

Attachment F

Public Consultation Record

Table of Contents for Public Communication Records and Agency Contacts

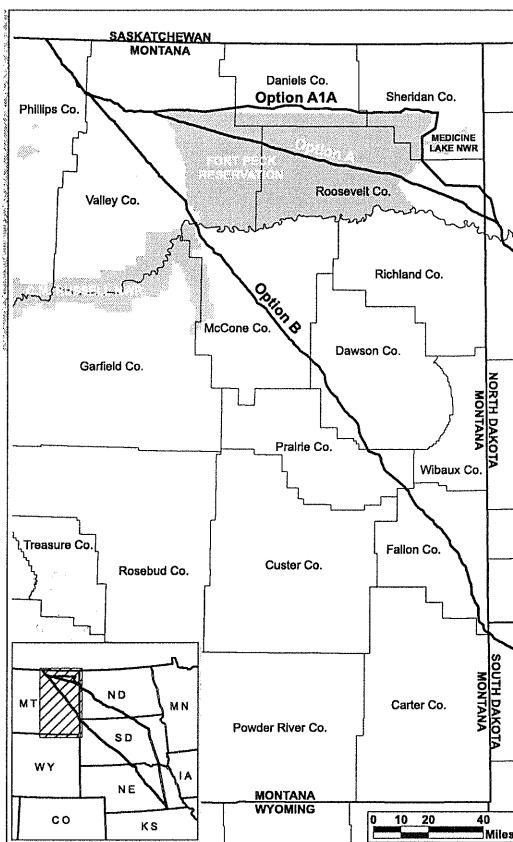
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Public Notices:

Released to Relevant Local Papers in Montana about the Three Alternative Routes

Public Notice

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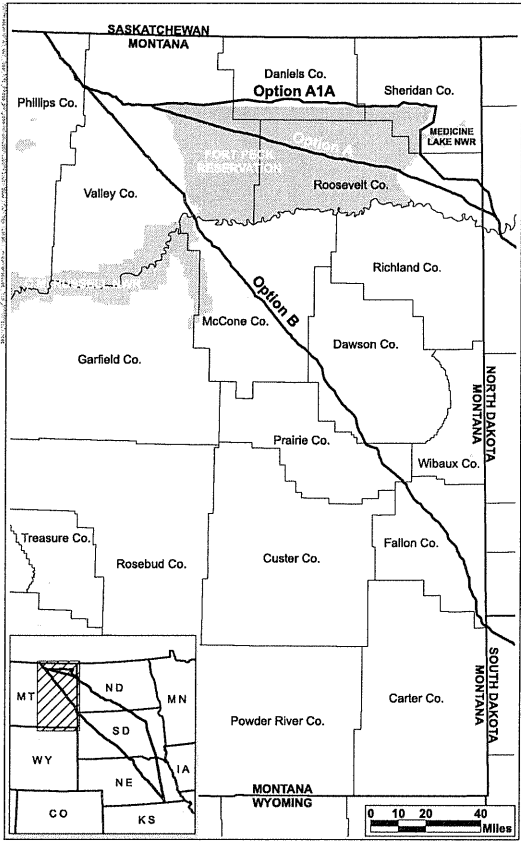


www.transcanada.com

Artist:	2N
Production Only	
Docket:	452975
Date:	Nov 5, 2008
Size:	7.7" x 9"
Proof:	2
1 of 3	
Publication(s): Glendive RR Glasgow Courier Circle Banner Miles City Star Billings Gaz	

Public Notice

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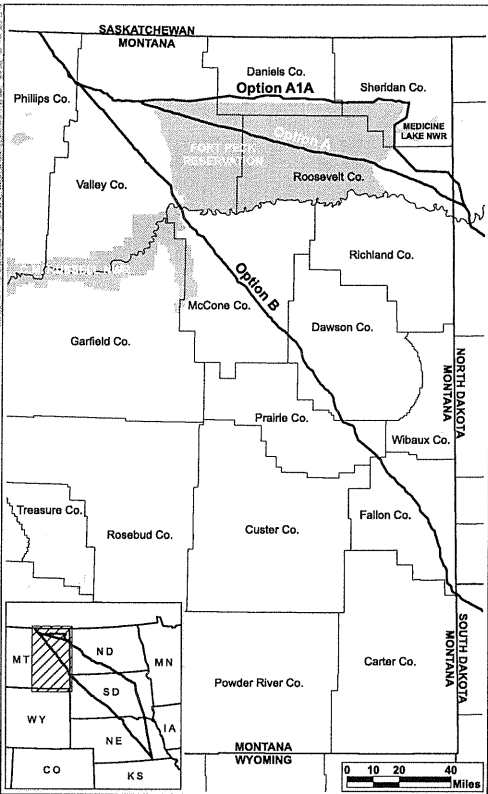


www.transcanada.com

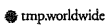
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Production Only	
Docket:	452975
Date:	Nov 5, 2008
Size:	8.16" x 9"
Proof:	2
2 of 3	
Publication(s): Fallon County	

Public Notice

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Artist: 2N
Production Only
Docket: 452975
Date: Nov 5, 2008
Size: 6.95" x 9"
Proof: 2
3 of 3
Publication(s): Herald News

Contact Summary Forms:

**Contacts with Montana BLM regarding Recreational Resources
Circular MFSA 2 Section 3.7 (16)(f)**

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location BLM – Miles City Field Offices, MT

Date/Time of Contact 6/02/08

KXL Team Member(s) Scott Patti

Contact Information:

Name	BLM
Title	
Organization	BLM – Miles City Field Office;
Address	Miles City Field Office: 111 Garryowen Road, Miles City, MT 59301-0940;
County	
Phone	
Email address	

Contact Information:

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

Issue: BLM meeting on KXL Pipeline Project

Description:

Debrief on Meeting with Bureau of Land Management - Miles City Field Office

The meeting with the BLM Miles City Field Office personnel today went extremely well. They have a GIS specialist who has volunteered to share with us their access road shape files and other resource layer shapes, such as sage grouse lek buffer areas, etc. Issues raised include:

- The Lewis and Clark Trail is a Special Resource Management Area (SRMA) and is a loosely defined area, rather than a specific shape (which is why it did not show up in any GIS shape data) - it is roughly defined by a 0.5-mile-wide area on either side of the center of the Missouri River and is an issue mainly, if not only, on BLM lands, not private lands. Their current Resource Management Plan (RMP) lists it as a "Right-of-way Avoidance area." It does not appear to be a showstopper, though, and concessions can be made to get through the pinch point, but it will involve stipulations.
- paleontological resources are likely to be encountered along the route;
- we're currently going through documented sage grouse leks - seasonal constraints and other mitigation will be required;
- much of the area around the Missouri River is in VRM (Visual Resource Management) Class 2 areas, which will require additional visual impact mitigation and stipulations.

Some of the questions they had, some of which I answered, others I could not, include:

What is the typical pump station footprint size?

Has the lead federal agency been decided?

Which/how many/where pump stations are proposed on BLM lands?

How many miles of Miles City Field Office BLM lands (south of the Missouri River) are crossed versus Malta Field Office BLM lands (north of the Missouri River)?

What is the name of the DOS person who was the lead on the Keystone Project?

Are we going to push for a programmatic agreement for the Section 106 process? - they strongly recommend that we do. When/where are the Open Houses?

As with the other BLM offices I met with last week, I discussed with them the need to nail down and define the disturbance area footprint on BLM, including access roads, extra work spaces, staging areas, potential workers camps, pump stations, and transmission line routes. They confirmed that they, the USFWS, and the MFWP all mostly agree on the survey protocols required for T&E and other sensitive species. They agreed, as did the Malta Field office staff, that this project will have to be worked into their current RMPs, which they are currently updating for both Field Offices.

