

3.11 CULTURAL RESOURCES

3.11.1 Introduction

This section discusses cultural resources in the proposed Project area. The description of cultural resources is based on information provided in the 2011 Final Environmental Impact Statement (Final EIS) as well as new circumstances or information relevant to environmental concerns that have become available since the publication of the Final EIS, including the proposed reroute in Nebraska. The information provided here builds on the information provided in the Final EIS, and in many instances, replicates that information with relatively minor changes and updates. Other information is entirely new or substantially altered from that presented in the Final EIS. Specifically, the following information, data, methods, and/or analyses have been substantially updated in this section from the 2011 document:

- An updated description is provided of the cultural resources identified, to date, within the proposed Project. Specific to Nebraska, this section provides new information within the previously unsurveyed, proposed reroute; and
- An updated description is provided of the agency and tribal consultation efforts conducted for the proposed Project to date.

Cultural resources include the locations of human activity, occupation, or usage that contain materials, structures, or landscapes that were used, built, or modified by people. For example, for the proposed TransCanada Keystone Pipeline, LP (Keystone) Project, cultural resources include, but are not limited to, precontact period Native American archaeological sites, historic period farmsteads, and a district of historic buildings. For the purposes of the proposed Project, field studies to identify cultural resources assess archaeological resources (sites), historic resources (buildings, structures, objects, and districts), and properties of religious and cultural significance, including Traditional Cultural Properties (TCPs). The Department does recognize that some Native American tribes view cultural resources and paleontological resources as being one in the same. Paleontological resources identified during construction will be treated, and appropriate parties consulted with, according to the requirements set forth in the Paleontological Monitoring and Mitigation Plan. Paleontological resources are discussed in Section 3.1, Geology.

3.11.2 Regulatory Framework

3.11.2.1 Section 106 National Historic Preservation Act

The proposed Project is considered an *undertaking* consistent with Section 106 of the National Historic Preservation Act (NHPA). The U.S. Department of State (the Department), as the lead federal agency consistent with Section 106, as amended, must consider effects on historic properties before an undertaking occurs. The intent of Section 106 is for federal agencies to take into account the effects of a proposed undertaking on any historic properties situated within the Area of Potential Effect (APE) and to consult with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPOs), federally recognized Native American tribes and their Tribal Historic Preservation Officers (THPOs), other federal agencies with concurrent undertakings as a result of the proposed Project, local governments, and any other interested parties regarding the proposed undertaking and its potential effects on historic

properties. For this proposed Project, the Department is acting in parallel with its process consistent with the National Environmental Protection Act (NEPA) (see Notice of Intent [NOI], 77 Federal Register 36032).

In this section, the effects on historic properties are analyzed consistent with the regulations of Section 106 as proposed Project *effects*. A *historic property* is defined as any district, archaeological site, building, structure, or object that is either listed, or eligible for listing, in the National Register of Historic Places (NRHP). Under this definition, cultural resources present within a Project's APE are not historic properties if they do not meet the eligibility requirements for listing in the NRHP. For the purposes of this section, the term *historic resource* refers to buildings, structures, objects, and districts that may or may not meet NRHP criteria of evaluation. Likewise, *archaeological resource* refers to a site that may or may not meet the NRHP criteria of evaluation. The term *sites of religious and/or cultural significance* refers to areas of concern to Native American tribes and other consulting parties that, in consultation with the respective party(ies), 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 its 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 implementing regulation of Section 106 is Title 36 of the Code of Federal Regulations (CFR) Part 800 (2004). This regulation establishes a process of identifying historic properties that may be affected by the proposed undertaking; assessing the undertaking's effects on those resources; and engaging in consultation that seeks ways to avoid, reduce, or mitigate, to the extent practicable, any adverse effects on NRHP-listed or eligible properties. Adverse effects include, but are not limited to, destruction or alteration of all or part of a property; isolation from or alteration of its surrounding environment; introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting; transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and neglect of a property resulting in its deterioration or destruction.

When applicable, CFR Title 36 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 role in advising the responsible federal agencies. In addition to the SHPO, the lead federal agency works with state and local governments, private organizations, and individuals during the initial planning and development of a process consistent with Section 106.

On non-tribal lands, the Department, in consultation with the SHPOs, federally recognized tribes, and other consulting parties, assesses the need for historic and archaeological resource investigations in the proposed Project APE; generates and approves methodologies for undertaking such investigations within the given state; evaluates the NRHP status of any historic or archaeological resources identified during survey; assesses any potential effects to historic properties; and determines and implements avoidance or other mitigation of adverse effects, to the extent practicable, to historic properties.

On June 15, 2012, the Department issued an NOI to prepare a Supplemental Environmental Impact Statement (Supplemental EIS) consistent with NEPA for the proposed Project. Along

with the NOI, the Department notified the public of its intent to conduct a parallel process consistent with Section 106 along with the process consistent with NEPA.

On September 21, 2012, the Department invited federally recognized tribes to become consulting parties for the proposed Project and notified them that the Department would be the lead federal agency. Section 3.11.4, Consultation, includes information on all of the consulting parties and the consultation process.

The Department is consulting with Native American tribes and the SHPOs regarding the identification, evaluation, and mitigation of historic properties located on non-tribal lands. Additionally, Keystone provided analyses and recommendations to help inform the Department in the process.

3.11.2.2 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:

- a. It is associated with events that have made a significant contribution to the broad patterns of American history; or
- b. It is associated with the lives of past significant persons; or
- c. 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
- d. It has yielded, or may be likely to yield, information important in history or prehistory.

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

The analysis in this Supplemental EIS consists of a summary of cultural resources known to the Department for the proposed Project. This includes cultural resources assessed as being eligible and not eligible for listing in the NRHP, and cultural resources for which NRHP eligibility has not yet been evaluated or will not be evaluated but will be avoided, to the extent practicable. The reported cultural resources are divided into three main time periods: precontact period, historic period, and multi-component. Precontact period resources are sites that contain material evidence of Native American activities before Europeans entered the proposed Project area. Examples of precontact period 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 period resources are locations where both precontact and historic period cultural resources are present.

3.11.2.3 Properties of Religious and Cultural Significance (Including TCPs)

Historic properties include sites of religious or cultural significance (including TCPs) that meet the NRHP criteria of eligibility but that do not necessarily have physical evidence of human activity. National Register Bulletin 38 defines TCPs as locations that embody the “beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices” that are essential for continuing the cultural identity of the community. In some tribal cultures, culture and religion are intertwined, in which case a historic property may have both cultural and religious significance (National Park Service [NPS] 1998).

Typically, knowledgeable groups and individuals, particularly those groups that are native to an area or have a particular interest in the area, are directly involved in the TCP studies performed for a project. Funding for TCP studies was previously offered to consulting tribes as part of the process consistent with Section 106 for the route evaluated in the Final Environmental Impact Statement (Final EIS). The Native American tribes that have completed TCP studies under this program for the portions of the proposed Project that were also evaluated in the Final EIS are discussed in Section 3.11.4.3. The Department has consulted and will continue to consult with Native American tribes to assist in determining the best ways to identify, evaluate, and mitigate potential effects to TCPs, as demonstrated in the TCP study program, Tribal Monitoring Plan, Unanticipated Discovery Plans, and PA. This tribal consultation is summarized in Section 3.11.4.3, Tribal Consultation.

3.11.2.4 Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act

The Archaeological Resources Protection Act of 1979 (ARPA) (16 United States Code 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 Native American lands¹. The proposed Project has the potential to be within federally controlled, maintained, managed, or owned lands, including Bureau of Land Management (BLM) lands and those lands managed by the NPS and Bureau of Reclamation (BOR).

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 United States Code 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.

¹ The proposed Project route does not cross any “Indian Land” as designated by the federal government.

Montana, South Dakota, Nebraska, North Dakota, and Kansas each have statutes that govern the inadvertent discovery and/or excavation of human remains as well as associated artifacts on private lands.

3.11.3 Cultural Setting

3.11.3.1 Cultural Context

The proposed Project area contains cultural resources resulting from human settlement and other activities since the time when the region was glaciated. These include archaeological sites, special activity areas such as food processing sites, cemeteries, and sites of spiritual and traditional use. Later historic features 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 Native American reservations are important to Native American peoples for subsistence gathering, collection of plants for medicines, spiritual and ceremonial purposes, and everyday life. This section, therefore, summarizes the cultural resources aspects of the proposed Project in relation to each individual affected state.

3.11.3.2 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 consistent with Section 106 of the NHPA, the APE for Montana and South Dakota is a 300-foot-wide survey area that includes a 110-foot-wide construction right-of-way (ROW). A 50-foot-wide permanent ROW would be retained to accommodate proposed Project operations and maintenance. The 300-foot-wide corridor allows for minor adjustments or route variations as they become known. For the proposed route in Nebraska, the APE consists of a 300-foot-wide survey corridor in areas consistent with the route evaluated in the Final EIS. Within those areas outside the route evaluated in the Final EIS, the APE consists of a 500-foot-wide survey corridor, centered on the proposed pipeline centerline. Other areas that may lie outside of the proposed construction ROW, but that are considered a part of the proposed APE, include construction camps, temporary work spaces, access roads, storage/warehouse yards, pump stations, and valves. For these parts of the proposed Project outside of the construction ROW, the APE is the actual construction footprint.

Where access was available, cultural resource surveys were conducted within the APE for the proposed Project by consultants employed by Keystone. The titles and authors of the cultural resource surveys are listed below in Section 3.11.3.3, Cultural Resources Surveys, in the state-by-state descriptions. The survey results were submitted by Keystone to the Department, reviewed, and either approved or sent back to Keystone for additional information. Once the Department was satisfied with the content of individual survey reports, a preliminary determination of NHPA eligibility and effects was completed, and reports were then sent to the SHPOs and consulting parties for their review and concurrence. For areas where surveys are ongoing, the Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and work to avoid, to the extent practicable,

any adverse effects to the resources. The proposed Project APEs through each state and the respective counties are described in Table 3.11-1.

