

# **OVERLAND PASS PIPELINE PICEANCE LATERAL**

## **APPENDIX 3**

### **CULTURAL RESOURCES PROTECTION PLAN**

PREPARED FOR:  
BUREAU OF LAND MANAGEMENT

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## **1.0 INTRODUCTION**

This Cultural Resources Protection Plan (Plan) describes protection measures to be taken by Overland Pass Pipeline Company LLC (OPPC) and its contractors (Contractor) to avoid or minimize adverse impacts to cultural resources during construction and subsequent reclamation, restoration, and maintenance activities. Measures identified in this Plan apply to work within the project area defined as the right-of-way (ROW), access roads, temporary use areas, and other areas used during construction of the project. OPPC and Contractor personnel are to be thoroughly familiar with this Plan and its contents prior to initiating construction on the project.

### *1.1 Purpose*

The purpose of this Plan is to provide for the identification, evaluation, and treatment of cultural resources that may be impacted as a result of construction of the project. This Plan also defines the responsibilities and measures to preserve and protect cultural resources during construction of the project.

## **2.0 RESPONSIBILITIES**

### *2.1 OPPC*

- OPPC will employ standard operating procedures during construction to protect cultural resources. OPPC will:
- Provide cultural monitoring, as required by the BLM and SHPO's, by professional archaeologists during construction for project areas determined to be sensitive for cultural resources.
- Include specific language in the Contractor's specifications regarding trespass on sites and procedures to be followed during unexpected discovery.
- Use procedures described in Sections 4.0 and 5.0 of this Plan to deal with the inadvertent exposure of cultural resources during construction.

### *2.2 Contractor*

- The Contractor will be responsible for following the project procedures and requirements defined in this Plan during and after the exposure of cultural resources. The Contractor will be responsible for providing OPPC's Environmental Inspector with adequate advance notification of construction activities so that archaeological monitors can be deployed where required.
- If, in its operations, the Contractor damages, or is found to have damaged, any previously documented or undocumented historic or prehistoric cultural resources, OPPC agrees to have a permitted cultural resources consultant prepare and execute a Bureau of Land Management (BLM)-approved data treatment plan.

### *2.3 Environmental Inspector*

- OPPC's Environmental Inspector will monitor daily construction activities, and is responsible for ensuring pipeline construction activities comply with all design criteria requirements, permit conditions, and environmental specifications relating to cultural resources protection. This includes keeping track of construction activities and ensuring that monitors will be onsite when construction activities require cultural monitoring.

### **3.0 PRE-CONSTRUCTION ACTIVITIES**

#### *3.1 Inventory and Testing*

- A cultural resources survey will be conducted along the pipeline route and on any temporary use areas or other associated facilities affected by the project. Any sites field evaluated and recommended for listing on the National Register of Historic Places (NRHP) will either be avoided through pre-approved reroutes or mitigated for through an approved treatment plan. These plans will be approved by the BLM Authorized Officer prior to surface disturbance.

#### *3.2 Training*

- The Contractor will inform crews of requirements relating to cultural resource protection. Construction personnel who operate ground-disturbing equipment will receive special instruction on the types of archaeological remains that may be encountered and the procedures to be followed if they encounter buried archaeological deposits or features. Construction and other employees present on the right-of-way will be informed of both the Environmental Inspector's and Cultural Monitor's authority to halt work. Personnel will be informed that they are subject to prosecution for knowingly disturbing historic or prehistoric sites or for collecting artifacts. Violation may result in removal from the project and/or may result in civil or criminal penalties in accordance with the Archaeological Resources Protection Act of 1979 (as amended).

#### *3.3 Unanticipated Discovery Plan*

- Prior to the start of construction, an Unanticipated Discovery Plan (Attachment 1) will be approved by both the SHPO's and the BLM. This plan will identify the necessary measures that will need to be followed should a historic and/or cultural discovery be identified during and as a result of construction.

### **4.0 MONITORING AND REPORTING REQUIREMENTS**

Cultural resource monitoring, where required, will be conducted by Cultural Monitors (professional archaeologists) to ensure that aboriginal and historic cultural materials are preserved and to ascertain whether construction may continue after the unexpected discovery of any cultural materials.

#### *4.1 Monitoring*

- Cultural Monitors will monitor project construction through all areas determined to be sensitive for cultural resources. No ground disturbing construction activities in sensitive areas where monitors are required (topsoiling, grading, or trenching) will begin prior to their arrival. The Contractor is responsible for notifying OPPC's Environmental Inspector at least 72 hours in advance of areas requiring monitoring where identified on the following table, so that archaeological monitors can be deployed where required. The Contractor will be responsible for all construction delays due to insufficient notification. Areas requiring cultural monitoring are included in Attachment 1.
- Archaeological monitoring will consist of the examination of all ground disturbances (e.g. from clearing, grading, and trenching) within areas determined to be sensitive for cultural resources, especially trench walls and the surface of grade areas. Cultural monitoring will be conducted in two phases:
- Phase One-The first phase will involve monitoring of the construction zone after

vegetation clearing has occurred but prior to grading (which includes topsoiling) activities. The Cultural Monitor will follow the grading equipment looking for indications of shallowly buried cultural materials. Sites requiring monitoring during the ROW construction are provided in Attachment 1.

- Phase Two-The second monitoring phase will occur during pipeline trenching. The Cultural Monitor will follow the ditching equipment at a cautionary distance, allowing time for construction dust to settle and for visible detection of buried cultural features. At the request of the BLM, the entire trenchline will be inspected prior to the pipe being lowered into the trench.

#### 4.2 Reporting

- Cultural Monitors will document daily monitoring activities on daily monitoring report forms that will be delivered to the Environmental Inspector on a weekly basis. Cultural monitoring results will be reported on a weekly basis to the BLM Authorized Officer in a short letter report.

### 5.0 DISCOVERY REQUIREMENTS

#### 5.1 Cultural Resources

If cultural resources (artifacts, hearths, rock art, etc.) are discovered during construction, the Contractor will immediately stop work near the discovery. The following steps will be implemented when cultural resources are discovered (Also see Attachment 1):

- Cease earth disturbing activity within 100 feet of the discovery. The area will be secured until notified to proceed from the BLM Authorized Officer.
- Contact the BLM Authorized Officer, Environmental Inspector immediately. At the direction of the BLM, the Cultural Monitor will assess the nature of the discovery and determine the necessary course of action. If necessary, the Cultural Monitor will mark the area and recommend procedures to be implemented to avoid further site damage. OPPC will protect the discovery until proper mitigation procedures are completed.
- The BLM Authorized Officer will, within five working days, inform OPPC as to:
  - Whether the materials appear eligible for the NRHP,
  - Mitigation measures required before the site can be used (assuming in situ preservation is not practicable), and
  - A time frame for the BLM Authorized Officer to complete an expedited review to confirm, through the State Historic Preservation Officer (SHPO), that the findings of the BLM Authorized Officer are correct and mitigation is appropriate.

#### 5.2 Human Remains

If human remains are discovered during construction, the Contractor will be responsible for immediately stopping work near the discovery. The following steps will be implemented when human remains are discovered (Also see Attachment 1):

- Cease earth disturbing activity within 100 feet of the discovery. The area will be secured until notified to proceed from the BLM Authorized Officer.
- Contact the BLM Authorized Officer, Environmental Inspector, and Cultural Monitor, along with the relevant county coroner or sheriff, immediately. The BLM will notify the SHPO, as appropriate.
- Allow the Cultural Monitor to assess the nature of the discovery and determine the necessary course of action. If necessary, the BLM archaeologist will mark the area and recommend procedures to be implemented to avoid further site damage. OPPC will

protect Native American remains and objects until removal. It may be necessary for OPPC to provide 24-hour, onsite security as determined by the BLM.

- Report any funerary or associated funerary objects encountered during construction activities immediately to the BLM. Activities will cease in the immediate area of the discovery and the discovery will be protected for 30 days or until notified to proceed by the BLM Authorized Officer.

DRAFT

# **ATTACHMENT 1**

## **Monitoring and Cultural Resource Discovery Plan**

# PICEANCE LATERAL PIPELINE PROJECT

MONITORING AND CULTURAL RESOURCE DISCOVERY PLAN

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## **1.0 Introduction**

A monitoring and discovery plan is required to ensure that National Register-eligible sites (herein referred to as historic properties) not identified during Class III inventory are discovered and treated in a planned, systematic manner as prescribed by 36 CFR 800.11(a). Pursuant to 36 CFR 800.5, ground disturbance on historic properties, could be adverse, consequently requiring the completion of treatment measures to mitigate the adverse effect. This plan documents the procedures to be implemented for monitoring known onsite and offsite areas and for discoveries found during the construction of the Oneok's Piceance Lateral Pipeline project in Colorado and Wyoming. The monitoring plan identifies the monitoring locations and contains standards and procedures for the qualification and training of archaeological monitors and construction personnel, and for monitoring the right-of-way, ancillary facilities, and the open trench. The discovery plan includes procedures for the identification, protection, initial treatment, evaluation and treatment of discoveries (including discoveries of human remains), and also outlines procedures for coordination notification, and reporting. This plan will be made a part of the Construction and Operations Plan.

## **2.0 Qualification and Training of Archaeological Monitors and Construction Personnel**

### ***2.1 Archaeological Monitors***

Archaeological monitors will be under the supervision of permitted field supervisors. Monitors will be supervised by a lead monitor; each spread will have a lead monitor. The lead monitor will coordinate with BLM personnel for specific discovery scenarios described under the Discovery section. All archaeological monitors must have experience in excavation methods, either through an approved field school or through at least 30 days supervised experience in excavation. All monitors must attend an archaeological monitor training module prior to being assigned to monitoring, or, once construction has started, new monitors must be undergo on-the-job training under direct supervision of a permitted archaeologist for three field days prior to conducting any independent monitoring. Pipeline health and safety training will also be required. All monitors will report daily to the lead Environmental Inspector.