Scott J. Patti
Program Manager
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Direct: 970/530-3361
Office: 970/493-8878
Cell: 970/218-8041
Fax: 970/493-0213

From: Patti, Scott

Sent: Thu 5/29/2008 7:06 PM

To: Schmidt, Jon; Jim White; Richard Gale; Auriemma, John; Kevin McGlynn; Rick Bates; Dennis Calhoun

Cc: Barnes, Chad; Dufresne, Doree; Grow, Allison; Graber, Steve; Lorenz, Patricia; Harvey, Nicole

Subject: Debrief on Meetings with Bureau of Land Management - Malta Field Office and Glasgow Field Station

My meetings with the BLM in Glasgow and Malta today went very well. Both offices expressed an interest in being allowed to review our ER before it is submitted with our applications to BLM and DOS. I mentioned to both offices that we are in the process of trying to nail down pump station locations and are beginning the process of routing transmission lines to provide them with power. They said that the ROW grant applications will have to be separate (i.e., one application for the pipeline and a separate application for the T-lines). Both offices were concerned that we coordinate with grazing allotment permittees as diligently as we do with BLM and private landowners to make sure that cattle can be moved around and fenced away from construction to the extent possible. Both offices stressed the importance of sage grouse in the state and the fact that we might be dealing with a lot of big game winter range. They mentioned that the MFWP is attempting to purchase about 24,000 acres of private lands (the Cornwell Ranch) roughly between MPs 47 and 60 for a Conservation Easement (the Cornwell Easement), which doesn't mean we can't go through there, but we might have tougher reclamation requirements and other stipulations. No one said that there is any particular problem with, or preclusion from putting pump stations on federal lands. They do have an ACEC (Area of Critical Environmental Concern) in the vicinity of Frenchman Creek, but said that it appears we skirt around it pretty well. They mentioned the fact that there are a lot of USFWS wetland and grassland easements north of the Missouri River and suggested we nail down the locations ASAP with the USFWS. Both offices reiterated the vast amount of paleontological resources in the state and indicated that it is probably not a question of if, but when we encounter fossils with construction. The areas around Rock Creek and Willow creek (MP 39-41) are important areas to them and will be reviewed intensely (Note - we're not on BLM where we cross both of these creeks, though). Glasgow wanted us to double check to make sure we're not on the Lewis and Clark Trail in the vicinity of the Missouri River crossing. The landownership in the vicinity of the Missouri River Crossing did not get any clearer during these meetings - they're just as confused as the COE. They basically said that it is going to have to come down to what we find in the courthouses and what their realty specialists tell us (not present at either meeting). Bottom line (and I asked them all), they did not identify any fatal flaws with our routing and there is no reason that we cannot commence surveys next week. My meeting with the Miles City Field office has been confirmed for 1:00 pm, Monday, June 2nd. Scott

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Cell: 970/218-8041

FAX: 970/493-0213

spatti@ensr.aecom.com

Issue: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 12/11/08 10:00 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Kent Undlin
Title	BLM
Organization	BLM – Miles City Field Office
Address	
County	
Phone	406-233-2845
Email address	Kent_Undlin@blm.gov

Contact Information:

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

Issue: MFSA – Hunting/Fishing Pressures

Description:

I contacted Kent regarding an assessment of increased hunting and fishing pressures as a result of the KXL Pipeline Project.

Kent replied that the new construction or improvement of existing tracks/roads associated with the pipeline would result in increased use and pressures regarding hunting and fishing. Currently, public lands are experiencing an increase in hunting. The construction of the pipeline, itself, would not affect current hunting and fishing status. Hunting and fishing pressures on private lands would be site specific and depend on if the landowners allowed these activities on their property. An access road on private lands that allowed hunting would increase hunting/fishing pressures in that area. If access roads were created, and allowed new access to rivers, fishing pressure would then increase as well.

Issue: _____

Contact Summary Forms:

**Contacts with Montana BLM regarding Visual Resources
Circular MFSA Section 3.7 (11)**

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location BLM – Miles City Field Offices, MT

Date/Time of Contact 6/02/08

KXL Team Member(s) Scott Patti

Contact Information:

Name	BLM
Title	
Organization	BLM – Miles City Field Office;
Address	Miles City Field Office: 111 Garryowen Road, Miles City, MT 59301-0940;
County	
Phone	
Email address	

Contact Information:

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

Issue: BLM meeting on KXL Pipeline Project

Description:

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The meeting with the BLM Miles City Field Office personnel today went extremely well. They have a GIS specialist who has volunteered to share with us their access road shape files and other resource layer shapes, such as sage grouse lek buffer areas, etc. Issues raised include:

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- lots of paleontological resources are likely to be encountered along the route;
- we're currently going through many of their documented sage grouse leks - seasonal constraints and other mitigation will be required;
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Some of the questions they had, some of which I answered, others I could not, include:

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spatti@ensr.aecom.com

Issue: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Ft Collins to Miles City

Date/Time of Contact 9/22/08, 1:00 p.m.

KXL Team Member(s) Strom

Contact Information:

Name	Dena Lang
Title	Outdoor Recreation Planner
Organization	BLM Miles City F.O.
Address	111 Garryowen Road Miles City, MT 59301-0940
County	
Phone	406.233.2828
Email address	Dena_Sprandel-Lang@blm.gov

Contact Information:

Type of Contact (phone, in-person, etc.): In-person **Phone** _____

Issue: BLM VRM inventory data for MCFO area

Description:

- DL is new to the recr. planner/VRM coordinator position after a long tenure as a fire fighter and fire planner.
- Met with DL to obtain VRM inventory & classification info for MCFO area. DL gave me a GIS map of VRM classes. She said back-up data were not available.
- Notably all state highway corridors (& some lesser roads) are VRM Class III.
- There is a Class II area ~18 mi. NW of Circle, but DL was uncertain of the rationale behind it.
- DL provided a copy of the current BLM Standard Environmental Colors Chart (CC-001: June 2008), which will provide guidance for color choices on above-ground facilities.
- DL said updating the VRM inventory and classifications was not a high priority for the RMP revision currently in progress & would likely not be part of the revision.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Ft Collins to Miles City

Date/Time of Contact 10/15/08

KXL Team Member(s) Strom

Contact Information:

Name	Dena Lang
Title	Outdoor Recreation Planner
Organization	BLM Miles City F.O.
Address	111 Garryowen Road Miles City, MT 59301-0940
County	
Phone	406.233.2828
Email address	Dena_Sprandel-Lang@blm.gov

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** __X_____

Issue: Clarification re: Status of VRM in revised RMP

Description:

- BLM pushing hard to complete the RMP revision.
- Existing VRM classes are on the “current” maps, not “historic” maps.
- Reiterated that they have essentially decided that they would not redo the visual inventory, so any changes are likely to be minor, even when RMP is complete.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Glasgow, MT – BLM Glasgow F.O.

Date/Time of Contact 9/24/08, 11:00 a.m.

KXL Team Member(s) B. Strom

Contact Information:

Name	Jon Collins
Title	Outdoor Recreation Planner/Visual Resources Specialist
Organization	BLM Malta F.O.
Address	Glasgow, MT
County	
Phone	406-228-3769
Email address	Jon_collins@blm.gov

Contact Information:

Type of Contact (phone, in-person, etc.): _In-person_ **Phone** __406-228-3769__

Issue: __Malta F.O. VRM Classes__

Description:

- JC provided maps of current VRM classifications for MFO area and 3 additional alternatives under review in the RMP revision process. He said the current classifications are controlling; changes uncertain for RMP, but major revisions unlikely.
- There are two sizeable VRM Class II areas that the KXL pipeline route alternatives would cross: the area on Frenchman Creek contains some "unique or unusual terrain; the second encompasses Rock Creek Canyon and most of the Bitter Creek WSA.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Ft Collins to Miles City

Date/Time of Contact 10/15/08

KXL Team Member(s) Strom

Contact Information:

Name	Kathy Bockness
Title	NEPA Coordinator
Organization	BLM Miles City F.O.
Address	111 Garryowen Road Miles City, MT 59301-0940
County	
Phone	406.233.2800
Email address	

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** ☒ _____

Issue: Clarification re: Status of RMP revision

Description:

- RMP won't be complete "for a while yet".
- Time frame probably at least a year.
- Although she didn't say it, I inferred from our conversation that even a year may be optimistic.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Ft Collins to Helena

Date/Time of Contact 9/22/08, 9:30 a.m.

KXL Team Member(s) Strom

Contact Information:

Name	Nancy Johnson
Title	Landscape Architect
Organization	Montana DEQ
Address	
County	
Phone	406.444.6797
Email address	

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone_X** _____

Issue: Visual Resources Stds. for pipeline in eastern MT

Description:

- Visual resources for DEQ parallels BLM system; concerns re: areas of rougher topo, ACECs, etc.
- RE: need for visual simulations: In rolling terrain with good revegetation potential, probably won't need simulations.
- They are most concerned about long-term effects, less so re: short-term construction effects.
- I asked whether there was a recent pipeline submittal example to follow; but Express Pipeline (ca. 1997) is the most recent pipeline.
- I will call NJ again later in the week to follow up after I've been out in the field.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Ft Collins to Helena

Date/Time of Contact 10/03/08, 9:00 a.m.

