

Conversation Contents

Pipeline protest on the East Coast

Attachments

/7. Pipeline protest on the East Coast/3.1 image001.png

[@blm.gov](#)>

From: @blm.gov>
Sent: Mon Apr 23 2018 13:38:44 GMT-0600 (MDT)
To: @mt.gov
Subject: Pipeline protest on the East Coast

Sgt

Just wanted to thank you for the training last week at our BLM In-service it was well received! I mentioned a ongoing protest against a pipeline out East and I just wanted to pass along some info on that. I will forward you several e-mails from my agent out there that is coordination with the Forest Service on this.

Hope the info is helpful and please let me know if you have any questions.

Thanks,

Special Agent -in- Charge
Region 4 (CO / ES, MT / DAKs, WY)
Bureau of Land Management
Office of Law Enforcement and Security
Office - 303
Cell - 503

[@blm.gov](#)>

From: @blm.gov>
Sent: Mon Apr 23 2018 13:42:00 GMT-0600 (MDT)
To: @mt.gov
Subject: Re: Pipeline protest on the East Coast

Sorry there were only 2 e-mails sent!

On Mon, Apr 23, 2018 at 1:38 PM, [@blm.gov](#)> wrote:

Sgt

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Cell - 503

[@mt.gov](#)>

From: @mt.gov>
Sent: Tue Apr 24 2018 08:11:44 GMT-0600 (MDT)
To: @blm.gov>
Subject: [EXTERNAL] RE: Pipeline protest on the East Coast
Attachments: image001.png

Thank you very much. I'm glad it was well received. Thank you so much for the photos keep them coming. Let me know if you have any questions. Stay in touch.

Sgt.
Detachment 321 Commander
Montana Highway Patrol
2550 Prospect Ave.
Helena, MT 59620
Cell: (406)
Fax: (406)



"Service Integrity Respect"

From: @blm.gov>
Sent: Monday, April 23, 2018 1:39 PM
To: @mt.gov>
Subject: Pipeline protest on the East Coast

Sgt ,

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Special Agent -in- Charge
Region 4 (CO / ES, MT / DAKs, WY)
Bureau of Land Management
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Conversation Contents

[EXTERNAL] draft xl pipeline response plan.

Attachments

/11. [EXTERNAL] draft xl pipeline response plan./1.1 pipeline federal operations plan.docx

(USAMT)" @usdoj.gov>

From: (USAMT)" @usdoj.gov>
Sent: Thu Apr 05 2018 15:02:36 GMT-0600 (MDT)
(SU) (FBI)" @fbi.gov>, (SU) (FBI)" @fbi.gov>, @cbp.dhs.gov>, @usace.army.mil"
@atf.gov", @usdoj.gov>, @bia.gov", @usace.army.mil"
To: (USMS)" @usace.army.mil>, @usdoj.gov>, @nps.gov", @nps.gov>
@dot.gov", @usdoj.gov>, @dot.gov>, @tsa.dhs.gov", @tsa.dhs.gov>
@fs.fed.us>, @mt.gov>
CC: (USAMT)" @blm.gov>, (USAMT)" @usdoj.gov>, (USAMT)" @usdoj.gov>
USAMT)" @usdoj.gov>
Subject: [EXTERNAL] draft xl pipeline response plan.
Attachments: pipeline federal operations plan.docx

Everyone,

Enclosed please find a preliminary draft federal operations plan for the federal law enforcement response on the Keystone XL Pipeline. Please review and make any edits, suggestions or comments necessary to ensure that this plan accurately captures the contributions that state and local law enforcement can expect from federal law enforcement during any protest-related incidents along the pipeline corridor. I am also copying @mt.gov at Montana DCI to get input from the State if there are any issues of concern that need to be revisited. Once we have a plan in place, it is our hope that we can convene a second meeting with federal law enforcement to further coordinate with DCI and local law enforcement. Do not hesitate to contact me with any questions or concerns.

First Assistant United States Attorney
District of Montana
(406)

FEDERAL OPERATIONS PLAN KEYSTONE XL PIPELINE PUBLIC SAFETY ISSUES

Draft: 4/5/18



Prepared by the United States Attorney's Office with input from .
Contains law enforcement sensitive and attorney work product information.

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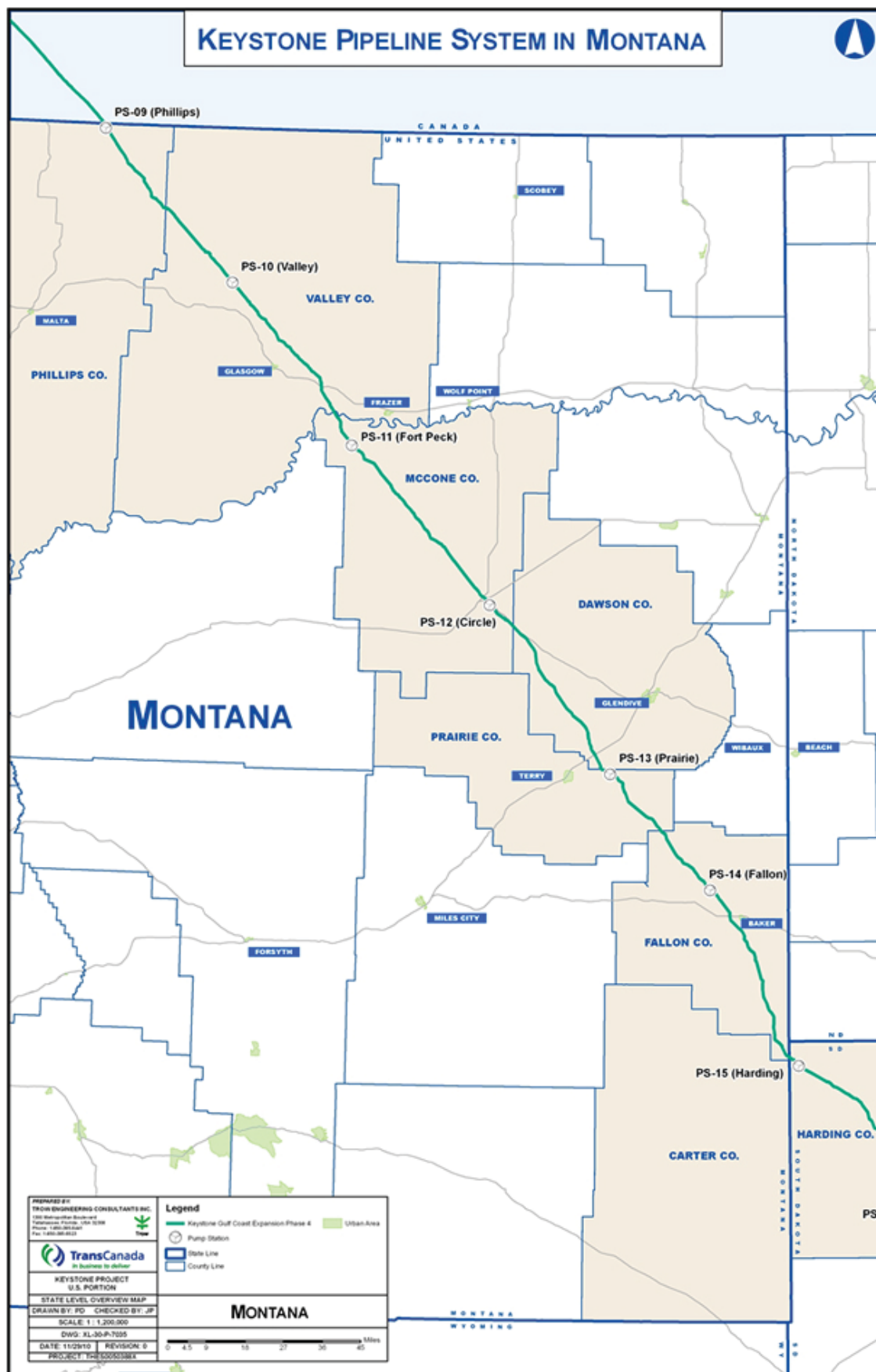
PURPOSE

Anticipating the commencement of construction activities on the TransCanada Keystone XL Pipeline (pipeline) beginning in the spring or fall of 2018, the United States Attorney's Office and affected federal agencies collectively adopt this plan of operations to facilitate the deployment of federal law enforcement resources to assist with the law enforcement response to pipeline construction and protest activities along the pipeline route. This plan of operations supplements the Threat Assessment from the Montana Analysis and Technical Information Center dated 11/27/2017 with a summary of available federal resources; it is not intended to preempt future decision-making by any federal agency with regard to any request for a federal response, or violations of federal law within the jurisdiction of the United States.

BACKGROUND

The proposed pipeline route passes through six counties in Montana from north to southeast: Phillips, Valley, McCone, Dawson, Prairie, and Fallon (see attached map). It will pass through mostly remote farming and ranching communities. Approximately 45-55 miles of pipeline will pass through federal land held by the Bureau of Land Management, the Bureau of Reclamation, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. The pipeline will cross three major rivers in Montana: the Milk, Missouri and Yellowstone.

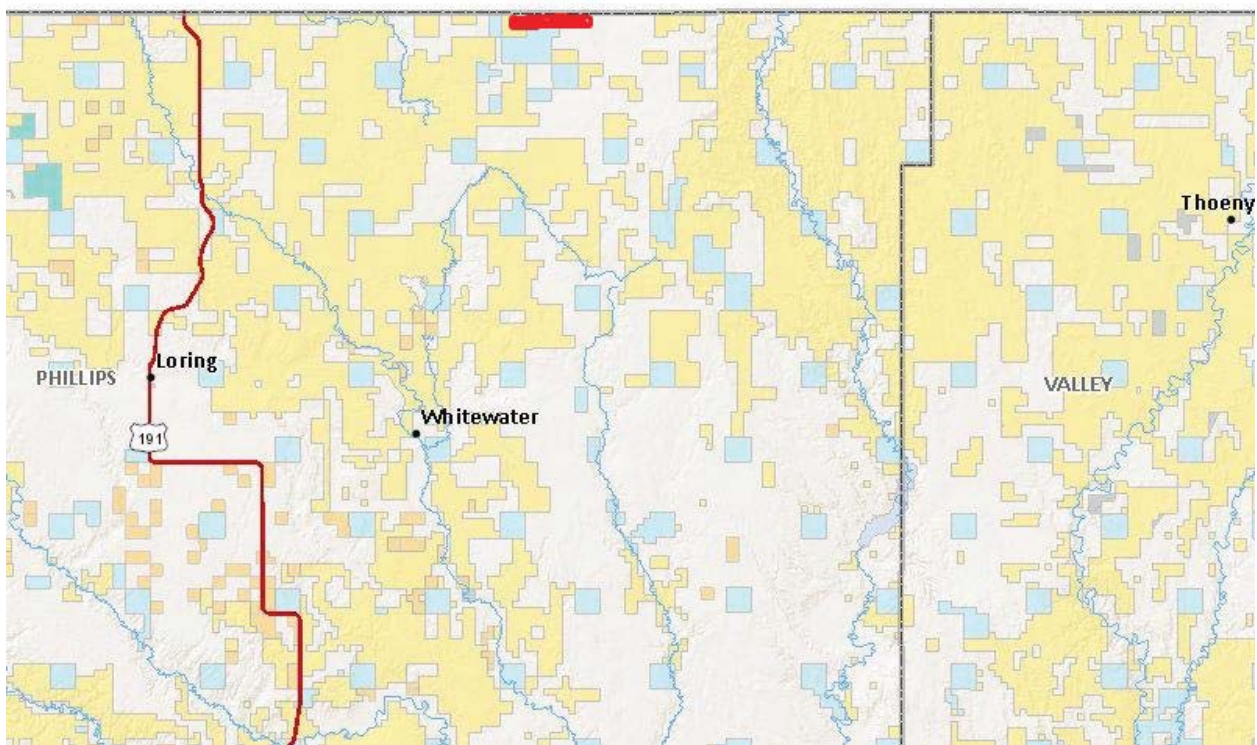
For reasons outlined in the MATIC Threat Assessment, construction of the pipeline is highly controversial and will likely generate significant opposition from protest groups during construction. Since pipeline construction will generally occur from north to south, Montana can expect to host a significant portion of the protest activity during the early construction phase. We expect the protest activity to be concentrated at significant river, border, and highway crossings, including the U.S.-Canadian border crossing, the Missouri crossing near the Fort Peck Dam, and the Yellowstone/Interstate crossing west of Glendive, Montana. Federal lands exist near each of these sites. The pipeline construction firm, TransCanada, expects to build temporary construction worker camps along the pipeline route. It tentatively proposes four camps in Montana near the towns of Hinsdale, Nashua, Circle, and Baker.



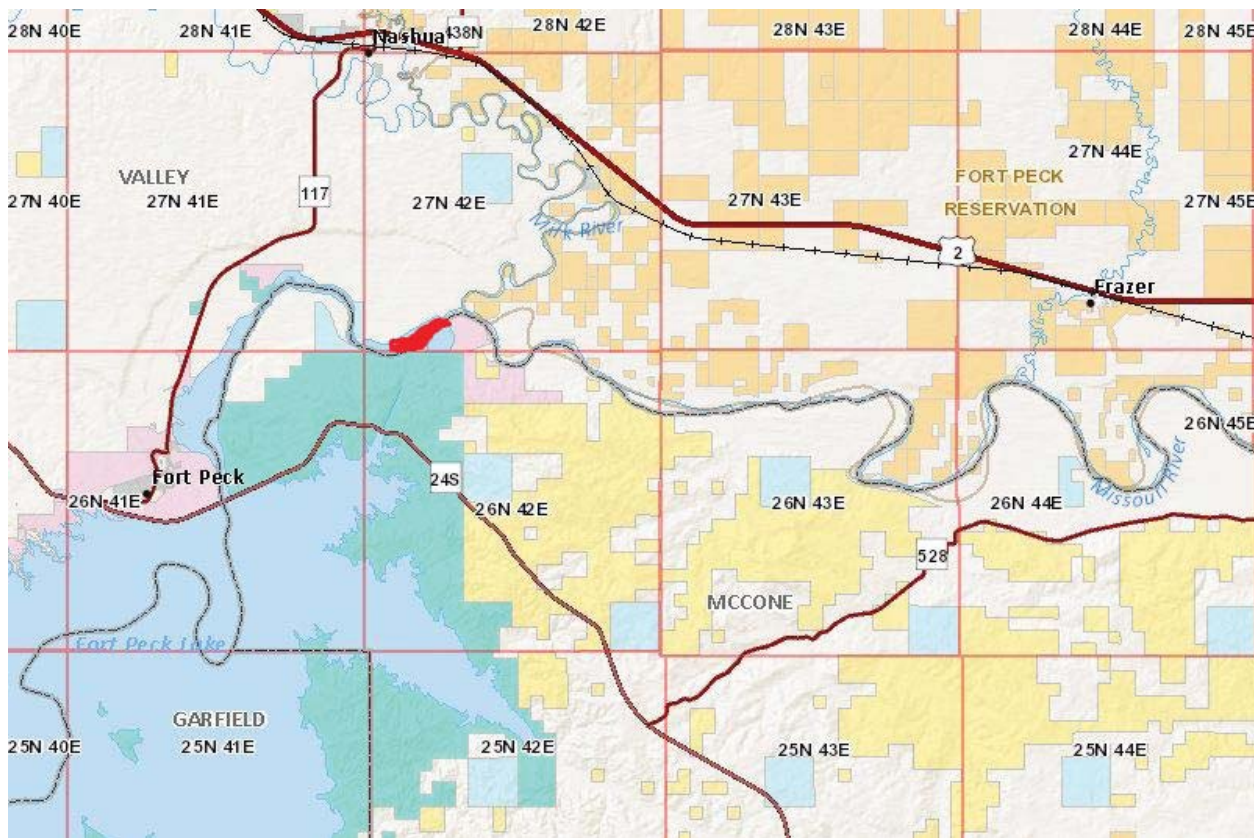
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CRITICAL SITE ANALYSIS

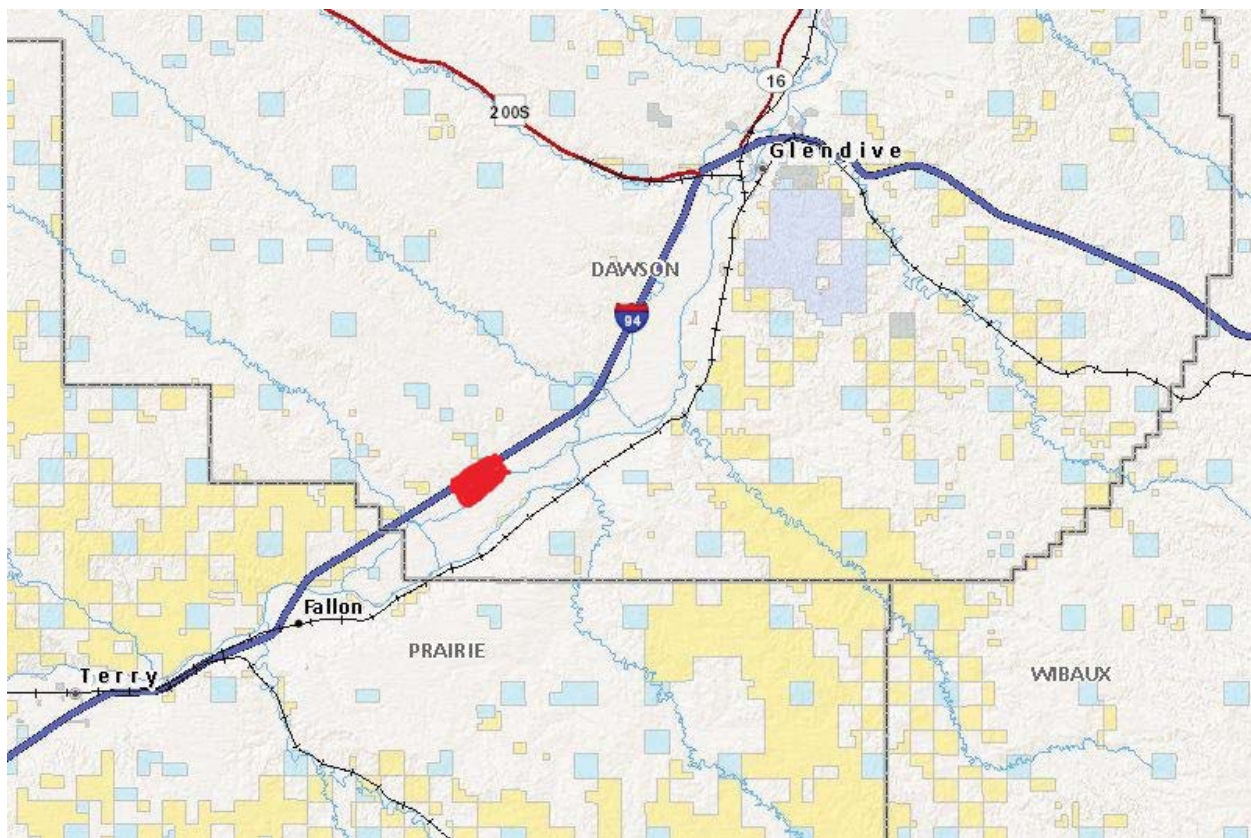
U.S.-Canadian border—Phillips County: The pipeline route crosses the international border in a remote portion of Phillips County that is not served by any major highways or towns (approximate location in red). In that area, however, the pipeline route is surrounded by large amounts of federal public land held by the BLM.



