

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, as well as the 2013 Draft Supplemental EIS and, in many instances, replicates that information with relatively minor changes and updates; other information is entirely new or substantially altered.

Specifically, the following information, data, methods, and/or analyses have been substantially updated from the 2011 document:

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

The following information, data, methods, and/or analyses have been substantially updated from the 2013 Draft Supplemental EIS:

- An updated description is provided of the cultural resources identified, to date, within the proposed Project area.
- An updated description is provided of the agency and tribal consultation efforts conducted for the proposed Project to-date.

Summary

Cultural resources include the locations of human activity, occupation, or usage that contain materials, structures, or landscapes that were used, built, modified, or regarded as culturally or religiously significant by people. The TransCanada Keystone Pipeline, LP (Keystone) proposed Project considers cultural resources that include, but are not limited to, precontact period American Indian archaeological sites, historic period farmsteads, and a district of historic buildings. The U.S. Department of State (the Department)—as the lead federal agency consistent with Section 106 of the National Historic Preservation Act of 1986 (NHPA), as amended—considers effects on historic properties before an undertaking occurs. The proposed Project is considered an *undertaking* consistent with Section 106 of the NHPA.

The proposed Project route and ancillary facilities (e.g., access roads, pump stations, and construction camps) would be located on various private, state, and federal lands in Montana, South Dakota, Nebraska, North Dakota, and Kansas where cultural resources would be encountered. Prior to initiation of fieldwork, literature searches were conducted for the proposed Project route to locate previously identified cultural resources within the designated area of potential effects (APE) for each state. For the purposes of the proposed Project, field studies were conducted between 2008 and 2013 to identify cultural resources and assess archaeological resources (i.e., sites), historic resources (i.e., buildings, structures, objects, and districts), and

properties of religious and cultural significance, including traditional cultural properties (TCPs)¹. As of December 2013, 397 cultural resources have been identified during the cultural resources surveys within the proposed Project APEs, including 265 archaeological sites and 132 historic structures (see Figure 3.11.1-1).

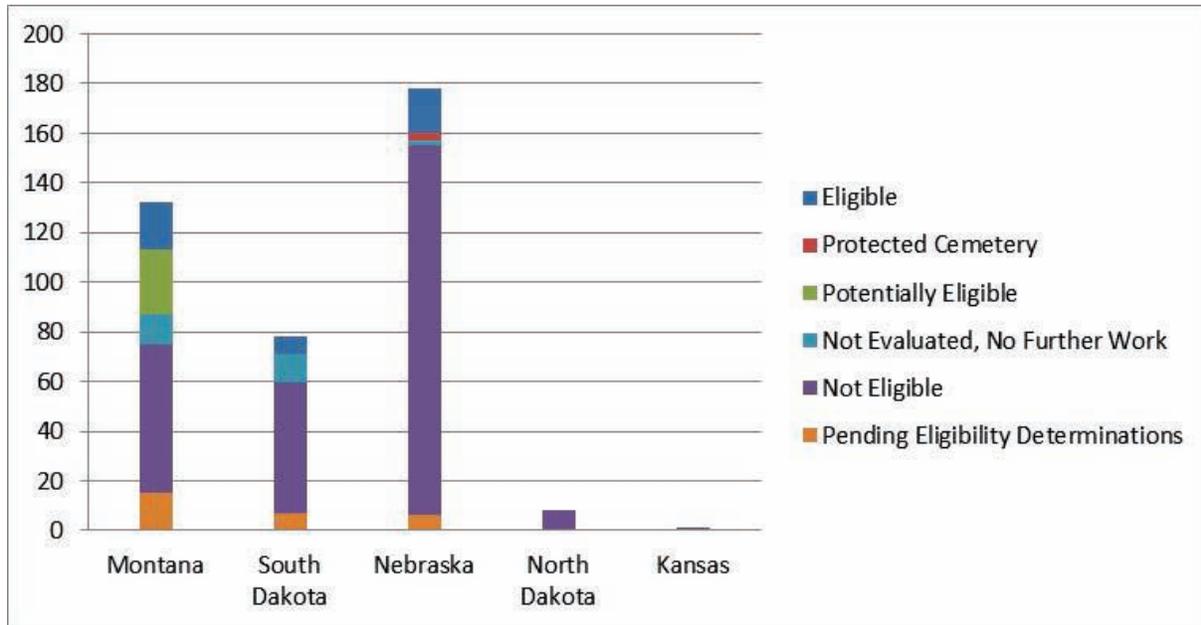


Figure 3.11.1-1 NRHP Eligibility of Cultural Resources Identified within the Proposed Project APE

¹ The Department does recognize that some Indian tribes view cultural resources and paleontological resources as being one and the same. Paleontological resources identified during construction would 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.

Additionally, the Department recognizes that some Indian tribes have traditionally used many threatened, endangered, and species of conservation concern for food, clothing, medicine, tools, and cultural and spiritual purposes (University of Nebraska-Lincoln 2013). Although dependence on federal threatened, endangered, proposed and candidate species, Bureau of Land Management (BLM) sensitive species, state threatened and endangered species, and species of conservation concern for the survival of American Indians in the natural environment has become obsolete in recent times, threatened, endangered, and species of conservation concern continue to be of substantial importance to the culture of most American Indians; in addition, bones, feathers, talons, and pelts, among other items, are often used in cultural practices. Many federal threatened, endangered, proposed and candidate species, BLM sensitive species, state threatened and endangered species, and species of conservation concern are considered sacred by American Indians.

The U.S. Fish and Wildlife Service (USFWS) Secretarial Order 3206 allows some use of listed species for medicinal treatments and in the expression of cultural and religious beliefs (USFWS 1997). However, this Order does not authorize the direct take or any activity that could jeopardize the continued existence of any federally listed species. As discussed above, federal threatened, endangered, proposed and candidate species, BLM sensitive species, state threatened and endangered species, and species of conservation concern used by American Indians are known or are likely to occur in the proposed Project area. These are further discussed in Section 3.8, Threatened and Endangered Species and Species of Conservation Concern.

Of the 397 cultural resources, 44 are eligible for inclusion on the National Register of Historic Places (NRHP), 3 are protected as cemeteries, 26 are potentially eligible, 271 are not eligible, 25 have not been evaluated, and 28 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. The results of the surveys performed, recommendations of NRHP eligibility by Keystone's consultants, determinations of eligibility by the Department, and concurrences from State Historic Preservation Officers (SHPOs) are discussed in greater detail below.

As of December 2013, approximately 1,038 acres remain unsurveyed and are the subject of ongoing field studies. The Department will continue to consult with state and federal agencies as well as Indian tribes about the significance of the cultural resources and work to avoid, if possible, any detrimental adverse effects to the resources. If impacts to particular sites are avoided, the Department may opt against further evaluation of their NRHP eligibility. For those historic properties where avoidance is not feasible, a mitigation plan would be prepared consistent with the stipulations of the amended Programmatic Agreement (PA) established for the proposed Project. Consistent with the Section 106 process and the stipulations outlined in the amended PA, Keystone is required to complete cultural resources surveys on all areas that would be potentially impacted by the proposed Project, make recommendations on NRHP eligibility, provide information on potential effects of the proposed Project, and provide adequate mitigation in consultation with the Department, state and federal agencies, and Indian tribes. Construction would not be allowed to commence on any areas of the proposed Project until these stipulations are met. The amended PA, therefore, would ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. In the event that unanticipated cultural materials or human remains are encountered during the construction phase of the proposed Project, Keystone would implement Unanticipated Discovery Plans in coordination with the Department, consistent with the amended PA.

Connected actions associated with the proposed Project include the Bakken Marketlink Project, the Big Bend to Witten 230-kilovolt (kV) Transmission Line, and electrical distribution lines and substations. These connected actions would be constructed in areas similar to the proposed Project route; therefore, the potential to identify cultural resources within these areas would be similar to those discussed for the proposed Project route and would apply to the proposed connected actions. Cultural resources surveys have been completed or are currently ongoing for the proposed connected actions. The authorizations and permit applications required for the proposed connected actions 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 may require that cultural resources surveys and consultations be performed by the applicant, consistent with Section 106 of the NHPA.

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 NHPA. 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 APE and to consult with the Advisory Council on Historic

Preservation (ACHP), SHPOs, federally recognized Indian tribes and their Tribal Historic Preservation Officers (THPOs²), 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 Policy Act (NEPA) (see Notice of Intent [NOI], 77 Federal Register 36032). The Section 106 process used by the Department for the proposed Project is illustrated in Figure 3.11.2-1.

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 NRHP. To be considered eligible for listing, 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. 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 following terms are used:

- *Historic resource* refers to buildings, structures, objects, and districts that may or may not meet NRHP criteria of evaluation.
- *Archaeological resource* refers to a site that may or may not meet the NRHP criteria of evaluation.
- *Sites of religious and/or cultural significance* refer to areas of concern to Indian 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.

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, if possible, 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. Consultation usually results in a Memorandum of Agreement or PA, which outlines agreed-upon measures that a lead federal agency would take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

² Not all Indian tribes have officially designated THPOs. Some tribes have cultural resources representatives who are not THPOs and who work on cultural resources related issues, while others have their tribal leader (i.e. chief, chairperson, etc.) function in this same manner.

