

**FIRST MODIFICATION TO AGREEMENT FOR TEMPORARY PRIVATE CROSSINGS,
HAUL ROAD, TWO SPUR ROADS, AND CROSSING APPROACHES**

From: Kuhl, Brooke
To: [Hausrath, Katherine](#)
Cc: [Ford, Jim](#); [Harris, Harley](#); [Capdeville, Mary](#)
Subject: RE: Parrot bid package, minor modifications to the BNSF drawings
Date: Wednesday, April 25, 2018 1:54:09 PM

Katherine,

BNSF has reviewed the memo and the revised drawings you provided. We understand that there are no substantive changes to the design documents that impact the railway property and will accept the revised drawings. To memorialize, we proposing adding the memo, updated design documents and this email as Attachments to the Access Agreement.

Brooke

From: Hausrath, Katherine [mailto:KHausrath@mt.gov]
Sent: Monday, April 23, 2018 9:51 AM
To: Kuhl, Brooke <Brooke.Kuhl@BNSF.com>
Cc: Ford, Jim <JFord@mt.gov>; Harris, Harley <HarleyHarris@mt.gov>; Capdeville, Mary <mcapdeville@mt.gov>
Subject: RE: Parrot bid package, minor modifications to the BNSF drawings

EXTERNAL EMAIL

Brooke,

I just wanted to touch bases with you about the minor changes to the Parrot figures referenced below. Let me know how BNSF wants to proceed on memorializing these types of changes to the drawings that were attached to the access agreement.

Thanks,

Katherine Hausrath
Assistant Attorney General
Montana Natural Resource Damage Program
***NOTE NEW e-mail: khausrath@mt.gov ***

From: Hausrath, Katherine
Sent: Friday, March 23, 2018 12:35 PM
To: Brooke Kuhl (brooke.kuhl@BNSF.com) <brooke.kuhl@BNSF.com>
Cc: Ford, Jim <JFord@mt.gov>; Harris, Harley <HarleyHarris@mt.gov>; Capdeville, Mary <mcapdeville@mt.gov>
Subject: Parrot bid package, minor modifications to the BNSF drawings

Brooke,

As you may have already seen, we have put the Parrot Tailings bid package out for bid. In the process of finalizing the drawings, our engineers noted some cleanup changes that needed to occur

to the drawings that were attached to the State-BNSF access agreement. As noted on the first page of the BNSF access agreement, the drawings are subject to modification by agreement of the parties. I asked our engineers to prepare the attached memo that outlines the changes and confirms that there are not changes to the remaining drawings; there are not substantive changes to the work that is planned for the BNSF premises. I have also sent the revised drawings through our ftp site.

Could you please have the BNSF folks take a look at these and confirm that they don't have any concerns with the changes? Let me know if you think a written agreement from BNSF regarding the revised drawings is sufficient, or if you think we should prepare an amendment to the access agreement.

Thanks,

Katherine Hausrath
Assistant Attorney General
Montana Natural Resource Damage Program
Montana Department of Justice
P.O. Box 201425
1720 Ninth Avenue
Helena, MT 59620-1425
(406) 444-0290
Cell: (406) 422-2826
***NOTE NEW e-mail: khausrath@mt.gov ***



To: Jim Ford, Katherine Hausrath, NRDP

From: Josh Vincent, PE, Water & Environmental Technologies, Inc.
Mark Brooke, PE, Morrison-Maierle, Inc.

Re: **Construction Drawing vs. Access Agreement Drawing Comparison**

Date: March 20, 2018

Per our discussion at our meeting on March 15, 2018, NRDP requested a summary of the differences between the Construction Drawings to be included in the Bid #1 Bid Package and the drawings included in the BNSF Railway Company access agreement.

As you know, details of the design have continued to change throughout this process, and the design team has made continued updates to the Construction Drawings in order to provide the most current and detailed information to potential bidders. The design team feels that although the drawings vary slightly, there will be no material changes to on the ground work, as describe below. This memo compares Construction Plans for the Bid #1 Bid Documents (Dated March 20, 2018) with those plan sheets in the agreement. Variations are summarized in the following sections.

BNSF Access Agreement

Sheet 1-3 - Parrot Tailings Removal Project Site Map (Dated 10/6/2017)

- Sheet 1-3 in the Agreement is consistent with Sheet 1-3 of the Bid #1 Construction Drawings. There are no changes.

Sheet 1-6 – Parrot Tailings Removal Bid Plan (Dated 10/6/2017)

- Sheet 1-6 in the Agreement is consistent with Sheet 1-6 of the Bid #1 Construction Drawings. There are no changes.

Sheet 1-7 (Dated 10/6/2017)

- Sheet 1-7 in the Agreement is consistent with Sheet 1-7 of the Bid #1 Construction Drawings. There are some minor fencing and labeling changes to this sheet:
 - o Staging area has been updated per BSB request.
 - o Post construction fence along Patriot Railroad was determined to be unnecessary and was removed.

- o Fencing on vacant lot south of Second Street was moved slightly north to avoid replacement during ET Cover construction (Bid #2).
- o No changes to fencing on BNSF property were made.
- o "Protective Barrier" label was added.
- o Details references were updated.

Sheet 1-9 – Property Boundary and Easement Map (Dated 10/11/2017)

- Sheet 1-9 in the Agreement is consistent with Sheet 1-9 of the Bid #1 Construction Drawings. There are some minor changes to this sheet:
 - o The Legend was updated to show "Parrot Tailings Removal Project Site" boundary and "Land Or Easement Holder".

Sheet 4-1 – Haul Road Sheet Index Plan (Dated 12/5/2017)

- Sheet 4-1 in the Agreement is consistent with Sheet 4-1 of the Bid #1 Construction Drawings. There some minor changes to this sheet:
 - o Stationing labels were removed from the Northwestern Energy power line.
 - o Duplicative stationing labels were removed from haul road.
 - o Labeling was cleaned up to better reflect site conditions.
 - o No substantive changes were made to the the BNSF Premises, including the area depicted as "Existing BNSF Riprap Ditch or Cap Area."

