

Appendix J. Unanticipated Discoveries Plan for Cultural Resources

**Unanticipated Discovery Plan
for the Wyoming Segment of the Ruby Pipeline Project,
Lincoln and Uinta Counties, Wyoming**

prepared by
Metcalf Archaeological Consultants, Inc.

for
Ruby Pipeline Company, LLC

May, 2010

Unanticipated discoveries 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 unanticipated discoveries might include basin houses, a large bison kill site, an intact Fremont village, or a rock shelter containing perishable materials.

Once an unanticipated discovery is identified, measures will be taken to prevent further disturbances. Depending on the nature and location of the unanticipated 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 FERC, BLM (for discoveries on BLM land), and SHPO will be contacted (Table 1). Archaeological monitors will record the discovery as described in O'Brien et al. (2010). Test excavations may be necessary to evaluate the discovery. Once the nature of the discovery and its vulnerability to further construction-related impacts are understood, MAC and agency archaeologists will consult about site treatment.

Table 1 Agency contact information for unanticipated discoveries

Name	Title/Agency	Phone	Fax	Address	E-Mail
FEDERAL ENERGY REGULATORY COMMISSION CONTACT INFORMATION					
Laurie Boros	Federal Energy Regulatory Commission	(202) 502-8046	(202) 208-0353	888 First Street, N.E. Washington, DC 20426	laurie.boros@ferc.gov
BUREAU OF LAND MANAGEMENT KEMMERER FIELD OFFICE CONTACT INFORMATION					
John Christensen	Field Office Manager	(307) 828-4502	(307) 828-4539	Kemmerer Field Office 312 Highway 189N Kemmerer, WY 83101	John_Christensen@blm.gov
Lynn Harrell	Archaeologist	(307) 828-4515	(307) 828-4539	Kemmerer Field Office 312 Highway 189N Kemmerer, WY 83101	Lynn_Harrell@blm.gov
STATE HISTORIC PRESERVATION OFFICE CONTACT INFORMATION					
Mary Hopkins	Wyoming State Historic Preservation Officer	(307) 777-6311	(307) 777-6421	Wyoming State Historic Preservation Office 2301 Central Avenue Cheyenne, WY 82002	mhopki1@state.wy.us
John Laughlin	Senior Archaeologist Review and Federal Consultation	(307) 777-3424	(307) 777-6421	Wyoming State Historic Preservation Office 2301 Central Avenue Cheyenne, WY 82002	jlaugh@state.wy.us

For discoveries on BLM lands, the archaeological monitor will notify the BLM Field Office Manager and archaeologist by telephone within one working day with written follow-up within three working days. The archaeological monitor, in consultation with the BLM field office archaeologist and the SHPO, will recommend 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.

For discoveries on state or privately owned lands, the archaeological monitor will notify the FERC by telephone within one working day with written follow-up within three working days. The archaeological monitor, in consultation with the FERC and the SHPO, will recommend 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.

Discovery of Human Remains

The discovery of known or suspected human remains at anytime and anywhere on the project will result in the immediate cessation of construction activity at the discovery location and within 300 feet (91 m) of that location. Procedures will then proceed according to Figure 1 and the following discussion. Contact information is provided in Table 2. If construction personnel make the discovery, they will immediately notify the construction supervisor, who will notify the EI of the discovery. The EI will be responsible for notifying the archaeological monitor or other MAC supervisory archaeologist immediately. If an archaeological monitor makes the discovery, the monitor will halt construction and notify the EI and MAC's lead monitor or other supervisory MAC archaeologist. All project personnel have the authority to halt construction in the event of discovery of human remains.

After construction has been halted, construction personnel will promptly vacate the 300 foot (91 m) buffer zone. Immediate measures will be taken to protect the discovery from further disturbance until the appropriate agencies have been notified, the discovery has been fully evaluated, treatment (if any) has been completed, and the location has been cleared for resumption of construction by the appropriate agency. Care will be taken at all times to prevent additional disturbance of the remains. This may include leaving equipment and vehicles in place, safely shut down, at the discovery location until it can be determined that removing the equipment or vehicles from the location will not further disturb the discovery. Steps may be taken at the direction of the monitoring archaeologist to stabilize the remains if necessary.

MAC archaeologists will then examine the remains to determine if they are human. If the remains are human, the measures to protect them and any associated artifacts will remain in effect until Ruby has received notice from the BLM Project Manager (for discoveries on BLM land) to proceed with the construction activity in the buffer zone. For discoveries on non-federal land, notice to resume construction must come either from the FERC (for archaeological human remains) or from local law enforcement (for modern, non-archaeological human remains). MAC does not have the authority to authorize a resumption of construction activity once a discovery is determined to be human.

After halting construction and initial notification, further steps will be determined by land ownership and by whether or not the remains are archaeological (and if archaeological, whether or not they are Native American) or non-archaeological and fall under law enforcement jurisdiction. MAC may direct Ruby to have the project's civil surveyor establish property lines at the location of the discovery if there is any question about land status.

Human Remains on Federal Land

Upon discovery of suspected or confirmed human remains on federal land, MAC will notify both the BLM Field Office Archaeologist and the Field Office Manager immediately by phone, with follow-up written notification. MAC will also notify the project EI and Ruby. At this point, all further treatment of the remains will be at the direction of the BLM, including the determination of whether or not the remains are archaeological (including whether or not they may be Native American) or whether the remains constitute a law enforcement issue. All agency and tribal consultation and notification will be the responsibility of the BLM. MAC supervisors will be trained to know the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) prior to data recovery and construction and MAC will

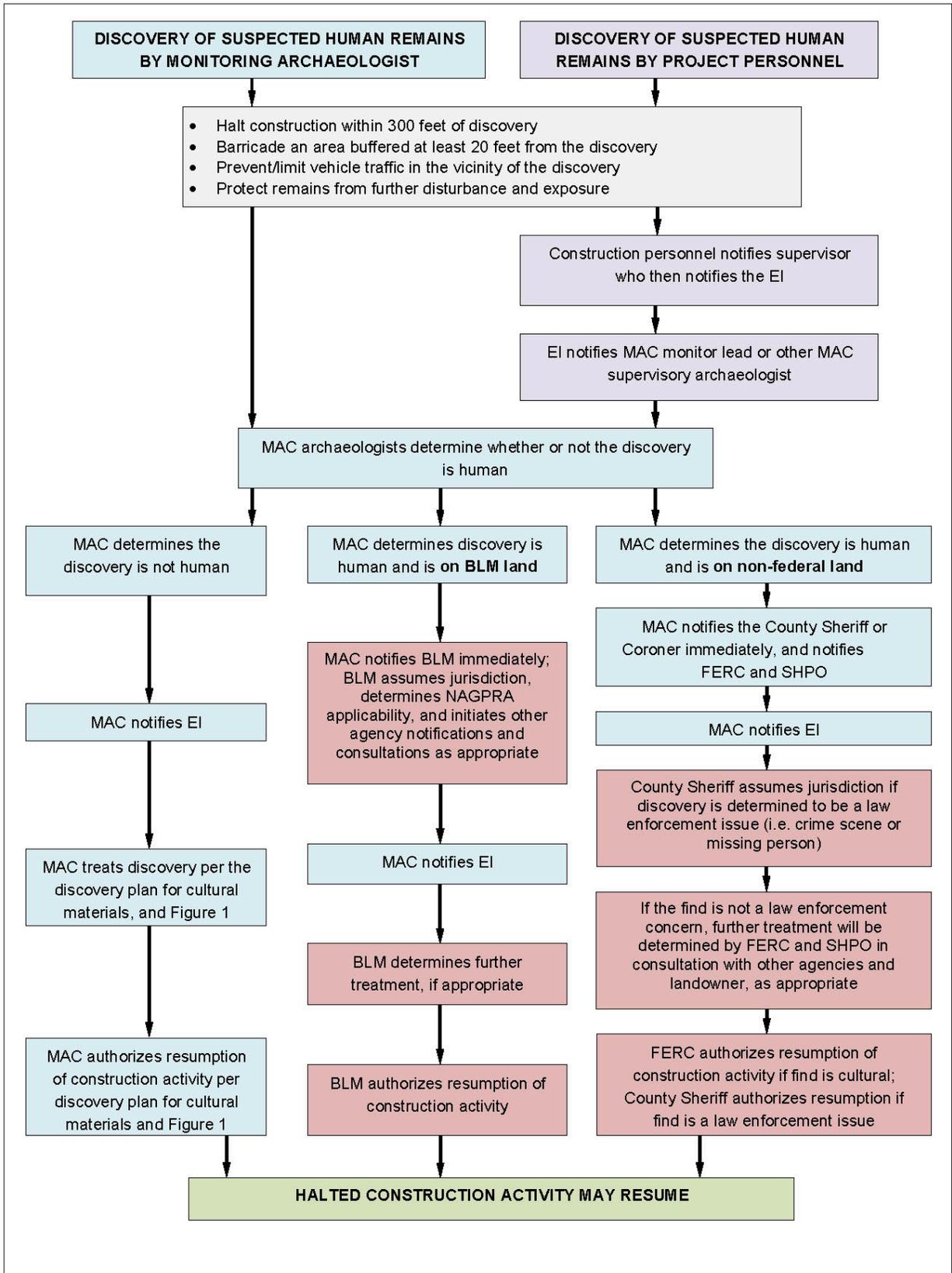


Figure 1 Procedural flow chart for discovery of known or suspected human remains

Table 2 State and federal agency and local county authorities contact information

FEDERAL ENERGY REGULATORY COMMISSION CONTACT INFORMATION					
Name	Title/Agency	Phone	Fax	Address	E-Mail
Laurie Boros	Federal Energy Regulatory Commission	(202) 502-8046	(202) 208-0353	888 First Street, N.E. Washington, DC 20426	laurie.boros@ferc.gov
BUREAU OF LAND MANAGEMENT KEMMERER FIELD OFFICE CONTACT INFORMATION					
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John Laughlin	Senior Archaeologist Review and Federal Consultation	(307) 777-3424	(307) 777-6421	Wyoming State Historic Preservation Office 2301 Central Avenue Cheyenne, WY 82002	jlaugh@state.wy.us
COUNTY SHERIFF CONTACT INFORMATION					
County	Phone	Fax	Address	County Sheriff	E-Mail
Lincoln	(307) 877-3971 (800) 442-9001	(307) 877-1414	1032 Beech Street Kemmerer, WY 83101	Shane Johnson	sjohnson@lcwy.org
Uinta	(307) 783-1000	(307) 783-1028	77 County Rd 109 Evanston, WY 82930	Louis J. Napoli	lonapoli@uintacounty.com

assist the BLM in all assessment, notification, and consultation efforts as requested. If the remains are Native American, the provisions of the NAGPRA will apply.

Native American Remains on Federal Land. For Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony discovered on federal land, the BLM will meet the requirements of the NAGPRA for all discovery situations on a case-by-case basis in accordance with 43CFR10. MAC will write an action plan for each case. In accordance with 43CFR10, work may resume at the location 30 calendar days after certification by the BLM Authorized Officer if the resumption is otherwise lawful [43CFR10.4 (d, e)]. All reasonable measures will be taken to resolve any issues regarding affiliation and disposition of discovered human remains within this 30-day period.

