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LAW ENFORCEMENT SENSITIVE

BIA RELATED SOCIAL MEDIA – 3/2/2017

Joye Braun 48 mins · 🌐

Didn't say anything about the cops roughing ppl up at 7th generation



Sacred Stone camp closed, protesters leave
The original pipeline protest camp on the Standing Rock Indian Reservation closed Wednesday, as the Bureau of Indian Affairs encouraged people to go home rather than be found trespassing.
BISMARCKTRIBUNE.COM

👍❤️👍 45 2 Comments 17 Shares

Like Share

Johnny Littlewolf They never do, corruption so sad they follow the ways of the bad Wolf. 🙄
Like · 40 mins

Mary E. Joyce http://nativenewsonline.net/.../sen-franken-wants-fbi...



Sen. Franken Wants FBI Explanation Wh...
Published March 1, 2017 WASHINGTON – In a letter d...
NATIVEONLINE.NET | BY NATIVE NEWS ONLINE

Liz Gilbert shared John Gonzalez's post 20 mins · 🌐

Four Bands Prayer Camp Standing Rock



John Gonzalez with Toni Cervantes at **Prairie Knights Casino and Resort**
February 28 at 10:32pm · Fort Yates · 🌐

February 28, 2017

It's been a busy day... Happy to help my beautiful brother Myron Dewey, relocate to our new Four Bands Prayer Camp...

Be certain to follow his feeds on Digital Smoke Signals...

#MniWiconi
#WaterIsLife
#ProtectTheSacred
#AllNations

👍❤️👍 Like Comment Share

Dawne DuShane 20 hrs · 🌐

March 1, 2017, 3:30 PM

For those who are unaware, there is currently a hard blockaded at Sacred Stone and Seventh Generation Camps... Evection's are complete and clearing of the lands has begun...

Four Bands Prayer Camp (Cheyenne River Camp), has become the new headquarters for Water Protectors at Standing Rock, while many of the displaced will be heading to Eagle Butte, South Dakota, to continue their prayerful resistance...

Long John Gonzalez will be doing a live feed soon, with our Grand Elder Robinson, to raise awareness for the current state of affairs...

We continue to set up structures at Four Bands and will be heading to Rhode Island, then Washington DC, for March 10th, in an effort to change hearts and minds...

Prayers up for our beloved Water Protectors and those who have found themselves displaced after giving up so much... doing everything to make certain no one is left behind...

We have a long way to go, and thank you for your ongoing love, prayers and support...

Tunkashila awaniyanki ktelo...

Wopila...

#MniWiconi
#WaterIsLife
#ProtectTheSacred
#NoDAPL
#AllNations

PayPal-jghomebuilders@gmail.com, or

👍❤️👍 18 4 Comments 4 Shares

Like Comment Share

Dyann Carrington Sechi shared John Gonzalez's post to the group: Standing Rock Protectors - Pipeline Protest
February 28 at 11:12pm · 🌐

Thank you for all of the work!



John Gonzalez at **Prairie Knights Casino and Resort**
February 28 at 10:02pm · Fort Yates · 🌐

February 28, 2017

Working with Johnnie Aseron, to bring structures from Eagles Nest and Sacred Stone, to Four Bands Prayer Camp (Cheyenne River Camp)...

His prayerful leadership and reputation precedes him, for all he has done for Očeti Oyate...

#MniWiconi
#WaterIsLife
#ProtectTheSacred
#AllNations

👍❤️👍 83 3 Comments 13 Shares

Like Share

BIA RELATED SOCIAL MEDIA – 3/2/2017

Nathan Stang
22 mins · 🌐

Let's me get this right. The Bureau of Indian Affairs (BIA) shuts down the other camp for "Unlawful Trespass" because the tribe owns the land and nothing negative is said about it but flip the coin when ND wanted them off state land expressing the same thing, they were labeled everything from pigs to Nazis. Agenda much?



Another pipeline protest camp closes
CANNON BALL, N.D.—The original pipeline protest camp on the Standing Rock Indian Reservation closed Wednesday, as the Bureau of Indian Affairs encouraged people to go home rather than be found trespassing. The final campers left the...
WDAY.COM

1

Like Share

Louie Kampouris
2 hrs · 🌐

The atrocities just pour out of the cracks of time what the BIA and the government did to Americas First People.. Everyone talks about the Holocaust and yes it was terrible but not even close to what happened here to Americas First, and today it continues. The actions at Standing Rock attest that this Nation has yet to honor it's first promises let alone acknowledge the vast wrongs that were and continue to be done. It is beyond shameful. Yet it could change by a simple admittance.. Anyone Honorable enough to do so??



Poisoned Lands: San Carlos Apache Indian Reservation Steeped in Dioxin - Indian Country Media Network
Decades ago the U.S. government sprayed the herbicide silvex, which contains dioxin, onto the San Carlos Apache Reservation; now health is being affected.
INDIANCOUNTRYMEDIANETWORK.COM

2


Like Share

Christopher Doyon
1 hr · Twitter · 🌐

The Cheyenne Nation needs to tell the USA if Fort Laramie Treaty not enforced then BIA & FBI will be escorted off reservation at gun point.


Like Comment Share

BIA RELATED SOCIAL MEDIA – 3/2/2017


 **Tim Brogdon** shared Digital Smoke Signals's live video to the group: RIVER STANDS WITH ROCK ROARING FORK VALLEY STANDS WITH STANDING ROCK. 4 hrs · 🌐

Standing Rock Update, 3/2/17:
 All - I have been extremely sick with the flu for past 6 days. Finally feel substantially better today.
 Much has happened. Basically it is this.
 All the camps at Cannon Ball are closed or are closing. Phyllis and Amos have retained 2 tents on leased land at Cannon Ball that is owned by Phyllis' brother Remi. This is a "skeleton" camp and if you hear of the Cheyenne River camp remaining this is the camp you are hearing about.
 Cheyenne River Tribe has two "refugee" sites in South Dakota, that I know of, for Water Protectors. One in Eagle Butte (the official site hosted by CRST) and Phyllis and Amos have opened their land at Howe's also. I do not know how many WPs are at Eagle Butte. I do know that P&A have 20+ plus on their land and are expecting more.
 The intent of these camps is two-fold. Firstly, CRST is offering rest/respice/recovery for Water Protectors acknowledging their efforts as strong allies and recognizing the need for trauma recovery in a safe place. Phyllis tells me that PTSD is pervasive amongst all WPs and the CRST recognizes this also and is putting together resources in the Lakota Way to help people heal.
 Secondly, CRST is recognizing the need to begin planning for the Keystone Pipeline. They are having regular and focused meetings led by Chairman Harold Frazier to discuss planning for this effort. They very clearly recognize that there is much to learn from the "good" and the "bad" at Standing Rock. Highest priorities include better security/vetting and management and accountability of funding/donations.
 Before I fell ill, I posted about Phyllis and Amos' desire to come to the RFV management and accountability of funding/donations.

Before I fell ill, I posted about Phyllis and Amos' desire to come to the RFV to offer us a gift of gratitude for our assistance and support. This will still happen but will likely be of smaller scope than I first personally projected due to their increasing responsibility for the efforts in SD. I will be talking to Phyllis today about the "what" and "when" of this. I am hoping that it takes place at 13 Moons. I will know more later today. I have a lot of catching up to do.
 Also, Phyllis has said to me that the CRST medicine man will be doing a collective cleansing of Water Protectors in the next few weeks in SD and anyone who wishes to attend is invited. Again - working on the "When" of that also.
 And locally, Gabrielle (Gabby) and Raleigh Joe Burleigh are organizing and effort for March 10 to demonstrate in solidarity with the March 10 Standing Rock/CRST demonstration in Washington D.C. which I will be attending. I will post more about this in a few hours.
 I think that is what I have for now.
 As always - Wopila! for all of your support, time, energy, and Spirit!
 -Tim

 **Angi Whittiker** shared Johnny Dangers's live video. 4 hrs · 🌐

~ This is the last camp at Sacred Stone on PRIVATELY OWNED land... it is a working ecovillage with a kitchen, community center and school. It has been shut down due to corporate takeover of the Native American treaty land.
 If this PRIVATELY OWNED land can be taken over and the people removed and the structures destroyed (those structures were paid for you you and others that donated to the cause)... what can they do to you? Your white privilege will not protect you when it comes down to money and resources... remember that when they come for you and your neighbors don't have the courage to stand with you!
 ~ AW




28,267 Views


Johnny Dangers was live. Yesterday at 10:42am · 🌐

Breaking News. BIA SUV just went through Sacred Stone Camp and said Final Warning. BIA is "Taking over Cleanup" "Everyone should leave" There is now a Hard Bloc...

[See More](#)

 **Naomi Bindman** shared Johnny Dangers's live video. 16 hrs · 🌐

LaDonna Bravebull Allard: "The sacred fire was not put out. The fire from Sacred Stone was taken to Hawaii and put into the mountain where it will burn forever. This fire is in everybody's heart, and this fire is just beginning to burn. Because we must save the Earth."



70,238 Views


Johnny Dangers was live. Yesterday at 11:20am · 🌐

BIA Federal Police and Park Rangers will NOT allow LaDonna Tamakawastewin Allard through the hard barricade on to her own property at Sacred Stone Camp! LaDonna...


[See More](#)

👍 Like ➦ Share


BIA RELATED SOCIAL MEDIA – 3/2/2017

 **Christopher Huff** shared Leland Conway's post.
February 27 at 10:21pm · 🌐


Well well well... More news from the Dakota pipeline protesters. I can hear Sarah [McLaughlin](#) singing mournfully now..... Frauds.

 **Leland Conway** Follow
February 27 at 9:18pm · 🌐

They created an environmental disaster, set brush fires, left behind tons of trash and filth, destroyed private property and as if that wasnt bad enough, they abandoned puppies. PUPPIES! These people were flat out evil.





Dakota Access Pipeline protesters left puppies behind at frozen camp
"It's a mess down there, so it's really, really hard to find these animals and get them."
HOTAIR.COM

 **Jacqueline Keeler**
4 mins · 🌐

Was told today I am "condescending" to folks who promote hate against the Standing Rock Sioux Tribe and death threats to "DAPL". This for urging them to listen the community of Cannonball. Okay.

👍 2 1 Comment
👍 Like 💬 Comment ➦ Share

 **Joe Kelly** People need to take a step back.
Yeah, it was a fun party and your hosts have been convivial, but it's way past 4AM and they want you to leave.
Like · Reply · Just now
... Someone is typing a comment...

 Write a comment...
Press Enter to post.

BIA RELATED SOCIAL MEDIA – 3/2/2017

STORY

This is not the official page of the Standing Rock Sioux Tribe. For that go to www.standingrock.org or standwithstandingrock.net

Previous PayPal donations have supported the purchase of tech equipment, drones, phones, tents, sleeping bags, boots, a wood stove, coffee, ceremonial supplies like tobacco, and general camping gear and supplies. We also have provided water protectors with rooms at Prairie Knights Lodge during especially cold (-40F) weather. Current contributions will support firewood costs for the camps.

Your donations are welcomed, but not necessary. If you really feel like you need to question the validity of this page, please don't donate or send anything. We don't have time for all that @ the moment, there's a pipeline to fight.

This has never been about money, or recognition...it's about clean water, and that's it.

Thank you for your support.

Jon. Edwards
PO Box 551 (505 1st Ave. East)
McLaughlin, SD 57642

#waterislife #nodapl



Patric Charles White Mountain

22 hrs · McLaughlin, SD · 🌐

Just picked up some peeps comin from sacred stone. Forced out and their leadership were the ones pushing. Damn its a messed up feelin seeing cars flying south loaded with tipi poles and gear. Hope to see a shift towards our communities we have to create leaders with integrity. My prayers for protectors and prayers for the lost lakotas in our communities. We are losing the battle. Life is a game and we have to learn to win adapt all that is being Lakota.

👍 7

👍 Like 💬 Comment ➦ Share



Israel Andalon 🤔 feeling pissed off at Standing Rock Dakota Access Pipeline Opposition.

February 24 at 1:00pm · McLaughlin, SD · 🌐

Stupid Trump! Stupid close-minded Americans who follow him and believe that its their divine right to exploit Earth's resources carelessly to keep-up with their greedy way of life, their American dream!

A big applause to those few native-Americans and Americans who are still trying to defend the land.



Last Remnants of Dakota Access Pipeline Protest Camp Engulfed in Flames

The U.S. Army Corps of Engineers set a deadline for the camp to be cleared

TIME.COM

USACE DAPL SITREP – 1 MAR 17

As of 2030 1 MAR 17

BACKGROUND: On 24 JAN, President Trump signed a memorandum directing the Secretary of the Army to instruct the ASA (CW) and USACE to review and approve in an expedited manner, to the extent permitted by law and as warranted, and with such conditions as are necessary or appropriate, requests for approvals to construct and operate the DAPL. 8 FEB, USACE granted easement to Dakota Access, LLC allowing the installation of a thirty-inch diameter light crude oil pipeline under Federal lands managed by the Corps at Oahe Reservoir, following the 7 FEB SECARMY notification of intent to Congress of the decision to grant the easement.

CURRENT SITUATION:

- All protestors were cleared from the Sacred Stone Camp today, with only 2 arrests.
- BIA continues to restrict access to Sacred Stone & occupies areas on USACE-managed federal land.
- Omaha District is coordinating w/ SRST & BIA for a Right of Entry thru tribal lands to Sacred Stone Camp to gain access to best route for equipment & expedite cleanup contract mod.
- 667 total dumpsters of debris removed from all sites to date

CAMP CLEANUP EFFORT (Oceti & Rosebud Only):

o Overall

- Debris Removal ECD - 5 MAR
- Debris % Complete - 95%
- HAZMAT Removal ECD - 5 MAR

o Oceti

- Debris Removal ECD - 1 MAR (expected to be done tonight)
- Debris % Complete - 99% (minor handpicking debris left)
- HAZMAT Removal ECD - 3 MAR

o Rosebud (USACE hauled 11 dumpsters today / SRST hauled 26 dumpsters today)

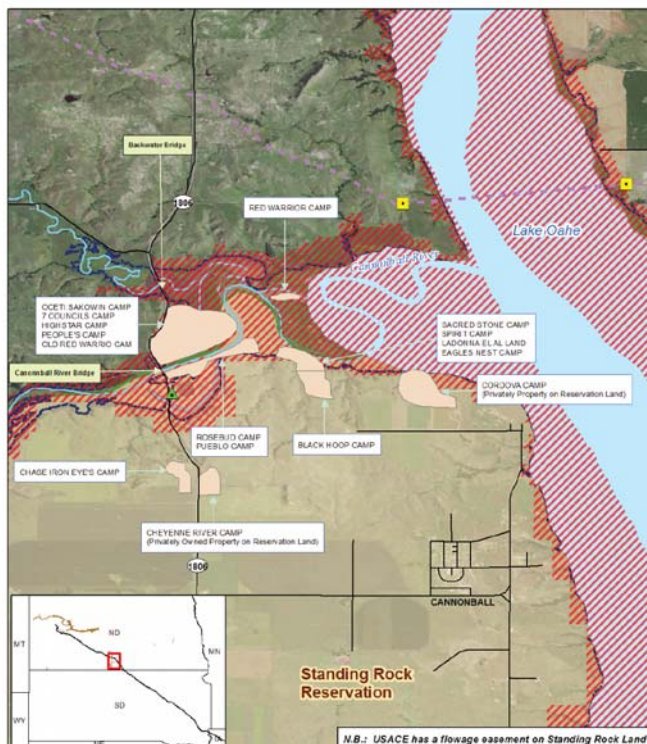
- Debris Removal ECD - 5 MAR
- Debris % Complete - 40%
- HAZMAT Removal ECD - 5 MAR

o Sacred Stone (USACE will begin assessments tomorrow, not accounted for in % status)

- Debris Removal ECD – TBD: Pending estimate and contract modification.
- Debris estimated at 400 dumpsters
- HAZMAT Removal ECD – TBD
- Expect contract modification to be completed early to mid next week.

