Table 2
Keystone Special Status Species
Total Habitat Crossed by State

Species	Status	Habitat Association	Primary Habitat	Habitat by County and State, and Total Distance (mi) Crossed					
				ND	SD	NE	KS	MO	IL
Henslow's sparrow *Ammodramus henslowii*	KS-SC; MO-SC; IL-E	This species breeds in a variety of grassland habitats with tall, dense grass and herbaceous vegetation. Meadows, open grasslands and weedy and abandoned fields, all with wet areas, dense grass-forb mosaics and scattered small woody growths appear to be essential. Breeding season: April-July.	Grasslands, meadows, shrublands						Madison 1.6
Yellow-crownded night heron *Nyctanassa violacea*	IL-E	This species nests on barrier islands, dredge spoil islands, and bay islands that contain forested wetlands or scrub/shrub thickets. Colonies may be located in dense shrubby thickets, forests with an open understory. They use similar habitat types for nesting and roosting, avoiding areas with insufficient cover. They hunt along the shores of tidal creeks and tide pools within salt and brackish marshes dominated by salt marsh cordgrass.	wetlands, scrub-shrub thickets,						Fayette 3.4[1]
Pied-billed grebe *Podilymbus podiceps*	IL-T	This species breeds on seasonal or permanent ponds with dense stands of emergent vegetation, bays and sloughs. Uses most types of wetlands in winter.	ponds, wetlands, sloughs						Fayette 6.5[1]
Northern Harrier *Cicus cyaneus*	MO-E	This species breeds in marshes, meadows, grasslands, and cultivated fields. Perches on ground or on stumps or posts. Nests on the ground, commonly near low shrubs, in tall weeds or reeds, sometimes in bog; or on top of low bush above water, or on knoll of dry ground, or on higher shrubby ground near water, or on dry marsh vegetation.	marshes, meadows, grasslands, cultivated fields					Carroll 13.0[1]	
Fish									
Chestnut lamprey *Ichthyomyzon castaneus*	KS-T	This species is found in moderate-sized rivers and large creeks. Spawning occurs in smaller tributary streams in swift shallow riffles where the gravel is clean. Eggs are laid in a nest in the river bottom. Spawning period: spring or summer.	Rivers and creeks				Doniphan: Missouri River		
Pallid sturgeon *Scaphirhynchus albus*	FE; SD-E; NE-E; KS-E; MO-E; IL-E	This species is distributed from the headwaters of the Missouri River (Fort Benton-Great Falls, Montana) through the Mississippi River to New Orleans, Louisiana. It inhabits bottom areas of large turbid rivers that have strong current and a firm sandy substrate. They also may be found along sandbars and behind wing dikes. Spawning period: April through August.	Large, turbid rivers, sand substrate		Yankton: James River Missouri River	Cedar: Missouri River Colfax: Platte River	Doniphan: Missouri River	Buchanan: Missouri River St. Charles: Mississippi River	Madison: Mississippi River Fayette: Kaskaskia River
Lake sturgeon *Acipenser fulvescens*	NE-T; MO-E; IL-E	This species is generally bottom dwelling and occurs in large rivers and shallow areas of large lakes. They are most often associated with silt-free deep run and pool habitats of rivers (i.e., >5 ft deep), and generally avoid aquatic vegetation. Gravelly tributary streams of rivers and lakes serve as spawning habitat, although rocky, wave-swept areas near lake shores and islands serve as spawning habitat when preferred habitats are unavailable. Spawning period: late-spring.	Large rivers and lakes, gravelly substrate		Yankton: Missouri River	Cedar: Missouri River		St. Charles: Mississippi River	

[1] Data pending; waiting on completion of wetland/waterbody surveys to determine total habitat crossed (mi); totals likely to change

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				ND	SD	NE	KS	MO	IL
Flathead chub *Platygobio gracilis*	KS-T	This species occurs from the Rio Grande to the Arctic Circle in small creeks and the largest rivers that have turbid fluctuating water levels and unstable sand bottoms. This species relies on flood flows to spawn successfully. Spawning occurs after water levels have subsided after peak flows, when water temperatures are warmer and substrate is more stable. Relies on flood flows to spawn successfully. Spawns after rivers have subsided following peak flow.	Creeks and rivers with turbid, fluctuating flow and sandy substrates				Nemaha: S.F. Nemaha River Doniphan: Missouri River		
Sturgeon chub *Macrhybopsis gelida*	NE-E; KS-T MO-SC SD-T	This species prefers large turbid sandy rivers over substrate of small gravel and coarse sand. It is often found in areas swept by currents especially at heads of islands or exposed sandbars. Spawning period: late spring to midsummer.	Large sandy rivers, sand/gravel substrate		Yankton: Missouri River	Cedar: Missouri River Colfax County: Platte River	Doniphan: Missouri River	Buchanan: Missouri River	
Sicklefin chub *Macrhybopsis meeki*	NE-SC; KS-E MO-SC SD-E	This species requires continuously and heavily turbid waters of large rivers where it frequents areas of strong current flowing over sand or gravel substrate. Spawning period: spring (likely from late March and May).	Large turbid rivers, sand/gravel substrate		Yankton: Missouri River	Colfax: Platte River	Doniphan: Rock Creek Missouri River	Buchanan: Missouri River	
Western silvery minnow *Hybognathus argyritis*	KS-T; MO-SC	This species prefers protected areas in large, turbid rivers and prairie streams. In streams they are typically found in water less than one foot deep and shallow shore water heavily vegetated with emergent grasses and reeds. In protected areas of larger rivers, they move in large schools of 50 to 100 individuals along the bottom in deep, quiet water. While little is known about spawning, this species probably scatters eggs on silt substrate in quiet water.	Protected areas of rivers and streams				Nemaha: S.F. Nemaha River Doniphan: Missouri River	Buchanan: Missouri River	
Blacknose shiner *Notropis heterolepsis*	ND-SC; NE-E; MO-SC	This species prefers clean weedy lakes and streams.	Lakes, streams			Cedar: Missouri River Stanton: Elkhorn River	Doniphan: Missouri River		
Topeka shiner *Notropis topeka*	FE; SD-SC; KS-T; MO-E	This species inhabits pool and run areas in the headwaters of small prairie streams with high water quality and cool temperatures. These streams generally exhibit intermittent flow during summer; however pools are maintained by spring or groundwater percolation. The substrate of these occupied streams consist mainly of clean gravel, however bedrock and clay hardpan overlain by a thin silt layer are not uncommon. Spawning period: late spring and summer.	Small, cool (often intermittent) prairie streams		Miner: Wolf Creek Hanson: Wolf Creek Hutchinson: Wolf Creek Yankton: James River Missouri River	Cedar: Missouri River Saline: W.F. Big Blue River	Marshall: N. Elm Creek Doniphan: Missouri River	Clinton: Castile Creek Little Platte River Shoal Creek Caldwell: Log Creek Crush Creek Crabapple Creek	
Northern redbelly dace *Chrosomus eos*	NE-T	This species occurs in a variety of habitats ranging from streams to bog lakes.	Streams to bog lakes			Cedar: Missouri River			
Finescale dace *Phoxinus neogaeus*	NE-T	This species occurs a variety of habitats ranging from streams to bog lakes.	Streams to bog lakes			Cedar: Missouri River			

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Table 2
Keystone Special Status Species
Total Habitat Crossed by State

Species	Status	Habitat Association	Primary Habitat	Habitat by County and State, and Total Distance (mi) Crossed					
				ND	SD	NE	KS	MO	IL
Western sand darter *Ammocrypta clarum*	IL-E	This species occurs in medium and large rivers; most commonly in slight to moderate currents over sandy bottoms. It is known to inhabit areas of gravel or silt. The species has also been recorded from quiet margins of drainage canals and shallow backwaters, usually where there is enough current to keep the bottom largely free of silt. Buries in sand.	Medium to large rivers, sandy substrate						Fayette: Kaskaskia River
Reptiles									
Western fox snake *Elaphe vulpine vulpina*	MO-E	This species inhabits cultivated fields, along wooded stream valleys and in natural prairies that adjoin marshes. It is active between late April and October. Small mammal burrows and brush piles are used as den sites during winter hibernation. Mating begins in April and females lay eggs under logs or leaf litter in May or June. Young hatch in August or September.	Agriculture, riparian woodlands, prairies, wetlands					St. Charles 1.7[1]	
Smooth earth snake *Virginia valeriae*	KS-T	This species inhabits rocky hillsides in moist woodlands and woodland edges in river and stream valleys where they may be found on the slopes under leaf litter, rocks, or logs. During winter, it utilizes deep crevices on rocky hillsides. Mating begins in the spring after emergence from hibernation. Mating may also occur in the fall. Young hatch in August or September.	Riparian woodland, upland forest				Doniphan 2.4		
...stern massasauga *Sistrurus catenatus catenatus*	FC; MO-E; IL-E	This subspecies prefers marshy and swamp areas dominated by cordgrass, sedges, and bulrushes, as well as lowland areas along river and lakes. The snakes hibernate singly in mammal burrows, crayfish burrows, and in crevices or rock piles close to water. Courtship and mating occurs in spring and young are born in late July through early September.	Wetland, riparian					Chariton 0.7[1]	
Western massasauga *Sistrurus catenatus tergeminus*	NE-T; MO-E	This subspecies is found in open sagebrush prairie, rocky prairie hillsides, and prairie marsh habitats, usually near a water source. The snakes hibernate singly in rodent burrows. Courtship and breeding occur both in the Spring and Fall. Young are born during July or August.	Sagebrush, shrubland, wetland			Gage 0.0[1] Jefferson 3.4[1]		Chariton 12.9[1]	
False map turtle *Graptemys pseudogeo-graphica*	SD-T	This species inhabits slow to swift current rivers and streams, river sloughs, oxbow lakes, ponds, impoundments, and backwaters. They are devoted baskers, often resting just below the surface on submerged branches from fallen trees and projecting logs.	Rivers, streams, sloughs, ponds, backwaters, impoundments		Yankton 0.1				
Kirtland's snake *Clonophis kirtlandi*	IL-T	This species inhabits prairie wetlands, wet meadows, and grassy edges of creeks, ditches, and ponds, usually in association with crayfish burrows. It also has been found in damp habitat remnants in vacant lots of urban settings. Secretive and nocturnal, it shelters beneath logs and surface debris, or in crayfish burrows, by day.	Wetlands						Fayette 0.0[1]

