BAYOU BRIDGE PIPELINE PROJECT
TRIBAL MONITORING PLAN

Table of Contents

1.0 BACKGROUND .............................................................................................................................................. 1
2.0 OBJECTIVE ...................................................................................................................................................... 1
3.0 SUMMARY ....................................................................................................................................................... 1
4.0 PROCESSES ..................................................................................................................................................... 2
5.0 ENVIRONMENTAL INSPECTION ...................................................................................................................... 2
6.0 MONITORING .................................................................................................................................................. 2
7.0 TRIBAL MONITORS ....................................................................................................................................... 3
8.0 TRAINING ......................................................................................................................................................... 4
9.0 COMMUNICATIONS ....................................................................................................................................... 5
10.0 ADMINISTRATION ....................................................................................................................................... 6
11.0 COUSHATTA TRIBE OF LOUISIANA CULTURAL HERITAGE DEPARTMENT ................................................. 6
12.0 UNANTICIPATED DISCOVERY PLAN ........................................................................................................ 6
1.0 **Background**

Bayou Bridge Pipeline, LLC (BBP) is seeking approval from the U.S. Army Corps of Engineers (USACE) to install and operate the Bayou Bridge Pipeline Project (Project), a 24-inch diameter crude oil pipeline approximately 162.52 miles in length. The pipeline facilities include a 161.40 mainline section beginning south of Lake Charles, Louisiana and terminating near St. James, Louisiana, as well as a 1.12-mile lateral pipeline that will commence at the terminus of the mainline. The Project also involves the construction of two pump stations and other ancillary facilities along the pipeline. The Project activities include clearing and grading the right-of-way, trenching, temporarily stockpiling materials, installing below ground pipelines, installing aboveground facilities, and performing horizontal directional drilling (HDD) operations.

Phase I cultural resource investigations have been completed in compliance with Section 106 of the National Historic Preservation Act and guidelines set forth by the Louisiana Division of Archaeology (LDOA) to identify cultural resource sites within the project footprint and to assess any potential impacts by the Project to historic properties or other sensitive cultural resources. The Phase I Cultural Resources Report, which provides a detailed analysis of the results of the investigation, was submitted to the LDOA. The LDOA issued letters concurring with determinations that the project will not adversely affect any properties listed or eligible for listing on the National Register of Historic Places.

Tribal Energy Resource, LLC (TER) has prepared this Tribal Monitoring Plan (Plan) for BBP in regard to the Project. This Plan describes the procedures for tribal monitoring and identifies the process in which tribal monitors are deployed to the right-of-way to observe Project construction. This Plan also references the Project’s Unanticipated Discovery Plan which describes the procedures to be implemented in the event that an unanticipated discovery is encountered during construction. The monitoring program has been prepared based on the analysis of the cultural resource surveys and tribal participation in the project up to this point. The monitoring program reflects the potential risks for exposure of previously unidentified or buried cultural material within the project route during construction.

2.0 **Objective**

The objective of this tribal monitoring program is to develop a reasonable monitoring process while minimizing the potential for adverse effects from the Project activities to previously unidentified historic properties. This plan provides guidelines to assist in the coordination and communication for successful tribal participation in protecting cultural resources.

3.0 **Summary**

To facilitate construction, the overall pipeline route is divided into 3 smaller sections, or spreads, of varying lengths. Construction, environmental and tribal monitoring oversight will be assigned at the spread level. Tribal monitors will be assigned to all three spreads and will observe ground disturbing activities during Project construction. Spread 3 will be predominantly under water and monitoring is not warranted in inundated areas.
There will be one (1) tribal monitor per clearing, grading and trenching construction crew and one (1) Chief Monitor/Liaison for the Project. The tribal monitors are required to have adequate training to work on the right-of-way and must follow strict protocols as outlined in this plan while in the field. The tribal monitors will be selected or approved by the Coushatta Tribe of Louisiana and recognized as having experience in the identification of historic properties. Their role will be to alert the Environmental Inspector (EI) of any previously unidentified historic properties uncovered during construction activities.

