

# CONFIDENTIAL

FOR INTERNAL KEYSTONE PROJECT USE ONLY

## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** Phone Contact  
**Date/Time of Meeting** 08/08/2006 / 1:40 PM (Mountain Time)  
**Keystone Team Member(s)** Rollin Daggett (Fisheries)

### Contact Information:

<b>Name</b>	Natalie Gates
<b>Title</b>	Fishery Biologist
<b>Organization</b>	US Fish and Wildlife Service South Dakota Field Office
<b>Address</b>	420 South Garfield Avenue, Suite 400, Pierre, SD 57501
<b>County</b>	
<b>Phone</b>	605-224-8693, Ext 34
<b>E-mail address</b>	natalie_gates@fws.gov

### Meeting Information:

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

Phone \_\_\_\_\_

**Issue:** \_\_\_\_\_ **Concern Level:** High\_\_Moderate\_\_Low X

#### Description:

Based on a question about Topeka shiner occurrence in Clark County, SD, I called Charlene Bessken. Charlene suggested that I talk to Natalie Gates. Natalie said that any tributary to Pearl, Middle Pearl, Shue, and Redstone creeks in southwestern Clark County represents potential habitat for Topeka shiner. Foster Creek is crossed by the pipeline route and is a tributary to Shue Creek. Therefore, Foster Creek should be added to our list of streams for Topeka shiner.

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

#### Description:

# CONFIDENTIAL

**Johnson, Charlie**

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**From:** John\_Cochnar@fws.gov  
**Date:** Monday, August 07, 2006 4:46 PM  
**To:** Johnson, Charlie  
**Cc:** carey.grell@ngpc.ne.gov; Castle, Carla; Jeff\_Runge@fws.gov  
**Subject:** Re: Keystone NEGPC-USFWS meeting Minutes

**Importance:** High

**Attachments:** Copy of USFWS\_NGPC Minutes 071806SE.doc



Copy of  
US\_NGPC Minutes 0

Hi Charlie:

I am sorry for not being very responsive over the past several weeks. Our office has been directed to get a draft proposed rule for the designation of critical habitat for the Salt Creek tiger beetle into our Denver Office this month. Thus, just about everything has come to a stand still. In addition, I have been acting field supervisor for the past 2 weeks and dealing with other issues and matters that I don't typically get involved. Finally, I will be out of the office beginning tomorrow August 8 and not returning until August 21.

Reviewing the meeting minutes, everything looks fine. The only thing that was not included was the possibility of a Platte River depletion should water from the Platte River basin be used to test the pipeline and it results in a net depletion of water.

I have also sent an E-mail response to Patty Lorenz and copied you on that response regarding the REX project. It appears that we will be meeting on August 23 regarding that project.

Regarding MBTA issues, I have been in contact with Connie Young-Dubovsky (Regional NEPA Coordinator) about the situation that take permits will no longer be issued and that the Nebraska Field Office is developing a statewide process for dealing with take that may occur during construction work. However, like I mentioned in our meeting, due to the multi-state, multi-regional implications that the pipeline projects have, it will take some time to get everything/everybody on the same page. I will keep pressing.

I will be checking both phone messages and E-mail while I am out of the office the next 2 weeks so if something comes up that you need within that time period, I will try and get back to you. Thanks.

John Cochnar  
Assistant Nebraska Field Supervisor  
U.S. Fish and Wildlife Service  
203 West Second Street  
Grand Island, NE 68801  
(308) 382-6468. Ext. 20  
(308) 384-8835 Fax  
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

# CONFIDENTIAL

"Johnson,  
Charlie"  
rey.grell@ngpc.ne.gov>  
<ccastle@ensr.aecom.com>  
Minutes  
ecom.com>

To: <John\_Cochnar@fws.gov>,  
cc: "Castle, Carla"  
Subject: Keystone NEGPC-USFWS meeting

08/01/2006 05:16  
PM

Attached are the meeting minutes from the July 18 meeting for the Keystone Pipeline Project. Please review and reply by COB Friday August 4th, if you have any major edits that need to be incorporated into the meeting minutes.

