

## **APPENDIX D**

### **PROGRAMMATIC AGREEMENT AMONG THE U.S. DEPARTMENT OF STATE, NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE VANTAGE PIPELINE PROJECT**

## **Programmatic Agreement**

Among

The U.S. Department of State,  
North Dakota State Historic Preservation Office, and  
The Advisory Council on Historic Preservation  
Regarding the Vantage Pipeline Project

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

**WHEREAS**, on November 15, 2010, Vantage Pipeline US LP (Vantage, or the Applicant) applied to DOS for a Presidential Permit for the construction, operation, and maintenance of facilities associated with the Vantage Pipeline (Project) at the United States-Canada border; and

**WHEREAS**, Vantage, subsequent to submitting the application to DOS, initiated the gathering of background documentation, including cultural resource and archaeological information; and

**WHEREAS**, DOS has determined that the issuance of a Presidential Permit for the Project triggers review consistent with Section 106 of the National Historic Preservation Act (NHPA) (16 United States Code (U.S.C.) 470f, as amended) and its implementing regulations, “Protection of Historic Properties,” (36 Code of Federal Regulations (C.F.R.) Part 800); and

**WHEREAS**, DOS is committed to establishing and maintaining a positive and productive government-to-government relationship with the Indian tribes of the United States, including the Consulting Indian tribes for this Programmatic Agreement (PA); and

**WHEREAS**, the Project consists of the construction of approximately 79.8 miles of 10-inch-diameter high vapor pressure pipeline, including ancillary facilities, in Williams and Divide Counties, North Dakota, that will transport ethane from Tioga, North Dakota, to the Alberta Ethane Gathering System in Alberta, Canada, as described in Attachment A; and

**WHEREAS**, DOS determined that the Project’s Area of Potential Effects (APE) for effects to historic properties consists of a 300-foot-wide survey area that includes a 70-foot-wide construction corridor and a 30-foot-wide permanent right-of-way. The 300-foot-wide corridor would allow for minor adjustments or route variations as needed. Additional temporary work space, access roads, and ancillary facilities (e.g., yards) that lie outside of the proposed survey corridor are also part of the proposed APE. The APE for indirect effects to historic properties was defined as 0.25 mile around any above-ground ancillary structure; and

**WHEREAS**, DOS, in consultation with the North Dakota State Historic Preservation Office (SHPO) and Consulting Indian tribes, determined that the APE for properties of religious and cultural significance to tribes is the portion of the pipeline APE for direct effects to historic properties that lies in grasslands, where aligned stone features remain relatively intact. Land that has been repeatedly plowed, planted, and harvested does not retain sufficient integrity of stone

alignments, which are the prevalent type of property of religious and cultural significance to Indian tribes ancestral to the region, to be evaluated for National Register of Historic Places (NRHP) eligibility; and

**WHEREAS**, DOS has determined that a PA consistent with 36 C.F.R. § 800.14 is appropriate for the Project because the identification of historic properties within the APE that may be affected by the undertaking, the assessment of effects, and consultation to resolve adverse effects on historic properties will not be completed prior to the issuance of a Presidential Permit; and

**WHEREAS**, consistent with 36 C.F.R. §§ 800.4(b)(2) and 800.5(a)(3), this PA establishes the process by which DOS will complete the identification, evaluation, and assessment of Project effects on historic properties, including eligible properties of religious and cultural significance to tribes; and

**WHEREAS**, DOS initiated consultation with the SHPO by sending the Deputy State Historic Preservation Officer a December 16, 2011 letter providing a description of the Vantage Project and authorizing Vantage to consult directly with the agency; and the SHPO subsequently participated in meetings and tribal consultations; and

**WHEREAS**, Vantage, the Project proponent, has participated in consultation and has been invited by DOS consistent with 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign this PA as an Annex II Signatory, as defined in Stipulation III; and

**WHEREAS**, DOS initiated consultations by letter dated December 16, 2011 (see Attachment B) sent to the Tribal Historic Preservation Officers (THPOs) and Chairpersons or their equivalents of the following Indian tribes, which provided information about the Vantage Project and invited the tribes to consult: the Apsaalooke Crow Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau Santee Sioux Tribe, Fort Peck Assiniboine and Sioux Tribes, Lower Brule Sioux Tribe, Lower Sioux Indian Community – Minnesota, Northern Cheyenne Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Santee Sioux Tribe of Nebraska, Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community – Minnesota, White Earth Nation, and Yankton Sioux Tribe. Subsequent to the initial invitations, DOS sent a February 14, 2012 letter to the Northern Arapaho Tribe, and a March 8, 2012 letter to the Cheyenne and Arapaho Tribes inviting them to participate in consultation for the Project; and

**WHEREAS**, the Lower Brule Sioux Tribe and the Lower Sioux Indian Community – Minnesota informed DOS that they would not participate in consultation for the Project, but would like to stay informed, and the Flandreau Santee Sioux Tribe, Spirit Lake Tribe, the Upper Sioux Community – Minnesota, and the White Earth Nation did not respond to DOS communications, and the Northern Arapaho Tribe expressed interest but deferred consultation to the other Consulting Indian tribes; and

**WHEREAS**, DOS hosted a consultation meeting, consistent with DOS practice, in New Town, North Dakota on March 21 – 22, 2012 attended by the Fort Peck Assiniboine and Sioux Tribes, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Apsaalooke Crow Tribe, Northern

Cheyenne Tribe, Sisseton-Wahpeton Oyate, Standing Rock Sioux Tribe, Three Affiliated Tribes, and the Yankton Sioux Tribe, and in which SHPO participated; and

**WHEREAS**, DOS made a field visit to the Project location in Divide County, North Dakota on July 10, 2012 with representatives of the Standing Rock Sioux Tribe and the Sisseton-Wahpeton Oyate; and DOS hosted a consultation meeting, consistent with DOS practice, on July 11, 2012 in Minot, North Dakota that had limited attendance; and

**WHEREAS**, DOS hosted another consultation meeting, consistent with DOS practice, on January 14, 2013 in Bismarck, North Dakota and the Apsaalooke Crow Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux, Fort Peck Assiniboine and Sioux Tribes, Northern Cheyenne Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, the Yankton Sioux Tribe, SHPO, and Advisory Council on Historic Preservation (ACHP) attended; and

**WHEREAS**, DOS hosted another consultation meeting, consistent with DOS practice, in Bismarck, North Dakota on February 8, 2013 to review and provide comments on the Draft PA, attended by the Fort Peck Assiniboine and Sioux Tribes, the Three Affiliated Tribes, the Yankton Sioux Tribe, the Cheyenne River Sioux Tribe, the Northern Cheyenne Tribe, the Sisseton-Wahpeton Oyate, the Rosebud Sioux Tribe, the Turtle Mountain Band of Chippewa Indians, and the Standing Rock Sioux Tribe, as well as SHPO and ACHP; and

**WHEREAS**, since consultations, consistent with DOS practice, began in December 2011, the Santee Sioux Tribe of Nebraska and the Cheyenne and Arapaho Tribes did not attend meetings but participated in conference calls, provided written comments by letter or email, or provided comments by telephone; and

**WHEREAS**, the Apsaalooke Crow Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Fort Peck Assiniboine and Sioux Tribes, Northern Cheyenne Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Santee Sioux Tribe of Nebraska, Sisseton-Wahpeton Oyate, Cheyenne and Arapaho Tribes, Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa Indians, and Yankton Sioux Tribe, have actively participated in consultation, consistent with DOS practice, for the Project, and are considered “Consulting Indian tribes” for the purposes of this PA and are invited to sign the agreement as Annex II Signatories, as defined in Stipulation III; and

**WHEREAS**, DOS did not receive public comments regarding cultural resources following publication of the Project in the Federal Register in January 11, 2011, August 19, 2011, and May 3, 2012; or following the August 19, 2011 publication of a *Notice of Intent to Prepare an Environmental Assessment* for the Project sent to stakeholders, landowners, elected officials, newspapers, and libraries; or following the May 3, 2012 issuance of the Environmental Assessment sent to the same entities; and

**WHEREAS**, no other stakeholders in the Project came forward, and DOS did not receive inquiry or interest from any other stakeholders during the publication of the Project; therefore, no public meetings or further public outreach were warranted; and

**WHEREAS**, Vantage completed a Class III cultural resources inventory survey for the Project APE in order to identify historic properties. Vantage committed to avoid impacts to all properties identified as eligible for the NRHP, or properties unevaluated for eligibility, by rerouting the pipeline, narrowing the construction corridor, abandoning the route, or boring or drilling under the property; and

**WHEREAS**, DOS consulted with Indian tribes at the March 20 – 21, 2012 meetings in New Town, North Dakota, and DOS determined that the Class III survey was not sufficient in the identification of properties of religious and cultural significance to Indian tribes, and there was need for further survey work to identify properties of religious and cultural significance to Indian tribes, and further, the APE for properties of religious and cultural significance for Indian tribes was determined to be the 300-foot pipeline survey corridor located in unbroken grassland on the pipeline route, determined by Vantage to be a total of 23.59 miles of uncultivated land; and

**WHEREAS**, Vantage procured the services of a professional who was recommended by the tribes who conducted a survey for properties of religious or cultural significance to Indian tribes, completing approximately 4 miles of the 23.59 miles of the APE for properties of religious and cultural significance. Approximately 19.59 miles remains to be surveyed under the terms of this PA (see Attachment C for details); and

**WHEREAS**, DOS formally initiated communication with the ACHP on August 4, 2012, and the ACHP, after providing informal guidance to DOS and consulting parties in 2012 and early 2013, notified DOS of its intention to formally enter Section 106 consultation for the undertaking on February 14, 2013; and

**NOW, THEREFORE**, DOS, the SHPO, and the ACHP, agree that the following stipulations will be implemented in order to take into account the effect of the Project on historic properties.

## **STIPULATIONS**

DOS, in coordination with Vantage, will ensure that the following measures are carried out:

### **I. FEDERAL AGENCY RESPONSIBILITIES**

- A. DOS will incorporate this PA into its decisional process on any Presidential Permit it may issue for the Project and any permit it issues on the Project will include a condition that Vantage abide by its commitments under this PA.
- B. DOS reserves the right to seek qualified independent expert consultation through a third-party contractor in order to fulfill its responsibilities under this PA.
- C. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct 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; 36 C.F.R. Part 61 (Appendix

A)). 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 DOS and in consultation with Consulting Indian tribes, when identifying, evaluating, and treating properties of religious and cultural significance to tribes.

D. For identification and evaluation studies, and treatment measures required under the terms of this PA, including but not limited to stipulations V–VI, DOS will require that these studies and treatment measures take into account the following directives and guidance, as appropriate:

- a. the ACHP’s Section 106 Archaeology Guidance (2007);
- b. the ACHP’s Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects (February 23, 2007);
- c. applicable SHPO guidance and standards, “North Dakota SHPO Guidance Manual for Cultural Resource Inventory Projects”;
- d. the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-42, September 29, 1983) with additional guidance from 36 C.F.R. Part 800 (as amended through August 5, 2004) concerning tribal properties of religious and cultural significance and the National Register Bulletins No. 38 and No. 41. noted below;
- e. the “Treatment of Archaeological Properties” (ACHP 1983);
- f. the “Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects” (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
- g. Native American Graves Protection and Repatriation (NAGPRA) Regulations (43 C.F.R. 10);
- h. ACHP, National Park Service, National Association of Tribal Historic Preservation Offices “Tribal Consultation: Best Practices in Historic Preservation” (May 2005);
- i. National Register Bulletin No. 41, “Guidelines for Evaluating and Registering Cemeteries and Burial Places”;
- j. National Register Bulletin No. 38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties”;
- k. North Dakota Century Code (NDCC) §23-06-27 and administrative rules North Dakota Administrative Code (NDAC) Chapter 40-02-03;
- l. Executive Orders 11593, 12898, 13007, 13175, and 13827; and

m. Traditional Indian cultural protocols.

## II. CONFIDENTIALITY<sup>1</sup>

- A. DOS, the SHPO, the ACHP, and Vantage 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, as requested by Consulting Indian tribes, and in accordance with Section 304 of NHPA, 16 U.S.C. § 470w-3, and other applicable laws.
- B. Any information provided by Indian tribes regarding properties of religious or cultural significance to Indian tribes will be treated as sensitive and confidential. All hard copies, including maps, will include the words “Confidential – Do Not Disclose (not U.S. Government Classified)” on each page. Hard copies will be stored in a secure location when not in use. Digital information, including GIS shapefiles, will be stored in a password protected location, with access limited to need-to-know parties. For those with limited access, digital information will not be stored or saved on a publically accessible server. When the PA ceases to be in force, Vantage will poll all parties, gather all confidential information, and return it to the tribes at a meeting convened for that purpose.
- C. The State Historical Society of North Dakota (SHSND)/SHPO will retain location information about tribal properties identified during the project, in keeping with its mission to identify and maintain inventories of historic properties (Section 101 of NHPA, 16 U.S.C. 470a(b), NDCC § 55-02-07.1, and NDCC § 55-10-11). Information regarding the location or significance of specific historic properties of tribal cultural or religious significance provided to SHSND/SHPO in the course of the Project will, upon request by one or more tribes, be treated as information subject to Section 304 of the National Historic Preservation Act and 36 CFR § 800.11(c), as well as applicable state law.

## III. DEFINITIONS

Annex I Signatory: Consistent with 36 C.F.R. § 800.6(c)(1), DOS, the SHPO, and the ACHP, upon execution this agreement, will have the right to terminate this agreement pursuant to section XIII of this agreement. No other signatory will enjoy the right to terminate this agreement.

Annex II Signatory: DOS has invited Vantage and the Consulting Indian tribes to be signatories to this PA consistent with 36 C.F.R. § 800.6(c)(3). An Annex II Signatory does not enjoy the right to terminate this agreement pursuant to section XIII of this agreement or otherwise. The

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<sup>1</sup> “Sensitive” and “Confidential” as used in the PA are not the same as U.S. government “Sensitive But Unclassified,” “Confidential,” or any other U.S. government classification.

refusal of any Annex II Signatory to sign this agreement does not invalidate this agreement. The withdrawal of an Annex II Signatory from this agreement does not invalidate or terminate this agreement.

