

November 12, 2013



HAND DELIVERED

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, ND 58505-4080

**RE: Case Number PU-13-136: Hiland Crude,
LLC's Market Center Pipeline – McKenzie,
Mountrail, and Williams Counties**

Dear Mr. Nitschke:

Enclosed for filing, please find an original and ten (10) copies of the following:

- State Historical Society of North Dakota Concurrence with Finding of No Significant Sites

Also enclosed is a CD containing the above-referenced document and this letter in electronic format. If you have any questions, please advise.

Sincerely,

JILLIAN R. RUPNOW

JRR/mjb
Enclosures

8184033_1.DOCX

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200 North
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5

PU-13-136 Filed: 11/12/2013 Pages: 10
**Letter enclosing SHPO Report - no significant sites
effected**

Hiland Crude, LLC

Jillian Rupnow, Fredrikson&Byron, P.A.



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October 30, 2013

Ms. Christina Burns
Beaver Creek Archaeology
1632 Capitol Way
Bismarck, ND 58501

NDSHPO REF.: 13-1456 PSC PU-13-136 Hiland Operating, LLC "Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota"

Dear Ms. Burns,

We reviewed NDSHPO REF.: 13-1456 PSC PU-13-136 Hiland Operating, LLC "Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota," and find the Beaver Creek Archaeology report by Brittany Brooks (October 2013) acceptable. We find "No Significant Sites" for the portions of the project covered in the above-captioned report, provided that the avoidance and monitoring procedures outlined on pages 19-24 are followed, (copy attached). Any further ground disturbance not previously inventoried should be inventoried at a Class III pedestrian survey level.

Thank you for the opportunity to review this project. If you have questions please contact either Paul Picha at ppicha@nd.gov or (701) 328-3574 or Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

C: copy of pages 19-24

**Class III Intensive Cultural Resource Inventory for
the Market Center Pipeline in Mountrail,
McKenzie, and Williams Counties, North Dakota
(Volume I)**

Prepared for: Keitu Engineers & Consultants, Inc.

On Behalf of: Hiland Operating, LLC

Prepared by: Brittany Brooks, RPA

Beaver Creek Archaeology, Inc.
Bismarck, North Dakota

BCA Project #: 2013 - 520

October, 2013



Beaver Creek
ARCHAEOLOGY

WHERE PROGRESS MEETS PRESERVATION

1632 Capitol Way | Bismarck, ND 58501 | PH (701) 663.5521 | FX (701) 663.5589

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Intensive Pedestrian Survey

BCA cultural resource staff conducted the Class III Cultural Resource Inventory within the APE between May 28, 2013 and September 9, 2013. The Secretary of the Interior (SOI) qualified archaeologist Wade Burns (PI), and Lindsey Reiners (Field Director), and Brittany Brooks (Crew Chief) along with Eric McCann, Kevin Mieras, Tara Friend, and Erica Kramer (Staff Archaeologists) inventoried the project area. Jay Ell and Mary Mortensen (GIS Coordinator) created the project maps. During the inventory, cultural resources were found within the APE. The findings include 73 stone feature sites, one CM Scatter site, seven historic/architectural sites, and three isolated finds.

Summary and Recommendations

Between May and September, 2013, BCA conducted a Class III Cultural Resource Inventory of the proposed project area. The Class III Inventory of the original APE covered a pipeline corridor approximately 236 miles long with the majority of the corridor 250 feet wide (7,159 acres). A total of 7,441 acres was inventoried for the proposed project due to reroutes during the inventory. The location of the APE can be seen on the maps located in Appendix B.

During the cultural resource inventory, 102 sites (21 previously recorded sites and 81 newly recorded sites) as well as three isolated finds were found in or near the APE (see Table 6). Sixteen of these sites are inside the APE (see Table 3). There are 48 sites completely avoided by the APE due to a series of reroutes and as a result, they are no longer inside the APE (see Table 4). Of the 48 sites in Table 4, 28 sites are within 100 feet of the APE. The remaining 20 sites are no longer near the APE due to reroutes. The isolated finds are not eligible and no avoidance by the project is necessary.

Fourteen sites within the APE were previously impacted by the original Market Center Pipeline, which did not require an archaeological inventory at the time of design and construction (see Table 2). Of these fourteen sites, three were previously recorded. Site 32MN562 was impacted by an existing pipeline and is now ineligible to the National Register of Historic Places (NRHP) as the site was destroyed. The eastern side of site 32MZ1719 has been impacted by the existing pipeline. However, the site still retains integrity and is considered potentially eligible to the NRHP and should be avoided in the future. Site 32WI104 is located in an agricultural field and was impacted by the construction of a well pad and is ineligible to the NRHP so no avoidance is necessary. The remaining 11 impacted sites were disturbed by the existing pipeline. These remaining sites are either avoided by a series of reroutes, or are avoided by the narrowing of the APE, and as a result will not be further impacted by the proposed project.

