
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET
HP09-001 TO CONSTRUCT THE
KEYSTONE XL PIPELINE

**YANKTON SIOUX TRIBE'S
NOTICE OF FILING OF EXHIBITS**

HP14-001

You are hereby notified that Yankton Sioux Tribe has served on the other parties and filed its proposed hearing exhibits in electronic format with the South Dakota Public Utilities Commission pursuant to ARSD 20:10:01:22.07.

Dated this 24th day of July, 2015.

/s/ Jennifer Baker

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CERTIFICATE OF SERVICE

I certify that on this 24th day of July, 2015, a true and correct copy of **YANKTON SIOUX TRIBE'S NOTICE OF FILING OF EXHIBITS** was filed on the Public Utilities Commission of the State of South Dakota e-filing website. And also on this day, a true and accurate copy was sent via email to the following (or US Mail first-class postage prepaid where no email is given):

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/s/ Ashley Klingsmith
Ashley Klingsmith
Legal Secretary/Paralegal

TREATY OF FORT LARAMIE

September 17, 1851

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre Mandans, and Arrickaras, parties of the second part, on the seventeenth day of September, A.D. one thousand eight hundred and fifty-one. (a)

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

ARTICLE 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

ARTICLE 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

ARTICLE 4. The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories.

ARTICLE 5. The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz;

The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth River, on the Missouri River; thence in a southwesterly direction to the forks of the Platte River; thence up the north fork of the Platte River to a point known as the Red Butts, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning.

The territory of the Gros Ventre, Mandans, and Arrickaras Nations, commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

The territory of the Assinaboin Nation, commencing at the mouth of Yellowstone River; thence up the Missouri River to the mouth of the Muscle-shell River; thence from the mouth of the Muscle-shell River in a southeasterly direction until it strikes the head-waters of Big Dry Creek; thence down that creek to where it empties into the Yellowstone River, nearly opposite the mouth of Powder River, and thence down the Yellowstone River to the place of beginning.

The territory of the Blackfoot Nation, commencing at the mouth of Muscle-shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning.

The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.

The territory of the Cheyennes and Arrapahoes, commencing at the Red Bute, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head-waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fe' road; thence in a northwesterly direction to the forks of the Platte River, and thence up the Platte River to the place of beginning.

It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described.

ARTICLE 6. The parties to the second part of this treaty having selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

ARTICLE 7. In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

ARTICLE 8. It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D. D. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

D. D. Mitchell
Thomas Fitzpatrick
Commissioners.

Assinaboines:
Mah-toe-wit-ko, his x mark,
Toe-tah-ki-eh-nan, his x mark,

Sioux:
Mah-toe-wha-you-whey, his x mark,
Mah-kah-toe-zah-zah, his x mark,
Bel-o-ton-kah-tan-ga, his x mark,
Nah-ka-pah-gi-gi, his x mark,
Mak-toe-sah-bi-chis, his x mark,
Meh-wha-tah-ni-hans-kah, his x mark,

Mandans and Gros Ventres:
Nochk-pit-shi-toe-pish, his x mark,
She-oh-mant-ho, his x mark,

Arickarees:
Koun-hei-ti-shan, his x mark,
Bi-at-ah-tah-wetch, his x mark,

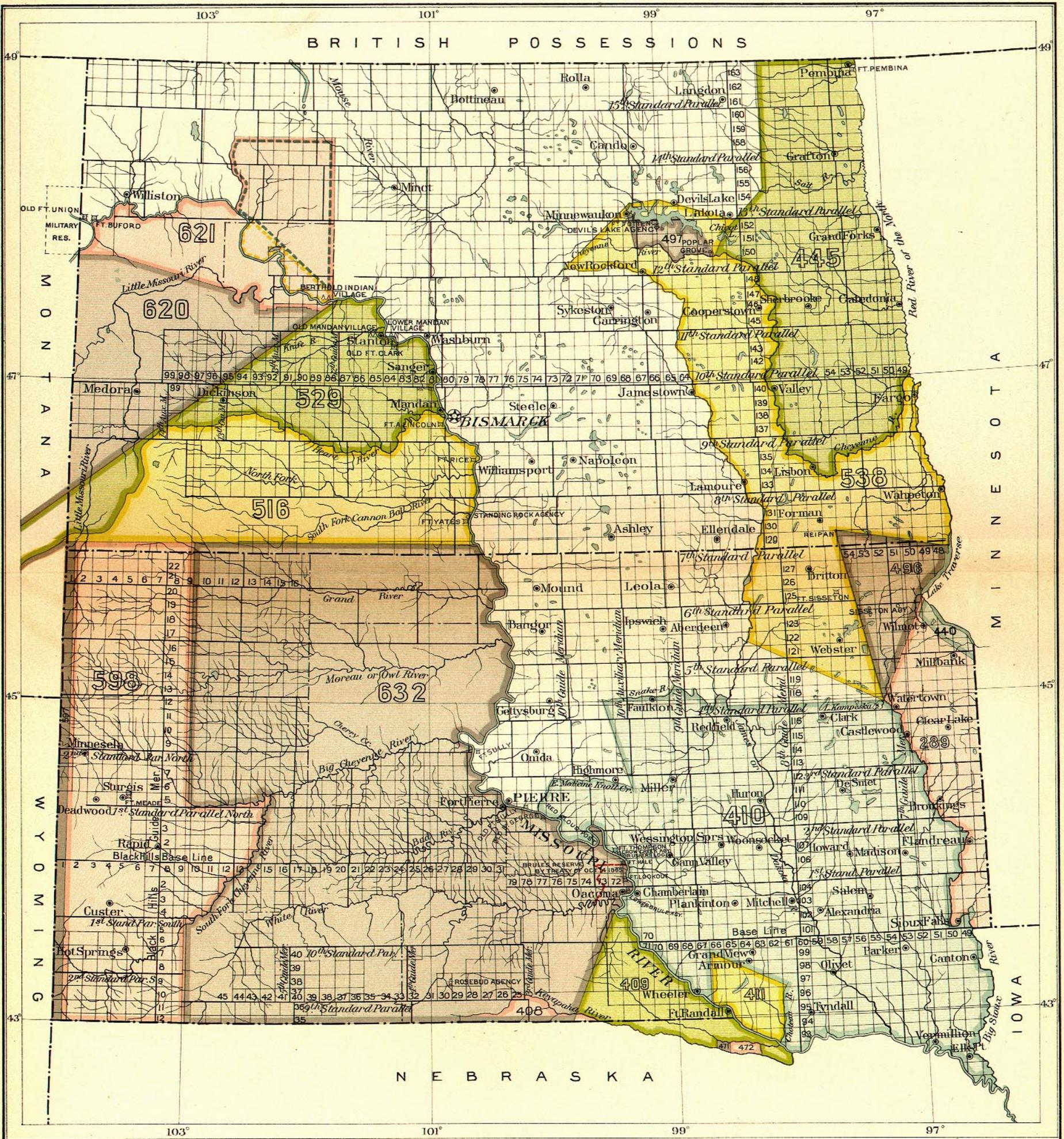
Cheyennes:
Wah-ha-nis-satta, his x mark,
Voist-ti-toe-vetz, his x mark,
Nahk-ko-me-ien, his x mark,
Koh-kah-y-wh-cum-est, his x mark,

In the presence of---

Arrapahoes:
Be-ah-te, -a-qui-sah, his x mark,
Neb-ni-bah-seh-it, his x mark,
Beh-kah-jay-beth-sah-es, his x mark,

A. B. Chambers, secretary.
S. Cooper, colonel, U. S. Army.
R. H. Chilton, captain, First Drags.
Thomas Duncan, captain, Mounted Rifiemen.
Thos. G. Rhett, brevet captain R. M. R.
W. L. Elliott, first lieutenant R. M. R.
C. Campbell, interpreter for Sioux.
John S. Smith, interpreter for Cheyennes.
Robert Meldrum, interpreter for the Crows.
H. Culbertson, interpreter for Assiniboines and Gros Ventres.
Francois L'Etalie, interpreter for Arickarees.
John Pizelle, interpreter for the Arrapahoes.
B. Gratz Brown.
Robert Campbell.
Edmond F. Chouteau.

(a) This treaty as signed was ratified by the Senate with an amendment changing the annuity in Article 7 from fifty to ten years, subject to acceptance by the tribes. Assent of all tribes except the Crows was procured (see Upper Platte C., 570, 1853, Indian Office) and in subsequent agreements this treaty has been recognized as in force (see post p. 776).



NORTH DAKOTA AND SOUTH DAKOTA 1
SCALE 45 MILES TO 1 INCH

A. Hoen & Co. Lith. Baltimore.

Appendix S

Programmatic Agreement and Record of Tribal Contact

Programmatic Agreement

Among

The U.S. Department of State,
U.S. Bureau of Land Management,
U.S. Army Corps of Engineers,
U. S. Bureau of Reclamation,
National Park Service,
Western Area Power Administration,
U.S. Department of Agriculture Rural Utilities Service,
U.S. Department of Agriculture Natural Resources Conservation Service,
U.S. Department of Agriculture Farm Service Agency
U.S. Bureau of Indian Affairs
Montana Department of Natural Resources and Conservation,
Montana Department of Environmental Quality,
Advisory Council on Historic Preservation,
Montana State Historic Preservation Officer,
Kansas State Historic Preservation Officer,
Texas State Historic Preservation Officer,
Nebraska State Historic Preservation Officer,
Oklahoma State Historic Preservation Officer,
South Dakota State Historic Preservation Officer, and
TransCanada Keystone Pipeline, LP
Regarding the Keystone XL Pipeline Project

WHEREAS, the U.S. Department of State (DOS) receives and considers applications for permits for cross border oil pipelines pursuant to the authority delegated by the President of the United States under Executive Order (EO) 13337 (69 Federal Register 25299); and

WHEREAS, on September 19, 2008, the DOS received an application for a Presidential Permit from TransCanada Keystone Pipeline, LP (Keystone) for the Keystone XL Pipeline Project (Keystone XL Project or the Project); and

WHEREAS, DOS has determined that issuance of a Presidential Permit for the Keystone XL Project includes review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f, as amended) and its implementing regulations, "Protection of Historic Properties," (36 CFR Part 800); and

WHEREAS, the Project undertaking consists of construction of approximately 1,375 miles of new crude oil pipeline in the United States and utilizes 298 miles of the previously approved Keystone Cushing Extension, associated aboveground facilities (such as pump stations and transmission facilities and substations), and ancillary facilities (such as lateral pipeline, temporary workplace areas and pipe storage, access roads, and contractor yards); and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses seven National Historic Trails: the Lewis and Clark National Historic Trail (LCNHT); Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails; the Santa Fe National Historic Trail; and the El Camino Real de los Tejas National Historic Trail (ELTE). Each of these trails was designated by the U.S. Congress and have as their purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment;” (National Trails System Act, P.L. 90-543, as amended); and

WHEREAS, on February 2, 2011, the Advisory Council on Historic Preservation (ACHP) entered consultation finding that criteria 3 and 4 of Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of the regulations (36 CFR Part 800) implementing Section 106 of NHPA, had the potential to be met; and

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the approval for the Keystone XL Project to cross USACE administered lands (30 U.S.C. § 185) and to place structures in, under, or over navigable waters of the United States, as defined under 33 CFR 329, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and a permit for the placement of dredge or fill material in waters of the United States as part of the Keystone XL Project in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 344; see 33 CFR 323), are federal actions related to the undertaking that require the USACE to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined the approval of the Keystone XL Project to cross Federal lands administered by the BLM would require authorization under Section 28 of the Mineral Leasing Act of 1920, as amended [(MLA) 30 USC 185]; and

WHEREAS, the BLM has determined that Keystone will require access roads crossing public lands administered by the BLM in support of the Keystone XL Pipeline Project and that the access roads will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701]; and

WHEREAS, the BLM has determined that the Keystone XL Project will require electrical power from rural electrical cooperatives and that portions of the transmission lines will cross public lands administered by the BLM and that the transmission lines crossing public lands will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701]; and

WHEREAS, the BLM approvals of these Project crossings in areas under its jurisdiction is a federal action associated with the undertaking that requires the BLM to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the U.S. Bureau of Reclamation (RECLAMATION) manages lands and facilities that will be crossed by the Keystone XL Project and this is a federal action related to the undertaking that requires RECLAMATION to comply with Section 106 of the NHPA and 36

CFR Part 800; and

WHEREAS, the Natural Resources Conservation Service (NRCS) has determined that it retains rights to a 2,693 acre parcel subject to the Wetlands Reserve Program (WRP) (16 U.S.C. 3837 et. seq.) easements in Fannin County, Texas and that the installation and maintenance of the Project pipeline on this WRP easement is a federal action associated with the undertaking that requires compliance with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Farm Service Agency (FSA), manages private lands with federal easements along the Project APE as part of its Grasslands Reserve Program (jointly administered with the NRCS) as well as the Conservation Resource Program, and the Farmable Wetlands Program; and

WHEREAS, the FSA approval of the Project crossings in these areas is a federal action associated with the undertaking that requires the FSA to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the Rural Utilities Service (RUS) has determined that the financial assistance it may provide to rural electric cooperatives and other entities for construction or modification of electrical transmission facilities (including transmission lines and substations) to power some Keystone XL Project pump stations or to ensure transmission system reliability, under USDA Rural Development's Utilities Programs, are Federal actions related to the undertaking that require RUS to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Bureau of Indian Affairs (BIA) has responsibility for approving any right-of-ways crossing Indian Trust lands and this is a federal action related to the undertaking that requires the BIA to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the Western Area Power Administration (WESTERN) has determined that the modification and construction of substations and transmission lines that WESTERN will own and that will provide power to the Keystone XL project, will require review under Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the National Park Service (NPS) has been invited to consult with the DOS concerning the Project due to the potential for adverse effects to several National Historic Trails including the LCNHT and ELTE; and

WHEREAS, the Montana Department of Natural Resources and Conservation has participated in consultation and has been invited by DOS under 36 CFR § 800.6(c) (2) to sign this Programmatic Agreement (PA) as an invited signatory; and

WHEREAS, the Montana Department of Environmental Quality has participated in consultation and has been invited by DOS under 36 CFR § 800.6(c) (2) to sign this PA as an invited signatory; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, WESTERN, RECLAMATION, and FSA have designated the DOS as the lead federal agency for purposes of Section 106 of the NHPA in

accordance with 36 CFR § 800.2(a)(2); and

WHEREAS, the Keystone XL Project area of potential effect (APE) includes: (1) in Montana – a 300 foot wide corridor, 150 feet on each side from the centerline; (2) in South Dakota – a 300 foot wide corridor, 150 feet on each side from the centerline; (3) in Nebraska – a 300 foot wide corridor, 150 feet from each side from the centerline; (4) in Kansas – all areas of disturbance related to the construction of two pump stations; (5) in Oklahoma – a 300 foot wide corridor, from centerline of outermost existing pipeline; and (6) in Texas - a 300 foot wide corridor, with 200 feet from the existing infrastructure feature centerline on the side where the proposed pipeline is to be collocated and 100 feet from the existing feature centerline on the opposite side, or, if the route is not collocated with existing infrastructure, then the survey area will be centered on the proposed pipeline (150 feet on each side). For transmission lines and access roads in each state, a 100 foot wide corridor centered on the Project centerline will be used. For pumping stations and other areas that are to be disturbed by construction related activities and ancillary facilities (including construction camps and pump stations), the APE will include all areas of disturbance and areas to be indirectly affected; and

WHEREAS, the DOS has determined that the construction of the Keystone XL Project may have an adverse effect on properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Indian Tribes, and the ACHP, pursuant to 36 CFR Part 800; and

WHEREAS, the BLM will incorporate this PA into its decisional process on any authorization under the MLA or FLPMA it may issue for the Keystone XL Project, and will include in any authorization it issues on the Keystone XL Project, a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, in accordance with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), the DOS has elected to phase identification and evaluation of historic properties, and application of the criteria of adverse effect, respectively, because access to those areas identified in Attachment A has been restricted by property owners' refusal to grant Keystone permission to enter their private property; and

WHEREAS, Attachment G includes summary information on the identification, evaluation, and effect assessment updates on the Project that were included in the Final Environmental Impact Statement (FEIS); and

WHEREAS, additional identification, evaluation and effect assessments for the Project will need to be undertaken as all areas of construction have yet to be determined; and

WHEREAS, pursuant to 36 CFR § 800.14(b), the DOS has elected to execute this PA for the Keystone XL Project because effects on historic properties cannot be fully determined prior to the issuance of a permit for the undertaking; and

WHEREAS, Attachment G also summarizes consultation with Indian tribes and Nations,

SHPOs, and other agencies; and

WHEREAS, the DOS will incorporate this PA into its decisional process on any Presidential Permit that it may issue for the Keystone XL Project and will include in any permit it issues on the Keystone XL Project a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, Keystone, which will construct the Keystone XL Project pipeline, has participated in consultation, has been invited by DOS under 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign this agreement as an invited signatory and intends to sign this agreement as an invited signatory; and

WHEREAS, for the purposes of this agreement, “Indian tribes and Nations” shall have the same definition as “Indian tribes” which appears in Section 301(4) of the NHPA; and

WHEREAS, DOS invited the Indian tribes listed in Attachment B to participate in consultation; and

WHEREAS, the Absentee-Shawnee Tribe of Indians of Oklahoma; the Alabama-Coushatta Tribe of Texas, Blackfeet Tribe, Caddo Nation of Oklahoma, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Crow Tribe of Indians, Delaware Nation, Fort Peck Tribes, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Ho-Chunk Nation of Wisconsin, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation, Kialegee Tribal Town of the Creek Nation in Oklahoma, Kickapoo Tribe of Kansas, Kiowa Indian Tribe of Oklahoma, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Muscogee (Creek) Nation, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux Tribe, Osage Nation, Pawnee Nation of Oklahoma, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Santee Sioux Tribe of Nebraska, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, Tonkawa Tribe, Turtle Mountain Band of Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, and Yankton Sioux have participated in consultation and have been invited to concur in this PA, in accordance with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3);

NOW, THEREFORE, the DOS, USACE, BLM, RUS, BIA, FSA, NRCS, WESTERN, RECLAMATION, NPS, ACHP, and the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas SHPOs agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on historic properties and to satisfy all responsibilities under Section 106 of the NHPA.

STIPULATIONS

The DOS, BLM, RUS, BIA, FSA, NRCS, WESTERN, USACE, RECLAMATION, and NPS as appropriate, will ensure that the following stipulations are carried out.

I. STANDARDS AND DEFINITIONS

- A. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct on-site supervision of a professional(s) who meets, at a minimum, the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983).
- B. In developing scopes of work for identification and evaluation studies, and treatment measures required under the terms of this PA, Keystone and RUS applicants will take into account the following regulations and guidelines:
1. The ACHP's guidance on conducting archaeology under Section 106 (2007);
 2. The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007);
 3. Applicable SHPO guidance;
 4. The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);
 5. The "*Treatment of Archaeological Properties*" (ACHP 1983);
 6. The *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
 7. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403);
 8. Section 404 of the Clean Water Act (33 U.S.C. § 344);
 9. BLM 8110 Manual: Identifying and Evaluating Cultural Resources;
 10. Montana/Dakotas Cultural Resources Handbook 8110-1: Guidelines for Identifying Cultural Resources;
 11. The National Trails System Act (P.L. 90-543, as amended);
 12. Section 28 of the Mineral Leasing Act of 1920 (30 USC 185);
 13. Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701); and
 14. *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992: 1998)

C. Definitions

Coordination Plan: A plan (more fully explained in Stipulation V.B and V.D.) that describes the coordination of construction with identification and evaluation of cultural resources, treatment of adverse effects, and protection of unanticipated discoveries.

Concurring Parties: An invited consulting party to this PA that agrees with the content of the PA. The refusal of a concurring party to sign the PA does not invalidate this PA as noted in 36 C.F.R. § 800.6(c)(3). Concurring parties may not terminate the PA.

Construction spread: A construction unit or segment of a pipeline alignment or corridor to be determined by Keystone prior to construction.

Consulting Parties: Parties that have consultative roles in the Section 106 process, as defined in 36 C.F.R. § 800.2(c).

Data Recovery: The recovery of archaeological information from a historic property subject to an adverse effect.

Determination of Effect: A determination made by a federal agency in regards to a Project's effect upon a historic property as defined in 36 C.F.R. Part 800.

Determination of Eligibility: A determination made by a federal agency in regards to a cultural resource's eligibility for inclusion in the National Register of Historic Places (NRHP) and more fully described in 36 C.F.R. Part 60 and 36 C.F.R. § 800.16(1)(2).

Effect: An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (see 36 C.F.R. § 800.16(i)).

Environmental Impact Statement: An analysis of a major federal action's environmental impacts conducted consistent with NEPA.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(a)).

Invited Signatory: The DOS has invited TransCanada Keystone Pipeline LP, the Montana Department of Natural Resources and Conservation, and the Montana Department of Environmental Quality to be signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(2). The refusal of any invited signatory to sign the PA does not invalidate the PA.

Historic Trail and Archaeological Monitoring Plan: A plan (more fully described in Stipulation V.E and Attachment F.) that identifies appropriate areas for monitoring construction by professionals under the supervision of individuals that meet the professional qualifications in Stipulation I. The plan's principal goal is to reduce the potential for impacts to unidentified historic properties.

Signatory Parties: All signatories to this PA, which includes the DOS, BLM, RECLAMATION, USACE, NPS, WESTERN, RUS, NRCS, FSA, BIA, Montana Department of Natural Resources and Conservation, Montana Department of Environmental Quality, and the SHPOs of Montana, South Dakota, Nebraska, Kansas,

Oklahoma, and Texas. (Signatory parties include the federal agency(ies), SHPOs, THPOs (or designee) if the undertaking is carried out on Tribal land or affects historic properties on Tribal land, and also any invited signatories [not including invited concurring parties]).

Tribal Monitoring Plan: A plan (more fully described in Stipulation V.E. and Attachment E) that identifies appropriate areas for monitoring construction by tribal members appointed by their respective tribes. These tribal members shall meet the qualifications as noted in Stipulation V.E.3. The plan's principal goal is to reduce the potential for impacts to previously unidentified historic properties that may also be properties of religious and cultural significance that meet the National Register criteria (see 36 CFR § 800.16(1)(a)).

Treatment Plan: A plan developed in consultation with the parties to this PA that identifies the minimization, and mitigation measures for historic properties located within the APE that will be adversely affected by the Project.

II. CONFIDENTIALITY

DOS, BLM, NRCS, BIA, RUS, WESTERN, RECLAMATION, NPS and USACE will safeguard information about historic properties of religious and cultural significance to Indian tribes, including location information, or information provided by Indian tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA [16 U.S.C. 470w3] and other applicable laws.

III. THE RESPONSIBILITIES OF FEDERAL AGENCIES WITH LAND MANAGEMENT AND OTHER PERMITTING AUTHORITIES

- A. The USACE will ensure that the requirements of this PA have been met for that part of the APE under its jurisdiction, pursuant to Section 10 and Section 404 permitting authority.
- B. The USACE will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- C. The BLM will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- D. RECLAMATION will review and comment on the evaluation and treatment of any historic properties managed by RECLAMATION.
- E. Attachment H includes maps that illustrate the Project areas cross lands managed by the BLM and RECLAMATION.

- F. Consultation for this Project between Indian tribes and federal land management and permitting agencies will be coordinated through the DOS.

IV. KEYSTONE XL PROJECT – CONSTRUCTION OR MODIFICATION OF ELECTRICAL DISTRIBUTION/TRANSMISSION FACILITIES

- A. Prior to granting approval of financial assistance to construct or modify electrical transmission facilities by rural electric cooperatives or other entities, RUS will complete the requirements of 36 CFR §§ 800.3 through 800.7.
- B. In implementing Stipulation IV.A, RUS may authorize an applicant to initiate Section 106 consultation in accordance with 36 CFR § 800.2(c) (4). In doing so, RUS may not delegate its responsibility to conduct government-to-government consultation with Indian tribes to an applicant, unless RUS and that tribe agree, in writing, to conduct consultation in that manner.
- C. Prior to construction of the 230kV transmission line WESTERN will own, WESTERN will complete the requirements of 36 CFR §§ 800.3 through 800.7. In implementing Stipulation IV.C., WESTERN will serve as a signatory party under the DOS PA. WESTERN shall coordinate implementation of Stipulation IV.C with the DOS.
- D. RUS will ensure that the terms of Stipulation VI.B and Attachment C are incorporated into construction contracts to ensure that its applicants and construction contractors meet their responsibility for notification of any unanticipated discoveries. When RUS funded projects occur on BLM land, the RUS will coordinate with BLM to ensure compliance with Stipulation VI.B. and Attachment C of this Agreement.
- E. Prior to granting approval or financial assistance for construction or modification of electrical distribution/transmission facilities that are necessary components of the pipeline project and therefore considered within the Project APE, any federal agency that is incorporated into this agreement pursuant to Stipulation XIV will complete the requirements of 36 CFR §§ 800.3 through 800.7 for those facilities under its jurisdiction if not already carried out elsewhere in this agreement.
- F. DOS retains responsibility for completing the requirements of 36 CFR §§ 800.3 through 800.7 for those electrical distribution/transmission facilities that are necessary components of the Project if they are not under the jurisdiction of any federal agency and not referenced in Stipulation IV. A through E above.

V. KEYSTONE XL PROJECT – PIPELINE CONSTRUCTION

- A. The DOS provided SHPOs, consulting Indian tribes, and other consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties (as defined in 36 CFR § 800.16(l), including historic properties of religious and cultural significance to Indian tribes, and the treatment of affected historic properties,

in connection with the construction of the Keystone XL Project as described in Stipulation V.C of this PA.

B. Identification and Evaluation of Historic Properties

1. In consultation with the SHPOs, consulting Indian tribes, and other consulting parties, the DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties within the APE for each construction spread prior to the initiation of construction of that spread, in accordance with 36 CFR §§ 800.4(a), (b) and (c). On federal lands, the scope of the identification effort will be determined by the appropriate federal land managing agency in consultation with the DOS, applicable SHPOs, consulting Indian tribes, and other consulting parties.
2. For the APE in Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, in accordance with 36 CFR §§ 800.4(a), (b) and (c), before Keystone initiates construction activities (including vegetative clearing to comply with the Migratory Bird Treaty Act if clearing is undertaken).
 - a. In the identification and evaluation of historic properties to which Indian tribes attach religious and cultural significance, the DOS will take into consideration information submitted by Indian tribes to DOS prior to construction.
 - b. In the event identification of historic properties cannot be completed for any construction spreads prior to construction, Keystone will develop and submit a Coordination Plan to DOS for review and approval pursuant to Stipulation V.D that describes the measures it will implement to complete the identification and evaluation of historic properties before such properties are adversely affected by vegetation clearing and construction activities related to that spread.

C. Treatment of Historic Properties

1. Whenever feasible, avoidance of adverse effects to historic properties will be the preferred treatment. In consultation with the DOS, ACHP, SHPOs, THPOs, and consulting parties, Keystone may elect to consider and implement avoidance measures prior to completing the evaluation of historic properties.

Avoidance and minimization measures may include:

- a. Avoidance through pipeline or access road route variation or Project feature relocation;
- b. Avoidance through abandonment;
- c. Avoidance through bore or horizontal directional drill;
- d. Avoidance by narrowing the construction corridor (“neck down”); and
- e. Avoidance through the use of existing roadways as Project access roads to the extent practicable.

2. When historic properties are identified in the APE pursuant to Stipulation V.B, DOS will apply the criteria of adverse effect in accordance with 36 CFR § 800.5(a) in consultation with the ACHP, SHPO and other consulting parties. If DOS finds that historic properties might be adversely affected by actions covered under this PA and within the APE, DOS will consult with the ACHP, SHPOs, consulting Indian tribes, and other consulting parties to determine prudent and feasible ways to avoid adverse effects.
 - a. Once DOS approves avoidance measures, Keystone will implement those measures.
3. If DOS determines that the adverse effect cannot be avoided, DOS will consult with the ACHP, SHPOs, consulting Indian tribes, and other consulting parties to determine those measures to be implemented by Keystone to minimize and mitigate adverse effects on affected historic properties identified in the APE.
4. If, after consultation, DOS determines that the adverse effect cannot be avoided, Keystone will draft a comprehensive Treatment Plan for each adversely affected historic property. The Treatment Plan describes the measures identified by DOS under Stipulation V.C.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the manner in which these measures will be carried out, and a schedule for their implementation.
 - a. When mitigation consists of or includes data recovery, the Treatment Plan also will identify the specific research questions to be addressed by data recovery with an explanation of their relevance, the archaeological methods to be used, and provisions for public interpretation and education, subject to Stipulation II restrictions, if any.
 - b. A Treatment Plan may also include mitigation for adverse effects to historic districts, buildings and structures. This mitigation may include the recordation of historic properties according to Historic American Building Survey/Historic American Engineering Record Standards and Guidelines for Architectural and Engineering Documentation. Other types of mitigation for adverse effects to historic districts, buildings, and structures may also be described in the Treatment Plan. The mitigation proposed for an adverse effect to a historic district, building, and/or structure will be commensurate with the level of significance and extent of adverse effect and will be determined in a manner consistent with Stipulation V.C.4.c.
 - c. Keystone will submit the draft Treatment Plan to the DOS, BLM (if applicable), ACHP, THPOs, the SHPO of the applicable state, MT DEQ (if applicable), MT DNRC (if applicable), and other applicable consulting parties for a thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by SHPOs, consulting Indian tribes, and other consulting parties in preparation of the Final Treatment Plan.

- d. When it has addressed all of the timely comments and recommendations, Keystone will submit the Final Treatment Plan to DOS for review and approval. Keystone will also submit the Final Treatment Plan to BLM for review and approval when involving lands subject to Stipulation III.C. DOS and BLM shall issue their final decision on the Treatment Plan within thirty (30) calendar days. Once the Final Treatment Plan is approved by DOS (and the BLM if involving BLM-managed lands), copies of the Treatment Plan will be distributed to all SHPOs, consulting Indian tribes, and other consulting parties.
5. Keystone will make a reasonable and good faith effort to complete implementation of the Final Treatment Plan approved by DOS prior to beginning construction of any spread for which the Treatment Plan is required. If it is not possible to meet this schedule, Keystone will develop a Coordination Plan in accordance with Stipulation V.D that establishes how appropriate treatment will be determined and implemented during construction of the respective spread.

D. Coordination of Construction and Historic Preservation Activities

1. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, and the mitigation of adverse effects to them in accordance with Stipulations V.B and V.C prior to the initiation of vegetative clearing if vegetative clearing and construction on the Keystone XL spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads, is to be undertaken.
2. If these DOS activities cannot be completed prior to the start of vegetative clearing and construction of these spreads, Keystone shall develop and provide to DOS a detailed plan describing how the requirements of Stipulations V.B and V.C – identification, evaluation and treatment of historic properties – will be completed in coordination with vegetative clearing and construction activities in such a way that historic properties will not be adversely affected prior to the implementation of any mitigation measures.
 - a. A Coordination Plan will be prepared for each state and will include those measures developed by Keystone pursuant to Stipulations V.B and V.C to complete the identification and evaluation of historic properties, and, as appropriate, mitigation of adverse effects to them during and coordinated with vegetation clearing and construction activities. In addition, the Coordination Plan will include a schedule for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Attachment C, as appropriate.
 - b. Keystone will submit the draft Coordination Plan for each state for such spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads, to the DOS, BLM (as applicable) ACHP, SHPOs, THPOs, and consulting

parties for thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by the applicable SHPO, consulting Indian tribes, and other consulting parties in preparation of the Final Coordination Plan for each state. When it has addressed all of the comments and recommendations, Keystone will submit the Final Coordination Plan for each state to DOS for review. DOS shall issue its final decision on the Coordination Plan for each state within thirty (30) calendar days. Following approval by DOS, the Final Coordination Plan for each state will be distributed to all of the SHPOs, consulting Indian tribes, and other consulting parties.

3. Keystone will complete implementation of the Final Coordination Plan approved by DOS during construction of the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads.

E. Historic Trail and Archaeological Monitoring Plan (“HTAM Plan”) and Tribal Monitoring Plan

1. In consultation with the SHPOs and Indian tribes, Keystone will monitor construction in selected areas of the APE of each spread as a supplement to identification efforts. Any historic properties identified by Keystone during monitoring will be treated in accordance with Stipulation VI.A and C.
 - a. The HTAM Plan outlines areas that have been previously identified by DOS during identification and evaluation efforts that warrant monitoring during soil disturbing activities for potential effects to historic properties.
 - b. The Tribal Monitoring Plan outlines areas that have been previously identified by Indian Tribes, either through the preparation of Traditional Cultural Property reports or through consultation, that warrant monitoring during clearing and trenching for potential effects to previously unidentified historic properties that may include properties of religious and cultural importance to an Indian tribe and that meet the National Register criteria (See 36 C.F.R. § 800.16(1)(a)).
2. Historic Trail monitoring will be performed by a professional who either meets the qualification standards for archaeology established in Stipulation I.A or is under the on-site supervision of such a professional. When the monitoring occurs on BLM managed lands, all monitors must have a valid Archaeological Resources Protection Act (ARPA) permit or be included on a BLM Cultural Resource Use Permit.
3. For tribal monitoring, other types of experience with construction monitoring and/or traditional cultural knowledge may be substituted for degrees required by the Standards at the discretion of the DOS. When the monitoring occurs on BLM managed lands, all monitors must have a valid Archaeological Resources Protection Act (ARPA) permit or be included on a BLM Cultural Resource Use Permit.

4. Keystone shall consider information provided by Indian tribes in a timely manner when completing the identification of historic properties before construction begins under Stipulation V.B and in implementing a HTAM Plan and Tribal Monitoring Plan provided for under Stipulation V.E. Keystone shall provide Indian tribes a reasonable opportunity to participate as monitors during Project construction. In those areas previously identified by Indian tribes as needing monitoring, the Tribal Monitoring Plan stipulates that at least one and at most two monitors will be used per construction spread depending upon the extent and location of construction activities.
5. Keystone has submitted a plan for historic trail and archaeological monitoring and tribal monitoring for each spread to the DOS, BLM, ACHP, SHPO, THPOs, and Consulting Parties for review and comment prior to the signing of this Agreement. The Tribal Monitoring Plan and HTAM Plan are attached to this agreement in Attachments E and F.
6. Keystone will implement the HTAM Plan and Tribal Monitoring Plan for each spread that has been approved by DOS.

F. Construction

1. Lead Environmental Inspector (EI): Prior to initiating vegetative clearing or construction, Keystone will employ the Lead EI whose responsibilities will include ensuring compliance with the terms of this PA. In meeting this responsibility, the Lead EI will rely on the technical expertise of on-site professionals who meet the standards established in Stipulation I.A and tribal monitors with experience outlined in Stipulation V.E.3.
 - a. The Lead EI will monitor construction activities on-site and prepare a daily log reporting to Keystone on activities performed to implement the terms of this PA, as appropriate. Keystone will make the daily log available to the DOS and SHPOs, consulting Indian tribes, and other consulting parties upon request.
 - b. Keystone will ensure through the construction contract that the Lead EI will possess the authority to stop construction in the event of an inadvertent discovery in accordance with Stipulation VI.A and Attachment C.
2. Training: Keystone will ensure that if the Lead EI does not meet the professional qualification standards established in Stipulation I.A, the Lead EI receives appropriate training in historic preservation from a professional who meets the standards established in Stipulation I.A in order to perform the requirements of this PA. Keystone also will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in Stipulation I.A to all construction personnel (including new, added, replaced workers) so that PA requirements are understood and unanticipated discoveries quickly identified. Keystone will conduct this training prior to initiating vegetative clearing or

construction activities on a spread, and conduct periodic refresher training during construction of the spread.

3. This Programmatic Agreement and Attachment E, the Tribal Monitoring Plan, have given tribes the opportunity to provide information about historic properties of concern to the tribe(s).
4. Construction Contract: Keystone will incorporate the terms of Stipulation VI.A and Attachment C into construction contracts to ensure that its Lead EI and construction contractors meet their responsibility for notification of the unanticipated discoveries.

G. Scheduling

The DOS may authorize the start of vegetative clearing and construction for an individual spread when the plans prepared in accordance with Stipulations V.D and V.E as appropriate for that spread, have been submitted by Keystone and approved by DOS in accordance with the terms of this PA.

VI. UNANTICIPATED DISCOVERIES DURING CONSTRUCTION OF THE KEYSTONE XL PROJECT

A. Pipeline Construction

1. “Applicable federal agency” is the federal agency with jurisdiction for the land on which construction is occurring or, in the absence of such an agency, DOS, as appropriate.
2. If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly as pipeline construction activities are carried out within the one-hundred and ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify Keystone’s Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:
 - a. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - b. Clearly mark the area of the discovery;
 - c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery from looting and vandalism; and
 - d. Notify the applicable federal agency SHPOs, consulting Indian tribes, and other consulting parties of the discovery.

3. The applicable federal agency shall notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The applicable federal agency will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPOs, consulting Indian tribes, and other consulting parties and Keystone . The applicable federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable federal agency will notify the ACHP, SHPOs, consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
 - b. The applicable federal agency will ensure that the timely filed recommendations of SHPOs, consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.
 - c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: The applicable federal agency will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI. The applicable federal agency will use the contact information provided in Attachment C or D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the applicable federal agency with recommendations on resolving the dispute. The applicable federal agency will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

B. Construction or Modification of Electrical Transmission Facilities

1. If previously unidentified historic properties are discovered unexpectedly during construction or modification of transmission facilities funded by RUS, the RUS applicant's construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify the RUS applicant of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the RUS applicant shall:
 - a. Notify the RUS Contact (and BLM Contact if discovery occurs on BLM land);

- b. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - c. Clearly mark the area of the discovery; and
 - d. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
2. Upon receipt of such notification RUS and BLM (if applicable) will coordinate the notification of SHPOs, consulting Indian tribes, and other consulting parties and notify the SHPOs, consulting Indian tribes, and other consulting parties of the discovery.
3. RUS and BLM (if applicable) will have seven (7) calendar days following notification provided in accordance with Stipulation VI.B.1 to determine the National Register eligibility of the discovery in consultation with the SHPOs, consulting Indian tribes, other consulting parties, and Keystone. RUS may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible pursuant to Stipulation VI.B.3, RUS, in coordination with the BLM (if applicable), will notify the SHPOs, consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects. SHPOs, consulting Indian tribes, and other consulting parties will provide their views on the proposed actions within forty-eight (48) hours. RUS will ensure that the timely filed recommendations of the SHPOs, consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of those actions that the applicant will implement to resolve adverse effects. Once RUS approval has been granted, its applicant will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: RUS and BLM (if applicable) will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding the resolution of adverse effects that relate to the implementation of Stipulation VI. The applicable federal agency will use the contact information provided in Attachment D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide RUS and BLM (if applicable) with its recommendations for resolving the dispute. RUS and BLM (if applicable) will take into account any recommendations provided by the ACHP in making a final decision about how to proceed.
6. Reporting: No later than six (6) months following the resumption of construction within the location of the discovery, RUS will submit a final report to the SHPOs, consulting Indian tribes, and other consulting parties describing implementation of the actions taken in accordance with Stipulation VI.B and, as appropriate, the analysis and interpretation of recovered information.

C. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects

1. When Native American human remains or funerary objects or objects of cultural patrimony are unexpectedly discovered during construction of the Keystone XL Project on federal or tribal lands within the APE, Keystone or a RUS applicant, as appropriate, will notify immediately the federal agency responsible for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001 et. seq.] and its implementing regulations, 43 C.F.R. Part 10.
2. Non-Native American human burials and remains, and funerary objects discovered on federal lands within the APE will be treated by the federal agency having jurisdiction of the remains in accordance with applicable federal law, taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).
3. DOS, WESTERN, and RUS will treat human burials and remains discovered on non-federal land in accordance with the provisions of Attachment C and any applicable laws. In those instances where the USACE has jurisdiction under Section 10 or 404 permitting authority for non-federal lands in the APE, the applicable federal agencies will ensure that Keystone complies with the provisions of Attachment C acting in the place of the DOS. In determining appropriate actions to be carried out, DOS, RUS, and/or other federal agencies will be guided by the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).

VII. CURATION

- A. Federal agencies will curate any artifacts, materials or records resulting from archaeological identification and mitigation conducted on federal lands under their jurisdiction in accordance with 36 CFR Part 79, "*Curation of Federally-Owned and Administered Archaeological Collections.*" Federal agencies with jurisdiction over the federal lands will consult with Indian tribes as required in 36 CFR 79.
- B. Keystone and RUS applicants will return all artifacts recovered from private lands to the respective landowner after analysis is complete, unless applicable state law requires otherwise. Keystone and RUS applicants will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the respective SHPO. Keystone and RUS applicants shall pay all required curation fees associated with the donation of artifacts to the local curation facility.
- C. On federally controlled or owned properties, federal agencies will determine the disposition of human burials, human remains and funerary objects in accordance with applicable federal law.

VIII. REPORTING

- A. Within three months of completion of pipeline construction of a spread, Keystone will submit a comprehensive draft report to DOS describing the results and findings of the implementation of the actions and plans specified in Stipulations V.C through G, VI.A, including Attachment C.
- B. Keystone will submit a draft comprehensive report for each spread to the SHPOs, consulting Indian tribes, and other consulting parties of the respective states in which the spread is located, for thirty (30) day review and comment. Keystone shall address timely comments and recommendations submitted by SHPOs, consulting Indian tribes, and other consulting parties in preparation of the Final Comprehensive Report for that spread. Keystone will submit the final report to DOS for review and approval. The final comprehensive report will be provided by DOS to the SHPOs, consulting Indian tribes, and other consulting parties once approved.

IX. MONITORING IMPLEMENTATION OF THE PA

Each quarter following the execution of this PA until it expires or is terminated, the DOS with the assistance of the USACE, BLM, RUS, FSA, NRCS, BIA, and RECLAMATION as necessary will provide the SHPOs, consulting Indian tribes, and other consulting parties to this PA a progress report summarizing the work carried out pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this PA. DOS will maintain and update a list of the current contact for the SHPOs, consulting Indian tribes, and other consulting parties and will be distributed in each quarterly report.

X. DISPUTE RESOLUTION

- A. “Appropriate federal agency” refers to the DOS, BLM, RUS, RECLAMATION, and USACE, or other federal land managing and/or permitting agency as applicable.
- B. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the appropriate federal agency will consult with such party to resolve the objection. If the appropriate federal agency determines that such objection cannot be resolved, the appropriate federal agency will:
 - 1. Forward all documentation relevant to the dispute, including the applicable federal agency’s proposed resolution, to the ACHP. The ACHP will provide the appropriate federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the appropriate federal agency will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The appropriate federal agency will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The federal agencies are responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.
 - D. The process of dispute resolution outlined in Stipulation X does not pertain to disputes that arise from unanticipated discoveries covered in Stipulation VI.

XI. DURATION

This PA will be null and void if all of its stipulations have not been carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Keystone XL Project, the DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will either (a) execute a Memorandum of Agreement (MOA) or PA pursuant to 36 CFR §§ 800.6 or 800.14(b), respectively, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR. § 800.7. Prior to such time, the DOS may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII. The DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will notify the signatories and concurring parties as to the course of action they will pursue.

XII. AMENDMENT

Any signatory party to this PA may propose in writing to the other signatory parties that it be amended. The signatory parties will consult in an effort to reach agreement on an amendment. Any amendment will be effective on the date it is signed by all of the signatories and filed with the ACHP.

XIII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other parties to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate its participation in the PA upon written notification to the other signatories.
- B. Termination by an individual SHPO shall only terminate the application of this Agreement within the jurisdiction of the SHPO.

- C. If the PA is terminated in its entirety, and prior to work continuing on the undertaking, the DOS shall request, take into account, and respond to the comments of the ACHP in accordance with 36 CFR § 800.7(a). Following consultation with the ACHP, the DOS will notify the signatories and concurring parties as to the course of action it will pursue.

XIV. COORDINATION WITH OTHER FEDERAL REVIEWS

In the event that Keystone or a federal agency applies for additional federal funding or approvals for the Keystone XL Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with the applicable SHPO and the ACHP. Any necessary modifications will be considered in accordance with Stipulation XII.

XV. SCOPE OF THE PA

This Agreement is limited in scope to actions that will facilitate the construction of the Keystone XL Project and related facilities, and is entered into solely for that purpose.

EXECUTION of this PA by the DOS, ACHP, BLM, RUS, WESTERN, USACE, RECLAMATION, NPS, NRCS, FSA, BIA, the Montana SHPO, South Dakota SHPO, Nebraska SHPO, Kansas SHPO, Oklahoma SHPO, and Texas SHPO and implementation of its terms evidence that the DOS, WESTERN, BLM, RUS, NRCS, FSA, BIA, USACE, RECLAMATION, and NPS have taken into account the effects of the Keystone XL Project on historic properties and afforded the ACHP an opportunity to comment.



United States Department of State

4 Aug 2011

Date


Robert J. Ruch
Colonel, Corps of Engineers
District Commander

2 Aug 11
Date

Deborah K. Johnson Morford

Aug. 10, 2011

Deborah Johnson Morford
Field Manager, Miles City Field Office
Bureau of Land Management

Date

021673

 July 14, 2011
Date

Michael J. Ryan
Regional Director, Great Plains Region
Bureau of Reclamation

RECEIVED

JUL 14 2011

**Cardno ENTRIX
Seattle**

Alice A. Herwood

7/15/11

Weldon Loudermilk
Great Plains Regional Director
United States Bureau of Indian Affairs

Date

Mark S. Plank

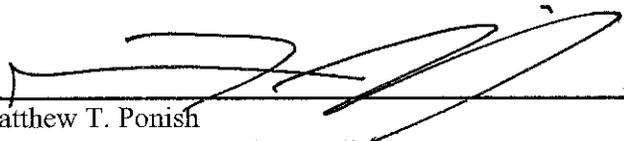
7/12/11

Mark S. Plank

Date

Director, Engineering and Environmental Staff

United States Department of Agriculture Rural Utilities Service



Matthew T. Ponish
National Environmental Compliance Manager
United States Department of Agriculture Farm Service Agency

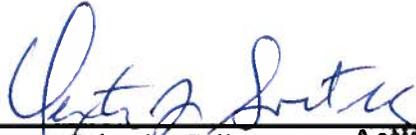
July 21, 2011

Date

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AUG 01 2011

Cardno ENTRIX
Seattle



AUG 03 2011

~~Don Gohmert~~ Salvador Salinas **Acting**

Date

State Conservationist

United States Department of Agriculture Natural Resources Conservation Services

Programmatic Agreement

Keystone XL Project
June 2011

021678

Robert J. Harris

2/14/11

Robert Harris

Date

Regional Manager, Upper Great Plains Region
Western Area Power Administration (WESTERN)

for Charles Dwin Vaughan
John M. Fowler
Executive Director
Advisory Council on Historic Preservation

8/12/11
Date

Mark Wolfe

7/21/11

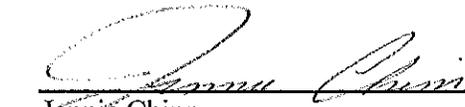
Mark Wolfe
State Historic Preservation Officer
Texas

Date

RECEIVED

JUL 25 2011

Cardno ENTRIX
Seattle


Jennie Chinn
State Historic Preservation Officer
Kansas

7-7-11
Date

Mark Baumber

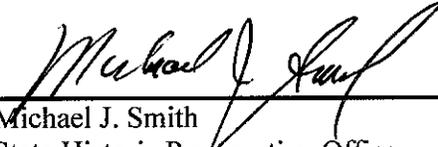
7/8/2011

Mark Baumber, Ph.D.
State Historic Preservation Officer
Montana

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JUL 14 2011

**Cardno ENTRIX
Seattle**


Michael J. Smith
State Historic Preservation Officer
Nebraska

07-03-2011
Date



July 13, 2011

Dr. Bob L. Blackburn
State Historic Preservation Officer
Oklahoma

Date

Jay D. Vogt
Mr. Jay D. Vogt
State Historic Preservation Officer
South Dakota

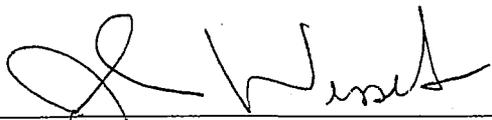
07-08-2011

Date

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Cardno ENTRIX
Seattle



4 August 2011

John Wessels
Regional Director, Intermountain Region
National Park Service
(invited signatory)

Date



7-25-2011

Mary Sexton

Date

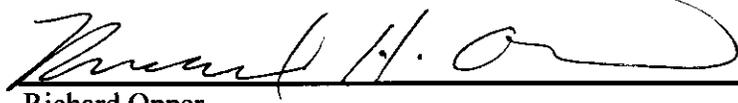
Director

Montana Department of Natural Resources and Conservation
(invited signatory)

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JUL 29 2011

Cardno ENTRIX
Seattle



7/18/11

Richard Opper

Date

Director

Montana Department of Environmental Quality
(invited signatory)



David Montemurro
TransCanada Keystone XL Pipeline, L.P.
(invited signatory)

July 21/2011
Date



Robert Jones
Vice President

21-July-2011

Carlos Bullock

8-8-11

Carlos Bullock, Tribal Council Chairman
Alabama-Coushatta Tribe of Texas
(concurring party)

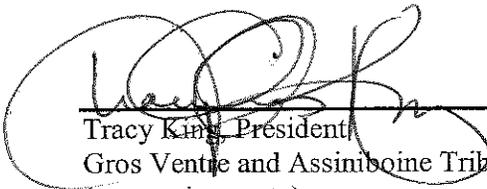
Date

Willie Sharp

Willie Sharp, Chairman
Blackfeet Nation
(concurring party)

8/4/11

Date



Tracy King, President
Gros Ventre and Assiniboine Tribe of Ft. Belknap
(concurring party)

7/28/2011

Date



Tim Rhodd, Chairman
Iowa Tribe of Kansas and Nebraska
(concurring party)

7-8-11

Date

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JUL 14 2011

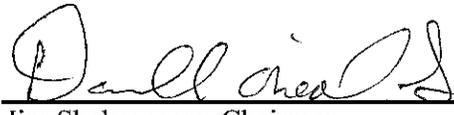
Cardno ENTRIX
Seattle

Thomas Gamble

11-25-11

Thomas Gamble, ~~Chairman~~ Chief
Miami Tribe of Oklahoma
(concurring party)

Date

Per 

8/5/11

Jim Shakespeare, Chairman
Northern Arapaho Tribe
(concurring party)

Date



8-2-11

Marshall Gover, President
Pawnee Nation of Oklahoma
(concurring party)

Date

ATTACHMENT A

The following Tables show properties for which Keystone has been denied access to conduct identification and evaluation studies as of the finalization of the PA.

Table 1: Areas Not Surveyed along Mainline Route in Montana					
State	County	From Milepost	To Milepost	Status	Miles
Montana	Fallon	249.1	250.2	Needs survey	1.1
Montana	Fallon	227.2	227.4	Needs survey	0.2
Montana	Fallon	228.1	228.1	Surveyed on November 2010 CL; Addendum 6 in progress	0.01
Montana	Dawson	0.2	1.4	Needs survey	1.2
Montana	Dawson	4.8	6.3	Needs survey	1.5
Montana	Dawson	7.6	9.1	Needs survey	1.5
Montana	Dawson	17.2	17.6	Needs survey	0.5
Montana	Dawson	17.9	18.4	Needs survey	0.5
Montana	Dawson	18.4	19.1	Needs survey	0.7
Montana	Dawson	20.4	20.7	Surveyed on November 2010 CL; Addendum 6 in progress	0.3
Montana	Dawson	21.7	22.2	Surveyed on November 2010 CL; Addendum 6 in progress	0.4
Montana	McCone	148.4	149.7	Needs survey; Incorporated into November 2010 CL	1.3
Montana	McCone	144.4	144.5	Needs survey; Incorporated into November 2010 CL	0.1
Montana	Valley	1.1	1.2	Needs survey; Incorporated into November 2010 CL-MT-LO-01	0.1
Montana	Dawson	1.9	2	Needs survey; Incorporated into November 2010 CL	0.1
Montana	Fallon	0	0.01	Needs survey	0.01
Montana	McCone	0	0.5	Needs survey	0.5

Table 1: Areas Not Surveyed along Mainline Route in Montana					
State	County	From Milepost	To Milepost	Status	Miles
Montana	McCone	0	2.2	Surveyed on November 2010 CL; Addendum 6 in progress	2.2
Montana	Dawson	0	1.9	Surveyed on November 2010 CL; Addendum 6 in progress	1.9
Montana	Dawson	1	2	Surveyed on November 2010 CL; Addendum 6 in progress	2
Montana	Sheridan			Surveyed on November 2010 CL; Addendum 6 in progress	
Montana	Roosevelt			Surveyed on November 2010 CL; Addendum 6 in progress	
Montana	Prairie			Needs survey	

Table 2: Areas Not Surveyed along Mainline Route in South Dakota					
State	County	From Milepost	To Milepost	Status	Miles
South Dakota	Harding	352.8	353.7	Needs survey	0.9
South Dakota	Meade	417.9	418.2	Needs survey	0.3
South Dakota	Haakon	481.4	481.5	Surveyed on November 2010 CL; Addendum 7 in progress	0.1
South Dakota	Jones	492	492.6	Needs survey	0.6
South Dakota	Dawson	194	194.5	Surveyed on November 2010 CL; Addendum 7 in progress	0.5
South Dakota	Harding	2.9	3.2	Needs survey	0.3
South Dakota	Harding	3.8	4.4	Needs survey	0.3
South Dakota	Meade	1.1	1.3	Surveyed on November 2010 CL; Addendum 7 in progress	0.1

Table 2: Areas Not Surveyed along Mainline Route in South Dakota					
State	County	From Milepost	To Milepost	Status	Miles
South Dakota	Hughes			Surveyed on November 2010 CL; Addendum 7 in progress	

Table 3: Areas Not Surveyed along Mainline Route in Nebraska					
State	County	From Milepost	To Milepost	Status	Miles
Nebraska	Keya Paha	599.70	600.50	Surveyed 6-4-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.80
Nebraska	Keya Paha	600.90	601.50	Needs survey	0.60
Nebraska	Keya Paha	614.20	614.45	Needs survey	0.25
Nebraska	Holt	630.80	631.65	Surveyed 6-2-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.85
Nebraska	Holt	632.70	633.15	Surveyed 6-7-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.45
Nebraska	Holt	634.75	635.45	Surveyed 6-3-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.70
Nebraska	Holt	653.55	655.45	Surveyed 6-7-11 on Nov 2010 CL; Addendum No. 7 report in progress	1.90
Nebraska	Holt	656.80	657.90	Surveyed 6-3-11 on Nov 2010 CL; Addendum No. 7 report in progress	1.10
Nebraska	Garfield	672.55	679.50	Not on Nov 2010 CL	6.95
Nebraska	Wheeler	687.60	687.90	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.30
Nebraska	Wheeler	688.15	688.35	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.20

Table 3: Areas Not Surveyed along Mainline Route in Nebraska					
State	County	From Milepost	To Milepost	Status	Miles
Nebraska	Wheeler	688.70	688.95	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.25
Nebraska	Wheeler	691.40	691.65	Surveyed 6-11-11 on Nov 2010 CL; Addendum No. 7 report in progress by applicant	0.25
Nebraska	Wheeler	692.70	693.35	Surveyed 6-11-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.65
Nebraska	Greeley	698.35	698.70	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.35
Nebraska	Greeley	700.10	700.35	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.25
Nebraska	Greeley	700.55	702.55	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	2.00
Nebraska	Greeley	703.25	705.35	Partially surveyed 6-6-11 on Nov 2010 CL with 1.35 miles no access from MP 704.0 to 705.35; Addendum No. 7 report in progress	1.35
Nebraska	Greeley	709.80	709.80	Surveyed 5-31-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.00
Nebraska	Greeley	716.40	717.10	Surveyed 6-1-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.70
Nebraska	Greeley	799.00	799.10	Surveyed 5-27-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.10
Nebraska	Fillmore	799.40	799.60	Not on Nov 2010 CL	0.20
Nebraska	Fillmore	800.15	800.60	Needs survey	0.45

State	County	From Milepost	To Milepost	Status	Miles
Oklahoma	Seminole	42.460	n/a	Needs survey	0.39 ac
Oklahoma	Grady	Offline	n/a	Needs survey	74.2 ac
Oklahoma	Hughes	75.650	n/a	Needs survey	0.250
Oklahoma	Hughes	75.70	75.80	Needs survey	0.100
Oklahoma	Pottawatomie	Offline	n/a	Needs survey	17 ac
Oklahoma	Pittsburg	Offline	n/a**	Needs survey	9.12 ac
Oklahoma	Coal	88.640	n/a	Needs survey	0.122
Oklahoma	Atoka	127.440	n/a	Needs survey	3.1 ac
Oklahoma	Atoka	127.60	128.34	Needs survey	0.737
Oklahoma	Bryan	132.800	n/a**	Needs survey	2.529

**Not applicable

State	County	From Milepost	To Milepost	Status	Miles
Texas	Fannin	160.650	n/a	Needs survey	3 ac
Texas	Fannin	161.85	n/a	Needs survey	0.65 ac
Texas	Lamar	162.30	162.43	Needs survey	0.130
Texas	Lamar	173.980	n/a	Needs survey	2 ac
Texas	Lamar	185.110	n/a	Needs survey	2 ac
Texas	Hopkins	206.880	n/a	Needs survey	0.48 ac
Texas	Franklin	231.31	n/a	Needs survey	0.049
Texas	Wood	233.42	n/a	Needs survey	0.082
Texas	Wood	251.34	251.55	Needs survey	0.210
Texas	Upshur	262.31	262.35	Needs survey	0.040
Texas	Upshur	262.42	n/a	Needs survey	0.002
Texas	Upshur	262.580	n/a	Needs survey	1.29 ac
Texas	Smith	274.64	275.18	Needs survey	0.540
Texas	Smith	275.19	n/a	Needs survey	0.880
Texas	Nacogdoches	Offline	n/a	Needs survey	12.8 ac
Texas	Houston	Offline	n/a	Needs survey	8.3 ac
Texas	Polk	392.290	n/a	Needs survey	0.62 ac
Texas	Liberty	Offline	n/a	Needs survey	13.4 ac
Texas	Jefferson	Offline	n/a	Needs survey	72.6 ac
Texas	Jefferson	453.44	n/a	Needs survey	0.755

Table 5: Areas Not Surveyed along Mainline Route in Texas					
State	County	From Milepost	To Milepost	Status	Miles
Texas	Jefferson	480.77	481.43	Needs survey	0.665
Texas	Jefferson	483.49	483.80	Needs survey	0.300
Texas	Jefferson	482.970	n/a	Needs survey	4.9 ac

ATTACHMENT B

List of Indian Tribes Invited by the Department of State to Participate in Consultation:

Absentee-Shawnee Tribe of Indians of Oklahoma, Alabama Quassarte Tribal Town, Alabama-Coushatta Tribe of Texas, Apache Tribe, Blackfeet Nation, Caddo Nation of Oklahoma, Cherokee Nation, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chickasaw Nation of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Citizen Potawatomi Nation, Comanche Nation, Confederated Salish and Kootenai Tribes of the Flathead Indian Nation, Crow Creek Reservation, Crow Creek Sioux Tribe, Crow Tribe of Indians, Delaware Nation, Delaware Tribe of Indians, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe, Eastern Shoshone Tribe, Flandreau Santee Sioux Tribe, Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Fort Berthold Reservation, Fort Peck Tribes, Fort Sill Apache Tribe, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Gun Lake Potawatomi, Hannahville Indian Community of Michigan, Ho-Chunk Nation of Wisconsin, Huron Potawatomi Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Jena Band of Choctaw Indians, Jicarilla Apache Tribe, Kaw Nation, Kialegee Tribal Town of the Creek Nation of Oklahoma, Kickapoo Traditional Tribe of Texas, Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma, Kiowa Indian Tribe of Oklahoma, Lower Brule Sioux Tribe, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Modoc Tribe of Oklahoma, Muscogee Creek Nation, Nez Perce, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux, Omaha Tribe of Nebraska, Osage Nation, Otoe-Missouri Tribe, Ottawa Tribe of Oklahoma, Pawnee Nation of Oklahoma, Peoria Indian Tribe of Oklahoma, Poarch Band of Creek Indians, Pokagon Band of Potawatomi Indians of Michigan, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Prairie Band of Potawatomi Indians, Prairie Island Indian Community, Quapaw Tribal Business Committee, Quapaw Tribe, Red Lake Band of Chippewa Indians of Minnesota, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Sac & Fox Nation of Missouri in Kansas and Nebraska, Sac & Fox Tribe of the Mississippi in Iowa, Santee Sioux Tribe of Nebraska, Seminole Nation, Seneca-Cayuga Tribe of Oklahoma, Shakopee Mdewakanton Sioux, Shawnee Tribe, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Sisseton-Wahpeton Oyate Wahpeketze, Southern Ute Indian Tribe, Spirit Lake Tribe, Standing Rock Sioux Tribe, Stockbridge-Munsee Tribe, Thlopthlocco Tribal Town, Three Affiliated Tribes, Tonkawa Tribe, Trenton Indian Service Area, Turtle Mountain Band of the Chippewa, United Keetoowah Band of Cherokee Indians, Upper Sioux -Pezihutazizi Kapi, Ute Mountain Tribe, White Earth Band of Minnesota Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, Wyandotte Nation, Yankton Sioux, Ysleta del Sur Pueblo

ATTACHMENT C

STATE-BY-STATE PLANS FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS OR BURIALS ON NON-FEDERAL LANDS DURING CONSTRUCTION OF THE KEYSTONE XL PIPELINE PROJECT

I. For construction of the Keystone XL Project in Montana, Keystone will implement the following measures:

1. When an unmarked human burial or unregistered grave is encountered during construction activities, Keystone will comply with the Human Skeletal Remains and Burial Site Protection Act (Montana Code Ann. §22-3-801 through §22-3-811).
2. Upon encountering an unmarked human burial or unregistered grave during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead Environmental Inspector (EI). The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. The Lead EI will notify the county coroner, the DOS, ACHP, SHPO, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. Within seventy-two (72) hours after notification, the county coroner will determine jurisdiction. If the coroner refers the matter to the SHPO, the SHPO will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave in accordance with Montana Code Ann. §22-3-801 through §22-3-811. Keystone will implement the treatment and disposition measures deemed appropriate by the SHPO.
6. Keystone will resume construction activities in the area of the discovery upon receipt of written authorization from either the county coroner or the Montana SHPO, whoever has jurisdiction under state law.

II. For construction of the Keystone XL Project in Kansas, Keystone will implement the following measures:

1. When unmarked human burial sites or human skeletal remains are encountered during construction activities, Keystone will comply with Kansas' Unmarked Burial Sites Preservation Act (KSA 75-2741 to 75-2754) and its implementing regulations (KAR 126-1-1 through 126-1-2).
2. Upon encountering unmarked human burials or unregistered graves during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI.

The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.

3. Immediately following receipt of such notification, the Lead EI will:
 - a. Ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. Notify the appropriate county sheriff's office, the chairperson of the Unmarked Burial Sites Preservation Board (Kansas State Archaeologist), the DOS, the ACHP SHPOs, consulting Indian tribes, and other consulting parties of the discovery.
4. If Keystone determines that disturbance to the unmarked burial site or human remains cannot be avoided, Keystone will consult with the DOS, the SHPO, consulting Indian tribes, and other consulting parties to develop a detailed work plan for treatment of the burial site or human remains that includes provisions for the removal, treatment and disposition of human remains. In accordance with state law, Keystone will submit this work plan to the Unmarked Burial Sites Preservation Board as part of its request for a permit under KAR 126-1-2.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures authorized under the permit has been completed.

III. For construction of the Keystone XL Project in Nebraska, Keystone will implement the following measures:

1. When unmarked human skeletal remains or burial goods are discovered during construction activities, Keystone will comply with Nebraska Rev. Stat. § 12-1201 through § 12-1212, et seq. and § 28-1301.
2. Upon encountering unmarked human skeletal remains or burial goods during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. Keystone will notify the local law enforcement officer in the county, the DOS, the ACHP, the SHPO, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone

determines that disturbance cannot be avoided, the Nebraska State Historical Society will notify the Commission on Indian Affairs in writing and seek associated tribes or kin.

6. Keystone will resume construction activities in the area of the discovery when the human skeletal remains or burial goods have been accepted by the Nebraska State Historical Society for the purposes of disposition.

IV. For construction of the Keystone XL Project in Texas, Keystone will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Keystone will comply with Antiquities Code (Texas Code Ann. §191); Health and Safety (Texas Code Ann. §711.004).
2. Upon encountering unmarked human burials or human remains during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will:
 - a. Ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. Notify the local law enforcement agency, the DOS, the ACHP, the State Historic Preservation Office (SHPO)/Texas Historical Commission (THC), consulting Indian tribes, and other consulting parties and the State Department of Health of the discovery.
4. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will remove and reinter the human remains in accordance with rules adopted by the SHPO and the State Health Department.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures required by the SHPO/THC and State Health Department has been completed.

V. For construction of the Keystone Project in Oklahoma, Keystone will implement the following measures:

1. When a burial ground, human remains or burial furniture is discovered during construction activities, Keystone will comply with Okla. Stat. Ann. 21 §1161-1168.7 (Oklahoma Burial Law).
2. Upon encountering a burial ground, human remains or burial furniture during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from

vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.

3. Immediately following receipt of such notification, the Environmental Inspector will
 - a. ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. notify the appropriate law enforcement officer in the county in which the remains have been discovered, the Chief Medical Examiner, the DOS, the ACHP, the SHPO, consulting Indian tribes, other consulting parties, and the landowner of the discovery.
4. Upon learning that remains are not associated with a crime, Keystone has fifteen (15) calendar days within which to notify the SHPO and the Oklahoma State Archaeologist. If the remains have a direct historical relationship to a tribe, the State Archaeologist will notify the SHPO and consults with the tribal leader within fifteen (15) calendar days. If Keystone determines that disturbance cannot be avoided, Keystone will treat the burial site or human remains in accordance with procedures established by the SHPO, the Oklahoma State Archaeologist, and consultation with the tribal leader.
5. Keystone will resume construction activities in the area of the discovery upon completion of the measures authorized by the SHPO and Oklahoma State Archaeologist.

VI. For construction of the Keystone XL Project in South Dakota, Keystone will implement the following measures:

1. When unmarked human skeletal remains and/or funerary objects are discovered during construction activities, Keystone will comply with South Dakota State Law Chapter 34-27.
2. Upon encountering an unmarked human skeletal remains and/or funerary objects during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. The Lead EI will notify the local law enforcement agency, the DOS, the ACHP, the SHPO, the South Dakota State Archaeologist, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will consult with the South Dakota State Archaeologist, SHPOs, consulting Indian tribes, and other consulting parties to determine

acceptable procedures for the removal, treatment and disposition of the human skeletal remains and funerary objects within five (5) calendar days. Keystone will implement the plan for removal, treatment, and disposition of the human skeletal remains and funerary objects as authorized by the South Dakota State Archaeologist.

6. Keystone may resume construction activities in the area of the discovery upon completion of the plan authorized by the State Archaeologist.

ATTACHMENT D

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B. CONSULTING TRIBES

Note: The following list of tribes responded to DOS requests for consultation on the Keystone XL Project.

1. Absentee-Shawnee Tribe of Indians of Oklahoma
2. Alabama-Coushatta Tribe of Texas
3. Blackfeet Nation
4. Caddo Nation of Oklahoma
5. Cheyenne River Sioux Tribe
6. Cheyenne-Arapaho Tribe of Oklahoma
7. Chippewa-Cree Indians
8. Choctaw Nation of Oklahoma
9. Crow Tribe of Indians
10. Delaware Nation
11. Fort Peck Tribes
12. Gros Ventre and Assiniboine Tribe of Ft. Belknap
13. Ho-Chunk Nation of Wisconsin
14. Iowa Tribe of Kansas and Nebraska
15. Iowa Tribe of Oklahoma
16. Kaw Nation
17. Kialegee Tribal Town of the Creek Nation of Oklahoma
18. Kickapoo Tribe of Kansas
19. Kiowa Indian Tribe of Oklahoma
20. Lower Brule Sioux Tribe
21. Lower Sioux Indian Community
22. Miami Tribe of Oklahoma
23. Mille Lacs Band of Ojibwe
24. Muscogee (Creek) Nation
25. Northern Arapaho Tribe
26. Northern Cheyenne Tribe
27. Northern Ute Tribe
28. Oglala Sioux Tribe
29. Osage Nation
30. Pawnee Nation of Oklahoma
31. Ponca Tribe of Indians of Oklahoma
32. Ponca Tribe of Nebraska
33. Rosebud Sioux Tribe
34. Sac & Fox Nation of Oklahoma
35. Santee Sioux Tribe of Nebraska
36. Shoshone-Bannock Tribe
37. Sisseton-Wahpeton Oyate Sioux
38. Spirit Lake Tribe
39. Standing Rock Sioux Tribe
40. Three Affiliated Tribes
41. Tonkawa Tribe
42. Turtle Mountain Band of Chippewa
43. Wichita and Affiliated Tribes
44. Winnebago Tribe
45. Yankton Sioux

Attachment E
Tribal Monitoring Plan

CONFIDENTIAL

Attachment F

Historic Trails and Archaeological Monitoring Plan

CONFIDENTIAL

Attachment G

Summary of Identification and Evaluation Efforts and Effect Assessment for Historic Properties within the Project APE and Consultation with Indian Tribes and Nations, SHPOs, and Other Agencies

ATTACHMENT G
Summary of Identification and Evaluation Efforts and
Effect Assessment For Historic Properties within the Project APE
(As Found in the Final Environmental Impact Statement)

Overview

This attachment summarizes the cultural resource identification and evaluation efforts conducted to date for the Keystone XL Project. This preface is followed by state-by-state summaries of identification and evaluation activities as well as the Project effects assessment for resources within each state. Due to the large amount of site data, site-by-site findings can be reviewed in the FEIS in Section 3.11.3.1.

