

## Stribley, Sara

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**Subject:** Keystone ENSR - Meeting with FWS and NE GPC  
**Location:** Grand Island, NE  
**Start:** Mon 2/5/2007 9:30 AM  
**End:** Mon 2/5/2007 11:30 AM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Required Attendees:** Stribley, Sara; John\_Cochnar@fws.gov

TIME RESCHEDULED!

The NEGPC can attend the meeting, but requested we begin at 9:30 as opposed to 8:00.

Thanks,  
Sara

Hi John,  
ENSR would like to meet with you in early February to review the biological surveys that are planned for the Keystone Pipeline Project in 2007 and 2008. Would the following meeting date and time work for you?

Date: Monday, February 5, 2007  
Time: 8:00 - 10:00 am  
Location: Grand Island, NE - FWS Office

ENSR is planning on sending you a package by next week containing all of the information regarding the upcoming biological surveys for the Project. We are hoping to use the information contained in this package as the template for discussions at the February meeting. Please feel free to invite other Service representatives if needed. We will also request that the NE GPC attend this meeting as well. Please let me know at your earliest convenience if you would or would not be able to attend this meeting.

Thanks and Happy New Year,  
Sara

Sara Stribley  
ENSR | AECOM  
1601 Prospect Parkway  
Fort Collins, Colorado 80525  
970-493-8878 ext 168  
sstribley@ensr.aecom.com

# CONFIDENTIAL

**Stribley, Sara**

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**From:** John\_Cochnar@fws.gov  
**Sent:** Friday, December 22, 2006 10:47 AM  
**To:** Stribley, Sara  
**Cc:** Johnson, Charlie  
**Subject:** Re: Keystone Pipeline Project - Aerial Bald Eagle Surveys, January 2007

**Importance:** High

Hi Sara:

I have forwarded your request to the other field offices where the Keystone pipeline is proposed for their comments and recommendations. I have not yet received every field offices comments so I will provide a combined response when I hear from all the field offices. However, in the interim, it would be a waste of time to conduct surveys before sunrise and note much after sunset due to darkness. I will be out of the office after today and not return until January 8. At that time I will provide more comments and recommendations.

Merry Christmas and Happy New Year!

John Cochnar  
Assistant Nebraska Field Supervisor  
U.S. Fish and Wildlife Service  
203 West Second Street  
Grand Island, NE 68801  
Office: (308) 382-6468. Ext. 20  
Cell: (308) 379-8550  
Fax: (308) 384-8835  
E-mail: john\_cochnar@fws.gov

"If you pick up a starving dog  
and make him prosperous, he will not bite you;  
that is the principal difference between a dog and a man" - Mark Twain

"Stribley, Sara"  
<sstribley@ensr.aecom.com>

12/18/2006 02:39  
PM

<john\_cochnar@fws.gov>

"Johnson, Charlie"  
<CJohnson@ensr.aecom.com>

Subject  
Keystone Pipeline Project - Aerial  
Bald Eagle Surveys, January 2007

Hi John,  
ENSR would like to conduct bald eagle winter roost surveys this January along the Keystone Pipeline Project route. We are proposing to conduct

# CONFIDENTIAL

surveys at the following the major river crossings along the Keystone Mainline and Cushing Extension:

Mainline:

Missouri River (Yankton, SD)  
Elkhorn River (Stanton County, NE)  
Platte River (Colfax/Butler County, NE)  
Big Blue River (Marshall County, KS)  
Missouri River (KS/MO state line)  
Mississippi River (MO/IL state line)

Cushing:

Little Blue River (Washington County, KS)  
Republican River (Clay County, KS)  
Smoky Hill River (Dickinson County, KS)  
Arkansas River (Cowley County, KS)  
Cimarron River (Payne County, OK)

Aerial surveys will be conducted by helicopter and will extend 0.5-mile from each side of the centerline. Surveys will be conducted from approximately 1-hour before sunrise to 1-hour after sunrise. At this time we are not proposing to conduct surveys at smaller river crossings such as the Pembina, Tongue, James rivers, etc, as they are more than likely frozen over. Does this survey plan sound appropriate to you? Please let me know if you have any comments or suggestions. Your input is appreciated!