Environmental Inspection services will be employed throughout construction of the project. There will be clear lines of communication between the tribal monitors, environmental inspectors and the Tribal Liaison. Tribal monitors will be required to keep detailed records of their activities through daily reports provided to the Tribal Liaison and lead EI.

4.0 Processes

The USACE, in consultation with the Coushatta Tribe of Louisiana, TER and BBP, has recommended tribal monitoring in their areas of jurisdiction for compliance with Section 106. TER has an agreement with the Coushatta Tribe of Louisiana to act as a representative on this project. Bayou Bridge has agreed to tribal monitoring along the Project regardless of federal jurisdiction and will bear the cost of tribal monitoring on the Project in an agreement with TER.

5.0 Environmental Inspection

To facilitate construction compliance with all environmental regulations and project conditions, BBP employs EIs. It is anticipated that the project will have two to three field EIs that report to one Lead EI per spread, that report to an overall Chief EI. The tribal monitors working with each ground disturbing construction crew will report to the respective lead EI in addition to the Tribal Liaison during the Project.

6.0 Monitoring

Monitoring will occur during ground-disturbing construction activities. For the purposes of this Plan, ground-disturbing activities are defined as any activities that have moderate to high potential to expose or impact buried cultural resources. These include, but are not limited to, vegetation clearing and grubbing (in which soils are exposed), blading, grading, and trenching activities. Certain activities during construction will not require monitoring such as lowering-in and clean-up as these activities have low potential to expose cultural resources or for which monitoring would not identify disturbed or exposed cultural activities. Additional examples of activities with low potential to expose cultural resources that will not require monitoring include simple transportation between sites by rubber-tired vehicles, installation of temporary fence posts, and transportation between areas that have been previously monitored. However, it should be noted that if significant rutting is expected prior to ground disturbing activities by rubber-tired vehicles mobilizing to a site, then an archaeological or tribal monitor should be present.

Monitoring locations will generally be observed by one tribal monitor when machinery is actively involved in ground disturbance activities as described above. The monitor will actively observe the ground disturbance to look for indications of cultural remains exposed by construction equipment. For safety purposes, monitors are not to enter the trench at any point and shall generally inspect disturbed or excavated soils behind the equipment at a safe distance in accordance with health and safety protocols. In the event that a new discovery (see Unanticipated Discovery Plan; UDP) is observed during construction, the materials will be recorded using standard cultural material recording protocol.
Construction will be suspended in the immediate area for the assessment and recording of the cultural material or human remains discovered in accords with the UDP.

At HDD sites, the actual monitoring will take place at the entry/exit points of that drill. Although unlikely, should an inadvertent return (IR) of drilling fluid occur within the monitoring site, the monitor will be allowed to monitor activities associated with the containment and cleanup of the drilling fluid. If an IR occurs within a known cultural site, BBP would notify the SHPO and federal agency, if applicable; special care will be taken to reduce impacts at the surface. Monitors and project archeologists would coordinate with the EI to help determine low impact containment and cleanup methodologies.

7.0 **Tribal Monitors**

Tribal monitors will work collaboratively with the environmental inspection team in an advisory role to assist the Project in achieving compliance with Section 106, this monitoring plan, and any unanticipated discovery that may be encountered during construction.

If another tribe requests to monitor during construction then the tribes will meet and decide amongst themselves which areas will be monitored by which tribe. In some instances it may be necessary for a tribe to designate an alternate monitor to provide monitoring for all areas of concern for the tribe in the event that the primary monitor is unavailable.

7.1 **Position Description:**

- Tribal monitors are deployed to the right-of-way to observe ground disturbing activities during Project construction in compliance with Section 106, this monitoring plan, and any unanticipated discovery that may be encountered during construction. Monitors shall observe ground disturbing construction activities to identify any previously unidentified historic properties that may be of significance to the tribe.

- It is the responsibility of the tribal monitor to actively observe and report any cultural artifact or human remains found either on the surface or subsurface within the Project boundaries. Any potential significant find shall be reported to the Tribal Liaison and Lead EI. Upon notification, the project archaeologist will be engaged. The archaeologist will evaluate whether the find constitutes a potential historic property in accordance with applicable regulations and proceed in implementing the UDP as warranted.

