

1 **Final Programmatic Agreement**

2 Among

3 The U.S. Department of State,

4 U.S. Army Corps of Engineers,

5 U.S. Department of Agriculture, Forest Service

6 U.S. Department of Agriculture, Natural Resources Conservation Service,

7 North Dakota State Historic Preservation Officer,

8 Minnesota State Historic Preservation Officer,

9 Wisconsin State Historic Preservation Officer,

10 Fond du Lac Band of Lake Superior Chippewa,

11 Leech Lake Band of Ojibwe, and

12 Enbridge Energy Company, Inc.

13 Regarding the Enbridge Energy, Limited Partnership Alberta Clipper Project

14
15
16 **WHEREAS**, the U.S. Department of State (DOS) receives and considers applications for
17 permits for cross border oil pipelines pursuant to the authority delegated by the President of the
18 United States under Executive Order (EO) 13337 (69 Federal Register 25299); and

19
20 **WHEREAS**, on May 14, 2007, the DOS received an application for a Presidential Permit from
21 Enbridge Energy Limited Partnership (Enbridge) for the Enbridge Alberta Clipper Pipeline
22 Project (Project) to cross the border from Canada into the United States; and

23
24 **WHEREAS**, the Project consists of construction of approximately 326 miles of crude oil
25 pipeline in North Dakota, Minnesota, and Wisconsin, with associated aboveground facilities
26 (such as pump stations, transmission facilities, and substations), and ancillary facilities (such as
27 lateral pipeline, temporary workplace areas, and pipe storage and contractor yards); and

28
29 **WHEREAS**, DOS has determined that issuance of a Presidential Permit for the Project triggers
30 review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f, as
31 amended) and its implementing regulations, "Protection of Historic Properties," (36 C.F.R. Part
32 800); and

33
34 **WHEREAS**, the DOS has determined that a Programmatic Agreement (PA) for the Project is
35 necessary. The effects on potential historic properties cannot be fully assessed prior to the
36 issuance of the Presidential Permit for the Project, because access to some Project areas has been
37 denied by landowners, minor expansions of the Area of Potential Effect (APE) are anticipated
38 but have yet to be determined, and the identification of some Traditional Cultural Properties
39 (TCPs) by tribes that are consulting parties will not be completed prior to the issuance of the
40 Presidential Permit; and

41
42 **WHEREAS**, this PA sets forth procedures for consultation related to the identification and
43 evaluation of historic properties in portions of the APE that have not yet been surveyed and for
44 the determination of eligibility, assessment of effects, resolution of adverse effects, and post-
45 review discoveries throughout the entire APE, as necessary, that has not been accomplished to
46 date; and

1
2 **WHEREAS**, in accordance with 36 C.F.R. §§ 800.4(b)(2) and 800.5(a)(3), this PA establishes
3 the process by which the DOS will complete the identification, evaluation, and assessment of
4 Project effects on historic properties; and

5
6 **WHEREAS**, the St. Paul District, U.S. Army Corps of Engineers (USACE) is evaluating a
7 permit application for the Project to place structures in, under, or over navigable waters of the
8 U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33U.S.C. §403) and for the
9 placement of dredged or fill material in waters of the U.S. pursuant to Section 404 of the Clean
10 Water Act (33 U.S.C. §1344; see 33 C.F.R. Part 323). The issuance of a permit under either
11 statute would be a federal action associated with the undertaking that requires compliance with
12 Section 106 of the NHPA and 36 C.F.R. Part 800; and

13
14 **WHEREAS**, the Natural Resources Conservation Service (NRCS) has determined that it retains
15 rights to a 2.3 acre portion of two Wetlands Reserve Program (WRP) (16 U.S.C. § 3837 et seq)
16 easements in the State of North Dakota and that the installation and maintenance of the Project
17 pipeline on these WRP easements is a federal action associated with the undertaking that requires
18 compliance with Section 106 of NHPA and 36 C.F.R. Part 800; and

19
20 **WHEREAS**, the United States Forest Service (USFS) has determined that the Project, which
21 crosses the Chippewa National Forest (CNF) will require consistency with the CNF Land And
22 Resource Management Plan and is a federal action associated with the undertaking that requires
23 compliance with Section 106 of NHPA and 36 C.F.R. Part 800; and

24
25 **WHEREAS**, DOS, USACE, USFS, and NRCS have agreed that the DOS will be the lead
26 federal agency for purposes of Section 106 of the NHPA in accordance with 36 C.F.R. §
27 800.2(a)(2); and

28
29 **WHEREAS**, on June 18, 2008, the DOS determined, in consultation with parties to this PA, that
30 the Project APE extends from Neche, North Dakota, through the state of Minnesota, to Superior,
31 Wisconsin, and includes a 140 foot wide corridor, collocated along the existing Enbridge
32 pipeline facilities/easements, extending from the centerline of the outermost existing Enbridge
33 pipeline, except for a proposed spread that departs from the existing ROW to the west and south
34 of the Fond du Lac Reservation and then re-joins the existing Right of Way (ROW). Also
35 included in the APE are project related access roads, transmission facilities and corridors,
36 environmental crossings, temporary work spaces or construction areas, pipeline reroutes, and
37 appurtenant facilities that may fall outside of the 140 foot corridor and may not be contiguous;
38 and

39
40 **WHEREAS**, the Project bisects the Leech Lake Indian Reservation of the Leech Lake Band of
41 Ojibwe (LLBO) a federally recognized Indian Tribe that exercises its inherent governmental
42 authority within the exterior boundaries of the Reservation; and

43
44 **WHEREAS**, the Leech Lake Indian Reservation overlaps with the CNF; and

45
46 **WHEREAS**, the LLBO Tribal Historic Preservation Officer (THPO) has assumed Section 106

1 review responsibilities for archaeological sites under Section 101(d)(2) of the NHPA for the
2 Project APE that occurs within the exterior boundaries of the Leech Lake Indian Reservation
3 consistent with 36 C.F.R. § 800.2(c)(2)(i)(A); and
4

5 **WHEREAS**, the Project bisects the Fond du Lac Chippewa Reservation that contains property
6 held in trust by the United States Government for the Fond du Lac Band of Lake Superior
7 Chippewa (FDL), a federally recognized Indian Tribe that exercises its inherent governmental
8 authority within the exterior boundaries of the Reservation; and
9

10 **WHEREAS**, the FDL have appointed a designated representative (FDL Contact) to consult with
11 the DOS regarding the Project and the potential for impacts to historic properties within the
12 exterior boundaries of the Fond du Lac Chippewa Reservation consistent with 36 C.F.R. §
13 800.2(c)(2)(i)(B); and
14

15 **WHEREAS**, the DOS has initiated consultation with the LLBO THPO, FDL, and the State
16 Historic Preservation Officers (SHPO) of North Dakota, Minnesota, and Wisconsin concerning
17 the determination of the APE and the identification, evaluation, and treatment of historic
18 properties; and
19

20 **WHEREAS**, the DOS has reviewed cultural resource reports that cover nearly all of the Project
21 APE and received concurrences regarding eligibility and non-eligibility of cultural resources
22 from the FDL (pending), LLBO THPO, North Dakota SHPO, Minnesota SHPO (pending), and
23 Wisconsin SHPO; and
24

25 **WHEREAS**, to date, the DOS has determined, with the concurrence of the LLBO THPO, North
26 Dakota SHPO, Minnesota SHPO (pending), and Wisconsin SHPO that the Project will not
27 adversely effect any of the historic properties identified in the cultural resource reports
28 referenced in Attachment G and as noted in the tables in Attachment H; and
29

30 **WHEREAS**, the United States Government has a unique trust relationship with Indian tribes, as
31 set forth in the Constitution of the United States and by numerous treaties and provisions of law
32 including, but not limited to, the NHPA, the American Indian Religious Freedom Act
33 (“AIRFA”), the Native American Graves Protection and Repatriation Act (“NAGPRA”), the
34 Archaeological Resources Protection Act (“ARPA”) and the Treaty of LaPointe (10 Stat. 1109)
35 and many others; and
36

37 **WHEREAS**, the federal and state agencies, and the consulting parties on this project recognize
38 that the TCPs potentially affected by this project, some of which may be determined to be
39 historic properties for the purposes of Section 106, are vital to the preservation of endangered
40 tribal resources, Indian cultural heritage, and traditional lifeways for present and future
41 generations; and
42

43 **WHEREAS**, to promote and support government-to-government relationships with federally
44 recognized sovereign nations, the DOS is undertaking, through consultation as required in 36
45 C.F.R. Part 800 and other federal authorities, to work in partnership with the consulting tribes

1 and other signatories to address and find solutions for the issues of concern on the Project
2 whenever practicable and appropriate; and
3

4 **WHEREAS**, Enbridge wishes to cooperate with the DOS and other federal agencies, who fully
5 intend to fulfill their responsibilities to establish and maintain relationships with federally
6 recognized Indian tribes for the purpose of building stable, long-term working relationships
7 which result in positive, mutually understood and beneficial solutions to common situations; and
8

9 **WHEREAS**, Enbridge, which will construct the Project pipeline, has participated in consultation
10 and has been invited by DOS under 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign this PA as
11 an invited signatory; and
12

13 **WHEREAS**, DOS invited the Indian tribes listed in Attachment B to participate in consultation;
14 and
15

16 **WHEREAS**, the Bois Forte Band of the Minnesota Chippewa, the Flandreau Santee Sioux
17 Tribe, Ho-Chunk Nation, the Fond du Lac Band of Lake Superior Chippewa, the Forest County
18 Potawatomi, the Fort Peck Tribe, the Leech Lake Band of Ojibwe, the Lower Sioux Community,
19 the Mille Lacs Band of Ojibwe, the Red Cliff Band of Lake Superior Chippewa Indians of
20 Wisconsin, the Red Lake Band of Chippewa Indians, the Sisseton Wahpeton Oyate Sioux, the
21 Spirit Lake Tribe, the Standing Rock Sioux, the Upper Sioux Community, and the White Earth
22 Band of Ojibwe have participated in the consultation for the development of this PA and DOS
23 has invited them to concur in this PA, in accord with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3);
24 and
25

26 **WHEREAS**, on April 8, 2008, the DOS notified all consulting parties it intended to use the
27 NEPA public process to meet the public process requirements of Section 106 of the National
28 Historic Preservation Act (NHPA) as permitted under 36 C.F.R. 800.2(d); and
29

30 **WHEREAS**, in accordance with 36 C.F.R § 800.6(a)(1), the DOS has notified the Advisory
31 Council on Historic Preservation (ACHP) that there is the potential for an adverse effect, and the
32 ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii);
33

34 **NOW, THEREFORE** DOS, USACE, USFS, NRCS, ACHP, LLBO THPO, FDL, and North
35 Dakota, Minnesota, Wisconsin SHPOs, and Enbridge agree the following stipulations will be
36 implemented in order to take into account the effect of the project on historic properties and to
37 satisfy all responsibilities under Section 106 of the NHPA.
38
39

40 **STIPULATIONS**

41
42 The DOS, in consultation with the USACE, USFS, and NRCS, will ensure that the following
43 measures are carried out.
44
45

