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June 26, 2026

**VIA E-MAIL**

Craig Jones, Senior MEPA/MFSA Coordinator  
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**VIA US MAIL**

Craig Jones, Senior MEPA/MFSA Coordinator  
DEQ Major Facility Siting  
P.O. Box 200901  
Helena, MT 59620-0901

*RE: Submission of Affidavits re: Bridger Pipeline Expansion, LLC's Application for a Certificate of Compliance under Montana's Major Facility Siting Act on behalf of Mr. Derf Johnson and Mr. Wade Sikorski*

**Response Requested by July 17, 2026**

Dear Mr. Jones,

I am writing to you in your capacity as the Montana Department of Environmental Quality's ("DEQ") Senior MEPA/MFSA Coordinator. I represent Derf Johnson and Wade Sikorski, two Montanans that are taking a stand to protect the environment they care deeply about.

Bridger Pipeline Expansion, LLC's ("Bridger") is seeking DEQ's approval of a proposed pipeline that would carry tar sands oil through eastern Montana. Tar sands oil is far worse than conventional crude. When it leaks into a river, it does not float away. Instead, it lingers and leeches poison that harms communities, wildlife, and the environment. Montanans know what is at risk when an oil company asks permission to cut through our land and waters, that is why the Major Facility Siting Act (the "Act") imposes a rigorous process, guarded by opportunities for public participation, before construction can begin.

That review process must not be allowed to become a formality—indeed, Montana's Constitution demands that it not be treated as such. An applicant like Bridger must be required to disclose information necessary for the public to

understand the baseline environmental conditions through which the proposed pipeline would pass, the true costs of the project, and which of the alternative routes will cause the least harm. The Legislature understood the importance of this information. That is why, when it comes to deciding whether Bridger can be excused from providing such information, the law demands that the public be provided, under certain circumstances, not just notice, but an opportunity to participate.

When an agency breaks the rules to cut the public out of the process, as DEQ did here when it granted Bridger's requested waiver in February 2026, Montanans are harmed. DEQ's decision to allow Bridger to omit financial and alternative-route information from the company's Application for a Certificate of Compliance under the Act (the "Application")—information that DEQ itself admitted was relevant—without notice and without a hearing, cut the public out of a decision that directly affects their environment and their future. The violations discussed in this letter are not technicalities, they are serious and material errors and are concerning signs that DEQ's review of the Application will be truncated by agreements made behind closed doors. Mr. Johnson and Mr. Sikorski ask that DEQ get this right, that the agency follow the law and protect the public's role. Here, that starts with rescinding a waiver that should never have been granted.

Attached to this letter are affidavits from Mr. Johnson (Exhibit A) and Mr. Sikorski (Exhibit B), submitted pursuant to Mont. Code Ann. § 75–20–404(1), regarding Bridger's Application. Mr. Johnson and Mr. Sikorski identify several violations regarding the waivers issued by DEQ to Bridger in February 2026. This letter provides additional information to supplement those affidavits to assist DEQ in deciding the issues raised. Please direct all communications regarding this matter to me. If you prefer that I communicate with DEQ legal staff on this matter, please let me know.

Given the time sensitive nature of this issue, and the fact that the Department's review of Bridger's Application is apparently ongoing, we request a response to this letter by **July 17, 2026**.

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When Bridger requested permission to omit certain information from its Application on January 28, 2026, Montana's laws and administrative rules imposed certain obligations on DEQ. From our review of the documents that have been provided to us, DEQ failed to meet those obligations. DEQ's decision violates the Major Facility Siting Act, the agency's administrative rules, exceeds the agency's statutory authority, was arbitrary and capricious, and was based on unlawful process.

## Background

Montana's Major Facility Siting Act requires an applicant to include certain information with its application for a Certificate. For example, an application must include "a description of reasonable alternate locations for the facility" and "a general description of the comparative merits and detriments of each location submitted." Mont. Code Ann. § 75-20-211(1)(a)(iii). The Act also requires applications for pipelines, like the Bridger Pipeline, to include "baseline data for the primary and reasonable alternate locations." Mont. Code Ann. § 75-20-211(1)(a)(iv)(A).

The Act's requirements are supplemented by DEQ's administrative rules, which impose detailed and expansive requirements concerning the information that an applicant must provide. For example, Bridger's application was required to evaluate a broad range of alternatives to the proposed pipeline and specific baseline environmental data as specified in a document referred to by DEQ as the Circular MFSA-2. Mont. Admin. R. 17.20.1311(1); Mont. Admin. R. 17.20.1426(1)–(2).

In addition to environmental data, DEQ's rules also require applicants to submit financial, economic, and cost-related information. In part, an applicant must disclose extensive information about the estimated cost of the facility, the expected annual operating and capital costs associated with the facility, how the facility will be financed, and how the company will recover the cost of the facility through the transportation of, here, tar sands oil. Mont. Admin. R. 17.20.811; Mont. Admin. R. 17.20.815; Mont. Admin. R. 17.20.817.

By statute, DEQ is empowered to waive provisions of the Act under three circumstances: first, DEQ may grant a waiver if the applicant establishes an immediate and urgent need for a facility at a public hearing; second, DEQ may grant a waiver if there a natural disaster or similar circumstance causes an immediate need; and third, DEQ is required to grant a waiver if the applicant can prove, at a public hearing, that (1) the pipeline will be constructed in a county where a single employer has suffered a loss of 250 or more permanent jobs, (2) impacted counties and municipalities have passed resolutions supporting the waiver, (3) the pipeline is located within a 15-mile radius of the employer that has lost 250 jobs, and (4) the pipeline would have a beneficial effect on the economy of the counties in which it is located (referred to as the "job loss waiver"). Mont. Code Ann. § 75-20-304(1)–(3).

DEQ has also promulgated administrative rules creating procedures that the agency must follow when addressing waiver requests: First, "unless a rule provides differently," DEQ may waive supporting information on the grounds that the information sought will be irrelevant to the underlying project. Mont. Admin. R. 17.20.804(2).

Second, DEQ may waive supporting information required by the agency's rules, including the Circular MFSA-2, by following a strict procedure. To obtain such a waiver, the applicant must include extensive information, primarily related to the economic impact of the counties in which the project will be constructed—including “an analysis indicating a net positive effect on the county economy.” Upon receipt of such a request, and proof that the applicant has provided public notice of the request, DEQ must provide additional public notice of the request and hold a public hearing on the request. Only then, upon completion of that process, may DEQ grant such a waiver. Mont. Admin. R. 17.20.601, et seq.

### **Waiver Request**

Bridger's application disclosed that the company had asked DEQ to waive certain requirements imposed by both administrative rules and DEQ's Circular MFSA-2, that DEQ had granted that requested waiver, and that the company had omitted certain information from its application in reliance on that waiver.

Bridger's application characterizes DEQ's decision as granting a “limited waiver” to omit “curtained detailed baseline information for alternative routes at the time of application submittal.” Application, at 42. Bridger also states the waiver allowed it to avoid providing “full baseline-level analysis of at least three alternative locations.” Application, at 54.

We received a copy of Bridger's waiver request on April 30, 2026. Through that letter, we understand that the company attempted to seek a waiver under Mont. Admin. R. 17.20.804, which governs requests to omit “irrelevant” information, and that the company sought permission to omit financial information required by three different administrative rules and information related to the alternative route options as required by DEQ's Circular MFSA-2.

### **Waiver Grant**

We received a copy of DEQ's letter granting Bridger's waiver request on April 30, 2026. Through that letter, DEQ confirmed that Bridger sought a waiver pursuant to Mont. Admin. R. 17.20.804—the rule meant to apply to the omission of irrelevant information. DEQ's letter does not indicate that DEQ issued public notice of the waiver request or held public hearing on the waiver request. At the same time, DEQ's letter confirms that the information Bridger sought to omit was relevant to the agency's review.

### **Violations**

For clarity, we refer to Bridger's January 28th letter to DEQ as the Waiver Request (*see* Declaration of Derf Johnson, at Ex. 1), and DEQ's February 24th letter to Bridger as the Waiver Response (*see* Johnson Decl., at Ex. 2).

**Violation No. 1: DEQ’s own admissions demonstrate the waiver should not have been granted.**

DEQ’s waiver is invalid because it was granted under Admin. R. Mont. 17.20.804, which is the process reserved for waiver of irrelevant information. The Waiver Response makes clear that the two pieces of information that Bridger sought to omit from its application—certain financial information and information related to alternative locations for the proposed pipeline path—are relevant to the agency’s consideration of Bridger’s application.

As to the financial information, the Waiver Response states: “One component of DEQ’s required findings necessary for certification requires the facility minimizes adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives under 75-20-301(1)(c), Montana Code Annotated (MCA).” At minimum, this is an admission by the agency that the information Bridger sought to omit is relevant to the agency’s review.

As to the alternative location information, the Waiver Response states: “The omission of not having three alternatives in the MFSA application would result in eliminating alternative comparisons and ranking of other alternatives throughout the Circular MFSA-2.” The Waiver Response also states: “DEQ approves this request for omitted information but would request Bridger to assist DEQ in providing necessary alternative baseline and data as alternatives are suggested in the MEPA process.” Again, at minimum, this is another admission by the agency that the information Bridger sought to omit is relevant to the agency’s review.

Because DEQ admits that both categories of information are relevant to the agency’s analysis, DEQ was required the agency to follow the process outlined in Mont. Admin. R. 17.20.601, et seq.,—which requires public notice, public hearing, and the provision of specific additional information—instead of the more minimal process set forth in Mont. Admin. R. 17.20.804. Because DEQ proceeded under the wrong waiver procedure, the waiver is invalid.

**Violation No. 2: DEQ’s Waiver Response violates the Major Facility Siting Act**

As set forth above, the Act allows DEQ issue waivers under three circumstances. Because Bridger does not contend that an immediate, urgent need for the pipeline to exist (and has not made that argument at a public hearing) and because Bridger does not contend that there is a natural disaster requiring construction of the pipeline, Bridger may only obtain a waiver under the Act by complying with the requirements of Mont. Code Ann. § 75-20-304(3). The Waiver Request, and the Waiver Response, make clear those requirements were not met here.