- Monitors are responsible for reporting daily activities that identify the areas and activities monitored during the week, describe any issues or concerns that were encountered, and describe how the issue/concern was resolved. Reports must be submitted daily in writing to the Lead EI and Tribal Liaison.

- The tribal monitor is required to adhere to this tribal monitoring plan. The Chief and Lead EIs shall review the Unanticipated Discovery Plan with the Tribal monitors so that roles and responsibilities of the monitor and the lead EI are clearly understood. The monitors shall be well versed in the Plan and UDP prior to being deployed on the project.

- Tribal monitors shall communicate directly to the Lead EI and the Tribal Liaison.

- The tribal monitors are part of the construction team and as such are required to participate in the safety and environmental training on site as well as tailgate meetings. They must abide by all safety rules and wear personal protective equipment at all times while on site.

- Monitors may not direct construction personnel or equipment.
• At the start of each work day, tribal monitors must meet with the Lead EI at the applicable spread office or other designated location determined by the Lead EI at the prescribed time to receive daily safety and information briefings. Failure to attend the briefing may preclude the monitor’s ability to participate on that day.

• Lead EIs will seek the advice and input of tribal monitors when unanticipated discoveries are encountered, if available, and will consider their input when implementing the UDP.

• If a tribal monitor needs to pick up a potentially significant artifact to examine it, they are to replace it to the same location where it was found.

• Monitors are not to remove any artifacts from the right-of-way or any ancillary properties unless directly instructed to do so by the project archeologist, the USACE and/or State Historic Preservation Office (SHPO). Should they be instructed to remove the cultural material, they will place the material in an appropriate container and properly label the container to preserve the provenience of the material. If these materials are collected by the tribal monitor, that monitor will deliver these directly to the Lead EI or Project archaeologist. The Project archaeologist will retain and temporarily house all collected items collected pending completion of analysis, reporting, and consultation. Transfer of the cultural material from the tribal monitor to anyone’s custody will be documented within the monitors’ daily reports. Upon completion of analysis, reporting, consultation, and/or construction, the artifacts will be returned to the appropriate landowners or curated with an approved curation facility within the state in accordance with applicable regulations.

7.2 Qualifications:

Credentials and qualifications of the tribal monitors shall be within the purview of the tribe. The individuals selected will be officially recognized by the tribe as having the capabilities to perform the duties as described in the job description. Tribal Energy Resource, LLC will work with the Coushatta Tribe to articulate the responsibilities of the monitors and deploy them to optimize their role in reducing the potential for Project effects to historic properties.

All tribal monitors shall have experience identifying the various site types of cultural sites and resources from the specific regions crossed by the Project. In addition, the tribal liaison must have demonstrated professional training in and/or experience with identification of human remains and/or unmarked graves to ensure quick and accurate identification and reporting of discoveries.

8.0 Training

Training of project personnel is critical to project compliance and success. Safety and environmental training is provided to all personnel that will be working on the project construction.

8.1 Training of Tribal Monitors

All monitors will be required to satisfactorily complete a two-day comprehensive training focused on the activities on the pipeline right-of-way conducted by TER. Completion of this program is compulsory. It also is required that the monitors also attend the environmental/safety trainings provided to all on-site project personnel. Monitors will be required to be up-to-date on the Project’s safety protocol for the project and will be expected to follow all safety guidelines at all times.

Monitors will be required to read and fully understand the procedures set forth in this Plan. Additional training could be required once the monitor has deployed to the site.
8.2 Training of Construction Personnel

Construction personnel will be working in areas outside of federally jurisdictional areas; however, the potential still exists for cultural resources to be encountered. Training of construction personnel is necessary for them to recognize potential cultural resources and comply with Section 106 and applicable state regulations. During the pre-construction training provided by BBP, approximately one hour will be designated for TER to provide this training so that construction personnel are familiar with the types of archaeological resources that may be encountered during construction. This training will also outline the steps to be followed in the event of a significant archaeological discovery during construction (e.g., the discovery of human remains or new discoveries). Tribal representatives will be allowed to participate in presenting the training provided it can be completed concurrently with the scheduled pre-construction training.

