

### **3.11 CULTURAL RESOURCES**

Cultural resources include the locations of human activity, occupation, or usage that contain materials, structures, or landscapes that were used, built, or modified by people. For example, for the proposed Project, cultural resources include precontact Native American archaeological sites, historic period farmsteads, or a district of historic buildings. For the purposes of the proposed Project, field studies to identify cultural resources assess archaeological resources (sites), historic resources (buildings, structures, objects, and districts), and properties of religious and cultural significance, including Traditional Cultural Properties (TCPs). Paleontological resources are discussed in Section 3.1.

#### **3.11.1 Section 106 National Historic Preservation Act**

This proposed Project is considered an undertaking under Section 106 of the National Historic Preservation Act (NHPA). Section 106 of the NHPA, as amended, requires the U.S. Department of State (DOS) as the lead federal agency to consider effects on historic properties before an undertaking occurs. For this proposed Project, the DOS is complying with Section 106 of the NHPA in parallel with NEPA (see Notice of Intent, 74 FR 5019). The intent of Section 106 is for federal agencies to take into account the effects of a proposed “undertaking” on any historic properties situated within the APE and to consult with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPOs), federally recognized Indian tribes, other federal agencies with concurrent undertakings as a result of the project, applicants for federal assistance, local governments, and any other interested parties regarding the proposed undertaking and its potential effects on historic properties.

In this Section, the effects to historic properties are analyzed under the regulations of Section 106 as proposed Project “effects.” A “historic property” is defined as any district, archaeological site, building, structure, or object that is either listed, or eligible for listing, in the National Register of Historic Places (NRHP). Under this definition, historic and archaeological resources present within a project’s Area of Potential Effect (APE) are not historic properties if they do not meet the eligibility requirements for listing in the NRHP. For the purposes of this Section, the term “historic resource” refers to buildings, structures, objects, and districts that may or may not meet NRHP criteria of evaluation. Likewise, “archaeological resource” refers to a site that may or may not meet the NRHP criteria of evaluation. The term “sites of religious and/or cultural significance” refers to areas of concern to Indian tribes that, in consultation with the respective tribe(s), may or may not be eligible for listing in the NRHP. These sites may also be considered TCPs.

To be considered eligible for listing in the NRHP, a property must retain integrity and be greater than 50 years of age, although there are provisions for listing cultural resources of more recent origin if they are of “exceptional” importance. The intent of Section 106 is for federal agencies to take into account the effects of a proposed “undertaking” on any historic properties situated within the APE and to consult with the ACHP, SHPOs, federally recognized Indian tribes, applicants for federal assistance, local governments, and any other interested parties regarding the proposed undertaking and its potential effects on historic properties. The proposed Project is considered an undertaking under Section 106 and the lead federal agency is DOS.

The implementing regulation of Section 106 is 36 CFR Part 800 (2004). This regulation establishes a process of identifying historic properties that may be affected by the proposed undertaking; assessing the undertaking’s effects on those resources; and engaging in consultation that seeks ways to avoid, reduce, or mitigate any effects on NRHP-listed or eligible properties. Effects include, but are not limited to, destruction or alteration of all or part of a property; isolation from or alteration of its surrounding environment; introduction of visual, audible, or atmospheric elements that are out of character with the

property or that alter its setting; transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and neglect of a property resulting in its deterioration or destruction.

36 CFR Part 800 specifies that several state, tribal, and federal agencies must be consulted. This includes each SHPO whose state would physically include any portion of the APE. The SHPO is appointed by each state to protect the interests of its citizens with respect to issues of cultural heritage. Section 101(b)(3) of the NHPA provides each SHPO a prominent role in advising the responsible federal agencies and ACHP. In addition to the SHPO, the lead federal agency has an obligation to work with state and local governments, private organizations, and individuals during the initial planning and development of the Section 106 process.

On non-tribal lands, DOS, in consultation with the SHPOs, Tribal Historic Preservation Officers (THPOs) and other consulting parties, assesses the need for historic and archaeological resource investigations in the proposed Project APE, generates and approves methodologies for undertaking such investigations within the state, and evaluates the preliminary NRHP status of any historical or archaeological resources located within the APE. The SHPO also assists the lead federal agency, DOS, and ACHP in assessing any potential effects to historic properties. The SHPOs also work with DOS, the proposed Project proponent (Keystone), ACHP, and Indian tribes to mitigate any adverse effects that could occur to historic properties. On Indian tribal lands, the Section 106 responsibilities of the SHPO can also be assumed by a THPO under Section 101(d)(2) of the NHPA.

On January 28, 2009, DOS issued a Notice of Intent (NOI) to prepare an EIS under NEPA for the proposed Project. Along with the NOI, DOS notified the public of its intent to conduct a parallel Section 106 process along with the NEPA compliance process. On January 30, 2009, DOS invited Indian tribes and state and federal agencies by letter to become consulting parties for the proposed Project and notified the consulting parties that DOS would be the lead federal agency. Additional Indian tribes and agencies were identified by the BLM and an invitation was forwarded to those parties on February 19, 2009. Another letter from DOS sent March 1, 2009 again invited Indian tribes that had not responded to the initial invitations. Those Indian tribes that did not respond to the first or second written invitations were called via phone on March 18 and March 19, 2009. Since March 2009, several additional tribes and agencies have contacted DOS to become consulting parties. Section 3.11.4 includes information on all of the consulting parties and the consultation process.

On March 30, 2009, DOS developed the APE for the proposed Project and requested comments from consulting parties that included the SHPOs, Indian tribes, and other federal agencies. DOS has continued consultation with these parties as determinations are made concerning NRHP eligibility of identified resources, proposed Project effects on historic properties, and resolution of any adverse effects.

Section 106 recognizes the importance of consulting with Indian tribes when federal undertakings occur. Specifically, 36 CFR 800.2(c)(2)(ii) notes: “Section 101(d)(6)(B) of the NHPA requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural importance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property.” In addition, 36 CFR 800.2(c)(2)(ii)(B) says the “Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies or limits the exercise of any such rights.”

DOS is consulting with Indian tribes and the SHPOs regarding the identification, evaluation, and mitigation of historic properties located on non-tribal lands. If a THPO assumes the Section 106 responsibilities of the SHPO on tribal lands, all consultations regarding the proposed Project and its potential effects on historic properties within the relevant tribal lands will be through the THPO. In the event that the tribe has not identified a THPO, the lead federal agency is required to consult with both the SHPO and the Indian tribe's designated Cultural Resource Specialist for any effects on historic properties.

Section 106 regulations state that each SHPO (or THPO, if they have assumed the SHPO's role) is required to respond within 30 days of receiving a request to review a proposed action, or a request to review a federal agency's finding or determination regarding historic properties located within the proposed Project APE. In the event that the SHPO/THPO does not respond within this timeframe, 36 CFR 800.3(c)(4) states that the lead agency can decide to (1) proceed to the next step in the application process based on any earlier findings or determinations that have been made up to that point; or (2) consult directly with the ACHP in lieu of the SHPO/THPO. If, after this step is followed, the SHPO or THPO decides to re-enter the Section 106 process, 36 CFR 800.3(c)(4) further states that the lead agency official may continue the consultation proceeding without being required to reconsider previous findings or determinations. TransCanada Keystone Pipeline, LP (Keystone), the proposed Project Applicant, provided information, analyses, and recommendations to assist DOS in complying with NEPA and Section 106, in accordance with NHPA regulations.

#### **3.11.1.1 National Register of Historic Places**

Not all archaeological resources, historic resources, or sites of religious and traditional significance are considered historic properties under Section 106. To be designated as a historic property, the resource must be listed, or eligible for listing, in the NRHP. The criteria (36 CFR 60.4 [a-d]) used to evaluate the significance of a resource are as follows:

- It is associated with events that have made a significant contribution to the broad patterns of American history; or
- It is associated with the lives of past significant persons; or
- It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- It has yielded or may be likely to yield, information important in history or prehistory.

Properties also need to exhibit integrity of location, materials, setting, design, association, workmanship, and feeling and must also be at least 50 years old. However, under Criteria Consideration G, a property achieving significance within the past 50 years is eligible if it is of exceptional importance.

The analysis in the EIS consists of a summary of all cultural resources that have been reported to DOS for the proposed Project. This includes cultural resources assessed as being eligible and ineligible for listing in the NRHP, and cultural resources for which NRHP eligibility has not been evaluated. The reported cultural resources are divided into three main temporal groupings: precontact period, historic period, and multi-component. Precontact resources are sites that contain material evidence of Native American activities before Europeans entered the proposed Project area. Examples of precontact sites include, but are not limited to, rock art; camp or village sites; rock shelters; and scatters of stone, bone, or ceramic tool-making debris. Historic period resources can include recent Native American activity locations but generally reflect Euro-American activities of the last 250 years. These can include residential, government, or commercial structures; farmsteads; mining sites; roads or railways; and ceramic, metal,

and glass artifact scatters. Multi-component resources are locations where both Historic period and precontact cultural remains are present.

### **3.11.1.2 Properties of Religious and Cultural Significance (Including TCPs)**

Historic properties include sites of religious or cultural significance (including TCPs) that meet the NRHP criteria of eligibility but that do not necessarily have physical evidence of human activity. National Register Bulletin 38 defines TCPs as locations that embody the “beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices” that are essential for continuing the cultural identity of the community. In some tribal cultures, culture and religion are intertwined in which case a historic property may have both cultural and religious significance. As noted in Bulletin 38, a property’s religious significance does not preclude its eligibility for the NRHP. As a part of Section 106 consultation, funding for TCP studies has been offered to every consulting tribe. The Indian tribes who have completed TCP studies under this program for the proposed Project are listed in Table 3.11.4-3. DOS has consulted and will continue to consult with Indian tribes to assist in determining the best ways to identify, evaluate, and mitigate potential effects to TCPs. The summary of this tribal consultation is in Section 3.11.4.3.

### **3.11.1.3 Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act**

In addition to Section 106, the Archaeological Resources Protection Act of 1979 (ARPA) (16 USC 470; 43 CFR 7) requires federal land-owning agencies to issue ARPA permits to qualified individuals, institutions, or firms that conduct archaeological surveys within federal and Indian lands. The proposed Project has the potential to be within federally controlled, maintained, managed, or owned lands, including BLM lands, Reclamation lands, and USACE managed lands.

The Native American Graves Protection and Repatriation Act (NAGPRA 1990) applies to all federal and tribal lands. NAGPRA effectively protects tribal burial sites and rights to items of cultural significance, including human remains, funerary objects, sacred objects, and objects of cultural patrimony (25 USC §3001[3]; 43 CFR 10). On federal lands, intentional excavation and removal of Native American human remains and objects from federal or tribal lands for discovery, study, or removal is permissible only if an ARPA permit is issued by a federal land-holding agency. Consultation with Native Americans must occur prior to the issuance of an ARPA permit and removal of human remains and objects requires the consent of the applicable Native American tribe. NAGPRA applies to all federal and tribal lands affected by the proposed Project. Each state has statutes that govern the inadvertent discovery and/or excavation of human remains as well as artifacts on private lands.

## **3.11.2 Project Setting**

### **3.11.2.1 Project Area**

The proposed Project area contains cultural resources resulting from human settlement and other activities over the last 10,000 years. These include archaeological sites, special activity areas such as food processing sites, cemeteries, and sites of spiritual and traditional use. Later historic activities expressed on the landscape include mining-related resources, railroads, commercial buildings, domestic residences, and agricultural buildings. Many of these cultural resources are associated with mineral exploration, transportation, settlement, logging, and agricultural production. Lands and resources within and outside the respective Reservations are very important to Native American peoples for subsistence gathering, for

the collection of plants for medicines, for spiritual and ceremonial purposes, and for everyday life. This section, therefore, summarizes the cultural resources aspects of the proposed Project in relation to each individual affected state.

### 3.11.2.2 Area of Potential Effect and State by State Efforts to Identify Historic Properties

The Area of Potential Effect (APE) is defined as the “geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (36 CFR 800.16(d)). For the purposes of the proposed Project and Section 106 of the NHPA, the APE consists of a 300-foot-wide survey area that includes a 110-foot wide construction ROW that will primarily be collocated along existing pipeline facilities/easements. A 50-foot-wide permanent ROW would be retained to accommodate proposed Project operations and maintenance. The 300-foot wide corridor will allow for minor adjustments or route variations as they become known. Other areas that may lie outside of the proposed construction ROW but that are considered a part of the proposed APE include temporary work spaces, access roads, storage/warehouse yards, pump stations and valves, and associated electrical transmission/distribution lines.

Where access was available, cultural resource surveys were conducted within the APE for the proposed Project by SWCA Environmental Consultants and American Research Group (ARG). These were the consultants employed by the Applicant. The titles and authors of the cultural resource surveys are listed below in the state by state descriptions. The survey results were submitted from the Applicant to DOS, reviewed, and either approved or sent back to the Applicant for additional information. Once DOS was satisfied with the content of individual survey reports, a preliminary determination of NHPA eligibility and effects was completed, and reports were then sent to the SHPOs and consulting parties for their review and concurrence. The proposed Project APE through each state and respective counties is described in Table 3.11.2-1.

<b>State</b>	<b>Counties</b>	<b>Corridor Area of Potential Effect</b>
Montana	Dawson, Fallon, McCone, Phillips, Prairie, and Valley	300 feet (if existing pipeline is present then 300 feet from the centerline of outermost existing pipeline)
South Dakota	Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Gregory and Tripp	300 feet (if existing pipeline is present then 300 feet from the centerline of outermost existing pipeline)
Nebraska	Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson	300 feet (if existing pipeline is present then 300 feet from the centerline of outermost existing pipeline)
Kansas	Butler and Clay	Area of soil disturbance related to construction of two pumping stations.
Oklahoma	Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, Bryan, Grady, and Pottawatomie	300 feet (if existing pipeline is present then 300 feet from the centerline of outermost existing pipeline)
Texas	Angelina, Chambers, Cherokee, Delta, Fannin, Franklin, Hardin, Harris, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood	300 feet (if existing pipeline is present then 300 feet from the centerline of outermost existing pipeline)

## Montana

Within Montana, the proposed Project would cross state lands including Dawson, Fallon, McCone, Phillips, Prairie, and Valley counties, in addition to lands managed by Reclamation and USACE. Prior to the initiation of Montana fieldwork, literature searches were conducted for the proposed Project route and route variations developed during MDEQ review and advanced engineering analysis. These pre-fieldwork activities occurred on:

- April 14-18, 2008 and May 23, 2008 using Montana SHPO Cultural Resources Annotated Bibliography System Report (CRABS) and the Cultural Resource Information Systems Report (CRIS) under SHPO Project Number 2008052306;
- April 23, 2008 using records at the BLM Miles City Field Office; and
- During 2009 and 2010 prior to each addendum report field survey program.

Cultural resource surveys in Montana summarized in the EIS were conducted between 2008 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Berg, C. et al. 2008a. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Cooper, J. et al. 2009. Addendum 1: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Zietz, V. et al. 2009. Addendum 2: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Baer, S. et al. 2009. Addendum 3: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Marmor, J. et al. 2009. Addendum 4: Architectural Field Inspection and Visual Impact Analysis. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Crossland, N. et al. 2010. Addendum 5: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.

The 2008-2009 file searches of the proposed Project route identified 695 previous inventories, which documented 216 archaeological sites and historic structures. These file searches were completed for a 2-mile area. The 216 previously recorded sites consisted of 148 precontact archaeological sites, 5 historic archaeological sites, 6 multi-component archaeological sites, and 57 historic structures. None of the precontact sites are eligible for listing in the NRHP. The 57 historic structures included 27 homesteads, 9 railroad crossings, 8 bridges, 4 canal systems, a cemetery, a trading post and 2 crossings of the Lewis and

Clark National Historic Trail (LCNHT). Thirteen of the historic structures are eligible for listing in the NRHP, including 7 railroads (24VL0099, 24MC0097, 24MC0257, 24DW0419, 24DW0426, 24FA0382, and 24VL1628); 2 railroad bridges (24MC0413 and 24MC0414); 2 canals (24DW0289 and 24VL1194); a road bridge (24VL1833); and a cemetery site (24PE0633).

