

DECLARATION OF RICHARD D. HARNOIS

Standing Rock Sioux Tribe v. United States Army Corps of Engineers

Case No. 1:16-cv-01534 (JEB)

United States Army Corps of Engineers' Opposition to Plaintiff's Motion for Preliminary Injunction

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

Case No. 1:16-cv-1534-JEB

DECLARATION OF RICHARD D. HARNOIS

In accordance with the provisions of 28 U.S.C. 1746, I, Richard D. Harnois, declare that the following statements are true and correct to the best of my knowledge, information, and belief and are based upon my personal knowledge and/or my review of information contained in the records of the United States Army Corps of Engineers (“Corps”) or supplied by current employees:

1. I am currently employed as the Senior Field Archaeologist for the United States Army Corps of Engineers (USACE), Omaha District, Oahe Project. I have served in this capacity since 1996. Prior to this assignment, I was a staff archaeologist stationed in the district office in Omaha, NE.
2. I graduated from the College of William & Mary in Williamsburg, VA with a Master of Arts degree in Anthropology with a specialization in Historical Archaeology.
3. As part of my normal duties as a Senior Archaeologist, I am responsible for conducting project reviews for Section 106 of the National Historic Preservation Act (NHPA), within my area of responsibility, essentially all of the Oahe Project lands in both North and South Dakota. I also assist the USACE South Dakota Regulatory office with cultural resource

reviews on selected regulatory permit actions in the South Dakota area. As part of these duties, I regularly consult with numerous tribal, federal and state agencies to gather input regarding potential impacts to cultural properties.

4. I am assigned to the cultural resource staff for the Dakota Access Pipeline (DAPL) project. As part of my duties for the DAPL project, I was responsible for compliance with Section 106 of the NHPA for that portion of the pipeline that is planned to cross Oahe Project lands in Morton and Emmons Counties in North Dakota (Oahe Crossing).
5. I was introduced to this project on September 11, 2014 via an email clearance request from the Oahe Project Manager Eric Stasch, regarding a planned series of geotechnical borings within the proposed alignment of the DAPL pipeline crossing on Oahe. This action was generated by a request from Dakota Access, LLC in a letter to Mr. Stasch dated September 10, 2014. Shortly thereafter, I processed this request by reviewing our cultural resources files for the location along with information supplied by Dakota Access.
6. I initiated Section 106 consultation in accordance with the *Programmatic Agreement for the Operation and Management of the Missouri River Main Stem System for Compliance with the National Historic Preservation Act*, dated March 19, 2004. In accordance with the Section 106 consultation process, I mailed an informational letter and associated documentation (general and detailed project maps illustrating location of project and recorded cultural resources in relation to project activities) to all tribes on the PA list, including the Cheyenne River Sioux Tribe (CRST) and the Standing Rock Sioux Tribe (SRST), on the 24th of October, 2014. Exhibit 1. In this letter, I solicited comments from the tribes and requested that they notify me of their desire to consult prior to the end of the established 30 day comment period (from day of receipt). In this case, that date would be

approximately 24 November, 2014, given a 2 day mailing time. That is the response date given in the letter.

7. In response to the October 24 informational letter, I received a letter dated November 3, 2014 from the North Dakota State Historic Preservation Officer (NDSHPO) recommending a Class III cultural survey of the APE “as previously requested under the North Dakota Public Service Commission application from Dakota Access.”
8. On November 3, 2014, I received an email from Yankton Sioux Tribal Historic Preservation Officer (THPO) Lana Gravatt, deferring comment on the Bore testing to the “Cheyenne River and Standing Rock Tribes. Please contact them for any ground disturbance/monitoring.”
9. I received a “no concerns” comment letter from the Northern Arapaho THPO dated November 24, 2014.
10. On December 3, 2014, I called Susan Quinnell, Review and Compliance Coordinator for NDSHPO. During this call, Ms. Quinnell stated that the NDSHPO policy requires 100% survey coverage on all projects.
11. Specifically hoping for comments from SRST, I granted over three weeks extra time for comment submission. On December 18, 2014, I continued the 106 consultation on the bore testing with a Determination of Effect letter to the NDSHPO with a copy to all tribes on the PA list. A determination of effect of “No Historic Properties Affected” was made for the project as a whole and a clarification of a previous “Not Eligible” determination was made for site 32EM0019 (not impacted, regardless). Exhibit 2.
12. In response to the December 18, 2014 determination letter, I received an email dated December 26, 2014, from Ms. Susan Quinnell, NDSHPO, which stressed again the

NDSHPO's desire to see a cultural survey of the entire pipeline route. In a follow-up email on December 29, 2014, I explained that the proposed action was only for a few soil borings to determine the feasibility of the area for a pipeline crossing and that the pipeline itself was not part of this action. The email also discussed some of eligibility determinations and site updates on sites in the vicinity, but outside of any bore test areas. I received no other formal comments from NDSHPO regarding this action.

13. As of February 12, 2015, I had not received any comments from the SRST or CRST. On February 12, 2015, I emailed Ms. Waste' Win Young, SRST THPO, to make sure they had no comments prior to issuing the Notice to Proceed for the bore testing.
14. On February 18, 2015, one month past the closing of the comment period, I sent email notice to proceed to the Corps Project Manager assigned to the DAPL project, Brent Cossette, and Oahe Project Lake Manager, Phil Sheffield. The Lake Manager, as head of Natural Resources for the project, is the primary point of contact for all permits/lease actions that are processed for Oahe Project lands. He coordinated all of the various aspects of this action internally. Mr. Cossette took my review information and relayed that clearance information/NTP directly to the applicant.
15. On March 2, 2015, I received comments from Ms. Young, SRST THPO, by letter dated February 18, 2015. The letter is attached to SRST's Motion for Preliminary Injunction, ECF 6-12. In this letter, the SRST THPO expressed concerns over sites on the Emmons County side and opposed any bore testing until "mitigation is completed for site 32MO0001 (North Cannonball Site). Site 32MO0001 is well outside the bore test alignment, approximately 2100' or .4 miles to the closest APE boundary. The SRST THPO

also requested class III and TCP surveys and tribal monitoring, before and during pipeline construction.

16. On July 22, 2015, Eric Stasch, Oahe Operations Project Manager, sent a letter containing Dakota Access pipeline HDD crossing information to all tribes on our PA mailing list. The information letter included current and previous survey information, general and detailed project maps illustrating the location and nature of the project and recorded cultural resources in relation to project activities. Exhibit 3.
17. On August 17, 2015, I had a phone conversation with CRST THPO Steve Vance regarding the importance of getting comments to us on the crossing project. Mr. Vance stated his intent to coordinate a response with SRST.
18. On August 27, 2015, one day before the comment period closed, Oahe staff archaeologist Megan Maier contacted Ms. Susan Quinnell, NDSHPO compliance coordinator, by phone to discuss the fact that the NDSHPO had not submitted comments on the pipeline crossing. During this call, Ms. Maier initiated planning of an on-site visit with NDSHPO office and the tribes.
19. On August 20, 2015, I received an email from the CRST THPO, Steve Vance, apologizing for the lateness of the CRST comments and that he felt the SRST THPO comments “would have brought forth enough concern to the effects of this project.” To this letter, Mr. Vance attached a comment letter dated August 17, 2015, which basically supported previous comments made by SRST THPO and noted an alleged lack of tribal participation in previous survey efforts.
20. On August 24, 2015, Eric Stasch, Oahe Operations Project Manager, received a comment letter from the SRST THPO, Waste’ Win Young, dated August 21, 2015 in response to the

July 22, 2015 information letter. The letter is attached to SRST's Motion for Preliminary Injunction, ECF 6-15. The SRST THPO expressed concerns with sites in the vicinity of the proposed pipeline and a lack of response to previous comments they had made regarding the soil bore testing portion of the project. The SRST THPO also requested consultation.

21. In a letter dated August 28, 2015 in response to the July 22, 2015 information letter, the NDSHPO expressed concerns with sites (unspecified other than "in the APE as mapped") and the need for further discussion.
22. By letter dated September 16, 2015 to the SRST THPO, Eric Stasch acknowledged receipt of the comments provided in the August 21, 2015 letter. In this letter, Mr. Stasch expressed the Corps' willingness and desire to answer many concerns during the upcoming onsite visit.
23. By email dated September 16, 2015, I emailed Ms. Kelly Morgan, SRST Archaeologist, introducing an attached copy of the Stasch letter and inviting their participation in a working level, on-the-ground site visit of the proposed DAPL Oahe Crossing APE. A series of emails were sent between Ms. Morgan and I on September 17, 2015 discussing visit logistics and dates.
24. A series of emails were sent between September 17, 2015 and September 23, 2015 regarding the logistics of the Oahe Crossing field visit with Mr. Paul Picha of the NDSHPO office and verifying that the NDSHPO still wanted to attend in light of the SRST cancellation.
25. By email dated September 18, 2015, Kelly Morgan, SRST Archaeologist, withdrew SRST participation in the upcoming onsite visit. The email contained an attachment with a letter

conveying the same message, along with copies of letters to Colonel Cross and ASA(CW) Darcy requesting FOIA. Exhibit 4.

26. On September 28, 2015, the Corps hosted an on-site visit of the east and west sides of the Missouri River with staff from NDSHPO. There was no tribal participation for this visit. During this site visit, NDSHPO concerns regarding the nature of the project and Area of Potential Effect were addressed (where it is situated, where the recorded sites were in relation and if or what the potential for impacts were). Basically, there is no substitute for seeing something like this in person and this visit was instrumental in assisting the NDSHPO with their decision to concur with our findings.
27. On January 22, 2016, I attended a meeting in Ft. Yates with Eric Stasch, SRST personnel, and other Omaha District personnel. This was a face-to-face meeting arranged by the Omaha District office with SRST regarding the DAPL project. My purpose there was to help answer any potential questions that might come up regarding cultural resources. Some of the SRST personnel I recall to be present were: Chairman Dave Archambault, THPO Ron His Horse is Thunder, Archaeologist Kelly Morgan and Section 106 Coordinator, LaDonna Brave Bull Allard.
28. On February 26, 2016 I attended a meeting with SRST in Ft. Yates, ND, arranged by the Omaha District with Col. Henderson and other District staff, Oahe OPM, Eric Stasch, Chairman Archambault, THPO Jon Brown and other SRST tribal personnel. The purpose of this meeting was for the Col. and the Chairman to meet regarding DAPL. As part of the meeting, we did an onsite visit of the west side of the crossing location where the Chairman pointed out areas of concern and explained the tribe's issues with the pipeline project. Again, my purpose was to be available to answer cultural resource related questions.

During the onsite, the Col. and the Chairman agreed to have their respective cultural resource personnel get together and do their own onsite inspections.

29. As a result of the agreement made by Col. Henderson and Chairman Archambault, I arranged for and conducted an on-site meeting with SRST THPO personnel on March 8, 2016. Among the SRST personnel present were THPO Jon Brown, Archaeologist Kelly Morgan, and Section 106 Coordinator LaDonna Brave Bull Allard. Our site visit took place along the project ROW on the West side of the Missouri River in Morton County, ND. In an email After Action Report dated March 10, 2016 (Exhibit 5), I noted that we had a general discussion of the historic richness of the Cannonball area and the need to do additional work, in particular with the nearby cemetery which is well outside the APE (approximately 6400' or 1.2 mi. from the HDD bore pit and approximately 3300' or .6 mi. from the stringing area). I also reported that the SRST THPO and I walked in the area of site 32MO0001, Cannonball Village site, which is also well outside the APE (approximately 1800' or .35 mi. to the closest APE point) and previously stabilized by USACE in 2004 at an approximate cost of \$400,000. During our inspection of the site, artifacts were noted in rodent disturbances as would be expected on the surface of a village site of this nature.

30. On March 9, 2016, Ms. Kelly Morgan, SRST archaeologist, emailed regarding her concerns and questions generated by our on-site visit the previous day. Most of these concerns were with sites either outside of the APE, and therefore outside of Corps jurisdiction, or were not going to be impacted by the project as described. She also raised questions regarding how sites were mapped in relation to the planned APE. We subsequently worked with Dakota Access personnel to clarify the maps.

31. In email exchanges dated March 11, March 14, and March 15, Ms. Kelly Morgan and I discussed questions she had about survey reports and coordinating the next on-site visit.
32. On March 22, 2016, I conducted an on-site meeting with the SRST THPO personnel along the East side of the Missouri River in Emmons County, ND. During the site visit, the SRST Archaeologist, Ms. Kelly Morgan, asked questions about maps and previous testing done as part of the Northern Border Pipeline project (which passes through the site area). The map problems were passed on to DAPL personnel attending (Ms. Michelle Dippel and Archaeologist Matt Landt). Ms. Morgan also questioned the value of previous testing and evaluation of the sites there and I committed to resolving that question. In my subsequent review of the site documentation for the Northern Border Pipeline, I resolved the question. I had initially considered requiring additional testing but based on research I conducted on the NBP data, I found it to be sufficient and determined additional testing was not required.
33. On April 22, 2016, I mailed a letter to the NDSHPO and copied the PA mailing list explaining the determination of effect for the Lake Oahe crossing. The letter is attached to SRST's Motion for Preliminary Injunction, ECF 6-43. Information contained in the letter included the proposed project description, location and site data explained in detail, supporting a determination of "Not Eligible" for site 32MOx0570 and "No Historic Properties Subject to Effect" for the project as a whole.
34. On April 26, 2016, I received a concurrence letter via email from NDSHPO. A hardcopy of the same letter was received on April 29, 2016.

