

Fond du Lac Line 4 Project

Application for Pipeline Routing Permit and Partial Exemption

Minnesota Public Utilities Commission

Appendix F

Unanticipated Discoveries Plan

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ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
CFR	Code of Federal Regulations
EI	Environmental Inspector
Enbridge	Enbridge Energy, Limited Partnership
MIAC	Minnesota Indian Affairs Council
Minn. Stat.	Minnesota Statute
NPS	National Park Service
NRHP	National Register of Historic Places
OSA	Office of the State Archaeologist
Project	Fond du Lac Line 4 Project
RFA	Responsible Federal Agency
SHPO	State Historic Preservation Office
TCP	Traditional Cultural Property
TCR	Traditional Cultural Resources
THPO	Tribal Historic Preservation Office
UDP	Unanticipated Discoveries Plan
USACE	United States Army Corps of Engineers

DEFINITIONS

“Consulting Tribe,” means a Tribe included in the National Historic Preservation Act Section 106 consultation for this Project.

“Enbridge Environmental Department”, means a member of the Enbridge Environmental Compliance Management Team responsible for ensuring compliance with environmental permit conditions and company commitments during construction.

“Enbridge Lead Environmental Inspector”, means the individual responsible for implementing the various environmental requirements within the given construction area.

“Traditional Cultural Properties” (“TCPs”), means a subtype of historic properties recognized as eligible for listing on the Minnesota State and/or NRHP, as further defined in National Register Bulletin #38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties” and other federal guidance.

“Traditional Cultural Landscapes,” means a subtype of historic properties recognized as eligible for listing on the Minnesota State and/or NRHP, as further defined by National Park Service Preservation Brief 36, “Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes” and other federal guidance.

“Traditional Cultural Resources Survey” (“TCR”) Survey, which will be conducted in accordance with existing state and federal guidance and requirements, is intended to comply with the Enbridge’s federal, state, and contracted obligations to conduct a survey of tribal historic properties and other cultural resources that may be affected by the Project, and must include: field surveys to identify Tribal Sites along the entire length of any approved route that identify (preserving confidentiality of sites) (sic); literature review; the results of Tribal consultation; and other matters.

“Cultural Resources,” is an umbrella term to refer to all historic properties of importance to tribes (including but not limited to both TCPs and Traditional Cultural Landscapes) and any other cultural resources of importance to tribes.

“Third Party Cultural Resource Monitor,” means a monitor the Permittee hires to address concerns related to observed or suspected Archeological and Cultural Resources or human remains.

“Tribe,” means a federally recognized Indian tribe.

1.0 INTRODUCTION

Enbridge Energy, Limited Partnership (“Enbridge”) is proposing to construct the Fond du Lac Line 4 Project, a project that would relocate approximately 10 miles of Line 4 pipeline within the Fond du Lac Reservation in St. Louis and Carlton Counties, Minnesota (“the Project”).

This Unanticipated Discoveries Plan (“UDP”) sets forth the guidelines to be used in the event archaeological resources (includes both prehistoric and historical resources) or human skeletal remains are discovered during construction activities. These measures were developed by Enbridge in accordance with applicable state and federal guidelines. Early and frequent communications are essential in meeting both the spirit and law of those guidelines; therefore, Appendix A shows the most current list of relevant contacts in the event of an unanticipated discovery during construction.

2.0 UNANTICIPATED DISCOVERY CONDITIONS

Pipeline construction excavations have the potential to uncover previously unknown archaeological sites and human skeletal remains, as well as many other cultural and natural elements such as modern refuse and faunal remains. While extensive environmental surveys can effectively eliminate most discoveries during construction, Enbridge is aware that project planning should anticipate even the remote possibility of a discovery.

Third Party Cultural Resource Monitors required by Fond du Lac for work on the Reservation (“Monitor”) and the Enbridge Lead Environmental Inspector (“Lead EI”) will have the primary responsibility of initially distinguishing discoveries of significant archaeological and cultural resource sites or human skeletal remains from those that are neither. The unanticipated discovery of significant archaeological and cultural resource sites and human skeletal remains would require ceasing construction activities at the find location followed by a coordinated consultation effort among Enbridge, permitting agencies, landowners, and the Fond du Lac tribe. In the event that a suspected discovery is determined not to involve a significant archaeological or cultural resource site or human skeletal remains, construction would resume and there would be no need of the consultation process as outlined above; however, documentation of the event must be made and can include notes, photographs, and drawings as appropriate.

When possible archaeological and cultural materials or suspected human skeletal remains are identified during ground disturbing activities within the construction corridor, the Monitor and the Lead EI will be notified immediately of the discovery.

