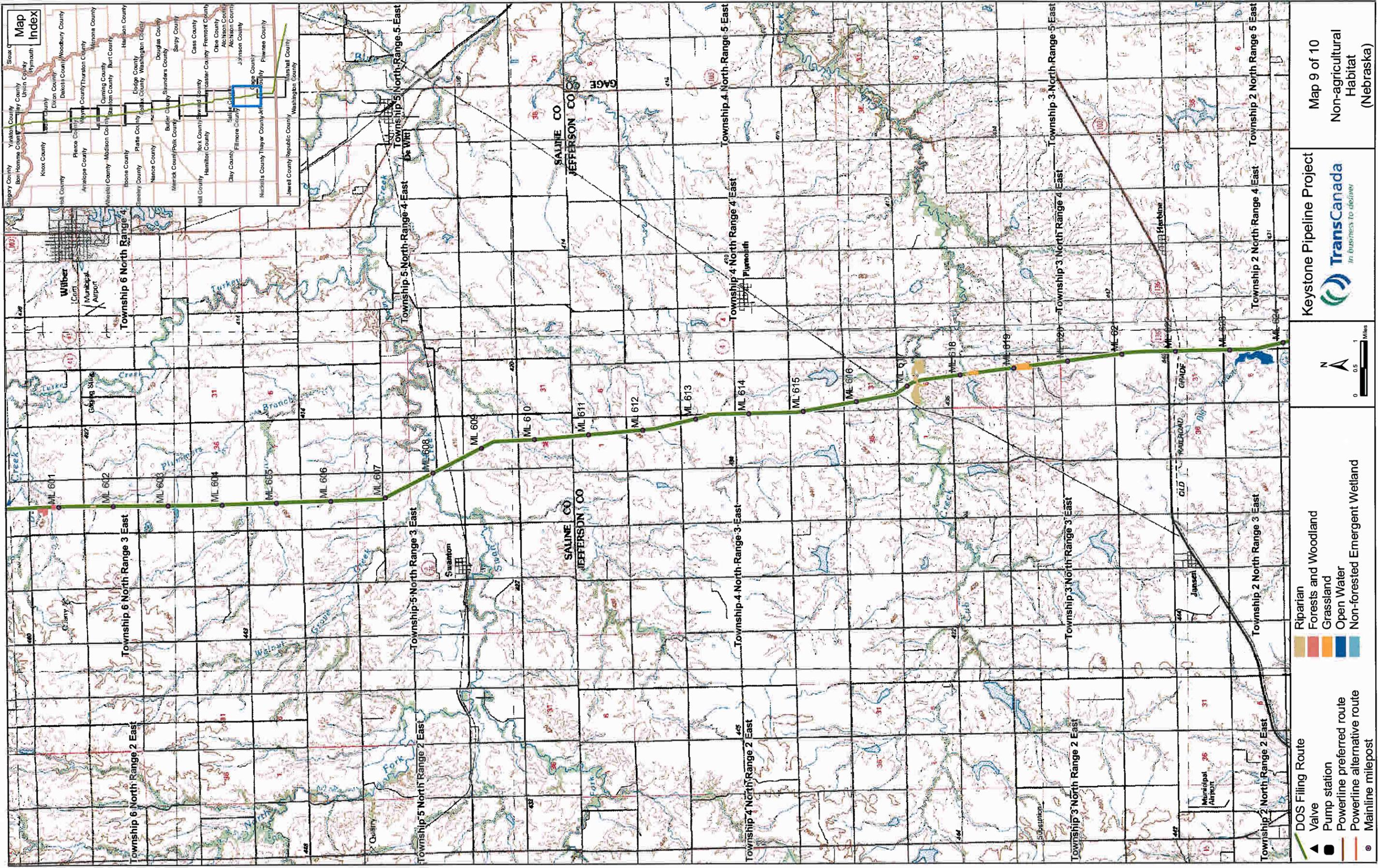
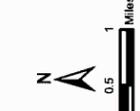


<p><b>Keystone Pipeline Project</b></p>	<p>Map 8 of 10</p> <p>Non-agricultural Habitat (Nebraska)</p>
<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> DOS Filing Route</li> <li> Valve</li> <li> Pump station</li> <li> Powerline preferred route</li> <li> Powerline alternative route</li> <li> Mainline milepost</li> </ul>	<ul style="list-style-type: none"> <li> Riparian</li> <li> Forests and Woodland</li> <li> Grassland</li> <li> Open Water</li> <li> Non-forested Emergent Wetland</li> </ul>
<p>Scale: 0 0.5 1 Miles</p> <p>North Arrow</p>	



Keystone Pipeline Project

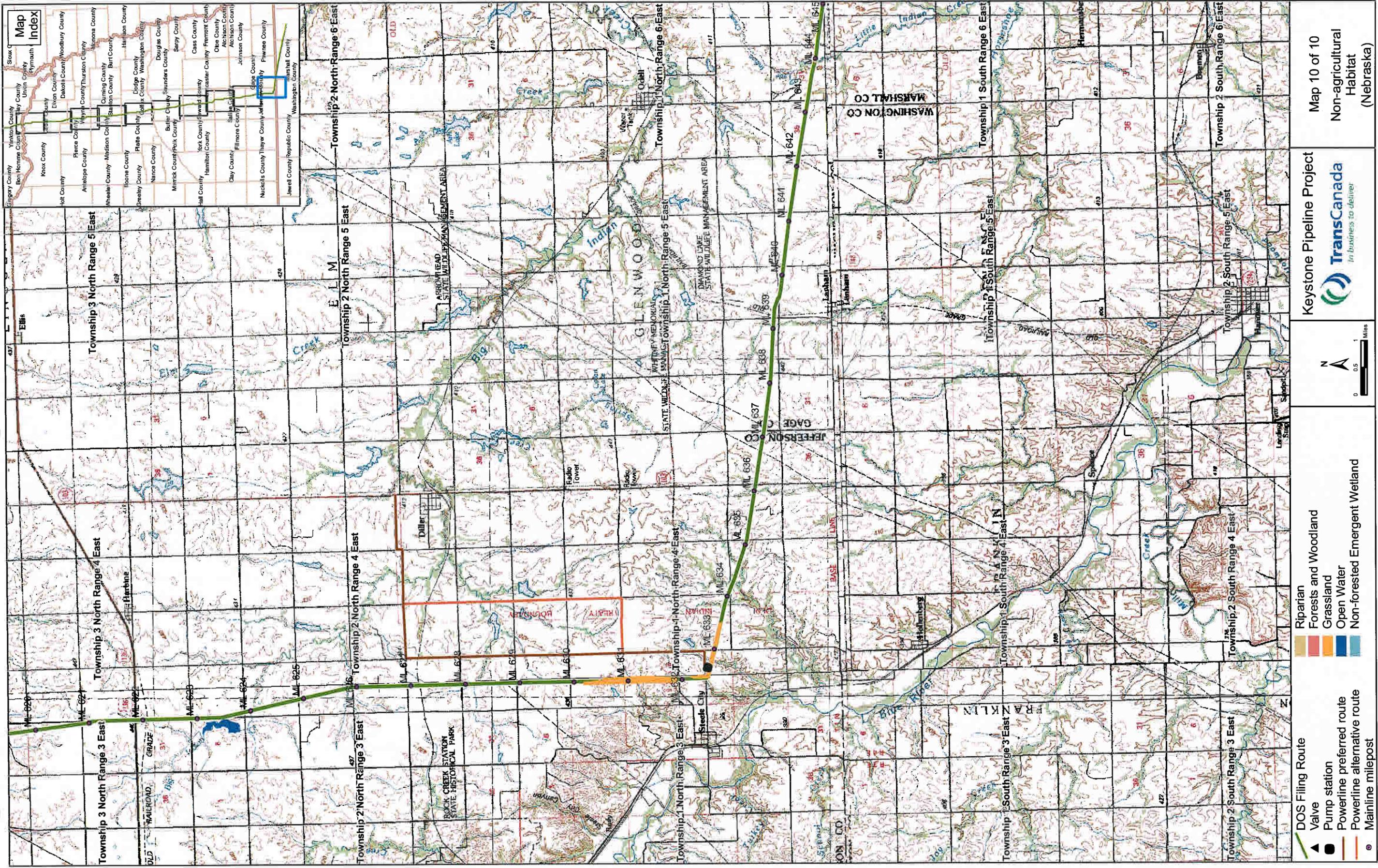


- Riparian
- Forests and Woodland
- Grassland
- Open Water
- Non-forested Emergent Wetland