Sincerely,  
Sara

Sara Stribley

Environmental Coordinator

ENSR | AECOM

1601 Prospect Pkwy

Ft. Collins, Colorado 80525

P: 970.493.8878

F: 970.4930213

[sstribley@ensr.aecom.com](mailto:sstribley@ensr.aecom.com)

[www.ensr.aecom.com](http://www.ensr.aecom.com)

# CONFIDENTIAL

fDecember 19, 2006

Vernon Tabor  
USFWS Ecological Services  
315 Houston Suite E  
Manhattan, KS 66502

Dear Mr. Tabor:

At this time, ENSR Corporation (ENSR) is providing you with a survey report detailing information collected along the Keystone Pipeline Project during the fall of 2006 in Kansas for the federally endangered Topeka shiner (*Notropis topeka*).

## **Project Description**

TransCanada is planning to construct and operate an approximately 1,845-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). The proposed Project would consist of approximately 1,078 miles of new pipeline constructed from the U.S.-Canada border in Cavalier County, North Dakota, to terminals and refineries in Wood River (Madison County) and Patoka (Marion County), Illinois. This pipeline is referred to as the Keystone Mainline. Approximately 283 miles of the Keystone Mainline would parallel the proposed Rockies Express Pipeline - West (REX-West) Project in Kansas and Missouri. In addition, TransCanada proposes to construct a 292-mile pipeline extension (Cushing Extension) that would extend from the Keystone Mainline south from the Nebraska/Kansas border to Cushing, Oklahoma. TransCanada proposes to begin construction of the Keystone Mainline in early 2008, with the system in-service by the end of 2009. Work on the Cushing Extension will begin in late 2009 or early 2010, with a Cushing Extension in-service date of 2010. The project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations, though these facilities will be constructed by local utility companies, not Keystone.

## **Topeka Shiner Survey Reports**

Attached for your review is a report summarizing the Topeka shiner habitat and fish surveys that were conducted on September 14 through 17, and October 2 through 4, 2006, in Marshall County, Kansas. The surveys were conducted at stream crossings identified as potential habitat for the Topeka shiner through consultation with the Kansas Department of Wildlife and Parks (KDWP), Kansas Natural Heritage Program, and U.S. Fish and Wildlife Service (USFWS).

Based on your review of the survey findings, we are asking for your input and recommendations on further survey efforts for the Topeka shiner that would be required by the USFWS. We have provided a "Comments and Recommendations" form to aid in your assessment of the report findings. Please return this form to ENSR at your earliest convenience in order for us to promptly address any concerns. Dr. William Stark (aquatic biologist and report author) will be following up with you in early January to discuss the report in more detail and to consult on any further surveys that would be required for this species.

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Vernon Tabor  
December 19, 2006  
Page 2

A copy of this report also has been sent to John Cochran (Nebraska USFWS - Project Lead) and Nate Davie (KDWP). Additional copies of the report are enclosed for distribution to other regional or state USFWS representatives. If you have any questions regarding the enclosed materials, you may also contact me at (970) 493-8878 ext. 181 or [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com).

Sincerely,



Charles Johnson  
Senior Wildlife Biologist

CJ/sc

Enc. A Field Survey of Suitable Habitat and Fish Sampling for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in Kansas and Missouri (x2)

Vernon Tabor  
December 19, 2006  
Page 3

**Keystone Pipeline Project Survey Report (Topeka Shiner)**  
*Comment and Recommendation Form*

<u>Sect. #</u>	<u>Para. #</u>	<u>Specific Comments</u>

<u>Recommendations</u>

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

# CONFIDENTIAL

December 19, 2006

Rick Hansen  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
101 Park DeVillie Drive, Suite A  
Columbia, MO 65203-0057

Dear Mr. Hansen:

At this time, ENSR Corporation (ENSR) is providing you with a survey report detailing information collected along the Keystone Pipeline Project during the fall of 2006 in Missouri for the federally endangered Topeka shiner (*Notropis topeka*).

## **Project Description**

TransCanada is planning to construct and operate an approximately 1,845-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). The proposed Project would consist of approximately 1,078 miles of new pipeline constructed from the U.S.-Canada border in Cavalier County, North Dakota, to terminals and refineries in Salisbury (Chariton County), Missouri, Wood River (Madison County), and Patoka (Marion County), Illinois. Approximately 283 miles would parallel the proposed Rockies Express Pipeline - West (REX-West) Project in Kansas and Missouri. In addition, TransCanada is constructing a 292-mile pipeline extension that would extend the Keystone Pipeline south from the Nebraska/Kansas border to Cushing, Oklahoma. TransCanada proposes to begin construction of the new pipeline in early 2008, with the system in-service by the end of 2009. The project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations.