Missouri River crossing—Valley and McCone Counties: The pipeline is to be directionally drilled beneath the Missouri River within a mile of the Fort Peck Reservoir spillway, a portion of the critical infrastructure related to the largest reservoir in the state. The river crossing from Valley to McCone Counties is within a mile of the Fort Peck Reservation in the east, approximately five miles south of U.S. Highway 2 (approximate location in red). The Fort Peck Tribe's water intake system lies about 35 miles east. The south side of the river crossing at that location is an amalgam of federal public land held by the Corps of Engineers, the BLM, BOR and USFWS. Per 36 C.F.R. § 327.26, the Corps land is subject to the criminal jurisdiction of the State for petty offenses with the federal government retaining concurrent jurisdiction.



Yellowstone River crossing—Dawson County: the pipeline is to be directionally drilled beneath the Yellowstone River approximately 20 miles west of Glendive (approximate location in red). The crossing is on private land, although there are large amounts of BLM public land as close as five miles from the crossing, particularly in Prairie County. The crossing is within three miles of Interstate 90 near the Bad Route Road exit.



FEDERAL AGENCY RESOURCES

FBI

2929 3rd Ave. North
Billings, Montana 59101

Contact: , SSRA
(406) SA
406-
@fbi.gov
Analyst
406-
Cell: 310-
@fbi.gov

In addition to its general Title 18 jurisdiction, the FBI, Billings Resident Agency, will have primary authority for investigating major crimes occurring within the Fort Peck Reservation and for the protection of critical infrastructure along the pipeline corridor, including the pipeline itself and the Fort Peck dam and spillway. The FBI will have primary investigative authority for all national security investigations, including but not limited to international terrorism, domestic terrorism, and weapons of mass destruction, regardless of the statutes charged.

Available resources include:

- six agents to respond to pipeline-related incidents;
- critical incident response team for domestic terrorism or threats to critical infrastructure;
- analyst support; and
- command center resources including the Virtual Command Center for centralized management of incidents occurring in multiple locations.

BLM

5001 Southgate Drive
Billings, MT 59101

Contact: @blm.gov
Chief Ranger
Desk: 406
Cell: 406-

BLM has jurisdiction and patrol responsibility for BLM land. Barring a significant incident on BLM land, BLM anticipates that its response role will be to assist with the local law enforcement response. Additional MOUs with the state and counties may be necessary for this to occur. BLM is not currently anticipating any land closures or land use prohibitions beyond the regulations in place. Large gatherings on BLM land require a permit. BLM may also impose fire restrictions during summer months.

Available resources:

- a Chief Ranger and three agents available for investigations;
- portable radio repeater technology available to provide consistent coverage for secure communications to remote sections of the pipeline corridor;
- portable medical unit;
- management may activate a response from BLM rangers throughout the region as a force multiplier on an incident basis.

U.S. Attorney's Office
2601 2nd Ave. Billings, MT 59101

Contact: [@usdoj.gov](mailto:usdoj.gov)

First Assistant U.S. Attorney
406-
Cell 406-

[@usdoj.gov](mailto:usdoj.gov)
Intelligence Specialist
Desk: 406
Cell: 406

The USAO will coordinate the federal response, provide legal advice, prosecute federal cases derived from the pipeline response, and communicate incident developments to the Department of Justice Office of the Deputy Attorney General and to the National Security Division's Counterterrorism Section. The Counterterrorism Section will provide litigation support in the event of a significant terrorist incident.

Available resources:

- AUSA prosecutors for individual case assignments;
- Joint Terrorism Task Force expertise including AUSA
- intelligence analyst support.

Border Patrol
Havre Sector
2605 5th Ave. S.E.
Havre, MT 59501
Contact:

PAIC, Havre Sector
Desk: 406
Cell: 406

[@cbp.dhs.gov](mailto:cbp.dhs.gov)

Border Patrol will be the primary federal responder for incidents at or near the international border. Border Patrol anticipates that it will patrol north of Highway 2, with efforts concentrated nearest the border. It will be able to process Central Violations Bureau tickets for assaults and other violations near the border, such as failure to report at a border crossing. Border patrol will not be enforcing trespass violations involving either federal or private lands. It can assist with communications and provide training to local law enforcement and tactical support for border-related incidents.

Available resources:

- approximately 10 agents in the sector;
- SWAT (BORTAC) and EMT/Search and Rescue (Border STAR) Units
- air unit (Great Falls) and drone assets (N.D.).

ATF
2929 3rd Ave. North
Billings, MT 59101

Contact: **RAC**
406
SA
406-
Cell: 406
@atf.gov

ATF has the primary investigative authority over firearms violations and explosives. Will coordinate with DCI on arson investigations. Has capacity to deal with potentially violent targets through the use of the federal firearms laws.

Available resources:

- certified fire investigators
- undercover personnel
- ied and Molotov cocktail investigations
- radio technicians can assist with communications coordination
- emergency bullet analysis and firearms tracing.

U.S. Army Corps of Engineers
Fort Peck Dam

Contact: **406**
@usace.army.mil

The Army Corps of Engineers has a primary role in protecting the critical infrastructure at the Fort Peck Dam. Patrol and security responsibilities on that site may need to be arranged by the Corps with the Federal Protective Services.

BIA

**2021 4th Ave. North
Billings, MT 59101**

Contact:

SAC

406

ASAC

Cell: 406

[@bia.gov](mailto:bia.gov)

Provides law enforcement support and investigations in Indian Country. Will provide technical assistance on the Fort Peck Reservation.

Available resources:

- patrol officers for incidents affecting Fort Peck Reservation;
- mobile command post and portable communications trailer.

U.S. Marshals Service

**2601 2nd Ave. North
Billings, MT 59101**

Contact:

Acting Marshal

406-

406

[@usdoj.gov](mailto:usdoj.gov)

U.S. Marshals Service role as yet undefined. May assist with fugitive warrants and prisoner transport.

Available resources:

- 20-24 operation personnel available, more if necessary;
- Violent Crime Task Force.

NPS

Contact:

L.E. Ranger

307

[@nps.gov](mailto:nps.gov)

Can provide law enforcement support to other Interior Department agencies.

Department of Transportation

Pipeline Safety

Contact:

720-

Cell: 303

[@dot.gov](mailto: @dot.gov)

Transportation Security Administration

Intelligence Specialist

Contact: 406

Cell: 571

[@tsa.dhs.gov](mailto: @tsa.dhs.gov)

U.S. Forest Service

Custer N.F.

3710 Fallon St.

Bozeman, MT 59718

Contact:

SA

406-

[@fs.fed.us](mailto: @fs.fed.us)

INCIDENT RESPONSE

The federal agencies anticipate a tiered response to pipeline incidents.

- Incidents along the pipeline corridor occurring on state or private property will ordinarily involve local law enforcement as the primary responder with assistance from other state and federal law enforcement assets. In these instances, Montana DCI and the MATIC will relay any request for federal assistance to the relevant federal agency contact listed above. All requests should be copied to the FBI.
- For routine or minor incidents on federal land, local law enforcement should act as the primary responder with notice to the affected agency and the FBI. Requests for federal assistance should be made from local law enforcement directly to the affected federal agency and the FBI with a copy to Montana DCI and the MATIC.

- For major incidents on federal land the affected federal agency to act as the primary responder and the party responsible for requesting assistance.

Major incidents on federal land include, but are not limited to, threats to persons, equipment, the pipeline or other federal property exclusively on federal land, near the international border, or at the Missouri River crossing.

- For major incidents on state or private land, Montana DCI and local law enforcement will act as the primary responder and party responsible for requesting assistance.

Major incidents on state or private land include all threats to public roads and highways and other significant threats to life and property occurring outside of federal land.

For any incident requiring a law enforcement response, FBI will activate the Virtual Command Center for collecting information and coordinating a response. To the extent training is necessary prior to the use of the FBI VCC, that training should occur prior to construction activity.

LAW ENFORCEMENT ON BLM LANDS

The Bureau of Land Management's (BLM) Region Four Law Enforcement program is currently planning its strategy for preserving the security and safety of both the general public and public lands administered by the BLM affected by the construction of the pipeline, which the Secretary of the Interior has deemed a priority.

BLM law enforcement will respond to all calls for service on BLM administered lands pertaining to violations within Title 43 of the Federal Code of Regulations (see statutory crimes listed below). In addition, the BLM has the authority to enforce several violations found under 18 U.S.C. as well as Title 21. The BLM also has the ability to enforce state law on BLM administered lands, but only if there is 1) a current Memorandum of Understanding (MOU) in place with that county, and 2) the Sheriff has deputized BLM law enforcement officers. BLM Law enforcement will be available to assist local and state law enforcement on other non-BLM lands only if a county and the BLM have entered an allowing the BLM officers to assist.

PRESS RELEASES AND MEDIA

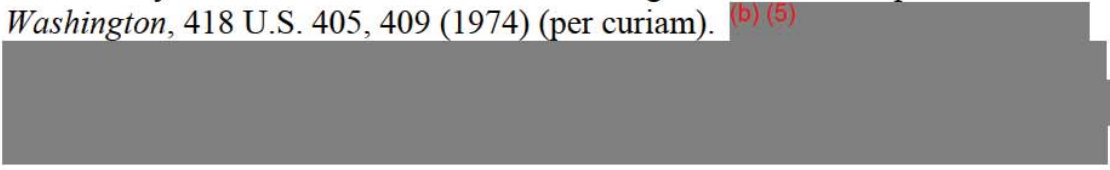
Pursuant to current DOJ media policy, all federal agency press releases that relate to potential federal litigation must be approved in advance by the United States Attorney or his designee. Social media releases will be treated as press releases and subject to the same approval process.

At times, it will be necessary to counteract misinformation on social media with press and social media releases by state and local law enforcement. State and local law enforcement should coordinate all press and social media releases with the U.S. Attorney's Office. Failure to follow that consultation process may jeopardize federal litigation and could subject federal officers and attorneys to court sanctions.

LEGAL RESOURCES

The Office of the United States Attorney will provide ongoing legal advice to federal agencies during any incident response. That advice should address two priorities: avoiding liabilities and preparing cases for litigation. All federal law enforcement responders to pipeline protest activity should be aware of federal criminal statutes pertinent to pipeline protest activities as well as the First Amendment rights of non-violent protesters.

First Amendment Standards: All federal law enforcement officers should be cognizant of and protect protesters' First Amendment rights. A failure to do so may subject individual law enforcement officers to personal liability. The First Amendment protects more than just the spoken and written word. It protects expressive conduct so long as that conduct "convey [s] a particularized message" and is likely to be understood in the surrounding circumstances. *Spence v. Washington*, 418 U.S. 405, 409 (1974) (per curiam). (b) (5)



Restrictions on speech and assembly may be viewed differently depending on the nature of the forum being regulated. The Supreme Court has divided public forums into three categories: "traditional public forums," "designated public forums," and "limited public forums." *Christian Legal Soc'y v. Martinez*, — U.S. —, 130 S.Ct. 2971, 2984 n. 11 (2010). Traditional public forums are places like sidewalks and parks. By contrast, other government properties are either nonpublic forums, or simply not considered forums at all.

Kaahumanu v. Hawaii, 682 F.3d 789, 799 (9th Cir. 2012).

Restrictions on speech and assembly in traditional public forums is subject to strict scrutiny. *Harrington v. Schribner*, 785 F.3d 1299, 1306 (9th Cir. 2015). That requires the government to prove that the measures are narrowly tailored to further a compelling government interest. *Id.* In a nonpublic forum, regulations must be “(1) reasonable in light of the purpose served by the forum and (2) viewpoint neutral.” *Ctr. for Bio-Ethical Reform, Inc. v. City & Cnty. of Honolulu*, 455 F.3d 910, 920 (9th Cir.2006) (quoting *Brown v. Cal. Dep't of Transp.*, 321 F.3d 1217, 1222 (9th Cir.2003)).

(b) (5)

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Additional resources concerning First Amendment implications of protest activity can be found at:

- <https://player.vimeo.com/video/117224998>
- https://www.ncirc.gov/Training_First_Amendment.aspx
- <https://www.dhs.gov/protective-security-advisors>
- <https://www.justice.gov/sites/default/files/crs/legacy/2012/12/17/safe-marches-dem.pdf>

Applicable federal criminal statutes:

- **Pipeline Safety Act**, 49 U.S.C. § 60123(b):

A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

Petroleum is a hazardous liquid. 49 USC § 60101(a)(4).

A “hazardous liquid pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid. 49 USC § 60101(a)(5).

From the plain language of the statute, damage to, or meddling with, construction equipment used to build the pipeline would not fall under the Act.

- **Civil disorders**, 18 U.S.C. § 231(a):

(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function [commits a felony].

This statute was used in the prosecution of _____ in the DAPL protest response.

- **Felon in possession of a firearm**, 18 U.S.C. § 922(g):

It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year . . . [or other persons including fugitives, addicts, mentally handicapped, illegal aliens; and persons convicted of misdemeanor domestic violence]

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

The mere possession of a firearm is the crime. Interstate nexus is proven through ATF experts who can testify that the gun at issue traveled in interstate commerce.

Section 922 has further prohibitions of the possession of stolen and unlawfully modified firearms, like machine guns and sawed-off shotguns. A separate provision, 922(g)(9), prohibits the possession of a firearm by a person who has been convicted of misdemeanor domestic abuse.

- **Construction or possession of prohibited firearms or destructive devices, 26 U.S.C. § 5861:**

Further restrictions on firearm possession are found in Section 5861, which also applies to any “destructive device.” In pertinent part, the provision prohibits any action—

- (f) to make a firearm in violation of the provisions of this chapter; or
- (i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
- (j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter . . .

a)The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in, United States Code); and (8) a destructive device.

- **Explosive devices, 18 U.S.C. §§ 841, 842:**

There are numerous prohibitions on the possession and transfer of explosives. They include—

- (b) It shall be unlawful for any licensee or permittee to knowingly distribute any explosive materials to any person other than—
 - (1) a licensee;
 - (2) a holder of a user permit; or
 - (3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.

- (d) It shall be unlawful for any person knowingly to distribute explosive materials to any individual who:

- (1) is under twenty-one years of age;
- (2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; . . .

(e) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution.

It is also unlawful for any felon “to ship or transport any explosive in or affecting interstate or foreign commerce or to receive or possess any explosive which has been shipped or transported in or affecting interstate or foreign commerce.”

Finally it is unlawful to “to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence;” or “ knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.

- **Assault on a federal officer**, 18 U.S.C. § 111:

Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person’s term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that

assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced Penalty.—

Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

The “person designated in section 1114” is “any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance.”

- **Simple possession of drugs, 21 U.S.C. § 844:**

Possession of controlled substances is prohibited by a federal misdemeanor that states, in part, that—

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice.

The felony drug provisions in Title 21 are found in section 841, which prohibits , among other things, any action “to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance”

- **Undocumented persons, 8 U.S.C. § 1325, 1326:**

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned

not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

This is the most common offense related to undocumented persons. The more serious offense of reentry after removal is found in section 1326.

- **Border offenses, 19 U.S.C. § 1433:**

Offenses related to unlawful border crossings are found in Title 19. They include a prohibition on vehicles entering the U.S. except through border stations. Thus,

(1) Vehicles may arrive in the United States only at border crossing points designated by the Secretary.

(2) Except as otherwise authorized by the Secretary, immediately upon the arrival of any vehicle in the United States at a border crossing point, the person in charge of the vehicle shall—

(A) report the arrival; and

(B) present the vehicle, and all persons and merchandise (including baggage) on board, for inspection;

to the customs officer at the customs facility designated for that crossing point.

- **BLM Violations pertaining to the Keystone Pipeline**

* In the presence of aggravating circumstances, i.e., where the result of a person's actions exceeds the bond or when a serious threat exists to Bureau property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established at the discretion of the issuing officer, the Special Agent-in-Charge, or the U.S. Attorney's office.

*** Where the federal regulation prohibits the same act as a state law, the fine set under state law may be assessed for violations.

Statute	Violation	Bond
18 USC 1361	Vandalism of Government Property	\$250 *
18 USC 1864 (b)(5)	Hazardous Devise on Federal Lands	MA
18 USC 1061	Obstruction of Transit over Public Lands	\$200 *

Special Use Permits for Competitive Events, Commercial Use, Recreation Areas

43 CFR 2932.57(a)(1)	Fail to Obtain a Special Recreation Permit/Pay Fees	\$250*
2932.57(a)(2)	Violate the Stipulations or Conditions of a Permit	\$250*
2932.57(a)(3)	Knowingly Participate in Un-permitted Event or Activity	\$100
2932.57(a)(4)	Fail to Post a Copy of the Permit for Participants to Read	\$100
2932.57(a)(5)	Fail to Show a Copy of Permit upon Request	\$100
2932.57(a)(6)	Obstruct or Harass Public or Impede w/Physical Contact	\$250

Grazing Administration

4140.1(b)(2)	Use, Maintain, Disturb Range Improvements w/o Auth.	\$200*
4140.1(b)(3)	Cut, Burn, Spray, Destroy or Remove Vegetation	\$150*
4140.1(b)(4)	Damaging or Removing US Property	\$200*
4140.1(b)(6)	Littering	\$100*
4140.1(b)(7)	Interfering with Lawful Use or Users/Obstructing Transit	\$200*
4140.1(b)(8)	Making a Knowing & Willful False Statement	\$250*

Closures

8364.1(d)	Violate Closure or Restriction Order	\$200*
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Rules of Conduct

8365.1-1(b)(1)	Littering, Non-Flammable Material	\$100*
8365.1-1(b)(2)	Littering, Flammable Material	\$100*
8365.1-1(b)(3)	Dumping of Sewage/Petroleum Product	\$200*
8365.1-1(b)(4)	Household, Industrial, Commercial Waste Disposal	\$250*
8365.1-1(b)(5)	Pollute or Contaminate Water Supplies	\$250*
8365.1-1(b)(6)	Improper Use Refuse Container/Disposal Facility	\$100*
8365.1-2(a)	Camping Longer than Permitted	\$100*
8365.1-2(b)	Unattended Personal Property – > 10 Days	\$100*
8365.1-3(a)	Reckless, Careless, Negligent Motor Vehicle Operation	\$250*
8365.1-3(a)	Exceed Posted Speed Limit (10)	\$25

	(11-20)	\$50
	(21 mph and over)	\$100
8365.1-3(b)(1)	Mandatory Safety Belt	\$25
8365.1-4	Creating a Risk or Public Disturbance	\$500*
8365.1-4(a)(1)	Making Unreasonable Noise	\$100
8365.1-4(a)(2)	Creating a Hazard or Nuisance	\$200*
8365.1-4(a)(3)	Refusing to Disperse	\$100*
8365.1-4(a)(4)	Resisting Arrest	\$250*
8365.1-4(a)(5)	Assault or Battery on BLM Employee	\$250*
8365.1-4(a)(6)	False Emergency or Crime Report	\$100*
8365.1-4(b)(1)	Cont. Substance	MA **
8365.1-4(b)(2)	Possession of a Controlled Substance	MA **
8365.1-4(b)(2)	Possession of < 1 ounce of Marijuana	\$250
8365.1-5(a)(1)	Deface, Remove, Destroy Natural Resources	\$250*
8365.1-5(a)(2)	Deface, Remove, Destroy, Plants, Rocks, Minerals	\$100*
8365.1-5(a)(3)	Motorized or Explosive Devices for Collecting	\$250*
8365.1-5(c)	Collection of Resources for Sale or Barter w/o Permit	\$250*
8365.1-6	Supplementary Rules	\$100*

Disclosure of Communications: All federal, state, and local officers should be aware that all communications, emails, tweets, social media commentary, video, reports, photographs and other evidence are subject to disclosure either through the Freedom of Information Act or litigation discovery. Officers should expect that these communications could be published in the social media and by the press.