- DOS Filing Route
- Valve
- Pump station
- Powerline preferred route
- Powerline alternative route
- Mainline milepost

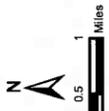
Map 9 of 10  
Non-agricultural  
Habitat  
(Nebraska)





- DOS Filing Route
- Valve
- Pump station
- Powerline preferred route
- Powerline alternative route
- Mainline milepost

- Riparian
- Forests and Woodland
- Grassland
- Open Water
- Non-forested Emergent Wetland



Keystone Pipeline Project

Map 10 of 10  
Non-agricultural  
Habitat  
(Nebraska)

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## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** ENSR  
**Date/Time of Meeting** 6/16/06  
**Keystone Team Member(s)** Sara Stribley

### Contact Information:

<b>Name</b>	Rick Schneider
<b>Title</b>	Natural Heritage Program Manager
<b>Organization</b>	Nebraska Game and Parks Commission
<b>Address</b>	2200 North 33 <sup>rd</sup> Street P.O Box 30370 Lincoln, NE 68503
<b>County</b>	
<b>Phone</b>	402-471-0641
<b>E-mail address</b>	<a href="mailto:rick.schneider@ngpc.ne.gov">rick.schneider@ngpc.ne.gov</a>

### Meeting Information:

**Type of Contact (phone, in-person, etc.):** E-mail

**Issue:** Environmental Review Document

**Concern Level:** High \_\_\_ Moderate \_\_\_ Low \_\_\_

#### Description:

Rick sent an email with the environmental review of the Keystone Pipeline Project. See attached email.

**Issue:** \_\_\_\_\_ **Concern Level:** High \_\_\_ Moderate \_\_\_ Low \_\_\_

#### Description:

\_\_\_\_\_

**Stribley, Sara**

---

**From:** Rick Schneider [rick.schneider@ngpc.ne.gov]

**Sent:** Friday, June 16, 2006 1:35 PM

**To:** Stribley, Sara; Caddis, Karen

**Subject:** NE review of Keystone Pipeline

Sara and Karen,

Attached, at long last, is our environmental review of the proposed Keystone Pipeline Project. I will put the hardcopy with the signature in the mail. Please let me know if you have questions about any of this. I have also included the invoice for our work on this project.

Sorry again for the long delay.

Rick Schneider  
Coordinator/Ecologist  
Nebraska Natural Heritage Program  
Nebraska Game and Parks Commission  
2200 N. 33rd St.  
Lincoln, NE 68503

402-471-5569  
402-471-5528 fax

8/8/2006



## Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / [www.outdoornebraska.org](http://www.outdoornebraska.org)

June 16, 2006

Karen Caddis  
ENSR International  
1601 Prospect Parkway  
Ft. Collins, CO 80525-9769

Re: TransCanada Keystone Pipeline Project  
Threatened and Endangered Species and Natural Community Review

Dear Ms. Caddis,

This letter is in response to your request for information on sensitive, threatened and endangered species and sensitive natural communities that may be affected by this project in the following counties in Nebraska: Cedar, Wayne, Stanton, Colfax, Butler, Seward, Saline and Jefferson. As we understand it, this project involves the construction of a crude oil pipeline, approximately 215 miles in length in Nebraska, that would enter the state at the South Dakota line in Cedar County and leave the state at the Kansas line in Jefferson County. The pipeline would be constructed within a temporary 110-foot wide construction right-of-way. After construction, a 60-foot wide permanent right-of-way would be retained. We understand that river and stream crossings would be accomplished by means of underground directional boring and that no pilings, structures or fill material will be placed in rivers or streams. Construction is proposed to begin in the spring of 2008, with the pipeline in service by the end of 2009.

We have previously sent you, via email, information on the location of sensitive species and natural communities within the vicinity of the proposed pipeline. We have completed our review of the proposed site under Neb. Rev. Stat. § 37-807 (3) of the Nongame and Endangered Species Conservation Act and we offer the following comments.

In Nebraska, portions of the proposed pipeline project would occur in suitable habitat for, and within the range of, twelve federal and/or state listed threatened or endangered species:

Bald Eagle (*Haliaeetus leucocephalus*), State and Federally listed threatened  
Higgins Eye (*Lampsilis higginsii*) (mussel), State and Federally listed endangered  
Interior Least Tern (*Sterna antillarum athalassos*), State and Federally listed  
endangered

Lake Sturgeon (*Acipenser fulvescens*), State listed threatened  
Massasauga (*Sistrurus catenatus*), State listed threatened  
Pallid Sturgeon (*Scaphirhynchus albus*), State and Federally listed endangered  
Piping Plover (*Charadrius melodus*), State and Federally listed threatened  
River Otter (*Lutra canadensis*), State listed threatened  
Scaleshell (*Leptodea leptodon*) (mussel), State and Federally listed endangered  
Small White Lady's Slipper (*Cypripedium candidum*), State listed threatened  
Sturgeon Chub (*Macrhybopsis gelida*), State listed endangered  
Western Prairie Fringed Orchid (*Platanthera praeclara*), State and Federally listed endangered

Our inventory of threatened and endangered species in Nebraska is far from complete and this project may impact undocumented occurrences of the above species. Below we make recommendations for survey work to be conducted prior to construction. Surveys in a given area should be conducted during the year that construction will take place in that area and should be conducted during the appropriate season (see below). Should any of the surveys locate threatened or endangered species, NGPC will provide recommendations for means of avoiding, reducing, or mitigating potential impacts to species. Finally, we also make recommendations for reducing impacts to and restoring natural communities that will be traversed by the project.

All federally listed threatened and endangered species are also state listed. However, for assessment of potential impacts on federally listed, candidate or proposed threatened or endangered species, please contact Steve Anschutz, Nebraska Field Office, U.S. Fish and Wildlife Service, 203 W. Second St., Grand Island, NE 68801.

### **Lake Sturgeon, Pallid Sturgeon, Sturgeon Chub, Higgins Eye, Scaleshell**

There are records of the above fish and mussel species in the vicinity of the proposed route across the Missouri river. If, as indicated by the project proponent, directional boring is used at river crossings and no structures or materials are placed in the river, then the project should have no impact on the fish and mussel species listed above. If other methods for crossing the rivers are used that require structures or material to be placed in rivers, then construction plans need to be provided to NGPC for review of possible impacts to fish and mussel species.

### **Bald Eagle**

The proposed pipeline traverses potential bald eagle nesting habitat where the route crosses the Elkhorn, Platte, and West Fork of the Big Blue rivers. We would recommend nest surveys and avoidance measures at these sites. The proposed route of the pipeline does not pass in the vicinity of any known wintering sites for bald eagle in Nebraska.

Bald eagles utilize mature, forested, riparian areas near rivers, streams, lakes, and wetlands. Bald eagle nesting generally occurs from early February through mid-August in Nebraska. Bald eagles often return to use the same nest and winter roost year after

year. Construction activity within ½ mile or line of sight of a nest may disrupt bald eagle activity. If any construction activity occurs within one mile of the Elkhorn, Platte, or W.F. of Big Blue river crossings during the nesting season, a survey for nesting bald eagles should be conducted by a qualified biologist, within the riparian corridor for one mile upstream and downstream of the crossing. The survey should occur during the nesting period and prior to construction in the year that construction will occur in the area. Joel Jorgensen, the NGPC Nongame Bird Program manager ([Joel.Jorgensen@ngpc.ne.gov](mailto:Joel.Jorgensen@ngpc.ne.gov), 402-471-5440), can be contacted for recommended survey protocol.

