

Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP
490 North 31st Street, Ste. 500
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

Peter R. Steenland
Peter C. Whitfield
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
Telephone: 202-736-8000
Email: psteenland@sidley.com
pwhitfield@sidley.com

Counsel for TransCanada Keystone Pipeline, LP and TC Energy Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL
NETWORK and NORTH COAST RIVERS
ALLIANCE,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP,
UNITED STATES DEPARTMENT OF
STATE; MICHAEL R. POMPEO, in his
official capacity as U.S. Secretary of State;
UNITED STATES ARMY CORPS OF
ENGINEERS; LT. GENERAL TODD T.
SEMONITE, Commanding General and
Chief of Engineers; UNITED STATES FISH
AND WILDLIFE SERVICE, a federal
agency; GREG SHEEHAN, in his official
capacity as Acting Director of the U.S. Fish
and Wildlife Service; UNITED STATES
BUREAU OF LAND MANAGEMENT, and
DAVID BERNHARDT, in his official

CV 19-28-GF-BMM

**TRANSCANADA
KEYSTONE PIPELINE, LP
AND TC ENERGY
CORPORATION'S
AMENDED STATUS
REPORT**

capacity as Acting U.S. Secretary of the Interior,

Defendants,

TRANSCANADA KEYSTONE PIPELINE, LP, a Delaware limited partnership, and TC ENERGY CORPORATION, a Canadian Public company,

Defendant-Intervenors.

On September 20, 2019, Defendants TransCanada Keystone Pipeline, LP and TC Energy Corporation (TC Energy) filed a status report with this Court, reporting on its intentions to take certain steps with regard to specific, pre-construction activities on private lands. (Doc. 62). Subsequently, TC Energy provided the Court, the parties and the public with a further update at a October 9, 2019 hearing (*see also* Doc. 64). That report stated that no construction or pre-construction work was planned for the remainder of 2019. Now, TC Energy submits this status report to update the Court on the presently planned work for 2020 involving both pre-construction activities and construction of the pipeline.

Specifically, TC Energy presently intends to commence construction of the 1.2 mile border-crossing segment of the Keystone XL Pipeline (Keystone XL) in April 2020. However, the construction of the border-crossing segment is dependent on receipt of a grant of right-of-way (ROW) and Temporary Use Permit from the Bureau of Land Management (BLM) and any additional necessary

authorizations to construct Keystone XL on federal land. Construction of Keystone XL pumping stations along the entire route of the pipeline is planned to commence in June 2020. In Nebraska, construction of a segment of Keystone XL would commence in June 2020, on one construction spread where no worker camps are required. In Montana and South Dakota, construction is planned to commence on certain pipeline segments in August 2020. This construction will continue in 2021. Mobilization of equipment to the construction right-of-way would commence 30-60 days in advance of construction in each of these areas.

To support the commencement of 2020 construction of Keystone XL on these dates, it is imperative that TC Energy engage in the following pre-construction activities beginning in February 2020 as set forth below. Note that beginning in August 2020, TC Energy will also conduct similar pre-construction activities in support of the 2021 construction season.

February 2020

Mobilization of Equipment: In February, TC Energy intends to begin mobilizing heavy construction equipment to sites designated for worker camps and pipeline storage yards in Montana, South Dakota, and Nebraska. TC Energy further plans to commence tree felling activity with landowners' consent in certain areas in South Dakota.

March 2020

Mobilization to U.S.-Canada Border: In March 2020, TC Energy intends to begin mobilizing equipment and personnel to the U.S.-Canada border in anticipation of constructing the 1.2 mile border-crossing segment of Keystone XL in April 2020, dependent on receipt of a ROW grant and Temporary Use Permit from BLM and any additional necessary authorizations. If it receives necessary authorizations from BLM and weather conditions permit, TC Energy also intends to conduct mowing in the right-of-way of the 1.2 mile border-crossing segment in March 2020.

Worker Camp, Contractor Yard and Pipe Yard Mowing: At sites designated for worker camps, construction yards and pipeline storage yards in Montana, South Dakota and Nebraska, TC Energy intends to conduct mowing on these private properties, weather permitting, beginning in March 2020. These activities are intended to deter migratory bird nesting during construction. But as is the case with residential, agricultural or commercial mowing, the vegetation subject to mowing will regenerate.

Water Collection: In March 2020, at five leased storage yards in Montana and South Dakota, TC Energy intends to install water tanks for the storage of water that will be used during construction.

April 2020

Construction of 1.2 Mile Border-Crossing Segment: If it receives a ROW grant and Temporary Use Permit from BLM and any other necessary authorizations, TC Energy intends to commence construction of the 1.2 mile border-crossing segment of the pipeline in April 2020.

Water Collection: In April 2020, TC Energy plans to fill with water the tanks located at five of its storage yards.

Pipe Yards: At previously prepared pipe storage yards in Montana and South Dakota, TC Energy will resume grounds-keeping activities (maintenance activities to preserve the property as a suitable pipe-storage area) in April 2020. Three other pipe storage yards slated for Nebraska are scheduled to be prepared for pipe storage also in April 2020. These private properties will be fully remediated following pipeline construction and returned to their original condition.

Pipe Transport: Beginning in April 2020, TC Energy intends to transport the pipe that will be used in construction by train to rail sidings and by truck to pipe storage yards that have been prepared for pipe storage.

Worker Camp Preparation: At ten worker camp sites in Montana, South Dakota, and Nebraska, TC Energy intends to conduct maintenance and install underground utilities and power beginning in April 2020. At four of those ten sites in Montana and South Dakota, TC Energy also intends to transport the worker

camp modules from remote storage locations to the camp sites and install them.

All of these sites are fully permitted under state law, are located on private property, and will be fully remediated and returned to their original condition when construction is over.

Construction Access Roads: TC Energy plans to construct construction access roads to pipeline and pump station sites in Montana, South Dakota, and potentially in Nebraska. This work is also expected to start in April 2020.

County Road Maintenance: Resuming in April 2020, TC Energy will again assist several South Dakota counties by conducting requested maintenance on existing unpaved county roads to reduce dust and facilitate all traffic during inclement weather.

DATED this 14th day of January 2020,

/s/ Peter R. Steenland, Jr.
Peter R. Steenland, Jr.
Peter C. Whitfield
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000 (telephone)
(202) 736-8711 (fax)
Email: psteenland@sidley.com
pwhitfield@sidley.com

/s/ Jeffery Oven
Jeffery J. Oven
Mark L. Stermitz
Jeffrey M. Roth
CROWLEY FLECK PLLP

490 North 31st Street, Ste. 500
P.O. Box 2529
Billings, MT 59103-2529
Telephone: 406-252-3441
Email: joven@crowleyfleck.com
mstermitz@crowleyfleck.com
jroth@crowleyfleck.com

*Counsel for TransCanada Keystone
Pipeline LP and TC Energy
Corporation*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today via the Court's CM/ECF system on all counsel of record.

/s/ Jeffery J. Oven