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				ND		SD		NE		KS		MO		IL	
Amphibians															
Illinois chorus frog *Pseudacris strecheri illino*	IL-T	Sand prairies and remnants such as sandy agricultural fields and waste areas. Burrows in sand and emerges after heavy, early spring rains to breed in nearby flooded fields, ditches, and other vernal ponds	Sand prairies											Madison	0.6
Invertebrates															
Dakota skipper *Hesperia dacotae*	FC; SD-SC, ND-SC	This species is considered an obligate of undisturbed native prairie. The butterfly inhabits wet lowland prairie dominated by bluestem grasses and dry upland prairie dominated by mixed bluestem and needle stem grasses. Both habitat types contain an abundance of flowering plants and have alkaline soils. Adults emerge in mid-June to early July, and mate during a flight period that lasts for about three weeks.	Lowland and upland prairie	Barnes Ransom Sargent	0.0 0.0 8.4	Clark Day Marshall Yankton	4.5 6.7 5.1 2.1								
American burying beetle *Nicrophorous americanus*	FE; KS-E	This species inhabits upland grasslands or near the edge of grassland/forest. Sandy/clay loam soils and food (carrion) availability are also important. The species appears to prefer loose soil in which to bury carrion. Reproduction occurs from late April through mid August. Reproductive activity includes the burial of a carcass, building of a chamber, and laying eggs.	Grasslands, upland forests							Brown Doniphan Marshall Nemaha	7.9 4.2 6.9 5.3				
Fleshshell mussel *Leptodea leptodon*	FE; SD-SC; NE-E	Occurs in riffles with moderate to high gradients in creeks to large rivers. Typically associated with riffles, relatively strong currents, and substrate of mud, sand, or assemblages of gravel, cobble, and boulder. Restricted to rivers with relatively good water quality in stretches with stable channels. Little is known concerning the reproduction of this species.	Creeks and rivers with good water quality and stable channels			Yankton	0.2	Cedar	0.2						
Higgins' eye pearlymussel *Lampsilis higginsi*	FE; SD-SC	Found in substrates of mud with a mixture of gravel and stones. Prefers rapidly flowing water. The exact breeding season is unknown.	Fast flowing creeks and rivers, mud substrate			Yankton	0.2	Cedar	0.2						
Winged mapleleaf *Quadrula gragosa*	FE; SD-SC	The species is found in riffles with clean gravel, sand, or rubble bottoms.	Rivers, streams			Yankton	0.1								
Plants															
Decurrent false aster *Boltonia decurrens*	FT; MO-E; IL-T	The species grows in open muddy bottomlands and is dependent upon disturbance from cyclical flooding to maintain the habitat suitable for its survival. Historically, it was found on the shores of lakes and the banks of streams. Currently, it is most common in disturbed lowland areas where human-caused disturbance provides adequate habitat. Flowers: July-October.	Riparian floodplains and muddy bottomlands subject to flooding									St. Charles	0.0[1]	Madison	2.0[1]
Small white lady's-slipper *Cypripedium candidum*	NE-T	This species is found in wetland prairie habitats: mesic blacksoil prairie, wet blacksoil prairie, glacial till hill prairie, sedge meadow, calcareous fen, glade. Found on calcareous soils. Flowering occurs May-June.	Wetland prairie					Butler Cedar Colfax Stanton Wayne	0.0[1] 4.3[1] 0.8[1] 1.5[1] 1.3[1]						

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Species	Status	Habitat Association	Primary Habitat	Habitat by County and State, and Total Distance (mi) Crossed											
				ND		SD		NE		KS		MO		IL	
Eastern prairie fringed orchid *Platanthera leucophaea*	FT; IL-E	Mesic-wet calcareous tallgrass sand or silt loam prairie. May also be found in open graminoid portions of lake margins, sedge, meadows, and marshes, wet prairie or open swamps, or bogs and shores. Flowering begins late June to early July. Flowers do not appear annually.	Mesic-wet tallgrass prairie											Bond Fayette Madison Marion	0.0[1] 0.0[1] 0.0[1] 0.0[1]
Western prairie fringed orchid *Platanthera praeclara*	FT; ND-SC; SD-SC; NE-T	Occurs in mesic upland tallgrass prairie in the southern part of its range, often in swales, and wet-mesic tallgrass prairie and sedge meadows in the northern part of its range. Also known from prairies and swales in sand dune complexes that are fed by shallow underground water. Flowers June-July.	Tallgrass prairie, dune complexes	Ransom	0.0	Clark Day Yankton	4.5[1] 6.7[1] 2.1[1]	Butler Cedar Colfax Gage Jefferson Platte Saline Seward Stanton Wayne	0.0[1] 4.3[1] 0.8[1] 0.0[1] 3.4[1] 0.0[1] 0.3[1] 0.0[1] 1.5[1] 1.3[1]						
Prairie bush-clover *Lespedeza leptostachya*	FT; IL-E	In Illinois, this species is generally found on dry gravel prairies and dry-mesic prairies It is often found on north-facing prairie slopes. On these slopes, it typically occurs either in thin soil at the margins of rocks or in gravelly loamy soil. Flowers in July, August.	Prairie											Bond Fayette Madison Marion	0.8 0.0 0.6 0.0
Running buffalo ...ver *...ifolium stoloniferum*	FE; MO-E	This species is commonly found in areas of rich soils in the ecotone between open forest and prairie; and moist, partially shaded woodlands- sometimes along stream or river terraces. Also found in areas disturbed by grazing or mowing. This species historically grew along bison trails. Flowers: April-June.	Riparian areas, woodland/prairie ecotones									Lincoln	11.7[1]		
Royal Catchfly *Silene regia*	IL-E	This species is found in habitats that include mesic black soil prairies, openings in upland forests, savannas, scrubby barrens, and open areas along roadsides and railroads	Prairies, upland forests, savannas, open roadsides											Madison	1.6
Prairie Spiderwort *Tradescantia bracteata*	IL-T	Common spiderwort likes sandy soils and seems to be most abundant where grazing is light to moderate. Dry typical prairie and dry sand prairies	Grazed prairies, sandy soils											Madison	0.6
Spring Ladies' Tresses *Spiranthes vernalis*	IL-E	This species is typically found in upland dry to mesic forests, dry to mesic prairies, and successional cultured fields.	Upland/mesic forests											Madison	2.0[1]

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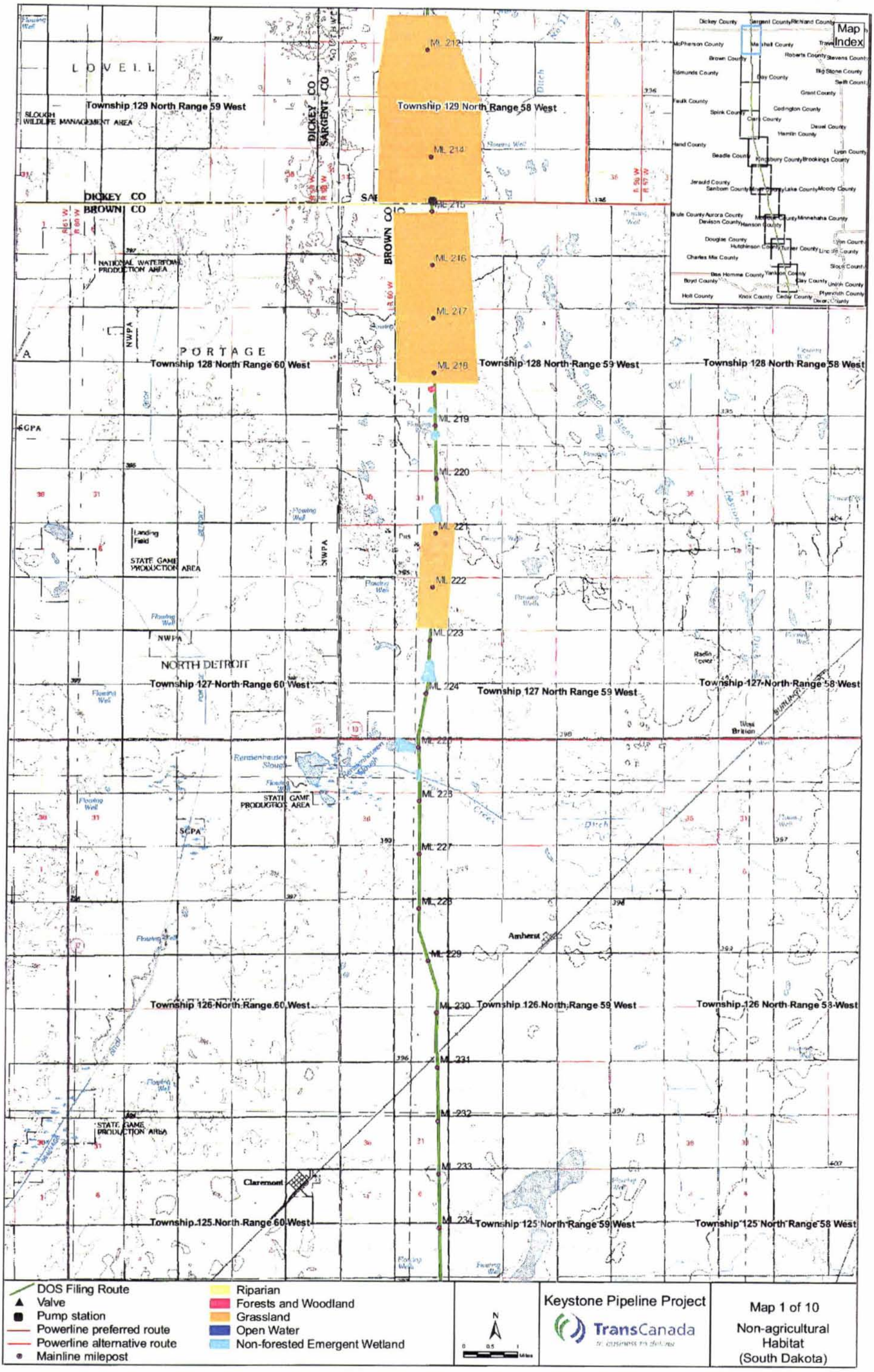
Table 3
South Dakota Special Status Species Listed by County and Habitat Type

