

Fredericks Law Firm LLC

Peter J. Breuer

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February 16, 2024

VIA FEDERAL EXPRESS

Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Thunder Butte Pipeline, LLC's Waiver Application and Consolidated Application
for a Certificate of Corridor Compatibility and Route Permit for the Thunder Butte
Pipeline Project
Case No. PU-24-__**

To Whom it May Concern:

Thunder Butte Pipeline, LLC (TBPL) respectfully submits this letter with amended information with respect to the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the Thunder Butte Pipeline Project dated January 5, 2024:

TBPL now plans to construct the proposed aboveground midline pump station on an approximately 2.07-acre site, with a new access road approximately 1,023-foot-long by 30-foot-wide, approximately 9.65 miles northwest of Plaza, North Dakota, in Section 34, Township 154 North, Range 89 West as shown on the attached figures. Please refer to the Consolidated Application as filed for all additional information regarding the midline pump station; no other changes have resulted from modification of the site location.

No Exclusion Areas, Avoidance Areas, cultural resources, or wetlands are present within or near the location of the proposed aboveground facility. No adverse effects are anticipated.

Please find attached five hard copies of this letter with amended information with respect to the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the Thunder Butte Pipeline Project and maps showing the Midline Pump Station Site Location, Exclusion Areas, Avoidance Areas, and Route Selection Criteria Considered, and a compact disc with this letter and maps in PDF format, and the corresponding GIS Shapefiles.

2 PU-24-86 Filed 02/20/2024 Pages: 44

Waiver Application and Consolidated Application for a
Certificate of Corridor Compatibility and Route Permit
Thunder Butte Pipeline, LLC
Peter J. Breuer, Fredericks Law Firm LLC

In accordance with N.D.A.C. 69-06-05(4) all of the foregoing will be served upon the Ward and Mountrail County Auditors. Enclosed with this Letter is a Certificate of Service for such action.

Additionally enclosed with this letter, please find attached five hard copies of the Articles of Incorporation and a Certificate of Good Standing for Thunder Butte Pipeline LLC and a compact disc with these documents in PDF format. These items were inadvertently not included with the original submission.

If you have any questions, please let me know.

Sincerely,

Peter Breuer

Peter J. Breuer
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601 S. Washington St
#332
Stillwater, OK 74074
pbreuer@jf3law.com

Enc. (2)

Cc: Ward County Auditor
Mountrail County Auditor

CERTIFICATE OF SERVICE

The following documents were filed with the North Dakota Public Service Commission on February 16, 2024 via Federal Express (Tracking Number: please see attachments).

Five hard copies of this letter with amended information with respect to the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the Thunder Butte Pipeline Project, and a compact disc with this letter and maps in PDF format showing the Midline Pump Station Site Location, Exclusion Areas, Avoidance Areas, and Route Selection Criteria Considered, and the corresponding GIS Shapefiles.

The foregoing were also placed with Federal Express for service upon the following (Tracking Numbers: please see attachments):

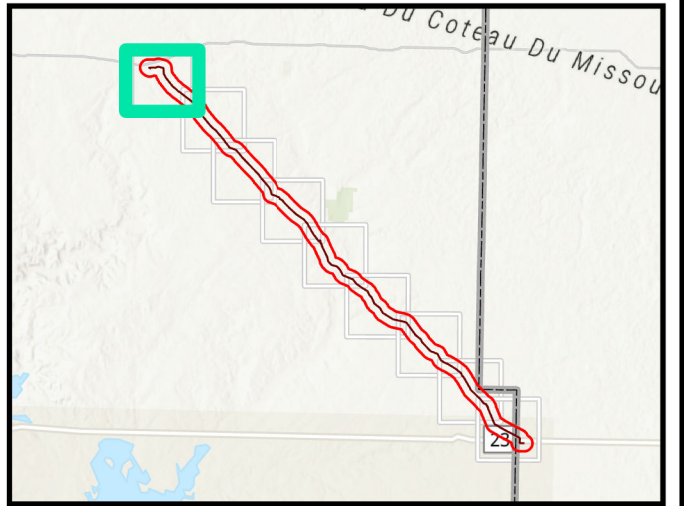
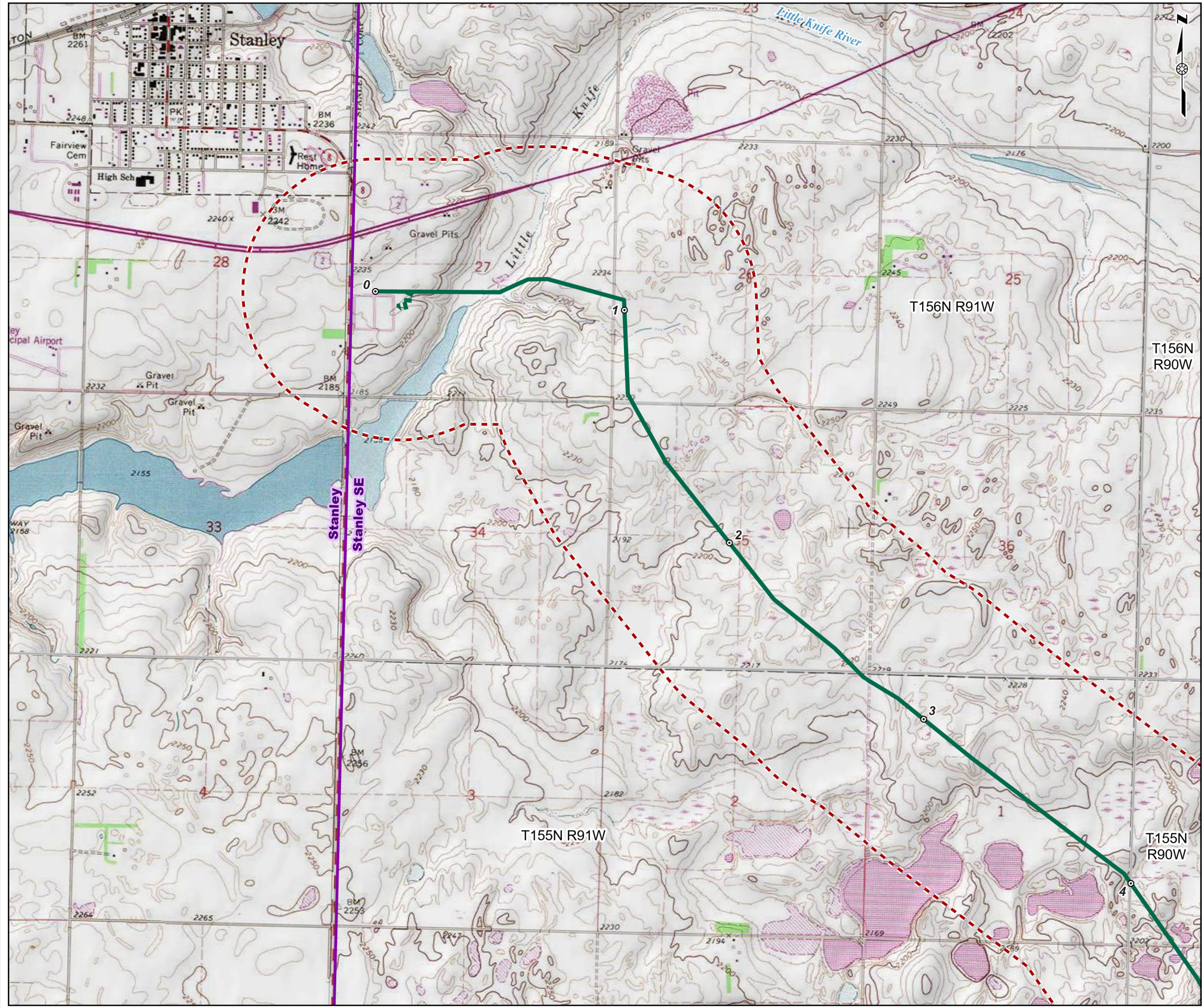
Ward County Auditor
Ms. Marisa Haman
225 3rd Street SE
2nd Floor
Minot, ND 58701

Mountrail County Auditor
Ms. Stephanie Pappa
101 N Main Street
Stanley, ND 58784

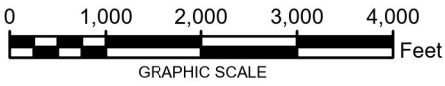


Kathryn Cloutier, M.S.

Project Manager
Arcadis U.S. Inc.
630 Plaza Drive
Highlands Ranch, CO 80129
kathryn.cloutier@arcadis.com



- Legend**
- Milepost
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - Topo Boundary
 - - - Corridor Study Area (1mi)



NOTE:
1. WORLD IMAGERY IS OBTAINED FROM ESRI WORLD IMAGERY SERVICE.
2. USGS 7.5' TOPOGRAPHIC QUADRANGLE(S) STANLEY, STANLEY SE, NORTH DAKOTA OBTAINED FROM ESRI IMAGE SERVICE.
3. PROJECTION IS NAD 1983 STATEPLANE NORTH DAKOTA N FIPS 3301 (US FEET).
THE SCALE IS: 1:24,000.

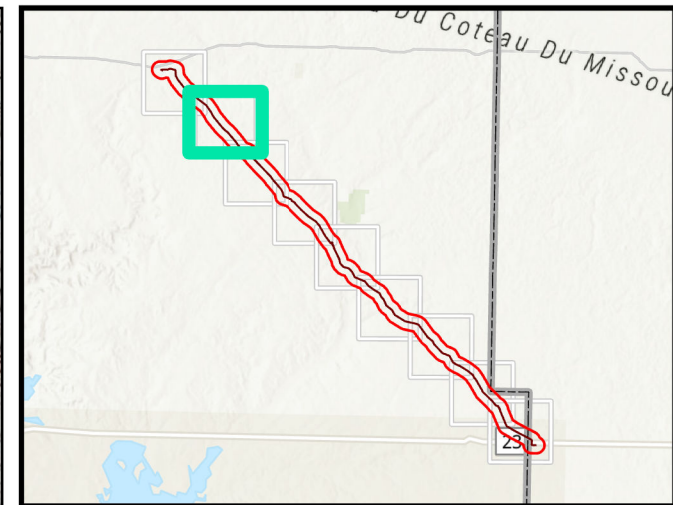
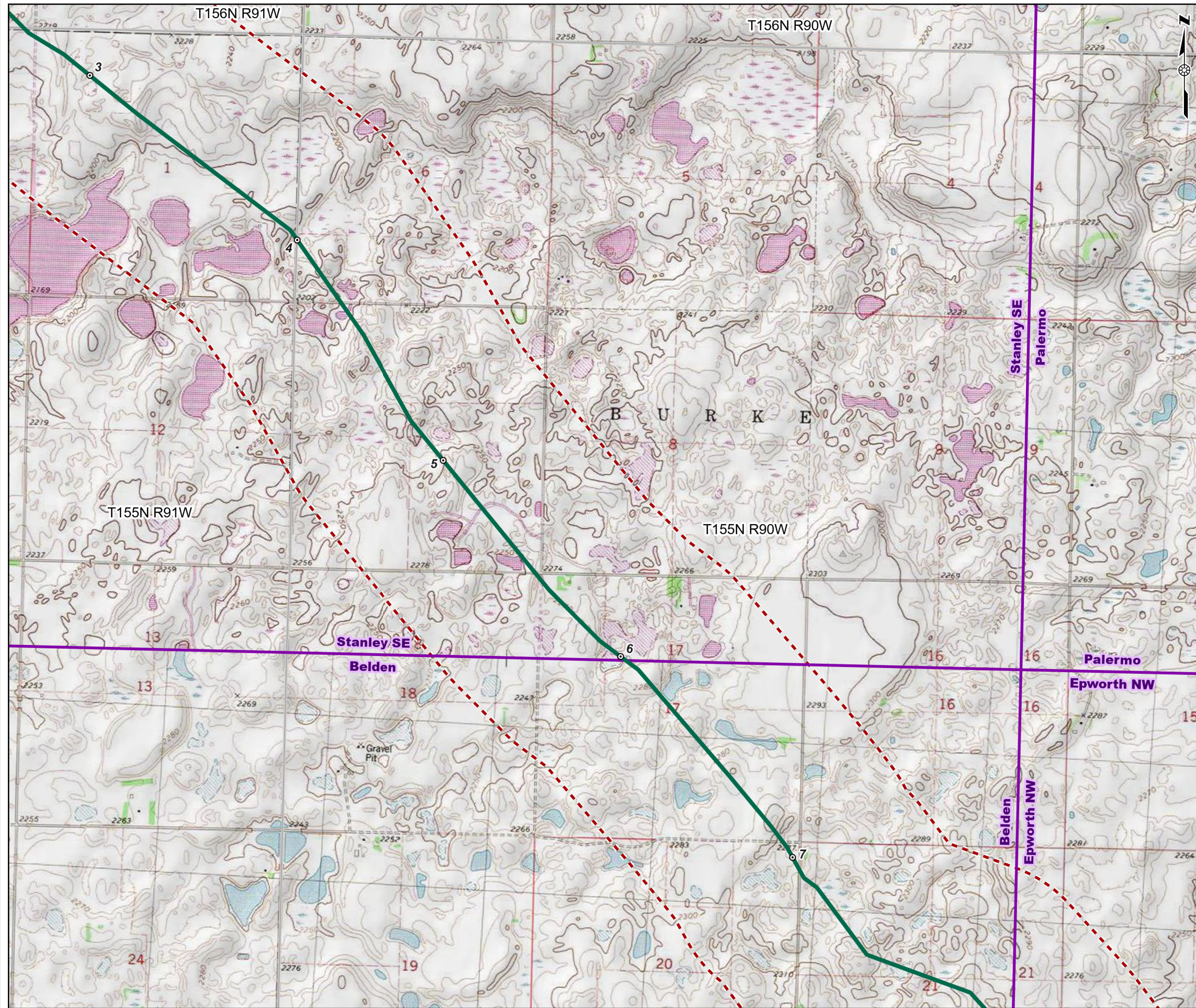
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 1 OF 9

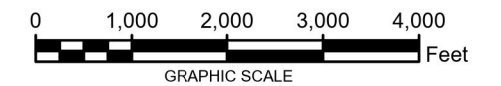
PN:CO002338.0001

Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - - - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - Topo Boundary
 - - - Corridor Study Area (1mi)



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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

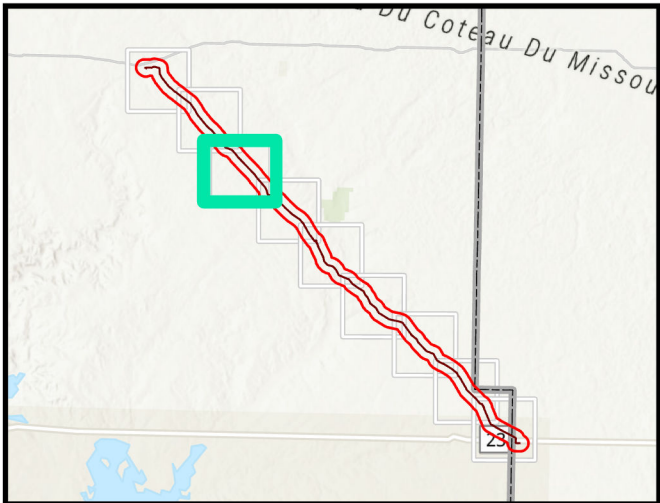
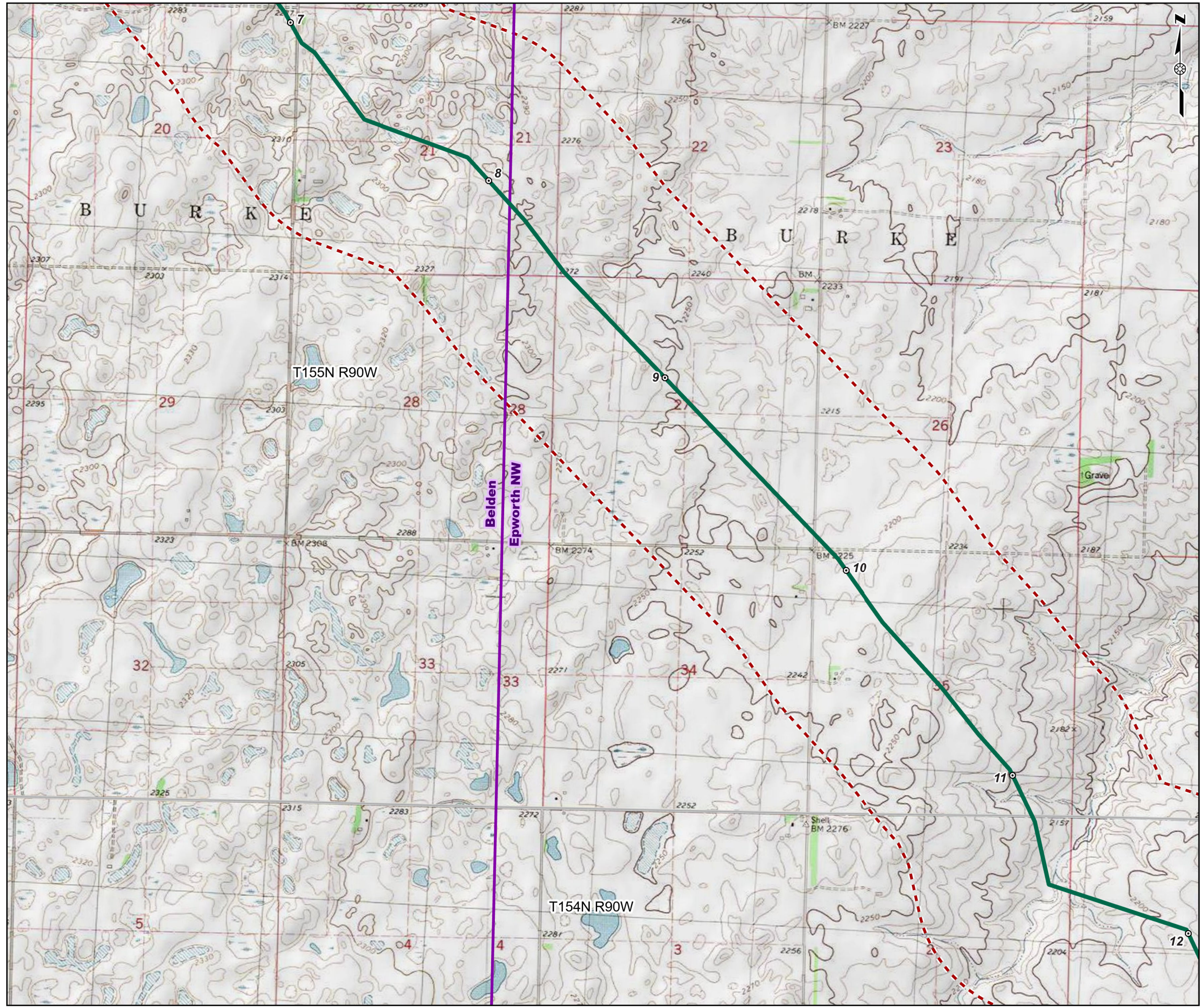
FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 2 OF 9

PN:CO002338.0001

Date: 1/25/2024



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- Legend**
- Milepost
 - Existing Pipeline Route
 - - - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - Topo Boundary
 - - - Corridor Study Area (1mi)



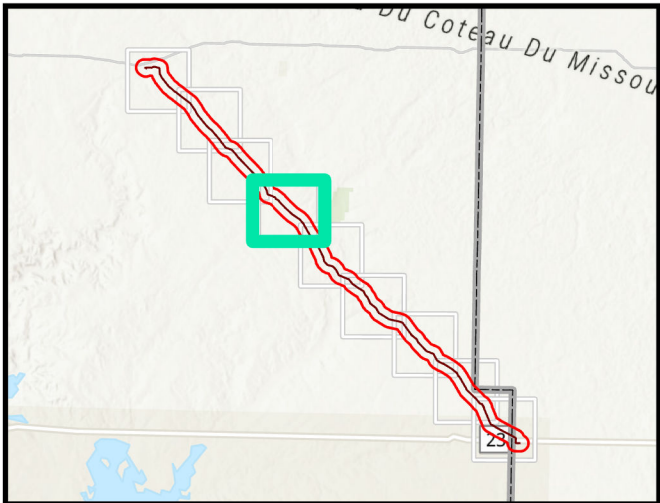
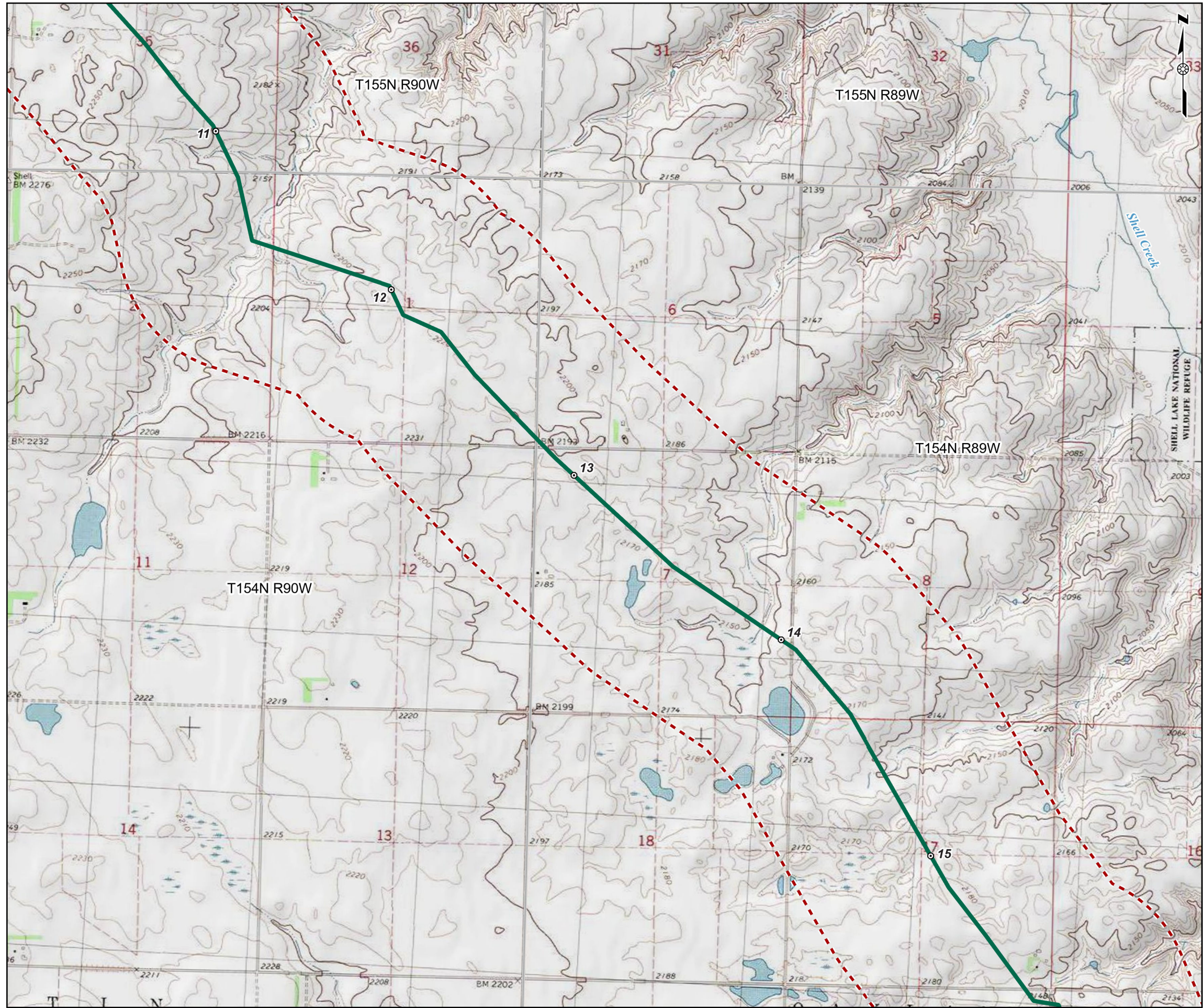
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 3 OF 9