Table 3.11-1 Area of Potential Effect for the Proposed Project by State

State	Counties	Area of Potential Effect
Montana	Dawson, Fallon, McCone, Phillips, Prairie, Roosevelt, Sheridan, and Valley	300 feet plus ancillary facilities
South Dakota	Butte, Gregory, Haakon, Harding, Hughes, Jones, Lyman, Meade, Pennington, Perkins, and Tripp	300 feet plus ancillary facilities
Nebraska	Antelope, Boone, Boyd, Fillmore, Holt, Jefferson, Keya Paha, Merrick, Nance, Polk, Saline, and York	300 feet (in areas evaluated in the Final EIS) and 500 feet (in all others) plus ancillary facilities
North Dakota	Bowman	Area of soil disturbance related to rail siding and pipe storage location
Kansas	Butler and Clay	Area of soil disturbance related to two pumping stations

3.11.3.3 Cultural Resources Surveys

Montana

Within Montana, the proposed Project would cross private and state lands in Dawson, Fallon, McCone, Phillips, Prairie, Roosevelt, Sheridan, and Valley counties, in addition to BLM and U.S. Army Corps of Engineers (USACE) lands and NPS-managed lands. Prior to initiation of Montana fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork literature searches occurred as follows:

- On April 14-18, 2008; May 23, 2008; and November 29, 2011, using Montana SHPO Cultural Resources Annotated Bibliography System Report and the Cultural Resource Information Systems Report under SHPO Project Numbers 2008052306 and 2010112303, respectively;
- On April 23, 2008, using records at the BLM Miles City Field Office; and
- In 2009 and 2010 prior to each addendum report field survey program.

Cultural resource surveys in Montana summarized in this Supplemental EIS were conducted between 2008 and 2012. Since the issuance of the Final EIS, Keystone has incorporated a total of 64 route modifications, as recommended by the Montana Department of Environmental Quality (MDEQ), and based on discussions with agencies and landowners. All route modifications outside the 300-foot-wide APE have been or will be surveyed. Cultural resources reports documenting these surveys are submitted to the Department upon completion; those submitted as of October 2012 are listed below:

- Berg, Caryn, Judith Cooper, Jennifer Long, Zonna Barnes, Nelson Klitzka, Thomas Witt, Ryan Byerly, Daniel Shosky, Vanesa Zietz, Carolyn Riordan, Sean Doyle, Jason Burkard, Andrew Kincaid, Norma K. Crumbley, Erin Salisbury, Scott A. Slessman, Michael Retter, and Rebecca Schwendler. 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, Judith, Zonna Barnes, Caryn M. Berg, Nelson Klitzka, Ashley Fife, Courtney Higgins, Ryan Byerly, Jennifer Long, Thomas Witt, Sean Doyle, Scott A. Slessman, and Erin Salisbury. 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, Vanesa, Judith Cooper, Zonna Barnes, Nelson Klitzka, Courtney Higgins, Carolyn Riordan, Nicole Kromarek, Thomas Witt, Sean Doyle, Scott A. Slessman, Erin Salisbury, and Michael Retter. 2009. Addendum 2: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Baer, Sarah Baer, Zonna Barnes, Vanesa Zietz, Nicole Hurlburt, Thomas Witt, Sean Doyle, Karen Reed, and Erin Salisbury. 2009. Addendum 3: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Marmor, Jason, Thomas Witt, Sean Doyle, Zonna Barnes and Erin Salisbury. 2010a. Addendum 4: Architectural Field Inspection and Visual Impact Analysis. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Crossland, Nicole, Zonna Barnes, Erin Salisbury, Jason Burkard, Thomas Witt, Sean Doyle, Noelle Boyer, and Nicole Hurlburt. 2010. Addendum 5: Additional Fieldwork Results. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Burkard, Jason, Zonna Barnes, Erin Salisbury, Sarah Johnson, and Sean Doyle. 2011a. Class III Cultural Resources Survey for the Steele City Segment in Montana of the Keystone XL Project, Turtle Mountain Route Variation, Phillips County, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Johnson, Sarah, Jason Burkard, Sean Doyle, Thomas Witt, Zonna Barnes, and Erin Salisbury. 2012. Addendum 6: Additional Fieldwork Results. Class III Cultural Resources Survey for the Keystone XL Project, Dawson, Fallon, McCone, Phillips, Prairie, Roosevelt, Sheridan, and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.

- Phillips, Scott, Jason Burkard, Katie Dumm, Sarah Baer, and Erin Salisbury. 2012. Archaeological Test Excavations at Five Cultural Resource Sites Associated with the Steele City Segment of the Keystone XL Pipeline, Valley County, Montana. SWCA Environmental Consultants. Broomfield, CO.
- Salisbury, Erin. 2012. Letter Report to Jon Schmidt, exp. RE: Keystone XL Pipeline Project: Saint Marie/Glasgow Air Force Base Pipe Yard in Valley County, Montana. August 22.

Cultural resources surveys conducted through October 2012 within Montana included the following:

- Approximately 500 miles of the proposed Project corridor (including route modifications);
- Approximately 150 miles of access roads; and
- Approximately 2,737 acres of proposed ancillary facility sites (e.g., access roads, pump stations, and construction camps).

To date, 148 cultural resources have been identified during the cultural resources surveys within the proposed Project APE in Montana, including 110 archaeological sites and 38 historic structures. Of these, 139 are new and nine were previously identified. Of the 148 cultural resources, 30 are eligible for inclusion on the NRHP, 56 are not eligible, and 62 have not been evaluated. The results of the surveys performed, recommendations of eligibility by Keystone’s consultants, determinations of eligibility by the Department, and concurrences from SHPO are shown in Table 3.11-2.

