

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF NAVIGATOR HEARTLAND  
GREENWAY, LLC FOR A PERMIT UNDER THE SOUTH DAKOTA ENERGY  
CONVERSION AND TRANSMISSION FACILITIES ACT TO CONSTRUCT THE  
HEARTLAND GREENWAY PIPELINE IN SOUTH DAKOTA**

**DOCKET NO. HP22-002**

**Direct Testimony of Brian Sterner  
On Behalf of the Staff of the South Dakota Public Utilities Commission  
May 25, 2023**

1 **Q: Please state your name and business address.**

2

3 A: Brian Sterner, 2009 Mackenzie Way, Suite 100, Cranberry Township,  
4 Pennsylvania 16066

5

6 **Q: Describe your educational background.**

7

8 A: I have a Bachelor of Science in Biology from Grove City College. I also have  
9 professional trainings in wetland delineation, wetland mitigation, workplace safety  
10 and environmental impact studies.

11

12 **Q: By whom are you now employed?**

13

14 A: I have been employed by Environmental Resources Management, Inc. since  
15 November 2011.

16

17 **Q: What work experience have you had that is relevant to your involvement on  
18 this project?**

19

20 A: I have 33 years of experience as a biologist responsible for permitting and  
21 compliance under state and federal wetland and water quality laws and policy. I  
22 have extensive experience preparing National Environmental Policy Act (NEPA)  
23 environmental studies and documentation including Categorical Exclusions,  
24 Environmental Assessments, and Environmental Impact Statements. As an  
25 environmental consultant, I have been responsible for project compliance under  
26 the federal Clean Water Act requirements for waterbodies, the National Pollutant  
27 Discharge Elimination System (NPDES), and related studies and analyses for  
28 water quality of surface waters and groundwater. I have also conducted studies  
29 under the Migratory Bird Treaty Act (MBTA), including recent preparation of a Bald  
30 Eagle and Osprey Management Plan. I have training and experience in freshwater  
31 mussel identification and aquatic ecology, and I have also conducted numerous  
32 field studies for threatened and endangered species, including several species of  
33 bats and numerous species of vegetation. I am recognized as a Qualified Botanist  
34 by the Pennsylvania Department of Conservation & Natural Resources  
35 (PACDNR). I have extensive experience in remote land use reconnaissance and  
36 aerial interpretations, particularly as it relates to wetlands and forest ecosystems.  
37 I also have formal training by the Federal Energy Regulatory Commission for  
38 environmental review and compliance. I have applied my experience throughout  
39 the United States, working on transportation, energy production and pipeline  
40 networks, remediation, and other infrastructure projects.

41

42 **Q: What Professional Credentials do you hold?**

43

44 A: Professional Wetland Scientist (PWS) through the Society of Wetland Scientists,  
45  
46 Qualified Botanist by the PADCNR,

47  
48 Certified Pesticide/Herbicide Applicator by the PADCNR (for the purpose of  
49 invasive species control on mitigation projects).  
50

51 **Q: What is the purpose of your testimony?**  
52

53 A: To provide an assessment of the completeness and adequacy of the Hydrology  
54 section (6.4) and Water Quality section (6.10) of the Application. My testimony  
55 contains my professional opinion based on experience, review and comparison of  
56 other water-related sections of the Application, and includes statements and  
57 recommendations regarding additional review, assessments and supplemental  
58 information that Navigator Heartland Greenway Pipeline System may conduct and  
59 include in the Application so that the impact analysis may be considered complete.  
60

61 To provide an assessment of the completeness and adequacy of Section 6.5 -  
62 Terrestrial Wildlife and Ecosystems of the Application. My testimony contains my  
63 professional opinion based on experience, review, and comparison of other land-,  
64 soil-, and ecosystems-related sections of the Application, and includes statements  
65 and recommendations regarding additional review, assessments, and  
66 supplemental information that Navigator Heartland Greenway Pipeline System  
67 may conduct and include in the Application so that the impact analysis may be  
68 considered complete.  
69

70 **Q: What methodology did you employ for your hydrologic and water quality  
71 review?**  
72

73 A: The methodology that I employed to review and assess Section 1.8 - Other  
74 Required Permits, I referenced my long-term experience in federal and state  
75 regulatory requirements as it relates to wetland and waterbody permitting, as well  
76 as water quality related assessments and required permitting. The required federal  
77 and state permits are discussed in more detail below, but they are identified in  
78 Table 1.8-1 – Anticipated Permits for South Dakota Segment of the Heartland  
79 Greenway Pipeline System of the Application.  
80