Human Remains on Non-federal Land

Upon discovery of suspected or confirmed human remains on non-federal land, the sheriff of the county in which the remains are located will be notified immediately. The county sheriff may contact the county coroner at his/her discretion. MAC will also notify the FERC, the SHPO, and the EI of the discovery. Table 7 provides the contact information for the sheriff's offices in the Wyoming counties crossed by the pipeline. The sheriff or coroner will determine whether or not the remains fall under law enforcement jurisdiction. If they determine that the remains are a law enforcement issue, all further work will be at the direction of the county sheriff, including notification that construction may resume. If they determine that the remains are not a law enforcement issue, MAC will request that the sheriff contact the BLM Field Office Manager to convey that information. Further work at the discovery will then be at the direction of the FERC, in consultation with the SHPO and, if the discovery is on private land, the landowner. If the remains are Native American, the FERC will consult the SHPO to determine the appropriate course of action. Such action may involve the excavation of the remains. Ruby will advise the landowner that Native American Tribe(s) with an identifiable interest in the discovery may request to

inspect the remains and make recommendations concerning the disposition of the remains within 48 hours of being notified. The SHPO may offer to mediate consultation with the landowner.

Coordination and Notification Procedures

Coordination and notification is key to the success of the monitoring effort, the efficient progress of construction, and the protection of cultural resources in the project area. Coordination among the project archaeologists, construction personnel, the EI, and Ruby personnel will be handled within the project hierarchy and chain of command. MAC anticipates that the project EI will be the archaeologists' primary point of contact for all anticipated communications and coordination while on-project. MAC will have a project manager who will be the primary point of contact. When monitoring begins, contact for that specific task will be through MAC's monitor lead. MAC's monitor lead and MAC's project manager will be in daily contact about their respective parts of the project and will coordinate to achieve the most efficient distribution of MAC's personnel across the project area.

The project EI will be responsible for communicating between MAC and other project personnel including construction foremen and supervisors and Ruby personnel. Situations may arise that warrant more direct communication between MAC personnel and other project personnel, which will be instituted as needed and at the direction of the EI. The EI will always be kept informed of all communications.

MAC will coordinate with and notify the BLM and the FERC, as appropriate, via weekly progress reports to be submitted at the close of each work week. These will summarize all work conducted on the project for the week, including evaluative and data recovery work as well as results of monitoring, and for specific types of events as described herein, including discovery of human remains and unanticipated discoveries. MAC project staff will be available at all times to the BLM or FERC should questions or concerns arise.

Reference Cited

O'Brien, Patrick K., Michael D. Metcalf, and Anne McKibbin
2010 *Treatment and Monitoring Plan: Ruby Pipeline Company, LLC, Ruby Pipeline Project, Lincoln and Uinta Counties, Wyoming*. Metcalf Archaeological Consultants, Eagle, Colorado. With contributions by Lynn Geoghegan (Environmental Planning Group) and John Clark (Holland and Hart). On file at the Bureau of Land Management, Kemmerer Field Office, Kemmerer, Wyoming.

RUBY PIPELINE PROJECT

**MONITORING AND CULTURAL RESOURCE
DISCOVERY PLAN FOR UTAH**

March 2010

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INTRODUCTION

A monitoring and discovery plan is required to ensure that sites eligible to the National Register of Historic Places (NRHP) (herein referred to as historic properties) not identified during Class III cultural resource 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 the treatment of discoveries found during the construction of Ruby Pipeline, LLC's (Ruby) Ruby Pipeline Project in Utah. The monitoring plan 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.

QUALIFICATION AND TRAINING OF ARCHAEOLOGICAL MONITORS AND CONSTRUCTION PERSONNEL

Archaeological Monitors

Archaeological monitors will be under the supervision of permitted field supervisors. Monitors will be supervised by a lead monitor. The lead monitor will coordinate with FERC, Utah SHPO, BLM personnel on BLM lands, and USFS personnel on USFS lands for the specific discovery scenarios described in this plan. 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 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 their lead monitor, who will report to the lead Environmental Inspector for that spread.

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 archaeological monitoring (e.g., bone beds), the archaeological monitor can request that a paleontologist inspect the discovery.

Key Construction Personnel

All key construction personnel (Environmental Inspectors, supervisors, craft inspectors, and contractor foremen) will meet with Ruby representatives and the archaeological monitors for training and orientation prior to the start of construction activity. The training will be developed by Ruby 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 Ruby.

Training and Orientation

Prior to starting construction activity, Ruby 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 this discovery plan 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 this discovery plan concerning the notification of the appropriate Ruby 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 Ruby personnel and archaeological monitors will have the monitoring and discovery plan on-site.

MONITORING PLAN

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

Monitoring Locations

Right-of-Way and Ancillary Facilities

The following areas are to be monitored during the initial right-of-way preparation: known NRHP-eligible historic properties, known areas with moderate or high potential for subsurface cultural resources as identified during a geoarchaeological assessment of the project route (Shelley 2009), and the immediate vicinities of historic properties 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 historic properties 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. Monitoring will occur at all historic properties considered significant because of their potential scientific values (Criterion D), regardless of whether they are subjected to extensive archaeological data recovery during the preconstruction or postconstruction phases of archaeological investigations. Sites that are not eligible to the NRHP will not be monitored unless they occur within areas where geomorphological data indicates high potential for buried sites.

Open Trench Inspection

Archaeological monitors will conduct open trench inspection on known NRHP-eligible historic properties and within known areas with moderate or high potential for buried cultural resources as identified during the geoarchaeological assessment (Shelley 2009). 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.

DISCOVERY PLAN

The identification 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. The FERC and Utah SHPO will be notified of all discoveries, the BLM will be notified for discoveries on BLM land, and the USFS will be notified for all discoveries on USFS land. Discoveries on Utah School and Institutional Trust Lands (SITLA), Division of Wildlife Resources (DWR), or Utah Department of Transportation (UDOT) lands will also be reported to the archaeologists at those respective agencies.

Identification

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

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 individual 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 the section titled Steps to Protect Discovery. These cultural resources will be recorded, evaluated, and treated by an archaeological monitor as discussed below in the section titled Recording and Treatment.

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.

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 below in the section titled Procedures for Marking Unexcavated Discoveries.

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 below in Steps to Protect Discovery and the specific process for contacting authorities outlined below in Coordination and Notification Procedures 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 confirm that the discovery is human remains and to determine their origin.

Steps to Protect Discovery

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 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 hearth 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 Environmental Inspector that construction can be resumed at the discovery location. It may be necessary for Ruby to provide 24-hour, on-site security for discoveries as determined by FERC for state and private lands, the BLM for BLM land, and USFS for USFS land, all in consultation with the SHPO.

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 Ruby to provide 24-hour, on-site security for discoveries as determined by FERC for state and private lands, the BLM for BLM land, and USFS for USFS land, all in consultation with the SHPO. After all construction activity has been halted and the appropriate personnel and authorities have been notified (see Coordination and Notification Procedures, below), steps will be taken to ensure that no further disturbance occurs to the discovery.

Recording and Treatment

All cultural resource discoveries will be treated in accordance with the Treatment Plan that will be developed in consultation with FERC, the BLM-Salt Lake Field Office, the Utah State Historic Preservation Office, the School and Institutional Trust Land Administration, the Utah Department of Transportation, the Division of Wildlife Resources, the US Forest Service, Native American Tribes, as appropriate, and Ruby Pipeline, LLC.

Anticipated Feature Discoveries

Archaeological monitors will investigate areas of suspicious staining to determine their origin and cultural association, document the presence or absence of living surfaces or activity areas associated with features, and obtain additional information to help in development of a data recovery plan and in the placement of data recovery excavation blocks, if necessary.

Most anticipated discoveries will likely consist of cultural features that will be classified as either simple or complex. Simple cultural features will include isolated small pit features, such as hearths, roasting pits, storage pits, and discard areas representing prehistoric removal of thermal feature fills. Complex cultural features might include pit houses and similar prehistoric residential architecture as well as any cultural feature within the context of multiple cultural strata. Clusters of simple features possibly representing activity areas associated with nearby residential architecture or with a substantial buried site will also be regarded as complex features. All of the cultural features described above are anticipated because they are the types of cultural deposits commonly found in buried contexts during pipeline projects conducted in the Intermountain West. Their discovery should be expected because many of the geomorphological settings through which the Ruby pipeline project passes are favorable for the burial and preservation of sites (Shelley 2009; Simms 2008:157, 176-177).

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 relocation. 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 following sections of this plan, deeply buried features discovered during open trench inspection may be excavated during a postconstruction data recovery phase.

Procedures for Treating 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 simple features. Treatment of discoveries involving simple features during construction monitoring will not involve consultation with agencies. Relatively shallowly buried, threatened, features that conform to the description of “simple” cultural features given above will, therefore, be treated prior to the next stage of construction. Deeply buried (i.e., deeper than 30 cm below the bladed ROW surface), non-threatened, simple features will not typically be excavated immediately.

If a complex feature is identified, measures will be taken to prevent further disturbances. Depending on the nature and location of the 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 FERC, Utah SHPO, BLM for BLM lands, and the USFS for USFS lands will be contacted. Archaeological monitors will record the discovery in the manner consistent with Class III inventory methods, though shovel skimming or test excavations may be necessary to evaluate the discovery. Once the nature of the discovery and its vulnerability to further construction-related impacts are understood, Ruby and agency archaeologists will consult about site treatment. The lead archaeological monitor will notify the FERC for state and private lands, the Utah SHPO, BLM for BLM lands, and USFS for USFS lands by telephone no more than 12 hours after the discovery, with written follow-up within 36 hours. The archaeological monitor, in consultation with SHPO, the FERC for state and private lands, BLM for BLM lands, and USFS for USFS lands, will determine site eligibility and identify treatment options. Site treatment may include site avoidance, immediate archaeological data recovery, or consideration during the postconstruction phase of data recovery. Complex features or any non-threatened resources will be added to the pool of sites considered for postconstruction data recovery. All discoveries will be reported in weekly progress reports.

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 postconstruction data recovery. If the complex feature is vulnerable to additional disturbances, then it will be excavated as soon as possible after consultation with the agencies.

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 construction may proceed at the discovery's location. As in all cases, discoveries will be reported in weekly progress reports.

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 postconstruction 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, as long as they are unlikely to be further damaged by construction. The sites containing these features will be added to the pool of historic properties from which a sample will be selected for archaeological data recovery during the postconstruction phase of investigations.

Charcoal samples from features will be subjected to radiocarbon dating. Features will be selected for radiocarbon dating if they contain high carbon content, because analyses of bulk soil samples do not provide reliable dates.

Procedures for Marking Unexcavated Discoveries

In some cases, 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 Ruby Pipeline 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. A compass bearing will be taken from these stakes to ensure accurate alignment and feature relocation.

Evaluation of Discoveries

Discoveries will be evaluated following the standards and format used for evaluating sites during the Class III inventory phase of the project. Each discovery will be assessed for significance using the NRHP eligibility criteria identified in 36CFR60. Significance recommendations for all anticipated discoveries will be presented in the Monitoring Report. Anticipated discoveries that are determined NRHP-eligible by the reviewing agencies and that are not excavated during construction and monitoring phase will be added to the pool of sites considered for archaeological data recovery during the postconstruction phase.

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 Environmental Inspector will notify the archaeological monitor as soon as possible. If an archaeological monitor makes the discovery, the monitor can halt construction. The construction supervisor, 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. Agency notification procedures are presented in the following section.

Other Unanticipated Discoveries

Although human remains will comprise the most significant type of unanticipated discovery, other types of unexpected discoveries are possible. For example, a bison kill site, a major paleontological find (e.g., a mammoth skeleton), or anything other than the simple and complex cultural features described above may represent unanticipated discoveries.