Sheet 4-2 – Haul Road Plan and Profile STA 0+00 to STA 13+00 (Dated 12/5/2017)

- Sheet 4-2 in the Agreement is consistent with Sheet 4-2 of the Bid #1 Construction Drawings. There are some minor changes to this sheet:
 - o Stationing labels were removed from the Northwestern Energy power line.
 - o Duplicative stationing labels were removed from haul road.
 - o Labeling was cleaned up to better reflect site conditions.
 - o Construction notes 11, 12, and 13 were added to provide clarification on the Contractor's responsibilities.
 - o No substantive changes were made to the the BNSF Premises, including the area depicted as "Existing BNSF Riprap Ditch or Cap Area."

Sheet 4-3 – Haul Road Plan and Profile STA 13+00 to STA 25+00 (Dated 10/11/2017)

- Sheet 4-3 in the Agreement is consistent with Sheet 4-3 of the Bid #1 Construction Drawings. There are no changes.

Sheet 4-5 – Haul Road Miscellaneous Details 1 of 2 (Dated 10/11/2017)

- Sheet 4-5 in the Agreement is consistent with Sheet 4-5 of the Bid #1 Construction Drawings. There is one change to this sheet:
 - o Construction Note 9 was added to provide clarification on the Contractor's responsibilities.

Sheet 4-6 – Haul Road Miscellaneous Details 2 of 2 (Dated 10/18/2017)

- Sheet 4-6 in the Agreement is consistent with Sheet 4-6 of the Bid #1 Construction Drawings. There is one change to this sheet:
 - o The wire gate detail was removed from the Construction Drawings. It was crossed out in the BNSF exhibit.

Sheet 4-7 – Haul Road Spur Plan and Profile (Dated 10/11/2017)

- Sheet 4-7 in the Agreement is consistent with Sheet 4-7 of the Bid #1 Construction Drawings. There are some slight changes to labeling, but no changes to line work or design features.

Sheet 4-7A – Haul Road Spur 2 Plan and Profile (Dated 10/18/2017)

- Sheet 4-7A in the Agreement is not included the Bid #1 Construction Drawings. There are no changes.

Sheet 4-9 – Haul Road Signing Plan (Dated 10/11/2017)

- Sheet 4-9 in the Agreement is consistent with Sheet 4-9 of the Bid #1 Construction Drawings. There are two changes to this sheet:
 - o A “N.I.C” note was added to the “Haul Trucks Entering” Sign on Spur Road 2.
 - o Construction Notes 5 and 6 were added to provide clarification on the Contractor’s responsibilities.

Sheet 9-1 – Phase I Stormwater BMP Plan – Haul Road (Dated 12/15/2017)

- Sheet 9-1 in the Agreement is consistent with Sheet 9-1 of the Bid #1 Construction Drawings. There are some slight changes to labeling, but no changes to line work or design features.

Sheet 9-5 – Phase I Stormwater BMP Details – Haul Road (1 of 3) (Dated 12/4/2017)

- Sheet 9-5 in the Agreement is consistent with Sheet 9-5 of the Bid #1 Construction Drawings. There are no changes.

Sheet 9-6 - Phase I Stormwater BMP Details – (2 of 3) (Dated 12/4/2017)
(Dated 10/11/2017)

- Sheet 9-6 in the Agreement is consistent with Sheet 9-6 of the Bid #1 Construction Drawings. There are no changes.

Sheet 9-7 - Phase I Stormwater BMP Details – Excavation Area (3 of 3) (Dated 12/4/2017)
(Dated 10/6/2017)

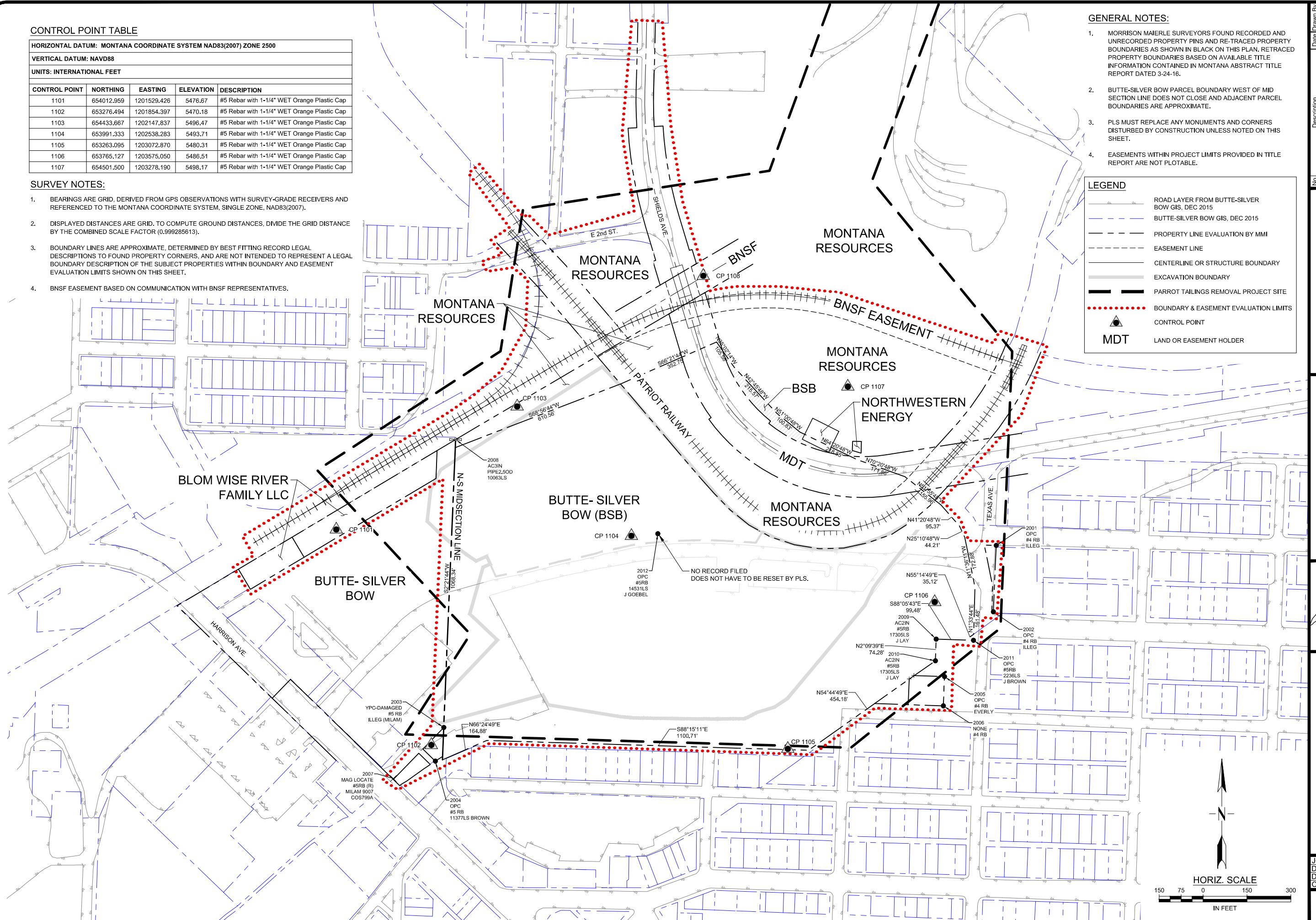
- Sheet 9-7 in the Agreement is consistent with Sheet 9-7 of the Bid #1 Construction Drawings. There are no changes.