COUNTY	GRASSLAND	FORESTS AND WOODLANDS	RIPARIAN	EMERGENT WETLAND	OPEN WATER
Beadle				Whooping Crane	Bald Eagle, Whooping Crane, Topeka Shiner
Clark	Eskimo Curlew, Dakota Skipper, Western Prairie Fringed Orchid			Eskimo Curlew, Interior Least Tern, Piping Plover, Whooping Crane, Western Prairie Fringed Orchid	Bald Eagle, Interior Least Tern, Piping Plover, Whooping Crane
Day	Western Prairie Fringed Orchid Dakota Skipper			Western Prairie Fringed Orchid, Piping Plover	Bald Eagle, Piping Plover
Hanson					Bald Eagle, Topeka Shiner
Hutchinson				Interior Least Tern	Bald Eagle, Interior Least Tern, Topeka Shiner
Kingsbury				Piping Plover, Whooping Crane	Bald Eagle, Piping Plover, Whooping Crane, Topeka Shiner
Marshall	Dakota Skipper				Bald Eagle
McCook					Bald Eagle, Topeka Shiner
Miner					Bald Eagle, Topeka Shiner
Yankton	Western Prairie Fringed Orchid Dakota Skipper			Interior Least Tern, Piping Plover, Whooping Crane, Western Prairie Fringed Orchid	Interior Least Tern, Piping Plover, Whooping Crane, Pallid Sturgeon, Sicklefin Chub, Sturgeon Chub, Topeka Shiner, False Map Turtle, Higgins Eye Pearly Mussel, Winged Maple Leaf, Scaleshell Mussel



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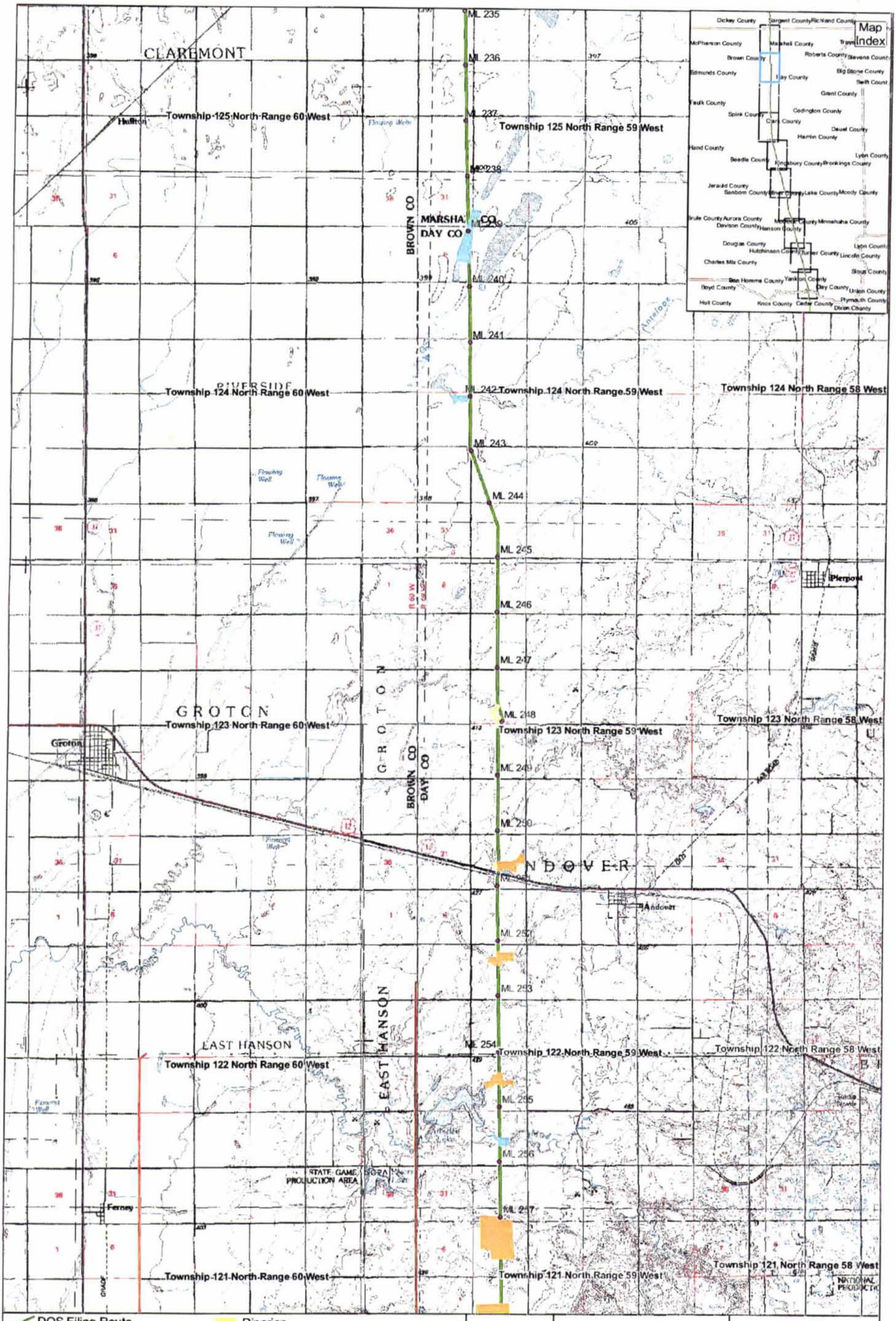

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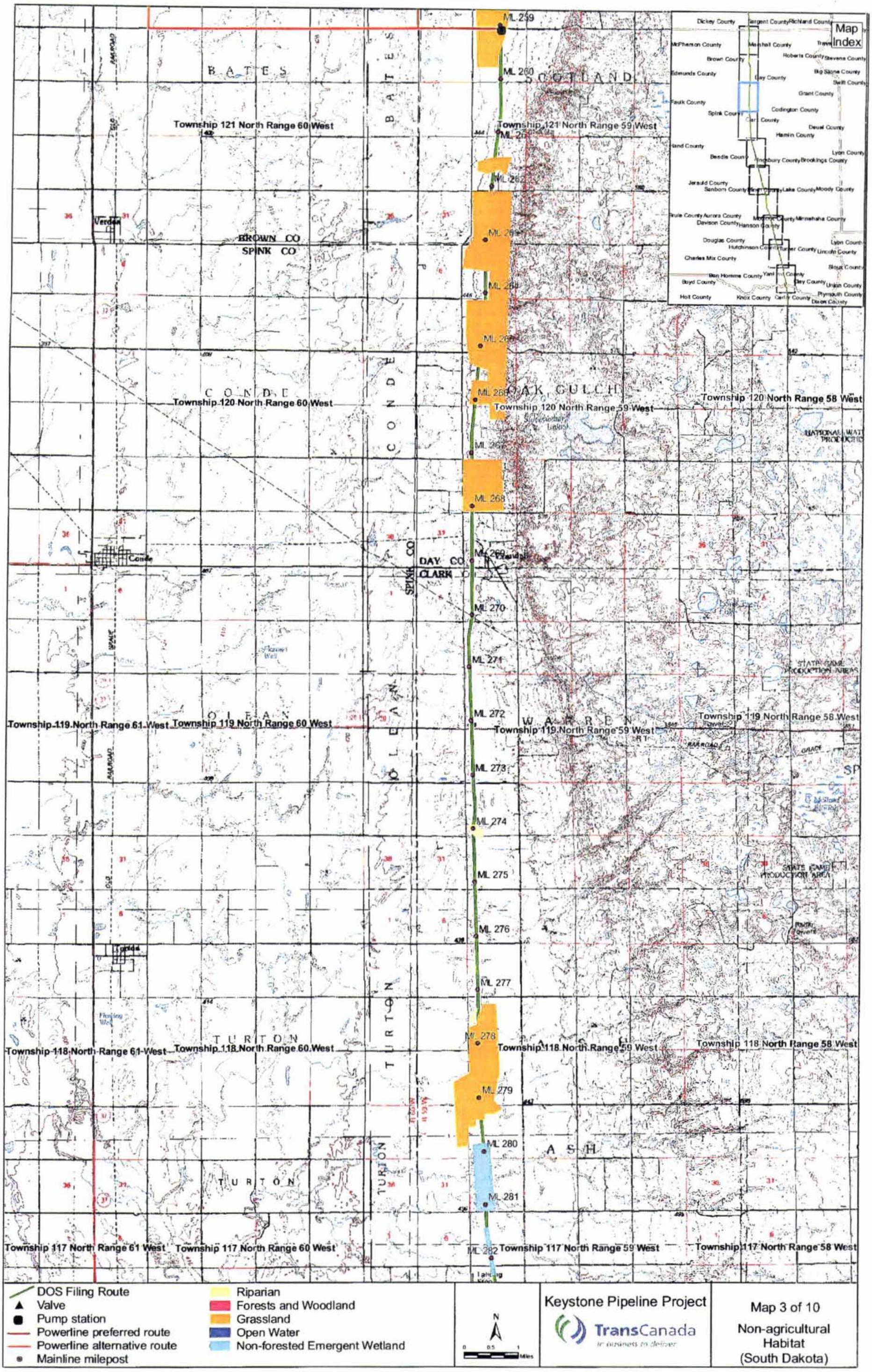