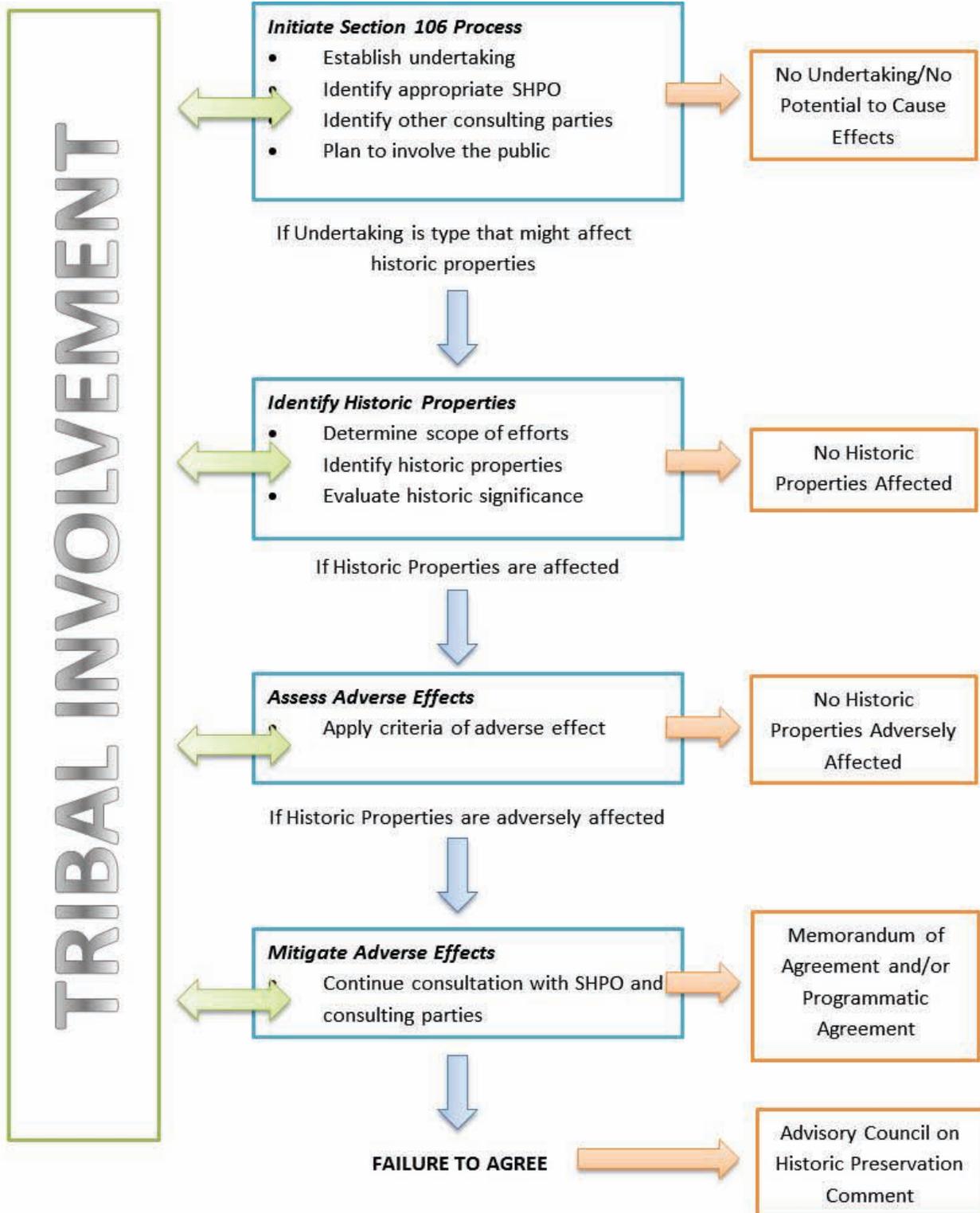


Figure 3.11.2-1 Section 106: Identifying and Assessing Effects to Cultural Resources

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, if possible, or other mitigation of adverse effects to historic properties.

On June 15, 2012, the Department issued an NOI to prepare a 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 Indian tribes and the SHPOs regarding the identification, evaluation, and mitigation of historic properties located on non-tribal lands³. 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.

³ The proposed Project does not cross any tribal lands, such as Indian reservations. The U.S. Bureau of Reclamation (BOR) holds easements and is responsible for the protection of Indian trust assets, such as the Mni Wiconi Rural Water Supply System, which is crossed by the proposed Project.

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 Final 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 would not be evaluated and would be avoided. 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 American Indian 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 could include recent Indian activity locations but generally reflect Euro-American activities of the last 250 years. These could 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 EIS. The Indian tribes that have completed TCP studies under this program for the portions of the proposed Project and were also evaluated in the Final EIS are discussed in Section 3.11.4.3, Tribal Consultation. The Department has consulted and will continue to consult with Indian tribes to assist in determining the best ways to identify, evaluate, and mitigate potential effects to TCPs, as demonstrated in the TCP study program, Tribal Monitoring Plan, Unanticipated Discovery Plans, and amended PA. This tribal consultation is summarized in Section 3.11.4.3, Tribal Consultation.

3.11.2.4 Archaeological Resources Protection Act, Native American Graves Protection and Repatriation Act, and American Indian Religious Freedom 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 Indian lands⁴. 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 U.S. Bureau of Reclamation (BOR). As such, Keystone is required to consult with the appropriate land managing agency to conduct archaeological surveys within these lands.

The Native American Graves Protection and Repatriation Act (NAGPRA 1990) applies to all federal and tribal lands⁵. 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 as well as 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 Indian tribe. NAGPRA applies to all federal and tribal lands affected by the proposed Project. As stated above, the proposed Project has the potential to be within federally controlled, maintained, managed, or owned lands, including federal lands and those lands managed by the BOR. As such, Keystone would be required to consult with the appropriate land managing agency if Native American human remains and objects were identified during archaeological surveys and/or construction within these lands.

Montana, South Dakota, Nebraska, North Dakota, and Kansas each have state statutes that govern the inadvertent discovery and/or excavation of unmarked burials and human remains as well as associated artifacts on private lands. The statutes provide legal protection to all unmarked burials and human remains regardless of age, ethnic origin, or religious affiliation by preventing unnecessary disturbance. These statutes outline the steps for protecting and final deposition of unmarked burials and human remains, including notification of local law enforcement, involvement of interested parties, and the penalties for their disturbance. These statutes include:

- Montana Human Skeletal Remains and Burial Site Protection Act;
- South Dakota State Law Chapter 34-27;
- Nebraska Revised Statute 12-1201 through 12-1212, et seq. and 28-1301;
- North Dakota Century Code 23-06-27 and administrative rules North Dakota Administrative Code Chapter 40-02-03; and

⁴ The proposed Project route does not cross any *Indian Land* as designated by the federal government.

⁵ NAGPRA is not applicable to private lands within the proposed Project route. Montana, South Dakota, Nebraska, North Dakota, and Kansas each have state statutes that govern the inadvertent discovery and/or excavation of unmarked burials and human remains as well as associated artifacts on private lands.

- Kansas Unmarked Burial Sites Preservation Act (Kansas Statutes Annotated 75-2741 to 75-2754) and its implementing regulations (Kansas Administrative Regulations 126-1-1 through 126-1-2).

As the project applicant, Keystone would be required to follow these statutes as applicable within each state. The steps and procedures for implementation of these laws would be discussed in each of the state-specific Unanticipated Discovery Plans as discussed in Section 3.11.6, Unanticipated Discovery Plans.

The American Indian Religious Freedom Act of 1978 (AIRFA) (42 United States Code 1996) affirms the right of Native Americans to have access to their sacred places. If a place of religious importance to Native Americans may be affected by an undertaking, AIRFA promotes consultation with Native American religious practitioners, which may be coordinated with Section 106 consistent consultation. Amendments to Section 101 of the NHPA in 1992 strengthened the interface between AIRFA and NHPA by clarifying that:

- Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.
- In carrying out its responsibilities under or consistent with Section 106, a federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to such properties.

The Department has conducted considerable government-to-government consultation with Indian tribes concerning cultural resources and properties of religious or cultural significance. The Department has conducted its government-to-government consultations as an open forum to facilitate listening to tribal views on the proposed Project and its potential impacts on the environment, cultural resources, and the tribes themselves. The Department has continued government-to-government consultations and has continued to build on previous work that is still applicable in order to identify and discuss tribal concerns regarding any potential effects of the proposed Project to cultural resources and properties of religious or cultural significance.

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 for Nebraska, 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 would continue to consult with state and federal agencies and Indian tribes about the significance of the sites and work with Keystone to avoid, if possible, 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 State⁶

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 yard 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 lands and NPS-managed lands. Prior to initiation of Montana fieldwork, literature searches were conducted for the proposed Project route to identify previous cultural resources surveys and/or previously identified cultural resources within the APE. Prior to the initiation of fieldwork, these pre-fieldwork literature searches occurred every year using the Montana SHPO Cultural Resources Annotated Bibliography System Report and the Cultural Resource Information Systems Report under SHPO Project Numbers 2008052306 and 2010112303, respectively, as well as records at the BLM Miles City Field Office.

The cultural resource surveys conducted in Montana and summarized in this Final Supplemental EIS were conducted between 2008 and 2012. Since the issuance of the Final EIS, Keystone has incorporated a total of 64 route modifications. All route modifications outside the 300-foot-wide APE have been or would be surveyed. Cultural resources reports documenting these surveys are submitted to the Department upon completion; those submitted as of July 2013 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.

⁶ Although the characteristics and definition of the APE for each state have remained the same, the physical location of the APEs may have changed from those used in the Draft Supplemental EIS as a result of minor changes to the proposed pipeline alignment, whether from agency or landowner concerns or direct avoidance of cultural resources. Due to these minor changes in the proposed pipeline alignment and associated APEs, some cultural resources may have been included or excluded from the proposed Project APEs as depicted in the tables and discussions below. Therefore, specific cultural resources and the overall amount of cultural resources may have changed from those discussed in the Draft Supplemental EIS.

- 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.
- Witt, Thomas, Scott Phillips, Zonna Barnes, and Erin Salisbury. 2011. Treatment Plan for Cultural Resources Associated with the Steele City Segment of the Keystone XL Pipeline in Valley County, Montana: Site 24VL0979. 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.

- Witt, Thomas, Scott Phillips, Zonna Barnes, and Erin Salisbury. 2012a. Treatment Plan for Cultural Resources Associated with the Steele City Segment of the Keystone XL Pipeline in Dawson County, Montana: Site 24DW0289. SWCA Environmental Consultants. Broomfield, CO.
- Witt, Thomas, Scott Phillips, Zonna Barnes, and Erin Salisbury. 2012b. Treatment Plan for Cultural Resources Associated with the Steele City Segment of the Keystone XL Pipeline in Valley County, Montana: Site 24VL1194. SWCA Environmental Consultants. Broomfield, CO.
- Burnett, Paul. 2012a. Depositional Modeling for Archaeological Monitoring Locations Associated with the Keystone XL Pipeline Project, Dawson, Fallon, McCone, Phillips, Prairie, and Valley Counties, 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.
- Phillips, Scott. 2012. Treatment Plan for Cultural Resources Associated with the Steele City Segment of the Keystone XL Pipeline in Valley County, Montana: Sites 24VL938 and 24VL1919. SWCA Environmental Consultants. Broomfield, CO.
- Boyer, Noelle, Jennifer Long, Zonna Barnes, Thomas Witt, Sean Doyle, Chelsea Drucker, and Drew Owens. 2013. Addendum 7: 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, Noelle Boyer, Chelsea Drucker, Sean Doyle, Andrew Owens, Sarah Baer, and Paul Burnett. 2013. Archaeological Test Excavations at Sites 24PH4372, 24VL1965, and 24VL1968 along the Keystone XL Pipeline, Phillips and Valley Counties, Montana. SWCA Environmental Consultants. Broomfield, CO.