KXL Team Member(s) Strom

Contact Information:

Name	Nancy Johnson
Title	Landscape Architect
Organization	Montana DEQ
Address	
County	
Phone	406.444.6797
Email address	

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** X _____

Issue: MFSA Visual Resources Stds. for KXL Pipeline

Description:

- (1) Re: Differing VRM classification judgments between Malta and Miles City FOs
- I explained MCFO classified all state & fed hwys. Class II & III; MFO classified hwys. Class IV like surrounding landscape.
 - I noted that all roads except I-94, & possibly U.S. 2 are very lightly traveled.
 - NJ agreed it was curious; said MFSA rules direct us to look at Fed. Agency maps & ratings for guidance.
 - NJ said we can analyze as we see fit, but expects BLM will be a cooperating agency on EIS & will want to see their classifications employed.
 - MFSA Circular 2: where inventoried, if results differ from existing maps, we can explain why.
 - Suggested we break out short-term from long-term re: reclamation success & contrast difference between the 2 stages.
 - Re: Simulations: probably not necessary for pipeline; may need for pump stations for EIS if they're in viewsheds of sensitive areas (KOPs).

Contact Summary Forms:

**Contacts with Montana Department of Transportation
Circular MFSA Section 3.7 (9)(e)**

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Fort Collins, Colorado

Date/Time of Contact 10/14/08

KXL Team Member(s) Kyle Arndt

Contact Information:

Name	Jean Riley
Title	MDT Programs and Policy analysis
Organization	MDT
Address	
County	
Phone	406-444-9456
Email address	jriley@mt.gov

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** _____

Issue: MFSA & Permit needs _____

Description:

Jean Riley contacted me per Jim Frank request. Jean told me that it is very helpful to complete the MFSA so that it relates to the MDT Encroachment Application and permit. Jean is very interested to help who ever completes this permit and mentioned that she would be willing to help review any draft of the permit and MFSA. She also stated the MDT has authority over all road ways except off system roads.

Issue: _____

Description:

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TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location Fort Collins, Colorado

Date/Time of Contact 10/14/08 9:00A.M.

KXL Team Member(s) Kyle Arndt

Contact Information:

Name	Jim Frank
Title	Engineer
Organization	Montana Dept of Transportation
Address	
County	
Phone	406-345-8214
Email address	jfranke@mt.gov

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** _____

Issue: _MFSA Section 3.7.9.e_____

Description:

I made contact with J. Frank from MDOT. We discussed traffic control during construction. He directed me to the MUTCD (Manual on Uniform Traffic Control Devices). He stated that the KXL will need to abide by the national standards outlined in the MUTCD. Jim did reference 2 permits that the KXL project will need to obtain. Utility Crossing Permit & Utility Occupancy Permit. Randy Baldwin requested that prior to construction the KXL project should meet with J. Frank to try and plan construction prior or at the same time of MDOT projects.

Contact Summary Form:

**Contact with Montana State Historic Preservation Office
Circular MFSA Section 3.7 (14)(d)**

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location	Fort Collins, Colorado
Date/Time of Contact	14 April, 3 September, 16 October 2008
KXL Team Member(s)	Joshua Chase Project Archaeologist

Contact Information:

Name	Damon Murdo
Title	Montana SHPO Officer
Organization	Montana SHPO (State Historic Preservation Office)
Address	1410 Eighth Avenue Helena, MT 59620
County	
Phone	406-444-7767
Email address	dmurdo@mt.gov

Contact Information:

Type of Contact (phone, in-person, etc.): Phone & e-mail Phone 406-444-7767

Issue: File/ records search

Description:
Mr. Chase (AECOM Environmental) corresponded with Mr. Damon Murdo (Montana SHPO) for the purpose of requesting a Class 1 files/ records search in regards to the three proposed routes and associated access roads of the Keystone XL pipeline. Mr. Chase provided the Montana SHPO with Township, Range, and Section numbers that would be affected by the proposed project. Subsequently the Montana SHPO provided AECOM environmental with the search results which identify previously recorded cultural resources (CRIS database) within the project area and previous archaeological studies (CRABS database).

Follow-up Required / Requested
N/A

Additional Comments

Mr. Chase noticed discrepancies in the data provided by the Montana SHPO (i.e. site description not matching site age) and contacted Mr. Damon Murdo by phone. Mr. Murdo outlined the process of digitization that the Montana SHPO has undergone to convert handwritten data into a usable database. This conversation described the massive amount of incorrect data in the areas Mr. Chase had outlined. Mr. Murdo directed Mr. Chase to use his professional judgment to determine site age by the context of the given resource.

Contact Summary Form:

**Contact with Montana BLM, Fish Wildlife and Parks, Natural Heritage Program, and U.S.
Fish and Wildlife Service
Circular MFSA Section 3.7 (12)(f)**

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 4/15/2008, 2:00 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Craig Haynes
Title	BLM
Organization	BLM – Billings, MT
Address	
County	
Phone	(406) 444-5672
Email address	craig_haynes@blm.gov

Contact Information:

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

Issue: Agency packages

Description:

I contacted Craig to inform him that ENSR was ready to send out the project centerline (CL) shapefiles and agency wildlife packages. ENSR requested names of resource personnel in the BLM Malta and Miles City Field Offices that may be able to provide input on project wildlife concerns. Craig did not provide any names at this time and said that he was waiting for word from the State Director in Washington D.C. before a cost recovery summary could be compiled. He mentioned that no one would be able to work on the project before that time. ENSR offered to send the information to Craig directly and offered that he send it to the appropriate specialists in the field offices. Craig mentioned that it would be fine to send it to him but that, in addition to waiting to hear from the State Director, his office was going to be in the process of remodeling for the next 2 ½ months and delays may be a result. Craig asked for six copies of the information ENSR will be sending to the BLM and to notify Craig when the packages are sent out.

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 4/15/2008, 3:20 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Bobby Baker
Title	BLM
Organization	BLM – Miles City Field Office
Address	
County	
Phone	(406) 233-2819
Email address	

Contact Information:

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

Issue: Agency packages

Description:

I contacted Bobby to introduce myself and the KXL project. After giving a brief overview of the project I mentioned that we were gathering contacts of specialists out of each BLM field office. I explained that Craig Haynes would be the BLM lead and that he would most likely be distributing the information. Bobby asked where the project was located and the counties were given to him.

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location BLM – Malta and Glasgow Field Offices, MT

Date/Time of Contact 5/29/08, 10:00 a.m.

KXL Team Member(s) Scott Patti

Contact Information:

Name	BLM
Title	
Organization	BLM – Malta Field Office; BLM – Glasgow Field Office
Address	Malta Field Office: 501 S. 2nd Street E., Malta, MT 59538; Glasgow Field Office: 5 Laser Drive, Glasgow, MT 59230
County	
Phone	
Email address	

Contact Information:

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

Issue: BLM meeting on KXL Pipeline Project

Description:

Debrief on Meetings with Bureau of Land Management - Malta Field Office and Glasgow Field Station:

My meetings with the BLM in Glasgow and Malta today went very well. Both offices expressed an interest in being allowed to review our ER before it is submitted with our applications to BLM and DOS. I mentioned to both offices that we are in the process of trying to nail down pump station locations and are beginning the process of routing transmission lines to provide them with power. They said that the ROW grant applications will have to be separate (i.e., one application for the pipeline and a separate application for the T-lines). Both offices were concerned that we coordinate with grazing allotment permittees as diligently as we do with BLM and private landowners to make sure that cattle can be moved around and fenced away from construction to the extent possible. Both offices stressed the importance of sage grouse in the state and the fact that we might be dealing with a lot of big game winter range. They mentioned that the MFWP is attempting to purchase about 24,000 acres of private lands (the Cornwell Ranch) roughly between MPs 47 and 60 for a Conservation Easement (the Cornwell Easement), which doesn't mean we can't go through there, but we might have tougher reclamation requirements and other stipulations (it might be best to keep PS 10 on BLM). No one said that there is any particular problem with, or preclusion from putting pump stations on federal lands. They do have an ACEC (Area of Critical Environmental Concern) in the vicinity of Frenchman Creek, but said that it appears we skirt around it pretty well. They mentioned the fact that there are a lot of USFWS wetland and grassland easements north of the Missouri River and suggested we nail down the locations ASAP with the USFWS. Both offices reiterated the vast amount of paleontological resources in the state and indicated that it is probably not a question of if, but when we encounter fossils with construction. The areas around Rock Creek and Willow creek (MP 39-41) are important areas to them and will be reviewed intensely (Note - we're not even on BLM where we cross both of these creeks, though). Glasgow wanted

us to double check to make sure we're not on the Lewis and Clark Trail in the vicinity of the Missouri River crossing³⁰. The landownership in the vicinity of the Missouri River Crossing did not get any clearer during these meetings - they're just as confused as the COE. They basically said that it is going to have to come down to what we find in the courthouses and what their realty specialists tell us (not present at either meeting). Bottom line (and I asked them all, pointblank), they did not identify any fatal flaws with our routing and there is no reason that we cannot commence surveys next week. My meeting with the Miles City Field office has been confirmed for 1:00 pm, Monday, June 2nd. I'm staying in Montana over the weekend. Scott

