

Appendix G

Project Permits and Clearances

Appendix G - Project Permits and Clearances

Agency	Permit or Consultation/Authority	Description	Date Submitted/Anticipated Submittal to Agency	Anticipated Receipt from Agency	Comments	Status of Permit/Clearance	
Federal							
Federal Energy Regulatory Commission (FERC)	Certificate of Public Convenience and Necessity, Section 7(c) of the Natural Gas Act		Apr-09	Certificate Received April 9, 2010 and accepted by Bison on April 29, 2010		Acquired	
US Department of the Interior Bureau of Land Management (BLM)	ROW Grant and Temporary Use Permit under Section 28 (Mineral Leasing Act [MLA])	Approval for ROW grant and temporary use permits for the portions of the Project that would cross federal lands.	Consultations initiated in May 2008. Preliminary SF 299 filed with BLM field office; Preliminary Cost Recovery Agreement in place. Final SF 299 Form has been submitted with Bison's Certificate Application.	Anticipated approval in May 2010		Consultations initiated in May 2008. Preliminary SF 299 filed with BLM field office; Preliminary Cost Recovery agreement executed.	
	Plan of Development (POD)	Approval of Project's detailed plan for construction, operation, and maintenance.	Will be submitted in June 2009 prior to issuance of DEIS in August 2009.	Anticipated approval in May 2010		In Process. Draft POD issued in June 2009, Jan 2010, and April 2010. Final POD issued on May 4, 2010.	
	Consultation and Concurrence for Section 106 Compliance Process	Cultural Resource File Search and Field Surveys; Unanticipated Discoveries Plan	Consultations initiated in May 2008. Consultations with BLM regarding cultural resources is still on-going.	Will be complete upon BLM approval of ROW Grant	Copies of correspondence to date are included in Bison's Certification Application, Appendix I.A.1. Upon the completion of field surveys in 2009, Cultural Survey reports will be forwarded to FERC, BLM and applicable state agencies by May 2010.		In Progress
	Cultural Resource Use Permits for Archaeological & Paleontological Projects	Permits and authorizes cultural and paleontological surveys or studies on BLM land; Field Use Authorization must also be submitted for the Project.	Jun-08				Obtained in July 2008
	Archaeological Resources Protection Act (ARPA) and Cultural Resources Use permit	Permit to excavate or remove cultural resources on federal lands.	Will be completed in 2009 prior to data recovery if required.	Will be completed only prior to data recovery if needed. None to date (April 15, 2010).			Only if needed based on survey results (none required to date 4/15/10)
	Sensitive Species Consultation (BLM Manual Chapter 6840)	Varies - may include habitat and/or species-specific surveys for BLM sensitive species on BLM land	Consultations initiated in May 2008	Will be complete upon BLM approval of ROW Grant and acceptance of Biological Assessment	Consultations with BLM regarding species are still on-going.		On-going; part of Biological Assessment
US Department of Interior-US Fish and Wildlife Service (USFWS)	Section 7 consultation Endangered Species Act (ESA), Biological Opinion (BO)	Consider lead agency findings of an impact of federally listed or proposed species. Approve Biological Opinion and issue take permits if the Project is likely to adversely affect federally listed or proposed species or their habitats.	Consultations initiated in May 2008; Biological Assessment was submitted in September 2009. BA issued with the FEIS in December 2009.	May-10	Consultations with the USFWS are on-going. Copies of correspondence to date are included in Bison's Certificate Application and subsequent filings.	Biological Assessment was submitted to the FERC and USFWS in September 2009. FERC has responded to the USFWS comments on its Biological Assessment. The EIS is intended to serve as the final Biological Assessment. Specific conservation measures for each species are currently being submitted to the USFWS.	