46 **I. FEDERAL AGENCY RESPONSIBILITIES**

- 1 A. DOS will incorporate this PA into its decisional process on any Presidential permit it
2 may issue for the Enbridge Alberta Clipper project and will include in any permit it
3 issues on the Enbridge Alberta Clipper project a condition that Enbridge [abide by its
4 commitments under] this PA.
5
- 6 B. USACE, USFS, and NRCS shall attach this PA as a condition of agency approval for
7 any Federal action (i.e. permit, license, etc.), associated with this undertaking.
8
- 9 C. Identification and evaluation studies and treatment measures required under the terms
10 of this PA will be carried out by or under the direct supervision of a professional(s)
11 who meets, at a minimum, the *Secretary of the Interior's Historic Preservation*
12 *Professional Qualification Standards* (48 FR 44716, September 29, 1983; 36 C.F.R.
13 Part 61 (Appendix A)). Additional professional qualification standards for
14 archaeologists are contained in Attachment I.
15
- 16 D. For identification and evaluation studies, and treatment measures required under the
17 terms of this PA developed by Enbridge, DOS shall ensure these studies and
18 treatment measures take into account the following:
19
- 20 1. the ACHP's *Section 106 Archaeology Guidance* (2007);
 - 21 2. the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human*
22 *Remains and Funerary Objects* (February 23, 2007);
 - 23 3. applicable SHPO guidance and standards;
 - 24 4. the Secretary of the Interior's *Standards and Guidelines for Archaeology and*
25 *Historic Preservation* (48 FR 44716-42, September 29, 1983) with additional
26 guidance from 36 C.F.R. Part 800 (as amended through August 5, 2004)
27 concerning tribal properties of religious and cultural significance and the
28 National Register Bulletins No. 38 and No. 41. noted below;
 - 29 5. the "*Treatment of Archaeological Properties*" (ACHP 1983);
 - 30 6. the *Guidelines for Reporting on Cultural Resources Investigations for Pipeline*
31 *Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects,
32 December 2002);
 - 33 7. ACHP, NPS, NATHPO "Tribal Consultation: Best Practices in Historic
34 Preservation" (May 2005);
 - 35 8. National Register Bulletin No. 41, "Guidelines for Evaluating and Registering
36 Cemeteries and Burial Places";
 - 37 9. National Register Bulletin No. 38, "Guidelines for Evaluating and Documenting
38 Traditional Cultural Properties";
 - 39 10. Wisconsin State Statute 157.70 (Wisconsin Burial Sites Act);
 - 40 11. North Dakota Century Code §23-06-27 and administrative rules North Dakota
41 Administrative Code Chapter 40-02-03;
 - 42 12. Section 307-08 of the Minnesota Private Cemeteries Act;
 - 43 13. *State Archaeologist's Procedures for Implementing Minnesota's Private*
44 *Cemeteries Act; and*
 - 45 14. Applicable state guidelines concerning the identification, evaluation, and
46 treatment of historic properties.

1 includes artifacts, records, and remains that are related to and located within such properties.
2 The term includes properties of traditional religious and cultural importance to an Indian Tribe or
3 Native Hawaiian organization and that meet the National Register criteria (see 36 C.F.R. §
4 800.16(I)(a)).

5
6 Invited Signatory: The DOS has invited Enbridge to be a signatory to this PA pursuant to 36
7 C.F.R. § 800.6(c)(2). The refusal of any invited signatory to sign the PA does not invalidate the
8 PA.

9
10 Monitoring Plan: A plan (more fully described in Stipulation V.D.) that identifies appropriate
11 areas for monitoring construction by professionals under the supervision of individuals that meet
12 the professional qualifications in Stipulation I.C. The plan's principal goal is to reduce the
13 potential for impacts to unidentified historic properties.

14
15 Signatory Parties: All signatories to this PA, which includes the DOS, NRCS, USACE, USFS,
16 LLBO THPO, FDL Contact, and the SHPOs of North Dakota, Minnesota, and Wisconsin and
17 Enbridge. (Signatory parties include the federal agency(ies), SHPOs, THPOs (or designee) if the
18 undertaking is carried out on Tribal land or affects historic properties on Tribal land, and also
19 any invited signatories [not including invited concurring parties]).

20
21 Traditional Cultural Property: A district, site, building, structure, or object that may be eligible
22 for inclusion in the NRHP that derives its significance from its association with cultural practices
23 or beliefs of a living community that (a) are rooted in that community's history, and (b) are
24 important in maintaining the continuing cultural identity of the community. TCPs are more fully
25 defined in NRHP Bulletin #38.

26
27 Treatment Plan: A plan developed in consultation with the parties to this PA that identifies the
28 minimization, and mitigation measures for historic properties located within the APE that will be
29 adversely affected by the Project.

30 31 **IV. CONSULTING PARTY REVIEW OF DETERMINATIONS, COORDINATION** 32 **PLANS, MONITORING PLANS AND TREATMENT PLANS.**

33 A. General

- 34
35 1. Pursuant to the procedures set forth in Stipulation IV, DOS will afford signatory parties
36 and consulting parties an opportunity to consult on the identification and evaluation of
37 historic properties and on the development of treatment plans to resolve adverse effects
38 to historic properties. This consultation will include identification and evaluation of
39 historic properties of religious and cultural significance to Indian parties, assessment of
40 Project effects, coordination plans, monitoring plans, and the treatment plans prepared
41 for adversely affected historic properties that have not been completed and reviewed
42 prior to the release of the Final EIS. Review periods will vary and are stipulated below.

43 44 B. Shortened Review Period and Concurrence

- 1 1. If no comments from signatory parties and concurring parties are received by DOS
2 following a determination of eligibility or effect, and a given review period has ended,
3 the DOS may assume concurrence.
4
- 5 2. All review periods noted for DOS determinations in this PA may be shortened when all
6 signatory parties to this PA agree in writing (letter or email) that an abbreviated review
7 period is warranted and appropriate notification is provided. Concurring parties to the
8 PA may only comment on the shortened review period. The DOS will take into account
9 and respond to comments submitted by concurring parties. If objections are submitted by
10 a signatory party, then the DOS will work to resolve the objection. If the DOS cannot
11 resolve the objection within five days of receiving the objection, then the original review
12 period listed in the applicable PA stipulation shall be maintained.
13

14 C. Tribal Consultation with Enbridge

- 15
- 16 1. The DOS as lead agency will remain responsible for conducting government-to-
17 government consultation with Indian tribes, unless the tribe agrees, in writing, to consult
18 directly with Enbridge. Tribes shall notify the DOS through a letter or other written
19 agreement, that it is the intention of the tribe to consult and coordinate directly with
20 Enbridge concerning the identification and evaluation of potential historic properties as
21 reported in fieldwork reports, coordination plans, monitoring plans, treatment plans, as
22 well as evaluation of potential historic properties and resolution of adverse effects to
23 historic properties. If disagreements arise from consultation between the tribes and
24 Enbridge, the Tribes and/or Enbridge will forward the nature of the disagreements to the
25 DOS. The DOS shall attempt to resolve the disagreements. If unable to resolve the
26 disagreement, the tribes and DOS shall resolve them through the process outlined in
27 Stipulation X. [The DOS shall remain responsible for carrying out all stipulations of this
28 PA.
29

30 V. ALBERTA CLIPPER PROJECT – PIPELINE CONSTRUCTION

31 A. Identification and Evaluation of Historic Properties

- 32
- 33 1. For those areas not previously surveyed due to a lack of access, as listed in
34 Attachment A of this PA, and for areas added to the APE due to Project
35 modifications, the DOS, in consultation with the signatory parties and consulting
36 parties, will complete the identification and evaluation of historic properties within
37 the APE, assess effects, and resolve any adverse effects to those historic properties
38 prior to the initiation by Enbridge of construction in the vicinity of an un-surveyed
39 property in accordance with 36 C.F.R. §§ 800.4 through 800.6.
40
- 41 a. The DOS will notify the signatory parties and consulting parties that a scoping
42 period for cultural resource investigations has been initiated. The DOS will take
43 into account all scoping comments from the signatory parties and consulting
44 parties. Consultation after this scoping period will follow the requirements of
45 Stipulation V.A.1.
46

- 1 b. During scoping for cultural resource investigations, the DOS will rely on
2 information on historic properties of religious and cultural significance (which may
3 include TCPs) submitted by Indian tribes to DOS within thirty (30) days of scoping
4 notification (with appropriate documentation).
5
- 6 2. After this PA is executed and in addition to the consultation required in Stipulation
7 V.A.1., DOS will develop a summary of the results of all identification and
8 evaluation fieldwork and determinations of eligibility and effect completed for
9 unsurveyed segments of the APE quarterly to update the Section 106 documentation
10 for this Project. A summary of eligibility and effect determinations for the Project to
11 date is included in Appendix H of this PA.
12
- 13 a. The first summary of results will be submitted to DOS by Enbridge. DOS shall
14 distribute the summary to the signatory parties and consulting parties within ninety
15 (90) days of the execution of this PA and every ninety (90) days thereafter or on a
16 more frequent basis if requested by Enbridge;
17
- 18 b. After the preparation of cultural resources reports and following the completion of
19 Stipulation V.A.1., Enbridge will distribute to the LLBO THPO, the FDL Contact,
20 and applicable SHPO descriptive information about identified cultural resources in
21 GIS format as well as the final cultural resource reports.
22

23 B. Coordination Plan

- 24 1. In the event Enbridge cannot complete the identification and evaluation of historic
25 properties prior to the initiation of construction activities in a construction spread,
26 Enbridge will develop and submit a Coordination Plan, consistent with Stipulation
27 V.A., to DOS for review and approval. Coordination Plans will not be used on
28 federal lands within the CNF.
29
- 30 a. This plan shall describe measures that will be implemented to ensure that adverse
31 effects that may result from vegetation clearing and construction activities are
32 avoided pending the completion of identification and evaluation of cultural
33 resources. This Coordination Plan, for instance, may utilize construction exclusion
34 zones, so that construction activities, or construction-related activities will not
35 occur in, or immediately adjacent to areas where investigations to identify and
36 evaluate cultural resources, and/or treat historic properties have yet to be
37 completed.
38
- 39 b. In addition, the plan will include a schedule for all proposed activities and
40 recommended measures for the protection of unanticipated discoveries in
41 accordance with Attachments C, D, and E, as appropriate.
42
- 43 c. The DOS shall make the coordination plan available to consulting parties and
44 signatory parties for a thirty (30) day review period once it has received the plan
45 from Enbridge. DOS shall take into account comments received prior to approving

1 the plan for implementation. The DOS-approved Plan will be incorporated into all
2 construction documents and implemented accordingly.

3
4 C. Monitoring Plan

5 1. Prior to the commencement of construction, Enbridge shall prepare and submit a
6 Project-wide Monitoring Plan for DOS to review and approve. After DOS receives
7 and reviews the plan, the DOS shall make the Monitoring Plan available to
8 consulting parties and signatory parties for a thirty (30) day review period. DOS
9 shall take into account comments received prior to approving the plan for
10 implementation. The DOS-approved plan will be prepared prior to construction and
11 incorporated into all construction documents and implemented accordingly.

12 a. This plan shall describe measures to be implemented in areas that are appropriate
13 for monitoring, as determined by DOS in consultation with the signatory parties
14 and the consulting parties. Consultation will occur during the thirty (30) day
15 review period described in V.C.1.