1. Immediately following notification of the discovery, the Lead EI shall:
 - (a) Establish and delineate a 25-foot buffer around the edge of the discovery (using flagging and/or fencing), advise the on-site construction manager to halt all ground-disturbing activities within the buffered area until otherwise notified by Enbridge Environment, and implement measures to protect the discovery from looting and vandalism, including a 24-hour watch, if necessary; and
 - (b) Contact a qualified Professional Archaeologist (possible archaeological materials) meeting the Professional Qualification Standards of the Secretary of Interior as stated in Title 48 Federal Regulation 44716 (“48 FR 44716”) and/or Physical Anthropologist (suspected human skeletal remains) with a graduate degree in said

- discipline and a recognized body of work in the professional community, to conduct an assessment of the discovery. The Professional Archaeologist should meet the qualification standards outlined in 36 Code of Federal Regulations (“CFR”) Part 61 in order to conduct the assessment. The Physical Anthropologist must be acknowledged as competent to positively identify human skeletal remains during the initial event of their discovery. As indicated below, this individual will work closely with the OSA who has the statutory responsibility to authenticate human burials in Minnesota.
2. When contacted by the Lead EI, the Professional Archaeologist shall gather additional information from the discovery area and assess the potential significance and condition and integrity of the discovery according to the guidelines established by the National Park Service (“NPS”) in Bulletin 15 and its amendments:
 - (a) The Professional Archaeologist will determine whether-or-not the discovery is an archaeological site or cultural resource over 45 years of age. If the discovery is an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will record as much information as possible to secure a Smithsonian Trinomial Number from the appropriate state agency. The Lead EI would then notify Enbridge Environment to initiate the process outlined in Section 3.0 below.
 - (b) If the discovery is not an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will document the discovery for the record and Enbridge’s lead EI will advise the on-site construction manager to restart ground-disturbing activities.
 3. When contacted by the Lead EI, the Physical Anthropologist shall investigate the site to make an assessment of the likely nature of the remains:
 - (a) If the remains are likely human, then the Lead EI would notify the Enbridge Environmental Department (“Enbridge Environment”) to initiate the process outlined in Section 4.0 below as they have access to multiple forms of communication to quickly follow the procedures outlined in this plan.
 - (b) If the discovery does not represent human skeletal remains, the Physical Anthropologist will document the discovery for the record and Enbridge’s Lead EI will advise the on-site construction manager to restart ground-disturbing activities.

3.0 DISCOVERY OF HISTORIC PROPERTIES

Upon the discovery of an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will advise Enbridge Environment of the proper agency notification procedure and recommend a plan of action for the discovery area.

- (a) If the discovery area is under the jurisdiction of a federal permit and/or approval, or otherwise subject to federally mandated conditions, Enbridge Environment will advise the Responsible Federal Agency (“RFA”) of the resource and provide information regarding its significance and condition and integrity (see Section 3.1 below).

- (b) If the discovery is on state land, Enbridge Environment will first advise the land-managing agency of the resource and provide information regarding its significance, condition and integrity and, if directed by the land-managing agency, advise the appropriate State Archaeologist or Tribal Archaeologist (see Section 3.2 below).
- (c) If the discovery is on private land, its disposition will still be subject to the authority of the appropriate state routing agency. Enbridge Environment will advise the state routing agency of the resource and provide information regarding its significance, condition and integrity (see Section 3.3 below).

