

**Exhibit B**  
**Agency Correspondence**

**Exhibit B.1**  
**NDIC Pipeline Authority**

September 30, 2019

Justin Kringstad  
North Dakota Industrial Commission  
Pipeline Authority  
600 E. Boulevard Ave. Dept. 405  
Bismarck, ND 58505-0840

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

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As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Justin Kringstad  
North Dakota Industrial Commission  
Pipeline Authority  
600 E. Boulevard Ave. Dept. 405  
Bismarck, ND 58505-0840

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.2**  
**ND State Water Commission**

September 30, 2019

Dawn Martin  
Planning Division  
North Dakota State Water Commission  
900 East Boulevard Avenue, Dept 770  
Bismarck, ND 58505-0850

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

October 29, 2019

Jaimee Antognazzi  
Keitu Engineers & Consultants, Inc.  
PO Box 98  
Mandan, ND 58554-0098

Dear Ms. Antognazzi:

This is in response to your request for a review of the environmental impacts associated with the Bridger 16" Crude Oil Pipeline project.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- There are no floodplains identified and/or mapped where this proposed project is to take place. No permits relative to the NFIP are required based on the current effective FIRM and State minimum standards.
- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer if you have any questions at (701) 328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov).
- The State Water Commission maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. State Water Commission observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The State Water Commission hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.
- Permits for temporary surface water diversions within the Little Missouri River Basin, if issued, have additional conditions per an Interim Policy signed by the State Engineer on June 22, 2017. Please consult with the Water Appropriations Division of the Office of the State Engineer at (701) 328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov) if you have any questions.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or [stevebest@nd.gov](mailto:stevebest@nd.gov).

Sincerely,



Steven Best  
Planner III

SB:dm/1570

**Exhibit B.3**  
**ND Department of Environmental Quality**

September 30, 2019

Dave Glatt  
North Dakota Department of Environmental Quality  
918 East Divide Avenue  
Bismarck, ND 58501-1947

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Dave Glatt  
North Dakota Department of Environmental Quality  
918 East Divide Avenue  
Bismarck, ND 58501-1947

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

December 9, 2019

Jaimee Antognazzi  
Operations Manager  
Keitu Engineers & Consultants  
PO Box 98  
Mandan, ND 58554-0098

Re: Bridger Pipeline, LLC 16-inch Crude Oil Pipeline in Golden Valley, McKenzie Counties

Dear Mr. Antognazzi:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on October 01, 2019, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Aggregate to be used for road construction should not contain any erionite. Aggregate sources should be tested for erionite following guidelines found at <https://deq.nd.gov/erionite>. For questions regarding erionite testing, please call Sandi Washek at 701-328-5188.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Oil and gas projects disturbing one or more acres are required to obtain a permit to discharge storm water if runoff from the project will carry eroded material to a water of the state. A permit is not required for oil and gas projects if runoff from the project will not carry eroded material to a water of the state. Further information on the storm water permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). In addition, cities or counties may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. The proposed construction project overlies the Tobacco Garden, Cherry Creek and Bennie Peer glacial drift aquifers; the Tobacco Garden and Cherry Creek aquifers are designated sensitive aquifers. In addition, the project is very close to the Little Missouri River aquifer, which is also a sensitive groundwater area. Several domestic and/or stock water supply wells and non-community wellhead protection areas are located within, or nearby, the project's intended route.

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918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | [deq.nd.gov](http://deq.nd.gov)

Director's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

Division of  
Municipal Facilities  
701-328-5211

Division of  
Waste Management  
701-328-5166

Division of  
Water Quality  
701-328-5210

Division of Chemistry  
701-328-6140  
2635 East Main Ave  
Bismarck ND 58501

Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this department and appropriate remedial actions performed.

5. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.
6. Projects that involve construction of pipelines should select locations that minimize the potential for impacts to human health and the environment during and after construction by avoiding, when possible, source water protection areas and sensitive surface and groundwater environments. Additionally, when possible, pipeline routes should select areas with natural barriers to both surface and ground waters. Human health and the environment should be further protected by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup. Proper surveillance and monitoring for early detection of leaks should be required.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Director  
North Dakota Department of Environmental Quality

LDG:dlp  
Attach.

## Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction or environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of soil and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be controlled to minimize silt movement, nutrient upsurges, plant dislocations, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

### **Fill Material**

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill materials. All temporary fill must be removed. Debris and solid wastes must be properly disposed or recycled. Impacted areas must be restored to near original condition.

**Exhibit B.4**  
**ND DOT – Dickinson District**

September 30, 2019

District 5 – Dickinson  
North Dakota Department of Transportation  
1700 Third Avenue West, Suite 101  
Dickinson, ND 58601-3009

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

District 5 – Dickinson  
North Dakota Department of Transportation  
1700 Third Avenue West, Suite 101  
Dickinson, ND 58601-3009

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.5**  
**ND DOT – Williston District**

September 30, 2019

District 7 – Williston  
North Dakota Department of Transportation  
605 Dakota Parkway West  
Williston, ND 588802-0698

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

District 7 – Williston  
North Dakota Department of Transportation  
605 Dakota Parkway West  
Williston, ND 588802-0698

**RE:     Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**From:** [Keitu Mail](#)  
**To:** [Karine Finken](#)  
**Subject:** Fwd: Bridger 16"Crude Oil Pipeline Corridor  
**Date:** Thursday, February 06, 2020 8:28:28 AM

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Zach Peterson

\*Sent from my iPhone\*

Begin forwarded message:

**From:** "Wilt, Joel M." <jwilt@nd.gov>  
**Date:** February 6, 2020 at 8:06:28 AM CST  
**To:** "zpeterson@keitu.com" <zpeterson@keitu.com>  
**Subject:** Bridger 16"Crude Oil Pipeline Corridor

Zach, I received you letter dated December 16, 2019, requesting we voice any concerns with the pipeline corridor in North Dakota. Usually this type of request will be sent to our central office in Bismarck. I don't know if you did that but this letter says 2<sup>nd</sup> attempt. In case you have not sent this to central office, I will tell you that there are plans to four lane US 85 south of Watford City. Any plans to place this pipeline adjacent or under this highway should consider strategies to minimize any impact to the roadway and the pipeline. Currently US 85 is a two lane facility and R/W acquisition for a four lane facility is anticipated to begin. Thanx

Joel M. Wilt, P.E.  
Williston District Engineer - NDDOT  
605 Dakota Parkway West  
Williston, ND 58801  
ph (701)774-2700



January 13, 2020

Zach Peterson  
Environmental Specialist  
Keitu Engineers & Consultants  
1403 27<sup>th</sup> St. NW  
Mandan, ND 58554

CORRIDOR COMPATIBILITY APPLICATION AND ROUTE PERMIT APPLICATION  
BRIDGER PIPELINE - 160-MILE CRUDE OIL SUPPLY PIPELINE, MCKENZIE AND GOLDEN  
VALLEY COUNTIES, NORTH DAKOTA

We have reviewed your December 16, 2019, letter.

The North Dakota Department of Transportation (NDDOT) has reviewed your letter and based on the map included it appears that part of the pipeline route will parallel US Highway 85. Federal Highway Administration (FHWA) approved the Record of Decision (ROD) in March of 2019 to four-lane US Highway 85 from the I-94 Interchange to the Watford City Bypass, which includes the area the pipeline would parallel. The ROD and Final Environmental Impact Statement (FEIS) can be found at <https://www.dot.nd.gov/projects/williston/US85I94/>.

To accommodate the four-laning, as noted in the ROD and FEIS, right-of-way acquisition will be necessary. To understand the intentions and to limit disruptions to both Bridger Pipeline, LLC and NDDOT, NDDOT would request a meeting to discuss. Please contact Joyce Schmidt at (701) 328-2130 to coordinate a meeting.

Also, a Utility Occupancy Application and Permit for any crossings in NDDOT right of way would need to be submitted. Additionally, if any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineers, Rob Rayhorn at 701-227-6500 and Joel Wilt, Williston at 701-774-2700.



CHAD M. ORN, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/cmo/js

c: Rob Rayhorn Dickinson District Engineer  
Joel Wilt, Williston District Engineer  
Matt Linneman, Materials and Research Engineer & US Highway 85 Project Manager  
Mark Gaydos, Environmental and Transportation Services Engineer  
Brian Kroshus, Public Service Commission Chairman  
Julie Fedorchak, Public Service Commission  
Randy Christmann, Public Service Commission

**Exhibit B.6**  
**ND Department of Trust Lands**

September 30, 2019

Mike Humann, Director  
Surface Management District  
ND Department of Trust Lands  
1707 N 9<sup>th</sup> Street, PO Box 5523  
Bismarck, ND 58506-5523

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

## **Jaimee Antognazzi**

---

**From:** Jaimee Antognazzi <jantognazzi@keitu.com>  
**Sent:** Wednesday, October 2, 2019 4:11 PM  
**To:** 'kgraber@nd.gov'  
**Subject:** Bridger 16 inch crude line  
**Attachments:** ND\_Alignment.kmz

Hi Kayla-

Attached is the kmz for the Bridger 16 inch crude line. Please let me know if you need anything else.

Thanks,

**Jaimee Antognazzi, CSP**  
Operations Manager  
Keitu Engineers & Consultants  
1403 27<sup>th</sup> Street NW  
Mandan, ND 58554  
(701) 667-1808 Ext# 105

**STATE OF NORTH DAKOTA  
BOARD OF UNIVERSITY AND SCHOOL LANDS**

The State of North Dakota acting by and through the Board of University and School Lands and its agent, the Commissioner of University and School Lands (GRANTOR), in consideration of \$306,969.00, which has been received, conveys to BRIDGER PIPELINE LLC, 455 N POPLAR ST PO DRAWER 2360, CASPER, WY 82601 (GRANTEE), an easement to construct, operate, maintain and remove one 16-inch diameter steel oil transmission pipeline with the right of ingress and egress, over certain land hereafter referred to as the "easement area", which is a strip of land 33.0 feet wide, 16.5 feet on each side of the following described centerline:

**NW4 of Section 16, T149N, R98W, McKenzie County**

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, THENCE ON AN AZIMUTH OF 178°41'53" A DISTANCE OF 689.13 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 087°58'27" A DISTANCE OF 274.60 FEET; THENCE ON AN AZIMUTH OF 086°37'02" A DISTANCE OF 376.50 FEET; THENCE ON AN AZIMUTH OF 099°19'44" A DISTANCE OF 692.87 FEET; THENCE ON AN AZIMUTH OF 121°44'42" A DISTANCE OF 101.87 FEET; THENCE ON AN AZIMUTH OF 023°25'36" A DISTANCE OF 813.67 FEET; THENCE ON AN AZIMUTH OF 001°02'11" A DISTANCE OF 109.78 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 268°54'49" A DISTANCE OF 875.97 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 16.

THE CENTERLINE IS 2,369.29 FEET OR 143.59 RODS LONG, AND THE EASEMENT AREA CONTAINS 1.79 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A1-A5" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

**SW4 of Section 36, T150N, R97W, McKenzie County**

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36, THENCE ON AN AZIMUTH OF 358°29'44" A DISTANCE OF 392.23 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 135°02'10" A DISTANCE OF 92.39 FEET; THENCE ON AN AZIMUTH OF 095°39'35" A DISTANCE OF 62.62 FEET; THENCE ON AN AZIMUTH OF 088°16'15" A DISTANCE OF 397.68 FEET; THENCE ON AN AZIMUTH OF 068°11'19" A DISTANCE OF 628.87 FEET; THENCE ON AN AZIMUTH OF 063°00'52" A DISTANCE OF 218.40 FEET; THENCE ON AN AZIMUTH OF 059°55'33" A DISTANCE OF 349.19 FEET; THENCE ON AN AZIMUTH OF 067°09'50" A DISTANCE OF 187.35 FEET; THENCE ON AN AZIMUTH OF 088°58'05" A DISTANCE OF 845.44 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 358°30'18" A DISTANCE OF 868.80 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 36.

THE CENTERLINE IS 2,781.94 FEET OR 168.60 RODS LONG, AND THE EASEMENT AREA CONTAINS 2.11 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A6-A8" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

**SE4 of Section 36, T150N, R97W, McKenzie County**

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 36, THENCE ON AN AZIMUTH OF 358°30'18" A DISTANCE OF 868.80 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 088°58'05" A DISTANCE OF 101.70 FEET; THENCE ON AN AZIMUTH OF 087°34'19" A DISTANCE OF 881.86 FEET; THENCE ON AN AZIMUTH OF 090°48'23" A DISTANCE OF 787.37 FEET; THENCE ON AN AZIMUTH OF 088°29'58" A DISTANCE OF 870.29 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 358°32'55" A DISTANCE OF 861.56 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 36. THE CENTERLINE IS 2,641.22 FEET OR 160.07 RODS LONG, AND THE EASEMENT AREA CONTAINS 2.00 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A9-A13" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

THE TOTAL CENTERLINE IS 7,792.45 FEET OR 472.26 RODS LONG, AND THE EASEMENT AREA CONTAINS 5.90 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A1-A13" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

**EASEMENT: Pipeline-Oil Transmission Pipeline**

**ROW #8565 (Pg 2)**

1. The Pipeline-Oil Transmission Pipeline shall be built only on the centerline(s) as described above. GRANTEE may also temporarily use an additional 17.0 feet of temporary right of way on the working side of the Pipeline-Oil Transmission Pipeline as a construction right of way. This construction right of way shall be subject to the topsoil reservation and reclamation provisions of this easement and must be abandoned upon the completion of construction and reclamation.
2. The top of the Pipeline-Oil Transmission Pipeline must be buried at least 48 inches below the ground's surface.
3. GRANTEE may install the following described appurtenance(s) upon or below the surface: N/A. For this/these additional appurtenance(s), GRANTEE has paid N/A as further consideration. GRANTEE shall, when necessary, protect all above ground appurtenances with a fence adequate to prevent livestock access and shall paint all above ground structures; except wire fences, anchors, guy wires, steel towers, and wood poles; with earth tone colors.
4. If construction of the Pipeline-Oil Transmission Pipeline is not completed within two years after GRANTOR signs this easement, this easement automatically terminates.
5. GRANTEE shall make a satisfactory settlement with the surface tenant for damage to seeded annual crops, fences or other improvements owned by the tenant, caused by construction, operation, maintenance or removal of the Pipeline-Oil Transmission Pipeline and shall notify the surface tenant of the construction schedule at least one week before construction.
6. GRANTEE, or its agent, shall have a legible copy of this easement with them on site for reference during construction, operation, maintenance or reclamation and shall present the copy upon GRANTOR's request.
7. This easement is subject to all of the GRANTOR's existing rights and privileges.
8. If, prior to or during construction, archeological or paleontological items are discovered or such items are disturbed, GRANTEE shall cease construction activities immediately. GRANTEE shall then promptly notify GRANTOR and must not resume construction until written approval is given by GRANTOR.
9. GRANTEE shall, prior to construction, maintenance or removal, reserve the top 12 inches of soil from areas subject to topsoil and subsoil mixing. The reserved soil must be stockpiled to minimize wind and water erosion. Upon completion of construction, and maintenance or removal, GRANTEE shall promptly reclaim the disturbed area. It must be recontoured to conform to the adjacent natural topography, rocks exposed by excavation must be hauled off or reburied on the property, the reserved soil must be evenly respread over the disturbed area, and the entire disturbed area must be revegetated with a mixture of native perennial grasses as shown in Exhibit "B". Reclamation is not complete until rocks are removed from the surface, erosion is controlled and the surface is revegetated with a mixture of native perennial grasses.
10. GRANTEE shall implement reasonable measures to prevent accelerated erosion. If an erosion problem develops, GRANTEE shall promptly take the necessary actions to correct it and shall repair any erosion damage.
11. GRANTEE shall not discharge oil, gas liquids, salt water, or any other hazardous liquids or toxic substances onto the easement area or land adjacent to the easement area. All discharges of oil, gas liquids, salt water, or other hazardous liquids or toxic substances shall be stopped as soon as possible after discovery and acted upon immediately to halt movement of such discharges. Any such discharges shall be reported immediately to the GRANTOR. The GRANTEE shall then restore the affected area as closely as possible to its original condition.
12. GRANTEE shall control all noxious weeds in the easement area.
13. GRANTEE may cut or trim trees and shrubs, but only to the extent they interfere with or endanger the operation or maintenance of the Pipeline-Oil Transmission Pipeline.

- 14. GRANTEE shall maintain the natural water flow and drainage.
- 15. GRANTEE shall take necessary precautions to prevent fires. In the event of a fire caused by the GRANTEE or its agent, GRANTEE shall compensate the GRANTOR's surface lessee(s) for their losses including forage, crop and any other losses; and shall compensate GRANTOR for any loss it suffers due to the fire.
- 16. GRANTEE shall conduct all activities associated with the Pipeline-Oil Transmission Pipeline in a manner that avoids the degradation of air, land, and water quality and that protects the area's visual resources.
- 17. GRANTOR reserves the right to use the easement area and to allow others to use the easement area for purposes compatible with GRANTEE's use. If someone other than GRANTOR uses the easement area in a manner inconsistent with GRANTEE's use, GRANTOR is not liable or responsible.
- 18. Through this easement, GRANTEE is not acquiring any subsurface interest. Subsurface interests include, but are not limited to oil, gas, coal, cement materials, sodium sulfate, sand and gravel, scoria, road material, building stone, chemical substances, metallic ores, uranium ores, or colloidal or other clays. If any subsurface interest is or will likely be excluded from mining or development because of the presence of this easement or the Pipeline-Oil Transmission Pipeline allowed by this easement, or if the location of the Pipeline-Oil Transmission Pipeline interferes or will likely interfere with the mining or development of subsurface interests outside of the easement area, this easement will terminate. GRANTOR will give GRANTEE at least sixty (60) days prior written notice of this easement's termination under this paragraph. If GRANTEE wishes to have the Pipeline-Oil Transmission Pipeline relocated within the tract and if GRANTOR determines that a suitable location exists within the tract, GRANTOR agrees to grant a new easement for such relocated Pipeline-Oil Transmission Pipeline without additional compensation, but GRANTEE shall bear all relocation costs.
- 19. If GRANTOR determines at any time during the existence of the easement, that the easement negatively interferes with or in any manner and to any extent affects the marketability, market value, development, or the value for development of the state-owned land specifically described below, GRANTOR may take any one of the following actions. One, terminate this easement. Two, require GRANTEE at GRANTEE'S expense to move the Pipeline-Oil Transmission Pipeline to another location within the affected tract, if it is determined by the GRANTOR that a suitable location exists within the tract. Three, require GRANTEE to compensate GRANTOR, at the amount set by the GRANTOR, for the loss GRANTOR incurs because of the easement's presence. The rights given in this paragraph are personal to the GRANTOR and only the GRANTOR may exercise them.

Twp	Rng	Sec	Sub Division	County
149	98	16	NW4	McKenzie
150	97	36	SE4	McKenzie
150	97	36	SW4	McKenzie

- 20. GRANTEE agrees to defend, indemnify and hold harmless GRANTOR from any claims by any person that are in any way related to GRANTEE's use of the easement area, including all costs, expenses, and attorney fees that in any manner result from or arise out of this agreement. It is GRANTEE's exclusive right and responsibility to construct, maintain, and remove the Pipeline-Oil Transmission Pipeline. GRANTEE further accepts liability and indemnifies GRANTOR, and its officers and employees, from all costs, expenses and attorneys fees incurred in establishing and litigating the indemnification coverage provided above. The legal defense provided by GRANTEE to the GRANTOR under this paragraph must be free of any conflicts of interest, even if this requires GRANTEE to retain separate legal counsel for GRANTOR. The obligations of this paragraph shall continue after this agreement terminates.
- 21. Any fixtures, structures, installations or facilities constructed or installed by GRANTEE, are the property of GRANTEE and may be removed by GRANTEE at any time.

**EASEMENT: Pipeline-Oil Transmission Pipeline**

**ROW #8565 (Pg 4)**

22. GRANTEE shall remove all improvements, both above ground and underground, from the easement area when the easement is abandoned or in any other way terminated, unless authorized to do otherwise in writing by GRANTOR.
23. This easement shall be a covenant running with the land and shall be binding on the heirs, successors, and assigns of the parties hereto.
24. This easement is subject to all existing easements and nothing in this easement supersedes any rights previously granted.
25. GRANTOR neither warrants nor agrees to defend title to the easement area.
26. This easement is also subject to the conditions in Exhibits "A1-A13" and "B" which are attached and made a part of this easement.

Dated this 14 day of December, 2021, at Bismarck, North Dakota.

GRANTOR:

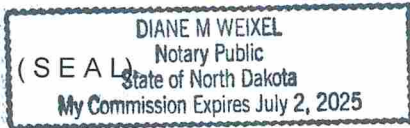
STATE OF NORTH DAKOTA  
BOARD OF UNIVERSITY & SCHOOL LANDS

*Jodi Smith*

Jodi Smith, Commissioner  
of University and School Lands

STATE OF NORTH DAKOTA )  
) ss.  
COUNTY OF BURLEIGH )

On this 14<sup>th</sup> day of December, 2021, before me personally appeared Jodi Smith, Commissioner of University and School Lands, acting on behalf of the Board of University and School Lands of North Dakota, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.



*Diane M. Weixel*

Notary Public

GRANTEE:

BRIDGER PIPELINE LLC

*H.A. Tal True*

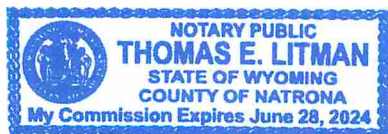
(signature) On Behalf of Bridger Pipeline LLC

*Tal True*

STATE OF Wyoming )  
) ss.  
COUNTY OF Natrona )

On this 13<sup>th</sup> day of January, 2022, before me personally appeared H.A. Tal True (Member), acting on behalf of Bridger Pipeline LLC, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.

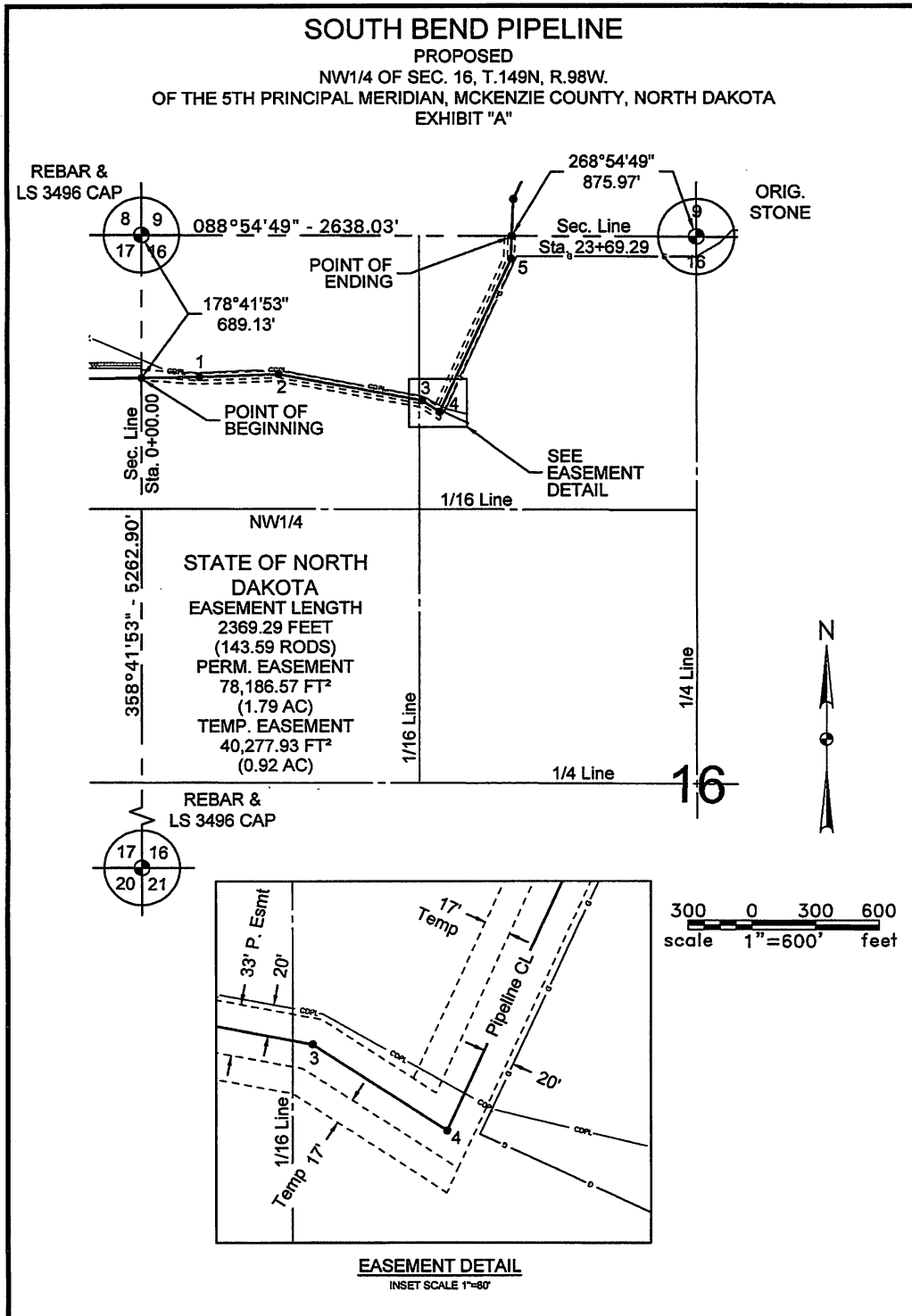
(SEAL)




*Thomas E. Litman*

Notary Public

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	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA	JOB NO. 1907_00533 TRACT NUMBER ND-16-149-98-NW1/4
	DRAWN BY: BAL    DATE: 02/20/2020    REVISED: 10/09/2020 BL	<b>PROPOSED EASEMENT ON AND ACROSS THE NW1/4 OF SEC. 16, T.149N, R.98W.</b>	

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2360 Casper, WY 82501	DATE: 02/20/2020 REVISION: 1/09/2020 BL	JOB NO.: 1907_00533
		PROPOSED EASEMENT ON AND ACROSS THE NW1/4 OF SEC. 16, T.149N, R.98W.	SHEET: 2 of 5
STATE OF NORTH DAKOTA		PROJECT NUMBER: ND-16-149-98-NW1/4	



PI #	STATIONING	LATITUDE	LONGITUDE	DIRECTION	DISTANCE
Sec. Line	0 + 00.00	47°43'49.38" N	103°14'25.32" W		274.60'
1	2 + 74.60	47°43'49.41" N	103°14'21.30" W		376.50'
2	6 + 51.10	47°43'49.55" N	103°14'15.79" W		692.87'
3	13 + 43.97	47°43'48.29" N	103°14'05.83" W		101.87'
4	14 + 45.84	47°43'47.74" N	103°14'04.58" W		813.67'
5	22 + 59.51	47°43'55.03" N	103°13'59.60" W		109.78'
Sec. Line	23 + 69.29	47°43'56.12" N	103°13'59.53" W		001°02'11"

**SOUTH BEND PIPELINE**  
 PROPOSED  
 NW1/4 OF SEC. 16, T.149N, R.98W.  
 OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
 EXHIBIT "A"

**SOUTH BEND PIPELINE**  
PROPOSED  
NW1/4 OF SEC. 16, T.149N, R.98W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

DESCRIPTION: CENTERLINE SURVEY

An easement located in the Northwest Quarter of Section 16, Township 149 North, Range 98 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more particularly described as follows:


COMMENCING at the northwest corner of said Section 16, thence on an azimuth of 178°41'53" a distance of 689.13 feet to the POINT OF BEGINNING; thence on an azimuth of 087°58'27" a distance of 274.60 feet; thence on an azimuth of 086°37'02" a distance of 376.50 feet; thence on an azimuth of 099°19'44" a distance of 692.87 feet; thence on an azimuth of 121°44'42" a distance of 101.87 feet; thence on an azimuth of 023°25'36" a distance of 813.67 feet; thence on an azimuth of 001°02'11" a distance of 109.78 feet to the POINT OF ENDING. Said point lies on an azimuth of 268°54'49" a distance of 875.97 feet from the northeast corner of the Northwest Quarter of said Section 16.

Covering in all 2369.29 feet (143.59 rods).

NOTES:

1. Survey is based on UTM ZONE 13 NORTH, NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in December, 2019.

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2380 Casper, WY 82601	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
	DRAWN BY: BAL	DATE: 02/20/2020	REVISED: 10/09/2020 BL
PROPOSED EASEMENT ON AND ACROSS THE NW1/4 OF SEC. 16, T.149N, R.98W.			SHEET 3 of 5

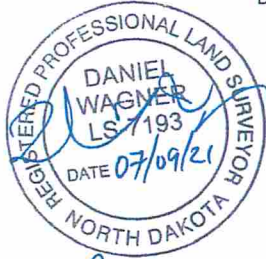
**SOUTH BEND PIPELINE**  
PROPOSED  
SEC. 16, T. 149N, R. 98W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

GPS SURVEY-AFFIDAVIT

AFFIDAVIT

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that a Trimble R-8 Model 4 was used to perform this survey as given in this application and is accurate and correct to within 2-5 centimeters.