## **Topeka Shiner Survey Reports**

Attached for your review is a report summarizing the Topeka shiner habitat and fish surveys that were conducted on September 14 through 17, and October 2 through 4, 2006, in Clinton, Caldwell, and Chariton counties, Missouri. The surveys were conducted at stream crossings identified as potential habitat for the Topeka shiner through consultation with the Missouri Department of Conservation (MDC), Missouri Natural Heritage Program, and U.S. Fish and Wildlife Service (USFWS).

Based on your review of the survey findings, we are asking for your input and recommendations on further survey efforts that may be needed to better assess Project impacts to the Topeka shiner. We have provided a "Comments and Recommendations" form, attached to the end of this letter, to aid your assessment of the report findings. Please return this form to ENSR at your earliest convenience in order for us to promptly address any concerns. Dr. William Stark (report author) will be following up with you in early January to discuss the Topeka shiner report in more detail and to consult on any further survey proposals (if needed).

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Rick Hansen  
December 19, 2006  
Page 2

A copy of this report also has been sent to the MDC and to John Cochnar (Nebraska USFWS – Project Lead). If you have any questions regarding the enclosed materials, you may also contact me at (970) 493-8878 ext. 181 or by email at [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com).

Sincerely,

A handwritten signature in black ink that reads "Charles Johnson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Charles Johnson  
Senior Wildlife Biologist

CJ/sc

Enc. A Field Survey of Suitable Habitat and Fish Sampling for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in Kansas and Missouri (x1)

Surveyor Qualifications



Rick Hansen  
December 19, 2006  
Page 3

**Keystone Pipeline Project Survey Report (Topeka Shiner)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# CONFIDENTIAL

December 19, 2006

Natalie Gates  
U.S. Fish and Wildlife Service  
South Dakota Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501

Dear Ms. Gates:

At this time, ENSR Corporation (ENSR) is providing you with a survey report detailing information collected along the Keystone Pipeline Project during the fall of 2006 in South Dakota for the federally endangered Topeka shiner (*Notropis topeka*).

## Project Description

TransCanada is planning to construct and operate an approximately 1,845-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). The proposed Project would consist of approximately 1,078 miles of new pipeline constructed from the U.S.-Canada border in Cavalier County, North Dakota, to terminals and refineries in Wood River (Madison County) and Patoka (Marion County), Illinois. This pipeline is referred to as the Keystone Mainline. Approximately 283 miles of the Keystone Mainline would parallel the proposed Rockies Express Pipeline - West (REX-West) Project in Kansas and Missouri. In addition, TransCanada proposes to construct a 292-mile pipeline extension (Cushing Extension) that would extend from the Keystone Mainline south from the Nebraska/Kansas border to Cushing, Oklahoma. TransCanada proposes to begin construction of the Keystone Mainline in early 2008, with the system in-service by the end of 2009. Work on the Cushing Extension will begin in late 2009 or early 2010, with a Cushing Extension in-service date of 2010. The project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations, though these facilities will be constructed by local utility companies, not Keystone.

## Topeka Shiner Survey Reports

Attached for your review is a report summarizing the Topeka shiner habitat surveys that were conducted from September 14 through 17, 2006, in South Dakota (**Clark, Beadle, Kingsbury, Miner, Hansen, McCook, Hutchinson, and Yankton** counties). The surveys were conducted at stream crossings identified as potential habitat for the Topeka shiner through consultation with the South Dakota Game, Fish, and Parks Department (SDGFP), South Dakota Natural Heritage Program, and U.S. Fish and Wildlife Service (USFWS).

Based on your review of the survey findings, we are asking for your input and recommendations on further survey efforts for the Topeka shiner that would be required by the USFWS. We have provided a "Comments and Recommendations" form to aid in your assessment of the report findings. Please return this form to ENSR at your earliest convenience in order for us to promptly address any concerns. Dr. William Stark (aquatic biologist and report author) will be following up with you in early January to discuss the report in more detail and to consult on any further surveys that would be required for this species.

# CONFIDENTIAL

Natalie Gates  
December 19, 2006  
Page 2

A copy of this report also has been sent to John Cochran (Nebraska USFWS - Project Lead) and Doug Backlund (SDGFP). If you have any questions regarding the enclosed materials, you may also contact me at (970) 493-8878 ext. 181 or [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com).

Sincerely,

A handwritten signature in black ink that reads "Charles Johnson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Charles Johnson  
Senior Wildlife Biologist

CJ/sc

Enc. A Field Survey of Suitable Habitat for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in South Dakota (x1)

Surveyor Qualifications

Natalie Gates  
December 19, 2006  
Page 3

**Keystone Pipeline Project Survey Report (Topeka Shiner)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

December 19, 2006

John Cochnar  
Assistant Field Supervisor  
Nebraska Ecological Services  
203 West Second Street  
Federal Building  
Grand Island, NE 68801

Dear Mr. Cochnar:

At this time, ENSR Corporation (ENSR) is providing you with survey reports detailing information collected along the Keystone Pipeline Project during 2006 in North Dakota, South Dakota, Nebraska, Kansas, and Missouri for federally threatened or endangered species and their habitat.