3.1 FEDERAL AGENCY JURISDICTION

- (a) Enbridge Environment will notify the RFA of the resource and provide information regarding its significance and condition and integrity.
- (b) Within 24 hours of notification, the RFA shall provide notice of the discovery to other parties who may wish to participate in consultation, including but not limited to the appropriate Fond du Lac tribal official (Tribal Historic Preservation Office [“THPO”]), state routing authority, state agencies (such as the MPUC), land-managing agencies, or private landowner(s), as applicable. After 24 hours, consultation for eligibility and effect with continue in order for avoidance and mitigation options to be developed.
- (c) The RFA shall have 5 calendar days following notification to determine the discovery’s eligibility for listing on the National Register of Historic Places (“NRHP”) in consultation with the appropriate THPO and other consulting parties. The RFA may extend the review period by an additional 7 calendar days by providing written notice to consulting parties prior to the expiration of the 5-day calendar period. The RFA shall provide Enbridge Environment with avoidance or mitigation treatment options by the end of the 5-day period.
- (d) For properties determined eligible for listing on the NRHP pursuant to (c) above, Enbridge Environment shall notify the RFA and other consulting parties of Enbridge’s proposed treatment measures to resolve adverse effects to the discovered resource. The consulting parties shall comment on the proposed treatment measures within 48 hours. The RFA shall ensure that the recommendations of the consulting parties are considered prior to granting approval of Enbridge-proposed treatment measures. Once approval has been granted by the RFA, Enbridge Environment shall carry out the approved treatment measures and, after doing so, Enbridge may resume construction.
- (e) In the event of any disagreements between the consulting parties regarding the NRHP eligibility of the newly discovered property or the treatment measures proposed to mitigate adverse effects to the property, the RFA shall seek and take into account the recommendations of the Advisory Council on Historic Preservation (“ACHP”). Within 48 hours of receipt of a request, ACHP shall provide the RFA with recommendations on how to resolve the dispute.
- (f) If, after consultation, the RFA determines that the discovery does not represent an NRHP-eligible resource, the RFA will direct Enbridge Environment to resume ground-disturbing activities at the discovery location at its discretion.

3.2 STATE LANDS

- (a) Enbridge Environment will notify the land-managing agency of the resource and provide information regarding its significance and integrity. If directed by the land-managing agency to do so, Enbridge Environment will advise the appropriate State Archaeologist and/or Tribal Archaeologist. The State/Tribal Archaeologist has the discretion to notify Native American tribal officials, state routing authority, and other state agencies as appropriate.
- (b) The land-managing agency will have 5 calendar days following notification to consult with the appropriate state archaeologist and other consulting parties, as necessary, about the assessment of the discovery to determine its eligibility, avoidance, and/or mitigation measures. NPS criteria of eligibility for listing on the NRHP may be considered as a guideline to determine the significance of the find and SHPO may be consulted during the assessment, but the state agency is not obliged to apply NPS standards in making its decision. The land-managing agency may assume the resource is eligible for listing on the NRHP while consultation occurs and may require avoidance, impact minimization, or mitigation. The land-managing agency shall provide Enbridge Environment with avoidance or mitigation treatment options by the end of the 5-day period.
- (c) For properties determined eligible for listing on the NRHP, Enbridge Environment shall notify the land-managing agency and other consulting parties of the treatment measures it proposes for resolving adverse effects to the resource. The consulting parties shall provide their views on the proposed treatment measures to Enbridge Environment, the land-managing agency and other consulting parties within 48 hours. The land-managing agency shall ensure that the recommendations of the consulting parties are considered prior to granting approval of Enbridge's proposed treatment measures. Once approval has been granted by the land-managing agency, Enbridge Environment shall carry out the approved treatment measures and, after doing so, Enbridge may resume construction.
- (d) If, after consultation, the land-managing agency determines that the discovery does not represent an NRHP-eligible or otherwise important resource, the land-managing agency will direct Enbridge Environment to resume ground-disturbing activities, at its discretion, at the discovery location.

3.3 PRIVATE LANDS SUBJECT TO STATE ROUTING AUTHORITY JURISDICTION

- (a) Enbridge Environmental Department will notify the state routing authority of the resource and provide information regarding its significance and integrity.
- (b) Within 24 hours of notification, the state routing authority shall provide notice of the resource to other parties, including, but not limited to, the appropriate THPO, the appropriate State Archaeologist, Native American tribal officials, state agencies, and private landowner(s), as applicable to comply with the permit and to notify the parties that the resource requires determinations of eligibility and effect in order to develop avoidance and/or mitigations options.
- (c) The state routing authority will have 5 calendar days following notification to consult with the appropriate SHPO and other consulting parties, as necessary, about assessing the

discovery. Criteria for eligibility for listing on the NRHP may be considered as a guideline to determine the significance of the find and THPO may be consulted during the assessment, but the state routing authority is not obliged to apply the standards in making its decision. The state routing authority may assume the resource is eligible for listing on the NRHP while consultation occurs and may require avoidance, impact minimization, or mitigation. Construction may not resume until the appropriate THPO or other consulting parties have developed avoidance or mitigation strategies and notified Enbridge Environment. The state routing authority shall provide Enbridge Environment with avoidance or mitigation treatment options by the end of the 5-day period.