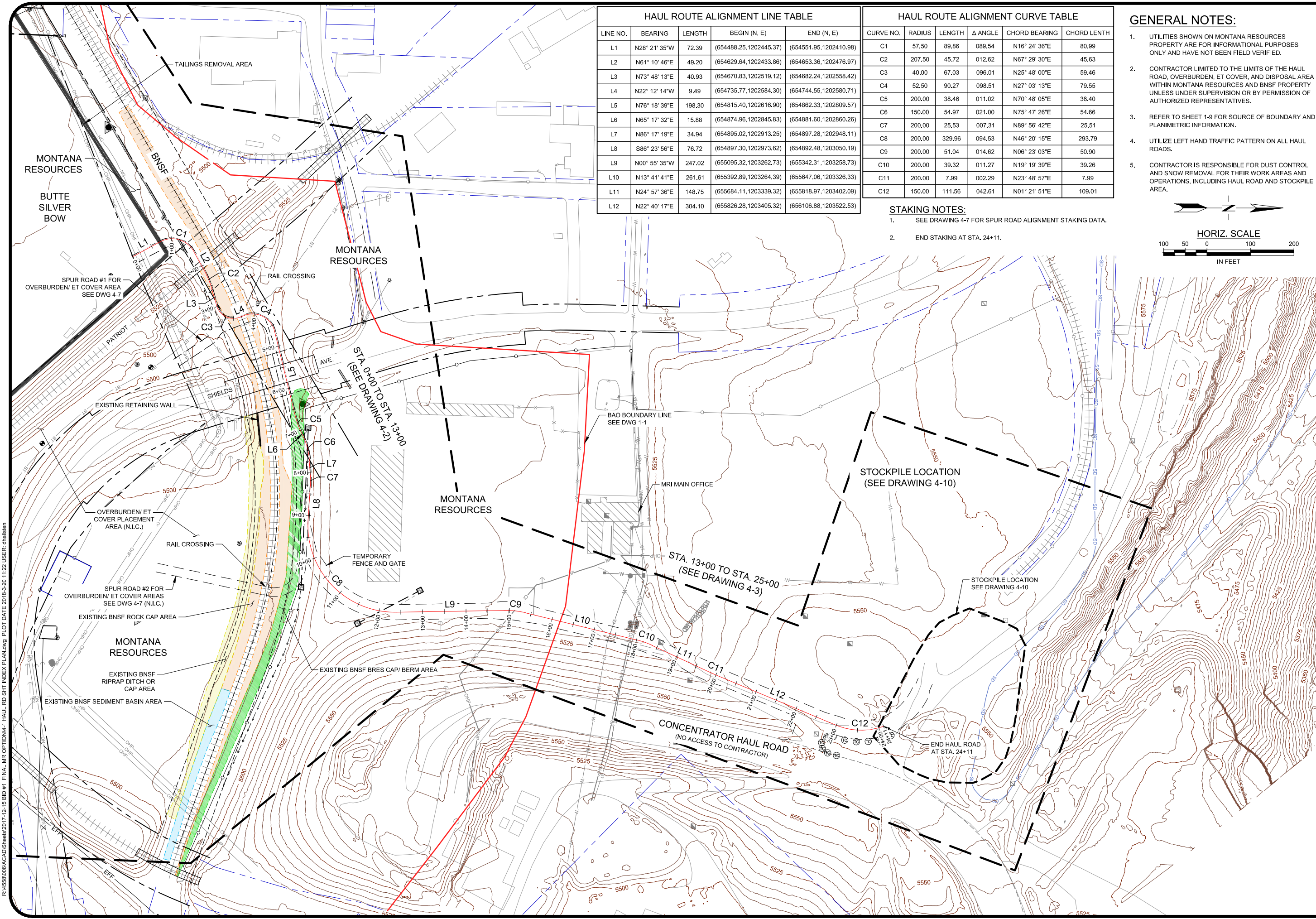
HORIZONTAL DATUM: MONTANA COORDINATE SYSTEM NAD83(2007) ZONE 2500				
VERTICAL DATUM: NAVD88				
UNITS: INTERNATIONAL FEET				
CONTROL POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
1101	654012.959	1201529.426	5476.67	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1102	653276.494	1201854.397	5470.18	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1103	654433.667	1202147.837	5496.47	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1104	653991.333	1202538.283	5493.71	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1105	653263.095	1203072.870	5480.31	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1106	653765.127	1203575.050	5486.51	#5 Rebar with 1-1/4" WET Orange Plastic Cap
1107	654501.500	1203278.190	5498.17	#5 Rebar with 1-1/4" WET Orange Plastic Cap

1. BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS WITH SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, SINGLE ZONE, NAD83(2007).
2. DISPLAYED DISTANCES ARE GRID. TO COMPUTE GROUND DISTANCES, DIVIDE THE GRID DISTANCE BY THE COMBINED SCALE FACTOR (0.999285613).
3. BOUNDARY LINES ARE APPROXIMATE, DETERMINED BY BEST FITTING RECORD LEGAL DESCRIPTIONS TO FOUND PROPERTY CORNERS, AND ARE NOT INTENDED TO REPRESENT A LEGAL BOUNDARY DESCRIPTION OF THE SUBJECT PROPERTIES WITHIN BOUNDARY AND EASEMENT EVALUATION LIMITS SHOWN ON THIS SHEET.
4. BNSF EASEMENT BASED ON COMMUNICATION WITH BNSF REPRESENTATIVES.

1. MORRISON MAIERLE SURVEYORS FOUND RECORDED AND UNRECORDED PROPERTY PINS AND RE-TRACED PROPERTY BOUNDARIES AS SHOWN IN BLACK ON THIS PLAN. RETRACED PROPERTY BOUNDARIES BASED ON AVAILABLE TITLE INFORMATION CONTAINED IN MONTANA ABSTRACT TITLE REPORT DATED 3-24-16.
2. BUTTE-SILVER BOW PARCEL BOUNDARY WEST OF MID SECTION LINE DOES NOT CLOSE AND ADJACENT PARCEL BOUNDARIES ARE APPROXIMATE.
3. PLS MUST REPLACE ANY MONUMENTS AND CORNERS DISTURBED BY CONSTRUCTION UNLESS NOTED ON THIS SHEET.
4. EASEMENTS WITHIN PROJECT LIMITS PROVIDED IN TITLE REPORT ARE NOT PLOTABLE.

	ROAD LAYER FROM BUTTE-SILVER BOW GIS, DEC 2015
	BUTTE-SILVER BOW GIS, DEC 2015
	PROPERTY LINE EVALUATION BY MMI
	EASEMENT LINE
	CENTERLINE OR STRUCTURE BOUNDARY
	EXCAVATION BOUNDARY
	PARROT TAILINGS REMOVAL PROJECT SITE
	BOUNDARY & EASEMENT EVALUATION LIMITS
	CONTROL POINT
	LAND OR EASEMENT HOLDER



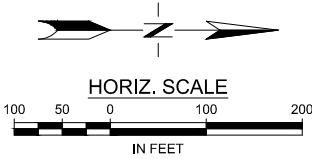


HAUL ROUTE ALIGNMENT LINE TABLE				
LINE NO.	BEARING	LENGTH	BEGIN (N, E)	END (N, E)
L1	N28° 21' 35"W	72.39	(654488.25,1202445.37)	(654551.95,1202410.98)
L2	N61° 10' 46"E	49.20	(654629.64,1202433.86)	(654653.36,1202476.97)
L3	N73° 48' 13"E	40.93	(654670.83,1202519.12)	(654682.24,1202558.42)
L4	N22° 12' 14"W	9.49	(654735.77,1202584.30)	(654744.55,1202580.71)
L5	N76° 18' 39"E	198.30	(654815.40,1202616.90)	(654862.33,1202809.57)
L6	N65° 17' 32"E	15.88	(654874.96,1202845.83)	(654881.60,1202860.26)
L7	N86° 17' 19"E	34.94	(654895.02,1202913.25)	(654897.28,1202948.11)
L8	S86° 23' 56"E	76.72	(654897.30,1202973.62)	(654892.48,1203050.19)
L9	N00° 55' 35"W	247.02	(655095.32,1203262.73)	(655342.31,1203258.73)
L10	N13° 41' 41"E	261.61	(655392.89,1203264.39)	(655647.06,1203326.33)
L11	N24° 57' 36"E	148.75	(655684.11,1203339.32)	(655818.97,1203402.09)
L12	N22° 40' 17"E	304.10	(655826.28,1203405.32)	(656106.88,1203522.53)

HAUL ROUTE ALIGNMENT CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	Δ ANGLE	CHORD BEARING	CHORD LENTH
C1	57.50	89.86	089.54	N16° 24' 36"E	80.99
C2	207.50	45.72	012.62	N67° 29' 30"E	45.63
C3	40.00	67.03	096.01	N25° 48' 00"E	59.46
C4	52.50	90.27	098.51	N27° 03' 13"E	79.55
C5	200.00	38.46	011.02	N70° 48' 05"E	38.40
C6	150.00	54.97	021.00	N75° 47' 26"E	54.66
C7	200.00	25.53	007.31	N89° 56' 42"E	25.51
C8	200.00	329.96	094.53	N46° 20' 15"E	293.79
C9	200.00	51.04	014.62	N06° 23' 03"E	50.90
C10	200.00	39.32	011.27	N19° 19' 39"E	39.26
C11	200.00	7.99	002.29	N23° 48' 57"E	7.99
C12	150.00	111.56	042.61	N01° 21' 51"E	109.01

- STAKING NOTES:
- SEE DRAWING 4-7 FOR SPUR ROAD ALIGNMENT STAKING DATA.
 - END STAKING AT STA. 24+11.

