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ROCKIES EXPRESS PIPELINE-EAST PROJECT

Resource Report 4

Data Request #3

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For the Unanticipated Discovery Plan, we suggest that you also add Judith Deel as a point of contact at the State Historic Preservation Office, and that you revise the contacts for discovery of human remains so that only local law enforcement is contacted. Missouri's Unmarked Human Burials Law, Chapter 194.400 - 410 RsMO, does not include the county coroner as a contact.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (007-MLT-06) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Mark A. Miles
Director and Deputy
State Historic Preservation Officer

MAM:jd

c Laurie Boros, FERC
John F. Doershuk, OSA



May 10, 2007

Kari Krause
Natural Resource Group, Inc.
80 South Eighth Street
Minneapolis, MN 55402

Federal Agency: Federal Energy Regulatory Commission

Re: Three (3) volumes of the archaeological survey report (Maymon, 4/07) regarding Rockies Express Pipeline LLC's installation of a 622 mile long natural gas pipeline through Illinois, Indiana, and Ohio (DHPA #1562)

Dear Ms. Krause:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated April 5, 2007, and received on April 9, 2007, for the above indicated project in Vermillion, Parke, Putnam, Hendricks, Morgan, Johnson, Shelby, Decatur, Rush, and Franklin counties, Indiana.

In terms of the archaeological report (Maymon, 04/02/07), we concur with the conclusions and recommendations. Out of the 86 archaeological sites identified during this part of the survey for the proposed project, the following 73 sites do not appear eligible for inclusion in the National Register of Historic Places: 12P637, 12P639, 12P640, 12Pm326-12Pm334, 12Pm337, 12Pm338, 12He292-12He294, 12He297-12He308, 12Mg340-12Mg343, 12De685-12De693, 12De695-12De699, 12De703-12De712, 12De714, 12Fr306, 12Fr308, 12Fr309, and 12Fr311-12Fr322. Therefore, no further archaeological investigations are necessary for these sites.

However, six sites (12P638, 12Pm325, 12De701, 12De713, 12Fr307, and 12Fr310) appear potentially eligible for inclusion in the National Register of Historic Places. These sites must be avoided by all project activities or subjected to further Phase II archaeological investigations. A plan for the Phase II archaeological investigations at these sites must be submitted to the Department of Natural Resources for review and comment prior to initiation of fieldwork.

There is currently insufficient information regarding the eligibility of the remaining seven sites (12Pm335, 12Pm336, 12Pm339, 12Pm340, 12He295, 12He296, and 12De694). These sites must be avoided by all project activities or subjected to further archaeological investigations. Please note that additional survey (subsurface) may be sufficient to aid in determining eligibility.

The archaeological report was well written and organized. However, we have the following concerns:

1. Site numbers 12De700 and 12De702 did not appear in the report. If these numbers have not been used, then they need to be used for the other portions of this project or returned to our office.
2. Thank you for the electronic versions of the site forms in the bound volumes. We will await the original card stock version of the state site forms for our files.
3. If landowners would wish to retain ownership of any of the artifacts which are recovered and not placed into permanent curation at a qualified curatorial facility, additional and more detailed analyses and documentation of the artifacts will be necessary. The archaeologist must consult with the Division of Historic Preservation and Archaeology regarding these additional analyses and documentation. All original notes, records, photographs, artifacts not retained by the landowner, etc. from the site will be curated at a qualified curatorial facility. Copies of the documentation may be given to the landowner.

We realize that the proposed route is not in its fixed location yet. We will await further information regarding the locations of the route, archaeological surveys for the other portions of the project route (including previously recorded site locations), cemeteries, and the geomorphological deep testing.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger at (317) 234-3791. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA # 1562.

Very truly yours,

Ron McAhron
Acting Deputy State Historic Preservation Officer

RM:CLD:eld

cc: Magali Salas, Federal Energy Regulatory Commission
Lonnie Lister, Federal Energy Regulatory Commission
Christopher Goodwin, R. Christopher Goodwin and Associates
emc: Thomas Chadderton, The Louis Berger Group
Sandy Stevens, John Milner and Associates



May 9, 2007

Karl Krause
Cultural Resource Manager
Natural Resource Group, Inc.
1000 IDS Center
80 S. Eighth Street
Minneapolis, MN 55402

Re: Rockies Express Pipeline, Ohio

Dear Ms. Krause,

This is in response to correspondence from your office dated April 10, 2007 (received April 11) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

The correspondence transmits the report titled "Phase I Archeological Survey for the Proposed Rockies Express East Pipeline Project, Butler, Warren, Clinton, Greene, Fayette, Pickaway, Fairfield, Perry, Muskingum, Morgan, Guernsey, Noble, Belmont, and Monroe Counties, Ohio" dated April 2, 2007, by Michael Hornum, R. Christopher Goodwin & Associates, in five volumes.

Our comments here are from our review of Volumes I through IV. Comments on deep testing (Volume V) will be sent under separate cover.

The report documents portions of an ongoing intensive archaeological survey. The project involves the construction of a large diameter gas pipeline. Much of the construction will be accomplished through the use of open cut trenching. This survey includes background review, pedestrian walk-over, and shovel testing. The OHPO previously reviewed the survey strategy, and we continue consultation to consider modifications as needed to the survey strategy. The completed portion of the survey resulted in the identification of 204 archaeological sites (see Table 1, attached below). Based on the information recorded during the survey, the archaeologists are recommending additional investigations at 30 archaeological sites.