US Department of Defense-US Army Corp of Engineers (USACE) - Northwestern Division (Omaha District)	Section 404 of the Clean Water Act (CWA) -Nationwide Permit (NWP) No. 12 and regional conditions applicable.	Consider issuance of NWP for adverse impacts to wetlands and waterbodies crossed by the Project.	Draft Permit Application has been submitted with Bison's Certificate Application. Final application to be submitted upon PCN survey completion (June 2009).	ND NWP Rec. Aug 2009 ND NWP (Addendum) Rec. Oct 2009 MT NWP Rec. Aug 2009 MT NWP (Addendum) Rec. Nov 2009 WY NWP Rec. July 2009 WY NWP (Addendum) Rec. Nov 2009	Field surveys at all PCN locations will be completed in Spring 2010. Consultations with the USACE are on-going and regularly scheduled meetings are planned.	Pending WY NWP January Addendum approval	
US Department of Defense-US Army Corp of Engineers (USACE) - Northwestern Division (Omaha District)	Section 10 of the Rivers and Harbors Act of 1899—not applicable	Consider issuance of Section 10 permits for pipeline crossings of navigable waters.	Not required	Not required		Navigable Waters will not be impacted by the Project.	
USFWS Air Quality Branch (AQB)	Potential Class 1 Air Impact Review	Joint air modeling with state permits	Consultations to be initiated;	Not Required	Hettinger Compressor Station is not located in a Class I area.	Air permit application was filed with the North Dakota Department of Health in 2009 and a Permit to Construct the Hettinger Compressor Station was issued in August 2009.	
US Department of Transportation (USDOT) Federal Highway Administration (FHWA)	Encroachment Permit	Consider issuance of permits for the crossing of federally funded highways.	Application to be filed prior to construction	May-10		To be filed prior to construction	
USDOT Office of Pipeline Safety	49 CFR Part 192	Review and approval of Integrity Management Plan				To be filed prior to operations	
US Environmental Protection Agency (EPA), Region VIII	Section 401, CWA, Water Quality Certification	Consider approval of water quality certificate for waters or wetlands crossed.	Will be submitted as part of the Draft USACE Application in April 2009 and Final Application in June 2009-if applicable.	Oct-09	Will be submitted in conjunction with the USACE 404 Application.	401 delegated to states and considered during NWP approval process.	
	Section 402 of the CWA, National Pollutant Discharge Elimination System (NPDES)	Review and issue construction stormwater permit and general discharge permit for the discharge of hydrostatic test water. Implemented through each state where required except those located on Indian Country Lands.	Will be submitted to each state as indicated below.	Will be submitted to each state as indicated below.	Will be submitted in conjunction with each state's NPDES program permits.	Construction storm water permitting	
	Clean Air Act, as amended, 42 U.S.C.A. Section 7410-762 (PL 95-604, PL 95-95)	Refer to state sub-sections	Jun-09				Air permit application was filed with the North Dakota Department of Health in 2009 and a Permit to Construct the Hettinger Compressor Station was issued in August 2009.
US Department of Treasury - Bureau of Alcohol, Tobacco, and Firearms	Treasury Department Order No. 120-1 (former No. 221), effective 1 July 1972	Consider issuance of permit to purchase, store, and use explosives should blasting be required (if necessary).				Contractors will be required to have this permit, if necessary	
Advisory Council on Historic Preservation	Consultation and Concurrence for Section 106 Compliance Process	Federal agency may consult with the Council under extreme circumstances or if historic properties are adversely affected.	N/A	N/A	Not Required	Not required	
Wyoming							
Various	Crossing permits for: roads, highways, railroads, pipelines, cables, powerlines, and other utilities where applicable.		August 09 - Feb 09	May-10		To be filed prior to construction	

Appendix G - Project Permits and Clearances

Agency	Permit or Consultation/Authority	Description	Date Submitted/Anticipated Submittal to Agency	Anticipated Receipt from Agency	Comments	Status of Permit/Clearance
WY Department of State Parks and Cultural Resources State Historic Preservation Office (SHPO)	Section 106 clearance for cultural resources and NHPA	Review and comment on activities potentially affecting cultural resources.	Consultations initiated in May 2008; Draft Class III cultural reports submitted to FERC and BLM in December 2008, June 2009, and October 2009. Finals and final addendums issued to FERC, BLM, and SHPO in December 2009 and February 2010. Final addendum to be submitted in spring of 2010.	SHPO comments/concurrence: January and March 2010	Copies of correspondence to date are included in Bison's Certification Application and subsequent filings.	In Progress
WY Department of Environmental Quality Water Quality Division	Water Quality Certification (Section 401)	Covered under USACE NWP 12. 401 certification needed for Class 1 water crossings. No Class 1 waters are being crossed.	Submitted as part of the USACE Application in June 2009 with subsequent addendums.	Not Applicable.	Submitted in conjunction with the USACE 404 Application.	Covered during NWP PCN package review
	Application for Temporary Turbidity Increase	Includes water quality monitoring requirements	Submitted in March 2010	Obtained 3/25/2010	Permit for the Little Powder River	Authorization received on 3/25/10.