16 b. Any historic properties identified by Enbridge will be treated in accordance with
17 Stipulation V.A. and for human remains Attachments C, D, and E shall apply.

18 c. Construction monitoring will be performed by a professional who meets the
19 qualification standards for archaeology established in Stipulation I.C. Other types
20 of experience with construction monitoring and/or traditional cultural knowledge
21 may be substituted for degrees required by the Standards at the discretion of the
22 DOS.

23
24
25 d. The Monitoring Plan shall outline the criteria used to select areas for monitoring,
26 identifies opportunities for Indian tribes to participate as monitors during Project
27 construction in areas appropriate for monitoring, outlines the protocols for monitor
28 participation in the Project, and that includes the appropriate Unanticipated
29 Discoveries Plan that is consistent with Stipulation VI. The Monitoring Plan shall
30 include sufficient mapping such that areas to be monitored are clearly delineated.

31
32 e. Enbridge will implement the Final Monitoring Plan for the Project, as approved by
33 DOS.
34

35 D. Treatment Plan

36 1. Avoidance of adverse effects to historic properties shall be the preferred treatment.
37 All avoidance and minimization measures shall be presented in the cultural resource
38 reports on identification and evaluation results consistent with Stipulation V.A.1. In
39 consultation with the signatory parties and consulting parties, the DOS will finalize
40 the proposed avoidance measures and Enbridge shall implement the final avoidance
41 and minimization measures.

- 1
- 2 2. When historic properties are identified in the APE, DOS will apply the criteria of
- 3 adverse effect in accordance with 36 C.F.R. § 800.5(a). If a historic property is to be
- 4 adversely affected by pipeline construction, Enbridge shall prepare a Treatment Plan
- 5 that shall include a written justification that no prudent and feasible alternatives to
- 6 the adverse effect exist. If DOS does not agree with the written justification, then
- 7 avoidance and/or minimization measures must be pursued by Enbridge. Other
- 8 components of the Treatment Plan are outlined in V.D.4.
- 9
- 10 3. Following a seven (7) day DOS review period, and provided that DOS agrees with
- 11 the written justification, DOS shall notify the signatory parties, consulting parties,
- 12 and ACHP of the adverse effect determination and provide the draft Treatment Plan.
- 13 Within thirty (30) days of this notification and distribution of the draft Treatment
- 14 Plan, applicable signatory parties and consulting parties may provide comments to
- 15 DOS concerning alternative avoidance and minimization measures, and/or mitigation
- 16 of adverse effects, as outlined in the Treatment Plan. The DOS shall take into
- 17 account timely submitted comments in accordance with 36 C.F.R. §800.6. If a
- 18 signatory party disputes the finding of adverse effect, the DOS shall work to resolve
- 19 that dispute in a manner consistent with Stipulation X of this PA.
- 20
- 21 4. Enbridge will draft a comprehensive Treatment Plan that describes the measures
- 22 identified by DOS in consultation with the signatory parties and consulting parties to
- 23 minimize and mitigate the adverse effect of pipeline construction activities on historic
- 24 properties, the manner in which these measures will be carried out, and a schedule for
- 25 their implementation.
- 26
- 27 a. When mitigation consists of or includes data recovery, the Treatment Plan will also
- 28 identify the specific research questions to be addressed by data recovery with an
- 29 explanation of their relevance, the archaeological methods to be used and the extent
- 30 of recovery efforts, and provisions for public interpretation and education, subject
- 31 to Stipulation II restrictions, if any.
- 32
- 33 b. When it has addressed all of the comments and recommendations gathered in
- 34 Stipulation V.D.3, Enbridge will submit the Final Treatment Plan to DOS for
- 35 review and approval. The DOS shall notify the signatory parties and the consulting
- 36 parties of its determination within seven (7) days of receiving the Final Treatment
- 37 Plan.
- 38
- 39 5. Enbridge shall ensure complete implementation of the Final Treatment Plan prior to
- 40 beginning construction in the area subject to the Plan. If it is not possible to meet
- 41 this schedule, Enbridge, with DOS oversight, will develop in a timely manner a
- 42 Coordination Plan in accordance with Stipulation V.B that establishes how
- 43 appropriate treatment will be determined and implemented during construction.
- 44

45 E. Construction

46

- 1 1. Environmental Inspector (EI): Prior to initiating vegetative clearing or construction
2 in any spread, Enbridge shall obtain a written notice to proceed with construction
3 from the DOS. Enbridge shall submit to DOS a certification from the EI of
4 compliance with any Coordination Plan, Monitoring Plan, and any Treatment Plan
5 that has been developed for that spread or a statement that implementation of any of
6 these plans is not applicable to that particular spread. In meeting this responsibility,
7 the EI will rely on the technical expertise of professionals who meet the standards
8 established in Stipulation I.C. to prepare the Coordination Plan, Monitoring Plan,
9 and/or Treatment Plan, report on cultural resource monitoring along the corridor, and
10 report on the disposition of unanticipated discoveries made during construction to the
11 DOS and consulting parties and signatory parties. The DOS shall require that
12 Enbridge retain a professional who meets the standards established in Stipulation I.C.
13 on an on-call basis for the duration of Project construction.
14
- 15 a. The EI will monitor construction activities on-site and prepare a daily log reporting
16 to Enbridge on activities performed to implement the terms of this PA, as
17 appropriate.
18
- 19 b. Enbridge will ensure through the construction documents that the EI will possess
20 the authority to stop construction in the event of an inadvertent discovery in
21 accordance with Stipulation VI.A and Attachments C, D, and E.
22
- 23 2. Training: In consultation with DOS, Enbridge will ensure the EI receives appropriate
24 training in historic preservation and identification of historic properties, from a
25 professional who meets the standards established in Stipulation I.C. in order to
26 perform the requirements of this PA. Enbridge also will provide an appropriate level
27 of training in historic preservation and identification of historic properties conducted
28 by a professional who meets the standards established in Stipulation I.C. to all
29 construction personnel (including new, added, replaced workers) so that PA
30 requirements are understood and unanticipated discoveries quickly identified.
31 Enbridge will offer this training prior to initiating vegetative clearing or construction
32 activities on a spread, and conduct periodic refresher training during construction of
33 the spread. Training shall also include the identification of and avoidance methods
34 for sensitive tribal biological species.
35
- 36 3. Construction Contract: Enbridge will incorporate the terms of Stipulation V.D and
37 Attachments C, D, and E into construction documents to ensure that its EI and
38 construction contractors meet their responsibility for notification of the unanticipated
39 discoveries.
40

41 F. Scheduling 42

43 The DOS may authorize the start of vegetative clearing and construction for a spread when
44 the plans prepared in accordance with Stipulations V.B., V.C., and V.D, as appropriate, have
45 been submitted by Enbridge and approved by DOS in accordance with the terms of this PA.
46

1
2 **VI. UNANTICIPATED DISCOVERIES DURING CONSTRUCTION**

3 A. Unanticipated Discoveries (not including human burials, remains, or funerary goods)

- 4
- 5 1. For the purposes of Stipulations VI.A and VI.B, the “applicable federal agency” is the
6 federal agency with ownership or management jurisdiction over (real property interest
7 in) the land on which construction is occurring or, in the absence of such an agency
8 with real property interest, the DOS. For this stipulation, the USFS has jurisdiction
9 over lands within the CNF and the NRCS retains jurisdiction over two bisected
10 parcels that are subject to WRP easements.
- 11
- 12 2. If previously unidentified historic properties (including but not limited to ruins,
13 prehistoric/historic artifacts, other archaeological remains, TCPs, and sacred sites),
14 are discovered unexpectedly as pipeline construction activities are carried out within
15 the APE, the construction contractor will immediately halt all construction activity
16 within a one-hundred (100) foot radius (or greater as appropriate) of the discovery,
17 notify Enbridge’s EI of the discovery and implement interim measures to protect the
18 discovery from looting and vandalism. Within forty-eight (48) hours of the discovery,
19 the EI shall:
- 20
- 21 a. inspect the work site to determine the extent of the discovery and ensure that
22 construction activities have halted;
- 23
- 24 b. clearly mark the area of the discovery;
- 25
- 26 c. implement additional measures, as appropriate, to protect the discovery from
27 looting and vandalism; this includes securing the site, immediately taking photo
28 documentation of the discovery, and making a brief written report of the
29 discovery;
- 30
- 31 d. notify the signatory parties and consulting parties of the discovery and distribute
32 the written report and photo documentation to these parties; and
- 33
- 34 e. following notification, construction may resume outside of the one-hundred (100)
35 foot (or greater as necessary) radius of the discovery.
- 36
- 37 3. The applicable federal agency will have at least seven (7) calendar days following
38 notification provided in accordance with Stipulation VI.A.2, to determine the
39 National Register eligibility of the discovery and actions that the agency proposes to
40 resolve adverse effects (if any). The applicable federal agency shall submit written
41 notice of its determination of eligibility, assessment of effects, resolution of adverse
42 effects (if any) and any associated cultural resource reports to the signatory parties
43 and the consulting parties for comment. Comments concerning eligibility of the
44 discovery and Project effects are due within thirty (30) days from receipt of the
45 applicable federal agency’s notice. The applicable federal agency may assume the
46 newly discovered property to be eligible for the National Register for the purposes of

1 Section 106 pursuant to 36 C.F.R. § 800.13(c) until the appropriate cultural resources
2 study is completed.

- 3
- 4 4. For properties determined eligible pursuant to Stipulation VI.A.3, the applicable
5 federal agency shall ensure that:
- 6
- 7 a. timely filed recommendations of consulting parties and signatory parties are taken
8 into account prior to granting approval of the measures that Enbridge will
9 implement to resolve adverse effects.
- 10
- 11 b. Enbridge carries out the approved measures prior to resuming construction
12 activities in the location of the discovery. Enbridge shall provide documentation
13 to the applicable federal agency of execution of approved measures. Following
14 review and acceptance of the documentation, the applicable federal agency shall
15 issue a written notice to proceed to Enbridge and shall provide copies of the
16 written notice to all signatory parties and consulting parties.
- 17
- 18 c. within six (6) months of the resumption of construction within the location of the
19 discovery, Enbridge submits a final report to the applicable federal agency for
20 distribution to signatory parties and consulting parties describing implementation
21 of the actions taken in accordance with Stipulation VI.A and, as appropriate, the
22 analysis and interpretation of recovered information. The applicable federal
23 agency shall consult with consulting parties and signatory parties prior to
24 approval of the report. Signatory parties and consulting parties shall have thirty
25 (30) days to review the applicable federal agency's findings and the report and
26 submit comments to the applicable federal agency.
- 27
- 28 5. Dispute Resolution for Unanticipated Discoveries: The applicable federal agency
29 will seek and take into account the recommendations of the ACHP in resolving any
30 disagreements that may arise regarding resolution of adverse effects. The applicable
31 federal agency will use the contact information provided in Attachments C, D, or E in
32 order to notify the ACHP. Within fifteen (15) days of receipt of such a written request
33 and a report that outlines the nature of the disagreement and the findings of the
34 applicable federal agency, the ACHP will provide the applicable federal agency with
35 recommendations on resolving the dispute. The applicable federal agency will take
36 into account any timely filed recommendations provided by the ACHP in making a
37 final decision about how to proceed.

