(217) 753-6880		#1 Sheriff's Plaza, Springfield, IL 62701
Christian	Robert E Kindermann	(217) 824-4961	(217) 824-4963	301 W Franklin, Taylorville, IL 62568
Macon	Jerry Dawson	(217) 424-1321	(217) 424-6010	333 S Franklin St, Decatur, IL 62523
Moultrie	Jeff Thomas	(217) 728-4386	Not for release	14 N Hamilton, Sullivan, IL 61951
Douglas	Charles McGrew	(217) 253-2913	(217) 253-3144	920 S Washington St, Tuscola, IL 61953
Edgar	Tim Crippes	(217) 465-4166	(217) 463-2161	228 N Central Ave, Paris, IL 61944

- 5) The county coroner is responsible for notifying the local law enforcement agency's office.
- 6) The county coroner is responsible for notifying the Illinois SHPO of the find only if the remains are older than 100 years.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 7a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Illinois SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Illinois SHPO, FERC, next of kin, or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 7b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 8) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

From: Draeger, Cathy
To: Kari Krause;
CC:
Subject: accidental discovery plan
Date: Monday, May 14, 2007 3:10:03 PM
Attachments:

I already sent out the letter the day you emailed. The unanticipated discovery plan looks good. I just had two comments:

1. If human remains are found, the coroner's office, our office, and law enforcement need to be called (coroner first if possible) and we usually call a conservation officer as law enforcement. If the project manager calls us first, we can coordinate with the coroner and CO. (and will have to for a site visit), but it is the responsibility of the person/company who disturbs the remains to call. We usually put a more generic statement of all three need to be called (to make sure it's covered). Having the numbers in there is a good idea. It will come to me for review, but any of the archaeologists here can take the call and leave a message for me. Also, we should be notified if it is after 1940 (usually it is not necessarily known at the beginning), and if the coroner says that it is his/her domain then we work with them or stay out. And remember no one (including law enforcement or archaeologists) should move the remains before the coroner gives the ok.

2. page 3 says

Kyle Hupfer
SHPO
317-234-3791

Kyle is no longer our director for DNR/SHPO. It is now Robert Carter. Don't worry it has been a fairly new change. The number is my direct line, which is fine to have on there. I just don't want someone who is thinking they are getting the director and get me or vice versa. :) The DNR general line is 317 232-1646. Also, I don't think I have told you but we have (will have) a new director for DHPA-- Jim Glass (I am not sure how he wants his name to appear). He starts next week. At a certain point new submissions will need to have his name on it as deputy SHPO. I will let you know. The address stays the same and it goes to the same place and process. We haven't started changing our stock language yet but will next week. :) If you have any questions please let me know.

*Cathy Draeger
Archaeologist
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology*

From: Kari Krause
To: "Draeger, Cathy";
CC:
Subject: Rockies Express Pipeline Project - Unexpected Discovery Plan
Date: Tuesday, May 15, 2007 12:53:38 PM
Attachments: Unanticipated Discoveries IN - Revised Draft 5-07.pdf

Cathy,
Based on your email of May 14, 2007, Rockies Express has revised the Unexpected Discovery Plan for Indiana. Attached is a copy of the revised plan for your files. If you have any questions or comments concerning the document or the project, please let me know.

Sincerely,
Kari



Kari Krause, R.P.A.
klkrause@nrginc.com
612.347.7877 Direct
612.718.6790 Cell
612.347.6780 Fax

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
INDIANA PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Indiana. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Indiana Historic Preservation Act (Indiana Code 14 Article 21) as amended by Public Law 175 (1989), the Indiana General Cemetery Act (Indiana Code 23 Article 14), and Title 312 of the Indiana Administrative Code, Article 22 (2001). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Indiana State Historic Preservation Officer (SHPO) of the find.