Thanks

Charles Johnson  
Senior Wildlife Biologist  
ENSR|AECOM  
1601 Prospect Parkway  
Fort Collins, CO 80525  
(970) 493-8878  
cjohnson@ensr.aecom.com  
(See attached file: Copy of USFWS\_NGPC Minutes 071806SE.doc)

**Johnson, Charlie**

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**From:** Johnson, Charlie  
**Sent:** Friday, July 28, 2006 3:29 PM  
**To:** 'John\_Cochnar@fws.gov'  
**Cc:** Ellis, Scott; Tillquist, Heidi; Castle, Carla  
**Subject:** FW: Yankton Missouri River crossing  
**Attachments:** 060726 Keystone Yankton Geotech NPS.pdf

John, attached are the geotechnical drill locations at the Missouri (Yankton) crossing for the Keystone Project. As you can see from this photo, the primary nesting habitat for the plover and tern would occur on the larger sandbar habitat that are located greater than 0.25 mile from the drill site locations. Also, please note the drilling equipment that would be used during drilling activities. Although the aerial photo was taken in 2005, would you still recommend surveys for plover and terns, given the distance of the larger sandbar habitat and the equipment that would be used during drilling activities? If so, is there USFWS biologist that you could send this report to in northern Nebraska/southern South Dakota to verify the location of the sandbar relative to the drill locations?

Thanks

**Charles Johnson**  
**Senior Wildlife Biologist**  
**ENSR Corporation**  
**1601 Prospect Parkway**  
**Fort Collins, CO 80525**  
**Phone (970) 493-8878**  
**Fax (970) 493-0213**

**Johnson, Charlie**

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**From:** Johnson, Charlie  
**Sent:** Thursday, July 27, 2006 11:08 AM  
**To:** 'John\_Cochnar@fws.gov'  
**Cc:** Ellis, Scott; Castle, Carla; Tillquist, Heidi  
**Subject:** FW: Cushing Extension Spreadsheets  
**Attachments:** Kansas\_Cushing.xls; Oklahoma\_Cushing.xls

John, attached are preliminary species spreadsheets for the Cushing Extension (Keystone Project). Could you please review these tables and forward them on to the appropriate USFWS offices for their review and input.

Please call with any questions.

Thanks

**Charles Johnson**  
**Senior Wildlife Biologist**  
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**Fort Collins, CO 80525**  
**(970) 493-8878**  
**cjohnson@ensr.aecom.com**

**Johnson, Charlie**

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**From:** Johnson, Charlie  
**Sent:** Wednesday, July 26, 2006 1:38 PM  
**To:** Ellis, Scott; Tillquist, Heidi  
**Cc:** Castle, Carla; 'John\_Cochnar@fws.gov'  
**Subject:** USFWS Species (Geotech Surveys)

I spoke with John Cochnar (USFWS lead) regarding surveys that would need to be conducted prior to geotechnical test drilling. I indicated the geotech. activities could begin as soon as early August. John indicated that as far as federally listed species are concerned, the USFWS would only require surveys for the interior least tern and piping plover at the Missouri River (Yankton) and Platte River crossings. These surveys would need to be conducted 0.25 mile from proposed activities.

**Charles Johnson**  
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**(970) 493-8878**  
**cjohnson@ensr.aecom.com**

**Johnson, Charlie**

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**From:** Johnson, Charlie  
**Sent:** Tuesday, July 25, 2006 11:39 AM  
**To:** 'John\_Cochnar@fws.gov'  
**Cc:** Ellis, Scott; Castle, Carla; Tillquist, Heidi  
**Subject:** Keystone Pipeline Environmental Report

John - unfortunately, since the Keystone Environmental Report that you requested during the July 18 meeting is a Department of State (DOS) document, ENSR has little control over to the distribution of that document. Consequently, in order for the USFWS to obtain a copy, please request a copy (s) directly from the DOS. Below is the contact information for the DOS lead. Please let me know if you have any problems.

