

Appendix S

Programmatic Agreement

Appendix S Part I

Keystone XL Draft Programmatic Agreement

Draft Programmatic Agreement

Among

The U.S. Department of State,
U.S. Bureau of Land Management,
U.S. Army Corps of Engineers,
U. S. Bureau of Reclamation,
National Park Service,
Western Area Power Administration,
U.S. Department of Agriculture Rural Utilities Service,
U.S. Department of Agriculture Natural Resources Conservation Service,
U.S. Department of Agriculture Farm Services Agency
U.S. Bureau of Indian Affairs
Montana Department of Natural Resources and Conservation,
Montana Department of Environmental Quality,
Advisory Council on Historic Preservation,
Montana State Historic Preservation Officer,
Kansas State Historic Preservation Officer,
Texas State Historic Preservation Officer,
Nebraska State Historic Preservation Officer,
Oklahoma State Historic Preservation Officer,
South Dakota State Historic Preservation Officer, and
Lower Brule Sioux Tribe
Basin Electric Power Cooperative
Regarding the Keystone XL Pipeline Project

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

WHEREAS, on September 19, 2008, the DOS received an application for a Presidential Permit from TransCanada Keystone Pipeline, LP (Keystone) for the Keystone XL Pipeline Project (Keystone XL Project or the Project); and

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

WHEREAS, the Project undertaking consists of construction of approximately 1,375 miles of new crude oil pipeline in the United States and utilizes 298 miles of the previously approved Keystone Cushing Extension, associated aboveground facilities (such as pump stations and transmission facilities and substations), and ancillary facilities (such as lateral pipeline, temporary workplace areas and pipe storage, access roads, and contractor yards); and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and

WHEREAS, the proposed Keystone XL Project pipeline alignment crosses seven National Historic Trails: the Lewis and Clark National Historic Trail (LCNHT); Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails; the Santa Fe National Historic Trail; and El Camino Real de los Tejas National Historic Trail (ELTE). Each of these trails was designated by the U.S. Congress and have as their purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment;” (National Trails System Act, P.L. 90-543, as amended); and

WHEREAS, on (TBD), the Advisory Council on Historic Preservation (ACHP) entered consultation finding that criteria 3 and 4 of Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of the regulations (36 CFR Part 800) implementing Section 106 of NHPA, had the potential to be met; and

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the approval for the Keystone XL Project to cross USACE administered lands (30 U.S.C. § 185) and to place structures in, under or over navigable waters of the United States, as defined under 33 CFR 329, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and a permit for the placement of dredge or fill material in waters of the United States as part of the Keystone XL Project in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 344; see 33 CFR 323), are federal actions related to the undertaking that require the USACE to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined the approval of the Keystone XL Project to cross Federal lands administered by the BLM would require authorization under Section 28 of the Mineral Leasing Act of 1920, as amended [(MLA) 30 USC 185]; and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined that Keystone will require access roads crossing public lands administered by BLM in support of the Keystone XL Pipeline Project and that the access roads will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701] and

WHEREAS, the U.S. Bureau of Land Management (BLM) has determined that the Keystone XL Project will require electrical power from rural electrical cooperatives and that portions of the transmission lines will cross public lands administered by the BLM and that the transmission lines crossing public lands will require authorization under Title V of the Federal Land Policy and Management Act, as amended [(FLMPA) 43 USC 1701] and

WHEREAS, the U.S. Bureau of Reclamation (RECLAMATION) manages lands and facilities that will be crossed by the Keystone XL Project and this is a federal action related to the undertaking that requires RECLAMATION to comply with Section 106 of the NHPA and 36 CFR Part 800; and

WHEREAS, the Natural Resource Conservation Service (NRCS) has determined that it retains rights to a (TBD) acre parcel subject to the Wetlands Reserve Program (WRP) (16 U.S.C. 3837 et. seq.) easements in (TBD) and that the installation and maintenance of the Project pipeline on this WRP easement is a federal action associated with the undertaking that requires compliance with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Farm Service Agency (FSA), manages private lands with federal easements along the Project APE as part of its Grasslands Reserve Program (jointly administered with the NRCS) as well as the Conservation Resource Program, and the Farmable Wetlands Program; and

WHEREAS, the FSA approval of the Project crossings in these areas constitutes an undertaking as per 36 CFR 800.16(y); and

WHEREAS, the Rural Utilities Service (RUS) has determined that the financial assistance it may provide to rural electric cooperatives and other entities for construction or modification of electrical transmission facilities (including transmission lines and substations) to power some Keystone XL Project pump stations, under USDA Rural Development's Utilities Programs, are Federal actions related to the undertaking that require RUS to comply with Section 106 of NHPA and 36 CFR Part 800; and

WHEREAS, the Bureau of Indian Affairs (BIA) has responsibility for approving any right-of-ways crossing Indian Trust lands and this is a federal action related to the undertaking that requires the BIA to comply with Section 106 of the NHPA and 36 CFR 800; and

WHEREAS, the Western Area Power Administration (WESTERN) has determined that the modification and construction of substations and transmission lines that WESTERN will own and that will provide power to the Keystone XL project, will require review under Section 106 of NHPA and 36 CFR Part 800, and has also determined that in order to maintain overall regional electrical power distribution system reliability as power is supplied to proposed Project pump stations in South Dakota over time, a new 230kV transmission line originating at the southern end of the Big Bend Dam on the Missouri River is required. This will include a new substation within the Lower Brule Sioux Reservation (Lower Brule Substation) and an interconnection to the existing Witten substation in Tripp County South Dakota and it is further determined that Western would design and construct that part of the proposed transmission line extending from the Big Bend Dam to the new Lower Brule Substation and would also design and construct the new Lower Brule Substation, and that the construction and operation of these components of the 230kV transmission line and its ancillary facilities represent connected actions under NEPA to the Project and therefore require review under Section 10d of the NHPA and 26 CFR Part 800; and

WHEREAS, Basin Electric Power Cooperative (BEPC) has participated in consultation and has been invited by DOS under 36 CFR 800. BEPC wishes to design and construct that part of the proposed 230kV transmission line that would extend from the new Lower Brule Substation to the existing Witten Substation in Tripp County, South Dakota, and also would take ownership and operational responsibility from Western for the new Lower Brule Substation, and that the

construction and operation of these components of the 230kV transmission line and its ancillary facilities represent connected actions under NEPA to the Project and therefore require review under Section 10d of the NHPA and 36 CFR Part 800; and

WHEREAS, the proposed 230kV electrical transmission line crosses the Reservation of the Lower Brule Sioux Tribe (LBST), a federally recognized Indian tribe that exercises its inherent governmental authority within the exterior boundaries of the Reservation; and

WHEREAS, the LBST have appointed the Director of Cultural Resources Office (LBST DCRO) as a designated representative to consult with the DOS regarding the Project and the potential for impacts to historic properties within the exterior boundaries of the LBST Reservation consistent with 36 CFR 800.2(c)(2)(i)(B); and

WHEREAS, the National Park Service (NPS) has been invited to consult with the DOS concerning the Project due to the potential for adverse effects to several National Historic Trails including the LCNHT and ELTE; and

WHEREAS, the Montana Department of Natural Resources and Conservation has participated in consultation and has been invited by DOS under 36 CFR 800.6(c) (2) to sign this PA as an invited signatory; and

WHEREAS, the Montana Department of Environmental Quality has participated in consultation and has been invited by DOS under 36 CFR 800.6(c) (2) to sign this PA as an invited signatory; and

WHEREAS, the USACE, BLM, RUS, BIA, NRCS, WESTERN, RECLAMATION, and FSA have designated the DOS as the lead federal agency for purposes of Section 106 of the NHPA in accordance with 36 CFR § 800.2(a)(2); and

WHEREAS, the Keystone XL Project area of potential effect (APE) includes: (1) in Montana – a 300 foot wide corridor, 150 feet on each side from the centerline; (2) in South Dakota – a 300 foot wide corridor, 150 feet on each side from the centerline; (3) in Nebraska – a 300 foot wide corridor, 150 feet from each side from the centerline; (4) in Kansas – all areas of disturbance related to the construction of two pump stations; (5) in Oklahoma – a 300 foot wide corridor, from centerline of outermost existing pipeline; and (6) in Texas - a 300 foot wide corridor, with 200 feet from the existing infrastructure feature centerline on the side where the proposed pipeline is to be collocated and 100 feet from the existing feature centerline on the opposite side, or, if the route is not collocated with existing infrastructure, then the survey area will be centered on the proposed pipeline (150 feet on each side). For transmission lines and access roads in each state, a 100 foot wide corridor centered on the Project centerline will be used. For pumping stations and other areas that are to be disturbed by construction related activities and ancillary facilities (including construction camps and pump stations), the APE will include all areas of disturbance and areas to be indirectly affected; and

WHEREAS, the DOS has determined that the construction of the Keystone XL Project may have an adverse effect on properties listed in or eligible for listing in the National Register of

Historic Places (NRHP), and has consulted with the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas State Historic Preservation Officers (SHPOs), Indian Tribes, and the ACHP, pursuant to 36 CFR Part 800; and

WHEREAS, the BLM will incorporate this Programmatic Agreement (PA) into its decisional process on any authorization under the MLA or FLPMA it may issue for the Keystone XL Project, and will include in any authorization it issues on the Keystone XL Project, a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, in accordance with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), the DOS has elected to phase identification and evaluation of historic properties, and application of the criteria of adverse effect, respectively, because access to those areas identified in Attachment A has been restricted by property owners' refusal to grant Keystone permission to enter their private property; and