Cultural resources surveys conducted for the proposed Project through December 2013 within Montana included the following:⁷

- 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, 132 cultural resources have been identified during the cultural resources surveys within the proposed Project APE in Montana, including 96 archaeological sites and 36 historic structures. Of these, 19 are eligible for inclusion on the NRHP, 26 are potentially eligible, 60 are not eligible, 12 have not been evaluated, and 15 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties.

⁷ This completed survey information does not include any surveys conducted for any of the connected actions.

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. For a list of dates regarding the Department’s consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

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

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO Concurrence with Department Findings
24DW0419 (three segments)	Historic railroad	Eligible	Eligible	Concur
24DW0426	Historic railroad	Eligible	Eligible	Concur
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
24DW0551	Precontact open camp	Eligible	Eligible	Concur
24DW0552	Historic homestead/ farmstead	Not Eligible	Not Eligible	Concur
24DW0553	Historic road	Not Eligible	Not Eligible	Concur
24DW0555	Historic berm	Not Eligible	Not Eligible	Concur
24DW0560	Precontact open camp	Eligible	Eligible	Concur
24DW0561	Precontact stone circle	Potentially Eligible	Pending	Pending
24FA0382	Historic railroad	Eligible	Eligible	Concur
24FA0419	Precontact open camp	Unevaluated	Pending	Pending
24FA0749	Historic pump house	Not Eligible	Not Eligible	Concur
24FA0750	Precontact lithic scatter	Unevaluated	Unevaluated	Concur
24FA0751	Historic debris scatter	Not Eligible	Not Eligible	Concur
24FA0756	Historic berm/dam	Not Eligible	Not Eligible	Concur
24FA0761	Historic windmill/well pump	Not Eligible	Not Eligible	Concur
24FA0762	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
24FA0763	Historic rock cairn	Not Eligible	Not Eligible	Concur
24MC0461	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24MC0463	Precontact stone feature and lithic scatter	Potentially Eligible	Potentially Eligible	Concur
24MC0464	Historic homestead	Unevaluated	Unevaluated	Concur
24MC0465	Precontact stone feature and lithic scatter	Potentially Eligible	Potentially Eligible	Concur
24MC0467	Precontact stone alignment and lithic scatter	Potentially Eligible	Potentially Eligible	Concur
24MC0476	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24MC0481	Undated stone cairns	Potentially Eligible	Potentially Eligible	Concur
24MC0483	Historic windmill	Not Eligible	Not Eligible	Concur
24MC0485	Precontact open camp	Eligible	Eligible	Concur
24MC0486	Precontact open camp	Eligible	Eligible	Concur
24MC0488	Historic berm	Not Eligible	Not Eligible	Concur
24MC0490	Precontact stone cairn	Potentially Eligible	Pending	Pending
24MC0628	Historic farmstead	Unevaluated	Unevaluated	Concur
24PE0720	Historic farmstead	Unevaluated	Unevaluated	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO Concurrence with Department Findings
24PE0723	Historic ranch complex	Unevaluated	Unevaluated	Concur
24PH0037	Undated stone cairn and depression	Potentially Eligible	Potentially Eligible	Concur
24PH1785	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH1805	Historic homestead	Unevaluated	Unevaluated	Concur
24PH4161	Undated stone cairns	Potentially Eligible	Potentially Eligible	Concur
24PH4162	Precontact/historic stone features	Potentially Eligible	Potentially Eligible	Concur
24PH4265	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24PH4267	Historic farmstead	Eligible	Eligible	Concur
24PH4313	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24PH4367	Precontact stone feature	Potentially Eligible	Potentially Eligible	Concur
24PH4368	Precontact stone cairn	Potentially Eligible	Potentially Eligible	Concur
24PH4370	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4371	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4372	Precontact stone cairns	Potentially Eligible	Eligible	Concur
24PH4373	Precontact stone cairn	Potentially Eligible	Pending	Pending
24PH4488	Historic irrigation ditch	Not Eligible	Pending	Pending
24VL0099 (two segments)	Historic railroad	Eligible	Eligible	Concur
24VL0805	Undated stone cairn	Potentially Eligible	Potentially Eligible	Concur
24VL0938	Precontact stone circle	Eligible	Eligible	Concur
24VL0962	Pecontact/historic stone feature site, lithic scatter, historic artifact scatter	Unevaluated	Unevaluated	Concur
24VL0972	Precontact/historic stone circle and cairn, historic fence line	Unevaluated	Unevaluated	Concur
24VL0979	Historic homestead	Eligible	Eligible	Concur
24VL1194 (two segments)	Historic canal	Eligible	Eligible	Concur
24VL1269/ 24VL1274	Precontact stone circle	Unevaluated	Unevaluated	Concur
24VL1628 (one segment)	Historic railroad	Eligible	Eligible	Concur
24VL1860	Historic stone fence	Unevaluated	Pending	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
24VL1893	Precontact stone cairn	Potentially Eligible	Potentially Eligible	Concur
24VL1899	Undated period stone cairn	Potentially Eligible	Potentially Eligible	Concur
24VL1901	Historic fence line and associated debris	Not Eligible	Not Eligible	Concur
24VL1902	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24VL1903	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24VL1906	Undated stone feature	Potentially Eligible	Potentially Eligible	Concur
24VL1912	Historic homestead	Potentially Eligible	Potentially Eligible	Concur
24VL1913	Undated stone cairn	Potentially Eligible	Potentially Eligible	Concur
24VL1918	Historic homestead	Eligible	Eligible	Concur
24VL1919	Precontact stone circle	Eligible	Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO Concurrence with Department Findings
24VL1920	Historic artifact scatter	Unevaluated	Unevaluated	Concur
24VL1933	Precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24VL1936	Precontact stone feature	Potentially Eligible	Potentially Eligible	Concur
24VL1937	Precontact stone feature	Potentially Eligible	Potentially Eligible	Concur
24VL1939	Undated period stone cairn	Potentially Eligible	Potentially Eligible	Concur
24VL1940	Historic farmstead	Unevaluated	Unevaluated	Concur
24VL1942	Historic artifact scatter/ precontact stone circle	Potentially Eligible	Potentially Eligible	Concur
24VL1965	Precontact stone circle	Eligible	Eligible	Concur
24VL1968	Precontact stone circle	Not Eligible	Not Eligible	Concur
24VL1969	Historic stone alignment	Not Eligible	Not Eligible	Concur
24VL1985	Historic road grade	Not Eligible	Not Eligible	Concur
24VL1991	Saint Marie/Glasgow Air Force Base	Eligible	Pending	Pending
24VL2062	Historic homestead	Unevaluated	Eligible	No Concurrence
24VL2063	Historic homestead	Not Eligible	Not Eligible	Concur
24VL2066	Historic ditch	Not Eligible	Not Eligible	Concur
24VL2082	Precontact stone circle	Potentially Eligible	Pending	Pending
C001DA001	Historic isolate	Not Eligible	Not Eligible	Concur
C001DA003	Historic isolate	Not Eligible	Not Eligible	Concur
C001FA003	Precontact isolate	Not Eligible	Not Eligible	Concur
C001MC003	Precontact isolate	Not Eligible	Not Eligible	Concur
C001PR002	Precontact isolate	Not Eligible	Not Eligible	Concur
C054MC001	Precontact isolate	Not Eligible	Not Eligible	Concur
C054PH002	Precontact isolate	Not Eligible	Not Eligible	Concur
C054VA006	Historic isolate	Not Eligible	Not Eligible	Concur
C054VA008	Historic isolate	Not Eligible	Not Eligible	Concur
C055VA006	Precontact isolate	Not Eligible	Not Eligible	Concur
C055VA007	Historic isolate	Not Eligible	Not Eligible	Concur
C055VA013	Precontact isolate	Not Eligible	Not Eligible	Concur
C056MC006	Precontact isolate	Not Eligible	Not Eligible	Concur
C056MC007	Precontact isolate	Not Eligible	Not Eligible	Concur
C056MC009	Precontact isolate	Not Eligible	Not Eligible	Concur
C057DA008	Historic isolate	Not Eligible	Not Eligible	Concur
C057FA003	Precontact isolate	Not Eligible	Pending	Pending
C057FA006	Historic isolate	Not Eligible	Not Eligible	Concur
C058FA001	Precontact isolate	Not Eligible	Not Eligible	Concur
C058FA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C058FA003	Precontact isolate	Not Eligible	Not Eligible	Concur
C058FA004	Precontact isolate	Not Eligible	Not Eligible	Concur
C058PR002	Precontact isolate	Not Eligible	Not Eligible	Concur
C058PR004	Precontact isolate	Not Eligible	Not Eligible	Concur
C058PR005	Precontact isolate	Not Eligible	Not Eligible	Concur
C063PH006	Historic isolate	Not Eligible	Not Eligible	Concur
C082MC001	Precontact isolate	Not Eligible	Pending	Pending
C104FA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C104MC001	Historic isolate	Not Eligible	Not Eligible	Concur
C210FA001	Precontact isolate	Not Eligible	Not Eligible	Concur
C277DA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C277MC001	Precontact isolate	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	Montana SHPO Concurrence with Department Findings
C512VA002	Historic isolate	Not Eligible	Not Eligible	Concur
C711FA002	Precontact isolate	Not Eligible	Not Eligible	Concur
C711MC001	Precontact isolate	Not Eligible	Not Eligible	Concur
C711MC002	Precontact isolate	Not Eligible	Not Eligible	Concur
C711VA008	Precontact isolate	Not Eligible	Not Eligible	Concur
C720MC001	Precontact isolate	Not Eligible	Not Eligible	Concur
C720MC010	Precontact isolate	Not Eligible	Not Eligible	Concur
C800RO001	Precontact isolate	Not Eligible	Pending	Pending
C800RO002	Historic isolate	Not Eligible	Pending	Pending
Lewis and Clark National Historic Trail (two segments)				
	Historic trail	Unevaluated/NA	NA	NA

As of December 2013, the entire APE for the proposed Project has been surveyed,⁸ 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, 96 sites were identified, including the following:

- Fifteen precontact stone circle sites;
- Fifty-one precontact sites, of which 30 are isolated finds;
- Nineteen historic sites, of which eleven are isolated finds;
- Three multicomponent sites, including evidence of both precontact and historic activity; and
- Eight sites that are undetermined concerning a time period.

