

06-1142-GA-BIN



September 2, 2008

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1A
Washington, DC 20426

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PUCO

RE: Docket No. CP07-208-000
Rockies Express Pipeline LLC, REX-East Project
Memorandum of Agreement – Indiana

Ms. Bose:

As agreed upon in the Memorandum of Agreement (MOA) that was filed on, July 17, 2008, Rockies Express has previously submitted Treatment Plan 2 for sites that cannot be avoided by construction to the Indiana State Historic Preservation Office ("SHPO"). Rockies Express received comment from the "SHPO" on August 21, 2008 concurring with the proposed Treatment Plan 2 (Attachment A).

Rockies Express requests approval to commence immediately its data recoveries at the archeological sites referenced in the Indiana Treatment Plan 2 (DHPA No. 1562). The sites are 12SH450 and 12P652. Rockies Express intends to implement the treatment approaches outlined in its Indiana Treatment Plan for sites 12SH450 and 12P652. For site 12SH450, Rockies Express has requested the use of a travel lane in a letter dated July 15, 2008, and in consultation with the Indiana SHPO intends to implement this approach. This plan and addenda have been reviewed by and received approval from the Indiana SHPO.

Also attached is Rockies Express' Indiana Plan for Unanticipated Discovery of Historic Properties or Human Remains during Construction (Attachment B). This plan has been approved by the Indiana SHPO. The Plan has been updated with current project personnel.

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If you have any questions, please do not hesitate to contact Ryan Childs at (307) 760-5635.

Respectfully submitted,

/s/ Mona Tandon

Shippen Howe

Mona Tandon

Van Ness Feldman, P.C.

1050 Thomas Jefferson Street, NW

Washington, DC 20007

Attorney for

Rockies Express Pipeline LLC

Attachments

cc: Laura Turner, FERC
Ellen Saint Onge, FERC
All Parties

**Rockies Express Pipeline LLC
REX-East Project
CP07-208**

ATTACHMENT A

REX-EAST-IN-44

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



August 21, 2008

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

Federal Agency: Federal Energy Regulatory Commission

Re: Treatment plan 2 for affected historic properties pertaining to the Rockies Express Pipeline LLC's installation of a 622 mile long natural gas pipeline through Illinois, Indiana, and Ohio (FERC Docket #PF06-30-000; 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 July 24, 2008 and received on July 25, 2008, for the above indicated project in Vermillion, Parke, Hendricks, Shelby, Decatur, and Franklin counties, Indiana.

In terms of cultural resources, we concur with the proposed actions in the treatment plan dated July 21, 2008 for the following resources: sites 12Ve586, 12P652, 12He347, 12Sh450, 12De745, and 12Fr335. We do, however, have a few comments regarding the treatment plan:

1. The archaeological plans for the data recovery must be approved by our office prior to initiation of field investigations.
2. It is our understanding that additional treatment plans for other cultural resources will follow.
3. If the horizontal directional drill method of avoiding site 12FR335 fails, then this site must be subjected to data recovery.
4. Site 12Ve593, recorded through the reroute, must be avoided by all project activities or subjected to further archaeological investigations.

If you have questions about archaeological issues please contact Cathy Draeger at (317) 234-3791 or cdraeger@dnr.IN.gov. If you have questions about buildings or structures please contact Holly Tate at (317) 234-3919 or htate@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1562.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:HAT:CLD:cld

cc: Kimberly Bose, Federal Energy Regulatory Commission
cmc: Ellen Saint Onge, Federal Energy Regulatory Commission
Seth Mitchell, AK Environmental, LLC.
Thomas Chadderdon, Louis Berger Group
Sandy Stevens, John Milner Associates