If an unanticipated discovery other than human remains is identified, it will be treated much like anticipated complex features. Measures will be taken to prevent further disturbance to the discovery. Depending on the nature and location of the unanticipated 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 FERC, Utah SHPO, BLM for BLM lands, and the USFS for USFS lands 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. Once the nature of the discovery and its vulnerability to further construction-related impacts are understood, Ruby and agency archaeologists will consult about site treatment. The lead archaeological monitor will notify the FERC for state and private lands, the Utah SHPO, BLM for BLM lands, and USFS for USFS lands by telephone no more than 12 hours after the discovery, with written follow-up within 36 hours. The archaeological monitor, in consultation with SHPO, the FERC for state and private lands, BLM for BLM lands, and USFS for USFS lands, will determine site eligibility and identify treatment options. Site treatment may include site avoidance, immediate archaeological data recovery, or consideration during the postconstruction phase of data recovery. If appropriate, an unanticipated discovery may be added to the pool of sites considered for postconstruction data recovery. All unanticipated discoveries will be reported in weekly progress reports.

Coordination and Notification Procedures

Non-Human Discoveries

Construction Personnel

Figure 1 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 verify 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.

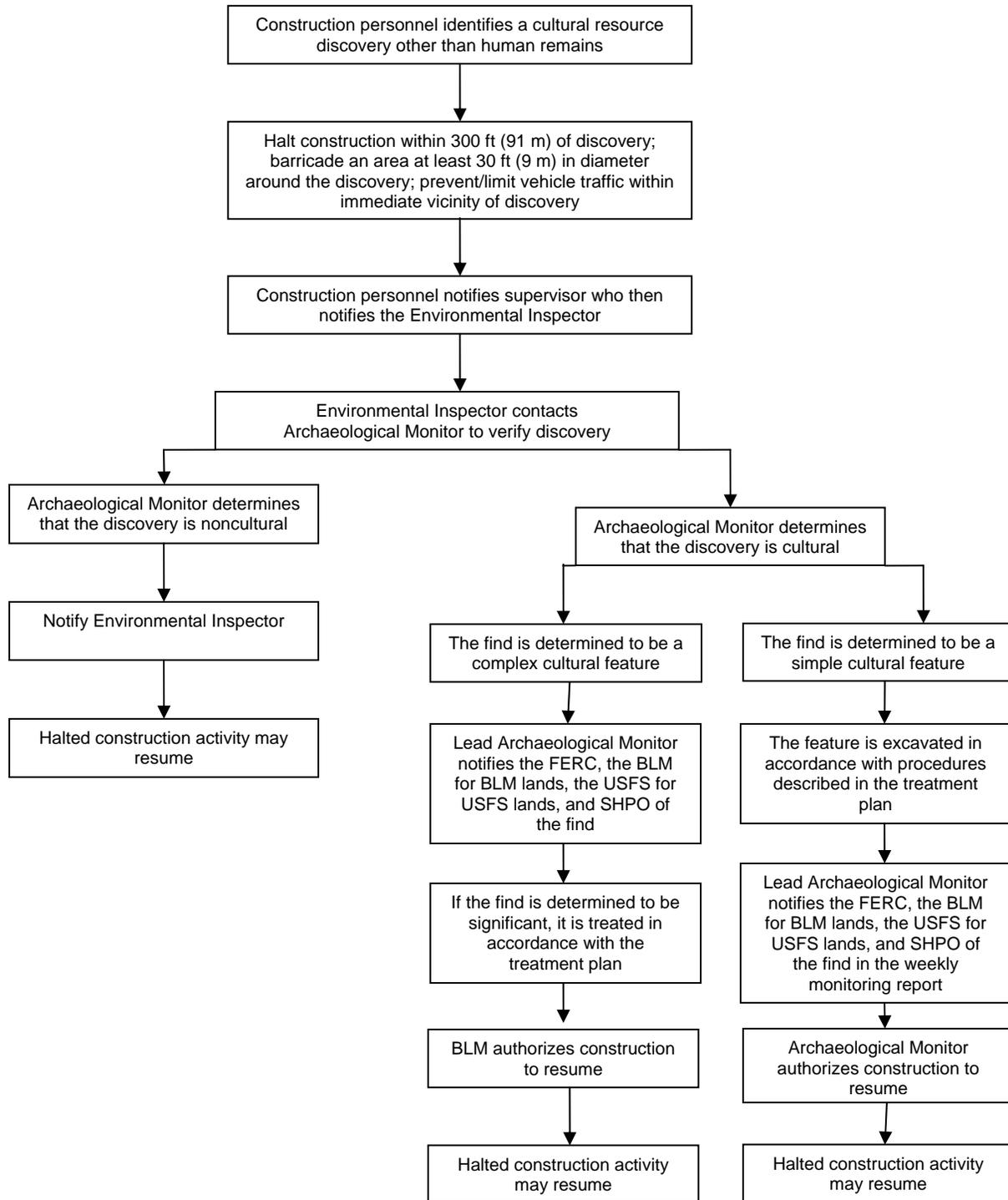


Figure 1. Procedures for Dealing with Cultural Resource Discoveries by Construction Personnel (if human remains, see Figure 2).

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.

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.

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.

Archaeological Monitor

Archaeological monitors will coordinate with Construction Supervisors and Environmental Inspectors. The lead archaeological monitor will coordinate with the SHPO, the FERC on state and private lands, BLM for BLM lands, and USFS for USFS lands regarding discoveries, as outlined below. 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 Environmental 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 below.

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.

Non-Human Cultural Resource Discoveries in ROW and Ancillary Facilities

Anticipated Discoveries

If the archaeological monitor determines that the find is cultural, the recordation and evaluation procedures outlined in the section of this plan titled Recording and Treatment will be followed. Information about discoveries will be recorded on daily logs and will be summarized in weekly progress reports.

Various types of anticipated 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. Agencies will not be notified when simple cultural features, artifacts, or isolated finds are encountered, except in weekly progress reports.

Complex Features: When discoveries of complex cultural features are made, the lead archaeological monitor will secure the area and will notify the inspectors. The archaeological monitor will notify the FERC, SHPO, BLM for BLM lands, and USFS for USFS lands by telephone no more than 12 hours after the discovery, with written follow-up within 36 hours. The archaeological monitor – in consultation with SHPO, the FERC for state and private lands, BLM for BLM lands, and USFS for USFS lands – will assess site eligibility and identify treatment options. Table 1 lists the contacts to be notified in the event of the discovery of a complex feature. After recording, evaluating, and treating the discovery in the manner determined through consultation with the agencies, the archaeological monitor will then notify the Construction Supervisor to resume construction.

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.

Table 1. Unanticipated Notification – Agency Contact Information.

Agency	Contact Person	Telephone Number
FERC	Laurie Boros, Archaeologist	888 First Street, NE Room 1A Washington, DC 20426 Phone: 202-502-8046 Email: Laurie_Boros@ferc.gov
Ruby Pipeline, LLC	Nicole Pedigo, Environmental Project Management	Two North Nevada Avenue Colorado Springs, Colorado 80903 Phone: 719-667-7529 Email: nicole.pedigo@elpaso.com
Utah SHPO	Lori Hunsaker, Deputy State Historic Preservation Officer	Utah SHPO 300 S. Rio Grande Street Salt Lake City, Utah 84101 Phone: 801-533-3555 Fax: 801-533-3503 Email: Lhunsaker@utah.gov

Table 1. Unanticipated Notification – Agency Contact Information.

Agency	Contact Person	Telephone Number
BLM	Glenn Carpenter, District Manager, West Desert District	2370 South 2300 West Salt Lake City, UT 84119 Phone: 801- 977-4300 FAX: 801- 977-4397
BLM	Dale Earl, Field Office Archaeologist	BLM – Salt Lake Field Office 2370 South 2300 West Salt Lake City, Utah 84119 Phone: 801-977-4334 Email: Dale_Earl@blm.gov
USFS	Tom Flanigan, Archaeologist	Wasatch-Cache National Forest 8256 Federal Building 125 South State Street Salt Lake City, Utah 84138 Phone: 801-236-3448 Email: Tflanigan@fs.fed.us
Utah State	Kevin Jones, State Archaeologist Ron Rood, Assistant State Archaeologist	Antiquities Section 300 Rio Grande Salt Lake City, Utah 84101 Phone: 801-533-3524 Fax: 801-533-3503 Email: KTJones@utah.gov
SITLA	Kenny Wintch, Archaeologist	School and Institutional Trust Land Administration 675 East 500 South, Suite 500 Salt Lake City, Utah 84102 Phone: 801-538-5168 Email: Kennywintch@utah.gov
DWR	Kathie A. Davies	Division of Wildlife Resources 1594 West North Temple P.O. Box 146301 Salt Lake City, UT 84114-6301 Phone: 801-538-4864 Email: kathiedavies@utah.gov
UDOT	James Beers	UDOT Region 1 166 West Southwell Street Ogden, UT 84404 Phone: 801-620-1635 Email: jamesbeers@utah.gov
Box Elder County Sheriff	Sheriff J. Lynn Yeates	52 South 1000 West Brigham City, Utah 84302 Phone: 435-736-3800
Cache County Sheriff	Sheriff G. Lynn Nelson	1225 W. Valley View Logan, Utah 84321 Phone: 435-755-1000 Fax: 435-755-1075
Rich County Sheriff	Sheriff Dale Stacey	P.O. Box 38 Randolph, Utah 84064 Phone: 435-793-2285 Fax: 435-793-3122

Discovery of Human Remains

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 or USFS 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.

Human Remains Discoveries in ROW, Ancillary Facilities and Open Trenches

Construction Supervisors and Environmental Inspectors

The procedures concerning coordination and notification are summarized in Figure 2. 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 Ruby has received notice from the BLM (for discoveries on BLM land), the USFS (for discoveries on USFS lands), the FERC (for discoveries on state and private lands) and the SHPO to proceed with the construction activity in the buffer zone. For discoveries on BLM land, the BLM Project Manager or Ruby will notify the Environmental Inspector and the Construction Supervisor that construction may resume.

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 Ruby of the discovery, which will notify the sheriff (Figure 2). The appropriate county sheriff's office will be requested to contact the county coroner. Table 1 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. 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 on BLM lands, the USFS on USFS lands and the FERC on state or private lands, and SHPO will assume responsibility for the remains, in accordance with the procedures described below.