Archaeological monitors have the authority to halt construction at an archaeological discovery and, in some instances as described below, to authorize construction to resume. Archaeological monitors also have the authority to redirect but not halt construction, so that simple discoveries can be recovered. For potential paleontological discoveries found during the cultural monitoring (e.g., bone beds), the archaeological monitor can request that a paleontologist inspect the discovery.

### ***2.2 Key Construction Personnel***

All key construction personnel (Environmental Inspectors, supervisors, craft inspectors, and contractor foremen) will meet with Oneok representatives and the archaeological monitors for training and orientation prior to the start of construction activity. The training will be developed by Oneok representatives and the participating archaeologists. All new construction personnel added after construction begins will receive general training and orientation before working on-site. A list of participants will be kept by Oneok.

### *2.2.1 Training and Orientation*

Prior to starting construction activity, Oneok and the construction supervisors directly involved with the project will be informed of the stipulations provided in this plan. Those instructions will cover:

- the types of cultural resources that may be discovered during construction;
- the steps outlined in Section 4.2 regarding the protection of discoveries until such time as they can be properly evaluated by a qualified professional archaeologist;
- the need to treat any human remains that are encountered with dignity and respect;
- the steps outlined in Section 4.2 concerning the notification of the appropriate Oneok personnel;
- the necessity of reporting discoveries in a timely manner and complying with the other stipulations provided in this plan; and
- penalties for failure to report discoveries or to comply with the procedures outlined in this plan.

Construction supervisors will be trained by professional archaeologists about how to identify various cultural resources that might be found in the project area. Key Oneok personnel and archaeological monitors will have the monitoring and discovery plan on-site.

## **3.0 Monitoring Plan**

The monitoring plan includes the location of areas to be monitored; the methods to be used during monitoring of the right-of-way, ancillary facilities, and open trench; and the procedures for monitoring documentation.

### ***3.1 Monitoring Locations***

#### ***3.1.1 Right-of-Way and Ancillary Facilities***

The following areas are to be monitored during the initial right-of-way preparation: known significant sites, known areas with high potential for subsurface cultural resources as indicated by geomorphological data, and the immediate vicinities of significant sites outside the right-of-way that will be fenced and monitored as protective measures. Within those areas, monitoring will not be required when the ground surface predominantly consists of exposed bedrock. Ancillary facilities will be subject to the same monitoring procedures.

The previously undisturbed areas of significant sites that will be subjected to ground disturbance will be inspected during the blading effort so that shallowly buried cultural features can be identified and sampled (see Section 4.3). Monitoring will occur at all sites that are considered significant because of their potential scientific values, regardless of whether they are subjected to extensive archaeological data recovery during the preconstruction phase of archaeological investigations (Appendix B). Sites that are not eligible to the National Register of Historic Places (NRHP) will not be monitored, unless they occur within areas where geomorphological data indicates high potential for buried sites. The

NRHP-eligible sites where archaeological monitoring will occur are listed in the Treatment Plan.

Archaeologists will also monitor blading of the construction zone in areas where past archaeological monitoring has demonstrated the presence of buried cultural features. To ascertain the location of past monitoring discoveries, preliminary monitoring data from the REX and the WIC-PBL projects were examined. Only discoveries made during open trench inspections (OTI) were considered, because all portions of the REX and the WIC-PBL pipeline trenches were inspected by archaeologists, thereby providing a continuous sample. Both the REX and the WIC-PBL projects only monitored construction blading in areas thought to have high potential for sites, so frequencies of discoveries in bladed areas are biased towards inspected segments. In Colorado, only REX OTI data are considered (Reed et al. 2006), whereas in Wyoming, only WIC-PBL data are considered (Pool 2006). Only single projects were considered in each state because the REX and the WIC-PBL pipelines are intermittently collocated. To consider both projects along a collocated segment would result in twice the length of inspected trench compared to a segment where the pipelines were not collocated, which would bias the sample. The results are shown in Figure 1, which is organized by estimated Piceance Lateral mileposts. The REX and the WIC-PBL projects employed different mileposts, requiring a conversion to those of the Piceance Lateral project. Mileposts from different projects seldom precisely coincided, so the data in Figure 1 are rounded to the nearest mile.

Figure 1 illustrates that sites with buried cultural features are unevenly distributed along the pipeline corridor. No OTI discoveries were made along the pipeline corridor between Piceance Lateral mileposts (MP) 0 and 49. Many buried features were identified, however, between MP 49 and 93. Minor breaks occur between MP 72 and 76 and between MP 79 and 83, which tend to be ridge tops in the highlands north of Spring Creek. The area immediately north of the Little Snake River also revealed no buried trench features; none were identified between MP 93 and 119. The Colorado border is situated at approximately MP 94.5. Sites with buried cultural features are less common in Wyoming than Colorado, but do occur between MP 119 and 135.

Distributions of sites with features buried in pipeline trenches provide excellent indications of where archaeological monitoring of right-of-way blading should be productive. As shown in Figure 1, areas subjected to blading monitoring on the REX and WIC-PBL pipeline projects generally coincided with areas where OTI discoveries were documented, with the exception of the area between MP 83 and 93. Buried cultural features were found during OTI along that segment, but construction corridor blading was not subjected to archaeological monitoring.

In Colorado, the distribution of buried cultural features indicates that archaeological monitoring of blading of the construction corridor would be productive between MP 49 to 72, MP 76 and 79, and MP 83 and 93, for a total of 36 miles. In Wyoming, monitoring of blading is recommended between MP 119 and 135, a distance of 16 miles. Total length of recommended monitoring in both states is 52 miles (Figure 2). Actual milepost values should be adjusted when final milepost determinations are made by Oneok.

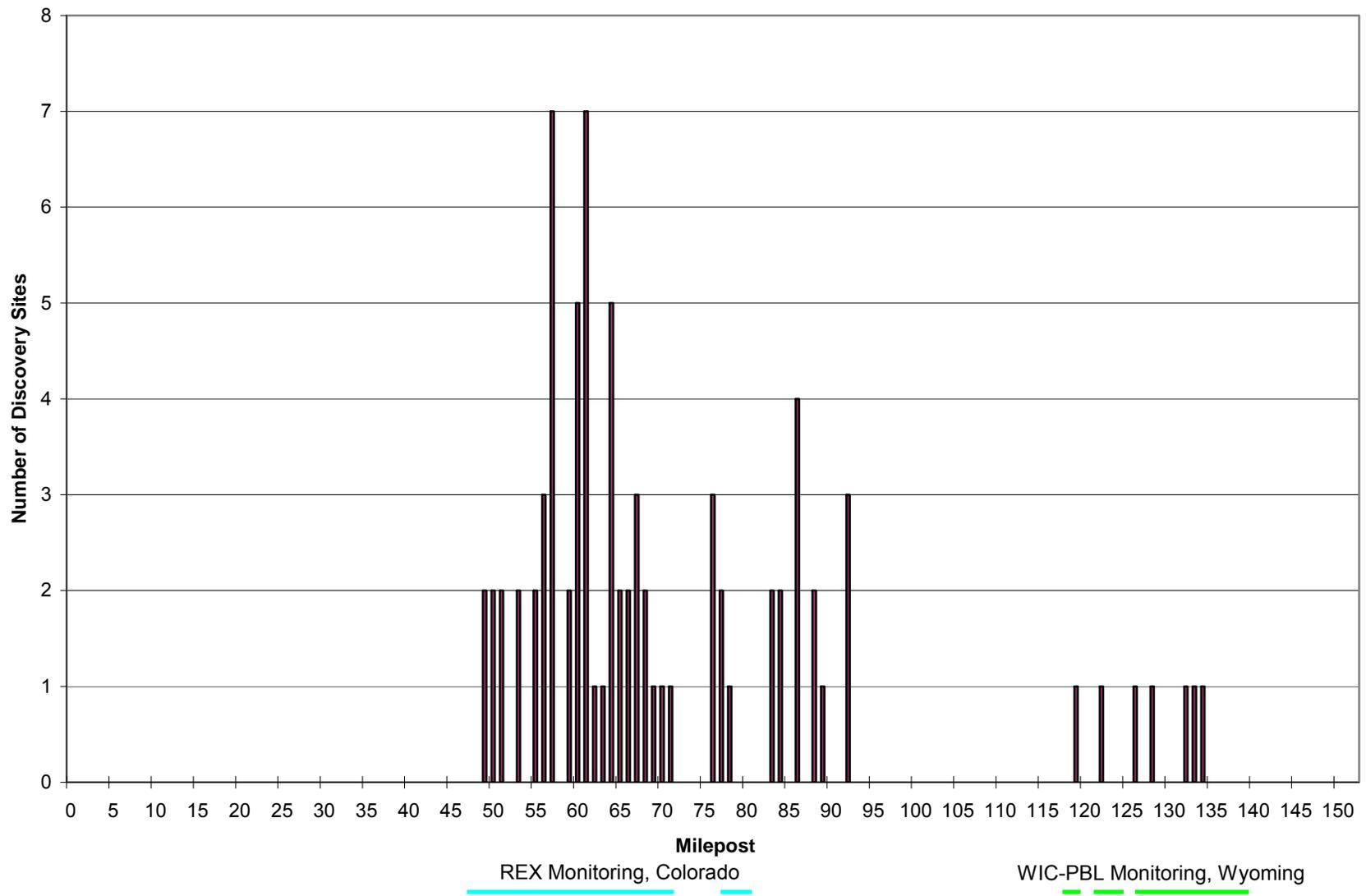


Figure 1. Location of sites where OTI discoveries were made, by Piceance Lateral milepost. Shown at bottom are ROW blading areas monitored.