Dated at 12:00pm, this 9<sup>th</sup> day of July, 2021



Signed [Signature]

Title LAND SURVEYOR

Address KLJ  
1830 3rd Avenue East Suite 202  
Kalispell, MT 59901-5578

STATE OF Montana )  
County of Hathead )

On this 9<sup>th</sup> day of July, in the year 2021, before me Angela G. Clark, a Notary Public for the State of Montana, personally appeared Daniel Curtis Wagner known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certification above written.

Angela G. Clark  
Notary Public for the State of Montana



DISTANCE ACROSS PROPERTY (FEET): 2369.29  
DISTANCE ACROSS PROPERTY (RODS): 143.59  
AREA OF PERMANENT EASEMENT (AC): 1.79

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS SEC. 16, T. 149N, R. 98W.	TRACT NUMBER ND-16-149-98
DRAWN BY: BAL	DATE: 5/12/2020	REVISED: 10/09/2020 BL	SHEET 5 of 5

### SOUTH BEND PIPELINE

PROPOSED  
SEC. 16, T.149N, R.98W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

DISTANCE ACROSS PROPERTY (FEET): 2369.29  
DISTANCE ACROSS PROPERTY (RODS): 143.59  
AREA OF PERMANENT EASEMENT (AC): 1.79

ACREAGE TAKEN FROM EACH FORTY OR GOVERNMENT LOT OF STATE LAND

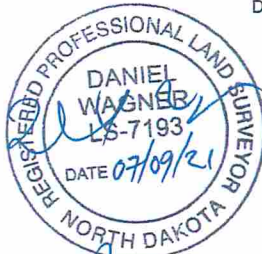
NE1/4NE1/4	_____	acres	Forwarded	_____	1.79	_____	acres
NW1/4 "	_____	"	NE1/4SW1/4	_____	_____	_____	"
SW1/4 "	_____	"	NW1/4 "	_____	_____	_____	"
SE1/4 "	_____	"	SW1/4 "	_____	_____	_____	"
NE1/4NW1/4	_____ 0.78	acres	SE1/4 "	_____	_____	_____	"
NW1/4 "	_____ 1.01	"	NE1/4SE1/4	_____	_____	_____	acres
SW1/4 "	_____	"	NW1/4 "	_____	_____	_____	"
SE1/4 "	_____	"	SW1/4 "	_____	_____	_____	"
Forward	_____ 1.79	"	SE1/4 "	_____	_____	_____	"
			Total	_____	1.79	_____	acres

Signature of Applicant \_\_\_\_\_  
(as the same is to appear in  
the deed)  
By \_\_\_\_\_  
Address \_\_\_\_\_

**AFFIDAVIT**

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that the description of the right of way as given in this application is accurate and correct in every particular and that the monument referenced herein described as follows:

Dated at 12:00 PM, this 9<sup>th</sup> day of JULY, 2021.

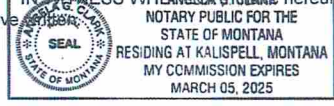


Signed [Signature]  
Title LAND SURVEYOR

STATE OF Montana )  
County of Foothold )

On this 9<sup>th</sup> day of July, in the year 2021, before me Angela M. Clark, a Notary Public for the State of Montana, personally appeared Daniel Curtis Wagner known to me to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.

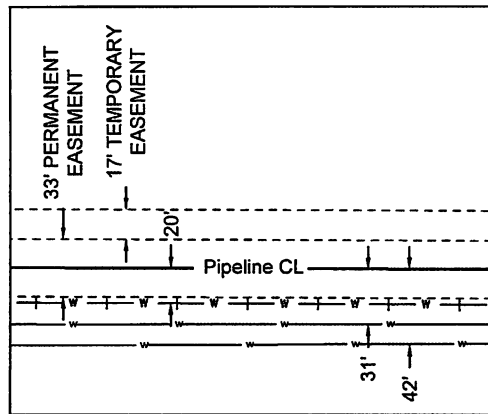
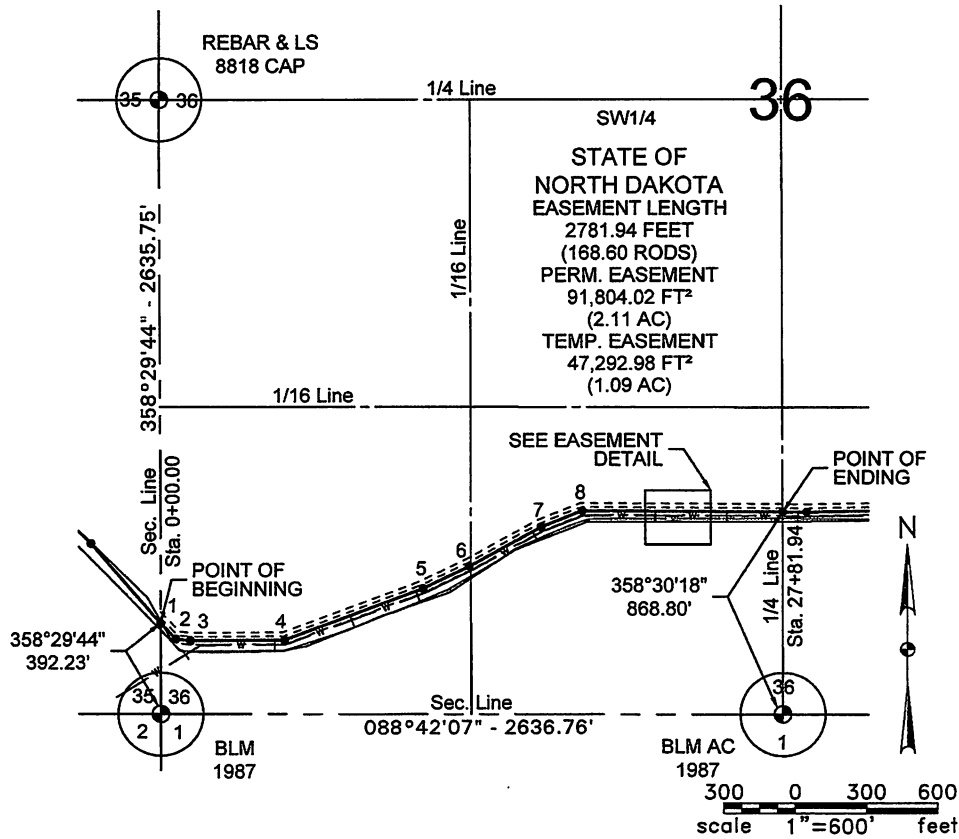
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certification above.



Angela M. Clark  
Notary Public for the State of Montana


	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS SEC. 16, T.149N, R.98W.	TRACY NUMBER ND-16-149-98
DRAWN BY: BAL	DATE: 5/12/2020	REVIEWED: 10/09/2020 BL	SHEET 4 of 5

**SOUTH BEND PIPELINE**  
PROPOSED  
SW1/4 OF SEC. 36, T.150N, R.97W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"



**EASEMENT DETAIL**  
INSET SCALE 1"=80'

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA		JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS THE SW1/4 OF SEC. 36, T.150N, R.97W.		TRACT NUMBER ND-36-150-87-SW1/4 SHEET
DRAWN BY: CDV	DATE: 8/22/2020	REVISION: 7/29/2021 BL	<b>1 of 8</b>	

		DATE: 02/22/2020 REVISION: 7/29/2021 BL	CDV 455 N. Poplar P.O. Drawer 2360 Casper, WY 82501	BRIDGER PIPELINE, LLC	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA PROPOSED EASEMENT ON AND ACROSS THE SW1/4 OF SEC. 36, T.150N, R.97W.	2 of 8																																																												
<p style="text-align: center;">                     SOUTH BEND PIPELINE                      PROPOSED                      SW1/4 OF SEC. 36, T.150N, R.97W.                      OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA                      EXHIBIT "A"                 </p> <table border="1"> <thead> <tr> <th>PI #</th> <th>STATIONING</th> <th>LATITUDE</th> <th>LONGITUDE</th> <th>DIRECTION</th> <th>DISTANCE</th> </tr> </thead> <tbody> <tr> <td>S. Line/1</td> <td>0+00.00</td> <td>47°45'43.04" N</td> <td>103°02'51.78" W</td> <td></td> <td>92.39'</td> </tr> <tr> <td>2</td> <td>0+92.39</td> <td>47°45'42.38" N</td> <td>103°02'50.85" W</td> <td></td> <td>62.62'</td> </tr> <tr> <td>3</td> <td>1+55.01</td> <td>47°45'42.30" N</td> <td>103°02'49.94" W</td> <td></td> <td>397.68'</td> </tr> <tr> <td>4</td> <td>5+52.69</td> <td>47°45'42.32" N</td> <td>103°02'44.12" W</td> <td></td> <td>628.87'</td> </tr> <tr> <td>5</td> <td>11+81.56</td> <td>47°45'44.48" N</td> <td>103°02'35.49" W</td> <td></td> <td>218.40'</td> </tr> <tr> <td>6</td> <td>13+99.96</td> <td>47°45'45.41" N</td> <td>103°02'32.60" W</td> <td></td> <td>349.19'</td> </tr> <tr> <td>7</td> <td>17+49.15</td> <td>47°45'47.06" N</td> <td>103°02'28.11" W</td> <td></td> <td>187.35'</td> </tr> <tr> <td>8</td> <td>19+36.50</td> <td>47°45'47.74" N</td> <td>103°02'25.56" W</td> <td></td> <td>845.44'</td> </tr> <tr> <td>1/4 Line</td> <td>27+81.94</td> <td>47°45'47.68" N</td> <td>103°02'13.18" W</td> <td></td> <td></td> </tr> </tbody> </table>							PI #	STATIONING	LATITUDE	LONGITUDE	DIRECTION	DISTANCE	S. Line/1	0+00.00	47°45'43.04" N	103°02'51.78" W		92.39'	2	0+92.39	47°45'42.38" N	103°02'50.85" W		62.62'	3	1+55.01	47°45'42.30" N	103°02'49.94" W		397.68'	4	5+52.69	47°45'42.32" N	103°02'44.12" W		628.87'	5	11+81.56	47°45'44.48" N	103°02'35.49" W		218.40'	6	13+99.96	47°45'45.41" N	103°02'32.60" W		349.19'	7	17+49.15	47°45'47.06" N	103°02'28.11" W		187.35'	8	19+36.50	47°45'47.74" N	103°02'25.56" W		845.44'	1/4 Line	27+81.94	47°45'47.68" N	103°02'13.18" W		
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6	13+99.96	47°45'45.41" N	103°02'32.60" W		349.19'																																																													
7	17+49.15	47°45'47.06" N	103°02'28.11" W		187.35'																																																													
8	19+36.50	47°45'47.74" N	103°02'25.56" W		845.44'																																																													
1/4 Line	27+81.94	47°45'47.68" N	103°02'13.18" W																																																															

**SOUTH BEND PIPELINE**  
PROPOSED  
SW1/4 OF SEC. 36, T.150N, R.97W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

**DESCRIPTION: CENTERLINE SURVEY**

An easement located in the Southwest Quarter of Section 36, Township 150 North, Range 97 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more particularly described as follows:


COMMENCING at the southwest corner of said Section 36, thence on an azimuth of 358°29'44" a distance of 392.23 feet to the POINT OF BEGINNING; thence on an azimuth of 135°02'10" a distance of 92.39 feet; thence on an azimuth of 095°39'35" a distance of 62.62 feet; thence on an azimuth of 088°16'15" a distance of 397.68 feet; thence on an azimuth of 068°11'19" a distance of 628.87 feet; thence on an azimuth of 063°00'52" a distance of 218.40 feet; thence on an azimuth of 059°55'33" a distance of 349.19 feet; thence on an azimuth of 067°09'50" a distance of 187.35 feet; thence on an azimuth of 088°58'05" a distance of 845.44 feet to the POINT OF ENDING. Said point lies on an azimuth of 358°30'18" a distance of 868.80 feet from the southeast corner of said Southwest Quarter of Section 36.

Covering in all 2781.94 feet (168.60 rods).

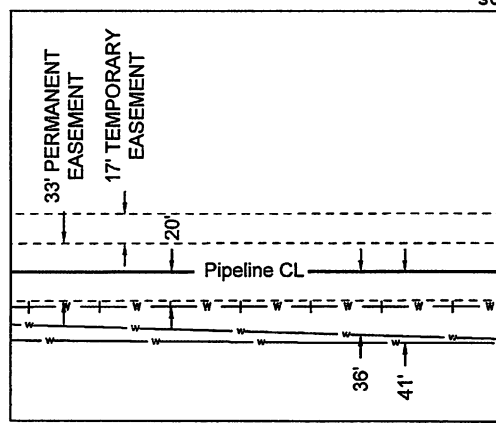
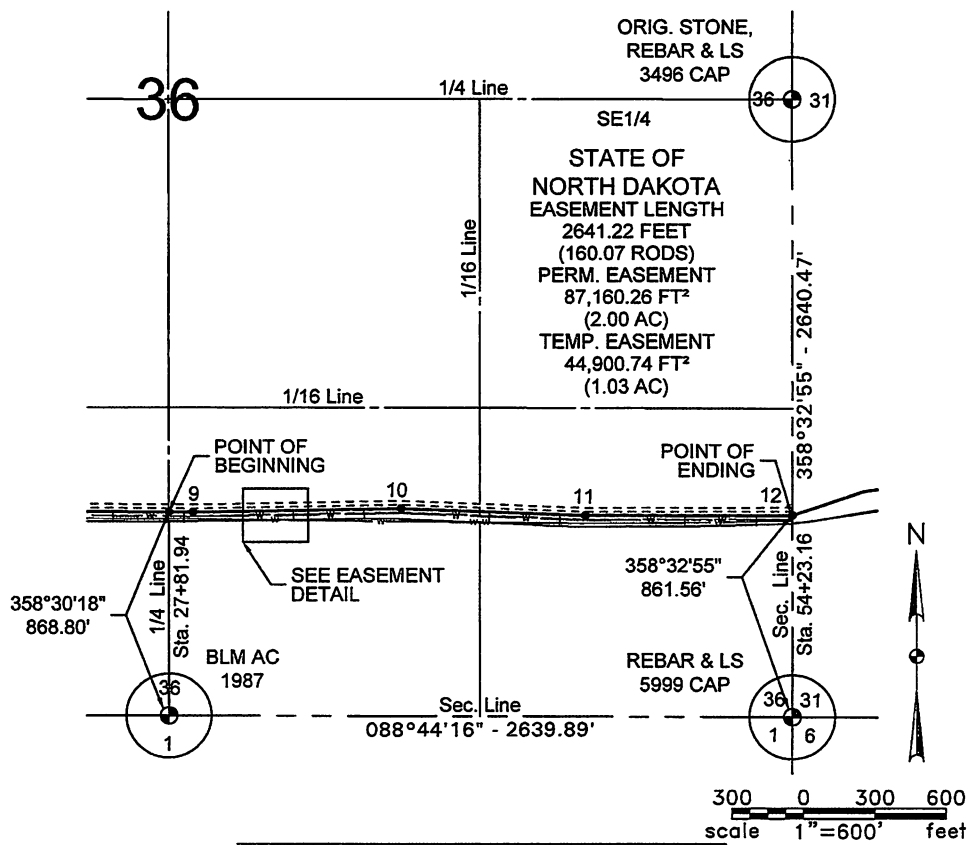
**NOTES:**

1. Survey is based on UTM ZONE 13 NORTH, NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.


I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in June, 2020 and June, 2021.


	<b>Bridger Pipeline, LLC</b> <small>455 N. Poplar P.O. Drawer 2360 Casper, WY 82601</small>		<b>BRIDGER PIPELINE, LLC</b> <b>STATE OF NORTH DAKOTA</b>	<small>JOB NO.</small> 1907_00533
	<small>DATE</small> 6/22/2020 <small>REVISED</small> 7/29/2021 BL.		<b>PROPOSED EASEMENT ON AND ACROSS THE</b> <b>SW1/4 OF SEC. 36, T.150N, R.97W.</b>	<small>TRACY NUMBER</small> ND-36-150-97-SW1/4  <small>SHEET</small> <b>3 of 8</b>

**SOUTH BEND PIPELINE**  
 PROPOSED  
 SE1/4 OF SEC. 36, T.150N, R.97W.  
 OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
 EXHIBIT "A"



**EASEMENT DETAIL**  
 INSET SCALE 1"=80'

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS THE SE1/4 OF SEC. 36, T.150N, R.97W.	TRACT NUMBER ND-38-190-97-SE1/4
DRAWN BY: CDV	DATE: 6/22/2020	REVISED: 7/29/2021 BL	SHEET <b>4 of 8</b>

5 of 8 SHEET MD-98-150-97-SE1A PROJECT NUMBER 1907_00533 JOB NO.	PROPOSED EASEMENT ON AND ACROSS THE SE1/4 OF SEC. 36, T.150N, R.97W.	DATE: 6/22/2020 REVISED: 7/29/2021 BL	DRAWN BY: 
	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	Bridger Pipeline, LLC P.O. Drawer 2360 455 N. Poplar Casper, WY 82501	

PL #	STATIONING	LATITUDE	LONGITUDE	DIRECTION	DISTANCE
1/4 Line	27 + 81.94	47°45'47.68" N	103°02'13.18" W	088°58'05"	101.70'
9	28 + 83.64	47°45'47.67" N	103°02'11.70" W	087°34'19"	881.86'
10	37 + 65.50	47°45'47.82" N	103°01'58.79" W	090°48'23"	787.37'
11	45 + 52.87	47°45'47.51" N	103°01'47.27" W	088°29'58"	870.29'
S. Line/12	54 + 23.16	47°45'47.52" N	103°01'34.53" W		

SOUTH BEND PIPELINE  
 PROPOSED  
 SE1/4 OF SEC. 36, T.150N, R.97W.  
 OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
 EXHIBIT "A"

**SOUTH BEND PIPELINE**  
PROPOSED  
SE1/4 OF SEC. 36, T.150N, R.97W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

**DESCRIPTION: CENTERLINE SURVEY**

An easement located in the Southeast Quarter of Section 36, Township 150 North, Range 97 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more particularly described as follows:


COMMENCING at the southwest corner of said Southeast Quarter of Section 36, thence on an azimuth of 358°30'18" a distance of 868.80 feet to the POINT OF BEGINNING; thence on an azimuth of 088°58'05" a distance of 101.70 feet; thence on an azimuth of 087°34'19" a distance of 881.86 feet; thence on an azimuth of 090°48'23" a distance of 787.37 feet; thence on an azimuth of 088°29'58" a distance of 870.29 feet to the POINT OF ENDING. Said point lies on an azimuth of 358°32'55" a distance of 861.56 feet from the southeast corner of said Section 36.

Covering in all 2641.22 feet (160.07 rods).

**NOTES:**

1. Survey is based on UTM ZONE 13 NORTH, NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in June, 2020 and June, 2021.

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA	JOB NO. 1907_00533
	DRAWN BY: CDV	DATE: 6/22/2020	REVISION: 7/23/2021 BL
PROPOSED EASEMENT ON AND ACROSS THE SE1/4 OF SEC. 36, T.150N, R.97W.			SHEET <b>6 of 8</b>

### SOUTH BEND PIPELINE

PROPOSED  
SEC. 36, T.150N, R.97W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

DISTANCE ACROSS PROPERTY (FEET): 5423.16  
DISTANCE ACROSS PROPERTY (RODS): 328.67  
AREA OF PERMANENT EASEMENT (AC): 4.11

ACREAGE TAKEN FROM EACH FORTY OR GOVERNMENT LOT OF STATE LAND

		Forwarded		
NE1/4NE1/4	_____	0.00	_____	acres
NW1/4 "	_____		NE1/4SW1/4	"
SW1/4 "	_____		NW1/4 "	"
SE1/4 "	_____	1.07	SW1/4 "	"
NE1/4NW1/4	_____	1.04	SE1/4 "	"
NW1/4 "	_____		NE1/4SE1/4	acres
SW1/4 "	_____		NW1/4 "	"
SE1/4 "	_____	1.00	SW1/4 "	"
Forward	0		SE1/4 "	"
			Total	4.11 acres

Signature of Applicant \_\_\_\_\_  
(as the same is to appear in the deed)  
By \_\_\_\_\_  
Address \_\_\_\_\_

**AFFIDAVIT**

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that the description of the right of way as given in this application is accurate and correct in every particular and that the monument referenced herein described as follows:

Dated at 11:36 Am, this 30<sup>th</sup> day of JULY, 2021

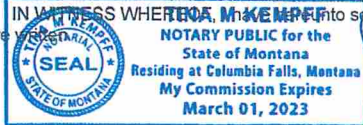
Signed [Signature]  
Title Land Surveyor



STATE OF Montana )  
County of Flathead )

On this 30 day of July, in the year 2021, before me Tina M Kemp a Notary Public for the State of Montana, personally appeared Daniel Wagner known to me to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certification above.



[Signature]  
Notary Public for the State of Montana

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	BRIDGER PIPELINE, LLC	JOB NO. 1907_00533
		STATE OF NORTH DAKOTA	TRACT NUMBER ND-36-150-97
DRAWN BY: CDV DATE: 8/22/2020 REVISED: 7/29/2021 BL		PROPOSED EASEMENT ON AND ACROSS SEC. 36, T.150N, R.97W.	SHEET 7 of 8

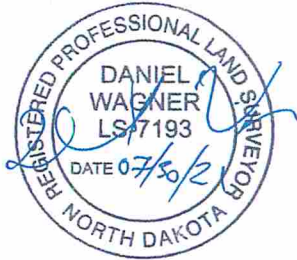
**SOUTH BEND PIPELINE**  
PROPOSED  
SEC. 36, T.150N, R.97W.  
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA  
EXHIBIT "A"

GPS SURVEY-AFFIDAVIT

AFFIDAVIT

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that a Trimble R-8 Model 4 was used to perform this survey as given in this application and is accurate and correct to within 2-5 centimeters.

Dated at 11:36 Am, this 30<sup>th</sup> day of July, 2021



Signed [Signature]

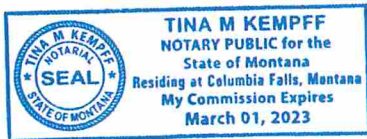
Title LAND SURVEYOR

Address KLJ  
1830 3rd Avenue East Suite 202  
Kalispell, MT 59901-5578

STATE OF Montana )  
County of Flathead )

On this 30 day of July, in the year 2021, before me Tina M. Kempff, a Notary Public for the State of Montana, personally appeared Daniel Wagner known to me to be the person whose name he subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certification above written.



[Signature]  
Notary Public for the State of Montana

DISTANCE ACROSS PROPERTY (FEET): 5423.16  
DISTANCE ACROSS PROPERTY (RODS): 328.67  
AREA OF PERMANENT EASEMENT (AC): 4.11

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2380 Casper, WY 82801	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS SEC. 36, T.150N, R.97W.	TRACT NUMBER ND-38-150-97
DRAWN BY: CDV	DATE: 8/22/2020	REVISED: 7/29/2021 BL	SHEET 8 of 8

NORTH DAKOTA  
BOARD OF UNIVERSITY & SCHOOL LANDS  
(ND Department of Trust Lands)

Native Grass Seeding Specifications

<u>Species</u>	<u>lbs.</u> <u>PLS*/acre</u>
Western wheatgrass	8
Slender wheatgrass	5
Green needlegrass	4
Side-oats grama	<u>2</u>
	19

\*PLS - Pure Live Seed (based on 50 PLS/sq. feet)

1. The seed bed should be firmly packed (footprints left in the soil should be less than 1/2 inch deep).
2. An early spring seeding (before May 24th) is preferred. A dormant fall seeding (after October 20th) is acceptable.
3. A cover crop of oats at 10 lbs. PLS/acre must be seeded on the disturbed area.
4. A drill designed specifically for native grass seeding will give the best seeding results. The seed should be planted at a depth of 1/2 to 1 inch. Precaution must be taken not to plant the seed too deeply in the soil or poor germination will result.
5. On areas where equipment cannot be used, broadcast seed and rake or drag to cover seed. Where seed is broadcast, double the seeding rate.
6. Use only North Dakota certified seed.

**Caution:** Be sure to clean out the drill before seeding to avoid any contamination with smooth brome grass or crested wheatgrass that may remain in the drill from previous use on private land. These are invasive grasses in native prairie and are not allowed on school trust lands. Contamination with or use of crested wheatgrass or smooth brome will result in the applicant being required to spray out the grass and reseed with the above native grass seed mixture. Sweet clover and alfalfa are also not allowed – only the above native grass seed mixture may be used for revegetation on school trust land.

**STATE OF NORTH DAKOTA  
BOARD OF UNIVERSITY AND SCHOOL LANDS**

The State of North Dakota acting by and through the Board of University and School Lands and its agent, the Commissioner of University and School Lands (GRANTOR), in consideration of \$253,493.50, which has been received, conveys to BRIDGER PIPELINE LLC, 455 N POPLAR ST PO DRAWER 2360, CASPER, WY 82601 (GRANTEE), an easement to construct, operate, maintain and remove one 16-inch diameter steel oil transmission pipeline with the right of ingress and egress, over certain land hereafter referred to as the "easement area", which is a strip of land 33.0 feet wide, 16.5 feet on each side of the following described centerline:

**SW4 of Section 16, T144N, R105W, Golden Valley County**

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE ON AN AZIMUTH OF 359°17'17" A DISTANCE OF 1725.26 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 053°05'37" A DISTANCE OF 925.05 FEET; THENCE ON AN AZIMUTH OF 053°09'57" A DISTANCE OF 607.77 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 154°08'01" A DISTANCE OF 2911.27 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 16.

THE CENTERLINE IS 1,532.82 FEET OR 92.90 RODS LONG, AND THE EASEMENT AREA CONTAINS 1.16 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A1-A2" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

**NW4 of Section 16, T144N, R105W, Golden Valley County**

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, THENCE ON AN AZIMUTH OF 154°08'01" A DISTANCE OF 2911.27 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 053°09'57" A DISTANCE OF 1044.04 FEET; THENCE ON AN AZIMUTH OF 059°25'11" A DISTANCE OF 80.86 FEET; THENCE ON AN AZIMUTH OF 063°43'16" A DISTANCE OF 540.13 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 179°20'36" A DISTANCE OF 1742.98 FEET FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 16.

THE CENTERLINE IS 1,665.03 FEET OR 100.91 RODS LONG, AND THE EASEMENT AREA CONTAINS 1.26 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A3-A4" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

**NE4 of Section 16, T144N, R105W, Golden Valley County**

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 16, THENCE ON AN AZIMUTH OF 179°20'36" A DISTANCE OF 1742.98 FEET TO THE POINT OF BEGINNING; THENCE ON AN AZIMUTH OF 063°43'16" A DISTANCE OF 608.04 FEET; THENCE ON AN AZIMUTH OF 057°30'00" A DISTANCE OF 281.08 FEET; THENCE ON AN AZIMUTH OF 045°45'41" A DISTANCE OF 1079.14 FEET; THENCE ON AN AZIMUTH OF 046°11'28" A DISTANCE OF 733.31 FEET; THENCE ON AN AZIMUTH OF 089°22'32" A DISTANCE OF 535.39 FEET TO THE POINT OF ENDING. SAID POINT LIES ON AN AZIMUTH OF 179°23'28" A DISTANCE OF 84.99 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 16.

THE CENTERLINE IS 3,236.96 FEET OR 196.18 RODS LONG, AND THE EASEMENT AREA CONTAINS 2.45 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A5-A6" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

THE TOTAL CENTERLINE IS 6,434.83 FEET OR 389.99 RODS LONG, AND THE EASEMENT AREA CONTAINS 4.87 ACRES, MORE OR LESS. THE EASEMENT AREA IS FURTHER DESCRIBED AND ILLUSTRATED IN EXHIBIT "A1-A8" WHICH IS ATTACHED TO AND IS A PART OF THIS EASEMENT.

1. The Pipeline-Oil Transmission Pipeline shall be built only on the centerline(s) as described above. GRANTEE may also temporarily use an additional 17.0 feet of temporary right of way on the working side of the Pipeline-Oil Transmission Pipeline as a construction right of way. This construction right of way shall be subject to the topsoil reservation and reclamation provisions of this easement and must be abandoned upon the completion of construction and reclamation.