Regardless of season of construction, if any trees will be removed from the riparian corridor at the Elkhorn, Platte or W.F. of Big Blue river crossings, a survey of the impacted area will need to be conducted to determine if an existing nest will be affected. Disturbing bald eagle nests is a violation of the Bald Eagle Protection Act.

Survey results should be reported to the Nebraska Game and Parks Commission and the USFWS activity restrictions should be imposed within one mile of an active nest.

### **Interior Least Tern and Piping Plover**

There are documented occurrences of both species in the vicinity of the proposed pipeline route across the Missouri, Elkhorn, and Platte rivers. If construction activities will occur at these sites during the nesting season for these species, we would recommend nest surveys prior to construction and avoidance measures if either species is present.

Interior least tern and piping plover are colonial nesting birds that nest on sandbars in medium to large rivers and typically co-occur on a given sandbar. In Nebraska they nest between April 15 and September 15. Due to the shifting nature of sandbars, there is not high site fidelity for these species in selecting sites from one year to the next. Thus, it is imperative that surveys be conducted during the year of construction activity.

If any construction activity occurs within 1/2 mile of the Missouri, Elkhorn or Platte river crossings in during the nesting season, a survey for nesting interior least tern and piping plover should be conducted by a qualified biologist, on sandbars in the channel for 1/4 mile upstream and downstream of the crossing. Joel Jorgensen can be contacted for recommended survey protocol. Survey results should be reported to the Nebraska Game and Parks Commission and the USFWS activity restrictions should be imposed within 1/4 mile of an active nesting colony.

### **Massasauga**

The massasauga is a rattlesnake that is found in wetlands, wet meadows, and associated upland tallgrass prairies in southeast Nebraska. The massasauga hibernates in crayfish burrows in the winter and is active aboveground from April through October. Summer habitat includes wet meadows and upland tallgrass prairies that are dominated by native grass species. Winter denning sites are wet meadows and marshy areas of cattail, prairie

cordgrass, and Reed canarygrass that have crayfish burrows. The proposed pipeline route traverses the massasauga's range in Jefferson and Gage counties. If construction activity will be occurring in suitable habitat in these counties during the active period, a survey of these habitats for the massasauga should be conducted by a qualified herpetologist, prior to construction in the year that construction will occur in the area. Surveys for suitable habitat are to include both summer use habitat and winter denning habitat. Mike Fritz, at NGPC, can be contacted for recommended massasauga survey protocol ([Mike.Fritz@ngpc.ne.gov](mailto:Mike.Fritz@ngpc.ne.gov), 402-471-5419). Results of the survey should be sent to the Nebraska Game and Parks Commission to determine if actions are needed to avoid impacts to the massasauga.

## **River Otter**

The proposed pipeline traverses potential river otter habitat where the route crosses the Elkhorn and Platte rivers. If construction will occur during denning season, we would recommend den surveys and avoidance measures at these sites.

The river otter was extirpated from Nebraska by the early 1900's and was re-introduced in seven river systems in the state, including the Elkhorn and Platte rivers, during the 1980's. Otters utilize aquatic and riparian habitats associated with medium to large rivers. While the animals are generally highly mobile, during the denning season they are tied to a particular den site. In Nebraska, otter pups are born between March 1 and May 31 and do not leave the den for two months. After that, they typically remain at the den site for another month.

If construction activities will be occurring at the Elkhorn or Platte river crossings during the denning season (March – September) then a survey for den sites should be conducted by a qualified biologist, from within ¼ mile upstream and downstream of the crossing, on both sides of the river. Sam Wilson, the NGPC Nongame Mammal and Furbearer Program Manager can be contacted for recommended survey protocols ([Sam.Wilson@ngpc.ne.gov](mailto:Sam.Wilson@ngpc.ne.gov), 402-471-5174). Results of the survey should be sent to the Nebraska Game and Parks Commission to determine if actions are needed to avoid impacts to the river otter.

## **Small White Lady's Slipper**

The proposed pipeline route crosses potential habitat for small white lady's slipper orchid in Cedar, Wayne, Stanton, Colfax and Butler counties. We would recommend surveys for this orchid when the pipeline crosses suitable habitat. The majority of the proposed route traverses habitat that has been converted from native habitat to human use landcover (primarily agriculture), so the number of sites needing survey will be relatively few.

Small white lady's slipper orchids occur in native wet-mesic tallgrass prairies and wet meadows. This orchid blooms from mid-May through the end of June and is extremely difficult to identify in the field unless it is blooming. Surveys should be conducted by a

qualified botanist during the blooming period prior to construction. Gerry Steinauer, NGPC Natural Heritage Program Botanist can be contacted for recommended survey protocol ([Gery.Steinauer@ngpc.ne.gov](mailto:Gery.Steinauer@ngpc.ne.gov), 402-694-2498). Results of the survey should be sent to the Nebraska Game and Parks Commission to determine if actions are needed to avoid impacts to the small white lady's slipper.

## **Western Prairie Fringed Orchid**

The proposed pipeline route crosses potential habitat for the western prairie fringed orchid throughout the entire length of the project in Nebraska. We would recommend surveys for this orchid when the pipeline crosses suitable habitat. The majority of the proposed route traverses habitat that has been converted from native habitat to human use landcover (primarily agriculture), so the number of sites needing survey will be relatively few.

Western prairie fringed orchids occur in native mesic and wet-mesic tallgrass prairies and in wet meadows. This orchid blooms from mid-June to late July and is extremely difficult to identify in the field unless it is blooming. Surveys should be conducted by a qualified botanist during the blooming period and prior to construction. Gerry Steinauer, NGPC Natural Heritage Program Botanist can be contacted for recommended survey protocol ([Gery.Steinauer@ngpc.ne.gov](mailto:Gery.Steinauer@ngpc.ne.gov), 402-694-2498). Results of the survey should be sent to the Nebraska Game and Parks Commission to determine if actions are needed to avoid impacts to the western prairie fringed orchid.

## **Natural Communities**

The proposed pipeline will traverse and impact a number of natural communities as it crosses Nebraska. In particular, the pipeline traverses the tallgrass prairie ecoregion in Nebraska in which > 99% of the native prairies have been lost due to conversion to agricultural and other human uses. The remaining intact prairies in this region are critical to the survival of tallgrass prairie species in the state. The Nebraska Game and Parks Commission has recently completed a comprehensive wildlife conservation strategy which identifies the conservation and restoration of natural communities as a primary means to conserving the vast majority of species in the state.

Given that disturbance of natural communities during a project such as this is unavoidable, we request that you make every effort to restore these communities to near original condition after construction is completed. In particular, we are recommending that only native seed mixes be used in post-construction restoration and that they be composed of species that would typically be found in the area. We would prefer that you use seed sources collected in the vicinity of the project to maintain local genotypes. One of the primary threats to natural communities in Nebraska is invasion by exotic species that are competitors or predators of native species and it is important that these not be intentionally introduced during restoration efforts. We will be providing you with a list of

appropriate species to plant for each ecological community type that the pipeline passes through.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Rick Schneider, Ph.D.  
Coordinator, Nebraska Natural Heritage Program  
Nebraska Game and Parks Commission  
(402) 471-5569  
[Rick.Schneider@ngpc.ne.gov](mailto:Rick.Schneider@ngpc.ne.gov)

cc: Jim Douglas, NGPC  
Kristal Stoner, NGPC  
Mike Fritz, NGPC  
Joel Jorgensen, NGPC  
Sam Wilson, NGPC  
Frank Albrecht, NGPC  
Carey Grell, NGPC  
John Cochnar, USFWS  
Steve Anschutz, USFWS  
Magalie Salas, FERC  
Sara Stribley, ENSR

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## TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting 5/25/06

Keystone Team Member(s) Sara Stribley

### Contact Information:

Name	Shannon Cave
Title	Public Involvement Coordinator
Organization	Policy Coordination Unite Missouri Department of Conservation
Address	P.O. Box 180 Jefferson City, CO 65102
County	
Phone	573-522-4115 x3250
E-mail address	<a href="mailto:shannon.cave@mdc.mo.gov">shannon.cave@mdc.mo.gov</a>

### Meeting Information:

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

Issue: Natural Heritage Program Data for Keystone Pipeline Project

Concern Level: High  Moderate  Low .