We concur with the recommendations presented in the report. We do not disagree with the recommendations for additional work or avoidance at the 28 sites where testing or avoidance is recommended (see Table 2, attached below). The archaeologists recommend additional Phase I survey, with shovel testing, at sites 33-PE-796 and 33-PI-95. Unless there are relatively large changes in the right-of-way that move the project to some distance from these two sites, we agree that additional testing is needed at these two sites given the preliminary findings and the current alignment of the project in close proximity to these sites.

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

www.ohiohistory.org

Ms. Kari Krause

May 9, 2007

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The remaining 174 sites (of the 204 after selecting the 30 listed in Table 2 for testing or avoidance for the portion of the project that has been subject to an archaeological survey) produced generally modest to small assemblages. A large number of sites produced 1 to 6 lithic artifacts. We agree that these sites do not warrant further investigations at this time and that they do not meet National Register eligibility criteria.

Of the sites recommended for testing or avoidance, there are sites that appear to extend well outside of the right-of-way. In particular, we agree that avoidance where feasible at these sites is preferable and that avoidance may involve a number of treatment measures to minimize disturbance.

Although few in number, there are sites that have produced substantial, and at times, remarkable, assemblages from the Phase I survey work conducted for this project or from this project and one or more other identification-level surveys. *Examples of sites that seem to be producing substantial archaeological information from Phase I survey efforts include 33-PE-175, 33-PE-176, 33-PE-184, 33-BU-1019, and 33-BU-1039.* Where the total information from a site begins to suggest that the site may be recognized for inclusion in the National Register, we recommend considering a shift in the consultation to encourage the development and implementation of research designs that serve more along the lines of mitigation than those serving more narrowly as eligibility assessment.

Finally, we observe that *interpretation and recognition of significance of sites is a cumulative science.* Sites identified during ongoing survey work should be evaluated within a context of information obtained from previous work. Although this project represents a narrow transect across Ohio, it is possible that we may begin to see some shifts in evaluations and recommendations in subsequent reports.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Ph.D., RPA, Archaeology Reviews Manager
Resource Protection and Review

DMS:ds

Attachments: Tables 1 and 2

Table 1: Archaeological Sites Identified

OAI	OAI	OAI	OAI	OAI
33-BL-0339	33-BU-1032	33-FA-1741	33-PE-0176	33-PI-0890
33-BL-0369	33-BU-1033	33-FA-1742	33-PE-0177	33-PI-0891
33-BL-0370	33-BU-1034	33-FE-0240	33-PE-0178	33-PI-0892
33-BL-0371	33-BU-1035	33-FE-0241	33-PE-0179	33-PI-0893
33-BL-0372	33-BU-1036	33-FE-0242	33-PE-0181	33-PI-0894
33-BL-0373	33-BU-1037	33-FE-0243	33-PE-0184	33-PI-0895
33-BL-0374	33-BU-1038	33-FE-0244	33-PE-0186	33-PI-0896
33-BL-0375	33-BU-1039	33-FE-0245	33-PE-0201	33-PI-0897
33-BL-0376	33-BU-1040	33-FE-0246	33-PE-0202	33-PI-0898
33-BL-0377	33-BU-1041	33-FE-0247	33-PE-0206	33-PI-0899
33-BU-1001	33-BU-1042	33-FE-0248	33-PE-0781	33-PI-0900
33-BU-1002	33-CN-0413	33-FE-0249	33-PE-0782	33-PI-0901
33-BU-1003	33-CN-0414	33-FE-0250	33-PE-0783	33-PI-0902
33-BU-1004	33-CN-0415	33-FE-0251	33-PE-0784	33-PI-0903
33-BU-1005	33-FA-0488	33-FE-0252	33-PE-0785	33-PI-0904
33-BU-1006	33-FA-0489	33-FE-0253	33-PE-0786	33-PI-0905
33-BU-1007	33-FA-0490	33-FE-0254	33-PE-0787	33-PI-0906
33-BU-1008	33-FA-0498	33-FE-0255	33-PE-0788	33-PI-0907
33-BU-1009	33-FA-0505	33-FE-0256	33-PE-0789	33-PI-0908
33-BU-1010	33-FA-0518	33-FE-0257	33-PE-0790	33-PI-0909
33-BU-1011	33-FA-0520	33-FE-0260	33-PE-0791	33-PI-0914
33-BU-1012	33-FA-0521	33-FE-0261	33-PE-0792	33-PI-0915
33-BU-1013	33-FA-1722	33-FE-0262	33-PE-0793	33-PI-0916
33-BU-1014	33-FA-1723	33-FE-0263	33-PE-0794	33-WA-0792
33-BU-1015	33-FA-1724	33-GR-1429	33-PE-0795	33-WA-0793
33-BU-1016	33-FA-1725	33-GR-1430	33-PE-0796	33-WA-0794
33-BU-1017	33-FA-1726	33-GR-1431	33-PI-0095	33-WA-0795
33-BU-1018	33-FA-1727	33-GR-1432	33-PI-0179	33-WA-0796
33-BU-1019	33-FA-1728	33-GU-0224	33-PI-0224	33-WA-0797
33-BU-1020	33-FA-1729	33-MU-0315	33-PI-0390	33-WA-0798
33-BU-1021	33-FA-1730	33-MU-1296	33-PI-0528	33-WA-0799
33-BU-1022	33-FA-1731	33-MU-1297	33-PI-0551	33-WA-0800
33-BU-1023	33-FA-1732	33-MU-1298	33-PI-0881	33-WA-0801
33-BU-1024	33-FA-1733	33-MU-1299	33-PI-0882	33-WA-0802
33-BU-1025	33-FA-1734	33-MU-1304	33-PI-0883	33-WA-0803
33-BU-1026	33-FA-1735	33-MU-1305	33-PI-0884	33-WA-0804
33-BU-1027	33-FA-1736	33-MU-1306	33-PI-0885	33-WA-0805
33-BU-1028	33-FA-1737	33-PE-0172	33-PI-0886	33-WA-0806
33-BU-1029	33-FA-1738	33-PE-0173	33-PI-0887	33-WA-0807
33-BU-1030	33-FA-1739	33-PE-0174	33-PI-0888	33-WA-0808
33-BU-1031	33-FA-1740	33-PE-0175	33-PI-0889	