WHEREAS, pursuant to 36 CFR § 800.14(b), the DOS has elected to execute this PA for the Keystone XL Project because effects on historic properties cannot be fully determined prior to the issuance of a permit for the undertaking; and

WHEREAS, the DOS will incorporate this PA into its decisional process on any Presidential Permit that it may issue for the Keystone XL Project and will include in any permit it issues on the Keystone XL Project a condition that Keystone will abide by its commitments in this PA; and

WHEREAS, Keystone, which will construct the Keystone XL Project pipeline, has participated in consultation, has been invited by DOS under 36 C.F.R. §§ 800.2(c)(4) and 800.6(c)(2) to sign this agreement as an invited signatory and intends to sign this agreement as an invited signatory; and

WHEREAS, for the purposes of this agreement, "Indian tribes and Nations" shall have the same definition as "Indian tribes" which appears in Section 301(4) of the NHPA; and

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

WHEREAS, the Absentee-Shawnee Tribe of Indians of Oklahoma; the Alabama-Coushatta Tribe of Texas, Blackfeet Tribe, Caddo Nation of Oklahoma, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Crow Tribe of Indians, Delaware Nation, Fort Peck Tribes, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Ho-Chunk Nation of Wisconsin, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation, Kialegee Tribal Town of the Creek Nation in Oklahoma, Kickapoo Tribe of Kansas, Kiowa Indian Tribe of Oklahoma, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Muscogee (Creek) Nation, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux Tribe, Osage Nation of Oklahoma, Pawnee Nation of Oklahoma, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Santee Sioux Tribe of Nebraska, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes, Tonkawa Tribe, Turtle Mountain Band of

Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, and Yankton Sioux have participated in consultation and have been invited to concur in this PA, in accord with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3);

NOW, THEREFORE, the DOS, USACE, BLM, RUS, BIA, FSA, NRCS, WESTERN, RECLAMATION, NPS, ACHP, BEPC, and the Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas SHPOs agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on historic properties and to satisfy all responsibilities under Section 106 of the NHPA.

STIPULATIONS

The DOS, BLM, RUS, BIA, FSA, NRCS, WESTERN, USACE, RECLAMATION, NPS, and BEPC as appropriate, will ensure that the following stipulations are carried out.

I. STANDARDS

- A. Identification and evaluation studies and treatment measures required under the terms of this PA will be carried out by or under the direct on-site supervision of a professional(s) who meets, at a minimum, the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983).
- B. In developing scopes of work for identification and evaluation studies, and treatment measures required under the terms of this PA, Keystone and RUS applicants will take into account the following regulations and guidelines:
 - 1. the ACHP's guidance on conducting archaeology under Section 106 (2007);
 - 2. the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007);
 - 3. applicable SHPO guidance;
 - 4. the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983);
 - 5. the "*Treatment of Archaeological Properties*" (ACHP 1983);
 - 6. the *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects*" (Federal Energy Regulatory Commission, Office of Energy Projects, December 2002);
 - 7. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403);
 - 8. Section 404 of the Clean Water Act (33 U.S.C. § 344);
 - 9. BLM 8110 Manual: Identifying and Evaluating Cultural Resources;
 - 10. Montana/Dakotas Cultural Resources Handbook 8110-1: Guidelines for Identifying Cultural Resources;
 - 11. The National Trails System Act (P.L. 90-543, as amended);
 - 12. Section 28 of the Mineral Leasing Act of 1920 (30 USC 185);
 - 13. Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701); and
 - 14. applicable LBST guidance or tribal code.

II. CONFIDENTIALITY

DOS, BLM, RUS, WESTERN, RECLAMATION, NPS and USACE will safeguard information about historic properties of religious and cultural significance to Indian tribes, including location information, or information provided by Indian tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA [16 U.S.C. 470w3] and other applicable laws.

III. THE RESPONSIBILITIES OF FEDERAL LAND MANAGEMENT AGENCIES

- A. The USACE will ensure that the requirements of this PA have been met for that part of the APE under its jurisdiction, pursuant to Section 10 and Section 404 permitting authority.
- B. The USACE will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- C. The BLM will ensure that the requirements of this PA have been met for that part of the APE under its jurisdiction, pursuant to the MLA authorization(s).
- D. The BLM will ensure that the requirements of this PA have been met for that part of the APE under its jurisdiction, pursuant to the FLPMA authorization(s).
- E. The BLM will comply with Section 106 and its implementing regulations (36 CFR Part 800) for the issuance of permits for those actions under its jurisdiction.
- F. RECLAMATION will review and comment on the evaluation and treatment of any historic properties managed by RECLAMATION.

IV. KEYSTONE XL PROJECT – CONSTRUCTION OR MODIFICATION OF ELECTRICAL TRANSMISSION FACILITIES

- A. Prior to granting approval of financial assistance to construct or modify electrical transmission facilities by rural electric cooperatives or other entities, RUS will complete the requirements of 36 CFR §§ 800.3 through 800.7.
- B. In implementing Stipulation IV.A, RUS may authorize an applicant to initiate Section 106 consultation in accordance with 36 CFR § 800.2(c) (4). In doing so, RUS may not delegate its responsibility to conduct government-to-government consultation with Indian tribes to an applicant. An applicant may consult with an Indian tribe only if RUS and that tribe agree, in writing, to conduct consultation in that manner.
- C. Prior to construction of the 230kV transmission line WESTERN will own, WESTERN will complete the requirements of 36 CFR 800.3 through 800.7. In implementing Stipulation IV.C., WESTERN will serve as a signatory consulting party under the DOS Programmatic Agreement.

- D. RUS will ensure that the terms of Stipulation VI.B and Attachment D are incorporated into construction contracts to ensure that its applicants and construction contractors meet their responsibility for notification of any unanticipated discoveries.

V. KEYSTONE XL PROJECT – PIPELINE CONSTRUCTION

- A. The DOS has provided and will continue to offer consulting parties with an opportunity to provide their views on the identification and evaluation of historic properties (as defined in 36 CFR 800.16(l), including historic properties of religious and cultural significance to Indian tribes, and the treatment of affected historic properties, in connection with the construction of the Keystone XL Project as described in Stipulation V.C of this PA.
- B. DOS remains responsible for conducting government-to-government consultation with Indian tribes, unless the Indian tribe agrees, in writing, to consult directly with Keystone.
- C. Identification and Evaluation of Historic Properties

- 1. In consultation with the LBST DCRO, SHPOs and consulting parties, the DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties within the APE for each construction spread prior to the initiation of construction of that spread, in accordance with 36 CFR § 800.4(a), (b) and (c). On federal lands, the scope of the identification effort will be determined by the appropriate federal land managing agency in consultation with the DOS, applicable SHPO, and consulting parties.
- 2. For the APE in Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas, DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, in accordance with 36 CFR § 800.4(a), (b) and (c), before Keystone initiates construction activities (including vegetative clearing to comply with the Migratory Bird Treaty Act if clearing is undertaken).
 - a. In the identification and evaluation of historic properties to which Indian tribes attach religious and cultural significance, the DOS will take into consideration information submitted by Indian tribes to DOS by (TBD).
 - b. In the event identification of historic properties cannot be completed for any construction spreads prior to construction, Keystone will develop and submit a Coordination Plan to DOS for review and approval pursuant to Stipulation V.E that describes the measures it will implement to complete the identification and evaluation of historic properties before such properties are adversely affected by vegetation clearing and construction activities related to that spread.

D. Treatment of Historic Properties

- 1. Whenever feasible, avoidance of adverse effects to historic properties will be the preferred treatment. In consultation with the DOS, LBST DCRO, ACHP, SHPOs,

THPOs, and consulting parties, Keystone may elect to consider and implement avoidance measures prior to completing the evaluation of historic properties.

2. When historic properties are identified in the APE pursuant to Stipulation IV.C, DOS will apply the criteria of adverse effect in accordance with 36 CFR § 800.5(a) in consultation with the LBST DCRO, ACHP, SHPO and other consulting parties. If DOS finds that historic properties might be adversely affected by actions covered under this PA and within the APE, DOS will consult with the LBST DCRO, ACHP, SHPO and other consulting parties to determine prudent and feasible ways to avoid adverse effects.
 - a. Once DOS approves avoidance measures, Keystone will implement those measures.
 - b. Keystone will notify DOS if Keystone finds that the implementation of such measures is not prudent and feasible. If DOS agrees the measures are not prudent and feasible, DOS will consider proposed alternatives to the avoidance measures in accordance with the terms of Stipulation V.C through H.
3. If DOS determines that the adverse effect cannot be avoided, DOS will consult with the LBST DCRO, ACHP, SHPO and other consulting parties to determine those measures to be implemented by Keystone to minimize and mitigate adverse effects on affected historic properties identified in the APE.
4. If, after consultation, DOS determines that the adverse effect cannot be avoided, Keystone will draft a comprehensive Treatment Plan that describes the measures identified by DOS under Stipulation V.D.3 to minimize and mitigate the adverse effect of pipeline construction activities on historic properties, the manner in which these measures will be carried out and a schedule for their implementation.
 - a. When mitigation consists of or includes data recovery, the Treatment Plan also will identify the specific research questions to be addressed by data recovery with an explanation of their relevance, the archaeological methods to be used, and provisions for public interpretation and education, subject to Stipulation II restrictions, if any.
 - b. Keystone will submit the draft Treatment Plan to the DOS, BLM, ACHP, LBST DCRO, SHPOs, MT DEQ (if applicable), MT DNRC (if applicable), and other consulting parties for a thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by consulting parties in preparation of the Final Treatment Plan.
 - c. When it has addressed all of the timely comments and recommendations, Keystone will submit the Final Treatment Plan to DOS for review and approval. Keystone will also submit the Final Treatment Plan to BLM for review and approval when involving lands subject to Stipulation III.C through E. DOS and

BLM will approve the Treatment Plan within 30 calendar days. Once the Final Treatment Plan is approved by DOS (and the BLM if involving BLM-managed lands), copies of the Plan will be distributed to all consulting parties.

