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Subchapter 8					
75-20-211		✘	✘	(iii) need reasonable alternate locations, comparison of alternatives, statement why the proposed location is best suited for the facility. <u>2/23/09 – DEQ Incomplete</u>	Further discussion/clarification needed <u>In process</u>
			X	(iv) baseline data for primary and reasonable alternate locations (see responses in Circular 2) <u>2/23/09 – DEQ Incomplete</u>	Further discussion/clarification needed <u>In process</u>
17.20.811	Estimated cost		X	d) Transportation links (road costs). Include alternative locations for associated facility powerlines less than 10 miles in length. <u>2/23/09 – DEQ Incomplete</u>	Confidential Further discussion/clarification needed <u>In process</u>
17.20.815	Linear facilities estimated annual cost		X	2) Construction costs escalated to start of construction. Escalate construction costs to year 1. <u>2/23/09 – DEQ Incomplete</u>	Confidential Confidential Information. <u>Costs are now included in Table 2-2 in the Confidential version to be filed with DEQ.</u>
			X	6) Design capacity and operational characteristics. Describe design capacity and operational characteristics for associated facilities. <u>2/23/09 – DEQ Incomplete</u>	Confidential Further discussion/clarification needed <u>In process</u>

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17.20.815 (Cont.)			X	<p>9) Pipeline – costs in constant dollars for a specified year.</p> <p>Specifies the year for costs in 2-1 and 2-2.</p> <p><u>2/23/2009 – DEQ Incomplete. DEQ has not yet received the costs in constant dollars for a specified year. We are waiting for that information from Keystone</u></p>	<p>Confidential</p> <p>Further discussion/clarification needed.</p> <p><u>The Confidential version of Chapter 2 of the MFSA, to be filed with DEQ, includes this information.</u></p>
17.20.817	Pricing policy			<p>How the product will be priced.</p> <p>Chapter 2.3 has a very general discussion. Supplemental Information Request (SIR-1.27): Please provide a more detailed discussion of how revenues will cover costs over time. This includes how much of the capacity has to be used and under contract in order to remain profitable. It will also include the tariff rates that would be charged, and the likely lengths of contracts.</p> <p><u>2/23/09 – DEQ – see SIR.</u></p>	<p>Confidential</p> <p>This confidential information. Needs further discussion/clarification.</p> <p><u>Attachment P, page P-96, Response to SIR-1.27.</u></p>
17.20.818	Evaluation of economic costs and benefits		X	<p>Internal and external costs and benefits, including benefits to consumers, applicant, and Montana.</p> <p>No external (social) costs were given. No benefits were discussed in section noted. Some fiscal benefits are discussed on page 4-159 and 4-160. DEQ requests an estimated annual breakout of revenues and internal costs. Social benefits and costs should also be estimated and quantified where needed.</p> <p><u>2/23/09 – DEQ Incomplete</u></p>	<p>Chapter 2 – Sections 2.1, 2.2</p> <p>This is confidential information. Needs further discussion/clarification.</p> <p><u>Attachment P, page P-8, clarification for SIR-1, Section 17.20.818.</u></p>

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Circular MFSA-2 Section 3.0 (Cont.)		X		2a) Study area delineation	Chapter 4 – Section 4.2.1
		X		<p>c) Selection of alternative locations</p> <p>Section 3.5 of Circular MFSA-2 states that the applicant shall select at least 3 reasonable alternative locations for the proposed facility. Yet information presented in Table 4-87 (page 4-175) indicates that impacts to the Project schedule cannot be mitigated when crossing Tribal lands on Routes A and A1A, that it is likely the BLM would preclude or heavily condition the pipeline routing through the Bitter Creek ACEC/WSA, and that project schedule requirements could not be mitigated if crossing the Bitter Creek ACEC/WSA. In light of this information, how can Routes A and A1A be evaluated by the agencies as reasonable locations for the proposed facility? Provide documentation from BLM indicating whether or not the agency would or would not allow the Bitter Creek ACEC/WSA to be crossed and the reasons for allowing or not allowing the crossing.</p> <p><u>2/23/09 – DEQ Incomplete (repeated comment).</u></p>	<p>Chapter 4</p> <p>Further discussion/clarification needed.</p> <p>Contacts for Bitter Creek on Page 9a in Attachment F.</p> <p><u>Table 4-87 has been modified in the document to indicate the constructability of each route. Additional text is included in Attachment P, page P-10, clarification for Section 3.0(2)(c).</u></p>

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Circular MFSA-2 Section 3.0 (Cont.)			X	d) Baseline study & impact assessment See comments below regarding the baseline study. 2/23/09 – DEQ Incomplete (repeated comment).	Chapter 4, Section 4.3 Further discussion/clarification needed. In process
Circular MFSA-2 Section 3.1	Preferred location criteria	X	X	1a) Greatest potential for local acceptance.	Chapter 4 – Section 4.2
		X		1b) Utilize or parallel existing utility &/or transportation corridors SIR-1.29: Why was paralleling the pipeline corridor in the Baker area not considered? 2/23/09 – DEQ – See SIR	Chapter 1 – Section 1.3.7 Further discussion/clarification needed. Attachment P, page P-97, Response to SIR-1.29.
			X	k) In accordance with public land management plans. What do BLM, USFWS, DFWP, DNRC, BIA, and USACE plans say about crossing agency lands with this pipeline? How would such a crossing be consistent (or not) with each plan? 2/23/09 – DEQ Incomplete. The response to SIR does not address this requirement.	Chapter 4 – Section 4.3.2 See Attachment P, Response to SIR-1, Section 3.1(k). See Attachment P, page P-11, clarification for Section 3.1(1)(k), and associated contact summary forms in Attachment F.

