FIRST MODIFICATION TO AGREEMENT FOR TEMPORARY PRIVATE CROSSINGS, HAUL ROAD, TWO SPUR ROADS, AND CROSSING APPROACHES
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
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:
  - Staging area has been updated per BSB request.
  - Post construction fence along Patriot Railroad was determined to be unnecessary and was removed.
- Fencing on vacant lot south of Second Street was moved slightly north to avoid replacement during ET Cover construction (Bid #2).
- No changes to fencing on BNSF property were made.
- “Protective Barrier” label was added.
- 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:
  - 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 are some minor changes to this sheet:
  - Stationing labels were removed from the Northwestern Energy power line.
  - Duplicative stationing labels were removed from haul road.
  - Labeling was cleaned up to better reflect site conditions.
  - 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:
  - Stationing labels were removed from the Northwestern Energy power line.
  - Duplicative stationing labels were removed from haul road.
  - Labeling was cleaned up to better reflect site conditions.
  - Construction notes 11, 12, and 13 were added to provide clarification on the Contractor’s responsibilities.
  - 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:
  - 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:
  - 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.
NOTES:
1. AERIAL PHOTO PROVIDED BY BUTTE-SILVER BOW GIS DEPARTMENT, 2011 FLIGHT.
2. PLANIMENTRIC FEATURES OTHER THAN UTILITIES AND FENCES WERE PROVIDED BY BUTTE-SILVER BOW GIS DEPARTMENT.
3. FOR FULL UTILITY LOCATIONS SEE SHEET 7-1.

FENCE NOTES:
1. MAINTAIN ACCESS TO BUTTE-SILVER BOW FACILITIES AT ALL TIMES. COORDINATE WITH BUTTE-SILVER BOW FOR ANY TEMPORARY ACCESS IMPACT TO BUTTE-SILVER BOW FACILITIES. CONTACT NICK SANDFORD AT 406-497-6576.
2. INSTALL TEMPORARY SECURITY FENCE AROUND WORK AREA AS SHOWN OR AS APPROVED BY THE ENGINEER.
3. ALL TEMPORARY AND POST-CONSTRUCTION FENCE MUST BE TIED INTO EXISTING FENCE WHERE SHOWN TO PREVENT GAPES.
4. INSTALL TRAFFIC CONTROL IN ACCORDANCE WITH APPROVED TRAFFIC CONTROL PLAN.
5. REFERENCE MOVING OF FENCE FOR PARKING LOT PER DRAWING 2-4.
6. POST-CONSTRUCTION FENCE TO BE INSTALLED AT THE COMPLETION OF PHASE IIA.
7. ALL FENCING THAT PARALLELS SHIELDS AVENUE RIGHT OF WAY MUST BE INSTALLED A MINIMUM OF FOUR FEET FROM EXISTING GUARDRAIL, EXCEPT AT DESIGNATED TIE-IN LOCATIONS.
8. MAINTAIN EXISTING FENCE AND GATES WHERE SHOWN IN GOOD CONDITION UNTIL CONTRACT COMPLETION.
9. CONTRACTOR SHALL PROTECT AND SHALL NOT DISTURB EXISTING STORM WATER HYDRODYNAMIC DEVICES.
10. ACCESS TO HYDRODYNAMIC DEVICES FOR MAINTENANCE PURPOSES BY OTHERS MUST BE MAINTAINED.
11. CONTRACTOR SHALL NOT DISTURB EXISTING BNSF BRES CAP OR ROCK CAP AREA AND PLACE SEPARATION GEOTEXTILE DIRECTLY ON THIS SURFACE.
CONTRACTOR SHALL KEEP ALL BMP'S AND OTHER STRUCTURES EXCEPT TOTAL HEIGHT OF BARRIER SHALL BE A MINIMUM OF 30-INCHES. SPACING FROM EDGE OF FILL SLOPE SHALL BE 6-INCHES, MINIMUM.

PLACE BARRIER ON LEVEL, COMPACTED SURFACE CONFORMING TO INSTALL BMP'S TO CONTROL RUNOFF FROM HAUL ROAD WITH THE BERMS

TEMPORARY ROAD CLOSURE BARRIER SHALL CONSIST OF CONCRETE

SPUR ROAD 1 SECTION TO BE MIN 18-INCHES COMPACTED, 1.5-INCH MINUS

REINFORCING STEEL SHALL CONFORM TO SPECIFICATION SECTION

CONCRETE SHALL CONFORM TO SPECIFICATION SECTION 03310.