In all federal litigation, the United States has an obligation to disclose all relevant and exculpatory evidence gathered in the investigation of a federal crime. That disclosure obligation extends to state and local officers working in conjunction with federal law enforcement officers. Efforts should be made to place all evidentiary materials necessary for a later federal or state prosecution into a centralized depository, including videos, photos, reports, emails, and physical evidence. Failure to make the necessary disclosure of relevant or exculpatory evidentiary material of any kind in the course of a federal criminal prosecution may result in individual sanctions and possible dismissal of the charges.

Conversation Contents

Re [EXTERNAL] draft XL pipeline report

Attachments

/12. Re: [EXTERNAL] draft XL pipeline report/1.1 pipeline federal operations plan.docx
/12. Re: [EXTERNAL] draft XL pipeline report/1.2 BLM paragraph for AUSA.docx

"Sakahara, Bryan" <bsakahar@blm.gov>

From: @blm.gov>
Sent: Thu Apr 05 2018 13:40:47 GMT-0600 (MDT)
To: (USAMT)" @usdoj.gov>
CC: @blm.gov>
Subject: Re: [EXTERNAL] draft XL pipeline report
Attachments: pipeline federal operations plan.docx BLM paragraph for AUSA.docx

this looks great, I have made a couple of changes in regard to my contact information. Here is the paragraph you requested pertaining to BLM.

On Mon, Apr 2, 2018 at 10:11 AM, (USAMT)" @usdoj.gov> wrote:
please look over the enclosed plan. This is something I hope to share with the Matic and DCI to help coordinate the response on the ground. I think it needs one final section explaining the response on BLM public lands. Could you propose a paragraph on that? Once I have that together, I will share with the rest of the federal partners for comment and then DCI. Thanks

First Assistant United States Attorney
District of Montana
(406)

State Chief Ranger, Montana/Dakotas
Department of the Interior
Bureau Of Land Management
Office of Law Enforcement & Security
5001 Southgate Dr.
Billings, Mt. 59101

Office (406)
Cell (406)

(USAMT)" @usdoj.gov>

From: (USAMT)" @usdoj.gov>
Sent: Thu Apr 05 2018 13:46:44 GMT-0600 (MDT)
To: @blm.gov>
CC: @blm.gov>
Subject: RE: [EXTERNAL] draft XL pipeline report

Thanks I am trying to shoot it out to everyone this afternoon. I appreciate your help. Just got back from ND where I had a rather sobering visit with the ND DAPL folks.

From: @blm.gov>
Sent: Thursday, April 5, 2018 1:41 PM
To: (USAMT)" @usa.doj.gov>
Cc: @usdoj.gov>
Subject: Re: [EXTERNAL] draft XL pipeline report

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Cell (406)

[@blm.gov](#)>

From: [@blm.gov](#)>
Sent: Thu Apr 05 2018 13:49:51 GMT-0600 (MDT)
To: (USAMT) [@usdoj.gov](#)>
CC: [@blm.gov](#)>
Subject: Re: [EXTERNAL] draft XL pipeline report

Let's meet for coffee next week if you can, I'd like to hear about your trip.

On Thu, Apr 5, 2018 at 1:46 PM, USAMT [@usdoj.gov](#)> wrote:
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[Office \(406\)](#)
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FEDERAL OPERATIONS PLAN KEYSTONE XL PIPELINE PUBLIC SAFETY ISSUES

Draft: 3/30/18



Prepared by the United States Attorney's Office with input from .
Contains law enforcement sensitive and attorney work product information.

USA_BLM_00494

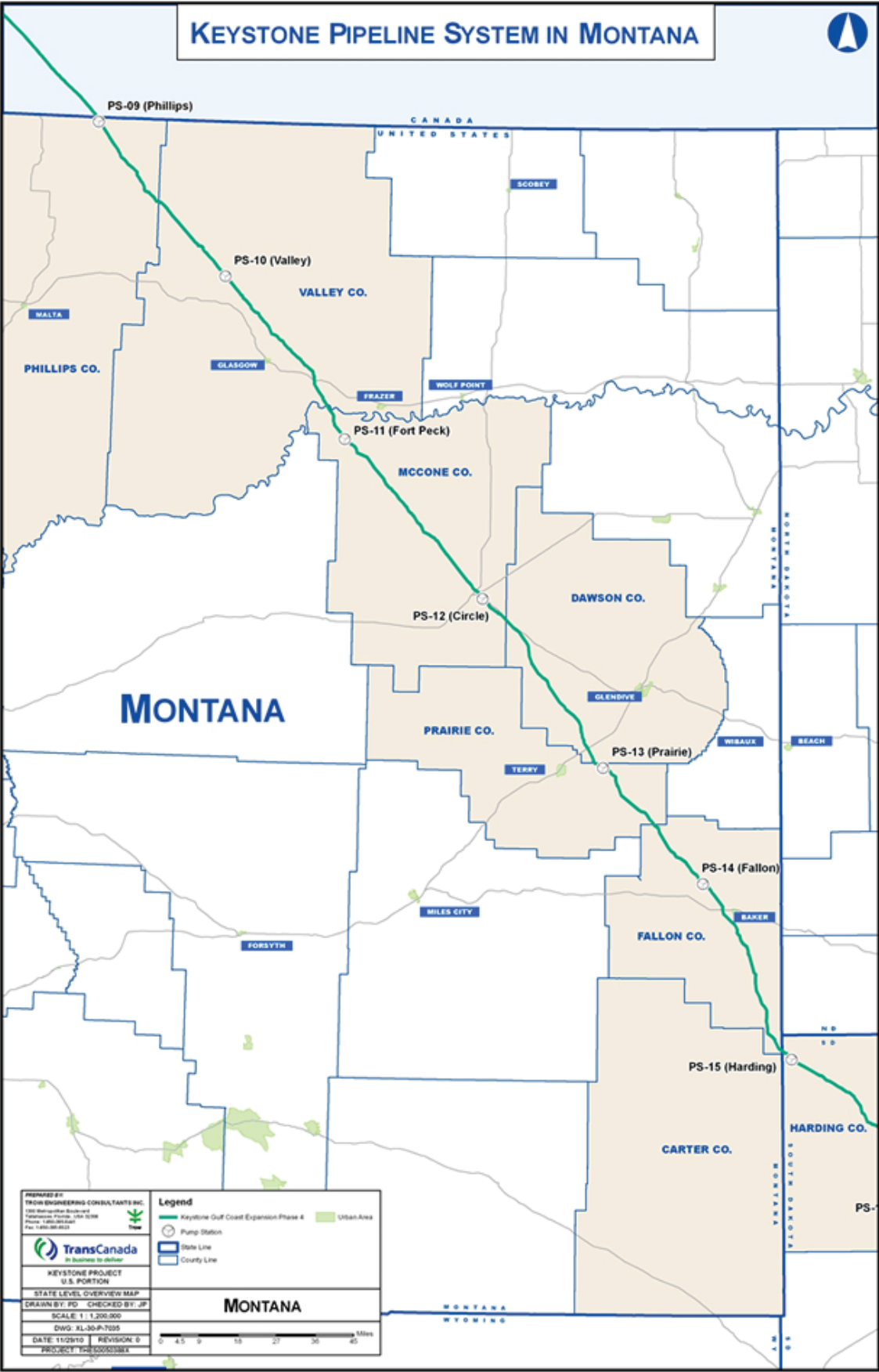
PURPOSE

Anticipating the commencement of construction activities on the TransCanada Keystone XL Pipeline (pipeline) beginning the spring of 2018, the United States Attorney's Office and affected federal agencies collectively adopt this plan of operations to facilitate the deployment of federal law enforcement resources to assist with the law enforcement response to pipeline construction and protest activities along the pipeline route. This plan of operations supplements the Threat Assessment from the Montana Analysis and Technical Information Center dated 11/27/2017 with a summary of available federal resources; it is not intended to preempt future decision-making by any federal agency with regard to any request for a federal response, or violations of federal law within the jurisdiction of the United States.

BACKGROUND

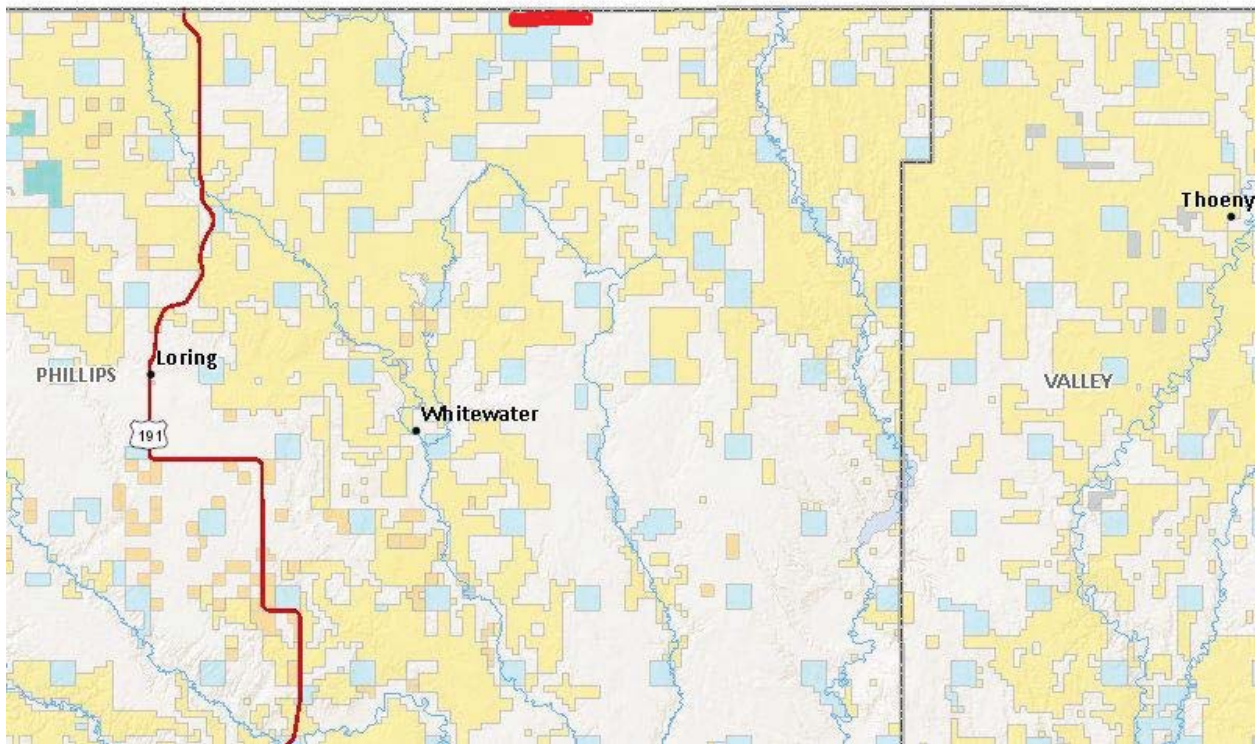
The proposed pipeline route passes through six counties in Montana from north to southeast: Phillips, Valley, McCone, Dawson, Prairie, and Fallon (see attached map). It will pass through mostly remote farming and ranching communities. Approximately 45-55 miles of pipeline will pass through federal land held by the Bureau of Land Management, the Bureau of Reclamation, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. The pipeline will cross three major rivers in Montana: the Milk, Missouri and Yellowstone.

For reasons outlined in the MATIC Threat Assessment, construction of the pipeline is highly controversial and will likely generate significant opposition from protest groups during construction. Since pipeline construction will generally occur from north to south, Montana can expect to host a significant portion of the protest activity during the early construction phase. We expect the protest activity to be concentrated at significant river, border and highway crossings, including the U.S.-Canadian border crossing, the Missouri crossing near the Fort Peck Dam, and the Yellowstone/Interstate crossing west of Glendive, Montana. Federal lands exist near each of these sites. The pipeline construction firm, TransCanada, expects to build temporary construction worker camps along the pipeline route. It tentatively proposes four camps in Montana near the towns of Hinsdale, Nashua, Circle, and Baker.

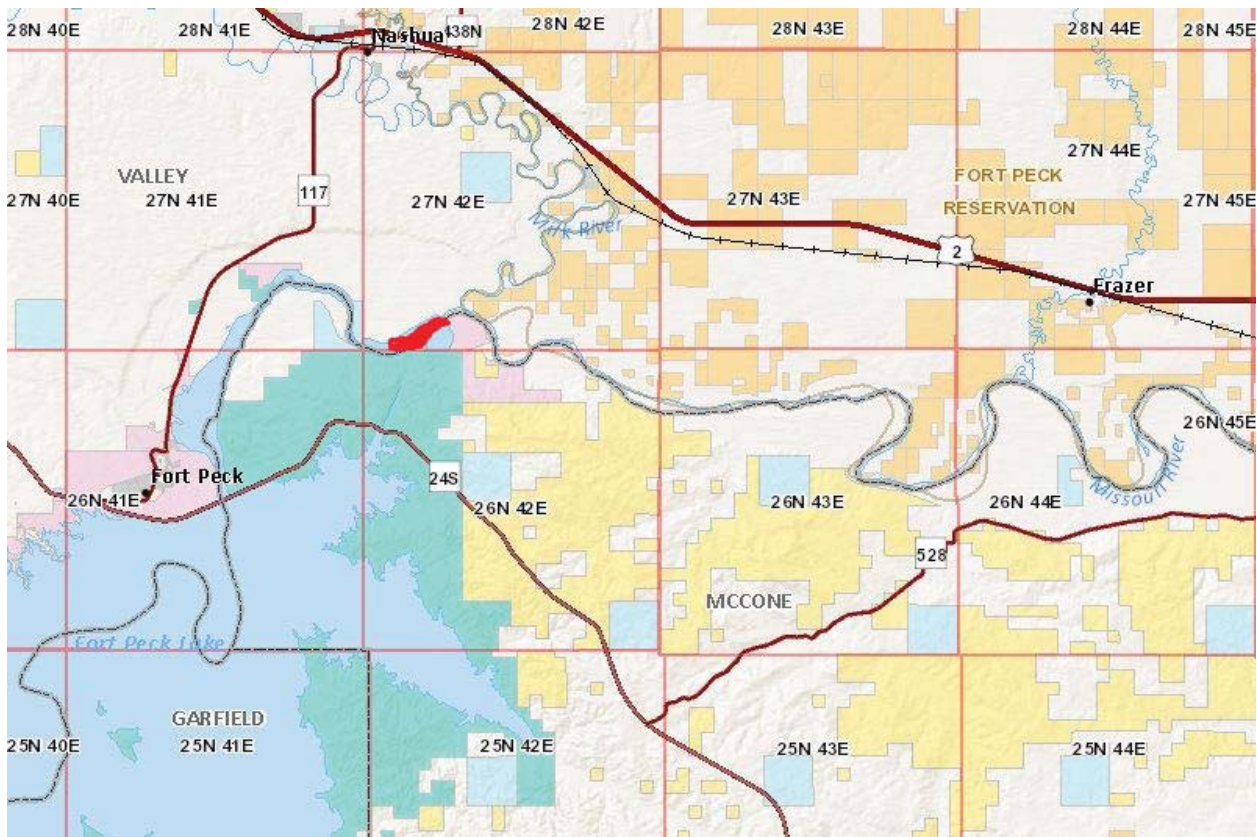


CRITICAL SITE ANALYSIS

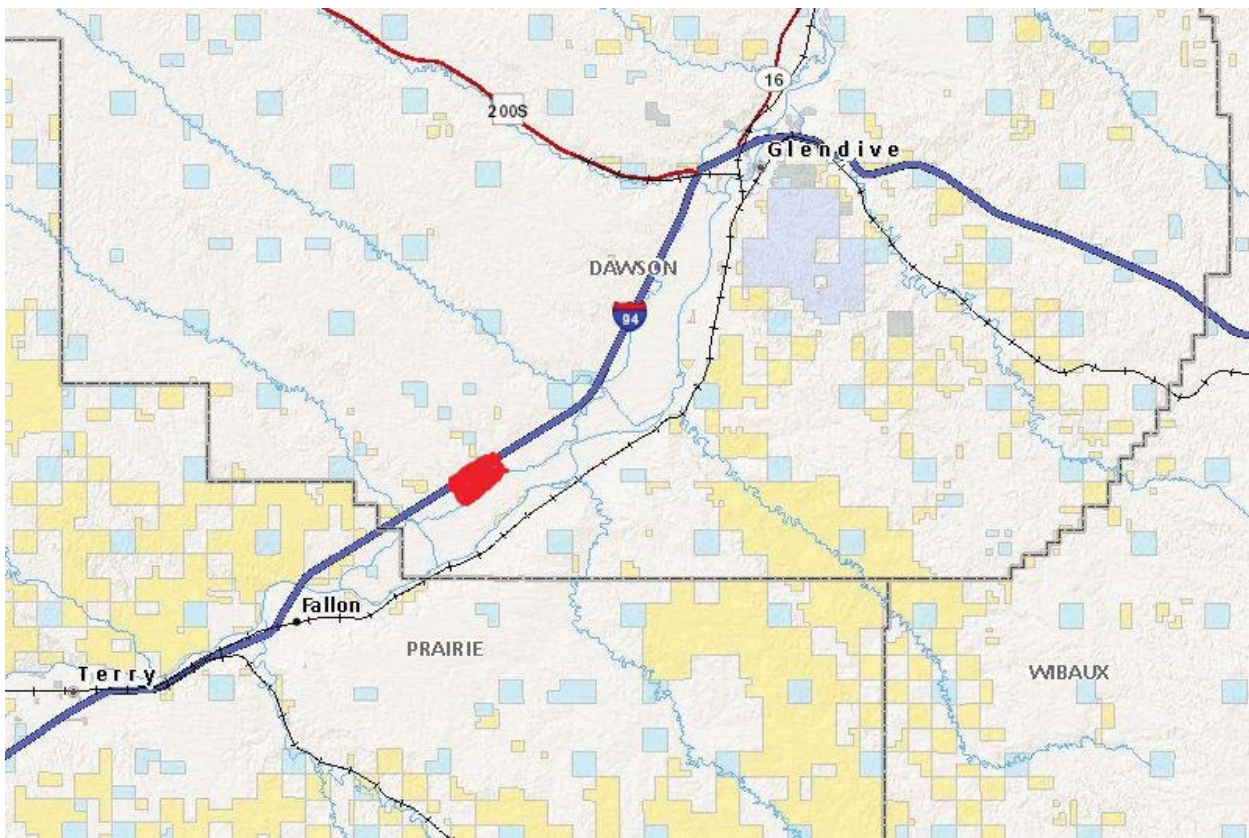
U.S.-Canadian border—Phillips County: The pipeline route crosses the international border in a remote portion of Phillips County that is not served by any major highways or towns (approximate location in red). In that area, however, the pipeline route is surrounded by large amounts of federal public land held by the BLM.