- GENERAL NOTES:
- UTILITIES SHOWN ON MONTANA RESOURCES PROPERTY ARE FOR INFORMATIONAL PURPOSES ONLY AND HAVE NOT BEEN FIELD VERIFIED.
 - CONTRACTOR LIMITED TO THE LIMITS OF THE HAUL ROAD, OVERBURDEN, ET COVER, AND DISPOSAL AREA WITHIN MONTANA RESOURCES AND BNSF PROPERTY UNLESS UNDER SUPERVISION OR BY PERMISSION OF AUTHORIZED REPRESENTATIVES.
 - REFER TO SHEET 1-4 FOR SOURCE OF BOUNDARY AND PLANIMETRIC INFORMATION.
 - UTILIZE LEFT HAND TRAFFIC PATTERN ON ALL HAUL ROADS.
 - CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL AND SNOW REMOVAL FOR THEIR WORK AREAS AND OPERATIONS, INCLUDING HAUL ROAD AND STOCKPILE AREA.



HAUL ROAD SHEET
INDEX PLAN

PROJECT NAME: BAO PARROT TAILINGS REMOVAL
LOCATION: BUTTE, MONTANA
FILE NO. 4-T HAUL RD SHT INDEX PLAN.dwg

JOB NO.: NRDP02
DATE: 3/20/18
DRAFTER: DAH
CHECKED BY: MB

DRAWING NO.
4-1

Water & Environmental
TECHNOLOGIES

480 E. Park Street
Butte, Montana 59701
(406) 782-8220
WATERENTECH.COM

REGISTERED PROFESSIONAL ENGINEER
BERTELSEN
18492 PE

Morrison
Maierle

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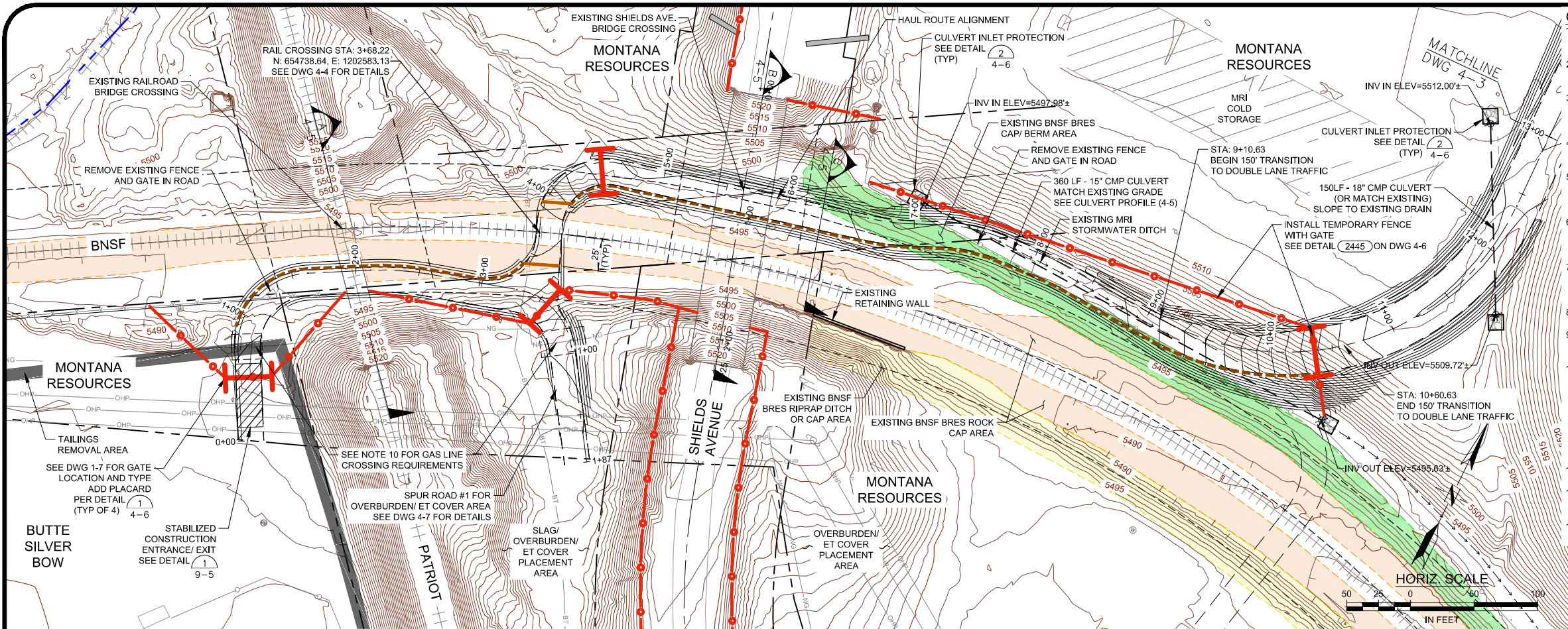
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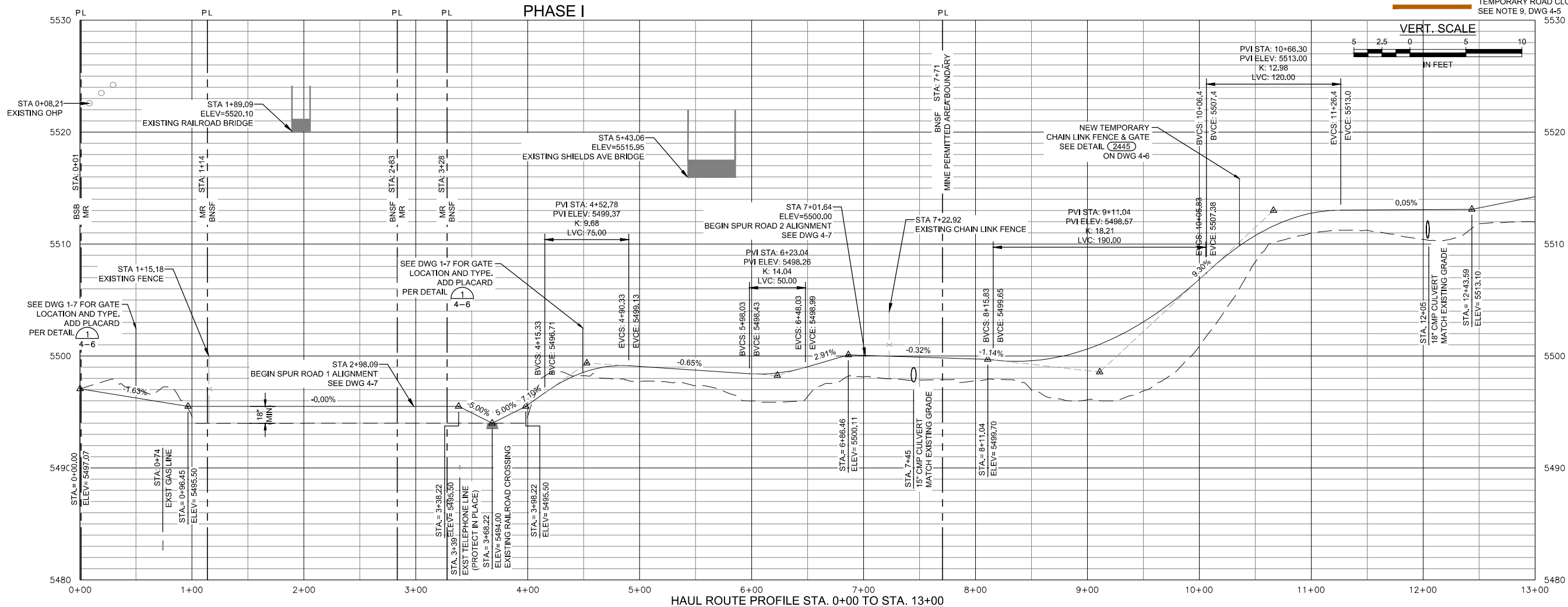
REGISTERED PROFESSIONAL ENGINEER
BERTELSEN
18492 PE

