

**APPENDIX D PLAN FOR THE UNANTICIPATED DISCOVERY OF CULTURAL
RESOURCES AND/OR HUMAN REMAINS**

Page Intentionally Left Blank



**Plan for the Unanticipated Discovery of
Cultural Resources and/or Human
Remains**

Pipestone Pipeline Reroute Project

**Pipestone County,
Minnesota**

Prepared by:



April 2023

CONTENTS

1.	INTRODUCTION	3
2.	PROCEDURES FOR UNANTICIPATED DISCOVERIES.....	4
2.1	Cultural Resource Discoveries.....	4
2.1.1	Disposition of Cultural Materials.....	5
2.2	Human Remains.....	5
3.	TRAINING.....	6
4.	CONTACTS FOR THE DISCOVERY OF UNANTICIPATED CULTURAL RESOURCES AND/OR HUMAN REMAINS.....	6

1. INTRODUCTION

Magellan Pipeline Company, L.P. (Magellan) is proposing to reroute a short segment of an existing 8-inch refined products pipeline (Project) in Pipestone County, Minnesota. The Project will relocate approximately 0.74 mile of the existing 8-inch diameter pipeline from federal lands managed by the U.S. Fish & Wildlife Service (USFWS) and National Park Service (NPS) within the Pipestone Creek Unit of the Northern Tallgrass Prairie National Wildlife Refuge and the Pipestone National Monument, respectively. The reroute will be located on private lands.

This Plan was developed for implementation during Project Construction and will be used in conjunction with a construction monitoring plan. The objective of the plan is to establish protocols that construction personnel and any construction monitors retained by Magellan will follow in the event of an unanticipated discovery of previously unknown archaeological or other cultural resource materials, and suspected human skeletal remains.

Magellan is aware that Native American cultural resource and burial sites are not simply evidence of a tribe's past, but are considered to represent a continuing connection with their ancestors and cultural heritage. Any discovered ancestral remains and their associated objects will be treated in a sensitive and respectful manner by all parties involved.

An archaeological resource is any tangible or observable evidence of human activity that is over 50 years in age, regardless of significance. Archaeological resources consist of objects, sites, structures, or landscapes. Evidence of cultural activity can include archaeological artifacts (e.g. flaking debris, bone, bottle glass shards), features (e.g., charcoal stains, patterned arrangements of rock, depressions).

An archaeological discovery could consist of, but is not limited to:

- Prehistoric features such as storage pit features, postmolds, hearths, occupational surfaces, and anthropogenic soil horizons;
- Prehistoric artifact concentrations such as projectile points and waste flakes/debitage;
- Historic features such as trails, roads, canals, wells, cisterns, foundations, and trash pits at least 50 years in age; and,
- Historic artifact concentrations such as glass bottles, tin cans, tableware, dishware, architectural debris (e.g., bricks, mortar, window glass), hardware (e.g., square nails), and farm implements at least 50 years in age.

Human remains discovered may be the result of a recent crime, accident, prehistoric or historic event. Human burials are protected by the Minnesota Private Cemeteries Act (Minnesota Statutes 137.08). The Field Archeology Act (MS 138.31 – 138.42) identifies the responsibilities of the State Archeologist. The Medical Examiner Law (MS 390.25, Subd. 5) identifies the responsibilities of the Coroner.

Evidence of a human burial site could consist of, but is not limited to:

- Any human remains including articulated or disarticulated bones, teeth, hair, preserved soft tissue, etc.;
- Burial mounds;
- Rock cairns or stone features;
- Funerary objects;
- Burial pit or grave shaft outlines in the soil;
- Headstones or footstones; and,
- Coffin wood fragments and coffin hardware.

2. PROCEDURES FOR UNANTICIPATED DISCOVERIES

To comply with the relevant Minnesota laws and recommended guidelines, the procedures identified in this Plan outline the specific procedures to be followed after unanticipated discoveries are found. These procedures meet or exceed the Minnesota Field Archaeology Act (Minnesota Statutes 138.31-138.42), the Minnesota Private Cemeteries Act (Minnesota Statutes 137.08), Advisory Council on Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects.