Upon being notified by the investigating archaeologist of the presence of human remains, Ruby personnel will determine land ownership status. Depending on whether the discovery is made on private, state, or federal lands, the following actions will be taken:

- Upon discovery of human remains on non-federal land that is not state land, Ruby will: (1) cease activity in the area of the discovery and take measures as approved by the Environmental Inspector to protect the discovery from further disturbance or vandalism pending final disposition; (2) notify a local law enforcement agency; (3) notify the person who owns or controls the nonfederal land on which the discovery is located; and (4) notify the FERC. In accordance with Utah Code § 9-8-309, if the local law enforcement agency believes

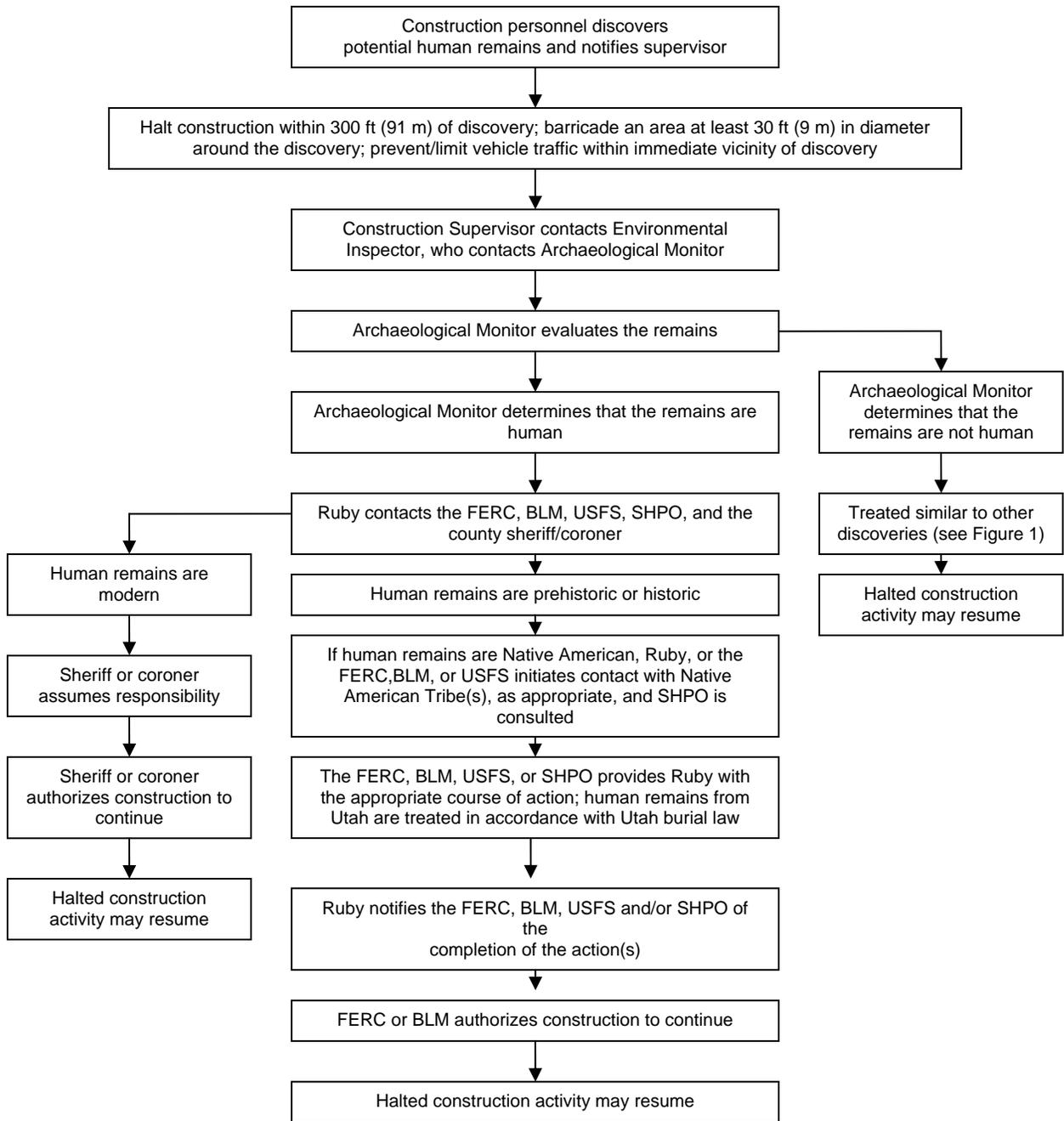


Figure 2. Procedures for the Treatment of the Unanticipated Discovery of Human Remains.

- that the discovery is of ancient human remains, that agency will notify the Antiquities Section of the Utah Division of History. Ruby may resume the suspended activity when permitted by the person who owns or controls the nonfederal land on which the discovery is located, in accordance with the provisions of Utah Code § 9-8-309(1)(d).
- Upon discovery of human remains on state lands, Ruby will: (1) cease activity in the area of the discovery and take measures as approved by the Environmental Inspector to protect it from further disturbance or vandalism pending final disposition; (2) notify a local law enforcement agency; (3) notify in writing the appropriate state agency having primary management authority over the lands on which the discovery is located; (4) notify the Antiquities Section in accordance with Utah Code § 9-8-309; and (5) notify the FERC. Ruby may resume the suspended activity upon certification by the appropriate state agency that the notification provided for herein was received, and when permitted by that agency after compliance with Utah Code § 76-9-704.
- If the discovery is located on BLM or USFS lands, Ruby will notify a local law enforcement agency. If the remains are determined to be ancient human remains, Ruby will immediately notify the FERC and the BLM or USFS District or Field Office Manager (or their designated representative) by telephone. The BLM or USFS will, in turn, notify the SHPO and appropriate tribes. Following telephone contact, Ruby will provide written confirmation of the discovery to the BLM or USFS by certified mail. The notification will include a brief description of the discovery and its location and condition. Ruby will treat the find as directed by the above agencies in full compliance with the provisions of NAGPRA and with the utmost respect. Ruby will take all reasonable measures to secure the discovery and see that it is not further disturbed, as described in the preceding section of this discovery plan.

After following the procedures described above, the FERC, BLM, USFS, or SHPO will convey to the lead archaeological monitor the procedures for recording, evaluation, and treatment of the remains. When all work has been satisfactorily completed and approved by the appropriate agency representative, the lead archaeological monitor will notify the FERC for state and private lands, the BLM for BLM lands, and the USFS for USFS lands, who will authorize resumption of construction at the discovery location. For non-Native American human remains found on BLM land in Utah, the BLM will meet the requirements of applicable Utah state law regarding Ancient Human Remains law (Utah Administrative Code R212-4 and Statute 9-8-309). 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 applicable laws and with procedures agreed upon by the BLM and SHPO.

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. The Ruby Cultural Resource Consultant 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.

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 Ruby personnel and/or their representatives.

A monitoring update will be emailed to the FERC, BLM, USFS, SHPO, and Ruby 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 FERC, BLM, USFS, or SHPO at any time upon request. A final monitoring report summarizing all monitoring activity and management recommendations will be submitted after the completion of monitoring.

POSTCONSTRUCTION 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 a postconstruction site selection meeting, to be held following completion of the monitoring of the Ruby Pipeline.

Because it is not known how many buried sites or features will come to light as a result of construction monitoring, it is proposed that a level of data recovery work commensurate with that proposed for preconstruction data recovery should be reserved for postconstruction treatment of sites discovered during graded ROW monitoring and open trench inspection (and possibly an alternative mitigation paleoenvironmental study, as discussed in the Treatment Plan). Therefore, the amount of postconstruction excavation will not exceed 450 m² for all sites, the same as that proposed for the maximum amount of preconstruction block excavation at all sites. The level of additional, postconstruction, data recovery will depend on the characteristics of significance relative to the research topics and the level of data recovery previously conducted. The implementation of a postconstruction phase of data recovery will minimize construction delays that would result from the excavation of deep or complex discovery sites during construction.

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RUBY PIPELINE PROJECT

**CULTURAL RESOURCES TREATMENT PLAN
FOR ELKO, HUMBOLDT, AND WASHOE COUNTIES, NEVADA**

June 2010

1. MONITORING AND CULTURAL RESOURCES DISCOVERY PLAN

A monitoring and discovery plan is required to ensure that sites eligible to the National Register (herein referred to as historic properties) not identified during Class III cultural resource 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 at known on-site and off-site areas and for the treatment of discoveries found during construction of the Ruby Pipeline in Nevada. The monitoring and discovery plan contains standards and procedures for the qualification and training of archaeological monitors and construction personnel, and for monitoring the right-of-way, auxiliary facilities, and the open trench; procedures for the identification, protection, initial treatment, evaluation, and treatment of discoveries (including discoveries of human remains); and procedures for coordination, notification, and reporting. Identification and handling of human remains is discussed here separately.

This discussion focuses on the roles and responsibilities of Archaeological Monitors and not Tribal Monitors. Tribal Monitors will also observe construction and related ground disturbing activities, and monitor compliance with all stipulations identified by tribes and agencies. Tribal Monitors are not authorized to halt or hinder construction or other project activities. Any non-compliance activities observed by the Tribal Monitor are to be reported to the Senior Tribal Coordinator. EPG is responsible for the Tribal Monitoring program, including employment, and will formalize the roles and responsibilities of the Tribal Monitors during a pre-construction training session.

QUALIFICATION AND TRAINING OF ARCHAEOLOGICAL MONITORS AND CONSTRUCTION PERSONNEL

Archaeological Monitors

An archaeological monitor is responsible to observe construction areas in order to:

- Maintain a daily written log of monitoring activities, including area(s) worked, and related communications,
- identify known or potential archaeological remains,
- notify the appropriate project and agency personnel of previously unknown archaeological remains,
- appropriately document newly discovered archaeological remains,
- make decisions regarding an interruption in construction so as to determine if archaeological remains are present, to assess the importance of any discovered remains, or to recover archaeological information according to terms of this plan,
- recommend actions necessary or appropriate to recover or protect those remains, and
- implement approved actions necessary to recover or protect those remains.

Archaeological monitors will be under the supervision of a lead monitor who will coordinate with the FERC and Nevada SHPO, along with BLM personnel. On BLM lands, lead monitors will be persons previously approved by BLM as qualified in the capacity of Crew Chief or Principal Investigator. Other non-lead archaeological monitors must have experience and familiarity with Great Basin archaeological materials and general excavation methods involving a minimum of 120 days of excavation experience. Lead monitors are responsible for recommending significance evaluations and appropriate avoidance or treatment options to BLM. All archaeological monitors must attend an archaeological monitor training module prior to being assigned to monitoring and, once construction has started, new monitors must undergo on-the-job training under direct supervision of the lead monitor for three field days prior to conducting any independent

monitoring. Pipeline health and safety training will also be required. All archaeological monitors will report daily to their lead monitor, who will report to the lead Environmental Inspector for each construction spread.

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 and/or temporarily halt construction when simple discoveries can be recovered.

Key Construction Personnel

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

Training and Orientation

Prior to starting construction activity, Ruby 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 this discovery plan regarding the protection of discoveries until they can be properly evaluated by a qualified professional archaeologist;
- the need to treat any human remains and other items protected under NAGPRA or state law that are encountered with dignity and respect;
- the steps outlined in this discovery plan concerning the notification of the appropriate Ruby and agency personnel; and
- the necessity of reporting discoveries in a timely manner and complying with other stipulations provided in this plan.

Key Ruby personnel and archaeological monitors will have the monitoring and discovery plan on-site.

MONITORING LOCATIONS

The following areas within the APE will be monitored during all phases of construction (mainline, access roads, facilities, including open trenches, staging areas, and extra workspaces):

- All open trench locations, except in areas of exposed bedrock or other zones (e.g., playa/pan bottoms) with little to no potential for subsurface cultural deposits. Exclusions to this rule may be warranted in areas where the potential for caching, making offerings, etc. could be present (e.g. bedrock that contains crevices, fissures, etc.)
- All areas of construction-related ground surface modifications (blading, grubbing, top soil removal, etc.) within and immediately adjacent to historic properties that are easily damaged (e.g., rock art sites) or with moderate to high data potential for subsurface cultural deposits (e.g., Complex Flaked Stone (multi-constituent subtype), Simple Habitation, Complex Habitation, Quarry, or Types I-IV historic-era site components). Sites located within these construction areas that have been field verified as not eligible for listing in the NRHP will not be subject to monitoring.