The scope of Mont. Code Ann. § 75-20-304(3) applies to six types of information required by the Act:

- Mont. Code Ann. § 75–20–211(1)(a)(iii): for facilities defined in 75-20-104(10)(a) and (10)(b), a statement explaining the need for the facility, a description of reasonable alternate locations for the facility, a general description of the comparative merits and detriments of each location submitted, and a statement of the reasons why the proposed location is best suited for the facility;
- Mont. Code Ann. § 75–20–211(1)(a)(iv): for facilities as defined in 75-20-104(10)(a) and (10)(b), baseline data for the primary and reasonable alternate locations [or] for facilities as defined in 75-20-104(10)(c), baseline data for the proposed location and, at the applicant's option, any alternative locations acceptable to the applicant for siting the facility
- Mont. Code Ann. § 75–20–216(3) (relating to requirements regarding a proposed decision).
- Mont. Code Ann. § 75–20–301(1)(c): information sufficient for DEQ to determine that the facility minimizes adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives;
- Mont. Code Ann. § 75–20–301(2)(b): information sufficient for DEQ to determine the benefits to the applicant and the state resulting from the proposed facility; and
- Mont. Code Ann. § 75–20–301(2)(c): information sufficient for DEQ to determine the effects of the economic activity resulting from the proposed facility.

Through the Waiver Request, Bridger sought to omit information that falls within the scope of at least four of these categories: Mont. Code Ann. § 75–20–211(1)(a)(iii), Mont. Code Ann. § 75–20–211(1)(a)(iv), Mont. Code Ann. § 75–20–301(1)(c), and Mont. Code Ann. § 75–20–301(2)(c).

With respect to the financial information that Bridger sought to omit, the Waiver Response itself makes clear that Mont. Code Ann. § 75–20–304(3) applies because DEQ acknowledged that the information sought to be omitted falls within the scope of Mont. Code Ann. § 75–20–301(1)(c)—one of the categories within the scope of Mont. Code Ann. § 75–20–304(3).

Because Bridger’s waiver request seeks to omit information within the scope of Mont. Code Ann. § 75-20-304(3), Montana law limited DEQ’s authority to grant

the requested waiver. Specifically, DEQ was only empowered to grant Bridger’s requested waiver if the applicant proved, by clear and convincing evidence, at a public hearing, that:

- a proposed facility will be constructed in a county where a single employer within the county has permanently curtailed or ceased operations, causing a loss of 250 or more permanent jobs within 2 years at the employer's operations within the preceding 10-year period;
- the county and municipal governing bodies in whose jurisdiction the facility is proposed to be located support by resolution the waiver;
- the proposed facility will be constructed within a 15-mile radius of the operations that have ceased or been curtailed; and
- the proposed facility will have a beneficial effect on the economy of the county in which the facility is proposed to be located.

Mont. Code Ann. § 75–20–304(3)(a)–(d).

Bridger did not make that showing through the Waiver Request or otherwise—at minimum, the required public hearing was not held. As a result, DEQ’s decision to grant Bridger’s requested waiver violated the Act and exceeded the agency’s statutory authority.

**Violation No. 3: DEQ is not statutorily authorized to grant a waiver that impacts the agency’s consideration of alternatives.**

DEQ’s waiver is invalid because the Act expressly prohibits the agency from allowing an applicant to omit alternative location information for projects like the tar sands oil pipeline that Bridger seeks to build (the “Project”).

Mont. Code Ann. § 75–20–304(5) states that “[t]he waiver provided for in [Mont. Code Ann. § 75–20–304(3)] does not apply to consideration of alternatives or minimum adverse environmental impact for a facility defined in 75-20-104(10)(a) or (10)(b) or for an associated facility defined in 75-20-104(3).” In other words, if a proposed pipeline meets a certain definition, then DEQ may not grant a waiver under Mont. Code Ann. § 75-20-104(3)—the only waiver avenue that could apply here.

We believe that the Project falls within the scope of this prohibition. A proposed pipeline meets the definition of a linear facility under Mont. Code Ann. § 75–20–104(10)(b) if it meets three criteria. First, the pipeline must be greater than 25 inches in diameter and longer than 50 miles in length, and Bridger’s proposed pipeline is 36 inches in diameter and far longer than 50 miles in length. Second, the pipeline cannot be used for irrigation or to carry drinking water or “green hydrogen,” and the proposed pipeline is intended to be used for petroleum products,

including tar sands oil. Third, the company must not have obtained right of way agreements or options for the same from more than 75% of the owners who collectively own more than 75% of the property along the centerline. Bridger's Application does not state that the Company has met that requirement, and the Waiver Response offers no indication that said requirement was met.

In summary, if the prohibition against waiver contained in Mont. Code Ann. § 75-20-304(5) applies—and we believe it does—then DEQ was statutorily precluded from allowing Bridger to omit information relating to the consideration of alternatives and DEQ's waiver is invalid.

Indeed, the Waiver Response provides additional support for this conclusion. There, DEQ informed Bridger that:

The elimination of three alternatives would only examine one alternative in Circular MFSA-2 Section 3.5 - Selection of Alternative Locations and Section 3.8 - Baseline Data and Impact Assessment Requirement for Pipelines, and Section 3.9 - Comparison of Alternative Facility Locations. DEQ would remind Bridger that the Montana Environmental Policy Act (MEPA) could require additional alternatives to the Proposed Action Alternative.

In short, the Waiver Response confirms that Bridger's requested waiver would result in only one alternative being considered—directly contrary to the prohibition stated in Mont. Code Ann. § 75-20-304(5). As a result, DEQ's decision to grant Bridger's requested waiver violates the Act.

**Violation No. 4: Allowing Bridger to omit relevant information without following the process set forth in Mont. Admin. R. 17.20.601, et seq., renders the waiver invalid.**

Even if DEQ were authorized to grant the waivers requested by Bridger, DEQ violated the law when it allowed Bridger to omit information relating to alternative locations by (a) failing to issue public notice of the waiver request, (b) failing to hold a public hearing and (c) granting the waiver without requiring Bridger to submit the information required by rule.

First, Mont. Admin. R. 17.20.605 governs the contents of requests for waiver of requirements relating to consideration of alternative sites pursuant to Mont. Code Ann. 75-20-304(3). Such a request must contain the following information:

- Information sufficient to satisfy the requirements of Mont. Code Ann. § 75-20-304(d), including an analysis indicating a net positive effect on the county economy;
- A discussion, with supporting data, of the size of the population influx resulting from direct and indirect employment associated with facility construction and operation, and the cost of providing services to the increased population; and

- Information regarding the facility's construction period and a portion of the of the facility's operational period adequate to address:
  - The county's capability to supply construction and operational labor to the proposed facility, supported by data on the existing labor force, the supply of skilled labor within the county to meet the job requirements of the facility, and present and projected unemployment rates;
  - Effects on local businesses of the increased income resulting from the facility's payroll;
  - A fiscal analysis comparing increased tax revenue resulting from the facility with increased local expenditures necessitated by the population influx associated with the project, including the relative timing of expected expenditure requirements compared to expected tax increases, as determined by documented consultation with appropriate local government officials; and
  - Economic impacts on residents resulting from changes in ambient environmental factors caused by the proposed facility.

Second, for waivers submitted pursuant to Mont. Admin. R. 17.20.605, DEQ is required to provide notice that it has received a waiver request and set a date for a public hearing within 90 days of receiving such a request from an applicant. Mont. Admin. R. 17.20.606(1).

Again, the Waiver Request reveals that Bridger did not provide the information required to support a waiver under Admin. R. Mont. 17.20.605. Further, the Waiver Response reveals that DEQ did not provide public notice of the waiver request or hold a public hearing on the request. As a result, DEQ's decision to grant Bridger's requested waiver violates the agency's administrative rules.

**Violation No. 5: Bridger's Waiver Request failed to comply with Admin. R. Mont. 17.20.602.**

Based on our review of the Waiver Request, as provided to us by DEQ, Bridger's Waiver Request was incomplete because it appears to have failed to issue public notice of its waiver request. Bridger was required to include, as an attachment to its written request for waiver, an affidavit of service showing that copies of the notice have been served on the department, and that public notice of the request for waiver has been given. Admin. R. Mont. 17.20.602. Bridger's letter provides no indication that the required public notice ever occurred and the version provided to us did not include the required affidavit of service.

## Requested Remedy

Due to these five violations, we request that the waiver DEQ granted to Bridger through the Waiver Response be rescinded in full. We note, for example, that the waiver has been incorporated into DEQ's Completeness Review of the Application (attached as Exhibit C). As a result, rescission of the waiver must also cause DEQ to modify its Completeness Review.



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*Attorneys for Derf Johnson and  
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# **Exhibit A**

To: Craig Jones  
MEPA/MFSA Coordinator  
Montana Department of Environmental Quality  
(406) 444-0541  
crajones@mt.gov

RE: Bridger Pipeline Expansion LLC's Application for Certificate of Compliance pursuant to Montana's Major Facility Siting Act

### **Declaration of Derf Johnson**

I, Derf Johnson, state as follows:

1. I am over the age of eighteen and competent to give this declaration.
2. I am a resident of Lewis and Clark County, Montana. I have been a resident of Montana since my birth in 1982.
3. I am a graduate of the University of Montana School of Law and chose to stay in Montana after law school to begin my career in environmental and natural resources law and to continue to reside in one of the most beautiful and spectacular landscapes on earth.
4. I currently serve as the Deputy Director of the Montana Environmental Information Center ("MEIC") and have been employed by MEIC in various capacities for almost fifteen years. MEIC is a non-profit organization founded in 1973 and dedicated to defending Montanans' constitutional right to a clean and healthful environment and Montanan's constitutional right to know and right to participate through policy advocacy, legal advocacy, and public education. MEIC has approximately 10,000 members and supporters throughout the United States and the State of Montana.

5. I am familiar with Bridger Pipeline Expansion, LLC's ("Bridger") plan to construct an oil pipeline through eastern Montana, and have reviewed Bridger's Application for a Certificate of Compliance under Montana's Major Facility Siting Act (the "Application").

6. The Application states that Bridger requested a waiver from the Montana Department of Environmental Quality ("DEQ") through correspondence dated January 28, 2026, and that DEQ approved that waiver on February 24, 2026.

7. The Application disclosed that the company had asked DEQ to waive certain requirements imposed by both administrative rules and DEQ's Circular MFSA-2, that DEQ had granted that requested waiver, and that the company had omitted certain information from its application in reliance on that waiver. The Application characterizes DEQ's decision as granting a "limited waiver" to omit "certain detailed baseline information for alternative routes at the time of application submittal," and also states the waiver allowed it to avoid providing "full baseline-level analysis of at least three alternative locations."