**Matthew T. McManus**  
Division Chief, Energy Producer Country Affairs  
U.S. Department of State  
2201 C Street, N.W.  
EB/ESC/IEC  
Room 7525  
Washington, D.C. 20520  
(202) 647-3423  
[McManusMT@State.gov](mailto:McManusMT@State.gov)

**Charles Johnson**  
**Senior Wildlife Biologist**  
**ENSR|AECOM**  
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**(970) 493-8878**  
**[cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com)**

**Johnson, Charlie**

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**From:** Johnson, Charlie  
**Sent:** Tuesday, July 25, 2006 10:35 AM  
**To:** 'John\_Cochnar@fws.gov'  
**Subject:** Keystone Project

*John (FYI), subsequent to our meeting on July 18, for the Keystone Project, I learned that the Cushing Extension (southern pipeline extension through Kansas and into northern Oklahoma) would be analyzed in the Keystone EIS. Surveys for this portion of the route would be conducted in 2007 and prior to construction in 2008, if needed.*

Also, would burying beetle be an issue along the Cushing Extension, or did Dan Mulhern include comments for the Cushing extension in his latest e-mail to you (i.e., no issues with burying beetle)?

Thanks

**Charles Johnson**  
**Senior Wildlife Biologist**  
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**Fort Collins, CO 80525**  
**(970) 493-8878**  
**cjohnson@ensr.aecom.com**

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**Johnson, Charlie**

---

**From:** John\_Cochnar@fws.gov  
**Sent:** Monday, July 24, 2006 1:29 PM  
**To:** Johnson, Charlie  
**Subject:** Fw: Keystone (TransCanada) Pipeline Project - South Dakota

John Cochnar  
Assistant Nebraska Field Supervisor  
U.S. Fish and Wildlife Service  
203 West Second Street  
Grand Island, NE 68801  
(308) 382-6468. Ext. 20  
(308) 384-8835 Fax  
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

----- Forwarded by John Cochnar/R6/FWS/DOI on 07/24/2006 02:28 PM -----

Charlene Bessken

07/10/2006 08:29  
AM

To: John Cochnar/R6/FWS/DOI@FWS

cc:

Subject: Keystone (TransCanada) Pipeline

Project

Regarding your Memo dated 7/2/06 - the only comment I have is to add Clark County to Table 1 for Topeka Shiners.

Thanks.

Charlene "Charlie" Bessken  
Fish & Wildlife Biologist  
USFWS South Dakota Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501  
(605) 224-8693 Ext. 31  
Fax 605-224-9974  
<http://southdakotafieldoffice.fws.gov/>

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**Johnson, Charlie**

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**From:** John\_Cochnar@fws.gov  
**Sent:** Monday, July 24, 2006 1:28 PM  
**To:** Johnson, Charlie  
**Subject:** Fw: Keystone (Trans Canada) Pipeline Project -Kansas

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

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----- Forwarded by John Cochnar/R6/FWS/DOI on 07/24/2006 02:27 PM -----

Dan Mulhern

07/11/2006 01:53  
Connie Young-Dubovsky/R6/FWS/DOI@FWS  
PM  
Project

**To:** John Cochnar/R6/FWS/DOI@FWS  
**cc:** Mike LeValley/R6/FWS/DOI@FWS,  
**Subject:** Keystone (Trans Canada) Pipeline

John

Some thoughts regarding the information you sent as provided by ENSR regarding the subject proposal:

Eskimo Curlew: is the Service still considering this species in project evaluations? I haven't included it in a letter in quite a long time, but if others are including it I suppose we should as well.

Interior Least Tern: I would not consider the Big Blue River in Marshall County habitat for this species; it is primarily a silt/mud bottom stream with no significant sandbars or islands.

Piping Plover: same comment regarding the Big Blue River

Whooping Crane: same comment regarding the Big Blue River

Topeka Shiner: we have no records from the Missouri River (Doniphan County)

American Burying Beetle: there are historic but no current records from Doniphan County, and nothing from the others listed. I would love to see additional survey work conducted for this species in numerous locations, but would have a hard time justifying it in some cases.