Table 2: Archaeological Sites Recommended for Testing or Avoidance

OAI	Eligibility	Spread
33-BU-1014	test	6
33-BU-1015	test	6
33-BU-1019	test	6
33-BU-1012	test	6
33-BU-1039	test	6
33-WA-0796	test	7
33-WA-0795	test	7
33-WA-0797	test	7
33-WA-0803	test	7
33-FE-0262	test	7
33-PI-0881	test	7
33-PI-0884	test	7
33-PI-0390	test	7
33-PI-0179	test	7
33-PI-0095	survey	8
33-PI-0904	test	8
33-FA-1737	test	8
33-FA-1740	test	8
33-PE-0796	survey	8
33-PE-0178	test	8
33-PE-0176	test	8
33-PE-0175	test	8
33-PE-0173	test	8
33-PE-0784	test	8
33-PE-0783	test	8
33-PE-0184	test	8
33-PE-0785	test	8
33-PE-0794	test	8
33-MU-1299	test	9
33-MU-1306	test	9

ROCKIES EXPRESS PIPELINE-EAST PROJECT

Resource Report 4

Data Request #8

1000 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402



TELEPHONE (612) 347-6789
FACSIMILE (612) 347-6780
www.NRGINC.com

May 11, 2007

Mr. Mark A. Miles, Director
State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

Re: Rockies Express Pipeline-East Project (REX-East)
Unexpected Discovery Plan Revised
SHPO Log Number: 007-MLT-06

Dear Mr. Miles:

Per your letter dated May 1, 2007, Rockies Express has revised the plan for the unanticipated discovery of historic properties or human remains during construction of the REX-East project. The revised plan includes Judith Deel as a contact person at State Historic Preservation Office. In addition, the information concerning the county coroner has been removed.

If you have any questions or concerns regarding the REX-East project, please contact me by letter at the above address, by telephone at 612-347-7877, or by email at klkrause@nrginc.com. We look forward to working with you on this project.

Sincerely,
Natural Resource Group, Inc

A handwritten signature in cursive script, reading "Kari Krause". The signature is written in dark ink and is positioned below the typed name.

Kari Krause, M.S., R.P.A.
Cultural Resource Manager

Enclosures: Unanticipated Discovery Plan for the REX-East project (revised)

cc: Elizabeth Dolezal, NRG, Inc.
Jim Thompson, Rockies Express

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
MISSOURI PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Missouri. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and Missouri Revised Statute 194.400 through 194.410 (Unmarked Human Burial Sites). In case of an unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

Columbus, Missouri 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Missouri Director and Deputy State Historic Preservation Officer (SHPO) or the agency archaeologist of the find.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 4) The Project Manager will notify other parties as directed by the Missouri SHPO or FERC.
- 5) The Project Manager will then contact the Missouri SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.

- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Missouri SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Missouri SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Missouri SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Missouri Deputy SHPO or the agency archaeologist of the find.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 4) The Project Manager will immediately notify by telephone the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Missouri - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Audrain	Stuart D. Miller	(573) 473-5800	(573) 473-5856	1100 Littleby Rd., Mexico, MI 65285
Ralls	Ben J. Berghager	(573) 985-5611		P.O. Box 316, New London, MI 63459
Pike	Jim Wells	(573) 324-3335	(573) 324-3731	1600 Business Highway 54W, Bowling Green, MI 63334

- 5) The sheriff is responsible for notifying the Missouri Deputy SHPO or agency archaeologist of the find only if the remains are older than 100 years.

Contact: Mr. Mark A. Miles
Deputy State Historic Preservation Officer;
and
Ms. Judith Deel
Archaeologist
Missouri Department of Natural Resources
Telephone: 573-751-4732
Address: State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

- 6a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Missouri SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Missouri SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Missouri SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
ILLINOIS PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Illinois. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420), the Illinois Archaeological and Paleontological Resources Protection Act (20 ILCS 3435), and the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

Columbus, Ohio 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Illinois Deputy State Historic Preservation Officer (SHPO) of the find.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 4) The Project Manager will notify other parties as directed by the Illinois SHPO or FERC.
- 5) The Project Manager will then contact the Illinois SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:
 - i) formal archaeological evaluation of the site;

- ii) visits to the site by the Illinois SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Illinois SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Illinois SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Illinois SHPO of the find.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 4) The Project Manager will immediately notify by telephone the county coroner's office of the find (see list of county coroner's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Illinois - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Pike	Paul Petty	(217) 285-4471		204 East Adams, Pittsfield, IL 62383
Scott	David King, Jr.	(217) 742-3141	(217) 742-5773	35 East Market St, Winchester, IL 62694
Morgan	Jeff Lair	(217) 245-7423	(217) 479-4637	P.O. Box 1281, Jacksonville, IL 62651
Sangamon	Susan Boone	(217) 753-6610		200 South 9th, Rm 203, Springfield, IL 62701
Christian	Amy Winans	(217) 287-1020		Christian County Courthouse, Taylorville, IL 62568
Macon	Michael Day	(217) 424-1348	(217) 425-4015	253 East Wood St, Decatur, IL 62523
Moultrie	Lynn Reed	(217) 728-2355	(217) 728-2356	P.O. Box 528, Sullivan, IL 61951
Douglas	Joe Victor	(217) 253-4808	(217) 253-5235	200 South Prairie, Tuscola, IL 61953
Edgar	Pete Templeton	(217)-466-9040		430 East Wood St, Paris, IL 61944