81 The methodology that I employed to review and assess Section 6.4.1 - Drainage  
82 Patterns, was first based on a full review of all water-related sections of the  
83 Application, including soils and geology. I also referenced my extensive wetland  
84 delineation and mitigation experience and understanding of groundwater and  
85 drainage patterns. I also utilized my experience in the permitting and construction  
86 oversight of large and small pipeline projects that involved a wide range of soil  
87 conditions, limitations, and topographic conditions. I reviewed the topographic  
88 maps, soils maps, and aerial maps provided in Exhibit A – Project Mapping of the  
89 Application. The definitions and characteristics of the soils shown on the soil maps  
90 was not included in the Application, so I referenced that information online from  
91 the National Resource Conservation Service (NRCS).  
92

93 The methodology that I employed to review and assess Section 6.4.2 -  
94 Groundwater, was primarily the groundwater investigations that I conducted  
95 throughout my career during the preparation of hundreds of NEPA environmental  
96 documents, each having to address potential groundwater resources and impacts.  
97 I also recently conducted air quality and hydrogeological impact assessments for  
98 natural gas wells, and I am currently involved in assessing potential groundwater  
99 impacts and wetland dewatering from a stream relocation project at the Perry  
100 Nuclear Power Plant in Perry, Ohio. I also referenced my experience relating to  
101 groundwater conditions in wetlands and wetland mitigation, and construction  
102 oversight of large capital projects, including pipelines. I also reviewed the South  
103 Dakota Department of Agriculture and Natural Resources (DANR) requirements,  
104 resources, and related Codified Law to compare to the Application.

105  
106 The methodology that I employed to review and assess Section 6.4.3 -  
107 Groundwater Impacts and Mitigation involved my experience preparing NEPA  
108 environmental studies and documents, field experience providing construction  
109 oversight to capital projects and pipeline projects, preparing hydrogeologic impact  
110 studies, an ongoing groundwater assessment from a stream relocation project, and  
111 extensive utilization of NRCS Soil Surveys for the identification of soil  
112 characteristics and groundwater resources.

113  
114 The methodology that I employed to review and assess Section 6.4.4 - Water  
115 Uses, Section 6.4.5 – Discharge Waters, and Section 6.4.6 - Deep Well Injection,  
116 I referenced the DANR Water Quality requirements and related Codified Law to  
117 compare to the Application. I also used my experience with state level existing and  
118 designated water use classifications, experience related to permitting and  
119 construction oversight of Horizontal Hydraulic Drilling (HDD) operations, and third-  
120 party waste stewardship of wastewater injection wells.

121  
122 **Q: Did you review Sections 1.8, 6.4, and 6.10 of Navigator’s Application?**

123  
124 A: Yes, all three sections were reviewed. Table 1.8-1 indicates that a NPDES General  
125 Permit is being considered to discharge hydrostatic test water to waters of the U.S.  
126 and construction dewatering to waters of the State. However, Section 6.4.5 –  
127 Discharge Waters states that discharges will occur through an energy dissipating  
128 device ideally located within well-vegetated upland area along the Project right-of-  
129 way (ROW). This discrepancy should be remedied through consultation with the  
130 USACE and DANR and fully addressed in the final Application and supporting  
131 documents, including Exhibit E – Environmental Construction Guidance (ECG).

132  
133 **Q: In your opinion, did Navigator’s Application adequately identify all required**  
134 **permits and approvals applicable to protecting water resources? Please**  
135 **explain.**

136  
137 A: Based on the project description and the information provided throughout the  
138 Application, the anticipated permits, consultations, and approvals were included in

139 the Application, particularly in Table 1.8-1. Section 1.3 - Project Overview states  
140 that the carbon capture facilities at each carbon generator facility is not included in  
141 the Application. Any required permits associated with the carbon capture facilities  
142 were not included in the Application. Thus, it cannot yet be determined whether  
143 those facilities would adversely impact water resources and whether the Project,  
144 as a whole, would adversely affect water resources without understanding the  
145 potential effects of the carbon capture facilities attached to the pipeline system.