Otherwise this just looks like a regurgitation of info they looked up on web or got from us originally, which is not necessarily a bad thing. My biggest question for them would be the extent of any surveys to be conducted and who will be doing them.

Thanks again, John, for taking the lead on this.

Dan

**Johnson, Charlie**

---

**From:** John\_Cochnar@fws.gov  
**Sent:** Monday, July 24, 2006 1:28 PM  
**To:** Johnson, Charlie  
**Subject:** Fw: Comments on Keystone Pipeline Project - North Dakota

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

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----- Forwarded by John Cochnar/R6/FWS/DOI on 07/24/2006 02:27 PM -----

Terry Ellsworth

07/13/2006 03:07  
PM

**To:** John Cochnar/R6/FWS/DOI@FWS  
**cc:** Jack Lalor/R6/FWS/DOI@FWS  
**Subject:** Comments on Keystone Pipeline

Project

John,

I have reviewed the information that you provided with your July 2, 2006, letter regarding the Keystone Pipeline Project.

The first thing that I noticed is that their species list includes the Fisher as a candidate species. The Fisher is not a federally listed candidate species in North Dakota.

They list the grey wolf as a Federally Threatened species. The status of the grey wolf has recently changed. In April 2003, the grey wolf was downlisted to threatened status. On February 1, 2005, a U.S. District Court in Oregon overturned the April 2003 decision and ordered the Service to rescind the rule downlisting the grey wolf. At this time, the grey wolf is listed as threatened in Minnesota and endangered throughout the rest of its range including North Dakota.

Bismarck Ecological Services and the Refuge Wetland Management Districts for North and South Dakota affected by the pipeline project are scheduled to meet with ENSR staff July 18, 2006, in Fargo. The meeting is to discuss pipeline rights-of-way, routing criteria and the Service's recommendations to avoid impacts to several important areas in the Dakotas. The Waybay field office sent a letter to ENSR outlining the areas that should be avoided (Hecla Sandhills, Raymond Prairie Chicken Leaks, Nelson and Steele County Wetland easements, Miner and Day County grassland easements). Your should have a copy of the letter that was sent to ENSR. I do not have a copy of the map that went along with the letter but, I have talked to staff Waybay and if I get a copy of the map I will forward a copy to you.

# CONFIDENTIAL

Terry Ellsworth  
North Dakota Ecological Services Field Office  
3425 Miriam Avenue  
Bismarck, ND 58501

Office (701) 355-8505  
Fax (701) 355-8513  
Terry\_Ellsworth@fws.gov

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**Johnson, Charlie**

---

**From:** John\_Cochnar@fws.gov  
**Sent:** Monday, July 24, 2006 1:27 PM  
**To:** Johnson, Charlie  
**Subject:** Fw: Keystone Project: South Dakota - Dakota Skipper Survey Protocols

**Attachments:** MNDNR\_Dakota\_Skipper\_Protocol.jpg; MNDNR\_Dakota\_Skipper\_Protocol (2).jpg; dask-cons-guid\_2005.pdf



MNDNR\_Dakota\_Skipper\_Protocol.jpg  
MNDNR\_Dakota\_Skipper\_Protocol (2).jpg  
dask-cons-guid\_2005.pdf (315 K...)

Comments from South Dakota

John Cochnar  
Assistant Nebraska Field Supervisor  
U.S. Fish and Wildlife Service  
203 West Second Street  
Grand Island, NE 68801  
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-- Forwarded by John Cochnar/R6/FWS/DOI on 07/24/2006 02:25 PM -----

Charlene Bessken

<ssstribley@ensr.aecom.com>

07/03/2006 10:02

Cochnar/R6/FWS/DOI@FWS

AM

Protocols(Document link: John Cochnar)

To: "Stribley, Sara"

cc: Doug.Backlund@state.sd.us, John

Subject: Re: Dakota Skipper Survey

Sara,

The USFWS does not have specific protocol for Dakota skipper surveys. Attached you will find the Dakota skipper survey protocol that the Minnesota DNR uses - I am not recommending this protocol, but it is the only protocol I've found so far. Please note that there is a very short window of time for doing these surveys.