Of these, 8 are eligible for inclusion on the NRHP, 25 are potentially eligible, 45 are not eligible, 5 have not been evaluated, and 13 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. 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 Indian tribes about the significance of the sites and work to avoid, if possible, any detrimental adverse effects to the resources. If impacts to sites could be avoided, further evaluation of their NRHP eligibility may not be required. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Stone Circle Sites

Stone circles, as described by the Montana SHPO, are stone features that represent Native American habitation in Montana. Stone circles are made up of stones assembled in concentric rings and were used by Native Americans to anchor their dwellings. Sites could consist of a

⁸ This unsurveyed information does not include surveys required for any of the connected actions.

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. It is important to note that there are many other types of stone feature sites that are not included within this site category, as described by the Montana SHPO. Such sites would include, but are not limited to, other types of stone alignments, stone cairns, and other stone features that are not necessarily associated with Native American habitation. The proposed Project APE contains 15 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 would continue to work with the Indian tribes, BLM, Montana SHPO, and Keystone to avoid, if possible, or mitigate, 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 Montana Department of Environmental Quality (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 Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Historic Structures

Within the APE, 36 historic structures were identified, including homesteads, farmsteads, agricultural structures, railroads, canal/irrigation features, roads, a trail, and a U.S. Air Force base. Of these, 11 are eligible for inclusion on the NRHP, 1 is potentially eligible, 15 are not eligible, 7 have not been evaluated, and 2 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. Avoidance, if possible, is recommended for all eligible or unevaluated sites. Additional research would 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 amended 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 only 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 because it is not possible to define an exact location or any trail remains, camp sites, or other physical evidence where the expedition crossed the proposed Project route, as managed by the NPS. The only known physical evidence of the Lewis and Clark expedition is found near Billings, Montana. In July 1805, William Clark carved his name into the soft rock of what he called Pompeys Tower. This site is now preserved at Pompeys Pillar National Monument, approximately 154 miles to the west of the proposed Project. The Department would continue to work with the NPS to determine and implement

avoidance, if possible, or other mitigation of adverse effects 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 to identify previous cultural resources surveys and/or previously identified cultural resources within the APE. These pre-fieldwork literature searches occurred every year prior to field studies using the South Dakota State Archaeological Resource Center database.

The cultural resources surveys conducted in South Dakota and summarized in this Final 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 would 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.
- Burnett, Paul. 2012b. Depositional Modeling for Archaeological Monitoring Locations Associated with the Keystone XL Pipeline Project, Haakon, Harding, Hughes, Jones, Lyman, Meade, and Perkins Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.
- Long, Jen, Emily Hueni, Noelle Boyer, Sean Doyle, Thomas Wilt, and Zonna Barnes. 2012. Addendum 8: Additional Fieldwork Results. Level III Cultural Resources Survey for the Steele City Segment in South Dakota of the Keystone XL Project, Butte, Haakon, Harding, Hughes, Jones, Lyman, Meade, Perkins, Tripp, and Gregory Counties, South Dakota. SWCA Environmental Consultants. Broomfield, CO.

Cultural resources surveys conducted for the proposed Project through December 2013 within South Dakota included:⁹

- 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, 78 cultural resources have been identified during the cultural resources surveys within the proposed Project APE in South Dakota, including 67 archaeological sites and 11 historic

⁹ This completed survey information does not include any surveys conducted for any of the connected actions.

structures. Of these, 7 are eligible for inclusion on the NRHP, 53 are not eligible, 11 have not been evaluated, and 7 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. 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. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

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

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO Concurrence with Department Finding
39BU0447	Precontact isolate	Not Eligible	Not Eligible	Concur
39HK0137	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0138	Historic homestead	Unevaluated	Unevaluated	Concur
39HK0144	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0158	Historic isolate	Not Eligible	Not Eligible	Concur
39HK0159	Historic windmill	Unevaluated	Unevaluated	Concur
39HK0160	Precontact isolate	Not Eligible	Not Eligible	Concur
39HK2257	Historic road and artifact scatter	Not Eligible	Not Eligible	Concur
39HN1082	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1129	Precontact isolate	Not Eligible	Unevaluated	No Concurrence
39HN1130	Precontact isolate	Not Eligible	Pending	Pending
39HN1132	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1133	Precontact artifact scatter	Not Eligible	Unevaluated	No Concurrence
39HN1134	Historic rock art	Not Eligible	Not Eligible	Concur
39HN1136	Precontact isolate	Not Eligible	Pending	Pending
39HN1138	Precontact isolate	Not Eligible	Pending	Pending
39HN1142	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1143	Precontact isolate	Not Eligible	Pending	Pending
39HN1145	Precontact isolate	Not Eligible	Pending	Pending
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
39HN1165	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
39HN1166	Precontact isolate	Not Eligible	Pending	Pending
39HN1174	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1175	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1194	Historic isolate	Not Eligible	Not Eligible	Concur
39HN1195	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1196	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1197	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1198	Precontact site	Unevaluated	Unevaluated	Concur
39HN1200	Historic foundation	Unevaluated	Unevaluated	Concur
39HN1201	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1202	Precontact site	Eligible	Eligible	Concur
39HN1203	European-American rock art	Not Eligible	Not Eligible	Concur
39HN1204	Precontact isolate	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Determination by the Department	South Dakota SHPO Concurrence with Department Finding
39HN1205	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1206	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1207	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN1208	Precontact isolate	Not Eligible	Not Eligible	Concur
39HN2293	Historic irrigation system	Unevaluated	Unevaluated	Concur
HN0003	Historic homestead	Unevaluated	Unevaluated	Concur
HN0005	Historic homestead	Unevaluated	Unevaluated	Concur
39HU2003	Historic railroad	Eligible	Eligible	Concur
39JN0051	Historic farm/ranch	Eligible	Eligible	Concur
39JN0052	Historic trash dump	Not Eligible	Not Eligible	Concur
39JN0064	Historic artifact scatter	Not Eligible	Not Eligible	Concur
39JN2007	Historic railroad	Eligible	Eligible	Concur
39LM0009	Historic farmstead	Unevaluated	Unevaluated	Concur
39LM0518	Historic trash scatter	Not Eligible	Not Eligible	Concur
39LM0545	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0822	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0825	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0835	Historic artifact scatter	Eligible	Eligible	Concur
39MD0849	Historic grave	Not Eligible	Not Eligible	Concur
39MD0850/ MD00000335	Historic schoolhouse	Eligible	Eligible	Concur
39MD0871	Precontact isolate	Not Eligible	Not Eligible	Concur
39MD0894	Historic trash dump	Not Eligible	Not Eligible	Concur
39MD0895	Historic isolate	Not Eligible	Not Eligible	Concur
39MD0939	Historic collapsed structure	Not Eligible	Not Eligible	Concur
MD00000339	Historic farmstead	Unevaluated	Unevaluated	Concur
39PE0398	Precontact isolate	Not Eligible	Not Eligible	Concur
39PE0399	Historic isolate	Not Eligible	Not Eligible	Concur
39PE0400	Undated rock alignment	Not Eligible	Not Eligible	Concur
39PE0405	Precontact isolate	Not Eligible	Not Eligible	Concur
39PE0406	Historic depression and artifact scatter	Not Eligible	Not Eligible	Concur
39PE0475	Precontact isolate	Not Eligible	Not Eligible	Concur
39PE0481	Precontact open camp	Eligible	Eligible	Concur
39TP0056	Historic isolate	Not Eligible	Not Eligible	Concur
39TP0057	Historic isolate	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
39TP0068	Precontact isolate	Not Eligible	Not Eligible	Concur
39TP0069	Precontact isolate	Not Eligible	Not Eligible	Concur
C800ME001	Precontact isolate	Not Eligible	Pending	Pending

As of December 2013, approximately 24 acres of the proposed Project corridor remain unsurveyed for the proposed Project.¹⁰ Additional cultural resources surveys within the proposed Project corridor are ongoing. These reports would be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. Consistent with the Section 106 process and the stipulations outlined in the amended PA, Keystone is required to complete cultural resources surveys on all areas potentially impacted by the proposed Project, make recommendations on NRHP eligibility, provide information on potential effects of the proposed Project, and provide adequate mitigation in consultation with the Department, state and federal agencies, and Indian tribes. Construction would not be allowed to commence on any areas of the proposed Project until these stipulations are met. The amended PA, therefore, would ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. Cultural resources in South Dakota are further separated by type (e.g., archaeological sites and historic structures) and discussed below.

Archaeological Sites

Within the APE, 67 sites were identified including the following:

- Thirty-eight precontact sites, of which 33 are isolated finds;
- Twenty-eight historic sites, of which 16 are isolated finds; and
- One site that is undetermined concerning a time period.

Of these, 3 are eligible for inclusion on the NRHP, 52 are not eligible, 5 have not been evaluated, and 7 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. By definition, the isolated finds are not eligible for listing in the NRHP. Avoidance, if possible, is recommended for all eligible or unevaluated sites. The Department would continue to consult with state and federal agencies and Indian tribes about the significance of the sites and work to avoid, if possible, any adverse effects to the resources. If impacts to sites could be avoided, further evaluation of their NRHP eligibility may not be required. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Historic Structures

Within the APE, 11 historic structures were identified including homesteads, farmsteads, agricultural structures, railroads, and a schoolhouse. Four historic structures are eligible for inclusion in the NRHP, one is not eligible, and six are unevaluated. Avoidance, if possible, is recommended for all eligible or unevaluated sites. For those historic properties where avoidance is not feasible, a treatment plan would be prepared consistent with the stipulations of the amended 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. Prior to initiation of Nebraska fieldwork, literature searches were conducted for the proposed

¹⁰ This unsurveyed information does not include any surveys required for any of the connected actions.