Since 2008, DOS has consulted with affected Indian tribes, SHPOs, federal agencies, and local governments regarding the proposed Project as required by Section 106 of the National Historic Preservation Act. As part of this consultation effort, DOS has conducted formal government-to-government consultation meetings with 95 Indian tribes, in addition to inviting all interested tribes to prepare traditional cultural property (TCP) studies. Nine Indian tribes have completed TCP reports for the Project.

DOS, nine federal agencies, the Advisory Council on Historical Preservation, two Montana state agencies, six SHPOs, and Indian tribes assisted in the development of a Programmatic Agreement (PA) that allows for the continued identification and evaluation of cultural resources, if the Project is permitted. The PA outlines the appropriate consultation and notification procedures to be followed prior to and during construction. The PA also ensures that cultural resource surveys are conducted within the entire Project area prior to construction.

The proposed Project route was selected to avoid disturbing historic properties (i.e. resources that are eligible for, or listed in the National Register of Historic Places) to the maximum extent possible. Adverse effects to historic properties from construction at some Project locations may occur due to the lack of feasible routing alternatives or alternative construction methods. Treatment measures for these direct or indirect impacts shall be implemented on an individual site basis as noted in the PA. In addition, unidentified archaeological sites or historic properties may be adversely affected as a result of Project-related activities. If unanticipated cultural materials or human remains are encountered during construction, Keystone will follow the procedures outlined in the Unanticipated Discovery Plans that have been developed for all six states in coordination with their State Historic Preservation Officer (SHPO). Tribal and Archaeological Monitoring Plans have also been developed and will be implemented to further reduce the potential for adverse effects to cultural resources. Treatment Plans will be developed for those historic properties that cannot be avoided by construction activities.

Montana

Cultural resource pedestrian surveys and inventories have been conducted in Montana. This work is discussed in the main Class III Cultural Resources Survey conducted for the state and in five subsequent addendum reports submitted to the Montana SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources

or identifying alternative construction methods to avoid or minimize effects. Several stone circle sites may be adversely affected by the Project, however, Project planning is ongoing and these sites may be avoided by Project modifications. If these sites are adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that is adversely affected. Due to the proximity of the Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of June 2011, 1.3 miles of the proposed Project centerline, 7.5 miles of route variations, 0.51 mile of access roads, and one rail siding in Montana need to be surveyed for historic properties due to a lack of owner permission to access the property. Once owner permission is obtained, the remaining areas will be surveyed and documented in future reports. Since the last report submittal, 0.01 mile of Project centerline, 0.7 miles of route variations, 6.1 miles of access roads, and two rail sidings have been surveyed, but the reports for this work are currently in preparation. The cultural resource surveys for proposed Project route variations, gap analysis, and extra work spaces will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

South Dakota

Cultural resource pedestrian surveys and inventories have been conducted in South Dakota. This work is discussed in the main Level III Cultural Resources Survey conducted for the state and in six subsequent addendum reports submitted to the South Dakota SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize effects. If these sites are adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that is adversely affected. Due to the proximity of the Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of June 2011, 1.8 miles of the proposed Project centerline and 0.6 mile of access roads need to be surveyed for historic properties due to a lack of owner permission to access the property. Once owner permission is obtained, the remaining areas will be surveyed and documented in future reports. Since the last report submittal, 0.5 miles of route variations, 0.1 miles of access roads, and one rail siding have been surveyed, but the reports for this work are currently in preparation. The cultural resources surveys for proposed Project route variations, gap analysis, and extra work spaces will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

Nebraska

Cultural resource pedestrian surveys and inventories have been conducted in Nebraska. This work is discussed in the main Phase I Cultural Resources Survey conducted for the state and in six subsequent addendum reports submitted to the Nebraska SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize effects. If these sites are adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan

for each site that is adversely affected. Due to the proximity of the Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of June 2011, 2.65 miles of the proposed Project centerline were not surveyed due to lack of owner permission to access the property. As of May 2011, 1.05 miles of access roads and 60.3 acres of ancillary facilities in Nebraska were not surveyed due to a lack of owner permission to access the property. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future reports. The cultural resource surveys for the proposed Project route variations, gap analysis, and extra work spaces are anticipated and will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

Kansas

Cultural resource pedestrian surveys and inventories have been conducted in Kansas. This work is discussed in the main Phase II Cultural Resources Survey conducted for the state and in one subsequent addendum report submitted to the Kansas SHPO. No historic properties are situated in the Project APE for Kansas.

No additional cultural resources survey work is currently planned in Kansas.

Oklahoma

Cultural resource pedestrian surveys and inventories have been conducted in Oklahoma. This work is discussed in three main reports documenting the Cultural Resources Inventory conducted for the state and in one subsequent addendum report submitted to the Oklahoma SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize adverse effects. If sites cannot be avoided, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that will be adversely affected. One historic property, the Holdenville Airport will likely be adversely affected by the Project. Treatment measures are being developed in consultation with the Oklahoma SHPO to mitigate for this adverse effect. Due to the proximity of the Project to other identified sites, archaeological and/or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of June 2011, 0.84 miles of proposed Project centerline, 2.65 miles of access roads, 3.49 acres of temporary workspaces, and 100.32 acres of ancillary facilities in Oklahoma could not be surveyed, due to a lack of landowner permission to access properties. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future addenda reports. Surveys are ongoing. Upon receipt of the additional information, DOS will review the addenda reports consistent with 36 CFR Part 800 and the PA.

Texas

Cultural resource pedestrian surveys and inventories have been conducted in Texas. This work is discussed in five main reports documenting the Cultural Resources Inventory conducted for the state and in one subsequent addendum report submitted to the Texas SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize adverse effects. If sites cannot be avoided, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that will be adversely affected. Due to the proximity of the Project to other identified sites, archaeological and/or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of June 2011, 1.89 miles of HPAs along the proposed Project centerline, 1.01 miles of access roads, 14.94 acres of temporary workspaces, and 107.10 acres of ancillary facilities along the Gulf Coast Segment could not be surveyed due to a lack of landowner permission to access the properties. For the Houston lateral 7.96 miles of survey area could not be surveyed due to a lack of landowner permission to access the properties. Once owner permission is obtained, the remaining proposed Project areas will be surveyed and documented in future addenda reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

Tribal Consultation

In an attempt to identify properties of religious and cultural significance, including Traditional Cultural Properties (TCPs), the DOS conducted an extensive tribal consultation effort.

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

Following these invitations, 45 Indian tribes notified DOS that they would like to become consulting parties. Additionally, two Indian tribes are undecided and have been participating in calls and meetings. Nineteen Indian tribes have notified DOS that they do not wish to consult on the proposed Project and/or have no objection to the proposed Project, but would like to be notified should human remains be found. Twenty-seven Indian tribes did not respond to requests for consultation. Indian tribes that DOS contacted are listed in Table 1 and the list of consultation meetings is included in Table 2.

To facilitate consulting party participation in Section 106 consultation, DOS has conducted government-to-government and agency consultation meetings in both the Steele City Segment

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

The Indian tribes listed in Table 3 have submitted scopes of work (SOW) to DOS to conduct TCP studies within the proposed Project APE. DOS reviewed and approved the SOWs and draft reports provided by the tribes. Five tribes withdrew offers to complete the TCP studies. All of the remaining studies have subsequently been completed and the majority of the studies have been finalized. DOS continues to consult with the tribes in regards to recommendations made in these reports concerning the eligibility of a historic property and/or proposed Project effects. DOS will make determinations of eligibility and proposed Project effect and attempt to resolve any adverse effects to historic properties. In the report prepared by the Pawnee Nation, sites of cultural significance including in the Horse Creek District, the Platte River District, and at the Big Blue River Valley crossing have been identified. DOS is working with the Pawnee Nation and the Nebraska SHPO to address these issues.

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

TABLE 1
Tribes Consulted under Section 106 for the Proposed Project

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

TABLE 1
Tribes Consulted under Section 106 for the Proposed Project

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

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

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

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

^b Project specialists from Cardno-ENTRIX attended all tribal consultation meetings.

TABLE 3
List of Indian Tribes participating in Traditional Cultural Property Studies

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

*Prepared and funded by NPS.

Federal and State Agency Consultation

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

DOS is also consulting with state agencies, including the SHPOs in the six states crossed by the proposed Project corridor as well as the Montana DNRC and the Montana DEQ, who is the lead for the Montana Environmental Policy Act (MEPA). Consultation has occurred with these groups in person as well as by email, and teleconference. Several agencies have attended the agency and tribal Section 106 consultation meetings held in May, July, October and November 2009 and February, June and December 2010.

Consultation

Indian Tribes and Nations Government Agencies

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Absentee-Shawnee Tribe of Indians of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09, 6/22/11	5/4/09; 5/11/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/21/09; 8/24/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/14/09; 7/28/09; 11/12/09
Alabama Quassarte Tribal Town	OK	1/30/09; 3/30/09; 4/1/09	3/19/09			
Alabama-Coushatta Tribe of Texas	TX	1/30/09; 2/20/09; 3/30/09; 4/22/09; 5/4/09; 6/3/09; 6/18/09; 7/9/09; 7/13/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 3/23/10; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 4/18/11; 6/30/11; 7/8/11;	3/18/09; 7/1/09; 1/12/10; 5/4/10; 7/19/10; 11/19/10; 4/13/11; 5/4/11; 6/23/11 (2); 6/24/11; 6/27/11	4/7/09; 5/4/09; 5/7/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/10/09; 7/13/09; 8/4/09; 8/13/09 (2); 8/24/09 (2); 9/1/09; 9/10/09; 9/15/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/10/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/15/10; 1/22/10; 2/19/10; 1/26/10; 2/23/10; 3/16/10; 3/22/10; 3/31/10; 5/4/10; 5/6/10; 5/15/10; 5/28/10; 6/2/10; 6/4/10; 6/21/10; 6/22/10; 6/23/10; 6/29/10; 7/6/10; 7/12/10; 7/16/10; 7/19/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/9/10; 11/11/10; 11/19/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/26/11; 4/28/11; 4/28/11; 5/4/11; 6/2/11; 6/6/11; 6/8/11;	7/10/09	7/28/09; 11/12/09; 7/24/10; 7/25/10; 12/7/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				6/21/11; 6/20/11; 6/24/11 (3); 6/30/11 (3); 7/1/11; 7/8/11; 7/12/11; 7/20/11; 7/22/11; 7/26/11 (4)		
Apache Tribe	AZ	1/30/09; 3/30/09; 4/1/09	3/18/09			
Blackfeet Nation	MT	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/15/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/15/09; 12/21/09; 12/24/09; 12/31/09; 1/25/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 5/4/11; 6/30/11; 7/8/11	8/18/09; 8/21/09; 9/8/09; 9/9/09; 10/12/09; 10/14/09; 10/16/09; 10/20/09; 10/21/09; 10/26/09; 11/9/09; 11/10/09; 11/11/09; 6/10/10; 7/13/10; 11/17/10; 4/26/11; 5/17/11; 6/7/11; 6/23/11; 8/1/11	3/4/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/21/09 (3); 8/24/09 (3); 8/25/09; 8/26/09; 8/31/09 (2); 9/1/09; 9/3/09; 9/8/09; 9/9/09; 9/10/09; 9/15/09; 9/30/09 (2); 10/7/09; 10/9/09; 10/12/09 (2); 10/14/09; 10/19/09; 10/21/09; 11/2/09 11/3/09; 11/4/09; 11/7/09; 11/9/09; 11/11/09; 11/12/09; 11/17/09; 11/18/09; 11/20/09; 12/11/09 12/15/09; 12/16/09; 12/17/09; 12/31/09; 1/4/10; 1/6/10; 1/14/10; 1/19/10; 1/21/10; 1/25/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/11/10; 6/16/10; 6/18/10; 6/21/10; 6/22/10; 6/23/10; 7/6/10; 7/12/10; 7/13/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10; 11/28/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/25/11; 4/26/11 (2); 5/3/11; 6/2/11 (2); 6/3/11 (4); 6/17/11; 6/19/11; 6/20/11 (2); 6/21/11; 6/22/11 (4); 6/27/11; 6/29/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/1/11		10/20/09; 10/22/09; 7/22/10; 7/23/10; 12/7/10
Caddo Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/9/09; 7/13/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10;	3/18/09; 5/22/09; 1/15/10; 4/1/11; 5/24/11; 7/28/11	3/12/09; 4/29/09; 5/4/09; 5/5/09 (2); 6/25/09; 6/29/09; 7/1/09; 7/7/09; 7/13/09; 7/29/09; 8/4/09; 8/7/09 (2); 8/13/09; 9/1/09; 9/10/09; 9/15/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09;		5/14/09

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
		6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 4/11/11; 4/14/11; 5/4/11; 5/5/11; 5/9/11; 6/3/11; 6/30/11; 7/8/11;		11/20/09; 12/31/09; 1/15/10; 3/31/10; 4/21/10; 5/6/10; 6/4/10; 6/21/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/9/11 (3); 6/1/11 (2); 6/2/11; 6/3/11 (5); 6/6/11 (2); 6/7/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 7/26/11(2)		
Cherokee Nation	OK	1/30/09; 3/30/09	3/18/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Cheyenne River Sioux Tribe	SD	1/30/09; 3/30/09; 4/1/09; ; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 7/21/09; 9/8/09; 9/10/09; 9/14/20009; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 4/14/11; 4/18/11; 6/22/11; 6/30/11; 7/8/11	3/18/09; 10/13/09; 4/25/11; 4/29/11	5/4/09; 5/1/09; 5/26/09; 6/15/09; 6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/9/09; 7/13/09; 8/4/09; 8/13/09; 8/27/09; 8/28/09; 9/1/09; 9/2/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/19/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10;		5/12/09; 7/14/09; 10/20/09

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/11/11; 4/14/11; 4/15/11 (2); 4/18/11 (2); 4/19/11; 4/25/11 (3); 4/26/11 (2); 4/27/11; 6/6/11; 6/21/11; 6/22/11 (2); 6/30/11 (3); 7/22/11; 7/27/11		
Cheyenne-Arapaho Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/22/09; 5/7/09; 5/22/09 ; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 3/16/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 11/9/09; 11/13/09; 1/14/10; 5/4/10	5/4/09; 5/7/09; 5/22/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/14/09 (3); 9/1/09; 9/10/09; 9/15/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/12/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/14/10; 1/30/10; 2/26/10; 3/1/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/19/10; 7/20/10; 7/23/10; 8/10/10; 8/11/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11 (3); 7/22/11		5/14/09
Chickasaw Nation of Oklahoma	OK	1/26/10; 1/30/09; 3/30/09; 4/1/09; 1/26/10	3/18/09; 3/20/09; 4/1/09	1/20/10; 1/26/10		
Chippewa-Cree Indians	MT	1/30/09; 3/30/09; 4/1/09 ; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 1/27/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 5/4/11; 5/16/11; 6/30/11; 7/8/11	3/19/09; 10/13/09; 10/21/09; 1/27/10; 6/8/10; 11/22/10; 12/3/10; 6/7/11; 6/23/11; 6/24/11; 6/27/11	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/26/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/27/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/19/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10;		10/20/09; 10/22/09; 7/22/10; 7/23/10; 12/7/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 5/16/11; 5/20/11 (2); 6/2/11 (6); 6/3/11 (3); 6/17/11; 6/20/11 (3); 6/21/11; 6/23/11 (2); 6/24/11 (3); 6/27/11; 6/28/11 (2); 6/29/11; 6/30/11 (3); 7/1/11; 7/8/11 (3); 7/12/11(2); 7/20/11; 7/22/11		
Choctaw Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/10/09; 4/20/09; 4/22/09; 4/24/09; 5/13/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/9/09; 9/10/09; 9/17/09; 9/28/09; 11/17/09; 11/18/09; 12/2/09; 12/24/09; 12/31/09 ; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 4/14/09; 5/22/09; 9/10/09; 9/15/09; 10/20/10; 10/23/10; 7/25/11	5/4/09; 6/25/09; 6/29/09 (2); 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09 (3); 10/19/09;11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/30/10; 3/31/10; 4/5/10; 5/7/10 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/7/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 10/27/10; 11/3/10; 11/9/10; 11/11/10; 11/24/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 7/25/11 (5)		11/12/09; 7/24/10; 7/25/10; 12/7/10
Citizen Potawatomi Nation	OK	1/30/09; 3/30/09; 4/1/09	3/18/09			
Comanche Nation	OK	1/30/09	3/18/09	3/19/09		
Confederated Salish and Kootenai Tribes of the Flathead Indian Nation	MT	1/30/09; 3/30/09; 4/1/09	3/19/09			
Crow Creek Sioux Tribe	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09	3/23/09; 6/24/11			
Crow Tribe of Indians	MT	1/30/09; 2/19/09 3/30/09; 4/1/09; 4/7/09; 4/19/09 4/22/09; 6/3/09;	3/19/09; 9/16/09; 10/13/09; 3/26/10;	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09;		

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES							
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
		6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	6/24/11	10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/10/10; 3/26/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11			
Delaware Nation	OK	1/30/09; 3/30/09; 4/1/09; 4/7/09; 4/17/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09	5/4/09; 4/29/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/14/09; 7/28/09	
Eastern Band of Cherokee Indians	NC	1/30/09; 3/30/09; 4/1/09	3/19/09				
Eastern Shawnee Tribe	OK	1/30/09; 3/30/09; 4/1/09	3/18/09				
Eastern Shoshone Tribe	WY	1/30/09; 3/30/09; 4/1/09					
Flandreau Santee Sioux Tribe	SD	1/30/09; 3/30/09; 4/1/09	3/23/09				
Fort Berthold Reservation	ND	2/19/09; 3/30/09; 4/1/09	3/18/09				
Forest County Potawatomi Community of Wisconsin Potawatomi	WI	1/30/09; 3/30/09; 4/1/09	3/19/09				

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Indians						
Fort Peck Tribes	MT	1/30/09; 3/30/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 5/4/11; 6/30/11; 7/8/11	3/19/09; 5/7/09; 10/7/09; 10/13/09; 11/3/09; 11/4/09; 11/18/09; 11/30/09; 6/9/10; 6/30/10; 11/15/10; 11/18/10; 3/8/11; 7/13/11; 7/14/11	5/4/09; 3/20/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/12/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/16/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/25/11 (2); 5/3/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		7/14/09; 7/22/10; 7/23/10; 12/7/10
Fort Sill Apache Tribe	OK	1/30/09; 3/30/09; 4/1/09	3/19/09			
Gros Ventre and Assiniboine Tribe of Ft. Belknap	MT	1/30/09; 3/30/09; 4/1/09; 4/14/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 10/15/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 9/16/09; 10/13/09; 10/16/09; 10/19/09; 10/22/09; 6/28/11	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/12/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/14/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; ; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		10/20/09
Gun Lake Potawatomi	MI	1/30/09; 3/6/09; 4/1/09	3/19/09			
Hannahville Indian Community of Michigan	MI	1/30/09; 3/30/09; 4/1/09	3/19/09			

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Ho-Chunk Nation of Wisconsin	WI	1/30/09; 3/30/09; 4/1/09; 4/8/09 5/10/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 7/18/11	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/2/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/18/11 (6); 7/22/11;		
Huron Potawatomi Nation	MI	1/30/09; 3/30/09	3/19/09	3/23/09		
Iowa Tribe of Kansas and Nebraska	KS; NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/25/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 5/5/09	5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/10/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/12/09; 7/28/09; 7/24/10; 7/25/10; 12/7/10
Iowa Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/24/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10;		

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Jena Band of Choctaw Indians	LA	1/30/09; 3/30/09; 4/1/09	3/19/09			
Jicarilla Apache Tribe	NM	1/30/09; 3/30/09; 4/1/09; 5/22/09	3/18/09			
Kaw Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 6/9/10	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/27/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/21/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/22/11; 5/16/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11 (5); 7/22/11		7/28/09; 11/12/09
Kialegee Tribal Town of the Creek Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/6/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/10/09 9/8/09; 9/10/09; 9/24/09; 9/28/09; 11/17/09; 11/18/09; 11/25/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 11/10/09; 1/14/10; 3/16/10; 11/12/10	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/15/09 (2); 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/24/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/21/09; 11/3/09; 11/4/09; 11/10/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/14/10; 2/8/10; 3/12/10; 3/16/10; 3/31/10; 4/9/10; 4/20/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10;	8/10/09; 11/3/10; 11/12/10	12/7/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/9/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Kickapoo Traditional Tribe of Texas	TX	1/30/09; 3/30/09; 4/1/09	3/19/09			
Kickapoo Tribe of Kansas	KS	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 8/4/09; 8/6/09; 8/11/09; 9/10/09; 6/24/11; 7/6/11	5/4/09; 5/7/09; 5/12/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/13/09; 7/23/09; 8/4/09; 8/6/10; 8/10/10; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/24/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/14/09; 7/14/09; 7/28/09
Kickapoo Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/13/09	3/19/09			
Kiowa Indian Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/24/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 6/24/11	3/25/09; 5/4/09; 5/8/09; 6/19/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11		

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Lower Brule Sioux Tribe	SD	1/30/09; 2/9/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 7/29/10; 6/14/10; 7/23/10; 7/29/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	7/10/09; 8/11/09; 10/14/09; 12/9/09; 2/2/10; 2/9/10; 3/4/10; 6/10/10	2/6/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/9/09; 7/13/09; 8/4/09; 8/13/09; 8/28/09 (2); 9/1/09; 9/10/09; 9/11/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/19/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/9/09; 12/31/09; 2/2/10; 2/9/10; 3/1/10; 3/17/10; 3/31/10; 4/5/10; 4/19/10; 4/20/10; 4/30/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 7/28/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		2/27/10
Lower Sioux Indian Community	MN	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/11/09 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	8/21/09; 11/9/09; 1/22/10; 2/26/10	4/23/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/10/09; 8/11/09; 8/13/09; 8/17/09; 8/21/09; 9/1/09; 9/10/09; 9/15/09; 9/29/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/29/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		7/14/09; 10/20/09
Miami Tribe of Oklahoma**	OK	1/30/09; 3/30/09; 4/1/09; 4/8/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09;	3/19/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09;		

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
		9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11		10/19/09; 11/2/09; 11/3/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Mille Lacs Band of Ojibwe	MN	1/30/09; 3/30/09; 4/1/09; 3/29/11; 6/30/11; 7/8/11	3/19/09	5/4/09; 6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/14/09; 7/27/09; 7/30/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 5/21/10; 6/14/10; 6/2/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 10/25/10; 10/26/10; 11/3/10; 11/10/10; ; 11/11/10; 11/12/10; 11/24/10; 11/30/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		7/14/09; 10/20/09; 7/22/10; 7/23/10
Modoc Tribe of Oklahoma	OK	1/30/09	3/19/09			
Muscogee (Creek) Nation	OK	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/30/09; 12/2/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11;	3/19/09; 11/19/09; 12/17/09; 1/14/10; 3/12/10; 4/22/10	5/4/09; 6/10/09; 6/11/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 7/14/09; 8/4/09; 8/10/09; 8/13/09; 8/14/09 8/17/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09 (2); 10/19/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 11/30/09; 12/17/09; 5/6/10;	11/20/09	5/14/09; 7/28/09; 11/12/09; 7/24/10; 7/25/10; 12/7/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES							
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
		3/29/11; 6/30/11; 7/8/11		5/27/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/10/10; 11/11/10; 11/12/10; 11/15/10; 11/16/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11 (2); 7/12/11; 7/15/11; 7/20/11; 7/22/11;			
Nez Perce	ID	2/19/09; 3/30/09; 4/1/09					
Northern Arapaho Tribe	WY	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 1/10/10; 1/20/2010 1/27/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 10/7/09; 10/13/09; 10/14/09; 10/19/09; 11/10/09; 12/1/09; ; 12/15/09; 12/17/09; 3/15/10; 3/22/10; 6/10/10; 11/22/10;	11/7/09; 11/25/09; 11/30/09; 12/1/09; 12/11/09; 12/15/09; 12/21/09; 12/22/09; 12/31/09; 1/19/10; 1/20/10; 1/21/10; 1/22/10; 1/26/10; 1/27/10; 2/2/10; 2/5/10; 2/8/10; 3/12/10; 3/18/10; 3/31/10; 5/5/10; 5/6/10; 6/2/10; 6/4/10; 6/15/10; 6/16/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/3/10; 10/1/10 ; 10/15/10; 10/21/10; 10/22/10; 11/2/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 12/20/10; 12/22/10; 12/29/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/16/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/20/11; 4/26/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/1/11; 8/3/11 (2)	12/1/09	7/22/10; 7/23/10; 12/7/10	
Northern Cheyenne Tribe	MT	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/8/09; 4/9/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10;	3/19/09; 7/13/09;	4/15/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/7/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/2/09; 11/3/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10;		7/14/09; 10/20/09	

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
		12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11		7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Northern Ute Tribe	UT	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09	5/4/09; 4/29/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/8/09; 12/31/09 ; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Oglala Sioux Tribe	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/23/09	5/4/09; 5/7/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/2/09; 11/3/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11(2); 7/22/11; 7/25/11		5/12/09
Omaha Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09	3/19/09			

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Osage Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/18/09; 3/24/09; 4/13/09; 11/10/09; 7/12/11	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/7/09; 8/13/09; 9/1/09; 9/4/09; 9/10/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/13/09; 10/14/09; 10/19/09; 10/26/09; 10/27/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/8/10; 6/15/10; 6/16/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/8/10; 11/11/10; 11/12/10; 11/15/10; 11/24/10; 11/29/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/12/11 (2); 7/20/11; 7/22/11;		5/14/09; 7/28/09; 10/20/09; 11/12/09; 7/24/10; 7/25/10;
Otoe-Missouri Tribe	OK	1/30/09; 3/30/09; 4/1/09	3/19/09			
Ottawa Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/8/09	3/19/09			
Pawnee Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/6/09; 4/7/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/11/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 4/30/10; 5/25/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 9/21/10; 9/24/10; 10/20/10; 10/28/10; 11/15/10; 11/24/10; 12/9/10; 1/26/11; 3/4/11; 3/29/11(2); 4/29/11 (2); 6/30/11; 7/8/11	3/19/09; 12/8/09; 2/9/10; 4/30/10; 5/3/10; 5/4/10; 5/5/10; 8/11/10; 9/8/10; 9/21/10; 11/22/10; 11/30/10; 12/1/10; 7/14/11; 7/29/11; 7/27/11	4/7/09; 5/4/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/17/09; 9/1/09; 9/4/09; 9/9/09 (2); 9/10/09; 9/15/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09; 10/19/09; 10/20/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/8/09; 12/31/09; 2/10/10; 3/31/10; 4/29/10; 4/30/10; 5/3/10; 5/6/10; 5/24/10; 6/2/10; 6/4/10; 6/9/10; 6/16/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/8/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/9/10; 11/11/10; 11/12/10; 11/13/10; 11/19/10; 11/22/10; 11/24/10; 11/29/10; 12/1/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10;	5/14/09; 7/28/09; 11/12/09; 7/24/10; 7/25/10; 9/9/10; 12/7/10; 12/8/10	

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				12/16/10; 1/12/11; 1/26/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/3/11; 3/4/11; 3/5/11; 3/9/11; 3/10/11; 3/18/11; 3/29/11; 4/18/11; 4/19/11 (2); 4/29/11; 6/21/11 (2); 6/22/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/14/11; 7/15/11 (2); 7/19/11 (2); 7/20/11; 7/22/11; 7/28/11; 8/2/11 (10)		
Peoria Indian Tribe of Oklahoma	OK	1/30/09; 2/12/09; 3/30/09; 4/1/09	3/19/09			
Poarch Band of Creek Indians	AL	1/30/09; 3/30/09; 4/1/09	3/19/09			
Pokagon Band of Potawatomi Indians of Michigan	MI	1/30/09; 3/30/09; 4/1/09	3/19/09			
Ponca Tribe of Indians of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11	8/3/09	
Ponca Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09; 4/8/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11;	3/18/09	5/4/09; 4/29/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10;		5/12/09; 7/14/09; 7/22/10; 7/23/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES							
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
		6/30/11; 7/8/11		6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11			
Prairie Band of Potawatomi Indians	KS	1/30/09; 3/30/09; 4/1/09	3/18/09				
Prairie Island Indian Community	MN	1/30/09; 3/30/09	3/19/09	3/19/09			
Quapaw Tribe	OK	1/30/09; 3/30/09; 4/1/09	3/19/09	7/1/09			
Red Lake Band of Chippewa Indians of Minnesota	MN	1/30/09; 3/30/09; 4/1/09	3/19/09				
Rosebud Sioux Tribe	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/9/09; 4/22/09; 5/5/09; 5/8/09; 5/22/09; 6/3/09; 6/18/09; 7/13/09; 7/21/09 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 1/6/10; 2/11/10; 4/5/10; 6/9/10; 6/14/10; 6/20/10; 7/23/10; 8/13/10; 10/6/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/23/09	5/4/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 10/21/09; 10/22/09; 10/23/09; 10/26/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 11/30/09; 12/9/09; 12/31/09; 1/6/10; 2/11/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/12/09; 7/14/09; 10/20/09	
Sac & Fox Nation of Oklahoma	OK	1/30/09; 3/30/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09;	3/19/09; 1/21/10; 11/5/10; 11/19/1;0 11/26/10;	5/4/09; 4/30/09; 5/1/09; 5/15/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09;		7/24/10; 7/25/10; 12/7/10	

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES							
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
		12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	12/3/10;	11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/17/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/14/10; 11/22/10; 11/24/10; 12/1/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11			
Sac and Fox Nation of Missouri in Kansas and Nebraska	KS	1/30/09; 3/30/09;	3/19/09				
Sac and Fox Tribe of the Mississippi in Iowa	MS	1/30/09; 3/30/09; 4/1/09	3/19/09				
Santee Sioux Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 5/8/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/23/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/12/09	
Seminole Nation	OK	1/30/09; 3/30/09; 4/1/09; 5/1/09	3/19/09				
Seneca-Cayuga Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09	3/19/09				
Shakopee Mdewakanton	MN	1/30/09; 3/30/09;	3/23/09	3/24/09			

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Sioux		4/1/09; 4/7/09				
Shawnee Tribe	OK	1/30/09; 3/30/09; 4/1/09	3/19/09		3/20/09	
Shoshone-Bannock	ID	2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/23/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Sisseton-Wahpeton Oyate Sioux	SD	1/30/09; 3/30/09; 4/1/09 4/22/09; 5/8/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	10/13/09; 12/3/09; 4/9/10; 6/10/10	3/17/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09 (2); 10/9/09; 10/19/09 (2); 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09 (2); 12/3/09; 12/31/09; 3/31/10; 4/9/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/12/09
Southern Ute Indian Tribe	UT	1/30/09; 3/30/09; 4/1/09	3/18/09			
Spirit Lake Tribe	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/11/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09 10/1/09;	3/19/09; 5/4/10	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/24/09; 9/1/09; 9/10/09; 9/15/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09;		10/20/09

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES							
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
		11/17/09; 11/18/09; 12/24/09; 12/31/09; 2/11/10; 2/25/10; 3/17/10; 4/5/10; 5/4/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11		11/17/09; 11/18/09; 11/20/09; 12/31/09; 2/11/10; 3/17/10; 3/31/10; 5/4/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/5/11 (2); 7/8/11; 7/20/11; 7/22/11			
Standing Rock Sioux Tribe	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/9/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11		5/4/09; 5/6/09; 5/11/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09 (2); 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/14/10; 6/15/10; 6/17/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		5/12/09; 10/20/09; 7/22/10; 7/23/10	
Stockbridge-Munsee Tribe	WI	1/30/09; 3/30/09	3/19/09		3/20/09		
Thlopthlocco Tribal Town	OK	1/30/09; 3/30/09; 4/1/09					
Three Affiliated Tribes	ND	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09	5/4/09; 4/29/09; 5/22/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/6/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09 (2); 10/9/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10;		7/14/09	

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Tonkawa Tribe	OK	1/30/09; 3/30/09; 4/1/09; 3/29/11; 6/30/11; 7/8/11	3/19/09	4/3/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Trenton Indian Service Area	ND	1/30/09; 3/30/09; 4/1/09	3/19/09			
Turtle Mountain Band of Chippewa	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/24/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 2/11/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 10/13/09; 12/9/09; 12/17/09; 12/18/09; 6/10/10	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/24/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/15/09; 11/17/09; 11/18/09; 11/20/09; 12/15/09; 12/18/09; 12/31/09; 2/11/10; 3/17/10; 3/18/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/16/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/12/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 7/20/11	10/14/09	10/20/09

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				(9)		
United Keetoowah Band of Cherokee Indians	OK	1/30/09; 3/30/09; 4/1/09	3/19/09			
Upper Sioux - Pezihutazizi Oyate	MN	1/30/09; 3/30/09; 4/1/09				
Ute Mountain Tribe	CO	1/30/09; 3/30/09; 4/1/09	3/19/09			
White Earth Band of Minnesota Chippewa	MN	1/30/09; 3/30/09; 4/1/09; 7/24/09	3/19/09			
Wichita and Affiliated Tribes	OK	1/30/09; 3/30/09; 4/1/09; 7/24/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 6/22/11	5/4/09; 4/29/09; 5/20/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Winnebago Tribe	NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11	3/19/09; 6/22/11 (3)	5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11;		

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES						
Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
				7/20/11; 7/22/11		
Wyandotte Nation	OK	1/30/09; 3/30/09; 4/1/09	3/19/09	5/5/09		
Yankton Sioux	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 10/19/09; 10/29/10; 11/10/09; 11/17/09; 11/18/09; 11/30/09; 12/16/10; 12/24/09; 12/31/09; 1/6/10; 1/15/10; 1/20/10; 2/22/10; 2/26/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10 ; 11/24/10; 12/9/10; 1/26/11; 3/29/11; 4/18/11; 6/30/11; 7/8/11	9/30/09; 10/13/09; 10/16/09; 12/15/09; 4/21/10; 11/12/10; 7/11/11; 7/14/11	3/17/09; 5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/14/09; 8/4/09; 8/13/09 (2); 8/25/09 (3); 8/26/09; 9/1/09 (2); 9/10/09; 9/14/09; 9/29/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/14/09 (2); 10/16/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/7/09; 11/11/09; 11/12/09; 11/17/09; 11/18/09; 11/20/09 (2); 12/3/09; 12/15/09; 12/16/09 (2); 12/17/09; 12/22/09; 12/23/09; 12/24/09; 12/29/09; 12/31/09; 1/7/10; 1/13/10; 1/21/10; 1/26/10; 2/3/10; 2/12/10; 2/17/10; 2/24/10; 2/25/10; 2/28/10; 3/2/10; 3/31/10; 4/21/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/7/10; 6/8/10; 6/11/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 11/30/10; 12/1/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/26/11 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11(2); 5/11/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/6/11; 7/8/11; 7/20/11; 7/22/11	10/20/09; 12/7/10	
Ysleta del Sur Pueblo	TX	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09 7/30/09	3/19/09		7/31/09	

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
ACHP	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/14/11; 1/16/11; 2/4/11; 6/30/11; 7/8/11	7/24/09; 9/11/09; 11/19/09; 11/23/09; 1/15/10; 2/22/10; 4/8/10; 6/6/11; 7/30/10; 2/16/11; 3/4/11; 5/19/11; 7/8/11; 8/1/11	7/22/09; 8/17/09; 8/18/09; 9/1/09; 9/2/09; 9/10/09; 9/11/09; 9/14/09; 9/17/10; 9/30/09; 10/7/09; 10/9/09; 10/15/09; 10/19/09; 11/3/09; 11/4/09; 1/7/10; 1/8/10; 2/18/10; 2/19/10; 3/9/10; 3/31/10; 4/7/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10; 12/7/10; 12/8/10; 12/13/10; 1/12/11; 1/14/11; 1/19/11; 1/21/11; 1/24/11; 1/27/11; 1/28/11; 1/30/11; 2/17/11; 2/22/11; 2/28/11; 3/3/11; 3/18/11; 3/29/11; 4/18/11 (3); 4/26/11; 6/3/11 (2); 6/16/11; 6/21/11(2); 6/22/11 (3); 6/27/11 (2); 6/28/11 (2); 6/30/11(3); 7/1/11; 7/5/11 (2); 7/8/11 (8); 7/20/11; 7/22/11; 8/1/11 (7); 8/3/11 (3)		8/18/09; 4/8/10; 8/17/10; 10/26/10; 12/7/10
BEPC	2/22/10; 3/11/10; 3/12/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11;	2/19/10; 1/18/11	2/18/10; 2/22/10; 3/1/10; 3/11/10; 3/18/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/10/10; 6/11/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		2/24/10; 6/22/10; 6/23/10
BIA	2/19/09; 3/30/09; 5/12/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/18/11; 6/30/11; 7/8/11	6/23/10	5/5/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/15/09; 10/19/09; 11/3/09; 11/4/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/9/10; 12/14/10; 1/4/11; 1/12/11; 1/14/11; 1/18/11; 1/27/11;		5/12/09; 10/20/09; 10/21/09; 6/22/10; 6/23/10; 12/7/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/15/11; 7/19/11 (2); 7/20/11 (3); 7/22/11;		
BLM	2/19/09; 3/30/09; 6/3/09; 6/14/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/9/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/19/10; 7/23/10; 8/6/10; 8/9/10; 8/12/10; 11/24/10; 11/29/10; 12/7/10; 12/9/10; 12/15/10; 2/17/11; 2/24/11; 5/3/11; 6/13/11; 6/30/11; 7/8/11	4/13/09; 4/14/09; 4/26/09; 6/14/09; 6/25/09; 6/27/09; 8/14/09; 10/21/09; 10/23/09; 10/26/09; 11/18/09; 11/23/09; 12/10/09; 6/7/10; 6/25/10; 7/19/10; 12/2/10; 12/3/10; 4/19/11; 6/6/11; 7/13/11; 7/14/11; 7/28/11	1/30/09; 2/3/09; 2/17/09; 2/20/09; 4/13/09; 4/22/09; 5/1/09; 5/5/09; 6/2/09; 6/13/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/7/09; 7/13/09; 8/10/09; 8/12/09; 8/13/09; 8/20/09; 9/1/09; 9/10/09; 9/14/09; 9/21/09; 9/23/09; 9/30/09; 10/2/09; 10/5/09; 10/6/09; 10/7/09; 10/8/09; 10/9/09; 10/19/09; 10/22/09; 10/26/09; 11/3/09; 11/4/09; 11/9/09; 11/11/09; 12/2/09; 12/3/09; 12/28/09; 1/19/10; 2/9/10; 3/9/10; 3/31/10; 4/1/10; 4/3/10; 4/19/10; 4/26/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/6/10; 7/12/10; 7/16/10; 7/18/10; 7/20/10; 7/23/10; 8/3/10; 8/4/10; 8/9/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/8/10; 12/14/10; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 3/18/11; 3/29/11; 4/4/11; 4/15/11; 4/18/11(2); 4/21/11 (3); 4/26/11; 5/31/11; 6/13/11 (5); 6/17/11; 6/21/11; 6/28/11; 6/29/11; 6/30/11(3); 7/1/11; 7/8/11; 7/12/11(6); 7/14/11; 7/20/11(2); 7/22/11;	10/15/09; 10/16/09	5/12/09; 8/25/09; 9/14/09; 10/7/09; 10/20/09; 10/21/09; 10/27/09; 6/22/10; 6/23/10; 12/7/10
BOR	9/30/09 ; 11/2/09; 12/17/09; 12/24/09; 12/31/09; 1/14/10; 1/19/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 12/15/10; 1/16/11; 6/30/11; 7/8/11	10/23/09; 10/26/09; 1/6/11; 6/22/11; 7/19/11	9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/27/09; 10/30/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 12/17/09; 1/14/10; 1/19/10; 1/20/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 12/15/10; 1/12/11; 1/27/11; 1/28/11;		10/7/09; 10/27/09

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DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			7/11/11		
MT DEQ	2/19/09; 3/18/09; 3/30/09; 4/6/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 3/30/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 9/2/10; 9/3/10; 10/14/10; 11/24/10; 12/7/10; 12/9/10; 2/17/11; 3/7/11; 5/3/11; 6/30/11; 7/8/11	4/13/09; 4/14/09; 12/3/10; 6/6/11; 7/8/11; 7/29/11	1/30/09; 2/4/09; 4/14/09; 5/4/09; 6/10/09; 6/25/09; 6/29/09; 7/1/09; 7/2/09; 7/13/09; 8/13/09; 8/21/09; 9/1/09; 9/10/09; 9/29/09; 10/2/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/9/09; 11/11/09; 11/17/09; 12/7/09; 1/14/10; 1/19/10; 1/20/10; 3/9/10; 3/11/10; 3/12/10; 3/23/10; 3/26/10; 3/31/10; 4/14/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/9/10; 7/12/10; 7/16/10; 7/19/10; 7/23/10; 7/26/10; 8/9/10; 8/10/10; 9/3/10; 9/30/10; 10/15/10; 10/21/10; 11/3/10; 11/8/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/3/11; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 3/7/11; 3/18/11; 3/29/11; 4/4/11(2); 4/18/11; 4/28/11; 5/12/11 (2); 5/26/11; 5/31/11; 6/16/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/14/11(2); 7/18/11(2); 7/20/11; 7/21/11; 7/22/11; 7/25/11(4)		4/22/09; 5/12/09; 10/7/09; 10/13/09; 10/20/09; 10/21/09; 10/22/09; 6/22/10; 6/23/10; 7/28/10; 12/7/10
MT DNR	6/3/09; 6/12/09; 6/18/09; 7/12/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	4/14/09; 3/26/10	4/14/09; 4/23/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/20/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/12/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/6/10; 7/7/10; 7/8/10; 7/12/10; 7/16/10; 7/23/10; 7/27/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11(4); 7/22/11;		4/22/09; 10/22/09; 7/28/10
NFS		8/21/09	6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/9/09;		

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DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		
NPS	2/19/09; 3/23/09; 3/30/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 7/22/09; 8/26/09; 9/30/09; 11/2/09; 11/23/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/6/10; 8/12/10; 9/17/10; 11/24/10; 12/9/10; 1/14/11; 2/14/11; 6/30/11; 7/8/11	4/22/09; 5/5/09; 8/12/09; 8/21/09; 9/25/09; 9/30/09; 10/8/09; 10/26/09; 3/25/10; 7/21/10; 7/1/11	5/1/09; 5/6/09; 5/8/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/6/09; 7/13/09; 7/21/09; 7/22/09; 7/24/09; 8/13/09; 8/26/09; 9/1/09; 9/10/09; 9/30/09; 10/2/09; 10/7/09; 10/9/09; 10/19/09; 10/26/09; 11/3/09; 11/4/09; 11/5/09; 11/11/09; 11/17/09; 1/29/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/18/10; 7/21/10; 7/23/10; 8/10/10; 9/14/10; 9/16/10; 10/12/10; 10/15/10; 10/21/10; 11/3/10; 11/5/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/14/11; 2/15/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/20/11; 5/4/11; 5/19/11 (2); 6/21/11; 6/28/11; 6/29/11 (2); 6/30/11(4); 7/1/11(2); 7/8/11; 7/20/11(6); 7/22/11; 8/2/11(2); 8/3/11		5/12/09; 7/28/09; 10/8/09; 11/12/09; 11/13/09
RUS	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 1/25/10; 4/2/10; 6/14/10; 7/23/10; 7/30/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 4/19/11; 6/20/11; 6/30/11; 7/12/11; 7/8/11	6/29/09; 7/29/09; 10/27/09; 11/6/09; 12/4/09; 6/8/10; 6/14/10; 6/22/10; 3/8/11; 4/18/11	6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/27/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/16/09; 11/17/09; 11/20/09; 12/3/09; 1/22/10; 1/23/10; 1/25/10; 3/31/10; 4/19/10; 4/28/10; 5/6/10; 5/27/10; 5/28/10; 6/2/10; 6/4/10; 6/8/10; 6/11/10; 6/14/10; 6/15/10; 6/21/10; 6/23/10; 7/6/10; 7/9/10; 7/12/10; 7/16/10; 7/23/10; 7/29/10; 8/2/10; 8/10/10; 10/15/10; 10/21/10;		

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DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/19/11; 6/20/11 (2); 6/21/11(2); 6/30/11(3); 7/1/11; 7/8/11; 7/12/11; 7/20/11; 7/22/11; 7/26/11(3); 7/27/11		
SHPO_KS	2/2/09; 2/10/09; 3/30/09; 4/13/09; 6/3/09; 6/18/09; 7/13/09; 7/22/09; 7/30/09; 9/18/09; 9/30/09; 10/28/09; 11/2/09; 11/3/09; 11/6/09; 11/16/09; 12/24/09; 12/31/09; 1/12/10; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 7/26/10; 8/12/10; 11/24/10; 12/9/10; 12/10/10; 12/21/10; 6/4/11; 6/30/11; 7/8/11; 7/11/11;	5/12/11	2/11/09; 3/27/09; 3/30/09; 4/16/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/31/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/6/09; 11/10/09; 11/11/09; 11/17/09; 1/12/10; 1/13/10; 3/31/10; 4/19/10; 4/23/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/2/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/11/11; 5/12/11; 5/13/11 (5); 5/31/11 (3); 6/3/11 (2); 6/17/11 (3); 6/21/11; 6/28/11 (2); 6/30/11(3); 7/1/11; 7/8/11(2); 7/20/11; 7/22/11;	10/26/09	
SHPO_MT	2/2/09; 2/20/09; 3/30/09; 4/17/09; 4/22/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/8/09; 7/13/09; 7/17/09; 9/30/09; 11/2/09; 11/13/09; 12/14/09; 12/24/09; 12/31/09; 1/11/10; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 7/28/10; 8/5/10; 8/6/10; 8/12/10; 11/24/10; 11/29/10; 12/7/10; 12/9/10; 12/16/10; 1/14/11; 2/17/11; 2/28/11; 5/3/11; 6/2/11; 6/30/11; 7/8/11(2); 7/28/11	4/1/09; 4/14/09; 10/14/09; 10/20/09; 1/14/10 6/6/11; 7/2/10; 7/28/10; 8/26/10; 7/7/11; 7/28/11	2/6/09; 6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/2/09; 10/5/09; 10/7/09; 10/9/09; 10/12/09; 10/19/09; 10/20/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/24/09; 1/7/10; 1/11/10; 1/13/10; 1/14/10; 1/15/10; 1/19/10; 2/4/10; 3/31/10; 4/19/10; 5/6/10; 5/14/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/1/10; 7/6/10; 7/7/10; 7/12/10; 7/16/10; 7/23/10; 7/27/10; 7/28/10; 8/2/10; 8/9/10; 8/10/10; 8/19/10; 8/26/10; 10/15/10; 10/21/10; 10/28/10; 11/3/10; 11/11/10; 12/7/10; 12/8/10; 12/10/10; 12/14/10; 12/29/10; 1/4/11; 1/5/11; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/17/11;	8/3/09	4/22/09; 10/20/09; 10/21/09

021755

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			2/22/11; 3/18/11; 3/29/11; 4/4/11(2); 4/18/11; 5/26/11; 5/31/11; 6/2/11; 6/3/11 (3); 6/16/11; 6/17/11; 6/21/11(2); 6/28/11; 6/29/11; 6/30/11(3); 7/1/11(2); 7/6/11; 7/7/11; 7/8/11; 7/20/11; 7/22/11; 7/29/11		
SHPO_NE	2/2/09; 2/20/09; 3/17/09; 3/30/09; 4/17/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/13/09; 9/30/09; 10/30/09; 11/2/09; 11/3/09; 11/16/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/12/10; 9/20/10; 11/24/10; 12/9/10; 3/2/11; 3/4/11; 3/18/11; 4/7/11; 4/14/11; 4/29/11; 5/4/11; 5/10/11; 6/4/11; 6/15/11; 6/24/11; 6/30/11; 7/8/11; 7/25/11	3/23/09; 4/1/09; 4/14/09; 9/28/10; 10/4/10; 11/11/10; 11/15/10; 11/16/10; 3/18/11; 4/15/11; 6/3/11; 7/15/11; 8/1/11	6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/20/10; 9/29/10; 10/14/10; 10/15/10; 10/21/10; 11/3/10; 11/5/10; 11/16/10; 11/19/10; 11/29/10; 12/1/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/26/11; 1/27/11; 1/28/11; 2/22/11; 3/3/11; 3/18/11; 3/29/11; 4/18/11(2); 4/29/11; 5/4/11; 5/31/11 (3); 6/2/11 (3); 6/3/11 (6); 6/6/11 (3), 6/9/11; 6/10/11 (2), 6/15/11; 6/21/11; 6/28/11; 6/29/11 (2); 6/30/11(3); 7/1/11; 7/5/11 (2); 7/8/11; 7/15/11 (4); 7/20/11; 7/22/11;7/25/11(5); 8/2/11; 8/3/11(2)	8/3/09	4/21/09
SHPO_OK	2/2/09; 2/20/09; 3/5/09; 3/30/09; 4/21/09; 4/28/09; 6/3/09; 6/18/09; 6/22/09; 6/25/09; 7/13/09; 8/4/09; 8/6/09; 9/30/09; 11/2/09; 11/3/09; 12/4/09;12/22/9; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/12/10; 7/23/10; 8/4/10; 8/6/10; 8/30/10; 8/12/10; 9/2/10; 11/24/10; 12/6/10; 12/9/10; 1/4/11; 2/7/11; 4/27/11; 6/4/11; 6/30/11; 7/8/11; 7/13/11	1/25/10; 5/9/11; 6/6/11; 7/6/11; 7/7/11	4/29/09; 6/25/09; 6/26/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 1/13/010; 1/18/10 1/19/10; 1/25/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/1/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/3/10; 10/15/10; 10/21/10; 11/3/10; 12/6/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/7/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/27/11 (3); 5/31/11 (4); 6/3/11 (2); 6/6/11; 6/8/11, 6/9/11 (3); 6/13/11 (2); 6/17/11 (3);	8/4/09; 8/6/09	5/14/09;

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			6/21/11; 6/30/11(3); 7/1/11; 7/6/11 (2); 7/8/11; 7/20/11; 7/22/11;		
SHPO_SD	2/2/09; 2/9/09; 2/20/09; 3/30/09; 4/17/09; 4/23/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/13/09; 7/22/09; 8/13/09; 9/30/09; 11/2/09; 11/3/09; 11/24/09; 12/24/09; 12/31/09; 1/14/10; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/4/10; 8/5/10; 8/9/10; 8/12/10; 10/26/10; 11/24/10; 12/2/10; 12/9/10; 12/14/10; 1/4/11; 1/10/11; 1/27/11; 2/4/11; 2/16/11; 2/17/11; 2/22/11; 2/24/11; 2/25/11; 3/1/11; 4/18/11; 6/4/11; 6/30/11; 7/8/11(2)	4/1/09; 9/29/09; 10/30/09; 1/6/10; 2/17/11; 4/18/11; 6/2/11; 7/1/11; 7/14/11	4/1/09; 4/15/09; 4/27/09; 5/4/09; 6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/5/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/30/09; 11/2/09; 11/3/09; 11/4/09; 11/5/09; 11/11/09; 11/17/09; 12/29/09; 1/5/10; 1/6/10; 1/11/10; 1/12/10; 1/14/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/29/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 2/23/11; 2/25/11; 2/28/11; 3/1/11; 3/18/11; 3/23/11; 3/25/11; 3/29/11; 4/4/8/11; 4/14/11; 4/15/11; 4/18/11 (4); 4/19/11 (3); 4/20/11; 4/26/11; 6/1/11; 6/2/11; 6/3/11 (2); 6/7/11 (2); 6/8/11; 6/13/11; 6/14/11; 6/15/11; 6/21/11; 6/29/11 (2); 6/30/11(3); 7/1/11(2); 7/6/11; 7/8/11(2); 7/15/11; 7/20/11(2); 7/22/11;		4/23/09
SHPO_TX	2/2/09; 2/20/09; 2/25/09; 3/26/09; 3/30/09; 4/1/09; 4/17/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/13/09; 8/31/09; 9/30/09; 10/9/09; 11/2/09; 12/24/09; 12/31/09; 3/16/10; 4/2/10; 6/14/10; 7/7/10; 7/12/10; 7/20/10; 7/23/10; 8/3/10; 8/6/10; 8/10/10; 8/12/10; 8/25/10; 8/30/10; 11/24/10; 12/8/10; 1/13/11; 2/7/11; 5/4/11; 5/18/11; 5/19/11; 6/2/11; 6/30/11; 7/8/11; 8/2/11	9/29/09; 12/16/09; 1/13/10; 8/9/10; 8/25/10; 1/13/11; 4/26/11; 5/3/11; 5/4/11; 6/8/11; 6/9/11; 6/14/11; 6/24/11; 7/18/11;	2/15/09; 3/24/09; 3/30/09; 4/8/09; 4/14/09; 4/21/09; 5/4/09; 6/12/09; 6/15/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/5/09; 11/9/09; 11/11/09; 11/17/09; 1/4/10; 1/5/10; 1/7/10; 1/12/10; 1/13/10; 1/19/10; 3/16/10; 3/22/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/6/10; 7/9/10; 7/12/10; 7/16/10; 7/23/10; 7/26/10; 8/2/10; 8/10/10; 8/18/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/7/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/27/11; 4/28/11; 5/2/11; 5/3/11; 5/4/11;		4/27/09; 7/23/10

DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
			5/18/11 (3); 5/19/11 (3); 5/31/11 (5); 6/2/11; 6/8/11 (7); 6/10/11; 6/14/11 (7); 6/15/11; 6/17/11 (3); 6/20/11 (2); 6/21/11(2); 6/24/11 (4); 6/30/11(3); 7/1/11; 7/6/11; 7/8/11; 7/15/11(2); 7/18/11; 7/20/11; 7/22/11; 8/2/11		
USACE	2/19/09; 3/30/09; 6/3/09; 6/12/09; 6/18/09; 6/25/09; 7/13/09; 8/20/09; 9/30/09; 10/13/09; 10/19/09; 11/2/09; 11/25/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	5/7/09; 10/9/09; 7/8/11	3/4/09; 4/14/09; 4/15/09; 4/27/09; 5/6/09; 5/11/09; 6/10/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/21/09; 8/13/09; 8/20/09; 9/1/09; 9/10/09; 9/30/09; 10/1/09; 10/5/09; 10/7/09; 10/8/09; 10/9/09; 10/13/09; 10/19/09; 10/21/09; 11/2/09; 11/3/09; 11/4/09; 11/10/09; 11/11/09; 11/17/09; 11/23/09; 2/23/10; 3/31/10; 4/19/10; 4/30/10; 5/6/10; 5/7/10; 6/2/10; 6/3/10; 6/4/10; 6/7/10; 6/17/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/15/10; 9/21/10; 9/22/10; 10/4/10; 10/5/10; 10/15/10; 10/16/10; 10/21/10; 10/22/10; 10/26/10; 11/3/10; 11/12/10; 11/22/10; 11/29/10; 12/7/10; 12/8/10; 12/14/10; 1/3/11; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11(3); 7/5/11; 7/8/11 (5); 7/20/11(2); 7/22/11; 8/1/11; 8/2/11(2)		4/22/09; 5/12/09; 5/14/09; 7/28/09; 10/20/09; 10/21/09; 11/12/09; 11/13/09; 6/22/10; 6/23/10; 7/22/10; 7/23/10; 12/7/10; 12/8/10
USDA FSA	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 7/20/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11		6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/20/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 7/20/11; 7/21/11(2)		12/7/10

021758

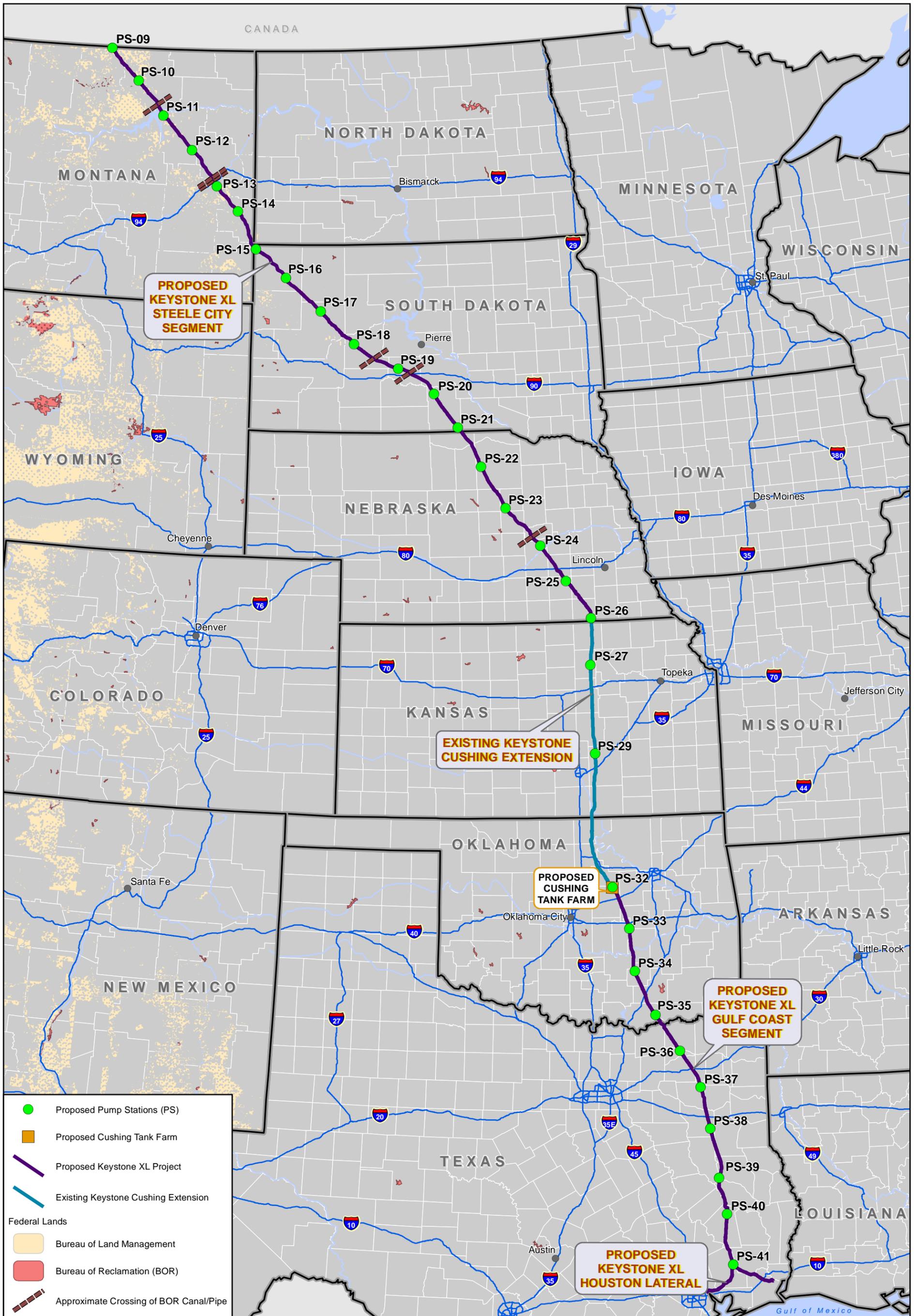
DOS CONSULTATION WITH INDIAN TRIBES AND GOVERNMENT AGENCIES					
Agency	Letters	Telephone	Emails	Faxes	Meetings
USDA NRCS	2/19/09; 3/30/09; 5/29/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	3/26/10	6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/26/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 8/11/10;; 8/12/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11(2); 7/22/11; 7/28/11; 7/29/11; 8/3/11(3)		
USFWS	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11		6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		
Western	4/14/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 1/26/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	9/15/09; 2/8/10; 2/17/10; 2/19/10; 3/26/10; 8/16/10; 9/13/10; 9/23/10; 10/15/10; 10/19/10; 10/20/10; 11/15/10; 11/30/10	9/14/09; 9/16/09; 9/17/09; 9/18/09; 1/25/10; 1/26/10; 1/28/10; 1/29/10; 2/1/10; 2/8/10; 2/17/10; 2/18/10; 3/1/10; 3/8/10; 3/18/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/7/10; 9/13/10; 10/15/10; 10/18/10; 10/21/10; 10/25/10; 11/3/10; 11/5/10; 11/16/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11;		10/20/09; 10/21/09; 2/24/10

Attachment H

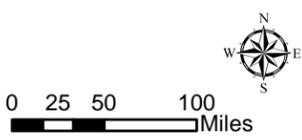
Project Maps

Attachment H

Project Maps



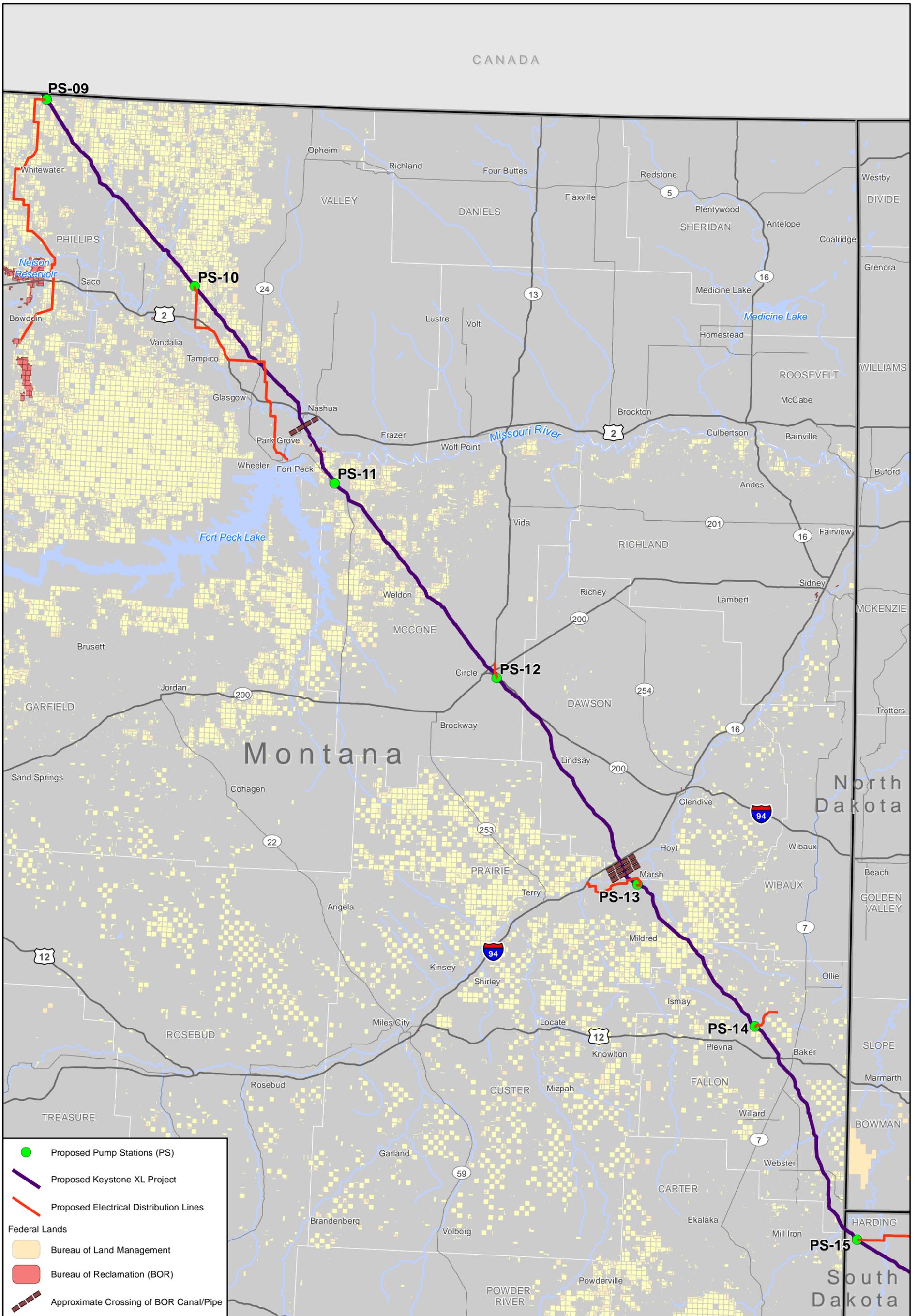
Data Sources: Federal Lands, Basemap - ESRI, MT Cadastral.



KEYSTONE XL PROJECT

Figure 1.1-1
Project Overview

021762



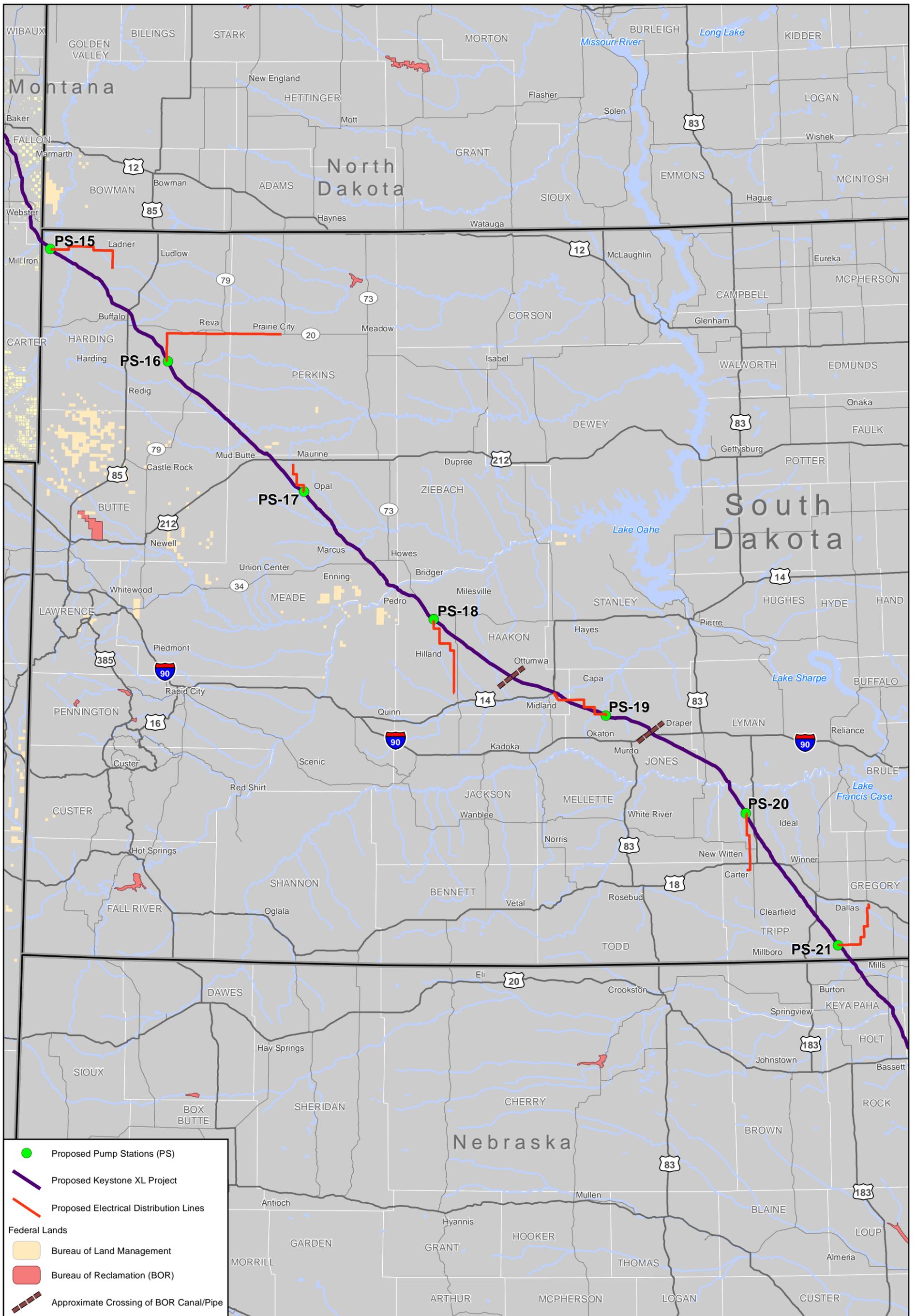
Data Sources: Federal Lands, Basemap - ESRI, MT Cadastral.



