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April 20, 2022

Via Hand Delivery & Electronic Mail ***arenfandt@nd.gov; ndpsc@nd.gov***

Mr. Adam Renfandt
Analyst, Public Utilities Division
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

In re: Response to 3-17-22 Request for Information
Bridger Pipeline LLC
16-inch South Bend Crude Oil Pipeline
Case No. PU-21-048
Our File No. 016265-000018

Dear Mr. Renfandt:

On behalf of Bridger Pipeline LLC ("Bridger"), the following information is provided in response to your March 17, 2022 request for information (Docket No. 15). Five hard copies of the enclosed letter and Attachment Nos. 1 – 14 are enclosed for filing in Case No. PU-21-048. A ShareFile link to the below-referenced documents is provided in the associated electronic filing correspondence.

- Attachment No. 1 Route Comparison Map
- Attachment No. 2 U.S. Forest Service Special Use Permit
- Attachment No. 3 Environmental Assessment, Decision Notice, and Finding of No Significant Impact
- Attachment No. 4 Biological Assessment
- Attachment No. 5 Supplemental Exclusion and Avoidance Tables
- Attachment No. 6 ND Dept. of Transportation Hwy 16 Permit
- Attachment No. 7 Bureau of Land Management Correspondence – 03-14-2022
- Attachment No. 8 Geological Survey Correspondence – 03-14-2022
- Attachment No. 9 ND Game & Fish Renotification of Project – 03-23-2022
- Attachment No. 10 DOD Siting Clearing House Correspondence – 04-05-2022
- Attachment No. 11 ND Dept. of Health Notification of Project – 04-19-2022
- Attachment No. 12 ND Industrial Commission Notification of Project – 04-19-2022
- Attachment No. 13 ND Natural Resources Conservation Service – 04-19-2022
- Attachment No. 14 PHMSA Spill Response Plan Certification

Request for Information No. 1: The application indicates that the installed cost of the project is $122 million. Is this the total cost of the project, including the portion in Montana? If yes, approximately how much of this installed cost will be attributable to the North Dakota segment?

Response No. 1: The total Project cost of $122 million includes costs attributable to both the North Dakota and Montana segment of pipeline. Project costs specific to North Dakota total approximately $61 million.

Request for Information No. 2: Was the route adjusted after the June/July 2020 timeframe from what is depicted in Exhibit A, Figure A.1?

Response No. 2: Yes. Bridger submitted the Amended Application (Docket No. 9) primarily to update information previously provided in the original application regarding the status of federal permitting, and to address and include information that was previously requested from PSC staff in response to the original application. In addition, the Amended Application reflects minor route adjustments and refinements that were made since the original Project application was filed. The extent of route adjustments encompassed by the Amended Application are minor and do not materially alter the nature of the Project. A Route Comparison Map, Attachment No. 1 hereto, reflects the minor scope of adjustments made to the route since the original application was filed. Bridger will provide additional information regarding the adjustments at hearing.

Request for Information No. 3: Please file copies of all reports and surveys, including copies of the reports and surveys conducted by Keitu Engineers & Consultants, Inc., and others, which would include all botany surveys, wildlife and habitat assessments and surveys, tree/sapling/shrub enumeration surveys, and noxious weed surveys. Please also include the Environmental Assessment and the Biological Assessment as referenced throughout the application.

Response No. 3: The U.S. Forest Service Special Use Permit issued for the Project is enclosed as Attachment No. 2, the Environmental Assessment, Decision Notice, and Finding of No Significant Impact is enclosed as Attachment No. 3, and the Biological Assessment is enclosed as Attachment No. 4.

Request for Information No. 3(a): Were all surveys, including the botany, wildlife and habitat, tree/sapling/shrub, and noxious weed ones, conducted across the "Project Survey Area" as identified in the Exhibit A, Figure A.1 map set?

Response No. 3(a): Yes.

Request for Information No. 4: Which of the proposed block valves will allow for remote shut down?

Response No. 4: All eight midline block valves located in North Dakota will allow for remote shut down.

Request for Information No. 5: Please update Tables 5.4 and 5.8 to indicate whether Avoidance and Exclusion Areas are in the Study Area.

Response No. 5: Supplemental tables reflecting the requested information are attached hereto as Attachment No. 5.

Request for Information No. 6: Section 5.5.1 indicates that a "qualified monitor will remain on-site during the life of construction". Please explain the role of the monitor, and whether the monitor is a 3rd party monitor.

Response No. 6: Bridger will retain an environmental monitor who will remain on-site for Project construction that crosses U.S. Forest Service land. The role of the monitor is to ensure compliance with all design features requested by the U.S. Forest Service in its concurrence with the Environmental Assessment. Specifically, this includes ensuring compliance with the timing restrictions and various specifications required by the U.S. Forest Service as part of the Special Use Permit obtained by Bridger.

Request for Information No. 7: Under what circumstances will the company conduct surveys for Dakota skippers during construction, operation, and maintenance of the project to avoid adverse impacts to the species?

Response No. 7: Bridger, through its environmental consultant, has already conducted Dakota skipper surveys and no additional surveys are necessary. Bridger has extensively consulted with the U.S. Fish and Wildlife Service and the U.S. Forest Service to determine appropriate mitigation measures, which have been approved by the respective federal agencies. Bridger will provide additional information regarding Dakota skipper avoidance and mitigation at hearing.

Request for Information No. 8: Regarding potentially geologically unstable areas, will the company periodically assess Area B's slope for indications of slope movement associated with slumping and erosion near the toe of the slope? If yes, please describe the frequency of such assessments.

Response No. 8: The scope, extent, and frequency of assessments will ultimately depend on the specific construction technique utilized. Bridger will provide additional information during testimony at hearing.

Request for Information No. 9: For all agencies in Table 6 that have not received notification of the amended application, please send such notifications, and please file copies of the correspondence with the Commission.

Response No. 9: Project notification letters have been sent to the entities and agencies listed in North Dakota Administrative Code Section 69-06-01-05. As previously referenced, the scope of the Project's route adjustments reflected in the Amended Application are minor (see Route Comparison Map marked as Attachment No. 1 hereto). The minor nature of the

adjustments do not materially alter the Project in a manner that would otherwise warrant duplicating the notification process. Bridger notes that since the Amended Application was filed, additional agency notifications and/or response letters have either been sent or received for the following entities, which are attached hereto as follows:

Attachment No. 6:	**ND Dept. of Transportation Hwy 16 Correspondence and Crossing Permit – February 25, 2022**
Attachment No. 7:	**Bureau of Land Management Correspondence – March 14, 2022**
Attachment No. 8:	**Geological Survey Correspondence – March 14, 2022**
Attachment No. 9:	**ND Game & Fish Renotification of Project – March 23, 2022**
Attachment No. 10:	**Dept. of Defense Siting Clearing House Correspondence – April 5, 2022**
Attachment No. 11:	**ND Dept. of Health Notification of Project – April 19, 2022**
Attachment No. 12:	**ND Industrial Commission Notification of Project – April 19, 2022**
Attachment No. 13:	**ND Natural Resources Conservation Service – April 19, 2022**

Request for Information No. 10: Please file copies of the following, if available:

a. SPCC Plan referenced in Section 8.2 of the application

Response No. 10(a): The SPCC referenced in the Amended Application refers to a document generated by the construction contractor, who will be required to maintain a SPCC for fuel as applicable.

b. Emergency procedures plan

Response No. 10(b): The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) has approved Bridger's Operated Systems Oil Spill Response Plan. The Plan contains confidential information regarding system operations. Therefore, a copy of PHMSA's Spill Response Plan Certification and Information is being filed in lieu of the Plan and is attached hereto as Attachment No. 14.

c. Construction and environmental program plan

Response No. 109(c): The Project has been sited to avoid and minimize adverse environmental impacts. The scope of information sought by Request No. 10(c) is unclear.

d. Erosion control plan

Response No. 10(d): Erosion will be controlled through the use of best management practices such as slope breakers, water bars and revegetation and implemented as part of the Project's storm water pollution prevention plan.

e. Storm water pollution prevention plan

Response No. 10(e): In accordance with North Dakota Dept. of Environmental Quality requirements pertaining to North Dakota Pollutant Discharge Elimination System (NDPDES) General Construction Stormwater Permit, a SWPPP will be completed prior to the start of construction activities. A copy of Bridger's NDPDES General Permit will be filed with the Commission when obtained.

f. Horizontal directional drilling inadvertent release control and mitigation contingency plan

Response No. 10(f): See response to 10(b) above.

g. Weed management plan

Response No. 10(g): Per the request of McKenzie County, Bridger has adopted McKenzie County's Weed Management Plan, which is located in Exhibit D of the Amended Application (Docket No. 9), for the entire North Dakota Project subject to any applicable limitations pertaining to U.S. Forest Service lands.

h. Dust control plan

Response No. 10(h): Best management practices will be employed as necessary to control dust emissions. Project related traffic speeds will be controlled on the construction right-of-way and along unimproved roads. Dust abatement techniques on unpaved or un-vegetated areas or other areas susceptible to wind erosion will be utilized as necessary and as determined by Bridger.

i. Environmental training plan

Response No. 10(i): The Project has been sited to avoid and minimize adverse environmental impacts. Construction personnel will employ best management practices to minimize impacts during construction of the Project. Environmental requirements will be reviewed in weekly meetings with the contractor.

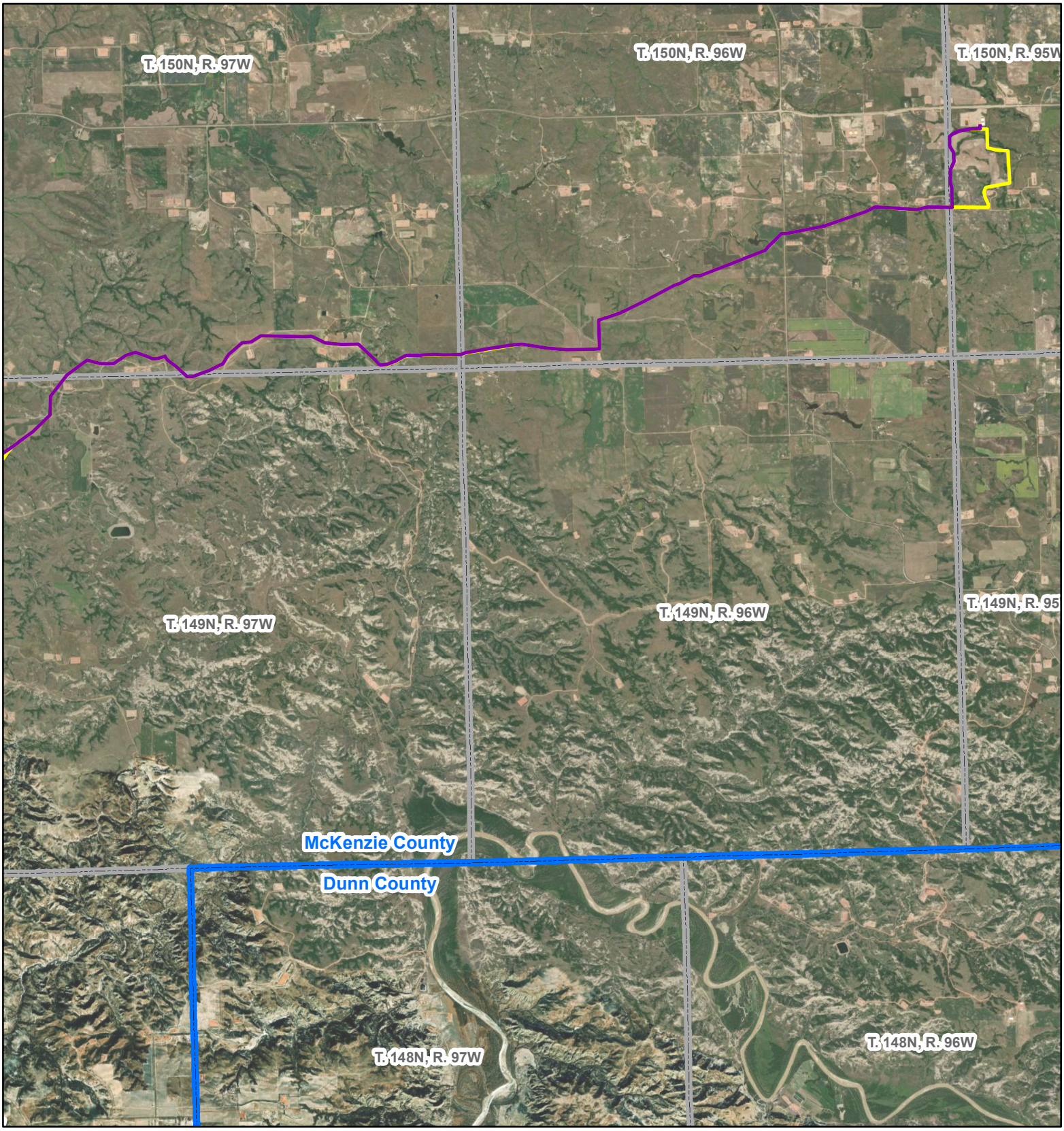
Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Casey A. Furey

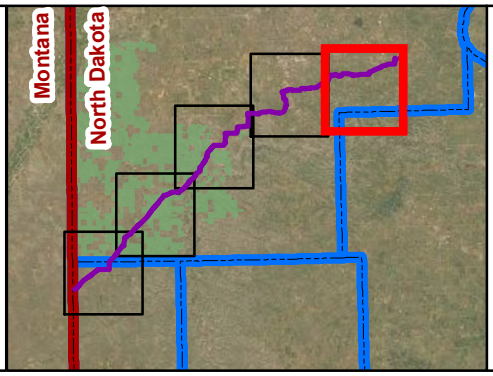
CAF/lh
Enc.

cc: ALJ Timothy Dawson (via hand delivery)
Brian Johnson (via email)
Ken Dockweiler (via email)
Robert Stamp (via email)
Tom Litman (via email)
Tyler Reece (via email)
Jaimee Antognazzi (via email)



Bridger Alignments

- 2022 Alignment
- Previously Submitted Alignment
- USFS Lands
- State Boundary
- County Boundary
- Township/Range Boundary



McKenzie and Golden Valley Counties, North Dakota

0 1 2 Kilometers

0 1 2 Miles

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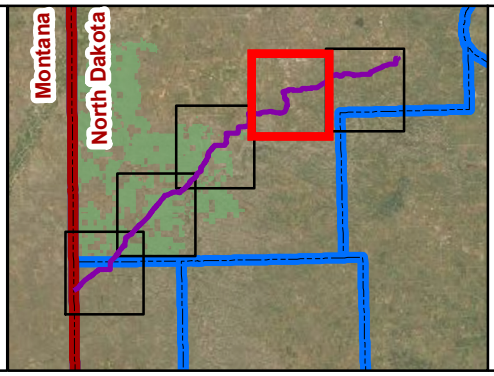

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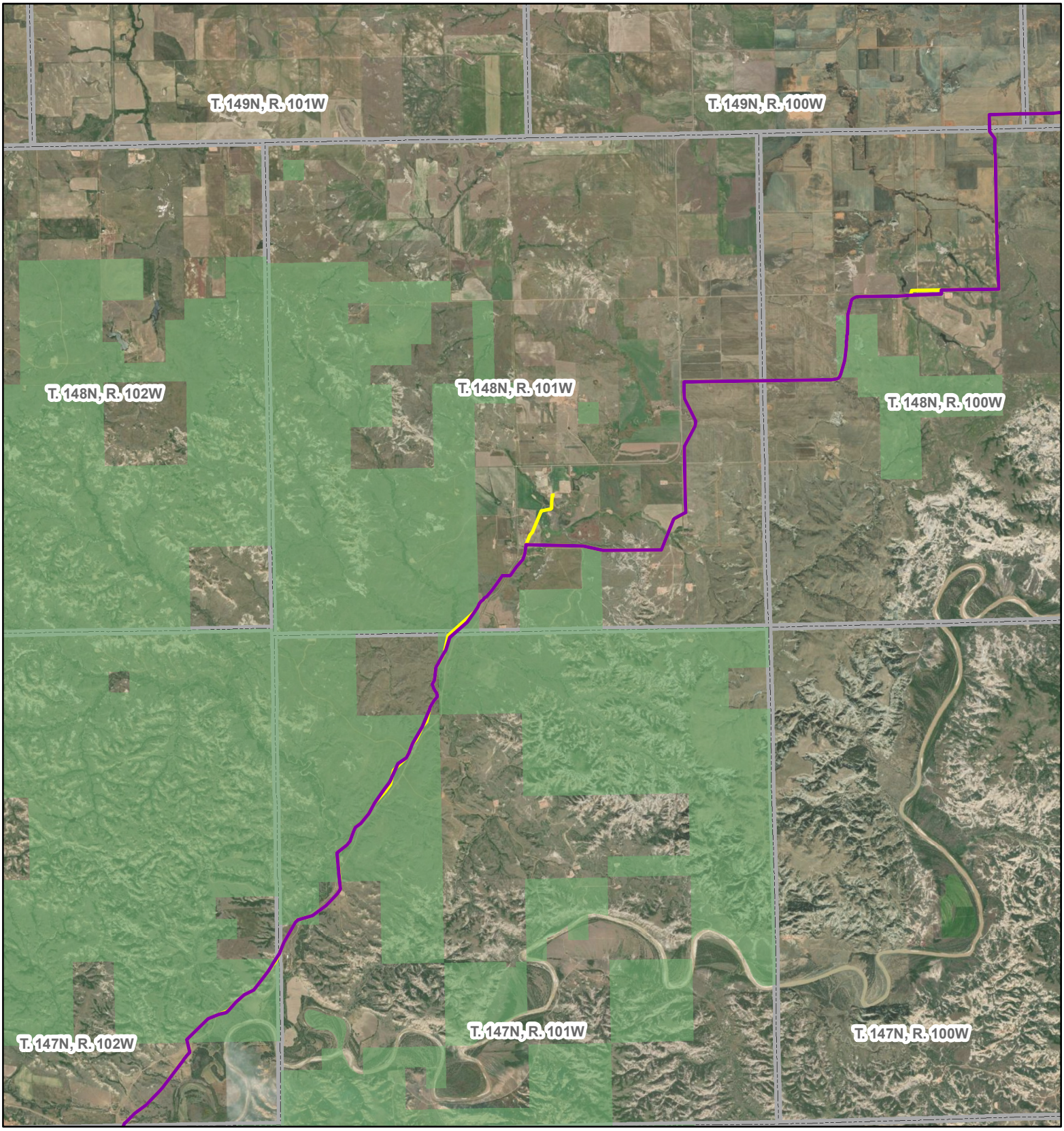

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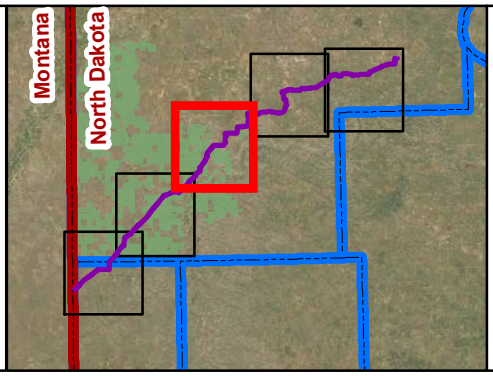

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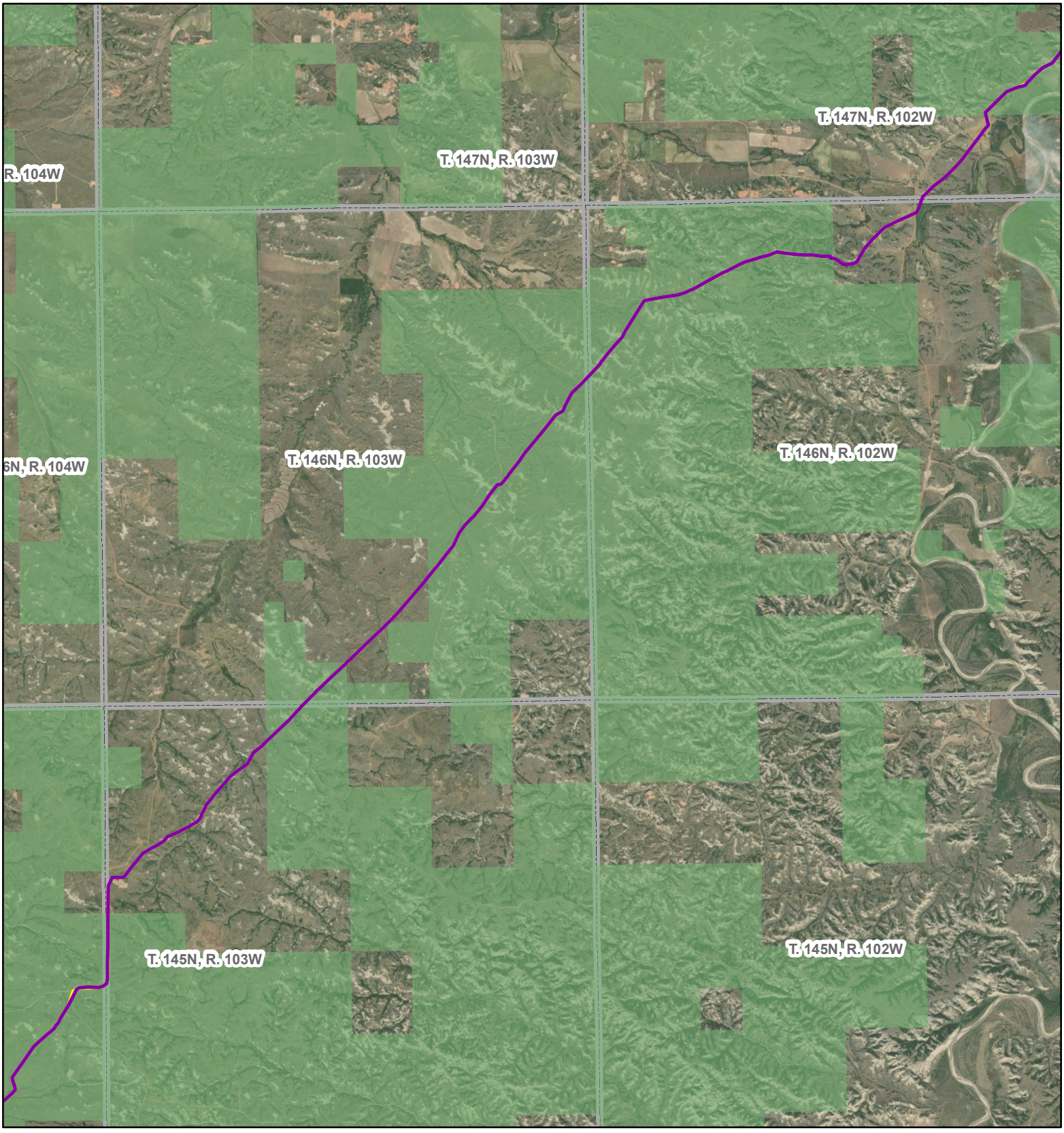

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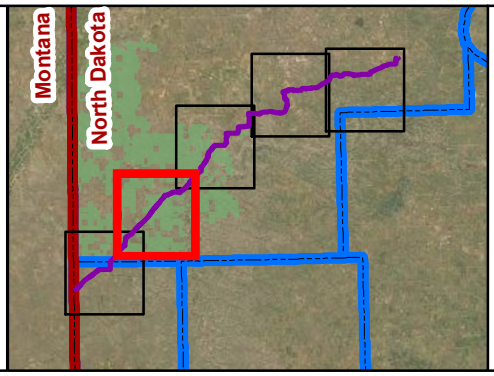

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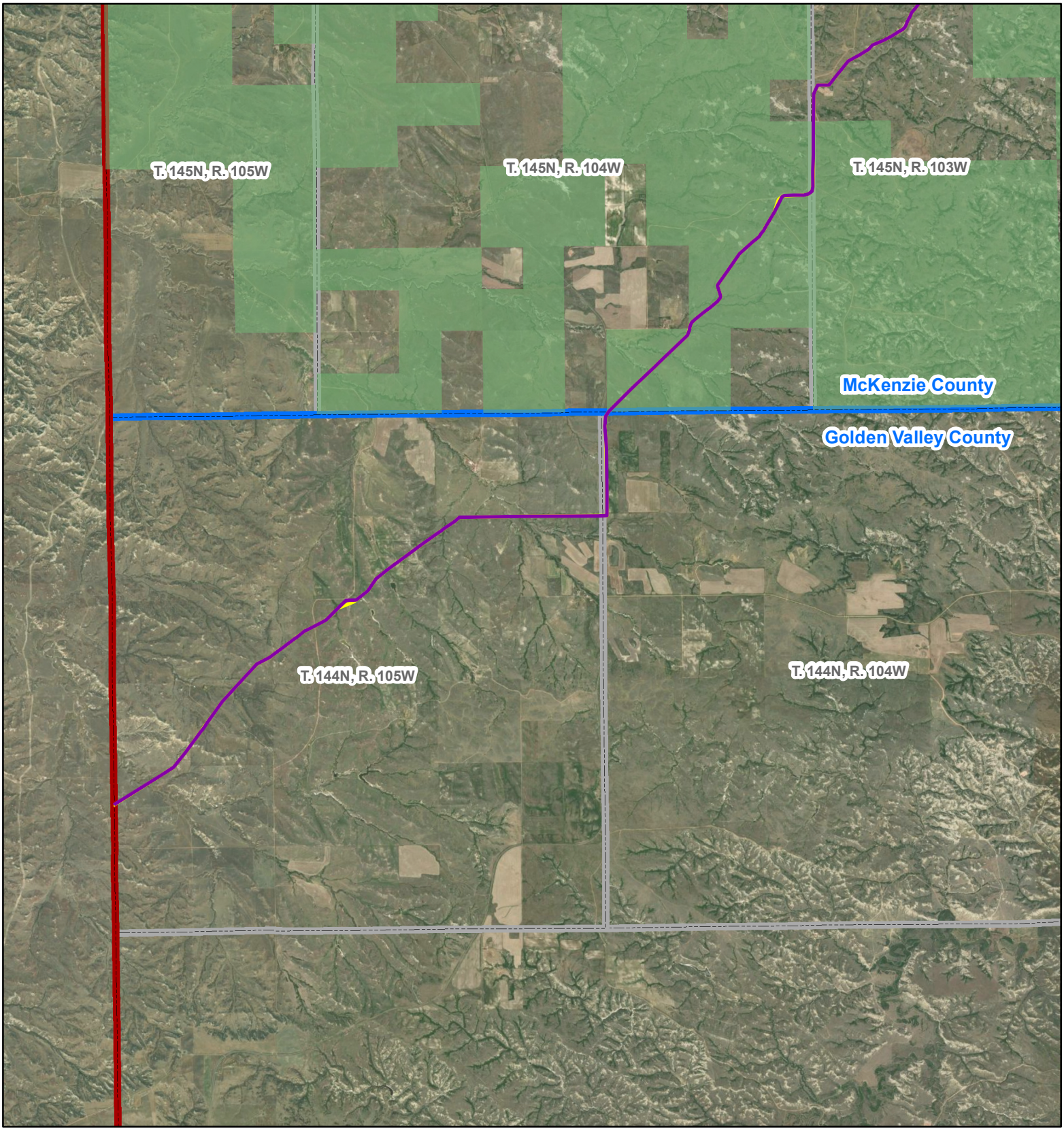

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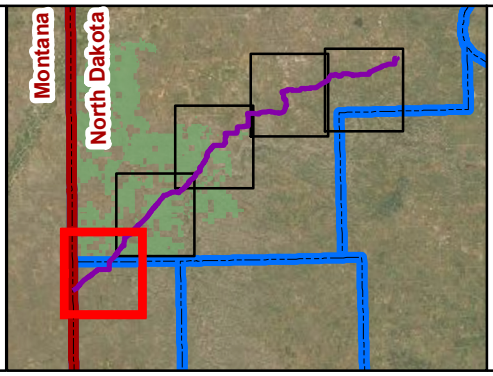

McKenzie and Golden Valley Counties, North Dakota

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Authorization ID: MCK19031 Contact ID: BRIDGER PIPELINE, L.L.C. Expiration Date: 12/31/2024 Use Code: 631	FS-2700-4 (03/17) OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SPECIAL USE PERMIT

Authority: MINERAL LEASING ACT, AS AMENDED February 25, 1920
(Ref.: FSH 2709.11, section 41.53)

BRIDGER PIPELINE, L.L.C. P. O. Drawer 2360, Casper, WY 82602-2360 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the Dakota Prairie Grasslands or the McKenzie Ranger District of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers **113.64 acres** and **18.75 miles**, or **99,000 feet**, as shown on the attached Exhibit A. This permit is subject to the terms and conditions set out below and attached Exhibits A thru C and is issued for the purpose of construction of a crude oil pipeline.

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to authorities enumerated at 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on **12/31/2024**.

D. CONTINUATION OF USE AND OCCUPANCY. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit that would renew the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Renewal of the use and occupancy authorized by this permit shall be at the sole discretion of the authorized officer. At a minimum, before renewing the use and occupancy authorized by this permit, the authorized officer shall require that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

I. CHANGE IN CONTROL OF THE BUSINESS ENTITY.

1. Notification of Change in Control. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated.

a. In the case of a corporation, control is an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

b. In the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, control is a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity.

c. In other circumstances, control is any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

2. Effect of Change in Control. Any change in control of the business entity as defined in paragraph 1 of this clause shall result in termination of this permit. The party acquiring control must submit an application for a special use permit. The Forest Service is not obligated to issue a new permit to the party who acquires control. The authorized officer shall determine whether the applicant meets the requirements established by applicable federal regulations.

II. IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

B. PLANS. All plans for development, layout or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

III. OPERATIONS.

A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least 365 days each year.

B. CONDITION OF OPERATIONS. The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

C. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 251, Subpart C, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This permit is subject to all valid outstanding rights. Valid outstanding rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

E. RISK OF LOSS. The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or restoration of natural resources resulting from the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents.

The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION.

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

I. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment.

The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

J. BONDING. The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

1. As a further guarantee of compliance with the terms and conditions of this permit, the holder shall deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of NA for (bond may be required at a later date). The authorized officer may periodically evaluate the adequacy of the bond or other security and increase or decrease the amount as appropriate. If the bond or other security becomes unsatisfactory to the authorized officer, the holder shall within 30 days of demand furnish a new bond or other security issued by a surety that is solvent and satisfactory to the authorized officer.

If the holder fails to meet any of the requirements secured under this clause, money deposited pursuant to this clause shall be retained by the United States to the extent necessary to satisfy the obligations secured under this clause, without prejudice to any other rights and remedies of the United States.

2. The bond shall be released or other security returned 30 days after (a) the authorized officer certifies that the obligations covered by the bond or other security are met and (b) the holder establishes to the satisfaction of the authorized officer that all claims for labor and material for the secured obligations have been paid or released.

3. Prior to undertaking additional construction or alteration not covered by the bond or other security, or when the authorized improvements are to be removed and the permit area restored the holder may be required to obtain additional bonding or security.

K. STRICT LIABILITY. The holder shall be strictly liable (liable without proof of negligence) to the United States for $1 million per occurrence for any injury, loss, or damage arising in tort under this permit. Liability in tort for injury, loss, or damage to the United States exceeding the prescribed amount of strict liability in tort shall be determined under the law of negligence.

L. LOSS OF AUTHORIZED IMPROVEMENTS. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

M. HEALTH AND SAFETY. The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

N. ENVIRONMENTAL PROTECTION.

1. For purposes of clause IV.G and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the environment, including but not limited to areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources..

V. RESOURCE PROTECTION

A. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. PESTICIDE USE.

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service

D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall immediately notify the authorized officer by telephone of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

G. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

H. CLEANUP AND REMEDIATION

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

VI. LAND USE FEE AND ACCOUNTING ISSUES

A. MODIFICATION OF THE LAND USE FEE. The land use fee may be revised whenever necessary to reflect the market value of the authorized use or occupancy or when the fee system used to calculate the land use fee is modified or replaced.

B. FEE PAYMENT ISSUES.

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.

3. Late Payments.

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall remain responsible for the delinquent fees.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local law.

2. For noncompliance with the terms of this permit.

3. For abandonment or other failure of the holder to exercise the privileges granted.

4. With the consent of the holder.

5. For specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VI.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension. In the case of revocation or suspension based on clause VII.A.1, 2, or 3, the authorized officer shall give the holder a reasonable time, typically not to exceed 90 days, to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 251, Subpart C, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

D. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.
Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT. Upon revocation or termination of this permit without renewal of the authorized use, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VIII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

C. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

D. OIL, GAS AND RELATED MATERIALS PIPELINE STANDARDS (R1-C2). Related mechanical facilities such as pumps, pump stations, and tanks shall be designed, constructed, operated, and maintained in accordance with safe and proven engineering practice, and meet or exceed recognized engineering standards for the type of facility.

E. PIPELINE CERTIFICATION REQUIREMENTS (R1-C3). Pipeline and related mechanical facilities herein authorized shall be designed, constructed, operated, and maintained under the supervision of, and certified by, a qualified professional engineer licensed in the State in which the project is located. Operation of pipelines or related mechanical facilities is not authorized until the holder has furnished to the Forest Service written certification, by the qualified professional engineer who inspected construction, that the pipeline and related mechanical facilities have been constructed in accordance with the standards identified in clause K and the Forest Service has issued written operating approval.

F. NOXIOUS WEED/EXOTIC PLANT PREVENTION AND CONTROL (R1-D4). The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern on the area authorized by this authorization and shall provide prevention and control measures prescribed by the Forest Service. Noxious weeds/exotic plants of concern are defined as those species recognized by (county weed authority/national forest) in which the authorized use is located.

The holder shall also be responsible for prevention and control of noxious weed/exotic plant infestations which are not within the authorized area, but which are determined by the Forest Service to have originated with the authorized area.

When determined to be necessary by the authorized officer, the holder shall develop a site-specific plan for noxious weed/exotic plant prevention and control. Such plan shall be subject to Forest Service approval.
Upon Forest service approval, the noxious weed/exotic plant prevention and control plan shall become a part of this authorization, and its provisions shall be enforceable under the terms of this authorization.

G. CONFLICTS WITH NATIONAL FOREST MANAGEMENT (R1-E3). This special use authorization does not convey exclusive rights, privileges, use or control of National Forest System lands. When, upon the authorized officer's written notice that the authorized use will or does conflict with National Forest management practices and activities, it shall be the holder's sole responsibility to modify the use. Modifications shall be approved in advance by the Forest Service and completed in a reasonable and timely fashion. The holder's inability or unwillingness to institute acceptable and timely modification shall be cause to either suspend or revoke this authorization; whichever action is deemed by the authorized officer as the more appropriate.

H. FOREST SERVICE REPRESENTATIVE (R1-X16). The District Ranger, McKenzie Ranger District, Telephone No. (701) 842-8500, is responsible for administering this special-use authorization. The holder should contact the District Ranger regarding any questions concerning the occupancy and use authorized and the provisions of this authorization.

I. IFORMATION FROM HOLDERS (R1-X17). As a condition of this authorization, the holder is responsible for providing the authorized officer with any information in possession necessary for determining annual rental fees, ownership, or other matters concerning the administration of the authorized use by the Forest Service.

Regarding the submission of such information, the holder understands that it is a crime for any person to knowingly and willfully make false, fictitious, or fraudulent statements to matters under the jurisdiction of the United States Government (Title 18, U.S.C. Section 1001).

J. WIDTH OF RIGHT-OF-WAY (OILAND GAS PIPELINE) (C23). The width of the right-of-way is limited to 50 feet including the ground occupied by the pipeline.

K. STANDARDS AND PRACTICES – PIPELINES, OIL AND GAS TRANSMISSION (C24). All designs, materials, construction, operation, maintenance, and termination practices employed in connection with this use shall be in accordance with safe and proven engineering practices and shall meet or exceed the following standards:

1. U.S.A. Standard Code for Pressure Piping, ANSI B 31.4, "Liquid Petroleum Transportation Piping System."

2. Department of Transportation Regulations, 49 CFR part 195, "Transportation of Hazardous Liquids by Pipeline."

L. SURVEYS, LAND CORNERS (D4). The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service. Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

M. GROUND SURFACE PROTECTION AND RESTORATION (D9). The holder shall be responsible for prevention and control of soil erosion and gullying on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use.

The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

N. OIL AND GAS PIPELINE AUTHORIZATION (E7).

A. REVOCATION AND SUSPENSION. The Authorized Officer may revoke or suspend this authorization in whole or in part:

1. For noncompliance with applicable Federal, State, or local laws and regulations, other than common carrier provisions in 30 U.S.C. § 185(r), which are enforced by the Secretary of the Interior.

2. For noncompliance with the terms of this authorization, other than common carrier provisions in clause VII.C, which are enforced by the Secretary of the Interior.

3. For abandonment of the right-of-way. Failure of the holder to use the right-of-way for a continuous 2-year period shall constitute a rebuttable presumption of abandonment of the right-of-way.

Prior to revocation or suspension under this clause, other than immediate suspension under clause VII.B, the Authorized Officer or, for common carrier provisions, the Secretary of the Interior, shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, not to exceed 90 days, to resume use of the right-of-way or to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The Authorized Officer may immediately suspend this authorization in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the Authorized Officers supervisor of the adverse conditions prompting the suspension. The Authorized Officers supervisor shall grant this request within 48 hours. Following the on-site review, the Authorized Officers supervisor shall promptly affirm, modify, or cancel the

C. COMMON CARRIER OBLIGATIONS.

1. Pipelines and related facilities covered by this authorization shall be constructed, operated, and maintained as common carriers. The holder shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to those pipelines without regard to whether the oil or gas was produced from Federal or non-Federal lands.

2. Whenever the Secretary of the Interior has reason to believe that the holder is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier, the Secretary of the Interior may request the Attorney General to prosecute an appropriate proceeding before the Secretary of Energy or Federal Energy Regulatory Commission or any appropriate state agency or Federal district court for the district in which the pipeline or any part of it is located to enforce the holders common carrier obligations or to impose any penalty provided for noncompliance with those obligations, or the Secretary of the Interior may suspend or revoke this authorization pursuant to clause VII.A.

3. In the case of oil and gas produced from Federal lands or from resources on Federal lands in the vicinity of the pipelines covered by this authorization, the Secretary of the Interior may, after notice to the interested parties, a full hearing, and proper finding of facts, determine the proportionate amounts of oil and gas to be accepted, conveyed, transported, or purchased.

4. The common carrier provisions in clause VII.C shall not apply to any natural gas pipeline covered by this authorization that is operated by any person subject to regulation under the Natural Gas Act, 15 U.S.C. 717 et seq., or by any public utility subject to regulation by a State or municipal regulatory agency with jurisdiction to regulate the rates and charges for the sale of natural gas to consumers in that State or municipality.

5. Where natural gas not subject to state regulatory or conservation laws governing its purchase by pipelines is offered for sale, pipelines covered by this authorization shall purchase without discrimination any such natural gas produced in the vicinity of those pipelines.

P. CRUDE OIL PIPELINES (X1). Any domestically produced crude oil transported by the permitted pipeline, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841). In addition, before any crude oil subject to this section may be exported under the limitation and licensing requirements and penalty and enforcement provisions of the Export Administration Act, the President must make and publish and express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, is in the national interest, and is in accord with the provisions of the Export Administration Act.

Q. IMPROVEMENT RELOCATION (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

R. SUBLEASING (X42). The holder may sublease the use of land and improvements covered under this authorization and the operation of concessions and facilities authorized upon prior written approval of the authorized officer. The Forest Service reserves the right to disapprove subleases. In any circumstance, only those facilities and activities permitted by this authorization may be supplied. The holder shall continue to be responsible for compliance with all conditions of this authorization by persons to whom such premises may be sublet. The holder may not sublease direct management responsibility without prior written approval by the authorized officer.

S. CORPORATION STATUS NOTIFICATION (X46). The holder shall furnish the authorized officer with the names and addresses of shareholders owning three (3) percent or more of the shares, and number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote. In addition, the holder shall notify the authorized officer within fifteen (15) days of the following changes:

1. Names of officers appointed or terminated.

2. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.

3. A copy of the articles of incorporation and bylaws.

4. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.

5. A list of officers and directors of the corporation and their addresses.

6. Upon request, a certified list of stockholders and amount of stock owned by each.

7. The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).

This permit is accepted subject to the conditions set out above.

HOLDER: BRIDGER PIPELINE, L.L.C.	U.S. DEPARTMENT OF AGRICULTURE Forest Service
H.A. Ted True - Member NAME AND TITLE OF AUTHORIZED HOLDER	LUCAS GRAF - DISTRICT RANGER
SIGNATURE	LUCAS GRAF, McKenzie District Ranger, For BEN SOUTH Dakota Prairie Grasslands Supervisor
Date: 2/22/2022	Date: 2/28/22

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 1 hour 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

EXHIBIT A

BRIDGER PIPELINE, LLC

CONSTRUCTION ONLY SPECIAL USE PERMIT

FOR A CRUDE OIL PIPELINE

PERMIT ID#: MCK19031

Pipe/Fac	TY	SZ/AC	Feet	Subdiv	Sec	Twp	Range	County
South Bend Crude Oil Pipeline	Steel	16 Inch			4	T145N	R103W	53
	Steel	16 Inch			18	T145N	R103W	53
	Steel	16 Inch			19	T145N	R103W	53
	Steel	16 Inch			24	T145N	R104W	53
	Steel	16 Inch			26	T145N	R104W	53
	Steel	16 Inch			34	T145N	R104W	53
	Steel	16 Inch			35	T145N	R104W	53
	Steel	16 Inch			4	T146N	R102W	53
	Steel	16 Inch			5	T146N	R102W	53
	Steel	16 Inch			7	T!46N	R102W	53
	Steel	16 Inch			8	T146N	R102W	53
	Steel	16 Inch			18	T146N	R102W	53
	Steel	16 Inch			13	T146N	R103W	53
	Steel	16 Inch			23	T146N	R103W	53
	Steel	16 Inch			24	T146N	R103W	53
	Steel	16 Inch			33	T146N	R103W	53
	Steel	16 Inch			34	T146N	R103W	53
	Steel	16 Inch			4	T147N	R101W	53
	Steel	16 Inch			8	T147N	R101W	53
	Steel	16 Inch			17	T147N	R101W	53
	Steel	16 Inch			19	T147N	R101W	53
	Steel	16 Inch			25	T147N	R102W	53
	Steel	16 Inch			17	T148N	R100W	53
	Steel	16 Inch			33	T148N	R101W	53
	Steel	16 Inch			34	T148N	R101W	53
Total			**99,000.00**	**Feet**				
			113.64	**Acres**				
			18.75	**Miles**				
			50'	**ROW**				

EXHIBIT B1
STIPULATIONS FOR SPECIAL USE PERMIT

1. Dust abatement using freshwater on the roads and ROW would be utilized to minimize impacts to air quality when necessary.
2. No construction would occur from March 1 to June 15 within 1 mile (line-of-sight) of active grouse leks. Bridger would cease, delay, or modify construction hours within 1-mile line-of-sight of a lek if it is found or observed active prior to construction. If grouse leks are determined to be active, no activity would occur within ½ mile of the active nest(s) between March 1 to June 15.
3. If project activities are scheduled to occur during February 1 to July 31, a raptor nest survey would be completed prior to construction to confirm that the nest is not active. If any raptor nests are determined to be active, no activity would occur within ½ mile of the active nest(s) between February 1 to July 31.
4. There would be no construction from April 1 through July 15 within 1 mile (line-of-sight) of LRMP Management Area 3.51 and 3.51a or within 1 mile (line-of-sight) of North Dakota Game and Fish designated critical lambing habitats.
5. All equipment maintenance, repairs, and refueling would be performed in upland locations at least 100-feet from all water bodies and wetlands. All equipment would be parked overnight at least 100-feet from a watercourse or wetland. Equipment would not be washed with water draining into wetlands or streams. Spills of fuel and other hazardous materials would be cleaned-up immediately and would be disposed of in accordance with applicable laws and regulations. Each construction and cleanup crew would 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.
6. The edge of the approved construction right-of-way must be silt-fenced (or FS pre- approved staking/fencing) at, and adjacent to, known cultural resources that are eligible for or potentially eligible for inclusion on the National Register of Historic Places (NRHP), or that have yet to be evaluated for inclusion on the NRHP to limit construction work and related travel and to avoid and protect all known area resource sites. A professional archaeological monitor is required to be on site during ground disturbing activities on FS lands.
7. Vehicles and equipment used for construction would be cleaned prior to entering USFS lands to remove all seeds and plant propagules (seeds and vegetative parts they may sprout) to prevent the potential spread of noxious weeds and invasive species.
8. Noxious weeds may be treated by chemical or mechanical means pre- and post-construction outside of the dates that may impact the Dakota skipper (June 10 to July 25) with the approval of the USFS.
9. No herbicide would be sprayed from June 1 to July 31 annually, and only spot spraying of noxious and invasive weeds would be completed. Herbicide type and spot spray application would be completed according to label directions (i.e., concentrations, timing, weather conditions) with the intent to avoid drift to high quality and potential Dakota skipper habitat
10. 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 Environmental Impact Statement.
11. Bridger shall immediately bring to the attention of the USFS any vertebrate paleontological resources discovered as a result of construction efforts and shall leave such discoveries intact until directed to proceed by the USFS.
12. Wetlands and stream impacts would be avoided via HDD. Upland drainage crossings would be installed as per USFS specifications.

EXHIBIT B1
STIPULATIONS FOR SPECIAL USE PERMIT

13. No construction activities or ground disturbing reclamation activities would be allowed between June 10 and July 25 during the flight period of adult Dakota skipper.
14. All identified Dakota skipper habitat would be temporarily fenced and flagged to avoid impacts to suitable habitat from construction.
15. If a whooping crane is sighted within one mile of the Project area while it is under construction, work shall cease. The USFWS and USFS would be contacted immediately. In coordination with the USFWS, work may resume after the bird(s) leave the area.
16. No trees 3-inch diameter breast height or greater would be removed from April 1 through September 30.
17. Airborne dust would be reduced utilizing freshwater during Project construction on all construction locations, including any additional haul roads and access roads whenever needed and/or as determined by the USFS.
18. Prior to any ground disturbance, in accordance with North Dakota One Call, the contractor would identify all underground utilities to minimize the risk of damaging any buried utility lines.
19. Range features crossed such as fences would be repaired, and water pipelines would be crossed via HDD.
20. Range waterlines would need to be located, marked, and, if crossed, fixed in a timely fashion to ensure an adequate water supply to livestock remains in place.
21. In pastures where livestock are actively grazing, the pipeline's trench and spoil piles would be fenced off with short-term barriers from livestock but ensuring access to fresh water sources.
22. Bridger would notify and work with the USFS to ensure proper reclamation efforts are conducted such as temporary fencing enclosures to allow new plantings to establish.
23. Scenario #13 seed mix is recommended for any reclamation.

EXHIBIT B
Construction, Maintenance, & Reclamation Stipulations
For
Commercial & Noncommercial Pipelines
Including Related Facilities

These stipulations are included as a basis for control of construction, reclamation, operation, and maintenance of the pipeline right-of-way and related facilities. These controls are within the constraints of the 2001 Northern Great Plains Final Environmental Impact Statement and the Dakota Prairie Grasslands Land and Resource Management Plan and associated Record of Decision signed July 31, 2002.

Definitions Applicable To This Authorization

Holder: is defined as the Permittee (permit holder), and their representatives, employees, workers, contractors, and subcontractors.

Right-of-way: Land authorized to be used or occupied for the construction, operation, maintenance, and termination of a project or facility passing, over, upon, under, or through such land.

01. Operations

A. Area of Operations: The Area of Operations is the permitted right-of-way (ROW), which is fifty (50) feet wide.

B. Subleasing, Requirements: The holder, in the exercise of the privileges granted by this permit, shall require that employees, sublesses, contractors, subcontractors, or renters and their employees comply with all applicable conditions of this permit and that the conditions of this permit be made a part of all subleases, contracts, subcontracts, or rental agreements. This clause shall not be construed as authorizing such subleases, contracts, subcontracts, or rental agreements unless specifically authorized elsewhere in the permit.

C. Subsistence, Local Residents. The holder shall use care not to damage any fish, wildlife, or biotic resources in the general area of the right-of-way upon which persons living in the area rely for subsistence purposes; and the holder will comply promptly with all requirements and orders of the authorized officer to protect the interests of such persons.

D. Pre-work Meeting(s): The pre-work meeting shall be held prior to any ground disturbing activities and after One Call is completed (Reference stipulation 02 A, below). Attendees will include, at minimum, the Holder or their authorized representative, the dirt contractor, and the authorized Forest Service officer. The Holder is responsible for scheduling and holding this meeting in a timely manner sufficient for resolving any potential problems prior to actual disturbance. A minimum 48-hour advance notice is required. The Forest Service shall be notified in the event the established starting date is changed. The Forest Service will then determine if another pre-work conference is necessary.

Post Pre-work Delays: The Holder must notify the Forest Service forty-eight (48) hours prior to commencing operations or resuming operations following any temporary cessation, delay, or down time in which seven or more days has elapsed.

02. Facilities (Equipment & Accessories)

A. Existing Facilities & Improvements: The Holder shall protect, in place, all existing facilities and/or improvements; underground flowlines, pipelines, electric lines (overhead and underground), etc.; and shall repair or replace any damage as a result of actions or operations from this permit. One Call is required prior to any project activities. When construction or maintenance of a line and/or related facilities occurs within an existing right-of-way, it is the Holder's responsibility to notify the other Holder of any easement, project work agreement, special use permit or encroachment permit on the affected portion of the line.

B. Excessive Facilities or Materials: Facilities and/or materials not approved in the permit and located within the permitted area are excessive facilities and/or materials and shall be promptly removed.

C. Condition & Maintenance: All facilities and associated accessories shall be functional and maintained to prevent resource damage or shall be promptly removed.

03. Off Road Vehicle Travel: Off road vehicle travel is not allowed unless approved in writing by the District Ranger.

04. Pesticide(s): Pesticide to control insects and rodents will not be used without the prior written approval of the District Ranger.

05. Pipelines:

A. Construction: The starting and ending points, the center line location, and all designed sections will be construction staked prior to the pre-work field meeting to ensure compliance with the survey and design. Construction right-of-way width shall not exceed fifty (50) feet.

All lines shall be installed ten (10) feet from existing lines unless otherwise authorized by the Forest Service due to topographic or spacing constraints, and will be buried at a minimum depth of four (4) feet below the surface.

Non-ferrous pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

Any noxious weeds found within the right-of-way should be chemically treated at least two(2) weeks prior to construction if construction takes place during the growing season.

Topsoil shall not be stripped from the general construction ROW. Topsoil shall be stripped from areas requiring excavation for a level working surface, such as side slopes and creek crossings. All excavated topsoil shall be protected to reduce potential mixing with subsoil material. Excavated topsoil infested with noxious weeds or exotic species shall be stored separately from other topsoil and periodically treated with herbicides if sprouting of either is detected. Stockpiled topsoil will be replaced and evenly spread over exposed subsoil to the extent practicable.

Obtain borrow materials from certified weed free sites. Borrow materials must come from pits or sites that have been inspected and certified as weed free sites by the McKenzie County Weed Board, and approved by the Forest Service prior to use.

All vehicles and equipment used in this project will be cleaned with a high pressure hose prior to entering the NFS lands to prevent the spread of noxious weeds. Likewise, all equipment must be cleaned prior to leaving the project site if operating within infested areas. Remove all mud, dirt, and plant parts from all equipment before moving into the project area. This does not apply to service vehicles that will stay on the roadway, traveling frequently in and out of the project area.

The ROW disturbed during construction will be restored to near preconstruction conditions immediately following the construction. Reseed disturbed upland areas with the approved Forest Service seed mix immediately after construction to reduce erosion. Minimize vegetation disturbance to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species.

B. Erosion Control: The Holder shall prevent and control soil erosion and landslides by taking prompt action to stabilize and establish vegetation on eroded or washed areas.

The checked (✓ or **X**) reference sections are the erosion, runoff, and sediment controls that will apply to this permit and shall be incorporated into all pipeline construction, operation, and maintenance as applicable and determined by the Forest Service.