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Circular MFSA-2 Section 3.1 (Cont.)			X	2a) Conform to criteria listed above in 3.1(1) Missing 3.1(1)(a) and (g). <u>2/23/09 – DEQ Incomplete – Information is missing for Sections 3.1(1)(a) and 3.1(1)(k).</u>	See Response to 3.1(1)(a) and (g). <u>2/23/09 – DEQ indicated the response to 3.1(1)(a) was complete. In addition to the clarification for Section 3.1(1)(k) on page P-11 of Attachment P, contacts with Montana County Commissioners indicated support across all routes. See Attachment F, page 94b for a table summarizing these discussions.</u>
Circular MFSA-2 Section 3.3			X	9) Rationale (methods for determining alternative routes and how public input was incorporated). While information presented on pages 4-6 and 4-7 for the overview survey does include a very brief explanation of the methods used, it does not include an explanation of how preferred location criteria, cost, reliability and engineering considerations, and other factors were considered and weighed when selecting alternative locations. <u>2/23/09 – DEQ Incomplete (repeated comment)</u>	Chapter 4 – Section 4.2 Chapter 5 – Section 5.3 Further discussion/clarification needed. <u>In process</u>

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Circular MFSA-2 Section 3.4 Explanation in 4.2 as to why MFSA Circular 3.4, 3.5 process was modified. Information components of Circular 3.4 are addressed in detail as part of Circular 3.6 and 3.7	Environmental information for overview survey (MAPS)	X		1) Any avoidance areas from 3.2 above	Attachment A – Figure 2 Project Area Overview – Ownership and Avoidance
			X	p) Sage and sharp-tailed grouse leks and winter habitats. Missing winter habitats <u>2/23/09 – DEQ Incomplete (repeated comment)</u>	Attachment A – Figure 3 & Sensitive Mapbook 1, Big Game, Fisheries and Avian Distribution and Habitat & Sensitive Cultural and Biologic Data In process. Text has been inserted into Chapter 4, Section 4.3.4.1 to clarify.
			X	t) Sites that have religious or heritage significance to Native Americans DEQ – Incomplete <u>2/23/09 – DEQ – Incomplete</u>	Chapter 4 – Section 4.3.9 Attachment A – Confidential Mapbook 1, and Confidential Attachment M Traditional cultural properties will be developed through the Department of State (as lead federal agency) government-to-government consultation with the tribes. Also see Section 4.3.9.2, paragraph 2. <u>Regulations require that identification of traditional cultural properties occur through government-to-government consultation. This process is occurring through the DOS-led NEPA process.</u>

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Circular MFSA-2 Section 3.4 (Cont.)			X	7) Social characteristics. No discussion of social opinions, trends, etc. <u>2/23/09 – DEQ Incomplete (repeated comment)</u>	Chapter 4 – Section 4.3.12 Text inserted in Section 4.3.12.4 to clarify. <u>Also see clarification for Section 17-20.818 on page P-8 of Attachment P.</u>
			X	a) Relationship between land uses and economic/social activities. They have addressed Compensation for Damages to Land Use and Property on page 4-158. <u>2/23/09 – DEQ Incomplete (repeated comment)</u>	Chapter 4 – Section 4.3.12.3 Further discussion/clarification needed. <u>Also see Attachment P, page P-8, clarification for Section 17.20.818</u>
				9) Landscape aesthetics	Chapter 4 – Section 4.3.10
		X		a) Description of study area landscape, physiographic provinces, landscape character, scenic integrity. This description is provided in Section 4.3.10 baseline study requirements for visual resources. SIR-1.32: Describe how this information was incorporated into the overview survey for the pipeline. <u>2/23/09 – DEQ – See SIR</u>	Chapter 4 – Section 4.3.10 In process. <u>In process</u>

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Circular MFSA-2 Section 3.4 (Cont.)		X		c) Overlay of land areas categorized for visual quality. DEQ – Incomplete <u>2/23/09 DEQ – Complete. See clarification request for Section 3.7(10)(c).</u>	Attachment A – Figure 4, Visual Resource Management Areas Further discussion/clarification needed <u>See Attachment P, page P-29, clarification for Section 3.7(10)(c).</u>
			X	d) Overlay of land areas categorized for visual compatibility. DEQ – Incomplete <u>2/23/09 – DEQ Incomplete. Keystone visual contrast overlay in process</u>	Attachment A – Figure 4, Visual Resource Management Areas Further discussion/clarification needed <u>In process</u>
Circular MFSA-2 Section 3.5	Selection of alternative locations	X		1) Alternative locations – Select at least three It is not clear whether any information required for the overview survey was considered when identifying alternative locations for the pipeline. The application states that 'much of the formal process laid out in Circular MFSA-2, Sections 3.4 and 3.5 for the overview survey was rendered moot.' Information pertaining to Circular MFSA-2 Section 3.1 (1)(a), (k); 2(a), (b); Section 3.4(1), 7(a); 8, 9(b), (c) and (d) are missing. Therefore, DEQ concludes that the three alternatives were not selected based on the information required. Gather the missing information and re-evaluate the selection of alternatives. <u>2/23/09 – DEQ – see following comments.</u>	Chapter 4 – Section 4.2.2 Further discussion/clarification needed <u>Attachment P, page P-13, clarification for Section 3.5(1).</u>

