

Appendix I

Unanticipated Discoveries Plan

for

DRAFT

ENVIRONMENTAL ASSESSMENT

Dakota Access Pipeline Project

Crossings of Federal Projects and Flowage

Easements

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UNANTICIPATED DISCOVERIES PLAN CULTURAL RESOURCES, HUMAN REMAINS, PALEONTOLOGICAL RESOURCES & CONTAMINATED MEDIA

Dakota Access Pipeline Project (DAPL) Illinois

A. INTRODUCTION

Dakota Access, LLC is proposing to install approximately 1,100 miles of 12- to 30-inch pipeline from Stanley, North Dakota, crossing through South Dakota and Iowa, to an existing tank hub near Patoka, Illinois.

This document describes the procedures for dealing with unanticipated discoveries during the course of project construction. It is intended to:

- Maintain compliance with applicable Federal and State laws and regulations during construction of the Project;
- Describe to regulatory and review agencies the procedure the project or its representatives will follow to prepare for and deal with unanticipated discoveries; and,
- Provide direction and guidance to project personnel as to the proper procedure to be followed should an unanticipated discovery occur.

B. PROCEDURES FOR THE DISCOVERY OF CULTURAL RESOURCES

In the event that any member of the construction work force believes that a cultural resource discovery is encountered the following plan will be implemented:

1. All work within 100 feet of the discovery will immediately stop and the Environmental Inspector (EI) and Construction Manager (CM) will be notified. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the materials. A cultural resource can be prehistoric or historic and could consist of, but not be limited to, for example:
 - An accumulation of shell, burned rocks, or other subsistence-related materials
 - An area of charcoal or very dark soil with artifacts
 - Stone tools, arrowheads, or dense concentrations of stone artifacts
 - A cluster of bones in association with shell, charcoal, burned rocks, or stone artifacts
 - A historic structure or assemblage of historic materials older than 50 years
2. If the EI and or CM believes that the discovery is a cultural resource, the EI will take appropriate steps to protect the discovery site. This will include flagging the immediate area of discovery and stop work or exclusion zone, as well as notifying the Environmental Project

Manager and/or Company Representative. Work in the immediate area will not resume until treatment of the discovery has been completed.

3. Dakota Access or its representative will arrange for the discovery to be evaluated by a qualified archaeologist in accordance with applicable regulations. The archaeologist will evaluate the remains and provide recommendations for how to manage the resource under the appropriate State's Historic Preservation Plan.
4. If the discovery is determined to be a cultural resource and within an area of federal jurisdiction, the appropriate federal agency will be consulted. If the discovery is determined to have the potential for eligibility, the archaeologist and Dakota Access will also consult with the SHPO on how best to avoid, minimize, or otherwise mitigate further impacts. Treatment measures may include mapping, photography, sample collection, or excavation activity.
5. The archaeologist will implement the appropriate treatment measure(s) and provide a report on its methods and results as required. The investigation and technical report will be performed in compliance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734--44737); the Advisory Council on Historic Preservation (ACHP) publication "Treatment of Archaeological Properties" (ACHP 1980); and follow the guidelines set forth by the applicable State(s) Historic Preservation Office.

C. PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS

In the event that human remains are encountered during either construction or maintenance activities, the following plan outlines the specific procedures to be followed. These procedures meet or exceed the Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects set forth by the National Historic Preservation Act (Public Law [PL] 89-665), its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); the Native American Grave and Repatriation Act (43 CFR Part 10); Procedures for the Protection of Historic Properties (33 CFR 325 Appendix C); the Archaeological and Historic Preservation Act; and Consultation and Coordination with Indian Tribal Governments (EO 13175); and Illinois' Human Skeletal Remains Protection Act (20 ILCS 3440) and its implementing rules (17IAC 4170).

All activity that might disturb the remains shall cease and may not resume until authorized by appropriate law enforcement officials or the SHPO. Any human remains, burial sites, or burial-related materials that are discovered during construction will at all times be treated with dignity and respect. If any member of the construction work force believes that human remains are encountered the following plan will be implemented:

1. Any activity that may disturb the unmarked burial site, human skeletal remains, or burial artifacts associated with the site will immediately cease on discovery. The site will be carefully covered and secured for protection from degradation by weather or unauthorized individuals.
2. The EI and CM will be notified and will then be responsible for taking appropriate steps to protect the discovery. This will include fencing off the immediate area of discovery and

flagging the area as an exclusion zone. No activity may resume until authorized by the agency authority governing the disposition of the human remains.