2. The top of the Pipeline-Oil Transmission Pipeline must be buried at least 48 inches below the ground's surface.

3. GRANTEE may install the following described appurtenance(s) upon or below the surface: N/A. For this/these additional appurtenance(s), GRANTEE has paid N/A as further consideration. GRANTEE shall, when necessary, protect all above ground appurtenances with a fence adequate to prevent livestock access and shall paint all above ground structures; except wire fences, anchors, guy wires, steel towers, and wood poles; with earth tone colors.
4. If construction of the Pipeline-Oil Transmission Pipeline is not completed within two years after GRANTOR signs this easement, this easement automatically terminates.
5. GRANTEE shall make a satisfactory settlement with the surface tenant for damage to seeded annual crops, fences or other improvements owned by the tenant, caused by construction, operation, maintenance or removal of the Pipeline-Oil Transmission Pipeline and shall notify the surface tenant of the construction schedule at least one week before construction.
6. GRANTEE, or its agent, shall have a legible copy of this easement with them on site for reference during construction, operation, maintenance or reclamation and shall present the copy upon GRANTOR's request.
7. This easement is subject to all of the GRANTOR's existing rights and privileges.
8. If, prior to or during construction, archeological or paleontological items are discovered or such items are disturbed, GRANTEE shall cease construction activities immediately. GRANTEE shall then promptly notify GRANTOR and must not resume construction until written approval is given by GRANTOR.
9. GRANTEE shall, prior to construction, maintenance or removal, reserve the top 12 inches of soil from areas subject to topsoil and subsoil mixing. The reserved soil must be stockpiled to minimize wind and water erosion. Upon completion of construction, and maintenance or removal, GRANTEE shall promptly reclaim the disturbed area. It must be recontoured to conform to the adjacent natural topography, rocks exposed by excavation must be hauled off or reburied on the property, the reserved soil must be evenly respread over the disturbed area, and the entire disturbed area must be revegetated with a mixture of native perennial grasses as shown in Exhibit "B". Reclamation is not complete until rocks are removed from the surface, erosion is controlled and the surface is revegetated with a mixture of native perennial grasses.
10. GRANTEE shall implement reasonable measures to prevent accelerated erosion. If an erosion problem develops, GRANTEE shall promptly take the necessary actions to correct it and shall repair any erosion damage.
11. GRANTEE shall not discharge oil, gas liquids, salt water, or any other hazardous liquids or toxic substances onto the easement area or land adjacent to the easement area. All discharges of oil, gas liquids, salt water, or other hazardous liquids or toxic substances shall be stopped as soon as possible after discovery and acted upon immediately to halt movement of such discharges. Any such discharges shall be reported immediately to the GRANTOR. The GRANTEE shall then restore the affected area as closely as possible to its original condition.
12. GRANTEE shall control all noxious weeds in the easement area.
13. GRANTEE may cut or trim trees and shrubs, but only to the extent they interfere with or endanger the operation or maintenance of the Pipeline-Oil Transmission Pipeline.
14. GRANTEE shall maintain the natural water flow and drainage.
15. GRANTEE shall take necessary precautions to prevent fires. In the event of a fire caused by the GRANTEE or its agent, GRANTEE shall compensate the GRANTOR's surface lessee(s) for their losses including forage, crop and any other losses; and shall compensate GRANTOR for any loss it suffers due to the fire.

**EASEMENT: Pipeline-Oil Transmission Pipeline**

**ROW #8613 (Pg 3)**

- 16. GRANTEE shall conduct all activities associated with the Pipeline-Oil Transmission Pipeline in a manner that avoids the degradation of air, land, and water quality and that protects the area's visual resources.
- 17. GRANTOR reserves the right to use the easement area and to allow others to use the easement area for purposes compatible with GRANTEE's use. If someone other than GRANTOR uses the easement area in a manner inconsistent with GRANTEE's use, GRANTOR is not liable or responsible.
- 18. Through this easement, GRANTEE is not acquiring any subsurface interest. Subsurface interests include, but are not limited to oil, gas, coal, cement materials, sodium sulfate, sand and gravel, scoria, road material, building stone, chemical substances, metallic ores, uranium ores, or colloidal or other clays. If any subsurface interest is or will likely be excluded from mining or development because of the presence of this easement or the Pipeline-Oil Transmission Pipeline allowed by this easement, or if the location of the Pipeline-Oil Transmission Pipeline interferes or will likely interfere with the mining or development of subsurface interests outside of the easement area, this easement will terminate. GRANTOR will give GRANTEE at least sixty (60) days prior written notice of this easement's termination under this paragraph. If GRANTEE wishes to have the Pipeline-Oil Transmission Pipeline relocated within the tract and if GRANTOR determines that a suitable location exists within the tract, GRANTOR agrees to grant a new easement for such relocated Pipeline-Oil Transmission Pipeline without additional compensation, but GRANTEE shall bear all relocation costs.
- 19. If GRANTOR determines at any time during the existence of the easement, that the easement negatively interferes with or in any manner and to any extent affects the marketability, market value, development, or the value for development of the state-owned land specifically described below, GRANTOR may take any one of the following actions. One, terminate this easement. Two, require GRANTEE at GRANTEE'S expense to move the Pipeline-Oil Transmission Pipeline to another location within the affected tract, if it is determined by the GRANTOR that a suitable location exists within the tract. Three, require GRANTEE to compensate GRANTOR, at the amount set by the GRANTOR, for the loss GRANTOR incurs because of the easement's presence. The rights given in this paragraph are personal to the GRANTOR and only the GRANTOR may exercise them.

Twp	Rng	Sec	Sub Division	County
144	105	16	NE4	Golden Valley
144	105	16	NW4	Golden Valley
144	105	16	SW4	Golden Valley

- 20. GRANTEE agrees to defend, indemnify and hold harmless GRANTOR from any claims by any person that are in any way related to GRANTEE's use of the easement area, including all costs, expenses, and attorney fees that in any manner result from or arise out of this agreement. It is GRANTEE's exclusive right and responsibility to construct, maintain, and remove the Pipeline-Oil Transmission Pipeline. GRANTEE further accepts liability and indemnifies GRANTOR, and its officers and employees, from all costs, expenses and attorneys fees incurred in establishing and litigating the indemnification coverage provided above. The legal defense provided by GRANTEE to the GRANTOR under this paragraph must be free of any conflicts of interest, even if this requires GRANTEE to retain separate legal counsel for GRANTOR. The obligations of this paragraph shall continue after this agreement terminates.
- 21. Any fixtures, structures, installations or facilities constructed or installed by GRANTEE, are the property of GRANTEE and may be removed by GRANTEE at any time.
- 22. GRANTEE shall remove all improvements, both above ground and underground, from the easement area when the easement is abandoned or in any other way terminated, unless authorized to do otherwise in writing by GRANTOR.
- 23. This easement shall be a covenant running with the land and shall be binding on the heirs, successors, and assigns of the parties hereto.

**EASEMENT: Pipeline-Oil Transmission Pipeline**

**ROW #8613 (Pg 4)**

24. This easement is subject to all existing easements and nothing in this easement supersedes any rights previously granted.
25. GRANTOR neither warrants nor agrees to defend title to the easement area.
26. This easement is also subject to the conditions in Exhibits "A1-A8" and "B" which are attached and made a part of this easement.

Dated this 14 day of December, 2021, at Bismarck, North Dakota.

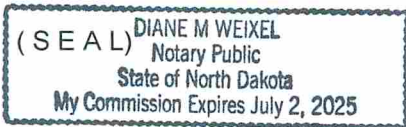
GRANTOR:

STATE OF NORTH DAKOTA  
BOARD OF UNIVERSITY & SCHOOL LANDS

Jodi Smith  
Jodi Smith, Commissioner  
of University and School Lands

STATE OF NORTH DAKOTA )  
  ) ss.  
COUNTY OF BURLEIGH )

On this 14<sup>th</sup> day of December, 2021, before me personally appeared Jodi Smith, Commissioner of University and School Lands, acting on behalf of the Board of University and School Lands of North Dakota, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.



Diane M. Weixel  
Notary Public

GRANTEE:

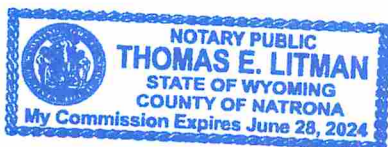
BRIDGER PIPELINE LLC

[Signature]  
(signature) On Behalf of Bridger Pipeline LLC Jed

STATE OF Wyoming )  
  ) ss.  
COUNTY OF Natrona )

On this 13<sup>th</sup> day of January, 2022, before me personally appeared HA Tad Tene, Member (title), acting on behalf of Bridger Pipeline LLC, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.

(SEAL)

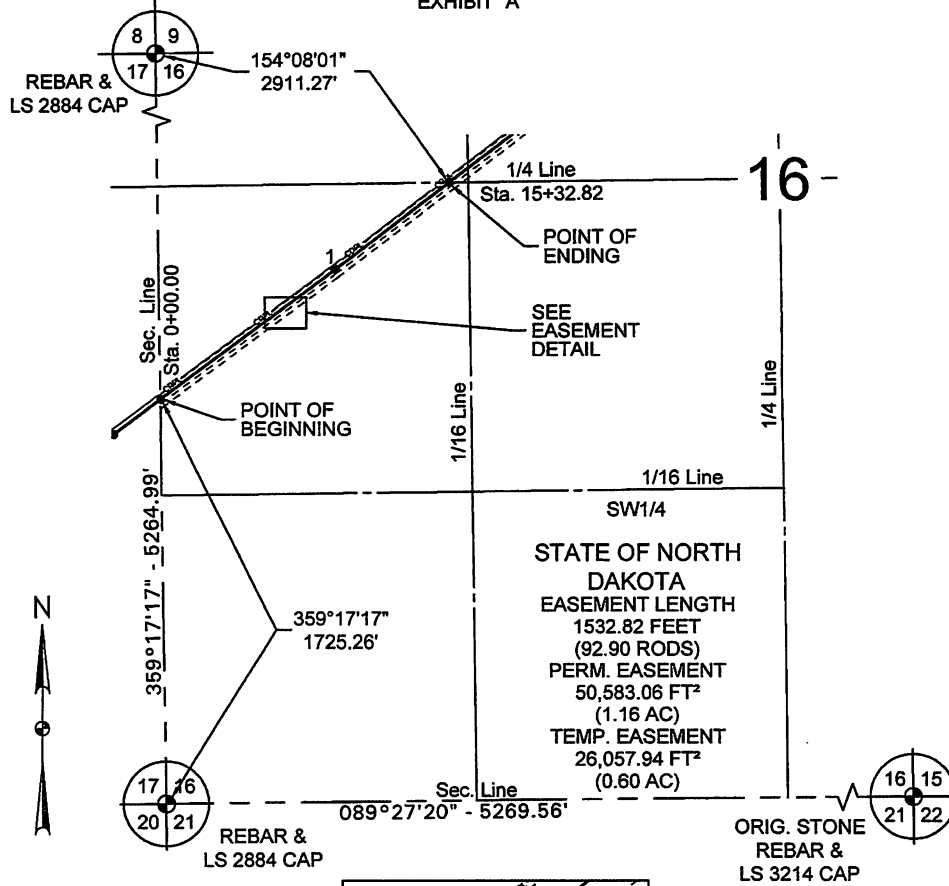


Thomas E. Litman  
Notary Public

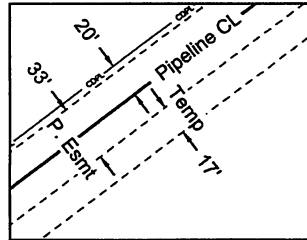
g:\surface\row\document drafts - row\leasesments\#8613 bridger (oil trans).docx

### SOUTH BEND PIPELINE

PROPOSED  
SW1/4 OF SEC. 16, T.144N, R.105W.  
OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA  
EXHIBIT "A"



300 0 300 600  
scale 1"=600' feet



PI #	STATIONING	LATITUDE	LONGITUDE	DIRECTION	DISTANCE
Sec. Line	0+00.00	47°17'17.16" N	104°00'12.86" W		
1	9+25.05	47°17'22.55" N	104°00'02.03" W	053°05'37"	925.05'
1/4 Line	15+32.82	47°17'26.08" N	103°59'54.90" W	053°09'57"	607.77'

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA		JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS THE SW1/4 OF SEC. 16, T.144N, R.105W.		TRACY NUMBER ND-18-144-105-SW1/4  SHEET 1 of 8
DRAWN BY: RFS	DATE: 02/12/2020	REVISED: 6/29/2021 BL		

**SOUTH BEND PIPELINE**  
 PROPOSED  
 SW1/4 OF SEC. 16, T.144N, R.105W.  
 OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA  
 EXHIBIT "A"

**DESCRIPTION: CENTERLINE SURVEY**

An easement located in the Southwest Quarter of Section 16, Township 144 North, Range 105 West of the 5th Principal Meridian, Golden Valley County, State of North Dakota, being more particularly described as follows:


COMMENCING at the southwest corner of said Section 16, thence on an azimuth of 359°17'17" a distance of 1725.26 feet to the POINT OF BEGINNING; thence on an azimuth of 053°05'37" a distance of 925.05 feet; thence on an azimuth of 053°09'57" a distance of 607.77 feet to the POINT OF ENDING. Said point lies on an azimuth of 154°08'01" a distance of 2911.27 feet from the northwest corner of said Section 16.

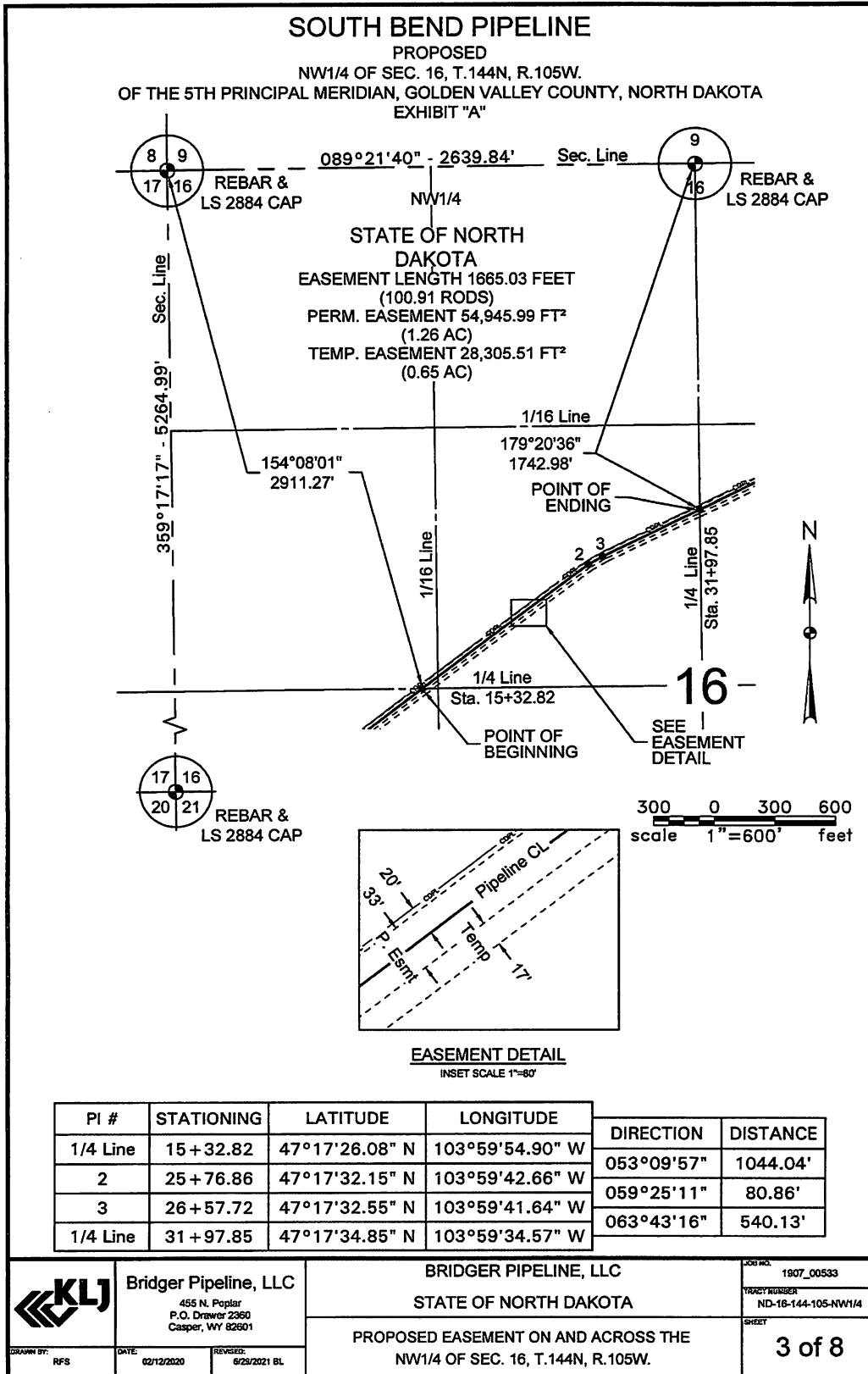
Covering in all 1532.82 feet (92.90 rods).

**NOTES:**

1. Survey is based on UTM ZONE 13 NORTH , NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in December, 2019 & June, 2021.

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA	JOB NO. 1907_00533
	DRAWN BY: RFS      DATE: 02/12/2020      REVISION: 9/29/2021 BL	<b>PROPOSED EASEMENT ON AND ACROSS THE</b> <b>SW1/4 OF SEC. 16, T.144N, R.105W.</b>	TRACY NUMBER ND-16-144-105-SW1/4



**SOUTH BEND PIPELINE**  
**PROPOSED**  
**NW1/4 OF SEC. 16, T.144N, R.105W.**  
**OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA**  
**EXHIBIT "A"**

**DESCRIPTION: CENTERLINE SURVEY**

An easement located in the Northwest Quarter of Section 16, Township 144 North, Range 105 West of the 5th Principal Meridian, Golden Valley County, State of North Dakota, being more particularly described as follows:


COMMENCING at the northwest corner of said Section 16, thence on an azimuth of 154°08'01" a distance of 2911.27 feet to the POINT OF BEGINNING; thence on an azimuth of 053°09'57" a distance of 1044.04 feet; thence on an azimuth of 059°25'11" a distance of 80.86 feet; thence on an azimuth of 063°43'16" a distance of 540.13 feet to the POINT OF ENDING. Said point lies on an azimuth of 179°20'36" a distance of 1742.98 feet from the northeast corner of said Northwest Quarter of Section 16.

Covering in all 1665.03 feet (100.91 rods).

**NOTES:**

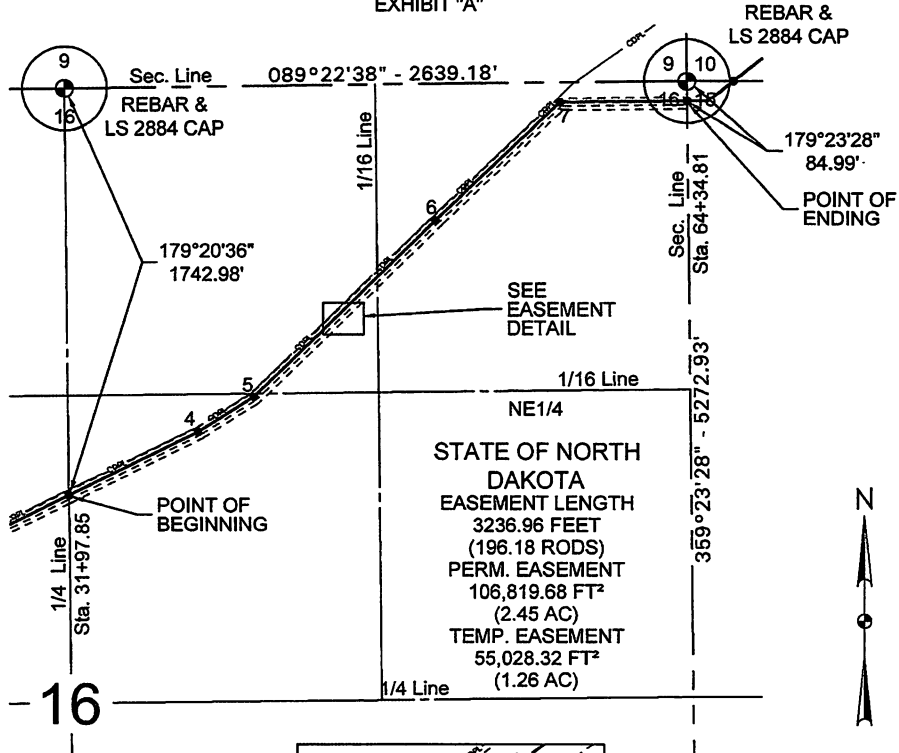
1. Survey is based on UTM ZONE 13 NORTH , NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in December, 2019 & June, 2021.

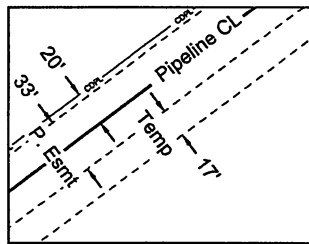
	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> <b>STATE OF NORTH DAKOTA</b>	JOB NO. 1907_00533 TRACT NUMBER ND-16-144-105-NW1/4
		<b>PROPOSED EASEMENT ON AND ACROSS THE</b> <b>NW1/4 OF SEC. 16, T.144N, R.105W.</b>	<b>4 of 8</b>
DRAWN BY: RFS	DATE: 02/12/2020	REVISED: 6/29/2021 BL	SHEET

### SOUTH BEND PIPELINE

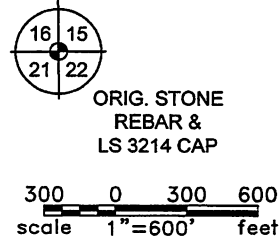
PROPOSED  
NE1/4 OF SEC. 16, T.144N, R.105W.  
OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA  
EXHIBIT "A"




STATE OF NORTH DAKOTA  
EASEMENT LENGTH  
3236.96 FEET  
(196.18 RODS)  
PERM. EASEMENT  
106,819.68 FT<sup>2</sup>  
(2.45 AC)  
TEMP. EASEMENT  
55,028.32 FT<sup>2</sup>  
(1.26 AC)



**EASEMENT DETAIL**  
INSET SCALE 1"=80'



PI #	STATIONING	LATITUDE	LONGITUDE	DIRECTION	DISTANCE
1/4 Line	31 + 97.85	47°17'34.85" N	103°59'34.57" W		
4	38 + 05.89	47°17'37.44" N	103°59'26.61" W	063°43'16"	608.04'
5	40 + 86.97	47°17'38.90" N	103°59'23.14" W	057°30'00"	281.08'
6	51 + 66.11	47°17'46.23" N	103°59'11.78" W	045°45'41"	1079.14'
7	58 + 99.42	47°17'51.18" N	103°59'04.00" W	046°11'28"	733.31'
Sec. Line	64 + 34.81	47°17'51.17" N	103°58'56.23" W	089°22'32"	535.39'

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2360 Casper, WY 82901	<b>BRIDGER PIPELINE, LLC</b> STATE OF NORTH DAKOTA	JOB NO. 1907_00533 TRACY RUBBER ND-16-144-105-NE1/4
		PROPOSED EASEMENT ON AND ACROSS THE NE1/4 OF SEC. 16, T.144N, R.105W.	
DRAWN BY: RFS	DATE: 02/12/2020	REVISED: 6/29/2021 BL	

**SOUTH BEND PIPELINE**  
**PROPOSED**  
**NE1/4 OF SEC. 16, T.144N, R.105W.**  
**OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA**  
**EXHIBIT "A"**

**DESCRIPTION: CENTERLINE SURVEY**

An easement located in the Northeast Quarter of Section 16, Township 144 North, Range 105 West of the 5th Principal Meridian, Golden Valley County, State of North Dakota, being more particularly described as follows:


COMMENCING at the northwest corner of said Northeast Quarter of Section 16, thence on an azimuth of 179°20'36" a distance of 1742.98 feet to the POINT OF BEGINNING; thence on an azimuth of 063°43'16" a distance of 608.04 feet; thence on an azimuth of 057°30'00" a distance of 281.08 feet; thence on an azimuth of 045°45'41" a distance of 1079.14 feet; thence on an azimuth of 046°11'28" a distance of 733.31 feet; thence on an azimuth of 089°22'32" a distance of 535.39 feet to the POINT OF ENDING. Said point lies on an azimuth of 179°23'28" a distance of 84.99 feet from the northeast corner of said Section 16.

Covering in all 3236.96 feet (196.18 rods).

**NOTES:**

1. Survey is based on UTM ZONE 13 NORTH , NAD83, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances.
2. Sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

I, Daniel Curtis Wagner, a Professional Land Surveyor, N.D. PLS No. 7193, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk Jorgenson in December, 2019 & June, 2021.

	<b>Bridger Pipeline, LLC</b> 455 N. Poplar P.O. Drawer 2380 Casper, WY 82601	<b>BRIDGER PIPELINE, LLC</b> <b>STATE OF NORTH DAKOTA</b>	JOB NO. 1907_00633 TRACT NUMBER ND-16-144-105-NE1/4 SHEET
	DRAWN BY: RFS      DATE: 02/12/2020      REVISED: 02/29/2021 BL	<b>PROPOSED EASEMENT ON AND ACROSS THE</b> <b>NE1/4 OF SEC. 16, T.144N, R.105W.</b>	

### SOUTH BEND PIPELINE

PROPOSED  
SEC. 16, T.144N, R.105W.  
OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA  
EXHIBIT "A"

DISTANCE ACROSS PROPERTY (FEET): 6434.81  
DISTANCE ACROSS PROPERTY (RODS): 389.99  
AREA OF PERMANENT EASEMENT (AC): 4.87

ACREAGE TAKEN FROM EACH FORTY OR GOVERNMENT LOT OF STATE LAND

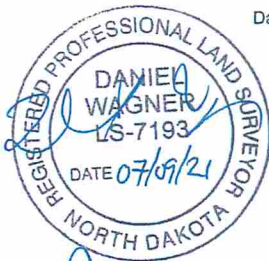
NE1/4NE1/4	1.22	acres	Forwarded	3.71		acres
NW1/4 "	0.54	"	NE1/4SW1/4			"
SW1/4 "	0.69	"	NW1/4 "	1.16		"
SE1/4 "		"	SW1/4 "			"
NE1/4NW1/4		acres	SE1/4 "			"
NW1/4 "		"	NE1/4SE1/4			acres
SW1/4 "	0.08	"	NW1/4 "			"
SE1/4 "	1.18	"	SW1/4 "			"
SE1/4 "		"	SE1/4 "			"
Forward	3.71	"	Total	4.87		acres

Signature of Applicant \_\_\_\_\_  
(as the same is to appear in the deed)  
By \_\_\_\_\_  
Address \_\_\_\_\_

**AFFIDAVIT**

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that the description of the right of way as given in this application is accurate and correct in every particular and that the monument referenced herein described as follows:

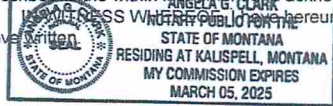
Dated at 12:02 pm, this 9<sup>th</sup> day of July, 2021.



Signed [Signature]  
Title LAND SURVEYOR

STATE OF Montana )  
County of Golden Valley )

On this 9<sup>th</sup> day of July, in the year 2021, before me, Angela M. Clark, a Notary Public for the State of Montana, personally appeared Daniel Curtis Wagner known to me to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.



Angela M. Clark  
Notary Public for the State of Montana

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2360 Casper, WY 82601	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS SEC. 16, T.144N, R.105W.	TRACT NUMBER ND-16-144-105
DRAWN BY: BAL	DATE: 5/13/2020	REVISED: 6/29/2021 BL	SHEET 7 of 8

**SOUTH BEND PIPELINE**  
PROPOSED  
SEC. 16, T.144N, R.105W.  
OF THE 5TH PRINCIPAL MERIDIAN, GOLDEN VALLEY COUNTY, NORTH DAKOTA  
EXHIBIT "A"

GPS SURVEY-AFFIDAVIT

AFFIDAVIT

I, Daniel Curtis Wagner the person who prepared the attached exhibit for easement for which application is hereby made, do hereby certify that a Trimble R-8 Model 4 was used to perform this survey as given in this application and is accurate and correct to within 2-5 centimeters.

Dated at 12:02pm, this 9<sup>th</sup> day of JULY, 2021



Signed [Signature]

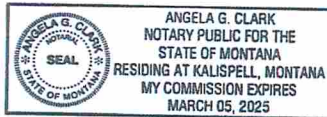
Title LAND SURVEYOR

Address KLJ  
1830 3rd Avenue East Suite 202  
Kalispell, MT 59901-5578

STATE OF Montana )  
County of Holthead )

On this 9<sup>th</sup> day of July, in the year 2021, before me, Angela H. Clark, a Notary Public for the State of Montana, personally appeared Daniel Curtis Wagner known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certification above written.



[Signature]  
Notary Public for the State of Montana

DISTANCE ACROSS PROPERTY (FEET): 6434.81  
DISTANCE ACROSS PROPERTY (RODS): 389.99  
AREA OF PERMANENT EASEMENT (AC): 4.87

	Bridger Pipeline, LLC 455 N. Poplar P.O. Drawer 2380 Casper, WY 82601	BRIDGER PIPELINE, LLC STATE OF NORTH DAKOTA	JOB NO. 1907_00533
		PROPOSED EASEMENT ON AND ACROSS SEC. 16, T.144N, R.105W.	TRACY NUMBER ND-16-144-105
DRAWN BY: BAL	DATE: 5/13/2020	REVISED: 6/29/2021 BL	SHEET 8 of 8

NORTH DAKOTA  
BOARD OF UNIVERSITY & SCHOOL LANDS  
(ND Department of Trust Lands)

Native Grass Seeding Specifications

<u>Species</u>	<u>lbs.</u> <u>PLS*/acre</u>
Western wheatgrass	8
Slender wheatgrass	5
Green needlegrass	4
Side-oats grama	<u>2</u>
	19

\*PLS - Pure Live Seed (based on 50 PLS/sq. feet)

1. The seed bed should be firmly packed (footprints left in the soil should be less than 1/2 inch deep).
2. An early spring seeding (before May 24th) is preferred. A dormant fall seeding (after October 20th) is acceptable.
3. A cover crop of oats at 10 lbs. PLS/acre must be seeded on the disturbed area.
4. A drill designed specifically for native grass seeding will give the best seeding results. The seed should be planted at a depth of 1/2 to 1 inch. Precaution must be taken not to plant the seed too deeply in the soil or poor germination will result.
5. On areas where equipment cannot be used, broadcast seed and rake or drag to cover seed. Where seed is broadcast, double the seeding rate.
6. Use only North Dakota certified seed.