Scott J. Patti
Program Manager
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Direct: 970/530-3361
Office: 970/493-8878
Cell: 970/218-8041
Fax: 970/493-0213

From: Patti, Scott
Sent: Fri 5/23/2008 2:58 PM
To: Schmidt, Jon; Jim White; Richard Gale; Auriemma, John; Kevin McGlynn; Rick Bates; Dennis Calhoun; Alvine Stallworth
Cc: Barnes, Chad; Dufresne, Doree; Grow, Allison; Graber, Steve; Harvey, Nicole
Subject: Meetings with Bureau of Land Management - Malta Field Office and Glasgow Field Station and possibly Miles City Field Office

I have a meeting scheduled with the BLM's Malta Field Office in Malta, MT, on Thursday, May 29th at 1:00 pm to review the route across BLM land and determine any resource constraints or fatal flaws with our routing, as well as anything that would be contrary to their Resource Management Plans. I have a meeting tentatively arranged for 10:00 am Thursday morning, May 29th with representatives of the BLM Glasgow Field Station in Glasgow, MT (to be confirmed upon return of the office manager) to do the same type of review for the Glasgow area. I have been in contact with representatives of the Miles City, MT, BLM Field office and am attempting to arrange a meeting with them for Monday or Tuesday June 2nd or 3rd (they could not make any room for me next week). These people have all already been provided our May 9th Centerline and have already overlain it on their GIS resource layers. Preliminary indications from the Malta staff indicate that "it appears we have a pretty good route." FYI. Scott

Scott J. Patti
Program Manager
ENSR
1601 Prospect Parkway
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Direct: 970/530-3361
Cell: 970/218-8041
FAX: 970/493-0213
spatti@ensr.aecom.com

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location BLM – Miles City Field Offices, MT

Date/Time of Contact 6/02/08

KXL Team Member(s) Scott Patti

Contact Information:

Name	BLM
Title	
Organization	BLM – Miles City Field Office;
Address	Miles City Field Office: 111 Garryowen Road, Miles City, MT 59301-0940;
County	
Phone	
Email address	

Contact Information:

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

Issue: BLM meeting on KXL Pipeline Project

Description:

Debrief on Meeting with Bureau of Land Management - Miles City Field Office

The meeting with the BLM Miles City Field Office personnel today went extremely well. They have a GIS specialist who has volunteered to share with us their access road shape files and other resource layer shapes, such as sage grouse lek buffer areas, etc. Issues raised include:

- The Louis and Clark Trail is a Special Resource Management Area (SRMA) and is a loosely defined area, rather than a specific shape (which is why it did not show up in any GIS shape data) - it is roughly defined by a 0.5-mile-wide area on either side of the center of the Missouri River and is an issue mainly, if not only, on BLM lands, not private lands. Their current Resource Management Plan (RMP) lists it as a "Right-of-way Avoidance area." It does not appear to be a showstopper, though, and concessions can be made to get through the pinch point, but it will involve stipulations and could include compensatory mitigation;
- lots of paleontological resources are likely to be encountered along the route;
- we're currently going through many of their documented sage grouse leks - seasonal constraints and other mitigation will be required;
- much of the area around the Missouri River is in VRM (Visual Resource Management) Class 2 areas, which will require additional visual impact mitigation and stipulations.

Some of the questions they had, some of which I answered, others I could not, include:

What is the typical pump station footprint size?

Has the lead federal agency been decided?

Which/how many/where pump stations are proposed on BLM lands?

How many miles of Miles City Field Office BLM lands (south of the Missouri River) are crossed versus Malta Field Office BLM lands (north of the Missouri River)?

What is the name of the DOS person who was the lead on the Keystone Project?

Are we going to push for a programmatic agreement for the Section 106 process? - they strongly recommend that we do.

When/where are the Open Houses?

As with the other BLM offices I met with last week, I discussed with them the need to nail down and define the disturbance area footprint on BLM, including access roads, extra work spaces, staging areas, potential workers camps, pump stations, and transmission line routes. They confirmed that they, the USFWS, and the MFWP all mostly agree on the survey protocols required for T&E and other sensitive species. They agreed, as did the Malta Field office staff, that this project will have to be worked into their current RMPs, which they are currently updating for both Field Offices.

Scott J. Patti
Program Manager
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1601 Prospect Parkway
Fort Collins, CO 80525

Direct: 970/530-3361
Office: 970/493-8878
Cell: 970/218-8041
Fax: 970/493-0213

From: Patti, Scott

Sent: Thu 5/29/2008 7:06 PM

To: Schmidt, Jon; Jim White; Richard Gale; Auriemma, John; Kevin McGlynn; Rick Bates; Dennis Calhoun

Cc: Barnes, Chad; Dufresne, Doree; Grow, Allison; Graber, Steve; Lorenz, Patricia; Harvey, Nicole

Subject: Debrief on Meetings with Bureau of Land Management - Malta Field Office and Glasgow Field Station

My meetings with the BLM in Glasgow and Malta today went very well. Both offices expressed an interest in being allowed to review our ER before it is submitted with our applications to BLM and DOS. I mentioned to both offices that we are in the process of trying to nail down pump station locations and are beginning the process of routing transmission lines to provide them with power. They said that the ROW grant applications will have to be separate (i.e., one application for the pipeline and a separate application for the T-lines). Both offices were concerned that we coordinate with grazing allotment permittees as diligently as we do with BLM and private landowners to make sure that cattle can be moved around and fenced away from construction to the extent possible. Both offices stressed the importance of sage grouse in the state and the fact that we might be dealing with a lot of big game winter range. They mentioned that the MFWP is attempting to purchase about 24,000 acres of private lands (the Cornwell Ranch) roughly between MPs 47 and 60 for a Conservation Easement (the Cornwell Easement), which doesn't mean we can't go through there, but we might have tougher reclamation requirements and other stipulations (it might be best to keep PS 10 on BLM). No one said that there is any particular problem with, or preclusion from putting pump stations on federal lands. They do have an ACEC (Area of Critical Environmental Concern) in the vicinity of Frenchman Creek, but said that it appears we skirt around it pretty well. They mentioned the fact that there are a lot of USFWS wetland and grassland easements north of the Missouri River and suggested we nail down the locations ASAP with the USFWS. Both offices reiterated the vast amount of paleontological resources in the state and indicated that it is probably not a question of if, but when we encounter fossils with construction. The areas around Rock Creek and Willow creek (MP 39-41) are important areas to them and will be reviewed intensely (Note - we're not even on BLM where we cross both of these creeks, though). Glasgow wanted us to double check to make sure we're not on the Lewis and Clark Trail in the vicinity of the Missouri River crossing. The landownership in the vicinity of the Missouri River Crossing did not get any clearer during these meetings - they're just as confused as the COE. They basically said that it is going to have to come down to what we find in the courthouses and what their realty specialists tell us (not present at either meeting). Bottom line (and I asked them all, pointblank), they did not identify any fatal flaws with our routing and there is no reason that we cannot commence surveys next week. My meeting with the Miles City Field office has been confirmed for 1:00 pm, Monday, June 2nd. I'm staying in Montana over the weekend. Scott

Scott J. Patti
Program Manager
ENSR

1601 Prospect Parkway
Fort Collins, CO 80525

Direct: 970/530-3361
Office: 970/493-8878
Cell: 970/218-8041
Fax: 970/493-0213

From: Patti, Scott

Sent: Fri 5/23/2008 2:58 PM

To: Schmidt, Jon; Jim White; Richard Gale; Auriemma, John; Kevin McGlynn; Rick Bates; Dennis Calhoun; Alvine Stallworth

Cc: Barnes, Chad; Dufresne, Doree; Grow, Allison; Graber, Steve; Harvey, Nicole

Subject: Meetings with Bureau of Land Management - Malta Field Office and Glasgow Field Station and possibly Miles City Field Office

I have a meeting scheduled with the BLM's Malta Field Office in Malta, MT, on Thursday, May 29th at 1:00 pm to review the route across BLM land and determine any resource constraints or fatal flaws with our routing, as well as anything that would be contrary to their Resource Management Plans. I have a meeting tentatively arranged for 10:00 am Thursday morning, May 29th with representatives of the BLM Glasgow Field Station in Glasgow, MT (to be confirmed upon return of the office manager) to do the same type of review for the Glasgow area. I have been in contact with representatives of the Miles City, MT, BLM Field office and am attempting to arrange a meeting with them for Monday or Tuesday June 2nd or 3rd (they could not make any room for me next week). These people have all already been provided our May 9th Centerline and have already overlain it on their GIS resource layers. Preliminary indications from the Malta staff indicate that "it appears we have a pretty good route." FYI. Scott

Scott J. Patti

Program Manager

ENSR

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Cell: 970/218-8041

FAX: 970/493-0213

spatti@ensr.aecom.com

Issue: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact July 2, 2008 / 2:18 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Kent Undlin, Fritz Prellwitz, John Carlson
Title	Wildlife Biologists
Organization	BLM
Address	Miles City, Malta, Glasgow Field Offices
County	
Phone	
Email address	'john_carlson@blm.gov'; 'kundlin@blm.gov'; 'fritz_prellwitz@blm.gov'

Contact Information:

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

Issue: Biological survey program

Description:

John, Kent, and Fritz:

At this time, ENSR Corporation (ENSR) is providing you with information regarding the implementation of the biological survey program for the TransCanada Keystone XL Project (Project), and requesting feedback and concurrence from BLM biologists on certain proposed actions.