3. The EI will notify the Project Environmental Manager, who will contact the Project archeologist, specific county law enforcement agency, and the coroner of the jurisdiction where the site or remains are located. The SHPO will also be contacted as required by law and to assist with identifying the remains.
4. If the county coroner finds that the unmarked burial site is over 100 years old and that there is no need for a legal inquiry by their office or for a criminal investigation, then the SHPO will have jurisdiction of the site, human skeletal remains, and the burial artifacts.
5. Once it receives jurisdiction, Illinois SHPO will determine an appropriate course of action in consultation with the Project Environmental Manager and the applicable Federal agency. Any decision to disinter human remains on private property in Illinois must be approved by the landowner. If any descendants are identifiable, their permission must be obtained as well. Any excavation of human remains must be supervised by a qualified Human Skeletal Analyst (HSA).
6. A summary letter report regarding the excavation must be submitted to the IHPA within 15 days of excavation of any human remains. That report must describe the number and physical context of the human remains and any burial artifacts, any available data regarding cultural affiliation, the identity of the HAS, and an estimated date of completion of the final report.
7. IHPA will make any determination of the disposition of excavated human remains, in terms of reburial or repatriation of human remains and burial artifacts, either to documented family relatives or to a related federally-recognized tribe. In the absence of identifiable family or tribe, curation is required at the Illinois State Museum pending possible future identification or NAGPRA compliance.

D. PROCEDURES FOR THE DISCOVERY OF PALEONTOLOGICAL RESOURCES

In the event that any member of the construction work force believes that a paleontological resource discovery is encountered the following plan will be implemented:

1. All work within 100 feet both sides of the discovery will immediately stop and the EI will be notified. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the materials. A paleontological resource would be expected to be in the form of fossils. In-situ fossils are usually found within layers of geologically old sediments and rocks where the creature lived, died, and became fossilized. However, through geologic, hydrologic, and marine activity, many fossils and parts of fossils have been carried into younger geologic areas.
2. If the EI believes that the discovery is a paleontological resource, the EI will take appropriate steps to protect the discovery site. This will include flagging the immediate area of discovery and stop work or exclusion zone, as well as notifying the Environmental Project

Manager and/or Company Representative. Work in the immediate area will not resume until treatment of the discovery has been completed.

3. The Project Environmental Manager will arrange for the discovery to be evaluated by a qualified geologist/paleontologist in accordance with applicable regulations. The geologist/paleontologist will evaluate the remains and provide recommendations for how to manage the resource.

E. PROCEDURES FOR THE DISCOVERY OF CONTAMINATED MEDIA

Indicators of possible contamination include, but are not limited to:

- Buried drums or containers, rusted or in otherwise poor condition
- Stained or otherwise discolored soil (in contrast to adjoining materials)
- Spoil material containing debris other than obvious construction material
- Chemical or hydrocarbon odors emanating from excavations
- Oily residues
- Visible sheen or other discoloration on groundwater
- Structures such as pipelines (concrete, PVC or steel) or underground storage tanks.

The EI and appropriate contractor personnel will be trained in hazard identification and worker protection and these topics will be discussed regularly in safety meetings. A desktop assessment for contaminated along the Project route indicated that contamination it not likely to be encountered during construction. In the unlikely event that contamination is encountered the following activities should take place:

1. Immediately cease construction activities within that area and notify the EI and Project Environmental Manager. Work in the immediate area will not resume until an assessment of the discovery has been completed and the Company has released the site. If safe to do so, the EI will take appropriate steps to mark (flag) off the area to identify the exclusion zone. Work in the immediate area will not resume until an assessment discovery has been completed.
2. If potentially contaminated groundwater or soil reaches (or has the potential to reach) surface waters, booms and/or absorbent materials shall be immediately deployed to contain and reduce downstream migration of the spilled material.
3. Upon notification, the Project Environmental Manager will perform or direct a hazard assessment to determine appropriate control measures to be implemented at the specific site. Activities may include sampling vapors, soil, sediments, groundwater, and/or wipe samples of materials.
4. If warranted by the assessment, the Project Environmental Manager will notify appropriate Federal, State and Local agencies.
5. Company or the designated person(s) will make appropriate notifications to regulating agencies as necessary. Upon evaluation of the sampling results, additional notifications may be made to coordinate a work plan for measures to be implemented in the contaminated area to resume activities in a safe, environmentally compliant, and effective manner. Measures may include additional personal protective equipment, segregation of contaminated media,

treatment or off-site disposal of contaminated media.