Control #	OPERATIONAL AREAS				
	#1 Facility Construction	#2 Road Construction	#3 Pipeline Flowline Construction	#4 Facility Reclamation	#5 Road/Line Reclamation
E1. Geotextiles	X	X	X	X	X
E2. Gradient Terraces	X				
E3. Mulching		X	X	X	X
E4. Riprap	X	X		X	X
E5. Seeding	X	X	X	X	X
E6. Soil Roughening			X	X	X
E7. Chemical Stabilization					
E8. Dust Control					
R1. Check Dams	X	X		X	
R2. Fiber Rolls	X	X	X	X	X
R3. Grass Lined Channels		X		X	
R4. Permanent Slope Diversions & Waterbars			X	X	X
R5. Temporary Diversion Dikes	X				
S1. Brush Bales			X	X	X
S2. Compost Filter Socks		X	X	X	X
S3. Sediment Traps	X			X	X
S4. Silt Fences	X	X	X	X	X
S5. Straw Bales				X	

During construction, when areas of the line need to be leveled for equipment and safety, the cut and fill ratios will be as follows:

Slopes	Fill	Cut
3:1	< 4 feet (1.3 meters)	< 10 feet (3 meters)
2:1	> 4 feet (1.3 meters)	10-20 feet (3-6 meters)
< 2:1	Forest Service Approval	Forest Service Approval

Abnormal situations, such as exceptionally difficult terrain, will take special considerations to be approved in writing by the District Ranger.

Contouring: All earth cut or fill slopes favorable to vegetation or other areas on which ground cover is destroyed in the course of construction, reconstruction, or heavy maintenance will be reclaimed and revegetated. All slopes and contours will be shaped and smoothed near the original contour. Care will be taken to eliminate all potential concentrations of water on the disturbed area.

Water Bars: After contouring, water bars will be constructed at approximately the following intervals:

% Slope	Water Bar Intervals - Feet
0-2	200
2-4	100
4-5	75
+5	50

- When utility lines are laid vertically down a slope, adjacent water bars should spill water to the opposite sides of the disturbed area to avoid concentration of water.
- All water bars should extend at least 5 feet beyond the disturbed area.
- Water bars should not be constructed in locations that will cause water to drain on fill slopes.

C. Valves & Risers: Installation, replacement, and/or removal of valves and risers shall be approved in writing by the Forest Service prior to ground disturbance. All entry points on any culvert riser or wood structure, which allow human access to a buried line or valve(s), shall be kept closed.

D. Line Markers: Markers shall be installed over each line where it is necessary to indicate the presence of a line at a road, highway, railroad, fenceline, property boundary, and stream crossings, along the remainder of the line at locations where there is a probability of damage or interference, and in sufficient numbers along the remainder of the buried line so that the line location and direction is adequately known. Markers shall be maintained so that they can be easily read and are not obscured.

Markers shall include the following information in letters a minimum of one (1) inch high and one quarter inch wide: 1) the word "Warning", "Caution", or "Danger"; and 2) "Name of product transported Pipeline"; 3) Name of the Operating Company; and 4) Emergency phone number including area code where the operating company can be reached.

E. Weather: All construction activities are subject to immediate suspension during periods of wet weather. The normal wet season in this area is from March 1 to June 1. No construction will be allowed between these dates without the Forest Service's approval.

During below-freezing weather, when the topsoil and subsoil are frozen solid, all construction activities will be suspended immediately unless approval to proceed has been granted by the District Ranger. If winter construction is approved, additional stipulations will be in effect which will be provided to the company by the Forest Service. Snow and/or ice will not be incorporated into the trench.

F. Cattle: A minimum of two (2) pass-throughs for every mile of open trench to allow cattle access to either side of the line will be provided during construction.

G. Completion & Final Inspection: The holder will contact the Forest Service when the construction activity is completed. The Forest Service will then make a final inspection and document its acceptance or will identify the specific items, which do not meet acceptable standards.

H. Maintenance: The Holder is responsible for maintaining all lines so as to prevent and/or repair settling, washouts, erosion, and loss of vegetative cover. The borrowing of fill or replacement materials from National Forest System lands is not allowed.

I. Abandonment: Prior to abandonment of any pipeline or related facility, the Holder shall notify the Forest Service of the need for abandonment and shall provide an Abandonment Plan, which specifies how the Holder intends to flush and/or purge the line of all products, intends to cap or seal the line, plans for removal of all surface facilities, and plans for reclamation of all disturbed areas. The Holder shall be responsible for any environmental review required for the abandonment of any pipeline(s) and/or facilities and the payment of any costs of such environmental review. The Abandonment Plan shall be approved by the Forest Service prior to any abandonment work. Upon Forest Service acceptance of abandonment work and associated site reclamation, the Forest Service may remove abandoned-in-place pipe or related facilities right-of-way area from special use authorizations. However, Forest Service consent to the abandonment of pipeline and/or facilities in place shall not relieve the Holder of the obligation and/or costs to remove or to alter such pipeline and/or facilities in the future in the event that the Forest Service determines removal or alteration is necessary for the health and safety of the public or protection of National Forest System resources, in which case the Holder shall perform such work at no cost to the Forest Service. This provision shall survive the expiration, revocation or termination of this permit.

06. As-Built Plats: As-built survey plats will be submitted to the Forest Service upon completion of all pipelines prior to the work being accepted, and will be prepared as listed in Stipulation #13.

07. Safety: The Holder shall maintain structures, facilities, improvements, and equipment in a safe and neat manner and must take appropriate measures to protect the public from hazardous sites or conditions resulting from the operations.

The Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the utility line, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents, which occur in connection with such activities.

Activities associated with this permit shall not interrupt the free flow of traffic along any roads.

08. Seed Mixtures & Seeding

A. Mixtures: Cultivars listed in the second column of the table below are preferred, but local seed collections grown for harvest are acceptable if performance and origin are certified or documented. All seed sources should be derived from local collections or a general area extending 300 miles north and 200 miles south of the area to be reclaimed, and within similar elevation and precipitation zones as western North Dakota,(ie from Jamestown on the east to Billings, MT on the west).

A local source for forbs is Prairies Diversified located in Bismarck, ND (Roger Rostvet, 701-258-0181). Other sources may be used, but they must be verified as local collections and not obtained from a distant source that is distributed by a local dealer. Copies of seed tags for all planted material must be submitted to the McKenzie Ranger District.

Planting is based on approximately 50 seed per square foot and/or 12-16 pounds Pure Live Seed (PLS) per acre. Divide desired pounds by percent PLS to derive total bulk pounds seeded for each species. Seeding depth should be one-half inch or less for drilled seed.

For broadcast seeding, multiply pounds of each species seeded by 1.5. Seed bed should be thoroughly worked and firm.

Best average seeding dates for cool and warm season mixes is May – June. Earlier or later (fall dormant) seeding is likely to result in poor establishment of warm season species and is therefore discouraged. Seed mix may need to be adjusted due to site characteristics and/or lack of available seed for some species. In the latter case, adjust species seeding rates by formulas above table to obtain approximately 50 seed per square foot and/or 12-16 lbs of PLS per acre for drilled seed and 18-24 lbs per acre for broadcast seeding. Call the McKenzie Ranger District if there are questions. McKenzie Ranger District: 701-842-2393.

Species	Preferred Cultivar, Ecotype, or Germplasm	Common Name	% of Mix	Number Seed per lb	Num Seed per ft^2	Number seed per acre	Drilled PLS lb/ac
Cool Season Grasses: *Elymus canadensis* *Nassella viridula* *Pascopyrum smithii*	 Mandan Lodorm Rodan	 Canada wildrye Green needlegrass Western wheatgrass	 0.15 0.20 0.25	 115,000 180,000 112,000	 7.5 10.0 12.5	 326,700 435,600 544,500	 2.8 2.4 4.9
Warm Season Grasses *Bouteloua gracilis* *Calamovilfa longifolia* *Schizachyrium scoparium* Alternate Warm Season (for one of above species) *Bouteloua curtipendula*	 Bad River Goshen Badlands Pierre	 Blue grama Prairie sandreed Little bluestem Sideoats grama	 0.10 0.10 0.10 0.10	 750,000 275,000 286,000 180,000	 5.0 5.0 5.0 5.0	 217,800 217,800 217,800 217,800	 0.3 0.8 0.8 1.2
Forbs *Dalea purpurea* *OR* *Dalea candida*	 Local[1] Antelope[1]	 Purple prairieclover White prairieclover	 0.04 0.04	 290,000 278,000	 1.8 1.8	 78,408 78,408	 0.25 0.3
Helianthus pauciflorus *OR* *Solidago rigida*	Bismarck[1] Local[1]	Stiff sunflower Stiff goldenrod	0.03 0.03	85,000 656,000	1.4 1.4	60,984 60,984	0.7 0.1
Echinacea angustifolia *OR* *Ratibida columnifera*	Bismarck[1] Local[1]	Purple coneflower Prairie coneflower	0.03 0.03	120,000 737,000	1.4 1.4	60,984 60,984	0.5 0.1
Totals			100%		49.6	13.4 Alternate forbs (12.5)	

B. Report of Seeding & Certification: The seed mixture shall be lab tested to identify the noxious and invasive weed seed present and certified weed free by the Seed Company. A copy of the certification including the purity and viability of the seed mix shall be supplied to the Forest Service prior to planting. Upon completion of the initial planting, and any additional plantings, a Report of Seeding (Stipulation #14) from the Holder or the seeding contractor shall be submitted to the Forest Service verifying that the seeding is completed.

C. Mulches: A variety of mulching techniques may be required on disturbed slopes to hold seed. These sites will be mulched using certified weed free clean straw or native grass hay. Mulching should not include native hay unless livestock have been excluded from the hayed site. Mulching must be approved by the Forest Service prior to any uses and shall meet Best Management Practices for Erosion Control, which includes E3 Mulches.

D. Geotextiles: Seed and soil blankets, known as erosion control fabric and/or other names, may be used to stabilize disturbed areas. Geotextiles must be approved by the Forest Service prior to any use and shall meet Best Management Practices for Erosion Control, which includes E1 Geotextiles.

E. Fertilizers: Fertilizers may be used with prior written approval from the District Ranger.

09. Survey Monuments: The Holder shall protect, in place, all public land survey monuments, private property corners, and Forest Service boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of their rights, depending on the type of monument destroyed, the Holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States", (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

10. Wastes

A. **Trash, Garbage, Junk, Debris, etc.:** During construction, portable dumpsters will be used for all trash. All trash, debris, garbage, junk, etc, will be hauled off site; no burning or burying will be allowed. Containers used to store garbage shall have adequate covers and will be promptly emptied. Doors, covers, and/or lids will be kept closed.

B. **Hydrocarbon Spills**: In the event of any loss of hydrocarbons from any equipment, the Forest Service shall immediately be notified. Hydrocarbon cleanup operations will be reviewed by the Forest Service representative and his/her recommendations for action followed. Hydrocarbon cleanup operations will be approved by an authorized Forest Service representative.

   Use chemical spill prevention and containment (i.e, especially near wetlands or waterbodies). Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water that would result in harm to fish and wildlife or to human water supplies.

11. Wildlife, Botany, And Livestock: No harassment of wildlife and livestock. Notify the Forest Service if livestock need to be moved.

Minimize vegetation disturbance to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species.

Report the discovery of any sensitive or watch plants within the project area to the McKenzie Ranger District office. Protect sensitive plant populations discovered after project approval which may include last minute alterations of the project design or access route in order to avoid negative impacts to such populations. This will be coordinated with the Forest Service Botanist.

Construction near streams and rivers should follow these guidelines: The natural stream flow and drainage patterns of creeks and rivers should not be altered by construction activities; channelization, diversion, and damming of the creeks and rivers should be avoided.

12. Fire Prevention & Suppression Requirements

A. General: A HOLDER is defined as the Permittee (permit holder), or Lessee and/or Operator and their representatives, employees, workers, contractors, and subcontractors.

1. Compliance to the stipulations in this exhibit shall not preclude the holder from complying with any other Federal, State, County, or municipal laws, ordinances, or regulations pertaining to fire prevention and suppression.
2. The Normal Fire Season for the Medora and McKenzie Ranger Districts will be from April 1 to October 31 of each year. If conditions warrant, the District Ranger may begin or extend the fire season as deemed necessary. The District Ranger may also amend, add, or delete any requirement as deemed necessary.
3. It is the Holder's responsibility to obtain and know the daily Wildfire Danger. For information on restrictions or prohibitions contact local fire officials, the State Fire Marshal, or the North Dakota Division of Emergency Management.
4. The Holder shall do everything reasonable within their power and shall require their employees, contractors, and employees of contractors to do everything reasonable within their power, both independently and upon request of the Forest Service to prevent and suppress fires on or near the lands to be occupied under a Permit or Plan. Self-inspections are encouraged.
5. It is the Holder's responsibility to call the local or rural fire department(s) if suppression help is needed.
6. The Holder is responsible for all suppression costs and damages as a result of any fire resulting from their operations and/or practices.
7. The Holder shall promptly report all fires to the Forest Service and will also cooperate with the Forest Service in completing a follow-up Fire Report.

B. Fires: With the exception of approved facilities, no open fires (fires for warming, burning wastes, brush disposal, debris, etc.) are allowed unless approved in writing from the District Ranger.

C. Smoking: All smoking will be done inside of vehicles or in areas cleared of flammable material when the "Fire Danger" exceeds "Moderate".

D. Fireworks: Fireworks are prohibited on public lands.

E. Exhaust & Arrester Systems: Each internal combustion engine shall be provided with a spark arrester or spark arresting device approved by Forest Service. Exceptions where Forest Service may approve mufflers or other equipment in lieu of spark arresters qualified and rated under Forest Service standard 5100-1a are: (a) small multi-position engines, such as chain saws, shall meet Society of Automotive Engineers J335b standards, (b) passenger-carrying vehicles and light trucks may have baffle-type muffler with tail pipe, (c) heavy-duty trucks may have a vertical stack exhaust system with muffler, provided the exhaust stack extends above the cab of the vehicle, (d) an exhaust driven turbocharger is considered to be a satisfactory spark arrester. Internal combustion engine exhaust systems, arresters and other devices shall be properly installed and maintained.

F. Catalytic Converters: The Holder shall take extra precautionary measures when driving off-road with vehicles equipped with catalytic converters. Such measures shall include but are not limited to: avoiding driving over or through vegetation tall enough to come into contact with the converter, avoid parking in vegetation tall enough to come into contact with the converter, and keep all debris from building up around or on the exhaust system.

G. Chainsaws: The sawyer shall have a shovel (round point #0 or equal) and a Fire extinguisher, containing not less than eight (8) ounces of extinguisher fluid or a dry chemical powder type of not less than one (1) pound capacity. The Holder shall carry the extinguisher at all times. All refueling shall be done on bare soils. Chainsaws will have a manufacturer approved or equivalent spark arrester.

H. Required Fire Suppression Equipment: any vehicle and/or piece of equipment used off-road will be equipped with an operational, charged, Type ABC fire extinguisher; a shovel (round point #0 or equal); and one of the following (per person):

1. A five (5)-gallon standard galvanized metal, fiberglass, or rubberized backpack water container, with hand pump attached, to be filled at all times.
2. Burlap bags in a ten (10) gal. Or larger container of water
3. Fire swatter/fire brooms.

Minimum fire extinguisher sizes are identified in the following table. Aerosol canned suppressants will not be considered adequate fire extinguishers for vehicles.

Vehicle Type	Minimum Size ABC Fire Extinguisher
Pickups & Cars	2 Pound
Trucks > 1 Ton GVW	5 Pound
Earth Moving Equipment (Dozers, Scrapers, Motor Patrol, Etc.)	10 Pound
Welding Equipment	10 Pound
Miscellaneous Equipment	10 Pound

I. Welding: Welding and use of cutting torches or cutoff saws will be permitted only in areas that have been cleared or are free of all material capable of carrying fire. Flammable debris and vegetation must be removed from within a minimum ten (10) foot radius of all welding and cutting operations. There will be no welding when winds exceed twenty (20) miles per hour.

When the "Fire Danger" exceeds "Moderate", each welding crew will have available in the immediate working or project area, 1). The required fire suppression equipment; 2). A ground tanker of not less than three hundred (300) gallon capacity with a pump capable of pumping twenty (20) gallons per minute at one hundred (100) pounds per square inch (PSI) and not less than one hundred (100) feet of hose; and 3). A road grader or dozer, which will be kept in the immediate working or project area when welding, is being performed on pipelines or flowlines.

J. Fire Suppression Plan: Upon request from the District Ranger, the holder shall submit a Fire Suppression Plan to be included as part of the Permit Package or Plan of Operations. It shall contain the following:

1. The names, phone numbers and mobile numbers of the holder's primary and secondary contact person(s) responsible for fire suppression.
2. Crew size(s) including supervisor(s), foremen, etc.
3. A complete listing of fire suppression equipment.
4. The names and numbers of the local/area fire departments and 2 contact names for each.
5. Location(s) of staging area(s) for water tankers and/or tenders if required.
6. Preventative measures for storage of aircraft fuel(s) at landing zones or staging areas if used.
7. A topographic map with a scale of 2.64 inches to the mile or one (1) inch equals two thousand (2000) feet will be attached with this exhibit to show the following if applicable: (a) Location(s) of all proposed water sources for fire suppression, and (b) Location(s) of all Staging Areas for water tankers and/or tenders.
8. Must be signed and dated by the holder or holder's authorized representative.

K. Failure to Comply: Failure to comply may result in immediate suspension of operations.

13. Plats: As Built
As-built survey plats will be submitted to the U.S. Forest Service upon completion of all roads and pipelines, and will be prepared as follows:

- **Use D.1 Special Use: for all Special Use As-Built Plat Requirements**
- **Use D.2 Sundry: for all Sundry Notice As-Built Plat Requirements.**

Note: If the project is located both on-lease and off-lease, then the as-built plat will be completed as specified under D.1 Special Use As-Built Plat Requirements. No exceptions.

Note: SIZE OF PLAT: 8 ½" x 11". If larger size is necessary, holder will be responsible for providing full size and/or reduced copies. Multiple page plats are preferred over reduced sheets.

Minimum requirements for Linear R-O-Ws including road, pipeline, powerline and underground cable plats on National Forest System lands:

ITEM	D.1 Special Use	D.2 Sundry
Size of Plat 8½ X 11 Inches	Yes	Yes
Title Block		
Name of Project	Yes	Yes
Kind of Use	Yes	Yes
Size & Type of R-O-W (example 2" gas pipeline)	Yes	Yes
Material (steel, plastic with tracer wire, etc.)	Yes	Yes
Origin and Destination (for pipelines)	Yes	Yes
Depth of Line	Yes	Yes
Name of Applicant/Holder	Yes	Yes
Name of Preparer	Yes	Yes
Date	Yes	Yes
Bar Scale (1" = 2000' minimum)	Yes	Yes
Drawn by (name)	Yes	Yes
Signed, sealed, & dated by licensed engineer or surveyor in the State of ND	Yes	Yes
Approval Block: See Below	Yes	Yes
Vicinity Map: minimum ½"=1 mile (example Forest Map)	Yes	Yes
Plat Shall Show		
Basis of Bearing	Yes	
Legend explaining any symbol	Yes	Yes
Sections, Township, Range, Meridian, North Arrow	Yes	Yes
R-O-W centerline description & stations & stations at P.I.s (metes and bounds, etc.)	Yes	
Property boundaries & land ownership along the R-O-W (Private, State, Forest Service & other Federal Agencies)	Yes	Yes
Adjacent existing improvements within 50' of centerline. Parallel R-O-Ws need only be shown every ¼ mile (i.e. fences, pipelines, trails, roads, etc.).	Yes	Yes
R-O-W width and length	Yes	Yes
Length of line on Forest Service by Section	Yes	Yes
Total Acres on Forest Service by Section	Yes	Yes
Corner ties at ownership changes and at point of either or both the beginning and ending. Identify the corner monument being tied to (stone, brass cap, etc.)	Yes	
Road Locations		Yes

Note: APPROVAL BLOCK:
Reviewed by: _____ Date: _____
Approved by: _____ Date: _____
Forest Service

14. Report of Seeding (Revised 05/07/2007)

REPORT OF SEEDING

01. SITE SEEDED

Holder Name:			
Site Name & SU Permit #:			
¼ ¼ :	**Sec:**	**Twn:**	**Rng:**

02. SEEDING COMPANY

Company Name:
Date Seed Mixture Sent To Forest Service:
Date Site Seeded:

03. SEEDING METHODS

✓	Seed Bed Preparation	✓	Equipment Used	✓	Seeding Techniques
	Ripped Seed Bed		Grass Seeder		Parallel To Contours
	Disked Seed Bed		Small Grain Seeder		Criss-Cross Pattern
	Firm		Large Grain Seeder		Mulching
	Free of Clods		Hand Seeded		

04. Drill Row Spacing (Inches):
05. Seeding Depth (Inches):
06. Approximate Acres Seeded:

07. I hereby certify that I, or persons under my direct supervision, have seeded this site, and the mixture has been certified weed free. A copy of the seed mixture certification, including the seed mixture is attached.

Seeding Company Representative	Date
Forest Service Reviewer	Date Received

NOTE: ✓ The appropriate boxes and fill in the blanks as applicable for all 7 items above. Sign and send the original to the Forest Service Ranger District. Faxed copies must be followed by the original.

15. Vegetative Control, Application of Herbicides

NOTE: Herbicides used for vegetative control are generally pre-emergence short-term (less than one year duration) herbicides that will kill all vegetation including grasses and forbs. Therefore, it is extremely important that these herbicides not be used to control noxious weeds and/or invasive species, within those areas of the road where native vegetative cover is being established under interim or final reclamation.

Chemical Treatment

The following mitigation measures shall apply to the ground application of all herbicides:

General

All chemical treatments must be approved in writing by the Forest Service prior to any surface application. A copy of the approval must be present on the site being treated. Failure to produce a copy of the approval may result in immediate shut down of operations.

Applications, Forms, Monitoring

Companies using herbicides for vegetative control or for control of noxious weeds and/or invasive species must annually complete, submit, and have approved prior to use the following documents:

a. Pesticide-Use Proposal (Form FS-2100-2).
b. Pesticide-Use Proposal Attachment A, Supplemental Information (Form DPG-2100-2A).
c. Spill Incident Response Plan for transporting herbicides.

A current and blank copy of forms 2100-2 and 2100-2A can be obtained from the Forest Service District Office upon request.

Do not combine vegetative control use with control of noxious weeds and/or invasive species use on the same forms. Separate forms must be submitted for each.

Herbicides

Only approved herbicides, as specified within the 2007 Dakota Prairie Grasslands Noxious Weed Management Project can be used for chemical treatment. Since this listing may change from year to year, it is the Holder's responsibility to request and submit use for the most current listing of approved herbicides. An approved current listing of vegetative control herbicides can be obtained from the Forest Service District Office upon request.

Ground Application

- Herbicides must be applied under the supervision of a certified herbicide applicator under the laws of the State of North Dakota.
- Herbicides must be applied consistent with the instructions on the label.
- No herbicide will be applied directly to surface water or where surface water from treated areas can run into live water sources.
- A buffer of at least one hundred (100) feet from bodies of water must be maintained.
- The buffer width would be determined based on soil, slope, etc.
- No spraying of liquid formulations will be done if temperatures exceed eighty (80) degrees.
- No spraying of liquid formulations will be done if the wind velocity exceeds ten (10) mph or per herbicide labeling directions.
- If boom spraying is done, boom pressure will not exceed forty (40) psi to minimize drift.
- Herbicide use will be permitted only within the areas identified within the applications.
- A sign saying the area has been treated with herbicides will be posted in areas receiving treatments at least one full day (unless the herbicide label says longer) after the treatment.

Monitoring

- The Forest Service will monitor the herbicide use in the form of random compliance inspections.
- All monitoring will be done under the direction of a Forest Service employee who is a licensed Commercial Pesticide Applicator.

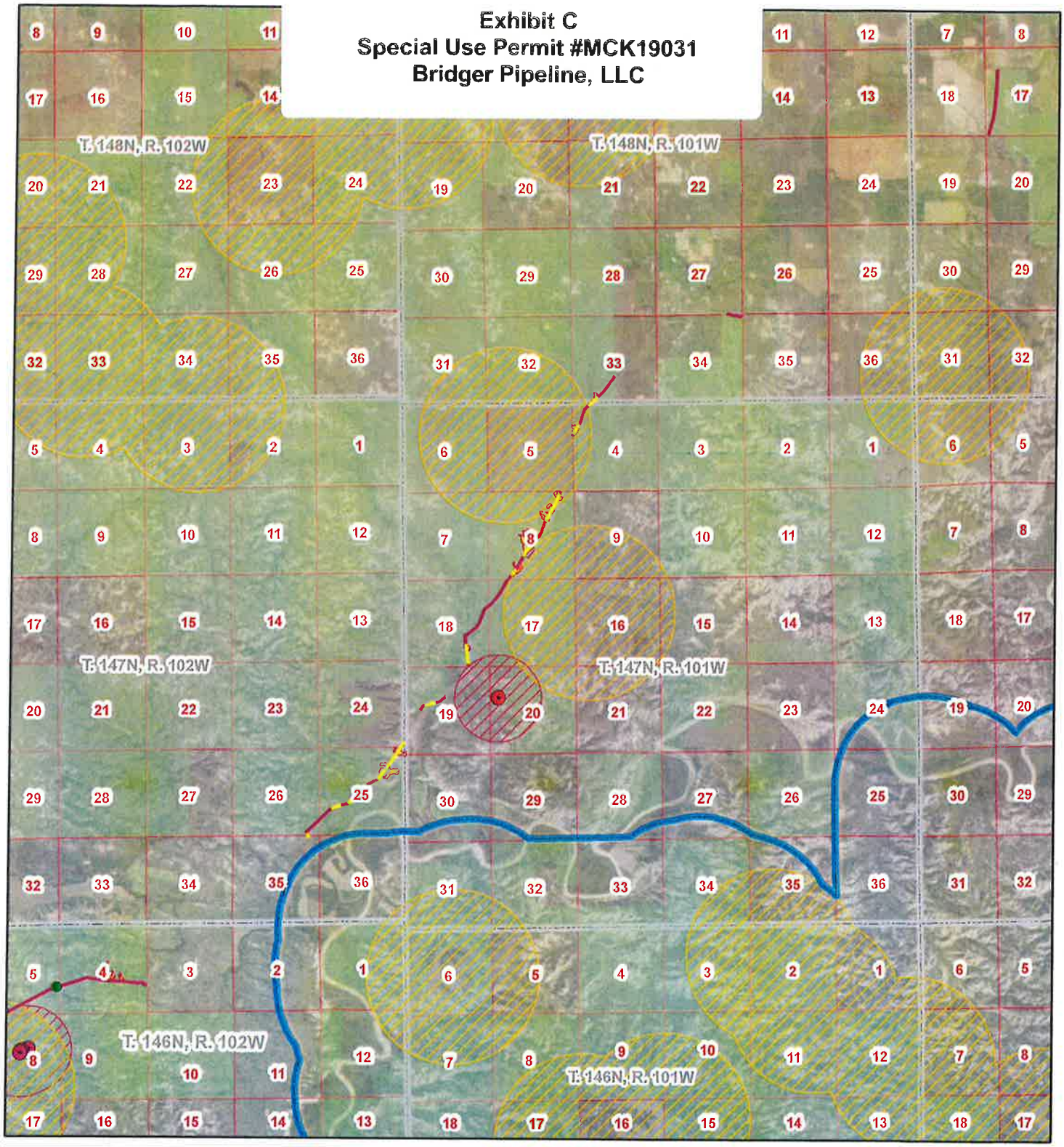
Year End Report

- When you have completed your herbicide treatment for the season and prior to October 31 of each year, you must submit the following information for each site treated and for each herbicide applied on National Forest System lands:
    - Date of application
    - Formulation/trade name
    - EPA registration number
    - Name of active ingredient
    - Pounds of active ingredient applied to the site
    - Acres treated on the site
    - In the case of a combination of herbicides being used, you will need to submit the information for each herbicide in the mixture.
    - Failure to submit the reports will delay the permitting of this year's Pesticide Use Proposal.

Sites to Be Abandoned

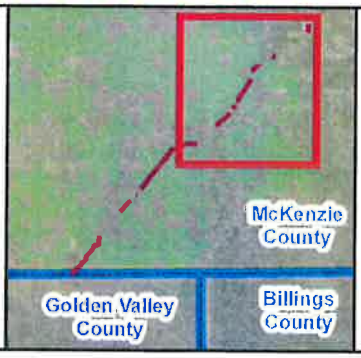
- Noxious weeds should be sprayed prior to reclamation of the site and during the monitoring of the site until released. Use caution not to use herbicides that will have a detrimental effect to any seeding requirements.

Exhibit C
Special Use Permit #MCK19031
Bridger Pipeline, LLC



South Bend Timing Restrictions on USFS Lands

- Ferruginous Hawk
- Golden Eagle
- Ferruginous Hawk & Golden Eagle
- No Trees > 3in. DBH removed from April 1 to Sept. 30
- Grouse Lek
- Bore Path
- USFS South Bend Alignment
- USFS Lands
- County Boundary
- Section Boundary
- 1mile Restriction Zone
- Big Horn Sheep Critical Lambing Habitat
- DASK Habitat - Surface area will be avoided
- Lek 1 mile Restriction Zone
- No Construction between March 1 to June 15 for active Leks
- Ferruginous Hawk - No Activity Between March 1 to July 31 For Active Nests
- Golden Eagle - No Activity Between Feb. 1 to July 31 For Active Nests
- Both Ferruginous Hawk and Golden Eagle Restrictions in Place See Above



McKenzie County, North Dakota

0 1 2 Kilometers

0 1 2 Miles

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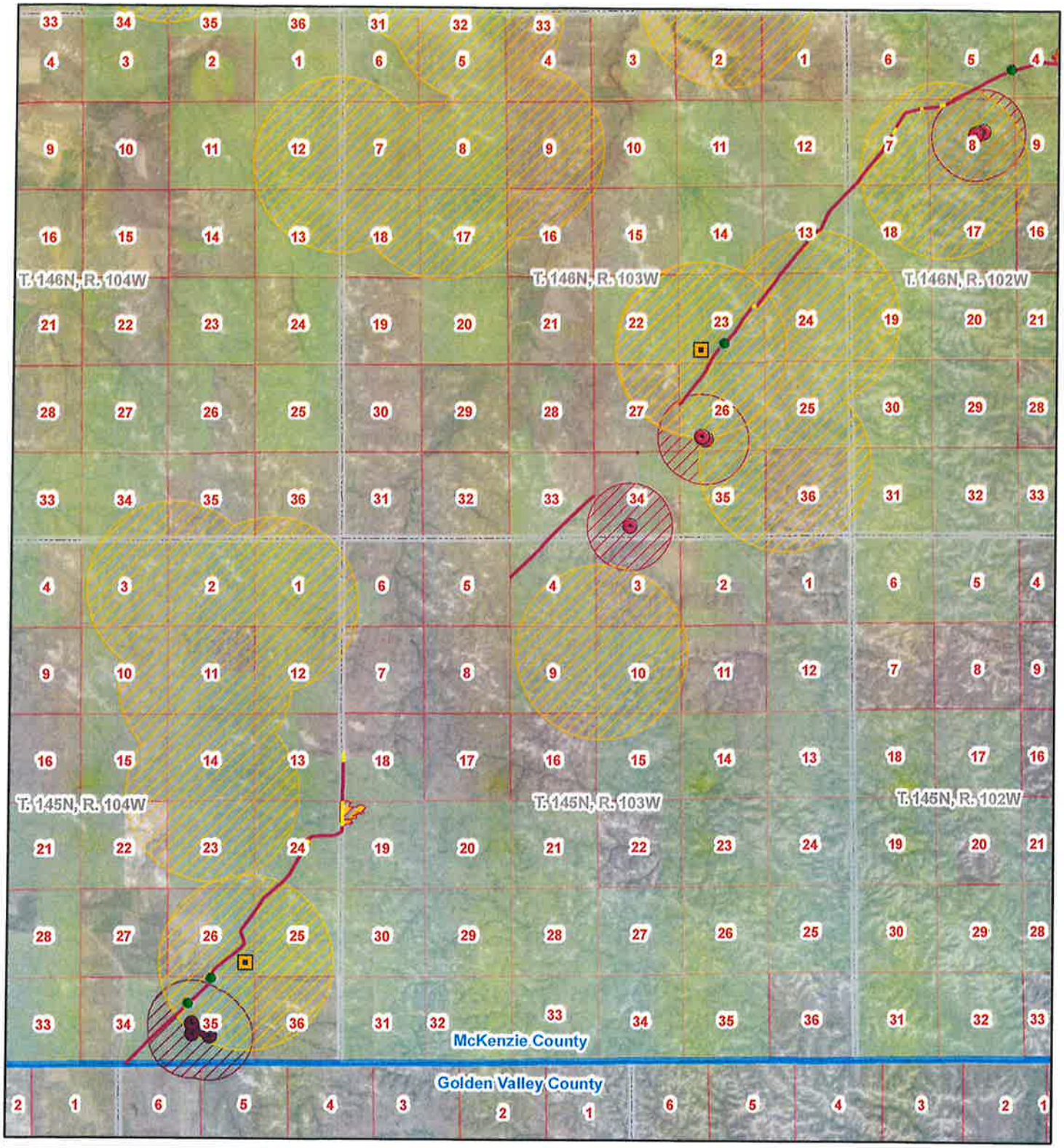

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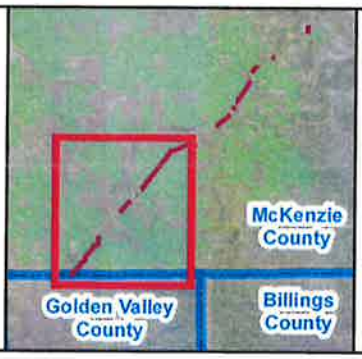


Page 2 of 2

McKenzie County, North Dakota

0 1 2 Kilometers

0 1 2 Miles

N

USDA Forest Service
U.S. DEPARTMENT OF AGRICULTURE

McKenzie Ranger District, Dakota Prairie Grasslands

February 3, 2022

South Bend Pipeline

Environmental Assessment, Decision Notice, and Finding of No Significant Impact

For More Information Contact:
Kim Grotte
1905 South Main Street
Watford City, ND 58854
kim.grotte@usda.gov
(701)842-8509

PROJECT INFORMATION

Project Name: South Bend Pipeline

Proponent Name: Bridger Pipeline, LLC

Responsible Official: Bennie South, Grasslands Supervisor

Unit: Dakota Prairie Grasslands

Ranger District: McKenzie Ranger District

County: McKenzie County

State: North Dakota

Anticipated Implementation: Winter 2022

Project Webpage: https://www.fs.usda.gov/project/?project=59260

Land and Resource Management Plan Link:
https://www.fs.usda.gov/detailfull/dpg/landmanagement/?cid=stelprdb5340280&width=full

General Location: 13.5 miles southwest of Watford City at the nearest point

Legal Description: Various sections within Township (T)145N, Ranges (R) 103-104W; T146N, R102-103W; T147N, R101-102W; and T148N, R100-101W.

Applicable Management Areas: 3.65 Rangelands with Diverse Natural-Appearing Landscapes, 6.1 Rangeland with Broad Resources Emphasis, and 4.22 River and Travel Corridors

Watersheds: Achenbach Hills-Little Missouri River, Bennie Peer Creek, Lower Beaver Creek, and Smith Creek

Purpose and Need:

This Environmental Assessment (EA) addresses Bridger Pipeline, LLC's (Bridger) proposal to construct a new crude oil pipeline on lands administered by the United States Forest Service (USFS). The purpose of the Project is to construct and operate a pipeline that reliably and efficiently transports crude oil produced in western and northwestern North Dakota to the Sandstone Station, near Baker, Montana which eventually connects into existing facilities at the Guernsey, Wyoming market for further marketing and transportation nationally.

Pursuant to the Mineral Lease Act of 1920, as amended and supplemented (30 United States Code 181 et se1.) and prescribed in 43 Code of Federal Regulations 2880 and 3160, there is a need for the United States Forest Service (USFS), McKenzie Ranger District, to consider the South Bend Project and, if approved, issue a Special Use Permit to allow implementation on National Forest Service (NFS) lands. After initial construction, a permit would be issued for a 20-foot right-of-way (ROW) for production and maintenance.

The Project arises out of demand from the energy industry for additional transportation for crude oil and would contribute toward U.S. energy independence and economical energy costs for the public. Currently, pipeline infrastructure in the region is unable to meet the demand for oil exports from North Dakota. The Project would provide needed increased capacity to transport petroleum from western North Dakota where oil production is expected to increase. Additionally, transporting crude oil via pipeline would reduce the need for crude oil transportation by truck. The benefits of reduced truck traffic include reduction in wear and tear on roads, dust pollution, and traffic fatalities.

Additional documentation can be found in the Project planning record (Project record) located at the USFS McKenzie Ranger District Office in Watford City, North Dakota. These records are available for public review.

Proposed Action:

The Proposed Action would be the installation of a 16-inch diameter, steel, crude oil pipeline that would utilize a 50-foot-wide construction ROW. The construction disturbance area would be approximately 115 acres on NFS lands. After initial construction, a permit would be issued for a 20-foot right-of-way (ROW) for production and maintenance. The Project would enter NFS lands approximately 13.5 miles southwest of Watford City. Nineteen miles of the 147-mile-long pipeline would be located on NFS lands within the Dakota Prairie Grasslands, McKenzie Ranger District.

The Project area is defined as the outer limits (50-feet) of surface disturbance from the construction of the pipeline corridor on NFS lands. To facilitate bores and maneuver around topography, additional workspace may be needed beyond the extent of the construction corridor. This is a common practice, and the area adjacent to the corridor has been surveyed for this purpose.

For details regarding pre-construction, construction, operations, and reclamation, please refer to Appendix A.

Design Elements

The following design elements are incorporated into the Proposed Action to ensure compliance with the National Forest Management Act (NFMA).

Table 1. Land and Resource Management Plan (LRMP) Design Elements

Design Element Label	Design Element Description	Plan Component
Air #1	Dust abatement using freshwater on the roads and ROW would be utilized to minimize impacts to air quality.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Air page 1-9 and USFS Biological Assessment (BA) concurrence letter
Fish, Wildlife, and Rare Plants #1	All disturbed areas would be seeded immediately to the extent practicable following construction, and Best Management Practices (BMPs) would be installed where necessary.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-15.
Fish, Wildlife, and Rare Plants #2	No construction would occur from March 1 to June 15 within 1 mile (line-of-sight) of active grouse leks. Bridger would cease, delay, or modify construction hours within 1-mile line-of-sight of a lek if it is found or observed active prior to construction, depending on USFS guidance.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-14 and USFS Biological Evaluation (BE) concurrence letter.

Design Element Label	Design Element Description	Plan Component
Fish, Wildlife, and Rare Plants #3	If project activities are scheduled to occur during February 1 to July 31, a raptor nest survey would be completed prior to construction to confirm that the nest is not active. If any raptor nests are determined to be active, no activity would occur within ½ mile of the active nest(s) between February 1 to July 31.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-17 and USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #4	There would be no construction from April 1 through July 15 within 1 mile (line-of-sight) of LRMP Management Area 3.51 and 3.51a or within 1 mile (line-of-sight) of North Dakota Game and Fish designated critical lambing habitats.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-14, and USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #5	All equipment maintenance, repairs, and refueling would be performed in upland locations at least 100-feet from all water bodies and wetlands. All equipment would be parked overnight at least 100-feet from a watercourse or wetland. Equipment would not be washed with water draining into wetlands or streams. Spills of fuel and other hazardous materials would be cleaned-up immediately and would be disposed of in accordance with applicable laws and regulations. Each construction and cleanup crew would 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.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-16, and USFS BA concurrence letter.
Heritage #1	Where appropriate, per the recommendation of the USFS, a 50-100-foot avoidance buffer, as determined by USFS Heritage Staff, would be used. Buffers would be visually defined by temporary fencing around each site's external boundary and buffer. Archaeological monitoring, when construction activities are within 100-foot of the buffered and fenced boundaries, would be utilized.	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 – 1-25
Heritage #2	Where appropriate per the recommendation of the USFS, the Proposed Action would bore underneath site(s) via HDD and maintain a minimum 100-foot	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 – 1-25

Design Element Label	Design Element Description	Plan Component
	avoidance buffer between the site boundaries and all planned surface disturbing activities.	
Heritage #3	In the case of an unanticipated discovery, steps would be taken in accordance with the LRMP, Appendix M.	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 and Appendix M Accidental Disturbance of Human Remains.
Noxious Weeds and Invasive Species #1	Vehicles and equipment used for construction would be cleaned prior to entering USFS lands to remove all seeds and plant propagules (seeds and vegetative parts they may sprout) to prevent the potential spread of noxious weeds and invasive species.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, and USFS BE concurrence letter.
Noxious Weeds and Invasive Species #2	Noxious weeds may be treated by chemical or mechanical means pre- and post-construction outside of the dates that may impact the Dakota skipper (June 10 to July 25) with the approval of the USFS.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, South Bend Pipeline BA, USFWS concurrence letter and USFS BA concurrence letter.
Noxious Weeds and Invasive Species #3	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 Environmental Impact Statement.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, and USFS BE concurrence letter.
Paleontological Resources	The lessee or operator shall immediately bring to the attention of the USFS any vertebrate paleontological resources discovered as a result of surface operation under this lease and shall leave such discoveries intact until directed to proceed by the USFS.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Paleontological Resources page 1-12.
Scenery Management	Block valves would be located near existing disturbance and above-ground infrastructures to avoid impacts on Scenic Integrity Objectives.	LRMP Areas 3.65, 4.22, and 6.1 Scenery Management pages 3-33, 3-27, and 3-44
Soils #1	The SWPPP and Erosion Control Plan in conjunction with reclamation practices would be conducted to reduce erosion until vegetation becomes established.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Soils page 1-10.
Water #1	Wetlands and stream impacts would be avoided via HDD. Upland drainage crossings would be installed as per USFS specifications.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Water pages 1-9 – 1-10

Design Element Label	Design Element Description	Plan Component
Water #2	Fill and materials would not be placed in any wetlands, waterbodies, or drainages. Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan would be implemented to avoid impacts to waters.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Water pages 1-9 – 1-

The following design elements are incorporated into the Proposed Action to achieve site-specific desired conditions, ensure resource protection, or are necessary for compliance with other Law, Regulation, and Policy:

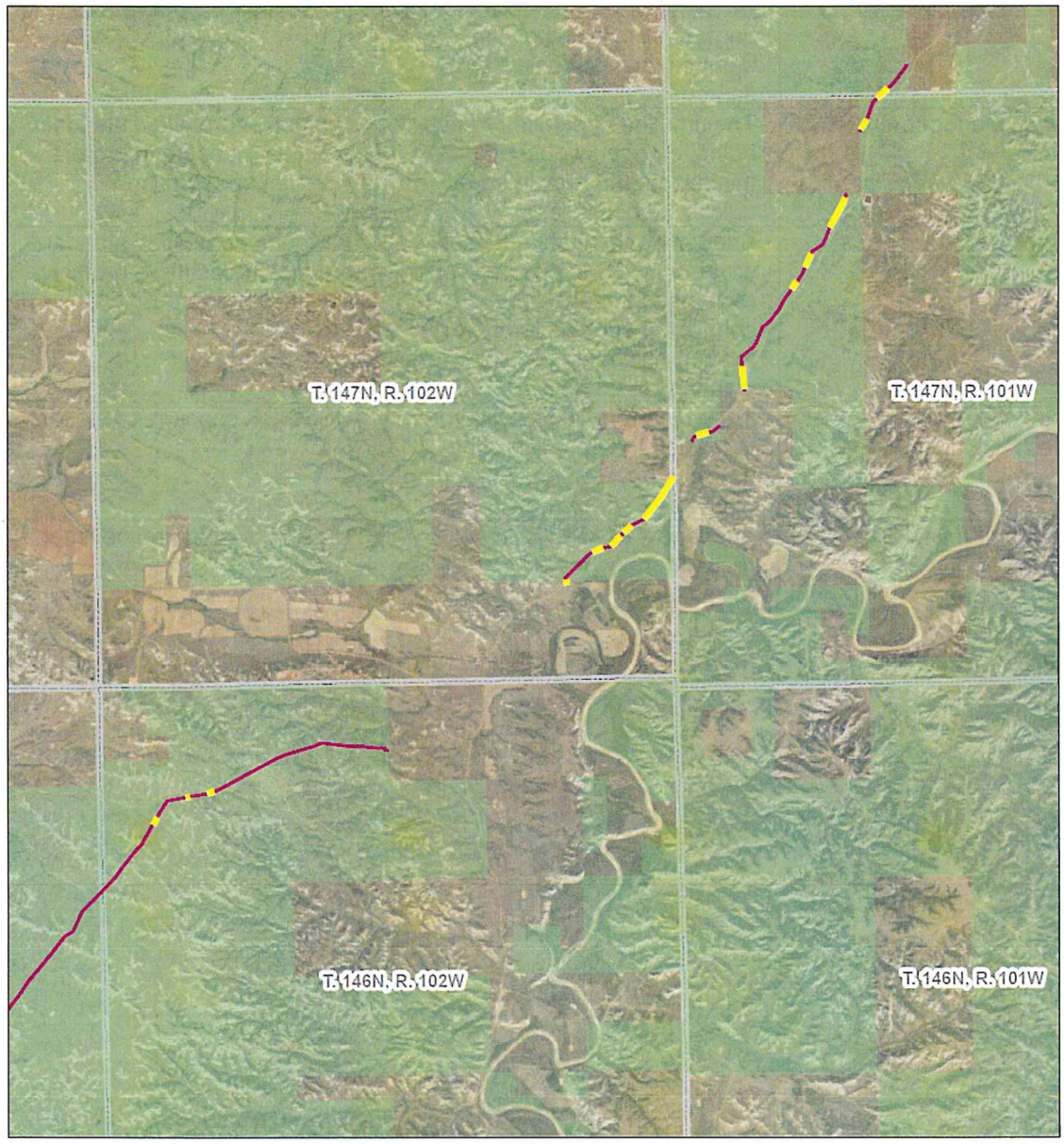
Table 2. Site-Specific Design Elements

Design Element Label	Design Element Description	Supporting Document
Fish, Wildlife, and Rare Plants #1	No construction activities or ground disturbing reclamation activities would be allowed between June 10 and July 25 during the flight period of adult Dakota skipper.	South Bend Pipeline Biological Assessment (BA), United States Fish and Wildlife Service (USFWS) concurrence letter and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants#2	All identified Dakota skipper habitat would be temporarily fenced and flagged to avoid impacts to suitable habitat from construction.	South Bend Pipeline BA, USFWS concurrence letter and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #3	If a whooping crane is sighted within one mile of the Project area while it is under construction, work shall cease. The USFWS and USFS would be contacted immediately. In coordination with the USFWS, work may resume after the bird(s) leave the area.	South Bend Pipeline BA and USFS concurrence letter.
Fish, Wildlife, and Rare Plants #4	No trees 3-inch diameter breast height or greater would be removed from April 1 through September 30.	South Bend Pipeline BA and USFS concurrence letter.
Fish, Wildlife, and Rare Plants #5	During reclamation activities, USFS-approved revegetation seed mixes would be used.	USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #6	No herbicide would be sprayed from June 1 to July 31 annually, and only spot spraying of noxious and invasive weeds would be completed. Herbicide type and spot spray application would be completed according to label directions (i.e., concentrations, timing, weather conditions) with the intent to	South Bend Pipeline BA.

Design Element Label	Design Element Description	Supporting Document
	avoid drift to high quality and potential Dakota skipper habitat.	
Fish, Wildlife, and Rare Plants #7	Airborne dust would be reduced utilizing freshwater during Project construction on all construction locations, including any additional haul roads and access roads whenever needed and/or as determined by the USFS.	South Bend Pipeline BA, USFWS BA concurrence letter, and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #8	A USFS approved monitor would remain on-site during the life of construction to ensure compliance with all design features per the Biological Assessment concurrence letters.	South Bend Pipeline BA, USFWS BA concurrence letter, and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #9	Minimize soil and vegetation disturbance during construction to the extent possible.	USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #10	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.	USFS BE concurrence letter.
Lands and Special Uses #1	Prior to any ground disturbance, in accordance with North Dakota One Call, the contractor would identify all underground utilities to minimize the risk of damaging any buried utility lines.	Bridger's committed standard practice measure to avoid incidents with other resources in project area.
Livestock Management #1	Range features crossed such as fences would be repaired, and water pipelines would be crossed via HDD.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #2	Range waterlines would need to be located, marked, and, if crossed, fixed in a timely fashion to ensure an adequate water supply to livestock remains in place.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #3	In pastures where livestock are actively grazing, the pipeline's trench and spoil piles would be fenced off with short-term	Bridger's committed standard practice measure to protect livestock resources.

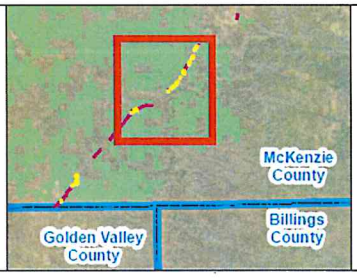
Design Element Label	Design Element Description	Supporting Document
	barriers from livestock but ensuring access to fresh water sources.	
Livestock Management #4	The timeline of pipeline trench being left open would be minimized and reclaimed as quickly as possible.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #5	Bridger would notify and work with the USFS to ensure proper reclamation efforts are conducted such as temporary fencing enclosures to allow new plantings to establish.	Bridger's committed standard practice measure to protect livestock resources.
Noxious and Invasive Species #1	Keep disturbance to a minimum to reduce the impacts to the native vegetation and spreading of invasive species.	USFS BE concurrence letter.
Noxious and Invasive Species #2	Scenario #13 seed mix is recommended for any reclamation.	USFS BE concurrence letter.

South Bend Pipeline



South Bend Bore Paths on USFS Lands

- Bore Path
- USFS South Bend Alignment
- USFS Lands
- County Boundary



Page 1 of 2

McKenzie County, North Dakota

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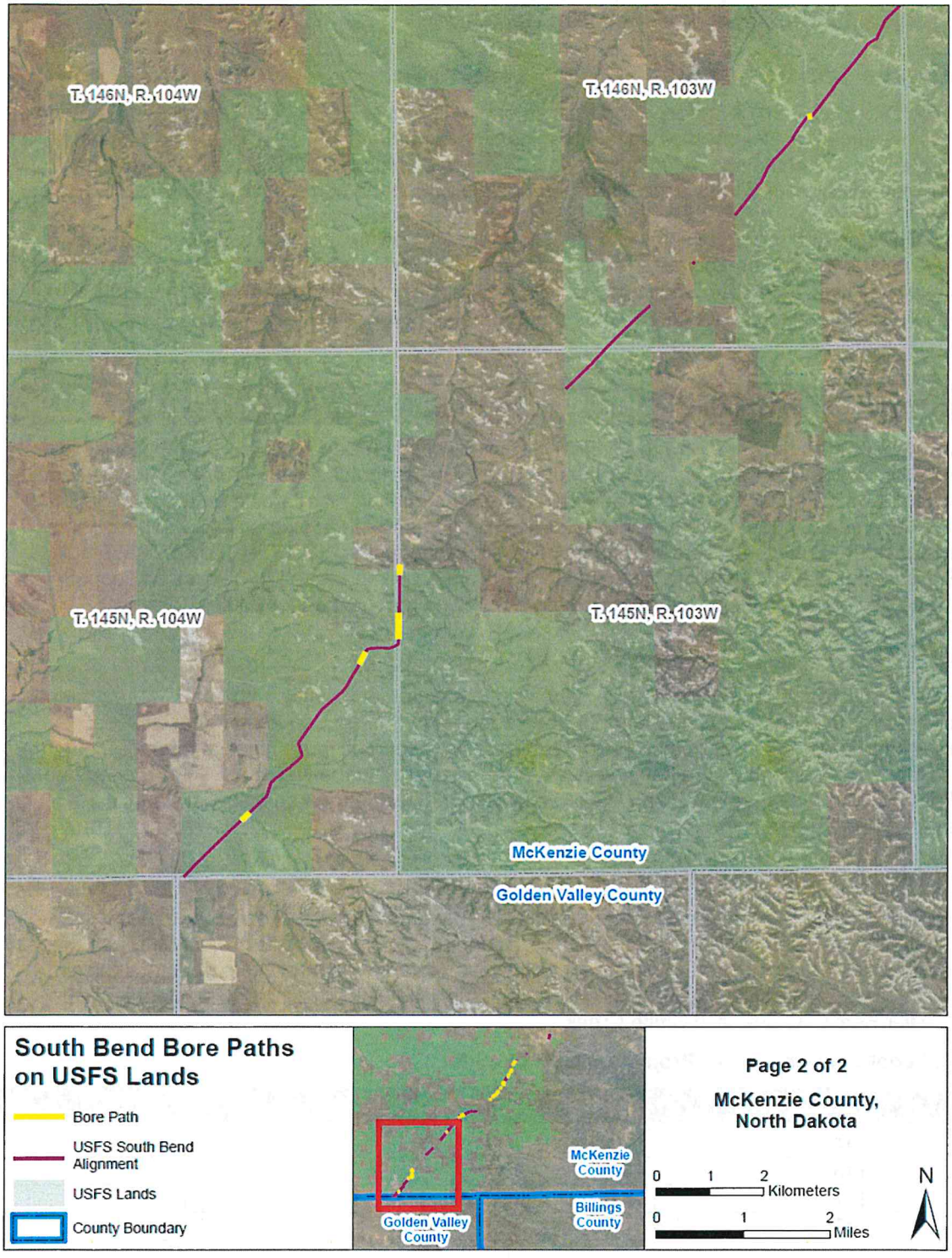
South Bend Pipeline



Alternatives to the Proposed Action:

Alternatives Considered but Not Analyzed in Detail

Original Route – In July 2019 Bridger submitted an original route to USFS. USFS considered potential impacts to resources as well as avoidance and mitigation measures. USFS, Bridger and Bridger's contracted environmental engineering firm Keitu Engineers & Consultants, Inc. (Keitu) discussed route changes. As a result, Bridger adjusted the original route to the current Proposed Action.