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

Table 2. Previously Impacted Sites.

| SITS # | Description | NRHP Status | Recommendation |
|---------------------|-------------------------------|--------------------|------------------------|
| 32MN562 (Update) | Cairns (Destroyed) | Ineligible | No Avoidance Necessary |
| 32MZ1719 | Caim, CM Scatter | Unevaluated | Avoidance |
| 32WI104 (Update) | CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI1393 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1394 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1395 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1396 | Stone Circles | Unevaluated | Avoidance |
| 32WI1397 | Stone Circles | Unevaluated | Avoidance |
| 32WI1398 | Stone Circles | Unevaluated | Avoidance |
| 32WI1400 | Stone Circles | Unevaluated | Avoidance |
| 32WI1402 | Stone Circles, Stone Arc | Unevaluated | Avoidance |
| 32WI1403 | Stone Circle | Unevaluated | Avoidance |
| 32WI1415 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1416 | Stone Circles, Rock Alignment | Unevaluated | Avoidance |

Table 3. Sites Inside the APE.

| SITS # | Description | NRHP Status | Recommendation |
|---------------------|---|--------------------|-------------------------------|
| 32MN562 (Update) | Cairns (Destroyed) | Ineligible | No Avoidance Necessary |
| 32MN900 | Historic Depression | Ineligible | No Avoidance Necessary |
| 32MN1093 | Farmstead | Ineligible | No Avoidance Necessary |
| 32MN1111 | Farmstead | Ineligible | No Avoidance Necessary |
| 32MN1127 | Historic Depression | Ineligible | No Avoidance Necessary |
| 32MZ782 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32MZ1174 | Irrigation Project | Unevaluated | Avoidance by Boring |
| 32MZ1561 | Transmission Line | Ineligible | No Avoidance Necessary |
| 32MZ2206 | Stone Circle | Unevaluated | Avoidance by Boring Around |
| 32MZ2416 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32MZ2625 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI104 (Update) | CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI253 | Farmstead | Ineligible | No Avoidance Necessary |
| 32WI962 | Historic Depressions, Mound, CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI1407 | Stone Foundation | Ineligible | No Avoidance Necessary |
| 32WI1417 | Historic Depression | Ineligible | No Avoidance Necessary |

Table 4. Sites Completely Avoided due to APE Reroutes.

| SITS # | Description | NRHP Status | Recommendation |
|---------------|--------------------------------------|--------------------|-----------------------|
| 32MN99 | Stone Circles, Cairns, Chipped Stone | Unevaluated | Avoidance |
| 32MN830 | Stone Circles, Other Stone Features | Unevaluated | Avoidance |
| 32MN1076 | Stone Circle | Unevaluated | Avoidance |
| 32MN1092 | Stone Circle | Unevaluated | Avoidance |

