



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
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In Reply Refer  
To:

2880 (NDB030)

December 31, 2014

Ms. Claudia Berg  
State Historic Preservation Officer  
Attention: Susan Quinnell & Paul Picha  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismark, North Dakota 58505-0830

Dear Ms. Berg:

The Bureau of Land Management (BLM), as the lead federal agency, along with the cooperating agencies U.S. Forest Service, McKenzie Ranger District (USFS), U.S. Army Corps of Engineers (USACE), and the U.S. Fish and Wildlife Service, have received and are reviewing a right-of-way (ROW) amendment application from BakkenLink Pipeline, LLC (BakkenLink) for the proposed BakkenLink Dry Creek to Beaver Lodge project (Undertaking). BakkenLink is planning to construct, operate, and maintain a crude oil pipeline on federal, state, and private lands in Williams and McKenzie Counties, North Dakota. The proposed Undertaking would consist of approximately 37 miles of 16-inch diameter steel crude oil pipeline extending from the northern terminus of BakkenLink's existing pipeline system near Johnson's Corner in McKenzie County, across Lake Sakakawea, to a proposed Beaver Lodge interconnect facility in Williams County. The proposed Undertaking would allow bi-directional flow, with transport of crude oil southward to the Fryburg rail loading facility and northward to the proposed Beaver Lodge interconnect facility. The Undertaking involves a small amount of lands administered by the USFS, USACE, and North Dakota State School Trust with the majority of land under private ownership. BLM is the lead federal agency for Section 106 of the National Historic Preservation Act (NHPA) compliance pursuant to 36 CFR Part 800 and the regulation implementing Section 106 of the NHPA of 1966, as amended (16 U.S.C. 470f).

In accordance with Section 106 of the NHPA, as amended (16 U.S.C. 470f), and its implementing regulation 36 CFR Part 800, BLM is requesting consultation with your office regarding the Undertaking. Please find enclosed one bound copy of the report titled, "BakkenLink Pipeline Beaver Lodge to Dry Creek: Phase II of the BakkenLink Pipeline in McKenzie and Williams Counties, North Dakota", that meets the necessary documentation under 36 CFR Part 800.11 and copies of the monitoring and inadvertent discovery plans. The Undertaking area involves the following legal locations:

<b>Township</b>	<b>Range</b>	<b>Sections</b>
150 North	95 West	1, 6, 7, 8
150 North	96 West	1, 12, 13
151 North	96 West	1, 12, 13, 24, 25, 36
152 North	96 West	1, 12, 13, 24, 25, 36
152 North	95 West	3, 4, 15, 16, 22, 27, 28, 33
153 North	95 West	3, 4, 9, 15, 16, 22, 27, 28, 33

154 North	95 West	34
154 North	95 West	9, 16, 21, 27, 28
155 North	95 West	6, 7, 8, 17, 20, 21, 27, 28, 29, 33, 34
156 North	95 West	31

The Class III Inventory for the Undertaking included approximately 37 miles of a 200-foot wide corridor centered on the proposed pipeline centerline, approximately 3.5 miles of a 100-foot wide corridor of proposed improved access roads, and 123.4 acres of proposed new facilities/temporary work spaces. In addition, the Class III Inventory report includes inventory information for abandoned routes and a block survey done on state lands, north of Lake Sakakawea, in an archaeologically sensitive area. In all, approximately 1791 acres were inventoried.

Twenty-two (22) cultural resources were identified in the project area. The cultural resources consist of one isolated find (32MZx1423), eleven stone feature sites, six cultural material scatters, one stone feature and cultural material scatter site, one cultural material scatter and modern rock pile site, and two historic farmsteads. BLM, in consultation with USFS and USACE, recommends two sites (32MZ1151 and 32WI1124) eligible under Criterion D to the National Register of Historic Places (NRHP). Eighteen sites are unevaluated to the NRHP and two sites (32MZ2718 and 32MZ2766) are recommended not eligible to the NRHP.

All cultural resources, with the exception of two, would be avoided by the proposed Undertaking by a minimum distance of 50 feet on USFS, state and private lands and a minimum distance of 100 feet on USACE lands. The two exceptions are cultural resource 32MZx1423 (three pieces of lithic debitage), where the pipeline centerline is located approximately 40 feet from the cultural resource, and cultural resource 32MZ2767 (pre-contact stone features), where the pipeline centerline is located approximately 12 feet from the site boundary. Neckdown of the construction ROW and archaeological monitoring of construction activities in the vicinity of site 32MZx1423 is recommended. Directional boring, or horizontal directional drill (HDD), construction is proposed adjacent to 32MZ2767. Although sites 32MZ1151, 32MZ2695, 32MZ2741, 32MZ2753, 32MZ2763, and 32WI1124 are outside of the construction ROW and would be avoided by ground-disturbing activities, additional avoidance measures such as, monitoring, fencing, and/or neckdown of the pipeline construction corridor is recommended to further protect the sites from project construction. The following table summarizes the eligibility and management recommendations for the sites identified in the proposed project corridor:

Site Number	Site Type	Land Status	NRHP Eligibility Recommendation	Management Recommendation
32MZ1151	Pre-contact CMS <sup>1</sup> /SF <sup>2</sup>	USFS	Eligible	Monitor
32MZx1423	Lithic debitage (N=3)	Private	Unevaluated	Monitor/neckdown
32MZ2695	Pre-contact CMS	Private	Unevaluated	Monitor/fence/neckdown
32MZ2696	Pre-contact SF	Private	Unevaluated	No Further Work
32MZ2718	Historic Farmstead	Private	Not Eligible	No Further Work
32MZ2741	Pre-contact CMS	Private	Unevaluated	Monitor/fence/neckdown
32MZ2753	Pre-contact CMS	Private	Unevaluated	Monitor
32MZ2760	Historic Farmstead	Private	Unevaluated	No Further Work
32MZ2761	Pre-contact SF	USFS	Unevaluated	No Further Work
32MZ2762	Pre-contact SF	USFS	Unevaluated	No Further Work
32MZ2763	Pre-contact CMS	Private	Unevaluated	Monitor