Missouri River crossing—Valley and McCone Counties: The pipeline is to be directionally drilled beneath the Missouri River within a mile of the Fort Peck Reservoir spillway, a portion of the critical infrastructure related to the largest reservoir in the state. The river crossing from Valley to McCone Counties is within a mile of the Fort Peck Reservation in the east, approximately 5 miles south of U.S. Highway 2 (approximate location in red). The Fort Peck Tribe's water intake system lies about 35 miles east. The south side of the river crossing at that location is an amalgam of federal public land held by the Corps of Engineers, the BLM, BOR and USFWS.



Yellowstone River crossing—Dawson County: the pipeline is to be directionally drilled beneath the Yellowstone River approximately 20 miles west of Glendive (approximate location in red). The crossing is on private land, although there are large amounts of BLM public land as close as 5 miles from the crossing, particularly in Prairie County. The crossing is within three miles of Interstate 90 near the Bad Route Road exit.



FEDERAL AGENCY RESOURCES

FBI

2929 3rd Ave. North
Billings, Montana 59101

Contact:

SSRA
(406)
SA
406
@fbi.gov
, Analyst, @fbi.gov
406
Cell: 310

The Billings Resident Agency for the FBI will have primary investigative authority for all federal crimes under Title 18 of the United States Code that occur along the pipeline corridor. The FBI also has primary authority for investigating major crimes occurring within the Fort Peck Reservation and for the protection of critical infrastructure along the pipeline corridor, including the pipeline itself and the Fort Peck dam and spillway. The FBI will have primary investigative authority for all national security investigations, including but not limited to international terrorism, domestic terrorism, and weapons of mass destruction, regardless of the statutes charged.

Available resources include:

- six agents to respond to pipeline-related incidents;
- critical incident response team for domestic terrorism or threats to critical infrastructure;
- analyst support; and
- command center resources including the Virtual Command Center for centralized management of incidents occurring in multiple locations.

BLM

5001 Southgate Drive

Billings, MT 59101

Contact:

[@blm.gov](mailto:blm@blm.gov)

Chief Ranger

Desk: 406

Cell: 406-

BLM has jurisdiction and patrol responsibility for BLM land. Barring a significant incident on BLM land, BLM anticipates that its response role will be to assist with the local law enforcement response. Additional MOUs with the state and counties may be necessary for this to occur. BLM is not currently anticipating any land closures or land use prohibitions beyond the regulations in place. Large gatherings on BLM land require a permit. BLM may also impose fire restrictions during summer months.

Available resources:

- a Chief Ranger and three agents available for investigations;
- portable radio repeater technology available to provide consistent co for secure communications to remote sections of the pipeline corridor;
- portable medical unit;
- management may activate a response from BLM rangers throughout the region as a force multiplier on an incident basis.

U.S. Attorney's Office

2601 2nd Ave. Billings, MT 59101

Contact:

[@usdoj.gov](mailto:usdoj@usdoj.gov)

First Assistant U.S. Attorney

406

Cell 406

[@usdoj.gov](mailto:usdoj@usdoj.gov)

Intelligence Specialist

Desk: 406

Cell: 406.

The USAO will coordinate the federal response, provide legal advice, prosecute federal cases derived from the pipeline response, and communicate incident developments to the Department of Justice Office of the Deputy Attorney General and to the National Security Division's Counterterrorism Section. The Counterterrorism Section will provide litigation support in the event of a significant terrorist incident.

Available resources:

- AUSA prosecutors for individual case assignments;
- Joint Terrorism Task Force expertise including AUSA
- intelligence analyst support.

Border Patrol

Havre Sector

2605 5th Ave. S.E.

Havre, MT 59501

Contact:

PAIC, Havre Sector

Desk: 406

Cell: 406

@cbp.dhs.gov

Border Patrol will be the primary federal responder for incidents at or near the international border. Border Patrol anticipates that it will patrol north of Highway 2, with efforts concentrated nearest the border. It will be able to process Central Violations Bureau tickets for federal misdemeanor drug, assault, and other violations near the border, such as failure to report at a border crossing. Border patrol will not be enforcing trespass violations involving either federal or private lands. It can assist with communications and provide training to local law enforcement and tactical support for border-related incidents.

Available resources:

- approximately 10 agents in the sector;
- SWAT (BORTAC) and EMT/Search and Rescue (Border STAR) Units
- air unit (Great Falls) and drone assets (N.D.).

ATF
2929 3rd Ave. North
Billings, MT 59101

Contact: **RAC**
406
SA
406-
Cell: 406
@atf.gov

ATF has the primary investigative authority over firearms violations and explosives. Will coordinate with DCI on arson investigations. Has capacity to deal with potentially violent targets through the use of the federal firearms laws.

Available resources:

- certified fire investigators
- undercover personnel
- ied and Molotov cocktail investigations
- radio technicians can assist with communications coordination
- emergency bullet analysis and firearms tracing.

U.S. Army Corps of Engineers
Fort Peck Dam

Contact: **406**
@usace.army.mil

The Army Corps of Engineers has a primary role in protecting the critical infrastructure at the Fort Peck Dam. Patrol and security responsibilities on that site may need to be arranged by the Corps with the Federal Protective Services.

BIA

**2021 4th Ave. North
Billings, MT 59101**

Contact:

SAC

406-

ASAC

Cell: 406

[@bia.gov](mailto:bia.gov)

Provides law enforcement support and investigations in Indian Country. Will provide technical assistance on the Fort Peck Reservation.

Available resources:

- patrol officers for incidents affecting Fort Peck Reservation;
- mobile command post and portable communications trailer.

U.S. Marshals Service

**2601 2nd Ave. North
Billings, MT 59101**

Contact:

Acting Marshal

406-

406-

[@usdoj.gov](mailto:usdoj.gov)

U.S. Marshals Service role as yet undefined. May assist with fugitive warrants and prisoner transport.

Available resources:

- 20-24 operation personnel available, more if necessary;
- Violent Crime Task Force.

NPS

Contact:

L.E. Ranger

307-

[@nps.gov](mailto:nps.gov)

Can provide law enforcement support to other Interior Department agencies.

Department of Transportation

Pipeline Safety

Contact:

720

Cell: 303

[@dot.gov](mailto: @dot.gov)

Transportation Security Administration

Intelligence Specialist

Contact: 406-

Cell: 571

[@tsa.dhs.gov](mailto: @tsa.dhs.gov)

U.S. Forest Service

Custer N.F.

3710 Fallon St.

Bozeman, MT 59718

Contact:

SA

406-

[@fs.fed.us](mailto: @fs.fed.us)

INCIDENT RESPONSE

The federal agencies anticipate a tiered response to pipeline incidents.

- Incidents along the pipeline corridor occurring on state or private property will ordinarily involve local law enforcement as the primary responder with assistance from other state and federal law enforcement assets. In these instances, Montana DCI and the MATIC will relay any request for federal assistance to the relevant federal agency contact listed above. All requests should be copied to the FBI.
- For routine or minor incidents on federal land, local law enforcement should act as the primary responder with notice to the affected agency and the FBI. Requests for federal assistance should be made from local law enforcement directly to the affected federal agency and the FBI with a copy to Montana DCI and the MATIC.

- For major incidents on federal land the affected federal agency to act as the primary responder and the party responsible for requesting assistance.

Major incidents on federal land include, but are not limited to, threats to persons, equipment, the pipeline or other federal property exclusively on federal land, near the international border, or at the Missouri River crossing.

- For major incidents on state or private land, Montana DCI and local law enforcement will act as the primary responder and party responsible for requesting assistance.

Major incidents on state or private land include all threats to public roads and highways and other significant threats to life and property occurring outside of federal land.

For any incident requiring a law enforcement response, FBI will activate the Virtual Command Center for collecting information and coordinating a response. To the extent training is necessary prior to the use of the FBI VCC, that training should occur prior to construction activity.

PRESS RELEASES AND MEDIA

Pursuant to current DOJ media policy, all federal agency press releases that relate to potential federal litigation must be approved in advance by the United States Attorney or his designee. Social media releases will be treated as press releases and subject to the same approval process.


At times, it will be necessary to counteract misinformation on social media with press and social media releases by state and local law enforcement. State and local law enforcement should coordinate all press and social media releases with the U.S. Attorney's Office. Failure to follow that consultation process may jeopardize federal litigation and could subject federal officers and attorneys to court sanctions.

LEGAL RESOURCES

The Office of the United States Attorney will provide ongoing legal advice to federal agencies during any incident response. That advice should address two priorities: avoiding liabilities and preparing cases for litigation. All federal law enforcement responders to pipeline protest activity should be aware of federal

criminal statutes pertinent to pipeline protest activities as well as the First Amendment rights of non-violent protesters.

First Amendment Standards: All federal law enforcement officers should be cognizant of and protect protesters' First Amendment rights. A failure to do so may subject individual law enforcement officers to personal liability. The First Amendment protects more than just the spoken and written word. It protects expressive conduct so long as that conduct "convey [s] a particularized message" and is likely to be understood in the surrounding circumstances. *Spence v. Washington*, 418 U.S. 405, 409–11, 94 S.Ct. 2727, 41 L.Ed.2d 842 (1974) (per curiam). (b) (5)



Restrictions on speech and assembly may be viewed differently depending on the nature of the forum being regulated. The Supreme Court has divided public forums into three categories: "traditional public forums," "designated public forums," and "limited public forums." *Christian Legal Soc'y v. Martinez*, — U.S. —, 130 S.Ct. 2971, 2984 n. 11, 177 L.Ed.2d 838 (2010). Traditional public forums are places like sidewalks and parks. By contrast, other government properties are either nonpublic forums, or simply not considered forums at all. *Kaahumanu v. Hawaii*, 682 F.3d 789, 799 (9th Cir. 2012).

Restrictions on speech and assembly in traditional public forums is subject to strict scrutiny. *Harrington v. Schribner*, 785 F.3d 1299, 1306 (9th Cir. 2015). That requires the government to prove that the measures are narrowly tailored to further a compelling government interest. *Id.* In a nonpublic forum, regulations must be "(1) reasonable in light of the purpose served by the forum and (2) viewpoint neutral." *Ctr. for Bio-Ethical Reform, Inc. v. City & Cnty. of Honolulu*, 455 F.3d 910, 920 (9th Cir.2006) (quoting *Brown v. Cal. Dep't of Transp.*, 321 F.3d 1217, 1222 (9th Cir.2003)).

(b) (5)



(b) (5)



Additional resources concerning First Amendment implications of protest activity can be found at:

- <https://player.vimeo.com/video/117224998>
- https://www.ncirc.gov/Training_First_Amendment.aspx
- <https://www.dhs.gov/protective-security-advisors>
- <https://www.justice.gov/sites/default/files/crs/legacy/2012/12/17/safe-marches-dem.pdf>

Applicable federal criminal statutes:

- **Pipeline Safety Act**, 49 U.S.C. § 60123(b):

A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or

both, and, if death results to any person, shall be imprisoned for any term of years or for life.

Petroleum is a hazardous liquid. 49 USC § 60101(a)(4).

A “hazardous liquid pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid. 49 USC § 60101(a)(5).

From the plain language of the statute, damage to, or meddling with, construction equipment used to build the pipeline would not fall under the Act.

- **Civil disorders**, 18 U.S.C. § 231(a):

(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function [commits a felony].

This statute was used in the prosecution of _____ in the DAPL protest response.

- **Felon in possession of a firearm, 18 U.S.C. § 922(g):**

It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year . . . [or other persons including fugitives, addicts, mentally handicapped, illegal aliens; and persons convicted of misdemeanor domestic violence]

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

The mere possession of a firearm is the crime. Interstate nexus is proven through ATF experts who can testify that the gun at issue traveled in interstate commerce.

Section 922 has further prohibitions of the possession of stolen and unlawfully modified firearms, like machine guns and sawed-off shotguns. A separate provision, 922(g)(9), prohibits the possession of a firearm by a person who has been convicted of misdemeanor domestic abuse.

- **Construction or possession of prohibited firearms or destructive devices, 26 U.S.C. § 5861:**

Further restrictions on firearm possession are found in Section 5861, which also applies to any “destructive device.” In pertinent part, the provision prohibits any action—

(f) to make a firearm in violation of the provisions of this chapter; or

(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter . . .

a)The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18

inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in, United States Code); and (8) a destructive device.

- **Explosive devices, 18 U.S.C. §§ 841, 842:**

There are numerous prohibitions on the possession and transfer of explosives. They include—

- (b) It shall be unlawful for any licensee or permittee to knowingly distribute any explosive materials to any person other than—
 - (1) a licensee;
 - (2) a holder of a user permit; or
 - (3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.

- (d) It shall be unlawful for any person knowingly to distribute explosive materials to any individual who:
 - (1) is under twenty-one years of age;
 - (2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; . . .

- (e) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution.

It is also unlawful for any felon “to ship or transport any explosive in or affecting interstate or foreign commerce or to receive or possess any explosive which has been shipped or transported in or affecting interstate or foreign commerce.”

Finally it is unlawful to “to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of

an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence;” or “ knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.

- **Assault on a federal officer**, 18 U.S.C. § 111:

Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person’s term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced Penalty.—

Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

The “person designated in section 1114” is “any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance.”

- **Simple possession of drugs**, 21 U.S.C. § 844:

Possession of controlled substances is prohibited by a federal misdemeanor that states, in part, that—

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice.

The felony drug provisions in Title 21 are found in section 841, which prohibits , among other things, any action “to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance”

- **Undocumented persons**, 8 U.S.C. § 1325, 1326:

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

This is the most common offense related to undocumented persons. The more serious offense of reentry after removal is found in section 1326.

- **Border offenses**, 19 U.S.C. § 1433:

Offenses related to unlawful border crossings are found in Title 19. They include a prohibition on vehicles entering the U.S. except through border stations. Thus,

(1) Vehicles may arrive in the United States only at border crossing points designated by the Secretary.

(2) Except as otherwise authorized by the Secretary, immediately upon the arrival of any vehicle in the United States at a border crossing point, the person in charge of the vehicle shall—

(A) report the arrival; and

(B) present the vehicle, and all persons and merchandise (including baggage) on board, for inspection;

to the customs officer at the customs facility designated for that crossing point.

- **BLM Violations pertaining to the Keystone Pipeline**

* In the presence of aggravating circumstances, i.e., where the result of a person's actions exceeds the bond or when a serious threat exists to Bureau property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established at the discretion of the issuing officer, the Special Agent-in-Charge, or the U.S. Attorney's office.

*** Where the federal regulation prohibits the same act as a state law, the fine set under state law may be assessed for violations.

Statute	Violation	Bond
18 USC 1361	Vandalism of Government Property	\$250 *
18 USC 1864 (b)(5)	Hazardous Devise on Federal Lands	MA
18 USC 1061	Obstruction of Transit over Public Lands	\$200 *

Special Use Permits for Competitive Events, Commercial Use, Recreation Areas

43 CFR 2932.57(a)(1)	Fail to Obtain a Special Recreation Permit/Pay Fees	\$250*
2932.57(a)(2)	Violate the Stipulations or Conditions of a Permit	\$250*
2932.57(a)(3)	Knowingly Participate in Un-permitted Event or Activity	\$100
2932.57(a)(4)	Fail to Post a Copy of the Permit for Participants to Read	\$100
2932.57(a)(5)	Fail to Show a Copy of Permit upon Request	\$100
2932.57(a)(6)	Obstruct or Harass Public or Impede w/Physical Contact	\$250

Grazing Administration

4140.1(b)(2)	Use, Maintain, Disturb Range Improvements w/o Auth.	\$200*
4140.1(b)(3)	Cut, Burn, Spray, Destroy or Remove Vegetation	\$150*
4140.1(b)(4)	Damaging or Removing US Property	\$200*

4140.1(b)(6)	Littering	\$100*
4140.1(b)(7)	Interfering with Lawful Use or Users/Obstructing Transit	\$200*
4140.1(b)(8)	Making a Knowing & Willful False Statement	\$250*

Closures

8364.1(d)	Violate Closure or Restriction Order	\$200*
-----------	--------------------------------------	--------

Rules of Conduct

8365.1-1(b)(1)	Littering, Non-Flammable Material	\$100*
8365.1-1(b)(2)	Littering, Flammable Material	\$100*
8365.1-1(b)(3)	Dumping of Sewage/Petroleum Product	\$200*
8365.1-1(b)(4)	Household, Industrial, Commercial Waste Disposal	\$250*
8365.1-1(b)(5)	Pollute or Contaminate Water Supplies	\$250*
8365.1-1(b)(6)	Improper Use Refuse Container/Disposal Facility	\$100*
8365.1-2(a)	Camping Longer than Permitted	\$100*
8365.1-2(b)	Unattended Personal Property – > 10 Days	\$100*
8365.1-3(a)	Reckless, Careless, Negligent Motor Vehicle Operation	\$250*
8365.1-3(a)	Exceed Posted Speed Limit (10)	\$25
	(11-20)	\$50
	(21 mph and over)	\$100
8365.1-3(b)(1)	Mandatory Safety Belt	\$25
8365.1-4	Creating a Risk or Public Disturbance	\$500*
8365.1-4(a)(1)	Making Unreasonable Noise	\$100
8365.1-4(a)(2)	Creating a Hazard or Nuisance	\$200*
8365.1-4(a)(3)	Refusing to Disperse	\$100*
8365.1-4(a)(4)	Resisting Arrest	\$250*
8365.1-4(a)(5)	Assault or Battery on BLM Employee	\$250*
8365.1-4(a)(6)	False Emergency or Crime Report	\$100*
8365.1-4(b)(1)	Cont. Substance	MA**
8365.1-4(b)(2)	Possession of a Controlled Substance	MA**
8365.1-4(b)(2)	Possession of < 1 ounce of Marijuana	\$250
8365.1-5(a)(1)	Deface, Remove, Destroy Natural Resources	\$250*
8365.1-5(a)(2)	Deface, Remove, Destroy, Plants, Rocks, Minerals	\$100*
8365.1-5(a)(3)	Motorized or Explosive Devices for Collecting	\$250*
8365.1-5(c)	Collection of Resources for Sale or Barter w/o Permit	\$250*
8365.1-6	Supplementary Rules	\$100*

The Bureau of Land Management's (BLM) Region Four Law Enforcement program is currently involved with the planning stages of the security and safety of both the general public and public lands administered by the Bureau of Land Management revolving around the construction of the Keystone Pipeline. This pipeline will run through approximately 50 miles of BLM lands through eastern Montana and has been deemed a priority by the Secretary of the Interior.

