

These abbreviated summary minutes and the audio recording will become the official adopted minutes at the next Land Board meeting when the board votes to officially approve them. Until then they are considered a draft.

MINUTES
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
January 18, 2022, at 9:00 a.m.
State Capitol, Room 303
Helena, MT

Please note: *The Land Board has adopted the audio recording of its meetings as the official record, as allowed by [2-3-212, MCA](#). These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to an electronic copy of these minutes and the audio recording is provided from the Land Board webpage at <http://dnrc.mt.gov/LandBoard>. The written minutes summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.*

Members Present

Governor Greg Gianforte
Attorney General Austin Knudsen (via Zoom)
Commissioner of Securities and Insurance Troy Downing
Secretary of State Christi Jacobsen
Superintendent of Public Instruction Elsie Arntzen

Members Absent

None

Testifying Staff

Kerry Davant, DNRC Deputy Director

Attachments

Related Materials, Attachment 1 – sign-in sheet
Related Materials, Attachment 2 Kasey Felder Testimony
Related Materials, Attachment 3 Steve Krum Testimony
Related Materials, Attachment 4 Lund Law Testimony
Related Materials, Attachment 5 Carah Ronan Testimony

Call to Order

00:00:24 Governor Gianforte called the meeting to order.
00:00:36 Superintendent Arntzen moved to approve the December 13, 2021, minutes. The motion was seconded by Commissioner Downing and carried unanimously.

Business Considered

0122-1 CABIN AND HOME SITES: FINAL APPROVAL FOR SALE

00:00:59 Mrs. Davant gave an overview of the item.
00:01:50 Governor Gianforte

Public Comment

None

00:02:02 Secretary Jacobsen moved to approve item 0122-1

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Board Discussion/Comments

00:02:12 Commissioner Downing
00:02:31 Governor Gianforte

00:02:33 The motion to approve item 0122-1 carried with a 4-1 vote Commissioner Downing opposed.

0122-2 CABIN AND HOME SITES: SET MINIMUM BID FOR SALE

00:02:40 Mrs. Davant gave an overview of the item.
00:03:13 Governor Gianforte

Public Comment

None

00:03:27 Superintendent Arntzen moved to approve item 0122-2.

Board Discussion/Comments

00:03:44 Commissioner Downing
00:03:50 Governor Gianforte
00:03:52 Commissioner Downing
00:04:34 Governor Gianforte

00:04:53 The motion to approve item 0122-2 carried with a 4-1 vote Commissioner Downing opposed.

0122-3 EASMENTS: STANDARD GRANT

00:05:04 Mrs. Davant gave an overview of the item.
00:05:57 Governor Gianforte

Public Comment

00:06:40 Calvin Lance, Laurel Resident
00:07:49 Governor Gianforte
00:07:53 Mr. Lance
00:07:54 Governor Gianforte
00:08:00 Adam Haight, Field Agent Labors Local 1686
00:08:19 Governor Gianforte
00:08:27 Kasey Felder, Laurel Resident
00:09:09 Governor Gianforte
00:09:15 Oli Tripp, Laurel Resident
00:10:15 Governor Gianforte
00:10:21 Mario Martinez, Representative for Carpenters and Mill Rights Montana
00:10:33 Governor Gianforte
00:10:37 Steve Krum, Laurel Resident
00:10:44 Governor Gianforte
00:10:58 Steve Krum
00:12:07 Governor Gianforte
00:12:14 Melanie Tripp, Laurel Resident
00:13:46 Governor Gianforte
00:13:54 John Johnson, Operating Engineers
00:14:05 Governor Gianforte

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00:14:14 Clint Penny, Business Manager Boiler Makers 11, Montana Building Trades
President
00:14:25 Governor Gianforte
00:14:31 Hertha Lund, Lund Law
00:16:11 Governor Gianforte
00:16:19 Shannon Heim, NorthWestern Energy
00:17:36 Governor Gianforte
00:17:41 Carah Ronan, Laurel Resident

Board Discussion/Comments

00:19:15 Governor Gianforte
00:19:57 Mrs. Davant
00:20:05 Governor Gianforte
00:21:28 Superintendent Arntzen
00:22:06 Mrs. Heim
00:22:08 Superintendent Arntzen
00:22:09 Mrs. Heim
00:22:26 Governor Gianforte
00:22:29 Mrs. Heim
00:22:33 Governor Gianforte
00:22:34 Mrs. Heim
00:22:35 Governor Gianforte
00:22:39 Mrs. Heim
00:23:04 Governor Gianforte
00:23:08 Mrs. Heim
00:23:09 Governor Gianforte
00:23:11 Superintendent Arntzen
00:23:28 Mrs. Heim
00:23:41 Governor Gianforte
00:23:42 Superintendent Arntzen
00:23:43 Governor Gianforte
00:23:49 Commissioner Downing
00:24:04 Governor Gianforte
00:24:11 Commissioner Downing

00:24:15 Secretary Jacobsen moved to approve item 0122-3. The motion was seconded by Commissioner Downing and carried unanimously.

General Public Comment

None

Adjournment

00:24:54 Adjournment

PRESIDENT

ATTEST

/s/ Greg Gianforte
Greg Gianforte, Governor

/s/ Kerry Davant
Kerry Davant, DNRC Deputy Director

**SIGN-IN SHEET
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
January 18, 2022, at 9:00 am**

NAME	AFFILIATION	E-MAIL	Check to be added to the interested parties list.
Hertha Lund	Lund Law	lund@lund-law.com	
Brian Boland	LABORERS Local 1686	Brian@MONTANA LABORERS. com	
Clint Penny	Boiler maker	CP@Boiler makers11.com	
CAROL ROUAN	MONTANA	CAROL ROUAN@YAHOO.COM	
Melanie Tripp	" "	melt@comtechmt.com	
Oli Tripp	" "	olit@comtechmt.com	
Mario Martinez	Carpenters 82	mmartinez@NWcarpenters.org	
Joel Worth	carpenters union	jworth@NWcarpenters.org	
Adam Haight	laborers #1686	adam@montanalaborers.com	✓
Kelsey Madeline Felder	Montana/personal	kmkfelder@outlook.com	
Steve Krum	Montana/personal	ss.novak67@hotmail.com	
John Johnson	OPERATORS 100E400		
Shannon Heim	NORTHWESTERN	shannon.heim@northwestern.com	
Kim Rickard	Laborers #1686	kimr@montanalaborers.com	
Jacy Chapman	laborers #1686	tracy@montanalaborers.com	
David Hoffman	NWE		

Email landboard@mt.gov or indicate on this sign-in sheet if you would like to be placed on the Land Board interested parties list.
 This sign-in sheet is a public record under Title 2, Chapter 6 of the Montana Code Annotated, but may not be reproduced or distributed for use as a mailing list without the permission of the named individuals under 2-6-1017, MCA.

Kasey Felder
1434 McMullen Ln
in Laurel

Governor and members of the Land Board,

Thank you for this opportunity to talk to you today regarding the NorthWestern Energy easement under the Yellowstone River in Laurel. I am here to ask you to defer or deny the request to modify the easement under the Yellowstone River.

I have lived in Montana most of my life, leaving for a few years only to return because Montana is my home. My husband and I have worked hard over the last 7 years to successfully start a small vineyard near the Yellowstone River in Laurel. Our goal is to eventually start a winery. We actively promote specialty crops as viable agriculture in Montana.

I like the truth and honesty. I call into question the integrity of NorthWestern Energy and applications they have filed. I used to work at an oil refinery for a maintenance department. Part of my responsibilities involved data management and verification of information. Northwestern claims they have a minor alignment correction for the easement under the Yellowstone River. Moving the bore entry location roughly 950 feet to the east of the originally proposed location does not seem to be a minor correction. Such a move changes the location and dynamics

under the riverbed. In my short experience digging through the data that was submitted by NorthWestern for the Floodplain permit, I've found numerous discrepancies in their paperwork including a bore plan/profile design that was not even close to representing the actual work location, and they have repeatedly ignored adjacent landowners. As an adjacent landowner to the pipeline route, I have had **ZERO** notification from the Yellowstone County floodplain office. My property rights are not being considered.