Table 3.11-2 Cultural Resources Identified in Montana within the Project APE

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO/THPO Concurrence with Department Findings
C001DA003	Historic isolate	Not Eligible	Not Eligible	Concur
C57DA001	Precontact isolate	Not Eligible	Not Eligible	Concur
C57DA008	Historic isolate	Not Eligible	Not Eligible	Concur
C277DA002	Precontact isolate	Not Eligible	Pending	Pending
24DE0555	Historic berm	Not Eligible	Pending	Pending
24DW0289 (five segments)	Previously recorded historic canal	Eligible	Eligible,	Pending
24DW0419 (two segments)	Previously recorded historic railroad	Eligible	Eligible	Pending
24DW0426 (four segments)	Previously recorded historic railroad	Eligible	Eligible,	Pending
24DW0524	Historic transportation corridor	Not Eligible	Not Eligible	Concur
24DW0530	Historic homestead	Not Eligible	Not Eligible	Concur
24DW0531	Historic homestead	Not Eligible	Not Eligible	Concur
24DW055*	Pending	Not Eligible	Pending	Pending
24DW0551	Precontact open camp	Eligible	Eligible	Pending
24DW0552	Historic homestead/ farmstead	Not Eligible	Not Eligible	Concur
24DW0553	Historic road	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO/THPO Concurrence with Department Findings
24DW0555	Historic berm	Not Eligible	Pending	Pending
C711DW001	Pending	Unevaluated	Pending	Pending
C711DW005	Pending	Unevaluated	Pending	Pending
C711DW006	Pending	Unevaluated	Pending	Pending
24FA0382	Previously recorded historic railroad	Eligible	Eligible,	Pending
24FA0749	Historic pump house	Not Eligible	Not Eligible	Concur
24FA0750	Precontact lithic scatter	Unevaluated	Pending	Pending
24FA0751	Historic debris scatter	Not Eligible	Not Eligible	Concur
24FA0756	Historic berm/dam	Not Eligible	Not Eligible	Concur
24FA076*	Pending	Not Eligible	Pending	Pending
24FA0760	Historic well	Not Eligible	Not Eligible	Concur
24FA0761	Historic windmill/well pump	Not Eligible	Not Eligible	Concur
24FA0763	Historic rock cairn	Not Eligible	Not Eligible	Concur
24FA0770	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C001FA003	Precontact isolate	Not Eligible	Not Eligible	Concur
C57FA006	Historic isolate	Not Eligible	Not Eligible	Concur
C58FA001	Precontact isolate	Not Eligible	Not Eligible	Concur
C58FA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C58FA003	Precontact isolate	Not Eligible	Not Eligible	Concur
C58FA004	Precontact isolate	Not Eligible	Not Eligible	Concur
C104FA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C210FA001	Precontact isolate	Not Eligible	Not Eligible	Concur
C711FA001	Pending	Unevaluated	Pending	Pending
C711FA002	Precontact isolate	Not Eligible	Pending	Pending
24MC0461	Precontact stone circle	Potentially Eligible	Pending	Pending
24MC0462	Undated stone cairn	Potentially Eligible	Eligible	Pending
24MC0463	Precontact stone feature and lithic scatter	Potentially Eligible	Eligible	Pending
24MC0464	Historic homestead	Unevaluated	Pending	Pending
24MC0465	Precontact stone feature and lithic scatter	Potentially Eligible	Eligible	Pending
24MC0466	Precontact stone feature	Potentially Eligible	Pending	Pending
24MC0467	Precontact stone alignment and lithic scatter	Potentially Eligible	Pending	Pending
24MC0476	Precontact stone circle	Potentially Eligible	Pending	Pending
24MC0480	Undated stone cairns	Potentially Eligible	Not Eligible	Concur
24MC0481	Undated stone cairns	Potentially Eligible	Pending	Pending
24MC0483	Historic windmill	Not Eligible	Not Eligible	Concur
24MC0485	Precontact open camp	Eligible	Pending	Pending
24MC0486	Precontact open camp	Eligible	Pending	Pending
24MC0628	Historic farmstead	Unevaluated	Pending	Pending
C001MC003	Precontact isolate	Not Eligible	Not Eligible	Concur
C54MC001	Precontact isolate	Not Eligible	Not Eligible	Concur
C56MC006	Precontact isolate	Not Eligible	Not Eligible	Concur
C56MC007	Precontact isolate	Not Eligible	Not Eligible	Concur
C56MC009	Precontact isolate	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO/THPO Concurrence with Department Findings
C104MC001	Historic isolate	Not Eligible	Not Eligible	Concur
C277MC001	Precontact isolate	Not Eligible	Not Eligible	Pending
C700MC001	Pending	Unevaluated	Pending	Pending
C711MC001	Precontact isolate	Not Eligible	Pending	Pending
C711MC002	Precontact isolate	Not Eligible	Pending	Pending
C711MC003	Pending	Unevaluated	Pending	Pending
24PE0720	Historic farmstead	Unevaluated	Not Eligible	Pending
24PE0723	Historic ranch complex	Unevaluated	Pending	Pending
24PH0037	Previously recorded undated stone cairn and depression	Potentially Eligible	Pending	Pending
24PH008/1781/1801	Previously recorded precontact stone circle	Potentially Eligible	Eligible	Pending
24PH1759	Previously recorded precontact stone circle	Potentially Eligible	Eligible	Pending
24PH1790	Previously recorded historic rock cairns/ depression/artifact scatter	Unevaluated	Eligible	Pending
24PH1805	Previously recorded historic homestead	Unevaluated	Pending	Pending
24PH4161	Undated stone cairns	Potentially Eligible	Eligible	Pending
24PH4162	Precontact/historic stone features	Potentially Eligible	Eligible	Pending
24PH4218	Previously recorded precontact stone feature	Potentially Eligible	Eligible	Pending
24PH4265	Precontact stone circle	Potentially Eligible	Eligible	Pending
24PH4267	Historic farmstead	Eligible	Eligible	Concur
24PH4269	Precontact stone circle	Potentially Eligible	Eligible	Pending
24PH4313	Precontact stone circle	Potentially Eligible	Pending	Pending
24PH4367	Precontact stone feature	Potentially Eligible	Pending	Pending
24PH4368	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4369	Precontact stone circle and artifact scatter	Potentially Eligible	Pending	Pending
24PH4370	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4371	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4372	Precontact stone cairns	Potentially Eligible	Pending	Pending
24PH4373	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4374	Historic irrigation ditch	Not Eligible	Pending	Pending
C54PH002	Precontact isolate	Not Eligible	Not Eligible	Concur
C63PH006	Historic isolate	Not Eligible	Not Eligible	Concur
C001PR002	Precontact isolate	Not Eligible	Not Eligible	Concur
C58PR002	Precontact isolate	Not Eligible	Not Eligible	Concur
C58PR004	Precontact isolate	Not Eligible	Not Eligible	Concur
C58PR005	Precontact isolate	Not Eligible	Not Eligible	Concur
C58PR006	Precontact isolate	Not Eligible	Not Eligible	Concur
C54VA006	Historic isolate	Not Eligible	Not Eligible	Concur
C54VA008	Historic isolate	Not Eligible	Not Eligible	Concur
C55VA005	Precontact isolate	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO/THPO Concurrence with Department Findings
C55VA006	Precontact isolate	Not Eligible	Not Eligible	Concur
C55VA007	Historic isolate	Not Eligible	Not Eligible	Concur
C55VA013	Precontact isolate	Not Eligible	Not Eligible	Concur
C512VA002	Historic Isolate	Not Eligible	Pending	Pending
C711VA004	Pending	Unevaluated	Pending	Pending
C711VA008	Precontact isolate	Not Eligible	Pending	Pending
C711VA010	Pending	Unevaluated	Pending	Pending
C711VA014	Pending	Unevaluated	Pending	Pending
24VL0041	Previously recorded historic homestead	Eligible	Eligible	Pending
24VL0099 (nine segments)	Previously recorded historic railroad	Eligible	Eligible	Pending
24VL0805	Previously recorded undated stone cairn	Potentially Eligible	Pending	Pending
24VL0938	Previously recorded precontact stone circle	Unevaluated	Pending	Pending
24VL0962	Previously recorded precontact/historic stone feature site, lithic scatter, historic artifact scatter	Potentially Eligible	Pending	Pending
24VL0972	Previously recorded precontact/historic stone circle and cairn, historic fence line	Potentially Eligible	Pending	Pending
24VL0979	Historic homestead	Eligible	Eligible	Concur
24VL1194	Previously recorded historic canal	Eligible	Eligible	Concur
24VL1269/ 24VL1274	Previously recorded precontact stone circle	Potentially Eligible	Pending	Pending
24VL1298	Previously recorded historic homestead/ precontact stone circle	Potentially Eligible	Eligible	Pending
24VL1628 (two segments)	Previously recorded historic railroad	Eligible	Eligible	Concur
24VL1700	Precontact stone feature	Potentially Eligible	Pending	Pending
24VL1701	Pending	Unevaluated	Pending	Pending
24VL1712	Previously recorded precontact stone feature	Potentially Eligible	Eligible	Pending
24VL1889	Historic canal	Not Eligible	Not Eligible	Concur
24VL1890	Historic artifact scatter	Not Eligible	Not Eligible	Concur
24VL1892	Historic artifact scatter	Not Eligible	Not Eligible	Concur
24VL1900	Undated stone cairn	Potentially Eligible	Not Eligible	Concur
24VL1901	Historic fence line and associated debris	Not Eligible	Not Eligible	Concur
24VL1902	Precontact stone circle	Potentially Eligible	Eligible	Pending
24VL1903	Precontact stone circle	Potentially Eligible	Eligible	Pending
24VL1905	Undated stone cairn	Potentially Eligible	Not Eligible	Concur
24VL1906	Undated stone feature	Potentially Eligible	Pending	Pending
24VL1910	Precontact stone circle	Potentially Eligible	Eligible	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO/THPO Concurrence with Department Findings
24VL1911	Undated stone cairn	Potentially Eligible	Not Eligible	Concur
24VL1912	Historic homestead	Potentially Eligible	Pending	Pending
24VL1913	Undated stone cairn	Potentially Eligible	Pending	Pending
24VL1919	Precontact stone circle	Potentially Eligible	Pending	Pending
24VL1920	Historic artifact scatter	Unevaluated	Pending	Pending
24VL1928	Undated stone cairn	Potentially Eligible	Not Eligible	Concur
24VL1929	Precontact stone feature	Potentially Eligible	Eligible	Pending
24VL1933	Precontact stone circle	Potentially Eligible	Pending	Pending
24VL1936	Precontact stone feature	Potentially Eligible	Pending	Pending
24VL1938	Historic ranch complex	Unevaluated	Pending	Pending
24VL1940	Historic farmstead	Unevaluated	Pending	Pending
24VL1942	Historic artifact scatter/ precontact stone circle	Potentially Eligible	Pending	Pending
24VL1946	Precontact stone circle	Potentially Eligible	Eligible	Pending
24VL1965	Precontact stone circle	Unevaluated	Pending	Pending
24VL1968	Precontact stone circle	Unevaluated	Pending	Pending
24VL1969	Historic stone alignment	Not Eligible	Not Eligible	Concur
24VL1972	Historic ditch	Not Eligible	Not Eligible	Concur
24VL1985	Historic road grade	Not Eligible	Pending	Pending
24VL1991	Saint Marie/Glasgow Air Force Base	Eligible	Pending	Pending
Lewis and Clark National Historic Trail (two segments)	Historic trail	Eligible	Eligible	Pending

As of October 2012, the following areas remain unsurveyed, and are the subject of ongoing field studies:

- Approximately 65 acres of proposed Project corridor;
- Approximately 13 acres of access roads; and
- No ancillary facilities.

Additional cultural resource surveys for the proposed Project corridor and access roads are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. Cultural resources in Montana are further separated by type (e.g., archaeological sites, stone circles sites, historic structures, and historic trails) and discussed below.

Archaeological Sites

Within the APE, 110 sites were identified including the following:

- Six previously recorded precontact stone feature sites;
- Fifty-nine newly recorded precontact sites, of which 28 are isolated finds, 27 are stone features, and 4 are artifact scatters;
- One previously recorded historic stone feature site;

- Sixteen newly recorded historic sites, of which nine are isolated finds, two are stone features, and five are artifact scatters;
- Two previously recorded multicomponent sites, including evidence of both precontact and historic activity;
- Two newly recorded multicomponent sites; and
- Twenty-four sites that are undetermined concerning a time period.

Of these, 18 are eligible for inclusion in the NRHP, 42 are not eligible, and 50 are unevaluated or pending eligibility determinations/concurrence. By definition, the isolated finds are not eligible for listing in the NRHP. Of the 110 archaeological sites, 50 remain unevaluated and may be eligible for inclusion in the NRHP. The Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and work to avoid any detrimental adverse effects to the resources, to the extent practicable. If impacts to sites can be avoided, further evaluation of their NRHP eligibility may not be completed. For a list of dates regarding Department consultation with Native American tribes, please refer to Appendix E, Record of Consultation.

Stone Circle Sites

Stone circles are stone features that represent a precontact-period Native American settlement in Montana. Stone circles are made up of stones assembled in concentric rings and were used by Native Americans to anchor their dwellings. Sites can consist of a single ring to many dozen. Stone circle sites often include additional features such as pits and hearths, and may include artifacts such as fire cracked rock, animal bone, and stone artifacts. The proposed Project APE contains 33 stone circle sites that were identified during cultural resource surveys that are either potentially eligible or unevaluated (Table 3.11-2). The recordation and evaluation of these sites are guided by the *Recordation Standards and Evaluation Guidelines for Stone Circle Sites* (Montana SHPO 2002). The Department will continue to work with the Native American tribes, BLM, Montana SHPO, and Keystone to avoid or mitigate, to the extent practicable, sites that could be adversely affected by the proposed Project. Previously, the Department conducted site visits with the Blackfeet and Chippewa-Cree tribes and BLM and MDEQ along the proposed Project route in Montana to consult on and discuss stone circle sites, identify avoidance options, and describe proposed Project effects. For a list of dates regarding Department consultation with Montana Native American tribes, please refer to Appendix E, Record of Consultation.

Historic Structures

Within the APE, 38 historic structures were identified, including the following:

- Eleven structures were previously recorded, including homesteads, railroads, a canal, and a trail; and
- Twenty-seven structures were newly recorded, including homesteads, farmsteads, agricultural structures, canals/irrigations features, roads, and an air force base.

Avoidance is recommended for all eligible or unevaluated sites, to the extent practicable. Twelve historic structures are eligible for inclusion in the NRHP, 14 are not eligible, and 12 are unevaluated or pending eligibility determinations/concurrence. Additional research will be

conducted to determine NRHP eligibility and proposed Project effects. For those historic properties where avoidance is not feasible, a mitigation plan would be prepared consistent with the stipulations of the Programmatic Agreement (PA) (see Section 3.11.3.4, Programmatic Agreement).