146  
147 **Q: In your opinion, did Navigator’s Application adequately address ARSD**  
148 **20:10:22:15 (Hydrology)? Please explain.**

149  
150 **A:** No. The series of Water Protection Maps provided in Exhibit E of the Application  
151 did not contain much detail. The locations of the carbon capture facilities were not  
152 identified, nor were any drainage patterns identified on the maps. The drainage  
153 pattern pre- and post-construction were not shown on the maps in Exhibit E.

154  
155 Section 6.4.3 – Groundwater Impacts and Mitigation states that trenching, clearing  
156 and grubbing may induce temporary impacts to infiltration and wetlands. If there  
157 are shallow glacial deposits encountered, it is possible to dewater a wetland by  
158 disturbing adjacent upland areas via trenching. Specific glacial deposits near  
159 wetlands and known infiltration areas should be identified and avoided, if possible.  
160 The ECG should address the potential for encountering glacial deposits and  
161 identify appropriate mitigation measures to address both temporary and potentially  
162 permanent impacts to infiltration and dewatering of wetlands.

163  
164 Section 6.4.3 - Groundwater Impacts and Mitigation - Clearing states that  
165 vegetation would be allowed to regenerate. However, there should be an active  
166 vegetative restoration process defined to stabilize soils and allow for infiltration.

167  
168 Section 6.4.3 - Groundwater Impacts and Mitigation - Trench Excavation and  
169 Dewatering and - Horizontal Directional Drilling state that those activities may  
170 temporarily affect the water table, but the sections do not address depth of water  
171 tables nor what mitigation measures would be taken.

172  
173 Section 6.4.3 - Groundwater Impacts and Mitigation - Soil Mixing and Compaction  
174 states that soil segregation should occur to encourage infiltration. However, it  
175 states that topsoil would only be segregated in lands classified as agricultural  
176 lands. This Section also states that soil compaction would be highly localized in  
177 the corridor and mitigated through restoration. However, almost 112 miles of 100-  
178 foot-wide easement with 50-foot-wide permanent ROW with excavation and  
179 pipeline installation equipment rolling back and forth will certainly compact soil.  
180 According to online soil health information, the NRCS recommends that farmers  
181 take the “wait one more day” approach when considering the operation of heavy  
182 equipment on wet soils because soil aggregates can be crushed and agricultural  
183 production reduced. The Application and ECG do not discuss the potential impacts  
184 of operating heavy equipment on wet soils. The ECG does discuss testing for soil

185 compaction and soil decompaction measures. However, Section 4.7.1 – Soil  
186 Decompaction states "compacted subsoils (where subsurface rock does not  
187 interfere with ripping) may be scarified or ripped to a depth up to 18 inches in lands  
188 used for crop production and to a depth up to 12 inches in other agricultural lands".  
189 The ECG should state the measures that would be implemented to mitigate impact  
190 instead of what may be done.

191  
192 In Section 6.4.3 – Groundwater Impacts and Mitigation – Horizontal Directional  
193 Drilling, the Application addresses an inadvertent return to groundwater only, but  
194 does not address inadvertent returns to streams and waterbodies. The ECG does  
195 address inadvertent returns to streams and waterbodies and states that  
196 contractor(s) will develop a site specific Horizontal Directional Drilling Contingency  
197 Plan. The HDD Contingency Plan(s) have not been provided for review at this time.  
198

199 In Section 6.4.4 – Wellhead and Source Water Protection Areas of the Application,  
200 it states that the entire Minnehaha County is in a source protection area, however,  
201 the Application does not state how much of the project would affect the source  
202 protection area. The Application does later state that local coordination would  
203 occur to minimize impacts and that contractors would follow the measures in the  
204 ECG.  
205

206 Hydrology and hydrologic features typically identified and assessed for capital  
207 projects and required for federal and state permits include watersheds,  
208 waterbodies, wetlands, aquifers, springs, seeps, general groundwater elevations  
209 and flow direction. Some hydrologic features such as wetlands, streams and  
210 aquifers were mentioned in the text and tables of the Application, but the other  
211 items were not discussed at all. Thus, a full assessment of the potential impacts to  
212 hydrology and hydrologic features cannot be completed at this time.  
213

214 **Q: In your opinion, did Navigator’s Application adequately address ARSD**  
215 **20:10:22:20 (Water Quality)? Please explain.**  
216