35. On April 26, 2016, I sent an email notification to Ms. Kelly Morgan, SRST Archaeologist, with electronic copies of the Corps determination letter and the enclosures mentioned in paragraph #30. I also provided her with a scanned copy of the recently received NDSHPO concurrence letter.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2016.

HARNOIS.RICHARD
.DA.1220683946

Digitally signed by
HARNOIS.RICHARD.DA.1220683946
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=HARNOIS.RICHARD.DA.1220683946
Date: 2016.08.17 22:10:02 -05'00'

, in Pierre, South Dakota.

Richard Harnois

EXHIBIT 1



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
OAHE PROJECT
28563 POWERHOUSE ROAD
PIERRE SD 57501-6174

FILE COPY

October 24, 2014

REPLY TO
ATTENTION OF :

Field Archeologists

«Prefix» «FirstMiddle_Name» «Last_Name»
«Title»
«Organization»
«Address1»
«City», «State» «Zip»

Dear «Salutation» «Last_Name»:

The U.S. Army Corps of Engineers, Oahe Project Office, has received a request from Dakota Access LLC to conduct soil borings related to the Dakota Access Pipeline (DAPL) project. The proposed soil borings will take place in Section 10 and 11, Township 134 N, Range 79 West, Morton and Emmons Counties, North Dakota.

The proposed activity will involve drilling seven (7) 4" diameter holes approximately 130-165' below the ground surface. The purpose of the soil bores is to evaluate subsurface stratigraphy in order to determine feasibility for a potential horizontal directional drill under the Missouri River related to the DAPL project. Once the bores are complete they will be backfilled with a mixture of cement-bentonite grout. The upper 2-3 feet will be backfilled with native soil. The area of disturbance anticipated for each bore hole is 10' in diameter.

The equipment used for this project will include a truck-mounted and all-terrain-mounted drilling rig. This equipment will be operated from a barge at the underwater locations. Access to the onshore bore locations will be along existing roads and two-track trails (see attached map).

The Area of Potential Effect (APE) for this action will include the six bore tests located within the USACE boundary and the access routes leading to the onshore bore locations See attached map).

A search of USACE cultural files indicates three recorded cultural sites within the project APE.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EM0019		Historic Farmstead	Unevaluated
32EMX0072		Isolated Find/Flake	Not Eligible
32EMX0071		Isolated Find/Flake	Not Eligible

The following sites area located OUTSIDE the project area but within a one-mile radius.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EM0094		Artifact Scatter	Unevaluated
32EM0021		Artifact Scatter	Unevaluated
32EM0093		Historic Farmstead	Unevaluated
32EM0172		Historic Foundation	Unevaluated
32MO0130		Artifact Scatter	Unevaluated
32MO0001	North Cannonball Site	Earthlodge Village	Eligible
32MO0054	Donahue Farmstead	Historic Farmstead	Unevaluated
32MO1081		Historic Artifact Scatter	Unevaluated
32MO0200		Railroad Grade/Turntable	Unevaluated

If you have any comments or concerns regarding this project and wish to consult on this matter, please respond in writing no later than 11/24/14. Please reference "DAPL test bores" in or correspondence. If you have any questions please contact Richard Harnois at (605) 945-3406 or via email at richard.d.harnois@usace.army.mil

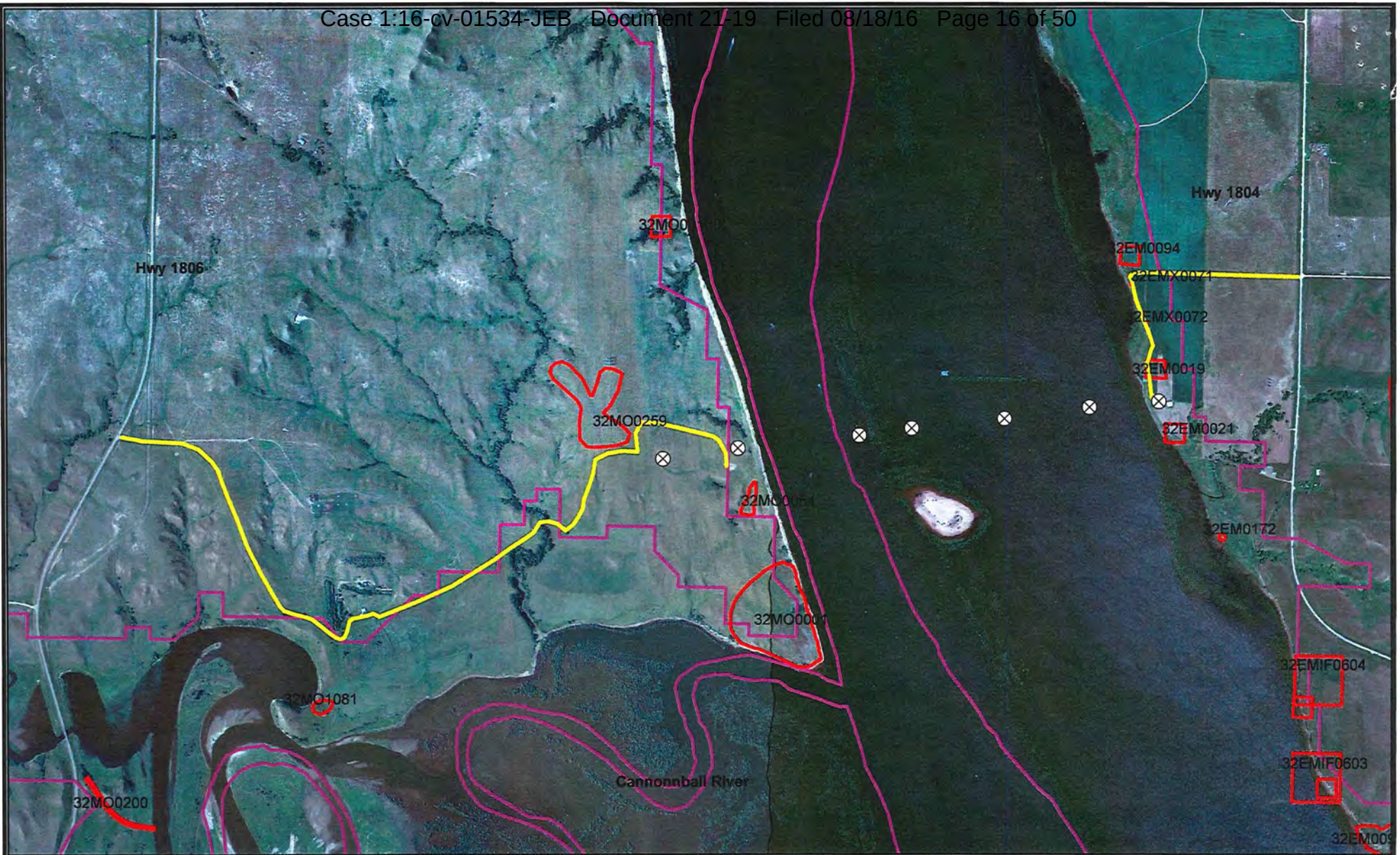
Sincerely,



Richard D. Harnois
Sr. Field Archaeologist
Oahe Project

References Cited

- Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1986 *A Cultural Resource Inventory of the Left Bank of Lake Oahe: Burleigh and Emmons Counties, North Dakota.* Larson-Tibesar Associates Laramie, WY.
- Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1987 *A Cultural Resource Inventory of the Right Bank of Lake Oahe in Morton and Sioux Counties North Dakota.* Larson-Tibesar Associates Laramie, WY.
- Slessman, Scott, Vanesa Zietz, Zonna Barnes Et Al.,
2010 *A Cultural Resources Inventory of U.S. Army Corps of Engineers Managed Lands on Lake Oahe, Burleigh, Morton, Emmons and Sioux Counties, North Dakota.* SWCA Consultants
- Root, Matthew J. and Cynthia Kordecki
1983 *The Cannonball Region. In Archaeology of the Northern Border Pipeline, North Dakota; Survey and Background Information.* University of North Dakota, Grand Forks.



Legend

- ⊗ boring locations
- Access Route
- Cultural Resources
- Approx. COE Boundary



Soil Boring Test Locations

DAPL pipeline



Disclaimer: The United States government and USACE furnishes this data and the recipient accepts and uses it with the express understanding that the government makes no warranties, expressed, or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should not be used in place of survey data or legal land descriptions.

2012 NAIP Imagery

Field Archaeologist
CENWO-QD-QA

Produced By:

Megan Maier

Production Date:

14 Oct 14

Revised By:

Revision Date:



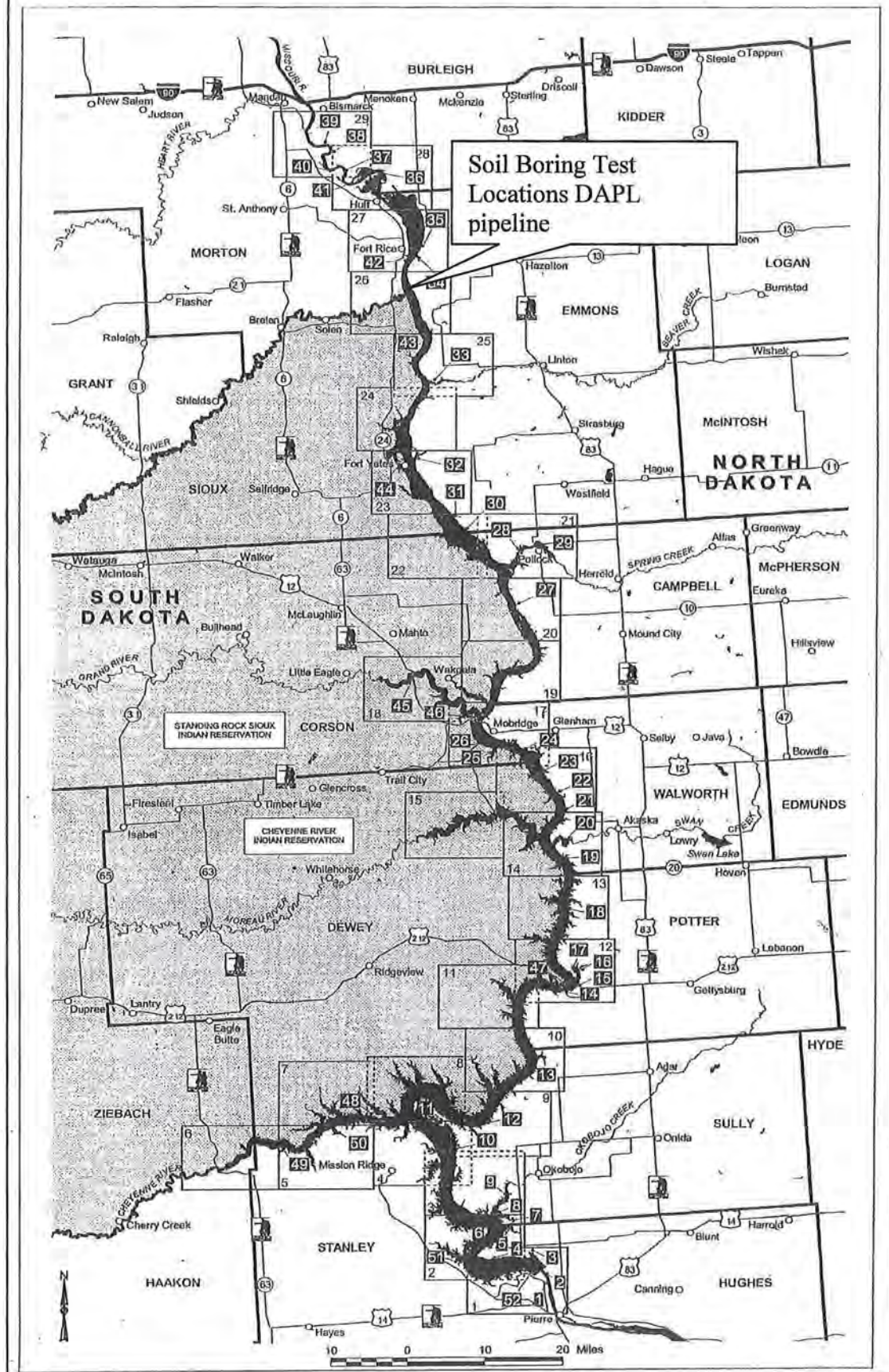
US Army Corps of Engineers
Omaha District

File Location:

F:\GPS Projects\Oahe\North Dakota\Pipeline\DAPL.mxd

General Project Location

Lake Oahe - Sheet Index Map



Public Recreation Facilities

	BOAT RAMP	PRIMITIVE CAMPING	DEVELOPED CAMPING	ELECTRIC HOOKUP	DRINKING WATER	SHOWERS	RESTROOMS	RESTROOMS (FLUSH)	PICNIC SHELTER	PICNIC TABLES	SWIMMING BEACH	PLAYGROUND	RESTAURANT	BOAT FUEL	LOGGING	DUMP STATION	BAIT / GROCERIES	FISH CLEANING STATION	HANDICAPPED FACILITY	TELEPHONE	NATURE TRAIL	MANAGING AGENCY
1	DOWNSTREAM																					STATE OF SD
2	TAILRACE																					CORPS OF ENGINEERS
3	EAST SHORE																					STATE OF SD
4	PEORIA FLATS																					STATE OF SD
5	LIGHTHOUSE POINT																					STATE OF SD
6	SPRING CREEK																					STATE OF SD
7	COW CREEK																					STATE OF SD
8	OKOBOJO POINT																					STATE OF SD
9	GARRIGAN'S LANDING																					STATE OF SD
10	PIKE HAVEN																					STATE OF SD
11	LITTLE BEND																					STATE OF SD
12	BUSH'S LANDING																					STATE OF SD
13	SUTTON BAY																					STATE OF SD
14	212 BRIDGE ACCESS																					STATE OF SD
15	SOUTH WHITLOCK																					STATE OF SD
16	EAST WHITLOCK																					STATE OF SD
17	WEST WHITLOCK																					STATE OF SD
18	DODGE DRAW																					STATE OF SD
19	LE BEAU																					STATE OF SD
20	SWAN CREEK																					STATE OF SD
21	BOWDLE BEACH																					STATE OF SD
22	WALTH BAY																					STATE OF SD
23	THOMAS BAY																					STATE OF SD
24	BLUE BLANKET																					STATE OF SD
25	INDIAN CREEK																					STATE OF SD
26	REVHEIM PARK																					STATE OF SD
27	SHAW CREEK																					STATE OF SD
28	WEST POLLOCK																					STATE OF SD
29	POLLOCK																					STATE OF SD
30	STATE LINE																					EMMONS COUNTY
31	LANGELIER BAY																					EMMONS COUNTY
32	CATTAIL BAY																					CORPS OF ENGINEERS
33	BEAVER CREEK																					CORPS OF ENGINEERS
34	BADGER BAY																					CORPS OF ENGINEERS
35	HAZELTON																					CORPS OF ENGINEERS
36	MAC LEAN BOTTOM																					STATE OF ND
37	KIMBALL BOTTOM																					BURLEIGH COUNTY
38	SIBLEY NATURE PARK																					CITY OF BISMARCK
39	GENERAL SIBLEY PARK																					CITY OF BISMARCK
40	LITTLE HEART																					MORTON COUNTY
41	GRANER PARK / SUGARLOAF																					MORTON COUNTY
42	FORT RICE																					MORTON COUNTY
43	WALKER BOTTOM																					SRST
44	FORT YATES																					SRST
45	GRAND RIVER																					SRST
46	INDIAN MEMORIAL																					SRST
47	FOREST CITY																					CRST
48	ROUSSEAU CREEK																					CRST
49	FOSTER BAY																					STATE OF SD
50	MINNECONJOU																					STATE OF SD
51	CHANTIER CREEK																					STATE OF SD
52	WEST SHORE																					STATE OF SD

**PROGRAMMATIC AGREEMENT FOR THE OPERATIONS AND MANAGEMENT OF THE MISSOURI RIVER
MAINSTEM SYSTEM GENERAL DISTRIBUTION LIST**

Updated 9 May 2014

<u>P/CF</u>	<u>S/NS</u>	<u>Organization</u>	<u>Last Name</u>	<u>First Name</u>	<u>Title</u>
P	S	Advisory Council for Historic Preservation	Nelson	Reid	Director, Office of Federal Agency Programs
P	S	Assiniboine and Sioux Tribes of Fort Peck	Stafne	AT "Rusty"	Chairman
CF	S	Assiniboine and Sioux Tribes of Fort Peck	Youpee	Curley	Director, Cultural Resources Department
P	NS	Blackfeet Tribe	Sharp	Willie	Chairman
CF	NS	Blackfeet Tribe	Murray	John	Tribal Historic Preservation Officer
P	S	Bureau of Indian Affairs	Loudermilk	Weldon	Regional Director
CF	S	Bureau of Indian Affairs	Murdy	Carson	Regional Archaeologist, DESCRM
P	S	Cheyenne River Sioux Tribe	Vance	Steven	Tribal Historic Preservation Officer
P	S	Cheyenne River Sioux Tribe	Petersen	Donna Rae	Cultural Preservation Office
CF	S	Cheyenne River Sioux Tribe	Keckler	Kevin	Chairman
CF	S	Cheyenne River Sioux Tribe	Walters	Robert	Member, District 5
P	NS	Chippewa Cree Tribe of the Rocky Boys' Reservation	Morsette	Richard	Chairman
CF	NS	Chippewa Cree Tribe of the Rocky Boys' Reservation	Windy Boy	Alvin	Tribal Historic Preservation Officer
P	S	Crow Creek Sioux Tribe	Wells	Wanda	Tribal Historic Preservation Officer
CF	S	Crow Creek Sioux Tribe	Sazue	Roxanne	Chairperson
CF	S	Crow Creek Sioux Tribe	Pease	Leonard	Vice Chairman
P	NS	Crow Nation	Old Coyote	Darin	Chairman
CF	NS	Crow Nation	Bull Chief	Emmerson	Tribal Historic Preservation Officer
P	S	Eastern Shoshone Tribe	St. Claire, Jr.	Darwin	Chairman
P	S	Flandreau Santee Sioux Tribe	Reider	Anthony	President
CF	S	Flandreau Santee Sioux Tribe	Robertson	Carol	Tribal Historic Preservation Officer
P	NS	Fort Belknap Indian Community Gros Ventre and Assiniboine Tribes	Azure	Mark F.	President
P	S	Lower Brule Sioux Tribe	Jandreau	Michael	Chairman
P	S	Lower Brule Sioux Tribe	Jones	Scott	Cultural Preservation Office
CF	S	Lower Brule Sioux Tribe	Green	Clair S.	Public Relations/Cultural Preservation Office
P	S	Mandan, Hidatsa & Arikara Nation	Crows Breast	Elgin	Tribal Historic Preservation Officer
CF	S	Mandan, Hidatsa & Arikara Nation	Hall	Tex	Chairman
P	S	Montana State Historic Preservation Office	Wilmoth	Stan	State Archeologist
CF	S	Montana State Historic Preservation Office	Baumler	Mark F.	State Historic Preservation Officer
P	S	National Trust for Historic Preservation	Pahl	Barbara	Director, Mountains/Plains Office
P	S	Nebraska State Historical Society	Steinacher	Terry	State Archeologist
CF	S	Nebraska State Historical Society	Smith	Michael J.	State Historic Preservation Officer
P	S	North Dakota Historical Society	Swenson	Fern	Deputy State Historic Preservation Officer
CF	S	North Dakota Historical Society	Paaverud	Merlan E.	State Historic Preservation Officer
P	S	Northern Arapaho Tribe	O'Neal	Darrell	Chairman
CF	S	Northern Arapaho Tribe	White	Jo Ann	Tribal Historic Preservation Officer
P	S	Northern Cheyenne Tribe	Fisher	Conrad	Tribal Historic Preservation Officer
CF	S	Northern Cheyenne Tribe	Fisher	Llevando	President

**PROGRAMMATIC AGREEMENT FOR THE OPERATIONS AND MANAGEMENT OF THE MISSOURI RIVER
MAINSTEM SYSTEM GENERAL DISTRIBUTION LIST**

Updated 9 May 2014

P/CF	S	Organization	Last Name	First/Middle Name	Title
P	NS	Oglala Sioux Tribe	Brewer	Bryan	President
P	NS	Oglala Sioux Tribe	Mesteth	Wilmer	Tribal Historic Preservation Officer
P	S	Omaha Tribe of Nebraska	Parker	Thomas	Tribal Historic Preservation Officer
CF	S	Omaha Tribe of Nebraska	Wolfe	Clifford	Chairman
P	S	Ponca Tribe of Nebraska	Teboe	Randy	Director of Cultural Affairs
CF	S	Ponca Tribe of Nebraska	Wright	Jeremy	Vice Chairman
P	NS	Rosebud Sioux Tribe	Scott	Cyril	President
CF	NS	Rosebud Sioux Tribe	Eagle Bear	Russell	Tribal Historic Preservation Officer
P	S	Sac and Fox Nation of Missouri in Kansas and Nebraska	Robidoux	Bridgette	Chairperson
P	NS	Sac and Fox Nation of Oklahoma	Massey	Sandra	Historic Preservation Officer
P	S	Santee Sioux Nation	Thomas	Rick	Tribal Historic Preservation Officer
CF	S	Santee Sioux Nation,	Trudell	Roger	Chairman
P	S	Sisseton-Wahpeton Sioux Tribe	Shepherd	Robert	Chairman
CF	S	Sisseton-Wahpeton Sioux Tribe	Desrosiers	Dianne	Tribal Historic Preservation Officer
P	S	South Dakota Department of Game, Fish and Parks	Coughlin	Paul	Habitat Management Program Administrator, Wildlife Division
P	S	South Dakota Department of Game, Fish and Parks	Williams	Dennis	Environmental and Cultural Resources Specialist
CF	S	South Dakota Department of Game, Fish and Parks	Vonk	Jeffrey R.	Secretary
P	S	South Dakota State Historical Society	Hoskinson-Olson	Paige	Historical Archaeologist Review and Compliance Coordinator
CF	S	South Dakota State Historical Society	Vogt	Jay D.	State Historic Preservation Officer
P	NS	Spirit Lake Sioux Tribe	McDonald	Leander "Russ"	Chairman
P	NS	Standing Rock Sioux Tribe	Archambault II	Dave	Chairman
P	NS	Standing Rock Sioux Tribe	Young	Waste' Win	Tribal Historic Preservation Officer
P	S	Turtle Mountain Band of Chippewa	McCloud	Richard	Chairman
P	S	Turtle Mountain Band of Chippewa	Nadeau	Bruce	Tribal Historic Preservation Officer
P	S	Winnebago Tribe of Nebraska	Blackhawk	John	Chairman
CF	S	Winnebago Tribe of Nebraska	Snyder	Darwin	Tribal Council Member
P	NS	Yankton Sioux Tribe	Flying Hawk	Robert	Chairman
P	NS	Yankton Sioux Tribe	Miller	Lyle	Tribal Historic Preservation Officer
CF	NS	Yankton Sioux Tribe	Archambeau	Jean	Vice Chairwoman

P Shading designates the Primary point of contact for all PA actions.
 CF Copy furnished of the letter sent to Primary point of contact for same Tribe/Agency.
 S/NS Denotes Signatory (S) or Non-Signatory (NS)

EXHIBIT 2



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
OAHE PROJECT
28563 POWERHOUSE ROAD
PIERRE SD 57501-6174

December 18, 2014

REPLY TO
ATTENTION OF:

Field Archeologists

COPY

Ms. Fern Swenson
Deputy State Historic Preservation Officer
North Dakota Historical Society Heritage Center
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830

Dear Ms. Swenson:

The U.S. Army Corps of Engineers, Oahe Project Office, has received a request from Dakota Access LLC to conduct soil borings related to the Dakota Access Pipeline (DAPL) project. The proposed soil borings will take place in Section 10 and 11, Township 134 N, Range 79 West, Morton and Emmons Counties, North Dakota.

As stated in the informational letter (dated 10/24/14), the proposed activity will involve drilling seven (7) 4" diameter holes approximately 130-165' below the ground surface. The purpose of the soil bores is to evaluate subsurface stratigraphy in order to determine feasibility for a potential horizontal directional drill under the Missouri River related to the DAPL project. Once the bore tests are complete they will be backfilled with a mixture of cement-bentonite grout. The upper 2-3 feet will be backfilled with native soil. The area of disturbance anticipated for each bore hole is 10' in diameter.

The equipment used for this project will include a truck-mounted and all-terrain-vehicle mounted drilling rigs. Drill equipment will also be operated from a barge at the underwater locations. Access to the onshore bore locations will be along existing roads and two-track trails (see enclosed map).

The Area of Potential Effect (APE) for this action will include the six bore tests located within the USACE boundary and the access routes leading to the onshore bore locations (see enclosed map).

IDENTIFICATION EFFORTS:

A search of USACE cultural files indicates three recorded cultural sites within the project APE.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EM0019		Artifact Scatter	Unevaluated

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EMX0072		Isolated Find/Flake	Not Eligible
32EMX0071		Isolated Find/Flake	Not Eligible

The following sites area located OUTSIDE the project area but within a one-mile radius.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EM0094		Artifact Scatter	Unevaluated
32EM0021		Artifact Scatter	Unevaluated
32EM0093		Historic Farmstead	Unevaluated
32EM0172		Historic Foundation	Unevaluated
32MO0130		Artifact Scatter	Unevaluated
32MO0001	North Cannonball Site	Earthlodge Village	Eligible
32MO0054	Donahue Farmstead	Historic Farmstead	Unevaluated
32MO1081		Historic Artifact Scatter	Unevaluated
32MO0200		Railroad Grade/Turntable	Unevaluated

USACE lands in the project area were most recently surveyed by SWCA Environmental Consultants in 2009 (Slessman 2010).

