

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. Cultural resources include spatially circumscribed areas of human activity, such as Pre-contact Native American archaeological sites, American farmsteads, or a district of historic buildings. For the purposes of the proposed Project, field studies to identify cultural resources have occurred and are continuing to 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 the Geology Section 3.1.

3.11.1 Section 106 National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA, 1966), as amended, requires the lead federal agency with jurisdiction over a federal undertaking (i.e., a project, activity, or program that is funded by a federal agency or that requires a federal permit, license, or approval) to consider impacts on historic properties before that undertaking occurs. A “historic property” is defined as any district, archeological site, building, structure, or object that is either listed, or eligible for listing, in the National Register of Historic Places (NRHP). Under this definition, other historic and archaeological resources may be present within a project’s Area of Potential Effect (APE) but are not historic properties if they do not meet the eligibility requirements for listing in the NRHP. For the purposes of this section, “historic resource” is a term that 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 impacts 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, applicants for federal assistance, local governments, and any other interested parties regarding the proposed undertaking and its potential impacts 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 impacts on those resources; and engaging in consultation that seeks ways to avoid, reduce, or mitigate any impacts on NRHP-listed or -eligible properties. Impacts 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, the 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 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 and ACHP to assess any potential impacts to historic properties and works with Keystone, the lead federal agency, ACHP, and Indian tribes to mitigate any negative impacts 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 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, the DOS invited Indian tribes and state and federal agencies by letter to become consulting parties for the proposed Project (undertaking) 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 by phone on March 18 and March 19, 2009.

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

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.”

The 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 Project and its potential effect on historic properties within the relevant tribal lands will be through the THPO. In the event that the tribe has not identified a THPO, as is the case of the Lower Brule Sioux Tribe (LBST), the lead federal agency is required to consult with both the SHPO and the Indian tribe’s designated cultural resource representative for any impacts on historic properties situated on the tribal lands. A 230-kV electrical transmission line, a connected action to the Project, is needed to ensure Western’s transmission system reliability based on pump station power demands would cross the Reservation of the LBST. The LBST cultural resource specialist and the South Dakota SHPO will be consulted concerning the Project and the connected actions.

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 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 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 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. As a part of Section 106 consultation, funding for TCP studies has been offered to every consulting tribe. Table 3.11.4-3 lists the Indian tribes who have responded to the funding offer. Several tribes are currently conducting studies of areas of cultural and religious value including TCPs. The DOS is consulting with Indian tribes to assist in determining the best ways to identify, evaluate, and mitigate impacts to these areas. The summary of this tribal consultation is in section 3.11.4.3.

3.11.1.2 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

The analysis in the draft 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 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.

3.11.1.3 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. A connected action, a 230-kv electrical transmission line would cross the Lower Brule Sioux Reservation. For the one reservation, BIA would be responsible for supplying ARPA permits for archaeological investigations, 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.

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. Unanticipated Discovery Plans shall be prepared for the states of Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to provide a clear process of notification and consultation.

3.11.2 Project Setting

3.11.2.1 Description

The proposed Project crosses Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Keystone is proposing to construct and operate a crude oil pipeline and related facilities from Hardisty, Alberta, Canada, to the Port Arthur and east Houston areas of Texas in the United States (U.S.). The Project will have a nominal capacity to deliver up to 900,000 barrels per day (bpd) of crude oil from an oil supply hub near Hardisty to existing terminals in Nederland near Port Arthur and Moore Junction in

Houston. The Project will consist of three new pipeline segments plus additional pumping capacity on the Cushing Extension Segment of the Keystone Pipeline Project (Keystone Cushing Extension). The Steele City Segment of the Project extends from Hardisty, Alberta southeast to Steele City, Nebraska. The Gulf Coast Segment extends from Cushing, Oklahoma south to Nederland, Texas. The Houston Lateral extends from the Gulf Coast Segment, in Liberty County, Texas southwest to Moore Junction, Harris County, near the Houston Ship Channel. In total, the Project will consist of approximately 1,702 miles of new, 36-inch-diameter pipeline, about 327 miles in Canada and 1,375 miles within the U.S. It will interconnect with the northern and southern terminus of the previously approved 298-mile-long, 36-inch-diameter Keystone Cushing Extension. The Project is planned to be placed into service in phases. The Gulf Coast Segment and the Houston Lateral are planned to be in service in 2011 and the Steele City Segment is planned to be in service in 2012 (Carpenter et al. 2008; Lawrence et al. 2008). Figure 1.1-1 provides the route of the pipeline through the affected states.

3.11.2.2 Project Area

The 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 of the draft EIS, therefore, summarizes the cultural resources aspects of the Project in relation to each individual affected state.

3.11.2.3 Area of Potential Effect

The 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 right-of-way (ROW) that will primarily be collocated along existing pipeline facilities/easements. Keystone will also retain a 50-foot-wide permanent ROW to accommodate other Project-related construction areas, such as pipeline operations and maintenance. The 300-foot wide corridor will allow for minor Project adjustments or route variations as they become known. Other areas that may lie outside of the pipeline construction ROW but that are considered a part of the Project APE include temporary work spaces, access roads, storage/warehouse yards, pump stations and valves, and associated electrical transmission/distribution lines. The electrical power distribution lines and the Lower Brule to Witten 230-kV transmission line are connected actions to the Project and are discussed further in Section 3.11.7. However, the results of surveys conducted for identification and mitigation of historic properties for the electrical power distribution lines and the transmission line are included for ease of reference in the State-by State Analysis (Section 3.11.3.1) Due to the nature of current Project planning, additional workspace areas may still be identified. Once they are identified, DOS will ensure that cultural resources surveys are conducted for these locations in consultation with the consulting parties. Table 3.11.2-1 describes the Project APE for the Project through each state and respective counties.

**TABLE 3.11.2-1
Area of Potential Effect for the Project Corridor by State**

State	Counties	Corridor Area of Potential Effect
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, 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, Pittsburg, and Potawottamie	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

The Montana portion of the Project is part of the Steele City Segment and would enter Montana at the Canadian border, extending through the state for approximately 282 miles to South Dakota. Within Montana, the pipeline would cross six counties: Dawson, Fallon, McCone, Phillips, Prairie, and Valley. SWCA Environmental Consultants (SWCA) was contracted on behalf of Keystone to perform the required cultural resources assessments within the state. Approximately 42.6 miles (15 percent) of the Project corridor in Montana crosses federally-owned land largely administered by the BLM and 19.1 miles (7 percent) of state lands which is administered by the Montana Department of Natural Resources and Conservation (MDNRC).

The SWCA draft Level III Cultural Resources Survey report was submitted to the Montana SHPO in 2008 to identify and evaluate resources and to provide recommendations concerning impacts stemming from the Project. The report describes background research and field efforts conducted within the Montana portion of the Project. Additional reports were submitted in 2009, describing background research and field efforts done as part of proposed route variations, access roads, pipe yards, and lay down areas. The reports 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.

Before beginning fieldwork, SWCA conducted a Class I file search prior to the Class III inventory of the proposed Project centerline and associated centerline route variations on April 14-18, 2008, and May 23, 2008, through the Montana SHPO Cultural Resources Annotated Bibliography System Report (CRABS) and the Cultural Resource Information Systems Report (CRIS) under SHPO Project Number 2008052306. An additional Class I file/record search was conducted at the BLM Miles City Field Office on April 23, 2008. The purpose of the file search was to identify previously recorded cultural resources and previously completed cultural resource investigations within a 3.2-kilometer (km)-wide (2-mile-wide) corridor centered on the proposed pipeline centerline, proposed access roads, and proposed power distribution line routes. The search also included a review of General Land Office (GLO) maps of the Project region from the late 1800s and early 1900s to identify locations of potential historic sites within the study area.

The file searches of the proposed pipeline route and environs identified 605 previous inventories, which documented 216 archaeological sites and historic structures. 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 on 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 on 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 access road routes identified 121 previously recorded archaeological sites and historic structures. 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 on the NRHP. Three of the historic structures are identified as eligible for listing on the NRHP. They include portions of three historic railroads (24FA0382, 24DW0426, 24VL0099).

The file searches along the proposed power distribution line routes identified 278 previously recorded archaeological sites and historic structures. Of these, 217 were Precontact archaeological sites, 25 were historic archaeological sites, 8 were multi-component sites, 3 did not have an identified time period, and 25 were historic structures. Fourteen 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 on the NRHP. Thirteen of the historic structures are identified as eligible for listing on 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).

South Dakota

The South Dakota portion of the Project is part of the Steele City Segment and would enter South Dakota from Montana, extending through the state for approximately 312.8 miles to Nebraska. Within South Dakota, the pipeline would cross eight counties: Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, and Tripp. SWCA was contracted on behalf of Keystone to perform the required cultural resources assessments within the state.

The SWCA draft Level III Cultural Resources Survey report was submitted to the South Dakota SHPO to simultaneously identify and evaluate resources as well as provide recommendations concerning impacts stemming from the Project. The report describes background research and field efforts conducted within the South Dakota portion of the Project in compliance with Section 106 requirements. The report is 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.

Before beginning fieldwork, SWCA conducted a file search on May 7 and 8, 2008, at the South Dakota State Archaeological Resource Center (SARC). The purpose of the file search was to identify previously recorded cultural resources and previously completed cultural resource investigations within a 3.2-kilometer (km)-wide (2-mile-wide) corridor centered on the proposed pipeline centerline. The search also included a review of GLO maps of the Project region from the late 1800s and early 1900s to identify locations of potential historic sites within the study corridor.

The file searches identified 52 previous inventories, which documented 49 archaeological sites and 15 historic structures along the proposed pipeline route. The 49 previously recorded archeological 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 the South Dakota SHPO 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 pipeline. 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 on the NRHP. However, three of the structures: two barns (TP00000010 and TP00000018) and one ranch (PE00000020) are eligible for listing on the NRHP.

Nebraska

The Project would enter Nebraska from South Dakota and would extend through the state for approximately 255.2 miles. The counties crossed would be Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson. The American Resources Group, Ltd. (ARG) was contracted on behalf of Keystone to perform the required cultural resources assessments within the state.

The ARG draft Level III Cultural Resources Survey report was submitted to the Nebraska SHPO to simultaneously identify and evaluate resources as well as provide recommendations concerning impacts stemming from the Project. The report describes background research and field efforts conducted within the Nebraska portion of the Project in compliance with Section 106 requirements. Three addendum reports with background research and field efforts for construction access roads, extra work spaces, and proposed route variations were also submitted. The reports 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.

For the initial report, ARG conducted a file search on April 11 and May 22, 2008 at the Nebraska State Historical Society (NSHS) in Lincoln, Nebraska. The purpose of the file search was to identify previously recorded cultural resources and previously completed cultural resource investigations within a 3.2-kilometer (km)-wide (2-mile-wide) corridor centered on the proposed pipeline centerline. A review of documented architectural sites was conducted at NSHS on April 22, 2008. The search also included a review of GLO maps, county histories, and historic maps and atlases to identify locations of potential historic sites within the study corridor.