Class III Cultural Resources Inventory Survey: A systematic, detailed field inspection done by, or under the direct supervision of a professional archaeologist or other historic preservation specialist, preceded by a literature search and background study, with the intention of identifying historic properties that might be impacted by an undertaking. (More fully described in “North Dakota SHPO Guidance Manual for Cultural Resource Inventory Projects” (Revised Edition, 2012), <http://www.history.nd.gov/hp/PDFinfo/NDSHPO%20Guidelines%202012.pdf>).

Consultation: Consistent with 36 C.F.R. § 800.2(c)(ii)(C), is a meeting, either in-person, by conference call, electronic, or other means, between an authorized agency official and a representative(s) of an Indian tribe(s) designated or identified by the tribal government. This DOS definition does not prejudice the individual Indian tribes’ definitions of Government-to-Government Consultation.

Consulting Indian tribes: Indian tribes that have consultative roles in the Section 106 process, as defined in 36 C.F.R. § 800.2(c), and have participated in tribal consultation for the Project, whether they have chosen to become signatories or not.

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

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

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 NRHP and more fully described in 36 C.F.R. Part 60 and 36 C.F.R. § 800.16(1)(2), and National Register bulletins.

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

Environmental Assessment: An analysis of a major federal action’s environmental impacts conducted consistent with National Environmental Policy Act (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 NRHP criteria (see 36 C.F.R. § 800.16(1)(a)).

Properties of Religious and Cultural Significance Survey Work: Sec. 110(a)(2)(D) of the NHPA states that properties of traditional religious and cultural importance to Indian tribes, as identified and evaluated by tribal members with traditional cultural knowledge, may be eligible for the NRHP.

Tribal Monitors: Individuals selected and qualified by Consulting Indian Tribes to monitor clearing and construction operations so that historic properties and unanticipated discoveries described herein might be identified.

Tribal Monitoring Plan: A plan (more fully described in Stipulation V.E.) that provides procedures for hiring, training, and supervising Project tribal monitors during the construction phase of the Project.

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

#### **IV REVIEW OF DETERMINATIONS AND TREATMENT PLANS**

##### **A. Initiation of Review**

Pursuant to the procedures set forth in Stipulation V, DOS will afford Annex I Signatories, Annex II Signatories, and Consulting Parties an opportunity to consult on the determinations of eligibility, and the evaluation and resolution of adverse effects to historic properties that have been identified to date and those identified at a later date. This consultation will include identification and evaluation of historic properties of religious and cultural significance to Consulting Indian tribes, and, if required, review of Treatment Plans prepared for adversely affected historic properties. Review periods are stipulated below.

##### **B. Procedure Following the Review Period**

1. Subsequent to the procedures outlined in Stipulation V.B, Annex I Signatories, Annex II Signatories, and Consulting Parties have fourteen (14) calendar days to review determinations, Treatment Plans, and requests for consultation. The starting date for a review period is established by the date of transmittal of electronic correspondence by DOS for the respective review.
2. If no comments from Annex I Signatories, Annex II Signatories, or Consulting Parties are received within the review period established by DOS following a determination of eligibility or effect, distribution of a plan for review, or a request for consultation, DOS may proceed with the next step in the review process.

### **C. Tribal Coordination with Vantage**

For the purposes of sharing information, Vantage can coordinate directly with the Consulting Indian tribes by providing information to them regarding the review of determinations of eligibility and effects to historic properties, fieldwork reports, Treatment Plans, or other reports, plans, or communications. Vantage will convey to DOS the content and timing of its direct coordination efforts.

## **V. VANTAGE PIPELINE PROJECT**

### **A. Background**

1. Following Vantage's completion of a Class III cultural resources inventory survey along the APE and DOS consultation with Indian Tribes in March 2012, DOS determined that the Class III survey was insufficient for the identification of property with cultural or religious significance for the Indian tribes. DOS determined the APE for properties of religious or cultural significance for Indian tribes to be the 300-foot pipeline survey corridor over unbroken grassland amounting to 23.59 miles of uncultivated land.
2. Vantage then hired a professional, recommended by the Indian tribes, to conduct a survey for religious or culturally significant properties over the 23.59 mile APE. This professional has completed work over approximately 4 miles; some 19.59 miles have not been surveyed for properties of religious or cultural significance to Indian tribes. Thus, DOS has determined that religious and cultural property identification efforts remain incomplete.
3. Pursuant to the procedures set forth under Stipulation V.C, Vantage will avoid previously identified historic properties or sites treated as historic properties. Vantage will likewise avoid impacting newly identified sites of cultural or religious significance pursuant to the procedures set forth under Stipulation V.C.

### **B. Identification and Evaluation of Historic Properties**

1. DOS, with assistance from Vantage and in consultation with the SHPO and Consulting Parties, will complete the identification and/or evaluation of historic properties in the APE, including historic properties to which Indian tribes attach religious and cultural significance that have already been identified, and those that may be identified during additional work, during construction monitoring conducted pursuant to Stipulation V.E., or as a result of post-review discovery. For those areas that have been surveyed prior to the signing of the PA, but whose specific sites have not been identified by geographic locators adequate for avoidance decisions, DOS may stipulate that further survey is required. For those areas that cannot be surveyed for any reason, construction monitoring conducted pursuant to Stipulation V.E may serve as a substitute for a survey. DOS will assess effects, and resolve any adverse

effects to those historic properties according to the protocols set forth in the following stipulations.

2. Vantage will retain a contractor to facilitate and organize, in collaboration with a working group composed of representatives of the Consulting Indian tribes, a survey of properties of religious and cultural significance to Indian tribes. The contractor will work with the Consulting Indian tribes to develop a Scope of Work and a Work Plan for the methodology, implementation, and reporting of the survey. Vantage will provide to DOS, the SHPO, and the ACHP copies of the Scope of Work and Work Plan as they are completed, but no later than one (1) month following execution of this PA. Disputes arising from Scope of Work or Work Plan development shall be resolved in accordance with Stipulation X.
3. For sites that Vantage or DOS treats as eligible, but have not been determined as eligible for inclusion on the NRHP, that may be adversely affected by Project construction and/or operation, two options are possible:
  - a. For sites treated as eligible for inclusion on the NRHP, Vantage may choose avoidance in accordance with Stipulation V.C.1.
  - b. For sites treated as eligible for inclusion on the NRHP for which Vantage cannot or does not choose avoidance, DOS will seek expert assistance in making a determination of eligibility, including by consulting with Annex I Signatories and the Consulting Indian tribes to this agreement. For those sites determined to be eligible, Vantage will comply with Stipulation V.C.2–4.
4. Subject to confidentiality concerns, DOS will develop and maintain a summary of the results of all identification and evaluation fieldwork, and determinations of eligibility and effect completed after the PA is in effect to update the Section 106 documentation for this Project.
5. DOS will distribute the summary described in Stipulation V.B.4 to the Annex I Signatories, Annex II Signatories, and Consulting Parties within ninety (90) days of the execution of this PA and every ninety (90) days thereafter or on a more frequent basis if requested by Vantage.
6. Following the completion of any inventories, testing, or other Project activities under Stipulation V.B.1., Vantage will submit to DOS a draft cultural resource report for review. Vantage will submit the report to the SHPO for its review and comments. Vantage will submit the same report to the Consulting Parties, who will have fourteen (14) days to review and comment. DOS will take into account any timely comments from SHPO and Consulting Parties prior to approving a final version of the report.
7. Vantage will provide Tribal Monitors access to clearing and construction activities throughout the APE for the duration of work to be completed under this PA in case of unanticipated discoveries during construction described in Stipulation VI.

### **C. Treatment of Historic Properties**

1. Whenever feasible, Vantage will avoid adverse effects to historic properties or sites treated as eligible as the preferred treatment, providing a minimum 45-foot buffer between the site boundary and construction activity. Potential methods of avoidance include but are not limited to:
  - a. Avoidance by route variation or above ground Project facility relocation within the APE;
  - b. Avoidance by abandoning the selected pipeline route or above-ground facility location, and selecting a new route or relocating the above-ground project facility outside the APE;
  - c. Avoidance by narrowing the construction corridor (“necking down”);
  - d. Avoidance through boring or horizontal directional drilling (HDD).
2. When historic properties and sites that are treated as eligible are identified in the APE pursuant to Stipulation V.B, DOS will apply criteria of adverse effect consistent with 36 C.F.R. § 800.5(a) in consultation with the SHPO and other Consulting Parties. If DOS finds that historic properties or sites treated as eligible within the APE may be adversely affected by actions covered under this PA, DOS will consult with the SHPO and Consulting Parties, and, within fourteen (14) days, DOS will determine prudent and feasible ways to avoid adverse effects. Once DOS approves avoidance measures, Vantage will implement those measures.
3. If, after complying with V.B.3.b as appropriate, DOS determines that the adverse effect cannot be avoided, DOS will consult with the SHPO and Consulting Parties to determine the appropriate measures, to be implemented and documented by Vantage, to minimize and mitigate adverse effects on affected historic properties identified within the APE.
4. Vantage will draft a comprehensive Treatment Plan for each adversely affected historic property or sites treated as eligible. The Treatment Plan will describe the measures identified by DOS, in consultation with the SHPO and Consulting Parties, under Stipulation V.C.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the procedures for executing mitigation measures, and an implementation schedule.

### **D. Coordination Plan**

1. In the event that the identification and evaluation of historic properties of religious and cultural significance to Indian tribes is not completed or treatment plans to resolve adverse effects to historic properties have not been completed prior to the

initiation of construction activities by Vantage, Vantage will develop and submit a Project-wide Coordination Plan to DOS for review and approval.

- a. This plan will describe measures that will be implemented to ensure that adverse effects are avoided pending the completion of identification and evaluation of cultural resources and historic properties, and the execution of treatment plans. This Coordination Plan, for instance, may utilize construction exclusion zones, so that construction activities or construction-related activities will not occur in, or immediately adjacent to, areas where investigations to identify and evaluate cultural resources, and/or steps to treat historic properties have yet to be completed.
- b. In addition, the plan will include a timeframe for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Stipulation VI, as appropriate.
- c. Once DOS has received the Coordination Plan from Vantage, it will make the plan available to Annex I Signatories, Annex II Signatories, and Consulting Parties for a fourteen (14)-day review period (from date of transmittal to all parties by DOS). DOS will take into account timely comments received and may make appropriate modifications prior to approving the plan for implementation. The DOS-approved Plan will be incorporated into all construction documents and implemented accordingly.

#### **E. Tribal Monitoring Plan**

1. Prior to initiating vegetative clearing or construction within any portion of the APE, Vantage will submit a written request to DOS and obtain a written notice from DOS to proceed. Such request will include a Tribal Monitoring Plan prepared by Vantage and submitted to DOS for review and approval.
  - a. The Tribal Monitoring Plan will apply throughout the APE. The Tribal Monitoring Plan will outline the protocols for tribal monitor participation and will comply with Stipulation VI pertaining to unanticipated discoveries. The Tribal Monitoring Plan also must include provisions V.E.1.a.i. through V.E.1.a.iv.:
    - i. Tribal monitors will be present at the commencement of grading and trenching activities throughout the entire APE. The tribal monitors will provide assistance with the identification of previously unidentified historic properties that hold significance to Indian tribes.
    - ii. During grading and trenching, Vantage will retain one tribal monitor and one tribal monitor alternate who will be available when the primary tribal monitor is not available to perform his/her duties.

- iii. Tribal monitors are part of the construction team and, as such, they 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 as required by Vantage's safety protocols.
  - iv. In the event that tribal monitors identify suspected historic properties during Vantage's grading and trenching activities, tribal monitors will immediately inform Vantage of that discovery and Vantage will cease clearing or construction operations in accordance with stipulation VI.
- b. After DOS receives and reviews the plan, DOS will make the Tribal Monitoring Plan available to Annex I Signatories, Annex II Signatories, and Consulting Parties for a fourteen (14)-day review period. DOS will provide any necessary revisions to the plan and written notice to proceed with construction within thirty (30) days following the close of the fourteen (14)-day review period has ended. DOS will take into account timely comments received from any Annex I Signatory, Annex II Signatory, or Consulting Party prior to approving the plan for implementation. The DOS-approved plan will be prepared prior to construction and incorporated into the appropriate construction documents and implemented accordingly.
  - c. Vantage will implement the DOS-approved Tribal Monitoring Plan for the Project. The Plan will stipulate that a weekly tribal monitoring report will be submitted to DOS.
  - d. Tribal Monitoring will be performed by individuals who meet the qualification standards for archaeology established in Stipulation I.C.

## **F. Construction**

1. Training: In consultation with DOS, Vantage will ensure that an appropriate level of training is provided to key personnel regarding historic preservation, the identification of cultural resources, and the terms of this PA so that project personnel and contractors understand the importance of cultural resources and the need quickly to address unanticipated discoveries. This training will be conducted by a professional who meets the standards established in Stipulation I.C.
2. Construction Contract: Vantage will incorporate the terms of Stipulation VI into all construction documents to ensure that its archaeologist and construction contractors meet their notification responsibilities following any unanticipated discoveries.

## **G. Scheduling**

DOS may authorize the start of vegetative clearing and construction for any area of the APE, when the plans prepared in accordance with Stipulations V.C., V.D., and V.E., as

appropriate, have been submitted by Vantage and approved by DOS in accordance with the terms of this PA. DOS will notify SHPO and ACHP of such authorizations.

## **VI. UNANTICIPATED DISCOVERIES DURING CONSTRUCTION**

- A. Unanticipated Discoveries (not including human burials, remains, or funerary goods which are covered in Stipulation VI.B.) will be treated in accordance with the following protocols, consistent with 36 C.F.R. Part 800.13(b).
1. If suspected cultural resources (including but not limited to structural ruins, prehistoric/historic artifacts, buried hearths or pits, etc.) are encountered unexpectedly, or unanticipated effects occur to historic properties or properties treated as eligible, during the course of Project activities, Vantage will halt activities within 50 feet of the find, and contact a consulting archaeologist, and the Project tribal monitor in order to confirm that the find is a cultural resource. Within 24 hours, the consulting archaeologist and tribal monitor will examine, record, and analyze the unanticipated discovery, and make a recommendation regarding the find's eligibility for the NRHP to DOS, the SHPO, and Consulting Indian tribe THPOs. If all parties agree that the unanticipated discovery is not eligible for the NRHP, DOS will provide written notice that work may resume at the find location.
  2. If the consulting archaeologist recommends that the unanticipated discovery be treated as eligible for the NRHP, the consulting archaeologist will take the following steps:
    - a. Protect the find as appropriate from the elements, construction crews, and onlookers.
    - b. Contact DOS using the contact information in Attachment D.
    - c. Contact the SHPO using the contact information in Attachment D to report the find and consult.
    - d. As directed by DOS, consult with other parties as needed to determine a course of action.
    - e. Within 48 hours, Vantage will submit a summary report to DOS, in consultation as needed with the consulting archaeologist and tribal monitor, describing the find, the recommended determination of its NRHP eligibility, and any recommended treatment or action. The report will be submitted to DOS, and provided DOS agrees with the findings and recommendations of the report, DOS will send the report to the Annex I Signatories, Annex II Signatories, and Consulting Parties for comment and approval; Annex I Signatories, Annex II Signatories, and Consulting Parties will have seven (7) business days to respond.