Avoiding NFS lands - Bridger considered a pipeline route connecting Johnson's Corner Terminal to Sandstone Station on private and state lands in order to avoid NFS lands. That route was considered infeasible due to cost, increased impact to resources resulting from the need to cross the Little Missouri River and a much larger disturbance footprint. As a result, avoiding NFS lands was not considered further.

ENVIRONMENTAL IMPACTS:

The following sections describe how the project complies with the relevant laws, regulations, policies, and the land management plan, which provide the basis for thresholds for significance. Consistency with relevant laws, regulations, policies, and land management plan standards ensures that the Proposed Action does not exceed thresholds for significance and supporting analysis and rationale for consistency are provided to reach a finding of no significant impact (FONSI). The NEPA: Finding of No Significant Impact (FONSI) section includes further analysis prepared to discuss additional effects and address potential issues raised by the public and resource specialists.

Issues Considered for Analysis

Resources identified for the need of detailed analysis to ensure compliance with Land Management Plan consistency are botany, cultural/heritage, engineering, hydrology, lands and special uses, minerals, range/livestock management, recreation, scenic resources, soils, special management areas, wildlife, and paleontology. These resources are discussed in the National Forest Management Act (NFMA) – Land Management Plan Consistency section, Design Elements section, and in Proposed Action – Appendix A.

Potentially Affected Environment

The proposed pipeline would be constructed within a 50-foot-wide construction 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 3. Legal Descriptions of Project on USFS Lands:

Township	Range	Section
148	100	17
148	101	33, 34
147	101	4, 8, 17, 18, 19
147	102	25
146	102	4, 5, 7, 8, 18
146	103	13, 23, 24, 26, 33, 34
145	104	24, 25, 26, 26, 34, 35
145	103	4, 18, 19

Consideration of No Action:

In a consideration of no action, Bridger would not construct the proposed Project. Not constructing the pipeline would avoid environmental impacts. Not constructing the pipeline would also not address the existing demand to provide infrastructure necessary to transport crude oil for the energy industry, would not support economical energy cost savings for the public and would not contribute to U.S. energy independence. In northwest North Dakota, exploration and production of oil is a major economic activity with crude oil production being the primary mineral resource of interest.

National Forest Management Act (NFMA) – Land Management Plan Consistency

The pertinent specialist has reviewed the proposal including design features and provided supporting analysis and rationale for determinations in the project record. The following are specialist determinations regarding proposal consistency with applicable land management plan direction, standards, and guidelines:

Botany

There are no federally listed threatened, endangered, or proposed plant species or designated critical habitat on the LMNG at this time.

Botany surveys were conducted to inventory species that may occur within the Project area in July through October of 2019, April, May, June, and July of 2020.

The proposed project may impact individuals (undiscovered) or suitable habitat for nine Forest Service Region 1 LMNG sensitive species. This project would not likely contribute to a trend toward federal listing or cause a loss of viability to the populations of Forest Service sensitive species (Reference the South Bend Pipeline BE and the Botany BE Concurrence).

Table 4. Sensitive species impact determinations

Species	Determination*
Alkali Sacaton	MIIH
Alyssum-Leaved Phlox	MIIH
Blue Lips	NI
Dakota Wild Buckwheat	MIIH
Dwarf Mentzelia	NI
Easter Daisy	MIIH
Hooker's Townsendia	MIIH
Lanceleaf Cottonwood	MIIH
Limber Pine	NI
Nodding Buckwheat	MIIH
Sand Lily	MIIH
Smooth Goosefoot	NI
Torrey's Cryptantha	MIIH

NI – no impact; **MIIH**- may impact individuals or habitat, but would not likely contribute to a trend towards federal listing or loss of viability to the population or species; **WIFV** - would impact individuals or habitat with a consequence that the action may contribute to a trend towards federal listing or cause a loss of viability to the population or species

Cultural/Heritage

Beaver Creek Archaeology, Inc. (Beaver Creek) conducted a Class I file search, a Class III intensive cultural resource inventory, and evaluative testing in 2019 through 2021. Cultural resources were

found within the area of potential effect (APE). The USFS recommended avoidance measures and a finding of *No Historic Properties Affected* for the existing sites to the North Dakota State Historic Preservation Office. This finding was concurred by ND SHPO on June 22, 2021. This finding was re-evaluated and concurred with by ND SHPO in an Addendum on October 27, 2021.

Engineering

Traffic at access points is expected to increase during brief periods at the beginning and end of shifts and at various times during the day when equipment and materials are delivered to the Project area. The project has been designed to avoid sensitive resources by route design and HDD to the extent possible.

Hydrology

Bridger, through its consultants, conducted a desktop survey using aerial photographs, U.S. Geological Survey (USGS) topographic maps, and the USFWS National Wetland Inventory to identify wetlands within the Project area.

Within the Project area there are four named creeks and 22 other wetlands or waterbodies. The Project crosses Bowline Creek, Cedar Creek, Poker Jim Creek, and North Fork Smith Creek. Cedar Creek and Bowline flow directly into the Little Missouri River. The flow path from the Project crossing at Poker Jim Creek would be by way of Bennie Peer Creek to the nearest river, eventually flowing into the Yellowstone River. Likewise, the flow from the crossing at North Fork Creek would travel via Fork Creek to the nearest river and, eventually, enter the Yellowstone River.

The Project route overlies the Little Missouri River and Tobacco Garden surficial aquifers. Data from the North Dakota State Water Commission indicate that there are six existing groundwater wells within one mile of the Project area and 50 groundwater wells within five miles of the Project area. No groundwater wells are located within the Project area. There are no source water or wellhead protection areas within one mile of the Project. Table 5 below compares types of wells spatially from the Project area.

Table 5. Comparison of Well Types Spatially from the Project Area

Existing Groundwater Wells	Distance from Project Area: 1 mile	Distance from Project Area: 5 miles
Domestic	1	20
Stock	2	15
Observation	1	9
Unknown	2	6
Total Wells	6	50

Direct and indirect impacts on surface water quality and hydrology can occur from ground-disturbing activities during construction. Impacts could include increased water runoff from reduced infiltration capacity, sedimentation into waterways from soil disturbance, altered hydrology, and surface water contamination. The Proposed Action would implement site-specific BMPs and mitigation measures described in the Special Use Permit during construction and operation of the Project to minimize or avoid these effects. Construction would not result in the permanent drainage or filling of wetlands or waterbodies.

Direct impacts on wetlands and waters of the United States have been avoided through Project design; the wetlands and stream impacts would be avoided via HDD. Upland drainage crossings would be installed as per USFS specifications.

The North Dakota Department of Environmental Quality (ND DEQ) recommends care be taken to avoid spills of any materials that may have an effect on groundwater quality and that all spills must be immediately reported to the ND DEQ and appropriate remedial actions performed.

The Project would not cross any Section 10 navigable or any other waters of the United States therefore no 404 permit is anticipated. If it is determined a Section 404 permit is needed, it is the project proponents responsibility to contact the USFS and U.S. Army Corps of Engineering (Corps). No discharge of fill would occur within any wetlands or waterbodies. The Project would follow the Corps Permit guidelines and would self-implement Nationwide Permit 12 for crossing potential waters of the United States. The project would avoid all wetlands and waterbodies during construction.

With the implementation of the design features listed under the Design Elements section, activities as described in Proposed Action – Appendix A, and following recommendations from the ND DEQ, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP.

Lands and Special Uses

Approximately 80 percent of the proposed route parallels an existing Bridger pipeline currently in operation on NFS lands. Bridger designed the route so that it would be located near easy access points such as roads, utilize an existing pipeline ROW to the extent practicable and be near adjacent utilities in previously disturbed areas. Approximately 20 percent of the proposed route does not directly parallel Bridger's existing facilities, primarily due to private landowner negotiations that allowed Bridger to avoid NFS lands as well as avoidance of cultural resources.

Due to the route being positioned parallel and adjacent to existing utilities, there is a risk of unanticipated damage to utility infrastructure during construction. The risk would be mitigated by utilizing the ND One Call system prior to construction.

It is expected there would be no impacts on any lands or special uses as result of the Proposed Action.

With the implementation of the practices as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP.

Minerals

There are approximately 65 oil and gas wells currently permitted for drilling within 20 miles of the project area. No oil and gas wells are located within the Project area.

Applicant-committed protective measures are expected to avoid impacts. It is anticipated that there would be no impacts on any mineral resources that may have resulted from the Proposed Action.

With the implementation of the practices as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Range/Livestock Management

Temporary minor impacts or insignificant permanent impacts to range resources would occur as a result of the Proposed Action. Pastures 4, 5, 6, and 10 are located within the ROW route.

Keitu and contractors performed a botany survey to determine the species found within the Project area in July-October of 2019, and April-July of 2020. Cattle graze various areas year-round on the LMNG. A majority of the Project area on USFS lands is rangeland that is actively grazed but are not subject to intensive agriculture management such as tilling. The survey records and associated reports that detail rangeland plant species are available in the Project record.

Construction activity within the Project area may have temporary impacts on livestock. The clearing of vegetation would temporarily reduce cover and foraging habitat for livestock within the ROW. However, livestock would generally move away from the disturbance area.

The proposed project route crosses several Forest Service owned range waterlines ranging in 2-to-6-foot burial. Construction may impact water availability to livestock if water lines are crossed and left unrepaired.

Project construction activities and associated spoil piles may result in short-term barriers restricting the movement of some livestock. Except for short-term interruptions during construction, existing public roads, farm lanes, and livestock crossings would be kept open, providing crossing access.

Three block valves would be installed for the operation of the pipeline. Two would be installed next to roads, the third would be placed adjacent to another existing block valve. The valves would result in less than one total acre of permanent disturbance within the project area.

With the implementation of the design features listed in the Design Elements section and activities as described in Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Recreation

No developed recreation sites or trails are located within the project area although all areas of the LMNG, including within and adjacent to the project area, are open to the public and are used for recreational activities such as camping, hiking, hunting, and nature-watching. There are no designated state parks or recreation areas, historic trails, scenic by-ways, or designated wilderness areas that would be affected by the Proposed Action.

The recreational enjoyment of nature-watching may be temporarily affected by construction activities, depending on season and location. Recreationists may observe construction and installation of the pipeline. Sights, sounds, and smells from construction and heavy equipment may temporarily affect the recreational qualities in Project area, but the Proposed Action is not anticipated to result in permanent impacts to recreation or special interest areas.

The project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Scenic Resources

The scenic integrity objective is low for the entire project area with the exception of 1.5-miles in Section 25, Township 147N, and Range 102W wherein it is high. No above-ground structures would be located in Section 25, Township 147N, Range 102W. There would be three block valves installed above-ground in the low scenic objective areas. Two of the three block valves would be placed directly adjacent to graveled NFS roads and one would be placed adjacent to an existing block valve for a currently operating paralleling pipeline. All three would be located within previously disturbed surface area. No other portions of the project would be above-ground.

There may be short-term visual impacts during construction such as observing construction equipment and disturbance within the pipeline ROW. With reclamation, impacts are expected to be short-term in nature with the exception of the three block valve placements located within low scenic integrity objective areas.

With the implementation of the design features listed in the Design Elements section and activities described in the Proposed Action - Appendix A, the project is anticipated to be consistent with the

guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Soils

Lambert-Vanda, high precipitation-Rhoades, barren complex is the most common soil complex in the Project area, comprising of approximately 8.6 percent of the total area. These soil types are alluvial fan in nature and typically found in well drained terrain typical of arid and semi-arid regions.

Table 5. Soil Types in Construction Corridor

Map Unit Symbol	Map Unit Name	% of Area
E3013F	Brandenburg-Cabba-Dogtooth complex, 15 to 70 percent slopes	4.4
E3025F	Cherry-Cabba-Brandenburg complex, 9 to 35 percent slopes	1.3
E3027E	Lambert-Brandenburg complex, 2 to 25 percent slopes	3.4
E3101F	Badland-Cabba complex, 9 to 70 percent slopes	0.9
E3107F	Cabba-Badlands complex, 6 to 70 percent slopes	1.9
E3185F	Lambert-Badland-Cabba complex, 6 to 45 percent slopes	3.3
E3197F	Badland, 9 to 150 percent slopes	0.3
E3247C	Lambert-Vanda, high precipitation-Rhoades, barren complex 0 to 9 percent slopes	8.6
E4121A	Havrelon loam, 0 to 2 percent slopes, occasionally flooded	0.4
E4137A	Korchea loam, 0 to 2 percent slopes, occasionally flooded	0.3
L0454B	Maltese-Gerda complex, 0 to 6 percent slopes	0.6
L1355C	Rhame-Chinook fine sandy loams, 9 to 15 percent	0.6
L1355D	Rhame-Chinook fine sandy loams, 9 to 15 percent slopes	3.0
L1425F	Rhame-Fleak complex, 9 to 50 percent slopes	6.3
L1639B	Chinook-Rhame fine sandy loams, 3 to 6 percent slopes	1.6
L2313D	Boxwell-Scairt-Maltese complex, 6 to 15 percent slopes	0.6
L2803B	Boxwell-Kremlin loams, 3 to 6 percent slopes	0.4
L2807C	Boxwell-Kremlin loams, 6 to 9 percent slopes	0.7
L2807D	Boxwell-Kremlin loams, 9 to 15 percent slopes	2.0
L3007F	Kirby-Badland-Patent complex, 9 to 70 percent slopes	2.8
L3013F	Kirby-Scaint complex, 9 to 70 percent slopes	0.7
L3015D	Gerda-Kirby complex, 2 to 15 percent slopes	1.6
L3104F	Kirby-Arikara-Badland complex, 9 to 70 percent slopes	0.7
L3105E	Badland-Patent complex, 6 to 25 percent slopes	1.7
L3107	Cabbart-Badland complex, 6 to 70 percent slopes	1.4
L3161F	Lonna-Cabbart silt loams, 6 to 35 percent slopes	1.4
L3185F	Patent-Badland-Cabbart complex, 6 to 50 percent slopes	1.1
L3203B	Lonna silt loam, 0 to 6 percent slopes	0.8
L3251B	Kremlin-Ethridge-Gerda complex, 0 to 6 percent slopes	2.0

Map Unit Symbol	Map Unit Name	% of Area
L4133A	Glendive-Havre-Fluvaquents complex, channeled, 0 to 2 percent	1.5
L4567F	Tinsley-Chanta complex, 6 to 35 percent slopes	3.0
2020 USDA Web Soil Survey		

The Proposed Action would disturb 115 acres within the ROW during construction. The USFS Hydrology Resource Specialist review provided the following comment: "Where the pipeline is trenched soils would need to be protected from excessive erosion until vegetation becomes reestablished." Bridger would implement protective measures by implementing the Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan until vegetation cover becomes at least 70percent of preconstruction vegetation or similar or reach consistent ground coverage similar to surrounding undisturbed vegetation.

Wind erosion may be a hazard on most of the soils in the Project area. Certain soils have a relatively high content of lime. They are susceptible to wind erosion in the spring if they have been bare throughout the winter. Because of freezing and thawing, soil structure can break down, resulting in aggregates that are susceptible to movement. This phenomenon can also cause fine textured soils to have a severe wind erosion hazard. Nearly all soils can be damaged by wind erosion if they are not protected by residue.

Potential temporary effects on soil resources include the loss of soil productivity due to erosion, soil mixing, or soil compaction. Soil disturbances associated with clearing, grading and trenching expose soils to water and wind and increase the potential for erosion. Analysis of USGS Web Soil Survey data indicates that soils in the Project area are susceptible to erosion by wind. Soil erosion by water is also common along the Project area.

Soil productivity could potentially be affected if topsoil is mixed with subsoil during construction. Heavy equipment used to construct the Project may cause soil compaction along the ROW. Trench excavation and backfilling could lead to a mixing of topsoil and subsoil and may introduce rocks to the soil surface from deeper soil horizons.

Using BMPs and standard soil protection practices, impacts to soils in the Project area would be minor and limited to short-term periods during soil-moving activities. Sediment would be prevented from reaching drainages and surface water by implementation of the SWPPP and Erosion Control Plan. No permanent impacts to soils are expected due to the Proposed Action.

There would be minimal soil disturbance outside of the construction workspace, occurring only if additional space is required for boring and equipment maneuvering. Permanent impacts on soils would be avoided through the implementation of BMPs during construction, restoration, and post-construction revegetation management. Additionally, sound construction practices such as separating subsoil from topsoil, removing only what is required, and working in dry weather conditions. would be utilized to preserve soil quality. A more complete description of BMPs and recognized construction methods would be in the SWPPP filed prior to construction. A description of construction practices utilized to minimize soil degradation and preserve soil quality can be found in Appendix A – Details of Proposed Action.

With the implementation of the design features listed in the Design Elements section and the Proposed Action - Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Special Management Areas

The ROW is routed through Management Area 3.65 Rangelands with Diverse Natural-Appearing Landscapes, MA 6.1 Rangeland with Broad Resource Emphasis, and MA 4.22 River and Travel Corridors.

There are no designated wilderness, roadless, wild & scenic river corridors, recommended wilderness, research natural areas, national scenic & historic trails, or National Recreation areas are located within the Project.

Rangelands with Diverse Natural-Appearing Landscapes is a management area that emphasizes maintaining or restoring a diversity of desired plants and animals and ecological processes and functions. Desired conditions for this type of landscape has relatively few livestock developments, riparian areas and streams moving towards properly functioning conditions, and utilizing prescribed fire as a management tool. The LRMP has set Standards and Guidelines including mineral and energy resources, utilities, and special uses for this landscape.

Rangeland with Broad Resource Emphasis is primarily a rangeland ecosystem managed to meet a variety of ecological conditions and human needs. Desired conditions for this type of landscape would display low to high levels of livestock grazing developments, oil and gas facilities, and roads. LRMP has set Standards and Guidelines including mineral and energy resources, utilities, and special uses for this landscape.

River and Travel Corridors are managed to protect or preserve the scenic values and recreation uses along the Little Missouri River Corridor. The Little Missouri River Corridor is defined as national grasslands contained within a ¼ mile zone on each side of the river. The management area is managed for high scenic integrity.

The Proposed Action follows the guidelines for the Rangelands with Diverse Natural-Appearing Landscapes by locating the route along road corridors or within other areas already disturbed.

Approximately 1,000 feet of the pipeline would occur within the River and Travel Corridors. The route was chosen because of the close distance to Bridger's existing pipeline and access secured on adjacent private lands through landowner negotiations. No above-ground structures would be placed within the River and Travel Corridor management area.

Temporary impacts on these landscapes would occur in most areas within the construction footprint, the vast majority of which would return to pre-construction land cover upon completion of construction.

The construction footprint would be cleared to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the proposed Project. Clearing of herbaceous vegetation during construction is anticipated to result in short-term impacts.

The Project utilizes existing transportation corridors and parallels existing utilities as described as a guideline in the LRMP to the extent allowed.

With the implementation of the design features listed in the Design Elements section and as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Wildlife

The July 2021 South Bend Pipeline Biological Assessment for the Project indicated the following determinations:

Table 6. Threatened, Endangered, Proposed or Candidate Species and Critical Habitat Effect Determinations

Species/Habitat	Status	Proposed or Designated Critical Habitat Present?	Determination
Pallid Sturgeon	Endangered	No	NE
Whooping Crane	Endangered	No	NE
Interior Least Tern	Endangered	No	NLAA
Dakota Skipper	Threatened	No	NLAA
Northern Long-eared Bat	Threatened	No	NLAA
Piping Plover	Threatened	No	NLAA
Red Knot	Threatened	No	NLAA

NE – no effect; **NLAA** – may affect, not likely to adversely affect; **LAA** – may affect, likely to adversely affect; **No Jeopardy** - not likely to jeopardize the continued existence or adversely modify critical habitat

The August 2021 South Bend Pipeline Biological Evaluation for the Proposed Action indicated the following determinations:

Table 7. Wildlife Sensitive Species Impact Determinations

Species	Determination*
Baird's Sparrow	MIIH
Bald Eagle	NI
Burrowing Owl	MIIH
Loggerhead Shrike	MIIH
Long-Billed Curlew	MIIH
Sharp-tailed Grouse	MIIH
Sprague's Pipit	MIIH
Black-Tailed Prairie Dog	MIIH
Bighorn Sheep	NI
Northern Redbelly Dace	NI
Ottoe Skipper	MIIH
Regal Fritillary	MIIH
Tawny Crescent	MIIH
Monarch	MIIH

NI – no impact; **MIIH**- may impact individuals or habitat, but would not likely contribute to a trend towards federal listing or loss of viability to the population or species; **WIFV** - would impact individuals or habitat with a consequence that the action may contribute to a trend towards federal listing or cause a loss of viability to the population or species

The USFWS recommended in the US Fish and Wildlife Service Informal Consultation dated August 5, 2021:

> *"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 the Project would utilize directional drilling in all suitable DASK habitats identified and depicted on the maps associated with the biological assessment. The USFS further recommends that suitable DASK habitats are delineated and marked on the ground and all DASK habitats would 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 USFS recommends no pesticides or insecticides are sprayed or utilized within suitable DASK habitat areas. The Northern Long Eared Bat is covered under the Forest Service's January 5, 2016 Programmatic Biological Opinion. However, the USFS requires all trees larger than 3 dbh be removed between November 1 and March 31."*

The Proposed Action has been designed to comply with the USFWS recommendations from the Section 7 Consultation and USFS requirements as provided in the permit stipulations.

With the implementation of the design features listed in the Design Elements section, the project would be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Other Resources Considered

Paleontology

USFS Paleontology Resource Specialist reviewed the Proposed Action and commented "There are some class 5 Fossil Yield Potential (known sites) within/near the proposed route." Further review showed two Class 5 Fossil Yield sites are near but not within the project area.

The proposed activities near the Fossil Yield sites would be routed to areas where there has been past surface disturbance. With all activities outside the Fossil Yield Potential Sites, no impacts are anticipated from the Proposed Action.

With the implementation of the design features listed in the Design Elements section, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Supporting Project Documentation

Table 8. Applicable project files documentation to support analysis available at: https://www.fs.usda.gov/project/?project=59260

Supporting Documentation
South Bend Pipeline Biological Assessment (Keitu, May 2021)
South Bend Pipeline Biological Evaluation (Keitu, August 2021)
Botany Biological Evaluation Concurrence (Dahl, J., June 25, 2021)
Forest Service Wildlife Biological Evaluation Concurrence (Bickerdyke, S., August 5, 2021)
Forest Service Wildlife Biological Assessment Concurrence (Bickerdyke, S., May 18, 2021)
US Fish and Wildlife Service Informal Consultation (Becker, D., August 5, 2021)
State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)

Supporting Documentation
Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
State Historic Preservation Office 21-5470 Addendum Letter (Peterson, W., October 27, 2021)
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
USDA-NRCS North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management

Other Law, Regulation, and Policy Consistency

National Historic Preservation Act – Section 106 Review

The pertinent specialist has reviewed the proposal and made the following determination regarding Section 106 compliance:

No historic properties affected - 36 CFR 800.4(d)(1). Section 106 Review has been completed for the project area and no National Register eligible cultural sites were found.

Supporting Project Documentation

Table 9. Applicable project files and documentation to support analysis are available at: https://www.fs.usda.gov/project/?project=59260.

Documentation Type
State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)
Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
State Historic Preservation Office 21-5470 Addendum Letter (Peterson, W., October 27, 2021)

Consultation with Federally Recognized Tribes

Consultation with federally recognized tribes was conducted as follows:

USFS sent letters to the Spirit Lake Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara, and the Turtle Mountain Band of Chippewa on December 14, 2020, informing them of the project and inviting input, concerns, or issues. No responses have been received to date.

Supporting Project Documentation

Table 10. Applicable project files and documentation to support analysis are available at: https://www.fs.usda.gov/project/?project=59260.

Documentation Type
Tribal Letters

Clean Air Act

The pertinent specialist has reviewed the proposal and made the following determinations regarding the Clean Air Act:

No measurable impacts on, or changes in air quality are expected during the actual construction and operation of the Proposed Action. Minor impacts to air quality would primarily occur during construction and be temporary and localized. The contribution of the Project to greenhouse gas emissions during construction from vehicles and equipment would be considered a minor indirect impact to climate change.

During construction, emissions from fuel-burning internal combustion engines would temporarily increase the levels of some of the criteria pollutants, including carbon monoxide, nitrogen dioxide, ozone, particulate matter, and non-criteria pollutants such as volatile organic compounds. Construction is likely to take 6 to 8 months to complete the pipeline. To reduce the emission of criteria pollutants, fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained. This temporary increase in emissions is not expected to impact air quality or visibility in the region long-term.

Water trucks would be used to wet roads and ROW, during construction, in order to minimize particulate matter air impacts that could occur from dust.

There would be no permanent cumulative impacts associated with the Project, and the expected reduction in the number of oil tanker truck miles driven could result in a net decrease in air quality impacts.

Supporting Project Documentation

Table 1. Applicable project files and documentation to support analysis are available at: https://www.fs.usda.gov/project/?project=59260.

Documentation Type
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)

Clean Water Act

The pertinent specialist has reviewed the proposal and made the following determination:

Direct impacts have been addressed through Project design.

Bridger would implement a SWPPP* and Erosion Control Plan* as required by the State of North Dakota. The implementation of the SWPPP and Erosion Control Plan would ensure construction and operation practices would not cause any irreversible or unwarranted erosion or sediment wash from the ROW onto wetlands, waterbodies, and drainages. The SWPPP and Erosion Control Plan would detail control structures such as waterbars, straw wattles, silt fences, and revegetation specifications to be installed during ground-disturbing activities to allow infiltration, stabilize soils, minimize runoff, and dissipate runoff energy.

Ground disturbance associated with the pipeline construction is generally limited to approximately 6 to 10 feet below the existing ground surface with a minimum of 4 feet from the top of the pipe to the top of the cover. The depth to the groundwater table averages greater than 40 feet in depth within the Project area. The underground depth of pipe is well above the local groundwater table elevation except in very limited areas where bored beneath standing water.

Each construction and cleanup crew would have sufficient tools and materials on-site to stop leaks including supplies of absorbent and barrier materials that would allow for rapid containment and recovery of spilled materials. These measures would help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

The vehicles and equipment would be refueled on-site using portable fuel transport vehicles. Provisions for spill containments and response would be provided near the fueling areas. Bridger and/or their contractor must implement site-specific protective measures and containment procedures described in the SWPPP. Contractors would be required to provide trained personnel, appropriate equipment, and materials to contain and clean up releases of fuel, lubricating oil, or hydraulic fluid that result from equipment failure or other circumstances.

The Project would be designed, constructed, maintained, and inspected to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration regulations utilizing industry standards and company policies. The system would be controlled and monitored by trained control room personnel. Additionally, the system would be equipped with a monitoring and alarm system that continuously monitors the flow and pressure of the system and readily signifies anything outside normal operating conditions.

The pipeline does not reach the depth of any aquafers and encounters with a groundwater table are not expected. With mitigation measures to prevent and/or quickly clean-up of any spills, implementation of SWPPP, and using HDD in wetlands, no impacts are anticipated.

Following practices as described in the Design Elements section of the Proposed Action – Appendix A, the Project would be in compliance with the Clean Water Act.

* The SWPPP and Erosion Control Plan would be in place prior to construction and would be available upon request at the McKenzie Ranger District Office, 1905 South Main Street Watford City, North Dakota 58854

Pertinent Executive Orders

The responsible official and/or applicable specialist(s) have determined the proposal is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal:

EO 11988, Floodplain Management – requires determination of action occurring in a floodplain, using HUD (Housing and Urban Development) floodplain map or more detailed map if available.

Floodplains refer to the 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA), and shown on Flood Insurance Rate Maps* (FIRM) or Flood Hazard Boundary Maps* for all communities participating in the National Flood Insurance Program. According to the FEMA FIRM, the Project area is located within Zone X (Areas determined to be outside 500-year floodplain) in McKenzie County.

The Project has been designed in accordance with accepted floodplain management practices therefore, no impacts on floodplain elevations or velocities are anticipated. Following construction, disturbed areas would be restored to pre-construction grades and contours, as practical.

There would be no impacts to floodplains from the Proposed Action.

* Floodplain maps, numbers 38053C1675D, 38053C1850D, 38053C1875D, 38053C1650D, 38053C1450D, and 38053C1475D are available online at: https://msc.fema.gov/portal/home.

EO 11990, Protection of Wetlands – avoid actions within wetlands unless there are no practical alternatives, and the action includes all practicable means to minimize harm to wetlands.

Within the Project area there are four named creeks and 22 other wetland or waterbodies. The Project crosses Bowline Creek, Cedar Creek, Poker Jim Creek, and North Fork Smith Creek. Cedar Creek and Bowline flow directly into the Little Missouri River. Flow path from the Project crossing at Poker Jim Creek to the nearest river would be by way of Bennie Peer Creek eventually flowing into the Yellowstone River. Flow path from the Project crossing at North Fork Creek to the nearest river would be by way Fork Creek eventually flowing into the Yellowstone River.

Direct impacts on wetlands and waters of the United States have been avoided through the Project design. Upland drainage crossings would be installed as per USFS Uniform Specifications. Bridger would implement a SWPPP and Erosion Control Plan as required by the State of North Dakota. The implementation of the SWPPP and Erosion Control plan would ensure construction and operation

practices would not cause any irreversible or unwarranted erosion or sediment wash-off of their ROW onto wetlands, waterbodies, and significant wildlife habitats. The SWPPP and Erosion Control Plan would detail control structures such as waterbars, straw wattles, silt fences, and revegetation specifications to be installed during ground-disturbing activities to allow infiltration, stabilize soils, minimize runoff, and dissipate runoff energy.

Through following recommendations, the Project is in compliance with EO 11990.

EO 12898, Environmental Justice – identify and address disproportionately high and adverse effects on minority and low-income populations.

The proposed project would not impact minority and low-income populations. Please refer to Environmental Justice Analysis memorandum dated August 12, 2021 located in the USFS Project file.

EO 13007, Indian Sacred Sites – avoid adversely affecting the physical integrity of these sites.

The Project area was reviewed through Class I and Class III archaeological studies with site testing. The Proposed Action would follow the avoidance recommendations made by Beaver Creek Archaeology with concurrence with the USFS archaeologist and ND SHPO.

Through archaeological studies, coordination with federal and state agencies, and following recommendations, the Project is in compliance with EO 13007.

EO 13112, Invasive Species – prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

The proposed Project would generate temporary effects on portions of the terrain through landscape modifications, thus providing a possibility of an introduction of noxious weeds and invasive species. Noxious weeds can out-compete desirable forbs and grasses in pastures, fields, and native grasslands, reducing biodiversity. There were eight noxious or exotic species found in the survey corridor.

Monitoring and treatment of noxious weeds and/or invasive species would be conducted on an annual basis to ensure a high degree of control and maximize treatment effectiveness. The Proposed Action would annually monitor the ROW to detect and mitigate weeds as a general operating and maintenance practice throughout the life of the proposed project easement. Each parcel along the route would be assessed and managed on a case-by-case basis as the type of weeds encountered would vary. During construction and post construction phases Bridger would inspect and monitor any weeds encountered and implement preventative measures to mitigate the spread of noxious weeds.

Through following USFS recommendations, implementing practices from the Design Elements section, and the Proposed Action – Appendix A, the Project is in compliance with EO 13112.

EO 13175, Consultation and Coordination with Indian Tribal Governments - agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

USFS sent letters to the Spirit Lake Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara, and the Turtle Mountain Band of Chippewa on December 14, 2020, informing them of the project and inviting input, concerns, or issues. No responses have been received to date.

EO 13186, Migratory Birds – identify actions that may have a measurable negative effect on migratory bird populations.

Construction and operation of the pipeline could impact migratory bird species; however, impacts would be minimized by reduced speed limits, traffic control, utilizing biologists on-site and timing restrictions. In addition, some species would relocate to adjacent habitat, while others would be temporarily displaced during construction operation. No migratory birds or resident wildlife species in the area would be impacted in such a way that would cause their populations to be listed or adversely affected.

Through following USFS recommendations, USFWS recommendations, and implementing practices from the Design Elements section, the Project is in compliance with EO 13186.

EO 13443, Facilitation of Hunting Heritage and Wildlife Conservation – expand and enhance hunting opportunities.

Temporary impacts would include construction during hunting seasons from construction activity and temporary wildlife displacement along the ROW. Impacts to wildlife and hunting opportunities under the Proposed Action would have minimal temporary impacts and no significant permanent impacts would occur.

Supporting Project Documentation

Table 2. Applicable project files documentation to support analysis available at: https://www.fs.usda.gov/project/?project=59260

Documentation Type
South Bend Pipeline Biological Assessment (Keitu, May 2021)
South Bend Pipeline Biological Evaluation (Keitu, August 2021)
Botany Biological Evaluation Concurrence (Dahl, J., June 25, 2021)
Forest Service Wildlife Biological Evaluation Concurrence (Bickerdyke, S., August 5, 2021)
Forest Service Wildlife Biological Assessment Concurrence (Bickerdyke, S., May 18, 2021)
State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)
Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
US Fish and Wildlife Service Informal Consultation (Becker, D., August 5, 2021)
State Historic Preservation Office Concurrence for Evaluative Testing (Peterson, W., June 22, 2021)
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
North Dakota Geological Survey (Anderson, F., January 11, 2021)
Environmental Justice Analysis for McKenzie Ranger District (Graf, L., August 12, 2021)
Scoping Letters (Graf, L., December 14, 2020)

Additional Effects Analysis

Solid Waste

The ND DEQ stated all solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. The Project may produce small amounts of solid waste during construction therefore analysis is warranted.

Affected Area

A small amount of waste materials would be produced during the life of construction. These materials typically consist of industrial covers or wrapping for pipeline supplies and trash that employees bring onsite such as bottles, cans and food related garbage.

Impacts and Mitigation

The Project would require its construction contractors to clean up and properly dispose of any trash deposited during ROW preparation and by construction crews on a daily basis. Waste and scrap produced during construction is always removed and properly disposed of in accordance with applicable regulations prior to the completion of construction. A monitor onsite would additionally inspect that waste management practices are complied with.

Geology

The North Dakota Geological Survey reviewed and provided comment on the Proposed Action. Typically, landslide deposit features are common in areas of high topographic relief, such as along the slopes of existing rivers and creeks or in areas of badlands topography. They also stated that those types of areas should be avoided whenever possible. Since the ROWs corridor does pass through areas where landslide deposit features are common, an analysis is warranted.

Affected Environment

The 2002 USGS Landside Dataset as depicted on the 2009 NatHazMap.com Risk Map was reviewed. The assessment was supplemented by the ND Geologic Survey's on-line database which maps areas throughout the state in which identify as "Landslide deposits." This database was recently updated, including information from 2020. These maps can be used to identify areas vulnerable to slope failure; but they do not represent high risk areas for future landslides. They depict where LIDAR and aerial survey data indicates landsides in the past has already occurred.

A desktop review based on geographic information system mapping, Natural Resource Conservation Service soil map data, and topographic information identified two areas on NFS lands within 150 feet of the Project. See Table 13.

Two areas of note (Areas D & E) are located within the Project area and cannot be definitively eliminated based on generalized data. These areas were referred for an additional assessment which was conducted by Tetra Tech, Inc. in July 2020.

Table 3. Landslide Prone Areas

Area	Latitude & Longitude	Crossed by Project Route	Initial Determination
D	47.339739°, -103.901176°	Yes	Further Assessment Required
E	47.336974°, -103.905431°	Yes	Further Assessment Required

Impacts and Mitigation

The pipeline intersects two slopes on either side of a stream bed. The estimated slope angles were calculated as 9.3° for both areas. This angle is well below the angle of repose for a slope made-up entirely of dry sand and indicates slope stability. But, because the pipeline is to intersect this slope, possible sliding or slumping could occur as a result of soil disturbance, therefore a physical assessment of these sites was recommended.

Tetra Tech evaluated Area D & E and found, "The slope was ranked as a high potential for slope movement due to its steepness, observed gullies, and possible tension crack near the crest of the slope. The risk for potential impacts to the proposed South Bend pipeline at this location is also high due to the steepness of the slope and proximity to the observed slope features."

Areas D and E would be crossed via HDD. The depth and design of HDD would avoid impacts from any potential slope movement such as sliding or slumping.

Construction would occur by crossing Areas D and E utilizing HDD due to terrain and water crossings; the depth and design of HDD would help avoid impacts from any potential slope movement such as sliding or slumping.

Additional surveys would be conducted for Areas D and E by a qualified professional prior to construction. Potential geologic hazards along the construction ROW include seismic hazards, landslides, subsidence, and flooding. The majority of the Project area is located within relatively stable terrain. The Project has been designed to reduce risk and avoid impacts from landslides.

Table 4. Applicable project files documentation to support analysis available at: https://www.fs.usda.gov/project/?project=59260

Documentation Type
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
North Dakota Geological Survey (Anderson, F., January 11, 2021)

Agencies, Organizations, and People Consulted

The responsible official contacted or consulted with those listed below during the preparation of the EA in compliance with requirements to involve the public, relevant agencies, organizations, and governments. Two comments were received for the project. Please refer to Appendix B – Scoping Comments Summary.

Agencies

North Dakota Geological Survey
North Dakota Forest Service
North Dakota Industrial Commission, Oil and Gas Division
North Dakota State University Extension Service
North Dakota Department of Trust Lands
North Dakota Game and Fish
North Dakota Parks and Recreation
Lewis & Clark National Historic Trail
Theodore Roosevelt National Park
US Army Corps of Engineers
US Fish and Wildlife Service

Organizations/Businesses

Andeavor
Badlands Conservation Alliance
Continental Resources, Inc.
McKenzie County Grazing Association
Medora Grazing Association
Society of Rangeland Management, North Dakota Chapter
North Dakota Wildlife Federation
Sierra Club/Teddy Roosevelt Group
Minot Daily News

Whiting Oil and Gas Corporation
Wild Sheep Foundation

Native American Tribes
Spirit Lake Sioux Tribe
Standing Rock Sioux Tribe
Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara
Turtle Mountain Band of Chippewa

Elected Officials McKenzie County Commissioners

Individuals
14 private individuals with interest in NFS lands were contacted regarding the proposed project

Supporting Project Documentation

Table 55. Applicable project files documentation to support analysis available at: https://www.fs.usda.gov/project/?project=59260.

Documentation Type
Project Scoping Letter

DECISION NOTICE

South Bend Pipeline Project

U.S. Forest Service

McKenzie Ranger District, Dakota Prairie Grasslands
McKenzie County, North Dakota

Decision and Rationale

I have decided to authorize activities described in the Proposed Action.

The *South Bend Pipeline Environmental Assessment (EA)* documents the environmental analysis and conclusions upon which this decision is based. Based upon my review of the EA, I have decided to approve the issuance of a Special Use Permit to Bridger Pipeline, LLC (Bridger) for a 50-foot-wide temporary construction right-of-way (ROW) and 20-foot permanent ROW for production and maintenance of a crude oil pipeline system and related facilities as described in the Proposed Action in

Appendix A.

The pipeline would be constructed on the Little Missouri National Grasslands (LMNG), which are part of the Dakota Prairie Grasslands (DPG) managed by the U.S. Forest Service (USFS) in McKenzie County, North Dakota. The construction disturbance area would be approximately 115 acres on NFS lands, located within Townships 145 – 148, Ranges 100-104.

The purpose of the Project is to construct and operate a pipeline that reliably and efficiently transports crude oil produced in western and northwestern North Dakota to the Sandstone Station, near Baker, Montana which eventually connects into existing facilities at the Guernsey, Wyoming for further marketing and transportation nationally.

The DPG Land and Resource Management Plan has an objective to respond in a timely manner to applications for special use permits (LRMP pages 1-8). The DPG is responding to an application from Bridger Pipeline, LLC.

In making the decision to authorize a special use permit for the construction of the crude oil pipeline, I reviewed the environmental conditions and the impacts for the Proposed Action. I considered comments received from interested parties and how the Proposed Action: 1) met the purpose and need, 2) responded to the issue, and 3) addressed public comments.

The Proposed Action best meets the purpose and need of responding to a special use application and ensuring the protection of resources.

In the course of making my decision, I considered the LRMP and information provided by the USFS specialists. My decision includes evaluation of the following, included herein:

- The Finding of No Significant Impact Compliance with applicable laws and regulations.
- The EA documents the environmental analysis and conclusions upon which this decision is based.

Design features and requirements were developed based on standard operating procedures, DPG LRMP Standards and Guidelines, and other procedural direction to eliminate or mitigate potential impacts during project implementation. My decision includes the specific design features listed in **Tables 1 and 2** of the EA.

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:

Township	Range	Section
148	100	17
148	101	33, 34
147	101	4, 8, 17, 18, 19
147	102	25
146	102	4, 5, 7, 8, 18
146	103	13, 23, 24, 26, 33, 34
145	104	24, 25, 26, 26, 34, 35
145	103	4, 18, 19

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.

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; 701-842-8507.

LUCAS GRAF FOR

BENNIE H. SOUTH

Grasslands Supervisor

Biological Assessment
South Bend Pipeline

Prepared for:
Bridger Pipeline, LLC

KEITU
ENGINEERS & CONSULTANTS, INC.

August 2020

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1.0 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 across 19 miles of United States Forest Service (USFS) property land located within the McKenzie Ranger District of the Little Missouri National Grasslands (LMNG). The proposed route utilizes an existing utility corridor to the greatest extent possible, reusing previously disturbed Right-of-Ways (ROW)'S. 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. Site map is located in Figure 1.1.

Bridger contracted with Keitu Engineers & Consultants, Inc. (Keitu) to conduct a biological assessment of the proposed route located on USFS property to satisfy the requirements of the USFS McKenzie Ranger District. Keitu and contractors performed a botany and wildlife survey to determine the extent and/or existence of any threatened and endangered species that may occur within the project area in July through October and January of 2019, April, May, June, and July of 2020. The wildlife and habitat evaluation was conducted within a 1.2 mile *survey area,* 0.6 mile on either side of the proposed route. The construction corridor will be 100-feet wide and this will be known as the *Project Area.* Bridger plans to use modern trench construction methods to install the pipeline. The Dakota skipper (*Hesperia dacotae)* was found during an absence/presence survey. No other federally threatened or endangered species were found during field surveys.

Construction activities from the proposed Project must comply with the following:

- The United States Fish and Wildlife Service (USFWS) Endangered Species Act of 1973
- The Bald and Golden Eagle Protection Act of 1940
- The Migratory Bird Treaty Act of 1918
- The National Environmental Policy Act of 1969
- The Clean Water Act of 1972

The intent of this effort is to ensure that any activity does not jeopardize the occurrence of any federally listed threatened or endangered species and sensitive habitat.

The purpose of this biological assessment within the LMNG is to determine potential impacts to threatened and endangered wildlife and designated critical habitat associated within the study area that could result from the proposed project and associated activities. This determination is based upon evidence gathered during research and field inspection regarding the presence or absence of the species and potential habitat within the project and analysis area. The outcome of the study may prompt development of alternatives and mitigation in consultation with the USFS McKenzie Ranger District and the USFWS.

Determination categories considered for federally listed threatened and endangered species and include the following:

- No effect
- May affect, but not likely to adversely affect.
- May affect, and is likely to adversely affect.

A revised Biological Assessment would be necessary should the following conditions develop subsequent to the filing of this document:

- Additional information reveals action that may affect threatened, endangered, sensitive, or candidate species or designated critical habitat.
- The proposed project is modified and the modifications may affect threatened, endangered, or candidate species or designated critical habitat.

The species list enclosed in Appendix B is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed may be present in the area of a proposed action." The species list is provided by the North Dakota Ecological Services Office:

Listed Species

- Northern long-eared Bat (*Myotis septentrionalis*) – Threatened
- Least Tern (*Sterna antillarum*) – Endangered
- Piping Plover (*Charadrius melodus*) – Threatened
- Red Knot (*Caladris canutus rufa*) – Threatened
- Whooping Crane (*Grus americana*) – Endangered
- Pallid Sturgeon (*Scaphirhynchus albus*) – Endangered
- Dakota skipper (*Hesperia dacotae*) – Threatened

Designated Critical Habitat

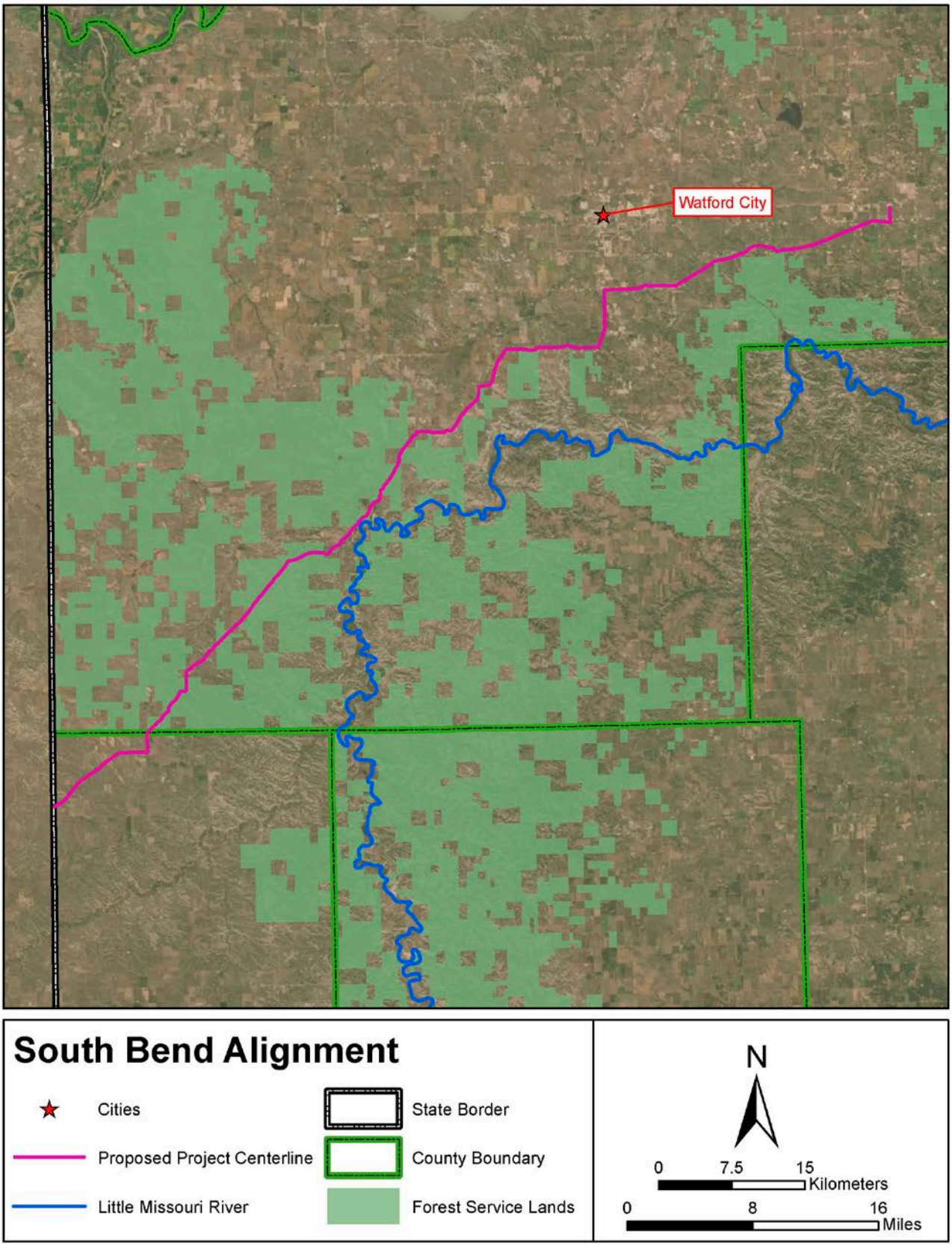
- No Designated Critical Habitat is located within the Study Area or "Action Area" as defined in Section 3.

1.1 MANAGEMENT DIRECTION

This Biological Assessment is prepared in accordance with legal requirements set forth under the National Forest Management Act, the Dakota Prairie Grasslands Land and Resource Management Plan, and Endangered Species Act, Sections 4(b)(2)(16 USC 1533) and 7 (16 USC 1536 (c)), and follows the standards established in 50 CFR Part 402-Interagency Cooperation-Endangered Species Act of 1973, the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 2342352353), the National Environmental Policy Act (42 U.S. 4321 et seq.), Executive Order 11990 "Protection of Wetlands" and Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds." Biological Assessments are done to determine if the project has potential effects on Federally Endangered Species Act (ESA) listed species. Per direction of the of the USFS 2020 Biological Survey and Reporting Guidelines, Biological Assessments need only to include information about ESA listed species.

The entire project footprint on USFS lands would occur within Management Area 6.1 – Rangeland with Broad Resource Emphasis. The Dakota Prairie Grasslands Management Plan (USFS 2002) state that "this area is primarily a rangeland ecosystem managed to meet a variety of ecological conditions and human needs. Ecological conditions will be maintained while emphasizing selected biological (grasses and other vegetation) structure and composition that considers the range of natural variability. These lands often display high levels of development, commodity uses, and activity; density of facilities; and evidence of vegetative manipulation." It directs that landscape fragmentation from road construction would be discouraged, that valid existing rights would be honored when development is proposed, and that management activities that contribute to a loss of ecological integrity will be discouraged. Oil and gas leasing and development would be allowed.

Figure 2.1 Project Overview Map



1.2 OBJECTIVE

An objective of the Dakota Prairie Grasslands (DPG) is to sustain and conserve the resources and ecosystems under their administration. The DPG has organized the lands under its administration into "Management Areas". These units of land are managed for a particular emphasis. The DPG has identified "Desired Conditions" for each of these areas.

The DPG directs that a Biological Assessment be conducted for the proposed action. This evaluates the potential effects or impacts of the action on listed species, designated critical habitat and determine whether any listed species or designated habitat are likely to be adversely affected or impacted by the proposed action.