217 A: No. The Application did not address water quality discharge related to NPDES  
218 permitting for construction activities. This includes preparation of the Stormwater  
219 Pollution Prevention Plan (SWPPP) for the project to be included as an Exhibit in  
220 the Application. The application did not contain a SWPPP.  
221

222 **Q: Does Navigator correctly identify the permits required for hydrostatic test**  
223 **water withdrawal and discharge?**  
224

225 A: Yes. Table 1.8-1 correctly identifies that a NPDES Permit (General Permit  
226 SDR070000) Authorizing Temporary Discharges Activities under the South Dakota  
227 Surface Water Discharge System would be needed to address the discharge of  
228 hydrostatic test water. Table 1.8-1 also identifies that the issuance of a Permit to  
229 Appropriate water would be needed for water withdrawal for temporary use.  
230 Although Table 1.8-1 does not identify the issuing agency, DANR issues water

231 permits through the Water Rights Program. The Application also states that the  
232 Applicant will develop a hydrostatic test plan and will obtain the necessary permits  
233 and landowner permissions prior to water use or discharge activities.  
234

235 **Q: Do you have any additional recommendations regarding either hydrostatic**  
236 **test water withdrawal or discharge?**  
237

238 A: I do not have any additional recommendations regarding the withdrawal or  
239 discharge of hydrostatic test water. These activities are addressed in the  
240 Application text, as well as in Exhibit E.  
241

242 **Q: Did you review Stormwater Pollution Prevention Plan (SWPPP) for the**  
243 **Project?**  
244

245 A: No. The Applicant has not addressed NPDES construction discharge permit  
246 requirements, which includes the preparation of a SWPPP for the project. A  
247 SWPPP will need to be prepared. A SWPPP was not mentioned in the Application  
248 or Exhibits.  
249

250 **Q: What was the methodology used to locate the best location, angle, and type**  
251 **of wetland and waterbody crossing?**  
252

253 A: The Application did discuss a general methodology of using publicly available  
254 resources, aerial mapping, and some field studies to identify and minimize impacts  
255 to water resources. However, based on the mapping provided in Exhibit A – Project  
256 Mapping, the proposed pipeline would cross waterbodies at various angles.  
257 Waterbody crossings are typically at 90 degrees to the waterbody to minimize  
258 potential impacts. Input from the state and federal agencies should be obtained  
259 and will likely be required for the formal permit applications and impact  
260 assessments. In addition, the Application did not mention whether jurisdictional  
261 and non-jurisdictional wetlands were delineated. The federal water resource  
262 permits, such as the USACE Nationwide Permit 58, will require that wetlands be  
263 delineated and a jurisdictional determination provided.  
264

265 **Q: What methodology did you employ for your review of terrestrial impacts?**  
266

267 A: The methodology that I employed to review and assess Section 6.5.1 - Vegetation  
268 included reference to various online resources, including the U.S. Geological  
269 Service (USGS) National Land Cover Database map, data and mapping from the  
270 DANR, and SouthDakota.gov to obtain relevant and current information to  
271 compare to the Application.  
272

273 The methodology that I employed to review and assess Section 6.5.3 - Wildlife,  
274 which includes protected species and game species, I initially reviewed the entirety  
275 of the Application since there are discussions involving terrestrial species and  
276 potential impacts located throughout the Application. I also referenced the U.S.

277 Fish and Wildlife Service (USFWS) occurrences database and Environmental  
278 Conservation Online Database (ECOD), the South Dakota Endangered and  
279 Threatened Species Codified Law Chapter 34A-8, and online data and mapping  
280 from the South Dakota Game, Fish, and Parks (GFP) to compare with the  
281 Application. I also referenced the GFP Wildlife Action Plan, Species in Greatest  
282 Conservation Need list, and Natural Heritage Database to compare with the  
283 Application.

284  
285 The methodology that I employed to review and assess ecosystems, I referenced  
286 many of the sources listed above, as well as the U.S. Environmental Protection  
287 Agency (EPA) Ecoregions for North America and the aerial maps provided in the  
288 Application for use in remote mapping interpretation to compare with the  
289 information provided in the Application.

290  
291 The methodology that I employed to review and assess noxious weeds, I  
292 referenced the South Dakota Noxious Weeds Codified Law 38-22 and the South  
293 Dakota Noxious Weeds list maintained by the South Dakota State University  
294 Extension to compare with the Application. I also utilized my work experience  
295 identifying and managing noxious plants on wetland and habitat restoration  
296 projects.