- f. After the seven (7)-day review period, if no dispute remains regarding the findings and treatment recommendations, DOS will provide written notice to Vantage to carry out any treatment plan. If there is disagreement regarding the eligibility determination or treatment of the find, the steps in Stipulation X will be followed.
- g. When treatment of the find is completed and all issues regarding it resolved, DOS will provide written notice to Vantage to resume work at the find location, and will inform all Annex I Signatories, Annex II Signatories, and Consulting Parties, and other parties as indicated by the archaeological find and subsequent actions, that work can resume at the find location.

B. Unanticipated Discovery of Human Burials or Remains, and Funerary Objects.

1. If a suspected human burial, human remains, or funerary objects are encountered during the course of Project activities, Vantage will halt activities near the find, contact the Project tribal monitor, and a consulting archaeologist. All activities will cease within a 100-foot, or larger if appropriate, diameter of the suspected human remains find. Unless clear evidence indicates otherwise, any human remains discovered during Project activities will be considered to be Indian. The tribal monitor and consulting archaeologist will confirm the find and take the following steps:
  - a. Protect the find from the elements and onlookers. Vantage will assist the tribal monitor with any requests for protection or treatment of the find.
  - b. Contact the appropriate local authority listed in Attachment D and report the find of human remains, as required by North Dakota laws, including NDCC § 23-06-27 and administrative rules NDAC Chapter 40-02-03.
  - c. As soon as possible, but no later than 24 hours after the discovery, contact the Vantage Project manager and DOS using the contact information in Attachment D.
  - d. As soon as possible, but no later than 24 hours after the discovery, contact the SHSND/SHPO to report the find and consult. Assist the SHSND/SHPO as needed to ensure that the North Dakota Intertribal Reinterment Committee is contacted.
  - e. DOS will inform Annex I Signatories, Annex II Signatories, and Consulting Indian tribes, in the event of the discovery of Indian human remains. DOS will work with Vantage, the SHSND/SHPO, the North Dakota Intertribal Reinterment Committee, and other parties as required by North Dakota law to determine the appropriate course of action.

- f. In determining appropriate actions, DOS will be guided by the ACHP's Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects (February 23, 2007). No scientific study will be conducted on grave remains or burials. For any burials that are relocated, Vantage will pay re-interment costs.
- h. DOS will resolve all issues regarding the find, and will determine when the treatment of the human remains, burial, or funerary object is complete. DOS will provide written approval to Vantage to resume work at the find location, and will inform all Annex I Signatories, Annex II Signatories, and Consulting Indian tribes, that work will resume at the find location.

## **VII. CURATION**

1. Federal agencies will curate any artifacts, materials, or records that are not subject to NAGPRA or other federal law, but result 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."
2. DOS acknowledges that artifacts that were discovered during the Vantage-sponsored cultural resources inventory surveys were observed and analyzed in the field and not required to be collected for curation. If additional cultural resources surveys result in any collections, or if there is a collection associated with an unanticipated discovery during Project implementation, Vantage will return all artifacts, not associated with human burials or remains, recovered from private lands to the respective landowner after analysis is complete in accordance with NDCC § 55-03-05. Vantage will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the SHSND/SHPO.
3. If any artifacts are collected from an Indian human burial, human remains, or funerary object, Vantage and DOS will work with the North Dakota Intertribal Reinterment Committee, and the SHSND/SHPO to resolve any landowner issues regarding ownership of the artifacts pursuant to NDCC § 23-06-27, NDAC Chapter 40-02-03, and other applicable law and regulation.

## **VIII. REPORTING**

Within a year of completing pipeline construction, Vantage will submit a report to Annex I Signatories, Annex II Signatories, Consulting Parties, and Consulting Indian Tribes describing the results and findings of the implementation of the actions and plans specified in the PA with emphasis on Stipulations V.A. through D for review and comment within thirty (30) days. Following the comment period, Vantage will revise its report to address any timely comments received and submit it to DOS for review and approval within thirty (30) days. DOS reserves the right to request further revisions before finally approving the Vantage report. However, in no event will DOS request additional revisions to the Vantage report more than sixty (60) days after

receiving it. Should DOS exercise its right for additional revisions, Vantage will have thirty (30) days to complete and submit the report.

## **IX. MONITORING IMPLEMENTATION OF THE PA**

On a monthly basis, DOS will provide the Annex I Signatories, Annex II Signatories, and 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, any disputes and objections received in the efforts to carry out the terms of this PA, and any changes to the contacts listed in Attachment D, CONTACT INFORMATION FOR UNANTICIPATED DISCOVERIES. The Annex I Signatories, Annex II Signatories, and Consulting Parties will be responsible for providing current contact information to DOS for purposes of distribution of these monthly reports as well as any other pertinent communication relevant to this PA.

## **X. DISPUTE RESOLUTION**

1. Should any Annex I Signatories, Annex II Signatories, Consulting Indian tribe, or Consulting Party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, DOS will consult with such party and Annex I Signatories, Annex II Signatories, Consulting Indian tribes, and Consulting Parties to resolve the objection. If DOS determines that such objection cannot be resolved, DOS will:
  - a. Notify the Annex I Signatories, Annex II Signatories, Consulting Indian Tribes, and Consulting Parties that an objection cannot be resolved.
  - b. Forward all documentation relevant to the dispute, including the proposed resolution, to the ACHP for comment. The ACHP will provide DOS with its advice on the resolution of the objection within fourteen (14) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, DOS will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Annex I Signatories, Annex II Signatories, Consulting Indian Tribes, and Consulting Parties and provide them with a copy of this written response. DOS will then make a decision regarding the objection and proceed accordingly.
  - c. If the ACHP does not provide its advice regarding the dispute within the fourteen (14)-day time period, DOS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DOS will prepare a written response that takes into account any timely comments regarding the dispute from the Annex I Signatories, Annex II Signatories, Consulting Indian Tribes, and Consulting Parties, and provide them and the ACHP with a copy of such written response.
2. DOS's responsibilities to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

## **XI. DURATION**

This PA will be in force for a period of four (4) years from the date it is executed or until the final report described in Stipulation VIII has been distributed, whichever occurs first. If work on this Project has not substantially progressed within two (2) years of the execution of the PA, DOS may consult with the other Annex I Signatories and Annex II Signatories either to amend the PA to extend its duration or to modify the terms of the PA, as appropriate in accordance with Stipulation XII. DOS will notify the Annex I Signatories, Annex II Signatories, and Consulting Parties as to the course of action it intends to pursue at least ninety (90) days before the PA would expire.

## **XII. AMENDMENT**

Any Annex I Signatory or Annex II Signatory to this PA may propose in writing to the other Annex I Signatories and Annex II Signatories that it be amended. DOS will consult with the Annex I Signatories and Annex II Signatories in an effort to reach agreement on any proposed amendment. If an amendment is agreed to by the Annex I signatories, it will be effective on the date it is signed by Annex I Signatories, and distributed to the Annex II Signatories for their signature. The failure of Annex II Signatories to sign the DOS-issued amendment will not invalidate that amendment. An amendment to this PA will remain in effect for a period stipulated within the amendment. If there is no stated period contained within the amendment, the amendment will remain in effect for the remainder of the duration of the original PA and any subsequent extensions or revisions.

## **XIII. TERMINATION**

1. If any Annex I Signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other Annex I Signatories to attempt to develop an amendment to this PA per Stipulation XII. If within thirty (30) days an amendment cannot be reached, any Annex I Signatory may terminate the PA upon written notification to the other Annex I Signatories.
2. If the PA is terminated, all Project activities will cease. Prior to work continuing on the Project, consistent with 36 C.F.R. § 800.6(c)(8) DOS will consult with ACHP and SHPO, and either execute a new programmatic agreement consistent with 36 C.F.R. § 800.6(c)(1) or request the comments of the ACHP consistent with 36 C.F.R. § 800.7(a). DOS will notify all Annex I Signatories, Annex II Signatories, and Consulting Parties as to the course of action it intends to pursue.
3. If the PA is terminated, all Project activities shall cease consistent with 36 C.F.R. § 800.7(a). Prior to work continuing on the Project, DOS will consult with ACHP and SHPO and either execute a PA with Annex I signatories or request the comments of the ACHP consistent with 36 C.F.R. § 800.7(a).

#### **XIV. ANTI-DEFICIENCY PROVISION**

Any obligation of the DOS set forth in this PA is subject to and dependent on appropriations by Congress and allocation of sufficient funds for that purpose.

#### **XV. SCOPE OF THE PA**

1. This PA is limited in scope to actions related to the proposed construction of the Vantage Pipeline Project and related facilities and the associated consideration of historic properties, consistent with 36 C.F.R. Part 800 and other federal laws, and is entered into solely for these purposes.
2. This PA in no way restricts any of the Annex I Signatories or Annex II Signatories from participating in similar activities with other public or private agencies, organizations, and individuals.
3. This PA is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Federal Government procurement and printing. Such endeavors will be outlined in separate agreements that will be made in writing by representatives of the parties and will be independently authorized by appropriate statutory authority. This instrument does not provide such authority.

**EXECUTION** of this PA by DOS, the SHPO, and the ACHP, and implementation of its terms, is evidence that, consistent with 16 U.S.C. 470f, DOS has taken into account the effects of the Vantage Pipeline Project on historic properties and afforded the ACHP an opportunity to comment.

#### **List of Attachments**

ATTACHMENT A PROJECT DESCRIPTION AND GENERAL OVERVIEW MAP

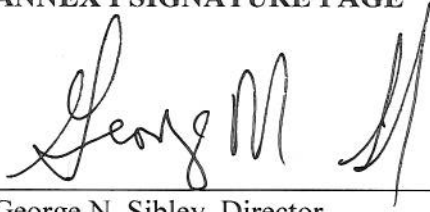
ATTACHMENT B CHRONOLOGY OF CULTURAL RESOURCES AND TRIBAL CONSULTATIONS AND SURVEYS (Attachment B-1)

U.S. DEPARTMENT OF STATE CONSULTATIONS WITH INDIAN TRIBES (Attachment B-2)

ATTACHMENT C HISTORIC PROPERTY IDENTIFICATION STUDIES

ATTACHMENT D CONTACT INFORMATION FOR UNANTICIPATED DISCOVERIES

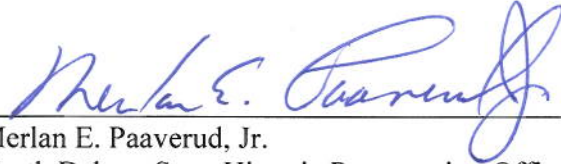
ANNEX I SIGNATURE PAGE



George N. Sibley, Director  
Office of Environmental Quality and Transboundary Issues  
U.S. Department of State

8 APR 2013

Date



Merlan E. Paaverud, Jr.  
North Dakota State Historic Preservation Office

4-8-13

Date



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

4/15/13

Date

**ANNEX II SIGNATURE PAGE**

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David Schmunk  
Vantage Pipeline

Date

**ANNEX II SIGNATURE PAGE**

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Darrin Old Coyote, Chairman  
Apsaalooke Crow Tribe

Date

**ANNEX II SIGNATURE PAGE**

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Janis Prairie Chief-Boswell, Governor  
Cheyenne and Arapaho Tribes

Date

**ANNEX II SIGNATURE PAGE**

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Kevin Keckler, Sr., Chairman  
Cheyenne River Sioux Tribe

Date

**ANNEX II SIGNATURE PAGE**

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Brandon Sazue, Sr., Chairman  
Crow Creek Sioux Tribe

Date

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Floyd G. Azure, Chairman  
Fort Peck Assiniboine and Sioux Tribes

Date

**ANNEX II SIGNATURE PAGE**

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Leroy Spang, President  
Northern Cheyenne Tribe

Date

**ANNEX II SIGNATURE PAGE**

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John Yellow Bird Steele, President  
Oglala Sioux Tribe

Date

**ANNEX II SIGNATURE PAGE**

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Rodney M. Bordeauz, President  
Rosebud Sioux Tribe

Date

**ANNEX II SIGNATURE PAGE**

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Roger Trudell, Chairman  
Santee Sioux Tribe of Nebraska

Date

**ANNEX II SIGNATURE PAGE**

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Robert Shepherd, Chairman  
Sisseton-Wahpeton Oyate

Date

**ANNEX II SIGNATURE PAGE**

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Charles Murphy, Chairman  
Standing Rock Sioux Tribe

Date

**ANNEX II SIGNATURE PAGE**

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Tex G. Hall, Chairman  
Three Affiliated Tribes

Date

**ANNEX II SIGNATURE PAGE**

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Richard McCloud, Chairman  
Turtle Mountain Band of Chippewa Indians

Date

**ANNEX II SIGNATURE PAGE**

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Thurman Cournoyer, Chairman  
Yankton Sioux Tribe