## **Project Description**

TransCanada is planning to construct and operate an approximately 1,845-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). The proposed Project would consist of approximately 1,078 miles of new pipeline constructed from the U.S.-Canada border in Cavalier County, North Dakota, to terminals and refineries in Wood River (Madison County) and Patoka (Marion County), Illinois. This pipeline is referred to as the Keystone Mainline. Approximately 283 miles of the Keystone Mainline would parallel the proposed Rockies Express Pipeline - West (REX-West) Project in Kansas and Missouri. In addition, TransCanada proposes to construct a 292-mile pipeline extension (Cushing Extension) that would extend from the Keystone Mainline south from the Nebraska/Kansas border to Cushing, Oklahoma. TransCanada proposes to begin construction of the Keystone Mainline in early 2008, with the system in-service by the end of 2009. Work on the Cushing Extension will begin in late 2009 or early 2010, with a Cushing Extension in-service date of 2010. The project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations, though these facilities will be constructed by local utility companies, not Keystone.

## **Biological Survey Reports**

Reports attached for your review include: 1) A Field Survey of Suitable Habitat for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in South Dakota; 2) A Field Survey for the Winged Mapleleaf (*Quadrula fagosa*), and Scaleshell Mussel (*Leptodea leptodon*) for the Keystone Pipeline Project at the James River Crossing in South Dakota; 3) A Field Survey of Suitable Habitat and Fish Sampling for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in Kansas and Missouri; 4) A Field Survey of the Keystone Pipeline Project Construction Corridor in North and South Dakota for Dakota Skipper (*Hesperia dacotae*) Habitat, Western Prairie Fringed Orchid (*Platanthera praeclara*) Habitat, and for Native Grassland; and 5) A Summary Report of Aerial Surveys Conducted for Raptor Nests along the Keystone Pipeline Project Right-of-Way in Missouri, Kansas, Nebraska, South Dakota, and North Dakota. Surveys were determined through consultation with the appropriate state game and fish departments, natural heritage programs, and the U.S. Fish and Wildlife Service (USFWS).

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John Cochnar  
December 19, 2006  
Page 2

Based on your review of the survey findings, we are asking for your input and recommendations on further survey efforts that would be required by the USFWS for these federally threatened or endangered species. We have provided a "Comments and Recommendations" form to aid in your assessment of the report findings. Please return this form to ENSR at your earliest convenience in order for us to promptly address any concerns.

Copies of the attached reports also have been sent to several of the state USFWS field offices for review (see attached distribution list). Additional copies of some of the reports are enclosed for your distribution to other regional or state USFWS representatives. If you have any questions regarding the enclosed materials, you may contact me at (970) 493-8878 ext. 181 or [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com)

Sincerely,



Charles Johnson  
Senior Wildlife Biologist

CJ/sc

- Enc. A Field Survey of Suitable Habitat for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in South Dakota (x1)
- A Field Survey for the Winged Mapleleaf (*Quadrula fagosa*), and Scaleshell Mussel (*Leptodea leptodon*) for the Keystone Pipeline Project at the James River Crossing in South Dakota (x2)
- A Field Survey of Suitable Habitat and Fish Sampling for the Topeka Shiner (*Notropis topeka*) for the Keystone Pipeline Project in Kansas and Missouri (x1)
- A Field Survey of the Keystone Pipeline Project Construction Corridor in North and South Dakota for Dakota Skipper (*Hesperia dacotae*) Habitat, Western Prairie Fringed Orchid (*Platanthera praeclara*) Habitat, and for Native Grassland (x2)
- A Summary Report of Aerial Surveys Conducted for Raptor Nests along the Keystone Pipeline Project Right-of-Way in Missouri, Kansas, Nebraska, South Dakota, and North Dakota (x2)
- ENSR Biological Report Distribution List
- Surveyor Qualifications

John Cochnar  
December 19, 2006  
Page 3

**Keystone Pipeline Project Survey Report (Topeka Shiner)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

John Cochnar  
December 19, 2006  
Page 4

**Keystone Pipeline Project Survey Report (Unionids)**  
*Comment and Recommendation Form*

<u>Sect. #</u>	<u>Para. #</u>	<u>Specific Comments</u>

<u>Recommendations</u>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



John Cochran  
December 19, 2006  
Page 5

**Keystone Pipeline Project Survey Report (Native Grasslands)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

John Cochnar  
December 19, 2006  
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**Keystone Pipeline Project Survey Report (Raptors)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# CONFIDENTIAL