The most recent survey information available to this office regarding the access route, area crossing private land on the west side of the river, dates to the Northern Border Pipeline survey conducted by the University of North Dakota (UND) in 1980 (Root 1983). This survey recorded a prehistoric scatter, site 32MO0259, in the pipeline right-of-way. 32MO0259 is located outside of the proposed access route (see enclosed map).

The portion of the access route on the east side of the river crosses the recorded site boundary of site 32EM0019. This site was also recorded by UND in the 1980 pipeline survey (Root 1983). It was identified as a low density, prehistoric artifact scatter (Larson 1986). The UND crew collected the identified artifacts from the slopes and terrace edge and conducted 5 shovel tests in the site area (Larson 1986). All shovel tests were negative for the presence of cultural material (Larson 1986). It was noted, at this time, that no subsurface deposits were present and that the integrity of the site was poor. UND recommended that the site be considered not eligible for listing on the National Register (Root 1983).

32EM0019 was visited again by Larson-Tibesar Associates (LTA) in 1983. LTA observed one additional artifact, a biface fragment, which was collected (Larson 1986). No subsurface testing was conducted at this time. However, LTA stated they did not believe that any, "great amount of subsurface material was present" and that the integrity of the site was poor (Larson 1986). LTA concurred with UNDs earlier recommendation of "not eligible".

SWCA failed to relocate 32EM0019 during their 2009 survey, but did list the site as "not eligible" in their report documentation (Slessman 2010).

Despite the fact that the survey information for the private land on the west side of the river is somewhat dated, our office feels that additional identification efforts are unwarranted. Given the fact that impacts in this area will be limited to vehicle access which will be transitory and minimal in nature, any potential undiscovered, undisturbed cultural resources that may exist will experience little to no impact. In addition, the portions of the access routes which do cross areas outside of USACE lands (which have current, 100% survey) are mostly short sections of existing two-track trails, driveways and previously cultivated fields (see enclosed map).

CONSULTATION COMMENTS:

During the informational comment period, the Oahe project office received a comment from the Yankton Sioux Tribal Historic Preservation Officer (THPO) deferring comment to the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe (email dated 11/3/14). A "no concerns" comment was received from the Northern Arapaho THPO (letter dated 11/24/14). A letter from the North Dakota State Historic Preservation Officer was also received which recommended a "Class III (pedestrian) survey of the Area of Potential Affect" (letter dated 11/3/14).

ELIGIBILITY DETERMINATIONS:

Our agency concurs with the "Not Eligible" recommendations made by UND and LTA regarding site 32EM0019. The documented lack of undisturbed subsurface deposits and diminishing appearance of surface artifacts found by subsequent investigations support this conclusion. In addition, the failure of SWCA to relocate this site seems to indicate a lack of extant cultural resources.

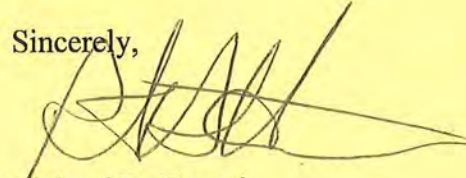
EFFECT DETERMINATION:

Given the information above, we anticipate your concurrence with our "**No Historic Properties Affected**" determination for this DAPL soil bore testing project.

If you have any questions please contact Richard Harnois at (605) 945-3406 or via email at richard.d.harnois@usace.army.mil

-4-

Sincerely,



Richard D. Harnois
Sr. Field Archaeologist
U.S. Army Corps of Engineers
Oahe Project

References Cited

Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1986 *A Cultural Resource Inventory of the Left Bank of Lake Oahe: Burleigh and Emmons Counties, North Dakota.* Larson-Tibesar Associates Laramie, WY.

Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1987 *A Cultural Resource Inventory of the Right Bank of Lake Oahe in Morton and Sioux Counties North Dakota.* Larson-Tibesar Associates Laramie, WY.

Slessman, Scott, Vanesa Zietz, Zonna Barnes Et Al.,
2010 *A Cultural Resources Inventory of U.S. Army Corps of Engineers Managed Lands on Lake Oahe, Burleigh, Morton, Emmons and Sioux Counties, North Dakota.* SWCA Environmental Consultants

Root, Matthew J. and Michael Gregg
1983a *Archaeology of the Northern Border Pipeline, North Dakota.* Survey and background information. University of North Dakota conducted for the State Historical Society of North Dakota.

1983b *Archaeology of the Northern Border Pipeline, North Dakota: Test Excavations.* University of North Dakota conducted for the State Historical Society of North Dakota.

Enclosed:

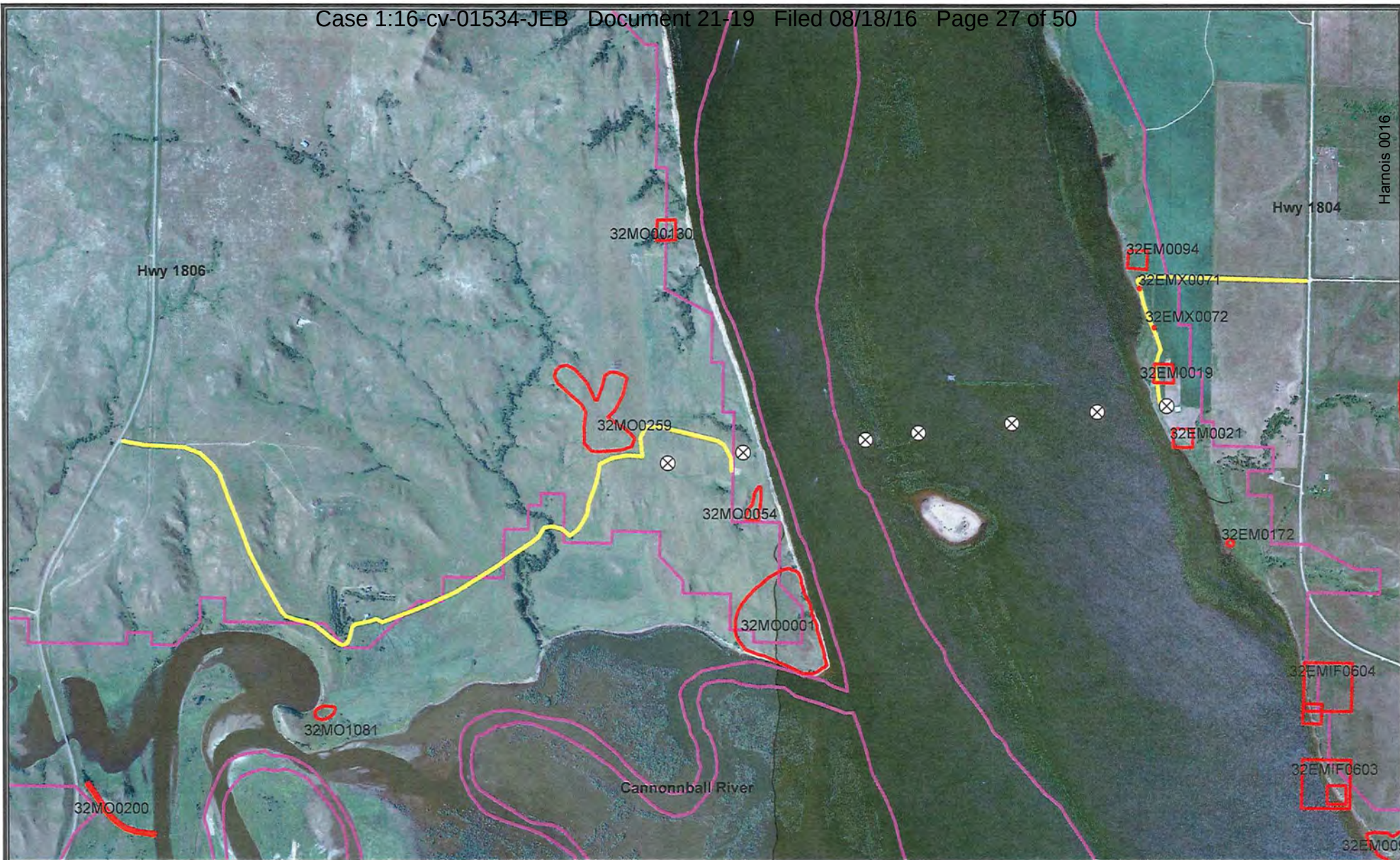
General location map
Project area in relation to nearby sites
Programmatic Agreement (PA) distribution list

Copies furnished via hard copy:

PA distribution list

Copies furnished via electronic distribution without enclosures:

CENWO-OD-BB (Jackie Bultsma)
CENWO-OD-BB (Jennifer Winter)
CENWO-OD-OA (Rick Harnois)
CENWO-OD-OA (Megan Maier)
CENWO-OD-OA (Phil Sheffield)
CENWO-OD-OA (Eric Stasch)
CENWO-OD-GA (Todd Lindquist)
CENWO-OD-GA (Casey Buechler)
CENWO-OD-GA (Dave Cain)
CENWO-OD-GA (Rick Rodgers)
CENWO-OD-LP (John Daggett)
CENWO-OD-LP (Darin McMurry)
CENWO-PM-AE (Julie Price)
CENWO-PM-AE (Sandra Barnum)
CENWO-PM-AE (Amy McClean)
Dan Schaffer – State of South Dakota



Legend

- ⊗ boring locations
- Access Route
- Cultural Resources
- Approx. COE Boundary



Soil Boring Test Locations

DAPL pipeline



Disclaimer: The United States government and USACE furnishes this data and the recipient accepts and uses it with the express understanding that the government makes no warranties, expressed, or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should not be used in place of survey data or legal land descriptions.

2012 NAIP Imagery

Field Archaeologist
CENWO-00-0A

Produced By:
Megan Moler

Production Date:
14 Oct 14

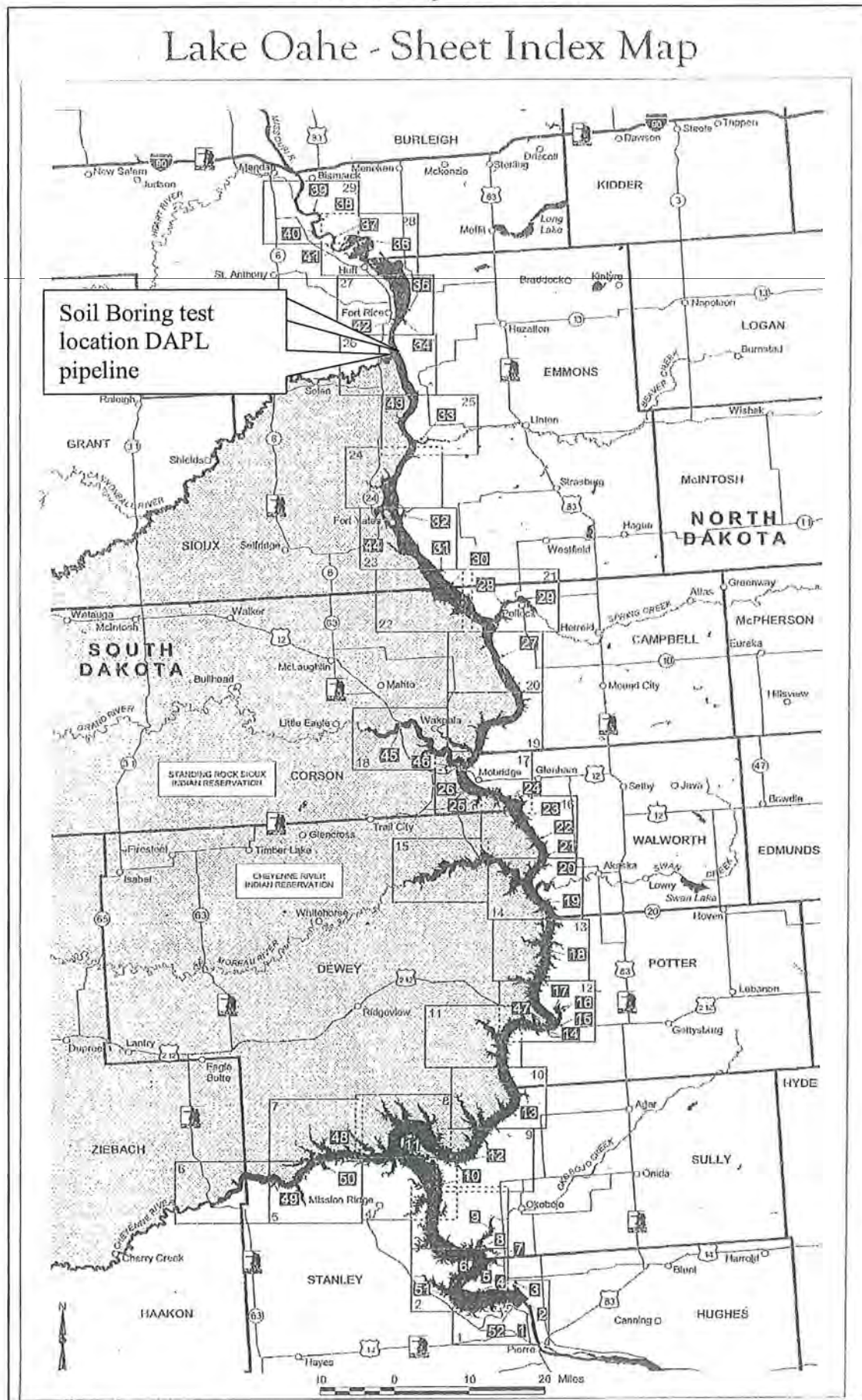
Revised By:

Revision Date:



**US Army Corps
of Engineers**
Omaha District

File Location:
F:\GIS Projects\Case\North Dakota\Pipeline\DAPL.mxd



Public Recreation Facilities

	BOAT RAMP	PRIMITIVE CAMPING	DEVELOPED CAMPING	ELECTRIC HOOKUP	SHOWER WATER	RESTROOMS	RESTROOMS (FLUSH)	PICNIC SHELTER	PICNIC TABLES	SWIMMING BEACH	RESTAURANT	BOAT FUEL	LOUNGING	DUMP STATION	BAIT/GROCERIES	FISH CLEANING STATION	HANDICAPPED FACILITY	TELEPHONE	NATURE TRAIL	MANAGING AGENCY
1 DOWNSTREAM																				STATE OF SD
2 TAILRACE																				CORPS OF ENGINEERS
3 EAST SHORE																				STATE OF SD
4 PEORIA FLATS																				STATE OF SD
5 LIGHTHOUSE POINT																				STATE OF SD
6 SPRING CREEK																				STATE OF SD
7 COW CREEK																				STATE OF SD
8 OKOBOJO POINT																				STATE OF SD
9 GARRIGAN'S LANDING																				STATE OF SD
10 PIKE HAVEN																				STATE OF SD
11 LITTLE BEND																				STATE OF SD
12 BUSH'S LANDING																				STATE OF SD
13 SUTTON BAY																				STATE OF SD
14 212 BRIDGE ACCESS																				STATE OF SD
15 SOUTH WHITLOCK																				STATE OF SD
16 EAST WHITLOCK																				STATE OF SD
17 WEST WHITLOCK																				STATE OF SD
18 DODGE DRAW																				STATE OF SD
19 LE BEAU																				STATE OF SD
20 SWAN CREEK																				STATE OF SD
21 BOWDLE BEACH																				STATE OF SD
22 WALTH BAY																				STATE OF SD
23 THOMAS BAY																				STATE OF SD
24 BLUE BLANKET																				STATE OF SD
25 INDIAN CREEK																				STATE OF SD
26 REVHEIM PARK																				STATE OF SD
27 SHAW CREEK																				STATE OF SD
28 WEST POLLOCK																				STATE OF SD
29 POLLOCK																				STATE OF SD
30 STATE LINE																				EMMONS COUNTY
31 LANCELIER BAY																				EMMONS COUNTY
32 CATTAIL BAY																				CORPS OF ENGINEERS
33 BEAVER CREEK																				CORPS OF ENGINEERS
34 BADGER BAY																				CORPS OF ENGINEERS
35 HAZELTON																				CORPS OF ENGINEERS
36 MAC LEAN BOTTOM																				STATE OF ND
37 KIMBALL BOTTOM																				BURLEIGH COUNTY
38 SIBLEY NATURE PARK																				CITY OF BISMARCK
39 GENERAL SIBLEY PARK																				CITY OF BISMARCK
40 LITTLE HEART																				MORTON COUNTY
41 GRANER PARK / SUGARLOAF																				MORTON COUNTY
42 FORT RICE																				MORTON COUNTY
43 WALKER BOTTOM																				SRST
44 FORT YATES																				SRST
45 GRAND RIVER																				SRST
46 INDIAN MEMORIAL																				SRST
47 FOREST CITY																				CRST
48 ROUSSEAU CREEK																				CRST
49 FOSTER BAY																				STATE OF SD
50 MINNECONJOU																				STATE OF SD
51 CHANTIER CREEK																				STATE OF SD
52 WEST SHORE																				STATE OF SD

**PROGRAMMATIC AGREEMENT FOR THE OPERATIONS AND MANAGEMENT OF THE MISSOURI RIVER
MAINSTEM SYSTEM GENERAL DISTRIBUTION LIST**

Updated 9 May 2014

P/CF	S	Organization	Last Name	First/Middle Name	Title
P	NS	Oglala Sioux Tribe	Brewer	Bryan	President
P	NS	Oglala Sioux Tribe	Mesteth	Wilmer	Tribal Historic Preservation Officer
P	S	Omaha Tribe of Nebraska	Parker	Thomas	Tribal Historic Preservation Officer
CF	S	Omaha Tribe of Nebraska	Wolfe	Clifford	Chairman
P	S	Ponca Tribe of Nebraska	Teboe	Randy	Director of Cultural Affairs
CF	S	Ponca Tribe of Nebraska	Wright	Jeremy	Vice Chairman
P	NS	Rosebud Sioux Tribe	Scott	Cyril	President
CF	NS	Rosebud Sioux Tribe	Eagle Bear	Russell	Tribal Historic Preservation Officer
P	S	Sac and Fox Nation of Missouri in Kansas and Nebraska	Robidoux	Bridgette	Chairperson
P	NS	Sac and Fox Nation of Oklahoma	Massey	Sandra	Historic Preservation Officer
P	S	Santee Sioux Nation	Thomas	Rick	Tribal Historic Preservation Officer
CF	S	Santee Sioux Nation,	Trudell	Roger	Chairman
P	S	Sisseton-Wahpeton Sioux Tribe	Shepherd	Robert	Chairman
CF	S	Sisseton-Wahpeton Sioux Tribe	Desrosiers	Dianne	Tribal Historic Preservation Officer
P	S	South Dakota Department of Game, Fish and Parks	Coughlin	Paul	Habitat Management Program Administrator, Wildlife Division
P	S	South Dakota Department of Game, Fish and Parks	Williams	Dennis	Environmental and Cultural Resources Specialist
CF	S	South Dakota Department of Game, Fish and Parks	Vonk	Jeffrey R.	Secretary
P	S	South Dakota State Historical Society	Hoskinson-Olson	Paige	Historical Archaeologist Review and Compliance Coordinator
CF	S	South Dakota State Historical Society	Vogt	Jay D.	State Historic Preservation Officer
P	NS	Spirit Lake Sioux Tribe	McDonald	Leander "Russ"	Chairman
P	NS	Standing Rock Sioux Tribe	Archambault II	Dave	Chairman
P	NS	Standing Rock Sioux Tribe	Young	Waste' Win	Tribal Historic Preservation Officer
P	S	Turtle Mountain Band of Chippewa	McCloud	Richard	Chairman
P	S	Turtle Mountain Band of Chippewa	Nadeau	Bruce	Tribal Historic Preservation Officer
P	S	Winnebago Tribe of Nebraska	Blackhawk	John	Chairman
CF	S	Winnebago Tribe of Nebraska	Snyder	Darwin	Tribal Council Member
P	NS	Yankton Sioux Tribe	Flying Hawk	Robert	Chairman
P	NS	Yankton Sioux Tribe	Miller	Lyle	Tribal Historic Preservation Officer
CF	NS	Yankton Sioux Tribe	Archambeau	Jean	Vice Chairwoman

P Shading designates the Primary point of contact for all PA actions.
 CF Copy furnished of the letter sent to Primary point of contact for same Tribe/Agency.
 S/NS Denotes Signatory (S) or Non-Signatory (NS)

**PROGRAMMATIC AGREEMENT FOR THE OPERATIONS AND MANAGEMENT OF THE MISSOURI RIVER
MAINSTEM SYSTEM GENERAL DISTRIBUTION LIST**

Updated 9 May 2014

<u>P/CF</u>	<u>S/NS</u>	<u>Organization</u>	<u>Last Name</u>	<u>First Name</u>	<u>Title</u>
P	S	Advisory Council for Historic Preservation	Nelson	Reid	Director, Office of Federal Agency Programs
P	S	Assiniboine and Sioux Tribes of Fort Peck	Stafne	AT "Rusty"	Chairman
CF	S	Assiniboine and Sioux Tribes of Fort Peck	Youpee	Curley	Director, Cultural Resources Department
P	NS	Blackfeet Tribe	Sharp	Willie	Chairman
CF	NS	Blackfeet Tribe	Murray	John	Tribal Historic Preservation Officer
P	S	Bureau of Indian Affairs	Loudermilk	Weldon	Regional Director
CF	S	Bureau of Indian Affairs	Murdy	Carson	Regional Archaeologist, DESCRM
P	S	Cheyenne River Sioux Tribe	Vance	Steven	Tribal Historic Preservation Officer
P	S	Cheyenne River Sioux Tribe	Petersen	Donna Rae	Cultural Preservation Office
CF	S	Cheyenne River Sioux Tribe	Keckler	Kevin	Chairman
CF	S	Cheyenne River Sioux Tribe	Walters	Robert	Member, District 5
P	NS	Chippewa Cree Tribe of the Rocky Boys' Reservation	Morsette	Richard	Chairman
CF	NS	Chippewa Cree Tribe of the Rocky Boys' Reservation	Windy Boy	Alvin	Tribal Historic Preservation Officer
P	S	Crow Creek Sioux Tribe	Wells	Wanda	Tribal Historic Preservation Officer
CF	S	Crow Creek Sioux Tribe	Sazue	Roxanne	Chairperson
CF	S	Crow Creek Sioux Tribe	Pease	Leonard	Vice Chairman
P	NS	Crow Nation	Old Coyote	Darin	Chairman
CF	NS	Crow Nation	Bull Chief	Emmerson	Tribal Historic Preservation Officer
P	S	Eastern Shoshone Tribe	St. Claire, Jr.	Darwin	Chairman
P	S	Flandreau Santee Sioux Tribe	Reider	Anthony	President
CF	S	Flandreau Santee Sioux Tribe	Robertson	Carol	Tribal Historic Preservation Officer
P	NS	Fort Belknap Indian Community Gros Ventre and Assiniboine Tribes	Azure	Mark F.	President
P	S	Lower Brule Sioux Tribe	Jandreau	Michael	Chairman
P	S	Lower Brule Sioux Tribe	Jones	Scott	Cultural Preservation Office
CF	S	Lower Brule Sioux Tribe	Green	Clair S.	Public Relations/Cultural Preservation Office
P	S	Mandan, Hidatsa & Arikara Nation	Crows Breast	Elgin	Tribal Historic Preservation Officer
CF	S	Mandan, Hidatsa & Arikara Nation	Hall	Tex	Chairman
P	S	Montana State Historic Preservation Office	Wilmoth	Stan	State Archeologist
CF	S	Montana State Historic Preservation Office	Baumler	Mark F.	State Historic Preservation Officer
P	S	National Trust for Historic Preservation	Pahl	Barbara	Director, Mountains/Plains Office
P	S	Nebraska State Historical Society	Steinacher	Terry	State Archeologist
CF	S	Nebraska State Historical Society	Smith	Michael J.	State Historic Preservation Officer
P	S	North Dakota Historical Society	Swenson	Fern	Deputy State Historic Preservation Officer
CF	S	North Dakota Historical Society	Paaverud	Merlan E.	State Historic Preservation Officer
P	S	Northern Arapaho Tribe	O'Neal	Darrell	Chairman
CF	S	Northern Arapaho Tribe	White	Jo Ann	Tribal Historic Preservation Officer
P	S	Northern Cheyenne Tribe	Fisher	Conrad	Tribal Historic Preservation Officer
CF	S	Northern Cheyenne Tribe	Fisher	Llevando	President

EXHIBIT 3



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
OAHE PROJECT
28563 POWERHOUSE ROAD
PIERRE SD 57501-6174

July 22, 2015

REPLY TO
ATTENTION OF :

Field Archeologists

«Prefix» «FirstMiddle_Name» «Last_Name»
«Title»
«Organization»
«Address1»
«City», «State» «Zip»

Dear «Salutation» «Last_Name»:

The U.S. Army Corps of Engineers (USACE), Oahe Project Office, has received a request from Dakota Access LLC to construct a pipeline crossing of the Missouri River in association with the proposed Dakota Access Pipeline (DAPL) project. The proposed crossing is located in Township 134 N, Range 79 West, Section 10, Morton County and Section 11, Emmons County, North Dakota.

Project Description

The proposed activity will involve horizontal directional drill (HDD) construction which will pass a 30" diameter pipeline under the Missouri River at two separate locations; one in Williams and McKenzie County, North Dakota and a second on Lake Oahe in Morton and Emmons County, North Dakota (see enclosed figure 1). The proposed crossing location at Williams and McKenzie County, North Dakota will not pass under Corps managed, federal lands and, as such, will not be subject to the terms of the Programmatic Agreement or Section 106 process for these pipeline crossings. The Williams/McKenzie crossing may involve other federal permitting actions which are outside the scope of this information letter and will be handled separately. As such, this letter will address only the Lake Oahe crossing in Morton/Emmons County, North Dakota.

