

December 17, 2014

VIA HAND DELIVERY

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



RE: Hiland Crude, LLC
Case Number PU-13-136 — Request for
Route Deviation and Application for
Amendment to Certificate of Corridor
Compatibility and Route Permit

Dear Mr. Nitschke:

On November 20, 2014, the North Dakota Public Service Commission (“Commission”) issued an Amended Order granting an Amended Certificate of Corridor Compatibility and Amended Route Permit to Hiland Crude, LLC (“Hiland”), for a crude oil pipeline in McKenzie, Williams, and Mountrail Counties, North Dakota (the “Project”). The Order included the requirement that Hiland obtain waivers from owners of residences within five hundred feet of the pipeline route that were not previously acquired. The Order also included the caveat that “[t]o the extent Hiland may be unable to obtain the waivers, it may apply for a reroute to the extent allowed by law.”

Pursuant to North Dakota Century Code Sections 49-22-03, 49-22-08, and 49-22-08.1, and North Dakota Administrative Code Section 69-06-05-02(3), Hiland hereby requests that the Commission approve a modification to the previously designated route. Hiland further requests the procedures and time schedules found in Sections 49-22-07.2, 49-22-08, 49-22-08.1, and 49-22-13 of the North Dakota Century Code and Chapter 69-06-01-02 of the North Dakota Administrative Code be waived or modified. Specifically, Hiland requests the hearing requirement be waived in its **entirety**. Rather, **Hiland desires for the Commission to issue an order on the Request for Route Deviation by virtue of its notice and opportunity for hearing procedure.**

Please find enclosed for filing an original and ten (10) copies of the following documents in support of Hiland’s request for deviation from the pipeline route and for issuance of an amended Certificate of Corridor Compatibility and Route Permit:

Attorneys & Advisors / Fredrikson & Byron, P.A.
main 701.221.8700 / 1133 College Drive, Suite 1000
fax 701.221.8750 / Bismarck, North Dakota
www. /

67 PU-13-136 Filed 12/17/2014 Pages: 41

Application for Amendment to Certificate of Corridor Compatibility and Route Permit
Hiland Crude, LLC
Lawrence Bender, Fredrikson&Byron, P.A.

1. Request for Pipeline Route Deviation and Application for Amendment to Certificate of Corridor Compatibility and Route Permit;
 - A. Route Modification Request – McGinnity Re-route Map, depicting original route and requested reroute;
 - B. Class III Intensive Cultural Resource Inventory for the Addendum to Market Center II in Williams County, North Dakota prepared by Beaver Creek Archaeology, Inc. on behalf of Hiland;
 - C. Letter from the North Dakota State Historic Preservation Office concurring with “No Significant Sites Affected;” and
 - D. Letter report from Kathleen Spilman, Keitu Engineers & Consultants, Inc., finding no exclusion or avoidance areas affected by the route modification.
2. Affidavit of Jim C. Suttle, Hiland Crude, LLC, providing detailed information regarding the proposed route modification; and
3. Application of Hiland Crude, LLC for Waiver or Reduction of Procedures and Time Schedules.

Also enclosed is a CD containing the above-referenced documents and all accompanying exhibits in PDF format. Please note that the Affidavit of Jim Suttle is a copy. The original executed document will be forwarded shortly.

Hiland respectfully requests that the Commission consider and proceed with the procedures required for the requested route modification as soon as possible. Hiland further requests that the Commission determine the matter without a hearing. If you have any questions or need any additional information, please advise.

Sincerely,



LAWRENCE BENDER

LB/dmk

Enclosures

cc: Mr. Patrick Fahn (*w/ encl. - via e-mail*)
Mr. Jim Suttle (*w/ encl. - via e-mail*)
Mr. Ryan Dahl (*w/ encl. - via e-mail*)
Ms. Kathleen Spilman (*w/ encl. - via e-mail*)
Ms. Julie Prescott (*w/ encl. - via e-mail*)
Mr. Mitch Armstrong (*w/ encl. - via e-mail*)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Hiland Crude, LLC
Crude Oil Pipeline, McKenzie, Williams, &
Mountrail Counties
Request for Pipeline Route Deviation –
Williams County**

CASE NO. PU-13-136

**REQUEST FOR PIPELINE ROUTE DEVIATION AND APPLICATION
FOR AMENDMENT TO CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT**

On March 27, 2014, Hiland Crude, LLC (“Hiland”) filed with the Public Service Commission (“Commission”) a Consolidated Application for a Corridor Certificate and Route Permit (“Consolidated Application”) to authorize the conversion of a gathering pipeline system in McKenzie, Mountrail, and Williams Counties, North Dakota into a transmission system (“Project”). On October 8, 2014, the Commission entered its Findings of Fact, Conclusions of Law and Order (“Order”) issuing Certificate of Corridor Compatibility Number 157 and Route Permit Number 169 for the Project, subject to certain conditions as set forth in the Order. However, on October 29, 2014, Hiland filed a petition for reconsideration, requesting the Commission reconsider and amend portions of the Order, essentially allowing Hiland to operation the sections of the pipeline that were in compliance with the siting requirements for a transmission facility.

By Amended Findings of Fact, Conclusions of Law and Order (“Amended Order”) dated November 20, 2014, the Commission granted Hiland the authority to convert portions of the Project to be operated as a transmission line, with the other sections remaining subject to the conditions described in the original Order. In conjunction with the Amended Order, the

Commission issued First Amended Certificate of Corridor Compatibility Number 157 and First Amended Route Permit Number 169.

In paragraph 4 of the order provisions in the Amended Order, the Commission stated the “Certificate of Corridor Compatibility and the Route Permit shall be subject to and include the special condition that Hiland must obtain and file with the Commission executed waivers consistent with North Dakota Century Code section 49-22-05.1 from the owners of the McGinnity, Vance, Smith, Moline, and Kuester residences within five hundred feet of the pipeline route before any construction or operation activities occur to make the pipeline a transmission facility on the Tioga segment, the portion of the Plains Delivery segment from the Bethel Injection Station to the Epping Injection station, the Epping/Tioga Segment, and the New Town segment (as depicted in Late-filed Exhibit 5). . . . To the extent Hiland may be unable to obtain the waivers, it may apply for a reroute to the extent allowed by law.” Based on this order provision, North Dakota Century Code Sections 49-22-03, 49-22-08, 49-22-08.1, and North Dakota Administrative Code Section 69-06-05-02(3), Hiland files this request for deviation and corresponding documentation for a reroute of a portion of the Project currently located within five hundred feet of the McGinnity residence.

Attached hereto as Exhibit A is a map depicting the requested reroute to avoid the five hundred foot setback requirement applicable to the McGinnity residence. The existing pipeline location along with the requested route modification location are shown.

The requested route modification is outside the originally designated corridor, so additional field studies were conducted. Attached hereto as Exhibit B is a Class III Intensive Cultural Resource Inventory in Williams County, North Dakota, prepared by Beaver Creek Archaeology, Inc. on behalf of Hiland. The Class III Cultural Inventory recommends that the reroute proceed under a No Historic Properties Affected as surveyed, mapped, and described in

the inventory. Also attached to Exhibit B are photographs of the survey area and additional maps.

Attached hereto as Exhibit C is a concurrence letter from the North Dakota State Historical Preservation Office (“SHPO”) concurring with the “No Significant Sites” finding made by Beaver Creek Archeology regarding the route modification.

Attached hereto as Exhibit D is a letter report from Kathleen Spilman, Keitu Engineers & Consultants, Inc., further confirming no exclusion, avoidance, or selection criteria will be affected by the requested route modification. Also included with the letter are revised maps depicting the current approved route and the proposed route modification with appropriate shapefiles and electronic copies.

Pursuant to North Dakota Century Code § 49-22-08, § 49-22-08.1, and North Dakota Administrative Code § 69-06-05-02(3), Hiland hereby requests the Commission approve the requested route deviation so that Hiland may continue to move toward converting the existing gathering line to a transmission line. This route modification will move the pipeline further than five hundred feet from the McGinnity residence in conformance with applicable laws and the Commission’s Amended Order.