General habitat assessments and Wetland/Waterbody delineation surveys were initiated in May 2008 to fine-tune identified habitat for special status species potentially located along the proposed Keystone XL Project route as well as to identify wetlands and waterbodies that have met U.S. Army Corps of Engineers (ACOE) Pre-Construction Notification (PCN) requirements. These surveys will cover a comprehensive list of ecological areas (e.g. wetlands/waterbodies, prairie dog colonies, and native landscapes) that have been identified through high-resolution aerial photography reviews and PCN requirements of the ACOE. The results of the comprehensive habitat surveys will be used to help fine-tune the currently proposed species-specific survey locations.

Species-specific biological surveys also will be conducted in 2008 and 2009 for several species potentially located along the Keystone XL Project route. We are including a table of special status species that may be impacted by the proposed project for your review and concurrence. These species, sensitive species habitats, and proposed survey locations have been determined through federal and state agency website searches, natural heritage data, document reviews, high-resolution aerial photography interpretation, and meetings with the U.S. Fish and Wildlife Service (FWS) and the Montana Fish, Wildlife and Parks (MFWP). The biological survey program requires your review and concurrence. To facilitate your review of the Keystone XL project biological survey program, ENSR is providing you with the following materials:

- Special Status Species Screening Table – This document includes all special status species that have the

potential to occur within the project area through the detailed reviews mentioned above. It assisted us in³⁵ determining the need for surveys and the locations of those surveys for each species. Your review, input, and concurrence with these proposed survey areas is imperative, and future consultations will be based on this information.

- Shapefiles of the proposed project centerline.

Copies of these materials also have been distributed to the FWS field office in Montana and the MFWP. Because our habitat assessment surveys and wetland delineations began in May 2008, we are sincerely hoping that the enclosed materials will provide you with enough detail to confirm survey locations and methodologies. After reviewing the attached information, ENSR would like to schedule a conference call to discuss a survey schedule. If you have any questions regarding the enclosed materials, please contact me at (970) 493-8878 or email plorenz@ensr.aecom.com. We truly appreciate your prompt assistance.

Sincerely,

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 7/25/2008, 2:30 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Fritz Prellwitz
Title	Certified Wildlife Biologist
Organization	BLM - Malta Field Office
Address	501 S. 2nd Street E. Malta, MT 59538
County	
Phone	406-654-5118
Email address	fritz_prellwitz@blm.gov

Contact Information:

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

Issue: Special Status Screening Table

Description:



Montana_SSS
Table_PL_063008 Fritz

Here is my first review of your Special Status Species list for Phillips County. Everything is highlighted in red.

Thanks,

Fritz

(See attached file: Montana_SSS Table_PL_063008 Fritz Prellwitz.doc)

Fritz Prellwitz
Certified Wildlife Biologist
BLM - Malta Field Office
501 S. 2nd Street E.
Malta, MT 59538
406-654-5118
FAX 406-654-5150

BLM - Malta Field Office
501 S. 2nd Street E.
Malta, MT 59538
406-654-5118
FAX 406-654-5150
fritz_prellwitz@blm.gov

"Lorenz,
Patricia"
<plorenz@ensr.aec
om.com>

<Fritz_Prellwitz@blm.gov>

To

cc

08/13/2008 12:34
PM

Subject

KXL - Sage Grouse Leks

Fritz,

Regarding your comment on the Special Status Species Table for sage grouse, do you have more specific location information on the one lek near the pipeline route? If you have a shapefile of the site, could you send it my way?

Thanks,

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

Issue: _____

Description: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 8/14/2008, 1:51 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	John C. Carlson
Title	Wildlife Biologist
Organization	BLM - Glasgow Field Station
Address	5 Laser Drive Glasgow, MT 59230
County	
Phone	(406) 228-3762
Email address	john_carlson@blm.gov

Contact Information:

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

Issue: Game and Raptor Exclusions

Description:

Hi Patti,
Here is what is being proposed in the new RMP. The winter range stip is December 1 to May 15, which is our current management. The general raptor stip is 1/4 mile NSO and 1/2 mile TLS from March 1 to July 31.
Let me know if you need anything else. Take care - John

John C. Carlson
Wildlife Biologist
Bureau of Land Management
Glasgow Field Station
5 Laser Drive
Glasgow, MT 59230
(406) 228-3762
fax - (406) 228-3751
john_carlson@blm.gov

"Lorenz,
Patricia"

<plorenz@ensr.aec
om.com>

<John_Carlson@blm.gov>

To

cc

08/14/2008 08:13
AM

Subject

RE: Proposed KXL Pipeline Project -
Special Status Species

Thanks John. I have another request for you. Do you have exclusion
dates for big game winter ranges and nesting raptors in MT? Thanks.

Patti

-----Original Message-----

From: John_Carlson@blm.gov [mailto:John_Carlson@blm.gov]

Sent: Thursday, August 14, 2008 7:58 AM

To: Lorenz, Patricia

Subject: RE: Proposed KXL Pipeline Project - Special Status Species

Hi Patty,

Here is the link to the current land use plan for the area you are
looking

at. We are currently developing a new land use plan but it will more
than

likely will not be in effect for this project. I will give you a call to
see if you have any other questions too. Take care - John

<http://www.blm.gov/mt/st/en/prog/planning/JVP.html>

John C. Carlson
Wildlife Biologist
Bureau of Land Management
Glasgow Field Station
5 Laser Drive
Glasgow, MT 59230
(406) 228-3762
fax - (406) 228-3751
john_carlson@blm.gov

Issue: _____

Description: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 8/22/08 and 9/2/08

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Kent Undlin
Title	BLM
Organization	BLM – Miles City Field Office
Address	BLM – Miles City Field Office 111 Garryowen Road Miles City, MT 59301-0940
County	
Phone	406-233-2845
Email address	

Contact Information:

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

Issue: T&E Survey Protocols

Description:

Email response on 9/2/08 at 1:44 p.m. (I asked Kent if this was the protocol for all BLM lands crossed by the route).

Patti - sorry for the delay - yes this is the protocol you'd use on blm lands which SHOULD be concurrent with what glasgow blm has as far as protocol. I think my counterpart here (Bobby Baker) has talked with glasgow (Jon Carlson) about the protocol so hopefully there are no differences! Please let me know if you've got any questions. cheers,ku

Email response on 8/22/08 at 1:38 p.m. (Response regarding the initial biological screening table sent out for review):



Montana Survey
Final Protocols 08_06

Patti - I'm sure you've already got this but if not here you go!

(See attached file: Montana Survey Final Protocols 08_06_08 V3.doc)

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact September 2, 2008

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Windy Davis
Title	Energy Specialist
Organization	Montana Fish Wildlife and Parks
Address	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301
County	
Phone	(406) 234-0900
Email address	widavis@mt.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ___ **Phone** _____

Issue: Exclusion windows ___

Description:

I spoke with Windy Davis regarding exclusion windows/timing restrictions for sensitive species potentially affected by the KXL project. The following species were the subject of the discussion:

- Sage Grouse: There is a difference between the MFWP required buffer zones and the BLM buffer zones around lek sites. Windy believes that the Miles City RMP uses the 1 mile buffer zone for No Surface Occupancy (NSO) and 2 miles No Surface Disturbance around a lek site. I will follow up with the BLM on specifics;
- Sensitive Fish: Spawning periods for the sensitive fish species occurring in small prairie streams with no HDD crossing plans are currently unknown. In general, the recommendation is to avoid spring and summer (late March – August) construction during high flow periods. Crossing these streams between September 1 and late March is recommended. No species specific surveys are anticipated as long as construction avoids the spawning / high water period;
- Swift Fox: According to the revised RMP, Windy recommends using a ½ mile buffer around occupied den sites until the foxes have left that site. Den sites will be occupied during spring and summer. Once the foxes have left the den sometime in the fall, construction can proceed.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 090808

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	John C. Carlson
Title	Wildlife Biologist
Organization	BLM - Glasgow Field Station
Address	5 Laser Drive Glasgow, MT 59230
County	
Phone	(406) 228-3762
Email address	john_carlson@blm.gov

Contact Information:

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

Issue: Geotech work

Description:

I contacted John regarding geotech locations and wildlife concerns at the Milk, Missouri, and Yellowstone Rivers. John agreed that he did not foresee any wildlife/T&E conflicts at those locations and that the timing was good for avoiding wildlife issues.