The initial file search identified 60 previous inventories, which documented 57 archaeological sites and 220 historic structures near the proposed pipeline route. The 57 previously recorded archeological 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 on 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 on 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 on the NRHP. The school building, YK-00-183, is a Craftsman-style schoolhouse built in 1920.

Along with the literature review, ARG submitted its research design and methodology for cultural resources field studies to the Nebraska SHPO in April 2008 (Fink et al., 2008). The purpose of the research design was to present the methods ARG would use to assess the Project in Nebraska and identify historic properties. Approval of the research design was received from the Nebraska SHPO on May 27, 2008.

Kansas

The Kansas portion of the Project is part of the existing Keystone Cushing Extension beginning at Steele City, Nebraska, and extending to Cushing, Oklahoma. The Cushing Extension lateral pipeline enters Kansas from Jefferson County, Nebraska and extends through the state for approximately 210.36 miles. The counties crossed are: Washington, Clay, Dickinson, Marion, Butler, and Cowley. No new pipeline construction is planned within the Cushing Extension corridor, however, two new pump stations will be constructed.

Geo-Marine, Inc. and ARG were the companies contracted by Keystone to perform the required cultural resources background investigations and assessments within the state for the Project. Prior to commencing fieldwork, in March 2006, ARG submitted a research design to the SHPO that included a records review and plan to conduct field surveys for the Cushing Extension pipeline route in Kansas. The purpose of the research design was to present the field methods to be used to assess the Cushing Extension pipeline 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 pipeline 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.

Two pump station facilities will be located within the Kansas section of the Project corridor and two power distribution lines that serve the pumping stations are anticipated. The ARG draft Phase II Cultural Resources Survey report was submitted to the Kansas SHPO to simultaneously identify and evaluate resources as well as provide recommendations concerning impacts stemming from the Project. The report describes background research and field efforts conducted within the Kansas portion of the Project in compliance with Section 106 requirements. The report is 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.

Through their previous work in the APE, ARG identified one archaeological site within one of the proposed pipeline pump station locations. The site (14BU131), a historic period scatter, was recommended as not eligible for listing on the NRHP. Additional reports that include information about the power distribution lines are scheduled for submittal to DOS in December.

Oklahoma

The Oklahoma portion of the Project is part of the Gulf Coast Segment and ties into the Keystone Cushing Extension at Cushing, Oklahoma, and extends through the state for approximately 154.9 miles to

Texas. Within Oklahoma, the pipeline would cross 11 counties: Lincoln, Okfuskee, Creek, Seminole, Hughes, Coal, Atoka, Bryan, Grady, Pittsburg, and Pottawatomie. SWCA was contracted on behalf of Keystone to perform the required cultural resources assessments within the state.

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 impacts stemming from the Project. The report describes background research and field efforts conducted within the Oklahoma portion of the Project in compliance with Section 106 requirements. An additional report was submitted in 2009, describing background research and field efforts done as part of proposed route variations, access roads, pipe yards, and lay down areas. The reports 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.

Before beginning fieldwork, SWCA conducted background research in April and May, 2008. The research included sources 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 Archeological Research Laboratory. The purpose of the research was to identify previously recorded cultural resources and previously completed cultural resource investigations within a 3.2-kilometer (km)-wide (2-mile-wide) corridor centered on the proposed pipeline centerline. The search also included a review of GLO maps of the Project region from the late 1800s and early 1900s to identify locations of potential historic sites within the study corridor.

The file searches identified 80 previous inventories, which documented three archaeological sites and one historic structure within the proposed pipeline route. The Precontact archaeological site (34HU21), a lithic procurement site, was identified as not eligible for listing on the NRHP. Three historic sites include 34AT662, a farmstead; 34LN182, a collapsed residential building; and 34AT661, a historic farmstead; were determined as not eligible for listing in the NRHP.

Texas

The Project would enter Texas from Oklahoma on the Gulf Coast Segment and would extend through the state along the Gulf Coast Segment for approximately 323 miles, and along the Houston Lateral for 47.2 miles. The Texas portion of the Gulf Coast Segment begins in Fannin County approximately 3 miles northeast of Riverby, Texas, and crosses southeast across 16 counties from the Red River to a point between Port Neches and Nederland, Texas. These counties are Angelina, Cherokee, Delta, Fannin, Franklin, Hardin, Hopkins, Jefferson, Lamar, Liberty, Nacogdoches, Polk, Rusk, Smith, Upshur, and Wood counties. Approximately 89 percent of the Gulf Coast Segment in Texas parallels existing infrastructure and other easements, while 11 percent is not collocated. The proposed Houston Lateral parallels existing pipeline for most of the 47.2 mile route that crosses through Liberty, Chambers, and Harris counties. SWCA and HRA Gray & Pape (HRA G&P) was contracted on behalf of Keystone to perform the required cultural resources assessments within the state.

The SWCA and HRA G&P draft Cultural Resource Inventory reports were submitted to the Texas SHPO in 2008 to identify and evaluate resources as well as provide recommendations concerning impacts stemming from the Project. The report describes background research and field efforts conducted within

the Texas portion of the Project in compliance with Section 106 requirements. Additional reports were submitted in 2009, describing background research and field efforts done as part of proposed route variations, access roads, pipe yards, and lay down areas. The reports 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.

SWCA and HRA G&P conducted a Class I and Class III cultural resources inventory of the Texas section of the Gulf Coast Segment and the Houston Lateral of the proposed Project. Along with the literature review, ENSR submitted its research design and survey protocols for cultural resources field studies to the Texas Historical Commission (THC) or SHPO in May 2008. The purpose of the research design was to present the methods ENSR would use to assess the Project and identify historic properties. It was based on the results of the site file research and previous surveys. The procedures used to identify historic properties of cultural or religious importance to Indian tribes, including TCPs, are outlined in the discussion of the consultation process (see Section 3.11.4).

Additional survey protocols for this Project are currently being reviewed by DOS for compliance with 36 CFR Part 800 and Section 106 of the NHPA. The DOS considers the survey protocols acceptable for archaeological resources, but requires historic structures be assessed by an Architectural Historian within the APE of the project corridor. HRA G&P and SWCA prepared a site-location model for the survey area along the Gulf Coast Segment in Texas. This model focused on physiographic and other significant characteristics, such as distance to water, landform type, and soil type. The model was used to stratify the survey area into zones of probability for cultural resources. The Project’s protocols required field surveys in only the High Probability Areas (HPAs). All HPAs were field-verified and subject to 100 percent coverage. In addition, moderate-probability areas were ground-truthed. Consistent with THC standards, these field surveys consisted of a 100-percent surface survey of HPAs supplemented by shovel testing in an attempt to discover subsurface sites when ground surface visibility was less than or equal to 30 percent. Shovel testing was completed in all areas with potential for intact buried soils or cultural materials regardless of ground surface visibility. When areas with the potential for deeply buried soils or cultural materials (inclusive of alluvial, colluvial, or aeolian soils or a combination) were encountered, backhoe trenching was employed.

Before beginning fieldwork in Texas section of the Gulf Coast Segment and the Houston Lateral, ENSR reviewed the Texas Archaeological Research Library (TARL) site files at the University of Texas at Austin and online information from the THC’s Atlas for archaeological and historical sites. The purpose

of the research was to identify previously recorded cultural resources and previously completed cultural resource investigations within a 3.2-kilometer (km)-wide (2-mile-wide) corridor centered on the proposed pipeline centerline.

The file searches identified 29 previous inventories, which documented 215 archaeological sites, 57 cemeteries, and 14 historic markers in Texas section of the Gulf Coast Segment of the proposed pipeline route, and no cultural resources within the Houston Lateral. The 215 previously recorded archeological sites consisted of 109 Precontact sites, 91 historic sites (of which 56 are historic structures), and 15 sites containing both Precontact and historic components. None of the previously recorded sites within the 300-foot survey corridor have been determined eligible for listing on the NRHP, although one is a National Historic Trail. All of the 57 cemeteries are historic resources, which are typically not recorded as archaeological sites, but are protected under Texas state law.

During the pedestrian surveys, both HRA G&P and SWCA recorded Historic Standing Structures (HSSs) or historic architectural remnants on and immediately adjacent to the HPAs. Whenever possible, the approximate date of construction, rationale for the date assigned, architectural styles and function, building materials, techniques of construction, and construction sequence were recorded.

HSSs or historic architectural remnants were mapped using GPS points to capture the location, orientation, and size of the structure footprint. When appropriate, documentation included a sketched floor plan and site sketch maps drawn to-scale (including interior features where possible) of the major structure or remnants (e.g., houses, barns). In addition to sketch maps, photographs of each structure or structural remnant were taken to illustrate the general setting and inter-relationship among all cultural resources on-site. HRA G&P and SWCA completed a THC Historic Resources Survey Form for each HSS and historic site.

The DOS requires HSSs be recorded throughout the Project corridor, rather than only in or adjacent to HPAs. Survey reports will be submitted to DOS for review when work is completed.

3.11.3 NRHP Eligibility, Impacts, and Mitigation

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. Impacts 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. Impacts may include reasonably foreseeable impacts caused by the undertaking that 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 Project, the principal types of impacts that would occur include physical destruction or damage, to all or part of the property, caused by pipeline 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 pipeline construction 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 (BLM) and SHPO/THPO. If adverse impacts to the resource cannot be avoided, DOS will develop a Memorandum of Agreement (MOA) which includes a

mitigation plan in consultation. This will be reviewed by the consulting parties. 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 pipeline corridor or the location of proposed pipeline facilities. Avoidance can also be achieved by keeping construction activities away from NRHP-eligible properties, limiting the impact to existing demonstrated disturbance areas, or digging underneath the cultural deposits by boring or horizontal direct drilling (HDD). At least 30 days prior to construction commencing in the area, Keystone would be required to file with DOS the results of NRHP assessments, demonstrating that historic properties designated as unevaluated are not historic properties. Alternatively, Keystone must provide plans that detail the specific avoidance procedures to be implemented in order to avoid impact 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 Programmatic Agreement (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 pipeline or access road route variation or Project feature relocation

For each route variation or feature relocation, Keystone 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, Keystone would file with DOS a letter 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 Project.

(3) Avoidance through bore or HDD.

For each instance, Keystone 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, Keystone 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 pipeline in that area to ensure that accidental impacts do not occur to the property.

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

For each instance, Keystone 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 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 Project.