8. I have also reviewed Bridger's letter to Craig Jones, dated January 28, 2026 (the "Waiver Request"),<sup>1</sup> and Craig Jones's response, on behalf of DEQ, to Sara Bohl, Bridger's Compliance and Permitting Manager, dated February 24, 2026 (the "Waiver Response").<sup>2</sup> Both of these documents were provided to me by DEQ on April 30, 2026.

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<sup>1</sup> A copy of that letter as provided by the Montana Department of Environmental Quality is attached as Exhibit 1.

<sup>2</sup> A copy of that letter as provided by DEQ is attached as Exhibit 2.

9. The Waiver Request contains what Bridger characterizes as a pre-application request to omit information from the Application pursuant to Mont. Admin. R. 17.20.804, including:

- a. “Facility cost and pricing information outlined in [Mont. Admin. R. 17.20.811, 17.20.815, and 17.20.817]; and
- b. A request to “eliminate the requirement to analyze ‘at least three alternative locations for detailed study and further refinement’ outlined in the MFSA-2 Circular.”

Ex. 1, Waiver Request at 1–2.

10. My understanding is that Mont. Admin. R. 17.20.602 required Bridger to include, as an attachment to its written request for waiver, an affidavit of service showing that copies of the notice have been served on the department, and that public notice of the request for waiver has been given. However, the Waiver Request does not contain an affidavit establishing that Bridger provided the public with notice of its request to omit information from the Application. I believe this renders Bridger’s request for waiver invalid.

11. Through the Waiver Response, DEQ approved both of Bridger’s waiver requests. Ex. 2, Waiver Response at 1–2. DEQ did not issue public notice of the Waiver Request prior to issuing the Waiver Response and DEQ did not hold a public hearing on the Waiver Request prior to issuing the Waiver Response.

12. Through the Waiver Response, DEQ allowed Bridger to omit information relating to alternative locations for the proposed pipeline. In relevant

part, the Waiver Response states: “The omission of not having three alternatives in the MFSA application would result in eliminating alternative comparisons and ranking of other alternatives throughout the Circular MFSA-2. The elimination of three alternatives would only examine one alternative in Circular MFSA-2 Section 3.5 -Selection of Alternative Locations and Section 3.8 - Baseline Data and Impact Assessment Requirement for Pipelines, and Section 3.9 - Comparison of Alternative Facility Locations.” Ex. 2, Waiver Response at 1. DEQ then went on to approve Bridger’s requested waiver to omit this alternative location information.

13. Importantly, DEQ’s Waiver Response reveals that DEQ has already determined that the information Bridger sought permission to omit from the Application was relevant. As to the financial information, DEQ’s letter states: “One component of DEQ’s required findings necessary for certification requires the facility minimizes adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives under 75-20-301(1)(c), Montana Code Annotated (MCA).” As to the alternative location information, DEQ’s letter states: “The omission of not having three alternatives in the MFSA application would result in eliminating alternative comparisons and ranking of other alternatives throughout the Circular MFSA-2.” DEQ’s letter also states: “DEQ approves this request for omitted information but would request Bridger to assist DEQ in providing necessary alternative baseline and data as alternatives are suggested in the MEPA process.” At minimum, these are

admissions by DEQ that the information Bridger sought to omit is relevant to the agency's review.

14. Based on my review of the Major Facility Siting Act and associated regulations, I believe that DEQ's decision to grant Bridger's waiver request violated Montana law for four reasons:

- a. DEQ granted Bridger's requested waiver without following the process required by Mont. Code Ann. § 75-20-304(3), which required Bridger to provide clear and convincing evidence, at a public hearing, sufficient to prove the elements of Mont. Code Ann. § 75-20-304(3)(a)-(d);
- b. DEQ is not statutorily authorized to grant a waiver that impacts the agency's consideration of alternatives pursuant to Mont. Code Ann. § 75-20-304(5);
- c. Bridger failed to provide public notice of its waiver request, as required by Mont. Admin. R. 17.20.602; and
- d. DEQ granted Bridger's waiver request without requiring Bridger to follow the process set forth in Mont. Admin. R. 17.20.601, et seq., including by failing to issue public notice of the waiver request, failing to hold a public hearing, and granting the waiver request without requiring Bridger to submit information required by administrative rule.

15. First, Mont. Code Ann. § 75-20-304(3) allows DEQ to waive six different types of information required to be provided by an applicant under the Major Facility Siting Act if the applicant provides proof necessary to meet four specific showings at a public hearing. From my review of the Waiver Request and Waiver Response, I believe that Bridger's requested waiver targeted information that falls within the scope of at least four of the statutorily enumerated categories: Mont. Code Ann. § 75-20-211(1)(a)(iii), Mont. Code Ann. § 75-20-211(1)(a)(iv), Mont. Code Ann. § 75-20-301(1)(c), and Mont. Code Ann. § 75-20-301(2)(c). Indeed, with respect to the financial information that Bridger sought to omit, DEQ's letter makes clear that Mont. Code Ann. § 75-20-304(3) applies because DEQ acknowledges that the information sought to be omitted falls within the scope of Mont. Code Ann. § 75-20-301(1)(c)—one of the categories outlined in Mont. Code Ann. § 75-20-304(3). Further, because Bridger's waiver request seeks to omit information within the scope of Mont. Code Ann. § 75-20-304(3), DEQ could only grant the requested waiver if the applicant provided clear and convincing evidence, at a public hearing that, for example, the county and municipal governing bodies in whose jurisdiction the facility is proposed to be located support by resolution the waiver. Here, Bridger did not provide the information required by Mont. Code Ann. § 75-20-304(3)(a)–(d) and DEQ did not hold a public hearing. As a result, I believe that DEQ's decision to grant the waiver requested by Bridger violated Mont. Code Ann. § 75-20-304(3).

16. Second, Mont. Code Ann. § 75-20-304(5) states that “[t]he waiver provided for in [Mont. Code Ann. § 75-20-304(3)] does not apply to consideration of alternatives or minimum adverse environmental impact for a facility defined in 75-20-104(10)(a) or (10)(b) or for an associated facility defined in 75-20-104(3).” Based on my review of the Application, I believe that Bridger’s proposed pipeline meets the definition of a linear facility under Mont. Code Ann. § 75-20-104(10)(b) because it is greater than 25 inches in diameter and longer than 50 miles in length, is not intended to be used for irrigation or to carry drinking water or “green hydrogen,” and the Application does not state that Bridger has obtained right of way agreements or options for the same from more than 75% of the owners who collectively own more than 75% of the property along the centerline. Because I believe that Bridger’s proposed pipeline meets the definition of a linear facility under 75-20-104(10)(b), I believe that the prohibition against waiver of alternative location information contained within Mont. Code Ann. § 75-20-304(5) applies. Further, because the Waiver Response makes clear that, by granting Bridger’s requested waiver, DEQ allowed Bridger to submit information for only one alternative, Waiver Response at 1, I believe that DEQ’s decision to grant Bridger’s requested waiver violated Mont. Code Ann. § 75-20-304(5).

17. Third, Mont. Admin. R. 17.20.602 requires that an applicant’s written request for waiver be accompanied by an affidavit of service showing that public notice of the request for waiver has been given to people residing within the area in which any portion of the facility would be located if the waiver is granted. The

version of the Waiver Request provided to me does not contain that required affidavit of service and, as a result, I believe that DEQ's decision to grant Bridger's requested waiver violated Mont. Admin. R. 17.20.602.

18. Fourth, Mont. Admin. R. 17.20.605, governs the contents of requests for waiver of requirements relating to consideration of alternative sites pursuant to Mont. Code Ann. 75-20-304(3). That rule requires applicants to provide extensive information to prove that an applicant is entitled to the requested waiver, including information sufficient to satisfy the requirements of Mont. Code Ann. § 75-20-304(d), including an analysis indicating a net positive effect on the county economy, and a discussion, with supporting data, of the size of the population influx resulting from direct and indirect employment associated with facility construction and operation, and the cost of providing services to the increased population. Further, before granting such a waiver, Mont. Admin. R. 17.20.606 also requires DEQ to provide notice that it has received a waiver request and set a date for a public hearing within 90 days of receiving such a request from an applicant. Because Bridger's Waiver Request did not contain the information required by Mont. Admin. R. 17.20.605, and because DEQ did not provide notice of the waiver request or set a date for a public hearing, I believe that DEQ violated Mont. Admin. R. 17.20.605 and Mont. Admin. R. 17.20.606 when granting Bridger's requested waiver.

19. For the reasons stated above, I request that you revoke the waiver previously granted to Bridger by letter dated February 24, 2026. Given the time

sensitive nature of this issue, and the importance to the public, I request a response to this letter within three weeks.

20. Additionally, Mont. Code Ann. § 75-20-211(4) requires an application to include proof that public notice of the application was given to persons residing in the county in which any portion of the proposed facility is proposed or is alternatively proposed to be located. The Application states that proof of public notice was included in "Appendix A – Proof of Public Notice." However, Appendix A has not been made publicly available by DEQ. Indeed, page 194 of the Application contains a blank page captioned "APPENDIX A: PROOF OF PUBLIC NOTICE." I request that DEQ provide the public with access to Appendix A and ensure that Bridger complied with the requirements of Mont. Code Ann. § 75-20-211(4).

I declare under penalty of perjury that the foregoing is true and correct.

6/4/26 in Helena, MT  
Date and Place

  
Derf Johnson

# **Exhibit 1**



Sara Bohl  
Compliance and Permitting Manager  
Bridger Pipeline Expansion, LLC  
455 North Poplar Street  
Casper, WY 82601

January 28, 2026

Craig Jones  
Senior MEPA/MFSA Coordinator  
Montana Department of Environmental Quality  
2401 Colonial Drive  
Helena, Montana 59601

Re: Bridger Pipeline Expansion - Major Facility Siting Act Submittal

Dear Mr. Jones:

This letter is to inform the Montana Department of Environmental Quality (DEQ) that Bridger Pipeline Expansion, LLC (Bridger) intends to submit a formal application for a Certificate of Compliance under the Major Facility Siting Act (MFSA) and wishes to initiate consultation to ensure that DEQ can commit the appropriate time and resources to this process, and can engage the services of a third-party contractor to assist with the Department's review of the Application and preparation of environmental review documents.