297

298 **Q: Did you review section 6.5 of Navigator’s Application?**

299  
300 A: I reviewed the entirety of Section 6.5 – Terrestrial Wildlife and Ecosystems.  
301 Several observations were noted and discussed in more detail in the applicable  
302 answers below. These include that the Applicant did not identify ecosystems using  
303 the EPA Ecoregions of North America classification system for South Dakota, there  
304 is a need to complete field studies to fully determine potential impacts to vegetation  
305 and noxious plants, there is a need to further address high rutting hazard soil  
306 areas, breeding periods of migratory birds need to be confirmed, and there is a  
307 need to conduct additional studies to determine whether habitat for the Northern  
308 Long-eared bat is present in the Project area.

309

310 **Q: Please summarize what information was included in section 6.5 of**  
311 **Navigator’s Application.**

312  
313 A: The Application identified that the Project would cross the Prairie Parkland  
314 Province, which is characterized by gentle rolling hills with steep valley bluffs. The  
315 Application stated that elevations can range from 1,000 to 2,000 feet. The  
316 Application did not state this was an elevation above sea level or clarify whether  
317 elevations change by 1,000 feet in elevation along the Project corridor. The  
318 National Land Cover Database was utilized to identify and describe the vegetative  
319 communities in Section 6.5.1 - Vegetation, including Table 6.5-1 – Vegetative  
320 Communities Crossed by the Project which quantifies the area of the vegetative  
321 communities to be crossed by the Project. Section 6.5.1 also identified State and  
322 County listed noxious weeds occurring within the project area and included Table

323 6.5-3 – Reported Infestations (2020) of Statewide Noxious Weeds in Counties  
324 Crossed by the Project which included the acreage of reported noxious weeds  
325 reported in counties crossed by the Project. Potential impacts to vegetation and  
326 wildlife were also discussed.

327  
328 **Q: In your opinion, did Navigator’s Application adequately address ARSD**  
329 **20:10:22:16 (Effect on terrestrial ecosystems)? Please explain.**

330  
331 A: No, the Application should have used the EPA Ecoregions of North America  
332 classification system for South Dakota when describing the terrestrial ecosystems.  
333 The Application only identified the Prairie Parkland Province ecosystem, and the  
334 source was not cited. If the EPA method was utilized, multiple ecosystems would  
335 be shown to be affected by the Project instead of only the Prairie Parkland  
336 Province.

337  
338 **Q: In your opinion, did section 6.5.2 of Navigator’s Application properly**  
339 **identify the potential impacts to vegetation?**

340  
341 A: The Application appears to properly identify potential impacts to vegetation.  
342 Specific vegetative communities, including noxious weeds, may be identified  
343 during the additional field studies and agency consultations that were mentioned  
344 throughout the Application. The Weed Management Plans address pre- and post-  
345 construction discovery of populations of noxious and undesirable weeds and the  
346 treatment to manage them.

347  
348 **Q: Do you agree with the mitigation measures Navigator plans to implement to**  
349 **minimize the potential impacts to vegetation?**

350  
351 A: Yes, however, Section 6.5.2 - Impacts to Vegetation and Mitigation Measures  
352 states that where Conversation Reserve contracts are in place, the Applicant  
353 would work with the landowner. A stronger commitment or detailed process of  
354 negotiation / arbitration (e.g., negotiations involving qualified representatives of the  
355 following: U.S. Department of Agriculture (USDA); South Dakota Department of  
356 Agriculture, Division of Resource Conservation and Forestry, State Conservation  
357 Commission; and/or GFP) should be provided. There are specific requirements  
358 that landowners must follow to maintain properties in the Conservation Reserve  
359 Enhancement Program (CREP). Some of these requirements could conflict with  
360 the construction, operation and maintenance requirements of Navigator, such as:  
361 no driving on Walk-In areas except on designated trails and parking areas; private  
362 CREP lands are leased to the South Dakota Game, Fish and Parks; every acre  
363 enrolled in CREP is open to the public hunting and fishing; and crop and cover  
364 vegetation restrictions. A consultation process should occur between Navigator,  
365 the USDA and DANR to gain a full understanding of the South Dakota CREP  
366 program, limitations to the Project, identification of all of the properties involved.