DAPL CONSTRUCTION:

- DAPL still projects oil to start flowing by 30 MAR.
- An additional 2 weeks (NET 14 APR) will be needed to monitor flow, make adjustments, backfill the trench, tear down the fortifications, and clear the drill site.



DAKOTA ACCESS PIPELINE SITUATIONAL AWARENESS MAP
27 FEB 2017 1430 ET

Key

- DAPL Horizontal Civil Pad
- TCP
- Dakota Access Pipeline
- Cannonball River
- Roads
- Lake Oahe Flood Control Pool
- Camps
- Lake Oahe
- Tribal Land
- USACE Managed Federal Lands

NORTH DAKOTA

Scale: 0 200 400 Feet

POC: USACE Operations Center, ce-uoc@usace.army.mil

USA_BLM_00637

Conversation Contents

FYSA

@blm.gov>

From: @blm.gov>
Sent: Sat May 05 2018 12:49:51 GMT-0600 (MDT)
To: @blm.gov
CC: @blm.gov
Subject: FYSA

For your situational awareness. A few items I'm tracking that pertain to the Mountain Valley Pipeline.

V/r,

Activists to be trained in water monitoring app in Providence on 2 May

On 2 May 2018, Save the Bay will hold a training event in Providence, Rhode Island to teach activists how to use the "WaterReporter App" to record environmental concerns in Narragansett Bay.

The group issued a call for "Volunteer Water Reporters" that will give it "eyes and ears all over the Bay and all the waters that flow into it!"

The training will cover:

How to use the WaterReporter app - this app allows you to take photos that are automatically geotagged, uploaded into Save The Bay's database of observations, and shared on the Water Reporter network.

What to look for - we will go over the types of observations that are especially useful for Save The Bay, such as erosion problems, fish kills, public access issues, and pollution discharges.

Our social media calendar - we have a social media campaign where every month we will encourage users to submit photos on certain topics - like wildlife, straws on the beach, fun in the sun, etc.

USA_BLM_00638

Save the Bay's Narragansett Baykeeper Mike Jarbeau stated: "In the Narragansett Bay watershed, we've got almost 2,000 square miles of area, and we're concerned about a lot of things that happen in the watershed. So, what this app does is allows people to extend our reach throughout the watershed and in the bay."

The meeting will take place at the Save the Bay Center from 5.30-7.00pm.

Forecast: Activists have used apps to crowdsource their monitoring efforts, allowing supporters, not just dedicated activists and organizers, to contribute. This allows for information to be disseminated easily and formatted for submission to regulators. The use of apps by activists to not only monitor, but also organize, is very likely to continue.

Virginia River Healers fundraiser supports Bent Mountain tree-sits

Virginia River Healers (VRH) has launched a fundraiser to support the Bent Mountain, Virginia tree-sits opposing the Mountain Valley Pipeline (MVP).

VRH is selling shirts for \$20 and all "proceeds go to the Terry family and ground support at camp WANGA and camp Kickass." The shirts come with a "a NoMVP NoACP zine!"

Orders could be picked up at 1708 Galley in Richmond.

Forecast: The shirt sales alone will not sustain the broader campaign against the Mountain Valley Pipeline or even the Bent Mountain tree-sits. The on-the-ground opposition appears to be comprised of dedicated, unpaid volunteers. Any profits from the shirt sales will likely be used to support the camps on Bent Mountain.

CHC transmission line opponents release video detailing 'real costs'

Driftless Defenders has released a video that promotes opposition to the proposed Cardinal-Hickory Creek (CHC) transmission line in Wisconsin.

The eight minute video, entitled: 'Mount Horeb & A Region in Peril', describes what the CHC "will really cost us" and features interviews with landowners and property owners, the superintendent of area schools, a Mount Horeb Trustee

The video made a series of claims in opposition to the project:

Property values could decline by as much as 40%

Tourism and commercial property values will decline

Environmental impact

There is no need

David Meylor, Chairman of the Western Dane Preservation Campaign, stated that the opposition to the CHC "going forward" will focus on the Public Service Commission. Rod Hise, a Springdale property owner, added that the application from ATC will revolve around

the question “is there a need for this line in Wisconsin?” Hise argued that the “answer is demonstrably that is we can demonstrate that there is no need for it.”

Virginia Democratic Committees announces opposition to pipelines

The Arlington County Democratic Committee (ACDC) and Loudoun County Democratic Committee (LCDC) have declared their opposition to the Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines.

“Arlington Democrats stand with all who are working to protect our climate, lands, and water from these dangerous and unnecessary pipelines,” said Jill Caiazzo, the Chair of ACDC. “We are particularly concerned by reports that law enforcement agencies are denying protesters food and water in an effort to starve them into ending their vigil.”

ACDC called on Virginia Governor Ralph Northam and the Department of Environmental Quality to “conduct a full, on the ground stream-by-stream analysis of the water impacts of the two pipelines and to complete this review before any construction proceeds. And we insist that peaceful protesters be treated humanely and provided with nutritious food and water.”

“Water is life. The construction of these pipelines poses a threat to hundreds of thousands of Virginians who live near proposed construction sites,” said LCDC Chair Alfonso Nevarez. “The Department of Environmental Quality needs to do a stream-by-stream analysis of all water crossing that would be impacted by these proposed pipelines before further work is authorized. I am confident that Virginia’s Democratic elected officials will make prudent decisions that will protect human and property rights for our brothers and sisters across the Commonwealth.”

LCDC expressed a number of concerns related to the pipelines:

Denial of Access to Water and Food for the tree sitters

Social Justice in Union Hill, Buckingham County

Inappropriate use of Eminent Domain

Widespread opposition from environmental organizations

Unacceptable level of environmental damage

Fracking is harmful to human health

Unacceptable response to climate change, and mitigation of greenhouse gas emissions

Additional natural gas infrastructure not needed

Erosion of public trust in regulatory institutions

These pipelines could very well kill someone

Both committees expressed concern over the treatment Therese Ellen Terry (also known as Red), who is occupying a tree-sit on the path of MVP in Bent Mountain, Virginia.

Delegate Danica Roem, one of 14 Virginia legislators who recently held a press conference to condemn construction of the pipelines, declared: “I’m a property rights Democrat and an

environmental Democrat, and this is bad for both; We are one Commonwealth...it is our obligation to stand with people in Southwest Virginia. We all represent the Commonwealth of Virginia, we have to be united.”

Both committees work to elect Democrats in Arlington and Loudoun Counties respectively, as well as supporting others in Northern Virginia and across the state.

Activist praises MSNBC host for raising awareness of MVP tree-sits

Activist Lee Williams, an anti-pipeline organizer, has praised MSNBC host Chris Hayes for circulating a Washington Post article about the Bent Mountain, Virginia tree-sits opposing the Mountain Valley Pipeline (MVP).

Williams encouraged followers of Farmlands Fighting Pipelines to thank Hayes and ask “him to come to Virginia too!! #NorthamStandard #StreamByStream #StandWithRed #StandWithNutty #NoEminentDomainForPrivateGain #NoNeedJustGreed #NoMVP #NoACP”

A number of individuals and groups responded, echoing Williams’ call for Hayes to visit the tree-sits.

Forecast: Generating media attention of the tree-sits opposed to the Mountain Valley Pipeline has become a key goal for activists opposed to the MVP and Atlantic Coast Pipeline (ACP). The Bent Mountain tree-sits have garnered significantly more attention than other tree-sits. It is more likely that the Bent Mountain blockade by Therese Ellen Terry (also known as Red) and her daughter, Minor, has received greater media attention because of the narrative activists have created by portraying the Terry’s as landowners who are ‘victims’ of the pipeline construction. Activists will most likely continue to try to generate media attention and will attempt to use this to pressure Virginia politicians and regulators to implement stricter reviews that will delay construction of the MVP and ACP.

Divestment campaign against US Bank to continue

Oil Change International (OCI) has promised the divestment campaign targeting US Bank over its financing of oil and gas pipelines, especially those belonging to Energy Transfer Partners (ETP), will continue.

OCI made the comments in a report back from the protest against the bank at its shareholders’ meeting in Albuquerque, New Mexico on 17 April 2018.

The protest at the meeting was the latest in the divestment campaign against the bank. Collin Rees, a Campaign with OCI, noted that the Stop ETP Coalition launched its campaign in February 2018 in Minneapolis during the Super Bowl and was followed by actions throughout March.

US Bank was being targeted for “helping to fund one of the worst pipeline companies in the country: Energy Transfer Partners, the owner of the Dakota Access and Trans-Pecos Pipelines. Despite the national attention generated by Standing Rock during the Dakota

Access fight, ETP is still finding money to build new pipeline projects around the country, including the Bayou Bridge, Mariner East 2, and Rover Pipelines. The company's projects have been beset by repeated spills, work stoppages, fines, heavy security presence, and human rights violations, among other controversies. And a report released the day of the Annual Shareholder Meeting showed that ETP's pipelines have spilled once every 11 days over the last 15 years, totaling over 6,000,000 gallons of discharged material."

Rees concluded: "Resistance to ETP isn't going away. Neither is resistance to the banks and financiers raising money for companies building oil and gas pipelines that are a threat to sovereignty, water, air, land, and the climate. Indeed, this month's protest in Albuquerque was one of several rallies and protests happening at bank meetings around the country. These banks – with US Bank leading the way in financing ETP – are on the wrong side of history, and they must end this financing immediately."

Sierra Club granted intervenor status in FPL gas plant application

Sierra Club has applauded a Florida judge for allowing the group to intervene in an application by Florida Power & Light (FPL) to build a natural gas power plant in Dania Beach, Florida.

The group stated that if FPL is allowed to "move ahead, it would operate until 2062, spewing as much as 190 million tons of greenhouse gas pollution into the atmosphere, exacerbating the deadly impacts of climate change that Florida communities already face, such as monster storms, dangerous sea-level rise, and deteriorating wetlands and ecosystems."

Susannah Randolph, the Florida Representative for the Sierra Club's Beyond Coal campaign, declared:

"This case is about protecting Dania Beach and communities across Florida from 40 years of greenhouse gas pollution that would result from Florida Power & Light's proposed fracked gas power plant.

"Instead of trying to block our efforts to advocate for reasonable, readily available ways to minimize pollution from toxic fuel sources, FPL should focus on ramping up its paltry solar portfolio and pair it with robust energy efficiency programs that would lower electricity demand and people's bills.

"Floridians have consistently shown that we don't want to be locked into decades of paying for – and suffering from – climate-disrupting, dirty fuels like coal, oil and fracked gas. We deserve clean, renewable energy that creates jobs, saves our families money, and that protects both the environment and our most vulnerable communities."

The proposed plant would replace the "outdated power-generating units that currently operate on FPL-owned property in Dania Beach, Broward County."

MVP opposition on Bent Mountain 'closed-off to outside sympathizers'

A "report back" to anarchists following a visit to Bent Mountain, Virginia has claimed that activists opposed to the Mountain Valley Pipeline (MVP) are "closed-off to outside sympathizers, and private."

The complete “report back” reads:

“4/29 - The Mountain Valley Pipeline is a massive, but well hidden, and emerged construction project. It’s current immediate ramifications in just this area extend from Salem, VA, over to the city of Roanoke, and even into Floyd. All along these relevant areas, giant, yellow Caterpillar wrecking machines rest upon the top of the freshly exposed blood red clay, which is so ubiquitous to this region, the Southeast US. There are political yard signs everywhere stating their opposition: “NO PIPELINE”, “NO MVP”.

“We reach the top of the mountain where the tree sit is happening (after an exhilarating drive up Appalachian cliffsides). Our ears pop a few times, we finally arrive at the specifically relevant area, which looks like a Bald. The community here is called Bent Mountain. We drive to the tree-sit. It's in a yard. There is a sign instructing visitors and supporters to call the number, which has been hand-painted on a few wooden planks nailed to a tree. These signs are all over Bent Mountain.

“We regroup for a brief picnic at around 4000’. Amazing views of the Roanoke Valley. After only a brief time, we are evicted by a lawn-mowing crew. They tell us the area will soon become a market, with restaurants and bars complete with craft beers, to be sold by newly-opened stores and restaurants.

“We use Google Maps to find some public land to park out on for a time. There’s a small library we decide to check out. The librarians are very friendly and open. We hear about the Bent Mountain community’s fight against the MVP. Seems a great majority oppose the construction, they are all white people, whose amazingly gorgeous land has mostly been in their families since the time when slave labor was legal in America. We didn't meet any Native Amerindians.

“We called the number on the sign and had a cordial conversation with an official organizer of the tree-sit, who after a night still hadn't reached out to us again, so we eventually just went home. We also found a group of organizers at the library, who basically interrogated us (a bunch of anarchistic hippies) as to our motivations for coming. They were concerned about security and national, even international, attention on their private land.

“Bent Mountain was a place of frequent farmland, specifically dairy farm, and American liberalism. No one really talked about what capitalism is doing to the ecosphere. All the discussions were framed in the context of the State and large corporations infringing on the capital of small-time farmers and business owners in the area.

“Overall, the struggle is very closed-off to outside sympathizers right now, and private. We were asked multiple times if we were active voters. No one seemed to oppose the ongoing considerations for the placement of a wind farm in the area. According to Wiki, 54 of the turbine sites are already underway.

“From preoccupied Catawban, Cherokee, Manahoac, Monacan, Occaneechi, Saponi, and Tutelo lands,

“Zhachev”

Forecast: Reports that activists on Bent Mountain are “closed-off” to unknown supporters is not surprising. This is likely an attempt to establish some kind of security culture at the tree-sit support camps and follows the general trend of organized protest encampments. Most activist organizers, especially after Standing Rock, try to establish and maintain control over camps to ensure it contributes to a brobroad campaign.

'fascists' in Richmond on 5 May

On 5 May 2018, anti-fascists will confront a gathering of “neo-Confederate and Alt-Right groups” in Richmond, Virginia.

It was reported that the “neo-Confederate group,” Confederate States of America (CSA 2) will return to Richmond with the “Proud Boys and Alt-Knights.”

The anti-fascist organizers warned that CSA 2 was working with “groups that have fascist beliefs and are willing to do anything to have a bigger turnout on their side, compared to the previous times that they’ve been in town. The first time CSA came to RVA, they only had about 8 people show up. We mainly had to focus on the police harassing folks and unlawfully arresting people for masking themselves from fash. The second time was just one giant joke, which barely had a turnout (again).”

The organizers stated: “I feel that we anti-fascist folk need to show up in large numbers to run these fascist scumbags out of town. Please, if you’re anywhere close to the Richmond, VA area, I urge you to show up and let these pieces of fascist filth know that they’re not welcomed anywhere!”

Protesters will gather at Monument Avenue from 10.00am-6.00pm.