The following items will be reviewed during the training program:

- Brief overview of the laws and regulations associated with discoveries of cultural resources and unmarked burials, both within and outside of USACE jurisdiction.
- Definition of a discovery along with examples.
- Steps towards protection of a discovery until such time as they can be properly evaluated by a qualified archaeologist.
- Proper notification to the appropriate personnel.
- The necessity of reporting discoveries in a timely manner and complying with the stipulations in this Plan.
- The need to treat any human skeletal remains that are encountered with dignity and respect.
- What to do in the event of witnessing ground disturbing activities, or the intent to conduct ground disturbing activities in an area that requires monitoring and a tribal monitor is not present.

9.0 Communications

At the start of each work day, tribal monitors must meet with the respective Lead EI at the applicable spread office or other designated location determined by the Lead EI at the prescribed time to receive daily safety and information briefings. Failure to attend the briefing may preclude the monitor’s ability to participate on that day.

Tribal monitors will complete daily reports for daily submittal to the Tribal Liaison and Lead EI.

It is the responsibility of the tribal monitor to actively observe and report any cultural artifact or human remains found either on the surface or subsurface within the Project boundaries.

Any potential significant find shall be reported in a timely manner to the Tribal Liaison and Lead EI. The Lead EI will issue a stop work order in the immediate area of the discovery.

The Lead EI, the project archaeologist will be engaged to evaluate whether the find constitutes a potential historic property in accordance with applicable regulations and proceed in implementing the UDP as warranted.

Tribal monitors may not direct construction personnel or equipment.

If an unanticipated discovery is observed by someone other than a tribal monitor, the advice of a tribal monitor, if available, will be sought and their input considered in determining eligibility.

If any issues develop, tribal monitors are encouraged to communicate with the EIs and the Tribal Liaison.
The Lead EI will contact, either in person, via email, text, or telephone, the Tribal Liaison and notify them of emergencies or potential emergencies affecting the entire spread such as inclement or violent weather.

Ground disturbing activities are not to be precluded in the event a monitor is not present or available for any reason.

10.0 **Administration**

Through the government-to-government consultation process and correspondences with BBP, it is understood that BBP intends to contract with TER to develop and implement this tribal monitoring program. The Principal Point of Contact for this Project is Lou Thompson on behalf of TER.

TER will be responsible for administering the monitoring program and will collect all necessary contact information to ensure clear and timely communication.

The USACE is being provided a copy of the Plan for the administrative record. BBP and TER may modify this plan at any point in time.

All monitoring costs will be borne by BBP at an agreed upon rate and scale.

11.0 **Coushatta Tribe of Louisiana Cultural Heritage Department**

The Sovereign Nation of the Coushatta Tribe of Louisiana is a federally recognized Native American Tribe. The Tribe’s Cultural Heritage Department will play a key role in the tribal monitoring program. The Department consists of Mr. Jonas John, Director, Dr. Linda Langley, Tribal Historic Preservation Officer and Michael Tarpley, Deputy THPO. The Heritage Department will select the monitors for the project and assist in the training programs. They will provide the Council updates and progress reports on the project. TER will work closely with the Heritage Department throughout the entire tribal monitoring effort to resolve issues as they arise.

12.0 **Unanticipated Discovery Plan**
UNANTICIPATED DISCOVERIES PLAN
CULTURAL RESOURCES, HUMAN REMAINS
AND CONTAMINATED MEDIA

Bayou Bridge Pipeline Project

A. INTRODUCTION

Bayou Bridge Pipeline, LLC (BBP) proposes to construct an approximately 162.68-miles of new 24-inch diameter crude oil pipeline that will commence south of Lake Charles, Louisiana in Calcasieu Parish, Louisiana and will terminate near St. James, Louisiana in St. James Parish, Louisiana. The proposed Project also involves the construction of two pump stations in Jefferson Davis and St. Martin parishes, Louisiana and other ancillary facilities along the proposed pipeline. This document describes the procedures for dealing with unanticipated discoveries during the course of project construction. It is intended to:

- Maintain compliance with applicable Federal and State laws and regulations during construction of the Project;
- Describe to regulatory and review agencies the procedure the Project or its representative will follow to prepare for and deal with unanticipated discoveries; and,
- Provide direction and guidance to project personnel as to the proper procedure to be followed should an unanticipated discovery occur.