Contact: Mr. Robert Carter
State Historic Preservation Officer
Telephone: 317- 232-1646
Address: Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, IN 46204

- 4) The Project Manager will notify other parties as directed by the Indiana SHPO or FERC.
- 5) The Project Manager will then contact the Indiana SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Indiana SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Indiana SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Indiana SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Indiana SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
 Telephone: (202) 502-6726

3) If the human remains post-date 1940, the Project Manager will promptly notify by telephone the county coroner's office and local law enforcement officials of the find (see list of county coroner's and sheriffs offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Vermillion	Darrin Tucker	(765) 828-0402		
Parke	Daniel Dwyer	(765) 569-5101		

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
	Thomas Miller or	(765) 653-5115		
Putnam	On-call deputy	(County dispatch)	(765) 653-5117	N/A
Hendricks	Jason Matthews	(317) 852-4296		690 East 56 th St., Brownsburg, IN 46112
Morgan	Dan J. Downing	(765) 352-9968		180 S. Main St., Martinsville, IN 46151
Johnson	David L. Lutz	(317) 534-8344	(812) 526-6044	511 N. Grant St., Edinburgh, IN 46124
Shelby	Tom Laughlin	Paged by sheriff (see below)	none	none
Decatur	Doug Banks	(812) 527-2765		20 SW Santee Drive, Greensburg, IN 47240
Franklin	Rick Gill	(765) 647-2626	(765) 647-0535	1010 Franklin Ave., Brookville, IN 47012

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Vermillion	Robert Spence	(765) 492-3737	(765) 492-5011	1888 S. State Road 63, Newport, IN 47986
Parke	D. Michael Eslinger	(765) 569-5151	(769) 569-6869	458 W. Strawberry Rd., Rockville, IN 47872
Putnam	Mark Frisbie	(765) 653-3211	(765) 655-2131	13 Keightly Rd., Greencastle, IN 46135
Hendricks	Dave Galloway	(317) 745-6269		925 E. Main St., Darville, IN 46122
Morgan	Robert W. Gardner	(765) 342-4303		160 N. Park Ave., Martinsville, IN 46151
Johnson	Terry McLaughlin	(217) 424-1321	(217) 424-6010	333 S Franklin St, Decatur, IL 62523
Shelby	Michael Bowlby	(317) 398-6661	(317) 392-6403	107 West Taylor, Shelbyville, IN 46176
Decatur	Daryl G. Templeton	(812) 663-8125	(812) 663-6887	315 S. Ireland St., Greensburg, IN 47240
Franklin	Dale Maxie	(765) 647-4138		371 Main St., Brookville, IN 47012

- 4) If the human remains pre-date 1940, the Project Manager will notify by telephone the Indiana SHPO of the find.

Contact: Mr. Robert Carter
State Historic Preservation Officer
Telephone: 317- 232-1646
Address: Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, IN 46204

- 5a) If it is determined that intact interments that pre-date 1940 are present and may be disturbed by continuing construction, then the Project Manager will consult with the Indiana SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Indiana SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Indiana SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Indiana SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

From: Dave Snyder
To: Kari Krause;
CC:
Subject: Rockies Express Pipeline Project
Date: Tuesday, May 15, 2007 9:10:25 AM
Attachments:

Hi Kari.

I have prepared two letters that are being sent by surface mail providing comments on the deep testing and on the unexpected discovery plan. The correspondence conveys our concurrence with the deep testing research designs and with the post review discovery plan. I believe that the unanticipated discovery plan fulfills a FERC requirement.

The unexpected discovery plan provides with somewhat standard language some process steps to deal with any post review discovery of historic properties or unanticipated adverse effects to historic properties, or the identification of human remains. For discovery that doesn't involve human remains (or items of cultural patrimony), I try to emphasize that concerns need to be focused on major findings - archaeological deposits that are very likely to be significant. There is no harm if you bring in an archaeologist to look at a finding of a few artifacts that turns out to be a diffuse, ephemeral, scatter of only a few plowzone artifacts. But I don't encourage the idea that the construction crew should be reporting everything that they see.