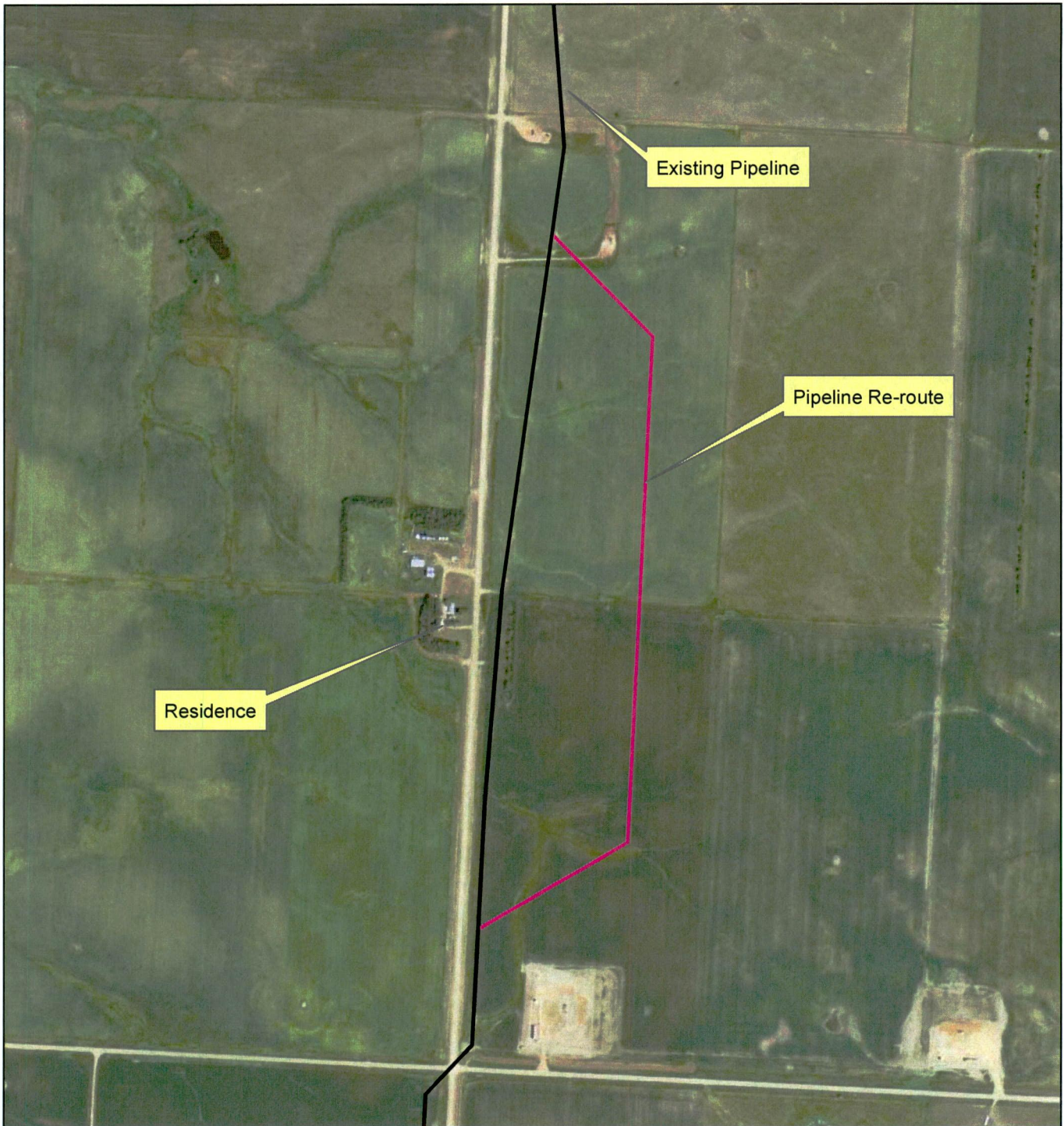
Dated this 17th day of December, 2014.

FREDRIKSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
DANIELLE M. KRAUSE, ND Bar #06874
Attorneys for Hiland Crude, LLC
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
(701) 221-8700

Exhibit A



Residence

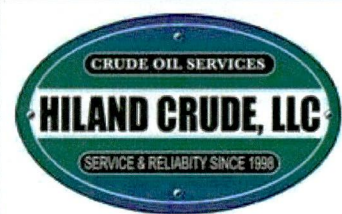
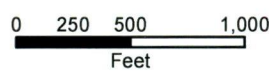
Existing Pipeline

Pipeline Re-route



Legend

- Existing Pipeline
- Re-route Location



PU-13-136 Hiland Crude
Route Modification Request
McGinnity Re-route Map

**A Class III Intensive Cultural Resource Inventory for the
Addendum to Market Center II in Williams County,
North Dakota**

By:
Brittany Brooks

Prepared for:
Keitu Engineers & Consultants, Inc.

On behalf of:
Hiland Crude, LLC

Prepared by:
Beaver Creek Archaeology, Inc.
1632 Capitol Way
Bismarck, ND 58501
www.bcarch.org

Wade Burns, Principal Investigator

Cultural Resource Use Permit: N/A
BCA Project No.: 2014-1324
November 2014

FOR OFFICIAL USE ONLY: DISCLOSURE OF SITE LOCATIONS PROHIBITED (43 CFR 7.18)



Beaver Creek
ARCHAEOLOGY

WHERE PROGRESS MEETS PRESERVATION

1632 Capitol Way | Bismarck, ND 58501 | PH [701] 663.5521 | FX [701] 663.5589

www.bcarch.org | e-mail: info@bcarch.org

EXHIBIT

B

tabbles®

MANUSCRIPT DATA RECORD FORM

1. Manuscript Number:
2. SHPO Reference #:
3. Author: **Brittany Brooks**
4. Title: **A Class III Intensive Cultural Resource Inventory for the Addendum to Market Center II in Williams County, North Dakota.**
5. Report Date: **November 2014**
6. Number of Pages: **26**
7. Type – I = Inventory (Class 3 CRI), T – Test, E= Excavation, O = Other: **I**
8. Acres – Class 3 inventory only; project description specified only in report: **111**
9. Legal Location(s) (no quarter sections) with Historic Context Study Unit(s):
Consult township tables in The North Dakota Comprehensive Plan for Historic Preservation: Archaeological Component, (SHSND 1990) for Study Unit Assignments. Study Units: LM, CB, KN, HE, SM, GA, JA, GR, NR, SR, SO, SH, YE

COUNTY	TWP	R	SEC	SU
Williams	155N	97W	3, 4	GA
	158N	95W	5	GA
	159N	95W	32	GA

Abstract

The purpose of this investigation was to survey for cultural resources within the 139-acre project area of the proposed Addendum to Market Center II in Williams County, North Dakota. Twenty-eight acres of the project area has been previously inventoried, so only 111 acres were surveyed during the current inventory. The project is divided into two survey areas. The first survey area is approximately 42 acres in size; however, only 34 acres were inventoried as 8 acres have been previously inventoried. The second survey area is approximately 97 acres in size; however, only 77 acres were inventoried as 20 acres have been previously inventoried.

This project is proposed on private property. Due to the Public Service Commission (PSC) involvement in the project, the applicant must consult with the North Dakota State Historic Preservation Office (ND SHPO). The National Historic Preservation Act (NHPA) requires the applicant to consider what effects the undertaking will have on Historic Properties within the survey area.

Keitu Engineers & Consultants, Inc., on behalf of Hiland Crude, LLC, contracted Beaver Creek Archaeology, Inc. (BCA) to conduct this study to fulfill the Section 106 obligations for this project. On November 8, 2014, Wade Burns (Principal Investigator), Tara Friend (Archaeological Assistant), and Michael Rohrer (Archaeological Assistant) conducted the Class III Cultural Resource Inventory.

During the inventory, BCA archaeologists observed no cultural resources. Consequently, *No Historic Properties Affected* is recommended for this project.

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Introduction

Keitu Engineers & Consultants, Inc. contracted Beaver Creek Archaeology, Inc. (BCA) to perform a Class III Cultural Resource Inventory of the Addendum to Market Center II in Williams County, North Dakota. The survey area covers approximately 139 acres; however, only 111 acres were inventoried to Class III standards as 28 acres were previously inventoried (see map in Appendix B). The project is divided into two survey areas. The first survey area is approximately 42 acres in size; however, only 34 acres were inventoried as 8 acres have been previously inventoried. The second survey area is approximately 97 acres in size; however, only 77 acres were inventoried as 20 acres have been previously inventoried. The land status is private property.

The legal locations for the survey area are presented below in a tabular format as depicted on the USGS 7.5' Ray and McGregor quadrangle maps:

Table 1. Project Location:

Township	Range	Sections	Legal Location	USGS Quad. Map
155N	97W	3	SW ¼ SE ¼ SW ¼ & SW ¼ SW ¼	Ray
		4	SE ¼ SE ¼ & E ½ SW ¼ SE ¼	
158N	95W	5	NW ¼ NW ¼ NW ¼ & S ½ NW ¼ NW ¼ & SW ¼ NW ¼ & NW ¼ SW ¼ & N ½ SW ¼ SW ¼ & SW ¼ SW ¼ SW ¼ SW ¼	McGregor
159N	95W	32	W ½ W ½ W ½ & E ½ NW ¼ SW ¼	

On November 8, 2014, BCA conducted a Class III inventory for the Addendum to Market Center II. This report will detail the results of that summary.

Land use throughout the survey area consists of agricultural lands. Ground Surface Visibility (GSV) in these areas did not go below 30%, so no shovel probes were excavated.

Project Background and Inventory Methodology

The proposed project consists of an addendum to the construction of a petroleum pipeline for Hiland Crude, LLC (see MS #14475). The project area is 139 acres combined; however, 28 acres were previously inventoried (see MS #14475), so only 111 acres were inventoried to Class III Standards for cultural resources within the survey area (see maps in Appendix B). The first survey area (see Map 1 in Appendix B) is approximately 42 acres in size; however, only 34 acres were inventoried as 8 acres have been previously inventoried (see MS #14475). The second survey area (see Map 2 in Appendix B) is approximately 97 acres in size; however, only 77 acres were inventoried as 20 acres have been previously inventoried (see MS #14475). The first survey area has a corridor that measures 3,417' long and 500' wide (42 acres) and the second survey area has a corridor that measures 4,618' long and a variable 500-1,025' wide (97 acres).