John Cochnar  
December 19, 2006  
Page 7

## Topeka Shiner Report – ENSR Distribution List

USFW Contacts	State Contacts
Natalie Gates (x1 copy) Fish and Wildlife Biologist 420 South Garfield Avenue, Suite 400 Pierre, South Dakota 57501 605-224-8693 Ext 34	Doug Backlund (x2 copies) Wildlife Biologist South Dakota Department of Game, Fish, and Parks Foss Building 523 East Capitol Pierre, South Dakota 57501-3182 605-773-3381
Vernon Tabor (x2 copies) Fish and Wildlife Biologist USFWS Ecological Services 315 Houston, Suite E Manhattan, Kansas 66502 785-539-3474 Ext 110	Nate Davis (x2 copies) Aquatic Biologist Kansas Department of Wildlife and Parks 512 Southeast 25 <sup>th</sup> Avenue Pratt, Kansas 67124 620-672-0795
Rick Hansen (x1 copy) Fish and Wildlife Biologist 101 Park DeVille Drive, Suite A Columbia, MO 65203-0057 573-234-2132 Ext 106	Doyle Brown (x1 copy) Policy Coordinator Missouri Department of Conservation P.O. Box 180 Jefferson City, Missouri 65102 573-751-4115
	Doug Novinger (x1 copy) Missouri Department of Conservation 1907 Hillcrest Drive Columbia, MO 65201 573-882-9909 Ext 3318
John Cochnar (x1 copy) Assistant Field Supervisor Nebraska Ecological Services 203 West Second Street Federal Building Grand Island, NE 68801	

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John Cochnar  
December 19, 2006  
Page 8

## Mussel Survey Report – ENSR Distribution List

USFW Contact	State Contact
John Cochnar (x2 copies) Project Lead Nebraska Ecological Services 203 West Second Street Federal Building Grand Island, NE 68801	Doug Backlund (x2 copies) Wildlife Biologist South Dakota Department of Game, Fish, and Parks Foss Building 523 East Capitol Pierre, South Dakota 57501-3182 605-773-3381

## Native Prairie Survey Report – ENSR Distribution List

USFW Contact	State Contact
Charlene Bessen (x1 copy) Fish and Wildlife Biologist USFWS South Dakota Field Office 420 South Garfield Avenue, Suite 400 Pierre, South Dakota 57501 605-224-9974 Ext 31	Doug Backlund (x2 copies) Wildlife Biologist South Dakota Department of Game, Fish, and Parks Foss Building 523 East Capitol Pierre, South Dakota 57501-3182 605-773-3381
John Cochnar (x2 copies) Project Lead Nebraska Ecological Services 203 West Second Street Federal Building Grand Island, NE 68801	

## Raptor Survey Report - ENSR Distribution List

USFW Contact	State Contact
John Cochnar (x2 copies) Project Lead Nebraska Ecological Services 203 West Second Street Federal Building Grand Island, NE 68801	

# CONFIDENTIAL

December 19, 2006

Charlene Bessken  
U.S. Fish and Wildlife Service  
South Dakota Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501

Dear Ms. Bessken:

At this time, ENSR Corporation (ENSR) is providing you with a survey report detailing information collected along the Keystone Pipeline Project during the fall of 2006 in South Dakota for native grassland habitat.

## **Project Description**

TransCanada is planning to construct and operate an approximately 1,845-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). The proposed Project would consist of approximately 1,078 miles of new pipeline constructed from the U.S.-Canada border in Cavalier County, North Dakota, to terminals and refineries in Wood River (Madison County) and Patoka (Marion County), Illinois. This pipeline is referred to as the Keystone Mainline. Approximately 283 miles of the Keystone Mainline would parallel the proposed Rockies Express Pipeline - West (REX-West) Project in Kansas and Missouri. In addition, TransCanada proposes to construct a 292-mile pipeline extension (Cushing Extension) that would extend from the Keystone Mainline south from the Nebraska/Kansas border to Cushing, Oklahoma. TransCanada proposes to begin construction of the Keystone Mainline in early 2008, with the system in-service by the end of 2009. Work on the Cushing Extension will begin in late 2009 or early 2010, with a Cushing Extension in-service date of 2010. The project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations, though these facilities will be constructed by local utility companies, not Keystone.