BLM's priorities will revolve around the BLM's mission in managing our public lands with an emphasis on public safety and resource protection. BLM Law Enforcement will respond to all calls of service on BLM administered lands pertaining to violations within Title 43 of the Federal Code of Regulations. In addition the BLM has the authority to enforce several violations found under 18 USC as well as Title 21. **"Please see the bottom of this document for BLM enforceable violations pertaining to the Keystone Pipeline"**. The BLM does have the ability to enforce state law on BLM administered lands only if there is a current Memorandum of Understanding (MOU) in place with that current county and the BLM LE personnel have been deputized by the sheriff of said county. BLM Law enforcement will be available to assist local and state law enforcement off of BLM administered lands only if a MOU has been established within that county and the BLM LE has been requested for assistance.

Conversation Contents

Question for you

@blm.gov>

From: @blm.gov>
Sent: Wed Nov 22 2017 10:19:45 GMT-0700 (MST)
To: @blm.gov>
BCC: @blm.gov
Subject: Question for you

I am currently working with a multi-agency planning group focused on preparing for any potential, large scale protest type activity, similar to what occurred in North Dakota, regarding construction a pipeline in our A.O.

One of the items I was asked to follow-up on, was the potential availability/capabilities of our LE Medical Team.

So...give me a call when you get a chance. Hope you have an enjoyable holiday weekend.

Special Agent

U.S. Department of the Interior
Bureau of Land Management

5001 Southgate Drive
Billings, MT 59101

Office: (406)

Fax: (406)

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USA_BLM_00517

Conversation Contents

Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)

Attachments

/24. Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)/1.1 image003.jpg
/24. Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)/1.2 Multi County IAP-OPS Plan Draft.docx
/24. Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)/1.3 County revised Resources.docx

@blm.gov>

From: @blm.gov>
Sent: Mon Nov 20 2017 10:25:52 GMT-0700 (MST)
To: @blm.gov>
Subject: Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)
Attachments: image003.jpg Multi County IAP-OPS Plan Draft.docx County revised Resources.docx

----- Forwarded message -----

From: @blm.gov>
Date: Mon, Nov 20, 2017 at 10:02 AM
Subject: Fwd: IAP OPS plan / Local Resources (Law enforcement Sensitive material)
To: @blm.gov>

----- Forwarded message -----

From: @mt.gov>
Date: Sun, Nov 19, 2017 at 6:58 PM
Subject: IAP OPS plan / Local Resources (Law enforcement Sensitive material)
To: BLM Ranger @blm.gov>, @mcso.mt.gov>, @min.riss.net>, @mt.gov>, BLM Special Agent @mt.gov>, @blm.gov>, @cbo.dhs.gov>, @richland.org>, @gmail.com>, @mt.gov>, Custom Border" @cbo.dhs.gov>, Prairie SO @prairiencounty.org>, @lccountymt.gov>, @blm.gov>, Valley USheriff @valleycountymt.gov>, @leo.gov>, @mt.gov>, @mcso.mt.gov>, @richland.org>, @hotmail.com>, @nhillscountymt.gov>, Under Sh. @colsheridan.mt.us>, @mt.gov>, @ccsmt.com>, @valleycountymt.gov>

Hello all,

As discussed in the working group meeting I am including the Ops plan, please change or address anything you would like me to change on the first few pages.

I am writing this for you as you see fit, and I think with DES local and MT DES assistance to the Law Enforcement we can take some of the work off of your shoulders. Remember this is just an over view of how we will get things started and not specific Operational tactics you will be employing.

Please also let me know what you might need help with filling out on the resources and I will work with the DES locally to fill in any blanks you might have.

I will sign a confidentiality agreement for this info and so will all of the other DES coordinators that would get one copy to assist you, with the requirement it is under lock and key, when distributed.

Respectfully,

Montana Disaster and Emergency Services,
Eastern District Field Officer
3785 US Hwy. 87 South
Roundup, MT 59072
406- Office
406- Cell
@mt.gov

MDE:
rev
sign

Written communication to or from state employees regarding state and local business is public record and available to the public and media upon request. Your email may be subject to public disclosure.

Assistant Special Agent in Charge
Bureau of Land Management
5001 Southgate Drive, Billings MT 59101
406.

USA_BLM_00518



Multi County

Incident Action Plan (IAP) / Operation Order

Phillips, Valley, Roosevelt, Richland, McCone, Dawson, Prairie,
Wibaux, Fallon, Custer, Carter, Powder River



MDT★



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OFFICIAL USE ONLY!!

**Multi-County Incident Planning
FOR OFFICIAL USE ONLY**

Flow Chart From event start.

Law enforcement –

Initial response would be on duty deputies and supervisory personnel. No doubts this would be automatically supplemented by any MHP on duty in the immediate area.

Incident Command (IC) and Incident Command Post (ICP) established

Immediate resource orders would be done through dispatch for law enforcement assistance from

- Available law enforcement
- Mutual aid law partners
- Potential for BLM / Federal partners
- DCI would be notified
 - By Dispatch, or LEO

Local LEO should expect the opening of the Emergency Operations Center (EOC) to support all actions from the Incident Commander.

Upon standing up the EOC all resource ordering requests should be able to be filled here thus taking the burden off of the IC. Requests for more LEO, MHP, DOJ resources, Special LEO teams with verbal authorization from the IC on the incident.

Support services and contiguous actions

Local DES would immediately open EOC and request support staff and stakeholders show up to designated or changed EOC and activate to level 1

Ambulance service and Medical Services (Hospitals) would be put on standby or notified.

First order of business would be the development of a quick sit-rep to identify what type of situation we were dealing with and get good Situational Awareness (SA) of current situation, as well as projections of the potential for rapid expansion.

A MT DES duty officer call would be made by local the DES Coordinator and a request [in the situation of a quickly expanding incident] will be submitted for:

- MT DES District Field Officer to location
- Assistance with social media monitoring
 - Assistance with a Joint Information Center staffing component
- Any request from the field that couldn't be resolved with a mutual aid call from dispatch, IC, or EOC

An EOC/IC meeting would be convened with a minimum staff comprised of the following:

- Public information (PIO)
- DES
- Legal council
- Sheriff or law enforcement representative
- IC or designee
- Chief Elected Officials

The meeting will in most cases be at the ICP to establish roles, communication plans, resource ordering procedure (if not in place). DES would ask for an update from Law Enforcement, to verify what is on Sit-REP and discuss needs. After the update, the group would be apprised of the call and request made at this point through the State of MT DES Duty Officer. The ICP may act as the EOC for the beginning of any developing event.

First meeting, Decision if Emergency Declaration is warranted.

Local Law enforcement IC / Unified Command (UC) depending on jurisdiction would continue to run Command and Operations dealing with the incident. Possible EOC Liaison/Coach in the back pocket of the IC/UC to assist in any matters.

The local EOC/DES would take Planning, Logistics, and Finance for the IC, as support members and Stakeholders arrive to the EOC

Continuing actions once support personnel arrive in the EOC

At this point there needs to be formal establishment and location of an EOC to facilitate ongoing support needs [resource request]. The initial location and staffing will be examined to determine if an offsite regional facility would better serve the requirements. Objectives for the first operational period may include:

- Provide for Life Safety
- Incident Stabilization
- Property and Resource Conservation
- Initiate and maintain accountability
- Confirm and verify all current information for situational awareness and sit-rep
- Develop a continuing media schedule
- Develop and distribute contact list for current players {develop Incident Action Plan, IAP}
- Develop Social Media presence

Local DES will hold a meeting with support staff and Stakeholders in the EOC and brief on current situation and tasks needed. Decide if Emergency Management (EM) support assistance is needed and activate EM MOU's

Emergency Services and Public Information will secure a location for incoming press and designate a specific location for media briefings away from the ICP and the EOC if at all possible.

EMS Representative and Hospital Representative meet to discuss or initiate conversation on potential impacts and actions from incident

Fire representative will be asked to support law enforcement and ambulance and designate a staging area manager for Logistics Section. EM may ask for staff to assist in the EOC for specific tasks.

Public information would be asked what they needed for immediate assistance and integration with state components would be established. A decision would be made as to authorization for information release at this time [either from an established incident commander or through the organization structure of the EOC] with consultation from the field. A preliminary public service announcement would be crafted at this time.

Search and Rescue could be asked to provide manpower support for non-law enforcement activities [may be utilized at potential roadblocks] and to assist the Logistics and Planning sections to establish down range support locations.

County Road Dept will be asked to inventory available barricades and liaison with MDOT depending on locations and jurisdictions. Any heavy equipment needs will be processed through the director at this time.

County Attorney would provide assistance in subject matter for the press release. They [along with law enforcement] would outline what they see as initial actions and objectives to resolution.

Law Enforcement will probably not be available for the meeting in the EOC, quite possibly the EOC/ICP Liaison position will be relaying the existing command structure, manpower, and security concerns

Logistics Section Chief: establish a staging area, Check in – Check out area and process for incoming resources as close to the ICP and incident as possible, to facilitate rapid down range deployment of incoming resources. Develop some type of credentialing system, or tag in out for access to the ICP/Scene. Fill all Resource Requests as they come in from the documentation from Operations, Planning and the IC. Perform all logistical support needed to feed, house and maintain health of responders.

MT DES DFO: Facilitate any needs from the local EOC up to the State Emergency Coordination Center (SECC). Assist and fill any needs capable within the Local EOC.

Planning Section Chief: Establish an IAP, possibly pulling from pre-incident established IAP. Maintain resource unit accountability. Implement Document unit leader to maintain records.

Chief Elected Officials (CFO): Shortly after the initial meeting Emergency Services will notify the CFO's as to current circumstances and actions taken in response. A discussion will take place on their expectations, timelines and any financial constraints. Possibilities of Emergency Declarations.

{All actions will take place with any municipalities involved, and their CFO's and department are requested to participate as Stake holders in the EOC as well}

Once we have started to meet the initial objectives, and received needed support, items to consider in successive operational periods include:

- Continual update of an IAP
- Integrate State / Federal resources and assistance with the EOC and IC/UC
- Further development of command structure
- Composition of a separate JIC and applicable spokespersons
- Cement integration of the event EOC with the state SECC and ESF partners
- Air resources and potential need for TFR [flight restrictions]
- Effectiveness of communication plan and need to expand communication capabilities
- Prolonged canteen services and housing requirements
- Ongoing resource request
- Scheduling and contract maintenance
- Initial recovery planning

Commanders Intent:

Each responders will use extreme caution when working in and around the Ares of operations and be especial observant to the possibility of weapons.

All responders will practice self-control in accordance with departmental policy and work to protect the safety of all.

1. Incident Name: Civil Unrest	2. Operational Period: Date From: ?????? Date To: ?????? Time From: 0001 Time To: 2400	
3. Objective(s): <ol style="list-style-type: none"> 1. Life Safety is ensured for all - local landowners, the public, workers, emergency responders, and protestors 2. The exercise of property rights , and enjoyment of property, is protected for those who have a legal right to that exercise and enjoyment 3. Legal projects and commerce can take place unhindered 4. Increased confidence in government and their ability to maintain law and order 5. State and local governments maintain law and order within their jurisdictions; 6. Balance all public information (traditional/social) coverage to ensure support of strategic goals through active engagement and messaging 		
4. Operational Period Command Emphasis:		
General Situational Awareness <ul style="list-style-type: none"> • 		

Multi-County Communication Plan
During normal Mutual aid from county to county in MT us your Normal protocol on Comm's.

During normal Mutual aid from county to county in MT us your Normal protocol on Comm's.

Montana Common Mutual Aid Frequencies

[illegible]

Mutual Aid from Surrounding States:

The Communications plan below is for requesting of out of state resources and the channels they have to transmit and receive information.

Frequency RX	TG	TX Frequency	TG	National ID	Montana ID	S Dakota ID

Emergency Declaration procedures

EMAC / NEMAC
Ordering procedures with costs.

Resource Ordering Guidelines

State resources / local government resources (L&C, Yellow) other Mutual aid partner's.

Medical Plan

Multi County / life flight info (MT, ND, SD)

1. Incident Name:		2. Operational Period: Date From: 08/03/17 Time From: 0030		Date To: 08/13/17 Time To: 2400
3. Name:		4. ICS Position:		5. Home Agency (and Unit):
6. Resources Assigned:				
Name	ICS Position		Home Agency (and Unit)	
7. Activity Log:				
Date/Time	Notable Activities			
8. Prepared by: Name: _____ Position/Title: _____ Signature: _____ ICS 214, Page 1 Date/Time: _____				

[illegible]

???? County					
Contact	Name	Work	Cell	Other	Alternate Contact
LAW ENFORCEMENT					
County Sheriff					
County Undersheriff					
Deputies					
City Chief					
Law Enforcement Equipment					
ID #	Type	Special Equipment / Capabilities			
23-8	SUV 4x4	Has Cage, Incident Command control box			
	Mobile Command	Self-contained, Generator, 4 work stations, Radios, Portable repeater mast			
Law Enforcement Equipment					
Jail Resources	Person in Charge:		Total Number of beds:	Average Occupancy:	Capacity M/F:
DISPATCH					
County Dispatch	Director			LEO Only:	
Public Information Officer					
Name:					
Name:					

EMS-MEDICAL						
EMS Director						
Ambulance Barn						
Hospital						
Unit #	Type	ALS	BLS	Location	Notes	
FIRE						
County Chief						
Assistant Chief						
Fire Stations						
Unit #	Type	Station Location	Special Equipment / Capabilities			
Public Works						
Public Works Dir.						
Unit #	Type	Model	HP	Capability	Station/Location	Notes
901	G2	JD	160+	16 ft Moe board	south shop	
Airport and Aviation Contacts						

County		General Government/Administration			
County Commissioners					
County Attorney					
Clerk and Recorder					
Sanitarian					
City		General Government/Administration			
Mayor					
City Public Works					
City Attorney					
Town Council Member					
Local Communications					
Name / Mutual aid Channel	RX Frequency	TG	TX Frequency	TG	Notes
Portable Radio Cache					
Portable Repeaters					

Conversation Contents

Fwd: Ops plan from ND

Attachments

/25. Fwd: Ops plan from ND/1.1 image003.jpg
/25. Fwd: Ops plan from ND/1.2 OPORD-87.pdf

[@blm.gov](#)

From: [@blm.gov](#)
Sent: Mon Nov 20 2017 10:25:42 GMT-0700 (MST)
To: [@blm.gov](#)
Subject: Fwd: Ops plan from ND
Attachments: image003.jpg OPORD-87.pdf

----- Forwarded message -----

From: [@blm.gov](#)
Date: Mon, Nov 20, 2017 at 10:01 AM
Subject: Fwd: Ops plan from ND
To: [@blm.gov](#)

----- Forwarded message -----

From: [@mt.gov](#)
Date: Sun, Nov 19, 2017 at 7:11 PM
Subject: Ops plan from ND
To: RLM Ranger [@blm.gov](#), [@mcso.mt.gov](#), [@min.riss.net](#),
[@mt.gov](#), BLM Special Agent [@mt.gov](#), [@blm.gov](#), [@cbp.dhs.gov](#),
[@gmail.com](#), [@mt.gov](#), Custom Border [@nichland.org](#),
Prairie SO <[@prairieryounty.org](#)>, [@lccountyvt.gov](#), [@cbp.dhs.gov](#),
[@valleycountymt.gov](#), [@valleycountymt.gov](#), [@leo.gov](#), [@mt.gov](#),
[@mcso.mt.gov](#), [@nichland.org](#), [@hotmail.com](#),
[@phillipscountymt.gov](#), [@co.sheridan.mt.us](#), [co.sheridan.mt.us](#),
[@mt.gov](#), [@ccsmt.com](#), [@leo.gov](#),
[@valleycountymt.gov](#)

As Requested

Respectfully,

Montana Disaster and Emergency Services,
Eastern District Field Officer
3785 US Hwy. 87 South
Roundup, MT 59072
406- Office
406- Cell
[@mt.gov](#)

MDE:
rev
sign

Written communication to or from state employees regarding state and local business is public record and available to the public and media upon request. Your email may be subject to public disclosure.