Short-term construction-related impacts would be mitigated by implementing measures such as the use of construction mats. If impacts 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

Montana

For the Level III Cultural Resource Inventory through July 2009, SWCA conducted a pedestrian survey of 270.4 miles of the total 284.3 miles of proposed pipeline, 116.7 miles of the total of 129 miles of access roads, 69.2 miles of the total of 137.7 miles of power distribution lines, and 699 acres of proposed ancillary facilities sites in Montana on the Steele City Segment. Through July 2009, SWCA identified 190 cultural resources during the cultural resource inventory in Montana, 124 in the Project corridor, 42 in the survey of proposed power distribution lines, 19 in the survey of proposed access roads, and 5 in the survey of ancillary facilities. Of those 190 cultural resources, 134 were archaeological sites, 15 were historic structures, and 41 were isolated finds.

Since the July 2009 report, additional cultural resource surveys have been conducted in Montana for proposed Project route alternatives, power distribution lines, and ancillary facilities. This field work resulted in the survey of an additional 21.36 miles of centerline, 6.09 miles of access road, 64.26 miles of power distribution lines, and 11 ancillary facilities.

In total, 31 sites and 22 isolated finds were recorded. The results of these surveys will be reported in the Addendum 3 report that will be submitted to DOS in December 2009. Based on preliminary information received by DOS from Keystone, Table 3.11.3-1 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS. Additional cultural resource surveys for Project pipeline corridor, power distribution lines, and ancillary facilities are scheduled for Spring 2010. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties.

Archaeological Sites

Of the 134 archaeological sites, 16 were previously recorded cultural resources and included 7 Precontact sites, 4 historic sites, 3 multi-component sites, and 2 sites that did not have an identified time period. Of the 118 archaeological sites identified during the survey, 74 were Precontact sites, 18 were historic sites, 4 were multi-component sites, and 22 were sites that did not have an identified time period. Of the 41 isolated finds recorded during the field survey, 29 were Precontact and 12 were historic.

Four of the previously recorded archeological sites and three of the newly identified archaeological sites in the Montana section have been recorded as eligible, and 119 additional sites are considered unevaluated. Avoidance is recommended for all eligible or unevaluated sites with the exception of a number of tipi rings and a historic trail discussed below. 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.

Thirty-nine of the sites (32 newly recorded and 7 previously recorded) remain unevaluated, but are considered potential properties of religious and cultural significance including TCPs and may be eligible for the NRHP. Keystone plans to avoid the thirty-nine sites, if possible. The DOS will consult Indian tribes about the significance of the sites and work to avoid any detrimental impacts to the resources.

Historic Structures

Of the total 190 cultural resources identified by SWCA during the cultural resource inventory, 15 were historic structures. Five were previously recorded historic structures and included railways, homesteads, and canals. Eight of the structures have been recorded as eligible and two of the structures are unevaluated. Avoidance is recommended for all eligible or unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties.

Historic Trail

The proposed Project route crosses the LCNHT at two locations. Cultural resource investigations conducted in the vicinity of the trail did not identify any resources associated with the LCNHT. DOS is committed to working with NPS to evaluate the segments of the trail that cross the Project corridor for NRHP eligibility, and if eligible (or contributing to the trail’s larger significance as a district), the DOS will avoid or mitigate any short or long-term impacts to the resources. Site forms for the LCNHT have not been prepared by Keystone. DOS is requiring that historic property site forms be completed for the trail for the segments that cross the Project APE so that they can be evaluated for the NRHP. Additional information concerning resources associated with the trail and potential Project impacts to the LCNHT will be submitted by Keystone.

Stone Circle Sites (Tipi Rings)

The Project APE contains several 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 Project. The DOS will continue to work with the Indian tribes, BLM, MT SHPO, and Keystone to avoid or treat sites that will be adversely affected by the Project. To facilitate this process DOS will develop an MOA with the consulting parties. The DOS has also met with the Blackfeet and Chippewa-Cree tribes along the project route in Montana to look at and discuss stone circle sites, identify avoidance options, and to describe Project effects.

TABLE 3.11.3-1 Archaeological Sites and Historic Structures Identified in Montana					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24DW289	Previously recorded Historic canal	Eligible, contributing segment	Eligible, contributing segment	Avoided by Bore*	Pending
24DW419	Previously recorded Historic railroad	Eligible, contributing segment	Eligible	Avoided by Bore*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24DW426	Previously recorded Historic railroad	Eligible, contributing segment	Eligible, contributing segment	Avoided by Bore*	Pending
24DW0524	Historic transportation corridor	Not Eligible	Not Eligible	No Further Work	Concur
24DW0525	Historic homestead	Unevaluated	Unevaluated	Avoidance	Pending
24DW0530	Historic homestead	Not Eligible	Not Eligible	No Further Work	Pending
24DW0531	Historic homestead	Not Eligible	Not Eligible	No Further Work	Pending
C001DA001*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001DA002*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001DA003*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C57DA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C57DA002	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C57DA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C57DA005	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C57DA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
C82DA002*	Historic isolate*	Not Eligible*	Unevaluated*	Avoided*	Pending*
C001FA002*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001FA003*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001FA004*	Isolated find*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
24FA382	Previously recorded Historic railroad	Eligible, contributing segment	Eligible, contributing segment	Fencing, Monitoring, or Avoidance	Pending
24FA0749	Historic pump house	Not Eligible	Not Eligible	Avoided*	Concur
24FA0750	Precontact lithic scatter and possible pronghorn processing locale	Unevaluated	Unevaluated	Avoided*	Pending
24FA0751	Historic debris scatter	Not Eligible	Not Eligible	No Further Work	Concur
24FA0752	Historic artifact scatter	Not Eligible	Not Eligible	Avoided*	Concur
24FA0753	Historic railroad grade	Not Eligible	Not Eligible	Avoided*	Pending
24FA0754	Historic debris scatter	Not Eligible	Not Eligible	Avoided*	Concur
24FA0755	Precontact stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24FA0756	Historic berm/dam	Not Eligible	Not Eligible	Avoided*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
C001FA001*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001FA005*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001FA006*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001FA007*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C57FA003	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C57FA004	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
C57FA006	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C58FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C58FA002	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C58FA003	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C58FA004	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C58FA005	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C210FA001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C001MC001*	Historic Isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001MC002*	Roadbed*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C001MC003*	Prehistoric isolate	Not Eligible	Unevaluated*	No Further Work*	Pending*
C002MC001*	Stone Cairns*	Potentially Eligible*	Unevaluated*	Avoidance*	Pending*
24MC0257 (multiple segments)	Previously recorded Historic railroad	Previously recorded Eligible, segment within APE contributing	Not Eligible	Avoided by Bore*	Pending
24MC0461	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0462	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0463	Precontact stone feature and lithic scatter	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0464	Historic homestead	Unevaluated	Unevaluated	Avoided*	Pending
24MC0465	Precontact stone feature and lithic scatter	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0466	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0467	Precontact stone alignment and lithic scatter	Potentially Eligible	Unevaluated	Avoided/Fence and Monitor*	Pending
24MC0468	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24MC0469	Historic boxcar structure	Unevaluated	Unevaluated	Avoided*	Pending
24MC0476	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24MC0477 (multiple segments)	Historic road	Not Eligible	Not Eligible	No Further Work	Pending
24MC0478	Historic ranch complex	Unevaluated	Unevaluated	Avoidance	Pending
C54MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C56MC006	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C56MC007	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C56MC009	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C82MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C210MC001	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
24PE0720	Historic farmstead	Unevaluated	Unevaluated	Avoided*	Pending
24PE0721	Historic homestead	Unevaluated	Unevaluated	Avoided*	Pending
24PE0723	Historic ranch complex	Unevaluated	Unevaluated	Avoidance	Pending
C001PH001*	Cairn*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C001PH002*	Homestead*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C001PH003*	Stone Circle, Cairn/Depression, Artifact Scatter*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C001PH004*	Stone Feature*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C001PH005*	Stone Circle*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C002PH001*	Homestead*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C002PH002*	Stone Circle*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C002PH003*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C002PH004*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C002PH005*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C002PH006*	Stone Circle*	Potentially Eligible*	Unevaluated*	No Further Work*	Pending*
C002PH008*	Stone Circle*	Unevaluated*	Unevaluated*	Avoided*	Pending*