Historic Trail

The proposed Project route crosses the Lewis and Clark National Historic Trail (LCNHT) at two locations. Although cultural resources investigations conducted in the vicinity of the trail did not identify any archaeological remains, historic artifacts, or culturally constructed features associated with the LCNHT, the Missouri River and the Yellowstone River corridors are within a BLM Special Resource Management Area established for the LCNHT. Also, the LCNHT is not generally defined by physical trail remains. The tangible elements of the LCNHT along the proposed Project corridor are defined by the rivers and river banks that the Lewis and Clark route followed, with the maintenance of the historic setting of this route along these river ways, comparable to the natural descriptions found in expedition journals, being integral to the resource. There is no adverse effect to the LCNHT route since it is not possible to define an exact location or any physical trail remains where the expedition crossed the proposed Project route. The Department will continue to work with the NPS to determine and implement avoidance or other mitigation of adverse effects, to the extent practicable, to historic properties potentially to be affected by the proposed Project.

South Dakota

Within South Dakota, the proposed Project would cross state and private lands in Butte, Gregory, Haakon, Harding, Hughes, Jones, Lyman, Meade, Pennington, Perkins, and Tripp counties. Prior to the initiation of South Dakota fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork literature searches occurred as follows:

- On May 7 and 8, 2008; and May 26, 2011, at the South Dakota State Archaeological Resource Center; and
- In 2009 and 2010 prior to each addendum report field survey program.

Cultural resources surveys in South Dakota summarized in this Supplemental EIS were conducted between 2008 and 2012. Since the issuance of the Final EIS, Keystone has made 51 route modifications in South Dakota based on discussions with agencies and landowners. All route modifications outside the 300-foot-wide APE have been or will be surveyed. Cultural resources reports documenting these surveys were submitted to the Department upon completion and are listed below:

- Berg, Caryn M., Judith Cooper, Zonna Barnes, Jennifer Long, Ryan Byerly, Daniel Shosky, Vanesa Zietz, Norma K. Crumbley, Courtney Higgins, Noelle Boyer, Jason Burkard, Thomas Witt, Sean Doyle, Erin Salisbury, Scott A. Slessman, and Michael Retter. 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, Zonna, Nelson Klitzka, Thomas Witt, Sean Doyle, Judith Cooper, Erin Salisbury, Guy Hepp, Caryn M. Berg, Scott A. Slessman, and Michael Retter. 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, Sean, Zonna Barnes, Vanesa Zietz, Nelson Klitzka, Thomas Witt, Judith Cooper, Carolyn Riordan, Erin Salisbury, and Elizabeth Kreider. 2009. Addendum 2: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Salisbury, Erin, Zonna Barnes, Sarah Baer, Vanesa Zietz, Nicole Hurlburt, Thomas Witt, and Sean Doyle. 2010. Addendum 3: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Marmor, Jason, Thomas Witt, Sean Doyle, Zonna Barnes and Erin Salisbury. 2010b. Addendum 4: Architectural Field Inspection and Visual Impact Analysis. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Boyer, Noelle, Erin Salisbury, Zonna Barnes, and Sean Doyle. 2010. Addendum 5: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Burkard, Jason, Erin Salisbury, and Zonna Barnes. 2010. Addendum 6: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Jones, Lyman, Meade, Perkins, and Tripp Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Zietz, Vanesa, Sarah Johnson, Noelle Boyer, Sean Doyle, Thomas Witt, Zonna Barnes and Erin Salisbury. 2012. Addendum 7: Additional Fieldwork Results. Level III Cultural Resources survey for the Keystone XL Pipeline in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Hughes, Jones, Lyman, Meade, Perkins, and Tripp Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Salisbury, Erin. 2011. Letter to Dr. Schmidt: RE Keystone XL Pipeline Project—Additional Subsurface Testing of Three Isolated Finds in Harding County, South Dakota. SWCA Environmental Consultants. Broomfield, CO.

Cultural resources surveys conducted through October 2012 within South Dakota included:

- Approximately 343 miles of the proposed Project corridor;
- Approximately 41 miles of access roads; and
- Approximately 2,798 acres of proposed ancillary facility sites.

To date, 137 cultural resources have been identified during the cultural resources surveys within the Project APE in South Dakota, including 112 archaeological sites and 25 historic structures. Of these, one is new and 136 were previously identified. Of the 137 cultural resources, nine are eligible for inclusion on the NRHP, 82 are not eligible, and 46 have not been evaluated. The results of the surveys performed, recommendations of eligibility by Keystone's consultants, determinations of eligibility by the Department, and concurrences from SHPO are shown in Table 3.11-3.

Table 3.11-3 Cultural Resources Identified in South Dakota within the Project APE

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO/THPO Concurrence with Department Finding
39BU0039	Precontact stone circle	Potentially Eligible	Pending	Pending
39BU0447	Precontact isolate	Not Eligible	Not Eligible	Concur
39BU0448	Historic artifact scatter/ precontact isolate	Unevaluated	Pending	Pending
39BU0449	Undated stone cairn	Potentially Eligible	Pending	Pending
39GR0159	Precontact isolate	Not Eligible	Not Eligible	Concur
39GR0160	Historic artifact scatter	Not Eligible	Not Eligible	Concur
39GR0161	Precontact isolate	Not Eligible	Not Eligible	Concur
39GR0162	Precontact isolate	Not Eligible	Not Eligible	Concur
39GR0163	Historic well and artifact scatter/ precontact artifact scatter	Not Eligible	Not Eligible	Concur
39GR0164	Historic isolate	Not Eligible	Not Eligible	Concur
39GR0165	Historic farmstead	Eligible	Eligible	Concur
39GR0166	Historic farmstead	Unevaluated	Pending	Pending
39GR0167	Historic isolate	Not Eligible	Not Eligible	Concur
39GR0168	Historic farmstead	Unevaluated	Pending	Pending
39GR0169	Historic farmstead	Eligible	Eligible	Concur
39GR0170	Historic foundation and artifact scatter	Not Eligible	Not Eligible	Concur
39GR0171	Historic farmstead	Unevaluated	Pending	Pending
39GR0172	Historic farmstead	Unevaluated	Pending	Pending
39GR0173	Precontact isolate	Not Eligible	Not Eligible	Concur
C710HA001	Historic can scatter	Unevaluated	Pending	Pending
C710HA003	Precontact site	Unevaluated	Pending	Pending
C710HA004	Precontact site	Unevaluated	Pending	Pending
C710HA005	Precontact site	Unevaluated	Pending	Pending
C710HA009	Precontact site	Unevaluated	Pending	Pending
C710HA010	European-American rock art	Unevaluated	Pending	Pending
C710HA011	Historic irrigation system	Unevaluated	Pending	Pending
C710HA013	Pending	Unevaluated	Pending	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO/THPO Concurrence with Department Finding
C710HA014	Precontact isolate	Unevaluated	Pending	Pending
C710HA015	Fire cracked rock	Unevaluated	Pending	Pending
C710HA016	Precontact isolate	Unevaluated	Pending	Pending
39HK0136	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0137	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0138	Historic homestead	Unevaluated	Pending	Pending
39HK0139	Historic well and artifact scatter	Not Eligible	Not Eligible	Concur
39HK0140	Historic farmstead	Unevaluated	Pending	Pending
39HK0141	Historic trash dump	Unevaluated	Pending	Pending
39HK0142	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0143	Precontact isolate	Not Eligible	Not Eligible	Concur
39HK0144	Historic isolate	Not Eligible	Not Eligible	Concur
39HK2257	Historic road and artifact scatter	Not Eligible	Pending	Pending
39HN003	Historic Homestead	Unevaluated	Pending	Pending
39HN0998	Precontact artifact scatter	Not Eligible	Not Eligible	Pending
39HN1078	Undated stone cairn	Potentially Eligible	Pending	Pending
39HN1079	Undated stone cairn	Potentially Eligible	Pending	Pending
39HN1080	Precontact stone features	Unevaluated	Pending	Pending
39HN1081	Historic artifact scatter/ precontact isolate	Not Eligible	Not Eligible	Concur
39HN1082	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1083	Historic isolate/precontact isolate	Not Eligible	Not Eligible	Concur
39HN1129	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1130	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1131	Historic depressions and artifact scatter	Not Eligible	Not Eligible	Concur
39HN1132	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1133	Precontact artifact scatter	Not Eligible	Not Eligible	Concur
39HN1134	Historic rock art	Not Eligible	Not Eligible	Concur
39HN1135	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1136	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1137	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1138	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1139	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1140	Historic artifact scatter	Not Eligible	Not Eligible	Concur
39HN1141	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1142	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1143	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1144	Precontact stone cairn	Unevaluated	Pending	Pending
39HN1145	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1146	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1147	Historic homestead	Eligible	Eligible	Pending
39HN1148	Undated stone cairn	Unevaluated	Pending	Pending
39HN1149	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1150	Historic homestead	Unevaluated	Pending	Pending
39HN1151	Undated stone cairn	Unevaluated	Pending	Pending
39HN1152	Undated stone cairn	Unevaluated	Pending	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO/THPO Concurrence with Department Finding
39HN1153	Historic homestead	Unevaluated	Pending	Pending
39HN1156	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1157	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1158	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1159	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1160	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1164	Precontact lithic scatter	Not Eligible	Not Eligible	Pending
39HN1165	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
39HN1166	Precontact isolate	Not Eligible	Not Eligible	Pending
39HN1167	Undated stone cairn	Potentially Eligible	Potentially Eligible	Concur
39HN1174	Precontact isolate	Not Eligible	Pending	Pending
39JN0050	Historic stock pond and trash scatter	Not Eligible	Not Eligible	Concur
39JN0051	Historic farm/ranch	Eligible	Eligible	Concur
39JN0052	Historic trash dump	Not Eligible	Not Eligible	Concur
39JN0053	Precontact isolate	Not Eligible	Not Eligible	Concur
39JN0054	Historic train passenger car	Not Eligible	Not Eligible	Concur
39JN0055	Historic isolate	Not Eligible	Not Eligible	Concur
39JN0056	Historic farmstead/precontact isolate	Unevaluated	Pending	Pending
39JN0057	Historic isolate	Not Eligible	Not Eligible	Concur
39JN0064	Historic artifact scatter	Not Eligible	Pending	Pending
39JN2007	Previously recorded historic railroad	Eligible	Eligible	Concur
C710JO001	Pending	Unevaluated	Pending	Pending
39LM009	Historic farmstead	Unevaluated	Pending	Pending
39LM0518	Historic trash scatter	Not Eligible	Not Eligible	Concur
39LM0519	Historic burial place	Eligible	Eligible	Concur
39MD000*	Pending	Unevaluated	Pending	Pending
39MD0820	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0821	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0822	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0823	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
39MD0824	Historic artifact scatter	Not Eligible	Not Eligible	Concur
39MD0825	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0826	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0827	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0834	Historic isolate/precontact isolate	Not Eligible	Not Eligible	Concur
39MD0835	Historic artifact scatter	Eligible	Eligible	Concur
39MD0849	Historic grave	Not Eligible	Not Eligible	Concur
39MD0850/ MD0000335	Historic schoolhouse	Eligible	Eligible	Pending
39MD0851	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0852	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0871	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0894	Historic trash dump	Not Eligible	Pending	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO/THPO Concurrence with Department Finding
MD01900001	Historic church	Not Eligible	Not Eligible	Concur
39PE0398	Precontact isolate	Not Eligible	Not Eligible	Concur
39PE0399	Historic isolate	Not Eligible	Not Eligible	Concur
39PE0400	Undated rock alignment	Unevaluated	Pending	Pending
39PE0402	Historic artifact scatter	Unevaluated	Pending	Pending
39PE0405	Precontact isolate	Not Eligible	Not Eligible	Concur
39PE0406	Historic depression and artifact scatter	Not Eligible	Not Eligible	Concur
39PE0414	Precontact isolate	Not Eligible	Not Eligible	Pending
39PE0415	Historic homestead	Unevaluated	Pending	Pending
39PE0418	Precontact isolate	Not Eligible	Not Eligible	Pending
C710PE001	Precontact site	Unevaluated	Pending	Pending
39TP0056	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0057	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0058	Historic artifact scatter	Not Eligible	Not Eligible	Concur
39TP0059	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0060	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0061	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0062	Precontact isolate	Not Eligible	Not Eligible	Concur
39TP0063	Historic farmstead	Eligible	Eligible	Concur
39TP0064	Historic isolate	Not Eligible	Not Eligible	Pending
39TP0065	Precontact isolate	Not Eligible	Not Eligible	Pending
39TP0066	Historic artifact scatter	Not Eligible	Not Eligible	Pending
39TP0067	Historic stone wall and scatter	Unevaluated	Pending	Pending