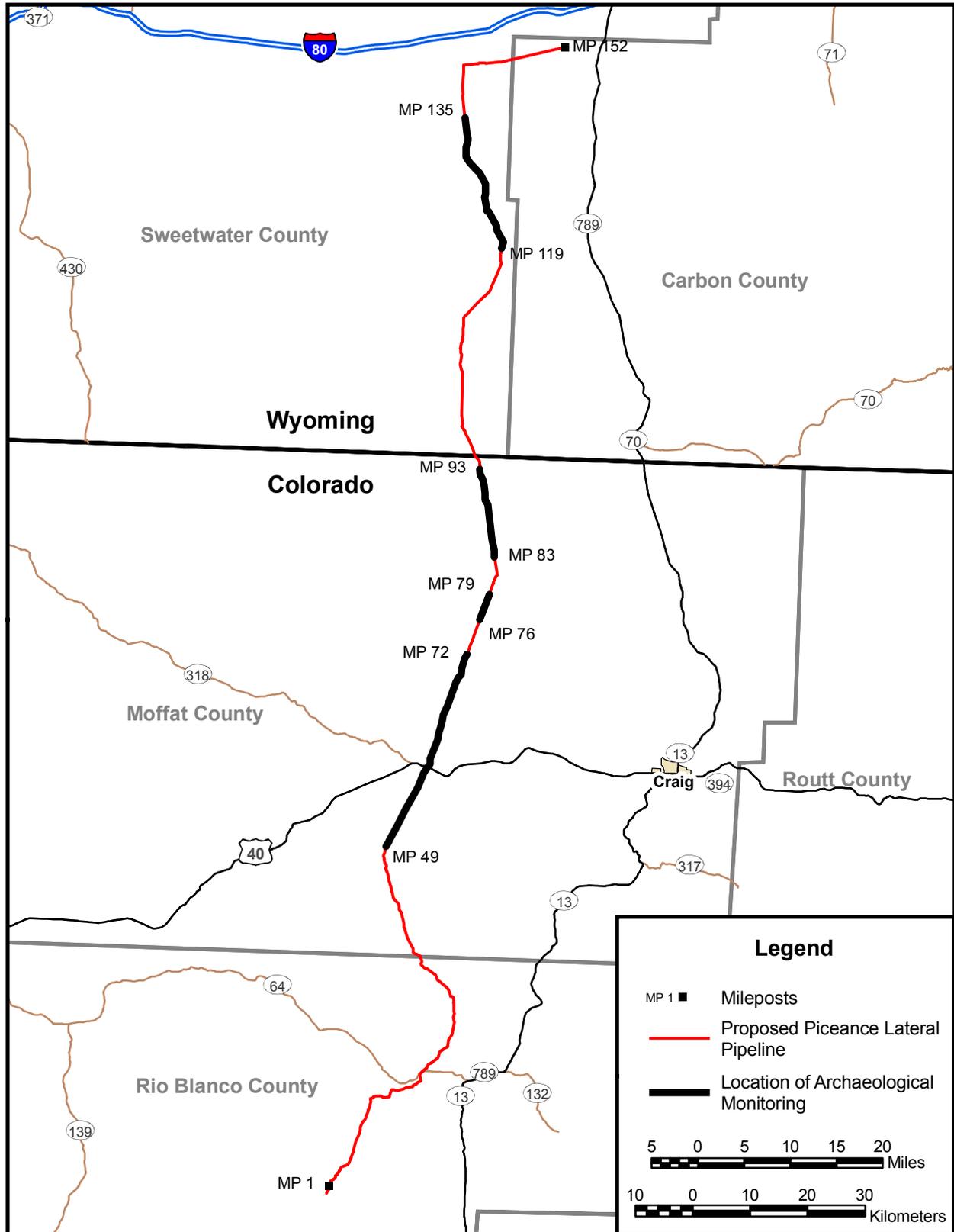


Figure 2. Area planned for archaeological monitoring of ROW construction.

### *3.1.2 Open Trench Inspection*

At the request of the BLM, the entire pipeline trench will be inspected by archaeological monitors. The lead archaeological monitor for each spread shall have the discretion to omit those segments where sediments are shallow or where bedrock is exposed at the surface. These areas will be identified through visual inspection and noted in monitoring records by mile post or engineering station.

## **4.0 Discovery Plan**

The discovery plan will be implemented upon discovery of a cultural resource during monitoring of the right-of-way, ancillary facilities, and open trench. The plan includes the methods to be used in discovery, protection, recording and treatment, evaluation, coordination and notification, and reporting.

### **4.1 Identification**

Cultural resources may be discovered by either construction personnel or by archaeological monitors. As discussed in Section 2.2, construction personnel will be instructed about the types of archaeological materials present in the project area and about notification procedures.

#### *4.1.1 Right Of Way and Ancillary Facilities*

One or more archaeological monitors will observe the pipeline right-of-way during grading of those locations identified for monitoring where machinery is actively involved in ground disturbance activities. The archaeological monitors will view the ground disturbance, as it occurs, to identify cultural resources exposed by construction equipment. Construction surfaces and back dirt piles will be inspected for evidence of artifacts, cultural features, stained occupation surfaces, concentrations of animal bone, or human remains. When suspected cultural features are identified, it may be necessary for the archaeologist to shovel skim so that a positive identification can be made. Shovel skimming will consist of removing thin layers (ca. 1 cm per layer) of sediment across the suspected feature to remove disturbed soils or stained soil above features resultant from natural agents of soil mixing. Shovel skimming does not involve standard archaeological provenience controls, and may or may not involve sediment screening, depending on the objectives of the exploratory effort.

Archaeological monitoring within known sites will focus on the discovery of cultural features. Construction will not be stopped for exposed artifacts, except for artifact concentrations. When previously unidentified cultural resources are observed during right-of-way preparation, construction will be halted or redirected at that location to allow the archaeological monitor to safely examine the exposed cultural resources. Steps will be taken to protect the discovery until treatment is completed, as described below in Section 4.2. These cultural resources will be recorded, evaluated, and treated by an archaeological monitor as discussed below in Section 4.0.

The archaeological monitor will locate the cultural resources with a GPS instrument and in relation to cadastral monuments or site datums. The archaeological monitor will immediately evaluate the contextual and morphological integrity of any cultural staining or features and immediately excavate those expected types of simple cultural features or activity areas that retain sufficient integrity to contribute to the project's research design.

Once the discovery has been evaluated and treated, the resumption of construction at the discovery location will be authorized. If a discovery is determined by the archaeological monitor to be noncultural, construction will immediately resume.

#### *4.1.2 Open Trench*

Monitoring will be conducted after trenching has been completed but before the pipe is laid. No attempt will be made to monitor the actual trench excavation. Construction need not be halted for cultural resources that may be encountered in the course of pipeline trenching.

One or more archaeologists will inspect the pipeline trench. Both walls will be examined by walking on either side of the trench and examining the opposite trench wall. This will occur prior to the placement of the pipe in the trench. Lowering of pipe and backfilling of the trench will only be allowed after the archaeological inspection has been completed. Inspection will consist of an examination of both trench walls and spoil piles for evidence of artifacts, cultural features, stained occupation surfaces, concentrations of animal bone, or human remains. For safety reasons, examination of trench walls will be conducted from the ground surface. Trench spoil will not be screened, but uncontrolled collection of artifacts may occur from back dirt piles, as may the collection of charcoal and/or stained sediment for possible radiocarbon dating.

The archaeological monitor will record the location of the cultural resources using the same process as described in Section 4.3.1.3 below.

#### *4.1.3 Human Remains*

Construction personnel may encounter obvious or possible human bones in the project area as a result of earth-moving activities. When suspected human bones are encountered, construction procedures outlined in Section 4.2.2 must be followed. Archaeological monitors may discover human remains during construction corridor blading or cut and fill efforts, in the open pipeline trench or its spoil. Archaeological monitors will also inspect possible human remains found by construction personnel to determine their origin.

### **4.2 Steps to Protect Discovery**

#### *4.2.1 Feature Discoveries*

Appropriate measures will be taken to protect the discovery from further disturbance until an archaeological monitor has fully documented, evaluated, and completed treatment of the discovery. When a discovery is encountered by construction personnel or by Construction or Environmental Inspectors, the construction activity that resulted in the exposure of the discovery will be immediately halted, followed as soon as possible by the cessation of all other ground-disturbing activity within 300 ft (91 m) of the discovery. After all construction activity within 300 ft (91 m) of the discovery has been halted, the following steps will be taken to ensure that no further disturbance occurs to the discovery:

1. secure an area at least 30 ft in diameter around the discovery using orange safety fencing or a similar material (e.g., t-posts and flagging), as necessary; and
2. redirect vehicle traffic around the area immediately surrounding the discovery. Remove vehicles and equipment already present in the area.

Marking and barricades will be used only when the location to be protected is both close to construction operations and sensitive to disturbance.

If a discovery is made by an archaeological monitor, the archaeological monitor will take steps to protect the discovery until it can be recorded, assessed and, possibly, treated. The archaeological monitor will have the flexibility to enact whatever level of protection is necessary, ranging from halting of construction to temporary redirection of heavy equipment away from the discovery's location. If the discovery is an expected type that can be quickly treated (e.g., a simple feature), it may be sufficient to redirect construction equipment away from the discovery to permit archaeologists to safely record and treat it. When feature treatment is completed, in these cases, the archaeological monitor will direct construction personnel to resume work at the discovery's location. In cases where discoveries are complex, such as when complex features or clusters of simple features are found, it may be necessary to halt construction to ensure protection. Depending on the nature of the discovery and the position of construction equipment, it may be possible to halt construction equipment in-place until the discovery is assessed. In other cases, it may be necessary to halt construction and to remove construction equipment from the discovery location, and to fence the discovery location until treatment is completed. When treatment of the discovery is completed, the archaeological monitor will direct the Construction or the Environmental Monitor to resume construction at the discovery location.