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24PH3462*	Cairn*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C002PH009*	Stone Circle*	Unevaluated*	Unevaluated*	Avoided*	Pending*
C002PH010*	Stone Circle*	Unevaluated*	Unevaluated*	Avoided*	Pending*
C002PH011*	Stone Circle*	Unevaluated*	Unevaluated*	Avoided*	Pending*
24PH008/ 1781/1801	Previously recorded Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH0037	Previously recorded Undated stone cairn and depression	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH1759	Previously recorded Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH1790	Previously recorded Historic rock cairns/ depression/artifact scatter	Unevaluated	Unevaluated	Avoided*	Pending
24PH1805	Previously recorded Historic homestead	Unevaluated	Unevaluated	Avoidance	Pending
24PH3008	Historic railroad grade	Eligible	Eligible	Avoidance	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	Unevaluated	Avoided*	Pending
24PH4160	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4161	Undated rock cairns	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4162	Precontact/Historic stone features	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4163	Precontact stone circle and rock cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4164	Undated rock cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4165	Undated rock cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4166	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4168	Precontact stone	Potentially Eligible	Unevaluated	Avoidance	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
	circle				
24PH4169	Historic artifact scatter / Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4218	Previously recorded Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4219	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4220	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4221	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	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	Avoidance	Pending
24PH4226	Historic artifact scatter / Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4227	Historic debris scatter	Not Eligible	Not Eligible	No Further Work	Pending
24PH4228	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4229	Precontact stone feature and lithic scatter	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4230	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4231	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4232	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4233	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4234	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4235	Precontact stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4236	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24PH4237	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4238	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24PH4239	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	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	Unevaluated	Avoided*	Pending
24PH4266	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4267	Historic farmstead	Eligible	Eligible	Avoidance	Pending
24PH4268	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24PH4269	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
C54PH002	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C63PH006	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C84PH002	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
C84PH003	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
C83PH007	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending
C001PR002*	Precontact isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001PR003*	Homestead*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001PR004*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001PR005*	Prehistoric isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001PR006*	Homestead*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C001PR007*	Prehistoric/historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001PR008*	Historic isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C58PR002	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
C58PR003	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C58PR004	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C58PR005	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C58PR006	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C001VA001*	Stone Circle*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C001VA002*	Homestead*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001VA003*	Road*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C001VA004*	Stone Circle*	Not Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C001VA005*	Historic railroad bed*	Unevaluated*	Unevaluated*	Bore, Fence, and Monitor	Pending*
C002VA001*	Railroad grade*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C002VA002*	Foundation and Depression*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C002VA003*	Dump*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
C002VA004*	Homestead*	Unevaluated*	Unevaluated*	Avoidance*	Pending*
C002VA005*	Stone Circle*	Potentially Eligible*	Unevaluated*	Avoidance, Native American Consultation*	Pending*
C002VA006*	Stone Circle*	Potentially Eligible*	Unevaluated*	Avoided*	Pending*
C002VA207*	Isolate*	Not Eligible*	Unevaluated*	No Further Work*	Pending*
24VL0041*	Homestead*	Eligible*	Unevaluated*	Avoidance*	Pending*
24VL0099-6*	Railroad grade*	Eligible*	Unevaluated*	Avoidance*	Pending*
24VL99	Previously recorded Historic railroad	Eligible, contributing segment	Unevaluated	Avoid by Bore*	Pending
24VL805	Previously recorded Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL962	Previously recorded Precontact/Historic stone feature site, lithic scatter, historic artifact scatter	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL972	Previously recorded Precontact/Historic stone circle and cairn, historic fence line	Potentially Eligible	Unevaluated	Avoidance	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24VL979	Historic homestead	Eligible	Eligible	Avoidance	Pending
24VL1194	Previously recorded Historic canal	Eligible	Eligible	Avoid by Bore*	Pending
24VL1269/ 24VL1274	Previously recorded Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1273	Previously recorded Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1298	Previously recorded Historic homestead / Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1628	Previously recorded Historic Railroad	Eligible, Non-contributing segment	Eligible, Non-contributing segment	No Further Work	Concur
24VL1700	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1712	Previously recorded Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1889	Historic canal	Not Eligible	Not Eligible	No Further Work	Concur
24VL1890	Historic artifact scatter	Not Eligible	Not Eligible	Avoided*	Concur
24VL1891	Precontact stone circle and cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1892	Historic artifact scatter	Not Eligible	Not Eligible	No Further Work	Concur
24VL1893	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1894	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1895	Precontact stone circle, cairn, lithic scatter	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1896	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1897	Historic animal pen	Not Eligible	Not Eligible	Avoided*	Concur
24VL1898	Historic stone alignment	Not Eligible	Not Eligible	Avoided*	Concur
24VL1899	Precontact stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1900	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
24VL1901	Historic fence line and associated debris	Not Eligible	Not Eligible	No Further Work	Concur
24VL1902	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1903	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1904	Precontact stone circle and cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1905	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1906	Undated stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1908	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1909	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1910	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1911	Undated rock cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1912	Historic homestead	Potentially Eligible	Unevaluated	Avoided*	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	Avoidance	Pending
24VL1919	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1920	Historic artifact scatter	Unevaluated	Unevaluated	Avoidance	Pending
24VL1921	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1922	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1923	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1924	Precontact stone	Potentially Eligible	Unevaluated	Avoided*	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
	cairn				
24VL1925	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1926	Historic homestead	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1927	Historic homestead	Unevaluated	Unevaluated	Avoided*	Pending
24VL1928	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1929	Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1930	Undated stone cairn	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1931	Undated stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1932	Historic fence line	Not Eligible	Not Eligible	Avoided*	Pending
24VL1933	Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1934	Precontact stone circle	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1935	Historic debris scatter / Precontact stone feature	Potentially Eligible	Unevaluated	Avoided*	Pending
24VL1936	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1937	Precontact stone feature	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1938	Historic ranch complex	Unevaluated	Unevaluated	Avoidance	Pending
24VL1939	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1940	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
24VL1941	Undated stone cairn	Potentially Eligible	Unevaluated	Avoidance	Pending
24VL1942	Historic artifact scatter / Precontact stone circle	Potentially Eligible	Unevaluated	Avoidance	Pending
C55VA002	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C63VA003	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C55VA005	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C55VA006	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C55VA007	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C54VA008	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
C55VA013	Precontact isolate	Not Eligible	Not Eligible	No Further Work	Pending

**TABLE 3.11.3-1
Archaeological Sites and Historic Structures Identified in Montana**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Montana SHPO/THPO Concurrence with DOS Finding
C54VA006	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C55VA009	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C55VA001	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C66VA001	Historic isolate	Not Eligible	Not Eligible	Avoided*	Pending
C69VA001	Precontact isolate	Not Eligible	Not Eligible	Avoided*	Pending
C82VA002	Historic isolate	Not Eligible	Not Eligible	No Further Work	Pending
Lewis and Clark National Historic Trail			Unevaluated	Site form needed for evaluation	

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

As of July 2009, there are 13.9 miles of the pipeline corridor, 12.3 miles of access roads, and 68.5 miles of power distribution lines in Montana that need to be surveyed for historic properties at this time because of a lack of owner permission. Once owner permission is obtained, the remaining areas will be surveyed and documented in future reports. The cultural resources surveys for Project route variations, gap analysis, and extra work spaces will be documented in future reports. Upon receipt, the DOS will review these reports consistent with 36 CFR Part 800.

South Dakota

For the Level III Cultural Resource Inventory through July 2009, SWCA conducted a pedestrian survey of 257.7 miles of the total 312.3 miles of proposed pipeline, 22.3 miles of the total of 38.9 miles of access roads, 103.2 miles of the total of 106.7 miles of power distribution lines, and 308 acres of proposed ancillary facilities sites in the South Dakota section of the Steele City Segment. The remaining 54.6 miles of proposed pipeline, 16.6 miles of access roads, and 3.5 miles of power distribution lines could not be accessed mostly due to a lack of landowner permission. Through July 2009, SWCA identified 71 cultural resources during the cultural resource inventory in South Dakota, 40 in the Project corridor, 26 in the survey of proposed power distribution lines, and 5 in the survey of proposed access roads. Of those 71 cultural resources, 31 were archaeological sites, 9 were historic structures, and 31 were isolated finds.

Since the July 2009 report (Addendum 2), two rounds of archaeological survey have been completed in South Dakota. This field effort resulted in the survey of 69.68 miles of centerline, 5.92 miles of access road, 71.54 miles of power distribution line, and 20 ancillary facilities. In total, 18 sites and 13 isolated finds were recorded. Based on preliminary information received by DOS from Keystone, Table 3.11.3-2 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS.

The results of the new survey will be reported in the Addendum 3 report and will be submitted to the DOS in December 2009. Additional cultural resource surveys within the Project APE (pipeline corridor,

power distribution lines, and ancillary facilities) are planned for Spring 2010. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties.

Archaeological Sites

In total, SWCA identified 71 cultural resources in South Dakota during the cultural resource inventory, of which 31 were archaeological sites. There were no previously recorded archaeological sites. Of the 31 archaeological resources identified during the survey, 3 were Precontact sites, 18 were historic, 6 were multi-component sites, and 4 did not have an identified time period. Of the 31 isolated finds recorded during the field survey, 13 were precontact and 18 were historic.

Two of the newly identified archaeological sites in the South Dakota section have been recorded as eligible, and 12 additional sites are considered unevaluated. 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 for listing in the NRHP.

Historic Structures

Of the 71 cultural resources identified in South Dakota during the cultural resource inventory, nine are historic structures. One structure is listed in the NRHP (PE00000020) and five structures are eligible for the NRHP (39GR0165, 39GR0169, 39JN0051, 39JN2007 and 39TP0063). One structure is unevaluated (LM009), and the remainder are not eligible. Avoidance is recommended for all eligible and unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties.

TABLE 3.11.3-2 Archaeological Sites and Historic Structures Identified in South Dakota					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Required by Keystone	South Dakota SHPO /THPO Concurrence with DOS Finding
39BU0039	Precontact stone circle	Potentially eligible	Unevaluated	Avoided	Pending
39BU0447	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39BU0448	Historic artifact scatter / Precontact isolate	Unevaluated	Unevaluated	Avoidance	Pending
39BU0449	Undated Stone Cairn	Potentially eligible	Unevaluated	Avoided, Fence, and Monitor	Pending
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
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	Concur

**TABLE 3.11.3-2
Archaeological Sites and Historic Structures Identified in South Dakota**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Required by Keystone	South Dakota SHPO /THPO Concurrence with DOS Finding
39GR0166	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
39GR0167	Historic isolate	Not eligible	Not eligible	No further work	Concur
39GR0168	Historic farmstead	Not eligible	Not eligible	No further work	Pending
39GR0169	Historic farmstead	Eligible	Eligible	Avoidance	Concur
39GR0170	Historic foundation and artifact scatter	Not eligible	Not eligible	No further work	Concur
39GR0171	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
39GR0172	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
39GR0173	Precontact isolate	Not eligible	Not eligible	No further work	Concur
39HK0136	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39HK0137	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39HK0138	Historic homestead	Unevaluated	Unevaluated	Avoidance	Pending
39HK0139	Historic well and artifact scatter	Not eligible	Not eligible	No further work	Concur
39HK0140	Historic farmstead	Not eligible	Not eligible	No further work	Pending
39HK0141	Historic trash dump	Unevaluated	Unevaluated	Avoidance	Pending
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	Avoided	Concur
39HN1078	Undated Stone Cairn	Potentially eligible	Unevaluated	Avoided	Pending
39HN1079	Undated Stone Cairn	Potentially eligible	Unevaluated	Avoided	Pending
39HN1080	Precontact stone features	Potentially eligible	Unevaluated	Avoided	Pending
39HN1081	Historic artifact scatter / Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39HN1082	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39HN1083	Historic isolate / Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39JN0050	Historic stock pond and trash scatter	Not eligible	Not eligible	No further work	Concur
39JN0051	Historic farm/ranch	Eligible	Eligible	Avoided, Fence and Monitor	Pending
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

**TABLE 3.11.3-2
Archaeological Sites and Historic Structures Identified in South Dakota**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Required by Keystone	South Dakota SHPO /THPO Concurrence with DOS Finding
39JN0055	Historic isolate	Not eligible	Not eligible	No further work	Concur
39JN0056	Historic farmstead / Precontact isolate	Not eligible	Not eligible	No further work	Pending
39JN0057	Historic isolate	Not eligible	Not eligible	No further work	Concur
39JN2007	Previously recorded Historic railroad	Eligible	Eligible	Boring / monitoring	Concur
39LM009	Historic farmstead	Unevaluated	Unevaluated	Avoidance	Pending
39LM0518	Historic trash scatter	Not eligible	Not eligible	No further work	Concur
39LM0519	Historic burial place	Eligible	Eligible	Avoided	Concur
39MD0820	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39MD0821	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39MD0822	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39MD0823	Precontact lithic scatter	Not eligible	Not eligible	Avoided	Concur
39MD0824	Historic artifact scatter	Not eligible	Not eligible	Avoided	Concur
39MD0825	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39MD0826	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39MD0827	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39MD0834	Historic isolate / Precontact isolate	Not eligible	Not eligible	No further work	Concur
39MD0835	Historic artifact scatter	Eligible	Eligible	Avoidance	Concur
39PE0398	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39PE0399	Historic isolate	Not eligible	Not eligible	No further work	Concur
39PE0400	Undated rock alignment	Not eligible	Not eligible	TBD	Additional work requested
39PE0402	Historic artifact scatter	Unevaluated	Unevaluated	Avoided	Pending
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
PE00000020	Previously recorded Historic homestead	Listed in NR	Listed in NR	Avoided	Concur
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	Avoided	Concur