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Circular MFSA-2 Section 3.5 (Cont.)			X	a) Preferred location criteria See comment under 3.5(1) above. <u>2/23/09 – DEQ Incomplete – Section 4.5.2 of the application needs to specifically describe how the preferred location criteria were considered when selecting alternative locations.</u>	Chapter 4 – Section 4.2.2 Further discussion/clarification needed <u>Attachment P, page P-13, clarification for Section 3.5(1)</u>
			X	c) Pipelines: Incorporation of environmental information required by Section 3.2(1)(e) and Section 3.4 See comment under 3.5(1) above <u>2/23/09 – DEQ Incomplete. Information related to items 3.4(1)(0), 3.4(1)(p), and 3.4(9)(d) is missing.</u>	Chapter 4 – Section 4.2.2 Further discussion/clarification needed <u>Attachment P, page P-13, clarification for Section 3.5(1).</u>
			X	2) Explanation of methods. While information presented on pages 4-6 and 4-7 for the overview survey does include a very brief explanation of the methods used, it does not include an explanation of how preferred location criteria, cost, reliability and engineering considerations, and other factors were considered when selecting alternative locations. SIR-1.33: Provide a list of key locations in Montana that were visited during field reconnaissance. Identify what resource issues were reviewed during these site visits. <u>2/23/09 – DEQ – Incomplete (repeated comment). DEQ did not find a response to SIR-1.33 in Attachment P.</u>	Chapter 4 – Section 4.2.2 Further discussion/clarification needed. Attachment P, Response to SIR-1.33 <u>The response was added to Attachment P, page P-107, Response to SIR-1.33.</u>

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Circular MFSA-2 Section 3.6	Baseline study general requirements		X	5) Information to determine compliance with water quality permits. Permit applications are missing for crossing of state waters. <u>2/23/09 – DEQ Incomplete.</u>	Chapter 4 – Section 4.3, Chapter 5 – Section 5.2 Permit application is in development. <u>Appendix P, page P-21. clarification for Section 3.6(5).</u>
			X	7) Identify and discuss mitigation to reduce or eliminate significant impacts along each alternative including: Identify mitigation measures to reduce or eliminate significant impacts. SIR-1.35: Describe how the measure 'landscape feathering' (page 4-128) would be implemented for the proposed pipeline. <u>2/23/09 – DEQ – Incomplete (repeated comment)</u>	Attachment C, Chapter 1 – Section 1.4, Chapter 4 – Section 4.4 Attachment P, Response to SIR-1.35 <u>Additional discussion on landscape feathering with specific locations for landscape feathering is in process. Keystone is currently identifying other visual resource mitigation measures through agency contacts.</u>
			X	c) Localized location adjustments. There was no discussion of localized location adjustments. However, there are numerous deviations from a straight alignment on the alternatives. For each deviation, describe the reasons for the deviation. <u>2/23/09 – DEQ – Incomplete (repeated comment)</u>	Attachment C Further discussion/clarification needed. <u>Attachment P, page P-23, clarification for Section 3.6(7)(c).</u>

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Circular MFSA-2 Section 3.7			X	<p>1) Baseline data and assessment of impacts, general and site specific mitigation.</p> <p>See comments below. For socioeconomics, the discussion is not detailed enough. Only taxes are given. What about jobs and income, time of construction, social effects, effects on services. Table 4-88 does provide a ranking of routes for 'socioeconomic considerations'.</p> <p><u>2/23/09 – DEQ Incomplete (repeated comment)</u></p>	<p>Chapter 4, Attachment A</p> <p>Further discussion/clarification needed.</p> <p><u>Text has been added to Chapter 4, Section 4.3.12.7 to address this based on conversations with Jeff Blend (DEQ).</u></p>
		X	X	<p>3) Construction crew size, skill and wage levels</p> <p>Include estimate wage levels</p>	<p>Chapter 4 – Section 4.3.12</p> <p>Attachment P, page P-2, first clarification for Section 3.7(3). <u>While this response was indicated complete by DEQ, a correction to the previously submitted information is included in this filing.</u></p>
		X	X	<p>6) Public attitudes and concerns</p> <p>Text on page 5-11 of the application states that "stakeholders raised a wide range of issues related to route locations and the route refinement process." Provide more information that characterizes the issues raised related to route locations and the route refinement process. Include written comments received after the November 2008 public notice. Also summarize and characterize the nature of comments received from county commissioners in the 6 counties along the proposed route. See the comment on Circular MFSA-2, Section 3.1(1)(a).</p>	<p>Chapter 5 – Section 5.3</p> <p>Text was inserted into Section 5.3.1 to clarify</p>

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Circular MFSA-2 Section 3.7 (Cont.)			X	d) <u>Concern to landowners & residents in close proximity</u> If no concerns were raised, say so. <u>2/23/09 – DEQ – Incomplete (repeated comment).</u>	Text has been inserted into Section 5.3.1 to address this. <u>To date, no concerns have been raised by landowners and residents in close proximity to the Project.</u>
				7) Access roads	Chapter 1 – Section 1.4.5 Chapter 4 – Section 4.3.11, Attachment N
			X	a) A discussion of access across areas listed in Circular MFSA-2 Section 3.2 (1)(d) and Section 3.4(1) If access roads do not cross any of these areas say so. If roads cross any of these areas, describe the impacts that would occur. <u>2/23/09 – DEQ – Incomplete (repeated comment).</u>	Chapter 4 – Section 4.3.11, Attachment N In process <u>Text and tables have been inserted to Attachment N to address this.</u>
			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 See comment above. <u>2/23/09 – DEQ – Incomplete (repeated comment).</u>	Chapter 4 – Section 4.3.11, Attachment N In process <u>Text and tables have been inserted to Attachment N to address this.</u>