## **Native Grassland Habitat Survey Report**

Attached for your review is a report summarizing the native grassland surveys that were conducted in South Dakota to identify suitable habitat for the Dakota skipper (*Hesperia dacotae*; FC) and western prairie fringed orchid (*Platanthera praeclara*; FT) from September 11 through 16, 2006, in **Marshall, Day, Clark, Kingsbury, Miner, McCook, Hutchinson, and Yankton** counties. Surveys were conducted in counties identified as having potential habitat for these two species through consultation with the South Dakota Game, Fish, and Parks Department (SDGFP), South Dakota Natural Heritage Program, and U.S. Fish and Wildlife Service (USFWS).

Based on your review of the survey findings, we are asking for your input and recommendations on further survey efforts for the Dakota skipper and western prairie fringed orchid that would be required by the USFWS. We have provided a "Comments and Recommendations" form to aid in your assessment of the report findings. Please return this form to ENSR at your earliest convenience in order for us to promptly address any concerns.

# CONFIDENTIAL

Charlene Bessken  
December 19, 2006  
Page 2

A copy of this report also has been sent to John Cochnar (Nebraska USFWS - Project Lead) and Doug Backlund (SDGFP). If you have any questions regarding the enclosed materials, you may also contact me at (970) 493-8878 ext. 181 or [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com).

Sincerely,

A handwritten signature in black ink that reads "Charles Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Johnson  
Senior Wildlife Biologist

CJ/sc

Enc. A Field Survey of the Keystone Pipeline Project Construction Corridor in North and South Dakota for Dakota Skipper (*Hesperia dacotae*) Habitat, Western Prairie Fringed Orchid (*Platanthera praeclara*) Habitat, and for Native Grassland (x1)

Surveyor Qualifications

Charlene Bessken  
December 19, 2006  
Page 3

**Keystone Pipeline Project Survey Report (Native Grassland)**  
*Comment and Recommendation Form*

<b>Sect. #</b>	<b>Para. #</b>	<b><u>Specific Comments</u></b>

<b><u>Recommendations</u></b>

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Stribley, Sara

---

**From:** Stribley, Sara  
**Sent:** Monday, December 18, 2006 1:40 PM  
**To:** 'john\_cochnar@fws.gov'  
**Cc:** Johnson, Charlie  
**Subject:** Keystone Pipeline Project - Aerial Bald Eagle Surveys, January 2007

Hi John,  
ENSR would like to conduct bald eagle winter roost surveys this January along the Keystone Pipeline Project route. We are proposing to conduct surveys at the following the major river crossings along the Keystone Mainline and Cushing Extension:

Mainline:

Missouri River (Yankton, SD)  
Elkhorn River (Stanton County, NE)  
Platte River (Colfax/Butler County, NE)  
Big Blue River (Marshall County, KS)  
Missouri River (KS/MO state line)  
Mississippi River (MO/IL state line)

Cushing:

Little Blue River (Washington County, KS)  
Republican River (Clay County, KS)  
Smoky Hill River (Dickinson County, KS)  
Arkansas River (Cowley County, KS)  
Jimarron River (Payne County, OK)

Aerial surveys will be conducted by helicopter and will extend 0.5-mile from each side of the centerline. Surveys will be conducted from approximately 1-hour before sunrise to 1-hour after sunrise. At this time we are not proposing to conduct surveys at smaller river crossings such as the Pembina, Tongue, James rivers, etc, as they are more than likely frozen over. Does this survey plan sound appropriate to you? Please let me know if you have any comments or suggestions. Your input is appreciated!

Sincerely,  
Sara

Sara Stribley  
Environmental Coordinator  
ENSR | AECOM  
1601 Prospect Pkwy  
Ft. Collins, Colorado 80525  
P: 970.493.8878  
F: 970.4930213  
[sstribley@ensr.aecom.com](mailto:sstribley@ensr.aecom.com)  
[www.ensr.aecom.com](http://www.ensr.aecom.com)



# CONFIDENTIAL

**Stribley, Sara**

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**From:** Joyce\_Collins@fws.gov  
**Sent:** Thursday, November 16, 2006 9:25 AM  
**To:** Vince Hand  
**Cc:** Johnson, Charlie; john\_cochnar@fws.gov; Russ Romme; Stribley, Sara  
**Subject:** Re: Bat habitat evaluation study plan for concurrence

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** Keystone BatHab Work Plan IL\_20061114.pdf



Keystone BatHab  
Work Plan IL\_2...

Vince,

I've reviewed the attached study plan and concur with the proposed process for assessing habitat suitability for Indiana bats.