2.0 DESCRIPTION OF PROPOSED PROJECT

2.1 SURVEY AREA SUMMARY

Table 2.1 Survey Information	
Company:	Bridger Pipeline, LLC
Company Contact:	Tom Litman – Land Supervisor
Address:	PO Drawer 2360 Casper, WY 82602-2360
Project Type:	Crude transmission pipeline
Legal Description:	See Table 1.2
County:	McKenzie
USGS Quadrangles:	Stock Butte, Red Wing Cree, Burning Mine Butte, Cinnamon Creek, Flat Rock Butte, Trotters SE, Trotters
Date of Field Survey:	Summer & Fall of 2019, Spring & Summer of 2020

Table 2.2 Legal Descriptions on USFS Lands		
Township	**Range**	**Section**
148	100	17
148	101	33, 34
147	101	4, 8, 17, 18, 19
147	102	25
146	102	4, 5, 7, 8, 18
146	103	13, 23, 24, 26, 33, 34
145	104	24, 25, 26, 34, 35
145	103	4, 18, 19

2.2 DESCRIPTION OF PROPOSED FACILITY

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 975 acres, of which, about 229 acres are National Forest System Land. The steel pipe utilized for construction of the Project will meet United States Department of Transportation Department of Transportation 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).

2.3 PURPOSE OF PROPOSED FACILITY

The purpose of the Project is to transport crude oil produced in western and northwestern North Dakota to the Sandstone station, near Baker, Montana, eventually connecting into existing facilities at the Guernsey, Wyoming market for further marketing and transportation nationally. Currently, pipeline infrastructure is unable to meet the demand for oil and gas export from North Dakota.

The Project will provide needed capacity to transport increased petroleum from western North Dakota where oil production is expected to increase until 2025[1].

The Project will add: (1) additional pipeline shipping capacity in North Dakota; (2) more access to liquid market options for Bridger customers; and (3) a pipeline transportation alternative to trucking or railing crude oil to other shipping points and markets.

2.4 PREFERRED LOCATION

The Project originates at the Johnson's Corner terminal in McKenzie County, and runs 142 miles to Bridger's Sandstone station which is located near Baker, Montana. Approximately 76 miles of pipe will be located in North Dakota with approximately 19 miles on USFS land. The pipeline interconnects with Bridger facilities at Bicentennial station and Wilson station.

A majority of this Project will parallel existing utility corridors and pipelines in order to avoid or minimize potential environmental and human impacts associated with installing a new pipeline. Thirteen miles of the proposed corridor from Bicentennial Station to the Montana border will be adjacent to an existing Belle Fourche Pipeline Company corridor permitted in 1978 which is currently in operation.

Underground pipelines minimize potential impacts on human and animal welfare. Construction of the Project is expected to cause short term disruption to the environment, but will not result in long-term changes to the environment.

The current pipeline route is designed to parallel existing underground utilities and pipelines, and limit impacts to land and waterbodies. A new route is not a preferred alternative to the Project because it would create new environmental impacts.

Other alternatives considered would be closer to, or across major waterbodies and/or would stray from existing utility corridors and previously disturbed lands.

[1] U.S. Energy Information Administration, "U.S. Crude Oil Production to 2025: Updated Projection of Crude Types," *available at* https://www.eia.gov/analysis/petroleum/crudetypes/pdf/crudetypes.pdf (accessed February 28, 2020).

2.5 Construction Timeline

Construction is expected to begin 4th quarter 2020, contingent on permit approvals. Construction for the Project is anticipated to last approximately six to eight months after construction begins. Bridger anticipates placing the pipeline in service by the end of 2021 or as soon as construction and testing is complete.

2.6 Description of ROW Preparation and Construction and Reclamation Procedures

The construction ROW will be cleared, grubbed, and graded to allow for pipeline construction. Soil segregation will be completed to standard operating procedures. All trenching will be performed mechanically with either an excavator or a ditching machine to a depth allowing a minimum of four feet from the top of the pipe to the top of the cover. When rock is present, an excavator with rock teeth will be used. Boring and horizontal directional drilling pipe installation will be performed if crossing under a road, railroad, pipeline/utility, waterbody or other sensitive areas, or areas where trenching is deemed unsafe or impractical. Casing of the pipelines will not be used because it leads to corrosion issues. Typically, the ROW will be continuously cleared of all construction material, uncovered rocks, and compacted areas. Holes and ruts will be filled and graded. Reclamation of the ROW will be completed at the end of the pipeline construction.

2.7 Width of Right-of-Way

The Project's construction ROW is approximately 100 feet wide. Additional temporary work space may be necessary during construction, maintenance, and inspection in areas such as steep slopes, and areas adjacent to streams and road crossings, for safety reasons, and construction activities associated with these features.

Bridger will notify landowners during normal operating modifications or maintenance to the Project that is carried out within the 50-foot permanent ROW of the existing pipeline. The width of the ROW was established based on the need to provide adequate space and line separation for construction and future line maintenance.

2.8 Size and Design

Construction of the Project will involve the installation of 16-inch nominal diameter, steel, API-5L, FBE coated, Grade X-52 ERW Line Pipe with a nominal wall thickness of 0.312 inches. Bore pipe will have a nominal wall thickness of 0.5 inches. The maximum operating pressure (MOP) of the pipeline will be 1,440 pounds of pressure per square inch gauge (psig). Average operating pressure will be 600-800 psig.

Valves will be 16-inch ANSI 600 manufactured in accordance with American Petroleum Institute (API) Standard 6D "API Specification for Steel, Gate, Plug, Ball and Check Valves for Pipeline Service." Valves will be installed pursuant to United States Department of Transportation (US DOT) regulations. The MOP of the valves will be 1,440 psig or greater. The pipeline operates at or near ambient temperature.

The Project is designed and will be operated in a manner that meets or exceeds state and federal engineering, safety and operational design standards.

2.9 ABOVEGROUND FACILITIES

The Project's segments will be buried underground. Surface structures are limited to pipeline markers, rectifier sites, pig launchers and receivers, and block valves. Some small fenced-in enclosures will be installed to house associated power, communication, and control systems to allow valves to be operated remotely.

Initially, two pumps and a launcher will be installed at the existing Johnson's Corner Terminal and two operational pumps, a pig launcher, and receiver will be installed at the existing Bicentennial Station. Both are existing station sites.

The Project will have 19 block valves, eight of which will be located in North Dakota. A pig launcher will be located at Johnson Corner Station and the 19 block valves are located midline. See Appendix A for valve locations.

2.10 TESTING OPERATIONS

The pipeline will be hydro-tested in accordance with the Pipeline and Hazardous Materials Safety Administration part 195 regulations prior to being placed into service. Test operations will occur following construction of the proposed Project.

2.11 TRAINING AND UTILIZATION OF IN-STATE LABOR

During construction, skilled and unskilled labor, both local and non-local, will be employed to construct the pipeline. Bridger, as operator of the Project, has established a comprehensive orientation, technical, safety, emergency, and on-the-job training program that is in compliance with the Operator Qualification rules issued by PHMSA under 49 C.F.R. Part 195. As personnel progress in pipeline operation and maintenance positions, they receive hundreds of hours of formal and on-the-job training. Demonstrations of competence are shown through reviews of job performance, periodic pipeline control system simulations, emergency exercises, welding certification tests, and other functions required to continue safe pipeline operation and maintenance.

2.12 TECHNOLOGY TO BE DEPLOYED/EMPLOYED

The Project will be designed, constructed, maintained, and inspected to the US DOT Pipeline and Hazardous Materials Safety Administration regulations utilizing industry standards and company policies. The system will be controlled and monitored 24 hours a day, 7 days a week, and 365 days a year by trained control room personnel. Additionally, the system will be equipped with a monitoring and alarm system that continuously monitors the flow and pressure of the system and readily signifies anything outside normal operating conditions.

2.13 MONITORING IMPACTS

Any construction-related impacts will be mitigated through the use of best management practices, appropriate construction techniques, and environmental inspection during and following completion of construction. Following construction, a thorough inspection will be performed to ensure restoration efforts were successful. Monitoring and treatment of noxious weeds and/or invasive species will be conducted on an annual basis to ensure a high degree of control and maximize treatment effectiveness.

2.14 POLICIES AND COMMITMENTS TO LIMIT ENVIRONMENTAL IMPACT

Bridger Pipeline LLC and Belle Fourche Pipeline Company are both part of the True companies of Casper, Wyoming. True companies operates pipeline systems in western North Dakota, eastern Montana and Wyoming. The True companies have been family owned and operated since 1948, and now have over 1,000 employees in Wyoming, Colorado, Montana, North Dakota, Utah, Texas, Louisiana, Mississippi, New Mexico, Missouri, Oklahoma and Arizona.

Bridger works to protect the environment, home to its employees and customers. Protection of the environment is an integral element in the conduct of Bridger. Environmental protection efforts will span the entire Project, from planning through construction, and into full operation.

The major causes of pipeline leaks in the United States are corrosion (both internal and external), excavation damage, pipe and weld failure, incorrect operations, or natural causes (e.g. floods or outside force). To prevent these categories of failures, Bridger will improve or maintain the Project to meet or exceed industry and governmental requirements and standards. Specifically the steel pipe meets US DOT Pipeline and Hazardous Material Safety Administration federal codes under 49 CFR Part 195 (referred to hereafter as PHMSA regulations) and follow standards issued by the American Society of Mechanical Engineers, National Association for Corrosion Engineers and API. As a safety factor, the Project is designed to withstand pressures over and above its normal operating pressures and will operate according to codes and regulations. All pipe is inspected and integrity-tested at the factory and transported per the highest technical standards. PHMSA conducts regularly scheduled field inspections of the pipeline facilities during construction and operation to ensure compliance with federal regulatory requirements, including the integrity testing of the pipeline through the use of internal inspection devices.

The pipeline will be subjected to careful testing to verify its integrity and compliance with specifications. The line is subjected to hydrostatic testing per DOT/PHMSA regulations to an accurate and safe maximum allowable operating pressure.

As previously mentioned, the pipeline will be maintained and inspected according to PHMSA regulations, industry codes and prudent pipeline operating techniques and will continue to be examined under the same scrutiny. All of Bridger's mainline liquids pipelines are externally coated to resist corrosion, internally inspected at regular intervals using in-line inspection technology, and equipped with a cathodic-protection system to prevent external corrosion. Bridger's cathodic protection system and internal inspection program were implemented prior to these techniques becoming a regulatory standard.

The Bridger System ROWs are patrolled and inspected by air at least every three weeks but not less than 26 times per year to watch for abnormal conditions or dangerous activities, e.g., unauthorized excavation, along the routes of the lines. Bridger also conducts extensive public education and outreach programs that meet or exceed industry (API Recommended Practice 1162) and PHMSA (49 CFR 195.440) requirements concerning public awareness of pipelines and pipeline-safety matters. All Bridger lines are marked with signage and warnings, per federal regulations, at road and highway crossings, railroad crossings, and other locations to alert the public to the presence of underground lines and to provide information, contact numbers, and emergency data.

Pipeline workers and contractors performing critical tasks are qualified under Occupational Safety and Health Administration safety standards and PHMSA "operator qualification" rules and are subjected to federal drug and alcohol testing requirements. Bridger meets, and often exceeds, these requirements so that human error in construction and operation is minimized.

2.14 MITIGATION MEASURES INCORPORATED INTO THE PROJECT

2.14.1 Construction Housekeeping

Bridger requires its construction contractors to clean up personal litter, bottles, and paper deposited by ROW preparation and construction crews on a daily basis. Waste and scrap produced during construction is always removed and properly disposed of in accordance with applicable regulations prior to the completion of construction.

Bridger will obtain all applicable permits for road crossings. Bridger will also obtain permission from all owners of private roads, including oil lease roads, to cross said roads. Temporary signs will be posted at each crossing as appropriate to alert motorists of construction activity. Improved roads will be bored, minimizing interference with traffic flow caused by construction activities.

2.14.2 Measures to Protect Terrain and Geological Resources

Bridger will restore the area affected by construction to pre-construction contours to the greatest extent practicable. Measures such as slope breakers, erosion control blankets, and re-vegetation may be employed to maintain the stability of slopes along the ROW. No crown of backfill material will be left over the trench in wetlands.

Restoration following construction will be compatible with the safe operation, maintenance, and inspection of the Project.

Fuel and all other hazardous materials will be stored in accordance with the requirements of the contractor's SPCC Plan, if applicable. The SPCC Plan will describe response, containment, and cleanup measures. However, even for small quantities of oil-based liquids, containers and fueled equipment will not be stored within 100 feet of surface water.

2.14.3 Measures to Protect Soils

During construction or maintenance activities, temporary erosion and sedimentation control measures may include installation of silt fence, straw bales, slope breakers, trench breakers, erosion control fabric and mulch, in any areas of the Project deemed susceptible to soil erosion.

2.14.4 Measures to Protect Vegetation and Wildlife

Bridger and its contractors will effectively control or limit the spread of invasive plant species through control treatments and avoiding existing populations where possible. Treatments will be initiated prior to activity to disperse propagules in the area of disturbance. Monitoring and treatment should then be conducted on an annual basis to ensure a high degree of control and maximize treatment effectiveness.

Operation of the pipeline is not anticipated to significantly affect terrestrial wildlife, fisheries resources, or other aquatic species.

Shelter belts and trees will be protected by Bridger to the extent possible in a manner compatible with the safe operation, maintenance, and inspection of the pipeline.

Extensive consultation occurred with staff members from the USFWS beginning in August 2019. Based on the recent results from the last field surveys in the near vicinity of this Project, the following mitigation

measures were developed by previous consultation with the USFWS and will be undertaken by Bridger before and after the construction of the proposed project:

- Where horizontal directional drilling (HDD) i.e. bored crossings underneath habitat is required, design the bore to sufficient additional depth to minimize the risk of a drilling mud "frac out" from occurring.

- Have suitable response equipment/spill trailer on standby for immediate response, should it be required.

- Actively mitigate dust from construction activities.

- A biologist familiar with designated wildlife and sensitive plant species mark the boundaries of potential habitat with visual barriers such as snow fence prior to start of construction activities.

3.0 SITE LOCATION AND DESCRIPTION

3.1 AREA SURVEYED

The study area or "action area" included the wildlife and Dakota skipper habitat search comprised of a minimum 1.2-mile corridor, .6 mile (1km) on either side of the proposed route, for a total of approximately 229 acres on USFS property. The evaluation corridor was narrowed when deemed necessary or appropriate by the terrain. The study area is the 1.2-mile corridor. The construction corridor for the proposed project will be 100-feet-wide. The 1.2-mile study area was determined a necessary width due to Dakota skipper habitat survey guidelines.

McKenzie County is located in western North Dakota in the Missouri Plateau Section of the Great Plains Province. The major drainage is the Little Missouri River. See Table 1.2 for the proposed project location on USFS property. See Figure 1.1 for Site Location Map. The proposed route runs adjacent to roads and existing utilities as much as practicable.

3.2 WATERBODIES

Bridger, through its consultants, conducted a desktop survey using aerial photographs, U.S. Geological Survey (USGS) topographic maps, and the USFWS National Wetland Inventory to identify wetlands within the Project Corridor.

The Project crosses four named creeks and 31 other drainages or unnamed streams according to USGS – National Hydrography Dataset. The table below describes the location of the named creeks within the Project Corridor. See the Mapbook in Appendix A for the location of the wetland and waterbodies.

Table 3.1
Creeks within Construction Corridor

Creek Name	Width (Feet)
Bowline Creek	12.28
Cedar Creek	8.75
Poker Jim Creek	3.57
North Fork Smith Creek	18.96

Construction of the Project will not result in the permanent drainage or filling of wetlands or waterbodies. Bridger will HDD any waterbodies with standing water and adjacent wetlands in the Project Corridor. Bridger will also HDD waterbodies or treed areas at landowner's request.

3.2.1 Wetland & Waterbody Impacts

The primary impact of pipeline construction on waterbodies are spill and leaks of contaminants and increased sedimentation into waterways from soil disturbance. The effects of sedimentation can alter the survival, behavior, abundance, diversity and structure of aquatic and species that use wetlands and waterbodies. High levels of sediment can suffocate and kill fish during the egg stage.

3.2.2 Wetland & Waterbody Impact Mitigation

During construction or maintenance activities, temporary erosion and sedimentation control measures may include installation of silt fence, straw bales, slope breakers, trench breakers, erosion control fabric and mulch, in any areas of the Project deemed susceptible to soil erosion. Bridger will implement a Stormwater Pollution Prevention Plant and Erosion Control Plan. These documents will be completed prior to construction and will be onsite during the lifetime of construction. These measures will help prevent sediment washing into drainages, creeks, wetlands, and waterbodies.

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. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

3.3 Development Activities in the Action Area

The entire project footprint on USFS lands occurs within Management Area 6.1 – Rangeland with Broad Resource Emphasis. The Dakota Prairie Grasslands Management Plan (USFS 2002) state that "this area is primarily a rangeland ecosystem managed to meet a variety of ecological conditions and human needs. Ecological conditions will be maintained while emphasizing selected biological (grasses and other vegetation) structure and composition that considers the range of natural variability. These lands often display high levels of development, commodity uses, and activity; density of facilities; and evidence of vegetative manipulation." It directs that landscape fragmentation from road construction would be discouraged, that valid existing rights would be honored when development is proposed, and that management activities that contribute to a loss of ecological integrity will be discouraged. Oil and gas leasing and development would be allowed.

The Dakota Prairie Grasslands Management Plan includes oil and gas development on USFS lands therefore ongoing mineral activities have been occurring in the past and are expected to occur in the future within the study area. Western North Dakota oil production is expected to increase until 2025 and the capacity is needed to transport increased petroleum production out of the region.

Bridger has consulted with federal, state, and local agencies regarding the Project. As a result of these consultations, Bridger was not made aware of any current or future developments of natural resources in the area that would affect the proposed Project.

4.0 METHODOLOGY

4.1 EXISTING DATA

Investigations were conducted on potential impacts the proposed Project could inflict upon plant and wildlife species and their habitat, including wetland habitats. Information was gathered from a variety of sources to compile the existing conditions of plant and wildlife within the proposed route. Sources included the USFWS list of threatened and endangered species that could occur in North Dakota, USFWS list of threatened and endangered species and designated critical habitat that could occur within the project area, the USFWS Information, Planning, and Conservation System (IPaC) Species List (Appendix B), The DPG rare species Geographic Information Systems (GIS) database, The North Dakota Parks and Recreation Department was consulted requesting historic and potential occurrences of listed species in the analysis area, and the North Dakota Game & Fish. Other information was also obtained from literature reviews, USFWS National Wetlands Inventory (NWI) Data, United States Geological Survey topographic maps, aerial photographs, field surveys, and personal communications with the USFS, McKenzie Ranger District.

Prior to the field work, wildlife and plant characteristics and their habitats were studied to aid in field recognition.

The intent of this effort is to ensure that any activity does not jeopardize the occurrence of any federally listed threatened or endangered species and sensitive habitat.

4.6 FIELD ASSESSMENT

Site conditions (plant and wildlife) were evaluated during on-site visits in Summer-Fall of 2019 and Spring-Summer of 2020 by Karine Finken, Zachary Peterson, Mathew Finken and Samantha Bussman of Keitu. The proposed Project area was walked to examine and determine the occurrence or nonoccurrence of plant and wildlife species.

The surveys were conducted along the proposed pipeline route in McKenzie County, North Dakota. Keitu surveyors conducted a thorough inspection within the 1.2 mile wildlife study area described in Table 2.1.

Field data was recorded with a Trimble GEOXH 6000 Series handheld GPS and photographs were taken throughout the survey corridor.

Analysis within the survey corridor included complete inspection for plant species, wildlife species, habitat components required to support wildlife species, and noxious weeds. Plant species, noxious weeds, and wildlife species were identified in the field and mapped using ESRI GIS. Any unknown species were photographed, documented, and collected if determined to not be sensitive; then later identified using state-wide literature and personal communications. Knowledge of species and species habitat were used to make a justified determination on the potential effects that may occur from the proposed Project.

4.7 INSTALLATION

Bridger will use standard pipeline trenching practices for installation. The installation is expected to put the pipeline in the ground at a minimum depth of 4 feet and impact a surface width of about a 100 foot. After installation, the displaced soil will be returned and seeded with certified weed free native seed mix.

5.0 VEGETATION

Field surveys were conducted to determine the presence or absence of habitat necessary to support wildlife species. The project area was traversed on foot and all-terrain vehicle. All habitats likely to be disturbed by the proposed project were systematically surveyed.

Within the project area, the survey intensity was a vegetation-based complete search. Searches were intensified in areas where plant species that were desirable for wildlife habitat were suspected to occur. In cases where vegetation was more homogeneous, the survey intensity became more intuitively controlled.

Within the project area, prominent plant communities and invasive plant species were mapped and described. A complete species list of the area was compiled during the evaluation. Any unknown species were photographed, documented, and collected if determined to not be sensitive; then later identified using state-wide literature and personal communications. The majority of the species were distinguished based on field recognition.

Field data was recorded with a Trimble GEOXH 6000 Series handheld GPS and photographs were taken throughout the survey corridor.

5.1 VEGETATION COMMUNITIES

The analysis area lies within the Little Missouri Badlands Ecoregion. The project is located within the mixed grass prairie province. The proposed route has a strong component of reclamation grasses and non-native species such as crested wheatgrass and smooth brome with yellow sweet clover as the dominant forb. Over half of the proposed right-of-way appeared to already been previously disturbed by past pipeline installations and/or heavy grazing.

5.1.1 NOXIOUS WEEDS

The proposed Project will generate temporary effects on portions of the terrain through landscape modifications, thus providing a possibility of an introduction of noxious weeds and invasive species. Noxious weeds can out-compete desirable forbs and grasses in pastures, fields, and native grasslands, reducing biodiversity. There were eight noxious or exotic species found in the survey corridor. See Appendix A.

Table 5.1
Noxious/Exotic Forb Species Found

Scientific Name	Common Name	State/County where Noxious or other Status
Cirsium arvense	Canada Thistle	ND State
Elaeagnus angustifolia	Russian Olive	USFS Exotic
Hyoscyamus niger	Black Henbane	McKenzie
Melilotus officinalis	Yellow Sweet Clover	USFS Exotic
2020 USDA LMNG, 2020 ND Dept. of Agriculture		

Table 5.2
Noxious/Exotic Grass Species Found

Scientific Name	Common Name	State/County where Noxious or other Status
Agropyron cristatum	Crested Wheatgrass	Non-native invasive
Bromus inermis	Smooth Brome	Non-native invasive

Table 5.2 Noxious/Exotic Grass Species Found		
Scientific Name	**Common Name**	**State/County where Noxious or other Status**
Bromus tectorum	Downy Brome / Cheatgrass	Non-native invasive
Poa pratensis	Kentucky bluegrass	Non-native invasive
2020 USDA LMNG, 2020 ND Dept. of Agriculture		

5.1.2 Native Vegetation

Native vegetation was found throughout the survey area. The native species commonly found were, sideoats, blue grama, and fringed sage.

The USDA MLRA Explorer Custom Report for the Rolling Soft Shale Plain of the Northern Great Plains Spring Wheat Region states the area supports natural prairie vegetation characterized by western wheatgrass, needle-and-thread, green needlegrass, blue grama, and threadleaf sedge. Little bluestem and sideoats grama are important species on sloping, shallow soils. Big bluestem and sideoats grama, along with scattered green ash, chokecherry, and western snowberry, are important species in swales. North Facing slopes support Rocky Mountain juniper, green ash, and chokecherry and an understory of little bluestem, porcupinegrass, and needle-and-thread. See Appendix C – Plant Species Identification Checklist.

5.3 Disturbance in Vegetation

Vegetation recovery following construction is influenced by the surrounding undisturbed adjacent plant community. If the adjacent plant communities are filled with non-desirable species it can be difficult to establish native plantings along the ROW. Restoration efforts after construction to reseed the ROW are important to establish desired species. Construction and subsequent restoration does provide opportunities for invasive species to establish.

Figure 5.1 - displays a stretch of mixed grassland on USFS lands typical of the survey corridor not next to a road.

Figure 5.2 - shows the right-of-way (ROW) of dense grassland with non-native grasses. Crested wheatgrass and smooth brome are the dominant non-native grasses that were found.

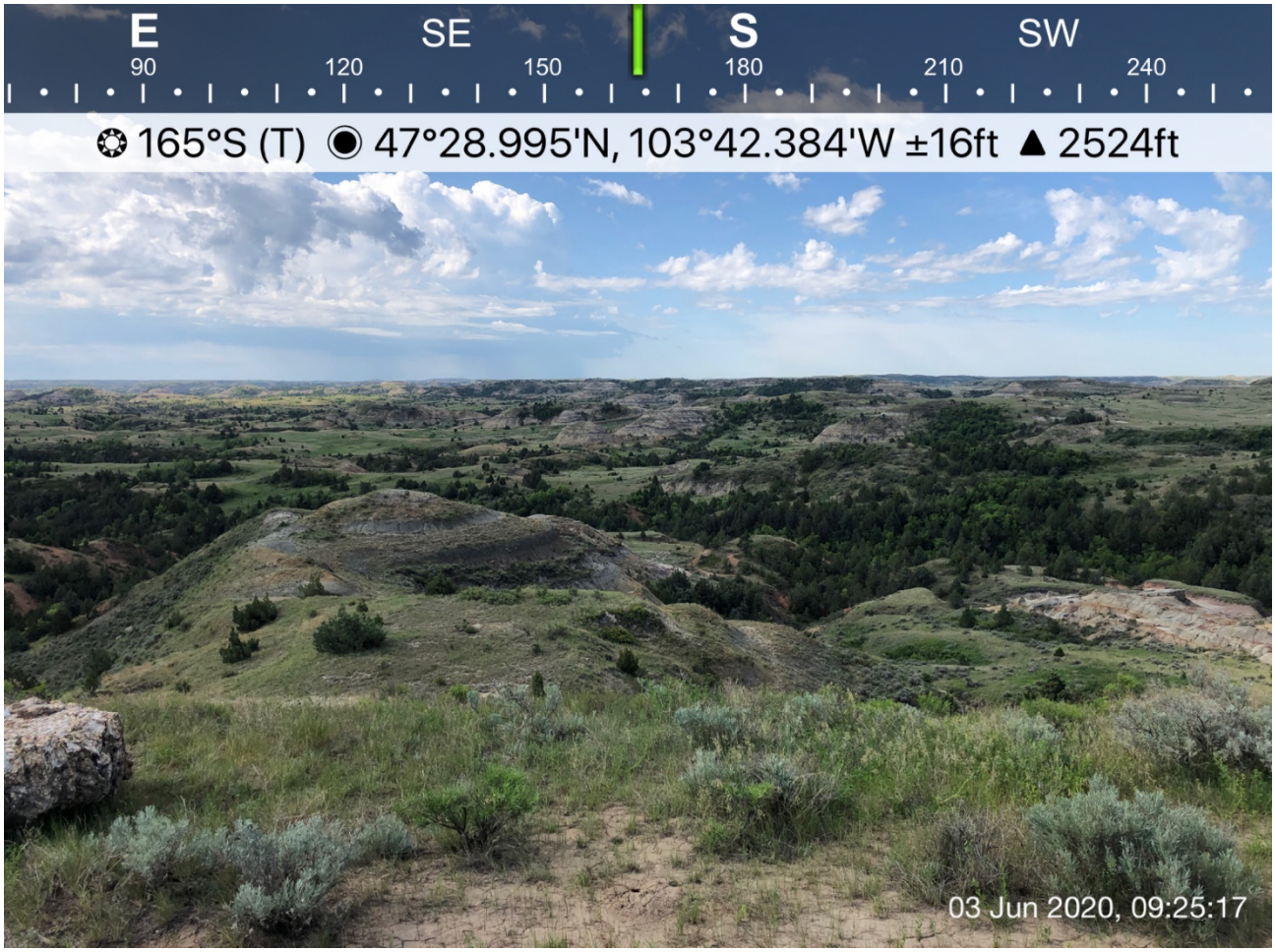


Figure 5.3 - shows typical hilly terrain with native species on the hill tops with wooded drainages/hillsides on USFS lands.

6.0 WILDLIFE

Field surveys were conducted to determine the presence or absence of wildlife and habitats to support wildlife. Habitats within and near the immediate area of the proposed activities were evaluated. Surveys were conducted on foot and all-terrain vehicle. Observations were aided by binoculars. Aerial photographs and historical records were used prior to field survey to assess potential for wildlife species and habitat to support wildlife.

The USDA MLRA Explorer Custom Report for the Rolling Soft Shale Plain of the Northern Great Plains Spring Wheat Region states the area supports mule deer, white-tailed deer, antelope, coyote, prairie dog, jackrabbit, reptiles, amphibians, sharp-tailed grouse, hawks, turkeys, and grassland birds of various species.

6.1 Federally Listed T&E Wildlife Species Effects Determination

The following are federally listed Wildlife Threatened and Endangered Species listed from the USFWS Information and Planning Consultation tool for the proposed project area.

TABLE 6.1 FEDERALLY LISTED T&E WILDLIFE SPECIES EFFECTS DETERMINATION				
Species	**No Effect**	**May Affect, Not Likely to Adversely Affect**	**May Affect, Likely to Adversely Affect**	**Beneficial Effect**
Endangered Species				
Interior Least Tern		**X**		
Pallid Sturgeon	**X**			
Whooping Crane		**X**		
Threatened Species				
Dakota Skipper		**X**		
Northern Long-eared Bat		**X**		
Piping Plover		**X**		
Red Knot		**X**		
Information provided by the USFWS IPaC 2019				

6.1.1 Interior Least Tern

The interior least tern prefers to nest in sparsely vegetated sandbars and sandy islands. During breeding season, approximately 100 pairs are found along the Missouri and Yellowstone River. The interior least tern population winters along the Gulf of Mexico and the Caribbean Islands. Breeding season for this species is from May through August and high nesting potential occurring from June to mid-July. The Yellowstone River is 20 miles northwest of the project and the Missouri River is 12.5 miles to the east. Interior least tern detections are distributed over 11 counties in North Dakota. Records of interior least tern in interior McKenzie County are rare. Nests are identified by their scratched out bowl shaped depressions in barren sand. No interior least terns or active nesting sites were observed during the field survey.

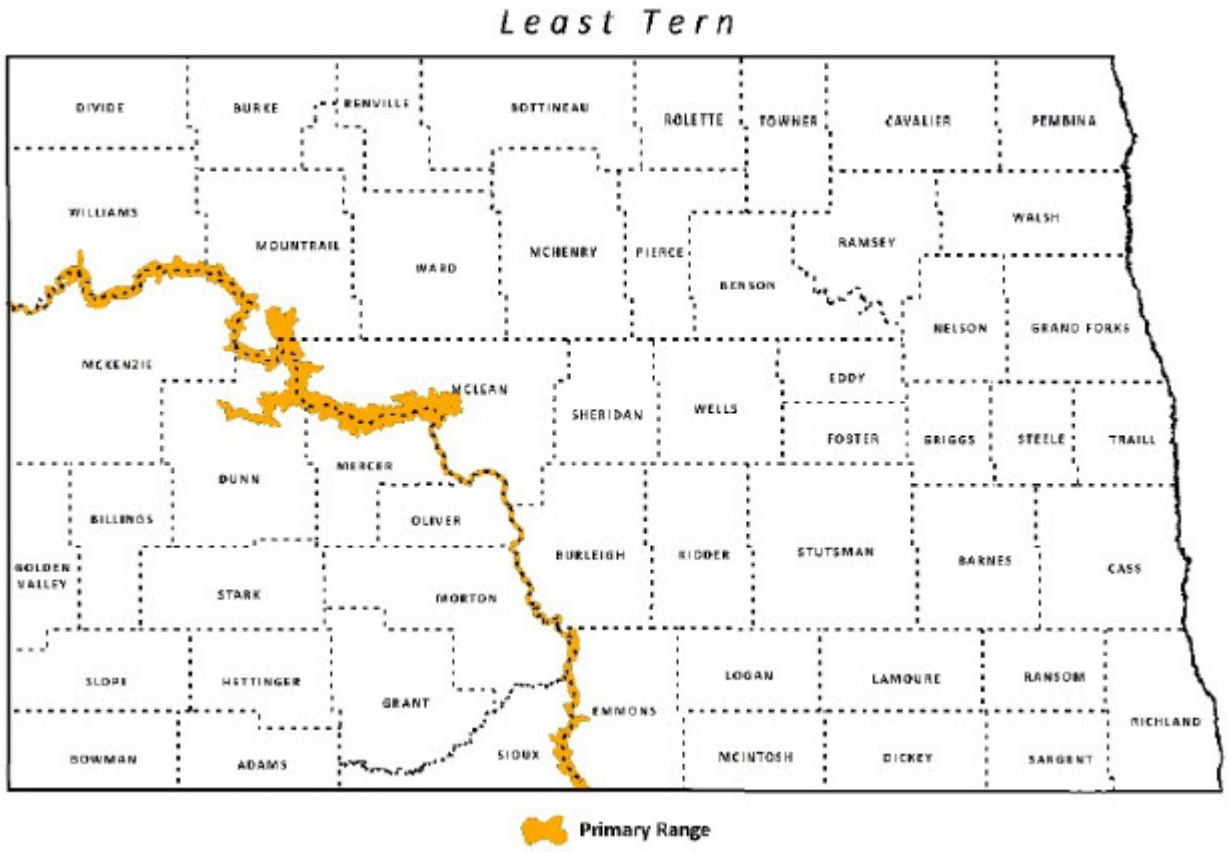
The numbers and distribution of interior least terns have steadily increased. They currently number approximately 18,000 total birds with an estimate of approximately 100 breeding pairs in North Dakota.

The primary reason for ESA designation was the alteration of the natural Missouri River stream flow from dam construction and river channelization. The damming and channelization has destroyed or degraded sandbar habitat and altered food source populations. Other threats to the interior least tern is encroachment of woody vegetation onto sandbar nesting habitat and recreationists destroying nests.

Direct impacts may happen if construction timing occurs during migration season. Bridger is HDDing all wetlands with water present, riparian areas, streams and creeks. Despite Bridger's commitment to minimize impacts to wetlands, noise from construction could create a direct impact to adjacent wetlands. The chance for construction impacts are minimal due to the inconsistent stopover habitat in western North Dakota and the species nesting habitat on major river systems. Indirect contact could occur through chemical spill, such as fuel or hydraulic fluid for equipment used in construction, and excess erosion; debris and/or chemicals may work their way downslope into the wetlands, impacting potential interior least tern stopover habitat. Human activity may disturb interior least terns if they use the area for stopover habitat.

The nearest Designated Critical Habitat is approximately 12.5 miles east of the Project. No interior least terns or active nesting sites were observed during the field surveys. The proposed corridor does not contain suitable sandbar, and gravel shoreline nesting areas and the project does not occur along the Missouri or Yellowstone Rivers; therefore, the proposed Project corridor does not support the appropriate nesting habitat for this species. Effects from the proposed project are expected to be insignificant, or discountable for the lack of habitat within the action area and conservation measures Bridger will put in place. The proposed Project may effect, unlikely to adversely affect the least tern or their critical habitat.

6.1.1.a Interior Least Tern Distribution



Provided by the North Dakota Game & Fish

6.1.1.b Interior Least Tern Conservation Measures

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. In the case of an incidental release the shortest length of flow would be 14.5-miles to the Missouri River. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

6.1.2 Pallid Sturgeon

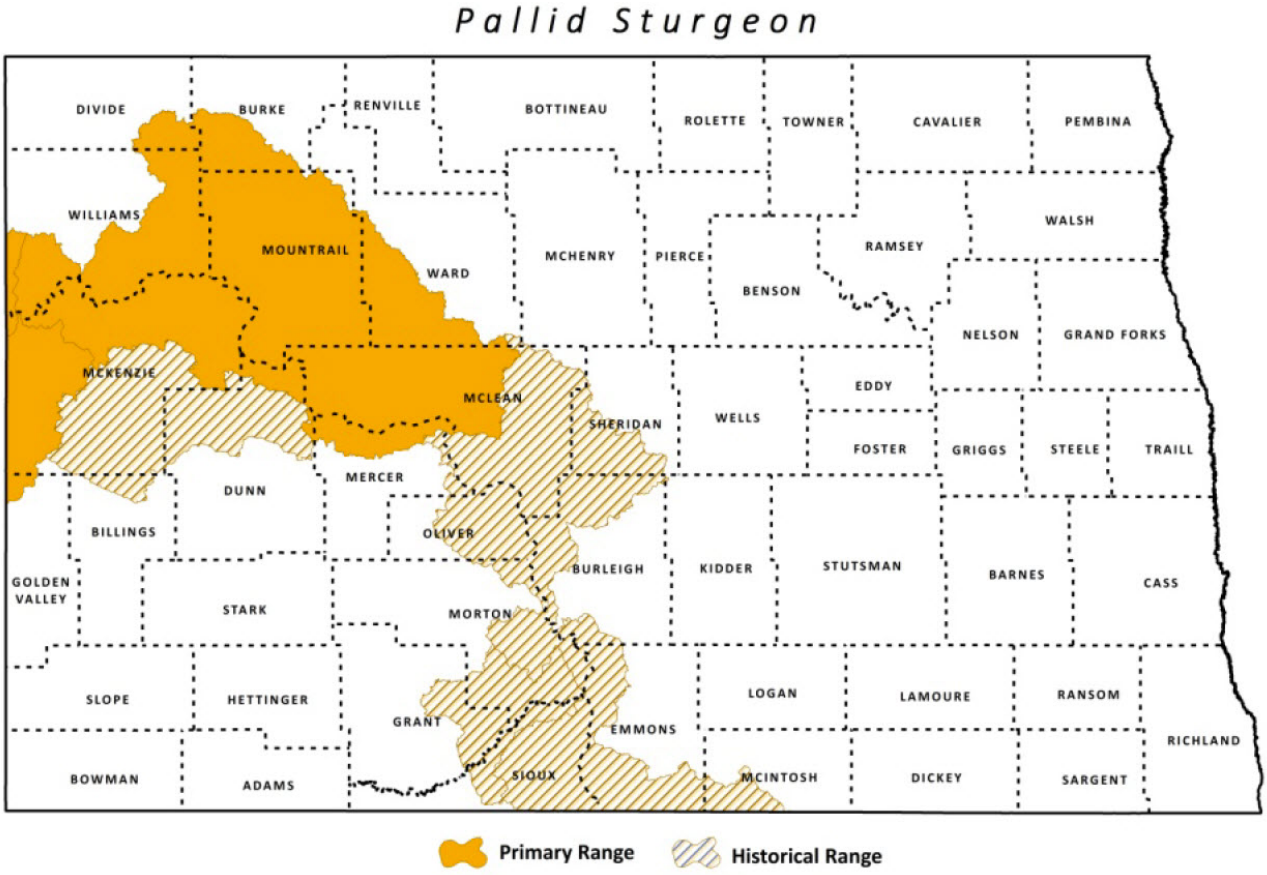
Pallid sturgeons inhabit the bottoms of large, shallow, silty rivers with sand and gravel bars of the Missouri and Yellowstone Rivers in North Dakota. Pallid sturgeon detections are distributed over 11 counties in North Dakota. The proposed project does not cross any waterbodies. The Yellowstone River is 20 miles to northwest of the project and the Missouri River is 12.5 miles to the east. No pallid sturgeons were observed during the survey. The Study Area does not encompass the Missouri and/or Yellowstone Rivers or shallow rivers with sand or gravel bars, to provide suitable habitat for this species.

The primary reason for ESA designation was the alteration of the natural Missouri River stream flow from dam construction and river channelization. Dams have created fragmentation of the population. The managed water releases from impoundments in the Missouri River System have additionally impacted the pallid sturgeon. Flows are managed to be reduced in the spring and then increased later in the summer. This is the opposite of historical river flows which has impacted reproduction, larval fish rearing, and food supplies.

An estimated 1,600 to 5,750 in wild pallid sturgeon exist in the United State with 125 in North Dakota. (The Pallid Sturgeon Recovery Program, 2020). Supplemental hatchery-reared pallid sturgeon stock is occurring throughout the Missouri River and Mississippi River.

At this time there is no designated critical habitat for the pallid sturgeon. The proposed Project will have no effect on pallid sturgeons.

6.1.2.a Pallid Sturgeon Distribution



Provided by North Dakota Game & Fish

6.1.2.b Pallid Sturgeon Conservation Measures

All equipment maintenance, repairs, and refueling will be performed in upland locations at least 100-feet from all water bodies. All equipment will be parked overnight at least 100-feet from a watercourse. Equipment will not be washed with water draining into 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. In the case of an incidental release the shortest length of flow would be 14.5-miles to the Missouri

River. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into a watercourse that could discharge into the Missouri River.

6.1.3 Whooping Crane

The whooping crane migrates through the west central counties of North Dakota during the spring months of April through May and the fall months September through October. Primary breeding grounds are located at Wood Buffalo National Park in Canada's Northwest Territories and migrate to Aransas National Wildlife Refuge in Texas. Whooping crane detections are distributed over all 53 counties in North Dakota. Whooping cranes prefer shallow wetlands, such as prairie potholes, associated with cattails, bulrushes, and sedges and feed in cultivated fields. No whooping cranes were observed during the field survey. Cultivated land does exist within the survey corridor; however, wetland habitat is sparse.

They currently number approximately 826 total birds with 159 in captivity. The Wood-Buffalo/Aransas Flock that migrates through North Dakota has a population of 504 as of February 2020 (USFWS, 2020).

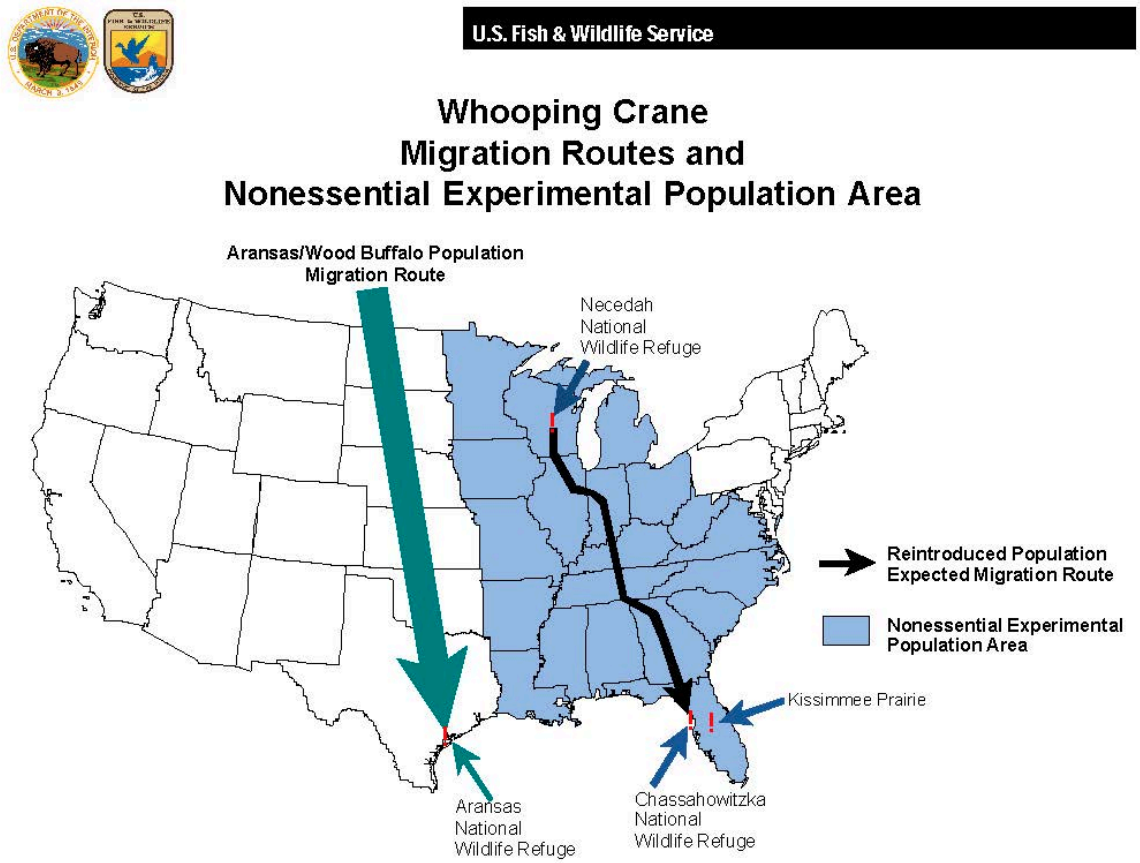
The Yellowstone River is 20 miles northwest of the project and the Missouri River is 12.5 miles to the east. Suitable feeding wetland habitat is not present in the analysis area. Records of whooping crane stopovers in interior McKenzie County are rare. The whooping crane population that migrates through the state is slightly over 200, therefore, foraging and roosting stops during migration is unlikely to occur within the proposed Project area. No whooping cranes were seen in the survey.

Conversion of prairie betting habitat for agriculture during pioneer settlement times, along with unregulated shooting in the late 19th and early 20th century resulted in the decline of the species. Other threats to the whooping crane include accidental shootings and power line collisions. Power line collisions have accounted for most of the mortalities in the last 50 years.

Direct impacts may happen if construction timing occurs during migration season. Bridger is HDDing all wetlands with water present, riparian areas, streams and creeks. Despite Bridger's commitment to minimize impacts to wetlands, noise from construction could create a direct impact to adjacent wetlands. Cultivated fields are located within the construction ROW and will be temporarily disturbed. The chance for construction impacts are minimal due to the inconsistent stopover habitat in western North Dakota (eBird, 2020). Indirect contact could occur through chemical spill, such as fuel or hydraulic fluid for equipment used in construction, and excess erosion; debris and/or chemicals may work their way downslope into the wetlands, impacting potential whooping crane stopover habitat. Human activity may disturb whooping cranes if they use the area for stopover habitat.

There is no designated critical habitat for the whooping crane in North Dakota. The project distance from and lack of intersect with suitable wetland habitat and the rarity of the whooping crane historical sightings indicate that the proposed project may affect, not likely to adversely effect the species.

6.1.3.a Whooping Crane Distribution



6.1.3.b Whooping Crane Conservation Measures

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. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

6.1.4 Dakota Skipper

In North Dakota, Dakota skippers can be found within two general habitat types classified by the USFWS, “Type A” and “Type B”. Type A consists of low-lying, wet-mesic prairie with little topographic relief that occurs on near-shore glacial lake deposits. Type A habitat does not exist within the Survey Area. Type B habitat for the Dakota skipper typically supports a high diversity and abundance of native forbs in rolling dry prairies. These two types of native prairie habitat are important for the Dakota skipper because they provide valuable nectar sources through native forbs and are difficult to re-establish once degraded or disturbed. The Dakota skipper in western North Dakota inhabits native prairie on rolling terrain over gravelly glacial moraine dominated by little bluestem, as well as big bluestem, needlegrasses, or porcupine grasses. Dakota skipper detections are distributed over six counties in North Dakota.

Dakota skippers are known to occur in the study area with the nearest observation of the species .29-mile from the proposed centerline. The nearest Designated Critical Habitat is approximately 20 miles north of the Project located in McKenzie County. Dakota skippers absence/presence surveys were conducted by USFWS permitted surveyors for North Dakota in June and July of 2020. One female Dakota skipper was observed during these surveys. The survey area does provide bluestem/needlegrass/coneflower habitat (Type B) in native prairielands mostly located on hill sides and hill tops, and areas that have avoided major previous disturbance. Evidence of active cattle grazing was observed throughout the majority of the survey area. The species that do occur are sparse and well outside of the Project Area. Type B habitat plant species that were found within the survey corridor was prairie sagewort, purple coneflower, prairie smoke, little bluestem and Indiangrass. A conservative estimate of 8% of the construction ROW is contains Type B habitat. The proposed route utilizes an existing utility corridor to the greatest extent possible, reusing previously disturbed ROWS. 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. Additionally, the proposed route was located as much as practicable to existing roads for easy access to the ROW. Bridger is committed to reducing the construction footprint as much as practicable to minimize impacts to prairie grassland.

The loss of native prairie and the degradation of remaining patches of habitat have led to the listing of the Dakota skipper. The primary cause for loss of native prairie is conversion from high quality habitats to agriculture or human development. Other threats to the Dakota skipper include ecological succession of native prairie to brush or trees, invasive species, pesticides, and land management regimes that are performed in a way the negatively affects the species habitat.

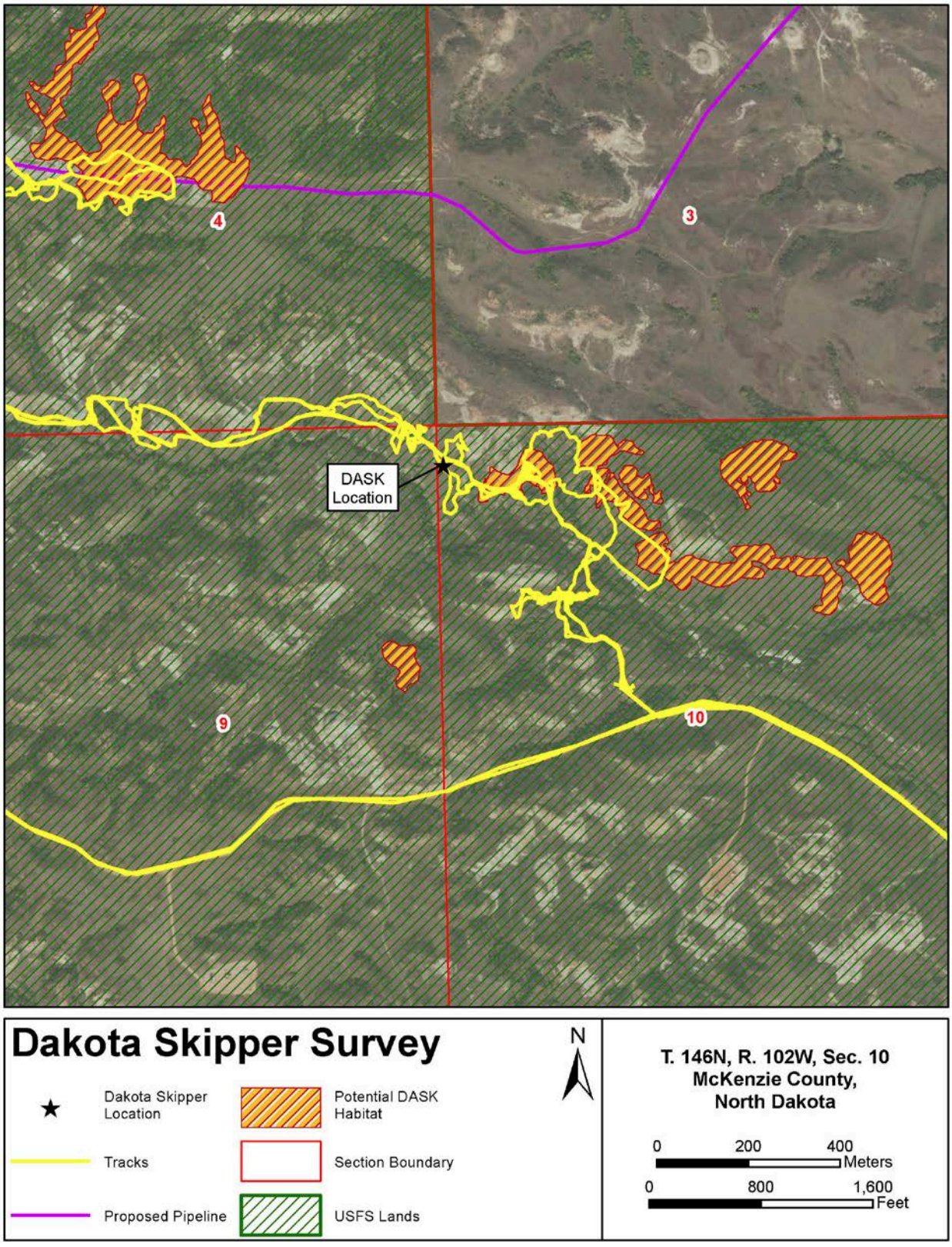
Direct impacts may happen if construction timing occurs during flight season during late-June until Mid-July near suitable habitat. Despite Bridger's commitment to minimize impacts to Type B habitats, noise and traffic from construction could create a direct impact. Indirect impacts could occur through chemical spill, such as fuel or hydraulic fluid for equipment used in construction. Species that the Dakota skipper may utilize that could exist in non-Type B habitats (such as degraded native prairie) would be disturbed within the 100-foot-wide construction corridor. The risk of construction introducing noxious weeds to the ROW exists and could eventually outcompete native prairie species.

Due to Bridger committing to reducing the construction footprint, utilizing already disturbed terrain, and location within marginally suitable habitat in the construction corridor, the proposed project may effect, not likely to adversely affect the Dakota skipper or its habitat.