Names that I would add to the Minnesota list of "acceptable" surveyors would be Doug Backlund, Gary Marrone and Dennis Skadsen. We cannot advise you on who to hire for the surveys, but please be aware that if they are not an experienced and qualified Dakota skipper person, the survey information may not provide useful information on environmental reviews for the TransCanada project.

Also attached is the Dakota Skipper Conservation Guidelines which may be helpful.

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(See attached file: MNDNR\_Dakota\_Skipper\_Protocol.jpg) (See attached file: MNDNR\_Dakota\_Skipper\_Protocol (2).jpg) (See attached file: dask-cons-guid\_2005.pdf)

Charlene "Charlie" Bessken  
Fish & Wildlife Biologist  
USFWS South Dakota Field Office  
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(605) 224-8693 Ext. 31  
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<http://southdakotafieldoffice.fws.gov/>

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

06/27/2006 11:21 AM

<Charlene\_Bessken@fws.gov>

To

cc

Subject

Dakota Skipper Survey Protocols

Hi Charlene,  
ENSR has been retained by TransCanada to conduct T&E species surveys along its proposed Keystone Pipeline Project route (<http://www.transcanada.com/keystone/index.html>). We have received information on sensitive species along the project route from the South Dakota NHP and Game, Fish, and Parks Department, and the FWS. It is possible that part of the project may cross native prairie that would be suitable habitat for the Dakota skipper. I am trying to put together an action plan for this species and was hoping that you might be able to provide some insight regarding survey methods or protocols (i.e. Pollard transects) for the Dakota skipper? Thanks for any assistance you may be able to provide!

Sincerely,  
Sara

Sara Stribley  
Staff Specialist  
ENSR Corporation  
1601 Prospect Pkwy  
Fort Collins, CO 80525  
970.493.8878 ext. 168  
[sstribley@ensr.aecom.com](mailto:sstribley@ensr.aecom.com)

U.S. Fish and Wildlife Service / Nebraska Game and Parks Commission; Nebraska U.S. Fish and Wildlife Service Field Office, Grand Island, NE

July 18, 2006. 10:00am – 12:00pm

## **Attendees:**

John Cochnar (USFWS)  
Jeff Runge (USFWS)  
Carey Grell (NGPC)  
Charles Johnson (ENSR)  
Doree Dufresne (ENSR)  
Patti Grigsby (ENSR)  
John Sellers (Universal/ENSCO)

## **Meeting Objectives**

ENSR met with the USFWS and NGPC to discuss issues pertaining to wildlife and special status species that could potentially occur along the Keystone Project route. The goal of this discussion was to verify ENSR's habitat assessment approach, species occurrence information, and to discuss required surveys.

ENSR and Universal discussed the proposed construction schedule that would likely begin in early 2008 and would continue through 2009, including possible winter construction.

## **Response Overview**

The agencies have not had the opportunity to review the Environmental Report that was completed in April 2006. The agencies would like to obtain a copy of the Environmental Report for their review and further input.

It was indicated that TransCanada has committed to crossing 7 River areas by HDD including:

- Missouri River (2)
- Platte River (1)
- Chariton River (1)
- Cuivre (2)
- Mississippi (1)

The agencies (USFWS and NGPC) have no issues with winter construction. In fact, winter construction would be preferable over spring/summer, given that most species revolve around breeding/nesting/spawning seasons.

## **Cushing Extension**

It was indicated that the Cushing Extension is being analyzed, and ENSR is currently gathering baseline information for the permitting process. However, it is unclear if the extension would be part of the EIS for the mainline portion of the pipeline.