BCA cultural resource staff conducted the Class III Cultural Resource Inventory of the proposed project area on November 8, 2014. The Secretary of the Interior (SOI) qualified archaeologist Wade Burns (Principal Investigator) along with Tara Friend (Archaeological Assistant) and Michael Rohrer (Archaeological Assistant) surveyed the proposed project area. Brittany Brooks prepared the report. Jay Ell (GIS Coordinator) created the project maps. The report and fieldwork preparation included a review of previously identified cultural resources and intensive pedestrian surveys of the survey area.

The pedestrian survey was performed by the BCA archaeologists walking linear pedestrian transects 10-15 meters apart based upon terrain probability for cultural resources. Shovel probes were implemented if the Ground Surface Visibility (GSV) dropped below 30%.

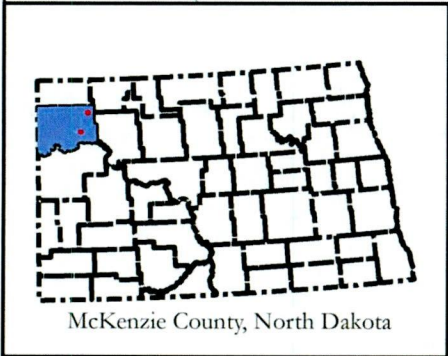
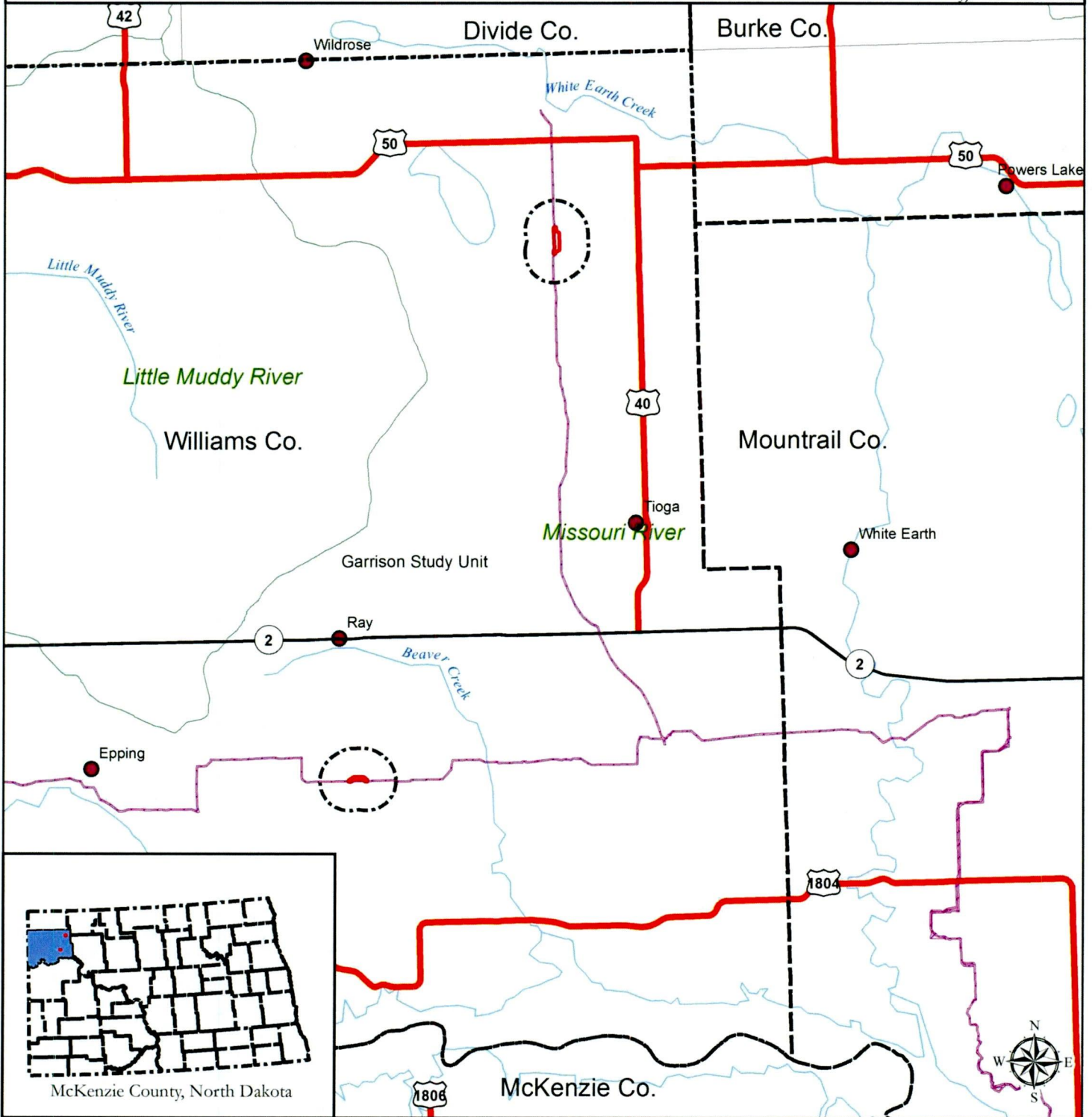
If a cultural resource was encountered, the location was marked with pin-flags and the surrounding area was intensely scrutinized to determine the nature and extent of the resource. The resource was then plotted on a USGS 7.5' Quadrangle map and a sketch-map utilizing a Trimble GPS unit was made. Cultural Resources consist of any historic or prehistoric district, site, structure, or object (usually) over 50 years of age.

Throughout the survey, field notes and overview pictures of the survey area were taken (see photos in Appendix A). Copies of maps, field notes, and photographs are located at the BCA main office in Bismarck, North Dakota.



Beaver Creek ARCHAEOLOGY

Addendum to Market Center II
For Keitu Engineers & Consultants
On Behalf of: Hiland, Crude, LLC
T155N R97W Secs. 3 & 4; T158N R95W Secs. 5 & 6
T159N R95W Sec. 32
McGregor & Ray Quad. Map
Missouri River Drainage
Williams County, North Dakota



Legend

- Survey Area
- Project Location
- Market Center Pipeline

0 2,500 5,000 10,000 15,000 20,000 Meters
0 1.5 3 6 9 12 Miles

Base Map: USGS 7.5'
Scale: 1:24,000
UTM NAD83 Zone 13

Figure 1. Project location.

JE

Environmental Setting

The project lies within the Garrison Study Unit (GSU), which is located in the northwestern part of North Dakota. The study unit is situated within the Glaciated Missouri Plateau Subsection, of the Great Plains Physiographic Province (SHSND 2008b:6.1). Knob-and-kettle glaciated terrain and other glacial features are common on the Coteau du Missouri. Named streams include the Big Muddy Creek, Painted Woods Creek, Douglas Creek, Shell Creek and Deepwater Creek. Named rivers include Little Muddy River, Little Knife River and White Earth River (SHSND 2008b:6.1-6.6).

Temperatures vary immensely by season with warm summers and cold winters. Precipitation averages around 16 inches annually, most of which falls as rain during the spring and summer months. Prevailing winds throughout the year average around 16 mph from the west-northwest (SHSND 2008b:6.6).

Landforms in this area consist of glaciated uplands, breaks terrain, valley wall side slopes and foot slopes, draws, alluvial terraces, and floodplains. This area of North Dakota is situated in the Northern Temperate Grasslands biome. The mixed grass prairie is dominated by western wheatgrass, blue grama, and needle-and-thread. This grassland provided good habitat for large game animals, such as bison and antelope. Gallery forests grew along the Missouri River and other tributaries and provided a suitable environment for white-tailed deer and small mammals such as muskrat and porcupine. Hardwood draws of bur oak, green ash, and juniper are part of transition zones between the grasslands and floodplain forests. Food plants in the area include chokecherry, buffaloberry, and gooseberry (SHSND 2008b:6.7).

In general, the faunal diversity in the area at contact time was as great as or greater than anywhere in the state (SHSND 2008b:6.8). Animals that could be hunted for meat, hides, feathers, teeth, bones, etc., included bison, elk, antelope, white-tailed deer, mule deer, bighorn sheep, mountain lion, coyote, foxes, eagles, hawks, owls, and a variety of waterfowl, fish, turtles, and mussels (SHSND 2008b:6.8).

Today the area contains an agricultural-based economy. Wheat, corn, sunflowers and grasslands comprise the project area. Tree cover is limited to wind blocks surrounding farmsteads and along riparian areas.

This biotic diversity along with the availability of water makes this setting favorable for human settlement, both during prehistoric and historic time-periods. One prominent natural resource in this area is Knife River Flint (KRF), which is abundant and has been quarried for centuries by native peoples. In addition, good quality Tongue River Silicified sediment, chalcedonies, and silicified wood attracted people to the area. These stones are capable of conchoidal fracturing and are ideal for stone tool production.

Native American Cultural Background

The majority of archaeological sites found within the Garrison Study Unit are stone circle sites, followed by cultural material scatters and cairn sites. These types of sites are most often found on ridge and hill settings (SHSND 2008b:6.9). The project is located near the Beaver Creek and White Earth Creek, and the site distribution is light within a one-mile radius of the project area (where the file search was conducted). The archaeological horizons encountered in North Dakota are as follows:

Paleo-Indian Period (9500-5500 B.C.)