**Caution:** Be sure to clean out the drill before seeding to avoid any contamination with smooth brome grass or crested wheatgrass that may remain in the drill from previous use on private land. These are invasive grasses in native prairie and are not allowed on school trust lands. Contamination with or use of crested wheatgrass or smooth brome will result in the applicant being required to spray out the grass and reseed with the above native grass seed mixture. Sweet clover and alfalfa are also not allowed – only the above native grass seed mixture may be used for revegetation on school trust land.

**Exhibit B.7**  
**McKenzie County Planning Department**

October 15, 2019

Curt Huus  
McKenzie County Planning Department  
1300 12<sup>th</sup> Street SE, Suite 214  
Watford City, ND 58854

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**From:** [Curt Huus](#)  
**To:** [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)  
**Subject:** Bridger 16" Crude Oil Pipeline  
**Date:** Tuesday, October 29, 2019 8:04:32 AM

---

Good Morning Jaimee,

We appreciate the heads up regarding the Bridger 16" Crude Oil Pipeline project.

This type of project will require, among other things, working with McKenzie County Planning and Zoning Department for land use evaluation and approvals. Our office will be happy to guide you through the Planning and Zoning process per the McKenzie County Zoning Ordinance. Following is a link to the Ordinance:

[https://county.mckenziecounty.net/Department/PNZ/Planning\\_-\\_Zoning/Zoning-Maps-and-Ordinance](https://county.mckenziecounty.net/Department/PNZ/Planning_-_Zoning/Zoning-Maps-and-Ordinance)

The planning and zoning office's primary considerations for this type of project are harmonizing land uses throughout McKenzie County and keeping an inventory of land uses as they are developed.

Please let me know if you have any questions or comments.

Thanks!

Curt Huus, PE/LS  
Planning and Zoning Director  
(701) 444-6494  
McKenzie County, ND

**Exhibit B.8**  
**Golden County Planning Department**

September 30, 2019

Harvey Gerving  
Golden Valley Planning Department  
150 1<sup>st</sup> Ave SE  
PO Box 67  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Harvey Gerving  
Golden Valley Planning Department  
150 1<sup>st</sup> Ave SE  
PO Box 67  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**From:** [Henry Gerving](#)  
**To:** [zpeterson@keitu.com](mailto:zpeterson@keitu.com)  
**Subject:** Bridger Pipeline  
**Date:** Monday, January 6, 2020 12:15:49 PM  
**Attachments:** [image001.png](#)  
[GOLDEN VALLEY COUNTY PIPELINE PERMIT.doc](#)  
[plan.pdf](#)

---

Zach

Golden Valley County does require a pipeline permit which is attached for the project you are proposing.

The pipeline permit would be processed through the County zoning Board, please see the below dates.

**APPLICATION DUE: MEETING DATE:**

January 10	January 27, 2020
February 7	February 24, 2020
March 13	March 30, 2020
April 10	April 27, 2020
May 1	May 18, 2020
June 12	June 29, 2020
July 10	July 27, 2020
August 14	August 31, 2020
September 11	September 28, 2020
October 9	October 26, 2020
November 13	November 30, 2020
December 4	December 21, 2020

Thanks

**Henry J Gerving**

*Golden Valley County*

Director Tax Equalization and Zoning

Veteran Service Officer and 911 & GIS Coordinator

phone (701) 872 - 4673

email: [hgerwing@nd.gov](mailto:hgerwing@nd.gov)



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electronic data files are transmitted can deteriorate over time and under various conditions. Golden Valley County does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

No: P-27

**APPLICATION FOR PIPELINE PERMIT**  
**Golden Valley County, North Dakota**

**(X)Pipeline Owner:**

Name: Bridger Pipeline, LLC

Address: 455 North Poplar Street Casper, WY 82602

Phone: 307-237-9301

**Local Agent:**

Name: Keitu Engineers & Consultants, Inc

Address: PO Box 98

Phone: 701-667-1800

**Senior Engineer:**

Name:

Address:

Phone:

Indicate (X) which of the above should receive the completed permit.

Give the section, township and range of pipeline route:

Township/Range	Section	County	
T150N R96W	25,26,27,28,31,32,33	McKenzie	
T150N R97W	33,34,35,36	McKenzie	
T149N R97W	4,5,6,7	McKenzie	
T149N R98W	9,10,11,12,16,17,18	McKenzie	
T149N R99W	13,24,25,31,32,33,34,35,36	McKenzie	
T149N R100W	36	McKenzie	
T148N R100W	4,8,9,17,19,20	McKenzie	

T148N R101W	24,25,26,27,33,34,35	McKenzie	
T147N R101W	4,5,8,17,18,19	McKenzie	
T147N R102W	24,25,35,36	McKenzie	
T146N R102W	2,3,4,5,7,8,18	McKenzie	
T146N R103W	13,23,24,26,27,33,34	McKenzie	
T145N R103W	4,5,7,8,18,19	McKenzie	
T145N R104W	24,25,26,34,35	McKenzie	
T144N R104W	6	Golden Valley	
T144N R105W	1,2,10,11,15,16,17,19,20,30	Golden Valley	

Describe the general use of the pipeline:

The Project originates at EEOC's Johnsons Corner Terminal located near Johnson's Corner, North Dakota and runs 142 miles southwest to Bridger's Sandstone Station west of Baker, Montana. The pipeline would interconnect with Bridger's existing North Dakota facilities at Wilson Station and Bicentennial Station and their respective crude oil transmission network.

Surface facilities to be installed along the route will be limited to valves, pig launchers and receivers, pipeline markers, and rectifiers.

The proposed Project will result in a new crude oil transmission pipeline approximately 142 miles in length. The steel pipe utilized for construction of the Project will meet United States Department of Transportation ("US DOT") regulations, specifically the design criteria outlined in 49 C.F.R. Subpart 195(C). The Project will be constructed per 49 C.F.R. Subpart 195(D). The Project will be operated and maintained per 49 C.F.R. Subpart 195(F).

**The following information must be included with this application before a permit will be approved and issued:**

1. A map indicating the pipeline route, its origin and destination, any county road right-of-way you intend to use and compressor station sites, if any.
2. Name and address of the contractor, include his ND contractor's license number. TBD
3. Name of the contractor's bonding company and bond or insurance number.
4. Copies of all easements or letters of consent obtained for private landowners.
5. Proposed dates of commencement and completion: September 2020-March 2021
6. Size of line (diameter): 16 inches
7. Length of line: 142 miles total, 8.5 miles in Golden Valley County
8. Pressure: 1440 psig
9. Burial depth range: Minimum 48 inches and 72 inches under unimproved section lines per ND PSC requirements.
10. Road crossing methods: HDD Bore
11. Product: Crude Oil
12. Procedures for erosion abatement: SWPPP will be developed, prior to construction, and submitted to the ND DEQ. A copy can be provided upon request.
13. A \$1000.00 pipeline fee shall accompany this application.
14. Upon completion of construction, a copy of the as built survey of the pipeline will be forwarded to the Golden Valley Register of Deeds at the County Courthouse, PO Box 67, Beach, ND 58621.
15. Any GIS or GPS data in the form of a shapefile will be forwarded to the County Tax Director at PO Box 67, Beach, ND 58621 or may be sent attached to an email to hgerving@nd.gov

Authorized Signature \_\_\_\_\_



\_\_\_\_\_

Title Member

Date 6-8-20


**The attached Pipeline Regulations must be complied with and will be strictly enforced.**

The Golden Valley County Board of Commissioners will review this application.

Golden Valley County has road restrictions and roads with various load limits. Please contact the County Road Foreman, Pete Wirtzfeld, at 872-4123 for current information.

The above application, being in compliance with all of the requirements therein, is hereby approved.

Date: Aug 3, 2020

  
\_\_\_\_\_  
Chairman, Golden Valley Co. Commission

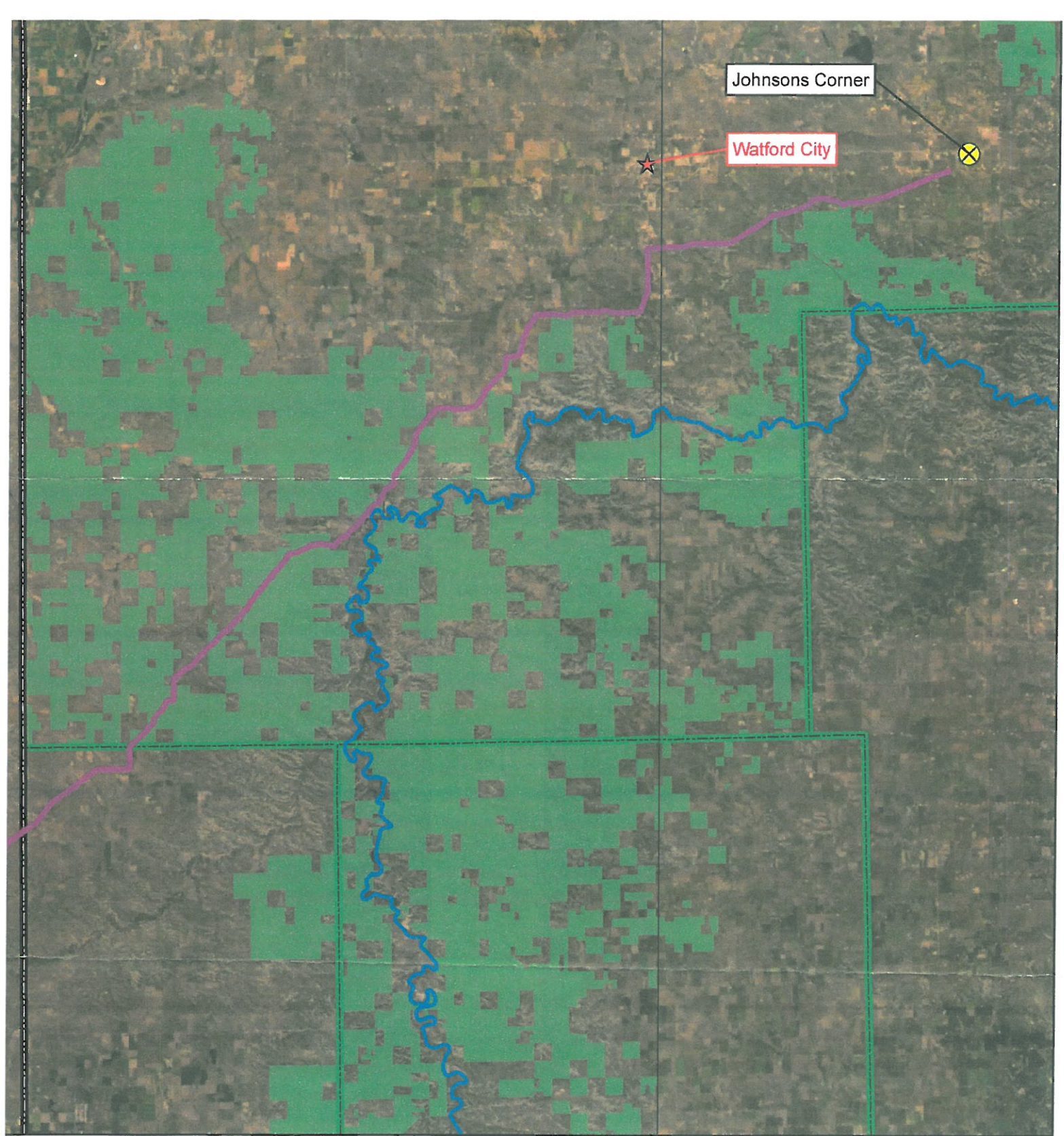
Based on the above approved application, the applicant therein is hereby issued a Pipeline Permit.

Date: Aug 3, 2020








  
\_\_\_\_\_  
County Zoning Director

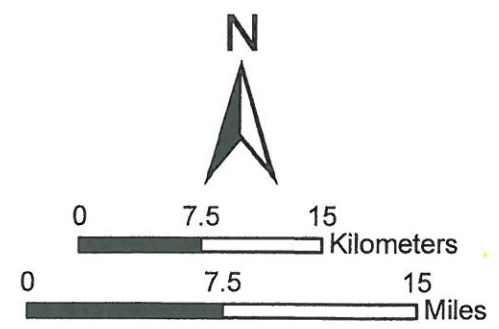
The County Commissioner(s) responsible for the district(s) in which the pipeline resides shall inspect the pipeline to insure regulations are met. The commissioner(s) may appoint an agent to conduct the inspection.

Inspected by: \_\_\_\_\_ Date



# South Bend Alignment

-  Johnsons Corner
-  Cities
-  Alignment
-  Little Missouri River
-  State Border
-  County Boundary
-  Forest Service Lands



**Exhibit B.9**  
**US Army Corps of Engineers**

October 4, 2019

Patricia McQueary  
Regulatory Program Manager  
US Army Corps of Engineers  
3319 University Dr.  
Bismarck, ND 58504

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Patricia McQueary  
Regulatory Program Manager  
US Army Corps of Engineers  
3319 University Dr.  
Bismarck, ND 58504

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).

Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
3319 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504

January 8, 2020

NWO-2019-2254-BIS

Keitu Engineers & Consultants, Inc.  
Attn: Zach Peterson  
PO Box 98  
Mandan, North Dakota 58554-0098

Dear Mr. Peterson:

This is in response to your solicitation letter dated December 16, 2019, requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Bridger Pipeline 16-inch crude oil pipeline project. The project is located within several Sections, Townships and Ranges in McKenzie and Golden Valley Counties, North Dakota.

Corps Regulatory Office administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the Fact Sheet for Nationwide Permit 12, Utility Line Activities. Utility lines are authorized by Nationwide Permit 12 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities are in compliance with the Nationwide Permit General Conditions and the North Dakota Department of Health's' Section 401 Water Quality Certification requirements. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work directly with Environmental Protection Agency (EPA) to obtain an individual water quality certification. Please note the pre-construction notification requirements on page 2 of the enclosed fact sheet. If a project meets any of the seven notification requirements, the project proponent must submit a DA application to this office. Additionally, a project must adhere to the Nationwide Permit Regional Conditions for North Dakota in the enclosed Fact Sheet.

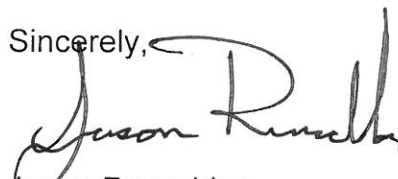
In the event the proposed pipeline project requires approval from the Corps and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit would likely be required. A project that requires a Standard or Individual Permit would require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing based on the associated project impacts and comments received through the public notice may extend well beyond 120 days.

Additionally, information contained in your letter indicate the proposed project would include construction activities within the State of Montana. It is recommended that you contact the Corps Montana Regulatory Office regarding permitting requirements that they may have regarding the Montana portion of the proposed pipeline project. Their contact address is: Corps of Engineers, Corps Montana Regulatory Office, 490 North 31<sup>st</sup> Street, Suite 112, Billings, Montana 59103. This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s) and reflects comments on the North Dakota portion of the project only.

If any of these projects require a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 4345) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504 or to the email address below. If you are unsure if a permit is required, you may submit an application, include a project location map, description of work, and construction methodology.

If you have any questions regarding this letter or our program, please contact Mr. Jason Renschler of this office by letter or telephone at (701) 255-0015 ext. 2010 or email at [Jason.J.Renschler@usace.army.mil](mailto:Jason.J.Renschler@usace.army.mil) and reference project number **NWO-2019-2254-BIS**.

Sincerely,



Jason Renschler  
Regulatory Project Manager  
North Dakota

Enclosures:

- Nationwide Permit Fact Sheet #12
- DA ENG Form 4345

U.S. Army Corps of Engineers (USACE)  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -  
 OMB No. 0710-0003  
 Expires: 02-28-2022*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First -                      Middle -                      Last - Company - E-mail Address -			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First -                      Middle -                      Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -			9. AGENT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -		
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence                      b. Business                      c. Fax			10. AGENTS PHONE NOs. w/AREA CODE a. Residence                      b. Business                      c. Fax		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address
15. LOCATION OF PROJECT Latitude: °N                      Longitude: °W	City -                      State-                      Zip-
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID                      Municipality Section -                      Township -                      Range -	

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a  
Department of the Army Permit Application**

**Blocks 1 through 4.** To be completed by Corps of Engineers.

**Block 5. Applicant's Name.** Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

**Block 6. Address of Applicant.** Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

**Block 7. Applicant Telephone Number(s).** Please provide the number where you can usually be reached during normal business hours.

**Blocks 8 through 11.** To be completed, if you choose to have an agent.

**Block 8. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

**Blocks 9 and 10. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

**Block 11. Statement of Authorization.** To be completed by applicant, if an agent is to be employed.

**Block 12. Proposed Project Name or Title.** Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

**Block 13. Name of Waterbody.** Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 14. Proposed Project Street Address.** If the proposed project is located at a site having a street address (not a box number), please enter it here.

**Block 15. Location of Proposed Project.** Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

**Block 16. Other Location Descriptions.** If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

**Block 17. Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

**Block 18. Nature of Activity.** Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

**Block 19. Proposed Project Purpose.** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

**Block 20. Reasons for Discharge.** If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

**Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards.** Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

**Block 22. Surface Areas of Wetlands or Other Waters Filled.** Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

**Block 23. Description of Avoidance, Minimization, and Compensation.** Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

**Block 24. Is Any Portion of the Work Already Complete?** Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

**Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site.** List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

**Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.**

**Block 26. Information about Approvals or Denials by Other Agencies.** You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

**Block 27. Signature of Applicant or Agent.** The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

## DRAWINGS AND ILLUSTRATIONS

### General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

**FACT SHEET  
NATIONWIDE PERMIT 12  
(2017)**

**UTILITY LINE ACTIVITIES**

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or

geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10- acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

### **Nationwide Permit General Conditions**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

## **1. Navigation.**

- (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

## **2. Aquatic Life Movements.**

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

## **3. Spawning Areas.**

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

## **4. Migratory Bird Breeding Areas.**

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

## **5. Shellfish Beds.**

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

## **6. Suitable Material.**

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

#### **7. Water Supply Intakes.**

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

#### **8. Adverse Effects from Impoundments.**

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

#### **9. Management of Water Flows.**

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

#### **10. Fills Within 100-Year Floodplains.**

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

#### **11. Equipment.**

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

#### **12. Soil Erosion and Sediment Controls.**

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

### **13. Removal of Temporary Fills.**

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

### **14. Proper Maintenance.**

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

### **15. Single and Complete Project.**

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

### **16. Wild and Scenic Rivers.**

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

### **17. Tribal Rights.**

No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

### **18. Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will

directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre- construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non- Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species- specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district

engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

#### **19. Migratory Birds and Bald and Golden Eagles.**

The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

#### **20. Historic Properties.**

(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought

from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

## **21. Discovery of Previously Unknown Remains and Artifacts.**

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid

construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## **22. Designated Critical Resource Waters.**

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

- (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
- (b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

## **23. Mitigation.**

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

- (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
- (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
- (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre- construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre- construction notification, the district engineer may determine on a case-by- case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
- (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult- to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns.

Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

#### **24. Safety of Impoundment Structures.**

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

#### **25. Water Quality.**

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. *Specifically for North Dakota, the North Dakota Department of Health has denied water quality certification for all projects proposed to affect Class I and IA, II and Class III rivers and streams or classified lakes listed in Appendices I and II of the standards, individual certification must be obtained. For project proposed to affect any other waters, the North Dakota Department of Health has issued water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed. The Standards may be found at*

*<http://www.legis.nd.gov/information/acdata/pdf/33-16-02.1.pdf?2016031115632>*

*On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Contact: USEPA, Region 8,*

401 Certification Program – 8WP-AAP, 1595 Wynkoop Street, Denver, Colorado 80202-1129.  
(303-312-6909)

**26. Coastal Zone Management.**

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**27. Regional and Case-By-Case Conditions.**

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**28. Use of Multiple Nationwide Permits.**

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

**29. Transfer of Nationwide Permit Verifications.**

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_ (Transferee) \_\_\_\_\_ (Date)

**30. Compliance Certification.**

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

### **31. Activities Affecting Structures or Works Built by the United States.**

If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre- construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

### **32. Pre-Construction Notification.**

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division

engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation,

especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13

activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre- construction notifications to expedite agency coordination.

### **Further Information**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**2017 NATIONWIDE PERMITS  
REGIONAL CONDITIONS  
OMAHA DISTRICT  
STATE OF NORTH DAKOTA**

The following Nationwide Permit Regional Conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resource concerns.

**1. Wetlands Classified as Peatlands – Revoked for use**

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands. Peatlands are permanently or seasonally saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay.

**2. Wetlands Classified as Peatlands – Preconstruction Notification Requirement**

For Nationwide Permits 3, 5, 20, 32, 38 and 45 permittees must notify the Corps in accordance with General Condition 32 (Pre-Construction Notification) prior to initiating any regulated activity impacting peatlands.

**3. Waters Adjacent to Natural Springs – Preconstruction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) for regulated activities located within 100 feet of the water source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

**4. Missouri River, including Lake Sakakawea and Lake Oahe – Pre-construction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity occurring in or under the Missouri River, including Lake Sakakawea and Lake Oahe. In addition, any activity occurring in an off channel area (marinas, bays, etc.) of any of these waterbodies, a preconstruction notification is required.

**5. Spawning Areas**

Spawning restrictions and important fish habitat areas, if applicable, can be accessed on the North Dakota Game & Fish Department's website at:

<http://gf.nd.gov/gnf/conservation/docs/spawning-restriction-exclusions.pdf>

No regulated activity within the Red River of the North shall occur between 15 April and 1 July. Spawning season restrictions do not apply to projects involving dredging or other discharges of less than 25 cubic yards of material in any jurisdictional water.

#### 6. Counter-Sinking Culverts and Associated Riprap – All Nationwide Permits

In streams with intermittent or perennial flow and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural streambed according to the table below. This regional condition does not apply in instances where the lowering of the culvert invert would allow a headcut to migrate upstream of the project into an unaffected stream reach or result in lowering the elevation of the stream reach.

Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

Culvert Type	Drainage Area	Minimum Distance Culvert Invert Shall Be Lowered Below Stream Flow Line
All culvert types	≤ 100 acres	Not required
Pipe diameter <8.0 ft	100 to 640 acres	0.5 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter ≥ 8.0 ft	All drainage sizes	1.0 ft
Box culvert	All drainage sizes	1.0 ft

#### REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS

##### Nationwide Permit 7 – Outfall Structures and Associated Intake Structures and Nationwide Permit 12 – Utility Line Activities.

**Intake Structures** – Intake screens with a maximum mesh opening of ¼-inch must be provided, inspected annually, and maintained. Wire, Johnson-like, screens must have a maximum distance between wires of 1/8-inch. Water velocity at the intake screen shall not exceed ½-foot per second.

Pumping plant sound levels will not exceed 75 dB at 50 feet.

Intakes located in Lake Sakakawea, above river mile 1519, and on the Yellowstone River, are subject to the following conditions:

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.

- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to ¼ foot per second.

Intakes located in Lake Sakakawea, below river mile 1519, and the Missouri River below Garrison Dam are subject to the following conditions:

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to ¼-foot per second with intake placed at the maximum practicable attainable depth.

Intakes and associated utility lines that are proposed to cross sandbars in areas designated as piping plover critical habitat are prohibited.

### **Utility Lines**

- Any temporary open trench associated with utility lines are to be closed within 30 days of excavation. This time limit may be extended by notifying the North Dakota Regulatory Office and receiving a written response that the extension is acceptable.

### **Nationwide Permit 11 – Temporary Recreational Structures – Boat Docks**

To ensure that the work or structure shall not cause unreasonable obstruction to the free navigation of the navigable waters, the following conditions are required:

- No boat dock shall be located on a sandbar or barren sand feature. The farthest point riverward of a dock shall not exceed a total length of 30 feet from the ordinary high watermark. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer’s Office.
- Any boat dock shall be anchored to the top of the high bank.
- Any boat dock located within an excavated bay or marina that is off the main river channel may be anchored to the bay or marina bottom with spuds.

Section 10 Waters located in the State of North Dakota are:

Bois de Sioux River  
 James River  
 Missouri River  
 Red River of the North  
 Upper Des Lacs Lake  
 Yellowstone River

### **Nationwide Permit 13 – Bank Stabilization**

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. The notification must also include photo evidence of erosion in the area. Prohibited materials found at

<http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/487696/prohibited-restricted-materials.aspx> cannot be used in waters of the United States.

### **Nationwide Permit 23 – Approved Categorical Exclusions**

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. In addition to information required by General Condition 32 (Pre-Construction Notification), permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

## **GENERAL CONDITIONS (REGIONAL ADDITIONS)**

### **General Condition 32 Notification– Pre-construction Notification**

Prospective permittees should be aware that a field aquatic resources delineation may be required for applications where notification is required in accordance with General Condition 32 (Pre-Construction Notification) and/or mitigation may be required. Specific guidelines outlining the aquatic resources delineation process in the State of North Dakota and the Corps 1987 Wetland Delineation Manual and applicable Regional supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



## Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

**Exhibit B.10**  
**ND Parks and Recreation**

September 30, 2019

Kathy Duttenhefner, Coordinator  
Natural Resources Division  
North Dakota Parks and Recreation  
PO Box 5594  
Bismarck, ND 58506-6694

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

November 8, 2019

Jaimee Antognazzi  
Keitu Engineers and Consultants, Inc.  
1403 27<sup>th</sup> Street NW, PO Box 98  
Mandan, ND 58554-0098

Re: Bridger pipeline, LLC – Bridger 16" Crude Oil Pipeline

Dear Ms. Antognazzi,

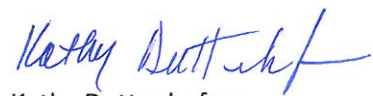
The North Dakota Parks and Recreation Department has reviewed the above referenced proposed Bridger pipeline, LLC – Bridger 16" Crude Oil Pipeline Project located in McKenzie and Golden Valley Counties, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or affect Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has reviewed the project to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have several plant and animal species of concern documented within or adjacent to project site. Please refer to the attached map and spreadsheet for details. Regarding animal species of concern we defer any additional comments to the US Fish and Wildlife Service and ND Game and Fish Department.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information, please contact me at (701-328-5370 or [kgdutton@nd.gov](mailto:kgdutton@nd.gov)). Thank you for the opportunity to comment on this proposed project.

Sincerely,



Kathy Duttenhefner

Coordinator/Biologist II, Natural Resources Division

**Exhibit B.11**  
**ND Game and Fish Department**

September 30, 2019

Mr. Greg Link, Chief  
Conservation and Communication Division  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*



"VARIETY IN HUNTING AND FISHING"

## NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand

DEPUTY, Scott A. Peterson

October 28, 2019

Jaimee Antognazzi  
Operations Manager  
Keitu  
PO Box 98  
Mandan, ND 58554-0098

Dear Ms. Antognazzi:

RE: Bridger 16" Pipeline Project

Bridger Pipeline, LLC is proposing the construction of an approximately 160-mile crude oil supply pipeline, originating from a location near Johnson's Corner, North Dakota and terminating at the Baker/Sandstone Terminal located near Plevna, Montana. The project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

A primary concern with pipeline projects is the possible disturbance of native prairie and wooded draws associated with construction of the pipeline and access roads. Avoidance of native prairie areas reduces impacts to several grassland species including many of the species of conservation priority. We ask that work within these areas be avoided to the extent possible, every effort be made to prevent destruction of woody vegetation, and disturbed areas be reclaimed to pre-project conditions.

The pipeline route crosses Cherry Creek, a Classified fishery. We recommend that this stream be crossed by directional boring to protect the resource. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation. The Department also recommends that additional precautions be implemented into the design of pipes crossing under the State's waterways. One means of minimizing a potentially large pipeline failure is to incorporate pressure sensing valves on both sides of the waterway. These valves should be placed as close to the waterway as possible while staying out of the floodplain to reduce potential damage from ice and other floating debris. A maintenance schedule should be developed to ensure the integrity of the pipe for the life of the project.

Aquatic nuisance species (ANS) are a major concern in North Dakota. State law requires that the contractor, including any and all subcontractors involved in this project, take appropriate

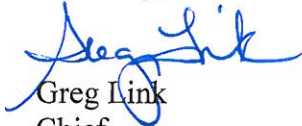
precautions to prevent the introduction or movement of ANS within the state. The contractor should provide the department a reasonable opportunity to inspect any equipment prior to these items being launched or placed into waters of the state. The Department's Aquatic Nuisance Species Coordinator, Ms. Jessica Howell, can be contacted at 701-368-8368 for equipment inspections or additional information regarding ANS prevention protocols.