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Circular MFSA-2 Section 3.7 (Cont.)			X	<p>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</p> <p>The estimated mileage of access roads crossing each category of mapped information requested below is missing.</p> <p><u>2/23/09 – DEQ Incomplete (repeated comment).</u></p>	<p>Attachment C, Chapter 4 – Section 4.3</p> <p>In process</p> <p><u>Text has been inserted into Chapter 4, Section 4.3.7.2 to address this request. In addition, text and tables have been inserted to Attachment N.</u></p>
				<p>9) Engineering of the facility in each alternative location:</p>	N/A
			X	<p>d) Compatibility or interference with transmission, transportation or communication facilities</p> <p><u>2/23/09 – DEQ – Incomplete</u></p>	<p>In process</p> <p><u>In process</u></p>
				<p>10) Visual resource and viewer information:</p>	N/A
			X	<p>b) Visual contrast overlay</p> <p>An overlay categorizing visual contrast of the proposed pipeline with the landscape of the impact zone is not provided. SIR-1.37: Describe how re-vegetation potential was considered when evaluating impacts following construction, especially in those areas where reclamation would be difficult.</p> <p><u>2/23/09 – DEQ Incomplete. See SIR. 2/11/09 – Keystone visual contrast overlay in process</u></p>	<p>Attachment A – Figure 4, Visual Resource Management Areas</p> <p>In process</p> <p><u>In process</u></p>

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Circular MFSA-2 Section 3.7 (Cont.)			X	c) Tabulation of classes of scenic quality DEQ – Incomplete <u>2/23/09 – DEQ Incomplete. Submit tabulation of scenic quality classes via mile-posting for pipeline alternatives</u>	Chapter 4 – Section 4.3.10 Further discussion/clarification needed <u>Attachment P, page _____, clarification for Section 3.7(10)(c).</u>
		X		e) Identification of key observation points Comment: Residential viewpoints, recreation and transportation viewpoints, and special areas were considered in the impact analysis, although an overlay showing their location was not provided. No representative viewpoints were considered. <u>3/4/09 – DEQ Complete – While marked complete, more information is requested based on a discussion with Nancy Johnson.</u>	Chapter 4 – Section 4.3.10 In process <u>In process</u>
		X		f) Viewer characteristics Comment: Proximity to the pipeline and number of residences were considered in the impact analysis. SIR-1.38: Figure 4 showing BLM Visual Resource Management Areas does not consider locations of residences, although views from residences are considered sensitive in the impact analysis. Provide the number of residences along each alternative within Management Areas II, III and IV. <u>2/23/09 – DEQ – See SIR</u>	Chapter 4 – Section 4.3.10 In process <u>Attachment P, page P-108, Response to SIR-1.38.</u>

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Circular MFSA-2 Section 3.7 (Cont.)			X	g) Photographs from observation points DEQ – Incomplete <u>2/23/09 – DEQ Incomplete. 2/11/09 Keystone indicates in process.</u>	Chapter 4 – Section 4.3.10 In process <u>Attachment P, page P-108, clarification for Section 3.7(10)(g).</u>
			X	h) Viewsheds for key observation points within 3/4 mile and within view of ROW and other pipeline facilities DEQ – Incomplete <u>2/23/09 – DEQ Incomplete. DEQ to evaluate submittal of information for 10(g).</u>	Chapter 4 – Section 4.3.10 Further discussion/clarification needed. <u>Also see Attachment P, page P-32, clarification for Section 3.7(10)(g).</u>
			X	11) Assessment of visual resource impacts See comments above for incomplete items for 10) a-h. Text on page 4-129 para 1 for Route A and on page 4-130 para 3 for Route A1A indicates that in VRM Class II areas at Frenchman Creek and Rock Creek Canyon, 'terrain and surface conditions would, for the most part, be amenable to successful reclamation in a reasonable time frame.' The timeframe laid out for completion of successful reclamation is 1-5 years. Specify by milepost, where in these Class II areas successful reclamation is not expected within 1-5 years. <u>2/23/09 – DEQ Incomplete. 2/11/09 – Items (10)(b)(c) and (g) to be submitted.</u>	Chapter 4 – Sections 4.3.10 Successful reclamation is expected in all areas within 1-5 years. <u>Clarification for Section 3.7(10)(b) is in process: see Attachment P, pages P-29 and P-32, clarification for Section 3.7(10)(c) and for Section 3.7(10)(g).</u>

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Circular MFSA-2 Section 3.7 (Cont.)				12) Description of existing biological resources and an assessment of impacts to these resources for each alternative and access road	Chapter 4 – Sections 4.3.3, 4.3.4 Clarification Request
			X	a) A list of species and habitats of greatest susceptibility to project- related impacts and an explanation of rationale used to create the list Species of plants and animals occupying each habitat type is not included. Explain the rationale for identifying 4 vegetation classes. <u>2/23/09 – DEQ Incomplete 2/11/09 – Additional field mapping is likely required as indicated in DEQ-Keystone discussions.</u>	Chapter 4 – Sections 4.3.3, 4.3.4 Attachment H See Attachment E for list of special status plants and animals and associated habitats. The four vegetation types were determined from the landcover dataset. This dataset was digitized from 2006 satellite imagery from the National Agriculture Imagery Program (NAIP). The landcover/landuse layer was subsequently compared and cropland types further attributed compared with Montana Department of Revenues (MDR) agricultural land reappraisal layer. <u>Mapping will be provided as surveys are completed.</u>
		X		b) An evaluation of impacts to each species or habitat listed in (a) including:	N/A