B. PROCEDURES FOR THE UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES

In the event that a tribal monitor or any member of the construction work force believes that a cultural resource discovery is encountered the following plan will be implemented:

1. All work within 100 feet of the discovery will immediately stop and the Environmental Inspector and the tribal Section 106 Compliance Coordinator will be notified. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the materials. A cultural resource can be prehistoric or historic and could consist of, but not be limited to, for example:
   - An accumulation of shell, burned rocks, ceramics or other subsistence related materials
   - An area of charcoal or very dark soil with artifacts
   - Stone tools, arrowheads, or dense concentrations of stone artifacts
   - A cluster of bones in association with shell, charcoal, burned rocks, stone artifacts, ceramics, or other culturally-modified items. A historic structure or assemblage of historic materials older than 50 years

2. If the project archaeologist, tribal monitor, and tribal Section 106 Compliance Coordinator
all concur that the discovery is a cultural resource, then the Environmental Inspector will take appropriate steps to protect the discovery site. This will include flagging the immediate area of discovery and stop work or exclusion zone, as well as notifying the Environmental Project Manager and/or Company Representative and the Coushatta THPO. Work in the immediate area will not resume until treatment of the discovery has been completed.

3. BBP or its representative will arrange for the discovery to be evaluated by a qualified archaeologist and the Coushatta Heritage Department. The Coushatta Heritage Department and the archaeologist will evaluate the cultural material and provide recommendations for management of the resource under the appropriate State and Federal Historic Preservation Plan.

4. The Coushatta Tribe and the project archaeologist will seek consultation with the SHPO and the United States Army Corps of Engineers (USACE) New Orleans District regarding the National Register eligibility status of the discovery. If the discovery is determined to have the potential for eligibility, the archaeologist and Coushatta Heritage Department will consult with the SHPO and USACE regarding development of the mitigation plan to be implemented. Treatment measures may include mapping, photography, sample collection, or excavation activity.

5. The project archaeologist will implement the appropriate treatment measure(s) and provide a report on its methods and results. The investigation and technical report will be performed in compliance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 CFR 44734--44737); the Advisory Council on Historic Preservation (ACHP) publication "Treatment of Archaeological Properties" (ACHP 1980); and follow the guidelines set forth by the applicable State(s) Historic Preservation Office.

C. PROCEDURES FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS

In the event that human remains are encountered during either construction or maintenance activities, the following plan outlines the specific procedures to be followed. These procedures meet or exceed the Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects adopted by the ACHP, “Protection of Historic and Cultural Properties” (36 CFR Part 800); Procedures for the Protection of Historic Properties (33 CFR 325 Appendix C); the Archaeological and Historic Preservation Act, and Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671-683).

All activity that might disturb the remains shall cease and may not resume until authorized by appropriate law enforcement officials or the State Archaeologist. Any human remains, burial sites, or burial related materials that are discovered during construction will at all times be treated with dignity and respect.

1. The Site Manager or project archaeologist, if present, will notify BBP’s Project Manager, the law enforcement agency, and the coroner of the jurisdiction where the site or remains are located within two days of the discovery. The State Archaeologist will also be contacted to assist with identifying the remains.
2. Any activity that may disturb the unmarked burial site, human skeletal remains, or burial artifacts associated with the site will immediately cease on discovery. The site will be carefully covered and secured for protection from degradation by weather or unauthorized individuals.

3. The Environmental Inspector will be responsible for taking appropriate steps to protect the discovery. This will include fencing off the immediate area of discovery and flagging the area as an exclusion zone. No activity may resume until authorized by the agency authority governing the disposition of the human remains.