367

368 **Q: Do you have any recommendations for additional mitigation measures in**  
369 **order to minimize impacts to vegetation? Please explain.**

370  
371 A: Vegetation restoration, erosion and sedimentation control measures are highly  
372 interrelated. The Application does discuss inspections during the revegetation  
373 process and for the purpose of stabilizing soils. However, Section 6.3 – Soils,  
374 Erosion, and Sedimentation, specifically Table 6.3-1 – Summary of Major Soil  
375 Characteristics Impacted by Project (miles) indicates a significant portion of the  
376 project corridor contains soils that have a high rutting hazard. Frequent inspections  
377 and special measures should be taken to ensure that contractors install erosion  
378 control measures and best management practices in accordance with accepted  
379 specifications and permit conditions. Also, the Applicant’s response to any needed  
380 repairs should be quick and comprehensive.

381  
382 **Q: In your opinion, did section 6.5.4 of Navigator’s Application properly**  
383 **identify the potential impacts to wildlife?**

384  
385 A: The potential impacts to Birds of Conservation Concern could not be completely  
386 assessed because the number of the breeding periods and probable presence  
387 information presented in Table 6.5-4 – Birds of Conservation Concern appear to  
388 be incorrect. For example, Table 6.5-4 indicates the breeding period for the Bald  
389 Eagle is October 15 to August 31. However, according to several sources,  
390 including the USFWS and SouthDakota.gov, Bald Eagle eggs are typically laid in  
391 February to March and juveniles leave nest in June to July.

392  
393 **Q: Do you agree with the mitigation measures Navigator plans to implement to**  
394 **minimize the potential impacts to wildlife?**

395  
396 A: I generally agree with the mitigation measures that Navigator plans to implement  
397 to minimize the potential impacts to wildlife. The Application states that access to  
398 CREP Walk-in Access areas for hunting may be blocked during construction. As  
399 noted in the Application, these areas may vary by landowner and it may be  
400 important for landowners to have wildlife harvested if they are causing damage. I  
401 would think it reasonable for the ECG or the contractors to have a formal plan to  
402 address communications with landowners and perhaps redirecting hunters who  
403 want to hunt those Walk-in Access areas. Also, knowing there is a formal process  
404 and identification of Walk-in Access areas for hunting, it would be a best safety  
405 practice to require high-visibility clothing for onsite contractors and personnel  
406 during hunting seasons and perhaps signage along the Project corridor to alert site  
407 workers and potential hunters of the site activities. Although Section 6.5.4 –  
408 Impacts to Wildlife and Mitigation Measures states that trench plugs, ramps, and  
409 gaps in construction areas would be implemented to facilitate wildlife crossings,  
410 the Application and ECG do not include any information about how to address any  
411 wildlife, and particularly big game animals or even livestock that happen to enter  
412 the pipe trench or other excavated areas.

413

414 **Q: Do you have any recommendations for additional mitigation measures to**  
415 **minimize impacts to wildlife? Please explain.**

416  
417 A: Section 6.5.3 - Wildlife states that highly disturbed areas are likely to have a greater  
418 abundance of species. This statement was not sourced, and it is my experience  
419 working on habitat improvement projects and through consultations with numerous  
420 Game Commissions and Natural Resource agencies that edge habitats typically  
421 have the highest diversity and abundance of wildlife. The placement and disposal  
422 of brush from the clearing and grubbing process is discussed in the ECG. The  
423 strategic placement and sizing can provide beneficial habitat and wind breaks for  
424 wildlife. Consultation with landowners, DANR and GFP should occur to obtain  
425 information on the placement, sizing and use of brush piles to enhance wildlife  
426 habitat.

427  
428 **Q: Did the Applicant consider only mist netting (capturing) potential individual**  
429 **Northern Long-eared bats or were other identification measures**  
430 **considered?**

431  
432 A: Section 6.7.1 - Impacts to Threatened and Endangered Species and Mitigation  
433 Measures states that the Northern Long-eared Bat is presumed to be absent on  
434 the Aurora line because no individuals were captured. Although Table 6.7-1 states  
435 that acoustic surveys have and will take place at suitable habitat locations in South  
436 Dakota, the Application does not provide details on overall methodology or if the  
437 acoustic surveys identified any sounds from Northern Long-eared bats. As noted  
438 in Table 6.7-1, additional studies would be needed to confirm the absence of these  
439 bats.

440  
441 **Q: Does this conclude your testimony?**

442  
443 A: Yes.