**Rockies Express Pipeline LLC
REX-East Project
CP07-208**

ATTACHMENT B

ROCKIES EXPRESS PIPELINE-EAST PROJECT

**INDIANA PLAN FOR UNANTICIPATED DISCOVERY OF
HISTORIC PROPERTIES OR HUMAN REMAINS DURING
CONSTRUCTION**

**Revised July 2008
(Rockies Contacts-only Revised August 25, 2008.)**

INDIANA PLAN FOR UNANTICIPATED DISCOVERY OF HISTORIC PROPERTIES OR HUMAN REMAINS DURING CONSTRUCTION

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR FEATURES	1
	A. DISCOVERY OF POTENTIALLY SIGNIFICANT CULTURAL MATERIALS OR FEATURES ON PRIVATE AND STATE-OWNED LAND.	3
	B. DISCOVERY OF HUMAN REMAINS	4

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.

For Construction Spread D
Contact, Environmental Inspector:
Cell Phone Number:
Email:

LEI Jackie Padgett
409-828-2366
jackiemp0128@yahoo.com

For Construction Spread E
Contact, Environmental Inspector: LEI Robert Boland
Cell Phone Number: (803) 671-6303
Email: robertspread7@gmail.com

For Construction Spread F
Contact, Environmental Inspector: LEI Richard Shelton
Cell Phone Number: 216-704-4336
Email: RichardEShelton@yahoo.com

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

For Construction Spread D
Contact, Environmental Coordinator: Phil Sanders
Telephone: (817) 360-6203 (cell)
E-mail: ptsand0703@aol.com
Address: Rockies Express East Indianapolis Field Office
1811 Executive Dr Suite O
Indianapolis, IN 46241

For Construction Spreads E and F
Contact, Environmental Coordinator: Ted James
Telephone: (406) 570-7486 (cell)
E-mail: TedJames2@aol.com
Address: Rockies Express East Indianapolis Field Office
1811 Executive Dr Suite O
Indianapolis, IN 46241

4. The Environmental Coordinator 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' Environmental Project Manager by telephone regarding the potential significance of the find.

Contact, Environmental Project Manager: Ryan Child
Telephone: (307) 760-5635 (cell)
E-mail: ryan_childs@kindermorgan.com

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

Contact: Mr. Jim Glass
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 Environmental Project Manager will notify other parties as directed by the Indiana SHPO or FERC.
- 5) The Environmental 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 Environmental 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 Environmental Project Manager will consult with the Indiana SHPO, FERC, and other parties, and will request approval to resume construction.
- 7) The Environmental 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 Environmental 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. The remains will not be removed from the original location
- 2) The Environmental Project Manager will promptly notify by telephone the FERC of the find.

Contact: Ellen Saint Onge
 Telephone: (202) 502-6726
- 3) The Environmental 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	Darin Tucker	(765) 828-0402		
Parke	Daniel Dwyer	(765) 569-5101		
	Thomas Miller or	(765) 653-5115		
Putnam	On-call deputy	(County dispatch)	(765) 653-5117	N/A
Hendricks	Jason Matthews	(317) 852-4298		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	(769) 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) 745-6289		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) 424-8010	333 S Franklin St, Decatur, IL 62523
Shelby	Michael Bowlby	(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 Maxde	(765) 647-4138		371 Main St., Brookville, IN 47012

- 4) The Environmental Project Manager also will notify by telephone the Indiana SHPO of the find.

Contact: Mr. Jim Glass
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

- 5) If the county coroner determines that the remains are not human, or they continue to remain under investigation by the coroner, the Environmental Project Manager will update the Indiana SHPO and other consulting parties of the coroner's investigation.
- 6a) If it is determined that intact interments that pre-date 1940 are present and may be disturbed by continuing construction, then the Environmental Project Manager will consult with the Indiana SHPO, FERC, law enforcement officials, 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.
- 6b) If the find is determined to be isolated or completely disturbed by construction activities, then the Environmental Project Manager will consult with the Indiana SHPO, FERC, and other interested parties as appropriate, and will request approval to resume construction.
- 7) The Environmental Project Manager will notify the on-site EI who will grant clearance to the Contractor to restart work.

Document Content(s)

REX East letter re MOA of Indiana.PDF.....1-12