5. Keystone will make a reasonable and good faith effort to complete implementation of the Final Treatment Plan approved by DOS prior to beginning construction of any spread for which the Treatment Plan is required. If it is not possible to meet this schedule, Keystone will develop a Coordination Plan in accordance with Stipulation V.E that establishes how appropriate treatment will be determined and implemented during construction of the respective spread.

E. Coordination of Construction and Historic Preservation Activities

1. The DOS will make a reasonable and good faith effort to complete the identification and evaluation of historic properties, and the mitigation of adverse effects to them in accordance with Stipulations V.C. and V.D prior to the initiation of vegetative clearing if vegetative clearing is to be undertaken and construction on the Keystone XL spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads.
2. If these DOS activities cannot be completed prior to the start of vegetative clearing and construction of these spreads, Keystone shall develop and provide to DOS a detailed plan describing how the requirements of Stipulations V.C and D – identification, evaluation and treatment of historic properties - will be completed in coordination with vegetative clearing and construction activities in such a way that historic properties will not be adversely affected prior to the implementation of any mitigation measures.
 - a. The Coordination Plan will include those measures developed by Keystone pursuant to Stipulations V.C and D to complete the identification and evaluation of historic properties, and, as appropriate, mitigation of adverse effects to them during and coordinated with vegetation clearing and construction activities. In addition, the plan will include a schedule for all proposed activities and recommended measures for the protection of unanticipated discoveries in accordance with Attachments C and D, as appropriate.
 - b. Keystone will submit the draft Coordination Plan for such spreads, including the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads, to the DOS, ACHP, LBST DCRO, SHPOs, THPOs, and consulting parties for thirty (30) calendar day review. Keystone shall address timely comments and recommendations submitted by consulting parties in preparation of the Final Coordination Plan. When it has addressed all of the comments and recommendations, Keystone will submit the Final Coordination Plan to DOS for review and approval. DOS shall approve the Coordination Plan within 30 calendar days. Following approval by DOS, the Final Coordination Plan will be distributed to all of the consulting parties.

3. Keystone will complete implementation of the Final Coordination Plan approved by DOS during construction of the Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas spreads.

F. Construction Monitoring

1. In consultation with the LBST DCRO, SHPOs and Indian tribes, Keystone will monitor construction in selected areas of the APE of each spread as a supplement to identification efforts. Any historic properties identified by Keystone will be treated in accordance with Stipulation VI.A and C.
2. Construction monitoring will be performed by a professional who either meets the qualification standards for archaeology established in Stipulation I.A or is under the on-site supervision of a such a professional. For tribal monitoring, other types of experience with construction monitoring and/or traditional cultural knowledge may be substituted for degrees required by the Standards at the discretion of the DOS. When the monitoring occurs on BLM managed lands, all monitors must have a valid Archaeological Resources Protection Act (ARPA) permit or be included on a BLM-approved ARPA permit.
3. Keystone shall consider information provided by Indian tribes in a timely manner when completing the identification of historic properties before construction begins under Stipulation V.C and in preparing a construction monitoring plan provided for under Stipulation V.F.4. Keystone shall provide Indian tribes a reasonable opportunity to participate as monitors during project construction.
4. Keystone has submitted a plan for construction monitoring for each spread to the DOS, ACHP, LBST DCRO, SHPO, THPOs, and consulting parties for review and comment prior to the signing of this Agreement. The monitoring plan is attached to this agreement in Attachment E.
5. Keystone will implement the Final Monitoring Plan for each spread that has been approved by DOS.

G. Construction

1. Environmental Inspector (EI): Prior to initiating vegetative clearing or construction, Keystone will employ an EI whose responsibilities will include ensuring compliance with the terms of this PA. In meeting this responsibility, the EI will rely on the technical expertise of on-site professionals who meet the standards established in Stipulation I.A.
 - a. The EI will monitor construction activities on-site and prepare a daily log reporting to Keystone on activities performed to implement the terms of this PA, as appropriate. Keystone will make the daily log available to the DOS and other consulting parties upon request.

- b. Keystone will ensure through the construction contract that the EI will possess the authority to stop construction in the event of an inadvertent discovery in accordance with Stipulation VI.A and Attachment C.
2. Training: Keystone will ensure that if the EI does not meet the professional qualification standards established in Stipulation I.A, the EI receives appropriate training in historic preservation from a professional who meets the standards established in Stipulation I.A in order to perform the requirements of this PA. Keystone also will provide an appropriate level of training in historic preservation conducted by a professional who meets the standards established in Stipulation I.A to all construction personnel (including new, added, replaced workers) so that PA requirements are understood and unanticipated discoveries quickly identified. Keystone will conduct this training prior to initiating vegetative clearing or construction activities on a spread, and conduct periodic refresher training during construction of the spread.
3. The DOS will make reasonable and good faith effort to ensure Indian tribes are afforded a reasonable opportunity to provide information in a timely manner about historic properties of religious and cultural significance to them during pipeline construction.
4. Construction Contract: Keystone will incorporate the terms of Stipulation VI.A and Attachment C into construction contracts to ensure that its EI and construction contractors meet their responsibility for notification of the unanticipated discoveries.

H. Scheduling

The DOS may authorize the start of vegetative clearing and construction for an individual spread when the plans prepared in accordance with Stipulations V.D.4, V.E and V.F as appropriate for that spread, have been submitted by Keystone and approved by DOS in accordance with the terms of this PA.

I. Distribution of GIS data

Before concluding pipeline construction, Keystone will distribute to the LBST DCRO, SHPOs, the BLM (when applicable), and other consulting parties descriptive information about identified archaeological sites and architectural resources, with respect to lands under their respective jurisdictions, in GIS format. The distribution of this information shall be subject to Stipulation II of this agreement.

VI. UNANTICIPATED DISCOVERIES DURING CONSTRUCTION OF THE KEYSTONE XL PROJECT

A. Pipeline Construction

1. “Applicable federal agency” is the federal agency with jurisdiction for the land on which construction is occurring or, in the absence of such an agency, DOS, as appropriate.
2. If previously unidentified historic properties are discovered unexpectedly as pipeline construction activities are carried out within the 110-foot-wide construction corridor, the construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify Keystone’s EI of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the EI shall:
 - a. inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - b. clearly mark the area of the discovery;
 - c. implement additional measures other than those mentioned above, as appropriate, to protect the discovery from looting and vandalism; and
 - d. notify the applicable federal agency, the LBST DCRO, SHPO, the ACHP and other consulting parties, including Indian tribes, of the discovery.
3. The applicable federal agency will have seven (7) calendar days following notification provided in accordance with Stipulation VI.A.2 to determine the National Register eligibility of the discovery after considering the timely filed views of the LBST DCRO, SHPO, Keystone and other consulting parties. The applicable federal agency may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible or assumed to be eligible pursuant to Stipulation VI.A.3, the applicable federal agency will notify the LBST DCRO, SHPO, ACHP, THPO, and other consulting parties of those actions that it proposes to resolve adverse effects which may include a Treatment Plan as outlined in Stipulation V.D.
 - a. Consulting parties will have forty-eight (48) hours to provide their views on the proposed actions.
 - b. The applicable federal agency will ensure that the timely filed recommendations of consulting parties are taken into account prior to granting approval of the measures that Keystone will implement to resolve adverse effects.
 - c. Keystone will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: The applicable federal agency will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding resolution of adverse effects. The applicable federal agency will use the contact information provided in Attachment C or D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide the applicable federal agency with recommendations on resolving the dispute.

The applicable federal agency will take into account any timely filed recommendations provided by the ACHP in making a final decision about how to proceed.

B. Construction or Modification of Electrical Transmission Facilities

1. If previously unidentified historic properties are discovered unexpectedly during construction or modification of transmission facilities funded by RUS, the RUS applicant's construction contractor will immediately halt all construction activity within a one-hundred and fifty (150) foot radius of the discovery, notify the RUS applicant of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the RUS applicant shall:
 - a. notify the RUS FPO;
 - b. inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - c. clearly mark the area of the discovery; and
 - d. implement additional measures, as appropriate, to protect the discovery from looting and vandalism.
2. Upon receipt of such notification RUS will immediately notify the LBST DCRO, SHPO and other consulting parties, including Indian tribes of the discovery.
3. RUS will have seven (7) calendar days following notification provided in accordance with Stipulation VI.B.1 to determine the National Register eligibility of the discovery in consultation with the LBST DCRO, SHPO, the applicant and other consulting parties. RUS may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR § 800.13(c).
4. For properties determined eligible or assumed to be eligible pursuant to Stipulation VI.B.3, RUS will notify the LBST DCRO, SHPO and other consulting parties of those actions that it proposes to resolve adverse effects. Consulting parties will provide their views on the proposed actions within forty-eight (48) hours. RUS will ensure that the timely filed recommendations of the LBST DCRO, SHPO and other consulting parties are taken into account prior to granting approval of those actions that the applicant will implement to resolve adverse effects. Once RUS approval has been granted, its applicant will carry out the approved measures prior to resuming construction activities in the location of the discovery.
5. Dispute Resolution: RUS will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding the resolution of adverse effects. The applicable federal agency will use the contact information provided in Attachment D in order to notify the ACHP. Within seven (7) calendar days of receipt of such a written request, the ACHP will provide RUS with its recommendations for resolving the dispute. RUS will take into account any

recommendations provided by the ACHP in making a final decision about how to proceed.