The file searches along the proposed power distribution line routes identified 317 previously recorded archaeological sites and historic structures within the 2-mile file search corridor. Of these, 218 were precontact archaeological sites, 47 were historic archaeological sites, 8 were multi-component sites, 24 did not have an identified time period, and 31 were historic structures. Thirteen of the precontact archaeological sites are eligible for listing in the NRHP. These sites include lithic scatters (24FA0611, 24FA0613, 24FA0614, 24FA0615, 24FA0616, 24FA0617, 24FA0618, 24FA0619, and 24FA0622); stone circle sites (tipi ring sites) (24FA0625, 24PH1162, 24PH3547, and 24PH3548); and a rock cairn and alignment (24PH3183). One of the multi-component sites (24FA0621), a precontact lithic scatter with rock piles and an historic herder camp, was eligible for listing in the NRHP. Thirteen of the historic structures are identified as eligible for listing in the NRHP. These 13 sites consist of railroads (24FA0382, 24MC0097, 24MC0257, 24MC0413, 24MC0414, 24MC0415, 24PH3008, and 24VL0099) and agricultural/irrigation (24DW0289, 24PE0267, 24PH2710, 24PH3103, and 24VL1194).

The file searches along the proposed access road routes identified 121 previously recorded sites and historic structures within the 2-mile file search corridor. Of these, 84 were precontact archaeological sites, 5 were historic archaeological sites, 3 were multi-component sites, 13 did not have an identified time period, and 15 were historic structures. None of the precontact archaeological sites are eligible for listing in the NRHP. Three of the historic structures are identified as eligible for listing in the NRHP. They include portions of three historic railroads (24FA0382, 24DW0426, 24VL0099).

The file searches along the proposed ancillary facilities identified 14 sites that were previously recorded within the 2-mile file search corridor. Of these, 13 were historic structures and 1 was an undated rock cairn (24VL1109). Of the historic structures, 6 are identified as eligible for listing in the NRHP. These six sites include railroads (24VL0099 [3 segments], 24MC0257, 24DW0426, and a canal (24DW0289).

The 2010 file searches along the proposed MDEQ reroutes identified 45 sites or segments of sites that were previously recorded within the 2-mile file search corridor. Of these, 36 were precontact archaeological sites, 5 were historic archaeological sites, one was a multi-component archaeological site, and 3 were historic structures. Two of the historic structures are identified as eligible for listing in the NRHP. They are historic railroad bridges (24MC0413 and 24MC0414). An additional ten sites were previously recorded within the 2-mile file search corridor related to proposed access roads associated with the MDEQ route variations. Four of the sites were precontact archaeological sites, five were historic structures, and one was a historic archaeological site.

The findings of the field surveys and previously recorded cultural resources found only within the proposed Project APE are summarized in Table 3.11.3-1.

## **South Dakota**

Within South Dakota, the proposed Project would cross Butte, Haakon, Harding, Jones, Lyman, Meade, Gregory, Perkins, and Tripp counties. Prior to the initiation of South Dakota fieldwork, literature searches were conducted for the proposed Project route and for the Niemi route variation developed during landowner negotiations. These pre-fieldwork activities occurred on:

- May 7 and 8, 2008 at the South Dakota State Archaeological Resource Center (SARC); and
- During 2009 and 2010 subsequent file searches were conducted for each addendum report, including the report addressing the proposed Niemi route variation.

Cultural resource surveys in South Dakota summarized in the EIS were conducted between 2008 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Berg, C. et al. 2008b. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, and Tripp Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Barnes, Z. et al. 2009. Addendum 1: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, and Tripp Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Doyle, S. et al. 2009. Addendum 2: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Salisbury, E. et al. 2010. Addendum 3: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Marmor, J. et al. 2010. Addendum 4: Architectural Field Inspection and Visual Impact Analysis. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Boyer, N. et al. 2010. Addendum 5: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Burkard, J. et al. 2010. Addendum 6: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, and Tripp Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.

The initial file searches identified 52 previous inventories, which documented 49 archaeological sites and 15 historic structures along the proposed Project route. These file searches were completed for a 2-mile area. The 49 previously recorded archaeological sites consisted of 33 precontact sites, 10 historic sites, and 6 sites that did not have an identified time period. Only one of the precontact sites (39MD0502) was previously identified as potentially eligible for the NRHP, but South Dakota had not concurred with this determination. None of the historic sites are listed as eligible for the NRHP. Only one site (39BU0039) located within the 2-mile buffer (based on previously recorded location information) is located within the proposed 300-foot survey corridor for the proposed Project. Of the 15 historic structures, 6 are historic bridges, and 9 are historic buildings including a school house, barns, and a ranch. None of the historic bridges are eligible for listing in the NRHP. However, three of the structures, including two barns (TP00000010 and TP00000018) and one ranch (PE00000020), are eligible for the NRHP.



During the preparation of the subsequent reports for the proposed Project corridor, power distribution line routes, access roads, ancillary facilities, additional file searches identified 137 previous inventories, which documented an additional 91 archaeological sites and 61 historic structures. These searches revealed that two of the archaeological sites, historic sites (39HK0103 and 39JN2007) and ten historic structures (HN0000009, HK0000007, GR00000207, JN46415/JN00000044, TP00000001, TP00000002, TP00000049, TP00000066, TP00000069, and TP00000071) are eligible for the NRHP.

The findings of the field surveys and previously recorded cultural resources found only within the proposed Project APE are summarized in Table 3.11.3-2.

## **Nebraska**

Within Nebraska, the proposed Project would cross Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson counties. Prior to the initiation of Nebraska fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork activities occurred on:

- April 11, April 22 and May 22, 2008 at the Nebraska State Historical Society (NSHS) in Lincoln, Nebraska;
- During April 2008, a research design and methodology for cultural resources field studies was submitted to the Nebraska SHPO (Fink et al., 2008). Approval from SHPO was received on May 27, 2008.

Cultural resource surveys in Nebraska summarized in the EIS were conducted between 2008 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Fink, M. et al. 2008. A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, M. 2009a. Addendum No. 1: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Anderson J. and M. Lomas. 2009. Addendum No. 2: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, M. and K. Lomas. 2009. Addendum No. 3: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Titus, S. and M. Lomas. 2010. Addendum No.4: A Phase I Cultural Resources Survey of the Steel City Segment in Nebraska of the proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Filmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, M. et al. 2010. Addendum No. 5: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Project in Keya Paha, Rock, Holt,

Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.

- Lomas, M. et al. 2011. Addendum No. 6: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.

The initial file search identified 60 previous inventories, which documented 57 archaeological sites and 220 historic structures near the proposed Project route. These file searches were completed for a 2-mile area. The 57 previously recorded archaeological sites consisted of 30 precontact sites, 23 historic sites, one site containing both precontact and historic components, and three sites that did not have an identified time period. Only one archaeological site within the 2-mile corridor is listed in the NRHP. Site 25NC2, the Horse Creek site, is a historic Pawnee earth lodge village, occupied between 1810 and 1842. This site is not located within the proposed 300-foot survey corridor. Of the 220 historic structures, 36 have been evaluated as eligible or potentially eligible for listing in the NRHP. Eleven of the historic structures were identified adjacent to the 300-foot corridor. Only one of the historic structures adjacent to the 300-foot survey corridor, the District 81 Shiloh School, has been recommended as potentially eligible for listing in the NRHP. The school building, YK-00-183, is a Craftsman-style schoolhouse built in 1920.

The findings of the field surveys and previously recorded cultural resources found only within the proposed Project APE are summarized in Table 3.11.3-3.

## **Kansas**

Within Kansas, the proposed Project would cross Washington, Clay, Dickinson, Marion, Butler, and Cowley counties. Prior to the initiation of Kansas fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork activities occurred in March 2006, in which a research design and methodology was submitted to the Kansas SHPO and approved by SHPO the same year.

The purpose of the research design was to present the field methods to be used to assess the proposed Cushing Extension and to identify historic properties within the APE. It was based on the results of the site file research and results of previous surveys. The design incorporated a sampling strategy that assessed the route in terms of high and low probabilities for containing Section 106-defined historic properties (excluding TCPs); this strategy follows procedures accepted by the SHPO and FERC for pipeline projects in Kansas. The submitted research design used the preliminary proposed Project route as its basis; subsequent alterations to the route did not require submission of a new research design but involved implementation of the general procedures outlined in the research design.

Cultural resource surveys in Kansas summarized in the EIS were conducted between 2009 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Lomas, M. 2009b. A Phase II Cultural Resources Survey of Pump Stations 27 and 29 for the Proposed Keystone XL Pipeline Project, Clay and Butler Counties, Kansas. American Resources Group, Ltd. Carbondale, IL.
- Titus, S. and M. Lomas. 2010. Addendum No. 1: A Phase II Cultural Resources Survey of Pump Stations 27 and 29 for the proposed Keystone XL Pipeline Project, Clay and Butler Counties, Kansas, American Resources Group, Ltd. Carbondale, IL.

Through previous work within the APE, two archaeological sites within the proposed Project pump station locations were identified. One site, 14BU131, was a historic period scatter, and the other site,

14CY120, was a historic railroad bed. Both sites were recommended as not eligible for listing in the NRHP. Additional reports that include information about the power distribution lines will be submitted to and reviewed by DOS in accordance with 36 CFR Part 800 and the PA.

The findings of the field surveys and previously recorded cultural resources within the proposed Project APE are summarized in Table 3.11.3-4.

## Oklahoma

Within Oklahoma, the proposed Project would cross Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, Bryan, Grady, and Pottawatomie counties. Prior to the initiation of Oklahoma fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork activities occurred in:

- April and May 2008, at the Oklahoma Archaeological Survey, the Oklahoma SHPO, and the Oklahoma Historical Society, as well as the Museum of the Red River in Idabel and the Texas Archaeological Research Laboratory; and
- June 2008 to April 2010, at the Oklahoma Archaeological Survey, the Oklahoma SHPO, and the Oklahoma Historical Society, as well as the Museum of the Red River in Idabel and the Texas Archaeological Research Laboratory.

Cultural resource surveys in Oklahoma summarized in the EIS were conducted between 2008 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Miller, K. et al. 2008. Cultural Resource Inventory of the Keystone XL Pipeline Project: Gulf Coast Segment in Oklahoma: Payne, Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, and Bryan Counties, Oklahoma. SWCA Environmental Consultants. Austin, TX.
- Carpenter, S. et al. 2009. Cultural Resource Inventory of the Keystone XL Pipeline Project: Gulf Coast Segment in Oklahoma, Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, and Bryan Counties, Oklahoma. SWCA Environmental Consultants. Austin, TX.
- Carpenter, S. et al. 2010. Cultural Resource Inventory of the Keystone XL Pipeline Project: Gulf Coast Segment in Oklahoma. Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, Bryan, Grady, and Pottawatomie Counties, Oklahoma. SWCA Environmental Consultants. Austin, TX.
- Acuña, L. I. et al. 2010. Addendum Report No. 1. Additional Cultural Resources Inventory on the Keystone XL Pipeline Project: Gulf Coast Segment in Oklahoma: Lincoln, Creek, Okfuskee, Seminole, Hughes, Coal, Atoka, and Bryan Counties, Oklahoma. SWCA Environmental Consultants. Austin TX.

The SWCA draft Cultural Resource Inventory report was submitted to the Oklahoma SHPO in 2008 to simultaneously identify and evaluate resources as well as provide recommendations concerning effects stemming from the proposed Project. The report describes background research and field efforts conducted within Oklahoma portion of the proposed Project in compliance with Section 106 requirements. An additional three reports were submitted in 2009-2010 to DOS. These reports included a revised report with additional background research and field efforts in previously inaccessible areas, a comprehensive draft final report that includes the cumulative cultural resources findings of the archaeological, historical, and architectural historical investigations, including the assessment of historic viewsheds of above-ground facilities and an addendum report that includes additional surveyed areas. These reports have been forwarded to and reviewed by DOS and distributed to consulting parties for review consistent with 36 CFR Part 800.

The file searches identified 80 previous inventories, which documented 226 previously recorded sites within the 2 mile wide corridor. This includes 126 site leads from General Land Ownership (GLO) maps, 78 archaeological sites, 29 historic cemeteries, one un-dated resource, and 19 resources recorded in the Oklahoma Landmark Inventory. Of these, 9 sites, one historic roadway (Route 66), and two historic cemeteries are recorded within or immediately adjacent to the proposed Project route. The archaeological sites include three precontact sites (34HU21, 34AT56, and 34CO53) and six historic sites (34LN182, 34AT661, 34AT662, 34BR263, 34BR322, 34HU94).

The findings of field surveys and previously recorded cultural resources within the proposed Project APE are summarized in Table 3.11.3-5.

## **Texas**

Within Texas, the proposed Project would cross Angelina, Cherokee, Delta, Fannin, Franklin, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood counties. Survey protocols in High Probability Areas (HPA) were prepared by the Applicant and accepted by DOS, Texas Historical Commission (THC), and SHPO. All HPAs were field-verified and subject to 100 percent coverage. In addition, moderate-probability areas were ground-truthed. The procedures used to identify historic properties of cultural and religious significance (including TCPs) are outlined in the discussion of the consultation process (see Section 3.11.4). DOS required that the Applicant also complete historical architectural inventories of the proposed Project corridor and ancillary facilities. TCH and SHPO concurred with DOS that these inventories should be completed. Prior to the initiation of Texas fieldwork, background literature and record searches were conducted for the proposed Project route. These pre-fieldwork activities occurred in:

- April and May 2008, the Texas Archeological Research Library (TARL) and THC were accessed for a review of USGS topographic maps and archaeological site files;
- May 2008, a research design and survey protocols for cultural resources field studies were submitted to the THC and SHPO; and
- June 2009, additional research design and survey protocols that defined the scope of resources that required review by an architectural historian were adopted by DOS and submitted to the THC and SHPO.

Cultural resource surveys in Texas summarized in the EIS were conducted between 2008 and 2010. These reports were submitted to DOS upon completion and are listed below:

- Carpenter, S. et al. 2008. "Cultural Resource Inventory of the Keystone XL Project, Gulf Coast Segment in Texas: Angelina, Cherokee, Delta, Fannin, Franklin, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood Counties, Texas." TransCanada Keystone XL Project, Cultural Report, Gulf Coast – Texas (Confidential Section 106 Consultation Field Survey Reports in Keystone 2009c). SWCA, Austin.
- Lawrence, K. et al. 2008. Final Draft: Cultural Resource Inventory of the Keystone XL Houston Lateral: Liberty, Chambers, and Harris Counties, Texas. TransCanada Keystone XL Project, Cultural Report, Houston Lateral – Texas (Confidential Section 106 Consultation Field Survey Reports in Keystone 2009c). SWCA, Austin.
- Lawrence, K. et al. 2009. Cultural Resource Inventory of the Keystone XL Pipeline Project Gulf Coast Segment Crude-Oil Pipeline: Houston Lateral, Liberty, Chambers, and Harris Counties, Texas. TransCanada Keystone XL Project, Cultural Report, Houston Lateral – Texas (Confidential Section 106 Consultation Field Survey Reports in Keystone 2009c) SWCA, Austin.

- Carpenter S. et al. 2009. Cultural Resource Inventory of the Keystone XL Gulf Coast Segment in Texas, Angelina, Cherokee, Delta, Fannin, Franking, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood Counties, Texas. SWCA, Austin.
- Carpenter S. et al. 2010. Cultural Resource Inventory of the Keystone XL Gulf Coast Segment in Texas, Angelina, Cherokee, Delta, Fannin, Franklin, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood Counties, Texas. SWCA, Austin.
- Stotts, M. et al. 2010. Addendum Report No. 1. Additional Cultural Resource Inventory on the Keystone XL Pipeline Project: Gulf Coast Segment in Texas. Angelina, Cherokee, Delta, Fannin, Franklin, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Orange, Polk, Rusk, Smith, Upshur, and Wood Counties, Texas. SWCA, Austin.

The file searches identified 29 previous inventories, which documented 212 archaeological sites, 40 cemeteries, and 14 historic markers in the Texas section of the Gulf Coast Segment of the proposed Project route, and no cultural resources within the Houston Lateral. These file searches were completed for a 2-mile area. The 212 previously recorded archaeological sites consisted of 106 precontact sites, 91 historic sites (of which 56 are historic structures), and 15 sites containing both precontact and historic components. Several of the previously recorded sites within the 300-foot survey corridor have been determined eligible for listing in the NRHP. Additionally, one is a National Historic Trail. All of the 40 cemeteries are historic resources, which are typically not recorded as archaeological sites, but are protected under Texas state law.