The unanticipated discovery of cultural resource sites and suspected human skeletal remains requires construction to cease at the location of the find as well as coordinated consultation between Magellan, permitting agencies, landowners, and tribal representatives with a stated interest in the Project. The contact list is provided in Section 4.0.

2.1 Cultural Resource Discoveries

If a Magellan employee, any of their contractors or subcontractors suspect that they have uncovered an archaeological artifact or other cultural resource, all work within a 60-foot radius of the discovery shall cease immediately and the on-sit Construction Manager and Environmental Inspector (EI) will be notified.

Collection of any archaeological or cultural materials by employees, construction personnel, or others with access to the Project is prohibited.

The following steps will be followed when a cultural resource is identified:

1. The EI will notify ERM's Project Manager, Magellan's Project Manager and Environmental Manager, and ERM's Project Manager.
2. The EI will secure the find and will minimize movement of vehicles in the area immediately surrounding the discovery.
3. A 60-foot protective buffer, provided it does not extend beyond the authorized right-of-way and allows for safe passage without disturbance to the find, will be marked with flagging, safety fencing, or other appropriate barriers. The protective barrier will not be established outside of the designated construction workspace, which is generally 85 feet wide. In the case of inclement weather, the find will be protected with tarps or other barriers for wind, water, or snow, etc.
4. Magellan, or their designated representative, shall arrange for the discovery to be evaluated by a professional archaeologist who meets the U.S. Secretary of the Interior's professional qualification standards in 36 CFR 61.
5. The archaeologist, in coordination with tribal monitors, if present, will assess the nature of the cultural material, the extent of the cultural material, and the potential for intact deposits through an examination of the ground surface, backfill piles, and exposed construction surfaces. If the archaeological discovery is a potentially significant archaeological resource, work in the 60-foot radius around the find will continue to be paused temporarily to allow consultation with the appropriate parties, and possibly further archaeological investigation.
6. As soon as practical following this initial assessment, the archaeologist will provide a written description of the discovery, as well as a preliminary recommendation regarding the significance of the find. The significance assessment is summarized as:
 - a. Isolated finds or finds less than 50 years old will not require further investigation and construction can resume.

- b. Sites that are not significant (e.g., sites that lack intact deposits) will not require further investigation and construction can resume.
 - c. Sites that are significant (e.g., possibly eligible for listing on the National Register of Historic Places or tribally significant) and require avoidance or mitigation will continue to be protected.
7. Magellan, or their designated representative, will request input on how to manage significant resources from the tribal monitors on-site and those who have expressed an interest in being notified of Project finds during construction.
 8. Magellan, or their designated representative, will contact the State Historic Preservation Office (SHPO) to determine how to proceed if a significant resource is discovered. This may include site evaluation or site mitigation.
 9. A report presenting the results of site evaluation or mitigation will be prepared by the archeologist and submitted to the SHPO and Tribes.
 10. Magellan, after coordinating with the SHPO and Tribes, will notify the on-site Construction Manager and EI when construction can resume following completion of any needed fieldwork.

2.1.1 Disposition of Cultural Materials

Cultural material (does not include human remains and funerary objects) recovered from private property are the property of the landowner. After necessary laboratory analysis is completed the cultural materials will be returned to the landowners. Magellan will inform the landowners that they have the option to donate tribally significant materials to a tribal nation.

2.2 Human Remains

If a Magellan employee, any of their contractors or subcontractors suspect that they have uncovered suspected evidence of human remains, construction is to be immediately stopped, the area cordoned off to protect the find from further construction-related impacts, and the EI and on-site Construction Manager notified. Human remains, burial sites, or burial-related materials that are discovered during construction shall at all times be treated with dignity and respect.