0 5 10 20 Miles

KEYSTONE XL PROJECT

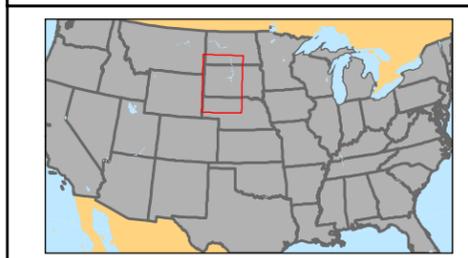
Figure 2.1-1
Project Overview (Montana)
 021763



- Proposed Pump Stations (PS)
- Proposed Keystone XL Project
- Proposed Electrical Distribution Lines

Federal Lands

- Bureau of Land Management
- Bureau of Reclamation (BOR)
- Approximate Crossing of BOR Canal/Pipe

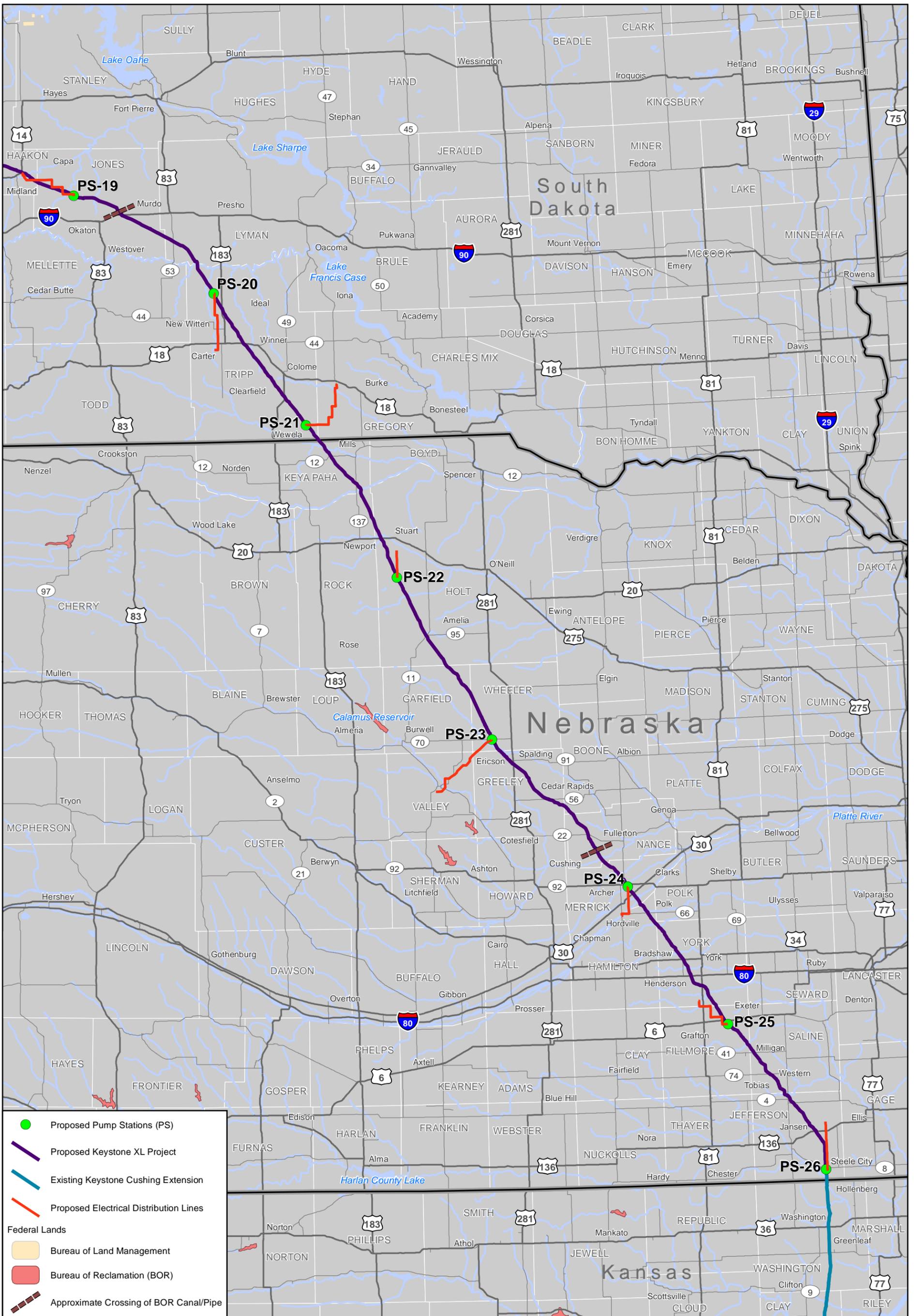


Data Sources: Federal Lands, Basemap - ESRI.

0 5 10 20
Miles

KEYSTONE XL PROJECT

Figure 2.1-2
Project Overview
(South Dakota)
021764



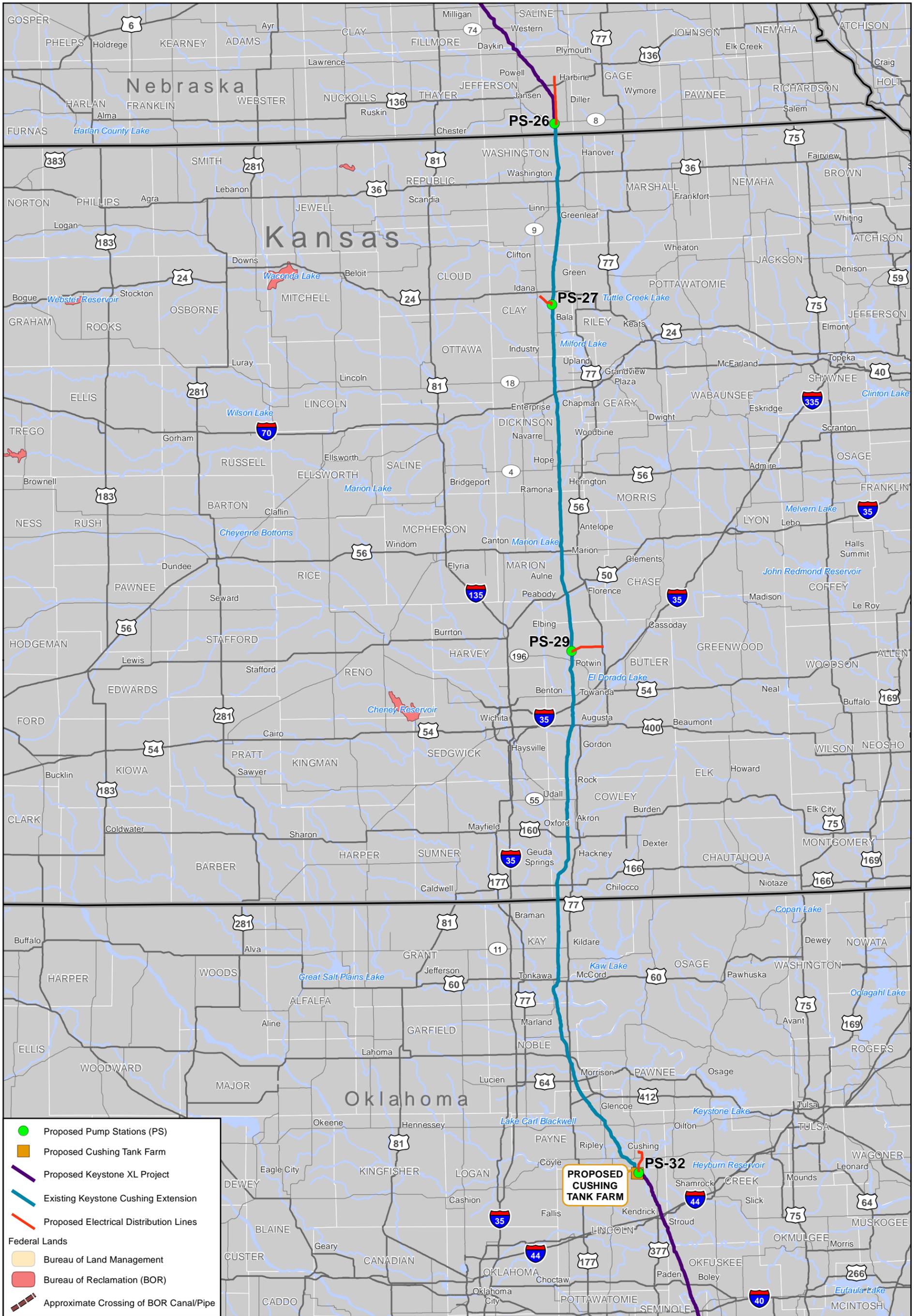
Data Sources: Federal Lands, Basemap - ESRI.



0 5 10 20 Miles

KEYSTONE XL PROJECT

Figure 2.1-3
Project Overview (Nebraska)
 021765



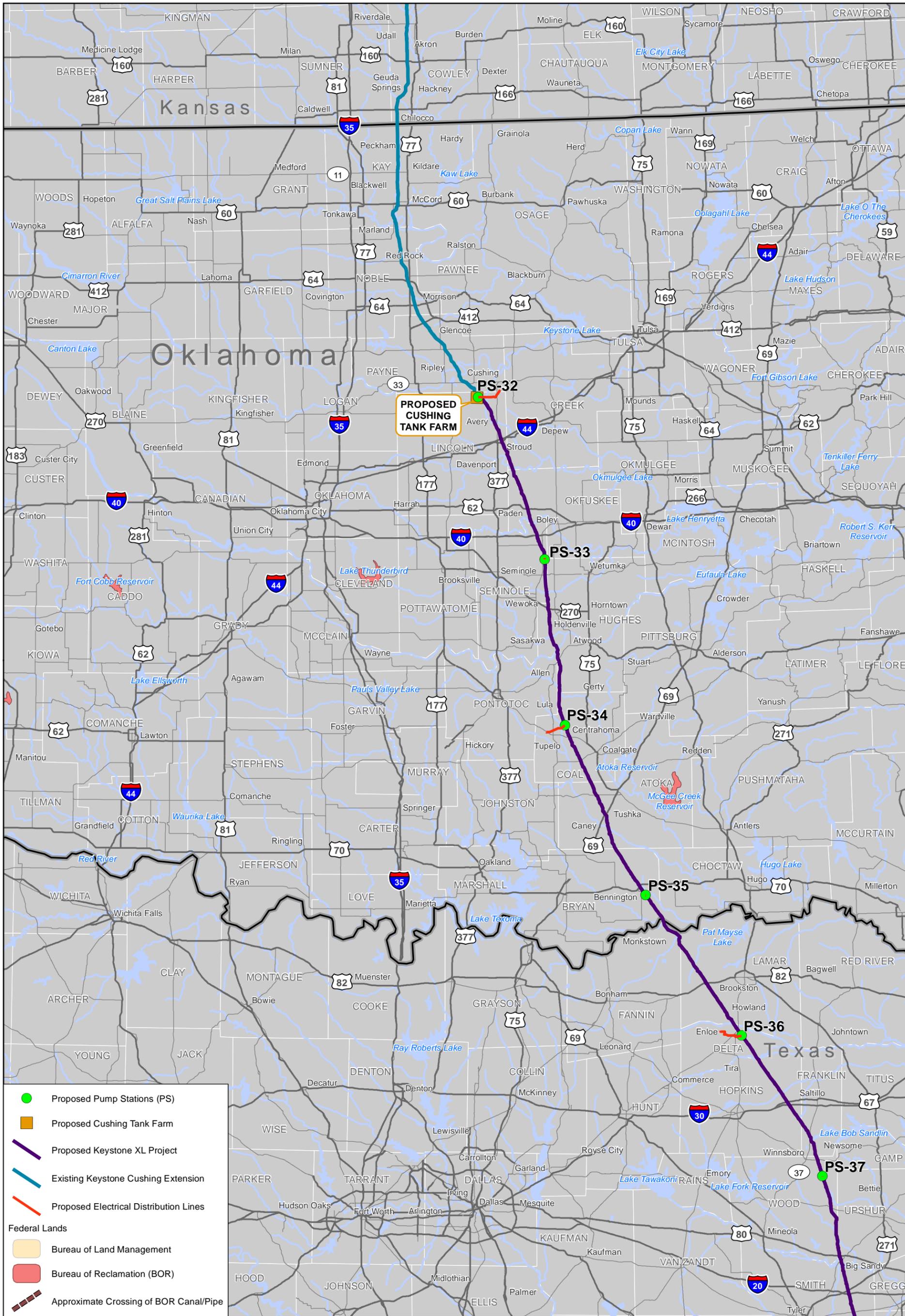
Data Sources: Federal Lands, Basemap - ESRI.



0 5 10 20 Miles

KEYSTONE XL PROJECT

Figure 2.1-4
 Project Overview
 (Kansas)
 021766



Data Sources: Federal Lands, Basemap - ESRI.

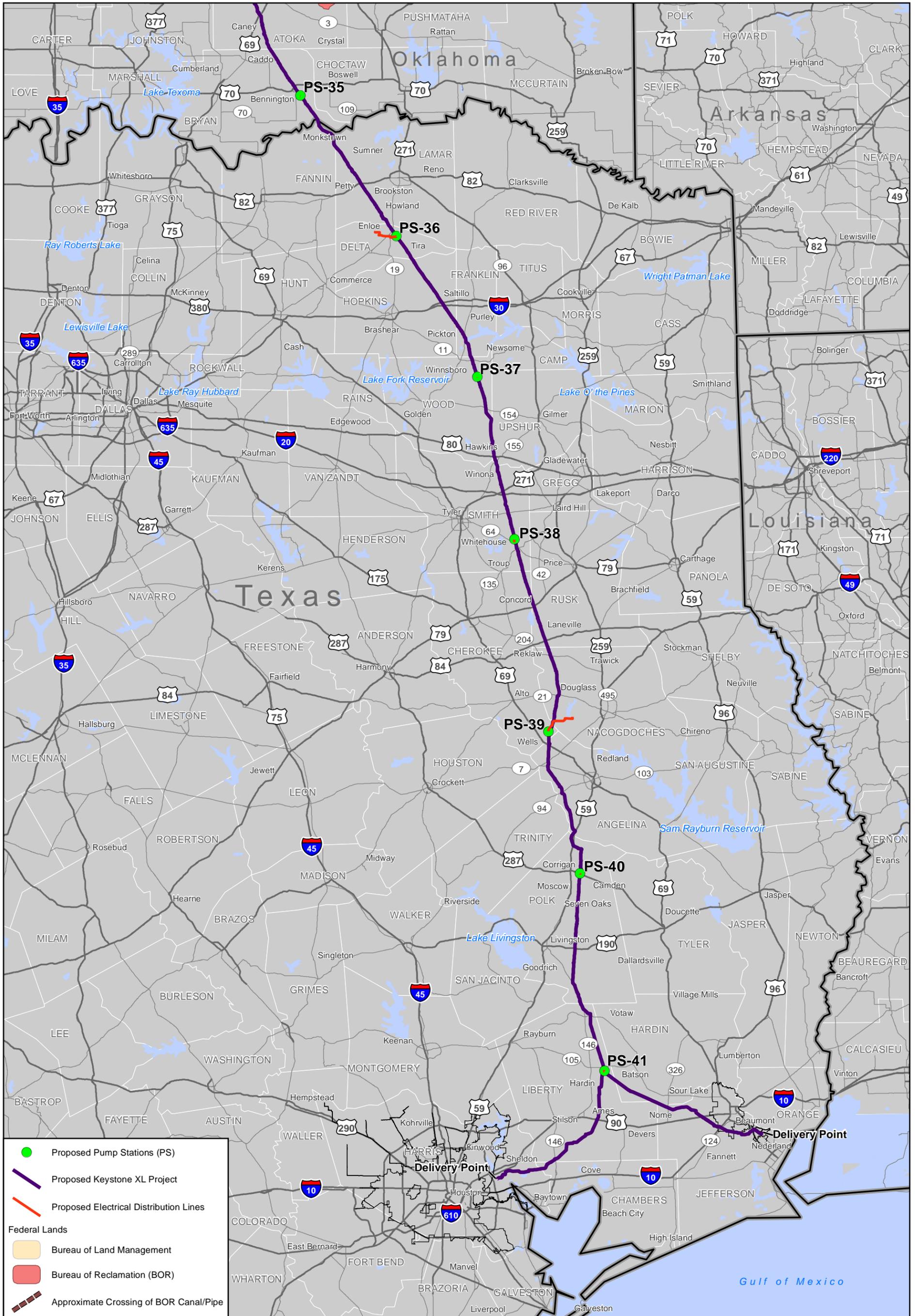


0 7.5 15 30 Miles

KEYSTONE XL PROJECT

Figure 2.1-5
Project Overview
(Oklahoma)

021767



Data Sources: Federal Lands, Basemap - ESRI.



0 5 10 20 Miles

KEYSTONE XL PROJECT

Figure 2.1-6
 Project Overview
 (Texas)
 021768

APPENDIX E

Amended Programmatic Agreement and Record of Consultation

E1 Amended Programmatic Agreement

Exhibit 9003

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Programmatic Agreement

Among
The U.S. Department of State,
National Park Service,
U.S. Army Corps of Engineers,
U.S. Department of Agriculture Farm Service Agency,
U.S. Department of Agriculture Natural Resources Conservation Service,
U.S. Department of Agriculture Rural Utilities Service,
U.S. Bureau of Indian Affairs,
U.S. Bureau of Land Management,
U. S. Bureau of Reclamation,
Western Area Power Administration,

Advisory Council on Historic Preservation,
Kansas State Historic Preservation Officer,
Montana Department of Environmental Quality,
Montana Department of Natural Resources and Conservation,
Montana State Historic Preservation Officer,
Nebraska State Historic Preservation Officer,
South Dakota State Historic Preservation Officer,
and
TransCanada Keystone Pipeline, LP

Regarding the Keystone XL Pipeline Project

WHEREAS, the U.S. Department of State (DOS) receives and considers applications for permits for cross-border oil pipelines pursuant to the authority delegated by the President of the United States under Executive Order (EO) 13337 (69 Federal Register 25299); and

WHEREAS, the DOS received an application for a Presidential Permit from TransCanada Keystone Pipeline, LP (Keystone) in September 2008 for the Keystone XL Pipeline Project (Keystone XL Project or the Project) which consisted of approximately 1,375 miles of new crude oil pipeline in Montana, South Dakota, Nebraska, Oklahoma, and Texas with associated effects in Kansas; and

WHEREAS, the DOS determined that issuance of a Presidential Permit for the proposed Keystone XL Project include a consultation and review process consistent with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f, as amended) and its implementing regulations, "Protection of Historic Properties"; and

WHEREAS, the DOS developed a Programmatic Agreement (PA) in consultation with relevant state and federal agencies, Indian tribes, Keystone, and the public and executed this PA in August 2011; and

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WHEREAS, the Keystone XL Project Presidential Permit application was denied in January 2012; and

WHEREAS, on May 4, 2012, Keystone submitted an application for a revised Keystone XL Pipeline Project using a route in Montana and South Dakota largely unchanged from that proposed in the 2008 Keystone application and a substantially changed route in Nebraska that sought to avoid the Sands Hills Region identified by the Nebraska Department of Environmental Quality and terminates at Steele City, Nebraska; and

WHEREAS, the Oklahoma and Texas sections of the pipeline proposed in the 2008 Keystone application are no longer part of the application received in 2012 and, therefore, the Oklahoma and Texas State Historic Preservation Offices have no further obligations under this PA; and

WHEREAS, the proposed Project undertaking consists of construction of approximately 875 miles of new crude oil pipeline in the United States, as described in section 2.1 of the Final Supplemental Environmental Impact Statement (SEIS) and Attachment H, of which approximately 209 miles (24%) were not part of the 2008 Keystone XL Presidential Permit application; and

WHEREAS, the revised Keystone XL Project Area of Potential Effects (APE) includes: (1) in Montana—a 300-foot-wide corridor, 150 feet on each side of the centerline; (2) in South Dakota—a 300-foot-wide corridor, 150 feet on each side of the centerline; (3) in Nebraska—a 300-foot-wide corridor, 150 feet on each side of the centerline in areas consistent with the route evaluated in the Final EIS for the 2008 Keystone XL application. Within those areas outside the route evaluated in the Final EIS for the 2008 Keystone XL application, the APE consists of a 500-foot-wide corridor, 250 feet on each side of the centerline. For construction or modification of electrical facilities (including distribution lines, transmission lines, and substations), a 100-foot-wide corridor centered on the Project centerline will be used. For pumping stations, including two new pump stations in Kansas on the existing Keystone Cushing Extension pipeline, and other areas that are to be disturbed by construction-related activities and ancillary facilities (including construction camps and pump stations), the APE will include all areas of disturbance and areas to be indirectly affected; and

WHEREAS, the DOS, in consultation with the Advisory Council on Historic Preservation (ACHP), has determined that the Keystone XL PA executed in August 2011 should be amended to reflect the route proposed in the new Presidential Permit application and input from subsequent consultation; and

WHEREAS, the DOS has determined that the construction of the Keystone XL Project may have an adverse effect on historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP), as defined in Stipulation I.C below, and has consulted with the Montana, South Dakota, Nebraska, and Kansas State Historic Preservation Officers (SHPOs), Indian tribes who may ascribe religious and cultural significance to historic properties that may be affected by the undertaking, the ACHP, other federal agencies with actions related to this undertaking, and other consulting parties consistent with 36 C.F.R. Part 800; and

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WHEREAS, consistent with 36 C.F.R. §§ 800.4(b)(2) and 800.5(a)(3), the DOS has elected to phase identification and evaluation of historic properties, and application of the criteria of adverse effect, respectively, because the undertaking and APE have changed necessitating additional efforts to identify historic properties and because access to some areas as identified in Attachment A has been restricted by property owners' refusal to grant Keystone permission to enter their private property; and

WHEREAS, consistent with 36 C.F.R. § 800.14(b), the DOS has elected to execute this PA for the Keystone XL Project because effects on historic properties cannot be fully determined prior to the issuance of a permit for the undertaking; and

WHEREAS, on February 2, 2011 the ACHP entered consultation for the Keystone XL pipeline as originally proposed finding that criteria 3 and 4 of Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of the regulations (36 C.F.R. Part 800) implementing Section 106 of NHPA, had the potential to be met; and

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the approval for the Keystone XL Project to cross USACE-administered lands (30 U.S.C. § 185) and to place structures in, under, or over navigable waters of the United States, as defined under 33 C.F.R. Part 329, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and a permit for the placement of dredge or fill material in waters of the United States as part of the Keystone XL Project in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 344), are Federal actions related to the undertaking that require the USACE to comply with Section 106 of NHPA; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined that approving the Keystone XL Project to cross Federal lands administered by the BLM would require authorization under Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. § 185, as amended; and

WHEREAS, the BLM has determined that Keystone will require access roads crossing public lands administered by the BLM in support of the Keystone XL Pipeline Project and that the access roads will require authorization under Title V of the Federal Land Policy and Management Act (FLMPA), 43 U.S.C. § 1701, as amended; and

WHEREAS, the BLM has determined that the Keystone XL Project will require electrical power from rural electrical cooperatives and that portions of the transmission lines will cross public lands administered by the BLM and that the transmission lines crossing public lands will require authorization under Title V of the FLMPA; and

WHEREAS, the BLM approvals of these Project crossings in areas under its jurisdiction is a Federal action associated with the undertaking that requires the BLM to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the U.S. Bureau of Reclamation (USBR) manages lands and facilities that will be crossed by the Keystone XL Project and USBR approval of such crossings is a Federal action

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related to the undertaking that requires the USBR to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Farm Service Agency (FSA), assists landowners on private lands and may have federal responsibilities and requirements on some of these lands, which are part of the Project APE, as part of its loan and conservation programs, including the Conservation Reserve Program and the Farmable Wetlands Program; and

WHEREAS, the FSA approval of the Project crossings in these areas is a Federal action associated with the undertaking that requires the FSA to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Rural Utilities Service (RUS) has determined that the financial assistance it may provide to rural electric cooperatives and other entities for construction or modification of electrical facilities (including distribution lines, transmission lines, and substations) to power some Keystone XL Project pump stations or to ensure transmission system reliability, under the U.S. Department of Agriculture (USDA) Rural Development Utilities Programs, are Federal actions related to the undertaking that require the RUS to comply with Section 106 of NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Bureau of Indian Affairs (BIA) has responsibility for approving any right-of-ways crossing Indian Trust lands, such as those being considered as part of the route for a 230-kilovolt (kV) transmission line in south-central South Dakota associated with the Keystone project and described in Appendix J to the SEIS, and this is a Federal action related to the undertaking that requires the BIA to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Western Area Power Administration (Western) has determined that the modification and construction of substations and transmission lines that Western will own and that will provide power to the Keystone XL Pipeline Project, will require review under Section 106 of NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Natural Resources Conservation Service (NRCS) has conservation easement interests in the states through which the Keystone XL pipeline will traverse; and

WHEREAS, the NRCS has determined that approving the Keystone XL Pipeline to cross an NRCS easement constitutes a federal action associated with the undertaking that requires NRCS to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the proposed revised Keystone XL Project pipeline alignment crosses five National Historic Trails (the Lewis and Clark, Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails), all of which were designated by the U.S. Congress and have as their purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment” (National Trails System Act, P.L. 90-543, as amended); and

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WHEREAS, the National Park Service (NPS) administers National Historic Trails and is a signatory to this PA due to the potential for adverse effects to five National Historic Trails including the Lewis and Clark National Historic Trail; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, NPS, Western, USBR, and FSA have designated the DOS as the lead Federal agency for purposes of Section 106 of the NHPA consistent with 36 C.F.R. § 800.2(a)(2); and

WHEREAS, the DOS will incorporate this PA into its decisional process on any Presidential Permit that it may issue for the Keystone XL Project and will include in any permit it issues on the Keystone XL Project a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, NPS, Western, USBR, and FSA will each incorporate this PA into its decisional process on any authorization, approval, permit, or assistance it may issue for the Keystone XL Project, and will include in any authorization, approval, permit, or assistance it issues on the Keystone XL Project, a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, cultural resource identification, evaluation, and effect assessment efforts, including those needed to address the changes in the APE, are summarized in Section 3.11 of the SEIS and Attachment G of this PA; and

WHEREAS, additional efforts to identify, evaluate and assess effects to historic properties for the Project will take place after the execution of this PA because access to some areas has been restricted, as summarized in Attachment A, and all areas of construction have yet to be determined; and

WHEREAS, for the purposes of this PA, “Indian tribes and Nations” shall have the same definition as “Indian tribes” which appears in Section 301(4) of the NHPA; and

WHEREAS, the DOS invited the 84 Indian tribes listed in Appendix B to participate in consultation; and

WHEREAS, the DOS provided Indian tribes the opportunity to provide information about historic properties of concern to Indian tribes and conduct Traditional Cultural Property (TCP) studies within the proposed Project APE, as summarized in Attachment I; and

WHEREAS, the DOS invited Indian tribes that participated in consultation in 2011 and 2013 to sign as Concurring Parties to this PA, consistent with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3); and

WHEREAS, other federal agencies that develop actions related to this undertaking subsequent to the execution of this PA may comply with Section 106 by following the requirements set forth in Stipulation XIV of this PA; and

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WHEREAS, the Montana Department of Natural Resources and Conservation has participated in consultation and was invited by the DOS consistent with 36 C.F.R. § 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, the Montana Department of Environmental Quality has participated in consultation and was invited by the DOS consistent with 36 C.F.R. § 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, Keystone, which would construct the Keystone XL Project pipeline if approved, has participated in consultation, and was invited by the DOS consistent with 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, the DOS has provided the public with information about the undertaking and its effects on historic properties and sought public comment and input consistent with 36 C.F.R. §§ 800.2(d) from April 2009 through Federal Register notices, direct mailings, extensive scoping and comment meetings, and inviting comments from the public by phone, mail, fax, and email during public comment periods on the Keystone XL Pipeline Presidential Permit applications; and

NOW, THEREFORE, the DOS, USACE, BLM, RUS, BIA, FSA, NRCS, Western, USBR, NPS, ACHP, and the Montana, South Dakota, Nebraska, and Kansas SHPOs agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on historic properties and to ensure actions consistent with Section 106 of the NHPA.

STIPULATIONS

The DOS, BLM, RUS, BIA, FSA, NRCS, Western, USACE, USBR, and NPS as appropriate, will ensure that the following stipulations are carried out.

I. STANDARDS AND DEFINITIONS

- A. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct on-site supervision of a professional who meets, at a minimum, the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983). These qualification standards do not apply to individuals recognized by consulting Indian tribes to have expertise in identification, evaluation, assessment of effect, and treatment of effects to historic properties of religious and cultural significance to Indian tribes.
- B. In developing scopes of work for identification and evaluation studies, and treatment measures required under the terms of this PA, Keystone and RUS borrowers, and other contractors working with Federal agencies, will take into account the following regulations and guidelines:

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1. The ACHP's guidance on conducting archaeology under Section 106 (2007);
2. The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007);
3. Applicable SHPO and Tribal Historic Preservation Office guidance;
4. The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);
5. The "*Treatment of Archaeological Properties*" (ACHP 1983);
6. The *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
7. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403);
8. Section 404 of the Clean Water Act (33 U.S.C. § 344);
9. BLM 8110 Manual: Identifying and Evaluating Cultural Resources;
10. Montana/Dakotas Cultural Resources Handbook 8110-1: Guidelines for Identifying Cultural Resources;
11. The National Trails System Act (P.L. 90-543, as amended);
12. Section 28 of the Mineral Leasing Act of 1920 (30 USC 185);
13. Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701); and
14. *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992: 1998)

C. Definitions

Coordination Plan: A plan that, pursuant to Stipulations V.B and V.D, describes the coordination of construction with identification and evaluation of cultural resources, treatment of adverse effects, and protection of unanticipated discoveries.

Concurring Parties: An invited consulting party to this PA that agrees with the content of the PA. Consistent with 36 C.F.R. § 800.6(c)(3), the refusal of a Concurring Party to sign the PA does not invalidate this PA. Concurring Parties may not terminate the PA.

Construction Spread: A construction unit or segment of a pipeline alignment or corridor to be determined by Keystone prior to construction.

Consulting Indian Tribes: Indian tribes that have consultative roles in the Section 106 process consistent with 36 C.F.R. § 800.2(c).

Consulting Parties: Parties that have consultative roles in the Section 106 process consistent with 36 C.F.R. § 800.2(c).

Data Recovery: The recovery of archaeological information from a historic property subject to an adverse effect.

Determination of Effect: A determination made by a Federal agency in regards to a Project's effect upon a historic property consistent with 36 C.F.R. Part 800.

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Determination of Eligibility: A determination made by a Federal agency, in coordination with the SHPO and/or designated representatives of consulting Indian tribes, as appropriate, respecting a cultural resource's eligibility for inclusion in the NRHP and more fully described in 36 C.F.R. Part 60 and 36 C.F.R. § 800.16(1)(2).

Effect: An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (see 36 C.F.R. § 800.16(i)).

Environmental Impact Statement: An analysis of a major Federal action's environmental impacts conducted consistent with NEPA.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(1)).

Invited Signatory: The DOS has invited Keystone, the Montana Department of Natural Resources and Conservation, and the Montana Department of Environmental Quality to sign this PA consistent with 36 C.F.R. § 800.6(c)(2). The refusal of any invited signatory to sign the PA does not invalidate the PA. An invited signatory, listed above, that has signed the PA, may terminate the PA consistent with 36 C.F.R. § 800.6(c)(8).

Historic Trail and Archaeological Monitoring Plan: A plan that, pursuant to Stipulation V.E and Attachment F, identifies appropriate areas for monitoring construction by professionals under the supervision of individuals who meet the professional qualifications in Stipulation I. The plan's principal goal is to reduce the potential for impacts to unidentified historic properties.

Signatory: The signatories are: the DOS, BLM, USBR, USACE, NPS, Western, RUS, NRCS, FSA, BIA, ACHP, and the SHPOs of Kansas, Montana, South Dakota, and Nebraska. Only signatories and the invited signatories, as defined, may terminate the PA consistent with 36 C.F.R. § 800.6(c)(8).

Tribal Monitoring Plan: A plan that, pursuant to Stipulation V.E and Attachment E, identifies appropriate areas for monitoring construction by tribal members appointed by their respective Indian tribes. These tribal members shall meet the qualifications as noted in Stipulation V.E.3. The plan's principal goal is to reduce the potential for impacts to previously unidentified historic properties that may also be properties of religious and cultural significance to Indian tribes that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(a)).

Treatment Plan: A plan developed in consultation with the parties to this PA that identifies the minimization and mitigation measures for historic properties located within the APE that will be adversely affected by the Project.

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II. CONFIDENTIALITY

The DOS, BLM, NRCS, BIA, FSA, RUS, Western, USBR, NPS, USACE, and Keystone will safeguard information about historic properties of religious and cultural significance to Indian tribes, including location information, or information provided by Indian tribes to assist in the identification of such properties, consistent with Section 304 of NHPA, 16 U.S.C. § 470w3, and all other applicable laws.

III. THE RESPONSIBILITIES OF FEDERAL AGENCIES WITH LAND MANAGEMENT AND OTHER PERMITTING AUTHORITIES

- A. The USACE will ensure, for that part of the APE under its jurisdiction, that it has met its compliance obligations pursuant to Section 10 and Section 404 permitting authority.
- B. The BLM will comply with Section 106 and its implementing regulations (36 C.F.R. Part 800) for the issuance of permits for those actions under its jurisdiction.
- C. The USBR will review and comment on the evaluation and treatment of any historic properties managed by the USBR.
- D. Attachment H includes maps that illustrate the Project areas that cross lands managed by the BLM and the USBR.
- E. Consultation for this Project between Indian tribes and Federal land management and permitting agencies will be coordinated through the DOS.

IV. KEYSTONE XL PROJECT—CONSTRUCTION OR MODIFICATION OF ELECTRICAL DISTRIBUTION/TRANSMISSION FACILITIES

- A. Prior to granting approval of financial assistance to construct or modify electrical facilities by rural electric cooperatives or other entities, the RUS will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7 and notify the DOS of the outcome.
- B. In implementing Stipulation IV.A, the RUS may authorize a borrower to initiate Section 106 consultation in accordance with 36 C.F.R. § 800.2(c) (4). The RUS issued a blanket delegation for its borrowers to initiate Section 106 consultation in July 2009 and reissued the blanket delegation with some revision in August 2012. As the RUS recognized in those memos, the RUS may not delegate its responsibility to conduct government-to-government consultation with Indian tribes to a borrower, unless the RUS and that Indian tribe agree, in writing, to conduct consultation in that manner.
- C. Prior to construction of the 230-kV transmission line that Western will own, Western will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7. In implementing

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Stipulation IV.C., Western will serve as a signatory under the PA. Western shall coordinate implementation of Stipulation IV.C with the DOS.

- D. The RUS will ensure that the terms of Stipulations VI.B and VI.C are incorporated into construction contracts to ensure that its borrowers and construction contractors meet their responsibility for notification of any unanticipated discoveries. When RUS-funded projects occur on BLM land, the RUS will coordinate with the BLM to ensure compliance with Stipulations VI.B and VI.C of this PA.
- E. Prior to granting approval or financial assistance for construction or modification of electrical distribution/transmission facilities that are necessary components of the pipeline project and therefore considered within the Project APE, any Federal agency that is incorporated into this PA pursuant to Stipulation XIV will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7 for those facilities under its jurisdiction and notify the DOS of the outcome if not already carried out elsewhere in this PA.
- F. The DOS retains responsibility for completing the requirements of 36 C.F.R. §§ 800.3 through 800.7 for those electrical distribution/transmission facilities that are necessary components of the Project if they are not under the jurisdiction of any Federal agency and not referenced in Stipulation IV, A through E above.

V. KEYSTONE XL PROJECT – PIPELINE CONSTRUCTION

- A. The DOS has provided SHPOs, designated representatives of consulting Indian tribes, and other consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties, consistent with 36 C.F.R. § 800.16(l)(1), including historic properties of religious and cultural significance to Indian tribes, and the treatment of affected historic properties, in connection with the construction of the Keystone XL Project. It will continue to provide all consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties, assessment of effects, and treatment of adverse effects after approval of amendments to this PA.
- B. Identification and Evaluation of Historic Properties
 - 1. In consultation with the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties, the DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties within the APE for each construction spread, including in areas yet to be surveyed outlined in Attachment A, prior to the initiation of construction of that spread, consistent with 36 C.F.R. §§ 800.4(a), (b), and (c). On Federal lands, the scope of the identification effort will be determined by the DOS in consultation with the appropriate Federal land managing agency, applicable SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.

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2. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, as appropriate, consistent with 36 C.F.R. §§ 800.4(a), (b), and (c), before Keystone initiates construction activities (including vegetative clearing to comply with the Migratory Bird Treaty Act, if clearing is undertaken).
 - a. In the identification and evaluation of historic properties to which Indian tribes may attach religious and cultural significance, the DOS will take into consideration information submitted by Indian tribes to the DOS prior to construction through consultations and through the protocols for TCP studies, post-review discovery, and the Tribal Monitoring Plan, as set forth in this PA.
 - b. In the event identification of historic properties cannot be completed for any Construction Spreads prior to construction, Keystone will develop and submit a Coordination Plan to the DOS for review and approval pursuant to Stipulation V.D. The Coordination Plan must describe the measures Keystone will use to implement and complete the identification and evaluation of cultural resources and appropriate consultation before any historic properties are adversely affected by vegetation clearing and construction activities related to that spread.

C. Treatment of Historic Properties

1. Whenever feasible, avoidance of adverse effects to historic properties will be the preferred treatment. In consultation with the DOS, ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties, Keystone may elect to consider and implement avoidance measures prior to completing the evaluation of historic properties.

Avoidance measures may include:

- a. Avoidance through pipeline or access road route variation or Project feature relocation;
 - b. Avoidance through abandonment;
 - c. Avoidance through bore or horizontal directional drill;
 - d. Avoidance by narrowing the construction corridor (“neck down”); or
 - e. Avoidance through the use of existing roadways as Project access roads to the extent practicable.
2. When historic properties are identified in the APE pursuant to Stipulation V.B, the DOS will apply criteria of adverse effect consistent with 36 C.F.R. § 800.5(a) in consultation with the ACHP, SHPO, designated representatives of consulting Indian tribes, and other consulting parties. If the DOS finds that historic properties might be adversely affected by actions covered under this PA and within the APE, the DOS will consult with the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to determine prudent and feasible ways to avoid adverse effects.

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- a. Once the DOS approves avoidance measures, Keystone will implement those measures.
3. If the DOS determines that the adverse effect cannot be avoided, the DOS will consult with the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to determine those measures to be implemented by Keystone to minimize and mitigate adverse effects on affected historic properties identified in the APE.
 4. If, after consultation, the DOS determines that the adverse effect cannot be avoided, Keystone will draft a comprehensive Treatment Plan for each adversely affected historic property. The Treatment Plan will describe the measures identified by the DOS under Stipulation V.C.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the manner in which these measures will be carried out, and a schedule for their implementation.
 - a. When mitigation consists of or includes Data Recovery, the Treatment Plan also will identify the specific research questions to be addressed by Data Recovery with an explanation of their relevance, the archaeological methods to be used, and provisions for public interpretation and education, subject to Stipulation II restrictions, if any. Management summaries of all archaeological investigations must be submitted to the DOS, relevant Federal agencies, and the SHPO for review and approval prior to the commencement of construction activities and construction may be authorized on the basis of information contained in those summaries. Designated representatives of consulting Indian tribes will be notified for their information and awareness and may provide any relevant information to DOS and SHPO within nine (9) calendar days to inform their review of the summaries. Final reports must be submitted to the DOS and the SHPO for review within six months of the completion of the fieldwork.
 - b. A Treatment Plan may also include mitigation for adverse effects to historic districts, buildings and structures, and to TCPs and other properties of religious and cultural significance to Indian tribes. This mitigation may include the recordation of historic properties according to Historic American Building Survey/Historic American Engineering Record Standards and Guidelines for Architectural and Engineering Documentation. Other types of mitigation for adverse effects to historic districts, buildings, and structures, and to TCPs and other properties of religious and cultural significance to Indian tribes may also be described in the Treatment Plan. The mitigation proposed for an adverse effect to a historic district, building, and/or structure, and to TCPs and other properties of religious and cultural significance to Indian tribes will be commensurate with the level of significance and extent of adverse effect and will be determined in a manner consistent with Stipulation V.C.4.c.
 - c. Keystone will submit the draft Treatment Plan to the DOS, BLM (if applicable), ACHP, designated representatives of consulting Indian tribes, the SHPO of the

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applicable state, Montana Department of Environmental Quality (if applicable), Montana Department of Natural Resources and Conservation (if applicable), and other applicable consulting parties for a forty-five (45) calendar day review. Keystone will address timely comments and recommendations submitted by SHPOs, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Treatment Plan.

- d. When it has addressed all of the timely comments and recommendations, Keystone will submit the Final Treatment Plan to the DOS for review and approval. Keystone will also submit the Final Treatment Plan to the BLM for review and approval when involving lands subject to Stipulation III.C. The DOS and BLM will issue their final decision on the Treatment Plan within thirty (30) calendar days. Once the Final Treatment Plan is approved by the DOS (and the BLM if involving BLM-managed lands), copies of the Treatment Plan will be distributed to all SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.
5. Keystone will make a reasonable and good faith effort to complete implementation of the Final Treatment Plan approved by the DOS prior to beginning construction of any spread for which the Treatment Plan is required. If it is not possible to meet this schedule, Keystone will develop a Coordination Plan in accordance with Stipulation V.D that establishes how appropriate treatment will be determined and implemented during construction of the respective spread.

D. Coordination of Construction and Historic Preservation Activities

1. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties and potential historic properties, and the mitigation of adverse effects to them in accordance with Stipulations V.B and V.C prior to the initiation of vegetative clearing if vegetative clearing and construction on the Keystone XL spreads, including the Montana, South Dakota, and Nebraska spreads, is to be undertaken.
2. If these DOS activities cannot be completed prior to the start of vegetative clearing and construction of these spreads, Keystone will develop and provide to the DOS a detailed plan describing how the requirements of Stipulations V.B and V.C—identification, evaluation and treatment of historic properties—will be completed in coordination with vegetative clearing and construction activities in such a way that historic properties will not be adversely affected prior to the implementation of any mitigation measures.
 - a. A Coordination Plan will be prepared for each state and will include those measures developed by Keystone pursuant to Stipulations V.B and V.C to complete the identification and evaluation of historic properties, and, as appropriate, mitigation of adverse effects to them during and coordinated with vegetation clearing and construction activities. In addition, the Coordination Plan

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will include a schedule for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Attachment C, as appropriate.

- b. Keystone will submit the draft Coordination Plan for each state for such spreads, including the Kansas, Montana, South Dakota, and Nebraska spreads, to the DOS, BLM (as applicable), ACHP, SHPOs (as applicable), designated representatives of consulting Indian tribes, and consulting parties for forty-five (45) calendar day review. Keystone shall address timely comments and recommendations submitted by the applicable SHPO, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Coordination Plan for each state. When it has addressed all of the comments and recommendations, Keystone will submit the Final Coordination Plan for each state to the DOS for review. The DOS shall issue its final decision on the Coordination Plan for each state within thirty (30) calendar days. Following approval by the DOS, the Final Coordination Plan for each state will be distributed to all of the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.
3. Keystone will complete implementation of the Final Coordination Plan approved by the DOS during construction of the Kansas, Montana, South Dakota, and Nebraska spreads.
- E. Historic Trail and Archaeological Monitoring Plan (“HTAM Plan”) and Tribal Monitoring Plan
1. In consultation with the SHPOs and designated representatives of consulting Indian tribes, Keystone will monitor construction in selected areas of the APE of each spread as a supplement to identification efforts. Any historic properties identified by Keystone during monitoring will be treated in accordance with Stipulation VI.A and C.
 - a. The HTAM Plan outlines areas that have been previously identified by the DOS during identification and evaluation efforts that warrant monitoring during soil disturbing activities for potential effects to historic properties.
 - b. The Tribal Monitoring Plan outlines areas that have been previously identified by Indian tribes, either through the preparation of Traditional Cultural Property reports or through consultation, that warrant monitoring during clearing and trenching for potential effects to previously unidentified historic properties that may include properties of religious and cultural significance to an Indian tribe and that meet the National Register criteria (See 36 C.F.R. § 800.16(1)(1)).
 2. Historic Trail monitoring will be performed by a professional who either meets the qualification standards for archaeology established in Stipulation I.A or is under the on-site supervision of such a professional.

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3. At the discretion of the DOS, tribal monitors may substitute other types of experience with construction monitoring and/or traditional cultural knowledge for the degrees required by the Professional Qualification Standards. DOS may also consider other accommodations regarding education and experience where allowed by the Standards and implementing guidance.
4. In consultation with the DOS, Keystone will consider information provided by Indian tribes in a timely manner when completing the identification of historic properties before construction begins as set forth in Stipulation V.B and in the HTAM Plan and Tribal Monitoring Plan provided for under Stipulation V.E. Keystone will ensure that tribal monitors have reasonable access to Project construction sites and activities. In those areas previously identified by Indian tribes as needing monitoring, the Tribal Monitoring Plan stipulates that at least one monitor will be used per Construction Spread depending upon the extent and location of construction activities, as well as the relative historic importance of each Spread to each Indian tribe.
5. Keystone has submitted a plan for historic trail and archaeological monitoring and tribal monitoring for each spread to the DOS, BLM, ACHP, SHPO, designated representatives of consulting Indian tribes, and Consulting Parties for review and comment prior to the signing of this PA. The Tribal Monitoring Plan and HTAM Plan are attached to this PA in Attachments E and F.
6. Keystone will implement the HTAM Plan and Tribal Monitoring Plan for each spread that has been approved by the DOS.

F. Construction

1. Lead Environmental Inspector (EI): Prior to initiating vegetative clearing or construction, Keystone will employ the Lead EI whose responsibilities will include ensuring compliance with the terms of this PA. In meeting this responsibility, the Lead EI will rely on the technical expertise of on-site professionals who meet the standards established in Stipulation I.A and tribal monitors with experience outlined in Stipulation V.E.3.
 - a. The Lead EI will monitor construction activities on-site and prepare a daily log, reporting to Keystone and designated representatives of consulting Indian tribes on activities performed to implement the terms of this PA, as appropriate. Keystone will make the daily log available to the DOS and SHPOs, and other consulting parties upon request.
 - b. Keystone will ensure through the construction contract that the Lead EI will possess the authority to stop construction in the event of an inadvertent discovery in accordance with Stipulation VI.A and Attachment C.

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2. **Training:** Keystone will ensure that, if the Lead EI does not meet the professional qualification standards established in Stipulation I.A, the Lead EI will receive appropriate training in historic preservation from a professional who meets the standards established in Stipulation I.A in order to perform the requirements of this PA. Keystone also will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in Stipulation I.A to all construction personnel (including new, added, replaced workers) so that PA requirements are understood and unanticipated discoveries quickly identified. Keystone will conduct this training prior to initiating vegetative clearing or construction activities on a spread. Keystone also will conduct periodic refresher training during construction of the spread.
3. **Construction Contract:** Keystone will incorporate the terms of Stipulation VI.A and Attachment C into construction contracts to ensure that its Lead EI and construction contractors meet their responsibility for notification of the unanticipated discoveries.

F. Scheduling

The DOS may authorize the start of vegetative clearing and construction for an individual spread when the plans prepared in accordance with Stipulations V.D and V.E as appropriate for that spread, have been submitted by Keystone and approved by the DOS in accordance with the terms of this PA.

VI. UNANTICIPATED DISCOVERIES OR ADVERSE EFFECTS DURING CONSTRUCTION OF THE KEYSTONE XL PROJECT

A. Pipeline Construction

1. “Applicable Federal agency” is the Federal agency with jurisdiction for the land on which construction is occurring or, in the absence of such an agency, the DOS, as appropriate.
2. If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly or unanticipated adverse effects on previously identified historic properties occur as pipeline construction activities are carried out within the one-hundred-and-ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery or adversely affected historic property, notify the Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:
 - a. Inspect the work site to determine the extent of the discovery or adverse effect and ensure that construction activities have halted;
 - b. Clearly mark the area of the discovery or adverse effect;

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- c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery or adversely affected historic property from looting and vandalism; and
 - d. Notify the applicable Federal agency, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the discovery or adverse effect.
3. In the case of an unanticipated discovery, the applicable Federal agency will notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The applicable Federal agency will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPOs, designated representatives of consulting Indian tribes, other consulting parties, and Keystone. The applicable Federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 consistent with 36 C.F.R. § 800.13(c).
4. For discovered properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable Federal agency will notify the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will have ninety-six (96) hours to provide their views on the proposed actions.
 - b. The applicable Federal agency will ensure that the timely filed recommendations of SHPOs, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.
 - c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. In the case of unanticipated adverse effects to a previously identified historic property, the applicable Federal agency will notify the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
 - b. The applicable Federal agency will ensure that the timely filed recommendations of SHPOs, designated representatives of consulting Indian tribes, and other

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consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to mitigate adverse effects.

- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the affected property.
6. **Dispute Resolution:** The applicable Federal agency will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI.A. The applicable Federal agency will use the contact information provided in Attachment D to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the applicable Federal agency recommendations on resolving the dispute. The applicable Federal agency will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

B. Construction or Modification of Electrical Facilities

1. If previously unidentified historic properties are discovered unexpectedly during construction or modification of transmission facilities funded by the RUS, the RUS borrower's construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery, notify the RUS borrower of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the RUS borrower shall:
 - a. Notify the RUS Contact (and BLM Contact if discovery occurs on BLM land);
 - b. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - c. Clearly mark the area of the discovery; and
 - d. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
2. Upon receipt of such notification the RUS and, if applicable, BLM will coordinate the notification of SHPOs, designated representatives of consulting Indian tribes, and other consulting parties and notify the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the discovery.
3. The RUS and, if applicable, BLM will have seven (7) calendar days following notification provided in accordance with Stipulation VI.B.1 to determine the National Register eligibility of the discovery in consultation with the SHPOs, designated representatives of consulting Indian tribes, other consulting parties, and the borrower. The RUS and, if applicable, BLM may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 C.F.R. § 800.13(c).

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4. For properties determined eligible, or treated as such, pursuant to Stipulation VI.B.3, the RUS, in coordination with the BLM (if applicable), will notify the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will provide their views on the proposed actions within ninety-six (96) hours. The RUS will ensure that the timely filed recommendations of the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of those actions that the borrower will implement to resolve adverse effects. Once RUS approval has been granted, its borrower will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: The RUS and, if applicable, BLM will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding the resolution of adverse effects that relate to the implementation of Stipulation VI.B. The applicable Federal agency will use the contact information provided in Attachment D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the RUS and, if applicable, BLM with its recommendations for resolving the dispute. The RUS and, if applicable, BLM will take into account any recommendations provided by the ACHP in making a final decision about how to proceed.
6. Reporting: No later than six (6) months following the resumption of construction within the location of the discovery, the RUS will submit a final report to the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties describing implementation of the actions taken in accordance with Stipulation VI.B and, as appropriate, the analysis and interpretation of recovered information.

C. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects

1. When Native American human remains or funerary objects or objects of cultural patrimony are unexpectedly discovered during construction of the Keystone XL Project on Federal or tribal lands within the APE, Keystone or an RUS borrower, as appropriate, will notify immediately the Federal agency responsible for compliance with the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et. seq., and its implementing regulations, 43 C.F.R. Part 10.
2. Non-Native American human burials and remains, and funerary objects discovered on Federal lands within the APE will be treated by the Federal agency having jurisdiction of the remains in accordance with applicable Federal law, taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).
3. The DOS, Western, and RUS will treat human burials and remains discovered on non-Federal land consistent with the provisions of Attachment C and any applicable

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federal, state, and local burial laws. In those instances where the USACE has jurisdiction under Section 10 or 404 permitting authority for non-Federal lands in the APE, the applicable Federal agencies will ensure that Keystone complies with the provisions of Attachment C acting in the place of the DOS. In determining appropriate actions to be carried out, the DOS, RUS, and/or other Federal agencies will be guided by the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).

VII. CURATION

- A. Federal agencies will curate any artifacts, materials or records resulting from archaeological identification and mitigation conducted on Federal lands under their jurisdiction in accordance with 36 C.F.R. Part 79, "*Curation of Federally-Owned and Administered Archaeological Collections.*" Federal agencies with jurisdiction over the Federal lands will consult with Indian tribes consistent with 36 C.F.R. 79.
- B. Keystone and RUS borrowers will return all artifacts recovered from private lands to the respective landowner after analysis is complete, unless applicable state law requires otherwise. Keystone and RUS borrowers will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the respective SHPO. Keystone shall pay all required curation fees associated with the donation of artifacts to the local curation facility.
- C. On Federally controlled or owned properties, Federal agencies will determine the disposition of human burials, human remains and funerary objects in accordance with applicable Federal law.

VIII. REPORTING

- A. Within three (3) months of completion of pipeline construction of a spread, Keystone will submit a comprehensive draft report to the DOS describing the results and findings of the implementation of the actions and plans specified in Stipulations V.C through G, VI.A, including Attachment C.
- B. Keystone will submit a draft comprehensive report for each spread to the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the respective states in which the spread is located, for forty-five (45) day review and comment. Keystone shall address timely comments and recommendations submitted by ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Comprehensive Report for that spread. Keystone will submit the final report to the DOS for review and approval. The final comprehensive report will be provided by the DOS to the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties once approved.

IX. MONITORING IMPLEMENTATION OF THE PA

Each quarter following the execution of this PA until it expires or is terminated, the DOS with the assistance of the USACE, BLM, RUS, FSA, NRCS, BIA, and USBR as necessary will provide the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to this PA a progress report summarizing the work carried out pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this PA. The DOS will maintain and update a list of the current contact for the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties and will be distributed in each quarterly report.

X. DISPUTE RESOLUTION

- A. “Appropriate Federal agency” refers to the DOS, BLM, RUS, USBR, and USACE, or other Federal land managing and/or permitting agency as applicable.
- B. Should any signatory, invited signatory, or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the appropriate Federal agency will consult with such party to resolve the objection. If the appropriate Federal agency determines that such objection cannot be resolved, the appropriate Federal agency will:
 - 1. Forward all documentation relevant to the dispute, including the applicable Federal agency’s proposed resolution, to the ACHP. The ACHP will provide the appropriate Federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the appropriate Federal agency will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, invited signatories, and concurring parties, and provide them with a copy of this written response. The appropriate Federal agency will then proceed according to its final decision.
 - 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable Federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate Federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories, invited signatories, and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The Federal agencies are responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.
- D. The process of dispute resolution outlined in Stipulation X does not pertain to disputes that arise from unanticipated discoveries covered in Stipulation VI.

XI. DURATION

This PA will be null and void if all of its stipulations have not been carried out within seven (7) years from the date of its execution. At such time, and prior to work continuing on the Keystone XL Project, the DOS will either: (a) execute a Memorandum of Agreement (MOA) or PA consistent with 36 C.F.R. §§ 800.6 or 800.14(b), respectively; or (b) request, take into account, and respond to the comments of the ACHP consistent with 36 C.F.R. § 800.7. Prior to such time, the DOS may consult with the other signatories and invited signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII. The DOS will notify the signatories, invited signatories, and concurring parties as to the course of action they will pursue.

XII. AMENDMENT

Any signatory or invited signatory to this PA may propose in writing that it be amended. The signatories and invited signatories will consult in an effort to reach agreement on an amendment. Any amendment will be effective on the date it is signed by all of the signatories and invited signatories and filed with the ACHP.

XIII. TERMINATION

- A. If any signatory or invited signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories and invited signatories to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days an amendment cannot be reached, any signatory or invited signatory may terminate the PA upon written notification to the other signatories and invited signatories.
- B. Termination by an individual SHPO shall only terminate the application of this PA within the jurisdiction of the SHPO.
 - 1. Once the PA is terminated for an individual state, and prior to work continuing on the undertaking in that state, DOS must either (a) execute a PA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. DOS shall notify the signatories as to the course of action it will pursue.
- C. If the PA is terminated in its entirety, and prior to work continuing on the undertaking, the DOS shall request, take into account, and respond to the comments of the ACHP consistent with 36 C.F.R. § 800.7(a). Following consultation with the ACHP, the DOS will notify the signatories, invited signatories and concurring parties as to the course of action it will pursue.

XIV. COORDINATION WITH OTHER FEDERAL REVIEWS

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In the event that Keystone or a Federal agency applies for additional Federal funding or approvals for the Keystone XL Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with the applicable SHPOs, designated representatives of consulting Indian tribes, and the ACHP. Any necessary modifications will be considered in accordance with Stipulation XII.

XV. SCOPE OF THE PA

This PA is limited in scope to actions that will facilitate the construction of the Keystone XL Project and related facilities, and is entered into solely for that purpose.

EXECUTION of this PA by the DOS, ACHP, BLM, RUS, Western, USACE, USBR, NPS, NRCS, FSA, BIA, the Montana SHPO, South Dakota SHPO, Nebraska SHPO, and Kansas SHPO and implementation of its terms evidence that the DOS, Western, BLM, RUS, NRCS, FSA, BIA, USACE, USBR, and NPS have taken into account the effects of the Keystone XL Project on historic properties and afforded the ACHP an opportunity to comment.

Deborah Klepp / PK for _____ *December 23, 2013*

**Deborah Klepp
Director**

Date

**Office of Environmental Quality and Transboundary Issues
Bureau of Oceans and International Environmental and Scientific Affairs
United States Department of State**

**Programmatic Agreement
SECTION 3 – Signatory Parties**

**Keystone XL Pipeline Project
December 2013**



Corm Cam s ell
Acting Regional Director, Intermountain Region
National Park Service

434 0/3

Date



18 DEC 2013

Joel R. Cross
Colonel, Corps of Engineers
District Commander

Date

Bennet Horter

12/17/2013

Bennet Horter
Federal Preservation Officer
United States Department of Agriculture Farm Service Agency

Date

Salvador Salinas

12-17-13

Salvador Salinas

Date

State Conservationist

United States Department of Agriculture Natural Resources Conservation Services

Mark S. Plank

12/17/13

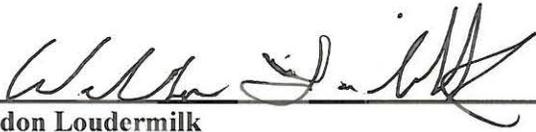
Mark S. Plank
Director, Engineering and Environmental Staff
United States Department of Agricultural Rural Utilities Service

Date

Programmatic Agreement
SECTION 3 – Signatory Parties

Keystone XL Pipeline Project
December 2013

021799



Weldon Loudermilk
Great Plains Regional Director
United States Bureau of Indian Affairs

12-18-13

Date

Diane M Friez

12/18/2013

Diane Friez
District Manager, Eastern Montana/Dakotas District
Bureau of Land Management

Date



Michael J. Ryan
Regional Director, Great Plains Region
Bureau of Reclamation

DECEMBER 18, 2013

Date

Robert J. Harris

12/19/13

Robert Harris
Regional Manager, Upper Great Plains Region
Western Area Power Administration (WESTERN)

Date

John M. Fowler

**John M. Fowler
Executive Director
Advisory Council on Historic Preservation**

12/19/13
Date

**Programmatic Agreement
SECTION 3 – Signatory Parties**

**Keystone XL Pipeline Project
December 2013**

021804

Patrick Selmer DSHPO for

12-17-13

**Jennie Chinn
State Historic Preservation Officer
Kansas**

Date


Tracy Stone-Manning
Director
Montana Department of Environmental Quality
(Invited Signatory)

12.19.13

Date



12-19-13

John Tubbs
Director

Date

Montana Department of Natural Resources and Conservation
(Invited Signatory)

Mark Baunler

Mark Baunler
State Historic Preservation Officer
Montana

12/18/2013

Date

Programmatic Agreement
SECTION 3 – Signatory Parties

Keystone XL Pipeline Project
December 2013

021808



Michael J. Smith
State Historic Preservation Officer
Nebraska

Dec. 18, 2013

Date

Programmatic Agreement
SECTION 3 – Signatory Parties

Keystone XL Pipeline Project
December 2013

021809



Jay D. Vogt
State Historic Preservation Officer
South Dakota

17 Dec 13

Date



Dec 18 / 13

Corey Goulet
Vice President
TransCanada Pipelines Limited
(Invited Signatory)

Date

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ATTACHMENT A

The following table summarizes the proposed Project areas for which Keystone has yet to conduct identification and evaluation studies as of the finalization of the PA. The majority of these proposed Project areas have been denied access versus new areas that have yet to surveyed.

Areas Not Surveyed Along the Proposed Project APE		
State	Project Area Type	Cultural Survey Remaining (acres)
Montana	ROW	0.00
Montana	Pump Stations	0.00
Montana	Ancillary facilities	0.00
Montana	Access Roads	0.00
South Dakota	ROW	23.70
South Dakota	Pump Stations	0.00
South Dakota	Ancillary facilities	0.00
South Dakota	Access Roads	0.00
Nebraska	ROW	937.65
Nebraska	Pump Stations	43.45 ¹
Nebraska	Ancillary facilities	N/A ²
Nebraska	Access Roads	33.05 ³
Total		1037.85^{1, 2, 3}
¹ Pump stations in Nebraska have been surveyed for multiple locations. ² Additional ancillary facilities may be needed, however, are not known at this time. ³ Additional access roads may be needed, however, are not known at this time.		

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ATTACHMENT B

1. Absentee-Shawnee Tribe of Indians of Oklahoma
2. Alabama-Coushatta Tribes of Texas
3. Alabama-Quassarte Tribal Town, Oklahoma
4. Apache Tribe of Oklahoma
5. Arapahoe Tribe of the Wind River Reservation, Wyoming (aka Northern Arapaho Tribe)
6. Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (aka Fort Peck Tribes)
7. Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
8. Cherokee Nation, Oklahoma
9. Cheyenne and Arapaho Tribes, Oklahoma
10. Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
11. Chickasaw Nation, Oklahoma
12. Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
13. Choctaw Nation of Oklahoma
14. Comanche Nation, Oklahoma
15. Confederated Salish & Kootenai Tribes of the Flathead Indian Nation, Montana
16. Confederated Tribes of the Goshute Reservation, Nevada and Utah
17. Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
18. Crow Tribe of Montana
19. Delaware Tribe of Indians, Oklahoma
20. Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
21. Eastern Band of Cherokee Indians of North Carolina
22. Eastern Shawnee Tribe of Oklahoma
23. Ely Shoshone Tribe of Nevada
24. Flandreau Santee Sioux Tribe of South Dakota
25. Forest County Potawatomi Community, Wisconsin
26. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (aka Gros Ventre and Assiniboine Tribe of Ft. Belknap)
27. Hannahville Indian Community, Michigan
28. Ho-Chunk Nation of Wisconsin
29. Iowa Tribe of Kansas and Nebraska
30. Iowa Tribe of Oklahoma
31. Jena Band of Choctaw Indians, Louisiana
32. Kaw Nation, Oklahoma
33. Kialegee Tribal Town, Oklahoma
34. Kickapoo Traditional Tribe of Texas
35. Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
36. Kiowa Indian Tribe of Oklahoma
37. Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
38. Lower Sioux Indian Community in the State of Minnesota
39. Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan (aka Gun Lake Potawatomi)

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40. Mille Lacs Band of Minnesota Chippewa Tribes, Minnesota
41. Modoc Tribe of Oklahoma
42. Nez Perce Tribe, Idaho
43. Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
44. Nottawaseppi Huron Band of the Potawatomi, Michigan (aka Huron Potawatomi Nation)
45. Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
46. Omaha Tribe of Nebraska
47. Osage Nation, Oklahoma
48. Otoe-Missouria Tribe of Indians, Oklahoma
49. Pawnee Nation of Oklahoma
50. Poarch Band of Creek Indians of Alabama
51. Pokagon Band of Potawatomi Indians, Michigan and Indiana
52. Ponca Tribe of Indians of Oklahoma
53. Ponca Tribe of Nebraska
54. Prairie Band of Potawatomi Nation, Kansas
55. Prairie Island Indian Community in the State of Minnesota
56. Red Lake Band of Chippewa Indians, Minnesota
57. Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
58. Sac & Fox Nation of Missouri in Kansas and Nebraska
59. Sac & Fox Nation, Oklahoma
60. Sac & Fox Tribe of the Mississippi in Iowa
61. Santee Sioux Nation, Nebraska
62. Seneca-Cayuga Tribe of Oklahoma
63. Shakopee Mdewakanton Sioux Community of Minnesota
64. Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
65. Shoshone Tribe of the Wind River Reservation, Wyoming (aka Eastern Shoshone Tribe)
66. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
67. Skull Valley Band of Goshute Indians of Utah
68. Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
69. Spirit Lake Tribe, North Dakota
70. Standing Rock Sioux Tribe of North & South Dakota
71. Stockbridge Munsee Community, Wisconsin
72. Thlopthlocco Tribal Town, Oklahoma
73. Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
74. Tonkawa Tribe of Indians of Oklahoma
75. Turtle Mountain Band of Chippewa Indians of North Dakota
76. United Keetoowah Band of Cherokee Indians in Oklahoma
77. Upper Sioux Community, Minnesota
78. Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (aka Ute Indian Tribe, also Northern Ute Tribe)
79. Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah
80. White Earth Band of Minnesota Chippewa Tribes, Minnesota
81. Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
82. Winnebago Tribe of Nebraska
83. Yankton Sioux Tribe of South Dakota
84. Ysleta Del Sur Pueblo of Texas

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ATTACHMENT C

Plans for the Unanticipated Discovery of Cultural Resources

If previously unidentified cultural resources are discovered by monitors or construction personnel unexpectedly, Keystone will follow the procedures described in the state-specific plans included in this attachment for (1) Montana, (2) South Dakota, (3) Nebraska, (4) North Dakota, and (5) Kansas. If the following plans conflict in any way with Keystone's obligations under the Programmatic Agreement and Tribal Monitoring Plan, Keystone will follow the procedures described in the Programmatic Agreement and Tribal Monitoring Plan.

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UNANTICIPATED DISCOVERIES PLAN

I. Unanticipated Discoveries Plan for the Keystone XL project corridor (Project) in Montana

If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly or unanticipated adverse effects on previously identified historic properties occur as pipeline construction activities are carried out within the one-hundred-and-ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery or adversely affected historic property, notify the Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism.

Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:

- a. Inspect the work site to determine the extent of the discovery or adverse effect and ensure that construction activities have halted;
- b. Clearly mark the area of the discovery or adverse effect;
- c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery or adversely affected historic property from looting and vandalism; and
- d. Notify the DOS, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of the discovery or adverse effect.

In the case of an unanticipated discovery, DOS will notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The DOS will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPO, MDEQ, designated representatives of consulting Indian tribes, other consulting parties, and Keystone. The applicable Federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 consistent with 36 C.F.R. § 800.13(c).

For discovered properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable Federal agency will notify the ACHP, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.

- a. SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties will have ninety-six (96) hours to provide their views on the proposed actions.
- b. DOS will ensure that the timely filed recommendations of SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.

- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.

In the case of unanticipated adverse effects to a previously identified historic property, the applicable Federal agency will notify the ACHP, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.

- a. SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
- b. DOS will ensure that the timely filed recommendations of SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to mitigate adverse effects.
- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the affected property.

Dispute Resolution: DOS will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI. DOS will use the contact information provided in Attachment C or D to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide DOS recommendations on resolving the dispute. DOS will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

II. Accidental Discovery of Human Remains on state or private lands

All human burials and funerary objects in the state of Montana are protected pursuant to the Human Skeletal Remains and Burial Site Protection Act (Montana Code Ann. §22-3-801 through §22-3-811).

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, Keystone or its designated representative shall immediately cease work within 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving human remains or other items shall occur after the initial discovery. Protection measures will include the following.

- a) Flag the buffer zone around the find spot.
- b) Keep workers, press, and curiosity seekers, away from the find spot.
- c) Tarp the find spot.
- d) Prohibit photography of the find unless requested by an agency official.
- e) Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

Keystone will immediately notify local law enforcement, DOS, SHPO, and MDEQ within forty-eight (48) hours of the discovery. DOS shall notify the SHPO, MDEQ, Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery. If local law enforcement determines that the remains are not associated with a crime, DOS shall determine if it is prudent and feasible to avoid disturbing the remains. If DOS in consultation with the Keystone determines that disturbance cannot be avoided, the DOS shall consult with the SHPO, MDEQ, Indian tribes, and other consulting parties to determine acceptable procedures for the removal, treatment and disposition of the burial or remains. The DOS shall ensure that Keystone implements the plan for removal, treatment and disposition of the burial or remains as authorized by the SHPO. The DOS shall notify Keystone that they may resume construction activities in the area of the discovery upon completion of the plan authorize as by the SHPO.