HDD construction for the Lake Oahe crossing will consist of a bore approximately 7500' in length, at a depth of 90' or more, under the lowest point of Lake Oahe at this location. The bore will require the excavation of two bore pits; one entry (Emmons County) and one exit (Morton County). The bore pit locations will involve a 250' by 250' workspace/area of disturbance.

Prior to installation, pipe will be strung on the ground surface behind the bore exit (stringing area) for a distance of 8000'. Once the bore is completed, pipe on the stringing area will be pulled through the bore under the lake. Workspace corridors will vary in width from 400', in the vicinity of the bore pits and pipeline corridor, to 100' for the stringing area. All staging and access for the HDD work will take place on these corridors (see figure 2 and 3).

Area of Potential Effect (APE)

HDD construction at the Lake Oahe crossing will be confined to privately owned lands outside of federal property managed by the USACE, Oahe Project. No construction activities will take place on federal lands as part of this crossing. However, since the action of placing a pipeline under federal lands is a permitted activity, the HDD construction is considered a federal undertaking and thus subject to the terms

of the Missouri River Programmatic Agreement and Section 106 of NHPA. Any construction activity related to the HDD installation is considered as part of this undertaking, regardless of land ownership. Hence, all bore pits, stringing areas, staging areas and access routes, even though located outside the corps boundary, are subject to review as part of this action.

The APE for this project will **not** include any portion of the pipeline alignment that extends past the bore pit locations (with the exception of those portions of the alignment identified as access routes or/staging areas). With respect to the remaining 1100 miles of DAPL, the Omaha District Regulatory Branch will act as the lead Corps District and will address **only** those portions of the route that require authorization under Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 et seq.) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Consultation/coordination for those portions of the alignment in which USACE has regulatory authority will be take place under separate correspondence.

Cultural Resource Identification

Cultural resource investigations of the proposed pipeline alignment were initiated by Merjent, Inc. in 2014. As a result, a report covering the APE of the Oahe crossing was produced in April of 2015 (this report also included information regarding the Williams/McKenzie County, ND crossing) (Picka, et al.). The Merjent survey identified one new cultural site, 32MOx00570 within the proposed stringing area for the Oahe crossing (see figure 2).

In combination with the findings of the Merjent survey, a search of USACE cultural files indicate a total of three cultural sites within the project APE.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32MOX0570		Isolated Lithic Flake	Not Eligible
323MO0X0004		Artifact Scatter	Not Eligible
32EM00221	Gayton Post Office/Store	Historic Post Office	Unevaluated

The following sites area located OUTSIDE the project area, but within a one-mile radius.

<u>Site Number</u>	<u>Site Name</u>	<u>Site Type</u>	<u>NR Status</u>
32EM0094		Artifact Scatter	Unevaluated
32EM0021		Artifact Scatter	Unevaluated
32EM0172		Historic Foundation	Unevaluated
32EMX0071		Isolated Lithic Flake	Not Eligible
32EMX0072		Isolated Lithic Flake	Not Eligible
32EM0019		Artifact Scatter	Unevaluated
32EMIF0604		Isolated Lithic Flake	Not Eligible

32EMIF0603		Isolated Lithic Flake	Not Eligible
32EM0020		Artifact Scatter	Unevaluated
32EM00205		Stone Circle	Unevaluated
32MO0259		Artifact Scatter	Unevaluated
32MO0130		Artifact Scatter	Unevaluated
32MO0001	North Cannonball Site	Earthlodge Village	Eligible
32MO0054	Donahue Farmstead	Historic Farmstead	Unevaluated
32MO0060		Historic Farmstead	Unevaluated
32MO0061		Artifact Scatter	Unevaluated
32MO1081		Historic Artifact Scatter	Unevaluated
32MO0200		Railroad Grade/Turntable	Unevaluated

Please respond in writing within 30 days receipt of this letter if you wish to consult on this project. Please reference "DAPL Oahe Crossing" in all correspondence and direct your questions to Mr. Richard Harnois at (605) 945-3406 or via email at Richard.d.harnois@usace.army.mil.

Sincerely,



Eric Stasch
Operations Project Manager
Oahe Project

Encl.

Figure 1. Project Location Map
Figure 2. Project Details, Morton County
Figure 3. Project Details, Emmons County
Figure 4. Project Overview, Morton and Emmons Counties
Distribution List

References Cited

- Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1986 *A Cultural Resource Inventory of the Left Bank of Lake Oahe: Burleigh and Emmons Counties, North Dakota.* Larson-Tibesar Associates Laramie, WY.
- Larson, Thomas, Kurt Schweigert and Keith H. Dueholm Et Al.,
1987 *A Cultural Resource Inventory of the Right Bank of Lake Oahe in Morton and Sioux Counties North Dakota.* Larson-Tibesar Associates Laramie, WY.
- Picka, Craig, Allison Lange Mueller, Dean Sather and Matthew Terry
2015 *Class II/III Cultural Resources Inventory of the Crossings of Flowage Easements and Federal Lands.* Merjent, Inc., Minneapolis, MN. Prepared for Dakota Access, LLC
- Root, Matthew J. and Cynthia Kordecki
1983 *The Cannonball Region. In Archaeology of the Northern Border Pipeline, North Dakota; Survey and Background Information.* University of North Dakota, Grand Forks.
- Slessman, Scott, Vanesa Zietz, Zonna Barnes Et Al.,
2010 *A Cultural Resources Inventory of U.S. Army Corps of Engineers Managed Lands on Lake Oahe, Burleigh, Morton, Emmons and Sioux Counties, North Dakota.* SWCA Consultants

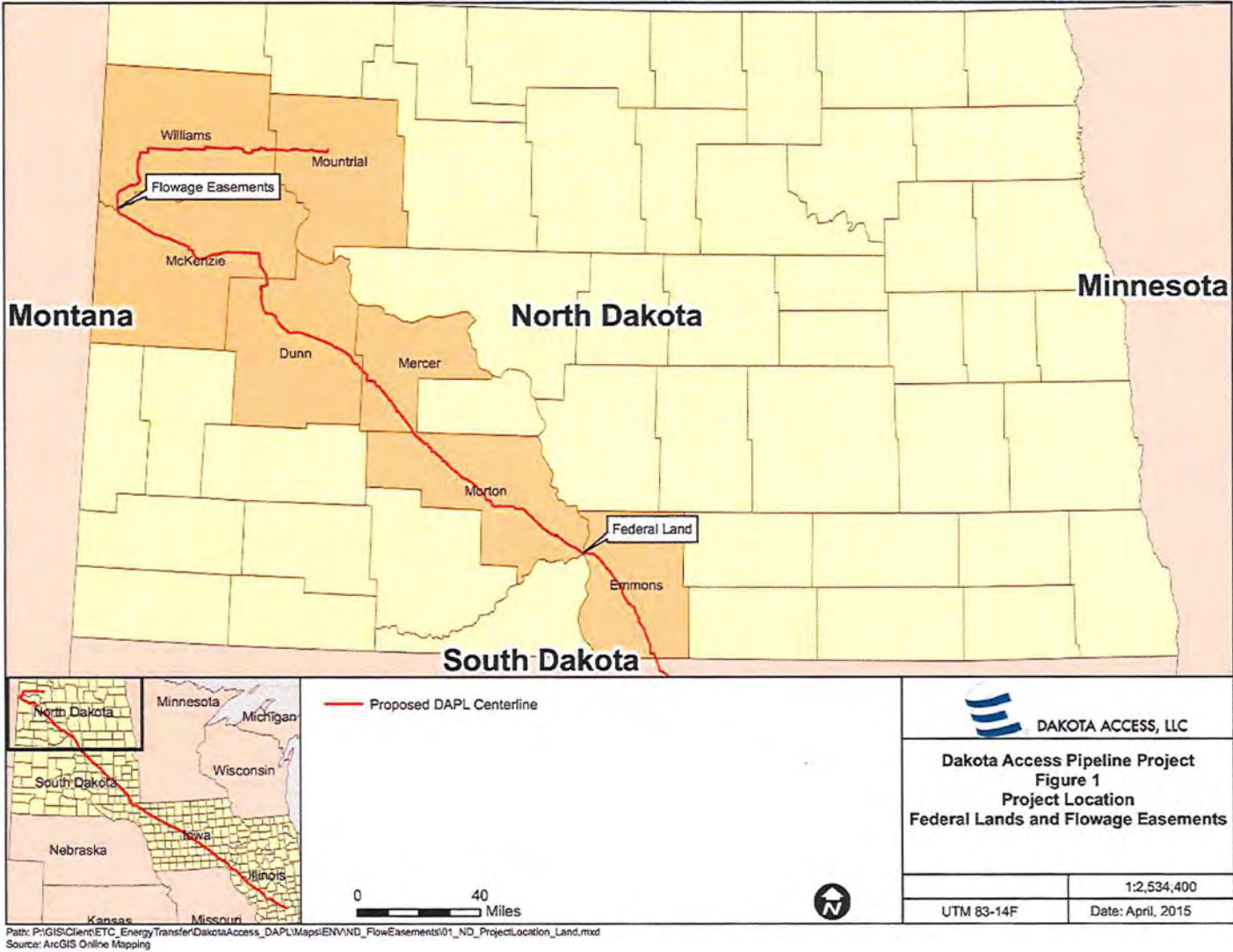


Figure 1. Project Location Map

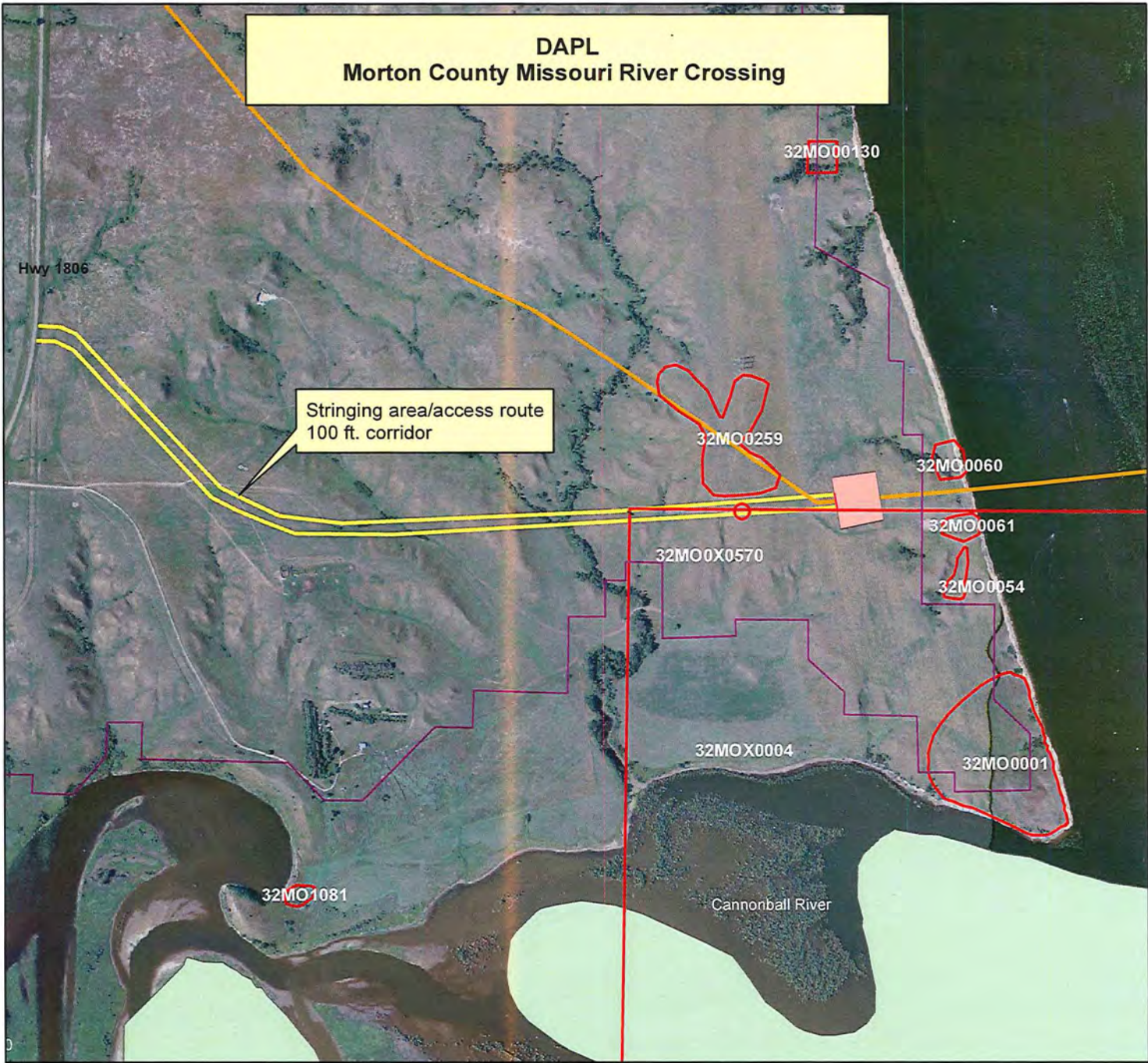
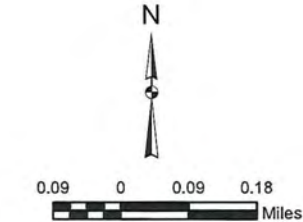