RESOURCE IDENTIFICATION

The identification plan will be implemented upon discovery of cultural resources during monitoring of the centerline, access roads, auxiliary facilities, open trench, staging areas, and extra workspaces. The FERC, BLM, and Nevada SHPO will be notified of all discoveries. Cultural resources may be discovered by construction personnel, tribal monitors assigned by the project proponent, if any, or by archaeological monitors. Figure 1 summarizes the procedures to follow for discoveries other than human remains.

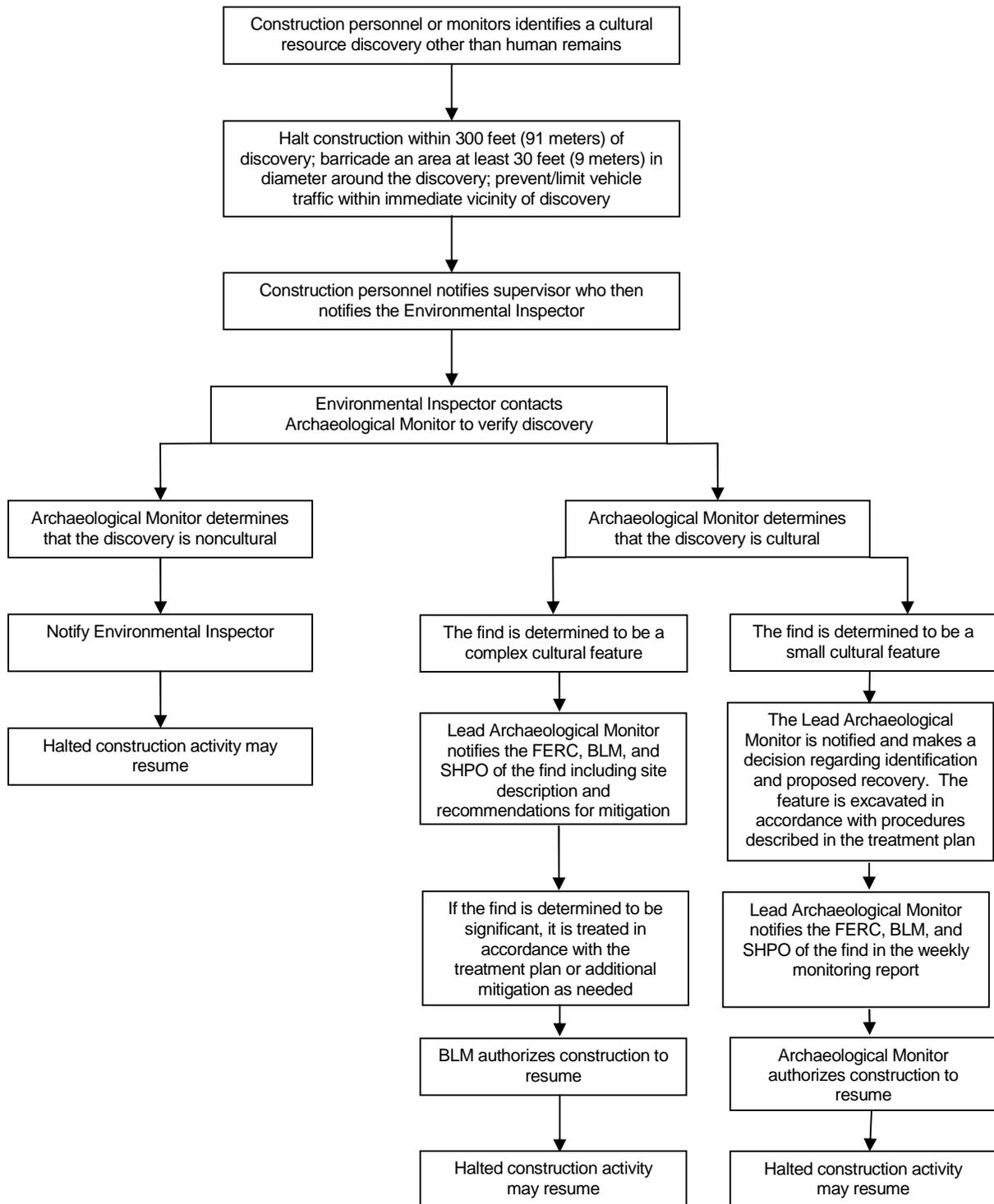


Figure 1. Procedures for Dealing with Cultural Resource Discoveries by Construction Personnel.

One or more archaeological monitors will observe grading and construction, as it occurs, where machinery is actively involved in ground disturbance activities in those locations noted above. It is also possible that a previously undocumented archaeological site, not associated with any of the monitoring locations, might be identified in the APE by construction personnel, environmental inspectors, tribal monitors, or archaeological monitors. When such sites are identified, construction will be halted or redirected at that location to allow the archaeological monitor to safely examine the exposed cultural resources.

Archaeological monitoring within known sites will focus on the discovery of cultural features or artifact concentrations, and on the identification of human remains; construction will not be stopped for exposed individual and isolated artifacts unless those are of exceptional importance or significance due to rarity. Most discoveries will likely be features that are either small or larger and more complex. Small cultural features will include isolated pit features, such as hearths, roasting pits, storage pits, and discard areas representing prehistoric removal of thermal feature fill. Data from these small features can be recovered in a relatively quick manner. Complex cultural features might include house floors and similar prehistoric residential architecture as well as any cultural feature within the context of multiple cultural strata. Complex features can also include pit features, such as hearths, roasting pits, and storage pits. Clusters of small features possibly representing activity areas associated with nearby residential architecture or with a substantial buried site will also be regarded as complex features. These larger, more complex features will require more intensive methods of data recovery.

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. one centimeter 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 monitors will also investigate areas of suspicious staining to determine their origin and cultural association, document the presence or absence of living surfaces or activity areas associated with features, and obtain additional information to help in development of a data recovery plan and in the placement of data recovery excavation blocks, if necessary.

Examination of exposed trench sidewalls will be conducted after trenching has been completed but before the pipe is laid in those areas requiring monitoring. One or more archaeologists will examine both walls for evidence of artifacts, cultural features, stained occupation surfaces, concentrations of animal bone, or human remains. If a find is identified in a trench wall, adjacent backdirt will be examined for constituents of the disturbed feature. This may include screening of select areas of the spoil.

The archaeological monitor will evaluate the contextual and morphological integrity of finds and will either immediately excavate simple cultural features or activity areas that retain sufficient integrity to contribute to the project’s research design, or make arrangements for subsequent recovery of simple features within 24 hours, subject to ensuring complete avoidance and appropriate protection of the area during construction. Areas containing complex features are subject to greater measures for protection and avoidance, including longer delays in construction activities where necessary to obtain important archaeological information that might otherwise be destroyed.

The archaeological monitor will record the sites and document all information that will be needed for an IMACS form that will be included in the final archaeological report. The monitor will also document the location of features within sites, or undocumented sites, using a GPS receiver, specifically in relation to cadastral monuments or site datum points. The monitor will then write a site description and mitigation measures taken or recommended; this will include maps, drawings, and other pertinent data. All documentation will meet current BLM standards and utilize software compatible with existing BLM requirements for cultural resources.

MEASURES FOLLOWING DISCOVERY

Protection Areas

Appropriate measures will be taken to protect the discovery from further disturbance until an archaeological monitor has fully documented, evaluated, and completed treatment. Marking and barricades will be used only when the location to be protected is both close to construction operations, per the following distances, and sensitive to disturbance. When a discovery is encountered by construction personnel or by Environmental Inspectors, construction activity in the vicinity will be immediately halted, followed as soon as possible by the cessation of all other ground-disturbing activity within 300 feet (91 meters) of the discovery. However, use of established vehicular transportation routes may occur through this area provided such activities do not pose a threat to the physical integrity of the discovery. Subject to variance requirements, alternative roadways should be developed to protect discoveries in circumstances where continued use of established roadways poses a threat to physical integrity of the discovery. After construction activity has been halted, the following steps will be taken to ensure that no further disturbance occurs to the discovery:

1. Secure an enclosure area at least 30 feet 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 enclosure area.

The archaeological monitor will have the flexibility to enact whatever level of protection is necessary, ranging from temporarily halting construction to redirection of heavy equipment away from the discovery's location. If the discovery can be quickly treated (e.g., a simple feature), it may be sufficient to temporarily halt construction to permit archaeologists to safely record and resolve any adverse effect to the site.

In cases where discoveries are complex, such as when extensive features or clusters of simple features are found, it may be necessary to redirect construction to ensure protection. In the case of complex discoveries, the lead archaeological monitor will notify the project's Principal Investigator, as well as FERC and the BLM, to develop the measures to resolve adverse effects and protect the site. Examples of protective measures could be fencing until adverse effects are resolved or stabilizing and protecting the site during pipe laying activities through the use of a protective barrier such as 1/4 inch thick plywood. When treatment and/or protective measures are completed, the BLM will authorize construction to resume at the discovery location.

It may be necessary for Ruby to provide 24-hour, on-site security for discoveries as determined by FERC and BLM, each in consultation with the SHPO.

Recording and Treatment

Discoveries identified as cultural by archaeological monitors will be marked and assessed for treatment. For the "simple site type" of discoveries made during the monitoring of blading activities, recording will be concurrent with discovery and treatment. For the "complex site type" of discoveries, the archaeologist, with assistance of the Principal Investigator (PI) as appropriate or other qualified persons designated by the PI, will record the site and develop the appropriate mitigation measure or protective/stabilizing measures in consultation with the BLM, FERC, and SHPO.

During open trench inspections, recording will occur after each discovery location has been evaluated. As discussed in the following sections of this plan, deeply buried features discovered during open trench inspection may be excavated during a post-construction data recovery phase after approved stabilization and protective measures have been completed.

Procedures for Treating 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 simple features. Treatment of discoveries involving simple features during construction monitoring will not involve consultation with agencies. Relatively shallowly buried, threatened features that conform to the description of “simple” cultural features given above will, therefore, be treated prior to the continuation of construction. Deeply buried, non-threatened, simple features will not typically be excavated immediately and may undergo stabilization/protective measures, including data recovery, as mentioned above.

If a complex feature is identified, measures will be taken to prevent further disturbances. Depending on the nature and location of the 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, utilizing stabilization/protective measures, or posting a security guard. The FERC, Nevada SHPO, and BLM 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. Once the nature of the discovery and its vulnerability to further construction-related impacts are understood, the proponent’s BLM-permitted archaeological consultant(s), including the PI, and agency archaeologists will consult about eligibility and treatment options. The lead archaeological monitor will notify the appropriate agency by telephone no more than 12 work hours after the discovery, with written follow-up within 36 work hours. Site treatment may include site avoidance, immediate archaeological data recovery, or consideration during the post-construction phase of data recovery. Complex features or any non-threatened resources will be added to the pool of sites considered for post-construction data recovery. All discoveries will be reported in weekly progress reports.

Small cultural features, such as hearths, roasting pits, and storage pits, can be excavated relatively quickly, and construction allowed to proceed. If larger, 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 after consultation with the agencies.

The focus of the excavation of small 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.

In open trenches, shallow buried features (defined as having their uppermost point less than 30 centimeters below the original ground surface) are generally in danger of damage from later stages of construction and will need assessment and treatment prior to additional construction. More deeply buried resources (depths greater than 30 centimeters below original ground surface), are generally not directly threatened by pipe lowering and backfilling after stabilization/protective measures are completed, and thus can be treated in the post-construction phase. In some cases, however, features deeper than 30 centimeters may be threatened by slumping and need immediate treatment.