**TABLE 3.11.3-2
Archaeological Sites and Historic Structures Identified in South Dakota**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Required by Keystone	South Dakota SHPO /THPO Concurrence with DOS Finding
39TP0059	Historic isolate	Not eligible	Not eligible	Avoided	Concur
39TP0060	Historic isolate	Not eligible	Not eligible	No further work	Concur
39TR0061	Historic isolate	Not eligible	Not eligible	No further work	Concur
39TP0062	Precontact isolate	Not eligible	Not eligible	Avoided	Concur
39TP0063	Historic farmstead	Eligible	Eligible	Avoidance	Concur
C-Bravo-HA004*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA002*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA001*	Historic Depressions and artifact scatter*	Not eligible*	Pending*	No further work*	Pending*
C-Bravo-HA003*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Bravo-HA001*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Bravo-HA002*	Historic rock art*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA003*	Historic isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA004*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Bravo-HA005*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA006*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA007*	Historic artifact Scatter*	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA008	Precontact isolated find	Not eligible*	Pending*	No further work*	Pending*
C-Alpha-HA010*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C-Bravo-HA007*	Precontact isolated find*	No eligible*	Pending*	No further work*	Pending*
C-Bravo-HA006*	Stone Cairn*	Potentially eligible*	Pending*	Avoided*	Pending*
C-Bravo-HA006*	Stone Cairn*	Potentially eligible*	Pending*	Avoided*	Pending*
C-Alpha-HA009*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C003ME001*	Grave*	Not eligible*	Pending*	No further work*	Pending*
C001ME001*	Schoolhouse (Standing)	Eligible*	Pending*	Avoided, fence, & monitor*	Pending*

**TABLE 3.11.3-2
Archaeological Sites and Historic Structures Identified in South Dakota**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Required by Keystone	South Dakota SHPO /THPO Concurrence with DOS Finding
	Structure)*				
C001HN002*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C002HA002*	Homestead*	Not eligible*	Pending*	No further work*	Pending*
C002HA001*	Cairn*	Unevaluated*	Pending*	Avoid/Additional Consultation*	Pending*
C001HN001*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C001PE002	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C002PE003*	Homestead*	Not eligible*	Pending*	No further work*	Pending*
C002HA003*	Homestead*	Unevaluated*	Pending*	No further work*	Pending*
39HN0998*	Precontact artifact scatter*	Unevaluated*	Pending*	Span power distribution lines over resource, no ground disturbance*	Pending*
C002PE002*	Homestead*	Eligible*	Pending*	Span power distribution lines over resource, no ground disturbance*	Pending*
C002PE001*	Cairn*	Unevaluated*	Pending*	Avoid/Additional Consultation*	Pending*
C003TR002*	Historic isolated find*	Not eligible*	Pending*	No further work*	Pending*
C003TR003*	Historic artifact scatter*	Not eligible*	Pending*	No further work*	Pending*
C003TR001*	Historic isolated find*	Not eligible*	Pending*	No further work*	Pending*
C003TR004*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C001PE001*	Precontact isolated find*	Not eligible*	Pending*	No further work*	Pending*
C002HA004*	Cairn*	Unevaluated*	Pending*	Avoided*	Pending*

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

As of July 2009, there are 54.6 miles of the pipeline corridor, 16.6 miles of access roads, and 3.5 miles of power distribution lines in South Dakota that need to be surveyed for historic properties at this time because of a lack of owner permission. Once owner permission is obtained, the remaining areas of the corridor will be surveyed and documented in future reports. The cultural resources surveys for Project

route variations, gap analysis, and extra work spaces are anticipated and will be documented in future reports. Upon receipt, the DOS will review these reports consistent with 36 CFR Part 800.

Nebraska

For the Phase I Cultural Resources Survey through July 2009, ARG conducted a pedestrian survey of 239.67 miles of the total 250.3 miles of proposed pipeline, 8.9 miles of the total 11.77 miles of access roads, 521.7 acres of the total 665.42 acres of proposed ancillary facilities sites in the Nebraska section of the Steele City Segment. The remaining 10.63 miles of pipeline corridor, 2.87 miles of access roads, and 143.72 acres of proposed ancillary facilities sites could not be accessed mostly due to a lack of landowner permission.

In total, ARG identified 68 cultural resources during the cultural resource inventory, 55 in the Project corridor, 4 in the survey of proposed access roads, 6 in the survey of ancillary facilities, and 3 in the survey of 43 backhoe trenches. Of those 68 cultural resources, 50 were archaeological sites, 17 were historic structures, and one was an isolated find.

Since July 2009, a new Project centerline was issued and an additional 11.2 miles of the Project corridor was surveyed. In addition, two access roads, two staging areas, four pump stations, five contractor yards, four pipe yards, and a tank farm were surveyed. This new survey identified seven sites and three architectural resources. The report containing information on these resources has not been submitted for review. Submittal is anticipated in December 2009. Additional cultural resource surveys of Project centerline (11.73 miles), an access road (1.05 miles), and six ancillary facilities (182.4 acres) are scheduled for Spring 2010. Based on preliminary information received by DOS from Keystone, Table 3.11.3-3 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties.

Archaeological Sites

No previously recorded archaeological resources were located in the proposed Project area. Of the 50 resources identified during the survey, 9 were precontact sites and 41 were historic sites. The one recorded isolated find is historic.

One of the historic sites (25HM25) is possibly associated with a Pawnee Indian burial ground and may be protected under Nebraska's Unmarked Human Burial Law. The site will be avoided during construction activities. Seven archaeological sites are considered unevaluated. 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 for listing in the NRHP.

Historic Structures

Of the 68 cultural resources identified by ARG during the cultural resource inventory, 17 were historic structures, including 8 farmsteads, 4 roads, 4 railroads, and a canal. Two of the resources are unevaluated for listing in the National Register, 25BO54 and 25MK20, both historic farmsteads. 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 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 Project APE have been surveyed but no cultural resources associated with the trails have been identified. DOS is requiring that historic property site forms be completed for these trails for the segments that cross the Project APE so that they can be evaluated for the NRHP. DOS is committed to working with NPS to identify and avoid or mitigate any detrimental impacts to historic trails. Additional information concerning the trail segments will be submitted by Keystone. LIDAR imagery, shallow trenching, and magnetometers may be used to pinpoint the location of the trail in the APE. These trails are listed in the table below as unevaluated until additional information is received from Keystone.

TABLE 3.11.3-3 Archaeological Sites and Historic Structures Identified in Nebraska					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Eligibility Determination by DOS	Action Recommended by Keystone	Nebraska SHPO/THPO Concurrence with DOS Finding
25BO54	Historic farmstead/rural household	Potentially Eligible	Unevaluated	Avoid by Route Variation*	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	Pending
25GF16	Historic isolate	Not eligible	Not Eligible	No further work	Pending
25GY51	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
25GY52	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
25HM24	Precontact limited activity site	Not eligible	Not Eligible	No further work	Pending
25HM25	Historic burial ground	Not eligible	Not Eligible	Avoid by Route Variation*	Consultation with Pawnee Tribe recommended
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

**TABLE 3.11.3-3
Archaeological Sites and Historic Structures Identified in Nebraska**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Eligibility Determination by DOS	Action Recommended by Keystone	Nebraska SHPO/THPO Concurrence with DOS Finding
25HM31	Historic dump	Not eligible	Not Eligible	No further work	Pending
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
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	Pending
25JF51	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
25JF52	Precontact field camp	Potentially Eligible	Unevaluated	Avoid by Route Variation*	Pending
25JF53	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
25JF54	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
25KP150	Precontact field camp	Potentially Eligible	Unevaluated	Avoid by Route Variation*	Pending
25KP151	Precontact field camp	Potentially Eligible	Unevaluated	Avoid by Route Variation*	Pending
25KP339*	Historic dump*	Not eligible*	Unevaluated*	Pending*	Pending*
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	Avoid by Route Variation*	Pending
25MK21	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending

**TABLE 3.11.3-3
Archaeological Sites and Historic Structures Identified in Nebraska**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Eligibility Determination by DOS	Action Recommended by Keystone	Nebraska SHPO/THPO Concurrence with DOS Finding
25MK22*	Historic railroad bed*	Not eligible*	Unevaluated*	Pending*	Pending*
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*	Unevaluated*	Avoid by Bore*	Pending*
25SA86	Precontact limited activity site	Not eligible	Not Eligible	No further work	Concur
25SA87	Historic farmstead	Not eligible	Not Eligible	No further work	Concur
25SA88	Historic railroad bed	Not eligible	Not Eligible	No further work	Concur
25SA89*	Historic farmstead	Not eligible*	Unevaluated*	Pending*	Pending*
25YK17	Precontact field camp	Potentially Eligible	Unevaluated	Avoid by Route Variation*	Pending
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	Pending
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	Pending
25YK29	Historic farm outbuilding /activity area	Not eligible	Not Eligible	No further work	Pending
25YK30	Historic farm outbuilding /activity area	Not eligible	Not Eligible	No further work	Pending
25YK31	Historic farmstead/rural	Not eligible	Not Eligible	No further work	Pending

**TABLE 3.11.3-3
Archaeological Sites and Historic Structures Identified in Nebraska**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Eligibility Determination by DOS	Action Recommended by Keystone	Nebraska SHPO/THPO Concurrence with DOS Finding
	household				
25WH4	Historic farmstead	Not eligible	Not Eligible	No further work	Concur
25WH5	Historic farmstead/rural household	Not eligible	Not Eligible	No further work	Pending
C203GR002AP	Historic building	Not eligible	Not Eligible	No further work	Pending
C201JE003AP*	Historic farmstead	Not eligible*	Unevaluated*	Pending*	Pending*
C201JE004AP*	Historic farmstead	Not eligible*	Unevaluated*	Pending*	Pending*
C201JE005AP*	Historic farmstead	Not eligible*	Unevaluated*	Pending*	Pending*
C203JE003AP	Historic buildings	Not eligible	Not Eligible	No further work	Pending
C203JE004AP	Historic buildings	Not eligible	Not Eligible	No further work	Pending
C203JE005AP	Historic buildings	Not eligible	Not Eligible	No further work	Pending
NA00-042*	Historic building*	Not eligible*	Unevaluated*	Pending*	Pending*
	Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails		Unevaluated	Site forms to be prepared by Keystone	

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

As of July 2009, there are 10.63 miles of the pipeline corridor, 2.87 miles of access roads, and 143.72 acres of ancillary facilities in Nebraska that need to be surveyed for historic properties at this time because of a lack of owner permission. Once owner permission is obtained, the remaining areas of the corridor will be surveyed and documented in future reports. The cultural resources surveys for Project route variations, gap analysis, and extra work spaces are anticipated and will be documented in future reports. Upon receipt, the DOS will review these reports consistent with 36 CFR Part 800.

Kansas

Keystone contracted ARG to conduct background research and field inventory for two Project pump stations (PS-27 and PS-29) and power distribution lines that would serve the pump stations. Through July 2009, no new sites were identified.