#### Description:

We couldn't find the data that Shannon had originally sent to ENSR for the NHP review of the Keystone Pipeline Project. The attached emails are the correspondences that took place to receive another copy of the data. See attached emails.

Issue: \_\_\_\_\_

Concern Level: High  Moderate  Low .

#### Description:

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## TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting      ENSR

Date/Time of Meeting      May 1, 2006

Keystone Team  
Member(s)      Sara Stribley

### Contact Information:

Name	Carey Grell
Title	Environmental Analyst
Organization	Nebraska Game & Parks Commission
Address	2200 North 33 <sup>rd</sup> Street Lincoln, NE 68503
County	
Phone	402-471-5423
E-mail address	<a href="mailto:carey.grell@ngpc.ne.gov">carey.grell@ngpc.ne.gov</a>

### Meeting Information:

Type of Contact (phone, in-person, etc.): \_\_\_\_\_ e-mail \_\_\_\_\_

Issue: Topeka Shiner Streams

Concern Level: High \_\_\_ Moderate \_\_\_ **Low** \_\_\_

### Description:

See attached email for response.

**Stribley, Sara**

---

**From:** Carey Grell [Carey.Grell@ngpc.ne.gov]  
**Sent:** Monday, May 01, 2006 2:40 PM  
**To:** Stribley, Sara  
**Subject:** Re: Keystone Pipeline Project Data Request

Sara,

With regard to your request for information on Topeka shiner, I have talked to Rick Schneider, our Nebraska Natural Heritage Program Manager, and I am providing the following information. The Topeka shiner is not known to occur in any of the highest-valued or high priority fishery resource streams identified in my previous letter. The only extant population of Topeka shiner we have in eastern Nebraska is on Taylor Creek in Madison County. Taylor Creek is a tributary of Union Creek, and the pipeline will cross Union Creek about 20 stream miles downstream from the confluence of Taylor and Union Creeks, so the project should not impact this population.

Rick also mentioned that there is a known Topeka shiner population a few miles south of the Nebraska border in Kansas that is on a tributary of the Big Blue River, in the vicinity of the pipeline. However, for more information on Kansas streams and species, you should contact the Kansas Natural Heritage Program.

If you have any questions, or require further information, please let me know.

Thanks,  
Carey

---

Carey Grell  
Environmental Analyst  
Realty and Environmental Services Division  
Nebraska Game and Parks Commission  
(402) 471-5423

Original Message ----  
**From:** Stribley, Sara  
**To:** [carey.grell@ngpc.ne.gov](mailto:carey.grell@ngpc.ne.gov)  
**Sent:** Thursday, April 13, 2006 2:28 PM  
**Subject:** Keystone Pipeline Project Data Request

Hi Carey,  
I am going over the special status species consultation letter you addressed to Karen Caddis, dated March 20, 2006, regarding the TransCanada Keystone Pipeline Project. In the letter you mentioned several stream crossings of importance, specifically the Missouri, Elkhorn, Platte, and W.F. Big Blue River, being ranked as highest-valued fishery resources. Additionally, you mentioned Shell Creek, and Turkey Creek as high-priority fishery resources. I am trying to put together information on Topeka shiner streams for the project. Can you tell me specifically if any of these streams contain Topeka shiners, or provide me with a list of Kansas streams containing this species? Any help would be much appreciated! I have attached your letter for reference!

Thanks,  
Sara Stribley

Sara Stribley  
Staff Specialist  
ENSR Corporation  
1601 Prospect Pkwy

5/1/2006

Fort Collins, CO 80525  
970.493.8878 ext. 168  
stribley@ensr.com

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## TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting April 13, 2006

Keystone Team Member(s) Sara Stribley

### Contact Information:

Name	Carey Grell
Title	Environmental Analyst
Organization	Nebraska Game & Parks Commission
Address	2200 North 33 <sup>rd</sup> Street Lincoln, NE 68503
County	
Phone	402-471-5423
E-mail address	<a href="mailto:carey.grell@ngpc.ne.gov">carey.grell@ngpc.ne.gov</a>

### Meeting Information:

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

Issue: Topeka Shiner Streams

Concern Level: High  Moderate  **Low**

### Description:

I sent an email to Carey following up with some data he provided in his special status species response letter (dated 3/20/06). In the letter he listed stream crossings of importance along the Keystone route. My email was to follow up to see if any of those stream crossings were Topeka shiner streams. See attached email for correspondence.

**Stribley, Sara**

---

**From:** Stribley, Sara  
**Sent:** Thursday, April 13, 2006 1:28 PM  
**To:** 'carey.grell@ngpc.ne.gov'  
**Subject:** Keystone Pipeline Project Data Request

Hi Carey,

I am going over the special status species consultation letter you addressed to Karen Caddis, dated March 20, 2006, regarding the TransCanada Keystone Pipeline Project. In the letter you mentioned several stream crossings of importance, specifically the Missouri, Elkhorn, Platte, and W.F. Big Blue River, being ranked as highest-valued fishery resources. Additionally, you mentioned Shell Creek, and Turkey Creek as high-priority fishery resources. I am trying to put together information on Topeka shiner streams for the project. Can you tell me specifically if any of these streams contain Topeka shiners, or provide me with a list of Kansas streams containing this species? Any help would be much appreciated! I have attached your letter for reference!

Thanks,  
Sara Stribley

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

Hi Carey,  
I am going over the special status species consultation letter you addressed to Karen Caddis, dated March 20, 2006, regarding the TransCanada Keystone Pipeline Project. In the letter you mentioned several stream crossings of importance, specifically the Missouri, Elkhorn, Platte, and W.F. Big Blue River, being ranked as highest-valued fishery resources. Additionally, you mentioned Shell Creek, and Turkey Creek as high-priority fishery resources. I am trying to put together information on Topeka shiner streams for the project. Can you tell me specifically if any of these streams contain Topeka shiners, or provide me with a list of Kansas streams containing this species? Any help would be much appreciated! I have attached your letter for reference!

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## TransCanada – Keystone Pipeline Contact Summary Form

**Location of Meeting** ENSR  
**Date/Time of Meeting** 4/12/06  
**Keystone Team Member(s)** Sara Stribley

### Contact Information:

<b>Name</b>	Rick Schneider
<b>Title</b>	Natural Heritage Program Manager
<b>Organization</b>	Nebraska Game and Parks Commission
<b>Address</b>	2200 North 33 <sup>rd</sup> Street P.O Box 30370 Lincoln, NE 68503
<b>County</b>	
<b>Phone</b>	402-471-0641
<b>E-mail address</b>	<a href="mailto:rick.schneider@ngpc.ne.gov">rick.schneider@ngpc.ne.gov</a>

### Meeting Information:

**Type of Contact (phone, in-person, etc.):** E-mail

**Issue:** Sensitive Species Consultation Letter Follow-up

**Concern Level:** High \_\_\_ Moderate \_\_\_ Low \_\_\_

#### Description:

Rick sent an email with a list of species occurrences and natural communities along the Keystone Pipeline route. See attached email.

**Issue:** \_\_\_\_\_ **Concern Level:** High \_\_\_ Moderate \_\_\_ Low \_\_\_

#### Description:

**Stribley, Sara**

---

**From:** Rick Schneider [rick.schneider@ngpc.ne.gov]  
**Sent:** Wednesday, April 12, 2006 3:45 PM  
**To:** Stribley, Sara; Caddis, Karen  
**Subject:** Keystone Pipeline data

Karen and Sara,

Attached is a spreadsheet listing documented occurrences of natural communities and at-risk species in the vicinity of the proposed Keystone pipeline. Sorry for the long delay in getting this data to you, I've been on the road a lot and dealing with an avalanche of work. Please let me know if you have questions about any of this.

We will also be doing a T&E and at-risk species review of the project (similar to what we did for the Rockies Express Pipeline), which will include recommendations for field surveys. We should have that to you within two weeks.

Karen, I will wait on sending the invoice until I see if you need additional data.