Contact Information:

Stan Wilmoth
State Archaeologist
State Historic Preservation Office
P.O. Box 201203
Helena, MT 59620
406-444-7719
swilmoth@mt.gov

James Strait, RPA
Montana DEQ/EMB/MFSA
1520 East 6th Avenue
P.O. Box 200901
Helena, MT 59620
Office: 406-444-6765
Cell: 406-696-1267
jstrait@mt.gov

Craig Jones
Montana DEQ/EMB/MFSA
1520 East 6th Avenue
P.O. Box 200901
Helena, MT 59620
406-444-0514
crajones@mt.gov

III. Unanticipated Discovery of Human Burials, Remains, and Funerary Objects on Federal Lands

For the accidental discovery of human burials, remains, and funerary objects on Federal lands please reference Stipulation VI.(C) of the PA.

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UNANTICIPATED DISCOVERIES PLAN

I. Unanticipated Discoveries Plan for the Keystone XL project corridor (Project) in South Dakota

1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the project area (area of potential effect), Project shall halt immediately all construction work within 100 feet (30.5 m) of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. The area of the discovery will be clearly marked by means of flagging or fencing.
2. The construction contractor will notify a designated representative of Project of the discovery. Following notification of the discovery, the designated representative of Project will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the State Historic Preservation Office (SHPO) or by the SHPO in consultation with the archaeologist retained by Project.
3. Within 14 calendar days of the original notification of discovery, the archaeologist retained by Project, in consultation with the SHPO, will determine the National Register eligibility of the resource. The SHPO or Project may extend this 14-day calendar period one time by an additional 7 calendar days, with Project providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
4. If the resource is determined eligible for the National Register, Project shall submit to the SHPO and the Department of State (DOS) a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Said plan will be submitted to the SHPO and the DOS within 14 calendar days of a determination of eligibility, and shall be approved by the SHPO and the DOS prior to implementation.
5. Work in the affected area may resume per SHPO authorization pending either:
 - i. development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
 - ii. determination that the located remains are not eligible for inclusion on the National Register.
6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved through consultation among the SHPO, a designated representative of Project, and the archaeologist retained by Project.

II. Accidental Discovery of Human Remains on state or private lands

All human burials and funerary objects in the state of South Dakota are protected pursuant to South Dakota Codified Law Chapter 34-27-25, 34-27-28, 34-27-31.

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, Project or its designated representative shall immediately cease work within 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving human remains or other items shall occur after the initial discovery. Protection measures will include the following.

- a) Flag the buffer zone around the find spot.
- b) Keep workers, press, and curiosity seekers, away from the find spot.
- c) Tarp the find spot.
- d) Prohibit photography of the find unless requested by an agency official.
- e) Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

Project will immediately notify local law enforcement, the DOS, and the South Dakota State Archaeologist (State Archaeologist) within forty-eight (48) hours of the discovery. The DOS shall notify the SHPO, Indian tribes and other consulting parties within forty-eight (48) hours of the discovery. If local law enforcement determines that the remains are not associated with a crime, the DOS shall determine if it is prudent and feasible to avoid disturbing the remains. If the DOS in consultation with the Project determines that disturbance cannot be avoided, the DOS shall consult with the State Archaeologist, SHPO, Indian tribes and other consulting parties to determine acceptable procedures for the removal, treatment and disposition of the burial or remains. The DOS shall ensure that the Project implements the plan for removal, treatment and disposition of the burial or remains as authorized by the State Archaeologist. The DOS shall notify the Project that they may resume construction activities in the area of the discovery upon completion of the plan authorize as by the State Archaeologist.

Contact Information:

James K. Haug, State Archaeologist
South Dakota State Historical Society
Archaeological Research Center
PO Box 1257
Rapid City, SD 57709
(605) 394-1936

Katie Lamie, Repository Manager
South Dakota State Historical Society
Archaeological Research Center
PO Box 1257
Rapid City, SD 57709
(605) 394-1936

Paige Olson, Review and Compliance Coordinator
South Dakota State Historical Society
State Historic Preservation Office
900 Governors Drive
Pierre, SD 57501
(605) 773-3458

Amy Rubingh, Review and Compliance Archaeologist
South Dakota State Historical Society
State Historic Preservation Office
900 Governors Drive
Pierre, SD 57501
(605) 773-3458

III. Unanticipated Discovery of Human Burials, Remains, and Funerary Objects on Federal Lands

For the accidental discovery of human burials, remains, and funerary objects on Federal lands please reference Stipulation VI.(C) of the PA.

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UNANTICIPATED DISCOVERIES PLAN

I. Unanticipated Discoveries Plan for the Keystone XL project corridor (Project) in Nebraska

1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the project area (area of potential effect), Project shall halt immediately all construction work within 100 feet (30.5 m) of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. The area of the discovery will be clearly marked by means of flagging or fencing.
2. The construction contractor will notify a designated representative of Project of the discovery. Following notification of the discovery, the designated representative of Project will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the State Historic Preservation Office (SHPO) or by the SHPO in consultation with the archaeologist retained by Project.
3. Within 14 calendar days of the original notification of discovery, the archaeologist retained by Project, in consultation with the SHPO, will determine the National Register eligibility of the resource. The SHPO or Project may extend this 14-day calendar period one time by an additional 7 calendar days, with Project providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
4. If the resource is determined eligible for the National Register, Project shall submit to the SHPO and the Department of State (DOS) a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Said plan will be submitted to the SHPO and the DOS within 14 calendar days of a determination of eligibility, and shall be approved by the SHPO and the DOS prior to implementation.
5. Work in the affected area may resume per SHPO authorization pending either:
 - i. development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
 - ii. determination that the located remains are not eligible for inclusion on the National Register.
6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved through consultation among the SHPO, a designated representative of Project, and the archaeologist retained by Project.

II. Accidental Discovery of Human Remains

All human burials in the state of Nebraska are protected by law. In the event that human remains or burials are encountered during additional archaeological investigations or construction

activities, Project or its designated representative shall immediately cease work within 100 feet (30.5 m) of the discovery, cover the burial with impermeable plastic sheeting, and mark it with lathing stakes or fencing. Project will immediately notify both the SHPO, and in accordance with Nebraska Rev. Stat. §12- 1201 through §12-1212 (unmarked Human Burial Law), the local county coroner. If human skeletal remains appear to be from an unregistered grave, the coroner shall notify the SHPO within 24 hours. If the human remains are determined to be Native American, they will be handled in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA). Work in the affected area may resume per SHPO authorization.

SHPO Contact Information:

L. Robert Puschendorf (Deputy SHPO)

State Historic Preservation Office

Nebraska State Historical Society

P.O. Box 82554

Lincoln, Nebraska 68501

Tele: 402-471-4787

Fax: 402-471-3316

UNANTICIPATED DISCOVERIES PLAN

- I. Unanticipated Discoveries Plan for the Keystone XL project corridor (the Project) in North Dakota
 1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the project area (area of potential effect), the Project shall halt immediately all construction work within 100 feet (30.5 m) of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. The area of the discovery will be clearly marked by means of flagging or fencing.
 2. The construction contractor will notify a designated representative of the Project of the discovery. Following notification of the discovery, the designated representative of the Project will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the State Historic Preservation Office (SHPO) or by the SHPO in consultation with the Project archaeologist.
 3. Within 14 calendar days of the original notification of discovery, the Project archaeologist, in consultation with the SHPO, will evaluate the National Register eligibility of the resource. The SHPO or the Project may extend this 14-day calendar period one time by an additional 7 calendar days, with the Project providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
 4. If the resource is determined eligible for the National Register, the Project shall submit to the SHPO and the Department of State (DOS) a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Said plan will be submitted to the SHPO and the DOS within 14 calendar days of a determination of eligibility, and shall be approved by the SHPO and the DOS prior to implementation.
 5. Work in the affected area may resume per SHPO authorization pending either:
 - i. development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
 - ii. determination that the located remains are not eligible for inclusion on the National Register.
 6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved through consultation among the SHPO, a designated representative of Project, and the Project archaeologist.

II. Accidental Discovery of Human Remains

All human burials in the state of North Dakota are protected by law. In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, the Project or its designated representative shall immediately cease work within 100 feet (30.5 m) of the discovery, cover the burial with impermeable plastic sheeting, and mark it with lathing stakes or fencing. The Project will immediately notify local law enforcement and the State Historical Society of North Dakota (Protection of human burial sites, human remains, and burial goods; North Dakota Century Code 23-06-27). Work in the affected area may resume per SHPO authorization.

SHPO Contact Information:
Fern Swenson (Deputy SHPO)
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505
Phone: 701.328.2666
Fax: 701.328.3710

UNANTICIPATED DISCOVERIES PLAN

- I. Unanticipated Discoveries Plan for the Keystone XL project corridor (“Project”) in Kansas
 1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the project area (area of potential effect), Project shall halt immediately all construction work within 100 feet (30.5 m) of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. The area of the discovery will be clearly marked by means of flagging or fencing.
 2. The construction contractor will notify a designated representative of Project of the discovery. Following notification of the discovery, the designated representative of Project will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the State Historic Preservation Office (SHPO) or by the SHPO in consultation with the archaeologist retained by Project.
 3. Within 14 calendar days of the original notification of discovery, the archaeologist retained by Project, in consultation with the SHPO, will determine the National Register eligibility of the resource. The SHPO or Project may extend this 14-day calendar period one time by an additional 7 calendar days, with Project providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
 4. If the resource is determined eligible for the National Register, Project shall submit to the SHPO and the Department of State (DOS) a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Said plan will be submitted to the SHPO and the DOS within 14 calendar days of a determination of eligibility, and shall be approved by the SHPO and the DOS prior to implementation.
 5. Work in the affected area may resume per SHPO authorization pending either:
 - i. development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
 - ii. determination that the located remains are not eligible for inclusion on the National Register.
 6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved through consultation among the SHPO, a designated representative of Project, and the archaeologist retained by Project.

II. Accidental Discovery of Human Remains

All human burials in the state of Kansas are protected by law. In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, Project or its designated representative shall immediately cease work within 100 feet of the discovery, cover the burial with impermeable plastic sheeting, and mark it with lathing stakes or fencing. Project will immediately notify both the SHPO, and in accordance with Kansas Code §75-2741, et seq. (unmarked Human Burial Law), local law enforcement. If human skeletal remains appear to be from an unregistered grave, the coroner shall notify the SHPO within 24 hours. If the human remains are determined to be Native American, they will be handled in accordance with NAGPRA. Work in the affected area may resume per SHPO authorization.

SHPO Contact Information:

Jennie Chinn
State Historic Preservation Officer
Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, Kansas 66615-1099
Ph. 785-272-8681 Ext. 205
Fax 785-272-8682
Email jchinn@kshs.org

DOS Contact Information:

U.S. Department of State
OES/ENV
NEPA Coordinator and International Affairs Officer
Tele: 202-647-4284
Fax: 202-647-1052
Cell: 240-723-3157
orlandoea2@state.gov

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ATTACHMENT D

A. CONTACTS AT FEDERAL AND STATE AGENCIES

Department of State

Jack Jackson, Jr.
Senior Advisor and Liaison for
Native American Affairs
2201 C Street NW, Suite 3880
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202-647-8309
JacksonJ3@state.gov

Travis Grout
Project Manager
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Washington, D.C. 20520
202-647-4284
GroutTA@state.gov

Advisory Council on Historic Preservation

Reid Nelson
Director of the Office of Federal Agency
Programs
1100 Pennsylvania Avenue, NW
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Washington, D.C., 20004
rnelson@achp.gov

John Eddins
Program Analyst

1100 Pennsylvania Avenue, NW
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jeddings@achp.gov

U.S. Bureau of Land Management

Diane Friez
District Manager, Eastern Montana/Dakotas Office
Department of the Interior
Bureau of Land Management
111 Garryowen Road
Miles City, MT 59301
406-233-2892

National Park Service

Dan Wiley
Chief of Resources Stewardship, Lewis and Clark Historic Trail
601 Riverfront Drive
Omaha, NE 68102
402-661-1830
Dan_Wiley@nps.gov

U.S. Army Corps of Engineers

Cathy Juhas
Project Manager Billings Regulatory Office
2602 1st Avenue N.
Suite 309
PO BOX 2256

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Billings, MT 59103
406-657-5910
Fax 406-657-5911

U.S. Department of Agriculture Rural Utilities Service

Mark S. Plank
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1400 Independence Avenue, SW
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fax: 202-720-0820
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Laura Dean
Federal Preservation Officer
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Washington, DC 20250
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Deirdre Remley
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Mail Stop 1571
Washington, DC 20250
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U.S. Department of Agriculture Natural Resources Conservation Service

Andrée DuVarney
National Environmental Coordinator
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Andree.DuVarney@wdc.usda.gov

Sarah Bridges
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Sarah.Bridges@wdc.usda.gov

U.S. Department of Agriculture Farm Services Agency

Bennett Horter
Federal Preservation Officer
USDA/FSA/CEPD
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202-690-1164

U.S. Bureau of Indian Affairs

Dr. Carson Murdy
Regional Archaeologist
Bureau of Indian Affairs, Great Plains Region
115 4th Ave. SE, Suite 400
Aberdeen, SD 57401
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carson.murdy@bia.gov

Western Area Power Administration

Rod O'Sullivan
Environmental Protection Specialist
Upper Great Plains Region
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406-247-7260

U.S. Bureau of Reclamation

Brad Coutant
Regional Archaeologist
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Kansas State Historical Society

Jennie Chinn
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jchinn@kshs.org

Tim Weston
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Nebraska State Historical Society

Terry L. Steinacher
State Archaeologist
P.O. Box 82554
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308-665-2918
fax 308-665-2917

L. Robert Puschendorf
Deputy State Historic Preservation Officer
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Lincoln, Nebraska 68501-2554
402-471-4769
Fax 402-471-3100
bob.puschendorf@nebraska.gov

South Dakota State Historic Preservation Office

Jay D. Vogt
State Historic Preservation Officer
900 Governors Drive
Pierre, South Dakota 57501-2217
605-773-3458

Jim Haug
State Archaeologist
PO Box 1257
Rapid City, SD 57709-1257
605-394-1936

Paige Olson
Review and Compliance Coordinator
900 Governors Drive
Pierre, SD 57501
(605) 773-6004

Montana Historical Society

Stan Wilmoth, Ph.D.
Deputy State Historic Preservation Officer and State Archaeologist
P.O. Box 201202
Helena, MT 59620-1202
(406) 444-7719
swilmoth@mt.gov

Montana Department of Environmental Quality

James Strait
Environmental Science Specialist
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901
406-444-6765

Montana Department of Natural Resources and Conservation

Patrick Rennie
Trust Lands Archaeologist
1625 11th Avenue
Helena, MT 59620
406-444-2882
prennie@mt.gov

B. CONSULTING TRIBES' POINTS OF CONTACT

The following list of tribes will be used during implementation of the Programmatic Agreement for the Keystone XL Pipeline Project.

1. Absentee-Shawnee Tribe of Indians of Oklahoma

Mr. George Blanchard
Governor
2025 South Gordon Cooper Drive
Shawnee, OK 74801

Ms. Stacy Hessler
Tribal Historic Preservation Officer
2025 South Gordon Cooper Drive
Shawnee, OK 74801

2. Alabama-Coushatta Tribes of Texas

Mr. Bryant Celestine
Tribal Historic Preservation Officer
571 State Park Road 56
Livingston, TX 77351
936-563-1181

Celestine.Bryant@actribe.org

Mr. Oscola Clayton Sylestine
Principal Chief
571 State Park Road 56
Livingston, TX 77351

3. Apache Tribe of Oklahoma

Mr. Donnie Donald Cabaniss, Jr.
Chairman
P.O. Box 1330
Anadarko, OK 73005
405-247-9493 ext. 121

4. Arapahoe Tribe of the Wind River Reservation, Wyoming (aka Northern Arapaho Tribe)

Ms. Darlene Conrad
Tribal Historic Preservation Officer
P.O. Box 1182
Fort Washakie, WY 82514
307-856-1628

Mr. Darrell O'Neal, Sr.
Chairman
P.O. Box 396
Fort Washakie, WY 82514

5. Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (aka Fort Peck Tribes)

Mr. Darrell "Curley" Youpee
Tribal Historic Preservation Officer

Mr. Floyd Azure
Chairman

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P.O. Box 1027
Poplar, MT 59255
406-768-2382 or 406-768-3152
Email on file

P.O. Box 1027
Poplar, MT 59255

Ms. Deb Madison
Water Quality Certification
P.O. Box 1027
Poplar, MT 59255

6. Blackfoot Tribe of the Blackfoot Indian Reservation of Montana

John Murray
Tribal Historic Preservation Officer
P.O. Box 850
Browning, MT 59417
406-338-7522
john.murray@blackfeetplanning.org

Ed Juneau
Deputy Tribal Historic Preservation Officer
P.O. Box 79
Browning, MT 59417
406-338-7521
depthpo@gmail.com

Mr. Willie A. Sharp, Jr.
Chairman
1 Agency Square
Browning, MT 59417
406-338-7521

Mr. Darnell Rides at the Door
Cultural Committee Member
1 Agency Square
Browning, MT 59417
406-338-7521

Mr. Scotty Osborne
Tribal Historic Preservation Officer
1212 Fox Street
Bozeman, MT 59715

7. Cherokee Nation, Oklahoma

Mr. Bill John Baker
Principal Chief
P.O. Box 948
Tahlequah, OK 74465
918-453-5618
Gina-BlackFox@cherokee.org (assistant)

Dr. Richard Allen
Tribal Historic Preservation Officer
P.O. Box 948
Tahlequah, OK 74465

8. Cheyenne and Arapaho Tribes, Oklahoma

Mr. Dale Hamilton
Arapaho Director, Culture and Heritage Program
P.O. Box 38
Concho, OK 73022
800-247-4612

Ms. Karen Little Coyote
Cheyenne Director, Culture and
Heritage Program
P.O. Box 38
Concho, OK 73022
800-247-4612

Ms. Janice Boswell

UNCLASSIFIED

Governor
P.O. Box 38
100 Red Moon Circle
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ATTACHMENT E

Tribal Monitoring Plan

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**KEYSTONE XL PIPELINE PROJECT
TRIBAL MONITORING PLAN
U.S. DEPARTMENT OF STATE**

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KEYSTONE XL PIPELINE PROJECT TRIBAL MONITORING PLAN

1.0 BACKGROUND

TransCanada Keystone Pipeline, LP (Keystone) has applied for a Presidential Permit for the Keystone XL Pipeline Project (Keystone XL Project or the Project). Consistent with Section 106 of the National Historic Preservation Act (NHPA), the Department of State (DOS) has determined that an amended Programmatic Agreement (PA) is necessary for the Project. Keystone is committed to working with the DOS and the consulting Indian tribes to assist with the implementation of the PA, which includes identifying and minimizing project impacts on previously unidentified historic properties. For the purposes of this plan, the term “historic property” is defined as

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(l)(1))

The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, as appropriate, in the Project’s area of potential impact consistent with 36 C.F.R. § 800.4(a), (b), and (c), before Keystone initiates construction activities.

The effort to identify and evaluate historic properties for the Keystone XL Pipeline Project has been aided by the completion of Traditional Cultural Property (TCP) reports by several Indian tribes. All consulting Indian tribes for this Project were afforded opportunities to prepare these studies so that the DOS could take into account the potential for the Project to affect historic properties of concern to Indian tribes. The DOS distributed emails, mailed letters, conducted teleconferences, and also participated in face-to-face tribal consultation in group and individual settings to obtain information concerning historic properties that were of concern to Indian tribes. These efforts are summarized and documented in both the Final Supplemental Environmental Impact Statement (SEIS) as well as in Attachment G of the PA.

Arising from these efforts, the DOS has required, through Stipulation V.E. of the PA, that Keystone provide Indian tribes the opportunity to participate as tribal monitors during construction to further reduce the potential for Project effects to previously unidentified historic properties. This Tribal Monitoring Plan provides procedures for the hiring, training, and supervising of Tribal monitors and other relevant topics..

2.0 SUMMARY

Tribal monitors will be hired by Keystone to monitor specific areas during the grading and trenching activities related to Project construction. These areas have cultural significance and have been identified as a result of Cultural Resource Surveys and Inventories, TCP Studies conducted for the Project, and the Section 106 Consultation process. The areas where tribal monitoring will occur are identified in Appendix A to this Plan. Tribal monitors will have reasonable and unimpeded access to all areas subject to monitoring throughout the grading and trenching phases of construction.

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The tribal monitors are required to have adequate safety training to work on the right-of-way and must follow protocols developed by Keystone while in the field. For the Keystone XL Pipeline Project, the tribal monitors shall be selected by the individual Indian tribes and recognized as having experience in the identification of historic properties. Construction activities affecting land used historically by one or several Indian tribes should be monitored by representatives of those Indian tribes claiming historical use of that land. Their role will be to alert the Lead Environmental Inspector (Lead EI) of any previously unidentified historic properties uncovered during construction activities.

There will be clear lines of communication between the tribal monitors and Lead EI. Tribal monitors will be required to keep detailed records of their activities through daily logs and weekly activity reports that describes the area and activities monitored during the week, describes any issues or concerns encountered, and describes how the issue/concerns was resolved. The report will be submitted to Keystone's Lead EI and to DOS on a weekly basis.

3.0 OBJECTIVE

The objective of the Keystone tribal monitoring program is to minimize the potential for adverse effects from the Project activities on previously unidentified historic properties, as appropriate, consistent with PA Stipulations V and VI as well as applicable Unanticipated Discovery Plans (Attachment C). This Plan provides guidelines to assist with the decision making processes and effective communication when contracting with tribal monitors.

4.0 PROCESSES

The DOS, in consultation with the Indian tribes, has identified specific areas requiring monitoring, listed in Appendix A to this Plan.

5.0 ENVIRONMENTAL INSPECTOR

Keystone has established clear lines of communication and reporting within the Project team and the environmental compliance organization. Ensuring compliance with the conditions of the PA is the responsibility of all members at all levels of the Project organization.

To facilitate Project compliance and monitoring, construction and environmental oversight at the spread level will be provided by the Project's Lead Environmental Inspector (EI). The tribal monitor(s) on each Project spread will report to the Lead EI during the Project. The Lead EI on the Project will coordinate the tribal monitoring program and will implement the activities below:

- Verify compliance with the requirements of the PA, including the Coordination Plan, Historic Trails and Archaeological Monitoring Plan, plans for the unanticipated discovery of cultural resources and human remains or burials (Attachment C), and any Treatment Plans;
- Stop construction activities that are not in compliance with this plan or the PA; and
- Keep records and a daily log of compliance and activities performed pursuant to the PA.

Keystone will ensure that, if the Lead EI does not meet the professional qualification standards established in the PA, the Lead EI will receive appropriate training in historic preservation from a professional who meets the standards established in the PA so that the PA requirements are understood

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and unanticipated discoveries are quickly identified. Keystone, for the same reason, will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in the PA to all construction personnel. Keystone will conduct this training prior to initiating vegetative clearing or construction activities on a spread, and conduct periodic refresher training, as deemed necessary, during construction of the spread.

6.0 TRIBAL MONITORS

Tribal monitors will work collaboratively with Keystone's Environmental Inspection Team, in an advisory role, to assist the Project compliance with the PA, the Coordination Plan, this Monitoring Plan, plans for the unanticipated discovery of cultural resources and human remains or burials, and any Treatment Plans that are intended to resolve possible adverse effects to known cultural resources sites and to protect historic properties that may be discovered during construction. Keystone will be responsible for administering the tribal monitoring program through a tribal liaison, Lead EI, and the Keystone Project Team.

Position Description:

- During grading and trenching in the areas included in the tribal monitoring program, the tribal monitor will assist with the identification of previously unidentified historic properties that hold significance to the Tribe. Subject to the other provisions of this part, at least one monitor will be used per Construction Spread depending upon the extent and location of construction activities, as well as the relative historic importance of each Spread to each Indian tribe.
- Tribal monitors will report and communicate directly with the Lead EI assigned to each work area and may not direct construction personnel or equipment.
- It is the responsibility of the tribal monitor to actively observe and report any artifact or human remains found either on the surface or subsurface within the Project boundaries to the Lead EI, as required by the PA and any applicable Unanticipated Discovery Plan. If previously unidentified historic properties are discovered by monitors, the construction contractor will immediately halt construction in its immediate vicinity as required in Section VI of the PA. The Lead EI will notify the Project cultural resources specialist/archaeologist of the discovery. The cultural resources specialist/archaeologist will evaluate whether the find constitutes a potential historic property in accordance with the applicable State Historic Preservation Officer (SHPO) guidelines for the location and National Park Service (NPS) National Register Bulletins. The cultural resources specialist/archaeologist will evaluate whether the construction team is required to implement the process for unanticipated discoveries laid out in Section VI of the PA. The Lead EI will provide information on the discovery to all consulting parties within forty-eight (48) hours.
- The tribal monitor is required to adhere to the PA and this tribal monitoring plan. The tribal monitor will report to the Lead EI if a previously unidentified historic property is discovered. The Lead EI will review the PA and this Plan with the tribal monitor so that the roles and responsibilities of the monitor and the Lead EI are clearly understood. The monitor may request a copy of this Plan and the PA for reference.
- Monitors are responsible for reporting daily and weekly activities that identify the areas and activities monitored during the week, describe any issues or concerns, and describe how the issue or concern was resolved. Reports should contain a description of the construction methods used, the types of cultural resources identified (if any) during monitoring, evaluation and interpretation

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of any cultural resources, and curation arrangements for any recovered items. Reports must be submitted in writing to the Lead EI and to DOS on a weekly basis. Keystone will summarize the results of the monitoring into reports that will be provided to the consulting parties on a weekly basis.

- Monitors are part of the construction team and as such, are required to participate in the safety and environmental training on site as well as in tailgate meetings. They must abide by all safety rules and wear personal protective equipment at all times while on site.
- At the start of each work day, tribal monitors must meet with the Lead EI at the applicable spread office at the prescribed time in order to receive daily safety and information briefings. No monitor will be allowed on a construction spread without receiving that day's safety and informational briefing. Keystone will take reasonable efforts to ensure that tardy tribal monitors or monitors moving between Construction Spreads will receive supplemental daily safety and informational briefings to ensure compliance with the PA and this tribal monitoring plan.
- The Lead EI will seek the advice and input of tribal monitors, if available, when unanticipated discoveries are encountered and will consider their input when implementing the terms of the PA.
- If potential historic properties are encountered, the Lead EI will notify and seek advice from the Project cultural resource specialist/archaeologist as soon as practicable. The Project cultural resource specialist/archaeologist shall meet the *Secretary of Interior Professional Qualification Standards* and will act as a liaison between the tribal monitor, Lead EI, Tribal Historic Preservation Officers (THPOs), and other signatories and consulting parties, if determined necessary.

7.0 QUALIFICATIONS OF TRIBAL MONITORS

Credentials and qualifications of the tribal monitors shall be within the purview of the individual Indian tribes and will be reviewed and approved by the DOS. Only DOS approved tribal employees and/or tribal members may perform the work. The individuals selected will be officially recognized by the appropriate Indian tribe as having the capabilities to perform the duties as described above. Keystone will work with the Indian tribes to articulate the responsibilities of the monitors and deploy them to optimize their role in reducing the potential for Project effects to historic properties. A tribe may contract out monitoring work to other tribes who have qualified staff, provided that the tribe officially delegates such authority in writing. Additional alternate monitors may be permitted if either of a tribe's monitors are unable to continue their participation in the Project.

8.0 TRAINING

All monitors will be required to satisfactorily complete a one-day comprehensive training focused on the activities on the pipeline right-of-way. Monitors must also attend pre-construction training as coordinated by the prime contractor, including environmental and safety trainings provided to all on-site personnel. Keystone will make reasonable efforts to ensure that these trainings are accessible to tribal monitors and alternates.

9.0 AREAS TO BE MONITORED

To facilitate construction, the overall pipeline route is divided into smaller sections, or spreads, of varying lengths. Construction, environmental, and tribal monitoring oversight at the spread level is provided by a team assigned to each spread. Tribal monitoring will be conducted in areas identified by TCP Inventories and Studies and/or areas identified by Indian tribes during the Section 106 process as listed in Appendix A to this Plan. In those areas previously identified by Indian tribes as needing monitoring, at least one monitor will be used per spread depending upon the nature and locations of construction activities, as well as the relative historic importance of each spread to each tribe. In some instances, it may be necessary for an Indian tribe to designate more than one monitor and alternate to provide monitoring for all areas of concern for the Indian tribe.

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APPENDIX A

Areas for Tribal Monitoring were determined through the reviews of submitted TCP Reports and additional consultation with the Indian tribes. These maps have been developed based upon meetings with the consulting parties and individual tribes, and the review of the submitted TCP studies.

Confidential – Not United States Government classified.
This information is not included in the Final Supplemental EIS.

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ATTACHMENT F

Historic Trail and Archaeological Monitoring Plan

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**KEYSTONE XL PIPELINE PROJECT
HISTORIC TRAIL AND ARCHAEOLOGICAL MONITORING PLAN
U. S. DEPARTMENT OF STATE**

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KEYSTONE XL PIPELINE PROJECT HISTORIC TRAIL AND ARCHAEOLOGICAL MONITORING PLAN

1.0 BACKGROUND

TransCanada Keystone Pipeline, LP (Keystone) has applied for a Presidential Permit for the Keystone XL Pipeline Project (Keystone XL Project or the Project). The Department of State (DOS) has determined that a Programmatic Agreement (PA) is necessary for the Project because the effects on potential historic properties cannot be fully assessed for all properties prior to the issuance of the Presidential Permit (if issued). For the purposes of this plan, the term “historic property” is defined as

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(l)(a)).

Consistent with the PA and its associated coordination and treatment plans, Keystone will have completed the cultural resources surveys so that appropriate avoidance, minimization, and treatment measures are implemented and completed prior to construction. Under Stipulation V of the PA, DOS prepared this Historic Trail and Archaeological Monitoring Plan (Monitoring Plan or Plan) to address cultural resources monitoring during the construction of the Keystone XL Project.

Keystone is committed to working with DOS, the consulting parties, the National Park Service (NPS) and other federal agencies further reducing the potential for impacts on historic trails and other historic properties including roads, ruts, archaeological sites, structures, buildings, natural landmarks, and the general cultural landscape. This Historic Trail and Archaeological Monitoring Plan is in addition to a Tribal Monitoring Plan. Both plans are required under Stipulation V of the PA and are appended to the Keystone XL Pipeline Project PA as separate documents. The Tribal Monitoring Plan is not a substitute for this Plan. All consulting parties and agencies have had opportunities to review and comment on these plans.

2.0 SUMMARY

Keystone will hire archaeologists to monitor specific areas during ground disturbing activities related to Project construction. The locations requiring monitoring have been identified through past cultural resources surveys and inventories, surveys performed for this Project, and the Section 106 consultation process. A list of the areas identified by the NPS and SHPOs is included in Table 8-1 in this plan. Keystone will continue to coordinate with DOS during the Section 106 consultation process and will adhere to this Monitoring Plan should any other areas require cultural resources monitoring.

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Monitors are required to meet the qualifications identified in Section 7 of this document, must have adequate training to work on the right-of-way, and must follow strict communication protocols while in the field.

The monitors will focus on the identification of previously unidentified historic properties (historic or precontact) during construction. These monitors will be positioned at specified locations during Project construction to monitor grading and/or trenching activities. The monitor will also provide assistance with the identification of materials related to the historic trails including roads, ruts, archaeological sites, structures, buildings, natural landmarks, and the general cultural landscape.

3.0 OBJECTIVE

The objective of the historic trail and archaeological monitoring program is to minimize the potential for adverse effects to previously identified and unidentified historic properties from the Project activities and to assist with the implementation of the Unanticipated Discovery Plans in the PA. This Plan identifies the locations where monitoring is required, stipulates the required qualifications for cultural resource monitors, and outlines a communication plan for the monitors in the event that previously unidentified historic properties are encountered in the course of construction.

4.0 PROCESSES

The locations requiring construction monitoring for this Project have been determined by the DOS in consultation with the NPS, SHPOs, Indian tribes, and other federal agencies and is based upon the survey work completed for the Project. Keystone will implement the monitoring work to assist the DOS in meeting its responsibilities consistent with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). Keystone will continue to consult with the DOS and will implement this Plan at additional locations if the DOS determines that construction monitoring is required at those locations.

5.0 CULTURAL RESOURCE MONITORS

Cultural resource monitors will work collaboratively with Keystone's Environmental Inspection Team in an advisory role to assist the Project in achieving compliance with the PA, including the Coordination Plan, this Monitoring Plan, the Tribal Monitoring Plan, Unanticipated Discovery Plans, and any Treatment Plans to protect known historic properties (as defined by the SHPO in each state) that are eligible, or potentially eligible, for listing in the National Register of Historic Places as well as historic properties that may be discovered during construction.

Position Description:

- During grading and trenching activities in areas identified in Table 8-1, the historic trail and archaeological monitors will provide assistance with the identification of historic properties that have not been previously identified.

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- Monitors should review the mitigation plan and verify through field examination that areas requiring a reduction in active right-of-way space (necking down) or avoidance fencing are properly staged before construction work occurs.
- Monitors will report and communicate directly with the Lead Environmental Inspector (Lead EI) assigned to each work area and may not direct construction personnel or equipment.
- It is the responsibility of the monitor to actively observe and report, as required by the PA and any applicable Unanticipated Discovery Plan, any potential historic property not previously identified through surveys or human remains found either on the surface or subsurface within the Project boundaries.
- Monitors are required to adhere to the PA and report to Keystone's Lead EI if a potential historic property is discovered that has not already been identified and deemed not eligible. Keystone will conduct the appropriate reporting to federal and state regulatory agencies as outlined in the PA communication protocol.
- Monitors are responsible for reporting daily and weekly activities in a manner that describes the areas and activities monitored during the week, any issues or concerns that were encountered, and how the issues or concerns (if any) were resolved. The reports should be submitted in writing to the Lead EI. Monitors are part of the construction team and, as such, are required to participate in safety and environmental training on site, as well as in tailgate meetings. They must abide by all safety rules and wear the required protective equipment at all times while on site.
- Construction will occur Monday through Saturday and may, under certain circumstances, also occur on Sunday. Monitors are expected to be available during all work hours.
- At the start of each work day, monitors must report to the Lead EI at the applicable spread office at the prescribed time in order to receive daily safety and information briefings. A monitor may not work on a given day if he or she fails to attend this briefing, unless Keystone, at its discretion, provides a supplemental briefing.
- Lead EIs will seek the advice and input of monitors, if available, when unanticipated discoveries are encountered, and will consider their input when implementing the terms of the PA and the Unanticipated Discovery Plan.
- If a potential historic property is encountered, the monitors will notify the Lead EI immediately.
- Monitors shall meet the professional standards outlined in Section 6.0 of this Plan.

6.0 QUALIFICATIONS OF CULTURAL RESOURCE MONITORS

Historic trail and archaeological monitoring shall be carried out by or under the direct on-site supervision of a professional archaeologist who meets, at a minimum, the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44716, September 29, 1983). All monitors should have demonstrated experience in monitoring construction activities and be knowledgeable of changes in soil color and deposition that may be associated with cultural materials.

7.0 TRAINING

All monitors will be required to satisfactorily complete a one-day comprehensive training focused on the activities on the pipeline right-of-way. Completion of this program is compulsory. It is required that the monitors also attend the multi-day environmental/safety trainings provided to all on-site personnel.

All monitors will be required to attend the pre-construction training as coordinated by the prime contractor prior to any monitoring activity. The training program consists of two phases: environmental training and safety training. These training programs are conducted by the Keystone prime contractor's environmental and safety professionals and will commence in the morning of the first day of monitoring for each spread.

8.0 AREAS TO BE MONITORED

The locations requiring construction monitoring has been determined by the DOS in consultation with the NPS, SHPOs, and other consulting parties. These areas are outlined in Table 8-1 in this document. Keystone will implement this Monitoring Plan to assist the DOS in meeting its responsibilities under NEPA and Section 106 of the NHPA. Keystone will continue to consult with DOS and will implement this Plan at additional locations, should it be determined that construction monitoring is required.

8.1 Cultural Resources Monitoring – State-by-State

Table 8-1 indicates specific areas near previously identified historic properties (and potential historic properties) that DOS recommends for archaeological monitoring. If the specific area is avoided prior to construction, then no monitoring of that area is required. Additional potential historic properties may be identified as the Section 106 Process continues. Monitoring is recommended in the following circumstances:

- Where construction activities will not directly impact a known site, but occur immediately adjacent to one or more sites;
- To ensure site avoidance; and
- To ensure that site boundaries have been correctly defined.

The monitoring areas in Montana, South Dakota and Nebraska have been defined by multiple surveys carried out for the centerline, access roads, and ancillary facilities. Monitoring in all of these instances has been proposed by the applicant and agreed to by DOS.

Sites of cultural or religious significance to Indian tribes identified in the context of consultations with tribes or Traditional Cultural Properties surveys conducted by tribes are not listed below due to confidentiality concerns. See the Tribal Monitoring Plan (Attachment E), the Summary of Identification and Evaluation Efforts (Attachment G), and the Programmatic Agreement for more information.

Table 8-1 Cultural Resources to be Monitored

Montana*

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Site Number	Site Type	Recommended Activities
24MC0628	Historic farmstead	Artifact movement, fencing, monitoring
24PE0723	Historic ranch complex	Fence and Monitor
24PH1805	Previously recorded historic farmstead	Fence and Monitor
24PH4267	Historic farmstead	Fence and Monitor
24VL1936	Precontact stone feature	Avoidance/Fence and Monitor

*This information will be further defined with input from the MT SHPO, BLM and MDEQ.

South Dakota

The proposed route avoids all previously identified historic properties (and potential historic properties). Additional potential historic properties may be identified as the Section 106 Process continues. This information will be further defined with input from the South Dakota SHPO.

Nebraska

The proposed route avoids all previously identified historic properties (and potential historic properties). Additional potential historic properties may be identified as the Section 106 Process continues. This information will be further defined with input from the Nebraska SHPO.

9.0 COMMUNICATIONS

Keystone has established clear lines of communication and reporting within the Project team and the environmental compliance organization. To facilitate construction compliance and monitoring, the overall pipeline route is divided into smaller sections, or spreads, of varying lengths. Construction and environmental oversight at the spread level is provided by a team assigned to each spread. Cultural resource monitors will be required to report to the Lead EI responsible for the spread within which the work is taking place. The Lead EI will coordinate the construction monitoring program.

Keystone will be responsible for administering the Monitoring Plan and will retain cultural resource monitors that meet the Professional Qualifications noted in Section 7 of the PA.

Historic trail and archaeological monitors will work together with Lead EIs to assist in reducing effects to previously identified and unidentified historic properties and perform monitoring activities in areas targeted prior to construction. If a historic trail that is also a potential historic property is discovered, the parties will follow the terms of the communications protocol established in this document, the PA, and all local, state and federal laws governing the protection and discovery of archaeological and cultural resources. Historic trail and archaeological monitors will communicate with the Lead EI assigned to each work area and will not direct construction personnel or equipment. The authority to stop work will rest the Lead EI and Keystone construction and Project management team.

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At the start of each work day, historic trail and archaeological monitors will report to the Lead EI they are assigned to at the prescribed time in order to receive daily safety and information briefings. Failure to arrive at the designated briefing time will preclude the monitor's ability to participate on that day unless Keystone, at its discretion, is able to provide a supplemental briefing. Lead EIs will seek the advice of historic trail and archaeological monitors, if available, when unanticipated discoveries are encountered, and will consider their input. If any issues develop, monitors will communicate with the assigned Lead EI.

10.0 REPORTING

Monitors will be required to complete written daily reports and weekly activity reports that describe the areas monitored and will provide the reports to the Lead EI. The reports will describe methods used, the findings during monitoring, evaluation of the cultural material recovered, any additional interpretation of the material recovered, and curation arrangements. Those reports will be compiled and given to the Lead EI. Copies of the monitor's reports will be forwarded to DOS, the applicable SHPOs, and NPS for areas where monitoring is occurring at locations identified in Table 8-1.

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ATTACHMENT G

Summary of Identification and Evaluation Efforts and Effect Assessment for Historic Properties within the Project APE (As Found in the Final Supplemental Environmental Impact Statement)

Overview

This attachment summarizes the cultural resource identification and evaluation efforts conducted to date for the Keystone XL Project. This preface is followed by state-by-state summaries of identification and evaluation activities as well as the proposed Project effects assessment for resources within each state. Due to the large amount of site data, site-by-site findings can be reviewed in the Final Supplemental EIS in Sections 3.11 and 4.11.

Since 2008, DOS has consulted with affected Indian tribes, SHPOs, federal agencies, and local governments regarding the proposed Project as required by Section 106 of the National Historic Preservation Act. As part of this consultation effort, DOS has conducted formal government-to-government consultations with 84 Indian tribes, in addition to inviting all interested Indian tribes to prepare traditional cultural property (TCP) studies. Eight Indian tribes have completed or are in the process of completing TCP reports for the proposed Project.

As part of the Final EIS route evaluation process, a Programmatic Agreement (PA) was developed, finalized, and signed over a 2-year period between 2009 and 2011. Signatory parties to this agreement included the Department, U.S. Bureau of Land Management (BLM), U.S. Army Corps of Engineers (USACE), U.S. Bureau of Reclamation (USBR), National Park Service (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 State Historic Preservation Officer's (SHPO) of Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Invited signatories included the Montana Department of Natural Resources and Conservation, Montana Department of Environmental Quality, and Keystone. Indian tribes that signed the PA included the Alabama-Coushatta Tribes of Texas; Arapahoe Tribe of the Wind River Reservation, Wyoming; Blackfoot Tribe of the Blackfoot Indian Reservation of Montana; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Iowa Tribe of Kansas and Nebraska; Miami Tribe of Oklahoma; and Pawnee Nation of Oklahoma. These parties assisted in the development of a PA that allows for the continued identification and evaluation of cultural resources, if the proposed Project is permitted. The PA outlines the appropriate consultation and notification procedures to be followed prior to and during construction. The PA also ensures that cultural resource surveys are conducted within the entire proposed Project area prior to construction.

The proposed Project route was selected to avoid disturbing historic properties (i.e. resources that are eligible for, or listed in the National Register of Historic Places) to the maximum extent possible. Adverse effects to historic properties from construction at some proposed Project locations may occur due to the lack of feasible routing alternatives or alternative construction methods. Treatment measures for these direct or indirect impacts shall be implemented on an individual site basis as noted in the PA. In addition, unidentified archaeological sites or historic properties may be adversely affected as a result of proposed Project-related activities. If

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unanticipated cultural materials or human remains are encountered during construction, Keystone will follow the procedures outlined in the Unanticipated Discovery Plans that have been developed for all five states in coordination with their SHPO's. Tribal and Archaeological Monitoring Plans have also been developed and will be implemented to further reduce the potential for adverse effects to cultural resources. Treatment Plans will be developed for those historic properties that cannot be avoided by construction activities.

Montana

Cultural resource surveys and inventories have been conducted in Montana. This work is discussed in the main Class III Cultural Resources Survey conducted for the state and in 16 subsequent addendum reports submitted to the Montana SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize effects. Several stone circle sites may be adversely affected by the proposed Project, however, Project planning is ongoing and these sites may be avoided by Project modifications. If these sites are adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that is adversely affected. Due to the proximity of the proposed Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of October 2013, the entire APE for the proposed Project has been surveyed.

South Dakota

Cultural resource surveys and inventories have been conducted in South Dakota. This work is discussed in the main Level III Cultural Resources Survey conducted for the state and in ten subsequent addendum reports submitted to the South Dakota SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize effects. If these sites are adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that is adversely affected. Due to the proximity of the proposed Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of October 2013, approximately 24 acres of the proposed Project corridor remain unsurveyed for the proposed Project. Additional cultural resources surveys within the proposed Project corridor are ongoing. The cultural resources surveys for proposed Project corridor will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

Nebraska

Cultural resource pedestrian surveys and inventories have been conducted in Nebraska. This work is discussed in the main Phase I Cultural Resources Survey conducted for the state and in 13 subsequent addendum reports submitted to the Nebraska SHPO. For those resources situated in the APE, Keystone is attempting to identify feasible alternative reroutes around the resources or identifying alternative construction methods to avoid or minimize effects. If these sites are

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adversely affected, Keystone will follow the protocols of this PA and prepare a Treatment Plan for each site that is adversely affected. Due to the proximity of the proposed Project to other identified sites, archaeological or tribal monitoring may also be used to ensure adequate measures are undertaken to avoid or minimize Project effects to historic properties.

As of October 2013, approximately 938 acres of the proposed Project corridor, 33 acres of access roads (for known roads), 44 acres of pump stations, and an undetermined acreage of other ancillary facilities remain unsurveyed for the proposed Project. Additional cultural resources surveys within the proposed Project corridor are ongoing. The cultural resource surveys for the proposed Project corridor, access roads, pump stations, and ancillary facilities will be documented in future reports. Upon receipt, DOS will review these reports consistent with 36 CFR Part 800 and the PA.

North Dakota

Cultural resource surveys and inventories have been conducted in North Dakota. This work is discussed in the main Class III Cultural Resources Survey conducted for the state submitted to the North Dakota SHPO. No historic properties are situated in the Project APE for North Dakota.

No additional cultural resources survey work is currently planned in North Dakota.

Kansas

Cultural resource surveys and inventories have been conducted in Kansas. This work is discussed in the main Phase II Cultural Resources Survey conducted for the state and in one subsequent addendum report submitted to the Kansas SHPO. No historic properties are situated in the Project APE for Kansas.

No additional cultural resources survey work is currently planned in Kansas.

Tribal Consultation

In an attempt to identify properties of religious and cultural significance, including TCPs, the DOS conducted an extensive tribal consultation effort.

Consistent with 36 CFR Part 800, DOS has engaged Indian tribes in government-to-government consultation. The list of Indian tribes that were notified for this proposed Project was derived from lists maintained by DOS, NPS, BLM, USACE, SHPOs, state tribal liaisons, THPOs, BIA, and recommendations from other Indian tribes. In compliance with 36 CFR 800.2 and confidentiality requirements, DOS provided consulting Indian tribes the opportunity to review findings or determinations that were derived from historic properties reports prepared for portions of the proposed Project's APE. 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.

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As part of the Final EIS consultation process, the Department conducted a broad range of tribal consultations, ranging from group meetings involving many Indian tribes and discussion topics to individual discussions on specific topics via letter, phone, or email. The Department conducted considerable discussion with the Indian 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 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 Indian tribes to determine their interest in consulting on the proposed Project. Three government-to-government consultation meetings were held in October 2012 to ensure that the Indian tribes were fully aware of their role in the consultation process and to ensure that their issues of concern were understood in the consultation process. Meetings were held in Billings, Montana; Pierre, South Dakota; and Lincoln, Nebraska.

As part of the Draft Supplemental EIS public comment process, four additional Indian 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. A government-to-government consultation meeting was held in Rapid City, South Dakota, on May 16, 2013 to provide an update to the Indian tribes concerning the Draft Supplemental EIS and the proposed Project, status of the Section 106 consistent process, discussion on amending the PA, and the opportunity for additional TCP surveys within the reroute areas. Additionally, a government-to-government consultation conference call was held on July 31, 2013 to discuss amending the PA. Individual tribal discussions on specific topics via meetings, 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 would continue government-to-government consultations to build on previous work, as appropriate, to ensure that tribal issues of concern are addressed in the consultation process and to amend and incorporate modifications to the PA in consultation with the Indian tribes to conclude the Section 106 consistent process for the proposed Project. Indian tribes that DOS contacted are listed in Table 1.

TABLE 1
Indian Tribes Consulted under Section 106 for the Proposed Project

	Interested/Consulting Party	Indian Tribe
1	Undecided	Absentee-Shawnee Tribe of Indians of Oklahoma
2	Undecided	Alabama-Coushatta Tribes of Texas

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TABLE 1
Indian Tribes Consulted under Section 106 for the Proposed Project

	Interested/Consulting Party	Indian Tribe
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

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TABLE 1
Indian Tribes Consulted under Section 106 for the Proposed Project

	Interested/Consulting Party	Indian Tribe
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
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

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TABLE 1
Indian Tribes Consulted under Section 106 for the Proposed Project

	Interested/Consulting Party	Indian Tribe
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

To facilitate consulting party participation in Section 106 consultation, DOS has conducted government-to-government and agency consultation meetings along the proposed Project route. Meetings were held in Rapid City, South Dakota (May and July 2009) in Pierre, South Dakota (February 2010), in Billings, Montana (October 2009 and June 2010), and near Malta, Montana (October 2009). Gulf Coast Segment meetings were held in Oklahoma City, Oklahoma (May and July 2009), in Dallas, Texas (November 2009) and in Tulsa, Oklahoma (June 2010). Transcripts for all of the meetings held to date have been prepared and distributed to the consulting parties. DOS also held a Section 106 consultation meeting in Washington, D.C. in December 2010. A list of consultation meetings is included in Table 2.

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;

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- 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 Indian 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.

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

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TABLE 2			
List of DOS Group Consultation Meetings and Webinars with Indian Tribes			
Date	Place	Indian Tribes Present	Agencies Represented^{a,b}
June 23, 24, 2010	Tulsa, OK	Pawnee Nation, Alabama Coushatta Tribe, Choctaw, Kaw Nation, Muscogee Nation, Osage, Sac and Fox Nation	USACE, DOS
June 23, 2010	Tulsa, OK	Pawnee Nation	DOS
December 7, 2010	Washington, D.C.	Alabama Coushatta, Blackfeet, Chippewa Cree, Choctaw, Fort Peck Tribe, Iowa Nation, Kilagee (Creek) Nation, Northern Arapaho, Osage, Pawnee Nation, Sac and Fox Nation, Yankton Sioux	ACHP, BIA, USACE, Western, EPA, USDA FSA, BLM, MTDEQ, DOS, CEQ
December 8, 2010	Washington, DC	Pawnee Nation	USACE, Nebraska SHPO, DOS
March 30, 2011	Rapid City, SD	Cheyenne River	South Dakota SHPO, DOS
October 22, 2012	Billings, MT	Blackfeet, Chippewa-Cree, Crow Tribe, Northern Cheyenne, Yankton Sioux	DOS
October 24, 2012	Pierre, SD	Cheyenne River, Crow Creek, Standing Rock, Yankton	DOS
October 26, 2012	Lincoln, NE	Fort Peck, Kaw Nation, Pawnee Nation, Ponca (Nebraska)	DOS
May 16, 2013	Rapid City, SD	Chippewa-Cree, Fort Peck, Mille Lacs, Northern Arapaho, Northern Cheyenne, Oglala, Omaha, Pokagon, Ponca (Nebraska), Red Lake, Yankton	BIA, BLM, DOS, NRCS, South Dakota SHPO, USACE
July 31, 2013	Conference Call	Chippewa-Cree, Choctaw, Goshute, Oglala, Nez Perce, Pawnee, Shoshone-Bannock, Standing Rock, Yankton	ACHP, BLM, DOS, MT DEQ, NRCS, RUS, USACE, Western

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

^b Project specialists from Cardno-ENTRIX or Environmental Resources Management attended all tribal consultation meetings.

The Indian tribes listed in Table 3 have expressed an interest in conducting TCP studies within the proposed Project APE. When scopes of work (SOW) has been submitted, DOS reviewed and approved the SOWs and draft reports provided by the Indian tribes. Eight Indian tribes withdrew offers to complete the TCP studies. Seven of the eight remaining studies have subsequently been completed and finalized. DOS continues to consult with the Indian tribes in regards to recommendations made in these reports concerning the eligibility of a historic property and/or proposed Project effects. DOS will make determinations of eligibility and proposed Project effect and attempt to resolve any adverse effects to historic properties.

TABLE 3					
List of Indian Tribes that Expressed an Interest in Conducting Traditional Cultural Property Studies					
Tribe	Date of Contact	Date SOW Received	Date of Response	Date TCP Received	Date TCP Accepted

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TABLE 3
List of Indian Tribes that Expressed an Interest in Conducting
Traditional Cultural Property Studies

Tribes	Date of Contact	Date SOW Received	Date of Response	Date TCP Received	Date TCP Accepted
Arapahoe Tribe of the Wind River Reservation, Wyoming	10/26/2009	1/8/2010	1/20/2010	10/10/2010	12/01/2010
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	8/10/2009	11/20/2009	11/30/2009	Chose Not to Participate	N/A
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	9/10/2013	Chose Not to Participate	N/A	N/A	N/A
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	8/18/2009	8/24/2009	9/14/2009	12/15/2009	1/25/2010
Cheyenne and Arapaho Tribes, Oklahoma	8/14/2009	8/24/2009	9/14/2009	1/01/2010	4/16/2010
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	8/1/2013	08/10/2013	08/14/2013	Chose Not to Participate	N/A
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	8/1/2013	Chose Not to Participate	N/A	N/A	N/A
Lower Sioux Indian Community in the State of Minnesota	8/4/2009	8/11/2009	9/14/2009	Chose Not to Participate	N/A
Ponca Tribe of Nebraska	4/16/2013	Chose Not to Participate	N/A	N/A	N/A
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	N/A	N/A	N/A
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	11/12/2009	11/20/2009	11/30/2009	Chose Not to Participate	N/A
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
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

Federal and State Agency Consultation

Consistent with NEPA and Section 106, DOS has consulted with federal agencies whose participation in the proposed Project was considered an undertaking. These agencies include

Programmatic Agreement
ATTACHMENT G

Keystone XL Pipeline Project
December 2013

021886

UNCLASSIFIED

BLM, the Bureau of Reclamation (Reclamation), Western, RUS, NRCS, FSA, BIA, and USACE.¹ The ACHP has also formally entered into consultation with DOS. DOS has also consulted with the NPS due to agency interest in the proposed Project. In coordination with DOS, each of these agencies is reviewing the cultural resource findings as appropriate given their Section 106 responsibilities.

DOS is also consulting with state agencies, including the SHPOs in the states crossed by the proposed Project corridor as well as the Montana DNRC and the Montana DEQ, who is the lead for the Montana Environmental Policy Act (MEPA). Consultation has occurred with these groups in person as well as by email, and teleconference. Several agencies have attended the agency and tribal Section 106 consultation meetings as listed in Table 2.

¹ 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.

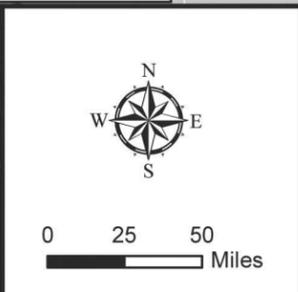
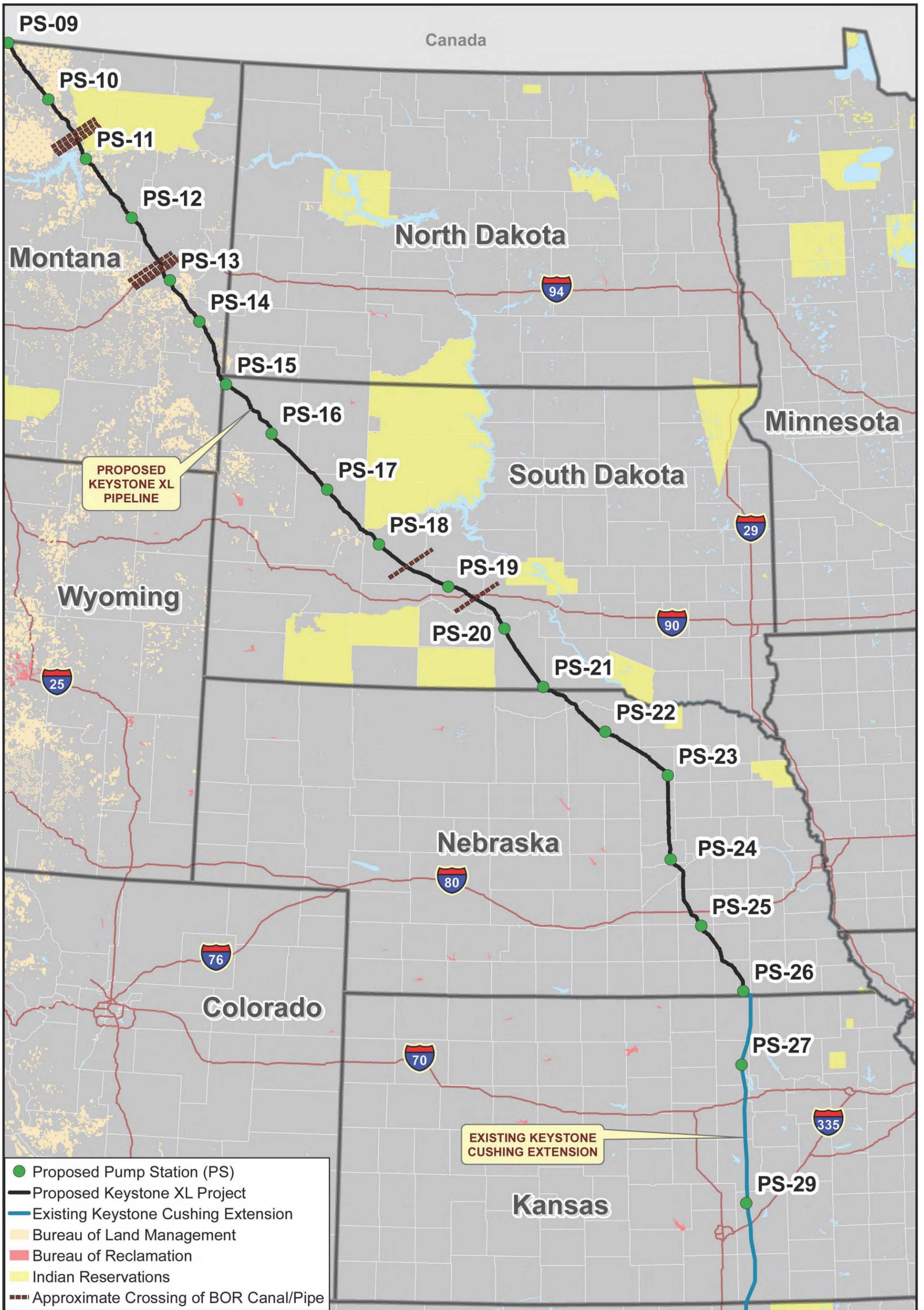
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ATTACHMENT H

Project Maps

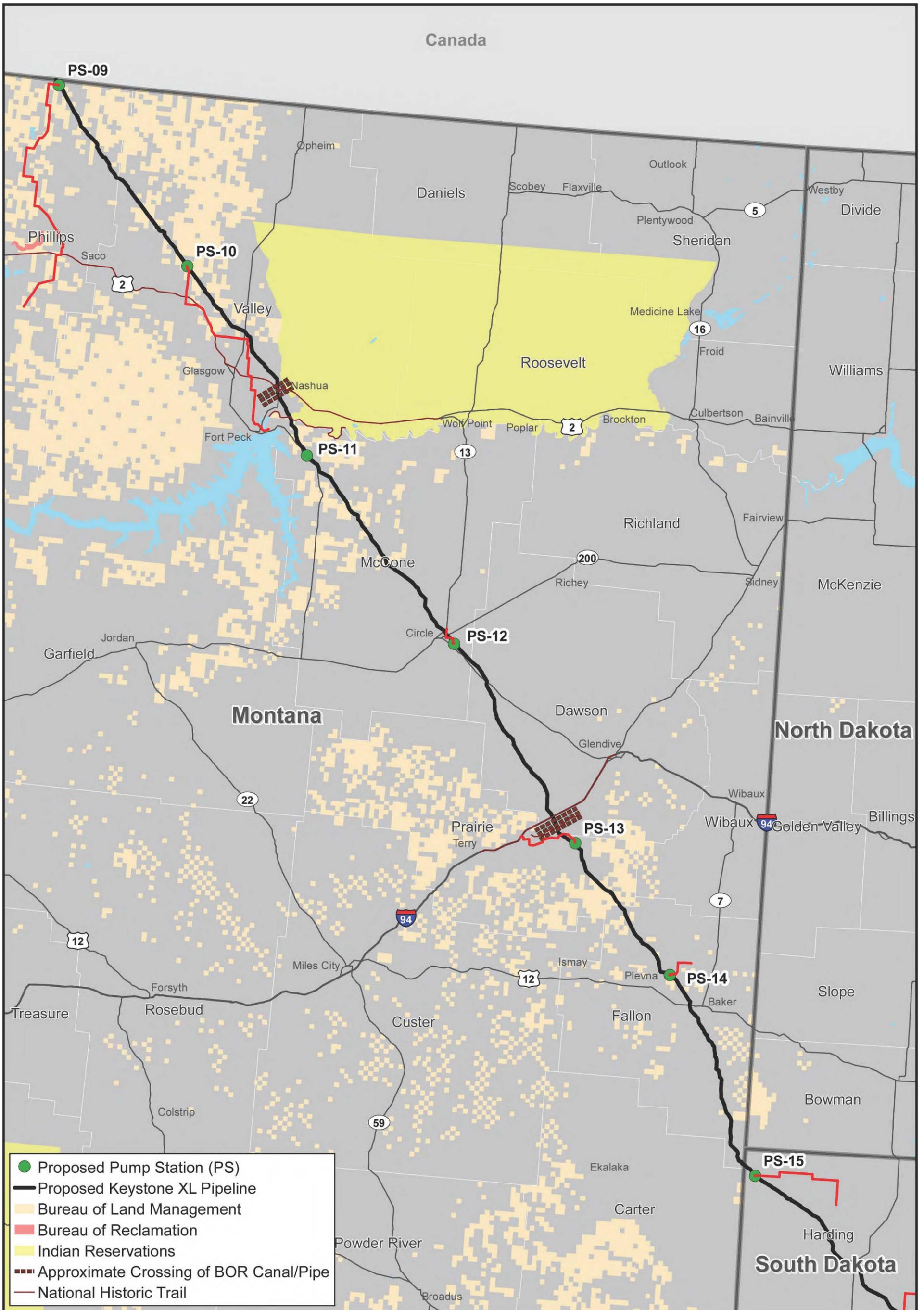
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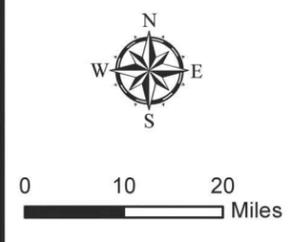
**PROPOSED
KEYSTONE XL PROJECT**

Figure 1
Project Overview
NOT USG CLASSIFIED
021891

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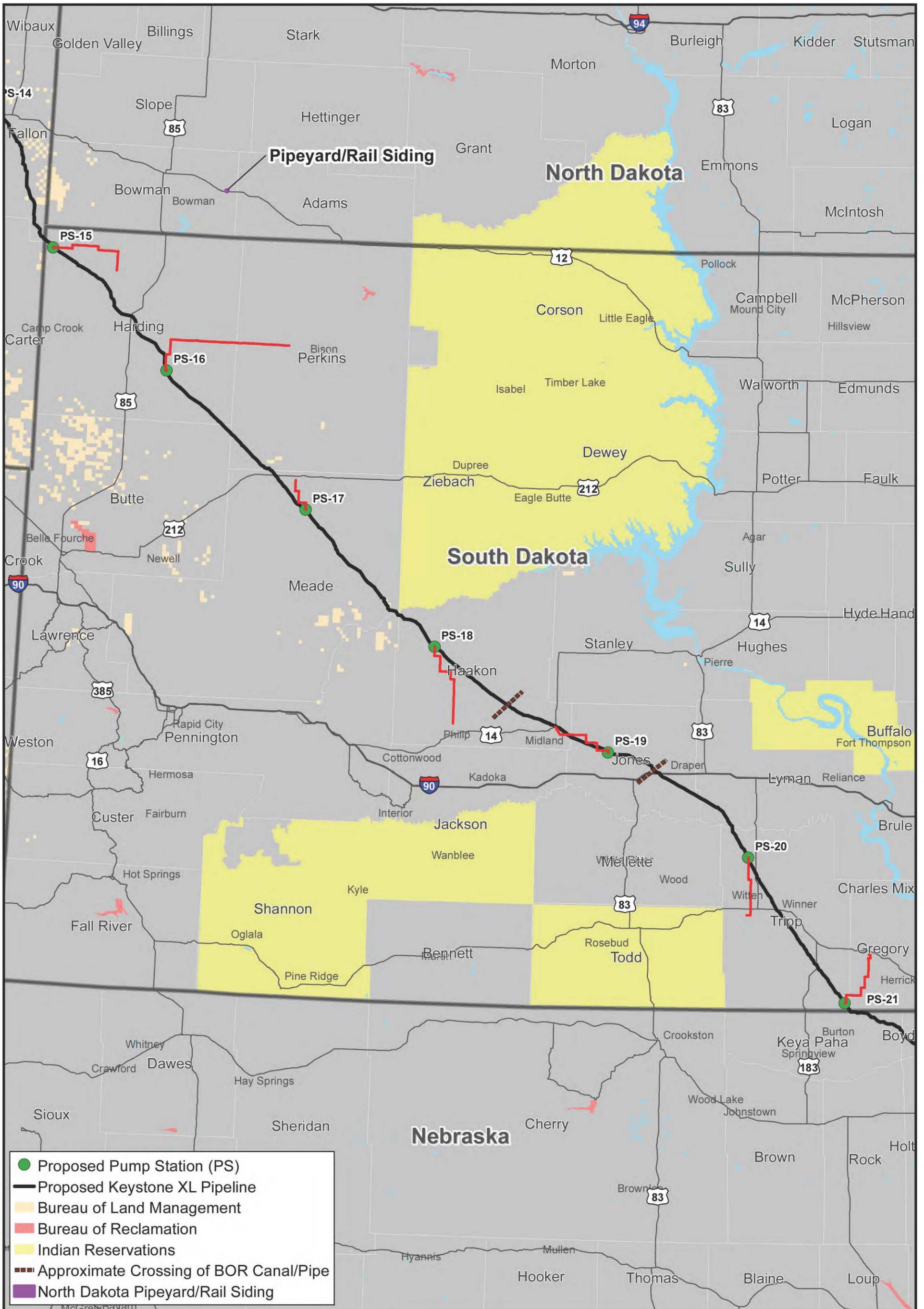
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- Proposed Keystone XL Pipeline
- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservations
- Approximate Crossing of BOR Canal/Pipe
- National Historic Trail



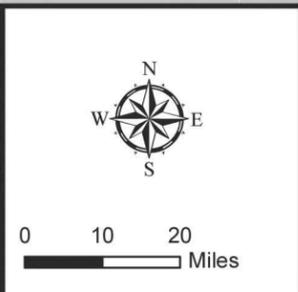
**PROPOSED
KEYSTONE XL PROJECT**

Figure 2
**Project Overview
(Montana) 021893**
NOT USG CLASSIFIED

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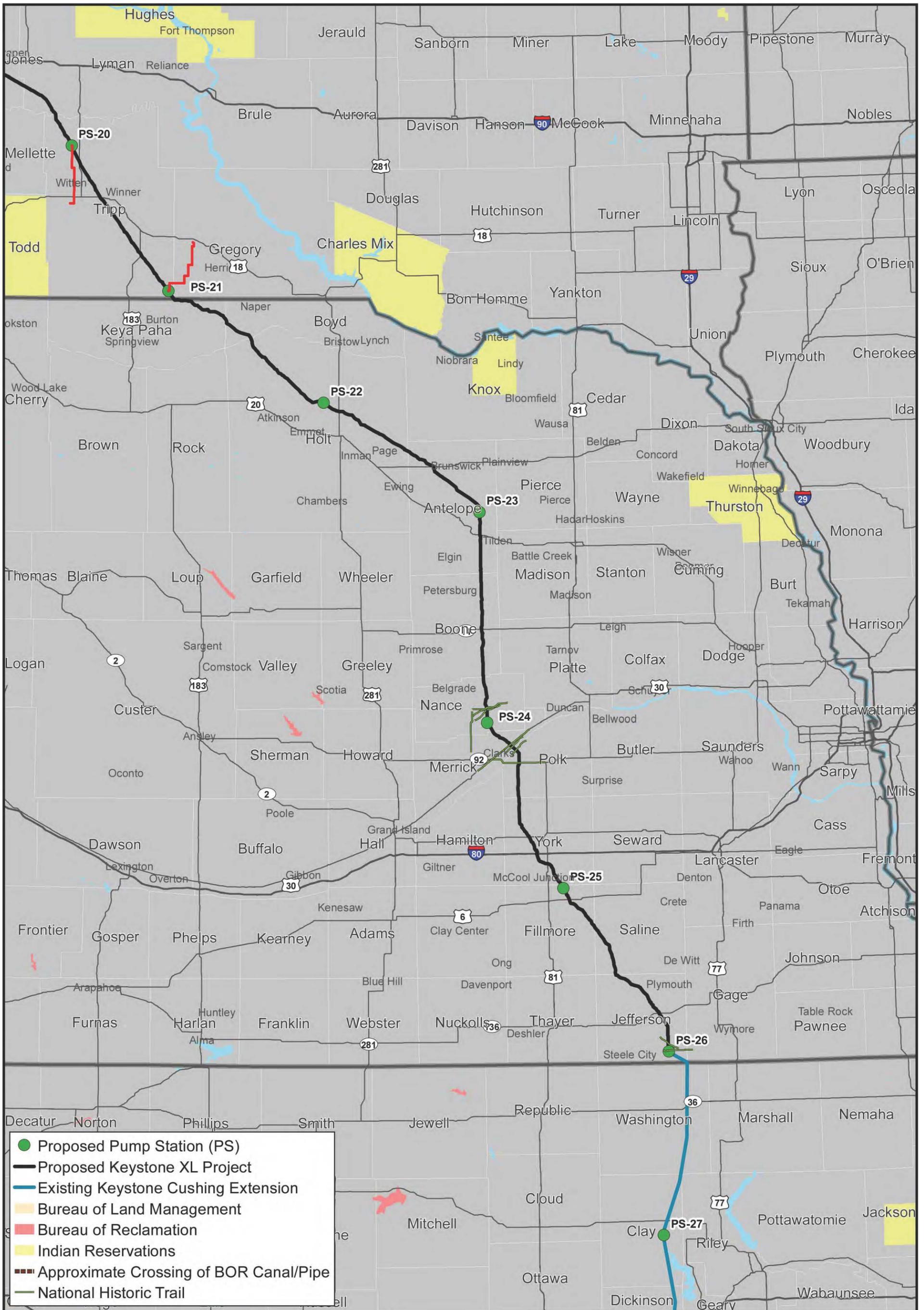
- Proposed Pump Station (PS)
- Proposed Keystone XL Pipeline
- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservations
- Approximate Crossing of BOR Canal/Pipe
- North Dakota Pipeyard/Rail Siding



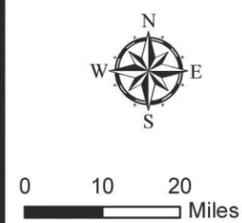
**PROPOSED
KEYSTONE XL PROJECT**

Figure 3
Project Overview
(North Dakota & South Dakota)
021895
NOT USG CLASSIFIED

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- Proposed Pump Station (PS)
- Proposed Keystone XL Project
- Existing Keystone Cushing Extension
- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservations
- Approximate Crossing of BOR Canal/Pipe
- National Historic Trail



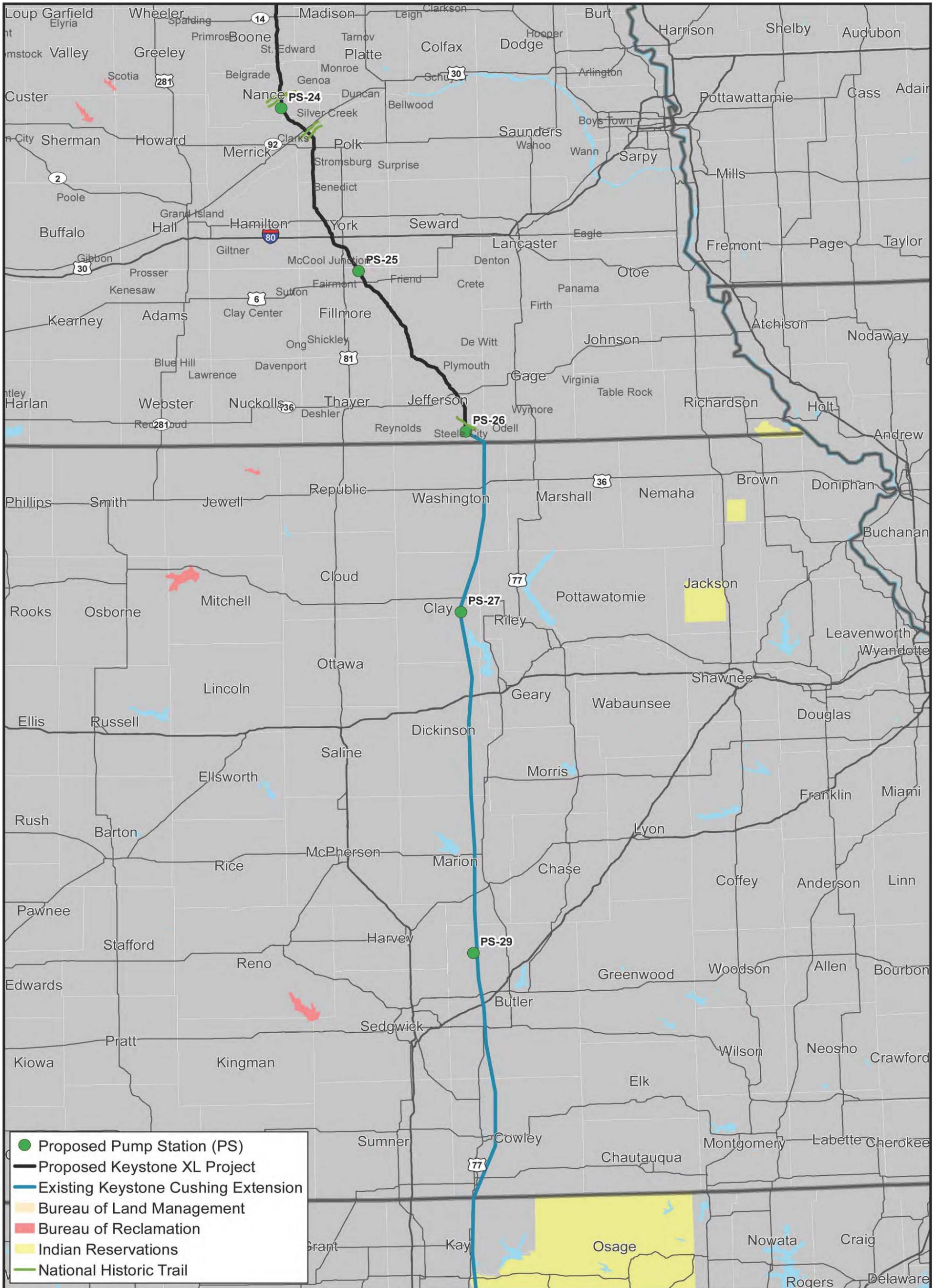
**PROPOSED
KEYSTONE XL PROJECT**

Figure 4

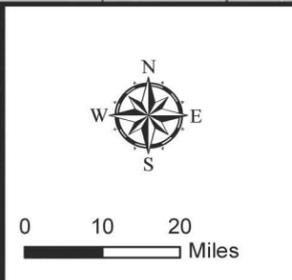
**Project Overview
(Nebraska) 021897**

NOT USG CLASSIFIED

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- Proposed Pump Station (PS)
- Proposed Keystone XL Project
- Existing Keystone Cushing Extension
- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservations
- National Historic Trail



**PROPOSED
KEYSTONE XL PROJECT**

Figure 5
Project Overview
(Kansas)
NOT USG CLASSIFIED

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ATTACHMENT I

**Summary of Government-to-Government Consultation with Indian Tribes
Since September 2012**

Starting on September 21, 2012, the Department of State (DOS) notified the 84 Indian tribes listed in Appendix B of its intent to amend the Keystone XL Programmatic Agreement (PA) to reflect changes to the proposed Keystone XL Project's route in Keystone's 2012 Presidential permit application. The DOS had previously consulted with these Indian tribes while preparing the Final Environmental Impact Statement (Final EIS) for the Keystone XL pipeline route as described in Keystone's 2008 Presidential permit application. The DOS consulted with 67 Indian tribes, listed in Attachment D, on a government-to-government basis and regularly informed all 67 Indian tribes of the progress on amending the PA. All Indian tribes that participated in consultation were invited in 2013 to sign as Concurring Parties to the Programmatic Agreement, consistent with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3). [Number TBD] Indian tribes informed the DOS that they would like to sign as Concurring Parties.