Date

Programmatic Agreement  
Regarding the Vantage Pipeline Project

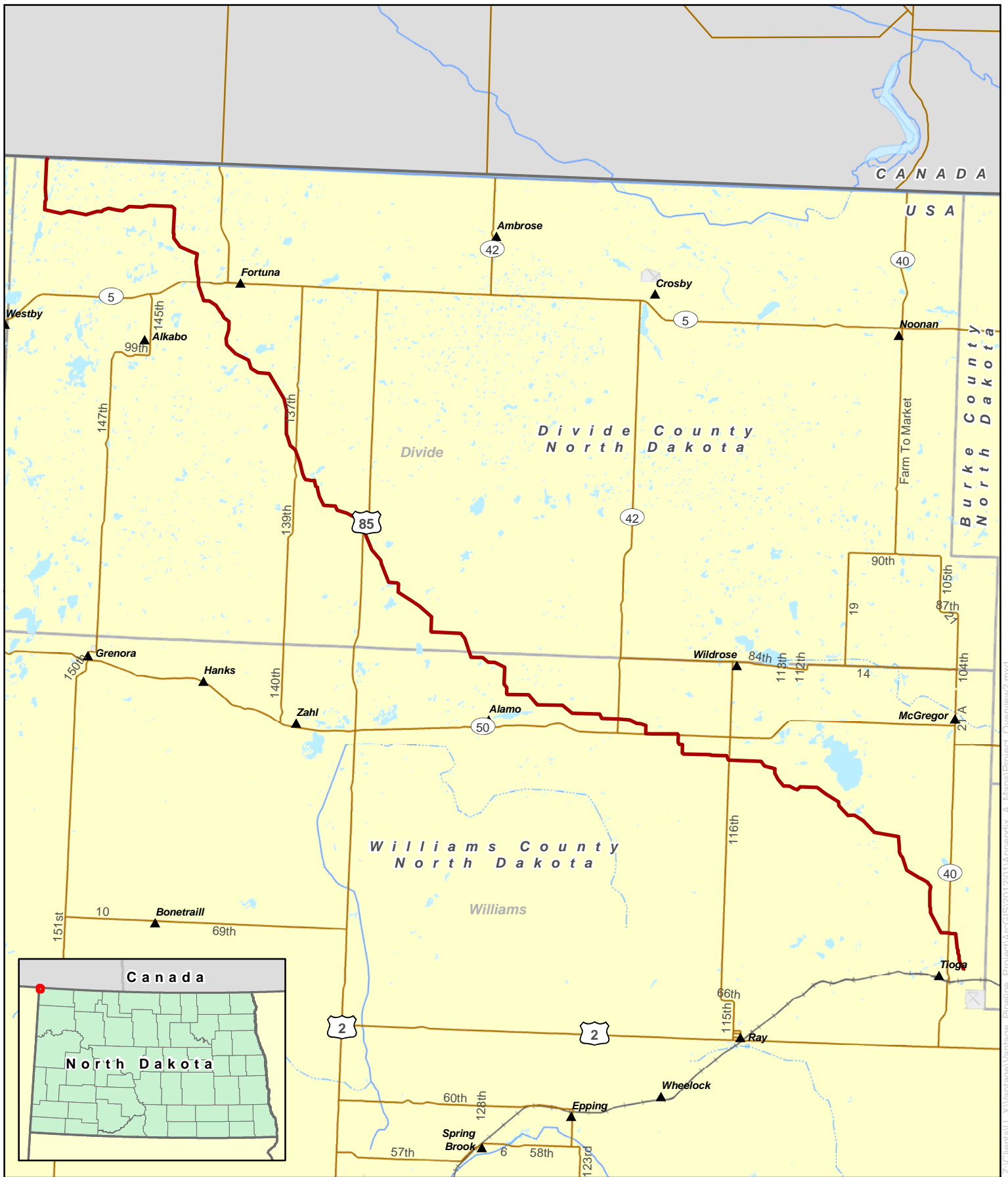
**Attachment A**  
**Vantage Pipeline Project Description and General Overview Map**

The proposed Vantage Pipeline is a high vapor pressure pipeline that would carry ethane from a source near Tioga, North Dakota, United States, northwest through Saskatchewan, Canada, to a site near Empress, Alberta, Canada. The pipeline would link a growing supply of ethane from North Dakota to markets in Alberta, Canada. More specifically, the Vantage Pipeline would have the capacity to deliver an initial rate of 40,000 barrels per day (bpd), expandable to 60,000 bpd, of liquid ethane from existing natural gas facilities in North Dakota to the Alberta Ethane Gathering System in Alberta, Canada. The entire proposed Vantage Pipeline in the United States would consist of the following facilities:

- installation of approximately 79.8 miles of new 10-inch-diameter pipeline in Williams and Divide Counties, North Dakota;
- installation of associated aboveground mainline block valves; and
- use of access roads and pipe storage and contractor yards.

All of the proposed facilities would be owned and operated by Vantage. Figure 1 shows the general location of the proposed facilities.

In the United States, Vantage Pipeline US LP has applied for a Presidential Permit for the construction, operation, and maintenance of a pipeline facility at the United States border to export liquid ethane to Canada. The U.S. Department of State (DOS) receives and considers applications for Presidential Permits for such pipeline border crossings and associated facilities pursuant to the President's constitutional authority over foreign relations, and as Commander-in-Chief, which authority the President delegated to DOS in Executive Order (EO) 13337, as amended (Federal Register, Volume 69, No. 87, page 25299). For liquid hydrocarbon pipelines, such as the proposed ethane pipeline, the President, through EO 13337, directs the Secretary of State to decide whether a project is in the national interest before a Presidential Permit is granted.



**Figure 1**  
**Vantage Pipeline Project**  
**General Location Map**  
**Divide and Williams Counties, North Dakota**

Date: (4/3/2012) Source: Z:\Clients\U\_X\Vantage\Vantage\_Pipeline\_Project\ArcGIS\2012\01\Appendix\_A\_Maps\Project\_Overview2.mxd

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-1**

**Chronology of Cultural Resources and Tribal Consultations and Surveys**

Date(s)	Activity	Section 106 Consultation	G to G Consultation	Identify	Evaluate	Assess Effects	Resolve Adverse Effects	Notes
8/11/10	Vantage contacts North Dakota SHPO regarding project	X						
8/12/10	Vantage issues letter to the Three Affiliated Tribes and the Fort Peck Assiniboine and Sioux Tribes describing project and inviting them to provide a monitor for the Class III cultural resources field inventory for the southern half of the pipeline project corridor	X		X				1
8/16/10	Vantage issues letter to tribes describing project, identifying DOS as the likely lead federal agency, and informing them that the Three Affiliated Tribes and the Fort Peck Assiniboine and Sioux Tribes are invited to provide monitors	X						2
8/18/10	Vantage hosts project meeting with state agencies, including North Dakota SHPO	X						
9/10 -11/10	Vantage conducts initial Class III field inventory of the proposed Vantage pipeline route			X	X	X		
11/15/10	Vantage submits application for Presidential Permit to DOS	X						
12/7/10	Vantage hosts project meeting with federal and state agencies, including North Dakota SHPO	X						
1/11/11	Notice of Receipt of application for a Presidential Permit issued in Federal Register	X						
3/15/11	Vantage submits applicant-prepared EA to support Presidential Permit application to DOS	X						
5/11 - 9/11	Vantage conducts additional Class III field inventory of the proposed Vantage pipeline route			X	X	X		
8/19/11	DOS issues Notice of Intent (NOI) to Prepare EA and Initiate Consultation Under Section 106 to all parties on project mailing list (including tribes)	X	X					3
12/13/11	NOI dated 12/9/11 issued in Federal Register	X						
12/16/11	DOS issues letter to North Dakota SHPO authorizing Vantage to consult with North Dakota SHPO to assist DOS with Section 106 obligations	X						
12/16/11	DOS issues government-to-government project notification letter and request for comments to tribes	X	X					4
12/29/11	Vantage submits Class III inventory report to North Dakota SHPO	X		X	X	X	X	
1/11/12	North Dakota SHPO issues letter to DOS stating it concurs with Class III inventory report determinations, submitted 12/29/11	X		X	X	X	X	
1/23/12	DOS conducts follow-up calls with tribes regarding 12/16/11 DOS consultation letter [1/23/11 - 1/25/11]	X						
1/28/12	DOS contacts Advisory Council on Historic Preservation (ACHP) regarding project, background, and tribal representatives consulted to date	X		X				
2/14/12	DOS issues government-to-government project notification letter and request for comments to Northern Arapaho Tribe	X	X					
2/14/12	DOS issues government-to-government conference call invitation letter to tribes	X	X					5
3/1/12	DOS hosts government-to-government conference call with tribes, Vantage, and consultants	X	X					6
Week of 3/5/12	DOS phones tribes as follow up to March 1, 2012 meeting; DOS sends Ethnoscience Class III inventory report and transcript of March 1, 2012 conference call to those tribes who request them	X	X	X	X	X		
3/6/12	DOS issues thank you email to attendees of 3/1/12 conference call; reminder of upcoming meetings; request to begin coordination with Vantage to conduct surveys	X	X	X				
3/8/12	DOS issues government-to-government project notification letter and request for comments to Cheyenne and Arapaho Tribes	X	X					
3/9/12	DOS issues invitation to attend Section 106 consultation and government-to-government onsite meeting in New Town, North Dakota to tribes, North Dakota SHPO, Vantage, and consultants	X	X	X				7
3/21/12	DOS hosts Section 106 consultation and government-to-government onsite meeting in New Town, North Dakota with tribes, North Dakota SHPO, Vantage, and consultants [3/21/12 - 3/22/12]	X	X	X				8
3/30/12	Vantage conducts conference call with Tim Mentz, Sr (TCP coordinator) and various tribal leaders; TCP survey to start May 7. Vantage encourages Mentz to meet with land agent prior to starting survey to examine the route.	X		X				
4/3/12	DOS issues thank you and 3/21-3/22 meeting summary letter to tribes	X	X	X				9

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-1**

**Chronology of Cultural Resources and Tribal Consultations and Surveys**

Date(s)	Activity	Section 106 Consultation	G to G Consultation	Identify	Evaluate	Assess Effects	Resolve Adverse Effects	Notes
4/1/12	Vantage conducts Class III inventory field survey for proposed 2-mile reroute along main corridor			X	X	X		
April-June, 2012	Vantage communicates with Tim Mentz Sr., TCP survey coordinator, and his employees regarding survey dates, lodging, land accessibility, logistics, SOW and cost estimate, survey report, and other survey related issues	X		X	X	X		
4/10/12	DOS hosts consultation conference call with North Dakota SHPO to discuss protocols for TCP identification and protection of confidential information	X						
4/10/12	DOS hosts consultation conference call with John Eddins, ACHP, to discuss identification of properties of traditional religious and cultural importance to tribes and agency definition of government to government consultation	X						
4/23/12	DOS issues letter to Turtle Mountain Band of Chippewa Indians - same as 4/3/12 letter	X	X	X				
5/1/12	Vantage emails tribes updating them on the TCP study; requests a conference call with Mentz to discuss TCP report content with Vantage and requests that DOS be present on the conference call	X		X				
5/3/12	DOS emails tribes and North Dakota SHPO notification that environmental assessment (EA) for Vantage Pipeline Project has been issued	X	X					10
5/3/12	DOS issues copies of EA to tribes	X	X					11
5/3/12	DOS emails copy of 3/21-3/22 meeting transcript to meeting attendees	X						
5/15/12	Kade Ferris submits to DOS <i>An Ethnohistory of the Turtle Mountain Band of Chippewa Indians in Relation to the Vantage Pipeline Project in Divide and Williams Counties, North Dakota.</i>	X		X	X	X		
5/24/12	North Dakota SHPO issues letter regarding Class III inventory survey report for 2-mile reroute submitted by Vantage, concurring with the report's findings.	X		X		X		
6/17/12	Mentz and crew survey sections of the Vantage pipeline corridor between 6/5/12 - 6/17/12	X		X	X	X		
6/19/12	Vantage receives email from Mentz stating that the survey was for 20 miles, crews only had access to 4 miles, and he did not receive shapefiles showing site boundaries; Vantage emails Mentz stating that he had close to 25 miles available and that Mentz acknowledged receipt of shapefiles on June 1, 2012	X		X				
6/20/12	DOS emails tribes participating in tribal surveys, encouraging all parties to continue towards resolution of tribal survey issues	X	X	X				12
6/20/12	Crow Creek Sioux Tribe issues letter to DOS requesting government to government consultation regarding a sacred and special site along the Vantage pipeline route	X	X	X				
6/22/12	DOS issues invitation to attend a conference call regarding tribal surveys to tribes, North Dakota SHPO, Vantage, and consultants	X	X	X				13
6/26-27/12	DOS sends email reminder of 6/27/12 conference call to all invitees	X	X					same as 13
6/27/12	DOS hosts conference call to discuss tribal field surveys	X	X	X				14
6/29/12	DOS issues invitation to attend onsite meeting regarding tribal field surveys to tribes, North Dakota SHPO, Vantage, and consultants	X	X	X				15
7/3/12	DOS conducts follow up phone calls and emails to invitees for 7/10/12 - 7/11/12 field trip	X	X					
7/10/12	DOS attends onsite field visit to view sites of cultural and spiritual importance to tribes	X	X	X	X			16
7/11/12	DOS hosts government-to-government Section 106 consultation onsite meeting in Minot, North Dakota with tribes, North Dakota SHPO, Vantage, and consultants (telephone participants also)	X	X	X	X			17
7/17/12	Rosebud Sioux Tribe issues letter to DOS requesting attendance at tribal council meeting to discuss recent findings for the Vantage Pipeline Project	X	X	X				
7/23/12	DOS responds to Rosebud Sioux Tribe 7/17/12 letter, declining travel to South Dakota, offering to attend tribal council meeting remotely by telephone	X	X					
7/27/12	DOS issues outline of draft Programmatic Agreement (PA) to tribes, North Dakota SHPO, and Vantage, requesting comments	X	X	X	X	X	X	18
7/27/12	DOS receives comments on outline of draft PA from Santee Sioux Tribe of Nebraska and Upper Sioux Community - Minnesota [7/27/12 - 8/17/12 review period]	X	X	X	X	X	X	