Site Number	Site Type	Land Status	NRHP Eligibility Recommendation	Management Recommendation
32MZ2766	Pre-contact CMS/Modern Rock Pile	Private	Not Eligible	No Further Work
32MZ2767	Pre-contact SF	Private	Unevaluated	No Further Work
32MZ2773	Pre-contact SF	Private	Unevaluated	No Further Work
32WI1124	Pre-contact CMS	USACE	Eligible	Monitor/fence
32WI1209	Pre-contact SF	Private	Unevaluated	No Further Work
32WI1488	Pre-contact SF	Private	Unevaluated	No Further Work
32WI1491	Pre-contact SF	Private	Unevaluated	No Further Work
32WI1492	Pre-contact SF	State	Unevaluated	No Further Work
32WI1506	Pre-contact CMS	Private	Unevaluated	No Further Work
32WI1513	Pre-contact SF	Private	Unevaluated	No Further Work
32WI1514	Pre-contact SF	Private	Unevaluated	No Further Work

<sup>1</sup>Cultural Material Scatter; <sup>2</sup>Stone Features

On April 18, 2013, BLM initiated tribal consultation with 17 tribes that have tribal treaty interests in, and/or traditional connections to, western North Dakota. These tribes include the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau Santee Sioux Tribe, Fort Belknap Gros Ventre and Assiniboine Tribes, Fort Peck Assiniboine and Sioux Tribes, Lower Brule Sioux Tribe, Lower Sioux Tribe, Northern Cheyenne Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Santee Sioux Tribe, Sisseton-Wahpeton Oyate, Spirit Lake, Standing Rock Sioux Tribe, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, Turtle Mountain Band of Chippewa, and Yankton Sioux Tribe. BLM held two face-to-face tribal consultation meetings and heard many concerns about the Undertaking from the participating tribes. The first meeting was held on May 29, 2014 in Mandan and the second meeting was held on August 5, 2014 in Bismarck. During the first meeting the tribes expressed concerns about pipeline spill frequencies and volumes, potential causes of spills, emergency response measures, potential impacts to the water supplies/intakes, spill clean-up responsibilities, natural resources damage assessments, impacts to Dakota Skipper populations, tribal identification of areas of resource concern, cultural resources investigations conducted prior to the creation of the lake, and unanticipated discoveries of cultural sites that may be buried below the lakebed. In the second meeting, responses to the tribal concerns were drafted by specialists in the fields of risk assessment, emergency response, archaeology, natural resources, engineering, and wildlife biology. Also included in the responses were the results of depth sounding of the lake bottom, sub-bottom profiling, side scan sonar, magnetometer survey, and video recording, all of which were conducted along the lake bottom at the location of the proposed crossing.

In addition, a tribal field survey of the proposed project occurred between June 24 and July 11, 2014. Seven tribes, including Cheyenne River Sioux, Crow Creek Sioux, Fort Peck Assiniboine and Sioux, Northern Cheyenne, Spirit Lake, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, and Turtle Mountain Band of Chippewa, participated in the survey. Twenty-one areas of resource concern were identified by the tribes. These areas of resource concern are in addition to the 22 cultural resources identified during the Class III Inventory. All 21 areas of resource concern would be avoided by the project either by realignment, narrowing of the construction right-of-way, or use of the HDD construction method. Information about the tribal survey can be found in Appendix F of the Class III Inventory report. To date, no additional information about the 21 areas of resource concern has been provided by the tribes that participated in the survey.

On November 20, 2014, BLM sent a letter to all consulting tribes requesting review and comment on the Class III Inventory report. Several phone conversations have also occurred between the participating tribes' Tribal Historic Preservation Officers (THPO) and Shannon Gilbert (BLM Archaeologist). BLM received one letter from the Standing Rock Sioux (see attached) during initial tribal notification of the project; however, to date, BLM has not received any other written comments from the consulting tribes.

BLM recommends a finding of No Historic Properties Affected (36 CFR Part 800.4[d][1]) for the proposed Undertaking as long as the management recommendations are followed. BLM asks that you review the enclosed report and determinations of eligibility and effect and to concur with our findings. I am aware that the SHPO has 30 days upon receipt of adequate information to review and comment on BLM's findings and provide input on the effect of the Undertaking. If you have questions regarding BLM's findings or the Class III Inventory report, please contact Shannon Gilbert, Archaeologist, by telephone at 406-683-8029 or by email at [sgilbert@blm.gov](mailto:sgilbert@blm.gov). Please carbon copy Ms. Gilbert on all correspondence so that we can make sure that all comments are addressed in a timely manner. Thank you for your time and attention in this matter.

Sincerely,



Loren Wickstrom  
Acting Field Manager/Authorized Officer

Enclosures: (1) Class III Inventory Report - BakkenLink Pipeline Beaver Lodge to Dry Creek: Phase II of the BakkenLink Pipeline in McKenzie and Williams Counties, North Dakota  
(2) Monitoring Plan for BakkenLink Beaver Lodge to Dry Creek Pipeline  
(3) Inadvertent Discovery Plan for BakkenLink Beaver Lodge to Dry Creek Pipeline  
(4) Standing Rock Sioux Tribe Letter dated May 17, 2013

cc:

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