Due to the amount of sediment erosion and deposition that has taken place across the landscape since early Holocene times, it is difficult to locate intact Paleo components in the GSU. However, areas near tributaries on ridgetop and terrace settings have yielded plant and animal remains and shed light on Paleo-Indian subsistence patterns and lithic technologies. The Beacon Island site (32MN243A), for example, is an Agate Basin site that contains intact, unmixed, and datable remains of *Bison antiquus* and the Moe site (32MN101), which contains Folsom and later Paleo remnants, was found above today's reservoir water level. The most significant areas to discover Paleo-Indian remnants have been in the Knife River flint (KRF) principal source area and in or near the Missouri River valley. Knife River flint was the flint of choice to early groups producing lithics in this region (SHSND 2008b:6.63-6.65). "Two lithic technological procedures prominently represented at sites in the GSU are Folsom fluting and blade production" (SHSND 2008b:6.64). The Moe site yielded Folsom, Plainview (or Goshen), Agate Basin, Parallel-Oblique Flakes, and Scottsbluff points.

Plains Archaic Period (5500-400 B.C.)

Middle and Late Plains Archaic deposits are found in quickly deposited sedimentary context, which correlate with erosion in the uplands from subsequent drought. Plains Archaic remnants have frequently been discovered in upland settings as well as in terrace and riverbank locations. The Middle and Late Archaic components at the Mondrian Tree site (32MZ58) yielded bone remains of bison, antelope, elk, deer, beaver, and canids. This site also has evidence of summertime collecting and processing of plant foods, such as goosefoot, marsh elder, knotweed, dogbane, wild grape, hedge nettle, and mallow, with a sandstone grinding slab and quartzite mano (SHSND 2008b:6.66-6.67).

Early Plains Archaic components are indicated by finds of Simonsen points. Middle Plains Archaic components are represented by Oxbow, McKean, Duncan, and Hanna points. Late Plains Archaic components are indicated by finds of Yonkee and Sandy Creek points. Numerous Early, Middle, and Late Plains Archaic projectile point styles have proven to be reliable cultural/temporal indicators for relative dating in the GSU (SHSND 2008b:6.67-6.68).

Plains Woodland Period (400 B.C.–A.D. 1200)

Environmentally favorable conditions, the development of biomass, peaked twice during the Plains Woodland period, which coincide with the peak of the Besant/Sonota culture of the Middle Plains Woodland period and Late Plains Woodland period to early Plains Village period.

Besant/Sonota components are rather common. Mortuary sites, such as the Boeckel-Renner site (32ME799), along with a large number of sites in the area indicate that people with the Middle Plains Woodland Besant/Sonota material culture had permanent occupation within the GSU. Site 32ME947 is a stratified, multi-component bison kill and processing site with a Middle and Late Plains Woodland components, which is associated with the Old Women's complex. Other Late Plains Woodland cultures in the GSU are represented by Avonlea and Mortlach (SHSND 2008b:6.69-6.70). "Subsistence remains from the Mortlach component at the Evans site (32MN301) include bison, swift fox, coyote, deer, duck, and charred plum seed. Bison scapula digging tools were found, but not any remains of garden crops" (SHSND 2008b:6.71).

Ceramic technologies in the area show up around the Middle Plains Woodland period at sites such as the Nightwalker's Butte (32ML39), the Evans site, and the Mondrian Tree site (32MZ58). Mortlach ceramics display substantial variability in decoration and vessel form. Lithic technologies also show stylistic variation in the Late Plains Woodland period with Prairie Side-Notched points, Avonlea points, and other variations of side- and corner-notched points. Obsidian, from southeastern Idaho, of possible Besant/Sonota cultural affiliation was recovered from the Boeckel-Renner site (SHSND 2008b:6.71-6.73).

Plains Village Period (A.D. 1200-1780)

Prior to 1780, the GSU was mainly an area of hunting camps and temporary settlements. "Field camps were established in a sheltered tributary stream valley setting at the Mondrian Tree site (32MZ58)" and specialized activities went on in an adjacent open upland rim setting at the Edna Mae site (32MZ369) (SHSND 2008b:6.74-6.75). Sometime within the middle of the Plains Village period, there was a drought episode, during which time the subsistence base was diminished and conflict arose. As a result, settlements, such as the White Earth Creek site (32MN101), had fortification ditches and palisade walls with bastions to protect their people (SHSND 2008b:6.73-6.75).

Besides hunting, the Plains Villagers grew corn, melons, pumpkins, and beans. Several ceramic temporal trends occurred during the Plains Village period via vessel forms and types of decoration. These are associated with the Knife River phase and Scattered Village complex. Exotic nonlocal shell, such as dentalium and abalone shell, and other trade goods have been found at the Mondrian Tree site (SHSND 2008b:6.75-6.76).

Equestrian/Fur Trade Period (A.D. 1780-1880)

The advent of the Fur Trade and increased Euro-American contact in the 19th century brought about many changes in the traditional culture of groups such as the Mandan, Hidatsa, and Arikara. The Fort Berthold Reservation was established in 1870 for the Mandan, Hidatsa, and Arikara to protect them from hostile Equestrian Nomads (SHSND 2008b:6.76). Metal tools and implements obtained via trade replaced traditional items of stone, bone, wood, shell, and clay. The gun ascended to a place alongside the bow and arrow in basic weaponry. Hunting parties set up temporary tipi camps during different seasons of the year, and these settlements functioned as the field camps of pedestrian hunter-gatherers. Many of these locations, unless repeatedly

reoccupied or marked by stone circles, probably contain little in the way of identifiable material traces in the archaeological record. The horse-mounted hunting and gathering peoples subsisted on bison; however, wild plant foods, other wild animal foods, and garden produce received in exchange with settled Village gardeners also were significant components of the diet (SHSND 2008b:6.76-6.78).

Intertribal trade that occurred during the Equestrian period has its beginning in prehistoric times. The Hidatsa traded with the Crow, Dakotas, Cheyenne, and others to the south and southwest (SHSND 2008b:6.78). Fur trade between Indians and non-Indians within the GSU, such as between the Assiniboine and Fort Kipp, began around 1826. Besides trading, there are a number of written and ethnographic accounts of horse-mounted Indian groups using this area, such as the Crow, Dakota, Cheyenne, Assiniboine, and Hidatsa. The Crows traveled through here going between their Big Horn Mountain territory and their Missouri River village homeland. There may have been territorial continuity between the Crow and the Hidatsa from the time the two split in the 1500s until the Hidatsa were drastically weakened by the plagues in the late 1700s (SHSND 2008b:6.77-6.79).

Reservation Era (A.D. 1880-present)

Between 1850 and 1870, the United States government created reservations to separate the Native Americans and the influx of settlers. Where they were once able to move freely, Native Americans were now restricted to a designated area. In 1887, the Dawes Act divided tribal land into individual land allotments as a means of assimilating Native Americans into Euro-American society. By using individual land allotments as a means of breaking tribal culture, the United States government sought to cease their way of life and force conversion to Christianity, farming, and education of children at boarding schools. Children were taken from their family and placed in boarding schools (Indian schools), such as the Fort Stevenson Indian School, Bismarck Indian School, and the Carlisle Indian School in Pennsylvania, and were prohibited from using their language, practices, and culture and emphasized Euro-American culture. Today, the Dawes Act is considered the most destructive policy dealing with Native peoples (MHA Nation 2012a and 2012b; SHSND 2008c).

In 1934, in an effort to rectify some of the damage done, the Indian Reorganization Act was established that secured certain rights to Native Americans. This included the reversal of the Dawes Act and a return to local self-government on a tribal basis. However, in the late 1940s and early 1950s the Indian Reorganization Act was disassembled. The plan was to establish a policy that would eliminate tribal status all together. In 1975, the Indian Self-Determination and Education Assistance Act was enabled. This policy meant to allow tribal autonomy while still benefitting from government treaty obligations. American Indian Religious Freedom Act of 1978 was created to protect and preserve the traditional religious rights and cultural practices of Native Americans. In addition to Self-Determination, other laws were passed such as the Indian Civil Rights Act, the Indian Financing Act, and the Indian Child Welfare Act (SHSND 2008c).

Today, reservations have tribal government, which administers many governmental, economic, health, welfare, and educational programs. There are still problems on Indian Reservation, such as poverty, crime, and alcoholism; however, there is also economic growth because of small independent business, farming, and gaming (MHA Nation 2012c).

Euro-American Cultural Background

The majority of historic sites within North Dakota are farmsteads/homesteads from the late 19th century and early 20th century.

Dakota Territory (1858-1889)

The Dakota Territory consisted of the northernmost part of the land acquired from France in the 1803 Louisiana Purchase and in 1818, the United States acquired the northeastern portion of the Dakota Territory in a treaty with Great Britain. The Dakota Territory included North Dakota, South Dakota and much of present-day Montana and Wyoming. After becoming an incorporated territory in 1861, the population was slow to increase due to Indian attacks. Eventually, the population increased during the “Dakota Boom,” from 1870 to 1880, because of the railroad growth and the Homestead Act of 1862. Many of the settlers came from Germany and the Scandinavian countries of Norway and Sweden. The economic base was organized around agriculture, mining, and cattle ranching (FWP 1938).