It may be necessary for Oneok to provide 24-hour, on-site security for discoveries as determined by the BLM or SHPO.

#### *4.2.2 Human Remains*

If any possible human remains are discovered, the construction activity which resulted in the exposure of the discovery will be immediately halted, followed by the cessation of other construction-related activity within 300 ft (91 m) of the discovery. After construction has been halted, construction personnel will promptly vacate the 300 ft (91 m) buffer zone. Vehicles may be removed from the buffer zone or may be left in place until an archaeological monitor determines whether the bones are human. If the remains are determined to be human, vehicle traffic within the buffer zone will be limited to that necessary to remove vehicles and equipment from the buffer zone. Care will be taken to prevent any disturbance of the potential human remains during removal of vehicles and equipment. Steps will be taken to stabilize the human remains, if necessary. As a result of consultation, the 300 ft (91 m) buffer zone may be expanded, if necessary. It may be necessary for Oneok to provide 24-hour, on-site security for discoveries of human remains as determined by the BLM. After all construction activity has been halted and the appropriate personnel have been notified, steps will be taken to ensure that no further disturbance occurs to the discovery.

### **4.3 Recording and Treatment**

#### **4.3.1 Feature Discoveries**

Archaeological monitors will investigate areas of suspicious staining to determine its origin and cultural association, document the presence or absence of living surfaces or activity areas associated with features, assess the discovery's importance relative to project research goals, and obtain additional information to help in development of a data recovery plan and in the placement of data recovery excavation blocks, if necessary.

The discoveries can be classified into two major types: expected and unexpected discoveries. Expected discoveries will constitute the majority, if not all, of discoveries. These will consist of artifact concentrations and cultural features similar to those encountered on the CIG/UBL (see Metcalf Archaeological Consultants n.d.), REX (Reed et al. 2006), and WIC-PBL pipeline projects. During these previous pipeline projects, hundreds of cultural features were identified during archaeological inspection of the open pipeline trench. Many occurred outside of known site boundaries in areas covered by more recent eolian and alluvial sediments. Discovered features were dominated by thermal features, such as hearths and roasting pits, but basin houses and other anthropogenic charcoal stains were also documented. These features were often associated with stone artifacts, fire-cracked rock, and faunal remains. Because the planned Oneok pipeline corridor parallels these other pipelines along most of its extent, it is very likely that additional pipeline construction will expose additional thermal features, basin houses, charcoal-stained sediments, artifacts, and ecofacts, probably in frequencies similar to those of the previous pipeline projects.

Unexpected discoveries would consist of types of archaeological remains not typically encountered in the vicinity of the project corridor. These types of remains would also be outside the scope of the project's research design. Examples of unexpected discoveries might include a large bison kill site, a Fremont village, or a rockshelter containing perishable materials. As described below, the process for reporting, consultation, and data recovery will vary, depending whether an expected or an unexpected discovery is made.

Most discoveries will consist of cultural features that will be classified as either simple or complex. Simple cultural features will include small pit features, such as hearths, roasting pits, storage pits, and discard areas representing prehistoric removal of thermal feature fills. Complex cultural features will include basin houses and similar prehistoric residential architecture as well as any cultural feature within the context of multiple cultural strata.

Discoveries identified as cultural by archaeological monitors during blading of the right-of-way and ancillary facilities and open trench monitoring will be marked for relocation and assessed for treatment. During active monitoring, artifacts, areas of cultural staining, and features will be marked by pin flags or flagging to allow for re-location. For discoveries made during the monitoring of blading activities recording will be concurrent with discovery and treatment. During open trench inspections, recording will occur after each discovery location has been evaluated. As discussed in Section 4.3.1.1.2, below, only a sample of deeply buried features discovered during open trench inspection will be excavated.

#### 4.3.1.1 Procedures for Treating Expected Discoveries

Upon discovery, all features and activity areas will be assessed for integrity, cultural context, and vulnerability to further damage. Archaeological monitors will have the authority to redirect construction around the discoveries and immediately excavate the features. Treatment of expected discoveries during construction monitoring will not involve consultation with agencies. Threatened features or cultural levels that meet project research design needs will be treated prior to the next stage of construction. Non-threatened resources will be added to the pool of sites considered for post-construction data recovery. All expected discoveries will be reported in weekly progress reports.

##### 4.3.1.1.1 Discoveries from Blading of ROW and Ancillary Facilities

Right-of-way blading will usually be shallow. In some topographic settings, however, it may be necessary to cut and fill to prepare the construction corridor, which may involve deeper excavations. Monitoring methods will be the same in both instances, as will treatment of expected discoveries.

Simple cultural features, such as hearths, roasting pits, and storage pits, can be excavated relatively quickly and construction allowed to proceed. If complex features are discovered during blading, vulnerability to further impacts will be carefully assessed. If further impacts to the feature can be prevented, then the feature will be stabilized or avoided and added to the pool of sites considered for post-construction data recovery. If the complex feature is vulnerable to additional disturbances, then it will be excavated as soon as possible.

The focus of the excavation of simple features will be to recover radiocarbon, macrobotanical, and other ancillary study samples. If the feature is exposed by blading, it is likely that the associated occupation zone has been removed. In those cases, the feature's plan view will be exposed, the feature will be bisected so that a profile can be drawn (if a sufficient portion of the feature remains for the profile to be informative), and the fill will be removed. The focus of the excavation of complex features will be to salvage architectural or other important data. When the archaeological treatment is completed, then the archaeological monitor will notify the on-site environmental inspector that the construction may proceed at the discovery's location. As in all cases, discoveries will be reported in weekly progress reports.

##### 4.3.1.1.2 Open Trench Discoveries

Shallowly buried features, those encountered less than 30 cm below the edge of the pipeline trench, are generally in danger of damage from later stages of construction and will need assessment and treatment prior to further stages of construction. More deeply buried resources, those in the trench at depths greater than 30 cm, are generally not directly threatened by pipe lowering and backfilling, and thus can be treated in the post-construction phase. In some cases, however, features deeper than 30 cm may be threatened by slumping and need immediate treatment.

If the shallow feature is exposed in the pipeline trench, then an excavation unit just large enough to encompass the feature will be excavated. The feature's profile will be photographed and mapped. Sediments will be screened to ascertain whether artifacts are associated with the feature. The feature will then be excavated to expose the plan view. A

second profile will be drawn if the profile in the trench does not adequately depict the feature's shape.

Most deeply buried features will not be excavated during the project's monitoring phase. Examples of features that will not be immediately excavated include features that are unlikely to be further damaged by construction and that can be attributed to a general period on the basis of stratigraphic context. The sites containing these features will be added to the pool of significant sites from which a sample will be selected for archaeological data recovery during the post-construction phase of investigations.

If the relative ages of deeply buried features can be determined from stratigraphic contexts, then only a sample of features will be subjected to radiocarbon dating. Features within or below strata indurated with a calcium carbonate probably date to the Paleoindian era, and those in the Spring Creek Paleosol probably date to the Archaic era's Transitional and Settled periods. Features will be selected for radiocarbon dating if they contain a high carbon content, because analyses of bulk soil samples do not provide reliable dates.

One objective of open trench monitoring is to identify Paleoindian components that may be considered for archaeological data recovery during the postconstruction phase. Past pipeline projects (CIG-UBL, REX, and WIC-PBL) have tended to collect radiocarbon samples from relatively shallow cultural features identified during monitoring, because of safety issues. This has resulted in a bias against radiocarbon dating of the older cultural deposits. To reduce this bias and maximize the chances that Paleoindian components are identified, archaeological monitors will emphasize the collection of deeply buried cultural features. Monitoring on previous pipeline projects have shown that the deepest cultural deposits are in areas of eolian deposition in the general vicinity of the Yampa River in Moffat County. Recovery of deeply buried cultural deposits will, therefore, focus along Bob Hughes/Deception Creek and Spring Creek, between project mileposts 48.2 and 71.5. Backhoes or shoring materials will be available to the archaeological monitors inspecting the open pipeline trench over this 23.3-mile-long segment so that archaeologists can safely enter the trench and remove deeply buried radiocarbon samples from the trench wall.

#### 4.3.1.2 Procedures for Treating Unexpected Discoveries

The procedures described in this section pertain to discoveries made during construction zone blading, construction of ancillary facilities, and open trench inspections. Once an unexpected discovery is identified, measures will be taken to prevent further disturbances. Depending on the nature and location of the unexpected discovery, these measures may include halting construction in the vicinity of the discovery, fencing of the discovery and a buffer area to redirect vehicular traffic, or posting a security guard. The BLM and SHPO will be contacted. Archaeological monitors will record the discovery in the manner consistent with Class III inventory methods, though test excavations may be necessary to evaluate the discovery (see Section 4.3.1.4). Once the nature of the discovery and its vulnerability to further construction-related impacts are understood, Oneok and agency archaeologists will consult about site treatment. For discoveries on BLM lands, the archaeological monitor will notify the BLM Field Office Manager by telephone no more than 12 hours after the discovery (if on BLM lands), with written follow-up within 36 hours. The archaeological monitor, in consultation with the BLM field office archaeologists and SHPO, will determine site eligibility and identify treatment options. Site treatment may include site avoidance,

immediate archaeological data recovery, or consideration during the post-construction phase of data recovery.