6.1.4.a Dakota Skipper Conservation Measures

Results from the presence/absence survey identified areas where the Dakota skipper is present. Bridger will avoid construction within 1km of areas identified as occupied by the Dakota skipper between June 12 – July 15. Prior to construction Bridger will have a biologist identify and flag the Type B habitat locations for construction minimization and avoidance. Type B habitat was identified using the 2020 Biological Survey and Reporting Guidelines by the McKenzie Ranger District & Medora Ranger District, Dakota Prairie Grasslands, USFS as reference. Bridger will minimize the construction corridor near and in areas of Type B habitat. Dust mitigation during the life of the construction will occur.

6.1.4.b Dakota Skipper Location on USFS Lands



6.1.5 Northern Long-eared Bat

The northern long-eared bat is currently listed by the USFWS as threatened in North Dakota. On April 2, 2015, the USFWS published the final listing in the Federal Registrer with an effective date of May 4, 2015. The USFWS listed the northern long-eared bat as threatened and chose to exercise the option of issuing an interim 4(d) rule to allow for more flexible implementation of the ESA. The 4(d) rule reduces ESA conflicts by allowing some activities that do not harm the species to continue while focusing efforts on threats that make a difference in the species' recovery.

This bat species occupies a wide range of rocky and forested habitats. Summer day roosts include abandoned buildings, bridges, hollow trees, stumps, and under loose bark, and rock fissures. There are no known hibernacula for the northern long-eared bat in North Dakota, due to either no suitable hibernacula present or a lack of survey effort. Suitable winter habitat for northern long-eared bats consist of caves and abandoned mines which do neither occur in the Action Area. However, nearby trees and rocky outcrops can act as suitable summer day roosts. Typically, trees greater than 3-inches in diameter at breast height are preferred for roosting. Wooded areas are preferred locations to roost in the summer and the northern long-eared bat has been documented in the Turtle Mountains, and the riparian corridors of the Little Missouri and Missouri rivers. The Little Missouri River is .13-miles from the proposed centerline. As with many other bat species, northern long-eared bats migrate between their winter hibernacula and summer habitat. Know migratory distance can vary greatly between 5 and 168 miles. Northern long-eared bat detections are distributed over all 53 counties in North Dakota (USFWS, 2020).

The northern long-eared bat was once a relatively common species. However since the appearance of white-nose syndrome (WNS), populations of the northern long-eared bat has declined by nearly 99% throughout much of its core range. WNS is a fungus that causes mortality in hibernating bats but is not a direct health risk for humans. As the disease continues to spread westward further declines are being documented. On May 6, 2019 within the boundary of the Knife River Indian Villages National Historic Site, WNS fungus was detected on one little brown bat (*Myotis lucigus*) as the first documented finding in North Dakota. While the one bat tested positive for the fungus it does not confirm if the bat has WNS disease.

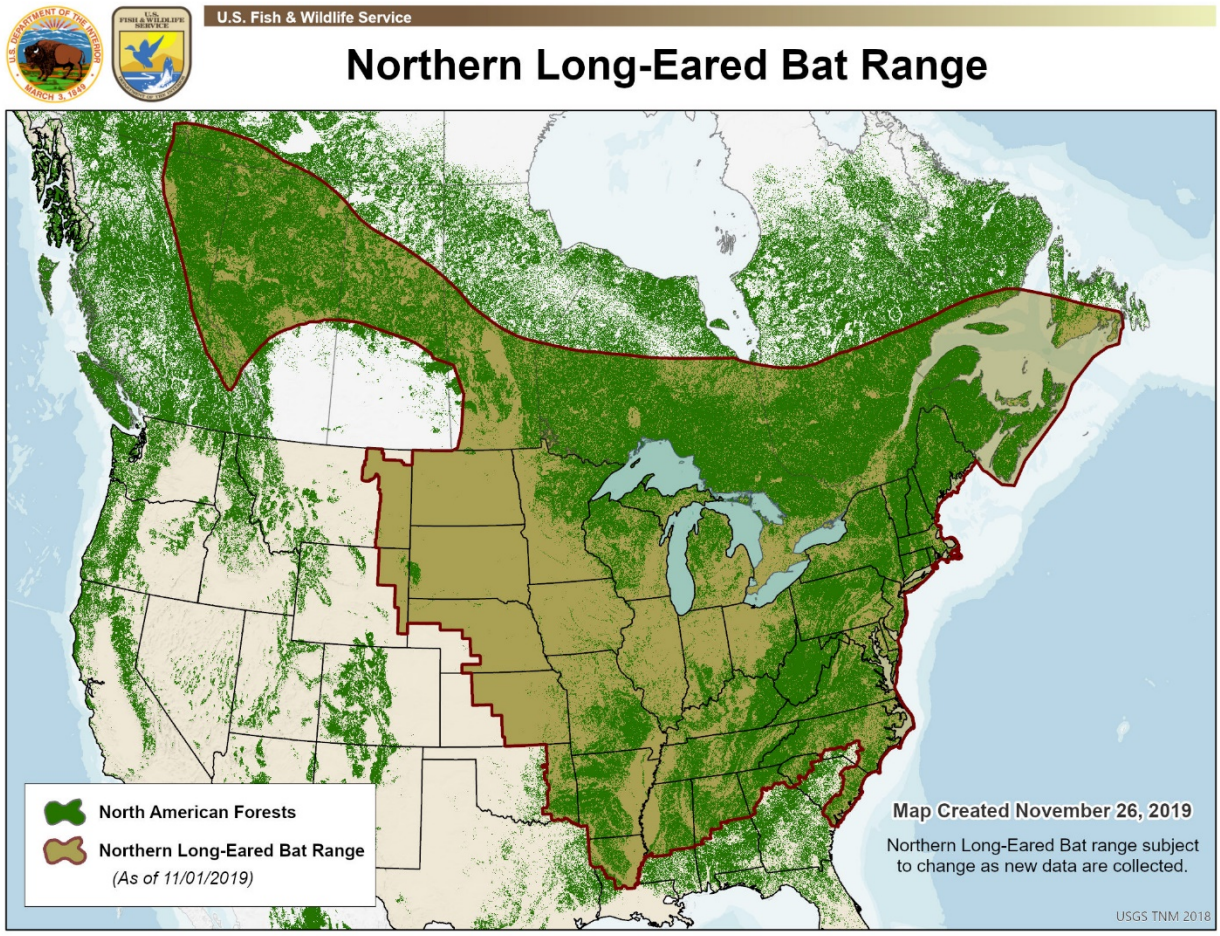
Suitable winter habitat for northern long-eared bats does not occur in the project area. Suitable summer day roost habitat may occur near the study area in nearby trees and rocky outcrops. The Project will not remove trees in the riparian areas near the Little Missouri River. A map of trees found in construction corridor 3-inches and larger in diameter at breast height can be found in Appendix A.

A severe and immediate threat to the long-term outlook of this species is WNS. WNS is responsible for the unprecedented mortality rates observed in the northeastern United States. It is estimated 5.7 – 6.7 million bats of different species have died due to WNS. Other threats to the northern long-eared bat include modification to hibernacula, human disturbance during hibernation, wind-energy development, and loss of suitable summer roost habitat.

Direct impacts may happen if construction timing occurs during maternal roosting season between June 1 and July 31. Removal of large woody vegetation that may be roosting habitat will be avoided when possible and where removal is needed it will not exceed 50-feet. Noise from construction could create a direct impact to adjacent trees that may host roosting bats. Construction will occur only during daylight hours and therefore, is unlikely to impact foraging activity during evenings and nighttime. The chance for construction impacts are minimal due to lack of consistent roosting populations recorded in McKenzie County. No bats were observed during the survey.

At this time there is no designated critical habitat for the northern long-eared bat. Due to the low likelihood of occurrence in the Project Area, timing restrictions, and HDDing specified areas, the proposed project may effect, not likely to adversely affect the northern long-eared bat.

6.1.5.a Northern Long-eared Bat Distribution



6.1.5.b Northern Long-eared Bat Conservation Measures

Substantial drainages, creeks, and riparian areas will be bored using HDD technology within the Project ROW. Bridger has committed to avoiding removal of trees 3-inches and larger between June 1 and July 31 during the maternal roosting season. Removal of large woody vegetation that could potentially be roosting habitat will be avoided when possible and where removal is needed it will not exceed 50-feet. Additionally, Bridger will provide replacement trees on a two-to-one basis for the landowner in an alternate location in the same region. This practice creates sustainable plantings that will provide long-term benefit to the wildlife and environment.

6.1.6 Piping Plover

The piping plover is a small shore bird that inhabits barren sand and gravel shorelines of lakes and rivers and avoids dense vegetation. The breeding season is from late April to early August in areas in North Dakota that include the shores of the Missouri and Yellowstone Rivers and the prairie wetlands in the Missouri Coteau. Piping plovers summer in the northern plains, and winter in the Gulf of Mexico. They rarely stop during

migration and may travel from breeding to wintering grounds in as little as one nonstop flight (Audubon, 2020). More than three-fourths of piping plovers in North Dakota nest on prairie alkali lakes, while the remaining are found along the Missouri River. Piping Plover Designated Critical Habitat consists of prairie alkali wetlands and surrounding shoreline; river channels and associated sandbars and islands; reservoirs and inland lakes and their sparsely vegetated shorelines, peninsulas and islands (USFWS, 1995). Piping plover detections are distributed over 25 counties in North Dakota.

The primary reason for ESA designation was the alteration of the natural Missouri River stream flow from dam construction and river channelization. The damming and channelization has destroyed or degraded sandbar habitat and altered food source populations. Other threats to the piping plover is encroachment of woody vegetation onto sandbar nesting habitat, wet cycles leading to high water levels in nesting lakes, and recreationists destroying nests.

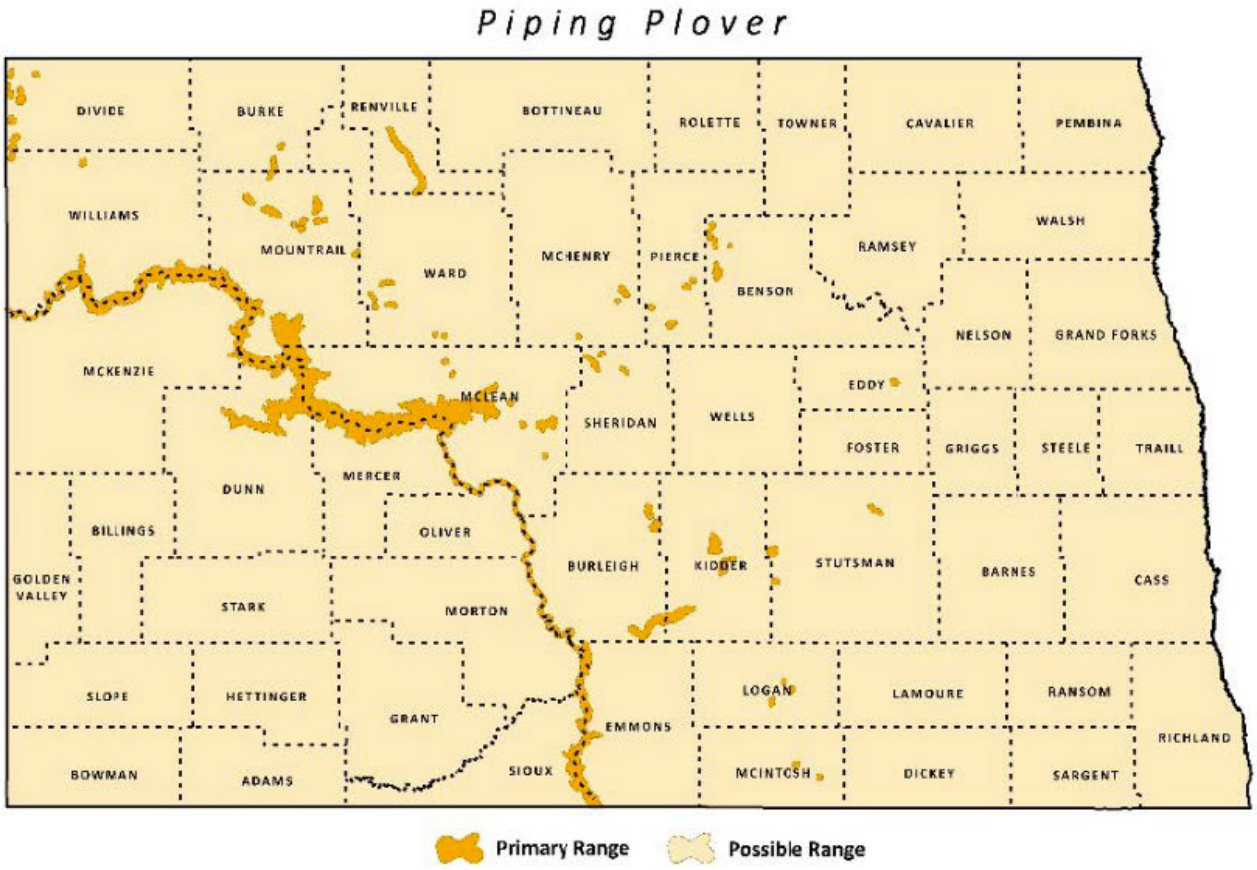
Direct impacts may happen if construction timing occurs during migration season. Bridger is HDDing all wetlands with water present, riparian areas, streams and creeks. Despite Bridger's commitment to minimize impacts to wetlands, noise from construction could create a direct impact to adjacent wetlands. The chance for construction impacts are minimal due to the inconsistent stopover habitat in western North Dakota and the species nesting habitat on major river systems. Indirect contact could occur through chemical spill, such as fuel or hydraulic fluid for equipment used in construction, and excess erosion; debris and/or chemicals may work their way downslope into the wetlands, impacting potential piping plover stopover habitat. Human activity may disturb piping plovers if they use the area for stopover habitat.

The nearest Designated Critical Habitat is approximately 12.5 miles east of the Project. No piping plovers or active nesting sites were observed during the field surveys. The Yellowstone River is 20 miles to the northwest of the project and the Missouri River is 12.5 miles to the east. The proposed corridor does not contain suitable sandbar, and gravel shoreline nesting areas and the project does not occur along the Missouri or Yellowstone Rivers; therefore, the proposed Project corridor does not support the appropriate nesting habitat for this species. Records of piping plovers in interior McKenzie County are rare. The proposed Project may effect, unlikely to adversely affect the piping plovers or their critical habitat.

6.1.6.a Piping Plover Conservation Measures

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. In the case of an incidental release the shortest length of flow would be 14.5-miles to the Missouri River. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

6.1.6.b Piping Plover Distribution



Provided by the North Dakota Game & Fish

6.1.7 Red Knot

The rufa red knot utilizes North Dakota as migration stopover in the spring and fall. Migration occurs over long distances annually between its breeding ground in the Canadian Arctic and several wintering regions, including the southeast United States, the northeast Gulf of Mexico, northern Brazil, and Tierra del Fuego at the southern tip of South America. The Yellowstone River is 20 miles to the northwest of the project and the Missouri River is 12.5 miles to the east. Red knot detections are distributed over 25 counties in North Dakota (USFWS, 2020). In North America, the red knot is commonly found along sandy, gravel, or cobble beaches, tidal mudflats, salt marshes, shallow coastal impoundments and lagoons, peat banks. The primary food items for the red knot in non-breeding habitats include blue mussels, juvenile mussels, clams, snails, polycheate worms, insect larvae, and crustaceans.

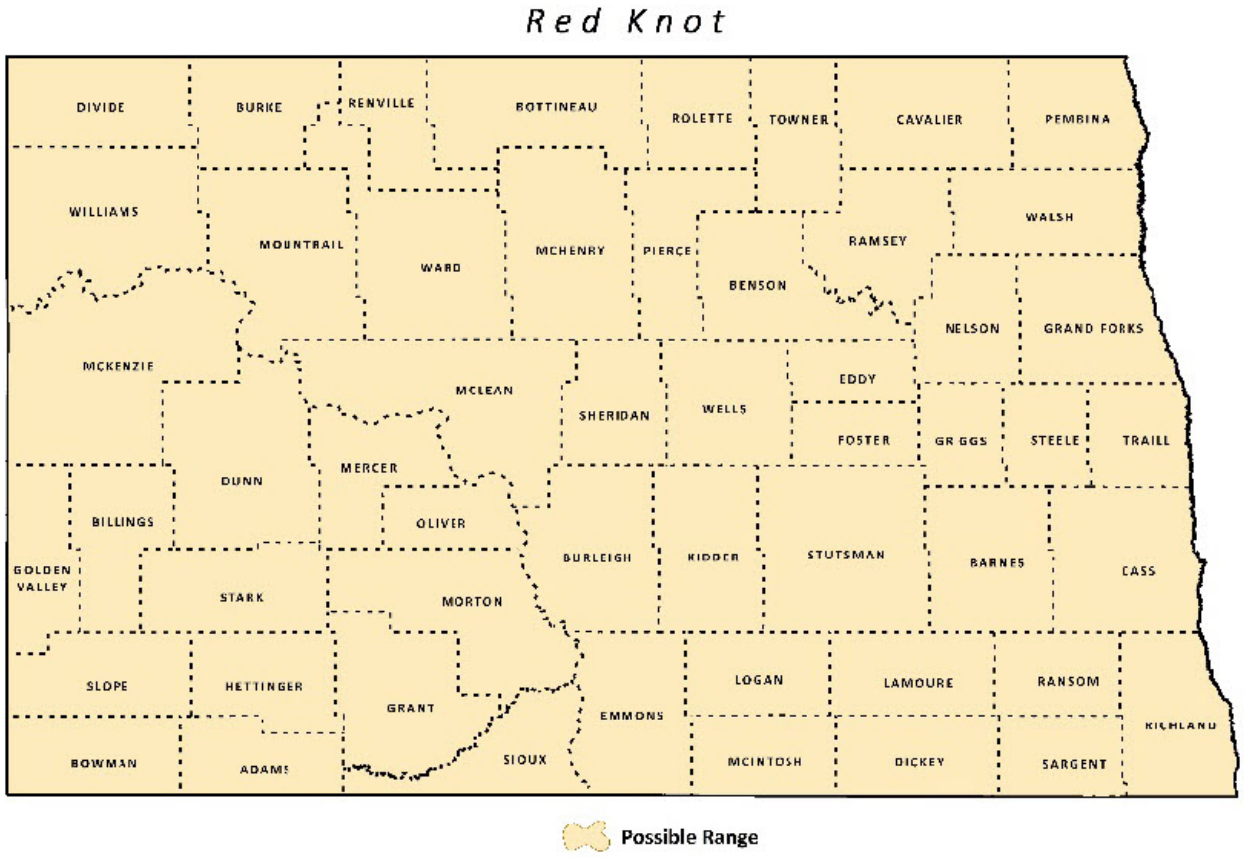
Red knots migration is sporadic and uncommon but the potential exists that they may use wetlands found in the action area for stopover habitat. Potential stopovers for Red Knot are few, small, and distant with no known records in McKenzie County (eBird 2020). There are no recorded sites that are used consistently as stop over habitat. (eBird 2020).

The red knot was listed for protection under the ESA due to several threats. Loss of habitat has occurred across its range due to sea-level rise, shoreline projects, and Arctic warming. Food availability has reduced due to habitat loss and asynchronies and increased predation in their breeding grounds. The population is currently on the decline.

Direct impacts may happen if construction timing occurs during migration season. Bridger is HDDing all wetlands with water present, riparian areas, streams and creeks. Despite Bridger's commitment to minimize impacts to wetlands, noise from construction could create a direct impact to adjacent wetlands. The chance for construction impacts are minimal due to the inconsistent stopover habitat in western North Dakota. Indirect contact could occur through chemical spill, such as fuel or hydraulic fluid for equipment used in construction, and excess erosion; debris and/or chemicals may work their way downslope into the wetlands, impacting red knot habitat. Human activity may disturb red knots. The red knot nests in the Canadian arctic, therefore no impact will be made to nesting locations. No red knots were observed during the survey.

No designated critical habitat has been proposed at this time. In view of the absence of historic observations of red knots in McKenzie County, the project limitations, the proposed project may affect, not likely to adversely effect the red knot.

6.1.7.a Red Knot Distribution



Provided by the North Dakota Game & Fish

6.1.7.b Red Knot General Conservation Measures

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. These buffers would be maintained during the lifetime of

construction. These measures will help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

Regionally, the greatest impacts to wildlife (past, present or future) can be associated with agricultural development. Agricultural land use replaced the existing natural diversity with the monoculture row crops. The practice has also introduced noxious weeds, soil pests, and other exotics, which all had significant cumulative impacts on regional wildlife. Relative to the habitat and land use impacts associated with past agricultural activities, the proposed Project impacts (as well as those associated with the oil and gas industry on a regional basis) would be nominal. This is due to the short duration and small scale of the proposed Project relative to the regional landscape and the large scale of agricultural activities in the region.

7.0 CUMULATIVE EFFECTS

The Project would not permanently alter the character of the available habitats as most of the Project-related impacts will be temporary and minimal. Possible temporary, short-term impacts on wildlife as a result of the Project include the displacement of some mobile individuals to similar, adjacent habitats during construction activities. When analyzed on a regional basis, these impacts do not change significantly in magnitude when compared to the current and historic impacts previously imposed upon the regional wildlife by agricultural and oil and gas development. Further habitat fragmentation as a result of the proposed Project or other oil and gas developments in the region would be negligible and is not anticipated to significantly contribute to cumulative effects on wildlife.

The Proposed Action would result in approximately 229 acres of new disturbance. Vegetation resources in the area, including native prairie, and grassland are likely to be impacted by additional energy development or new agriculture. Indirect impacts to native vegetation may occur due to soil loss, soil compaction, and increased encroachment of unmanaged invasive and noxious weed species. Continued oil and gas development within the region could result in the loss and further fragmentation of native mixed-grass prairie habitat. The proposed Project's incremental contribution to cumulative effects of habitat fragmentation and habitat loss would not be substantial.

8.0 SUMMARY

Implementation of best management practices during construction activities will assist in minimizing disturbance to any plant or wildlife species inhabiting the area. Bridger will implement a wide variety of mitigation measures as described in this Biological Assessment that will reduce the risk of adversely affecting any ESA species. Due to avoidance and mitigation efforts in planning, construction, and maintenance, Bridger is seeking determination concurrence on the following species:

Endangered

- Least Tern – **May Affect, Not Likely to Adversely Affect**
- Whooping Crane – **May Affect, Not Likely to Adversely Affect**
- Pallid Sturgeon – **No Effect**

Threatened

- Red Knot – **May Affect, Not Likely to Adversely Affect**
- Dakota skipper – **May Affect, Not Likely to Adversely Affect**
- Piping Plover – **May Affect, Not Likely to Adversely Affect**
- Northern long-eared Bat – **May Affect, Not Likely to Adversely Affect**

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10.0 PROJECT CONTACTS MADE

Bridger is in the process of applying for other project related permits therefore initial agency notifications were required by those respective permitting agencies.

Table 6
Agency Notifications

Agencies Contacted	Form of Initial Contact	Date of Contact
US Army Corps of Engineers	Multi-Agency Meeting	8/2019
ND Parks and Recreation	Mailed Letter	9/30/2019
ND Game and Fish Department	Multi-Agency Meeting	8/2019
Lake Ilo National Wildlife Refuge	Mailed Letter	9/30/2019 12/16/2019
U.S. Fish and Wildlife Service	Multi-Agency Meeting	8/2019
McKenzie County Planning Department	Mailed Letter	10/15/2019
McKenzie County Commission	Mailed Letter	9/30/2019 12/16/2019
Golden Valley County Planning Department	Mailed Letter	9/27/2019 12/16/2019
Golden Valley County Commission	Mailed Letter	9/27/2019 12/16/2019
Minot Air Force Base - Cable Affairs	Email	10/8/2019
NDIC Pipeline Authority	Mailed Letter	9/30/2019 12/16/2019
ND State Water Commission	Mailed Letter	9/30/2019
ND Department of Env. Quality	Mailed Letter	9/30/2019 12/16/2019
ND DOT Dickinson District	Mailed Letter	9/30/2019 12/16/2019
ND DOT Williston District	Mailed Letter	9/30/2019 12/16/2019
ND Department of Trust Lands	Mailed Letter	9/27/2019
ND Soil Conservation Committee	Mailed Letter	9/30/2019 12/16/2019
ND Department of Agriculture	Mailed Letter	9/30/2019 12/16/2019
USFS McKenzie Ranger District	Email	7/2019
McKenzie County Weed Board	Mailed Letter	9/27/2019 12/16/2019
ND Geological Survey	Mailed Letter	9/27/2019
Golden Valley County Weed Board	Mailed Letter	9/27/2019 12/16/2019
Grail Township	Mailed Letter	3/05/2020
ND State Historic Preservation Office	Contacted by Beaver Creek Archaeology, Inc.	

11.0 LIST OF PREPARERS

The qualifications of the personnel who contributed to the consolidated application are as follows:

(1) Tad True, Vice President – Bridger Pipeline Company

Degree: Bachelor of Business Administration, University of Notre Dame
Experience: 14-year experience in petroleum transportation field

(2) Robert Stamp, Commercial/Engineering Supervisor – Bridger Pipeline Company

Degree: Bachelor of Mechanical Engineering, Valparaiso University
Experience: 29-year experience in petroleum transportation field as well as regulatory affairs and compliance.
Professional License
Registered Professional Engineer: Wyoming and Colorado

(3) Bob Dundas, Environmental Coordinator – Bridger Pipeline Company

Degrees: Bachelor of Science – Geology, Utah State University
Experience: 30-plus years' experience in petroleum transportation as well as regulatory affairs, permitting and compliance.
Professional License
Registered Professional Geologist: Wyoming

(4) Ken Dockweiler, Director – Land, Government, and Compliance - Bridger Pipeline Company

Experience: 29-year experience in petroleum transportation field with 18 years focused in regulatory affairs and compliance.

(5) Kathleen Spilman, Managing Director – Keitu Engineers & Consultants, Inc.

Degrees: Bachelor of Science - Chemical Engineering, University of North Dakota Masters in Management, University of Mary
Experience: 40-year experience in petroleum refining and fuels transportation field as well as regulatory affairs and compliance.
Professional License
Registered Professional Engineer: North Dakota, Montana

(6) Karine Finken, Project Manager — Keitu Engineers & Consultants, Inc.

Degree: Bachelor of Science – Natural Resource Management, University of Minnesota - Crookston
Experience: 8-year experience in natural resource management

(7) Jaimee Antognazzi, Operations Manager - Keitu Engineers & Consultants, Inc.

Degree: Bachelor of Science – Environmental Health, Dickinson State University

Experience: 12 years' experience in regulatory affairs and compliance.
Professional Certification: Certified Safety Professional

Biological Assessment Appendices

Appendix A: Project Route Maps

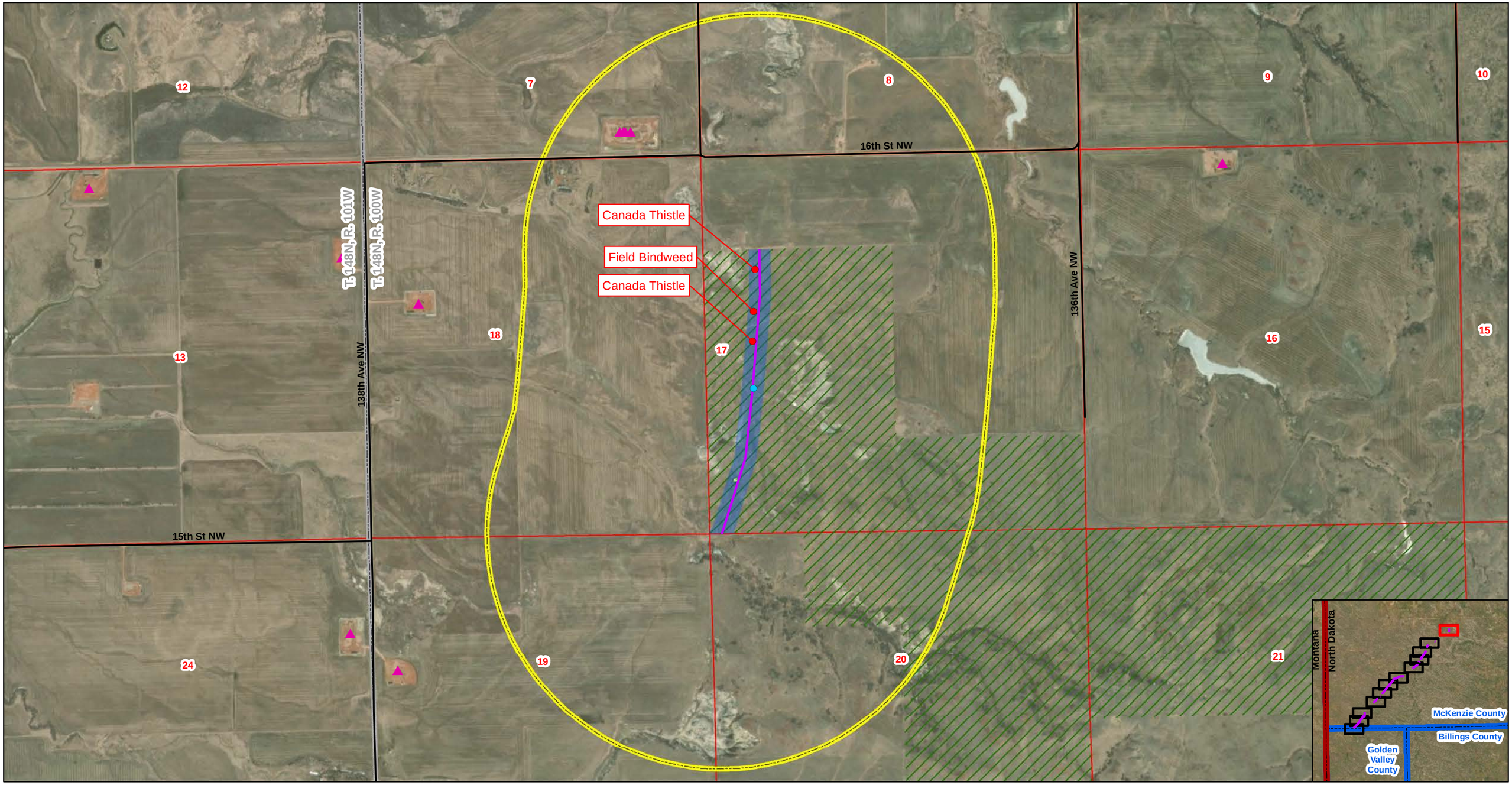
- A.1: Aerial Mapbook
- A.2: Topographic Mapbook
- A.3: Type B Habitats Mapbook

Appendix B: Information for Planning and Consultation List

Appendix C: Field Survey Identification Plant Species List

Appendix D: Dakota Skipper Report

Appendix A – Project Route Maps



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
- Proposed Pipeline (USFS Lands)
- Named Streams
- Highway
- Roads
- 300ft Pipeline Corridor
- 1km DASK Study Area
- Prairie Dog Town
- Woody Vegetation
- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

Figure: A.1

Page 1 of 12
T. 148N, R. 100W and T. 148N, R. 101W
McKenzie County, North Dakota

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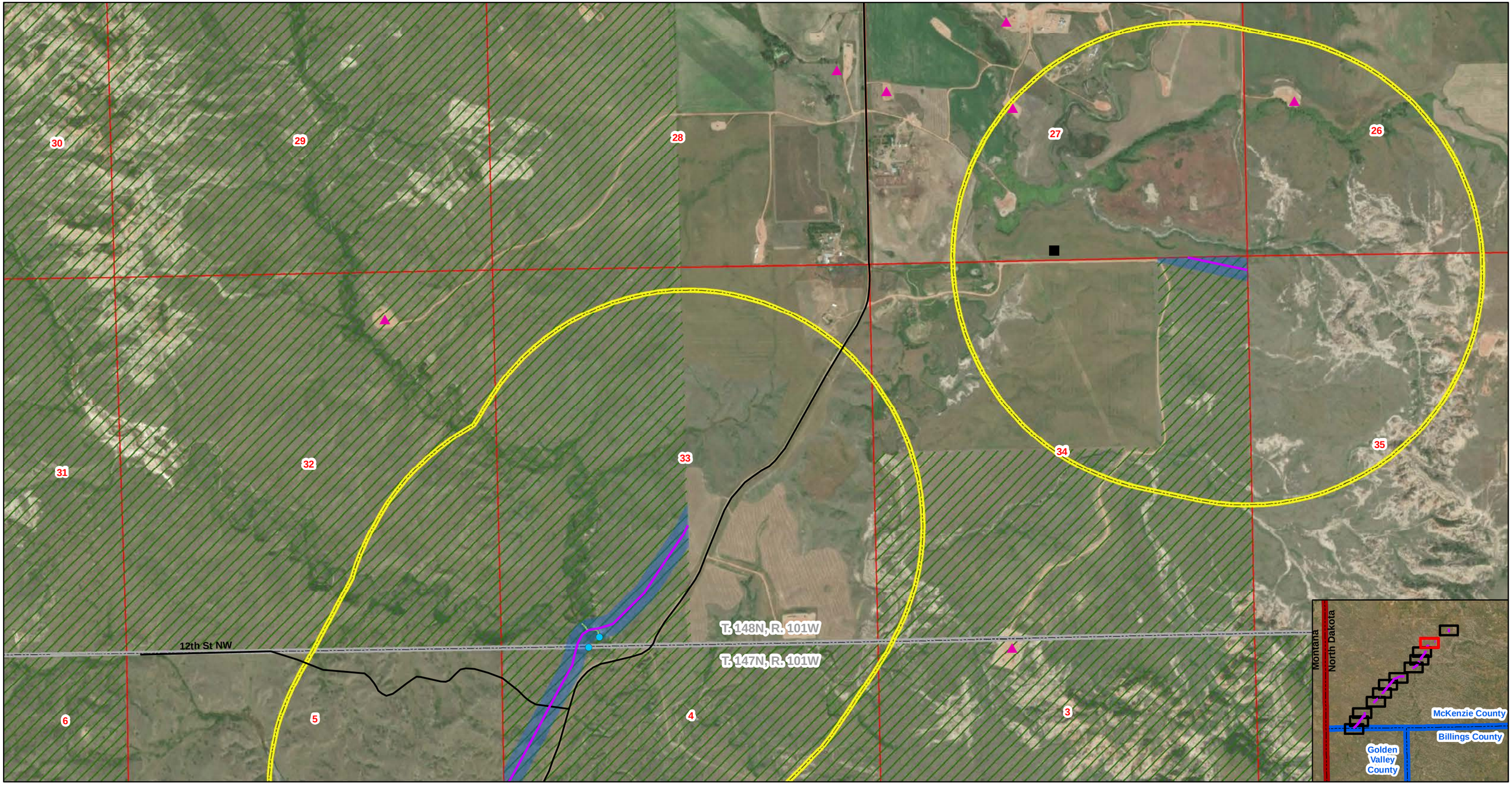

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Page 2 of 12
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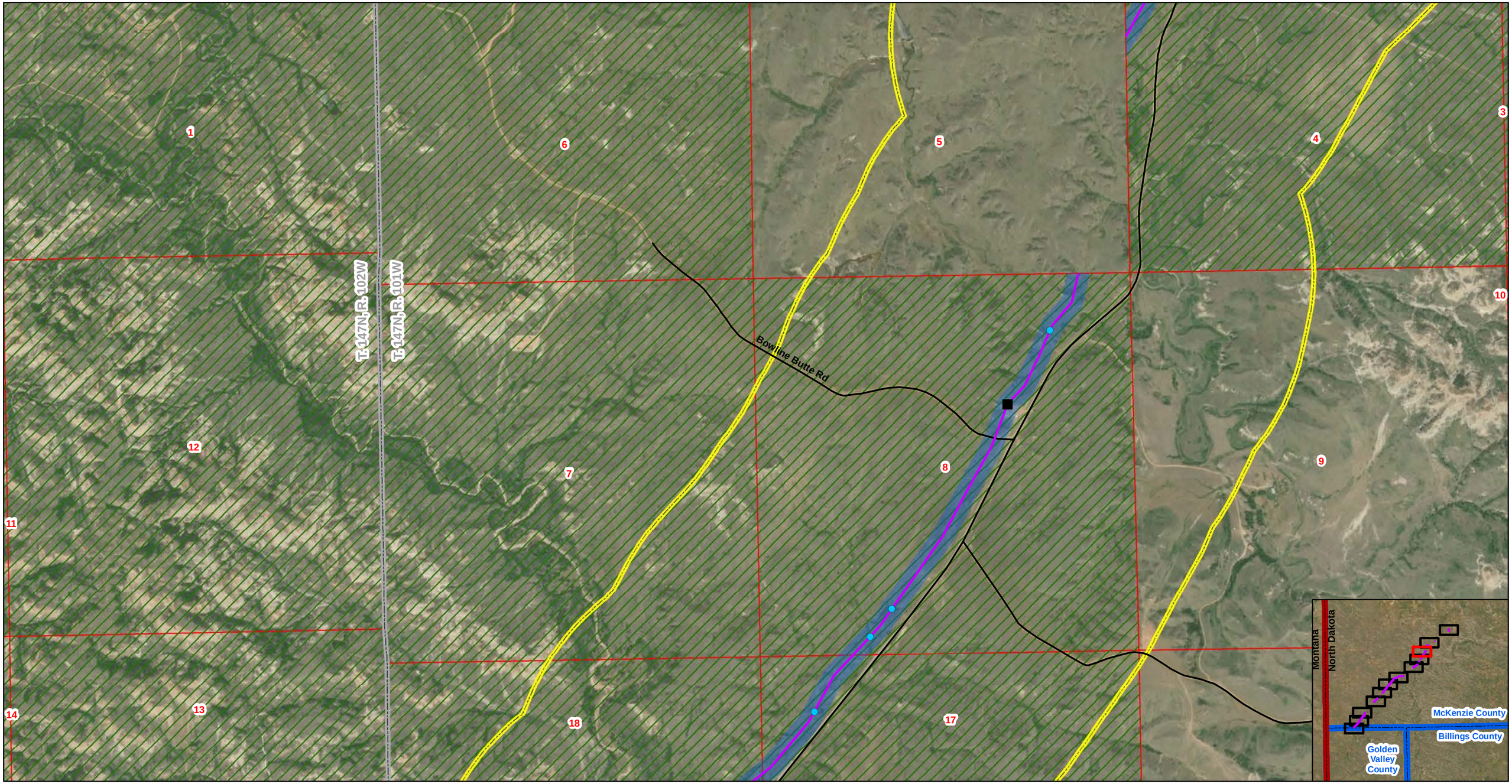

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T. 147N, R. 101W and T. 147N, R. 102W
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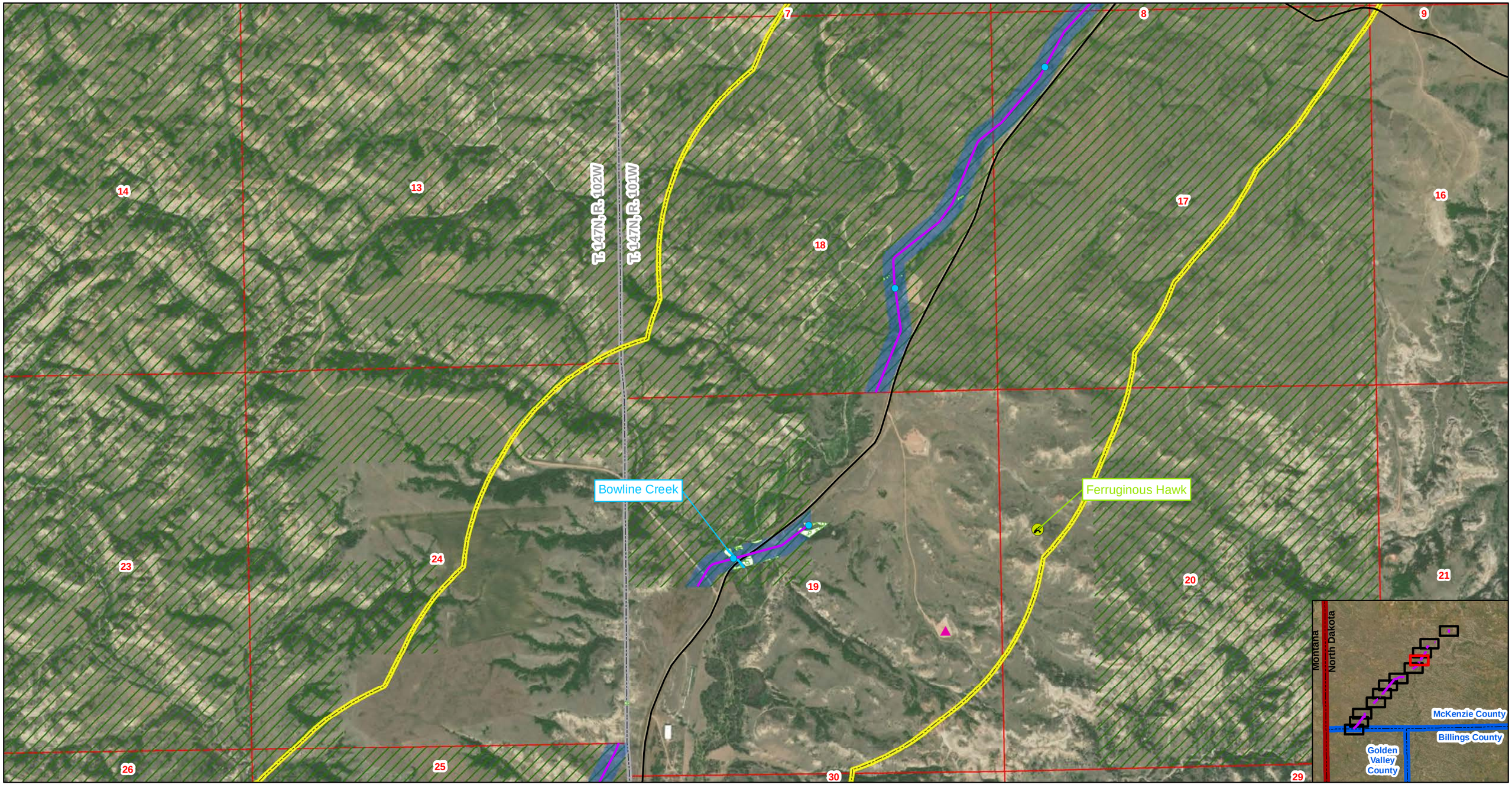

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Page 4 of 12

T. 147N, R. 101W and T. 147N, R. 102W
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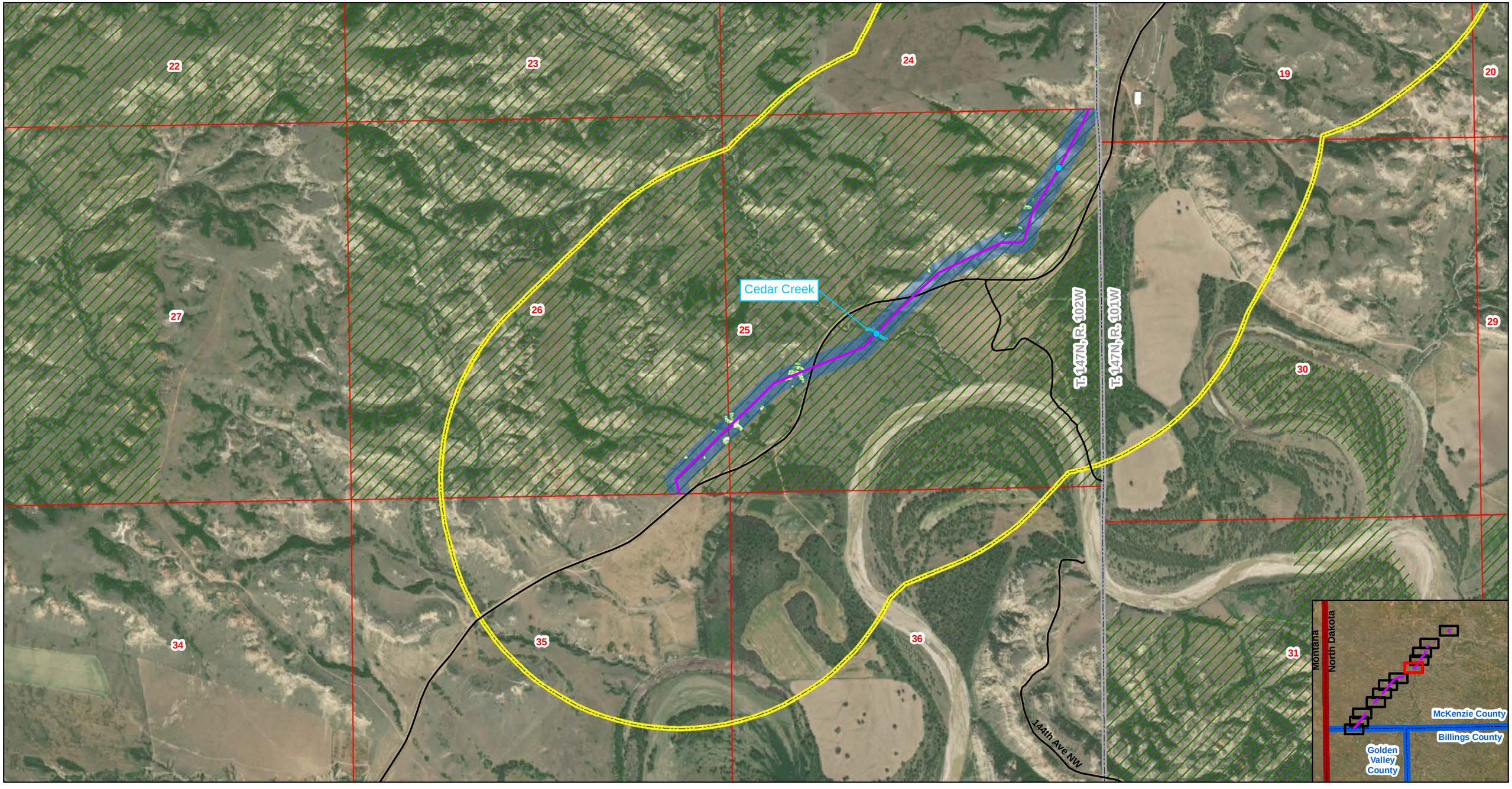

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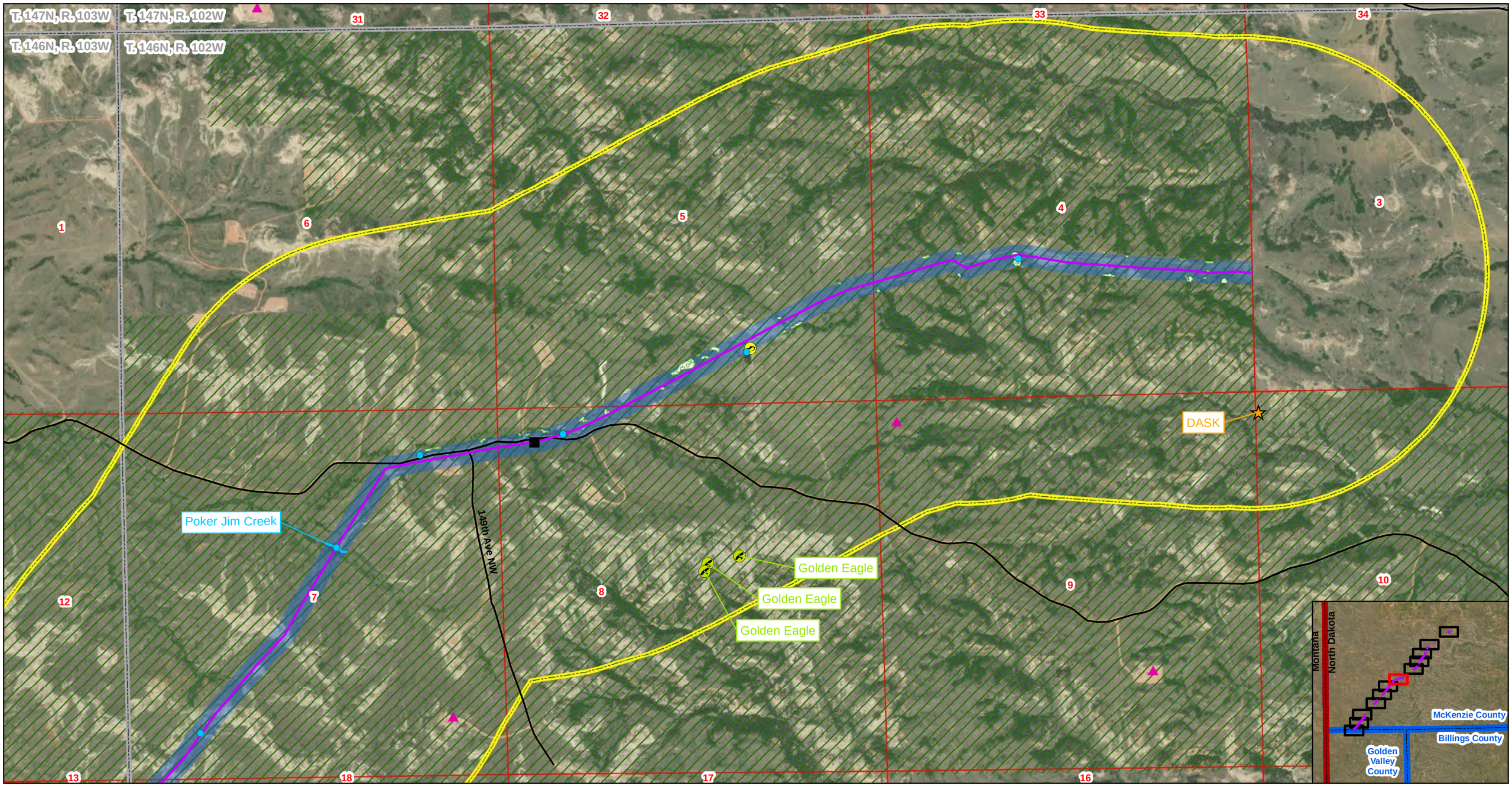

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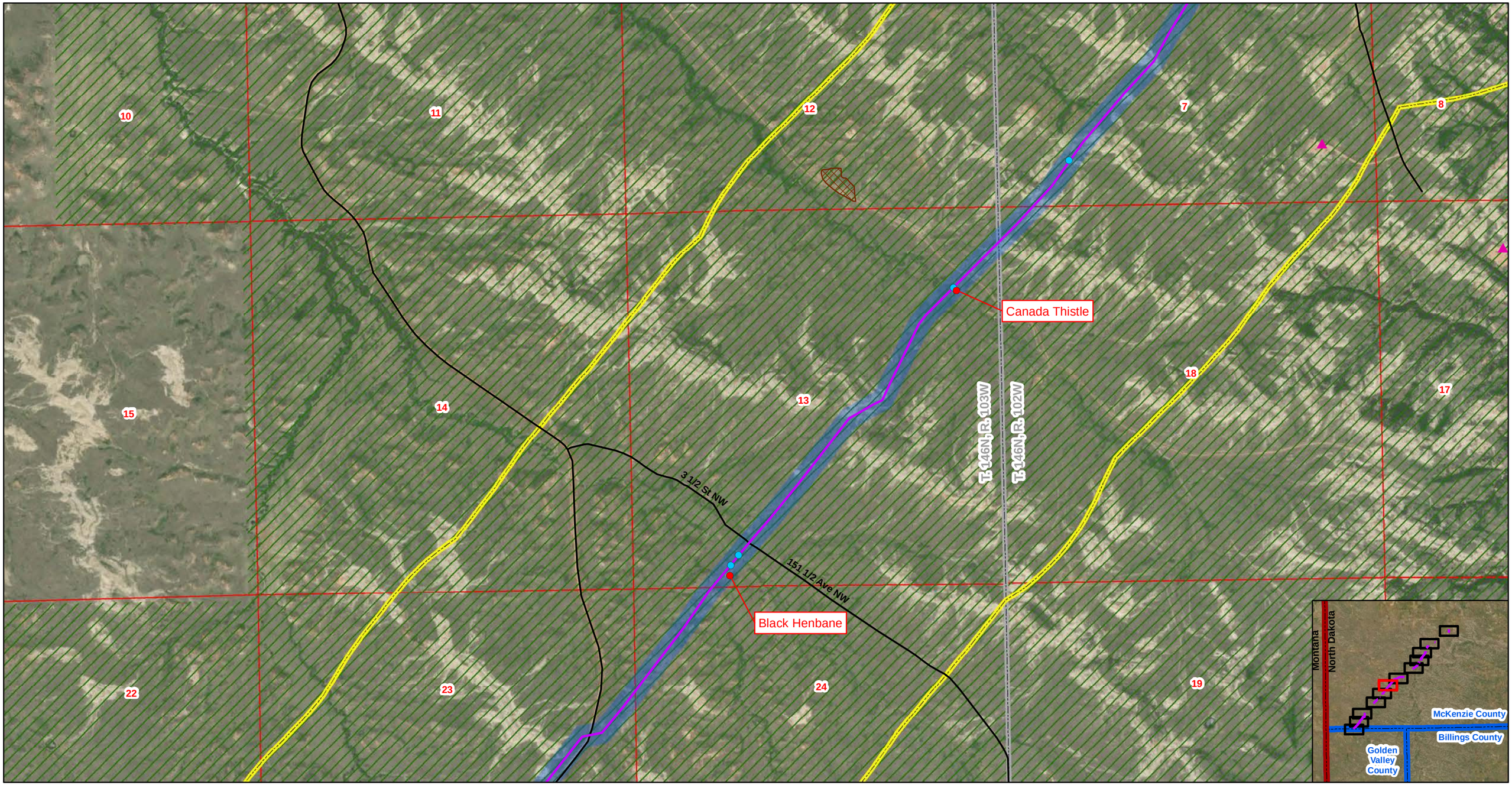