The USFWS said that it would be preferable to include the Cushing Extension into the total project analysis, based primarily on the down-sizing of the USFWS offices and the ability of the USFWS to adequately address the project.

*(Subsequent to the meeting, John Cochnar was contacted indicating that the Cushing Extension would be analyzed in the Keystone EIS and that surveys would be conducted in 2007 and prior to construction in 2008, if needed)*

## **Wetland Crossings**

The NGPC has concerns regarding construction and reclamation of wetlands (particularly within the Rainwater Basin area) following construction.

Carey Grell will provide construction and reclamation recommendations.

## **Migratory Bird Treaty Act**

If construction would occur during the breeding season for migratory bird species, the USFWS would like TransCanada to clear vegetation from the construction ROW outside of the breeding season for migratory bird species, prior to construction.

Because the majority of the project area would consist of previously disturbed agricultural lands and rangeland, ENSR proposed other options to address the MBTA issue pertaining to breeding birds along the project route:

- 1) Obtain a depredation permit that would allow the take of migratory bird species and their nests,
- 2) Limit surveys to those migratory bird species that are identified as USFWS Birds of Conservation Concern (BCC) and Partner In Flight "high priority bird species (PIF)."

## USFWS Response:

Because the USFWS Migratory Bird Office has discontinued the issuance of depredation permits for road project, it may be difficult to obtain a depredation permit for the project.

John indicated that a meeting should be arranged with regional USFWS special agents and the USFWS Migratory Bird Office to discuss the options listed above (depredation permit, limited breeding bird surveys to BCC and PIF species) and other options to minimize impacts to nesting bird species. John will talk to the USFWS regional coordinator to discuss the best way to set up meetings.

If required, surveys for nesting bird species would focus on wetlands, forests/riparian habitats, upland grasslands and agricultural areas with alfalfa and hay (these areas provide nesting habitat for many migratory bird species). Although focusing surveys efforts on BCC and PIF species seemed reasonable, he would like to discuss these options further with regional USFWS special agents and the USFWS Migratory Bird Office.

*Issues to be resolved:*

*John Cochnar will set up meeting with USFWS special agents and the USFWS Migratory Bird Office to discuss MBTA issues.*

## Platte River Water Depletions

If water would be used from the Platte River drainage for hydrostatic testing, consultation with the USFWS would be necessary to determine whether water withdrawals would result in a net depletion of water.

## Special Status Species

### River Otter

Surveys would be required at the Elkhorn and Platte River crossings if construction were to occur during the river otter denning season.

- Contact Sam Wilson (NGPC – [402] 471-5174) regarding survey protocol and occurrence data within the project area.

Conclusion: *Conduct breeding surveys if construction would occur during the breeding season for this species.*

### Bald Eagle

Conduct breeding and winter roost surveys, if construction occurs during the breeding season / winter roost season along river corridors only (project-wide).

The NGPC will provide historic and known nest sites and winter roosts, if they exist within the project vicinity. Based on the letter from Rick Schneider (NGPC T&E) nesting habitat in NE occurs along the Elkhorn, Platte, and W. Fork Big Blue River. This letter also indicates that no known winter roost sites have been documented within the project vicinity.

Conclusion: *Conduct breeding and winter roost surveys if construction along river corridors would occur during the breeding and winter roosting season for bald eagles.*

### Interior Least Tern/ Piping Plover

Conduct breeding surveys for these species, if construction occurs during the breeding season. Surveys would be required only at the Platte, Elkhorn, and Missouri (Yankton) river crossings (project-wide).

Conclusion: *Conduct breeding surveys if construction would occur during the breeding season for these species.*

### Whooping Crane

The main migration route for this species occurs west of the project area (project-wide). No surveys would be required for this species. However, if this species is observed during project construction, the USFWS should be immediately contacted and protection measures would be discussed.

Conclusion: *No surveys would be required.. Immediately contact USFWS if whooping cranes are identified during construction.*

### Blacknosed Shiner/ Finescale Dace/ Lake Sturgeon / Northern Redbelly Dace

These species would either be restricted to the Missouri River or would not occur within the project area. Since the construction method at the Missouri River would be HDD, the agencies concluded that these species would not be impacted.