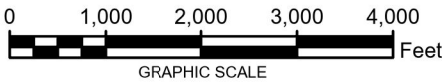
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Legend

- Milepost
- Existing Pipeline Route
- - - Proposed Pipeline Route
- Proposed Midline Pump Station
- Topo Boundary
- - - Corridor Study Area (1mi)



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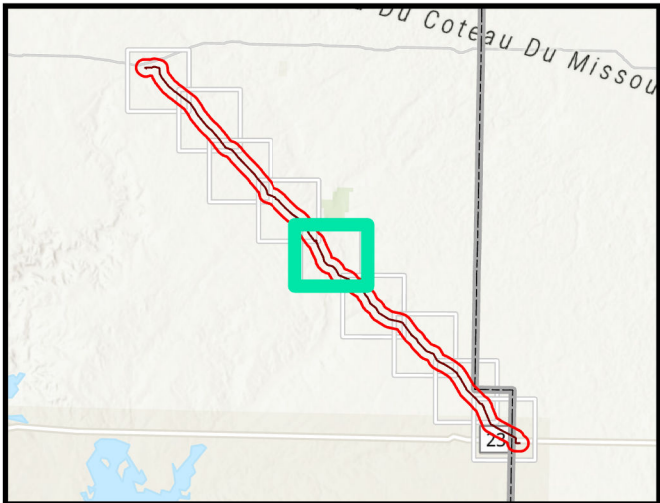
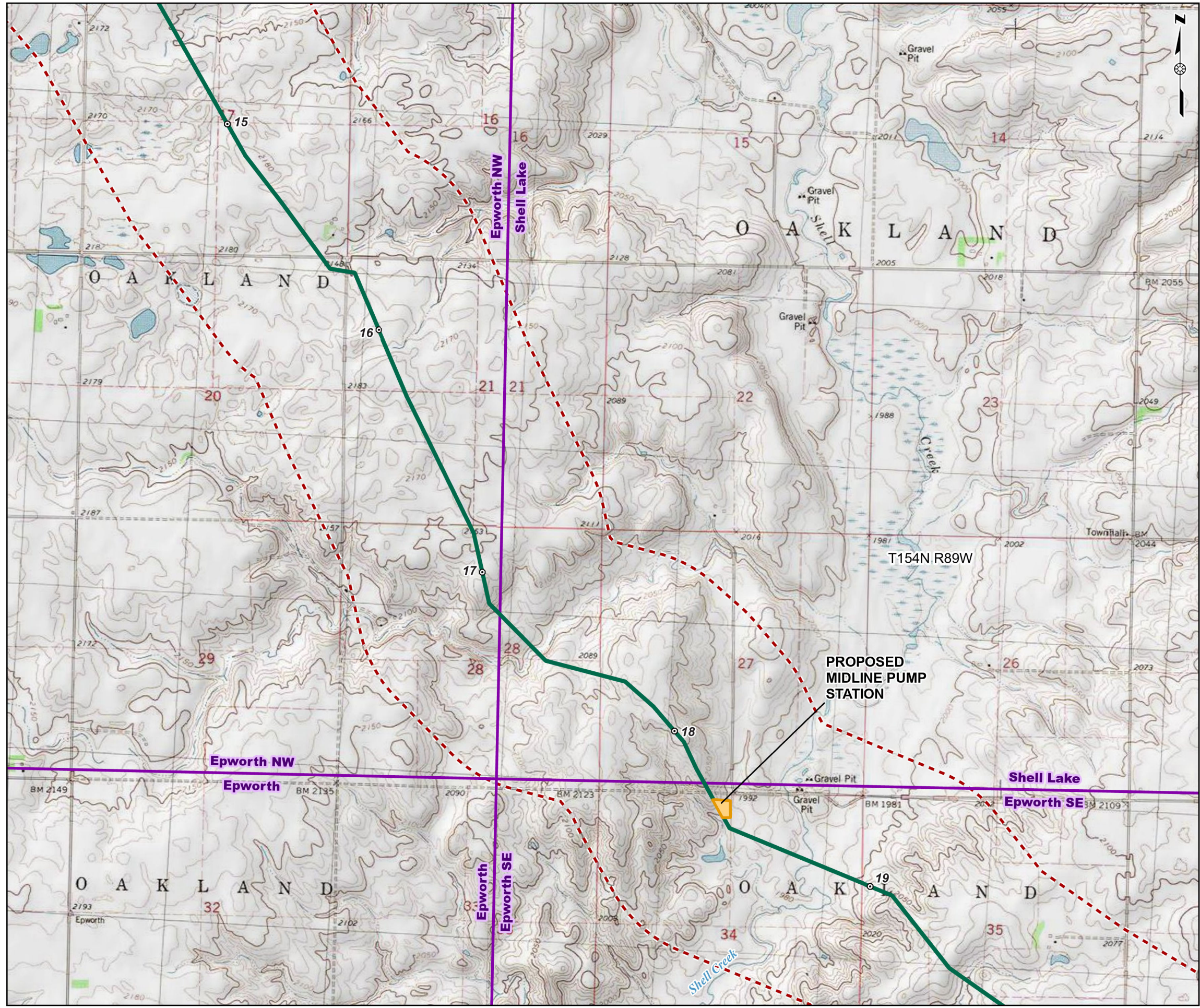
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 4 OF 9

PN:CO002338.0001

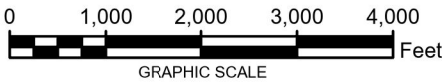
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Legend

- Milepost
- Existing Pipeline Route
- Proposed Pipeline Route
- Proposed Midline Pump Station
- Topo Boundary
- - - Corridor Study Area (1mi)



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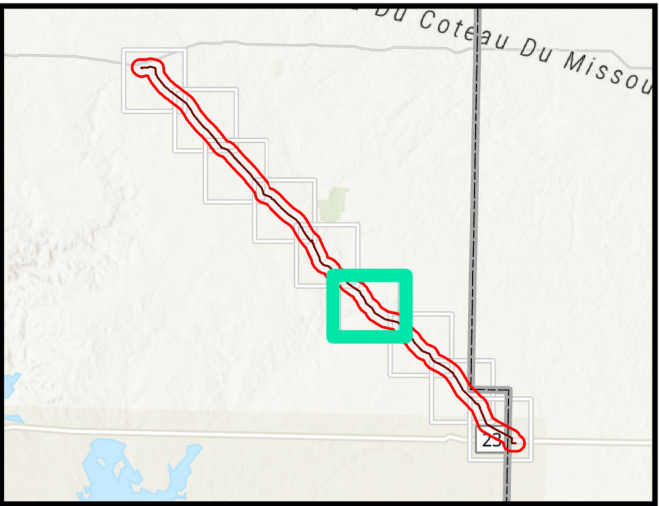
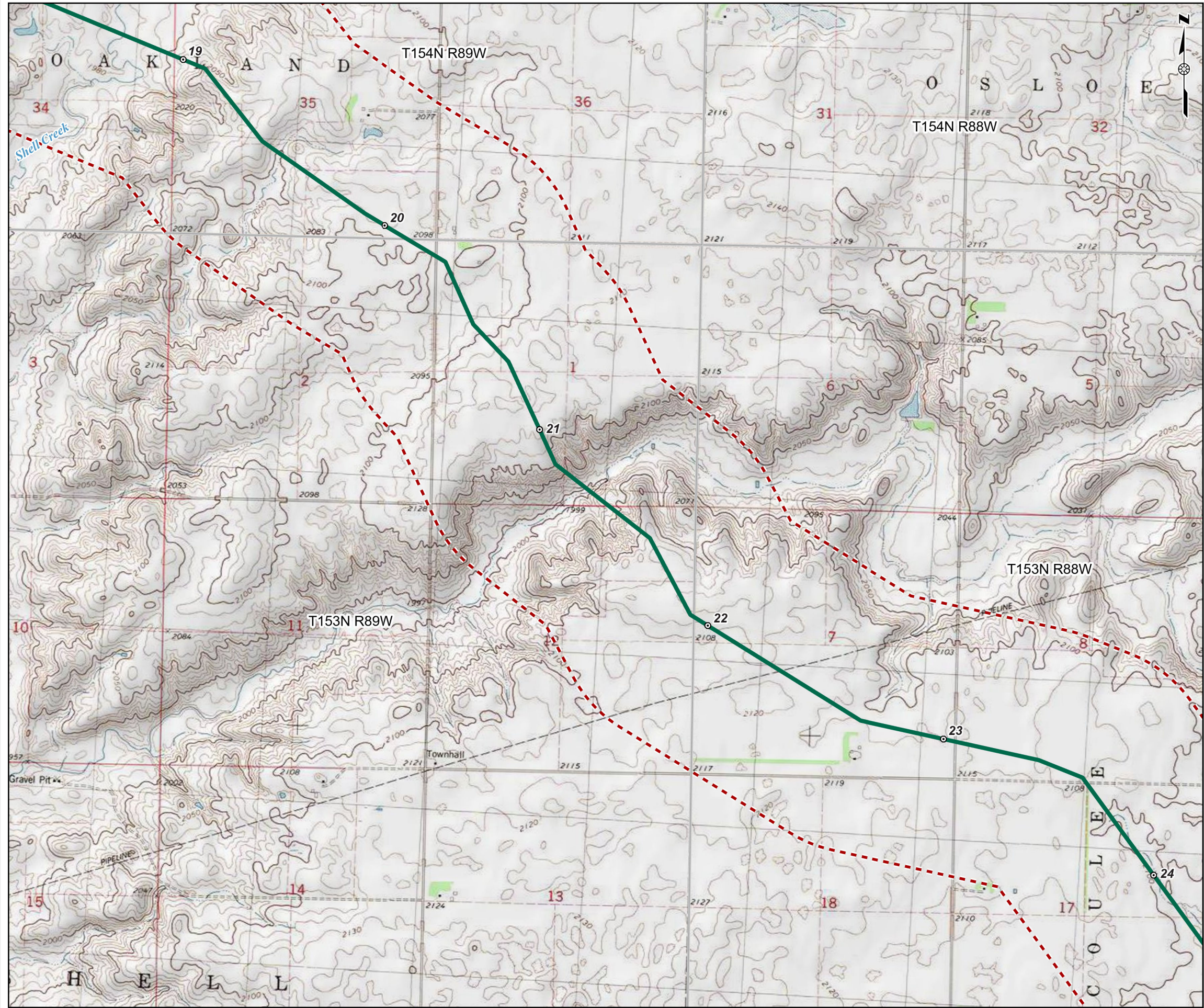
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 5 OF 9

PN:CO002338.0001

Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - - - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - Topo Boundary
 - - - Corridor Study Area (1mi)



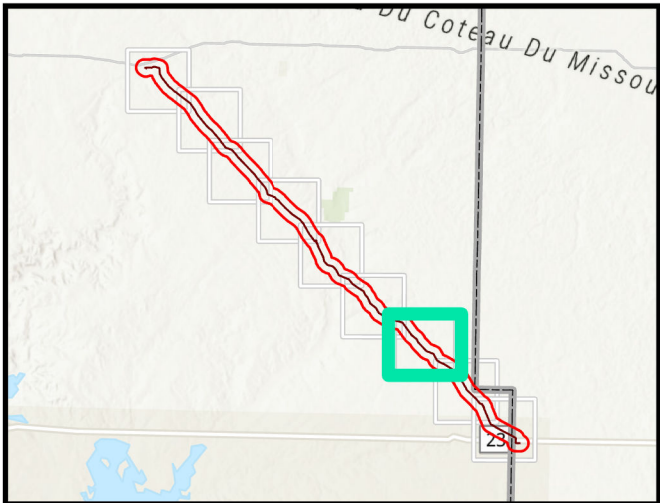
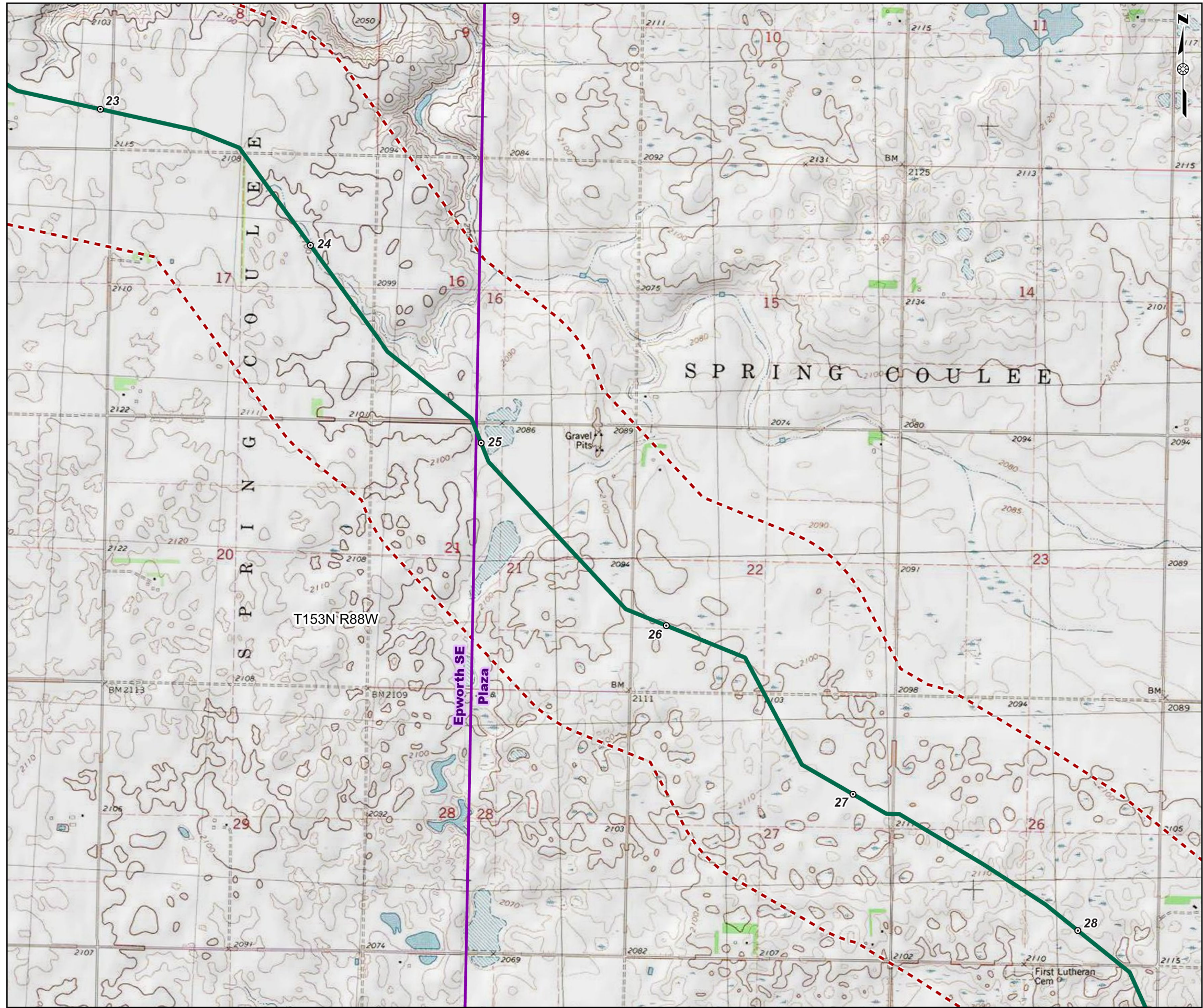
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 6 OF 9

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - - - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - ▭ Topo Boundary
 - - - Corridor Study Area (1mi)