As of October 2012, the following areas remain unsurveyed, and are the subject of ongoing field studies:

- Approximately 571 acres of Project corridor;
- Approximately 2 acres of access roads; and
- Approximately 100 acres of ancillary facilities.

Additional cultural resources surveys within the proposed Project corridor, access roads, and ancillary facilities are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800.

Archaeological Sites

Within the APE, 112 newly recorded sites were identified including the following:

- Fifty precontact sites, of which 36 are isolated finds, three are stone features, and 11 are artifact scatters;
- Forty-six historic sites, of which 25 are isolated finds, two rock art sites, two are burials/cemeteries, and 17 are artifact scatters;

- Five multicomponent sites, including evidence of both precontact and historic activity; and
- Eleven sites that are undetermined concerning a time period, including eight stone features and three undetermined sites.

Avoidance is recommended for all eligible or unevaluated sites, to the extent practicable. Of these, two are eligible for inclusion in the NRHP, 79 are not eligible, and 31 are unevaluated or pending eligibility determinations/concurrence. By definition, the isolated finds are not eligible for listing in the NRHP. The Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and work to avoid any adverse effects to the resources, to the extent practicable. If impacts to sites can be avoided, further evaluation of their NRHP eligibility may not be completed. For a list of dates regarding Department consultation with Native American tribes, please refer to Appendix E, Record of Consultation.

Historic Structures

Within the APE, 25 historic structures were identified including the following:

- One structure was a previously recorded historic railroad; and
- Twenty-four structures were newly recorded, including homesteads, farmsteads, agricultural, commercial, and industrial structures, railroads, a church, and a schoolhouse.

Avoidance is recommended for all eligible or unevaluated sites, to the extent practicable. Seven historic structures are eligible for inclusion in the NRHP, three are not eligible, and 15 are unevaluated or pending eligibility determinations/concurrence. Additional research will be conducted to determine NRHP eligibility and determination of proposed Project effects. For those historic properties where avoidance is not feasible, a treatment plan will be prepared consistent with the stipulations of the PA.

Nebraska

Within Nebraska, the proposed Project would cross state and private lands in Antelope, Boone, Boyd, Fillmore, Holt, Jefferson, Keya Paha, Merrick, Nance, Polk, Saline, and York counties, in addition to NPS-managed lands. Prior to initiation of Nebraska fieldwork, literature searches were conducted for the proposed Project route. These pre-fieldwork activities occurred as follows:

- On April 11, April 22, and May 22, 2008; and April 10, 2012, at the Nebraska State Historical Society in Lincoln, Nebraska;
- During April 2008, as part of submittal of a research design and methodology for cultural resources field studies to the Nebraska SHPO.

Cultural resource surveys in Nebraska summarized in this Supplemental EIS were conducted between 2008 and 2012. Since issuance of the Final EIS, Keystone has made extensive changes to the proposed route through Nebraska, including three significant route modifications. All route modifications and new routes outside the original 300-foot-wide APE have been or will be surveyed. Cultural resources reports documenting these surveys were submitted to the Department upon completion and are listed below:

- Fink, Margaret, Monica Shah Lomas, Cally Lence, Jeff Anderson, and Jeff Myers. 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, Monica Shah, 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, Jeff, and Monica Shah 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, Monica Shah, and Kevin Lomas. 2009. Addendum No. 3: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Titus, Steve, and Monica Shah Lomas. 2010a. Addendum No.4: A Phase I Cultural Resources Survey of the Steel City Segment in Nebraska of the proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Filmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, Monica Shah, Jeff Anderson, and Bob Sadler. 2010. Addendum No. 5: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, Monica Shah. 2011. Addendum No. 6: A Phase I Cultural Resources Survey of the Steele City Segment in Nebraska of the Proposed Keystone XL Pipeline Project in Keya Paha, Rock, Holt, Garfield, Wheeler, Greeley, Boone, Nance, Merrick, Hamilton, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.
- Lomas, Monica Shah, John Schwegman, and Gail White. 2011. Addendum No. 7: 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.

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- Lomas, Monica Shah, and Bob Sadler. 2011. Addendum No. 9: 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, Monica Shah, Cally Lence, Jeff Myers, Jeff Anderson, Chip Perkins, Bob Sadler, and Steve Titus. 2012. Addendum 10 to A Phase I Cultural Resources Survey in Nebraska for the Proposed Keystone XL Pipeline Project in Keya Paha, Boyd, Holt, Antelope, Boone, Nance, Merrick, Polk, York, Fillmore, Saline, and Jefferson Counties, Nebraska. American Resources Group, Ltd. Carbondale, IL.

Cultural resources surveys conducted through October 2012 within Nebraska included the following:

- Approximately 393 miles of the proposed Project corridor;
- Seventeen miles of access roads; and
- Nine hundred eighty-seven acres of proposed ancillary facility (e.g., access roads, pump stations, and construction camps) sites.

To date, 118 cultural resources have been identified during the cultural resources surveys within the proposed Project APE in Nebraska, including 29 archaeological sites and 89 historic structures. Of these, 112 are new and six were previously identified. Of the 118 cultural resources, six are eligible for inclusion on the NRHP, 67 are not eligible, and 45 unevaluated or pending eligibility determinations/concurrence. The results of the surveys performed, recommendations of eligibility by Keystone’s consultants, determinations of eligibility by the Department, and concurrences from SHPO are shown in Table 3.11-4.

Table 3.11-4 Cultural Resources Identified in Nebraska within the Project APE

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO/THPO Concurrence with the Department
25AP74	Precontact limited activity site	Not Eligible	Pending	Pending
25AP75	Historic farmstead/precontact isolate	Not Eligible	Pending	Pending
25AP78	Historic dump	Not Eligible	Pending	Pending
25AP79	Historic farmstead	Not Eligible	Pending	Pending
25AP83	Historic farmstead	Not Eligible	Pending	Pending
25AP84	Historic dump	Not Eligible	Pending	Pending
25AP88	Precontact field camp	Not Eligible	Pending	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO/THPO Concurrence with the Department
25AP89	Precontact camp/ unidentified historic	Potentially Eligible	Pending	Pending
25AP90	Historic dump	Not Eligible	Pending	Pending
25AP93	Historic farmstead	Not Eligible	Pending	Pending
25AP94	Historic farmstead	Potentially Eligible	Pending	Pending
C502AT005FS	Precontact isolate	Not Eligible	Pending	Pending
C504AT005FS	Precontact isolate	Not Eligible	Pending	Pending
C504AT007AT	Historic Trail	Not Eligible	Pending	Pending
25BO54	Historic farmstead	Potentially Eligible	Pending	Pending
25BO60	Historic farmstead	Not Eligible	Pending	Pending
25BO61	Historic farmstead	Potentially Eligible	Pending	Pending
25BO63	Historic farmstead	Not Eligible	Pending	Pending
25BO64	Historic farmstead	Not Eligible	Pending	Pending
25BO65	Historic farmstead	Not Eligible	Pending	Pending
25BO67	Historic farmstead	Not Eligible	Pending	Pending
C501BO003	Historic Trail	Not Eligible	Pending	Pending
25BU69	Historic railroad	Not Eligible	Eligible	Pending
25FM23	Historic farmstead	Not Eligible	Not Eligible	Concur
25FM24	Historic railroad	Not Eligible	Not Eligible	Concur
25FM25	Historic railroad bed	Not Eligible	Not Eligible	Concur
25FM26	Historic farmstead	Not Eligible	Not Eligible	Concur
25FM27	Precontact limited activity site	Not Eligible	Not Eligible	Concur
25FM28	Historic farmstead	Not Eligible	Not Eligible	Concur
25GF16	Historic isolate	Not Eligible	Not Eligible	Concur
C203GR002AP	Historic building	Unevaluated	Pending	Pending
25GY51	Historic farmstead	Not Eligible	Not Eligible	Concur
25GY52	Historic farmstead	Not Eligible	Not Eligible	Concur
25GY53	Historic livestock feed lot	Not Eligible	Not Eligible	Concur
25HM24	Precontact limited activity site	Not Eligible	Not Eligible	Concur
25HM25	Historic burial ground	Unevaluated	Pending	Pending
25HM26	Historic road	Not Eligible	Not Eligible	Concur
25HM27	Historic dump	Not Eligible	Not Eligible	Concur
25HM28	Historic farmstead	Not Eligible	Not Eligible	Concur
25HM29	Historic railroad	Not Eligible	Not Eligible	Concur
25HM30	Historic farmstead	Not Eligible	Not Eligible	Concur
25HM31	Historic dump	Not Eligible	Not Eligible	Concur
25HM32	Historic railroad	Not Eligible	Eligible	Pending
25HT44	Historic railroad bed	Not Eligible	Not Eligible	Concur
25HT45	Historic road	Not Eligible	Not Eligible	Concur
25HT46	Historic road	Not Eligible	Not Eligible	Concur
25HT52	Historic railroad	Not Eligible	Eligible	Pending
25HT53	Historic railroad bed	Not Eligible	Not Eligible	Pending
25HT54/25HT505	Commercial/industrial railroad buildings and structures	Not Eligible	Not Eligible	Pending
25HT62	Historic farmstead	Not Eligible	Pending	Pending
HT 13-001	C&NW railway depot	Eligible	Eligible	Pending