I have a couple of questions and suggestions regarding the unexpected discovery plan. The plan doesn't always lead to closure. You may want to take another look at the plan and consider adding some language to make sure that findings ending any brief post review consultation are presented to everyone. This is especially important if human remains are found. The most common sequence of events (from a few cases in Ohio) is that something that looks like bone and may be human is identified. Then, as specified in the plan, everything stops at that location and the coroner is called. It isn't uncommon for the coroner to misidentify the finding when there is only a bit showing in a messy construction zone. If the coroner needs more information or believes that the remains may be less than 100 years old, then what? I don't see provisions for providing information to the OHPO and other consulting parties that the coroner's investigation is continuing. I'm not sure where the 100 year provision comes

from. From Ohio law, the coroner has jurisdiction if there is a crime scene. There is probably case law in Ohio that has established a sort of rule-of-thumb that if it is older than 100 (or 125) years then it can't be a crime scene. But I'm not sure of where this is established. I think that it might be helpful to specify that the OHPO and other consulting parties will be notified when the coroner's investigation has concluded and what the end result was. If something really big is discovered, then the plan establishes the consultation process, however you may wish to consider some clarification for situations where the identification isn't clear cut. There are situations where it isn't clear if the remains are human (or even mammal) but it is prudent and good common sense to give them a good examination. In these cases, do you want your first telephone call to go directly to the Ohio Historic Preservation Officer (Rachel Tooker)? You may wish to consider a provision to keep OHPO staff informed of efforts to identify interesting findings. Especially when it turns out not to be human or a significant archaeological deposit, it may work better to let us know at the staff level the outcome without raising lots of red flags.

The deep testing research designs stipulate efforts directed by qualified professionals to look for buried cultural horizons especially in areas likely to contain alluvial deposits. This isn't my area of expertise, but regardless, I think that state historic preservation office reviewers should try to find a constructive role that minimizes intrusions. It is important here to keep a perspective that allows for flexibility and provides a balance with other parts of the field work efforts to identify historic or otherwise important properties.

Hope these informal, just-me-thinking-out-loud, comments are helpful.

David Snyder, Ph.D., RPA, Archaeology Reviews Manager
Ohio Historic Preservation Office
567 E. Hudson Street
Columbus, OH 43211-1030
Phone: (614) 298-2000
FAX: (614) 298-2037
Email: dsnyder@ohiohistory.org

May 15, 2007

-----Original Message-----

From: Kari Krause [mailto:klkrause@nrginc.com]

Sent: Friday, May 11, 2007 12:30 PM

To: Dave Snyder

From: Kari Krause
To: "Dave Snyder";
CC:
Subject: Rockies Express - unexpected discovery plan
Date: Tuesday, May 15, 2007 1:16:02 PM
Attachments: Unanticipated Discoveries OH- klk.pdf

David

Based on your email of May 15, 2007, Rockies Express has revised the Unexpected Discovery Plan for Indiana. Attached is a copy of the revised plan for your files. If you have any questions or comments concerning the document or the project, please let me know.

Sincerely,
Kari



Kari Krause, R.P.A.
klkrause@nrginc.com
612.347.7877 Direct
612.718.6790 Cell
612.347.6780 Fax

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
OHIO PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Ohio. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Ohio Historic Preservation Office's *Archaeological Guidelines* (1994), and Ohio Revised Code, Citations 149.51 (State registry of archaeological landmarks), 149.53 (Survey and salvage, discovery, preservation), 1517.21 through 1517.99 (Caves), and 2927.11 (Desecration). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF SIGNIFICANT CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Ohio State Historic Preservation Officer (SHPO) of the find.

Contact: Ms. Rachel M. Tooker
State Historic Preservation Officer
Telephone: 614-298-2000
Address: Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, Ohio 43211-1030

- 4) The Project Manager will notify other parties as directed by the Ohio SHPO or FERC.
- 5) The Project Manager will then contact the Ohio SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;

- ii) visits to the site by the Ohio SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Ohio SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Ohio SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Ohio SHPO of the find.