#### 4.3.1.3 Procedures for Marking Unexcavated Discoveries

In some cases, expected or unexpected discoveries may be left unexcavated during the monitoring phase. Some of these discoveries will be selected for archaeological data recovery during the project's postconstruction phase of archaeological investigations. Because the discoveries will be obscured by backfilling of the pipeline trench, means to expeditiously relocate them must be effected. This will be accomplished by collecting GPS data for the discovery location, using a highly precise GPS unit, such as the Trimble Geo XT. Reference stakes will also be placed. The reference stakes will consist of two wooden survey stakes that will be set outside the Piceance Lateral construction corridor in areas where disturbance is unlikely. Metal nails will be placed at the base of the stakes. Where possible, the two stakes will be placed on the same side of the pipeline trench as the discovery. They will be set several meters apart and will precisely align with the discovery.

#### 4.3.1.4 Evaluation of Discovery

It will not be necessary to immediately evaluate expected discoveries for NRHP eligibility because these discoveries fit into the established research design for the project and, for the purposes of this plan, will be treated as if they were eligible. Because expected discoveries are assumed to have research potential, at least in the form of radiocarbon dates and macrobotanical samples, recovery of expected discoveries during the monitoring and post-construction data recovery phases is justified. Unexpected discoveries can be evaluated following the standards and format used for evaluating sites during the Class III inventory phase of the project. Each unexpected discovery will be assessed for significance using the NRHP eligibility criteria identified in 36CFR60. Significance recommendations for all unexpected discoveries will be presented in the Monitoring Report. Unexpected discoveries that are determined NRHP-eligible by the reviewing agencies will be added to the pool of sites considered for archaeological data recovery during the post-construction phase.

The significance of all discovery sites, both expected and unexpected, will be reexamined in the final technical report of data recovery efforts. Discoveries within the Bob Hughes-Deception Creek, Yampa River-Spring Creek, or Little Snake River areas will be examined as elements within National Register-eligible districts. Eligibility standards will be established for each district, and individual sites will be assessed for eligibility based on what has been learned during treatment.

#### 4.3.2 *Human Remains*

When archaeological monitors or construction personnel identify possible human remains, construction will be immediately halted at that location. If construction personnel make the discovery, they will immediately notify the construction supervisor, who will notify the environmental inspector of the discovery. The inspector will notify the archaeological monitor as soon as possible. If an archaeological monitor makes the discovery, the monitor can halt construction. The construction and environmental inspectors and archaeological monitors have the authority to halt construction in the event of discovery of human remains.

If human remains are encountered during construction, appropriate and immediate measures will be taken to protect the discovery from further disturbance until it has been fully evaluated and the appropriate treatment of the discovery (if any) has been completed by a qualified archaeologist.

#### **4.4 Coordination and Notification Procedures**

##### **4.4.1 Non-Human Discoveries**

###### **4.4.1.1 Construction Personnel**

Figure 3 summarizes the procedures to follow for discoveries that are not human remains. Persons involved in the discovery will immediately notify a Construction Supervisor (or designated substitute) who will immediately notify the Environmental Inspector, who will then contact an archaeological monitor, who will determine the nature of the discovery. If the archaeological monitor determines that the discovery is noncultural, the Environmental Inspector will be notified and authorization will be given to resume construction.

###### **4.4.1.2 Environmental Inspector**

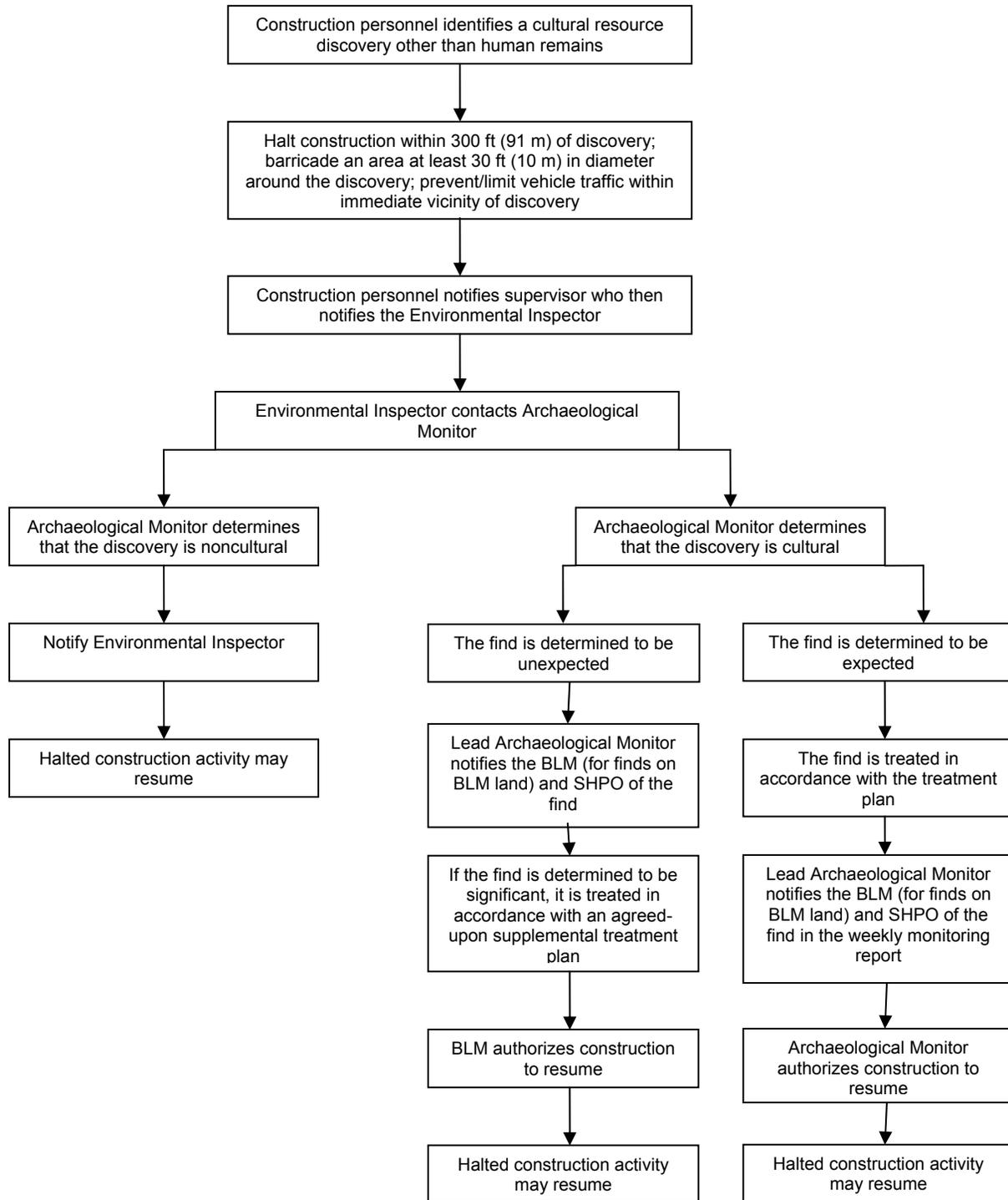
Construction personnel will report possible discoveries of cultural resources to the Environmental Inspectors. The inspectors have the authority to halt construction in the immediate vicinity of the discovery upon notification of the discovery. The inspector(s) will immediately notify the archaeological monitor so that the archaeological monitor can determine whether a discovery is cultural. The inspectors will also release discovery locations for further construction when notified by the archaeological monitor that treatment of expected discoveries has been completed.

###### **4.4.1.2.1 ROW and Ancillary Facilities**

In addition to the duties listed in the preceding section, the Environmental Inspectors will also assure that archaeological monitors are present during construction blading within significant cultural resource sites designated for monitoring and in areas where geomorphological data indicate high potential for buried cultural resources.

###### **4.4.1.2.2 Open Trench**

Construction will not be halted when suspected cultural resources are found along trenches excavated by trenching machines, because excavated areas are not visible until the trenching mechanism is several meters beyond the visible portion of the trench. Inspectors will, however, immediately contact the archaeological monitor when suspected cultural resources are exposed by the trenching machine.



**Figure 3. Procedures for Dealing with Cultural Resource Discoveries by Construction Personnel (if human remains, see Figure 4).**

#### 4.4.1.3 Archaeological Monitor

Archaeological monitors will coordinate with Construction Supervisors and Environmental Inspectors. Archaeological monitors will inspect suspected cultural discoveries reported by construction personnel or by inspectors to determine whether cultural resources are represented. If the archaeological monitor determines that the discovery is neither cultural nor paleontological, the monitor will notify the Construction Supervisor or inspector that construction may resume. If the archaeological monitor determines that cultural resources are represented, then coordination and notification will proceed according to the guidelines in the subsequent sections of this plan.

The archaeological monitor will also identify discoveries during open trench inspections and during monitoring of ROW blading and similar construction efforts. When the archaeological monitors identify expected or unexpected discoveries or human remains, they will coordinate with inspectors and agency personnel as described in the Section 4.4 of this plan.

Archaeological monitors have the authority to stop construction so that suspected or actual discoveries can be inspected, recorded, evaluated, and, in many cases, treated. Discoveries requiring halting of construction will occur during blading of the pipeline corridor. Pipeline trenching will not be halted because trenching machines pass beyond impacted cultural features before they can be detected. Archaeological monitors will record discoveries in a daily log.

#### 4.4.1.4 *Non-Human Cultural Resource Discoveries in ROW and Ancillary Facilities*

##### 4.4.1.4.1 *Expected Discoveries*

If the archaeological monitor determines that the find is cultural, the recordation and evaluation procedures outlined in Section 4.3 will be followed. The recording and evaluation procedures outlined in the research design for the Class III inventory will be followed. Information about discoveries will be recorded on daily logs and will be summarized in weekly progress reports.

