

TransCanada
700 Louisiana Street
Houston, Texas, 77002
Tel: (832) 320-6134



June 4, 2020

Mr. Keenan Storrar
Montana Department of Environmental Quality
Water Protection Bureau
1520 E. 6th Avenue
Helena, MT 59601

RE: Keystone XL Pipeline Project – Joint Application for 401 Water Quality Certification and Section 10/404 Individual Permit Application

Dear Mr. Storrar:

Please find attached the TransCanada Keystone Pipeline, LP (Keystone) joint application package for 401 Water Quality Certification and Section 10/404 Individual Permit package for the portion of the proposed Keystone XL Pipeline Project located within the U.S. Army Corps of Engineers (USACE) Omaha District in Montana. A copy of this Individual Permit package was provided to Mr. Swade Hammond of the USACE, Billings office on June 1, 2020.

A check in the amount of \$20,000 is also enclosed as required.

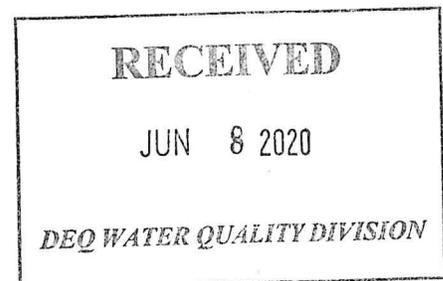
Should you require additional information or have questions with respect to this submittal, please contact Michael Aubele at (713) 439-3648 or me at (832) 320-6134.

Sincerely,

A handwritten signature in black ink that reads "Gayle Konik".

Gayle Konik, Manager, Environment
Keystone Pipeline Projects

cc: Cathy Juhas, USACE South Dakota Regulatory Office
Swade Hammond, Montana Regulatory Office
Michael Aubele, EXP Energy Services, Inc.
Jon Schmidt, EXP Energy Services, Inc.



Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # MT1011079 Date Received 6-8-20
Date Accepted _____ / Initials TMF Date Forwarded to DFWP _____

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name _____
Control Number _____ Contract letting date _____
MEPA/NEPA Compliance Yes No If yes, #14 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	PERMIT	AGENCY	FEE
<input type="checkbox"/>	310 Permit	Local Conservation District	No fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
<input checked="" type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input checked="" type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): TransCanada Keystone Pipeline, LP (Attn: Gayle Konik)

Has the landowner consented to this project? Yes No

Mailing Address: 700 Louisiana Street, Suite 700, Houston, Texas 77002

Physical Address: NA

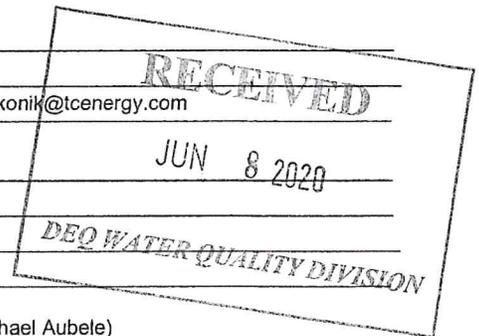
Day Phone: (832) 320-6134 Evening Phone: N/A E-Mail: gayle_konik@tcenergy.com

NAME OF LANDOWNER (if different from applicant): Various

Mailing Address: N/A

Physical Address: N/A

Day Phone: N/A Evening Phone: N/A E-Mail: N/A



NAME OF CONTRACTOR/AGENT (if one is used): EXP Energy Services, Inc. (Attn: Michael Aubele)

Mailing Address: EXP Energy Services, Inc., 1800 West Loop South, Suite 850 Houston, Texas 77027

Physical Address: N/A

Day Phone: 713-439-3648 Evening Phone: N/A E-Mail: mike.aubele@exp.com

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location See USACE Individual Permit Nearest Town Various

Address/Location: N/A Geocode (if available): N/A

1/4 1/4 1/4, Section _____, Township _____, Range _____ County Various

Longitude _____, Latitude _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, **PROVIDE WRITTEN DIRECTIONS TO THE SITE.**

C. PROJECT INFORMATION

1. **TYPE OF PROJECT** (check all that apply)

- | | | |
|-----------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input checked="" type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include:**

- a plan view (looking at the project from above)
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials
- drainage facilities
- an arrow indicating north
- a cross section or profile view
- an elevation view
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges

3. **IS THIS APPLICATION FOR** an annual maintenance permit? Yes No
(If yes, an annual plan of operation must be attached to this application – see "Information for Applicant")

4. **PROPOSED CONSTRUCTION DATE.** Include a project timeline. Start date 11 / 15 / 2020
Finish date 12 / 31 / 2022 Is any portion of the work already completed? Yes No
(If yes, describe the completed work.)

5. **WHAT IS THE PURPOSE** of the proposed project?

See Keystone XL Section 10/404 Individual Permit Package (Sects.1.0 & 1.1)

6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project.

See Keystone XL Individual Permit Package (Sect. 1.2)

7. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

See Keystone XL Section 10/404 Individual Permit Package (Sects. 3.0 & 4.0)

8. **PROJECT DIMENSIONS.** How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 3.0 & Appendix B & I)

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

See Keystone XL Section 10/404 Individual Permit Package (Sects. 3.0 & 4.0 and Appendix H & I)

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
Line 21 of Section 10/404		

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

See Keystone XL Section 10/404 Individual Permit Package (Appendix B)

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

- Minimize stream channel alterations?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

- Minimize effects on fish and aquatic habitat?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

- Minimize risks of flooding or erosion problems upstream and downstream?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 1.3 & Appendix B)

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

N/A

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

See Keystone XL Section 10/404 Individual Permit Package (Sect. 2.0)

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

- 1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

See Attached Keystone XL Section 10/404 Individual Permit Package

- 2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

See Attached Keystone XL Section 10/404 Individual Permit Package (Sections 3.0 & 4.0)

- 3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

N/A

- 4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit.

5. Floodplain Map Number _____

6. Does this project comply with local planning or zoning regulations? Yes No

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

After completing the form, make the required number of copies and then sign each copy. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project):
Print Name: Gayle Konik

LANDOWNER:
Print Name: N/A

Gayle Konik
Signature of Applicant Date 06/03/2020

N/A
Signature of Landowner Date

*CONTRACTOR/AGENT:
Print Name: Michael Aubele

Michael Aubele
Signature of Contractor/Agent Date 06/03/2020

*Contact agency to determine if contractor signature is required.