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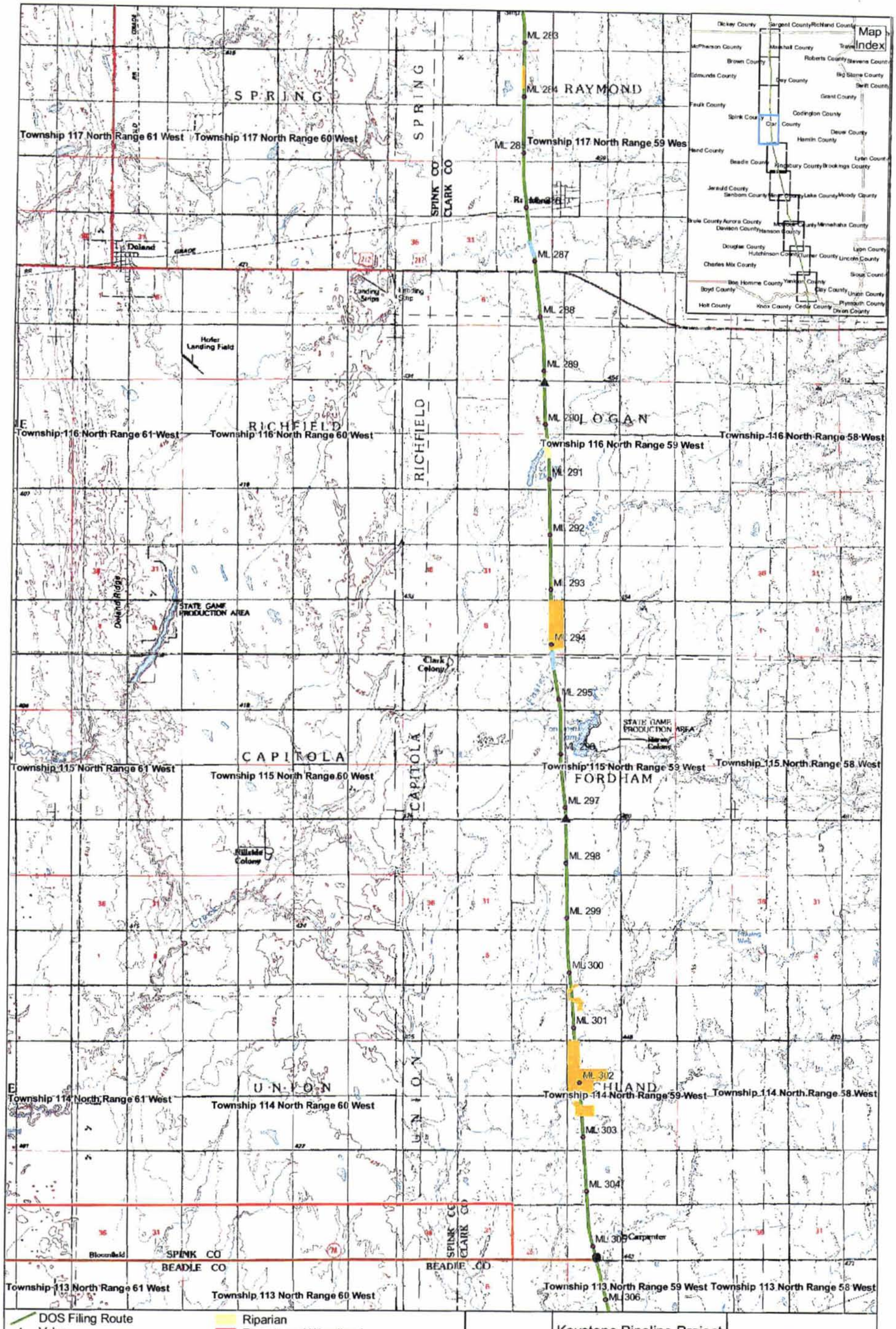

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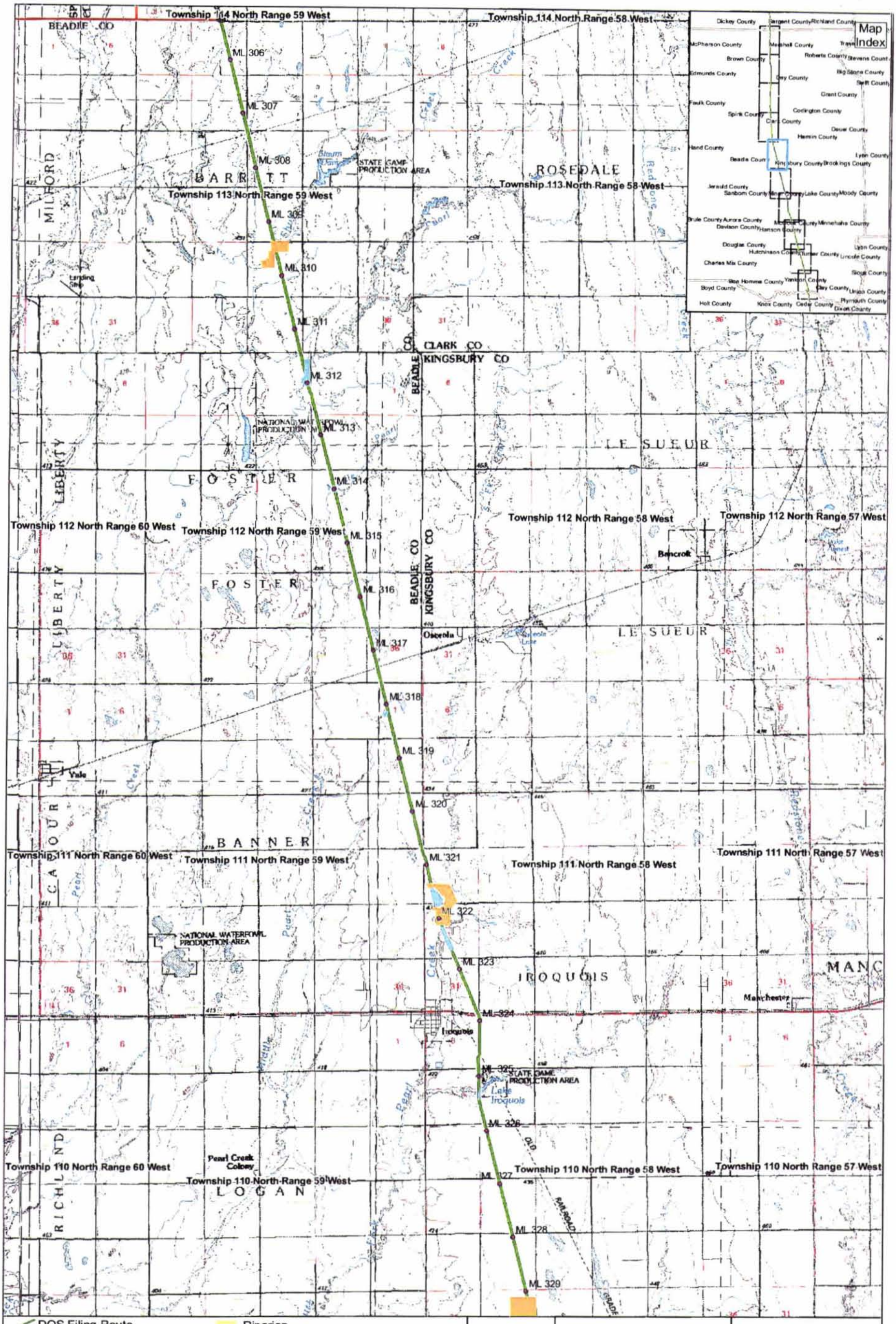

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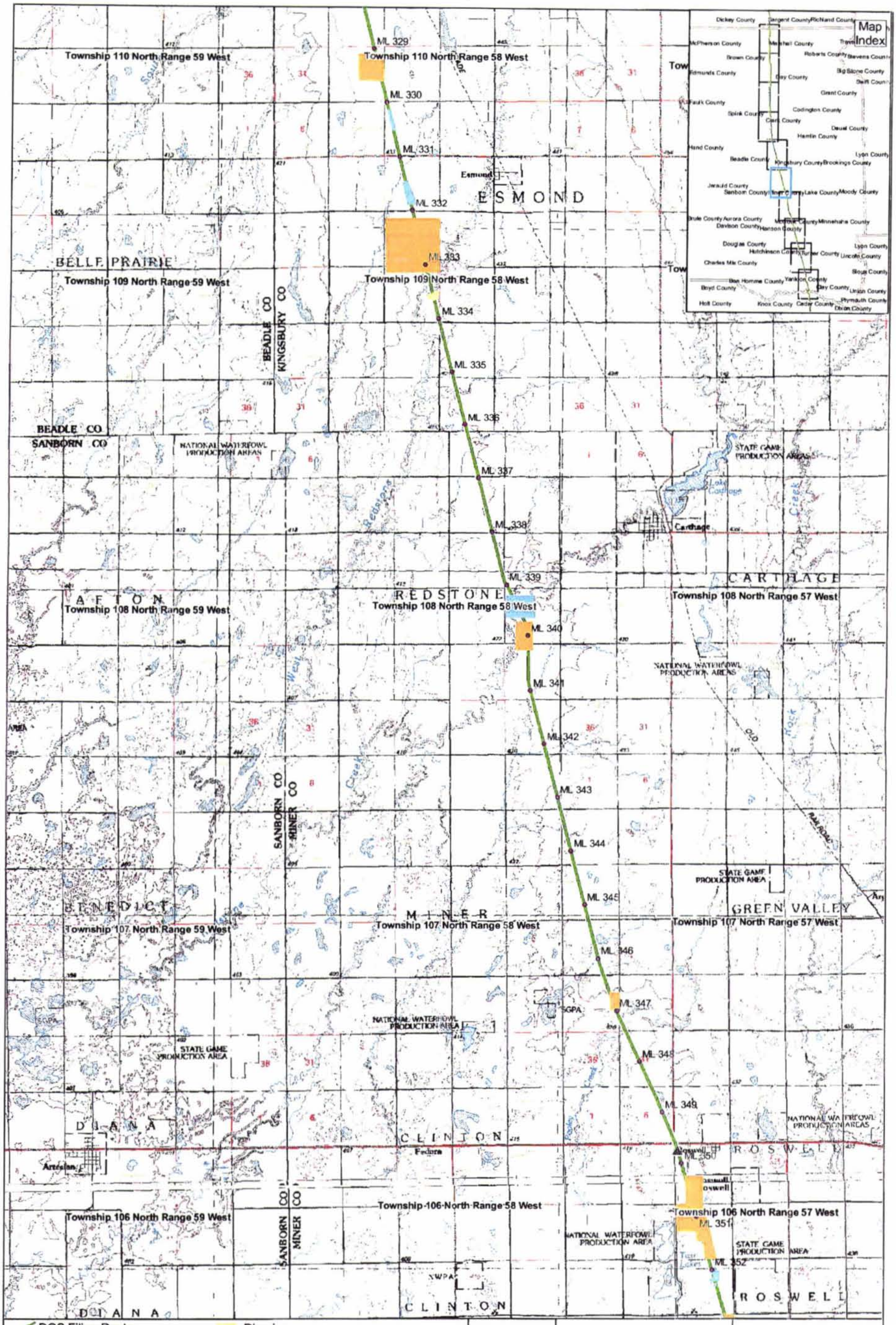

