



Commercial Activities Special Use Permit Application

OMB Control Number 1018-0102
Expiration Date: 06/30/2017

Refuge Name:

Address:

Attn: (Refuge Official)

E-Mail:

Phone #:

For Official Use Only:

Approved Permit #:

Station #:

Permit Term: from to

Note: We do not require all information for each use. See instructions at the end of the notice and contact the refuge to determine applicability of a particular item.

1) Identify the type of Permit you are applying for New Renewal Modification Other

Applicant Information

2) Full Name 3) Title

4) Business Name

5) Street Address

6) City/State/Zip:

7) Business Phone #: 8) Business Fax #:

9) E-mail: 10) Business Tax ID #:

11a) Within the past 5 years, has the company (entity) its owners, or any employees who have or will be expected to operate on the refuge been convicted, pled nolo contendere, forfeited collateral, or are currently under charges for any violations of any State, Federal, or local law, or regulations related to fish and wildlife or permit activities? Yes No

11b) If you answered "YES" to question #11a, provide the individual's name date of charge, charge(s), location of incident, court, and action taken for each violation.

12) List known assistants/subcontractors/subpermittees (Only required if the assistants/subcontractors/subpermittees will be operating on the refuge without the permittee being present.)

Name	Address	Phone #
N/A		

Activity Information

- 13) Activity type Guiding Hunters Guiding Anglers Guiding other Outdoor Users Cabins
 Filming Photography Agriculture Other

Note: Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the refuge where the activity is being conducted to determine what information is required.

- 14) Describe activity by specifically identifying timing, frequency, and how the activity is expected to proceed.

Dakota Access, LLC (Dakota Access), is proposing to construct the Dakota Access Pipeline Project (Project). Dakota Access Pipeline- Energy Transfer Crude Oil Operations Management, LLC will operate the Project. The overall proposed Project is an approximate 1,150-mile-long, 12-inch to 30-inch diameter pipeline that would connect the rapidly expanding Bakken and Three Forks production areas in North Dakota to existing crude infrastructure in Illinois.

- 15) Specifically identify location(s) (GPS location(s) preferred)

The Project crosses regions in North Dakota and South Dakota that contain grassland and wetland easements. In ND the Project begins in Mountrail County and heads west through Williams County then continues in a southeast direction through McKenzie, Dunn, Mercer, Morton and Emmons counties. The Project enters South Dakota in Campbell County approximately 17 miles east of the Missouri River, and continues southeast through McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, and Lincoln counties

- 16a) Is map of location(s) required?
Yes No N/A

- 16b) Is map of location(s) attached?
Yes No

- 17) Estimated number of clients if applicable Per Day Per Season

- 18) Activity/site occupancy timeline (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up, and other major events.)

See final environmental assessment for maps and construction information.

- 19a) Is Plan of Operation required?
Yes No N/A

- 19b) Is Plan of Operation attached?
Yes No

- 20a) Is trip schedule required?
Yes No N/A

- 20b) Is trip schedule attached?
Yes No

License/Insurance Coverage/Certification/Permit

Note: Contact the refuge where the activity is going to be conducted to determine if we will require any type of license(s), insurance(s), certification(s), or permit(s). We may process this Special Use Permit while the applicant obtains them.

21) List any **licenses** you have for equipment operation (i.e., aviation or commercial boats), pesticide application(s), transporters, or others, if required.

License Type	Number	Expiration Date	Copy Attached? Yes/No
N/A			

22) List any **insurance coverage(s)** you have such as general liability, aviation, grounding liability, contaminants applicator, medical evacuation, or others, if required.

Insurance Type	Carrier	Expiration Date	Copy Attached? Yes/No
N/A			

23) List any **certifications** you have such as rat free, hull inspections, CPR/First Aid, or others, if required.

Certificate Type	Expiration Date	Copy Attached? Yes/No
N/A		

24) List any other Federal, State, or Tribal permits, if required.