Rick Schneider  
Coordinator/Ecologist  
Nebraska Natural Heritage Program  
Nebraska Game and Parks Commission  
2200 N. 33rd St.  
Lincoln, NE 68503

402-471-5569  
402-471-5528 fax

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## TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting 4/07/06

Keystone Team Member(s) Sara Stribley

### Contact Information:

Name	Rick Schneider
Title	Natural Heritage Program Manager
Organization	Nebraska Game and Parks Commission
Address	2200 North 33 <sup>rd</sup> Street P.O Box 30370 Lincoln, NE 68503
County	
Phone	402-471-0641
E-mail address	<a href="mailto:rick.schneider@ngpc.ne.gov">rick.schneider@ngpc.ne.gov</a>

### Meeting Information:

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

Issue: Sensitive Species Consultation Letter Follow-up

Concern Level: High\_\_\_Moderate\_\_\_Low\_\_\_

#### Description:

I tried calling Rick Schneider on April 7, 2006, but he was out of the office. I left a message for him then and I also sent him an email following up with the sensitive species consultation letters we had sent out on January 24, 2006. See attached email.

Issue: \_\_\_\_\_

Concern Level: High\_\_\_Moderate\_\_\_Low\_\_\_

#### Description:

**Stribley, Sara**

**From:** Stribley, Sara  
**Sent:** Friday, April 07, 2006 12:00 PM  
**To:** 'rick.schneider@ngpc.ne.gov'  
**Subject:** TransCanada Keystone Pipeline Project

Hi Rick,  
ENSR is putting together the EA for a project called the TransCanda Keystone Pipeline Project. We have been going through the data we have received back from state and federal agencies regarding information requests on sensitive species along the proposed project route. I haven't seen any data from the Nebraska Natural Heritage Program, and just wanted to double check that we have not misplaced anything that you may have sent us? Also, I wanted to make sure that you received our letter (sent in January) so that, if needed, you could provide any input or concerns on sensitive species along the route through NE! Your input would be greatly appreciated! Let me know if you would like us to send you any more information regarding the project, or if we need to resend our input letter!

Thanks,  
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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4/13/2006

**CONFIDENTIAL**



..... NEBRASKA GAME and PARKS COMMISSION  
 ..... 2200 North 33<sup>rd</sup> Street  
 ..... P.O. Box 30370  
 ..... Lincoln, NE 68503  
 ..... (402) 471-0641  
 ..... FAX: (402) 471-5528

**FAX COVER SHEET**

<b>TO:</b> karen Caddis ENSR	<b>Date Sent:</b> 3/24/06
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<b>FROM:</b> Carey Grell - Realty + Environmental Services Division	<b>Number of Pages:</b> (including cover page) 4
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**RE:** TransCanada keystone Pipeline  
 Review by NGPC

If you have any questions,  
 please give me a call  
 402-471-5423.

A hard copy of this letter and maps  
 and wetland publication will follow.

Thanks,  
 Carey

❖ **CONFIDENTIALITY** ❖

This fax transmission contains information which is confidential and/or privileged. It is intended for the individual or firm named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, or distribution of the contents of this fax is prohibited. If you have received this fax in error, please notify us immediately by telephone at one of these number: (402) 471-5571 or (402) 471-5548.

Transmitting from a SHARP FO-5600

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## Nebraska Game and Parks Commission

2200 N. 33rd St / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / [www.outdoornebraska.org](http://www.outdoornebraska.org)

March 20, 2006

Karen Caddis  
BNSR  
1601 Prospect Parkway  
Fort Collins, CO 80525

**RE: Scoping comments regarding the TransCanada Keystone Pipeline Project**

Dear Ms. Caddis:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. The project involves the construction and operation of a 1,830-mile interstate crude oil transmission system from Alberta, Canada to destinations in the Midwestern United States. The U.S. portion of the project would consist of 1,070 miles of new pipeline from Pembina County, North Dakota, to terminals and refineries in Missouri and Illinois. The new pipeline would enter Nebraska in Cedar County and extend south to Jefferson County crossing the eastern part of the state. In addition, a 295-mile extension would expand the pipeline south from Jefferson County, Nebraska to Cushing, Oklahoma. The pipeline would be constructed within a temporary 110-foot wide construction right-of-way. After construction, 60-foot of permanent right-of-way would remain. Construction is proposed to begin in the spring of 2008, with the pipeline in service by the end of 2009. Based on the information provided, we offer the following preliminary scoping comments.

In general, NGPC has concerns for impacts to wetland and stream resources, as they provide valuable habitat to many fish and wildlife species. Because this is a lengthy, linear project, we acknowledge that it would be impossible to completely avoid impacting stream and wetland resources. Based on the information provided, the pipeline will include many individual stream/river crossings, and it will also traverse several wetland complex areas in the state. These wetland complexes are identified as the Rainwater Basin (Saline, Seward, Butler counties), Lower Platte River wetlands (Butler and Colfax counties), Todd Valley wetlands (Colfax county), Sandhills Borders wetlands and Elkhorn River wetlands (Stanton county) and Missouri River wetlands (Cedar county). For additional information and a map showing these wetland complexes, I have enclosed a publication titled "Guide to Nebraska's Wetlands and their conservation needs".

As mentioned above, the pipeline will also involve many stream/river crossings. Of the major crossings, the pipeline will cross the Missouri River (Cedar county), Elkhorn River (Stanton county), Platte River (Colfax and Butler counties), and the West Fork of the Big Blue River (Saline county). These four rivers, at the point of crossing, are ranked as highest-valued fishery resources (top ranking) based on the Stream Evaluation Map for the State of Nebraska, 1978. The highest-valued classification for the Missouri, Elkhorn, Platte, and West Fork of the Big Blue rivers was based on the stream resource providing habitat that maintains outstanding

**CONFIDENTIAL**

populations of species of high interest to the state, potentially including state or federal endangered or threatened species. The pipeline will also cross Shell Creek, a tributary to the Platte River, in Colfax county, and Turkey Creek in Saline county, which are ranked as high-priority fishery resources (2<sup>nd</sup> ranking). The high-priority classification for Shell Creek and Turkey Creek was based on the stream resource providing several habitat requirements for fish species of high interest to the state.

Based on fish survey data collected in 1984, the following species were found in the Elkhorn River in the vicinity of the proposed pipeline crossing: bluegill, carp, flathead catfish, fathead minnow, green sunfish, largemouth bass, quillback, red shiner, river carpsucker, sand shiner, and shorthead redhorse. Based on fish survey data collected in 1972, the following species were found in the Platte River: carp, channel catfish, flathead catfish, flathead chub, fresh drum, gizzard shad, quillback, red shiner, river carpsucker, sand shiner, sauger, shorthead redhorse, silver chub, smallmouth bass, and walleye. Based on fish survey data collected in 1985, the following species were found in the West Fork of the Big Blue River: carp, channel catfish, flathead catfish, red shiner, and sand shiner. Of these, the game species include sport fish, such as bluegill, channel catfish, flathead catfish, green sunfish, largemouth bass, smallmouth bass, sauger, walleye; commercial fish, such as freshwater drum; and baitfish, such as fathead minnow, gizzard shad, red shiner, and sand shiner.

If techniques, such as underground directional boring, would be used to install the pipeline when crossing stream and wetland areas, impacts to these resources could be avoided and minimized. If any fill material will be placed into wetlands or streams as a result of this project, the U.S. Army Corps of Engineers should be contacted to determine if a 404 permit is needed. For any construction activities that would have the potential to directly impact water resources, we would recommend that appropriate erosion control methods be established during construction to prevent increased sediment input into the aquatic system in order to avoid impacting aquatic species and habitat. Care should also be taken to avoid the input of contaminants, such as oils, and grease, etc., into the waterway during construction. NGPC encourages those impacts to stream and wetland resources that cannot be avoided and minimized, be mitigated. Impacts to the riparian corridor as a result of pipeline construction, including tree and shrub loss, should also be mitigated.