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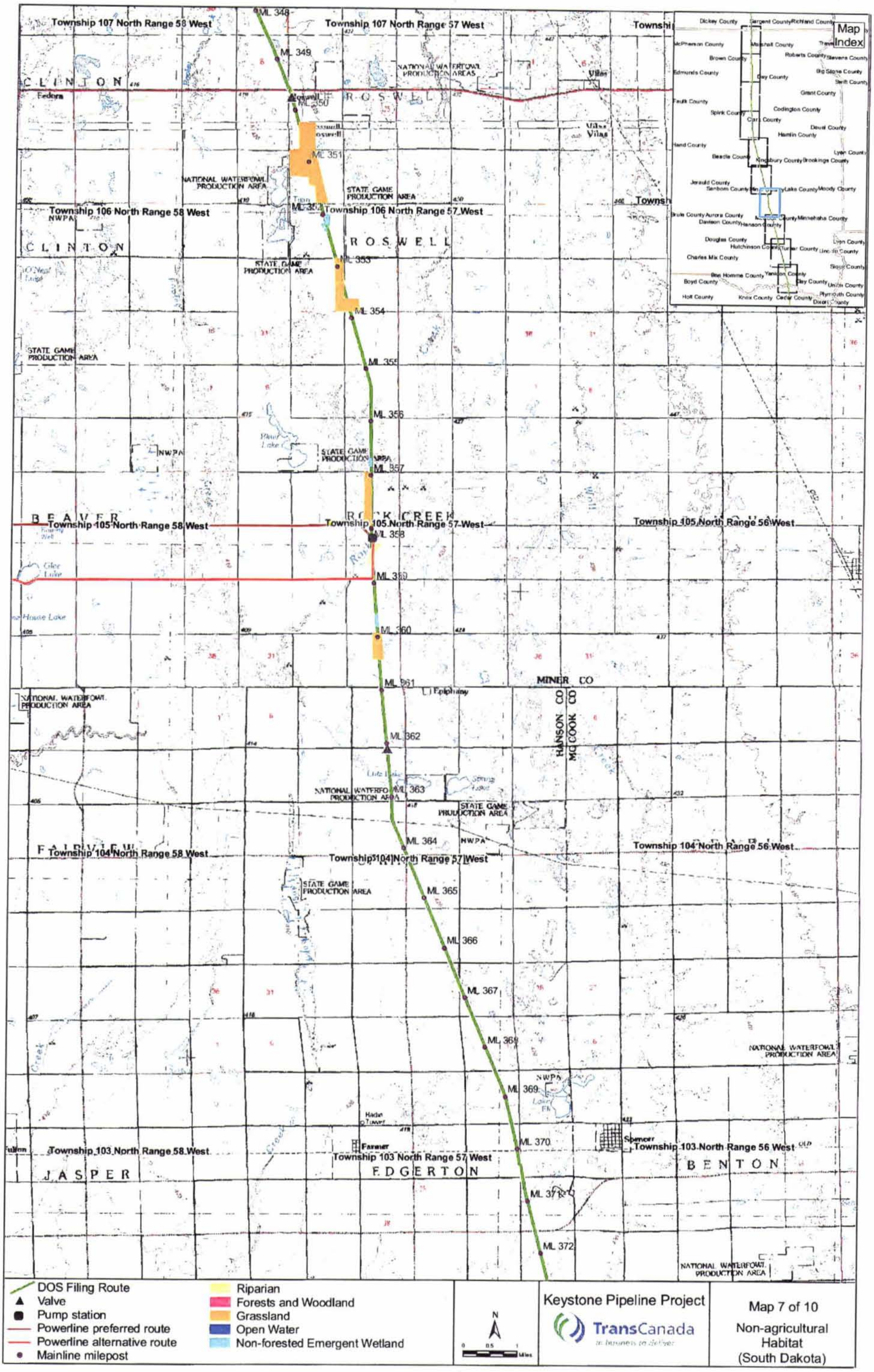

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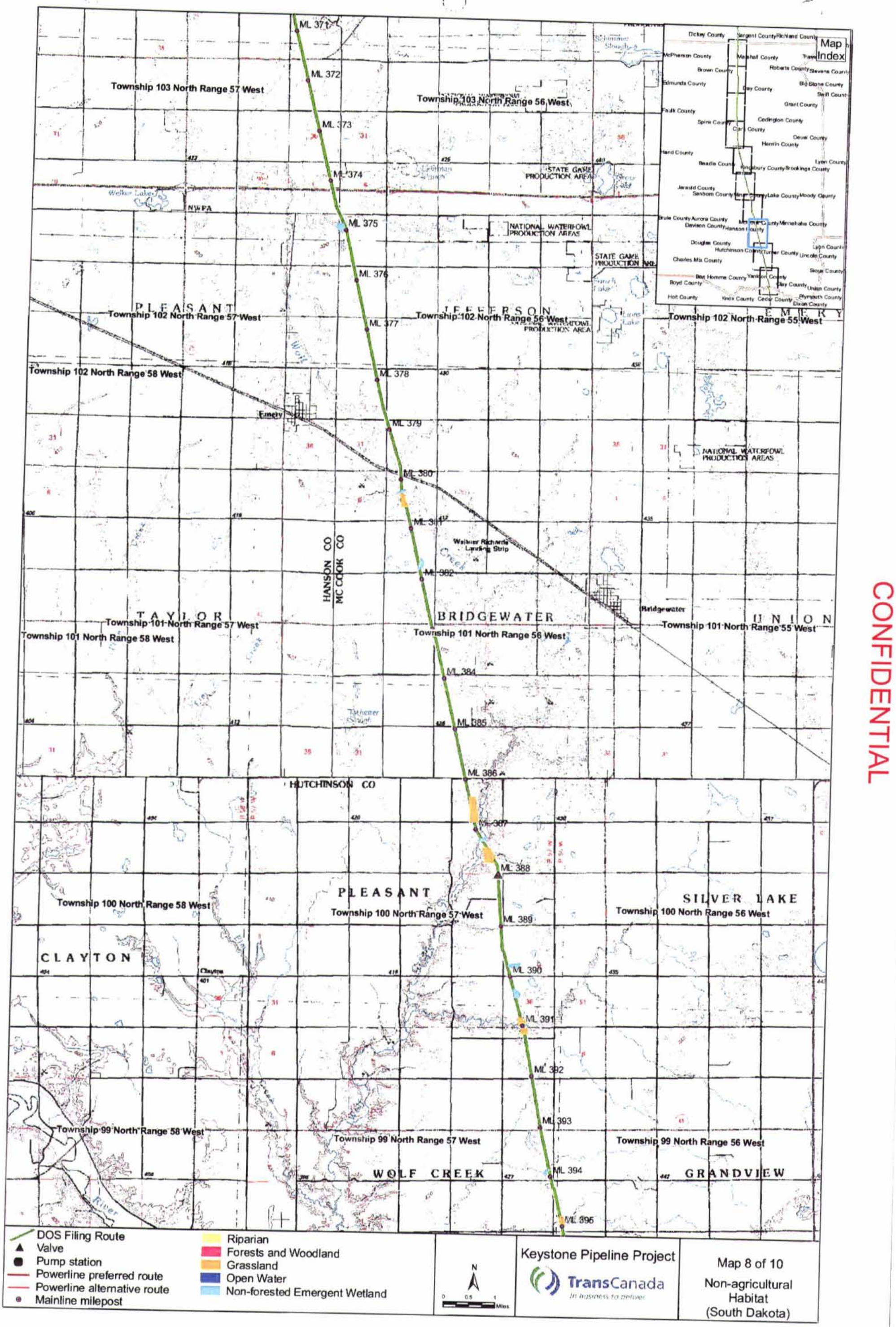