Monopod activist plans to continue resisting MVP after blockade removed

The activist currently occupying the monopod blockade against the Mountain Valley Pipeline (MVP) on Peters Mountain, Virginia has promised to continue opposing the pipeline after her blockade was removed.

Discussing her goals with “Jackson Phillips, [a] friend of Appalachians Against Pipelines,” the activist, referred to as “Nutty,” stated: “I know this isn’t going to last forever; I’m rationing food. When I get out, I want to continue to make [stopping this pipeline] an attainable goal.” She expressed the hope that “more surprising direct action stuff happens. The sad thing is they’ll keep building the pipeline in other places. I hope everyone keeps fighting back. I think the police will put more popup tents under me.”

Phillips reported that Nutty’s “monopod resistance remains intact into its 32nd day, which sets a record for the longest continuously-occupied monopod. She has a growing group of supporters at a camp right next to the 125-foot police tape line.”

Law enforcement monitoring the monopod had allegedly “reached some overtime limits, and they have had to call in backup from other states. There are two crews, and they trade off shifts twice a day at 7 am and 7 pm.”

Campaign groups in Pennsylvania oppose ‘roll back’ of oil and gas regulations

Campaign groups in Pennsylvania have launched letter campaigns asking supporters to contact their state legislators and demand they oppose a bill that “would roll back regulations on conventional oil and gas operations.”

Sierra Club Pennsylvania and Clean Air Council (CAC) urged supporters that although “‘unconventional’ drilling continues to be a serious and growing concern, there are approximately 70,000 producing conventional oil and gas wells in Pennsylvania.”

The bill, HB2154, would “not only take us back to 1984, it would even remove some of those protections – provisions that we need to defend our public resources. For example, the DEP would no longer have to consider the impact of a proposed well on parks, forests, game lands, wildlife areas, scenic rivers, and habitats of rare and endangered species. This is unacceptable.”

The Sierra Club’s form letter read:

“Landowners in drilling areas and their neighbors expect that their water wells, farms, and streams will be protected regardless of the drilling technologies used. This bill would only put these people and places at risk.

“The definition of ‘conventional’ oil and gas operations used by this bill means that many oil and gas operations would evade regulation even though they utilize hydrofracking technology.

“Additionally, this bill would not only revert conventional oil & gas regulations to the 1984 Oil and Gas Act, it would even undo some of those hard-won protections.

“For example, when making a determination on a well permit, the DEP will no longer have to consider the impact of the proposed well on parks, forests, game lands and wildlife areas, scenic rivers, natural landmarks, habitats of rare and endangered species, and listed historic and archeological sites.

“Lastly, this bill could also run afoul of the Pennsylvania Supreme Court’s Robinson Township decision based on the Environmental Rights Amendment to the Pennsylvania Constitution.

“Our statutes and regulations must be forward-looking and based on the latest technologies and best practices in order to protect the public and our natural resources.

“Please consider the impacts of this bill to our hard-won protections and our communities and VOTE NO on HB 2154.”

The CAC’s form letter addressed to Pennsylvania representatives stated:

“HB 2154 would be a disaster when it comes to protecting public health and the environment in Pennsylvania. This is a radical piece of anti environmental legislation that, if passed, would mean more pollution in our streams and parks and more threats to the health of everyone in Pennsylvania.

“HB 2154 would weaken protections for impacted drinking water supplies, failing to require that replacement supplies meet the standards set by the Safe Drinking Water Act in all instances. It would also weaken well integrity standards, which are critical for groundwater protection, and would exempt certain wastewater treatment facilities from state water protection requirements.

“All told, this legislation would represent a wholesale weakening of critical safety standards that have existed in Pennsylvania - and have been common practice in the industry - for years.

“Please vote NO on HB2154 because we need Pennsylvania to keep moving forward with its environmental protections, not backward.”

@blm.gov>

From: @blm.gov>
Sent: Sun May 06 2018 12:39:00 GMT-0600 (MDT)
To: @blm.gov>
CC: @blm.gov
Subject: Re: FYSA

Thanks ,

Appreciate the MVP info.

Sent from my iPhone

On May 5, 2018, at 2:49 PM, @blm.gov> wrote:

For your situational awareness. A few items I' tracking that pertain to the Mountain Valley Pipeline.

V/r,

Activists to be trained in water monitoring app in Providence on 2 May

On 2 May 2018, Save the Bay will hold a training event in Providence, Rhode Island to teach activists how to use the “WaterReporter App” to record environmental concerns in Narragansett Bay.

The group issued a call for “Volunteer Water Reporters” that will give it “eyes and ears all over the Bay and all the waters that flow into it!”

The training will cover:

How to use the WaterReporter app - this app allows you to take photos that are automatically geotagged, uploaded into Save The Bay's database of observations, and shared on the Water Reporter network.

What to look for - we will go over the types of observations that are especially useful for Save The Bay, such as erosion problems, fish kills, public access issues, and pollution discharges.

Our social media calendar - we have a social media campaign where every month we will encourage users to submit photos on certain topics - like wildlife,

USA_BLM_00646

straws on the beach, fun in the sun, etc.

Save the Bay's Narragansett Baykeeper Mike Jarbeau stated: "In the Narragansett Bay watershed, we've got almost 2,000 square miles of area, and we're concerned about a lot of things that happen in the watershed. So, what this app does is allows people to extend our reach throughout the watershed and in the bay."

The meeting will take place at the Save the Bay Center from 5.30-7.00pm.

Forecast: Activists have used apps to crowdsource their monitoring efforts, allowing supporters, not just dedicated activists and organizers, to contribute. This allows for information to be disseminated easily and formatted for submission to regulators. The use of apps by activists to not only monitor, but also organize, is very likely to continue.

Virginia River Healers fundraiser supports Bent Mountain tree-sits

Virginia River Healers (VRH) has launched a fundraiser to support the Bent Mountain, Virginia tree-sits opposing the Mountain Valley Pipeline (MVP).

VRH is selling shirts for \$20 and all "proceeds go to the Terry family and ground support at camp WANGA and camp Kickass." The shirts come with a "a NoMVP NoACP zine!"

Orders could be picked up at 1708 Galley in Richmond.

Forecast: The shirt sales alone will not sustain the broader campaign against the Mountain Valley Pipeline or even the Bent Mountain tree-sits. The on-the-ground opposition appears to be comprised of dedicated, unpaid volunteers. Any profits from the shirt sales will likely be used to support the camps on Bent Mountain.

CHC transmission line opponents release video detailing 'real costs'

Driftless Defenders has released a video that promotes opposition to the proposed Cardinal-Hickory Creek (CHC) transmission line in Wisconsin.

The eight minute video, entitled: 'Mount Horeb & A Region in Peril', describes what the CHC "will really cost us" and features interviews with landowners and property owners, the superintendent of area schools, a Mount Horeb Trustee

The video made a series of claims in opposition to the project:

Property values could decline by as much as 40%

Tourism and commercial property values will decline

Environmental impact

There is no need

David Meylor, Chairman of the Western Dane Preservation Campaign, stated that the opposition to the CHC “going forward” will focus on the Public Service Commission. Rod Hise, a Springdale property owner, added that the application from ATC will revolve around the question “is there a need for this line in Wisconsin?” Hise argued that the “answer is demonstrably that is we can demonstrate that there is no need for it.”

Virginia Democratic Committees announces opposition to pipelines

The Arlington County Democratic Committee (ACDC) and Loudoun County Democratic Committee (LCDC) have declared their opposition to the Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines.

“Arlington Democrats stand with all who are working to protect our climate, lands, and water from these dangerous and unnecessary pipelines,” said Jill Caiazzo, the Chair of ACDC. “We are particularly concerned by reports that law enforcement agencies are denying protesters food and water in an effort to starve them into ending their vigil.”

ACDC called on Virginia Governor Ralph Northam and the Department of Environmental Quality to “conduct a full, on the ground stream-by-stream analysis of the water impacts of the two pipelines and to complete this review before any construction proceeds. And we insist that peaceful protesters be treated humanely and provided with nutritious food and water.”

“Water is life. The construction of these pipelines poses a threat to hundreds of thousands of Virginians who live near proposed constructions sites,” said LCDC Chair Alfonso Nevarez. “The Department of Environmental Quality needs to do a stream-by-stream analysis of all water crossing that would be impacted by these proposed pipelines before further work is authorized. I am confident that Virginia’s Democratic elected officials will make prudent decisions that will protect human and property rights for our brothers and sisters across the Commonwealth.”

LCDC expressed a number of concerns related to the pipelines:

Denial of Access to Water and Food for the tree sitters

Social Justice in Union Hill, Buckingham County

Inappropriate use of Eminent Domain

Widespread opposition from environmental organizations

Unacceptable level of environmental damage

Fracking is harmful to human health

Unacceptable response to climate change, and mitigation of greenhouse gas emissions

Additional natural gas infrastructure not needed

Erosion of public trust in regulatory institutions

These pipelines could very well kill someone

Both committees expressed concern over the treatment Therese Ellen Terry (also known as Red), who is occupying a tree-sit on the path of MVP in Bent Mountain, Virginia.

Delegate Danica Roem, one of 14 Virginia legislators who recently held a press conference to condemn construction of the pipelines, declared: "I'm a property rights Democrat and an

environmental Democrat, and this is bad for both; We are one Commonwealth... it is our obligation to stand with people in Southwest Virginia. We all represent the Commonwealth of Virginia, we have to be united."

Both committees work to elect Democrats in Arlington and Loudoun Counties respectively, as well as supporting others in Northern Virginia and across the state.

Activist praises MSNBC host for raising awareness of MVP tree-sits

Activist Lee Williams, an anti-pipeline organizer, has praised MSNBC host Chris Hayes for circulating a Washington Post article about the Bent Mountain, Virginia tree-sits opposing the Mountain Valley Pipeline (MVP).

Williams encouraged followers of Farmlands Fighting Pipelines to thank Hayes and ask "him to come to Virginia too!! #NorthamStandard #StreamByStream #StandWithRed #StandWithNuttly #NoEminentDomainForPrivateGain #NoNeedJustGreed #NoMVP #NoACP"

A number of individuals and groups responded, echoing Williams' call for Hayes to visit the tree-sits.

Forecast: Generating media attention of the tree-sits opposed to the Mountain Valley Pipeline has become a key goal for activists opposed to the MVP and Atlantic Coast Pipeline (ACP). The Bent Mountain tree-sits have garnered significantly more attention than other tree-sits. It is more likely that the Bent Mountain blockade by Therese Ellen Terry (also known as Red) and her daughter, Minor, has received greater media attention because of the narrative activists have created by portraying the Terry's as landowners who are 'victims' of the pipeline construction. Activists will most likely continue to try to generate media attention and will attempt to use this to pressure Virginia politicians and regulators to implement stricter reviews that will delay construction of the MVP and ACP.

Divestment campaign against US Bank to continue

Oil Change International (OCI) has promised the divestment campaign targeting US Bank over its financing of oil and gas pipelines, especially those belonging to Energy Transfer Partners (ETP), will continue.

OCI made the comments in a report back from the protest against the bank at its shareholders' meeting in Albuquerque, New Mexico on 17 April 2018.

The protest at the meeting was the latest in the divestment campaign against the bank. Collin Rees, a Campaign with OCI, noted that the Stop ETP Coalition launched its campaign in February 2018 in Minneapolis during the Super Bowl and was followed by actions throughout March.

US Bank was being targeted for “helping to fund one of the worst pipeline companies in the country: Energy Transfer Partners, the owner of the Dakota Access and Trans-Pecos Pipelines. Despite the national attention generated by Standing Rock during the Dakota Access fight, ETP is still finding money to build new pipeline projects around the country, including the Bayou Bridge, Mariner East 2, and Rover Pipelines. The company’s projects have been beset by repeated spills, work stoppages, fines, heavy security presence, and human rights violations, among other controversies. And a report released the day of the Annual Shareholder Meeting showed that ETP’s pipelines have spilled once every 11 days over the last 15 years, totaling over 6,000,000 gallons of discharged material.”

Rees concluded: “Resistance to ETP isn’t going away. Neither is resistance to the banks and financiers raising money for companies building oil and gas pipelines that are a threat to sovereignty, water, air, land, and the climate. Indeed, this month’s protest in Albuquerque was one of several rallies and protests happening at bank meetings around the country. These banks – with US Bank leading the way in financing ETP – are on the wrong side of history, and they must end this financing immediately.”

Sierra Club granted intervenor status in FPL gas plant application

Sierra Club has applauded a Florida judge for allowing the group to intervene in an application by Florida Power & Light (FPL) to build a natural gas power plant in Dania Beach, Florida.

The group stated that if FPL is allowed to “move ahead, it would operate until 2062, spewing as much as 190 million tons of greenhouse gas pollution into the atmosphere, exacerbating the deadly impacts of climate change that Florida communities already face, such as monster storms, dangerous sea-level rise, and deteriorating wetlands and ecosystems.”

Susannah Randolph, the Florida Representative for the Sierra Club’s Beyond Coal campaign, declared:

“This case is about protecting Dania Beach and communities across Florida from 40 years of greenhouse gas pollution that would result from Florida Power & Light’s proposed fracked gas power plant.

“Instead of trying to block our efforts to advocate for reasonable, readily available ways to minimize pollution from toxic fuel sources, FPL should focus on ramping up its paltry solar portfolio and pair it with robust energy efficiency

programs that would lower electricity demand and people's bills.

“Floridians have consistently shown that we don't want to be locked into decades of paying for – and suffering from – climate-disrupting, dirty fuels like coal, oil and fracked gas. We deserve clean, renewable energy that creates jobs, saves our families money, and that protects both the environment and our most vulnerable communities.”

The proposed plant would replace the “outdated power-generating units that currently operate on FPL-owned property in Dania Beach, Broward County.”

MVP opposition on Bent Mountain ‘closed-off to outside sympathizers’

A “report back” to anarchists following a visit to Bent Mountain, Virginia has claimed that activists opposed to the Mountain Valley Pipeline (MVP) are “closed-off to outside sympathizers, and private.”

The complete “report back” reads:

“4/29 - The Mountain Valley Pipeline is a massive, but well hidden, and emersed construction project. It's current immediate ramifications in just this area extend from Salem, VA, over to the city of Roanoke, and even into Floyd. All along these relevant areas, giant, yellow Caterpillar wrecking machines rest upon the top of the freshly exposed blood red clay, which is so ubiquitous to this region, the Southeast US. There are political yard signs everywhere stating their opposition: “NO PIPELINE”, “NO MVP”.

“We reach the top of the mountain where the tree sit is happening (after an exhilarating drive up Appalachian cliffsides). Our ears pop a few times, we finally arrive at the specifically relevant area, which looks like a Bald. The community here is called Bent Mountain. We drive to the tree-sit. It's in a yard. There is a sign instructing visitors and supporters to call the number, which has been hand-painted on a few wooden planks nailed to a tree. These signs are all over Bent Mountain.

“We regroup for a brief picnic at around 4000'. Amazing views of the Roanoke Valley. After only a brief time, we are evicted by a lawn-mowing crew. They tell us the area will soon become a market, with restaurants and bars complete with craft beers, to be sold by newly-opened stores and restaurants.

“We use Google Maps to find some public land to park out on for a time. There's a small library we decide to check out. The librarians are very friendly and open. We hear about the Bent Mountain community's fight against the MVP. Seems a great majority oppose the construction, they are all white people, whose amazingly gorgeous land has mostly been in their families since the time when slave labor was legal in America. We didn't meet any Native Amerindians.