- (d) For properties eligible for listing on the NRHP, Enbridge Environment shall notify the state routing authority and other consulting parties of the treatment measures it proposes to resolve impacts to the resource. The consulting parties shall provide their views on the proposed treatment measures within 48 hours. The state routing authority shall ensure that the recommendations of the consulting parties are considered prior to granting approval of Enbridge's proposed treatment measures. Once approval has been granted by the state routing authority, Enbridge Environment shall carry out the approved treatment measures and, after doing so, Enbridge may resume construction.
- (e) If, after consultation, the state routing authority determines that the discovery does not represent an NRHP-eligible or otherwise important resource, the state routing authority will direct Enbridge Environment to resume ground-disturbing activities, at its discretion, at the discovery location.

4.0 DISCOVERY OF HUMAN SKELETAL REMAINS

1. When unmarked human burial or skeletal remains are encountered during construction activities, Enbridge will comply with Minnesota's "Private Cemeteries Act" (Minnesota Statute ["Minn. Stat. "] §307.08).
2. In the event a human burial or skeletal remains are encountered during ground-disturbing construction activity, all construction shall immediately cease in the vicinity, and Enbridge Environment will implement the State-mandated notification procedure in Minnesota by notifying the local law enforcement agency (county sheriff). As required by Minn. Stat. §307.08 Enbridge Environment will also notify the Office of the State Archaeologist ("OSA") and Tribal Archaeologist of the find.
3. Enbridge Environment also shall promptly notify the RFA, land-managing agency, or state routing authority of the find and consult regarding the appropriate measures to handle the discovery.

After permission to resume construction has been issued by the RFA, land-managing agency, or state routing authority, Enbridge's Lead EI will advise the on-site construction manager to restart ground-disturbing activities.

5.0 TRAINING OF CONSTRUCTION PERSONNEL

Prior to construction, Enbridge will train workers about the need to avoid archaeological, historic and cultural properties, how to identify archaeological, historic, and cultural properties, and procedures to follow if undocumented archaeological, historic and cultural properties, including human burials and gravesites, are found during construction.