Under the provisions of 75-20-106, MCA, Bridger wishes to enter into a Memorandum of Understanding with the Department and to fund the retention of a third-party contractor in advance of the submittal of a formal application. With the anticipation that Bridger will submit a formal application by March 1, 2026, the company respectfully requests that DEQ solicit proposals from qualified contractors as soon as possible.

With this letter, Bridger also requests DEQ's approval to omit the following information from the Application under the provisions of ARM 17.20.804:

- Facility cost and pricing information outlined in ARM 17.20.811, 17.20.815 and 17.20.817 – As a private pipeline developer, much of that information is proprietary and should be protected from general public consumption. Further, as a common carrier pipeline, our costs, rates charged and tariff terms imposed are all regulated by the Federal Energy Regulatory Commission and have little to no bearing on the siting of the proposed project under MFSA.
- While Bridger intends to fully comply with the provisions of ARM 17.20.1311 to provide an evaluation of relevant alternative design options, Bridger requests to eliminate the requirement to analyze "at least three alternative locations for detailed study and further

refinement” outlined in the MFSA-2 Circular. Bridger has spent considerable time developing an alignment that optimizes the ability to parallel existing infrastructure and to work with receptive landowners. While Bridger will remain open to examination of reasonable alternatives that emanate from the environmental review process, as well as refinements of the proposed alignment to address resource, terrain and landowner concerns, it would be wasteful of company and agency time and resources to fully analyze alternatives developed simply to meet an arbitrary requirement for a specified number of alternatives.

- Representatives from Bridger would welcome an opportunity to discuss these requests in greater detail, but we do wish to reach a conclusion as quickly as possible to ensure that the intended project timelines can be maintained.

Please advise on the next steps necessary, and we will respond accordingly.

Thank you in advance for your thoughtful consideration of these requests, and for your preparation to receive the MFSA Application.

Sincerely,

*Sara Bohl*

Sara Bohl  
Compliance and Permitting Manager  
Bridger Pipeline Expansion, LLC  
307-266-0419  
[Sara.Bohl@truecos.com](mailto:Sara.Bohl@truecos.com)

## **Exhibit 2**

*Sent via email to Sara Bohl @sara@bohl@truecos.com*

Sara Bohl  
Compliance and Permitting Manager  
Bridger Pipeline Expansion, LLC

**Re: Response to letter dated January 28, 2026, of the Major Facility Siting Act (MFSA) Submittal**

Dear Sara,

On January 28, 2026, we received your letter requesting waivers for certain information requirements for the MFSA application for the Bridger Pipeline Expansion Project (Bridger). Administrative Rules of Montana (ARM) 17.20.804 provides an applicant desiring to omit information it considers irrelevant to the project shall submit to DEQ a written request to make the omission, along with documentation justifying its request. DEQ shall review the applicant's request and shall make a written determination of whether the information may be omitted. This letter responds to each of these requests and DEQ's determination of this omitted information.

**ARM 17.20.811 All facilities, estimated cost of facility; 17.20.815 Linear Facilities, Estimated Annual Costs; ARM 17.20.817, Linear Facilities, Pricing Policy**

There are provisions under Montana administrative rules to keep certain material confidential that Bridger could consider utilizing to meet this MFSA application requirement. One component of DEQ's required findings necessary for certification requires the facility minimizes adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives under 75-20-301(1)(c), Montana Code Annotated (MCA). If the application is not going to include this type of information, either Bridger must provide comparable available information for DEQ to use or DEQ's third-party contractor will have to use previously published information to make estimations based on other pipeline projects in the United States. If DEQ is tasked to perform and gather this information for 75-20-301(1)(c), MCA, it could take more time to complete. DEQ approves this request for omitted information but would request that Bridger provide comparable information from published sources on other comparable pipeline projects for use in DEQ's process.

**Circular MFSA-2, Section 3.(3), "...the applicant is required to identify at least three alternatives locations for detailed study and further refinement"**

The omission of not having three alternatives in the MFSA application would result in eliminating alternative comparisons and ranking of other alternatives throughout the Circular MFSA-2. The elimination of three alternatives would only examine one alternative in Circular MFSA-2 Section 3.5 - Selection of Alternative Locations and Section 3.8 - Baseline Data and Impact Assessment Requirement for Pipelines, and Section 3.9 - Comparison of Alternative Facility Locations. DEQ would remind Bridger that the Montana Environmental Policy Act (MEPA) could require additional alternatives to the Proposed Action Alternative. Providing alternatives in the MFSA application would allow for an opportunity to examine viable alternatives and identify fatal flaws before resources and time are expended. DEQ would also point out that an applicant is better equipped to efficiently analyze alternatives than a multi-agency MEPA interdisciplinary team. If an alternative that were to meet the purpose and need were achievable under current technology and economically feasible for similar

conditions and physical locations, it may need to be considered under MEPA. DEQ expects Bridger will be an engaged applicant and will provide suitable data and resources for alternatives analysis that could come up during the MEPA process. DEQ approves this request for omitted information but would request Bridger to assist DEQ in providing necessary alternative baseline and data as alternatives are suggested in the MEPA process.

Please feel free to contact me at (406) 444-0541 or at [crajones@mt.gov](mailto:crajones@mt.gov) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Craig Jones". The signature is written in a cursive, flowing style.

Craig Jones  
DEQ MEPA/MFSA Coordinator

# **Exhibit B**

To: Craig Jones  
MEPA/MFSA Coordinator  
Montana Department of Environmental Quality  
(406) 444-0541  
crajones@mt.gov

RE: Bridger Pipeline Expansion LLC's Application for Certificate of Compliance pursuant to Montana's Major Facility Siting Act

### **Declaration of Wade Sikorski**

I, Wade Sikorski, Ph.D., state as follows:

1. I am over the age of eighteen and competent to give this declaration.
2. I am a resident of Fallon County, Montana. I have lived on a ranch there all my life, aside from the years I went to college at Montana State University in Bozeman, the years I went to the University of Massachusetts for graduate school, where I obtained my Ph.D., and the year I was an Assistant Professor at New Mexico State University. My family has owned and operated this ranch for over a century.
3. I am familiar with the pipeline that Bridger Expansion Project, LLC ("Bridger") is attempting to build through eastern Montana. A power line necessary to provide electricity to the pipeline will cross the ranch where I live.
4. I have reviewed a copy of the application that Bridger Pipeline Expansion LLC Application for a Certificate of Compliance under the Montana Major Facility Siting Act submitted to the Montana Department of Environmental Quality relating to Bridger's proposed new oil pipeline.
5. Bridger's Application states that it requested a waiver from DEQ through correspondence dated January 28, 2026, that the waiver request asked

DEQ for permission to omit certain required information from the Application, and that DEQ approved the waiver request by letter dated February 24, 2026.

6. Because my knowledge of Bridger's waiver request, and DEQ's grant of that waiver request, is limited to the information that Bridger disclosed in its Application, I do not know the full scope of the waiver requested by Bridger and I do not know the details of DEQ's decision to grant that waiver request.


7. However, based on how Bridger described the waiver request in the Application, I believe that the information Bridger was allowed to omit was relevant to DEQ's consideration of the Application.

8. My understanding is that Bridger was required, by administrative rule, to provide the public with notice of the company's waiver request. The Application does not state that Bridger provided notice of the waiver request to the public, and I did not receive notice of the waiver request from Bridger.

9. I request that you enforce the requirements of DEQ's administrative rules and revoke the waiver previously granted to Bridger, by letter dated February 24, 2026, because Bridger failed to provide the public with notice of the waiver request.

I declare under penalty of perjury that the foregoing is true and correct.

6/5/2026 Willow, MT  
Date and Place

  
Wade Sikorski

# **Exhibit C**

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
<b>Subchapter 8 75-20-211</b>	General requirements				
		(1)(a)(i) Description of facility location (See ciruclar 2 and 17.20.1509)		X	4.1: "however, at this stage of Project development, the specific locations, dimensions, and associated workspace requirements for these facilities have not yet been determined." DEQ needs the Applicant to provide approximate/estimations of the dimensions, average amount of workspaces needed to determine the approximate disturbance and duration of the potential impact.
		(ii) summary of preexisting studies that have been made of the impact of the facility		X	Unable to locate a response to requirement and a summary of any previous studies
		iii) Need, reasonable alternate locations, comparison of alternatives, statement why the proposed location is best suited for the facility.		X	Section 6: "Bridger intends to provide supplemental information regarding routing options—including engineering feasibility, constructability considerations, and potential environmental effects—during the Application review process." Supplemental information Bridger intends to submit needs to go into this section of the application.
		(iv) (A) baseline data for primary and reasonable alternate locations		X	Unable to locate a response to requirement.
		2) combined facilities	N/A		
		3) Copy of Notice		X	No proof that application was sent to local government, county commissioner, county planning boards, and other federal agencies, and other state agencies.
		4) Proof of public notice	X		
<b>17.20.802</b>	Number of copies	1) electronic format acceptable to the department		X	DEQ needs all map data in GIS.
<b>17.20.803</b>	Application format	(1) Electronic format acceptable to the department		X	DEQ needs all map data in GIS.
		(2) Index for cross-reference:		X	Only cross referenced MT ARMs and did not cross reference MCA requirements.
		(3)Introduction, facility description, cost, purpose/benefits, need, alternatives, siting study, environmental concerns, maps		X	
		a) Introductory material	X		

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		b) description of the proposed facility		X	"Temporary pipe storage sites, contractor yards, and staging areas may be required to support construction activities; however, at this stage of Project development, the specific locations, dimensions, and associated workspace requirements for these facilities have not yet been determined. (pg. 5)" This sentence says "may be required" and is unclear how the project could be built with out these associated facilities. Also, these associated facilities are not described such as land dimensions, amount needed, and description of these sites.
		c) cost of the facility		X	"More detailed cost information, including refined capital and projected operational costs, will be provided to the MTDEQ in supporting materials as the Project advances through detailed engineering and environmental review.(pg. 51)" DEQ is lead to believe with this quoted statement the cost estimate is changing and not complete.
		d) explanation of the purpose and benefits of the proposed facility		X	The application does not provide any evidence of increased economic and employment benefits other than unsourced statements. Bridger's application makes it clear additional will be coming in the future, "Bridger will provide updated construction workforce and expenditure estimates as engineering and contracting activities progress.(pg.4)".
		e)explanation of the need for a linear facility		X	The Need for the project is unclear. Was there an Open Season conducted that provided there was additional need for crude oil to be moved from Canada to Wyoming? Are the existing crude oil pipelines at full capacity the majority of the time? These questions need to be answered to make this Need statement, "The purpose of the Project is to provide additional crude oil transportation capability from production areas in Canada to established pipeline infrastructure at the Guernsey, Wyoming hub. (pg. 3)".