6. Reporting: No later than six (6) months following the resumption of construction within the location of the discovery, RUS will submit a final report to the LBST DCRO, SHPO and other consulting parties describing implementation of the actions taken in accordance with Stipulation VI.B and, as appropriate, the analysis and interpretation of recovered information.

C. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects

1. When Native American human remains or funerary objects or objects of cultural patrimony are unexpectedly discovered during construction of the Keystone XL Project on federal or tribal lands within the APE, Keystone or a RUS applicant, as appropriate, will notify immediately the federal agency responsible for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001 et. seq.] and its implementing regulations, 43 C.F.R. Part 10.
2. Non-Native American human burials and remains, and funerary objects discovered on federal lands within the APE will be treated by the federal agency having jurisdiction of the remains in accordance with applicable federal law, taking into account the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).
3. DOS and RUS will treat human burials and remains discovered on non-federal land in accordance with the provisions of Attachments C and any applicable laws. In those instances where the USACE has jurisdiction under Section 10 or 404 permitting authority for non-federal lands in the APE, the applicable Federal agencies will ensure that Keystone complies with the provisions of Attachment C acting in the place of the DOS. In determining appropriate actions to be carried out, DOS, RUS, and/or other Federal Agencies will be guided by the ACHP's *Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007).

VII. CURATION

- A. Federal agencies will curate any artifacts, materials or records resulting from archaeological identification and mitigation conducted on federal lands under their jurisdiction in accordance with 36 CFR Part 79, “*Curation of Federally-Owned and Administered Archaeological Collections.*” Federal agencies with jurisdiction over the federal lands will consult with Indian tribes as required in 36 CFR 79.
- B. Keystone and RUS applicants will return all artifacts recovered from private lands to the respective landowner after analysis is complete, unless applicable state law requires otherwise. Keystone and RUS applicants will encourage and assist landowners in donating any returned artifacts to a local curation facility identified by the respective SHPO and/or LBST DCRO. Keystone and RUS applicants shall pay all required curation fees associated with the donation of artifacts to the local curation facility.
- C. On federally controlled or owned properties, Federal agencies will determine the disposition of human burials, human remains and funerary objects in accordance with applicable federal and state law.

VIII. REPORTING

- A. Within three months of completion of pipeline construction of a spread, Keystone will submit a comprehensive draft report to DOS describing the results and findings of the implementation of the actions and plans specified in Stipulations V.C through G, VI.A, including Attachment C.
- B. Keystone will submit a draft comprehensive report for each spread to the DOS, LBST DCRO, SHPO(s) and consulting parties for thirty (30) day review and comment. Keystone shall address timely comments and recommendations submitted by consulting parties in preparation of the Final Comprehensive Report for that spread. Keystone will submit the final report to DOS for review and approval. The final comprehensive report will be provided by DOS to the consulting parties once approved.

IX. MONITORING IMPLEMENTATION OF THE PA

Each quarter following the execution of this PA until it expires or is terminated, the DOS with the assistance of the USACE, BLM, RUS, FSA, NRCS, BIA, and RECLAMATION as necessary will provide the consulting parties to this PA a progress report summarizing the work carried out pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this PA. DOS will maintain and update a list of the current contact for the consulting parties and will be distributed in each quarterly report.

X. DISPUTE RESOLUTION

- A. “Appropriate federal agency” refers to the DOS, BLM, RUS, RECLAMATION, and USACE, or other federal land managing and/or permitting agency as applicable.
- B. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the appropriate federal agency will consult with such party to resolve the objection. If the appropriate federal agency determines that such objection cannot be resolved, the appropriate federal agency will:
1. Forward all documentation relevant to the dispute, including the applicable federal agency’s proposed resolution, to the ACHP. The ACHP will provide the appropriate federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the appropriate federal agency will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The appropriate federal agency will then proceed according to its final decision.
 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The appropriate federal agency's responsibility is to carry out all other actions subject to the terms of this PA that are not the subject of the dispute.

XI. DURATION

This PA will be null and void if all of its stipulations have not been carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Keystone XL Project, the DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will either (a) execute a Memorandum of Agreement (MOA) or PA pursuant to 36 CFR §§ 800.6 or 800.14(b), respectively, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR. § 800.7. Prior to such time, the DOS may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation X. The DOS, USACE, BLM, RUS, WESTERN, RECLAMATION and NPS will notify the signatories and concurring parties as to the course of action they will pursue.

XII. AMENDMENT

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

XIII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately consult with the other parties to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate its participation in the PA upon written notification to the other signatories.
- B. Termination by an individual SHPO or the LBST shall only terminate the application of this agreement within the jurisdiction of the SHPO or the LBST.
- C. If the PA is terminated in its entirety, and prior to work continuing on the undertaking, the DOS shall request, take into account, and respond to the comments of the ACHP in accordance with 36 CFR § 800.7(a). Following consultation with the ACHP, the DOS will notify the signatories and concurring parties as to the course of action it will pursue.

XIV. SCOPE OF THE PA

This Agreement is limited in scope to actions that will facilitate the construction of the Keystone XL Project and related facilities, and is entered into solely for that purpose.

EXECUTION of this PA by the DOS, ACHP, BLM, RUS, WESTERN, USACE, RECLAMATION, NPS, NRCS, FSA, BIA, LBST DCRO, the Montana SHPO, South Dakota SHPO, Nebraska SHPO, Kansas SHPO, Oklahoma SHPO, and Texas SHPO, and BEPC implementation of its terms evidence that the DOS, WESTERN, BLM, RUS, NRCS, FSA, BIA, USACE, RECLAMATION, and NPS have taken into account the effects of the Keystone XL Project on historic properties and afforded the ACHP an opportunity to comment.

James Steinberg
Deputy Secretary of State
United States Department of State

Date

Robert C. Ruch
Colonel, Corps of Engineers
District Commander

Date

Elaine Raper
Manager, Miles City District
Bureau of Land Management

Date

Michael J. Ryan
Regional Director, Great Plains Region
Bureau of Reclamation

Date

Diane Rosen
Great Plains Regional Director
U.S. Bureau of Indian Affairs

Date

Mark S. Plank
Director, Engineering and Environmental Staff
USDA Rural Utilities Service

Date

Matthew T. Ponish
National Environmental Compliance Manager
United States Department of Agriculture Farm Service Agency

Date

Don Gohmert

Date

State Conservationist

U.S. Department of Agriculture Natural Resources Conservation Services

Robert Harris
Regional Manager, Upper Great Plains Region
Western Area Power Administration (WESTERN)

Date

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

Date

Mark Wolfe
State Historic Preservation Officer
Texas

Date

Jennie Chinn
State Historic Preservation Officer
Kansas

Date

Mark Bauml, Ph.D.
State Historic Preservation Officer
Montana

Date

L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska

Date

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

Date

Dr. Bob L. Blackburn
State Historic Preservation Officer
Oklahoma

Date

Mr. Jay D. Vogt
State Historic Preservation Officer
South Dakota

Date

Mr. Michael Jandreau
Chairman, Lower Brule Sioux Tribe

Date

Michael Snyder
Director of the Intermountain Region
National Park Service
(invited signatory)

Date

Lyle Witham
Manager of Environmental Services
Basin Electric Power Cooperative
(invited signatory)

Date

Mary Sexton

Date

Director

Montana Department of Natural Resources and Conservation

(invited signatory)

Richard Opper
Director
Montana Department of Environmental Quality
(invited signatory)

Date

David Montemurro
TransCanada Keystone XL Pipeline, L.P.
(invited signatory)

Date

George Blanchard, Governor
Absentee-Shawnee Tribe of Indians of Oklahoma
(concurring party)

Date

Oscola Clayton Sylestine, Principal Chief
Alabama-Coushatta Tribe of Texas
(concurring party)

Date

Willie Sharp, Chairman
Blackfeet Nation
(concurring party)

Date

Brenda Shemayne Edwards, Chairman
Caddo Nation of Oklahoma
(concurring party)

Date

Joseph Brings Plenty, Chairman
Cheyenne River Sioux
(concurring party)

Date

Janice Boswell, Governor
Cheyenne-Arapaho Tribe of Oklahoma
(concurring party)

Date

Jake Parker
Chippewa-Cree Indians
(concurring party)

Date

Chief Gregory E. Pyle
Choctaw Nation of Oklahoma
(concurring party)

Date

Cedric Black Eagle, Chairman
Crow Tribe of Indians
(concurring party)

Date

Kerry Holton, President
Delaware Nation
(concurring party)

Date

A.T. Rusty Stafne, Chairman
Fort Peck Tribes
(concurring party)

Date

Tracy King
Gros Ventre and Assiniboine Tribe of Ft. Belknap
(concurring party)

Date

Wilfrid Cleveland, President
Ho-Chunk Nation of Wisconsin
(concurring party)