“We called the number on the sign and had a cordial conversation with an official organizer of the tree-sit, who after a night still hadn't reached out to us again, so we eventually just went home. We also found a group of organizers at the library, who basically interrogated us (a bunch of anarchistic hippies) as to our motivations for coming. They were concerned about security and national, even international, attention on their private land.

“Bent Mountain was a place of frequent farmland, specifically dairy farm, and American liberalism. No one really talked about what capitalism is doing to the ecosphere. All the discussions were framed in the context of the State and large corporations infringing on the capital of small-time farmers and business owners in the area.

“Overall, the struggle is very closed-off to outside sympathizers right now, and private. We were asked multiple times if we were active voters. No one seemed to oppose the ongoing

considerations for the placement of a wind farm in the area. According to Wiki, 54 of the turbine sites are already underway.

“From preoccupied Catawban, Cherokee, Manahoac, Monacan, Occaneechi, Saponi, and Tutelo lands,

“Zhachev”

Forecast: Reports that activists on Bent Mountain are “closed-off” to unknown supporters is not surprising. This is likely an attempt to establish some kind of security culture at the tree-sit support camps and follows the general trend of organized protest encampments. Most activist organizers, especially after Standing Rock, try to establish and maintain control over camps to ensure it contributes to a broader campaign.

‘fascists’ in Richmond on 5 May

On 5 May 2018, anti-fascists will confront a gathering of “neo-Confederate and Alt-Right groups” in Richmond, Virginia.

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The anti-fascist organizers warned that CSA 2 was working with “groups that have fascist beliefs and are willing to do anything to have a bigger turnout on their side, compared to the previous times that they’ve been in town. The first time CSA came to RVA, they only had about 8 people show up. We mainly had to focus on the police harassing folks and unlawfully arresting people for masking themselves from fash. The second time was just one giant joke, which barely had a turnout (again).”

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Conversation Contents

MVP Pipeline Sitters

@blm.gov>

From: @blm.gov>
Sent: Tue Apr 17 2018 12:40:16 GMT-0600 (MDT)
To: @blm.gov
CC: @blm.gov, @blm.gov @blm.gov
Subject: MVP Pipeline Sitters

Good Afternoon: Just wanted to give everyone a quick update and let you know the tree sitters are still in place - three total (two platforms and one monopole). The contractor has left a large berth around the tree sitters but otherwise continues work. Forest Service has law enforcement rangers on the ground 24/7 and has closed Pocohontas Road. Forest Service has arrested a handful of protestors over the past couple weeks and their presence appears to be helping. I will continue to monitor and keep you posted. Thanks,

@blm.gov>

From: @blm.gov>
Sent: Tue Apr 17 2018 12:41:09 GMT-0600 (MDT)
To: @blm.gov>
CC: @blm.gov>, @blm.gov> @blm.gov>
Subject: Re: MVP Pipeline Sitters

Thanks,

Resource Advisor
Eastern States
Bureau of Land Management
20 M Street, SE, Suite 950
Washington, DC 20003
Desk: 202 - Fax: 202
Cell: 202

On Tue, Apr 17, 2018 at 2:40 PM,
Good Afternoon:

@blm.gov> wrote:

USA_BLM_00655

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Thanks,

@blm.gov>

From: @blm.gov>
Sent: Tue Apr 17 2018 15:22:18 GMT-0600 (MDT)
To: @blm.gov>
Subject: Re: MVP Pipeline Sitters

, Can you get photos of the monopole and tree sitters for the MT State Patrol. They are looking for it for intel. > On Apr 17, 2018, at 12:40 PM, @blm.gov> wrote: > > Good Afternoon: > > Just wanted to give everyone a quick update and let you know the tree > sitters are still in place - three total (two platforms and one > monopole). > > The contractor has left a large berth around the tree sitters but > otherwise continues work. Forest Service has law enforcement rangers > on the ground 24/7 and has closed Pocohontas Road. Forest Service has > arrested a handful of protestors over the past couple weeks and their > presence appears to be helping. > > I will continue to monitor and keep you posted. > > Thanks, > >

@blm.gov>

From: @blm.gov>
Sent: Tue Apr 17 2018 15:41:06 GMT-0600 (MDT)
To: @blm.gov>
Subject: Re: MVP Pipeline Sitters

I'll reach out. They had a pretty good briefing too that I'll forward. Sent from my iPhone > On Apr 17, 2018, at 5:22 PM, @blm.gov> wrote: > > , > > > Can you get photos of the monopole and tree sitters for the MT State > Patrol. They are looking for it for intel. > > >> On Apr 17, 2018, at 12:40 PM, @blm.gov> wrote: >> >> Good Afternoon: >> >> Just wanted to give everyone a quick update and let you know the tree >> sitters are still in place - three total (two platforms and one >> monopole). >> >> The contractor has left a large berth around the tree sitters but >> otherwise continues work. Forest Service has law enforcement rangers >> on the ground 24/7 and has closed Pocohontas Road. Forest Service has >> arrested a handful of protestors over the past couple weeks and their >> presence appears to be helping. >> >> I will continue to monitor and keep you posted.

USA_BLM_00656

>> >> Thanks, >> >>

Conversation Contents

Fwd: [EXTERNAL] draft xl pipeline response plan.

Attachments:

/2. Fwd: [EXTERNAL] draft xl pipeline response plan./1.1 pipeline federal operations plan.docx

/2. Fwd: [EXTERNAL] draft xl pipeline response plan./2.1 pipeline federal operations plan (1).docx

/2. Fwd: [EXTERNAL] draft xl pipeline response plan./3.1 pipeline federal operations plan (1).docx

@blm.gov>

From: @blm.gov>
Sent: Thu Apr 05 2018 15:54:39 GMT-0600 (MDT)
To: @blm.gov
Subject: Fwd: [EXTERNAL] draft xl pipeline response plan.
Attachments: pipeline federal operations plan.docx

Begin forwarded message:

From: " (USAMT)" @usdoj.gov>
Date: April 5, 2018 at 3:02:36 PM MDT
To: @blm.gov>, (SU) (FBI)"
< @fbi.gov>, (SU) (FBI)" @fbi.gov>, "
@CBP.DHS.GOV>,
@atf.gov" < usdoj.gov>,
@usace.army.mil" @usace.army.mil>,
@bia.gov" @bia.gov>, "
(USMS)" @usdoj.gov>, @nps.gov"
@nps.gov>, @dot.gov" < @dot.gov>,
@tsa.dhs.gov" @tsa.dhs.gov>,
@fs.fed.us>, @mt.go
Cc: @blm.gov>, USAMT)"
< @usdoj.gov>, (USAMT)"
@usdoj.gov>, (USAMT)"
@usdoj.gov>, (USAMT)"
@usdoj.gov>
Subject: [EXTERNAL] draft xl pipeline response plan.

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,

USA_BLM_00658

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 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)

@blm.gov>

From: @blm.gov>
Sent: Tue Apr 10 2018 15:14:26 GMT-0600 (MDT)
To: @blm.gov>,
@blm.gov>
Subject: Fwd: [EXTERNAL] draft xl pipeline response plan.
Attachments: pipeline federal operations plan (1).docx

Fellas,

Look at page 13 this is the verbiage I am proposing.

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

From: (USAMT) @usdoj.gov>
Date: Thu, Apr 5, 2018 at 3:02 PM
Subject: [EXTERNAL] draft xl pipeline response plan.
To: @blm.gov>, (SU) (FBI)" @fbi.gov>,
(SU) (FBI)" @fbi.gov>,
@cbp.dhs.gov>, @atf.gov"
@usdoj.gov>, @usace.army.mil"
@usace.army.mil>, @bia.gov" @bia.gov>,
(USMS)" @usdoj.gov>, " @nps.gov"
@nps.gov>, @dot.gov" @dot.gov>,
tsa.dhs.gov" @tsa.dhs.gov>,
@fs.fed.us>, @mt.gov>
Cc: @blm.gov>, (USAMT)" @usdoj.gov>,
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USA_BLM_00659

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District of Montana
(406)

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: Wed Apr 11 2018 13:58:15 GMT-0600 (MDT)
To: (USAMT)" < @usdoj.gov>
CC: @blm.gov>, @blm.gov>
Subject: Re: [EXTERNAL] draft xl pipeline response plan.
Attachments: pipeline federal operations plan (1).docx

Please see attached response plan with some changes to the BLM section on page 13.

Please let me know if you have any questions.

Thanks,

On Thu, Apr 5, 2018 at 3:02 PM, (USAMT) @usdoj.gov> wrote:
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 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)

USA_BLM_00660

Special Agent -in- Charge
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Cell - 503

**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.

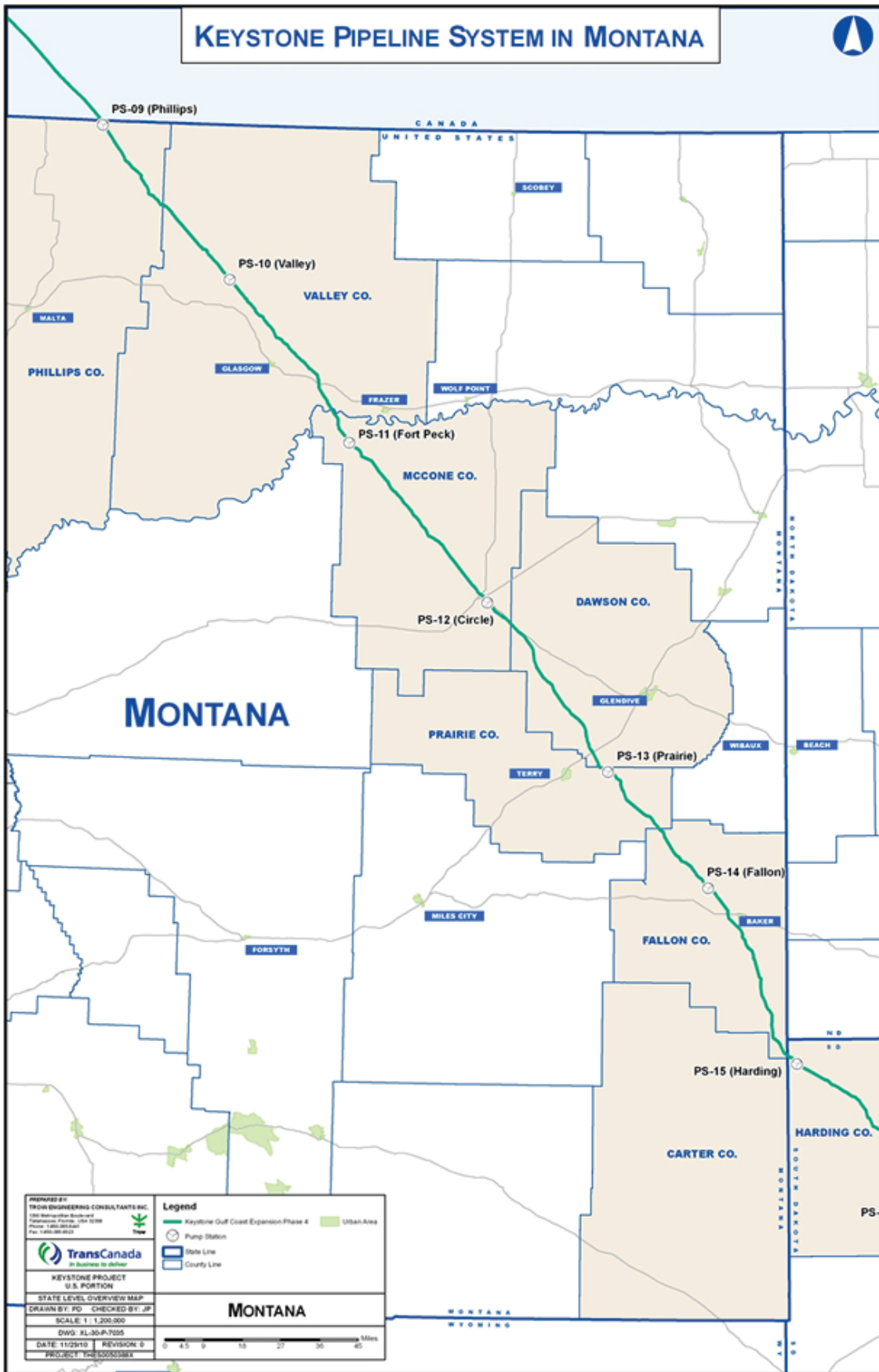
PURPOSE

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

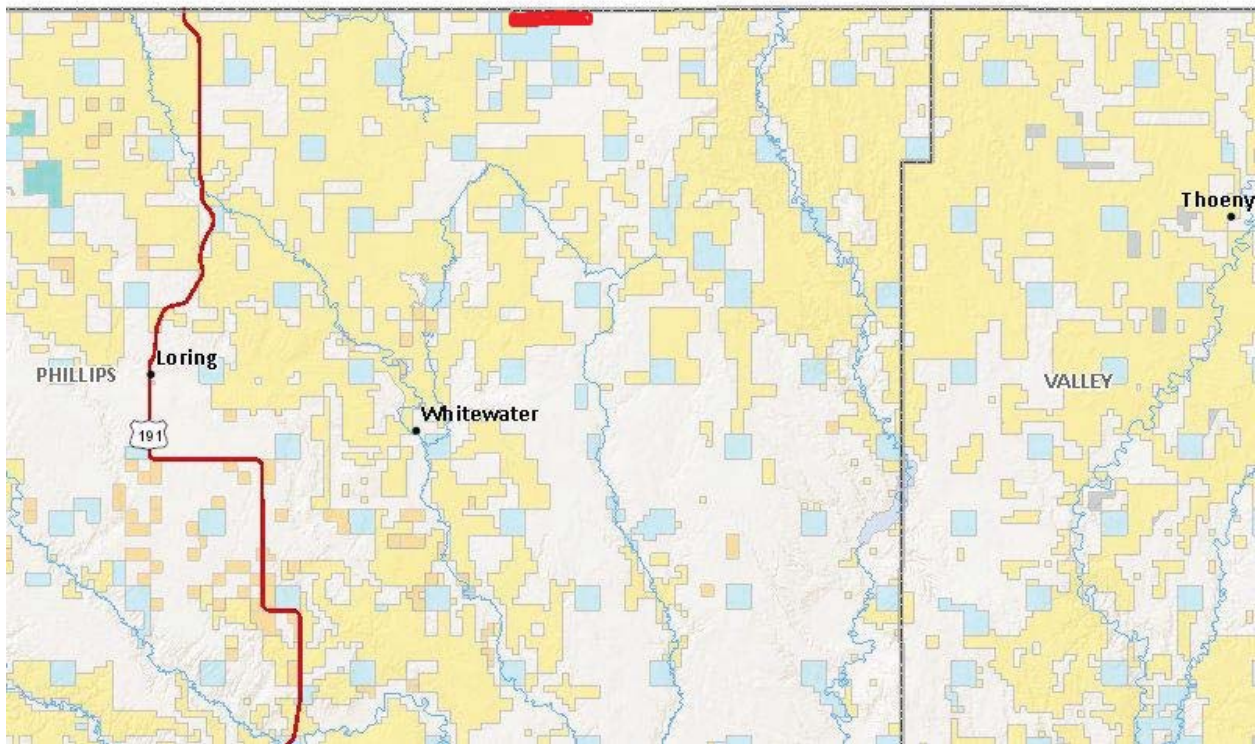
The proposed pipeline route passes through six counties in Montana from north to southeast: Phillips, Valley, McCone, Dawson, Prairie, and Fallon (see attached map). It will pass through mostly remote farming and ranching communities. Approximately 45-55 miles of pipeline will pass through federal land 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.