	General Permit for Temporary Discharge	Hydrostatic discharge and construction dewatering; includes water quality monitoring requirements	Will be submitted in April 2010	May-10		To be obtained prior to construction.
	General Permit for Stormwater Discharges for Construction Activities	Stormwater Discharges; includes water quality monitoring requirements	Submitted in February 2010			Authorization received on 3/9/10.
WY State Engineer's Office, Surface Water Division	Permit to Appropriate Surface Waters and Temporary Use of Unappropriated Water	Hydrostatic test water use, HDD water use, dust control water use.	Reservoir W1 expected to be submitted in April 2010. Reservoir W12 expected to be submitted in May 2010. Little Powder River submitted 3/5/2010.	May-10		To be obtained prior to construction. Little Power River authorization received on 3/29/10.
WY Natural Diversity Database	Review Project for impacts to state listed species	Consultations regarding natural resources.	Consultations initiated in May 2008	Review to be completed upon review of the Biological Assessment		In Progress; Concurrent with EIS
WY Office of State Lands and Investments (State Trust Lands)	Permit for temporary access roads through public land and permit for pipeline construction		Was submitted in July 2009	May-10	Fourteen of 15 lessee consent forms have been signed by the tenants of the lands required by the State. Upon completion, the lessee consent forms will be submitted to the State and the easement application will be processed.	To be obtained prior to construction.
County/local, as applicable	CRP Clearance		Initiated in January 2009	Approval anticipated prior to construction	Plan will be submitted and approved closer to construction when final engineering determinations have been made.	To be obtained prior to construction.
	Road crossing permits		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Construction permits/licenses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Special and conditional uses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
Montana						
	Crossing permits for: roads, highways, railroads, pipelines, cables, powerlines, and other utilities where applicable.		Sep-09	May-10		To be obtained prior to construction.
MT Historical Society MT State Historic Preservation Office (SHPO)	Section 106 consultation regarding NRHP eligibility of cultural resources and potential Project effects on historic properties, Compliance with Montana State Antiquities Act	Review and comment on activities potentially affecting cultural resources.	Consultations initiated in May 2008; Draft Class III cultural reports submitted to FERC and BLM in December 2008, June 2009, and October 2009. Finals and final addendums issued to FERC, BLM, and SHPO in December 2009 and January 2010. Final addendum to be submitted in spring of 2010.	SHPO comments/concurrence: January and February 2010	Copies of correspondence to date are included in Bison's Certification Application and subsequent filings.	In Progress
MT Department of Environmental Quality (DEQ)	MPDES (Montana Pollutant Discharge Elimination System)	Consider issuance of permit for hydrostatic test water discharge, trench dewatering, construction stormwater discharge.	Submitted in March 2010	Jun-10		Construction dewatering permit received on 2/16/10. Construction General Storm Water Permit received on 3/4/10. Hydrostatic Discharge (Disinfected Water General Permit) in process.
	Montana Major Facility Siting Act (MFSA)	MT DEQ has become a participating member with FERC in the FERC Pre-Filing process	Cost Recovery Agreement was set up in April 2009	Not Applicable. MT DEQ will review FERC Application concurrently with FERC		MT DEQ review of FERC Application, regulations indicate project is exempt from MFSA process.
	318 Authorization	Temporary turbidity in any state water. Will be notified by DEQ if required (based on 310 Permit) Part of MT Joint Application	Joint Permit Application was submitted in June 2009. A final waterbody list was submitted in February 2010.			Authorizations MTB0012909, MTB013109, and MTB013009 received on 4/19/10.