38

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

40

- 41 1. When Native American human remains, funerary objects or objects of cultural
42 patrimony are unexpectedly discovered during construction of the Project on federal
43 or tribal lands within the APE, Enbridge shall notify immediately the federal agency
44 with jurisdiction, or, with respect to tribal lands, to the responsible Tribal official
45 consistent with the Native American Graves Protection and Repatriation Act

1 (NAGPRA) [25 U.S.C. 3001 et. seq.] and its implementing regulations, 43 C.F.R.
2 Part 10, as well as other agency Treatment Plans and policies, as appropriate.
3

4 2. The applicable federal agency shall be responsible, in consultation with the Indian
5 tribes and with the professional assistance of an archaeologist that meets the
6 Standards outlined in I.C., for making the determination regarding the Native
7 American or non-Native American status of the human remains. For human remains
8 discovered on the Chippewa National Forest, Attachment D of this PA shall apply.
9 For human remains identified within the exterior boundaries of the Leech Lake
10 Reservation and the Fond du Lac Chippewa Reservation, Attachment E of this PA
11 shall apply.
12

13 3. Non-Native American human burials and remains, and funerary objects discovered on
14 federal lands within the APE will be treated by the applicable federal agency in
15 accordance with applicable federal law, taking into account the ACHP's *Policy*
16 *Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects*
17 (February 23, 2007) as well as other agency Treatment Plans and policies, as
18 appropriate.
19

20 4. Enbridge will treat human burials and remains discovered on non-federal land in
21 accordance with the provisions of Attachment C, and any applicable state laws, such
22 as Section 307-08 of the Minnesota Private Cemeteries Act, Wisconsin State Statute
23 157.70 (Wisconsin Burial Sites Act), or North Dakota Century Code §23-06-27 and
24 administrative rules North Dakota Administrative Code Chapter 40-02-03. In
25 determining appropriate actions to be carried out DOS will be guided by the ACHP's
26 *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary*
27 *Objects* (February 23, 2007).
28
29

30 VII. CURATION

31 A. Federal agencies will curate any artifacts, materials or records that are not subject to
32 NAGPRA or other federal law but are resulting from archaeological identification and
33 mitigation conducted on federal lands under their jurisdiction in accordance with 36
34 C.F.R. Part 79, "*Curation of Federally-Owned and Administered Archaeological*
35 *Collections*".
36

37 B. Enbridge will return all artifacts recovered from private lands to the respective landowner
38 after analysis is complete, unless applicable state law requires otherwise. Enbridge will
39 encourage and assist landowners in donating any returned artifacts to a local curation
40 facility identified by the respective SHPO and/or THPO, FDL Contact, or applicable
41 tribal representative if on tribal lands.
42

43 C. Federal agencies will determine the disposition of human burials, human remains and
44 funerary objects in accordance with applicable federal law.
45
46

1 **VIII. REPORTING**

2 A. Within a year of completing pipeline construction in a spread, Enbridge will submit a
3 comprehensive draft report to DOS describing the results and findings of the
4 implementation of the actions and plans specified in Stipulations V.A through D,
5 including Attachments C, D and E. The DOS shall review the draft report and distribute
6 the report to the signatory parties and consulting parties for thirty (30) day review and
7 comment. Enbridge shall address timely comments and recommendations in preparation
8 of the Final Comprehensive Report for that spread. Following the comment period,
9 Enbridge will revise and submit the final report to DOS for review and approval.
10

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

13 Each quarter following the execution of this PA until it expires or is terminated, the DOS will
14 provide the consulting parties and signatory parties to this PA a progress report summarizing the
15 work carried out pursuant to its terms. Such report will include any scheduling changes
16 proposed, any problems encountered, and any disputes and objections received in the efforts to
17 carry out the terms of this PA. DOS will maintain and update a list of the current contacts for the
18 consulting parties and signatory parties to be distributed at each quarterly report.
19

20 **X. DISPUTE RESOLUTION**

22 A. “Appropriate federal agency” refers to the DOS, USACE, NRCS, or USFS, as applicable.
23

24 B. Should any signatory or concurring party to this PA object at any time to any actions
25 proposed or the manner in which the terms of this PA are implemented, the appropriate
26 federal agency and DOS will consult with such party to resolve the objection. If the
27 appropriate federal agency determines that such objection cannot be resolved, the
28 appropriate federal agency will:
29

- 30 1. Notify the signatory parties and consulting parties that an objection cannot be
31 resolved.
32
- 33 2. Forward all documentation relevant to the dispute, including the applicable federal
34 agency’s proposed resolution, to the ACHP, signatory parties, and consulting parties
35 for comment. The ACHP, signatory parties, and consulting parties will provide the
36 appropriate federal agency with its advice on the resolution of the objection within
37 thirty (30) days of receiving adequate documentation. Prior to reaching a final
38 decision on the dispute, the appropriate federal agency will prepare a written response
39 that takes into account any timely advice or comments regarding the dispute from the
40 ACHP, signatory parties and consulting parties and provide them with a copy of this
41 written response. The appropriate federal agency will then proceed according to its
42 final decision.
43

1 3. If the ACHP does not provide its advice regarding the dispute within the thirty (30)
2 day time period, the applicable federal agency may make a final decision on the
3 dispute and proceed accordingly. Prior to reaching such a final decision, the
4 appropriate federal agency will prepare a written response that takes into account any
5 timely comments regarding the dispute from the signatory parties and consulting
6 parties, and provide them and the ACHP with a copy of such written response.
7

8 C. The appropriate federal agency's responsibilities to carry out all other actions subject to
9 the terms of this PA that are not the subject of the dispute remain unchanged.
10

11 D. Notwithstanding any other provisions of the PA, all signatory parties retain any and all
12 rights to seek redress of disputes regarding this PA or its implementation in a court of
13 applicable jurisdiction, except that such parties must first use the process under
14 Stipulation X.A to X.C. to attempt to resolve those disputes that fall within the scope of
15 that Stipulation.
16
17
18

19 **XI. DURATION**

20 This PA will be in force for a period of four (4) years from the date it is executed or until all of
21 its stipulations that require action by the signatories have been carried out, whichever occurs
22 first. If work on this Project is not completed within four (4) years, DOS may consult with the
23 other signatory parties to either amend the PA to extend its duration or modify the terms of the
24 PA, as appropriate in accordance with Stipulation XII. The DOS will notify the signatory parties
25 and consulting parties as to the course of action it intends to pursue at least ninety (90) days
26 before the PA would expire.
27
28

29 **XII. AMENDMENT**

30 Any signatory party to this PA may propose in writing to the other signatory parties that it be
31 amended. The signatory parties will consult in an effort to reach agreement on an amendment.
32 Any amendment will be effective on the date it is signed by all of the signatories and filed with
33 the ACHP.
34
35

36 **XIII. TERMINATION**

37 A. If any signatory party to this PA determines that its terms will not or cannot be carried
38 out, that party will immediately consult with the other signatory parties to attempt to
39 develop an amendment to this PA per Stipulation XII. If within thirty (30) days an
40 amendment cannot be reached, any signatory may terminate the PA upon written
41 notification to the other signatories.
42

43 B. Once the PA is terminated, and prior to work continuing on the Project, the DOS shall
44 request, take into account, and respond to the comments of the ACHP in accordance with

1 36 C.F.R. § 800.7(a). Following consultation with the ACHP, the DOS will notify the
2 signatory parties and consulting parties as to the course of action it intends to pursue.
3
4

5 **XIV. ANTI-DEFICIENCY PROVISION**

6 Any obligation of the DOS, USACE, USFS, or NRCS set forth in this PA is subject to and
7 dependent on appropriations by Congress and allocation of sufficient funds for that purpose.
8

9 **XV. SCOPE OF THE PA**

10 A. This PA is limited in scope to actions related to the proposed construction of the Alberta
11 Clipper Project and related facilities and the associated consideration of historic
12 properties, pursuant to 36 C.F.R. Part 800 and other federal laws, and is entered into
13 solely for these purposes.
14

15 B. This PA in no way restricts any of the signatory parties from participating in similar
16 activities with other public or private agencies, organizations, and individuals.
17

18 C. This PA is neither a fiscal nor a funds obligation document. Any endeavor involving
19 reimbursement or contribution of funds between the parties to this instrument will be
20 handled in accordance with applicable laws, regulations and procedures including those
21 for Federal Government procurement and printing. Such endeavors will be outlined in
22 separate agreements that shall be made in writing by representatives of the parties and
23 shall be independently authorized by appropriate statutory authority. This instrument
24 does not provide such authority.
25

26 **XVI. RESPONSIBILITIES OF PARTIES**
27

28 All parties to this PA and their respective agencies and office will handle their own activities and
29 utilize their own resources, including the expenditure of their own funds, in pursuing these
30 objectives unless otherwise independently agreed upon.
31
32
33

34 **EXECUTION** of this PA by the DOS, USACE, USFS, NRCS, the North Dakota SHPO,
35 Minnesota SHPO, and Wisconsin SHPO, LLBO THPO, FDL, and implementation of its terms
36 evidence that the DOS, USACE, USFS, and NRCS have taken into account the effects of the
37 Project on historic properties and afforded the ACHP an opportunity to comment.

John M. Fowler

2/13/09

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

Date



Robert M. Harper
United States Department of Agriculture
Forest Service Agency



Date

Nina Archibal

6/24/09

Deputy

Nina Archibal
State Historic Preservation Officer
Minnesota

BRITTA L. BLOOMBERG

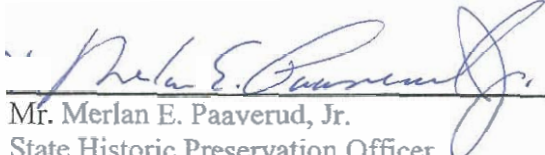
Date



6-19-09

Ho-Chunk Nation
(concurring party)

Date


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

6-24-09
Date



Michael E. Stevens
State Historic Preservation Officer
Wisconsin

Date

6/30/09

RECEIVED

JUN 19 2009

DIV HIST PRES

Tamara Almen

6/22/09

Date

for Colonel, Corps of Engineers
District Commander

LeRoy DeFoe

6-22-09

Date

LeRoy DeFoe
Cultural Resources Specialist
Fond du Lac Band of Lake Superior Chippewa

Joel W Mamwa

24 JUN 09

CWT.

Date

Enbridge Energy, Limited Partnership


(invited signatory) *By ENBRIDGE PIPELINES (LACEHEAD) LLC
ITS GENERAL PARTNER*

J. R. Flinn

6-19-09

Date

State Conservationist,
Natural Resources Conservation Service
United States Department of Agriculture



7-8-09

Gina Lemon
Tribal Historic Preservation Officer
Leech Lake Band of Ojibwe

Date

ATTACHMENT A

Tables showing properties for which Enbridge had been denied access to conduct identification and evaluation studies or which have been recently identified due to adjustments in the alignment and have not been surveyed as of March 18, 2009.