Project route to identify previous cultural resources surveys and/or previously identified cultural resources within the APE. These pre-fieldwork activities occurred every year prior to field studies using the Nebraska State Historical Society database.

The cultural resource surveys conducted in Nebraska and summarized in this Final Supplemental EIS were conducted between 2008 and 2013. 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 would 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.
- Lence, Cally, Jeff Anderson, and Monica Shah Lomas. 2011. Addendum No. 8: 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 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. 2012a. 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.
- Lomas, Monica Shah, Jeff Anderson, Cally Lence, Bob Sadler, and Steve Titus. 2012b. Addendum 11 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.
- Lomas, Monica Shah. 2013a. Addendum 12 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.
- Lomas, Monica Shah. 2013b. Addendum 13 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 for the proposed Project through December 2013 within Nebraska included the following:¹¹

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

To date, 178 cultural resources have been identified during the cultural resources surveys within the proposed Project APE in Nebraska, including 93 archaeological sites and 85 historic structures. Of these, 18 are eligible for inclusion on the NRHP, 3 are protected as cemeteries, 149 are not eligible, 2 have not been evaluated, and 6 are awaiting NRHP eligibility determinations by the Department in consultation with the appropriate consulting parties. 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. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

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

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO Concurrence with the Department
25AP0074	Precontact artifact scatter	Not Eligible	Not Eligible	Concur
25AP0075	Historic farmstead/precontact isolate	Not Eligible	Not Eligible	Concur
25AP0076	Unknown historic site	Not Eligible	Not Eligible	Concur
25AP0077	Historic dump site	Not Eligible	Not Eligible	Concur
25AP0078	Historic dump site	Not Eligible	Not Eligible	Concur
25AP0079	Historic farmstead	Not Eligible	Not Eligible	Concur
25AP0080	Historic farmstead	Potentially Eligible	Eligible	Concur
25AP0081	Historic farmyard/outbuilding	Not Eligible	Not Eligible	Concur
25AP0082	Historic farmstead	Not Eligible	Not Eligible	Concur
25AP0083	Historic farmstead	Not Eligible	Not Eligible	Concur
25AP0084	Historic dump site	Not Eligible	Not Eligible	Concur
25AP0085	Unknown historic site	Not Eligible	Not Eligible	Concur
25AP0086	Unidentified historic site	Not Eligible	Not Eligible	Concur
25AP0087	Precontact artifact scatter	Not Eligible	Not Eligible	Concur
25AP0088	Precontact field camp	Not Eligible	Not Eligible	Concur
25AP0089	Precontact camp/unidentified historic site	Potentially Eligible	Eligible	Concur

¹¹ This completed survey information does not include any surveys conducted for any of the connected actions.

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO Concurrence with the Department
25AP0090	Historic dump	Not Eligible	Not Eligible	Concur
25AP0092	Historic school	Not Eligible	Not Eligible	Concur
25AP0093	Historic farmstead	Not Eligible	Not Eligible	Concur
25AP0094	Historic farmstead	Potentially Eligible	Eligible	Concur
25BD0236	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
25BD0237	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
25BO0057/BO00-070	Historic farmstead (NeHBS No. BO00-070)	Potentially eligible	Eligible	Concur
25BO0058	Historic dump site	Not Eligible	Not Eligible	Concur
25BO0059	Historic school	Potentially eligible	Eligible	Concur
25BO0060	Historic farmstead	Not Eligible	Not Eligible	Concur
25BO0061	Historic farmstead	Potentially Eligible	Eligible	Concur
25BO0062	Historic dump site	Not Eligible	Not Eligible	Concur
25BO0063	Historic farmstead	Not Eligible	Not Eligible	Concur
25BO0064	Historic farmstead	Not Eligible	Not Eligible	Concur
25BO0065	Historic farmstead	Not Eligible	Not Eligible	Concur
25BO0066	Historic farmyard/outbuilding	Not Eligible	Not Eligible	Concur
25BO0067	Historic farmstead	Not Eligible	Not Eligible	Concur
25BO0068	Historic farmstead	Not Eligible	Not Eligible	Concur
25BU0069	Historic railroad	Not Eligible	Eligible	No concurrence
25FM0023	Historic farmstead	Not Eligible	Not Eligible	Concur
25FM0024	Historic railroad	Not Eligible	Not Eligible	Concur
25FM0026	Historic farmstead	Not Eligible	Not Eligible	Concur
25FM0027	Precontact artifact scatter	Not Eligible	Not Eligible	Concur
25GY0053	Historic livestock feed lot	Not Eligible	Not Eligible	Concur
25HM0032	Historic railroad	Not Eligible	Eligible	No concurrence
25HT0052	Historic railroad	Not Eligible	Eligible	No concurrence
25HT0053	Historic railroad bed	Not Eligible	Not Eligible	Concur
25HT0054/25HT0505	Commercial/industrial railroad buildings and structures	Unevaluated	Unevaluated	Pending
25HT0060	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
25HT0061	Historic dump	Not Eligible	Not Eligible	Concur
25HT0062	Historic farmstead	Not Eligible	Not Eligible	Concur
25HT0063	Multicomponent site	Not Eligible	Not Eligible	Concur
25JF0045	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF0046	Historic railroad	Not Eligible	Not Eligible	Concur
25JF0047	Historic railroad bed	Not Eligible	Not Eligible	Concur
25JF0048	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF0049	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF0050	Historic railroad bed	Not Eligible	Not Eligible	Concur
25JF0051	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF0052	Precontact field camp	Potentially Eligible	Eligible	Concur
25JF0054	Historic farmstead	Not Eligible	Not Eligible	Concur
25JF0055	Historic railroad	Not Eligible	Eligible	No concurrence

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO Concurrence with the Department
25JF0056	Historic agricultural building	Unevaluated	Unevaluated	Pending
25JF0057	Historic dump site	Not Eligible	Not Eligible	Concur
25JF0058	Historic dump site	Not Eligible	Not Eligible	Concur
25JF0059	Precontact field camp	Potentially Eligible	Eligible	Concur
25JF0060	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
25JF0507	Historic steam roller mill site	Unevaluated	Pending	Pending
25KP0349	Historic school house	Potentially Eligible	Eligible	Concur
25KP0350	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
25KP0351	Historic dump site	Not Eligible	Not Eligible	Concur
25KP0352	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25MK0035	Historic livestock barn	Not Eligible	Not Eligible	Concur
25MK0036	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25NC0149	Historic farmstead	Not Eligible	Not Eligible	Concur
25NC0150	Historic farmstead	Not Eligible	Not Eligible	Concur
25NC0151	Precontact field camp	Potentially Eligible	Eligible	Concur
25NC0152	Precontact field camp/historic dump site	Potentially eligible	Eligible	Concur
25PK0031	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25PK0041	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25PK0042	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25PK0043	Historic school house	Not Eligible	Not Eligible	Concur
25SA0073	Historic Kasak cemetery	Not Eligible/Protected	Protected	Concur
25SA0087	Historic farmstead	Not Eligible	Not Eligible	Concur
25SA0089	Historic farmstead	Not Eligible	Not Eligible	Concur
25SA0090	Historic farmstead	Not Eligible	Not Eligible	Concur
25SA0091	Historic railroad	Not Eligible	Not Eligible	Concur
25SA0092	Historic farmstead	Not Eligible	Not Eligible	Concur
25SA0093	Historic dump site	Not Eligible	Not Eligible	Concur
25SA0094	Historic artifact scatter	Not Eligible	Not Eligible	Concur
25VY0056	Historic railroad	Not Eligible	Eligible	No concurrence
25YK0020	Historic railroad	Not Eligible	Not Eligible	Concur
25YK0024	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK0025	Historic railroad bed	Not Eligible	Not Eligible	Concur
25YK0027	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK0028	Precontact field camp	Not Eligible	Not Eligible	Concur
25YK0030	Historic farm outbuilding/ historic activity area	Not Eligible	Not Eligible	Concur
25YK0031	Historic farmstead	Not Eligible	Not Eligible	Concur
25YK0032	Historic dump site	Not Eligible	Not Eligible	Concur
25YK0033	Historic farmstead	Not Eligible	Not Eligible	Concur
AP00-000	Active Railroad (BNSF Railway Company)	Not Eligible	Not Eligible	Concur
AP00-084	Historic windmill and water tank	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO Concurrence with the Department
AP00-299	Historic farmstead	Not Eligible	Not Eligible	Concur
AP00-300	Historic farmstead	Potentially eligible	Eligible	Concur
BD00-235	Historic windmill and cattle tank	Not Eligible	Not Eligible	Concur
BD00-236	Historic farmstead	Not Eligible	Not Eligible	Concur
BO00-000	Active Railroad (Union Pacific)	Not Eligible	Not Eligible	Concur
BO00-072	Historic cemetery	Protected	Protected	Concur
BO00-282	Historic farmstead	Not Eligible	Not Eligible	Concur
BO03-008	Historic farmstead	Not Eligible	Not Eligible	Concur
C501BO003	Historic trail	Not Eligible	Pending	Pending
C502AT002FS	Precontact artifact scatter	Not Eligible	Not Eligible	Concur
C502AT004FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502AT005FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502AT007FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502HT004FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502HT006FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502MR006FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA003FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA004FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA005FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA006FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502NA007	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
C502NA008FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502NA009FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502NA011FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502NA012FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C502NA017	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C502NA018FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA019	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C502NA021FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA022FS	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA024	Historic isolate	Not Eligible	Not Eligible	Concur
C502NA025FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C503SA001FS	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
C504AT003FS	Horse burial	Not Eligible	Not Eligible	Concur
C504AT005FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C504AT007AT	Historic trail	Not Eligible	Not Eligible	Concur
C601BD001FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601BD004FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601BD006FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C601BD008FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C601FM001FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601FM002FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601HT002FS	Historic well pump	Not Eligible	Not Eligible	Concur
C601HT003FS	Precontact lithic scatter	Not Eligible	Not Eligible	Concur
C601JF002FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601JF003FS	Historic isolate	Not Eligible	Not Eligible	Concur