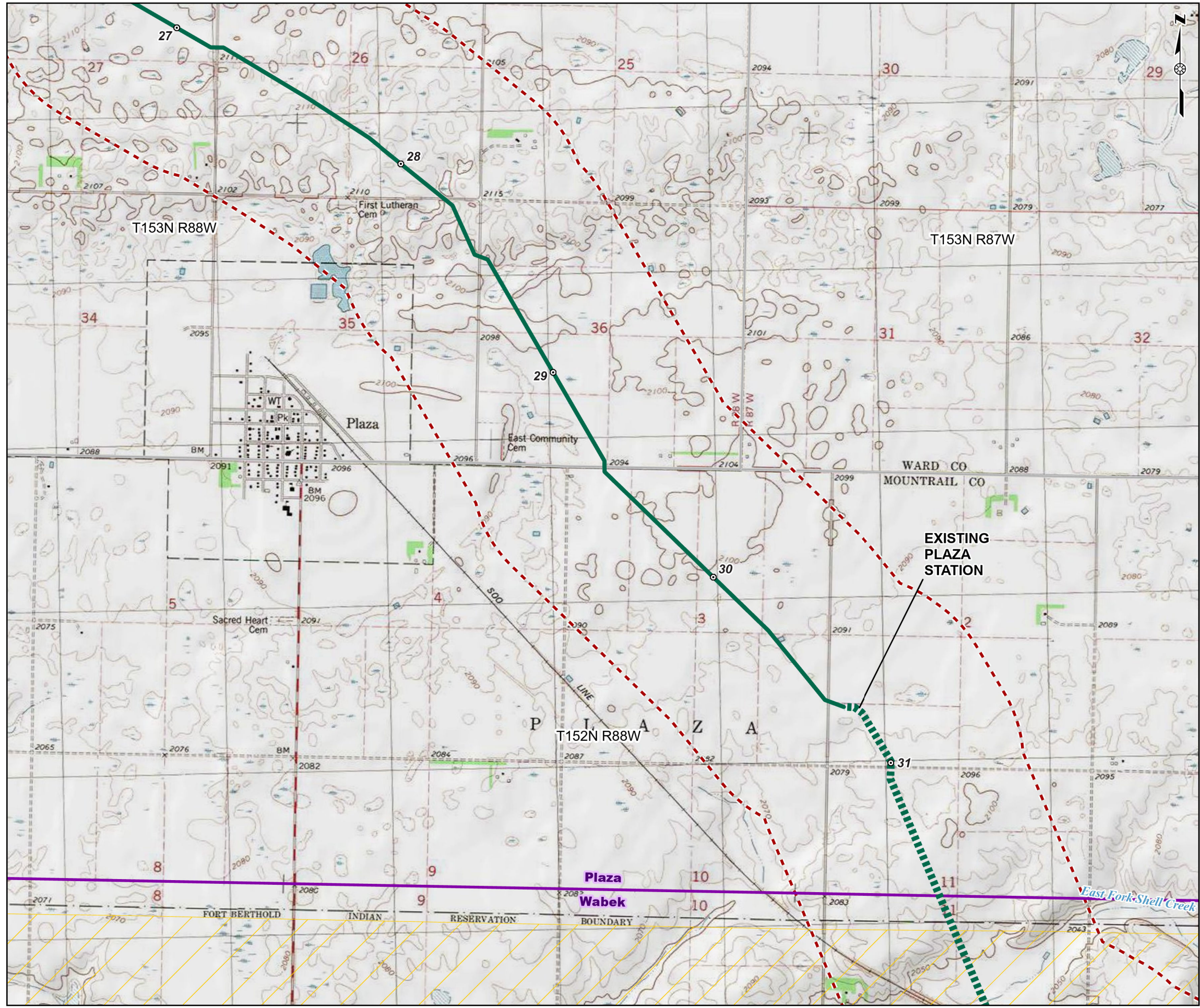
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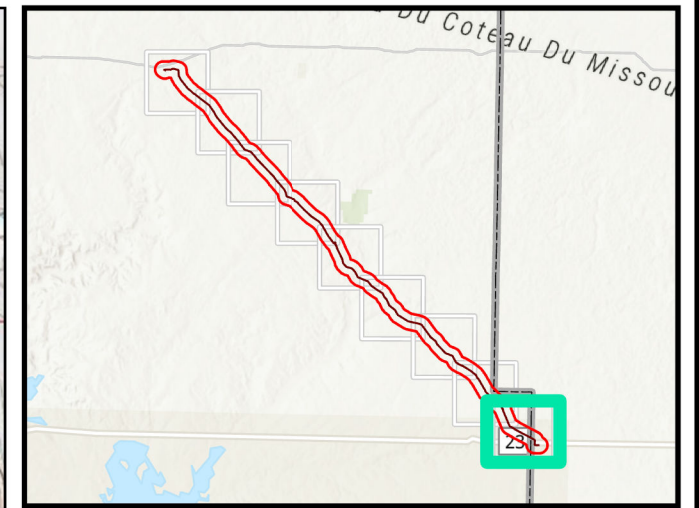
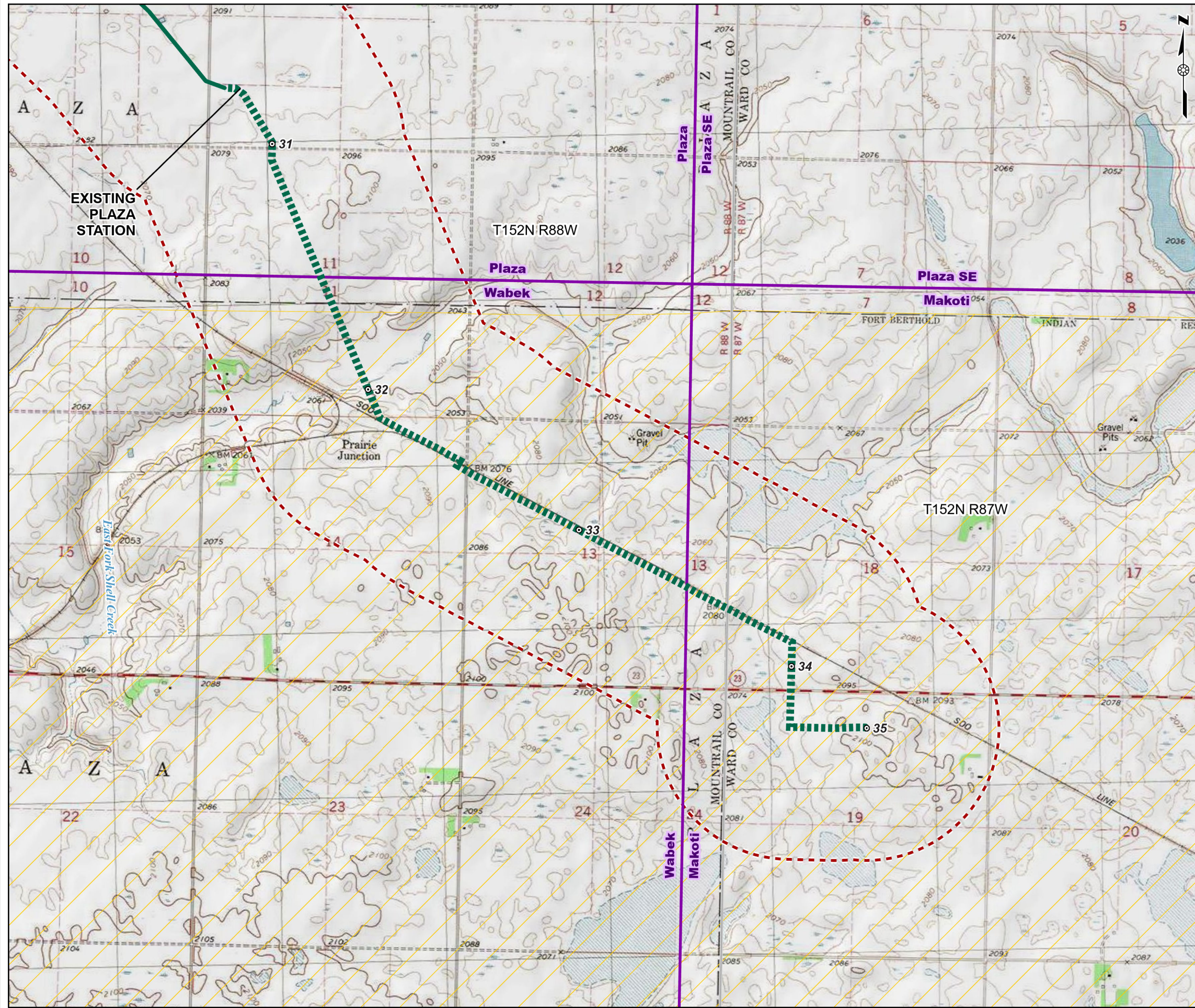
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 7 OF 9

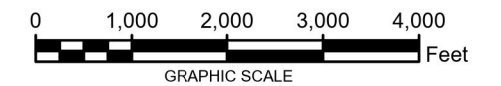
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- Legend**
- Milepost
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - Fort Berthold Indian Reservation Boundary
 - Topo Boundary
 - Corridor Study Area (1mi)



NOTE:
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2. USGS 7.5' TOPOGRAPHIC QUADRANGLE(S) PLAZA, PLAZA SE, WABEK, MAKOTI, NORTH DAKOTA OBTAINED FROM ESRI IMAGE SERVICE.
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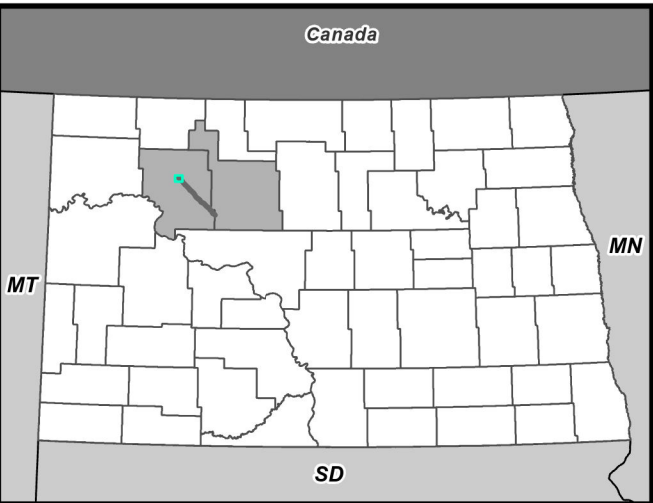
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

FIGURE 1
TOPOGRAPHIC MAP
DETAIL SHEET 9 OF 9

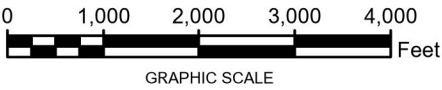
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Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - ▭ Proposed Midline Pump Station
 - ▨ IBCM Exclusion Area (1200ft)
 - IBCM Direct Line (30ft)
 - ▨ Fort Berthold Indian Reservation Boundary
 - - - Corridor Study Area (1mi)
 - - - County Boundary



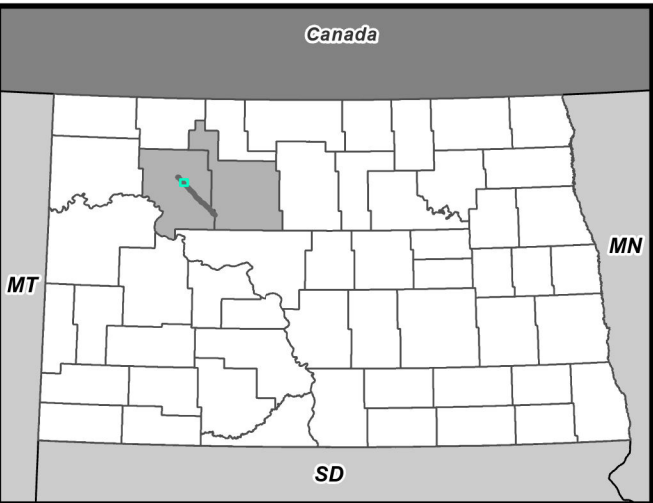
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

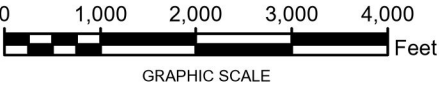
EXCLUSION AREAS
DETAIL SHEET 1 OF 9

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - - - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - ▨ IBCM Exclusion Area (1200ft)
 - ▨ IBCM Direct Line (30ft)
 - ▨ Fort Berthold Indian Reservation Boundary
 - - - Corridor Study Area (1mi)
 - - - County Boundary



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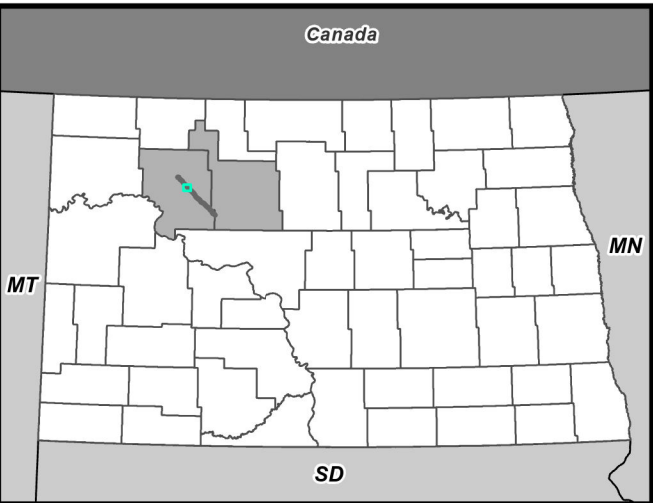
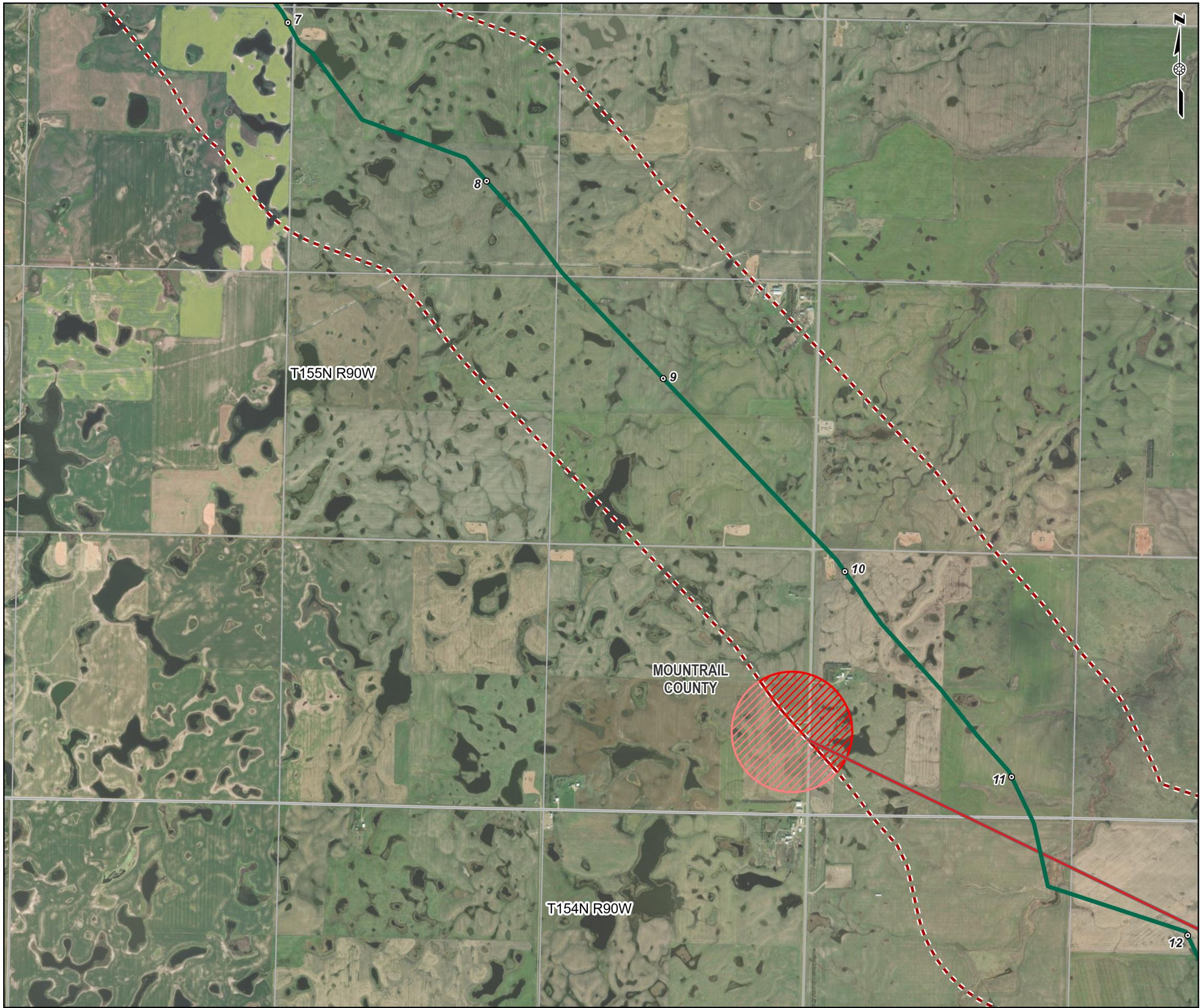
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

EXCLUSION AREAS
DETAIL SHEET 2 OF 9

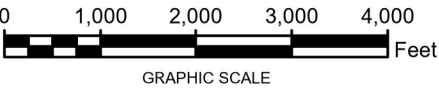
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Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - ▨ IBCM Exclusion Area (1200ft)
 - IBCM Direct Line (30ft)
 - ▨ Fort Berthold Indian Reservation Boundary
 - ▨ Corridor Study Area (1mi)
 - ▨ County Boundary



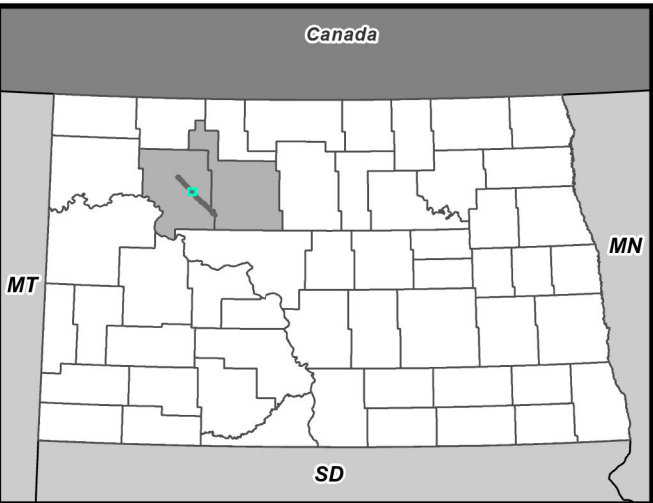
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

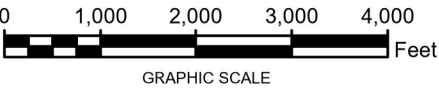
EXCLUSION AREAS
DETAIL SHEET 3 OF 9

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - USFWS - National Wildlife Refuge
 - ▨ IBCM Exclusion Area (1200ft)
 - ▨ IBCM Direct Line (30ft)
 - ▨ Fort Berthold Indian Reservation Boundary
 - ▨ Corridor Study Area (1mi)
 - ▨ County Boundary



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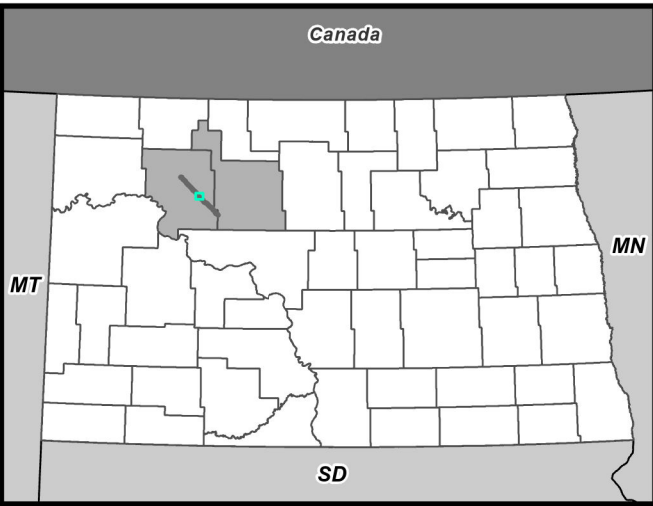
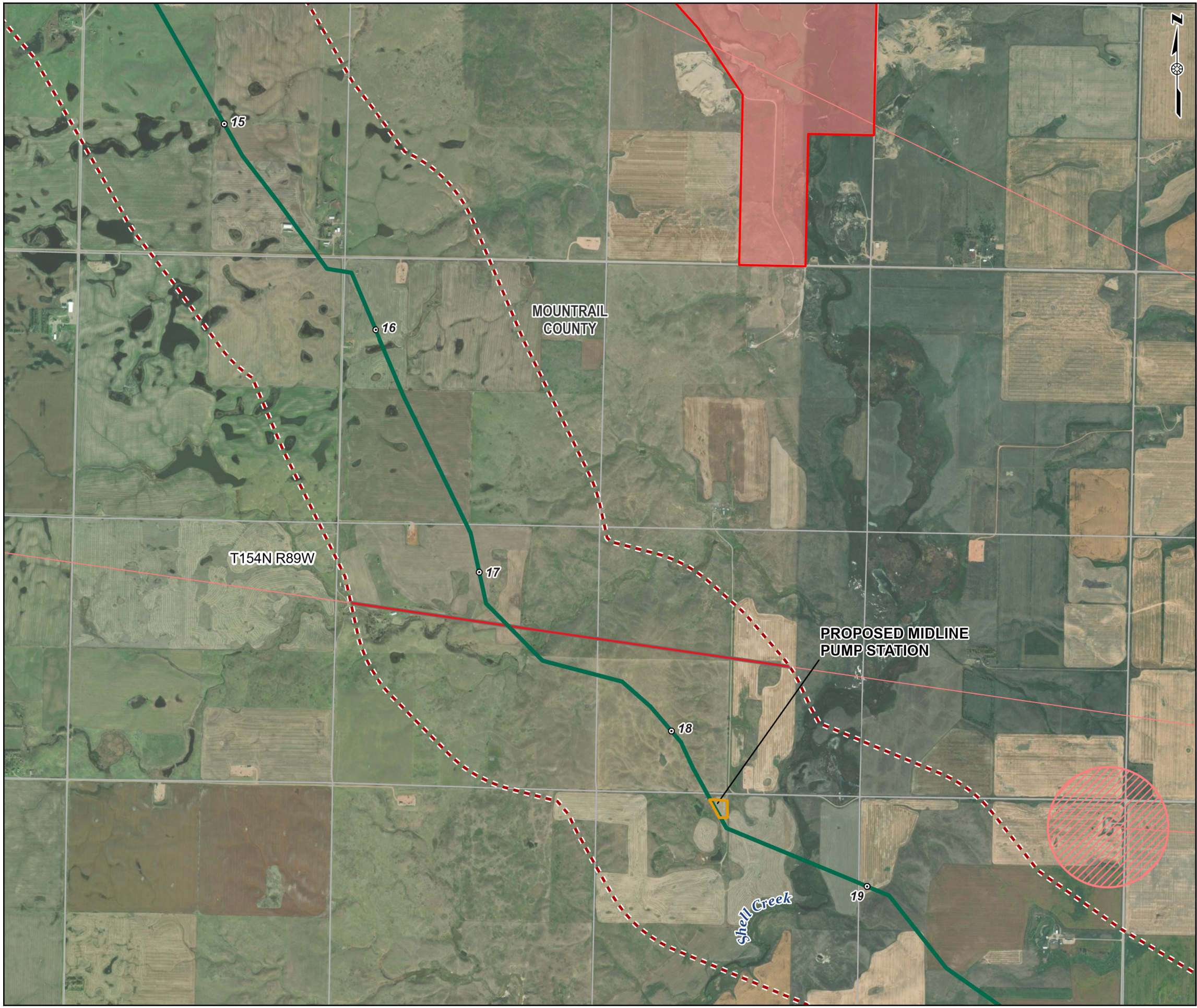
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

EXCLUSION AREAS
DETAIL SHEET 4 OF 9

PN:CO002338.0001
Date: 1/25/2024

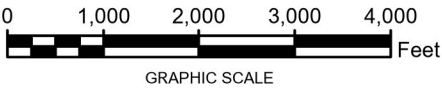


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Legend

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- Existing Pipeline Route
- Proposed Pipeline Route
- Proposed Midline Pump Station
- USFWS - National Wildlife Refuge
- ▨ IBCM Exclusion Area (1200ft)
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- - - Corridor Study Area (1mi)
- - - County Boundary



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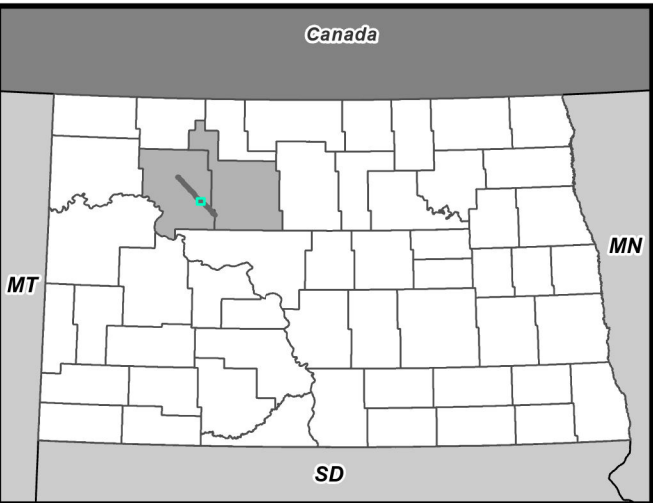
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**EXCLUSION AREAS
DETAIL SHEET 5 OF 9**