- i) If the county coroner is not available, the Project Manager will immediately notify the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Illinois - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Pike	Paul Petty	(217) 285-5011		204 East Adams Street, Pittsfield, IL 62383
Scott	David King	(217) 742-3141	(217) 742-5773	Crthsa Market St, Winchester, IL 62694
Morgan	James Robson, Jr	(217) 245-4143		300 W Court St, Jacksonville, IL 62650
Sangamon	Neil Williamson	(217) 753-6880		#1 Sheriff's Plaza, Springfield, IL 62701
Christian	Robert E Kindermann	(217) 824-4961	(217) 824-4963	301 W Franklin, Taylorville, IL 62568
Macon	Jerry Dawson	(217) 424-1321	(217) 424-6010	333 S Franklin St, Decatur, IL 62523
Moultrie	Jeff Thomas	(217) 728-4386	Not for release	14 N Hamilton, Sullivan, IL 61951
Douglas	Charles McGrew	(217) 253-2913	(217) 253-3144	920 S Washington St, Tuscola, IL 61953
Edgar	Tim Crippes	(217) 465-4166	(217) 463-2161	228 N Central Ave, Paris, IL 61944

- 5) The county coroner is responsible for notifying the local law enforcement agency's office.
- 6) The county coroner is responsible for notifying the Illinois SHPO of the find only if the remains are older than 100 years.

Contact: Anne Haaker
Deputy SHPO
Telephone: 217-785-5027
Address: Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, IL 62701

- 7a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Illinois SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Illinois SHPO, FERC, next of kin, or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 7b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Illinois SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 8) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

From: Draeger, Cathy
To: Kari Krause;
CC:
Subject: accidental discovery plan
Date: Monday, May 14, 2007 3:10:03 PM
Attachments:

I already sent out the letter the day you emailed. The unanticipated discovery plan looks good. I just had two comments:

1. If human remains are found, the coroner's office, our office, and law enforcement need to be called (coroner first if possible) and we usually call a conservation officer as law enforcement. If the project manager calls us first, we can coordinate with the coroner and CO. (and will have to for a site visit), but it is the responsibility of the person/company who disturbs the remains to call. We usually put a more generic statement of all three need to be called (to make sure it's covered). Having the numbers in there is a good idea. It will come to me for review, but any of the archaeologists here can take the call and leave a message for me. Also, we should be notified if it is after 1940 (usually it is not necessarily known at the beginning), and if the coroner says that it is his/her domain then we work with them or stay out. And remember no one (including law enforcement or archaeologists) should move the remains before the coroner gives the ok.

2. page 3 says

Kyle Hupfer
SHPO
317-234-3791

Kyle is no longer our director for DNR/SHPO. It is now Robert Carter. Don't worry it has been a fairly new change. The number is my direct line, which is fine to have on there. I just don't want someone who is thinking they are getting the director and get me or vice versa. :) The DNR general line is 317 232-1646. Also, I don't think I have told you but we have (will have) a new director for DHPA-- Jim Glass (I am not sure how he wants his name to appear). He starts next week. At a certain point new submissions will need to have his name on it as deputy SHPO. I will let you know. The address stays the same and it goes to the same place and process. We haven't started changing our stock language yet but will next week. :) If you have any questions please let me know.

*Cathy Draeger
Archaeologist
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology*

From: Kari Krause
To: "Draeger, Cathy";
CC:
Subject: Rockies Express Pipeline Project - Unexpected Discovery Plan
Date: Tuesday, May 15, 2007 12:53:38 PM
Attachments: Unanticipated Discoveries IN - Revised Draft 5-07.pdf

Cathy,
Based on your email of May 14, 2007, Rockies Express has revised the Unexpected Discovery Plan for Indiana. Attached is a copy of the revised plan for your files. If you have any questions or comments concerning the document or the project, please let me know.

Sincerely,
Kari



Kari Krause, R.P.A.
klkrause@nrginc.com
612.347.7877 Direct
612.718.6790 Cell
612.347.6780 Fax

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
INDIANA PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Indiana. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Indiana Historic Preservation Act (Indiana Code 14 Article 21) as amended by Public Law 175 (1989), the Indiana General Cemetery Act (Indiana Code 23 Article 14), and Title 312 of the Indiana Administrative Code, Article 22 (2001). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Indiana State Historic Preservation Officer (SHPO) of the find.

Contact: Mr. Robert Carter
State Historic Preservation Officer
Telephone: 317- 232-1646
Address: Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, IN 46204

- 4) The Project Manager will notify other parties as directed by the Indiana SHPO or FERC.
- 5) The Project Manager will then contact the Indiana SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Indiana SHPO, FERC, and other Interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Indiana SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Indiana SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Indiana SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact:
Telephone:

Ellen Saint Onge
(202) 502-6726
- 3) If the human remains post-date 1940, the Project Manager will promptly notify by telephone the county coroner's office and local law enforcement officials of the find (see list of county coroner's and sheriffs offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Vermillion	Darrin Tucker	(765) 828-0402		
Parke	Daniel Dwyer	(765) 569-5101		