I've noticed that each government or permitting agency involved in this process has not looked at the "whole picture":

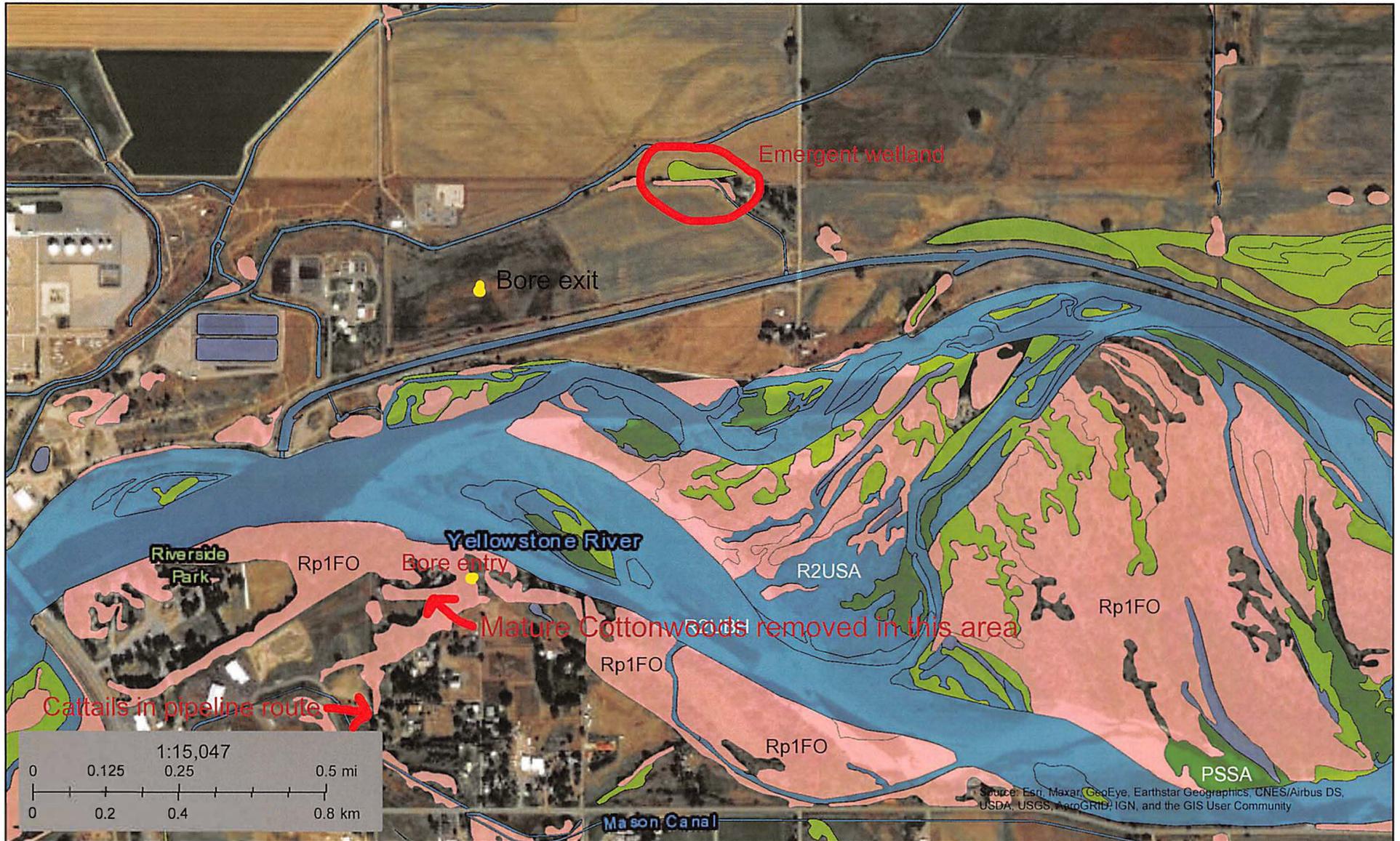
- There are Bald Eagles that nest on the river. They are active in the area year-round yet DNRC says there will be no impact.
- Wetlands have been disturbed: (See picture). The area shown has been excavated or disturbed already. There are cattails present. Per the US Army Corps of Engineers wetland plant definitions, cattails are an obligate wetland plant. While this area in question is not shown as a current wetland per USFWS Wetland map, the maps are not updated annually. A more thorough analysis of the area with site visits should be required.

- The irrigation canal running through our community (known as the Davis Ditch) has not had any notification regarding the pipeline route passing through it. This ditch is a major source water to maintain livestock and agriculture in the area.
- Safety concerns for the pipeline design and route. The new route is extremely close to several homes. A pipeline route must consider the existing and planned land use and environmental needs of the area. Boring a pipeline within 178 feet of the edge of the Yellowstone River in a known channel migration zone is reckless and lacks forethought.

Knowing that there is inaccurate data submitted for working around or under a treasure such as the Yellowstone River should not be acceptable to the DNRC nor the Land Board. I ask of you, the top five elected officials in the state, to sincerely take the safety of Montanans and the Yellowstone River into account before approving this. At the very least defer this modification and get someone out on the ground to verify what NorthWestern has submitted in their applications, hold Northwestern Energy accountable, and make sure that this pipeline doesn't put homeowners and the river at risk.

Thank you for your time and sincere consideration in this matter.





January 15, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine
- Rp System Riparian
- Lotic: Related to or living in flowing water.
- FO Class Forested: Woody vegetation greater than 6 meters in height.

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Montana State Land Board Meeting 1.18.2022 9 a.m.

Steve Krum
249 24th Avenue West
Laurel, Montana 59044

Governor Gianforte, Members of the Board. My name is Steve Krum, I^{am} retired

from the CHS Refinery as an Operations Zone Supervisor, my address is 249 24th

Avenue West, Laurel Montana. Thank You for allowing me to speak to you on this
I am here in support of My Daughter's Family, Kasey Felder & their Neighbors.

Issue. I am speaking in opposition to allowing this Easement across the

Yellowstone River, as this location is the worst possible location for a pipeline to

be put under the Yellowstone River and there is not a clear design or

understanding as to how this would be accomplished Safely.

In Pic 1 of the Packet I turned to:

- The River Crossing easement has moved 950' to the east on the south banks of the river from the original location. *Right side of Pic.*

- The landscape is dramatically different and the impact from the Boring is and has been heart breaking because of the physical damage NWE has already done to the Aesthetics of the Land to set up for boring.

Pic 2 of Packet

- This property is in a Historical Channel Migration Zone (CMZ) and is part of the Erosion Buffer Zone, *Pic 2*, constantly eroding away as also can be seen in time lapsed aerial photos that I previously provided.

- The Bore is located at a wider point in the riverbed ~1108 ft which increases the risk of failure.
- A statement from a Pipeline Experts Review ^{Richard Kuprewicz} ~~of the proposed line~~ ^{in the Packet} under the river has Serious Concerns with the 8" line inside 12" casing and lack of design data. ~~Copy provided~~, Please Note, the expert report contains numerous safety concerns that need to be addressed before the Land Board votes today. I urge you to read it closely before you vote.
- Any failure of the 8" line even at 50 under the riverbed inside the 12" casing will direct the hazardous material through the casing back to the surface and create a dangerous event at the surface, next to the nearby neighbors' homes.

The Bore Entry is ~178 ft off the river's edge, per the States' Environmental Assessment Checklist. Also, per the checklist the pipeline will be ~50 below the bed of the Yellowstone River.

In the first 3 pages of the Environmental Assessment Checklist, it is stated 5 times, 50' under the riverbed. There are 3 versions of the A-21010-1 drawing ^{Pic}, all show ^{in circulation,} designed on the same date March 24th, 2021, both the State and County modified versions show re-designed on Nov 17, 2021. The Modified Permit does not show ^{In Pic 3} the bore line to be 50' under the riverbed on either the States Version, ~~Pic 3~~ ^{Pic 4}, or

They are completely different.
Pic 5
the County's version ~~PEA~~. The original location where the easement permit application has been denied is the only drawing, ~~PEA~~, showing 50' under the riverbed. This modified permit must be rejected, ~~PEA/PA/PA?~~ a proper On Site and Complete Study MUST be done because of the Bore Entry Location Change, the Pipe in Pipe Concerns *other design Issues & Questions.* and the 3 different A-21010-1 drawings. The safety of the neighborhood and the community at large MUST be ensured. Please Deny this Permit Today.

Thank You.

Accufacts Inc.
“Clear Knowledge in the Over Information Age”

8151 164th Ave NE
Redmond, WA 98052
Ph (425) 802-1200
kuprewicz@comcast.net

January 16, 2022

To: Steve Krum
249 29th Ave West
Laurel, MT 59044

Re: Review of Proposed New Natural Gas Pipeline Installation across the Yellowstone River

Accufacts Inc. (“Accufacts”) was asked to review various files pertaining to an 8-inch natural gas pipeline project proposed by NorthWestern Energy to cross the Yellowstone River near Laurel, MT to feed a possible new gas fired electric power plant.¹ Over the past several decades I have consulted for various local, state, and federal agencies, NGOs, the public, and pipeline industry members on pipeline regulation, operation, and design, with particular emphasis on operation in unusually sensitive areas of high population density or environmental sensitivity.