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Circular MFSA-2 Section 3.7 (Cont.)			X	(xviii) sage and sharp-tailed grouse leks and winter distribution Winter distribution for sage grouse is not addressed. <u>2/23/09 – DEQ Incomplete.</u>	Chapter 4 – Section 4.3.4 In process <u>Text has been inserted into Section 4.3.4.1 to clarify.</u>
			X	(xix) high waterfowl population densities DEQ – Incomplete <u>2/23/09 – DEQ Incomplete.</u>	Chapter 4 – Section 4.3.5 In process <u>Text has been inserted into Sections 4.3.4.1, 4.3.4.3, and 4.3.4.5, as well as Attachment O, Terrestrial and Aquatic Wildlife. Also see Attachment P, page P-65, clarification for Section 3.7(12)(b)(xix).</u>
			X	(xxiv) locations of known nests of raptorial birds within 0.5 mile of alternative facility locations The survey was ¼ mile on each side of centerline not ½ mile on either side. See p. 4-24. Also it was done very late in the year. <u>2/23/09 – DEQ Incomplete (repeated comment).</u>	Chapter 4 – Section 4.3.4, Attachment I The surveys located raptor nest locations regardless of activity status. Additional raptor surveys will be conducted during the nesting period prior to construction activities. Those surveys will incorporate this baseline data and be adjusted to fit the 0.5 mile buffer. <u>Information will be supplied as surveys are completed. Additional surveys are scheduled for April 2009 for 0.5 miles on either side of the pipeline centerline for each route.</u>

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Circular MFSA-2 Section 3.7 (Cont.)			X	<p>d) A description of the method used to evaluate impacts to wildlife, fisheries, and vegetation</p> <p>This stand-alone section should identify the sources of information used, how categories of impacts were identified, and the metric used to quantify impacts.</p> <p><u>2/23/09 – DEQ Incomplete (repeated comment). The lists in Appendix A and the text of the last paragraph does not identify the width of the 'route' used in the analysis. Associated facilities do not appear to be addressed.</u></p>	<p>Chapter 4 – Sections 4.3.3, 4.3.4</p> <p>The last paragraph on page 4.43 is a stand alone section that describes the methods used. It is listed under special status species but was the methodology for all wildlife along the project route.</p> <p><u>Where possible, information for the entire state of Montana was obtained for analysis. However, data from the National Heritage Program (NHP) only included information 10 miles on either side of the pipeline centerline (20 mile width).</u></p> <p><u>Information on associated facilities (power lines), including alternate routes, is in development. Development of these routes will continue throughout the NEPA/MEPA process. Analysis will be provided as it is available (DEQ conference call 3/12/09).</u></p>
			X	<p>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.</p> <p>DEQ – Incomplete</p> <p><u>2/23/09 – DEQ Incomplete. The description of the mitigating measures suggested by management agencies does not clearly identify the measures suggested by those agencies.</u></p> <p><u>2/11/09 – Identify the mitigating measures suggested by the agencies. Refer to the definition of mitigation on page 4 of the Circular MFSA-2.</u></p>	<p>Attachment F</p> <p>Mitigation measures that agencies will require for the Project have not been defined; Keystone will conform to the Best Management Practices listed in the CMRP.</p> <p><u>In addition to the previous response, see Attachment P, page P-66, clarification for Section 3.7(12)(f).</u></p>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.7 (Cont.)		X		14) Assessment of impacts to cultural, historical, and paleontologic resources.	Chapter 4 – Sections 4.3.8, 4.3.9 Environmental Consequences/ Construction Phase (Paleo)
		X		b) A discussion of whether the proposed facility would affect the qualities of:	N/A
			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). DEQ – Incomplete <u>2/23/09 – DEQ – Incomplete</u>	Chapter 4 – Section 4.3.9 Traditional Cultural Property information will be developed through the Department of State (as the lead federal agency) through government-to-government consultation with the tribes. <u>Regulations require that identification of traditional cultural properties occur through government-to-government consultation. This process is occurring through the DOS-led NEPA process.</u>
				15) Baseline data for recreation areas and sites	
			X	b) Description of each site or area, how area is used, and use level estimates DEQ – Incomplete <u>2/23/09 – DEQ Incomplete. 2/11/09 Keystone indicates in process.</u>	Chapter 4 – Section 4.3.2 In process <u>Attachment P, page P-69, clarification for Section 3.7(15)(b)</u>
		X		19) Noise, radio, and television impacts	

