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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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April 8, 2009

Brett Koenecke
May, Adam, Gerdes & Thompson LLP
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501

Subject: TransCanada Keystone Emergency Response Plan

Dear Mr. Koenecke,

On April 7, 2009, the department received the Emergency Response Plan for the Keystone Pipeline System. I am returning the document to you because the department does not have the authority to hold it confidential as you requested. Any application for department approval under SDCL 34A-18 is considered public record and cannot be held confidential. To discuss this issue further, contact Roxanne Giedd with the Office of the Attorney General at 605.773.3215 or Joe Nadenicek, DENR Staff Attorney, at 605.773.3151 or feel free to contact me at 605.773.3296 to arrange a meeting with the department's attorneys.

Sincerely,

Brian J. Walsh
Hydrology Specialist
Ground Water Quality Program

Enclosure (1)

cc: Roxanne Giedd, Office of the Attorney General, Pierre SD (w/o enclosure)
Joe Nadenicek, DENR, Pierre SD (w/o enclosure)