The proposed NorthWestern Energy project would use a horizontal directional drilling (“HDD”) technique to cross under the Yellowstone River. The HDD, newly proposed as a reroute, will span approximately 2029 feet horizontally and is originally intended to place the 8-inch gas line within a 12-inch carrier line for some undefined reason. HDD by its nature places the pipeline well below the riverbed and out of the possible river scouring threat. My major concern with this proposal is related to the carrier pipe or proposed casing for the 8” HDD installation.² The proposed route for this river crossing is slightly further downstream from the ExxonMobil Silvertip pipeline rupture failure near Laurel that resulted in a massive transmission oil pipeline spill of July 1, 2011 in the Yellowstone River during flood stage. The original Silvertip Pipeline crossing the river was installed using conventional open cut trenching that subjected the pipeline to river scouring and influence that caused the pipeline to rupture. Within the general area of Laurel, there are several existing pipelines (both oil and natural gas) that have been installed or reinstalled with HDD that places such pipeline river crossing infrastructure below and out of the threat from river scouring at/near Laurel.

Specific pipeline details are missing in the files that I reviewed, such as the proposed 8-inch pipeline grade, thickness, seam weld type, and maximum allowable operating pressure, or MAOP, a specific term defined in minimum pipeline safety regulations. Given the lack of these details I cannot determine if the proposed pipeline is a high-pressure gas distribution pipeline, or more importantly, a natural gas transmission pipeline. Such important pipeline details should be made public as there is no bona fide reason to keep such important pipeline information confidential. I would recommend that any

¹ See <http://dnrc.mt.gov/public-interest/environmental-docs/2021/2021-12-7-row-signed-checklist-ea-northwest-energy-pipe-bore-amendment-yellowstone-river-15-2s-24e.pdf>.

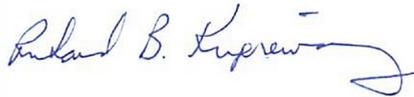
² Redacted Memorandum for Record, “Subject: Department of the Army Memorandum Documenting General Permit Verification – File MFR_Redacted.pdf,” dated August, 9, 2021.

regulator or public agency reviewing this project obtain and publicly disclose these key design details to allow for a reasonable safety review of the project.

While it may sound like a safety approach to install the 8-inch within a carrier pipe (pipe within a pipe), such carrier pipe is more commonly known as a casing within the pipeline industry. Such long span casing introduces the risk of the 8-inch pipe over time touching/contacting or shorting into the casing, even when well-intended spacers to try to maintain separation are employed. Such “shorted” pipe substantially increases the likelihood of rapid and unpredictable corrosion attack on the 8-inch pipe causing its failure, even rupture, if the pipeline is a gas transmission pipeline. Such pipeline failure within the casing will direct and release natural gas at the surface of the HDD entry and exit property locations. I would recommend that the reasons for installing a carrier pipe with this HDD be further explored, and strongly advise that the HDD be designed and implemented without the carrier pipe. The carrier pipe intent is the most dangerous of safety approaches because it creates the illusion of a safety that significantly increases the likelihood and consequences of a gas pipeline failure.

Lastly, a concern was raised about the 90-degree bends for the proposed new rerouted pipeline related to connecting to the existing pipeline, especially the new reroute pipeline crossing the Zito Brothers LLC Property showing 90 degree bends on various drawings.³ This proposed gas pipeline is most likely a gas transmission pipeline as compared to the older 8-inch existing pipeline that is apparently being converted from oil liquid service to natural gas service. The pipeline operator should adequately demonstrate to the public that the bends on the new pipeline segments are as strong as the new mainline pipeline.

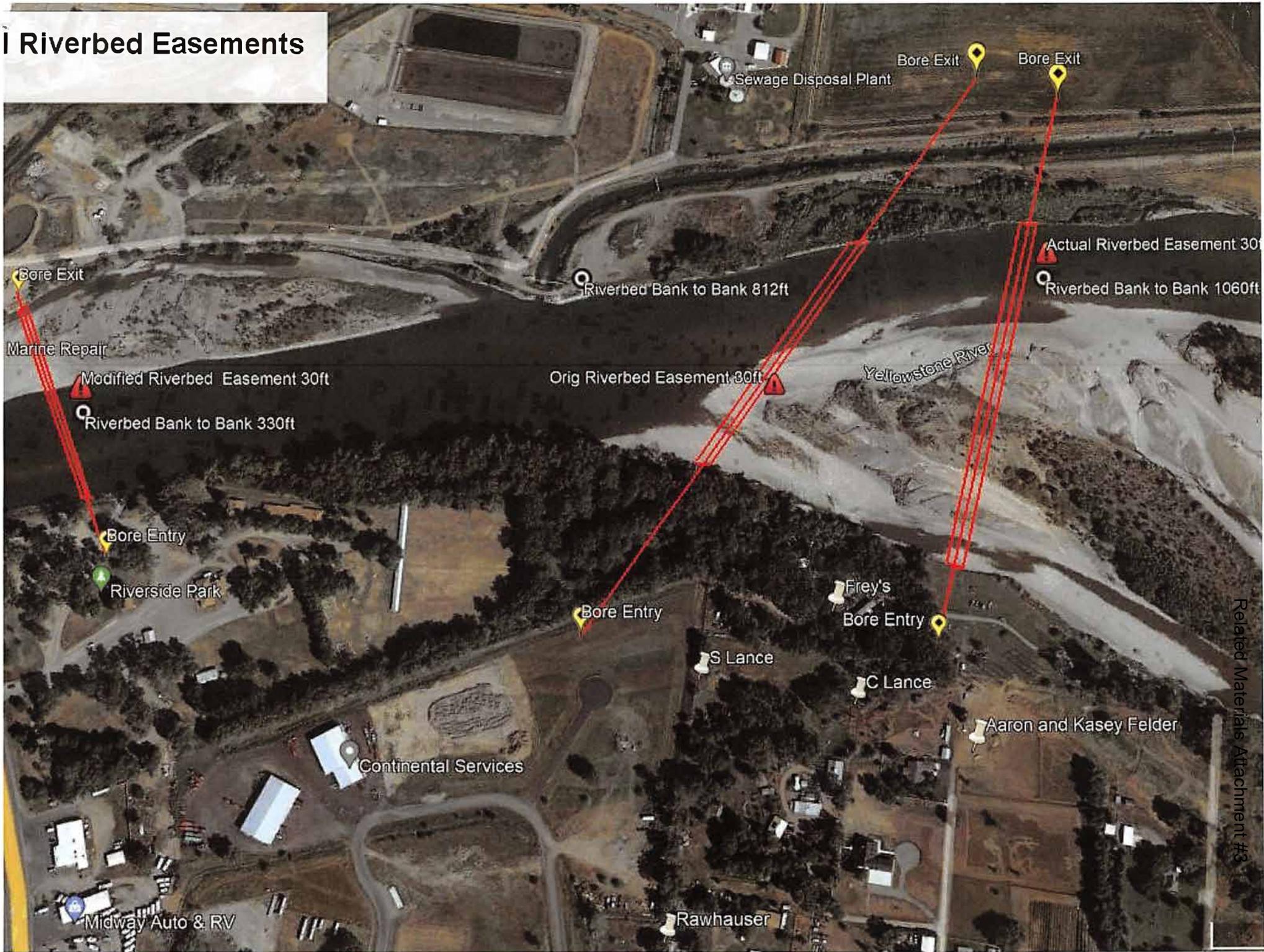
I thus advise the pipeline details as indicated above be made public and recommend that the HDD crossing design be modified to remove the use of carrier pipe around the 8-inch pipeline proposed for the HDD crossing.



Richard B. Kuprewicz
President,
Accufacts Inc.