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

| SITS # | Description | NRHP Status | Recommendation |
|---------------|---------------------------------------|--------------------|------------------------|
| 32MN1096 | Stone Circles | Unevaluated | Avoidance |
| 32MN1097 | Stone Circles, Stone Arc | Unevaluated | Avoidance |
| 32MN1098 | Stone Circles | Unevaluated | Avoidance |
| 32MN1100 | Stone Circles | Unevaluated | Avoidance |
| 32MN1102 | Stone Circles | Unevaluated | Avoidance |
| 32MN1104 | Stone Circles | Unevaluated | Avoidance |
| 32MN1105 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1107 | Stone Circles | Unevaluated | Avoidance |
| 32MN1109 | Stone Circles, Cairn, Stone Arc | Unevaluated | Avoidance |
| 32MN1110 | Stone Circle | Unevaluated | Avoidance |
| 32MN1112 | Cairn | Unevaluated | Avoidance |
| 32MN1114 | Stone Circle | Unevaluated | Avoidance |
| 32MN1115 | Stone Circles | Unevaluated | Avoidance |
| 32MN1116 | Stone Circles | Unevaluated | Avoidance |
| 32MN1117 | Stone Circles, Cairns, Stone Arcs | Unevaluated | Avoidance |
| 32MN1118 | Stone Circle, Stone Arc | Unevaluated | Avoidance |
| 32MN1119 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1120 | Stone Circles | Unevaluated | Avoidance |
| 32MN1121 | Stone Circles | Unevaluated | Avoidance |
| 32MN1123 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32MN1126 | Stone Circle | Unevaluated | Avoidance |
| 32MZ2623 | Historic Grave | Ineligible | Avoidance |
| 32MZ2624 | Stone Circle | Unevaluated | Avoidance |
| 32MZ2630 | Stone Circle | Unevaluated | Avoidance |
| 32WI106 | Stone Circle | Unevaluated | Avoidance |
| 32WI1164 | Cairns | Unevaluated | Avoidance |
| 32WI1393 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1396 | Stone Circles | Unevaluated | Avoidance |
| 32WI1397 | Stone Circles | Unevaluated | Avoidance |
| 32WI1398 | Stone Circles | Unevaluated | Avoidance |
| 32WI1399 | Historic Foundation, Wall, Depression | Ineligible | No Avoidance Necessary |
| 32WI1400 | Stone Circles | Unevaluated | Avoidance |
| 32WI1401 | Stone Circles | Unevaluated | Avoidance |
| 32WI1402 | Stone Circles, Stone Arc | Unevaluated | Avoidance |
| 32WI1405 | Stone Circle | Unevaluated | Avoidance |
| 32WI1408 | Stone Alignment, Stone Circle, Cairn | Unevaluated | Avoidance |
| 32WI1409 | Cairn | Unevaluated | Avoidance |
| 32WI1412 | Stone Circle | Unevaluated | Avoidance |
| 32WI1413 | Stone Circle | Unevaluated | Avoidance |
| 32WI1414 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1416 | Stone Circles, Rock Alignment | Unevaluated | Avoidance |
| 32WI1418 | Stone Circles | Unevaluated | Avoidance |
| 32WI1419 | Stone Circle | Unevaluated | Avoidance |
| 32WI1420 | Stone Circles, Cairn, Stone Arc | Unevaluated | Avoidance |

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

Table 5. Sites within the APE avoided by narrowing of the APE.

| SITS # | Description | NRHP Status | Recommendation |
|---------------|-------------------------|--------------------|-----------------------|
| 32MN1077 | Stone Circle | Unevaluated | Avoidance |
| 32MN1080 | Stone Circles | Unevaluated | Avoidance |
| 32MN1094 | Stone Circles | Unevaluated | Avoidance |
| 32MN1095 | Stone Circle, Stone Arc | Unevaluated | Avoidance |
| 32MN1099 | Stone Circle, Cairn | Unevaluated | Avoidance |
| 32MN1101 | Stone Circle | Unevaluated | Avoidance |
| 32MN1103 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1106 | Stone Circle | Unevaluated | Avoidance |
| 32MN1108 | Stone Circle | Unevaluated | Avoidance |
| 32MN1113 | Cairn | Unevaluated | Avoidance |
| 32MN1122 | Stone Circle | Unevaluated | Avoidance |
| 32MN1124 | Stone Circle | Unevaluated | Avoidance |
| 32MN1125 | Cairn | Unevaluated | Avoidance |
| 32MN1128 | Stone Circle, Cairn | Unevaluated | Avoidance |
| 32MN1129 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32MN1130 | Stone Circle | Unevaluated | Avoidance |
| 32MN1131 | Cairn | Unevaluated | Avoidance |
| 32MN1132 | Stone Circle | Unevaluated | Avoidance |
| 32MZ1719 | Cairn, CM Scatter | Unevaluated | Avoidance |
| 32MZ2626 | Stone Circles | Unevaluated | Avoidance |
| 32MZ2627 | Cairn | Unevaluated | Avoidance |
| 32MZ2628 | Cairn | Unevaluated | Avoidance |
| 32MZ2629 | Stone Circle | Unevaluated | Avoidance |
| 32WI1107 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32WI1024 | Stone Circle | Unevaluated | Avoidance |
| 32WI1297 | Stone Circle | Unevaluated | Avoidance |
| 32WI1394 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1395 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1403 | Stone Circle | Unevaluated | Avoidance |
| 32WI1404 | Stone Arc | Unevaluated | Avoidance |
| 32WI1406 | Stone Circle | Unevaluated | Avoidance |
| 32WI1410 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1411 | Stone Arc | Unevaluated | Avoidance |
| 32WI1415 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1421 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32WI1422 | Stone Circle, Cairns | Unevaluated | Avoidance |
| 32WI1423 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1424 | Stone Circle | Unevaluated | Avoidance |

The APE is located in an area where it could potentially have an adverse effect on cultural resources (see Table 6). See Appendix D for site avoidance measures.