Fur Trade – Before and after the Lewis and Clark 1803 expedition, explorers such as Sieur de la Vérendrye, David Thompson, Charles Chaboillez, Alexander Henry, and Manuel Lisa ventured into the area either looking for trade routes or to establish fur trading posts. Consequently, “between 1806 and 1850 Spaniards from St. Louis, Frenchmen from Quebec, Scots and Britons from Hudson’s Bay and Montreal, and Americans working either as free traders or engages for a dozen fur companies” headed into the region (FWP 1938; Lamar 1996:27).

Forts – The majority of the forts in the region were constructed in the 19th century. Their purpose included trading outposts, primarily fur trade and military posts for the protection of supply routes, trails, trade, and settlers. These forts, prior to the introduction of the railroad were along rivers such as the Missouri, Yellowstone, Heart, and Red rivers. Some of the more notable forts include Fort Mandan, Fort Lisa, Fort Henry, Fort Clark, Fort Union, Fort Abercrombie, Fort Berthold, Fort Buford, Fort Rice, Fort Totten, and Fort Abraham Lincoln (FWP 1938; SHSND 2008a).

Trails – Two major trails, the River Trail and the Ridge Trail, branches of the network of Red River Trails in the Red River Valley, originally were Native American trails that were later used by Euro-American fur traders. The Red River Trails connected fur trading posts, where they hauled furs and goods by ox cart. Later, the trails also connected military posts, where military supplies and men were sent. These military posts (e.g., Fort Abercrombie, Fort Totten, and Fort Ransom) also protected the trails as well as the people traveling up and down the trails. Eventually the trails and ox carts were replaced by the railroad (Gilman *et al.* 1979).

A notable trail in the western part of the region is the Bismarck-Deadwood Stage Trail (1887-1880). This trail was a stagecoach and supply line that ran between Bismarck, the western terminus of the Northern Pacific Railroad and the Black Hills gold town of Deadwood in Dakota Territory. There was transportation and economic booms associated with this trail and that boom ended when the railroad reached Pierre and an alternate line opened (SHSND 2008a).

Riverboats – The Missouri and Red rivers were important to the settlement and expansion of the Dakota Territory and were used the most for river transportation. Riverboats such as rafts, sailboats, rowboats, Mackinaws, keelboats, and steamboats brought explorers and fur traders into the Dakota Territory; however, the keelboat and steamboat were probably used more often due to their carrying capacity. “Keelboats were used primarily from 1800 to 1840, when they were replaced by steamboats” (Miller 2012). This type of boat floated high in the water allowing it to travel on shallow rivers and was able to carry 15 to 30 tons of cargo. River transportation becomes increasingly important for transporting goods to outposts and return furs downstream.

Steamboats eventually replaced the keelboats and were used for cargo and passenger transportation. The riverboat industry became a popular mode of transportation, as it was much easier to deliver goods to remote areas by boat than overland routes. In addition, “settlers and visitors could also travel much more safely by taking steamboats” (Burns 2004:14). The demise of riverboat transportation occurred for several reasons: (1) less shipping of passengers and cargo, (2) scarcity of wood yards, (3) inconvenient climate, (4) labor unrest, and (5) the railroad. Shipping on the Red River continued until 1912 and until the 1930s on the Missouri River (Burns 2004).

Railroad - Major development of the railroad in the Dakota Territory occurred in the 1870s and 1880s between the Northern Pacific Railroad and the Great Northern Railroad. The success of the railroad was primarily because of agriculture and increasing settlement. Federal land grants were given to the Northern Pacific Railroad, who in turn sold the land, while the Great Northern Railroad bought its lands from the federal government and promoted settlement along its lines (FWP 1938).

Agriculture – The Federal Homestead Act of 1862 offered free land to anyone over 21 years-old who would cultivate and improve his 160 acres of land and live on it for 5 years. An additional 160 acres could be obtained for a tree claim and a third track of land could be acquired before or after the land was surveyed. Crops planted and harvested included spring wheat, durum, flaxseed, barley, oats, sugar beets, corn, hay, red clover, alfalfa, sweet clover, and seed potato. Ranching of cattle and sheep, poultry raising, and bee keeping was also done on farms (FWP 1938).

Bonanza farms or large farms so-called because of their almost fabulous yields of wheat open to settlement in 1863. The main purpose of Bonanza farms was to demonstrate the potential wealth of the Red River Valley. Most of these farms were owned by companies in the east, with resident managers, were run like factories with hundreds of men, and used advanced farming methods. Bonanza farms thrived in the Red River Valley during the last two decades of the 19th century; however, they were eventually subdivided into smaller farms (FWP 1938).

North Dakota (1889-Present)

North Dakota became the 39th state to enter the Union on November 2, 1889. After statehood, industrial development increased. The railroad industry expanded and peaked in 1905 through competition between the Great Northern Railway and the Soo Line. Large lignite mines opened and local brickworks and flourmills flourished in the state. Entrepreneurs built store, shops, and offices along Main Street and town squares. While rural areas still relied on small local general stores, city consumers had more choice with locally owned department retail stores. In 1919, the Bank of North Dakota at Bismarck opened and has become a large and powerful economic force. “The State Mill and Elevator at Grand Forks, completed in 1922, provided a market for grain and a source of feed and seed [and] the state hail insurance program benefitted many farmers until its elimination in the 1960s” (SHSND 2012).

Farm homes in the eastern part of the state were small, close together with well-painted modernized buildings surrounded by neat lawns and tree groves. They had modern conveniences like electricity, telephones, radios, and cars. In the central part of the state, farms were not as modernized as eastern North Dakota but were well kept. In western North Dakota, the shacks erected to establish residence under the Federal Homestead Act were still in use in the early 20th century (FWP 1928).

For North Dakota, the 1920s and 1930s were an economic depression, starting with the 1920 collapse of wartime prices for grain. In 1921, more banks closed than in any other year, resulting in farm foreclosures. At the same time, farm size increased and many farmers mechanized their operations. A dramatic shift to motorized transportation put a greater emphasis on better roads and bridges (SHSND 2012).

The Great Depression of the 1930s slowed progress and spurred change. Rural population decreased while the city population grew. Because of the price decline of farm produce, cooperatives enjoyed a renewed popularity as farmers banded together to market their produce and reduce the cost of farming. Farmers Unions built local elevators and organized oil cooperatives that served the needs of the rural community. Despite economic problems, crop failures, dust storms, and extreme weather, North Dakota visibly modernized during the 1930s. Federal relief programs improved highways, state parks, and city services throughout the state. State departments undertook public health and safety problems, and a movement for consolidated law enforcement was started with the formation of a State Highway Patrol in 1935. “Rural schools consolidated at an increasing rate. Public utilities extended their reach through development of rural electric cooperatives; the first, Baker Electric of Cando, energized its lines in 1938” (SHSND 2012).

Immediately, after Franklin Roosevelt took the oath of office he began passing a series of laws aimed at putting people back to work, restore faith in the banking system, and shore up the economy (SHSND 2012). Among these laws included the Works Progress Administration (WPA) and the Civilian Conservation Corps (CCC). In North Dakota between 1935 and 1942, the WPA built 20,373 miles of highways and streets, 821 new bridges and viaducts, 166 miles of sidewalks,

15,012 culverts, 503 new public buildings, 61 building additions, 680 outdoor recreation facilities, 809 water wells, two irrigation projects, 39 sewage treatment plants, and nine water treatment plants, as well as other reconstructions and repairs (Robinson 1966:408). In June of 1933, some 235,000 men were enrolled in the CCC to work on federal and state public improvement projects. They built national forest trails, campsites, and visitor centers in state and national parks as well as roads and dams (SHSND 2012).

In the 1940s, with more favorable weather and improved crop yields, farmers benefitted by the higher prices stimulated by America's entry into World War II. By the end of the war, farm debt had dropped noticeably. After the war, the industrial economy continued to prosper. "In 1946, the demand for Missouri River flood control and diversion of the river's waters for irrigation and industrial development were rewarded with initiation of construction on the Garrison Dam" (SHSND 2012). The development of natural resources expanded in 1951 when oil was discovered within the Bakken near Tioga. Communication and interstate transportation systems improved and expanded in the 1950s. By the 1960s, two large Air Force Bases, one in Minot and the other in Grand Forks, had been built as a modern continuation of an historic role in Federal military strategy that began in the 1860s. In the 1950s, as private auto transportation increased, the use of passenger rail service declined, railroads had increasingly become a means of hauling freight (SHSND 2012).

The 1960s signified the start of large-scale energy development because of high demand, which led to the development of power plants and coal strip mines. An oil boom occurred in 1978 as a result of high international crude oil prices, causing increase in the population of towns such as Dickinson, Williston, and Watford City. This oil boom and subsequent population increase did not last as worldwide oil prices declined in 1981 and oil workers moved away (SHSND 2012). Another oil boom started in 2008, is still ongoing, and resulted in enough oil and gas jobs to give North Dakota the lowest unemployment rate in the United States. In addition, the oil boom has supplied economic growth in other areas such as the service industry (Rocco 2013).