Issue: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 9/11/08

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Kent Undlin
Title	BLM
Organization	BLM – Miles City Field Office
Address	
County	
Phone	406-233-2845
Email address	

Contact Information:

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

Issue: T&E Exclusions

Description:

I contacted Kent regarding any known exclusion periods and buffer zones for special status species along the KXL route. Raptor stipps are presented in the email below:

"Patti - all raptor nests active in the last 2 years would have a timing stip 1/2 mile around the nest from 3/1-8/1. This stipulation is from our standard stip list. Avoidance of prairie dog towns would also give many of the nesting burrowing owls protection. Hope this helps you out and holler if questions. thanks,ku"

Issue: _____

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR – Fort Collins

Date/Time of Contact 102008, 11:22 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	John C. Carlson
Title	Wildlife Biologist
Organization	BLM - Glasgow Field Station
Address	5 Laser Drive Glasgow, MT 59230
County	
Phone	(406) 228-3762
Email address	john_carlson@blm.gov

Contact Information:

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

Issue: MFSA – Alternatives A and A1A

Description:

Hello Patti,
I believe that neither of the two new A alternatives differ from the preferred alternative route for impacts to T&E species. However, unmitigated impacts to other BLM Special Status Species would be greater with either of the A alternatives because the route of these alternatives traverses a large block of intact native vegetation with high wildlife values in North Valley County. The species list and concerns would be similar to those already discussed for Alternative B, but the route now traverses the cores of that intact habitat rather than at the edge so fragmentation and disruption concerns for those species are elevated under the A alternatives. Of course there is the Bitter Creek ACEC/WSA, an important Mule Deer wintering area that the other route does not impact too.
Let me know if you need any more specifics on any of this. Thanks - John

John C. Carlson
Wildlife Biologist
Bureau of Land Management
Glasgow Field Station
5 Laser Drive
Glasgow, MT 59230

(406) 228-3762
fax - (406) 228-3751
john_carlson@blm.gov

Follow-up Required / Requested

Additional Comments

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact May 27-28, 2008 / Various (See email chain below)

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Windy Davis
Title	Energy Specialist
Organization	Montana Fish Wildlife and Parks
Address	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301
County	
Phone	(406) 234-0900
Email address	widavis@mt.gov

Contact Information:

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

Issue: Special Status Species Surveys___

Description:

We are working on getting a central sharp-tail lek database together and should have that available by this fall. The entire area has not been systematically surveyed for leks so I would recommend pre-development surveys along the proposed corridor between mid March and mid May. Sage and sharp-tail grouse lek surveys could be grouped together.

Windy

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Sent: Wednesday, May 28, 2008 9:17 AM

To: Davis, Windy

Subject: RE: KXL Meeting

Do you have occurrence data of known lek sites? By looking at their range in MT, it looks like they could occupy suitable habitat along the entire proposed route. Is there a good way to narrow down areas where these disturbance date restrictions would apply? Would it be possible to group sage grouse and sharp-tail surveys together?

Thanks,

From: Davis, Windy [mailto:Widavis@mt.gov]
Sent: Wednesday, May 28, 2008 9:03 AM
To: Lorenz, Patricia
Subject: RE: KXL Meeting

Hi Patti,

I am referring to the plains sharp-tail grouse which is not listed as a species of concern, but they are lekking birds that have important breeding lek locations that need protection. For instance, the BLM has a no surface occupancy stipulations within 1/4 mile of sharp-tail leks. We would recommend that any disturbance to lek sites be done outside the breeding time (mid march - mid may).

Windy

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]
Sent: Wednesday, May 28, 2008 8:54 AM
To: Davis, Windy
Subject: RE: KXL Meeting

Will do, thanks Windy.

For the sharp-tailed grouse, are you referring to the Columbian subspecies? According to the 2005 Montana Comprehensive Fish and Wildlife Conservation Strategy, the Columbian sharp-tailed grouse is found in the western portion of the state. The plains sharp-tailed is not listed as a MT species of concern. Could you clarify your concerns and recommendations for this species?

Thanks,

Patti

From: Davis, Windy [mailto:Widavis@mt.gov]
Sent: Tuesday, May 27, 2008 5:37 PM
To: Lorenz, Patricia; Smith, T.O. (FWP); Lou_Hanebury@fws.gov; Zackheim, Hugh; Sihler, Paul; DuBois, Kristi; Puchniak, Allison
Cc: Barnes, Chad; Patti, Scott
Subject: RE: KXL Meeting

Hi Patti,

Attached are the Montana sage grouse lek monitoring guidelines and an Excel file for data submission. This file is good for both sage grouse and sharp-tail grouse leks. I noticed in your notes that it states that swift fox are not within the project area which is inaccurate. Swift fox have been observed in areas of the pipeline and dens may be present. It would be great if your field crew would keep an eye out for them during this first summers field work.

Other additions or corrections for your contact list

Kristi Dubois - kdubois@mt.gov
Allison Puchniak - apuchniak@mt.gov
Windy Davis

Hope this helps.

Windy

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Sent: Tuesday, May 27, 2008 4:26 PM

To: Smith, T.O. (FWP); Lou_Hanebury@fws.gov; Zackheim, Hugh; Sihler, Paul; Davis, Windy

Cc: Barnes, Chad; Patti, Scott

Subject: RE: KXL Meeting

Hello everyone:

Attached are the meeting notes from our meeting on 5/8/08. Please take a look at them and send me a note of concurrence or any corrections that are necessary. Feel free to contact me with any questions or concerns. Thanks again for taking the time to meet with us. I'll be in touch.

Sincerely,

Patti Lorenz
Biologist

ENSR | AECOM

1601 Prospect Parkway

Fort Collins, CO 80525

T: (970) 493-8878 x3410

F: (970) 493-0213

plorenz@ensr.aecom.com

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact May 29, 2008 / 3:19 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	T.O. Smith
Title	Fish and Wildlife Planning Coordinator
Organization	Montana Fish Wildlife and Parks
Address	1420 E 6 th Ave. PO Box 200701 Helena, MT 59620-0701
County	
Phone	(406) 444-3889
Email address	tosmith@mt.gov

Contact Information:

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

Issue: meeting notes

Description:

See email chain below that provided comments from specialists at the MFWP regarding sensitive wildlife issues:

Patricia:

Please see below for a few comments on your spreadsheet. I would also like to set up a meeting between you and our R6 and R7 field staff.

T.O.

-----Original Message-----

Ryan

May 29, 2008 2:45 PM

Pat; Smith, T.O. (FWP); Wentland, Harold

Notes from a recent meeting with the Pipeline folks

Gentlemen,

Just breezing through the document, I found these concerns. My comments in blue. I understand that they are going to do surveys but what mitigation are they planning?

Ryan

Aerial raptor surveys were conducted in April and included 100% cover of the proposed right-of-way (ROW) to date; This is too early to conduct comprehensive raptor surveys. Some species are not present yet i.e. ferruginous hawks.

Swift Fox: No Surveys required. The project is outside of the swift fox range. Goes right through the Heart of Swift Fox occupied habitat.

Burrowing Owl: Surveys required in prairie dog towns. There is a large contingency of burrowing owls that inhabit ground squirrel colonies in northern Phillips and Valley County.

-----Original Message-----

, Pat
ay 29, 2008 1:56 PM
rhold; Wiedenheft, Bill; Baxter, Gary (Woody); Sullivan, Mark; Johnson, Kelvin; Rauscher, Ryan
Notes from a recent meeting with the Pipeline folks

I have asked T.O. to make sure the company meets with R6 staff. Pat

-----Original Message-----

(FWP)
ay 29, 2008 8:36 AM
at
from a recent meeting with the Pipeline folks

<< File: May 8 2008_USFWS_MFWP_meeting notes.doc >>

Issue:_____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 3, 2008 / 10:15 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	T.O. Smith
Title	Fish and Wildlife Planning Coordinator
Organization	Montana Fish Wildlife and Parks
Address	1420 E 6 th Ave. PO Box 200701 Helena, MT 59620-0701
County	
Phone	(406) 444-3889
Email address	tosmith@mt.gov

Contact Information:

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

Issue: additional meeting with MFWP specialists

Description:

T.O. called in response to setting up a meeting with the MFWP Regions 6 and 7 specialists. The meeting will most likely be in Glasgow. He will not be available until July. He will send his available dates via email.