Various types of expected discoveries will be identified by archaeological monitors both on and off of known site locations. Within the boundaries of known sites, archaeological monitors will halt construction for cultural features and artifact concentrations so that they may be recorded. Outside of known site boundaries, archaeological monitors will halt construction so that they can adequately record, assess and, possibly, treat artifacts, artifact concentrations, and cultural features. Treatment approach will carefully consider the discovery's vulnerability to further construction-related or erosional damage. The archaeological tasks to be completed at these discoveries and the necessary coordination include:

Isolated Finds: Archaeological monitor completes recordation and notifies the Construction Supervisor to resume construction.

Artifacts Only Outside of Known Site Locations: The archaeological monitor will secure the area and will notify the inspectors. The archaeological monitor will record and evaluate the discovery, and then will notify the Construction Supervisor to resume construction.

Simple Features: The archaeological monitor will secure the area and will notify the inspectors. The monitor will then record, evaluate, and treat the discovery. The archaeological monitor will then notify the Construction Supervisor to resume construction.

Complex Features: The archaeological monitor will secure the area and will notify the inspectors. The monitor will then record, evaluate, and treat the discovery. The archaeological monitor will then notify the Construction Supervisor to resume construction.

4.4.1.4.2 Unexpected Discoveries

When unexpected discoveries are made on BLM lands, the archaeological monitor will notify the BLM Field Office Manager by telephone no more than 12 hours after the discovery, with written follow-up within 36 hours. The Field Office Manager may elect to delegate this consultation task to the Field Office Archaeologist. Agencies will not be notified when expected cultural resources or isolated finds are encountered, except in weekly progress reports. The archaeological monitor, in consultation with the BLM field office archaeologists and SHPO will determine site eligibility and identify treatment options. Table 1 lists the contacts to be notified in the event of the discovery of an unexpected cultural resource.

**Table 1. Agency Contact Information.**

<b>BUREAU OF LAND MANAGEMENT CONTACT INFORMATION</b>					
<b>Name</b>	<b>Title/Agency</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>E-Mail</b>
Dan Haas	Archaeologist – Bureau of Land Management	303-239-3647	303-239-3808	Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-	dan_haas@blm.gov
John Husband	Little Snake Field Office Manager	970-826-5000	970-826-5002	Little Snake Field Office 455 Emerson Street Craig, CO 81625	john_husband@blm.gov
Robyn Morris	Archaeologist – Bureau of Land Management	970-826-5095	970-826-5002	Little Snake Field Office 455 Emerson Street Craig, CO 81625	robyn_morris@blm.gov
Kent Walter	White River Field Office Manager	970-878-3802	970-878-3805	White River Field Office 73544 Highway 64 Meeker, CO 81641	kent_walter@co.blm.gov
Michael Selle	Archaeologist – Bureau of Land Management	970-878-3829	970-878-3805	White River Field Office 73544 Highway 64 Meeker, CO 81641	michael_selle@blm.gov
Mark Storzer	Rawlins Field Office Manager	307-328-4200	307-328-4224	Rawlins Field Office 1300 N. Third Rawlins, WY 82301	mark_storzer@blm.gov
Patrick Walker	Archaeologist – Bureau of Land Management	307-328-4317	307-328-4224	Rawlins Field Office 1300 N. Third Rawlins, WY 82301	patrick_walker@blm.gov
<b>COLORADO STATE HISTORIC PRESERVATION OFFICE</b>					
<b>Name</b>	<b>Title/Agency</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>E-Mail</b>
Shina duVall	Coordinator for Compliance		303-866-2711	Office of History & Arch. Colorado History Museum 1300 Broadway Denver, CO 80203	Shina.duvall@chs.state.co.us
<b>WYOMING STATE HISTORIC PRESERVATION OFFICE</b>					
Richard L. Currit	Sr. Archaeologist Review and Federal Consultation	307-777-5497	307-777-6421	Wyoming SHPO Dept. of State Parks and Cultural Resources 2301 Central Avenue Cheyenne, WY 82002	rcurri@state.wy.us

#### *4.4.1.5 Non-Human Cultural Discoveries in the Open Trench*

Construction will not be halted for discoveries in the open trench. Archaeological monitors will record, evaluate, and, depending on feature vulnerability to further damage, complexity, and accessibility, treat the discoveries. Discoveries will be reported in weekly progress reports.

#### *4.4.2 Discovery of Human Remains*

##### *4.4.2.1 Human Remains Discoveries in ROW/Ancillary Facilities and Open Trenches*

###### *4.4.2.1.1 Construction and Environmental Inspectors*

Construction will not be halted when suspected human remains are found within trenches excavated by trenching machines, because excavated areas are not visible until the trenching mechanism is several meters beyond the visible portion of the trench. Inspectors will, however, immediately contact the archaeological monitor when suspected human remains are exposed by the trenching machine.

The procedures concerning coordination and notification are summarized in Figure 4. The step described in Figure 4 pertaining to halting construction does not concern open trenches, but does concern discoveries of human remains in all other settings. It is important that human remains be protected from further construction disturbances. Upon notification by the archaeological monitor, efforts will be made to secure the discovery area. The steps to protect the discovery will include:

- ensuring that no ground disturbing construction activity resumes within 300 ft (91 m) of the discovery; and
- preventing vehicle traffic through that portion of the area of the undertaking beyond that necessary to remove vehicles and equipment already within the area.

The measures to protect the human remains and any associated artifacts will remain in effect until Oneok has received notice from the BLM Project Manager (for discoveries on BLM land) or the SHPO to proceed with the construction activity in the buffer zone. For discoveries on BLM land, the BLM Project Manager or Oneok will notify the Environmental Inspector and the Construction Supervisor to resume construction.

###### *4.4.2.1.2 Archaeological Monitor*

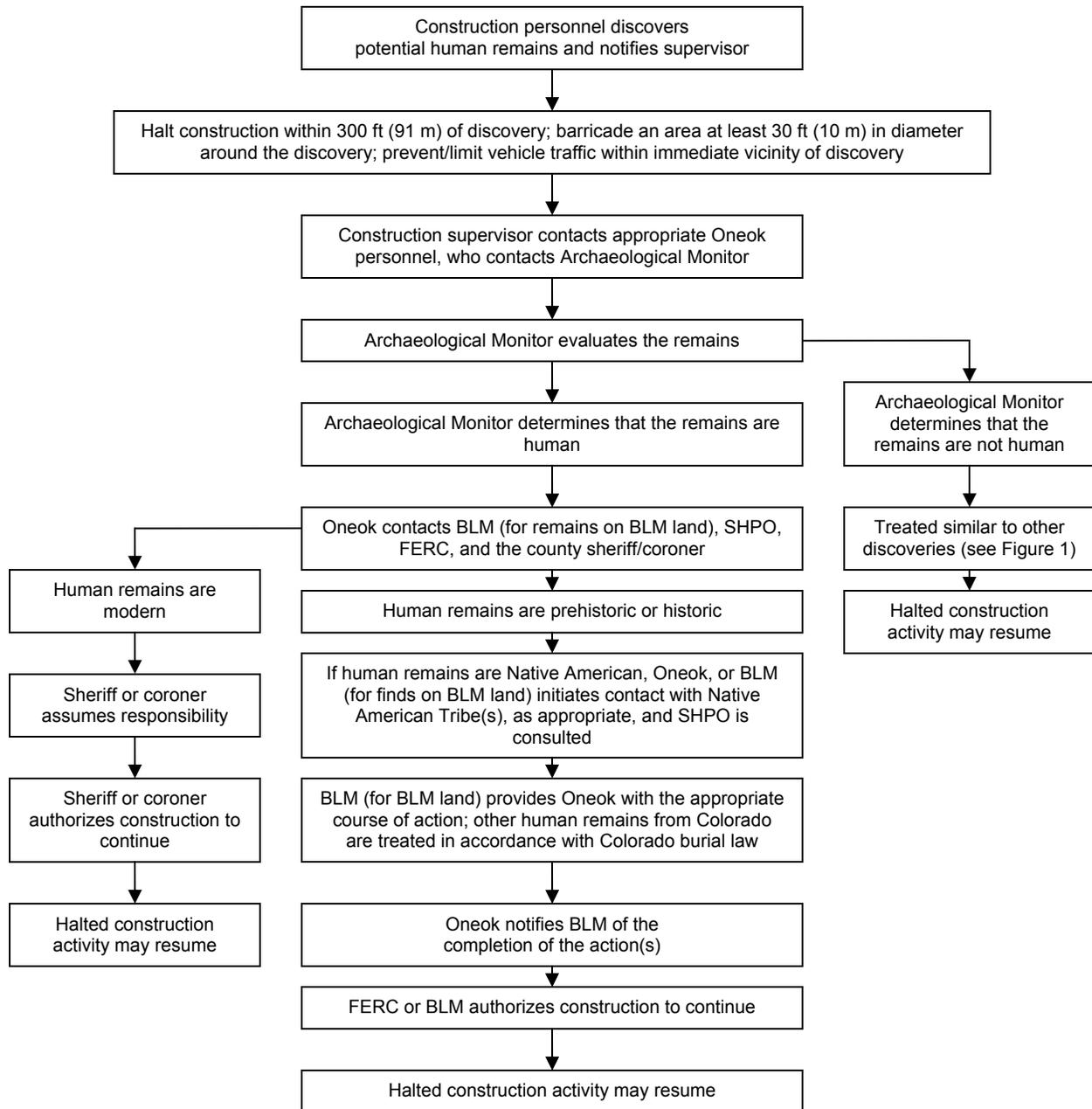
When human remains are discovered, the archaeological monitor will immediately secure the area and notify the Environmental Inspector. The lead archaeological monitor will immediately notify Oneok of the discovery, which will notify the sheriff (Figure 4). The appropriate county sheriff's office will be requested to contact the county coroner. Table 2 provides the contact information for the sheriff's offices in the counties crossed by the pipeline. The discovery will be secured and protected until such time as appropriate disposition has been determined, in accordance with applicable local, state, and Federal statutes.