Assistant Special Agent in Charge
Bureau of Land Management
5001 Southgate Drive, Billings MT 59101
406-

USA_BLM_00534

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700




(New Information in Italics)

1. Situation

TODAY'S INFORMATION:

- *At 1028 vehicles began leaving the camps...Approximately 170 protesters assembled at the Bank of North Dakota (BND)...The group moved to the front gate at Fraine Barracks, then back to the BND and dispersed at 1321.*
- *NDHP stopped a semi load of firewood out of Shevlin, MN (Near Red Lake Indian Reservation) – checked with APHIS and not a quarantined area, Troopers held until load was properly secured and allowed to move on.*
- *Arrests Yesterday - 25*
- *Noticed Missing from Open Road Honda Yesterday - 2012 Honda MUV700 Big Red (serial number 3H1VE0100CD302436). The OHV had approximately 2700 miles, a 2 piece windshield, a horn, a rearview mirror, a winch, and a fabric roof. This was entered into NCIC. (Unknown if DAPL Related)*

COMMAND AND GENERAL STAFF MEETING

- (b) (7)(C) 
 - *Plans to conduct a resourcing meeting*
- (b) (7)(C) 
 - *Tone of the protesters more agitated and angry at yesterdays demonstrations*
- (b) (7)(C)  *Operations Briefing - November 16th, 2016*

OPS BRIEFING

DATE: November 15th 2016

Current Operations by Branch/Group/Task Force

(b) (7)(E) 

Summary of LE Resources Available

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(E)



Summary of other resources available

(b) (7)(E)



Anticipated Operations Today

(b) (7)(E)



Issues/Concerns




LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(C), (b) (7)(E)



LAST NIGHT – (b) (7)(C) – *Nothing of Significance*

YESTERDAY – (b) (7)(C)

- 0809 – DAPL Intel, a bus load of protesters heading south from the camp. Also 100 protesters standing at the front gate.
- 0855 – DAPL called by phone and stated that a couple protest vehicles are checking out AR112. They stated all their equipment is staged there.
- 0904 – 100 protest vehicles turning east at Hwy 6 and 24.
- 0912 – Protest vehicles at Hwy 6 and 21.
- 0945 – Protest vehicles turning west on old 10.
- 0958 – Protesters stopping on old 10 north of DAPL yard. 105 vehicles.
- 1133 – Call from (b) (7) at DAPL stating 11 protesters are on the north side of the Turtle Creek trying to set up Tepee's.
- 1135 – Black charger stopped.
- 1200 – Per (b) (7) the protesters that DAPL reported were with Corp personnel.
- 1445 – 1 males arrested by Turtle Hill.
- 1445 – 100 protesters walking down University Drive in Bismarck.

A. Injuries and Fatalities

- 1) Injuries – 18 (Vehicle/protester accident Precision Pipeline Yard – Nov 12)
- 2) Fatalities – 0

B. Fire, Weather and Visibility Information:

FIRE DANGER

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

This morning, Morton County is in the “Low” and Sioux County is in the “Moderate” Adjective Fire Danger Category.

WEATHER

Today - Mostly sunny, with a high near 57. South wind 7 to 14 mph becoming north in the afternoon. Winds could gust as high as 22 mph.

Tonight - Mostly cloudy, with a low around 33. Northwest wind 8 to 13 mph, with gusts as high as 20 mph.

Thursday –

- Current models indicate southern Morton County will be on the northern fringe of the systems path
- If stays as forecasted, southern Morton County could receive an inch of snow
- If the track shifts further north, southern Morton County could receive several inches of snow
- If the track shift further south, southern Morton County could receive no significant precipitation
- High temperature on Thursday will be around 36-degrees and windy from the north a 20-mph and gusting to 25
- Low temperature on Thursday night will be around 25-degrees with a north wind at 15-mph and gusting to 25

Friday –

High temperature on Friday be around freezing with a wind chill in the low to mid-teens
NWS forecasts a chance Cantapeta Creek could freeze over with a thin sheet of ice on Sunday Morning.

Another slight warming trend is forecasted for next week.

VISIBILITY

Morton County EM Support Visibility Forecast Wednesday, November 16, 2016				
	Tonight	Tomorrow Morning	Tomorrow Daytime	Tomorrow Evening
Visibility (miles)	Very Good	Marginal	Poor	Poor
Clouds at or below 2,000 feet	Very Good	Very Good	Good	Good
Category Definitions				

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

	Very Good	Good	Marginal	Poor	Very Poor
Visibility (miles)	More than 7	5 to 7	3 to 5	1 to 3	Less than 1
Clouds at or below 2,000 feet	None	A few	Some	Numerous	Overcast

2. Strategic Goals

- Life Safety is ensured for all - local landowners, the public, workers, emergency responders, and protestors
- The exercise of property rights, and enjoyment of property, is protected for those who have a legal right to that exercise and enjoyment
- Unlawful actions and actors no longer impacting public and private sector operations and the lawful exercise of Constitutional Rights; or are marginalized to a point where they are no longer a factor
- Legal projects and commerce can take place unhindered
- Increased confidence in government and their ability to maintain law and order
- State and local governments maintain law and order within their jurisdictions; with emphasis on the Cannonball Ranch area of operations in addition to pinpointed areas of unlawful protest activity
- Tribal government establishes law and order on tribal land; with emphasis on the northern boundary area of operations in addition to pinpointed areas of unlawful protest activity
- Balance all public information (traditional/social) coverage to ensure support of strategic goals through active engagement and messaging
- Execution:
- Protestors/trespassers in small or manageable groups need to be arrested and charged accordingly for applicable criminal violations committed within the presence of sworn officers. This applies if it can be safely accomplished by the number of officers on scene.

- 3. Concept of the Operations/Commander's Intent:** Each responder will use extreme caution when working in and around the area of operations and be especially observant to the possibility of weapons. All responders will practice self-control in accordance with departmental policy and work to protect the safety of all.

4. Coordinating Instructions:

(b) (7)(E)

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(E)



(b) (7)(E)

(b) (7)(C)

- email

pictures to:

(b) (6)



(b) (7)(E)



LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)
November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(E)



• (b) (7)(E)

LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(E)

- Important Times and Dates:
 - Meeting/Briefing schedule for next Operational Period
 - 0700 – TOC/EOC Opens
 - 0900 – Command and General Staff Meeting (Monday – Friday) *No Meeting Tomorrow*
 - Important Dates:

Court Timeline			
Date and Time	Case or Event	Location	Description
11/15/2016	Department of the Interior Department of Justice Department of the Army	Minneapolis, MN	Tribal Consultation Session – nation-to-nation consultation on how the Federal Government can better account for and integrate tribal views on future infrastructure decisions throughout the country.
11/17/2016	Department of the Interior Department of Justice Department of the Army	Rapid City, SD	Tribal Consultation Session – nation-to-nation consultation on how the Federal Government can better account for and integrate tribal views on future infrastructure decisions throughout the country.
11/21/2016	Department of the Interior Department of Justice Department of the Army	Teleconference	Tribal Consultation Session – nation-to-nation consultation on how the Federal Government can better account for and integrate tribal views on future infrastructure decisions throughout the country.
11/25/2016	Standing Rock Sioux Tribe v. US Army Corps	U.S. District Court, Washington DC	Deadline for filing of dispositive motions, if any.
12/09/2016, 9:30 am CDT	Standing Rock Sioux Tribe v. US Army Corps	U.S. District Court, Washington DC	Status Conference before Judge Boasberg
12/19/2016	Standing Rock Sioux Tribe v. US Army Corps	U.S. District Court, Washington DC	Corps' response to Cheyenne River Sioux Amended Complaint is due

Communications:

- In order to communicate effectively with State Radio please follow the procedures below:

(b) (7)(E)

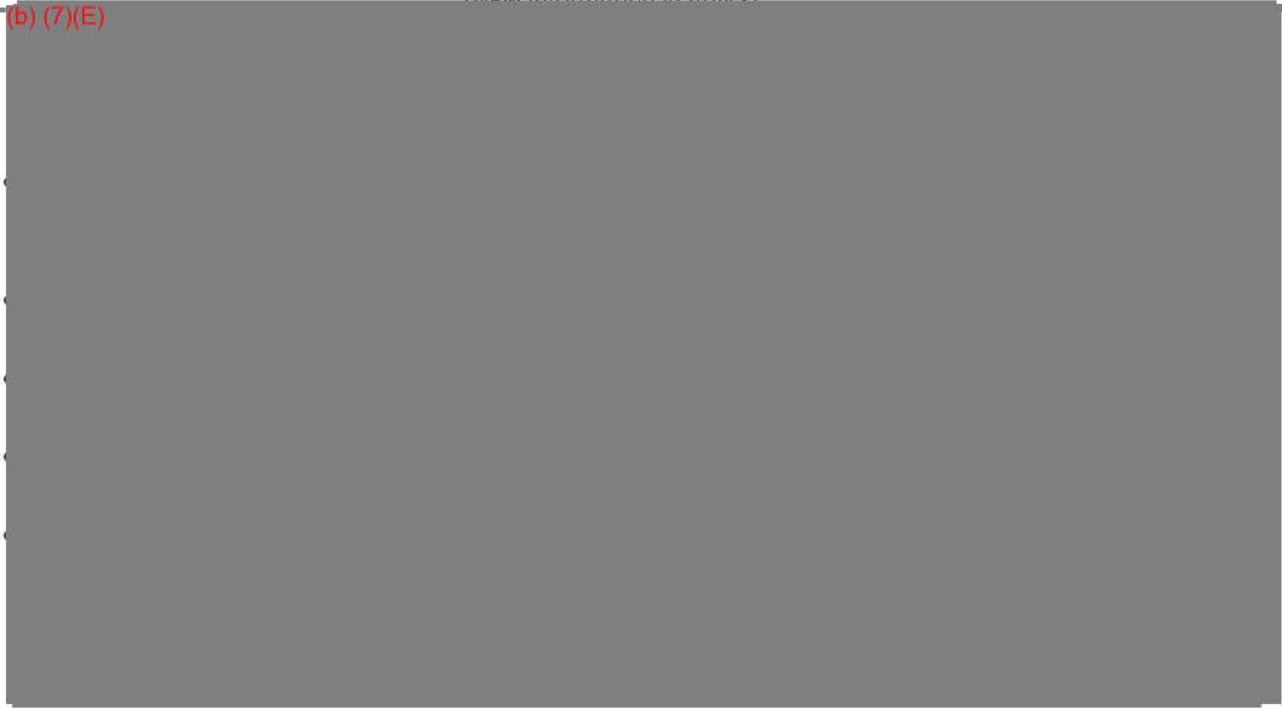
LAW ENFORCEMENT SENSITIVE

OPORD #87 – Dakota Access Pipeline Protest (Morton County)

November 16, 2016/1700 thru November 17, 2016/1700

(New Information in Italics)

(b) (7)(E)



Safety:

- All injuries will be reported immediately to the responder's supervisor and brought to the agency specific Human Resources Director
- Remain extremely observant and cautious in the vicinity of protesters

Logistics:

(b) (7)(E)






Finance:

- Mutual Aid agencies supporting operations in the AO will be reimbursed based on actual costs (regular and overtime)
- Reimbursement is also eligible for backfilling regular time at the mutual aid agency's home station
- The congressional delegation is working on a continuing resolution for federal funding to off-set costs being accrued

(b) (6)

(Incident Commander)

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name	2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest	3. O-Period	11-16/0700hrs	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail
Incident Facilities				Location			
Unified Command Emergency Operations Center	EOC	EOC		Building #35 Frairie Barracks Road Bismarck, ND 58506-5511	701.	FAX: 701. Gate 701	
ND State and Local Intelligence Center	SLIC	SLIC		Building #40 400 Frairie Barracks Road Bismarck, ND 58506-5511	701.	866	
ND Department of Health (NDDOH) - DOC		DOH DOC		1720 Burlington Drive, Bismarck, ND 58504	701.	Food & Med 701	
ND National Guard Joint Operations Center		JOC		Building #400 400 Frairie Barracks Road Bismarck, ND 58506-5511	701.	FAX: 701.	
Morton County Tactical Operations Center	TOC			Morton County LEC 210 2 nd Ave NW Mandan, ND 58554	Ops 701	Logistics 701.	
Morton County Tactical Command Post	TAC			Mobile			
Forward Operating Base (FOB)	SA	SA		Fort Rice Boat Ramp approx. 28 Miles South of Mandan on Hwy 1806	Mayor 701 C:701.	Communications 701. 701.	
Morton County Jail	Morton			Morton County Jail 210 2 nd Ave NW Mandan, ND 58554	701.	LEC Garage Jail 701.	

FOUO//LES

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name	2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest	3. O-Period	11-16/0700hrs	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail
Unified Command Staff							
Unified Commander	Morton County SO			(b) (7)(C), (b) (6)	701		(b) (6), (b) (7)(C)
Unified Commander	Mercer County SO				701		
Unified Commander		NDDDES			701	701	
Unified Commander		NDHP			701		
Deputy UC	Bismarck PD				701		
Deputy UC	Burleigh County SO				701		
Deputy UC	Stutsman County SO				701		
Deputy UC	Mandan PD				701		
State Deputy UC		NDDSHLS			701	701	
State Deputy UC		NDHP			701	701	

FOUO//LES

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs	
				16-073 DAPL Protest		3. O-Period		11-16/0700hrs	
Section & Position	LOCAL	STATE	FED	Name		Primary Phone	Secondary Phone	E-Mail	
Unified Command Staff (continued)									
NDNG LNO		NDNG		(b) (7)(C), (b) (6)		701-	701-	(b) (7)(C), (b) (6)	
NDNG LNO		NDNG				701			
Legal LNO	Morton SA					667-			
Legal LNO		OTAG				333	425-		
Additional Legal	Morton SA					667			
Additional Legal	Morton SA					667			
NDDoH LNO		NDDoH				701	701		
USACE LNO			USACE			701			
USACE			USACE			701-			
Lead PIO		NDDDES				701-	701-		
PIO	Morton County					701	701-		
PIO		NDNG				701-			
PIO		NDHP				701-	701		
PIO		IMAT			701-				
PIO		NDHP			701-				
Operations Section									
Operations Section Chief	Mandan PD			(b) (7)(C), (b) (6)		701		(b) (7)(C), (b) (6)	

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hrs	11-23/0659hrs
TOC Comms LNO	Morton County			(b) (7)(C), (b) (6)	701-			(b) (7)(C), (b) (6)
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
TOC Comms LNO	Mandan PD			(b) (7)(C), (b) (6)	701-			(b) (7)(C), (b) (6)
Staging Area Manager		NDNG			701-			
Quartermaster FOB		NDNG			701-			
Chaplain					701-			
Field IT LNO	NDACO				701			(b) (7)(C), (b) (6)
Operations Section Advisor		NDDSHLS		701-	701-			
Operations Section – Air Operations Branch								
Air Operations Branch Director		NDHP		(b) (7)(C), (b) (6)	701-			(b) (7)(C), (b) (6)
Operations Section – Law Enforcement Branch								
Law Enforcement Branch Director	Bismarck PD			(b) (7)(C), (b) (6)	701-			(b) (7)(C), (b) (6)
Law Enforcement Branch Director	Morton County SO				701-			
Cut Teams Leader	Mandan PD				701-			
Investigations Group Supervisor	Morton County SO				701			

FOUO//LES

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hrs	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Names		Primary Phone	Secondary Phone	E-Mail
Traffic Control TF Leader		NDNG		(b) (7)(C), (b) (6)		701		(b) (7)(C), (b) (6)
Law Enforcement Operations Support	Bismarck PD					701		
Law Enforcement Operations Support	Burleigh County SO					701		
Operations Section – Public Safety/Service Branch								
Firefighting Group Supervisor	Mandan Rural FD			(b) (7)(C), (b) (6)		701		(b) (7)(C), (b) (6)
Firefighting Group Supervisor	Mandan Fire Dept					701		
Public Safety/Service Branch Director	City of Mandan					701		
Public Works Group Supervisor	NDDOT Bis. Dist.					701	701	
Public Works Group Supervisor	Morton County					701		
Planning Section								
Section Chief		NDHP		(b) (7)(C), (b) (6)		701		(b) (7)(C), (b) (6)
Section Chief		NDHP				701		
Section Chief		NDHP				701		
Plans Section Advisor		NDDSHLS				701	701	

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
Planning Section – Documentation Unit								
Documentation Unit Leader		NDESLS		(b) (7)(C), (b) (7)(D)	701- 701-	701-	(b) (7)(C), (b) (7)(D)	
Planning Section – Information and Intelligence Unit								
Information and Intelligence Unit Leader		NDSLIC		(b) (7)(C), (b) (7)(D)	701-	701-	(b) (7)(C), (b) (7)(D)	
OSC Intel LNO	Cass County SO				701-			
OSC Intel LNO	Bismarck PD				701-			
NDSLIC LNO		NDSLIC			701-			
Imagery Intel Processing Unit		NDDoH			701-			
GIS/Code Red Cell	Morton County EM				701-			
Additional GIS	Morton County				701-			
SA/COP Cell		NDNG						
Planning Section - Contingency Planning Unit								
Contingency Planning Unit Leader	Cass County SO			(b) (7)(C), (b) (7)(D)	701-		(b) (7)(C), (b) (7)(D)	

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
Contingency Planning Unit Leader	Morton County			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)	
Planning Section – Resource Unit								
Resource Unit Leader	Morton County EM			(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
Planning Section – Demob Unit								
Demobe Unit Leader				TBD				
Logistics Section								
Section Chief	Morton County EM			(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
Logistics Advisor		NDDSHLS		(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
Logistics Section - Services Branch								
Services Branch Director		NDESSR		(b) (7)(C), (b) (6)	701	701-	(b) (7)(C), (b) (6)	
Communications/IT Unit Leader		NDESSR		(b) (7)(C), (b) (6)	701-	701-	(b) (7)(C), (b) (6)	
Food Unit		NDNG		(b) (7)(C), (b) (6)	701-	701		
Food Unit		NDNG		(b) (7)(C), (b) (6)	701-	701		
Medical Unit Leader				TBD				

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ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
Logistics Section – Mutual Aid Unit								
Mutual Aid Unit		NDES		(b) (7)(C), (b) (7)(D)	701-	701-	(b) (7)(C), (b) (7)(D)	
Logistics Section - Support Branch								
Support Branch Director	Morton County EM			(b) (7)(C), (b) (7)(D)	701-		(b) (7)(C), (b) (7)(D)	
Ground Support Unit Leader				TBD				
Facilities Unit Leader				TBD				
Supply/Quarter Master Unit Warehouse		NDNG		(b) (7)(C), (b) (7)(D)	701-			
Finance and Administration Section								
Finance/Administration Section Chief	Morton County			(b) (7)(C), (b) (7)(D)	701-	701-	(b) (7)(C), (b) (7)(D)	
FA Section Advisor		NDOTAG		(b) (7)(C), (b) (7)(D)	701-		(b) (7)(C), (b) (7)(D)	

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED		Name	Primary Phone	Secondary Phone	E-Mail
Additional Law Enforcement contacts								
Additional LE	Morton county			(b) (7)(C), (b) (6)		701-		(b) (7)(C), (b) (6)
Additional LE	Morton county					701-		
Additional LE	Mandan PD					701-		
Additional LE	Mandan PD					701-		
Additional LE	Mandan PD					701-		
Additional LE	Bismarck PD					701-		
Additional LE	Bismarck PD					701-		
Additional LE	Bismarck PD					701-		
Deputy UC	Soux County SO					701	701-	
Additional LE	Emmons CO					701-		
Additional LE	Mercer CO					701-		
Additional LE	Mercer CO					701-		
Additional LE	Mercer CO					701-		
Additional LE	Burleigh CO					701-		