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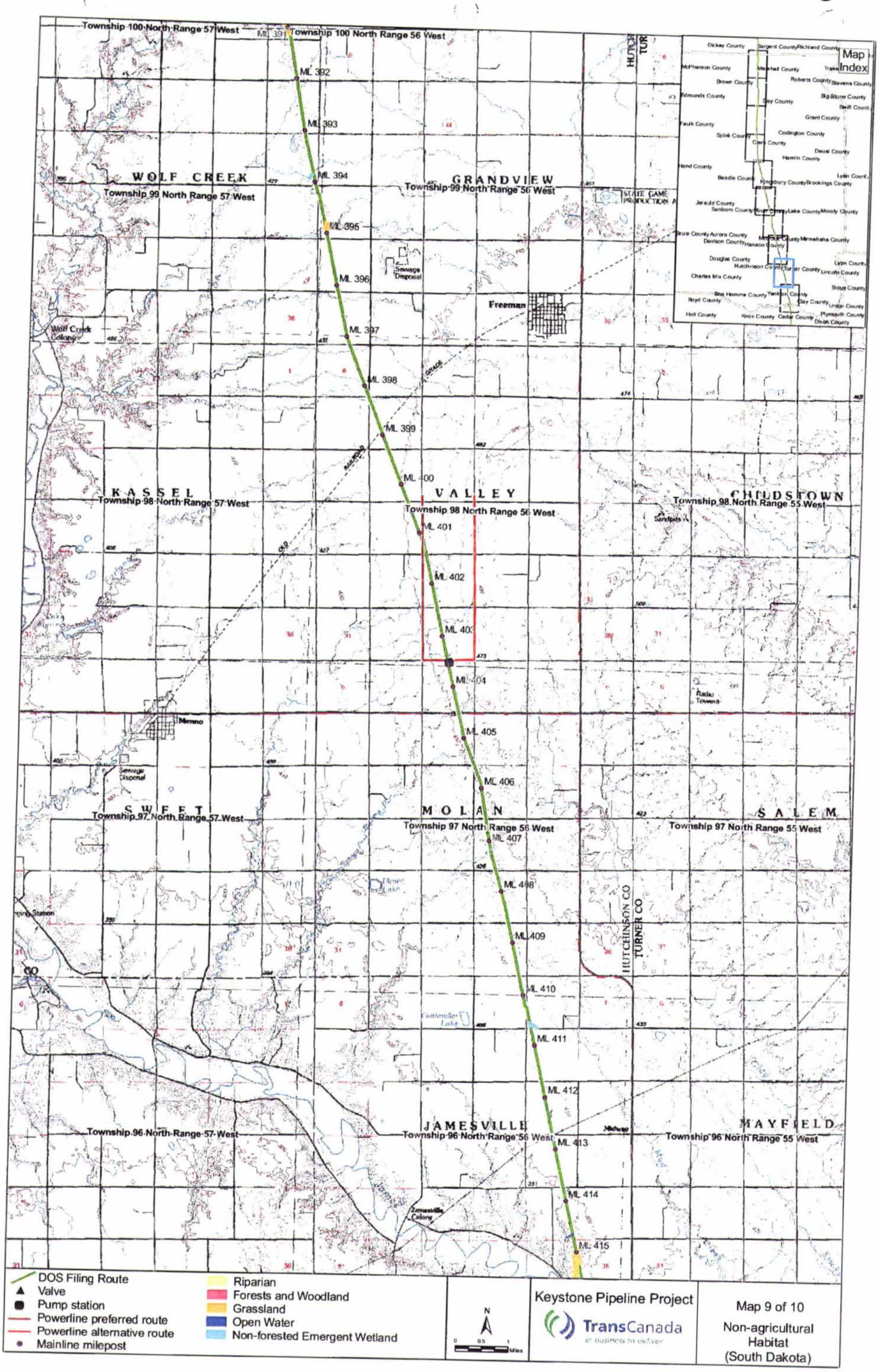

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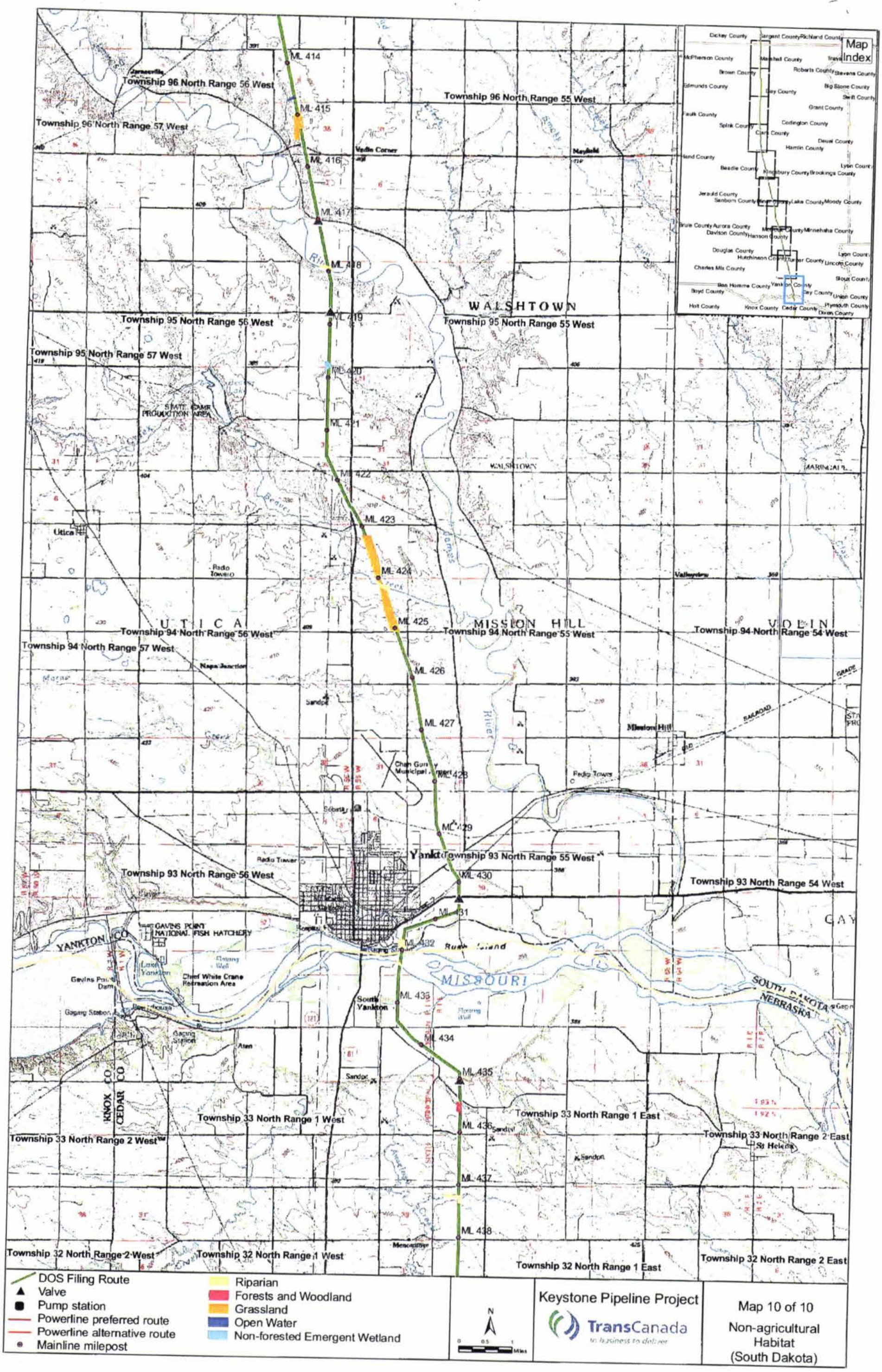

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FOR INTERNAL KEYSTONE PROJECT USE ONLY

TransCanada – Keystone Pipeline
Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting 6/06/06

Keystone Team Member(s) Sara Stribley

Contact Information:

Name	Doug Backlund
Title	Wildlife Biologist
Organization	South Dakota Game, Fish, & Parks
Address	Foss Building, 523 East Capitol Pierre, South Dakota 57501-3182
County	
Phone	605-773-3381
E-mail address	Doug.Backlund@state.sd.us

Meeting Information:

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

Issue: Clarification on Topeka Shiner Streams listed in Consultation letter

Concern Level: High___Moderate___Low_____

Description:
I spoke with Doug Backlund about the streams that were listed in his consultation letter as Topeka shiner streams (Redstone, Rock, Middle Pearl, South Fork Pearl, and Shue Creek). I explained to him that ENSR has these streams listed as intermittent streams, if this was a correct classification of these streams, and if he knew whether Topeka shiners inhabited areas near the pipeline crossing. He stated that he didn't really know, but thought that most of the streams were intermittent, and that populations of shiners stay in these springs in areas where they run year round. He stated that surveys may need to be conducted to really determine if there is suitable habitat for shiners in these streams in the area of the pipeline crossing. He also suggested that we talk to the SD FWS (605-224-8693).

Issue:_____ **Concern Level: High__Moderate__Low__.**

Description:

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Stribley, Sara

From: Doug.Hansen@state.sd.us
Sent: Wednesday, April 12, 2006 3:58 PM
To: Stribley, Sara
Cc: Doug.Backlund@state.sd.us
Subject: RE: Information Request Regarding Keystone Pipeline Project

Hi Sara,
The email you sent to our Department website did make its way to me. I'm not sure if I'm the Doug you intended it for, but nonetheless, I think I can answer your questions. Here's what I found out after consulting with my staff:

We did receive a letter from ENSR requesting occurrence species, communities and habitats that are either listed, designated or considered sensitive. The letter was dated January 24, 2006. It was addressed to Doug Backlund, who is the database manager for our Natural Heritage Program. The Natural Heritage Program is part of the Division of Wildlife within our Game, Fish and Parks Department. The letter was signed by Charles Johnson, Senior Wildlife Biologist.

In response to the letter and request for information, Mr. Backlund responded by letter addressed to Mr. Johnson and dated February 8, 2006. Accompanying the letter was an invoice for $150 to cover the cost of the data search. We also have on file a copy of check number 139341 from ENSR for payment of the invoice amount.

Sara, it appears there may be some confusion or thinking that the Natural Heritage Program is a separate entity or would provide separate information from the Department of Game, Fish and Parks. I noticed in the last paragraph of your referenced request letter that a similar request for information was being made of the Department. To clarify this, I can say that the response from Doug Backlund does indeed represent the response from the Department of Game, Fish and Parks. This response is based on data managed by the Natural Heritage Program which is administered by the Department.