Upon being notified by the investigating archaeologist of the presence of human remains, Oneok personnel will determine land ownership status. If the discovery is made on BLM lands, Oneok will notify the BLM Field Office Manager by telephone, who will, in turn, notify

the SHPO and appropriate tribes. Oneok will provide written confirmation of the discovery to the BLM by certified mail. The notification will include a brief description of the discovery and its location. The county sheriff's office and county coroner have jurisdiction with regard to any discovered human remains. If they 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, the BLM will assume responsibility for the human remains. If jurisdiction is assumed by the BLM, the BLM Field Office Manager will convey to the lead archaeological monitor the procedures for recording, evaluation, and treatment of the remains. When all work has been satisfactorily completed, the lead archaeological monitor will notify the BLM Project Manager, who will authorize resumption of construction at the discovery location.

For non-Native American human remains in found in Colorado, the BLM will meet the requirements of applicable Colorado state law regarding Unmarked Human Graves (CRS 24-80-1302), as described below in the section titled Colorado Unmarked Human Graves Law. For Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, the BLM will meet the requirements of the Native American Graves Protection and Repatriation Act for all discovery situations on a case-by-case basis in accordance with 43CFR10. In accordance with 43CFR10, testing may resume at the location 30 calendar days after certification by the BLM Authorized Officer. All reasonable measures will be taken to resolve any issues regarding affiliation and disposition of discovered human remains within this 30-day period.

In Wyoming, apparent human remains will be immediately reported to the appropriate county sheriff or coroner. If the county agents determine that the remains do not represent a crime and relinquish control over the discovery, then whether the remains are older than 100 years will be determined, as will association with either Euroamerican or Native American groups. If the remains are determined to be Native American, then the BLM will consult with the SHPO about the appropriate course of action. In the case of private lands, Oneok will advise the landowner that Native American tribes may request to inspect the burial and make recommendations concerning the disposition of the remains. If the remains are found on state lands, then the BLM and the Office of State Lands and Investments will consult and determine a course of action. If remains found on state or private lands are older than 100 years and do not represent a Native American, then the remains will be treated in accordance with procedures agreed upon by the BLM and SHPO, and with applicable laws for finds on all lands.



**Figure 4. Procedures for the Treatment of the Unexpected Discovery of Human Remains.**

**Table 2. State and Federal Agency and Local County Authorities Contact Information.**

<b>BUREAU OF LAND MANAGEMENT CONTACT INFORMATION</b>					
<b>Name</b>	<b>Title/Agency</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>E-Mail</b>
John Husband	Field Office Manager–Bureau of Land Management	970-826-5089	970-826-5002	Little Snake Field Office 445 Emerson Street Craig, CO 81625	john_husband@co.blm.gov
Kent Walter	Field Office Manager–Bureau of Land Management	970-878-3802	970-878-3805	White River Field Office 73544 Highway 64 Meeker, CO 81641	kent_walter@co.blm.gov
Mark Storzer	Field Office Manager–Bureau of Land Management	307-328-4200	307-328-4224	Rawlins Field Office 1300 N. Third Rawlins, WY 82301	mark_storzer@blm.gov
Dan Haas	BLM, State Archaeologist	303-239-3647	303-239-3808	Bureau of Land Management Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-7076	dan_haas@co.blm.gov
<b>STATE ARCHAEOLOGIST CONTACT INFORMATION</b>					
<b>Name</b>	<b>Title/Agency</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>E-Mail</b>
Susan Collins	Colorado State Archaeologist	303-866-2736	303-866-2711	Office of History & Archaeology Colorado History Museum 1300 Broadway Denver, CO 80203	susan.collins@chs.state.co.us
Mark Miller	Wyoming State Archaeologist	307 766-5301		University of Wyo., Dept. 3431 1000 E. University Ave. Laramie, WY 82071-3431	mmiller@uwyo.edu
<b>COLORADO COMMISSION OF INDIAN AFFAIRS CONTACT INFORMATION</b>					
<b>Name</b>	<b>Title/Agency</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>E-Mail</b>
Ernest House, Jr.	Executive Secretary	303-866-3027	303-866-5469	130 State Capital Denver, CO 80203	ernest.house@state.co.us
<b>COUNTY SHERIFF CONTACT INFORMATION</b>					
<b>County</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>County Coroner</b>	<b>E-Mail</b>
Rio Blanco	970-878-5023	970-878-3127	Meeker Office 555 Main Street P.O. Box 1460 Meeker, CO 81641	Sheriff Si Woodruff	swoodruff@co.rio-blanco.co.us
	970-675-8311	970-675-2350	Rangely Substation 209 East Main Street Rangely, CO 81648		sheriff@co.rio-blanco.co.us
Moffat	970-824-4495	970-824-9780	221 W. Victory Way Craig, CO 81625	Sheriff Buddy Grinstead	bgrinstead@sheriff.moffat.co.us
Carbon	307-324-2776	307-328-2782	P.O. Box 190 Rawlins, WY 82301	Paul Zamora	ccsheriff@carbonwy.com
Sweetwater	307-352-6800	307-352-6815	731 C Street, Suite 234 Rock Springs, WY 82901	Dale Majhanovich	
<b>COUNTY CORONER CONTACT INFORMATION</b>					
<b>County</b>	<b>Phone</b>	<b>Fax</b>	<b>Address</b>	<b>County Coroner</b>	<b>E-Mail</b>
Rio Blanco	970-878-5023	970-878-3127	555 Main Street P.O. Box 1460 Meeker, CO 81641	D. W. Eskelson	
Moffat	970-824-6133	970-824-3826	621 Yampa Ave Craig CO 81625	Owen Grant	
Carbon	307-328-7830	307-328-7835	P.O. Box 6 Rawlins, WY 82301	Paul Zamora	zccoroner@netscape.net
Sweetwater	307-352-6608	307-382-4214	421 B Street Rock Springs, WY 82901	Dale Majhanovich	

If the human remains are found on state or private lands, the lead archaeological monitor will immediately notify Oneok, which will notify the sheriff and request the county coroner's participation. Oneok will also notify the SHPO by telephone, followed by written notification via certified mail. If the county sheriff and county coroner relinquish their jurisdiction over the remains, the Colorado or Wyoming State Archaeologist will assume responsibility for human remains from state or private land. The State Archaeologist will direct recording and treatment procedures. Once treatment is completed, the State Archaeologist and Oneok will be notified. The State Archaeologist will then authorize resumption of construction at the discovery location.

#### 4.4.2.2 BLM NAGPRA Procedures

The BLM will meet the requirements of NAGPRA for all inadvertent discoveries and discovery situations under NAGPRA on a case by case basis in accordance with 43CFR10, as incorporated and referenced herein. Alpine Inc. will write an action plan for each case. In accordance with 43CFR10, construction may resume at the location of such an inadvertent discovery 30 calendar days after certification by the notified Federal agency of receipt of the written confirmation of notification of inadvertent discovery if the resumption is otherwise lawful [43CFR10.4 (d, e)]. Therefore, all reasonable measures will be taken to resolve any issues regarding affiliation and disposition of discovered remains within a 30 calendar day period beginning with the agency certification of initial notification.

#### 4.4.2.3 Colorado Unmarked Human Graves Law

Human remains discovered on state or private lands in Colorado will be treated under the provisions of applicable Colorado state law regarding Unmarked Human Graves (CRS 24-80-1302), which read as follows:

- (1) Except as provided in section 24-80-1303 with regard to anthropological investigations, any person who discovers on any land suspected human skeletal remains or who knowingly disturbs such remains shall immediately notify the coroner of the county wherein the remains are located and the sheriff, police chief, or land managing agency official [State of Colorado].
- (2) The coroner shall conduct an on-site inquiry within forty-eight hours of such notification to attempt to determine whether such skeletal remains are human remains and to determine their forensic value. If the coroner is unable to make such determinations, the police chief, the sheriff, the coroner, or the land managing agency official [State of Colorado] shall request the forensic anthropologist of the Colorado Bureau of Investigation to assist in making such determinations. If it is confirmed that the remains are human remains but of no forensic value, the coroner shall notify the state archaeologist [Colorado State Archaeologist] of the discovery. The state archaeologist shall recommend security measures for the site.
- (3) Prior to further disturbance, the state archaeologist shall cause the human remains to be examined by a qualified archaeologist to determine whether the remains are more than one hundred years old and to evaluate the integrity of

their archaeological context. Complete reporting of the archaeological context of the human remains shall be accomplished in a timely manner.