Site #	Description	NRHP Eligibility Recommendation from Applicant	NRHP Eligibility Determination by the Department	Nebraska SHPO Concurrence with the Department
C601JF007FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601KP001FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601KP010FS	Historic dump site	Not Eligible	Not Eligible	Concur
C601MR001FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601MR004FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601MR006FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601MR007FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601MR008FS	Historic tractor	Not Eligible	Not Eligible	Concur
C601NA001FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601NA002FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601PK001FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C601PK002FS	Historic animal pen	Not Eligible	Not Eligible	Concur
C601PK003FS	Historic isolate	Not Eligible	Not Eligible	Concur
C601PK006FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601PK007FS	Historic farm implement	Not Eligible	Not Eligible	Concur
C601YK001FS	Precontact isolate	Not Eligible	Not Eligible	Concur
C601YK002FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C601YK003FS	Historic artifact scatter	Not Eligible	Not Eligible	Concur
C702AT001FS	Historic isolate	Not Eligible	Not Eligible	Concur
HT00-288	Historic windmill and water tank	Not Eligible	Not Eligible	Concur
HT00-289	Historic windmill and water tank	Not Eligible	Not Eligible	Concur
HT13-001	Historic C&NW railway depot	Eligible	Eligible	Concur
HT13-040	Historic railway freight depot	Not Eligible	Not Eligible	Concur
KP00-103	Historic livestock feeder	Not Eligible	Not Eligible	Concur
KP00-104	Historic windmill and water tank	Not Eligible	Not Eligible	Concur
KP00-105	Historic cemetery	Protected	Protected	Concur
MK00-162	Historic windmill	Not Eligible	Not Eligible	Concur
NC00-000	Active Railroad (Union Pacific)	Not Eligible	Not Eligible	Concur
NC00-191	Historic outhouse	Not Eligible	Not Eligible	Concur
PK00-220	Union Pacific Railroad	Not Eligible	Not Eligible	Concur
California National Historic Trail	Historic trail	Unevaluated	Pending	Pending
Mormon Pioneer National Historic Trail	Historic trail	Unevaluated	Pending	Pending
Oregon National Historic Trail	Historic trail	Unevaluated	Pending	Pending
Pony Express National Historic Trail	Historic trail	Unevaluated	Pending	Pending

As of December 2013, the following areas remain unsurveyed for the proposed Project,¹² and are the subject of ongoing field studies:

- Approximately 938 acres of the proposed Project corridor;
- Approximately 33 acres of access roads (for known roads);
- Approximately 44 acres of pump stations; and
- Undetermined acreage of other ancillary facilities that are currently not sited (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 would be reviewed by the Department and then forwarded to the applicable consulting parties consistent with 36 CFR 800. Consistent with the Section 106 process and the stipulations outlined in the amended PA, Keystone is required to complete cultural resources surveys on all areas potentially impacted by the proposed Project, make recommendations on NRHP eligibility, provide information on potential effects of the proposed Project effects, and provide adequate mitigation in consultation with the Department, state and federal agencies, and Indian tribes. Construction would not be allowed to commence on any areas of the proposed Project until these stipulations are met. The amended PA, therefore, would ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. Cultural resources in Nebraska are further separated by type (e.g., archaeological sites, historic structures, and historic trails) and discussed below.

Archaeological Sites

Within the APE, 93 sites were identified including the following:

- Thirty-four precontact sites, of which fourteen are isolated finds;
- Fifty-seven historic sites, of which twenty are isolated finds; and
- Two multicomponent sites, including evidence of both precontact and historic activity.

Of these, 5 are eligible for inclusion on the NRHP and 88 are not eligible. By definition, the isolated finds are not eligible for listing in the NRHP. The Department would continue to consult with state and federal agencies and Indian tribes about the significance of the sites and work to avoid, if possible, any adverse effects to the resources. If impacts to sites could be avoided, further evaluation of their NRHP eligibility may not be required. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Historic Structures

Within the APE, 85 historic structures were identified including farmsteads, agricultural, commercial, and industrial structures, cemeteries, railroads, roads, and trails. Of these, 13 are eligible for inclusion on the NRHP, 3 are protected as cemeteries, 61 are not eligible, 2 have not been evaluated, and 6 are awaiting NRHP eligibility determinations by the Department in

¹² This unsurveyed information does not include any surveys required for any of the connected actions.

consultation with the appropriate consulting parties. Avoidance, if possible, is recommended for all eligible or unevaluated sites. Additional research would be conducted to determine NRHP eligibility and determination of proposed Project effects. For those historic properties where avoidance is not feasible, a treatment plan would be prepared consistent with the stipulations of the amended PA.

Historic Trails

The proposed Project route crosses the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails as well as two other unnamed 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 because it is not possible to define an exact location or any physical trail remains where the trails cross the proposed Project route. For the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails, the Department would continue to work with the NPS to determine and implement avoidance, if possible, or other mitigation of adverse effects to historic properties potentially to be affected by the proposed Project.

North Dakota

Within North Dakota, the proposed Project includes an approximately 56-acre ancillary facility that would be used as a pipe yard and rail siding 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. Since the ancillary facility was previously disturbed from its use as part of the previous project, no cultural resources survey was completed for the proposed Project.

Keystone has conducted a cultural resources survey for an additional 225-acre area surrounding the ancillary facility discussed above. The survey was completed in the event that additional space was required for this ancillary facility. Prior to initiation of North Dakota fieldwork, a literature search was conducted for the potential additional ancillary facility area using the North Dakota Cultural Resources Survey master data files located at the State Historical Society of North Dakota.

The cultural resources survey conducted in North Dakota and summarized in this Final Supplemental EIS was conducted in 2012; the cultural resources report documenting this survey was submitted to the Department upon completion in 2012 (Johnson and Zeitz 2013).

The literature search for North Dakota identified eight previously recorded historic and precontact-period isolated finds (32BOX0192, 32BOX0193, 32BOX0194, 32BOX0195, 32BOX0196, 32BOX0197, 32BOX0436, and 32BOX0437) within the survey area. The survey could not relocate the previously recorded isolated finds, and did not identify any new cultural resources. 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 Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Table 3.11-5 Cultural Resources Identified in North Dakota within the Additional Project Survey Area

Site	Description	NRHP Eligibility Recommendation from Keystone	NRHP Determination by Department	ND SHPO Concurrence with Department Findings
32BOX0192	Historic isolated find	Not Eligible	Not Eligible	Concur
32BOX0193	Precontact isolated find	Not Eligible	Not Eligible	Concur
32BOX0194	Historic isolated find	Not Eligible	Not Eligible	Concur
32BOX0195	Precontact isolated find	Not Eligible	Not Eligible	Concur
32BOX0196	Precontact isolated find	Not Eligible	Not Eligible	Concur
32BOX0197	Precontact isolated find	Not Eligible	Not Eligible	Concur
32BOX0436	Precontact isolated find	Not Eligible	Not Eligible	Concur
32BOX0437	Precontact isolated find	Not Eligible	Not Eligible	Concur

Kansas

Within Kansas, the proposed Project includes two pump stations (one newly constructed and one expansion to an existing station) on private lands in Butler and Clay counties. Prior to initiation of Kansas fieldwork, two literature searches were conducted for the proposed ancillary facility to identify previous cultural resources surveys and/or previously identified cultural resources within the APE. These pre-fieldwork activities occurred every year prior to field studies, using the Kansas Historic Resources Inventory administered by the State Historic Preservation Office at the Kansas Historical Society.

The cultural resources surveys conducted in Kansas and summarized in this Final 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 combined for the two proposed pumping stations. The literature search for Kansas identified one previously recorded historic farmstead site (14BU0131). The survey completed within the APE relocated 14BU0131, but did not identify any new cultural resources. Site 14BU0131 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 3.11-6. For a list of dates regarding Department consultation with Indian tribes, please refer to Appendix E, Amended Programmatic Agreement and Record of Consultation.

Table 3.11-6 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 were the Department, ACHP, BLM, U.S. Army Corps of Engineers (USACE), BOR, NPS, Western Area Power Administration (Western), U.S. Department of Agriculture Rural Utilities Service (RUS), U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), USDA Farm Service Agency (FSA), U.S. Bureau of Indian Affairs (BIA), and the SHPOs of Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Invited signatories included the Montana DNRC, MDEQ, and Keystone. 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 Indian 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. Indian tribes that signed the PA were the Alabama-Coushatta Tribes of Texas; Arapahoe Tribe of the Wind River Reservation, Wyoming; Blackfeet Tribe of the Blackfeet 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).

Processes consistent with NEPA and Section 106 of the NHPA are being conducted concurrently, and both are discussed in this Final Supplemental EIS. The PA establishes a process for consultation, review, and compliance with one or more state and federal laws, and describes the actions that would be taken by the parties, including Keystone, in order to meet their cultural resources compliance responsibilities for the proposed Project. In the context of Section 106 of the NHPA, the PA is used to resolve known and definable adverse effects on historic properties that result from the proposed Project as well as effects of the proposed Project that are not fully known, such as those from unanticipated discoveries during construction. 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 would be used as a tool to ensure that Section 106 and other applicable state and federal cultural resource laws and regulations, such as ARPA, NAGPRA, AIRFA, and state burial laws, are implemented accordingly.

The PA would 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 would not be completed until full access to all parcels along the proposed corridor is obtained. Consistent with the Section 106 process and the stipulations outlined in the PA, Keystone is required to complete cultural resources surveys on all areas that would be potentially impacted by the proposed Project, determine NRHP eligibility, make recommendations on NRHP eligibility, provide information on potential effects of the proposed Project, and provide adequate mitigation in consultation with the Department, state and federal agencies, and Indian tribes. Construction would not be allowed to commence on any areas of the proposed Project until these stipulations are met. The PA, therefore, would ensure that appropriate consultation procedures are followed and that cultural resources surveys would be completed prior to construction. Appendices to the PA would include Unanticipated Discovery Plans for each state, Tribal Monitoring Plan, and Historic Trail and Archaeological Monitoring Plan. These plans are more specifically described in sections 3.11.6, Unanticipated Discovery Plans, and 3.11.7, Tribal Monitoring Plan.

