

Attachment 5D



Unanticipated Discoveries Plan

Liquids Pipeline Projects

Enbridge Energy, Limited Partnership

July 2017

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Liquids Pipeline Projects

INTRODUCTION

This Unanticipated Discoveries Plan outlines procedures to be followed by the Enbridge Liquids Pipeline Projects in the event of an unanticipated discovery of archaeological or paleontological resources, or human remains, during the construction activities. Enbridge contractors where applicable shall also follow the procedures outlined in this plan.

I. Unanticipated Discovery of Archaeological Resources

1. When previously unidentified archaeological resources are discovered during ground disturbing activities during the course of project construction, the construction contractor will immediately notify Enbridge's on-site Chief Inspector or Project Manager of the discovery.
2. The on-site Inspector/PM will immediately notify the Enbridge Environment Project Advisor.
 - a. Cathryn Hanson; 218-522-4701 (O); 715-817-8732 (C)
3. Concurrent with providing notification of the discovery and upon direction of the Enbridge Environment Project Manager (or consultant designee):
 - a. Inspect the work site to determine the extent of the discovery;
 - b. Halt all construction work within 100 feet of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur;
 - c. Clearly mark the area of the discovery using flagging and fencing, and protect it from the elements if necessary; and
 - d. Notify Enbridge Project Management, and if the discovery is on public land, notify the relevant land managing agency.
4. After consulting with Enbridge Project Management, the Environment Project Advisor will consult, if applicable, with the lead federal agency responsible for Section 106 consultation, State Historical Preservation Office (SHPO) and/or equivalent agency regarding the discovery.
5. In consultation with the SHPO and/or lead agency responsible for Section 106 consultation, Enbridge will work with a qualified archaeologist to determine the significance of the discovery, using National Register of Historic Places criteria, and the relevant state historic site criteria. The initial evaluation and reporting will be completed within forty-eight (48) hours.
6. For properties determined to be significant and a potential historic property pursuant to No. 4 above, Enbridge will notify the land managing agency, and other consulting parties of those actions that it proposes to resolve adverse effects to the resource. The consulting parties shall provide their views on the proposed actions within forty-eight (48) hours. Following consideration of all relevant views, and in consultation with the appropriate agency stakeholders, Enbridge will implement a plan to resolve adverse effects to the resource. After the treatment measures have been implemented and completed, Enbridge Environment will

approve clearance to the construction contractor to resume work at the location of the discovery.

II. Unanticipated Discovery of Human Remains

1. When an unmarked human burial, skeletal remains, or burial goods are encountered during construction activities, Enbridge and contractors shall comply with the respective state laws regarding the treatment of human remains. Ground disturbing activity should cease and the authorities should be notified
2. The construction contractor will immediately notify Enbridge's on-site Inspector/Project Manager in the event that human burial or skeletal remains are encountered during ground disturbing construction activities.
3. Concurrent with providing notification of the discovery:
 - a. Halt all construction activities within a 100 feet radius from the point of discovery;
 - b. Treat the discovery with respect and care, and do not take photographs. It is illegal to take photographs of human remains in some states other than for scientific reasons.
 - c. Implement measures to protect the discovery from looting, vandalism, and the elements; and
 - d. Notify the local law enforcement agency, Section 106 consultation lead and SHPO or equivalent agency.
5. Upon receiving notification of the discovery of human remains, a human burial, or burial goods, the local law enforcement agency will, as soon as practicable, report the receipt of such notification to the county coroner. Within a period of twenty-four (24) hours of notification these two state agencies will commence the initial examination of the discovery. If the discovery appears to be older than 50 years and not part of a crime scene, the county authorities will inform the state SHPO or Office of the State Archaeologist (OSA).
6. Enbridge will consult with the local authorities, the state SHPO or OSA (and other parties as directed by them) regarding the appropriate measures to handle such a discovery. If the discovery is made on public land, Enbridge will notify the appropriate land managing agency, and consult with them as indicated. If the SHPO determines that the unanticipated discovery consists of Native American human remains, the SHPO will contact the appropriate Native American groups.
7. Following the investigation and resolution of the unanticipated discovery of human remains, and SHPO's concurrence that construction may resume, Enbridge's on-site Lead Environmental Inspector will approve clearance to the construction contractor to resume work at the location of the discovery.

III. Unanticipated Discovery of Paleontological Resources

1. Paleontological resources 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 flora and fauna 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. The following procedures will be followed if fossils are encountered during construction.
2. Upon the discovery of potential paleontological resources, the construction contractor or inspector will immediately notify Enbridge's on-site Inspector/Project Manager of the find. The Project Manager will immediately notify the appropriate Enbridge Environment Advisor of the find.
3. Concurrent with notifying the Enbridge Environment Advisor:
 - a. Halt ground disturbing activity in the general vicinity of the find, providing a minimum 100-foot buffer around the find;
 - b. Photograph a representation of the potential fossils present. Also develop a brief written description including the exact location of the potential fossil material along the route, the depth and apparent thickness of the stratum, local topography, and other pertinent conditions;
 - c. Implement measures to protect the discovery from looting, vandalism, and the elements.
4. Enbridge will notify the State Geological Surveyor or equivalent agency and, upon request, provide copies of the written and photographic documentation of the potential paleontological materials.
5. If the find is on public land, Enbridge will notify the appropriate land managing agency as well as the state geologist.
6. Once proper documentation has been obtained, and consultation with all parties has taken place and all issues regarding the paleontological discovery have been resolved, Enbridge's Environment Advisor or Environmental Inspector will approve clearance to the construction contractor to resume work at the location of the discovery.