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- GENERAL NOTES:**
- UTILITIES SHOWN ON MONTANA RESOURCES PROPERTY ARE FOR INFORMATIONAL PURPOSES ONLY AND HAVE NOT BEEN FIELD VERIFIED.
 - SEE DRAWING 4-1 FOR HAUL ROUTE CENTERLINE ALIGNMENT STAKING TABLE.
 - HAUL ROAD WIDTH TRANSITIONS TO BE 10:1 PRIOR TO CURVE'S BEGINNING P.I. AND 10:1 AFTER CURVE'S END P.I. SEE TYPICAL HAUL ROAD SECTIONS ON DRAWING 4-5 FOR ROAD WIDTHS.
 - CONTRACTOR SHALL RE-USE AND RE-SET GATE AT STATION 0+00 AS NECESSARY TO PERFORM CONSTRUCTION OPERATIONS.
 - CONTRACTOR SHALL FOLLOW ALL CONDITIONS OF BNSF RAILROAD ACCESS AGREEMENT AND BE IN CONTACT WITH ROADMASTER WHEN ON BNSF PROPERTY.
 - GATES FOR ACCESS TO MONTANA RESOURCES AND BNSF PROPERTY SHALL BE CLOSED AND LOCKED OUTSIDE OF CONSTRUCTION HOURS AND WHEN HAUL ROAD IS NOT IN OPERATION.
 - CONTRACTOR SHALL NOT DISTURB EXISTING BNSF BRES CAP OR ROCK CAP AREA AND SHALL PLACE SEPARATION GEOTEXTILE DIRECTLY ON THIS SURFACE.
 - SEE PROFILE ON 4-5 FOR LONG CULVERT UNDER HAUL ROAD.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE HAUL EQUIPMENT FOR OPERATION ON THIS HAUL ROAD.
 - NORTHWESTERN ENERGY IS REQUIRING THAT A BRIDGE BE INSTALLED TO PROTECT THE GAS MAIN AT EACH CROSSING. THIS BRIDGE NEEDS TO BE ELEVATED ABOVE THE GROUND AT THE CROSSING AND EXTEND MIN 10 FT ON EITHER SIDE OF THE GAS MAIN. CONTRACTOR SHALL PROVIDE FINAL DRAWINGS OF THE HAUL ROAD LOCATION AND BRIDGE PLACEMENT TO THE ENGINEER FOR SUBMITTAL TO NWE BEFORE WORK BEGINS. NWE WILL ALSO REQUIRE ACCESS TO THE SITE FOR LEAK SURVEY PURPOSES ONCE A WEEK.
 - ALIGNMENT FOR OLD (BP#1) AND NEW ALIGNMENT PART OF (BP#2) N.I.C.
 - INSTALL FENCING IN ACCORDANCE WITH DRAWING 1-7. FENCING SHOWN ON THIS PLAN FOR CLARITY AND COORDINATION.
 - EXISTING FENCE IN HAUL ROAD SHALL BE REMOVED AND SALVAGED AS APPROVED BY THE ENGINEER.

- LEGEND:**
- PERMANENT FENCE
 - GATE
 - PROTECTIVE BARRIER, SEE NOTE 8, DWG 4-5
 - TEMPORARY ROAD CLOSURE BARRIER, SEE NOTE 9, DWG 4-5