If the shallow feature is exposed in the pipeline trench wall profile, then an excavation unit large enough to encompass the feature plus a 20 cm buffer will be excavated. The feature’s profile, including both sides of the trench if present, will be photographed, mapped and drawn in appropriate detail. Sediments will be screened to capture any associated artifacts. 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. Based on BLM-SHPO consultation, exposed features may be sampled during excavation rather than being completely excavated. Charcoal samples from features will be subjected to AMS radiocarbon dating.

Procedures for Marking Unexcavated Discoveries

In some cases, discoveries may be left unexcavated during the monitoring phase. Some of these discoveries will be selected for data recovery during the project's post-construction phase of archaeological investigations. Because the discoveries will be obscured by backfilling, highly precise GPS data will be collected for the discovery location (e.g., Trimble Geo XT) and in consultation with the BLM and FERC, install appropriate stabilization/protection measures. Reference stakes will also be placed, consisting of two wooden survey stakes set outside the Ruby Pipeline construction corridor 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. A compass bearing will be taken from these stakes to ensure accurate alignment and feature relocation.

Evaluation of Discoveries

Each discovery will be assessed for significance using the NRHP eligibility criteria identified in 36CFR60, as well as the general guidelines used for assessing site significance during the Class III inventory phase of the project (Hildebrandt et al. 2010). Significance recommendations for all unanticipated discoveries will be presented in the Monitoring Report. Unanticipated discoveries that are determined NRHP-eligible by the reviewing agencies and that are not excavated during construction and monitoring phase will be added to the pool of sites considered for archaeological data recovery during the post-construction phase.

Other Coordination and No The following notification procedures will be followed based on the type of discovery:

- Artifacts outside known site locations: The archaeological monitor will secure the area and notify the inspectors. The archaeological monitor will record and evaluate the discovery, and if the site is determined as not eligible the archaeologist will notify the Construction Supervisor to resume construction.
- Small Features: The archaeological monitor will secure the area and 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. Agencies will not be notified when small cultural features, artifacts, or isolated finds are encountered, except in weekly progress reports.
- Complex Features: When discoveries of complex cultural features are made, the lead archaeological monitor will secure the area and will notify the inspectors. The archaeological monitor will then notify the FERC, SHPO, and BLM, by telephone no more than 12 hours after the discovery, with written follow-up within 36 hours. The archaeological monitor—in consultation with appropriate agencies—will recommend a determination of the site's eligibility and identify potential treatment options.
- Construction of the trench will typically not be halted for discoveries in the open trench. Construction may be halted in cases where numerous small features (i.e. now a complex feature) or a complex feature is believed to extend into previously non-trenched areas. Archaeological monitors will record, evaluate, and, depending on feature vulnerability to further damage, complexity, and accessibility, treat the discoveries as delineated in the preceding descriptions above for artifacts outside known site locations, Small Features, and Complex Features. Discoveries will be reported in the weekly progress reports.
- Discoveries involving human remains, funerary objects, sacred objects, or objects of cultural patrimony are subject to provisions of the Native American Graves Protection and Repatriation Act found elsewhere in this plan.

Table 1 lists the contacts to be notified in the event of the discovery of an unexpected cultural resource. After recording, evaluating, and treating the discovery in the manner determined through consultation with the agencies, the archaeological monitor will then notify the Construction Supervisor to resume construction.

DISCOVERY OF HUMAN REMAINS

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 (NAGPRA) for all discovery situations on a case-by-case basis in accordance with 43CFR10. If BLM has developed a Plan of Action in accordance with NAGPRA, that plan will be followed in lieu of procedures established in this unanticipated discovery plan. In accordance with 43CFR10, excavation or removal may

Table 1. Unanticipated Notification – Agency Contact Information.

AGENCY	CONTACT PERSON	TELEPHONE NUMBER
FERC	Laurie Boros, Archaeologist	888 First Street, NE Room 1A Washington, DC 20426 Phone: 202-502-8046 Email: Laurie_Boros@ferc.gov
Ruby Pipeline, LLC	Nicole Pedigo, Environmental Project Management	Two North Nevada Avenue Colorado Springs, Colorado 80903 Phone: 719-667-7529 Email: nicole.pedigo@elpaso.com
<i>NEVADA</i>		
SHPO	Alice Baldrice, Deputy State Historic Preservation Officer	Nevada SHPO 100 North Stewart Street Carson City, NV 89701 Phone: 775-684-3444 Fax: 775-684-3442 Email: abaldrice@nevadaculture.org
BLM – Elko	Ken Miller, District Manager	3900 East Idaho Street Elko, NV 89801 Phone: 775-753-0200 FAX: 775-753-0255 Email: Kenneth_Miller@blm.gov
BLM – Elko	Bryan Hockett, Field Office Archaeologist	3900 East Idaho Street Elko, NV 89801 Phone: 775-753-0276 FAX: 775-753-0255 Email: Bryan_Hockett@blm.gov
BLM – Winnemucca	Gene Seidlitz, District Manager	5100 East Winnemucca Blvd. Winnemucca, NV 89445 Phone: 775-623-1501 FAX: 775-623-1503 Email: Gene_Seidlitz@blm.gov
BLM – Winnemucca	Samuel Potter, Field Office Archaeologist	5100 East Winnemucca Blvd. Winnemucca, NV 89445 Phone: 775-623-1762 Fax: 775-623-1503 Email: Samuel_Potter@blm.gov
BLM – Winnemucca	Randy Reader Law Enforcement District Ranger	5100 East Winnemucca Blvd Winnemucca, NV 89445 Phone: 775-623-1720 Fax: 775-623-1775 Email: Randy_Reader@blm.gov
BLM – Surprise Valley	Shane DeForest, Field Office Manager	602 Cressler Street, P.O. Box 460 Cedarville, CA 96104 Phone: 530-279-2749 FAX: 530-279-2171 Email: Shane_DeForest@ca.blm.gov
BLM – Surprise Valley	Penni Borghi, Field Office Archaeologist	602 Cressler Street, P.O. Box 460 Cedarville, CA 96104 Phone: 530-279-2732 FAX: 530-279-2171 Email: Penni_Borghi@ca.blm.gov

Table 1. Unanticipated Notification – Agency Contact Information *continued*.

AGENCY	CONTACT PERSON	TELEPHONE NUMBER
<i>NEVADA CONTINUED</i>		
US Fish and Wildlife Service	Nicholas Valentine	20555 Gerda Lane Sherwood, OR 97140 Phone: 503-625-4377 Email: nick_valentine@fws.gov
Elko County Sheriff/Coroner	Sheriff Dale Lotspeich; Billy Webb (Coroner)	775 West Silver Street Elko, NV 89801 Dispatch: 775-777-7300 Sheriff's Office: 775-738-3421 FAX: 775-753-9845
Humboldt County Sheriff/Coroner	Sheriff Ed Kilgore	50 West 5th Street Winnemucca, NV 89445-3171 Dispatch: 775-623-6429 Sheriff's Office: 775-632-6419
Washoe County Sheriff	Sheriff Michael Haley	911 Parr Blvd. Reno, NV 89512 Dispatch: 775-785-4629 Office: 775-328-3001 Email: administrative@washoesheriff.com
Washoe County Coroner	Ellen G. I. Clark, MD	10 Kirman Ave. PO Box 11130 Reno, NV 89502 Office: 775-785-6114

resume at the location 30 calendar days after certification by the BLM Authorized Officer, or sooner if a Plan of Action has been agreed upon by the federal agency(ies) and affected tribes and tribal representatives. All reasonable measures will be taken to resolve any issues regarding affiliation and disposition of discovered human remains within this 30-day period.

Coordination and Notification Procedures

Construction personnel or a tribal monitor 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. 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 resumption of construction when notified by the archaeological monitor or Principal Investigator that treatment of the unexpected discoveries has been completed. The Environmental Inspectors will also ensure 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.

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.

Archaeological monitors will coordinate with Construction Supervisors and Environmental Inspectors. The lead archaeological monitor will coordinate with appropriate agencies regarding discoveries. 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 not cultural, the monitor will notify the Construction Supervisor or Environmental 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 this plan.

The archaeological monitor will also identify discoveries during open trench inspections and during monitoring of 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 below.

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, a description of any cultural resources identified during monitoring, the recommended treatment of those resources given to BLM/FERC, agency responses and determinations, and a record of any relevant communications with Ruby personnel and/or their representatives. All pertinent information to complete an IMACS form for the final report will be collected.

A monitoring update will be provided to the FERC, BLM, SHPO, and Ruby 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 by the proponent's BLM-permitted archaeological consultant and updated; this spreadsheet will be available to the FERC, BLM, or SHPO upon request, and accessible on a secure FTP site. A final monitoring report summarizing all monitoring activity, recommendations of archaeological monitors, and agency management decisions/determinations will be submitted after the completion of monitoring as part of the final reporting on the project. The monitoring report will not include results of any related excavations; those will appear as part of the testing/excavation reporting provided by the proponent's BLM-permitted archaeological consultants.

The procedures concerning coordination and notification are summarized in Figure 2. 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 feet (91 meters) 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 human remains and any associated artifacts will remain in effect until Ruby has received notice from the BLM, or from the FERC and the SHPO (for discoveries on state and private lands) to proceed with the construction activity in the buffer zone. For discoveries on BLM land, the BLM Project Manager or Ruby will notify the Environmental Inspector and the Construction Supervisor that construction may resume.

Activities Upon Discovery

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 Environmental Inspector will notify the archaeological monitor as soon as possible. If an archaeological monitor makes the discovery or determines that remains subject to NAGPRA are present, the monitor will halt construction. The construction supervisor, Environmental Inspectors, and archaeological monitors have the authority to halt construction in the event of discovery of human remains.