State	County	Project Area	From Milepost	To Milepost	Status	Miles
North Dakota	Pembina	Corridor Revision	795.30	795.31	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Kittson	Corridor Revision	814.11	814.13	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02
Minnesota	Red Lake	Corridor Revision	875.30	875.34	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.04
Minnesota	Polk	Corridor Revision	892.65	893.15	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.5
Minnesota	Polk	Corridor Revision	893.87	894.11	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.24
Minnesota	Clearwater	Corridor Revision	909.12	909.14	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02
Minnesota	Clearwater	Corridor Revision	909.83	909.85	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02
Minnesota	Clearwater	Corridor Revision	909.95	909.97	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02
Minnesota	Clearwater	Access Road	910.9	910.9	Requires Archaeological Phase IB shovel testing	
Minnesota	Clearwater	Corridor Revision	912.50	912.54	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.04
Minnesota	Clearwater	Access Road	915.7	915.7	Requires Archaeological Phase IB shovel testing	

State	County	Project Area	From Milepost	To Milepost	Status	Miles
Minnesota	Clearwater	Access Road	916.9	916.9	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Clearwater	Access Road	918.3	918.3	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Access Road	922.1	922.1	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Access Road	924.7	924.7	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Access Road	926.7	926.7	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Access Road	933.1	933.1	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Corridor Revision	932.43	932.47	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.04
Minnesota	Beltrami	Corridor Revision	932.69	932.87	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.18
Minnesota	Beltrami	Access Road	933.2	933.2	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Corridor Revision	933.35	933.44	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.09
Minnesota	Beltrami	Corridor Revision	933.51	933.54	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Beltrami	Access Road	934.2	934.2	Requires Architectural History Phase I survey	
Minnesota	Beltrami	Corridor Revision	938.23	938.26	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Beltrami	Corridor Revision	938.50	938.51	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Beltrami	Corridor Revision	938.53	938.54	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Beltrami	Corridor Revision	938.58	938.60	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02

State	County	Project Area	From Milepost	To Milepost	Status	Miles
Minnesota	Beltrami	Corridor Revision	939.88	939.92	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.04
Minnesota	Beltrami	Corridor Revision	941.65	941.68	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Beltrami	Corridor Revision	941.72	941.75	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Beltrami	Corridor Revision	941.77	941.83	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.06
Minnesota	Beltrami	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Hubbard	Contractor Yard	947.5	947.5	Requires Archaeological Phase IA survey and Architectural History Phase I survey	
Minnesota	Hubbard	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Hubbard	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Hubbard	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Hubbard	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Cass	Access Road	956.4	956.4	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Cass	Access Road	960.3	960.3	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	

State	County	Project Area	From Milepost	To Milepost	Status	Miles
Minnesota	Cass	Access Road	964.1	964.1	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Cass	Access Road	964.8	964.8	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Cass	Access Road	981.8	981.8	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Cass	Corridor Revision	985.60	986.30	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.7
Minnesota	Itasca	Access Road	986.3	986.3	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Access Road	989.1	989.1	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Access Road	989.7	989.7	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Contractor Yard	993	994	Requires Architectural History Phase II evaluation	1
Minnesota	Itasca	Corridor Revision	993.92	994.17	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.25
Minnesota	Itasca	Corridor Route	993.9	994.6	Requires Archaeological Phase IA survey	.7
Minnesota	Itasca	Corridor Revision	994.18	995.41	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	1.23
Minnesota	Itasca	Access Road	994.6	994.6	Requires Architectural History Phase I survey	
Minnesota	Itasca	Access Road	994.7	994.7	Requires Architectural History Phase I survey	
Minnesota	Itasca	Corridor Revision	995.67	995.70	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Itasca	Corridor	1004.2	1004.2	Requires Architectural	

State	County	Project Area	From Milepost	To Milepost	Status	Miles
		Revision			History Phase II evaluation	
Minnesota	Itasca	Access Road	1004.9	1004.9	Requires Architectural History Phase I survey	
Minnesota	Itasca	Access Road	1006.1	1006.1	Requires Architectural History Phase I survey	
Minnesota	Itasca	Corridor Revision	1009.45	1009.74	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.29
Minnesota	Itasca	Corridor Revision	1010.26	1010.31	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.05
Minnesota	Itasca	Corridor Revision	1010.38	1010.41	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Itasca	Corridor Revision	1010.47	1010.59	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.12
Minnesota	Itasca	Corridor Revision	1011.23	1011.24	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Itasca	Corridor Revision	1011.33	1011.34	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Itasca	Access Road	1012	1012	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Access Road	1016.5	1016.5	Requires Architectural History Phase I survey	
Minnesota	Itasca	Access Road	1017.9	1017.9	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Corridor Revision	1021.60	1021.63	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.03
Minnesota	Itasca	Corridor Revision	1021.87	1022.07	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.3
Minnesota	Itasca	Corridor Revision	1022.05	1022.06	Requires Archaeological Phase IA survey and/or	.01

State	County	Project Area	From Milepost	To Milepost	Status	Miles
					Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Access Road	1023	1023	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Corridor Revision	1025.09	1025.10	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Itasca	Corridor Revision	1025.19	1025.20	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.01
Minnesota	Itasca	Corridor Revision	1030.46	1030.48	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.02
Minnesota	Itasca	Access Road	1032	1032	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Itasca	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Aitkin/St. Louis	Access Road	1036.6	1036.6	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	St. Louis	Access Road	1037.8	1037.8	Requires Archaeological Phase IB shovel testing	
Minnesota	St. Louis	Access Road	1038.5	1038.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	St. Louis	Access Road	1042.5	1042.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	St. Louis	Access Road	1042.9	1042.9	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	St. Louis	Corridor Revision	1044.18	1044.20	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History	.02

State	County	Project Area	From Milepost	To Milepost	Status	Miles
					Phase I survey	
Minnesota	Carlton	Access Road	FDL-7.4	FDL-7.4	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-11	FDL-11	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-13.4	FDL-13.4	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-14	FDL-14	Requires Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-15.5	FDL-15.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-16.4	FDL-16.4	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-17.3	FDL-17.3	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-17.4	FDL-17.4	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	FDL-18.5	FDL-18.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	1055.1	1055.1	Requires Archaeological Phase IB shovel testing	
Minnesota	St. Louis	Corridor Revision	1059	1060	Requires Archaeological Phase IA survey	1
Minnesota	Carlton	Corridor Revision	1070.16	1070.44	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.28
Minnesota	Carlton	Corridor Revision	1072.94	1073.01	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.07
Minnesota	Carlton	Access Road	1073.6	1073.6	Requires Archaeological Phase IA survey and/or	

State	County	Project Area	From Milepost	To Milepost	Status	Miles
					Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Access Road	1075.5	1075.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Minnesota	Carlton	Contractor Yard	Offline	Offline	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Wisconsin	Douglas	Access Road	1084.8	1084.8	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Wisconsin	Douglas	Access Road	1087.6	1087.6	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Wisconsin	Douglas	Corridor Revision	1090.5	1093.2	Requires Archaeological Phase IB shovel testing	2.8
Wisconsin	Douglas	Corridor Revision	1090.58	1090.63	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.05
Wisconsin	Douglas	Corridor Revision	1090.64	1090.74	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.1
Wisconsin	Douglas	Corridor Revision	1090.82	1090.86	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.04
Wisconsin	Douglas	Corridor Revision	1090.94	1091.06	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	.12
Wisconsin	Douglas	Contractor Yard	1093	1093	Requires Archaeological Phase IB shovel testing	
Wisconsin	Douglas	Superior Terminal	1093	1093	Requires seven Architectural History Phase II evaluations	
Wisconsin	Douglas	Access Road	1094	1094	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Wisconsin	Douglas	Access Road	1095.8	1095.8	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History	

State	County	Project Area	From Milepost	To Milepost	Status	Miles
					Phase I survey	
Wisconsin	Douglas	Access Road	1096	1096	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	
Wisconsin	Douglas	Access Road	1096.5	1096.5	Requires Archaeological Phase IA survey and/or Phase IB shovel testing and Architectural History Phase I survey	

ATTACHMENT B

List of Indian tribes Invited by DOS to Participate in Consultation:

Bad River Band of Lake Superior Tribe of Chippewa Indians, Blackfeet Nation, Bois Forte Band of the Minnesota Chippewa Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Crow Tribe, Flandreau Santee Sioux Tribe of South Dakota, Fond du Lac Band of Lake Superior Chippewa, Forest County Potawatomi, Fort Belknap Indian Community, Fort Peck Tribes, Grand Portage Band of the Minnesota Chippewa Tribe, Ho Chunk Nation, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Leech Lake Band of Ojibwe, Leech Lake Band of the Minnesota Chippewa Tribe, Lower Sioux Indian Community, Menominee Indian Tribe of Wisconsin, MHA Nation, Mille Lacs Band of Ojibwe, Minnesota Chippewa Tribe, Oglala Sioux Tribe, Oneida Nation of Wisconsin, Prairie Island Indian Community, Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Red Lake Band of Chippewa Indians, Rosebud Sioux Tribe, Sac & Fox Nation, Sac & Fox Tribe of Oklahoma, Sac & Fox Tribe of Mississippi in Iowa, Sac & Fox Nation of Missouri in Kansas and Nebraska, Santee Sioux Nation, Shakopee Mdewakanton Sioux Community, Sisseton-Wahpeton Oyate Sioux Tribe, Sokaogon Chippewa Community, Spirit Lake Tribe, St. Croix Chippewa Indians of Wisconsin, Standing Rock Sioux Tribe, Stockbridge-Munsee Community, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community, White Earth Band of Ojibwe, Yankton Sioux

ATTACHMENT C

STATE-BY-STATE PLANS FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS OR BURIALS ON NON-FEDERAL LANDS DURING CONSTRUCTION OF THE ALBERTA CLIPPER PROJECT PIPELINE

I. For construction of the Alberta Clipper Project pipeline in Minnesota, Enbridge will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Enbridge will comply with Section 307.08 of Minnesota's "Private Cemeteries Act" (MS 307) and, if applicable, the Native American Graves Protection and Repatriation Act (1990) as amended.
2. Upon encountering unmarked human burials or human remains during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery and notify Enbridge's Environmental Inspector. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Environmental Inspector, will
 - ensure that construction activities have halted within a one-hundred (100) foot radius from the point of discovery;
 - implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the completion of requirements under state law; and
 - notify the local law enforcement agency, the Department of State (DOS), the Advisory Council on Historic Preservation (ACHP), the Minnesota State Historic Preservation Office (SHPO), Minnesota Office of the State Archaeologist (OSA), Minnesota Indian Affairs Council (MIAC), and other consulting parties and signatory parties, and the State Department of Health of the discovery.
4. If local law enforcement determines that the remains are not associated with a crime, the remains shall be subject to Section 307.08 of Minnesota's "Private Cemeteries Act" (MS 307). Enbridge will resume construction activities in the area of the discovery once all requirements of Section 307.08 of Minnesota's "Private Cemeteries Act" (MS 307) are satisfied. Project construction in the area of the discovered remains may only begin after meeting the requirements of Section 307.08 of Minnesota's "Private Cemeteries Act" (MS 307).

II. For construction of the Alberta Clipper Project pipeline in North Dakota, Enbridge will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Enbridge will comply with North Dakota Century Code §23-06-27 and administrative rules North Dakota Administrative Code Chapter 40-02-03 and, if applicable, the Native American Graves Protection and Repatriation Act (1990) as amended.