Date Drawn By: _____

Description: _____

No. _____

Morrison Maierle

engineers • surveyors • planners • scientists

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WATERENTECH.COM

Professional Engineer Seal

KEITH BERTELSEN

18492 PE

HAUL ROAD PLAN AND PROFILE

STA. 0+00 TO STA. 13+00

PROJECT NAME: BAO PARROT TAILINGS REMOVAL

LOCATION: BUTTE, MONTANA

FILE NO. 4-2 HAUL RD P&P.dwg

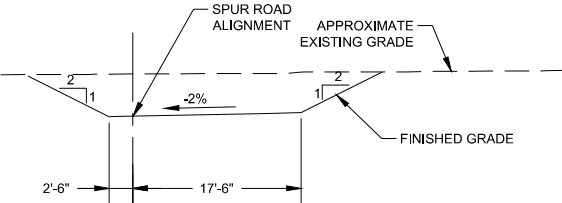
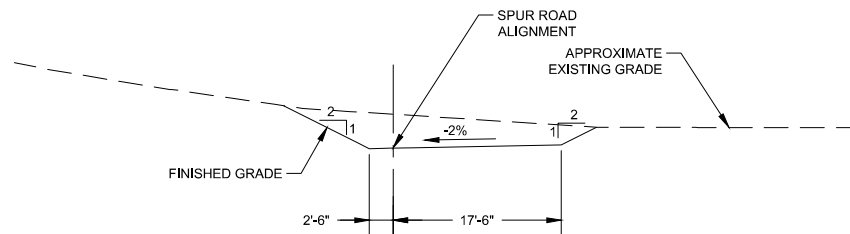
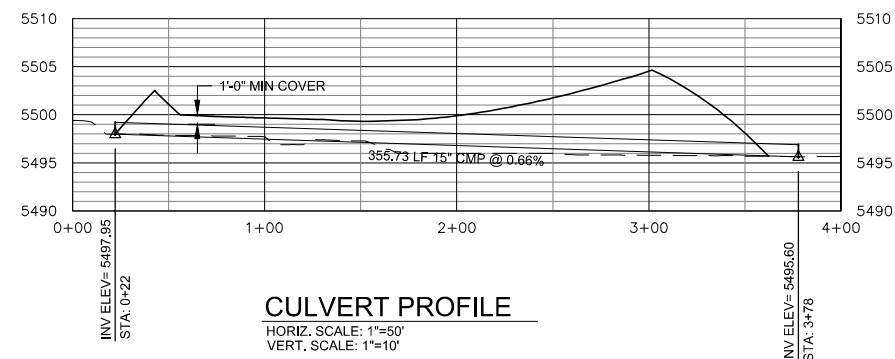
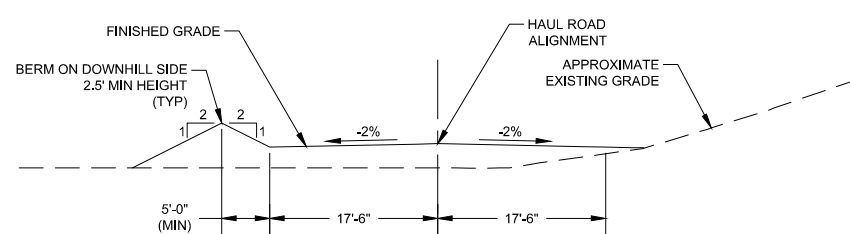
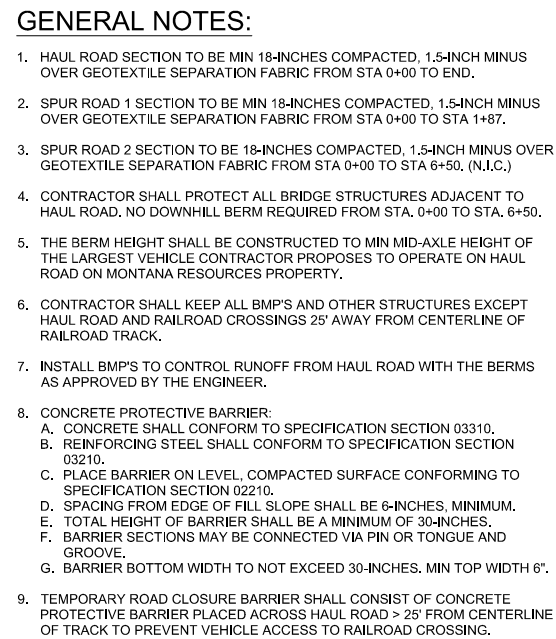
JOB NO.: NRDP02