The National Wetland Inventory indicates a variety of wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas. Unavoidable destruction or degradation of wetland acres should be mitigated in kind.

Aerial surveys should be conducted for raptor nests before construction begins. We recommend that a ½-mile construction buffer be implemented around active eagle nest sites (known occupied within the past 5 years). Ms. Sandra Johnson, Conservation Biologist, may be contacted at 701-328-6327 for additional information on golden eagle nest sites in the state.

We do not believe this project will have significant adverse effects on wildlife or wildlife habitat provided these recommendations are implemented where appropriate during project construction.

Sincerely,



Greg Link  
Chief

Conservation & Communication Division

js

**Exhibit B.12**  
**Lake Ilo National Wildlife Refuge**

September 30, 2019

Todd Gallion  
Wildlife Refuge Specialist  
Lake Ilo National Wildlife Refuge  
489 102 Ave SW  
Dunn Center, ND 58626

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Todd Gallion  
Wildlife Refuge Specialist  
Lake Ilo National Wildlife Refuge  
489 102 Ave SW  
Dunn Center, ND 58626

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.13**  
**U.S. Fish and Wildlife Service**

September 30, 2019

Scott Larson, Field Supervisor  
North Dakota Field Office  
U.S. Fish and Wildlife Office  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Scott Larson, Field Supervisor  
North Dakota Field Office  
U.S. Fish and Wildlife Office  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

North Dakota Ecological Services  
3425 Miriam Avenue  
Bismarck, North Dakota 58501

IN REPLY REFER TO:  
06E15000-2020-TA-0082  
Bridger 16" Crude Oil  
Pipeline

December 30, 2019

Mr. Zach Peterson  
Environmental Specialist  
Keitu Engineers and Consultants  
1403 27<sup>th</sup> Street Northwest  
Mandan, North Dakota 58554

Dear Mr. Peterson:

Thank you for your letter of December 16, 2019, requesting comments on the Bridger Pipeline, LLC project proposal in McKenzie and Golden Valley Counties, North Dakota. The 16 inch crude oil supply line originates near Johnson's Corner in North Dakota, extending 160 miles southwest, terminating at the Baker/Sandstone Terminal located near Plevna, Montana. The U.S. Fish and Wildlife Service (Service) has been in contact with several of the principals at Keitu Engineering and Consultants (Keitu) by telephone and email since being contacted on September 26, 2019.

The Service offers the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*, the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250.

### **Dakota skipper**

The Dakota skipper is a small prairie butterfly listed as a threatened species under the ESA. Dakota skippers are obligate residents of high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. In Northwestern North Dakota, Dakota skippers inhabit dry-mesic hill prairies with abundant purple coneflower (*Echinacea angustifolia*), but also use mesic to wet-mesic tallgrass prairie habitats characterized by wood lily (*Lilium philadelphicum*) and mountain death camas (smooth camas; *Zigadenus elegans*). Their dispersal ability is very limited due in part to their short adult life span and single annual flight. Extirpation from a site may be permanent unless it occurs within about 0.6 miles of an inhabited site that generates a sufficient number of emigrants. Avoidance of impacts to native prairie habitat is recommended to reduce the risk of adverse effects to this species. If such areas are unavoidable, surveys for Dakota skippers are advisable. Critical habitat has been designated for this species in North Dakota; for details and locations see the following website:  
<https://www.fws.gov/Midwest/endangered/insects/dask/index.html>.

The proposed crude oil pipeline includes areas of native prairie. The disturbance of these lands could further fragment and eliminate existing native prairie habitat. Recent surveys for the Dakota skipper (*Hesperia dacotae*) have identified this species in the vicinity of the proposed action. Dakota skippers occupy native prairie habitat, thus occupancy surveys for this species may be warranted prior to the grazing of these areas. In areas of suitable habitat or occupancy, construction may be delayed during the flight season (June 10-July 15).

### **Northern Long-Eared Bat**

The northern long-eared bat is a medium-sized brown bat listed as threatened under the Endangered Species Act. The species is known to be present in North Dakota during the breeding and migration seasons. These bats primarily roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees in the summer. The pupping season occurs in June and July. Hibernacula have not been documented in North Dakota. Summer survey guidelines for the northern long-eared bat are identical for those established for the Indiana bat (*Myotis sodalis*) (available online at:

[www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html](http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html)).

White nose syndrome - a fungus affecting hibernating bats - is considered a significant threat to this species, but individuals may be harmed by other activities such as modifications to hibernacula, timber harvest, human disturbance, and collisions with wind turbines. A 4(d) rule has been published that exempts take of Northern long-eared bats in certain circumstances. For more information, see: [www.fws.gov/midwest/endangered/mammals/nleb/index.html](http://www.fws.gov/midwest/endangered/mammals/nleb/index.html).

### **Eagles Guidance**

Bald and Golden Eagles are federally protected under the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*), including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. The BGEPA defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

A number of bald eagle nests have been recorded along the Missouri River corridor. We recommend following the Service's May 2007, *National Bald Eagle Management Guidelines*, which contains detailed information on protecting bald eagles from disturbance due to human

activity. To avoid/minimize impacts to nesting bald eagles from construction activities, the Service recommends: (1) keeping a minimum 660-foot buffer between the activity and any bald eagle nest if no landscape buffer exists; (2) keeping a minimum 330-foot buffer and maintaining a landscape buffer or natural areas between the activity and around nest trees; and (3) avoiding activities during the bald eagle breeding season (February 1 – July 15). The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest sites and provide for alternative or replacement nest sites.

It is unlawful to take or disturb eagles without first obtaining a permit for non-purposeful take of eagles. However, no permit would be available unless an applicant has first taken all practicable steps to avoid take of eagles. The guidelines can be accessed on the Service's website at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

With the continued fragmentation and loss of native prairie habitat in North Dakota, the Service recommends Keitu Engineering and Bridger Pipeline work with willing developers to voluntarily offset any unavoidable loss of native prairie habitat that may compensate for impacts to endangered or migratory species that likely occupy the project area. We look forward to further engagement on this action.

The Service appreciates the opportunity to work with Keitu to ensure the conservation of federally-listed species as part of our joint responsibilities under ESA to conserve threatened and endangered species and their habitats. Should you have any questions regarding this letter, please have your staff contact Jerry Reinisch of my staff at (701) 333-0267, or contact me at (701) 355-8215.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Becker', written in a cursive style.

Drew Becker  
ND Ecological Services Office Supervisor

cc: Greg Link, Division Chief, North Dakota Game and Fish Department

**kfinken@keitu.com**

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**From:** Reinisch, Jerry <jerry\_reinisch@fws.gov>  
**Sent:** Tuesday, October 1, 2019 7:17 AM  
**To:** Karine Finken  
**Cc:** Kathleen Spilman; Derek Sondeland; Jaimee Antognazzi; Ken Dockweiler; Tyler Reece  
**Subject:** Re: [EXTERNAL] Bridger South Bend 16-inch Crude Oil Pipeline Project - Dakota Skipper

Thank you!

Jerry D. Reinisch  
Fish & Wildlife Biologist  
Ecological Services  
US Fish & Wildlife Service  
3425 Miriam Drive  
Bismarck, North Dakota 58501

(M) 701-250-4481 Ext 8267  
(D) 701-333-0267  
(C) 701-425-2133

On Mon, Sep 30, 2019 at 7:06 PM Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)> wrote:

**Jerry,**

**The attached kmz is what I have compiled so far to help Bridger with knowing where they should bore or narrow ROW. We will have more complete maps with shapefiles once the BE/EA is closer to being final and I can be sure to send them to you. The USFS biologists have not reviewed this yet so there may be some changes.**

**Thanks,**

**Karine**

**From:** Kathleen Spilman [mailto:[kspilman@keitu.com](mailto:kspilman@keitu.com)]  
**Sent:** Monday, September 30, 2019 3:50 PM  
**To:** 'Reinisch, Jerry' <[jerry\\_reinisch@fws.gov](mailto:jerry_reinisch@fws.gov)>  
**Cc:** Derek Sondeland <[dsonderland@keitu.com](mailto:dsonderland@keitu.com)>; Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Ken Dockweiler <Ken.Dockweiler@TrueCos.com>; Tyler Reece <[tyler.reece@truecos.com](mailto:tyler.reece@truecos.com)>  
**Subject:** RE: [EXTERNAL] Bridger South Bend 16-inch Crude Oil Pipeline Project - Dakota Skipper

Jerry – client is also planning to go deeper than typical – 15 ft bgs – with the HDD to minimize frac outs. Thanks much for the help.

Derek – please compile the habitat boundaries for these areas as GIS shapefiles. You might as well include the areas that Bridger will need to narrow the construction ROW to avoid the other habitat found to pass along to Tyler. Run info by Karine before you release them since she was the one who led the field survey team.

Tyler – please note expected restriction to avoid construction in this area during the 6 week period June 10-July 15 – should include it in the project construction specs as well as prepositioned spill response equipment. If Bridger does not want to move one of their trailers down to the site – or if selected contractor does not have one - we can always bring Keitu’s trailer down and have it in the area.

Kathye

**From:** Reinisch, Jerry <[jerry\\_reinisch@fws.gov](mailto:jerry_reinisch@fws.gov)>  
**Sent:** Monday, September 30, 2019 3:22 PM  
**To:** Kathleen Spilman <[kspilman@keitu.com](mailto:kspilman@keitu.com)>  
**Subject:** Re: [EXTERNAL] Bridger South Bend 16-inch Crude Oil Pipeline Project - Dakota Skipper

Kathleen

These measures sound good to me. Be sure to have spill response equipment near these locations in the event of a blowout.

Dust suspension should be implemented at all times and we would prefer that no construction take place near areas of suitable habitat during the flight season; June 10-July 15. Would you have a shape file of these suitable habitat locations?

Thank you

Jerry

Jerry D. Reinisch

Fish & Wildlife Biologist

Ecological Services

US Fish & Wildlife Service

3425 Miriam Drive

Bismarck, North Dakota 58501

(M) 701-250-4481 Ext 8267

(D) 701-333-0267

(C) 701-425-2133

On Thu, Sep 26, 2019 at 11:44 AM Kathleen Spilman <[kspilman@keitu.com](mailto:kspilman@keitu.com)> wrote:

Jerry –

Just to keep you in the loop, we completed the DASK habitat survey along the proposed South Bend route. We found several items. Most will be avoided by narrowing the construction zone in the vicinity. The others (4) will be bored to avoid any surface disturbance. We have already discussed this with our client. This plan is acceptable to them. They will incorporate that requirement into the project bid specs.

We will incorporate into the mitigation plan that we will have a crew, including a biologist, go out and mark the boundary of the habitat with snow fence or flagged stakes before the start of construction.

If this is not acceptable – please advise ASAP. We want to incorporate into the PSC permit application and the EA for the USFS provisions that are already acceptable to the US Fish & Wildlife Service.

**Kathleen M. Spilman, P.E.**

Managing Director

**Keitu Engineers & Consultants, Inc.**

1403 27th St. NW; PO Box 98  
Mandan, ND 58554

(701) 667-1808 x100

(701) 527-0277 iPhone

**Exhibit B.14**  
**U.S. Air Force**

**From:** [Jaimee Antognazzi](#)  
**To:** ["cy.munos@us.af.mil"](mailto:cy.munos@us.af.mil)  
**Subject:** Bridger 16" Crude Oil Pipeline  
**Date:** Tuesday, October 8, 2019 2:31:48 PM  
**Attachments:** [Full Alignment\\_20191004.shx](#)  
[Full Alignment\\_20191004.sbn](#)  
[Full Alignment\\_20191004.sbx](#)  
[Full Alignment\\_20191004.cpg](#)  
[Full Alignment\\_20191004.dbf](#)  
[Full Alignment\\_20191004.prj](#)  
[Full Alignment\\_20191004.shp](#)

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Mr. Cy Munos,

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The purpose of this contact is to afford Cable Affairs the opportunity to assess the Project area for the presence of Intercontinental Ballistic Missile ("ICBM") related systems that could potentially be impacted, and to provide comments. We respectfully request that any specific concerns known in the area are brought to our attention to ensure we focus on those items. Attached are the GIS Shapefiles of the entire length of the proposed Project intended for the Minot Air Force Base Cable Affairs Office to review.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance.

**Jaimee Antognazzi, CSP**

Operations Manager  
Keitu Engineers & Consultants  
1403 27<sup>th</sup> Street NW  
Mandan, ND 58554  
(701) 667-1808 Ext# 105

**From:** [MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK](#)  
**To:** [Jaimee Antognazzi](#)  
**Subject:** RE: [Non-DoD Source] Bridger 16" Crude Oil Pipeline  
**Date:** Wednesday, October 9, 2019 7:50:29 AM

---

Jaimee,

We have no assets in the project area. We appreciate the heads up. Have a good day.

Cy Munos  
Chief, Cable Affairs  
91 MMXS/MMXSFK  
Minot AFB, ND  
DSN: 453-6053  
COMM.: 701-723-6053  
CELL: 701-720-8274

-----Original Message-----

From: Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>  
Sent: Tuesday, October 8, 2019 2:32 PM  
To: MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <[cy.munos@us.af.mil](mailto:cy.munos@us.af.mil)>  
Subject: [Non-DoD Source] Bridger 16" Crude Oil Pipeline

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Jaimee Antognazzi, CSP

Operations Manager

Keitu Engineers & Consultants

1403 27th Street NW

Mandan, ND 58554

(701) 667-1808 Ext# 105

**Exhibit B.15**  
**ND Department of Agriculture**

September 30, 2019

ND Department of Agriculture  
600 E. Boulevard Ave, Dept. 602  
Bismarck, ND 58505-0020

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

ND Department of Agriculture  
600 E. Boulevard Ave, Dept. 602  
Bismarck, ND 58505-0020

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.16**  
**ND Soil Conservation Committee**

September 30, 2019

Scott Hochhalter, State Soil Specialist  
NDSU Extension Service  
2718 Gateway Ave., Suite 104  
Bismarck, ND 58503

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Scott Hochhalter, State Soil Specialist  
NDSU Extension Service  
2718 Gateway Ave., Suite 104  
Bismarck, ND 58503

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.17**  
**McKenzie County Commission**

September 30, 2019

McKenzie County Commission  
20 5<sup>th</sup> St. NW, Ste 543  
Watford City, ND 58554

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

McKenzie County Commission  
20 5<sup>th</sup> St. NW, Ste 543  
Watford City, ND 58554

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

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Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.18**  
**Golden Valley County Commission**

September 30, 2019

Golden Valley County Commission  
PO Box 104  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Golden Valley County Commission  
PO Box 104  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.19**  
**USFS McKenzie Ranger District**

September 30, 2019

McKenzie Ranger District  
1905 S Main Street  
Watford City, ND 58554

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

McKenzie Ranger District  
1905 S Main Street  
Watford City, ND 58554

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**From:** [Grotte, Kim -FS](#)  
**To:** [Karine Finken](#)  
**Cc:** [Riely, Debbie - FS](#)  
**Subject:** RE: South Bend EA  
**Date:** Friday, September 06, 2019 8:15:35 AM  
**Attachments:** [image001.png](#)

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Karine,

It would have been a good step to look at the actual most complete route map a bit as to be able to advise you folks on the survey needs and known resource concerns for the linear and area around it.

I did visit with Debbie about getting you NEPA templates/examples for how our folks like to see these documents formatted and such. Debbie thought that she could provide you examples that were done recently for a similar sized project proposal. I will include here on this e-mail and she can fire them out to you when she can. We should try to get a kick off meeting when it is decided to proceed with the project as to give you folks the guidance on how to proceed and the steps in doing so for our NEPA EA process.

**Kim Grotte**  
**Cost Reimbursement Pipeline Specialist**  
**Forest Service**  
**Dakota Prairie Grassland, McKenzie Ranger District**

p: 701-842-8509  
f: 701-842-8544  
[Kim.Grotte@usda.gov](mailto:Kim.Grotte@usda.gov)

1905 S. Main St.  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)

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**From:** Karine Finken [<mailto:kfinken@keitu.com>]  
**Sent:** Wednesday, September 4, 2019 11:17 AM  
**To:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Cc:** Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>  
**Subject:** South Bend EA

**Kim,**

We discussed the proposed South Bend project last month you mentioned you may be able to provide some examples or templates for the EA. I was just checking in to see if you were able to find anything available.

We're still working on Bridger getting the SF-299 submitted and still working on the field surveys for archaeology for this project.

**Karine Finken**  
Project Manager



(701) 667-1800 [www.keitu.com](http://www.keitu.com)

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1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

September 16, 2019

Kim Grotte  
USFS McKenzie Ranger District  
1905 S. Main Street  
Watford City, ND 58854

**Bridger Pipeline, LLC – SF299 Application**

Please find enclosed one (1) SF299 application for the Bridger 16 inch Pipeline.

Keitu appreciates the opportunity to work with you on this project and the assistance you have provided to date. If you have questions, please call Kathleen Spilman or myself to discuss them further. My phone number is (701) 667-1800.

Sincerely,

A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is fluid and cursive, with the first name being the most prominent.

Jaimee Antognazzi  
Operations Manager

*Enclosures: 1 SF299 Application*

APPLICATION FOR TRANSPORTATION AND  
UTILITY SYSTEMS AND FACILITIES  
ON FEDERAL LANDS

FORM APPROVED  
OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (include zip code)

Tom Litman – Land Supervisor  
Bridger Pipeline LLC  
PO Drawer 2360  
Casper, Wyoming 82602

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

Keitu Engineers & Consultants, Inc.  
1403 27<sup>th</sup> St NW  
PO Box 98  
Mandan, ND 58554-0098

3. Telephone (area code)

Applicant

(580) 242-6040

Authorized Agent

(701) 667-1800

4. As applicant are you? (check one)

- a.  Individual
- b.  Corporation\*
- c.  Partnership/Association\*
- d.  State Government/State Agency
- e.  Local Government
- f.  Federal Agency

\* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a.  New authorization
- b.  Renewing existing authorization No.
- c.  Amend existing authorization No.
- d.  Assign existing authorization No.
- e.  Existing use for which no authorization has been received \*
- f.  Other\*

\* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States?  Yes  No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

- (a) Bridger Pipeline is proposing a 16-inch steel pipeline to transport crude oil from a station that will be located near Johnson's Corner in Section 25 T150N R95W and will terminate at Bridger's Baker/Sandstone Station near Plevna, MT located in Section 4 T17N R58E. The proposed pipeline would transect USFS lands in the following sections: T148N R101W Sections 33 & 34; T148N R100W Section 17, T147N R102W Section 25; T147N R101W Sections 4, 8, 17-19; T146N R103W Sections 13, 23, 24, 36, 33, 34; T146N, R102W Sections 4, 5, 8, 7, 18; T145N R104W Sections 24-26, 34, 35; T145 R103W Sections 4, 18,19.
- (b) The proposed pipeline will parallel existing access roads and existing utility corridors wherever possible. There will be at least one tank constructed at the Johnson's Corner origination point. Rectifiers, cathodic protection test stations and above ground block valves will also be located along the proposed route.
- (c) The project is approximately 19 miles on USFS land and will be subsurface. The permanent ROW would be 50 feet and the temporary construction ROW would be 110 feet. The construction corridor would be re-graded and re-vegetated using native seed mix to pre-construction standards. The pipe will be 16 inch OD, .375-inch wall thickness wall x52 grade steel pipe with an FBE coating. The pipeline will be installed at a minimum depth of 60 inches.
- (d) A 40 year minimum term is needed for this proposed project.
- (e) This pipeline would be in use at all times after construction and testing of the pipe is complete.
- (f) The pipeline would have an initial capacity of 144,000 barrel per day.
- (g) Construction will begin after all necessary approvals and permits are received and the Project is approved by the ND Public Service Commission (NDPSC). The duration of the construction for the proposed project will be five to six months, however, construction is weather dependent.
- (h) Temporary work spaces will be needed on USFS land, exact locations are unknown at this time but will be provided to USFS when locations are known.

8. Attach a map covering area and show location of project proposal

9. State or Local government approval:  Attached  Applied for  Not Required

10. Nonreturnable application fee:  Attached  Not required

11. Does project cross international boundary or affect international waterways?  Yes  No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

Bridger is headquartered in Casper, Wyoming and operates approximately 1200 miles of crude oil gathering and mainline pipeline half of which is in North Dakota, and about 400,000 bbls of crude oil storage. Bridger is experienced in managing construction and operating pipeline systems that focus on meeting all regulations and operating with an emphasis on environmental protection and the safety of the public and its employees.

13a. Describe other reasonable alternative routes and modes considered.

Alternative 1: Oil trucks gather oil directly from Johnson's Corner, and because current pipelines are already full it would get trucked to the nearest rail yard.

Alternative 2: Preferred alternative of installing the proposed transportation pipeline for crude oil.

b. Why were these alternatives not selected?

More oil would be transported via railroad and this method is considerably less safe than pipeline. This alternative was determined to have more environmental impacts than the preferred route. The Alternative 2 is more economically feasible, causes less truck & rail traffic, and utilizes an energy resource compared to Alternative 1.

c. Give explanation as to why it is necessary to cross Federal Lands.

Putting part of the system on USFS land allows Bridger to significantly shorten the length of the project and avoid a major waterbody crossing thereby causing less environmental disturbance. On all USFS land, this new pipeline will be adjacent to an existing crude oil pipeline. On some USFS land, this new pipeline will be adjacent to gas pipelines and/or roads.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

ND PSC's approval of the Corridor and Route Application.

ND Department of Health construction stormwater NPDES permit will be obtained prior to construction.

Keitu Engineers & Consultants, Inc, will complete field studies and an environmental assesment. A local archeological constulting company will complete a Class I and Class III study of the Forest Service Area..

Submitted: SF-299 application

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

(a) The total estimated cost of construction is \$96 million. The majority of the costs is in the construction phase. Yearly operational and maintenance costs are estimated at \$21 million per year.

(b) Alternative 1 would have no cost to Bridger.

(c) The installation of the pipeline would cause the reduction of truck and rail traffic, provide a safer more efficient way to transport crude oil, and would utilize crude oil as an energy resource to the public.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

Construction of the proposed project will result in the hiring of pipeline contractors, equipment contractors, suppliers and regional testing firms with much of the labor force coming from the regional labor pool. During the anticipated months of construction and testing, these workers will have significant positive economic impact, including pay roll tax, local expenditures, sales tax. Short term, temporary effects include increased population via construction workers, putting an increased need for housing. Long term effects include reducing overall truck traffic; therefore, not hampering the rural lifestyle.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

- (a) There will be negligible, short term, temporary impacts to air quality, by increasing localized dust during construction and increased emissions from the construction vehicles. Long term beneficial impacts include the reduction of road traffic thus increasing safety of rural roads in the area. No significant negative impact is expected for the proposed project.
- (b) Short term, negligible visual impacts include an increase in construction equipment; however, this will be temporary. The only above ground items that will be installed are line markers. No aboveground facilities will be installed on Federal land.
- (c) The proposed project is located within several different area types. Ephemeral drainages and swales will be avoided. Temporary, short term, negligible impacts include altering drainage of the surrounding land during construction (minor impact if there is substantial rainfall). Stormwater best management practice's will be applied when necessary. Natural drainage features will be restored to pre-construction contours after construction is complete. Project contractors will be expected to have a current stormwater pollution prevention plan (SWPPP) in place before the start of construction. No effects to ground water are expected.
- (d) Unnamed seasonal creeks and their drainages are crossed by the proposed project although not on USFS lands. Streams and creeks will be bored and graded back to pre-construction standards, wetlands may be bored depending on the size of the area. Best management practices will be applied when necessary. Vegetative buffers will be used near waterbodies to prevent erosion and sediment from entering waterbodies.
- (e) Existing noise levels include truck traffic on existing access roads. Short term, negligible impacts to noise is expected during construction, due to construction related noise. These increase in noise levels due to heavy equipment operation will be limited to the period of construction, typically during daylight hours. No long term noise impacts are expected during the normal operation of the pipeline.
- (f) Short term, minor effects are expected to the surface of the land, including vegetation, soil and soil stability. However, with proper re-grading and re-vegetation, significant, long term effects are not expected. Trees will need to be removed in order to construct safely. Bridger will replant any trees that are removed according to a tree and shrub mitigation plan approved by the ND PSC. Short term, minor effects to soil include the loss of soil productivity due to erosion, soil mixing or soil compaction. No long term effects with proper re-grading and re-vegetation.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

- (a) Construction of the proposed project will have a short-term, minor impact on domestic animals and wildlife. An aerial raptor survey will be conducted to ensure, no trees will be removed that has either an inactive or active nest. The clearing of vegetation will temporarily reduce cover, nesting and foraging habitat for some species. Small, slower moving species may be lost during construction. However, species will generally establish themselves into adjacent habitat, away from the disturbance area. These aggravated species tend to be less viable than those left in their natural state. Therefore, short term, minor impacts are expected because of displaced species due to construction of the pipeline and other oil-related activities occurring within the vicinity of the proposed pipeline. However, once the habitat is reclaimed, wildlife species are expected to return.

Impacts to threatened and endangered species are not expected occur. No effects are anticipated for the northern long-eared bat (*Myotis septentrionalis*), red knot (*Calidris canutus rufa*), piping plover (*Charadrius melodus*), least tern (*Sternula antillarum*), whooping crane (*Grus americana*), and pallid sturgeon (*Scaphirhynchus albus*). The Dakota skipper (*Herperia*

dacotae) was identified along the pipeline right-of-way in previously conducted field studies. Any areas identified as potential Dakota Skipper habitat will be bored.

(b) There will be no impacts to marine mammals.


19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

Only crude oil will be transported in this system as defined and exempted above. No hazardous materials will be permanently stored on USFS lands.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

United States Forest Service – Dakota Prairie Grasslands – McKenzie Ranger District.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant 	Date 9/16/2019
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Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION  
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture  
Regional Forester, Forest Service (USFS)  
Federal Office Building,  
P.O. Box 21628  
Juneau, Alaska 99802-1628  
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior  
Bureau of Indian Affairs (BIA)  
Juneau Area Office  
Federal Building Annex  
9109 Mendenhall Mall Road, Suite 5  
Juneau, Alaska 99802  
Telephone: (907) 586-7177

Department of the Interior  
Bureau of Land Management  
222 West 7th Avenue  
P.O. Box 13  
Anchorage, Alaska 99513-7599  
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440	National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440
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Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation  
Federal Aviation Administration  
Alaska Region AAL-4, 222 West 7th Ave., Box 14  
Anchorage, Alaska 99513-7587  
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

**SUPPLEMENTAL**

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
<b>I - PRIVATE CORPORATIONS</b>		
a. Articles of Incorporation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II - PUBLIC CORPORATIONS</b>		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
<b>III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY</b>		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

\* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

Originally filed with the US Bureau of Land Management January 10,2013 -- assigned Right-of-way Serial Number NDM 105398  
BLM Cost Recovery Project Number L51010000 EROOOO LVRWE13E0590

However, that application included a branch to connect oil production wells on US Corps of Engineering and potentially US Bureau of Indian Affair lands. Access to those wells was subsequently eliminated and that project terminated. The scope of the project is now limited to just USFS lands.

## NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

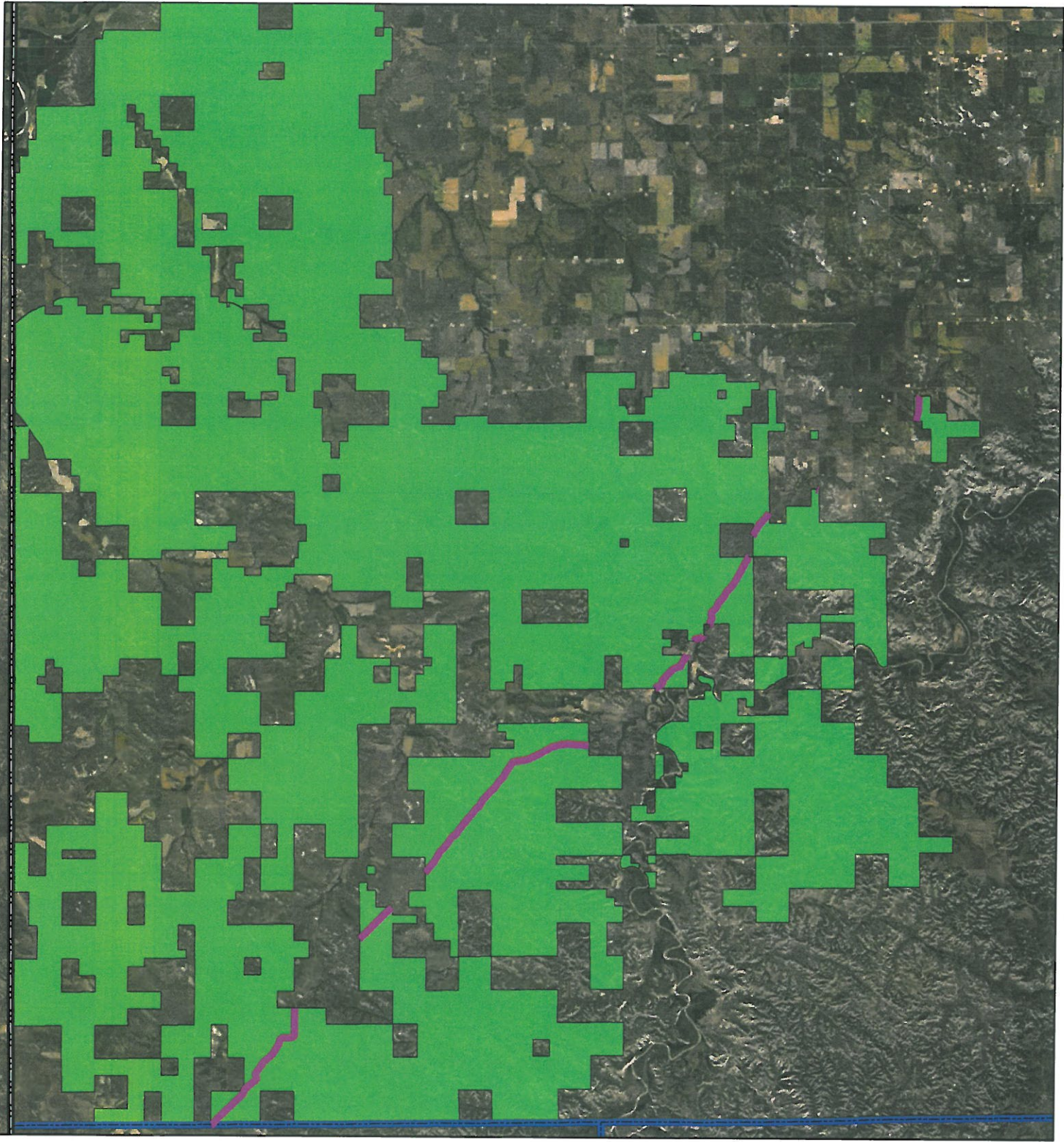
### BURDEN AND NONDISCRIMINATION STATEMENTS

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*





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# Bridger 16-Inch Crude Pipeline

-  Alignment On USFS Lands
-  Forest Service Lands
-  North Dakota County Boundary
-  State Boarder

**McKenzie County  
North Dakota**



**kfinken@keitu.com**

---

**From:** Karine Finken <kfinken@keitu.com>  
**Sent:** Tuesday, September 24, 2019 2:14 PM  
**To:** 'Grotte, Kim -FS'  
**Cc:** Jaimee Antognazzi  
**Subject:** South Bend Alignment  
**Attachments:** North\_Dakota\_Alignment.kmz

Kim,

Sorry it has been taking while to get you this centerline. I know you've asked for it a couple time to review. It should be close to the proposed route on USFS lands but on private lands survey crews are still out so tweaks to the line will happen.

Karine Finken  
Project Manager



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## MEETING MINUTES FROM SOUTH BEND KICK-OFF MEETING

DECEMBER 2, 2019 WATFORD CITY, NORTH DAKOTA

- Meeting begins
  - USFS personnel present Cale Bickerdyke, Debbie Riely, Kim Grotte, Laurie Gawin, Sarah Bickerdyke
  - Bridger personnel present Don Clark, Ken Dockweiler, Tommy Massengale
  - Keitu Engineers and Consultants personnel present Karine Finken
- After introductions Kim Grotte describes the proposed project, Bridger's existing infrastructure in the area that is also on USFS land and pipelines that are near and parallel the proposed project. Don Clark provides additional input on specifics of the existing infrastructure. Kim opens up the floor for further discussion.
- Kim Grotte and Debbie Riely approved Karine Finken working directly with Debbie as long as Kim Grotte was CC'ed and including in discussion.
- Sara Bickerdyke asks about what surveys have been completed.
  - Karine Finken provides overview of botany and wildlife surveys and cultural resources that have been completed. An aerial raptor survey is planned for the week of December 9<sup>th</sup>. All surveys have been completed on USFS lands to date. There was a couple reroutes that needed after September 15<sup>th</sup> botany. Kim Grotte asked Laurie Gawin if that was still okay. Laurie Gawin explained the late season frost made that allowable.
- Sara Bickerdyke mentions the Dakota Skipper may need occupancy surveys based on past projects and length of the proposed South Bend project on USFS lands. Provided input on guidance documents to follow such as USFWS Dakota skipper survey protocol, and occupancy surveys are conducted in July. She said approved occupancy surveyors can be provided upon request. Karine Finken stated Jerry Reinisch had provided that information but will reach out to the USFS if we need it again. Sara Bickerdyke stated surveys to date may not be adequate.
  - Karine mentioned discussion has been ongoing with Jerry Reinisch of the USFWS. Stated discussion began with Jerry Reinisch in an August or September of 2019 starting at an interagency meeting in Bismarck and has been ongoing during the planning and routing process. Jerry Reinisch has stated no occupancy surveys were required if Bridger avoids Type B habitats via bore.
  - Sara Bickerdyke stated she will need to work with Jerry Reinisch directly to concur on how Bridger can move forward with avoiding Dakota skipper impacts and whether occupancy surveys are required.
  - Karine Finken offered to provide Sara Bickerdyke emails of previous communication with Jerry Reinisch. Karine Finken will let Jerry Reinisch know he needs to work with Sara Bickerdyke and future communications will include USFS. When surveys need to be updated Karine Finken stated she will make sure the proper areas are surveyed after

guidance is given on USFS/USFWS path to move forward on avoiding the Dakota skipper impacts.

- Sara Bickerdyke stated she will follow-up with Jerry Reinisch.
  - Kim Grotte offered to have Karine Finken send information directly to Sarah Bickerdyke as long as Kim was CC'ed and included in future discussion.
- Karine Finken asked if the occupancy surveys are only needed on USFS lands and not typically required on private lands. Sara Bickerdyke concurred.
  - Karine Finken confirmed with USFS staff that a BA/BE will be required prior to the EA.
  - Karine Finken asked if drafts can be sent prior to final surveys completed to help the review process move faster. Sarah Bickerdyke and Debbie Riely stated it depended on the type of information and how complete the documents were but Keitu could try.
  - Debbie Riely and Kim Grotte discussed updated EA templates and guidance documents to help streamline the review process. Debbie Riely discussed the scoping procedure, combined scoping, document draft, and that is the next step in moving forward in the NEPA process.
  - Cale Bickerdyke asked Bridger how far the line will parallel from existing lines and pipeline size
    - Don Clark replied that they will be within 15' and it is a 16" line.
  - Karine Finken asked if a map showing the lines that the proposed South Bend line will parallel would help in the review and scoping process.
    - Sarah Bickerdyke replied it couldn't hurt.
  - Cale Bickerdyke mentioned new staff changes with the Watford City USFS office including new District Ranger and Archaeologist. The proposed project will likely be working with the new archaeologist once they are hired. Cale Bickerdyke stated if occupancy surveys are required approval an approval estimate for project start is July 2021.
    - Laurie Gawin mentioned Liv may help with the archaeology on this project until they get new staff.
  - Kim Grotte and Cale Bickerdyke mentioned an option of a "lift and lay" of the line on USFS if the line is constructed within an already approved easement of Bridger's.
    - Don Clark and Ken Dockweiler said it may be an idea to look into to see if possible.
    - Further discussion was had with USFS staff on the pull and connect method.
    - Debbie Riely stated that they will look into this method of installing the pipeline, have more internal USFS discussion and will get back to Bridger.
  - Cale Bickerdyke asked for an update on the proposed route through a cultural resource area and SHPO.
    - Karine Finken will look into and update from Beaver Creek Archaeology and get back to Cale.

#### FOLLOW-UP AND ACTION ITEMS LIST

1. USFS will communicate with Jerry Reinisch of the USFWS on how to move forward with avoiding Dakota skipper impacts during construction.
2. USFS will look into the feasibility of a pull and connect method of installing the pipeline.
3. Karine Finken will let USFWS know they need to communicate and include USFS in discussions.
4. Karine Finken will send past communications with the USFWS to Sara Bickerdyke.
5. Karine Finken will work with Debbie Riely on scoping letter template and information to be sent out for scoping including a map with the help showing the lines the proposed project parallels on USFS lands.
6. Karine Finken will check with Wade Burns of Beaver Creek Archaeology on the cultural resource site routing progress.

**From:** Warm, Arden A -FS <arden.warm@usda.gov>  
**Sent:** Thursday, March 5, 2020 1:47 PM  
**To:** kfinken@keitu.com  
**Subject:** Sharp-tailed grouse info...  
**Attachments:** svingen\_stg\_leksrvyprotocol\_grandriverrd.doc

Karine;

I was forwarded your questions by Meghan....

I guess my first question is – is this for a specific project or in general?

When we release the (“annual”; coming out soon-ish) bio-letter that outlines our general requirements, typically, we have also made available the latest WL/Bot GIS layers which includes the grouse lek data. The FS, itself, has not updated the location data, sorry to say (the info is old, in general), so if you’re looking for the “latest-greatest” GIS layer of lek info, it is not going to be different from last year’s GIS info....in regards to leks, especially....

The only potential change of locational information could be the research of a Phd student in extreme western part of the McKenzie RD who collected some lek information. I can’t say if the leks were already “known” (i.e. historical) or not, tho?

And lastly, we typically census some leks, annually, within identified ‘4 mile by 4 mile’ lek blocks across the LMNG. We have 10 of them scattered across the two Districts of the LMNG.....

But that is all we have for sharp-tailed grouse....

Attached we have our basic protocol for doing sharpie lek survey’s...tho this is for Grand River RD, we have adapted it for the LMNG as well....

If you have any more questions, please feel free to contact me!



**Arden Warm**  
**Supervisory Wildlife Biologist**  
**Forest Service**  
**Medora Ranger District, Dakota Prairie Grasslands**

p: 701-227-7815  
arden.warm@usda.gov

99 23rd Ave W., Suite B  
Dickinson, ND 58601

[www.fs.fed.us](http://www.fs.fed.us)



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Hi again,

Sorry to bother you but is there a sharp-tailed grouse survey protocol that the USFS requires or certain document we should use as reference?

Thank you,

Karine Finken  
Project Manager



Hi Meghan,

I was wondering if there is a recent sharp-tailed grouse lek shapefiles we could obtain?

Thank you,

Karine Finken  
Project Manager



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**kfinken@keitu.com**

---

**From:** Grotte, Kim -FS <kim.grotte@usda.gov>  
**Sent:** Wednesday, May 20, 2020 8:38 AM  
**To:** Karine Finken  
**Cc:** Warm, Arden A -FS; Sjursen, Phil -FS  
**Subject:** RE: Follow-up on SB request for shapefiles

Karine,

We may need to remove some trees/shrubs in a few spots. This route goes through some areas with woody veg. Keep the bat roosting timing window in our plan thought too. We will HDD bore substantial drainages , creeks and such. Where we parallel other pipelines we may need to clear some woody veg on this pipe side of right-of-way. You should be able to get the other info from google earth or NAIP imagery for woody and such.

Kim

---

**From:** Karine Finken [mailto:kfinken@keitu.com]  
**Sent:** Tuesday, May 19, 2020 3:54 PM  
**To:** Grotte, Kim -FS <kim.grotte@usda.gov>  
**Cc:** Warm, Arden A -FS <arden.warm@usda.gov>; Zach Peterson <zpeterson@keitu.com>  
**Subject:** Follow-up on SB request for shapefiles

Hi Kim,

Sorry for the short call earlier, A/C is out in my car and I had the windows open ☹.

I was able to check my email I sent on the 7<sup>th</sup> and we were looking for the “Previous Dakota skipper Habitat and Occurrence Surveys”, Broken Lands, and Tree/Shrub Layers, per page 8 of the Biological Survey Guidelines 2020 for the South Bend project,

Also, is it a requirement for pipelines to bore under trees on USFS lands? Trying to anticipate if Bridger will have to bore those areas.

Thank you,

Karine Finken  
Project Manager



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**kfinken@keitu.com**

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**From:** Grotte, Kim -FS <kim.grotte@usda.gov>  
**Sent:** Tuesday, June 30, 2020 10:19 AM  
**To:** kfinken keitu.com  
**Subject:** RE: S Bend DASK surveys

Hopefully they will get your project proposal end of the district completed. Thanks

Kim

---

**From:** kfinken keitu.com [mailto:kfinken@keitu.com]  
**Sent:** Tuesday, June 30, 2020 10:00 AM  
**To:** Grotte, Kim -FS <kim.grotte@usda.gov>  
**Cc:** jantognazzi <jantognazzi@keitu.com>  
**Subject:** S Bend DASK surveys

Hi Kim,

I was able to catch up with the butterfly guys yesterday. I wasn't sure if they gave you a heads up but we are out in the field this week and likely next week working on the absence/presence surveys. They did tell me they touched base with Sara prior to fieldwork.

They were on the s end of the line earlier this week working northeast on USFS lands.

I thought I'd keep you in the loop in case you weren't.

Sorry for any typos working from my cell this week.

-Karine

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**From:** Riely, Debbie - FS <debbie.riely@usda.gov>  
**Sent:** Monday, November 16, 2020 11:19 AM  
**To:** Grotte, Kim -FS; Karine Finken  
**Cc:** ken.dockweiler@truecos.com; kspilman@keitu.com; jantognazzi@keitu.com; Bickerdyke, Cale E -FS  
**Subject:** RE: Draft scoping letter - South Bend

To answer Kim's question below, the FS will review the biological surveys completed on FS lands, and will take into account the intermingled private lands within the McKenzie Ranger District boundary in our cumulative effects analysis discussion. So the only route we need to see on our scoping map is the route within the boundary of the McKenzie Ranger District. I know that sounds like NEPA talk here, so if anyone has any questions on that, please feel free to contact me.

Also, I just wanted to give you a heads up that we will be mailing the scoping letter out from our office once we have the final letter, so you won't need to worry about mailing them. Thank you!



**Debbie Riely**  
**NEPA Planner**  
**Forest Service**  
**Dakota Prairie Grasslands, McKenzie Ranger District**

**p: 701-842-8522**  
**f: 701-842-8544**  
[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)

1905 Main Street South  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)



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**From:** Grotte, Kim -FS  
**Sent:** Monday, November 16, 2020 7:51 AM  
**To:** Karine Finken <kfinken@keitu.com>; Riely, Debbie - FS <debbie.riely@usda.gov>  
**Cc:** ken.dockweiler@truecos.com; kspilman@keitu.com; jantognazzi@keitu.com; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>  
**Subject:** RE: Draft scoping letter - South Bend

Hello folks,

Yeah, Will need to take a peek at the map before it goes out.

Debbie how much info needs to be included for the entire route on this map? Our analysis for DASK and other sensitive resource concerns on the entire route needs to be thought out as to how hard we will be involved with these on the private and the entire route as compared to our involvement on FS lands on the McKenzie District.

**Kim Grotte**  
**Area Minerals Manager**

**Forest Service**  
**McKenzie Ranger District**  
**Dakota Prairie Grassland,**

p: 701-842-8509

f: 701-842-8544

[Kim.Grotte@usda.gov](mailto:Kim.Grotte@usda.gov)

1905 S. Main St.

Watford City, ND 58854

[www.fs.fed.us](http://www.fs.fed.us)

---

**From:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>  
**Sent:** Thursday, November 12, 2020 9:47 AM  
**To:** Riely, Debbie - FS <[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)>  
**Cc:** [ken.dockweiler@truecos.com](mailto:ken.dockweiler@truecos.com); [kspilman@keitu.com](mailto:kspilman@keitu.com); [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Bickerdyke, Cale E -FS <[cale.bickerdyke@usda.gov](mailto:cale.bickerdyke@usda.gov)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** RE: Draft scoping letter - South Bend

Hi Debbie,

We'll get this updated with a map and I expect to have this back to you early next week.

Thank you,

Karine Finken  
Project Manager



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---

**From:** Riely, Debbie - FS [<mailto:debbie.riely@usda.gov>]  
**Sent:** Thursday, November 12, 2020 8:56 AM  
**To:** [kfinken@keitu.com](mailto:kfinken@keitu.com)  
**Cc:** [ken.dockweiler@truecos.com](mailto:ken.dockweiler@truecos.com); [kspilman@keitu.com](mailto:kspilman@keitu.com); [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Bickerdyke, Cale E -FS <[cale.bickerdyke@usda.gov](mailto:cale.bickerdyke@usda.gov)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** Draft scoping letter - South Bend

Good morning Karine,

Attached are edits to the draft scoping letter. There are a just a couple of places where we left comments for you to fill in some information, please. And if you could also please work on a map to go along with the scoping letter. We are looking to show only the portion of the pipeline from its entry point into USFS lands to the exit point of USFS lands, with major roads, townships and ranges labeled, and showing major points of reference, such as towns. If you run into any problems with that, please just let us know and we can work on it in house as well. As always, if you run into any questions please feel free to reach out. Thank you, Debbie



**Debbie Riely**  
**NEPA Planner**  
**Forest Service**  
**Dakota Prairie Grasslands, McKenzie Ranger District**

**p: 701-842-8522**

**f: 701-842-8544**

[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)

1905 Main Street South  
Watford City, ND 58854

[www.fs.fed.us](http://www.fs.fed.us)



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**From:** Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>  
**Sent:** Wednesday, December 2, 2020 4:58 PM  
**To:** Karine Finken; Bickerdyke, Cale E -FS; Grotte, Kim -FS  
**Cc:** Riely, Debbie - FS; 'Jaimee Antognazzi'; 'Ken Dockweiler'; 'Tom Litman'; Kruse, Andrea - FS; 'Raina Hanley'; 'Wade Burns'  
**Subject:** RE: South Bend Onsite Discussion




Hi there,

Just want to follow up on this. The BA is all set & signed off with the present route – sounds like there may be some route changes in the works. Certainly wildlife resources may be affected differently, but this is something that can be discussed in more detail once we see the new proposed route.

In regards to the BE, though, there really shouldn't be any hold up on that for DASK language. Because a BA was completed for federally listed species and critical habitats, your BE should only be covering RFSS and raptor species (see page 10 of the 2020 Biological Survey and Reporting Guidelines). The two documents combined should provide adequate analyses and determinations to satisfy requirements both for FSM and ESA direction. We can discuss further next week if you have additional questions.

Best,



**Sarah Bickerdyke**  
**Wildlife Biologist**  
**Forest Service**  
**Dakota Prairie Grasslands, McKenzie**  
**Ranger District**  
**p: 701-842-8524**  
[sarah.bickerdyke@usda.gov](mailto:sarah.bickerdyke@usda.gov)  
1905 South Main Street  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)  
    
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**From:** Karine Finken <kfinken@keitu.com>  
**Sent:** Tuesday, December 1, 2020 4:39 PM  
**To:** Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>  
**Cc:** Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Riely, Debbie - FS <debbie.riely@usda.gov>; 'Jaimee Antognazzi' <jantognazzi@keitu.com>; 'Ken Dockweiler' <ken.dockweiler@truecos.com>; 'Tom Litman' <Tom.Litman@Truecos.com>; Kruse, Andrea - FS <Andrea.Kruse@usda.gov>; 'Raina Hanley' <RHanley@bcarch.org>; 'Wade Burns' <WBurns@bcarch.org>  
**Subject:** RE: South Bend Onsite Discussion

Hi Cale,

I have the BE 99% done. Just was waiting to have the DASK language all agreed on before I submitted it. I can have it submitted pretty quickly here using the language from the BA that we finalized on the 20<sup>th</sup>.

-Karine

---

**From:** Bickerdyke, Cale E -FS [<mailto:cale.bickerdyke@usda.gov>]

**Sent:** Tuesday, December 01, 2020 4:13 PM

**To:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>

**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; Riely, Debbie - FS <[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Ken Dockweiler <[ken.dockweiler@truecos.com](mailto:ken.dockweiler@truecos.com)>; Tom Litman <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; Kruse, Andrea - FS <[Andrea.Kruse@usda.gov](mailto:Andrea.Kruse@usda.gov)>; Raina Hanley <[RHanley@bcarch.org](mailto:RHanley@bcarch.org)>; Wade Burns <[WBurns@bcarch.org](mailto:WBurns@bcarch.org)>

**Subject:** RE: South Bend Onsite Discussion

Kim and I got together this morning and I think we have a plan to straighten things out along with avoiding some hiccups in the future. I think this can be covered with a TEAMS meeting or something similar. What we will need is the areas that need to have reroutes on a map. The map should include the following:

- The area that has been surveyed for wildlife botany archy ext.
- The cultural sites including required buffers
- The skipper habitat
- Any other resource concerns to avoid
- Any infrastructure you are trying to avoid
- Your proposed reroute with disturbance width.
- Anyone else can jump in if something else will help us find the best route.

We can then weigh the options for how to avoid and what resources have some give. We may have to tighten a buffer, bore an area, adjust our skipper habitat acreage or get closer to existing infrastructure.

At this point if we still have concerns we can make a site visit. What we want to avoid is moving the pipeline out of the area that has been surveyed and used in the approved BA. We currently have the BA ready to be sent into the USFWS for consultation. We decided to hold off on sending that until we are sure the route isn't going to change and cause us to start our consultation over. We also are still waiting for the BE but any additional botanical surveys can not be done until spring. This is why we really want to keep these adjustments within the surveyed area.

Let me know if this helps or makes sense for you folks. Im really just trying to avoid waiting for more survey work that could drag out this process.

Cale



**Cale Bickerdyke**  
**Minerals and Lands Supervisor**

**Forest Service**  
**Dakota Prairie Grassland, McKenzie Ranger District**

**p: 701-842-8502**

**f: 701-842-8544**

**[cale.bickerdyke@usda.gov](mailto:cale.bickerdyke@usda.gov)**

1905 South Main Street

Watford City, ND 58854

[www.fs.fed.us](http://www.fs.fed.us)



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**From:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>  
**Sent:** Monday, November 30, 2020 4:53 PM  
**To:** Bickerdyke, Cale E -FS <[cale.bickerdyke@usda.gov](mailto:cale.bickerdyke@usda.gov)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; Riely, Debbie - FS <[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Ken Dockweiler <[ken.dockweiler@truecos.com](mailto:ken.dockweiler@truecos.com)>; Tom Litman <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>  
**Subject:** South Bend Onsite Discussion

Hi USFS Team,

We were hoping to move forward to the onsite review portion of this project, and review areas of avoidance near cultural resources. We're looking to submit the archaeology Class III report for concurrence to the ND State Historic Preservation office, which is also required for the ND Public Service Commission approval. This would help streamline the archaeology approval process. We'd include the archaeologist, civil surveyor, Keitu, and someone from Bridger to go over this with your archaeologist and staff.

Please let me know if we get this scheduled.

Thank you,

Karine Finken  
Project Manager



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**From:** Karine Finken <kfinken@keitu.com>  
**Sent:** Monday, January 4, 2021 11:13 AM  
**To:** 'Grotte, Kim -FS'  
**Cc:** 'Bickerdyke, Sarah - FS'  
**Subject:** RE: BE

Sure thing. We will mail today. We are still waiting/working on getting two of those reroutes we discussed from our meeting "okayed" from the ND SHPO. As soon as we get that KLJ will have an updated line to reflect what we discussed at our meeting.

-Karine

---

**From:** Grotte, Kim -FS [mailto:kim.grotte@usda.gov]  
**Sent:** Monday, January 04, 2021 7:36 AM  
**To:** Karine Finken <kfinken@keitu.com>  
**Cc:** Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>  
**Subject:** BE

Karine,

Please send the BE to Jack Dahl on the Medora district for the Botany review, thanks.

**Kim Grotte**  
**Area Minerals Manager**  
**Forest Service**  
**McKenzie Ranger District**  
**Dakota Prairie Grassland,**  
p: 701-842-8509  
f: 701-842-8544  
[Kim.Grotte@usda.gov](mailto:Kim.Grotte@usda.gov)  
1905 S. Main St.  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)

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**From:** Riely, Debbie - FS <debbie.riely@usda.gov>  
**Sent:** Friday, February 5, 2021 10:39 AM  
**To:** Karine Finken  
**Subject:** RE: [CAUTION: Suspicious Link]RE: EA Template ?

Good morning Karine,

So somewhere in the document we should say something to the effect of, "all federal, state, and local laws and regulations will be met" and that the responsibility of Bridger to make sure all those are met. I'm sure you can find a more eloquent way of wording that!

Then, I would probably list some of those, however only ones that apply to Forest Service lands. So we could list the PSC permit in supporting documentation and provide the document to us, then we will attach it to the EA with a link. And same with 404s-only those on FS lands-list them under supporting documentation and provide the document to us (we will attach to the EA with a link). I know this is a bit confusing, so if we need to talk through it on the phone, please just let me know and I'll call you. Thank you!



**Debbie Riely**  
**NEPA Planner**  
**Forest Service**  
**Dakota Prairie Grasslands, McKenzie Ranger District**

p: 701-842-8522  
f: 701-842-8544  
[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)

1905 Main Street South  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)



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**From:** Karine Finken [mailto:kfinken@keitu.com]  
**Sent:** Thursday, February 4, 2021 8:09 PM  
**To:** Riely, Debbie - FS <debbie.riely@usda.gov>  
**Subject:** [CAUTION: Suspicious Link]RE: EA Template ?

**PROCEED WITH CAUTION:** This message triggered warnings of **potentially** malicious web content. Evaluate this email by considering whether you are expecting the message, along with inspection for suspicious links.

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Another question. ☺

Would the ND Public Service Commission Application be considered supporting documentation? It's a rather large permit so I'd think it would be preferred to not include it but thought I'd check. See link below for permit application:

[https://www.psc.nd.gov/database/docket\\_file\\_list.php?s\\_dept=PU&s\\_company\\_name=Bridger+Pipeline+LLC&s\\_year\\_c ase=21&s\\_seq\\_num=48&s\\_doc=1](https://www.psc.nd.gov/database/docket_file_list.php?s_dept=PU&s_company_name=Bridger+Pipeline+LLC&s_year_c ase=21&s_seq_num=48&s_doc=1)

Please advise.

Thank you,

Karine Finken  
Project Manager



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---

**From:** Karine Finken [<mailto:kfinken@keitu.com>]  
**Sent:** Thursday, February 04, 2021 4:26 PM  
**To:** 'Riely, Debbie - FS' <[debbie.riely@usda.gov](mailto:debbie.riely@usda.gov)>  
**Subject:** EA Template ?

Hi Debbie,

On Pg. 7, Table 9 there is "Lands and special uses"

Can you explain to me what that is referring to? I feel like everything I'm thinking of addressing fits in either Table 11. Range or Table 12. Recreation.

Thank you,

Karine Finken  
Project Manager



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**kfinken@keitu.com**

---

**From:** Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>  
**Sent:** Wednesday, April 21, 2021 10:50 AM  
**To:** Karine Finken; Grotte, Kim -FS  
**Cc:** Graf, Lucas - FS; Ken Dockweiler; Tom Litman; Jaimee Antognazzi  
**Subject:** RE: Updated S Bend DASK Report

Those all sound correct. Please also ensure the document doesn't state that DASK survey protocols were completed and the DASK survey report is accurate.

Thanks,



**Sarah Bickerdyke**  
**Wildlife Biologist**  
**Forest Service**  
**Dakota Prairie Grasslands, McKenzie**  
**Ranger District**

**p: 701-842-8524**  
**c: 701-202-9897**  
[sarah.bickerdyke@usda.gov](mailto:sarah.bickerdyke@usda.gov)

1905 South Main Street  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)



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**From:** Karine Finken <kfinken@keitu.com>  
**Sent:** Thursday, April 8, 2021 5:02 PM  
**To:** Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>  
**Cc:** Graf, Lucas - FS <Lucas.Graf@usda.gov>; Ken Dockweiler <ken.dockweiler@truecos.com>; Tom Litman <Tom.Litman@Truecos.com>; Jaimee Antognazzi <jantognazzi@keitu.com>  
**Subject:** RE: Updated S Bend DASK Report

Hi Sarah,

Now that Bridger has been able to confirm they can make it work to bore under suitable habitat. What else is needed to update the latest version of the BA? I imagine we will need mainly update in the Section **6.1.4.a Dakota Skipper Conservation Measures**, language that will Bridger will bore under suitable habitat and update appendices and to include emergency response plan in case of inadvertent release and flight timing stipulations for whole route as Lucas described below. Anything else I'm missing? Does this seem like the right steps to update this document to move forward?

Thank you,

Karine Finken  
Project Manager



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---

**From:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>  
**Sent:** Thursday, April 08, 2021 1:29 PM  
**To:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Jaimee Antognazzi' <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>; 'Tyler Reece' <[Tyler.Reece@Truecos.com](mailto:Tyler.Reece@Truecos.com)>  
**Subject:** Re: Updated S Bend DASK Report

Hi Karine and Ken,

I visited with Kim and Sarah to discuss and what you laid out will work. Please proceed accordingly.

I apologize for not replying sooner.

Thanks for the follow up.

