

August 27, 2012

VIA HAND DELIVERY

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RECEIVED

AUG 27 2012

PUBLIC SERVICE COMMISSION

**RE: BAKKENLINK PIPELINE, LLC
8- and 12-INCH CRUDE OIL PIPELINE
– CASE NUMBER PU-10-218**

Dear Mr. Nitschke:

On July 24, 2012, BakkenLink Pipeline, LLC (“BakkenLink”) filed with the North Dakota Public Service Commission (“Commission”) a request for approval of a modification to the route and corridor approved in the above-referenced matter. In further support of its request, BakkenLink submits herewith Bakkenlink’s Addendum 2 to Bakkenlink Pipeline: A Class II and Class III Cultural Resource Inventory, the Bureau of Land Management’s finding of “No Historical Properties Affected”, and the North Dakota State Historical Society letter of concurrence.

Enclosed are ten (10) copies of this letter and the above-noted documents, as well as a CD containing the enclosed documents in electronic format. If you have any questions or need any additional information, please let me know.

Sincerely,


LAWRENCE BENDER

LB/jrr
Enclosures

cc: Mr. Patrick Fahn (*w/ encl. - via hand delivery*)
Mr. Darren Snow (*w/ encl. - via e-mail*)
Mr. Rich Voss (*w/ encl. - via e-mail*)
Mr. Steve Griesser (*w/ encl. - via e-mail*)
Mr. Jame L. Todd (*w/ encl. - via e-mail*)

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Bismarck, N
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90 PU-10-218 Filed: 8/27/2012 Pages: 11
**Addendum 2 to request for approval of modification
to route and corridor**



Addendum 2

Submitted by Metcalf Archaeological Consultants, Inc.
 PO Box 2154, Bismarck, North Dakota 58502
 Phone: (701) 258-1215, Email: macnodak@metcalfarchaeology.com

1. **Report Title:** Addendum 2 to BakkenLink Pipeline: A Class II and Class III Cultural Resource Inventory in Billings, Stark, Dunn, McKenzie, and Williams County, North Dakota: Access Roads and Reroutes
2. **Author:** Andrea Kulevsky
3. **Report Date(s):** July 2012
4. **Fieldwork Date:** July 9-11, 2012
5. **Acreage:** 66.2
6. **Project Sponsor:** Bartlett & West Engineering, Bismarck, North Dakota
7. **Historic Context (Study Unit):** The Little Missouri Study Unit (Unit #6) and the Heart River Study Unit (Unit #4)
8. **Legal Description/Location of Project Area:** The legal locations of this undertaking can be found in Table 1.

Table 1: Summary of Cultural Resources Investigations							
Description			Study Unit	Survey Intensity	Map	Results	Comments
Access Road			LM	Class II	1	NCM	
Access Road			LM	Class II	1	NCM	
Access Road			LM	Class II	1	NCM	
Reroute			LM	Class III	1	NCM	
Access Road			LM	Class II	2	NCM	
Access Road			LM	Class II	2	NCM	
Access Road			LM	Class II	2	NCM	
Access Road			LM	Class II & III	3	NCM	
Access Road			LM	Class II	4	NCM	
Access Road			LM	Class II	5	NCM	
Access Road			LM	Class II & III	5	NCM	
Access Road			LM	Class II	5	NCM	
Access Road			LM	Class II	6	NCM	
Access Road			LM	Class II & III	7	NCM	
Access Road			LM	Class II	7	NCM	
Access Road			LM	Class III	8	NCM	
Access Road			LM	Class II	9	32BI1110	

Addendum 2

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Table 1: Summary of Cultural Resources Investigations							
Description			Study Unit	Survey Intensity	Map	Results	Comments
Access Road			LM	Class III	10	NCM	
Access Road			LM	Class III	10	NCM	
Access Road			LM	Class II	11	NCM	
Access Road			HE	Class II	12	NCM	
Access Road			HE	Class II & III	12	NCM	
Reroute			HE	Class II	13	NCM	
Access Road			HE	Class II & III	13	NCM	
Access Road			HE	Class II & III	14	NCM	