The findings of field surveys and previously recorded cultural resources found only within the proposed Project APE are summarized in Table 3.11.3-6.

### **3.11.3 NRHP Eligibility, Effects, and Mitigation**

After the APE is identified and surveyed, the DOS is responsible for assessing the potential effects of the proposed Project to historic properties. When adverse effects are anticipated, the DOS must avoid, minimize, or mitigate these effects. This section summarizes the types of effects, types of avoidance and effect minimization measures, as well as potential mitigation measures. This section also provides a state by state breakdown of proposed Project effects to historic resources and archaeological sites and what measures are proposed to avoid, minimize, or mitigate adverse effects.

Section 106 of the NHPA (as codified in 36 CFR 800.5) requires federal agencies to apply the “criteria of adverse effect” to determine whether a project will affect historic properties. Effects are found when an undertaking alters, directly or indirectly, the characteristics of a historic property that qualify it for inclusion in the NRHP, in a manner that diminishes the historical integrity of the property. Reasonably foreseeable effects caused by the undertaking may occur later in time, be distant, or be cumulative. Federal agencies are required to consult with consulting parties when there are potential adverse effects. The consultation should attempt to resolve adverse effects and develop mitigation measures as necessary.

For the proposed Project, the principal types of effects that could occur include physical destruction or damage, to all or part of the property, caused by trenching or related excavations or boring; introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features by short-term construction of the proposed Project or construction of above ground appurtenant facilities and roads; and change of the character of the property’s use or of physical features within the property’s setting that contribute to its significance.

Historic properties under Section 106 are determined eligible by the lead federal agency with the concurrence of the applicable land managing agency (i.e., BLM) and SHPO/THPO. A PA has been

prepared in order to provide a process for DOS and the Section 106 Consulting parties to implement the avoidance of adverse effects to historic properties. For those historic properties where avoidance is not feasible, a Treatment Plan will be prepared consistent with the stipulations of the PA. Cultural resources that are considered “unevaluated” have not been sufficiently assessed at this time to finalize an eligibility determination for the NRHP. These sites must either be further assessed through NRHP evaluation procedures or will be treated by DOS as a historic property and mitigation plans must be developed.

Avoidance can be achieved by moving the proposed Project corridor or the location of proposed Project facilities. Avoidance can also be achieved by keeping construction activities away from NRHP-eligible properties, limiting the effect to existing demonstrated disturbance areas, or digging underneath the cultural deposits by boring or horizontal direct drilling (HDD).

The results of NRHP assessments provided by the Applicant must be filed with DOS at least 30 days prior to construction commencing in the area demonstrating that historic properties designated as unevaluated are not historic properties. Alternatively, the Applicant must provide plans that detail the specific avoidance procedures to be implemented in order to avoid effects to each eligible and unevaluated site, using the procedures described below. DOS and the consulting parties would evaluate the submitted information, following the protocols outlined in any PA developed for the proposed Project.

The following mitigation measures are applicable for historic properties for a finding of No Effect or No Adverse Effect:

**(1) Avoidance through centerline or access road route variation or proposed Project feature relocation**

For each route variation or feature relocation, the Applicant would file with DOS a map at 1:24,000 scale or better that clearly shows the original surveyed corridor or feature location, the known boundaries of the eligible or unevaluated property, the route variation or feature relocation that avoids the property, and survey information showing that no historic properties are located within the route variation or feature relocation.

**(2) Avoidance through abandonment**

For each abandonment, the Applicant would file a letter with DOS that states the facility or road at which the eligible or unevaluated property was located and a statement that the facility or road is no longer associated with the proposed Project.

**(3) Avoidance through boring or HDD**

For each instance, the Applicant would file with DOS a map and technical drawing that clearly shows the projected depth below surface and the entrance and exit points of the drill in relation to the boundaries of the eligible or unevaluated property.

**(4) Avoidance by narrowing the construction corridor (“neck down”)**

For each instance, the Applicant would file with DOS an alignment sheet map at 1:500 scale or better that clearly shows the construction corridor (including additional temporary workspace) in relation to the eligible or unevaluated property boundary. Prior to any construction commencing in the area, safety fencing must be erected along the relevant outer edges of the eligible or unevaluated property. A qualified monitor must be present during installation of the proposed Project in that area to ensure that accidental effects do not occur to the property.

**(5) Avoidance through the use of existing roadways as proposed Project access roads to the extent practicable**

For each instance, the Applicant would file with DOS an alignment sheet map at 1:500 scale that clearly shows the existing roadway in relation to the eligible or unevaluated property, a description of the existing state of the roadway, and a statement that proposed Project traffic would be limited entirely to the existing roadway and that the road would not be widened or upgraded as a result of the proposed Project.

Short-term construction-related effects would be mitigated by implementing measures such as the use of construction mats. If effects should occur to any historic property or unevaluated cultural resource, they would be resolved through consultation with all consulting parties.

**3.11.3.1 State-by-State Analyses of Proposed Project Effects to Cultural Resources**

**Montana**

Cultural Resource pedestrian surveys and inventories conducted through August 2010 within the proposed Project APE included:

- 328.6 miles of the proposed Project centerline (including reroutes and realignments);
- 107.26 miles of access roads;
- 169.95 miles of power distribution lines;
- 101.4 miles of proposed MDEQ reroutes; and,
- 1,313.49 acres of proposed ancillary facility sites.

To date, 311 cultural resources were identified during the cultural resources inventory in Montana, including 195 archaeological sites, 49 historic structures, and 67 isolated finds. The results of the surveys performed, recommendations of eligibility by the Applicant, determinations of eligibility by DOS, and concurrence from SHPO are shown in Table 3.11.3-1.

Additional cultural resource surveys for the proposed Project corridor, reroutes, access roads, and ancillary facilities are forthcoming. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties consistent with 36 CFR Part 800 and the PA.

***Archaeological Sites***

Details on the 262 archaeological sites and isolates are listed below:

- Of the 15 previously recorded archaeological sites there were 7 precontact sites, 3 historic sites, 3 multi-component sites, and 2 sites that did not have an identified time period;
- Of the 180 newly recorded archaeological sites there were 98 precontact sites, 47 historic sites, 7 multi-component sites, and 28 sites that did not have an identified time period;
- Of the 67 isolated finds recorded during the field survey there were 43 precontact site, 22 historic sites and 2 multi-component sites;
- 8 of the previously recorded archaeological sites and 34 of the newly identified archaeological sites in the Montana section have been recorded as eligible; and
- 103 additional sites are considered unevaluated.

Avoidance is recommended for all eligible and unevaluated sites. By avoiding these sites, the proposed Project will have no effect on these historic properties. By definition, the isolated finds are not eligible for listing in the NRHP. Eleven sites in the APE will be avoided by narrowing the construction corridor: 24MC0461, 24MC0467, 24MC0476, 24PH4162, 24PH4313, 24PH4315, 24PH4316, 24VL0805, 24VL1912, 24VL1920, 24VL1933. These sites consist of precontact stone circles, precontact and historic stone features, an undated stone cairn, and a historic homestead. One additional site, 24PH0037, located on a construction access road is a stone feature site on an existing road. In addition to narrowing the construction corridor, the Applicant proposes matting or mat bridges to enable equipment and vehicles to cross the resource without damaging the integrity of the site. Ten sites will not be avoided: 24MC0481, 24PH4144, 24PH4145, 24PH4146, 24PH4163, 24VL0962, 24VL0972, 24VL0979, 24VL1269/24VL1274, and 24VL1919. For those historic properties where avoidance is not feasible, a treatment plan will be prepared consistent with the stipulations of the PA.

Of the 195 archaeological sites, 103 (96 newly recorded and 7 previously recorded) remain unevaluated. Some of these sites are considered potential properties of religious and cultural significance including TCPs and may be eligible for inclusion in the NRHP. DOS will continue to consult with Indian tribes and agencies about the significance of the sites and work to avoid any detrimental effects to the resources.

### ***Historic Structures***

Details on the 49 historic structures are listed below:

- 30 structures were previously recorded, including several segments of railways and canals and two homesteads;
- 19 structures were newly recorded, including farmsteads, ranch complexes and a pump house;
- 6 structures have been recorded as eligible; and
- 6 structures are unevaluated.

Avoidance is recommended for all eligible or unevaluated sites. Nine historic properties in the APE will be avoided with boring or HDD: 24DW0289, 24DW0419, 24DW0426, 24FA0382, 24MC0257 (2 segments), 24VL0099 (2 segments), and 24VL1194. These sites consist of historic railroads, railroad grades, and canals. Two unevaluated sites located in the construction access roads APE—24VL1938 and 24VL1940—are historic home/farmsteads located along existing roads. Additional research will be conducted to determine NRHP eligibility and determination of proposed Project effects. For those historic properties where avoidance is not feasible, a treatment plan will be prepared consistent with the stipulations of the PA.

### ***Historic Trail***

The proposed Project route crosses the LCNHT at two locations. Although cultural resource investigations conducted in the vicinity of the trail did not identify any archaeological remains, historic artifacts, or culturally-constructed features associated with the LCNHT, the Missouri River corridor and the Yellowstone River corridor are within a BLM Special Resource Management Area (SRMA) established for the LCNHT. Also, the LCNHT is not generally defined by physical trail remains. The tangible elements of the LCNHT in the current proposed Project corridor are defined by the rivers and river banks that the Lewis & Clark route followed, with the maintenance of the historic setting of this route along these river ways, comparable to the natural descriptions found in expedition journals, being integral to the resource. There is no adverse effect to the LCNHT route since it is not possible to define an exact location or physical trail remains where the expedition crossed the proposed Project route. A PA



is being prepared to direct how DOS and the other identified stakeholders will determine and implement avoidance and other mitigation of adverse effects to all historic properties potentially to be affected by the proposed Project.

**Stone Circle Sites (Tipi Rings)**

Tipi Rings, also known as stone circles, are stone features that are the primary representative of precontact Native American settlement in Montana. Tipi Rings are made up of stones assembled in concentric rings and were used by Native Americans to anchor their dwellings. Sites can consist of a single ring to many dozen. Tipi ring sites often include additional features such as pits and hearths, and may include artifacts such as fire cracked rock, animal bone, and stone tools. Table 3.11.3-1 is a listing of all historic structures in Montana, the majority of the list is devoted to the stone tipi rings. The proposed Project APE contains many unevaluated stone circle sites (Table 3.11.3-1) that were identified during cultural resource surveys. The recordation and evaluation of these sites are guided by the *Recordation Standards and Evaluation Guidelines for Stone Circle Sites* (MT SHPO, 2002). Several of these sites may be adversely affected by the proposed Project. DOS will continue to work with the Indian tribes, BLM, MT SHPO, and the Applicant to avoid or treat sites that will be adversely affected by the proposed Project. DOS conducted site visits with the Blackfeet and Chippewa-Cree tribes and BLM and MDEQ along the proposed Project route in Montana to consult on and discuss stone circle sites, identify avoidance options, and to describe proposed Project effects. For a list of dates regarding DOS consultation with Montana Indian tribes, please refer to Table 3.11.4-3.

<b>TABLE 3.11.3-1 Archaeological Sites and Historic Structures Identified in Montana within the Proposed Project APE</b>					
<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/ THPO Concurrence with DOS Findings</b>
24DW0289 (five segments)	Previously recorded Historic canal	Eligible, non- and contributing segments	Eligible, non- and contributing segments	Avoid contributing segment by bore	Pending
24DW0419 (two segments)	Previously recorded Historic railroad	Eligible, contributing segment	Eligible	Avoid with bore and fence	Pending
24DW0426 (four segments)	Previously recorded Historic railroad	Eligible, contributing segment	Eligible, contributing segment	Avoid with bore and fence	Pending
24DW0524	Historic transportation corridor	Not Eligible	Not Eligible	No Further Work	Concur
24DW0525	Historic homestead	Unevaluated	Unevaluated	Avoided	Pending
24DW0530	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur
24DW0531	Historic homestead	Not Eligible	Not Eligible	Avoided	Concur
24DW0551	Precontact open camp	Eligible	Eligible	Avoidance	Pending
24DW0552	Historic homestead/ farmstead	Not Eligible	Not Eligible	No Further Work	Concur
24DW0553	Historic road	Not Eligible	Not Eligible	No Further Work	Concur
C001DA001	Historic isolate	Not Eligible	Not Eligible	Avoided	Concur

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
C001DA002	Historic isolate	Not Eligible	Not Eligible	Avoided	Concur
C001DA003	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57DA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C82DA002	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C107DA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
24FA0382	Previously recorded Historic railroad	Eligible, contributing segment	Eligible, contributing segment	Avoid with bore and fence	Pending
24FA0749	Historic pump house	Not Eligible	Not Eligible	No Further Work	Concur
24FA0750	Precontact lithic scatter and possible pronghorn processing locale	Unevaluated	Unevaluated	Avoided with Centerline Adjustment	Pending
24FA0751	Historic debris scatter	Not Eligible	Not Eligible	No Further Work	Concur
24FA0752	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24FA0753	Historic railroad grade	Potentially Eligible	Unevaluated	Avoided	Pending
24FA0754	Historic debris scatter	Not Eligible	Not Eligible	No Further work	Concur
24FA0755	Precontact stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24FA0756	Historic berm/dam	Not Eligible	Not Eligible	No Further Work	Concur
24FA0760	Historic well	Not Eligible	Not Eligible	No Further Work	Concur
24FA0761	Historic windmill/well pump	Not Eligible	Not Eligible	No Further Work	Concur
24FA0762	Precontact lithic scatter	Not Eligible	Not Eligible	No Further Work	Concur
24FA0763	Historic rock cairn	Not Eligible	Not Eligible	No Further Work	Concur
24FA0770	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
C001FA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001FA004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001FA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001FA006	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001FA007	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
C57FA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57FA004	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C57FA006	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58FA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C104FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C104FA002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C104FA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C210FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
24MC0257 (four segments)	Previously recorded Historic railroad	Eligible, segment within APE noncontributing	Not Eligible	Avoid with bore and fence	Concur
24MC0461	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24MC0462	Undated stone cairn	Potentially Eligible	Eligible	Avoided with Centerline Adjustment	Pending
24MC0463	Precontact stone feature and lithic scatter	Potentially Eligible	Eligible	Avoided with Centerline Adjustment	Pending
24MC0464	Historic homestead	Unevaluated	Unevaluated	Avoided with Centerline Adjustment	Pending
24MC0465	Precontact stone feature and lithic scatter	Potentially Eligible	Eligible	Avoided with Centerline Adjustment	Pending
24MC0466	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided with Centerline Adjustment	Pending
24MC0467	Precontact stone alignment and lithic scatter	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24MC0468	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided with Centerline Adjustment	Concur
24MC0469	Historic boxcar structure	Unevaluated	Unevaluated	Avoided	Pending
24MC0476	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24MC0477 (two segments)	Historic road	Not Eligible	Not Eligible	No Further Work	Concur
24MC0478	Historic ranch complex	Unevaluated	Unevaluated	Fence and Monitor	Pending
24MC0480	Undated stone cairns	Potentially Eligible	Not Eligible	Avoided with Centerline Adjustment	Concur
24MC0481	Undated stone cairns	Potentially Eligible	Unevaluated	Avoidance	Pending
24MC0482	Historic road	Not Eligible	Not Eligible	No Further Work	Concur
24MC0483	Historic windmill	Not Eligible	Not Eligible	No Further Work	Concur
24MC0628	Historic farmstead	Unevaluated	Unevaluated	Artifact movement, fencing, monitoring	Pending
C001MC001	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001MC003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C54MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C56MC006	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C56MC007	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C56MC009	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C82MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C104MC001	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C210MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
24PE0720	Historic farmstead	Unevaluated	Not Eligible	Avoided with Centerline Adjustment	Pending
24PE0721	Historic homestead	Unevaluated	Unevaluated	Avoided	Pending
24PE0723	Historic ranch complex	Unevaluated	Unevaluated	Fence and Monitor	Pending
24PE0730	Historic homestead /Farmstead	Unevaluated	Unevaluated	Avoidance/Span Transmission Lines over Resource, No Ground Disturbance	Pending
24PE0731	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur
24PH008/ 1781/1801	Previously recorded precontact stone circle	Potentially Eligible	Eligible	Avoided with reroute	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24PH0037	Previously recorded Undated stone cairn and depression	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH1759	Previously recorded precontact stone circle	Potentially Eligible	Eligible	Avoided with reroute	Pending
24PH1790	Previously recorded Historic rock cairns/ depression/artifact scatter	Unevaluated	Eligible	Avoided with reroute	Pending
24PH1805	Previously recorded Historic homestead	Unevaluated	Unevaluated	Fence and monitor	Pending
24PH3008/ 4167 (five segments)	Historic railroad grade	Eligible	Eligible	Avoidance/ Span Transmission Lines over Resource, No Ground Disturbance	Concur
24PH3462	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4144	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4145	Precontact stone circle and rock cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4146	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4159	Precontact stone circle	Potentially Eligible	Eligible	Avoided	Pending
24PH4160	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4161	Undated stone cairns	Potentially Eligible	Eligible	Avoided	Pending
24PH4162	Precontact / Historic stone features	Potentially Eligible	Eligible	Avoided with reroute/ Fence and Monitor	Pending
24PH4163	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4164	Undated rock cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4165	Undated rock cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4166	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4168	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4169	Historic artifact scatter / Precontact	Potentially Eligible	Unevaluated	Avoidance, Native American	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
	stone feature			Consultation	
24PH4218	Previously recorded Precontact stone feature	Potentially Eligible	Eligible	Avoided with reroute	Pending
24PH4219	Precontact stone feature	Potentially Eligible	Eligible	Avoided with reroute	Pending
24PH4220	Precontact stone feature	Potentially Eligible	Eligible	Avoided with reroute	Pending
24PH4221	Precontact stone feature	Potentially Eligible	Eligible	Avoided with reroute	Pending
24PH4222	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4223	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4224	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4225	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4226	Historic artifact scatter / Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4227	Historic debris scatter	Not Eligible	Not Eligible	No Further Work	Concur
24PH4228	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4229	Precontact stone feature and lithic scatter	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4230	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4231	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4232	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4233	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4234	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4235	Precontact stone cairn	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24PH4236	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4237	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4238	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4239	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4240	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4241	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4242	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4243	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4244	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4245	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4265	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24PH4266	Undated stone cairn	Potentially Eligible	Eligible	Avoided	Pending
24PH4267	Historic farmstead	Eligible	Eligible	Fence and monitor	Concur
24PH4268	Precontact stone feature	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24PH4269	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24PH4313	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24PH4314	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24PH4315	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24PH4316	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4317	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24PH4318	Historic Homestead/ Farmstead	Not Eligible	Not Eligible	No Further Work	Concur
24PH4319	Precontact/Contact stone circle, cairn/ Depression, Artifact Scatter	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4320	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4321	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4322	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24PH4323	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur
24PH4324	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24PH4337	Precontact stone circle/ Historic artifact scatter	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4338	Precontact stone feature	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4339	Historic stone alignment, depression, artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24PH4340	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4341	Historic stone alignment	Not Eligible	Not Eligible	Avoided/ Reroute rejected	Concur
24PH4342	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4343	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4344	Precontact stone feature	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4345	Precontact stone circle, artifact scatter	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4346	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4347	Precontact stone feature, artifact scatter	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4348	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending



**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24PH4349	Precontact stone feature	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4350	Historic homestead	Eligible	Eligible	Avoided/ Reroute rejected	Pending
24PH4351	Precontact stone feature	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24PH4352	Historic artifact scatter	Not Eligible	Not Eligible	Avoided/ Reroute rejected	Concur
24PH4353	Precontact stone circle	Unevaluated	Unevaluated	Avoidance	Pending
24PH4354	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur
24PH4355	Historic depression, artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
C54PH002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C002PH003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C002PH004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C002PH005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C63PH006	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C84PH002	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C84PH003	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C83PH007	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C104PH001	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001PR002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001PR004	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001PR005	Precontact /Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001PR007	Precontact /Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C001PR008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58PR002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58PR003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58PR004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58PR005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C58PR006	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
24VL0041	Previously recorded historic homestead	Eligible	Eligible	Avoidance/Span Transmission Lines over Resource, No Ground Disturbance	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24VL0099 (nine segments)	Previously recorded historic railroad	Eligible, contributing segment	Eligible	Avoid with bore	Pending
24VL0805	Previously recorded undated stone cairn	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL0938	Previously recorded precontact stone circle	Unevaluated	Unevaluated	Avoidance	Pending
24VL0962	Previously recorded precontact / Historic stone feature site, lithic scatter, historic artifact scatter	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL0972	Previously recorded precontact / Historic stone circle and cairn, historic fence line	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL0979	Historic homestead	Eligible	Eligible	Avoidance	Concur
24VL1194	Previously recorded historic canal	Eligible	Eligible	Avoid with bore	Concur
24VL1269/ 24VL1274	Previously recorded precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1273	Previously recorded precontact stone feature	Potentially Eligible	Eligible	Avoided with Reroute	Pending
24VL1298	Previously recorded historic homestead / Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1628 (two segments)	Previously recorded historic railroad	Eligible, Non-contributing segment	Eligible, Non-contributing segment	No Further Work	Concur
24VL1700	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided with Centerline adjustment	Pending
24VL1712	Previously recorded precontact stone feature	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1875	Historic homestead	Unevaluated	Unevaluated	Avoidance/Span Transmission Lines over Resource, No Ground Disturbance	Pending
24VL1889	Historic canal	Not Eligible	Not Eligible	Avoided	Concur

**TABLE 3.11.3-1  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24VL1890	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24VL1891	Precontact stone circle and cairn	Potentially Eligible	Unevaluated	Avoided with Centerline adjustment	Pending
24VL1892	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24VL1893	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1894	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1895	Precontact stone circle, cairn, lithic scatter	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1896	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided with Centerline adjustment	Pending
24VL1897	Historic animal pen	Not Eligible	Not Eligible	No Further Work	Concur
24VL1898	Historic stone alignment	Not Eligible	Not Eligible	No Further Work	Concur
24VL1899	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided	Concur
24VL1900	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided	Concur
24VL1901	Historic fence line and associated debris	Not Eligible	Not Eligible	No Further Work	Concur
24VL1902	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1903	Precontact stone circle	Potentially Eligible	Eligible	Avoided	Pending
24VL1904	Precontact stone circle and cairn	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1905	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided	Concur
24VL1906	Undated stone feature	Potentially Eligible	Unevaluated	Avoided with Centerline adjustment	Pending
24VL1908	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1909	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24VL1910	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1911	Undated rock cairn	Potentially Eligible	Not Eligible	Avoided with Centerline adjustment	Concur
24VL1912	Historic homestead	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL1913	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1914	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1915	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1916	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1917	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1918	Historic homestead	Eligible	Unevaluated	Shift road, Fence and Monitor	Pending
24VL1919	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1920	Historic artifact scatter	Unevaluated	Unevaluated	Non-contributing portion in ROW/Fence and Monitor	Pending
24VL1921	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1922	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided with Centerline adjustment	Pending
24VL1923	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1924	Precontact stone cairn	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1925	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1926	Historic homestead	Potentially Eligible	Not Eligible	Avoided with Centerline adjustment	Concur
24VL1927	Historic homestead	Unevaluated	Not Eligible	Avoided with Centerline adjustment	Concur

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24VL1928	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided	Concur
24VL1929	Precontact stone feature	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1930	Undated stone cairn	Potentially Eligible	Not Eligible	Avoided with Centerline adjustment	Concur
24VL1931	Undated stone feature	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1932	Historic fence line	Not Eligible	Not Eligible	Avoided	Concur
24VL1933	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL1934	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1935	Historic debris scatter / Precontact stone feature	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1936	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL1937	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL1938	Historic ranch complex	Unevaluated	Unevaluated	Avoidance	Pending
24VL1939	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor	Pending
24VL1940	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
24VL1941	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1942	Historic artifact scatter / Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1946	Precontact stone circle	Potentially Eligible	Eligible	Avoided with Centerline adjustment	Pending
24VL1947	Historic dump	Not Eligible	Not Eligible	Avoidance/Span Transmission Lines over Resource, No Ground Disturbance	Concur
24VL1948	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided	Pending
24VL1949	Historic road	Not Eligible	Not Eligible	No Further Work	Concur
24VL1950	Historic homestead	Not Eligible	Not Eligible	No Further Work	Concur

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
24VL1951	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1952	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance, Native American Consultation	Pending
24VL1953	Historic school	Eligible	Eligible	Avoidance/ Span Transmission Lines over Resource, No Ground Disturbance	Pending
24VL1959	Precontact stone circle	Unevaluated	Unevaluated	Avoidance	Pending
24VL1960	Historic homestead	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1961	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1962	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1963	Historic homestead	Not Eligible	Not Eligible	Avoided/ Reroute rejected	Concur
24VL1964	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1965	Precontact stone circle	Unevaluated	Unevaluated	Avoidance	Pending
24VL1966	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1967	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1968	Precontact stone circle	Unevaluated	Unevaluated	Avoided/ Reroute rejected	Pending
24VL1969	Historic stone alignment	Not Eligible	Not Eligible	Avoided/ Reroute rejected	Concur
24VL1972	Historic ditch	Not Eligible	Not Eligible	No Further Work	Concur
C002VA007	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA002	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C63VA003	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA006	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA007	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C54VA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA013	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
C54VA006	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C55VA009	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur

**TABLE 3.11.3-1  
Archaeological Sites and Historic Structures Identified in Montana  
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<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Montana SHPO/THPO Concurrence with DOS Findings</b>
C66VA001	Historic isolate	Not Eligible	Not Eligible	No Further Work	Concur
C69VA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Concur
Lewis and Clark National Historic Trail	Historic trail	Eligible	Eligible	Avoidance, Monitoring	Pending

As of May 2011, 5.7 miles of the proposed Project centerline in Montana need to be surveyed for historic properties due to a lack of owner permission to access the property. Additional surveys of access roads and ancillary facilities will also need to be conducted once they are identified. Once owner permission is obtained, the remaining areas will be surveyed and documented in future reports. The cultural resource surveys for proposed Project route variations, gap analysis, and extra work spaces will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

### **South Dakota**

Cultural Resource pedestrian surveys and inventories conducted through May 2011 within the proposed Project APE included:

- 312.20 of the proposed Project centerline;
- 27.68 miles of access roads;
- 143.54 miles of power distribution lines; and
- 2,717.67 acres of proposed ancillary facility sites.

To date, 120 cultural resources were identified during the cultural resource inventory in South Dakota, including 54 archaeological sites, 6 historic structures, and 60 isolated finds. The results of the surveys performed, recommendations of eligibility by the Applicant, determinations of eligibility by DOS, and concurrence from SHPO are shown in Table 3.11.3-2.

Additional cultural resource surveys within the proposed Project APE may occur as the proposed Project design is finalized. Reports for any additional surveys will be reviewed by DOS and then forwarded to the applicable consulting parties consistent with 36 CFR Part 800 and the PA.

### **Archaeological Sites**

Details on the 108 archaeological sites and isolates are listed below:

- Of the 48 previously-unrecorded and 6 previously recorded archaeological sites there were 8 precontact sites, 33 historic sites, 5 multi-component sites, and 8 sites without an identified time period; and

- Of the 60 isolated finds, there were 33 precontact sites, 25 historic sites, and 2 multi-component sites.

Four of the archaeological sites in the South Dakota section have been recorded as eligible, 23 are recommended as not eligible, 25 sites are considered unevaluated, and eligibility determinations for 2 sites require additional SHPO consultation. Avoidance is recommended for all eligible or unevaluated sites. For sites that require additional SHPO consultation, the sites will be avoided until consultation is concluded. By avoiding these sites, the proposed Project will not affect historic properties. By definition, the isolated finds are not eligible for listing in the NRHP.

### **Historic Structures**

Details on the 6 historic structures are listed below:

- 2 structures were previously-unrecorded;
- 4 structures were previously-recorded;
- 1 structure is listed in the NRHP (PE00000020);
- 3 structures are eligible for the NRHP;
- 1 structure is not eligible; and
- 1 structure is considered unevaluated.

Avoidance is recommended for all listed, eligible, or unevaluated cultural resources. By avoiding these sites, the proposed Project will not affect historic properties.

<b>TABLE 3.11.3-2 Archaeological Sites and Historic Structures Identified in South Dakota within the Proposed Project APE</b>					
<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determinatio n by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39BU0039	Precontact stone circle	Potentially eligible	Unevaluated	Avoidance	Concur
39BU0447	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39BU0448	Historic artifact scatter / Precontact isolate	Unevaluated	Unevaluated	Avoidance	Concur
39BU0449	Undated stone cairn	Potentially eligible	Unevaluated	Avoidance	Concur
39GR0159	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39GR0160	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39GR0161	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur



**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39GR0162	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39GR0163	Historic well and artifact scatter / Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39GR0164	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39GR0165	Historic farmstead	Eligible	Eligible	Avoidance/Span transmission line over site, no ground disturbance	Concur
39GR0166	Historic farmstead	Unevaluated	Unevaluated	Avoidance /Span transmission line over site, no ground disturbance	Concur
39GR0167	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39GR0168	Historic farmstead	Unevaluated	Unevaluated	Avoidance/Span transmission line over site/ Additional consultation by DOS	SHPO did not concur
39GR0169	Historic farmstead	Eligible	Eligible	Avoidance/Span transmission line over site, no ground disturbance	Concur
39GR0170	Historic foundation and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39GR0171	Historic farmstead	Unevaluated	Unevaluated	Avoidance/Span transmission line over site, no ground disturbance	Concur
39GR0172	Historic farmstead	Unevaluated	Unevaluated	Avoidance/Span transmission line over site, no ground disturbance	Concur
39GR0173	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HK0136	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HK0137	Historic isolate	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39HK0138	Historic homestead	Unevaluated	Unevaluated	Avoidance	Concur
39HK0139	Historic well and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39HK0140	Historic farmstead	Unevaluated	Unevaluated	Avoidance/ Span transmission line over site, no ground disturbance/ Additional consultation by DOS	SHPO did not concur
39HK0141	Historic trash dump	Unevaluated	Unevaluated	Avoidance/Span transmission line over site, no ground disturbance	Concur
39HK0142	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HK0143	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HK0144	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN0998	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Pending
39HN1078	Undated stone cairn	Potentially eligible	Unevaluated	Avoidance	Concur
39HN1079	Undated stone cairn	Potentially eligible	Unevaluated	Avoidance	Concur
39HN1080	Precontact stone features	Unevaluated	Unevaluated	Avoidance	Concur
39HN1081	Historic artifact scatter / Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1082	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1083	Historic isolate / Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1129	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1130	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39HN1131	Historic depressions and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39HN1132	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1133	Precontact artifact scatter	Not Eligible	Unevaluated	No further work	Concur, avoidance or additional testing requested
39HN1134	Historic rock art	Not Eligible	Not Eligible	No further work	Concur
39HN1135	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1136	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1137	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1138	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1139	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1140	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39HN1141	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1142	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1143	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1144	Precontact stone cairn	Unevaluated	Unevaluated	Avoidance	Concur
39HN1145	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1146	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1147	Historic homestead	Eligible	Eligible	Avoidance/ Span transmission line over site, no ground disturbance	Pending
39HN1148	Undated stone cairn	Unevaluated	Unevaluated	Avoidance, Native American consultation	Pending

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39HN1149	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1150	Historic homestead	Unevaluated	Unevaluated	Avoidance/ Span transmission line over site, no ground disturbance	Pending
39HN1151	Undated stone cairn	Unevaluated	Unevaluated	Avoidance	Concur
39HN1152	Undated stone cairn	Unevaluated	Unevaluated	Avoidance, Native American consultation	Pending
39HN1153	Historic homestead	Unevaluated	Unevaluated	Avoidance/ Span power distribution lines over resource, no ground disturbance	Pending
39HN1156	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1157	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1158	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1159	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1160	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39HN1163	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39HN1164	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Pending
39HN1165	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
39HN1166	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39HN1167	Undated cairn	Potentially Eligible	Unevaluated	Avoidance	Concur
39JN0050	Historic stock pond and trash scatter	Not Eligible	Not Eligible	No further work	Concur
39JN0051	Historic farm/ranch	Eligible	Eligible	Avoidance	Concur