Date

Leon Campbell, Chairman
Iowa Tribe of Kansas and Nebraska
(concurring party)

Date

Janice Rowe-Kurak, Chairperson
Iowa Tribe of Oklahoma
(concurring party)

Date

Guy Munroe, Chairman
Kaw Nation
(concurring party)

Date

Tiger Hobia, Mekko
Kialegee Tribal Town of the Creek Nation in Oklahoma
(concurring party)

Date

Arlan Whitebird, Chairman
Kickapoo Traditional Tribe of Kansas
(concurring party)

Date

Don Tofpi, Chairman
Kiowa Indian Tribe of Oklahoma
(concurring party)

Date

Gabe Prescott, President
Lower Sioux Indian Community
(concurring party)

Date

Thomas Gamble, Chairman
Miami Tribe of Oklahoma
(concurring party)

Date

Marge A. Anderson, Chief Executive
Mille Lacs Band of Ojibwe
(concurring party)

Date

Chief A.D. Ellis
Muscogee Creek Nation
(concurring party)

Date

Harvey Spoon Hunter, Chairman
Northern Arapaho
(concurring party)

Date

Leroy Spang, President
Northern Cheyenne Tribe
(concurring party)

Date

Maxine Natchees, Chairperson
Northern Ute Tribe
(concurring party)

Date

Theresa Two Bulls, President
Oglala Sioux Tribe
(concurring party)

Date

Chief Jim Gray
Osage Nation
(concurring party)

Date

George Howell, President
Pawnee Nation of Oklahoma
(concurring party)

Date

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska
(concurring party)

Date

Douglas Rhodd, Chairman
Ponca Tribe of Oklahoma
(concurring party)

Date

Rodney Bordeaux, President
Rosebud Sioux Tribe
(concurring party)

Date

George Thurman, Principal Chief
Sac & Fox Nation of Oklahoma
(concurring party)

Date

Roger Trudell, Chairman
Santee Sioux Tribe of Nebraska
(concurring party)

Date

Alonzo Coby, Chairman
Shoshone-Bannock Tribe
(concurring party)

Date

Michael Selvage, Chairman
Sisseton-Wahpeton Oyate Sioux
(concurring party)

Date

Myra Pearson, Chairperson
Spirit Lake Tribe
(concurring party)

Date

Charles Murphy, Chairman
Standing Rock Sioux Tribe
(concurring party)

Date

Marcus Levings Chairman
Three Affiliated Tribes
(concurring party)

Date

Don Patterson, President
Tonkawa Tribe
(concurring party)

Date

Richard Marcellais, Chairman
Turtle Mountain Band of Chippewa
(concurring party)

Date

Leslie Standing, President
Wichita and Affiliated Tribes
(concurring party)

Date

John Blackhawk, Chairman
Winnebago Tribe
(concurring party)

Date

Robert Cournoyer, Chairman
Yankton Sioux
(concurring party)

Date

ATTACHMENT A

Tables showing properties for which Keystone had been denied access to conduct identification and evaluation studies: Information to be provided in next draft.

Table 1: Areas Not Surveyed along Mainline Route					
State	County	From Milepost	To Milepost	Status	Miles

ATTACHMENT B

List of Indian Tribes Invited by the Department of State to Participate in Consultation:

Absentee-Shawnee Tribe of Indians of Oklahoma, Alabama Quassarte Tribal Town, Alabama-Coushatta Tribe of Texas, Apache Tribe, Blackfeet Nation, Caddo Nation of Oklahoma, Cherokee Nation, Cheyenne River Sioux, Cheyenne-Arapaho Tribe of Oklahoma, Chickasaw Nation of Oklahoma, Chippewa-Cree Indians, Choctaw Nation of Oklahoma, Citizen Potawatomi Nation, Comanche Nation, Confederated Salish and Kootenai Tribes of the Flathead Indian Nation, Crow Creek Reservation, Crow Creek Sioux Tribe, Crow Tribe of Indians, Delaware Nation, Delaware Tribe of Indians, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe, Eastern Shoshone Tribe, Flandreau Santee Sioux Tribe, Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Fort Berthold Reservation, Fort Peck Tribes, Fort Sill Apache Tribe, Gros Ventre and Assiniboine Tribe of Ft. Belknap, Gun Lake Potawatomi, Hannahville Indian Community of Michigan, Ho-Chunk Nation of Wisconsin, Huron Potawatomi Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Jena Band of Choctaw Indians, Jicarilla Apache Tribe, Kaw Nation, Kialegee Tribal Town of the Creek Nation of Oklahoma, Kickapoo Traditional Tribe of Texas, Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma, Kiowa Indian Tribe of Oklahoma, Lower Brule Sioux Tribe, Lower Sioux Indian Community, Miami Tribe of Oklahoma, Mille Lacs Band of Ojibwe, Modoc Tribe of Oklahoma, Muscogee Creek Nation, Nez Perce, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute Tribe, Oglala Sioux, Omaha Tribe of Nebraska, Osage Nation, Otoe-Missouri Tribe, Ottawa Tribe of Oklahoma, Pawnee Nation of Oklahoma, Peoria Indian Tribe of Oklahoma, Poarch Band of Creek Indians, Pokagon Band of Potawatomi Indians of Michigan, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Prairie Band of Potawatomi Indians, Prairie Island Indian Community, Quapaw Tribal Business Committee, Quapaw Tribe, Red Lake Band of Chippewa Indians of Minnesota, Rosebud Sioux Tribe, Sac & Fox Nation of Oklahoma, Sac & Fox Nation of Missouri in Kansas and Nebraska, Sac & Fox Tribe of the Mississippi in Iowa, Santee Sioux Tribe of Nebraska, Seminole Nation, Seneca-Cayuga Tribe of Oklahoma, Shakopee Mdewakanton Sioux, Shawnee Tribe, Shoshone-Bannock Tribe, Sisseton-Wahpeton Oyate Sioux, Sisseton-Wahpeton Oyate Wahpekutze, Southern Ute Indian Tribe, Spirit Lake Tribe, Standing Rock Sioux Tribe, Stockbridge-Munsee Tribe, Thlopthlocco Tribal Town, Three Affiliated Tribes, Tonkawa Tribe, Trenton Indian Service Area, Turtle Mountain Band of the Chippewa, United Keetoowah Band of Cherokee Indians, Upper Sioux -Pezihutazizi Kapi, Ute Mountain Tribe, White Earth Band of Minnesota Chippewa, Wichita and Affiliated Tribes, Winnebago Tribe, Wyandotte Nation, Yankton Sioux, Ysleta del Sur Pueblo

ATTACHMENT C

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

I. For construction of the Keystone XL Project pipeline in Montana, Keystone will implement the following measures:

1. When an unmarked human burial or unregistered grave is encountered during construction activities, Keystone will comply with Human Skeletal Remains and Burial Site Protection Act (Montana Code Ann. §22-3-801 through §22-3-811).
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 and fifty (150) foot radius from the point of discovery and notify Keystone'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 and fifty (150) 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 Environmental Inspector will notify the county coroner, the Department of State (DOS), the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Office (SHPO) and other consulting parties, including Indian tribes, within forty-eight (48) hours 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 SHPO, the SHPO will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave in accordance with Montana Code Ann. §22-3-801 through §22-3-811. Keystone will implement the treatment and disposition measures deemed appropriate by the SHPO.
6. Keystone will resume construction activities in the area of the discovery upon receipt of written authorization from either the county coroner or the Montana SHPO, whoever has jurisdiction under state law.

II. For construction of the Keystone XL Project pipeline in Kansas, Keystone will implement the following measures:

1. When unmarked human burial sites or human skeletal remains are encountered during construction activities, Keystone will comply with Kansas' Unmarked Burial Sites Preservation Act (KSA 75-2741 to 75-2754) and its implementing regulations (KAR 126-1-1 through 126-1-2).

2. Upon encountering unmarked human burial or unregistered grave during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's EI. 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
 - a. ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. notify the appropriate county sheriff's office, the chairperson of the Unmarked Burial Sites Preservation Board (Kansas State Archaeologist), the DOS, the ACHP, the SHPO and other consulting parties, including Indian tribes, of the discovery.
4. If Keystone determines that disturbance to the unmarked burial site or human remains cannot be avoided, Keystone will consult with the DOS, the SHPO and other consulting parties to develop a detailed work plan for treatment of the burial site or human remains that includes provisions for the removal, treatment and disposition of human remains. In accordance with state law, Keystone will submit this work plan to the Unmarked Burial Sites Preservation Board as part of its request for a permit under KAR 126-1-2.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures authorized under the permit has been completed.

III. For construction of the Keystone XL Project pipeline in Nebraska (Cushing Extension), Keystone will implement the following measures:

1. When unmarked human skeletal remains or burial goods are discovered during construction activities, Keystone will comply with Nebraska Rev. Stat. § 12-1201 through § 12-1212, et seq. and § 28-1301.
2. Upon encountering unmarked human skeletal remains or burial goods during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's EI. 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 EI will ensure that construction activities have halted within a one-hundred and fifty (150) 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. Keystone will notify the local law enforcement officer in the county, the DOS, the ACHP, the SHPO, and other consulting parties, including Indian tribes, within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, the Nebraska State Historical Society will notify the Commission on Indian Affairs in writing and seek associated tribes or kin.
6. Keystone will resume construction activities in the area of the discovery when the human skeletal remains or burial goods have been accepted by the Nebraska State Historical Society for the purposes of disposition.