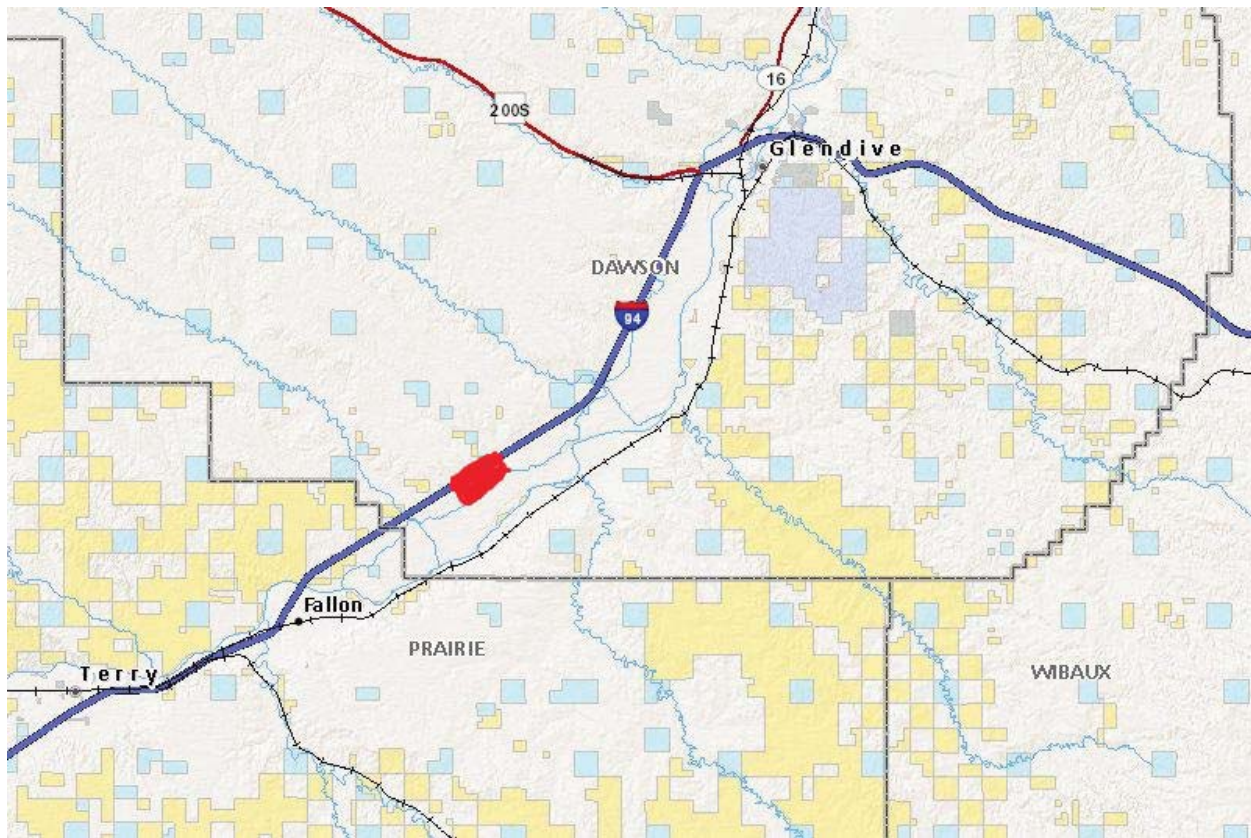


CRITICAL SITE ANALYSIS

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.



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](mailto:)
, Analyst
406-
Cell: 310
[@fbi.gov](mailto:)

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](mailto:)
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
s, SA
406-
Cell: 406-

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:)

**Transportation Security Administration
Intelligence Specialist**

Contact: 406-

Cell: 571-

[tsa.dhs.gov](mailto:)

U.S. Forest Service

Custer N.F.

3710 Fallon St.

Bozeman, MT 59718

Contact:

SA

406

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

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

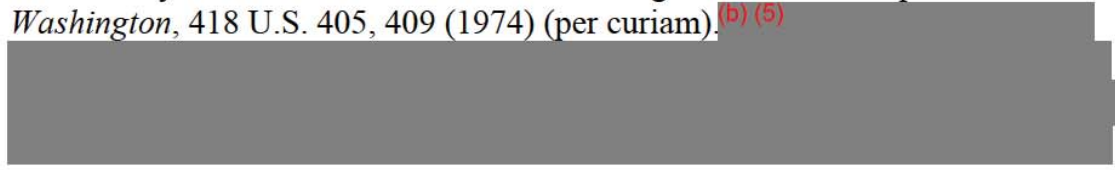
Pursuant to current DOJ media policy, all federal agency press releases that relate to potential federal litigation must be approved in advance by the United States Attorney or his designee. Social media releases will be treated as press releases and subject to the same approval process.

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) [Redacted text block]

[Redacted text block]

[Redacted text block]

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.

**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.

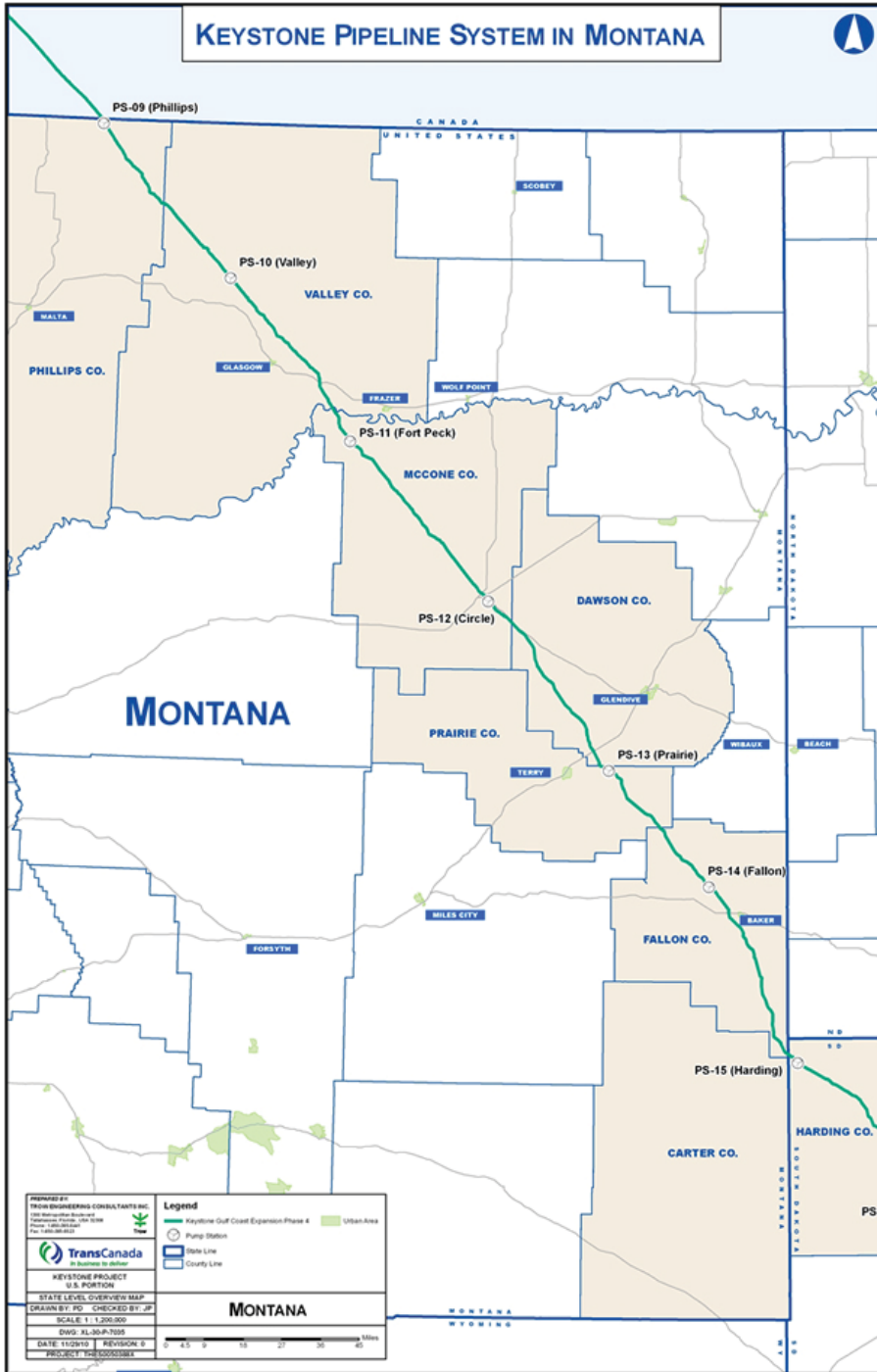
PURPOSE

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

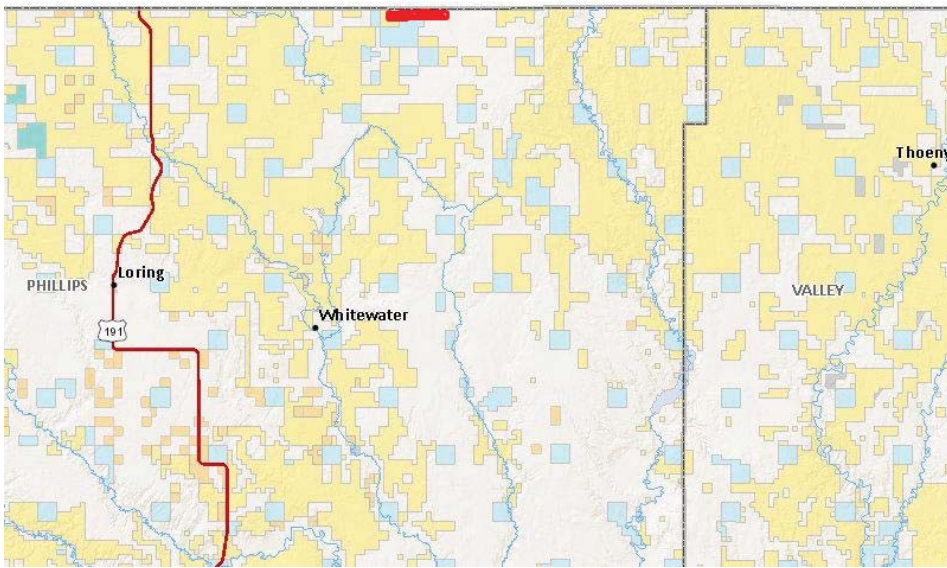
The proposed pipeline route passes through six counties in Montana from north to southeast: Phillips, Valley, McCone, Dawson, Prairie, and Fallon (see attached map). It will pass through mostly remote farming and ranching communities. Approximately 45-55 miles of pipeline will pass through federal land 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.

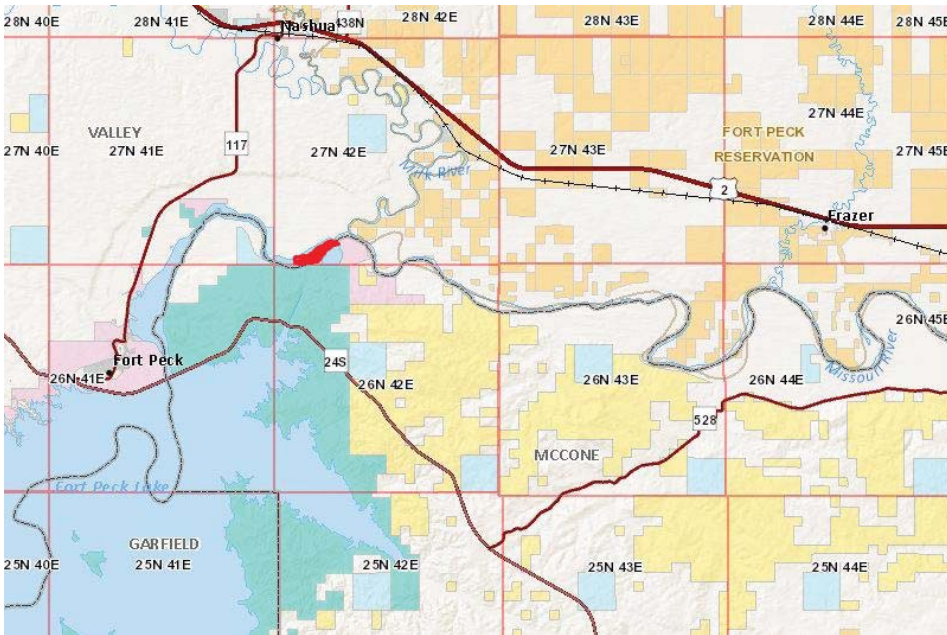


CRITICAL SITE ANALYSIS

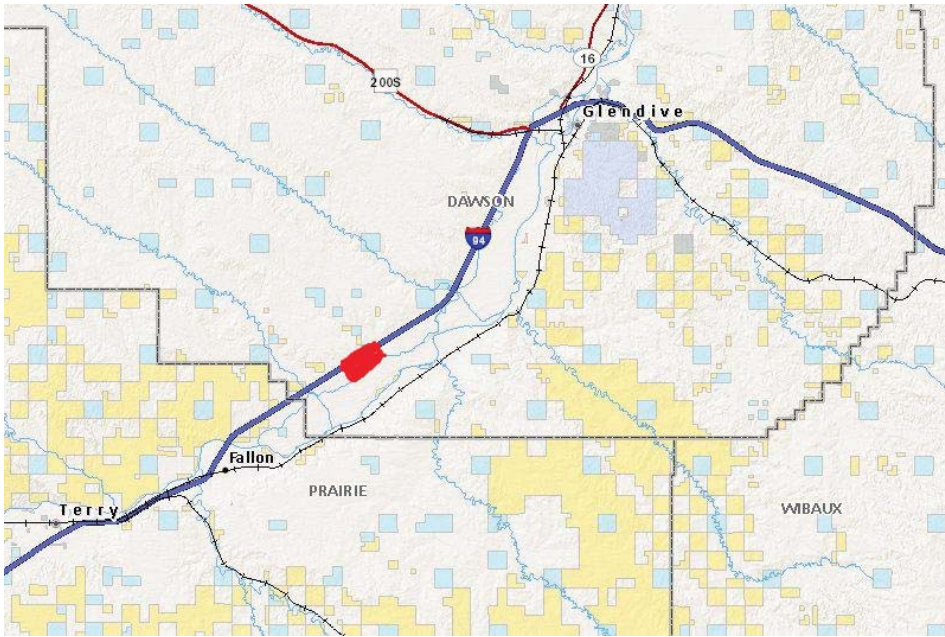
U.S.-Canadian border—Phillips County: The pipeline route crosses the international border in a remote portion of Phillips County that is not served by any major highways or towns (approximate location in red). In that area, however, the pipeline route is surrounded by large amounts of federal public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

First Assistant U.S. Attorney
406
Cell 406

[@usdoj.gov](mailto:)

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:

406

RAC

406

SA

Cell: 406

[@atf.gov](mailto:)

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](mailto:)

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:)

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:)

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:)

Can provide law enforcement support to other Interior Department agencies.