Contact: Ms. Rachel M. Tooker
State Historic Preservation Officer
Telephone: 614-298-2000
Address: Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, Ohio 43211-1030

- 4) The Project Manager will immediately notify by telephone the county coroner's office of the find (see list of county coroner's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Ohio - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Butler	Richard P. Burkhardt	(513) 785-5860	(513) 785-5866	315 High St., Suite 650, Hamilton, OH 45011
Warren	Warren C. Young	(513) 695-1137	(513) 695-2979	406 Justice Dr., Lebanon, OH 45036
Clinton	Ronald G. Seaman	(937) 383-1242	(937) 383-2034	2107 Rombach Ave., Wilmington, OH 45177
Greene	Kevin L. Sharrett	(937) 562-5050	(937) 562-5692	120 E. Main St., Xenia, OH 45385
Fayette	Albert G. Gay	(937) 675-6830	(937) 675-6835	5 Fayette Center, Washington Court House, OH 43160
Pickaway	Michael E. Geron	(740) 474-8818	(740) 477-6452	140 Morris Rd., Circleville, OH 43113-9056
Fairfield	Thomas R. Vajen	(740) 687-6774	(740) 689-9697	1587 Granville Pike, Lancaster, OH 43130-1038
Perry	Bradley C. Wilson	(740) 342-4102	(740) 342-3879	7756 SR 37 East, New Lexington, OH 43764
Morgan	David Parrett (acting)	(740) 787-2980	(740) 787-1693	11245 Palmer Rd., Newark, OH 43055
Muskingum	Howard J. Marsh	(740) 826-7645	(740) 826-7645	1 East Main St., Suite 200B, New Concord, OH 43762-0170
Guernsey	Janet M. Brockwell	(740) 439-5484	(740) 439-5484	65555 Mathews Rd., Cambridge, OH 43725-9715
Noble	R. Alan Spencer	(740) 732-2339	(740) 732-2350	304 Main St., Caldwell, OH 43724
Belmont	Troy W. Balgo, DO	(740) 699-1000	(740) 699-1004	187 W. Main St. Suite 100, St. Clairsville, OH 43950
Monroe	Jay R. Seidler	(740) 472-0712	(740) 472-5278	154 S. Main St., Woodsfield, OH 43793

- i) If the county coroner is not available, the Project Manager will immediately notify the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Ohio - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Butler	Richard K. Jones	(513) 785-1000	(513) 785-1024	705 Hanover St., Hamilton, OH 45011
Warren	Tom Ariss	(513) 695-1280	(513) 695-1286	550 Justice Dr., Lebanon, OH 45036
Clinton	Ralph D. Fizer	(937) 382-1611	(937) 382-7530	1645 Davids Dr, Wilmington, OH 45177
Greene	Eugene Fischer	(937) 562-4800	(937) 562-4880	120 E. Main St., Xenia, OH 45385
Fayette	Vernon P. Stanforth	(740) 335-6170	(740) 333-3589	113 E. Market St., Washington Court House, OH 43160
Pickaway	Dwight Radcliff	(740) 477-6000	(740) 474-1798	P.O. Box 710 600 Island Rd., Circleville, OH 43113
Fairfield	Dave Phalen	(800) 808-5223	(740) 654-8115	221 E. Main St., Lancaster, OH 43130
Perry	William Barker	(740) 342-4123	(740) 342-5521	110 W. Brown St., New Lexington, OH 43764
Morgan	Thomas C. Jenkins Sr.	(740) 962-3333	(740) 962-4035	37 E. Main St., McConnelsville, OH 43756
Muskingum	Robert J. Stephenson	(740) 452-3637	(740) 455-7924	28 N. 4 th St., Zanesville, OH 43701

Guernsey	Michael McCauley	(740) 439-4455	(740) 432-3916	601 Southgate Pkwy, Cambridge, OH 43725
Noble	Landon T. Smith	(740) 732-5631	(740) 732-4158	420 Olive St., Caldwell, OH 43724
Belmont	Fred A. Thompson	(740) 695-7933	(740) 695-4781	68137 Hammond Rd., Saint Clairsville, OH 43950
Monroe	Timothy R. Price	(740) 472-1612	(740) 472-5132	108 W. Court St., Woodsfield, OH 43793

- 5) The county coroner is responsible for notifying the local law enforcement agency's office.
- 6) The county coroner is responsible for notifying the Ohio SHPO of the find only if the remains are not associated with a crime scene.