However, one statement made in the study plan is of concern. On page 3, below Table 1, the following statement is made: "If no PRT's are found on the ROW within a woodlot, then that woodlot will be eliminated from further consideration and we will conclude that project activities at that location will not affect Indiana bats."

Even though PRT's are not located within a woodlot, that would not mean that the woodlot is not used for Indiana bat foraging. Therefore, it would not be appropriate to conclude that project activities at that location will not affect Indiana bat. Instead, assuming that the amount of habitat cleared in the woodlot does not represent a significant portion of the overall forest in the area, a more appropriate conclusion would be "...we will conclude that project activities at that location may affect but are not likely to adversely affect Indiana bats."

If you make this change in the study plan, I will sign my concurrence and return it. However, for purposes of getting started on the field work, I see no reason why that cannot start.

Regards,  
Joyce

Joyce A. Collins  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Marion Illinois Sub-Office  
8588 Route 148  
Marion, Illinois 62959  
phone: 618/997-3344, ext. 340  
fax: 618/997-8961  
email: joyce\_collins@fws.gov

"Vince Hand"  
<vhand@bheenviron  
mental.com>

11/14/2006 12:28

<joyce\_collins@fws.gov>

To

cc

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PM

"Russ Romme"  
<rromme@bheenvironmental.com>,  
"Stribley, Sara"  
<sstribley@ensr.aecom.com>,  
<CJohnson@ensr.aecom.com>,  
<john\_cochnar@fws.gov>

Subject  
Bat habitat evaluation study plan  
for concurrence

Ms Collins:

May we have your concurrence on the attached study plan? We would like to begin field work yet this month and look forward to your response.

BHE Environmental, Inc.  
Vincent Hand Ph.D.  
Director, Natural Resources Management  
11733 Chesterdale Road  
Cincinnati, Ohio 45246  
Office: 513.326.1500  
Direct: 513.326.1175  
Fax: 513.326.1550  
Mobile: 513.330.1108  
Email: vhand@bheenvironmental.com  
website: www.bheenvironmental.com

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## Stribley, Sara

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**From:** Vince Hand [vhand@bheenvironmental.com]  
**Sent:** Tuesday, November 14, 2006 11:28 AM  
**To:** joyce\_collins@fws.gov  
**Cc:** Russ Romme; Stribley, Sara; Johnson, Charlie; john\_cochnar@fws.gov  
**Subject:** Bat habitat evaluation study plan for concurrence  
**Attachments:** Keystone BatHab Work Plan IL\_20061114.pdf

Ms Collins:

May we have your concurrence on the attached study plan? We would like to begin field work yet this month and look forward to your response.

**BHE Environmental, Inc.**  
Vincent Hand Ph.D.  
Director, Natural Resources Management  
11733 Chesterdale Road  
Cincinnati, Ohio 45246  
Office: 513.326.1500  
Direct: 513.326.1175  
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November 7, 2006

Mr. Charles M. Scott  
Field Supervisor  
Missouri Ecological Services Field Office  
U.S. Fish & Wildlife Service  
Department of the Interior  
101 Park DeVillie Drive, Suite A  
Columbia, MO 65203-0007

**Subject: Indiana Bat Habitat Surveys for the Keystone Pipeline Project**

Dear Mr. Scott:

We wish to confirm several points regarding assessment of effects to Indiana bats and their habitat on the Keystone Pipeline right-of-way (ROW) in Missouri.

First, based on phone conversations with Rick Hansen in your office and with you on September 18, 2006, we understand that the Service is comfortable with the approach for the assessment of Indiana bat habitat developed earlier in September for the REX-West Pipeline Project in Missouri, and that approach should be repeated for the Keystone project in Missouri. The approach is summarized later in this letter.

Second, it is our understanding that Indiana bat habitat assessment need not be repeated for areas where the Keystone and REX West pipelines are parallel and adjacent (within ~200 ft). We have already completed an on-site assessment for 109 woodlots where the REX West ROW crosses woodlots in Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, and western Audrain counties.

In areas where the two pipelines are not adjacent, either in the counties listed above, or in eastern Audrain, Montgomery, Lincoln, and St. Charles counties, we propose to follow the same approach as used on the REX-West Pipeline Project. In brief, the approach consisted of a desk-top analysis, followed by field work:

- Identify all woodlots crossed by the pipeline ROW.
- Eliminate from further assessment those woodlots crossed by less than 200 ft. of the ROW
- Eliminate from further assessment those woodlots with less than 13% forest cover within 3.5 km of the center of the woodlot crossing.
- Visit each of the remaining woodlots and determine the number of potential roost trees (PRTs) per hectare. Ratio this number to the optimum number of 14 or greater PRTs per hectare. If the ratio is 0.60 or greater, then further investigation of the site is warranted.