6. All identification /characterization, handling, labeling, storage, manifesting, transportation, record keeping, and disposal of potentially contaminated materials shall be conducted in accordance with all applicable federal, state, and local regulations and guidance.

F. PROJECT CONTACTS

Environmental Inspector

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Construction Manager

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DAPL Project Manager

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DAPL Project Environmental Manager

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Ponca Tribe of Nebraska

Contact: Randy Teboe
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Address: 88915 521 Avenue PO Box 288, Niobrara, NE 68760

Cheyenne River Sioux Tribe

Contact: Steve Vance, THPO Cultural Preservation Office
Telephone: (o) (605) 964-7554
E-mail: stevev.crstpres@outlook.com
Address: P.O. Box 590 98 S. Willow Street, Eagle Butte, SD 57625-0590

Iowa Tribe of Kansas and Nebraska

Contact: Lance Foster, THPO
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Address: 3345 B Thrasher Road, White Cloud, KS 66094

Standing Rock Sioux Tribe

Contact: Jon Eagle, THPO
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Miami Tribe of Oklahoma

Contact: Diane Hunter, THPO
Telephone: (o) (918)541-8966
Email: dhunter@miamination.com
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Upper Sioux Tribe

Contact: Sara Childers, THPO
Telephone: (o) (320)564-3853 ext. 6334
Email: sarac@uppersiouxcommunity-nsn.gov
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Illinois Historic Preservation Agency

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E-mail: Joe.Phillippe@Illinois.gov
Address: 1 Old State Capitol Plaza, Springfield, IL 62701

County Coroner Contacts

County	Coroner	Address	Phone	Fax
Hancock	Kendall Beals	P.O. Box 21 LaHarpe, IL 61450	309-221-3210	309-244-4112
Adams	James A. Keller	507 Vermont St., Quincy, IL 62301	217-277-2015	217-277-2222
Schuyler	Terry L. Millslagle	565 West Madison, Rushville, IL 62681	217- 491-3250	309-214-6735
Brown	Karl Groesch	200 East Court Street, Mount Sterling, Illinois 62353	217-773-2011	217-773-4882
Pike	Paul F. Petty	204 East Adams Street, Pittsfield, IL 62363	217-285-5011	217-285-4496
Scott	David King, Jr.	35 East Market Street, Winchester, IL 62694	217-742-3141	217-742-5773
Morgan	Jeff Lair	P.O. Box 1261, Jacksonville, IL 62651	217- 245-7423	888-423-1079
Macoupin	Brad Targhetta	P.O. Box 785 Brighton,IL 62012	618-372-8979	618-372-3311
Montgomery	Ricky Broaddus	P.O. Box 661 Raymond, IL 62560	217- 229-4404	
Bond	Tony Brooks	200 West College Avenue, Greenville, IL 62246	618- 410-4996	618- 664-9686
Fayette	Bruce Bowen	1910 Zent Drive, Vandalia, IL 62471	618- 283-5027	618-283- 9192
Marion	Troy Cannon	P.O. Box 175, Salem, IL 62881	618- 548-3870	618-548- 4875

County Sheriff Department Contacts

County	Sherriff	Address	Phone	Fax
Hancock	Scott Bentzinger	98 Buchanan Street, Carthage, Illinois 92321	217-357-2115	217-357-3035
Adams	Brent A Fischer	521 Vermont Street Quincy, IL 62301	217-277-2200	217-277-2214
Schuyler	Bill Redshaw	216 West Lafayette Rushville, IL 62681	217-322-4366	217-3226162
Brown	Karl Groesch	200 East Court Street, Mount Sterling, Illinois 62353	217-773-2011	217-773-4882
Pike	Paul F. Petty	204 East Adams Street, Pittsfield, IL 62363	217-285-5011	217-285-4496
Scott	David King	101 East Market Street, Winchester, IL 92694	217-742-3141	217-742-5773
Morgan	Randy Duvendack	300 West Court, Jacksonville, IL 62650	217-245-4143	217-243-6998
Macoupin	Shawn Kahl	215 South East Street, Suite 1, Carlinville, IL 62626	217-854-3135	217-854-4508
Montgomery	Jim Vazzi	140 North Main, Hillsboro, IL 62049	217-532-9511	217-532-6318
Bond	Jeff Brown	403 South Second Street, Greenville, IL 62246	618-664-2151	618-664-4689
Fayette	Chris Smith	221 South 7 th , Vandalia, IL 62471	618-283-2141	618-283-5014
Marion	Rich Stevenson	204 North Washington, Salem, IL 62881	618-548-2141	618-548-0043