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.7 (Cont.)			X	c) Induced currents DEQ – Incomplete <u>2/23/09 DEQ – Incomplete. Associated power lines are not addressed.</u>	Chapter 4 – Section 4.3.13 Further discussion/clarification needed <u>No impacts due to induced current on the buried pipeline are anticipated; however, in the event that any occur, impacts would be mitigated for by Keystone. A discussion of impacts due to associated power lines will be included with the Response to SIR-1.42.</u>
			X	e) An assessment of the potential impacts of the electrical and magnetic fields generated by the facility DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.13 Further discussion/clarification needed <u>No impacts due to electrical or magnetic fields generated by the pipeline are anticipated.</u>
			X	f) Radio and television impacts Associated power lines are not addressed. <u>2/23/09 DEQ – Incomplete (repeated comment)</u>	Chapter 4 – Section 4.3.13 Further discussion/clarification needed <u>No impacts to radio or television due to the buried pipeline are anticipated. A discussion of impacts due to associated power lines will be included with the Response to SIR-1.42.</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8	Baseline data and impact assessment requirements			<p>1) Assessment of cumulative short and long term changes and adverse impacts for each alternative location</p> <p><u>2/23/09 – DEQ no indication of completeness. Pursuant to 75-20-104(8)(b)(i), MCA, the definition of a pipeline includes associated facilities. For the proposed Keystone XL Pipeline, associated facilities would be the five transmission lines less than 10 miles in length described in Table O-1 of the application. Baseline data and impact assessments must be completed for these associated facilities based on the impact zones described in Section 3.7 of Circular MFSA-2. Impacts are generally described in (Attachment O) for all resources but detailed analyses are missing and must be provided.</u></p>	<p>Chapter 4 – Sections 4.3.15</p> <p><u>Information on alternate facilities, including alternate routes, is in development. Development of these routes will continue throughout the NEPA/MEPA process. Analysis will be provided as it is available (DEQ conference call 3/12/09).</u></p>
				<p>c) must contain biological resource information required in 3.7(12) and the following information for each alternative location:</p>	<p>N/A</p>
			X	<p>(i) map at scale 1:4800 and min. resolution of 2 acres showing existing vegetation and land cover for the following impact zones</p> <p>DEQ – Incomplete</p> <p><u>2/23/09 – DEQ Incomplete. Information and mapping based upon 1 or 2 dominant species and 1 or 2 understory species needs to be provided for the impact zones below.</u></p>	<p>Waiver (hard copies) electronic data provided</p> <p>Further discussion/clarification needed</p> <p><u>Restricted surveys to within 300 feet of centerline – landowners have not provided for additional access. Detailed surveys are planned for spring 2009. Information will be provided to DEQ after surveys are completed (DEQ conference call 3/12/09).</u></p>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8 (Cont.)			✗	A) areas within 0.5 mile radius of pump or compressor stations DEQ – Incomplete <u>2/23/09 – DEQ completeness not indicated</u>	Attachment A – Mapbook 1 (scale 1:100K) Landuse/Landcover Further discussion/clarification needed <u>In process</u>
			X	B) crossing of streams with fishery value class of I or II or waterways with annual discharge of 1,000 cfs or more Detailed information must be provided for crossings of the Yellowstone and Missouri rivers and perhaps others, depending on average annual flow. <u>2/23/09 – DEQ (repeated comment).</u>	Attachment A – Figure 3, & 4.3.4, Big Game, Fisheries and Avian Distribution and Habitats Further discussion/clarification needed <u>Class I or II waterways crossed by Project routes include the Yellowstone and Missouri rivers; one additional river, the Milk River, is crossed with 1,000 cfs or more. All of these rivers will be crossed using HDD. Detailed surveys are planned for spring 2009. Information will be provided to DEQ after surveys are completed.</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8 (Cont.)			X	iii) description of aquatic habitat, fish populations, special use areas (spawning areas, etc...), and angler use for the following stream reaches: The detailed description of aquatic habitat, fish populations, and spawning sites is missing for (A), (C), and (D). <u>2/23/09 DEQ – Incomplete</u>	Further discussion/clarification needed <u>Attachment P, page P-71, clarification for Section 3.8(1)(c)(i)(B)(iii)</u>
			X	A) Perennial waterway extending 2 miles downstream from any trenched crossing DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.4 Further discussion/clarification needed <u>Based on 3/12/09 conference call with DEQ, Keystone is awaiting further clarification.</u>
			X	C) Waters that could be affected by a spill or leak DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.4 In process <u>In process</u>
			X	D) Reach of any stream where hydrostatic testing water will be withdrawn extending 1/4 mile upstream and 5 miles downstream from point of withdraw DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.4 In process <u>In process</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8 (Cont.)			X	iv) Assessment of the consequences of a spill or leak downstream of each crossing of a perennial waterway. Describe the resource that would be affected, magnitude of impact to fishery, description of spill detection, containment and cleanup The detailed assessment for each crossing of a waterway is missing, as is the description of proposed spill containment and cleanup techniques. <u>2/23/09 DEQ – Incomplete (repeated comment).</u>	Chapter 1 – Section 1.5.5, 1.5.6, 1.5.7, Attachment D (Risk Assessment) Further discussion/clarification needed <u>In process</u>
			X	v) Wetlands or waterfowl habitat downstream from a river crossing that would be adversely affected by a spill or leak. DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 1 – Section 1.5.5, 1.5.6, 1.5.7, Attachment D (Risk Assessment) In process <u>In process</u>
			X	g) Must contain water resource information required by section 3.7(18) and an assessment of stream crossing impacts for each perennial stream crossing per alternative crossing location. Estimates of floodplain disturbance are missing for each perennial stream crossed. The anticipated stream flow during construction was not found, and the amount of streambed excavation was not listed for each stream crossed. <u>2/23/09 DEQ Incomplete (repeated comment).</u>	Attachment J Further discussion/clarification needed <u>Based on 3/12/09 conference call with DEQ, this information will be further developed during the NEPA process.</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8 (Cont.)		X		h) Must contain information on potential noise required by section 3.7(19)(a) and (e). Only required for pumping and compressor stations near residences (see Circular for more specific information)	Chapter 4 – Section 4.3.2, Table 4.4-2
			X	i) Overlay to map and electronic equivalent required by section 3.6(2) indicating discharge points. The department may require: Specified discharge points for hydrostatic discharges were not listed nor were landowners, water supply wells, and the information describing existing ground water quality and uses within 1 mile of the discharge. <u>2/23/09 DEQ – Incomplete (repeated comment)</u>	N/A Further discussion/clarification needed <u>In process</u>
			X	(i) Discharge rates and chemical constituents Specifics are lacking for each discharge site, volumes are lacking, likely chemical composition of the discharge is lacking. <u>2/23/09 DEQ – Incomplete (repeated comment)</u>	Chapter 4 – Section 4.3.5 Further discussion/clarification needed. <u>Discharge from hydrostatic testing will be untreated water with chemical composition of the uptake waterbody. Because discharges will occur at an upland location using approved methods within the drainage of the source water, no significant differences to water chemistry are anticipated.</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.8 (Cont.)			X	(ii) discussion of potential and measures to be taken for emergencies and accidental spills of hydrostatic discharge and products Spills of hydrostatic test waters were not described. <u>2/23/09 DEQ – Incomplete (repeated comment)</u>	Attachment D Further discussion/clarification needed <u>Because the discharge is untreated water, no detrimental effects due to chemical constituents are anticipated. Therefore, emergency measures relating to spills would be limited to restoration of pre-existing contours.</u>
