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Attorneys for Imperial Oil Resources Ventures Limited

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

COUNTY OF MISSOULA, NATIONAL  
WILDLIFE FEDERATION, MONTANA  
ENVIRONMENTAL INFORMATION  
CENTER, MONTANA CHAPTER OF  
THE SIERRA CLUB,

Plaintiffs,

v.

MONTANA DEPARTMENT OF  
TRANSPORTATION, an agency of the  
State of Montana, and JIM LYNCH, in  
his capacity as Director of Montana  
Department of Transportation,

Defendants,

IMPERIAL OIL RESOURCES  
VENTURES LIMITED,

Defendant-Intervenor.

Cause No. DV-11-424

Hon. Ray J. Dayton

**SECOND FOUNDATIONAL  
AFFIDAVIT OF  
STEPHEN R. BROWN**

STATE OF MONTANA            )  
  :SS  
County of Missoula            )

STEPHEN R. BROWN, being first duly sworn upon oath, deposes and says:

1. I am an attorney with Garlington, Lohn & Robinson, PLLP, and counsel of record for Defendant-Intervenor Imperial Oil Resources Ventures Limited (“Imperial”) in this action.

2. I provide this affidavit to supplement the affidavit I filed on August 23, 2011. The purpose of this affidavit is to provide Bates number references for the documents cited in my August 23 foundational affidavit. Although each of these documents already exists in the administrative record for this case, the Bates numbers are provided for ease of reference.

3. The document attached as Exhibit A to my August 23 affidavit (Memorandum of Agreement entered into between MDT and Imperial Oil Resources Ventures Limited) is further identified as Bates Nos. M5-1 to M5-17.

4. The document attached as Exhibit B to my August 23 affidavit (letter dated November 25, 2009 from Montana Department of Transportation (“MDT”) to Imperial) is further identified as Bates Nos. J17-1 to J17-19.

5. The document attached as Exhibit C to my August 23 affidavit (letter from MDT dated January 4, 2010) is further identified as Bates Nos. J5-1 to J5-7.

6. The document attached as Exhibit D to my August 23 affidavit (letter dated February 18, 2010 from the U.S. Army Corps of Engineers to Tetra Tech) is further identified as Bates Nos. M8-1-1 to M8-1-10.

7. The document attached as Exhibit E to my August 23, 2011, Affidavit (document prepared by Tetra Tech and contained in MDT's files responding to issues raised by MDT's January 4, 2010 comments) is further identified as Bates Nos. K9-1 to K9-12.

8. The document attached as Exhibit F to my August 23 affidavit (letter from MDT to Imperial dated April 26, 2010) is further identified as Bates Nos. J10-1 to J10-22.

9. The document attached as Exhibit G to my August 23 affidavit (letter dated June 3, 2010 from the U.S. Army Corps of Engineers to MDT (D. Kailey) identifying a single site in Powell County as "the only project area that may include work in wetlands") is further identified as Bates Nos. M8-3-1 to M8-3-2.

10. The document attached as Exhibit H to my August 23 affidavit (cover page of the "Turnout Wetland Identification and Mitigation Report" prepared by Tetra Tech dated July 16, 2020) is further identified as Bates No. M11-1. The entire report is contained in Bates Nos. M11-1 to M11-171.

11. The document attached as Exhibit I to my August 23 affidavit (PowerPoint presentation submitted by Imperial to MDT that describes the I-90

and I-15 Route Assessment from Missoula to Sweetgrass) is further identified as Bates Nos. M1-1-1 to M1-1-23.

12. The document attached as Exhibit J to my August 23 affidavit (PowerPoint presentation submitted by Imperial to MDT that describes the Canadian Alternate Transportation Routes from Vancouver and Prince Rupert) is further identified as Bates Nos. M1-2-1 to M1-2-11.

DATED this 1 day of September, 2011.

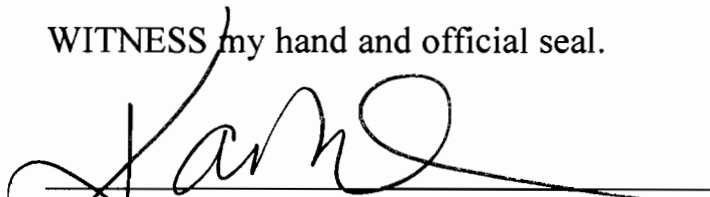
  
Stephen R. Brown

On September 1, 2011, before me, Notary Public, personally appeared STEPHEN R. BROWN, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



KARI WALKER  
NOTARY PUBLIC - MONTANA  
Residing at Missoula, Montana  
My Comm. Expires Feb. 4, 2012

  
Printed Name: Kari Walker  
Notary Public for the State of Montana

## CERTIFICATE OF SERVICE

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Imperial Oil Resources Ventures Limited, hereby certify that on this 1<sup>st</sup> day of September, 2011, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>1-10</u>	Mail
_____	Overnight Delivery
_____	Fax
<u>1-10</u>	E-mail

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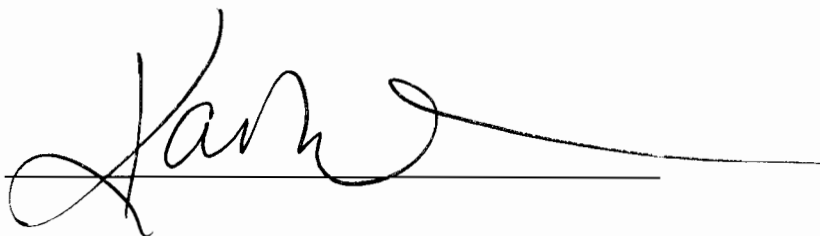
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Applicant Nez Perce Tribe

A handwritten signature in black ink, appearing to read "Ryan", is written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.