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39JN0052	Historic trash dump	Not Eligible	Not Eligible	No further work	Concur
39JN0053	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39JN0054	Historic train passenger car	Not Eligible	Not Eligible	No further work	Concur
39JN0055	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39JN0056	Historic farmstead / Precontact isolate	Unevaluated	Unevaluated	Additional consultation by DOS	SHPO did not concur
39JN0057	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39JN2007	Previously recorded historic railroad	Eligible	Eligible	Avoidance by bore	Concur
39LM009	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Concur
39LM0518	Historic trash scatter	Not Eligible	Not Eligible	No further work	Concur
39LM0519	Historic burial place	Eligible	Eligible	Avoidance	Concur
MD01900001	Historic church	Not Eligible	Not Eligible	No further work	Concur
39MD0820	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0821	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0822	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0823	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
39MD0824	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39MD0825	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0826	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0827	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0834	Historic isolate / Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0835	Historic artifact scatter	Eligible	Eligible	Avoidance, Fence and Monitor	Concur
39MD0849	Historic grave	Not Eligible	Not Eligible	Avoidance	Concur

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39MD0850/ MD00000335	Historic schoolhouse (standing structure)	Eligible	Eligible	Avoidance, Fence, and Monitor	Pending
39MD0851	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0852	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39MD0871	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0398	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0399	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0400	Undated rock alignment	Unevaluated	Unevaluated	Avoidance	Concur
39PE0402	Historic artifact scatter	Unevaluated	Unevaluated	Avoidance	Concur
39PE0405	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39PE0406	Historic depression and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39PE0414	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39PE0415	Historic homestead	Unevaluated	Unevaluated	Avoidance	Pending
39PE0418	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39TP0056	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0057	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0058	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
39TP0059	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0060	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0061	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0062	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
39TP0063	Historic farmstead	Eligible	Eligible	Avoidance/Span transmission line over site, no ground disturbance	Concur

**TABLE 3.11.3-2  
Archaeological Sites and Historic Structures Identified in South Dakota  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>South Dakota SHPO/THPO Concurrence with DOS Finding</b>
39TP0064	Historic isolate	Not Eligible	Not Eligible	No further work	Pending
39TP0065	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
39TP0066	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Pending
39TP0067	Historic stone wall and scatter	Unevaluated	Unevaluated	Testing or Avoidance	Concur
PE00000020	Previously recorded historic homestead	Listed in NR	Listed in NR	Avoidance	Concur

As of May 2011, 1.8 miles of the proposed Project centerline in South Dakota need to be surveyed for historic properties due to a lack of owner permission to access the property. Additional surveys of access roads and ancillary facilities will also need to be conducted once they are identified. Once owner permission is obtained, the remaining areas will be surveyed and documented in future reports. The cultural resources surveys for proposed Project route variations, gap analysis, and extra work spaces will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

### **Nebraska**

Cultural Resource pedestrian surveys and inventories conducted through May 2011 within the proposed Project APE included:

- 308.12 miles of the proposed Project centerline (including reroutes and realignments);
- 16.5 miles of access roads; and
- 986.86 acres of proposed ancillary facilities, staging areas, pump stations, and work spaces.

To date, 91 cultural resources were identified in Nebraska, including 21 archaeological sites, 69 historic structures, and one isolated find. The results of the surveys performed, recommendations of eligibility by the Applicant, the determinations of eligibility by DOS, and concurrence from the SHPO are shown in Table 3.11.3-3.

Addendum reports detailing any additional required cultural resource surveys will be reviewed by DOS and then forwarded to the applicable consulting parties consistent with 36 CFR 800 and the PA.

## ***Archaeological Sites***

Details on the 22 archaeological sites and isolates are listed below:

- 10 were precontact sites;
- 11 were historic sites;
- 1 isolated find was historic;
- 13 sites are recommended as not eligible; and
- 8 sites are considered unevaluated.

One of the historic sites (25HM25) is possibly associated with a Pawnee Nation Indian burial ground and may be protected under Nebraska's Unmarked Human Burial Law. The site will be avoided during construction activities. DOS is consulting with the Pawnee Nation and the SHPO regarding this site, and conducting additional surveys for avoidance of sensitive areas.

Avoidance is recommended for all eligible or unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties. By definition, the isolated finds are not eligible.

## ***Historic Structures***

Details on the 65 historic structures (standing structures, farmsteads, roads, canals, railroads, and railroad beds) are listed below:

- 58 historic structures were previously-unrecorded;
- 7 structures were previously-recorded;
- 50 structures are not eligible; and
- 7 structures are considered unevaluated.

Avoidance is recommended for all eligible, unevaluated, and pending sites. By avoiding these sites, the proposed Project will not affect historic properties.

## ***Historic Trails***

The proposed Project route crosses the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails in the vicinity of the Platte River. The physical area where these trails cross the proposed Project APE have been surveyed but no cultural resources associated with the trails have been identified. No effects to intact segments of historic trails situated in Nebraska have been identified during cultural resource surveys. If an intact segment of any of these trails is identified during future work, DOS will work with the NPS to identify and avoid or mitigate adverse effects to historic trails.



**TABLE 3.11.3-3  
Archaeological Sites and Historic Structures Identified in Nebraska  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Eligibility Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Nebraska SHPO/THPO Concurrence with DOS Finding</b>
25BO54	Historic farmstead/rural household	Potentially Eligible	Unevaluated	Avoidance, fence	Concur
25BU69	Active railroad	Not eligible	Eligible	No further work	Pending
25FM23	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25FM24	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25FM25	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25FM26	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25FM27	Precontact limited activity site	Not Eligible	Not Eligible	No further work	Concur
25FM28	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25GF16	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
25GY51	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25GY52	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25GY53	Historic livestock feed lot	Not Eligible	Not Eligible	No further work	Concur
25HM24	Precontact limited activity site	Not Eligible	Not Eligible	No further work	Concur
25HM25	Historic burial ground	Unevaluated	Unevaluated	Avoidance	Consultation with Pawnee Nation ongoing
25HM26	Historic road	Not Eligible	Not Eligible	No further work	Concur
25HM27	Historic dump	Not Eligible	Not Eligible	No further work	Concur
25HM28	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25HM29	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25HM30	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25HM31	Historic dump	Not Eligible	Not Eligible	No further work	Concur
25HM32	Active railroad	Not eligible	Eligible	No further work	Pending

**TABLE 3.11.3-3  
Archaeological Sites and Historic Structures Identified in Nebraska  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Eligibility Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Nebraska SHPO/THPO Concurrence with DOS Finding</b>
25HT44	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25HT45	Historic road	Not Eligible	Not Eligible	No further work	Concur
25HT46	Historic road	Not Eligible	Not Eligible	No further work	Concur
25HT52	Active railroad	Not Eligible	Eligible	No further work	Pending
25HT53	Former rail bed	Not Eligible	Not Eligible	No further work	Pending
25HT54	Commercial/ Industrial railroad buildings & structures	Not eligible	Not eligible	No further work	Pending
25HT505 (25HT54)	Possible flour mill	Not eligible	Unevaluated, pending further research	No further work	Pending
25JF43	Previously recorded historic windmill structure	Not Eligible	Not Eligible	No further work	Pending
25JF45	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF46	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25JF47	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25JF48	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF49	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25JF50	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25JF51	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25JF52	Precontact field camp	Potentially Eligible	Unevaluated	Avoidance, fence	Concur
25JF53	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25JF54	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25JF55	Active railroad	Not eligible	Eligible	No further work	Pending
25JF56	Agricultural outbuilding	Not eligible	Unevaluated, pending further research	No further work	Pending

**TABLE 3.11.3-3  
Archaeological Sites and Historic Structures Identified in Nebraska  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Eligibility Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Nebraska SHPO/THPO Concurrence with DOS Finding</b>
25JF507	Steam Roller Mill Site	Unevaluated	Unevaluated	Avoidance/ Need additional field research	Pending
25KP150	Precontact field camp	Potentially Eligible	Unevaluated	Avoidance, fence	Concur
25KP151	Precontact field camp	Potentially Eligible	Unevaluated	Avoidance, fence	Concur
25KP339	Historic dump	Not Eligible	Not Eligible	No further work	Concur
25KP345	Precontact rock ring	Potentially Eligible	Unevaluated	Avoidance, Fencing	Concur (Recom. DOS consult with tribes)
25MK17	Historic dump	Not Eligible	Not Eligible	No further work	Concur
25MK18	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25MK19	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25MK20	Previously recorded Historic farmstead/rural household	Potentially Eligible	Unevaluated	Avoidance	Concur
25MK21	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25MK22	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25MK23	Historic dump	Not Eligible	Not Eligible	No further work	Concur
25MK24	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25NC143	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25NC144	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25NC145	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25NC146	Historic canal	Not Eligible	Not Eligible	No further work	Concur
25RO13	Historic road	Not Eligible	Not Eligible	No further work	Concur
25SA73	Kasak Cemetery	Not Eligible / Protected	Not Eligible/ Protected	Avoidance by Bore	Concur
25SA86	Precontact limited activity site	Not Eligible	Not Eligible	No further work	Concur
25SA87	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-3  
Archaeological Sites and Historic Structures Identified in Nebraska  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Eligibility Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Nebraska SHPO/THPO Concurrence with DOS Finding</b>
25SA88	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25SA89	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25VY56	Active railroad	Not eligible	Eligible	No further work	Pending
25WH4	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25WH5	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur
25YK17	Precontact field camp	Potentially Eligible	Unevaluated	Avoidance, fence	Concur
25YK18	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK19	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK20	Active railroad	Not Eligible	Not Eligible	No further work	Concur
25YK21	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK22	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK23	Historic artifact scatter	Potentially Eligible	Unevaluated	Avoidance	Concur
25YK24	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK25	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur
25YK26	Precontact limited activity site	Not Eligible	Not Eligible	No further work	Concur
25YK27	Historic farmstead	Not Eligible	Not Eligible	No further work	Concur
25YK28	Precontact field camp	Not Eligible	Not Eligible	No further work	Concur
25YK29	Historic farm outbuilding /activity area	Not Eligible	Not Eligible	No further work	Concur
25YK30	Historic farm outbuilding /activity area	Not Eligible	Not Eligible	No further work	Concur
25YK31	Historic farmstead/rural household	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-3  
Archaeological Sites and Historic Structures Identified in Nebraska  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Eligibility Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Nebraska SHPO/THPO Concurrence with DOS Finding</b>
C102RK001	Historic Farmstead	Unknown	Unevaluated	Avoidance, Complete Phase 1 shovel testing	Pending/Additional information needed
C203GR002AP	Historic building	Unevaluated	Unevaluated	No further work due to reroute	No Concurrence/ Outside APE
C201JE003AP	Historic farmstead	Not evaluated due to access	Unevaluated	No further work due to reroute	No Concurrence/ Outside APE
C201JE004AP	Historic farmstead	Not evaluated due to access	Unevaluated	No further work due to reroute	No Concurrence/ Outside APE
C201JE005AP	Historic farmstead	Not Eligible	Unevaluated	No further work due to reroute	No Concurrence/ Outside APE
HT 13-001 (25HT54)	C&NW Railway Depot	Eligible	Eligible	Avoidance	Pending
HT13-040 (25HT54)	Railway freight depot	Not eligible	Not eligible	No further work	Pending
NC00-042	Historic building	Not Eligible	Not Eligible	No further work	Pending
Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails	Historic trails	Unevaluated	Unevaluated	Avoidance, Monitoring, and site forms to be prepared by the Applicant	Pending

As of May 2011, 9.3 miles of the proposed Project centerline, 1.05 miles of access roads, and 60.3 acres of ancillary facilities in Nebraska were not surveyed due to a lack of owner permission to access the property. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future reports. The cultural resource surveys for the proposed Project route variations, gap analysis, and extra work spaces are anticipated and will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

**Kansas**

Cultural Resource pedestrian surveys and inventories for two proposed Project pump stations (PS-27 and PS-29) and power distribution lines were conducted through May 2011. The results of the surveys performed, recommendations of eligibility from the Applicant, the determinations of eligibility by DOS, and concurrence from SHPO are shown in Table 3.11.3-4.

Additional surveys include 0.54 mile segment of the 4.61 mile power distribution line (noted above) will be performed when landowner permission is obtained. Reports describing the surveys will be submitted to DOS for review once they are completed and then forwarded to the applicable consulting parties consistent with 36 CFR Part 800 and the PA.

### **Archaeological Sites**

No new archaeological sites were identified in the potential pump station locations surveyed.

- One previously-recorded site (14BU131) was determined not eligible for listing in the NRHP.
- An additional site (14CY120) recommended by the Applicant as not eligible, has also been identified during a survey of a 4.61-mile power distribution line. The site was determined not eligible for the NRHP.

### **Historic Structures**

No historic structures were identified in the potential pump station locations surveyed.

### **Historic Trails**

The proposed Project route does not cross the Santa Fe National Historic Trail (SFNHT). No effects to the trail are anticipated. If this should change, DOS will work with NPS to identify and avoid or mitigate any detrimental effects to the resource.

<b>TABLE 3.11.3-4 Archaeological Sites and Historic Structures Identified in Kansas within the Proposed Project APE</b>					
<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Kansas SHPO/THPO Concurrence with DOS Finding</b>
14BU131	Previously recorded historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
14CY120	Historic railroad bed	Not Eligible	Not Eligible	No further work	Concur

### **Oklahoma**

Cultural Resource pedestrian surveys and inventories conducted through May 2011 within the proposed Project APE included:

- 155.41 miles of the proposed Project centerline (the remaining 0.27 miles of survey area could not be assessed due to a lack of access the property);
- 3 pump stations;
- 8 ancillary facilities; and
- 59 access roads.

As part of the investigations, 62 backhoe trenches and 3,426 shovel tests were placed within the survey area. In total, 93 cultural resources were identified during the cultural resource inventory in the Gulf Coast Segment in Oklahoma. Of those 93 cultural resources, 70 are archaeological sites, 32 are historic structures, and 18 are isolated finds. The results of the surveys performed, recommendations of eligibility

by the Applicant, determinations of eligibility by DOS, and concurrence from SHPO are shown in Table 3.11.3-5.

### ***Archaeological Sites***

Details on the 88 archaeological sites and isolates are listed below:

- 30 were precontact sites;
- 30 were historic sites;
- 10 were multi-component sites;
- 18 isolated finds which were historic (including 13 precontact and 5 historic sites);
- 6 sites have been recorded as eligible;
- 53 sites are recommended as not eligible; and
- 11 sites are considered unevaluated.

Avoidance is recommended for all eligible, unevaluated, and pending sites. By avoiding these sites, the proposed Project will not affect historic properties. By definition, the isolated finds are not eligible for listing in the NRHP.

### ***Historic Structures***

Details on the 34 historic structures identified are listed below:

- Some structures were recorded as individual architectural resources and some as resources within archaeological sites;
- 4 structures have been recorded as eligible;
- 22 structures are not eligible; and
- 8 structures are considered unevaluated.

Avoidance is recommended for all listed, eligible, and unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties. DOS is also consulting with the Oklahoma SHPO to identify additional measures to avoid or mitigate proposed Project effects.

### ***Historic Route***

The proposed Project route crosses the Historic Route 66 (designated 34LN164/CCUL2ALNx.001), which falls under the purview of the Route 66 Corridor Preservation Program administered by the NPS's National Trails System Office. Additionally, portions of Route 66 in Oklahoma are listed in the NRHP. Though the segment within the proposed Project area is not listed, it could be a contributing segment according to NRHP Criteria for Evaluation and specific considerations established in the statewide NRHP nomination form. Cultural resource investigations conducted in the vicinity of the route identified a portion of the abandoned roadbed. The Applicant's architectural historian and archaeologists completed a site form and historic preservation resource identification form for Route 66. The proposed Project will avoid potential effects to Route 66 by boring beneath the historic resource.