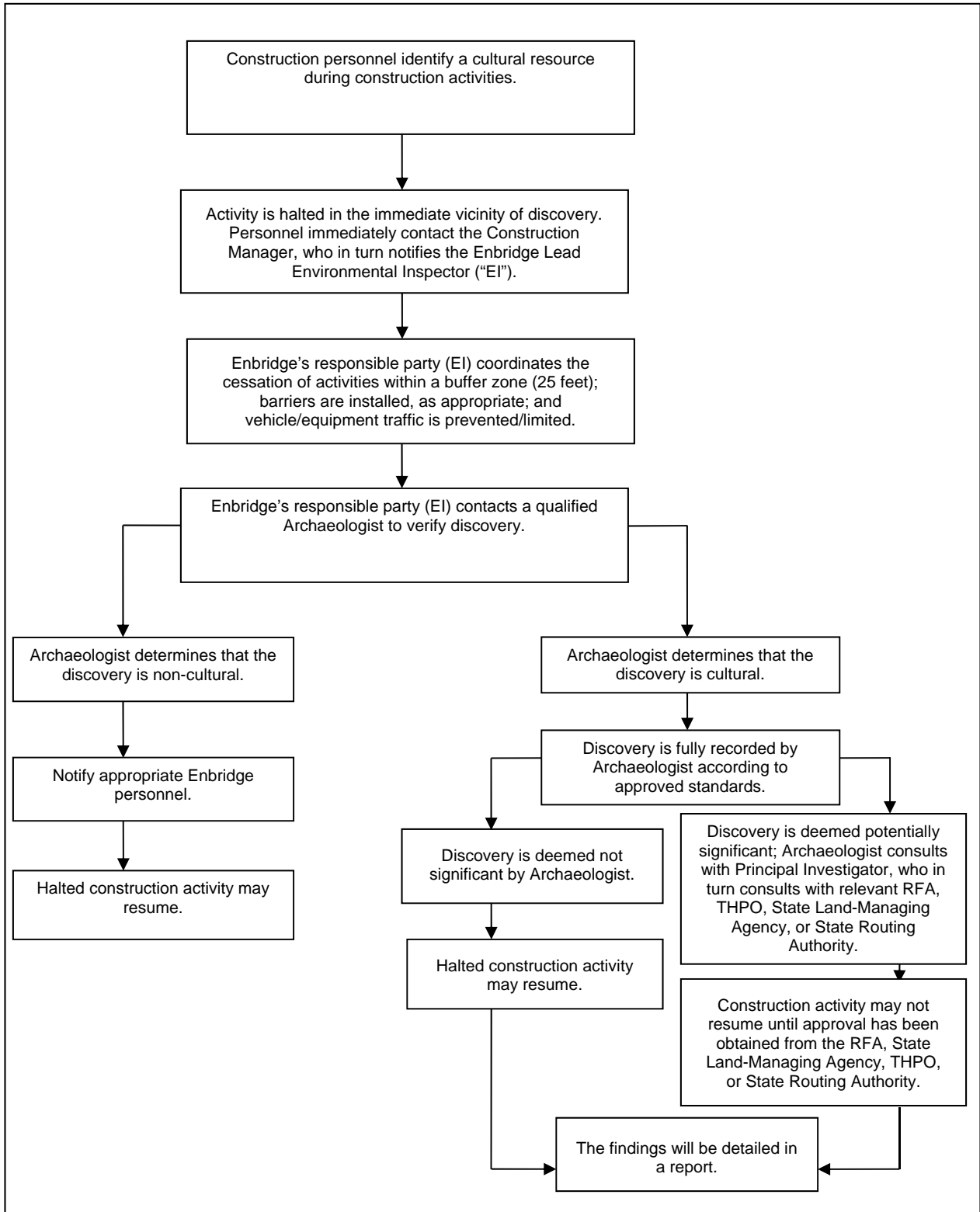
Appendix A
Contacts List

Contact List		
State/County/Agency	Contact	Address/Telephone
FEDERAL		
U.S. Army Corps of Engineers	Brad Johnson, St. Paul District Archaeologist	Contact info U.S. Army Corps of Engineers Centre 180 5 th Street East St. Paul, MN 55101-1638 Telephone: (651) 290-5201 E-mail: brad.a.johnson@usace.army.mil
U.S. Army Corps of Engineers	Nancy Komulainen-Dillenburg, St. Paul District Archaeologist	Contact info U.S. Army Corps of Engineers Centre 180 5 th Street East St. Paul, MN 55101-1638 Telephone: (651) 290-5201 E-mail: Nancy.S.Komulainen-Dillenburg@usace.army.mil
Bureau of Indian Affairs	Richard Berg, Midwest Regional Office Archaeologist	Contact info 5600 American Blvd W, Ste 500 Bloomington, MN 55437 Telephone: (612) 713-4400, ext. 1145 E-mail: richard.berg@bia.gov
Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee ("RBC")	Kevin DuPuis, Chairman	1720 Big Lake Road, Cloquet, MN 55720 Telephone: (218) 879-4593 Fax: (218) 879-4146 E-mail: kevindupuis@fdlrez.com
Fond du Lac Band of Lake Superior Chippewa Tribal Historic Preservation Officer ("THPO")	Jill Hoppe, THPO	1720 Big Lake Road, Cloquet, MN 55720 Telephone: (218) 878-7124 E-mail: JillHoppe@fdlrez.com
Minnesota Indian Affairs Council	Melissa Cerda, Cultural Resource Director	161 St. Anthony Ave, Suite 919 St. Paul, MN 55103 Telephone: (651) 276-2797 E-mail: melissa.cerda@state.mn.us
MINNESOTA		
Enbridge	TBD, Lead Environmental Inspectors	Cellphone: TBD E-mail: TBD
Minnesota State Historic Preservation Office	Amy Spong, Deputy SHPO	Minnesota State Historic Preservation Office Minnesota Historical Society 345 Kellogg Boulevard West St. Paul, MN 55102-1903 Telephone: (651) 259-3466 E-mail: amy.spong@mnhs.org
Office of the State Archaeologist	Amanda Gronhovd, Minnesota State Archaeologist	Office of the State Archaeologist Fort Snelling History Center 200 Tower Avenue St. Paul, MN 55111 Telephone: (612) 725-2411 E-mail: Amanda.Gronhovd@state.mn.us
Minnesota Geological Survey	Harvey Thorleifson, Director	Minnesota Geological Survey 2642 University Ave. St. Paul, MN 55114-1057 Telephone: (612) 627-4780, ext. 224
Minnesota Department of Natural Resources	TBD	500 Lafayette Rd., St. Paul, MN 55155 Telephone: E-mail:
Minnesota Public Utilities Commission	TBD	121 7th Place E, Suite 350 Saint Paul, MN 55101 Telephone: E-mail:

Contact List		
State/County/Agency	Contact	Address/Telephone
St. Louis	Ross Litman, County Sheriff	100 N 5th Avenue W Room 103 Duluth, MN 55802 Telephone: (218) 726-2340
Carlton	Kelly Lake, County Sheriff	317 Walnut Avenue Carlton, MN 55718 Telephone: (218) 384-3236

Appendix B
Unanticipated Discovery Flow Charts

Discovery of Historic Properties Flow Chart



Unanticipated Discovery of Human Remains Flow Chart