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-1**

**Chronology of Cultural Resources and Tribal Consultations and Surveys**

<b>Date(s)</b>	<b>Activity</b>	<b>Section 106 Consultation</b>	<b>G to G Consultation</b>	<b>Identify</b>	<b>Evaluate</b>	<b>Assess Effects</b>	<b>Resolve Adverse Effects</b>	<b>Notes</b>
7/30/12	DOS responds to Crow Creek Sioux Tribe letter of June 20, 2012, requesting information about the sacred site in question.	X	X					
8/16/12	DOS conducts follow up phone calls and emails soliciting comments on the Draft PA outline to tribes who were sent the document.	X	X	X	X	X	X	
8/24/12	DOS issues draft PA to tribes, North Dakota SHPO, ACHP, and Vantage, requesting comments	X	X	X	X	X	X	19
9/6/12	DOS conducts follow up phone calls and emails soliciting comments on the Draft PA, to tribes who were sent the document.	X	X	X	X	X	X	
9/7/12	DOS receives comments on draft PA from North Dakota SHPO, Rosebud Sioux Tribe, Sisseton-Wahpeton Oyate, Standing Rock Sioux Tribe, and Vantage	X	X	X	X	X	X	
9/12/12	BIA calls DOS contractor to request Ethnoscience survey report in order to determine if trust assets are located in the APE; no trust assets are identified	X		X				
11/13/12	DOS issues request for continued Section 106 consultation and invitation to attend conference call to tribes	X	X	X				20
11/16/12	DOS hosts conference call to discuss renewed Section 106 consultation and conducting tribal surveys; reminder emails sent to invitees	X	X	X				21
Dec 2011 - Nov 2012	DOS receives comments and questions regarding the project from 10 individual tribal members; phone logs, emails on file	X	X	X	X			
12/7/12	DOS consulted with North Dakota SHPO by conference call regarding pending reviews or changes in the Project APE	X		X				
12/14/12	DOS sends an email followed by a letter delivered overnight introducing the plans for a government to government consultation meeting and polling the tribal representatives about possible meeting dates in January	X	X					20
12/14-20/12	DOS receives comments from 8 individual tribal members regarding possible meeting dates in January	X	X					
12/18/12	DOS emails Vantage with a data request related to an unreported re-route along the project corridor	X		X	X	X		
12/21/12	DOS sends an email followed by a letter delivered overnight inviting tribal representatives to a government to government consultation meeting in Bismarck on January 14, 2013	X	X					20
1/4/13	DOS sends Vantage an email following up on the Dec 18, 2012 data request	X		X	X	X		
1/9/13	DOS sends an email followed by a letter delivered overnight presenting the revised Draft PA, for review before the meeting on January 14	X	X	X	X	X	X	20
1/14/13	DOS hosts government-to-government Section 106 consultation onsite meeting in Bismarck, North Dakota with ACHP, tribes, North Dakota SHPO, Vantage, and consultants	X	X	X	X			21
1/18/13	DOS sends an email followed by a letter delivered overnight recapping PA review schedule agreed to at the January 14 meeting and requests comments on Draft PA	X	X					20
1/23/13	DOS sends an email to tribes reminding them of Draft PA comment deadline	X	X					20
1/24/13	DOS receives comments on Draft PA from L. Gravatt, Yankton Sioux Tribe	X	X					
1/25/13	DOS sends an email to tribes extending Draft PA comment period to January 29	X	X					20
1/25/13	DOS receives comments on Draft PA from ACHP	X						
1/31/13	DOS sends an email followed by a letter delivered overnight inviting tribal representatives to a government to government consultation meeting in Bismarck on February 8, 2013 to discuss the Draft PA	X	X					20
1/31/13	DOS sends an email to the tribes announcing issuance of revised Draft PA by February 4	X	X					20
2/5/13	DOS sends digital version of the Second Revised Draft PA by email to tribal representatives invited to the February 8, 2013 government to government consultation meeting in Bismarck	X	X	X	X	X	X	20
2/8/13	DOS hosts government-to-government meeting in Bismarck, ND to collaboratively review the Draft PA, with tribes, ACHP, ND SHPO, and Vantage	X	X	X	X			22
2/13/13	DOS hosts conference call to collaboratively review those section of the PA that were not reviewed on 2/8/13; no tribes called in; DOS sent out an email cancelling the call and future calls	X	X	X	X			21 + 22

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-1**

**Chronology of Cultural Resources and Tribal Consultations and Surveys**

Date(s)	Activity	Section 106 Consultation	G to G Consultation	Identify	Evaluate	Assess Effects	Resolve Adverse Effects	Notes
2/13/13	DOS sends an email to tribes reviewing the PA, requesting written comments for the remaining 7 pages that have not been collaboratively reviewed by close business Friday, Feb 15	X	X	X	X			21 + 22
2/14/13	DOS sends an email to tribes with reminder of PA comment deadline by close business Friday, Feb 15	X	X	X	X			21 + 22
3/1/13	DOS sends digital version of the March 1 Revised Draft PA by email to tribal representatives	X	X	X	X			21 + 22
3/1/13	Vantage hosts a meeting of the field survey Working Group in Bismarck to plan upcoming tribal field survey	X		X	X	X	X	23
3/15/13	DOS sends digital version of the March 15 Revised Draft PA by email to tribal representatives	X	X	X	X	X	X	24
3/20/13	DOS emails copy of 1/14 meeting transcript to meeting attendees	X						25
3/20/13	DOS emails draft copy of 2/8 meeting transcript to meeting attendees for review	X						26
4/3/13	DOS sends digital version of the April 3 Revised Draft PA by email to tribal representatives	X	X	X	X	X	X	24

*Merjent, Inc. on behalf of the DOS, completed or assisted with many of the DOS tasks listed here*

1: Three Affiliated Tribes and the Fort Peck Assiniboine and Sioux Tribes

2: Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Crow Indian Tribe, Flandreau Santee Sioux Tribe, Lower Brule Sioux Tribe, Lower Sioux Indian Community - Minnesota, Northern Cheyenne Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community, White Earth Nation, Yankton Sioux Tribe

3: Apsaalooke Crow Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Lower Brule Sioux Tribe; Lower Sioux Indian Community - Minnesota; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

4: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Lower Brule Sioux Tribe; Lower Sioux Indian Community - Minnesota; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

5: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Lower Brule Sioux Tribe; Lower Sioux Indian Community - Minnesota; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

6: Cheyenne River Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Turtle Mountain Band of Chippewa Indians; White Earth Nation; Yankton Sioux Tribe

7: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

8: Fort Peck Assiniboine and Sioux Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Apsaalooke Crow Tribe; Northern Cheyenne Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe

9: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

10: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Lower Brule Sioux Tribe; Lower Sioux Community; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

11: Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboine and Sioux Tribes; Lower Brule Sioux Tribe; Lower Sioux Community; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe

12: Fort Peck Assiniboine and Sioux Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Northern Cheyenne Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe

13: Fort Peck Assiniboine and Sioux Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Apsaalooke Crow Tribe; Northern Cheyenne Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate;

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**Chronology of Cultural Resources and Tribal Consultations and Surveys**

Date(s)	Activity	Section 106 Consultation	G to G Consultation	Identify	Evaluate	Assess Effects	Resolve Adverse Effects	Notes
	Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe							
14:	Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe							
15:	Fort Peck Assiniboino and Sioux Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Apsaalooke Crow Tribe; Northern Cheyenne Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe							
16:	Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe							
17:	Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe							
18:	Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Ogalala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe							
19:	Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Ogalala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe							
20:	Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Flandreau Santee Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Ogalala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Cheyenne and Arapaho Tribes; Spirit Lake Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Upper Sioux Community - Minnesota; White Earth Nation; Yankton Sioux Tribe							
21:	Apsaalooke Crow Tribe; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Standing Rock Sioux Tribe; Three Affiliated Tribes; Yankton Sioux Tribe							
22:	Cheyenne River Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Three Affiliated Tribes; Sisseton-Wahpeton Oyate; Oglala Sioux Tribe; Rosebud Sioux Tribe; Standing Rock Sioux Tribe; Turtle Mountain Band of Chippewa Indians; Yankton Sioux Tribe							
23:	Crow Creek Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Cheyenne Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Yankton Sioux Tribe							
24:	Apsaalooke Crow Tribe; Cheyenne and Arapaho Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Yankton Sioux Tribe							
25:	Cheyenne River Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Cheyenne Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Yankton Sioux Tribe							
26:	Cheyenne and Arapaho Tribes; Cheyenne River Sioux Tribe; Crow Creek Sioux Tribe; Fort Peck Assiniboino and Sioux Tribes; Northern Arapaho Tribe; Northern Cheyenne Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Santee Sioux Tribe of Nebraska; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Three Affiliated Tribes; Turtle Mountain Band of Chippewa Indians; Yankton Sioux Tribe							
	updated 4/8/2013							

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>		
<b>Apsaalooke Crow Tribe</b>	<b>Hubert Two Leggins, THPO</b>	3/21/2012	Attended meeting in New Town, ND		
		4/16/2012	Transcript of March 21-22 meeting sent for review		
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)		
		5/3/2012	DOS sent final transcript of March 21-22 meeting		
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)		
		8/24/2012	DOS sent Draft PA for review (cc: recipient)		
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)		
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)		
		1/14/2013	Attended meeting in Mandan, ND		
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)		
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
		3/1/2013	DOS sent March 1 revised Draft PA for review		
		3/15/2013	DOS sent March 15 revised Draft PA for review		
		4/3/2013	DOS sent April 3 revised Draft PA for review		
		<b>John Cummings, Chief of Staff</b>		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
				4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
				5/3/2012	DOS sent Environmental Assessment (cc: recipient)
5/3/2012	DOS sent final transcript of March 21-22 meeting				
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)				
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)				
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)				
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)				
2/5/2013	DOS sent revised Draft PA for review				
<b>Coolidge Jefferson, Vice-Chairman (until January 2013)</b>				8/19/2011	DOS Sent NOI
				12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call		
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting		
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)		
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)		

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Apsaalooke Crow Tribe</b>	<b>Coolidge Jefferson, Vice-Chairman (until January 2013)</b>	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
			1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
	<b>Darrin Old Coyote, Chairman (beginning January 2013)</b>	1/8/2013	Letter to DOS regarding changes in personnel in the Crow Tribe Executive Branch	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
			3/15/2013	DOS sent March 15 revised Draft PA for review
			4/3/2013	DOS sent April 3 revised Draft PA for review
	<b>Dana Wilson, Vice-Chairman (beginning January 2013)</b>	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
1/31/2013		DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
<b>Cedric Black Eagle, Chairman (until January 2013)</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting		
	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys		
	5/3/2012	DOS sent Environmental Assessment		
	7/27/2012	DOS sent outline of Draft PA for review		
	8/24/2012	DOS sent Draft PA for review		
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call		
	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND		
	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND		
	1/9/2013	DOS sent revised Draft PA for review		
	<b>Cheyenne and Arapaho Tribes</b>	<b>Karen Little Coyote, Tribal Historic Preservation Officer</b>	3/8/2012	DOS Sent initial consultation letter (including transcript from 3/1/12 call)
3/9/2012			DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
4/3/2012			DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
5/3/2012			DOS sent Environmental Assessment (cc: recipient)	
5/3/2012			DOS sent final transcript of March 21-22 meeting	
7/27/2012			DOS sent outline of Draft PA for review (cc: recipient)	
8/24/2012			DOS sent Draft PA for review (cc: recipient)	
11/13/2012			DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
12/14/2012			DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribes</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Cheyenne and Arapaho Tribes</b>	<b>Karen Little Coyote, Tribal Historic Preservation Officer</b>	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
		<b>Janis Prairie Chief-Boswell, Governor</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
			4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
			5/3/2012	DOS sent Environmental Assessment
			5/3/2012	DOS sent final transcript of March 21-22 meeting
			7/27/2012	DOS sent outline of Draft PA for review
			8/24/2012	DOS sent Draft PA for review
			11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call
			12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
			12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
			1/9/2013	DOS sent revised Draft PA for review
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
<b>Cheyenne River Sioux Tribe</b>	<b>Bryce In The Woods, Tribal Council Member</b>	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
		2/5/2013	DOS sent revised Draft PA for review	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
		5/3/2012	DOS sent final transcript of March 21-22 meeting	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)			
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)			
2/5/2013	DOS sent revised Draft PA for review			

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Cheyenne River Sioux Tribe</b>	<b>Kevin Keckler, Sr., Tribal Chairman</b>	12/16/2011	DOS Sent initial consultation letter	
		2/14/2012	DOS sent invitation to March 1 conference call	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
		5/3/2012	DOS sent Environmental Assessment	
		7/27/2012	DOS sent outline of Draft PA for review	
		8/24/2012	DOS sent Draft PA for review	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND	
		1/9/2013	DOS sent revised Draft PA for review	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
		<b>Steven Vance, Tribal Historic Preservation Officer</b>	12/16/2011	DOS Sent initial consultation letter
			2/14/2012	DOS sent invitation to March 1 conference call
3/1/2012	Participated in conference call with DOS			
3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota			
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)			
3/21/2012	Attended meeting in New Town, ND			
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)			
4/16/2012	Transcript of March 21-22 meeting sent for review			
5/3/2012	DOS sent Environmental Assessment (cc: recipient)			
5/3/2012	DOS sent final transcript of March 21-22 meeting			
7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)			
8/24/2012	DOS sent Draft PA for review (cc: recipient)			
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)			
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)			
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)			
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)			
1/14/2013	Attended meeting in Mandan, ND			
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)			
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)			
2/5/2013	DOS sent revised Draft PA for review			