**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34AT56/ 34AT662	Historic structure and artifact scatter / Precontact artifact scatter	Not Eligible	Not Eligible	No further work	No Concurrence/ Outside APE
34AT661	Historic structure, artifact scatter / Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
High Hill Cemetery	Historic cemetery	Not Eligible	Not Eligible	Avoidance	Concur
34AT664	Historic artifact scatter	Not Eligible	Not Eligible	No further work	No Concurrence/ Outside APE
34AT665	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT666	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT667	Historic structure / Precontact lithic scatter	Unevaluated	Unevaluated	No further work	No Concurrence/ Outside APE
34AT669	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT670	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT671	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT672	Historic debris / Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34AT673	Precontact campsite	Unevaluated	Unevaluated	Avoidance	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
34BR322	Previously recorded historic farmstead	Not Eligible	Not Eligible	No further work	Concur
34BR338	Historic artifact scatter	Not Eligible	Not Eligible	No further work	No Concurrence/ Outside APE



**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34BR339	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34BR340	Historic artifact scatter / Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34BR341	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
NA	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
34CO146	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34CO147	Historic structure ruins and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34CO148	Precontact lithic scatter and midden	Eligible	Eligible	Avoidance	Concur
34CO149	Historic structure ruins and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34CO150	Precontact lithic scatter and hearth	Eligible	Eligible	Avoidance	Concur
34CO151	Historic barn and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34CO152	Historic grave	Not Eligible	Not Eligible	No further work	Concur
34CO153	Precontact lithic reduction loci	Not Eligible	Not Eligible	No further work	Concur
34CO154	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34CO155	Historic cistern and debris	Not Eligible	Not Eligible	No further work	Concur
34CO158	Historic farmstead	Unevaluated	Unevaluated	Avoidance/No further work	No Concurrence/ Outside APE
34CO159 <sup>1</sup>	Historic structural remains	Not Eligible	Not Eligible	No further work	Pending
34CO160 <sup>2</sup>	Precontact open camp	Unevaluated	Unevaluated	Avoidance	Pending
34CO161 <sup>3</sup>	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Pending

<sup>1</sup> Formerly referred to in the Draft EIS as CARC2ACOX.008.

<sup>2</sup> Formerly referred to in the Draft EIS as CARC1ACOX.009.

<sup>3</sup> Formerly referred to in the Draft EIS as CARC2ACOX.009.

**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34CO162	Historic well and structural remnants	Not Eligible	Not Eligible	No further work	Pending
CIF2A COx.002	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
CIF1A COx.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
CIF2A COx.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Pending
34CR189	Historic residential remnants	Not Eligible	Not Eligible	No further work	Concur
CIF2A CRx.003	Historic isolate	Not Eligible	Not Eligible	No further work	Pending
34HU21	Historic culvert / Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU134	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU135	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU136	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU137	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU138	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU139	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU140	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU141	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34HU142	Precontact open camp	Not Eligible	Not Eligible	No further work	Concur
34HU143	Precontact lithic scatter; historic well, artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34HU144	Precontact open camp	Unevaluated	Unevaluated	Avoidance	Concur
34HU145	Precontact campsite	Unevaluated	Unevaluated	Avoidance	Concur

**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34HU146	Historic ceramic / Precontact open campsite	Unevaluated	Unevaluated	Avoidance	Concur
34HU147	Historic abandoned railroad	Eligible	Eligible	Avoidance by bore	Concur
34HU148	Historic farmstead	Unevaluated	Unevaluated	No further work	No Concurrence/ Outside APE
34HU149	Historic farmstead	Unevaluated	Unevaluated	No further work	No Concurrence/ Outside APE
Holdenville Airport	Historic airport buildings	Eligible	Eligible	Avoidance	Concur
NA	Precontact lithic debitage	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
NA	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
34LN160	Historic stone house ruin / Precontact artifact scatter	Unevaluated	Unevaluated	No further work	No Concurrence/ Outside APE
34LN161	Historic artifact scatter, probable homestead site	Not Eligible	Not Eligible	No further work	Concur
34LN162	Historic trash dump	Not Eligible	Not Eligible	No further work	Concur
34LN163	Cultural landscape key west town site	Eligible	Eligible	Avoidance	Concur
34LN178	Historic homestead	Eligible	Eligible	Avoidance	Concur
34LN182	Historic structural remains	Not Eligible	Not Eligible	No further work	Concur
CIF1A LNx.001	Historic isolate	Not Eligible	Not Eligible	No further work	Pending
34LN187	Historic structural debris and remnants	Not Eligible	Not Eligible	No further work	Pending

**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34LN188	Historic structural remnants of infrastructure and building, historic artifact dump	Unevaluated	Unevaluated	No further work; portion of site in proposed Project area does not contribute to site's significance	Pending
34LN164/ CCUL2A LNx.001	Historic Route 66 roadway	Eligible, Contributing segment	Eligible, Contributing segment	Avoidance by bore	Concur
CHSS1 ACRx.001	Historic standing structure / complex	Not Eligible	Not Eligible	No further work	Pending
CHSS2A LNx.001	Residence	Not Eligible	Not Eligible	No further work	Concur
CHSS4AL Nx.001	Historic farm complex	Not Eligible	Not Eligible	Avoidance	No Concurrence/ Outside APE
34OF97	Historic structural remains and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34OF98	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34OF99	Historic artifact scatter / Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34OF100	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
34OF101	Precontact open campsite	Not Eligible	Not Eligible	No further work	Concur
34OF102	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34OF103	Historic cemetery	Not Eligible	Not Eligible	No further work Avoidance	Concur
CIF1A OFx.001	Precontact lithic projectile point/drill isolate	Not Eligible	Not Eligible	No further work	Pending
CHSS1A OFx.001	Historic standing structure / complex	Not Eligible	Not Eligible	No further work	Concur
NA	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
34SM130	Historic Baker Cemetery 1900-1907	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-5  
Archaeological Sites and Historic Structures Identified in Oklahoma**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Oklahoma SHPO/THPO Concurrence with DOS Finding</b>
34SM131	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34SM132	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
34SM133	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur

As of May 2011, 0.27 miles of proposed Project centerline, 2.88 miles of access roads, 9.03 acres of temporary workspaces, 0.39 acres of survey area adjustments, and 240.3 acres of ancillary facilities in Oklahoma could not be surveyed, due to a lack of landowner permission to access properties. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future addenda reports. Surveys are ongoing. Upon receipt of the additional information, DOS will review the addenda reports consistent with 36 CFR Part 800 and the PA.

## **Texas**

Cultural Resource pedestrian surveys and inventories conducted for the Gulf Coast Segment through May 2011 within the proposed Project APE included:

- 203.35 miles of the proposed Project centerline (the remaining 3.13 miles of HPAs were not inventoried due to landowner access restrictions);
- 11.9 miles of proposed access roads;
- 26.57 acres of temporary work spaces; and
- 73.65 acres of ancillary facilities.

Cultural Resource pedestrian surveys and inventories conducted of the Houston Lateral section through May 2011 included:

- 6.44 miles of HPAs for which the Texas Historical Commission (THC) required to survey. The remaining 7.96 miles of HPAs were not inventoried due to landowner access restrictions.
- No inventories have been conducted on proposed access roads, power distribution lines, and ancillary facilities, but reports on these inventories are anticipated when the inventories are completed. Inventories will be conducted by architectural historians of historic structures located outside of the HPAs in the proposed Project corridor.

As required by DOS, the inventories include the architectural historian's assessment of historic structures located throughout the proposed Project corridor, not just within HPAs. Reports will be prepared for those areas that have yet to be surveyed. These reports will be reviewed by DOS consistent with 36 CFR Part 800 and the PA.

To date, 113 cultural resources were identified during the cultural resource inventory of the proposed Project of the Gulf Coast Segment in Texas. Of those 113 cultural resources, 55 are archaeological sites,

14 are architectural resources, 19 are classified as both archaeological and architectural resources, and 25 are isolated finds. The results of the surveys performed, recommendations of eligibility by the Applicant, determinations of eligibility by DOS, and concurrence from SHPO are shown in Table 3.11.3-6.

Additional cultural resource surveys are forthcoming. The results of these investigations will be detailed in addenda reports, which will be reviewed by DOS and then forwarded to the applicable consulting parties consistent with 36 CFR Part 800 and the PA. No cultural resources were identified in the Houston Lateral section.

### ***Archaeological Sites***

Details on the 80 archaeological sites and isolated finds are listed below:

- 35 were precontact sites;
- 9 were historic sites;
- 11 were multi-component sites;
- 19 sites were recorded as both archaeological and architectural resources, 13 of which were historic sites and 6 were multi-component sites;
- 2 of the archaeological sites have been recorded as eligible;
- 40 sites are recommended as not eligible;
- 32 sites are considered unevaluated; and
- Of the 25 isolated finds there were 16 precontact sites and 9 historic sites.

Avoidance is recommended for all eligible and unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties. By definition, the isolated finds are not eligible for listing in the NRHP.

### ***Historic Structures***

Details on the 33 historic structures are listed below:

- Of the 33 historic structures identified, all are either listed as individual architectural resources or resources within archaeological sites;
- 5 have been recorded as cemeteries including 1 modern pet cemetery;
- 2 structures have been recorded as eligible;
- 19 have been recommended as not eligible; and
- 13 are considered unevaluated.

Avoidance is recommended for all listed, eligible, and unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties. Although four of the historic cemeteries have been determined not eligible for the NRHP and one cemetery is still unevaluated for NRHP eligibility, avoidance is recommended in accordance with Texas state law.

## Historic Trails

The proposed Project route crosses the El Camino Real de Los Tejas National Historic Trail (ELTE NHT) in Nacogdoches County. The trail was used by Native Americans in the precontact period, then through the Spanish Colonial Period (1690–1821) to connect colonial capitals and missions, and later by Anglo-American settlers in the area. At least four segments of historic roadbeds, which are potentially associated with the ELTE NHT have been identified as historic properties in the proposed Project area. These are recorded as components within archaeological sites 41NA156 (eligible), 41NA316 (unevaluated), 41NA317 (unevaluated) and 41NA329 (unevaluated). As requested by DOS historic property site forms have been completed for these trail segments that cross the proposed Project APE so that they can be evaluated for the NRHP. DOS has worked with Indian tribes, NPS and Texas SHPO to identify and avoid or mitigate adverse effects to the resources. Two agency meetings between DOS and NPS were held on February 18, 2009 and November 11, 2009 to discuss the proposed Project, and the location of the ELTE NHT segments. During the meeting, resources associated with the trail including sites 41NA156, 41NA316, 41NA317, and 41NA329, were visited and preferred avoidance and/or mitigation measures were discussed. Additional information concerning the trail segments has been submitted including site forms for trail segments previously unidentified. LIDAR imagery, shallow trenching, and magnetometers may be used to pinpoint the location of the trail in the APE. The Applicant has developed plans to avoid the trail segments and associated resources. However, one site, 41NA329, has yet to be fully assessed, and avoidance measures cannot be implemented until the historic nature and precise extent of the resource are fully delineated. DOS has developed a Historic Trail and Archaeological Monitoring Plan (HTAM Plan) to avoid effects on the historic trail in consultation with the Indian tribes, NPS, and Texas SHPO. If necessary, DOS will continue to work with these parties under the stipulations of the PA to develop additional mitigation measures for proposed Project effects.

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by DOS	Action Recommended by Applicant	Texas SHPO/THPO Concurrence with DOS Finding
41AG196	Precontact camp	Unevaluated	Unevaluated	Avoidance	Concur
41AG197	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41AG198	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41AG199	Historic cemetery	Not Eligible	Not Eligible	Avoidance	Concur
41AG200	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41AG201	Precontact artifact scatter and probable campsite	Eligible	Unevaluated	Portion in APE not eligible	Pending
41AG202	Historic standing structures and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
CIF6B AG34.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
41CE417	Historic standing structure	Unevaluated	Unevaluated	Avoidance	Concur

**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
41CE418	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41CE419	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41CE430	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41CE431	Historic artifact scatter and structural remnant / Precontact artifact scatter and settlement	Eligible	Unevaluated	Avoidance	Concur
41CE435	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Pending
CIF2B CE14.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41DT266	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41DT267	Precontact artifact scatter and possible open campsite	Unevaluated	Unevaluated	Avoidance by bore	Concur
41DT268	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Pending
41DT269	Precontact artifact scatter and possible open campsite	Not Eligible	Not Eligible	No further work	Concur
41DT276	Precontact Open Campsite	Unevaluated	Unevaluated	Avoidance by matting	Concur
CHSS7B HP01.001	Historic-age levee	Unevaluated	Unevaluated	Avoidance by bore	Concur
CHSS7B AG00.001	Historic residential complex	Unevaluated	Unevaluated	Avoidance	Concur
CHSS8B JF106.001	Historic residential complex	Unevaluated	Unevaluated	Avoidance	Concur
CHSS9B DTx.003(#6)	c. 1950-55 Domestic building	Not Eligible	Not Eligible	No further work	Concur
CHSS9B DTx.001 (#8)	c. 1940 Domestic complex	Not Eligible	Not Eligible	No further work	Concur
CHSS9B DTx.002(#9)	c. 1940 Storage building	Not Eligible	Not Eligible	No further work	Concur
CIF7B DT13.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
41FK63	Previously recorded Historic artifact scatter / Precontact artifact scatter and possible occupation area	Unevaluated	Unevaluated	Avoidance	Concur



**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
41FK104	Precontact open camp	Eligible	Unevaluated	Avoidance	Concur
41FK130	Historic standing structure	Not Eligible	Unevaluated	Avoidance	Pending
41FK131	Precontact artifact scatter, occupation	Unevaluated	Unevaluated	Avoidance	Concur
41FK132	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41FK133	Historic farmstead and scatter (early to mid-20 <sup>th</sup> century residential site)	Not Eligible	Not Eligible	No further work	Concur
41FK134	Precontact pottery scatter, possible occupation area	Unevaluated	Unevaluated	Avoidance	Concur
41FK135	Precontact open campsite	Not Eligible	Not Eligible	No further work, not in APE	Pending
41FK136	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41FK137	Precontact artifact scatter, possible occupation area	Unevaluated	Unevaluated	Avoidance	Concur
41FK138	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41FK139	Multi-component site	Unevaluated	Unevaluated	Avoidance	Concur
CIF4B FK04.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
CIF7B FK104.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
CIF7B FK104.002	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
CIF6B FK07.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
41FN91/ 41FN87	Historic artifact scatter / Precontact lithic debris	Unevaluated	Unevaluated	Avoidance	Concur
41HP241	Historic artifact scatter / Precontact artifact scatter and possible settlement	Eligible	Unevaluated	Avoidance	Concur
41HP242	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41HP244	Historic farm complex	Eligible	Eligible	Eligible portion to be avoided	Concur
CHSS9B HP201.001 (#12)	c. 1950 Domestic building	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
CIF2B HP12.001	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
CIF4B HP23.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41JF92	Historic railroad grade	Not Eligible	Un Evaluated	No further work	Pending
Central Gardens	17 Domestic buildings c. 1930-55	Not Eligible	Not Eligible	No further work	Concur
41LB78	Previously recorded precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41LR2	Historic artifact scatter / Precontact village	Eligible	Eligible	Avoidance by bore	Concur
41LR314	Historic artifact scatter / Precontact lithic debris	Unevaluated	Unevaluated	Avoidance	Concur
41LR315	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41LR316	Historic trash dump	Not Eligible	Not Eligible	No further work	Concur
CIF6B LR19.001	Historic isolate	Not Eligible	Not Eligible	No further work	N/A*
CIF8B LR24.001	Historic isolate	Not Eligible	Not Eligible	No further work	N/A*
41NA156	Previously recorded Historic slave quarters and residence / Precontact artifact scatter and possible settlement (association with ELTE NHT)	Eligible/ Building is unevaluated	Eligible/ Building is unevaluated	Avoidance by bore	Concur
41NA307	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41NA308	Historic Euro-American cemetery/ precontact scatter	Not Eligible	Not Eligible	Cemetery avoided/scatter-no further work	Concur
41NA314	Historic artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41NA315	Historic foundation and artifact scatter	Unevaluated	Unevaluated	Avoidance	Concur
41NA316	Historic trail (association with ELTE NHT)	Unevaluated	Unevaluated	Avoidance	Concur