	Water Quality Certification (Section 401)	Covered under USACE NWP 12.	Was submitted as part of the USACE Application in June 2009	Waived		Covered under NWP. Received 401 certification for the USACE NWP 12 on June 2009 filing on 8/4/09.
MT DNRC/Local Conservation District	310 Permit	Private citizens and companies working in or near perennial streams. Part of MT Joint Application	Was submitted as part of the USACE Application in June 2009	Waived. Not Required	Fallon County is requiring that we file information pertaining to the Project for their records.	
MT DNRC - Water Resources Division (General)	Water Appropriation Permit (Form 606 Application to Change a Water Right)	Consider issuance of permit for water use for hydrostatic testing or water use for dust control and HDDs, if required	Will be submitted by water rights holder (private) in April 2010.	Anticipated to be obtained prior to hydrostatic testing	Gardner Reservoir (primary water source). Phillippi Reservoir (alternate source)	To be obtained prior to hydrostatic testing.
MT DNRC - Water Resources Division (Floodplain Management)	Floodplain Development Permit	For any compressor stations or meter sites in floodplains	Was submitted as part of the USACE Application in June 2009	Not Required	Was submitted in conjunction with the USACE 404 Application in June 2009.	Not required
MT DNRC Trust Land Management Division	Permit to obtain easement to cross state lands for permanent right-of-way, Land use license for construction corridor, MT DNRC compliance on state land	Consider issuance of permit for crossing of state owned land.	Will be submitted in July 2009	Anticipated to be obtained prior to construction		To be obtained prior to construction.
MT Fish Wildlife and Parks Department - Wildlife Division	Comment on Project and effects on natural resources, threatened and endangered species	Consultations regarding natural resources.	Consultations initiated in May 2008	Review to be completed upon review of the Biological Assessment	Consultations with the MTFWP are on-going. Copies of correspondence to date are included in Bison's Certificate Application. A Biological Assessment was submitted in September 2009.	In Progress; Concurrent with EIS
Department of Transportation - Billings District	State and Highway Encroachment Permit for pipeline and access roads that encroach state highway ROW	Consider issuance of permits for encroachment on state highways.	Nov-09	May-10		To be obtained prior to construction.
County/local, as applicable	FSA Approval of CRP		Initiated in January 2009	Approval anticipated prior to construction	Plan will be submitted and approved closer to construction when final engineering determinations have been made. This will also allow the application to reflect any design changes that result from FERC review of the Final Application	To be obtained prior to construction.

Appendix G - Project Permits and Clearances

Agency	Permit or Consultation/Authority	Description	Date Submitted/Anticipated Submittal to Agency	Anticipated Receipt from Agency	Comments	Status of Permit/Clearance
County/local, as applicable	County Noxious Weed Management Plan		Submitted for review in February 2010 to County Weed coordinators. Updated Plan submitted in May 2010.	To Be Determined		
County/local, as applicable	County floodplain		Was submitted as part of the USACE Application in June 2009	Not required		
	Road crossing permits		Aug-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Construction permits/licenses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Special and conditional uses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
North Dakota						
	Crossing permits for roads, highways, railroads, pipelines, cables, powerlines, and other utilities where applicable.		August 09 - Feb 10	May-10		To be obtained prior to construction.
State Historical Society of ND – State Historic Preservation Office (SHPO)	Section 106 compliance	Review and comment on activities potentially affecting cultural resources.	Consultations initiated in May 2008; Draft Class III cultural reports submitted to FERC and BLM in December 2008, June 2009, and October 2009. Finals and final addendums issued to FERC, BLM, and SHPO in December 2009 and January 2010. Final addendum to be submitted in February 2010.	SHPO comments/concurrence: January and March 2010	Copies of correspondence to date are included in Bison's Certification Application and subsequent filings.	In Progress
ND Dept. of Health, Division of Water Quality	Construction Storm water : NDR10-0000, Application (Notice of Intent) to Obtain Coverage Under NPDES General Permit for Storm Water Discharges Associated with Construction Activity	Includes Spill Prevention Control and Countermeasures Plan and Storm Water Pollution Prevention Plan	Submitted in February 2010			Authorization received on 2/24/10.