Other issues discussed:

Sage grouse – T.O. replied that the current route does a good job at staying out of known sage grouse lek sites.

Cornwell easement – land currently being purchased by the MFWP. The project would have a hard time avoiding it and if it did, it would cross sage grouse lek sites to the north or south. The easement is located in northern Valley County. T.O., or Lydia Bailey with the MT NHP, can send location information. MFWP would like to discuss offsite mitigation for crossing the property.

Lydia Bailey (MT NHP) contact information: (406) 444-5365. lbailey@mt.gov

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 4, 2008 / 3:33 p.m.

KXL Team Member(s) Patti Lorenz (ENSR)

Contact Information:

Name	Lydia Bailey
Title	GIS and Natural Resource Data Manager
Organization	Montana Fish Wildlife and Parks
Address	1420 E 6 th Ave. PO Box 200701 Helena, MT 59620-0701
County	
Phone	(406) 444-5365
Email address	lbailey@mt.gov

Contact Information:

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

Issue: Heritage data request

Description: <u>Request from P. Lorenz (email):</u> Hello Lydia, I got your message and below is the information ENSR would like to include in a data request for the proposed KXL pipeline project. Attached to this email is a shapefile of the proposed project through Montana. In order to address potential impacts to aquatic and terrestrial plant and animal species, we are requesting occurrence data, including shapefiles, for: • Federally listed, proposed, and candidate species; • Designated critical habitat of federally listed species; • State listed or state sensitive species; • Locations of big game ranges; 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 proposed project boundary. We also would like to request sensitive plant data 3 miles beyond the proposed project
--

boundary.

In addition, ENSR would like to request occurrence data, including shapefiles, for:

- Federal and state owned properties; and
- Properties with federal and state conservation easements (e.g. the Cornwell Conservation Easement).

Thank you for your help with this data request. ENSR would be happy to comply with any confidentiality agreements required to obtain this data. Let me know if you need any additional information.

Thank you,

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

Response from L. Bailey (email):

Hi Patti,

Am forwarding this on to the necessary folks for plant and animal species data. Two of them are out until next week.

Scott & Adam,
Please see green text in Patti's e-mail below.

The public land ownership and conservation easement data can be downloaded directly from the Natural Resource Information System (NRIS) at <http://nris.mt.gov/gis> - click on "GIS Data List" and then do a search on "stew" (short for stewardship - it will filter for the layers you need). I don't believe the Cornwell Easement is final yet - I have attached the shapefile for it as it is currently proposed. I have no metadata for it so please contact Bob Cochran at 406-444-4688 if you have any questions about it.

Big game distribution is available on FWP's GIS data pages at <http://fwp.mt.gov/insidefwp/GIS/download.aspx#Wil>. The big game data are currently being updated - they're expected to be complete and posted this summer.

Please let me know if you have any questions.



CornwellCEland.zip

Lydia

Lydia Bailey
GIS and Natural Resource Data Manager

Montana Fish, Wildlife & Parks
1420 East 6th Ave
Helena, MT 59620-0701
406.444.5365
lbailey@mt.gov

<http://fwp.mt.gov/insidefwp/GIS/>

-----Original Message-----

From: Lorenz, Patricia [<mailto:plorenz@ensr.aecom.com>]

Sent: Tuesday, June 03, 2008 2:00 PM

To: Bailey, Lydia
Cc: Smith, T.O. (FWP); Patti, Scott; Barnes, Chad
Subject: Montana Natural Heritage Program Data Request

Hello Lydia,

I got your message and below is the information ENSR would like to include in a data request for the proposed KXL pipeline project.

Attached to this email is a shapefile of the proposed project through Montana. In order to address potential impacts to aquatic and terrestrial plant and animal species, we are requesting occurrence data, including shapefiles, for:

- Federally listed, proposed, and candidate species;
- Designated critical habitat of federally listed species;
- State listed or state sensitive species;
- Locations of big game ranges; 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 proposed project boundary. We also would like to request sensitive plant data 3 miles beyond the proposed project boundary.

In addition, ENSR would like to request occurrence data, including shapefiles, for:

- Federal and state owned properties; and
- Properties with federal and state conservation easements (e.g. the Cornwell Conservation Easement).

Thank you for your help with this data request. ENSR would be happy to comply with any confidentiality agreements required to obtain this data. Let me know if you need any additional information.

Thank you,

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

Follow-up Required / Requested

Still waiting on T&E animal data. Request being sent to specialists at MFWP.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 30, 2008 / 10:01 a.m.

KXL Team Member(s) Patti Lorenz (ENSR)

Contact Information:

Name	Adam Messer
Title	
Organization	Montana Fish, Wildlife & Parks
Address	Montana Fish, Wildlife & Parks 1420 East Sixth Avenue Helena, Montana 59620
County	
Phone	(406) 444-0095
Email address	amesser@mt.gov

Contact Information:

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

Issue: Heritage data request

Description:



RE Data Request for
proposed pipeline pro

Patti,
I have submitted your request to the folks who coordinate/approve such requests for MFWP. We should have information to you by early next week.
The Natural Heritage Program indicated that they did not have a tracker request under your name. But as their request system is down, they will attempt to contact you today.
See attached email.
Please let me know if you have questions.
adamm

Adam Messer
Montana Fish, Wildlife & Parks
1420 East Sixth Avenue
Helena, Montana 59620
Ph: (406) 444-0095 Fax: (406) 444-0581
E-Mail: amesser@mt.gov

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Sent: Thursday, June 19, 2008 10:58 AM

To: Hess-Herbert, Janet

Cc: Bailey, Lydia; Messer, Adam

Subject: Data Request for proposed pipeline project

Dear Ms. Hess-Herbert,

I am submitting a data request in regards to a proposed pipeline project in Montana. Attached to this email is the Biological And Natural Resource Data Request Form and a shapefile of the proposed project. ENSR is requesting this data in order to address potential impacts to aquatic and terrestrial plant and animal species. Thank you for your help with this data request. Please let me know if you need any additional information.

Thank you,

Patti Lorenz

Biologist

ENSR | AECOM

1601 Prospect Parkway

Fort Collins, CO 80525

T: (970) 493-8878 x3410

F: (970) 493-0213

plorenz@ensr.aecom.com

Follow-up Required / Requested

Additional Comments

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact July 11, 2008 / 3:41 p.m.

KXL Team Member(s) Patti Lorenz (ENSR)

Contact Information:

Name	Adam Messer
Title	
Organization	Montana Fish, Wildlife & Parks
Address	Montana Fish, Wildlife & Parks 1420 East Sixth Avenue Helena, Montana 59620
County	
Phone	(406) 444-0095
Email address	amesser@mt.gov

Contact Information:

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

Issue: Heritage data request

Description:



SppData.zip

Patti,
Attached are managed species data for:
Fisheries species of concern and Tier 1 species distributions.
Wildlife data for Prairie dog colonies, Sage-grouse Leks and Bald Eagle nests.

Please let me know if you have any questions.

Adam Messer
Montana Fish, Wildlife & Parks
1420 East Sixth Avenue
Helena, Montana 59620
Ph: (406) 444-0095 Fax: (406) 444-0581
E-Mail: amesser@mt.gov
<http://fwp.mt.gov/insidefwp/GIS/>

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Sent: Thursday, June 19, 2008 10:58 AM

To: Hess-Herbert, Janet

Cc: Bailey, Lydia; Messer, Adam

Subject: Data Request for proposed pipeline project

Dear Ms. Hess-Herbert,

I am submitting a data request in regards to a proposed pipeline project in Montana. Attached to this email is the Biological And Natural Resource Data Request Form and a shapefile of the proposed project. ENSR is requesting this data in order to address potential impacts to aquatic and terrestrial plant and animal species. Thank you for your help with this data request. Please let me know if you need any additional information.