Of the 67 Indian tribes with which the DOS consulted, the DOS met with 17 Indian tribes, listed below, to discuss the proposed Project and its potential impacts on the environment, cultural resources, and other resources of concern to the consulting Indian tribes. The DOS gave Indian tribes the opportunity to review the proposed Project cultural resources survey reports. On several occasions, the DOS conveyed an invitation to Indian tribes to conduct applicant-funded Traditional Cultural Property (TCP) studies within the proposed Project area of potential effects (APE). All Indian tribes that expressed an interest and provided the necessary documentation were afforded an opportunity to conduct TCP studies within the proposed Project APE. Attachment G lists Indian tribes that submitted scopes of work to conduct TCP studies. The DOS also invited Indian tribes to help develop and participate in the Tribal Monitoring Plan (Attachment E).

In addition to communication by phone, email, and letter, Principal Deputy Assistant Secretary Judith Garber and other DOS 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. Indian tribes that participated in these meetings and a follow-up teleconference are listed below.

1. Billings, Montana – October 22, 2012

Attended by 5 Indian tribes: Blackfeet Tribe (3 representatives), Chippewa Cree Tribe (4 representatives), Crow Tribe (1 representative), Northern Cheyenne Tribe (1 representative), and Yankton Sioux Tribe (3 representatives).

2. Pierre, South Dakota – October 24, 2012

Attended by 4 Indian tribes: Cheyenne River Sioux Tribe (2 representatives), Crow Creek Sioux Tribe (2 representatives), Standing Rock Sioux Tribe (1 representative), and Yankton Sioux Tribe (2 representatives).

3. Lincoln, Nebraska – October 26, 2012

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Attended by 4 Indian tribes: Assiniboine and Sioux Tribes (2 representatives), Kaw Nation (1 representative), Pawnee Nation (4 representatives), and Ponca Tribe of Nebraska (3 representatives).

4. 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 of State representatives. The meeting could not proceed due to a demonstration.

5. Teleconference – July 31, 2013

Representatives of 9 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.

APPENDIX E

Amended Programmatic Agreement and Record of Consultation

E2 Record of Consultation

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Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Absentee-Shawnee Tribe of Indians of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 6/22/11; 10/9/12; 10/16/12	5/4/09; 5/11/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/21/09; 8/24/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/14/09; 7/28/09; 11/12/09
Alabama-Coushatta Tribes of Texas	TX	1/30/09; 2/20/09; 3/30/09; 4/22/09; 5/4/09; 6/3/09; 6/18/09; 7/9/09; 7/13/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 3/23/10; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 4/18/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/9/13; 12/24/13	3/18/09; 7/1/09; 1/12/10; 5/4/10; 7/19/10; 11/19/10; 4/13/11; 5/4/11; 6/23/11 (2); 6/24/11; 6/27/11; 10/9/12; 10/16/12; 10/19/12	4/7/09; 5/4/09; 5/7/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/10/09; 7/13/09; 8/4/09; 8/13/09 (2); 8/24/09 (2); 9/1/09; 9/10/09; 9/15/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/10/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/15/10; 1/22/10; 2/19/10; 1/26/10; 2/23/10; 3/16/10; 3/22/10; 3/31/10; 5/4/10; 5/6/10; 5/15/10; 5/28/10; 6/2/10; 6/4/10; 6/21/10; 6/22/10; 6/23/10; 6/29/10; 7/6/10; 7/12/10; 7/16/10; 7/19/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/9/10; 11/11/10; 11/19/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/26/11; 4/28/11; 4/28/11; 5/4/11; 6/2/11; 6/6/11; 6/8/11; 6/21/11; 6/20/11; 6/24/11 (3); 6/30/11 (3); 7/1/11; 7/8/11; 7/12/11; 7/20/11; 7/22/11; 7/26/11 (4); 10/10/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13	7/10/09	7/28/09; 11/12/09; 7/24/10; 7/25/10; 12/7/10
Alabama-Quassarte Tribal Town, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/9/12	03/19/09			
Apache Tribe of Oklahoma	AZ	1/30/09; 3/30/09; 4/1/09; ; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/9/12; 10/16/12			
Arapahoe Tribe of the Wind River Reservation, Wyoming (aka Northern Arapaho Tribe)	WY	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 1/10/10; 1/20/10 1/27/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/7/09; 10/13/09; 10/14/09; 10/19/09; 11/10/09; 12/1/09; ; 12/15/09; 12/17/09; 3/15/10; 3/22/10; 6/10/10; 11/22/10; 10/9/12; 10/16/12	11/7/09; 11/25/09; 11/30/09; 12/1/09; 12/11/09; 12/15/09; 12/21/09; 12/22/09; 12/31/09; 1/19/10; 1/20/10; 1/21/10; 1/22/10; 1/26/10; 1/27/10; 2/2/10; 2/5/10; 2/8/10; 3/12/10; 3/18/10; 3/31/10; 5/5/10; 5/6/10; 6/2/10; 6/4/10; 6/15/10; 6/16/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/3/10; 10/1/10 ; 10/15/10; 10/21/10; 10/22/10; 11/2/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 12/20/10; 12/22/10; 12/29/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/16/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/20/11; 4/26/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/1/11; 8/3/11 (2); 10/17/12 (2); 10/18/12; 10/20/12; 10/22/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 5/13/13; 5/14/13; 5/21/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13	12/1/09	7/22/10; 7/23/10; 12/7/10; 5/16/13
Assiniboine and Sioux Tribes of MT the Fort Peck Indian Reservation, Montana (aka Fort Peck Tribes)	MT	1/30/09; 3/30/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 7/23/10; 11/24/10; 12/9/10; 3/8/11; 5/3/11; 5/4/11; 6/28/11; 9/21/12 (3); 10/11/12 (3); 3/20/13 (3); 5/1/13 (3); 6/14/13 (3); 7/17/13 (3); 12/24/13	3/19/09; 5/7/09; 10/13/09 (2); 10/26/09; 11/3/09; 11/4/09; 11/18/09 (2); 6/9/10; 11/15/10; 11/18/10; 3/8/11; 7/13/11 (2); 7/14/11; 10/9/12 (2); 10/16/12 (2); 1/17/13; 3/29/13; 8/12/13; 11/27/13	3/20/09 (2); 4/22/09; 5/4/09; 6/18/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09 (2); 8/10/09; 8/11/09; 8/12/09; 8/13/09 (2); 9/10/09; 9/28/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09 (2); 11/11/09; 11/17/09; 11/20/09 (4); 12/31/09; 2/2/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/25/11 (3); 5/3/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/13/11 (3); 7/20/11; 7/22/11; 10/16/12; 11/2/12; 11/8/12; 3/4/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 5/8/13 (3); 6/14/13; 7/11/13; 7/16/13; 7/31/13; 11/27/13; 12/23/13		7/14/09; 7/22/10; 7/23/10; 12/7/10; 10/26/12; 05/16/13

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	MT	1/30/09; 2/18/09; 3/12/09; 3/30/09; 4/1/09; 4/15/09; 4/22/09; 5/13/09; 6/3/09; 6/18/09; 7/13/09; 8/24/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/15/09; 12/24/09; 12/31/09; 1/25/10; 7/23/10; 11/24/10; 12/9/10; 3/8/11; 4/26/11; 5/3/11; 5/4/11; 6/28/11; 10/17/11; 9/21/12 (3); 10/11/12 (3); 3/20/13 (3); 5/1/13 (3); 6/14/13 (3); 7/17/13 (3); 12/24/13	8/18/09; 8/21/09; 0/8/09; 10/13/09; 10/21/09; 11/10/09; 11/11/09; 11/13/09; 6/10/10; 7/13/10; 10/17/10; 11/17/10; 5/17/11; 6/7/11; 11/1/11; 10/9/12; 10/10/12; 10/16/12	2/23/09 (2); 4/22/09; 5/4/09; 6/18/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09 (2); 8/13/09; 8/21/09 (2); 8/24/09 (3); 8/25/09; 8/27/09; 8/31/09 (2); 9/3/09; 9/8/09; 9/9/09 (2); 9/10/09 (2); 9/15/09; 9/28/09; 9/30/09 (2); 10/7/09; 10/9/09; 10/12/09; 10/13/09; 10/14/09 (4); 10/19/09; 10/21/09; 10/26/09; 11/2/09 11/3/09; 11/7/09; 11/9/09; 11/11/09; 11/12/09; 11/17/09; 11/20/09; 12/11/09 12/15/09; 12/16/09 (2); 12/17/09; 12/29/09; 12/31/09; 1/4/10; 1/6/10; 1/19/10; 1/25/10; 2/4/10; 3/10/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/11/10; 6/16/10; 6/18/10; 6/21/10 (2); 6/22/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10; 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10 (2); 11/28/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11 (2); 4/18/11; 4/25/11 (2); 4/26/11 (2); 5/3/11; 6/2/11 (2); 6/3/11 (3); 6/7/11; 6/17/11; 6/19/11; 6/20/11; 6/22/11 (4); 6/27/11; 6/29/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/1/11; 8/5/11; 10/17/11; 10/18/11 (2); 10/25/11; 10/27/11 (2); 10/31/11 (4); 11/1/11; 10/9/12; 10/16/12 (3); 11/2/12; 11/8/12; 3/4/13; 4/3/13; 4/4/13 (2); 4/9/13 (2); 4/17/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		10/20/09; 10/22/09; 7/22/10; 7/23/10; 12/7/10; 10/22/12
Cherokee Nation, Oklahoma	OK	1/30/09; 3/30/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/9/12; 10/16/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/9/12 (2); 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		
Cheyenne and Arapaho Tribes, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/22/09; 5/7/09; 5/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 3/16/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 11/9/09; 11/13/09; 1/14/10; 5/4/10; 10/9/12; 10/16/12	5/4/09; 5/7/09; 5/22/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/14/09 (3); 9/1/09; 9/10/09; 9/15/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/12/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/14/10; 1/30/10; 2/26/10; 3/1/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/19/10; 7/20/10; 7/23/10; 8/10/10; 8/11/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11 (3); 7/22/11		5/14/09
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota	SD	1/30/09; 3/30/09; 4/1/09; ; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 7/21/09; 9/8/09; 9/10/09; 9/14/20009; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 4/14/11; 4/18/11; 6/22/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/13/09; 4/25/11; 4/29/11; 10/9/12; 10/16/12	5/4/09; 5/1/09; 5/26/09; 6/15/09; 6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/9/09; 7/13/09; 8/4/09; 8/13/09; 8/27/09; 8/28/09; 9/1/09; 9/2/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/19/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 3/29/11; 4/11/11; 4/14/11; 4/15/1 (2); 4/18/11 (2); 4/19/11; 4/25/11 (3); 4/26/11 (2); 4/27/11; 6/6/11; 6/21/11; 6/22/11 (2); 6/30/11 (3); 7/22/11; 7/27/11; 10/16/12 (2); 10/17/12 (2); 10/23/12; 11/2/12; 11/8/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/17/13; 7/31/13; 12/23/13		5/12/09; 7/14/09; 10/20/09; 10/24/12
Chickasaw Nation, Oklahoma	OK	1/26/10; 1/30/09; 3/30/09; 4/1/09; 1/26/10; 9/21/12; 10/11/12; 10/31/12	3/18/09; 3/20/09; 4/1/09; 10/9/12; 10/16/12	1/20/10; 1/26/10		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	MT	1/30/09; 3/30/09; 4/1/09 ; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 1/27/10; 7/23/10; 11/24/10; 12/9/10; 3/8/11; 5/3/11; 5/4/11; 5/16/11; 6/28/11; 10/17/11; 9/21/12 (2); 10/11/12 (2); 3/20/13 (2); 5/1/13 (2); 6/14/13 (2); 7/16/13 (2); 7/17/13 (2); 12/24/13	3/19/09; 10/21/09; 10/26/09; 1/27/10; 6/8/10; 6/18/10; 7/19/10; 11/20/10; 11/22/10; 12/3/10 (2); 6/3/11; 6/23/11; 6/24/11; 6/27/11; 10/9/12; 10/16/12; 2/12/13; 3/14/13; 4/23/13; 8/1/13	5/4/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09 (2); 8/13/09; 9/10/09; 9/28/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/26/09; 11/3/09; 11/11/09; 11/17/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/8/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 5/16/11; 5/20/11 (2); 5/23/11; 6/2/11 (5); 6/3/11; 6/17/11; 6/20/11 (3); 6/23/11 (2); 6/24/11 (2); 6/27/11; 6/28/11 (2); 6/29/11; 7/1/11; 7/8/11 (3); 7/11/11; 7/12/11; 7/20/11; 7/22/11; 8/5/11; 8/11/11 (2); 10/17/11; 10/18/11; 10/27/11; 10/31/11 (4); 11/1/11; 12/11/11; 12/12/11 (2); 10/16/12; 10/19/12; 10/20/12 (2); 11/2/12; 11/8/12 (3); 12/5/12; 12/19/12; 3/4/13; 3/14/13 (2); 4/3/13; 4/4/13; 4/9/13 (2); 4/23/13; 5/7/13 (2); 5/13/13 (3); 5/14/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 8/9/13; 8/10/13 (3); 8/14/13 (4); 12/23/13; 1/10/14			10/20/09; 10/22/09; 7/22/10; 7/23/10; 12/7/10; 10/22/12; 07/31/13
Choctaw Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/10/09; 4/20/09; 4/22/09; 4/24/09; 5/13/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/9/09; 9/10/09; 9/17/09; 9/28/09; 11/17/09; 11/18/09; 12/2/09; 12/24/09; 12/31/09 ; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 4/14/09; 5/22/09; 9/10/09; 9/15/09; 10/20/10; 10/23/10; 7/25/11; 10/10/12; 10/16/12	5/4/09; 6/25/09; 6/29/09 (2); 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/14/09; 9/30/09; 10/7/09; 10/9/09 (3); 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/30/10; 3/31/10; 4/5/10; 5/7/10 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/7/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 10/27/10; 11/3/10; 11/9/10; 11/11/10; 11/24/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 7/25/11 (5); 10/10/12; 10/14/12; 10/17/12 (2); 10/18/12 (2); 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/24/13; 7/30/13; 7/31/13		11/12/09; 7/24/10; 7/25/10; 12/7/10; 7/31/13	
Comanche Nation, Oklahoma	OK	1/30/09; 9/21/12; 10/11/12	3/18/09; 10/10/12	3/19/09			
Confederated Salish & Kootenai Tribes of the Flathead Indian Nation, Montana	MT	1/30/09; 3/30/09; 4/1/09; 5/3/11; 9/21/12 (2); 10/11/12 (2)	3/19/09; 10/10/12 (3); 10/16/12 (2); 10/17/12	10/17/12			
Confederated Tribes of the Goshute Reservation, Nevada and Utah	UT	5/9/2013; 6/14/13; 7/17/13; 12/24/13		4/22/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/25/13; 7/30/13 (2); 7/31/13; 8/27/13; 12/23/13			
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/23/09; 6/24/11; 10/10/12; 10/16/12	10/17/12 (2); 11/2/12; 11/8/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		10/24/12	
Crow Tribe of Montana	MT	1/30/09; 2/18/09; 3/30/09; 4/1/09; 4/7/09; 4/22/09; 5/4/09; 5/5/09; 5/13/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 7/23/10; 11/24/10; 12/9/10; 5/3/11; 6/28/11; 9/21/12 (4); 10/11/12 (4); 3/20/13 (4); 5/1/13 (4); 6/14/13 (4); 7/17/13 (4); 12/24/13	3/18/09; 3/19/09; 3/26/09; 3/29/09; 10/13/09; 10/26/09 (2); 3/8/10; 3/10/10; 3/26/10; 6/24/11; 10/10/12; 10/16/12; 10/17/12	4/22/09; 5/4/09; 6/18/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09 (2); 8/13/09; 9/10/09; 9/14/09; 9/28/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/11/09; 11/17/09; 11/20/09; 12/31/09; 3/29/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/16/12; 10/19/12; 11/2/12; 11/8/12; 3/4/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/10/13 (2); 7/11/13; 7/16/13; 7/31/13; 12/23/13		10/22/12	

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Delaware Tribe of Indians, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/7/09; 4/17/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/10/12; 10/16/12	5/4/09; 4/29/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/19/20; 10/20/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13		5/14/09; 7/28/09
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada	NV	5/9/2013; 6/14/13; 7/17/13; 12/24/13		4/22/2013		
Eastern Band of Cherokee Indians of North Carolina	NC	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/16/12	12/23/13		
Eastern Shawnee Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12	3/18/09; 10/10/12; 10/16/12			
Ely Shoshone Tribe of Nevada	NV	5/9/2013; 6/14/13; 7/17/13; 12/24/13		4/22/2013		
Flandreau Santee Sioux Tribe of South Dakota	SD	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 8/14/13	3/23/09; 10/10/12; 10/16/12			
Forest County Potawatomi Community, Wisconsin	WI	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 10/30/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	10/19/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13		
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (aka Gros Ventre and Assiniboine Tribe of Ft. Belknap)	MT	1/30/09; 2/18/09; 3/30/09; 4/1/09; 4/14/09; 4/22/09; 5/13/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 7/23/10; 11/24/10; 12/9/10; 3/8/11; 5/3/11; 6/28/11; 9/21/12 (4); 10/11/12 (4); 3/20/13 (4); 5/1/13 (4); 6/14/13 (4); 7/17/13 (4); 12/24/13	3/19/09; 10/13/09; 10/16/09; 10/22/09 (2); 10/26/09; 6/28/11; 10/10/12 (2); 10/17/12 (2)	3/20/09; 4/22/09; 5/4/09; 6/18/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09 (2); 8/13/09; 9/10/09; 9/28/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/11/09; 11/17/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; ; 10/15/10 (4); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/16/12; 11/2/12; 11/8/12; 3/4/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13		10/20/09
Hannahville Indian Community, Michigan	MI	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/17/12			
Ho-Chunk Nation of Wisconsin	WI	1/30/09; 3/30/09; 4/1/09; 4/8/09 5/10/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 7/18/11	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/2/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/18/11 (6); 7/22/11; 9/26/12; 9/28/12 (2); 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Iowa Tribe of Kansas and Nebraska	KS; NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/25/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 9/25/12; 10/11/12; 9/12/13	3/19/09; 5/5/09	5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/10/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 9/25/12		5/12/09; 7/28/09; 7/24/10; 7/25/10; 12/7/10
Iowa Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12	3/24/09	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 9/27/12		
Jena Band of Choctaw Indians, Louisiana	LA	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12	3/19/09; 10/10/12; 10/17/12	1/7/2013		
Kaw Nation, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/20/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 6/9/10; 10/16/12; 3/29/13; 7/25/13	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/27/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/21/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/22/11; 5/16/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11 (5); 7/22/11; 10/17/12; 11/2/12; 11/8/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/25/13; 7/31/13; 12/23/13		7/28/09; 11/12/09; 10/26/12
Kialegee Tribal Town, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/6/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/10/09 9/8/09; 9/10/09; 9/24/09; 9/28/09; 11/17/09; 11/18/09; 11/25/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 11/10/09; 1/14/10; 3/16/10; 11/12/10; 10/16/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/15/09 (2); 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/24/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/21/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 1/14/10; 2/8/10; 3/12/10; 3/16/10; 3/31/10; 4/9/10; 4/20/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/9/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13	8/10/09; 11/3/10; 11/12/10	12/7/10
Kickapoo Traditional Tribe of Texas	TX	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/16/12; 10/17/12			

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	KS	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 8/4/09; 8/6/09; 8/11/09; 9/10/09; 6/24/11; 7/6/11; 10/16/12	5/4/09; 5/7/09; 5/12/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/13/09; 7/23/09; 8/4/09; 8/6/10; 8/10/10; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/24/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/14/09; 7/14/09; 7/28/09
Kiowa Indian Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/24/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 6/24/11; 10/16/12; 10/17/12; 11/21/12	3/25/09; 5/4/09; 5/8/09; 6/19/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	SD	1/30/09; 2/9/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 7/29/10; 6/14/10; 7/23/10; 7/29/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	7/10/09; 8/11/09; 10/14/09; 12/9/09; 2/2/10; 2/9/10; 3/4/10; 6/10/10; 10/10/12; 10/17/12; 10/18/12	2/6/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/9/09; 7/13/09; 8/4/09; 8/13/09; 8/28/09 (2); 9/1/09; 9/10/09; 9/11/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/19/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/9/09; 12/31/09; 2/2/10; 2/9/10; 3/1/10; 3/17/10; 3/31/10; 4/5/10; 4/19/10; 4/20/10; 4/30/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 7/28/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/18/12 (2); 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13		2/27/10
Lower Sioux Indian Community in the State of Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/11/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	8/21/09; 11/9/09; 1/22/10; 2/26/10; 10/12/12; 10/17/12	4/23/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/10/09; 8/11/09; 8/13/09; 8/17/09; 8/21/09; 9/1/09; 9/10/09; 9/15/09; 9/29/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/29/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		7/14/09; 10/20/09
Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan (aka Gun Lake Potawatomi)	MI	1/30/09; 3/6/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/12/12; 10/17/12			

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Mille Lacs Band of Minnesota Chippewa Tribes, Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 9/27/12; 10/11/12; 10/16/12; 11/5/12; 6/25/13	3/19/09; 10/12/12; 10/16/12; 10/17/12	5/4/09; 6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/14/09; 7/27/09; 7/30/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 5/21/10; 6/14/10; 6/2/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/20/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 10/25/10; 10/26/10; 11/3/10; 11/10/10; ; 11/11/10; 11/12/10; 11/24/10; 11/30/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 4/1/13; 4/18/13; 5/7/13		7/14/09; 10/20/09; 7/22/10; 7/23/10; 5/16/13
Modoc Tribe of Oklahoma	OK	1/30/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/12/12; 10/17/12			
Nez Perce Tribe, Idaho	ID	2/19/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/3/13; 7/17/13; 12/24/13	10/12/12; 10/17/12	4/22/13; 5/8/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		7/31/2013
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana	MT	1/30/09; 2/18/09; 3/30/09; 4/1/09; 4/8/09; 4/9/09; 4/22/09; 5/13/09 (2); 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 7/23/10; 11/24/10; 12/9/10; 6/28/11; 9/21/12 (2); 10/11/12 (2); 3/20/13 (2); 5/1/13 (2); 6/14/13 (2); 7/17/13 (2); 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 7/13/09; 10/13/09; 10/19/09; 10/22/09 (2); 11/16/09; 9/20/11; 10/10/12 (2); 10/17/12 (2); 5/29/13	4/14/09; 4/15/09; 5/4/09; 6/18/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 8/4/09 (2); 8/13/09; 8/25/09; 9/10/09; 9/14/09; 9/28/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/11/09; 11/17/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/5/11; 9/7/11 (2); 10/16/12; 11/2/12; 11/8/12; 3/4/13; 4/3/2013; 4/9/13; 4/23/13; 5/1/2013; 5/7/13; 5/29/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		7/14/09; 10/20/09; 10/22/12; 05/16/13
Nottawaseppi Huron Band of the Potawatomi, Michigan (aka Huron Potawatomi Nation)	MI	1/30/09; 3/30/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	3/23/09; 12/23/13		
Ogala Sioux Tribe of the Pine Ridge Reservation, South Dakota	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 7/30/12; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/16/13; 7/17/13; 7/30/13; 12/24/13	3/23/09; 10/10/12; 10/16/12; 10/23/12; 11/5/12; 11/6/12; 4/2/13; 4/10/13	5/4/09; 5/7/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/2/09; 11/3/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/10; 6/23/10; 7/6/10; 7/12/10 (2); 7/16/10 (4); 7/23/10 (2); 8/10/10; 10/15/10 (2); 10/21/10; 11/3/10; 11/11/10; 11/24/10 (2); 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 8/5/11; 9/7/11 (2); 10/16/12; 11/2/12; 11/8/12; 3/4/13; 4/3/2013; 4/9/13; 4/23/13; 5/1/2013; 5/7/13; 5/29/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/12/09; 5/16/13; 7/31/13
Omaha Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 9/12/13; 12/24/13	3/19/09; 10/10/12; 10/17/12; 10/22/12	10/22/12; 3/4/13; 3/22/13; 4/1/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13		5/16/2013

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
Osage Nation, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/17/13; 12/24/13	3/18/09; 3/24/09; 4/13/09; 11/10/09; 7/12/11; 10/10/12; 10/17/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/7/09; 8/13/09; 9/1/09; 9/4/09; 9/10/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/13/09; 10/14/09; 10/19/09; 10/26/09; 10/27/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/8/10; 6/15/10; 6/16/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/8/10; 11/11/10; 11/12/10; 11/15/10; 11/24/10; 11/29/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/12/11 (2); 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/1/13; 4/2/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13			5/14/09; 7/28/09; 10/20/09; 11/12/09; 7/24/10; 7/25/10;
Otoe-Missouria Tribe of Indians, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	12/23/13			
Pawnee Nation of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 4/6/09; 4/7/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/11/09; 9/14/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 4/30/10; 5/25/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 9/21/10; 9/24/10; 10/20/10; 10/28/10; 11/15/10; 11/24/10; 12/9/10; 1/26/11; 3/4/11; 3/29/11(2); 4/29/11 (2); 6/30/11; 7/8/11; 9/21/12; 10/8/12; 10/11/12; 3/20/13; 4/19/13; 5/1/13; 6/14/13; 7/17/13; 8/8/13; 9/12/13; 12/24/13	3/19/09; 12/8/09; 2/9/10; 4/30/10; 5/3/10; 5/4/10; 5/5/10; 8/11/10; 9/8/10; 9/21/10; 11/22/10; 11/30/10; 12/1/10; 7/14/11; 7/29/11; 7/27/11; 5/25/12; 10/10/12; 11/20/12; 1/29/13; 3/15/13; 3/29/13; 5/13/13	4/7/09; 5/4/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/17/09; 9/1/09; 9/4/09; 9/9/09 (2); 9/10/09; 9/15/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09; 10/19/09; 10/20/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/8/09; 12/31/09; 2/10/10; 3/31/10; 4/29/10; 4/30/10; 5/3/10; 5/6/10; 5/24/10; 6/2/10; 6/4/10; 6/9/10; 6/16/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/8/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/9/10; 11/11/10; 11/12/10; 11/13/10; 11/19/10; 11/22/10; 11/24/10; 11/29/10; 12/1/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 12/16/10; 1/12/11; 1/26/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/3/11; 3/4/11; 3/5/11; 3/9/11; 3/10/11; 3/18/11; 3/29/11; 4/18/11; 4/19/11 (2); 4/29/11; 6/21/11 (2); 6/22/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/14/11; 7/15/11 (2); 7/19/11 (2); 7/20/11; 7/22/11; 7/28/11; 8/2/11 (10); 5/25/12; 9/17/12; 9/18/12; 9/25/12; 9/28/12; 10/9/12 (2); 10/12/12; 10/17/12; 11/2/12; 11/8/12; 3/4/13; 3/22/13; 4/1/13; 4/2/13; 4/3/13 (2); 4/4/13; 4/5/13; 4/8/13; 4/9/13; 4/16/13; 4/17/13 (2); 4/18/13; 4/19/13; 4/22/13; 4/23/13 (2); 4/25/13; 5/1/13; 5/6/13; 5/7/13 (2); 5/9/13; 5/10/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 8/6/13; 12/23/13			5/14/09; 7/28/09; 11/12/09; 7/24/10; 7/25/10; 9/9/10; 12/7/10; 12/8/10; 10/26/12; 5/16/13; 7/31/13
Poarch Band of Creek Indians of Alabama	AL	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	10/14/12; 10/19/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 6/21/13; 7/1/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13			
Pokagon Band of Potawatomi Indians, Michigan and Indiana	MI	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/11/12	4/1/13; 4/3/13; 4/9/13; 4/23/13; 5/1/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13; 1/13/14 (3)		5/16/2013	
Ponca Tribe of Indians of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13	08/03/09		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Ponca Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09; 4/8/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/16/13; 7/17/13; 9/12/13; 12/24/13	3/18/09; 10/10/12; 10/17/12; 11/5/12; 11/16/12	4/29/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/12/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/14/13; 10/15/12 (2); 11/2/12; 11/5/12 (2); 11/8/12; 11/16/13; 12/19/13; 1/30/13; 3/4/13; 3/22/13 (2); 4/3/13; 4/9/13; 4/11/13; 4/16/13; 4/23/13; 5/7/13; 5/20/13; 5/21/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/12/09; 7/14/09; 7/22/10; 7/23/10; 10/26/12; 5/16/13
Prairie Band of Potawatomi Nation, Kansas	KS	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 10/19/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/10/12; 10/17/12	10/10/12; 10/17/12 (2); 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13; 12/23/13		
Prairie Island Indian Community in the State of Minnesota	MN	1/30/09; 3/30/09; 9/21/12; 10/11/12; 10/15/12	3/19/09; 10/10/12	3/19/09; 10/14/12; 10/15/12		
Red Lake Band of Chippewa Indians, Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	10/14/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/16/2013
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/9/09; 4/22/09; 5/5/09; 5/8/09; 5/22/09; 6/3/09; 6/18/09; 7/13/09; 7/21/09 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 1/6/10; 2/11/10; 4/5/10; 6/9/10; 6/14/10; 6/20/10; 7/23/10; 8/13/10; 10/6/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 9/12/13; 10/1/13; 12/24/13	3/23/09; 10/12/12; 10/17/12; 9/5/13; 9/20/13	5/4/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 10/21/09; 10/22/09; 10/23/09; 10/26/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 11/30/09; 12/9/09; 12/31/09; 1/6/10; 2/11/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/15/12; 10/18/12 (2); 2/25/13; 2/27/13; 3/4/13; 3/5/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13; 1/9/14		5/12/09; 7/14/09; 10/20/09
Sac & Fox Nation of Missouri in Kansas and Nebraska	OK	1/30/09; 3/30/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 1/21/10; 11/5/10; 11/19/10 11/26/10; 12/3/10; 10/10/12; 10/17/12	5/4/09; 4/30/09; 5/1/09; 5/15/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/17/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/14/10; 11/22/10; 11/24/10; 12/1/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		7/24/10; 7/25/10; 12/7/10
Sac & Fox Nation, Oklahoma	KS	1/30/09; 3/30/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/11/12			
Sac & Fox Tribe of the Mississippi in Iowa	MS	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/16/12			

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Santee Sioux Nation, Nebraska	NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 5/8/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 9/12/13; 12/24/13	3/23/09; 10/16/12; 10/17/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/12/09
Seneca-Cayuga Tribe of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12	3/19/09; 10/16/12			
Shakopee Mdewakanton Sioux Community of Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 4/7/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/23/09; 10/17/12	3/24/09; 12/23/13		
Shoshone Tribe of the Wind River Reservation, Wyoming (aka Eastern Shoshone Tribe)	WY	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	10/9/12; 10/17/12			
Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho	ID	2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 5/9/13 (2); 6/14/13; 7/17/13; 12/24/13	3/23/09; 10/9/12; 10/17/12; 8/28/13	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 5/3/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13 (2); 12/23/13		7/31/13
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota	SD	1/30/09; 3/30/09; 4/1/09 4/22/09; 5/8/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	10/13/09; 12/3/09; 4/9/10; 6/10/10; 10/9/12; 10/17/12	3/17/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09 (2); 10/9/09; 10/19/09 (2); 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09 (2); 12/3/09; 12/31/09; 3/31/10; 4/9/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13 (3); 4/23/13; 5/7/13 (2); 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		5/12/09
Skull Valley Band of Goshute Indians of Utah	UT	5/9/2013; 6/14/13; 7/17/13; 12/24/13		4/22/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado	UT	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/9/12; 10/17/12 (2); 10/21/12	10/10/12; 12/23/13		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Spirit Lake Tribe, North Dakota	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 8/11/09; 9/8/09; 9/10/09; 9/14/09; 9/28/09 10/1/09; 11/17/09; 11/18/09; 3/26/13 12/24/09; 12/31/09; 2/11/10; 2/25/10; 3/17/10; 4/5/10; 5/4/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 5/4/10; 10/16/12; 10/17/12; 11/5/12; 11/6/12; 3/26/13	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 8/24/09; 9/1/09; 9/10/09; 9/15/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 2/11/10; 3/17/10; 3/31/10; 5/4/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/5/11 (2); 7/8/11; 7/20/11; 7/22/11; 7/25/13; 7/31/13; 12/23/13		10/20/09
Standing Rock Sioux Tribe of North & South Dakota	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09; 4/9/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 8/8/13; 12/24/13	10/10/12; 10/17/12; 4/3/13	5/4/09; 5/6/09; 5/11/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09 (2); 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/14/10; 6/15/10; 6/17/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 11/2/12; 11/8/12; 3/4/13; 3/12/13 (2); 3/13/13; 3/14/13; 3/22/13; 3/29/13; 4/3/13; 4/9/13; 4/22/13; 4/23/13; 5/1/13; 5/7/13; 5/9/13 (2); 6/14/13; 7/5/13; 7/11/13 (2); 7/16/13; 7/29/13; 7/30/13; 7/31/13; 8/6/13; 12/23/13		5/12/09; 10/20/09; 7/22/10; 7/23/10; 10/24/12; 7/31/13
Stockbridge Munsee Community, Wisconsin	WI	1/30/09; 3/30/09; 9/21/12; 10/10/12; 10/11/12	3/19/09		3/20/09	
Thlopthlocco Tribal Town, Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12	10/10/12; 10/17/12			
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	ND	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	5/4/09; 4/29/09; 5/22/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/6/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09 (2); 10/9/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/1/13; 7/16/13; 7/31/13; 12/23/13		7/14/09
Tonkawa Tribe of Indians of Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 9/27/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/10/12; 10/17/12	4/3/09; 5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 9/27/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Turtle Mountain Band of Chippewa Indians of North Dakota	ND	1/30/09; 2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/24/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 2/11/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 3/8/11; 3/29/11; 5/3/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/13/09; 12/9/09; 12/17/09; 12/18/09; 6/10/10; 10/9/12; 10/17/12	5/4/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/24/09 (2); 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/15/09; 11/17/09; 11/18/09; 11/20/09; 12/15/09; 12/18/09; 12/31/09; 2/11/10; 3/17/10; 3/18/10; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/16/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/11/11; 2/12/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/3/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 7/20/11 (9)	10/14/09	10/20/09
United Keetoowah Band of Cherokee Indians in Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12	3/19/09; 10/9/12; 10/17/12	10/17/12		
Upper Sioux Community, Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	10/9/12; 10/17/12			
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (aka Ute Indian Tribe, also Northern Ute Tribe)	UT	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/18/09; 10/9/12; 10/17/12	5/4/09; 4/29/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/8/09; 12/31/09 ; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 12/23/13		
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah	CO	1/30/09; 3/30/09; 4/1/09; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/9/12; 10/17/12	12/23/13		
White Earth Band of Minnesota Chippewa Tribes, Minnesota	MN	1/30/09; 3/30/09; 4/1/09; 7/24/09; 9/21/12; 10/11/12	3/19/09; 10/9/12; 10/17/12	10/18/12 (2)		
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma	OK	1/30/09; 3/30/09; 4/1/09; 7/24/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/11/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 6/22/11; 10/9/12	5/4/09; 4/29/09; 5/20/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/9/12; 10/18/12; 3/4/13; 3/22/13; 4/3/13; 4/9/13; 4/23/13; 5/7/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 12/23/13		
Winnebago Tribe of Nebraska	NE	1/30/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 11/17/09; 11/18/09; 12/24/09; 12/31/09; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10; 11/24/10; 12/9/10; 1/16/11; 3/29/11; 6/30/11; 7/8/11; 9/21/12; 10/3/12; 10/11/12	3/19/09; 6/22/11 (3); 10/9/12; 10/17/12	5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/4/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/18/09; 11/20/09; 12/31/09; 3/31/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 10/16/12		

Record of Consultation: Indian Tribes and Nations

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings	
Yankton Sioux Tribe of South Dakota	SD	1/30/09; 2/19/09; 3/30/09; 4/1/09 4/22/09; 6/3/09; 6/18/09; 7/13/09; 9/8/09; 9/10/09; 9/28/09; 10/19/09; 10/29/10; 11/10/09; 11/17/09; 11/18/09; 11/30/09; 12/16/10; 12/24/09; 12/31/09; 1/6/10; 1/15/10; 1/20/10; 2/22/10; 2/26/10; 4/5/10; 6/9/10; 6/14/10; 7/23/10; 8/13/10 ; 11/24/10; 12/9/10; 1/26/11; 3/29/11; 4/18/11; 6/30/11; 7/8/11; 1/30/12; 9/21/12; 10/11/12; 11/6/12; 3/20/13; 4/8/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	9/30/09; 10/13/09; 10/16/09; 12/15/09; 4/21/10; 11/12/10; 7/11/11; 7/14/11; 10/10/12; 10/12/12; 10/13/12; 10/15/12; 10/16/12; 11/5/12; 11/16/12; 12/10/12; 12/19/12; 2/12/13	3/17/09; 5/4/09; 5/5/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/14/09; 8/4/09; 8/13/09 (2); 8/25/09 (3); 8/26/09; 9/1/09 (2); 9/10/09; 9/14/09; 9/29/09; 9/30/09; 10/7/09; 10/9/09; 10/13/09; 10/14/09 (2); 10/16/09 (2); 10/19/09; 11/3/09; 11/4/09; 11/7/09; 11/11/09; 11/12/09; 11/17/09; 11/18/09; 11/20/09 (2); 12/3/09; 12/15/09; 12/16/09 (2); 12/17/09; 12/22/09; 12/23/09; 12/24/09; 12/29/09; 12/31/09; 1/7/10; 1/13/10; 1/21/10; 1/26/10; 2/3/10; 2/12/10; 2/17/10; 2/24/10; 2/25/10; 2/28/10; 3/2/10; 3/31/10; 4/21/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/7/10; 6/8/10; 6/11/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/24/10; 11/30/10; 12/1/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/26/11 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11(2); 5/11/11; 6/21/11; 6/30/11 (3); 7/1/11; 7/6/11; 7/8/11; 7/20/11; 7/22/11; 9/26/12; 9/28/12 (2); 10/12/12 (3); 10/15/12; 10/17/12 (2); 10/22/12 (3); 11/2/12; 11/6/12; 11/7/12; 11/8/12 (3); 11/14/12; 11/15/12; 11/16/12; 12/10/12; 12/19/12; 2/12/13; 2/21/13; 3/4/13; 3/22/13 (2); 4/3/13; 4/4/13; 4/9/13 (2); 4/12/13; 4/22/13; 4/23/13; 5/7/13; 5/9/13; 6/14/13; 7/11/13; 7/16/13; 7/31/13; 10/23/13; 12/23/13			10/20/09; 12/7/10; 10/22/12; 10/24/12; 5/16/13; 7/31/13
Ysleta Del Sur Pueblo of Texas	TX	1/30/09; 3/30/09; 4/1/09; 4/22/09; 6/3/09; 6/18/09; 7/13/09; 7/30/09; 9/21/12; 10/11/12; 10/15/12; 3/20/13; 5/1/13; 6/14/13; 7/17/13; 12/24/13	3/19/09; 10/9/12; 10/16/12	12/23/13	7/31/09		

Record of Consultation: Government Agencies

Agency	Letters	Telephone	Emails	Faxes	Meetings
ACHP	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/14/11; 1/16/11; 2/4/11; 6/30/11; 7/8/11; 12/19/13	7/24/09; 9/11/09; 11/19/09; 11/23/09; 1/15/10; 2/22/10; 4/8/10; 6/6/11; 7/30/10; 2/16/11; 3/4/11; 5/19/11; 7/8/11; 8/1/11; 5/14/13; 7/24/13; 7/31/13; 8/20/13; 10/25/13	7/22/09; 8/17/09; 8/18/09; 9/1/09; 9/2/09; 9/10/09; 9/11/09; 9/14/09; 9/17/10; 9/30/09; 10/7/09; 10/9/09; 10/15/09; 10/19/09; 11/3/09; 11/4/09; 1/7/10; 1/8/10; 2/18/10; 2/19/10; 3/9/10; 3/31/10; 4/7/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 10/22/10; 11/3/10; 11/11/10; 11/15/10; 11/24/10; 12/7/10; 12/8/10; 12/13/10; 1/12/11; 1/14/11; 1/19/11; 1/21/11; 1/24/11; 1/27/11; 1/28/11; 1/30/11; 2/17/11; 2/22/11; 2/28/11; 3/3/11; 3/18/11; 3/29/11; 4/18/11 (3); 4/26/11; 6/3/11 (2); 6/16/11; 6/21/11(2); 6/22/11 (3); 6/27/11 (2); 6/28/11 (2); 6/30/11(3); 7/1/11; 7/5/11 (2); 7/8/11 (8); 7/20/11; 7/22/11; 8/1/11 (7); 8/3/11 (3); 10/15/12 (2); 10/17/12; 11/30/12; 1/16/13; 4/1/13; 4/3/13; 4/4/13 (3); 4/9/13; 4/10/13; 4/23/13; 5/1/13; 5/9/13 (3); 5/13/13; 5/14/13; 5/15/13; 5/23/13; 7/23/13; 7/24/13; 8/5/13; 8/13/13 (4); 8/14/13; 8/15/13; 8/16/13; 8/19/13; 8/20/13; 8/21/13; 8/28/13; 9/3/13; 9/5/13 (2); 9/6/13 (3); 9/11/13; 9/18/13 (4); 9/19/13 (4); 9/25/13 (3); 9/26/13 (2); 9/27/13 (4); 10/18/13; 10/22/13; 10/23/13; 10/24/13; 10/30/13; 11/6/13; 11/8/13; 11/25/13 (2); 11/27/13 (2); 12/2/13; 12/6/13; 12/10/13; 12/11/13 (2); 12/12/13 (2); 12/13/13; 12/16/13		8/18/09; 4/8/10; 8/17/10; 10/26/10; 12/7/10; 4/23/13; 9/23/13
BIA	2/19/09; 3/30/09; 5/12/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/18/11; 6/30/11; 7/8/11	6/23/10 ; 5/14/13; 7/24/13	5/5/09; 5/6/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/15/09; 10/19/09; 11/3/09; 11/4/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/9/10; 12/14/10; 1/4/11; 1/12/11; 1/14/11; 1/18/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/15/11; 7/19/11 (2); 7/20/11 (3); 7/22/11; 4/1/13; 4/9/13; 4/23/13; 5/9/13 (2); 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13; 12/16/13		5/12/09; 10/20/09; 10/21/09; 6/22/10; 6/23/10; 12/7/10; 5/16/13
BLM	2/19/09; 3/30/09; 6/3/09; 6/14/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/9/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/19/10; 7/23/10; 8/6/10; 8/9/10; 8/12/10; 11/24/10; 11/29/10; 12/7/10; 12/9/10; 12/15/10; 2/17/11; 2/24/11; 5/3/11; 6/13/11; 6/30/11; 7/8/11	4/13/09; 4/14/09; 4/26/09; 6/14/09; 6/25/09; 6/27/09; 8/14/09; 10/21/09; 10/23/09; 10/26/09; 11/18/09; 11/23/09; 12/10/09; 6/7/10; 6/25/10; 7/19/10; 12/2/10; 12/3/10; 4/19/11; 6/6/11; 7/13/11; 7/14/11; 7/28/11; 5/14/13; 7/24/13; 7/31/13; 8/20/13	1/30/09; 2/3/09; 2/17/09; 2/20/09; 4/13/09; 4/22/09; 5/1/09; 5/5/09; 6/2/09; 6/13/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/7/09; 7/13/09; 8/10/09; 8/12/09; 8/13/09; 8/20/09; 9/1/09; 9/10/09; 9/14/09; 9/21/09; 9/23/09; 9/30/09; 10/2/09; 10/5/09; 10/6/09; 10/7/09; 10/8/09; 10/9/09; 10/19/09; 10/22/09; 10/26/09; 11/3/09; 11/4/09; 11/9/09; 11/11/09; 12/2/09; 12/3/09; 12/28/09; 1/19/10; 2/9/10; 3/9/10; 3/31/10; 4/1/10; 4/3/10; 4/19/10; 4/26/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/6/10; 7/12/10; 7/16/10; 7/18/10; 7/20/10; 7/23/10; 8/3/10; 8/4/10; 8/9/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/8/10; 12/14/10; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 3/18/11; 3/29/11; 4/4/11; 4/15/11; 4/18/11(2); 4/21/11 (3); 4/26/11; 5/31/11; 6/13/11 (5); 6/17/11; 6/21/11; 6/28/11; 6/29/11; 6/30/11(3); 7/1/11; 7/8/11; 7/12/11(6); 7/14/11; 7/20/11(2); 7/22/11; 4/1/13; 4/9/13; 4/23/13; 5/7/13; 5/9/13 (2); 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13 (2); 9/11/13; 12/2/13; 12/12/13 (3); 12/16/13	10/15/09; 10/16/09	5/12/09; 8/25/09; 9/14/09; 10/7/09; 10/20/09; 10/21/09; 10/27/09; 6/22/10; 6/23/10; 12/7/10; 5/16/13
BOR	9/30/09 ; 11/2/09; 12/17/09; 12/24/09; 12/31/09; 1/14/10; 1/19/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 12/15/10; 1/16/11; 6/30/11; 7/8/11	10/23/09; 10/26/09; 1/6/11; 6/22/11; 7/19/11; 11/4/13	9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/27/09; 10/30/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 12/17/09; 1/14/10; 1/19/10; 1/20/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 11/11/10; 11/24/10; 12/7/10; 12/8/10; 12/14/10; 12/15/10; 1/12/11; 1/27/11; 1/28/11; 7/11/11; 4/1/13; 4/9/13; 4/23/13; 5/9/13; 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/9/13; 12/12/13; 12/16/13		10/7/09; 10/27/09

Record of Consultation: Government Agencies

Agency	Letters	Telephone	Emails	Faxes	Meetings
MDEQ	2/19/09; 3/18/09; 3/30/09; 4/6/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 3/30/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 9/2/10; 9/3/10; 10/14/10; 11/24/10; 12/7/10; 12/9/10; 2/17/11; 3/7/11; 5/3/11; 6/30/11; 7/8/11	4/13/09; 4/14/09; 12/3/10; 6/6/11; 7/8/11; 7/29/11; 5/14/13; 7/24/13; 7/31/13; 8/20/13	1/30/09; 2/4/09; 4/14/09; 5/4/09; 6/10/09; 6/25/09; 6/29/09; 7/1/09; 7/2/09; 7/13/09; 8/13/09; 8/21/09; 9/1/09; 9/10/09; 9/29/09; 10/2/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/9/09; 11/11/09; 11/17/09; 12/7/09; 1/14/10; 1/19/10; 1/20/10; 3/9/10; 3/11/10; 3/12/10; 3/23/10; 3/26/10; 3/31/10; 4/14/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/9/10; 7/12/10; 7/16/10; 7/19/10; 7/23/10; 7/26/10; 8/9/10; 8/10/10; 9/3/10; 9/30/10; 10/15/10; 10/21/10; 11/3/10; 11/8/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/3/11; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 3/7/11; 3/18/11; 3/29/11; 4/4/11(2); 4/18/11; 4/28/11; 5/12/11 (2); 5/26/11; 5/31/11; 6/16/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/14/11(2); 7/18/11(2); 7/20/11; 7/21/11; 7/22/11; 7/25/11(4); 4/9/13; 4/23/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13 (4); 12/13/13; 12/16/13 (2)		4/22/09; 5/12/09; 10/7/09; 10/13/09; 10/20/09; 10/21/09; 10/22/09; 6/22/10; 6/23/10; 7/28/10; 12/7/10
MDNRC	6/3/09; 6/12/09; 6/18/09; 7/12/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	4/14/09; 3/26/10	4/14/09; 4/23/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/20/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/5/09; 10/7/09; 10/9/09; 10/12/09; 10/13/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/6/10; 7/7/10; 7/8/10; 7/12/10; 7/16/10; 7/23/10; 7/27/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11(4); 7/22/11; 4/9/13; 4/23/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13 (3); 12/16/13; 12/18/13 (2)		4/22/09; 10/22/09; 7/28/10
NPS	2/19/09; 3/23/09; 3/30/09; 6/3/09; 6/18/09; 6/25/09; 7/13/09; 7/22/09; 8/26/09; 9/30/09; 11/2/09; 11/23/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/6/10; 8/12/10; 9/17/10; 11/24/10; 12/9/10; 1/14/11; 2/14/11; 6/30/11; 7/8/11	4/22/09; 5/5/09; 8/12/09; 8/21/09; 9/25/09; 9/30/09; 10/8/09; 10/26/09; 3/25/10; 7/21/10; 7/1/11	5/1/09; 5/6/09; 5/8/09; 6/25/09; 6/29/09; 6/30/09; 7/1/09; 7/6/09; 7/13/09; 7/21/09; 7/22/09; 7/24/09; 8/13/09; 8/26/09; 9/1/09; 9/10/09; 9/30/09; 10/2/09; 10/7/09; 10/9/09; 10/19/09; 10/26/09; 11/3/09; 11/4/09; 11/5/09; 11/9/09; 11/11/09; 11/17/09; 1/29/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/3/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/18/10; 7/21/10; 7/23/10; 8/10/10; 9/14/10; 9/16/10; 10/12/10; 10/15/10; 10/21/10; 11/3/10; 11/5/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/14/11; 2/15/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/20/11; 5/4/11; 5/19/11 (2); 6/21/11; 6/28/11; 6/29/11 (2); 6/30/11(4); 7/1/11(2); 7/8/11; 7/20/11(6); 7/22/11; 8/2/11(2); 8/3/11; 4/1/13; 4/9/13; 4/23/13; 5/9/13 (2); 5/14/13 (2); 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 11/8/13; 12/2/13; 12/12/13; 12/16/13		5/12/09; 7/28/09; 10/8/09; 11/12/09; 11/13/09
RUS	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 1/25/10; 4/2/10; 6/14/10; 7/23/10; 7/30/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 4/19/11; 6/20/11; 6/30/11; 7/12/11; 7/8/11	6/29/09; 7/29/09; 10/27/09; 11/6/09; 12/4/09; 6/8/10; 6/14/10; 6/22/10; 3/8/11; 4/18/11; 5/14/13; 7/24/13; 7/31/13; 8/20/13; 12/16/13	6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/27/09; 11/2/09; 11/3/09; 11/4/09; 11/11/09; 11/16/09; 11/17/09; 11/20/09; 12/3/09; 1/22/10; 1/23/10; 1/25/10; 3/31/10; 4/19/10; 4/28/10; 5/6/10; 5/27/10; 5/28/10; 6/2/10; 6/4/10; 6/8/10; 6/11/10; 6/14/10; 6/15/10; 6/21/10; 6/23/10; 7/6/10; 7/9/10; 7/12/10; 7/16/10; 7/23/10; 7/29/10; 8/2/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 4/19/11; 6/20/11 (2); 6/21/11(2); 6/30/11(3); 7/1/11; 7/8/11; 7/12/11; 7/20/11; 7/22/11; 7/26/11(3); 7/27/11; 4/1/13; 4/9/13; 4/23/13; 5/9/13 (2); 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13 (2); 12/13/13 (2); 12/16/13 (2); 12/17/13		
SHPO_KS	2/2/09; 2/10/09; 3/30/09; 4/13/09; 6/3/09; 6/18/09; 7/13/09; 7/22/09; 7/30/09; 9/18/09; 9/30/09; 10/28/09; 11/2/09; 11/3/09; 11/6/09; 11/16/09; 12/24/09; 12/31/09; 1/12/10; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 7/26/10; 8/12/10; 11/24/10; 12/9/10; 12/10/10; 12/21/10; 6/4/11; 6/30/11; 7/8/11; 7/11/11; 8/16/12; 8/22/12; 3/14/13	7/31/09; 5/12/11; 4/4/13	2/11/09; 3/27/09; 3/30/09; 4/16/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/31/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/6/09; 11/10/09; 11/11/09; 11/17/09; 1/12/10; 1/13/10; 3/31/10; 4/19/10; 4/23/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/2/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 5/11/11; 5/12/11; 5/13/11 (5); 5/31/11 (3); 6/3/11 (2); 6/17/11 (3); 6/21/11; 6/28/11 (2); 6/30/11(3); 7/1/11; 7/8/11(2); 7/20/11; 7/22/11; 4/9/13; 4/23/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/3/13; 12/12/13; 12/16/13	10/26/09	

Record of Consultation: Government Agencies

Agency	Letters	Telephone	Emails	Faxes	Meetings
SHPO_MT	2/2/09; 2/20/09; 3/30/09; 4/17/09; 4/22/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/8/09; 7/13/09; 7/17/09; 9/30/09; 11/2/09; 11/13/09; 12/14/09; 12/24/09; 12/31/09; 1/11/10; 4/2/10; 6/14/10; 7/16/10 (2); 7/23/10; 7/28/10; 8/5/10; 8/6/10; 8/12/10; 11/24/10; 11/29/10; 12/7/10; 12/9/10; 12/16/10; 1/14/11; 2/17/11; 2/28/11; 5/3/11; 6/2/11; 6/30/11; 7/8/11(2); 7/28/11; 11/18/11; 7/2/12; 7/11/12; 7/2/12; 7/11/12; 4/26/13; 6/3/13; 8/27/13	4/1/09; 4/14/09; 10/14/09; 10/20/09; 1/14/10 6/6/11; 7/2/10; 7/28/10; 8/26/10; 7/7/11; 7/28/11; ; 5/14/13; 8/20/13	2/6/09; 6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/6/09; 7/7/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/2/09; 10/5/09; 10/7/09; 10/9/09; 10/12/09; 10/19/09; 10/20/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 11/24/09; 1/7/10; 1/11/10; 1/13/10; 1/14/10; 1/15/10; 1/19/10; 2/4/10; 3/31/10; 4/19/10; 5/6/10; 5/14/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/24/10; 7/1/10; 7/6/10; 7/7/10; 7/12/10; 7/16/10; 7/23/10; 7/27/10; 7/28/10; 8/2/10; 8/9/10; 8/10/10; 8/19/10; 8/26/10; 10/15/10; 10/21/10; 10/28/10; 11/3/10; 11/11/10; 12/7/10; 12/8/10; 12/10/10; 12/14/10; 12/29/10; 1/4/11; 1/5/11; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/17/11; 2/22/11; 3/18/11; 3/29/11; 4/4/11(2); 4/18/11; 5/26/11; 5/31/11; 6/2/11; 6/3/11 (3); 6/16/11; 6/17/11; 6/21/11(2); 6/28/11; 6/29/11; 6/30/11(3); 7/1/11(2); 7/6/11; 7/7/11; 7/8/11; 7/20/11; 7/22/11; 7/29/11; 4/9/13; 4/23/13; 5/9/13; 5/10/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13 (2); 9/11/13; 12/2/13; 12/12/13; 12/16/13	8/3/09	4/22/09; 10/20/09; 10/21/09
SHPO_ND		8/16/2013	8/16/13 (2); 12/13/13		
SHPO_NE	5/27/08; 2/2/09; 2/20/09; 3/17/09; 3/30/09; 4/17/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/2/09; 7/13/09; 9/30/09; 10/30/09; 11/2/09; 11/3/09; 11/16/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/12/10; 9/20/10; 9/30/10; 11/5/10; 11/24/10; 12/9/10; 3/2/11; 3/4/11; 3/18/11; 3/29/11; 4/7/11; 4/14/11; 4/29/11; 5/4/11; 5/10/11; 5/25/11; 6/4/11; 6/15/11; 6/24/11; 6/30/11; 7/8/11; 7/25/11; 8/9/11; 12/23/11; 1/26/12; 6/28/12; 7/19/12 (2); 4/26/13; 5/7/13; 6/11/13 (2); 6/24/13; 9/12/13	3/23/09; 4/1/09; 4/14/09; 9/28/10; 10/4/10; 11/11/10; 11/15/10; 11/16/10; 3/18/11; 4/15/11; 6/3/11; 7/15/11; 8/1/11; 5/14/13; 8/20/13; 12/12/13	6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/20/10; 9/29/10; 10/14/10; 10/15/10; 10/21/10; 11/3/10; 11/5/10; 11/16/10; 11/19/10; 11/29/10; 12/1/10; 12/2/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/26/11; 1/27/11; 1/28/11; 2/22/11; 3/3/11; 3/18/11; 3/29/11; 4/18/11(2); 4/29/11; 5/4/11; 5/31/11 (3); 6/2/11 (3); 6/3/11 (6); 6/6/11 (3); 6/9/11; 6/10/11 (2); 6/15/11; 6/21/11; 6/28/11; 6/29/11 (2); 6/30/11(3); 7/1/11; 7/5/11 (2); 7/8/11; 7/15/11 (4); 7/20/11; 7/22/11; 7/25/11(5); 8/2/11; 8/3/11(2); 7/19/12; 3/5/13; 4/9/13; 4/23/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/20/13; 8/21/13; 8/28/13; 9/5/13; 9/6/13; 9/11/13; 12/2/13; 12/5/13; 12/6/13; 12/12/13 (4); 12/16/13	8/3/09	4/21/09
SHPO_SD	2/2/09; 2/9/09; 2/20/09; 3/30/09; 4/17/09; 4/23/09; 6/3/09; 6/12/09; 6/18/09; 6/22/09; 7/1/09; 7/2/09; 7/13/09; 7/22/09; 8/13/09; 9/30/09; 11/2/09; 11/3/09; 11/24/09; 12/24/09; 12/31/09; 1/14/10; 3/1/10 (2); 4/2/10; 6/14/10; 7/16/10; 7/23/10; 8/4/10; 8/5/10; 8/9/10; 8/12/10; 10/21/10 (3); 10/26/10; 11/24/10; 12/2/10; 12/9/10; 12/14/10; 1/4/11; 1/10/11; 1/27/11 (3); 2/4/11; 2/16/11; 2/17/11; 2/22/11; 2/24/11; 2/25/11 (2); 3/1/11 (2); 3/21/11; 4/18/11; 6/4/11; 6/30/11; 7/8/11(2); 8/18/11; 10/18/11 (2); 7/2/12; 7/12/12; 4/26/13; 5/9/13; 6/11/13 (2); 7/9/13; 7/10/13	4/1/09; 9/29/09; 10/30/09; 1/6/10; 2/17/11; 4/18/11; 6/2/11; 7/1/11; 7/14/11; 4/3/13; 12/12/13	4/1/09; 4/15/09; 4/27/09; 5/4/09; 6/12/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/5/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 10/30/09; 11/2/09; 11/3/09; 11/4/09; 11/5/09; 11/11/09; 11/17/09; 12/29/09; 1/5/10; 1/6/10; 1/11/10; 1/12/10; 1/14/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 6/29/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/16/11; 2/22/11; 2/23/11; 2/25/11; 2/28/11; 3/1/11; 3/18/11; 3/23/11; 3/25/11; 3/29/11; 4/4/8/11; 4/14/11; 4/15/11; 4/18/11 (4); 4/19/11 (3); 4/20/11; 4/26/11; 6/1/11; 6/2/11; 6/3/11 (2); 6/7/11 (2); 6/8/11; 6/13/11; 6/14/11; 6/15/11; 6/21/11; 6/29/11 (2); 6/30/11(3); 7/1/11(2); 7/6/11; 7/8/11(2); 7/15/11; 7/20/11(2); 7/22/11; 4/9/13; 4/23/13; 5/9/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 11/1/13 (3); 12/2/13; 12/10/13; 12/12/13 (2); 12/16/13 (2); 12/17/13		4/23/09; 5/16/13