It was also noted, based on the information provided, that the proposed pipeline would cross an NGPC wildlife management area (WMA), known as Wood Duck WMA in Stanton County. Several NGPC areas, Sioux Strip WMA in Wayne County, Blue River State Recreation Area (SRA) in Seward county, and Chalkrock WMA in Cedar county, are located within the 1 mile buffer associated with the pipeline. I have enclosed maps showing the location of these areas. For questions regarding easements for access to these properties, please contact Bruce Sackett in our Realty Division at 402-471-5536. We understand that once construction is complete, the pipeline would be buried underground, therefore, impacts to wildlife species will most likely be short-term. We assume the land disturbed during construction will be restored to its previous condition, including replacement of soil and replacement of vegetation. However, we have some concerns with regard to how the pipeline might affect management activities, primarily prescribed burning. Prescribed burning is often a management tool used to improve wildlife habitat, not only on public land but also on private land. How would the proposed pipeline affect the ability to conduct prescribed burns?

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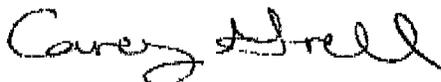
It does not appear that the proposed pipeline will cross any crucial/critical big game ranges in Nebraska. In general, habitat for species such as the white-tailed deer and wild turkey may occur along the proposed route. White-tailed deer can be found statewide, but generally are more common in the eastern part of the state. Habitat for this species consists of areas of wooded cover, including wooded riparian areas found along streams and rivers, and shelterbelts. The range of the wild turkey includes most of the major river drainages across the state, and the Pine Ridge in the northwestern corner of the state. In the vicinity of the proposed pipeline, the wooded riparian areas along the Missouri and Platte rivers would fall within the range for this species and provide habitat.

The proposed pipeline will likely traverse native prairie areas in the southeastern part of the state, which are a rare resource. With regard to revegetation in NGPC areas and prairie areas, we recommend using native species that are appropriate for the area. We would encourage the use of a diverse seed mixture that mimics what would be removed for construction, especially in the prairie areas. We would encourage that the seed mixture be composed of seed collected from native prairies in the vicinity of the impact site. Using appropriate, native species would also help to stabilize the soils and reduce the potential for erosion in restored areas along the pipeline.

Information regarding state-listed threatened and endangered species will be addressed under separate cover by Rick Schneider with our Heritage Section of the Wildlife Division.

Thank you for the opportunity to review this proposal. If you have any questions, or would like any additional information, please contact me, as I will serve as the point of contact for the NGPC. I can be reached at (402) 471-5423 or by email at [carey.grell@ngpc.ne.gov](mailto:carey.grell@ngpc.ne.gov). We look forward to reviewing a draft copy of the Environmental Impact Statement when it becomes available.

Sincerely,



Carey Grell  
Environmental Analyst  
Realty and Environmental Services Division

cc: Pat Molini, NGPC  
Scott Luedtke, NGPC  
Matt Steff, NGPC  
Jeff Hoffman, NGPC  
Bob McDuna, NGPC  
Rick Schneider, NGPC  
Frank Albrecht, NGPC  
Bruce Sackett, NGPC  
Tom Welstead, NGPC  
Clayton Stalling, NGPC



## Nebraska Game and Parks Commission

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Phone: 402-471-0641 / Fax: 402-471-5528 / [www.outdoornebraska.org](http://www.outdoornebraska.org)

March 20, 2006

Karen Caddis  
ENSR  
1601 Prospect Parkway  
Fort Collins, CO 80525

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Dear Ms. Caddis:

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In general, NGPC has concerns for impacts to wetland and stream resources, as they provide valuable habitat to many fish and wildlife species. Because this is a lengthy, linear project, we acknowledge that it would be impossible to completely avoid impacting stream and wetland resources. Based on the information provided, the pipeline will include many individual stream/river crossings, and it will also traverse several wetland complex areas in the state. These wetland complexes are identified as the Rainwater Basin (Saline, Seward, Butler counties), Lower Platte River wetlands (Butler and Colfax counties), Todd Valley wetlands (Colfax county), Sandhills Borders wetlands and Elkhorn River wetlands (Stanton county) and Missouri River wetlands (Cedar county). For additional information and a map showing these wetland complexes, I have enclosed a publication titled "Guide to Nebraska's Wetlands and their conservation needs".

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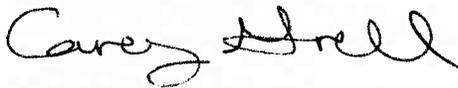
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Thank you for the opportunity to review this proposal. If you have any questions, or would like any additional information, please contact me, as I will serve as the point of contact for the NGPC. I can be reached at (402) 471-5423 or by email at [carey.grell@ngpc.ne.gov](mailto:carey.grell@ngpc.ne.gov). We look forward to reviewing a draft copy of the Environmental Impact Statement when it becomes available.

Sincerely,

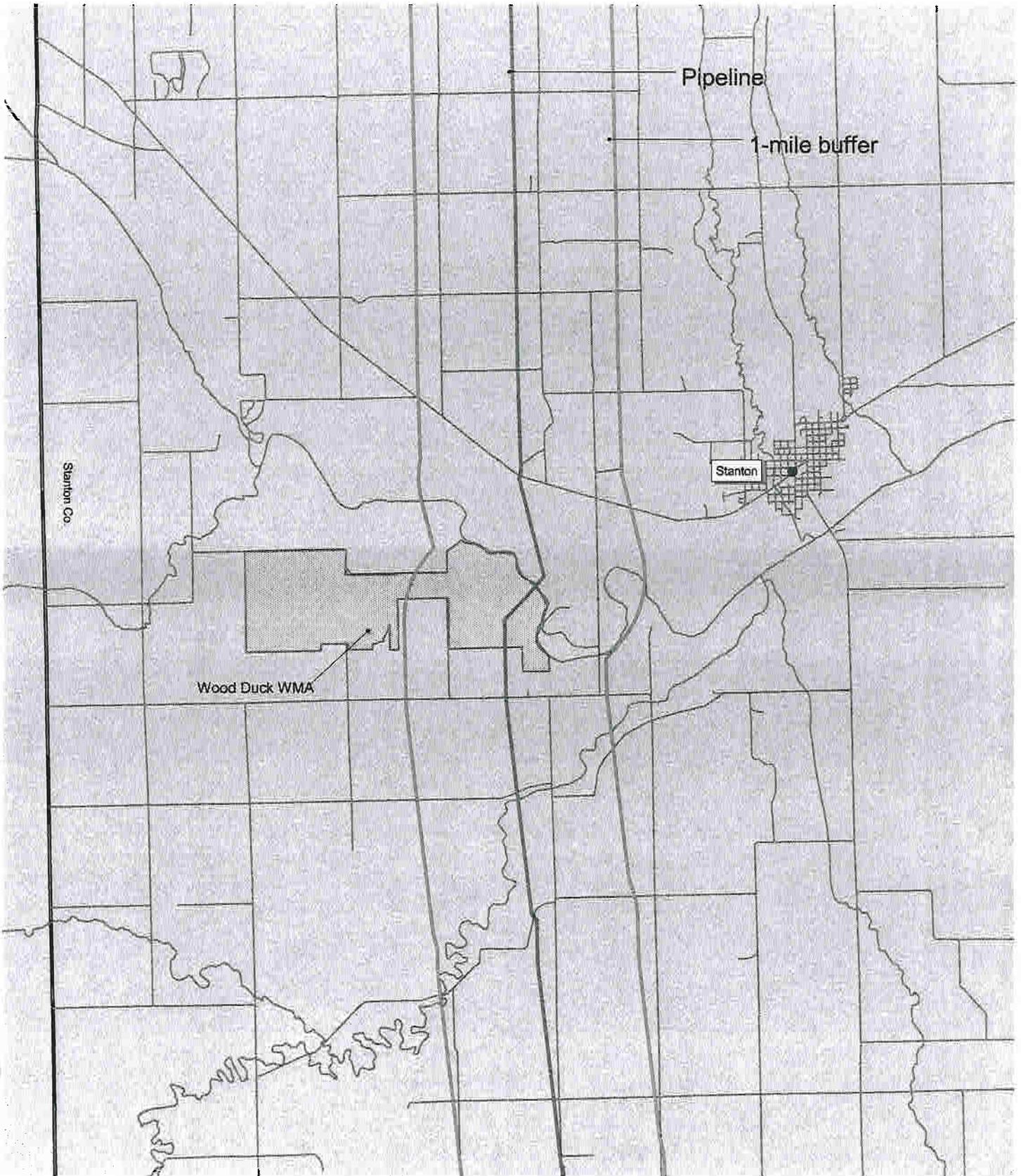


Carey Grell  
Environmental Analyst  
Realty and Environmental Services Division

cc: Pat Molini, NGPC  
Scott Luedtke, NGPC  
Matt Steffl, NGPC  
Jeff Hoffman, NGPC  
Bob Meduna, NGPC  
Rick Schneider, NGPC  
Frank Albrecht, NGPC  
Bruce Sackett, NGPC  
Tom Welstead, NGPC  
Clayton Stalling, NGPC