Since the July 2009 report, an additional site was identified during a survey of power distribution lines. Based on preliminary information received by DOS from Keystone, Table 3.11.3-4 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS. An additional survey of 0.54 mile segment of the 4.61 mile power distribution line (noted above) and another 11.2 mile power distribution line are planned for the Spring 2010 and will

be submitted to DOS for review once they are completed. This report will be reviewed by DOS and then forwarded to the applicable consulting parties.

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 on the National Register. An additional site (C230CY001) has also been identified during a survey of a 4.61 mile power distribution line and recommended as not eligible for the NRHP by Keystone.

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, the DOS will work with NPS to identify and avoid or mitigate any detrimental impacts to the resource.

TABLE 3.11.3-4 Archaeological Sites and Historic Structures Identified in Kansas					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Kansas SHPO /THPO Concurrence with DOS Finding
14BU131	Previously recorded historic artifact scatter	Not eligible	Not eligible	No further work	Concur
C230CY001	Historic railroad bed*	Not eligible*	Unevaluated*	Pending*	Pending*

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

Oklahoma

For the cultural resource inventory conducted through July 2009, SWCA conducted a pedestrian survey of 155.13 miles of the total 155.42 miles of proposed pipeline in the Oklahoma section of the Gulf Coast Segment. The remaining 0.29 miles of survey area could not be accessed mostly due to a lack of landowner permission. No inventories have been conducted on proposed access roads, power distribution lines, or ancillary facilities, but reports on these inventories are anticipated. The inventory also included 61 backhoe trenches at eight stream crossings and 2,830 shovel tests within the survey area. In total through July 2009, SWCA identified 81 cultural resources during the cultural resource inventory of the proposed pipeline of the Gulf Coast Segment in Oklahoma. Of those 81 cultural resources, 41 were archaeological sites, 22 were historic structures, and 18 were isolated finds.

Since the July 2009 report, additional cultural resource surveys have been conducted in Oklahoma for proposed route variations, auxiliary facilities, pump stations, power distribution lines, temporary work stations and access roads. This field work resulted in the survey of an additional 7.61 miles of route

variations, 645.72 acres of auxiliary facilities, 17.25 acres of pump stations, 5.375 miles of power distribution lines, 7.36 acres of temporary work stations, and 9 miles of access roads. In total, seven new cultural resources were identified during these efforts. The results of these surveys will be reported in a revised report that will be submitted to DOS in December 2009. Based on preliminary information received by DOS from Keystone, Table 3.11.3-5 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS. Additional cultural resource surveys of auxiliary facilities (100.24) and access roads (8.15 miles) are scheduled for Spring 2010. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties.

Archaeological Sites

Of the 41 archaeological sites through July 2009, one was previously recorded, 34BR322, a historic farmstead. Of the 40 archaeological sites identified during the field survey, 29 were Precontact, 7 were historic, and 4 were multi-component. Of the 18 isolated finds recorded during the field inventory, 13 were Precontact and 5 were historic.

Six of the sites are unevaluated for listing in the NRHP. Avoidance is recommended for all listed, eligible, or 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

Of the 81 cultural resources identified through 2009, 22 were historic structures: 2 cultural landscapes, 4 newly recorded historic structures, and three historic cemeteries. One of the cultural landscapes (historic Route 66 roadway) is listed on the NRHP, and the other (34LN163, Key West town site) is considered eligible for listing on the NRHP. Six other historic structures are considered unevaluated for listing in the NRHP. Avoidance is recommended for all listed, eligible, or unevaluated sites. By avoiding these sites, the proposed Project will not affect historic properties. Although historic cemeteries 34OF103, 34SM130 (Baker Cemetery), and 34CO152 are not eligible for the NRHP, avoidance is recommended in accordance with Oklahoma state law.

TABLE 3.11.3-5 Archaeological Sites and Historic Structures Identified in Oklahoma					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Oklahoma SHPO/THPO Concurrence with DOS Finding
34AT56	Historic structure and artifact scatter / Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
34AT661	Historic structure, artifact scatter, and possible burial / Precontact artifact scatter	Unevaluated	Unevaluated	Avoidance	Pending
34AT664	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
34AT665	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending

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

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Oklahoma SHPO/THPO Concurrence with DOS Finding
34AT666	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34AT667	Historic structure / Precontact lithic scatter	Not Eligible*	Pending*	No further work*	Pending
34AT669	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34AT670	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34AT671	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34AT672	Historic debris / Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34AT673	Precontact campsite	Unevaluated	Unevaluated	Avoidance	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Historic isolate	Not eligible	Not eligible	No further work	Pending
34BR322	Previously recorded Historic farmstead	Not eligible	Not eligible	No further work	Pending
34BR338	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
34BR339	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
34BR340	Historic artifact scatter / Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34BR341	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
NA	Historic isolate	Not eligible	Not eligible	No further work	Pending
34CO146	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34CO147	Historic structure ruins and artifact scatter	Not eligible	Not eligible	No further work	Pending
34CO148	Precontact lithic scatter and midden	Eligible	Unevaluated	Avoidance	Pending
34CO149	Historic structure ruins and artifact scatter	Not eligible	Not eligible	No further work	Pending
34CO150	Precontact lithic scatter and hearth	Eligible	Unevaluated	Avoidance	Pending
34CO151	Historic barn and artifact scatter	Not eligible	Not eligible	No further work	Pending
34CO152	Historic grave	Not eligible	Not eligible	Avoidance	Pending

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

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Oklahoma SHPO/THPO Concurrence with DOS Finding
34CO153	Precontact lithic reduction loci	Not eligible	Not eligible	No further work	Pending
34CO154	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34CO155	Historic cistern and debris	Not eligible	Not eligible	No further work	Pending
34CO158*	Historic farmstead*	Unevaluated*	Pending*	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	Pending
CIF2A CRx.003	Historic isolate	Not eligible	Not eligible	No further work	Pending
CARC2ACO X.008*	Historic structural remains*	Undetermined*	Pending*	No further work*	Pending*
CARC2ACO X.009*	Prehistoric lithic scatter*	Not eligible*	Pending*	No further work*	Pending*
CARC1ACO X.009*	Prehistoric open camp*	Undetermined*	Pending*	Avoidance*	Pending*
34HU21	Historic culvert / Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU134	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU135	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU136	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU137	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU138	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU139	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU140	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU141	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU142	Precontact open camp	Not eligible	Not eligible	No further work	Pending

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

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Oklahoma SHPO/THPO Concurrence with DOS Finding
34HU143	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34HU144	Precontact open camp	Undetermined	Unevaluated	Testing	Pending
34HU145	Precontact campsite	Undetermined	Unevaluated	Testing or avoidance	Pending
34HU146	Historic ceramic / Precontact open campsite	Undetermined	Unevaluated	Testing	Pending
34HU147	Historic abandoned railroad	Undetermined	Unevaluated	Additional archival research	Pending
34HU148	Historic Farmstead	Undetermined	Unevaluated	Additional archival research by architectural historian; avoidance	Pending
34HU149	Historic Farmstead	Structures undetermined, archaeological portion not eligible	Unevaluated	Additional archival research by architectural historian; avoidance	Pending
Holdenville Airport*	Historic airport buildings*	Eligible*	Pending*	Avoidance*	Pending*
NA	Precontact lithic debitage	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
NA	Precontact isolate	Not eligible	Not eligible	No further work	Pending
34LN160	Historic stone house ruin / Precontact artifact scatter	Undetermined	Unevaluated	Further research or avoidance	Pending
34LN161	Historic artifact scatter, probable homestead site	Not eligible	Not eligible	No further work	Pending
34LN162	Historic trash dump	Not eligible	Not eligible	No further work	Pending
34LN163	Cultural Landscape Key West town site	Eligible	Eligible	Avoidance	Pending
34LN178	Historic homestead	Not eligible	Not eligible	No further work	Pending
34LN182*	Historic structural remains*	Not eligible*	Pending*	No further work*	Pending*
CIF1A LNx.001	Historic isolate	Not eligible	Not eligible	No further work	Pending

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

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Oklahoma SHPO/THPO Concurrence with DOS Finding
CCUL2A LNx.001	Historic Route 66 roadway	Listed, Non-Contributing*	Listed	No Further Work*	Pending
CHSS2A LNx.001	Residence	Not eligible	Not eligible	No further work	Pending
34OF97	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
34OF98	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
34OF99	Historic artifact scatter / Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
34OF100	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
34OF101	Precontact open campsite	Not eligible	Not eligible	No further work	Pending
34OF102	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34OF103	Historic cemetery	Not eligible	Not eligible	Avoidance	Pending
CIF1A OFx.001	Precontact lithic projectile point/drill isolate	Not eligible	Not eligible	No further work	Pending
CHSS1A OFx.001	Historic standing structure/complex	Undetermined	Unevaluated	Further research or Avoidance	Pending
NA	Historic isolate	Not eligible	Not eligible	No further work	Pending
34SM130	Historic Baker Cemetery 1900-1907	Not eligible	Not eligible	Avoidance	Pending
34SM131	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34SM132	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
34SM133	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

The proposed pipeline corridor has been surveyed for cultural resources and some access roads and auxiliary facilities remain to be surveyed. The cultural resources surveys for remaining Project route variations, gap analysis, access roads, ancillary facilities, and extra work spaces are anticipated and will be documented in future reports. No inventories have been conducted on power distribution lines, but reports on these inventories are anticipated. Upon receipt, the DOS will review these reports consistent with 36 CFR Part 800.

Texas

For the cultural resource inventory in the Texas section of the Gulf Coast Segment through July 2009, HRA G&P and SWCA conducted a pedestrian survey of 181.90 miles of the total 188.95 miles of HPAs for which the Texas Historic Commission required survey. The remaining 7.05 miles of HPAs were not inventoried due to landowner access restrictions. Some inventories have been conducted on proposed access roads, power distribution lines, and ancillary facilities, and reports on these inventories are anticipated when the inventories are completed.

For the cultural resource inventory in the Houston Lateral section of the Gulf Coast Segment, SWCA conducted a pedestrian survey of 6.44 miles of the total 14.4 miles of HPAs for which the 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 Project corridor.

In total through July 2009, HRA G&P and SWCA identified 80 cultural resources during the cultural resource inventory of the proposed pipeline of the Gulf Coast Segment in Texas. Of those 80 cultural resources, 42 were archaeological sites, 16 were historic structures, and 22 were isolated finds. No cultural resources were identified in the Houston Lateral section.

Since the July 2009 report, additional cultural resource surveys have been conducted in Texas for 1.578 miles of Project centerline, 18.102 miles of route variations, 633.25 acres of auxiliary facilities, 7.61 acres of pump stations, 4 acres of temporary work stations, and 66.08 miles of access roads. In total, eight new cultural resources were recorded. Based on preliminary information received by DOS from Keystone, Table 3.11.3-6 has been updated to include resources that have been identified in the field and will be included in the December 2009 reports not yet received by DOS. Additional cultural resource surveys of Project centerline, route variations, auxiliary facilities, pump stations, temporary work stations, and access roads are scheduled for Spring 2010. These reports will be reviewed by DOS and then forwarded to the applicable consulting parties.