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
	Thomas Miller or	(765) 653-5115		
Putnam	On-call deputy	(County dispatch)	(785) 853-5117	N/A
Hendricks	Jason Matthews	(317) 852-4296		690 East 56 th St., Brownsburg, IN 46112
Morgan	Dan J. Downing	(765) 352-9968		180 S. Main St., Martinsville, IN 46151
Johnson	David L. Lutz	(317) 534-8344	(812) 526-6044	511 N. Grant St., Edinburgh, IN 46124
Shelby	Tom Laughlin	Paged by sheriff (see below)	none	none
Decatur	Doug Banks	(812) 527-2765		20 SW Santee Drive, Greensburg, IN 47240
Franklin	Rick Gill	(765) 647-2626	(765) 647-0535	1010 Franklin Ave., Brookville, IN 47012

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Indiana - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Vermillion	Robert Spence	(765) 492-3737	(765) 492-5011	1888 S. State Road 63, Newport, IN 47966
Parke	D. Michael Eslinger	(765) 569-5151	(768) 569-6869	458 W. Strawberry Rd., Rockville, IN 47872
Putnam	Mark Frisbie	(765) 653-3211	(765) 655-2131	13 Keightly Rd., Greencastle, IN 46135
Hendricks	Dave Galloway	(317) 745-6269		925 E. Main St., Danville, IN 46122
Morgan	Robert W. Gardner	(765) 342-4303		160 N. Park Ave., Martinsville, IN 46151
Johnson	Terry McLaughlin	(217) 424-1321	(217) 424-6010	333 S Franklin St, Decatur, IL 62523
Shelby	Michael Bowby	(317) 398-6661	(317) 392-6403	107 West Taylor, Shelbyville, IN 46176
Decatur	Daryl G. Templeton	(812) 663-8125	(812) 663-6887	315 S. Ireland St., Greensburg, IN 47240
Franklin	Dale Maxie	(765) 647-4138		371 Main St., Brookville, IN 47012

- 4) If the human remains pre-date 1940, the Project Manager will notify by telephone the Indiana SHPO of the find.

Contact: Mr. Robert Carter
State Historic Preservation Officer
Telephone: 317- 232-1646
Address: Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, IN 46204

- 5a) If it is determined that intact interments that pre-date 1940 are present and may be disturbed by continuing construction, then the Project Manager will consult with the Indiana SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Indiana SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Indiana SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Indiana SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

From: Dave Snyder
To: Kari Krause;
CC:
Subject: Rockies Express Pipeline Project
Date: Tuesday, May 15, 2007 9:10:25 AM
Attachments:

Hi Kari,

I have prepared two letters that are being sent by surface mail providing comments on the deep testing and on the unexpected discovery plan. The correspondence conveys our concurrence with the deep testing research designs and with the post review discovery plan. I believe that the unanticipated discovery plan fulfills a FERC requirement.

The unexpected discovery plan provides with somewhat standard language some process steps to deal with any post review discovery of historic properties or unanticipated adverse effects to historic properties, or the identification of human remains. For discovery that doesn't involve human remains (or items of cultural patrimony), I try to emphasize that concerns need to be focused on major findings - archaeological deposits that are very likely to be significant. There is no harm if you bring in an archaeologist to look at a finding of a few artifacts that turns out to be a diffuse, ephemeral, scatter of only a few plowzone artifacts. But I don't encourage the idea that the construction crew should be reporting everything that they see.

I have a couple of questions and suggestions regarding the unexpected discovery plan. The plan doesn't always lead to closure. You may want to take another look at the plan and consider adding some language to make sure that findings ending any brief post review consultation are presented to everyone. This is especially important if human remains are found. The most common sequence of events (from a few cases in Ohio) is that something that looks like bone and may be human is identified. Then, as specified in the plan, everything stops at that location and the coroner is called. It isn't uncommon for the coroner to misidentify the finding when there is only a bit showing in a messy construction zone. If the coroner needs more information or believes that the remains may be less than 100 years old, then what? I don't see provisions for providing information to the OHPO and other consulting parties that the coroner's investigation is continuing. I'm not sure where the 100 year provision comes

from. From Ohio law, the coroner has jurisdiction if there is a crime scene. There is probably case law in Ohio that has established a sort of rule-of-thumb that if it is older than 100 (or 125) years then it can't be a crime scene. But I'm not sure of where this is established. I think that it might be helpful to specify that the OHPO and other consulting parties will be notified when the coroner's investigation has concluded and what the end result was. If something really big is discovered, then the plan establishes the consultation process, however you may wish to consider some clarification for situations where the identification isn't clear cut. There are situations where it isn't clear if the remains are human (or even mammal) but it is prudent and good common sense to give them a good examination. In these cases, do you want your first telephone call to go directly to the Ohio Historic Preservation Officer (Rachel Tooker)? You may wish to consider a provision to keep OHPO staff informed of efforts to identify interesting findings. Especially when it turns out not to be human or a significant archaeological deposit, it may work better to let us know at the staff level the outcome without raising lots of red flags.

The deep testing research designs stipulate efforts directed by qualified professionals to look for buried cultural horizons especially in areas likely to contain alluvial deposits. This isn't my area of expertise, but regardless, I think that state historic preservation office reviewers should try to find a constructive role that minimizes intrusions. It is important here to keep a perspective that allows for flexibility and provides a balance with other parts of the field work efforts to identify historic or otherwise important properties.

Hope these informal, just-me-thinking-out-loud, comments are helpful.

David Snyder, Ph.D., RPA, Archaeology Reviews Manager
Ohio Historic Preservation Office
567 E. Hudson Street
Columbus, OH 43211-1030
Phone: (614) 298-2000
FAX: (614) 298-2037
Email: dsnyder@ohiohistory.org

May 15, 2007

-----Original Message-----

From: Kari Krause [mailto:klkrause@nrginc.com]

Sent: Friday, May 11, 2007 12:30 PM

To: Dave Snyder

From: Kari Krause
To: "Dave Snyder";
CC:
Subject: Rockies Express - unexpected discovery plan
Date: Tuesday, May 15, 2007 1:16:02 PM
Attachments: Unanticipated Discoveries OH- klk.pdf

David

Based on your email of May 15, 2007, Rockies Express has revised the Unexpected Discovery Plan for Indiana. Attached is a copy of the revised plan for your files. If you have any questions or comments concerning the document or the project, please let me know.