**Department of Transportation
Pipeline Safety**

Contact:

720

Cell: 303

[@dot.gov](mailto:)

**Transportation Security Administration
Intelligence Specialist**

Contact: 406

Cell: 571

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

**U.S. Forest Service
Custer N.F.
3710 Fallon St.
Bozeman, MT 59718**

Contact:

SA

406

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

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

(b) (5) [Redacted]

(b) (5) [Redacted]

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). BLM Law Enforcement will assist local, County and State Law Enforcement on BLM lands in regards to other violations as they pertain to civil disobedience but will maintain a support role in regards to violations outside of Title 43. (b) (5)

[Redacted]

PRESS RELEASES AND MEDIA

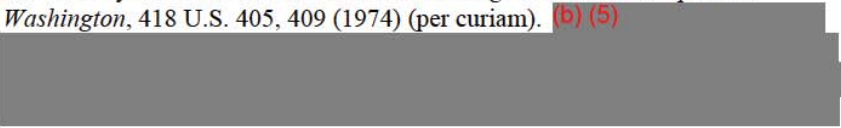
Pursuant to current DOJ media policy, all federal agency press releases that relate to potential federal litigation must be approved in advance by the United States Attorney or his designee. Social media releases will be treated as press releases and subject to the same approval process.

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

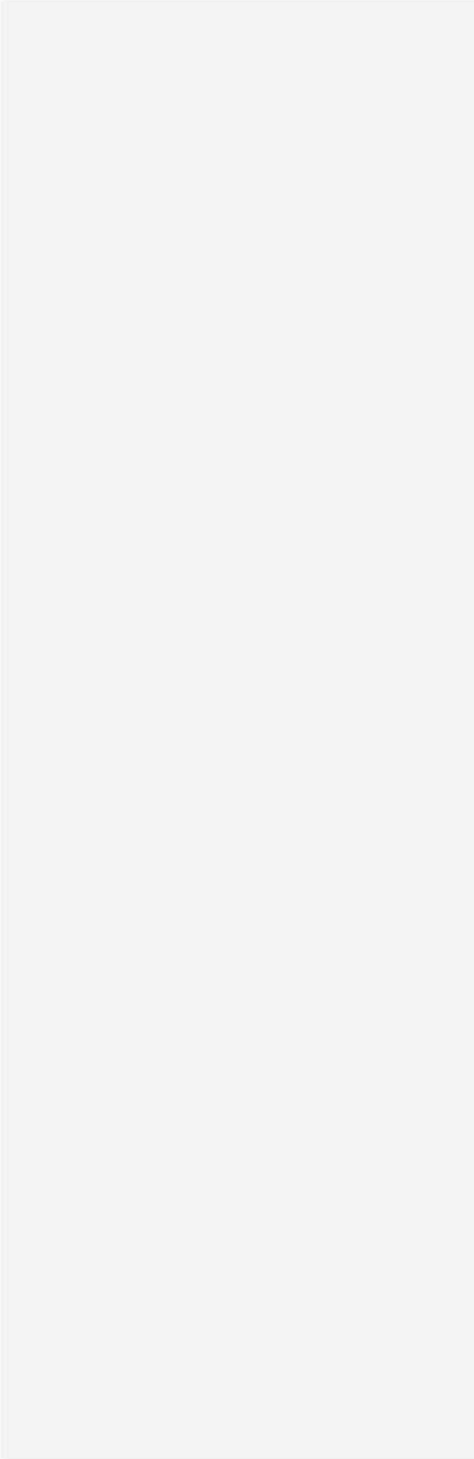
sidewalks and parks. By contrast, other government properties are either nonpublic forums, or simply not considered forums at all. *Kaahumanu v. Hawaii*, 682 F.3d 789, 799 (9th Cir. 2012).

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) [Redacted text block]

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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.

**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.

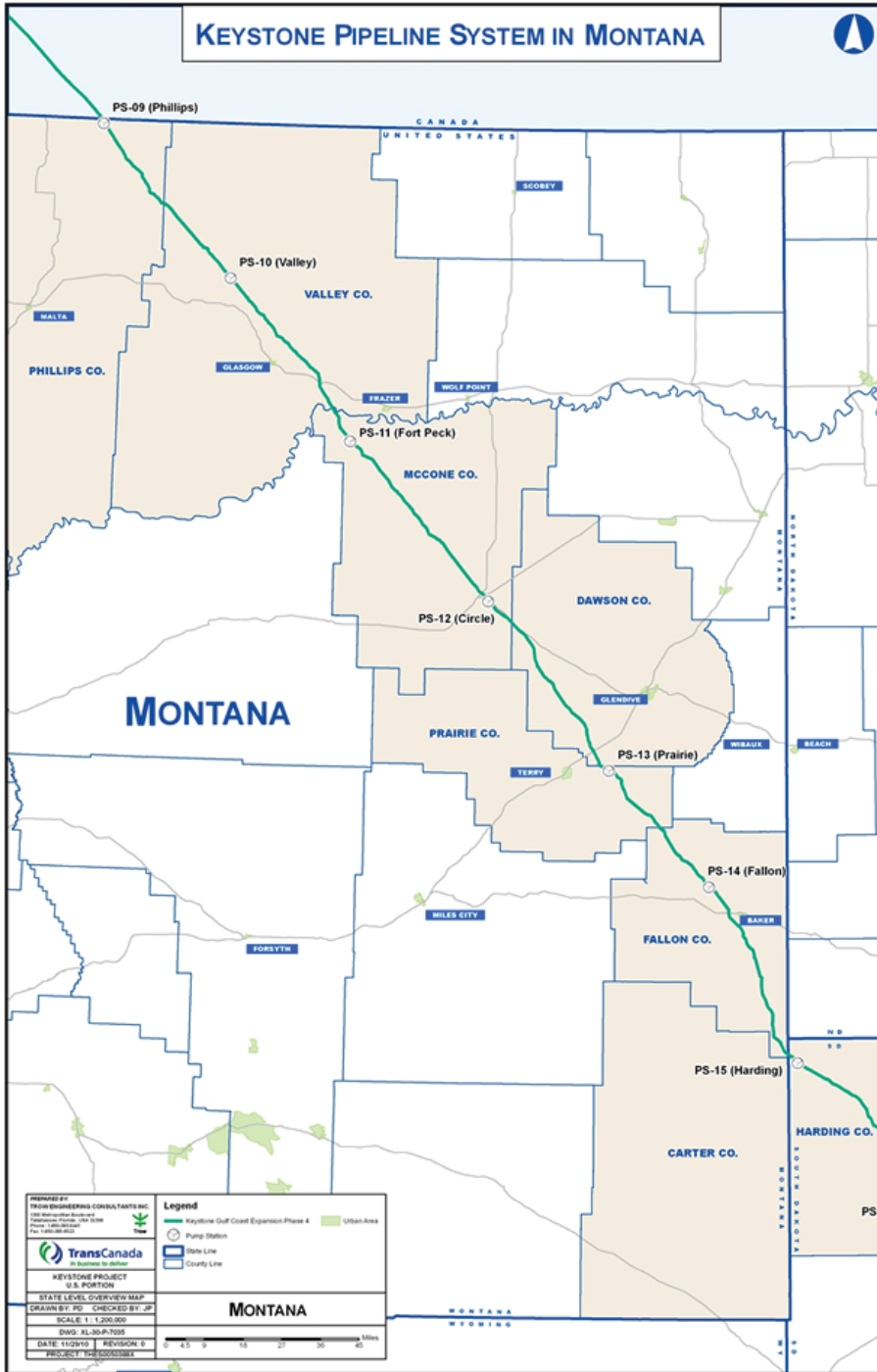
PURPOSE

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

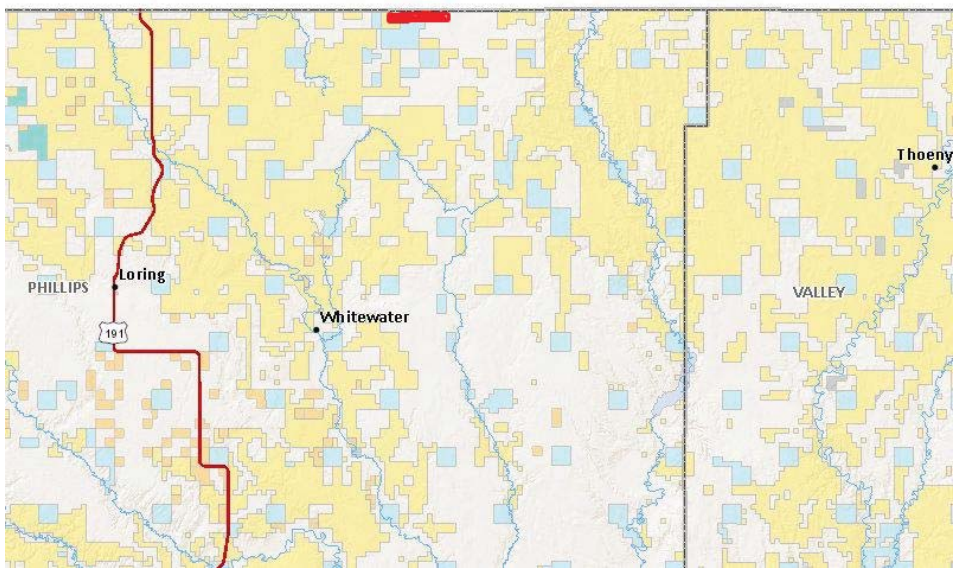
The proposed pipeline route passes through six counties in Montana from north to southeast: Phillips, Valley, McCone, Dawson, Prairie, and Fallon (see attached map). It will pass through mostly remote farming and ranching communities. Approximately 45-55 miles of pipeline will pass through federal land 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.

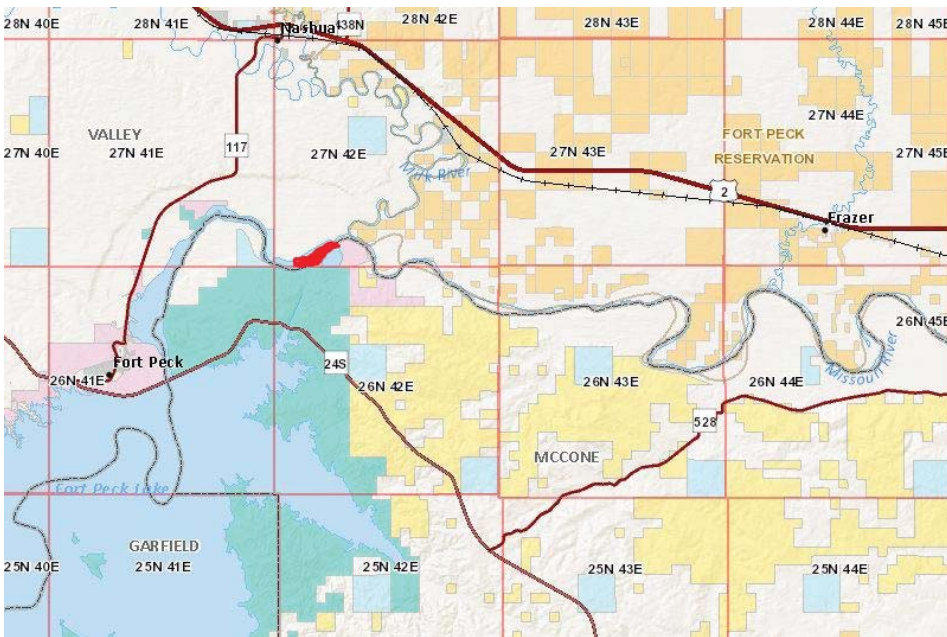


CRITICAL SITE ANALYSIS

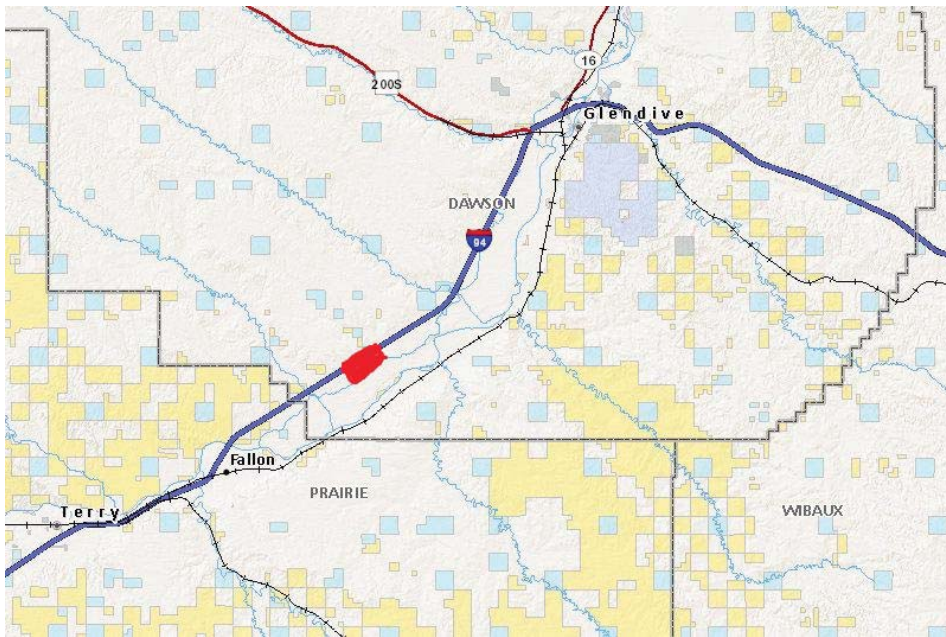
U.S.-Canadian border—Phillips County: The pipeline route crosses the international border in a remote portion of Phillips County that is not served by any major highways or towns (approximate location in red). In that area, however, the pipeline route is surrounded by large amounts of federal public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

Transportation Security Administration

Intelligence Specialist

Contact: 406-

Cell: 571

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

U.S. Forest Service

Custer N.F.

3710 Fallon St.

Bozeman, MT 59718

Contact:

SA

406

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

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

(b) (5)

[Redacted]

(b) (5)

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). BLM Law Enforcement will assist local, County and State Law Enforcement on BLM lands in regards to other violations as they pertain to crimes against persons or personal property i.e pipeline and pipeline personnel operating on BLM lands. (b) (5)

[Redacted]

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(b) (5)

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) [Redacted]

[Redacted]

[Redacted]

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

Pipeline Response Planning

@blm.gov>

From: @blm.gov>
Sent: Wed Nov 22 2017 10:26:09 GMT-0700 (MST)
To: @blm.gov>
BCC: @blm.gov>, @blm.gov>
Subject: Pipeline Response Planning

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 Communications (Radio Cache - encryption ready LE radios, mobile repeaters etc.). The group is looking for communication options and capabilities which could be made available if requested during an emergency type declaration. I know you are very good at this and I was hoping to discuss options with you.

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)

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

@blm.gov>

USA_BLM_00730

From: @blm.gov>
Sent: Fri Jan 26 2018 13:38:48 GMT-0700 (MST)
To: @blm.gov>
Subject: Fwd: Pipeline Response Planning

I am just following up on this email. I would really like to have your input on this if and when you get a chance.

Hope all is well.

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

From: @blm.gov>
Date: Wed, Nov 22, 2017 at 10:26 AM
Subject: Pipeline Response Planning
To: @blm.gov>

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 Communications (Radio Cache - encryption ready LE radios, mobile repeaters etc.). The group is looking for communication options and capabilities which could be made available if requested during an emergency type declaration. I know you are very good at this and I was hoping to discuss options with you.