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Cheyenne River Sioux Tribe</b>	<b>Steven Vance, Tribal Historic Preservation Officer</b>	2/8/2013	Attended meeting in Bismarck, ND
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
<b>Crow Creek Sioux Tribe</b>	<b>Brandon Sazue, Chairman</b>	4/3/2013	DOS sent April 3 revised Draft PA for review
		6/20/2012	Sent letter to DOS requesting government-to-government consultation regarding sacred site along the pipeline route
		7/30/2012	DOS sent letter response to 6/20/12 letter from Crow Creek Sioux Tribe
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
		1/9/2013	DOS sent revised Draft PA for review
		1/14/2013	Attended meeting in Mandan, ND
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck
		2/5/2013	DOS sent revised Draft PA for review
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
<b>Duane Big Eagle, Sr., Chairman</b>	12/16/2011	DOS Sent initial consultation letter	
	2/14/2012	DOS sent invitation to March 1 conference call	
<b>Susan Crow, THPO Office Coordinator</b>	3/21/2012	Attended meeting in New Town, ND	
	4/16/2012	Transcript of March 21-22 meeting sent for review	
<b>Wanda Wells, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI	
	12/16/2011	DOS Sent initial consultation letter	
	2/14/2012	DOS sent invitation to March 1 conference call	
	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
	5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
	5/3/2012	DOS sent final transcript of March 21-22 meeting	
	7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)	
	8/24/2012	DOS sent Draft PA for review (cc: recipient)	
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Crow Creek Sioux Tribe</b>	<b>Wanda Wells, Tribal Historic Preservation Officer</b>	1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/14/2013	Attended meeting in Mandan, ND	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
		<b>Wilfred Keeble, Chairman</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
			4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
			5/3/2012	DOS sent Environmental Assessment
			5/3/2012	DOS sent final transcript of March 21-22 meeting
			7/27/2012	DOS sent outline of Draft PA for review
			8/24/2012	DOS sent Draft PA for review
	2/5/2013	DOS sent revised Draft PA for review		
	<b>Eric Big Eagle, Vice Chairman</b>	1/14/2013	Attended meeting in Mandan, ND	
	<b>Terry Abernathy, Secretary</b>	1/14/2013	Attended meeting in Mandan, ND	
		2/5/2013	DOS sent revised Draft PA for review	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
	<b>Roland Hawk, Treasurer</b>	1/14/2013	Attended meeting in Mandan, ND	
		2/5/2013	DOS sent revised Draft PA for review	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
<b>Flandreau Santee Sioux Tribe</b>	<b>Anthony Reider, President</b>	12/16/2011	DOS Sent initial consultation letter	
		2/14/2012	DOS sent invitation to March 1 conference call	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
		5/3/2012	DOS sent Environmental Assessment	
		7/27/2012	DOS sent outline of Draft PA for review	
		8/24/2012	DOS sent Draft PA for review	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Flandreau Santee Sioux Tribe</b>	<b>Anthony Reider, President</b>	1/9/2013	DOS sent revised Draft PA for review	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
			1/31/2013	DOS sent invitation to February 8 meeting in Bismarck
	<b>Frankie Jackson, Tribal Historic Preservation Office Consultant</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
		5/3/2012	DOS sent final transcript of March 21-22 meeting	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
			1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
<b>James Weston, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI		
	12/16/2011	DOS Sent initial consultation letter		
	2/14/2012	DOS sent invitation to March 1 conference call		
	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)		
	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)		
	5/3/2012	DOS sent Environmental Assessment (cc: recipient)		
	5/3/2012	DOS sent final transcript of March 21-22 meeting		
	7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)		
	8/24/2012	DOS sent Draft PA for review (cc: recipient)		
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)		
	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
			1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
			1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
			1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/5/2013	DOS sent revised Draft PA for review	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Fort Peck Assiniboine and Sioux Tribes</b>	<b>A.T. Rusty Stafne, Chairman</b>	12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
	<b>Darrell Youpee, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI
		12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		3/21/2012	Attended meeting in New Town, ND
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		4/16/2012	Transcript of March 21-22 meeting sent for review
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)
		8/24/2012	DOS sent Draft PA for review (cc: recipient)
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		11/16/2012	Attended DOS conference call
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
		1/14/2013	Attended meeting in Mandan, ND
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/5/2013	DOS sent revised Draft PA for review
		2/8/2013	Attended meeting in Bismarck, ND
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
	<b>Floyd G. Azure, Chairman</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
		5/3/2012	DOS sent Environmental Assessment
		7/27/2012	DOS sent outline of Draft PA for review
		8/24/2012	DOS sent Draft PA for review
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Fort Peck Assiniboine and Sioux</b>	<b>Floyd G. Azure, Chairman</b>	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND	
		1/9/2013	DOS sent revised Draft PA for review	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
<b>Lower Brule Sioux Tribe</b>	<b>Michael B. Jandreau, Chairman</b>	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
		12/16/2011	DOS Sent initial consultation letter	
		2/14/2012	DOS sent invitation to March 1 conference call	
		5/3/2012	DOS sent Environmental Assessment	
		<b>George Honeywell, Environmental Protection Office Director</b>	8/19/2011	DOS Sent NOI
			12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call	
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
		5/3/2012	DOS sent final transcript of March 21-22 meeting	
		<b>Lower Sioux Indian Community - Minnesota</b>	<b>Anthony Morse, Tribal Historic Preservation Officer</b>	8/19/2011
12/16/2011	DOS Sent initial consultation letter			
2/14/2012	DOS sent invitation to March 1 conference call			
5/3/2012	DOS sent Environmental Assessment (cc: recipient)			
5/3/2012	DOS sent final transcript of March 21-22 meeting			
<b>Gabe Prescott, President</b>	12/16/2011			DOS Sent initial consultation letter
	2/14/2012			DOS sent invitation to March 1 conference call
	5/3/2012			DOS sent Environmental Assessment
	5/3/2012			DOS sent final transcript of March 21-22 meeting
<b>Northern Arapaho Tribe</b>	<b>Darlene Conrad, Tribal Historic Preservation Officer</b>			2/14/2012
		2/14/2012	DOS sent invitation to March 1 conference call	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
		5/3/2012	DOS sent final transcript of March 21-22 meeting	
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)	
		8/24/2012	DOS sent Draft PA for review (cc: recipient)	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)			
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)			

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Northern Arapaho Tribe</b>	<b>Darlene Conrad, Tribal Historic Preservation Officer</b>	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
	2/5/2013	DOS sent revised Draft PA for review		
	3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
	<b>Jim L. Shakespeare, Business Council Chairperson</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
		5/3/2012	DOS sent Environmental Assessment	
		7/27/2012	DOS sent outline of Draft PA for review	
		8/24/2012	DOS sent Draft PA for review	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND	
		1/9/2013	DOS sent revised Draft PA for review	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
<b>Northern Cheyenne Tribe</b>		<b>Conrad Fisher, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI
			12/16/2011	DOS Sent initial consultation letter
	2/14/2012		DOS sent invitation to March 1 conference call	
	3/9/2012		DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
	3/21/2012		Attended meeting in New Town, ND	
	4/3/2012		DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
	4/16/2012		Transcript of March 21-22 meeting sent for review	
	5/3/2012		DOS sent Environmental Assessment (cc: recipient)	
	5/3/2012		DOS sent final transcript of March 21-22 meeting	
	7/27/2012		DOS sent outline of Draft PA for review (cc: recipient)	
	8/24/2012		DOS sent Draft PA for review (cc: recipient)	
	11/13/2012		DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
	12/14/2012		DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
	12/21/2012		DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
	1/9/2013		DOS sent revised Draft PA for review (cc: recipient)	
1/14/2013	Attended meeting in Mandan, ND			
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)			

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Northern Cheyenne Tribe</b>	<b>Conrad Fisher, Tribal Historic Preservation Officer</b>	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		2/8/2013	Attended meeting in Bismarck, ND	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	Transcript of February 8, 2013 meeting sent for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
		<b>Leroy Spang, President</b>	12/16/2011	DOS Sent initial consultation letter
			2/14/2012	DOS sent invitation to March 1 conference call
	3/9/2012		DOS sent invitation to March 21-22, 2012 onsite meeting	
	4/3/2012		DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
	5/3/2012		DOS sent Environmental Assessment	
	7/27/2012		DOS sent outline of Draft PA for review	
	8/24/2012		DOS sent Draft PA for review	
	11/13/2012		DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call	
	12/14/2012		DOS sent date request letter for January 2013 meeting in Mandan, ND	
	12/21/2012		DOS sent invitation to January 14, 2013 meeting in Mandan, ND	
	<b>Oglala Sioux Tribe</b>	<b>John Yellow Bird Steele, President</b>	1/9/2013	DOS sent revised Draft PA for review
			1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule
1/31/2013			DOS sent invitation to February 8 meeting in Bismarck	
12/16/2011			DOS Sent initial consultation letter	
2/14/2012			DOS sent invitation to March 1 conference call	
3/9/2012			DOS sent invitation to March 21-22, 2012 onsite meeting	
4/3/2012			DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
5/3/2012			DOS sent Environmental Assessment	
5/3/2012			DOS sent final transcript of March 21-22 meeting	
7/27/2012			DOS sent outline of Draft PA for review	
8/24/2012	DOS sent Draft PA for review			
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call			
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND			
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND			
1/9/2013	DOS sent revised Draft PA for review			
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule			
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
		2/5/2013	DOS sent revised Draft PA for review	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Oglala Sioux Tribe</b>	<b>Michael Catches Enemy, Cultural Resource Manager/ Archaeologist</b>	1/11/2013	Sent email stating that he would attend mtg in Bismarck, identifies himself as Tribal CR Mgr/Archaeo
		1/11/2013	Sent email comments on Draft PA
		1/14/2013	Attended meeting in Mandan, ND
		1/29/2013	Sent letter to DOS with comments on the Draft PA
		2/5/2013	DOS sent revised Draft PA for review
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)		
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)		
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
<b>Roberta Joyce Whiting, Project Review Officer</b>	1/11/2013	Forwarded email to M. Catches Enemy	
	2/5/2013	DOS sent revised Draft PA for review	
<b>Wilmer Mesteth, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI	
	12/16/2011	DOS Sent initial consultation letter	
	2/14/2012	DOS sent invitation to March 1 conference call	
	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
	5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
	5/3/2012	DOS sent final transcript of March 21-22 meeting	
	7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)	
	8/24/2012	DOS sent Draft PA for review (cc: recipient)	
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>		
<b>Oglala Sioux Tribe</b>	<b>Wilmer Mesteth, Tribal Historic Preservation Officer</b>	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)		
		1/14/2013	Attended meeting in Mandan, ND		
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)		
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
		2/5/2013	DOS sent revised Draft PA for review		
		3/1/2013	DOS sent March 1 revised Draft PA for review		
		3/15/2013	DOS sent March 15 revised Draft PA for review		
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
		4/3/2013	DOS sent April 3 revised Draft PA for review		
		<b>Rosebud Sioux Tribe</b>	<b>Kathy Arcoren, Tribal Historic Preservation Office</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
				4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
				5/3/2012	DOS sent Environmental Assessment (cc: recipient)
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)				
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)				
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)				
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)				
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)				
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)				
2/5/2013	DOS sent revised Draft PA for review				
3/20/2013	DOS sent final transcript of January 14, 2013 meeting				
<b>Rodney M. Bordeauz, President</b>	12/16/2011			DOS Sent initial consultation letter	
	2/14/2012			DOS sent invitation to March 1 conference call	
	3/9/2012			DOS sent invitation to March 21-22, 2012 onsite meeting	
	4/3/2012			DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
	5/3/2012			DOS sent Environmental Assessment	
	5/3/2012			DOS sent final transcript of March 21-22 meeting	
	7/17/2012	Sent invitation to DOS to attend tribal council meeting			
	7/23/2012	DOS sent response to tribal council meeting invitation, offered to attend via conference call			
	7/27/2012	DOS sent outline of Draft PA for review			
	8/24/2012	DOS sent Draft PA for review			
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call			

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Rosebud Sioux Tribe</b>	<b>Rodney M. Bordeauz, President</b>	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
	1/9/2013	DOS sent revised Draft PA for review	
	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
	2/5/2013	DOS sent revised Draft PA for review	
	<b>Russell Eagle Bear, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI
		12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/11/2012	Attended DOS meeting in Minot, ND (beginning of meeting; by telephone)
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)
		8/24/2012	DOS sent Draft PA for review (cc: recipient)
		9/7/2012	Sent email to ACHP regarding Draft PA
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)
1/9/2013		DOS sent revised Draft PA for review (cc: recipient)	
1/14/2013		Attended meeting in Mandan, ND	
1/18/2013		DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
1/31/2013		DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
2/5/2013	DOS sent revised Draft PA for review		
3/1/2013	DOS sent March 1 revised Draft PA for review		
3/15/2013	DOS sent March 15 revised Draft PA for review		
3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
4/3/2013	DOS sent April 3 revised Draft PA for review		
<b>Ben Rhodd, Contract Archaeologist</b>	1/14/2013	Attended meeting in Mandan, ND	
	2/5/2013	DOS sent revised Draft PA for review	
	2/8/2013	Attended meeting in Bismarck, ND	
	3/1/2013	DOS sent March 1 revised Draft PA for review	
	3/15/2013	DOS sent March 15 revised Draft PA for review	
	3/20/2013	Transcript of February 8, 2013 meeting sent for review	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Rosebud Sioux Tribe</b>	<b>Ben Rhodd, Contract Archaeologist</b>	3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
<b>Santee Sioux Tribe of Nebraska</b>	<b>Richard Thomas, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI
		12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)
		8/8/2012	Sent email to DOS with comments on the PA outline
		8/24/2012	DOS sent Draft PA for review (cc: recipient)
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/5/2013	DOS sent revised Draft PA for review
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
4/3/2013	DOS sent April 3 revised Draft PA for review		
<b>Roger Trudell, Chairman</b>		12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
		5/3/2012	DOS sent Environmental Assessment
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/27/2012	DOS sent outline of Draft PA for review
		8/24/2012	DOS sent Draft PA for review
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
		1/9/2013	DOS sent revised Draft PA for review

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Santee Sioux Tribe of Nebraska</b>	<b>Roger Trudell, Chairman</b>	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck	
		2/5/2013	DOS sent revised Draft PA for review	
<b>Sisseton-Wahpeton Oyate</b>	<b>Dennis Gill, Tribal field specialist</b>	7/10/2012	Attended field visit with DOS	
		1/14/2013	Attended meeting in Mandan, ND	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		<b>Dianne Desrosiers, THPO Office</b>	8/19/2011	DOS Sent NOI
			12/16/2011	DOS Sent initial consultation letter
			3/1/2012	Participated in conference call with DOS
			3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota
			3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
			3/21/2012	Attended meeting in New Town, ND
			4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
			4/16/2012	Transcript of March 21-22 meeting sent for review
			5/3/2012	DOS sent Environmental Assessment (cc: recipient)
			5/3/2012	DOS sent final transcript of March 21-22 meeting
6/27/2012	Attended DOS conference call			
7/11/2012	Attended DOS meeting in Minot, ND (by telephone)			
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)			
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)			
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)			
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
	<b>James Whitted, Tribal Historic Preservation Officer</b>	2/14/2012	DOS sent invitation to March 1 conference call	
		3/1/2012	Participated in conference call with DOS	
		3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)	
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)	
		5/3/2012	DOS sent final transcript of March 21-22 meeting	