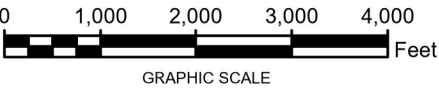
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- Legend**
- Milepost
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 - Proposed Pipeline Route
 - Proposed Midline Pump Station
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 - ▨ IBCM Direct Line (30ft)
 - ▨ Fort Berthold Indian Reservation Boundary
 - - - Corridor Study Area (1mi)
 - - - County Boundary



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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

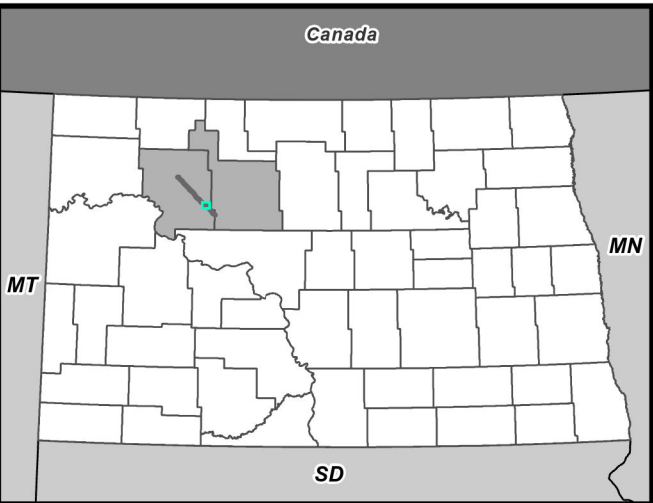
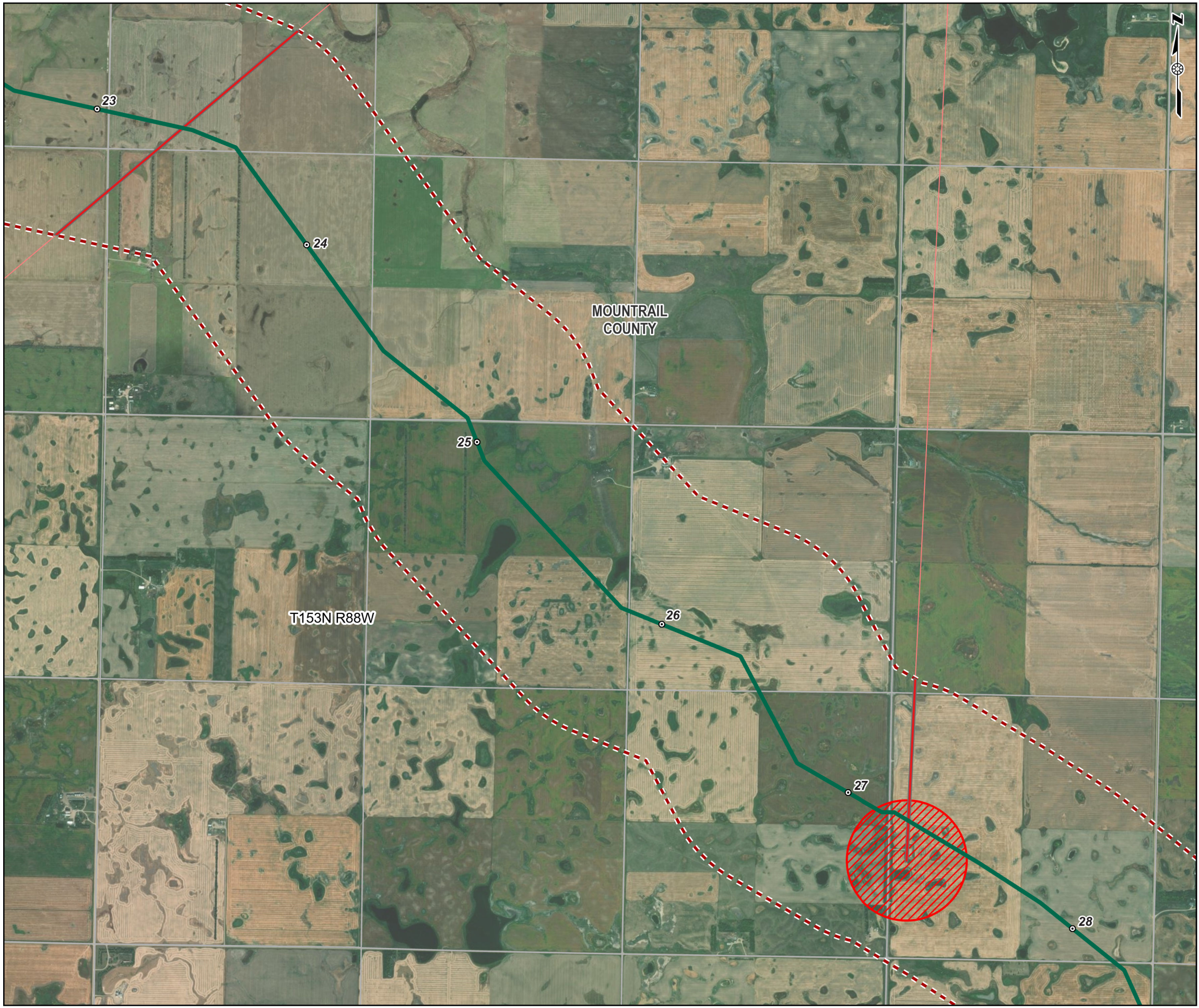
EXCLUSION AREAS
DETAIL SHEET 6 OF 9

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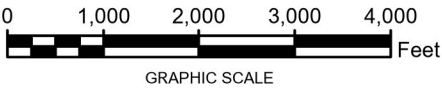


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Legend

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- Proposed Pipeline Route
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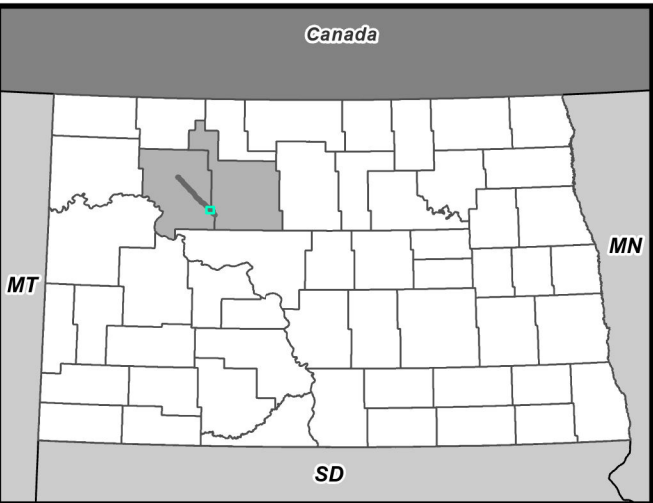
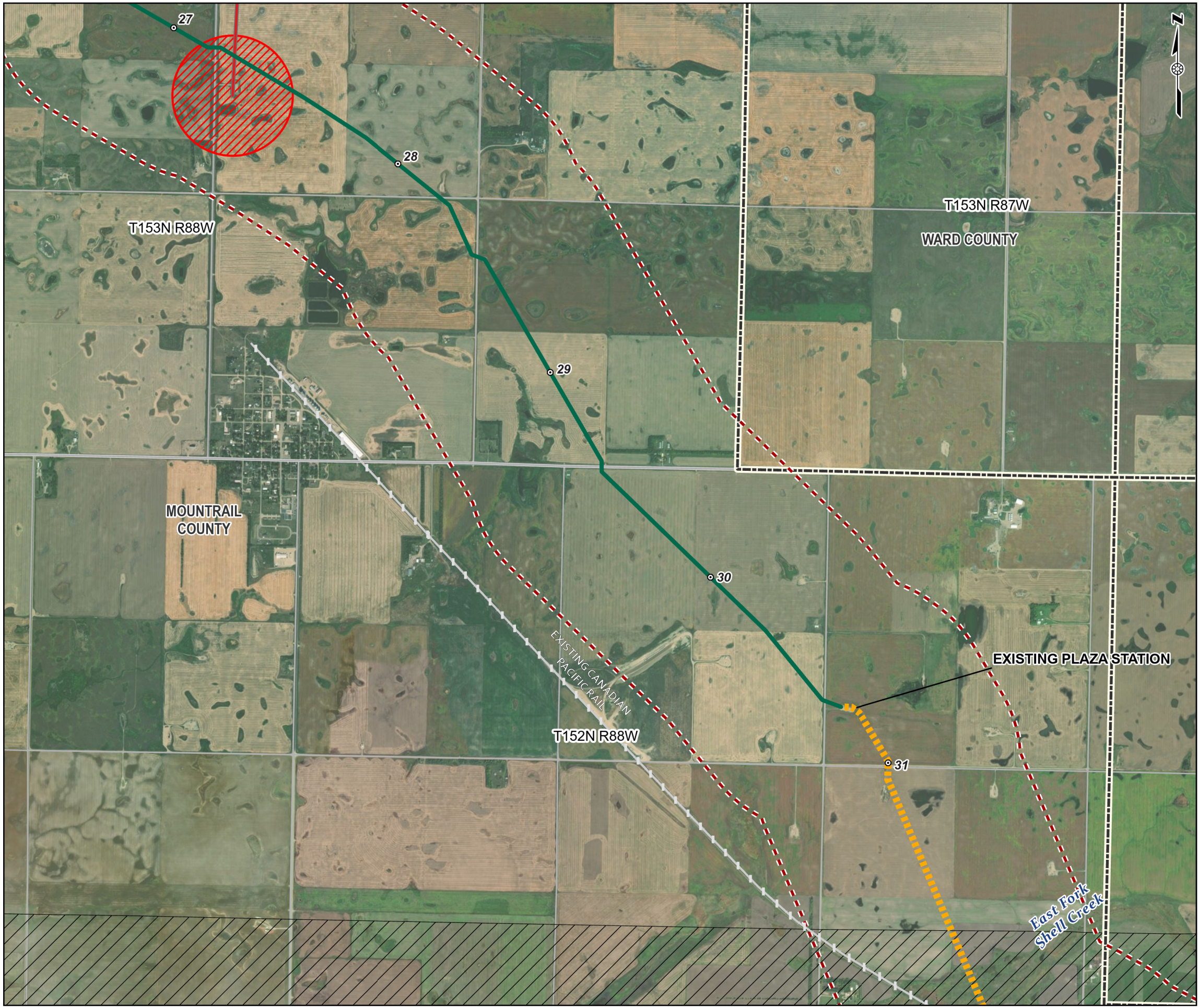
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**EXCLUSION AREAS
DETAIL SHEET 7 OF 9**

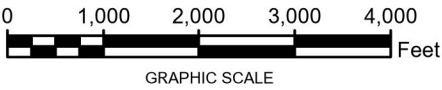
PN:CO002338.0001

Date: 1/25/2024





- Legend**
- Milepost
 - Existing Canadian Pacific Railway
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - ▨ IBCM Exclusion Area (1200ft)
 - IBCM Direct Line (30ft)
 - ▤ Fort Berthold Indian Reservation Boundary
 - - - Corridor Study Area (1mi)
 - - - County Boundary



NOTE:
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2. WORLD IMAGERY IS OBTAINED FROM ESRI WORLD IMAGERY SERVICE.
3. PROJECTION IS NAD 1983 STATE PLANE NORTH DAKOTA N FIPS 3301 (US FEET).
THE SCALE IS: 1:24,000.

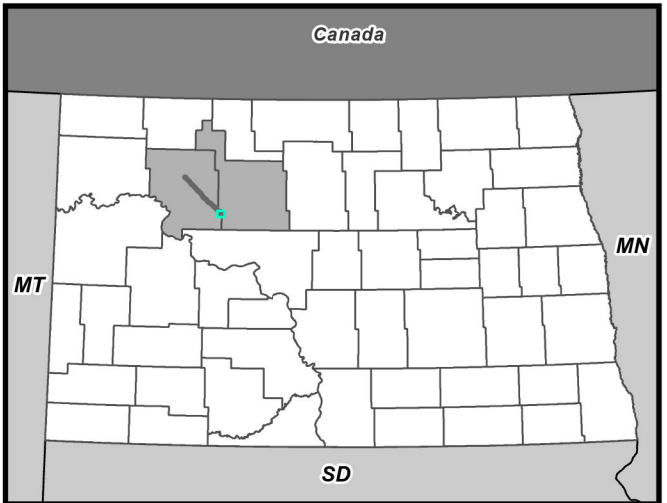
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

EXCLUSION AREAS
DETAIL SHEET 8 OF 9

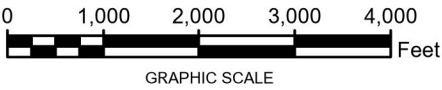
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Date: 1/25/2024



Date: 1/25/2024 User Name: MNugent
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- Legend**
- Milepost
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 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - ▨ IBCM Exclusion Area (1200ft)
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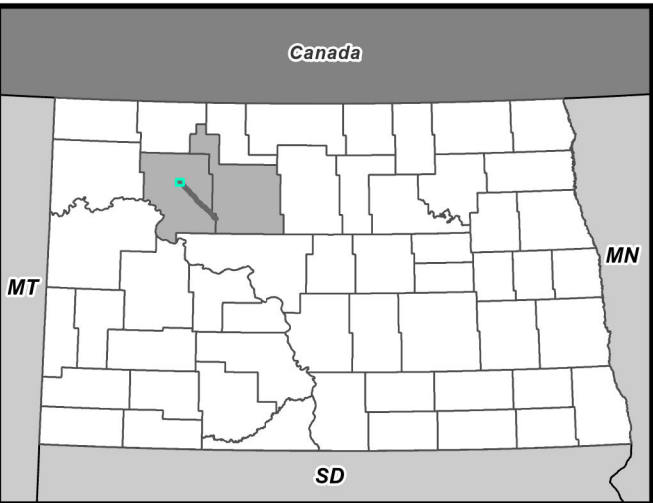
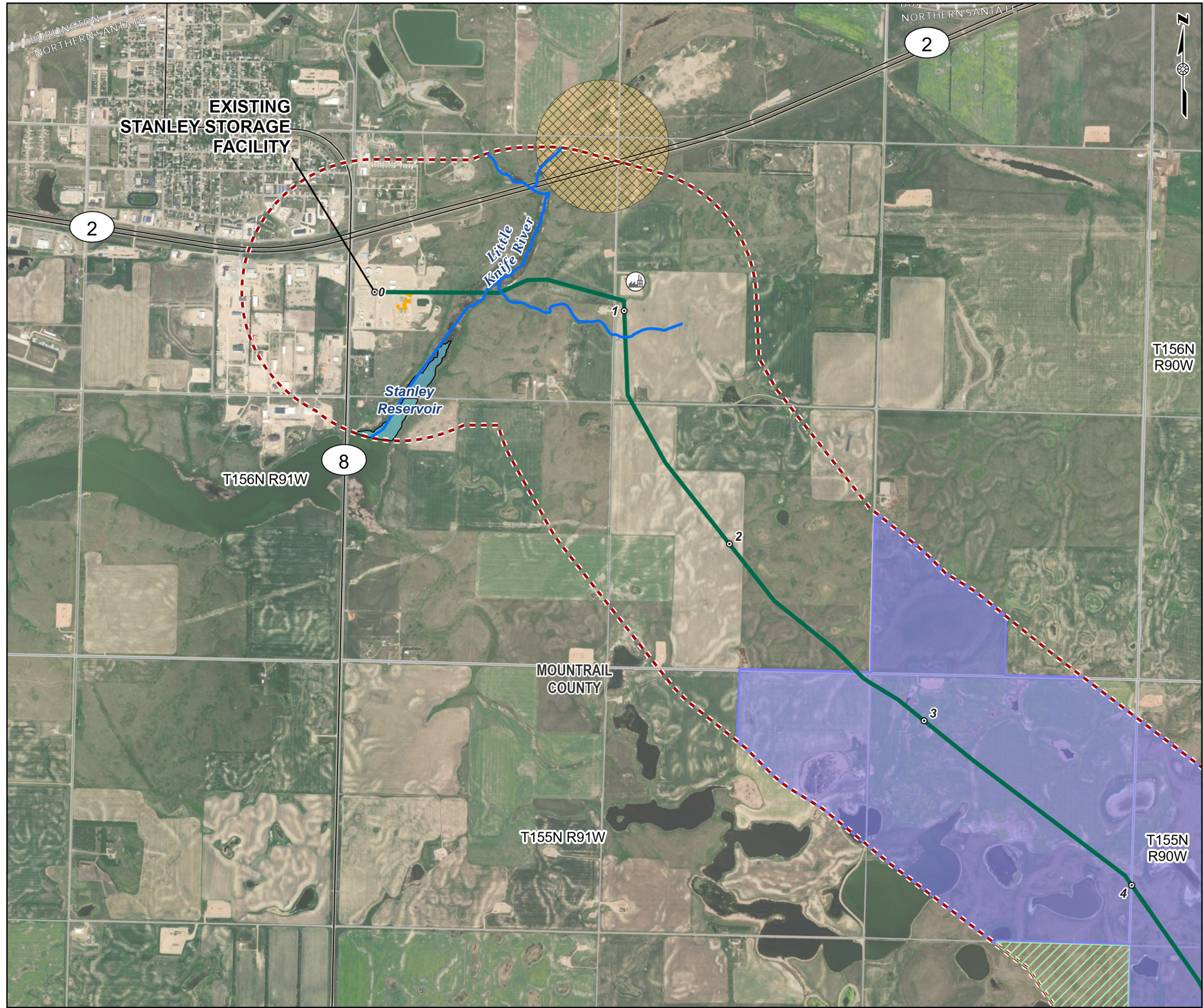
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

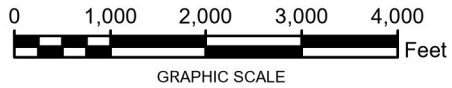
EXCLUSION AREAS
DETAIL SHEET 9 OF 9

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Surface Drain Location
 - Production Well
 - Occupied Residence
 - Bald Eagle Nest
 - Snowmobile Trail
 - NHD Stream
 - Existing Canadian Pacific Railway
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
 - USFWS Waterfowl Production Area
 - NDGF - PLOTS Land
 - NDDTL - School Trust Lands
 - Source Water Protection Area - Noncommunity (Inactive)
 - Source Water Protection Area - Community (Inactive)
 - Potential Landslide Area
 - Hiddenwood Lake Aquifer
 - Shell Creek-White Lake Aquifer
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 - County Boundary



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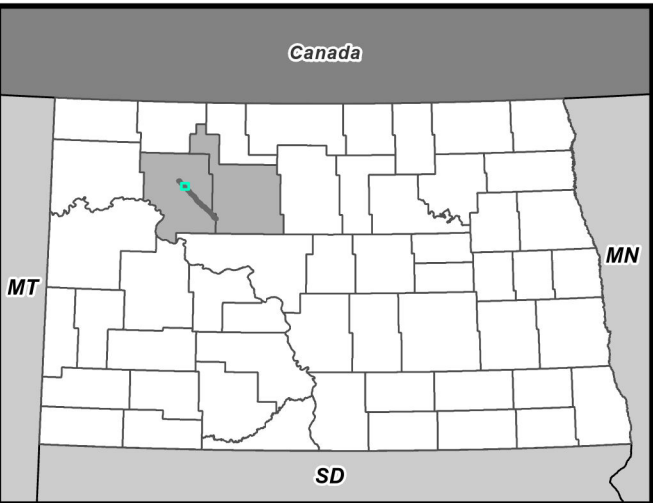
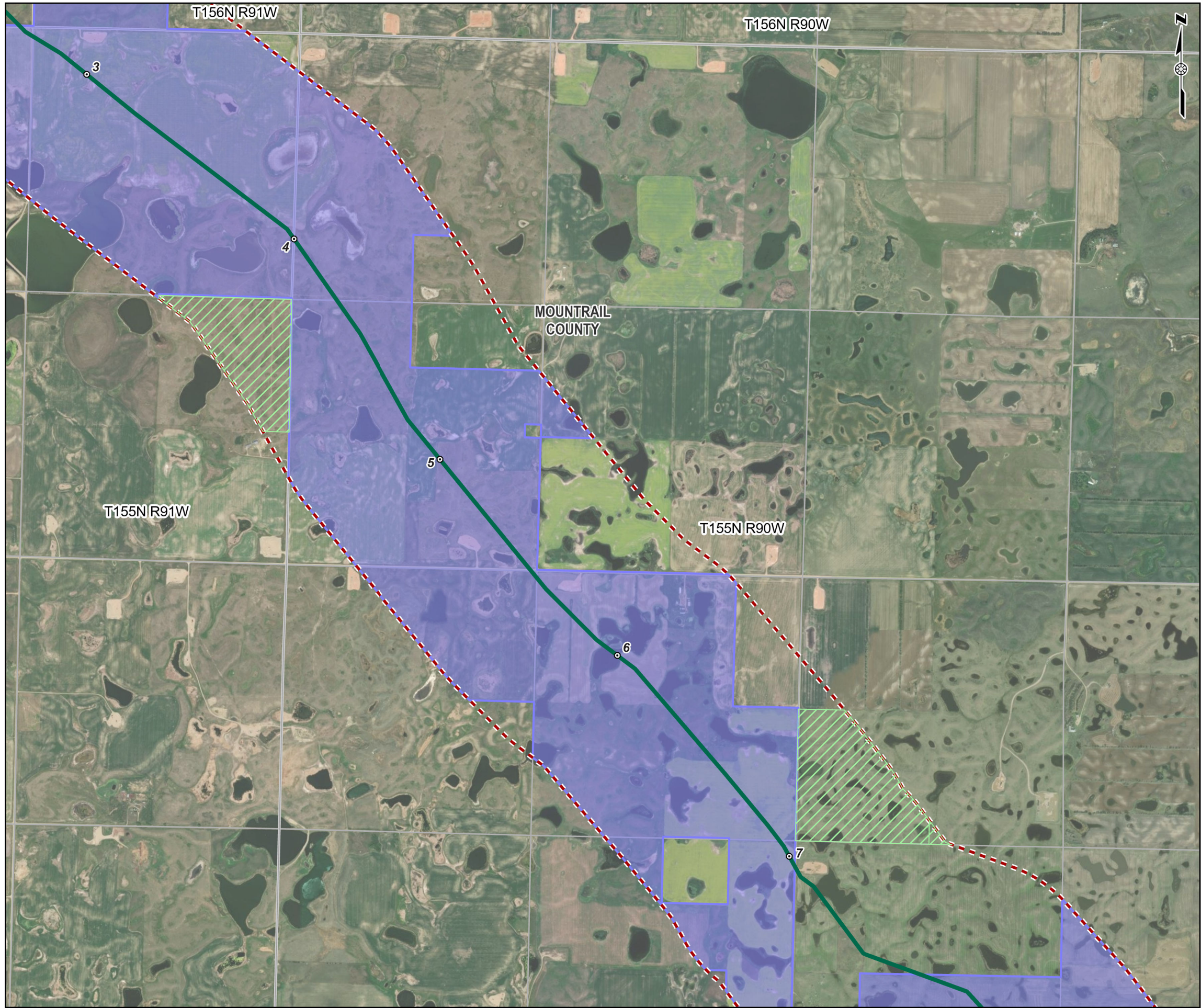
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 1 OF 9**