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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@blm.gov>

From: @blm.gov>
Sent: Fri Jan 26 2018 13:51:38 GMT-0700 (MST)
To: @blm.gov>
Subject: Re: Pipeline Response Planning

I don't remember seeing that email. I'm sorry.

I'm heading into the dentist chair. Can we talk on Monday ?

Sent from my iPhone

On Jan 26, 2018, at 13:38, @blm.gov> wrote:

I am just following up on this email. I would really like to have your input on this if and when you get a chance.

Hope all is well.

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

From: @blm.gov>
Date: Wed, Nov 22, 2017 at 10:26 AM

USA_BLM_00732

Subject: Pipeline Response Planning
To: @blm.gov>

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 Communications (Radio Cache - encryption ready LE radios, mobile repeaters etc.). The group is looking for communication options and capabilities which could be made available if requested during an emergency type declaration. I know you are very good at this and I was hoping to discuss options with you.

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USA_BLM_00733

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@blm.gov>

From: @blm.gov>
Sent: Fri Jan 26 2018 13:57:46 GMT-0700 (MST)
To: @blm.gov>
Subject: Re: Pipeline Response Planning

Absolutely,

Thanks

Good Luck with the Dentist...

On Fri, Jan 26, 2018 at 1:51 PM,

@blm.gov> wrote:

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Sent from my iPhone

On Jan 26, 2018, at 13:38,

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USA_BLM_00734

Communications (Radio Cache - encryption ready LE radios, mobile repeaters etc.). The group is looking for communication options and capabilities which could be made available if requested during an emergency type declaration. I know you are very good at this and I was hoping to discuss options with you.

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@blm.gov>

From: @blm.gov>
Sent: Mon Jan 29 2018 09:39:16 GMT-0700 (MST)
To: @blm.gov>
Subject: Re: Pipeline Response Planning

I am boarding a flight, in transit to FLETC for some training. I will have a pretty decent layover in Atlanta this afternoon, I will try to catch up with you then.

Sent from my iPhone

On Jan 26, 2018, at 2:57 PM,

[@blm.gov>](#) wrote:

Absolutely,

Thanks

Good Luck with the Dentist...

On Fri, Jan 26, 2018 at 1:51 PM,

[@blm.gov>](#) wrote:

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Sent from my iPhone

On Jan 26, 2018, at 13:38,

[@blm.gov>](#) wrote:

USA_BLM_00736

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Hope all is well.

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To: @blm.gov>

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@blm.gov>

From: @blm.gov>
Sent: Mon Jan 29 2018 10:16:57 GMT-0700 (MST)
To: @blm.gov>
Subject: Re: Pipeline Response Planning

Great. Please Call my Desk. Thx (602) or Call my Cell. Thx (b) (6) . I should
USA_BLM_00738

be in the office all day.

Sent from my iPhone

On Jan 29, 2018, at 09:39,

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I am boarding a flight, in transit to FLETC for some training. I will have a pretty decent layover in Atlanta this afternoon, I will try to catch up with you then.

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USA_BLM_00739

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Conversation Contents

Ops plan from ND

Attachments:

/16. Ops plan from ND/1.1 image003.jpg
/16. Ops plan from ND/1.2 OPORD-87.pdf

@mt.gov>

From: @mt.gov>
Sent: Sun Nov 19 2017 19:11:58 GMT-0700 (MST)
BLM Ranger @blm.gov>
< @mcso.mt.gov>,
< @rmin.riss.net>, @mt.gov>,
< @mt.gov>,
< @cbp.dhs.gov>, @mt.gov>,
< @mt.gov>, - BLM Special Agent
< @blm.gov>, @richland.org>,
< @gmail.com>,
< @mt.gov>, Custom Border"
< @cbp.dhs.gov>, Prairie SO
< @prairierycounty.org>,"
To: < @lccountymt.gov>, @blm.gov>,
< @valleycountymt.gov)"
< @valleycountymt.gov>,"
< @leo.gov>," @mt.gov>,"
< @mcso.mt.gov>,"
< @richland.org>,"
< @hotmail.com>,"
< @phillipscounty.mt.gov>,"
< @co.sheridan.mt.us)" @co.sheridan.mt.us>,"
< @mt.gov>,"
< @ccsomt.com>,"
< @leo.gov>,"
< @valleycountymt.gov>
Subject: Ops plan from ND
Attachments: image003.jpg OPORD-87.pdf

As Requested

Respectfully,

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

USA_BLM_00742

@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.

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

(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)

LAST NIGHT – (b) (7)(C), (b) (6) – Nothing of Significance

YESTERDAY – (b) (7)(C), (b) (6)

- 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 Teepee's.
- 1135 – Black charger stopped.
- 1200 – Per (b) (7) the protesters that DAPL reported were with Corp personnel.
- 1445 – 1 males (C) (b) 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) (7)(C)

(b) (7)(E)

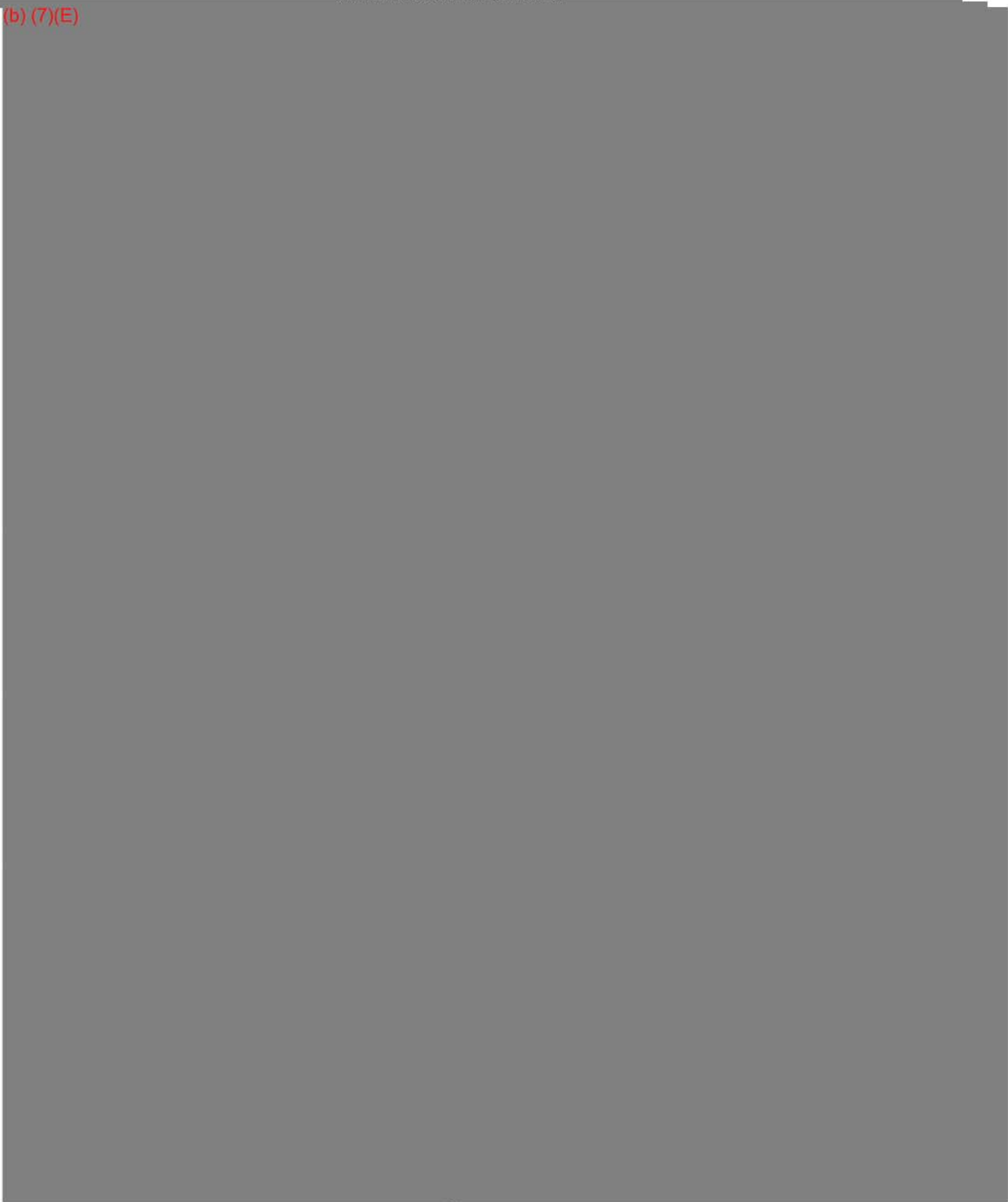
LAW ENFORCEMENT SENSITIVE

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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.
12/09/2015, 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) (7)(C) (Incident Commander)

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs	
16-073 DAPL Protest				11-16/0700hrs		11-23/0659hrs			
Section & Position	LOCAL	STATE	FED	Name	Location	Primary Phone	Secondary Phone	E-Mail	
Unified Command Emergency Operations Center	EOC	EOC		Building #35 Fraine Barracks Road Bismarck, ND 58506-5511		701	FAX: 701. Gate 701	[REDACTED]	
ND State and Local Intelligence Center	SLIC	SLIC		Building #40 400 Fraine Barracks Road Bismarck, ND 58506-5511		701	866	[REDACTED]	
ND Department of Health (NDDOH) - DOC		DOH DOC		1720 Burlington Drive, Bismarck, ND 58504		701	Food & Med 701	[REDACTED]	
ND National Guard Joint Operations Center		JOC		Building #400 400 Fraine 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		Manor 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) (7)(C), (b) (6)
Unified Commander	Mercer County SO			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Unified Commander		NDDDES		(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
Unified Commander		NDHHP		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Deputy UC	Bismarck PD			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Deputy UC	Burleigh County SO			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Deputy UC	Stutsman County SO			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Deputy UC	Mandan PD			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
State Deputy UC		NDDESHLS		(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
State Deputy UC		NDHHP		(b) (7)(C), (b) (6)	701	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
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		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Legal LNO	Morton SA			(b) (7)(C), (b) (6)			(b) (7)(C), (b) (6)
Legal LNO		OTAG		(b) (7)(C), (b) (6)			(b) (7)(C), (b) (6)
Additional Legal	Morton SA			(b) (7)(C), (b) (6)			(b) (7)(C), (b) (6)
Additional Legal	Morton SA			(b) (7)(C), (b) (6)			(b) (7)(C), (b) (6)
NDDoH LNO		NDDoH		(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
USACE LNO			USACE	(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
USACE			USACE	(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Lead PIO			NDDDES	(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
PIO	Morton County			(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
PIO		NDNG		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
PIO		NDHP		(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
PIO		IMAT		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
PIO		NDHP		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
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				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
TOC Comms LNO	Morton County			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
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		NDDESHLS			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		

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name	2. Date/Time Prepared		11/14/2016 1100hrs
16-073 DAPL Protest				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		NDDESHLS			701	701-	

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name	2. Date/Time Prepared	11/14/2016 1100hrs	
				16-073 DAPL Protest	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		NDDESHLS		(b) (6), (7)(C), (b) (6)	701-701		(b) (6), (7)(C), (b) (6)
Planning Section – Information and Intelligence Unit							
Information and Intelligence Unit Leader		NDSLIC		(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
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) (6), (7)(C), (b) (6)	701		(b) (6), (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	11-16/0700hr	11-23/0659hrs
Section & Position	LOCAL	STATE	FED	Name	Primary Phone	Secondary Phone	E-Mail
Contingency Planning Unit Leader	Morton County			(b) (7)(C)	701		(b) (7)(C)
Planning Section - Resource Unit							
Resource Unit Leader	Morton County EM			(b) (7)(C)	701		(b) (7)(C)
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		NDESHLS			701		
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			701	701	
Food Unit		NDNG			701	701	
Food Unit		NDNG			701	701	
Medical Unit Leader				TBD			

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name	2. Date/Time Prepared		11/14/2016 1100hrs
16-073 DAPL Protest				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		NDDES		(b) (7)(C), (b) (6)	701-	701	(b) (7)(C), (b) (6)
Logistics Section - Support Branch							
Support Branch Director	Morton County EM			(b) (7)(C), (b) (6)	701		(b) (7)(C), (b) (6)
Ground Support Unit Leader				TBD			
Facilities Unit Leader				TBD			
Supply/Quarter Master Unit Warehouse		NDNG		(b) (7)(C), (b) (6)	701		
Finance and Administration Section							
Finance/Administration Section Chief	Morton County			(b) (7)(C), (b) (6)	701	701	(b) (7)(C), (b) (6)
FA Section Advisor		NDOTAG			701		

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs	
				16-073 DAPL Protest		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	Sioux 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			

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs		
16-073 DAPL Protest				16-073 DAPL Protest		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 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-					

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs
				16-073 DAPL Protest		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			
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				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		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				
BIA			BIA	(b) (7)(C), (b) (6)	405				
BIA			BIA	(b) (7)(C), (b) (6)	952				
BIA			BIA	(b) (7)(C), (b) (6)	701				
BIA			BIA	(b) (7)(C), (b) (6)	605				
BIA			BIA	(b) (7)(C), (b) (6)	662				
BIA			BIA	(b) (7)(C), (b) (6)	605				
US Marshals Service			USMS	(b) (7)(C), (b) (6)	701				
US Marshals Service			USMS	(b) (7)(C), (b) (6)	701				
US Marshals Service			USMS	(b) (7)(C), (b) (6)	701				
US Marshals Service			USMS	(b) (7)(C), (b) (6)	619				
US Marshals Service			USMS	(b) (7)(C), (b) (6)	903				
US Park Police				(b) (7)(C), (b) (6)	202				
FBI			FBI	(b) (7)(C), (b) (6)	701				
FBI			FBI	(b) (7)(C), (b) (6)	701				

ICS 203, ORGANIZATION ASSIGNMENT CONTACT LIST				1. Incident Name		2. Date/Time Prepared		11/14/2016 1100hrs		
16-073 DAPL Protest				16-073 DAPL Protest		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	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		

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		
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		

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 Time From: 1700		Date To: 11/16/2016 Time To: 1700					
4. Basic Radio Channel Use:											
Zone Gp.	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:							



ICS 207 Unified Command Organization Chart
Incident 16-073
Dakota Access Pipeline Protest
Effective: 11/07/2016 1200hrs