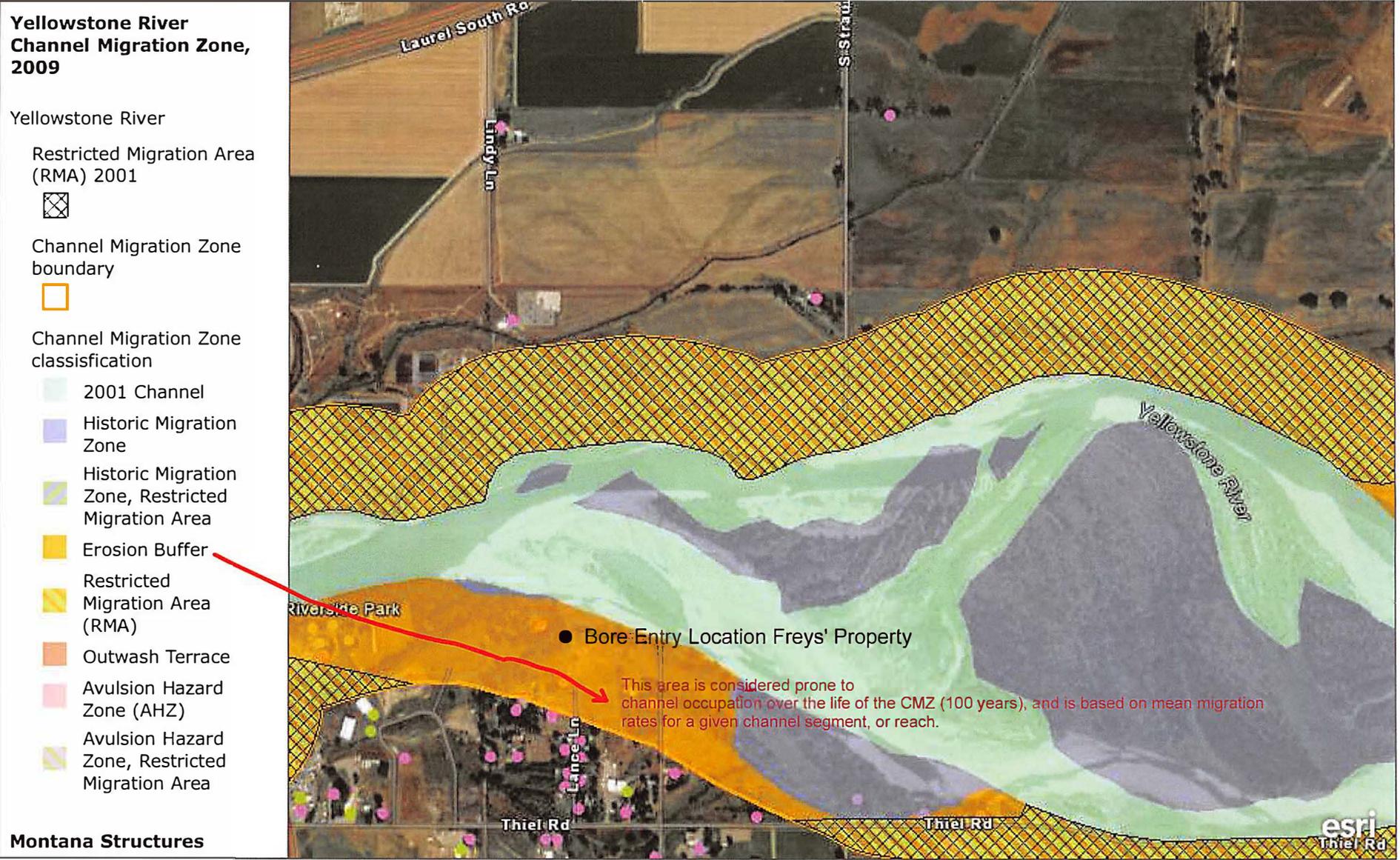
³ Terracon Consulting Engineers & Scientist. “NorthWestern Energy Byron 8” Natural Gas Pipeline - Yellowstone River Yellowstone County, Montana,” File NWO-2021-01211_20211123_Revised_PCN_Exhibits_Redacted.pdf, 5 pages of exhibits dated 11/23/2021, showing proposed new pipeline reroute of Byron Line 8” pipeline.

I Riverbed Easements

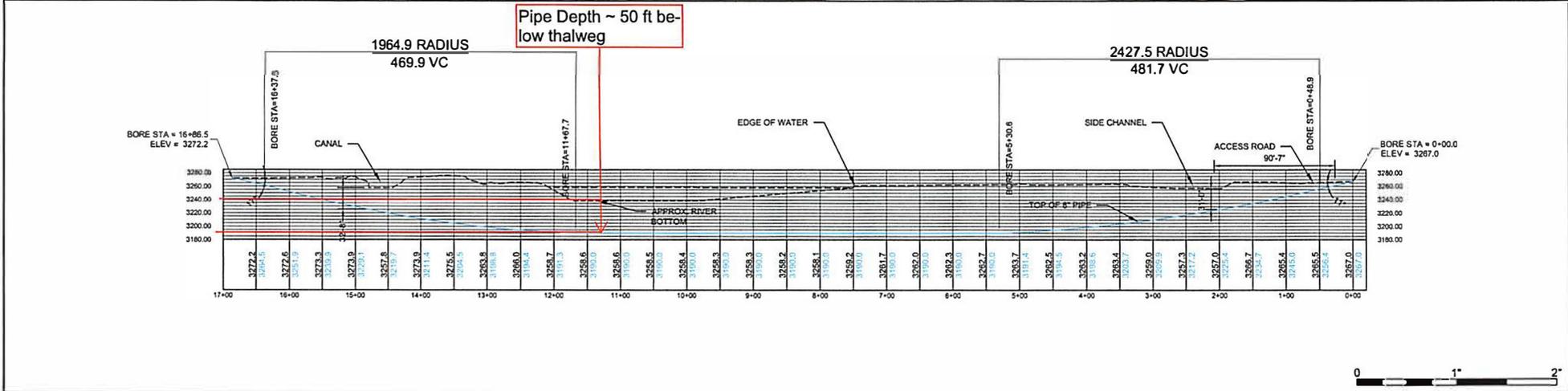
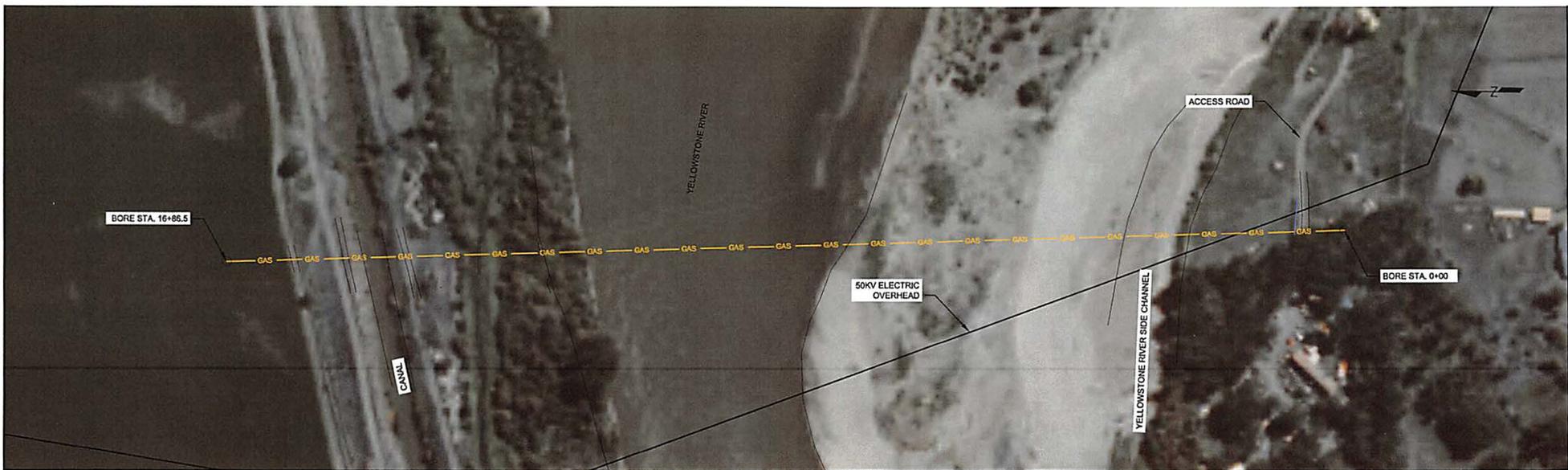