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO/THPO Concurrence with the Department
HT13-040	Railway freight depot	Not Eligible	Not Eligible	Pending
C201JE003AP	Historic farmstead	Unevaluated	Pending	Pending
C201JE004AP	Historic farmstead	Unevaluated	Pending	Pending
C201JE005AP	Historic farmstead	Not Eligible	Pending	Pending
25JF43	Previously recorded historic windmill structure	Not Eligible	Not Eligible	Pending
25JF45	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF46	Historic railroad	Not Eligible	Not Eligible	Concur
25JF47	Historic railroad bed	Not Eligible	Not Eligible	Concur
25JF48	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF49	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF50	Historic railroad bed	Not Eligible	Not Eligible	Concur
25JF51	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF52	Precontact field camp	Potentially Eligible	Pending	Pending
25JF53	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF54	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF55	Historic railroad	Not Eligible	Eligible	Pending
25JF56	Historic agricultural building	Not Eligible	Pending	Pending
25JF507	Steam roller mill site	Unevaluated	Pending	Pending
25KP150	Precontact field camp	Potentially Eligible	Pending	Pending
25KP151	Precontact field camp	Potentially Eligible	Pending	Pending
25KP339	Historic dump	Not Eligible	Not Eligible	Concur
25KP345	Precontact rock circle	Potentially Eligible	Pending	Pending
25MK17	Historic dump	Not Eligible	Not Eligible	Concur
25MK18	Historic farmstead	Not Eligible	Not Eligible	Concur
25MK19	Historic farmstead	Not Eligible	Not Eligible	Concur
25MK20	Previously recorded historic farmstead	Potentially Eligible	Pending	Pending
25MK21	Historic farmstead	Not Eligible	Not Eligible	Concur
25MK22	Historic railroad bed	Not Eligible	Not Eligible	Concur
25MK23	Historic dump	Not Eligible	Not Eligible	Concur
25MK24	Historic farmstead	Not Eligible	Not Eligible	Concur
C502NA005FS	Historic isolate	Not Eligible	Pending	Pending
C502NA017	Historic artifact scatter	Not Eligible	Pending	Pending
25NC143	Historic farmstead	Not Eligible	Not Eligible	Concur
25NC144	Historic farmstead	Not Eligible	Not Eligible	Concur
25NC145	Historic farmstead	Not Eligible	Not Eligible	Concur
25NC146	Historic canal	Not Eligible	Not Eligible	Concur
NC00-042	Historic building	Not Eligible	Not Eligible	Pending
C102RK001	Historic farmstead	Unevaluated	Pending	Pending
25RO13	Historic road	Not Eligible	Not Eligible	Concur
25SA73	Kasak cemetery	Not Eligible/ Protected	Not Eligible/ Protected	Concur
25SA86	Precontact limited activity site	Not Eligible	Not Eligible	Concur
25SA87	Historic farmstead	Not Eligible	Not Eligible	Concur
25SA88	Historic railroad bed	Not Eligible	Not Eligible	Concur
25SA89	Historic farmstead	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO/THPO Concurrence with the Department
25SA90	Historic farmstead	Not Eligible	Pending	Pending
25VY56	Historic railroad	Not Eligible	Eligible	Pending
25WH4	Historic farmstead	Not Eligible	Not Eligible	Concur
25WH5	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK17	Precontact field camp	Potentially Eligible	Pending	Pending
25YK18	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK19	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK20	Historic railroad	Not Eligible	Not Eligible	Concur
25YK21	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK22	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK23	Historic artifact scatter	Potentially Eligible	Pending	Pending
25YK24	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK25	Historic railroad bed	Not Eligible	Not Eligible	Concur
25YK26	Precontact limited activity site	Not Eligible	Not Eligible	Concur
25YK27	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK28	Precontact field camp	Not Eligible	Not Eligible	Concur
25YK30	Historic farm outbuilding/ historic activity area	Not Eligible	Not Eligible	Concur
25YK31	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK33	Historic farmstead	Not Eligible	Not Eligible	Concur
Oregon National Historic Trail	Historic trail	Unevaluated	Pending	Pending
California, National Historic Trail	Historic trail	Unevaluated	Pending	Pending
Mormon Pioneer, National Historic Trail	Historic trail	Unevaluated	Pending	Pending
Pony Express National Historic Trail	Historic trail	Unevaluated	Pending	Pending

As of October 2012, the following areas remain unsurveyed, and are the subject of ongoing field studies:

- Approximately 7,567 acres of proposed Project corridor;
- Approximately 151 acres of access roads (for known roads);
- Approximately 45 acres of pump stations; and
- Undetermined acreage of ancillary facilities (e.g., access roads, pump stations, and construction camps).

Additional cultural resources surveys within the proposed Project corridor, access roads, and ancillary facilities are ongoing. These reports will be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800.

Archaeological Sites

Within the APE, 29 newly recorded sites were identified including the following:

- Fourteen precontact sites, of which two are isolated finds, one is a stone feature, and 11 are artifact scatters;
- Fourteen historic sites, of which two are isolated finds, 10 are artifact scatters, and two are cemeteries/burial grounds; and
- One multicomponent sites, including evidence of both precontact and historic activity.

Avoidance is recommended for all eligible or unevaluated sites, to the extent practicable. Of these, 12 are not eligible for inclusion on the NRHP and 17 are unevaluated or pending eligibility determinations/concurrence. By definition, the isolated finds are not eligible for listing in the NRHP. The Department will continue to consult with state and federal agencies and Native American tribes about the significance of the sites and work to avoid any adverse effects to the resources, to the extent practicable. If impacts to sites can be avoided, further evaluation of their NRHP eligibility may not be completed. For a list of dates regarding Department consultation with Native American tribes, please refer to Appendix E, Record of Consultation.

Historic Structures

Within the APE, 89 historic structures were identified:

- Six structures were previously recorded, including a farmstead, agricultural structure, and four trails; and
- Eighty-three structures were newly recorded, including farmsteads, agricultural, commercial, and industrial structures, railroads, trails/roads, and a canal.

Avoidance is recommended for all eligible or unevaluated sites, to the extent practicable. Six historic structures are eligible for inclusion in the NRHP, 55 are not eligible, and 28 are unevaluated or pending eligibility determinations/concurrence. Additional research will be conducted to determine NRHP eligibility and determination of proposed Project effects. For those historic properties where avoidance is not feasible, a treatment plan will be prepared consistent with the stipulations of the PA.

Historic Trails

The proposed Project route crosses the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails. Thus far, cultural resources surveys conducted in the vicinity of the trails have not identified any archaeological remains, historic artifacts, or culturally constructed features associated with the trails. There is no adverse effect to the trail routes since it is not possible to define an exact location or any physical trail remains where the trails cross the proposed Project route. The Department will continue to work with the NPS to determine and implement avoidance or other mitigation of adverse effects, to the extent practicable, to historic properties potentially to be affected by the proposed Project.

North Dakota

Within North Dakota, the proposed Project includes a 56-acre ancillary facility that will be used as a rail siding and pipe storage location on private lands in Bowman County. The ancillary

facility was used previously as part of TransCanada Pipelines Limited’s Bison Pipeline Project. As part of that previous project, the area was surveyed and cleared for use by Federal Energy Regulatory Commission, BLM, and the North Dakota SHPO. Additionally, since the ancillary facility was previously disturbed from its use as a rail siding and pipe storage location, no cultural resources survey was completed for the proposed Project.

For a list of dates regarding Department consultation with Native American tribes, please refer to Appendix E, Record of Consultation.

Kansas

Within Kansas, the proposed Project includes two pump stations on private lands in Butler and Clay counties. Prior to initiation of Kansas fieldwork, two literature searches were conducted for the proposed ancillary facility. This pre-fieldwork activity occurred on August 11, 2008, and September 23, 2009, using the Kansas Historic Resources Inventory administered by the State Historic Preservation Office at the Kansas Historical Society. The literature search was conducted to identify previously recorded cultural resources and previously completed cultural resource investigations within a 1-mile radius around the proposed pump stations.

The cultural resources surveys conducted in Kansas summarized in this Supplemental EIS were conducted in 2008 and 2009. The cultural resources reports documenting these surveys were submitted to the Department upon completion and are listed below:

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

The cultural resources survey conducted within Kansas covered approximately 15 acres for the two proposed pumping stations. The literature search for Kansas identified one previously recorded historic farmstead site (14BU131). The survey completed within the APE relocated 14BU131, but did not identify any new cultural resources. Site 14BU131 was identified to be outside the construction footprint of the proposed pumping station. Additionally, the site was recommended as not eligible for inclusion in the NRHP. The results of the surveys performed, recommendations of eligibility by Keystone’s consultants, determinations of eligibility by the Department, and concurrences from SHPO are shown in Table 3.11-5. For a list of dates regarding Department consultation with Native American tribes, please refer to Appendix E, Record of Consultation.