Figure 2

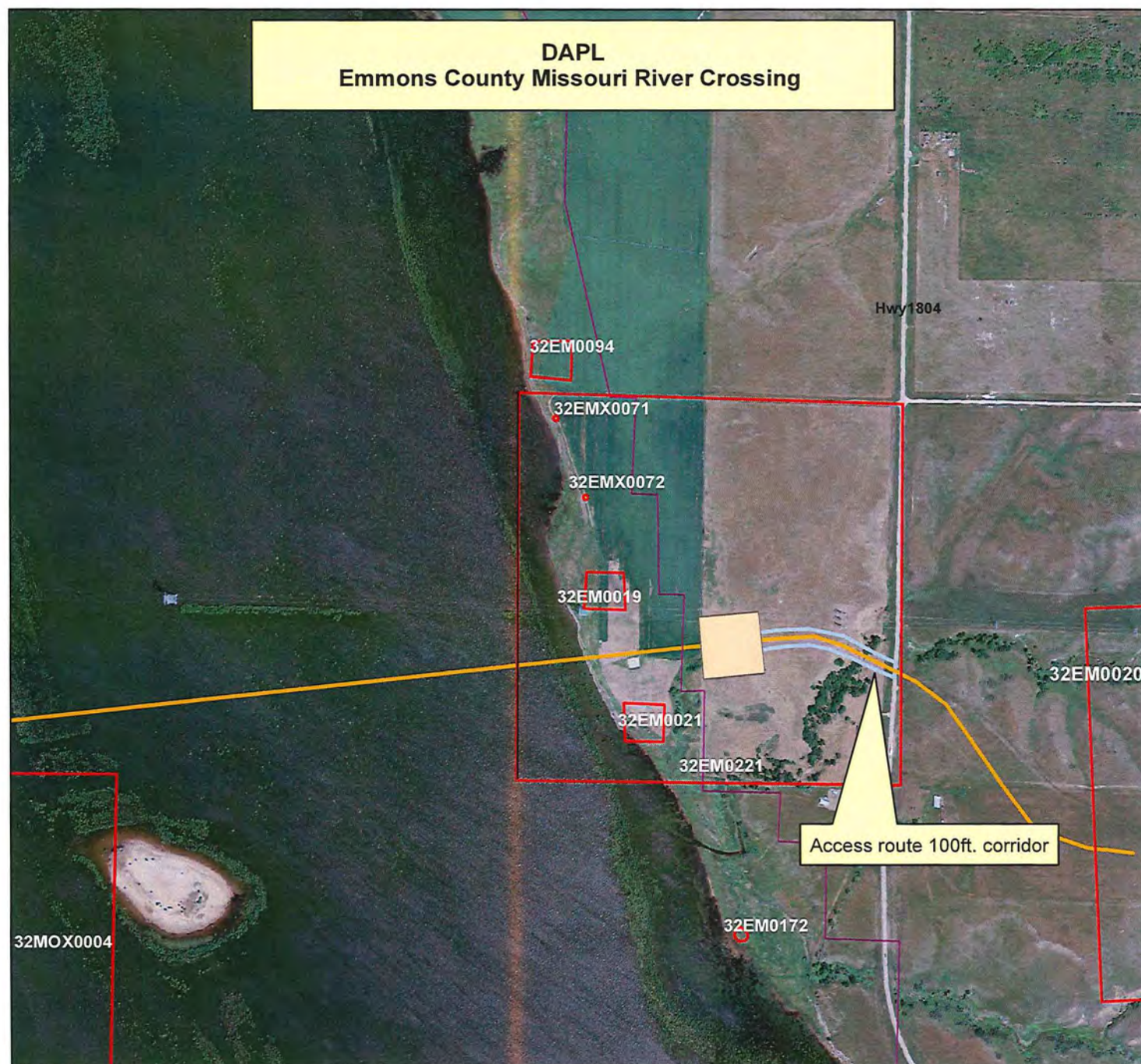
- Legend**
- USACE Fee Title Lands
 - Cultural Resources
 - west bore pit location
 - Purposed pipeline route
 - stringing/access area
 - Standing Rock Sioux Tribal Lands



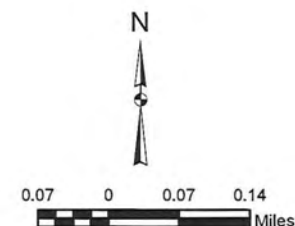
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field archaeologist CENWO-OD-0A	
Produced By: megan malar	 US Army Corps of Engineers Omaha District
Production Date: 22 Jul 15	
Revised By:	
Revision Date:	
R:\GIS\Projects\Oahe omh dakota\pelino\DAPL.mxd	

Sources: 2009 NAIP Imagery

**Figure 3****Legend**

- USACE Fee Title Lands
- Cultural Resources
- East bore pit location
- Purposed pipeline route
- East bore pit access route



Disclaimer: The United States government and USACE furnishes this data and the recipient accepts and uses it with the express understanding that the government makes no warranties, expressed, or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should not be used in place of survey data or legal land descriptions.

field archaeologist
CENWO-DD-0A

Produced By:
megan mair

Production Date:
22 Jul 15

Revised By:

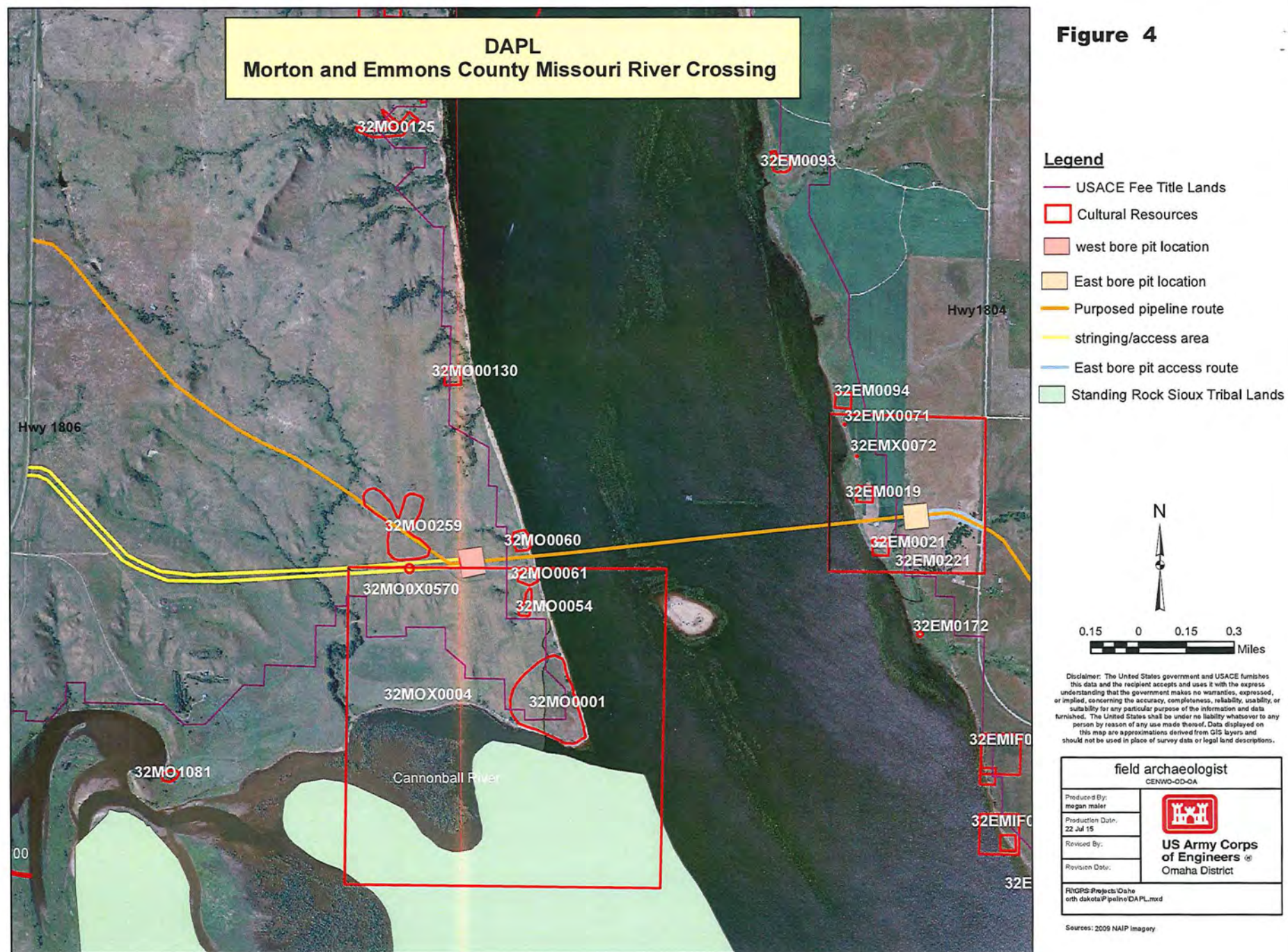
Revision Date:



**US Army Corps
of Engineers ®**
Omaha District

RHGPS-Projects/Cahe
orth dakota/Pipeline/DAPL.mxd

Sources: 2009 NAIP Imagery



PROGRAMMATIC AGREEMENT FOR THE OPERATIONS AND MANAGEMENT OF THE MISSOURI RIVER MAINSTEM SYSTEM

Excel sheet updated June 25, 2015 (Price)

Count	P	S	Last Name	Organization	Prefix	First/Middle Name	Title
1	P		Nelson	Advisory Council for Historic Preservation	Mr.	Reid	Director, Office of Federal Agency Programs
2	P		Lusher	Advisory Council for Historic Preservation	Mr.	Brian	Program Analyst
3	P		Stafne	Assiniboine and Sioux Tribes of Fort Peck	Mr.	AT "Rusty"	Chairman
4		S	Youpee	Assiniboine and Sioux Tribes of Fort Peck	Mr.	Curley	Director, Cultural Resources Department
5	P		Barnes	Blackfeet Tribe	Mr.	Harry	Chairman
6		S	Murray	Blackfeet Tribe	Mr.	John	Tribal Historic Preservation Officer
7	P		LaPointe	Bureau of Indian Affairs	Mr.	Timothy	Regional Director
8		S	Murdy	Bureau of Indian Affairs	Dr.	Carson	Regional Archaeologist
9	P		Vance	Cheyenne River Sioux Tribe	Mr.	Steven	Tribal Historic Preservation Officer
10	P		Petersen	Cheyenne River Sioux Tribe	Ms.	Donna Rae	Cultural Preservation Office
11	P		Uses the Knife	Cheyenne River Sioux Tribe	Mr.	Raymond	Tribal Council
12		S	Frazier	Cheyenne River Sioux Tribe	Mr.	Harold	Chairman
13	P		Whitford	Chippewa Cree Tribe of the Rocky Boys' Reservation	Mr.	Ted	Acting Chairman
14	P		Zephier	Crow Creek Sioux Tribe	Mr.	Darrell	Tribal Historic Preservation Officer
15		S	Sazue	Crow Creek Sioux Tribe	Ms.	Roxanne	Chairperson
16		S	Pease	Crow Creek Sioux Tribe	Mr.	Leonard	Vice Chairman
17	P		Old Coyote	Crow Nation	Mr.	Darin	Chairman
18		S	Bull Chief	Crow Nation	Mr.	Emmerson	Tribal Historic Preservation Officer
19	P		St. Claire, Jr.	Eastern Shoshone Tribe	Mr.	Darwin	Chairman
20	P		Reider	Flandreau Santee Sioux Tribe	Mr.	Anthony	President
21		S	Montoya	Flandreau Santee Sioux Tribe	Mr.	Elise	Tribal Historic Preservation Officer
22	P		Azure	Fort Belknap Indian Community Gros Ventre and Assiniboine Tribes	Mr.	Mark F.	President
23	P		Wright	Lower Brule Sioux Tribe	Mr.	Kevin	Chairman
24	P		Jones	Lower Brule Sioux Tribe	Mr.	Scott	Cultural Preservation Office
25		S	Green	Lower Brule Sioux Tribe	Ms.	Clair S.	Public Relations/Cultural Preservation Office
26	P		Crows Breast	Mandan, Hidatsa & Arikara Nation	Mr.	Elgin	Tribal Historic Preservation Officer
27		S	Fox	Mandan, Hidatsa & Arikara Nation	Mr.	Mark	Chairman
28	P		Wilmoth	Montana State Historic Preservation Office	Dr.	Stan	State Archeologist
29		S	Baumler	Montana State Historic Preservation Office	Dr.	Mark F.	State Historic Preservation Officer
30	P		Pahl	National Trust for Historic Preservation	Ms.	Barbara	Director, Mountains/Plains Office
31	P		Geib	Nebraska State Historical Society	Mr.	Phil	State Archeologist
32		S	Smith	Nebraska State Historical Society	Mr.	Michael J.	State Historic Preservation Officer
33	P		Swenson	North Dakota Historical Society	Ms.	Fern	Deputy State Historic Preservation Officer
34		S	Berg	North Dakota Historical Society	Ms.	Claudia	State Historic Preservation Officer
35	P		Goggles	Northern Arapaho Tribe	Mr.	Dean	Chairman
36		S	Soldier Wolf	Northern Arapaho Tribe	Ms.	Yufna	Tribal Historic Preservation Officer
37	P		Walks Along	Northern Cheyenne Tribe	Mr.	James	Tribal Historic Preservation Officer
38		S	Fisher	Northern Cheyenne Tribe	Mr.	Levando	President
39	P		Yellowbird Steele	Oglala Sioux Tribe	Mr.	John	President
40	P		Yellow Thunder	Oglala Sioux Tribe	Mr.	Dennis	Tribal Historic Preservation Officer
41	P		Parker	Omaha Tribe of Nebraska	Mr.	Thomas	Tribal Historic Preservation Officer
42		S	Wolfe, Jr.	Omaha Tribe of Nebraska	Mr.	Clifford	Chairman
43	P		Teboe	Ponca Tribe of Nebraska	Mr.	Randy	Tribal Historic Preservation Officer
44		S	Wright	Ponca Tribe of Nebraska	Mr.	Larry	Chairman
45	P		Kindle	Rosebud Sioux Tribe	Mr.	William	President
46		S	Eagle Bear	Rosebud Sioux Tribe	Mr.	Russell	Tribal Historic Preservation Officer
47	P		Robidoux	Sac and Fox Nation of Missouri in Kansas and Nebraska	Ms.	Bridgette	Chairperson
48	P		Massey	Sac and Fox Nation of Oklahoma	Ms.	Sandra	Historic Preservation Officer
49	P		Thomas	Santee Sioux Nation	Mr.	Rick	Tribal Historic Preservation Officer