2. Upon encountering unmarked human burials or human remains during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery and notify Enbridge's Environmental Inspector. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Environmental Inspector, in collaboration with the Indian tribes, will
 - ensure that construction activities have halted within a one-hundred (100) foot radius from the point of discovery;
 - implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the completion of requirements under state law; and
 - notify the local law enforcement agency, the Department of State (DOS), the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Office (SHPO)/State Historical Society of North Dakota (SHSND), other consulting parties and signatory parties, and the State Department of Health of the discovery.

If local law enforcement determines that the remains are not associated with a crime, Enbridge shall ensure that all applicable provisions of North Dakota Century Code §23-06-27 and administrative rules North Dakota Administrative Code Chapter 40-02-03 are applied. Enbridge will resume construction activities in the area of the discovery once implementation of the measures required under North Dakota Century Code §23-06-27 and administrative rules North Dakota Administrative Code Chapter 40-02-03 are fully satisfied. .

III. For construction of the Alberta Clipper Project pipeline in Wisconsin, Enbridge will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Enbridge will comply with Wisconsin State Statute 157.70 (Wisconsin Burial Sites Act) and, if applicable, the Native American Graves Protection and Repatriation Act (1990) as amended.
2. Upon encountering unmarked human burials or human remains during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery and notify Enbridge's Environmental Inspector. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the Environmental Inspector, in collaboration with the Indian tribes, will
 - ensure that construction activities have halted within a one-hundred (100) foot radius from the point of discovery;
 - implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the completion of requirements under state law; and
 - notify the local law enforcement agency, the Department of State (DOS), the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Office

(SHPO)/Wisconsin Historical Society (WHS), and other consulting parties and signatory parties, and the State Department of Health of the discovery.

4. If local law enforcement determines that the remains are not associated with a crime, Enbridge shall comply with the Wisconsin State Statute 157.70 (Wisconsin Burial Sites Act). Enbridge may only resume construction activities in the area of the discovery once implementation of the measures required Wisconsin State Statute 157.70 are satisfied.

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Lower Sioux Indian Community
Mille Lacs Band of Ojibwe
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Standing Rock Sioux Tribe
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ATTACHMENT D

PLANS FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS OR BURIALS ON CHIPPEWA NATIONAL FOREST (CNF) LANDS DURING CONSTRUCTION OR MODIFICATION OF ALBERTA CLIPPER PROJECT TRANSMISSION FACILITIES

- I. For construction or modification of Alberta Clipper Project transmission facilities on Chippewa National Forest lands:**
1. When an unmarked human burial or unregistered grave is encountered during construction activities, the USFS shall comply with the Native American Graves Protection and Repatriation Act (1990) and implementing regulations, as amended.
 2. Upon encountering an unmarked human burial or unregistered grave during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery and provide immediate telephone notification followed by written confirmation (e.g. certified letter) to the Chippewa National Forest (CNF). The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
 3. Immediately following receipt of such notification, the CNF will ensure that construction activities have halted within a one-hundred (100) foot radius from the point of discovery and will assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
 4. The CNF will notify appropriate law enforcement, Enbridge, and the Tribal and/or State Historic Preservation Office (THPO and/or SHPO) as soon as possible but no later than three (3) working days after receipt of written confirmation of the discovery (43 C.F.R. Part 10.4(d)). After law enforcement has concurred that the human burial is archaeological, CNF will initiate consultation with the appropriate Indian Tribe(s) or known lineal descendants concerning the disposition of the human remains and associated objects.
 5. Enbridge may resume construction activities in the area of the discovery thirty (30) days after certification by CNF of receipt of the written notification of discovery if the activity is otherwise lawful, and at any time that a written, binding agreement is executed with the affiliated Indian Tribe(s) that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony.

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Spirit Lake Tribe
Standing Rock Sioux Tribe
Upper Sioux Indian Community
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ATTACHMENT E

PLANS FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS OR BURIALS ON TRIBAL LANDS DURING CONSTRUCTION OR MODIFICATION OF ALBERTA CLIPPER PROJECT TRANSMISSION FACILITIES

I. For construction or modification of Alberta Clipper Project transmission facilities on Tribal lands:

1. When an unmarked human burial or unregistered grave is encountered during construction activities, the requirements stipulated in the Native American Graves Protection and Repatriation Act (1990) shall apply.
2. Upon encountering an unmarked human burial or unregistered grave during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred (100) foot radius from the point of discovery and notify the Leech Lake Band of Ojibwe (LLBO) Tribal Historic Preservation Officer (THPO) or the FDL Contact and all other consulting parties and signatory parties. The construction contractor will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
3. Immediately following receipt of such notification, the THPO or the FDL Contact will ensure that construction activities have halted within a one-hundred (100) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.
4. The THPO will notify the county coroner within forty-eight (48) hours of the discovery. Immediately upon receipt of such notification, the THPO or the FDL Contact will notify the Advisory Council on Historic Preservation (ACHP), and other consulting parties and signatory parties of the discovery.
5. Within seventy-two (72) hours after notification the county coroner will determine jurisdiction. If the coroner refers the matter to the THPO or the FDL Contact, the THPO or the FDL Contact will determine the treatment, including mitigation, and disposition of the unmarked human burial or unregistered grave in accordance with. The THPO or the FDL Contact will implement all treatment and disposition measures deemed appropriate.
6. Enbridge may resume construction activities in the area of the discovery upon receipt of written authorization from the THPO or the FDL Contact.

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Leech Lake Band of Ojibwe
Lower Sioux Indian Community
Mille Lacs Band of Ojibwe
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa
Sisseton-Wahpeton Oyate Sioux Tribe
Spirit Lake Tribe
Standing Rock Sioux Tribe
Upper Sioux Indian Community
White Earth Band of Ojibwe

ATTACHMENT F

AVOIDANCE AND MINIMIZATION METHODS

I. Avoidance through reroute.

For each reroute, Enbridge would file with DOS a map at 1:24,000 scale or better that clearly shows with mileposts the original surveyed corridor, the known boundaries of the eligible or unevaluated property, the reroute that avoids the property, and survey information showing that no historic properties are located within the reroute.

II. Avoidance through abandonment.

For each abandonment, Enbridge would file with DOS a letter that states the facility or road at which the eligible or unevaluated property was located and a statement that the facility or road is no longer associated with the Project.

III. Avoidance through bore or HDD.

For each instance, Enbridge would file with DOS a map and technical drawing that clearly shows the projected depth below surface and the entrance and exit points of the drill in relation to the boundaries of the eligible or unevaluated property.

IV. Avoidance by narrowing the construction corridor (“neck down”).

For each instance, Enbridge would file with DOS an alignment sheet map at 1:500 scale or better that clearly shows the construction corridor (including additional temporary workspace) in relation to the eligible or unevaluated property boundary. Prior to any construction commencing in the area, safety fencing must be erected along the relevant outer edges of the eligible or unevaluated property. A qualified monitor must be present during installation of the pipeline in that area to ensure that accidental impacts do not occur to the property.

V. Avoidance by limiting impact to the existing roadway.

For each instance, Enbridge would file with DOS an alignment sheet map at 1:500 scale that clearly shows the access road in relation to the eligible or unevaluated property, a description of the existing state of the roadway, and a statement that Project traffic would be limited entirely to the existing roadway and that the road would not be widened or upgraded as a result of the Project.

ATTACHMENT G

CULTURAL RESOURCES IDENTIFICATION AND EVALUATION REPORTS PREPARED FOR THE ALBERTA CLIPPER PIPELINE PROJECT (TO DATE)

- Bastis, Kristen, Miranda Van Vleet, and Saleh Van Erem. 2008. Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects' Proposed Contractor Yards in Kittson, Marshall, Polo, Hubbard, Itasca, St. Louis, and Carlton Counties, Minnesota. The 106 Group, Ltd. St. Paul, MN.
- Bielakowski, A. et al. 2007a. Class I and III Cultural Resources Survey for the Enbridge Pipelines' Southern Lights 20-Inch Crude Line (LSr) and Alberta Clipper Pipeline Projects, Pembina County, North Dakota. The 106 Group, Ltd. St. Paul, MN.
- Bielakowski, A. et al. 2007b. Draft Phase I Cultural Resources Survey for the Enbridge Pipelines' Southern Lights 20-Inch Crude Line (LSr) and Alberta Clipper Pipeline Projects, Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater Counties, Minnesota. Volumes I and II. The 106 Group, Ltd. St. Paul, MN.
- Doperalski, M. and S. Van Erem. 2008a. Addendum I (Access Roads and Reroutes) to Class I and III Cultural Resources Survey for Enbridge Pipelines' Southern Lights 20-Inch Crude Line (LSr) and Alberta Clipper Pipeline Projects, Pembina County, North Dakota. The 106 Group, Ltd. St. Paul, MN.
- Doperalski, M. and S. Van Erem. 2008b. Addendum I (Access Roads and Reroutes) to Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights 20-Inch Crude Line (LSr) and Alberta Clipper Pipeline Projects, Kittson, Marshall, Pennington, Red Lake, Polk, and Clearwater Counties, Minnesota. The 106 Group, Ltd. St. Paul, MN.
- Doperalski, M. et al. 2008c. Phase I and II Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, St. Louis, and Carlton Counties, Minnesota. The 106 Group, Ltd. St. Paul, MN.
- Doperalski, M. et al. 2008d. Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Projects, Douglas County, Wisconsin. The 106 Group, Ltd. St. Paul, MN.
- Doperalski, M and Miranda Van Vleet. 2008e. Addendum II to Class I and III Cultural Resources Survey for Enbridge Pipelines' Alberta Clipper Pipeline Project, Pembina County, North Dakota. The 106 Group Ltd., St. Paul, Minnesota.
- Doperalski, M. and Miranda Van Vleet. 2008f. Addendum I to Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Albert Clipper Pipeline Projects, Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, St. Louis, and Carlton Counties, Minnesota. The 106 Group Ltd., St. Paul, Minnesota.
- Doperalski, M. and Miranda Van Vleet. 2008g. Addendum I to Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Douglas County, Wisconsin. The 106 Group Ltd., St. Paul, Minnesota.

