

TransCanada – Keystone XL Phase II Pipeline Meeting Summary E-Mail Posting Form

Meeting Location: SDGFP, Pierre, SD

Date & Time: January 27, 2009 / 9:00 a.m. – 10:45 a.m.

Keystone Team Members: Patti Lorenz

Agency Contact Information:

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Meeting Purpose:

AECOM met with the SD USFWS and SDGFP to discuss survey requirements, surveys protocols, mitigation measures, and best management practices for wildlife and special status species that have been identified for the Project. The goals of this meeting were to obtain agency concurrence on the proposed survey protocols, survey locations, and other mitigation measures.

Meeting Notes

Species Discussion:

Black-footed Ferret:

SD block cleared. No further surveys or mitigation requirements. Prairie dog towns were identified during the 2008 biological field surveys. SDGFP notes good information for associated burrowing owls. They are not a listed species but will fall under the MBTA.

American Burying Beetle:

No further survey work will be accepted. Off-site mitigation banking will be required for impacts to suitable ABB habitat at a 1:2 reclamation ratio. Both USFWS and SDGFP will required off-site mitigation to enhance ABB habitat in southern Tripp County.

Recommendations include purchasing land for SDGFP management (e.g. waterfowl protection areas, areas for hunting), setting up conservation easements with the Nature Conservancy, or USFWS easements (e.g. grassland easement). Suggested properties include Dogear Lake, Rahn Lake, and Turtle Butte. Concerns regarding light pollution also exist for areas of the sandhills that remain undeveloped. ABB are impacted to light by being attracted to it instead of meeting their daily needs for survival. SDGFP provided some BMP's including installing shading on light fixtures that focus the light towards the ground and types of bulbs that are not as bright.

Whooping Crane:

Keystone will not be permitting the transmission lines but will add recommendations to bury and or mark appropriately overhead lines. Regarding centerline construction, the USFWS recommends surveying for cranes if construction will cross wetland/waterbody habitat that provides suitable stopover habitat during the migration period. USFWS would accept clearance from an Environmental Inspector (EI). It would be beneficial to provide a habitat assessment to quantify suitable stopover habitat.

Interior Least Tern.

Data was presented from the 2008 surveys at the Cheyenne River. No further surveys are needed if construction occurs outside the nesting period at the Cheyenne River. HDD methods will eliminate impacts to nesting habitat. The SDGFP will be conducting annual surveys at the Cheyenne and will provide AECOM with the results. If construction occurs during the nesting period, additional nesting surveys would be required.

Western Prairie Fringed Orchid:

Surveys are scheduled for 2009. USFWS recommends additional surveys in 2010 as well because the flowers do not always bloom each year. In addition, these plants are root based so an approach to protect seeds (e.g. topsoil segregation) is not applicable. The surveyor also needs to be capable of locating the plant without the flowers present and at young stages. There has not been a record in South Dakota in 100 years but this part of the state has never been surveyed. Don Hazlette was mentioned as a qualified surveyor.

Swift Fox:

Data was presented regarding potential swift fox dens located during the 2008 biological field surveys. Activity status was not determined at that time. SDGFP recommends verifying the use by canids and conducting more intensive surveys prior to construction. If an EI notices a potential den site prior to construction, it is recommended that the activity be verified prior to disturbing the den. SDGFP is only concerned about impacts directly disturbed by construction and during the denning period. It was also noted that no den sites were identified in the initial area described at the first meeting in 2008.

River Otter:

Surveys are planned prior to construction at the Cheyenne, White, and Bad rivers. SDGFP recommends surveys only if suitable habitat (e.g. beaver lodges) is found at the crossing.

Sensitive Fish:

Concern for these species within crossings of tributaries of the Keya Paha River. AECOM presented data from the 2008 biological surveys. Only two intermittent crossings were identified. SDGFP will look at the crossings with more detail to determine the need for presence/absence surveys. SDGFP would like more data because these streams have never been surveyed. Buffalo Creek was delineated but Lute Creek was not and it was recommended that a delineation be completed. SDGFP will provide more information on spawning periods.

Bald Eagle:

AECOM presented the results of the 2008 aerial raptor surveys. Additionally, winter roost surveys are scheduled for February 2009 and nesting surveys are planned for April 2009. SDGFP does not believe any communal roost sites exist along the route. SDGFP will provide the agreement between USFWS/SDGFP/ACOE on bald eagle guidelines.

Raptors:

Ferruginous hawk nests mostly in trees in SD. Ground crews did not identify and ground nests. AECOM asked if it would be possible to remove nest trees outside the nesting period. SD law prohibits these activities without a permit. SDGFP will provide more information on the permit.

Prairie Grouse:

SDGFP recommends aerial lek surveys along the ROW within line of sight (~0.25 miles). SDGFP will provide locations and surveys frequency.

Follow-up Required / Requested

SDGFP Needs:

- More information on sage grouse habitat and survey protocol – AECOM will follow up with Chad Switzer.

AECOM needs:

- Information of South Dakota law regarding removing nest trees;
- MOU with ACOE, USFWS, and SDGFP regarding bald eagle management;
- ABB off-site mitigation options;
- Aerial grouse lek survey locations;
- Annual survey results for least tern at the Cheyenne River;
- Survey period for sensitive fish species.

Additional Comments

- Sprague's Pipit is up for federal listing. The USFWS will send the 90 day finding. This species may warrant native prairie surveys.
- MBTA discussions are ongoing and KXL will most likely follow suite with the developing Keystone Conservation Agreement. This will involve mitigating for the loss of trees and grassland habitat.
- Verify that the pipeline will not heat wetlands/waterbodies crossed, keeping them open and attracting waterfowl to stay in an area when they should be migrating through.
- AECOM will finalize a document with the results of this meeting to be sent out for final concurrence to TransCanada and USFWS/SDGFP.
- Dave Ottie is a good contact for reclamation seed mix recommendations.