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ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED		Name	Primary Phone	Secondary Phone	E-Mail
Additional LE	Burleigh CO			(b) (7)(C), (b) (6)		701-		(b) (7)(C), (b) (6)
Additional LE	Burleigh CO					701-		
Emmons/Burleigh EM	Burleigh Emmons CO					701-		
Additional LE	Stark CO					701-		
Additional LE	Dunn CO					701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional LE		NDHP				701-		
Additional State Agency Contacts								
ND Game and Fish		NDGF		(b) (7)(C), (b) (6)		701-		(b) (7)(C), (b) (6)
ND Game and Fish		NDGF				701-		

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ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
ND Parole & Probation		NDDOCR		(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
ND Parole & Probation		NDDOCR			701-			
ND Parole & Probation		NDDOCR			701-			
ND Parole & Probation		NDDOCR			701-			
ND BCI		NDBCI			701-	701-		
ND BCI		NDBCI			701-			
ND BCI		NDBCI			701-			
ND Parks & Recreation		NDPR			701-			
ND Parks & Recreation		NDPR			701-			
ND Parks & Recreation		NDPR			701-			
ND Parks & Recreation		NDPR			701-			
ND Parks & Recreation		NDPR			701-			
ND Parks & Recreation		NDPR			701-			
ND National Guard		NDNG			701-			
ND National Guard		NDNG			701-			

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
ND National Guard		NDNG		(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
ND National Guard		NDNG			701-			
ND National Guard		NDNG			701-			
ND Dept Emergency Services		NDDDES			701-			
ND Dept Emergency Services		NDDDES			800-			
Office of Management & Budget		OMB			701-			
North Dakota Indian Affairs		NDIA			701-			
ND Dept of Corrections		NDDOCR			701-			
US DOJ/ND District		NDDOCR			701-			
Additional Federal Agency Contacts								
Dept of Interior				(b) (7)(C), (b) (6)	703		(b) (7)(C), (b) (6)	
Dept of Interior					202-			
BIA			BIA		918-			
BIA			BIA		202-			
BIA			BIA		701-			

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
BIA			BIA	(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
BIA			BIA		405-			
BIA			BIA		952-			
BIA			BIA		701-			
BIA			BIA		605-			
BIA			BIA		662-			
BIA			BIA		605-			
US Marshals Service			USMS		701-			
US Marshals Service			USMS		701-			
US Marshals Service			USMS		701			
US Marshals Service			USMS		619-			
US Marshals Service			USMS		903-			
US Park Police					202-			
FBI			FBI		701-			
FBI			FBI		701-			

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail	
FBI			FBI	(b) (7)(C), (b) (6)	701-		(b) (7)(C), (b) (6)	
FBI			FBI		701-			
FBI			FBI		702-			
FBI			FBI		701-			
FBI			FBI		605-			
FBI			FBI		612-			
US Homeland Security			DHS		701-			
US Homeland Security			DHS		701-			
US Attorney's Office					701-			
US Attorney's Office					701-			
US Attorney's Office					701-			
US Attorney's Office					701-			
US Postal Service			USPS		701-			
USDA APHIS			USDA		701	701-701-		

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED		Name	Primary Phone	Secondary Phone	E-Mail
Private Industry Partners								
Metro Area Ambulance				(b) (7)(C), (b) (6)		701-		(b) (7)(C), (b) (6)
New Town Ambulance						505-		
NRG IT Support								
Dakota Access Pipeline						713-		
M & M Helicopters						701-		
Missouri Valley Petroleum						701-		
ND Stockman's Association						701-		
Protest Legal Advisor						701-		
Local Schools Contacts								
St Anthony School				(b) (7)(C), (b) (6)		701-		
Flasher School						701-		
New Salem School						701		
New Salem School						701		
Solen School						701-		
Selfridge School						701-		

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ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		3. O-Period	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED		Name	Primary Phone	Secondary Phone	E-Mail
Tribal Contacts								
Fort Yates				(b) (7)(C), (b) (6)		701-		
Fort Yates						701-		
Sioux County EM	Sioux EM					701-		
Tribal Social Services	Tribal					701-		
Sioux County Social Services	Sioux County					701-		
Fort Yates Hospital						701-		

FOUO//LES

INCIDENT RADIO COMMUNICATIONS PLAN (ICS 205)

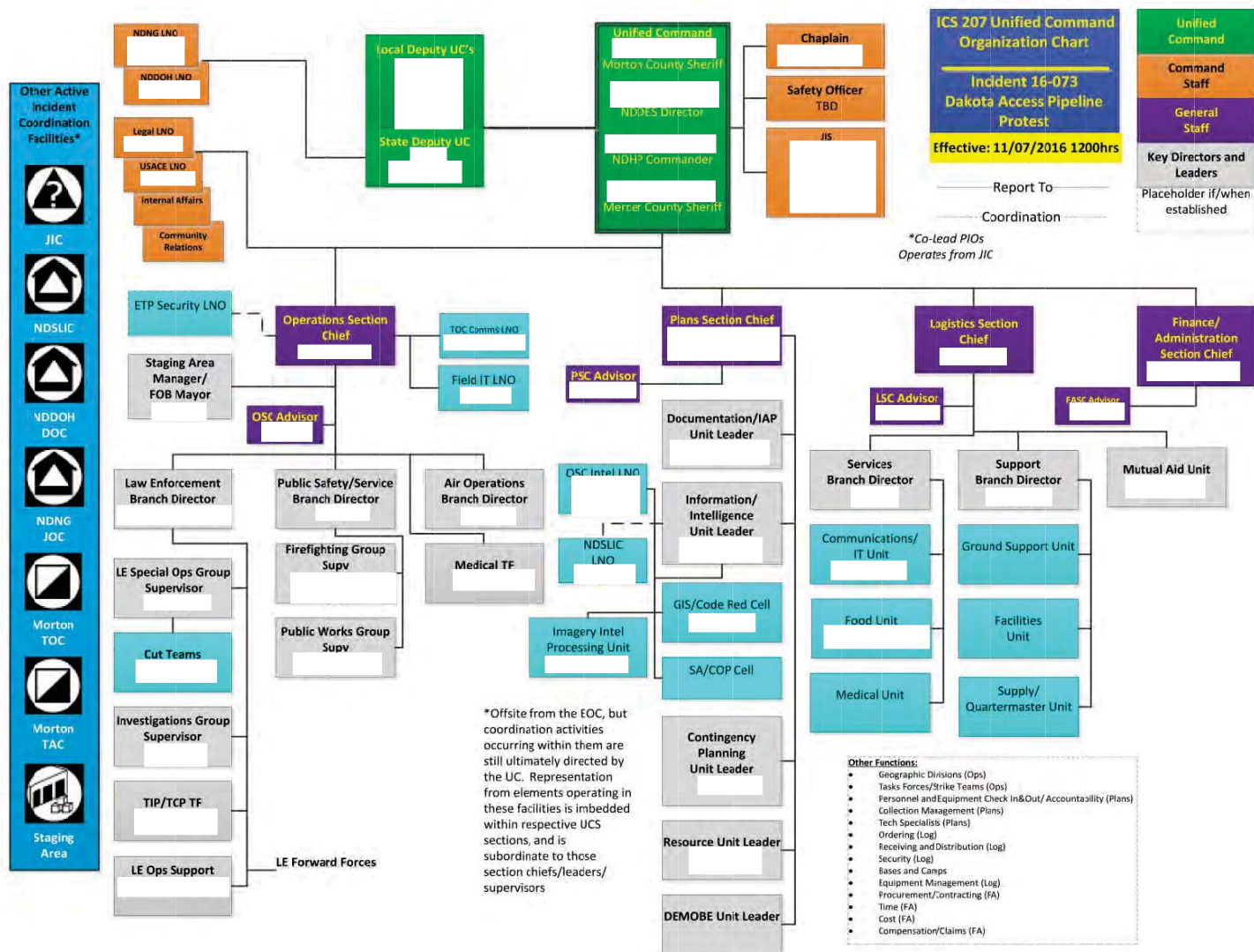
1. Incident Name: DAPL Protest		2. Date/Time Prepared: Date: 10/28/2016 Time: 0900		3. Operational Period: Date From: 11/15/2016 Date To: 11/16/2016 Time From: 1700 Time To: 1700						
4. Basic Radio Channel Use:										
Zone Grp.	Ch #	Function	Channel Name/Trunked Radio System Talkgroup	Assignment	RX Freq N or W	RX Tone/NAC	TX Freq N or W	TX Tone/NAC	Mode (A, D, or M)	Remarks
		Primary VHF Channel		Primary VHF Channel for all Units						
		Tactical Channel	On Loan for this mission	Mobile Field Force, Quick Response and Cut Teams						To be used during CodeRED callouts
		Alternate VHF Channel		To contact Metro Amb						No traffic on Metro cannot use unless
5. Special Instructions: If changes to this plan are necessary or made, coordination with State Radio Communications Center will be made.										
6. Prepared by (Communications Unit Leader): Name: Capt Signature: _____										

MEDICAL PLAN (ICS 206)

1. Incident Name: Dakota Access Pipeline Protest (DAPL)		2. Operational Period:		Date From: 11/15/2016 Time From: 1700	Date To: 11/16/2016 Time To: 1700		
3. Medical Aid Stations:							
Name	Location	Contact Number(s)/Frequency	Paramedics on Site?				
Metro Area Unit assigned	To be requested	701-	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
NDDoH Stabilization Pt.	Forward Staging		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Medi-Vac LZ	Forward Staging		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
			<input type="checkbox"/> Yes <input type="checkbox"/> No				
			<input type="checkbox"/> Yes <input type="checkbox"/> No				
			<input type="checkbox"/> Yes <input type="checkbox"/> No				
4. Transportation (indicate air or ground):							
Ambulance Service	Location	Contact Number(s)/Frequency	Level of Service				
Metro Ambulance	2940 N 19 th St, Bismarck	701-	<input checked="" type="checkbox"/> ALS <input type="checkbox"/> BLS				
Bismarck Air Medical	2940 N 19 th St, Bismarck	701	<input checked="" type="checkbox"/> ALS <input type="checkbox"/> BLS				
Standing Rock EMS	Standing Rock Reservation	701	<input checked="" type="checkbox"/> ALS <input type="checkbox"/> BLS				
DAPL Helo	Contact through TOC	701-	<input type="checkbox"/> ALS <input checked="" type="checkbox"/> BLS				
5. Hospitals:							
Hospital Name	Address, Latitude & Longitude if Helipad	Contact Number(s)/Frequency	Travel Time		Trauma Center	Burn Center	Helipad
			Air	Ground			
St A's - CHI	900 Broadway, Bismarck	701			<input checked="" type="checkbox"/> Yes Level: 2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sanford	300 N 7 th , Bismarck	701-			<input checked="" type="checkbox"/> Yes Level: 2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: ____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: ____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: ____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Special Medical Emergency Procedures:							
<div style="color: red; font-weight: bold; margin-bottom: 5px;">(b) (7)(E)</div>							

(b) (7)(E)





Conversation Contents

Keystone Pipeline Briefing Paper

Attachments

/34. Keystone Pipeline Briefing Paper/1.1 keystone.docx
/34. Keystone Pipeline Briefing Paper/1.2 Attachment 1.pdf
/34. Keystone Pipeline Briefing Paper/1.3 Attachment 2.pdf
/34. Keystone Pipeline Briefing Paper/1.4 Attachment 3.pdf
/34. Keystone Pipeline Briefing Paper/1.5 Attachment 4.pdf
/34. Keystone Pipeline Briefing Paper/2.1 keystone.docx
/34. Keystone Pipeline Briefing Paper/2.2 Attachment 1.pdf
/34. Keystone Pipeline Briefing Paper/2.3 Attachment 2.pdf
/34. Keystone Pipeline Briefing Paper/2.4 Attachment 3.pdf
/34. Keystone Pipeline Briefing Paper/2.5 Attachment 4.pdf

@blm.gov>

From: @blm.gov>
Sent: Wed Jul 05 2017 10:08:10 GMT-0600 (MDT)
To: @blm.gov>
Subject: Keystone Pipeline Briefing Paper
Attachments: keystone.docx Attachment 1.pdf Attachment 2.pdf Attachment 3.pdf Attachment 4.pdf

Please find attached BP for the Keystone Pipeline.

Questions please let me know.

Thanks,

Special Agent -in- Charge
Region 4 (CO / ES, MT / DAKs, WY)
Bureau of Land Management
Office of Law Enforcement and Security
Office - 303
Cell - 503

@blm.gov>

From: @blm.gov>
Sent: Thu Jul 06 2017 11:16:26 GMT-0600 (MDT)
To: @fws.gov>
CC: @blm.gov>
Subject: Fwd: Keystone Pipeline Briefing Paper
Attachments: keystone.docx Attachment 1.pdf Attachment 2.pdf Attachment 3.pdf Attachment 4.pdf

Director

I asked Region 4 to prepare this for us as a potential future priority.

If and when you approve, I would like to arrange a conference call with SAC Mannino and ASAC Wolf. I would like to have a plan and solidify partnerships before this becomes an emergency.

vr

Bureau of Land Management
Office of Law Enforcement and Security
Deputy Director
(202) (Desk)
(480) (Cell)

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USA_BLM_00566

From: @blm.gov>
Date: Wed, Jul 5, 2017 at 9:08 AM
Subject: Keystone Pipeline Briefing Paper
To: @blm.gov>

Please find attached BP for the Keystone Pipeline.

Questions please let me know.

Thanks,

Special Agent -in- Charge
Region 4 (CO / ES, MT / DAKs, WY)
Bureau of Land Management
Office of Law Enforcement and Security
Office - 303
Cell - 503



U.S. Department of the Interior Bureau of Land Management

Office of Law Enforcement and Security
Region 4 -Montana



BRIEFING PAPER

KXL Pipeline Project Law Enforcement planning

SUBJECT:

The Keystone XL (KXL) Project is a federally permitted crude oil pipeline, beginning in Hardisty, Alberta, and extending south to Steele City, Nebraska.

Law enforcement is currently conducting planning meetings in anticipation of a similar response during the KXL construction that occurred in North Dakota related to the Dakota Access Pipeline (DAPL) construction.

BACKGROUND:

In Montana there will be 285 miles of pipeline constructed. Approximately 44 miles of pipeline will go through BLM administered public lands. (ATTACHMENT 1; maps 1-3) There will be three sections under construction at the same time. Three "man camps" will be established to house construction personnel. Each man camp will have a security adviser and security personnel hired by TransCanada. Construction will begin in 2018 and is planned to conclude in 2020. The work window each year will be from June to December. No night work is anticipated. Work week will be 5-6 days depending on the progress and schedule.

Below is a table showing the Montana counties impacted, miles of pipeline through each county, and local law enforcement resources per county.

County Name	Pipeline length	Size of Sheriff's Dept. (sworn Law Enforcement)
Phillips	25.4	7
Valley	64.3	8
McCone	67.4	4
Dawson	42.2	8
Prairie	21.0	3
Fallon	65.5	4

The cost of policing and cleanup for the incident in ND pertaining to the DAPL was \$38 million. (ATTACHMENT 2) According to ND Morton County Sheriff he had over 1500 law enforcement personnel from 150 law enforcement agencies from various state, county, and city agencies from within ND and throughout the country respond to the mutual aid request during this incident. said that during the high point of the incident there were over 10,000 protestors involved. There were as many as 127 arrest in one day during this event. The cost to clean up the abandoned protest camp was over \$3 million. There were 709 arrests made during the incident of which 94% were from out of state.

STATE AND LOCAL PLANNING:

(b) (5)



(b) (5)



BLM PLANNING AND ROLE:

BLM OLE's has actively participated in all law enforcement planning meetings and will continue to do so. OLE met with the Acting United States Attorney in Montana to brief his office on potential impacts to federal lands and responses. The US Attorney's office indicated they will begin participation in LE planning meetings.

We have initially identified several areas of planning consideration for BLM LE:

1. Public Information coordination between the numerous agencies that will likely be involved.
2. Intelligence gathering and threat assessments.
3. LEO's on the ground
 - a. Role?
 - b. Deputization of BLM LEO's by effected counties? US Attorney highly recommended formal deputization for purposes of scoping.
 - c. Updated Interagency Agreement for cross designation of DOI agencies. Current one expired in 2015.
 - d. Training
 - e. Logistics - Housing/food/equipment/evidence storage/transportation....
 - f. Cost?
4. Firefighting – anticipation of wildland fires/safety for firefighters.
5. Aviation Planning – air support for LE operations as needed. (Note: during the DAPL incident there were two incidents of lasers were used against law enforcement support aircraft)
 - a. Drones
 - b. Surveillance (officer safety)
 - c. Medical/first aid
6. Emergency medical

CONCERNS:

(b) (5)

**CONCLUSION:**

Review of the law enforcement response to the DAPL protest to the construction project in ND is a strong indicator of what the future events may be for the KXL pipeline project in Montana. There will likely be significant financial and operational impacts to the BLM Office for Law Enforcement and BLM State Law Enforcement programs pertaining to policing and protection of public lands. There may be significant cost and impacts to state level programs related to restoration and cleanup.

