

## **1.6 TRIBAL AND SHPO CONSULTATION**

### **1.6.1 Tribal Consultation**

In its Notice of Intent to prepare a Supplemental Environmental Impact Statement (Supplemental EIS) (see Section 1.8, Preparation of Publication), the U.S. Department of State (the Department) also presented its intent to conduct a parallel Section 106 consultation consistent with the National Historic Preservation Act of 1986 (NHPA). Consultation was done in parallel with the previous EIS process (as described in the 2011 Final EIS). The Department and the Bureau of Land Management initially contacted potentially affected Native American tribes to determine whether the tribes were interested in reviewing the previously proposed Project and whether they were interested in participating in consultation consistent with Section 106. Tribes potentially affected by the undertaking were invited to become consulting parties consistent with Section 106 of the NHPA. Consultation was initiated on January 30, 2009 and included the development of a Programmatic Agreement between the consulting parties that would guide the continuing compliance with Section 106 if Keystone receives all necessary permits and implements the proposed Project. Consultation included many Section 106 consultation meetings, a meeting at the Department offices in Washington, D.C. in December 2010. A Programmatic Agreement was included in the Final EIS as Appendix S.

Additional government-to-government consultation is underway for the current Supplemental EIS process for the proposed Project. As the lead federal agency for the proposed Project, the Department is continuing throughout the Supplemental EIS process to engage in consultation on the Supplemental EIS, the proposed Project generally, and on cultural resources consistent with Section 106 of the NHPA with identified consulting parties, including federal agencies, state agencies, State Historic Preservation Offices (SHPOs), the Advisory Council on Historic Preservation, and interested federally recognized Native American tribes (70 Federal Register 71194) in the vicinity of the proposed Project. Tribal meetings were held in October 2012 in Montana, South Dakota, and Nebraska. A complete list and discussion of the consultation efforts, to date, are included in Appendix E, Record of Consultation.

### **1.6.2 SHPO Consultation**

Consultation with the SHPOs was initiated on February 2, 2009, for the 2011 Final EIS process and has continued for the proposed Project. Consultation to date has included consultation meetings in Lincoln, Nebraska; Helena, Montana; and Pierre, South Dakota. The SHPOs, other agencies, and Native American tribes have been active participants in providing feedback to the Department. Additional meetings were held with Montana SHPOs to address the development of mitigation measures for adverse effects to historic properties in Montana that would occur if the proposed Project is implemented.

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