Best,

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**From:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>  
**Sent:** Wednesday, April 7, 2021 8:27:49 AM  
**To:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; 'Jaimee Antognazzi' <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>; 'Tyler Reece' <[Tyler.Reece@Truecos.com](mailto:Tyler.Reece@Truecos.com)>  
**Subject:** RE: Updated S Bend DASK Report

Good morning,

I'm sure you've all been busy with the dry conditions and wildfire threats in that area. Just wanted to touch base to see if Ken's proposal below something that Bridger is able to incorporate into plan or is there more information needed from them?

Thank you,

Karine Finken  
Project Manager



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---

**From:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Sent:** Thursday, March 18, 2021 2:32 PM  
**To:** Ken Dockweiler <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; 'Karine Finken' <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; Tom Litman <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>; Tyler Reece <[Tyler.Reece@Truecos.com](mailto:Tyler.Reece@Truecos.com)>  
**Subject:** RE: Updated S Bend DASK Report

Hello all,

Just FYI, this one is sitting right in the very SW corner of the NWSW Section 4, T147N, R101W. This is very close to the road and is very close to Section 5 private land, more so just south of the point lat long you sent. This may aid in resource avoidance, planning, access and work space concerns and needs.

Kim

---

**From:** Ken Dockweiler <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>  
**Sent:** Thursday, March 18, 2021 11:51 AM  
**To:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; 'Karine Finken' <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; Tom Litman <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>; Tyler Reece <[Tyler.Reece@Truecos.com](mailto:Tyler.Reece@Truecos.com)>  
**Subject:** RE: Updated S Bend DASK Report

Lucas, as per our phone conversation this morning we intend on going the direction of avoidance, option 2 below, largely using boring techniques. All locations look to have suitable access built-in to the studied corridor and with existing roads that the corridor crosses with one exception. That exception includes DASK habitat on either side that will not allow use of the corridor to access. However, it is near a road, and our existing pipeline ROW lies adjacent to the road and then enters the studied corridor. With your concurrence we believe we can access our existing ROW from the road and traverse that ROW to enter the studied corridor as shown in dotted yellow in the screen shot below. For clarity, the location where our existing line (green line) is closest to the road in the image below is at 47.578066, -103.565263 and the distance between the edge of the road and our existing pipeline is approximately 50'.

All other locations should be able to be avoided and all excavation and lay down for the required bores can be accomplished within the studied corridor while avoiding all other avoidance areas.

If a follow-up call to discuss what other data is needed in order for your team to move ahead I would ask that we plan to have that at the next opportunity, if not please advise what documentation you need in addition to this e-mail to move this project forward on your end.

Thanks again for your time and attention to this project,  
Ken



**From:** Graf, Lucas - FS [<mailto:Lucas.Graf@usda.gov>]

**Sent:** Wednesday, March 10, 2021 9:35 AM

**To:** Ken Dockweiler; Jaimee Antognazzi; Grotte, Kim -FS; 'Karine Finken'; Bickerdyke, Sarah - FS; Tom Litman; 'jim reiser'

**Subject:** RE: Updated S Bend DASK Report

**CAUTION:** This email has originated from outside of the True companies. Please be cautious with Links and Attachments.

Hi Ken,

Replying to your email below in red. Please let me know if I missed any points or can provide further clarification.

Thanks.

Best,

Lucas, thanks for the follow-up, and wow thanks for burning the midnight oil and keeping all the things moving that you have on your plate. Just to be clear, you did have a chance to review the updated report sent yesterday and your e-mail last night reflected your review of that report, correct? If not, would you anticipate that a review of that report could

change your thoughts on the options, or will they likely be what they are? **I did not have a chance to review the report but unless the survey protocol has been newly satisfied then the two options remain. We will review the report soon.**

Assuming you made the review or that it wouldn't make a difference, we believe option 2 will be our choice, but we are currently evaluating what that looks like. To that end I wanted to clarify a couple of items and make sure we are on the same page.

1. By the word "Avoidance" and with your later mention of bores in that discussion we understand that you include the potential of boring under the habitat as acceptable mitigation. Is that correct? **Correct.** We understand that we would have to consider impact to other resources when looking at our ability to bore habitat.
2. In using the term "Suitable Habitat" we understand that to mean habitat identified as "suitable" during the survey performed by Mr. Reiser last year. Can you confirm that is consistent with your intention? **Suitable habitat would include the habitat identified by Keitu's original survey in addition to any other habitat identified as suitable either based on vegetative characteristics or Mr. Reiser's field observations as previously submitted.**
3. Finally, as to the timing stipulations, and the application of those throughout the "entire" project. Please clarify, does that mean within 1 KM of "suitable habitat", ALL of the USFS managed surfaces or does that include even the private surface areas? **All USFS managed surfaces.** Not sure that it matters, by my math I am pretty sure with the comment periods left to navigate and the remaining arch site to be evaluated, even with your collective attention and expediency, we won't be getting green-lighted in time to gear up and get to work during the timing stips anyway, just want to make sure we are all on the same page.

Thanks for you and your teams diligence working through this with us. I look forward to your clarifications.

Ken

---

**From:** Graf, Lucas - FS [<mailto:Lucas.Graf@usda.gov>]

**Sent:** Monday, March 8, 2021 6:56 PM

**To:** Jaimee Antognazzi; Grotte, Kim -FS; 'Karine Finken'; Bickerdyke, Sarah - FS; Ken Dockweiler; Tom Litman; 'jim reiser'

**Subject:** RE: Updated S Bend DASK Report

**CAUTION: This email has originated from outside of the True companies. Please be cautious with Links and Attachments.**

Good evening all,

Following up on last week's discussion, two options remain to satisfy our wildlife concerns associated with the project.

1. **Complete additional Dakota skipper surveys to meet the 2018 USFWS survey protocols.** Completed data would be utilized to apply appropriate avoidance/mitigation measures to habitat with a confirmed positive sighting or surrounding habitat areas, including outlined emergency response plans for any inadvertent releases from bores, timing limitations during the flight period, and avoidance of occupied habitat areas, at USFS discretion. Please note that this is not an exhaustive list of measures due to the current lack of data.
2. **Do not complete additional Dakota skipper surveys to meet the 2018 USFWS survey protocols.** Utilizing survey data currently available, we would apply broad mitigation measures. These measures would include: avoidance of all identified suitable habitat throughout the project route, outlined emergency response plans for any inadvertent releases from bores, and timing limitations applied throughout the entire project route from June 10-July 25 (DASK flight period).

A friendly reminder that amending the proposed route, boring, or other changes may create a need to revisit other resource areas such as archeology, botany, hydrology, etc.

Please let us know how you would like to proceed so that we can work to finalize our documentation and initiate consultation with USFWS accordingly.

Thanks.

Best,



**Lucas Graf**  
**District Ranger**  
**Forest Service**  
**Dakota Prairie Grasslands**  
**McKenzie Ranger District**

p: 701-842-8507  
c: 701-260-4082  
[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)

1905 South Main Street  
Watford City, ND 58854

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**From:** Graf, Lucas - FS

**Sent:** Friday, February 26, 2021 4:46 PM

**To:** Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; 'Karine Finken' <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>

**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>

**Subject:** RE: Updated S Bend DASK Report

Jaimee,

Something has come up for me on Monday morning- is it possible we push back by 15 minutes to 10AM CT? I apologize to all for the inconvenience.

Thanks and hope you have a good weekend.

Best,



**Lucas Graf**  
**District Ranger**  
**Forest Service**  
**Dakota Prairie Grasslands**  
**McKenzie Ranger District**

p: 701-842-8507  
c: 701-260-4082  
[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)

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**From:** Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>  
**Sent:** Thursday, February 25, 2021 10:16 AM  
**To:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; 'Karine Finken' <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>  
**Subject:** RE: Updated S Bend DASK Report

Hi All-

Yes that will be fine for Keitu. I will set it up and send out the information today or tomorrow.

Thanks,

**Jaimee Antognazzi**  
Keitu Engineers & Consultants, Inc.  
PO Box 98  
Mandan, ND 58554-0098  
701-667-1808 Ext. 105

---

**From:** Graf, Lucas - FS [<mailto:Lucas.Graf@usda.gov>]  
**Sent:** Thursday, February 25, 2021 9:52 AM  
**To:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)  
**Subject:** RE: Updated S Bend DASK Report

Good morning everyone,

Would Monday at 945AM CT work? Kim, Sarah and I will join from our side.

Thanks.

Best,



**Lucas Graf**  
**District Ranger**  
**Forest Service**  
**Dakota Prairie Grasslands**  
**McKenzie Ranger District**

p: 701-842-8507  
c: 701-260-4082  
[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)

1905 South Main Street  
Watford City, ND 58854  
[www.fs.fed.us](http://www.fs.fed.us)



---

**From:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Sent:** Wednesday, February 24, 2021 4:13 PM  
**To:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)  
**Subject:** RE: Updated S Bend DASK Report

Hello all,

It may be useful as for all wildlife resource related project folks to be on a call, as to clear up any questions that may be out there to make sure DASK issues are dealt with referenced properly as need be. Any avoidance measures can also be discussed in depth as to not create additional resource issues if route alterations are needed and such. I don't think it would hurt the process for this call to happen as to be able to move forward?

Kim

---

**From:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>  
**Sent:** Wednesday, February 24, 2021 3:48 PM  
**To:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** RE: Updated S Bend DASK Report

I was just thinking of setting up a call including Jim Reiser, maybe just include Sara in respect of your time so Jim can get feedback on his report. Jim is the author of the report so if it's not adequately covering items he can get clarification or is there way we can show "surveyed area" on maps?

Jim Reiser has worked on DASK surveys before for pipelines in ND in years past working with other surveyors, he can speak for himself but this may be his first report to the USFS so we're all a little new to the complete process.

I'd like to see if we can find a solution moving forward with some input from Jim. I would like to have a call so Jim can provide an explanation and any helpful information to substantiate that the survey protocol was followed.

Thank you,

Karine Finken  
Project Manager



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---

**From:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>  
**Sent:** Wednesday, February 24, 2021 3:24 PM  
**To:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** RE: Updated S Bend DASK Report

Hi Karine,

I don't have any questions for Jim Reiser from my end. If you have outstanding questions about what is still needed, the survey protocol, or something otherwise then we'd be happy to set up a call.

Thanks.

Best,



**Lucas Graf**  
**District Ranger**  
**Forest Service**  
**Dakota Prairie Grasslands**  
**McKenzie Ranger District**

**p: 701-842-8507**  
**c: 701-260-4082**  
[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)

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**From:** Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>  
**Sent:** Wednesday, February 24, 2021 3:18 PM  
**To:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>; 'Ken Dockweiler' <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; 'Tom Litman' <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>; 'jim reiser' <[jimreiser@cox.net](mailto:jimreiser@cox.net)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** RE: Updated S Bend DASK Report

Hi Luke,

Would scheduling a conference call with Jim Reiser to hopefully get some clarification maybe help?  
If there is a time early next week that everyone is available I can set something up just let me know.

Thank you,

Karine Finken  
Project Manager



(701) 667-1800 [www.keitu.com](http://www.keitu.com)

**From:** Graf, Lucas - FS <[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)>  
**Sent:** Wednesday, February 24, 2021 2:59 PM  
**To:** [kfinken@keitu.com](mailto:kfinken@keitu.com); Ken Dockweiler ([Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)) <[Ken.Dockweiler@Truecos.com](mailto:Ken.Dockweiler@Truecos.com)>; Tom Litman ([Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)) <[Tom.Litman@Truecos.com](mailto:Tom.Litman@Truecos.com)>  
**Cc:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>; [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com); Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>  
**Subject:** RE: Updated S Bend DASK Report

Hi Karine,

Sarah and I have talked about this BA several times over the last few months and I have some concerns about its contents. Specifically, I am looking for an explanation and corresponding data to substantiate that the survey protocol was indeed followed. If you can provide that then we can move forward accordingly. I understand that there may have been some issue with your GPS units, which is unfortunate. If you are unable to meet the survey protocol, you can either conduct additional surveys to meet the protocol or you may opt not to conduct additional surveys in which case we would place timing limitations for the duration of the flight period and require you to avoid all habitat.

Please let me know if you have any questions or concerns.

Thanks.

Best,



**Lucas Graf**  
**District Ranger**  
**Forest Service**  
**Dakota Prairie Grasslands**  
**McKenzie Ranger District**

p: 701-842-8507  
c: 701-260-4082  
[Lucas.Graf@usda.gov](mailto:Lucas.Graf@usda.gov)

1905 South Main Street  
Watford City, ND 58854

[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land and serving people**

EXEMPT FROM RELEASE UNDER FOIA: EXEMPTION #5...DELIBERATIVE PROCESS

Karine Finken <[kfinken@keitu.com](mailto:kfinken@keitu.com)>

**Sent:** Wednesday, February 24, 2021 1:35 PM  
**To:** Bickerdyke, Sarah - FS <[Sarah.Bickerdyke@usda.gov](mailto:Sarah.Bickerdyke@usda.gov)>  
**Cc:** Grotte, Kim -FS <[kim.grotte@usda.gov](mailto:kim.grotte@usda.gov)>; Jaimee Antognazzi <[jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)>  
**Subject:** RE: Updated S Bend DASK Report

Hi Sarah,

I understand your office is probably super busy.

The report does say **Under Scope of Work**, "Survey efforts followed the U.S. Fish & Wildlife Service's "2018 Dakota Skipper (*Hesperia dacotae*) North Dakota Survey Protocol" and **Survey Methodology**, "The 2018 DASK Survey Protocol for North Dakota was referenced during our 2020 survey to determine if DASK was present along 27 miles of proposed pipeline that would pass through USFS land."

Would both of those sentences be more appropriate to say *followed and fulfilled*?

I understand we can't go back and fix everything on GIS so that is something that can't be changed to show the hard data on the maps.

Let me know if this is something that I can talk to Jim on.

I will be out of the office tomorrow and Friday but Jaimee will be available if there's any more questions/feedback.

Karine Finken  
Project Manager



(701) 667-1800 [www.keitu.com](http://www.keitu.com)

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File Code: 2670

Date: June 25, 2021

Subject: Botany Biological Evaluation Concurrence For Bridger Pipeline LLC South Bend Pipeline

To: Lucas Graf, McKenzie District Ranger

### Introduction

Bridger Pipeline, LLC (Bridger) is proposing to install a crude oil transmission pipeline (Project) in McKenzie County, North Dakota. The pipeline would be 145 miles total in length with 80 miles in North Dakota and 66 miles in Montana. The proposed pipeline would traverse 19 miles across National Forest System lands on the McKenzie Ranger District of the Little Missouri National Grasslands (LMNG). The proposed route will utilize an existing utility corridor to the greatest extent possible, reusing previously disturbed Right-of-Ways (ROW). The route of the proposed Project was primarily chosen to parallel Bridger’s existing operating pipelines and infrastructure which parallels over 80% of the proposed Project route.

I have reviewed the Biological Evaluation (BE) from June 2021, by Keitu, for Bridger. Botany guidelines set forth in Forest Service Manual 2672.42 and 2672.43 have been met by Keitu’s BE and this memo. These guidelines provide a process and standard to ensure that Threatened, Endangered, and Sensitive (TES) plant species receive consideration during the decision-making process.

A botanical field surveys were conducted by Keitu on the following dates: July 8 through 10, July 24, August 16, September 19 and September 30 of 2019 and May 26 and 27, and June 2 through 4 of 2020. Keitu used a 300-foot-wide corridor centered along the pipeline centerline for their botanical survey. The survey was to describe the existing plant community and potential plant community; search and identify any of the 13 sensitive species on the LMNG along with their habitat; determine the extent of invasive species within the proposed project area; and search for any of the 24 watch plant species on the LMNG.

### Summary of Threatened, Endangered and Sensitive Plant Species

There are no federally listed Threatened, Endangered, or Proposed plant species or designated critical habitat on the LMNG at this time.

Keitu’s BE indicated potential habitat for 9 of the 13 R1 LMNG Forest Service sensitive species: alkali sacaton (*Sporobolus airoides*), Torrey’s cryptantha (*Cryptantha torreyana*), Dakota buckwheat (*Eriogonum visheri*), sand lily (*Leucocrinum montanum*), alyssum-leaved phlox (*Phlox alyssifolia*), nodding buckwheat (*Eriogonum cernuum*), lance-leaf cottonwood (*Populus x acuminata*), Easter daisy (*Townsendia exscapa*), and Hooker’s Townsendia (*Townsendia hookeri*). I concur with Keitu’s assessment and determination call of **may impact** individuals or habitat but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species, for these 9 species. I also concur with Keitu’s assessment and determination call of no impact on the remaining 9 sensitive species (Table 4.2 and Section 4.0 of Keitu’s BE).

**Table 1.** Summary of Determinations for LMNG Forest Service-designated Sensitive Plant Species.

Sensitive Species	No Impact	May Impact <sup>1</sup>	Will Impact <sup>2</sup>	Beneficial Impact
Slimleaf goosefoot ( <i>Chenopodium subglabrum</i> )	X			
Blue lips ( <i>Collinsia parviflora</i> )	X			
Torrey’s cryptantha ( <i>Cryptantha torreyana</i> )		X		



Nodding buckwheat ( <i>Eriogonum cernuum</i> )		X		
Dakota buckwheat ( <i>Eriogonum visherii</i> )		X		
Sand lily ( <i>Leucocrinum montanum</i> )		X		
Dwarf mentzelia ( <i>Mentzelia pumila</i> )	X			
Alyssum-leaved phlox ( <i>Phlox alyssifolia</i> )		X		
Limber pine ( <i>Pinus flexilis</i> )	X			
Lance-leaf cottonwood ( <i>Populus x acuminata</i> )		X		
Alkali sacaton ( <i>Sporobolus airoides</i> )		X		
Easter daisy ( <i>Townsendia exscapa</i> )		X		
Hooker's townsendia ( <i>Townsendia hookeri</i> )		X		

<sup>1</sup>May impact individuals or habitat but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species.

<sup>2</sup>Will impact individuals or habitat with a consequence that the action may contribute to a trend toward federal listing or cause a loss of viability to the population or species.

### Project Effects on Forest Service-designated Sensitive Plant Species

The proposed project **may impact** individuals (undiscovered) or suitable habitat for nine R1 LMNG Forest Service sensitive species. This project will not likely contribute to a trend toward federal listing or cause a loss of viability to the populations of Forest Service sensitive species.

- Mitigation Measures
  - *Minimize soil and vegetation disturbance during construction to the extent possible.*

### Invasive and Noxious Weeds

A total of sixteen noxious/non-native invasive species were identified during the field surveys for the proposed project. The state noxious weeds that were encountered during the field surveys included Canada thistle (*Cirsium arvense*) and absinthium wormwood (*Artemisia absinthium*) while county listed noxious weeds included common burdock (*Arctium minus*), and black henbane (*Hyoscyamus niger*). Invasive species included Kentucky bluegrass (*Poa pratensis*), Russian olive (*Elaeagnus angustifolia*), yellow sweet clover (*Melilotus officinalis*), alfalfa (*Medicago sativa*), black medick (*Medicago lupulina*), common dandelion (*Taraxacum officinale*), field bindweed (*Convolvulus arvensis*), intermediate wheatgrass (*Thinopyrum intermedium*), kochia (*Bassia scoparia*), crested wheatgrass (*Agropyron cristatum*), downy brome (*Bromus tectorum*) and smooth brome (*Bromus inermis*). The location of the state and county noxious weed species are displayed in Appendix A. Project Route Maps.

There is the potential of spreading invasive plants that are prevalent along the road margins of the existing roads and invasive species that already exist within native plant communities. These effects would continue whether or not this project would be implemented. Direct and indirect impact of the proposed project is the likelihood of the existing invasive and noxious species being introduced into native plant communities that aren't invaded and potential for these species to be transferred to other areas of LMNG and surround counties. However, mitigation measures can reduce the potential spread of invasive and noxious weeds.

- Mitigation measure to minimize the spread of invasive and noxious weeds
  - *Clean vehicles and equipment used for construction prior to entering the LMNG to remove all seeds and plant propagules (seeds and vegetative parts that may sprout) in order to prevent the potential spread of noxious and invasive plant species.*
  - *Any North Dakota state-listed or McKenzie County-listed noxious weeds need to be controlled, if found on reclamation sites and in compliance of the 2007 DPG Weed EIS.*

### Cumulative Effects

Within the Study Area there is 13 active oil wells. Cattle grazing is the most common agriculture practice in the region. There is 32.21 miles of USFS road in the Study Area, 7.19 miles of the total is considered are considered two-track roads. General uses include, livestock grazing, hunting, recreation, transportation and oil and gas development.

The project would result in temporary impacts to vegetation communities within temporary construction areas. Disturbance of vegetation in areas of noxious weed infestations may result in redistribution of invasive species to the project area. Thus, areas not currently dominated by such species would have a potential to become infested. The spread of noxious weeds can have an effect on multiple aspects of vegetation resources ranging from the suitability of sensitive plant habitat and maintenance of native biodiversity to forage production for livestock grazing.

Between 2003 and 2020, there have been over 24 documented occurrences of adverse effects to existing sensitive plant populations on the LMNG. The vast majority of these occurrences involved oil and gas developments, and direct disturbances to Missouri foxtail cactus (*Escobaria missouriensis*), Townsendia species, and Dakota buckwheat, the four most abundant of the sensitive species on the LMNG. In most cases, the degree of adverse effects was decreased through avoidance or slight adjustments of the proposed developments. As a result, adverse effects were only to a portion of the sensitive plant population, rather than the entire population. These cumulative effects have not contributed to a loss of viability for any of the four species, and the Missouri Foxtail cactus has been removed from the list of sensitive species, in May of 2019.

### **Other Mitigation**

The following are other mitigations for the construction and reclamation of this project:

- *Keep disturbance to a minimum to reduce the impacts to the native vegetation and spreading of invasive species.*
- *Scenario #13 is recommended for any reclamation.*
- *Any discovery of sensitive or watch plants within the proposed project area shall be immediately reported to the Mckenzie Ranger District office. Sensitive plant populations discovered after project approval should be protected; therefore, last minute alterations of the project design or access route may be requested in order to avoid negative impacts to such populations.*

*/s/ Jack D. Dahl*

Jack D. Dahl  
Botanist  
*Medora Ranger District*



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**File Code: 2670**

**Date: August 5, 2021**

**Subject:** Bridger South Bend Pipeline Biological Evaluation of Sensitive Species

To: District Ranger,

Bridger Pipeline LLC is proposing to install a crude oil transmission pipeline in McKenzie County, North Dakota. The pipeline would be 145 miles total in length with 80 miles in North Dakota and 66 miles in Montana. The proposed pipeline would traverse across 19 miles of United States Forest Service property land located within the McKenzie Ranger District of the Little Missouri National Grasslands. The proposed route utilizes an existing utility corridor to the greatest extent possible, reusing previously disturbed Right-of-Ways. The route of the proposed project was primarily chosen to parallel Bridger's existing operating pipelines and infrastructure which parallels over 80% of the proposed project route.

The project originates at Eighty Eight Oil Company's Johnsons Corner terminal located near Johnson's Corner, North Dakota and runs 142 miles southwest to Bridger's Sandstone station west of Baker, Montana. The pipeline would interconnect with Bridger's existing North Dakota facilities at Wilson station, Bicentennial station and their respective crude oil transmission network. The proposed Project will result in a new crude oil transmission pipeline and would encompass approximately 754 acres, of which, about 115 acres are National Forest System Land.

Keitu's Biological Evaluation (2021) speaks to a timing limitation on construction from April 1 through June 15 within 1 mile (line-of-sight) of the female home range. This timing limitation has been updated to read: "there will be no construction from April 1 through July 15 within 1 mile (line-of-sight) of LRMP MA 3.51 and 3.51a or within 1 mile (line-of-sight) of North Dakota Game and Fish designated critical lambing habitats". This update aligns the timing limitation more consistently with recommendations from NDGF that the USFS has been utilizing for multiple years.

I have reviewed Keitu's Biological Evaluation (2021) and found it sufficient to evaluate this project paired with the additional corrections provided in this letter. Also used to assess this proposal was Dakota Prairie Grasslands Management Plan and applicable district records. The guidelines set forth by FSM 2672.41, 2672.42, and 2672.43 have been met by the biological assessment and this report. This direction provides a process and standard by which to ensure that threatened, endangered, and sensitive species receive consideration in the decision-making process.



**Table 1.** Determinations for Forest Service Designated Sensitive Species & DPG LRMP Special Interest Species.

Species Common Name	No Impact	May Impact	Will Impact	Beneficial Impact
<b>Region 1 Sensitive Species Occurring on LMNG</b>				
Bald Eagle	X			
Sprague's Pipit		X		
Baird's Sparrow		X		
Burrowing Owl		X		
Loggerhead Shrike		X		
Long-Billed Curlew		X		
Bighorn Sheep	X			
Black-tailed Prairie Dog		X		
Ottoe Skipper		X		
Regal Fritillary		X		
Tawny Crescent		X		
Northern Red-bellied Dace	X			
Interior Least Tern		X		
<b>DPG LRMP Special Interest Species</b>				
Golden Eagle		X		
Ferruginous Hawk		X		
Merlin		X		
Sharp-tailed Grouse (MIS)		X		
Prairie Falcon		X		
American Peregrine Falcon		X		

**Design Features**

1. No construction will be allowed from March 1 to June 15 within 1 mile (line-of-sight) of active Sharp-tailed Grouse leks.
2. If project activities are scheduled to occur during February 1 to July 31, a raptor nest survey, with a focus on known Golden eagle and ferruginous hawk nests will be completed prior to construction to confirm that the nest is not active. If any nests are determined to be active, no activity will occur within ½ mile of the active nest(s) between February 1 to July 31.
3. There will be no construction from April 1 through July 15 within 1 mile (line-of-sight) of LRMP MA 3.51 and 3.51a or within 1 mile (line-of-sight) of North Dakota Game and Fish designated critical lambing habitats.

**BE reviewed by:**

Sarah Bickerdyke  
 Wildlife Biologist  
 McKenzie Ranger District  
 Little Missouri National Grassland

## **References and Citations**

USDA Forest Service. 2001. Land and Resource Management Plan for the Dakota Prairie Grasslands (DPG LRMP). United States Department of Agriculture, Forest Service, Northern Region, Missoula, MT.

Keitu Engineers and Consultants. 2021. Biological Evaluation South Bend Pipeline, Bridger Pipeline, LLC. August 2021. Keitu Engineers and Consultants, Mandan, ND.



June 22, 2021

Ms. Andrea Kruse  
Little Missouri National Grasslands  
McKenzie Ranger District  
1905 S Main St  
Watford City, ND 58854

**ND SHPO Ref.: 21-5470 “Evaluative Testing for Sites 32MZ59, 32MZ141, and 32MZ499 Letter Report” in portions of [T145N R104W Section 24] & [T146N R102W Section 4]**

Dear Ms. Kruse,

We reviewed ND SHPO Ref.: 21-5470 “Evaluative Testing for Sites 32MZ59, 32MZ141, and 32MZ499 Letter Report” in portions of [T145N R104W Section 24] & [T146N R102W Section 4] and we concur with a determination of “No Historic Properties Affected” for this project provided it takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577 or [lsteckler@nd.gov](mailto:lsteckler@nd.gov)

Sincerely,

for William D. Peterson, PhD  
State Historic Preservation Officer  
(North Dakota)

21-5470



**File Code: 2670**

**Date: May 18, 2021**

**Subject:** Bridger South Bend Pipeline Biological Assessment of Threatened and Endangered Species

To: District Ranger,

Bridger Pipeline LLC is proposing to install a crude oil transmission pipeline in McKenzie County, North Dakota. The pipeline would be 145 miles total in length with 80 miles in North Dakota and 66 miles in Montana. The proposed pipeline would traverse across 19 miles of United States Forest Service property land located within the McKenzie Rnager District of the Little Missouri National Grasslands. The proposed route utilizes an existing utility corridor to the greatest extent possible, reusing previously disturbed Right-of-Ways. The route of the proposed project was primarily chosen to parallel Bridger’s existing operating pipelines and infrastructure which parallels over 80% of the proposed project route.

The project originates at Eighty Eight Oil Company’s Johnsons Corner terminal located near Johnsons’s Corner, North Dakota and runs 142 miles southwest of Bridger’s Sandstone station west of Baker, Montana. The pipeline would interconnect with Bridger’s existing North Dakota facilities at Wilson station, Bicentennial station and their respective crude oil transmission network. The proposed Project will result in a new crude oil transmission pipeline and would encompass approximately 754 acres, of which, about 115 acres are National Forest System Land.

I have reviewed Keitu’s Biological Assessment and found it sufficient to evaluate this project. Also used to assess this proposal was Dakota Prairie Grasslands Management Plan and applicable district records. The guidelines set forth by FSM 2672.41, 2672.42, and 2672.43 have been met by the biological assessment and this report. This direction provides a process and standard by which to ensure that threatened, endangered, and sensitive species receive consideration in the decision making process.

### Threatened and Endangered Species

See Table 1 for a summary of effects determinations for endangered and threatened species as well as designated critical habitats.