Harnois 0030

EXHIBIT 4



T RIBAL HISTORIC PRESERVATION OFFICE
S TANDING ROCK SIOUX TRIBE
Administrative Service Center
North Standing Rock Avenue
Fort Yates, N.D. 58538
Tel: (701) 854-2120
Fax: (701) 854-2138

Rick Harnois
28563 Powerhouse Road
Pierre, South Dakota
57501

THPO 15-210

Hi Rick,

After careful consideration the SRST THPO has determined that it is in the best interest of the THPO to decline participation in the site visits and walking the project corridor APE at this time until government-to-government consultation has occurred for this project per Section 106 requirements as requested by the Standing Rock Sioux Tribe.

I have attached copies of the letters requesting the Colonel to meet with the SRST as well as the time sensitive FOIA request.

We appreciate your efforts and look forward to working with you on this project as well as other future projects. If you have any questions please don't hesitate to contact our office.

Sincerely,
STANDING ROCK SIOUX TRIBE

Kelly Morgan
Kelly Morgan
Tribal Archaeologist

**TRIBAL COUNCIL
(AT LARGE)**

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

Paul Archambault

Phyllis Young

Randal J. White Sr.

Jesse McLaughlin
Vice ChairmanAdele M. White
*Secretary*Cody TwoBears
*Cannonball District*Joe Dunn
*Long Soldier District*Duane Claymore
*Wakpala District*Frank A. White Bull
*Kenel District*Joe White Mountain Jr.
*Bear Soldier District*Milton Brown Otter
*Rock Creek District*Robert Taken Alive
*Running Antelope District*Samuel B. Harrison
Porcupine District

August 19, 2015

Colonel Joel R. Cross
Commander and District Engineer
U.S. Army Corps of Engineers
Omaha District
1616 Capitol Avenue Suite 3300
Omaha, Nebraska 68102

RE: Request for Meeting on Dakota Access Pipeline

Dear Colonel Cross:

I write to request a meeting with you on the status of the proposed Dakota Access Pipeline. The Standing Rock Sioux Tribe expects the required government-to-government consultation and environmental and cultural resource review processes to be followed with respect to Dakota Access. However, as of the present time, I have not been contacted by your office on this matter.

I would like to discuss the status of the following required regulatory actions:

- The status of the permit that will be required under section 404 of the Clean Water Act for the proposed crossing of the Missouri River.
- The status of the environmental impact statement required to be prepared by the Corps of Engineers under the National Environmental Policy Act.
- The status of the National Historic Preservation Act section 106 process for this federal undertaking.
- The consultation process that is required for the protection of Native American human remains that may be impacted by Dakota Access Pipeline under the Native American Graves Protection and Repatriation Act.
- The status of the permit that will be required to cross Lake Oahe under section 10 of the Rivers and Harbors Act.

- The implementation of Executive Order 12898 on Environmental Justice.

The Corps of Engineers has an important role to ensure that the impacts of the proposed Dakota Access Pipeline on the Standing Rock Indian Reservation are fully evaluated prior to any approvals. Toward that end, I invite you to Standing Rock to discuss this matter. Arrangements may be confirmed with my Administrative Assistant, Johnelle Leingang, at jleingang@standingrock.org or (701) 854-8524.

Thank you very much for your urgent attention to this request. I look forward to meeting with you again.

Sincerely,



Dave Archambault II, Chairman
Standing Rock Sioux Tribe

0x 25D

Dave Archambault II

Chairman

TRIBAL COUNCIL
(AT LARGE)

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

Paul Archambault

Phyllis Young

Randal J. White Sr.

Jesse McLaughlin

Vice Chairman



Adele M. White

Secretary

Cody TwoBears
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Bear Soldier DistrictMilton Brown Otter
Rock Creek DistrictRobert Taken Alive
Running Antelope DistrictSamuel B. Harrison
Porcupine District

August 19, 2015

Honorable Jo-Ellen Darcy
Assistant Secretary – Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington D.C. 20310-0108

RE: Freedom of Information Act Request

Dear Assistant Secretary Darcy:

This letter is a request for records and documents under the Freedom of Information Act. 5 U.S.C. §552. I write to request that the Department of the Army provide to the Standing Rock Sioux Tribe copies of all records and documents, including correspondence and emails, relating to:

- Permits for the proposed Dakota Access Pipeline under section 10 of the Rivers and Harbors Act, section 404 of the Clean Water Act, and any other statute or regulation of the Corps requiring a permit for the proposed crossing of the Missouri River of the Dakota Access Pipeline.
- The National Historic Preservation Act (NHPA) section 106 process for the proposed Dakota Access Pipeline, including but not limited to the applicability for the Programmatic Agreement (PA) for Missouri River operations to DAPL.
- The National Environmental Policy Act (NEPA) process for the proposed Dakota Access Pipeline.

This request includes all documents or records that may be in the possession of the Department of the Army as described above, whether on paper or in electronic form. Please advise whether any costs or charges are to be imposed in response to this request.

The Tribal contact person for this request is Doug Crow Ghost, Standing Rock Sioux Tribe Department of Water Resources, dcrowghost@standingrock.org, (701) 854-8534.

Thank you very much for your urgent attention to this matter. I look forward to a timely response as required under the Freedom of Information Act and its implementing regulations.

Sincerely,



Dave Archambault II, Chairman
Standing Rock Sioux Tribe

cc: Colonel Joel R. Cross, Omaha District Commander

EXHIBIT 5

Harnois, Richard D NWO

From: Harnois, Richard D NWO
Sent: Thursday, March 10, 2016 1:40 PM
To: Stasch, Eric D NWO; Price, Julie A NWO; Janis, Larry D NWO; Ames, Joel O NWO; Cossette, Brent NWO; Shelman, Johnathan A NWO; Harlon, William D III NWO; Grow, Catherine E NWO; Laux, Eric A NWO
Cc: Chieply, Martha S NWO; Renschler, Jason J NWO; Breckenridge, Jeff L NWO; Mcqueary, Patricia L NWO; Naylor, Steven E NWO; McCullor, Matthew; Feiock, Patrick D NWO; Cain, David I NWO; Oehlerking, M J NWO; Rogers, Richard R NWO
Subject: AAR; DAPL Oahe Crossing Field Visit with SRST, 3/7/16
Attachments: Kellys_comments_3-7westside_sitevisit.pdf

ALCON:

- Oahe Project personnel conducted an onsite meeting with Standing Rock Sioux Tribe cultural resources personnel, concerning the proposed Dakota Access Pipe Line crossing of the Missouri River, in Morton County, North Dakota on Monday, March 7th, 2016.

BLUF: As far as the project ROW on the west side is concerned, no additional information regarding potential cultural resource impacts were discovered or shared with us by Tribal personnel. We are following up closely with the SRST THPO to insure this is the case.

- Attending for the USACE were Ranger Pat Feiock, Field Archaeologist Megan Maier and Senior Field Archaeologist Richard Harnois.

- Attending for SRST were THPO John Eagle, Spiritual Advisor Curtis McKay, Archaeologist Kelly Morgan, NHPA Coordinator LaDonna Allard and Water Resources Director, Doug Crow Ghost.

- After gathering at the appointed rendezvous site (the Tribal Casino) we proceeded to the Cannonball Ranch. Along the route through the ranch we stopped and discussed the stringing area afe from various vantage points. The entire group was able to drive all the way to the location of the Northern Border Natural Gas Pipeline valve pad where we disembarked. After a cursory review of project maps and location details, Mr. Eagle took the time to express the tribes pleasure that this opportunity was provided for them to teach us a little about their culture, instead of the other way around, like it usually is. He also reiterated concerns over impacts to the large number of eagles that nest and breed in the Cannonball river bottom (more than a few eagles were present that morning). Mr. McKay then conducted a smudge ceremony for us.

- The group then proceeded on foot and by UTV (kindly provided by the SRST Preservation Office and operated by Mr. McKay) to inspect previously recorded cultural site locations in/near the project APE. Some concerns over the proximity of the proposed pipe line to that of the existing gas pipe line were expressed and some confusion of whether or not the lines would cross were discussed. Ms. Allard shared a great deal of her knowledge of the local history of the area and also guided us to the old Galpin Cemetery which was relocated by USACE in the early 1960's. It should be noted that Ms. Allard came out to help us despite a funeral taking place for her Aunt Josephine and family arriving from far away for the occasion. Her assistance and knowledge of local history was very helpful and enjoyable.

- In addition to the Galpin Cemetery, site locations for the following were inspected: 32MO0060, 32MO0061, 32MO0054, 32MO1081 and 32MO0001, the Cannonball Village site. During the inspection of site 32 MO0001, we also attempted to verify local reports of an exposed burial in the cutbank of the site. Although no remains were found, Ms. Allard committed to following up with her source for more information and later action. Pool levels being somewhat low for this time of year, we were able to see remnants of the old railroad bed for the "Galloping Goose" which crossed the Cannonball River at that location and also found artifacts associated with the same feature.

General takeaways:

- It was my sense that our visit was very helpful in clarifying what is and is not in the ROW for this project. Questions remain to be resolved for SRST, but the questions we have now are quite a bit more focused than many we have received to this point.
- Unrelated to the project at hand, but important never-the-less, our visit of the area made clear a need to spend additional time with the SRST Preservation office in efforts to more fully document what appears to be a very rich local history.

- Due Outs:

USACE:

1. Review and provide additional information on the Northern Border easement and the level of disturbance that took place in relation to recorded site 32MO0061.
2. Investigate the possibility of staking impact areas (bore pits, etc.) to help visualize proximity of project activities to areas of concern (discussed with Steve Rowe via phone, 3/9/16; awaiting further info after discussed with landowner).
3. Clarify position of existing gas line with new line; do they cross? (concern passed on to Steve Rowe via phone, 3/9/16; awaiting clarification)
4. Provide site forms for the 3 sites located within the APE on USACE lands. (emailed to Kelly 3/8/16)
5. Provide digital copies 1938 and 1945 orthographic imagery of area.
6. Complete and provide map of data collected (via GPS) during site visit. (emailed to Kelly 3/9/16)
8. Provide shapefiles of sites 32MO0061, 32MO0060, 32MO0054, and Galpin Cemetery to SRST THPO. (emailed to Kelly 3/10/16)
9. Record Galpin Cemetery; produce and submit ND SHPO site form and obtain Smithsonian Trinomial Identifier from NDSHPO.
10. Provide copies of photos taken during visit. (emailed to Kelly 3/8/16)
11. Contact THPO and set time/date for site visit to east side of project. (in process - anticipate next week for visit)

SRST:

1. Provide list of concerns based on site visit. (provided by Kelly via email 3/9/16; see attached file)
2. Provide map of sensitive/important areas/sites in the vicinity of the project. NOTE: This information was given with the express direction that it not be circulated outside of USACE cultural personnel. This information is mainly for our records and future use. It may, or may not affect or apply to the current project. If it does, SRST will have to indicate that to us.(provided by Kelly via email 3/9/16)
3. Follow up on information regarding possible exposure of human remains in the vicinity of 32MO0001.

Please contact me with any comments or questions.

Richard D. Harnois
Senior Field Archaeologist
US Army Corps of Engineers
Oahe Project

Office: 605-945-3406
Cell: 605-222-2216