Each construction spread will have a plastic human reference skeleton to assist in the identification of human bone. This task will be the responsibility of the lead monitor, who will have the expertise to identify human remains. There will also be certain archaeological monitors that also have this ability and will be given

the same level of responsibility as the lead monitor. Individuals with human osteological expertise will be identified before construction and approved by the BLM. When any possible human remains are discovered, a 300-foot (91 meter) protection zone will be designated in all directions around the discovery, and all construction personnel will vacate the area. Use of established vehicular transportation routes may occur through this area provided such activities do not pose a threat to the physical integrity of the discovery. Subject to variance requirements, alternative roadways may be developed to protect discoveries. Vehicles may be left in place until an archaeological monitor determines

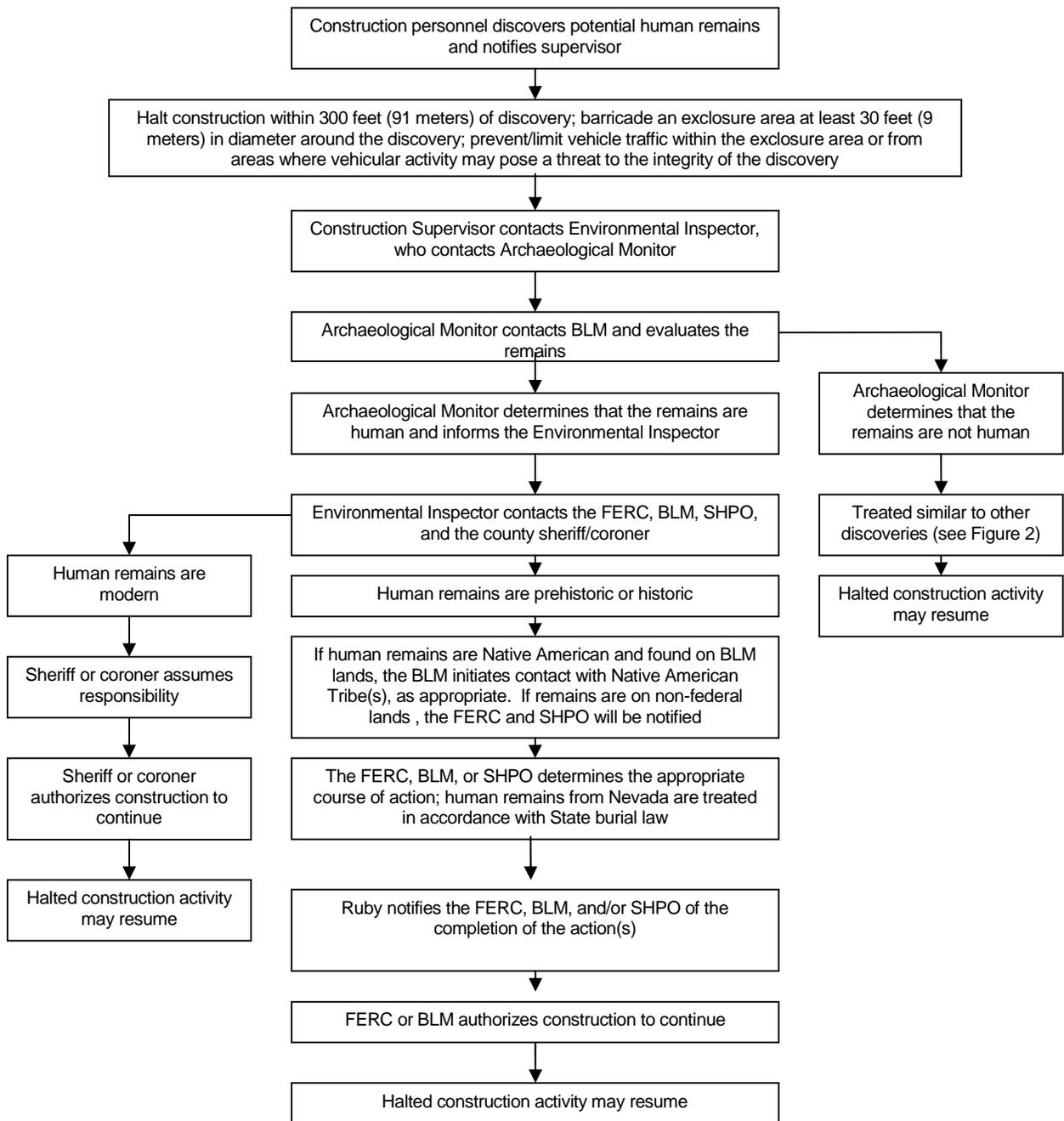


Figure 2. Procedures for the Treatment of the Unexpected Discovery of Human Remains.

whether the bones are human. If the remains are determined to be human, vehicle traffic will not be allowed within the buffer zone after they have vacated the area. Steps will be taken to stabilize the human remains, if necessary. As a result of consultation, the protection zone may be expanded. It may be necessary for Ruby to provide 24-hour, on-site security for discoveries as determined by FERC for state and private lands and the BLM for BLM land, each in consultation with the SHPO. After all construction activity has been halted and the appropriate personnel and authorities have been notified, steps will be taken to ensure that no further disturbance occurs to the discovery.

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 Ruby personnel of the discovery, who in turn will notify the sheriff, BLM, FERC, and SHPO. The appropriate county sheriff's office will be requested to contact the county coroner. Table 1 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. 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 appropriate agency will assume responsibility for the remains, in accordance with the procedures described below.

Upon being notified by the investigating archaeologist of the presence of human remains, Ruby personnel will determine land ownership status. Depending on whether the discovery is made on private, state, or federal lands, the following actions will be taken:

- Upon discovery of human remains on private land, Ruby will: (1) cease activity in the area of the discovery and take measures as approved by the Environmental Inspector to protect the discovery from further disturbance or vandalism pending final disposition; (2) notify a local law enforcement agency; (3) notify the person who owns or controls the non-federal land on which the discovery is located; and (4) notify the FERC, and SHPO. In accordance with Nevada Revised Statutes (NRS) 383.150 *et seq.*, if the local law enforcement agency believes that the discovery is of ancient human remains, that agency will notify the SHPO. Per NRS 383.170, the SHPO will notify the appropriate Indian Tribe identified by the Nevada Indian Commission. The Tribe has 48 hours after notification from SHPO to recommend an appropriate means for treatment and disposition of the site and all artifacts and human remains associated with the site. The private land owner may accept or reject the Tribe's recommendations; if accepted, those procedures shall be implemented. If either the Tribe fails to respond with 48 hours, or if the landowner rejects the Tribe's recommendation, the landowner shall, at his own expense, reinter with appropriate dignity all artifacts and human remains associated with the site in a location not subject to further disturbance. Ruby may resume the suspended activity after compliance with with the provisions of NRS 383.170.
- Upon discovery of human remains on state lands, Ruby will: (1) cease activity in the area of the discovery and take measures as approved by the Environmental Inspector to protect it from further disturbance or vandalism pending final disposition; (2) notify a local law enforcement agency; (3) notify in writing the appropriate state agency having primary management authority over the lands on which the discovery is located; (4) notify the SHPO in accordance with NRS 383.150 *et seq.*; and (5) notify the FERC and BLM. Ruby may resume the suspended activity upon certification by the appropriate state agency that the notification provided for herein was received, and when permitted by that agency after compliance with NRS 383.170.

After following the procedures described above, the FERC, BLM, or SHPO, as appropriate, will convey to the lead archaeological monitor the procedures for recording, evaluation, and treatment of the remains. When all work has been satisfactorily completed and approved by the appropriate agency representative, the lead archaeological monitor will notify the appropriate agency personnel who will authorize resumption of construction at the discovery location. For non-Native American human remains found on BLM land in Nevada, the BLM will meet the requirements of applicable Nevada state law regarding human remains. 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 applicable laws and with procedures agreed upon by the BLM and SHPO.

2. ORGANIZATION OF WORK EFFORT

The field team will consist of crews from Far Western and their historic resources subconsultant Summit Envirosolutions (Summit). Fieldwork will be organized according to construction spread, of which there are five identified in the state of Nevada. These spreads are of different lengths and contain a variable number of archaeological sites scheduled for data recovery treatment. There are also construction and environmental parameters that may potentially affect the work schedule within each spread.

PRE-DATA RECOVERY FIELD VERIFICATION AND OTHER OPERATIONS

There are a series of site checks and other field operation that need to occur prior to the formal start of data recovery. These include field verifications of all sites scheduled for data recovery; survey and site recordation in new APE zones not identified in this report; as well as documentation of known but previously unrecorded sites. Because these activities do not include either site collection or excavation, they can occur before the start of data recovery. Such activities will require a Fieldwork Authorization permit from the appropriate BLM office.

Field verification will be conducted by three-person crews, consisting of a field director assisted by a crew chief and technician. Several three-person crews may be operating concurrently prior to the start of data recovery. Some of these crews will be supervised by Summit and directed at historic properties exclusively. Depending on construction schedules and the start of data recovery, field verification teams may continue working after data recovery and construction commence.

DATA RECOVERY (PRE-CONSTRUCTION)

While acknowledging differences between spreads (number of sites scheduled for data recovery, environmental constraints [e.g., sagebrush grouse leks]), Far Western plans to deploy a 14-person crew for each spread. This crew will consist of one Spread Chief, one Field Director, two Crew Chiefs, and ten technicians. In addition, each spread will have two archaeological construction monitors reporting directly to the Spread Chief during construction. These personnel may be concurrently deployed at several or even multiple field locations, or perhaps even in different spreads, depending on project needs and schedule. On most occasions, however, it is envisioned that this spread team will be divided into two six- or seven-person crews. The Summit historic resources team will consist of a similarly organized but single, 14-person size crew that will range across Nevada, targeting those historic components scheduled for data recovery.

Given the number of sites identified for treatment and the overall personnel allocations enumerated above, data recovery could take between three and four months to complete. It is therefore likely that some significant proportion of the data recovery effort will occur concurrently with pipeline construction. This will require effective coordination between Far Western/Summit and the agencies (BLM, SHPO and FERC) regarding the disposition and final acceptance of treatment measures for all project historic properties (see *Communications Plan for Prehistoric Sites* on page 57).

The three- to four-month timeframe for data recovery is predicated on the following assumptions of work levels for each prehistoric site type and historic site treatment level.

Field Verification

Prehistoric and Historic Site Components 3-4 sites/1 day/3 person crew

Prehistoric Components

Simple Flaked Stone Scatters (non-obsidian) 3 sites/1 day/6-7 person crew

Simple Flaked Stone Scatters (obsidian) 3 sites/1 day/6-7 person crew

Complex Flaked Stone Scatters 1 site/2 days/6-7 person crew

Simple Habitation 1 site/4 days/6-7 person crew

Complex Habitation	1 site/8 days/6-7 person crew
Quarries	1 site/2 days/6-7 person crew
<u>Historic Components</u>	
Treatment Level I	1 site/1 day/6-7 person crew
Treatment Level II	1 site/5 days/6-7 person crew
Treatment Level III	1 site/1 days/6-7 person crew
Treatment Level IV	1 site/5 days/6-7 person crew

POST-FIELD DATA RECOVERY

Far Western plans to deploy two 14-person crews for the post-field data recovery phase organized along similar lines as previously detailed for pre-construction data recovery. It is anticipated this work will be conducted in the field season following pipeline construction. This work is estimated to take six weeks to complete.

**Plan and Procedures for
Unanticipated Discoveries of
Cultural Resources - Oregon State**

**PLAN AND PROCEDURES FOR UNANTICIPATED DISCOVERIES OF CULTURAL
RESOURCES (INCLUDING HUMAN REMAINS)
DURING IMPLEMENTAION OF THE RUBY PIPELINE PROJECT
LAKE AND KLAMATH COUNTIES, OREGON**

INTRODUCTION

The Ruby Pipeline Project (Project), proposed by Ruby Pipeline, LLC (Ruby), encompasses approximately 674.4 miles of 42-inch diameter natural gas pipeline, along with associated compression and measurement facilities, located between Opal, Wyoming and Malin, Oregon. An approximate 2.6-mile lateral, the PG&E Lateral, would also be constructed south from the Malin Hub. As proposed the Project would have a design capacity of approximately 1.3 to 1.5 billion Dekatherms per day (BDth/d), depending on final subscriptions. The Project's rights-of-way would cross four states: Wyoming, Utah, Nevada, and Oregon. In addition to the pipeline facilities Ruby proposes the installation of four compressor stations for the Project: one located near the Opal Hub, one in western Utah, one near the mid-point of the Project north of Elko, Nevada, and one northwest of Winnemucca, Nevada.