South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
- Proposed Pipeline (USFS Lands)
- Named Streams
- Highway
- Roads
- 300ft Pipeline Corridor
- 1km DASK Study Area
- Prairie Dog Town
- Woody Vegetation
- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

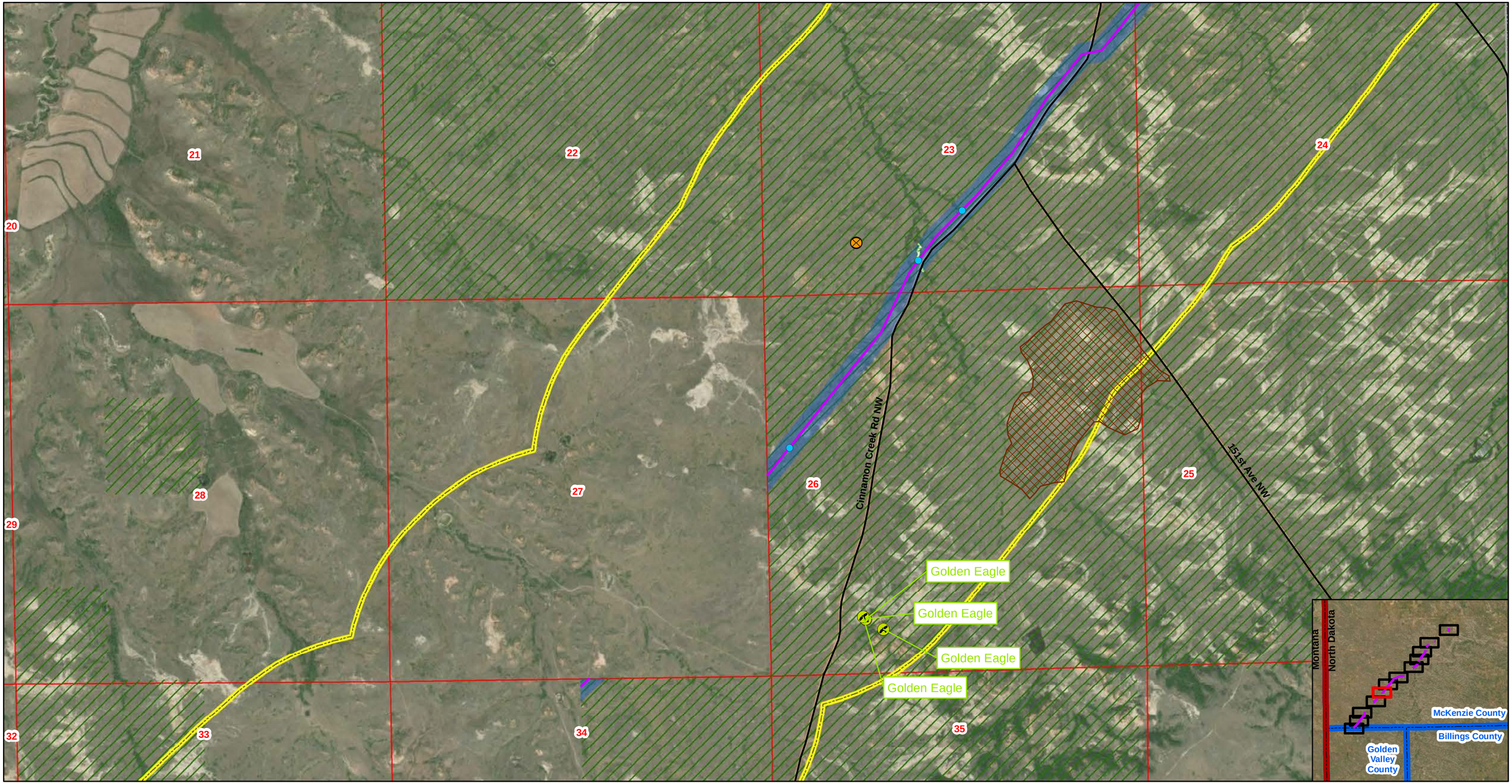
Figure: A.1

Page 7 of 12
T. 146N, R. 102W and T. 146N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
- Proposed Pipeline (USFS Lands)
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- 1km DASK Study Area
- Prairie Dog Town
- Woody Vegetation
- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

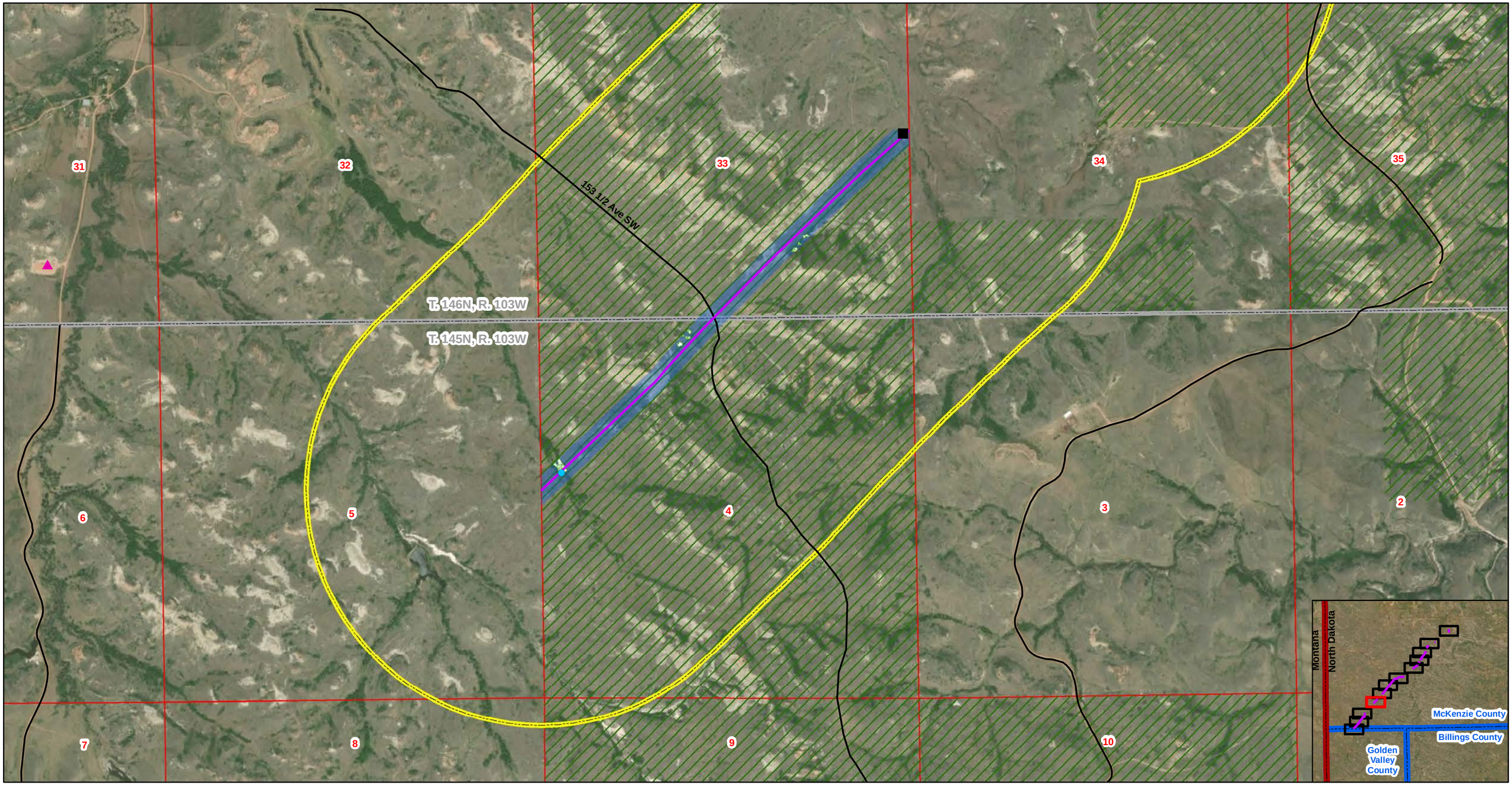
Figure: A.1

Page 8 of 12
T. 146N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
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- Woody Vegetation
- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

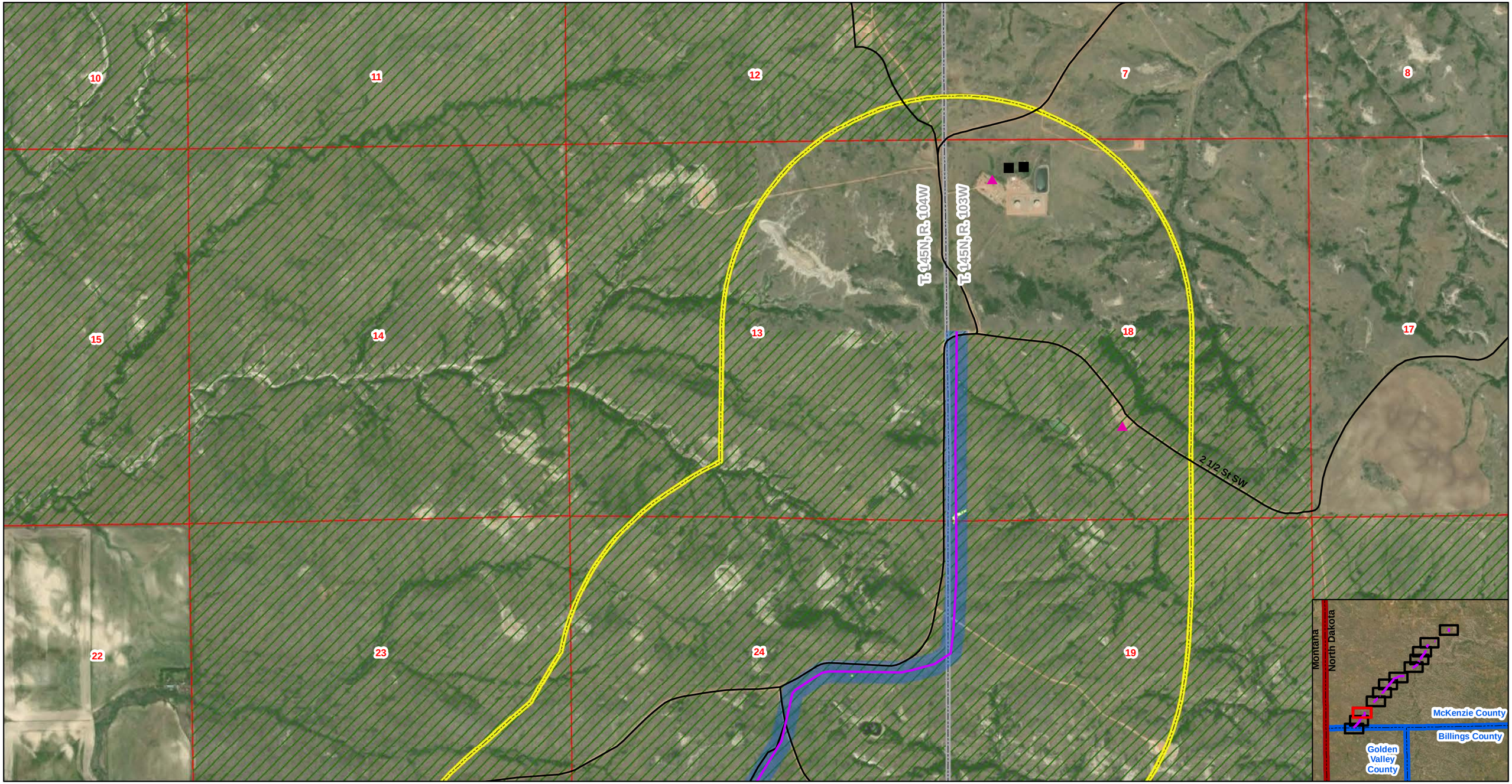
Figure: A.1

T. 146N, R. 103W and T. 145N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
- Proposed Pipeline (USFS Lands)
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- Highway
- Roads
- 300ft Pipeline Corridor
- 1km DASK Study Area
- Prairie Dog Town
- Woody Vegetation
- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

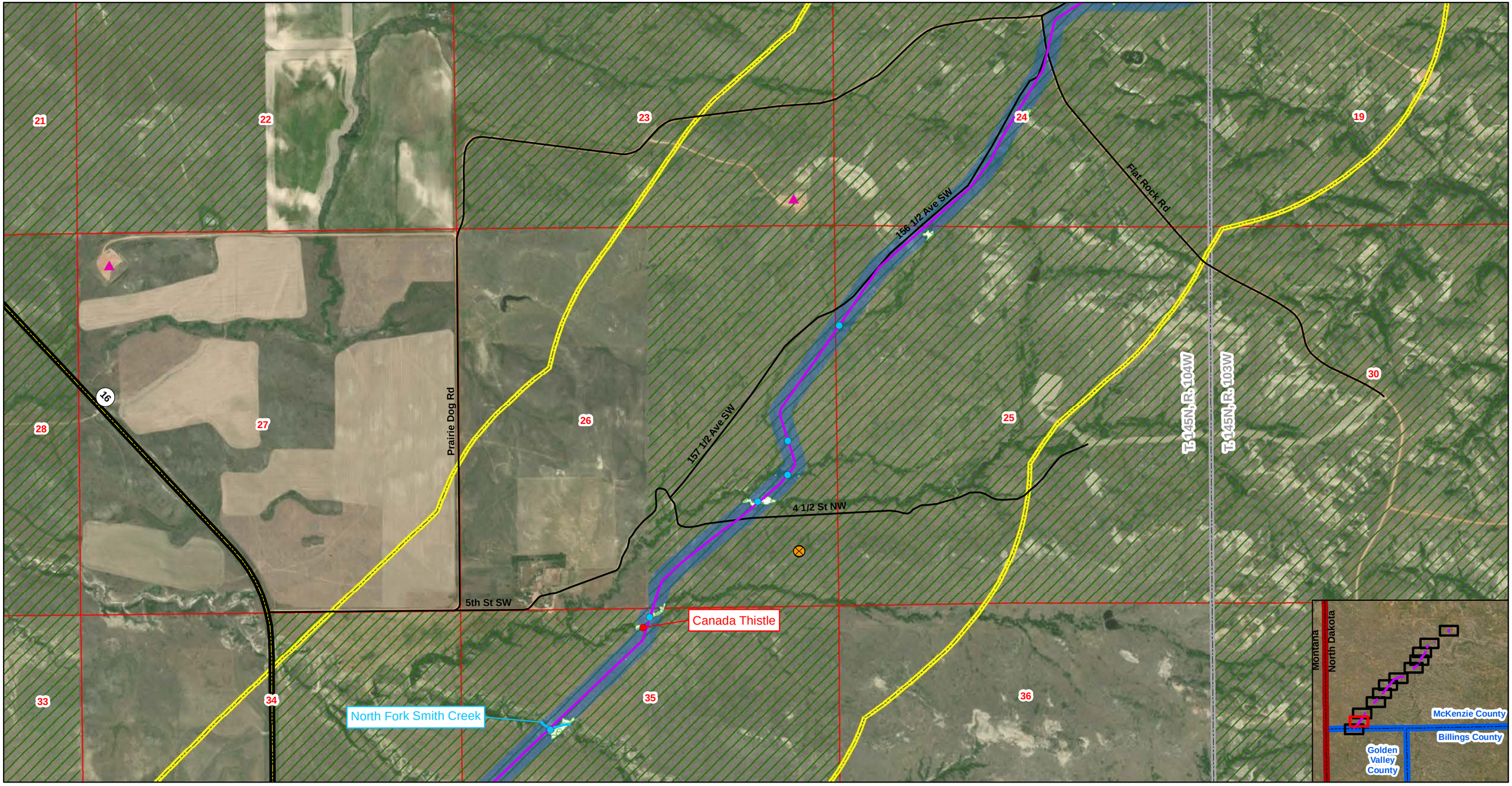
Figure: A.1

Page 10 of 12
T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
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- County Boundary
- Township/Range Boundary
- USFS Lands
- Section Boundary

Figure: A.1

T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

North Fork Smith Creek

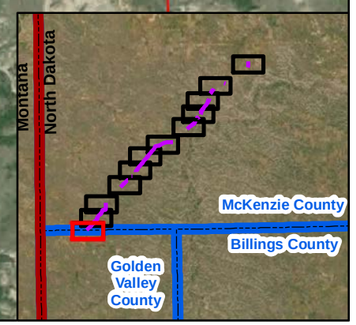
Ferruginous Hawk
Golden Eagle
Golden Eagle
Ferruginous Hawk
Golden Eagle
Ferruginous Hawk
Golden Eagle
Ferruginous Hawk

32 33 34 35 36

McKenzie County
Golden Valley County
County Line Rd

T. 145N, R. 104W
T. 144N, R. 105W
T. 144N, R. 104W

2 1 6 5 4



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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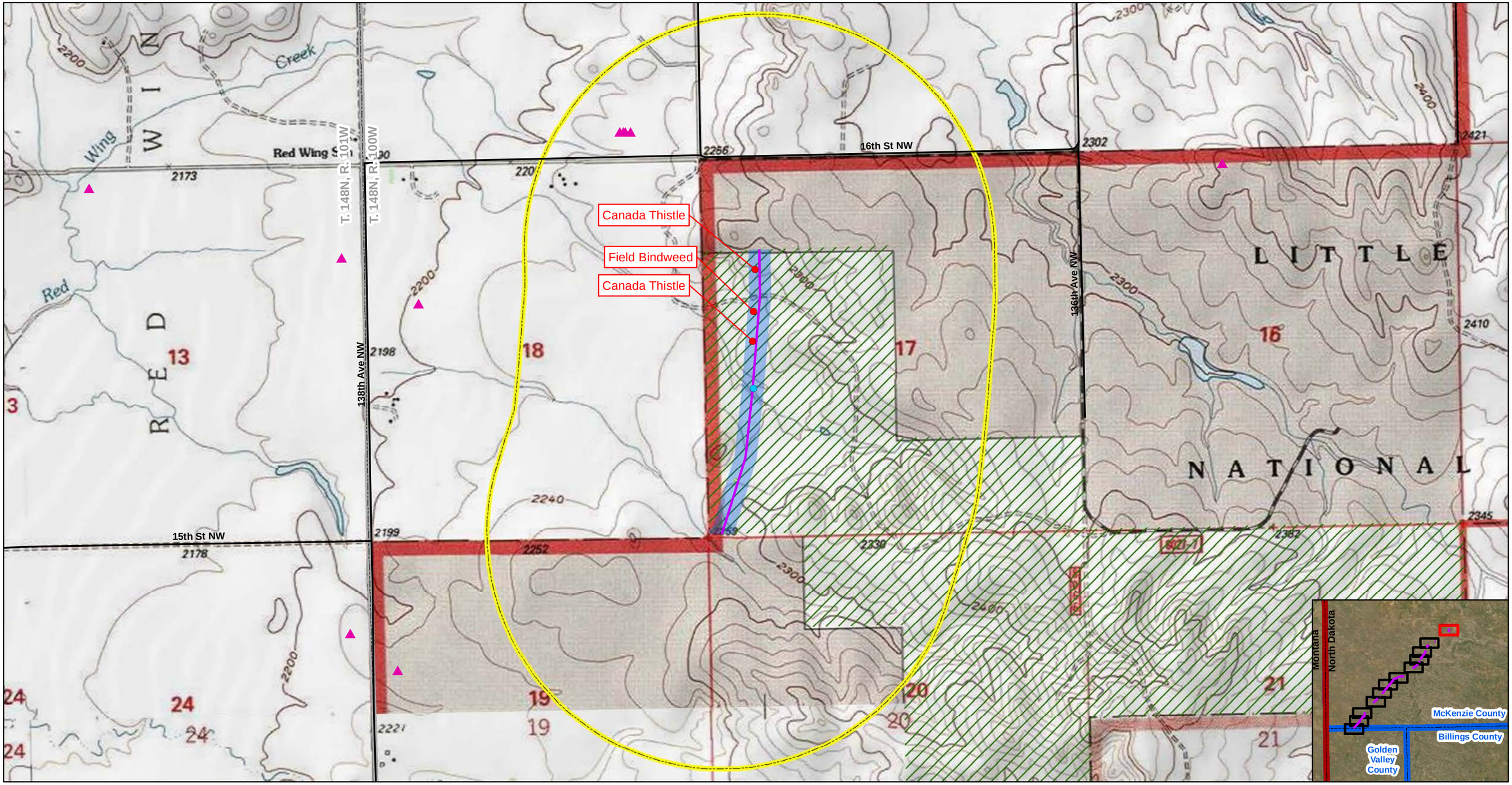
Figure: A.1

Page 12 of 12
T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- Northern Leopard Frog
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- Raptor Nest
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- Roads
- 300ft Pipeline Corridor
- 1km DASK Study Area
- Prairie Dog Town
- Woody Vegetation
- USFS Lands
- Township/Range Boundary
- County Boundary

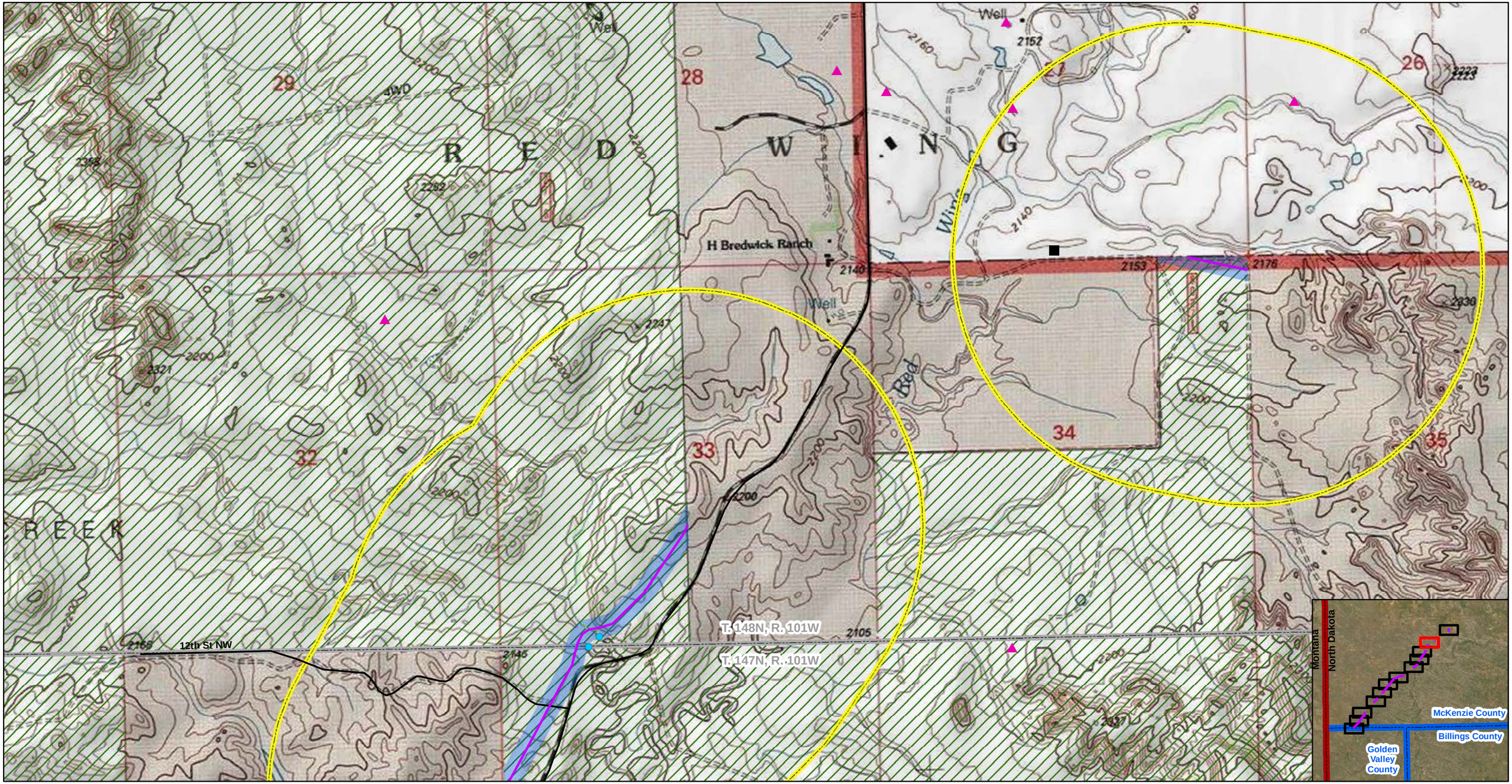
Figure: A.2

Page 1 of 12
T. 148N, R. 100W and T. 148N, R. 101W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
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- Roads
- 300ft Pipeline Corridor
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- Prairie Dog Town
- Woody Vegetation
- USFS Lands
- Township/Range Boundary
- County Boundary

Figure: A.2

Page 2 of 12
T. 148N, R. 101W and T. 147N, R. 101W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- Roads
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- USFS Lands
- Township/Range Boundary
- County Boundary

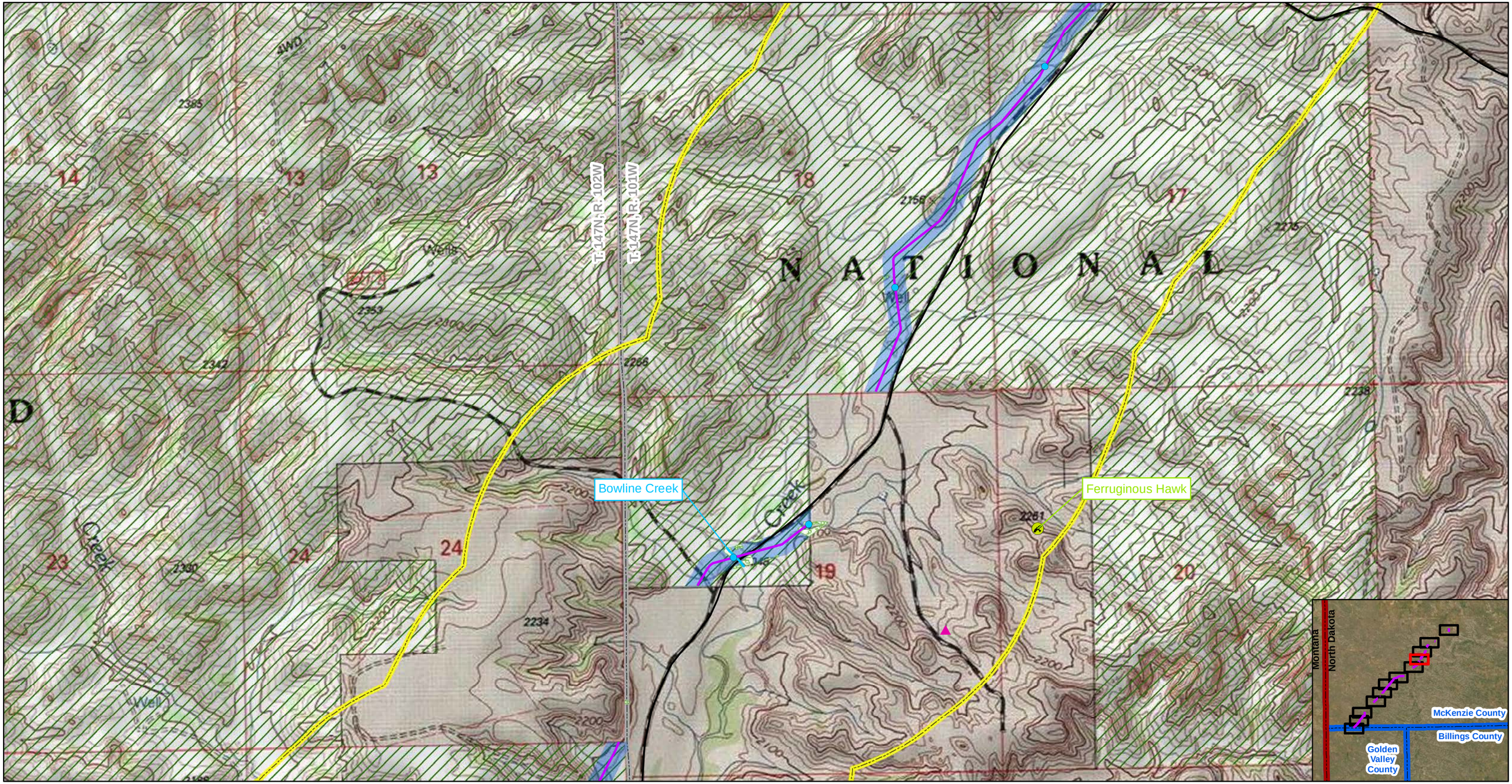
Figure: A.2

Page 3 of 12
T. 147N, R. 101W and T. 147N, R. 102W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
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- Roads
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- USFS Lands
- Township/Range Boundary
- County Boundary

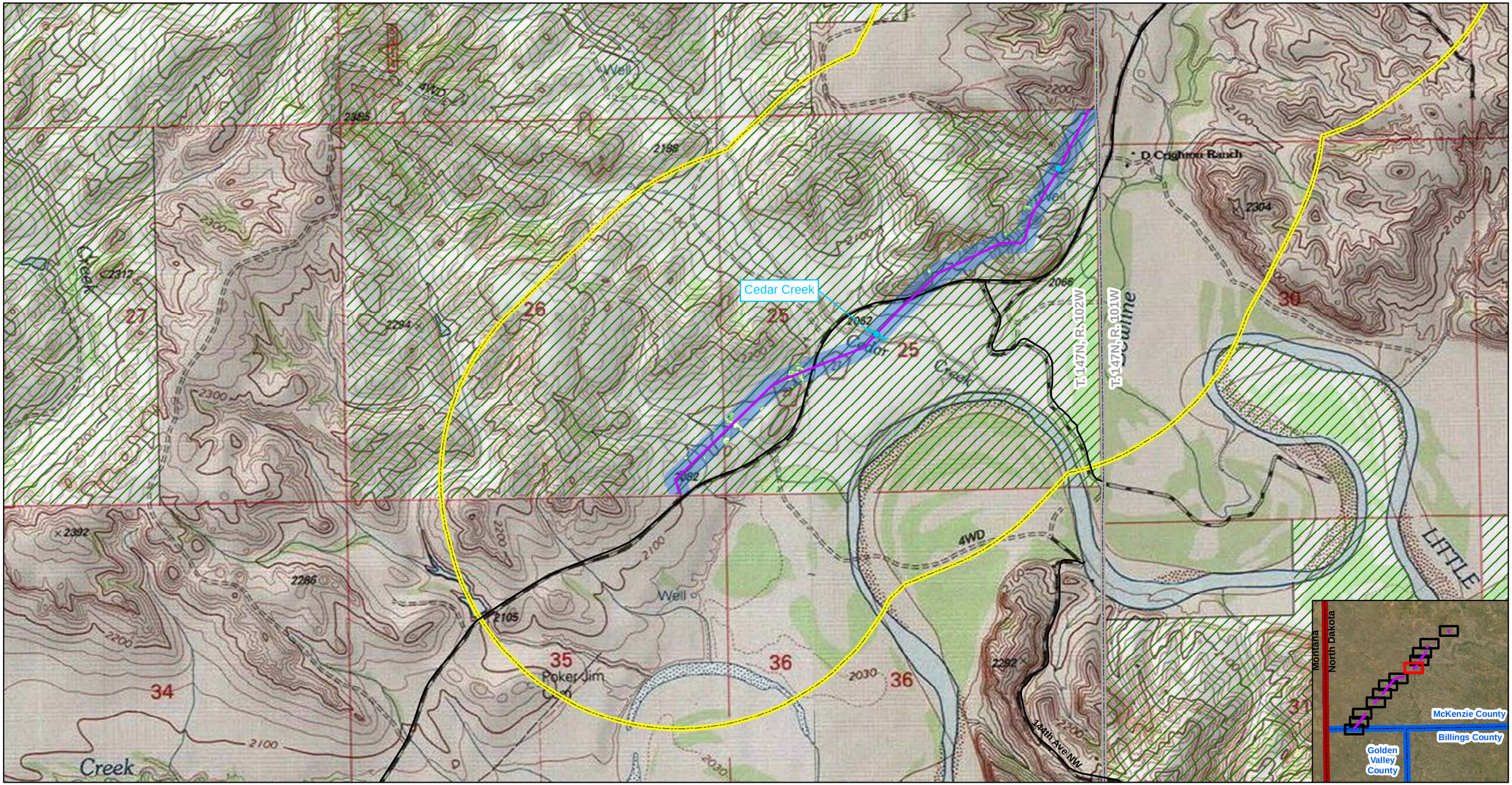
Figure: A.2

Page 4 of 12
T. 147N, R. 101W and T. 147N, R. 102W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- USFS Lands
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- County Boundary

Figure: A.2

Page 5 of 12
T. 147N, R. 101W and T. 147N, R. 102W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

T. 147N, R. 103W
T. 147N, R. 102W
T. 146N, R. 103W
T. 146N, R. 102W
Covered Bridge
Creek
4WD
Bridge
PIPELINE
DASK
Poker Jim Creek
149th Ave NW
Golden Eagle
Golden Eagle
Golden Eagle
Montana
North Dakota
McKenzie County
Billings County
Golden Valley County

South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
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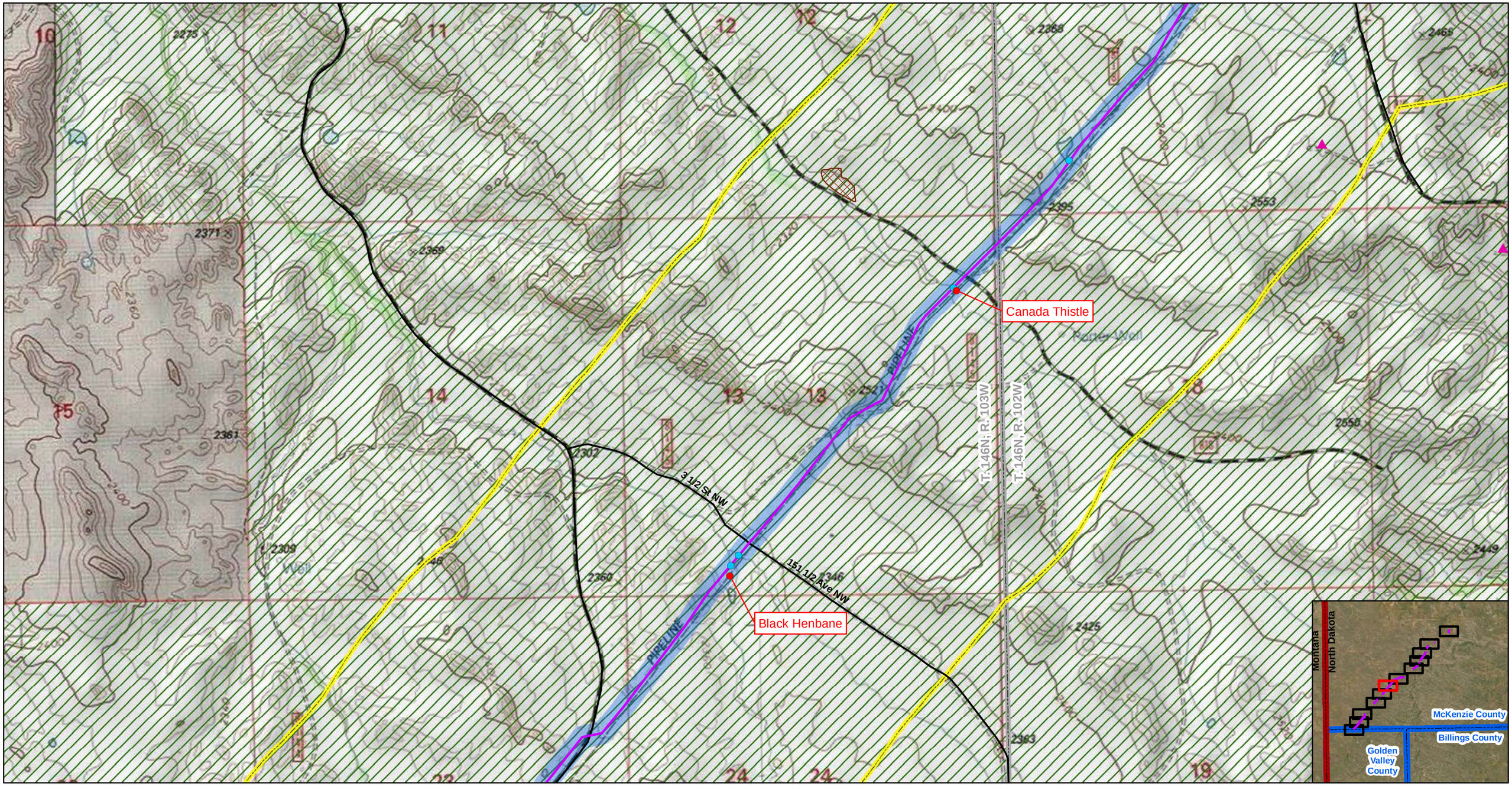
- USFS Lands
- Township/Range Boundary
- County Boundary

Figure: A.2

Page 6 of 12
T. 146N, R. 102W and T. 146N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters
0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- Northern Leopard Frog
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- Raptor Nest
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- County Boundary

Figure: A.2

Page 7 of 12

T. 146N, R. 102W and T. 146N, R. 103W

McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- County Boundary

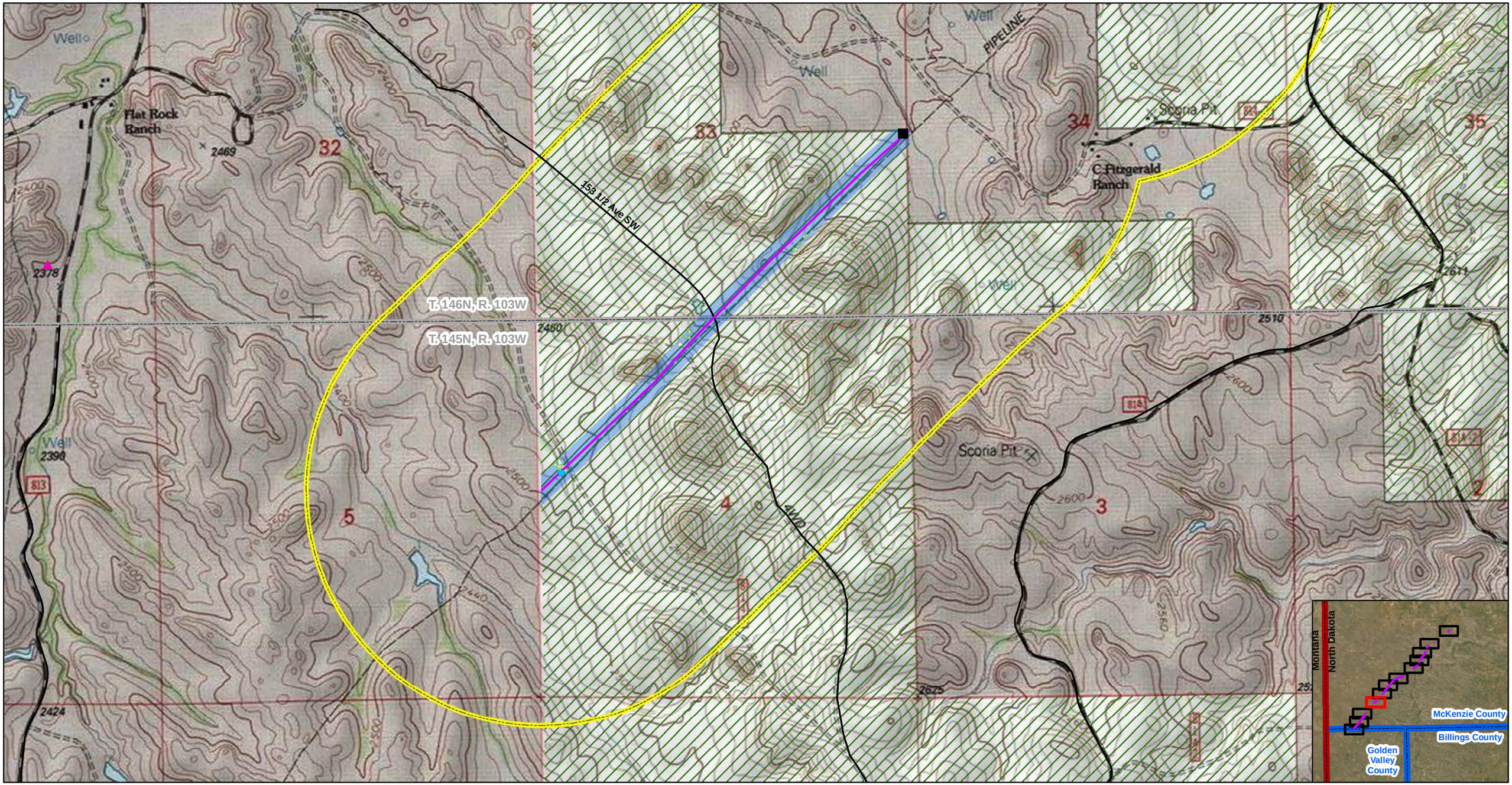
Figure: A.2

T. 146N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
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- Grouse Lek
- Raptor Nest
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- Township/Range Boundary
- County Boundary

Figure: A.2

T. 146N, R. 103W and T. 145N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
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- Wetland
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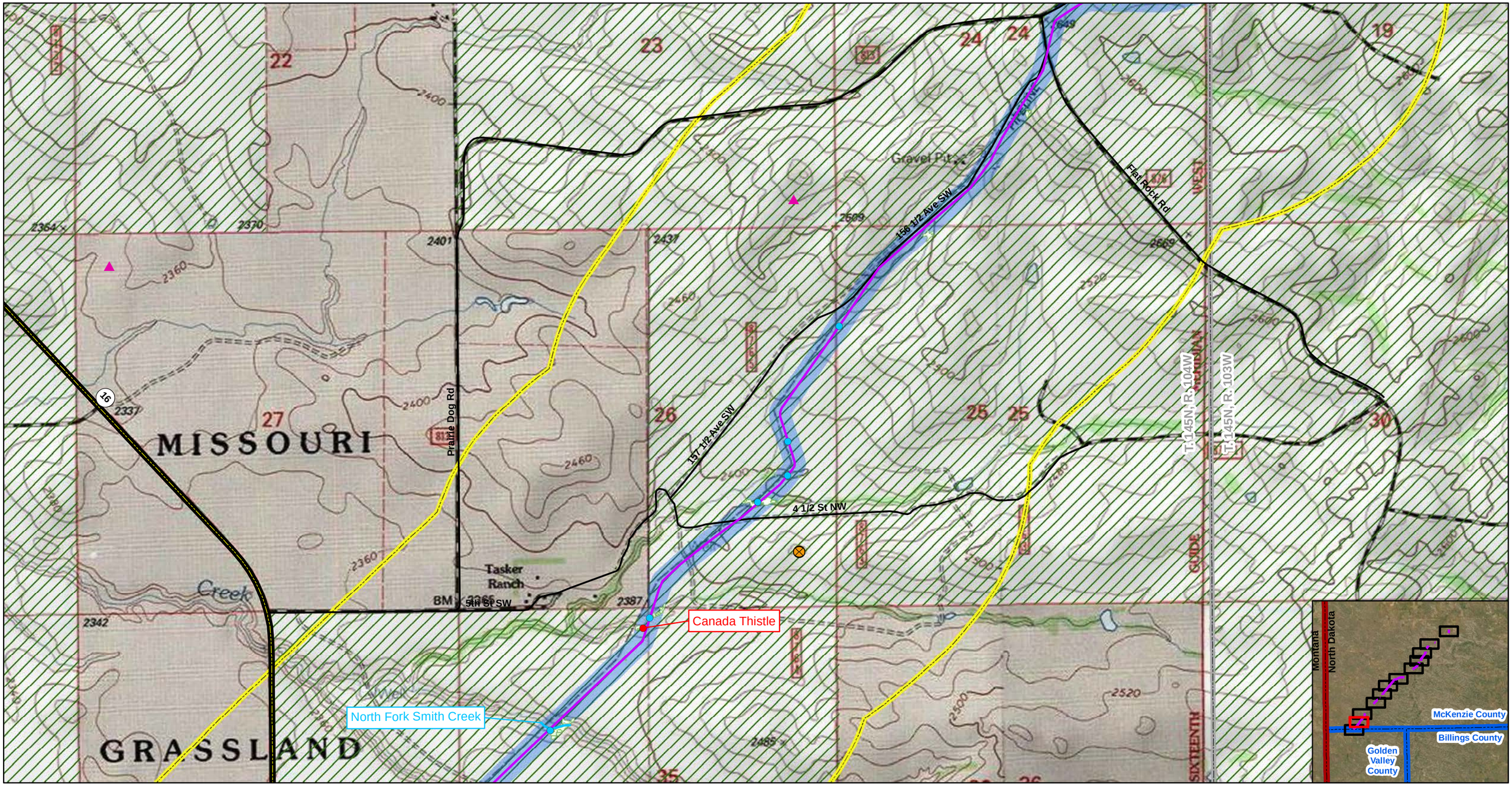
Figure: A.2

T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
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- Grouse Lek
- Raptor Nest
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- USFS Lands
- Township/Range Boundary
- County Boundary

Figure: A.2

Page 11 of 12
T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

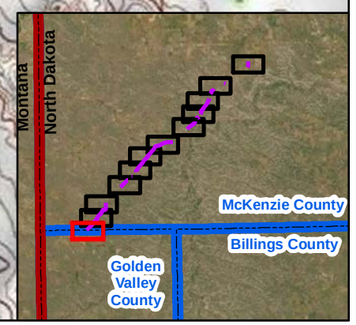
0 400 800 Meters

0 1,600 3,200 Feet

North Fork Smith Creek

Ferruginous Hawk
Golden Eagle
Golden Eagle
Ferruginous Hawk
Golden Eagle
Ferruginous Hawk
Golden Eagle
Ferruginous Hawk

McKenzie County
Golden Valley County
County Line Rd
T. 145N, R. 104W
T. 144N, R. 105W
T. 144N, R. 104W
GRASSLAND
Trotters
PIPELINE



South Bend Pipeline

- Area Oil and Gas Wells
- Block Valves
- Noxious Weeds
- Wetland
- Dakota Skipper
- Northern Leopard Frog
- Grouse Lek
- Raptor Nest
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- USFS Lands
- Township/Range Boundary
- County Boundary

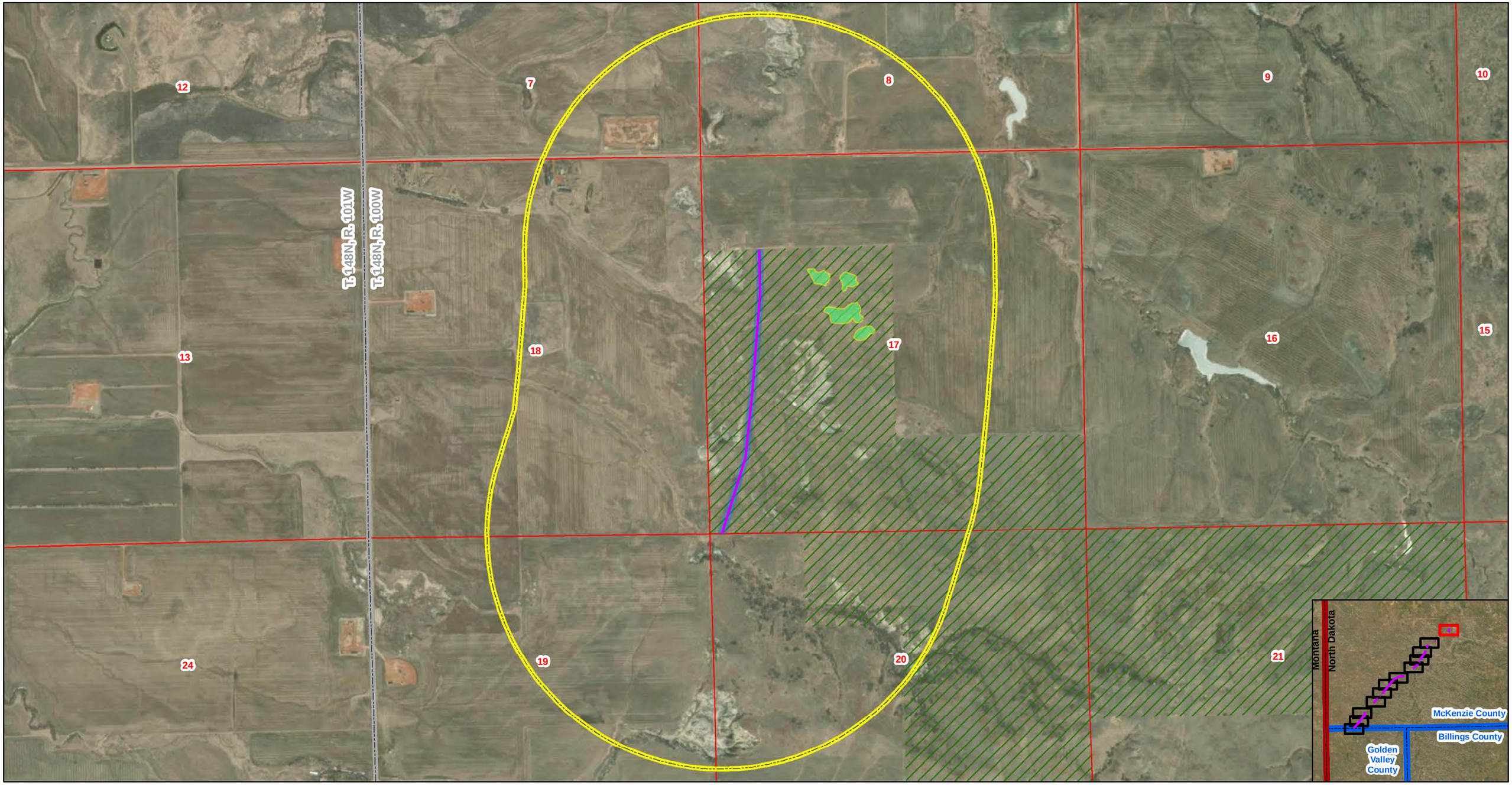
Figure: A.2

Page 12 of 12
T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

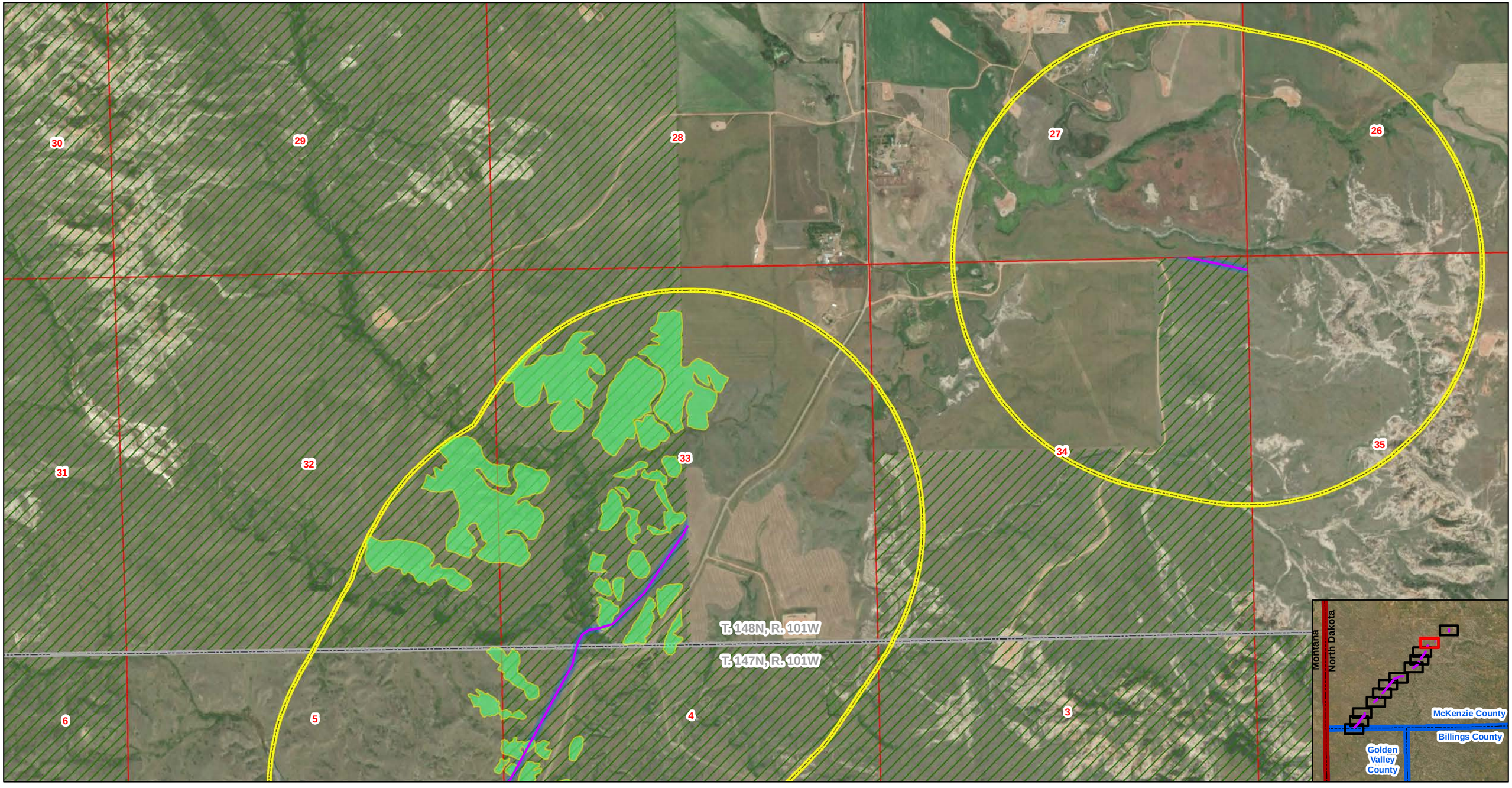
Figure: A.3

Page 1 of 12
T. 148N, R. 100W and T. 148N, R. 101W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