Related Materials Attachment #3

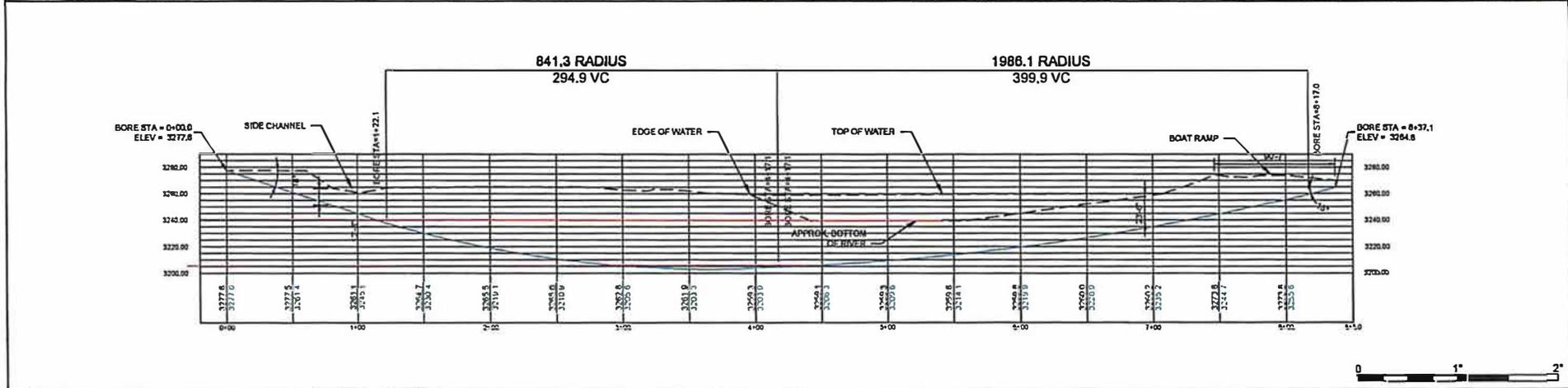
Channel Migration Zone of the Yellowstone River, 2009



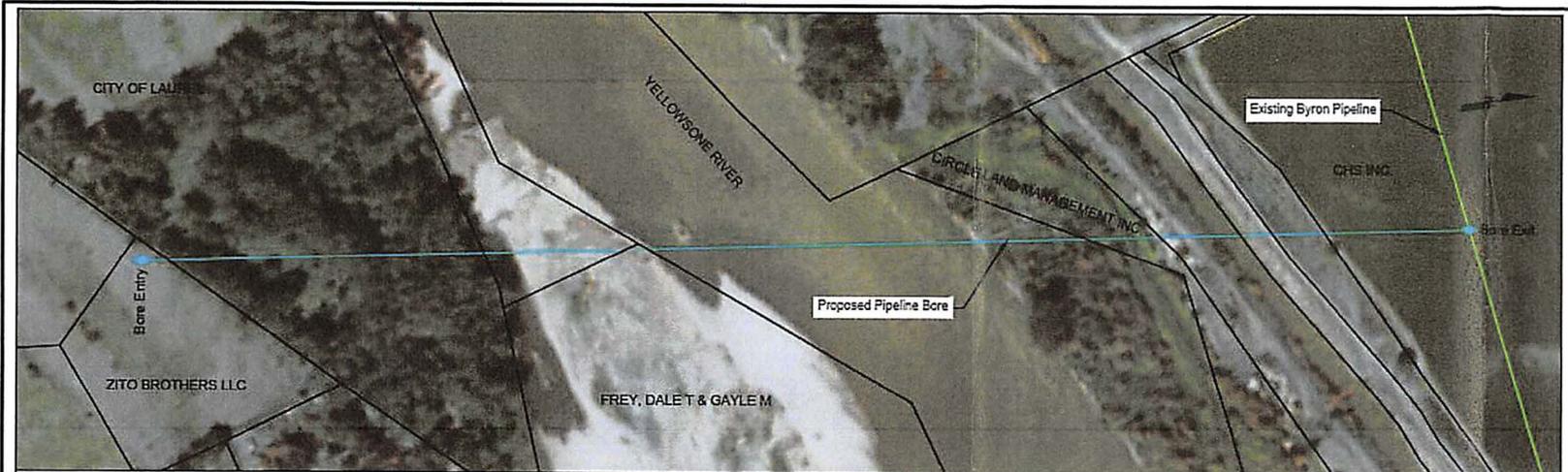
Channel Migration Zone of the Yellowstone River, 2009



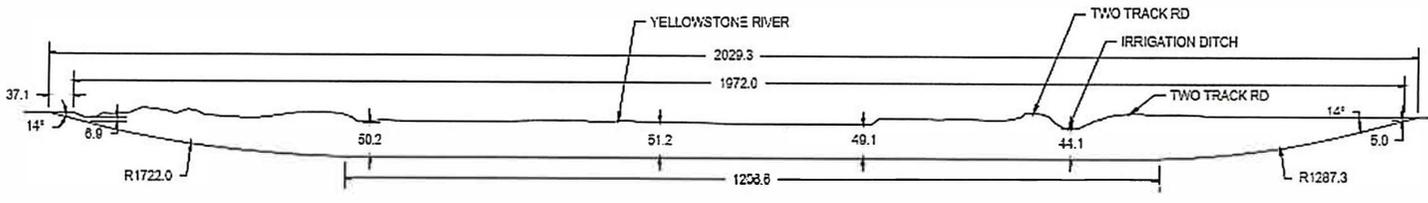
										NorthWestern Energy		BYRON LINE YELLOWSTONE RIVER CROSSING BORE PLAN/PROFILE SEC.15 T02N R24W		
1	Re Design	11/17/2021	JB								DRAWN	Josh Bush	DATE	MARCH 24, 2021
0	Design	3/24/2021	JB								CHECKED		SCALE	1:75
NO	REVISION	DATE	BY	CK	ENG	PE	APP	REFERENCE DRAWING	DWG. NO.	ENGINEERED	RYAN EGAN	APPROVED	DRAWING NUMBER	A-21010-1
														SHEET 1 OF 1



										NorthWestern Energy		BYRON LINE YELLOWSTONE RIVER CROSSING BORE PLAN/PROFILE SEC.15 T02N R24W		
1	Re Design	11/17/2021	JB							DRAWN	Josh Bush	DATE	MARCH 24, 2021	
0	Design	3/24/2021	JB							CHECKED		SCALE	1:75	
NO	REVISION	DATE	BY	CK	ENG	PE	APP	REFERENCE DRAWING	DWG. NO.	ENGINEERED	RYAN EGAN	APPROVED		
												DRAWING NUMBER	A-21010-1	SHEET 1 OF 1



Notes:



										NorthWestern Energy		BYRON L LINE YELLOWSTONE RIVER CROSSING BORE PLAN/PROFILE SEC.15 T2S R24E	
										DESIGN	RYAN GAN	DATE	MARCH 24 2021
										SCALE			
										DRAWING NUMBER	A-21010-1	SHEET 1 OF 1	
W:\GAS TRANSMISSION\GIS\GAS\PROJECTS\BYRON\A-21010-1.DWG 3/24/2021 3:15 P.M. 00018313													

Project No.	26217051	Project Manager:	JLR
Scale:	AS SHOWN	Drawn by:	JLR
Source:	NorthWestern Energy	Checked by:	JH
Date:	6/21/2021	Approved by:	JH

Terracon
Consulting Engineers & Scientists
2110 Overland Avenue, Suite 124 Billings, MT 59102
Phone (406) 658-3072 Fax (406) 658-3578

HDD Plan and Profile
NorthWestern Energy – Byron 8" Natural Gas Pipeline – Yellowstone River
Yellowstone County, Montana

Exhibit.	4
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Four Corners Pipeline Co.

1985 – 1989

Managed operations of crude oil and product pipelines/terminals/berths/tank farms operating in western U.S., including regulatory compliance, emergency and spill response, and telecommunications and SCADA organizations supporting operations.

- Position:** Vice President and Manager of Operations
Duties:
- > Full operational responsibility
 - > Major ship berth operations
 - > New acquisitions
 - > Several thousand miles of common carrier and private pipelines

Arco Product CQC Kiln

1985

Operations manager of new plant acquisition, including major cogeneration power generation, with full profit center responsibility.

- Position:** Plant Manager
Duties:
- > Team building of new facility that had been failing
 - > Plant design modifications and troubleshooting
 - > Setting expense and capital budgets, including key gas supply negotiations
 - > Modification of steam plant, power generation, and environmental controls

Arco Products Co.

1981 - 1985

Operated Refined Product Blending, Storage and Handling Tank Farms, as well as Utility and Waste Water Treatment Operations for the third largest refinery on the west coast.

- Position:** Operations Manager of Process Services
Duties:
- > Modernize refinery utilities and storage/blending operations
 - > Develop hydrocarbon product blends, including RFGs
 - > Modification of steam plants, power generation, and environmental controls
 - > Coordinate new major cogeneration installation, 400 MW plus

Arco Products Co.

1977 - 1981

Coordinated short and long-range operational and capital planning, and major expansion for two west coast refineries.

- Position:** Manager of Refinery Planning and Evaluation
Duties:
- > Establish monthly refinery volumetric plans
 - > Develop 5-year refinery long range plans
 - > Perform economic analysis for refinery enhancements
 - > Issue authorization for capital/expense major expenditures

Arco Products Co.

1973 - 1977

Operating Supervisor and Process Engineer for various major refinery complexes.