	Hydrostatic testing NDG-070000 (Temporary Dewatering/Hydrostatic testing Permit)	General discharge permit for dewatering and hydrotest discharges.	Submitted in February 2010			Authorization NDG070227 received on April 7, 2010.
	National Pollutant Discharge elimination Systems (NPDES) Permits, HDD discharge	NPDES permit for HDD fluid discharge	Anticipated to be submitted In April 2010, if necessary	To Be Determined		To be obtained prior to construction, if necessary.
	401 Certification	NWP No. 12. 401 Certifications approved by NDDOH for Class 1, 1a, 2 and 3 rivers.	Will be submitted as part of the Draft USACE Application in April 2009 and Final Application in June 2009			Obtained Dec-09. Covered during NWP review
ND State Water Commission	Navigable Water Crossing Permit: Application for Authorization to Construct a Project Within Islands and Beds of Navigable Streams and Waters (Sovereign Lands)	Submit application after USACE applications submitted and approved but prior to construction (at least 90 days). Water Resource District, legal description, dredge volume, water body affected, purpose & Project Description	Submitted in December 2009 (Cannonball River). Submitted in January 2010 (Heart River).	Obtained February 2010 (Cannonball River). Obtained March 2010 (Heart River).	Permit not applicable for Cedar Creek	Acquired (Cannonball River, Heart River)
ND State Water Commission	Temporary Water Use Permit: Temporary Water Permit SWC Form 247	Submit application at least 60 days before construction. Period of usage is up to one year. No filing fee and no map required.	Submitted in February 2010 (Little Missouri River). Submitted in February 2010 (Cannonball River). Submitted in February 2010 (Heart River).	May-10		Authorization received for Heart River (hydrostatic pre-test, pipeline construction) on 3/29/10, Little Missouri River (pipeline construction) on 4/2/10, and the Cannonball River (fugitive dust control) on 3/29/10.
ND Dept. of Health, Division of Air Quality	Permit to Construct (potentially minor source depending on emissions)		Submitted in June 2009			Obtained Aug 2009
	Permit to Operate (potentially minor source depending on emissions)					
ND Game and Fish	State Threatened and Endangered Species consultation and approval for construction on Game and Fish lands	Consultations regarding natural resources.	Consultations initiated in May 2008	Review to be completed upon review of the Biological Assessment	Consultations with the ND GF are on-going. Copies of correspondence to date are included in Bison's Certificate Application, Appendix 1.A.1. A Biological Assessment was submitted in September 2009, and upon the completion of field surveys.	In Progress
ND Land Department	Permit for easement access, lease, or management agreement		Will be submitted in July 2009	Anticipated to be obtained prior to construction	Easements will be submitted during the acquisition of land in 2009 and 2010.	To be obtained prior to construction.
	Noxious Weed Cost Share		Will be submitted for approval in February 2010	To Be Determined	Plan will be submitted and approved closer to construction when final engineering determinations have been made. This will also allow the application to reflect any design changes that result from FERC review of the Final Application	
ND Department of Transportation	State and Highway Encroachment Permit for pipeline and access roads that encroach state highway ROW	Consider issuance of permits for encroachment on state highways.	Nov-09	May-10		To be obtained prior to construction.
County/local, as applicable	FSA Approval of CRP		Initiated in January 2009	Approved, March 2009	Plan will be submitted and approved closer to construction when final engineering determinations have been made. This will also allow the application to reflect any design changes that result from FERC review of the Final Application	
	Morton County Weed Board - Cost Share Program		Will be submitted for approval in February 2010	To Be Determined	Plan will be submitted and approved closer to construction when final engineering determinations have been made. This will also allow the application to reflect any design changes that result from FERC review of the Final Application	
	County floodplain		Not required	Not required		
	Road crossing permits		August 09 - Feb 10	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Construction permits/licenses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.
	Special and conditional uses		Sep-09	Anticipated to be obtained prior to construction		To be obtained prior to construction.