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		f) analysis of alternatives to proposed facility		X	"These diameter alternatives were screened using standard engineering and economic criteria and were determined to be either technically inferior or environmentally less favorable than the selected design.(pg. 40)". Could DEQ review these reports to independently verify that a 36 inch pipeline's "...increase material quantities, construction disturbance, and overall project footprint without commensurate operational or environmental benefit (pg. 40)".
		g) alternative siting study for linear facilities		X	Please further explain why the northern terminus must be at this location in Phillips County. "Within Montana, the Project's origin at the U.S. - Canada border and the point of entry into Wyoming have remained consistent throughout route development. These termini are dictated by the need to interconnect with existing pipeline infrastructure and established delivery systems.(pg. 41)". Is Bridger delivering oil in Montana? "As such, the start and end points are functionally constrained by system integration requirements, existing ROW corridors, and contractual delivery obligations.(pg. 41)". Why did Bridger select the longest route in Montana when a shorter route would minimize environmental impacts in Montana, see Table 6, pg. 42.
		h) environmental concerns		X	DEQ is unable to locate where environmental concerns were used in the application.
		i) all maps be in electronic format acceptable to the dept		X	DEQ needs all map data in GIS to create all maps in Attachment B.
		j) technical reports, reference or source documents, and other supplementary material provided by the applicant shall be presented...beginning with "Attachment A."		X	No other technical reports and other supplementary material provided. Attachment A is the legal notice and Attachment B are hard copy maps.
17.20.804	Documentation	(1) List of information sources and When were field studies conducted?	X		
				X	DEQ is unable to locate when field studies were conducted along the route.
17.20.805	Supplemental information	Substitute pages or insertions for application		N/A	
17.20.806	Changes to an application			N/A	
17.20.807	Amendment to application			N/A	

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
17.20.810	Related projects/Single facility			N/A	
17.20.811	Estimated cost	1) Estimates of total costs and expenses attributable to engineering, construction, & startup of proposed facility & associated facility 2) Estimates and description of total costs by category: a. Engineering & overhead – planning, design, QC, permitting b. Land acquisition c. Plant costs d. Transportation links (road costs) e. Mitigation costs f. Front end royalty payments g. Inventories of materials h. Working capital and startup expenses i. Other costs 3) Estimation methods 4) Estimate of accuracy 5) Project costs on both sides of the border 6) Costs escalated to start of construction	X		Bridger requested to waive this cost information on 1/28/26 and DEQ approved this waiver on 2/24/26.
17.20.815	Linear facilities estimated annual cost	1) Detailed costs of facility (capital and operating) 2) Construction costs escalated to start of construction. 3) Methods of financing construction 4) Amortization costs 5) Operational costs for years 1, 5 and 10 with annual costs by category a) annual costs must be disaggregated by relevant categories including, amortization, depreciation, taxes, insurance, interim replacements, any other capital-relate annual costs, operational labor costs, operation material costs, pumping costs, water costs, waste disposal costs, and maintenance costs. Assumptions used in estimating the costs must be explained. 6) Design capacity and operational characteristics 7) Pipelines – transport cost 8) Pipelines - design and operational characteristics 9) Pipeline - costs in constant dollars for a specified year 10) Methods for estimating costs 11) Estimate of accuracy			
17.20.817	Pricing policy	How the product will be priced How costs will be recovered			Bridger requested to waive this cost information on 1/28/26 and DEQ approved this waiver on 2/24/26.

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
17.20.1311	Pipeline, Evaluation of Alternatives	1) Evaluation of Alternatives		X	"These diameter alternatives were screened using standard engineering and economic criteria and were determined to be either technically inferior or environmentally less favorable than the selected design.(pg. 40)". Could DEQ review these reports to independently verify that a 36 inch pipeline's "...increase material quantities, construction disturbance, and overall project footspring without commensurate operational or environmental benefit (pg. 40)". Please provide PHMSA data of Alternative Transportation Modes spill (rail and truck) spill occurrence per mile.
17.20.1426	Requirements of alternative siting siting study	1) Alternative siting study and baseline environmental data as specified in Circular MFSA-2		NA	
		2) Requirements of Circular MFSA-2			
Circular MFSA-2 Section 3.0		1) Alternative siting study and baseline study as specified	X		
		2) a. Study area delineation		X	The delineation of the study area is not specified other than the baseline area around the centerlines.
		b. Overview survey		X	See Sections 3.3 and 3.4
		c. Selection of alternative locations	X		
		d. Baseline study & impact assessment		X	See Sections 3.6 through 3.8
		e. Comparison of alternatives	NA		
		f. Selection of preferred location	X		
		3) Alternative locations	NA		
Circular MFSA-2 Section 3.1	Preferred location criteria	4) Summary of consultations with government agencies		X	No documentation of the summary of the consultation with government agencies.
		5) Valid and useful studies		X	
		1) (a)Greatest potential for local acceptance		X	There is no documentation of the changes based on local consultation and their acceptance.
		(b) utilize or parallel existing utility &/or transportation corridor	X		
		(e) logged areas rather than undisturbed forest		X	"Where avoidance of undisturbed forest was not feasible, route refinements or mitigation measures will be incorporated, as appropriate, to minimize potential environmental impacts while maintaining engineering and constructability requirements.(p44)". The sentence is written in future tense however, this avoidance should have already occurred as the Proposed Centerline is submitted. What is the "route refinements or mitigation measures"?
		(f) geologically stable areas w/ non-erosive soils in flat or gently rolling terrain	X		
		(g) roaded areas	X		

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		(i) where facility will create least visual impact		X	"Route alignments were designed, where practicable, to reduce visibility from key observation points (KOPs), maintain consistency with existing linear infrastructure, and avoid introducing prominent new features to the landscape.(pg 45)" Where are these KOPs located?
		(j) safe distance from residences & human concentration	X		
		(k) in accordance w/ local, state, or federal management plans when crossing public lands		X	No documentation of the summary of the consultation with local and county government agencies.
		2) (a) conform to criteria listed above in 3.1(1)		X	See 3.1.(1) above criteria.
		(b) cross lands which can be returned to original condition after reclamation.		X	"Assessment included evaluation of soil characteristics, vegetation communities, topography, and overall feasibility of meeting agency-approved reclamation objectives.(pg. 46)" Please provide the soil, vegetation, topography, and feasibility studies so DEQ may verify these statements.
<b>Circular MFSA-2 Section 3.2</b>	Delineation of study area	1) a. Endpoints		X	"The selection of these endpoints reflects the Project's intended function of providing transportation connectivity between existing upstream supply infrastructure in Canada and established downstream pipeline and terminal facilities in the U.S. Rocky Mountain region.(pg. 46)" Does the statement including U.S. Rocky Mountain region mean there are going to be off or on ramps for Montana oil, it is unclear.
		b. Endpoints outside Montana		X	It is unclear if Bridger considered other endpoints outside of Montana and this would change the route. Please address.
		c. Area between endpoints	X		
		d. Avoidance areas	X		
		(i) National wilderness areas	X		
		(ii) National primitive areas	X		
		(iii) National wildlife refuge	X		
		(iv) State wildlife management areas and wildlife habitat protection areas	X		
		(v) National parks and monuments	X		
		(vi) State parks	X		
		(vii) National recreation areas	X		
		(viii) Wild and scenic rivers, corridors, and eligible rivers	X		
		(ix) Managed roadless areas greater than 5,000 acres	X		
		(x) Rugged topography greater than 30% slope	X		
		(xi) Specially managed buffer areas	X		
		e. Pipeline information - Crossing active faults, unless demonstrated no adverse significant impacts to result		X	DEQ did not see any discussion or maps of faults.
		f. Permission to cross wilderness or primitive areas	X		
		2) a. Avoidance areas listed in (1)(d) and (e)		X	No discussion of faults.
		b. Preferred location criteria in Section 3.1	X		

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		c. Cost	X		
		d. Reliability and engineering concerns	X		
		e. Other factors important to applicant	X		
		f. references to relevant info provided pursuant to ARM 17.20.920-924, 17.20.1304, 17.20.1305, 17.20.1311		X	
		3) Base map and electronic submittal with metadata		X	No GIS submitted of these areas in 2 above.
		4) Explanation of methods for study area		X	Unable to locate.
<b>Circular MFSA-2 Section 3.3</b>	General requirements of overview surveys	1) Overview survey			
		2) Public Meetings		X	Will need documentation of these letters and meetings.
		3) Base maps:			
		Electronic equivalent acceptable to the department.		X	GIS data is missing.
		5.) Pipeline: avoidance areas for selecting alternatives - Section 3.2(1)(e) and Section 3.4(2). Unless shown no significant impact would result.		X	GIS data is missing.
		6) Any areas listed in 3.2 (1)(d) or 3.4 considered in selection of alternative locations.		X	GIS data is missing.
		7) Factors used to determine alternative locations		X	GIS data is missing.
		8) Delineation of alternative locations to within 40 feet		X	GIS data is missing.
		9) Rationale		X	GIS data is missing.
<b>Circular MFSA-2 Section 3.4</b>	Environmental information for overview survey	1) Any avoidance areas from 3.3(3) above		X	GIS data is missing.
		a. Items from 3.2 (1)(d).		X	GIS data is missing.
		b. State and federal waterfowl production areas		X	GIS data is missing.
		c. National natural landmarks, areas of critical environmental concern, special interests areas, research botanical areas, outstanding natural areas		X	GIS data is missing.
		d. Critical habitat		X	GIS data is missing.
		e. Habitats of listed Threatened & Endangered species occupied seasonally		X	GIS data is missing.
		f. National historic landmarks, National register districts		X	GIS data is missing.
		g. National register historic districts and sites nominated to or designated by SHPO		X	GIS data is missing.
		h. Municipal watersheds		X	GIS data is missing.
		i. Streams and rivers listed in Montana Department of Fish, Wildlife, and Parks (FWP) rivers database as being Class 1 or 2 streams or rivers		X	GIS data is missing.
		j. Streams listed by DEQ pursuant to 75-5-702, MCA that are not attaining beneficial uses of water		X	GIS data is missing.
		k. Highly erodible soils and areas with severe reclamation constraints		X	GIS data is missing.
		l. Incompatible with published visual management plans		X	GIS data is missing.
		m. Winter distribution of elk, deer, moose, mtn goat, bighorn sheep...		X	GIS data is missing.
		n. Major elk summer security areas		X	GIS data is missing.
o. Seasonally occupied mountain sheep and mountain goat habitats		X	GIS data is missing.		