Archaeological Sites

Of the 42 archaeological sites, four were previously recorded cultural resources and included two precontact sites, one historic site, and two multi-component sites. Of the 38 archaeological sites identified during the survey, 24 were precontact sites, 5 were historic sites, 9 were multi-component sites. Of the 22 isolated finds recorded during the field survey, 16 were precontact and 6 were historic.

One of the newly identified archaeological sites in the Texas section have been recorded as eligible, and 28 additional sites are considered unevaluated. 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 for listing in the NRHP.

Historic Structures

Of the 80 cultural resources identified in the Texas section of the Gulf Coast Segment, 16 were historic structures. Two were previously recorded historic structures, while 14 were newly recorded historic structures, including a railroad, a historic trail, and a historic cemetery. Eight of the structures are unevaluated for eligibility. Avoidance is recommended for all unevaluated sites. By avoiding these sites,

the proposed Project will not affect historic properties. Although the historic cemetery is not eligible for the NRHP, 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 two segments of historic roadbeds, potentially associated with the ELTE NHT have been identified as historic properties and are associated with components within archaeological sites 41NA156 (eligible), 41NA316 (unevaluated), and 41NA317 (unevaluated). DOS is requiring that historic property site forms be completed for these trails for the segments that cross the Project APE so that they can be evaluated for the NRHP. DOS is committed to working with Indian tribes, NPS and Texas SHPO to identify and avoid or mitigate adverse impacts to the resources. Two meetings with NPS were held on February 18, 2009 and November 11, 2009 to discuss the Project, the location of the ELTE NHT, visiting resources associated with the trail such as 41NA156, 41NA316, and 41NA317, and preferred avoidance and/or mitigation measures. Additional information concerning the trail segments will be submitted by Keystone which includes 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. Keystone has not developed plans to avoid the trail segments in two areas. If adverse effects cannot be resolved, then mitigation measures will be required by the DOS in consultation with the Indian tribes, NPS, and Texas SHPO.

TABLE 3.11.3-6 Archaeological Sites and Historic Structures Identified in Texas					
Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Texas SHPO/THPO Concurrence with DOS Finding
41AG196	Precontact camp	Unevaluated	Unevaluated	Avoidance	Pending
41AG197	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
41AG198	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
41AG199	Historic cemetery	Not eligible	Not eligible	Avoidance	Pending
41AG200	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
41AG201	Precontact artifact scatter and probable campsite	Eligible	Unevaluated	Avoidance	Pending
41AG202	Historic standing structures and artifact scatter	Not eligible	Not eligible	No further work	Pending
CIF6B AG34.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41CE417	Historic standing structure	Unevaluated	Unevaluated	Avoidance	Pending
41CE418	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
41CE419	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41CE430	Precontact artifact	Unevaluated	Unevaluated	Avoidance	Pending

**TABLE 3.11.3-6
Archaeological Sites and Historic Structures Identified in Texas**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Texas SHPO/THPO Concurrence with DOS Finding
41CE431	scatter Historic artifact scatter and structural remnant / Precontact artifact scatter and settlement	Eligible	Unevaluated	Avoidance	Pending
CIF2B CE14.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41DT266	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
41DT267	Precontact artifact scatter and possible open campsite	Undetermined	Unevaluated	Avoidance	Pending
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	Pending
CIF7B DT13.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41FK63	Previously recorded Historic artifact scatter / Precontact artifact scatter and possible occupation area	Unevaluated	Unevaluated	Avoidance	Pending
41FK104	Precontact open camp	Eligible	Unevaluated	Avoidance	Pending
41FK130	Historic standing structure	Unevaluated	Unevaluated	Avoidance	Pending
41FK131	Precontact artifact scatter, occupation	Unevaluated	Unevaluated	Avoidance	Pending
41FK132	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41FK133	Historic farmstead and scatter (early to mid-20 th century residential site)	Not eligible	Not eligible	No further work	Pending
41FK134	Precontact pottery scatter, possible occupation area	Unevaluated	Unevaluated	Avoidance	Pending
41FK135	Historic artifact scatter / Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41FK136	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41FK137	Precontact artifact scatter, possible occupation area	Unevaluated	Unevaluated	Avoidance	Pending
41FK138*	Prehistoric lithic scatter*	Not eligible*	Pending*	No further work*	Pending*
CIF4B	Precontact isolate	Not eligible	Not eligible	No further work	Pending

**TABLE 3.11.3-6
Archaeological Sites and Historic Structures Identified in Texas**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Texas SHPO/THPO Concurrence with DOS Finding
FK04.001					
CIF7B FK104.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF7B FK104.002	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF6B FK07.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41FN91	Historic artifact scatter / Precontact lithic debris	Unevaluated	Unevaluated	Avoidance	Pending
41HP241	Historic artifact scatter / Precontact artifact scatter and possible settlement	Eligible	Unevaluated	Avoidance	Pending
41HP242	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
CIF2B HP12.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
CIF4B HP23.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41JF92	Historic railroad grade	Unevaluated	Unevaluated	Avoidance	Pending
41LB78	Previously recorded Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
41LR2	Historic artifact scatter / Precontact village	Eligible	Eligible	Avoidance	Pending
41LR314	Historic artifact scatter / Precontact lithic debris	Unevaluated	Unevaluated	Avoidance	Pending
41LR315	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
41LR316*	Historic trash dump*	Not eligible*	Pending*	No further work*	Pending*
CIF6B LR24.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
CIF8B LR24.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
41NA156	Previously recorded Historic slave quarters and residence / Precontact artifact scatter and possible settlement (association with ELTE NHT)	Eligible	Eligible	Avoidance	Pending
41NA307	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending
41NA308	Historic Euro-American cemetery	Not eligible	Not eligible	Avoidance	Pending
41NA314	Historic artifact scatter	Not eligible	Not eligible	No further work	Pending

**TABLE 3.11.3-6
Archaeological Sites and Historic Structures Identified in Texas**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Texas SHPO/THPO Concurrence with DOS Finding
41NA315	Historic foundation and artifact scatter	Unevaluated	Unevaluated	Avoidance	Pending
41NA316	Historic Trail (association with ELTE NHT)	Unevaluated	Unevaluated	Avoidance	Pending
41NA317	Historic artifact scatter / Precontact settlement	Historic scatter not eligible / Precontact eligible	Unevaluated	Avoidance	Pending
41NA318	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41NA319	Historic artifact scatter / Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF6B NA09.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF4B NA12.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41PK258	Precontact artifact scatter	Unevaluated	Unevaluated	Avoidance	Pending
41PK260	Precontact lithic scatter	Unevaluated	Unevaluated	Avoidance	Pending
41PK261	Precontact artifact scatter	Unevaluated	Unevaluated	Avoidance	Pending
41PK262	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
41PK263	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
41PK264	Precontact lithic scatter	Not eligible	Not eligible	No further work	Pending
CIF8B PK04.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF6B PK09.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF7B PK10.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
CIF8B PK25.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
CIF9B PK36.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41RK97	Previously recorded Historic oil pumping station and camp	Unevaluated	Unevaluated	Avoidance	Pending
41RK588	Historic artifact scatter / Precontact artifact scatter and possible open camp	Historic component not eligible, Precontact component undetermined	Unevaluated	Avoidance	Pending
CIF2B RK07.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending

**TABLE 3.11.3-6
Archaeological Sites and Historic Structures Identified in Texas**

Site #	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by DOS	Action Recommended by Keystone	Texas SHPO/THPO Concurrence with DOS Finding
41SM40*	Prehistoric subsurface campsite*	Undetermined*	Pending*	Avoidance*	Pending*
41SM287	Previously recorded Precontact open camp	Unevaluated	Unevaluated	Avoidance	Pending
41SM397	Historic church complex	Eligible	Unevaluated	Avoidance	Pending
41SM405*	Prehistoric subsurface campsite*	Undetermined*	Pending*	Avoidance*	Pending*
CIF7B SM06.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
41UR325	Historic barn, shed, and artifact scatter	Not eligible	Not eligible	No further work	Pending
CIF UR02.001	Precontact isolate	Not eligible	Not eligible	No further work	Pending
41WD649	Precontact lithic scatter, possible open campsite	Unevaluated	Unevaluated	Avoidance	Pending
41WD650	Historic well or cistern	Not eligible	Not eligible	No further work	Pending
41WD651	Historic cemetery	Not eligible	Not eligible	Avoidance	Pending
41WD653	Precontact pottery scatter	Not eligible	Not eligible	No further work	Pending
CIF4B WD02.001	Historic isolate	Not eligible	Not eligible	No further work	Pending
ELTE NHT			Unevaluated	TBD	

* Information is derived from project updates received by DOS from Keystone. This updated information will be included in cultural resource reports that are due to be submitted to DOS in December 2009. Following review by the DOS, these reports will be forwarded to consulting parties for review consistent with 36 CFR Part 800.

As of July 2009, 7.05 miles of survey area in Texas on the Gulf Coast Segment and 7.96 miles of survey area on the Houston Lateral that could not be accessed mostly due to a lack of landowner permission. Once owner permission is obtained, the remaining areas of the corridor will be surveyed and documented in future reports. The cultural resources surveys for Project route variations, gap analysis, and extra work spaces are anticipated and will be documented in future reports. No inventories have been conducted on proposed access roads, power distribution lines, or ancillary facilities, but reports on these inventories are anticipated. Upon receipt, the DOS will review these reports consistent with 36 CFR Part 800.

3.11.3.2 Programmatic Agreement

The evaluation of historic properties for the Project will not be completed until full access to all parcels along the proposed corridor is feasible. Additionally, the 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. As a result, DOS and the consulting parties are developing a Programmatic Agreement (PA) to facilitate the Section 106 process. The use of a PA for this 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 the DOS and the consulting parties to continue the identification and evaluation of historic properties pursuant to the provisions in the PA should the Project receive all necessary certifications and permits. The PA will ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction.

The DOS has circulated multiple drafts of the PA to the consulting parties. The initial draft was provided to the consulting parties on July 13, 2009. Comments received on this draft were evaluated by DOS and 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 have been reviewed and resulted in a third draft of the PA. Comments on the third draft PA were accepted until February 1, 2010, resulting in a fourth draft of the PA which is attached as Appendix S to the draft EIS. The final PA will be attached as an appendix to 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 Project information and consult with consulting parties. This includes Indian tribes, SHPOs, local governments, and applicants for federal permits. For this 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 will be used to keep consulting party members informed and to solicit comments on the Project.