Record of Consultation: Government Agencies

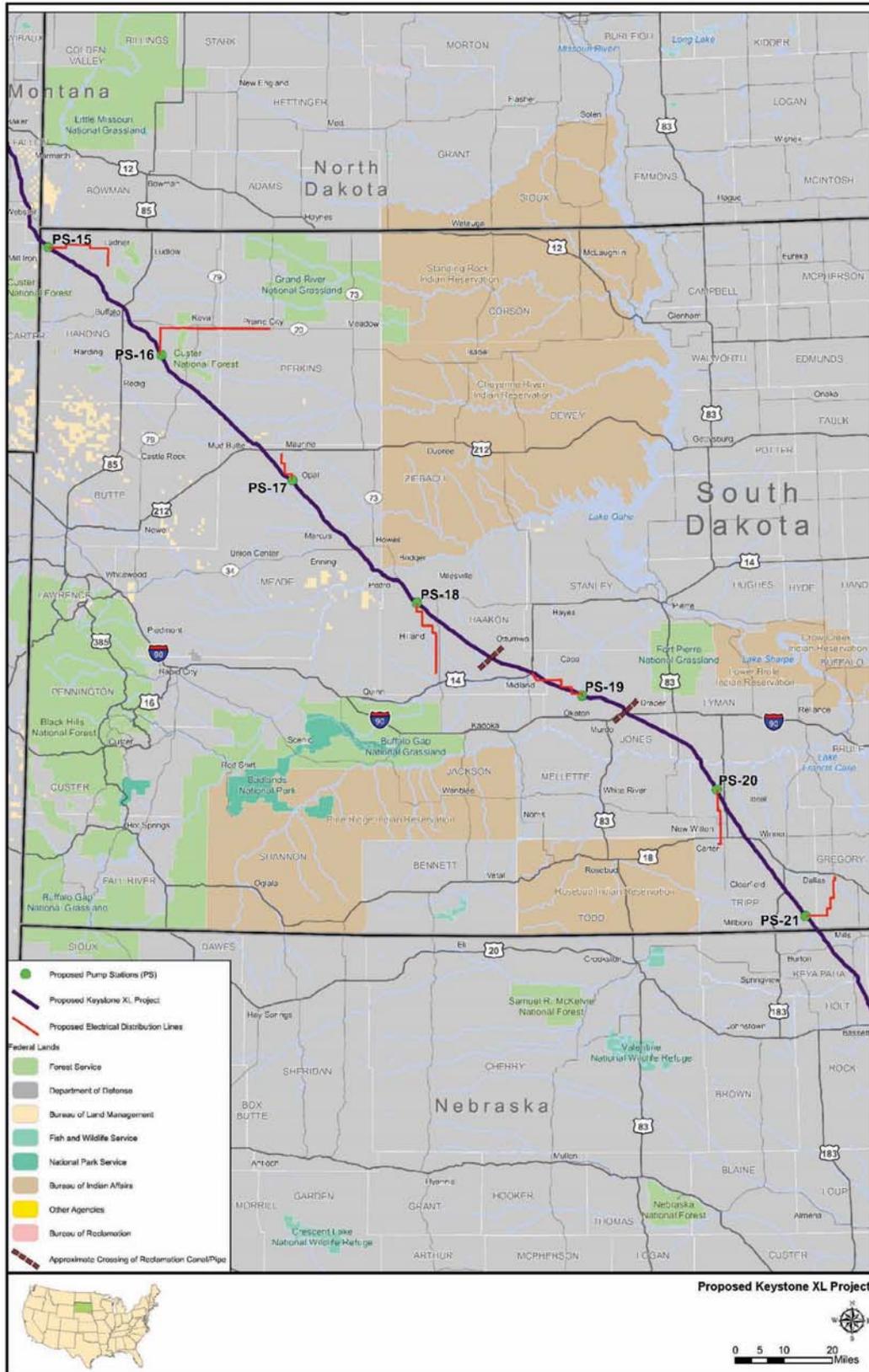
Agency	Letters	Telephone	Emails	Faxes	Meetings
USACE	2/19/09; 3/30/09; 6/3/09; 6/12/09; 6/18/09; 6/25/09; 7/13/09; 8/20/09; 9/30/09; 10/13/09; 10/19/09; 11/2/09; 11/25/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	5/7/09; 10/9/09; 7/8/11; 9/28/12; 5/14/13; 7/24/13; 7/31/13; 8/20/13	3/4/09; 4/14/09; 4/15/09; 4/27/09; 5/6/09; 5/11/09; 6/10/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/21/09; 8/13/09; 8/20/09; 9/1/09; 9/10/09; 9/30/09; 10/1/09; 10/5/09; 10/7/09; 10/8/09; 10/9/09; 10/13/09; 10/19/09; 10/21/09; 11/2/09; 11/3/09; 11/4/09; 11/10/09; 11/11/09; 11/17/09; 11/23/09; 2/23/10; 3/31/10; 4/19/10; 4/30/10; 5/6/10; 5/7/10; 6/2/10; 6/3/10; 6/4/10; 6/7/10; 6/17/10; 6/18/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/15/10; 9/21/10; 9/22/10; 10/4/10; 10/5/10; 10/15/10; 10/16/10; 10/21/10; 10/22/10; 10/26/10; 11/3/10; 11/12/10; 11/22/10; 11/29/10; 12/7/10; 12/8/10; 12/14/10; 1/3/11; 1/12/11; 1/14/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11(3); 7/5/11; 7/8/11 (5); 7/20/11(2); 7/22/11; 8/1/11; 8/2/11(2); 9/28/12 (2); 4/1/13; 4/3/13; 4/9/13; 4/23/13; 5/9/13 (2); 5/14/13; 7/23/13; 7/24/13; 7/31/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13 (2); 12/10/13; 12/12/13; 12/13/13; 12/16/13		4/22/09; 5/12/09; 5/14/09; 7/28/09; 10/20/09; 10/21/09; 11/12/09; 11/13/09; 6/22/10; 6/23/10; 7/22/10; 7/23/10; 12/7/10; 12/8/10; 5/16/13
USDA FSA	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 7/20/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	5/14/13; 7/24/13; 8/20/13	6/22/09; 6/25/09; 6/29/09; 7/1/09; 7/13/09; 7/20/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 7/20/11; 7/21/11(2); 4/1/13; 4/9/13; 4/23/13; 5/9/13; 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13; 12/16/13		12/7/10
USDA NRCS	2/19/09; 3/30/09; 5/29/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	3/26/10; 5/14/13; 7/24/13; 7/31/13; 8/20/13	6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/26/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 8/11/10; 8/12/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11(2); 7/22/11; 7/28/11; 7/29/11; 8/3/11(3); 4/1/13; 4/8/13 (2); 4/9/13; 4/23/13; 5/9/13; 5/10/13 (2); 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/12/13; 12/16/13		5/16/13
USFWS	2/19/09; 3/30/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11		6/25/09; 6/29/09; 7/1/09; 7/13/09; 8/13/09; 9/1/09; 9/10/09; 9/30/09; 10/7/09; 10/9/09; 10/19/09; 11/3/09; 11/4/09; 11/11/09; 11/17/09; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 10/15/10; 10/21/10; 11/3/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11		
Western	4/14/09; 6/3/09; 6/18/09; 7/13/09; 9/30/09; 11/2/09; 12/24/09; 12/31/09; 1/26/10; 4/2/10; 6/14/10; 7/23/10; 8/12/10; 11/24/10; 12/9/10; 1/16/11; 6/30/11; 7/8/11	9/15/09; 2/8/10; 2/17/10; 2/19/10; 3/26/10; 8/16/10; 9/13/10; 9/23/10; 10/15/10; 10/19/10; 10/20/10; 11/15/10; 11/30/10; 7/31/13	9/14/09; 9/16/09; 9/17/09; 9/18/09; 1/25/10; 1/26/10; 1/28/10; 1/29/10; 2/1/10; 2/8/10; 2/17/10; 2/18/10; 3/1/10; 3/8/10; 3/18/10; 3/31/10; 4/19/10; 5/6/10; 6/2/10; 6/4/10; 6/21/10; 6/23/10; 7/6/10; 7/12/10; 7/16/10; 7/23/10; 8/10/10; 9/7/10; 9/13/10; 10/15/10; 10/18/10; 10/21/10; 10/25/10; 11/3/10; 11/5/10; 11/16/10; 12/7/10; 12/8/10; 12/14/10; 1/12/11; 1/27/11; 1/28/11; 2/22/11; 3/18/11; 3/29/11; 4/18/11; 6/21/11; 6/30/11(3); 7/1/11; 7/8/11; 7/20/11; 7/22/11; 4/1/13; 4/9/13; 4/23/13; 5/9/13; 5/14/13; 7/23/13; 7/24/13; 8/13/13; 8/16/13; 8/19/13; 8/21/13; 8/28/13; 9/11/13; 12/2/13; 12/5/13; 12/12/13; 12/16/13		10/20/09; 10/21/09; 2/24/10

Notes:

ACHP = Advisory Council on Historic Preservation
 BIA = Bureau of Indian Affairs
 BLM = Bureau of Land Management
 BOR = U.S. Bureau of Reclamation
 MDEQ = Montana Department of Environmental Quality
 MDNRC = Montana Department of Natural Resources and Conservation
 NPS = U.S. Department of the Interior, National Park Service
 RUS = Rural Utilities Service

SHPO_KS = State Historic Preservation Office, Kansas
 SHPO_MT = State Historic Preservation Office, Montana
 SHPO_NE = State Historic Preservation Office, Nebraska
 SHPO_SD = State Historic Preservation Office, South Dakota
 USACE = U.S. Army Corps of Engineers
 USDA FSA = U.S. Department of Agriculture, Farm Service Agency
 USDA NRCS = U.S. Department of Agriculture, Natural Resources Conservation Service
 USFWS = U.S. Fish and Wildlife Service

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Source: Esri 2013, exp Energy Services, Inc. 2012b

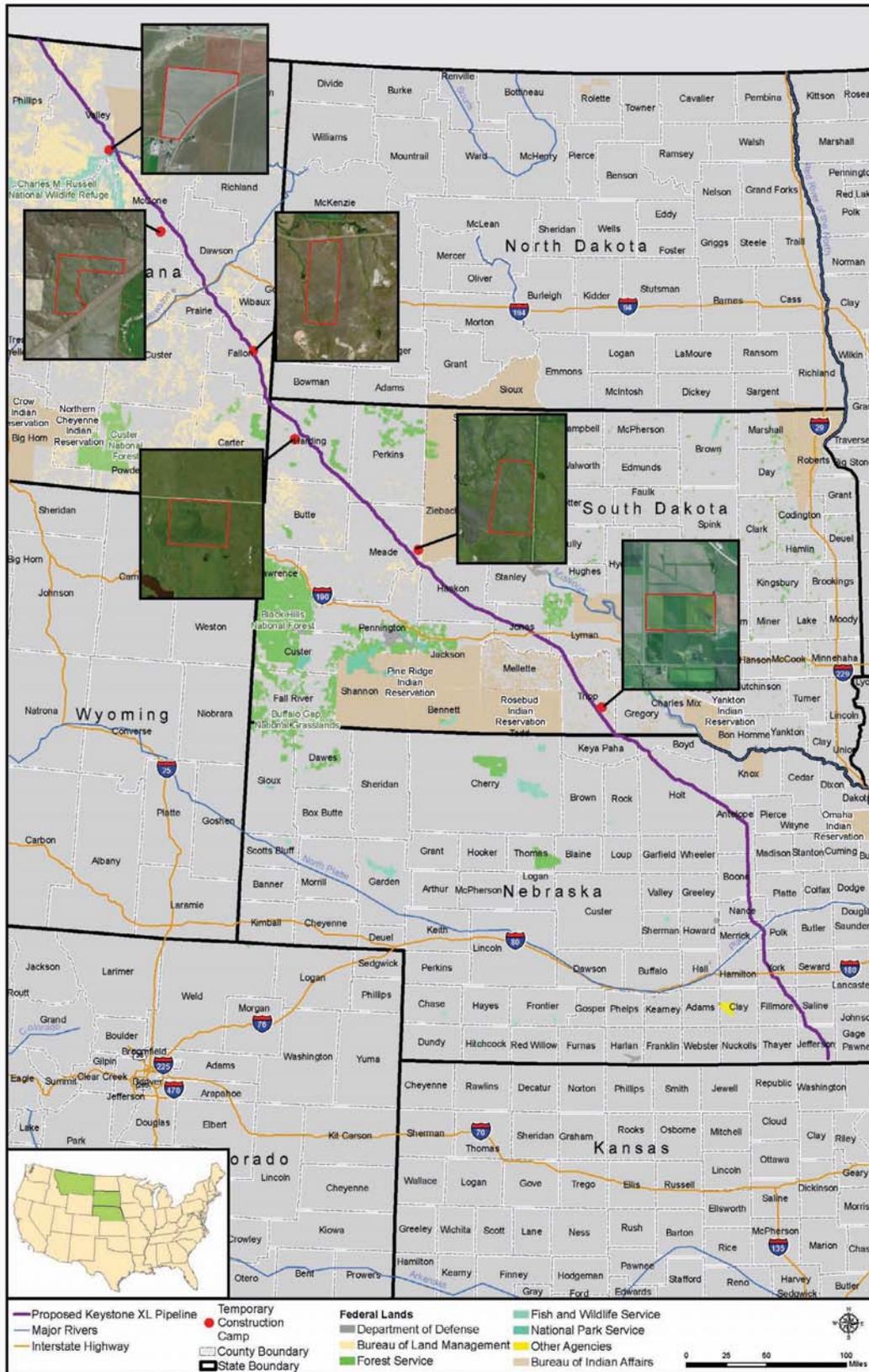
Figure 2.1.1-2 Proposed Project Overview—South Dakota
Exhibit 9004

Table 2.1-13 Pipeline Construction Spreads Associated with the Proposed Project

State	Approximate Miles by State	County	Spread Number	Approximate Location (Milepost)	Approximate Length of Construction Spread (Miles)
Montana	285	Phillips, Valley	Spread 1	0-90	90
		Valley, McCone	Spread 2	90-152	61.5
		McCone, Dawson	Spread 3	152-198	46.2
		Dawson, Prairie, Fallon	Spread 4		
South Dakota	316	Harding		198-289	91
		Harding, Butte, Perkins, Meade	Spread 5	289-411	122.1
		Meade, Pennington	Spread 6		
		Haakon, Jones		411-500	89.7
		Jones, Lyman, Tripp	Spread 7	500-599	98.4
		Tripp	Spread 8		
Nebraska	274	Keya Paha, Boyd, Holt, Antelope		599-692	92.9
		Antelope, Boone, Nance, Merrick, Polk	Spread 9	692-776	83.9
		Polk, York, Fillmore, Saline, Jefferson	Spread 10	776-875	99.7

Source: exp Energy Services, Inc. 2012a

Exhibit 9005



Source: Esri 2013, exp Energy Services, Inc. 2012b

**Figure 2.1.5-1 Proposed Temporary Construction Camps
Exhibit 9006**

BIO FOR FAITH SPOTTED EAGLE

English Name: Faith Spotted Eagle
Dakota Name: Tunkan Inajin Win , Standing Stone
Residence address: Box 667, Lake Andes, SD 57356
Cell: 605 481 0416 landline: 605 487 7769
eagletrax@hotmail.com

Faith Spotted Eagle is a 65 year old grandmother who lives on Ihanktonwan Dakota Territory (Yankton Sioux) in Southeastern South Dakota. She is a fluent speaker of the Dakota Language and a member of the Ihanktonwan, although she descends from the Sicangu, Hunpati, Hunkpapa and Mdewakantonwan and has French/Irish blood through her grandmother Julia Deloria and John McBride. She has two children. Kip Spotted Eagle is a Dakota Language Instructor and Brook Spotted Eagle is a Ph.D candidate at the University of Washington in Cultural Anthropology. Her new grandson is Tokana Ikpanajin Spotted Eagle.

In the western world, Faith earned a Master's in Guidance and Counseling in her early twenties at the University of South Dakota, although she attended college at American University in Washington, DC and Black Hills State College, Spearfish, SD., also. Throughout her long career she has been a high school counselor/teacher/principal; manager of Human Services Programs and Youth Programs; Indian Child Welfare Worker; Organizational Development Consultant; Teacher in a Psychiatric setting; Peacemaker/mediator; Community College Instructor; PTSD therapist and Community Activist. She was also a women's basketball coach in Idaho. As a young student she was an intern in the office of Sen. Geo McGovern; served as an intern with the National Park Service in Glacier Park, Montana; provided student input to the early development of Talent Search Programs in Chicago, Illinois. She worked with the groundbreaking Coalition of Indian Controlled Schoolboards in Denver, Colorado, the organization which played an important role in returning Native control of schools. She was one of the early instructors at Sinte Gleska College in Rosebud. She did the early work of repatriation and cultural resources work at White Swan in her homeland at Ihanktonwan in a historical Section 106 foreclosure on the Corps of Engineers for disrupting a burial grounds. She works in Native communities with her model Healing from Red Rage, which has been widely used in Native Communities in the US and Canada. She also contracts with the Veteran's Administration utilizing this model. She is a trained mediator/peacemaker and incorporates traditional peacemaking with western approaches of peacemaking Her priority is the preserve the good medicine of the Dakota Culture for the future.

In the Dakota/Native world, she has been active in teaching the Dakota language in language nest settings; been a 20-year member of a revived traditional Brave Heart Society; comes from a Sundance family; and has helped revive the Isnati Awicadowanpi (Coming of Age Ceremony) for the last 18 years across the Seven Council Fires. Her Red Rage Model has been utilized in the Brave Heart work. She has been active in leading resistance against Tar Sands Development and the KXL Pipeline. As the Chair of the Ihanktonwan Treaty Committee and Brave Heart

Society Grandmother , she helped bring forth the International Treaty to Protect the Sacred against the KXL Pipeline and the Tar Sands. She is the volunteer Manager of the Brave Heart Lodge on the Ihanktonwan Reservation, which seeks to preserve Dakota cultural beliefs for the future. Brave Heart recently cooperated with other entities to revive Lacrosse/shinny in the Ihanktonwan homelands. She has been a delegate of the Treaty Committee NGO at the United Nations. She is the current Chair of the Ihanktonwan Treaty Steering Committee. She helped create an important cultural survey of Ihanktonwan lands along the Missouri River in South Dakota and other Treaty lands. Her priority has been to battle for the preservation of Sacred Sites through Brave Heart Society support of the World Peace and Prayer Day, represented by Bundlekeeper, Arvol Looking Horse. She will be a featured speaker at World Peace and Prayer Day in June of 2014 in New York.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

0-0

IN THE MATTER OF THE APPLICATION : HP 14-001
BY TRANSCANADA KEYSTONE
PIPELINE, LP FOR A PERMIT UNDER : KEYSTONE'S RESPONSES TO
THE SOUTH DAKOTA ENERGY : YANKTON SIOUX TRIBE'S
CONVERSION AND TRANSMISSION : FIRST INTERROGATORIES AND
FACILITIES ACT TO CONSTRUCT THE : REQUEST FOR PRODUCTION OF
KEYSTONE XL PROJECT : DOCUMENTS
:
:

0-0

Applicant TransCanada makes the following responses to interrogatories pursuant to SDCL § 15-6-33, and responses to requests for production of documents pursuant to SDCL § 15-6-34(a). These responses are made within the scope of SDCL 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule. Applicant objects to definitions and directions in answering the discovery requests to the extent that such definitions and directions deviate from the South Dakota Rules of Civil Procedure.

GENERAL OBJECTION

Keystone objects to the instructions and definitions contained in Yankton Sioux Tribe's First Set of Interrogatories and Requests for Production of Documents to the extent that they are inconsistent with the provisions of SDCL Ch. 15-6. *See* ARSD {01815089.1}

20:10:01:01.02. Keystone's answers are based on the requirements of SDCL §§ 15-6-26, 15-6-33, 15-6-34, and 15-6-36.

INTERROGATORIES

1. State the name, current address, and telephone number of the person answering these interrogatories.

ANSWER: Given the extremely broad scope volume of more than 800 discovery requests received by Keystone in this docket, a range of personnel were involved in answering the interrogatories. Keystone will designate the following witnesses with overall responsibility for the responsive information as related to the Conditions and proposed changes to the Findings of Fact, which are identified in Appendix C to Keystone's Certification Petition: Corey Goulet, President, Keystone Projects, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; Steve Marr, Manager, Keystone Pipelines & KXL, TransCanada Corporation, Bank of America Center, 700 Louisiana, Suite 700, Houston, TX 77002; Meera Kothari, P. Eng., 450 1st Street, S.W., Calgary, AB Canada T2P 5H1; David Diakow, Vice President, Commercial, Liquids Pipeline, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; Jon Schmidt, Vice President, Environmental & Regulatory, exp Energy Services, Inc., 1300 Metropolitan Boulevard, Suite 200, Tallahassee, FL 32308; Heidi Tillquist, Senior Associate, Stantec Consulting Ltd., 2950 E. Harmony Rd., Suite 290, Fort Collins, CO 80528.

2. State the name, current address, and telephone number of any person, other than legal counsel, who Keystone talked with about answering these interrogatories, who assisted Keystone in answering these interrogatories, or who provided information that Keystone relied on in answering these interrogatories.

ANSWER: Given the extremely broad scope volume of more than 800 discovery requests received by Keystone in this docket, a range of personnel were involved in answering the interrogatories. Keystone will designate the following witnesses with overall responsibility for the responsive information as related to the Conditions and proposed changes to the Findings of Fact, which are identified in Appendix C to Keystone's Certification Petition: Corey Goulet, President, Keystone Projects, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; Steve Marr, Manager, Keystone Pipelines & KXL, TransCanada Corporation, Bank of America Center, 700 Louisiana, Suite 700, Houston, TX 77002; Meera Kothari, P. Eng., 450 1st Street, S.W., Calgary, AB Canada T2P 5H1; David Diakow, Vice President, Commercial, Liquids Pipeline, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; Jon Schmidt, Vice President, Environmental & Regulatory, exp Energy Services, Inc., 1300 Metropolitan Boulevard, Suite 200, Tallahassee, FL 32308; Heidi Tillquist, Senior Associate, Stantec Consulting Ltd., 2950 E. Harmony Rd., Suite 290, Fort Collins, CO 80528.

3. Identify each witness that you will or may call as a fact witness or expert witness in any evidentiary hearing or trial of this matter. For each individual, identify and provide the name, business address, and business telephone and the name of his or her employer and/or other organization(s) with which he or she is associated in any professional capacity; the substance of the facts to which he or she is expected to testify and the substance of the opinions to which he or she is expected to testify; the individual's profession or occupation, educational background, specialized training, and employment history relevant to the proposed testimony; and the individual's previous publications within the preceding 10 years; and all other cases or proceedings in which the witness has testified as an expert within the preceding four years.

ANSWER: Keystone will offer prefiled direct testimony from the following persons, each of whom will testify to the changes identified in Keystone's tracking table for that person's area of expertise:

- (1) Corey Goulet, President, Keystone Projects, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (403) 920-2546; Project purpose, Overall description; Construction schedule; Operating parameters; Overall design; Cost; Tax Revenues
- (2) Steve Marr, Manager, Keystone Pipelines & KXL, TransCanada Corporation, Bank of America Center, 700 Louisiana, Suite 700, Houston, TX 77002; (832) 320-5916; same; CMR Plan, Con/Rec Units, HDD's
- (3) Meera Kothari, P. Eng., 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (832) 320-5190; same; Design and Construction; PHMSA compliance
- (4) David Diakow, Vice President, Commercial, Liquids Pipeline, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (403) 920-6019; Demand for the Facility

(5) Jon Schmidt, Vice President, Environmental & Regulatory, exp Energy Services, Inc., 1300 Metropolitan Boulevard, Suite 200, Tallahassee, FL 32308; (850) 385-5441; Environmental Issues; CMR Plan, Con/Rec Units, HDD's

(6) Heidi Tillquist, Senior Associate, Stantec Consulting Ltd., 2950 E. Harmony Rd., Suite 290, Fort Collins, CO 80528; (970) 449-8609; High Consequence Areas, Spill Calculations

4. Identify any other names that Keystone conducts business under, in the United States and Canada.

ANSWER: None.

5. Pursuant to Condition Two of the Commission's Amended Final Decision and Order, has Keystone received any communications from any regulatory body or agency that may have jurisdiction over the project which alleges that Keystone has failed to comply with any applicable permits, law, or regulation?

ANSWER: No.

6. Pursuant to Condition Two, has Keystone a permit by any regulatory body or agency that may have jurisdiction over the construction, maintenance, or operation of any pipeline located in the United States or Canada ever been denied, revoked, or suspended by the regulatory body or agency?

ANSWER: No.

7. Pursuant to Condition Two, has Keystone been given notice by any regulatory body or agency that may have jurisdiction over the construction, maintenance or operation of any pipeline located in the United States or Canada alleging that Keystone

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has failed to comply with any applicable permits for the construction, operation or maintenance of any pipeline located in the United States?

ANSWER: No.

8. Pursuant to Condition One, please identify all required permits that Keystone has applied for within the State of South Dakota regarding the use of public water for construction, testing, drilling, or temporary discharges to waters of the state and temporary discharges of water from construction dewatering and hydrostatic testing.

ANSWER: Keystone has submitted a Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit. Other permits, as required, will be filed closer to the time period of construction.

9. Pursuant to Condition Six, identify the most recent depiction of the Project route and facility locations as they currently exist as compared to the information provided in Exhibit TC-14.

ANSWER: Maps showing changes to the route since the permit was granted are attached as Keystone 0470-0583.

10. Pursuant to Condition Six, identify the dates, addresses, phone numbers, emails, and names of person(s) responsible for conducting surveys, addressing property specific issues and civil survey information.

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OBJECTION AND RESPONSE: The identity of persons conducting civil surveys is not relevant or likely to lead to the discovery of admissible evidence. Without waiving the objection, American Burying Beetle Habitat Assessment was conducted by W. Wyatt Hoback, Department of Biology, University of Nebraska at Kearney; Biological Surveys (i.e., habitat, wetland delineations) were conducted by AECOM (Scot Patti was the principal investigator) and SCI (Scott Billing was the principal investigator); Phase I ESA Surveys were conducted by AECOM (Brian Bass was the principal investigator); Biological Surveys (i.e., threatened and endangered species, noxious weeds, reclamation) were conducted by Westech (John Beaver was the principal investigator); Cultural resources surveys were conducted by SWCA Environmental Consultants (principal investigator was Scott Phillips); the paleontological surveys were conducted by SWCA Environmental Consultants (principal investigator was Paul Murphey).

11. Pursuant to Condition Six, does Keystone recognize the Yankton Sioux Tribe, a federally recognized sovereign Indian Nation, as a "local governmental unit?"

ANSWER: Because the Project does not cross Tribal land and because the Yankton Sioux Tribe is a sovereign nation, Keystone does not consider the Tribe to be a "local governmental unit" as referenced in Condition 6.

12. Condition Seven requires Keystone to appoint a public liaison officer. Accordingly, has Keystone:

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1. Appointed such public liaison officer, and if so please provide such officer's:

- a. Name;
- b. Address;
- c. Phone number; and
- d. Email address.

2. Directed such public liaison officer to contact and or consult with the Yankton Sioux Tribe?

ANSWER:

1.a. Sarah Metcalf's appointment was approved by the PUC by order dated June 2, 2010, in an order which is a matter of public record.

1.b. PO Box 904, Aberdeen, SD 57402.

1.c. 1-888-375-1370

1.d. smetcalf12@gmail.com

2. No. The project does not cross Yankton Sioux lands and Keystone does not consider the Tribe to be a "local government" in the vicinity of the project as stated in Amended Permit Condition 7.

13. Pursuant to Condition Thirteen, identify and provide the phone number, address, and email address of every each environmental inspector that Keystone has incorporated into the CMR.

OBJECTION AND ANSWER: The identity of environmental inspectors is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, no Environmental Inspectors have been identified or hired, because the construction of the Project has not yet started.

14. Pursuant to Condition Thirty-Seven, has Keystone ever been found non-compliant with any other permits, from any state regarding the Keystone XL Project?

ANSWER: No.

15. Pursuant to Conditions One and Two, have any contractors hired by Keystone to construct any pipeline owned or operated by Keystone or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline in the United States.

OBJECTION: This request is overlybroad and unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b). It also seeks information that is not in Keystone's custody or control and is not maintained by Keystone in the ordinary course of business.

16. Pursuant to Conditions One and Two, have any contractors hired by Keystone to construct any pipeline owned or operated by Keystone or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline in Canada.

OBJECTION: This request is overlybroad and unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b). It also seeks information that is not in Keystone's custody or control and is not maintained by Keystone in the ordinary course of business.

17. Pursuant to Condition Forty-Four, what steps has Keystone or any of its affiliates taken to ensure that the cultural and historic resources of the Yankton Sioux Tribe are protected?

OBJECTION AND ANSWER: Condition 44 refers to paleontological studies. Notwithstanding the objection, cultural resources survey reports are listed in Section 3.11 of the Department of State FSEIS (2014), with results of the SD surveys detailed in Table 3.11-3. Any further discussions regarding these surveys would be addressed through the course of government to government consultation with the DOS when the Yankton Sioux were afforded the opportunity to not only review those studies but also participate in the surveys themselves.

18. Pursuant to Condition Forty-Four, how many times has Keystone contacted the Yankton Sioux Tribe?

1. If Keystone did make such contact please provide the following:

- a. Name(s) of the person(s) notified;
- b. Title of the person(s) notified;
- c. The physical address of the person(s) notified;
- d. The telephone number(s) of the person(s) notified; and
- e. The means by which Keystone made notification, i.e. written,

oral, electronic, etc.;

ANSWER: A precise record of the number of contacts with the Yankton Sioux Tribe, either through the body politic or through tribal members does not exist. Typically contacts came through the TransCanada Tribal Liaison staff. See Keystone documents 1304-1340 that document some of the contacts. With respect to Condition 44, there may not have been any paleontological specific contacts.

19. Pursuant to Condition Forty-Four, has Keystone made any new cultural and/or historic surveys along the route of the Project since its original permit was granted?

OBJECTION AND ANSWER: Condition 44 refers to paleontological studies, not cultural studies. However, all cultural resources survey reports are listed in Section

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3.11 of the Department of State FSEIS (2014), with results of the SD surveys detailed in Table 3.11-3.

20. According to Keystone's original application, Keystone began cultural and historic surveys in May 2008 and at that time it had found several pre-historic stone circles were uncovered. Please provide a detailed description of these sites, including location.

ANSWER: These sites are addressed during the course of government to government consultation with the DOS. Site locations are confidential and cannot be disclosed outside of the consultation process.

21. Pursuant to Condition Forty-Four, please provide the name, address, phone number, and email of all persons involved in any cultural or historic survey conducted by Keystone. In addition, please provide a detailed description of all pertinent professional training that qualifies the surveyor as a professional who meets the standards of the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44716, September 29, 1983).

OBJECTION AND ANSWER: The identity of the surveyors is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, SWCA Environmental Consultants performed the survey work. The cultural resources principal investigator was Scott Phillips; the paleontological principal

investigator was Paul Murphey. Both individuals meet the SOI standards for their particular field.

22. Pursuant to Condition Forty-Four, has Keystone made any attempt to contact the Yankton Sioux Tribe Business and Claims Committee, its officers, or its Tribal Historic Preservation Office? If so, please provide the following:

- a. Name(s) of the person(s) contacted;
- b. Title of the person(s) contacted;
- c. The physical address of the person(s) contacted;
- d. The telephone number(s) of the person(s) contacted; and
- e. The means by which Keystone made contact, i.e. written, oral, electronic, etc.;

ANSWER: See response to interrogatory no. 18 above.

23. Pursuant to Condition Forty-Four, provide a detailed description of cultural and historic training that Keystone provides to its construction personnel.

ANSWER: Training material developed by Keystone will be finalized and available for distribution to the construction personnel after the inventory phase is complete and prior to construction.

24. Pursuant to Condition Forty-Four, does Keystone or any of its affiliates recognize that if approved and constructed, the Keystone Pipeline will travel through the

identified Indian Country territory from the Fort Laramie Treaty of 1851 and 1868, and as such will likely encounter undiscovered cultural and/or historic sites?

ANSWER: Keystone recognizes that the KXL Pipeline will travel through territory considered in the Treaties of Fort Laramie of 1851 and 1868. Keystone does not believe that any part of its route as currently permitted passes through Indian Country or across tribally owned lands. Keystone recognizes the possibility that undiscovered cultural and/or historic sites may be found in the course of construction. Keystone believes Conditions 43 and 44, and the provisions provided for therein, suitably accommodate cultural and paleontological resource discoveries. Tribal monitors will be hired by Keystone to monitor designated areas during ground disturbing activities relating to construction to assist in managing previously undiscovered cultural and/or historic sites that are found in the course of construction and in complying with the unanticipated discoveries plan.

25. Pursuant to Condition Forty-Four, does Keystone plan to consult with the Yankton Sioux Tribe and its General Council, Business and Claims Committee, and its Tribal Historic Preservation Office in the future?

ANSWER: Condition 44 applies to paleontological discoveries. Condition 43 applies to unanticipated discoveries. See the answer to Interrogatory 24 above.

26. Pursuant to Conditions One and Two, does Keystone recognize and acknowledge that the Yankton Sioux Tribe has federally protected Winters Doctrine water rights and that these rights apply to any permit application to use water for the construction, operation or maintenance of the Keystone Pipeline project?

ANSWER: Keystone recognizes the so-called Winters Doctrine arising from *Winters v. The United States*, 207 U.S. 564 (1908) and its progeny. Keystone does not believe that the Yankton Sioux Tribe's Winters Doctrine water rights are affected by Keystone's use of water for construction, operation, or maintenance.

27. Pursuant to Conditions One and Two, what steps, if any, has Keystone or any of its affiliates taken to ensure that the Yankton Sioux Tribe's federally protected Winters Doctrine water rights are be protected?

ANSWER: Keystone does not believe that the Yankton Sioux Tribe's Winters doctrine water rights are affected by the use of water for the construction, operation, or maintenance of the Keystone Pipeline.

28. Pursuant to Conditions One and Two, are any waterways situated on or near the Pipeline route subject to designation under the Wild and Scenic River Act of 1968? If so, identify each of the waterways.

OBJECTION AND RESPONSE: To the extent that it seeks information on the Pipeline route outside South Dakota, this request is not relevant or reasonably likely to

lead to the discovery of admissible evidence. Without waiving the objection, the Project route does not cross any waterways that are subject to designation under the Wild and Scenic River Act of 1968. There are no waterways that are subject to designation under the Wild and Scenic River Act of 1968 near the Project route in South Dakota. An evaluation of Wild and Scenic Rivers as per related to the Project is found on page 4.3-24 of the Department of State FSEIS (2014).

29. Pursuant to Conditions One and Two, are there any land areas along or near the Keystone Pipeline route that have been designated as critical habitat under the Endangered Species Act? If so identify each of the land areas.

OBJECTION AND RESPONSE: To the extent that it seeks information on the Pipeline route outside South Dakota, this request is not relevant or reasonably likely to lead to the discovery of admissible evidence. Without waiving the objection, there are no lands along or near the Project route in South Dakota that are designated as critical habitat under the Endangered Species Act. Endangered species are discussed in Section 4.8 of the Department of State FSEIS (2014).

30. Pursuant to Conditions One and Two, are there any land areas along or nearby the Keystone Pipeline route that have any Endangered Species located in that area? If so, identify the land areas and the endangered species.

OBJECTION AND RESPONSE: To the extent that it seeks information on the Pipeline route outside South Dakota, this request is not relevant or reasonably likely to lead to the discovery of admissible evidence. Without waiving the objection, the following federally-listed threatened or endangered species have the potential to occur along the Project route in South Dakota: interior least tern; piping plover; rufa red knot; whooping crane; and the American burying beetle. Section 4.8.3 of the Department of State FSEIS (2014) and Appendix H, Biological Opinion in the Department of State FSEIS (2014) discusses the potential occurrence of these federally-listed threatened and endangered species along the Project route in South Dakota and Sections 4.8.3 and 4.8.4 and Appendix H of the Department of State FSEIS (2014) discusses the potential impacts and conservation measures the Project will implement to protect listed species.

31. Pursuant to Condition Twenty-Three, will employees of Keystone or any of its contractors or subcontractors enter the exterior boundaries of the Yankton Sioux Reservation during construction of the Project? If so, for what purposes?

ANSWER: Employees of Keystone or any of its contractors or subcontractors will not enter the exterior boundaries of the Yankton Sioux Reservation during construction.

32. Pursuant to Conditions One, Two, and Thirty-Six, identify the location of all equipment staging areas, construction staging areas, construction camps, and housing

camps in South Dakota that will be used for emergency response, construction, and/or temporary housing.

OBJECTION AND RESPONSE: The request for the location of equipment and construction staging areas is not relevant and not likely to lead to the discovery of admissible evidence. It is confidential for reasons related to security. Keystone currently has not determined the specific locations that will be used for emergency response, but as required by Permit Condition 10, will timely consult with the appropriate agencies. Without waiving the objection, emergency response locations will be determined prior to the project going into service and will be determined in accordance with Federal response requirements.

Construction

Keystone has leased 11 pipe yards and 6 contractor yards in South Dakota. Pipe yards are planned in Harding, Meade, Butte, Haakon, Jones and Tripp counties. The 6 contractor yards are located in Harding, Meade, Haakon and Tripp counties. Each pipe yard is approximately 30 acres in size.

Temporary Housing

Some areas within Montana, South Dakota, and Nebraska do not have sufficient temporary housing in the vicinity of the proposed route for all construction personnel working in those areas. Temporary work camps would be constructed to meet the housing

needs of the construction workforce in these remote locations. A total of eight temporary construction camps would be established. It is currently anticipated that four construction camps would be needed in Montana (McCone, Valley [two], and Fallon counties), three camps would be required in South Dakota (Tripp, Harding, and Meade counties), and one camp would be required in Nebraska (Holt county). Figure 2.1.5-1 shows the anticipated location of six of the eight camps. The locations of two camps are unknown at this time (one in Montana and one in Nebraska). The final number and size of camps would be determined based on the time available to complete construction and to meet Keystone's commercial commitments. All construction camps would be permitted, constructed, and operated consistent with applicable county, state, and federal regulations. (FSEIS, page 2.1-31)

33. Pursuant to Condition Thirty-Six and Changed Finding of Fact No. 107, identify the contractor or company that is responsible for providing emergency response services.

ANSWER: TransCanada has agreements/contracts with corporations such as the National Response Copr. that meet the Oil Spill Response Organization (OSRO) requirements (Keystone ERP, Appendix I to the FSEIS).

The resources will be secured from a Company approved contractor.

34. Pursuant to Changed Finding of Fact No. 107, provide a breakdown of crime statistics (including violent crimes, sexual crimes, and drug and/or alcohol-related crimes) for areas in which temporary housing camps have been located for construction of comparable projects showing crime rates both before and during construction of said projects. Please also identify the source of this data and the method used to collect this data.

OBJECTION: This request seeks information that is not in Keystone's custody or control and is not maintained by Keystone in the ordinary course of business. It is also overlybroad and unduly burdensome.

35. Pursuant to Changed Finding of Fact No. 107, identify the precautionary measures Keystone has or will implement at the temporary housing camps to protect the surrounding area from crime resulting from the temporary influx of construction workers at the temporary housing camps.

ANSWER: TransCanada Keystone will implement policies and procedures that all residents will be required to comply with during their residency at the camp. Violations may lead to removal from the camp or the appropriate level of disciplinary action. TransCanada will liaise with and engage law enforcement if any issues arise from the man-camps, as appropriate. TransCanada will consider augmenting local law enforcement staffing impacts resulting from camp operations.

Ref: FSEIS 4.10-13

Each camp site would be fully fenced and have a guard house at a single entrance. A contract security officer manning the guard house would be provided on a 24/7 basis. In addition, at all times there would be at least one additional roving security officer supplemented with off-duty law enforcement personnel, as needed. Local law enforcement agencies would also respond to violent, criminal, or illegal activities.

36. Pursuant to Changed Finding of Fact No. 107, identify the protocols and guidelines that will be utilized to respond to reports of crime in or near the temporary housing camps that reportedly involve temporary construction workers or other employees of Keystone or of its contractor or subcontractor.

ANSWER: Any reports of crime or criminal activity in or near temporary housing camps will be reported to local law enforcement for investigation and follow up. TransCanada is committed to cooperating with and assisting law enforcement with their investigation, where appropriate.

Ref: FSEIS 4.10.33

Each camp site would be fully fenced and have a guard house at a single entrance. A contract security officer manning the guard house would be provided on a 24/7 basis. In addition, at all times there would be at least one additional roving security officer

supplemented with off-duty law enforcement personnel, as needed. Local law enforcement agencies would also respond to violent, criminal, or illegal activities.

37. Pursuant to Condition Twenty-Three and the changed Finding of Fact Number Forty-One, will any of Keystone's construction equipment or crew access the Project from trust land? If so, has Keystone received the necessary consent of the United States government to access trust land on the Yankton Sioux Reservation or the affected Reservation?

ANSWER: Keystone does not cross any trust land with access to the Project in South Dakota.

38. Pursuant to Condition Twenty-Three, has Keystone made contact with or otherwise taken any action to plan for road closures which may affect the Yankton Sioux Tribe? If so, does Keystone plan to notify, coordinate or otherwise consult with the Yankton Sioux Tribe?

ANSWER: Keystone does not expect any road closures will affect the Yankton Sioux Tribe, but if such road closures should occur, Keystone will consult with the Yankton Sioux Tribe regarding same.

39. Pursuant to Condition Twenty-Three, has Keystone made contact with or otherwise taken any action to plan for emergency response which may affect the Yankton

Sioux Tribe? If so, does Keystone plan to notify, coordinate, or otherwise consult with the Yankton Sioux Tribe?

ANSWER: Yes, the Yankton Sioux Tribe will be notified if the tribe is affected by an incident. The final version of the Keystone Pipeline Emergency Response Plan (ERP) is complete and complies with 49 C.F.R. Part 194. The Keystone ERP will be amended to include Keystone XL. A redacted version of the ERP is found at Appendix I of the FSEIS.

40. Pursuant to Condition Two, please provide the following information with respect to each instance of tribal consultation with the Yankton Sioux Tribe referenced in Appendix E of the Final Supplemental Environmental Impact Statement.

- a. Name(s) of the Tribal official(s) or other person(s) contacted;
- b. Title of the Tribal official(s) or other person(s) contacted;
- c. The physical address of the Tribal official(s) or other person(s) contacted;
- d. The telephone number(s) of the Tribal official(s) or other person(s) contacted;
- e. The means by which contact with the Tribe was made, i.e. written, oral, electronic, etc.;

f. Whether any employee, official, or other agent of Keystone was present during the particular instance of consultation and if so, the name and contact information for that individual(s); and

g. Whether Keystone actively or otherwise participated during the particular instance of consultation.

ANSWER: Tribal consultation is the responsibility of the Department of State.

41. Pursuant to Conditions 6 and 43 how much land along Keystones proposed route for the KXL Project has yet to be TCP surveyed. If any, identify the land.

ANSWER: The status of TCP surveys can be found in Table 3.11-8 of the Department of State FSEIS (2014). The Yankton Sioux Tribe's report was received and accepted in March and April 2011. Any outstanding issues would be addressed through the course of government to government consultation with the DOS.

42. Pursuant to Condition 2, how many other state permits and federal permits are pending or not yet received by Keystone for the Keystone XL project.

ANSWER: The Presidential Permit is currently pending before the United States Department of State. Permit authorization from the USACE under Section 404 of the Clean Water Act has not yet been sought.

43. Pursuant to Conditions 6 and 43, have any tribes surveyed the land along the proposed route for the KXL Project? If so, which tribes and for what portion of the route, respectively?

ANSWER: Yes. The route surveys performed are summarized in Keystone documents 1151-1169.

44. Pursuant to Condition 10, has Keystone yet commenced a program of contacts with state, county and municipal emergency response, law enforcement and highway, road and other infrastructure management agencies serving the Project area? If so, please describe the program and any steps taken in furtherance of meeting Condition 10. If not, when does Keystone plan to do so?

ANSWER: No. Keystone will commence such a program not later than six months before commencing construction.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents that Keystone intends to offer as exhibits at the evidentiary hearing in this matter.

ANSWER: Keystone has not yet identified hearing exhibits, but will disclose them as required by the PUC.

2. All documents relating to environmental and hydrological surveys. Changed Finding of Fact Number Forty-One.

{01815089.1}

OBJECTION: This request is overlybroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b). The request is unlimited in time and does not refer to any specific project.

3. All documents relating to cultural and historic surveys, training, and response plans. Condition Forty-Four.

OBJECTION: This request is overlybroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b). The request is unlimited in time and does not refer to any specific project.

4. All documents relating to required permits, both in South Dakota and outside South Dakota, including permit applications which were denied, revoked, or suspended.

OBJECTION: This request is overlybroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b).

5. All documents related to Interrogatory No. 40, including but not limited to any correspondence between any employee, official, or other agent of Keystone and any other party pertaining to each instance of consultation and any notes or other documents generated by any employee, official, or other agent of Keystone pertaining to each instance of consultation.

ANSWER: As indicated in the answer to number 40, consultation is the responsibility of the Department of State.

6. All documents constituting Keystone's Emergency Response Plan.

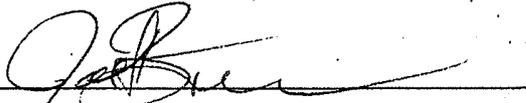
OBJECTION: This request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the exclusive province of PHMSA. The PUC's jurisdiction over the emergency response plan is preempted by federal law, which has exclusive jurisdiction over issues of pipeline safety. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. *See* Amended Final Order, HP 09-001, Condition ¶ 36. Public disclosure of the emergency response plan would commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

7. All documents that support the proposed changes to the Findings of Fact identified in Appendix C to Keystone's application filed on September 14, 2014 with the PUC.

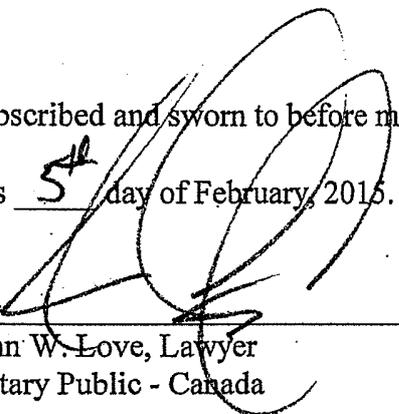
OBJECTION: This request is overlybroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence under SDCL 15-6-26(b). Appendix C to Keystone certification petition includes citations to sources for many of the statements in the document.

Dated this 5th day of February, 2015.

TRANSCANADA KEYSTONE PIPELINE, LP
by its agent, TC Oil Pipeline Operations, Inc.

By 
Its Director, Authorized Signatory

Subscribed and sworn to before me
this 5th day of February, 2015.



John W. Love, Lawyer
Notary Public - Canada

OBJECTIONS

The objections stated to Yankton Sioux Tribe's Interrogatories and Request for Production of Documents were made by James E. Moore, one of the attorneys for Applicant TransCanada herein, for the reasons and upon the grounds stated therein.

Dated this 6th day of February, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

By _____
William Taylor



James E. Moore

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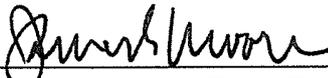
James.Moore@woodsfuller.com

Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2015, I sent by e-mail transmission, a true and correct copy of Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, to the following:

Thomasina Real Bird
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, CO 80027
trealbird@ndnlaw.com



One of the attorneys for TransCanada

20:10:01:01.02. Keystone's answers are based on the requirements of SDCL §§ 15-6-26, 15-6-33, 15-6-34, and 15-6-36.

INTERROGATORIES

INTERROGATORY NO. 45: For each person who you expect to call as a fact witness in Docket HP14-001, provide a description of the witness's educational background, specialized training, and employment history relevant to the witness's expected testimony and a description of all exhibits that the witness will attach to his or her testimony.

ANSWER: Resumes for the witnesses previously identified by Keystone are attached as Keystone 1341-1374.

INTERROGATORY NO. 46: Describe the information furnished by Keystone to each fact witness for the purposes of his or her testimony.

ANSWER: Other than a copy of the discovery requests, Keystone has not furnished any information to its fact witnesses for purposes of providing testimony in this proceeding. The witnesses have provided information used in answering discovery based on their work on the Keystone XL project.

INTERROGATORY NO. 47: Pursuant to Condition One, describe any other permits that Keystone will file closer to the time period of construction referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for {01844536.1}

Production of Documents, Answer to Interrogatory No. 8 and list the agencies that Keystone will submit each permit to.

ANSWER: Keystone will comply with Clean Water Act 404 by permitting the crossing of all jurisdictional waterbodies in South Dakota under the US Army Corps of Engineers Nationwide General Permit (NWP) 12. As part of the permitting process of the Project route in South Dakota, Keystone will submit a NOI to the US Army Corps of Engineers, South Dakota Regulatory Office and will consult as required with the South Dakota Regulatory Office.

INTERROGATORY NO. 48: Pursuant to Conditions 43, 44, and 6, provide the job title, scope of work, and dates of employment for Keystone employee Calvin Harlan.

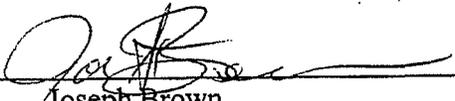
ANSWER: Calvin Harlan is employed by TransCanada's Tribal Relations Department. He is responsible for assisting in implementing the company Native American Relations Policy. He has been employed by TransCanada since 2013.

INTERROGATORY NO. 49: Pursuant to Conditions 6, 43, and 44, describe the contacts Calvin Harlan has had with the Yankton Sioux Tribe or any of its employees, agents, or representatives.

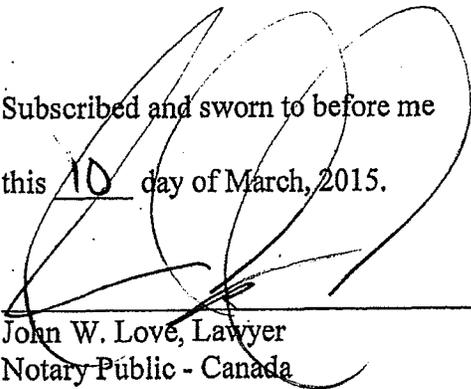
ANSWER: Mr. Harlan has not had any contacts with the Yankton Sioux Tribe.

Dated this 10 day of March, 2015.

TRANSCANADA KEYSTONE PIPELINE, LP
by its agent, TC Oil Pipeline Operations, Inc.

By 
Joseph Brown
Its Director, Authorized Signatory

Subscribed and sworn to before me
this 10 day of March, 2015.


John W. Love, Lawyer
Notary Public - Canada

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 8: Provide a copy of each document that supports the proposed changes to the Findings of Fact identified in Appendix C to Keystone's application filed on September 14, 2014 with the PUC.

OBJECTION: This request is overlybroad and unduly burdensome.

REQUEST FOR PRODUCTION NO. 9: Provide a copy of each document furnished by Keystone to each fact witness for the purposes of his or her testimony.

RESPONSE: See Keystone's response to Interrogatory No. 46. Keystone has no responsive documents.

REQUEST FOR PRODUCTION NO. 10: Provide a copy of each document that each of Keystone's fact witness will attach to his or her testimony.

OBJECTION: Keystone has not yet identified its hearing exhibits. Keystone will disclose its exhibits as required by order of the Commission.

REQUEST FOR PRODUCTION NO. 11: Pursuant to Condition One, provide a copy of the Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, Answer to Interrogatory No. 8.

RESPONSE: Responsive documents are attached as Keystone 1589-1629.

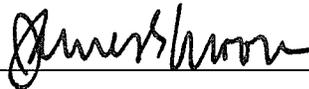
{01844536.1}

OBJECTIONS

The objections stated to Yankton Sioux Tribe's Interrogatories and Request for Production of Documents were made by James E. Moore, one of the attorneys for Applicant TransCanada herein, for the reasons and upon the grounds stated therein.

Dated this 10th day of March, 2015.

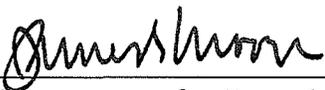
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By  _____
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Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2015, I sent by e-mail transmission, a true and correct copy of Keystone's Responses to Yankton Sioux Tribe's Second Interrogatories and Request for Production of Documents, to the following:

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One of the attorneys for TransCanada

and improvement or a route or site has not commenced within four years after the permit was issued, then the commission “shall suspend the permit,” and the permittee “shall certify to the commission that there have been no significant changes in any material aspects of the conditions *or circumstances when the permit was issued.*” Minn. R. Stat. 7850.4700 (emphasis added). South Dakota’s certification statute is materially different and does not require that there have been no significant changes in the circumstances since the permit was issued. Rather, Keystone must prove that any changes in circumstances do not affect its ability to meet the conditions on which the permit was granted.

3. Although Keystone has not asked that the Commission amend any of the conditions, it would be reasonable for the Commission to conclude that it has the inherent authority to amend the conditions of the permit. For instance, Condition No. 2 requires that Keystone comply with any conditions of the Final Environmental Impact Statement that might conflict with the permit conditions. It would be reasonable for the Commission to amend that condition to refer to the Final Supplemental Environmental Impact Statement given its issuance after the Amended Final Decision and Order, dated June 29, 2010. It would not be reasonable for the Commission to conclude, for the reasons argued in the motion, that instead of amending a condition like Condition No. 2, it would be required to deny Keystone’s certification even though Keystone is able to meet the conditions contained in the permit, which is what the Certification statute requires.

4. The Movants’ request that the Commission alternatively amend Finding of Fact No. 113 because Keystone failed to fulfill its statutory obligation to give due consideration to the views of governing bodies of all affected local units of government is without merit. First, as explained in discovery, Keystone considers the Yankton Sioux Tribe and the other tribes that

have intervened to be sovereign nations, not “local units of government” within the meaning of SDCL § 49-41B-22. The Yankton Sioux Tribe did not intervene as a “local unit of government,” but as an interested party under SDCL § 49-41B-17. The Tribe described itself in its application for party status as a “sovereign government.” (Yankton Sioux Tribe Application for Party Status.) IEN does not claim to be a “local unit of government,” so the requested relief cannot apply to it.

5. Second, the Tribe’s unsupported contention that Keystone failed to consult with the Yankton Sioux Tribe is not true. Tribal “consultation” with respect to the Keystone XL project is the responsibility of the federal government, to be conducted on a government-to-government basis. Notwithstanding this, as explained in the affidavit of Lou Thompson, while not required, Keystone did engage with the Yankton Sioux Tribe. Even the Tribe’s application for party status acknowledges this by stating that tribal input is necessary “[a]fter the initial flawed tribal consultation.” (Yankton Sioux Tribe Application for Party Status.) If the Tribe has an issue with the adequacy of consultation, it should take that up with the State Department, not raise it here.

6. The contention that the Yankton Sioux Tribe’s “treaty territory and aboriginal lands would be directly crossed by the proposed route” (Motion at 4) is inaccurate. The Yankton Sioux Tribe filed claims with the Indian Claims Commission in 1951, pursuant to Section 2 of the Indian Claims Commission Act, 25 U.S.C. 70 *et seq.* In the course of extensive litigation between the Yankton Sioux Tribe and the United States, the Indian Claims Commission established the boundary of the Yankton Sioux’s claimed aboriginal lands. See *The Yankton Sioux Tribe v The United States*, 24 Ind. Cl. Comm. 208 (1970). The boundaries of the Tribe’s aboriginal land claims are legally described in an interlocutory order of the Indian Claims

Commission in Docket No. 332-c. A copy is attached as Exhibit A. The starting point for the description is the point in the Missouri River where Hughes, Hyde, and Lyman Counties meet. The described territory is all east of that point; none of the aboriginal lands were located west of the Missouri River. A map showing the aboriginal lands is attached to an Opinion of the Commission, reported at 24 Ind. Cl. Comm. 208 (Dec. 14, 1970), and is attached here as Exhibit B. “In 1858, the Yankton Sioux entered into a treaty with the United States renouncing their claim to more than 11 million acres of their aboriginal lands in the north central plains.” *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329, 333 (1998). The retained Tribal land is located in the southeastern part of Charles Mix County, and encompasses approximately 430,000 acres. *Id.* at 334.

7. Finally, the Yankton Sioux Tribe could have intervened in docket HP09-001 if it wanted to contend that Keystone could not meet its burden of proof under SDCL § 49-41B-22. It did not. It cannot now belatedly attempt to inject that issue into the instant Certification proceeding. The adequacy of Keystone’s tribal consultation is not properly an issue before the Commission under SDCL § 49-41B-22.

8. The argument that Finding of Fact Number 114 should be amended because the Amended Final Decision & Order dated June 29, 2010, is not fully consistent with Keystone’s tracking table of changes is illogical for the same reasons identified in paragraph 2. It makes no sense to say that the Commission’s decision in 2010 was based on incomplete information due to facts known four years later. The Movants’ argument that the tracking table is an admission that “key bases for the Commission’s decision have been altered,” (Motion at 5), is entirely unsupported. As demonstrated by the certification petition and tracking table, Keystone remains able to meet the conditions on which the permit was granted despite the changes in fact. To the

extent that the Movants disagree, their disagreement presents an issue for hearing, not a basis for the Commission to grant the motion.

Keystone respectfully requests that the motion be denied.

Dated this 2nd day of June, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

William Taylor

James E. Moore

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William.Taylor@woodsfuller.com

James.Moore@woodsfuller.com

Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Opposition to Joint Motion to Preclude Improper Relief, to the following:

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/s/ James E. Moore
One of the attorneys for Applicant

4. Pam Halvorson and Elliot Christensen attended the meeting on behalf of the Lower Brule Sioux Indian Community. Other interested persons attending representing a variety of tribes in the region.

5. In part the October 29, 2008, meeting was to encourage tribal historic preservation officers to identify culturally sensitive areas along the pipeline route and to encourage tribal participation in cultural surveys of the areas so identified.

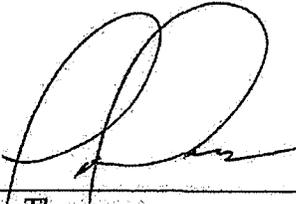
6. In April of 2009, following up on contacts made in 2008, Josh Chase of AECOM, an environmental consultant for Keystone, contacted Ms. Spotted Eagle to inquire about her views on culturally sensitive areas along the route. At the time, she had not identified any specific areas of cultural sensitivity.

7. In 2010 Keystone began conducting cultural surveys along the proposed XL route, using tribal monitors and observers as participants. In the summer of 2010 Yankton Sioux representatives attended and participated in various surveys relating to the route. Seven Yankton Sioux monitors were appointed for the purpose. Then Yankton Sioux Tribal Historic Preservation Officer Lana Gravatt attended some of the surveys and route studies.

8. All expenses incurred by Yankton Sioux members were paid by Keystone.

9. On August 4, 2010 the Yankton Sioux Tribe adopted a resolution opposing the construction of the Keystone XL project. A copy of the resolution is attached hereto, marked Exhibit A for reference. After the adoption of the resolution, Keystone, out of respect for the Yankton Sioux Tribe's decision, ended its efforts to work with the Tribe.

Dated this 2 day of June, 2015.

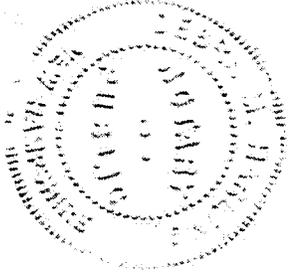
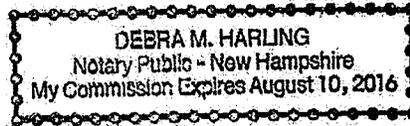


Lou Thompson

Subscribed and sworn to before me

this 2 day of June, 2015.


Notary Public—New Hampshire
My commission expires:



Appendix: Yankton Sioux Tribe Resolution No. 2010-102

Box 248
Marty, SD 57361

(605) 384-3804/384-364
Fax (605) 384-5684

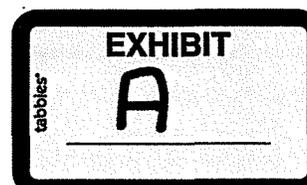
OFFICERS:
ROBERT COURNOYER, CHAIRMAN
KAREN ARCHAMBEAU, VICE CHAIRMAN
RACHEL E. BERNIE, SECRETARY
LEO O'CONNOR, TREASURER



COUNCIL:
JODY ALLEN ZEPHIEF
MYRON TURNER
DENNIS RUCKER
BAPTISTE A. COURNOYE
GREG ZEPHIEF JR

YANKTON SIOUX TRIBE
RESOLUTION No. 2010-102

- WHEREAS: The Yankton Sioux Tribe is an unincorporated Tribe of Indians not subject to the Indian Reorganization Act of 1934; and
- WHEREAS: The Yankton Sioux Tribe is an unincorporated Tribe of Indians operating under an amended Constitution and By Laws approved on April 24, 1963; June 16, 1975 and March 23, 1990; and
- WHEREAS: The Yankton Sioux Tribe's Business and Claims Committee is an elected body constituted for the purpose of conducting the business of and serving the best interest of the Yankton Sioux Tribe; and
- WHEREAS: The Yankton Sioux Tribe's Business and Claims Committee has contributed throughout the years to improving the standard and quality of life on the Yankton Sioux reservation; and
- WHEREAS: The United States Department of State has recently notified the Tribes of the Great Plains Region through Section 106 of the National Historic Preservation Act that TransCanada Keystone Pipeline, L.P., is proposing to build an oil pipeline, named the "Keystone XL", from Canada traversing Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and
- WHEREAS: the United States has obligated itself through Treaties entered into with the Sovereign Tribes, to protect the legal rights of tribal Nation; and
- WHEREAS: the Yankton Sioux Tribe has a traditional obligation to think of the Seventh Generation, for which the tribe must plan for the health, safety, sovereignty of future generations; and
- WHEREAS: the proposed 36-inch "Keystone XL" pipeline will carry Canadian Tar Sands which are destroying the air, water, and lands of Canadian First Nations; and
- WHEREAS: the Keystone XL pipeline is proposed to go through the Ogallala Aquifer which the Great Plains Region Tribes obtain their water; and



B&CCR 2010-102

WHEREAS: the proposed route and area of construction for the TransCanada Keystone Pipeline Project crosses Federal Bureau of Land Management (BLM) lands and is within the areas within the treaty boundaries of the Great Sioux Nation, and the Yankton Sioux Tribe is among the signatory bands to the 1868 Treaty of Fort Laramie, a treaty between the Great Sioux Nation and the United States; now

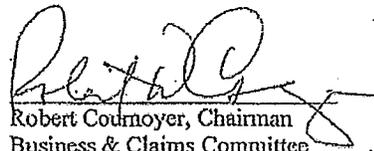
THEREFORE BE IT RESOLVED, that the Yankton Sioux Tribe's Business and Claims Committee hereby opposes TransCanada Keystone Pipeline, L.P., to construct the "Keystone XL" pipeline as it will create safety and health hazards to current and future generations by way of leaks and spills, and pipeline abandonment AND to construct the Keystone XL Pipeline as it will adversely affect the water quality of the Yankton Sioux Tribe; and

BE IT FURTHER RESOLVED, that Robert Cournoyer, CHAIRMAN and Rachel E. Bernie, SECRETARY of the Yankton Sioux Tribe's Business and Claims Committee is hereby authorized to execute documents on behalf of the Yankton Sioux Tribe.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM, the above and foregoing resolution was duly authorized and passed by the Yankton Sioux Tribe's Business and Claims Committee on the 4th day of August, 2010 at a Regular meeting held at Bureau of Indian Affairs, Wagner, South Dakota on the Yankton Sioux reservation, by a vote of 7 in favor, 0 opposed, 0 not voting, 1 abstain, 1 absent, MOTION CARRIED.

ATTEST


Robert Cournoyer, Chairman
Business & Claims Committee
Yankton Sioux Tribe


Rachel E. Bernie, Secretary
Business & Claims Committee
Yankton Sioux Tribe

PREFILED TESTIMONY
OF
FAITH SPOTTED EAGLE

Docket No. HP14-001

IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE
PIPELINE, LP FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED
IN DOCKET HP09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE

Exhibit 9011

1. Please state your name and you home address.

A. My name is Faith Spotted Eagle. My home address is Box 667, Lake Andes, SD, 57356.

2. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

3. What is your occupation or what kinds of work do you do?

A. Private consultant in PTSD Counseling for veterans and veteran's organization; Trainer/facilitator in Historical Trauma for all populations; school certified counselor work in schools, Dakota Language teacher, Manager of Brave Heart Lodge in Lake Andes.

4. Please describe your educational background and professional experience.

A. I have an MA in Educational Psychology and Counseling from USD, Vermillion, SD. I have held professional positions as a teacher, counselor, principal, manager of Human Service Programs, Family and Individual therapist, Grantwriter and currently am Chair of the Ihanktonwan Treaty Committee.

5. Did you provide a copy of your resume?

A. I have attached a biography, it is Attachment A.

6. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

7. Do you currently hold any positions with the Yankton Sioux Tribe?

A. I am an elected official by the General Council to be on the Ihanktonwan Treaty Committee and serve as the Chair for that body.

8. Please state the purpose of your testimony in this proceeding.

A. The main objective of the Yankton Sioux Tribe through this testimony is to provide information to the South Dakota Public Utilities Commission that the Applicant does not continue to meet all conditions upon which the permit was issued including violations of treaties, socio-cultural threats, and threats to safe drinking water, in particular reference to the potential coming of man camps which presents a safety conference of an at risk population already threatened by violence.

9. Please describe the professional work you conduct in the areas of historic trauma, cultural violence, socio-cultural violence.

A. I am a facilitator/trainer for the Tucson, VA for the purpose of assisting staff and veterans recover from Post-Traumatic Stress Disorder; along with serving as a consultant recovering from historical trauma and oppression all across the US and Canada. Some of these communities are Ponca Nation in NE; Spirit Lake Community in ND; Crow Creek Community in SD; Eepay Band/Rancheria in California; Tsu tina Nation near Calgary, Canada, among many others. I work with communities in developing strategies to stop "girl on girl" aggression, relationship violence and sexual and physical violence. As a grandmother of Brave Heart

Society we are responsible for the safekeeping of the environment, the water, safe communities and sacred sites.

10. Through you work in these areas, have you specifically organized gatherings to discuss concerns related of “man camps” or “construction camps” and their effect on the well-being of the communities surrounding these camps?

A. Yes. In August of 2013, the Brave Heart Society and the Treaty Committee organized and hosted the only conference that I know of to mobilize allies against the coming of man camps via KXL PIPELINE. Out of this gathering, strategic directions were developed to stop this threat in order to keep our communities safe.

11. Would you describe who attending those gatherings?

A. Our conference was attended by the US Attorney's Office out of Sioux Falls, SD. In fact Brendan Johnson was one of our speakers. Other attendees were women's shelters combatting sexual and physical violence from SD and ND. Also attending were recovering persons from sex trafficking situations. Treaty Councils, Tribal Council Members, Nebraska Bold and NEAT also attended, which are comprised of landowners and farmers. Many grassroots organizations like Dakota Rural Action and many others attended.

12. What information would you like to convey to the South Dakota PUC as a result of those gatherings?

A. It is frightening to think that no fore planning has been done to even recognize what happens when man camps are plopped into rural communities where wide gaps exist in law enforcement further impinged upon by cross-jurisdictional problems between reservation and state areas which are long standing issues. The Bakken experience proves that even non Natives are at risk. Many tribes do not have tribal/state agreements in order to handle cross jurisdictional major crimes. Mr. Johnson stated he could do nothing in the way of prevention until a crime occurred. We will not sit and wait for crimes to occur with close to 1800 men coming to treaty and unceded territory.

13. What specific information did you learn about the increase in police resources needed to address the increased crime that results from the placement of man camps near communities?

A. At our conference we had speakers and specialists who spoke of the impact of man camps near rural communities, in addition to the Bakken Range. Some of the speakers were from the Williston area. We also work with recovering sex workers who have first-hand knowledge.

14. What would you like the South Dakota Public Utilities Commission to know regarding anticipated increase in crime?

A. The Commission should anticipate a surge in crime, especially violent crime, in the communities near the man camps and not deny the fact that the current national statistics regarding Native people indicate that 3 out of 5 Native women will be raped in their lifetimes. I myself am a sexual abuse survivor and know that story well. As members of border towns, we are no strangers to violence. I can give details of an attack.

15. Have you reviewed Figure 2.1.5-1 entitled “Proposed Temporary Construction Camps”, attached hereto as Attachment B?

A. Yes.

16. What does this document depict?

A. From my understanding, it depicts the proposed locations of the Applicant’s man camps in South Dakota and Montana.

17. Are there any proposed man camp location(s) near the Yankton Sioux Reservation?

A. Yes, according to Attachment B, there is one proposed man camp to be located in Southeastern Tripp County. This location is equi-distant between the Rosebud Sioux Reservation and the Yankton Sioux Reservation, however, it is closer to the Yankton Sioux Reservation when traveling by vehicle.

18. What is your specific experience with the inhabitants of these man camps?

A. Man camps are inhabited by young and single men who are suddenly away from their families, spouses, and have the financial means to use and abuse illicit drugs. The result is easy to predict and does not require any scientific analysis – these young men, unfortunately, increase the crime rates including violent crimes, sexual crimes, and drug-related crimes. It is common sense that these men will need recreational outlets and will seek these at nearby casinos, including ours.

19. Why does this scenario especially troublesome for you and the Yankton Sioux Reservation?

A. Because the Yankton Sioux Tribe’s Fort Randall Casino and Hotel will be the closest large-scale entertainment center that offers a large selection of gaming, evening entertainment, bar and restaurant, and hotel in one place. I strongly believe that there will be undesired consequences that negatively and directly impact the Tribe’s socio-cultural as well as surge violent crime rates on an already overburdened police force.

20. Do you have jurisdictional concerns related to this point?

A. Yes, the nature of a tribe’s criminal jurisdiction is that it does not have criminal jurisdiction over crimes committed by non-Indians against Indians on the reservation. Even with the Congress’ passage of the Violence Against Women Reauthorization that allowed for expanded jurisdiction in certain circumstances, the reality is that the Yankton Sioux Tribe has not implemented VAWA. Even assuming it had, VAWA still requires the non-Indian perpetrator to be in a domestic relationship and have a tie to the reservation for the tribe to exert jurisdiction over the non-Indian.

21. What is the source or sources of your drinking water?

A. Lake Andes is a community that gets our water from the Missouri River.

22. Do you participate in ceremonies that involve the use of water?

A. All of our ceremonies are partaken with the existence of water presence. Our community sundances and other ceremonies are adjacent to the Missouri River.

23. What is the source or sources of water for those ceremonies?

A. The Missouri River.

24. In addition to the work you have already described, what other work do you do?

A. I am a member of the Tribe's governing body, its General Council, which consists of all adult members of voting age. I am also the Chairperson of the Ihanktonwan Treaty Steering Committee, which is appointed by the General Council. I am also a member of the Elder group and the Head of a revived Traditional Society, the Brave Heart Society which watches over sacred sites and burial sites.