It is our understanding that the proposed route of the pipeline project has been modified since we provided this information. If additional information is needed based on the new proposed route, please contact Doug Backlund as our Department representative, as well as our Natural Heritage Program database manager. By the way, Doug will be out of the office for the next couple weeks.

I hope this answers you questions, Sara.

Doug Hansen
Director, Division of Wildlife
Dept. of Game, Fish and Parks
605-773-4518

-----Original Message-----
From: Stribley, Sara [mailto:sstribley@ensr.aecom.com]
Sent: Wednesday, April 12, 2006 11:24 AM
To: GFP Wildinfo
Subject: Information Request Regarding Keystone Pipeline Project

To: Doug Hansen

Hi Doug,
I tried calling your office at several different telephone numbers, but kept getting a busy signal, so I thought I would try and shoot you an email. ENSR is preparing the EA for the TransCanada Keystone Pipeline Project and we sent out letters in January requesting information on sensitive species along the proposed project route. I have been going through the responses we have received back, and noticed that we do not have anything from the SD Game, Fish, and Parks. I just wanted to follow up with you to 1) make sure that you received our letter, and 2) make sure that we haven't lost something that you might have

sent. If you need us to provide you with additional information regarding the project lease let us know! We would greatly appreciate any input you could provide regarding this oject!

hanks for your help,
Sara Stribley

Sara Stribley
Staff Specialist
ENSR Corporation
1601 Prospect Pkwy
Fort Collins, CO 80525
970.493.8878 ext. 168
sstribley@ensr.com

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ENSR

Correspondence Summary Sheet

By: Sara Stribley **Date:** 4/12/06

Talked With: Doug Hansen **Project Number:** 10623-004-601

Title: Wildlife Division Director **Project Name:** Keystone

Of: South Dakota Game, Fish, & Parks **Subject:** Sensitive species consultation letter follow-up

Telephone Number: 605-773-3381 **Facsimile Number:**

Email or Internet Address (if applicable): Doug.Hansen@state.sd.us

Supplemental Information Attached? **YES** **NO**

Indicate Documentation Type: **Telephone** **Facsimile** **Internet** **Email**

I tried calling Doug Hansen, but none of the phone numbers that I had listed worked. I sent Doug and email following up with the sensitive species consultation letters we sent out January 24, 2006. See the attached email correspondence.

FILE NAME- SS_DH_SDGFP_041206.doc

Sara Stribley

Signature

Distribution: **(1)** File **(2)** Self **(3)** Report

Stribley, Sara

From: Stribley, Sara

Sent: Wednesday, April 12, 2006 10:24 AM

To: 'wildinfo@state.sd.us'

Subject: Information Request Regarding Keystone Pipeline Project

To: Doug Hansen

Hi Doug,
I tried calling your office at several different telephone numbers, but kept getting a busy signal, so I thought I would try and shoot you an email. ENSR is preparing the EA for the TransCanada Keystone Pipeline Project and we sent out letters in January requesting information on sensitive species along the proposed project route. I have been going through the responses we have received back, and noticed that we do not have anything from the SD Game, Fish, and Parks. I just wanted to follow up with you to 1) make sure that you received our letter, and 2) make sure that we haven't lost something that you might have sent. If you need us to provide you with additional information regarding the project please let us know! We would greatly appreciate any input you could provide regarding this project!
Thanks for your help,
Sara Stribley

Sara Stribley
Staff Specialist
ENSR Corporation
1601 Prospect Pkwy
Fort Collins, CO 80525
970.493.8878 ext. 168
sstribley@ensr.com

CONFIDENTIAL

DEPARTMENT OF GAME, FISH AND PARKS
Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

February 8, 2006

Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Dear Mr. Johnson:

As requested, I have searched the South Dakota Natural Heritage Database for records of rare, threatened or endangered species and unique ecosystems or sensitive communities. ENSR requested a five-mile buffer along the proposed pipeline route for animals and a three-mile buffer for plants. To simplify to search and keep the costs down, I used a five-mile buffer for both. Therefore, some plant records that ENSR did not request might be included.

Some additional information on the data should be considered. The proposed route of the pipeline is through an area known as the Hecla Sandhills, in NW Marshall County. Much of the Hecla Sandhills area remains in native grassland. This area is unique due to the subirrigated grasslands and associated rare plant species. There are a number of rare plant records in the Hecla Sandhills that are included in the data.
The following description of the Hecla Sandhills is taken from:

Environmental Assessment: Dakota Tallgrass Prairie Habitat Preservation Area
Prepared by: U.S. Fish and Wildlife Service
Sand Lake National Wildlife Refuge
39650 Sand Lake Drive
Columbia, SD 57433
and
U.S. Fish and Wildlife Service
Refuges and Wildlife, Division of Realty
134 Union Blvd., Suite 350
Lakewood, CO 80228-1807
January 2000

In northeastern Brown County and northwestern Marshall County, South Dakota, a very unique and relatively small grassland ecosystem exists. The

soils of this grassland are dominated by the Hecla-Hamar-Ullen association which is nearly level to undulating, well-drained to poorly drained, sandy and loamy soils (USDA, SCS 1936). Portions of this area have a very rough topography with a high density of wetlands, and blowouts occur in the choppy hills. Soils of this area are classified as the Maddock-Serden and the Serden-Hamar-Venlo associations which are excessively drained, somewhat poorly drained, and poorly drained level to rolling, sandy soils on glacial plains. This area is referred to by the local communities as the "Hecla Sandhills." Much of the Sandhills remains in grass, and the majority of the grass is native prairie. These sandy soils have evolved a grassland ecosystem which is very unusual to this region. This grassland ecosystem is considered to be a Sandy Tallgrass Transition Prairie (STTP) dominated by plants such as big bluestem, sand bluestem, prairie sandreed, needle-and-thread, green needlegrass, Indiangrass, and western wheatgrass. See Appendix A for species listed in this document with accompanying scientific names.
The vegetation of the Hecla Sandhills is mapped as Nebraska Sandhills prairie. The nearest extent of the Nebraska Sandhills lies some 200 miles south-southwest of the Hecla Sandhills in extreme south-central South Dakota, distinguishing the Hecla Sandhills as an extreme outlier of this vegetation type. The closest area of other substantial sandhills topography and vegetation approaches only 50 miles to the northeast as the Sheyenne National Grassland of southeastern North Dakota, but the slightly higher precipitation there supports oak savanna type vegetation.
The Hecla Sandhills area is surrounded by a more level to gently undulating topography which has a very high water table. This area has numerous subirrigated meadows that are used as native hayland and pasture. The majority of this area has been converted to cropland; however, some relatively large tracts (greater than 160 acres) of native prairie remain. The entire region covers approximately 220 square miles in South Dakota with less than 25 square miles considered to be Sandhills.

The proposed route crosses a number of streams in Beadle and Kingsbury counties that are known Topeka shiner streams. These streams include Redstone, Rock, Middle Pearl Creek, South Fork Peark Creek, and Shue Creek. Although there are no collection sites in these streams within the five-mile buffer zone, it is known that the species occurs in these streams and is likely to occur in the five-mile buffer of the proposed pipeline route. I included those records outside the five-mile buffer in a separate section. Other records of Topeka shiners that were in the five-mile buffer are in the main data section.

Migratory species such as the federally endangered whooping crane could be present temporarily during the spring and fall migration. The bald eagle, a federal threatened species, is migrant throughout the area and may winter locally. The area below Gavins Point Dam is a known winter roost site for bald eagles. Bald eagle nests are becoming more common in South Dakota. It is possible that unknown or new nests of bald eagles could be found on the pipeline route. Two known nests are reported in the data, both are

on the Missouri River near Yankton. The nest on the Nebraska side of the river, just below the Meridian Bridge, was reportedly destroyed by wind.

Additionally, the area below Gavins Point Dam harbors a known concentration of freshwater mussels of at least 17 species. Two federally listed species have been documented in this area, the Higgins Eye and the Scaleshell. The most important habitats are upstream from the proposed crossing site, where firm, gravel substrates are present. Areas of the river that are primarily shifting sand bottom have few to no mussels. A survey was recently completed for the state of Nebraska Department of Road at the site of the new highway bridge just upstream from the proposed crossing. Only a few common mussels were found, due the shifting sand substrate.

A third federally listed mussel, the Fringed Mapleleaf, was found during a survey of the James River in 2002. However, this was a single, relict shell that could be hundreds or even thousands of years old. This species is considered extirpated from the James River.

If you have any questions about this data or need additional information just let me know.

Sincerely,

Doug Backlund
Wildlife Biologist

CONFIDENTIAL

DEPARTMENT OF GAME, FISH AND PARKS
Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

INVOICE

February 9, 2006

Invoice from South Dakota Natural Heritage Database to:

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
ATTN: Charles Johnson

RE: Keystone Pipeline Project

Fee for database search for ENSR:

3 hours of staff time @ $30.00 per hour	**$90.00**
Two database searches @ $30.00 per search	**$60.00**
	$150.00

Make check payable to **SD Dept. of Game, Fish and Parks**

Submit payment to:

South Dakota Dept. of Game Fish and Park
523 E. Capitol-Foss Bldg.
Pierre, SD 57501
ATTN: Doug Backlund

CONFIDENTIAL

January 24, 2006

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
tel 970.493.8878
fax 970.493.0213
email
cjohnson@ensr.aecom.com
web www.transcanada.com

Doug Hansen
Wildlife Division Director
South Dakota Game, Fish, and Parks
412 West Missouri
Pierre, SD 57501

Dear Mr. Hansen:

TransCanada is planning to construct and operate a 1,830-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). ENSR Corporation (ENSR) has been retained by TransCanada to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for the proposed Keystone Pipeline Project (Project) within the U.S. In the U.S., the proposed Project would consist of approximately 1,070 miles of new pipeline constructed from the U.S.-Canada border in Pembina County, North Dakota to terminals and refineries in Salisbury (Chariton County), Missouri, Wood River (Madison County), and Patoka (Marion County), Illinois. TransCanada would construct the new pipeline within a temporary 110-foot-wide construction right-of-way (ROW). After construction and reclamation, the ROW would revert to a 60-foot-wide permanent ROW. TransCanada proposes to begin construction in the spring of 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. The Project will meet all federal, state and local regulatory requirements and will implement an Integrity Management Program to help ensure public safety and to protect the environment. Flow meters and delivery metering stations will measure the amount of product transported and delivered to terminals. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations and motor operated valves (MOVs) located along the pipeline route. Local power providers will be responsible for obtaining the necessary approvals and authorizations for any such construction.