Table 3.11-5 Cultural Resources Identified in Kansas within the Project APE

Site	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by Department	KS SHPO Concurrence with Department Findings
14BU131	Historic artifact scatter	Not Eligible	Not Eligible	Concur

3.11.3.4 Programmatic Agreement

As part of the Final EIS route evaluation process, a PA was developed, finalized, and signed over a 2-year period between 2009 and 2011. Signatory parties to this agreement included the Department, BLM, USACE, U.S. Bureau of Reclamation, NPS, Western Area Power Administration, U.S. Department of Agriculture Rural Utilities Service (RUS), U.S. Department of Agriculture (USDA) Natural Resources Conservation Service, USDA Farm Service Agency, U.S. Bureau of Indian Affairs (BIA), and the SHPOs of Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Invited signatories included the Montana Department of Natural Resources and Conservation, MDEQ, and Keystone. Both signatory parties and invited signatories have retained the same rights within the agreement in regard to seeking amendments or termination of the agreement. Additional parties, such as Native American tribes that retained an interest in the proposed Project and that agreed to the contents of the PA, called “concurring parties,” were also invited to sign the PA, but these parties would not retain the same rights to amend or terminate the agreement. Native American tribes that signed the PA included the Alabama-Coushatta Tribes of Texas; Arapahoe Tribe of the Wind River Reservation, Wyoming; Blackfoot Tribe of the Blackfoot Indian Reservation of Montana; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Iowa Tribe of Kansas and Nebraska; Miami Tribe of Oklahoma; and Pawnee Nation of Oklahoma (Appendix S of the Final EIS).

The use of the PA for the proposed Project is consistent with 36 CFR 800.4(b)(2), which provides that when “alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts.” The PA will allow the Department and the consulting parties to continue and eventually complete the identification and evaluation of historic properties pursuant to the provisions in the PA, should the proposed Project receive all necessary certifications and permits. The proposed Project design continues to evolve as a result of the NEPA and Section 106 consistent processes, continuing engineering analysis, federal and state permitting, and ongoing landowner and land manager negotiations. The evaluation of historic properties for the proposed Project will not be completed until full access to all parcels along the proposed corridor is obtained. The PA, therefore, will ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. Appendices to the PA will include Unanticipated Discovery Plans for each state and a Tribal Monitoring Plan. These plans are more specifically described in sections 3.11.6, Unanticipated Discovery Plans, and 3.11.7, Tribal Monitoring Plan.

When the Final EIS route was revised to the proposed Project route, the status of the Final EIS PA was undetermined. Several federal and state agencies, along with Native American tribes, have expressed an interest in the status of a PA for the proposed Project. The Department is actively consulting with the previous Final EIS PA signatory agencies and Native American tribes to determine how the Final EIS PA or a revised version will be implemented for the proposed Project.

3.11.4 Consultation

3.11.4.1 Introduction

Consistent with Section 106 of the NHPA, the lead federal agency shares proposed Project information and consult with consulting parties. This includes Native American tribes, SHPOs,

local governments, and applicants for federal permits. For the proposed Project, the Department is consulting with SHPOs, Native American tribes, numerous federal and state agencies, and local governments, and is seeking the views of the public. Government-to-government Section 106 consultation meetings, direct mailings, teleconferencing, direct telephone communications, and email have been used to keep consulting party members informed and to solicit comments on the proposed Project. Appendix E, Record of Consultation, includes a more extensive Correspondence Table that summarizes the Department's consultation concerning cultural resources for the proposed Project.

3.11.4.2 Federal and State Agency Consultation

Consistent with NEPA and Section 106, the Department is consulting with federal agencies whose participation in the proposed Project was considered an undertaking. These agencies include U.S. Department of Interior, NPS, U.S. Fish and Wildlife Service, BLM, U.S. Bureau of Reclamation, USACE, U.S. Department of Transportation, Pipeline and Hazardous Material Safety Administration, Natural Resources Conservation Service, USDA Farm Service Agency, RUS, U.S. Environmental Protection Agency, U.S. Department of Energy, and Western Area Power Administration². The ACHP has also formally entered into consultation with the Department. In coordination with the Department, each of these agencies is reviewing the cultural resource findings as appropriate given their responsibilities as discussed in Chapter 1.0, Introduction. The Department is also consulting with state agencies, including the SHPOs in the states affected by the proposed Project as well as the Montana Department of Natural Resources and Conservation and the MDEQ, who is the lead for the Montana Environmental Policy Act. Appendix E, Record of Consultation, includes a more extensive Master Correspondence Table that summarizes the Department's federal and state agency consultation for the proposed Project.

3.11.4.3 Tribal Consultation

Consistent with 36 CFR 800, the Department has engaged Native American tribes in government-to-government consultation. The list of Native American tribes that were notified for this proposed Project was derived from lists maintained by the Department, NPS, BLM, USACE, SHPOs, state tribal liaisons, THPOs, BIA, and recommendations from other Native American tribes. During the Final EIS tribal consultation process, the Department engaged 95 Native American tribes and tribal groups. Following these invitations, 45 Native American tribes notified the Department that they would like to become consulting parties. Additionally, two Native American tribes were undecided as to whether they would become consulting parties, but nevertheless participated in calls and meetings. Twenty-one Native American tribes notified the Department that they did not wish to consult on the proposed Project and had no objection to the proposed Project, but would like to be notified should human remains be found. Twenty-seven Native American tribes did not respond to requests for consultation.

When the Final EIS route was revised to the proposed Project route, the Department engaged Native American tribes that had previously expressed an interest in the states/areas crossed by

² In addition to the tribal consultation process conducted by the Department, it should be noted that other federal agencies with individual permitting and authorization responsibilities would be conducting separate government-to-government tribal consultation efforts. For instance, prior to any work taking place on USACE lands, the notification and consultation procedures spelled out in the Missouri River Programmatic Agreement would be followed.

the proposed Project route or whose interests have not been expressed. As a result, 80 Native American tribes initially were invited to consult regarding the proposed Project by letters dated September 21, 2012. Follow-up phone calls and emails were sent to these tribes to determine their interest in consulting on the proposed Project. Three government-to-government consultation meetings were held in October 2012 to ensure that the tribes were fully aware of their role in the consultation process and to ensure that their issues of concern were understood in the consultation process. Meetings were held in Billings, Montana, Pierre, South Dakota, and Lincoln, Nebraska. The Department will continue to consult with the Native American tribes to ensure that their issues of concern are addressed in the consultation process. Appendix E, Record of Consultation, includes a more extensive Master Correspondence Table that summarizes the Department's tribal consultation for the proposed Project. Native American tribes that the Department contacted are listed in Table 3.11-6.

Table 3.11-6 Tribes Consulted for the Proposed Project

	Interested/Consulting Party	Tribe
1	Undecided	Absentee-Shawnee Tribe of Indians of Oklahoma
2	Undecided	Alabama-Coushatta Tribes of Texas
3	Not Consulting	Alabama-Quassarte Tribal Town, Oklahoma
4	Undecided	Apache Tribe of Oklahoma
5	Consulting	Arapahoe Tribe of the Wind River Reservation, Wyoming (aka Northern Arapaho Tribe)
6	Consulting	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (aka Fort Peck Tribes)
7	Consulting	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
8	Undecided	Cherokee Nation, Oklahoma
9	Undecided	Cheyenne and Arapaho Tribes, Oklahoma
10	Consulting	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
11	Not Consulting	Chickasaw Nation, Oklahoma
12	Consulting	Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
13	Not Consulting	Choctaw Nation of Oklahoma
14	Not Consulting	Comanche Nation, Oklahoma
15	Consulting	Confederated Salish & Kootenai Tribes of the Flathead Indian Nation, Montana
16	Consulting	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
17	Consulting	Crow Tribe of Montana
18	Undecided	Delaware Tribe of Indians, Oklahoma
19	Undecided	Eastern Band of Cherokee Indians of North Carolina
20	Not Consulting	Eastern Shawnee Tribe of Oklahoma
21	Consulting	Flandreau Santee Sioux Tribe of South Dakota
22	Not Consulting	Forest County Potawatomi Community, Wisconsin
23	Undecided	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (aka Gros Ventre and Assiniboine Tribe of Ft. Belknap)

	Interested/Consulting Party	Tribe
24	Undecided	Hannahville Indian Community, Michigan
25	Consulting	Ho-Chunk Nation of Wisconsin
26	Not Consulting	Iowa Tribe of Kansas and Nebraska
27	Consulting	Iowa Tribe of Oklahoma
28	Undecided	Jena Band of Choctaw Indians, Louisiana
29	Consulting	Kaw Nation, Oklahoma
30	Undecided	Kialegee Tribal Town, Oklahoma
31	Undecided	Kickapoo Traditional Tribe of Texas
32	Undecided	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
33	Undecided	Kiowa Indian Tribe of Oklahoma
34	Consulting	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
35	Undecided	Lower Sioux Indian Community in the State of Minnesota
36	Undecided	Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan (aka Gun Lake Potawatomi)
37	Consulting	Mille Lacs Band of Minnesota Chippewa Tribes, Minnesota
38	Undecided	Modoc Tribe of Oklahoma
39	Undecided	Nez Perce Tribe, Idaho
40	Consulting	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
41	Undecided	Nottawaseppi Huron Band of the Potawatomi, Michigan (aka Huron Potawatomi Nation)
42	Consulting	Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
43	Undecided	Omaha Tribe of Nebraska
44	Undecided	Osage Nation, Oklahoma
45	Undecided	Otoe-Missouria Tribe of Indians, Oklahoma
46	Consulting	Pawnee Nation of Oklahoma
47	Undecided	Poarch Band of Creek Indians of Alabama
48	Consulting	Pokagon Band of Potawatomi Indians, Michigan and Indiana
49	Undecided	Ponca Tribe of Indians of Oklahoma
50	Consulting	Ponca Tribe of Nebraska
51	Consulting	Prairie Band of Potawatomi Nation, Kansas
52	Not Consulting	Prairie Island Indian Community in the State of Minnesota
53	Undecided	Red Lake Band of Chippewa Indians, Minnesota
54	Consulting	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
55	Undecided	Sac & Fox Nation of Missouri in Kansas and Nebraska
56	Undecided	Sac & Fox Nation, Oklahoma
57	Consulting	Sac & Fox Tribe of the Mississippi in Iowa
58	Undecided	Santee Sioux Nation, Nebraska
59	Not Consulting	Seneca-Cayuga Tribe of Oklahoma