Figure: A.3

Page 2 of 12

T. 148N, R. 101W and T. 147N, R. 101W

McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

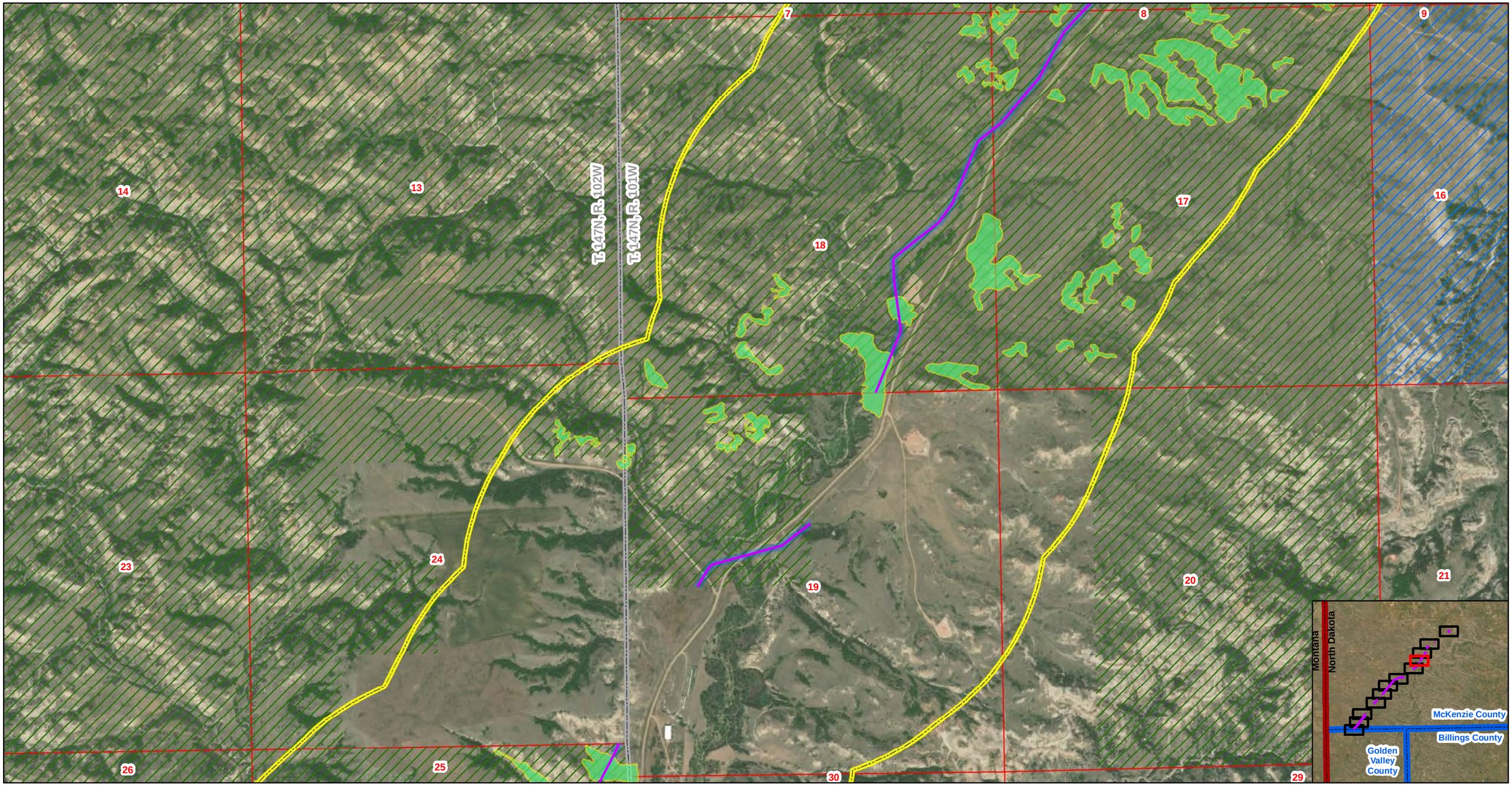
Figure: A.3

T. 147N, R. 101W and T. 147N, R. 102W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

Figure: A.3

Page 4 of 12

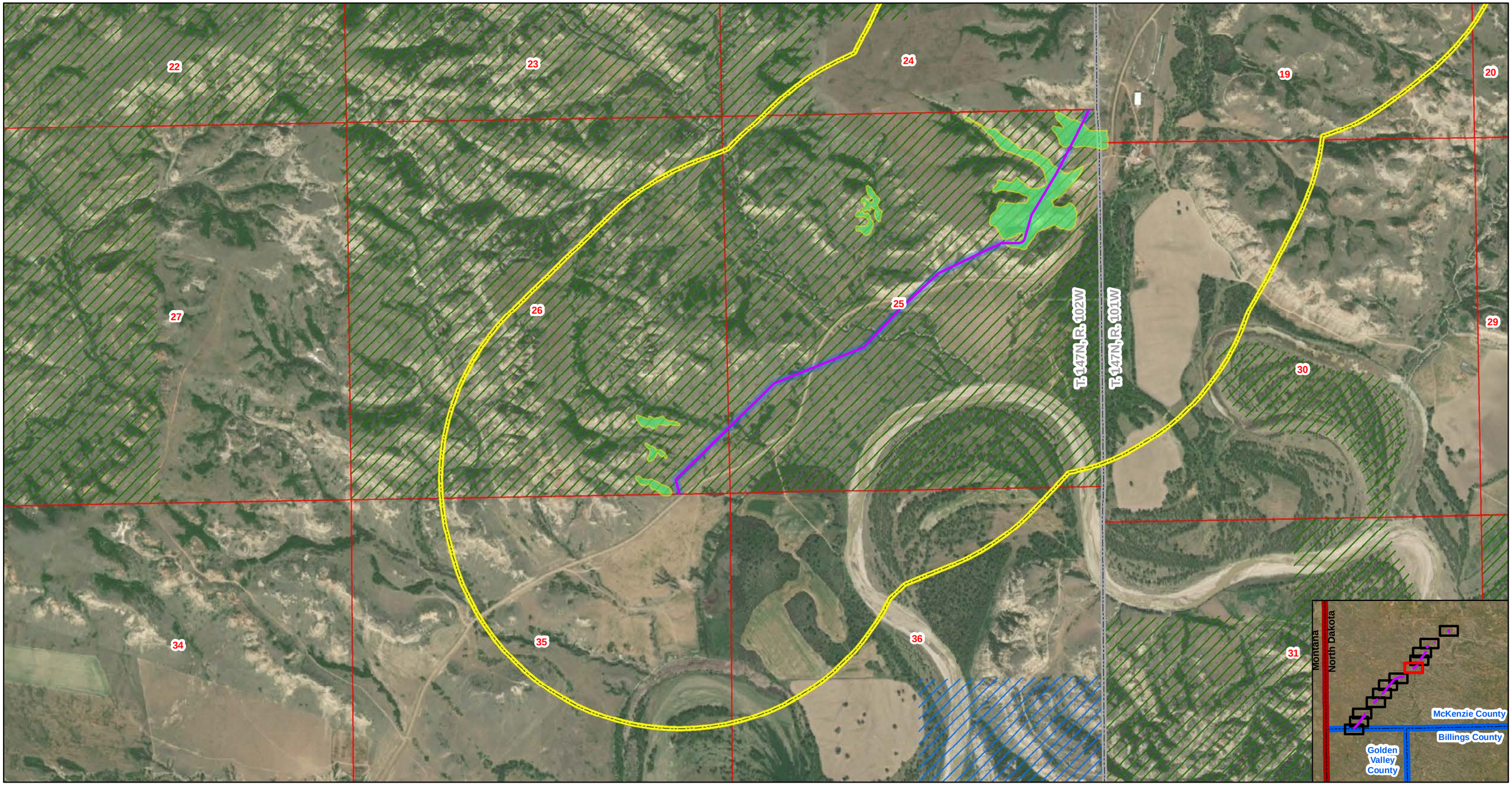
T. 147N, R. 101W and T. 147N, R. 102W

McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
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- County Boundary

Figure: A.3

Page 5 of 12
T. 147N, R. 101W and T. 147N, R. 102W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

T. 147N, R. 103W
T. 147N, R. 102W
T. 146N, R. 103W
T. 146N, R. 102W
31
32
33
34
1
6
5
4
3
12
7
8
9
10
13
18
17
16
Montana
North Dakota
McKenzie County
Billings County
Golden Valley County

South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
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Figure: A.3

T. 146N, R. 102W and T. 146N, R. 103W
McKenzie County, North Dakota

N

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0 1,600 3,200 Feet

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Figure: A.3

T. 146N, R. 102W and T. 146N, R. 103W
McKenzie County, North Dakota

N

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0 1,600 3,200 Feet

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- County Boundary

Figure: A.3

T. 146N, R. 103W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

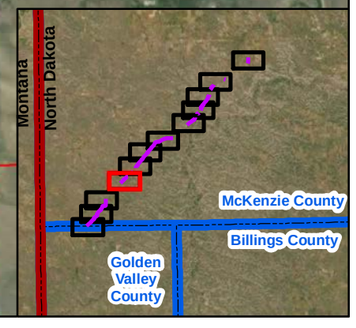
T. 146N, R. 103W

T. 145N, R. 103W

31 32 33 34 35

6 5 4 3 2

7 8 9 10



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

Figure: A.3

Page 9 of 12

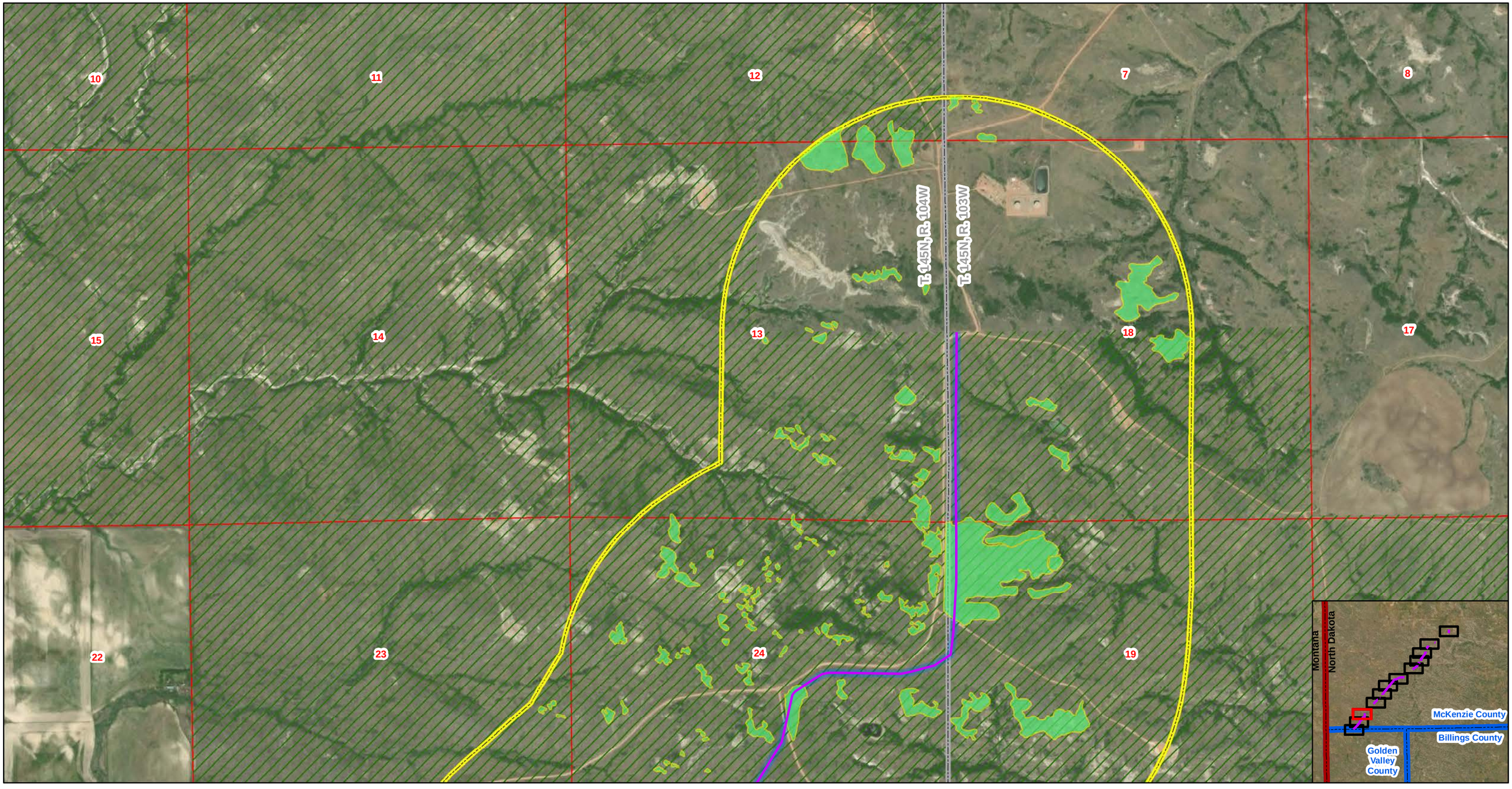
T. 146N, R. 103W and T. 145N, R. 103W

McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
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- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

Figure: A.3

T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

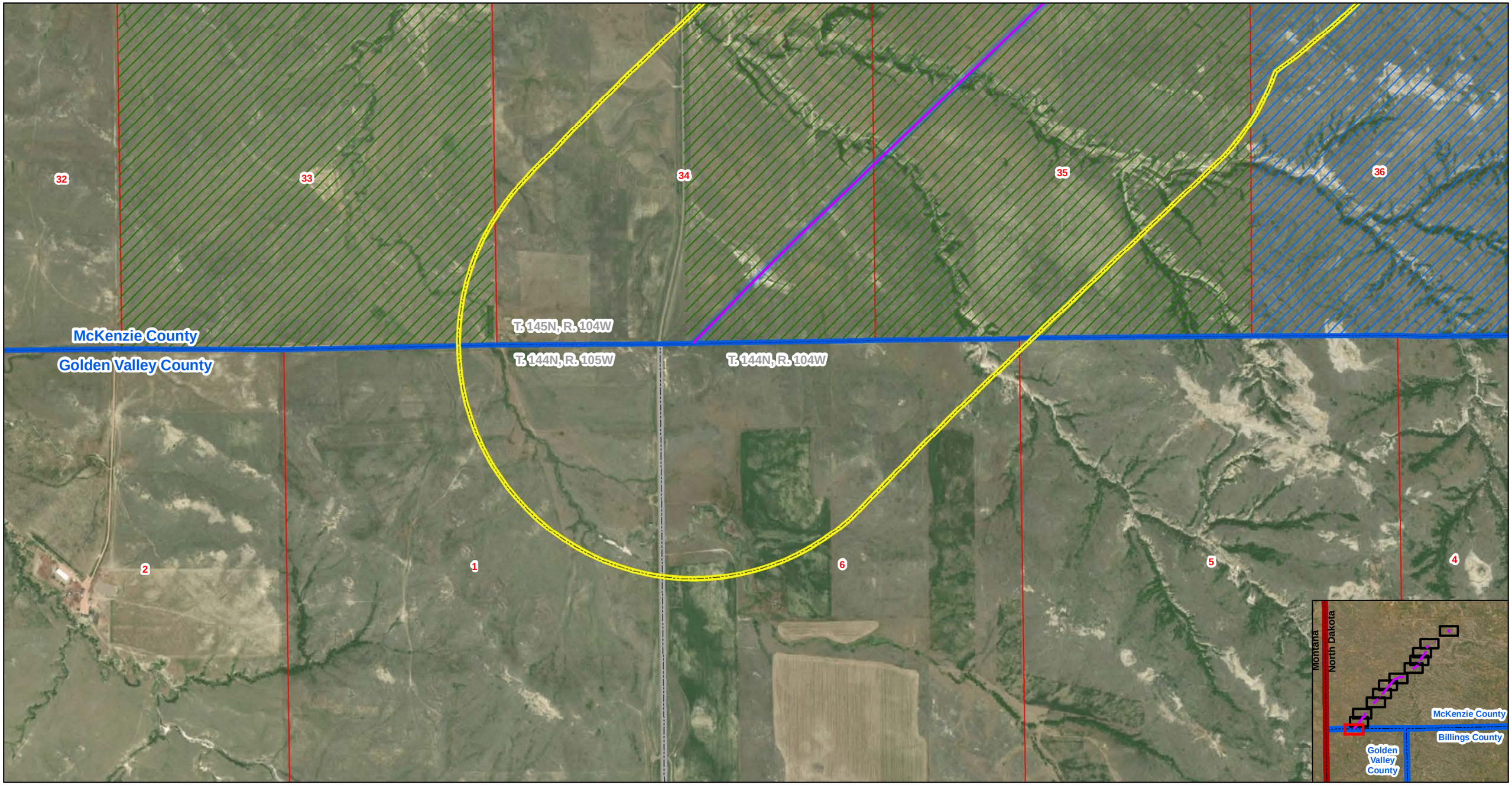
Figure: A.3

T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet



South Bend Pipeline

- Proposed Pipeline (USFS Lands)
- 100ft Construction Corridor
- 1km DASK Study Area
- Type B Habitat
- USFS Lands
- ND State Land
- Township/Range Boundary
- Section Boundary
- County Boundary

Figure: A.3

Page 12 of 12
T. 145N, R. 103W and T. 145N, R. 104W
McKenzie County, North Dakota

N

0 400 800 Meters

0 1,600 3,200 Feet

Appendix B – Information for Planning and Consultation List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513
http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm

In Reply Refer To: June 17, 2020
Consultation Code: 06E15000-2020-SLI-0350
Event Code: 06E15000-2020-E-01180
Project Name: South Bend Pipeline V01

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
(701) 250-4481

Project Summary

Consultation Code: 06E15000-2020-SLI-0350

Event Code: 06E15000-2020-E-01180

Project Name: South Bend Pipeline V01

Project Type: OIL OR GAS

Project Description: 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 on 19 miles on United States Forest Service (USFS) property land on the McKenzie Ranger District of the Little Missouri National Grasslands (LMNG). The proposed route utilizes an existing utility corridor to the greatest extent possible, reusing previously disturbed Right-of-Ways (ROW)'S. 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

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/47.53139503897673N103.60951949163444W

Counties: Golden Valley, ND | McKenzie, ND

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Least Tern *Sterna antillarum* Population: interior pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8505	Endangered
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot *Calidris canutus rufa* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane *Grus americana* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Fishes

NAME	STATUS
Pallid Sturgeon *Scaphirhynchus albus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

Insects

NAME	STATUS
Dakota Skipper *Hesperia dacotae* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1028	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Appendix C – Field Survey Identification Plant Species List

Appendix C Plant Species – Identification Checklist		
Common Name	**Scientific Name**	**Notes**
Alfalfa	*Medicago sativa*	
American Elm	*Ulmus americana*	
American Licorice	*Glycyrrhiza lepidota*	
American Plum	*Prunus americana*	
American Vetch	*Vicia americana Muhl. Ex Willd.*	
Anemone	*Anemone patens*	
Annual Sunflower	*Helianthis annuus*	
Aromatic Aster	*Symphyotrichum oblongifolium*	
Ball Cactus	*Escobaria vivipara*	
Bastard Toadflax	*Comandra umbellata*	
Big Bluestem	*Andropogon gerardii*	
Big Sage	*Artemisia tridentata*	
Black-eyed Susan	*Rudbeckia hirta*	
Black Henbane	*Hyoscyamus niger*	County Noxious
Black Medick	*Medicago lupulina*	
Blue-eyed Grass	*Sisyrinchium mucronatum*	
Blue Flax	*Linum lewisii*	
Blue Grama	*Bouteloua gracilis*	
Blue Lettuce	*Lactuca biennis*	
Breadroot	*Psoralea esculenta*	
Brittle Prickly Pear	*Opuntia fragilis*	
Buffaloberry Silver	*Shepherdia argentea*	
Buffalo Currant	*Ribes aureum*	
Buffalobur	*Solanum rostratum*	
Bull Thistle	*Cirsium vulgare*	
Bur Dock	*Arctium minus*	County Noxious
Bur Oak	*Quercus macrocarpa*	
Canada Thistle	*Cirsium arvense*	Noxious Species
Cattail	*Typha glauca*	
Cheatgrass	*Bromus tectorum*	LMNG Invasive Species
Chokecherry	*Prunus virginiana*	
Cinquefoil	*Potentilla recta*	
Clustered Broomrape	*Orobanche fasciculata*	
Common Goldenrod	*Solidago canadensis*	
Common Juniper	*Juniperus scopulorum*	
Common Vetch	*Vicia sativa*	
Common Yarrow	*Achillea millefolium*	
Cottonwood	*Populus deltoides*	
Creeping Juniper	*Juniperus horizontalis*	
Crested Wheatgrass	*Agropyron cristatum*	LMNG Invasive Species
Curlycup Gumweed	*Grindelia squarrosa*	
Dandelion	*Taraxacum officinale*	
Dwarf Sagebrush	*Artemisia cana*	

Appendix C Plant Species – Identification Checklist		
Common Name	**Scientific Name**	**Notes**
Eastern Red Cedar	*Juniperus virginiana*	
Fiddleleaf Hawksbear	*Crepis runcinata*	
Field Bindweed	*Convolvulus arvensis*	
Field Pussytoes	*Antennaria neglecta*	
Fleabane	*Erigeron annuus*	
Flodman's Thistle	*Cirsium flodmanii*	
Foxtail	*Hordeum jubatum*	
Fringed Sagebrush	*Artemisia frigida*	
Goatsbear	*Tragopogon dubius*	
Green Ash	*Fraxinus pennsylvanica*	
Green Needle Grass	*Nassella viridula*	
Gumbo Lily	*Oenothera cespitosa*	
Harebell	*Campanula rotundifolia*	
Hawthorn	*Crataegus arnoldiana*	
Horsetail	*Equisetum arvense*	
Indian Breadroot	*Psoralea esculenta*	
Indian Grass	*Sorghastrum nutans*	
Intermediate Wheatgrass	*Thinopyrum intermedium*	
Iron Sneezeweed	*Helenium autumnale*	
Junegrass	*Koeleria macrantha*	
Kentucky Bluegrass	*Poa pratensis*	LMNG Invasive Species
Kochia	*Kochia scoparia*	
Leadplant	*Amorpha canescens*	
Little Bluestem	*Schizachyrium scoparium*	
Locoweed	*Oxytropis lambertii*	
Musk Thistle	*Carduus nutans*	
Needle and Thread Grass	*Hesperostipa comata*	
Owl Clover	*Orthocarpus luteus*	
Pasque Flower	*Pulsatilla patens*	
Pennycress	*Thlaspi arvense*	
Pincushion Cactus	*Corypantha vivipara*	
Ponderosa Pine	*Pinus ponderosa*	
Prairie Coneflower	*Ratibida columnifera*	
Prairie Rose	*Rosa arkansana*	
Prairie Smoke	*Geum triflorum*	
Prickly Pear Cactus	*Opuntia polyacantha*	
Porcupine Grass	*Hesperostipa spartea*	
Purple Coneflower	*Echinacea purpurea*	
Purple Prairie Clover	*Dalea purpurea*	
Ragweed	*Ambrosia artemisiifolia*	
Reed Canarygrass	*Phalaris arundinacea*	
Rillscale	*Atriplex suckleyi*	
Rubber Rabbitbrush	*Ericameria nauseosa*	

Appendix C Plant Species – Identification Checklist		
Common Name	**Scientific Name**	**Notes**
Russian Olive	*Elaeagnus angustifolia*	LMNG Exotic Species
Scarlet Guara	*Oenothera suffrutescens*	
Scarlet Globemallow	*Sphaeralcea coccinea*	
Showy Milkweed	*Asclepias speciosa*	
Sideoats Grama	*Bouteloua curtipendula*	
Silver Buffaloberry	*Shepherdia argentea*	
Silverleaf Scurfpea	*Pediomelum argophyllum*	
Skeletonweed	*Lygodesmia juncea*	
Skunkbrush Sumac	*Rhus trilobata*	
Slimpod Venus Looking Glass	*Triodanis pemptocarpa*	
Smooth Brome	*Bromus inermis*	LMNG Invasive Species
Snowberry	*Symphoricarpos albus*	
Sow Thistle	*Sonchus arvensis*	
Standing Milkvetch	*Astragalus adsurgens*	
Stiff Goldenrod	*Solidago rigida*	
Stiff Sunflower	*Helianthus pauciflorus*	
Stinging Nettle	*Urtica dioica*	
Switchgrass	*Panicum virgatum*	
Two Grooved Poison Vetch	*Astragalus bisulcatus*	
Western Sagebrush	*Artemisia tridentata*	
Western Wallflower	*Erysimum capitatum*	
Western Wheatgrass	*Pascopyrum smithii*	
White Milkwort	*Polygala alba*	
White Penstemon	*Penstemon albidus*	
White Prairie Aster	*Symphyotrichum falcatum*	
White Prairie Clover	*Dalea candida*	
White Sage	*Artemisia ludoviciana*	
Whorled Milkweed	*Asclepias verticillata*	
Wild Bergamont	*Mondarda fistulosa*	
Wild Flax	*Linum lewisii*	
Wormwood	*Artemisia absinthium*	LMNG Invasive Species
Yarrow	*Achillea millefolium*	
Yellow Sweetclover	*Melilotus officinalis*	LMNG Exotic Species
Yellow Wild Buckwheat	*Eriogonum flavum*	
Yucca	*Yucca glauca*	

Appendix D – Dakota Skipper Survey 2020

Dakota Skipper, *Hesperia dacotae*, Presence/Absence Survey 2020

Report Prepared for:

Keitu Engineers & Consultants, Inc.

1403 27th St N.

Mandan, ND 58554

Bridger Pipeline LLC Project North Dakota

Report Prepared by:

Jim Reiser & Jameson T (JT) Reiser

Scope of Work

Bridger Pipeline LLC has proposed the construction of a 142 mile long, 16 inch nominal diameter crude oil pipeline through McKenzie and Golden Valley Counties in North Dakota and Fallon and Wibaux Counties in Montana. This South Bend Pipeline Project will extend from Bridger's existing terminal at Jonson's Corner, North Dakota to its existing Sandstone Station located 8.5 miles west of Baker, Montana.

Approximately 27 miles of the route passes through the Little Missouri National Grasslands managed by the US Forest Service McKenzie Ranger District located in Watford City, ND. A field presence/absence survey was to be conducted for the federally threatened Dakota Skipper (DASK), *Hesperia dacotae* during the 2020 flight season of the adult skipper. This would occur within one kilometer of all expected potential surface impacts on US Forest Service (USFS) land per their request in support of the Environmental Assessment study associated with its permit-to-construct application process.

Historical information for DASK

The Dakota Skipper (DASK) was listed as threatened by the Fish and Wildlife Service in the fall of 2014 (*Federal Register*, Final Rule Oct. 24, 2014). Historical records of this species ranged from northeast Illinois to southern Saskatchewan. However, today it may be limited to single populations in Minnesota and South Dakota, several locations in western North Dakota, and a few sites in southern Saskatchewan. DASK is believed to be extirpated from Illinois, Iowa, and eastern Minnesota.

DASK Habitat Types

DASK typically occurs in one of two habitat types; Type A or Type B Habitat, in North Dakota.

Type A Habitat consists of low lying, wet-mesic prairie with little topographic relief that occurs on near-shore glacial deposits. (Royer, 2008).

Our surveys in McKenzie County North Dakota took place on Type B Habitat (Royer, 2008) (Photo 1-3). This habitat type dominates the river valleys and the Missouri Coteau on the western edge of DASK's known range. This rolling terrain over gravelly glacial moraine deposits is dominated by known DASK larval food plants, including little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), and needle or porcupine grasses (*Hesperostipa spp.)*. The favored DASK nectar source, purple coneflower (*Echinacea angustifolia*), is plentiful in the region. Gray head coneflower (*Ratibida columnifera*), black-eyed Susan (*Rudbeckia hirta*),

blanket flower (*Gaillardia aristata*), and native thistle (*Cirsium sp*.) are abundant and additionally serve as nectar sources for many Lepidoptera species here.

Survey Methodology

The surveys were carried out on foot by Jim and JT Reiser. We carried Garmin eTrex 20xt GPS units set to record our respective positions every 10 seconds for later analysis. Additionally, a Trimble GeoExplorer 6000 (provided by Keitu) was used to assist us in staying within the predetermined parameters of the survey; 1 kilometer on either side of centerline of the proposed pipeline's path. Surveyors recorded all butterflies encountered during surveys (Table 2). Surveys began at or after the onset of butterfly activity each day, when temperatures were above 70°F. Surveys continued until activity began to decline due to increased cloud cover, increased winds, a significant drop in temperature or complete coverage of appropriate habitats was achieved. Date, temperature, cloud cover, constant and gusting wind speed and direction, and coneflower ray extension stage were recorded at the beginning and end of each survey (Table 1). Marrone (2002) reports the single flight of the Dakota skipper peaks from late June to mid-July, with occurrence dates extending from June 26-July 21. The surveys in McKenzie County North Dakota took place from June 28-July 3, 2020. The area received 3"-6" of rain June 30th, thus no surveys were conducted that day. Fellow investigators, Selby, Gockman, and Krych (pers. comm.) had all recorded the presence of Dakota skippers by June 26th at other known DASK sites so our survey dates were well within the expected flight period of DASK for 2020.

Results

Pre-survey habitat/vegetation assessments were performed by Keitu biologists several weeks prior to the initiation of DASK surveys. Their emphasis was locating and mapping, from the ground and aerially, high quality stands of little bluestem, the primary larval host of DASK in the region. This information, coupled with our on-site search for large stands of purple coneflower in those same areas, proved extremely useful in discovering a lone DASK (Figure 1a, Figure 1b).

Discussion

The current status of DASK in the Little Missouri National Grasslands is uncertain. Recent surveys by the authors and others (Selby and Gockman) have yielded a single DASK individual. Two of its congeners, the Ottoe Skipper, *Hesperia ottoe* and Pahaska Skipper, *Hesperia pahaska* have been encountered more frequently, with the Ottoe Skipper being quite common in the area. Both species require similar larval food plants and adult nectar sources and Type B Habitat as well.

DASK's dispersal range, reportedly <1 kilometer, prevents it from repopulating in the event of habitat loss or extreme climatic events. However, two key factors, soils unsuitable for agriculture and steep topography, have allowed remnant native prairie habitats to persist, thus DASK remains here, albeit tenuously.

As the oil, gas, and wind energy industries continue to expand onto the Grasslands, and elsewhere in North Dakota, future DASK surveys are warranted to protect this fragile Lepidoptera species in the rugged wilderness of its western range.

Tables/Figures

Table 1. Site Climate Conditions

Date	Temperature (°F)	Wind Speed (mph)/Direction	Cloud Cover	Coneflower Stage	DASK Presence
6/28/20	75-81	10-20/N	Partly Cloudy	Unopen-Fully Open	No
6/29/20	74-88	10-20/NE	Partly/Mostly Sunny	Unopen-Fully Open	No
7/1/20	70-81	10/SW	Mostly Sunny	½ Open-Fully Open	Yes
7/2/20	82-87	5-10/NW	Mostly Sunny	½ Open-Fully Open	No
7/3/20	80-91	10-20/SE	Mostly Sunny	Mostly Open	No

Table 2. Lepidoptera Species List

Family Name	***Scientific name***
Hesperiidae	*Hesperia dacotae*
	Hesperia ottoe
	Hesperia pahaska
	Oarisma garita
	Polites origines
	Polites themistocles
	Anattrytone logan
	Epargyreus clarus
	Pyrgus communis
	Erynnis sp.
	Megathymus streckeri
Papilionidae	*Papilio multicaudata*
Pieridae	*Pontia protodice*
	Colias eurytheme
	Colias philodice
Lycaenidae	*Satyrium calanus*
	Strymon melinus
	Glaucopsyche lygdamus
	Plebejus melissa
Nymphalidae	*Euptoieta claudia*
	Speyeria aphrodite
	Speyeria idalia
	Speyeria edwardsii
	Polygonia progne
	Vanessa cardui
	Vanessa atalanta
	Limenitis archippus
	Limenitis weidemeyerii
	Coenonympha tullia
	Cercyonis pegala
	Danaus plexippus

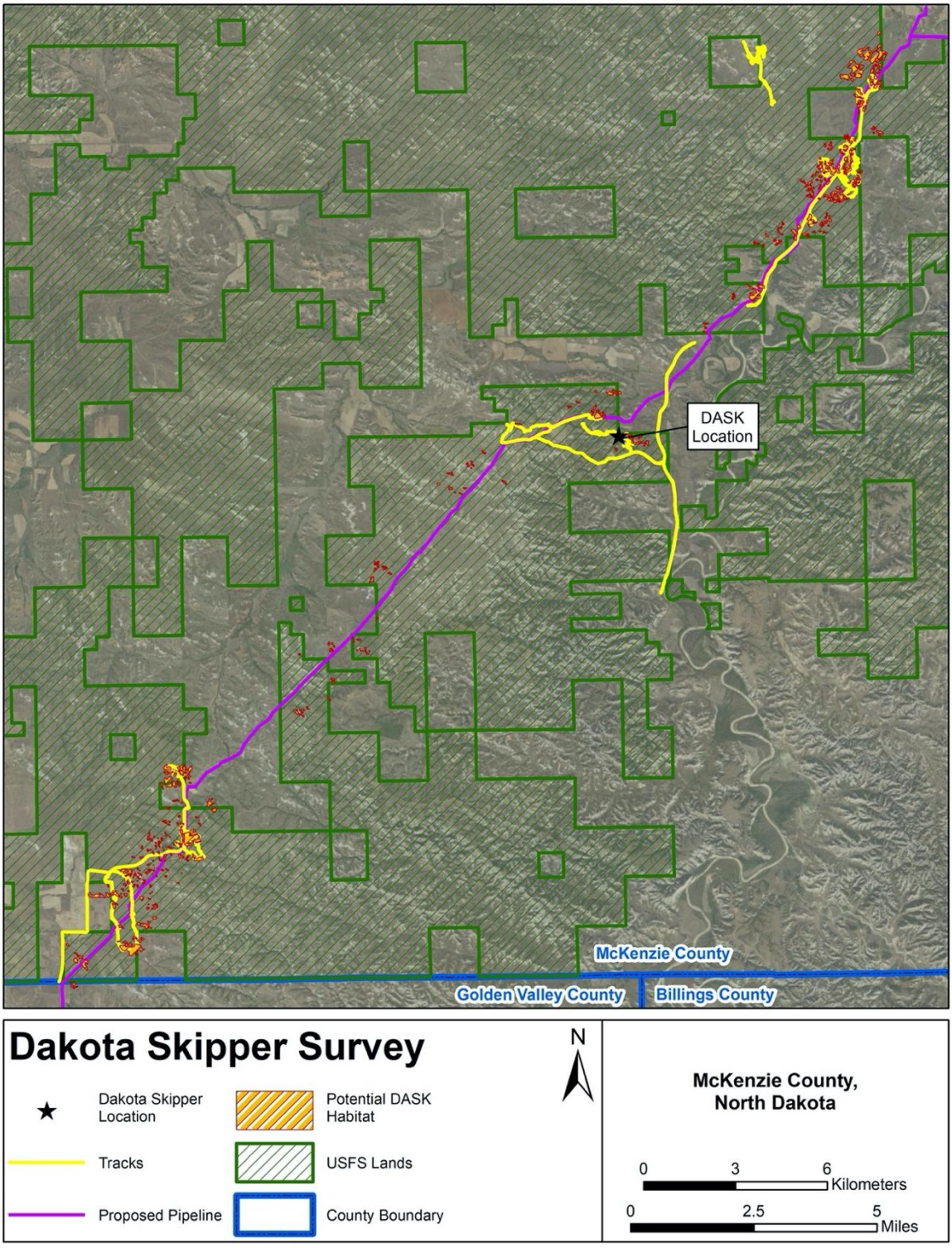


Figure 1a. Overview area of the Little Missouri National Grasslands surveyed for DASK during the 2020 flight season.

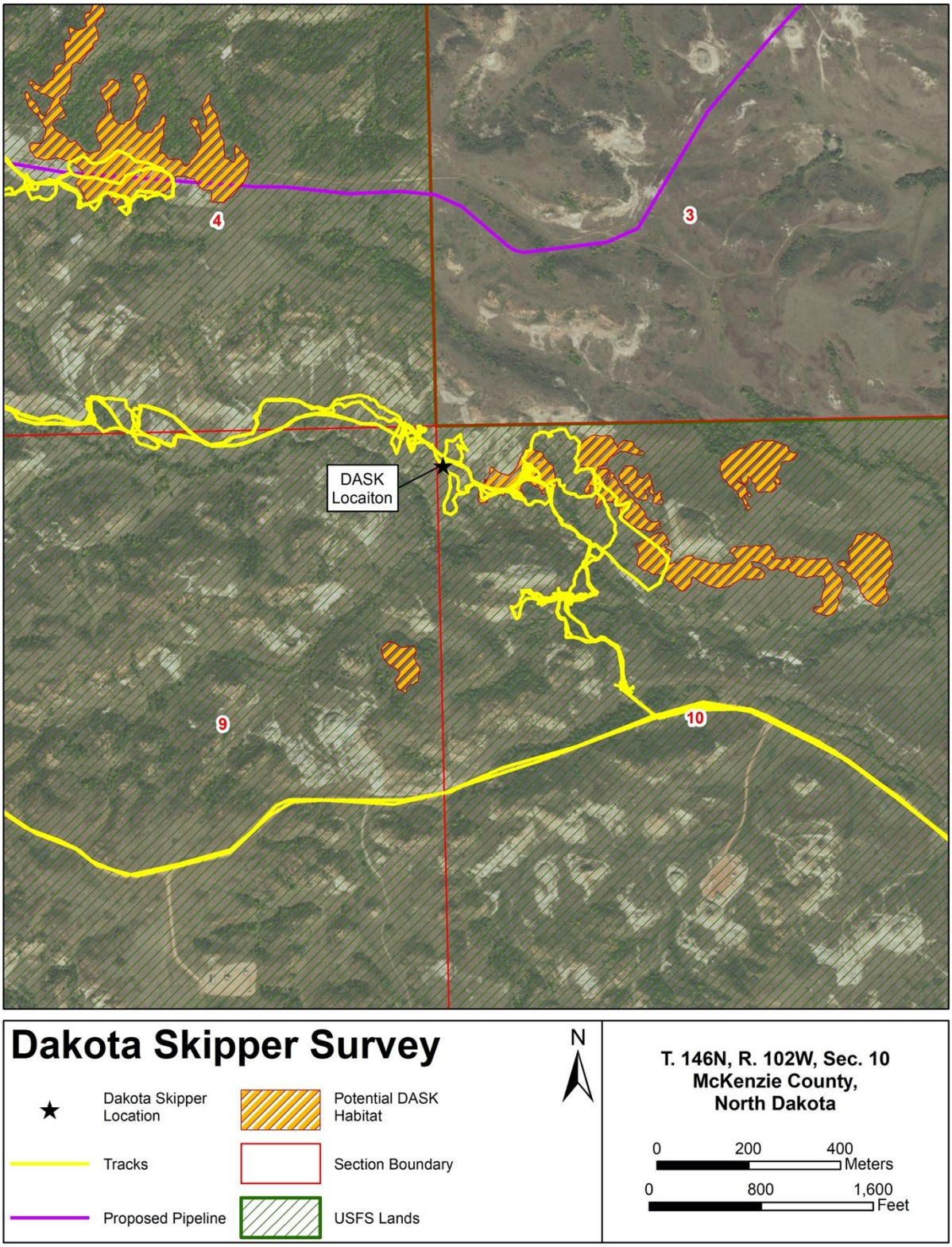


Figure 1b. Location of the discovered female DASK and surrounding habitat.

Photos

Photo 1. Bridger Pipeline LLC - South Bend Pipeline; DASK Type B Habitat in western North Dakota.

Photo 2. Bridger Pipeline LLC - South Bend Pipeline; DASK Type B Habitat in western North Dakota.

Photo 3. Bridger Pipeline LLC - South Bend Pipeline; DASK Type B Habitat in western North Dakota.

Acknowledgements

We would like to thank Karine Finken, Zachary Peterson, and Derek Sondeland for their assistance during this project. Karine and Zachary's support in the field was invaluable. Their willingness to get us around on some difficult terrain via the company UTV and aid us in our search for DASK on July 1-2 was much appreciated. Derek was able to meet us the Saturday before our surveys began. He provided us with a Trimble unit which had the survey parameters installed on it. He also worked closely with JT to download and assemble the information we had accrued during the course of the project.

Literature Cited

Marrone, G. M. Field Guide to the Butterflies of South Dakota. 2002. 478 pp.

Royer, R. A., Mc Kenney, R. A. and Newton, W. E., A Characterization of Non-Biotic Environmental Features Of Prairies Hosting The Dakota Skipper (*Hesperia Dacotae*, Hesperiidae) Across Its Remaining U.S. Range. Journal of The Lepidopterists' Society. 2008 pp 14-16.

	(Supplemental) Table 5.4 Exclusion Areas NDPSC Certificate of Corridor Compatibility and Route Permit			
Exclusion Area	**Located within the Study Area (1 mile corridor)**	**Located within the Project Corridor**	**Crossed by Project Route**	**Description of Exclusion Area and Proposed Buffer**
National Parks, Memorial Parks, Historic Sites and Landmarks, Natural Landmarks, Monuments, and Wilderness Areas	None	None	None	
State Parks, Historic Sites, Monuments, Historical Markers, Archaeological Sites, Nature Preserves	1	None	None	Poker Jim Cemetery is located 400 ft from the proposed centerline
County Parks and Recreation Areas, Municipal Parks, Parks Administered by other Governmental Subdivisions	None	None	None	
Areas Critical to the Life Stages of Threatened or Endangered Animal or Plant Species	None	None	None	Botany was field surveyed for the Project Corridor. A 1-mile corridor was field surveyed for wildlife only.
Areas Where Animal or Plant Species Unique or Rare to the State Would be Irreversibly Damaged	None	None	None	
Areas Within 1,200 Feet of an ICBM Launch or Launch Control Facility	None	None	None	
Areas Within 30 Feet of a Direct Line Between ICBM Launch or Launch Control Facilities to Avoid Microwave Interference	None	None	None	

(Supplemental) Table 5.8 Avoidance Areas				
Avoidance Area	**Located within the Study Area (1 mile Corridor)**	**Located within the Project Corridor**	**Crossed by Project Route**	**Description of Avoidance Area and Proposed Buffer**
National Historic Districts, Wildlife Areas, Wild, Scenic, or Recreational Rivers, Wildlife Refuges, Grasslands	Yes	Yes	Yes	National Grasslands Routing in consultation with USFS
State Wild, Scenic or Recreational Rivers, Game Refuges, Game Management Areas, Management Areas, Forests, Forest Management Lands, Grasslands	None	None	None	
Historical Resources not specifically designated as Exclusion or Avoidance Areas	Yes	Yes	None	The Class I file search found 157 sites, 4 site leads, & 108 isolated finds **
Geologically Unstable Areas	Yes, 70*	Yes, 6	None	
Areas within 500 Feet of a Residence, School, or Place of Business	N/A	None	None	
Reservoirs and Municipal Water Supplies	Yes, one	None	None	An approximate 1-mile portion of the Little Missouri River is located within 1000 ft of the centerline
Water Sources for Organized Rural Water Districts	None	None	None	
Irrigated Land (not applicable to underground transmission facilities)	N/A	N/A	N/A	
Areas of Recreational Significance Not Designated as Exclusion Areas	None	None	None	

*These areas contain landslide deposits (areas of previous landslides and sluffs) not necessarily unstable and have had no evaluation.

**The Class I files search was conducted on a one-mile study area, the Class III field survey was conducted for the Project Corridor.

UTILITY OCCUPANCY APPLICATION AND PERMIT

North Dakota Department of Transportation, Design
SFN 7995 (6-2016)

FOR STATE USE ONLY (Type or Print)

RIMS Document Number	Contract Number	District Tracking Number
52930	65220251	22003

APPLICANT INFORMATION

Authorized Utility Agent (must be same as signatory for permit)

Company Name	Contact Name			Telephone Number
Bridger Pipeline, LLC	Tad True			(307) 266-0205
Mailing Address	City	State	ZIP Code	Email Address
P.O. Drawer 2360	Casper	WY	82602	tad.true@truecos.com

Preparer - Consultant

Company Name	Contact Name			Telephone Number
Diamond Resources Co.	Rob Carey			(701) 818-7615
Mailing Address	City	State	ZIP Code	Email Address
P.O. Box 1938	Williston	ND	58802-1938	rcarey@diamondnd.com

Utility Contractor

Company Name	Contact Name			Telephone Number
Bridger Pipeline, LLC	Tommy Massengale Construction Supervisor			(806) 340-4290
Mailing Address	City	State	ZIP Code	Email Address
P.O. Drawer 2360	Casper	WY	82602	tommy.massengale@truecos.co

TYPE OF FACILITY (Complete appropriate space only.)

Description of Proposed Facility
16.00" O.D., 0.375" W.T., API 5L X52 with 16-18 MILS FBE, 30-40 MLS ARO Coating, cathodic protection with no casing

Size of Facility	Number of Cables	Length of Down Guys
16" Steel Crude	N/A	N/A
Pipeline Pressure	**Size of Casing**	**Length of Casing**
1440	N/A	N/A
Location of Pole(s)	**Location of Appurtenances**	**Location - Others**
N/A	N/A	N/A

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right of way shall be subject to the North Dakota Department of Transportation's (NDDOT's)*"A Policy for Accommodation of Utilities on State Highway Right of Way"*, current edition, and the following terms and conditions, attached hereto and made a part hereof.

The installation shall be completed on or before: Date 12/31/2022

See page 2 for additional Terms and Conditions.

APPROVAL

Company Name (Utility Agency)	Authorized Utility Agent Name (Type or Print)	Authorize Agent Title
Bridger Pipeline, LLC	Tad True	Company Owner
Date	**Authorized Agent's Signature**	
2/25/2022	DocuSigned by: [signature] 9743F9C9C1CB41C...	

To be signed by Owner, Partner, Corporate President, Vice President, or other authorized Corporate Officer. If signed by other authorized Corporate Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.

The Owner is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto, and made a part hereof. NDDOT Approved Date 2/25/2022

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

District Engineer (Type or Print)	District Engineer Signature
Rob Rayhorn	DocuSigned by: Rob Rayhorn D01C52C2BB3E415...

For State Use Only

District Tracking Number
22003

(A) Installation/maintenance of said facilities shall be done in a manner satisfactory to the NDDOT district engineer.

(B) Owner shall notify the NDDOT district engineer forty-eight (48) hours prior to installing, maintaining, relocating, or removing said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the NDDOT district engineer.

(C) The owner shall be required to wear an ANSI/ISEA 107-2010 Class II high visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.

(D) Owner shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said facilities on highway right of way.

(E) The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

(F) Owner shall promptly remove said facilities from highway right of way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by NDDOT. The owner may be held responsible for delay costs caused by the owner's failure to use reasonable efforts to relocate or adjust facilities in a timely manner.

(G) NDDOT specifically reserves the right to revoke, or change the terms and conditions of, this Permit with or without cause and upon notice to the Owner.

(H) The Owner, for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person, on the grounds of race, color, national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the Owner will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and regulations, such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities set forth in this Assurance.

That in the event of breach of any of the above Non discrimination covenants, the NDDOT will have the right to terminate this Permit and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said Permit had never been made or issued.

(I) If the utility facility includes drain tile, a "Request for Drainage on Highway Rights of Way", state form number 50909, must be made in conjunction with this permit.

(J) The Department's review and subsequent approval of this permit request does not relieve the applicant of the responsibility to comply with all Federal and State laws and regulations that govern, but are not limited to, the protection of wetlands, threatened and endangered species, and migratory birds. The applicant is responsible to comply with all Federal and State laws and regulations that govern the protection of cultural resources within the permit application area (e.g., S.106 of the National Historic Preservation Act, 36 CRF Part 800; ND Century Code 55-02-07; ND Century Code 55-03-01.1). The applicant shall be aware of the ND State burial law (ND Century code 23-06-27; Administrative Rule 40-02) and ensure compliance for any discovery of human remains within the permit request area.

(K) The Contractor agrees that NDDOT's review of the utility relocation plans, specifications, calculations, and field inspections shall be solely for NDDOT purposes and not for the benefit of the Utility or any third party and shall not be deemed to mean that the Utility's design and construction is structurally sound and appropriate or meets applicable federal and state regulations, laws, or local ordinances, codes, or industry standards (collectively, “Requirements”). The Utility affirms that it has taken all of the actions necessary and required for the construction, operation, and maintenance of its facility authorized hereunder, including compliance with all Requirements.”