Conclusion: *No concerns.*

## Pallid Sturgeon/ Sturgeon Chub

These species would either be restricted to the Missouri and Platte rivers or would not occur within the project area. Since the construction method at these river crossings would be HDD, the agencies concluded that these species would not be impacted.

Conclusion: *No concerns.*

## Topeka Shiner

This species would either be restricted to the Missouri River or it would not occur within the project area. Since the construction method at the river crossing would be HDD, the agencies concluded that these species would not be impacted in Nebraska.

The USFWS indicated that if stream channels identified as having potential Topeka shiner populations are dry, open cut would be ok. If the channels are running or if pools of water occur at the crossings, further habitat analysis may be required to determine if the channel could be open-cut or if it should be drilled. Other potential measures could include surveys to determine presence along the stream or constructing outside of the spawning period.

Conclusion: *Determine habitat conditions at time of construction. Re-consult if necessary.*

## Western Massasauga

This species could occur along the project route and would primarily occur within native tallgrass prairie. ENSR should review data set for tallgrass prairie that was provided by NGPC. The NGPC would require biological monitors to move snakes off of the construction ROW ahead of construction activities. Biological monitors could include: Joyce Collins.

Conclusion: *Review tallgrass prairie data. Identify experts as biological monitors.*

## Higgins Eye Pearly Mussel/ Scaleshell Mussel/ Winged Mapleleaf

These species would be restricted to the Missouri River. Since the construction method at the Missouri River would be HDD, the agencies concluded that these species would not be impacted.

Conclusion: *No concerns.*

## Small White Lady's Slipper/ Western Prairie Fringed Orchid

Conduct surveys for these species within all suitable habitat along project route, including state, federal, and private lands.

Conclusion: *Conduct surveys for these species prior to construction. Surveys for these species can occur in 2007 to determine presence. If plants are not documented in 2007, no further surveys would be required.*

## **Other Special Status Species**

### Gray Wolf

If this species is documented during construction, immediately contact the USFWS to determine if any additional protection would be required.

Conclusion: *No surveys would be required.. Immediately contact USFWS if whooping cranes are identified during construction.*

## Dakota Skipper

Conduct surveys within suitable native prairie habitats prior to construction.

Conclusion: *Conduct surveys for these species in 2007.*

## Eskimo Curlew

Due to the rarity of this species and the fact that it would occur as a migrant (breeds in the arctic), the USFWS does not think that this species would be impacted by the project. If this species is documented during construction, immediately contact the USFWS to determine if any additional protection would be required.

Conclusion: *No surveys would be required . Immediately contact USFWS if this species is identified during construction.*

## American Burying Beetle

No surveys would be required along the mainline portion of the Keystone Project. The Cushing portion of the project may require surveys depending on the habitat crossed.

Conclusion: *No surveys would be required.. Immediately contact USFWS if this species is identified during construction.*

## Indiana Bat/Gray Bat

John indicated that he will defer any discussions relative to these species to the Missouri and Illinois USFWS.

## Decurrent False Aster / Running Buffalo Clover/Prairie Bush Clover

John indicated that he will defer any discussions relative to these species to the Missouri and Illinois USFWS, but anticipates that surveys would be required prior to construction.

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## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** ENSR  
**Date/Time of Meeting** 7/19/06  
**Keystone Team Member(s)** Sara Stribley

### Contact Information:

<b>Name</b>	Joyce Collins
<b>Title</b>	Assistant Field Supervisor
<b>Organization</b>	USFWS, Marion Field Office
<b>Address</b>	8588 Route 148 Marion, IL 62959-4565
<b>County</b>	
<b>Phone</b>	618-997-3344 (x 340)
<b>E-mail address</b>	

### Meeting Information:

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

**Issue:** Indiana Bat Survey Protocol

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

#### Description:

Joyce called and said that she would fax over the mist net survey protocol for the Indiana bat.