Permit Type	Permit Number	Expiration Date	Copy Attached? Yes/No

Logistics and Transportation

Note: We do not require all information for each use. See instructions at the end of the notice and contact the refuge to determine applicability of a particular item.

25a) Does the activity require personnel to stay overnight on the refuge? Yes No N/A

25b) If yes, list names of personnel involved

List Names	List Names	List Names	List Names

26) Identify and describe all major equipment/gear and materials needed for activity if required

See attached Environmental Construction Plan

27a) Provide detailed information on the logistics for onsite, intersite, and/or ship-to-shore transportation to or on the refuge, if required:

N/A

27b) Provide descriptions, license plate and/or identification numbers of vehicles used for onsite transportation, if required

Vehicle Type	Plate/I.D./Registration #	Vehicle Type	Plate/I.D./Registration #
N/A			

27c) Provide descriptions, license plate and/or identification numbers of vehicles used for intersite transportation, if required

Vehicle Type	Plate/I.D./Registration #	Vehicle Type	Plate/I.D./Registration #
N/A			

27d) Provide descriptions, license plate and/or identification numbers of vehicles used for ship to shore transportation, if required:

Vehicle Type	Plate/I.D./Registration #	Vehicle Type	Plate/I.D./Registration #
N/A			

28a) Is fuel cache needed? Yes No N/A

28b) Specific location(s) of fuel caches: (GPS Coordinates preferred)

29a) Is Safety Plan required?
Yes No N/A

29b) Is Safety Plan attached?
Yes No

Work and Living Accommodations


30) Specifically describe onsite work and/or living accommodations, including spike camps

See attached environmental construction plan

31) Specifically describe on or offsite hazardous material storage or other on or offsite material storage space: (Including on and offsite fuel caches)

See attached environmental construction plan

Sign, date, and print this form and return it to the refuge for processing.

32) Signature of Applicant  Date of Application 6/27/16

Dakota Access Pipeline Special Use Permit

Permit Construction Conditions

1. Permittee is responsible to obtain any necessary permits/approvals from other County, State or Federal agencies.
2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. Any permit issued is for the initial construction only; any future maintenance or repairs will be covered under a future Special Use Permit issued by the Service.
4. Storage of building materials or disposal of fill material from construction will not be allowed on easement protected areas.
5. Upland soils must be leveled and returned to within 0.1 feet of pre-construction conditions.
6. Any construction work within easement protected wetland basins will be backfilled and compacted to the normal contour of the wetland basin bottom. No excess, non-compacted fill will be permitted. Soil profiles within wetlands must be restored to pre-construction profiles.
7. To aid in construction and to further minimize construction impacts, wetlands that will be crossed by the pipeline may be pumped dry one week prior to excavation to aid in the installation of the pipeline.
8. Prior to backfilling, permanent trench breakers will be installed where necessary to minimize the potential for water movement down the ditch and potential subsequent erosion. Excavated soils will be replaced in the opposite order it was removed and returned to the horizon in which they originally occurred.
9. Any alignment changes in the pipeline centerline on US Fish and Wildlife Service easement protected lands must be reviewed and approved before excavation occurs.
10. Permittee must contact the Service when work is initiated on easement protected land. An onsite coordination meeting will be scheduled to discuss the work and inspection of the easement protected lands will be done at the discretion of the Service.
11. The following special conditions pertain specifically to the Cultural Resource surveys that were completed.

Section 106 Specific Conditions

South Dakota

1. Sites 39ED2007 and 39KB2003 will be avoided by boring the pipeline beneath the railroad grades; and
2. Site 39CA0282 will be avoided with placement of exclusionary fencing to avoid construction activity encroachment, and monitored by an Environmental Inspector.
3. The *Unanticipated Discoveries Plan: Cultural Resources, Human Remains, Paleontological Resources & Contaminated Media* will be followed.

North Dakota:

1. The workspace footprint avoids sites 32MN1339, 32MN1340, and 32MN929;
2. Exclusionary fencing is erected in their immediate vicinity to prevent encroachment; and
3. Construction activities are monitored by an Environmental Inspector to ensure avoidance is achieved.
4. The *Unanticipated Discoveries Plan: Cultural Resources, Human Remains, Paleontological Resources & Contaminated Media* will be followed.