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		p. Sage and sharp-tailed grouse leks and winter habitats		X	GIS data is missing.
		q. High waterfowl densities (prime waterfowl habitat)		X	GIS data is missing.
		r. Undeveloped land or water areas with natural features of unusual scientific...		X	GIS data is missing.
		s. Geologic units of informations with a high probability of including paleontological resources		X	GIS data is missing.
		t. Sites that have religious or heritage significance to Native Americans		X	GIS data is missing.
		u. Standing water bodies		X	GIS data is missing.
		v. Surface supplies of potable water		X	GIS data is missing.
		w. Active faults near substations, switchyards, or terminus points		X	GIS data is missing.
		2) Pipeline information in elctrontric format acceptable to dept		X	GIS data is missing.
		(a) areas with slope greater than 15%		X	GIS data is missing.
		(b) any liquid pipeline crossing a river/stream located w/in 15 miles upstream of Class I stream or diversion for municipal water supply.		X	GIS data is missing.
		3) Electronic format acceptable to the dept of land use and land cover with mapped to within 40 feet.		X	GIS data is missing.
		a. Cities & towns/incorporated communities		X	GIS data is missing.
		b. Developed areas adjoining communities		X	GIS data is missing.
		c. Designated residential growth areas		X	GIS data is missing.
		d. Federal and state highways and county roads		X	GIS data is missing.
		d(i). Highways/rds designated as scenic routes or scenic byways by feds and differentiated from other hwys and rds		X	GIS data is missing.
		e. Railroads and ROW's		X	GIS data is missing.
		f. Transmission lines 50KV and greater		X	GIS data is missing.
		g. Non-timbered grassland or rangeland		X	GIS data is missing.
		h. Forested lands		X	GIS data is missing.
		i. Communication facilities		X	GIS data is missing.
		j. Military installations		X	GIS data is missing.
		k. Land areas covered by conservation easements		X	GIS data is missing.
		l. Public and private airports and airfields		X	GIS data is missing.
		m. National trails		X	GIS data is missing.
		n. Cropland differentiated by mechanically irrigated land, other irrigated land and dry cropland		X	GIS data is missing.
		o. Prime and unique farmland and orchards		X	GIS data is missing.
		p. Permitted mines		X	GIS data is missing.
		4) a. Public lands		X	GIS data is missing.
		b. Tribal and reservation lands		X	GIS data is missing.
		5) Slope categories		X	GIS data is missing.
		6) Population estimates		X	GIS data is missing.
		7) Social characteristics	X		
		a. current land uses to economic & social activities in the area.	X		
		b. existing land use plans restrictions affecting land use	X		
		c. population & demographic characteristics	X		

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		d. social structures that may be affected & sub-groups that are affected	X		
		e. local economy, labor force characteristics, availability of labor, wage levels, employment rates	X		
		f. Availability, adequacy, capacity & cost of public services,	X		
		g. fiscal characteristics of local gov't & school districts	X		
		h. availability, adequacy, & capacity of housing & privat sector helath services	X		
		8) Nature and magnitude of public concerns		X	Not completed yet see page 67.
		9) Landscape aesthetics			
		a. Description of study area landscape, physiographic provinces, landscape character, scenic integrity		X	GIS data is missing.
		b. Existing landscape inventory maps		X	GIS data is missing.
		c. Overlay of land areas categorized for visual quality		X	GIS data is missing.
		d. Overlay of land areas categorized for visual compatibility		X	GIS data is missing.
		10) Overview of history and prehistory of study area		X	GIS data is missing.
		a. State and federal agency file search results.		X	No records submitted.
		b. Summary of existing databases		X	No records submitted.
		c. Sites likely to be encountered		X	Unable to locate.
		d. Map showing location of previous survey work		X	GIS data is missing.
<b>Circular MFSA-2 Section 3.5</b>	Selection of alternative locations	1) Alternative locations-Select at least three	Waiver		Bridger requested to waive two additional alternatives on 1/28/26 and DEQ approved this waiver on 2/24/26.
		a. Preferred location criteria listed in Section 3.1 (1) and (2)			
		b. T-lines	N/A		
		c. Pipelines: Incorporation of environmental information required by Section 3.2(1)(e) and Section 3.4		X	
		d. Cost, reliability, and engineering concerns	X		
		e. Other factors important to applicant	X		
		2) Explanation of methods	X		
<b>Circular MFSA-2 Section 3.6</b>	Baseline study general requirements	1) Baseline study of at least 3 reasonable alternative			
		2) Mapping of alternative facility locations must be within 40 feet		X	Need GIS data for associated facilities (tlines to PS, laydown yards, pipe yards, etc.)
		3) Baseline data mapping		X	
		4) Air photos within the last 5 years		X	
		5) Information to determine compliance with water quality permits		X	
		6) Tabulation of the amount, type, and/or linear miles of areas mapped in Section 3.7 and 3.8		X	
		7) Identify and discuss mitigation to reduce or eliminate significant impacts along each alternative including:		X	
		a. Alternative construction methods and equipment		X	
		b. Reclamation and maintenance methods		X	
		c. Localized location adjustments		X	

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		d. Seasonal timing of construction		X	Section 4.3.10, page 31 Does not describe what the seasonal restrictions would be. "Where seasonally restricted access or timing limitations are identified, alternative seasonal timing of construction will be implemented as a mitigation measure, consistent with Circular MFSA-2 Section 3.6(7)(d), to avoid or minimize environmental impacts, protect sensitive resources, and maintain compliance with permit conditions and regulatory requirements." This means the Proposed Action in the EIS will not have any seasonal timing of construction and sets Bridger up to have an Agency Mitigated Alternative, is this what Bridger would prefer?
		e. Alternative design and materials		X	Unable to locate information of alternative design and materials Bridger considered for the project.
		f. Alternative methods of crossing streams		X	Unable to locate information of alternative design and materials Bridger considered for the project.F204+F204
<b>Circular MFSA-2 Section 3.7</b>		1) Baseline data and assessment of impacts, general and site specific mitigation			
		2) Electronic map data of land use information		X	
		a) Cities, towns, residential clusters, unincorporated areas	X		
		b) Developed residential, industrial, and commercial areas	X		
		c) Designated residential growth areas		X	GIS data is missing.
		d) Roads and highways		X	GIS data is missing.
		e) Railroads and ROW's		X	GIS data is missing.
		f) Transmission lines 50 kV and larger		X	GIS data is missing.
		g) Grassland rangeland		X	GIS data is missing.
		h) Forested		X	GIS data is missing.
		i) Communication infrastructure	X		
		j) Military installations		X	GIS data is missing.
		k) Agency conservation easements		X	GIS data is missing.
		l) Airports and airstrips	X		
		m) National trails		X	GIS data is missing.
		n) Cropland (dry, irrigated, mechanically irrigated)		X	GIS data is missing.
		o) Prime or unique farmlands or orchards		X	GIS data is missing.
		p) Permitted mines		X	GIS data is missing.
		q. Platted subdivisions		X	GIS data is missing.
		r. Major public buildings		X	GIS data is missing.
		s. Pipelines 8 inches or greater		X	GIS data is missing.
		t. Schools		X	GIS data is missing.
		u. Ag. Experiment stations		X	GIS data is missing.
		v. Individual residences	X		
		w. Public concern over structure locaitons in fence lines and field boundaries	N/A		

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		3) Construction crew size, skill and wage levels		X	
		4) Assessment of impacts on agricultural, residential, commercial, industrial, mining, and public land uses		X	The application says "Appendix B" but Appendix B is just maps.
		5) Social impacts	X		
		6) Public attitudes and concerns		X	Section 7.2, page 67:"Public attitudes, concerns, and feedback gathered during these meetings will be documented and submitted to MTDEQ."
		a. concern over social, socioeconomic, tax, land use changes the facility could cause individual resentment and public debate		X	Section 6.3.1, page 52:"Bridger will participate in BLM and MTDEQ combined public scoping meetings in multiple cities including Glasgow, Miles City, and Newcastle, as well as a virtual meeting. Input received during these meetings will contribute to preliminary identification of routing opportunities, avoidance areas, and land use considerations relevant to development of the study area." This requirement does not apply to the agencies' public meetings, but what Bridger has gotten for feedback in your consultation with stakeholders.
		b. concern about natural environmental features		X	Section 6.3.1, page 52:"Bridger will participate in BLM and MTDEQ combined public scoping meetings in multiple cities including Glasgow, Miles City, and Newcastle, as well as a virtual meeting. Input received during these meetings will contribute to preliminary identification of routing opportunities, avoidance areas, and land use considerations relevant to development of the study area." This requirement does not apply to the agencies' public meetings, but what Bridger has gotten for feedback in your consultation with stakeholders. This would apply to a-d as explanation as to why they still need to do this.
		c. issues that may divide communities, cause individual resentment and public debate		X	Section 6.3.1, page 52:"Bridger will participate in BLM and MTDEQ combined public scoping meetings in multiple cities including Glasgow, Miles City, and Newcastle, as well as a virtual meeting. Input received during these meetings will contribute to preliminary identification of routing opportunities, avoidance areas, and land use considerations relevant to development of the study area." This requirement does not apply to the agencies' public meetings, but what Bridger has gotten for feedback in your consultation with stakeholders. This would apply to a-d as explanation as to why they still need to do this.