IV. For construction of the Keystone XL Project pipeline in Texas, Keystone will implement the following measures:

1. When unmarked human burials or human remains are discovered during construction activities, Keystone will comply with Antiquities Code (Texas Code Ann. §191); Health and Safety (Texas Code Ann. §711.004).
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 and fifty (150) foot radius from the point of discovery and notify Keystone'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
 - a. ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. notify the local law enforcement agency, the Department of State (DOS), the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Office (SHPO)/Texas Historical Commission (THC), other consulting parties, including Indian tribes, and the State Department of Health of the discovery.
4. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will remove and reinter the human remains in accordance with rules adopted by the SHPO and the State Health Department.
5. Keystone will resume construction activities in the area of the discovery once implementation of the measures required by the SHPO/THC and State Health Department has been completed.

V. For construction of the Keystone Project pipeline in Oklahoma (Cushing Extension), Keystone will implement the following measures:

1. When a burial ground, human remains or burial furniture is discovered during construction activities, Keystone will comply with Okla. Stat. Ann. 21 §1161-1168.7 (Oklahoma Burial Law).
2. Upon encountering a burial ground, human remains or burial furniture during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's EI. 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
 - a. ensure that construction activities have halted within a one-hundred and fifty (150) foot radius from the point of discovery;
 - b. implement additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed; and
 - c. notify the appropriate law enforcement officer in the county in which the remains have been discovered, the Chief Medical Examiner, the DOS, the ACHP, the SHPO and other consulting parties, including Indian tribes and the landowner, of the discovery.
4. Upon learning that remains are not associated with a crime, Keystone has fifteen (15) calendar days within which to notify the SHPO and the Oklahoma State Archaeologist. If the remains have a direct historical relationship to a tribe, the State Archaeologist notifies the SHPO and consults with the tribal leader within fifteen (15) calendar days. If Keystone determines that disturbance cannot be avoided, Keystone will treat the burial site or human remains in accordance with procedures established by the SHPO, the Oklahoma State Archaeologist, and consultation with the tribal leader.
5. Keystone will resume construction activities in the area of the discovery upon completion of the measures authorized by the SHPO and Oklahoma state archaeologist.

VI. For construction of the Keystone XL Pipeline Project in South Dakota, Keystone will implement the following measures:

1. When unmarked human skeletal remains and/or funerary objects are discovered during construction activities, Keystone will comply with South Dakota State Law Chapter 34-27.
2. Upon encountering an unmarked human skeletal remains and/or funerary objects during ground disturbing construction activities, the construction contractor will immediately stop work within a one-hundred and fifty (150) foot radius from the point of discovery and notify Keystone's EI. 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 EI will ensure that construction activities have halted within a one-hundred and fifty (150) 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 Environmental Inspector will notify the local law enforcement agency, the DOS, the ACHP, the SHPO, the South Dakota State Archaeologist and other consulting parties, including Indian tribes, within forty-eight (48) hours of the discovery.
5. If local law enforcement determines that the remains are not associated with a crime, Keystone will determine if it is prudent and feasible to avoid disturbing the remains. If Keystone determines that disturbance cannot be avoided, Keystone will consult with the South Dakota State Archaeologist and other consulting parties, including Indian tribes, to determine acceptable procedures for the removal, treatment and disposition of the human skeletal remains and funerary objects within five calendar days. Keystone will implement the plan for removal, treatment, and disposition of the human skeletal remains and funerary objects as authorized by the South Dakota State Archaeologist.
6. Keystone may resume construction activities in the area of the discovery upon completion of the plan authorized by the state archaeologist.

VII. For construction of the Transmission line that will supply a Project pumping station and increase reliability on the Lower Brule Sioux Reservation, WESTERN will implement the following measures:

Additional consultation with the LBST is necessary prior to completion of this section.

ATTACHMENT D

A. CONTACTS

Department of State

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U.S. Department of Agriculture Rural Utilities Service

Mark S. Plank
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Bennett Horter
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U.S. Bureau of Indian Affairs

Diane Rosen
Regional Director
Midwest Region Office
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Kansas Historical Society

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Nebraska State Historical Society
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Gayle Carlson
State Archaeologist
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Oklahoma Historical Society

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Section 106 Program Coordinator
State Historic Preservation Office
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Oklahoma Archeological Survey
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South Dakota State Historic Preservation Office

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State Historic Preservation Officer
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Texas Historical Commission

Mark Wolfe
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Austin, Texas 78711
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Montana Historical Society

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State Historic Preservation Officer
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Montana Department of Environmental Quality

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B. CONSULTING TRIBES

Note: The following list of tribes responded to DOS requests for consultation on the Keystone XL Project.

1. Absentee-Shawnee Tribe of Indians of Oklahoma
2. Alabama-Coushatta Tribe of Texas
3. Blackfeet Nation
4. Caddo Nation of Oklahoma
5. Cheyenne River Sioux Tribe
6. Cheyenne-Arapaho Tribe of Oklahoma
7. Chippewa-Cree Indians
8. Choctaw Nation of Oklahoma
9. Crow Tribe of Indians
10. Delaware Nation
11. Fort Peck Tribes
12. Gros Ventre and Assiniboine Tribe of Ft. Belknap
13. Ho-Chunk Nation of Wisconsin
14. Iowa Tribe of Kansas and Nebraska
15. Iowa Tribe of Oklahoma
16. Kaw Nation
17. Kialegee Tribal Town of the Creek Nation of Oklahoma
18. Kickapoo Tribe of Kansas
19. Kiowa Indian Tribe of Oklahoma
20. Lower Sioux Indian Community
21. Miami Tribe of Oklahoma
22. Mille Lacs Band of Ojibwe
23. Muscogee (Creek) Nation
24. Northern Arapaho Tribe
25. Northern Cheyenne Tribe
26. Northern Ute Tribe
27. Oglala Sioux Tribe
28. Osage Nation of Oklahoma
29. Pawnee Nation of Oklahoma
30. Ponca Tribe of Indians of Oklahoma
31. Ponca Tribe of Nebraska
32. Rosebud Sioux Tribe
33. Sac & Fox Nation of Oklahoma
34. Santee Sioux Tribe of Nebraska
35. Shoshone-Bannock Tribe
36. Sisseton-Wahpeton Oyate Sioux
37. Spirit Lake Tribe
38. Standing Rock Sioux Tribe
39. Three Affiliated Tribes
40. Tonkawa Tribe
41. Turtle Mountain Band of Chippewa
42. Wichita and Affiliated Tribes
43. Winnebago Tribe
44. Yankton Sioux

Appendix S Part II

List of DOS Contacts with Indian Tribes

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Absentee-Shawnee Tribe of Indians of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09	5/4/09, 5/11/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 8/21/09, 8/24/09, 9/1/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09, 10/12/09, 10/13/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/14/09, 7/28/09, 11/12/09
Alabama Quassarte Tribal Town	OK	1/30/09, 3/30/09, 4/1/09	3/19/09			
Alabama-Coushatta Tribe of Texas	TX	1/30/09, 2/20/09, 3/30/09, 4/22/09, 5/4/09, 6/3/09, 6/18/09, 7/9/09, 7/13/09, 9/8/09, 9/10/09, 9/14/09; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09; 3/23/10	3/18/09, 7/1/09; 1/12/10	4/7/09, 5/4/09, 5/7/09, 6/25/09, 6/29/09, 7/1/09, 7/6/09, 7/10/09, 7/13/09, 8/4/09, 8/13/09 (2), 8/24/09 (2), 9/1/09, 9/10/09, 9/15/09, 9/30/09, 10/5/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/10/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09; 1/15/10; 1/22/10; 2/19/10; 1/26/10; 2/23/10; 3/16/10, 3/22/10	7/10/09	7/28/09, 11/12/09
Apache Tribe	AZ	1/30/09, 3/30/09, 4/1/09	3/18/09			
Blackfeet Nation	MT	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/15/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/14/09; 9/28/09, 11/17/09, 11/18/09, 12/15/09; 12/21/09, 12/24/09, 12/31/09; 1/25/10	8/18/09, 8/21/09, 9/8/09, 9/9/09, 10/12/09, 10/14/09, 10/16/09, 10/20/09, 10/21/09, 10/26/09, 11/9/09, 11/10/09, 11/11/09	3/4/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 8/21/09 (3), 8/24/09 (3), 8/25/09, 8/26/09, 8/31/09 (2), 9/1/09, 9/3/09, 9/8/09, 9/9/09, 9/10/09, 9/15/09, 9/30/09 (2), 10/7/09, 10/9/09, 10/12/09 (2), 10/14/09, 10/19/09, 10/21/09; 11/2/09, 11/3/09, 11/4/09, 11/7/09, 11/9/09, 11/11/09, 11/12/09, 11/17/09, 11/18/09, 11/20/09, 12/11/09, 12/15/09, 12/16/09, 12/17/09, 12/31/09, 1/4/10; 1/6/10; 1/14/10; 1/19/10, 1/21/10; 1/25/10		10/20/09, 10/22/09