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

Table 6. Cultural Resources Located within or near the APE.

| SITS # | Description | NRHP Status | Recommendation |
|---------------------|--------------------------------------|--------------------|------------------------|
| 32MN99 | Stone Circles, Cairns, Chipped Stone | Unevaluated | Avoidance |
| 32MN562 (Update) | Cairns (Destroyed) | Ineligible | No Avoidance Necessary |
| 32MN830 | Stone Circles, Other Stone Features | Unevaluated | Avoidance |
| 32MN900 | Historic Depression | Ineligible | No Avoidance Necessary |
| 32MN1076 | Stone Circle | Unevaluated | Avoidance |
| 32MN1077 | Stone Circle | Unevaluated | Avoidance |
| 32MN1080 | Stone Circles | Unevaluated | Avoidance |
| 32MN1092 | Stone Circle | Unevaluated | Avoidance |
| 32MN1093 | Farmstead | Ineligible | No Avoidance Necessary |
| 32MN1094 | Stone Circles | Unevaluated | Avoidance |
| 32MN1095 | Stone Circle, Stone Arc | Unevaluated | Avoidance |
| 32MN1096 | Stone Circles | Unevaluated | Avoidance |
| 32MN1097 | Stone Circles, Stone Arc | Unevaluated | Avoidance |
| 32MN1098 | Stone Circles | Unevaluated | Avoidance |
| 32MN1099 | Stone Circle, Cairn | Unevaluated | Avoidance |
| 32MN1100 | Stone Circle | Unevaluated | Avoidance |
| 32MN1101 | Stone Circle | Unevaluated | Avoidance |
| 32MN1102 | Stone Circles | Unevaluated | Avoidance |
| 32MN1103 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1104 | Stone Circles | Unevaluated | Avoidance |
| 32MN1105 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1106 | Stone Circle | Unevaluated | Avoidance |
| 32MN1107 | Stone Circles | Unevaluated | Avoidance |
| 32MN1108 | Stone Circle | Unevaluated | Avoidance |
| 32MN1109 | Stone Circles, Cairn, Stone Arc | Unevaluated | Avoidance |
| 32MN1110 | Stone Circle | Unevaluated | Avoidance |
| 32MN1111 | Farmstead | Ineligible | No Avoidance Necessary |
| 32MN1112 | Cairn | Unevaluated | Avoidance |
| 32MN1113 | Cairn | Unevaluated | Avoidance |
| 32MN1114 | Stone Circle | Unevaluated | Avoidance |
| 32MN1115 | Stone Circles | Unevaluated | Avoidance |
| 32MN1116 | Stone Circles | Unevaluated | Avoidance |
| 32MN1117 | Stone Circles, Cairns, Stone Arcs | Unevaluated | Avoidance |
| 32MN1118 | Stone Circle, Stone Arc | Unevaluated | Avoidance |
| 32MN1119 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32MN1120 | Stone Circles | Unevaluated | Avoidance |
| 32MN1121 | Stone Circles | Unevaluated | Avoidance |
| 32MN1122 | Stone Circle | Unevaluated | Avoidance |
| 32MN1123 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32MN1124 | Stone Circle | Unevaluated | Avoidance |
| 32MN1125 | Cairn | Unevaluated | Avoidance |
| 32MN1126 | Stone Circle | Unevaluated | Avoidance |
| 32MN1127 | Historic Depression | Ineligible | No Avoidance Necessary |
| 32MN1128 | Stone Circle, Cairn | Unevaluated | Avoidance |
| 32MN1129 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32MN1130 | Stone Circle | Unevaluated | Avoidance |