**Table 1. Effects determinations for endangered and threatened species and designated critical habitat.**

Species Common Name	No Effect	May Affect, Not Likely to Adversely Affect	May Affect, Likely to Adversely Affect	Beneficial Effect
<b>Endangered Species</b>				
Whooping Crane	X			
Pallid Sturgeon	X			
Interior Least Tern		X		



Species Common Name	No Effect	May Affect, Not Likely to Adversely Affect	May Affect, Likely to Adversely Affect	Beneficial Effect
<b>Threatened Species</b>				
Dakota Skipper		X		
Northern Long-Eared Bat		X		
Piping Plover		X		
Rufa Red Knot		X		
<b>Designated Critical Habitat</b>				
Dakota Skipper Designated Critical Habitat	X			
Piping Plover Designated Critical Habitat	X			

### Design Features applicable to ESA-listed Species

1. If a whooping crane is sighted within one mile of the Project area while it is under construction, work shall cease within one mile of that part of the Project or within line-of-sight of the crane(s). The USFWS and USFS would be contacted immediately. In coordination with the USFWS, work may resume after the bird(s) leave the area.
2. All equipment maintenance, repairs, and refueling will be performed in upland locations at least 100-feet from all water bodies and wetlands. All equipment will be parked overnight at least 100-feet from a watercourse or wetland. Equipment will not be washed with water draining into wetlands or streams. Spills of fuel and other hazardous materials will be cleaned-up immediately and will be disposed of in accordance with applicable laws and regulations. Each construction and cleanup crew will have on site sufficient tools and materials to stop leaks including supplies of absorbent and barrier materials that would allow for rapid containment and recovery of spilled materials.
3. No trees 3 DBH or greater will be removed from April 1 through September 30.
4. Bridger will provide replacement trees on a two-to-one basis in an alternate location in the same region.
5. No construction will be allowed between June 10 and July 25 during the flight period of adult Dakota skipper. Construction is defined as any ground disturbing activities associated with the building of the pipeline, access roads or any other feature needed for the pipeline.
6. All identified Dakota skipper habitat will be temporarily fenced and flagged to avoid impacts to suitable habitat from construction.
7. Airborne dust would be reduced during Project construction on all construction locations, including any additional haul roads and access roads whenever needed and/or as determined by the USFS.
8. A qualified monitor will remain on-site during the life of construction to ensure compliant with all design features.
9. During reclamation activities, USFS-approved revegetation seed mixes would be used.

**BA Reviewed by:**

Sarah Bickerdyke  
Supervisory Wildlife Biologist  
McKenzie Ranger District  
Little Missouri National Grassland

**References and Citations**

USDA Forest Service. 2001. Land and Resource Management Plan for the Dakota Prairie Grasslands. United States Department of Agriculture, Forest Service, Northern Region, Missoula, MT.

Keitu. 2021. Biological Assessment South Bend Pipeline. April 2021. Keitu Engineers & Consultants, Mandan, ND.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
North Dakota Ecological Services Field Office  
3425 Miriam Avenue  
Bismarck, North Dakota 58501  
(701) 250-4481, [ndfieldoffice@fws.gov](mailto:ndfieldoffice@fws.gov)

In Reply Refer To:  
06E15000-2021-I-0677  
USFS Bridger South Bend Pipeline

August 5, 2021

Mr. Lucus Graf  
District Ranger  
USFS McKenzie District  
1905 South Main Street  
Watford City, ND 58854

Dear Mr. Graf:

We respectfully submit this letter in response to your May 18, 2021 letter requesting written concurrence of the USFS determination of effects regarding federally listed species in the Biological Assessment (BA) submitted by your office and Keitu Engineering for the Bridger South Bend crude oil pipeline. The proposed pipeline project is for a 145-mile pipeline starting near Johnson's Corner in McKenzie County, North Dakota and terminating west of Baker Montana in Fallon County. Approximately 19 miles of the pipeline are on Forest Service managed lands with the remainder on private, state and other lands. The biological assessment and concurrence is for that portion of the pipeline on Forest Service property.

In accordance with Section 7 consultation under the Act, USFS has requested Service concurrence with the Forest Service determinations the Project "may affect but is not likely to adversely affect" to the threatened Dakota skipper (*Hesperia dacotae*), Northern Long-Eared Bat (*Myotis septentrionalis*), piping plover, (*Charadrius melodus*), and Rufa Red Knot (*Calidris cantutus rufa*). Bridger committed to undertake certain conservation measures for these species during construction of the project.

The Service recommends no construction activities take place along the pipeline ROW during the Dakota skipper flight period of June 10-July 25. As noted in the Biological Assessment Bridger has agreed to directionally drill all suitable DASK habitats identified and depicted on the maps associated with the biological assessment. The Service further recommends that suitable DASK habitats are delineated and marked on the ground and all DASK habitats will be avoided by vehicles, construction equipment or other habitat altering equipment traveling along the ROW. A construction monitor shall be onsite during the construction process to ensure no suitable DASK habitat is altered. Migrating dust shall be controlled via freshwater during all

phases of pipeline construction to avoid inundating any skipper habitat. Lastly, the Service recommends no pesticides or insecticides are sprayed or utilized within suitable DASK habitat areas.

The Northern Long Eared Bat is covered under the Service's January 5, 2016 Programmatic Biological Opinion. However, the Service recommends all trees larger than 3 dbh be removed between November 1 and March 31

We concur with your conclusion that the described project may affect, but not likely to adversely affect the listed species involved in this project and believe the effects to Dakota skipper, Northern Long-eared Bat, piping plover and Rufa Red Knot are discountable or insignificant based on the conservation measures in the BA. If changes are made in the project plans or operating criteria, or if additional information becomes available, we must be informed so that the above determination can be reconsidered.

USFS has also determined that there will be "no effect" determinations for the endangered whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*) and no adverse modification to designated Dakota skipper or piping plover critical habitat. There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive Service concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remain with USFS. Accordingly, we recommend USFS retain the documentation for these listed resources in your decisional record for this federal action.

Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation. This consultation should be re-initiated if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (3) a new species is listed or critical habitat is designated that may be affected by this action.

We appreciate the opportunity to provide comments and your efforts to ensure the conservation of listed species and their habitat. If you have any questions on these comments, please contact Tim Zachmeier ([Timothy\\_Zachmeier@fws.gov](mailto:Timothy_Zachmeier@fws.gov)) of my staff at (701) 355-8504 or myself at (701) 355-8512.

Sincerely,

Drew Becker  
North Dakota Field Office Supervisor

cc: Greg Link, North Dakota Game and Fish



Summary of Public Involvement

A list of Agencies, Organizations and Persons Consulted regarding this proposal is provided in the analysis. A list of the comments received and a response to comments is available in Appendix B of the EA.

Findings

The decision notice incorporates all previous information in the EA and Finding of No Significant Impact, as well as information included in the project record. Findings required by other laws, regulations, and policy applicable to the proposal can be found in the "Other Law, Regulation, and Policy Consistency" section of the EA.

I find no significant effects; therefore, an environmental impact statement would not be prepared.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The Finding of No Significant Impact documents the reasons why an action, not otherwise categorically excluded, would not have a significant effect on the human environment and for which an environmental impact statement therefore would not be prepared. The Finding of No Significant Impact discussion considers all information included in the environmental assessment, including the Potentially Affected Environment, as well as documentation in the project record. Pertinent specialists have reviewed the proposal and based on their input, the responsible official made the following determinations with regards to the potentially affected environment and degree of effects considered for a Finding of No Significant Impact.

Potentially Affected Environment

The proposed pipeline would be within a 50-foot-wide ROW traversing approximately 19 miles of NFS lands in McKenzie County, North Dakota. The project area and the surrounding areas are comprised of mixed grass prairie and varies from rolling to badlands terrain. The Project crosses the following watersheds: Achenbach Hills-Little Missouri River, Bennie Peer Creek, Lower Beaver Creek, and Smith Creek.

Table 6. Legal Descriptions of the Proposed Action on USFS Lands:

Table with 3 columns: Township, Range, and Section. It lists specific land parcels affected by the project, such as Township 148, Range 100, Section 17.

Degree of Effect

- 1. Both short- and long-term effects.

In the Environmental Impact section of the EA, resource technical reports and Biological Evaluations/Assessments determined that the selected alternative would not involve any highly uncertain or unknown risks.

- 2. Both beneficial and adverse effects.



## South Bend Pipeline Project



Beneficial and adverse impacts of this decision are addressed in the Environmental Impact section of the EA. No significant impacts were identified. My finding of no significant environmental effects is not biased by the beneficial effects of the action. No adverse effects could be considered significant even if considered separately from beneficial effects. The impacts identified in the EA are within the range of those identified by the LRMP.

### 3. Effects on public health and safety.

The selected alternative would not have significant effects on public health and safety. The Special Use Permit and attached Exhibits are specifically designed to protect the public's health and safety during the construction of this project and operation of the pipeline once constructed. The regulatory framework of the project is described in the Purpose and Need section of the EA. There is nothing out of the ordinary concerning public safety and health in regard to this project.

### 4. Effects that would violate Federal, State, or local law protecting the environment.

The action would not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (National Forest Management Act (NFMA) – Land Management Plan Consistency; Other Law, Regulation and Policy Consistency). The action is consistent with the DPG LRMP.

## Implementation

Implementation of this decision may begin upon receipt of the approved Special Use Permit and following a pre-work meeting with the Forest Service.

## Administrative Review and Objections

This decision is subject to the objection process pursuant to 36 CFR 218, subparts A and B which ended on January 27, 2022. No objections were received during that time and, therefore, this decision is not subject to additional administrative review

## Responsible Official

Bennie H. South, 2000 Miriam Circle, Bismarck, ND, 58501; [bennie.south@usda.gov](mailto:bennie.south@usda.gov); 701-842-8507.

 **LUCAS GRAF FOR**

BENNIE H. SOUTH

Grasslands Supervisor

**Exhibit B.20**  
**McKenzie County Weed Board**

September 30, 2019

Amber Higgens  
Weed Board  
512 14<sup>th</sup> St SW  
PO Box 930  
Watford City, ND 58854

**RE:     Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Amber Higgens  
Weed Board  
512 14<sup>th</sup> St SW  
PO Box 930  
Watford City, ND 58854

**RE:     Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**From:** [Zachary Peterson](#)  
**To:** ["Karine R Finken"; "Jaimee Antognazzi"](#)  
**Subject:** FW: Weed Managment Plan  
**Date:** Friday, December 27, 2019 10:53:21 AM  
**Attachments:** [Weed Management Plan - Copy.doc](#)

---

**From:** Amber Higgins [mailto:mcweed@restel.net]  
**Sent:** Monday, December 23, 2019 11:48 AM  
**To:** zpeterson@keitu.com  
**Subject:** Weed Managment Plan

Zach-

Good afternoon, I received your letter regarding Bridger Pipeline, All I need is the attached weed management plan filled out. After I receive it and review it as long as completely filled out I can get it approved for you. If you have any questions on the paper work please don't hesitate to contact me.

*Amber Higgins*  
**McKenzie County Weed Officer**  
**Phone- 701-842-4131**  
**Fax -701-8424731**

**Exhibit B.21**  
**ND Geological Survey**

September 30, 2019

Fred Anderson  
ND Geological Survey  
600 E Boulevard Ave, Dept 405  
Bismarck, ND 58505-0840

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*



October 7, 2019

Jaimee Antognazzi  
Keitu Engineers & Consultants, Inc.  
1403 27<sup>th</sup> Street NW  
PO Box 98  
Mandan, ND 58554-0098

Re: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline – McKenzie Co.

The North Dakota Geological Survey (NDGS) appreciates the notification and opportunity to review and provide comment on this upcoming work. The September 30, 2019 comment solicitation letter sent to us was reviewed on October 7, 2019.

A comparison of recent aerial imagery (NAIP, 2017) and previous landslide area mapping along the proposed pipeline route, suggests that these areas are generally considered to be free of landslide areas. However, the route does pass through areas where the areal density of landslides is relatively high. As such, careful examination of the proposed route for any locations that could be problematic from a slope-stability perspective is recommended.

We have recently completed detailed LiDAR mapping work across the entire state which may be of interest to you in the evaluation of your proposed pipeline route. Additionally, landslide inventory mapping at the 1:24,000 scale has also been completed across western North Dakota and can be found on our website at:

<https://www.dmr.nd.gov/ndgs/landslides/>

Please feel free to contact me at (701) 328-8000 or via email at [fjanderson@nd.gov](mailto:fjanderson@nd.gov) at any time if there are any additional questions or comments.

Sincerely,

North Dakota Geological Survey:

A handwritten signature in blue ink that reads 'Fred Anderson'.

Fred J. Anderson  
*Geologist*

FJA\

**Exhibit B.22**  
**Golden Valley County Weed Control**

September 30, 2019

Mark Golberg  
Weed Control Officer  
PO Box 605  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in November 2019. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

December 16, 2019

Mark Golberg  
Weed Control Officer  
PO Box 605  
Beach, ND 58621

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline-2<sup>nd</sup> Attempt**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in the winter of 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [zpeterson@keitu.com](mailto:zpeterson@keitu.com).



Zach Peterson  
Environmental Specialist

*Enclosure: Proposed Pipeline Route*

**Exhibit B.23**  
**Grail Township**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

March 5, 2020

Grail Township  
Don Lovaas  
2932 108<sup>th</sup> Ave NW  
Keene, ND 58847

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 145-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Sandstone Terminal located near Plevna, MT. The North Dakota portion of the Project is located entirely within McKenzie and Golden Valley Counties.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in August 2020. The Commission requires applicants to contact relevant agencies for comment on the Project.

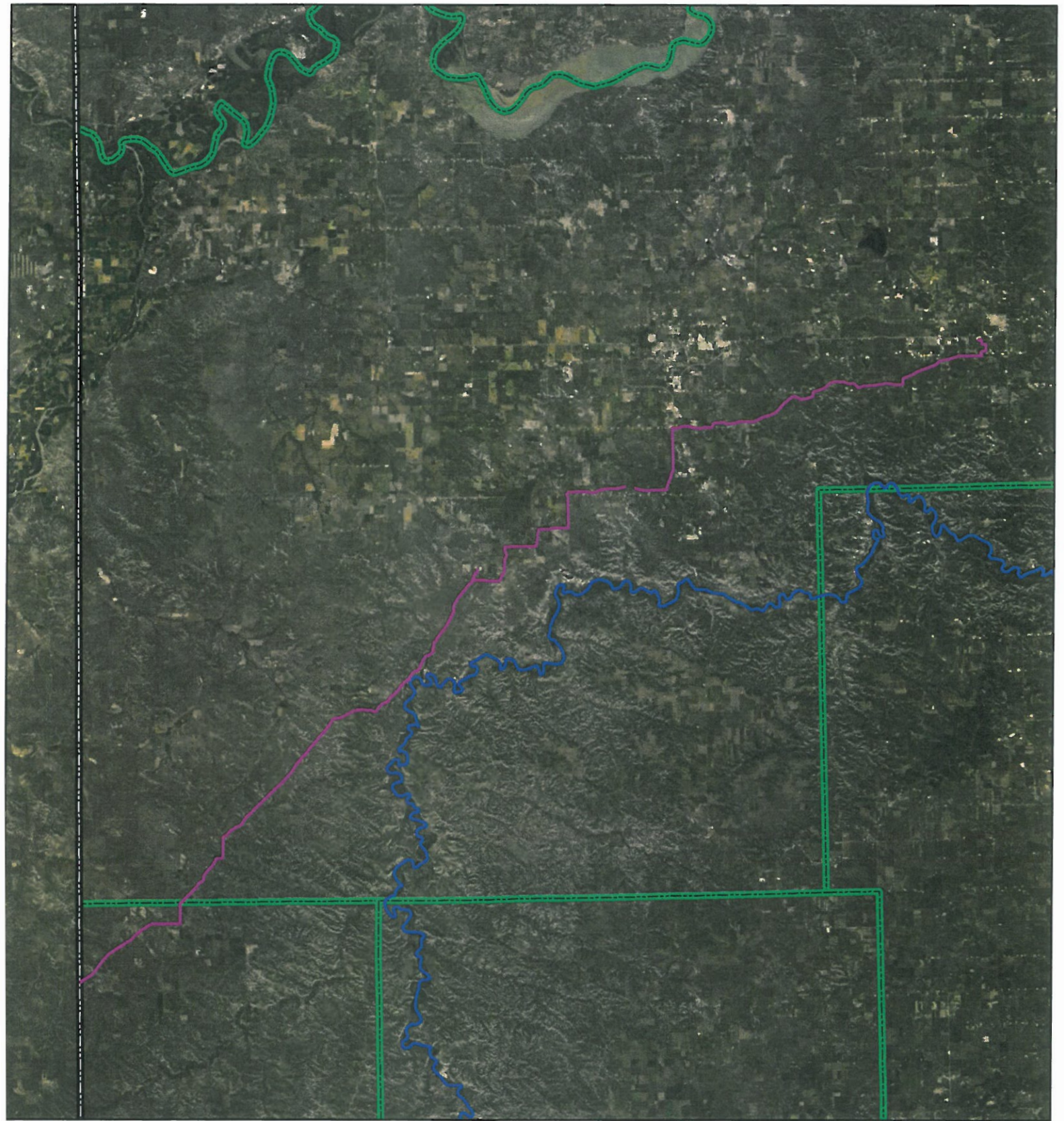
Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



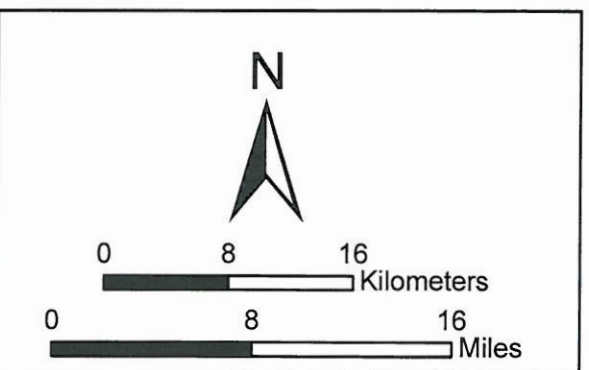
Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*



# South Bend Alignment

- Proposed Alignment
- Little Missouri River
- State Border
- County Boundary



**Exhibit B.24**  
**ND Labor Department**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Labor Department  
600 E Blvd Ave, Department 406, Rm 107  
Bismarck, ND 58505

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is written in a cursive, flowing style.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.25**  
**ND Indian Affairs Commission**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Indian Affairs Commission  
600 E Blvd Ave #316  
Bismarck, ND 58505

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is fluid and cursive, with the first name "Jaimee" and last name "Antognazzi" clearly legible.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.26**  
**ND Governor**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Governor  
600 E Blvd Ave  
Bismarck, ND 58505-0001

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.27**  
**ND Energy Development Impact Office**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Energy Development Impact Office  
1707 N 9<sup>th</sup> St  
Bismarck, ND 58501

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.28**  
**ND Department of Human Services**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Department of Human Services  
600 E Blvd Ave, Department 325  
Bismarck, ND 58505

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is written in a cursive, flowing style.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.29**  
**ND Department of Commerce**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Department of Commerce  
1600 E Century Ave #2  
Bismarck, ND 58503

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is fluid and cursive, with the first name being the most prominent.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**From:** [Hochhalter, Don G.](#)  
**To:** [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com)  
**Cc:** [Heick, Tammy A.](#); [Effertz Hanson, Maria](#)  
**Subject:** Bridger Pipeline - 16" Crude Oil Pipeline  
**Date:** Tuesday, January 19, 2021 12:48:35 PM  
**Attachments:** [image003.png](#)  
[image001.png](#)

---

Good afternoon Jamiee,

Thanks for returning my call, below you will find a few question we discussed;

- What is the estimated pipeline capacity per day
- How many pump stations are expected to be on the proposed route, please indicate approximate locations
- Provide a breakdown of miles of pipeline in ND, on private/state/federal lands ect.
- Can you provide a Total Investment Cost (TIC) of the project
- What size easement are being requesting

Thank-you,

**Don Hochhalter**

*Oil and Gas Business Development Manager*

701.328.5300 • 701.388.9339 • [dhochhalter@nd.gov](mailto:dhochhalter@nd.gov) • [www.commerce.nd.gov](http://www.commerce.nd.gov)

cid:image002.png@01D49FD2.1E3F7210



1600 E. Century Ave., Suite 2 PO Box 2057 • Bismarck, ND 58503

---

**From:** Heick, Tammy A. <[theick@nd.gov](mailto:theick@nd.gov)>  
**Sent:** Tuesday, January 12, 2021 3:33 PM  
**To:** Hochhalter, Don G. <[dhochhalter@nd.gov](mailto:dhochhalter@nd.gov)>  
**Subject:** Bridger Pipeline Mail

**Tammy Heick**

*Executive Assistant to the Commissioner*

701.328.5305 • [theick@nd.gov](mailto:theick@nd.gov) • [www.commerce.nd.gov](http://www.commerce.nd.gov)

## Jaimee Antognazzi

---

**From:** Jaimee Antognazzi <jantognazzi@keitu.com>  
**Sent:** Thursday, February 11, 2021 4:25 PM  
**To:** 'Hochhalter, Don G.'  
**Subject:** RE: Bridger Pipeline - 16" Crude Oil Pipeline

Hi Don-

Below are the answers to your questions about Bridger's 16" Line. Sorry it took so long to get back to you.

Have a great day,

### Jaimee Antognazzi

Keitu Engineers & Consultants, Inc.  
PO Box 98  
Mandan, ND 58554-0098  
701-667-1808 Ext. 105

---

**From:** Hochhalter, Don G. [mailto:dhochhalter@nd.gov]  
**Sent:** Tuesday, January 19, 2021 12:48 PM  
**To:** jantognazzi@keitu.com  
**Cc:** Heck, Tammy A. <theick@nd.gov>; Effertz Hanson, Maria <mehanson@nd.gov>  
**Subject:** Bridger Pipeline - 16" Crude Oil Pipeline

Good afternoon Jamiee,

Thanks for returning my call, below you will find a few question we discussed;

- What is the estimated pipeline capacity per day  
Initially planned for 105,000 BPD expandable to 250,000
- How many pump stations are expected to be on the proposed route, please indicate approximate locations  
2 initially at our current Johnsons Corner and our current Bicentennial Station, with 2 others proposed if necessary at a later date one of those in Montana and the other at our current Wilson station.
- Provide a breakdown of miles of pipeline in ND, on private/state/federal lands ect.  
Approximately 81 miles in ND, It is approximately 60 miles on private, 19 miles on federal, and 2.7 miles on Federal.
- Can you provide a Total Investment Cost (TIC) of the project  
\$122 million
- What size easement are being requesting  
Varies, but typically 100' of working space and 50' of permanent easement

Thank-you,

### Don Hochhalter

Oil and Gas Business Development Manager

701.328.5300 • 701.388.9339 • [dhochhalter@nd.gov](mailto:dhochhalter@nd.gov) • [www.commerce.nd.gov](http://www.commerce.nd.gov)



1600 E. Century Ave., Suite 2 PO Box 2057 • Bismarck, ND 58503

---

**From:** Heick, Tammy A. <[theick@nd.gov](mailto:theick@nd.gov)>  
**Sent:** Tuesday, January 12, 2021 3:33 PM  
**To:** Hochhalter, Don G. <[dhochhalter@nd.gov](mailto:dhochhalter@nd.gov)>  
**Subject:** Bridger Pipeline Mail

**Tammy Heick**

*Executive Assistant to the Commissioner*

701.328.5305 • [theick@nd.gov](mailto:theick@nd.gov) • [www.commerce.nd.gov](http://www.commerce.nd.gov)



**Exhibit B.30**  
**ND Department of Career & Technical Education**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Department of Career & Technical Education  
600 E Blvd Ave, Department 270  
Bismarck, ND 58505

**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

A handwritten signature in blue ink that reads "Jaimee Antognazzi".

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.31**  
**ND Attorney General**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Attorney General  
600 E Blvd Ave, Department 125  
Bismarck, ND 58505-0040

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).

A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is written in a cursive, flowing style.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.32**  
**ND Aeronautic Commission**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

ND Aeronautic Commission  
PO Box 5020  
Bismarck, ND 58502

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

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A handwritten signature in blue ink that reads "Jaimee Antognazzi". The signature is written in a cursive, flowing style.

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.33**  
**Job Service of ND**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

Job Service of ND  
1000 E Divide Ave  
Bismarck, ND 58506

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

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A handwritten signature in blue ink that reads "Jaimee Antognazzi".

Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.34**  
**Federal Aviation Administration**



1403 27th STREET NW  
PO BOX 98  
MANDAN, ND 58554-0098  
701-667-1800

January 4, 2021

Federal Aviation Administration  
2301 University Dr #23A  
Bismarck, ND 58504

**RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 160-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Certificate of Corridor Compatibility and Route Application in late winter/early spring 2021. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

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Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.35**  
**ND Transmission Authority**

March 3, 2022

John Weeda  
Transmission Authority  
600 E. Boulevard Ave. Dept 405  
Bismarck, ND 58505-0840

**RE: Bridger Pipeline, LLC - Bridger 16" Crude Oil Pipeline**

Bridger Pipeline, LLC ("Bridger") plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission ("Commission") for the construction of an approximately 145-mile crude oil supply pipeline ("Project"). It originates from a location near Johnson's Corner, North Dakota and terminates at the Sandstone Terminal located near Plevna, MT. The North Dakota portion of the Project is located entirely within McKenzie and Golden Valley Counties.

Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.36**  
**ND Forest Service**

March 3, 2022

North Dakota Forest Service  
307 1st St E  
Bottineau, ND 58318

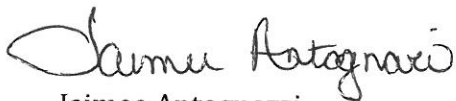
**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.37**  
**20<sup>th</sup> Airforce 91<sup>st</sup> Missile Wing**

March 3, 2022

Minot Airforce Base  
Attn: Colonel Christopher E. Menuery  
20th Airforce 91st Missile Wing  
196 Missile Avenue  
Minot AFB, ND 58705-5003

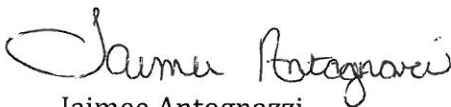
**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.38**  
**Grand Forks Airforce Base**

March 3, 2022

Public Affairs Services  
Grand Forks Airforce Base  
757 Tuskegee Amn. Blvd.  
Grand Forks, ND 58505

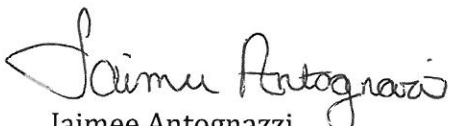
**RE: Bridger Pipeline, LLC – Bridger 16” Crude Oil Pipeline**

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Keitu Engineers and Consultants, Inc. (“Keitu”) is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.39**  
**Federal Bureau of Land Management**

March 3, 2022

Federal Bureau of Land Management  
99 23<sup>rd</sup> Ave West, Suite A  
Dickinson, ND 58601

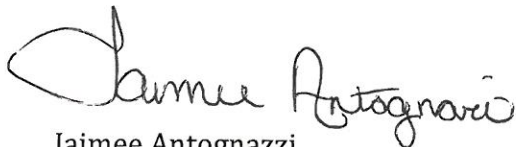
**RE: Bridger Pipeline, LLC - Bridger 16" Crude Oil Pipeline**

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Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

Enclosed is a map of the entire length of the pipeline route intended for your review. We respectfully request that any concerns known in the area is brought to our attention to ensure we focus on those items.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at [jantognazzi@keitu.com](mailto:jantognazzi@keitu.com).



Jaimee Antognazzi  
Operations Manager

*Enclosure: Proposed Pipeline Route*

**Exhibit B.40**  
**Military Aviation & Installation Assurance Siting Clearinghouse**

## Jaimee Antognazzi

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**From:** Jaimee Antognazzi <jantognazzi@keitu.com>  
**Sent:** Thursday, March 3, 2022 10:11 AM  
**To:** 'osd.dod-siting-clearinghouse@mail.mil'  
**Subject:** Pipeline Project Review  
**Attachments:** ND\_Alignment\_20220222.cpg; ND\_Alignment\_20220222.dbf; ND\_Alignment\_20220222.prj; ND\_Alignment\_20220222.sbn; ND\_Alignment\_20220222.sbx; ND\_Alignment\_20220222.shp; ND\_Alignment\_20220222.shp.ELECTRONGOLD.3404.5152.sr.lock; ND\_Alignment\_20220222.shx

Bridger Pipeline, LLC (“Bridger”) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (“Commission”) for the construction of an approximately 160-mile crude oil supply pipeline (“Project”). It originates from a location near Johnson’s Corner, North Dakota and terminates at the Baker/Sandstone Terminal located near Plevna, MT. The Project is located entirely within McKenzie and Golden Valley Counties in North Dakota. The purpose of this contact is to assess the Project area for the presence of areas that could potentially be impacted, and to provide comments. We respectfully request that any specific concerns known in the area are brought to our attention to ensure we focus on those items. Attached are the GIS Shapefiles of the entire length of the proposed Project intended to review.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with compliance.

**Jaimee Antognazzi, CSP**  
Operations Manager  
Keitu Engineers & Consultants  
1403 27<sup>th</sup> Street NW  
Mandan, ND 58554  
(701) 667-1808 Ext# 105