Sincerely,
Kari



Kari Krause, R.P.A.
klkrause@nrginc.com
612.347.7877 Direct
612.718.6790 Cell
612.347.6780 Fax

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
OHIO PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Ohio. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), the Ohio Historic Preservation Office's *Archaeological Guidelines* (1994), and Ohio Revised Code, Citations 149.51 (State registry of archaeological landmarks), 149.53 (Survey and salvage, discovery, preservation), 1517.21 through 1517.99 (Caves), and 2927.11 (Desecration). In case of the unanticipated discovery of human remains on federal land, Rockies Express will follow the procedures outlined by the Native American Graves and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7).

II. UNANTICIPATED DISCOVERY OF SIGNIFICANT CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly notify the archaeological consultant who will travel to the location and evaluate the find.
5. The archeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Ohio State Historic Preservation Officer (SHPO) of the find.

Contact: Ms. Rachel M. Tooker
State Historic Preservation Officer
Telephone: 614-298-2000
Address: Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, Ohio 43211-1030

- 4) The Project Manager will notify other parties as directed by the Ohio SHPO or FERC.
- 5) The Project Manager will then contact the Ohio SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;

- ii) visits to the site by the Ohio SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Ohio SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Ohio SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Ohio SHPO of the find.

Contact: Ms. Rachel M. Tooker
State Historic Preservation Officer
Telephone: 614-298-2000
Address: Ohio Historic Preservation Office
Ohio Historical Society
567 East Hudson Street
Columbus, Ohio 43211-1030

- 4) The Project Manager will immediately notify by telephone the county coroner's office of the find (see list of county coroner's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Ohio - County Coroner Contact List				
County	Coroner	Telephone	Fax	Address
Butler	Richard P. Burkhardt	(513) 785-5860	(513) 785-5866	315 High St., Suite 650, Hamilton, OH 45011
Warren	Warren C. Young	(513) 695-1137	(513) 695-2979	406 Justice Dr., Lebanon, OH 45036
Clinton	Ronald G. Seaman	(937) 383-1242	(937) 383-2034	2107 Rombach Ave., Wilmington, OH 45177
Greene	Kevin L. Sharrett	(937) 562-5050	(937) 562-5682	120 E. Main St., Xenia, OH 45385
Fayette	Albert G. Gay	(937) 675-6830	(937) 675-6835	5 Fayette Center, Washington Court House, OH 43160
Pickaway	Michael E. Geron	(740) 474-8818	(740) 477-6452	140 Morris Rd., Circleville, OH 43113-9056
Fairfield	Thomas R. Vajen	(740) 687-6774	(740) 689-9697	1587 Granville Pike, Lancaster, OH 43130-1038
Perry	Bradley C. Wilson	(740) 342-4102	(740) 342-3879	7756 SR 37 East, New Lexington, OH 43764
Morgan	David Parrett (acting)	(740) 787-2980	(740) 787-1693	11245 Palmer Rd., Newark, OH 43055
Muskingum	Howard J. Marsh	(740) 826-7645	(740) 826-7645	1 East Main St., Suite 200B, New Concord, OH 43762-0170
Guemsey	Janet M. Brockwell	(740) 439-5484	(740) 439-5484	65555 Mathews Rd., Cambridge, OH 43725-8715
Noble	R. Alan Spencer	(740) 732-2339	(740) 732-2350	304 Main St., Caldwell, OH 43724
Belmont	Troy W. Balgo, DO	(740) 699-1000	(740) 699-1004	187 W. Main St. Suite 100, St. Clairsville, OH 43950
Monroe	Jay R. Seldler	(740) 472-0712	(740) 472-5278	154 S. Main St., Woodsfield, OH 43793

- i) If the county coroner is not available, the Project Manager will immediately notify the county sheriff or appropriate municipal police office (see list of county sheriff's offices).

Rockies Express Pipeline-East Project Unanticipated Discovery of Human Remains During Construction Ohio - County Sheriff Contact List				
County	Sheriff	Telephone	Fax	Address
Butler	Richard K. Jones	(513) 785-1000	(513) 785-1024	705 Hanover St., Hamilton, OH 45011
Warren	Tom Ariss	(513) 695-1280	(513) 695-1286	550 Justice Dr., Lebanon, OH 45036
Clinton	Ralph D. Flzer	(937) 382-1611	(937) 382-7530	1645 Davids Dr, Wilmington, OH 45177
Greene	Eugene Fischer	(937) 562-4800	(937) 562-4880	120 E. Main St., Xenia, OH 45385
Fayette	Vernon P. Stanforth	(740) 335-6170	(740) 333-3589	113 E. Market St., Washington Court House, OH 43160
Pickaway	Dwight Radcliff	(740) 477-6000	(740) 474-1788	P.O. Box 710 800 Island Rd., Circleville, OH 43113
Fairfield	Dave Phalen	(800) 808-5223	(740) 654-8115	221 E. Main St., Lancaster, OH 43130
Perry	William Barker	(740) 342-4123	(740) 342-5521	110 W. Brown St., New Lexington, OH 43764
Morgan	Thomas C. Jenkins Sr.	(740) 962-3333	(740) 962-4035	37 E. Main St., McConnelsville, OH 43756
Muskingum	Robert J. Stephenson	(740) 452-3637	(740) 455-7924	28 N. 4 th St., Zanesville, OH 43701