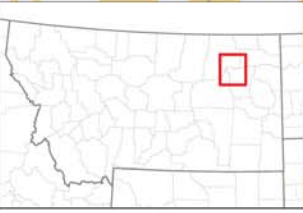
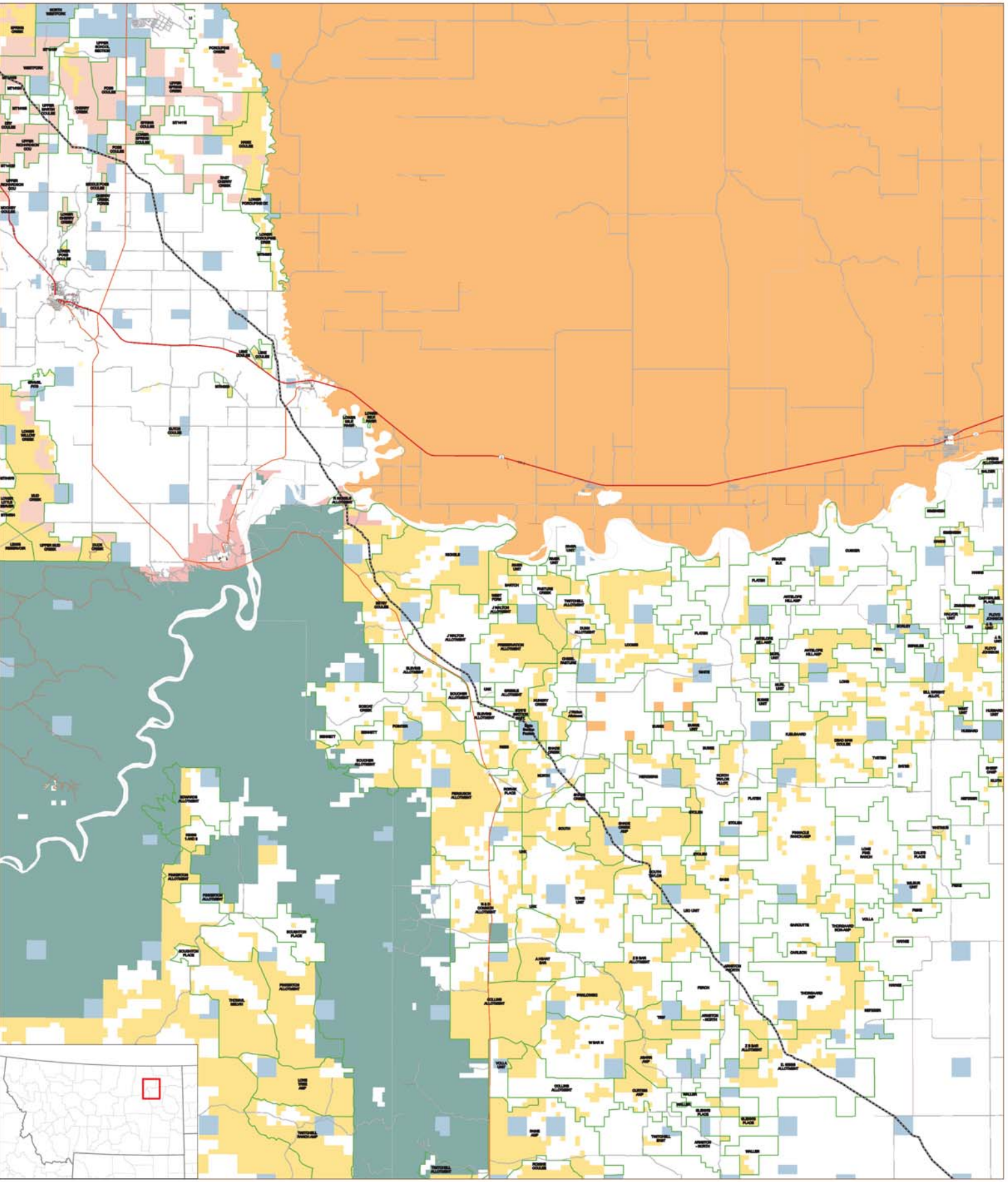
ATTACHMENTS:

- 1 – Cadastral maps of KXL pipeline and surface ownership (Maps 1 to 3)
- 2 - ND press release (snapshot of DAPL resources and costs)
- 3 – ND press release (Abandoned vehicle stats pertaining to DAPL)
- 4 – ND press release (Ag related issues pertaining to DAPL)



Keystone XL Pipeline

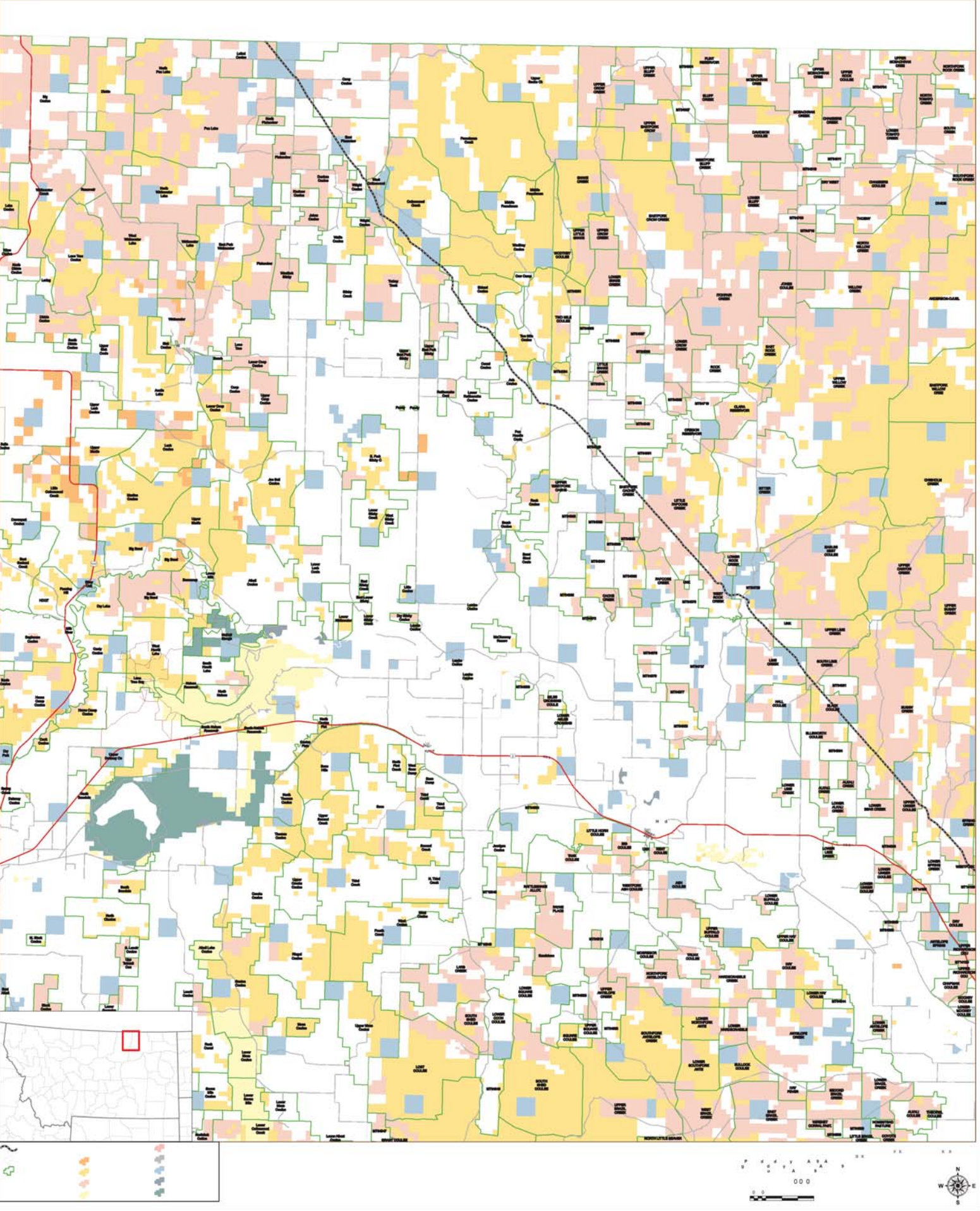
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Keystone XL Pipeline

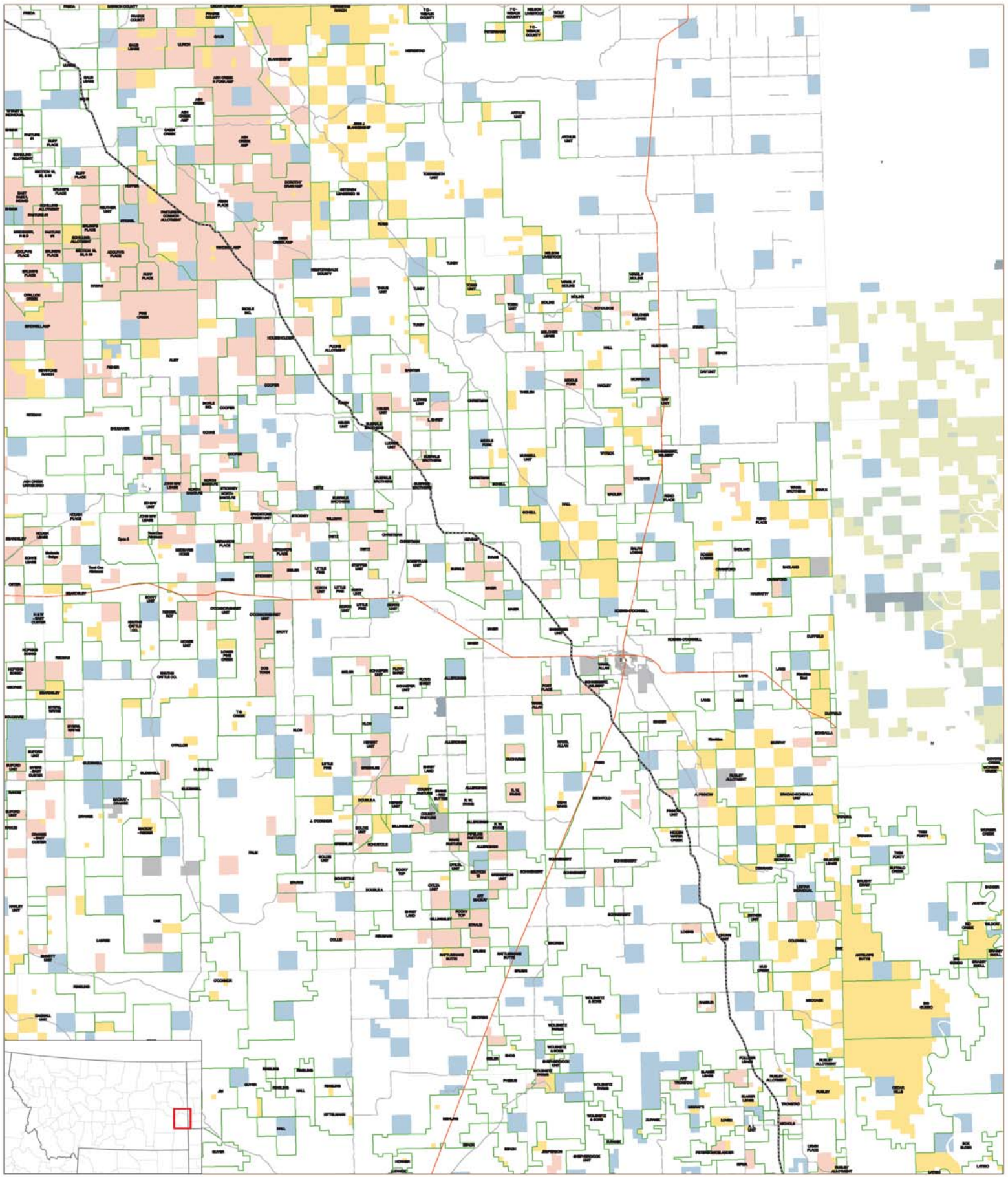
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Keystone XL Pipeline

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NDResponse

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By the Numbers (07)

[\(/#facebook\)](#) [\(/#twitter\)](#)
[https://www.addtoany.com/share?url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-07&title=By%20the%20Numbers%20\(07\)\)](https://www.addtoany.com/share?url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-07&title=By%20the%20Numbers%20(07)))

Date: March 7, 2017

Agency: North Dakota Joint Information Center

BISMARCK, ND – A snapshot of resources and costs diverted from normal operations to support State and Local response to ensure public safety and law and order in Morton County and the Bismarck region due to protest events and related illegal activity since August 10, 2016.

Days of Response Support	210
Hours of Response Support	331,721
State and Local Cost to Taxpayers (estimated as of March 6, 2017)	\$38.2M
<ul style="list-style-type: none"> Personnel (Salaries, EMAC) 	\$30M
<ul style="list-style-type: none"> Personnel Support (Travel and per diem, lodging) 	\$4.1M
<ul style="list-style-type: none"> Equipment/Supplies (Cold weather gear, radios, gas 	\$4.1M
In State Agencies Providing Support	106
Other States Providing Support ²	10
Out of State Agencies Providing Support	34
Number of Arrests	761
Number of Protesters Arrested	709
Percent of Arrestees from Out of State	94%
Percent of Arrestees from North Dakota	6%
Number of Arrestees with Prior Criminal Records ³	227
Number of Arrestees with History of Violence ⁴	34
Number of Arrestees with a history of theft, robbery, or burglary	58

Number of Arrestees with a history of DUI of alcohol or drugs	36
Number of Arrestees previously cited/arrested for drug possession	41

- 1. Numbers prior to March had a formula error. The above numbers represent the corrected data.
- 2. Alabama, Indiana, Louisiana, Minnesota, Montana, Nebraska, Ohio, South Dakota, Wisconsin, Wyoming
- 3. Total of 1,503 previous citations and charges for illegal activity (as of Mar. 1, 2017).
- 4. Includes domestic violence and child abuse.

Sources: North Dakota Department of Emergency Services, Morton County Sheriff's Department

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NDResponse

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By the Numbers (08)

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[https://www.addtoany.com/share#url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-08&title=By%20the%20Numbers%20\(08\)\)](https://www.addtoany.com/share#url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-08&title=By%20the%20Numbers%20(08)))

Date: March 16, 2017

Agency: North Dakota Joint Information Center

BISMARCK, ND – The North Dakota Highway Patrol logged more hours in flight during the six months of the Dakota Access Pipeline protest than they would typically fly over the course of four years. Below is a snapshot of NDHP aircraft statistics from August through February. Also, NDHP coordinated the towing of vehicles that were abandoned at the main protest camp and those figures are below.

DAPL-related NDHP Aircraft Hours	612
Number of Flights	241
Average Time per Flight	2.5

The following numbers are a breakdown of the vehicles abandoned and towed from the Oceti camp.

Total Vehicles Abandoned	44
Trucks/Pick-ups	13
Vans	2
Cars	12
Snow Blade/Removal	1
Snowmobile Sleds	4
Flatbed Trailers	6
Campers/Motorhomes	3
Log Splitter	1
Buses	2

Sources: North Dakota Department of Emergency Services, Morton County Sheriff's Department

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NDResponse

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By the Numbers (06) - ND Department of Agriculture

[\(/#facebook\)](#) [\(/#twitter\)](#)[https://www.addtoany.com/share#url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-06-nd-department-agriculture&title=By%20the%20Numbers%20\(06\)%20-%20ND%20Department%20of%20Agriculture](https://www.addtoany.com/share#url=%2Fdakota-access-pipeline%2Fpress-releases%2Fnumbers-06-nd-department-agriculture&title=By%20the%20Numbers%20(06)%20-%20ND%20Department%20of%20Agriculture)

Date: February 27, 2017

Agency: North Dakota Joint Information Center

BISMARCK, ND – The Dakota Access Pipeline protest has affected a variety of people and agencies within Morton County and the state of North Dakota. The North Dakota Department of Agriculture provides some of the costs that the agency and the farmers and ranchers it serves have incurred due to protest-related activities.

Number of Morton County households affected by protest activities	544
Individual losses claimed by Morton County farmers and ranchers ¹	\$15K-\$20K
Livestock killed or missing	23
Livestock injured	34
Number of hours Ag Dept. has spent on potentially pest-infested firewood ²	200
Ag Dept. employee hours dedicated to pipeline protest-related activities ³	700
Emotional and mental distress and anguish for rural families ⁴	Widespread

¹ Losses include unharvested or delayed harvesting in fields, resulting in quality and yield losses, and grain unable to be hauled to market; custom harvesters refused to come into the area, causing delays, losses and financial impacts; increased costs were incurred by producers through extra compensation to get different custom harvesters or other custom help at a premium cost for working near the protest camps. Slaughtered, mutilated or missing livestock; cattle and calves moved closer to home earlier than usual, costing more in feed and management. Vandalized equipment and farmsteads; repairs and losses associated with cut and damaged fences. Hay unable to be moved for sale or consumption; farm equipment unable to be moved to harvest or hay; fuel to move heavy equipment, such as combines, home to the yard every night due to fear of vandalism if left in the field.

² Firewood was brought to the protest camps from states under a quarantine and possibly infested with the pests emerald ash borer and gypsy moth. If the firewood contains those destructive pests, North Dakota forests could be decimated. The Department has spent at least 200 hours on this issue alone and anticipates an additional 6-10 day cleanup effort once grounds are accessible to try to prevent the spread of these pests into North Dakota come spring thaw.

³ Calls from concerned farmers/ranchers; time spent on various protest-related issues affecting agriculture, including: firewood, animal health, pesticides, emergency management, and consumer hotlines/public information. Disruption from protest activities inside and around the State Capitol building, which resulted in early dismissal, building lockdowns and overall distractions from regular responsibilities.

4 Families reported fear of leaving their homes and farmsteads; strangers taking photos or videotaping rural residents; vehicles and masked protestors playing chicken with local residents on county roads or shaking fists at them as they drive by; farmers and ranchers feeling they are in harm's way and arming themselves; extra expenses incurred for security systems, gas money to go around roadblocks, families staying in Bismarck-Mandan hotels out of fear for their own personal safety; rural route buses escorted to schools by law enforcement.

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Conversation Contents

Fwd: Nightly Brief for Mar 2nd

Attachments:

/41. Fwd: Nightly Brief for Mar 2nd/1.1 SRST DAPL Thursday Night Brief Mar 2, 2017.docx
/41. Fwd: Nightly Brief for Mar 2nd/1.2 3-2-17 BIA Intel.docx
/41. Fwd: Nightly Brief for Mar 2nd/1.3 (U-LES) 3-2-2017 Joint Intelligence Update #148.pdf
/41. Fwd: Nightly Brief for Mar 2nd/1.4 (U-LES) 03-02-2017 NDSLIC HotSheet - Persons of Interest in Arson on 2-2....pdf
/41. Fwd: Nightly Brief for Mar 2nd/1.5 USACE DAPL SITREP - 1 MAR 17.pdf

@blm.gov>

From: @blm.gov>
Sent: Tue May 23 2017 14:59:22 GMT-0600 (MDT)
To: @blm.gov>
Subject: Fwd: Nightly Brief for Mar 2nd
SRST DAPL Thursday Night Brief Mar 2, 2017.docx 3-2-17 BIA Intel.docx (U-LES) 3-2-2017 Joint Intelligence Update #148.pdf (U-LES) 03-02-2017 NDSLIC HotSheet - Persons of Interest in Arson on 2-2....pdf USACE DAPL SITREP - 1 MAR 17.pdf
Attachments:

Bureau of Land Management
Office of Law Enforcement and Security
Deputy Director
(202) (Desk)
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From: @bia.gov>
Date: Thu, Mar 2, 2017 at 6:37 PM
Subject: Nightly Brief for Mar 2nd
To: @bia.gov>
Cc: @bia.gov>, @bia.gov>, @bia.gov>, @bia.gov>
@bia.gov>, @bia.gov>

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See Attached

Program Analyst

Bureau of Indian Affairs

Office of Justice Services

5924 NW 2nd St, Suite 650

Oklahoma City, OK 73127

Office: (405)

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Email: @bia.gov

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