PN:CO002338.0001

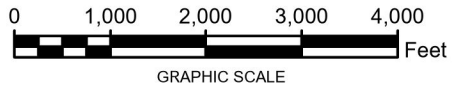
Date: 1/25/2024





Legend

- Milepost
- Surface Drain Location
- 🏠 Occupied Residence
- 🦅 Bald Eagle Nest
- Snowmobile Trail
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

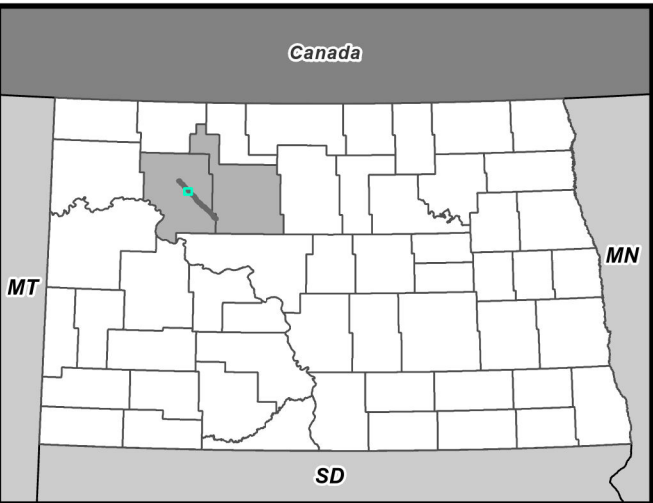
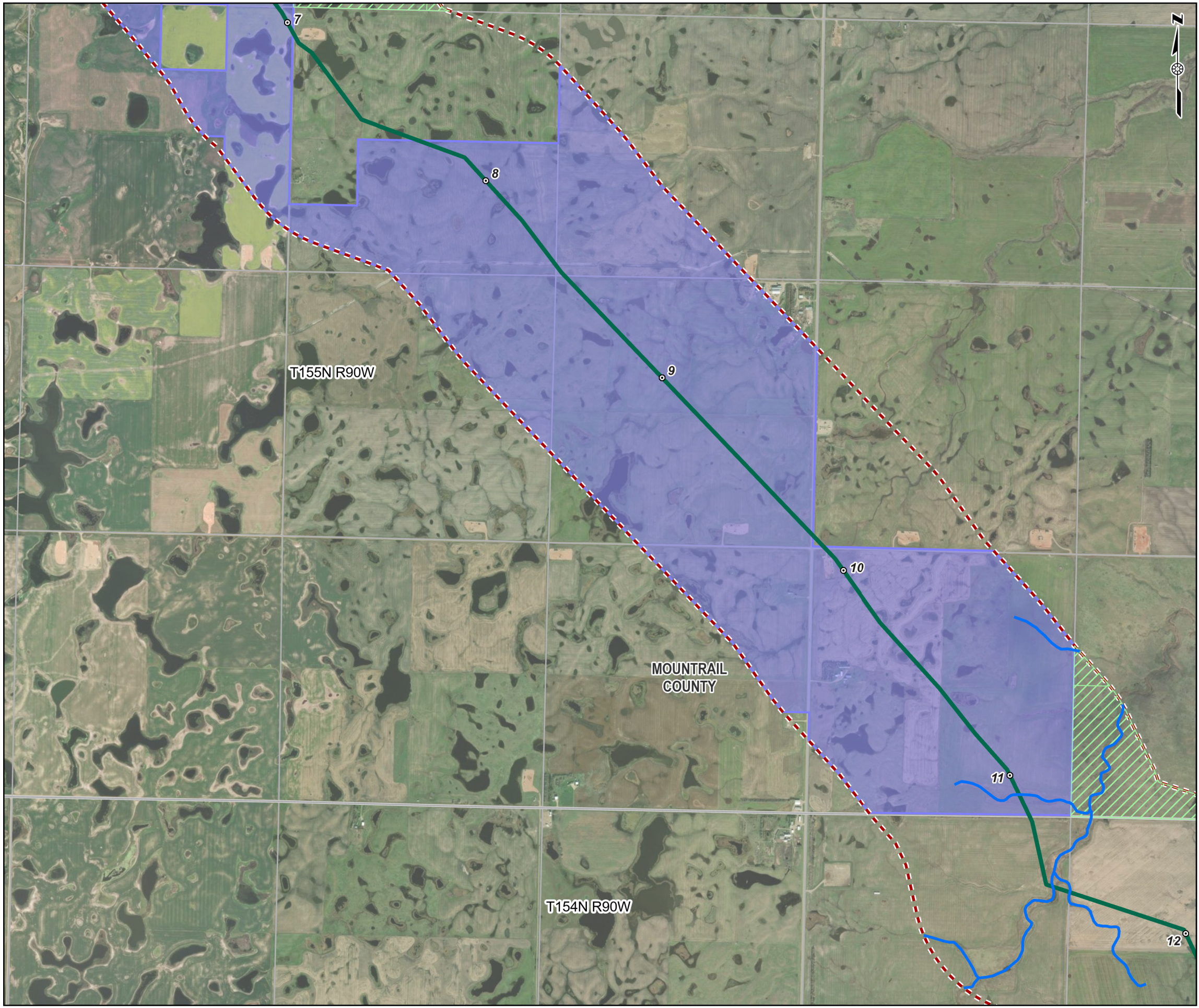
**AVOIDANCE AREAS
DETAIL SHEET 2 OF 9**

PN:CO002338.0001

Date: 1/25/2024



Date: 1/25/2024 User Name: MNugent
Document Path: I:_EPP\Makoti_pipeline\pro\Makoti_Pipeline_Pipeline_Rev.aprx



Legend

- Milepost
- Surface Drain Location
- 🏠 Occupied Residence
- 🦅 Bald Eagle Nest
- Snowmobile Trail
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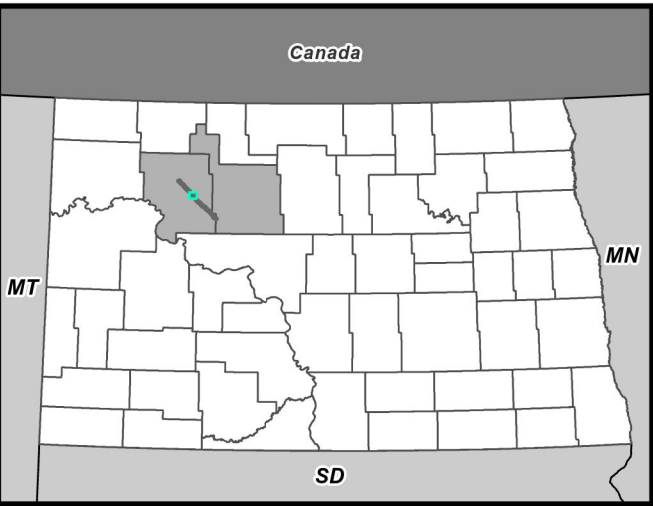
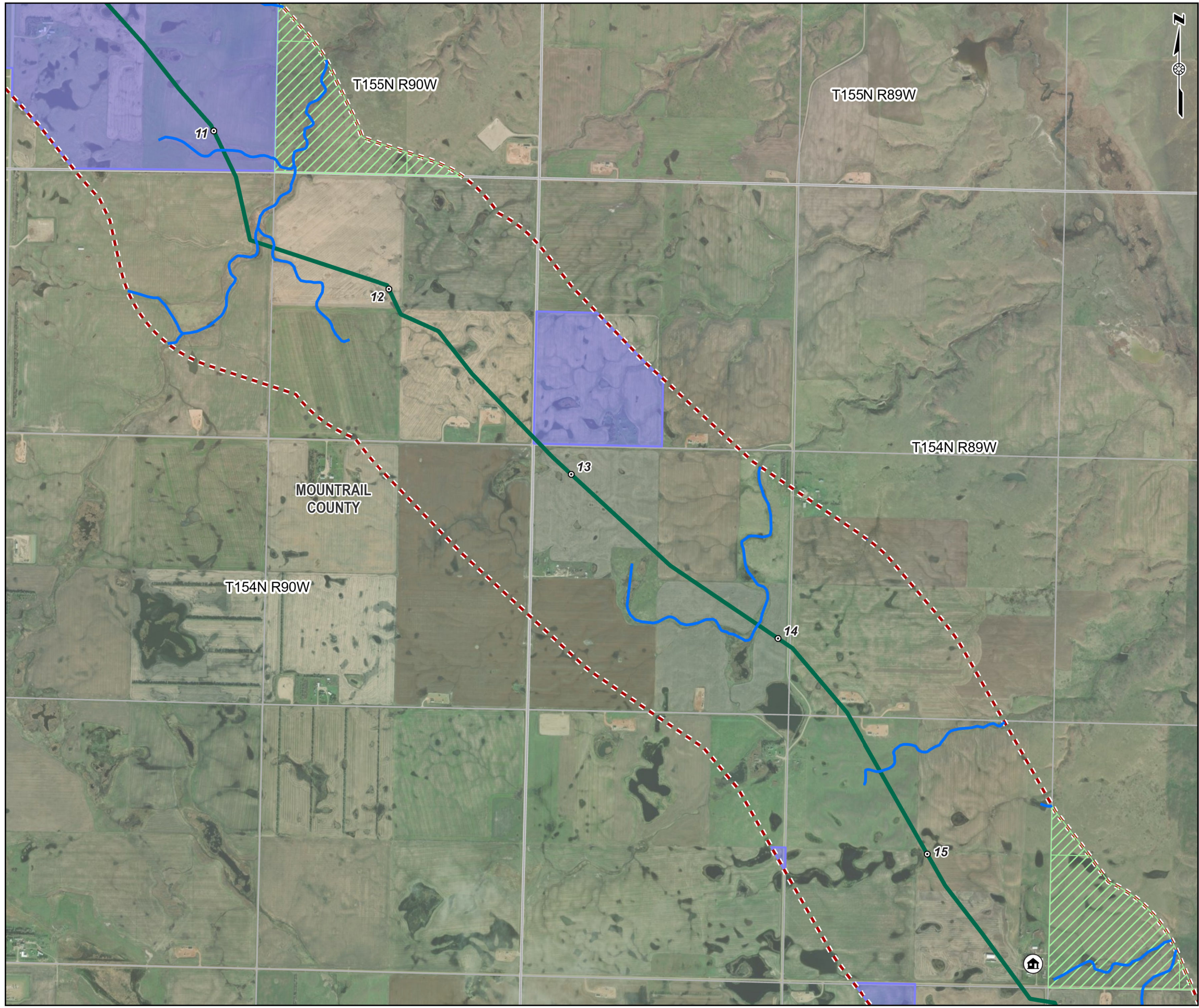
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 3 OF 9**

PN:CO002338.0001

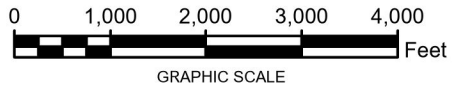
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Legend

- Milepost
- Surface Drain Location
- 🏠 Occupied Residence
- 🦅 Bald Eagle Nest
- Snowmobile Trail
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- Existing Canadian Pacific Railway
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- Corridor Study Area (1mi)
- County Boundary



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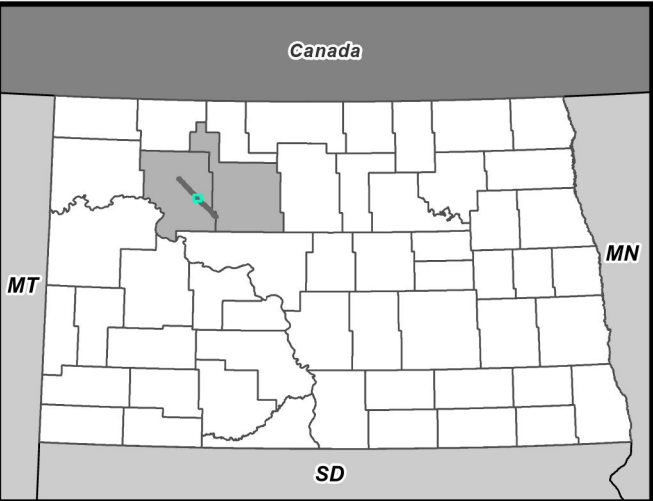
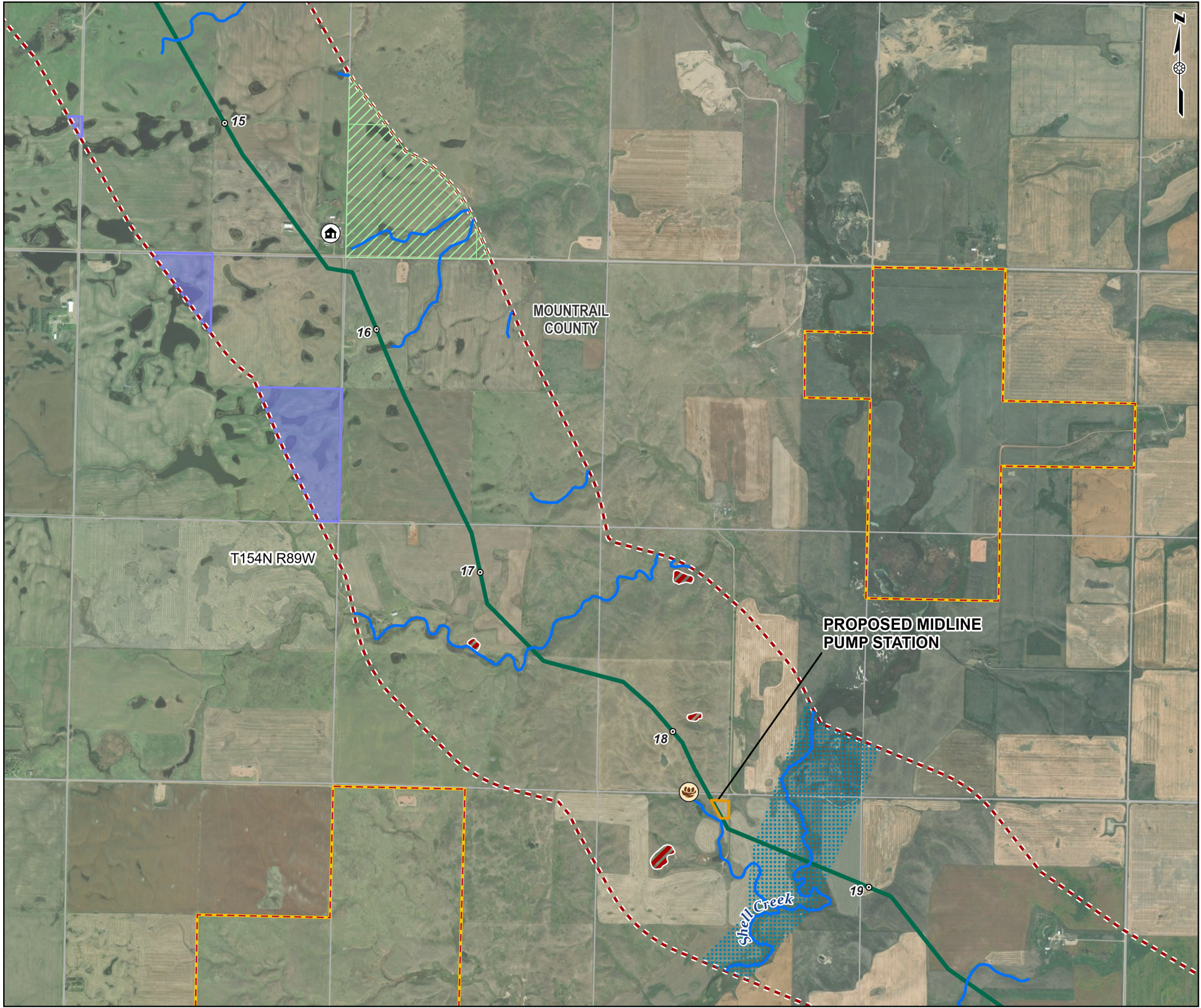
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 4 OF 9**

PN:CO002338.0001

Date: 1/25/2024





Legend

- Milepost
- Surface Drain Location
- 🏠 Occupied Residence
- 🦅 Bald Eagle Nest
- Snowmobile Trail
- NHD Stream
- Existing Canadian Pacific Railway
- Existing Pipeline Route
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- ▨ Fort Berthold Indian Reservation Boundary
- Corridor Study Area (1mi)
- County Boundary



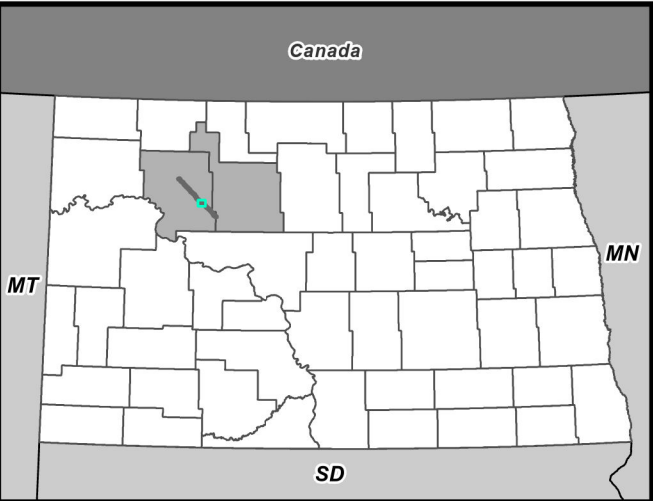
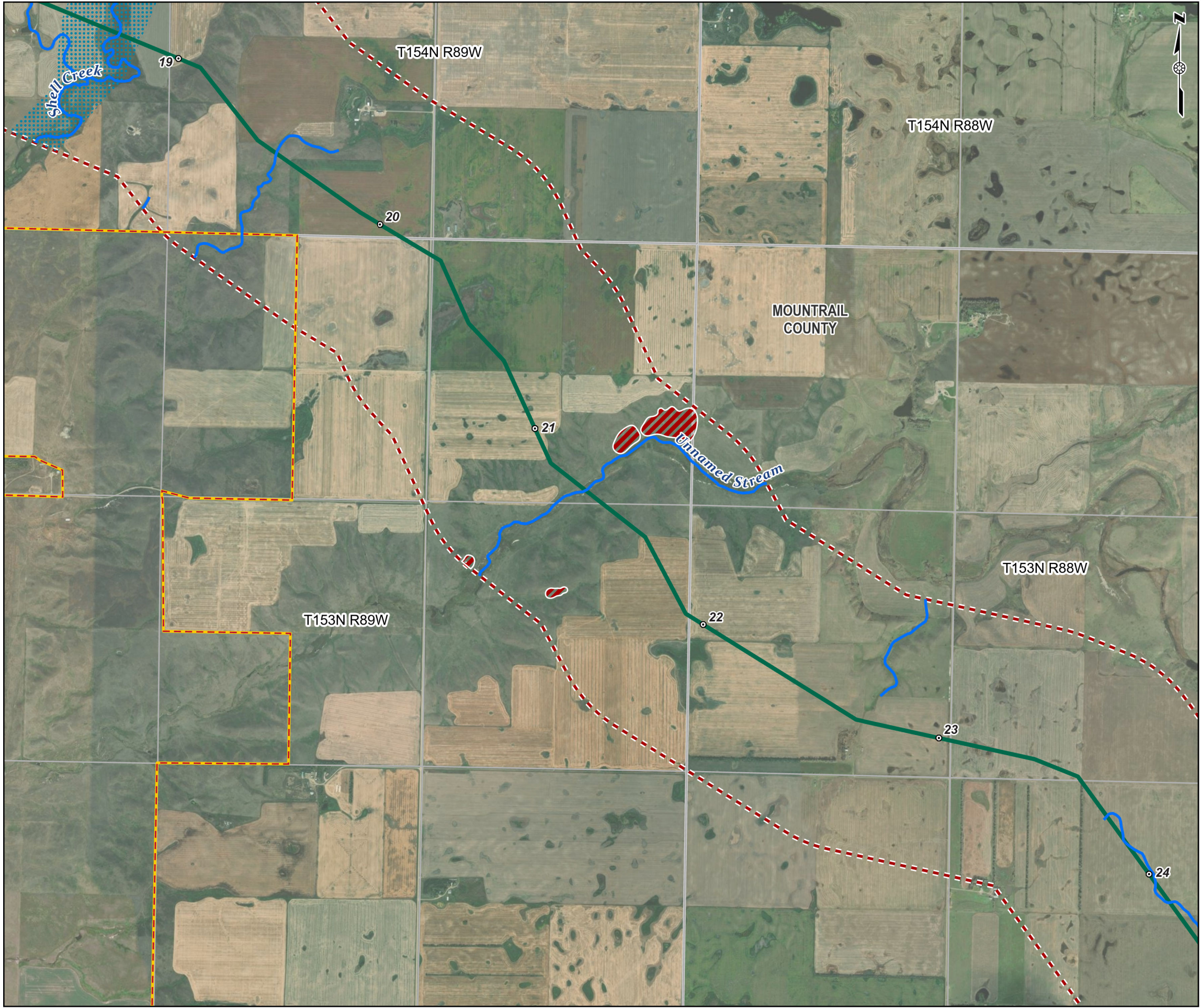
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 5 OF 9**