- a. If the on-site inquiry discloses that the human remains are Native American, the state archaeologist shall notify the commission. [Colorado Commission of Indian Affairs]
  - b. The remains shall be disinterred unless the landowner, the state archaeologist, and the chairman of the commission or their designee unanimously agree to leave the remains in situ.
  - c. Disinterment shall be conducted carefully, respectfully, and in accordance with proper archaeological methods and by an archaeologist who holds a permit issued under sections 24-80-405 and 24-80-406. In the event the remains are left in situ, they shall be covered over.
  - d. Without the landowner's express consent for an extension of time, disinterment shall be accomplished no later than ten consecutive days after the state archaeologist has received notification from the coroner pursuant to subsection (2) of this section.
  - e. The archaeologist who conducts the disinterment will assume temporary custody of the human remains, for a period not to exceed one year from the date of disinterment, for the purpose of study and analysis. In the event that a period in excess of one year is required to complete such study and analysis, the commission shall hold a hearing and may based upon its findings, grant an extension. During the period that the human remains are in the temporary custody of the archaeologist who conducted the disinterment, an archaeological analysis and report shall be prepared. At the same time, a physical anthropological study shall be conducted to include, but not be limited to, osteometric measurement, pathological analysis, and age, sex, and cause of death determinations. The cost of the disinterment, archaeological analysis, and physical anthropological study shall be borne by the state archaeologist except when the human remains are recovered from private lands. In the latter case, if no party can be identified who will bear the cost of such scientific study; the state archaeologist shall bear such costs.
  - f. Upon completion of the studies pursuant to paragraph (e) of this subsection (4), the state archaeologist shall consult with the commission regarding reinterment.
- (4) Those remains which are verifiably nonnative American and are otherwise unclaimed will be delivered to the county coroner for further conveyance to the Colorado state anatomical board.

## **5.0 Monitoring Reporting**

Archaeological monitors will maintain daily logs and follow a recording protocol for each discovery. Information to be recorded in the logs will include areas inspected during the day, the nature of the areas inspected, any cultural resources identified during monitoring, the recommended treatment of those resources, and a record of any relevant communications with Oneok personnel and/or their representatives.

A monitoring update will be emailed to the BLM, SHPO, and Oneok representatives at the end of each week to report the results of the inspection during the preceding week, including areas inspected and the areas that will be inspected during the next week. A spreadsheet detailing discoveries will be maintained and updated; this spreadsheet will be available to the BLM at any time upon request. A final monitoring report summarizing all monitoring activity and management recommendations will be submitted within 180 calendar days after completion of monitoring.

## **6.0 Post-Construction Data Recovery Investigations**

Only discoveries that will best address project research goals will be subject to additional data recovery investigations. The number and location of discoveries where further work will occur and the extent and nature of the work will be decided at the postconstruction site selection meeting, to be held following completion of the monitoring of the Piceance Lateral pipeline.

Additional data recovery investigations necessitated by adverse impacts to significant discoveries during post-construction data recovery will be roughly the same level of effort as expended in the preconstruction phase of data recovery. The level of additional data recovery will depend on the characteristics of significance relative to the research topics and the level of data recovery previously conducted.

Additional data recovery work will be described in a technical site report of excavations, to be delivered within three years after the completion of fieldwork.

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## Appendix A: List of Tribal Contacts

### **Eastern Shoshone**

Ivan Posey, Chairman  
Shoshone Business Council  
P.O. Box 538  
Fort Washakie, Wyoming 82514  
(307) 332-3532 or (307) 332-4932

cc: Reed Tidzump  
Tribal Historic Preservation Officer  
P.O. Box 735  
Fort Washakie, Wyoming 82514  
(307) 335-2081

### **Northern Arapaho**

Rick Brannon, Chairman  
Arapaho Business Council  
P.O. Box 396  
Fort Washakie, Wyoming 82514  
(307) 332-6120 or (307) 856-3461  
Fax: (307) 332-7543  
[arapahotribe@hotmail.com](mailto:arapahotribe@hotmail.com)

cc: Ms Joann White  
Tribal Historic Preservation Officer  
Northern Arapaho Tribe  
P.O. Box 1182  
Fort Washakie, Wyoming 82514  
Cell: (307) 851-9617  
[white\\_jo123@yahoo.com](mailto:white_jo123@yahoo.com)

### **Northern Ute**

Mr. Curtis Cesspooch, Chairman  
Ute Tribal Council  
P.O. Box 190  
Tribal Office Building  
Fort Duchesne, UT 84026

cc: Ms. Betsy Chapoose, Director  
Cultural Rights and Protection  
Ute Indian Tribe  
P.O. Box 190  
Fort Duchesne, UT 84026  
(435) 722-4992  
Fax: (435) 722-0592  
[betsyc@utetribe.com](mailto:betsyc@utetribe.com) or [betsyc@ubta.com](mailto:betsyc@ubta.com)

**Shoshone-Bannock**

Mr. Alonzo Coby, Chairman  
Shoshone-Bannock Tribes of Fort Hall  
P.O. Box 306  
Fort Hall, ID 83203-0306  
(208) 478-3700  
Fax: 208-237-0797

Cc: Ms. Carolyn Boyer Smith  
Cultural Resource Coordinator  
HETO/Cultural Resources  
Shoshone-Bannock Tribes  
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Fort Hall, ID 83203-0306  
(208) 478-3707  
Fax: 208-237-0797

**Southern Ute Indian Tribe**

Chairman Clement Frost  
Southern Ute Indian Tribe  
356 Ouray Drive, P.O. Box 737  
Ignacio, CO 81137  
Phone: 970-563-0100 x2320 Fax: 970-563-0396

Cc: Mr. Neil Cloud  
NAGPRA Representative, Southern Ute Indian Tribe  
P.O. Box 737  
Ignacio, CO 81137  
Phone: 970-563-0100 Fax: 970-563-4823

**Ute Mountain Ute Tribe**

Chairman Manuel Heart  
Ute Mountain Ute Tribe  
P.O. Box JJ  
Towoac, CO 81334  
Phone: 970-565-3751 Fax: 970-564-5709

Cc. Mr. Terry Knight, Sr., NAGPRA Representative  
Ute Mountain Ute Tribe  
P.O. Box 468  
Towoac, CO 81334  
Phone: 970-565-3751 x727 Fax: 970-565-8309

**Appendix B: Sites and Areas to be Monitored by Milepost.**

<b>Milepost</b>	<b>Site No</b>	<b>Monitor Blading</b>
22.2	5RB4926	X
22.3	5RB4927	X
26.2	5RB5685	X
28.9	5RB4930	X
36	5RB5684	X
48.2	5MF1915	X
49	Start monitoring of construction ROW blading (offsite areas)	
49.6	5MF6176	X
49.9	5MF3195	X
50.4	5MF6224	X
50.4	5MF3585	X
50.7	5MF3587	X
51.2	5MF6543	X
51.5	5MF3196 / 5MF3171	X
51.7	5MF6542	X
53	5MF3172	X
56.3	5MF3198	X
56.5	5MF6239	X
56.6	5MF6241	X
56.7	5MF6242	X
56.8	5MF6243	X
57.0	5MF6245	X
57.1	5MF6246	X
57.3	5MF6250	X
57.4	5MF6252	X
57.5	5MF6253	X
57.5	5MF6254	X
57.6	5MF5687	X
59.7	5MF5849	X
59.8	5MF3012	X
59.6	5MF3595	X
60.2	5MF6255	X
60.7	5MF6258	X
60.8	5MF6259	X
60.9	5MF6260	X
61.1	5MF6261	X
61.2	5MF3596	X
61.7	5MF3589	X
62.0	5MF6264	X
62.2	5MF6265	X
62.4	5MF6266	X
63.3	5MF3607	X
63.4	5MF5389	X

<b>Milepost</b>	<b>Site No</b>	<b>Monitor Blading</b>
63.9	5MF2989	X
64.1	5MF2990	X
64.2	5MF2991	X
64.1	5MF2992	X
64.6	5MF2993	X
64.7	5MF3604	X
64.9	5MF3018	X
65.1	5MF3603	X
65.3	5MF2994	X
65.7	5MF2995	X
65.8	5MF2996	X
65.9	5MF5682/ 5MF2997	X
66.3	5MF2998	X
66.4	5MF2999	X
66.5	5MF3005	X
66.6	5MF3001	X
66.6	5MF6268	X
66.8	5MF3601	X
67.2	5MF3002	X
67.3	5MF3003	X
67.8	5MF3597	X
69.0	5MF3610	X
69.1	5MF3023	X
69.3	5MF3006	X
69.7	5MF6271	X
70.0	5MF6272	X
70.2	5MF6274	X
71.2	5MF6275	X
72	End monitoring of construction ROW blading (offsite areas)	
72.7	5MF6276	X
76	Start monitoring of construction ROW blading (offsite areas)	
76.3	5MF5397	X
76.4	5MF5398	X
76.6	5MF6540	X
76	Start monitoring of construction ROW blading (off-site areas)	X
77.7	5MF5403	X
78.2	5MF5445	X
79	End monitoring of construction ROW blading (offsite areas)	
83	Start monitoring of construction ROW blading (offsite areas)	
84.2	5MF5693	X

<b>Milepost</b>	<b>Site No</b>	<b>Monitor Blading</b>
84.6	5MF6285	X
85.5	5MF6287	X
92.7	5MF3616	X
93	End monitoring of construction ROW blading (offsite areas)	
93.1	5MF6536	X
93.7	5MF5686	X
94.5	5MF3328 / 48SW8861	X
97.6	48SW8803	X
97.6	48SW16964	X
97.8	48SW3680	X
98.4	48SW16967	X
102.2	48SW12257	X
118.7	48SW8810	X
119	Start monitoring of construction ROW blading (offsite areas)	
119.4	48SW15738	X
126.9	48SW3725	X
127.1	48SW1226	X
128.7	48SW8842	X
130.1	48SW10284	X
133.7	48SW16396	X
135	End monitoring of construction ROW blading (offsite areas)	
136.1	48SW16962	X
138.3	48SW16971	X
138.7	48SW16348	X
146.8	48CR1911	X
147.1	48CR5501	X
148.1	48CR2017	X
148.2	48CR7914	X

†The entire open trench (Milepost 0 to 152.2) will be inspected by an archaeological monitor.