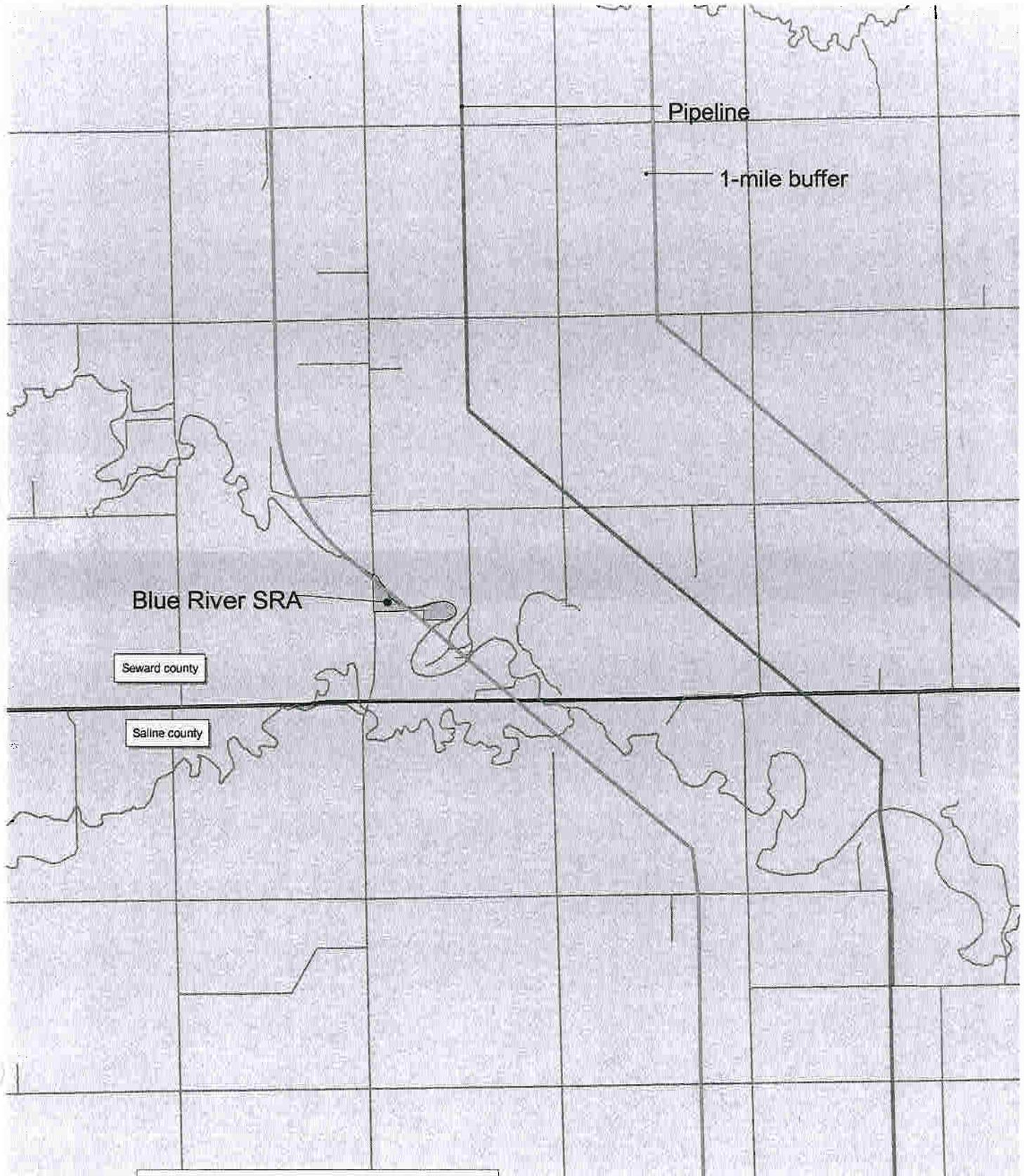
# Wood Duck WMA

Sections 26, 27, 28, 33, 34, 35, T23N, R1E



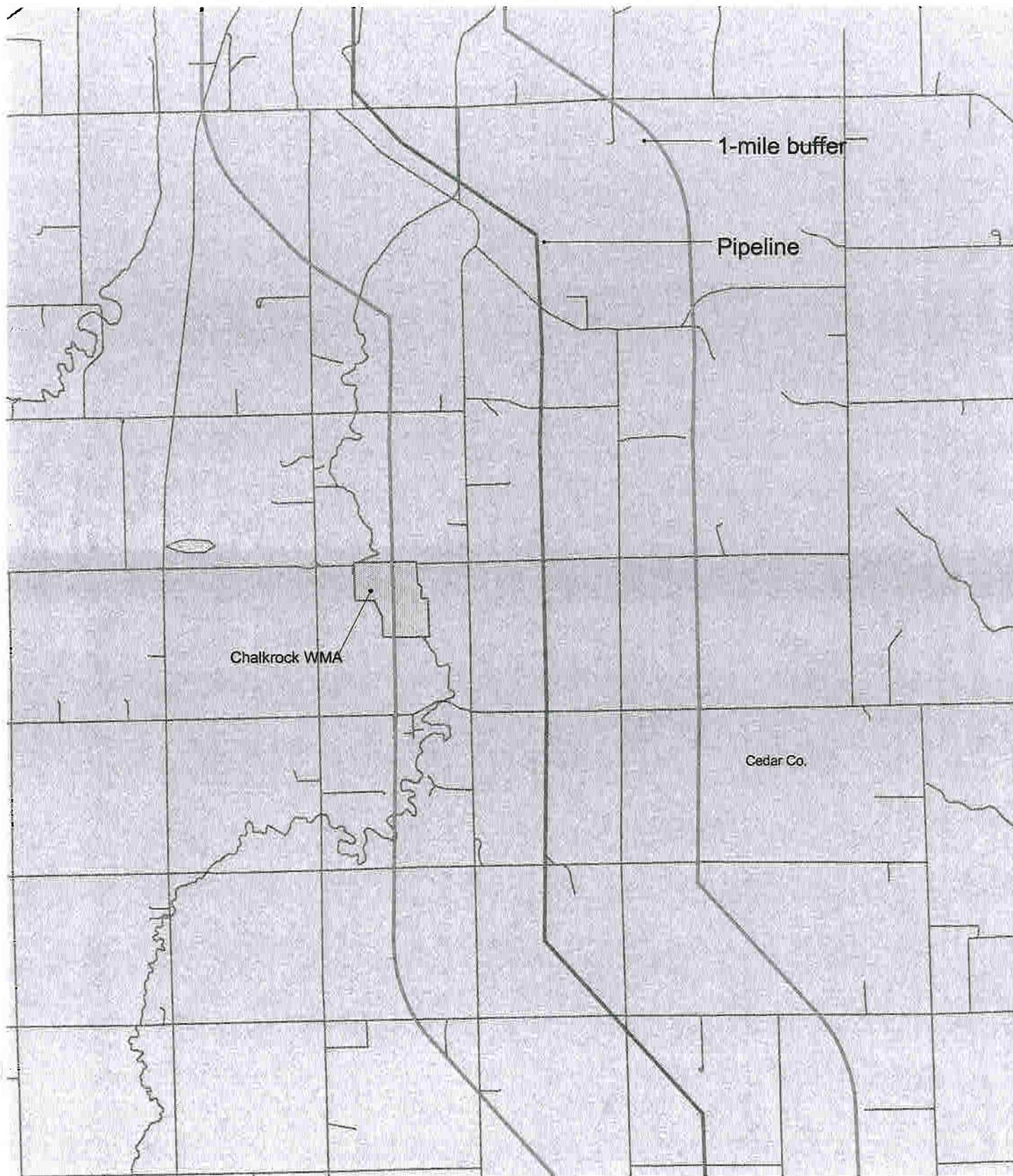
# Blue River SRA

Section 32, T9N, R3E

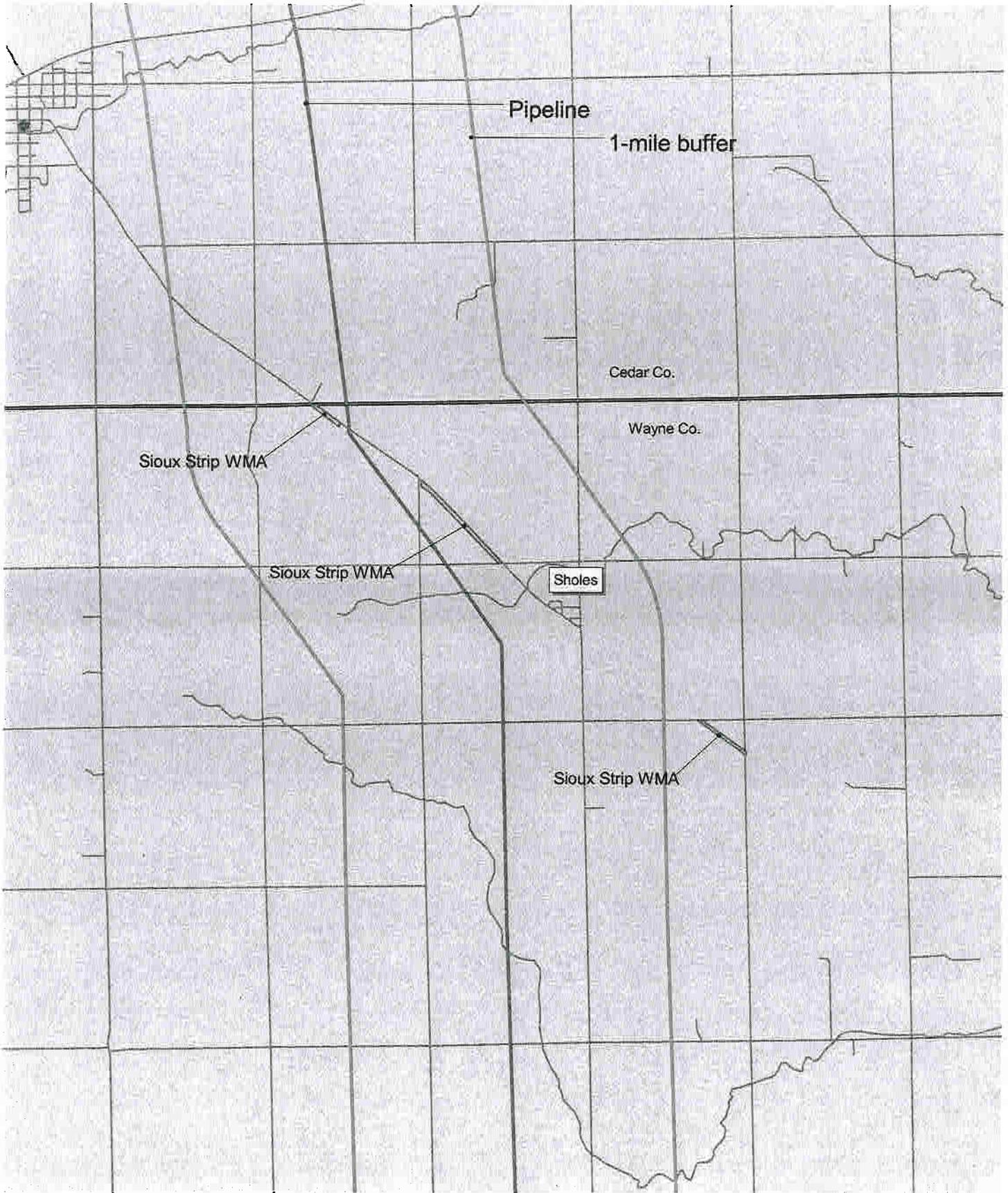


# Chalkrock WMA

## Section 36, T33N, R1W



# Sioux Strip WMA Sections 3, 4, 14, T27N, R1E



# CONFIDENTIAL

February 23, 2006

Jeff Hoffman  
Wildlife Department  
Nebraska Game and Parks Commission  
2200 North 33rd Street  
Lincoln, NE 68503

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

Dear Mr. Hoffman:

ENSR Corporation (ENSR) had previously contacted you via letter requesting information regarding TransCanada's Keystone Pipeline project. Based on interest expressed by crude oil shippers, TransCanada is now considering expanding the Keystone Pipeline project with the construction of an additional 295-mile pipeline extension (Cushing Extension). This extension would expand the Keystone Pipeline south from Jefferson County, Nebraska, to Cushing, Oklahoma. The primary delivery point for this expansion would be in the Cushing area, with potential connections to numerous refineries or pipelines in Kansas and North Texas as well as Oklahoma. Like the original line discussed in our January 24, 2006 letter, TransCanada proposes to begin construction of the new pipeline in the spring of 2008, with the system in-service by the end of 2009.

Enclosed is a revised overview map of the entire proposed route including the new Cushing Extension. In Nebraska, the Project will still cross portions of Cedar, Wayne, Stanton, Platte, Colfax, Butler, Seward, Saline, Jefferson, and Gage counties. The proposed Project would now cross an additional 2.4 mile portion of Jefferson County (see attached Overview Map and CD with the Electronic Centerline).

On behalf of TransCanada, ENSR would like to again provide an opportunity for Nebraska Game and Parks Commission (NGPC) 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 NGPC will be reflected in the environmental baseline description pertaining to the project. If applicable, please send electronic files for our environmental analysis to: kcaddis@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.



Jeff Hoffman  
February 23, 2006  
Page 2

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 Cushing Extension route in Nebraska. 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,