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

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

#### Description:

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## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** ENSR  
**Date/Time of Meeting** 7/07/06  
**Keystone Team Member(s)** Sara Stribley

### Contact Information:

<b>Name</b>	Joyce Collins
<b>Title</b>	Assistant Field Supervisor
<b>Organization</b>	USFWS, Marion Field Office
<b>Address</b>	8588 Route 148 Marion, IL 62959-4565
<b>County</b>	
<b>Phone</b>	618-997-3344 (x 340)
<b>E-mail address</b>	

### Meeting Information:

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

**Issue:** Indiana Bat Survey Protocol

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

#### Description:

Called and left a message for Joyce to see if she could send us any information she had on survey protocols for the Indiana Bat.

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

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

#### Description:

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FOR INTERNAL KEYSTONE PROJECT USE ONLY

## TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting 7/03/06

Keystone Team Member(s) Sara Stribley

### Contact Information:

Name	Charlene Bessken
Title	Fish & Wildlife Biologist
Organization	USFWS South Dakota Field Office
Address	420 South Garfield Avenue, Suite 400 Pierre, SD 57501
County	
Phone	(605) 224-8693 Ext. 31
E-mail address	<a href="mailto:Charlene_Bessken@fws.gov">Charlene_Bessken@fws.gov</a>

### Meeting Information:

Type of Contact (phone, in-person, etc.): E-mail

Issue: Dakota Skipper Survey Protocols

Concern Level: High \_\_\_ Moderate \_\_\_ Low \_\_\_

### Description:

In response to a request email for information on the Dakota skipper, Charlene sent me the following information:

Sara,

The USFWS does not have specific protocol for Dakota skipper surveys. Attached you will find the Dakota skipper survey protocol that the Minnesota DNR uses - I am not recommending this protocol, but it is the only protocol I've found so far. Please note that there is a very short window of time for doing these surveys.

Names that I would add to the Minnesota list of "acceptable" surveyors would be Doug Backlund, Gary Marrone and Dennis Skadsen. We cannot advise you on who to hire for the surveys, but please be aware that if they are not an experienced and qualified Dakota skipper person, the survey information may not provide useful information on environmental reviews for the TransCanada project.

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Also attached is the Dakota Skipper Conservation Guidelines which may be helpful.

(See attached file: MNDNR\_Dakota\_Skipper\_Protocol.jpg)(See attached file: MNDNR\_Dakota\_Skipper\_Protocol (2).jpg)(See attached file: dask-cons-guid\_2005.pdf)

Charlene "Charlie" Bessken  
Fish & Wildlife Biologist  
USFWS South Dakota Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501  
(605) 224-8693 Ext. 31  
Fax 605-224-9974  
<http://southdakotafieldoffice.fws.gov/>

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

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

**Description:**

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**Stribley, Sara**

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**From:** Charlene\_Bessken@fws.gov  
**Sent:** Monday, July 03, 2006 9:02 AM  
**To:** Stribley, Sara  
**Cc:** Doug.Backlund@state.sd.us; John\_Cochnar@fws.gov  
**Subject:** Re: Dakota Skipper Survey Protocols



MNDNR\_Dakota\_Skipper\_MNDNR\_Dakota\_Skipper-cons-guid\_200  
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Sara,

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Also attached is the Dakota Skipper Conservation Guidelines which may be helpful.

(See attached file: MNDNR\_Dakota\_Skipper\_Protocol.jpg) (See attached file: MNDNR\_Dakota\_Skipper\_Protocol (2).jpg) (See attached file: dask-cons-guid\_2005.pdf)

Charlene "Charlie" Bessken  
Fish & Wildlife Biologist  
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(605) 224-8693 Ext. 31  
Fax 605-224-9974  
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"Stribley, Sara"  
<sstribley@ensr.aecom.com>

06/27/2006 11:21 AM

<Charlene\_Bessken@fws.gov>  
To  
cc  
Subject  
Dakota Skipper Survey Protocols