The following steps will be followed if suspected human remains or burial are identified:

1. The EI will notify Magellan's Project Manager and Environmental Manager, and ERM's Project Manager.
2. The EI will secure the find and will minimize movement of vehicles in the area immediately surrounding the discovery.
3. A 60-foot radius will be marked with flagging, safety fencing, or other appropriate barriers. The protective barrier will not be established outside of the designated 85-foot-wide construction workspace and will allow safe passage without disturbance to the remains. A buffer of up to 100 feet may be established if the size of the authorized workspace allows (e.g., additional temporary workspace). In the case of inclement weather, the find will be protected with tarps or other barriers for wind, water, or snow, etc.
4. The remains will not be touched, moved, or further disturbed. Magellan will implement security measures during non-work hours to prevent disturbance to or tampering with the burial.
5. Magellan, or their designated representative, shall arrange for the suspected human remains or burial to be evaluated by a professional archaeologist and/or osteologist.

6. Magellan, or their designated representative, will notify the county law enforcement, county coroner, Office of the State Archaeologist (OSA) and Minnesota Indian Affairs Council (MIAC). The remains will be assessed by one or all of the officials contacted.
7. If the human remains are modern or reflect a crime scene, the sheriff or county coroner will retain custody of the remains and determine the plan of action. Work in the immediate area will not resume until directed by the Sheriff or other designated official.
8. If the Pipestone County Sheriff or County Coroner determine that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, consultation with appropriate parties (e.g., the OSA and/or the landowner) will occur regarding additional steps to be followed.
9. If the remains are archeological, Magellan, or its designated representative, will consult with the OSA to undertake the authentication process. The OSA will contact MIAC if appropriate, to perform any necessary tribal consultation. The standard protocol for the OSA is to rebury all remains covered.
10. If the remains are thought to be American Indian, the OSA will contact MIAC to begin the authentication process. MIAC will consult with tribes to develop a plan for the disposition of human remains prior to ground-disturbing work being allowed to proceed in the area of discovery.
11. After the disposition or reburial plan has been implemented, the Environmental Manager will notify the EI who will grant clearance to the construction contractor to resume work in the vicinity of the find.

3. TRAINING

Prior to the commencement of construction, Magellan will ensure that Project personnel and contractor personnel will receive training. This training will include review of the procedures set forth in this Unanticipated Discovery Plan for the identification of archaeological or other cultural resources, and suspected human skeletal remains, as well as the procedures to follow in the event of an unanticipated discovery of these resources.

4. CONTACTS FOR THE DISCOVERY OF UNANTICIPATED CULTURAL RESOURCES AND/OR HUMAN REMAINS

In the event of the discovery and/or disturbance of unanticipated cultural resources and/or human remains, communications between Magellan, agencies, and tribes will involve the following personnel.

Company/Agency/Tribe	Contact Name	Email Address	Phone Number
Magellan Pipeline Company, L.P.	Brandon Cox, Project Manager	Brandon.Cox@magellanlp.com	O: 918-574-7763
Magellan Pipeline Company, L.P.	Doug Mitchell, Environmental Manager	Doug.Mitchell@magellanlp.com	O: 918-574-7367 M: 918-645-7997
TBD	Environmental Inspector	TBD	TBD
TBD	On-site Construction Manger	TBD	TBD
ERM	Patti Trocki, Project Manager	patti.trocki@erm.com	M: 651.319.3751

PLAN FOR THE UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND/OR HUMAN REMAINS
Pipestone Pipeline Reroute Project

Company/Agency/Tribe	Contact Name	Email Address	Phone Number
Minnesota State Historic Preservation Office (SHPO)	Amy Spong, Deputy SHPO	amy.spong@state.mn.us	O: 651-259-3466
Office of the State Archaeologist (OSA)	Amanda Gronhovd, State Archaeologist	Amanda.Gronhovd@state.mn.us	O: 651-201-2264
Minnesota Indian Affairs Council (MIAC)	Melisa Cerda, Cultural Resources Specialist	melissa.cerda@state.mn.us	O: 651-539-2200
Pipestone County Sheriff	Keith Vreeman, Sheriff	keith.vreeman@pcmn.us	O: 507-825-1100
Pipestone County Coroner	Dr. Larry Christensen	TBD	O: 507-825-5700
Others (TBD)	TBD	TBD	TBD