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**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Sisseton-Wahpeton Oyate</b>	<b>James Whitted, Tribal Historic Preservation Officer</b>	6/27/2012	Attended DOS conference call	
		7/10/2012	Attended field visit with DOS	
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)	
		8/24/2012	DOS sent Draft PA for review (cc: recipient)	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		<b>Robert Shepherd, Tribal Chairman</b>	12/16/2011	DOS Sent initial consultation letter
			2/14/2012	DOS sent invitation to March 1 conference call
			3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
			4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
			5/3/2012	DOS sent Environmental Assessment
			5/3/2012	DOS sent final transcript of March 21-22 meeting
			7/27/2012	DOS sent outline of Draft PA for review
			8/24/2012	DOS sent Draft PA for review
	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call		
	12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND		
	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND		
	1/9/2013	DOS sent revised Draft PA for review		
	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule		
	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck		
	2/5/2013	DOS sent revised Draft PA for review		
	<b>Vine T. Marks, Elder</b>	7/10/2012	Attended field visit with DOS	
	<b>Tamara St. John, THPO Office</b>	6/27/2012	Attended DOS conference call	
		2/8/2013	Attended meeting in Bismarck, ND	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	Transcript of February 8, 2013 meeting sent for review	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
<b>Spirit Lake Tribe</b>	<b>Aileen Littleghost, Tribal Specialist</b>	NA	Name provided by Darrell Youpee; repeated attempts at contact have been unsuccessful	

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Spirit Lake Tribe</b>	<b>Roger Yankton, Sr., Chairperson</b>	8/19/2011	DOS Sent NOI
		2/14/2012	DOS sent invitation to March 1 conference call
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
		5/3/2012	DOS sent Environmental Assessment
		7/27/2012	DOS sent outline of Draft PA for review
		8/24/2012	DOS sent Draft PA for review
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
		1/9/2013	DOS sent revised Draft PA for review
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule
		<b>Standing Rock Sioux Tribe</b>	<b>Charles Murphy, Chairman</b>
12/16/2011	DOS Sent initial consultation letter		
2/14/2012	DOS sent invitation to March 1 conference call		
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting		
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys		
5/3/2012	DOS sent Environmental Assessment		
7/27/2012	DOS sent outline of Draft PA for review		
8/24/2012	DOS sent Draft PA for review		
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call		
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND		
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND		
1/9/2013	DOS sent revised Draft PA for review		
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule		
<b>Christopher Rausch, Legal Rep</b>	<b>Christopher Rausch, Legal Rep</b>	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck
		3/1/2012	Participated in conference call with DOS
		3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota
		3/21/2012	Attended meeting in New Town, ND
		4/16/2012	Transcript of March 21-22 meeting sent for review
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		3/1/2012	Participated in conference call with DOS
<b>Terry Clouthier, THPO Archaeologist</b>	<b>Terry Clouthier, THPO Archaeologist</b>	3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		3/21/2012	Attended meeting in New Town, ND

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>		
<b>Standing Rock Sioux Tribe</b>	<b>Terry Clouthier, THPO Archaeologist</b>	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)		
		4/16/2012	Transcript of March 21-22 meeting sent for review		
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)		
		5/3/2012	DOS sent final transcript of March 21-22 meeting		
		6/27/2012	Attended DOS conference call		
		7/10/2012	Attended field visit with DOS		
		7/11/2012	Attended DOS meeting in Minot, ND (by telephone)		
		9/7/2012	Sent email comments on Draft PA		
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)		
		11/16/2012	Attended DOS conference call		
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)		
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)		
		1/29/2013	Sent email comments on Draft PA		
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
		2/5/2013	DOS sent revised Draft PA for review		
		2/15/2013	Sent email comments on Draft PA		
		3/15/2013	DOS sent March 15 revised Draft PA for review		
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
		4/3/2013	DOS sent April 3 revised Draft PA for review		
		<b>Tim Mentz, Jr., Tribal Specialist</b>		6/27/2012	Attended DOS conference call
				7/10/2012	Attended field visit with DOS
1/14/2013	Attended meeting in Mandan, ND				
<b>Tim Mentz, Sr., Tribal Specialist</b>		6/27/2012	Attended DOS conference call		
		7/10/2012	Attended field visit with DOS		
		7/11/2012	Attended DOS meeting in Minot, ND		
		1/14/2013	Attended meeting in Mandan, ND		
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting		
<b>Wasté Win Young, Tribal Historic Preservation Officer</b>		8/19/2011	DOS Sent NOI		
		12/16/2011	DOS Sent initial consultation letter		
		1/12/2012	Response to DOS's December 16, 2011 Initial Consultation Letter		
		2/14/2012	DOS sent invitation to March 1 conference call		
		3/1/2012	Participated in conference call with DOS		
		3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota		
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)		

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Standing Rock Sioux Tribe</b>	<b>Wasté Win Young, Tribal Historic Preservation Officer</b>	4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/10/2012	Attended field visit with DOS
		7/11/2012	Attended DOS meeting in Minot, ND
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)
		8/24/2012	DOS sent Draft PA for review (cc: recipient)
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
		1/14/2013	Attended meeting in Mandan, ND
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/5/2013	DOS sent revised Draft PA for review
		2/8/2013	Attended meeting in Bismarck, ND
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
<b>Phyllis Young, Council Member at Large</b>		4/3/2013	DOS sent April 3 revised Draft PA for review
		2/8/2013	Attended meeting in Bismarck, ND
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
<b>Three Affiliated Tribes</b>	<b>Elgin Crow's Breast, THPO Officer</b>	4/3/2013	DOS sent April 3 revised Draft PA for review
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)
		8/24/2012	DOS sent Draft PA for review (cc: recipient)
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Three Affiliated Tribes</b>	<b>Elgin Crow's Breast, THPO Officer</b>	12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
			1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
	<b>Perry Brady (deceased), Tribal Historic Preservation Officer</b>		8/19/2011	DOS Sent NOI
			12/16/2011	DOS Sent initial consultation letter
			2/14/2012	DOS sent invitation to March 1 conference call
	<b>Pete Coffey, THPO Office</b>		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
			3/21/2012	Attended meeting in New Town, ND
			4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
			4/16/2012	Transcript of March 21-22 meeting sent for review
			5/3/2012	DOS sent Environmental Assessment (cc: recipient)
			5/3/2012	DOS sent final transcript of March 21-22 meeting
			6/27/2012	Attended DOS conference call
			7/11/2012	Attended DOS meeting in Minot, ND
11/13/2012			DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
12/14/2012			DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
12/21/2012			DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
				1/9/2013
		1/14/2013	Attended meeting in Mandan, ND	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		2/5/2013	DOS sent revised Draft PA for review	
		2/8/2013	Attended meeting in Bismarck, ND	
		3/1/2013	DOS sent March 1 revised Draft PA for review	
		3/15/2013	DOS sent March 15 revised Draft PA for review	
		3/20/2013	Transcript of February 8, 2013 meeting sent for review	
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
		4/3/2013	DOS sent April 3 revised Draft PA for review	
<b>Tex G Hall, Chairman</b>		12/16/2011	DOS Sent initial consultation letter	
		2/14/2012	DOS sent invitation to March 1 conference call	
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting	
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys	
		5/3/2012	DOS sent Environmental Assessment	

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>		
<b>Three Affiliated Tribes</b>	<b>Tex G Hall, Chairman</b>	7/27/2012	DOS sent outline of Draft PA for review		
		8/24/2012	DOS sent Draft PA for review		
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call		
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND		
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND		
		1/9/2013	DOS sent revised Draft PA for review		
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule		
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck		
		<b>Turtle Mountain Band of Chippewa Indians</b>	<b>Merle St. Claire, Chairman</b>	12/16/2011	DOS Sent initial consultation letter
				2/14/2012	DOS sent invitation to March 1 conference call
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting				
4/23/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)				
5/3/2012	DOS sent Environmental Assessment				
7/27/2012	DOS sent outline of Draft PA for review				
8/24/2012	DOS sent Draft PA for review				
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call				
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND				
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND				
1/9/2013	DOS sent revised Draft PA for review				
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule				
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck				
<b>Kade Ferris, Tribal Historic Preservation Officer (until August 2012)</b>	<b>Kade Ferris, Tribal Historic Preservation Officer (until August 2012)</b>			8/19/2011	DOS Sent NOI
				12/16/2011	DOS Sent initial consultation letter
				2/14/2012	DOS sent invitation to March 1 conference call
				3/1/2012	Participated in conference call with DOS
		3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota		
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)		
		4/23/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys		
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)		
		5/3/2012	DOS sent final transcript of March 21-22 meeting		
		5/15/2012	Provides DOS with report on ethnographic study		
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)		
		<b>Bruce F. Nadeau, Tribal Historic Preservation Officer (beginning August 2012)</b>	<b>Bruce F. Nadeau, Tribal Historic Preservation Officer (beginning August 2012)</b>	8/24/2012	DOS sent Draft PA for review (cc: recipient)

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<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Turtle Mountain Band of Chippewa Indians</b>	<b>Bruce F. Nadeau, Tribal Historic Preservation Officer (beginning August 2012)</b>	11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/5/2013	DOS sent revised Draft PA for review
		2/8/2013	Attended meeting in Bismarck, ND
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
		<b>Upper Sioux Community - Minnesota</b>	<b>Kevin Jensvold, Chairperson</b>
12/16/2011	DOS Sent initial consultation letter		
2/14/2012	DOS sent invitation to March 1 conference call		
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting		
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys		
5/3/2012	DOS sent Environmental Assessment		
5/3/2012	DOS sent final transcript of March 21-22 meeting		
7/27/2012	DOS sent outline of Draft PA for review		
8/24/2012	DOS sent Draft PA for review		
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call		
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND		
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND		
1/9/2013	DOS sent revised Draft PA for review		
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule		
<b>Marlow LaBatte, Tribal Historic Preservation Officer</b>		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck
		2/5/2013	DOS sent revised Draft PA for review
		3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)
		5/3/2012	DOS sent Environmental Assessment (cc: recipient)
		5/3/2012	DOS sent final transcript of March 21-22 meeting

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-2**

**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>	
<b>Upper Sioux Community -</b>	<b>Marlow LaBatte, Tribal Historic Preservation Officer</b>	7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)	
		8/24/2012	DOS sent Draft PA for review (cc: recipient)	
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)	
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)	
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)	
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)	
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)	
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)	
		<b>Sandra M. Berthelsen, Executive Office Manager for The Upper Sioux Community Board of Trustees</b>	8/1/2012	Sent email to DOS stating it had no comments on the PA outline
		<b>White Earth Nation</b>	<b>Erma Vizenor, Chairwoman</b>	12/16/2011
2/14/2012	DOS sent invitation to March 1 conference call			
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting			
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys			
5/3/2012	DOS sent Environmental Assessment			
7/27/2012	DOS sent outline of Draft PA for review			
8/24/2012	DOS sent Draft PA for review			
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call			
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND			
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND			
1/9/2013	DOS sent revised Draft PA for review			
1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule			
1/31/2013	DOS sent invitation to February 8 meeting in Bismarck			
<b>Mike Swan, Director of Natural Resources, currently has duties of THPO</b>	1/9/2013			Merjent sent email sent asking about Mr. Swan's attendance at the January 2013 meeting in Mandan
2/5/2013	DOS sent revised Draft PA for review			
<b>Tom McCauley, THPO (until August 2012)</b>	8/19/2011			DOS Sent NOI
12/16/2011	DOS Sent initial consultation letter			
2/14/2012	DOS sent invitation to March 1 conference call			
3/1/2012	Participated in conference call with DOS			
3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota			
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)			
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)			

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-2**

**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>		
<b>White Earth Nation</b>	<b>Tom McCauley, THPO (until August 2012)</b>	5/3/2012	DOS sent Environmental Assessment (cc: recipient)		
		5/3/2012	DOS sent final transcript of March 21-22 meeting		
		7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)		
		8/24/2012	DOS sent Draft PA for review (cc: recipient)		
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)		
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)		
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)		
		1/9/2013	DOS sent revised Draft PA for review (cc: recipient)		
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)		
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)		
		<b>Yankton Sioux Tribe</b>	<b>Lana Gravatt, RPA, Tribal Historic Preservation Officer</b>	8/19/2011	DOS Sent NOI
				12/16/2011	DOS Sent initial consultation letter
				2/14/2012	DOS sent invitation to March 1 conference call
3/1/2012	Participated in conference call with DOS				
3/6/2012	DOS sent thank you email for March 1 conference call and reminder for March 21-22 meeting in New Town, North Dakota				
3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting (cc: recipient)				
3/21/2012	Attended meeting in New Town, ND				
4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys (cc: recipient)				
4/16/2012	Transcript of March 21-22 meeting sent for review				
5/3/2012	DOS sent Environmental Assessment (cc: recipient)				
5/3/2012	DOS sent final transcript of March 21-22 meeting				
6/27/2012	Attended DOS conference call				
7/11/2012	Attended DOS meeting in Minot, ND (beginning and ending portion; by telephone)				
7/27/2012	DOS sent outline of Draft PA for review (cc: recipient)				
8/24/2012	DOS sent Draft PA for review (cc: recipient)				
11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call (cc: recipient)				
12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND (cc: recipient)				
12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND (cc: recipient)				
12/21/2012	Sent email comments on Draft PA				
1/9/2013	DOS sent revised Draft PA for review (cc: recipient)				
1/14/2013	Attended meeting in Mandan, ND				