Informal discussions with SHPOs and Indian tribes were initiated by Keystone 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 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 Project was considered an undertaking as per 36 CFR 800.16(y). These agencies include BLM, Reclamation, Western, RUS, NRCS, USACE, ACHP, and NPS. 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 consulting with state agencies, including the SHPOs in the six states crossed by the pipeline corridor as well as the Montana DNRC and the Montana DEQ, who is the lead for the Montana Environmental Policy Act (MEPA). Several agencies have attended the agency and tribal Section 106 consultation meetings held in May, July, October and November 2009 (See Table 3.11.4-2).

3.11.4.3 Indian Tribal Consultation

The list of Indian tribes that were notified for this 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 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, 46 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 Project and/or have no objection to the Project, but would like to be notified should human remains be found. Twenty-nine 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 is holding government-to-government and agency consultation meetings in both the Steele City Segment and the Gulf Coast Segment of the Project. Three meetings have been held in each Segment to date. Steele City Segment meetings were held in Rapid City, South Dakota (May and July 2009) and in Billings, Montana (October 2009). Gulf Coast Segment meetings were held in Oklahoma City, Oklahoma (May and July 2009) and in Dallas, Texas (November 2009). Transcripts for all of the meetings held to date have been prepared and distributed to the consulting parties.

The Indian tribes listed in Table 3.11.4-3 have submitted scopes of work (SOW) to DOS to conduct TCP studies within the Project APE and several of the SOWs have been approved by DOS. Several of these studies are currently underway. If these reports provide recommendations concerning the eligibility of a historic property and/or Project effects, the DOS will consult with the consulting parties consistent with 36 CFR 800. The DOS will make determinations of eligibility and Project effect and attempt to resolve any adverse effects to historic properties.

Interested/Consulting Party	Tribe	
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 response	Chickasaw Nation of Oklahoma

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

	Interested/Consulting Party	Tribe
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
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	No response	Fort Berthold Reservation
26	Yes	Fort Peck Tribes
27	No	Fort Sill Apache Tribe
28	Yes	Gros Ventre and Assiniboine Tribe of Ft. Belknap
29	No	Gun Lake Potawatomi
30	No response	Hannahville Indian Community of Michigan
31	Yes	Ho-Chunk Nation of Wisconsin
32	No	Huron Potawatomi Nation
33	Yes	Iowa Tribe of Kansas and Nebraska
34	Yes	Iowa Tribe of Oklahoma
35	No response	Jena Band of Choctaw Indians
36	Undecided	Jicarilla Apache Tribe
37	Yes	Kaw Nation
38	Yes	Kialegee Tribal Town of the Creek Nation of Oklahoma
39	No	Kickapoo Traditional Tribe of Texas
40	Yes	Kickapoo Tribe of Kansas
41	No response	Kickapoo Tribe of Oklahoma
42	Yes	Kiowa Indian Tribe of Oklahoma
43	Yes	Lower Brule Sioux Tribe
44	Yes	Lower Sioux Indian Community
45	Yes	Miami Tribe of Oklahoma
46	Yes	Mille Lacs Band of Ojibwe
47	No	Modoc Tribe of Oklahoma

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

	Interested/Consulting Party	Tribe
48	Yes	Muscogee (Creek) Nation
49	No response	Nez Perce
50	Yes	Northern Arapaho Tribe
51	Yes	Northern Cheyenne Tribe
52	Yes	Northern Ute Tribe
53	Yes	Oglala Sioux Tribe
54	No response	Omaha Tribe of Nebraska
55	Yes	Osage Nation of Oklahoma
56	No	Otoe-Missouri Tribe
57	No response	Ottawa Tribe of Oklahoma
58	Yes	Pawnee Nation of Oklahoma
59	No	Peoria Indian Tribe of Oklahoma
60	No response	Poarch Band of Creek Indians
61	No response	Pokagon Band of Potawatomi Indians of Michigan
62	Yes	Ponca Tribe of Indians of Oklahoma
63	Yes	Ponca Tribe of Nebraska
64	No response	Prairie Band of Potawatomi Indians
65	No	Prairie Island Indian Community
66	No	Quapaw Tribe
67	No response	Red Lake Band of Chippewa Indians of Minnesota
68	Yes	Rosebud Sioux Tribe
69	Yes	Sac & Fox Nation of Oklahoma
70	No	Sac and Fox Nation of Missouri in Kansas and Nebraska
71	No response	Sac and Fox Tribe of the Mississippi in Iowa
72	Yes	Santee Sioux Tribe of Nebraska
73	No	Seminole Nation
74	No	Seneca-Cayuga Tribe of Oklahoma
75	Undecided	Shakopee Mdewakanton Sioux
76	Yes	Shoshone-Bannock Tribe
77	No response	Shawnee Tribe
78	Yes	Sisseton-Wahpeton Oyate Sioux
79	No response	Southern Ute Indian Tribe
80	Yes	Spirit Lake Tribe
81	Yes	Standing Rock Sioux Tribe
82	No	Stockbridge-Munsee Tribe
83	No response	Thlopthlocco Tribal Town
84	Yes	Three Affiliated Tribes

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

	Interested/Consulting Party	Tribe
85	Yes	Tonkawa Tribe
86	No response	Trenton Indian Service Area
87	Yes	Turtle Mountain Band of Chippewa
88	No	United Keetoowah Band of Cherokee Indians
89	No response	Upper Sioux -Pezihutazizi Kapi
90	No response	Ute Mountain Tribe
91	No	White Earth Band of Minnesota Chippewa
92	Yes	Wichita and Affiliated Tribes
93	Yes	Winnebago Tribe
94	No response	Wyandotte Nation
95	Yes	Yankton Sioux
96	No	Ysleta del Sur Pueblo

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

Date	Place	Indian Tribes Present	Agencies Represented
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
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	BLM, USACE, BIA, Western, DOS, Montana SHPO, MT DEQ

TABLE 3.11.4-2 List of DOS Group Consultation Meetings and Webinars with Indian Tribes			
Date	Place	Indian Tribes Present	Agencies Represented
October 22, 2009	Malta, MT (vicinity)	Nation, Fort Belknap, Northern Cheyenne Chippewa-Cree, Blackfeet	MT DEQ, DOS
November 12-13, 2009	Dallas, TX	Kaw Nation, Choctaw, Pawnee, Kialagee Tribal Town, Pawnee, Muscogee (Creek) Nation, Osage nation, Alabama-Coushatta Tribe, Absentee Shawnee Tribe, Lower Sioux	USACE, NPS, DOS

TABLE 3.11.4-3 List of Indian Tribes participating in Traditional Cultural Property Studies			
Tribe	Date of Contact	Date SOW Rec'd	Date of Response
Alabama-Coushatta Tribe of Texas	8/24/2009	8/24/2009	9/14/2009
Blackfeet Nation	8/18/2009	8/24/2009	9/14/2009
Caddo Nation	8/7/2009	8/7/2009	9/14/2009
Cheyenne and Arapaho Tribes of Oklahoma	8/14/2009	8/24/2009	9/14/2009
Fort Peck	8/10/2009	11/20/2009	11/30/2009
Lower Sioux	8/4/2009	8/11/2009	9/14/2009
Spirit Lake Tribe	8/11/2009	8/11/2009	9/14/2009
Muscogee (Creek) Nation	8/14/2009	11/20/2009	11/30/2009
Kialagee Tribal Town	8/10/2009	8/10/2009	9/14/2009
Turtle Mountain	8/11/2009	9/22/2009	9/24/2009
Northern Arapaho	10/26/2009	Pending	Pending
Yankton Sioux Tribe	8/13/2009	Pending	Pending
Rosebud Sioux Tribe	11/12/2009	11/20/2009	11/30/2009

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 Project APE. Twenty scoping meetings were held in the vicinity of the pipeline corridor between February 9 through April 8, 2009. Additional public comment meetings will be scheduled following publishing of the draft EIS. DOS provided direct mailings to stakeholders through mailing lists that included approximately 700 individuals and organizations.

3.11.6 Unanticipated Discovery Plans

Unanticipated Discovery Plans will be prepared for Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas and the Lower Brule Sioux Reservation. They will be prepared in consultation with the consulting parties for this Project that includes the SHPOs of the six states, Indian tribes, as well as state and federal agencies. Keystone 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 Project and will apply to federal, state, and private lands.

3.11.7 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 Project pump stations. These lines would be designed and constructed by local power providers along the proposed pipeline corridor. DOS has also consulted with ACHP regarding the proposed Lower Brule 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 both the proposed distribution lines and the proposed 230-kV transmission line. These connected actions are progressing under different schedules than the 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. Where surveys have occurred to date, the results of those surveys are incorporated into the draft EIS, and future surveys that are completed early enough will be incorporated into the final EIS. The connected actions would also be covered under the PA that DOS and the consulting parties are developing for the Project. This would ensure that identification, evaluation, and mitigation of historic properties would occur prior to construction of these connected actions.

3.11.7.1 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 Keystone has selected a local power provider and preliminary distribution line route selection has occurred, some surveys related to historic properties have been completed. The work in each state that has been completed to date and the work that remains to be conducted include:

- In Montana, 91.6 miles of power distribution line were surveyed prior to July 2009. Since July 2009, 64.26 miles of power distribution line have been surveyed. Additional surveys of power distribution lines are anticipated in Spring 2010.
- In South Dakota, 72 miles of power distribution line were surveyed prior to July 2009. Since July 2009, 71.54 miles of power distribution line have been surveyed. Additional surveys of power distribution lines are anticipated in Spring 2010.
- In Nebraska, no power distribution lines have been surveyed to date.
- In Kansas, no power distribution lines were surveyed prior to July 2009. Since July 2009, 4.07 miles of power distribution line have been surveyed. Additional surveys for 11.74 miles of power distribution lines are anticipated in Spring 2010.
- In Oklahoma, approximately 5.4 miles of power distribution lines have been surveyed to date.

- In Texas, no power distribution lines have been surveyed to date.

3.11.7.2 Lower Brule to Witten 230-kV Transmission Line

No cultural resource studies or historical property surveys specific to the proposed Lower Brule to Witten 230-kV transmission line have been conducted to date. A portion of the Lower Brule 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. As a result, the LBST are a signatory party to the PA that addresses the proposed 230-kV transmission line project. With the advice of the ACHP, the Section 106 consultation for the proposed 230-kV transmission line has been initiated by DOS and is continuing in conjunction with the consultation for the Project. The LBST does not have a THPO; therefore, both the Tribe's Acting Director of the Cultural Resources Department and South Dakota SHPO will be consulted by the DOS consistent with 36 CFR Part 800. 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 Lower Brule to Witten 230-kV transmission line will be conducted in the future. The design and environmental review of the proposed 230-kV transmission line are on a different schedule than the pipeline system itself. Regional transmission system reliability concerns are not associated with the initial operation of the proposed pipeline pump stations, but rather with later stages of proposed pipeline operation at higher levels of crude oil throughput.

3.11.8 References

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