DATE: 3/20/18

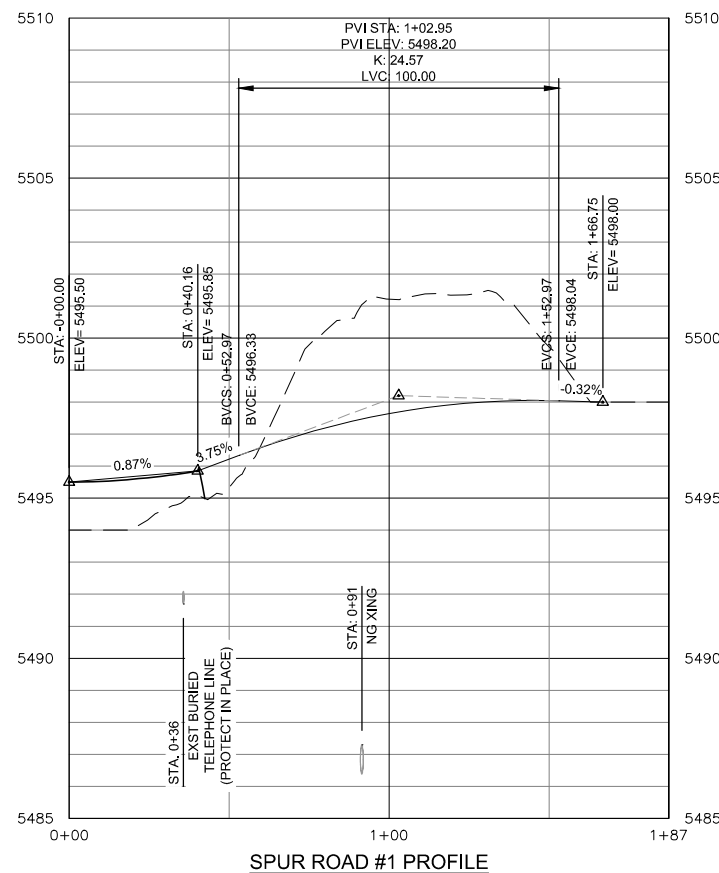
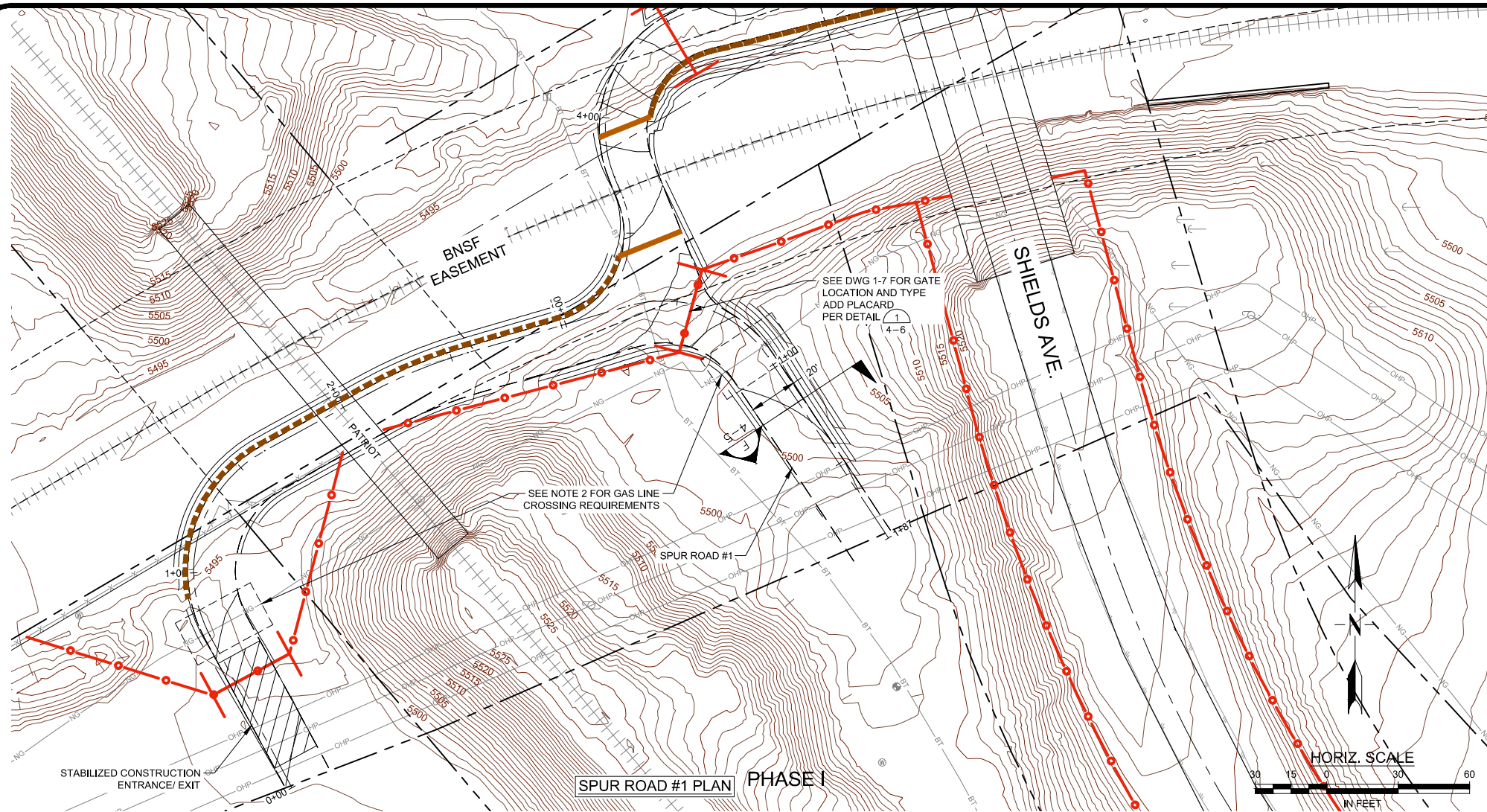
DRAFTER: DAH

CHECKED BY: MB

DRAWING NO. **4-2**

[illegible]

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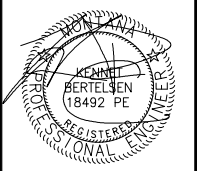


GENERAL NOTES:

1. UTILITIES SHOWN ON PLAN AND PROFILE ARE APPROXIMATE AND SHALL BE FIELD VERIFIED BY CONTRACTOR AS NECESSARY.
2. NORTHWESTERN ENERGY IS REQUIRING THAT A BRIDGE BE INSTALLED TO PROTECT THE GAS MAIN AT EACH CROSSING. THIS BRIDGE NEEDS TO BE ELEVATED ABOVE THE GROUND AT THE CROSSING AND EXTEND MIN 10 FT ON EITHER SIDE OF THE GAS MAIN. CONTRACTOR SHALL PROVIDE FINAL DRAWINGS OF THE HAUL ROAD LOCATION AND BRIDGE PLACEMENT TO THE ENGINEER FOR SUBMITTAL TO NWE BEFORE WORK BEGINS. NWE WILL ALSO REQUIRE ACCESS TO THE SITE FOR LEAK SURVEY PURPOSES ONCE A WEEK.

LEGEND:

-  PERMANENT FENCE
 GATE
 PROTECTIVE BARRIER,
SEE NOTE 8, DWG 4-5
 TEMPORARY ROAD
CLOSURE BARRIER
SEE NOTE 9, DWG 4-5

[illegible]HAUL ROAD SPUR
PLAN AND PROFILE

PROJECT NAME: BAO PARROT TAILINGS REMOVAL
LOCATION: BUTTE, MONTANA
FILE NO. 4-7 SPUR P&P.dwg

JOB NO:	NRDPM02
DATE:	3/20/18
DRAFTER:	DAH
CHECKED BY:	MB

DRAWING NO.
4-7