	Interested/Consulting Party	Tribe
60	Undecided	Shakopee Mdewakanton Sioux Community of Minnesota
61	Undecided	Shoshone Tribe of the Wind River Reservation, Wyoming (aka Eastern Shoshone Tribe)
62	Undecided	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
63	Undecided	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
64	Consulting	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
65	Undecided	Spirit Lake Tribe, North Dakota
66	Consulting	Standing Rock Sioux Tribe of North & South Dakota
67	Not Consulting	Stockbridge Munsee Community, Wisconsin
68	Undecided	Thlopthlocco Tribal Town, Oklahoma
69	Undecided	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
70	Consulting	Tonkawa Tribe of Indians of Oklahoma
71	Undecided	Turtle Mountain Band of Chippewa Indians of North Dakota
72	Not Consulting	United Keetoowah Band of Cherokee Indians in Oklahoma
73	Undecided	Upper Sioux Community, Minnesota
74	Undecided	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (aka Ute Indian Tribe, also Northern Ute Tribe)
75	Undecided	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah
76	Not Consulting	White Earth Band of Minnesota Chippewa Tribes, Minnesota
77	Undecided	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
78	Not Consulting	Winnebago Tribe of Nebraska
79	Consulting	Yankton Sioux Tribe of South Dakota
80	Consulting	Ysleta Del Sur Pueblo of Texas

The following are general issues and concerns commonly expressed by the tribes through letters, emails, phone calls, and at consultation meetings to date:

- The Department’s tribal consultation process and plan;
- Previous and future TCP studies;
- Previous and future cultural resources surveys;
- Tribal role in identification and evaluation of cultural resources;
- Status of the PA and how it may or may not be amended;
- Non-cultural resources impacts of the proposed Project (e.g., potential spills, surface and groundwater, socioeconomics, environmental justice);
- Impacts to the environment and tribes in Canada; and
- Economic opportunities for tribal members during construction of the proposed Project.

The Department has gathered these issues and concerns and is currently evaluating opportunities to address them as part of the tribal consultation and cultural resources processes and within the Final Supplemental EIS.

Seven tribes listed in Table 3.11-7 have completed TCP studies within the proposed Project APE. The Department has reviewed and approved the reports and continues to consult with the tribes regarding recommendations made in these reports concerning eligibility of a historic property and/or proposed Project effects. The Department will make determinations of eligibility and proposed Project effects. A draft Tribal Monitoring Plan has been developed as a result of the TCP studies to account for areas where tribes might have a concern. The draft Tribal Monitoring Plan will be shared with the consulting tribes for their comment. The Department has consulted with tribes in identifying areas along the APE that will be monitored during construction if the proposed Project is permitted.

Table 3.11-7 List of Tribes Participating in Traditional Cultural Property Studies within the Proposed Project

Tribe	Date of Contact	Date SOW Received	Date of Response	Date TCP Received	Date TCP Accepted
Arapahoe Tribe of the Wind River Reservation, Wyoming	10/26/2009	1/8/2010	1/20/2010	10/10/2010	12/01/2010
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	8/10/2009	11/20/2009	11/30/2009	Not Finalized	N/A
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	8/18/2009	8/24/2009	9/14/2009	12/15/2009	1/25/2010
Cheyenne and Arapaho Tribes, Oklahoma	8/14/2009	8/24/2009	9/14/2009	1/01/2010	4/16/2010
Lower Sioux Indian Community in the State of Minnesota	8/4/2009	8/11/2009	9/14/2009	Not Finalized	N/A
Pawnee Nation of Oklahoma	9/11/2009	9/1/2009	9/14/2009	4/12/2010	5/25/2010
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	11/12/2009	11/20/2009	11/30/2009	Not Finalized	N/A
Spirit Lake Tribe, North Dakota	8/11/2009	8/11/2009	9/14/2009	10/01/2010	3/17/2010
Turtle Mountain Band of Chippewa Indians of North Dakota	8/11/2009	9/22/2009	9/24/2009	6/2010	8/30/2010
Yankton Sioux Tribe of South Dakota	8/13/2009	1/13/2010	1/20/2010	3/17/2011	4/18/2011

SOW = Scope of Work

3.11.5 Public Involvement

Consistent with 36 CFR 800.2(d)(1–3), the Department has followed ACHP guidance in its efforts to seek the views of the public in the Section 106-consistent process and through its

NEPA-consistent process. For the proposed Project, the Department placed notices in the Federal Register (including the Receipt of Application and Scoping Notices) and made public and available Keystone's application and environmental report via a project-specific website. The NOI informed the public about the proposed action, announced plans for public scoping opportunities, invited public participation in the scoping process, and solicited public comments for consideration in establishing the scope and content of the Supplemental EIS. The scoping period extended from June 15 to July 30, 2012. As of October 2012, the Department has received over 408,000 public comments, many of which reflected cultural resources issues.

These efforts specific to the modifications in Nebraska are in addition to public involvement efforts conducted for the Final EIS. After the Draft Supplemental EIS is published, the Department will hold public meetings in Nebraska in December 2012. The Department will also receive comments from the public on the Draft Supplemental EIS by phone, mail, fax, and web, and respond to and incorporate comments into the Final Supplemental EIS.

3.11.6 Unanticipated Discovery Plans

Unanticipated Discovery Plans are plans approved by the Department for the proper response and treatment of any discoveries that are made during construction. Examples of this are human remains and other cultural artifacts. The plans will be prepared for Montana, South Dakota, Nebraska, North Dakota, and Kansas, and would apply to federal, state, and private lands. They will be prepared with collaboration from consulting parties including Native American tribes and agencies. Keystone would implement these plans, with the Department's oversight, in the event that unanticipated cultural materials or human remains are encountered during the construction phase of the proposed Project.

3.11.7 Tribal Monitoring Plan

The Tribal Monitoring Plan describes how construction will be monitored for compliance with Section 106 of the NHPA in areas of tribal concern. Monitoring plans will be prepared to assist in identifying and minimizing proposed Project adverse effects on important cultural resources and would be implemented through the PA. A draft Tribal Monitoring Plan was developed for the proposed Project and sent out for review in June 2010. Comments from tribes and agencies were incorporated into a second draft that was submitted to consulting parties for review on November 23, 2010. The Tribal Monitoring Plan was included as a confidential appendix to the PA.

The Tribal Monitoring Plan has been prepared in consultation with the consulting parties for the proposed Project that includes the SHPOs of the affected states, Native American tribes, as well as state and federal agencies. Keystone would implement this plan, with the Department's oversight, in the event that unanticipated cultural materials or human remains are encountered during the construction phase of the proposed Project. The plan would apply to federal, state, and private lands. This plan, along with the unanticipated discovery plans, is stipulations of the PA.

3.11.8 Connected Actions

3.11.8.1 Bakken Marketlink Project

Construction and operation of the proposed Bakken Marketlink Project would include the pipeline, metering and pumping systems, and three new storage tanks near Baker, Montana, and two storage tanks within the boundaries of the proposed Cushing tank farm in Oklahoma. Within Fallon County, Montana, the proposed Bakken Marketlink Project facilities near Pump Station 14 would be located within private land currently used as pastureland and hayfields. A previous cultural resources survey of the area did not identify any cultural resources. The proposed Bakken Marketlink Project facilities located within the boundaries of the Cushing tank farm would consist of areas that have been previously disturbed due to tank farm construction. As a result, no cultural resources surveys are needed for the proposed Bakken Marketlink Project in Oklahoma.

3.11.8.2 Big Bend to Witten 230-kV Transmission Line

An additional and separate NHPA consistency review of the proposed Big Bend to Witten 230-kilovolt (kV) Transmission Line Project is currently being conducted. The project design and cultural resources review of the proposed transmission project are on a different schedule than the proposed Project itself. Regional transmission system reliability concerns are not associated with the initial operation of the proposed pump stations, but rather with later stages of proposed Project operation at higher levels of crude oil throughput.

RUS is the lead federal agency for the proposed transmission project and will assume Section 106 responsibilities. Since a portion of the proposed transmission line and a proposed substation would cross the Lower Brule Sioux Reservation, BIA would be responsible for supplying ARPA permits for cultural resources surveys on reservation land³, while BLM and USACE would be responsible for supplying ARPA permits on their respective lands. Additionally, RUS would lead the effort for the potential development of a separate PA between RUS, BLM, USACE, Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota, and the project applicant, Basin Electric Power Cooperative.

No cultural resources surveys specific to the proposed Big Bend to Witten 230-kV Transmission Line Project have been completed to date. Review of aerial photographs shows that the proposed transmission line corridor includes undeveloped agricultural land with level topography and proximity to water resources. Existing transportation corridors are also present. These factors suggest that the APE for the proposed transmission project has the potential to include intact cultural resources. The authorizations and permit applications required for the proposed project would be reviewed and acted on by other federal agencies. In addition to RUS, as the lead federal agency, these agencies would have their own Section 106 responsibilities. Additionally, these agencies would require that cultural resource surveys be performed by the applicant, and would conduct more detailed cultural resources of the proposed transmission project.

³ An ARPA permit can be granted by BIA only with the consent of the Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota. Terms and conditions may be added to the permit by the Tribe. Tribal conditional permits to conduct cultural resources surveys on reservation lands may also be required by the Tribe.

3.11.8.3 Electrical Distribution Lines and Substations

The Department has consulted with the ACHP concerning the Department's role with regard to the proposed electrical distribution lines that would provide the power to proposed Project pump stations. These lines would be designed and constructed by local power providers along the proposed Project corridor. This connected action is progressing under different schedules than the proposed Project, and in many cases the alignments for the required facilities have not yet been firmly established and cultural resources surveys of the routes have not been conducted.

Cultural resources surveys have started and are currently ongoing for the proposed electrical distribution lines and substations. A general review of aerial photographs shows that the proposed footprints of the electrical distribution lines and substations include undeveloped agricultural land with level topography and proximity to water resources; existing transportation corridors are also present. These factors suggest that the APE for the proposed electrical distribution lines and substations has the potential to include intact cultural resources. The authorizations and permit applications required for the proposed project would be reviewed and acted on by other federal agencies. In addition to the Department, these agencies would have their own Section 106 responsibilities. Additionally, these agencies would require that cultural resources surveys be performed by the applicant, and would conduct more detailed cultural resources of the proposed electrical distribution line and substations.

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