Report To _____
 Coordination _____

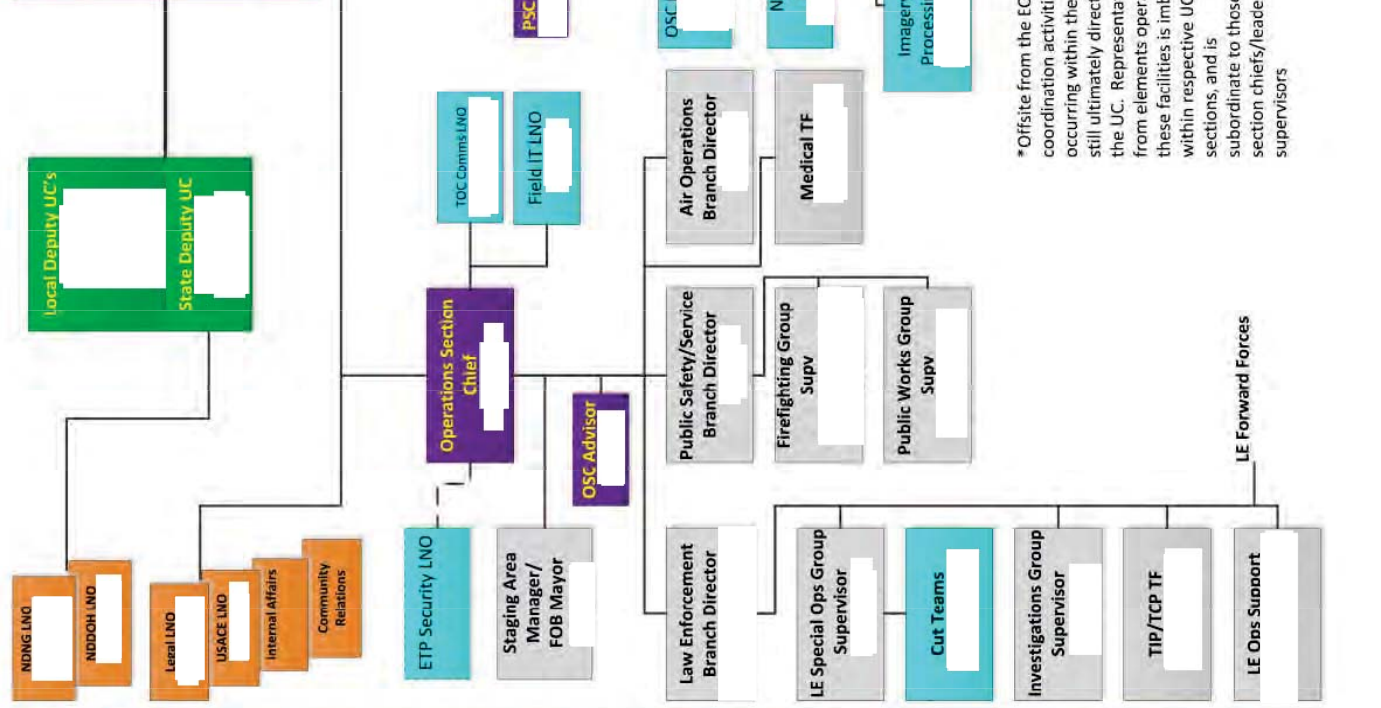
Unified Command
Command Staff
General Staff
Key Directors and Leaders
 Placeholder if/when established

Unified Command
 Morton County Sheriff
 NDPEs Director
 NDHP Commander
 Mercer County Sheriff

Local Deputy UC's
 State Deputy UC

Chaplain
Safety Officer
 TBD
JIS

*Co-Lead PID's
 Operates from JIC



- Other Functions:**
- Geographic Divisions (Ops)
 - Tasks Forces/Strike Teams (Ops)
 - Personnel and Equipment Check in&Out/Accountability (Plans)
 - Collection Management (Plans)
 - Tech Specialists (Plans)
 - Ordering (Log)
 - Receiving and Distribution (Log)
 - Security (Log)
 - Bases and Camps
 - Equipment Management (Log)
 - Procurement/Contracting (FA)
 - Time (FA)
 - Cost (FA)
 - Compensation/Claims (FA)

*Offsite from the EOC, but coordination activities occurring within them are still ultimately directed by the UC. Representation from elements operating in these facilities is imbedded within respective UCS sections, and is subordinate to those section chiefs/leaders/supervisors

LE Forward Forces

Other Active Incident Coordination Facilities*

- JIC
- NDSLIC
- NDDOH DOC
- NDNG JOC
- Morton TOC
- Morton TAC
- Staging Area

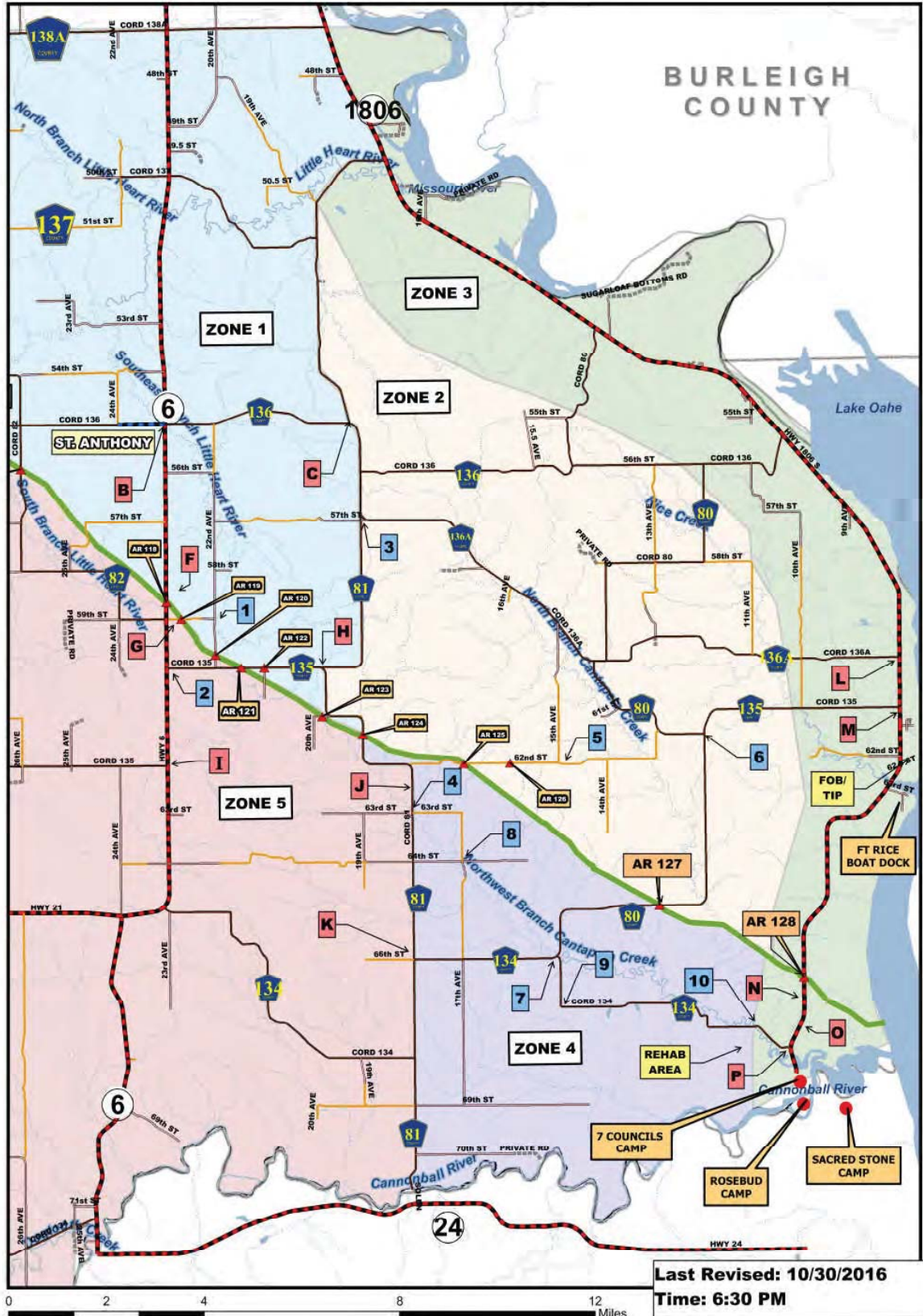


REF POINTS: B-P

TCP: 1-10

A-1

Key			
● CAMPS	03-County Highways	09-City Secondary Streets	13- Private Rd
Access Roads/ Sites	04-County Gravel	11-City Trailer Court Streets	14-Section Line
01-Interstate	05-Township Roads	12-City Private Dr	20-Windtowers
02-State Highways	08-City Primary Streets	13- Private RD	



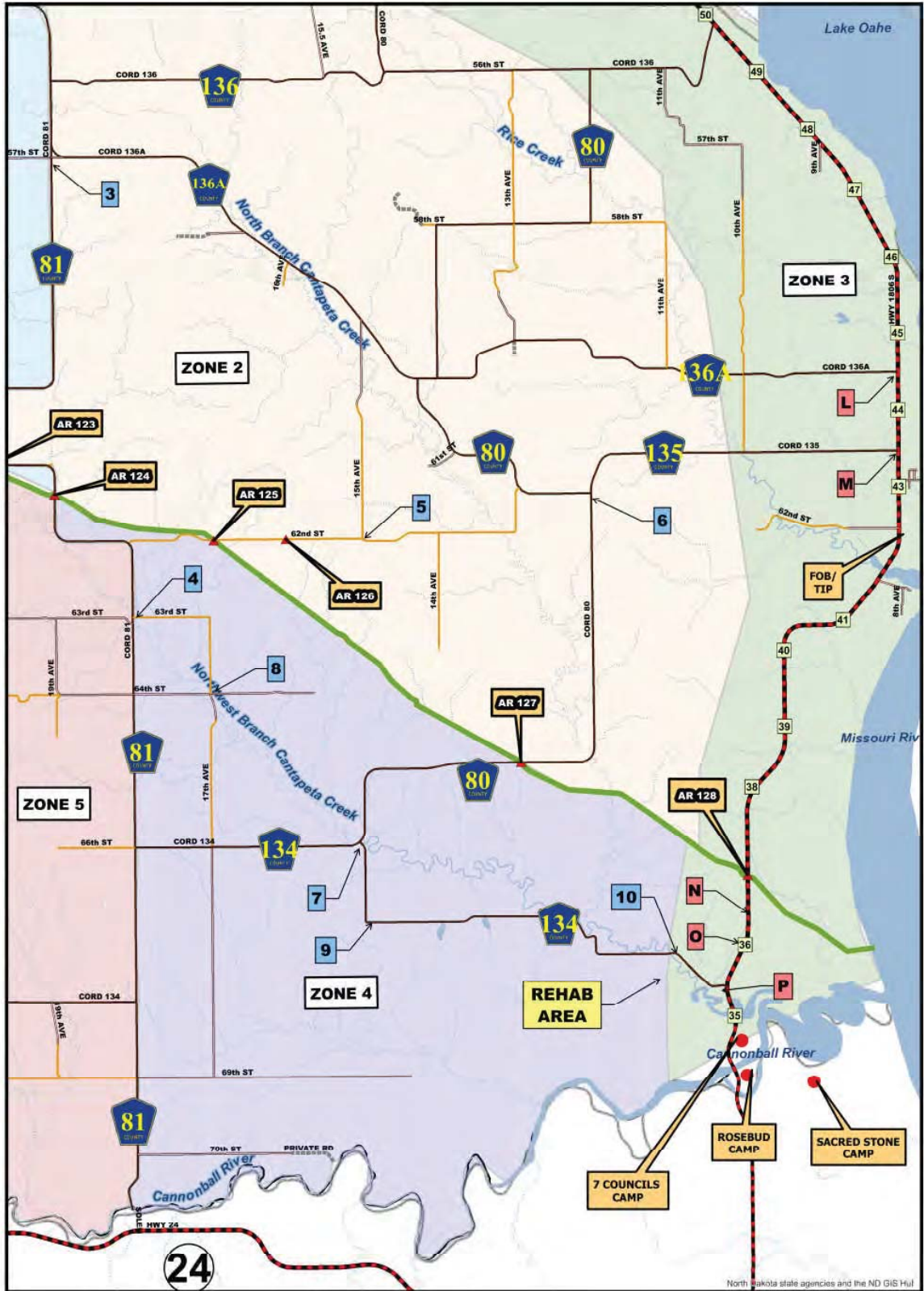


REF POINTS: L-P
TCP: 3-10

Last Revised: 10/30/2016
 Time: 6:30 PM

A-2

Key			
● CAMPS	03-County Highways	09-City Secondary Streets	13- Private Rd
▲ Access Roads/ Sites	04-County Gravel	11-City Trailer Court Streets	14-Section Line
01-Interstate	05-Township Roads	12-City Private Dr	20-Windtowers
02-State Highways	08-City Primary Streets	13- Private RD	



North Dakota state agencies and the ND GIS Hub

Conversation Contents

Montana Federal Agency email list.

Attachments:

/6. Montana Federal Agency email list./3.1 pipeline federal operations plan (final).docx

@blm.gov>

From: @blm.gov>
Sent: Mon Jun 18 2018 11:58:00 GMT-0600 (MDT)
To: (USAMT) @usdoj.gov>
Subject: Montana Federal Agency email list.

Good afternoon I hope you are well. and asked me to put together an all Federal Law Enforcement Agency Head meeting pertaining to the Keystone Pipeline. This meeting will take place at the the BLM Montana State Office here in Billings at the end of August. Would you happen to have a mailing list (email) that would have all the agency heads contact info? I just need email addresses.

Thanks,

--

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: Tue Jun 19 2018 08:44:43 GMT-0600 (MDT)
To: @blm.gov>
Subject: [EXTERNAL] RE: Montana Federal Agency email list.

Good morning

Yes, I do. Let me touch base with and and then I will get the list sent right on over to you.

USA_BLM_00775

Thank you,

Secretary to the U.S. Attorney
Legal Assistant
United States Attorney's Office
Helena, Montana
(406

From: @blm.gov>
Sent: Monday, June 18, 2018 11:58 AM
To: (USAMT) < @usa.doj.gov>
Subject: Montana Federal Agency email list.

Good afternoon I hope you are well. and asked me to put together an all Federal Law Enforcement Agency Head meeting pertaining to the Keystone Pipeline. This meeting will take place at the the BLM Montana State Office here in Billings at the end of August. Would you happen to have a mailing list (email) that would have all the agency heads contact info? I just need email addresses.

Thanks,

--

**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: Tue Jun 19 2018 16:52:58 GMT-0600 (MDT)
To: @blm.gov)" < @blm.gov>
CC: (USAMT)" < @usdoj.gov>,
USAMT)" @usdoj.gov>
Subject: [EXTERNAL] RE: Montana Federal Agency email list.

USA_BLM_00776

Attachments: pipeline federal operations plan (final).docx

I have all the contact info in the report (attached). also has the sign-in sheet from the last meeting. I was anticipating that the meeting in August would include those listed on the report plus and and any other state folks that want to attend.

From: (USAMT)
Sent: Tuesday, June 19, 2018 4:37 PM
To: (USAMT) @usa.doj.gov>; (USAMT) @usa.doj.gov>
Subject: FW: Montana Federal Agency email list.

Hi and

I just talked to about this. He said that you two have the magic list for me to get the email address for.

Just let me know who all is need and I will get the list to .

Thanks,

From: @blm.gov>
Sent: Monday, June 18, 2018 11:58 AM
To: (USAMT) @usa.doj.gov>
Subject: Montana Federal Agency email list.

Good afternoon , I hope you are well. and asked me to put together an all Federal Law Enforcement Agency Head meeting pertaining to the Keystone Pipeline. This meeting will take place at the the BLM Montana State Office here in Billings at the end of August. Would you happen to have a mailing list (email) that would have all the agency heads contact info? I just need email addresses.

Thanks,

--

**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)**

**FEDERAL OPERATIONS PLAN
KEYSTONE XL PIPELINE
PUBLIC SAFETY ISSUES**

Draft: 6/10/18



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

PURPOSE

Anticipating the commencement of construction activities on the TransCanada Keystone XL Pipeline (pipeline) beginning in the summer 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. By federal component, it summarizes available resources, legal authority and anticipated responses. 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.