- Position:** Operations Supervisor/Process Engineer
Duties:
- > FCC Complex Supervisor
 - > Hydrocracker Complex Supervisor
 - > Process engineer throughout major integrated refinery improving process yield and energy efficiency

Qualifications:

Served for over fifteen years as a member representing the public on the federal Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC), a technical committee established by Congress to advise PHMSA on pipeline safety regulations.

Committee members are appointed by the Secretary of Transportation.

Served seven years, including position as its chairman, on the Washington State Citizens Committee on Pipeline Safety (CCOPS).

Positions are appointed by the governor of the state to advise federal, state, and local governments on regulatory matters related to pipeline safety, routing, construction, operation and maintenance.

Served on Executive subcommittee advising Congress and PHMSA on a report that culminated in new federal rules concerning Distribution Integrity Management Program (DIMP) gas distribution pipeline safety regulations.

As a representative of the public, advised the Office of Pipeline Safety on proposed new liquid and gas transmission pipeline integrity management rulemaking following the pipeline tragedies in Bellingham, Washington (1999) and Carlsbad, New Mexico (2000).

Member of Control Room Management committee assisting PHMSA on development of pipeline safety Control Room Management (CRM) regulations.

Certified and experienced HAZOP Team Leader associated with process safety management and application.

Education:

MBA (1976)

BS Chemical Engineering (1973)

BS Chemistry (1973)

Pepperdine University, Los Angeles, CA

University of California, Davis, CA

University of California, Davis, CA

Publications in the Public Domain:

1. "An Assessment of First Responder Readiness for Pipeline Emergencies in the State of Washington," prepared for the Office of the State Fire Marshall, by Hanson Engineers Inc., Elway Research Inc., and Accufacts Inc., and dated June 26, 2001.
2. "Preventing Pipeline Failures," prepared for the State of Washington Joint Legislative Audit and Review Committee ("JLARC"), by Richard B. Kuprewicz, President of Accufacts Inc., dated December 30, 2002.
3. "Pipelines - National Security and the Public's Right-to-Know," prepared for the Washington City and County Pipeline Safety Consortium, by Richard B. Kuprewicz, dated May 14, 2003.
4. "Preventing Pipeline Releases," prepared for the Washington City and County Pipeline Safety Consortium, by Richard B. Kuprewicz, dated July 22, 2003.
5. "Pipeline Integrity and Direct Assessment, A Layman's Perspective," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated November 18, 2004.
6. "Public Safety and FERC's LNG Spin, What Citizens Aren't Being Told," jointly authored by Richard B. Kuprewicz, President of Accufacts Inc., Clifford A. Goudey, Outreach Coordinator MIT Sea Grant College Program, and Carl M. Weimer, Executive Director Pipeline Safety Trust, dated May 14, 2005.
7. "A Simple Perspective on Excess Flow Valve Effectiveness in Gas Distribution System Service Lines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated July 18, 2005.
8. "Observations on the Application of Smart Pigging on Transmission Pipelines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated September 5, 2005.
9. "The Proposed Corrib Onshore System - An Independent Analysis," prepared for the Centre for Public Inquiry by Richard B. Kuprewicz, dated October 24, 2005.
10. "Observations on Sakhalin II Transmission Pipelines," prepared for The Wild Salmon Center by Richard B. Kuprewicz, dated February 24, 2006.
11. "Increasing MAOP on U.S. Gas Transmission Pipelines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated March 31, 2006. This paper was also published in the June 26 and July 1, 2006 issues of the Oil & Gas Journal and in the December 2006 issue of the UK Global Pipeline Monthly magazines.
12. "An Independent Analysis of the Proposed Brunswick Pipeline Routes in Saint John, New Brunswick," prepared for the Friends of Rockwood Park, by Richard B. Kuprewicz, dated September 16, 2006.
13. "Commentary on the Risk Analysis for the Proposed Emera Brunswick Pipeline Through Saint John, NB," by Richard B. Kuprewicz, dated October 18, 2006.
14. "General Observations On the Myth of a Best International Pipeline Standard," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated March 31, 2007.
15. "Observations on Practical Leak Detection for Transmission Pipelines – An Experienced Perspective," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated August 30, 2007.
16. "Recommended Leak Detection Methods for the Keystone Pipeline in the Vicinity of the Fordville Aquifer," prepared for TransCanada Keystone L.P. by Richard B. Kuprewicz, President of Accufacts Inc., dated September 26, 2007.
17. "Increasing MOP on the Proposed Keystone XL 36-Inch Liquid Transmission Pipeline," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated February 6, 2009.
18. "Observations on Unified Command Drift River Fact Sheet No 1: Water Usage Options for the current Mt. Redoubt Volcano threat to the Drift River Oil Terminal," prepared for Cook Inletkeeper by Richard B. Kuprewicz, dated April 3, 2009.

19. "Observations on the Keystone XL Oil Pipeline DEIS," prepared for Plains Justice by Richard B. Kuprewicz, dated April 10, 2010.
20. "PADD III & PADD II Refinery Options for Canadian Bitumen Oil and the Keystone XL Pipeline," prepared for the Natural Resources Defense Council (NRDC), by Richard B. Kuprewicz, dated June 29, 2010.
21. "The State of Natural Gas Pipelines in Fort Worth," prepared for the Fort Worth League of Neighborhoods by Richard B. Kuprewicz, President of Accufacts Inc., and Carl M. Weimer, Executive Director Pipeline Safety Trust, dated October, 2010.
22. "Accufacts' Independent Observations on the Chevron No. 2 Crude Oil Pipeline," prepared for the City of Salt Lake, Utah, by Richard B. Kuprewicz, dated January 30, 2011.
23. "Accufacts' Independent Analysis of New Proposed School Sites and Risks Associated with a Nearby HVL Pipeline," prepared for the Sylvania, Ohio School District, by Richard B. Kuprewicz, dated February 9, 2011.
24. "Accufacts' Report Concerning Issues Related to the 36-inch Natural Gas Pipeline and the Application of Appleview, LLC Premises: 7009 and 7010 River Road, North Bergen, NJ," prepared for the Galaxy Towers Condominium Association Inc., by Richard B. Kuprewicz, dated February 28, 2011.
25. "Prepared Testimony of Richard B. Kuprewicz Evaluating PG&E's Pipeline Safety Enhancement Plan," submitted on behalf of The Utility Reform Network (TURN), by Richard B. Kuprewicz, Accufacts Inc., dated January 31, 2012.
26. "Evaluation of the Valve Automation Component of PG&E's Safety Enhancement Plan," extracted from full testimony submitted on behalf of The Utility Reform Network (TURN), by Richard B. Kuprewicz, Accufacts Inc., dated January 31, 2012, Extracted Report issued February 20, 2012.
27. "Accufacts' Perspective on Enbridge Filing to NEB for Modifications on Line 9 Reversal Phase I Project," prepared for Equiterre Canada, by Richard B. Kuprewicz, Accufacts Inc., dated April 23, 2012.
28. "Accufacts' Evaluation of Tennessee Gas Pipeline 300 Line Expansion Projects in PA & NJ," prepared for the Delaware RiverKeeper Network, by Richard B. Kuprewicz, Accufacts Inc., dated June 27, 2012.
29. "Impact of an ONEOK NGL Pipeline Release in At-Risk Landslide and/or Sinkhole Karst Areas of Crook County, Wyoming," prepared for landowners, by Richard B. Kuprewicz, Accufacts Inc., and submitted to Crook County Commissioners, dated July 16, 2012.
30. "Impact of Processing Dilbit on the Proposed NPDES Permit for the BP Cherry Point Washington Refinery," prepared for the Puget Soundkeeper Alliance, by Richard B. Kuprewicz, Accufacts Inc., dated July 31, 2012.
31. "Analysis of SWG's Proposed Accelerated EVPP and P70VSP Replacement Plans, Public Utilities Commission of Nevada Docket Nos. 12-02019 and 12-04005," prepared for the State of Nevada Bureau of Consumer Protection, by Richard B. Kuprewicz, Accufacts Inc., dated August 17, 2012.
32. "Accufacts Inc. Most Probable Cause Findings of Three Oil Spills in Nigeria," prepared for Bohler Advocaten, by Richard B. Kuprewicz, Accufacts Inc., dated September 3, 2012.
33. "Observations on Proposed 12-inch NGL ONEOK Pipeline Route in Crook County Sensitive or Unstable Land Areas," prepared by Richard B. Kuprewicz, Accufacts Inc., dated September 13, 2012.
34. "Findings from Analysis of CEII Confidential Data Supplied to Accufacts Concerning the Millennium Pipeline Company L.L.C. Minisink Compressor Project Application to FERC, Docket No. CP11-515-000," prepared by Richard B. Kuprewicz, Accufacts Inc., for Minisink Residents for Environmental Preservation and Safety (MREPS), dated November 25, 2012.
35. "Supplemental Observations from Analysis of CEII Confidential Data Supplied to Accufacts Concerning Tennessee Gas Pipeline's Northeast Upgrade Project," prepared by Richard B. Kuprewicz, Accufacts Inc., for Delaware RiverKeeper Network, dated December 19, 2012.