Guernsey	Michael McCauley	(740) 439-4455	(740) 432-3916	601 Southgate Pkwy, Cambridge, OH 43725
Noble	Landon T. Smith	(740) 732-5631	(740) 732-4158	420 Olive St., Caldwell, OH 43724
Belmont	Fred A. Thompson	(740) 695-7933	(740) 695-4781	88137 Hammond Rd., Saint Clairsville, OH 43950
Monroe	Timothy R. Price	(740) 472-1612	(740) 472-5132	108 W. Court St., Woodsfield, OH 43793

- 5) *The county coroner is responsible for notifying the local law enforcement agency's office.*
- 6) *The county coroner is responsible for notifying the Ohio SHPO of the find only if the remains are not associated with a crime scene.*

Contact: Ms. Rachel M. Tooker
 State Historic Preservation Officer
 Telephone: 614-298-2000
 Address: Ohio Historic Preservation Office
 Ohio Historical Society
 567 East Hudson Street
 Columbus, Ohio 43211-1030

- i) *If the county coroner determines that the remains are not human, or they continue to remain under investigation by the coroner, the Project Manager will update the Ohio SHPO and other consulting parties of the coroner's investigation.*
- 7a) *If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:*
 - i) *formal archaeological evaluation of the site;*
 - ii) *if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;*
 - iii) *if the remains are determined to be Native American, consultation with all interested tribal members will be required;*
 - iv) *visits to the site by the Ohio SHPO, FERC, and other interested parties;*
 - v) *exploration of potential alternatives to avoid the find;*

- vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Ohio SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 7b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Ohio SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 8) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
WYOMING PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Wyoming. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and the State of Wyoming Antiquities Act of 1937, as amended (Wyoming Statutes 36-1-114 – 36-1-116).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

Columbus, Ohio 43230

¹ An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Interim Wyoming State Historic Preservation Officer (SHPO) or agency senior archaeologist of the find.

Contact: Ms. Mary Hopkins
Interim State Historic Preservation Officer, and
Mr. Richard Curritt
Senior Archaeologist
Telephone: 307-777-7697
Address: Wyoming Division of State Parks and Cultural
Resources
2301 Central Avenue
Cheyenne, WY 82002

- 4) The Project Manager will notify other parties as directed by the Interim Wyoming SHPO or FERC.
- 5) The Project Manager will then contact the Interim Wyoming SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's assessment of the find.
- 6a) If the find is determined to be significant and eligible for listing on the National Register of Historic Places (NRHP), and continuing construction may damage more of the site, the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:

- i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Interim Wyoming SHPO, FERC, and other parties;
 - iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Interim Wyoming SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be ineligible for listing on the NRHP, then the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Interim Wyoming SHPO or agency senior archaeologist of the find.

Contact: Ms. Mary Hopkins
Interim State Historic Preservation Officer; and
Mr. Richard Curritt
Senior Archaeologist
Telephone: 307-777-7697
Address: Wyoming Division of State Parks and Cultural Resources
2301 Central Avenue
Cheyenne, WY 82002

- 4) The Project Manager will promptly notify by telephone the Carbon County coroner of the find.

Contact: Mr. Paul Zamora
Telephone: 307-328-2521

- 5a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Wyoming Interim SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Interim Wyoming SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a memorandum of agreement and mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Wyoming Interim SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan or any other stipulations outlined in the memorandum of agreement; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be ineligible for listing on the NRHP, then the Project Manager will consult with the Interim Wyoming SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
NEBRASKA PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION**

I. INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) has established the following procedures to be used in the event that previously unreported and unanticipated historic properties or human remains are found during construction of the Rockies Express Pipeline-East (REX-East) Project facilities in Nebraska. The procedures differ depending on whether unanticipated non-human cultural materials (part II, section 6A) or human remains (part II, section 6B) are encountered. The plan is intended to ensure that the project is in compliance with all applicable federal and state laws and regulations, including Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), the Federal Energy Regulatory Commission's *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (2002), and Nebraska's Unmarked Human Remains and Burial Sites Protection Act (Revised Statute 12- 1201 through 12-1212).

II. UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES

1. The Contractor must stop work immediately to protect the integrity of the find.

The Contractor will not restart work in the area of the find until the on-site Environmental Inspector (EI) has granted clearance.

2. The Contractor will immediately notify Rockies Express' on-site EI of the find.¹

Contact, Environmental Inspector:

Cell Phone Number:

Fax:

Address:

3. The EI will immediately notify Rockies Express' Project Manager of the find and will immediately demarcate the find with a 20-foot buffer of protective fencing.

Contact, Project Manager:

Telephone:

Fax:

Address:

Jim Thompson

(806) 570-6800 (cell)

(614) 328-2070

Columbus Field Office

940-A Science Boulevard

Columbus, Ohio 43230

1

An updated plan will be filed prior to construction when an EI has been identified.

4. The Project Manager will promptly coordinate with the archaeological consultant to travel to the location and evaluate the find.
5. The archaeological consultant will immediately notify Rockies Express' Project Manager by telephone regarding the potential significance of the find.
6. If the materials found are skeletal and potential human remains, refer to the procedures in section B. Otherwise, refer to the procedures in section A below.

A. Discovery of potentially significant cultural materials or features on private and state-owned land.

- 1) The Project Manager will direct the archaeological consultant to begin a more detailed assessment of the find's significance and the potential effect of construction.
- 2) The Project Manager will promptly notify by telephone the Federal Energy Regulatory Commission (FERC) of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Nebraska State Historic Preservation Office (SHPO) of the find.