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Caddo Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/9/09, 7/13/09, 9/8/09, 9/10/09, 9/14/09; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09;	3/18/09, 5/22/09; 1/15/10	3/12/09, 4/29/09, 5/4/09, 5/5/09 (2), 6/25/09, 6/29/09, 7/1/09, 7/7/09, 7/13/09, 7/29/09, 8/4/09, 8/7/09 (2), 8/13/09, 9/1/09, 9/10/09, 9/15/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09;		5/14/09
Cherokee Nation	OK	1/30/09, 3/30/09	3/18/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Cheyenne River Sioux Tribe	SD	1/30/09, 3/30/09, 4/1/09, , 4/22/09, 6/3/09, 6/18/09, 7/13/09, 7/21/09, 9/8/09, 9/10/09, 9/14/20009; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09, 10/13/09	5/4/09, 5/1/09, 5/26/09, 6/15/09, 6/22/09, 6/25/09, 6/29/09, 7/1/09, 7/6/09, 7/9/09, 7/13/09, 8/4/09, 8/13/09, 8/27/09, 8/28/09, 9/1/09, 9/2/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09, 10/13/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/19/09, 11/20/09, 12/31/09		5/12/09, 7/14/09, 10/20/09
Cheyenne-Arapaho Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/22/09, 5/7/09, 5/22/09 , 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09; 3/16/10	3/18/09, 11/9/09, 11/13/09; 1/14/10	5/4/09, 5/7/09, 5/22/09, 6/25/09, 6/29/09, 6/30/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 8/14/09 (3), 9/1/09, 9/10/09, 9/15/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/12/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09; 2/26/10; 3/1/10		5/14/09
Chickasaw Nation of Oklahoma	OK	1/26/10; 1/30/09, 3/30/09, 4/1/09; 1/26/10	3/18/09, 3/20/09, 4/1/09	1/20/10; 1/26/10		
Chippewa-Cree Indians	MT	1/30/09, 3/30/09, 4/1/09 , 4/22/09, 6/3/09, 6/18/09,	3/19/09, 10/13/09, 10/21/09;	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09,		10/20/09, 10/22/09

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
		7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09; 1/27/10	1/27/10	9/30/09, 10/7/09, 10/9/09, 10/19/09, 10/26/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Choctaw Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/10/09, 4/20/09, 4/22/09, 4/24/09, 5/13/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/9/09, 9/10/09, 9/17/09, 9/28/09, 11/17/09, 11/18/09, 12/2/09, 12/24/09, 12/31/09	3/18/09, 4/14/09, 5/22/09, 9/10/09, 9/15/09	5/4/09, 6/25/09, 6/29/09 (2), 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09 (3), 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		11/12/09
Citizen Potawatomi Nation	OK	1/30/09, 3/30/09, 4/1/09	3/18/09			
Comanche Nation	OK	1/30/09	3/18/09	3/19/09		
Confederated Salish and Kootenai Tribes of the Flathead Indian Nation	MT	1/30/09, 3/30/09, 4/1/09	3/19/09			
Crow Creek Sioux Tribe	SD	1/30/09, 2/19/09, 3/30/09, 4/1/09	3/23/09			
Crow Tribe of Indians	MT	1/30/09, 2/19/09 3/30/09, 4/1/09, 4/7/09, 4/19/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09, 9/16/09, 10/13/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Delaware Nation	OK	1/30/09, 3/30/09, 4/1/09, 4/7/09, 4/17/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09	5/4/09, 4/29/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/14/09, 7/28/09
Eastern Band of Cherokee Indians	NC	1/30/09, 3/30/09, 4/1/09	3/19/09			
Eastern	OK	1/30/09, 3/30/09,	3/18/09			

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Shawnee Tribe		4/1/09				
Eastern Shoshone Tribe	WY	1/30/09, 3/30/09, 4/1/09				
Flandreau Santee Sioux Tribe	SD	1/30/09, 3/30/09, 4/1/09	3/23/09			
Fort Berthold Reservation	ND	2/19/09, 3/30/09, 4/1/09	3/18/09			
Forest County Potawatomi Community of Wisconsin Potawatomi Indians	WI	1/30/09, 3/30/09, 4/1/09	3/19/09			
Fort Peck Tribes	MT	1/30/09, 3/30/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 11/30/09, 12/24/09, 12/31/09	3/19/09, 5/7/09, 10/7/09, 10/13/09, 11/3/09, 11/4/09, 11/18/09, 11/30/09	5/4/09, 3/20/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/12/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		7/14/09
Fort Sill Apache Tribe	OK	1/30/09, 3/30/09, 4/1/09	3/19/09			
Gros Ventre and Assiniboine Tribe of Ft. Belknap	MT	1/30/09, 3/30/09, 4/1/09, 4/14/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09, 9/16/09, 10/13/09, 10/16/09, 10/19/09, 10/22/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/12/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/14/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		10/20/09
Gun Lake Potawatomi	MI	1/30/09, 3/6/09, 4/1/09	3/19/09			
Hannahville Indian Community of Michigan	MI	1/30/09, 3/30/09, 4/1/09	3/19/09			
Ho-Chunk Nation of Wisconsin	WI	1/30/09, 3/30/09, 4/1/09, 4/8/09, 5/10/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09,	3/19/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09,		

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
		12/24/09, 12/31/09		11/18/09, 11/20/09, 12/31/09; 1/2/10		
Huron Potawatomi Nation	MI	1/30/09, 3/30/09	3/19/09	3/23/09		
Iowa Tribe of Kansas and Nebraska	KS, NE	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 11/25/09, 12/24/09, 12/31/09	3/19/09, 5/5/09	5/4/09, 5/5/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/10/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/12/09, 7/28/09
Iowa Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09; 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/24/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Jena Band of Choctaw Indians	LA	1/30/09, 3/30/09, 4/1/09	3/19/09			
Jicarilla Apache Tribe	NM	1/30/09, 3/30/09, 4/1/09; 5/22/09	3/18/09			
Kaw Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 7/27/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09 (2), 9/30/09, 10/7/09, 10/9/09, 10/19/09, 10/21/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		7/28/09, 11/12/09
Kialegee Tribal Town of the Creek Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/6/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 8/10/09 9/8/09, 9/10/09, 9/24/09; 9/28/09, 11/17/09, 11/18/09, 11/25/09; 12/24/09, 12/31/09	3/19/09; 11/10/09; 1/14/10; 3/16/10	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 7/15/09 (2), 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/24/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 10/21/09, 11/3/09, 11/4/09, 11/10/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09; 3/12/10	8/10/09	
Kickapoo Traditional Tribe of Texas	TX	1/30/09, 3/30/09, 4/1/09	3/19/09			

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Kickapoo Tribe of Kansas	KS	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09, 8/4/09, 8/6/09, 8/11/09, 9/10/09	5/4/09, 5/7/09, 5/12/09, 6/25/09, 6/29/09, 7/1/09, 7/6/09, 7/13/09, 7/23/09, 8/4/09, 8/6/10; 8/10/10; 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/14/09, 7/14/09, 7/28/09
Kickapoo Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/13/09	3/19/09			
Kiowa Indian Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09; 4/24/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	3/25/09, 5/4/09., 5/8/09, 6/19/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Lower Brule Sioux Tribe	SD	1/30/09, 2/9/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	7/10/09, 8/11/09, 10/14/09; 12/9/09; 2/2/10; 2/9/10	2/6/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/9/09, 7/13/09, 8/4/09, 8/13/09, 8/28/09 (2), 9/1/09, 9/10/09, 9/11/09, 9/30/09, 10/5/09, 10/7/09, 10/9/09, 10/19/09, 11/2/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/9/09, 12/31/09; 2/2/10, 2/9/10, 3/17/10		2/27/10
Lower Sioux Indian Community	MN	1/30/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 8/11/09, 9/8/09, 9/10/09, 9/14/09+; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	8/21/09; 11/9/09; 1/22/10; 2/26/10	4/23/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/10/09, 8/11/09, 8/13/09, 8/17/09, 8/21/09, 9/1/09, 9/10/09, 9/15/09, 9/29/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 10/29/09, 11/2/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		7/14/09, 10/20/09
Miami Tribe of Oklahoma**	OK	1/30/09, 3/30/09, 4/1/09, 4/8/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09,	3/19/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09,		

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Mille Lacs Band of Ojibwe	MN	1/30/09, 3/30/09, 4/1/09	3/19/09	5/4/09, 6/22/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 7/14/09, 7/27/09, 7/30/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/13/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		7/14/09, 10/20/09
Modoc Tribe of Oklahoma	OK	1/30/09	3/19/09			
Muscogee (Creek) Nation	OK	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 11/30/09; 12/2/09; 12/24/09, 12/31/09	3/19/09, 11/19/09, 12/17/09; 1/14/10; 3/12/10	5/4/09, 6/10/09, 6/11/09, 6/25/09, 6/29/09, 7/1/09, 7/6/09, 7/7/09, 7/13/09, 7/14/09, 8/4/09, 8/10/09, 8/13/09, 8/14/09 8/17/09, 9/1/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09, 10/12/09 (2), 10/19/09, 11/2/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 11/30/09, 12/17/09, 12/31/09	11/20/09	5/14/09, 7/28/09, 11/12/09
Nez Perce	ID	2/19/09, 3/30/09, 4/1/09				
Northern Arapaho Tribe	WY	1/30/09, 3/30/09, 4/1/09; 11/17/09; 11/18/09; 11/30/09; 12/24/09; 12/31/09; 1/10/10; 1/20/2010 1/27/10	3/18/09, 10/7/09, 10/13/09, 10/14/09, 10/19/09; 11/10/09; 12/1/09, , 12/15/09, 12/17/09; 3/15/10; 3/22/10	11/7/09; 11/25/09, 11/30/09, 12/1/09, 12/11/09, 12/15/09, 12/21/09, 12/22/09, 12/31/09, 1/19/10, 1/20/10, 1/21/10, 1/22/10; 1/26/10; 1/27/10, 2/2/10; 2/5/10, 2/8/10; 3/12/10, 3/18/10	12/1/09	
Northern Cheyenne Tribe	MT	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/8/09, 4/9/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09, 7/13/09,	4/15/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/7/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/14/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/2/09, 11/3/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09,		7/14/09, 10/20/09