36. "Report on Pipeline Safety for Enbridge's Line 9B Application to NEB," prepared by Richard B. Kuprewicz, Accufacts Inc., for Equiterre, dated August 5, 2013.
37. "Accufacts' Evaluation of Oil Spill Joint Investigation Visit Field Reporting Process for the Niger Delta Region of Nigeria," prepared by Richard B. Kuprewicz for Amnesty International, September 30, 2013.
38. "Accufacts' Expert Report on ExxonMobil Pipeline Company Silvertip Pipeline Rupture of July 1, 2011 into the Yellowstone River at the Laurel Crossing," prepared by Richard B. Kuprewicz, November 25, 2013.
39. "Accufacts Inc. Evaluation of Transco's 42-inch Skillman Loop submissions to FERC concerning the Princeton Ridge, NJ segment," prepared by Richard B. Kuprewicz for the Princeton Ridge Coalition, dated June 26, 2014, and submitted to FERC Docket No. CP13-551.
40. Accufacts report "DTI Myersville Compressor Station and Dominion Cove Point Project Interlinks," prepared by Richard B. Kuprewicz for Earthjustice, dated August 13, 2014, and submitted to FERC Docket No. CP13-113-000.
41. "Accufacts Inc. Report on EA Concerning the Princeton Ridge, NJ Segment of Transco's Leidy Southeast Expansion Project," prepared by Richard B. Kuprewicz for the Princeton Ridge Coalition, dated September 3, 2014, and submitted to FERC Docket No. CP13-551.
42. Accufacts' "Evaluation of Actual Velocity Critical Issues Related to Transco's Leidy Expansion Project," prepared by Richard B. Kuprewicz for Delaware Riverkeeper Network, dated September 8, 2014, and submitted to FERC Docket No. CP13-551.
43. "Accufacts' Report to Portland Water District on the Portland – Montreal Pipeline," with Appendix, prepared by Richard B. Kuprewicz for the Portland, ME Water District, dated July 28, 1014.
44. "Accufacts Inc. Report on EA Concerning the Princeton Ridge, NJ Segment of Transco's Leidy Southeast Expansion Project," prepared by Richard B. Kuprewicz and submitted to FERC Docket No. CP13-551.
45. Review of Algonquin Gas Transmission LLC's Algonquin Incremental Market ("AIM Project"), Impacting the Town of Cortlandt, NY, FERC Docket No. CP14-96-0000, Increasing System Capacity from 2.6 Billion Cubic Feet (Bcf/d) to 2.93 Bcf/d," prepared by Richard B. Kuprewicz, and dated Nov. 3, 2014.
46. Accufacts' Key Observations dated January 6, 2015 on Spectra's Recent Responses to FERC Staff's Data Request on the Algonquin Gas Transmission Proposal (aka "AIM Project"), FERC Docket No. CP 14-96-000) related to Accufacts' Nov. 3, 2014 Report and prepared by Richard B. Kuprewicz.
47. Accufacts' Report on Mariner East Project Affecting West Goshen Township, dated March 6, 2015, to Township Manager of West Goshen Township, PA, and prepared by Richard B. Kuprewicz.
48. Accufacts' Report on Atmos Energy Corporation ("Atmos") filing on the Proposed System Integrity Projects ("SIP") to the Mississippi Public Service Commission ("MPSC") under Docket No. 15-UN-049 ("Docket"), prepared by Richard B. Kuprewicz, dated June 12, 2015.
49. Accufacts' Report to the Shwx'owhamel First Nations and the Peters Band ("First Nations") on the Trans Mountain Expansion Project ("TMEP") filing to the Canadian NEB, prepared by Richard B. Kuprewicz, dated April 24, 2015.
50. Accufacts Report Concerning Review of Siting of Transco New Compressor and Metering Station, and Possible New Jersey Intrastate Transmission Pipeline Within the Township of Chesterfield, NJ ("Township"), to the Township of Chesterfield, NJ, dated February 18, 2016.
51. Accufacts Report, "Accufacts Expert Analysis of Humberplex Developments Inc. v. TransCanada Pipelines Limited and Enbridge Gas Distribution Inc.; Application under Section 112 of the National Energy Board Act, R.S.C. 1985, c. N-7," dated April 26, 2016, filed with the Canadian Nation Energy Board (NEB).
52. Accufacts Report, " A Review, Analysis and Comments on Engineering Critical Assessments as proposed in

PHMSA's Proposed Rule on Safety of Gas Transmission and Gathering Pipelines," prepared for Pipeline Safety Trust by Richard B. Kuprewicz, dated May 16, 2016.

53. Accufacts' Report on Atmos Energy Corporation ("Atmos") filing to the Mississippi Public Utilities Staff, "Accufacts Review of Atmos Spending Proposal 2017 – 2021 (Docket N. 2015-UN-049)," prepared by Richard B. Kuprewicz, dated August 15, 2016.
54. Accufacts Report, "Accufacts Review of the U.S. Army Corps of Engineers (USACE) Environmental Assessment (EA) for the Dakota Access Pipeline ("DAPL")," prepared for Earthjustice by Richard B. Kuprewicz, dated October 28, 2016.
55. Accufacts' Report on Mariner East 2 Expansion Project Affecting West Goshen Township, dated January 6, 2017, to Township Manager of West Goshen Township, PA, and prepared by Richard B. Kuprewicz.
56. Accufacts Review of Puget Sound Energy's Energize Eastside Transmission project along Olympic Pipe Line's two petroleum pipelines crossing the City of Newcastle, for the City of Newcastle, WA, June 20, 2017.
57. Accufacts Review of the Draft Environmental Impact Statement for the Line 3 Pipeline Project Prepared for the Minnesota Department of Commerce, July 9, 2017, filed on behalf of Friends of the Headwaters, to Minnesota State Department of Commerce for Docket Nos. CN-14-916 & PPL-15-137.
58. Testimony of Richard B. Kuprewicz, president of Accufacts Inc., in the matter West Goshen Township and Concerned Citizens of West Goshen Township v. Sunoco Pipelines, L.P. before the Pennsylvania Public Utilities Commission, Docket No. C-2017-2589346, on July 18, 2017, on Behalf of West Goshen Township and Concerned Citizens of West Goshen Township.
59. Direct Testimony of Richard B. Kuprewicz, president of Accufacts Inc., on Behalf of Friends of the Headwaters regarding Enbridge Energy, Limited Partnership proposal to replace and reroute an existing Line 3 to the Minnesota Office of Administrative Hearings for the Minnesota Public Utilities Commission (MPUC PL-9/CN-14-916 and MPUC PL-9/PPL-15-137), September 11, 2017 and October 23, 2017.
60. Direct Testimony of Richard B. Kuprewicz On Behalf of The District of Columbia Government, before the Public Service Commission of the District of Columbia, in the matter of the merger of AltaGas Ltd. and WGL Holdings, Inc., Formal Case No. 1142, September 29, 2017.
61. Report to Mississippi Public Utilities Staff ("MPUS"), "Accufacts Review on Atmos Energy Corporation's Proposed Capital Budget for Fiscal Year 2018 related to System Integrity Program Spending (Docket N. 2015-UN-049)," prepared by Richard B. Kuprewicz, dated December 4, 2017.
62. Report to Hugh A. Donaghue, Esquire, Concord Township Solicitor, "Accufacts Comments on Adelphia Project Application to FERC (Docket No. CP18-46-000) as it might impact Concord Township," dated May 30, 2018.
63. Report to Mississippi Public Utilities Staff ("MPUS"), "Accufacts Review on Atmos Energy Corporation's Proposed Capital Budget for Fiscal Year 2019 related to System Integrity Program Spending (Docket N. 2015-UN-049)," prepared by Richard B. Kuprewicz, dated August 20, 2018.
64. Report to West Goshen Township Manager, PA, "Accufacts report on the repurposing of an existing 12-inch Sunoco pipeline segment to interconnect with the Mariner East 2 and Mariner East 2X crossing West Goshen Township," dated November 8, 2018.
65. Report to West Whiteland Township Manager, PA, "Accufacts Observations on Possible Pennsylvania State Pipeline Safety Regulations," prepared by Richard B. Kuprewicz, dated March 22, 2019.
66. Accufacts Public Comments on the Proposed Joint Settlement, BI&E v. Sunoco Pipeline L.P. ("SPLP"), Docket No. C-2018-3006534 ("Proposed Settlement"), submitted on August 15, 2019 to the Pennsylvania Public Utility Commission on the behalf of West Goshen Township as an intervener.
67. Report to West Whiteland Township Manager, Ms. Mimi Gleason, "Accufacts Perspective on Two Questions from West Whiteland's Board of Supervisors on Proposed Changes to ME 2 and ME 2X Construction/Operational Activities within West Whiteland," dated September 5, 2019."