- Doperalski, M., Saleh Van Erem, and Miranda Van Vleet. 2009. Addendum II to Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Douglas County, Wisconsin. The 106 Group Ltd., St. Paul, Minnesota.
- Doperalski, M., Saleh Van Erem, Miranda Van Vleet, and Kristin Bastis. 2008. Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Douglas County, Wisconsin. Superior Terminal. The 106 Group Ltd., St. Paul, Minnesota.
- Doperalski, M., Saleh Van Erem, Miranda Van Vleet. 2009. Addendum II to Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, St. Louis, and Carlton Counties, Minnesota. The 106 Group Ltd., St. Paul, Minnesota.
- Ketz, A. and J. Betker 2008. Summary of Meeting with LeRoy Defoe (FDL Cultural Resources Specialist), Tom Howes (FDL Natural Resources Program Manager), July 17, 2008 at FDL Reservation, Cloquet, Minnesota. The 106 Group, Ltd. St. Paul, MN.
- Ketz, et al. 2006. Southern Lights Pipeline Previous Investigations Overview and Survey Implementation Plan North Dakota, Minnesota, and Wisconsin. The 106 Group, Ltd. St. Paul, MN.
- Milburn, Scott A. 2008. Summary Report for Rare and Culturally Sensitive Plant Survey for the Fond du Lac Reservation. For Natural Resources Group.
- Natural Resources Group, 2008a. Enbridge Alberta Clipper Project – Surveys for Plants of Tribal Interest, Fond du Lac Reroute and Fond du Lac Traverse – Survey Summary.
- Natural Resources Group. 2008b. Potential Impacts of Enbridge Pipelines Along the FDL Reroute on the Known Wild Rice Lakes Within the FDL Reservation.
- The 106 Group, Ltd. 2008a. Phase I and II Cultural Resources Survey for Enbridge Pipelines Southern Lights Diluent and Alberta Clipper Pipeline Projects, Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, St. Louis, and Carlton Counties, Minnesota (Management Summary).
- The 106 Group, Ltd. 2008b. Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, Douglas County, Wisconsin (Management Summary).
- The 106 Group, Ltd. 2008c. Phase I Cultural Resources Survey for Enbridge Pipelines' Southern Lights Diluent and Alberta Clipper Pipeline Projects, St. Louis and Carlton Counties, Minnesota (FDL Reservation Traverse Letter Report). The 106 Group, Ltd. St. Paul, MN.
- The 106 Group, Ltd. 2008d. Phase II Architectural History Survey of a Proposed Contractor Yard for Enbridge Pipelines' Southern Lights 20-Inch Crude Line (LSr) and Alberta Clipper Pipeline Projects, Kennedy, Kittson County, Minnesota. The 106 Group, Ltd. St. Paul, MN.
- Wells, C. R. and T. Olmanson. 2008. Draft Phase I Archaeological Reconnaissance Survey for the Enbridge Alberta Clipper Petroleum and Southern Lights Diluent Pipeline Expansion, Leech Lake Reservation and Chippewa National Forest, Cass, Hubbard, and Itasca Counties, Minnesota. Leech Lake Band of Ojibwe, Heritage Sites Program, Cass Lake, Minnesota.

Wells, C.R. and T. Olmanson. 2008. Phase I Archaeological Reconnaissance Survey for the Enbridge Alberta Clipper and Southern Lights Diluent Projects, Leech Lake Reservation and Chippewa National Forest, Cass, Hubbard, and Itasca Counties, Minnesota. Leech Lake Band of Ojibwe, Heritage Sites Program, Cass Lake, Minnesota.

ATTACHMENT H

SUMMARY TABLES OF IDENTIFIED AND EVALUATED CULTURAL RESOURCES

Historical and Archaeological Resources Identified in North Dakota					
Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Determination and Effect Determination by DOS	Action Required by Enbridge	North Dakota SHPO Concurrence with DOS Finding
32PBX0161	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0212	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0213	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0214	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0219	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PB0158 (no longer in Project corridor)	Historical artifact scatter	Not eligible (previous determination)	Not eligible/No Historic Properties Affected	No further work	Concur
32PB0205	Undetermined isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PB0206	Historic oxcart trail/road	Eligible	Eligible, /No Historic Properties Affected	Avoid by bore/HDD	Concur
32PBX0166 (no longer in Project corridor)	Potential pre-contact mound	Area of site within APE not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PB0173	Segment of historic railroad	Eligible	Eligible/No Historic Properties Affected	Avoid by bore/HDD	Concur
32PB0161	Pre-contact artifact scatter	Potentially eligible (previous recommendation)	Unevaluated/No Historic Properties Affected	Avoid by bore/HDD	Concur
32PB0162	Historical artifact scatter	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0218	Isolated pre-contact artifacts	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0165	Historical artifact scatter	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0215	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PBX0099	Historical homestead	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
32PB0216	Pre-contact isolated find	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur

Historical and Archaeological Resources Identified in North Dakota (continued)

Historical and Archaeological Resources Identified in North Dakota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Determination by DOS	Action Required by Enbridge	North Dakota SHPO Concurrence with DOS Finding
32PBX0217	Pre-contact isolated find	Not eligible	Not eligible	No further work	Concur
32PBX0220	Pre-contact isolated find	Not eligible	Not eligible	No further work	Concur
32PB0152	Historical artifact scatter	Not eligible	Not eligible	No further work	Concur
32PB0155	Multi-component artifact scatter	Not eligible	Not eligible	No further work	Concur
32PB0159	Historical artifact scatter	Not eligible	Not eligible	No further work	Concur
32PBX0222	Pre-contact isolated find	Not eligible	Not eligible	No further work	Concur
32PB0160	Historical artifact scatter	Not eligible	Not eligible	No further work	Concur
32PBX0057	Historical Isolate	Not eligible (previous determination)	Not eligible	No further work	Concur
32PB0153	Multi-component artifact scatter	Previously determined eligible, recommended not eligible	Not eligible	No further work	Concur