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		d. concern to landowners & residents in close proximity		X	Section 6.3.1, page 52: "Bridger will participate in BLM and MTDEQ combined public scoping meetings in multiple cities including Glasgow, Miles City, and Newcastle, as well as a virtual meeting. Input received during these meetings will contribute to preliminary identification of routing opportunities, avoidance areas, and land use considerations relevant to development of the study area." This requirement does not apply to the agencies' public meetings, but what Bridger has gotten for feedback in your consultation with stakeholders. This would apply to a-d as explanation as to why they still need to do this.
		7) Access roads		X	Page 28, Section 4.3.5: "Temporary and permanent access roads shall be constructed only when necessary to support safe construction, operation, and maintenance activities, and only in locations where use of existing two-track trails or other roadways is not practicable. New access roads will be designed and developed in accordance with BLM Gold Book standards or other applicable federal, state, or local requirements, where such standards are feasible and appropriate." But does not actually describe what Bridger will actually implement. Does Bridger really want to leave access roads building so vague on access roads outside of BLM lands? Treating BLM lands better than other lands?
		a. A discussion of access across areas listed in Circular MFSA-2 Section 3.2 (1)(d) and Section 3.4(1)		X	
		b. An assessment of impacts to areas identified in (a) and in response to Circular MFSA-2 Sections (3.7) (2) through (6) and (3.7) (8) through (19) and cross-referenced		X	
		8) Earth resource impacts. ...an estimate of the mileage of each alternative location and associated access roads crossing each category of mapped information requested below		X	
		a. Overlay of wind and water erosion risk and a discussion of impacts considering soil characteristics, slope, predicted amount of disturbance and climatic conditions		X	GIS data is missing.
		b. Overlay and discussion of mass movement potential		X	GIS data is missing.
		c. Overlay and discussion of constraints to reclamation and revegetation		X	GIS data is missing.
		9) Engineering of the facility in each alternative location		X	
		a. Location differences relating to the feasibility of expanding the transmission capacity through multiple circuiting or design modifications, ROW width		X	No associated facility for Pump Stations or MLVs.

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		b. Alternative structure types and technologies		X	No associated facility for Pump Stations or MLVs.
		c. Poor or seasonally restricted areas -	X		
		d. Compatibility or interference with transmission, transportation or communication facilities...		X	
		e. Discussion and supporting documentation of problems or concerns associated with crossing highways or encroachment on highway ROWs through consultation with the Montana Department of Transportation (MDT).		X	Table 9 details all of the highway crossings, but does not describe any of the concerns from MDT and County Road Departments.
		f. Floodplains...		X	
		10) Visual resource and viewer information		X	
		a. Scenic quality overlay		X	
		b. Visual contrast overlay		X	
		c. Tabulation of classes of scenic quality		X	
		d. Explanation of any difference with FS visual inventory maps		X	
		e. Identification of key observation points		X	
		f. Viewer characteristics		X	
		g. Photographs from observation points		X	
		h. Viewsheds for key observation points		X	
		11) Assessment of visual resource impacts		X	
		12) Description of existing biological resources and an assessment of impacts to these resources for each alternative and access roads...			
		a. A list of species and habitats of greatest susceptibility to project-related impacts and an explanation of rationale used to create the list.		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		b. An evaluation of impacts to each species or habitat listed in (a) including:			
		(i) National wildlife refuges and ranges		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(ii) State wildlife management areas and wildlife habitat protection areas		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(iii) National recreation areas		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(vi) Corridors of rivers in the National Wild and Scenic rivers system and rivers eligible for inclusion in the system.		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(vii) Managed roadless areas greater than 5,000 acres in size		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(ix) Unique habitats and natural areas designated by the National Park Services, USDA Forest Service, BLM, or the State of Montana as national natural landmarks, natural areas, research natural areas, areas of critical environmental concerns, special inte		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(x) Designated critical habitat for Threatened and Endangered species		X	Unable to find access road impacts, associated facilities impacts. Unclear of the impact zone.
		(xi) Streams and rivers listed as having fisheries value class of I or II by FWP	X		
		(xii) Agricultural experiment stations		X	GIS data is missing.

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		(xiii) Habitats occupied at least seasonally by resident state or federally listed threatened or endangered species.		X	GIS data is missing.
		(xiv) Specially managed buffer areas around wilderness		X	GIS data is missing.
		(xv) Winter distribution of elk, deer, moose, pronghorn, mountain goat, and bighorn sheep, and areas where they concentrate during severe winters based on consultation...		X	GIS data is missing. Pg 129, 7.4.4 "Portions of the Project study area supports mapped winter ranges for several large ungulate species, including elk, mule deer, white-tailed deer, pronghorn, and, to a lesser extent, moose, bighorn sheep, and mountain goats" This section also refers to the aforementioned map, which appears to be incomplete.
		(xvi) Major elk summer security areas		X	GIS data is missing.
		(xvii) Mountain goat and <b>big horn</b> sheep seasonal habitat		X	GIS data is missing.
		(xviii) Sage and sharp-tailed grouse leks and winter distribution		X	GIS data is missing. Need lek and winter distribution areas.
		(xix) High waterfowl population densities		X	GIS data is missing.
		(xx) Any undeveloped land or water areas that contain known natural features of unusual scientific educational or recreational significance		X	GIS data is missing.
		(xxi) Mature riparian forests		X	GIS data is missing.
		(xxii) Nesting colonies		X	GIS data is missing.
		(xviii) Habitats occupied at least seasonally and critical to species listed as "species of special concern or interest" by the FWP, or species listed or considered candidates for listing by the U.S. Fish and Wildlife service as threatened or endangered.		X	GIS data is missing. Pg 166, 7.4.5 "A total of 61 special status wildlife and aquatic species as well as 37 non-cave bat roosts could potentially occur within suitable habitat along the Proposed Route Option 1. Of the 61 species, four (pallid sturgeon, black-footed ferret, whooping crane, and piping plover) are federally listed. Thirty-seven are identified as BLM species of concern and 58 are listed as MFWP SOC." However, these are not mapped.
		(xix) Locations of known nests of raptorial birds within ½ mile of alternative facility locations.		X	GIS data is missing.
		c. A general assessment of impacts from hunting and fishing pressure if increased access to secure habitats would likely occur in the general vicinity of each alternative line location because new access roads would be constructed outside the impact zone	X		Pg 154, 7.4.4 "Construction during the fall hunting seasons will create conflicts with hunter use of these areas." No proposed mitigations?
		d. A description of the method used to evaluate impacts to wildlife, fisheries, and vegetation.		X	
		e. For impacts described in (b) and (c), a description of mitigating measures that could be implemented to reduce significant impacts and the cost of such measures.		X	

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		f. Documentation that agencies with management responsibility for any affected biological resources have been consulted concerning impacts and mitigation and a description and evaluation of the mitigation measures suggested by these agencies.		X	Pg 162, 7.4.5 "Biologists with the USFWS, MFWP, and MTNHP will be contacted for information about the status of wildlife species, habitat, special wildlife features, and habitats in the proposed Project study area." Consultation has not yet occurred and DEQ will require documentation of these consultations with the Agencies.
		13) Cultural, historical, and paleontological data		X	GIS data is missing.
		a. Results of an on-the-ground survey and documentation		X	
		b. Consultation with State Historic Preservation Office (SHPO) relative to eligibility for listing on the national register		X	Pg 84, Section 7.3.4: "Cultural resource consultation with the Montana SHPO will be conducted consistent with applicable federal and state requirements, including the Section 106 review process, to identify and resolve potential effects to historic and archaeological properties." Consultation has not occurred.
		14) Assessment of impacts to cultural, historical, and paleontologic resources.		X	
		a. For each of the following potentially affected cultural resource properties or sites and for any properties or sites identified by (13)(b) which may be eligible for listing on the national register, a discussion of whether the facility would affect the		X	
		(i) National historic landmarks, and national register historic districts and sites;		X	Shown on Study Area Prehistory maps in appendix B but no assessment as required in (14) in application. GIS data is missing.
		(ii) National register historic districts and sites nominated to or designated by SHPO;		X	
		b. A discussion of whether the proposed facility would affect the qualities of:		X	
		(i) Areas with geologic units or formations that show a high probability of including significant paleontological resources; and		X	
		(ii) Sites that have, or may have, religious or heritage significance and value to Native Americans as identified by Section 3.4(1)(t).		X	
		c. Identification of special construction methods and topographic screening that could eliminate or reduce impacts, and a discussion of the likelihood of success of each measure in reducing impact.		X	
		d. Documentation that consultation has occurred with SHPO, affected state and federal agencies, and tribes regarding any affected cultural sites, impacts, and mitigation.		X	
		15) Baseline data for recreation areas and sites		X	
		a. Maps depicting recreation areas and sites.		X	GIS data is missing.
		b. Description of each site or area, how area is used, and use level estimates		X	

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		c. List of possible recreation areas & sites		X	Pg 78-81, 7.3.3 discusses major recreation areas, but does not appear to be a complete list. Please consult FWP and other agencies for a complete list.
		16) Assessment of impacts on recreation areas and sites		X	
		a. Change in access		X	
		b. Aesthetic impacts on sites		X	
		c. Location of facility relative to site		X	
		d. Description of how activities and experiences could change		X	
		e. Description of regional supply of recreational opportunities for affected sites.		X	
		f. Documentation of consultation		X	Pg 80, 7.3.3 "Additional detailed evaluation, including effects on historic integrity (setting, feeling, and association), visitor experience, and interpretive opportunities, will be further refined during the NEPA/MEPA process in coordination with the BLM, NPS, and SHPO." Has consultation not occurred?
		17) Electronic map data showing names of perennial streams crossed and WQ classification		X	
		18) Assessment of impacts to surface and ground water		X	
		Impact to water users		X	Pg 126, 7.4.3 "Withdrawal rates and volumes will be designed to avoid impacts to aquatic life and downstream water users." But a description of the withdrawal rates is not provided.
		Impact to hydrology and stream banks		X	
		Impacts to municipal watershed		X	
		Impacts to potable water		X	
		Impacts to streams		X	
		19) Noise, radio, and television impacts		X	
		a) for 230 kV		X	
		b) for 230 kV		X	
		c) Induced currents		X	
		d) Noise impacts		X	
		e) Potential impacts of electrical and magnetic fields		X	
		f) Radio and TV impacts		X	
		g) mitigation to reduce noise, EMF, induced currents, and interference with communication facilities.		X	
<b>Circular MFSA-2 Section 3.8</b>	Baseline data and Impact Assessment Requirements for PIPELINE	1) (a)Data relating to engineering of a facility for each alternative location:			
		(i) Any engineering differences among alternative locations, if any, relative to their ability to accommodate future pipeline or other linear facilities		X	