68. Report to West Goshen Township Manager, Mr. Casey LaLonde, "Accufacts Report on the episode on the evening of 8-5-19 at the Mariner East Boot Road Pump Station ("Event"), Boot Road, West Goshen Township, PA," dated September 16, 2019.
69. Provided direct testimony before the Arizona Corporation Commission, In the Matter of the Application of Southwest Gas Corporation for the Establishment of Just and Reasonable Rates and Charges Designed to Realize a Reasonable Rate of Return on Fair Value of the Properties of Southwest Gas Corporation Devoted to its Arizona Operations (Docket No. G-01551A-19-0055), testified on behalf of Utilities Division Arizona Corporation Commission, February 19, 2020.
70. Report to West Goshen Township Manager, Mr. Casey LaLonde, "Accufacts Report on the Mariner East 2X Pipeline Affecting West Goshen Township," dated July 23, 2020.
71. Assisted the Commonwealth of Massachusetts, Office of the Attorney General in developing pipeline safety processes to be incorporated into the settlement agreement related to Columbia Gas' sale of Assets to Eversource following the Merrimack Valley, Massachusetts overpressure event of September 13, 2018.
72. Report to Natural Resources Defense Council, Inc., "Accufacts' Observations on the Use of Keystone XL Pipeline Pipe Exhibiting External Coating Deterioration Issues from Long Term Storage Exposure to the Elements," October 1, 2020.
73. Report to Pennsylvania Public Utilities Commission ("PAPUC"), "Accufacts Comments on Proposed Pennsylvania Intrastate Liquid Pipeline Safety Regulations," dated October 29, 2021, prepared for West Whiteland Township Board of Supervisors, West Whiteland Township, PA. Filed to PAPUC public web docket November 5, 2021 by West Whiteland Township under Reference Docket Number L-2019-3010267. Addresses suggested improvements in proposed pipeline safety rules for PA intrastate liquid transmission pipelines.



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January 18, 2022

TESTIMONY ON NW ENERGY APPLICATION (#19138) FOR EASEMENT TO LAY A PIPELINE UNDERNEATH THE YELLOWSTONE RIVER

Governor and members of the Land Board,

My name is Hertha Lund and I am here today representing a group of Laurel area landowners who reside near the proposed pipeline and the new major construction of a gas power plant. As you know:

- NW Energy filed an application before the PSC and then withdrew the application after questioning by the PSC staff and parties.
- NW Energy asked the City of Laurel for an easement and the City denied them.
- NW Energy filed an application to modify the current zoning with the City of Laurel and after questioning by the City withdrew its application.
- NW Energy failed to follow Yellowstone County's Floodplain regulations and now NW Energy is subject to an Order by the 13th Judicial District Court to comply with the law.
- NW Energy plans to bore through a ditch easement without permission, which would be a violation of private property rights.

You, as members of the Land Board, have a duty to direct the management of the DNRC Trust Lands, which includes the bed of the Yellowstone River. This issue is not about money and it is not about politics. The issues related to the easement that NW Energy is asking you to approve are many, as are questions about the pipeline design and public safety.

First, you have the sloppy process and failure to comply with many of the regulations and laws governing NW Energy's proposed action to bury a natural gas pipeline on private property and under the Yellowstone River. Many of those procedural snags imply a desire by NW Energy to ignore the public. If NW Energy is in a hurry and really needs this plant for production purposes, it seems it would be the wisest course of action to comply with the law, and respect neighboring landowners' constitutional rights for

public participation, their enjoyment of their own private property and the right to participate in public decisions.

Second, there are many safety concerns that have not been adequately explained and studied prior to any construction being done. For example, Richard B. Kuprewicz, an expert on pipelines, questioned NW Energy's plans. He raised the issue that the original Silvertip Pipeline installed near this same area ruptured. Also, he questioned why NW Energy failed to disclose the maximum allowable operating pressure or the MAOP value, which is a specific term defined in minimum pipeline safety regulations. NW Energy needs to come clean and share this information. Mr. Kuprewicz also raised safety concerns regarding the plan to put pipe within a pipe under the river due to concerns about future rupture. From my review of documents, NW Energy's request for a new easement is based on these new, faulty and/or deficient engineering plans.

Third, you have heard from landowners, some of whom are my clients who live near the rerouted pipeline. They have very legitimate concerns about the lack of environmental review. Why would the state allow NW Energy to circumvent state law in addition to its circumventing City and County regulations?

Fourth, nowhere in the record have I found a complete discussion of how this project will impact noise levels and other potential nuisance violations of property rights.

Finally, pursuant to MCA § 77-1-202(a), the Land Board has the duty to "secure the largest measure of legitimate and reasonable advantage to the state," and that such value must be determined by an appraiser. *Id* at (c). "Pursuant to the Montana Constitution, the Board of Land Commissioners is directed to administer the trust and act as the accountable trustee," the Montana Supreme Court found in 2005. *Friends of the Wild Swan v. Dep't of Natural Res. & Conservation*, 2005 MT 351, 330 Mont. 186, 127 P.3d 394. That case also found that the Land Board's trust duty is not limited in purpose to just the financial return. The Land Board has a duty to ensure that NW Energy is not allowed to install a pipeline with faulty engineering underneath the Yellowstone River.

On behalf of my clients, I respectfully request that you table this easement reroute request and postpone your vote until NW Energy has provided adequate responses to the issues raised today. As members of the Land Board, I ask you to exercise your duty to protect the state of Montana's Trust Lands, the Yellowstone River, and my clients' constitutional rights.

Thank you for the opportunity to testify.

Sincerely,



Hertha L. Lund
Lund Law, PLLC

Lund@Lund-Law.com

Carah Ronan
1721 Nicholas Lane
Laurel, Montana 59044
January 18, 2022

Good morning to the Land Board Commission and thank you for listening to my testimony here today. As a fourth generation Montanan I live on the South side of the Yellowstone River together with my husband and grandmother. Land fertile and rich for agriculture, a robust community and street signs, whose names reflect the families that have been there for generations. We are a community of Montanans with deep roots who watch out for one another and do things as we were taught; with respect, hard work and by the rule of law. Over the last week, Northwestern Energy has forged ahead with its plans to build its pipeline, though they have been denied by the Mayor and city council of Laurel to do so, TWICE. They are here today saying they are only making slight changes to the new gas line they are building. Over the last week and through all hours of the day and night, they have been placing their lines through our neighborhood and I can tell you first hand that the changes are anything but slight modifications. From my front door the pipeline is now only 397 steps (in size 8 muck boots) from our threshold. Not only that, but this new design has in it two 90 degree bends, one right at the end of our lane, the only entry and exit point for three homes. Across Theil Road at Old J.R. lane there are two families as well. These bends in the pipeline are weak points that could rupture and leak, yet Northwestern Energy has no mitigated escape plan for us if they do. We our no stranger to evacuations on the east side of the CHS refinery pipelines and have had to evacuate our homes twice in recent years, our only escape route potentially compromised by new pipelines and a methane plant. I am curious how Northwestern Energy plans to evacuate the families on Old J.R. and Nicholas Lane (and really all of the families on the

south end of the river) including my 87 year old grandmother WHEN something goes wrong, or is it that the families in this area are sacrificial sitting ducks in the wake of "progress"?

Northwestern Energy is willing to risk our lives, our lively hoods and properties in the path of their hasty and secretive building of a pipeline and project that has yet to be approved.

The actions of Northwestern Energy present long-term potential risk to our families. We believe the proposed new pipeline was hastily prepared when Northwestern Energy Failed to obtain its original easement and it has been inadequately reviewed with respect to the safety and health of nearby residence. I'm concerned about the potential effect on our groundwater on which we rely for our drinking water supply, for watering our livestock and our crops. We need a strong leadership to verify the nature of these claims and provide assurances that they are considered in the prosses of approving or denying these proposed changes in pipeline construction. Our community is a welcoming and vibrant one, and I invite each of you to come see for yourselves. I implore the state board of land commissioners to require a new environmental analysis that ADEQUATELY considers the proposed change in location. It is our right to know how these actions affect our health, safety and property rights and values. Please vote NO on the easement today, thank you.