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August 21, 2012

Mr. Justin W. Peters, Archaeologist  
Bureau of Land Management  
North Dakota Field Office  
99 23<sup>rd</sup> Avenue West, Suite A  
Dickinson ND 58601-2619

**RECEIVED**

AUG 24 2012

**PUBLIC SERVICE COMMISSION**

ND SHPO Ref: 11-0238C BLM Bakkenlink three reports BLM 12-MT030-234  
"BakkenLink Pipeline: A Class II and Class III Cultural Resource Inventory, Billings,  
Stark, Dunn, McKenzie and Williams Counties, North Dakota"

BLM 12-MT030-235 "Addendum 1 to: Bakkenlink Pipeline: A Class II and III  
Cultural Resource Inventory, Billings, Stark, Dunn, McKenzie and Williams  
Counties, North Dakota"

BLM 12-MT030-236 "Addendum 2 to: Bakkenlink Pipeline: A Class II and Class III  
Cultural Resource Inventory in Billings, Stark, Dunn, McKenzie and Williams  
Counties, North Dakota: Access Roads and Reroutes"

Dear Mr. Peters,

We reviewed ND SHPO Ref: 11-0238C BLM Bakkenlink three reports as detailed above, and find the reports acceptable. We concur with your "No Historic Properties Affected" finding provided the recommendations found on page three of your letter dated August 14, 2012 are followed, (copy attached). We note that BLM did not approve the portion of the route north of Arrow-Midstream, did not review that portion for cultural resources and therefore this letter also does not address that portion of the route north of Arrow-Midstream.

Thank you for the opportunity to review this project to date. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, or [squinnell@nd.gov](mailto:squinnell@nd.gov)

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer (North Dakota)

C: Patrick Fahn, PSC  
C: Kimball Banks, MAC, Bismarck

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PU-10-218 Filed: 8/24/2012 Pages: 5

Letter concurrence - interim cultural resources class II and class III inventory report

State Historical Society of North Dakota

Merlan Paaverud, Jr.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
North Dakota Field Office  
99 23<sup>rd</sup> Avenue West – Suite A  
Dickinson, North Dakota 58601-2619  
<http://www.blm.gov/mt>



In Reply Refer

To:

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12-MT030-234

12-MT030-235

12-MT030-236

August 14, 2012

Mr. Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
Attention: Susan Quinnell  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830



Dear Mr. Paaverud:

Enclosed is three Class II and Class III survey reports; the **Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory**, the **Addendum 1 to: Bakkenlink Pipeline: A Class II and Class II Cultural Resource Inventory**, and the **Addendum 2 to: Bakkenlink Pipeline: A Class II and Class II Cultural Resource Inventory**. This project is located in Billings, Stark, Dunn, McKenzie, and Williams Counties, North Dakota.

**The Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory** is a proposed project that consist of a 160.5 mile long crude oil pipeline located on private surface, US Forest Service, US Army Corps of Engineers, and North Dakota State land. The Bureau of Land Management is the lead Federal Agency for the proposed project. For approximately 162.3 miles of the pipeline the survey right of way or Area of Potential Affect (APE) was 200 feet wide. Therefore, 3,945 acres were intensively inventoried by Metcalf Archaeological Consultants (MAC) from July 20<sup>th</sup> 2011 to February 21<sup>st</sup> 2012. We request that the undertaking be reviewed by your office and please provide any comments on your findings for the project summarized below.

**The Addendum 1 to: Bakkenlink Pipeline: A Class II and Class II Cultural Resource Inventory** documents cultural resource investigations conducted by MAC since from March 2012 and May 2012. This includes numerous reroutes, receipt points, pipe yards, and access roads. This consists of 2,222 acres from the Arrow-Midstream Receipt Facility to the Fryburg Rail Facility. Further survey work was conducted at one site (32WI1238) north of Arrow, and the results are described in this report. The current construction plans have the pipeline originating at the Arrow Receipt Facility and terminating at the Fryburg Rail Facility. This is the "Agency Preferred Alternative" in the Environmental Assessment (EA) that is being written by the BLM. Therefore everything north of Arrow-Midstream would not be approved under the "Mitigated Finding of No Significant Impacts (FONSI)" that is currently being prepared by the BLM. We request that the undertaking be reviewed by your office and please provide any comments on your findings for the project summarized below.

**Addendum 2 to: Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory.**

This report consists of cultural resources surveys for 23 access roads and two centerline reroutes south of the Arrow –Midstream portion of the Bakkenlink pipeline. Most of the roads had been previously developed, and not intensively inventoried. A total of 66.2 acres were surveyed by MAC. We request that the undertaking be reviewed by your office and please provide any comments on your findings for the project summarized below.

**Location:** Billings, Stark, Dunn, McKenzie, and Williams County, in western North Dakota (See reports for maps and exact Township, Section, and Range Locations).

**Results:**

**The Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory:** The Class II and Class III survey documented 62 cultural resource sites. This includes 24 prehistoric isolated finds, 29 prehistoric sites, and 9 historic archaeological and architectural sites. The isolated finds are not considered significant and do not meet the criteria for inclusion into the National Register of Historic Places (NRHP). The statuses of all 29 prehistoric sites remain undetermined and unevaluated for the NRHP. Two of the historic sites have been recommended eligible for the NRHP; these are 32MZ1560 (abandoned segment of US Highway 85), and 32MZ1314 (wagon trail). The Bakkenlink Pipeline (BLPL) will avoid disturbance to all sites on the NRHP, and any site whose eligibility has not been determined. Three prehistoric sites 32MZ2303, MZ2304, and 32MZ1461 cannot be avoided by the BLPL, and they have been unable to find any reroutes. Complete testing plans will be developed for these three sites, all located along the Little Knife River. (No testing or mitigation will be necessary for these three sites under the “Mitigated FONSI”, Addendum 1, see below). MAC also recommends that archeological monitoring be present during construction activities that cross the floodplains of the Little Missouri River due to the possibility of deeply buried cultural deposits. Cultural monitoring is also recommended during construction at the following sites; 32MZ2311, 32MZ2314, 32MZ2316, 32MZ2317, 32WI132, 32WI338, 32WI1238, 32WI1243 (See below, changes to proposed project, Addendum 1).