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Surface Drain Location
 - 🏠 Occupied Residence
 - 🦅 Bald Eagle Nest
 - Snowmobile Trail
 - NHD Stream
 - Existing Canadian Pacific Railway
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - ▭ Proposed Midline Pump Station
 - ▭ USFWS Waterfowl Production Area
 - ▭ NDGF - PLOTS Land
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 - ▨ Shell Creek-White Lake Aquifer
 - ▨ Fort Berthold Indian Reservation Boundary
 - ▨ Corridor Study Area (1mi)
 - ▨ County Boundary



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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

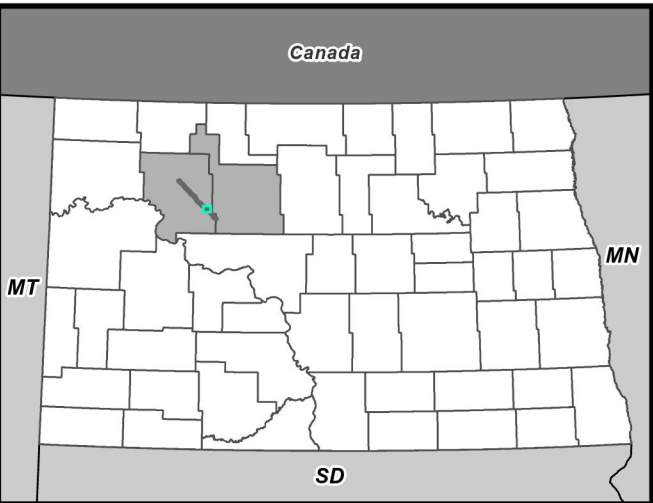
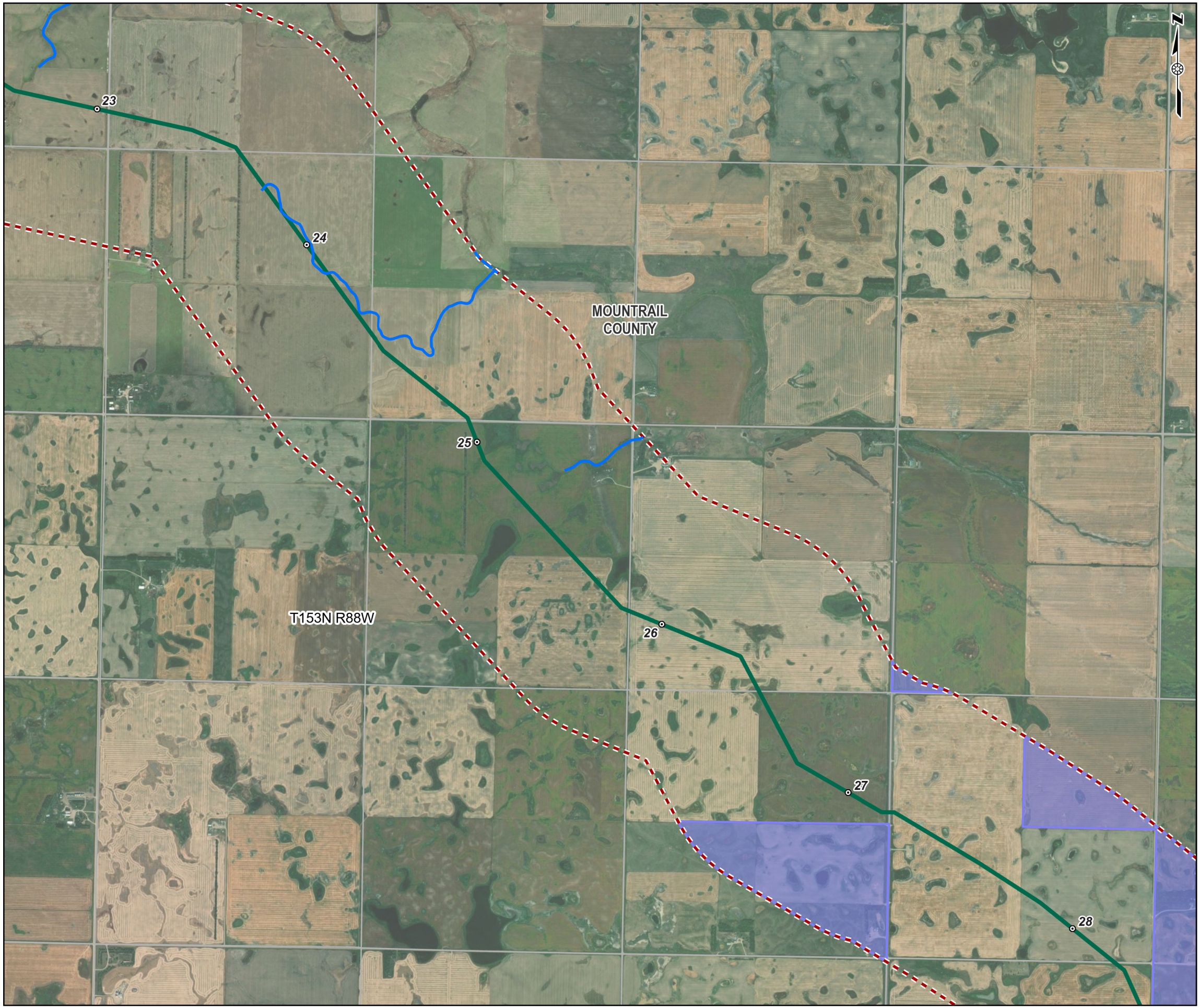
**AVOIDANCE AREAS
DETAIL SHEET 6 OF 9**

PN:CO002338.0001

Date: 1/25/2024



Date: 1/25/2024 User Name: MNugent
Document Path: I:_EPP\Makoti_pipeline\pro\Makoti_Pipeline\Makoti_Pipeline_Rev.aprx



Legend

- Milepost
- Surface Drain Location
- 🏠 Occupied Residence
- 🦅 Bald Eagle Nest
- Snowmobile Trail
- NHD Stream
- Existing Canadian Pacific Railway
- Existing Pipeline Route
- Proposed Pipeline Route
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- Fort Berthold Indian Reservation Boundary
- Corridor Study Area (1mi)
- County Boundary



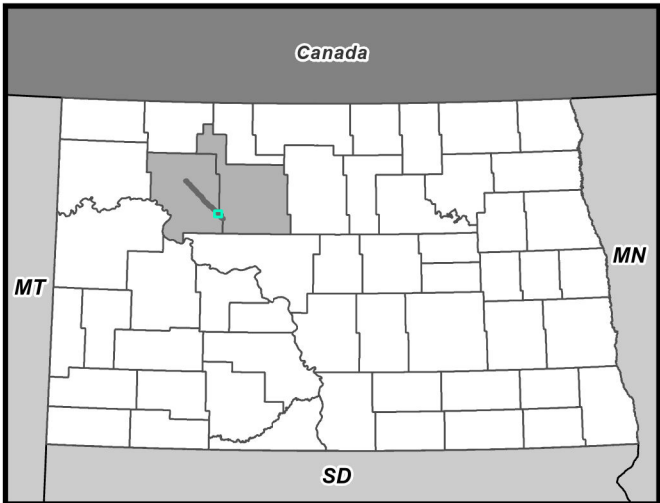
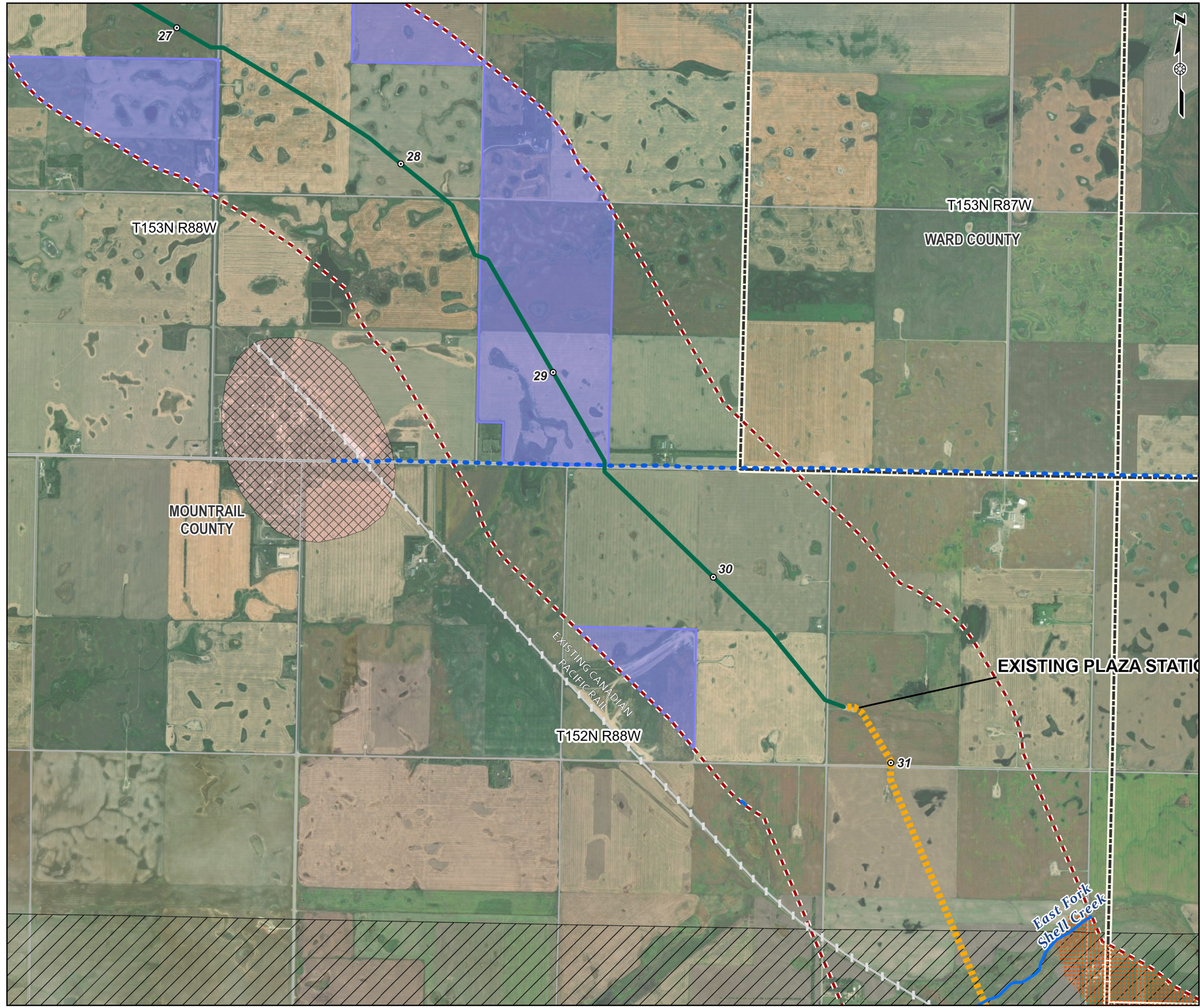
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 7 OF 9**

PN:CO002338.0001
Date: 1/25/2024





- Legend**
- Milepost
 - Surface Drain Location
 - 🏠 Occupied Residence
 - 🦅 Bald Eagle Nest
 - Snowmobile Trail
 - NHD Stream
 - Existing Canadian Pacific Railway
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Proposed Midline Pump Station
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 - Corridor Study Area (1mi)
 - County Boundary



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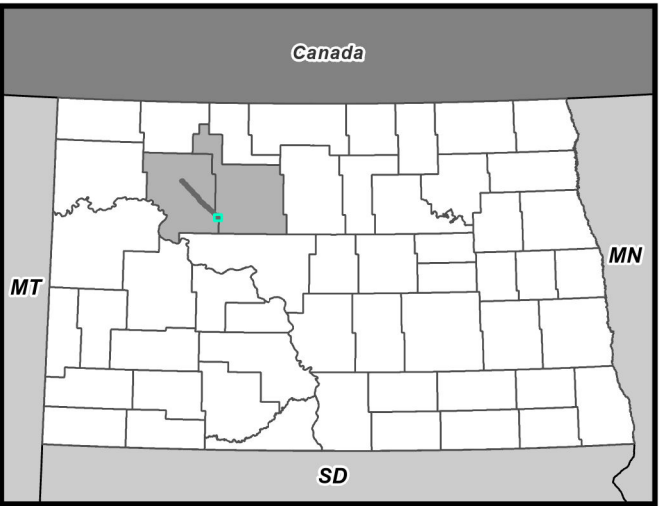
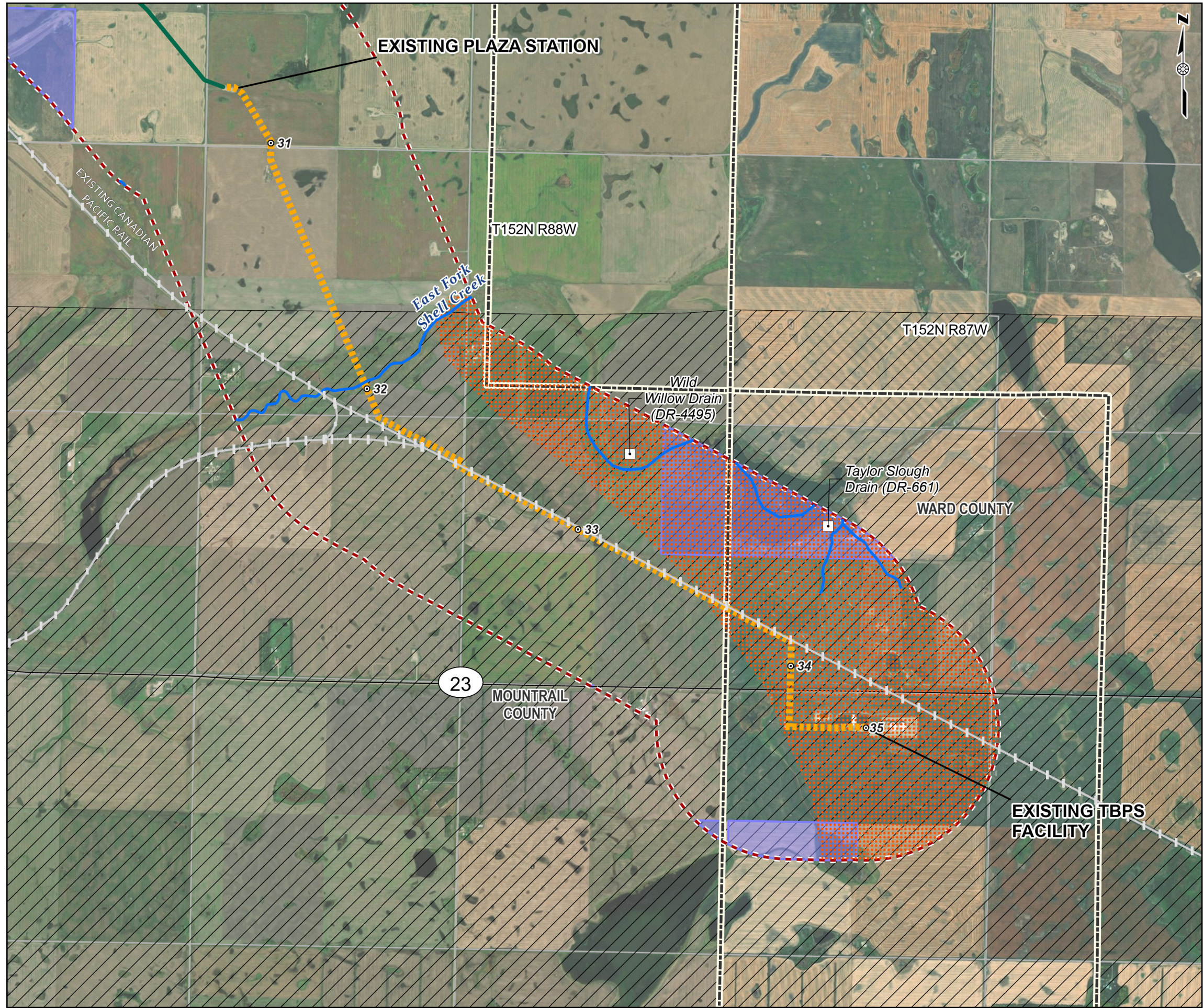
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 8 OF 9**

PN:CO002338.0001

Date: 1/25/2024





- Legend**
- Milepost
 - Surface Drain Location
 - 🏠 Occupied Residence
 - 🦅 Bald Eagle Nest
 - Snowmobile Trail
 - NHD Stream
 - Existing Canadian Pacific Railway
 - Existing Pipeline Route
 - Proposed Pipeline Route
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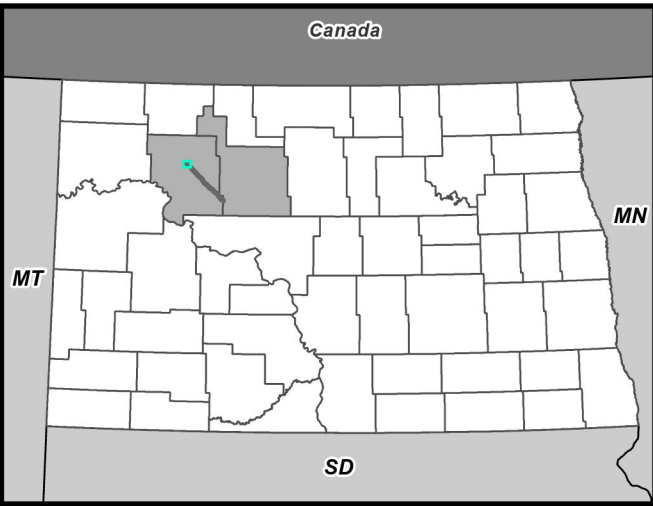
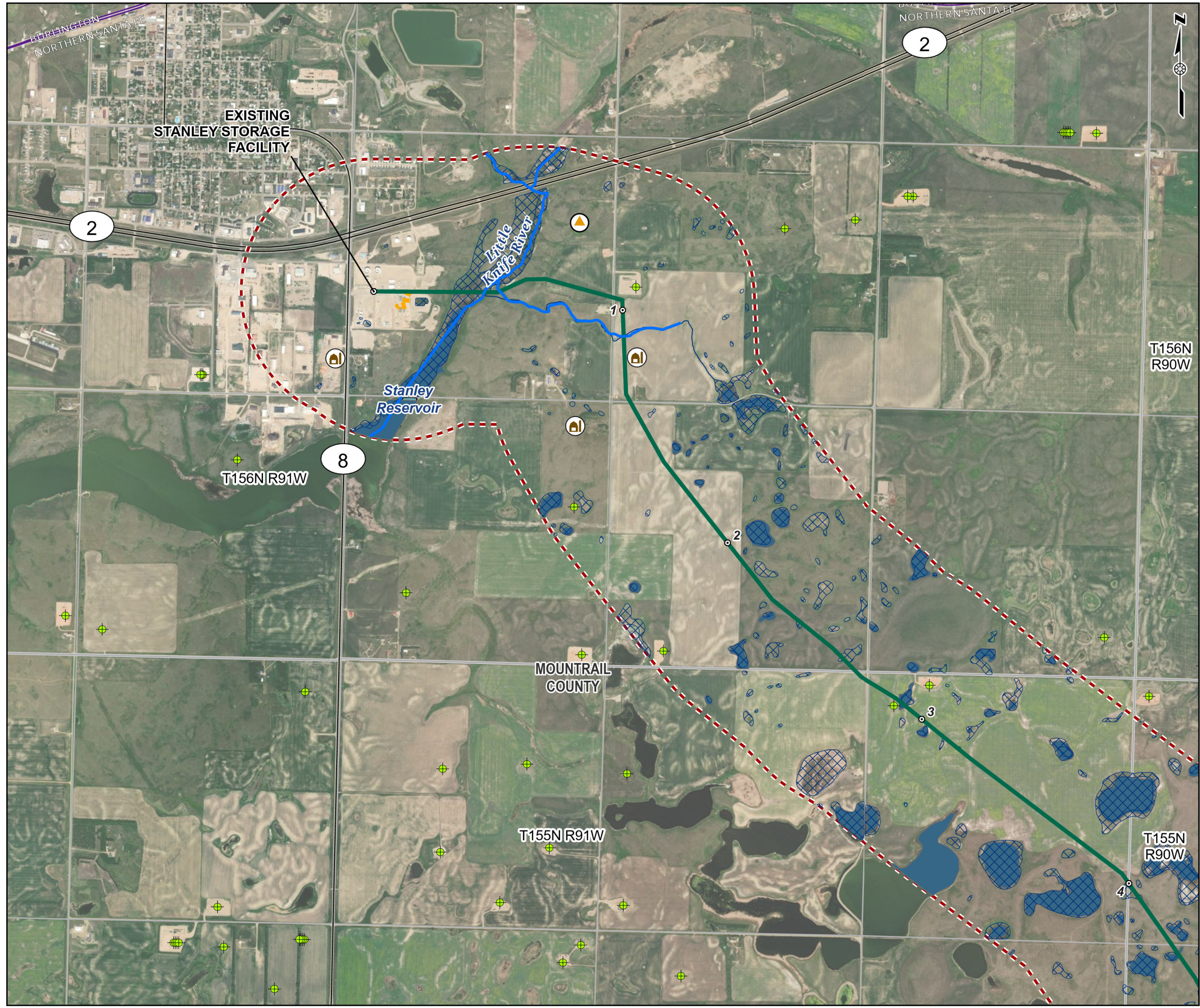
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