			X	(iii) measures to be taken to provide alternative water supplies or treatment should domestic, municipal, agricultural, commercial, or industrial supplies become adversely affected DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.5 Further discussion/clarification needed <u>Because the discharge is untreated water, no detrimental effects to domestic, municipal, agricultural, commercial, or industrial water supplies are anticipated in the event of a spill.</u>
			X	(iv) written evaluation of alternative disposal practices for maximization of environmental protection DEQ – Incomplete <u>2/23/09 DEQ – Incomplete</u>	Chapter 4 – Section 4.3.5 Further discussion/clarification needed <u>Alternative methods of hydrostatic water release are discussed in Section 8.4 of the Construction, Mitigation, and Reclamation Plan (CMRP), Attachment C. Use of energy dissipation devices will be determined on a site-specific basis, as each device is appropriate under different conditions. Use of each device at each location will be approved by and in accordance with permits issued by DEQ, ACOE, or other appropriate agencies.</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Circular MFSA-2 Section 3.9	Comparison of alternative locations	X		1a) Summary of the most important impacts of the facility SIR-1.41: Clarify the disbursement period for property tax payments to counties shown in Table 4-87 (page 4-178). Impact zones for associated facilities are not addressed. <u>2/23/09 – DEQ. See SIR</u>	Chapter 4 – Section 4.4 Disbursement – In process Impact zones – further discussion/clarification needed <u>See Attachment P, page P-115, Response to SIR-1.41 for a discussion on disbursement. A discussion on impact zones is in process.</u>
		X		c) Ranking of alternatives from best to worst	Chapter 4 – Section 4.4
		X		(xii) noise, radio, and television interference and electric effects SIR-1.42: How many residences are located within 500 feet of the associated powerlines? Would noise, radio, and television interference, and electrical effects be an issue? <u>2/23/09 – DEQ see SIR</u>	Chapter 4 – Section 4.4 Number of structures within 500 feet of associated transmission lines along alternate routes in Montana: Route A (16); Route A1A (32); Route B (20). Distance where effects will be noted is in development. <u>In process</u>
Circular MFSA- 2 Section 3.10	Selection of preferred location			1) Selection of applicant’s preferred alternative	Chapter 4 – Section 4.5
		X		a) The applicant’s selective criteria and how they were applied SIR-1.43: Text on page 4-181, section 4.5.1.6 says one of the avoidance areas was state land. For what reason did you avoid state land? <u>2/23/09 – DEQ Completeness not indicated. See SIR</u>	Chapter 4 – Section 4.5 State lands were crossed, however, some state lands were avoided for engineering or environmental reasons. <u>In process</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Subchapter 15					
17.20.1509	Design Characteristics		X	<p>8) Applies to Pipelines – 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.</p> <p><u>2/23/09 – DEQ Incomplete. Provide the tensile strength for the pipeline and the size and overall plan for the pump stations. What is the normal operating pressure for the pipeline.</u></p>	<p>Chapter 1 Section 1.3.2 and Section 1.3.3</p> <p>Further discussion/clarification needed</p> <p><u>Attachment P, page P-82, clarification for Section 17.20.1509(8).</u></p>
			X	<p>10) Applies to Pipelines – description of source of power for pump & compressor stations and indicate the proposed and alternative location of power supply lines for these stations.</p> <p>Impacts are generically described (Attachment O) for all resources and detailed analyses are missing.</p> <p><u>2/23/09 DEQ – Incomplete</u></p>	<p>Waiver (scale) – Attachment A, Transmission Line Figures 1, 2, and 3</p> <p>Further discussion/clarification needed</p> <p><u>Information on associated facilities (power lines), including alternative routes, is in development. Development of these routes will continue throughout the NEPA/MEPA process. Analysis of these routes will be provided as it is available (DEQ conference call 3/12/09).</u></p>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
17.20.1509 (Cont.)			X	11) Communication facilities Describe the microwave antennas and provide a diagram showing the size of the antennas. <u>2/23/09 DEQ – Incomplete (repeated comment)</u>	Chapter 1 – Section 1.3.6 <u>In process</u> <u>As noted in the figure added to Attachment P, page P-84, clarification for Section 17.20.1509(11), microwave towers at pump stations and at remote mainline valve sites will generally be approximately 33 feet in height. However, antenna height at select pump stations, as determined upon completion of a detailed engineering study, may be taller, but in no event will exceed a maximum height of 190 feet. All supporting wires for antennas of any height will be contained within the 50-foot permanent pipeline easement for remote mainline valves, or within the property boundary for pump stations.</u>
17.20.1511		X	X	4) Topsoil salvage a) Width of ROW for topsoil salvage. It is unclear where topsoil would be salvaged from the entire ROW. See p. 1-26, 1.4.4, last sentence, "and where there is another need to separate topsoil from subsoil." Please identify where these areas would be located and the reasons for additional topsoil stripping. <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.4.4 Chapter 1 – Section 1.4.4 Detailed information for topsoil removal will be determined prior to construction during preconstruction surveys and in consultation with landowners. <u>Attachment P, page P-86, clarification for Section 17.20.1511(4)(a) and (c).</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
17.20.1511 (Cont.)			X	c) Locations of alternatives for topsoil salvage See the comment under 4(a) above. <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.4.4 Detailed information for topsoil salvage will be determined prior to construction during preconstruction surveys and in consultation with landowners. <u>Attachment P, page P-86, clarification for Section 17.20.1511(4)(a) and (c).</u>
		X		7) Alternative methods of stream crossings	Chapter 1 – Section 1.4.7
			X	b) Estimates of trench width Provide the width that the burial depth would be carried laterally to account for lateral stream channel migration. <u>2/23/09 – DEQ Incomplete. Provide the width that the burial depth would be carried laterally to account for lateral stream channel migration. This information is needed for analyses of impacts.</u>	Chapter 1 – Section 1.4.7 To be completed prior to construction based on preconstruction surveys and calculations. The standard design is to install the pipeline five feet below the channel depth for a distance of 15 feet beyond normal high water banks. Each channel will be evaluated prior to construction and will take into account the hydrologic and hydraulic parameters associated with each. The crossings will be designed accordingly. <u>Attachment P, page P-88, clarification for Section 17.20.1511(7)(b) and (c).</u>
			X	c) Estimates of scour depth DEQ – Incomplete. <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.4.7 See the response to 17.20.1511(7)(b) above. <u>Attachment P, page P-88, clarification for Section 17.20.1511(7)(b) and (c).</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
17.20.1512			X	7) Detailed spill contingency plan, describing; DEQ Incomplete <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. <u>A SPCC Plan template is included in Attachment P, page P-90, clarification for Section 17.20.1512 (7)(a-g).</u>
			X	a) Immediate notification procedures DEQ – Incomplete <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. <u>A SPCC Plan template is included in Attachment P, page P-90, clarification for Section 17.20.1512 (7)(a-g).</u>
			X	b) Type and location of emergency response personnel and equipment DEQ Incomplete <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. <u>A SPCC Plan template is included in Attachment P, page P-90., clarification for Section 17.20.1512 (7)(a-g).</u>
			X	c) Any mutual aid agreements to supply personnel and equipment and respond in the event of a spill DEQ – Incomplete <u>2/23/09 – DEQ Incomplete</u>	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. <u>A SPCC Plan template is included in Attachment P, page P-90., clarification for Section 17.20.1512 (7)(a-g).</u>