Historical and Archaeological Resources Identified in Minnesota					
Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
21BL0199	Previously identified post-contact outbuilding	Not eligible (previous determination)	Not eligible	No further work	Pending
21BL0200	Previously identified post-contact lumber camp	Not eligible; (Phase II evaluation resulted in finding not eligible)	Not eligible	No further work	Pending
21BL0281	Precontact pottery scatter	Not eligible (Phase II evaluation resulted in finding not eligible)	Not eligible	No further work	Pending
21BL0282	Isolated precontact flake	Not eligible	Not eligible	No further work	Pending
21BL0283	Precontact artifact scatter	Potentially eligible	Unevaluated	Avoid by bore/HDD	Pending
21BL0284	Precontact artifact scatter	Potentially eligible	Unevaluated	Avoid by bore/HDD	Pending
21CA0169 (Site also associated with CNF 3-0704)	Precontact artifact scatter	Not relocated due to high water table (previously determined not eligible)	Unevaluated	Avoid by reroute	Pending
21CA0315	Precontact artifact scatter	Eligible (previous determination)	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21CA0569	Precontact artifact scatter	Eligible (previous determination)	Eligible	Avoid by reroute	Pending
21CA0571	Precontact artifact scatter	Not eligible (previous determination)	Not eligible	No further work	Pending
21CA0572	Precontact artifact scatter	Not eligible (previous determination)	Not eligible	No further work	Pending
21CA0696	Prehistoric artifact scatter	Potentially eligible	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
21CA0698	Historic dump area, prehistoric isolate	Potentially eligible	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21CA0699	Historic structural ruin and debris	Potentially eligible	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21CE0031	Post-contact farmstead complex	Not eligible	Not eligible	No further work	Pending
21CE0043	Pre-contact isolated artifact	Not eligible	Not Eligible	No further work	Pending
21CE0044	Post-contact artifact scatter	Not eligible	Not Eligible	No further work	Pending
21CE0058	Isolated precontact flake	Not eligible (previous determination)	Not eligible	No further work	Pending
21CE0059	Previously identified isolated lithic debitage	Not eligible	Not eligible	No further work	Pending
21CE0060	Previously identified artifact scatter	Eligible	Eligible	Avoid by Reroute around site boundary	Pending
21CE0068	Isolated precontact flake	Not eligible	Not eligible	No further work	Pending
21CE0069	Isolated precontact biface fragment	Not eligible	Not eligible	No further work	Pending
21CE0070	Isolated precontact projectile point	Not eligible	Not eligible	No further work	Pending
21CE0071	Isolated precontact modified flake	Not eligible	Not eligible	No further work	Pending
21HB0028	Previously identified artifact scatter	Potentially eligible (current Phase II evaluation resulted in finding not eligible)	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
21HB0030	Multi-Component artifact scatter	Not eligible (previous determination from earlier survey, not relocated in corridor survey)	Unevaluated	*Pending report submittal to DOS	†Not submitted for review. Report not submitted to DOS.
21HB0064	Historic structural ruin and debris	Potentially eligible	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review. Report not submitted to DOS
21HB0065	Isolated precontact flake	Not eligible	Not eligible	No further work	Pending
21HB0066	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
21HB0067	Precontact isolated artifact	Not eligible	Not eligible	No further work	Pending
21HB0068	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
21HB0069	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
21HB0070	Precontact isolated artifact	Not eligible	Not eligible	No further work	Pending
21IC0109	Post-contact artifact scatter and structural remnant	Not eligible (previously eligible, however portion of site within Project corridor has been destroyed by previous construction)	Not eligible	No further work	Pending
21IC0289	Post-Contact Artifact Scatter	Not eligible (previously surveyed, not relocated)	Not eligible	No further work	Pending
21IC0326	Precontact artifact scatter	Not eligible (previous determination)	Not eligible	No further work	Pending
21IC0345	Prehistoric artifact scatter	Potentially eligible	Unevaluated	*Phase II testing; Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
21IC0350	Precontact ceramic scatter	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21IC0351	Precontact isolate	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21ICaa	Post-contact site??	Not eligible (previous determination)	Not eligible	No further work	Pending
21ICz	Precontact site??	Not eligible (previous determination)	Not eligible	No further work	Pending
21KT0024	Precontact artifact scatter	Not eligible	Not eligible	No further work	Pending
21MA0038	Pre-contact artifact scatter	Not eligible	Not eligible	No further work	Pending
21MA0039	Multi-component artifact scatter	Eligible (previous determination)	Eligible	Avoid by HDD	Pending
21MA0040	Pre-contact isolated artifact	Not eligible	Not eligible	No further work	Pending
21MA0072	Post-contact artifact scatter	Not eligible	Not eligible	No further work	Pending
21MAk	Reported post-contact ghost town	Portion of site within current APE not eligible	Portion of site within current APE not eligible	No further work	Pending
21PE0008	Pre-contact artifact scatter	Not eligible	Not eligible	No further work	Pending
21PEh	Reported post-contact ghost town	Portion of site within current APE not eligible	Portion of site within current APE not eligible	No further work	Pending
21PL0023	Post-contact artifact scatter	Not eligible	Not eligible	No further work	Pending
21RL0008	Precontact lithic scatter	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
21SL0874	Post-contact artifact scatter and structural remains	Not eligible (previous determination)	Not eligible	No further work	Pending
21IC0348	Post-contact structural ruin	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
USFS 09-03-03-1115	Historic Earthen Foundation/ Dugout	Potentially eligible	Unevaluated	Avoid by reroute	Pending
BL-BJC-111	Farmstead	Not eligible	Not eligible	No further work	Pending
BL-BJC-112	Brainerd & Northern Minnesota Railway Co./Northern Pacific Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
BL-BJC-113	Farmstead	Not eligible	Not eligible	No further work	Pending
BL-BJT-003	House	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
BL-BJT-004	Eastern Railway Co. of Minnesota, Great Northern Railway, Burlington Northern, Burlington Northern Santa Fe	Eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
BL-GVT-004	Eastern Railway Co. of Minnesota/ Burlington Northern Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
CA-CLC-017	Cass Lake Times Building	Eligible (Phase II evaluation)	Eligible	No Adverse Effect	Pending
CA-CLC-028	Eastern Railway Co. of Minnesota/Great Northern Railway/ Burlington Northern/ Burlington Santa Fe	Eligible (Phase II evaluation)	Eligible	Avoid by bore/HDD	Pending
CA-CLC-029	Coal shed	Not eligible (Phase II evaluation)	Not eligible	No further work	Pending
CA-CLC-030	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-031	House	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
CA-CLC-032	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-033	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-034	Commercial building	Not eligible	Not eligible	No further work	Pending
CA-CLC-035	Commercial building	Not eligible	Not eligible	No further work	Pending
CA-CLC-036	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-037	Garage	Not eligible	Not eligible	No further work	Pending
CA-CLC-038	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-039	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-040	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-041	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-042	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-043	Fuel distributor	Not eligible (Phase II evaluation)	Not eligible	No further work	Pending
CA-CLC-044	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-045	House	Not eligible	Not eligible	No further work	Pending
CA-CLC-046	House	Not eligible	Not eligible	No further work	Pending
CA-PKB-022	Eastern Railway Co. of MN/Great Northern Railway/ Burlington Northern/ Burlington Santa Fe	Eligible (Phase II evaluation)	Eligible	Avoid by bore/HDD	Pending
CA-PKB-023	Railroad Outbuilding	Not eligible (Phase II evaluation)	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
CA-UOG-018	Eastern Railway Co. of MN/Great Northern Railway/Burlington Northern/Burlington Santa Fe	Eligible (Phase II evaluation)	Eligible	Avoid by bore/HDD	Pending
CA-UOG-019	Minneapolis, St. Paul & Sault Ste. Marie Railway/Soo Line Railway/Soo Line ATV Trail	Not eligible (Phase II evaluation)	Not eligible	No further work	Pending
CE-PLK-002	Christine Holte Farmstead	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
CL-BLH-009	Farmstead	Not eligible	Not eligible	No further work	Pending
CL-BLH-010	Farmstead	Not eligible	Not eligible	No further work	Pending
CL-BLH-011	House	Not eligible	Not eligible	No further work	Pending
CL-BLH-012	House	Not eligible	Not eligible	No further work	Pending
CL-CQC-119	House	Not eligible	Not eligible	No further work	Pending
CL-PLK-004	House	Not eligible	Not eligible	No further work	Pending
CL-TLK-006	Lake Superior & Mississippi Railroad/ Northern Pacific Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
CL-TLK-007	House	Not eligible	Not eligible	No further work	Pending
CL-TLK-008	House	Not eligible	Not eligible	No further work	Pending
CL-TLK-009	Northern Pacific Railway	Potentially eligible	Eligible	Avoid by bore/HDD	Pending
CL-TLK-010	House	Not eligible	Not eligible	No further work	Pending
CL-TLK-011	Farmstead	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
CL-UOG-003	Northern Pacific Railway	Potentially eligible	Eligible	Avoid by bore/HDD	Pending
HB-HEL-003	Farmstead	Not eligible	Not eligible	No further work	Pending
HB-HEL-004	House and Outbuildings	Not eligible	Not eligible	No further work	Pending
HB-HEL-005	House	Not eligible	Not eligible	No further work	Pending
HB-HEL-006	House & Outbuildings	Not eligible	Not eligible	No further work	Pending
HB-HEL-007	House	Not eligible	Not eligible	No further work	Pending
HB-HEL-008	House	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
IC-BLK-004	House & Outbuildings	Not eligible	Unevaluated	*Pending report submittal to DOS	†Not submitted for review; Report not submitted to DOS.
IC-CHC-007	Railroad grade	Potentially eligible	Eligible	Avoid by bore/HDD	Pending
IC-DRT-004	Farmstead	Potentially eligible	Unevaluated	Boundary of PCY has been revised to avoid property	Pending
IC-DRT-006	Duluth & Winnipeg Railroad/ Great Northern Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
IC-DRT-008	House	Not eligible	Not eligible	No further work	Pending
IC-DRT-009	House	Not eligible	Not eligible	No further work	Pending
IC-GRC-085	Great Northern Railway/ Burlington Northern Santa Fe Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
IC-MOR-005	Farmstead	Not eligible	Not eligible	No further work	Pending
IC-MOR-006	House	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
IC-MOR-007	Farmstead	Not eligible	Not eligible	No further work	Pending
KT-CHS-004	Farmstead	Not eligible	Not eligible	No further work	Pending
KT-DAV-001	Railroad	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
KT-DAV-002	Granary	Not eligible (Phase II evaluation completed)	Eligible	Use yard entrance located at SE corner of yard	Pending
KT-DAV-001	St. Paul & Pacific Railroad (St. Vincent Extension)/Great Northern Railway	Eligible (previously determined)	Eligible	Avoid by bore/HDD	Pending
KT-SKT-004	Grain elevator	Not eligible	Not eligible	No further work	Pending
KT-SKT-005	Potato warehouse complex	Not eligible	Not eligible	No further work	Pending
KT-SKT-006	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending
KT-SKT-007	RR trestle	Eligible	Eligible	Avoid by bore/HDD	Pending
KT-SKT-008	Granary	Not eligible (Phase II evaluation completed)	Eligible	Use yard entrance located at SE corner of yard	Pending
KT-SVA-003	Farmstead	Not eligible	Not eligible	No further work	Pending
KT-TGT-001	Silo and grain bins	Not eligible	Not eligible	No further work	Pending
MA-CMS-001	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-SNT-001	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-SNT-002	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-VKC-006	Grain bins/ Quonset shed	Not eligible	Not eligible	No further work	Pending
MA-VKC-007	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
MA-VKC-008	Commercial building	Not eligible	Not eligible	No further work	Pending
MA-VKC-009	House	Not eligible	Not eligible	No further work	Pending
MA-VKC-010	House and garage	Not eligible	Not eligible	No further work	Pending
MA-VKC-011	Garage	Not eligible	Not eligible	No further work	Pending
MA-VKC-012	House	Not eligible	Not eligible	No further work	Pending
MA-VKC-013	Garage	Not eligible	Not eligible	No further work	Pending
MA-VKC-014	House	Not eligible	Not eligible	No further work	Pending
MA-VKC-15	Pump house	Not eligible	Not eligible	No further work	Pending
MA-VKC-16	House	Not eligible	Not eligible	No further work	Pending
MA-VKC-17	House	Not eligible	Not eligible	No further work	Pending
MA-VKC-18	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-VKC-19	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-VKT-002	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-VKT-003	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending
MA-WAG-002	Farmstead	Not eligible	Not eligible	No further work	Pending
MA-WAG-003	Farmstead	Not eligible	Not eligible	No further work	Pending
PE-ROC-001	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending
PL-CHS-003	Farmstead	Not eligible	Not eligible	No further work	Pending
PL-CHS-004	Farmstead	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)

Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
PL-GLT-002	Log House	Potentially eligible	Unevaluated	Avoid (No longer in Project area – access road will not be used.)	Pending
PL-GLT-004	Minneapolis, St. Paul & Sault Ste. Marie Railway/Soo Line Railway	Eligible	Eligible	Avoid by bore/HDD	Pending
PL-TRC-006	Wayside Park	Not eligible	Not eligible	No further work	Pending
PL-TRC-007	Hotel	Not eligible	Not eligible	No further work	Pending
PL-TRC-008	House and garage	Not eligible	Not eligible	No further work	Pending
PL-TRC-009	House and garage	Not eligible	Not eligible	No further work	Pending
PL-TRC-010	House, garage, and two outbuildings	Not eligible	Not eligible	No further work	Pending
PL-TRC-011	Machinery shed	Not eligible	Not eligible	No further work	Pending
PL-TRC-012	Granary	Not eligible	Not eligible	No further work	Pending
PL-TRC-013	House	Not eligible	Not eligible	No further work	Pending
PL-TRC-014	House and shed	Not eligible	Not eligible	No further work	Pending
PL-TRC-015	Shed	Not eligible	Not eligible	No further work	Pending
PL-TRC-016	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending
PL-TRC-017	House	Not eligible	Not eligible	No further work	Pending
PL-TRC-018	House	Not eligible	Not eligible	No further work	Pending
PL-TRC-019	House	Not eligible	Not eligible	No further work	Pending
RL-OKC-006	Farmstead	Not eligible	Not eligible	No further work	Pending

Historical and Archaeological Resources Identified in Minnesota (continued)					
Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Eligibility Determination by DOS	Action Required by Enbridge	Minnesota SHPO or THPO Concurrence with DOS Finding
RL-PVC-016	Railroad	Eligible	Eligible	Avoid by bore/HDD	Pending
SL-FLT-003	Farmstead	Not eligible	Not eligible	No further work	Pending
SL-FLT-004	Farmstead	Not eligible	Not eligible	No further work	Pending
SL-UOG-086	Duluth & Winnipeg Railroad/ Great Northern Railway	Eligible (previous determination)	Eligible	Avoid by bore/HDD	Pending
SL-UOG-087	Crop storage building	Not eligible	Not eligible	No further work	Pending
SL-UOG-088	House and Outbuildings	Not eligible	Not eligible	No further work	Pending
SL-UOG-089	Farmstead	Not eligible	Not eligible	No further work	Pending

* Anticipated actions by Enbridge for these resources will be determined by DOS in consultation with consulting tribes and signatory parties upon receipt of the respective draft reports.

† **Draft reports, once received, will be reviewed by DOS and the DOS will submit the reports and findings to the applicable THPO, tribal representative, and/or SHPO.**

Historical and Archaeological Resources Identified in Wisconsin					
Site #	Description	NRHP Eligibility Recommendation from Enbridge	NRHP Determination and Effect Determination by DOS	Action Required by Enbridge	Wisconsin SHPO Concurrence with DOS Finding
47DG0116	Historic period sandstone structure	Not eligible	Not eligible/No Historic Properties Affected	No further work	Concur
No Site #	Duluth, Missabe & Iron Range/ Canadian National Railway	Not eligible	Not eligible/No Historic Properties Affected	Avoid by bore/HDD	Concur
No Site #	Eastern Railway Co. of Minnesota/ Burlington Northern Santa Fe NSF	Not eligible	Not eligible/No Historic Properties Affected	Avoid by bore/HDD	Concur
No Site #	MStP&SSM/ (Soo Line/Canadian Pacific Railway)	Not eligible	Not eligible/No Historic Properties Affected	Avoid by bore/HDD	Concur
No Site #	Wisconsin Central/Soo Line/Canadian Pacific Railway	Potentially eligible	Not eligible/No Historic Properties Affected	Avoid by bore/HDD	Concur
No Site #	House	Not eligible	Not eligible/No Historic Properties Affected	No further work	Pending
No Site #	Farmstead	Not eligible	Not eligible/No Historic Properties Affected	No further work	Pending

ATTACHMENT I

PROFESSIONAL QUALIFICATION STANDARDS FOR ARCHAEOLOGISTS PER STIPULATION I.B. OF THIS PA

- I. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:
 1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
 2. At least four months of supervised field and analytic experience in general North American archaeology; and
 3. Demonstrated ability to carry research completion.
- II. In addition the above mentioned qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study or archeological resources of the prehistoric period. They shall also have at least one year of full-time professional experience at a supervisory level in the study or archaeological resources of the historic period.
- III. The professional must have direct experience in Minnesota or other Upper Midwest archaeology. Additionally, the professional must be familiar with both the terms of the PA and the cultural and historic provisions of the EIS.