**AVOIDANCE AREAS
DETAIL SHEET 9 OF 9**

PN:CO002338.0001
Date: 1/25/2024



Date: 1/25/2024 User Name: MNugent
Document Path: T:_EPP\Makoti_pipeline\pro\Makoti_Pipeline_Pipeline_Rev.aprx



- Legend**
- Milepost
 - Oil and Gas Well
 - Occupied Residence
 - Farm Units
 - Abandoned Coal Mine
 - Cemetery
 - Farm Units
 - Gravel Pit
 - Minor Drainage Structure
 - NHD Stream
 - Existing Pipeline Route
 - Proposed Pipeline Route
 - Snowmobile Trail
 - Proposed Midline Pump Station
 - NWI Wetland
 - Delineated Wetland
 - NHD Waterbody
 - Fort Berthold Indian Reservation Boundary
 - Corridor Study Area (1mi)
 - County Boundary



NOTE:
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2. NATIONAL WETLANDS INVENTORY (NWI) WETLAND DATA OBTAINED FROM THE US FISH & WILDLIFE SERVICE AT: WWW.FWS.GOV.
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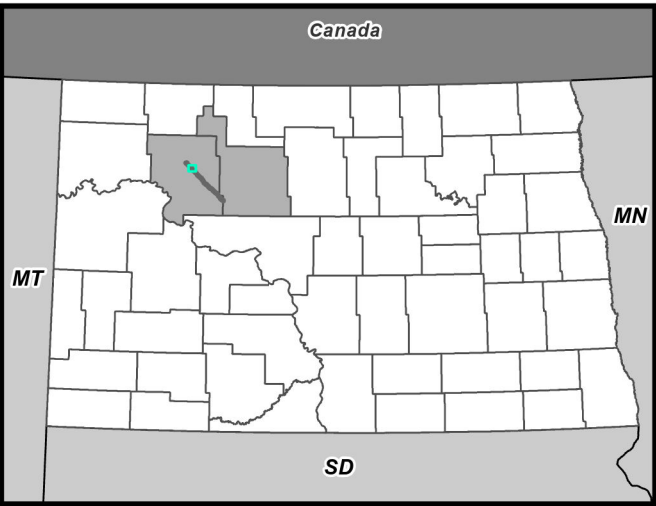
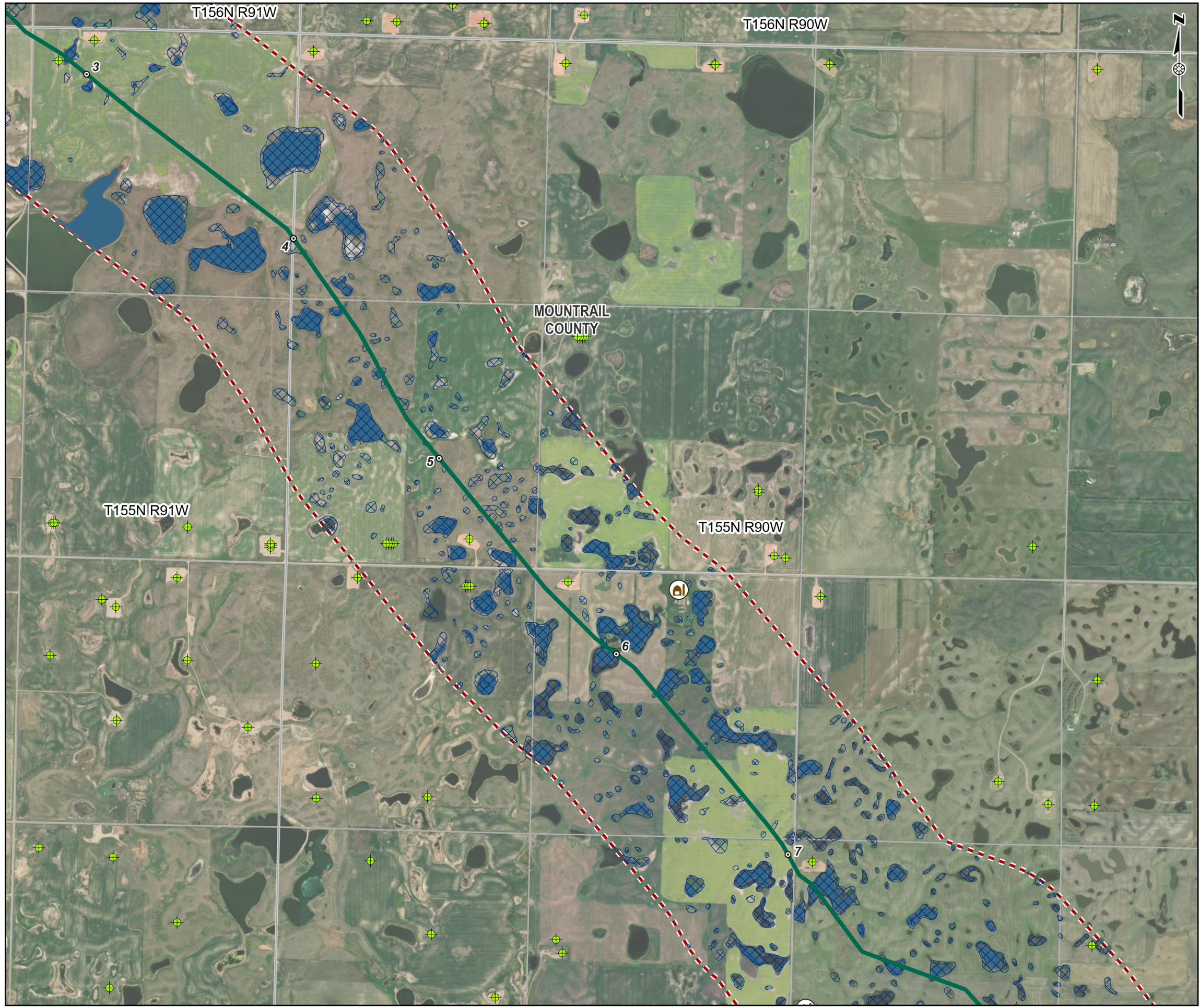
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 1 OF 9

PN:CO002338.0001

Date: 1/25/2024





Legend

- Milepost
- ⬮ Oil and Gas Well
- 🏠 Occupied Residence
- 🏡 Farm Units
- ⛛ Abandoned Coal Mine
- ⛎ Cemetery
- 🏠 Farm Units
- 🟡 Gravel Pit
- ⬤ Minor Drainage Structure
- NHD Stream
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- Proposed Pipeline Route
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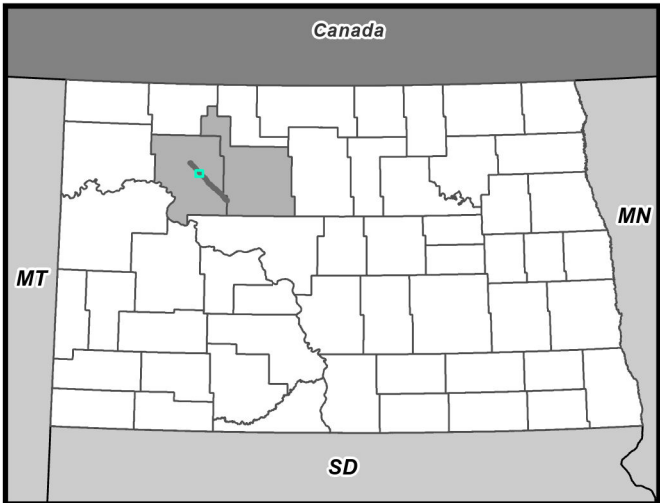
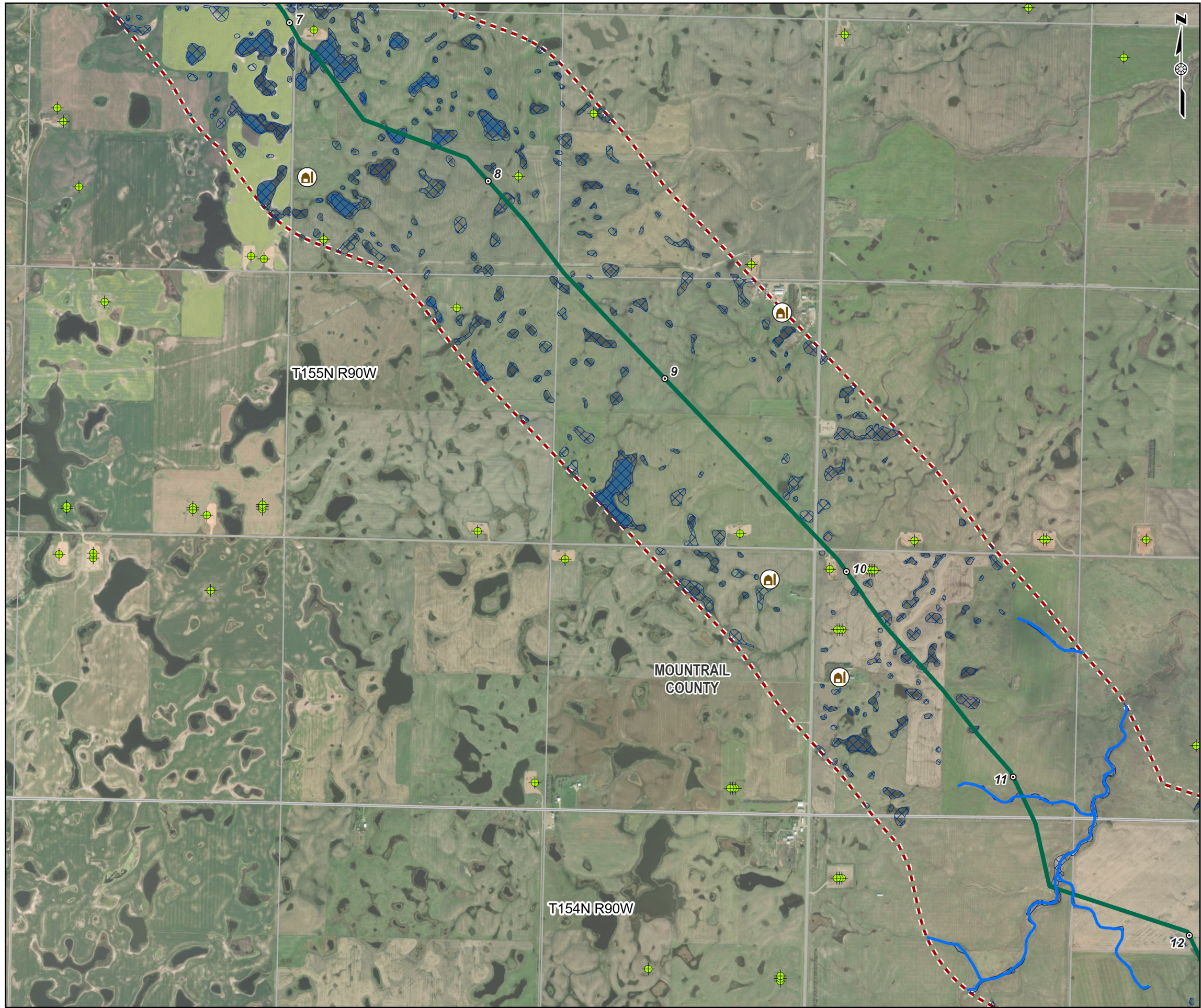
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 2 OF 9

PN:CO002338.0001

Date: 1/25/2024





Legend

- Milepost
- ✚ Oil and Gas Well
- 🏠 Occupied Residence
- 🏡 Farm Units
- ⛛ Abandoned Coal Mine
- ⛎ Cemetery
- 🏠 Farm Units
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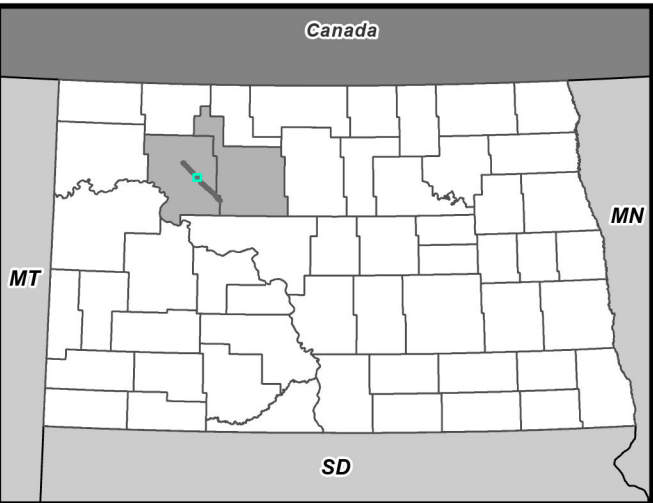
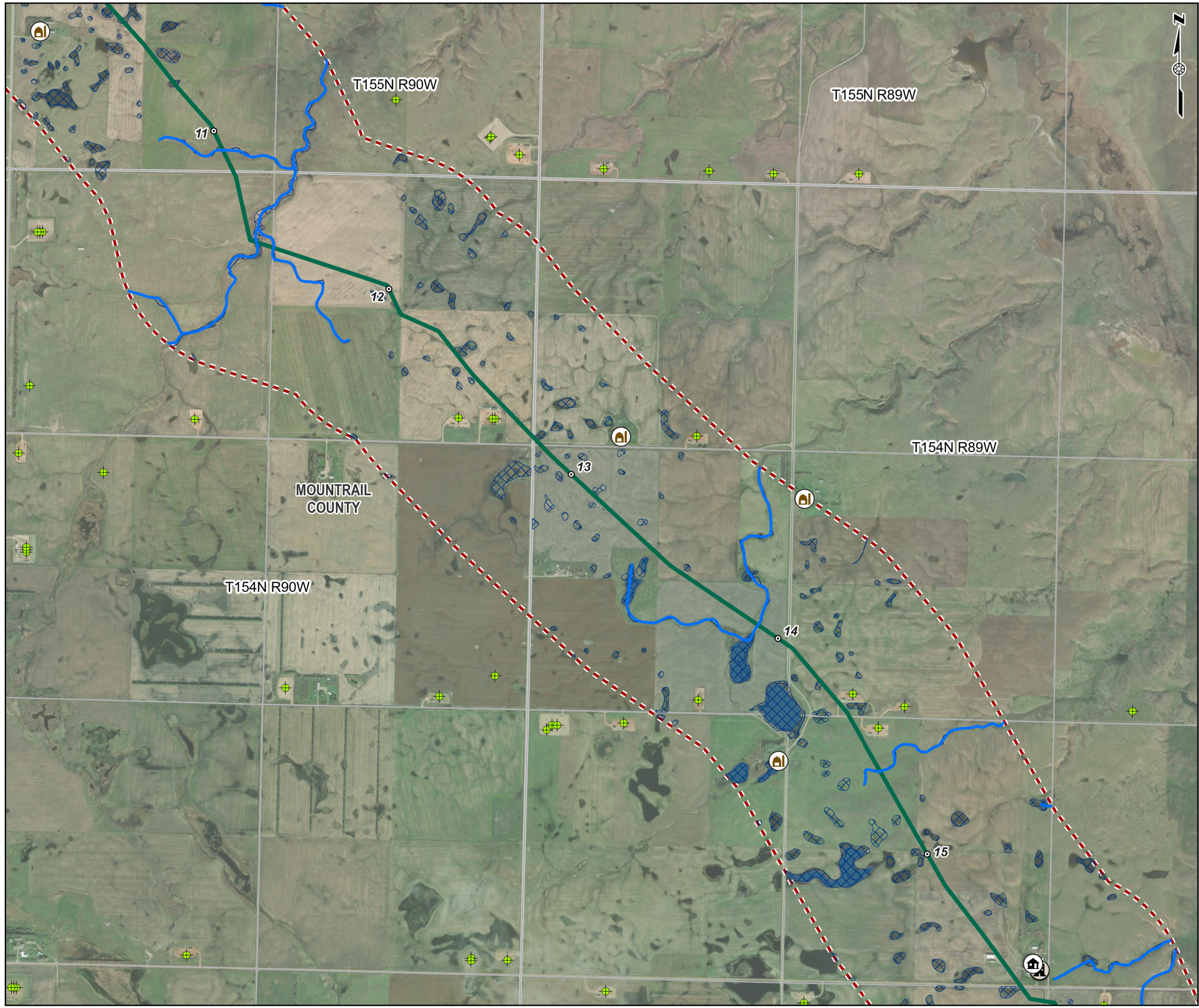
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 3 OF 9

PN:CO002338.0001

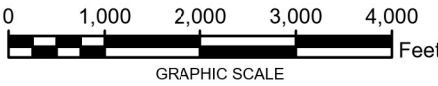
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Legend

- Milepost
- Oil and Gas Well
- Occupied Residence
- Farm Units
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- Farm Units
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- Fort Berthold Indian Reservation Boundary
- Corridor Study Area (1mi)
- County Boundary



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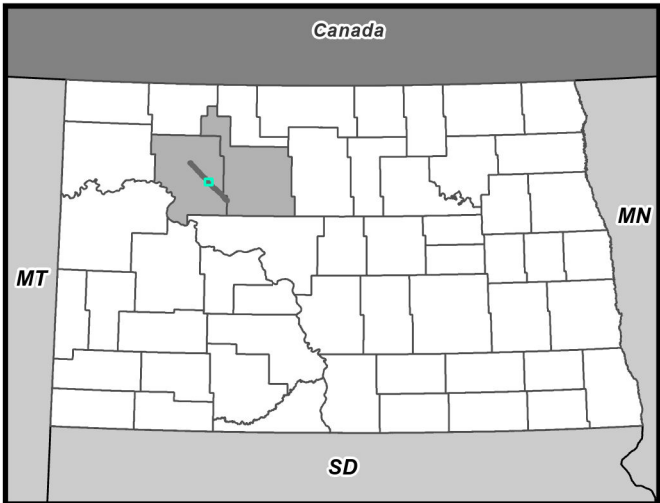
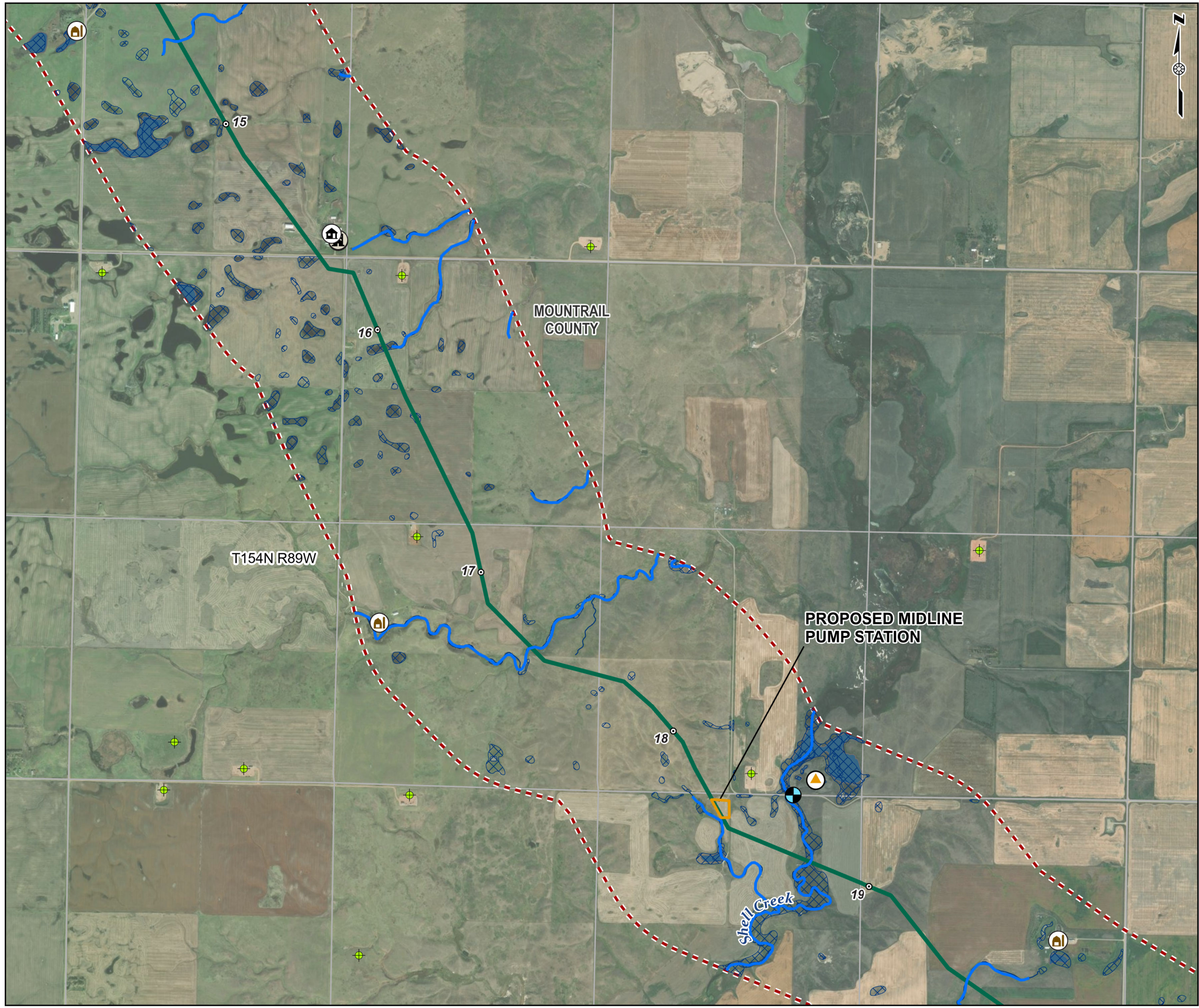
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 4 OF 9