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		(ii) a discussion & appropriate drawings of alternative facility designs & technologies that would be required due to engineering differences among alternatives		X	
		(iii) electronic map data showing locations along each alternative where the following operations or conditions are expected to occur and tabulation of the miles of each alternative that would cross each category		X	
		(A) rock trenching that requires drilling & blasting		X	
		(B) rock trenching that requires heavy ripping equipment, but not drilling & blasting		X	
		C) cliffs and talus that constrain construction		X	
		(iv) seismic & geologic data sufficient to justify the facility design w/in 1 mile of an active fault or in areas of recorded seismic activity w/ a Richter magnitude greater than 5.5		X	
		(v) Seismic risk associated with each alternative, based on potential recurrence, rate, magnitude, and intensity of seismic events as well as ground accelerations & local geologic and soil conditions		X	
		(b) visual info. Required by Section 3.7(10), except the info is required only areas listed in Section 3.7(10)(h) that are located w/in 3/4 mile & w/in view of the ROW & other pipeline facilities		X	
		c) applicable biological resource info required by Section 3.7(12) & following info. For each alternative and the associated impact zones specified below:		X	
		(i) a scale of 1:4800 & a minimum resolution of 2 acres showing existing vegetation community types & land cover, based upon 1 or 2 dominant species & 1 or 2 under-story species for the following impact zones:		X	
		(A) areas w/in 0.5 mile radius of pump or compressor		X	
		(B) crossings of streams as class I or II or average annual flow greater than 1,000 cfs or more		X	
		(ii) map required by Section 3.6(2) showing migration routes between winter-spring & summer-fall habitat for elk, deer, moose, bighorn sheep, mtn goat and pronghorn that intersect each alternative & data indicating the timing and use of these migration routes		X	

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		(iii) detailed description of aquatic habitat, fish populations, special use sites such as spawning areas, & angler use for any of the following stream reaches:		X	Pg 132, 7.4.3 "As Project design advances and additional site specific information becomes available, aquatic habitat conditions, fish populations, special use areas such as spawning reaches, and patterns of angler use will be further characterized in coordination with FWP and other appropriate agencies. The Project will incorporate mitigation measures to minimize potential impacts to aquatic Resources." Will be incorporated, but have not planned mitigations yet.
		(A) reach of any perennial waterway extending 2 miles downstream from any trenched pipeline crossing of the stream		X	
		(B) additional waters where aquatic habitats could be adversely affected by siltation, sedimentation, or increases in turbidity caused by pipeline trenching		X	
		C) for liquid pipelines, any additional waters where aquatic habitats could be adversely affected by a liquid spill or leak		X	Pertaining to perennial waterbodies, pg 168, 7.4.6 "Project design measures, including engineering controls, monitoring systems, and operational practices, are intended to reduce the likelihood of spills and to limit the geographic extent of potential impacts." However the section does not describe what the project design measures are.
		(D) reach of any stream from which hydrostatic testing water is to be w/drawn, extending 1/4 mile upstream and 5 miles downstream from point of w/drawl		X	
		(E) reach extending 1/4 mile & 5 miles downstream from any point on any perennial stream where hydrostatic testing discharge water would reach the stream		X	
		(iv) for liquid pipelines, a detailed assessment of the consequences of a spill or leak downstream of each crossing of a perennial waterway, w/ description of the resources affected, magnitude of the impact to fishery and habitat, description of proposed spill detection, containment and cleanup techniques		X	Pg 37, 4.4.7 "Additional details will be provided in the Project-specific Spill Prevention, Control, and Countermeasure (SPCC) Plan." However the SPCC Plan was not submitted.
		(v) any wetlands or other waterfowl habitat downstream from a river crossing that could be adversely affected by a liquid spill or leak, info. Seasonal abundance and species composition of waterfowl		X	Pg 131, 7.4.4 " Site-specific identification of waterfowl concentration areas in the vicinity of Project waterbody crossings will continue to be refined through coordination with FWP and USFWS, and review of updated spatial data as Project design advances." Species composition has not yet been included. No discussion of spill impacts to wetlands or waterfowl.

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		(d) list of noxious weeds that occur along the alternatives, impact the facility would have on dispersion of these weeds, a description of weed control measures that would be used		x	Pg 105, 7.4.1 "Project-level noxious weed surveys are being completed in coordination with final routing and access planning. Survey results will be incorporated into subsequent filings and used to inform site-specific mitigation, as appropriate." Table 16 lists all the possible regulated noxious weeds in the option 1 corridor, but does not list the noxious weeds observed along all the alternatives. NWMP is referrened, but was not submitted.
		(e) info. On recreation areas and sites required by Section 3.7(15), except that the impact zone differs and is specified in (b)		X	
		(f) application must contain the info. On stream locations required by Section 3.7(17), except intermittent waterways that have specific names must also be included.		X	3.7(17) states "An application must contain an overlay showing, as appropriate and available, the names of perennial streams crossed and their department water quality classifications for each alternative facility location and impact zones as defined by (8)." Tables 26, 27, & 28 list the perennial streams, but GIS data was not included.
		(g) water resource info. Required by Section 3.7(18) and assessment of stream crossing impacts for each perennial stream crossed by an alternative, estimates of the floodplain disturbance, anticipated stream flow during construction, streambed excavation, duration and timing of instream activities		X	
		(h) potential noise		X	
		(i) the proposed discharge points, location of treatment works and disposal systems, a list of surface owners and lessees of land w/in 1 mile of proposed discharge location, location of water supply wells and springs w/in 1 mile of the discharge point, description of waste or process solutions to be contained onsite, info describing existing groundwater quality & uses w/in 1 mile		X	
		(i)for proposed discharge of hydrostatic test water, discharge rates & volumes and likely chemical, etc.		X	
		(ii) discussion of potential emergency & accidental spills of hydrostatic test water & products being transported by pipe		X	
		(iii) measures to be taken to provide alternative water supplies or treatment in the event that domestic, municipal, agricultural, commerical, or industrial well is affected by proposed or accidental discharge		X	
		(iv) written evaluation of alternative disposal practices for maximization of environmental protection		X	
<b>Circular MFSA-2 Section 3.9</b>	Comparison of alternative locations	1) a. Summary of the most important impacts of the facility		X	
		b. Avoiding most important impacts		X	
		c. Ranking of alternatives from best to worst	N/A		Waiver
		(i) Levelized costs including environmental costs and mitigation costs	N/A		

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		(ii) Reliability	N/A		
		(iii) Land use considerations	N/A		
		(iv) Socioeconomic	N/A		
		(v) Earth resources	N/A		
		(vi) Engineering considerations	N/A		
		(vii) Visual resources	N/A		
		(viii) Biological resources	N/A		
		(ix) Historic, archaeological, and paleontologic resources	N/A		
		(x) Recreation	N/A		
		(xi) Water resources	N/A		
		(xii) Noise, radio, and television interference and electric effects	N/A		
		(xiii) Any other categories important to the applicant	N/A		
		d. A comparative ranking of alternative facility locations from best to worst with an indication of the magnitude of the differences between facility locations	N/A		
<b>Circular MFSA- 2 Section 3.10</b>	Selection of preferred location	1) Selection of applicant's preferred alternative	N/A		
		a. The applicant's selection criteria and how they were applied	N/A		
		b. An explanation of how the preferred location criteria listed in 3.1(1) or 3.1(2) were applied	N/A		
		c. Discussion of relative importance of categories in 3.1(2)	N/A		
		d. An explanation of how areas listed in 3.2(1)(d)(i) - (iii) were considered in selecting the preferred location	N/A		
		e. An explanation of how areas listed in Section 3.2(1)(d)(iv) through (f) and Section 3.4(1) through (3) were considered in selecting the preferred location	N/A		
<b>17.20.1509</b>	Design Characteristics	1) Engineering description in detail sufficient to enable the department to assess the environmental impacts of construction, operation and maintenance and reliability of			
		2) Reports showing adequacy of design		X	
		3) Design elements to reduce impacts		X	
		8) Engineering description of the facility, including conduit size and thickness, tensile strength, test and operating pressure, methods of joining sections of conduit, trenching depth, amount of ground cover over the pipeline, the location, size and overall plan for new or modified pumping and compressor stations, cathodic protection systems, other safety measures. Facility design provided for normal and maximum transmitting or pumping capacity and pressure of compressor stations and pump stations		X	
		9) Quality control and testing procedures and the info. Necessary to meet industry and US DOT pipeline standards		X	
		10) Source of power for pump & compressor stations and indicate the proposed and alternative location of power supply lines for these stations.		X	
		11) Communication facilities		X	

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		12) Paralleling or showing utility or transportation ROWs and why paralleling was not chosen	X		
17.20.1511		1) Preliminary schedule	X		
		2) Construction disturbance	X		
		3) Road description		X	
		4) Methods to salvage topsoil	X		
		(a) width of construction ROW where topsoil will be salvaged	X		
		(b) depth to which topsoil salvaged	X		
		c) locations where alternative methods of topsoil salvage		X	
		(d) methods to be used to remove coarse rock from surface soils following construction		X	
		5) Types of Roads		X	
		6) Max and min ROW		X	
	7) Method of stream crossings:			X	"Major perennial river crossings, including the Yellowstone River, Missouri River, Poplar River, and other similarly sized or sensitive waterbodies, will be constructed using HDD.(pg. 19" Does Bridger want DEQ to identify for them the similar size or sensitive waterbodies DEQ wants HDD?"
	(a) equipment types			X	DEQ needs estimates and not "Representative construction equipment may include hydraulic excavators, side booms, support trucks, pumps for isolated crossings, and HDD drilling rigs, as applicable.(pg20)."
	(b) width and depth of trenching			X	
	c) scour depth			X	
	(d) Ground disturbance adjacent to stream crossings			X	
		8) Proposed and alternative methods for overhead stream crossings		X	
		9) Reclamation methods to restore ROW on sidehills, over ditch, measures that will be implemented to address subsidence of soils over the trench after construction is completed		X	
		10) Fire control methods	X		
17.20.1512		1) Operation and maintenance procedures under normal and emergency conditions.		X	
		Complaints from nearby residents for radio and television interference.		X	
		2) Ability to withstand mass movement, earthquakes, floods, high winds, accidents.		X	
		3) Land use controls, encroachment of buildings.	X		
		4) ROW vegetation, tree, & weed control methods; herbicide & trimming of vegetation control.		X	
		5) Describe size and frequency of leaks expected over the life of the project		X	

ARM/Circular MFSA-2 Number	Rule identifier	Generalized rule content	Complete: 3/26/26	Incomplete: 3/26/26	Comment/Follow Up: 3/26/26
		6) Describe leak detection systems to be employed	X		
		7) Detailed spill contingency plan describing:		X	
		(a) immediate notification procedures		X	
		(b) type and location of emergency response personnel and equipment		X	
		(c) any mutual aid agreements to supply personnel and equipment and respond in the event of a spill		X	
		(d) response procedures		X	
		(e) equipment testing procedures		X	
		(f) frequency of field training exercises		X	
		(g) plan update procedures		X	