**The Addendum 1 to: Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory:** The Class II and Class III survey documented 57 cultural resource sites. This includes 35 isolated finds, 16 prehistoric sites, and 6 historic sites. Two previously recorded sites were revisited due to their proximity to the APE; site 32WI2167 was relocated 45 meters from the proposed BLPL centerline, and site 32WI2164 could not be relocated. Shovel tests were conducted at site 32MZ1238, previously recorded during the first survey, to locate any cultural material between two features. Also, shovel tests were conducted at site 32MZ2356 to determine the northern extent of the site. The isolated finds are not considered significant and do not meet the criteria for inclusion into the National Register of Historic Places (NRHP). The historic site, historic US Highway 85, was encountered at two locations (32MZ1560 and 32BI1110). This site has been recommended eligible for the NRHP. These two segments (32MZ1560 and 32BI1110) of this site are recommended to be non-contributing elements due to their lack of integrity. The other four historic sites are recommended as not eligible based on their lack of integrity. The sixteen prehistoric sites have remained unevaluated, and their status for the NRHP has not been determined. Two previously recorded prehistoric sites near the APE, discovered during survey not related to this project, have been determined eligible for the NRHP. This report also states that BLPL does not plan on using the access road it had planned through the Little Missouri National Grasslands.

**Addendum 2 to: Bakkenlink Pipeline: A Class II and Class III Cultural Resource**

**Inventory:** The Class II and Class III survey recorded only one site, 32BI1110. This site was recorded during the previous inventory, and consists of an abandoned segment of US Highway 85. The historic US Highway 85 has been recommended eligible for the NRHP. The portion of this historic site (32BI1110) does not contain integrity of design, workmanship or materials. It is recommended as a non-contributing element to the NRHP eligibility of the highway. The portion in question is intended to be used as an access road, and should not impact the overall eligibility of the site.

**Findings:** *No Historic Properties Affected*, as long as the following recommendations are followed.

**Recommendations:**

Both sites 32MZ2353 and site 32WI1246 need to be fenced off and a BLM approved archaeologist must be present during construction activities.

For the following sites; 32MZ1311, 32MZ1484, 32MZ1647, 32MZ2311, 32MZ 2313, 32MZ2317, 32MZ2351, 32MZ2359, 32MZ2360, 32WI132, 32WI138, 32WI1238, and 32WI1243 the construction Right of Way needs to be necked down, the sites fenced off, and a BLM approved archaeologist must be present during construction activities.

All of the above mentioned sites (32MZ2353, 32WI1246, 32MZ1311, 32MZ1484, 32MZ1647, 32MZ2311, 32MZ 2313, 32MZ2317, 32MZ2351, 32MZ2359, 32MZ2360, 32WI132, 32WI138, 32WI1238, and 32WI1243) must not be disturbed during any construction activities, this includes ground disturbance of any kind.

Site 32WI1238 will not be impacted (BLPL was going between two stone features within the site). This site is north of Arrow-Midstream, and no construction will take place under the current "Mitigated FONSI". It was also recommended that sites 32MZ1461, 32MZ2303, and 32MZ2304 be tested and possibly mitigated. The the Dunn Lateral is not part of the current construction plans for 2012, and are not part of the "Mitigated FONSI". If the Dunn lateral is constructed then these three sites must be tested and if necessary mitigated prior to any construction activities.

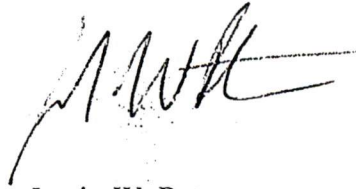
Cultural monitoring by a BLM approved archaeologist must be present during construction trenching in the Little Missouri River floodplain (bottomlands).

If BLPL plans to use the two-track road through the Little Missouri National Grassland (see report for location) then sites 32MZ1311, 32MZ1312, 32MZ1313, 32MZ1314 need to be evaluated and if necessary mitigated before any construction activities take place on the road, and before the road is utilized by BLPL.

If a representative of any consulted Tribal Nation wants to be present at a site or Traditional Cultural property (TCP) during construction activities within the APE of that site or TCP, then no ground disturbing activities can take place until the tribal representative is present.

If you have any questions regarding the above referenced project please contact Justin W. Peters (North Dakota Zone Archaeologist) at (701) 227-7742, or by E-mail at [jwpeters@blm.gov](mailto:jwpeters@blm.gov).

Sincerely,



Justin W. Peters  
North Dakota Zone Archaeologist

You should have copies of these three reports (let me know if you need any additional ones), sent to your office by MAC:

BLM Report Number 12-MT030-234, Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory, Billings, Stark, Dunn, McKenzie, and Williams Counties, North Dakota.

BLM Report Number 12-MT030-235, Addendum 1 to: Bakkenlink Pipeline: A Class II and Class II Cultural Resource Inventory, Billings, Stark, Dunn, McKenzie, and Williams Counties, North Dakota.

BLM Report Number 12-MT030-236, Addendum 2 to: Bakkenlink Pipeline: A Class II and Class II Cultural Resource Inventory, Billings, Stark, Dunn, McKenzie, and Williams Counties, North Dakota.