Research Goals

Due to a state agency's participation in the project, the applicant must consult with the North Dakota State Historic Preservation Office (ND SHPO). The National Historic Preservation Act (NHPA) requires the applicant to consider what effects the undertaking will have on historic properties within the survey area. The three central objectives of this study are to assist the proponent with their Section 106 compliance obligations, identify and assess project impacts to cultural resources located within the survey area, and to provide NRHP recommendations for historic properties encountered within the survey area. Cultural resources consist of any historic and prehistoric district, site, building, structure, or object (usually) over 50 years of age.

To be eligible for inclusion on the NRHP, a site must usually be more than fifty years old, retain its integrity of location, design, setting, materials, workmanship, feeling, and association and it must meet one of the following criteria:

- (a) Associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) Associated with the lives of persons significant in our past; or
- (c) Embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinctions; or
- (d) Have yielded, or may be likely to yield, information important in prehistory or history.

Project Results

Survey Conditions

Weather conditions consisted of partly cloudy skies, and the temperature was approximately 42°F. The project area is located on the rolling plains within the Missouri River drainage system. The survey areas are located within agricultural fields. Vegetation in the area consists of wheat and harvested wheat. The elevation of the first survey area is approximately 2,297' and the elevation of the second survey area is approximately 2,620'. During the course of the inventory, the GSV ranged from 40-85 %, varying on location. As a result, no shovel probes were implemented, as the GSV never dropped below 30%. Areas of higher visibility, such as erosion features, areas of sparse vegetation and rodent burrows were also closely examined for cultural material.

File Search

On November 7, 2014, Raina Hanley of Beaver Creek Archaeology, Inc. conducted the file search at the North Dakota State Historic Preservation Office (ND SHPO). The purpose of the file search is primarily to identify previously recorded archaeological and historical sites, and also to identify previous inventories in the area. The file search revealed four sites, six site leads, and no isolated finds in a one-mile radius of the survey area (see Appendix C for tables). There are three manuscripts on file for the sections in which the survey area is located (see Appendix C for table). None of the previously recorded sites are located within the survey areas.

Intensive Pedestrian Survey

The Class III inventory covered approximately 111 acres. The location of the project area can be seen in Figure 1 and in the maps located in Appendix B. The Addendum to Market Center II consists of two survey areas. The first survey area is a 3,417' long, 500' wide (42 acres) pipeline corridor, while the second survey area is a 4,618' long, variable 500-1,025' wide (97 acres) pipeline corridor. Eight acres of the first survey area have been previously inventoried, so only 34 acres were surveyed during the current inventory (see MS #14475). Twenty acres of the second survey area have been previously inventoried, so only 77 acres were surveyed during the current inventory (see MS #14475). During the cultural resource inventory, no cultural resources were observed within the project area.

Summary and Recommendations

On November 8, 2014, BCA conducted a Class III Cultural Resource Inventory of the proposed project area. The proposed project for the Addendum to Market Center II covers approximately 139 acres. Twenty-eight acres have been previously inventoried (see MS #14475), so only 111 acres were inventoried to Class III standards. The project is divided into two survey areas. The first survey area is approximately 42 acres in size; however, only 34 acres were inventoried as 8 acres have been previously inventoried. The second survey area is approximately 97 acres in size; however, only 77 acres were inventoried as 20 acres have been previously inventoried. The location of the project area can be seen in Figure 1 and on the maps located in Appendix B.

The file search revealed four sites, six site leads, and no isolated finds in a one-mile radius of the survey area. None of the previously recorded cultural resources will be impacted by the proposed project. The field investigation of the survey areas revealed no cultural resources. Consequently, Beaver Creek Archaeology, Inc. recommends that the project proceed under a *No Historic Properties Affected* as surveyed, mapped, and described herein.

References Cited

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Appendix A: Survey Area Photographs



Figure 2. Overview of the first survey area. View to the northeast.



Figure 3. Overview of the first survey area. View to the southwest.



Figure 4. Overview of the second survey area. View to the south.



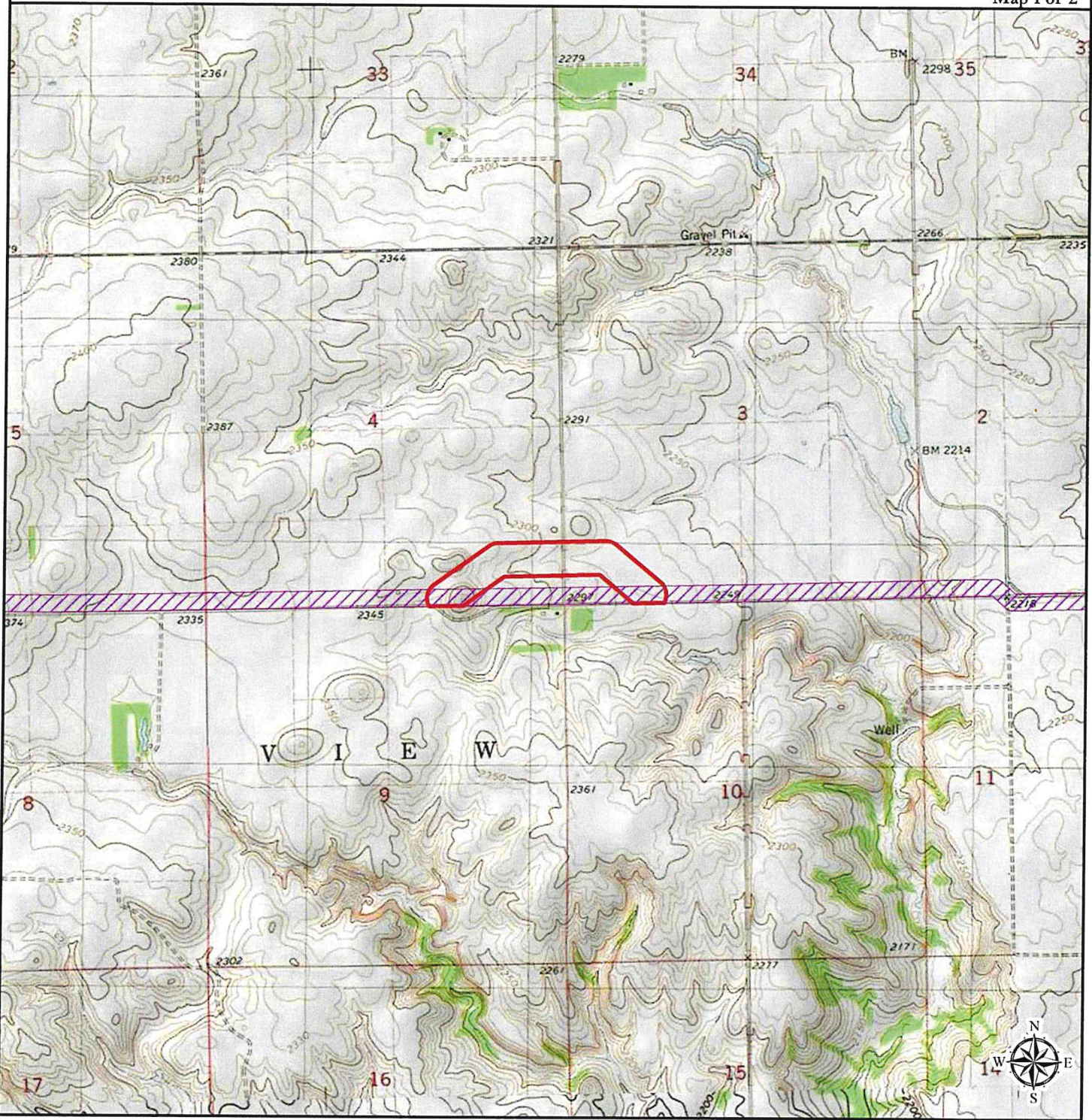
Figure 5. Overview of the second survey area. View to the north.

Appendix B: Maps





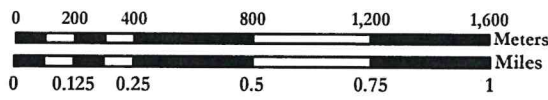
Beaver Creek ARCHAEOLOGY

Addendum to Market Center II
For Keitu Engineers & Consultants
On Behalf of: Hiland Crude, LLC
T155N R97W Secs. 3 & 4
Ray Quad. Map; Missouri River Drainage
Williams County, North Dakota
Map 1 of 2



Legend

-  Survey Area (42 acres)
-  Previous Survey (8 acres)