Contact: Ms. Rachel M. Tooker
State Historic Preservation Officer
Telephone: 614-298-2000
Address: Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, Ohio 43211-1030

- i) If the county coroner determines that the remains are not human, or they continue to remain under investigation by the coroner, the Project Manager will update the Ohio SHPO and other consulting parties of the coroner's investigation.
- 7a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Ohio SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;

- vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Ohio SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 7b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 8) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
WYOMING PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Wyoming. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and the State of Wyoming Antiquities Act of 1937, as amended (Wyoming Statutes 36-1-114 – 36-1-116).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard
Columbus, Ohio 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Interim Wyoming State Historic Preservation Officer (SHPO) or agency senior archaeologist of the find.

Contact: Ms. Mary Hopkins
Interim State Historic Preservation Officer; and
Mr. Richard Curritt
Senior Archaeologist
Telephone: 307-777-7697
Address: Wyoming Division of State Parks and Cultural
Resources
2301 Central Avenue
Cheyenne, WY 82002

- 4) The Project Manager will notify other parties as directed by the Interim Wyoming SHPO or FERC.
- 5) The Project Manager will then contact the Interim Wyoming SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's assessment of the find.
- 6a) If the find is determined to be significant and eligible for listing on the National Register of Historic Places (NRHP), and continuing construction may damage more of the site, the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Interim Wyoming SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Interim Wyoming SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be ineligible for listing on the NRHP, then the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
 Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Interim Wyoming SHPO or agency senior archaeologist of the find.

Contact: Ms. Mary Hopkins
 Interim State Historic Preservation Officer; and
 Mr. Richard Curritt
 Senior Archaeologist
 Telephone: 307-777-7697
 Address: Wyoming Division of State Parks and Cultural
 Resources
 2301 Central Avenue
 Cheyenne, WY 82002

- 4) The Project Manager will promptly notify by telephone the Carbon County coroner of the find.

Contact: Mr. Paul Zamora
Telephone: 307-328-2521

- 5a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Wyoming Interim SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Interim Wyoming SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a memorandum of agreement and mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Wyoming Interim SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan or any other stipulations outlined in the memorandum of agreement; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be ineligible for listing on the NRHP, then the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
NEBRASKA PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Nebraska. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and Nebraska's Unmarked Human Remains and Burial Sites Protection Act (Revised Statute 12- 1201 through 12-1212).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector: _____
Cell Phone Number: _____
Fax: _____
Address: _____

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager: Jim Thompson
Telephone: (806) 570-6800 (cell)
Fax: (614) 328-2070
Address: Columbus Field Office
940-A Science Boulevard
Columbus, Ohio 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Nebraska State Historic Preservation Office (SHPO) of the find.

Contact: Terry L. Steinacher
State Historic Preservation Office
Telephone: 308-665-2918
Address: Nebraska State Historical Society
P.O. Box 82554
Lincoln, Nebraska 68501

- 4) The Project Manager will notify other parties as directed by the Nebraska SHPO or FERC.
- 5) The Project Manager will then contact the Nebraska SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:
 - i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Nebraska SHPO, FERC, and other parties;

- iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Nebraska SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Nebraska SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
 Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Nebraska SHPO of the find.

Contact: Terry L. Steinacher
 State Historic Preservation Office
 Telephone: 308-665-2918
 Address: Nebraska State Historical Society
 P.O. Box 82554
 Lincoln, Nebraska 68501

- 4) The Project Manager will promptly notify by telephone the Phelps county attorney of the find.

Contact: Mr. Tim Hoefft
 Telephone: 308-995-2293

- 5a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Nebraska SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Nebraska SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.