As part of the Final Supplemental EIS route evaluation process, the PA that was signed in 2011 has been amended, finalized, and signed. Signatory parties to this agreement were the Department, ACHP, BLM, USACE, BOR, NPS, Western, RUS, NRCS, FSA, BIA, and the SHPOs of Montana, South Dakota, Nebraska, and Kansas. Invited signatories included the Montana DNRC, MDEQ, and Keystone. All Indian tribes that participated in consultation were asked in 2013 to sign as Concurring Parties to the PA, consistent with 36 CFR. §§ 800.2(c)(2) and 800.6(c)(3) (see Appendix E, Amended Programmatic Agreement and Record of Consultation). Any additional cultural resources surveys, evaluation of NRHP eligibility, determinations of proposed project effects, and associated state and federal agency and Indian tribal consultations would be implemented consistent with the amended PA.

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 consults with Indian tribes, SHPOs, local governments, applicants for federal permits, and other parties. For the proposed Project, the Department is consulting with SHPOs, Indian tribes, numerous federal and state agencies, and local governments, and is seeking the views of the public. Government-to-government 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, Amended Programmatic Agreement and 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 required. These agencies include U.S. Department of Interior, NPS, U.S. Fish and Wildlife Service (USFWS), BIA, BLM, BOR, 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 Administration.¹³ 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, which is the lead for the Montana Environmental Policy Act. Appendix E, Amended Programmatic Agreement and 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 Indian tribes in government-to-government consultation. The list of Indian tribes that were notified for this proposed Project was derived from lists maintained by the Department, NPS, BLM, USACE, SHPOs, state tribal liaisons, THPOs, BIA, and recommendations from other Indian tribes. During the Final EIS tribal consultation process, the Department engaged 95 Indian tribes and tribal groups. Following these invitations, 45 Indian tribes notified the Department that they would like to become consulting parties. Additionally, two Indian tribes were undecided as to whether they would become consulting parties, but nevertheless participated in calls and meetings. Twenty-one Indian 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 Indian tribes did not respond to requests for consultation.

As part of this consultation process, the Department conducted a broad range of tribal consultations, ranging from group meetings involving many tribes and discussion topics to individual discussions on specific topics via meeting, letter, phone, or email. The Department conducted considerable discussion with the tribes and THPOs on cultural resources within the framework of the Final EIS. Consultations included discussions of cultural resources, in general, cultural resources surveys, TCPs and TCP surveys, effects to cultural resources, and mitigation. The Department has conducted its government-to-government consultation as an open forum to listen to tribal views on the proposed Project and its potential impacts on the environment, cultural resources, and the tribes themselves. During the consultation process, Indian tribes were provided with funding to pay for the cost of travel and attendance at consultations. Additionally, tribes were provided proposed Project cultural resources survey reports and opportunities to

¹³ In addition to the tribal consultation process conducted by the Department, 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 PA would be followed.

conduct TCP surveys funded by Keystone. The Department concluded a PA consistent with Section 106 of the NHPA on August 12, 2011.

When the Final EIS route was revised to the proposed Project route, the Department engaged Indian tribes that had previously expressed an interest in the states/areas crossed by the proposed Project route or whose interests have not been expressed. As a result, 80 Indian 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. In addition to communication by phone, email, and letter, high-level Department officials travelled to areas near the proposed Project route to hold four face-to-face consultations, to which all Indian tribes were invited and whose participation was funded by the applicant, and one teleconference. Indian tribes that participated in these meetings and a follow-up teleconference are listed below:

- Billings, Montana—October 22, 2012. Attended by five Indian tribes:
 - Blackfeet Tribe (three representatives)
 - Chippewa Cree Tribe (four representatives)
 - Crow Tribe (1 representative)
 - Northern Cheyenne Tribe (one representative)
 - Yankton Sioux Tribe (three representatives)
- Pierre, South Dakota—October 24, 2012. Attended by four Indian tribes:
 - Cheyenne River Sioux Tribe (two representatives)
 - Crow Creek Sioux Tribe (two representatives)
 - Standing Rock Sioux Tribe (one representative)
 - Yankton Sioux Tribe (two representatives)
- Lincoln, Nebraska—October 26, 2012. Attended by four Indian tribes:
 - Assiniboine and Sioux Tribes (two representatives)
 - Kaw Nation (one representative)
 - Pawnee Nation (four representatives)
 - Ponca Tribe of Nebraska (three representatives)
- Rapid City, South Dakota—May 16, 2013. Representatives of 10 Indian tribes (Northern Arapaho Tribe, Assiniboine and Sioux Tribes, Oglala Sioux Tribe, Yankton Sioux Tribe, Mille Lacs Band of Minnesota Chippewa Tribes, Northern Cheyenne Tribe, Omaha Tribe, Pokagon Band of Potawatomi Indians, Ponca Tribe of Nebraska, and Red Lake Band of Chippewa Indians) were seated for the consultation with Department representatives. The meeting could not proceed due to a demonstration.

- Teleconference—July 31, 2013. Representatives of nine Indian tribes identified themselves in this call: Chippewa Cree Tribe, Choctaw Nation, Confederated Goshute Tribe, Nez Perce Tribe, Oglala Sioux Tribe, Pawnee Nation of Oklahoma, Shoshone-Bannock Tribes, Standing Rock Sioux Tribe, and Yankton Sioux Tribe.

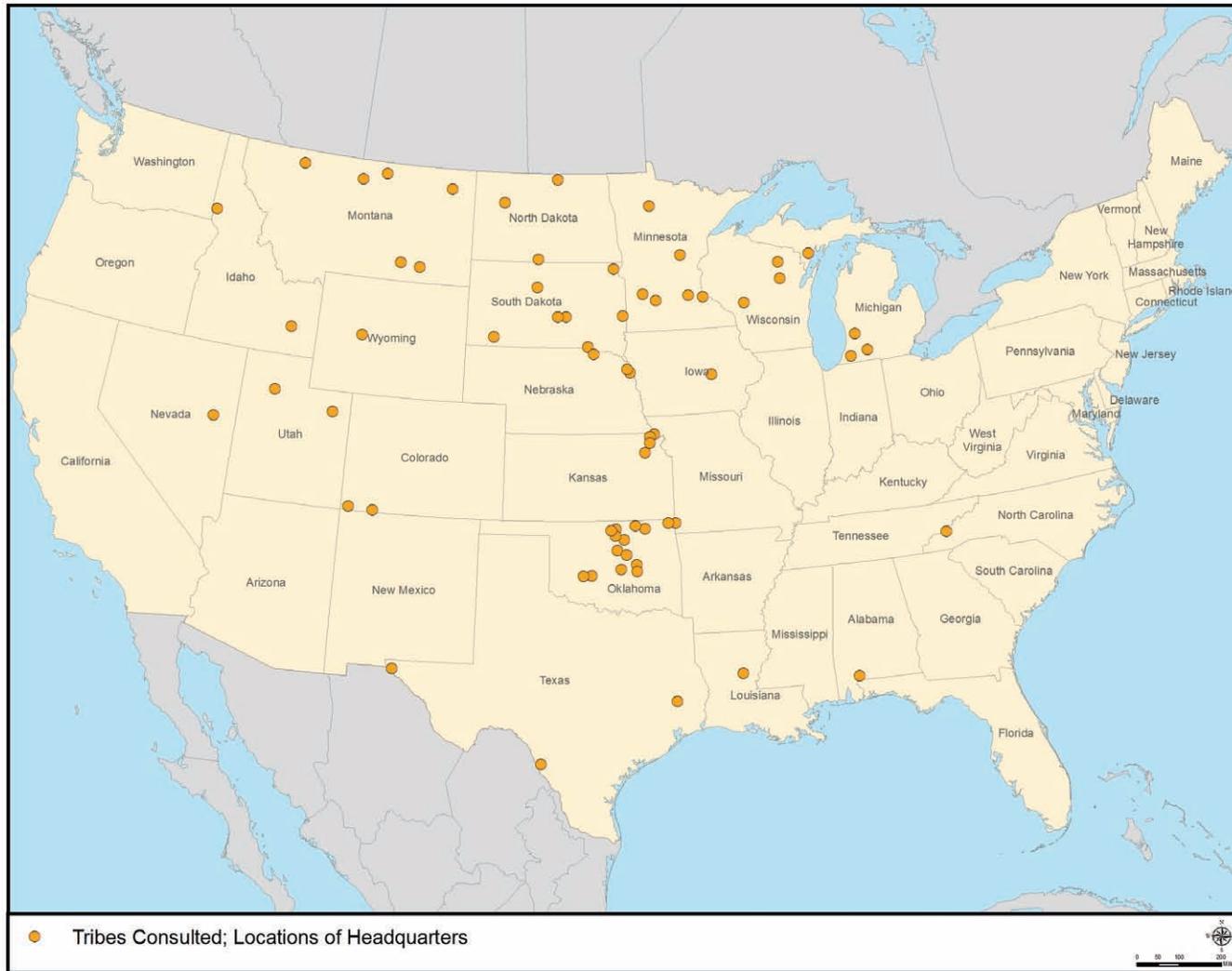
As part of the Draft Supplemental EIS public comment process, four additional tribes have contacted the Department for inclusion in the government-to-government consultation process, which ensued. Therefore, the Department has invited a total of 84 Indian tribes to consult regarding the proposed Project (see Figure 3.11.4-1). Of the 84 Indian tribes, 67 tribes notified the Department that they would like to consult or were undecided as to whether they would become consulting parties. All Indian tribes that participated in consultation were invited in 2013 to sign the amended PA.

Significant discussions between the Department and Indian tribes on specific topics via meeting, letter, phone, and email have continued. Indian tribes continue to be provided with funding by Keystone for costs related to travel and attendance at consultations, proposed Project cultural resources survey reports, and opportunities to conduct additional TCP surveys within the reroute areas. The Department has continued government-to-government consultations to build on previous work, to ensure that tribal issues of concern are addressed in the consultation process, and to amend and incorporate comments and modifications to the PA, as appropriate, in consultation with the tribes to conclude the Section 106 consistent process for the proposed Project. Appendix E, Amended Programmatic Agreement and Record of Consultation, includes a more extensive Master Correspondence Table that summarizes the Department's tribal consultation for the proposed Project. Indian tribes that the Department contacted are listed in Table 3.11-7.