The purpose of this Unanticipated Discoveries Plan is to demonstrate compliance with applicable federal and state laws and regulations regarding cultural resource and human remains, describe to regulatory and review agencies the procedures that will be followed in the event of unanticipated discoveries, and to provide guidance to Project personnel. The federal laws that govern cultural resources and human remains include, but are not limited to the following: particularly 36 CFR Part 800 (2007) of the regulations that implement Section 106 of the National Historic Preservation Act of 1996, as amended; 36 CFR Part 61; Section 61; Section 3(d) (U.S.C. § 3002) of the Native American Grave Protection and Repatriation Act (25 U.S.C. §§ 3001-3013) and the Archaeological Resource Protection Act (Public Law 96-95, 16 U.S.C. 470aa-mm); Oregon Revised Statutes (ORS) 97.740-97.760 for Indian Graves and Protected Objects; ORS 358.905-358.955 for the Protection of Archaeological Objects and Sites; ORS 390.235 for Archaeological Permit Requirements; and OAR 736-051-0080 through 0090 Administrative rules of Oregon Archaeological Excavation Permits.

CONSTRUCTION MONITORING

Ruby will retain qualified archaeologists, as defined by state law (OAR 736-051-0070[19]), with additional specialization and/or training in the identification of Native American remains and sacred objects for the northwest region of the United States, to monitor all construction work. The following process will be followed regardless of land jurisdiction. The archaeologists and all Project construction staff will follow this protocol:

- In the event that human remains or cultural resources are identified during the Project, all work within 50 feet of the discovery will be stopped, the remains left in place and not disturbed, and the Ruby Environmental Inspector (EI) will be notified. The archaeologist

and tribal monitor will be contacted and requested to investigate the discovery site. The discovery area will be protected through security measures to ensure the integrity of the remains. If lands are federal or state, the appropriate agency archaeologists will be contacted as well.

- Appropriate steps will be taken to protect the discovery. At a minimum a physical barrier, such as hazard fencing, will be placed around the discovery to guard against unauthorized personnel and equipment entering the area.
- The Ruby EI will notify the sheriff's office of the discovery in order to determine whether it should be treated as a crime scene or as a human burial.
- For non-burial related unanticipated discoveries, all work shall cease within 50 feet of the discovery and the artifacts/features left in place and not disturbed while the EI and the archaeologist are notified. The archaeologist will be called upon to investigate the situation.

HUMAN REMAINS

Any human remains, burial sites, or burial-associated materials that are discovered during construction will at all times be treated with the utmost respect and dignity. All Project construction activities within 50 feet of the discovery area will cease immediately when human remains or associated funerary objects are identified. At the discretion of the archaeologist an additional buffer may be added to the discovery zone to ensure that no activity occurs in and no unauthorized personnel can enter that area.

The treatment of Native American human remains will follow the protocol developed by the Government-to-Government Cultural Resource Cluster Group in September 2006, Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Public, State-Owned Lands in Oregon (below).

“Native American burial sites are not simply artifacts of the Tribe’s cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes’ rights in the decision-making process regarding ancestral remains and associated objects. Therefore, both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.”

Identification of Human Remains

Oregon laws (ORS 146.090 and .095) outlined the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurred are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.

If human remains that are inadvertently discovered or discovered through criminal investigations are not clearly modern based on artifact association and stratigraphy, then there is a high probability that the remains are Native American. In that case ORS 97.745(4) applies, which requires immediate notification of State Police, State Historic Preservation (SHPO), Commission on Indian Services, and all appropriate Native American Tribes.

If the human remains are possibly Native American, then the area should be secured from further disturbance. The human remains and associated objects should not be disturbed or transported from the original location until a plan has been developed, in consultation with the above named parties. These actions will help ensure compliance with Oregon state law that prohibits any person from willfully removing human remains and or objects of cultural significance from their original location (ORS 97.745).

Notification: On Private Lands

State law (ORS 97.745 [4]) requires that any discovered human remains suspected to be Native American shall be reported to:

1. Sheriff's Office
 - Lake County Sheriff McDonald (541) 947-6027
 - Klamath county Sheriff Evinger (541) 833-5130
2. State Historic Preservation Office
 - Primary contact is Dennis Griffin, State Archaeologist, office phone (503) 986-0674, cell phone (503) 881-5038
 - Secondary contact is Matthew Diederich, office phone (503) 986-0577
3. Commission on Indian Services
 - Current contact is Karen Quigley, Director, office phone (503) 986-1067. Karen can also provide the list of appropriate Native American Tribes.
4. All appropriate Native American Tribes provided by CIS.

- Klamath Tribes- Perry Chocktoot (541) 783-3706
- Modoc Tribe of Oklahoma- John Ballard (918) 542-1190
- Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (Wadakida) - Don Munkers (541) 573-2088 x 262
- Cow Creek Band of Umpqua Indians - Jessica Bochart (541) 672-9405
- The Confederated Tribes of the Warm Springs Reservation of Oregon (Warm Springs, Wasco, Northern Paiute) - Sally Bird (541) 553-1161
- Cedarville Rancheria, Northern Paiute Tribe- Melinda Dollarhide - (530) 233-3969
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California- Kenneth Sam (541) 417-1437
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon - Duane Masters (775) 532-8259
- Pit River Tribe, California-includes Big Bend, Lookout, Montgomery Creek and Roaring Creek Rancherias and XL Ranch- Ida Riggs (530) 335-5421
- Summit Lake Paiute Tribe of Nevada- Ron Johnny (775) 827-9670
- Reno-Sparks Indian Colony - Michon Eban (775) 329-2936
- Susanville Indian Rancheria - Melany Johnson (916) 257-6264

Notification: On Federally Managed Lands

Federal law requires that any discovered human remains suspected to be Native American shall be reported to:

1. BLM

- LRA - Bill Cannon (451) 947-6111
- KFRA - Brooke Brown (541) 885-4139

2. Fremont National Forest

- John Kaiser (541) 947-6260
- Michelle Durant (541) 353-2755

3. Bureau of Reclamation

- Adam Nickels (916) 978-5053

4. SHPO

- Primary contact is Dennis Griffin, State Archaeologist, office phone (503) 986-0674, cell phone (503) 881-5038
- Secondary contact is Matthew Diederich, office phone (503) 986-0577

5. All appropriate Native American Tribes provided by CIS.

- Klamath Tribes - Perry Chocktoot (541) 783-3706
- Modoc Tribe of Oklahoma - John Ballard (918) 542-1190
- Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (Wadakida) - Don Munkers (541) 573-2088 x 262
- Cow Creek Band of Umpqua Indians - Jessica Bochart (541) 672-9405
- The Confederated Tribes of the Warm Springs Reservation of Oregon (Warm Springs, Wasco, Northern Paiute) - Sally Bird - (541) 553-1161
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In addition to the above, as required by Federal Energy Regulatory Commission (FERC), upon the finding of human remains, Ruby will immediately (within 24 hours of the find) notify the FERC Project Archaeologist (by telephone or via e-mail). FERC, in consultation with the SHPO and U.S. Forest Service (USFS)/Bureau of Land Management (BLM) (as appropriate) and relevant Indian Tribes, will make determinations of treatment of human remains that are prehistoric or historic. A Historic Properties Treatment Plan will have already been reviewed and approved, prior to the initiation of construction. Treatment on discovery situations cannot proceed until FERC issues a notice to proceed with treatment (via letter, e-mail, or telephone).

CULTURAL RESOURCES

In Oregon it is illegal to disturb an archaeological site on private or public land without obtaining an archaeological excavation permit (ORS 358.920(1)(a)). When archaeological resources are inadvertently discovered these laws apply once the discovery is determined to be archaeological. If the land is on federally managed property the agency archaeologist will be contacted first. Ruby's archaeologists, tribal monitors, and construction staff will follow this protocol:

- A cultural resource can consist of artifacts (such as projectile points, lithic debitage, or tin cans, bottles, and other historic materials that are older than 50 years) and features (an area of charcoal or charcoal-stained soil, faunal remains, or fire affected rock associated with lithic debitage).

- All work within 50 feet of the discovery area will stop and the EI will immediately contact the archaeologist and tribal monitors to investigate the discovery area. The discovery area should be protected and secured to ensure the integrity of the artifacts/features.
- The EI is responsible for protecting the discovery area in the event that the archaeologist confirms that the finding is a cultural resource. Protection of the site includes flagging the area to keep vehicles, equipment, and unauthorized personnel away from the area. Additionally, the EI will ensure that no construction work will be allowed to resume until after treatment of the discovery has been completed.
- After it has been determined, through investigation, that the discovery area does contain cultural artifacts or features, the archaeologist must evaluate the eligibility of the cultural resource. The archaeologist will recommend whether or not the cultural resource is potentially eligible for listing on the National Register of Historic Places (NRHP) pursuant to 36 CFR Sections 800.4 and 36 CFR Part 63. Ruby will direct its archaeologist to submit documentation about the cultural resource to Oregon SHPO and FERC, for discoveries on state and private land, and the BLM, for discoveries on BLM lands, for their concurrence.
- In consultation with the Oregon SHPO, the FERC, for discoveries on state and private land, and the BLM, for discoveries on BLM lands, will determine NRHP eligibility and Project effects for cultural resources discovered during construction, based on a report provided by Ruby. If the discovery is not NRHP-eligible or will not be adversely affected, no further consultation between these parties will be necessary.
- If the FERC, in consultation with Oregon SHPO and BLM (if appropriate), determines the resource is NRHP-eligible and the Project will have an adverse effect on it, the protocols developed in the approved Historic Property Treatment Plan will be followed. Treatment measures to mitigate adverse impacts to sites may include mapping, photography, subsurface testing, sample collection, complete data recovery, or other activity.
- Ruby will ensure that field investigations, research, analysis, reporting and curation of any materials collected during these investigations are sufficiently funded and implemented and follow all federal and state guidelines and procedures. All treatment efforts shall be conducted under Oregon's permit for archaeological excavation (OAR 736-051-0080 through 0090) or appropriate Archaeological Resources Protection Act permits based on land jurisdiction.

ATTACHMENT
Oregon Ruby Parties to Contact

EPG

Kris Dobschuetz
4141 N. 32nd Street
Phoenix, AZ 85018
602-956-4370

Lake County Sheriff
Sheriff Phillip A. McDonald
513 Center Street
Lakeview, OR 97630
541-947-6027

Oregon SHPO

Dennis Griffin, State Archaeologist
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Salem, OR 97301
503-986-0674

Klamath County Sheriff
Sheriff Tim Evinger
3300 Vandenberg Road
Klamath Falls, OR 97603
541-833-5130

Oregon Commission on Indian Services

Karen Quigley, Executive Director
900 Court Street, NE Room 167
Salem, OR 97301
503-986-1067
503-986-1071 fax

BLM-LRA
Bill Cannon- Archaeologist
1301 South G Street
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541-947-6111

FERC Cultural Resources Contact

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888 First Street, NE
Washington, D.C. 20426
202-502-8046

BLM-KFRA
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Klamath Falls, Oregon 97603
541-885-4139

U.S. Bureau of Indian Affairs

Northwest Regional Office
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Portland, OR 97232
503-213-6702

Klamath Tribes
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Cedarville Rancheria,
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Melinda Dollarhide
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The Confederated Tribes of the
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(Warm Springs, Wasco, Northern Paiute)
Sally Bird
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Warm Springs, OR 97761-3001 or
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Warm Springs, OR 97761
541-553-1161

Fort Bidwell Indian Community of the Fort
Bidwell Reservation of California
Kenneth Sam
P.O. Box 129
Fort Bidwell, CA 96112-0129
541-417-1437

Fort McDermitt Paiute and
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Pit River Tribe, California-includes Big Bend,
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Rancherias & XL Ranch
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Reno-Sparks Indian Colony
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