9. **Description of Project:** This addendum details the results of continuing cultural resources investigations associated with the BakkenLink Pipeline project (Kulevsky and Stine 2012, Kulevsky 2012). Detailed herein are the results of surveys for 23 access roads and two centerline reroutes. Most of the access roads are developed roads and were not intensively inventoried. The survey right-of-way (ROW) for the access roads that were intensively inventoried was 150 feet. One of the pipeline reroutes includes two potential routes as it had not been determined at the time of the survey which of the two would be used. The survey ROW for the pipeline reroutes was 200 feet.
10. **Records Search:** Files searches for this undertaking have been reported elsewhere and are not repeated here (Kulevsky and Stine 2012).
11. **Field Personnel:** These inventories were conducted by Andrea Kulevsky, Cat Cael, and Jeremiah Hull. Dr. Kimball Banks, PhD., served as principal investigator.
12. **Field Methods and Conditions:** The cultural resource inventory conformed to *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects* (SHSND 2012) and followed the methodology used on the previous cultural resource inventories conducted for the BakkenLink pipeline (Kulevsky and Stine 2012, Kulevsky 2012).

Some areas included in this addendum were inventoried at a Class II (reconnaissance) level. These areas included those of low potential to contain cultural resources (e.g. level, plowed plains, wetlands, or developed access roads). The remaining areas were surveyed at a Class III, intensive pedestrian, level. The intensive inventory focused on areas with moderate to high probability for cultural resources (i.e. overlooks, near water, etc.) and employed a pedestrian transect methodology with transects spaced no more than 15 meters apart.

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The APE boundaries were mapped using a hand-held GPS unit. Field conditions were documented with digital photographs (Figures 1-4) and detailed in field notes. All electronic and paper records are on file at the MAC Bismarck office.

13. **Results and Recommendations:** Only one cultural resource was recorded during this addendum work, 32BI1110. Site 32BI1110 was recorded during the additional inventory and consists of an abandoned segment of US Highway 85. US Highway 85 has been recommended eligible for the National Register (see Fandrich 2002).

Other segments of the highway in Billings and McKenzie counties have been recorded for both this undertaking and other, unrelated projects. The segment herein is just south of another segment recorded for this undertaking (Kulevsky 2012:19) and is essentially the same as described in the original site form. The road has been abandoned for a significant period of time as the pavement is broken up, has severe cracks in the asphalt, and is overgrown with vegetation. The bed is in particularly poor shape where it crosses ephemeral drainages and culverts. This portion of US Highway 85 does not retain good integrity of design, workmanship, or materials and is recommended as a *non-contributing element* to the eligibility of the highway. The segment herein recorded is intended for use as an access road during the construction of the BakkenLink pipeline. Such use should not impact the eligibility of the highway.

14. References Cited

Fandrich, B.

2001 32MZ1560 site form; on file at the State Historical Society of North Dakota, Bismarck.

Kulevsky, Andrea and Ed Stine

2012 BakkenLink Pipeline: A Class II and Class III Cultural Resource Inventory in Billings, Stark, Dunn, McKenzie and Williams County, North Dakota. Manuscript on file at the State Historical Society of North Dakota, Bismarck.

Kulevsky, Andrea

2012 Addendum 1 to: BakkenLink Pipeline: A Class II and Class III Cultural Resource Inventory in Billings, Stark, Dunn, McKenzie and Williams County, North Dakota. Manuscript on file at the State Historical Society of North Dakota, Bismarck.

State Historical Society of North Dakota (SHSND)

2008 *The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component* <http://history.nd.gov/hpforms.html>.

2012 *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects.* <http://history.nd.gov/hp/PDFinfo/ND%20SHPO%20Guidelines%20Manual.pdf>.

Addendum 2
Map and Photo Section



Figure 1: Typical improved access road [REDACTED]
[REDACTED] (Image 7-9-12-138).



Figure 2: Typical unimproved access road [REDACTED]
[REDACTED] (Image 7-9-12-146).

Addendum 2
Map and Photo Section



Figure 3: Reroute [REDACTED] (Image 7-9-12-141).



Figure 4: View to the south at 32BI1110 (Image 7-9-12-157).



United States Department of the Interior

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



In Reply Refer
To:
8100-R
12-MT030-234
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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 20th 2011 to February 21st 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 (32W11238) 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 II 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.

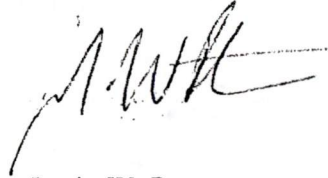
Cultural monitoring by a BLM approved archaeologist must be present during construction trenching in the Little Missouri River floodplain (bottomlands).

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. W. Peters', with a long horizontal stroke extending to the right.

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.



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August 21, 2012

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

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

Sincerely,

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

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