

**Guidelines for the Unanticipated Discovery of
Cultural Resources or Human Burial Sites, Human Remains, and/or Burial Goods
Bakkenlink Pipeline**

For construction of the BakkenLink Pipeline, North Dakota, the Contractor will implement the following measures for the unanticipated discovery of cultural resources or human remains. Cultural resources are defined as buildings, structures, sites, objects, or districts, that are 50 years or older or properties of traditional religious and cultural importance to Native Americans.

Cultural Resources:

- If a previously unrecorded cultural resource is encountered in the field, the Contractor will stop all work in the vicinity and notify the consulting archaeologist. The archaeologist in consultation with the North Dakota State Historic Preservation Officer (NDSHPO) will need to be determine whether the site qualifies as a historic property (36 CFR 800.16[1][1]).
- If the resource qualifies as a historic property, the consulting archaeologist and the NDSHPO will have to assess the effects of the encounter and, if necessary, an adequate mitigation plan. That plan will have to be executed before construction can recommence in the vicinity of the discovery.
- If the resource does not qualify as a historic property, construction can recommence in the vicinity.
- If the discovery is on federal lands, the Contractor and the consulting archaeologists will notify the archaeologist of the appropriate federal agency and the NDSHPO. The Contractor and consulting archaeologist shall follow the procedures as directed by the agency archaeologist.

Human burial sites, human remains, and burial goods:

- If unmarked human burials or human remains are discovered during construction activities, the Contractor will comply with the North Dakota Century Code §23-06-27 and the administrative rules in the North Dakota Administrative Code Chapter 40-02-03 (attached).
- Upon encountering unmarked human burials or human remains and/or burial goods during ground disturbing activities, the Contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery. The Contractor will immediately implement interim measures to protect the discovery from vandalism and looting. The Contractor will not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
- The Contractor will immediately notify the local law enforcement agency, the State Historical Society of North Dakota (SHSND) who, in turn, will notify the North Dakota

Department of Health and the appropriate Native American Tribes (North Dakota Intertribal Reinterment Committee [NDIRC]).

- Local law enforcement will determine whether the remains are associated with a crime. If the Contractor in consultation with SHSND and NDIRC determines that further disturbance cannot be avoided, the Contractor will remove and reinter the human remains in accordance with the rules adopted by the SHSND/NDSHPO and the North Dakota Department of Health.
- The Contractor will resume construction activities in the area of the discovery only upon completion and approval of the measures required by the SHSND and the North Dakota Department of Health.
- If the discovery is on federal lands, the Contractor and the consulting archaeologists will notify the archaeologist of the appropriate federal agency and the NDSHPO. The Contractor and consulting archaeologist shall follow the procedures as directed by the agency archaeologist.