*Karen Caddis*

Karen Caddis  
Senior Project Specialist/Coordinator

KC/

Ref: 10623-004

Enc. Overview Project Map  
CD

# 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

Jeff Hoffman  
Wildlife Department  
Nebraska Game and Parks Commission  
2200 North 33rd Street  
Lincoln, NE 68503

Dear Mr. Hoffman:

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**



Jeff Hoffman  
January 24, 2006  
Page 2

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 Nebraska, the Project will cross portions of Cedar, Wayne, Stanton, Platte, Colfax, Butler, Seward, Saline, Jefferson, and Gage counties (see attached Overview Map and CD with the Electronic Centerline).

On behalf of TransCanada, ENSR would like to provide an opportunity for Nebraska Game and Parks Commission (NGPC) 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 NGPC 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.

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Jeff Hoffman  
January 24, 2006  
Page 3

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 Nebraska. 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,

A handwritten signature in cursive script that reads 'Charles Johnson'.

Charles Johnson  
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map  
CD

January 24, 2006

ENSR  
1601 Prospect Parkway  
Fort Collins, CO 80525  
tel 970.493.8878  
fax 970.493.0213  
email [cjohnson@ensr.aecom.com](mailto:cjohnson@ensr.aecom.com)  
web [www.transcanada.com](http://www.transcanada.com)

Rick Schneider  
Natural Heritage Program Manager  
Nebraska Game and Parks Commission  
2200 N 33rd St.  
P.O. Box 30370  
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Rick Schneider  
January 24, 2006  
Page 2

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

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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](mailto:cjohnson@ensr.aecom.com).

ENSR also is contacting the U.S. Fish and Wildlife Service and Nebraska Game and Parks Commission to request sensitive species information and to obtain input regarding the proposed Project route in Nebraska. 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.

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CJ/

Ref: 10623-004

Enc. Overview Project Map  
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