

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION )  
BY TRANSCANADA KEYSTONE PIPELINE, )  
LP FOR A PERMIT UNDER THE SOUTH )  
DAKOTA ENERGY CONVERSION AND )  
TRANSMISSION FACILITIES ACT TO )  
CONSTRUCT THE KEYSTONE PIPELINE )  
PROJECT )

HP 07-001

**REBUTTAL TESTIMONY  
OF SCOTT ELLIS**

1. State your name and occupation

A: Scott Ellis, Senior Program Manager, ENSR, Fort Collins, CO.

2. Did you provide direct testimony in this proceeding?

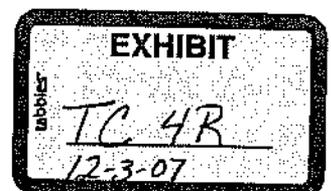
A. Yes

3. In rebuttal, to whose direct testimony are you responding?

A. I am responding to the direct testimonies of George Piper, Chris Hastings, Ben Grote and Tim Hofer.

4. In his testimony in this matter, George Piper indicates his concern that the proposed route crosses the habitat of several protected species. Can you comment?

A. In compliance with the federal Endangered Species Act, Keystone has consulted with the U.S. Fish and Wildlife Service to identify potential threatenend and endangered species that could be affected by project construction. Surveys were conducted for the bald eagle, Dakota skipper, western prairie fringed orchid, and Topeka Shiner in 2006 and 2007. The results of this work were incorporated into a Biological Assessment that was submitted to the Service. The

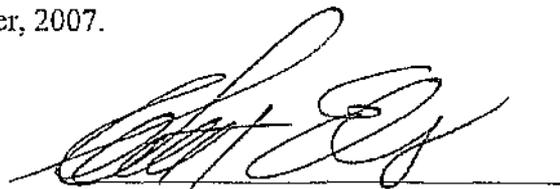


Biological Assessment included measures to avoid or reduce effects on listed species. It is anticipated that the Service will prepare a Biological Opinion that will include measures to ensure habitat restoration for these species.

5. In their testimonies in this matter, Chris Hastings, Ben Grote and Tim Hofer testified regarding a concern that oil will warm the soil over and around the pipeline and that noxious weeds would grow and flourish as a result. Can you comment on that?

A. Keystone witness Koski testified that the operation of the pipeline is not anticipated to result in significant effects to soil temperatures or significant overall effects to crops and vegetation. Keystone does acknowledge that noxious weeds may be present in construction right of way, and that there may be potential for noxious weed population expansion after construction is completed. Keystone's Construction Mitigation and Reclamation Plan (CMRP) filed with the Department of State includes measures for noxious weed identification and control along the construction right of way prior to construction; construction equipment cleaning to prevent the further spread of noxious species, and for noxious weed monitoring and control on the land underlying any Keystone aboveground facilities. In conjunction with post-construction monitoring programs, Keystone has stated that "Weed control measures shall be implemented as required in conjunction with the landowner" (CMRP, page 35

Dated this 14<sup>th</sup> day of November, 2007.



SCOTT ELLIS