25. Can you please explain the nature and purpose of the Ihanktonwan Treaty Steering Committee?

A. To oversee the protection of all treaty lands from depredation, exploitation and enforce the reason for the treaty.

26. Please describe the treaty you are referencing.

A. The 1851 Treaty of Fort Laramie is a binding peace treaty signed among the Dakota, Nakota, and Lakota and the United States to establish peace and identify boundaries for land to be used exclusively by the tribes who are signatories to that treaty

27. Please take a look at this document (Attachment C). Can you identify this document?

A. Yes, that is a copy of the 1851 Fort Laramie Treaty.

28. I'd like to show you A MAP that was provided by Keystone (Figure 2.1.1-2, FSEIS) (Attachment D). This is a map from Keystone that shows the planned route of the proposed pipeline project. What can you tell me about this map (Attachment D), of the pipeline route, compared with the Ihanktonwan Treaty Territory as defined by the 1851 Fort Laramie Treaty?

A. The proposed pipeline route clearly cuts corner-to-corner through our Treaty Territory.

29. Has the Ihanktonwan Treaty Steering Committee ever addressed the possibility of this proposed project being constructed?

A. Yes, this project has been of great concern to us as a Treaty Committee.

30. Why was this a concern to the Treaty Committee?

A. Because as that map demonstrates, the pipeline would trespass right through Treaty Territory guaranteed by the Fort Laramie Treaty as well as additional lands beyond that area that are unceded lands, and we still retain a multitude of rights on those lands based on the treaty that are protected by federal law and that are vital to our cultural, spiritual, and physical survival.

31. Can you describe some of these rights for us?

A. Hunting, fishing, gather medicinal plants, use of the water, burial responsibilities, oversight of sacred sites based on five historical preservation laws of the US that recognize our aboriginal right to protect these pre historical properties.

32. To your knowledge, has the Ihanktonwan Treaty Steering Committee ever given its approval for the construction of the proposed project?

A. No, never.

33. To your knowledge, has the governing body of the Yankton Sioux Tribe ever consented to construction of the proposed project through Ihanktonwan Treaty Territory?

A. No, never.

34. Does this conclude your prefiled testimony?

A. I reserve the right to supplement my prefiled testimony as well as offer additional testimony during the hearing in this case.

Attachment A

BIO FOR FAITH SPOTTED EAGLE

English Name: Faith Spotted Eagle
Dakota Name: Tunkan Inajin Win , Standing Stone
Residence address: Box 667, Lake Andes, SD 57356
Cell: 605 481 0416 landline: 605 487 7769
eagletrax@hotmail.com

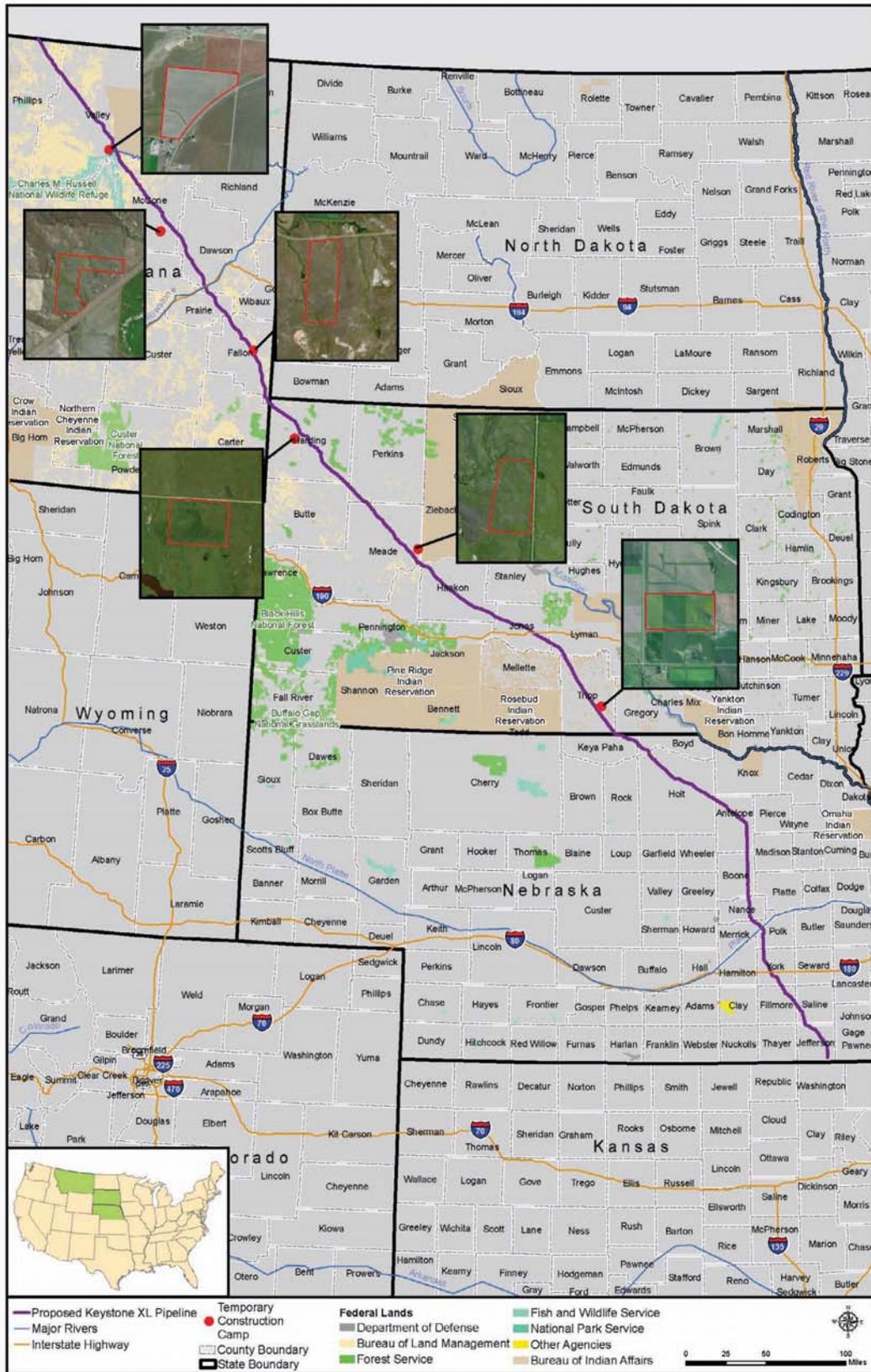
Faith Spotted Eagle is a 65 year old grandmother who lives on Ihanktonwan Dakota Territory (Yankton Sioux) in Southeastern South Dakota. She is a fluent speaker of the Dakota Language and a member of the Ihanktonwan, although she descends from the Sicangu, Hunpati, Hunkpapa and Mdewakantonwan and has French/Irish blood through her grandmother Julia Deloria and John McBride. She has two children. Kip Spotted Eagle is a Dakota Language Instructor and Brook Spotted Eagle is a Ph.D candidate at the University of Washington in Cultural Anthropology. Her new grandson is Tokana Ikpanajin Spotted Eagle.

In the western world, Faith earned a Master's in Guidance and Counseling in her early twenties at the University of South Dakota, although she attended college at American University in Washington, DC and Black Hills State College, Spearfish, SD., also. Throughout her long career she has been a high school counselor/teacher/principal; manager of Human Services Programs and Youth Programs; Indian Child Welfare Worker; Organizational Development Consultant; Teacher in a Psychiatric setting; Peacemaker/mediator; Community College Instructor; PTSD therapist and Community Activist. She was also a women's basketball coach in Idaho. As a young student she was an intern in the office of Sen. Geo McGovern; served as an intern with the National Park Service in Glacier Park, Montana; provided student input to the early development of Talent Search Programs in Chicago, Illinois. She worked with the groundbreaking Coalition of Indian Controlled Schoolboards in Denver, Colorado, the organization which played an important role in returning Native control of schools. She was one of the early instructors at Sinte Gleska College in Rosebud. She did the early work of repatriation and cultural resources work at White Swan in her homeland at Ihanktonwan in a historical Section 106 foreclosure on the Corps of Engineers for disrupting a burial grounds. She works in Native communities with her model Healing from Red Rage, which has been widely used in Native Communities in the US and Canada. She also contracts with the Veteran's Administration utilizing this model. She is a trained mediator/peacemaker and incorporates traditional peacemaking with western approaches of peacemaking Her priority is the preserve the good medicine of the Dakota Culture for the future.

In the Dakota/Native world, she has been active in teaching the Dakota language in language nest settings; been a 20-year member of a revived traditional Brave Heart Society; comes from a Sundance family; and has helped revive the Isnati Awicadowanpi (Coming of Age Ceremony) for the last 18 years across the Seven Council Fires. Her Red Rage Model has been utilized in the Brave Heart work. She has been active in leading resistance against Tar Sands Development and the KXL Pipeline. As the Chair of the Ihanktonwan Treaty Committee and Brave Heart

Society Grandmother , she helped bring forth the International Treaty to Protect the Sacred against the KXL Pipeline and the Tar Sands. She is the volunteer Manager of the Brave Heart Lodge on the Ihanktonwan Reservation, which seeks to preserve Dakota cultural beliefs for the future. Brave Heart recently cooperated with other entities to revive Lacrosse/shinny in the Ihanktonwan homelands. She has been a delegate of the Treaty Committee NGO at the United Nations. She is the current Chair of the Ihanktonwan Treaty Steering Committee. She helped create an important cultural survey of Ihanktonwan lands along the Missouri River in South Dakota and other Treaty lands. Her priority has been to battle for the preservation of Sacred Sites through Brave Heart Society support of the World Peace and Prayer Day, represented by Bundlekeeper, Arvol Looking Horse. She will be a featured speaker at World Peace and Prayer Day in June of 2014 in New York.

Attachment B



Source: Esri 2013, exp Energy Services, Inc. 2012b

Figure 2.1.5-1 Proposed Temporary Construction Camps

Attachment C

TREATY OF FORT LARAMIE

September 17, 1851

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre Mandans, and Arrickaras, parties of the second part, on the seventeenth day of September, A.D. one thousand eight hundred and fifty-one. (a)

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

ARTICLE 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

ARTICLE 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

ARTICLE 4. The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories.

ARTICLE 5. The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz;

The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth River, on the Missouri River; thence in a southwesterly direction to the forks of the Platte River; thence up the north fork of the Platte River to a point known as the Red Butts, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning.

The territory of the Gros Ventre, Mandans, and Arrickaras Nations, commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

The territory of the Assinaboin Nation, commencing at the mouth of Yellowstone River; thence up the Missouri River to the mouth of the Muscle-shell River; thence from the mouth of the Muscle-shell River in a southeasterly direction until it strikes the head-waters of Big Dry Creek; thence down that creek to where it empties into the Yellowstone River, nearly opposite the mouth of Powder River, and thence down the Yellowstone River to the place of beginning.

The territory of the Blackfoot Nation, commencing at the mouth of Muscle-shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning.

The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.

The territory of the Cheyennes and Arrapahoes, commencing at the Red Bute, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head-waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fe' road; thence in a northwesterly direction to the forks of the Platte River, and thence up the Platte River to the place of beginning.

It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described.

ARTICLE 6. The parties to the second part of this treaty having selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

ARTICLE 7. In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

ARTICLE 8. It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D. D. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

D. D. Mitchell
Thomas Fitzpatrick
Commissioners.

Assinaboines:
Mah-toe-wit-ko, his x mark,
Toe-tah-ki-eh-nan, his x mark,

Sioux:
Mah-toe-wha-you-whey, his x mark,
Mah-kah-toe-zah-zah, his x mark,
Bel-o-ton-kah-tan-ga, his x mark,
Nah-ka-pah-gi-gi, his x mark,
Mak-toe-sah-bi-chis, his x mark,
Meh-wha-tah-ni-hans-kah, his x mark,

Mandans and Gros Ventres:
Nochk-pit-shi-toe-pish, his x mark,
She-oh-mant-ho, his x mark,

Arickarees:
Koun-hei-ti-shan, his x mark,
Bi-at-ah-tah-wetch, his x mark,

Cheyennes:
Wah-ha-nis-satta, his x mark,
Voist-ti-toe-vetz, his x mark,
Nahk-ko-me-ien, his x mark,
Koh-kah-y-wh-cum-est, his x mark,

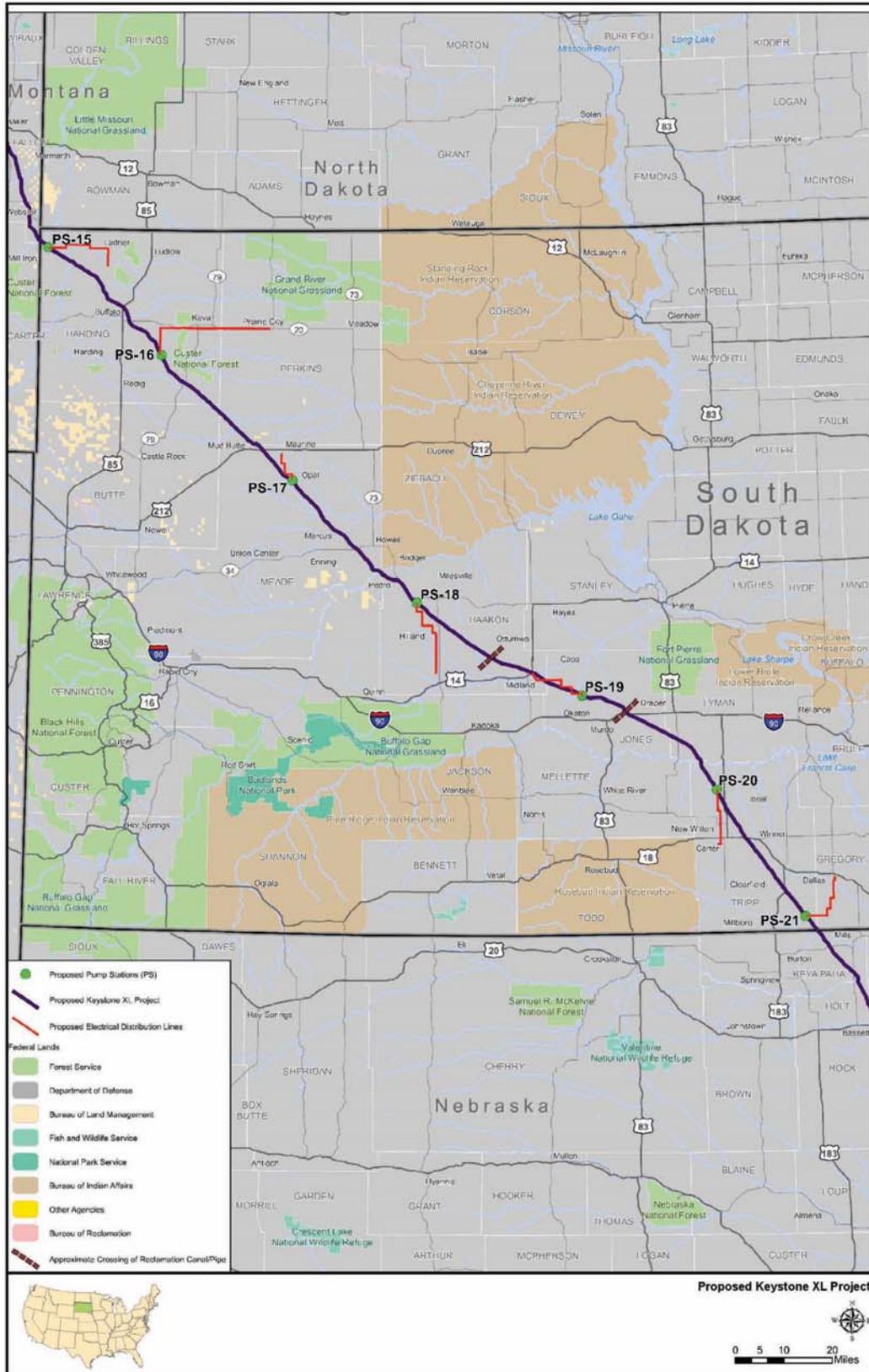
In the presence of---

Arrapahoes:
Be-ah-te, -a-qui-sah, his x mark,
Neb-ni-bah-seh-it, his x mark,
Beh-kah-jay-beth-sah-es, his x mark,

A. B. Chambers, secretary.
S. Cooper, colonel, U. S. Army.
R. H. Chilton, captain, First Drags.
Thomas Duncan, captain, Mounted Rifiemen.
Thos. G. Rhett, brevet captain R. M. R.
W. L. Elliott, first lieutenant R. M. R.
C. Campbell, interpreter for Sioux.
John S. Smith, interpreter for Cheyennes.
Robert Meldrum, interpreter for the Crows.
H. Culbertson, interpreter for Assiniboines and Gros Ventres.
Francois L'Etalie, interpreter for Arickarees.
John Pizelle, interpreter for the Arrapahoes.
B. Gratz Brown.
Robert Campbell.
Edmond F. Chouteau.

(a) This treaty as signed was ratified by the Senate with an amendment changing the annuity in Article 7 from fifty to ten years, subject to acceptance by the tribes. Assent of all tribes except the Crows was procured (see Upper Platte C., 570, 1853, Indian Office) and in subsequent agreements this treaty has been recognized as in force (see post p. 776).

Attachment D



Source: Esri 2013, exp Energy Services, Inc. 2012b

Figure 2.1.1-2 Proposed Project Overview—South Dakota

Attachment E

Table 2.1-13 Pipeline Construction Spreads Associated with the Proposed Project

State	Approximate Miles by State	County	Spread Number	Approximate Location (Milepost)	Approximate Length of Construction Spread (Miles)
Montana	285	Phillips, Valley	Spread 1	0-90	90
		Valley, McCone	Spread 2	90-152	61.5
		McCone, Dawson	Spread 3	152-198	46.2
		Dawson, Prairie, Fallon	Spread 4		
South Dakota	316	Harding		198-289	91
		Harding, Butte, Perkins, Meade	Spread 5	289-411	122.1
		Meade, Pennington	Spread 6		
		Haakon, Jones		411-500	89.7
		Jones, Lyman, Tripp	Spread 7	500-599	98.4
		Tripp	Spread 8		
Nebraska	274	Keya Paha, Boyd, Holt, Antelope		599-692	92.9
		Antelope, Boone, Nance, Merrick, Polk	Spread 9	692-776	83.9
		Polk, York, Fillmore, Saline, Jefferson	Spread 10	776-875	99.7

Source: exp Energy Services, Inc. 2012a

PREFILED REBUTTAL TESTIMONY

OF

**MEMBER OF THE YANKTON SIOUX TRIBE BUSINESS & CLAIMS COMMITTEE
(CONSISTING OF ELECTED MEMBERS: ROBERT FLYING HAWK,
QUENTIN JB BRUGIER, JR., MONA WRIGHT, JUSTIN SONGHAWK,
LEO O'CONNER, JEAN ARCHAMBEAU, GLENFORD SAM SULLY, JASON COOKE,
AND EVERDALE SONG HAWK)**

Docket No. HP14-001

**IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE PIPELINE, LP FOR
ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP09-001 TO
CONSTRUCT THE KEYSTONE XL PIPELINE**

Exhibit 9012

021999

1. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

2. What is your occupation or what kinds of work do you do?

A. I am an elected member of the Yankton Sioux Tribe Business and Claims Committee.

3. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

4. Under what authority are you providing this testimony?

A. Pursuant to Article IV of the Amended Bylaws of the Yankton Sioux Tribal Business and Claims Committee, the Business and Claims Committee shall act as liaison between the Tribe and state governments.

5. Please state the purpose of your testimony in this proceeding.

A. The main objective of the Yankton Sioux Tribe through this testimony is to rebut the testimony provided by TransCanada and any other party providing testimony in support of TransCanada's position because TransCanada does not or cannot continue to meet all conditions upon which the permit was issued. I can provide testimony on subjects including the interactions between TransCanada and the Yankton Sioux Tribe, the status of the Tribe as a local unit of government (please see TransCanada's response to Interrogatory No. 11 of Exhibit A attached to this testimony), the position of the Yankton Sioux Tribe on the proposed Keystone XL pipeline, the Programmatic Agreements executed in conjunction with the Final Environmental Impact Statement and the Final Supplemental Environmental Impact Statement (attached to this prefiled testimony as Exhibits B and C, respectively), governing treaties between the United States and the Yankton Sioux Tribe, and the threats posed by the proposed project to the Yankton Sioux Tribe and its members as appropriate based on the testimony offered by TransCanada.

PREFILED REBUTTAL TESTIMONY
OF
FAITH SPOTTED EAGLE

Docket No. HP14-001

IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE PIPELINE, LP FOR
ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP09-001 TO
CONSTRUCT THE KEYSTONE XL PIPELINE

Exhibit 9013

022001

1. Please state your name and you home address.

A. My name is Faith Spotted Eagle. My home address is Box 667, Lake Andes, SD, 57356.

2. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

3. What is your occupation or what kinds of work do you do?

A. Private consultant in PTSD Counseling for veterans and veteran's organization; Trainer/facilitator in Historical Trauma for all populations; school certified counselor work in schools, Dakota Language teacher, Manager of Brave Heart Lodge in Lake Andes.

4. Please describe your educational background and professional experience.

A. I have an MA in Educational Psychology and Counseling from USD, Vermillion, SD. I have held professional positions as a teacher, counselor, principal, manager of Human Service Programs, Family and Individual therapist, Grantwriter and currently am Chair of the Ihanktonwan Treaty Committee.

5. Did you provide a copy of your resume?

A. I attached a biography as Attachment A to my prefiled direct testimony.

6. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

7. Do you currently hold any positions with the Yankton Sioux Tribe?

A. I am an official elected by the General Council to be on the Ihanktonwan Treaty Committee and serve as the Chair for that body.

8. Please state the purpose of your testimony in this proceeding.

A. The purpose of my testimony is to rebut any testimony in support of the Applicant's position because the Applicant cannot prove that it continues to meet all conditions upon which the permit was granted. I can provide testimony on subjects including the interactions between TransCanada and the Yankton Sioux Tribe, the Yankton Sioux Tribe's position on the proposed project, the Programmatic Agreements executed in conjunction with the Final Environmental Impact Statement and the Final Supplemental Environmental Impact Statement (attached to this prefiled testimony as Exhibits A and B, respectively), cultural resources and sacred sites, the governing treaties between the United States and the Yankton Sioux Tribe, and the threats posed by the proposed project to the Yankton Sioux Tribe and its Tribal members as appropriate based on the testimony offered by the Applicant. Based on my knowledge, the Applicant cannot meet the conditions of the original permit.

EXHIBIT A

Appendix S

Programmatic Agreement and Record of Tribal Contact

Programmatic Agreement

Among

The U.S. Department of State,
U.S. Bureau of Land Management,
U.S. Army Corps of Engineers,
U. S. Bureau of Reclamation,
National Park Service,
Western Area Power Administration,
U.S. Department of Agriculture Rural Utilities Service,
U.S. Department of Agriculture Natural Resources Conservation Service,
U.S. Department of Agriculture Farm Service Agency
U.S. Bureau of Indian Affairs
Montana Department of Natural Resources and Conservation,
Montana Department of Environmental Quality,
Advisory Council on Historic Preservation,
Montana State Historic Preservation Officer,
Kansas State Historic Preservation Officer,
Texas State Historic Preservation Officer,
Nebraska State Historic Preservation Officer,
Oklahoma State Historic Preservation Officer,
South Dakota State Historic Preservation Officer, and
TransCanada Keystone Pipeline, LP
Regarding the Keystone XL Pipeline Project

WHEREAS, the U.S. Department of State (DOS) receives and considers applications for permits for cross border oil pipelines pursuant to the authority delegated by the President of the United States under Executive Order (EO) 13337 (69 Federal Register 25299); and

WHEREAS, on September 19, 2008, the DOS received an application for a Presidential Permit from TransCanada Keystone Pipeline, LP (Keystone) for the Keystone XL Pipeline Project (Keystone XL Project or the Project); and

WHEREAS, DOS has determined that issuance of a Presidential Permit for the Keystone XL Project includes review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f, as amended) and its implementing regulations, "Protection of Historic Properties," (36 CFR Part 800); and

WHEREAS, the Project undertaking consists of construction of approximately 1,375 miles of new crude oil pipeline in the United States and utilizes 298 miles of the previously approved Keystone Cushing Extension, associated aboveground facilities (such as pump stations and transmission facilities and substations), and ancillary facilities (such as lateral pipeline, temporary workplace areas and pipe storage, access roads, and contractor yards); and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses seven National Historic Trails: the Lewis and Clark National Historic Trail (LCNHT); Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails; the Santa Fe National Historic Trail; and the El Camino Real de los Tejas National Historic Trail (ELTE). Each of these trails was designated by the U.S. Congress and have as their purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment;” (National Trails System Act, P.L. 90-543, as amended); and

WHEREAS, on February 2, 2011, the Advisory Council on Historic Preservation (ACHP) entered consultation finding that criteria 3 and 4 of Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of the regulations (36 CFR Part 800) implementing Section 106 of NHPA, had the potential to be met; and

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the approval for the Keystone XL Project to cross USACE administered lands (30 U.S.C. § 185) and to place structures in, under, or over navigable waters of the United States, as defined under 33 CFR 329, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and a permit for the placement of dredge or fill material in waters of the United States as part of the Keystone XL Project in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 344; see 33 CFR 323), are federal actions related to the undertaking that require the USACE to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined the approval of the Keystone XL Project to cross Federal lands administered by the BLM would require authorization under Section 28 of the Mineral Leasing Act of 1920, as amended [(MLA) 30 USC 185]; and

WHEREAS, the BLM has determined that Keystone will require access roads crossing public lands administered by the BLM in support of the Keystone XL Pipeline Project and that the access roads will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701]; and

WHEREAS, the BLM has determined that the Keystone XL Project will require electrical power from rural electrical cooperatives and that portions of the transmission lines will cross public lands administered by the BLM and that the transmission lines crossing public lands will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701]; and

WHEREAS, the BLM approvals of these Project crossings in areas under its jurisdiction is a federal action associated with the undertaking that requires the BLM to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the U.S. Bureau of Reclamation (RECLAMATION) manages lands and facilities that will be crossed by the Keystone XL Project and this is a federal action related to the undertaking that requires RECLAMATION to comply with Section 106 of the NHPA and 36

CFR Part 800; and

WHEREAS, the Natural Resources Conservation Service (NRCS) has determined that it retains rights to a 2,693 acre parcel subject to the Wetlands Reserve Program (WRP) (16 U.S.C. 3837 et. seq.) easements in Fannin County, Texas and that the installation and maintenance of the Project pipeline on this WRP easement is a federal action associated with the undertaking that requires compliance with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Farm Service Agency (FSA), manages private lands with federal easements along the Project APE as part of its Grasslands Reserve Program (jointly administered with the NRCS) as well as the Conservation Resource Program, and the Farmable Wetlands Program; and

WHEREAS, the FSA approval of the Project crossings in these areas is a federal action associated with the undertaking that requires the FSA to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the Rural Utilities Service (RUS) has determined that the financial assistance it may provide to rural electric cooperatives and other entities for construction or modification of electrical transmission facilities (including transmission lines and substations) to power some Keystone XL Project pump stations or to ensure transmission system reliability, under USDA Rural Development's Utilities Programs, are Federal actions related to the undertaking that require RUS to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Bureau of Indian Affairs (BIA) has responsibility for approving any right-of-ways crossing Indian Trust lands and this is a federal action related to the undertaking that requires the BIA to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the Western Area Power Administration (WESTERN) has determined that the modification and construction of substations and transmission lines that WESTERN will own and that will provide power to the Keystone XL project, will require review under Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the National Park Service (NPS) has been invited to consult with the DOS concerning the Project due to the potential for adverse effects to several National Historic Trails including the LCNHT and ELTE; and

WHEREAS, the Montana Department of Natural Resources and Conservation has participated in consultation and has been invited by DOS under 36 CFR § 800.6(c) (2) to sign this Programmatic Agreement (PA) as an invited signatory; and

WHEREAS, the Montana Department of Environmental Quality has participated in consultation and has been invited by DOS under 36 CFR § 800.6(c) (2) to sign this PA as an invited signatory; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, WESTERN, RECLAMATION, and FSA have designated the DOS as the lead federal agency for purposes of Section 106 of the NHPA in

accordance with 36 CFR § 800.2(a)(2); and

WHEREAS, the Keystone XL Project area of potential effect (APE) includes: (1) in Montana – a 300 foot wide corridor, 150 feet on each side from the centerline; (2) in South Dakota – a 300 foot wide corridor, 150 feet on each side from the centerline; (3) in Nebraska – a 300 foot wide corridor, 150 feet from each side from the centerline; (4) in Kansas – all areas of disturbance related to the construction of two pump stations; (5) in Oklahoma – a 300 foot wide corridor, from centerline of outermost existing pipeline; and (6) in Texas - a 300 foot wide corridor, with 200 feet from the existing infrastructure feature centerline on the side where the proposed pipeline is to be collocated and 100 feet from the existing feature centerline on the opposite side, or, if the route is not collocated with existing infrastructure, then the survey area will be centered on the proposed pipeline (150 feet on each side). For transmission lines and access roads in each state, a 100 foot wide corridor centered on the Project centerline will be used. For pumping stations and other areas that are to be disturbed by construction related activities and ancillary facilities (including construction camps and pump stations), the APE will include all areas of disturbance and areas to be indirectly affected; and

WHEREAS, the DOS has determined that the construction of the Keystone XL Project may have an adverse effect on properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Indian Tribes, and the ACHP, pursuant to 36 CFR Part 800; and

WHEREAS, the BLM will incorporate this PA into its decisional process on any authorization under the MLA or FLPMA it may issue for the Keystone XL Project, and will include in any authorization it issues on the Keystone XL Project, a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, in accordance with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), the DOS has elected to phase identification and evaluation of historic properties, and application of the criteria of adverse effect, respectively, because access to those areas identified in Attachment A has been restricted by property owners' refusal to grant Keystone permission to enter their private property; and

WHEREAS, Attachment G includes summary information on the identification, evaluation, and effect assessment updates on the Project that were included in the Final Environmental Impact Statement (FEIS); and

WHEREAS, additional identification, evaluation and effect assessments for the Project will need to be undertaken as all areas of construction have yet to be determined; and

WHEREAS, pursuant to 36 CFR § 800.14(b), the DOS has elected to execute this PA for the Keystone XL Project because effects on historic properties cannot be fully determined prior to the issuance of a permit for the undertaking; and

WHEREAS, Attachment G also summarizes consultation with Indian tribes and Nations,

SHPOs, and other agencies; and

WHEREAS, the DOS will incorporate this PA into its decisional process on any Presidential Permit that it may issue for the Keystone XL Project and will include in any permit it issues on the Keystone XL Project a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, Keystone, which will construct the Keystone XL Project pipeline, has participated in consultation, has been invited by DOS under 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign this agreement as an invited signatory and intends to sign this agreement as an invited signatory; and

WHEREAS, for the purposes of this agreement, “Indian tribes and Nations” shall have the same definition as “Indian tribes” which appears in Section 301(4) of the NHPA; and

WHEREAS, DOS invited the Indian tribes listed in Attachment B to participate in consultation; and

WHEREAS, the Absentee-Shawnee Tribe of Indians of Oklahoma; the Alabama-Coushatta Tribe of Texas, Blackfeet Tribe, Caddo Nation of Oklahoma, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Crow Tribe of Indians, Delaware Nation, Fort Peck Tribes, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Ho-Chunk Nation of Wisconsin, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation, Kialegee Tribal Town of the Creek Nation in Oklahoma, Kickapoo Tribe of Kansas, Kiowa Indian Tribe of Oklahoma, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Muscogee (Creek) Nation, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux Tribe, Osage Nation, Pawnee Nation of Oklahoma, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Santee Sioux Tribe of Nebraska, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, Tonkawa Tribe, Turtle Mountain Band of Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, and Yankton Sioux have participated in consultation and have been invited to concur in this PA, in accordance with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3);

NOW, THEREFORE, the DOS, USACE, BLM, RUS, BIA, FSA, NRCS, WESTERN, RECLAMATION, NPS, ACHP, and the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas SHPOs agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on historic properties and to satisfy all responsibilities under Section 106 of the NHPA.

STIPULATIONS

The DOS, BLM, RUS, BIA, FSA, NRCS, WESTERN, USACE, RECLAMATION, and NPS as appropriate, will ensure that the following stipulations are carried out.

I. STANDARDS AND DEFINITIONS

- A. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct on-site supervision of a professional(s) who meets, at a minimum, the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983).
- B. In developing scopes of work for identification and evaluation studies, and treatment measures required under the terms of this PA, Keystone and RUS applicants will take into account the following regulations and guidelines:
1. The ACHP's guidance on conducting archaeology under Section 106 (2007);
 2. The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007);
 3. Applicable SHPO guidance;
 4. The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);
 5. The "*Treatment of Archaeological Properties*" (ACHP 1983);
 6. The *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
 7. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403);
 8. Section 404 of the Clean Water Act (33 U.S.C. § 344);
 9. BLM 8110 Manual: Identifying and Evaluating Cultural Resources;
 10. Montana/Dakotas Cultural Resources Handbook 8110-1: Guidelines for Identifying Cultural Resources;
 11. The National Trails System Act (P.L. 90-543, as amended);
 12. Section 28 of the Mineral Leasing Act of 1920 (30 USC 185);
 13. Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701); and
 14. *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992: 1998)

C. Definitions

Coordination Plan: A plan (more fully explained in Stipulation V.B and V.D.) that describes the coordination of construction with identification and evaluation of cultural resources, treatment of adverse effects, and protection of unanticipated discoveries.

Concurring Parties: An invited consulting party to this PA that agrees with the content of the PA. The refusal of a concurring party to sign the PA does not invalidate this PA as noted in 36 C.F.R. § 800.6(c)(3). Concurring parties may not terminate the PA.

Construction spread: A construction unit or segment of a pipeline alignment or corridor to be determined by Keystone prior to construction.

Consulting Parties: Parties that have consultative roles in the Section 106 process, as defined in 36 C.F.R. § 800.2(c).

Data Recovery: The recovery of archaeological information from a historic property subject to an adverse effect.

Determination of Effect: A determination made by a federal agency in regards to a Project's effect upon a historic property as defined in 36 C.F.R. Part 800.

Determination of Eligibility: A determination made by a federal agency in regards to a cultural resource's eligibility for inclusion in the National Register of Historic Places (NRHP) and more fully described in 36 C.F.R. Part 60 and 36 C.F.R. § 800.16(1)(2).

Effect: An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (see 36 C.F.R. § 800.16(i)).

Environmental Impact Statement: An analysis of a major federal action's environmental impacts conducted consistent with NEPA.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(a)).

Invited Signatory: The DOS has invited TransCanada Keystone Pipeline LP, the Montana Department of Natural Resources and Conservation, and the Montana Department of Environmental Quality to be signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(2). The refusal of any invited signatory to sign the PA does not invalidate the PA.

Historic Trail and Archaeological Monitoring Plan: A plan (more fully described in Stipulation V.E and Attachment F.) that identifies appropriate areas for monitoring construction by professionals under the supervision of individuals that meet the professional qualifications in Stipulation I. The plan's principal goal is to reduce the potential for impacts to unidentified historic properties.

Signatory Parties: All signatories to this PA, which includes the DOS, BLM, RECLAMATION, USACE, NPS, WESTERN, RUS, NRCS, FSA, BIA, Montana Department of Natural Resources and Conservation, Montana Department of Environmental Quality, and the SHPOs of Montana, South Dakota, Nebraska, Kansas,

Oklahoma, and Texas. (Signatory parties include the federal agency(ies), SHPOs, THPOs (or designee) if the undertaking is carried out on Tribal land or affects historic properties on Tribal land, and also any invited signatories [not including invited concurring parties]).

Tribal Monitoring Plan: A plan (more fully described in Stipulation V.E. and Attachment E) that identifies appropriate areas for monitoring construction by tribal members appointed by their respective tribes. These tribal members shall meet the qualifications as noted in Stipulation V.E.3. The plan's principal goal is to reduce the potential for impacts to previously unidentified historic properties that may also be properties of religious and cultural significance that meet the National Register criteria (see 36 CFR § 800.16(1)(a)).

Treatment Plan: A plan developed in consultation with the parties to this PA that identifies the minimization, and mitigation measures for historic properties located within the APE that will be adversely affected by the Project.

II. CONFIDENTIALITY

DOS, BLM, NRCS, BIA, RUS, WESTERN, RECLAMATION, NPS and USACE will safeguard information about historic properties of religious and cultural significance to Indian tribes, including location information, or information provided by Indian tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA [16 U.S.C. 470w3] and other applicable laws.

III. THE RESPONSIBILITIES OF FEDERAL AGENCIES WITH LAND MANAGEMENT AND OTHER PERMITTING AUTHORITIES

- A. The USACE will ensure that the requirements of this PA have been met for that part of the APE under its jurisdiction, pursuant to Section 10 and Section 404 permitting authority.
- B. The USACE will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- C. The BLM will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- D. RECLAMATION will review and comment on the evaluation and treatment of any historic properties managed by RECLAMATION.
- E. Attachment H includes maps that illustrate the Project areas cross lands managed by the BLM and RECLAMATION.

- F. Consultation for this Project between Indian tribes and federal land management and permitting agencies will be coordinated through the DOS.

IV. KEYSTONE XL PROJECT – CONSTRUCTION OR MODIFICATION OF ELECTRICAL DISTRIBUTION/TRANSMISSION FACILITIES

- A. Prior to granting approval of financial assistance to construct or modify electrical transmission facilities by rural electric cooperatives or other entities, RUS will complete the requirements of 36 CFR §§ 800.3 through 800.7.
- B. In implementing Stipulation IV.A, RUS may authorize an applicant to initiate Section 106 consultation in accordance with 36 CFR § 800.2(c) (4). In doing so, RUS may not delegate its responsibility to conduct government-to-government consultation with Indian tribes to an applicant, unless RUS and that tribe agree, in writing, to conduct consultation in that manner.
- C. Prior to construction of the 230kV transmission line WESTERN will own, WESTERN will complete the requirements of 36 CFR §§ 800.3 through 800.7. In implementing Stipulation IV.C., WESTERN will serve as a signatory party under the DOS PA. WESTERN shall coordinate implementation of Stipulation IV.C with the DOS.
- D. RUS will ensure that the terms of Stipulation VI.B and Attachment C are incorporated into construction contracts to ensure that its applicants and construction contractors meet their responsibility for notification of any unanticipated discoveries. When RUS funded projects occur on BLM land, the RUS will coordinate with BLM to ensure compliance with Stipulation VI.B. and Attachment C of this Agreement.
- E. Prior to granting approval or financial assistance for construction or modification of electrical distribution/transmission facilities that are necessary components of the pipeline project and therefore considered within the Project APE, any federal agency that is incorporated into this agreement pursuant to Stipulation XIV will complete the requirements of 36 CFR §§ 800.3 through 800.7 for those facilities under its jurisdiction if not already carried out elsewhere in this agreement.
- F. DOS retains responsibility for completing the requirements of 36 CFR §§ 800.3 through 800.7 for those electrical distribution/transmission facilities that are necessary components of the Project if they are not under the jurisdiction of any federal agency and not referenced in Stipulation IV. A through E above.

V. KEYSTONE XL PROJECT – PIPELINE CONSTRUCTION

- A. The DOS provided SHPOs, consulting Indian tribes, and other consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties (as defined in 36 CFR § 800.16(l), including historic properties of religious and cultural significance to Indian tribes, and the treatment of affected historic properties,

in connection with the construction of the Keystone XL Project as described in Stipulation V.C of this PA.

B. Identification and Evaluation of Historic Properties

1. In consultation with the SHPOs, consulting Indian tribes, and other consulting parties, the DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties within the APE for each construction spread prior to the initiation of construction of that spread, in accordance with 36 CFR §§ 800.4(a), (b) and (c). On federal lands, the scope of the identification effort will be determined by the appropriate federal land managing agency in consultation with the DOS, applicable SHPOs, consulting Indian tribes, and other consulting parties.
2. For the APE in Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, in accordance with 36 CFR §§ 800.4(a), (b) and (c), before Keystone initiates construction activities (including vegetative clearing to comply with the Migratory Bird Treaty Act if clearing is undertaken).
 - a. In the identification and evaluation of historic properties to which Indian tribes attach religious and cultural significance, the DOS will take into consideration information submitted by Indian tribes to DOS prior to construction.
 - b. In the event identification of historic properties cannot be completed for any construction spreads prior to construction, Keystone will develop and submit a Coordination Plan to DOS for review and approval pursuant to Stipulation V.D that describes the measures it will implement to complete the identification and evaluation of historic properties before such properties are adversely affected by vegetation clearing and construction activities related to that spread.

C. Treatment of Historic Properties

1. Whenever feasible, avoidance of adverse effects to historic properties will be the preferred treatment. In consultation with the DOS, ACHP, SHPOs, THPOs, and consulting parties, Keystone may elect to consider and implement avoidance measures prior to completing the evaluation of historic properties.

Avoidance and minimization measures may include:

- a. Avoidance through pipeline or access road route variation or Project feature relocation;
- b. Avoidance through abandonment;
- c. Avoidance through bore or horizontal directional drill;
- d. Avoidance by narrowing the construction corridor (“neck down”); and
- e. Avoidance through the use of existing roadways as Project access roads to the extent practicable.

2. When historic properties are identified in the APE pursuant to Stipulation V.B, DOS will apply the criteria of adverse effect in accordance with 36 CFR § 800.5(a) in consultation with the ACHP, SHPO and other consulting parties. If DOS finds that historic properties might be adversely affected by actions covered under this PA and within the APE, DOS will consult with the ACHP, SHPOs, consulting Indian tribes, and other consulting parties to determine prudent and feasible ways to avoid adverse effects.
 - a. Once DOS approves avoidance measures, Keystone will implement those measures.
3. If DOS determines that the adverse effect cannot be avoided, DOS will consult with the ACHP, SHPOs, consulting Indian tribes, and other consulting parties to determine those measures to be implemented by Keystone to minimize and mitigate adverse effects on affected historic properties identified in the APE.
4. If, after consultation, DOS determines that the adverse effect cannot be avoided, Keystone will draft a comprehensive Treatment Plan for each adversely affected historic property. The Treatment Plan describes the measures identified by DOS under Stipulation V.C.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the manner in which these measures will be carried out, and a schedule for their implementation.
 - a. When mitigation consists of or includes data recovery, the Treatment Plan also will identify the specific research questions to be addressed by data recovery with an explanation of their relevance, the archaeological methods to be used, and provisions for public interpretation and education, subject to Stipulation II restrictions, if any.
 - b. A Treatment Plan may also include mitigation for adverse effects to historic districts, buildings and structures. This mitigation may include the recordation of historic properties according to Historic American Building Survey/Historic American Engineering Record Standards and Guidelines for Architectural and Engineering Documentation. Other types of mitigation for adverse effects to historic districts, buildings, and structures may also be described in the Treatment Plan. The mitigation proposed for an adverse effect to a historic district, building, and/or structure will be commensurate with the level of significance and extent of adverse effect and will be determined in a manner consistent with Stipulation V.C.4.c.
 - c. Keystone will submit the draft Treatment Plan to the DOS, BLM (if applicable), ACHP, THPOs, the SHPO of the applicable state, MT DEQ (if applicable), MT DNRC (if applicable), and other applicable consulting parties for a thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by SHPOs, consulting Indian tribes, and other consulting parties in preparation of the Final Treatment Plan.

- d. When it has addressed all of the timely comments and recommendations, Keystone will submit the Final Treatment Plan to DOS for review and approval. Keystone will also submit the Final Treatment Plan to BLM for review and approval when involving lands subject to Stipulation III.C. DOS and BLM shall issue their final decision on the Treatment Plan within thirty (30) calendar days. Once the Final Treatment Plan is approved by DOS (and the BLM if involving BLM-managed lands), copies of the Treatment Plan will be distributed to all SHPOs, consulting Indian tribes, and other consulting parties.
5. Keystone will make a reasonable and good faith effort to complete implementation of the Final Treatment Plan approved by DOS prior to beginning construction of any spread for which the Treatment Plan is required. If it is not possible to meet this schedule, Keystone will develop a Coordination Plan in accordance with Stipulation V.D that establishes how appropriate treatment will be determined and implemented during construction of the respective spread.

D. Coordination of Construction and Historic Preservation Activities

1. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, and the mitigation of adverse effects to them in accordance with Stipulations V.B and V.C prior to the initiation of vegetative clearing if vegetative clearing and construction on the Keystone XL spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads, is to be undertaken.
2. If these DOS activities cannot be completed prior to the start of vegetative clearing and construction of these spreads, Keystone shall develop and provide to DOS a detailed plan describing how the requirements of Stipulations V.B and V.C – identification, evaluation and treatment of historic properties – will be completed in coordination with vegetative clearing and construction activities in such a way that historic properties will not be adversely affected prior to the implementation of any mitigation measures.
 - a. A Coordination Plan will be prepared for each state and will include those measures developed by Keystone pursuant to Stipulations V.B and V.C to complete the identification and evaluation of historic properties, and, as appropriate, mitigation of adverse effects to them during and coordinated with vegetation clearing and construction activities. In addition, the Coordination Plan will include a schedule for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Attachment C, as appropriate.
 - b. Keystone will submit the draft Coordination Plan for each state for such spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads, to the DOS, BLM (as applicable) ACHP, SHPOs, THPOs, and consulting

parties for thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by the applicable SHPO, consulting Indian tribes, and other consulting parties in preparation of the Final Coordination Plan for each state. When it has addressed all of the comments and recommendations, Keystone will submit the Final Coordination Plan for each state to DOS for review. DOS shall issue its final decision on the Coordination Plan for each state within thirty (30) calendar days. Following approval by DOS, the Final Coordination Plan for each state will be distributed to all of the SHPOs, consulting Indian tribes, and other consulting parties.

3. Keystone will complete implementation of the Final Coordination Plan approved by DOS during construction of the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads.

E. Historic Trail and Archaeological Monitoring Plan (“HTAM Plan”) and Tribal Monitoring Plan

1. In consultation with the SHPOs and Indian tribes, Keystone will monitor construction in selected areas of the APE of each spread as a supplement to identification efforts. Any historic properties identified by Keystone during monitoring will be treated in accordance with Stipulation VI.A and C.
 - a. The HTAM Plan outlines areas that have been previously identified by DOS during identification and evaluation efforts that warrant monitoring during soil disturbing activities for potential effects to historic properties.
 - b. The Tribal Monitoring Plan outlines areas that have been previously identified by Indian Tribes, either through the preparation of Traditional Cultural Property reports or through consultation, that warrant monitoring during clearing and trenching for potential effects to previously unidentified historic properties that may include properties of religious and cultural importance to an Indian tribe and that meet the National Register criteria (See 36 C.F.R. § 800.16(1)(a)).
2. Historic Trail monitoring will be performed by a professional who either meets the qualification standards for archaeology established in Stipulation I.A or is under the on-site supervision of such a professional. When the monitoring occurs on BLM managed lands, all monitors must have a valid Archaeological Resources Protection Act (ARPA) permit or be included on a BLM Cultural Resource Use Permit.
3. For tribal monitoring, other types of experience with construction monitoring and/or traditional cultural knowledge may be substituted for degrees required by the Standards at the discretion of the DOS. When the monitoring occurs on BLM managed lands, all monitors must have a valid Archaeological Resources Protection Act (ARPA) permit or be included on a BLM Cultural Resource Use Permit.

4. Keystone shall consider information provided by Indian tribes in a timely manner when completing the identification of historic properties before construction begins under Stipulation V.B and in implementing a HTAM Plan and Tribal Monitoring Plan provided for under Stipulation V.E. Keystone shall provide Indian tribes a reasonable opportunity to participate as monitors during Project construction. In those areas previously identified by Indian tribes as needing monitoring, the Tribal Monitoring Plan stipulates that at least one and at most two monitors will be used per construction spread depending upon the extent and location of construction activities.
5. Keystone has submitted a plan for historic trail and archaeological monitoring and tribal monitoring for each spread to the DOS, BLM, ACHP, SHPO, THPOs, and Consulting Parties for review and comment prior to the signing of this Agreement. The Tribal Monitoring Plan and HTAM Plan are attached to this agreement in Attachments E and F.
6. Keystone will implement the HTAM Plan and Tribal Monitoring Plan for each spread that has been approved by DOS.

F. Construction

1. Lead Environmental Inspector (EI): Prior to initiating vegetative clearing or construction, Keystone will employ the Lead EI whose responsibilities will include ensuring compliance with the terms of this PA. In meeting this responsibility, the Lead EI will rely on the technical expertise of on-site professionals who meet the standards established in Stipulation I.A and tribal monitors with experience outlined in Stipulation V.E.3.
 - a. The Lead EI will monitor construction activities on-site and prepare a daily log reporting to Keystone on activities performed to implement the terms of this PA, as appropriate. Keystone will make the daily log available to the DOS and SHPOs, consulting Indian tribes, and other consulting parties upon request.
 - b. Keystone will ensure through the construction contract that the Lead EI will possess the authority to stop construction in the event of an inadvertent discovery in accordance with Stipulation VI.A and Attachment C.
2. Training: Keystone will ensure that if the Lead EI does not meet the professional qualification standards established in Stipulation I.A, the Lead EI receives appropriate training in historic preservation from a professional who meets the standards established in Stipulation I.A in order to perform the requirements of this PA. Keystone also will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in Stipulation I.A to all construction personnel (including new, added, replaced workers) so that PA requirements are understood and unanticipated discoveries quickly identified. Keystone will conduct this training prior to initiating vegetative clearing or

construction activities on a spread, and conduct periodic refresher training during construction of the spread.

3. This Programmatic Agreement and Attachment E, the Tribal Monitoring Plan, have given tribes the opportunity to provide information about historic properties of concern to the tribe(s).
4. Construction Contract: Keystone will incorporate the terms of Stipulation VI.A and Attachment C into construction contracts to ensure that its Lead EI and construction contractors meet their responsibility for notification of the unanticipated discoveries.

G. Scheduling

The DOS may authorize the start of vegetative clearing and construction for an individual spread when the plans prepared in accordance with Stipulations V.D and V.E as appropriate for that spread, have been submitted by Keystone and approved by DOS in accordance with the terms of this PA.

VI. UNANTICIPATED DISCOVERIES DURING CONSTRUCTION OF THE KEYSTONE XL PROJECT

A. Pipeline Construction

1. “Applicable federal agency” is the federal agency with jurisdiction for the land on which construction is occurring or, in the absence of such an agency, DOS, as appropriate.
2. If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly as pipeline construction activities are carried out within the one-hundred and ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify Keystone’s Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:
 - a. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - b. Clearly mark the area of the discovery;
 - c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery from looting and vandalism; and
 - d. Notify the applicable federal agency SHPOs, consulting Indian tribes, and other consulting parties of the discovery.

3. The applicable federal agency shall notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The applicable federal agency will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPOs, consulting Indian tribes, and other consulting parties and Keystone . The applicable federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable federal agency will notify the ACHP, SHPOs, consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
 - b. The applicable federal agency will ensure that the timely filed recommendations of SHPOs, consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.
 - c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: The applicable federal agency will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI. The applicable federal agency will use the contact information provided in Attachment C or D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the applicable federal agency with recommendations on resolving the dispute. The applicable federal agency will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

B. Construction or Modification of Electrical Transmission Facilities

1. If previously unidentified historic properties are discovered unexpectedly during construction or modification of transmission facilities funded by RUS, the RUS applicant's construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify the RUS applicant of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the RUS applicant shall:
 - a. Notify the RUS Contact (and BLM Contact if discovery occurs on BLM land);

- b. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - c. Clearly mark the area of the discovery; and
 - d. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
2. Upon receipt of such notification RUS and BLM (if applicable) will coordinate the notification of SHPOs, consulting Indian tribes, and other consulting parties and notify the SHPOs, consulting Indian tribes, and other consulting parties of the discovery.
3. RUS and BLM (if applicable) will have seven (7) calendar days following notification provided in accordance with Stipulation VI.B.1 to determine the National Register eligibility of the discovery in consultation with the SHPOs, consulting Indian tribes, other consulting parties, and Keystone. RUS may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible pursuant to Stipulation VI.B.3, RUS, in coordination with the BLM (if applicable), will notify the SHPOs, consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects. SHPOs, consulting Indian tribes, and other consulting parties will provide their views on the proposed actions within forty-eight (48) hours. RUS will ensure that the timely filed recommendations of the SHPOs, consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of those actions that the applicant will implement to resolve adverse effects. Once RUS approval has been granted, its applicant will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: RUS and BLM (if applicable) will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding the resolution of adverse effects that relate to the implementation of Stipulation VI. The applicable federal agency will use the contact information provided in Attachment D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide RUS and BLM (if applicable) with its recommendations for resolving the dispute. RUS and BLM (if applicable) will take into account any recommendations provided by the ACHP in making a final decision about how to proceed.
6. Reporting: No later than six (6) months following the resumption of construction within the location of the discovery, RUS will submit a final report to the SHPOs, consulting Indian tribes, and other consulting parties describing implementation of the actions taken in accordance with Stipulation VI.B and, as appropriate, the analysis and interpretation of recovered information.

C. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects

1. When Native American human remains or funerary objects or objects of cultural patrimony are unexpectedly discovered during construction of the Keystone XL Project on federal or tribal lands within the APE, Keystone or a RUS applicant, as appropriate, will notify immediately the federal agency responsible for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001 et. seq.] and its implementing regulations, 43 C.F.R. Part 10.
2. Non-Native American human burials and remains, and funerary objects discovered on federal lands within the APE will be treated by the federal agency having jurisdiction of the remains in accordance with applicable federal law, taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).
3. DOS, WESTERN, and RUS will treat human burials and remains discovered on non-federal land in accordance with the provisions of Attachment C and any applicable laws. In those instances where the USACE has jurisdiction under Section 10 or 404 permitting authority for non-federal lands in the APE, the applicable federal agencies will ensure that Keystone complies with the provisions of Attachment C acting in the place of the DOS. In determining appropriate actions to be carried out, DOS, RUS, and/or other federal agencies will be guided by the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).

VII. CURATION

- A. Federal agencies will curate any artifacts, materials or records resulting from archaeological identification and mitigation conducted on federal lands under their jurisdiction in accordance with 36 CFR Part 79, "*Curation of Federally-Owned and Administered Archaeological Collections.*" Federal agencies with jurisdiction over the federal lands will consult with Indian tribes as required in 36 CFR 79.
- B. Keystone and RUS applicants will return all artifacts recovered from private lands to the respective landowner after analysis is complete, unless applicable state law requires otherwise. Keystone and RUS applicants will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the respective SHPO. Keystone and RUS applicants shall pay all required curation fees associated with the donation of artifacts to the local curation facility.
- C. On federally controlled or owned properties, federal agencies will determine the disposition of human burials, human remains and funerary objects in accordance with applicable federal law.

VIII. REPORTING

- A. Within three months of completion of pipeline construction of a spread, Keystone will submit a comprehensive draft report to DOS describing the results and findings of the implementation of the actions and plans specified in Stipulations V.C through G, VI.A, including Attachment C.
- B. Keystone will submit a draft comprehensive report for each spread to the SHPOs, consulting Indian tribes, and other consulting parties of the respective states in which the spread is located, for thirty (30) day review and comment. Keystone shall address timely comments and recommendations submitted by SHPOs, consulting Indian tribes, and other consulting parties in preparation of the Final Comprehensive Report for that spread. Keystone will submit the final report to DOS for review and approval. The final comprehensive report will be provided by DOS to the SHPOs, consulting Indian tribes, and other consulting parties once approved.

IX. MONITORING IMPLEMENTATION OF THE PA

Each quarter following the execution of this PA until it expires or is terminated, the DOS with the assistance of the USACE, BLM, RUS, FSA, NRCS, BIA, and RECLAMATION as necessary will provide the SHPOs, consulting Indian tribes, and other consulting parties to this PA a progress report summarizing the work carried out pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this PA. DOS will maintain and update a list of the current contact for the SHPOs, consulting Indian tribes, and other consulting parties and will be distributed in each quarterly report.

X. DISPUTE RESOLUTION

- A. “Appropriate federal agency” refers to the DOS, BLM, RUS, RECLAMATION, and USACE, or other federal land managing and/or permitting agency as applicable.
- B. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the appropriate federal agency will consult with such party to resolve the objection. If the appropriate federal agency determines that such objection cannot be resolved, the appropriate federal agency will:
 - 1. Forward all documentation relevant to the dispute, including the applicable federal agency’s proposed resolution, to the ACHP. The ACHP will provide the appropriate federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the appropriate federal agency will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The appropriate federal agency will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The federal agencies are responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.
 - D. The process of dispute resolution outlined in Stipulation X does not pertain to disputes that arise from unanticipated discoveries covered in Stipulation VI.

XI. DURATION

This PA will be null and void if all of its stipulations have not been carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Keystone XL Project, the DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will either (a) execute a Memorandum of Agreement (MOA) or PA pursuant to 36 CFR §§ 800.6 or 800.14(b), respectively, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR. § 800.7. Prior to such time, the DOS may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII. The DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will notify the signatories and concurring parties as to the course of action they will pursue.

XII. AMENDMENT

Any signatory party to this PA may propose in writing to the other signatory parties that it be amended. The signatory parties will consult in an effort to reach agreement on an amendment. Any amendment will be effective on the date it is signed by all of the signatories and filed with the ACHP.

XIII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other parties to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate its participation in the PA upon written notification to the other signatories.
- B. Termination by an individual SHPO shall only terminate the application of this Agreement within the jurisdiction of the SHPO.

- C. If the PA is terminated in its entirety, and prior to work continuing on the undertaking, the DOS shall request, take into account, and respond to the comments of the ACHP in accordance with 36 CFR § 800.7(a). Following consultation with the ACHP, the DOS will notify the signatories and concurring parties as to the course of action it will pursue.

XIV. COORDINATION WITH OTHER FEDERAL REVIEWS

In the event that Keystone or a federal agency applies for additional federal funding or approvals for the Keystone XL Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with the applicable SHPO and the ACHP. Any necessary modifications will be considered in accordance with Stipulation XII.

XV. SCOPE OF THE PA

This Agreement is limited in scope to actions that will facilitate the construction of the Keystone XL Project and related facilities, and is entered into solely for that purpose.

EXECUTION of this PA by the DOS, ACHP, BLM, RUS, WESTERN, USACE, RECLAMATION, NPS, NRCS, FSA, BIA, the Montana SHPO, South Dakota SHPO, Nebraska SHPO, Kansas SHPO, Oklahoma SHPO, and Texas SHPO and implementation of its terms evidence that the DOS, WESTERN, BLM, RUS, NRCS, FSA, BIA, USACE, RECLAMATION, and NPS have taken into account the effects of the Keystone XL Project on historic properties and afforded the ACHP an opportunity to comment.

A handwritten signature in black ink, appearing to be 'JR', is written over the 'United States Department of State' text.

United States Department of State

4 Aug 2011

Date



Robert J. Ruch
Colonel, Corps of Engineers
District Commander

2 Aug 11
Date

Deborah K. Johnson Morford

Aug. 10, 2011

Deborah Johnson Morford
Field Manager, Miles City Field Office
Bureau of Land Management

Date

022029

 July 14, 2011
Date

Michael J. Ryan
Regional Director, Great Plains Region
Bureau of Reclamation

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JUL 14 2011

Cardno ENTRIX
Seattle

Alice A. Herwood

7/15/11

Weldon Loudermilk
Great Plains Regional Director
United States Bureau of Indian Affairs

Date

Mark S. Plank

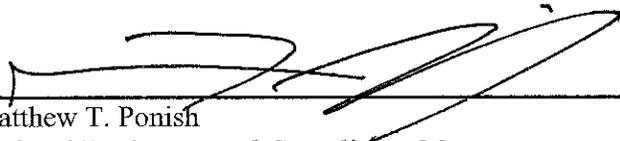
7/12/11

Mark S. Plank

Date

Director, Engineering and Environmental Staff

United States Department of Agriculture Rural Utilities Service



Matthew T. Ponish
National Environmental Compliance Manager
United States Department of Agriculture Farm Service Agency

July 21, 2011

Date

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AUG 01 2011

**Cardno ENTRIX
Seattle**



AUG 03 2011

~~Don Gohmert~~ Salvador Salinas **Acting**

Date

State Conservationist

United States Department of Agriculture Natural Resources Conservation Services

Programmatic Agreement

Keystone XL Project
June 2011

022034

Robert J. Harris

7/14/11

Robert Harris

Date

Regional Manager, Upper Great Plains Region
Western Area Power Administration (WESTERN)

John M. Fowler
John M. Fowler
Executive Director
Advisory Council on Historic Preservation

8/12/11
Date

Mark Wolfe

7/21/11

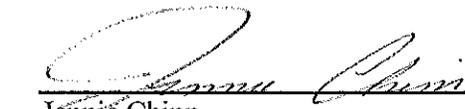
Mark Wolfe
State Historic Preservation Officer
Texas

Date

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Seattle


Jennie Chinn
State Historic Preservation Officer
Kansas

7-7-11
Date

Mark Baumber

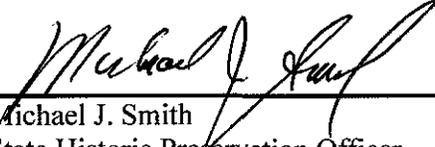
7/8/2011

Mark Baumber, Ph.D.
State Historic Preservation Officer
Montana

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**Cardno ENTRIX
Seattle**


Michael J. Smith
State Historic Preservation Officer
Nebraska

08-03-2011

Date



July 13, 2011

Dr. Bob L. Blackburn
State Historic Preservation Officer
Oklahoma

Date

Jay D. Voigt
Mr. Jay D. Voigt
State Historic Preservation Officer
South Dakota

07-08-2011

Date

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Cardno ENTRIX
Seattle



4 August 2011

John Wessels
Regional Director, Intermountain Region
National Park Service
(invited signatory)

Date



7-25-2011

Mary Sexton

Date

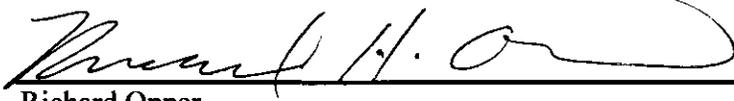
Director

Montana Department of Natural Resources and Conservation
(invited signatory)

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JUL 29 2011

Cardno ENTRIX
Seattle



7/18/11

Richard Opper

Date

Director

Montana Department of Environmental Quality
(invited signatory)



David Montemurro
TransCanada Keystone XL Pipeline, L.P.
(invited signatory)

July 21/2011
Date



Robert Jones
Vice President

21-July-2011

Carlos Bullock

8-8-11

Carlos Bullock, Tribal Council Chairman
Alabama-Coushatta Tribe of Texas
(concurring party)

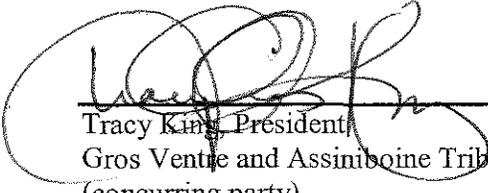
Date

Willie Sharp

8/4/11

Willie Sharp, Chairman
Blackfeet Nation
(concurring party)

Date



Tracy King, President
Gros Ventre and Assiniboine Tribe of Ft. Belknap
(concurring party)

7/28/2011
Date



Tim Rhodd, Chairman
Iowa Tribe of Kansas and Nebraska
(concurring party)

7-8-11

Date

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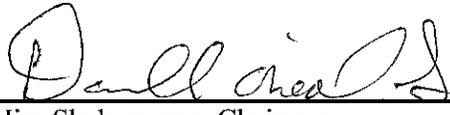
Cardno ENTRIX
Seattle

Thomas Gamble

7-25-11

Thomas Gamble, ~~Chairman~~ Chief
Miami Tribe of Oklahoma
(concurring party)

Date

Per 

8/5/11

Jim Shakespeare, Chairman
Northern Arapaho Tribe
(concurring party)

Date



8-2-11

Marshall Gover, President
Pawnee Nation of Oklahoma
(concurring party)

Date

ATTACHMENT A

The following Tables show properties for which Keystone has been denied access to conduct identification and evaluation studies as of the finalization of the PA.