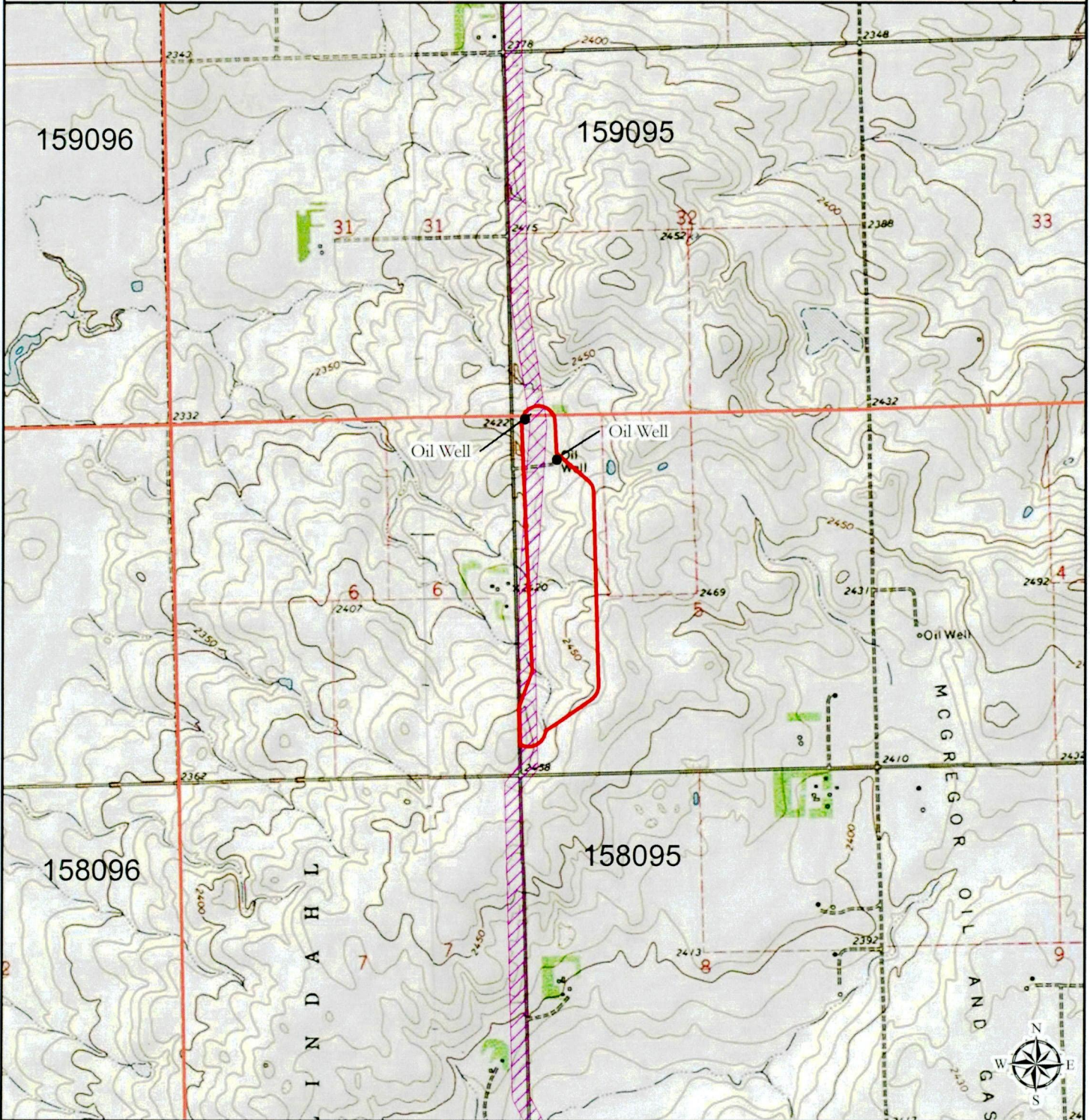
Base Map: USGS 7.5'
Scale: 1:24,000
UTM NAD83 Zone 13

Figure 6. Map showing the first survey area.






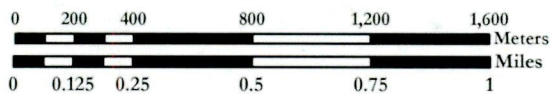
Beaver Creek ARCHAEOLOGY

Addendum to Market Center II
 For Keitu Engineers & Consultants
 On Behalf of: Hiland Crude, LLC
 T158N R95W Secs. 5 & 6; T159N R95W Sec. 32
 McGregor Quad. Map; Missouri River Drainage
 Williams County, North Dakota
 Map 2 of 2



Legend

-  Survey Area (97 acres)
-  Previous Survey (20 acres)
-  Existing Oil Well



Base Map: USGS 7.5'
 Scale: 1:24,000
 UTM NAD83 Zone 13

Figure 7. Map showing the second survey area.

Appendix C: Literature Search

Information Removed due to ND SHPO Regulations for Public Dispersal of Documents



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

November 26, 2014

North Dakota
State Historical Board

Ms. Raina Hanley
Beaver Creek Archaeology
1632 Capitol Way
Bismarck, ND 58501

Calvin Grinnell
New Town - President

A. Ruric Todd III
Jamestown - Vice President

NDSHPO REF.: 13-1456B PSC PU-13-136 Hiland Operating, LLC "A Class III Intensive Cultural Resource Inventory for the Addendum to Market Center II in Williams County, North Dakota"

Margaret Puetz
Bismarck - Secretary

Albert I. Berger
Grand Forks

Dear Ms. Hanley,

Gerold Gemtholz
Valley City

We reviewed NDSHPO REF.: 13-1456B PSC PU-13-136 Hiland Operating, LLC "A Class III Intensive Cultural Resource Inventory for the Addendum to Market Center II in Williams County, North Dakota," and find the Beaver Creek Archaeology report by Brittany Brooks (November 2014) acceptable. We find "No Significant Sites" for the portions of the project covered in the above-captioned report, provided the project remains as described and mapped in the report. Any further ground disturbance not previously inventoried should be inventoried at a Class III pedestrian survey level.

Diane K. Larson
Bismarck

Chester E Nelson, Jr.
Bismarck

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.

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Sincerely,

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Claudia J. Berg
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

Grant Levi
*Director
Department of Transportation*

Claudia J. Berg
Director

*Accredited by the
American Alliance
of Museums since 1986*





1403 27th STREET NW
PO BOX 98
MANDAN, ND 58554-0098
701-667-1800

November 26, 2014

Jim Suttle
Hiland Crude, LLC
PO Box 3886
Enid, OK 73701

Crude Oil Pipeline; McKenzie, Williams, Mountrail Counties ND PSC Case No. PU-13-136
Proposed Route Change – Williams County, North Dakota
Sections 5 T158N R95W – Market Center Liberty Segment Near McGinnity Property

Per your request, Keitu Engineers & Consultants, Inc. has reviewed a proposed pipeline route change in Section 5, Township 158 North, Range 95 West in Williams County, North Dakota. This change will move the Market Center Pipeline beyond the 500 foot setback required by the Order issued by the ND Public Service Commission for the project.

Field botany and wildlife studies were conducted in the vicinity of the new proposed route in the fall of 2013. Field archeological studies were completed in October and November of this year.

The proposed new will not affect any Public Service Commission exclusion, avoidance or selection criteria.

Please find enclosed revised Figure 4.A.3a and Figure 4.A.3b depicting the current approved and proposed-revised route for the 8-inch Market Center crude oil pipeline. A CD-ROM with the appropriate shapefiles and electronic copies of the maps and certification is also enclosed.

Thank you for the opportunity to serve Hiland Crude, LLC again.

A handwritten signature in black ink, appearing to read "Kathleen M Spilman".

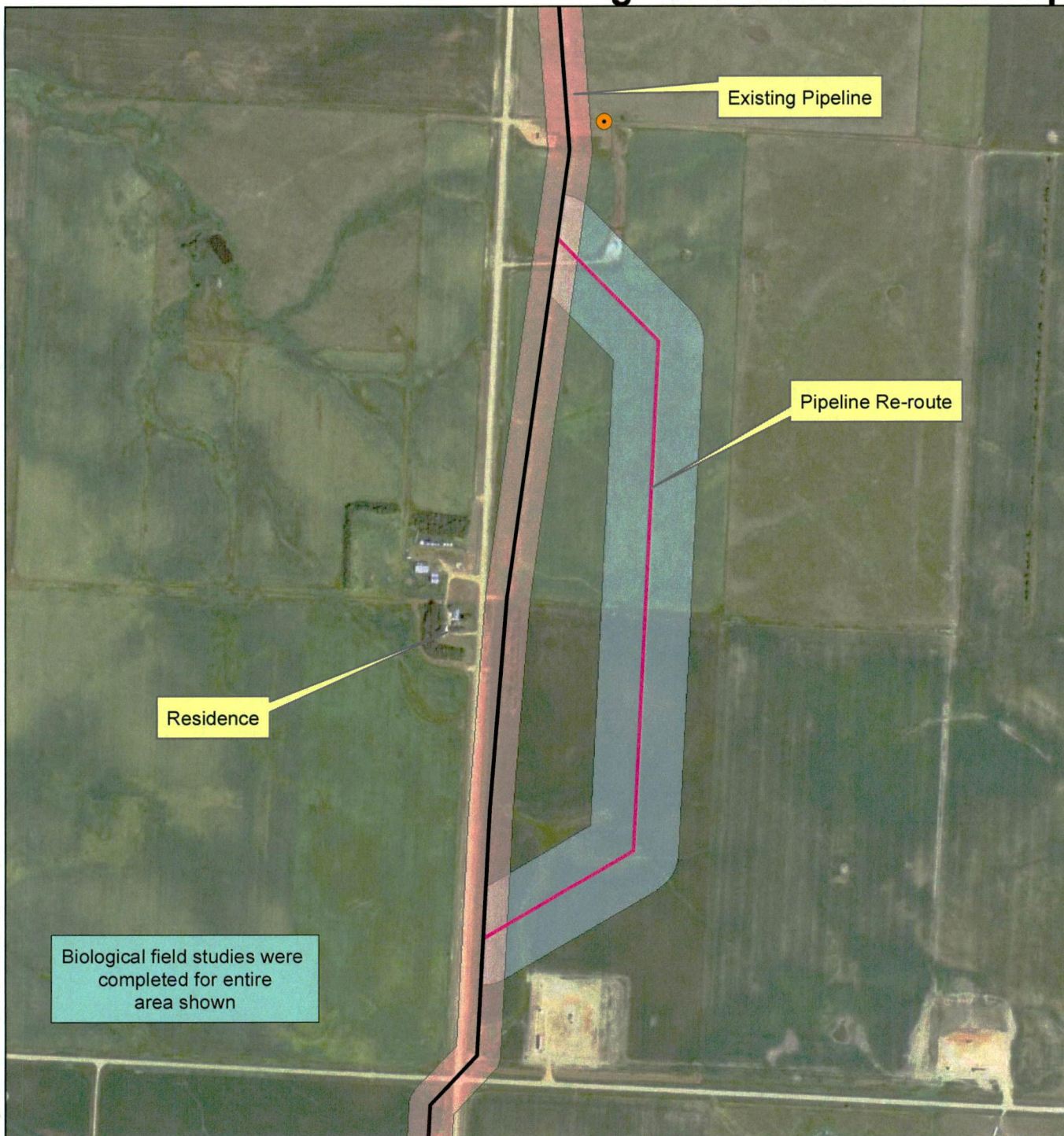
Kathleen M Spilman, PE
Managing Director