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Northern Ute Tribe	UT	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09	5/4/09, 4/29/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/8/09, 12/31/09		
Oglala Sioux Tribe	SD	1/30/09, 2/19/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/23/09	5/4/09, 5/7/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/2/09, 11/3/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/12/09
Omaha Tribe of Nebraska	NE	1/30/09, 3/30/09, 4/1/09	3/19/09			
Osage Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09, 3/24/09; 4/13/09; 11/10/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/7/09, 8/13/09, 9/1/09, 9/4/09, 9/10/09, 9/30/09, 10/5/09, 10/7/09, 10/9/09, 10/13/09, 10/14/09, 10/19/09, 10/26/09, 10/27/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/14/09, 7/28/09, 10/20/09, 11/12/09
Otoe-Missouri Tribe	OK	1/30/09, 3/30/09, 4/1/09	3/19/09			
Ottawa Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/8/09	3/19/09			
Pawnee Nation of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 4/6/09, 4/7/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/11/09; 9/14/09; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09; 12/8/09; 2/9/10	4/7/09, 5/4/09, 5/6/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 8/17/09, 9/1/09, 9/4/09, 9/9/09 (2), 9/10/09, 9/15/09, 9/30/09, 10/7/09, 10/9/09, 10/12/09, 10/19/09, 10/20/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/8/09, 12/31/09, 2/10/10		5/14/09, 7/28/09, 11/12/09
Peoria Indian	OK	1/30/09, 2/12/09,	3/19/09			

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Tribe of Oklahoma		3/30/09, 4/1/09				
Poarch Band of Creek Indians	AL	1/30/09, 3/30/09, 4/1/09	3/19/09			
Pokagon Band of Potawatomi Indians of Michigan	MI	1/30/09, 3/30/09, 4/1/09	3/19/09			
Ponca Tribe of Indians of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09	8/3/09	
Ponca Tribe of Nebraska	NE	1/30/09, 3/30/09, 4/1/09, 4/8/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/18/09	5/4/09, 4/29/09, 6/25/09, 6/29/09, 7/1/09, 7/6/09, 7/7/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/12/09 (2), 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/12/09, 7/14/09
Prairie Band of Potawatomi Indians	KS	1/30/09, 3/30/09, 4/1/09	3/18/09			
Prairie Island Indian Community	MN	1/30/09, 3/30/09	3/19/09	3/19/09		
Quapaw Tribe	OK	1/30/09, 3/30/09, 4/1/09	3/19/09	7/1/09		
Red Lake Band of Chippewa Indians of Minnesota	MN	1/30/09, 3/30/09, 4/1/09	3/19/09			
Rosebud Sioux Tribe	SD	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/9/09, 4/22/09, 5/5/09, 5/8/09; 5/22/09, 6/3/09, 6/18/09, 7/13/09, 7/21/09 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 11/30/09; 12/24/09,	3/23/09	5/4/09, 5/6/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/13/09, 10/19/09, 10/21/09, 10/22/09, 10/23/09, 10/26/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09,		5/12/09, 7/14/09, 10/20/09

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Sac & Fox Nation of Oklahoma	OK	1/30/09, 3/30/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09			
Sac and Fox Nation of Missouri in Kansas and Nebraska	KS	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 4/30/09, 5/1/09, 5/15/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Sac and Fox Tribe of the Mississippi in Iowa	MS	1/30/09, 3/30/09, 4/1/09	3/19/09			
Santee Sioux Tribe of Nebraska	NE	1/30/09, 3/30/09, 4/1/09 4/22/09, 5/8/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/23/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/12/09
Seminole Nation	OK	1/30/09, 3/30/09, 4/1/09, 5/1/09	3/19/09			
Seneca-Cayuga Tribe of Oklahoma	OK	1/30/09, 3/30/09, 4/1/09	3/19/09			
Shakopee Mdewakanton Sioux	MN	1/30/09, 3/30/09, 4/1/09, 4/7/09	3/23/09	3/24/09		
Shawnee Tribe	OK	1/30/09, 3/30/09, 4/1/09	3/19/09		3/20/09	
Shoshone-Bannock	ID	2/19/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/23/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09,		

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Sisseton-Wahpeton Oyate Sioux	SD	1/30/09, 3/30/09, 4/1/09 4/22/09, 5/8/09; 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	10/13/09; 12/3/09	3/17/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09 (2), 10/9/09, 10/19/09 (2), 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09 (2), 12/3/09, 12/31/09		5/12/09
Southern Ute Indian Tribe	UT	1/30/09, 3/30/09, 4/1/09	3/18/09			
Spirit Lake Tribe	ND	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 8/11/09, 9/8/09, 9/10/09, 9/14/09; 9/28/09 10/1/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09; 2/11/10; 2/25/10, 3/17/10	3/19/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 8/24/09, 9/1/09, 9/10/09, 9/15/09 (2), 9/30/09, 10/7/09, 10/9/09, 10/13/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09, 2/11/10, 3/17/10		10/20/09
Standing Rock Sioux Tribe	ND	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/9/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09		5/4/09, 5/6/09, 5/11/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09 (2), 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		5/12/09, 10/20/09
Stockbridge- Munsee Tribe	WI	1/30/09, 3/30/09	3/19/09		3/20/09	
Thlopthocco Tribal Town	OK	1/30/09, 3/30/09, 4/1/09				
Three Affiliated Tribes	ND	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 4/29/09, 5/22/09, 6/25/09, 6/29/09, 6/30/09, 7/1/09, 7/6/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09 (2), 10/9/09 (2), 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		7/14/09
Tonkawa Tribe	OK	1/30/09, 3/30/09, 4/1/09	3/19/09	4/3/09, 5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09,		

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Trenton Indian Service Area	ND	1/30/09, 3/30/09, 4/1/09	3/19/09			
Turtle Mountain Band of Chippewa	ND	1/30/09, 2/19/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/24/09; 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09; 2/11/10	3/19/09, 10/13/09, 12/9/09; 12/17/09, 12/18/09	5/4/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/24/09 (2), 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/15/09, 11/17/09, 11/18/09, 11/20/09, 12/15/09, 12/18/09, 12/31/09, 2/11/10, 3/17/10, 3/18/10	10/14/09	10/20/09
United Keetoowah Band of Cherokee Indians	OK	1/30/09, 3/30/09, 4/1/09	3/19/09			
Upper Sioux - Pezihutazizi Oyate	MN	1/30/09, 3/30/09, 4/1/09				
Ute Mountain Tribe	CO	1/30/09, 3/30/09, 4/1/09	3/19/09			
White Earth Band of Minnesota Chippewa	MN	1/30/09, 3/30/09, 4/1/09, 7/24/09	3/19/09			
Wichita and Affiliated Tribes	OK	1/30/09, 3/30/09, 4/1/09, 7/24/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 4/29/09, 5/20/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		
Winnebago Tribe	NE	1/30/09, 3/30/09, 4/1/09 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 11/17/09, 11/18/09, 12/24/09, 12/31/09	3/19/09	5/4/09, 5/5/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 8/4/09, 8/13/09, 9/1/09, 9/10/09, 9/30/09, 10/7/09, 10/9/09, 10/19/09, 11/3/09, 11/4/09, 11/11/09, 11/17/09, 11/18/09, 11/20/09, 12/31/09		

List of DOS Contacts with Indian Tribes

Indian Tribe or Nation	State	Letters	Telephone	Emails	Faxes	Meetings
Wyandotte Nation	OK	1/30/09, 3/30/09, 4/1/09	3/19/09	5/5/09		
Yankton Sioux	SD	1/30/09, 2/19/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09, 9/8/09, 9/10/09, 9/28/09, 10/19/09, 10/29/10; 11/10/09; 11/17/09, 11/18/09, 11/30/09; 12/16/10; 12/24/09, 12/31/09; 1/6/10; 1/15/10; 1/20/10; 2/22/10; 2/26/10	9/30/09, 10/13/09, 10/16/09, 12/15/09	3/17/09, 5/4/09, 5/5/09, 6/25/09, 6/29/09, 7/1/09, 7/13/09, 7/14/09, 8/4/09, 8/13/09 (2), 8/25/09 (3), 8/26/09, 9/1/09 (2), 9/10/09, 9/14/09, 9/29/09, 9/30/09, 10/7/09, 10/9/09, 10/13/09, 10/14/09 (2), 10/16/09 (2), 10/19/09, 11/3/09, 11/4/09, 11/7/09, 11/11/09, 11/12/09, 11/17/09, 11/18/09, 11/20/09 (2), 12/3/09, 12/15/09, 12/16/09 (2), 12/17/09, 12/22/09, 12/23/09, 12/24/09, 12/29/09, 12/31/09; 1/7/10, 1/13/10; 1/21/10, 1/26/10, 2/3/10, 2/12/10, 2/17/10, 2/24/10, 2/25/10, 2/28/10, 3/2/10		10/20/09
Ysleta del Sur Pueblo	TX	1/30/09, 3/30/09, 4/1/09, 4/22/09, 6/3/09, 6/18/09, 7/13/09 7/30/09	3/19/09		7/31/09	