THE BERM HEIGHT SHALL BE CONSTRUCTED TO MIN MID-AXLE HEIGHT OF CONCRETE PROTECTIVE BARRIER:

SEEN NOTE 8

HAUL ROAD ALIGNMENT

PROTECTIVE BARRIER

SEE NOTE 8

FINISHED GRADE

2.5' MIN HEIGHT

BERM ON DOWNHILL SIDE (TYP)

HAUL ROAD ALIGNMENT

EXISTING GRADE

APPROXIMATE

SCALE: 1"=10'

TYPICAL HAUL ROAD ONE-LANE SECTION

BERM ON DOWNHILL SIDE

FINDING GRADE

APPROXIMATE ELEVATING GRADE

FINISHED GRADE

TYPICAL HAUL ROAD DOUBLE LANE STRAIGHT SECTION

BERM ON DOWNHILL SIDE

FINDING GRADE

APPROXIMATE ELEVATING GRADE

FINISHED GRADE

TYPICAL HAUL ROAD DOUBLE LANE CURVE SECTION

BERM ON DOWNHILL SIDE

FINDING GRADE

APPROXIMATE ELEVATING GRADE

FINISHED GRADE

TYPICAL SPUR ROAD #1 SECTION

BERM ON DOWNHILL SIDE

FINDING GRADE

APPROXIMATE ELEVATING GRADE

FINISHED GRADE

TYPICAL SPUR ROAD #2 SECTION

BERM ON DOWNHILL SIDE

FINDING GRADE

APPROXIMATE ELEVATING GRADE

FINISHED GRADE

GENERAL NOTES:

1. HAUL ROAD SECTION TO BE MIN 3-FOOT COMPACTED, 1-LAYER MIN 1-Foot

2. BERM WIDTH TO BE MIN 4-FT COMPLIANT W/ SPECIFICATIONS

3. BERM HEIGHT TO BE MIN 2.5' COMPLIANT W/ SPECIFICATIONS

4. BARNS AND BOOT PADS MAY BE ADDED TO BERM AS NEEDED TO STRENGTHEN ENTRANCE AND EXIT OF TEMPORARY ROAD CLOSURE BARRIER

5. CONTRACTOR SHALL PLACE MINIMUM 10' BARRIER BEHIND BERM AND NOT LESS THAN 20' IN FRONT OF BERM

6. DO NOT INSTALL SUPPORT POSTS TO BARNS OR BERM"
NOTES:

1. PROVIDE DOUBLE PANELS AT ALL CORNERS AND AT 300’ MAXIMUM INTERVALS ON TANGENT. (TO BE USED FOR PULLING) DOUBLE PANELS SHALL BE PLACED AT END OF CURVES SHARPER THAN 5°, AND BE EVENLY SPACED BETWEEN ±20° CENTRAL ANGLE, 10° DEFLECTION ANGLE NOT TO EXCEED 250’ CURVE.

2. AT INTERVALS NOT TO EXCEED 500’, ONE POST WILL BE EXTENDED 3’ INTO THE GROUND FOR LIGHTNING PROTECTION.

TYPICAL CORNER PANEL

NOTES:

1. PROVIDE DOUBLE PANELS AT ALL CORNERS AND AT 300’ MAXIMUM INTERVALS ON TANGENT. (TO BE USED FOR PULLING) DOUBLE PANELS SHALL BE PLACED AT END OF CURVES SHARPER THAN 5°, AND BE EVENLY SPACED BETWEEN ±20° CENTRAL ANGLE, 10° DEFLECTION ANGLE NOT TO EXCEED 250’ CURVE.

2. AT INTERVALS NOT TO EXCEED 500’, ONE POST WILL BE EXTENDED 3’ INTO THE GROUND FOR LIGHTNING PROTECTION.

TYPICAL FENCE POST DETAIL

NOTE:

1. PLACE PLACARD ON ALL GATES USED TO ACCESS RAILROAD PROPERTY OR EARPMENTS.

PLACARD DETAIL

NOTE:

1. PLACE PLACARD ON ALL GATES USED TO ACCESS RAILROAD PROPERTY OR EARPMENTS.

TYPICAL SIGN MOUNTING DETAIL

NOTE:

1. PLACE PLACARD ON ALL GATES USED TO ACCESS RAILROAD PROPERTY OR EARPMENTS.

DO NOT OPEN GATE WITHOUT AUTHORIZATION FROM PROJECT RAILROAD SAFETY OFFICER

NOTE:

1. PLACE PLACARD ON ALL GATES USED TO ACCESS RAILROAD PROPERTY OR EARPMENTS.

6 FOOT CHAIN LINK FENCE & GATE DETAIL

NOTE:

1. PLACE PLACARD ON ALL GATES USED TO ACCESS RAILROAD PROPERTY OR EARPMENTS.
HAUL ROAD SPUR
PLAN AND PROFILE

SPUR ROAD #1 PROFILE

PVI STA: 1+02.95
PVI ELEV: 5498.20
K: 24.57
LVC: 100.00

BVCS: 0+52.97
BVCE: 5496.33
EVCS: 1+52.97
EVCE: 5498.04

-0.32%
0.87%
3.75%

STA: -0+00.00
ELEV= 5495.50
STA: 0+40.16
ELEV= 5495.85
STA: 1+66.75
ELEV= 5498.00

EXST BURIED
TELEPHONE LINE
(PROTECT IN PLACE)
STA. 0+36

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 10 FT ON EITHER SIDE OF THE CROSSING. CONTRACTOR IS TO PROVIDE FINAL DRAWINGS OF THE Haul ROAD LOCATION AND BRIDGE TO THE ENGINEER FOR SUBMITTAL TO NORTHWESTERN ENERGY. CONTRACTOR SHALL PROVIDE FINAL DRAWINGS OF THE EXST LINE BURIED ONCE A MONTH.

LEGEND:
- PERMANENT FENCE
- GATE
- PROTECTING BARRIER
- TEMPORARY ROAD CLOSURE BARRIER

STABILIZED CONSTRUCTION
ENTRANCE/EXIT

LEGEND:

SEE NOTE 2 FOR GAS LINE CROSSING REQUIREMENTS

SHELDS AVE.
SEE DETAIL CONTRACTOR TO USE MUTCD STANDARD SIGNAGE WHEN SIGN SHALL BE POSTED AT ALL GATES AND BARRIERS ON AND ON DRAWING 4-6 FOR SIGN POST AND RAIL CROSSING/STOP SIGNS INSTALLED BY BNSF.

UTILITIES SHOWN ON MONTANA RESOURCES PROPERTY ARE R:\4558\006\ACAD\Sheets\2017-12-15 BID #1 \ FINAL MR OPTION\4-9 XING SIGNAGE.dwg

DRAWING NO. 4-9 XING SIGNAGE PLAN

PROJECT NAME: DAH 1

FILE NO. 4-9 XING SIGNAGE.dwg

GENERAL NOTES:
1. MOUNTAIN RESOURCES PROPERTY ARE NOT MEASURED FOR USE PURPOSES ONLY AND HAVE NOT BEEN FIELD VERIFIED.
2. SECTION 1000: SPEED LIMIT 15 MPH FOR ENTRANCE TO PROPERTY
3. THE PLAN IS DRAFTED TO PRINT AND DRAWER LOCATION, EXACT LEGIBILITY AND APPEARANCE AS CONSTRUCTED (SEE 10.01) UPON COMPLETION OF HAUL ROAD AS APPROVED FROM ENGINEER.
4. DRAWN TO BE POSTED AT ALL ENTRANCE AND EXIT ROADS property only.
5. CONTRACTOR TO USE MUTCD STANDARD SIGNAGE.
6. THE CROSSING STOP SIGNS INSTALLED BY BNSF.

LEGEND:
- PERMANENT FENCE
- BARRIERS
- TEMPORARY DRUM
- SPEED LIMIT
- SINGLE LANE AHEAD
- TRUCKS ENTERING MINE AREA PERSONNEL ONLY
- CAUTION
- MOUNTING REQUIREMENTS.
CONTRACTOR SHALL KEEP ALL BMP'S AND OTHER STRUCTURES EXCEPT HAUL ROAD AND INSTALL BMP'S TO CONTROL RUNOFF FROM HAUL ROAD WITH THE BERMS AS APPROVED BY THE ENGINEER.

GENERAL NOTES:
1. BMP'S AND OTHER STRUCTURES EXCEPT HAUL ROAD AND NEW ROADS PLACED ADEQUATELY AWAY FROM CENTERLINE OF CENTERLINE OF RAILROAD TRACKS.
2. INSTALL BMP'S TO CONTROL Runoff FROM HAUL ROAD PER THE ENGINEER'S APPROVAL.

FIBER ROLL PROTECTION AT CULVERT INLET
FIBER ROLL SPACED AT 20' (TYP)

SILT FENCE IN FILL AREAS AT BASE OF BERM

STABILIZED CONSTRUCTION ENTRANCE

DROP INLET PROTECTION

MONTANA RESOURCES

SULL SILVER BOW

MONTANA RESOURCES

SEE DETAIL

MRI MAIN OFFICE

JOB NO:

DATE:

CHECKED BY:

DRAWN BY:

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WATERENVTECH.COM

Butte, MT 59701

480 E. Park Street

Helena, MT 59602

(406) 442-3050     m-m.net

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BAO PARROT TAILINGS REMOVAL

LOCATION:

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