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
17.20.1512 (Cont.)			X	d) Response procedures DEQ – Incomplete 2/23/09 – DEQ Incomplete	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. A SPCC Plan template is included in Attachment P, page P-90, clarification for Section 17.20.1512 (7)(a-g).
			X	e) Equipment testing procedures DEQ Incomplete 2/23/09 – DEQ Incomplete-	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. A SPCC Plan template is included in Attachment P, page P-90,, clarification for Section 17.20.1512 (7)(a-g).
			X	f) Frequency of field training exercises DEQ – Incomplete 2/23/09 – DEQ Incomplete-	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. A SPCC Plan template is included in Attachment P, page P-90,, clarification for Section 17.20.1512 (7)(a-g).
			X	g) Plan update procedures DEQ Incomplete 2/23/09 – DEQ Incomplete-	Chapter 1 – Section 1.5.7, Attachment B An illustrative SPCC will be provided. A project-specific plan will be finalized prior to construction. A SPCC Plan template is included in Attachment P, page P-90, clarification for Section 17.20.1512 (7)(a-g).

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ARM/Circular MFSA-2 Number or SIR	Rule Identifier or SIR Number	Complete	Incomplete	Generalized Rule Content and DEQ Comments or Requests	Response/Section Where Addressed
Supplemental Information Request (SIR) 1 – January 20, 2009					
SIR-1	6		X	Page 1-16, ¶ 1. Please provide a diagram showing microwave antennas, typical design and size.	In-process See Attachment P, page P-84, clarification for Section 17.20.1509(11) for a typical figure of microwave towers.
SIR-1	18		X	Page 4-42, ¶ 3. Please explain these techniques (address equipment and installation procedures) further. 2/23/09 – DEQ. How do these mitigation measures address equipment access.	Details of the BMPs referenced are found in the CMRP in sections 4.5, 6.4, and 7.7. Mitigation measures that address equipment access include methods to reduce the period and disturbance associated with equipment access that could contribute to water quality degradation. This could include use of timber mats, timber, flume with rock, and timber with rock, among other options.
SIR-1	21		X	Page 4-50, ¶ 3. Check with each county Conservation District crossed by the alternatives to determine which streams are considered perennial within the district and report your findings to DEQ.	In-process Attachment P, page P-93, Response to SIR-1.21.
Information requested at meetings	2/11/09 meeting in Helena, MT			Discuss siting/routing constraints in Canada that require crossing in Morgan, MT. Discuss a route alternative that follows the Express Pipeline and then the Platte Pipeline to Steele City.	Attachment P, page P-116, Response to request at DEQ meeting, 2/11/09.