Contact: Terry L. Steinacher
State Historic Preservation Office
Telephone: 308-665-2918
Address: Nebraska State Historical Society
P.O. Box 82554
Lincoln, Nebraska 68501

- 4) The Project Manager will notify other parties as directed by the Nebraska SHPO or FERC.
- 5) The Project Manager will then contact the Nebraska SHPO, FERC, and other parties (as directed above) regarding the archaeological consultant's preliminary assessment of the find.
- 6a) If the find is determined to be potentially significant, and continuing construction may damage more of the site, the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties regarding appropriate measures for site treatment. These measures may include:
 - i) formal archaeological evaluation of the site;
 - ii) visits to the site by the Nebraska SHPO, FERC, and other parties;

- iii) exploration of potential alternatives to avoid the find;
 - iv) preparation of a mitigation plan by Rockies Express for approval by the Nebraska SHPO and FERC;
 - v) implementation of a mitigation plan; and
 - vi) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Nebraska SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Project Manager will notify the on-site EI, who will grant clearance to the Contractor to start work.

B. Discovery of Human Remains

- 1) The Project Manager will direct the archaeological consultant to determine if the skeletal remains are human and articulated, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.
- 2) The Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
Telephone: (202) 502-6726

- 3) The Project Manager will promptly notify by telephone the Nebraska SHPO of the find.

Contact: Terry L. Steinacher
State Historic Preservation Office
Telephone: 308-665-2918
Address: Nebraska State Historical Society
P.O. Box 82554
Lincoln, Nebraska 68501

- 4) The Project Manager will promptly notify by telephone the Phelps county attorney of the find.

Contact: Mr. Tim Hoeft
Telephone: 308-995-2293

- 5a) If it is determined that intact interments are present and may be disturbed by continuing construction, then the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the project on the resource. These measures may include:
- i) formal archaeological evaluation of the site;
 - ii) if the remains are determined to be EuroAmerican, a physical anthropologist may be required to assist the archaeological consultant with the identification of any next of kin;
 - iii) if the remains are determined to be Native American, consultation with all interested tribal members will be required;
 - iv) visits to the site by the Nebraska SHPO, FERC, and other interested parties;
 - v) exploration of potential alternatives to avoid the find;
 - vi) preparation of a mitigation plan by Rockies Express, including procedures for disinterment and re-interment, for approval by the Nebraska SHPO, FERC, next of kin or tribal representatives;
 - vii) implementation of the mitigation plan; and
 - viii) approval to resume construction following completion of the fieldwork component of the mitigation plan.
- 5b) If the find is determined to be isolated or completely disturbed by construction activities, then the Project Manager will consult with the Nebraska SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 6) The Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

From: Angela Zimmerman@fws.gov
To: Jeff Thommes;
CC: Bart Jensen; Charles Howard; Carly Lapin; Delia Kelly; Jeff Thommes;
Subject: Re: REX-East Pipeline Project - mussel survey protocol
Date: Wednesday, May 16, 2007 7:39:46 AM
Attachments:

Dear Mr. Howard,

This is in response to the May 8, 2007 proposal requesting an amendment to your Federal Fish and Wildlife Permit No. TE833055-13 to conduct surveys for Federally-listed freshwater mussels for the REX-East Pipeline Project in Ohio.

The Service has reviewed your proposal for the surveys. The U.S. Fish and Wildlife Service Reynoldsburg, Ohio Field Office has no objection to the surveys as proposed. This notification serves as written concurrence that Ecological Specialists, Inc. is authorized to proceed with the surveys as described in your request. Upon completion of the surveys, we request that you submit a copy of the survey results to this office for review. If any live or freshdead Federally-listed and/or candidate mussels are found during the survey, please notify this office within 48 hours.

Please carry a copy of this site specific authorization and your Federal permit while conducting the surveys. If you have questions, or if we may be of further assistance in this matter, please contact me.

Sincerely,
Angela Zimmerman
Endangered Species Coordinator for Ohio
U.S. Fish and Wildlife Service
6950 Americana Parkway, Suite H
Reynoldsburg, OH 43068
(614) 469-6923, ext. 22.
(614) 469-6919 FAX
angela_zimmerman@fws.gov

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
To
<angela_zimmerman@fws.gov>
05/08/2007 11:37 AM cc
<Mary_M_Knapp@fws.gov>, "Bart
Jensen" <BMJENSEN@nrginc.com>,
"Delia Kelly" <drkelly@nrginc.com>,
"Carly Lapin" <cnlapin@nrginc.com>,
"Charles Howard"
<choward@ecologicalspecialists.com>
, <mindy.bankey@dnr.state.oh.us>,
"Jeff Thommes"
<JRTHOMMES@nrginc.com>
Subject
REX-East Pipeline Project - mussel
survey protocol

Angela-

Attached please find a description of Rockies Express' proposed mussel survey protocol for waterbodies along the proposed project route. The protocol was developed by Ecological Specialists, Inc. (ESI) based on their experience with the waterbody features in the general project vicinity and their expertise with the species potentially occurring along the project corridor.

With this e-mail, Rockies Express is requesting your review and approval of the mussel plan. Upon receipt of your concurrence or after addressing any questions you may have with the plan, ESI will begin the survey effort. Results will be provided to the FWS upon completion of the survey efforts.

If listed species are identified during surveys, Rockies Express will coordinate with the FWS to develop measures to avoid or minimize adverse impacts on those species.

Thank you for your ongoing cooperation with the project.

Best regards-

Jeff[attachment "Mussel survey plan memo to OH FWS.doc" deleted by Angela Zimmerman/R3/FWS/DOI] [attachment "Waterbody XingsOH_May07.pdf" deleted by Angela Zimmerman/R3/FWS/DOI]