PN:CO002338.0001

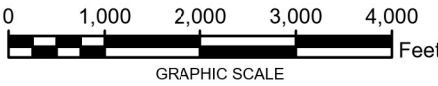
Date: 1/25/2024





Legend

- Milepost
- ⊕ Oil and Gas Well
- 🏠 Occupied Residence
- 🏡 Farm Units
- ⛛ Abandoned Coal Mine
- ⛎ Cemetery
- 🏠 Farm Units
- 🟡 Gravel Pit
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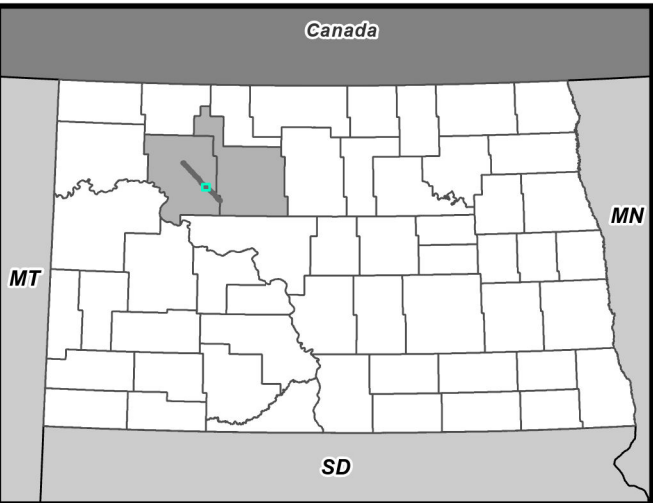
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 5 OF 9

PN:CO002338.0001

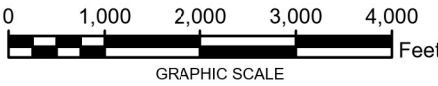
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Legend

- Milepost
- ⬮ Oil and Gas Well
- 🏠 Occupied Residence
- 🏡 Farm Units
- ⛛ Abandoned Coal Mine
- ⛎ Cemetery
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- ▨ Fort Berthold Indian Reservation Boundary
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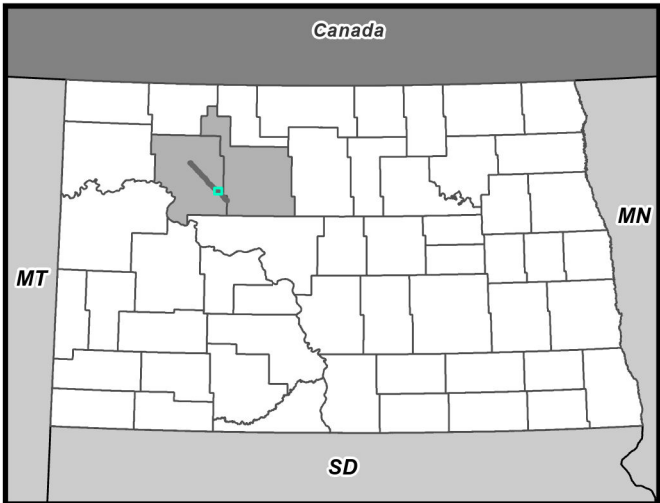
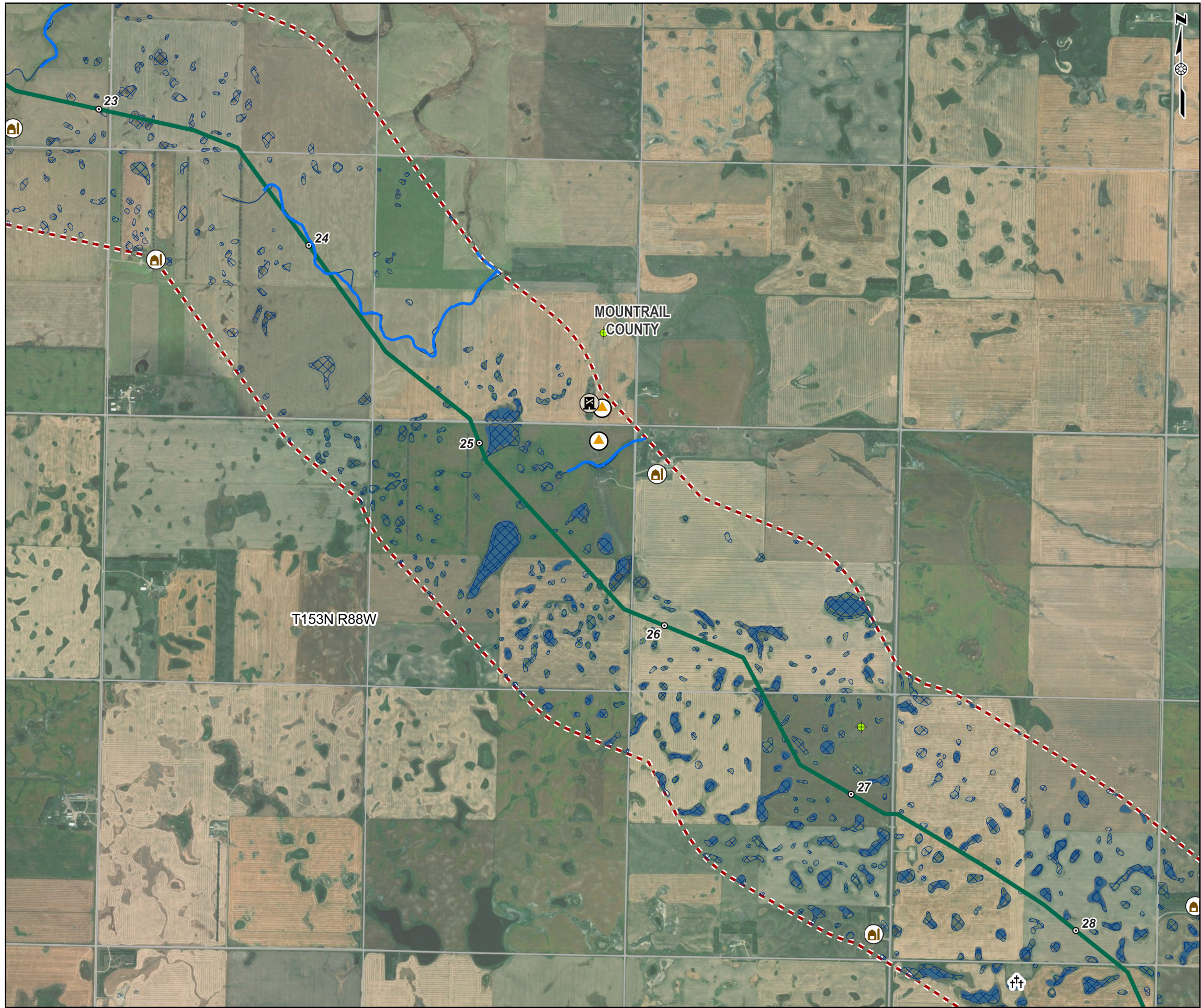
**THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA**

**ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 6 OF 9**

PN:CO002338.0001

Date: 1/25/2024





- Legend**
- Milepost
 - ⬮ Oil and Gas Well
 - 🏠 Occupied Residence
 - 🏡 Farm Units
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 - ⛦ Cemetery
 - 🏠 Farm Units
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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL COUNTY, NORTH DAKOTA

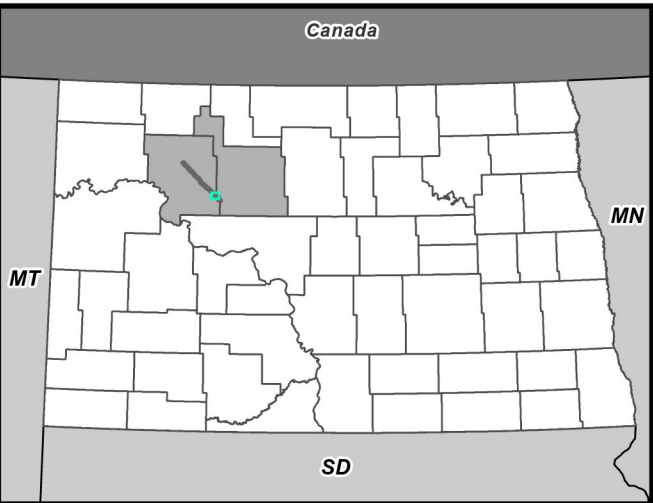
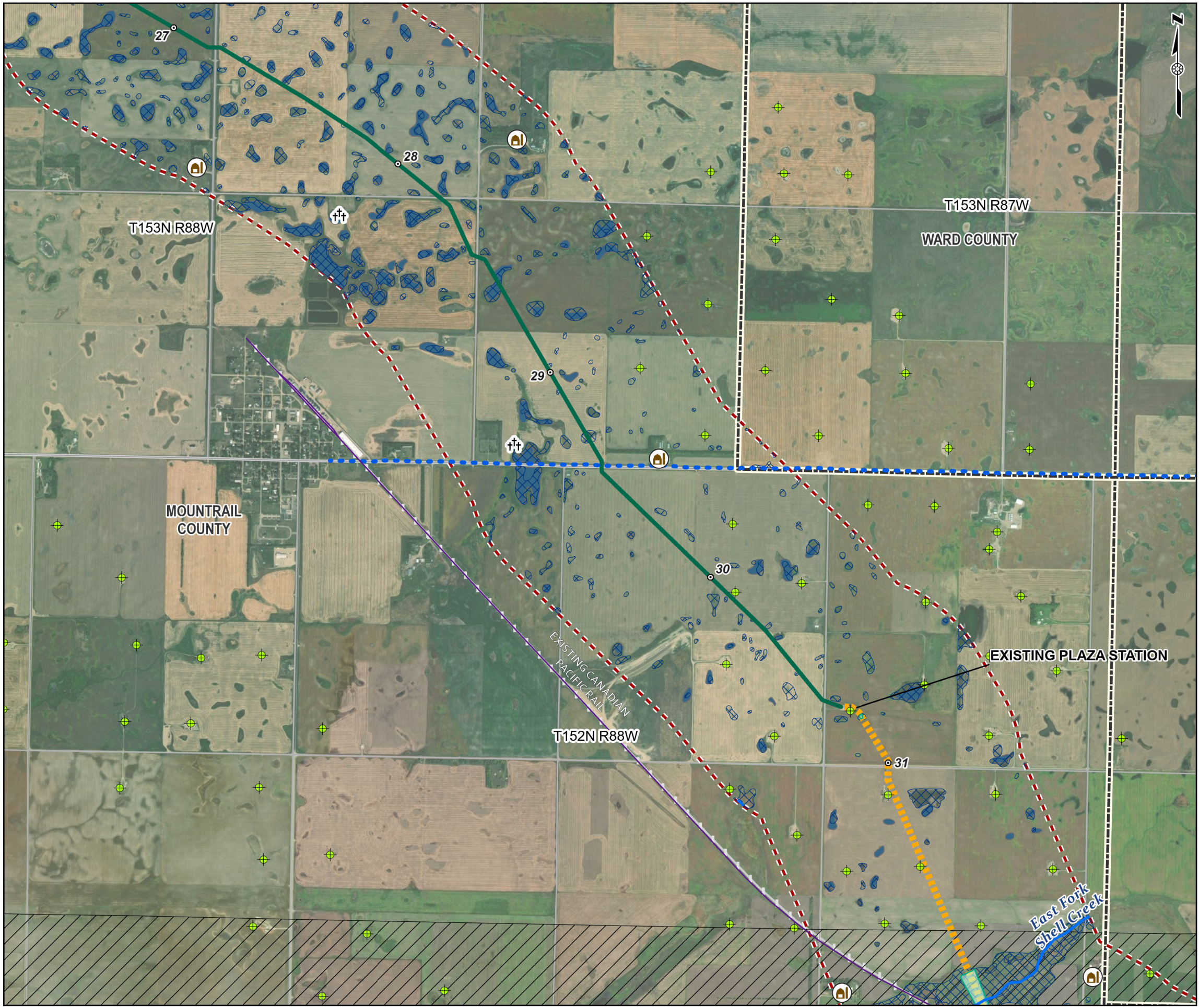
ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 7 OF 9

PN:CO002338.0001

Date: 1/25/2024

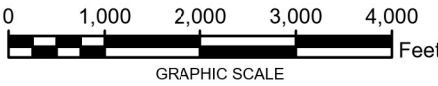


Date: 1/25/2024 User Name: MNugent
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Legend

- Milepost
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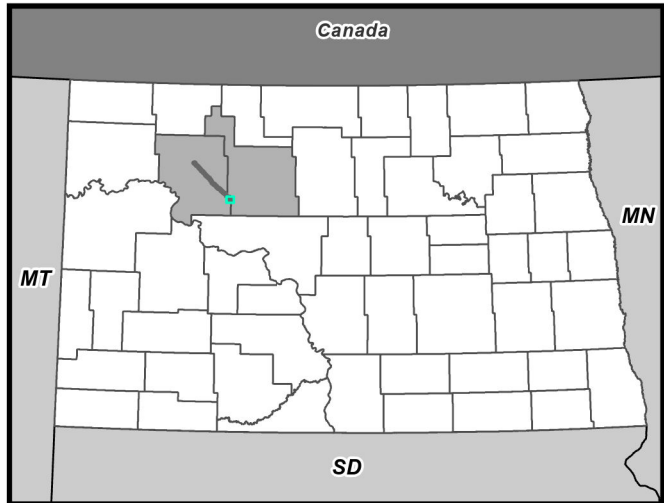
THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 8 OF 9

PN:CO002338.0001
Date: 1/25/2024



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THUNDER BUTTE PIPELINE PROJECT
MOUNTRAIL AND WARD COUNTY, NORTH DAKOTA

ROUTE SELECTION CRITERIA CONSIDERED
DETAIL SHEET 9 OF 9

PN:CO002338.0001
Date: 1/25/2024



**PURSUANT TO THE SOVEREIGN AUTHORITY OF THE
MANDAN HIDATSA ARIKARA NATION**

**ARTICLES OF ORGANIZATION
OF
THUNDER BUTTE PIPELINE LLC**

The Mandan Hidatsa Arikara Nation ("Tribe"), a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 987)(25 U.S.C. § 476), as amended, acting through the Tribal Business Council, hereby authorizes these Articles of Organization to be filed under the laws of the Tribe, for the purpose of creating a Tribal Limited Liability Company ("LLC"), and states as follows:

ARTICLE I - NAME

The Name of the Limited Liability Company is **THUNDER BUTTE PIPELINE LLC**.

ARTICLE II – PURPOSES AND POWERS

1. The purposes for which this LLC is formed are:
 - a. To serve the common welfare of the Tribe;
 - b. To serve the social, economic, educational and health needs of the Tribe;
 - c. To increase tribal revenues;
 - d. To enhance the Tribe's economic self-sufficiency and self-determination; and
 - e. To provide positive, long-term social, environmental and economic benefits to tribal members by enhancing the Tribe's business undertakings and prospects.

In furtherance of the foregoing purposes the LLC shall have and may exercise all of the rights, powers and privileges now or hereafter conferred upon LLCs organized under the laws of the Tribe. In addition, it may do everything necessary, suitable or proper for the accomplishment of any of its purposes.

2. Without in any way limiting the scope and generality of the foregoing, the LLC shall have and may exercise the following powers:
 - a. To carry on the business of a financial services company providing, among other things related to such a business, small-denomination, short-term consumer loans, installment consumer loans and other related goods and services to consumers through its internet and call/customer service center operations;

- b. To form subsidiary LLCs and enter into business associations, and other business arrangements;
 - c. To conduct and carry out business either within or outside the exterior boundaries of the Fort Berthold Indian Reservation;
 - d. To exercise such powers as may be at any time permitted under the laws of the Tribe and deemed desirable to give effect to the LLC's purpose.
3. The enumeration herein of any specific purpose or power shall not be held to limit or restrict in any manner the exercise by the LLC of the general powers and privileges now or hereafter conferred by the laws of the Tribe upon LLCs formed under such laws, or the accomplishment of any purpose now or hereafter permitted to the LLC pursuant to these Articles of Organization.

ARTICLE III – REGISTERED AGENT

The Name and Address of the registered Agent is:

Bernard Fox
PO Box 1227
New Town, ND 58763

ARTICLE IV – PRINCIPLE OFFICE

The principal office of the LLC is 37685 247th Ave. SW, Makoti, North Dakota 58756 and a mailing address of PO Box 1227, New Town, ND 58763.

ARTICLE V - DURATION

The period of the LLC is perpetual.

ARTICLE VI – DIRECTORS

The number of directors constituting the initial Board of Directors under this Articles of Organization until permanent directors are named by Thunder Butte Petroleum Services Inc. Board of Directors is five, the names and addresses of the persons serving as the initial board of directors, who shall serve until the first meeting when the permanent directors are so named, are as follows:

Karen Rabbithead (Chair), PO Box 361, Parshall, ND 58763
Richard Mayer, 426 9th Street North, New Town, North Dakota 58763
Fred Fox, PO Box 1346, New Town, ND 58763
Randy Phelan, 404 Frontage Road, New Town, ND 58763
James Simon, 410 Groveland Ave., #1801, Minneapolis, MN 55403

ARTICLE VII – ORGANIZERS

The name and address of the organizer is:

Bernard Fox
PO Box 1227
New Town, ND 58763

ARTICLE VIII – CAPITALIZATION

The LLC is formed pursuant to and shall be subject to the laws of the Tribe and shall be at all times wholly owned, directly or indirectly, by the Tribe. The Tribe shall have, directly or indirectly, the sole proprietary interest in, and shall have sole responsibility for, the conduct of the activities of the LLC.

ARTICLE IX – IMMUNITY

The LLC, being wholly owned, directly or indirectly by the Tribe, is to enjoy the Tribe's sovereign immunity. In furtherance thereof, for so long as it is wholly owned, directly or indirectly, by the Tribe, the Tribe hereby confers on the LLC sovereign immunity from suit to the same extent that the Tribe would have such sovereign immunity if it engaged directly in the activities undertaken by the LLC. It is the intention of the Tribe that the extension to the LLC of such sovereign immunity from suit shall apply to the LLC's managers, officers, employees and agents to the same extent that the Tribe's managers, officers, employees and agents would have such sovereign immunity if the Tribe engaged directly in activities undertaken by the LLC. In furtherance of and in clarification of the LLC's power to "sue or be sued" as set forth in Article XI and as set forth and intended in the laws of the Tribe, the LLC shall have the power to sue and is authorized to consent to be sued in the Tribe's Tribal Courts or another court of competent jurisdiction, provided, however, that:

- a. Any such consent to suit shall not be effective against the LLC in any manner and to any extent whatsoever unless such consent is:
 - (1) Explicit;
 - (2) Contained in a written contract or commercial document to which the LLC is a party and under which the LLC is involved in the suit; and
 - (3) Specifically approved by the LLC's Board of Directors.
- b. Any recovery against the LLC shall be expressly limited to the assets of the LLC in the manner and to the extent as explicitly set forth in such written consent.

- c. The LLC's Chief Executive Officer or his/her authorized representative shall be required to provide quarterly reports to the Tribe's Tribal Business Council on any contracts, agreements and/or stipulations that require the LLC to waive its corporate sovereign immunity in any manner.
- d. Any written consent to be sued by the LLC shall in no way extend to any action against the Tribe, nor shall consent to suit by the LLC in any way be deemed a waiver of any of the rights, privileges and immunities of the Tribe. The Tribe shall not be held liable for the payment or performance of any of the obligations of the LLC, and no recourse shall be had against any of the assets or revenues of the Tribe outside the assets or revenues of the Tribal LLC to satisfy the LLC's obligations.
- e. The sovereign immunity of the LLC shall not extend to any actions against the LLC by the Tribe.

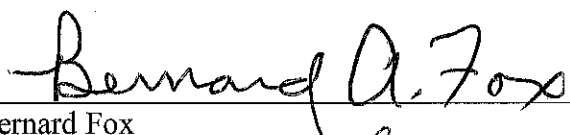
ARTICLE X – ENCUMBRANCE

The LLC, as duly authorized under the Three Affiliated Tribes Limited Liability Code (Resolution 19-069-FWF, April 12, 2019) and these Articles, shall have the authority to incur limited recourse liability through the encumbrance of its company assets.

ARTICLE XI - SUE AND BE SUED

The LLC may sue and be sued in any court of competent jurisdiction, including but not limited to the U.S. District Court for the District of North Dakota and the Tribal courts of the Mandan Hidatsa Arikara Nation. Further, the LLC may agree to any such other dispute resolutions as deemed necessary.

For the purposes of forming a LLC under the authority of the Mandan Hidatsa Arikara Nation, I, the undersigned, have personally executed these Articles of Organization on July 27, 2020.


Bernard Fox

Filed: 7/27/2020
Date


Tribal Business Council Secretary

CERTIFICATE OF GOOD STANDING

OF

Thunder Butte Pipeline LLC

The Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that, according to the records of this office the above named entity was validly organized as a limited liability company on 09-30-2020 under the law and requirements of the Three Affiliated Tribes the Three Affiliated Tribes Limited Liability Company Act (Resolution No. 19-069-FWF, April 12, 2019).

This entity has been assigned identification number 2020-002.

The undersigned, as the Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certifies that Thunder Butte Pipeline LLC is currently in Good Standing.



OFFICE OF THE EXECUTIVE SECRETARY

2-14-2024

ISSUE DATE