National Environmental Policy Act Process

TransCanada
In business to deliver

The Department of State governs the issuance of Presidential Permits for crude oil pipelines across U.S. borders and will be the federal lead for the NEPA process. In evaluating the Presidential Permit application (including an EA), the Department of State will solicit the views of other federal agencies, including the Department of Interior. Based on public and agency input, the Department of State will review the EA to determine whether a Finding of No Significant Impact (FONSI) is appropriate or whether an Environmental Impact Statement must be prepared with respect to potential significant environmental impacts within the U.S. In addition to the NEPA process, the Department of State must comply with other requirements and regulations, including the Endangered Species Act.

Information Request

Enclosed is an overview map of the entire proposed route that traverses parts of North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois. In South Dakota, the Project will cross portions of Marshall, Day, Clark, Beadle, Kingsbury, Miner, Hanson, McCook, Hutchinson, and Yankton counties (see attached Overview Map and CD with the Electronic Centerline).

On behalf of TransCanada, ENSR would like to provide an opportunity for South Dakota Game, Fish, and Parks (SDGFP) biologists and botanists to identify prominent terrestrial and aquatic resource issues or concerns that may occur within or adjacent to the project area, focusing on species that are either sensitive (e.g., state-listed), have high economic value (e.g., big game, waterfowl), or are considered important by the state (e.g., raptors, bats). Please forward this request to the applicable specialists (e.g., fisheries and/or wildlife biologists, habitat biologists, botanists, etc.) so they may provide information and input. Resource information provided by the SDGFP will be reflected in the environmental baseline description pertaining to the project. If applicable, please send electronic files for our environmental analysis to: cjohnson@ensr.aecom.com.

Where it appears that possible or probable concerns relative to sensitive species or habitats may occur, please indicate whether surveys might be required, as well as the preferred methodology and level of effort you would consider acceptable for the surveys.

TransCanada
In business to deliver

ENSR also is contacting the U.S. Fish and Wildlife Service and State Natural Heritage Program to request sensitive species information and to obtain input regarding the proposed Project route in South Dakota. If you have any questions regarding this request, please call me at (970) 493-8878. You also may direct project-related questions to the ENSR project manager, Scott Ellis, at the same number. Thank you in advance for your prompt response to this request.

Sincerely,

Charles Johnson
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map
CD

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January 24, 2006

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
tel 970.493.8878
fax 970.493.0213
email cjohnson@ensr.aecom.com
web www.transcanada.com

Doug Backlund
Database Manager/Biologist
South Dakota Natural Heritage Program
South Dakota Department of Game, Fish and Parks
523 E. Capitol-Foss Bldg.
Pierre, SD 57501-3182

Dear Mr. Backlund:

TransCanada is planning to construct and operate a 1,830-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). ENSR Corporation (ENSR) has been retained by TransCanada to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for the proposed Keystone Pipeline Project (Project) within the U.S. In the U.S., the proposed Project would consist of approximately 1,070 miles of new pipeline constructed from the U.S.-Canada border in Pembina County, North Dakota to terminals and refineries in Salisbury (Chariton County), Missouri, Wood River (Madison County), and Patoka (Marion County), Illinois. TransCanada would construct the new pipeline within a temporary 110-foot-wide construction right-of-way (ROW). After construction and reclamation, the ROW would revert to a 60-foot-wide permanent ROW. TransCanada proposes to begin construction in the spring of 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. The Project will meet all federal, state and local regulatory requirements and will implement an Integrity Management Program to help ensure public safety and to protect the environment. Flow meters and delivery metering stations will measure the amount of product transported and delivered to terminals. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations and motor operated valves (MOVs) located along the pipeline route. Local power providers will be responsible for obtaining the necessary approvals and authorizations for any such construction.

National Environmental Policy Act Process

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TransCanada
In business to deliver

significant environmental impacts within the U.S. In addition to the NEPA process, the Department of State must comply with other requirements and regulations, including the Endangered Species Act.

Information Request

Enclosed is an overview map of the entire proposed route that traverses parts of North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois. In South Dakota, the Project will cross portions of Marshall, Day, Clark, Beadle, Kingsbury, Miner, Hanson, McCook, Hutchinson, and Yankton counties (see attached Overview Map and CD with the Electronic Centerline).

In order to address potential impacts to aquatic and terrestrial plant and animal species, we are requesting occurrence data for:

- Federally listed, proposed, and candidate species;
- Designated critical habitat of federally listed species;
- State listed or state sensitive species; and
- Unique ecosystems or sensitive communities.

Because of the mobility of wildlife species, ENSR would like to request sensitive wildlife information 5 miles beyond the Project boundary. We also would like to request sensitive plant data 3 miles beyond the Project boundary. If applicable, please send electronic files for our environmental analysis to: cjohnson@ensr.aecom.com.

ENSR also is contacting the U.S. Fish and Wildlife Service and South Dakota Game, Fish, and Parks to request sensitive species information and to obtain input regarding the proposed Project route in South Dakota. If you have any questions regarding this request, please call me at (970) 493-8878. You also may direct project-related questions to the ENSR project manager, Scott Ellis, at the same number. Thank you in advance for your prompt response to this request.

Sincerely,

Charles Johnson
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map
CD

Backlund, Doug

From: Daggett, Rollin [RDaggett@ensr.aecom.com]
Sent: Monday, January 23, 2006 4:35 PM
To: Backlund, Doug
Subject: Keystone Pipeline Project - T&E Data Request

Doug,

As I explained during our recent phone call, I am preparing the fisheries sections of an Environmental Assessment (EA) for the proposed Keystone Pipeline Project. The pipeline route would cross water bodies in South Dakota, as listed below by county. Information that I would like to obtain for the water bodies would be a list of list of federal or state-listed species and important spawning or rearing habitat. The water bodies include the following:

Unnamed tributary to Amsden Dam (Day County)
Antelope Creek (Day County)
Foster Creek (Day Creek)
Wolf Creek (Hanson and Hutchinson Counties)
Lutz Lake (Hanson County)
James River (Yankton County)
Beaver Creek (Yankton County)
Marne Creek (Yankton County)
Missouri River (Yankton and Cedar Counties)

For clarification, you will be receiving a separate letter request from ENSR for a complete special status species record search. This request for aquatic species (fish and mussels) is part of that same data search. I understand that there is a charge for the data search. You can include the aquatic species in one billing for the project if that is easier for you. If you have any questions about the request, please call or send an e-mail. Thanks again for your help.

Rollin Daggett
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
970-493-8878, Ext 110

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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:

Name	Natalie Gates
Title	Fishery Biologist
Organization	US Fish and Wildlife Service South Dakota Field Office
Address	420 South Garfield Avenue, Suite 400, Pierre, SD 57501
County	
Phone	605-224-8693, Ext 34
E-mail address	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:

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Johnson, Charlie

From: John_Cochnar@fws.gov
Sent: 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
WS_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 retuning 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 ...er from the Platte River basin be used to test the pipeline and it ...sults 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

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

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

To: <John_Cochnar@fws.gov>, <rey.grell@ngpc.ne.gov>

cc: "Castle, Carla" <ccastle@ensr.aecom.com>

Subject: Keystone NEGPC-USFWS meeting Minutes

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

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
(970) 493-0213

Johnson, Charlie

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
ENSR|AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
(970) 493-8878
cjohnson@ensr.aecom.com

Johnson, Charlie

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
Senior Wildlife Biologist
ENSR|AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
(970) 493-8878
cjohnson@ensr.aecom.com

Johnson, Charlie

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

Charles Johnson
Senior Wildlife Biologist
ENSR|AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
(970) 493-8878
cjohnson@ensr.aecom.com

Johnson, Charlie

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
ENSR|AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
(970) 493-8878
cjohnson@ensr.aecom.com

CONFIDENTIAL

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/

CONFIDENTIAL

Johnson, Charlie

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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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 02:27 PM -----

Dan Mulhern
07/11/2006 01:53 PM

To: John Cochnar/R6/FWS/DOI@FWS
cc: Mike LeValley/R6/FWS/DOI@FWS, Connie Young-Dubovsky/R6/FWS/DOI@FWS
Subject: Keystone (Trans Canada) Pipeline Project

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. biggest question for them would be the extent of any surveys to be onducted and who will be doing them.

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

Dan

CONFIDENTIAL

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, 2206, 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 Sandhillls, Raymond Prairie Chicken Leks, 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.

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

Office (701) 355-8505
Fax (701) 355-8513
Terry_Ellsworth@fws.gov

CONFIDENTIAL

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


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MNDNR_Dakota_Skipper_Protocol ...


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
(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 02:25 PM -----

Charlene Bessken
07/03/2006 10:02 AM

To: "Stribley, Sara" <sstribley@ensr.aecom.com>
cc: Doug.Backlund@state.sd.us, John Cochnar/R6/FWS/DOI@FWS
Subject: Re: Dakota Skipper Survey Protocols(Document link: John Cochnar)

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.

(See attached file: MNDNR_Dakota_Skipper_Protocol.jpg)(See attached file: MNDNR_Dakota_Skipper_Protocol (2).jpg)(See attached file: sk-cons-guid_2005.pdf)

:lene "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/

"Stribley, Sara" <sstribley@ensr.aecom.com>
06/27/2006 11:21 AM

To: <Charlene_Bessken@fws.gov>
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

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.