4. If the unmarked burial site, human skeletal remains, or funerary objects can be shown to have ethnic affinity with a living Native American tribe, a Company Representative will notify the SHPO and USACE to assist in determining the tribe(s), if any, who may have historic ties to the region and represent descendants of any Native American remains. If direct relations to a Native American tribe are verified, the tribe will have control of the disposition of the human skeletal remains.

5. If the District Coroner finds that the unmarked burial site is over 50 years old and that there is no need for a legal inquiry by their office or for a criminal investigation, and if no direct relations to any Native American tribe are found, then the SHPO will have jurisdiction of the site, human skeletal remains, and the burial artifacts.

6. In the event of Unanticipated Discovery and subsequent identification of American Indian remains, tribal members and cultural practioners will be given the opportunity to perform ceremony for these individuals who have had their final journey interrupted.

**D. PROCEDURES FOR THE DISCOVERY OF CONTAMINATED MEDIA**

Indicators of possible contamination include, but are not limited to:
- Buried drums or containers, rusted or in otherwise poor condition
- Stained or otherwise discolored soil (in contrast to adjoining materials)
- Spoil material containing debris other than obvious construction material
- Chemical or hydrocarbon odors emanating from excavations
- Oily residues
- Visible sheen or other discoloration on groundwater
- Structures such as pipelines (concrete, PVC or steel) or underground storage tanks.

The EI and appropriate contractor personnel will be trained in hazard identification and worker protection and these topics will be discussed regularly in safety meetings. A contamination assessment including strategic sampling of soil and groundwater along the Project route indicated that no contamination will be encountered during construction. However pre-construction inspections shall be conducted prior to beginning work in each area of the project. In the event that contamination is encountered the following activities should take place:

1. Immediately cease construction activities within that area and notify the Environmental Inspector and Project Environmental Manager. Work in the immediate area will not resume until an assessment of the discovery has been completed and the Company has released the site. If safe to do so, the Environmental Inspector will take appropriate steps to mark (flag) off the area to identify the exclusion zone. Work in the immediate area will not resume
until an assessment discovery has been completed.

2. If potentially contaminated groundwater or soil reaches (or has the potential to reach) surface waters, booms and/or absorbent materials shall be immediately deployed to contain and reduce downstream migration of the spilled material.

3. Upon notification, the Project Environmental Manager will perform or direct a hazard assessment to determine appropriate control measures to be implemented at the specific site. Activities may include sampling vapors, soil, sediments, groundwater, and/or wipe samples of materials.

4. If warranted by the assessment, the Project Environmental Manager will notify appropriate Federal, State and Local agencies.

5. Upon evaluation of the sampling results, additional notifications may be made to coordinate a work plan for measures to be implemented in the contaminated area to resume activities in a safe, environmentally compliant, and effective manner. Measures may include additional personal protective equipment, segregation of contaminated media, treatment or off-site disposal of contaminated media.

6. All identification /characterization, handling, labeling, storage, manifesting, transportation, record keeping, and disposal of potentially contaminated materials shall be conducted in accordance with all applicable federal, state, and local regulations and guidance.

E. PROJECT CONTACTS

Environmental Inspector
Attn: TBD
Phone:

Chief Inspector
Attn: TBD
Phone:

Bayou Bridge Environmental Project Manager
Attn: Monica Howard
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Bayou Bridge Project Manager
Attn: Cary Farber
Phone: (o) 337-309-0525 (c) 337-475-4218

USACE New Orleans District
Attn: Trent Stockton, Archaeologist and Tribal Liaison
Phone: (o) 504-862-2550

Louisiana Office of Cultural Development
Attn: Chip McGimsey, State Archaeologist
1051 N. 3rd St., Room 319, Baton Rouge, LA 70802
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<td>St. James</td>
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<td>Jena Band of Choctaw Indians</td>
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<td>Tunica Biloxi Tribe of Louisiana</td>
<td>Tribal Historic Preservation Officer</td>
<td>Earl Barbry Jr.</td>
<td>P.O. Box 1589</td>
</tr>
</tbody>
</table>