**Programmatic Agreement Regarding the Vantage Pipeline Project**

**Attachment B-2**

**U.S. Department of State Consultations with Indian Tribes**

<b>Tribe</b>	<b>Contact, Title</b>	<b>Contact Date</b>	<b>Contact Description</b>
<b>Yankton Sioux Tribe</b>	<b>Lana Gravatt, RPA, Tribal Historic Preservation Officer</b>	1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule (cc: recipient)
		1/24/2013	Sent email comments on Draft PA
		1/31/2013	DOS sent invitation to February 8 meeting in Bismarck (cc: recipient)
		2/8/2013	Attended meeting in Bismarck, ND
		2/15/2013	Sent email comments on Draft PA
		3/1/2013	DOS sent March 1 revised Draft PA for review
		3/15/2013	DOS sent March 15 revised Draft PA for review
		3/20/2013	Transcript of February 8, 2013 meeting sent for review
		3/20/2013	DOS sent final transcript of January 14, 2013 meeting
		4/3/2013	DOS sent April 3 revised Draft PA for review
	<b>Robert Cournoyer, Chairman</b>	12/16/2011	DOS Sent initial consultation letter
		2/14/2012	DOS sent invitation to March 1 conference call
	<b>Thurman Cournoyer, Chairman</b>	3/9/2012	DOS sent invitation to March 21-22, 2012 onsite meeting
		4/3/2012	DOS sent thank you for attending March 21-22, 2012 meeting and regarding planned tribal surveys
		5/3/2012	DOS sent Environmental Assessment
		7/27/2012	DOS sent outline of Draft PA for review
		8/24/2012	DOS sent Draft PA for review
		11/13/2012	DOS sent letter requesting continued consultation and attendance at November 16, 2012 conference call
		12/14/2012	DOS sent date request letter for January 2013 meeting in Mandan, ND
		12/21/2012	DOS sent invitation to January 14, 2013 meeting in Mandan, ND
		1/9/2013	DOS sent revised Draft PA for review
		1/18/2013	DOS sent thank you letter for January 14, 2013 meeting and PA review schedule
	<b>Gail Hubbleing, Business Council</b>	1/31/2013	DOS sent invitation to February 8 meeting in Bismarck
1/14/2013		Attended meeting in Mandan, ND	
2/5/2013		DOS sent revised Draft PA for review	
2/8/2013		Attended meeting in Bismarck, ND	
3/1/2013		DOS sent March 1 revised Draft PA for review	
3/15/2013		DOS sent March 15 revised Draft PA for review	
3/20/2013		Transcript of February 8, 2013 meeting sent for review	
3/20/2013		DOS sent final transcript of January 14, 2013 meeting	
4/3/2013		DOS sent April 3 revised Draft PA for review	
<b>Ida Ashes, Vice-Chairperson</b>		1/14/2013	Attended meeting in Mandan, ND
	2/5/2013	DOS sent revised Draft PA for review	
	2/8/2013	Attended meeting in Bismarck, ND	
	3/1/2013	DOS sent March 1 revised Draft PA for review	
	3/15/2013	DOS sent March 15 revised Draft PA for review	
	3/20/2013	Transcript of February 8, 2013 meeting sent for review	
	3/20/2013	DOS sent final transcript of January 14, 2013 meeting	
4/3/2013	DOS sent April 3 revised Draft PA for review		

Programmatic Agreement  
Regarding the Vantage Pipeline Project

**Attachment C**  
**Historic Property Identification Studies**

Vantage Pipeline Project			
<b>Historic Property Identification Studies</b>			
Date	Author	Report Title	Area Studied
October 31, 2011	Sierra A. Mandelko, Jonathan G. Hardes, Jennifer L. Thomas, Renea D. Martinson, and Lynelle A. Peterson	Vantage Pipeline: A Class III Cultural Resource Inventory of Divide and Williams Counties, North Dakota	Pipeline corridor, approximately 79.8 miles of a 300-foot-wide survey corridor, plus re-routes; total 5,122 acres
May 21, 2012	Blain Fandrich	Addendum Vantage Pipeline: A Class III Cultural Resource Inventory in Williams County, North Dakota	Reroute of pipeline corridor, 2.2 miles of a 300-foot-wide survey corridor; total 80 acres
May 15, 2012	Kade M. Ferris	An Ethnohistory of the Turtle Mountain Band of Chippewa Indians in Relation to the Vantage Pipeline Project in Divide and Williams Counties, North Dakota	Background study of pipeline corridor and surrounding region; no field survey
July 17, 2012	Tim Mentz, Sr.	Traditional Cultural Properties Survey Letter Report for Vantage Pipeline US LP, Divide and Williams County, North Dakota	TCP study APE is 23.59 miles of unbroken grassland, using a 300-foot-wide survey corridor; total 857.8 acres. 19.59 miles of a 300-foot-wide survey corridor; total 712.4 acres remains to be surveyed.

Programmatic Agreement  
Regarding the Vantage Pipeline Project

**Attachment D**  
**Contact Information for Unanticipated Discoveries**

Vantage Pipeline Project			
Contact information for Unanticipated Discoveries			
Name	Affiliation	Contact Information	Comments
Native American Monitor	TBD	TBD	Contact immediately for discovery of Human Remains.
Consulting Archaeologist	TBD	TBD	Contact immediately for discovery of Human Remains.
Lauren Throntveit	Divide County Sheriff	Phone: (701)-965-6461	Contact Immediately if Human Remains located within Divide County per Subsection 4, NDCC 23-06-27
Scott Busching	Williams County Sheriff	Phone: (701)-577-7700	Contact Immediately if Human Remains located within Divide County per Subsection 4, NDCC 23-06-27
Mark Kissel	DOS, Office of Environmental Quality/ Transboundary Issues	Office: (202) 647-4284 Mobile: (202) 631-9480 Email: KisselME@state.gov	Contact within 24 hours of discovery of Human Remains.
Paul Picha	Chief Archaeologist, State Historic Society of North Dakota	Phone: (701)-328-3574 Email: ppicha@nd.gov	Contact within 24 hours of discovery of Human Remains.
David Schmunk	Mistral Energy, Inc.	Phone: (403)-781-8192 Email: dschmunk@mistralenergy.ca	Contact within 24 hours of discovery of Human Remains.

**UNANTICIPATED DISCOVERY PLAN  
FOR THE VANTAGE PIPELINE PROJECT**

# **CULTURAL RESOURCES CONTINGENCY PLAN FOR UNEXPECTED DISCOVERIES**

A Class III cultural resource inventory conducted along the Vantage pipeline corridor identified 79 sites and 19 isolated finds. Vantage Pipeline US LP (Vantage) has successfully avoided the identified sites and isolated finds through the use of reroutes and neck-downs and boring. To avoid inadvertent impacts to any of the identified sites and/or isolated finds, Vantage will fence around National Registry of Historic Place (NRHP)-eligible or sites of unknown NRHP eligibility during construction of the Vantage pipeline. In addition, the qualified archaeologist will monitor ground-disturbing activities above glacial deposits (averaging 30 cm deep) within 60 m (200 ft) of identified sites within the construction corridor to ensure construction stays within the temporary workspace and that proper procedures are followed in the case of unexpected discoveries.

The procedures outlined in the Programmatic Agreement, executed in April 2013, will be followed in the event that additional surveys are conducted prior to construction or unanticipated discoveries are encountered during construction.

## **Procedures at Time of Discovery of Unanticipated Cultural Resources**

Unforeseen changes in the pipeline route, monitoring activities and/or observations of construction crew have the potential to identify previously undocumented cultural resources<sup>1</sup> or expand the boundaries of recorded sites. If an unanticipated cultural resource is discovered, construction activity will immediately cease within 50 feet in all directions and a qualified archaeologist will be brought in to assess the locality. In the event that the archaeologist is not

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<sup>1</sup> For the purpose of this report a cultural resource is any tangible or observable evidence of human activity that is over 50 years in age, regardless of significance. Cultural resources consist of objects, sites, structures, or landscapes. Evidence of cultural activity can include artifacts (e.g. flaking debris, bone, bottle glass shards), features (e.g., charcoal stains, patterned arrangements of rock), as well as human remains and/or funerary objects.

immediately available, Vantage will protect the discovery until the archaeologist is present for inspection and evaluation.

The construction inspector will contact the archaeologist who will examine the discovery and when applicable initiate site recording and evaluation procedures. If the archaeologist determines the locality is not a site (e.g., not cultural, isolated find, or less than 50 years in age); construction shall resume with no further delay.

If the locality is cultural in origin and over 50 years in age, the archaeologist will work with Vantage to ascertain whether it can be avoided with a minimum buffer. If the site can be avoided, the archaeologist will clear the location for construction related activities. Fencing and monitoring will occur to protect the site from inadvertent impacts as needed. The archaeologist will report the presence of the cultural resource to the DoS and the means by which the cultural resource will be avoided. This will be followed by formal documentation of the site, including the Smithsonian trinomial number, at a later date.

If the site cannot be avoided or has already been impacted, the archaeologist will immediately begin investigations to ascertain NRHP eligibility using the standards defined in Bulletins 15, 16, 38 and 41. In most cases, NRHP eligibility will be based on surface visible artifact densities and features; however, subsurface testing is allowed as long as safety protocols are maintained. The archaeologist will gather information as necessary to ascertain whether the site is of cultural concern. Within 24 hours, the archaeologist will contact the DoS and the NDSHPO (or their designated representatives) regarding the presence of a cultural resource within the construction corridor and provide preliminary findings of NRHP eligibility.

DoS (or its designated representative), in consultation with the NDSHPO, shall review the preliminary findings and make a determination on eligibility within seven (7) days. For cultural resources determined to be NRHP-eligible, Vantage shall notify DoS of those actions that it proposes to resolve adverse effects, including proposed actions to mitigate any adverse effects. DoS shall have seven (7) days to review and approve the actions proposed by Vantage, or to request modifications to the proposed actions. Once approval has been granted by DoS, Vantage shall carry out the approved measures and resume construction within the no-disturbance zone.

In the event of any disagreements between Vantage, DoS, the NDSHPO or other regulatory agencies regarding eligibility or proposed actions to mitigate adverse effects, DoS shall seek and take into account the recommendations of the Advisory Council on Historic Preservation (ACHP). Within forty-eight (48) hours of receipt of a request, the ACHP shall provide DoS with recommendations on how to resolve the dispute.

### **Treatment of Traditional Cultural Properties and locations of Cultural Concern.**

Vantage will make reasonable effort to avoid sites determined to be Traditional Cultural Properties (TCPs). If Vantage determines that an identified TCP that is eligible for listing on the NHRP cannot be avoided, the appropriate treatment will be developed through consultation with DoS and the NDSHPO.

### **Subsurface Investigations**

Minimal excavation will occur during construction. Although testing will be allowed, in most cases, it will be based upon visual estimates of artifact or feature densities, particularly when time is limited and eligibility decisions are needed quickly. A reserve excavation sample of **150** square meters will be available at the archaeologist's discretion to investigate cultural properties discovered during and after construction.

### *NRHP Eligibility Evaluation*

If surface observations are insufficient to ascertain NRHP eligibility, the number and placement of excavations will be at the archaeologist's discretion. All excavations will follow North Dakota standards unless otherwise agreed.

*Emergency Salvage of Cultural Resources*

In the event of an accident or malfunction that may impact cultural resources, the archaeologist will be contacted once the area has been deemed safe and all necessary repairs have taken place. Vantage will apply prudent methods to stabilize conditions around the unanticipated discovery. If cultural resources are in imminent danger of destruction, a part of the reserve excavation sample may be used to excavate exposed features or artifacts immediately without consulting the DoS or NDSHPO. If the cultural resource is significant, in immediate danger of destruction, and requires more extensive excavation, the archaeologist will discuss possible data recovery plans with the DoS and NDSHPO and may proceed with verbal approval. If the site is not in immediate danger of destruction, a Treatment Plan will be developed for later excavation after construction is complete.

*Post Construction Treatment of Unexpected Discoveries*

Following construction, the archaeologist will summarize all unexpected discoveries. If NRHP eligible properties are identified, Vantage, in consultation with the DoS and NDSHPO will develop a plan to conduct a data recovery strategy using the 150 square meters in reserve that have not been used during testing or emergency salvage operations.

**Unexpected Discovery of Human Remains and Funerary Objects**

Human remains encountered in a discovery situation shall be handled according to the provisions of the North Dakota burial laws. For graves or human remains encountered, Vantage shall follow the steps listed below:

- Immediately stop work on the location of human remains. This shall include removing all equipment from the site to an adequate distance to assure site protection. This will be site-specific, depending on the extent of the discovery and the topography of the site;
- Contact the archaeologist, and the designated representative of the DoS, within 24 hours of discovery (see attached table).
- Depending on location, either the Divide County Sheriff or the Williams County Sheriff

shall be notified as per Subsection 4, NDCC 23-06-27. Divide County Sheriff at Crosby (701) 965-6461. Williams County Sheriff at Williston (701) 577-7700;

- Notify Paul Picha, the designated representative of the NDSHPO, within 24 hours. The representative shall examine the remains and carry out the activities described in NDAC 40-02-03-04;
- If the burial is Native American, establish a meeting with a representative of the North Dakota Intertribal Re-interment Committee, the landowner/stewards, the designated representative of the State Historical Society Board, the North Dakota State Health Department, and the appropriate federal and state agencies. In addition, a representative of Vantage shall also be notified. To ensure that both the disturbed remains receive the maximum protection and that costly delays are avoided, this meeting will be conducted within 24 to 36 hours of discovery; and
- Protect the remains from further disturbance until a consensus for the care of the human remains has been achieved. It is anticipated that any such remains will be buried at the location designated by North Dakota Intertribal Re-interment Committee representatives.

### **Curation or Disposition of Cultural Materials**

All non-human and funerary cultural materials recovered from privately owned lands are the property of the landowner. Cultural materials will be returned to those landowners after analysis is complete. There is no provision at this time to curate identified materials.

Vantage Pipeline Project  
 Cultural Resources Contingency Plan for Unanticipated Discoveries

<b>POINT OF CONTACT FOR UNANTICIPATED CULTURAL RESOURCES</b>				
<b>Name</b>	<b>Affiliation</b>	<b>Responsibility</b>	<b>Contact Information</b>	<b>Comments</b>
Lynelle Peterson (Contract Archaeologist)	Ethnoscience, Inc	Cultural Resources	Phone: (406)-252-7945 Email: lynelle@ethnoscience.com	Contact within 24 hours of Unanticipated Cultural Resources
Contract Archaeologist	TBD	Cultural Resources	TBD	
Field Archaeologist	TBD	Cultural Resources	TBD	
Paul Picha	Chief Archaeologist, State Historic Society of North Dakota	NDSHPO	Phone: (701)-328-3574 Email: ppicha@nd.gov	Contact within 24 hours of discovery of Human Remains.
Genevieve Walker	U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs	NEPA Project Manager	Phone: (202) 647-9798 Email: WalkerG@state.gov	Contact within 24 hours of discovery of any find.
David Schmunk	Mistral Energy, Inc.	Vantage Pipeline	Phone: (403)-781-8192 Email: dschmunk@mistralenergy.ca	Contact within 24 hours of discovery of Human Remains.
Native American Monitor	TBD	Cultural Resources	TBD	Contact within 24 hours of discovery of Human Remains.
Lauren Throntveit	Divide County Sheriff	Law Enforcement	Phone: (701)-965-6461	Contact Immediately if Human Remains located within Divide County per Subsection 4, NDCC 23-06-27
Scott Busching	Williams County Sheriff	Law Enforcement	Phone: (701)-577-7700	Contact Immediately if Human Remains located within Divide County per Subsection 4, NDCC 23-06-27