Table 1: Areas Not Surveyed along Mainline Route in Montana					
State	County	From Milepost	To Milepost	Status	Miles
Montana	Fallon	249.1	250.2	Needs survey	1.1
Montana	Fallon	227.2	227.4	Needs survey	0.2
Montana	Fallon	228.1	228.1	Surveyed on November 2010 CL; Addendum 6 in progress	0.01
Montana	Dawson	0.2	1.4	Needs survey	1.2
Montana	Dawson	4.8	6.3	Needs survey	1.5
Montana	Dawson	7.6	9.1	Needs survey	1.5
Montana	Dawson	17.2	17.6	Needs survey	0.5
Montana	Dawson	17.9	18.4	Needs survey	0.5
Montana	Dawson	18.4	19.1	Needs survey	0.7
Montana	Dawson	20.4	20.7	Surveyed on November 2010 CL; Addendum 6 in progress	0.3
Montana	Dawson	21.7	22.2	Surveyed on November 2010 CL; Addendum 6 in progress	0.4
Montana	McCone	148.4	149.7	Needs survey; Incorporated into November 2010 CL	1.3
Montana	McCone	144.4	144.5	Needs survey; Incorporated into November 2010 CL	0.1
Montana	Valley	1.1	1.2	Needs survey; Incorporated into November 2010 CL-MT-LO-01	0.1
Montana	Dawson	1.9	2	Needs survey; Incorporated into November 2010 CL	0.1
Montana	Fallon	0	0.01	Needs survey	0.01
Montana	McCone	0	0.5	Needs survey	0.5

Table 1: Areas Not Surveyed along Mainline Route in Montana					
State	County	From Milepost	To Milepost	Status	Miles
Montana	McCone	0	2.2	Surveyed on November 2010 CL; Addendum 6 in progress	2.2
Montana	Dawson	0	1.9	Surveyed on November 2010 CL; Addendum 6 in progress	1.9
Montana	Dawson	1	2	Surveyed on November 2010 CL; Addendum 6 in progress	2
Montana	Sheridan			Surveyed on November 2010 CL; Addendum 6 in progress	
Montana	Roosevelt			Surveyed on November 2010 CL; Addendum 6 in progress	
Montana	Prairie			Needs survey	

Table 2: Areas Not Surveyed along Mainline Route in South Dakota					
State	County	From Milepost	To Milepost	Status	Miles
South Dakota	Harding	352.8	353.7	Needs survey	0.9
South Dakota	Meade	417.9	418.2	Needs survey	0.3
South Dakota	Haakon	481.4	481.5	Surveyed on November 2010 CL; Addendum 7 in progress	0.1
South Dakota	Jones	492	492.6	Needs survey	0.6
South Dakota	Dawson	194	194.5	Surveyed on November 2010 CL; Addendum 7 in progress	0.5
South Dakota	Harding	2.9	3.2	Needs survey	0.3
South Dakota	Harding	3.8	4.4	Needs survey	0.3
South Dakota	Meade	1.1	1.3	Surveyed on November 2010 CL; Addendum 7 in progress	0.1

Table 2: Areas Not Surveyed along Mainline Route in South Dakota					
State	County	From Milepost	To Milepost	Status	Miles
South Dakota	Hughes			Surveyed on November 2010 CL; Addendum 7 in progress	

Table 3: Areas Not Surveyed along Mainline Route in Nebraska					
State	County	From Milepost	To Milepost	Status	Miles
Nebraska	Keya Paha	599.70	600.50	Surveyed 6-4-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.80
Nebraska	Keya Paha	600.90	601.50	Needs survey	0.60
Nebraska	Keya Paha	614.20	614.45	Needs survey	0.25
Nebraska	Holt	630.80	631.65	Surveyed 6-2-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.85
Nebraska	Holt	632.70	633.15	Surveyed 6-7-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.45
Nebraska	Holt	634.75	635.45	Surveyed 6-3-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.70
Nebraska	Holt	653.55	655.45	Surveyed 6-7-11 on Nov 2010 CL; Addendum No. 7 report in progress	1.90
Nebraska	Holt	656.80	657.90	Surveyed 6-3-11 on Nov 2010 CL; Addendum No. 7 report in progress	1.10
Nebraska	Garfield	672.55	679.50	Not on Nov 2010 CL	6.95
Nebraska	Wheeler	687.60	687.90	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.30
Nebraska	Wheeler	688.15	688.35	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.20

Table 3: Areas Not Surveyed along Mainline Route in Nebraska

State	County	From Milepost	To Milepost	Status	Miles
Nebraska	Wheeler	688.70	688.95	Surveyed 6-10-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.25
Nebraska	Wheeler	691.40	691.65	Surveyed 6-11-11 on Nov 2010 CL; Addendum No. 7 report in progress by applicant	0.25
Nebraska	Wheeler	692.70	693.35	Surveyed 6-11-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.65
Nebraska	Greeley	698.35	698.70	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.35
Nebraska	Greeley	700.10	700.35	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.25
Nebraska	Greeley	700.55	702.55	Surveyed 6-6-11 on Nov 2010 CL; Addendum No. 7 report in progress	2.00
Nebraska	Greeley	703.25	705.35	Partially surveyed 6-6-11 on Nov 2010 CL with 1.35 miles no access from MP 704.0 to 705.35; Addendum No. 7 report in progress	1.35
Nebraska	Greeley	709.80	709.80	Surveyed 5-31-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.00
Nebraska	Greeley	716.40	717.10	Surveyed 6-1-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.70
Nebraska	Greeley	799.00	799.10	Surveyed 5-27-11 on Nov 2010 CL; Addendum No. 7 report in progress	0.10
Nebraska	Fillmore	799.40	799.60	Not on Nov 2010 CL	0.20
Nebraska	Fillmore	800.15	800.60	Needs survey	0.45

Table 4: Areas Not Surveyed along Mainline Route in Oklahoma					
State	County	From Milepost	To Milepost	Status	Miles
Oklahoma	Seminole	42.460	n/a	Needs survey	0.39 ac
Oklahoma	Grady	Offline	n/a	Needs survey	74.2 ac
Oklahoma	Hughes	75.650	n/a	Needs survey	0.250
Oklahoma	Hughes	75.70	75.80	Needs survey	0.100
Oklahoma	Pottawatomie	Offline	n/a	Needs survey	17 ac
Oklahoma	Pittsburg	Offline	n/a**	Needs survey	9.12 ac
Oklahoma	Coal	88.640	n/a	Needs survey	0.122
Oklahoma	Atoka	127.440	n/a	Needs survey	3.1 ac
Oklahoma	Atoka	127.60	128.34	Needs survey	0.737
Oklahoma	Bryan	132.800	n/a**	Needs survey	2.529

**Not applicable

Table 5: Areas Not Surveyed along Mainline Route in Texas					
State	County	From Milepost	To Milepost	Status	Miles
Texas	Fannin	160.650	n/a	Needs survey	3 ac
Texas	Fannin	161.85	n/a	Needs survey	0.65 ac
Texas	Lamar	162.30	162.43	Needs survey	0.130
Texas	Lamar	173.980	n/a	Needs survey	2 ac
Texas	Lamar	185.110	n/a	Needs survey	2 ac
Texas	Hopkins	206.880	n/a	Needs survey	0.48 ac
Texas	Franklin	231.31	n/a	Needs survey	0.049
Texas	Wood	233.42	n/a	Needs survey	0.082
Texas	Wood	251.34	251.55	Needs survey	0.210
Texas	Upshur	262.31	262.35	Needs survey	0.040
Texas	Upshur	262.42	n/a	Needs survey	0.002
Texas	Upshur	262.580	n/a	Needs survey	1.29 ac
Texas	Smith	274.64	275.18	Needs survey	0.540
Texas	Smith	275.19	n/a	Needs survey	0.880
Texas	Nacogdoches	Offline	n/a	Needs survey	12.8 ac
Texas	Houston	Offline	n/a	Needs survey	8.3 ac
Texas	Polk	392.290	n/a	Needs survey	0.62 ac
Texas	Liberty	Offline	n/a	Needs survey	13.4 ac
Texas	Jefferson	Offline	n/a	Needs survey	72.6 ac
Texas	Jefferson	453.44	n/a	Needs survey	0.755

Table 5: Areas Not Surveyed along Mainline Route in Texas					
State	County	From Milepost	To Milepost	Status	Miles
Texas	Jefferson	480.77	481.43	Needs survey	0.665
Texas	Jefferson	483.49	483.80	Needs survey	0.300
Texas	Jefferson	482.970	n/a	Needs survey	4.9 ac

ATTACHMENT B

List of Indian Tribes Invited by the Department of State to Participate in Consultation:

Absentee-Shawnee Tribe of Indians of Oklahoma, Alabama Quassarte Tribal Town, Alabama-Coushatta Tribe of Texas, Apache Tribe, Blackfeet Nation, Caddo Nation of Oklahoma, Cherokee Nation, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chickasaw Nation of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Citizen Potawatomi Nation, Comanche Nation, Confederated Salish and Kootenai Tribes of the Flathead Indian Nation, Crow Creek Reservation, Crow Creek Sioux Tribe, Crow Tribe of Indians, Delaware Nation, Delaware Tribe of Indians, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe, Eastern Shoshone Tribe, Flandreau Santee Sioux Tribe, Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Fort Berthold Reservation, Fort Peck Tribes, Fort Sill Apache Tribe, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Gun Lake Potawatomi, Hannahville Indian Community of Michigan, Ho-Chunk Nation of Wisconsin, Huron Potawatomi Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Jena Band of Choctaw Indians, Jicarilla Apache Tribe, Kaw Nation, Kialegee Tribal Town of the Creek Nation of Oklahoma, Kickapoo Traditional Tribe of Texas, Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma, Kiowa Indian Tribe of Oklahoma, Lower Brule Sioux Tribe, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Modoc Tribe of Oklahoma, Muscogee Creek Nation, Nez Perce, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux, Omaha Tribe of Nebraska, Osage Nation, Otoe-Missouri Tribe, Ottawa Tribe of Oklahoma, Pawnee Nation of Oklahoma, Peoria Indian Tribe of Oklahoma, Poarch Band of Creek Indians, Pokagon Band of Potawatomi Indians of Michigan, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Prairie Band of Potawatomi Indians, Prairie Island Indian Community, Quapaw Tribal Business Committee, Quapaw Tribe, Red Lake Band of Chippewa Indians of Minnesota, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Sac & Fox Nation of Missouri in Kansas and Nebraska, Sac & Fox Tribe of the Mississippi in Iowa, Santee Sioux Tribe of Nebraska, Seminole Nation, Seneca-Cayuga Tribe of Oklahoma, Shakopee Mdewakanton Sioux, Shawnee Tribe, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Sisseton-Wahpeton Oyate Wahpeketze, Southern Ute Indian Tribe, Spirit Lake Tribe, Standing Rock Sioux Tribe, Stockbridge-Munsee Tribe, Thlopthlocco Tribal Town, Three Affiliated Tribes, Tonkawa Tribe, Trenton Indian Service Area, Turtle Mountain Band of the Chippewa, United Keetoowah Band of Cherokee Indians, Upper Sioux -Pezihutazizi Kapi, Ute Mountain Tribe, White Earth Band of Minnesota Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, Wyandotte Nation, Yankton Sioux, Ysleta del Sur Pueblo

ATTACHMENT C

STATE-BY-STATE PLANS FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS OR BURIALS ON NON-FEDERAL LANDS DURING CONSTRUCTION OF THE KEYSTONE XL PIPELINE PROJECT

I. For construction of the Keystone XL Project in Montana, Keystone will implement the following measures:

1. When an unmarked human burial or unregistered grave is encountered during construction activities, Keystone will comply with the Human Skeletal Remains and Burial Site Protection Act (Montana Code Ann. §22-3-801 through §22-3-811).
2. Upon encountering an unmarked human burial or unregistered grave during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead Environmental Inspector (EI). The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. The Lead EI will notify the county coroner, the DOS, ACHP, SHPO, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. Within seventy-two (72) hours after notification, the county coroner will determine jurisdiction. If the coroner refers the matter to the SHPO, the SHPO will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave in accordance with Montana Code Ann. §22-3-801 through §22-3-811. Keystone will implement the treatment and disposition measures deemed appropriate by the SHPO.
6. Keystone will resume construction activities in the area of the discovery upon receipt of written authorization from either the county coroner or the Montana SHPO, whoever has jurisdiction under state law.

II. For construction of the Keystone XL Project in Kansas, Keystone will implement the following measures:

1. When unmarked human burial sites or human skeletal remains are encountered during construction activities, Keystone will comply with Kansas' Unmarked Burial Sites Preservation Act (KSA 75-2741 to 75-2754) and its implementing regulations (KAR 126-1-1 through 126-1-2).
2. Upon encountering unmarked human burials or unregistered graves during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI.

The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.

3. Immediately following receipt of such notification, the Lead EI will:
 - a. Ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. Notify the appropriate county sheriff's office, the chairperson of the Unmarked Burial Sites Preservation Board (Kansas State Archaeologist), the DOS, the ACHP SHPOs, consulting Indian tribes, and other consulting parties of the discovery.
4. If Keystone determines that disturbance to the unmarked burial site or human remains cannot be avoided, Keystone will consult with the DOS, the SHPO, consulting Indian tribes, and other consulting parties to develop a detailed work plan for treatment of the burial site or human remains that includes provisions for the removal, treatment and disposition of human remains. In accordance with state law, Keystone will submit this work plan to the Unmarked Burial Sites Preservation Board as part of its request for a permit under KAR 126-1-2.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures authorized under the permit has been completed.

III. For construction of the Keystone XL Project in Nebraska, Keystone will implement the following measures:

1. When unmarked human skeletal remains or burial goods are discovered during construction activities, Keystone will comply with Nebraska Rev. Stat. § 12-1201 through § 12-1212, et seq. and § 28-1301.
2. Upon encountering unmarked human skeletal remains or burial goods during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. Keystone will notify the local law enforcement officer in the county, the DOS, the ACHP, the SHPO, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone

determines that disturbance cannot be avoided, the Nebraska State Historical Society will notify the Commission on Indian Affairs in writing and seek associated tribes or kin.

6. Keystone will resume construction activities in the area of the discovery when the human skeletal remains or burial goods have been accepted by the Nebraska State Historical Society for the purposes of disposition.

IV. For construction of the Keystone XL Project in Texas, Keystone will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Keystone will comply with Antiquities Code (Texas Code Ann. §191); Health and Safety (Texas Code Ann. §711.004).
2. Upon encountering unmarked human burials or human remains during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will:
 - a. Ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. Notify the local law enforcement agency, the DOS, the ACHP, the State Historic Preservation Office (SHPO)/Texas Historical Commission (THC), consulting Indian tribes, and other consulting parties and the State Department of Health of the discovery.
4. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will remove and reinter the human remains in accordance with rules adopted by the SHPO and the State Health Department.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures required by the SHPO/THC and State Health Department has been completed.

V. For construction of the Keystone Project in Oklahoma, Keystone will implement the following measures:

1. When a burial ground, human remains or burial furniture is discovered during construction activities, Keystone will comply with Okla. Stat. Ann. 21 §1161-1168.7 (Oklahoma Burial Law).
2. Upon encountering a burial ground, human remains or burial furniture during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from

vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.

3. Immediately following receipt of such notification, the Environmental Inspector will
 - a. ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. notify the appropriate law enforcement officer in the county in which the remains have been discovered, the Chief Medical Examiner, the DOS, the ACHP, the SHPO, consulting Indian tribes, other consulting parties, and the landowner of the discovery.
4. Upon learning that remains are not associated with a crime, Keystone has fifteen (15) calendar days within which to notify the SHPO and the Oklahoma State Archaeologist. If the remains have a direct historical relationship to a tribe, the State Archaeologist will notify the SHPO and consults with the tribal leader within fifteen (15) calendar days. If Keystone determines that disturbance cannot be avoided, Keystone will treat the burial site or human remains in accordance with procedures established by the SHPO, the Oklahoma State Archaeologist, and consultation with the tribal leader.
5. Keystone will resume construction activities in the area of the discovery upon completion of the measures authorized by the SHPO and Oklahoma State Archaeologist.

VI. For construction of the Keystone XL Project in South Dakota, Keystone will implement the following measures:

1. When unmarked human skeletal remains and/or funerary objects are discovered during construction activities, Keystone will comply with South Dakota State Law Chapter 34-27.
2. Upon encountering an unmarked human skeletal remains and/or funerary objects during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's Lead EI. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Lead EI will ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. The Lead EI will notify the local law enforcement agency, the DOS, the ACHP, the SHPO, the South Dakota State Archaeologist, consulting Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will consult with the South Dakota State Archaeologist, SHPOs, consulting Indian tribes, and other consulting parties to determine

acceptable procedures for the removal, treatment and disposition of the human skeletal remains and funerary objects within five (5) calendar days. Keystone will implement the plan for removal, treatment, and disposition of the human skeletal remains and funerary objects as authorized by the South Dakota State Archaeologist.

6. Keystone may resume construction activities in the area of the discovery upon completion of the plan authorized by the State Archaeologist.

EXHIBIT B

APPENDIX E

Amended Programmatic Agreement and Record of Consultation

E1 Amended Programmatic Agreement

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UNCLASSIFIED

Programmatic Agreement

Among
The U.S. Department of State,
National Park Service,
U.S. Army Corps of Engineers,
U.S. Department of Agriculture Farm Service Agency,
U.S. Department of Agriculture Natural Resources Conservation Service,
U.S. Department of Agriculture Rural Utilities Service,
U.S. Bureau of Indian Affairs,
U.S. Bureau of Land Management,
U. S. Bureau of Reclamation,
Western Area Power Administration,

Advisory Council on Historic Preservation,
Kansas State Historic Preservation Officer,
Montana Department of Environmental Quality,
Montana Department of Natural Resources and Conservation,
Montana State Historic Preservation Officer,
Nebraska State Historic Preservation Officer,
South Dakota State Historic Preservation Officer,
and
TransCanada Keystone Pipeline, LP

Regarding the Keystone XL Pipeline Project

WHEREAS, the U.S. Department of State (DOS) receives and considers applications for permits for cross-border oil pipelines pursuant to the authority delegated by the President of the United States under Executive Order (EO) 13337 (69 Federal Register 25299); and

WHEREAS, the DOS received an application for a Presidential Permit from TransCanada Keystone Pipeline, LP (Keystone) in September 2008 for the Keystone XL Pipeline Project (Keystone XL Project or the Project) which consisted of approximately 1,375 miles of new crude oil pipeline in Montana, South Dakota, Nebraska, Oklahoma, and Texas with associated effects in Kansas; and

WHEREAS, the DOS determined that issuance of a Presidential Permit for the proposed Keystone XL Project include a consultation and review process consistent with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f, as amended) and its implementing regulations, "Protection of Historic Properties"; and

WHEREAS, the DOS developed a Programmatic Agreement (PA) in consultation with relevant state and federal agencies, Indian tribes, Keystone, and the public and executed this PA in August 2011; and

UNCLASSIFIED

WHEREAS, the Keystone XL Project Presidential Permit application was denied in January 2012; and

WHEREAS, on May 4, 2012, Keystone submitted an application for a revised Keystone XL Pipeline Project using a route in Montana and South Dakota largely unchanged from that proposed in the 2008 Keystone application and a substantially changed route in Nebraska that sought to avoid the Sands Hills Region identified by the Nebraska Department of Environmental Quality and terminates at Steele City, Nebraska; and

WHEREAS, the Oklahoma and Texas sections of the pipeline proposed in the 2008 Keystone application are no longer part of the application received in 2012 and, therefore, the Oklahoma and Texas State Historic Preservation Offices have no further obligations under this PA; and

WHEREAS, the proposed Project undertaking consists of construction of approximately 875 miles of new crude oil pipeline in the United States, as described in section 2.1 of the Final Supplemental Environmental Impact Statement (SEIS) and Attachment H, of which approximately 209 miles (24%) were not part of the 2008 Keystone XL Presidential Permit application; and

WHEREAS, the revised Keystone XL Project Area of Potential Effects (APE) includes: (1) in Montana—a 300-foot-wide corridor, 150 feet on each side of the centerline; (2) in South Dakota—a 300-foot-wide corridor, 150 feet on each side of the centerline; (3) in Nebraska—a 300-foot-wide corridor, 150 feet on each side of the centerline in areas consistent with the route evaluated in the Final EIS for the 2008 Keystone XL application. Within those areas outside the route evaluated in the Final EIS for the 2008 Keystone XL application, the APE consists of a 500-foot-wide corridor, 250 feet on each side of the centerline. For construction or modification of electrical facilities (including distribution lines, transmission lines, and substations), a 100-foot-wide corridor centered on the Project centerline will be used. For pumping stations, including two new pump stations in Kansas on the existing Keystone Cushing Extension pipeline, and other areas that are to be disturbed by construction-related activities and ancillary facilities (including construction camps and pump stations), the APE will include all areas of disturbance and areas to be indirectly affected; and

WHEREAS, the DOS, in consultation with the Advisory Council on Historic Preservation (ACHP), has determined that the Keystone XL PA executed in August 2011 should be amended to reflect the route proposed in the new Presidential Permit application and input from subsequent consultation; and

WHEREAS, the DOS has determined that the construction of the Keystone XL Project may have an adverse effect on historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP), as defined in Stipulation I.C below, and has consulted with the Montana, South Dakota, Nebraska, and Kansas State Historic Preservation Officers (SHPOs), Indian tribes who may ascribe religious and cultural significance to historic properties that may be affected by the undertaking, the ACHP, other federal agencies with actions related to this undertaking, and other consulting parties consistent with 36 C.F.R. Part 800; and

UNCLASSIFIED

WHEREAS, consistent with 36 C.F.R. §§ 800.4(b)(2) and 800.5(a)(3), the DOS has elected to phase identification and evaluation of historic properties, and application of the criteria of adverse effect, respectively, because the undertaking and APE have changed necessitating additional efforts to identify historic properties and because access to some areas as identified in Attachment A has been restricted by property owners' refusal to grant Keystone permission to enter their private property; and

WHEREAS, consistent with 36 C.F.R. § 800.14(b), the DOS has elected to execute this PA for the Keystone XL Project because effects on historic properties cannot be fully determined prior to the issuance of a permit for the undertaking; and

WHEREAS, on February 2, 2011 the ACHP entered consultation for the Keystone XL pipeline as originally proposed finding that criteria 3 and 4 of Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of the regulations (36 C.F.R. Part 800) implementing Section 106 of NHPA, had the potential to be met; and

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the approval for the Keystone XL Project to cross USACE-administered lands (30 U.S.C. § 185) and to place structures in, under, or over navigable waters of the United States, as defined under 33 C.F.R. Part 329, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and a permit for the placement of dredge or fill material in waters of the United States as part of the Keystone XL Project in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 344), are Federal actions related to the undertaking that require the USACE to comply with Section 106 of NHPA; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined that approving the Keystone XL Project to cross Federal lands administered by the BLM would require authorization under Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. § 185, as amended; and

WHEREAS, the BLM has determined that Keystone will require access roads crossing public lands administered by the BLM in support of the Keystone XL Pipeline Project and that the access roads will require authorization under Title V of the Federal Land Policy and Management Act (FLMPA), 43 U.S.C. § 1701, as amended; and

WHEREAS, the BLM has determined that the Keystone XL Project will require electrical power from rural electrical cooperatives and that portions of the transmission lines will cross public lands administered by the BLM and that the transmission lines crossing public lands will require authorization under Title V of the FLMPA; and

WHEREAS, the BLM approvals of these Project crossings in areas under its jurisdiction is a Federal action associated with the undertaking that requires the BLM to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the U.S. Bureau of Reclamation (USBR) manages lands and facilities that will be crossed by the Keystone XL Project and USBR approval of such crossings is a Federal action

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related to the undertaking that requires the USBR to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Farm Service Agency (FSA), assists landowners on private lands and may have federal responsibilities and requirements on some of these lands, which are part of the Project APE, as part of its loan and conservation programs, including the Conservation Reserve Program and the Farmable Wetlands Program; and

WHEREAS, the FSA approval of the Project crossings in these areas is a Federal action associated with the undertaking that requires the FSA to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Rural Utilities Service (RUS) has determined that the financial assistance it may provide to rural electric cooperatives and other entities for construction or modification of electrical facilities (including distribution lines, transmission lines, and substations) to power some Keystone XL Project pump stations or to ensure transmission system reliability, under the U.S. Department of Agriculture (USDA) Rural Development Utilities Programs, are Federal actions related to the undertaking that require the RUS to comply with Section 106 of NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Bureau of Indian Affairs (BIA) has responsibility for approving any right-of-ways crossing Indian Trust lands, such as those being considered as part of the route for a 230-kilovolt (kV) transmission line in south-central South Dakota associated with the Keystone project and described in Appendix J to the SEIS, and this is a Federal action related to the undertaking that requires the BIA to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Western Area Power Administration (Western) has determined that the modification and construction of substations and transmission lines that Western will own and that will provide power to the Keystone XL Pipeline Project, will require review under Section 106 of NHPA and 36 C.F.R. Part 800; and

WHEREAS, the Natural Resources Conservation Service (NRCS) has conservation easement interests in the states through which the Keystone XL pipeline will traverse; and

WHEREAS, the NRCS has determined that approving the Keystone XL Pipeline to cross an NRCS easement constitutes a federal action associated with the undertaking that requires NRCS to comply with Section 106 of the NHPA and 36 C.F.R. Part 800; and

WHEREAS, the proposed revised Keystone XL Project pipeline alignment crosses five National Historic Trails (the Lewis and Clark, Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails), all of which were designated by the U.S. Congress and have as their purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment” (National Trails System Act, P.L. 90-543, as amended); and

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WHEREAS, the National Park Service (NPS) administers National Historic Trails and is a signatory to this PA due to the potential for adverse effects to five National Historic Trails including the Lewis and Clark National Historic Trail; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, NPS, Western, USBR, and FSA have designated the DOS as the lead Federal agency for purposes of Section 106 of the NHPA consistent with 36 C.F.R. § 800.2(a)(2); and

WHEREAS, the DOS will incorporate this PA into its decisional process on any Presidential Permit that it may issue for the Keystone XL Project and will include in any permit it issues on the Keystone XL Project a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, NPS, Western, USBR, and FSA will each incorporate this PA into its decisional process on any authorization, approval, permit, or assistance it may issue for the Keystone XL Project, and will include in any authorization, approval, permit, or assistance it issues on the Keystone XL Project, a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, cultural resource identification, evaluation, and effect assessment efforts, including those needed to address the changes in the APE, are summarized in Section 3.11 of the SEIS and Attachment G of this PA; and

WHEREAS, additional efforts to identify, evaluate and assess effects to historic properties for the Project will take place after the execution of this PA because access to some areas has been restricted, as summarized in Attachment A, and all areas of construction have yet to be determined; and

WHEREAS, for the purposes of this PA, “Indian tribes and Nations” shall have the same definition as “Indian tribes” which appears in Section 301(4) of the NHPA; and

WHEREAS, the DOS invited the 84 Indian tribes listed in Appendix B to participate in consultation; and

WHEREAS, the DOS provided Indian tribes the opportunity to provide information about historic properties of concern to Indian tribes and conduct Traditional Cultural Property (TCP) studies within the proposed Project APE, as summarized in Attachment I; and

WHEREAS, the DOS invited Indian tribes that participated in consultation in 2011 and 2013 to sign as Concurring Parties to this PA, consistent with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3); and

WHEREAS, other federal agencies that develop actions related to this undertaking subsequent to the execution of this PA may comply with Section 106 by following the requirements set forth in Stipulation XIV of this PA; and

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WHEREAS, the Montana Department of Natural Resources and Conservation has participated in consultation and was invited by the DOS consistent with 36 C.F.R. § 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, the Montana Department of Environmental Quality has participated in consultation and was invited by the DOS consistent with 36 C.F.R. § 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, Keystone, which would construct the Keystone XL Project pipeline if approved, has participated in consultation, and was invited by the DOS consistent with 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign the PA in 2011 and amendments to the PA in 2013 as an invited signatory; and

WHEREAS, the DOS has provided the public with information about the undertaking and its effects on historic properties and sought public comment and input consistent with 36 C.F.R. §§ 800.2(d) from April 2009 through Federal Register notices, direct mailings, extensive scoping and comment meetings, and inviting comments from the public by phone, mail, fax, and email during public comment periods on the Keystone XL Pipeline Presidential Permit applications; and

NOW, THEREFORE, the DOS, USACE, BLM, RUS, BIA, FSA, NRCS, Western, USBR, NPS, ACHP, and the Montana, South Dakota, Nebraska, and Kansas SHPOs agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on historic properties and to ensure actions consistent with Section 106 of the NHPA.

STIPULATIONS

The DOS, BLM, RUS, BIA, FSA, NRCS, Western, USACE, USBR, and NPS as appropriate, will ensure that the following stipulations are carried out.

I. STANDARDS AND DEFINITIONS

- A. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct on-site supervision of a professional who meets, at a minimum, the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983). These qualification standards do not apply to individuals recognized by consulting Indian tribes to have expertise in identification, evaluation, assessment of effect, and treatment of effects to historic properties of religious and cultural significance to Indian tribes.
- B. In developing scopes of work for identification and evaluation studies, and treatment measures required under the terms of this PA, Keystone and RUS borrowers, and other contractors working with Federal agencies, will take into account the following regulations and guidelines:

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1. The ACHP's guidance on conducting archaeology under Section 106 (2007);
2. The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007);
3. Applicable SHPO and Tribal Historic Preservation Office guidance;
4. The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);
5. The "*Treatment of Archaeological Properties*" (ACHP 1983);
6. The *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
7. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403);
8. Section 404 of the Clean Water Act (33 U.S.C. § 344);
9. BLM 8110 Manual: Identifying and Evaluating Cultural Resources;
10. Montana/Dakotas Cultural Resources Handbook 8110-1: Guidelines for Identifying Cultural Resources;
11. The National Trails System Act (P.L. 90-543, as amended);
12. Section 28 of the Mineral Leasing Act of 1920 (30 USC 185);
13. Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701); and
14. *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992: 1998)

C. Definitions

Coordination Plan: A plan that, pursuant to Stipulations V.B and V.D, describes the coordination of construction with identification and evaluation of cultural resources, treatment of adverse effects, and protection of unanticipated discoveries.

Concurring Parties: An invited consulting party to this PA that agrees with the content of the PA. Consistent with 36 C.F.R. § 800.6(c)(3), the refusal of a Concurring Party to sign the PA does not invalidate this PA. Concurring Parties may not terminate the PA.

Construction Spread: A construction unit or segment of a pipeline alignment or corridor to be determined by Keystone prior to construction.

Consulting Indian Tribes: Indian tribes that have consultative roles in the Section 106 process consistent with 36 C.F.R. § 800.2(c).

Consulting Parties: Parties that have consultative roles in the Section 106 process consistent with 36 C.F.R. § 800.2(c).

Data Recovery: The recovery of archaeological information from a historic property subject to an adverse effect.

Determination of Effect: A determination made by a Federal agency in regards to a Project's effect upon a historic property consistent with 36 C.F.R. Part 800.

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Determination of Eligibility: A determination made by a Federal agency, in coordination with the SHPO and/or designated representatives of consulting Indian tribes, as appropriate, respecting a cultural resource's eligibility for inclusion in the NRHP and more fully described in 36 C.F.R. Part 60 and 36 C.F.R. § 800.16(1)(2).

Effect: An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (see 36 C.F.R. § 800.16(i)).

Environmental Impact Statement: An analysis of a major Federal action's environmental impacts conducted consistent with NEPA.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(1)).

Invited Signatory: The DOS has invited Keystone, the Montana Department of Natural Resources and Conservation, and the Montana Department of Environmental Quality to sign this PA consistent with 36 C.F.R. § 800.6(c)(2). The refusal of any invited signatory to sign the PA does not invalidate the PA. An invited signatory, listed above, that has signed the PA, may terminate the PA consistent with 36 C.F.R. § 800.6(c)(8).

Historic Trail and Archaeological Monitoring Plan: A plan that, pursuant to Stipulation V.E and Attachment F, identifies appropriate areas for monitoring construction by professionals under the supervision of individuals who meet the professional qualifications in Stipulation I. The plan's principal goal is to reduce the potential for impacts to unidentified historic properties.

Signatory: The signatories are: the DOS, BLM, USBR, USACE, NPS, Western, RUS, NRCS, FSA, BIA, ACHP, and the SHPOs of Kansas, Montana, South Dakota, and Nebraska. Only signatories and the invited signatories, as defined, may terminate the PA consistent with 36 C.F.R. § 800.6(c)(8).

Tribal Monitoring Plan: A plan that, pursuant to Stipulation V.E and Attachment E, identifies appropriate areas for monitoring construction by tribal members appointed by their respective Indian tribes. These tribal members shall meet the qualifications as noted in Stipulation V.E.3. The plan's principal goal is to reduce the potential for impacts to previously unidentified historic properties that may also be properties of religious and cultural significance to Indian tribes that meet the National Register criteria (see 36 C.F.R. § 800.16(1)(a)).

Treatment Plan: A plan developed in consultation with the parties to this PA that identifies the minimization and mitigation measures for historic properties located within the APE that will be adversely affected by the Project.

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II. CONFIDENTIALITY

The DOS, BLM, NRCS, BIA, FSA, RUS, Western, USBR, NPS, USACE, and Keystone will safeguard information about historic properties of religious and cultural significance to Indian tribes, including location information, or information provided by Indian tribes to assist in the identification of such properties, consistent with Section 304 of NHPA, 16 U.S.C. § 470w3, and all other applicable laws.

III. THE RESPONSIBILITIES OF FEDERAL AGENCIES WITH LAND MANAGEMENT AND OTHER PERMITTING AUTHORITIES

- A. The USACE will ensure, for that part of the APE under its jurisdiction, that it has met its compliance obligations pursuant to Section 10 and Section 404 permitting authority.
- B. The BLM will comply with Section 106 and its implementing regulations (36 C.F.R. Part 800) for the issuance of permits for those actions under its jurisdiction.
- C. The USBR will review and comment on the evaluation and treatment of any historic properties managed by the USBR.
- D. Attachment H includes maps that illustrate the Project areas that cross lands managed by the BLM and the USBR.
- E. Consultation for this Project between Indian tribes and Federal land management and permitting agencies will be coordinated through the DOS.

IV. KEYSTONE XL PROJECT—CONSTRUCTION OR MODIFICATION OF ELECTRICAL DISTRIBUTION/TRANSMISSION FACILITIES

- A. Prior to granting approval of financial assistance to construct or modify electrical facilities by rural electric cooperatives or other entities, the RUS will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7 and notify the DOS of the outcome.
- B. In implementing Stipulation IV.A, the RUS may authorize a borrower to initiate Section 106 consultation in accordance with 36 C.F.R. § 800.2(c) (4). The RUS issued a blanket delegation for its borrowers to initiate Section 106 consultation in July 2009 and reissued the blanket delegation with some revision in August 2012. As the RUS recognized in those memos, the RUS may not delegate its responsibility to conduct government-to-government consultation with Indian tribes to a borrower, unless the RUS and that Indian tribe agree, in writing, to conduct consultation in that manner.
- C. Prior to construction of the 230-kV transmission line that Western will own, Western will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7. In implementing

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Stipulation IV.C., Western will serve as a signatory under the PA. Western shall coordinate implementation of Stipulation IV.C with the DOS.

- D. The RUS will ensure that the terms of Stipulations VI.B and VI.C are incorporated into construction contracts to ensure that its borrowers and construction contractors meet their responsibility for notification of any unanticipated discoveries. When RUS-funded projects occur on BLM land, the RUS will coordinate with the BLM to ensure compliance with Stipulations VI.B and VI.C of this PA.
- E. Prior to granting approval or financial assistance for construction or modification of electrical distribution/transmission facilities that are necessary components of the pipeline project and therefore considered within the Project APE, any Federal agency that is incorporated into this PA pursuant to Stipulation XIV will complete the requirements of 36 C.F.R. §§ 800.3 through 800.7 for those facilities under its jurisdiction and notify the DOS of the outcome if not already carried out elsewhere in this PA.
- F. The DOS retains responsibility for completing the requirements of 36 C.F.R. §§ 800.3 through 800.7 for those electrical distribution/transmission facilities that are necessary components of the Project if they are not under the jurisdiction of any Federal agency and not referenced in Stipulation IV, A through E above.

V. KEYSTONE XL PROJECT – PIPELINE CONSTRUCTION

- A. The DOS has provided SHPOs, designated representatives of consulting Indian tribes, and other consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties, consistent with 36 C.F.R. § 800.16(l)(1), including historic properties of religious and cultural significance to Indian tribes, and the treatment of affected historic properties, in connection with the construction of the Keystone XL Project. It will continue to provide all consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties, assessment of effects, and treatment of adverse effects after approval of amendments to this PA.
- B. Identification and Evaluation of Historic Properties
 - 1. In consultation with the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties, the DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties within the APE for each construction spread, including in areas yet to be surveyed outlined in Attachment A, prior to the initiation of construction of that spread, consistent with 36 C.F.R. §§ 800.4(a), (b), and (c). On Federal lands, the scope of the identification effort will be determined by the DOS in consultation with the appropriate Federal land managing agency, applicable SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.

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2. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, as appropriate, consistent with 36 C.F.R. §§ 800.4(a), (b), and (c), before Keystone initiates construction activities (including vegetative clearing to comply with the Migratory Bird Treaty Act, if clearing is undertaken).
 - a. In the identification and evaluation of historic properties to which Indian tribes may attach religious and cultural significance, the DOS will take into consideration information submitted by Indian tribes to the DOS prior to construction through consultations and through the protocols for TCP studies, post-review discovery, and the Tribal Monitoring Plan, as set forth in this PA.
 - b. In the event identification of historic properties cannot be completed for any Construction Spreads prior to construction, Keystone will develop and submit a Coordination Plan to the DOS for review and approval pursuant to Stipulation V.D. The Coordination Plan must describe the measures Keystone will use to implement and complete the identification and evaluation of cultural resources and appropriate consultation before any historic properties are adversely affected by vegetation clearing and construction activities related to that spread.

C. Treatment of Historic Properties

1. Whenever feasible, avoidance of adverse effects to historic properties will be the preferred treatment. In consultation with the DOS, ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties, Keystone may elect to consider and implement avoidance measures prior to completing the evaluation of historic properties.

Avoidance measures may include:

- a. Avoidance through pipeline or access road route variation or Project feature relocation;
 - b. Avoidance through abandonment;
 - c. Avoidance through bore or horizontal directional drill;
 - d. Avoidance by narrowing the construction corridor (“neck down”); or
 - e. Avoidance through the use of existing roadways as Project access roads to the extent practicable.
2. When historic properties are identified in the APE pursuant to Stipulation V.B, the DOS will apply criteria of adverse effect consistent with 36 C.F.R. § 800.5(a) in consultation with the ACHP, SHPO, designated representatives of consulting Indian tribes, and other consulting parties. If the DOS finds that historic properties might be adversely affected by actions covered under this PA and within the APE, the DOS will consult with the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to determine prudent and feasible ways to avoid adverse effects.

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- a. Once the DOS approves avoidance measures, Keystone will implement those measures.
3. If the DOS determines that the adverse effect cannot be avoided, the DOS will consult with the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to determine those measures to be implemented by Keystone to minimize and mitigate adverse effects on affected historic properties identified in the APE.
4. If, after consultation, the DOS determines that the adverse effect cannot be avoided, Keystone will draft a comprehensive Treatment Plan for each adversely affected historic property. The Treatment Plan will describe the measures identified by the DOS under Stipulation V.C.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the manner in which these measures will be carried out, and a schedule for their implementation.
 - a. When mitigation consists of or includes Data Recovery, the Treatment Plan also will identify the specific research questions to be addressed by Data Recovery with an explanation of their relevance, the archaeological methods to be used, and provisions for public interpretation and education, subject to Stipulation II restrictions, if any. Management summaries of all archaeological investigations must be submitted to the DOS, relevant Federal agencies, and the SHPO for review and approval prior to the commencement of construction activities and construction may be authorized on the basis of information contained in those summaries. Designated representatives of consulting Indian tribes will be notified for their information and awareness and may provide any relevant information to DOS and SHPO within nine (9) calendar days to inform their review of the summaries. Final reports must be submitted to the DOS and the SHPO for review within six months of the completion of the fieldwork.
 - b. A Treatment Plan may also include mitigation for adverse effects to historic districts, buildings and structures, and to TCPs and other properties of religious and cultural significance to Indian tribes. This mitigation may include the recordation of historic properties according to Historic American Building Survey/Historic American Engineering Record Standards and Guidelines for Architectural and Engineering Documentation. Other types of mitigation for adverse effects to historic districts, buildings, and structures, and to TCPs and other properties of religious and cultural significance to Indian tribes may also be described in the Treatment Plan. The mitigation proposed for an adverse effect to a historic district, building, and/or structure, and to TCPs and other properties of religious and cultural significance to Indian tribes will be commensurate with the level of significance and extent of adverse effect and will be determined in a manner consistent with Stipulation V.C.4.c.
 - c. Keystone will submit the draft Treatment Plan to the DOS, BLM (if applicable), ACHP, designated representatives of consulting Indian tribes, the SHPO of the

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applicable state, Montana Department of Environmental Quality (if applicable), Montana Department of Natural Resources and Conservation (if applicable), and other applicable consulting parties for a forty-five (45) calendar day review. Keystone will address timely comments and recommendations submitted by SHPOs, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Treatment Plan.

- d. When it has addressed all of the timely comments and recommendations, Keystone will submit the Final Treatment Plan to the DOS for review and approval. Keystone will also submit the Final Treatment Plan to the BLM for review and approval when involving lands subject to Stipulation III.C. The DOS and BLM will issue their final decision on the Treatment Plan within thirty (30) calendar days. Once the Final Treatment Plan is approved by the DOS (and the BLM if involving BLM-managed lands), copies of the Treatment Plan will be distributed to all SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.
5. Keystone will make a reasonable and good faith effort to complete implementation of the Final Treatment Plan approved by the DOS prior to beginning construction of any spread for which the Treatment Plan is required. If it is not possible to meet this schedule, Keystone will develop a Coordination Plan in accordance with Stipulation V.D that establishes how appropriate treatment will be determined and implemented during construction of the respective spread.

D. Coordination of Construction and Historic Preservation Activities

1. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties and potential historic properties, and the mitigation of adverse effects to them in accordance with Stipulations V.B and V.C prior to the initiation of vegetative clearing if vegetative clearing and construction on the Keystone XL spreads, including the Montana, South Dakota, and Nebraska spreads, is to be undertaken.
2. If these DOS activities cannot be completed prior to the start of vegetative clearing and construction of these spreads, Keystone will develop and provide to the DOS a detailed plan describing how the requirements of Stipulations V.B and V.C—identification, evaluation and treatment of historic properties—will be completed in coordination with vegetative clearing and construction activities in such a way that historic properties will not be adversely affected prior to the implementation of any mitigation measures.
 - a. A Coordination Plan will be prepared for each state and will include those measures developed by Keystone pursuant to Stipulations V.B and V.C to complete the identification and evaluation of historic properties, and, as appropriate, mitigation of adverse effects to them during and coordinated with vegetation clearing and construction activities. In addition, the Coordination Plan

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will include a schedule for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Attachment C, as appropriate.

- b. Keystone will submit the draft Coordination Plan for each state for such spreads, including the Kansas, Montana, South Dakota, and Nebraska spreads, to the DOS, BLM (as applicable), ACHP, SHPOs (as applicable), designated representatives of consulting Indian tribes, and consulting parties for forty-five (45) calendar day review. Keystone shall address timely comments and recommendations submitted by the applicable SHPO, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Coordination Plan for each state. When it has addressed all of the comments and recommendations, Keystone will submit the Final Coordination Plan for each state to the DOS for review. The DOS shall issue its final decision on the Coordination Plan for each state within thirty (30) calendar days. Following approval by the DOS, the Final Coordination Plan for each state will be distributed to all of the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties.
 3. Keystone will complete implementation of the Final Coordination Plan approved by the DOS during construction of the Kansas, Montana, South Dakota, and Nebraska spreads.
- E. Historic Trail and Archaeological Monitoring Plan (“HTAM Plan”) and Tribal Monitoring Plan
1. In consultation with the SHPOs and designated representatives of consulting Indian tribes, Keystone will monitor construction in selected areas of the APE of each spread as a supplement to identification efforts. Any historic properties identified by Keystone during monitoring will be treated in accordance with Stipulation VI.A and C.
 - a. The HTAM Plan outlines areas that have been previously identified by the DOS during identification and evaluation efforts that warrant monitoring during soil disturbing activities for potential effects to historic properties.
 - b. The Tribal Monitoring Plan outlines areas that have been previously identified by Indian tribes, either through the preparation of Traditional Cultural Property reports or through consultation, that warrant monitoring during clearing and trenching for potential effects to previously unidentified historic properties that may include properties of religious and cultural significance to an Indian tribe and that meet the National Register criteria (See 36 C.F.R. § 800.16(1)(1)).
 2. Historic Trail monitoring will be performed by a professional who either meets the qualification standards for archaeology established in Stipulation I.A or is under the on-site supervision of such a professional.

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3. At the discretion of the DOS, tribal monitors may substitute other types of experience with construction monitoring and/or traditional cultural knowledge for the degrees required by the Professional Qualification Standards. DOS may also consider other accommodations regarding education and experience where allowed by the Standards and implementing guidance.
4. In consultation with the DOS, Keystone will consider information provided by Indian tribes in a timely manner when completing the identification of historic properties before construction begins as set forth in Stipulation V.B and in the HTAM Plan and Tribal Monitoring Plan provided for under Stipulation V.E. Keystone will ensure that tribal monitors have reasonable access to Project construction sites and activities. In those areas previously identified by Indian tribes as needing monitoring, the Tribal Monitoring Plan stipulates that at least one monitor will be used per Construction Spread depending upon the extent and location of construction activities, as well as the relative historic importance of each Spread to each Indian tribe.
5. Keystone has submitted a plan for historic trail and archaeological monitoring and tribal monitoring for each spread to the DOS, BLM, ACHP, SHPO, designated representatives of consulting Indian tribes, and Consulting Parties for review and comment prior to the signing of this PA. The Tribal Monitoring Plan and HTAM Plan are attached to this PA in Attachments E and F.
6. Keystone will implement the HTAM Plan and Tribal Monitoring Plan for each spread that has been approved by the DOS.

F. Construction

1. Lead Environmental Inspector (EI): Prior to initiating vegetative clearing or construction, Keystone will employ the Lead EI whose responsibilities will include ensuring compliance with the terms of this PA. In meeting this responsibility, the Lead EI will rely on the technical expertise of on-site professionals who meet the standards established in Stipulation I.A and tribal monitors with experience outlined in Stipulation V.E.3.
 - a. The Lead EI will monitor construction activities on-site and prepare a daily log, reporting to Keystone and designated representatives of consulting Indian tribes on activities performed to implement the terms of this PA, as appropriate. Keystone will make the daily log available to the DOS and SHPOs, and other consulting parties upon request.
 - b. Keystone will ensure through the construction contract that the Lead EI will possess the authority to stop construction in the event of an inadvertent discovery in accordance with Stipulation VI.A and Attachment C.

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2. **Training:** Keystone will ensure that, if the Lead EI does not meet the professional qualification standards established in Stipulation I.A, the Lead EI will receive appropriate training in historic preservation from a professional who meets the standards established in Stipulation I.A in order to perform the requirements of this PA. Keystone also will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in Stipulation I.A to all construction personnel (including new, added, replaced workers) so that PA requirements are understood and unanticipated discoveries quickly identified. Keystone will conduct this training prior to initiating vegetative clearing or construction activities on a spread. Keystone also will conduct periodic refresher training during construction of the spread.
3. **Construction Contract:** Keystone will incorporate the terms of Stipulation VI.A and Attachment C into construction contracts to ensure that its Lead EI and construction contractors meet their responsibility for notification of the unanticipated discoveries.

F. Scheduling

The DOS may authorize the start of vegetative clearing and construction for an individual spread when the plans prepared in accordance with Stipulations V.D and V.E as appropriate for that spread, have been submitted by Keystone and approved by the DOS in accordance with the terms of this PA.

VI. UNANTICIPATED DISCOVERIES OR ADVERSE EFFECTS DURING CONSTRUCTION OF THE KEYSTONE XL PROJECT

A. Pipeline Construction

1. “Applicable Federal agency” is the Federal agency with jurisdiction for the land on which construction is occurring or, in the absence of such an agency, the DOS, as appropriate.
2. If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly or unanticipated adverse effects on previously identified historic properties occur as pipeline construction activities are carried out within the one-hundred-and-ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery or adversely affected historic property, notify the Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:
 - a. Inspect the work site to determine the extent of the discovery or adverse effect and ensure that construction activities have halted;
 - b. Clearly mark the area of the discovery or adverse effect;

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- c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery or adversely affected historic property from looting and vandalism; and
 - d. Notify the applicable Federal agency, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the discovery or adverse effect.
3. In the case of an unanticipated discovery, the applicable Federal agency will notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The applicable Federal agency will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPOs, designated representatives of consulting Indian tribes, other consulting parties, and Keystone. The applicable Federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 consistent with 36 C.F.R. § 800.13(c).
4. For discovered properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable Federal agency will notify the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will have ninety-six (96) hours to provide their views on the proposed actions.
 - b. The applicable Federal agency will ensure that the timely filed recommendations of SHPOs, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.
 - c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. In the case of unanticipated adverse effects to a previously identified historic property, the applicable Federal agency will notify the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.
 - a. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
 - b. The applicable Federal agency will ensure that the timely filed recommendations of SHPOs, designated representatives of consulting Indian tribes, and other

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consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to mitigate adverse effects.

- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the affected property.
6. Dispute Resolution: The applicable Federal agency will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI.A. The applicable Federal agency will use the contact information provided in Attachment D to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the applicable Federal agency recommendations on resolving the dispute. The applicable Federal agency will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

B. Construction or Modification of Electrical Facilities

1. If previously unidentified historic properties are discovered unexpectedly during construction or modification of transmission facilities funded by the RUS, the RUS borrower's construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery, notify the RUS borrower of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the RUS borrower shall:
 - a. Notify the RUS Contact (and BLM Contact if discovery occurs on BLM land);
 - b. Inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - c. Clearly mark the area of the discovery; and
 - d. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
2. Upon receipt of such notification the RUS and, if applicable, BLM will coordinate the notification of SHPOs, designated representatives of consulting Indian tribes, and other consulting parties and notify the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the discovery.
3. The RUS and, if applicable, BLM will have seven (7) calendar days following notification provided in accordance with Stipulation VI.B.1 to determine the National Register eligibility of the discovery in consultation with the SHPOs, designated representatives of consulting Indian tribes, other consulting parties, and the borrower. The RUS and, if applicable, BLM may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 C.F.R. § 800.13(c).

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4. For properties determined eligible, or treated as such, pursuant to Stipulation VI.B.3, the RUS, in coordination with the BLM (if applicable), will notify the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects. SHPOs, designated representatives of consulting Indian tribes, and other consulting parties will provide their views on the proposed actions within ninety-six (96) hours. The RUS will ensure that the timely filed recommendations of the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of those actions that the borrower will implement to resolve adverse effects. Once RUS approval has been granted, its borrower will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: The RUS and, if applicable, BLM will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding the resolution of adverse effects that relate to the implementation of Stipulation VI.B. The applicable Federal agency will use the contact information provided in Attachment D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the RUS and, if applicable, BLM with its recommendations for resolving the dispute. The RUS and, if applicable, BLM will take into account any recommendations provided by the ACHP in making a final decision about how to proceed.
6. Reporting: No later than six (6) months following the resumption of construction within the location of the discovery, the RUS will submit a final report to the SHPOs, designated representatives of consulting Indian tribes, and other consulting parties describing implementation of the actions taken in accordance with Stipulation VI.B and, as appropriate, the analysis and interpretation of recovered information.

C. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects

1. When Native American human remains or funerary objects or objects of cultural patrimony are unexpectedly discovered during construction of the Keystone XL Project on Federal or tribal lands within the APE, Keystone or an RUS borrower, as appropriate, will notify immediately the Federal agency responsible for compliance with the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et. seq., and its implementing regulations, 43 C.F.R. Part 10.
2. Non-Native American human burials and remains, and funerary objects discovered on Federal lands within the APE will be treated by the Federal agency having jurisdiction of the remains in accordance with applicable Federal law, taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).
3. The DOS, Western, and RUS will treat human burials and remains discovered on non-Federal land consistent with the provisions of Attachment C and any applicable

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federal, state, and local burial laws. In those instances where the USACE has jurisdiction under Section 10 or 404 permitting authority for non-Federal lands in the APE, the applicable Federal agencies will ensure that Keystone complies with the provisions of Attachment C acting in the place of the DOS. In determining appropriate actions to be carried out, the DOS, RUS, and/or other Federal agencies will be guided by the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).

VII. CURATION

- A. Federal agencies will curate any artifacts, materials or records resulting from archaeological identification and mitigation conducted on Federal lands under their jurisdiction in accordance with 36 C.F.R. Part 79, "*Curation of Federally-Owned and Administered Archaeological Collections.*" Federal agencies with jurisdiction over the Federal lands will consult with Indian tribes consistent with 36 C.F.R. 79.
- B. Keystone and RUS borrowers will return all artifacts recovered from private lands to the respective landowner after analysis is complete, unless applicable state law requires otherwise. Keystone and RUS borrowers will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the respective SHPO. Keystone shall pay all required curation fees associated with the donation of artifacts to the local curation facility.
- C. On Federally controlled or owned properties, Federal agencies will determine the disposition of human burials, human remains and funerary objects in accordance with applicable Federal law.

VIII. REPORTING

- A. Within three (3) months of completion of pipeline construction of a spread, Keystone will submit a comprehensive draft report to the DOS describing the results and findings of the implementation of the actions and plans specified in Stipulations V.C through G, VI.A, including Attachment C.
- B. Keystone will submit a draft comprehensive report for each spread to the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties of the respective states in which the spread is located, for forty-five (45) day review and comment. Keystone shall address timely comments and recommendations submitted by ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties in preparation of the Final Comprehensive Report for that spread. Keystone will submit the final report to the DOS for review and approval. The final comprehensive report will be provided by the DOS to the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties once approved.

IX. MONITORING IMPLEMENTATION OF THE PA

Each quarter following the execution of this PA until it expires or is terminated, the DOS with the assistance of the USACE, BLM, RUS, FSA, NRCS, BIA, and USBR as necessary will provide the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties to this PA a progress report summarizing the work carried out pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this PA. The DOS will maintain and update a list of the current contact for the ACHP, SHPOs, designated representatives of consulting Indian tribes, and other consulting parties and will be distributed in each quarterly report.

X. DISPUTE RESOLUTION

- A. “Appropriate Federal agency” refers to the DOS, BLM, RUS, USBR, and USACE, or other Federal land managing and/or permitting agency as applicable.
- B. Should any signatory, invited signatory, or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the appropriate Federal agency will consult with such party to resolve the objection. If the appropriate Federal agency determines that such objection cannot be resolved, the appropriate Federal agency will:
 - 1. Forward all documentation relevant to the dispute, including the applicable Federal agency’s proposed resolution, to the ACHP. The ACHP will provide the appropriate Federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the appropriate Federal agency will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, invited signatories, and concurring parties, and provide them with a copy of this written response. The appropriate Federal agency will then proceed according to its final decision.
 - 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable Federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate Federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories, invited signatories, and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The Federal agencies are responsible for carrying out all other actions subject to the terms of this PA that are not the subject of the dispute.
- D. The process of dispute resolution outlined in Stipulation X does not pertain to disputes that arise from unanticipated discoveries covered in Stipulation VI.

XI. DURATION

This PA will be null and void if all of its stipulations have not been carried out within seven (7) years from the date of its execution. At such time, and prior to work continuing on the Keystone XL Project, the DOS will either: (a) execute a Memorandum of Agreement (MOA) or PA consistent with 36 C.F.R. §§ 800.6 or 800.14(b), respectively; or (b) request, take into account, and respond to the comments of the ACHP consistent with 36 C.F.R. § 800.7. Prior to such time, the DOS may consult with the other signatories and invited signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII. The DOS will notify the signatories, invited signatories, and concurring parties as to the course of action they will pursue.

XII. AMENDMENT

Any signatory or invited signatory to this PA may propose in writing that it be amended. The signatories and invited signatories will consult in an effort to reach agreement on an amendment. Any amendment will be effective on the date it is signed by all of the signatories and invited signatories and filed with the ACHP.

XIII. TERMINATION

- A. If any signatory or invited signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories and invited signatories to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days an amendment cannot be reached, any signatory or invited signatory may terminate the PA upon written notification to the other signatories and invited signatories.
- B. Termination by an individual SHPO shall only terminate the application of this PA within the jurisdiction of the SHPO.
 - 1. Once the PA is terminated for an individual state, and prior to work continuing on the undertaking in that state, DOS must either (a) execute a PA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. DOS shall notify the signatories as to the course of action it will pursue.
- C. If the PA is terminated in its entirety, and prior to work continuing on the undertaking, the DOS shall request, take into account, and respond to the comments of the ACHP consistent with 36 C.F.R. § 800.7(a). Following consultation with the ACHP, the DOS will notify the signatories, invited signatories and concurring parties as to the course of action it will pursue.

XIV. COORDINATION WITH OTHER FEDERAL REVIEWS

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In the event that Keystone or a Federal agency applies for additional Federal funding or approvals for the Keystone XL Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with the applicable SHPOs, designated representatives of consulting Indian tribes, and the ACHP. Any necessary modifications will be considered in accordance with Stipulation XII.

XV. SCOPE OF THE PA

This PA is limited in scope to actions that will facilitate the construction of the Keystone XL Project and related facilities, and is entered into solely for that purpose.

EXECUTION of this PA by the DOS, ACHP, BLM, RUS, Western, USACE, USBR, NPS, NRCS, FSA, BIA, the Montana SHPO, South Dakota SHPO, Nebraska SHPO, and Kansas SHPO and implementation of its terms evidence that the DOS, Western, BLM, RUS, NRCS, FSA, BIA, USACE, USBR, and NPS have taken into account the effects of the Keystone XL Project on historic properties and afforded the ACHP an opportunity to comment.

Deborah Klepp / PK for _____ *December 23, 2013*

**Deborah Klepp
Director**

Date

**Office of Environmental Quality and Transboundary Issues
Bureau of Oceans and International Environmental and Scientific Affairs
United States Department of State**

**Programmatic Agreement
SECTION 3 – Signatory Parties**

**Keystone XL Pipeline Project
December 2013**



Corn Cam s ell
Acting Regional Director, Intermountain Region
National Park Service

434 0/3

Date



18 DEC 2013

Joel R. Cross
Colonel, Corps of Engineers
District Commander

Date

Bennet Horter

12/17/2013

Bennet Horter
Federal Preservation Officer
United States Department of Agriculture Farm Service Agency

Date

Salvador Salinas

12-17-13

Salvador Salinas

Date

State Conservationist

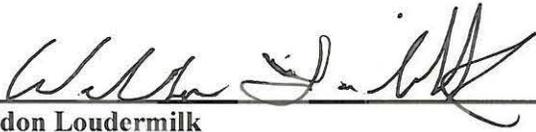
United States Department of Agriculture Natural Resources Conservation Services

Mark S. Plank

12/17/13

Mark S. Plank
Director, Engineering and Environmental Staff
United States Department of Agricultural Rural Utilities Service

Date



Weldon Loudermilk
Great Plains Regional Director
United States Bureau of Indian Affairs

12-18-13

Date

Diane M Friez

12/18/2013

Diane Friez
District Manager, Eastern Montana/Dakotas District
Bureau of Land Management

Date



Michael J. Ryan
Regional Director, Great Plains Region
Bureau of Reclamation

DECEMBER 18, 2013

Date

Robert J. Harris

12/19/13

Robert Harris
Regional Manager, Upper Great Plains Region
Western Area Power Administration (WESTERN)

Date

John M. Fowler

**John M. Fowler
Executive Director
Advisory Council on Historic Preservation**

12/19/13
Date

**Programmatic Agreement
SECTION 3 – Signatory Parties**

**Keystone XL Pipeline Project
December 2013**

022102

Patrick Selmer DSHPO for

12-17-13

Jennie Chinn
State Historic Preservation Officer
Kansas

Date


Tracy Stone-Manning
Director
Montana Department of Environmental Quality
(Invited Signatory)

12.19.13

Date



12-19-13

John Tubbs
Director

Date

Montana Department of Natural Resources and Conservation
(Invited Signatory)

Mark Baunler

Mark Baunler
State Historic Preservation Officer
Montana

12/18/2013
Date



Michael J. Smith
State Historic Preservation Officer
Nebraska

Dec. 18, 2013

Date

Programmatic Agreement
SECTION 3 – Signatory Parties

Keystone XL Pipeline Project
December 2013

022107



Jay D. Vogt
State Historic Preservation Officer
South Dakota

17 Dec 13

Date



Dec 18 / 13

Corey Goulet
Vice President
TransCanada Pipelines Limited
(Invited Signatory)

Date

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ATTACHMENT A

The following table summarizes the proposed Project areas for which Keystone has yet to conduct identification and evaluation studies as of the finalization of the PA. The majority of these proposed Project areas have been denied access versus new areas that have yet to surveyed.

Areas Not Surveyed Along the Proposed Project APE		
State	Project Area Type	Cultural Survey Remaining (acres)
Montana	ROW	0.00
Montana	Pump Stations	0.00
Montana	Ancillary facilities	0.00
Montana	Access Roads	0.00
South Dakota	ROW	23.70
South Dakota	Pump Stations	0.00
South Dakota	Ancillary facilities	0.00
South Dakota	Access Roads	0.00
Nebraska	ROW	937.65
Nebraska	Pump Stations	43.45 ¹
Nebraska	Ancillary facilities	N/A ²
Nebraska	Access Roads	33.05 ³
Total		1037.85^{1, 2, 3}
¹ Pump stations in Nebraska have been surveyed for multiple locations. ² Additional ancillary facilities may be needed, however, are not known at this time. ³ Additional access roads may be needed, however, are not known at this time.		

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ATTACHMENT B

1. Absentee-Shawnee Tribe of Indians of Oklahoma
2. Alabama-Coushatta Tribes of Texas
3. Alabama-Quassarte Tribal Town, Oklahoma
4. Apache Tribe of Oklahoma
5. Arapahoe Tribe of the Wind River Reservation, Wyoming (aka Northern Arapaho Tribe)
6. Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (aka Fort Peck Tribes)
7. Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
8. Cherokee Nation, Oklahoma
9. Cheyenne and Arapaho Tribes, Oklahoma
10. Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
11. Chickasaw Nation, Oklahoma
12. Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
13. Choctaw Nation of Oklahoma
14. Comanche Nation, Oklahoma
15. Confederated Salish & Kootenai Tribes of the Flathead Indian Nation, Montana
16. Confederated Tribes of the Goshute Reservation, Nevada and Utah
17. Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
18. Crow Tribe of Montana
19. Delaware Tribe of Indians, Oklahoma
20. Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
21. Eastern Band of Cherokee Indians of North Carolina
22. Eastern Shawnee Tribe of Oklahoma
23. Ely Shoshone Tribe of Nevada
24. Flandreau Santee Sioux Tribe of South Dakota
25. Forest County Potawatomi Community, Wisconsin
26. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (aka Gros Ventre and Assiniboine Tribe of Ft. Belknap)
27. Hannahville Indian Community, Michigan
28. Ho-Chunk Nation of Wisconsin
29. Iowa Tribe of Kansas and Nebraska
30. Iowa Tribe of Oklahoma
31. Jena Band of Choctaw Indians, Louisiana
32. Kaw Nation, Oklahoma
33. Kialegee Tribal Town, Oklahoma
34. Kickapoo Traditional Tribe of Texas
35. Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
36. Kiowa Indian Tribe of Oklahoma
37. Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
38. Lower Sioux Indian Community in the State of Minnesota
39. Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan (aka Gun Lake Potawatomi)

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40. Mille Lacs Band of Minnesota Chippewa Tribes, Minnesota
41. Modoc Tribe of Oklahoma
42. Nez Perce Tribe, Idaho
43. Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
44. Nottawaseppi Huron Band of the Potawatomi, Michigan (aka Huron Potawatomi Nation)
45. Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
46. Omaha Tribe of Nebraska
47. Osage Nation, Oklahoma
48. Otoe-Missouria Tribe of Indians, Oklahoma
49. Pawnee Nation of Oklahoma
50. Poarch Band of Creek Indians of Alabama
51. Pokagon Band of Potawatomi Indians, Michigan and Indiana
52. Ponca Tribe of Indians of Oklahoma
53. Ponca Tribe of Nebraska
54. Prairie Band of Potawatomi Nation, Kansas
55. Prairie Island Indian Community in the State of Minnesota
56. Red Lake Band of Chippewa Indians, Minnesota
57. Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
58. Sac & Fox Nation of Missouri in Kansas and Nebraska
59. Sac & Fox Nation, Oklahoma
60. Sac & Fox Tribe of the Mississippi in Iowa
61. Santee Sioux Nation, Nebraska
62. Seneca-Cayuga Tribe of Oklahoma
63. Shakopee Mdewakanton Sioux Community of Minnesota
64. Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
65. Shoshone Tribe of the Wind River Reservation, Wyoming (aka Eastern Shoshone Tribe)
66. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
67. Skull Valley Band of Goshute Indians of Utah
68. Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
69. Spirit Lake Tribe, North Dakota
70. Standing Rock Sioux Tribe of North & South Dakota
71. Stockbridge Munsee Community, Wisconsin
72. Thlopthlocco Tribal Town, Oklahoma
73. Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
74. Tonkawa Tribe of Indians of Oklahoma
75. Turtle Mountain Band of Chippewa Indians of North Dakota
76. United Keetoowah Band of Cherokee Indians in Oklahoma
77. Upper Sioux Community, Minnesota
78. Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (aka Ute Indian Tribe, also Northern Ute Tribe)
79. Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah
80. White Earth Band of Minnesota Chippewa Tribes, Minnesota
81. Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
82. Winnebago Tribe of Nebraska
83. Yankton Sioux Tribe of South Dakota
84. Ysleta Del Sur Pueblo of Texas

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ATTACHMENT C

Plans for the Unanticipated Discovery of Cultural Resources

If previously unidentified cultural resources are discovered by monitors or construction personnel unexpectedly, Keystone will follow the procedures described in the state-specific plans included in this attachment for (1) Montana, (2) South Dakota, (3) Nebraska, (4) North Dakota, and (5) Kansas. If the following plans conflict in any way with Keystone's obligations under the Programmatic Agreement and Tribal Monitoring Plan, Keystone will follow the procedures described in the Programmatic Agreement and Tribal Monitoring Plan.

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UNANTICIPATED DISCOVERIES PLAN

I. Unanticipated Discoveries Plan for the Keystone XL project corridor (Project) in Montana

If previously unidentified historic properties are discovered by monitors or construction personnel unexpectedly or unanticipated adverse effects on previously identified historic properties occur as pipeline construction activities are carried out within the one-hundred-and-ten (110) foot-wide construction corridor or other ancillary facilities and access roads within the APE, the construction contractor will immediately halt all construction activity within a one-hundred-and-fifty (150) foot radius of the discovery or adversely affected historic property, notify the Lead EI of the discovery and implement interim measures to protect the discovery from looting and vandalism.

Within forty-eight (48) hours of receipt of this notification of the discovery, the Lead EI shall:

- a. Inspect the work site to determine the extent of the discovery or adverse effect and ensure that construction activities have halted;
- b. Clearly mark the area of the discovery or adverse effect;
- c. Implement additional measures other than those mentioned above, as appropriate, to protect the discovery or adversely affected historic property from looting and vandalism; and
- d. Notify the DOS, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of the discovery or adverse effect.

In the case of an unanticipated discovery, DOS will notify all consulting parties that it will be receiving comments concerning the unanticipated discovery and provide contact information. The DOS will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the SHPO, MDEQ, designated representatives of consulting Indian tribes, other consulting parties, and Keystone. The applicable Federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 consistent with 36 C.F.R. § 800.13(c).

For discovered properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable Federal agency will notify the ACHP, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.

- a. SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties will have ninety-six (96) hours to provide their views on the proposed actions.
- b. DOS will ensure that the timely filed recommendations of SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.

- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.

In the case of unanticipated adverse effects to a previously identified historic property, the applicable Federal agency will notify the ACHP, SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.C.

- a. SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
- b. DOS will ensure that the timely filed recommendations of SHPO, MDEQ, designated representatives of consulting Indian tribes, and other consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to mitigate adverse effects.
- c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the affected property.

Dispute Resolution: DOS will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects that relate to the implementation of Stipulation VI. DOS will use the contact information provided in Attachment C or D to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide DOS recommendations on resolving the dispute. DOS will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

II. Accidental Discovery of Human Remains on state or private lands

All human burials and funerary objects in the state of Montana are protected pursuant to the Human Skeletal Remains and Burial Site Protection Act (Montana Code Ann. §22-3-801 through §22-3-811).

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, Keystone or its designated representative shall immediately cease work within 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving human remains or other items shall occur after the initial discovery. Protection measures will include the following.

- a) Flag the buffer zone around the find spot.
- b) Keep workers, press, and curiosity seekers, away from the find spot.
- c) Tarp the find spot.
- d) Prohibit photography of the find unless requested by an agency official.
- e) Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

Keystone will immediately notify local law enforcement, DOS, SHPO, and MDEQ within forty-eight (48) hours of the discovery. DOS shall notify the SHPO, MDEQ, Indian tribes, and other consulting parties within forty-eight (48) hours of the discovery. If local law enforcement determines that the remains are not associated with a crime, DOS shall determine if it is prudent and feasible to avoid disturbing the remains. If DOS in consultation with the Keystone determines that disturbance cannot be avoided, the DOS shall consult with the SHPO, MDEQ, Indian tribes, and other consulting parties to determine acceptable procedures for the removal, treatment and disposition of the burial or remains. The DOS shall ensure that Keystone implements the plan for removal, treatment and disposition of the burial or remains as authorized by the SHPO. The DOS shall notify Keystone that they may resume construction activities in the area of the discovery upon completion of the plan authorize as by the SHPO.

Contact Information:

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III. Unanticipated Discovery of Human Burials, Remains, and Funerary Objects on Federal Lands

For the accidental discovery of human burials, remains, and funerary objects on Federal lands please reference Stipulation VI.(C) of the PA.

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UNANTICIPATED DISCOVERIES PLAN

I. Unanticipated Discoveries Plan for the Keystone XL project corridor (Project) in South Dakota

1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the project area (area of potential effect), Project shall halt immediately all construction work within 100 feet (30.5 m) of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur. The area of the discovery will be clearly marked by means of flagging or fencing.
2. The construction contractor will notify a designated representative of Project of the discovery. Following notification of the discovery, the designated representative of Project will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the State Historic Preservation Office (SHPO) or by the SHPO in consultation with the archaeologist retained by Project.
3. Within 14 calendar days of the original notification of discovery, the archaeologist retained by Project, in consultation with the SHPO, will determine the National Register eligibility of the resource. The SHPO or Project may extend this 14-day calendar period one time by an additional 7 calendar days, with Project providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
4. If the resource is determined eligible for the National Register, Project shall submit to the SHPO and the Department of State (DOS) a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Said plan will be submitted to the SHPO and the DOS within 14 calendar days of a determination of eligibility, and shall be approved by the SHPO and the DOS prior to implementation.
5. Work in the affected area may resume per SHPO authorization pending either:
 - i. development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
 - ii. determination that the located remains are not eligible for inclusion on the National Register.
6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved through consultation among the SHPO, a designated representative of Project, and the archaeologist retained by Project.

II. Accidental Discovery of Human Remains on state or private lands

All human burials and funerary objects in the state of South Dakota are protected pursuant to South Dakota Codified Law Chapter 34-27-25, 34-27-28, 34-27-31.

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, Project or its designated representative shall immediately cease work within 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving human remains or other items shall occur after the initial discovery. Protection measures will include the following.

- a) Flag the buffer zone around the find spot.
- b) Keep workers, press, and curiosity seekers, away from the find spot.
- c) Tarp the find spot.
- d) Prohibit photography of the find unless requested by an agency official.
- e) Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

Project will immediately notify local law enforcement, the DOS, and the South Dakota State Archaeologist (State Archaeologist) within forty-eight (48) hours of the discovery. The DOS shall notify the SHPO, Indian tribes and other consulting parties within forty-eight (48) hours of the discovery. If local law enforcement determines that the remains are not associated with a crime, the DOS shall determine if it is prudent and feasible to avoid disturbing the remains. If the DOS in consultation with the Project determines that disturbance cannot be avoided, the DOS shall consult with the State Archaeologist, SHPO, Indian tribes and other consulting parties to determine acceptable procedures for the removal, treatment and disposition of the burial or remains. The DOS shall ensure that the Project implements the plan for removal, treatment and disposition of the burial or remains as authorized by the State Archaeologist. The DOS shall notify the Project that they may resume construction activities in the area of the discovery upon completion of the plan authorize as by the State Archaeologist.

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PREFILED REBUTTAL TESTIMONY

OF

CHRIS SAUNCOSI

Docket No. HP14-001

**IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE PIPELINE, LP FOR
ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP09-001 TO
CONSTRUCT THE KEYSTONE XL PIPELINE**

Exhibit 9014

1. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

2. What is your occupation or what kinds of work do you do?

A. I am the Chief of Police for the Yankton Sioux Tribe.

3. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

4. Please state the purpose of your testimony in this proceeding.

A. The purpose of my testimony is to rebut the testimony of TransCanada and its witnesses and to show that TransCanada cannot continue to meet the conditions upon which its original permit was issued. I can provide testimony about the lack of interaction or communication between TransCanada and Tribal law enforcement and emergency response personnel.