The following are general issues and concerns commonly expressed by the tribes through letters, emails, phone calls, and at consultation meetings to date that have informed the Final Supplemental EIS' analysis:

- 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 releases, environmental impacts such as surface and groundwater and natural resources, tribal 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 has evaluated opportunities to address them as part of the tribal consultation and cultural resources processes and within this Final Supplemental EIS.



Source: Esri 2013

Figure 3.11.4-1 Indian Tribes Consulted

Table 3.11-7 Indian 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	Not Consulting	Confederated Salish & Kootenai Tribes of the Flathead Indian Nation, Montana
16	Consulting	Confederated Tribes of the Goshute Reservation, Nevada and Utah
17	Consulting	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
18	Consulting	Crow Tribe of Montana
19	Undecided	Delaware Tribe of Indians, Oklahoma
20	Consulting	Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
21	Undecided	Eastern Band of Cherokee Indians of North Carolina
22	Not Consulting	Eastern Shawnee Tribe of Oklahoma
23	Consulting	Ely Shoshone Tribe of Nevada
24	Not Consulting	Flandreau Santee Sioux Tribe of South Dakota
25	Undecided	Forest County Potawatomi Community, Wisconsin
26	Undecided	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (aka Gros Ventre and Assiniboine Tribe of Ft. Belknap)
27	Undecided	Hannahville Indian Community, Michigan
28	Consulting	Ho-Chunk Nation of Wisconsin
29	Not Consulting	Iowa Tribe of Kansas and Nebraska
30	Not Consulting	Iowa Tribe of Oklahoma
31	Not Consulting	Jena Band of Choctaw Indians, Louisiana
32	Consulting	Kaw Nation, Oklahoma
33	Undecided	Kialegee Tribal Town, Oklahoma
34	Undecided	Kickapoo Traditional Tribe of Texas
35	Undecided	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
36	Consulting	Kiowa Indian Tribe of Oklahoma
37	Consulting	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
38	Undecided	Lower Sioux Indian Community in the State of Minnesota
39	Undecided	Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan (aka Gun Lake Potawatomi)
40	Not Consulting	Mille Lacs Band of Minnesota Chippewa Tribes, Minnesota
41	Undecided	Modoc Tribe of Oklahoma
42	Consulting	Nez Perce Tribe, Idaho

	Interested/Consulting Party	Tribe
43	Consulting	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
44	Undecided	Nottawaseppi Huron Band of the Potawatomi, Michigan (aka Huron Potawatomi Nation)
45	Consulting	Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
46	Consulting	Omaha Tribe of Nebraska
47	Consulting	Osage Nation, Oklahoma
48	Undecided	Otoe-Missouria Tribe of Indians, Oklahoma
49	Consulting	Pawnee Nation of Oklahoma
50	Consulting	Poarch Band of Creek Indians of Alabama
51	Consulting	Pokagon Band of Potawatomi Indians, Michigan and Indiana
52	Undecided	Ponca Tribe of Indians of Oklahoma
53	Consulting	Ponca Tribe of Nebraska
54	Undecided	Prairie Band of Potawatomi Nation, Kansas
55	Not Consulting	Prairie Island Indian Community in the State of Minnesota
56	Consulting	Red Lake Band of Chippewa Indians, Minnesota
57	Consulting	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
58	Undecided	Sac & Fox Nation of Missouri in Kansas and Nebraska
59	Undecided	Sac & Fox Nation, Oklahoma
60	Consulting	Sac & Fox Tribe of the Mississippi in Iowa
61	Consulting	Santee Sioux Nation, Nebraska
62	Not Consulting	Seneca-Cayuga Tribe of Oklahoma
63	Undecided	Shakopee Mdewakanton Sioux Community of Minnesota
64	Undecided	Shoshone Tribe of the Wind River Reservation, Wyoming (aka Eastern Shoshone Tribe)
65	Consulting	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
66	Consulting	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
67	Consulting	Skull Valley Band of Goshute Indians of Utah
68	Consulting	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
69	Undecided	Spirit Lake Tribe, North Dakota
70	Consulting	Standing Rock Sioux Tribe of North & South Dakota
71	Not Consulting	Stockbridge Munsee Community, Wisconsin
72	Undecided	Thlopthlocco Tribal Town, Oklahoma
73	Undecided	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
74	Consulting	Tonkawa Tribe of Indians of Oklahoma
75	Undecided	Turtle Mountain Band of Chippewa Indians of North Dakota
76	Not Consulting	United Keetoowah Band of Cherokee Indians in Oklahoma
77	Undecided	Upper Sioux Community, Minnesota
78	Undecided	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (aka Ute Indian Tribe, also Northern Ute Tribe)
79	Undecided	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah
80	Not Consulting	White Earth Band of Minnesota Chippewa Tribes, Minnesota
81	Undecided	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
82	Not Consulting	Winnebago Tribe of Nebraska
83	Consulting	Yankton Sioux Tribe of South Dakota
84	Consulting	Ysleta Del Sur Pueblo of Texas

Seven tribes listed in Table 3.11-8 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 is responsible for making determinations of eligibility and proposed Project effects. A Tribal Monitoring Plan has been developed as a result of the TCP studies to account for areas where tribes might have a concern. Additionally, the Department has consulted with tribes in identifying areas along the APE that would be monitored during construction if the proposed Project is permitted.

Table 3.11-8 List of Tribes Participating in Traditional Cultural Property Studies within the Proposed Project

Tribes	Date of Contact	Date SOW^a 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	Chose Not to Participate	NA ^b
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	9/10/2013	Chose Not to Participate	NA	NA	NA
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
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	8/1/2013	08/10/2013	08/14/2013	Chose Not to Participate	NA
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	8/1/2013	Chose Not to Participate	NA	NA	NA
Lower Sioux Indian Community in the State of Minnesota	8/4/2009	8/11/2009	9/14/2009	Chose Not to Participate	NA
Ponca Tribe of Nebraska	4/16/2013	Chose Not to Participate	NA	NA	NA
Pawnee Nation of Oklahoma	9/11/2009	9/1/2009	9/14/2009	4/12/2010	5/25/2010
Pawnee Nation of Oklahoma	8/15/2013	Chose Not to Participate	NA	NA	NA
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	11/12/2009	11/20/2009	11/30/2009	Chose Not to Participate	NA
Santee Sioux Nation, Nebraska	4/16/2013	Pending	Pending	Pending	Pending
Spirit Lake Tribe, North Dakota	8/11/2009	8/11/2009	9/14/2009	10/01/2010	3/17/2010

Tribes	Date of Contact	Date SOW^a Received	Date of Response	Date TCP Received	Date TCP Accepted
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

^a SOW = Scope of Work

^b NA = not applicable

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 public views 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 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. Throughout the scoping process and up until the publication of the Draft Supplemental EIS, the Department had received over 452,000 public comments, of which some reflected cultural resources issues.

With the publication of the Draft Supplemental EIS, the public had a 45-day period to provide comment on the document. Throughout the public comment period, members of the public, public agencies, Indian tribes, and other interested parties were encouraged to submit comments, questions, and concerns about the proposed Project via email or standard mail to the Department. Those interested were also given the opportunity to provide oral and/or written comments relative to the proposed Project during a public meeting held in Grand Island, Nebraska, on April 18, 2013. In total, the Department received over 1,500,000 submissions during the public comment period, which extended from March 8 to April 22, 2013; some of these submissions reflected cultural resources issues. A summary of public comments and responses to those comments can be found in Volumes V and VI, Summary of Public Comments and Responses to the Keystone XL Project Draft Environmental Impact Statement.

3.11.6 Unanticipated Discovery Plans

Unanticipated Discovery Plans are 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 would be prepared for Montana, South Dakota, Nebraska, North Dakota, and Kansas, and would apply to federal, state, and private lands. They would be prepared with collaboration from consulting parties including Indian 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 would be monitored by tribal representatives for consistency with Section 106 of the NHPA in areas of tribal concern. Monitoring plans would be prepared to assist in identifying and minimizing proposed Project adverse effects on important cultural resources and would be implemented through the amended 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 amended 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, Indian 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 a stipulation of the amended PA.

3.11.8 Connected Actions¹⁴

3.11.8.1 Bakken Marketlink Project

Construction and operation of the Bakken Marketlink Project would consist of a 16-pipeline approximately 5 miles in length, additional piping, booster pumps, meter manifolds, and two 250,000-barrel tanks that would be used to store crude from connecting third-party pipelines and terminals. The Bakken Marketlink Project facilities 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.

3.11.8.2 Big Bend to Witten 230-kV Transmission Line

The Big Bend to Witten 230-kV Transmission Project is located in Lyman and Tripp counties in south-central South Dakota. The project would consist of replacing the existing Big Bend-Fort Thompson No. 2 230-kV Transmission Line Turning Structure on the south side of the Big Bend Dam on Lake Sharpe; constructing a new double-circuit 230-kV transmission line for approximately 1 mile southwest of the dam; and constructing a new Lower Brule Substation south of the dam. The existing Witten Substation would be expanded immediately to the northeast to accommodate the new 230-kV connection.

An additional and separate NHPA consistency review of the proposed Big Bend to Witten 230-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 from that of the proposed Project itself. The regional transmission system reliability concerns that prompted the planning of additional transmission lines are not associated with the initial operation of the

¹⁴ Connected actions are those that 1) automatically trigger other actions which may require EISs, 2) cannot or will not proceed unless other actions are taken previously or simultaneously, 3) are interdependent parts of a larger action and depend on the larger action for their justification.

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 would 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 land,¹⁵ 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.

3.11.8.3 Electrical Distribution Lines and Substations

Multiple private power companies or cooperatives would construct distribution lines to deliver power to 20 pump stations located along the length of the pipeline in the United States. These distribution lines would range in length from approximately 0.1-mile to 62 miles, with the average being 13 miles long, and are estimated to extend about 377 miles, combined. The distribution lines would range in capacity from 69 kV to 240 kV, but the majority would have a capacity of 115 kV. The lines would be strung on a single-pole structure and/or on H-frame wood poles.

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 completed.

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.

¹⁵ An ARPA permit could 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.

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