*Enclosures: Revised map plates depicting approved and new proposed route
CD-ROM with revised route shapefiles and electronic copies of files*

cc: Danielle Krause, Fredrickson & Byron, P.A. with 2 copies of Enclosures

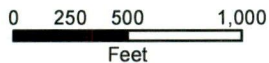


Figure 4.A.3.a - Route Map



Legend

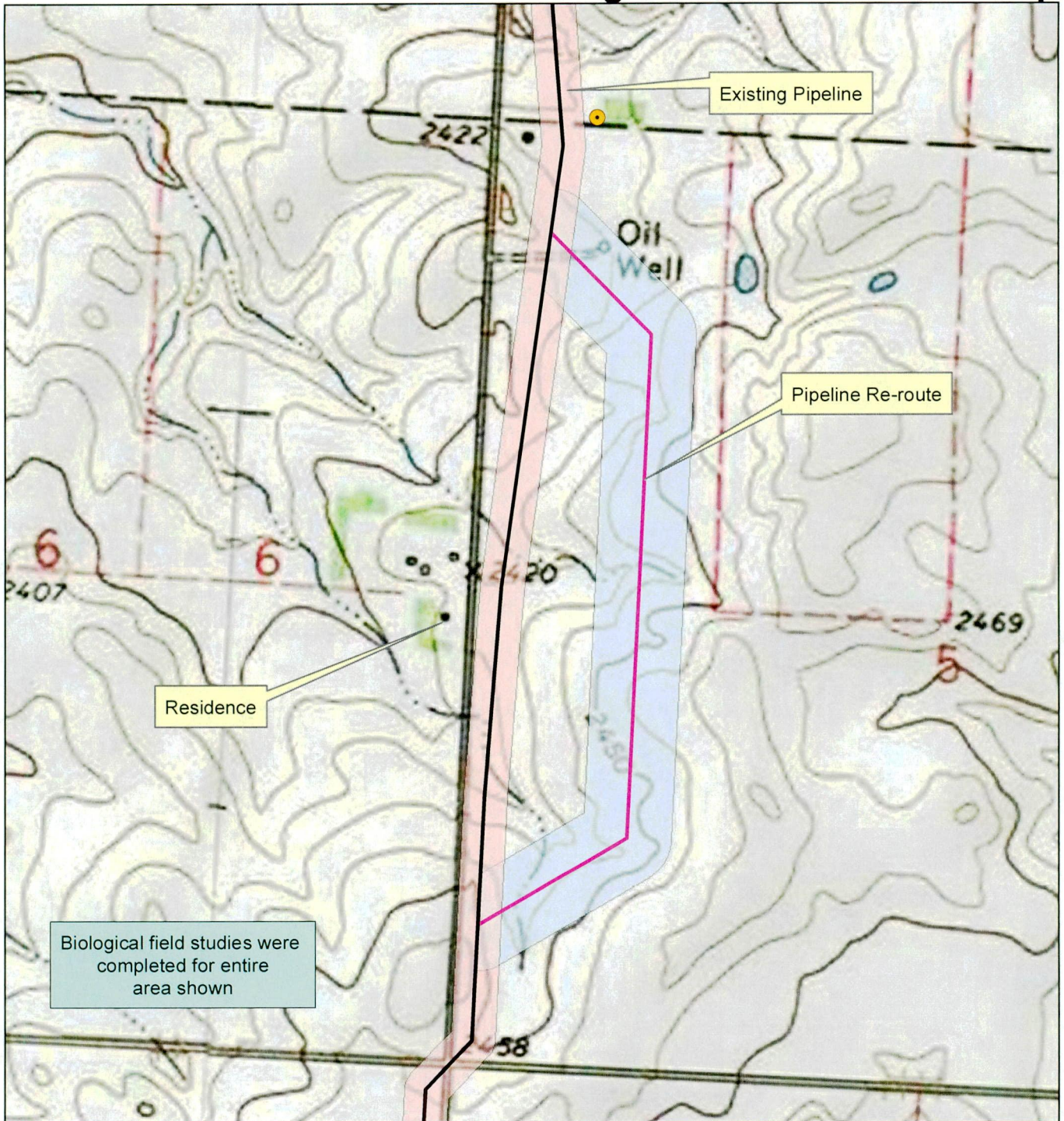
- Black-Tailed Prairie Dog
- Existing Pipeline
- Re-route Location
- Archy Survey 2013
- Archy Survey 2014



PU-13-136 Hiland Crude
Route Modification Request
McGinnity Re-route Map

Printed: 11/26/2014

Figure 4.A.3.b - Route Map



Biological field studies were completed for entire area shown



Legend

- Black-Tailed Prairie Dog
- Existing Pipeline
- Re-route Location
- Archy Survey 2013
- Archy Survey 2014

USA Topo Maps
 0 250 500 1,000
 Feet



PU-13-136 Hiland Crude
 Route Modification Request
 McGinnity Re-route Map

(Revised November 26, 2014)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Crude, LLC
Crude Oil Pipeline – McKenzie, Williams,
& Mountrail Counties
Request for Pipeline Route Deviation –
Williams County

Case No. PU-13-136

AFFIDAVIT OF JIM C. SUTTLE

STATE OF OKLAHOMA)
) ss.
COUNTY OF GARFIELD)

Jim C. Suttle, being first duly sworn upon oath, states and alleges as follows:

1. That I am employed by Hiland Crude, LLC (“Hiland”), and am the Senior Vice President for Hiland’s 8-inch crude oil pipeline in McKenzie, Williams, and Mountrail Counties, North Dakota (“Project”), which involves the above-captioned matter.

2. That, on November 20, 2014, the North Dakota Public Service Commission (“Commission”) issued an Amended Order granting Hiland a Certificate of Corridor Compatibility and Route Permit for the Project (“Order”) contingent on certain specifications set forth in the Order.

3. That Hiland requests the Commission approve a modification of the approved Project route in Section 5, Township 158 North, Range 95 West, Williams County, North Dakota. Both the route approved by the Commission in its Order and the proposed route modification are depicted on the map attached as Exhibit A to the Request for Pipeline Route Deviation and Application for Amendment to Certificate of Corridor Compatibility and Route Permit (“Route Deviation Request”).

4. That Hiland is requesting the proposed route modification on the Tioga segment of the Project to increase the distance from the McGinnity residence located in Section 6,

Township 158 North, Range 95 West. The route deviation will move the Project beyond the five hundred foot setback requirement as addressed in the Order issued by the Commission for the Project.

5. That the owners of the property to be crossed by the route modification have approved the proposed modification and have executed easement agreements in favor of Hiland.

6. That a Class III cultural resource inventory has been completed for the proposed route modification. Copies of the Class III Intensive Cultural Resource Inventory, which covers the proposed route modification, and a letter from the North Dakota State Historic Preservation Office, dated November 26, 2014, concurring with the report's findings, are attached as **Exhibits B and C** to the Route Deviation Request.

7. That sensitive plant and animal species surveys were completed as a part of the original Consolidated Application for a Corridor Certificate and Route Permit in the vicinity of the proposed route modification, and no permanent impacts to sensitive plant or animal species are anticipated. A letter report prepared by Keitu Engineers & Consultants, Inc. regarding the surveys and inventory is attached as **Exhibit D** to the Route Deviation Request.

8. That no avoidance or exclusion areas, as set forth in Sections 69-06-08-02(1) and (2) of the North Dakota Administrative Code, will be crossed by the proposed route modification. See **Exhibit D**.

9. That the width of the survey corridor for the cultural resource field survey conducted for the proposed route modification was at least 500 feet wide, and the survey width for all other field surveys was one-half mile on either side of the proposed route modification. See **Exhibit B**, **Exhibit C**, and **Exhibit D**.

FURTHER AFFIANT SAYETH NOT.



Jim C. Suttle

Subscribed and sworn to before me
this 7th day of December, 2014.



Notary Public

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