

Listed Exhibit: 12



September 8, 2015

Ms. Abby Peyton
Perennial Environmental Services, LLC
13100 Northwest Freeway, Suite 160
Houston, TX 77040

PRELIMINARY PROJECT CONSULTATION

Project: 140627002S – Dakota Access Pipeline Project in South Dakota
Location: Multiple Counties

Dear Ms. Peyton:

Thank you for the opportunity to comment on the above referenced project. The South Dakota Office of the State Historic Preservation Officer (SD SHPO) would like to provide the following comments.

On June 15, 2015, we received the five-volume report entitled “Level III Intensive Cultural Resources Survey for Dakota Access Pipeline Project for Campbell, McPherson, Edmunds, Faulk, Spink Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, and Lincoln Counties, South Dakota, June 11, 2015,” prepared by Gray & Pape, Inc. The report was revised by Gray & Pape, Inc. to reflect comments made by my office. The revised five-volume report dated August 4, 2015, was received by my office on August 7, 2015. An addendum report prepared by Gray and Pape, Inc. entitled “Addendum 1: Level III Intensive Cultural Resources Survey for Dakota Access Pipeline Project for Campbell, McPherson, Edmunds, Faulk, Spink Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, and Lincoln Counties, South Dakota, August 6, 2015,” was also received on August 7, 2015.

Based on the information provided, it is unclear if the proposed project is a federal undertaking as defined by 36 CFR part 800.16(y), the implementing regulations for Section 106 of the National Historic Preservation Act of 1966 (as amended), or if the project is subject to South Dakota Codified Law 1-19A-11.1.

According to the Gray & Pape, Inc. reports, the current mainline corridor does not contain any properties that are listed on the State or National Register of Historic Places (NRHP). However,

a number of properties were identified during the survey. Therefore, we concur with the following recommendations.

- Properties 39CA0281, 39CA0282, 39CA0292, 39CA0293, 39CA0295, 39CA0296, 39CA0297, 39CA0298, 39CA0299, 39CA0300, 39CA2017, 39ED2007, 39SP2003, 39SP2007, 39BE0029, 39BE0090, 39BE0095, 39BE0094, 39BE0120, BE00000180, 39KB2003, 39MH2003, 39LN0021, 39LN2007 should be considered eligible for listing in the National Register of Historic Places (NRHP).
- Properties 39CA0220, 39CA0294, 39CA0301, MP00000105, 39ED0060, 39ED0061, 39ED0062, 39ED0063, 39FK0109, 39FK0110, 39FK0111, 39FK0112, 39FK0113, 39FK0114, 39FK0115, FK00000080, 39SP0277, SP00000380, 39BE0171, 39BE0172, 39BE0173, 39BE0174, 39BE0175, 39BE0176, 39BE0177, 39BE0178, 39BE0179, 39BE0180, 39BE0181, 39BE0182, BE10600001-4, 39KB0039, 39KB0040, 39KB0041, 39KB0042, 39KB0043, 39KB0044, 39KB0045, 39KB0046, 39MN0026, 39MN0027, 39MN0028, 39MN0029, MN00400001-3, 39LK0077, 39LK0078, 39LK0079, 39LK0080, 39LK0081, 39MH0323, 39MH0324, 39MH0325, 39MH0326, 39MH0327, and 39MH0328 should be considered not eligible for listing in the NRHP.
- Properties 39CA0085, 39ED0053 and 39BE0085 should be considered unevaluated for listing in the NRHP.

This letter does not relieve federal agencies of their statutory obligations to fulfill the requirement of Section 106, including consultation with Indian tribes. More information concerning Section 106 and the National Historic Preservation Act is available on the Advisory Council on Historic Preservation's website at www.achp.gov or at history.sd.gov/Preservation.

Should you require any additional information, please do not hesitate to contact Paige Olson at Paige.Olson@state.sd.us or (605) 773-6004.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer



Paige Olson
Review and Compliance Coordinator
cc: Monica Howard, Energy Transfer

Darren Kearney, South Dakota Public Utility Commission
Jane Watts, Archaeological Research Center