**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
41NA317	Historic artifact scatter / precontact settlement	Historic scatter not eligible / Precontact eligible	Unevaluated	Avoidance	Concur
41NA318	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41NA319	Historic artifact scatter / Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41NA329 El Camino Real de Los Tejas National Historic Trail	Historic road	Unevaluated	Unevaluated	Avoidance, more research needed with NPS to identify contributing segments	Concur
CHSS9B NAx.001 (#21)	c. 1935 Domestic building	Not Eligible	Not Eligible	No further work	Concur
CHSS9B NAx.002 (#22)	c. 1930 Domestic building	Not Eligible	Not Eligible	No further work	Concur
CIF6B NA09.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
CIF4B NA12.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41PK258	Precontact artifact scatter	Unevaluated	Unevaluated	Avoidance	Concur
41PK260	Precontact lithic scatter	Unevaluated	Unevaluated	Avoidance	Concur
41PK261	Precontact artifact scatter	Unevaluated	Unevaluated	Avoidance	Concur
41PK262	Precontact artifact scatter	Not Eligible	Not Eligible	No further work	Concur
41PK263	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41PK264	Precontact lithic scatter	Not Eligible	Not Eligible	No further work	Concur
41PK266	Precontact lithic scatter and historic highway 35	Not Eligible	Not Eligible	No further work, site outside APE	Pending
41PK267	Precontact lithic scatter	Not Eligible	Not Eligible	No further work, site outside APE	Pending
41PK268	Precontact Open Campsite	Not Eligible	Not Eligible	No further work	Pending
CHSS9BPKx.001 (#23)	c. 1940 Domestic complex	Not Eligible	Not Eligible	No further work	Concur
CIF8B PK04.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
CIF6B PK09.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
CIFBWD30.0 01	Historic scatter	Not Eligible	Not Eligible	No further work	Pending
CIF7B PK10.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
CIF8B PK25.001	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
CIF9B PK36.001	Precontact isolate	Not Eligible	Not Eligible	No further work	N/A*
41RK97	Previously recorded historic oil pumping station and camp	Unevaluated	Unevaluated	Avoidance	Concur
41RK588	Historic artifact scatter / Precontact artifact scatter and possible open camp	Historic component Not Eligible, Precontact component Eligible	Unevaluated	Eligible portion to be avoided	Concur
41RK601	Precontact artifact scatter with historic isolate	Not Eligible	Not Eligible	No further work	Concur
CHSS9BRKx. 001 (#19A)	c. 1940 Domestic building	Not Eligible	Not Eligible	No further work	Concur
CHSS9BRKx. 002 (#19)	c. 1940 Domestic building	Not Eligible	Not Eligible	No further work	Concur
CIF2B RK07.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41SM40	Precontact subsurface campsite	Unevaluated	Unevaluated	Avoidance	Concur
41SM287	Previously recorded precontact open camp	Unevaluated	Unevaluated	Avoidance	Concur
41SM397	Historic church complex	Eligible	Unevaluated	Eligible portion to be avoided	Concur
41SM405	Precontact subsurface campsite	Unevaluated	Unevaluated	Avoidance	Concur
41SM424	Precontact Lithic Scatter	Not Eligible	Not Eligible	No further work	Concur
CIF7B SM06.001	Historic isolate	Not Eligible	Not Eligible	No further work	N/A*
Starrville Cemetery	Historic cemetery	Unevaluated	Unevaluated	Avoidance	Concur
CIF7B SM104.001	Historic isolate	Not Eligible	Not Eligible	No further work	N/A*
CIF7B SM115.001	Historic well pad	Not Eligible	Not Eligible	No further work	Concur

**TABLE 3.11.3-6  
Archaeological Sites and Historic Structures Identified in Texas  
within the Proposed Project APE**

<b>Site #</b>	<b>Description</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by DOS</b>	<b>Action Recommended by Applicant</b>	<b>Texas SHPO/THPO Concurrence with DOS Finding</b>
41UR85	Paron Church and Smith Cemetery (small precontact scatter)	Not Eligible	Not Eligible	Church and cemetery avoided/scatter no further work	Concur
41UR325	Historic barn, shed, and artifact scatter	Not Eligible	Not Eligible	No further work	Concur
CIF UR02.001	Precontact isolate	Not Eligible	Not Eligible	No further work	Concur
41WD649	Precontact lithic scatter, possible open campsite	Unevaluated	Unevaluated	Avoidance	Concur
41WD650	Historic well or cistern	Not Eligible	Not Eligible	No further work	Concur
41WD651	Modern pet cemetery	Not Eligible	Not Eligible	No further work	Concur
41WD653	Precontact pottery scatter	Not Eligible	Not Eligible	No further work	Concur
CIF4B WD02.001	Historic isolate	Not Eligible	Not Eligible	No further work	Concur
CIF8BNA107.001	Historic ceramic isolate	Not Eligible	Not Eligible	No Further work	N/A*

\*TX SHPO says isolated finds do not require NRHP eligibility assessment.

As of May 2011, 3.13 miles of HPAs along the proposed Project centerline, 1.77 miles of access roads, 32.60 acres of temporary workspaces, 5.52 acres of survey area adjustments, and 127.10 acres of ancillary facilities along the Gulf Coast Segment could not be surveyed due to a lack of landowner permission to access the properties. For the Houston lateral 7.96 miles of survey area could not be surveyed due to a lack of landowner permission to access the properties. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future addenda reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

### **3.11.3.2 Programmatic Agreement**

A Programmatic Agreement (PA) is an agreement between DOS and the affected tribes regarding the responsibilities that DOS has to each tribe during the construction of the pipeline. The PA also lays out how disputes between tribes and the Applicant will be resolved once construction begins. Under Section 106 of the NHPA, a final PA must be signed by all signatory parties. There are two types of parties to the PA: consulting parties and signatory parties. As the lead federal agency, DOS, determines whether a party is a consulting or signatory party. If a party is determined to be a consulting party, then the PA can still go into effect with or without the signature of the consulting party. However if a party is determined to be a signatory party, then their signature on the PA is essential for the PA to go into effect and compliance under the NHPA has not happened until the signatory party has signed the PA.

The use of a PA for the proposed Project is consistent with 36 CFR 800.4(b)(2), which provides that when “alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and

evaluation efforts.” The PA will allow DOS and the consulting parties to continue and eventually complete the identification and evaluation of historic properties pursuant to the provisions in the PA should the proposed Project receive all necessary certifications and permits. The proposed Project design, including a determination of the final alignment after all route variations are assessed, continues to evolve as a result of the NEPA and Section 106 processes, continuing engineering analysis, and ongoing landowner and land manager negotiations. The evaluation of historic properties for the proposed Project will not be completed until full access to all parcels along the proposed corridor is feasible. Additionally, The PA, therefore, will ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. Appendices to the PA will include an Unanticipated Discovery Plan, Tribal Monitoring Plan, as well as an HTAM Plan. These plans are more specifically described in Sections 3.11.6 (Unanticipated Discovery Plans) and 3.11.7 (Monitoring Plans).

Signatory parties to this agreement include DOS, BLM, USACE, Reclamation, Western, RUS, NRCS, FSA, ACHP, BIA and the SHPOs of Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Invited signatories include MDNRC, MDEQ, and TransCanada Keystone Pipeline, LP. Both signatory parties and invited signatories retain the same rights within the agreement in regard to seeking amendments or termination of the agreement. Additional parties, such as Indian tribes, that retain an interest in the proposed Project and that agree to the contents the PA, called “concurring parties”, may also sign the PA, but these parties would not retain the same rights to amend or terminate the agreement.

DOS has circulated multiple drafts of the PA to the consulting parties, including:

- A first draft was provided to the consulting parties on July 13, 2009. Comments were received and evaluated by DOS;
- A second draft was provided to the consulting parties on September 28, 2009. DOS conducted a webinar with the consulting parties on October 7, 2009 to describe the rationale for changes incorporated into the second draft of the PA. Comments received on the second draft were reviewed;
- A third draft of the PA was provided to consulting parties on December 31, 2009. Comments on the third draft PA were accepted until February 1, 2010;
- A fourth draft of the PA which was attached as Appendix S to the draft EIS and released on April 16, 2010. Comments on the fourth draft were received and reviewed;
- A fifth draft of the PA was provided to consulting parties on June 4, 2010. Comments on this draft, including those provided at meetings with the consulting party in June 2010, were received and reviewed;
- A sixth draft of the PA was provided to consulting parties on November 24, 2010 and discussed at the December 2010 Section 106 Meeting in Washington DC; and
- A seventh draft (final copy) of the PA was sent to consulting parties for signature on June 30, 2011. The final PA is provided as Appendix S of the final EIS.

### **3.11.4 Consultation**

#### **3.11.4.1 Introduction**

Under Section 106 of the NHPA, the lead federal agency is required to share proposed Project information and consult with consulting parties. This includes Indian tribes, SHPOs, local governments, and applicants for federal permits. For this proposed Project, DOS is consulting with six SHPOs, over 95

Indian tribes, numerous federal and state agencies and local governments, and seeking the views of the public. Government-to-government Section 106 consultation meetings, direct mailings, teleconferencing, direct telephone communications, and email have been used to keep consulting party members informed and to solicit comments on the proposed Project. Numerous Section 106 meetings have been held to work through project agreements including the PA, TCP studies, Tribal Monitoring Plan and the Historical and Archaeological Monitoring Plan. See Figure 3.11.4-2 for a list of Section 106 meetings with Indian tribes and agencies. Appendix S includes a more extensive Master Correspondence Table that summarizes DOS consultation for the proposed Project.

Informal discussions with SHPOs and Indian tribes were initiated by the Applicant and their consultants in 2008 and 2009 when a number of tribal engagement meetings were conducted in an effort to inform interested Indian tribes of the proposed Project and seek initial comments. DOS recognized its lead federal agency status under Section 106 and its responsibilities to consult directly with the Indian tribes, SHPOs, and agencies in its NOI issued on January 28, 2009 in the FR.

#### **3.11.4.2 Federal and State Agency Consultation**

In compliance with NEPA and Section 106, DOS is consulting with federal agencies whose participation in the proposed Project was considered an undertaking as per 36 CFR 800.16(y). These agencies include BLM, the Bureau of Reclamation (Reclamation), Western, RUS, NRCS, FSA, BIA, and USACE. The ACHP has also formally entered into consultation with DOS. DOS has also consulted with the NPS due to agency interest in the proposed Project. In coordination with DOS, each of these agencies are reviewing the cultural resource findings as appropriate given their responsibilities as discussed in Section 1.0.

DOS is also consulting with state agencies, including the SHPOs in the six states crossed by the proposed Project corridor as well as the Montana DNRC and the Montana DEQ, who is the lead for the Montana Environmental Policy Act (MEPA). Consultation has occurred with these groups in person as well as by email, and teleconference. Several agencies have attended the agency and tribal Section 106 consultation meetings held in May, July, October and November 2009 and February, June and December 2010 (See Table 3.11.4-2). DOS is also consulting with Basin Electric Power Cooperative due to the associated 230kV transmission line project.

#### **3.11.4.3 Tribal Consultation**

Consistent with 36 CFR Part 800, DOS has engaged Indian tribes in government-to-government consultation. The list of Indian tribes that were notified for this proposed Project was derived from lists maintained by DOS, BLM, USACE, SHPOs, state tribal liaisons, THPOs, the BIA, and recommendations from other Indian tribes. In compliance with 36 CFR 800.2 and confidentiality requirements, DOS provided consulting Indian tribes with findings or determinations that were derived from historic properties reports prepared for portions of the proposed Project's APE. Indian tribes initially were invited to consult regarding the proposed Project by letters dated January 30, 2009. Additional tribal members identified by the BLM were invited to consultation by letters dated February 19, 2009. Another letter from DOS dated April 1, 2009 again invited Indian tribes that had not yet responded to the invitations. Phone calls were also made on March 18 through March 23, 2009 to Indian tribes that had not yet responded.

Following these invitations, 45 Indian tribes notified DOS that they would like to become consulting parties. Additionally, two Indian tribes are undecided and have been participating in calls and meetings. Nineteen Indian tribes have notified DOS that they do not wish to consult on the proposed Project and/or have no objection to the proposed Project, but would like to be notified should human remains be found.

Twenty-seven Indian tribes did not respond to requests for consultation. Indian tribes that DOS contacted are listed in Table 3.11.4-1 and the list of consultation meetings is included in Table 3.11.4-2.

To facilitate consulting party participation in Section 106 consultation, DOS has conducted government-to-government and agency consultation meetings in both the Steele City Segment and the Gulf Coast Segment of the proposed Project. Steele City Segment meetings were held in Rapid City, South Dakota (May and July 2009) in Pierre, South Dakota (February 2010), in Billings, Montana (October 2009 and June 2010), and near Malta, Montana (October 2009). Gulf Coast Segment meetings were held in Oklahoma City, Oklahoma (May and July 2009), in Dallas, Texas (November 2009) and in Tulsa, Oklahoma (June 2010). Transcripts for all of the meetings held to date have been prepared and distributed to the consulting parties. DOS also held a Section 106 consultation meeting in Washington, D.C. in December 2010.

Nine tribes listed in Table 3.11.4-3 have completed TCP studies within the proposed Project APE. DOS has reviewed and approved the reports. DOS continues to consult with the tribes regarding recommendations made in these reports concerning the eligibility of a historic property and/or proposed Project effects. DOS will make determinations of eligibility and proposed Project effect and attempt to resolve any adverse effects to historic properties. A Tribal Monitoring Plan (TMP) has been developed as a result of the TCP studies. DOS has consulted with tribes in identifying areas along the mainline APE that will be monitored during construction if the proposed Project is permitted. DOS will continue working with the Applicant and tribes on refining the areas of concern within the TMP (see Section 3.11.7).

<b>TABLE 3.11.4-1 Tribes Consulted under Section 106 for the Proposed Project</b>		
	<b>Interested/Consulting Party</b>	<b>Tribe</b>
1	Yes	Absentee-Shawnee Tribe of Indians of Oklahoma
2	No	Alabama Quassarte Tribal Town
3	Yes	Alabama-Coushatta Tribe of Texas
4	No response	Apache Tribe
5	Yes	Blackfeet Nation
6	Yes	Caddo Nation of Oklahoma
7	No	Cherokee Nation
8	Yes	Cheyenne River Sioux Tribe
9	Yes	Cheyenne-Arapaho Tribe of Oklahoma
10	No	Chickasaw Nation of Oklahoma
11	Yes	Chippewa-Cree Indians
12	Yes	Choctaw Nation of Oklahoma
13	No response	Citizen Potawatomi Nation
14	No	Comanche Nation
15	No response	Confederated Salish and Kootenai Tribes of the Flathead Indian Nation
16	No response	Crow Creek Sioux Tribe
17	Yes	Crow Tribe of Indians
18	Yes	Delaware Nation
19	No	Delaware Tribe of Indians
20	No response	Eastern Band of Cherokee Indians



**TABLE 3.11.4-1  
Tribes Consulted under Section 106 for the Proposed Project**

	<b>Interested/Consulting Party</b>	<b>Tribe</b>
21	No response	Eastern Shawnee Tribe
22	No response	Eastern Shoshone Tribe
23	No response	Flandreau Santee Sioux Tribe
24	No response	Forest County Potawatomi Community of Wisconsin Potawatomi Indians
25	Yes	Fort Peck Tribes
26	No	Fort Sill Apache Tribe
27	Yes	Gros Ventre and Assiniboine Tribe of Ft. Belknap
28	No	Gun Lake Potawatomi
29	No response	Hannahville Indian Community of Michigan
30	Yes	Ho-Chunk Nation of Wisconsin
31	No	Huron Potawatomi Nation
32	Yes	Iowa Tribe of Kansas and Nebraska
33	Yes	Iowa Tribe of Oklahoma
34	No response	Jena Band of Choctaw Indians
35	Undecided	Jicarilla Apache Tribe
36	Yes	Kaw Nation
37	Yes	Kialegee Tribal Town of the Creek Nation of Oklahoma
38	No	Kickapoo Traditional Tribe of Texas
39	Yes	Kickapoo Tribe of Kansas
40	No response	Kickapoo Tribe of Oklahoma
41	Yes	Kiowa Indian Tribe of Oklahoma
42	Yes	Lower Brule Sioux Tribe
43	Yes	Lower Sioux Indian Community
44	Yes	Miami Tribe of Oklahoma
45	Yes	Mille Lacs Band of Ojibwe
46	No	Modoc Tribe of Oklahoma
47	Yes	Muscogee (Creek) Nation
48	No response	Nez Perce
49	Yes	Northern Arapaho Tribe
50	Yes	Northern Cheyenne Tribe
51	Yes	Northern Ute Tribe
52	No response	Oglala Sioux Tribe
53	No response	Omaha Tribe of Nebraska
54	Yes	Osage Nation of Oklahoma
55	No	Otoe-Missouri Tribe
56	No response	Ottawa Tribe of Oklahoma
57	Yes	Pawnee Nation of Oklahoma
58	No	Peoria Indian Tribe of Oklahoma
59	No response	Poarch Band of Creek Indians