Notice

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information:

The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S.C. 460k-460k-4).

The information that you provide is voluntary; however, we require submission of requested information to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. We maintain the information in accordance with the Privacy Act. We will consider all information you provide in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.

We also may make routine use disclosures: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department of Justice (48 FR 54716, December 6, 1983).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this information collection and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the requested specific refuge use. We estimate the relevant public reporting burden for the Commercial Activity Special Use Permit Application form to average 4 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Mail comments on this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803

General Conditions and Requirements

- 1) **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
- 2) **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
- 3) **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area, and allows the U.S. Fish and Wildlife Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the U.S. Fish and Wildlife Service; and (2) the management of wildlife and fish using the premises and other U.S. Fish and Wildlife Service lands.
- 4) **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the U.S. Fish and Wildlife Service and the permit shall not be used for speculative purposes.
- 5) **Compliance:** The U.S. Fish and Wildlife Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the U.S. Fish and Wildlife Service's right to thereafter enforce any of the permit's terms or conditions.
- 6) **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, the U.S. Fish and Wildlife Service shall retain all money paid under this permit to be used to satisfy as much of the permittee's obligation as possible.
- 7) **Payments:** All payment shall be made on or before the due date to the local representative of the U.S. Fish and Wildlife Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
- 8) **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the U.S. Fish and Wildlife Service representative, reserving, however, the rights specified in paragraph 11 below. If he/she fails to do so, he/she will pay the U.S. Fish and Wildlife Service, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11 below. The acceptance of any

fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the U.S. Fish and Wildlife Service's right to terminate or cancel the permit for the breach of any specified condition or requirement.

9) **Revocation Policy:** The Regional Director of the U.S. Fish and Wildlife Service may revoke this permit without notice for noncompliance with the terms hereof, or for violation of general and/or specific laws or regulations governing national wildlife refuges, or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the U.S. Fish and Wildlife Service, by and through any authorized representative, may take possession of said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10) **Damages:** The U.S. Fish and Wildlife Service shall not be responsible for: any loss or damage to property including but not limited to crops, animals, and machinery; injury to the permittee or his/her relatives or to the officers, agents, employees, or any other(s) who are on the premises from instructions; the sufferance from wildlife or employees or representatives of the U.S. Fish and Wildlife Service carrying out their official responsibilities. The permittee agrees to hold the U.S. Fish and Wildlife Service harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11) **Removal of Permittee's Property:** Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the U.S. Fish and Wildlife Service have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the U.S. Fish and Wildlife Service official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc., from the premises for which he/she is responsible. Within this period the permittee also must remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the U.S. Fish and Wildlife Service.

Instructions for Completing Application

You may complete the application portion verbally, in person, or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of a particular item. We may add special conditions or permit stipulations to permit prior to approval.

1) Identify if permit application is for new, renewal, or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of this requirement.

2-9) Provide applicant or business full name, organization or business name (if applicable), address, phone, fax, and e-mail.

10) Provide tax identification number of business or individual.

11a-11b) Check box answering the question regarding any violations of State, Federal, or local law, or regulations related to fish and wildlife or permit activities, if required. If **you answered yes to question 11a**, supply the detailed information requested in question 11b. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if we require information on violations of State, Federal, or local law, or regulations related to fish and wildlife or permit activities.

12) Provide the names and addresses of assistants, subcontractors, or subpermittees. ~~We may require names and address if the assistants, subcontractors, or subpermittees will be operating on the refuge without the permittee being present.~~ Volunteers, assistants, subcontractors, or subpermittees that are accompanied by the permittee need not be identified.

13) **Activity type:** identify activity type (such as, guiding hunters, anglers, or other outdoor users, commercial filming, providing other visitor services, agriculture activities such as haying, grazing, crop planting, logging, beekeeping, and other agricultural products, building or occupying cabins, or other commercial uses) Describe other commercial uses if not one of the listed categories. Applicants in Alaska should contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding commercial or subsistence activities.