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

| SITS # | Description | NRHP Status | Recommendation |
|---------------------|---|--------------------|----------------------------|
| 32MN1131 | Cairn | Unevaluated | Avoidance |
| 32MN1132 | Stone Circle | Unevaluated | Avoidance |
| 32MZ782 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32MZ1174 | Irrigation Project | Unevaluated | Avoidance by Boring |
| 32MZ1561 | Transmission Line | Ineligible | No Avoidance Necessary |
| 32MZ1719 | Cairn, CM Scatter | Unevaluated | Avoidance |
| 32MZ2206 | Stone Circle | Unevaluated | Avoidance by Boring Around |
| 32MZ2416 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32MZ2623 | Historic Grave | Ineligible | Avoidance |
| 32MZ2624 | Stone Circle | Unevaluated | Avoidance |
| 32MZ2625 | CM Scatter | Ineligible | No Avoidance Necessary |
| 32MZ2626 | Stone Circles | Unevaluated | Avoidance |
| 32MZ2627 | Cairn | Unevaluated | Avoidance |
| 32MZ2628 | Cairn | Unevaluated | Avoidance |
| 32MZ2629 | Stone Circle | Unevaluated | Avoidance |
| 32MZ2630 | Stone Circle | Unevaluated | Avoidance |
| 32WI104 (Update) | CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI106 | Stone Circle | Unevaluated | Avoidance |
| 32WI107 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32WI253 | Farmstead | Ineligible | No Avoidance Necessary |
| 32WI962 | Historic Depressions, Mound, CM Scatter | Ineligible | No Avoidance Necessary |
| 32WI1024 | Stone Circle | Unevaluated | Avoidance |
| 32WI1164 | Cairns | Unevaluated | Avoidance |
| 32WI1297 | Stone Circle | Unevaluated | Avoidance |
| 32WI1393 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1394 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1395 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1396 | Stone Circles | Unevaluated | Avoidance |
| 32WI1397 | Stone Circles | Unevaluated | Avoidance |
| 32WI1398 | Stone Circles | Unevaluated | Avoidance |
| 32WI1399 | Historic Foundation, Wall, Depression | Ineligible | No Avoidance Necessary |
| 32WI1400 | Stone Circles | Unevaluated | Avoidance |
| 32WI1401 | Stone Circles | Unevaluated | Avoidance |
| 32WI1402 | Stone Circles, Stone Arc | Unevaluated | Avoidance |
| 32WI1403 | Stone Circle | Unevaluated | Avoidance |
| 32WI1404 | Stone Arc | Unevaluated | Avoidance |
| 32WI1405 | Stone Circle | Unevaluated | Avoidance |
| 32WI1406 | Stone Circle | Unevaluated | Avoidance |
| 32WI1407 | Historic Square Rock Alignment | Ineligible | No Avoidance Necessary |
| 32WI1408 | Stone Alignment, Stone Circle, Cairn | Unevaluated | Avoidance |
| 32WI1409 | Cairn | Unevaluated | Avoidance |
| 32WI1410 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1411 | Stone Arc | Unevaluated | Avoidance |
| 32WI1412 | Stone Circle | Unevaluated | Avoidance |
| 32WI1413 | Stone Circle | Unevaluated | Avoidance |
| 32WI1414 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1415 | Stone Circles, Cairns | Unevaluated | Avoidance |

Class III Intensive Cultural Resource Inventory for the Market Center Pipeline in Mountrail, McKenzie, and Williams Counties, North Dakota

| SITS # | Description | NRHP Status | Recommendation |
|----------|---------------------------------|-------------|------------------------|
| 32WI1416 | Stone Circles, Rock Alignment | Unevaluated | Avoidance |
| 32WI1417 | Historic Depression | Ineligible | No Avoidance Necessary |
| 32WI1418 | Stone Circle | Unevaluated | Avoidance |
| 32WI1419 | Stone Circle | Unevaluated | Avoidance |
| 32WI1420 | Stone Circles, Cairn, Stone Arc | Unevaluated | Avoidance |
| 32WI1421 | Stone Circles, Cairn | Unevaluated | Avoidance |
| 32WI1422 | Stone Circle, Cairns | Unevaluated | Avoidance |
| 32WI1423 | Stone Circles, Cairns | Unevaluated | Avoidance |
| 32WI1424 | Stone Circle | Unevaluated | Avoidance |

A buffer of 50 feet is recommended between the site boundaries and proposed construction activities; however, on the Fort Berthold Indian Reservation a buffer of 75 feet is recommended between the site features and proposed construction activities. There are 38 sites where portions of the APE corridor narrow to a width of 50 feet in order to avoid sites (see Table 5). In areas where a site is near the already constructed pipeline portion, it is recommended that construction activities stay on the opposite side of the existing pipeline. In areas where there is pipeline disturbance through a site, it is recommended that proposed construction activities stay within the already disturbed corridor. Fencing along site buffer lines in conjunction with site monitoring during construction would minimize any adverse effect to the sites.

Beaver Creek Archaeology, Inc. recommends that unevaluated sites within 100 feet of the APE have temporary site buffer fencing and monitoring during construction around these sites (see Avoidance Maps in Appendix D). No avoidance is necessary for ineligible sites within or near the APE. Furthermore, BCA recommends that the "Unanticipated Discovery Plan" (UDP) approved by the NDSHPO and created by Keitu Engineers and Consulting, Inc. be used during the construction phase of the project.

Provided that the sites listed in Table 6, as discussed above, are avoided by the recommendations of site buffer fencing and monitoring, Beaver Creek Archaeology, Inc. recommends that the project proceed under a *No Adverse Effects* as surveyed, mapped and described herein.