**TABLE 3.11.4-1  
Tribes Consulted under Section 106 for the Proposed Project**

	<b>Interested/Consulting Party</b>	<b>Tribe</b>
60	No response	Pokagon Band of Potawatomi Indians of Michigan
61	Yes	Ponca Tribe of Indians of Oklahoma
62	Yes	Ponca Tribe of Nebraska
63	No response	Prairie Band of Potawatomi Indians
64	No	Prairie Island Indian Community
65	No	Quapaw Tribe
66	No response	Red Lake Band of Chippewa Indians of Minnesota
67	Yes	Rosebud Sioux Tribe
68	Yes	Sac & Fox Nation of Oklahoma
69	No	Sac and Fox Nation of Missouri in Kansas and Nebraska
70	No response	Sac and Fox Tribe of the Mississippi in Iowa
71	Yes	Santee Sioux Tribe of Nebraska
72	No	Seminole Nation
73	No	Seneca-Cayuga Tribe of Oklahoma
74	Undecided	Shakopee Mdewakanton Sioux
75	Yes	Shoshone-Bannock Tribe
76	No response	Shawnee Tribe
77	Yes	Sisseton-Wahpeton Oyate Sioux
78	No response	Southern Ute Indian Tribe
79	Yes	Spirit Lake Tribe
80	Yes	Standing Rock Sioux Tribe
81	No	Stockbridge-Munsee Tribe
82	No response	Thlopthlocco Tribal Town
83	Yes	Three Affiliated Tribes
84	Yes	Tonkawa Tribe
85	No response	Trenton Indian Service Area
86	Yes	Turtle Mountain Band of Chippewa
87	No	United Keetoowah Band of Cherokee Indians
88	No response	Upper Sioux -Pezihutazizi Kapi
89	No response	Ute Mountain Tribe
90	No	White Earth Band of Minnesota Chippewa
91	Yes	Wichita and Affiliated Tribes
92	Yes	Winnebago Tribe
93	No response	Wyandotte Nation
94	Yes	Yankton Sioux
95	No	Ysleta del Sur Pueblo

**TABLE 3.11.4-2  
List of DOS Group Consultation Meetings and Webinars with Tribes**

<b>Date</b>	<b>Place</b>	<b>Tribes Present</b>	<b>Agencies Represented<sup>a,b</sup></b>
May 12, 2009	Rapid City, South Dakota	Ponca Tribe of NE, Standing Rock Sioux, Cheyenne River Sioux, Rosebud Sioux, Santee Sioux, Sisseton Wahpeton Oyate, Oglala Sioux, Iowa Tribe of KS and NE	BIA, BLM, NPS, USACE, SD SHPO, DOS
May 14, 2009	Oklahoma City, Oklahoma	Osage Nation, Kickapoo, Cheyenne-Arapaho, Pawnee Nation of Oklahoma, Kickapoo Tribe in Kansas, Caddo Nation, Delaware Nation, Muscogee Nation, Absentee-Shawnee	USACE, OK SHPO, DOS
July 14, 2009	Rapid City, South Dakota	Fort Peck, Lower Sioux, Ponca Tribe, Northern Cheyenne, Rosebud Sioux, Cheyenne River Sioux, Three Affiliated Tribes, Mille Lacs Band of Ojibwe, Kickapoo Tribe in Kansas	USACE, Western, MT DEQ, BLM, DOS
July 28, 2009	Oklahoma City, Oklahoma	Pawnee Nation of Oklahoma, Iowa Tribe of KS and NE, Alabama Coushatta Tribe, Muscogee Nation, Osage Nation, Kaw Nation, Choctaw Nation, Delaware Nation, Kickapoo Tribe KS, Absentee Shawnee Tribe	USACE, NPS, OK SHPO, DOS
October 7, 2009	Webinar	Cheyenne River Sioux Tribe, Osage Nation of Oklahoma, Pawnee Nation of Oklahoma, Rosebud Sioux Tribe, Sisseton-Wahpeton Oyate Sioux, Turtle Mountain Band of Chippewa	Reclamation, BLM, MT DEQ, USACE, Texas Historical Commission
October 20-21, 2009	Billings, MT	Blackfeet Nation, Chippewa-Cree, Spirit Lake, Lower Sioux Indian Community, Yankton Sioux, Cheyenne River Sioux, Rosebud Sioux, Standing Rock Sioux, Turtle Mountain Band of Chippewa, Mille Lacs Band of Ojibwe, Osage Nation, Fort Belknap, Northern Cheyenne	BLM, USACE, BIA, Western, DOS, Montana SHPO, MT DEQ
October 22, 2009	Malta, MT (vicinity)	Chippewa-Cree, Blackfeet	MT DEQ, DOS
November 12-13, 2009	Dallas, TX	Kaw Nation, Choctaw, Pawnee Nation, Kialegee Tribal Town, Muscogee (Creek) Nation, Osage nation, Alabama-Coushatta Tribe, Absentee Shawnee Tribe, Lower Sioux	USACE, NPS, DOS
February 25, 2010	Pierre, SD	Lower Brule Tribe	Western, BEPC
June 22-23, 2010	Billings, MT	Chippewa Cree, Blackfoot Tribe, Standing Rock Sioux, Turtle Mountain, Northern Arapaho, Ft. Peck Tribes, Mille Lacs, Ponca Tribe, Yankton Sioux	BLM, USACE, BEPC, DOS
June 23, 24, 2010	Tulsa, OK	Pawnee Nation, Alabama Coushatta Tribe, Choctaw, Kaw Nation, Muscogee Nation, Osage, Sac and Fox Nation	USACE, DOS
June 23, 2010	Tulsa, OK	Pawnee Nation	DOS
December 7, 2010	Washington, D.C.	Alabama Coushatta, Blackfeet, Chippewa Cree, Choctaw, Fort Peck Tribe, Iowa Nation, Kialegee (Creek) Nation, Northern Arapaho, Osage, Pawnee Nation, Sac and Fox Nation, Yankton Sioux	ACHP, BIA, USACE, Western, EPA, USDA FSA, BLM, MTDEQ, DOS, CEQ
December 8, 2010	Washington, DC	Pawnee Nation	USACE, Nebraska SHPO, DOS
March 30, 2011	Rapid City, SD	Cheyenne River Sioux	South Dakota SHPO, DOS

<sup>a</sup> Representatives from TransCanada have attended several of the tribal consultation meetings at the request of tribes. Meetings attended by TransCanada include May 14, 2009, October 20-21, 2009, November 12-13, 2009, June 22-25, 2010, September 9, 2010, December 7, 2010, and December 8, 2010.

<sup>b</sup> Project specialists from Cardno-ENTRIX attended all tribal consultation meetings.

**TABLE 3.11.4-3  
List of Tribes participating in Traditional Cultural Property Studies**

<b>Tribe</b>	<b>Date of Contact</b>	<b>Date SOW Received</b>	<b>Date of Response</b>	<b>Date TCP Received</b>	<b>Date TCP Accepted</b>
Alabama-Coushatta Tribe of Texas	8/24/2009	8/24/2009	9/14/2009	3/23/2010	4/08/2010
Blackfeet Nation	8/18/2009	8/24/2009	9/14/2009	12/15/2009	1/25/2010
Caddo Nation	8/7/2009	8/7/2009	9/14/2009	1/2011 <sup>a</sup>	N/A
Cheyenne and Arapaho Tribes of Oklahoma	8/14/2009	8/24/2009	9/14/2009	1/01/2010	4/16/2010
Fort Peck	8/10/2009	11/20/2009	11/30/2009	SOW withdrawn	N/A
Lower Sioux	8/4/2009	8/11/2009	9/14/2009	SOW withdrawn	N/A
Spirit Lake Tribe	8/11/2009	8/11/2009	9/14/2009	10/01/2010	3/17/2010
Muscogee (Creek) Nation	8/14/2009	11/20/2009	11/30/2009	SOW withdrawn	N/A
Kialagee Tribal Town	8/10/2009	8/10/2009	9/14/2009	SOW withdrawn	N/A
Turtle Mountain	8/11/2009	9/22/2009	9/24/2009	6/2010	8/30/2010
Northern Arapaho	10/26/2009	Pending	Pending	10/10/2010	12/01/2010
Yankton Sioux and Santee Sioux Tribes	8/13/2009	Pending	Pending	11/30/2010	1/26/2011
Rosebud Sioux Tribe	11/12/2009	11/20/2009	11/30/2009	SOW withdrawn	N/A
Pawnee Nation	9/11/2009	9/1/2009	9/14/2009	4/12/2010	5/25/2010

<sup>a</sup> Prepared and funded by NPS.

### **3.11.5 Public Involvement**

Consistent with 36 CFR 800.2(d)(1–3), DOS has followed ACHP guidance in its efforts to seek the views of the public in the Section 106 process through the NEPA process. As stated previously, DOS placed notices in the Federal Register (including the Receipt of Application and Scoping Notices) and provided copies of the application to local communities within the proposed Project APE. Twenty scoping meetings were held in the vicinity of the proposed Project corridor between February 9 through April 8, 2009. DOS provided direct mailings to stakeholders through mailing lists that included approximately 700 individuals and organizations.

After the draft EIS was published, DOS held 21 comment meetings in the proposed Project vicinity between May and June 2010. DOS also received comments from the public on the draft EIS by phone, mail, fax, and web. Many commenters expressed concern relating to the protection of historic properties and the Section 106 consultation process. These comments were responded to and have been incorporated into Section 3.11 of the final EIS.

### **3.11.6 Unanticipated Discovery Plans**

Unanticipated Discovery Plans are plans approved by DOS for the proper response and treatment of any discoveries that are made during construction. Examples of this are human remains and other cultural

artifacts. The plans will be prepared for Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. They have been prepared in consultation with consulting parties including Indian tribes and agencies. The Applicant will implement these plans, with DOS oversight, in the event that unanticipated cultural materials or human remains are encountered during the construction phase of the proposed Project and will apply to federal, state, and private lands.

### **3.11.7 Monitoring Plans**

Monitoring plans describe how construction will be monitored for compliance with Section 106 of the NHPA. Monitoring plans have been prepared to assist in identifying and minimizing proposed Project effects on important cultural resources and would be implemented through the PA.

- An HTAM Plan was prepared to address archaeological issues and potential effects to the El Camino Real de los Tejas National Historic Trail. The first draft of the HTAM Plan was distributed for comment to consulting parties. The Final HTAM Plan is included as a confidential Appendix to the PA.
- A Tribal Monitoring Plan was also developed for the proposed Project and sent out for review in June 2010. Comments from tribes and agencies were incorporated into a second draft that was submitted to consulting parties for review on November 23, 2010. The Tribal Monitoring Plan is included as a confidential Appendix to the PA.

Both plans have been prepared in consultation with the consulting parties for the proposed Project that includes the SHPOs of the six states, Indian tribes, as well as state and federal agencies. The Applicant would implement these plans, with DOS oversight, in the event that unanticipated cultural materials or human remains are encountered during the construction phase of the proposed Project and will apply to federal, state, and private lands. These plans are stipulations of the PA.

### **3.11.8 Connected Actions**

DOS has consulted with ACHP concerning DOS responsibility under Section 106 of the NHPA in regards to the proposed electrical energy distribution lines that would provide the power to proposed Project pump stations. These lines would be designed and constructed by local power providers along the proposed Project corridor. DOS has also consulted with ACHP regarding the proposed Big Bend to Witten 230-kV transmission line that would be designed and constructed by a combination of Western and BEPC. As a result of these discussions, DOS as the lead federal agency for Section 106 has made a determination that its responsibility to ensure Section 106 compliance extends to the proposed distribution lines but not the Big Bend to Witten 230-kV transmission line. RUS is the lead federal agency for the Big Bend to Witten project and will assume Section 106 responsibilities and the potential development of a separate PA between RUS, BEPC and the LBST. These connected actions are progressing under different schedules than the proposed Project, and in many cases the alignments for the required facilities have not yet been firmly established and cultural resource surveys of the routes have not been conducted. The connected actions would also be covered under the PA that DOS and the consulting parties are developing for the proposed Project. This would ensure that identification, evaluation, and mitigation of historic properties would occur prior to construction of these connected actions.

#### **3.11.8.1 Power Distribution Lines and Substations**

The cultural resources information collected during surveys along electrical power distribution lines is presented in the State-by-State analyses (Section 3.11.3.1) for ease of reference. For those power distribution lines where the Applicant has selected a local power provider and preliminary distribution

line route selection has occurred, some surveys related to historic properties have been completed (Tables 3.11.3-1 through 3.11.3-6).

The work in each state that has been completed to date and the work that remains to be conducted include:

- In Montana, 169.95 miles of power distribution line have been surveyed to date;
- In South Dakota, 143.54 miles of power distribution line have been surveyed to date;
- In Nebraska, no power distribution lines have been surveyed to date;
- In Kansas, 4.07 miles of power distribution line have been surveyed to date;
- In Oklahoma, 5.4 miles of power distribution lines have been surveyed to date; and
- In Texas, no power distribution lines have been surveyed to date.

### **3.11.8.2 Big Bend to Witten 230-kV Transmission Line**

A proposed 230-kv electrical transmission line would cross the Lower Brule Sioux Reservation (LBSR). BIA would be responsible for supplying ARPA permits for archaeological investigations on LBSR land, while the BLM, Reclamation, and USACE would be responsible for supplying ARPA permits on their respective lands. An ARPA permit can be granted by BIA only if the respective tribe with jurisdiction over the land consents. Terms and conditions may be added to the permit by the jurisdictional tribe. Tribal conditional permits to conduct archaeological surveys on reservation lands may also be required by the tribe.

No cultural resource studies or historical property surveys specific to the proposed Big Bend to Witten 230-kV transmission line have been completed to date. A portion of the Big Bend to Witten 230-kV transmission line would cross the Reservation of the Lower Brule Sioux Tribe (LBST), and a new substation (Lower Brule Substation) that is a part of the transmission system would also be constructed on the reservation. BEPC has applied for funding through RUS. RUS is the lead federal agency for the Big Bend to Witten project and will assume Section 106 responsibilities and the potential development of a separate PA between RUS, BEPC and the LBST.

There are two conceptual alternative transmission corridors (A and B) that have been proposed at this time, and there are multiple potential routings within each of these corridors. Alternative corridor B has been developed by Western and BEPC with the cooperation of the LBST, and at this time is the favored corridor by all stakeholders. An additional and separate NEPA environmental review of the selected route and alternatives for the Big Bend to Witten 230-kV transmission line are currently being conducted. The design and environmental review of the proposed 230-kV transmission line are on a different schedule than the proposed Project itself. Regional transmission system reliability concerns are not associated with the initial operation of the proposed pump stations, but rather with later stages of proposed Project operation at higher levels of crude oil throughput.

### **3.11.8.3 Bakken Marketlink and Cushing Marketlink Projects**

Construction and operation of the Bakken Marketlink Project would include metering systems, three new storage tanks near Baker, Montana, and two new storage tanks within the boundaries of the proposed Cushing tank farm. Keystone reported that the property proposed for the Bakken Marketlink facilities near Pump Station 14 is currently used as pastureland and hayfields and that a survey of the property indicated that there were no cultural resources. DOS reviewed aerial photographs of the area and

confirmed the current use of the land. A site inspection by the DOS third-party contractor confirmed these findings. However, currently there is insufficient information to complete an assessment of potential cultural resources impacts of the Bakken Marketlink Project. Once Keystone Marketlink, LLC submits permit applications for the projects, the assessment of cultural resources would be conducted by other agencies.

The Cushing Marketlink project would be located within the boundaries of the proposed Cushing tank farm of the Keystone XL Project and would include metering systems and two storage tanks. As a result, the impacts of construction and operation of the Cushing Marketlink Project on cultural resources would be the same as potential impacts associated with construction and operation of the proposed Cushing tank farm described in this section.

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