14) **Describe Activity:** provide detailed information on the activity, including timing, frequency, how the activity is expected to proceed, etc. Permit renewals may not need activity descriptions if the activity is unchanged from previous permit. Most repetitive activities do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of this requirement.

15) **Location:** identify specific location (GPS coordinates preferred) if not a named facility. Most repetitive activities may not require identification of a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

16a-16b) Attach a map of location, if required, and if the activity is not conducted at a named facility. Most repetitive activities may not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

17) Estimate number of clients per day or per season.

18) **Activity/site occupancy timeline.** identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline if the activity is unchanged from previous permit. Most repetitive activities do not require an

activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

19a-19b) Attach a Plan of Operation, if required. Most repetitive activities do not require a Plan of Operations for each visit. In addition, permit renewals may not require a Plan of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office listed where the activity is going to be conducted to determine if a Plan of Operations is required.

20a-20b) Attach trip schedule, if required. Most repetitive activities will require trip schedules for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if trip schedules are required.

21) Specifically identify types and numbers of licenses, as required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses required, and to coordinate the simultaneous application for multiple types of licenses. We may process this Special Use Permit while licenses are being sought, but we may or may not issue the Special Use Permit until appropriate licenses are obtained.

22) Specifically identify **name, type, and carrier** of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of insurance required, and to coordinate obtaining several types of insurance simultaneously with this permit. We may or may not issue this **Special Use Permit** while other types of insurance are being obtained.

23) Specifically identify types and numbers of other certifications, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of certifications required, and to coordinate the simultaneous application of multiple certifications. We may or may not issue this Special Use Permit while other certifications are being obtained.

24) Specifically identify types and numbers of other State, Federal or tribal permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of permits required, and to coordinate the simultaneous application of multiple State, Federal or tribal permits. We may process this Special Use Permit while other State, Federal or tribal permits are being sought, but we may or may not issue the Special Use Permit until other appropriate State, Federal or tribal permits are obtained.

25a-25b) Provide name(s) of any personnel required to stay overnight, if applicable.

26) Identify all equipment and materials that will be used, if required. Most repetitive activities do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.

27a-27d) Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.

28a-28b) Identify specific location(s) of fuel cache(s) (GPS coordinates preferred), if required.

29a-29b) Attach safety plan if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if we require a safety plan.

30) Specifically describe onsite work and/or living accommodations, if required. Include descriptions and locations (GPS coordinates preferred) of spike camps or other remote work and/or living accommodations that are not part of the base of operations. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if we require descriptions of on-site work and/or living accommodations.

31) Specifically describe onsite or offsite hazardous material storage, or other material storage space (including on and offsite fuel caches), if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if we require descriptions of hazardous material storage or other on-site material storage.

32) Print the application (if using the fillable version). Date and sign the application and return to refuge for processing. The refuge official will review and, if approved, fill out a Special Use Permit, sign, and return a copy to you for signature and acceptance.

**This application form is not valid as a permit
but may be used as a reference document attached to the official permit.
Only official refuge personnel may assign a valid permit number and permit term to this application form
after the permit has been approved.**

For Official Use Only (This section to be filled out by refuge personnel only.)

Special Use Permit

Permit #: 2016-21

1) Date 6/23/2016 2) Permit Approved Permit Denied 3) Station # 64570

4) Additional special conditions required (Special conditions may include activity reports before and after photographs, and other conditions.)
 Yes No N/A

Additional sheets attached
 Yes No

5) Other licenses/permits required
 Yes No N/A

Verification of other licenses/permits, type

6) Insurance/certifications required
 Yes No N/A

Verification of insurance/certification type:

7) Record of Payments: Exempt Partial Full

Amount of payment: N/A Record of partial payment _____

8) Bond posted Yes No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title)

Annis J. Hunter, Project Leader Date: 6-24-16

Permit accepted by (Signature of applicant):

X [Signature] Date: 6/24/16