This habitat assessment field work for the Keystone Pipeline Project is tentatively scheduled to begin in late November. Once the field work is completed, we will consult with the Service about the findings.

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Nov. 21. 2006 8:43AM US FISH & WILDLIFE SERVICE

No. 4651 P. 2

November 7, 2006  
Page 2

If the USFWS concurs with this approach, this letter can be used to indicate your concurrence and authorization for Keystone/BHE to proceed. Please sign and return one copy of this letter to us. To expedite finalization of this approval, you may fax a signed copy of this letter to us at (513) 326-1178 or scan a signed copy and e-mail it to vhand@bheenvironmental.com. We would still appreciate receiving a signed original copy at your convenience.

BHE Environmental, Inc.



Vincent C. Hand, Ph.D.  
Director, Natural Resources Management

<input checked="" type="checkbox"/> CONCUR	Signature <i>Rick L Hansen</i>
	Name (print) <i>Rick L Hansen</i>
<input type="checkbox"/> DO NOT CONCUR	Title <i>Acting Field Supervisor</i>
	Date <i>21 November 2006</i>

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## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** Fort Collins  
**Date/Time of Meeting** November 6, 2006  
**Keystone Team Member(s)** Charles Johnson

### Contact Information:

<b>Name</b>	John Cochnar
<b>Title</b>	Assistant Nebraska Field Supervisor
<b>Organization</b>	U.S. Fish and Wildlife Service
<b>Address</b>	203 West Second Street Grand Island, NE 68801
<b>County</b>	
<b>Phone</b>	(308) 382-6468. Ext. 20 (308) 384-8835 Fax
<b>E-mail address</b>	E-mail: john_cochnar@fws.gov

### Meeting Information:

**Type of Contact (phone, in-person, etc.):** Phone

**Issue:** MBTA **Concern Level:** High  Moderate  Low

### Description:

I contact John Cochnar to get an update on the MBTA issue for the Keystone pipeline project. John has been in contact with the office of Migratory Bird Management and USFWS Agents.

John indicated that the USFWS is developing a streamlined plan for the project to protect migratory birds in the event that construction was to occur during the breeding season (raptors - February 1 – July 15; other migratory birds - April 1 – July 15) (In Prep). The plan would likely recommend that Keystone:

- 1) Survey the construction ROW for active nest sites; and
- 2) Document the active nest(s) and reporting the nests and species to the designated USFWS Agent for the project.

The authorization of a take-permit would be granted by the designated USFWS Agent on a species-specific

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basis and if Keystone has demonstrated that they have minimized impacts to migratory birds and their habitats through project planning (e.g., following existing ROWS, minimizing construction within native habitats) and through the construction process (e.g., overall construction schedule, reducing ROW width through native habitats).

Alternatively, Keystone could mow vegetation-cut trees within the construction ROW outside of the breeding season. This would only be needed for areas where construction would occur during the breeding season.

**Issue:** \_\_\_\_\_

**Concern Level:** High\_\_Moderate\_\_Low\_\_.

**Description:**

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Issue: \_\_\_\_\_

Concern Level: High\_\_Moderate\_\_Low\_\_.

Description:

na

Issue: \_\_\_\_\_

Concern Level: High\_\_Moderate\_\_ Low\_\_.

Description:

Follow-up Required / Requested

Additional Comments



## Castle, Carla

---

**From:** Johnson, Charlie  
**Sent:** Tuesday, September 05, 2006 2:05 PM  
**To:** Castle, Carla; Dufresne, Doree  
**Cc:** Stribley, Sara  
**Subject:** FW: Cushing Extension and I bats - FYI

FYI

---

**From:** Russ Romme [mailto:rromme@bheenvironmental.com]  
**Sent:** Tuesday, September 05, 2006 2:04 PM  
**To:** Johnson, Charlie  
**Subject:** Cushing Extension and I bats - FYI

Charles - I checked this morning and the Cushing Extension looks to be west of the known I bat occurrences in the area - in concurrence with what the FWS has already told you.

Russ



**BHE Environmental, Inc.**

Russ Rommé  
Director  
11733 Chesterdale Road  
Cincinnati, Ohio 45246  
Office: 513.326.1500  
Direct: 513.326.1164  
Cell Phone: 513.309.4112  
Fax: 513.326.1550  
Email: [rromme@bheenvironmental.com](mailto:rromme@bheenvironmental.com)  
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