(L) Detailed location maps showing lateral offsets from roadway centerlines are required for a permit.

For State Use Only

District Tracking Number
22003

Please attach detail location map for each Utility Location. Use multiple utility locations when changing lateral offsets.

Highway Number	Utility Location	
Hwy 16 S	☐Along or ☒Across	
Nearest City or Hwy Jct.	Direction (N, S, E, W)	Approximate Miles From
Beach, ND	North - East	28.60

For State Use Only				
	Begin		End	
Location Number	Reference Pt	Offset	Reference Pt	Offset
1	107.4593	-	107.4593	-

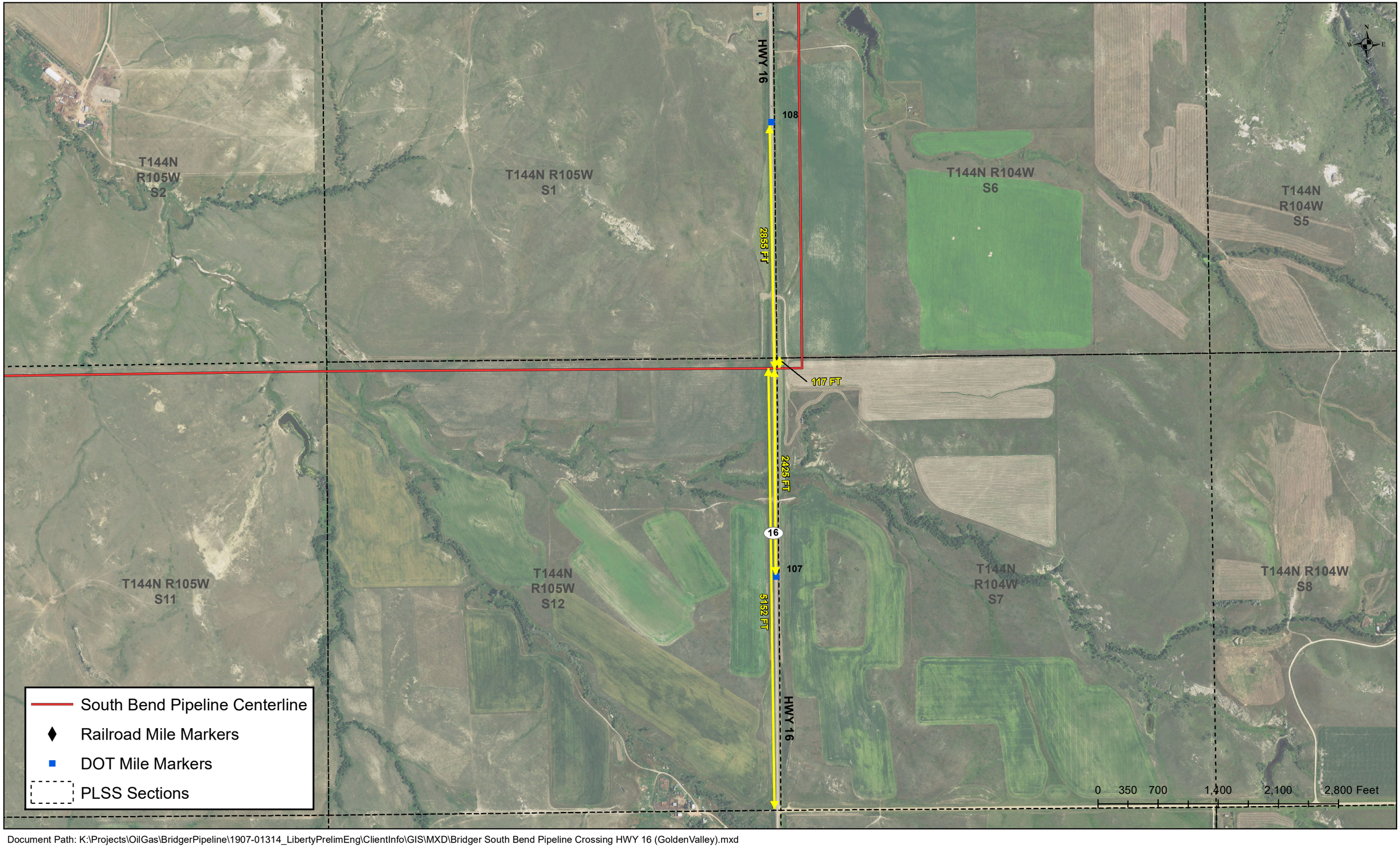
	Reference Marker	Direction (N, S, E, W)	Longitudinal Offset (feet)
Begin	MP 107	North	2425'
	Direction From Centerline (N, S, E, W)		Lateral Offset (feet)
	West		120'

	Reference Marker	Direction (N, S, E, W)	Longitudinal Offset (feet)
End	MP 107	North	2,425'
	Direction From Centerline (N, S, E, W)		Lateral Offset (feet)
	East		120'

Exhibit A - Approximate South Bend Pipeline Crossing

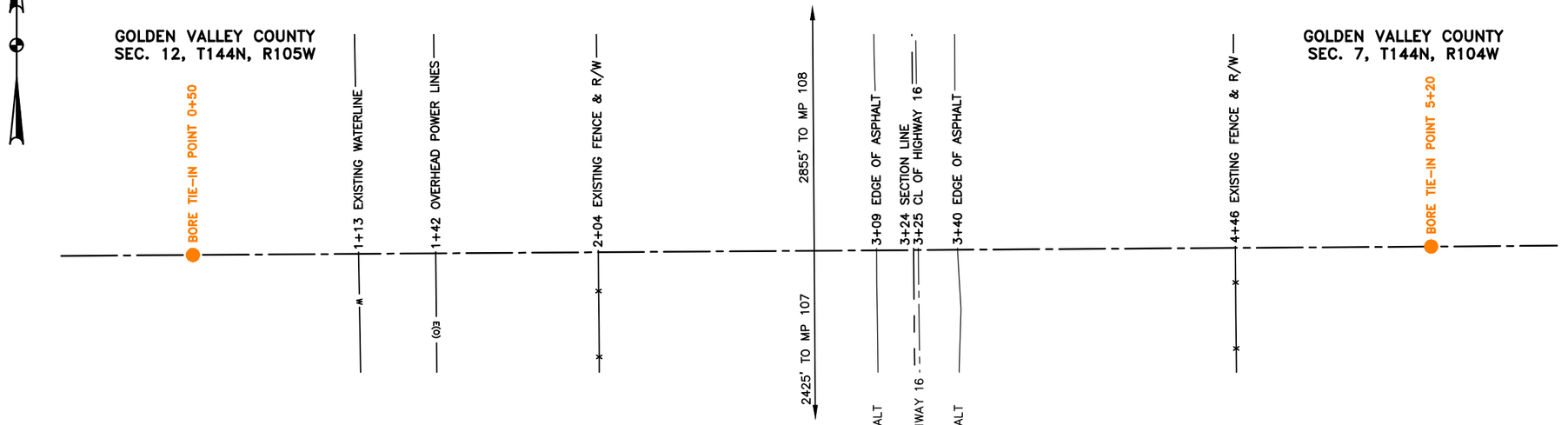
Golden Valley County, North Dakota

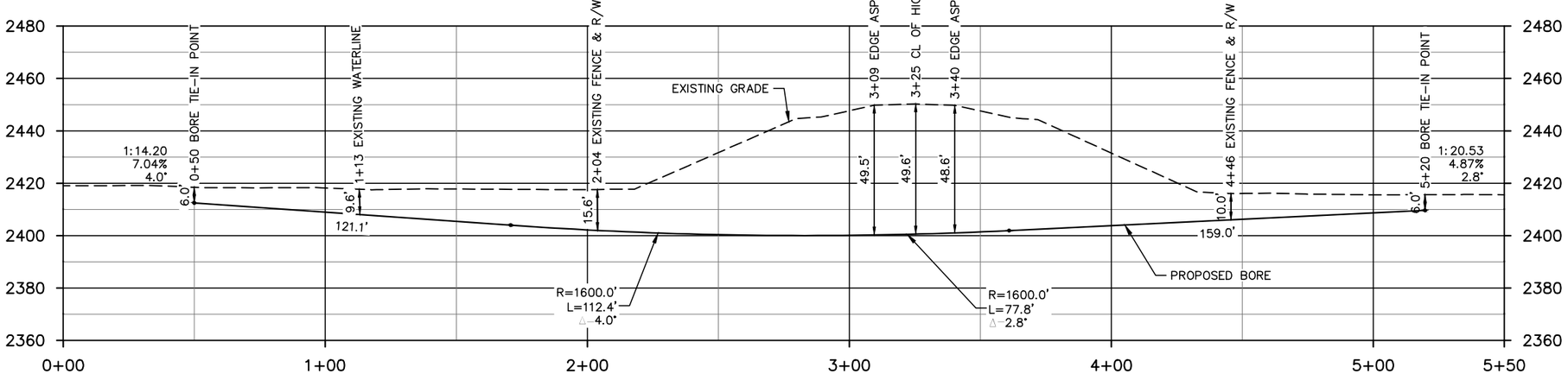
Date: 3/6/2020

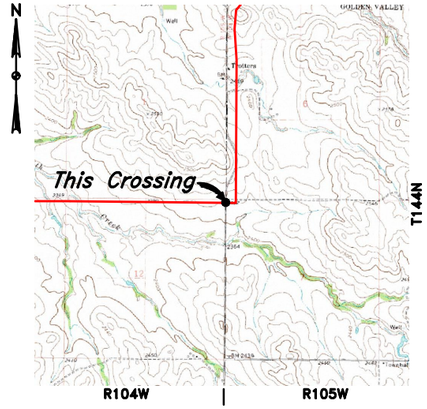


Document Path: K:\Projects\OilGas\BridgerPipeline\1907-01314_LibertyPrelimEng\ClientInfo\GIS\MXD\Bridger South Bend Pipeline Crossing HWY 16 (GoldenValley).mxd

SOUTH BEND PIPELINE
HIGHWAY 16 BORE CROSSING
GOLDEN VALLEY COUNTY, NORTH DAKOTA







LOCATION MAP

PIPE SPECIFICATION:
CROSSING DESIGNED USING: PRCI REPORT PR-227-9424
CONTENTS: CRUDE OIL
CARRIER PIPE: 16.00" OD, 0.375" WT, API 5L X52
COATING: 16-18 MILS FBE, 30-40 MILS ARO

NOTE:
1. BORE CALCULATIONS ARE FROM HDD PIPELINE TOOLBOX.

REGISTERED PROFESSIONAL ENGINEER
JACOB J. FRIESZ
PE-28324
DATE 05/18/2020
NORTH DAKOTA

ISSUED FOR CONSTRUCTION

UTILITY TYPE	ASSUMED DEPTH
WATERLINE	6.5'

BORE	STATIONING	LATITUDE	LONGITUDE
TIE-IN	0+50	47°18'42.26" N	103°55'10.27" W
TIE-IN	5+20	47°18'42.23" N	103°55'03.45" W

HORIZONTAL DISTANCE	470'
BORE LENGTH	470.3'

NOTES:

1. EXISTING UTILITY DEPTHS ARE NOT KNOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE DEPTH OF ALL UTILITIES AND ENSURE THAT A MINIMUM OF 18" SEPARATION (OR AS REQUIRED BY EXISTING UTILITY OWNER) IS PROVIDED BETWEEN EXISTING UTILITIES AND THE PROPOSED PIPELINE.
2. IF CONTRACTOR DETERMINES THE REQUIRED SEPARATION CANNOT BE PROVIDED BASED UPON THE PROPOSED BORE DESIGN, THEN ANY PROPOSED MODIFICATIONS TO THE BORE DESIGN IN ORDER TO ACHIEVE REQUIRED SEPARATION SHALL BE CONFIRMED WITH AND APPROVED BY ENGINEER.
3. ENGINEER'S EVALUATION OF THE PROPOSED BORE WAS FOR CONSTRUCTABILITY ONLY. NO REVIEW OF THE SUITABILITY FOR THE PROPOSED OPERATING CONDITIONS (PRESSURES, TEMPERATURE, ETC.) WAS COMPLETED, AS THE OWNER SPECIFIED THE PIPE FOR THE INTENDED USE.
4. INSTALL MARKER POSTS ON BOTH SIDES OF RIGHT OF WAY FOR ALL LINE CROSSINGS.
5. CONTRACTOR TO PROVIDE RECORD INFORMATION OF THE COMPLETED BORE TO OWNER AND ENGINEER. THE INFORMATION SHALL INCLUDE INSTALLATION DEPTHS ALONG THE PROFILES, ESTIMATED SEPARATION AT UTILITY CROSSINGS, VARIATIONS IN HORIZONTAL ALIGNMENTS, AND DISCUSSION ON ANY ADJUSTMENTS TO THE BORE DESIGN.
6. ALL DEPICTED R/W ARE BASED UPON PUBLICLY AVAILABLE INFORMATION, WHEN AVAILABLE, AND TYPICAL WIDTHS, WHEN UNAVAILABLE. NO LEGAL BOUNDARY SURVEY WAS CONDUCTED TO CONFIRM R/W LIMITS, AND AS SUCH, SHOULD BE CONSIDERED APPROXIMATE.
7. THE DEPICTED BORE PROFILE IS BASED UPON THE CENTERLINE OF THE PIPELINE CORRIDOR, WITH THE UNDERSTANDING THE TERRAIN AND SITE CONDITIONS ARE SIMILAR WITHIN THE OVERALL CORRIDOR; AND THEREFORE, THE RESPECTIVE BORE PROFILES WILL NOT VARY MEASURABLY FROM THE DEPICTED BORE. IF CONTRACTOR ENCOUNTERS A SIGNIFICANT VARIATION IN TOPOGRAPHY OR SUBSURFACE CONDITIONS WITHIN THE CORRIDOR, THE ENGINEER SHALL BE NOTIFIED TO CONFIRM THE VALIDITY OF THE DESIGN FOR EACH RESPECTIVE PIPELINE.
8. THE BORE PULL FORCE CALCULATION(S) ARE A RESULT OF THE KNOWN PIPE SPECIFICATION(S) AND ASSUMED VALUES (BASED ON ENGINEER'S JUDGEMENT) FOR THE DRILLING AND SOIL CONDITION VARIABLES. CONTRACTOR SHALL BE RESPONSIBLE FOR CONFIRMING ACTUAL VALUES WITH ENGINEER PRIOR TO CONSTRUCTION, IF NECESSARY, FOR THE SUCCESSFUL INSTALLATION.
9. THE BORE PROFILE AND CORRESPONDING CALCULATIONS DID NOT EVALUATE THE POTENTIAL OF HYDRAULIC FRACTURING THROUGH THE SOILS SURROUNDING THE PIPELINE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO EVALUATE ALL PROPOSED HDD BORE LOCATIONS TO ENSURE THAT THE SOIL CONDITIONS ARE COMPATIBLE WITH CONSTRUCTION METHODOLOGY AND THAT THE RISK OF WASHOUT AND/OR FRAC-OUT IS MINIMIZED ALONG THE BORE PATH.

LEGEND

- SECTION LINE
- EASEMENT CENTERLINE
- PIPELINE CENTERLINE
- WATER LINE
- FOREIGN PIPELINE
- EXISTING ROAD
- EDGE OF GRAVEL
- UNDERGROUND COM. LINE
- BARBED WIRE FENCE
- FIBER OPTIC COM. LINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- DRAINAGE/WETLAND
- UTILITY POLE
- PROPOSED BORE
- MARKER POST
- VALVE SETTING
- TEST LEAD
- EROSION/SEDIMENT CONTROL BMP
- GRASSLAND EASEMENT
- WETLAND EASEMENT
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- EXTRA TEMPORARY WORK SPACE

MATERIAL SUMMARY

MK.NO.	QTY.	DESCRIPTION

REFERENCE DRAWINGS

DWG. NO.	REF. NO.	DESCRIPTION

REVISIONS

NO.	DATE	DESCRIPTION
A	03/04/20	ISSUED FOR REVIEW
0	05/07/20	ISSUED FOR CONSTRUCTION

SHEET SIZE: B
DATE: 01/09/2020
DRAWN BY: R. STILES
CHECKED BY: J. FRIESZ
APPROVED BY: S. BESMER
KLJ JOB NUMBER: 1907-01868
REVISION: 0
SHEET NO.: ----

25' 0 25' 50'
scale 1" = 50' feet

811 Know what's below. Call before you dig.

BRIDGER PIPELINE, LLC
455 N. POPLAR
P.O. DRAWER 2360
CASPER, WY 82601

SOUTH BEND PIPELINE
HIGHWAY 16 BORE CROSSING
GOLDEN VALLEY COUNTY, NORTH DAKOTA

KLJ
4585 Coleman Street
Bismarck, ND 58503

Suggested Utility Conditions for Oil/Gas Along and/or Across Primary and Secondary Highways

April 1, 2003

NOTICE: The Recipient must comply with ALL applicable Federal, State and local laws, rules, regulations, codes, ordinances, etc., including, but not limited to North Dakota Century Code, Chapter 49-23. (ONE-CALL EXCAVATION NOTICE SYSTEM)

1. INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right of way shall conform to the following provisions:

2. Within thirty (30) days after construction, maintenance, relocation, or removal of said facilities, any right of way scars shall be removed and disturbed areas restored to original condition. Existing topsoil shall be removed prior to excavation and stockpiled until all disturbed areas are restored to original grade. The stockpiled topsoil shall be evenly and smoothly replaced over the areas disturbed by the trenches or pits.

3. Vehicles and other work equipment used to install or maintain said facilities within highway right of way shall, where possible, use established access points, service roads, driveways and approaches to enter or leave the outer portion of the right of way for the performance of necessary work operations. Such vehicles and work equipment shall not be parked on the through-traffic lanes or shoulders of the highway during installation or maintenance of said facilities.

4. Protection to the free and safe flow of the highway traffic shall be as required in accordance with the "Manual on Uniform Traffic Control Devices", current edition.

5. The Recipient will notify the District Engineer of the Department of Transportation forty-eight (48) hours prior to beginning this installation. Immediately following the final clean up of the area, the Recipient shall again notify the District Engineer of the Department of Transportation.

6. The Department of Transportation may not be the total fee owner and does not warrant the title to the highway right of way covered by the terms of this permit. The Recipient shall be responsible for reviewing the public records to determine ownerships and any encumbrances to the title of the properties covered by the terms of this permit.

8. Trenches and pits opened within the right of way shall be cut to O.S.H.A. Standards and shall be of minimum width necessary to accommodate installation of said facilities. Open trenches and pits shall be barricaded if left unattended.

9. Trenches and pits opened within the right of way shall be backfilled with the same material originally in place, compacted to a density equal to that of the adjacent undisturbed soil and restored to the original grade. The backfill shall be tamped in layers not exceeding six (6) inches in compacted thickness. Consolidation of the backfill by saturation or ponding is not permissible.

12. The pipeline shall have a minimum of thirty-six (36) inches of cover within highway right of way.

15. On longitudinal installations, where the buried cable or pipe is installed by plowing, the plowed ridges shall be mechanically compacted and made flush with the original ground.

20. Casing pipe, where installed, shall extend a minimum of two (2) feet beyond the toe of the highway inslopes. The casing pipe shall be sealed at both ends to prevent formation of a waterway through the casing.

24. The diameter of the hole for bored or jacked installations shall not exceed by more than one (1) inch the outside diameter of the facility. Oversized bores, overbreaks, and unused holes shall be backfilled with grout.

25. The location of the pipeline crossing shall be indicated by a marker post installed on each side of the highway at the right of way line. An identification sign shall be attached to one of the marker posts showing the name, address, and telephone number of the Recipient.

26. The Department of Transportation shall be notified in advance of any proposed change in the type of transmittant carried by the pipeline, or any increase in the maximum working pressure specified in the application for the permit.

28. Marker posts shall be installed at the highway right of way line at intervals not to exceed 1,000 feet. An identification sign shall be attached to one of the marker posts and shall show the name, address, telephone number, and location of the pipeline.

48. The casing pipe shall be continuous and shall extend a minimum of two (2) feet beyond the clear zone or two (2) feet beyond the toes of outer inslopes of the highway, whichever is further from the highway center line. The casing pipe shall be adequately sealed at both ends with suitable material that will prevent the formation of a waterway.

55. Casing is not required if approved extra wall thickness pipe is installed.

With Extra Wall Thickness Remove #20 & #48

Risk Management Appendix

Permits and Licenses with Private Individuals, Companies, Corporations, Etc. (referred to as Recipient):

Recipient agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Recipient to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Recipient also agrees to defend, indemnify, and hold the State harmless for all costs, expenses and attorneys' fees incurred if the State prevails in an action against the Recipient in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Recipient shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

1) **Commercial general liability** and **automobile liability** insurance – minimum limits of liability required are **$250,000 per person** and **$1,000,000 per occurrence**.
2) **Workers compensation** insurance meeting all statutory limits.
3) The State of North Dakota and its agencies, officers, and employees (State) shall be endorsed as an **additional** insured on the commercial general liability and automobile liability policies. The State of North Dakota shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor.
4) Said endorsements shall contain a **"Waiver of Subrogation"** in favor of the state of North Dakota.
5) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

Recipient shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4 above to the undersigned State representative prior to commencement of this agreement.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. If Recipient's insurance will expire prior to the term of this agreement, Recipient shall renew the above requirements and furnish a certificate of insurance evidencing the renewal to the undersigned State representative prior to the expiration of the insurance. Any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of a Contract is sublet, the Recipient shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Recipient and the State as a result of work undertaken by the Subcontractor. In addition, the Recipient shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Recipient. The Recipient shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

Recipient's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the State. Any insurance, self-insurance or self-retention maintained by the State shall be excess of the Recipient's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured Recipient shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Recipient from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Recipient. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Recipient in excess of the minimum requirements set forth above.

RM Consulted 2007
Revised 11-19

NDDOT
North Dakota
Department of Transportation

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/16/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McGriff Insurance Services, Inc. P.O. Box 10265 Birmingham, AL 35202	**CONTACT NAME:** **PHONE (A/C, No, Ext):** 800-476-2211 **FAX (A/C, No):** **E-MAIL ADDRESS:**
	INSURER(S) AFFORDING COVERAGE / **NAIC #**
	INSURER A : Liberty Mutual Fire Ins Co
INSURED Bridger Pipeline LLC; Belle Fourche Pipeline Company; Butte Pipe Line Company PO Drawer 2360 Casper, WY 82602	**INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** FSGQHDMA **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] **COMMERCIAL GENERAL LIABILITY** [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			TB2-691-417008-021	06/30/2021	06/30/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 5,000,000 $ 100,000 $ 5,000 $ 5,000,000 $ 5,000,000 $ 5,000,000
A	**AUTOMOBILE LIABILITY** [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			AS2-691-417008-031	06/30/2021	06/30/2022	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 5,000,000 $ $ $
	[ ] **UMBRELLA LIAB** [ ] OCCUR [ ] **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
								$ $ $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The State of North Dakota, its agencies, officers and employees (State) are named as Additional Insured with respect to General Liability and Auto Liability as required by written contract. Waiver of Subrogation applies in favor of the State of North Dakota with respect to General Liability and Auto Liability as required by written contract. In the event of cancellation by the insurance companies the policies have been endorsed to provide 30 days Notice of Cancellation (except for non-payment) to the certificate holder shown below.

CERTIFICATE HOLDER

North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

NORTH Dakota | Transportation
Be Legendary.™ DICKINSON DISTRICT

Bridger Pipeline, LLC
P.O. Drawer 2360
Casper, WY 82602

Dear Permittee:

You have submitted to the North Dakota Department of Transportation (NDDOT), in connection with your certificate of insurance, additional pages or language on the certificate which either purports to limit or qualify the information reflected on the certificate of insurance or which purports to change, modify or amend your company's insurance policies. NDDOT policy is to not solicit, review or approve vendors' insurance policies, endorsements or amendments to insurance policies, or insurance documents other than properly completed certificates of insurance. NDDOT contracts specify that vendors are responsible for acquiring and maintaining specified coverages and proof of insurance.

Please have a company executive authorized to execute contract documents sign and date the statement below attesting that your company has insurance coverage consistent with the contract provisions and immediately fax, mail or email it back to us.

Be advised that execution of this contract will be delayed until these issues have been resolved.

Hereby states that the company has, and will maintain in force, insurance coverages (including proof of coverages) consistent with the contract specifications.

Date 2/25/2022

Tad True Vice President
TYPE OR PRINT NAME OR TITLE

DocuSigned by:
SIGNATURE 9743F3C5C1CB41C...

CLA 1201 (Div. 06)

DocuSign

Certificate Of Completion

Envelope Id: A1052D647FD54F3BAF42B0619D101FAD
Status: Completed
Subject: Please DocuSign Contract 65220251: Utility Occupancy Application and Permit - NDDOT Permit Hwy 16
Contract Number: 65220251
PCN:
Source Envelope:
Document Pages: 10
Signatures: 3
Certificate Pages: 2
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-06:00) Central Time (US & Canada)

Envelope Originator:
Heather Brew
608 E Boulevard Ave
Bismarck, ND 58505
hbrew@nd.gov
IP Address: 165.234.248.34

Record Tracking

Status: Original
2/24/2022 1:10:18 PM
Holder: Heather Brew
hbrew@nd.gov
Location: DocuSign

Security Appliance Status: Connected
Pool: StateLocal

Storage Appliance Status: Connected
Pool: Carahsoft OBO North Dakota Department of Transportation CLOUD
Location: DocuSign

Signer Events	Signature	Timestamp
Tad True tad.true@truecos.com Vice President Security Level: Email, Account Authentication (None)	DocuSigned by: 9743F3C5C1CB41C...	Sent: 2/24/2022 1:19:57 PM Viewed: 2/25/2022 4:14:20 PM Signed: 2/25/2022 4:46:32 PM
	Signature Adoption: Drawn on Device Using IP Address: 174.210.228.141 Signed using mobile	

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Rob Rayhorn rrayhorn@nd.gov Rob Rayhorn Carahsoft OBO North Dakota Department of Transportation CLOUD Security Level: Email, Account Authentication (None), Authentication	DocuSigned by: D01C52C2BB3E415...	Sent: 2/25/2022 4:46:36 PM Viewed: 2/25/2022 5:05:36 PM Signed: 2/25/2022 5:06:08 PM
	Signature Adoption: Pre-selected Style Using IP Address: 165.234.248.34	

Authentication Details
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Transaction: 65FCCC8672B00104919603F383DAE82A
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 2/25/2022 5:05:28 PM
Phone: +1 701-290-4222

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Rob Carey rcarey@diamondnd.com Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	COPIED	Sent: 2/25/2022 5:06:12 PM Viewed: 2/25/2022 5:30:58 PM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/24/2022 1:19:57 PM
Certified Delivered	Security Checked	2/25/2022 5:05:36 PM
Signing Complete	Security Checked	2/25/2022 5:06:08 PM
Completed	Security Checked	2/25/2022 5:06:12 PM

Payment Events	Status	Timestamps

From: Splichal, Chelsie J
To: Jaimee Antognazzi
Subject: Re: [EXTERNAL] RE: Bridger Pipeline in Golden Valley and McKenzie Counties
Date: Monday, March 14, 2022 2:28:36 PM

Jaimee,

Thank you very much.

Chelsie Splichal
Realty Specialist
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
Office: 701-227-7702
Cell: 701-502-1271

From: Jaimee Antognazzi <jantognazzi@keitu.com>
Sent: Monday, March 14, 2022 1:24 PM
To: Splichal, Chelsie J <csplichal@blm.gov>
Subject: [EXTERNAL] RE: Bridger Pipeline in Golden Valley and McKenzie Counties

Hi Chelsie-

Below are the legal descriptions you requested. Please let me know if you need anything else.

South Bend Legal Descriptions

T/R/S	County
T. 150N, R. 95W, Sec. 19 & 30	McKenzie County
T. 150N, R. 96W, Sec. 25-28 & 31-33	McKenzie County
T. 150N, R. 97W, Sec. 32-36	McKenzie County
T. 149N, R. 97W, Sec. 4-7	McKenzie County
T. 149N, R. 98W, Sec. 9-12 & 16-18	McKenzie County
T. 149N, R. 99W, Sec. 13, 24-25, 31-36	McKenzie County
T. 149N, R. 100W, Sec. 36	McKenzie County
T. 148N, R. 100W, Sec. 4, 9, 16-17, 19-20	McKenzie County
T. 148N, R. 101W, Sec. 24-27, 33-35	McKenzie County
T. 147N, R. 101W, Sec. 4-5, 8, 17-19	McKenzie County
T. 147N, R. 102W, Sec. 24-26, 35	McKenzie County

T. 146N, R. 102W, Sec. 2-5, 7-8, 18	McKenzie County
T. 146N, R. 103W, Sec. 13, 23-24, 26-27, 33-34	McKenzie County
T. 145N, R. 103W, Sec. 4-5, 7-8, 18-19	McKenzie County
T. 145N, R. 104W, Sec. 24-26, 34-35	McKenzie County
T. 144N, R. 104W, Sec. 6-7	Golden Valley County
T. 144N, R. 105W, Sec. 10-12, 15-17. 19-20, 30	Golden Valley County

Thanks,

Jaimee Antognazzi, CSP
Operations Manager
Keitu Engineers & Consultants, Inc.
701-667-1808 Ext. 105

From: Splichal, Chelsie J [mailto:csplichal@blm.gov]
Sent: Monday, March 14, 2022 12:16 PM
To: jantognazzi@keitu.com
Subject: Bridger Pipeline in Golden Valley and McKenzie Counties

Good morning,

I had just received the letter about the proposed 16" Crude Oil Pipeline, would I be able to get legal land descriptions for the location of this pipeline, please.

Thank you

Chelsie Splichal
Realty Specialist
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
Office: 701-227-7702
Cell: 701-502-1271

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, North Dakota 58601
http://www.blm.gov/montana-dakotas

March 14, 2022

KEITU Engineers & Consultants, Inc
Attn: Jaimee Anognazzi
1403 27th Street Northwest
Mandan, North Dakota 58554

Dear Jaimee Antognazzi:

The Bureau of Land Management (BLM)'s North Dakota Field Office (NDFO) received a notice of plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application to the North Dakota Public Service Commission, for the construction of a crude oil pipeline.

Upon review of the proposed 145-mile 16" crude oil pipeline located in Golden Valley and McKenzie Counties, North Dakota the BLM has no concerns regarding the proposal, at this time. Although there are no BLM managed lands effected by the current proposal, there are BLM managed lands within the project area located in T. 149 N., R. 99 W., sec 35, NENE. If there are any changes to the current proposal that would impact BLM managed lands, we will need to be contacted so we can review the proposal and determine whether or not to authorize the appropriate permits for a right-of-way to utilize the BLM managed lands.

If you have any questions, please contact Loren Wickstrom, North Dakota Field Office Manager at (701) 227-7713.

Sincerely,

Loren Wickstrom
Field Manager

From: Anderson, Fred J.
To: jantognazzi@keitu.com
Subject: N.D. Geological Survey Comments: Bridger Pipeline, LLC - Bridger 16" Crude Oil (South Bend) Pipeline
Date: Monday, March 14, 2022 9:44:55 AM
Attachments: image001.png

Jaimee-

A review of our Areas of Landslides maps and available aerial imagery indicates that the proposed pipeline corridor passes through areas where landslide features are generally common, particularly in
areas of high topographic relief, such as along the slopes of existing rivers and creeks or in areas of badlands topography in McKenzie County.

These landslide areas can be found depicted on our 1:24,000 scale landslide maps and, along with a review of contemporary aerial imagery and LiDAR mapping products, should be included in your utility corridor evaluation for this project. These types of areas should be avoided whenever possible.

Our current Areas of Landslides maps along with our LiDAR elevation mapping and data products, for the 1:24,000 and 1:100,000 scale quadrangles that encompass the proposed project area can
be found on our website at: https://www.dmr.nd.gov/ndgs/landslides/

You may also contact our offices directly, with any additional questions or comments.

Fred J. Anderson
Geologist, North Dakota Geological Survey

701.328.8000 (Survey Main Office) • 701.328.8037 (Office Direct) • fjanderson@nd.gov • www.dmr.nd.gov/ndgs

701.328.8020 (Front Office) • oilandgasinfo@nd.gov • www.dmr.nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

KEITU
ENGINEERS & CONSULTANTS, INC.

March 23, 2022

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") submitted 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").

A notification was previously sent to the NDGF for comments, and your comments were received.

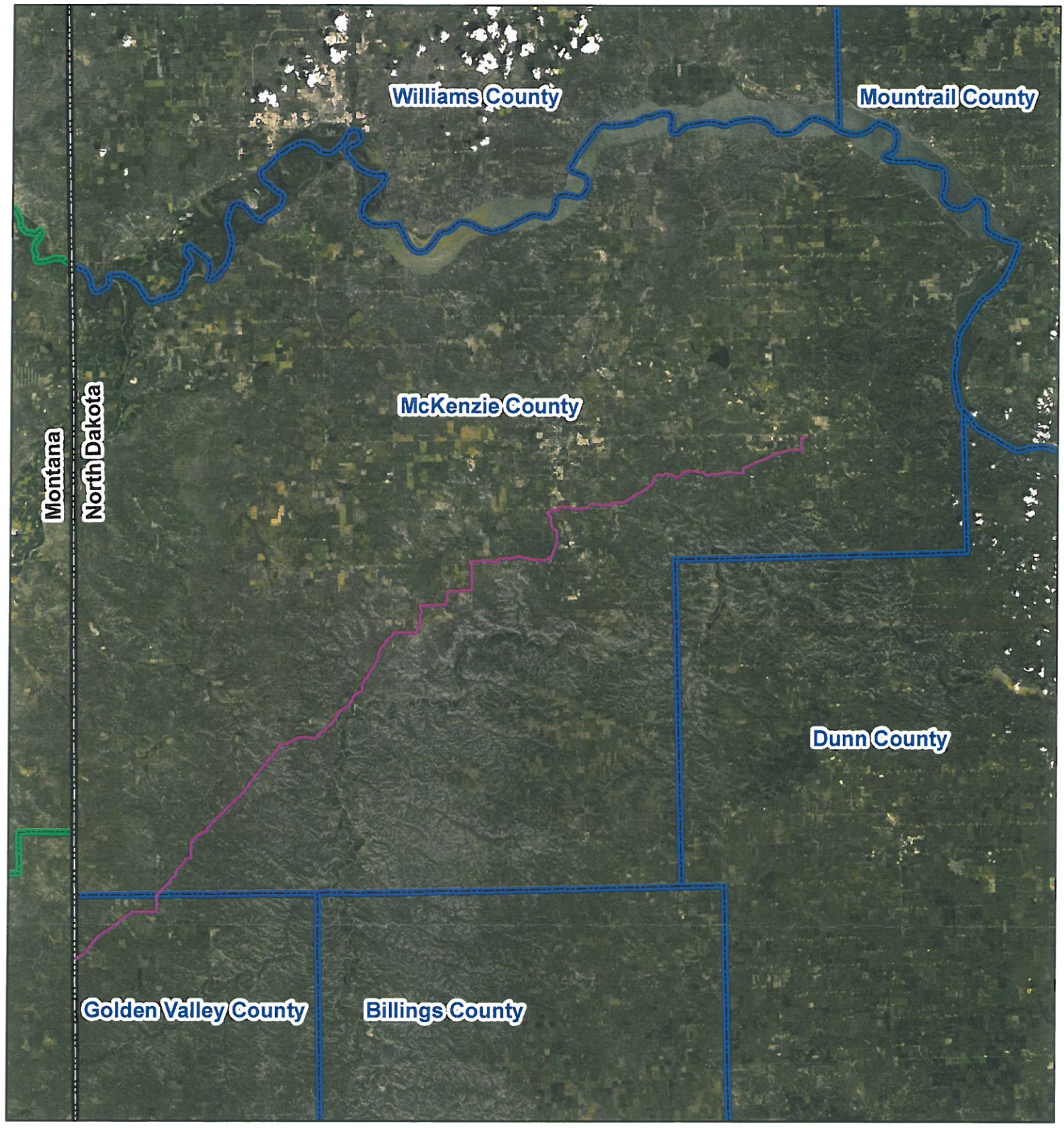
Keitu is notifying you that there have been some slight modifications to the line location and you are receiving notification in the event your agency has additional comments.

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.

Jaimee Antognazzi
Operations Manager

Enclosure: Proposed Pipeline Route
Previous Comments



South Bend Pipeline

Proposed Alignment

North Dakota County Boundary

State Border

Montana County Boundary

BRIDGER PIPELINE LLC

0 10 20 Kilometers

0 10 20 Miles

N

GOVERNOR, Doug Burgum
DIRECTOR, Terry Steinwand
DEPUTY, Scott A. Peterson

"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

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

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

SUSTAINMENT

April 5, 2022

Jaimee Antognazzi
Keitu Engineers & Consultants
1403 27th Street NW
Mandan, ND 58554

Dear Ms. Antognazzi,

As requested, the Military Aviation and Installation Assurance Siting Clearinghouse coordinated within the Department of Defense (DoD) an informal review of the Bridger Pipeline Project. The results of our review indicated that the pipeline project, located in McKenzie and Golden Valley Counties, North Dakota, as proposed, will have minimal impact on military operations conducted in the area.

Please note that this informal review by the DoD Military Aviation and Installation Assurance Siting Clearinghouse does not constitute an action under 49 United States Code Section 44718 and that the DoD is not bound by the conclusion arrived at under this informal review. To expedite our review in the Obstruction Evaluation Airport Airspace Analysis (OE/AAA) process, please add the project number 2022-03-P-DEV-03 in the comments section of the filing. If you have any questions, please contact me at scott.e.kiernan.civ@mail.mil or at 571-255-9507.

Sincerely,

Scott E. Kiernan
Deputy Director
Military Aviation and Installation
Assurance Siting Clearinghouse

KEITU
ENGINEERS & CONSULTANTS, INC.

April 19, 2022

North Dakota Department of Health
600 E Boulevard Ave
Bismarck, ND 58505-0200

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.

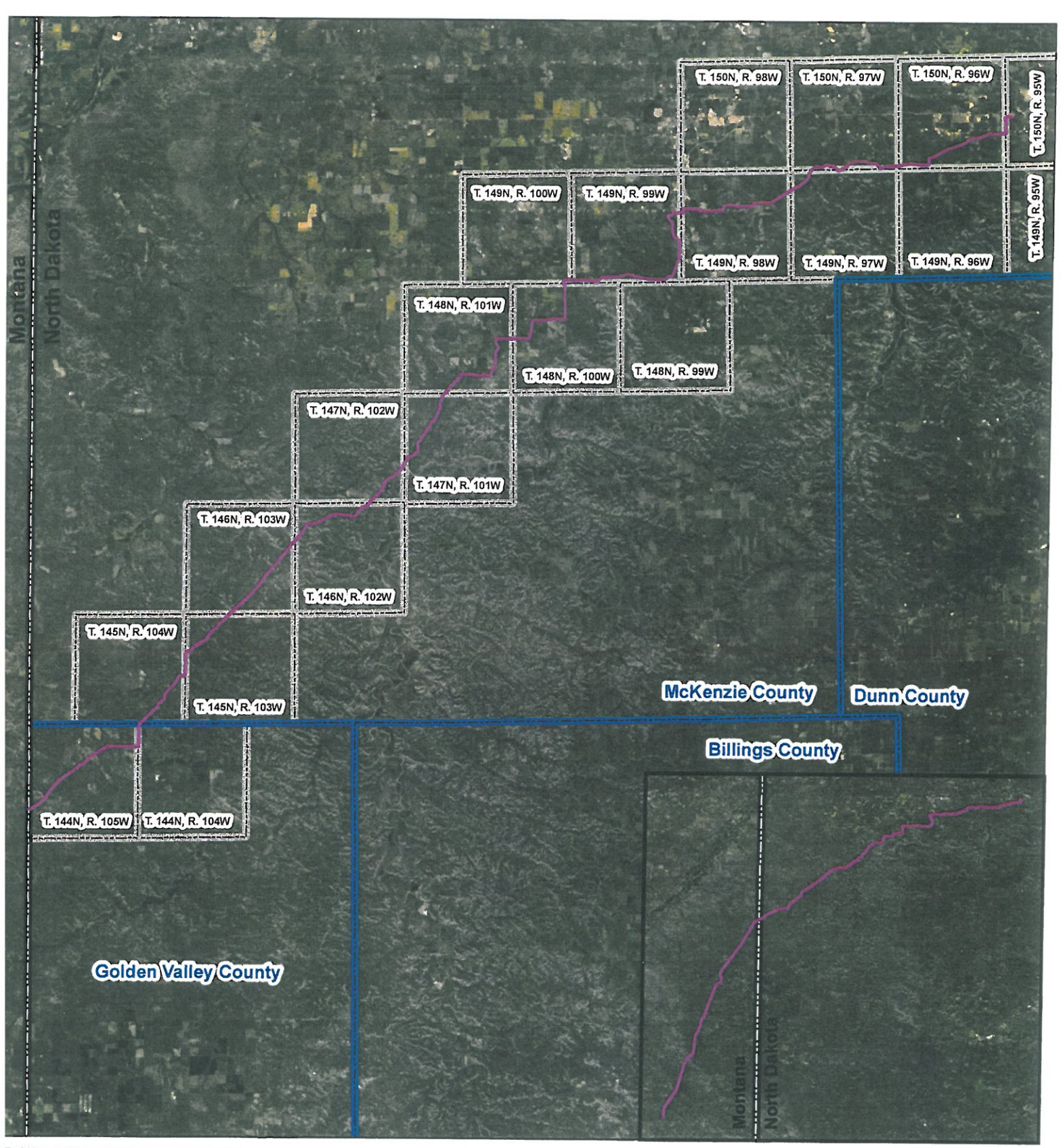
Keitu Engineers and Consultants, Inc. ("Keitu") is contracted by Bridger to submit the Amended Certificate of Corridor Compatibility and Route Application in March 2022. The Commission requires applicants to contact relevant agencies for comment on the Project.

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.

Jaimee Antognazzi
Operations Manager

Enclosure: Proposed Pipeline Route



South Bend Pipeline

Proposed Alignment

State Border

Township/Range Boundary

County Border

N

BRIDGER PIPELINE LLC

0 10 20 Kilometers

0 10 20 Miles

KEITU
ENGINEERS & CONSULTANTS, INC.

April 19, 2022

North Dakota Industrial Commission
State Capitol, 14th Floor
600 E Boulevard Ave Dept. 405
Bismarck, ND 58505-0840

RE: Bridger Pipeline, LLC – Bridger 16" Crude Oil Pipeline

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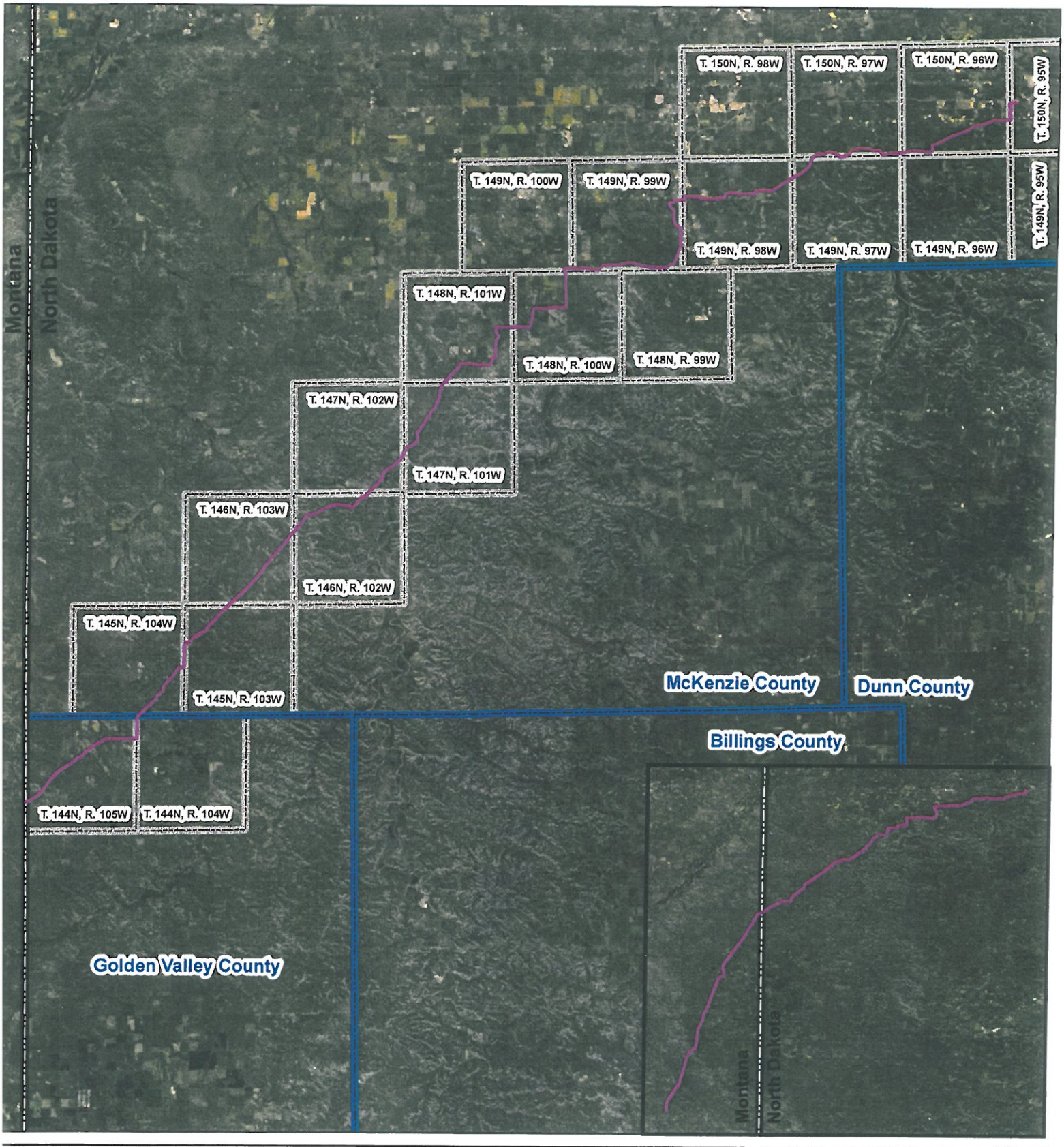
Jaimee Antognazzi

Jaimee Antognazzi
Operations Manager

Enclosure: Proposed Pipeline Route



South Bend Pipeline

Proposed Alignment

State Border

Township/Range Boundary

County Border

N

BRIDGER PIPELINE LLC

0 10 20 Kilometers

0 10 20 Miles

KEITU
ENGINEERS & CONSULTANTS, INC.

April 19, 2022

Nicole Darrington
Natural Resource Conservation Service
Watford City Field Office
109 5th Street SW, Box 583
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 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.

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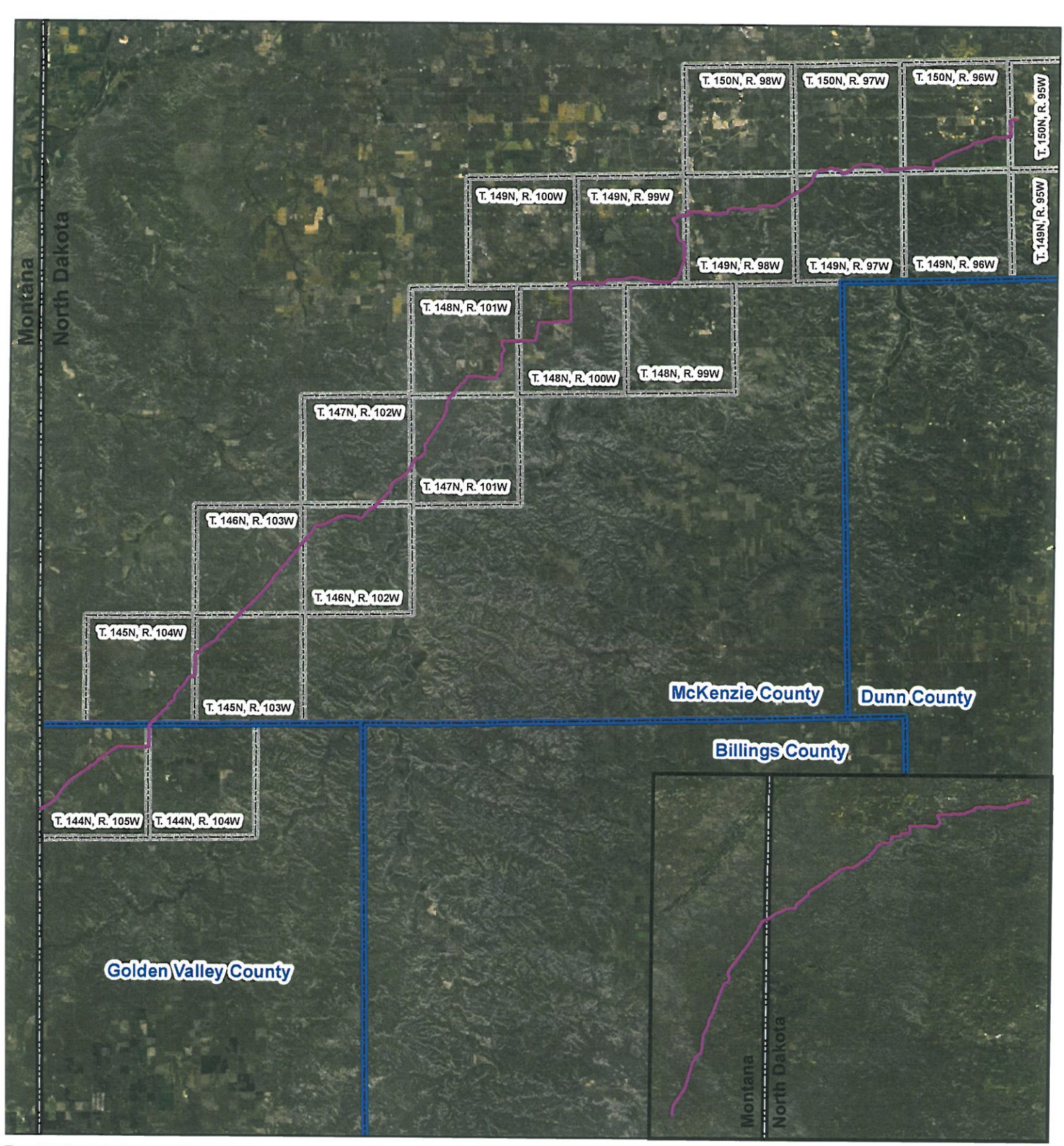
Jaimee Antognazzi
Operations Manager

Enclosure: Proposed Pipeline Route



South Bend Pipeline

Proposed Alignment

State Border

Township/Range Boundary

County Border

N

BRIDGER PIPELINE LLC

0 10 20 Kilometers

0 10 20 Miles

U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

December 23, 2020

Bob Dundas
Environmental Coordinator
Belle Fourche Pipeline Company/Bridger Pipeline LLC
P.O. Drawer 2360 (82602)
455 North Poplar Street
Casper, WY 82601

Subj: Approval of the Belle Fourche Pipeline and Bridger Pipeline LLC Combined Operated Systems Oil Spill Response Plan

Dear Mr. Dundas:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has received and reviewed the Belle Fourche Pipeline and Bridger Pipeline LLC Combined Operated Systems Oil Spill Response Plan (Sequence Number: 2740) dated October 2020. We conclude that the plan complies with PHMSA's regulations concerning onshore oil pipelines found at 49 Code of Federal Regulations (CFR) Part 194. Your response plan is approved.

This approval is valid for five years from the date of this letter. If discrepancies are found during PHMSA inspections, or if new or different operating conditions or information would substantially affect the implementation of this plan, you will be required to resubmit a revised plan. See 49 CFR § 194.121(b).

Should you have any questions or concerns, please contact me at (202) 366-4595 or by email at PHMSA.OPA90@dot.gov. Please include the sequence number and your PHMSA Operator Identification Number on any future correspondence.

Sincerely,

Rick Raksnis

Rick Raksnis, Supervisor
Oil Spill Preparedness Branch
Preparedness, Emergency Support and Security Division
Office of Pipeline Safety

cc: PHMSA Central and Western Regions