Thank you,

Patti Lorenz

Biologist

ENSR | AECOM

1601 Prospect Parkway

Fort Collins, CO 80525

T: (970) 493-8878 x3410

F: (970) 493-0213

plorenz@ensr.aecom.com

Follow-up Required / Requested

Additional Comments

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact August 14, 2008

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Windy Davis
Title	Energy Specialist
Organization	Montana Fish Wildlife and Parks
Address	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301
County	
Phone	(406) 234-0900
Email address	widavis@mt.gov

Contact Information:

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

Issue: Exclusion windows___

Description:

Hi Patty,

Our current recommendations for timing exclusions are no surface use or disturbance :

Timing dates: Big game winter range (all): December 1 to March 31
 Sharp-tail grouse (within 2 miles of a lek): March 1 to June 15th
 Sage grouse (within 4 miles of a lek): March 1 to June 15th
 Raptor nests (within 1/2 mile of nest): March 1 to August 1

Windy

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]
Sent: Tuesday, August 12, 2008 8:41 AM
To: Smith, T.O. (FWP); Gunderson, Pat; Davis, Windy
Subject: KXL - Information Request - Game Exclusion dates

T.O., Pat, and Windy:

Could you please provide exclusion dates for big game winter ranges and sage / sharp-tailed grouse lek sites? Currently, we are crossing winter range for mule deer, white-tailed deer, and antelope. Windy, I believe you mentioned mid March to late April for the grouse, but just wanted to confirm.

Also, I haven't forgotten about getting you information on the type/amount of habitat crossed by the proposed project. We received an update of the route on July 31st and are running the numbers to correlate with the latest information.

Thank you for your help.

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact September 12, 2008 / 11:40 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	T.O. Smith
Title	Fish and Wildlife Planning Coordinator
Organization	Montana Fish Wildlife and Parks
Address	1420 E 6 th Ave. PO Box 200701 Helena, MT 59620-0701
County	
Phone	(406) 444-3889
Email address	tosmith@mt.gov

Contact Information:

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

Issue: Geotech Work

Description:

T.O. left me a voicemail in regards to my initial request for T&E/wildlife concerns at geotech locations. He replied that Pat Gunderson (MFWP) circulated ENSR's request to MFWP biologists and has not heard back from any of them. T.O. said to go forward with work plans if we do not hear anything from MFWP. He recommended that I give Pat a final call to discuss the issues and to take any precautions to avoid T&E/wildlife conflicts at the planned locations. Finally, if T.O. receives any concerns, he will send them my way.

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact September 22, 2008 / 9:56 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	T.O. Smith
Title	Fish and Wildlife Planning Coordinator
Organization	Montana Fish Wildlife and Parks
Address	1420 E 6 th Ave. PO Box 200701 Helena, MT 59620-0701
County	
Phone	(406) 444-3889
Email address	tosmith@mt.gov

Contact Information:

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

Issue: Geotech Work

Description: FYI -----Original Message----- From: Ruggles, Mike Sent: Monday, September 22, 2008 9:47 AM To: Gunderson, Pat; Wentland, Harold; FWP CF5710 (VACANT); Rauscher, Ryan; Johnson, Kelvin Cc: Smith, T.O. (FWP); Davis, Windy Subject: RE: KXL - Request for information regarding geotechnical work T.O. and Windy, The boring at the Missouri River site may have juvenile and potentially an adult pallid or two in the area in the fall. Juvenile pallid sturgeon will not be stocked near this site this fall, they will be diverted to Wolf Point and Culbertson. I don't believe the test drilling will have an effect on these fish but thought you should be aware. I don't have any overarching fish issues with the Milk River site at this time. Mike Ruggles -----Original Message----- From: Gunderson, Pat Sent: Thursday, September 11, 2008 1:10 PM
--

To: Wentland, Harold; FWP CF5710 (VACANT); Ruggles, Mike; Rauscher, Ryan; Johnson, Kelvin

Cc: Smith, T.O. (FWP); Davis, Windy

Subject: FW: KXL - Request for information regarding geotechnical work

All - Please respond directly to T.O. Smith or Windy Davis, with a cc: to the rest of us, if you have any information to pass along to KXL on these bore sites. Thanks. Pat

-----Original Message-----

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Sent: Thursday, September 11, 2008 11:34 AM

To: Lou_Hanebury@fws.gov; Smith, T.O. (FWP); Gunderson, Pat; Davis, Windy

Subject: KXL - Request for information regarding geotechnical work

Lou, T.O., Pat, and Windy:

KXL would like to begin geotechnical investigations at proposed HDD locations along the route. They would like to conduct the work between October 13 and November 13, 2008. Below is a description of the work that will be conducted:

"Geotechnical investigations - In specific areas, such as large river or road crossings, geotechnical teams would identify subsurface soil and bedrock characteristics. At these geotechnical bore sites, a truck-mounted drilling rig would drill a three- to six-inch-diameter hole and obtain soil and bedrock samples. Typically, two to four small trucks with trailers support this work. If required, TransCanada would request landowner permission to move heavy equipment to and from the survey site. After completion, the boreholes are completely back-filled, and the work site restored."

I would like to request any information on potential T&E / wildlife conflicts and any corresponding mitigation or permits required. Attached are maps of the locations for these investigations. Please give me a call with any questions or concerns. Thank you for your attention to this request.

Sincerely,

Patti Lorenz

Biologist

ENSR | AECOM

1601 Prospect Parkway

Fort Collins, CO 80525

T: (970) 493-8878 x3410

F: (970) 493-0213

plorenz@ensr.aecom.com

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact July 1, 2008 / 8:23 a.m.

KXL Team Member(s) Patti Lorenz (ENSR)

Contact Information:

Name	Martin Miller
Title	Data assistant
Organization	Montana Natural Heritage Program
Address	1515 E 6 th Ave. PO Box 201800 Helena, MT 59620-1800
County	
Phone	(406) 444-3290
Email address	Miller, Martin [martinm@mt.gov]

Contact Information:

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

Issue: Heritage data request

Description:

Hi, Patti,

I've placed a zip file, named "XL_soc.zip", on our ftp site at: <ftp://nris.mt.gov/> . It contains shapefiles for Species of Concern (SOC), ecological sites (sites), a cover letter, explanatory material, metadata (metadata for sites is not available) and an Excel spreadsheet (gen_desc.xls) that contains habitat descriptions for data in the SOC shapefile. The data can be linked on EO_ID.

Please let me know when you have downloaded the data so I can remove it from the ftp site and let me know if you have any questions.

Thanks,

Martin Miller
(406) 444-3290
Data Assistant
Montana Natural Heritage Program

From: Lorenz, Patricia [mailto:plorenz@ensr.aecom.com]

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com



Martin Miller
(406) 444-3290
Data Assistant
Montana Natural Heritage Program

Follow-up Required / Requested

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 12, 2008

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Jim Graham
Title	Bowdoin National Refuge Manager
Organization	U. S. Fish and Wildlife Service
Address	Bowdoin National Wildlife Refuge 194 Bowdoin Auto Tour Rd. Malta, MT 59538
County	
Phone	(406) 654-2863
Email address	

Contact Information:

Type of Contact (phone, in-person, etc.): _____ **Phone** _____

Issue: FWS Easements _____

Description:

Jim called in response to an email request sent to FWS Refuge offices in MT for locations of FWS easement properties. Jim said that the current route crosses one property in his district (Phillips and Valley Counties) with a FWS wetland easement. The legal description is 37N 32E Sec 23 S1/2 in Phillips County. The easement is currently a wetland easement but may become a grassland easement. There are no other easements crossed in Phillips and Valley County. Jim will check with his GIS specialist to see if ENSR can get a shapefile or a map of the property.

The request did go out to all refuge managers in eastern MT.

Issue: _____

Description:

--

333 Airport Road
 P.O. Box 110
 Lewistown, MT 59457
 406/538-8706 Ext. 25
 406/538-7521 (fax)

You can't achieve success if you're not willing to take the first step.

"Lorenz,
 Patricia"
 <plorenz@ensr.aecom.com>

06/09/2008 09:37
 AM

<Danielle_Kepford@fws.gov>

To

cc

<barren_crawford@fws.gov>, "Barnes,
 Chad" <CBarnes@ensr.aecom.com>,
 <Lou_Hanebury@fws.gov>, "Patti,
 Scott" <spatti@ensr.aecom.com>

Subject

RE: Proposed pipeline project -
 USFWS Refuge Lands

Danielle,

That would be great. Thank you for your help. Feel free to give me a call if you have any questions.

Patti

Patti Lorenz
 Biologist
 ENSR | AECOM
 1601 Prospect Parkway
 Fort Collins, CO 80525
 T: (970) 493-8878 x3410
 F: (970) 493-0213
 plorenz@ensr.aecom.com

-----Original Message-----

From: Danielle_Kepford@fws.gov [mailto:Danielle_Kepford@fws.gov]
 Sent: Monday, June 09, 2008 9:22 AM
 To: Lorenz, Patricia
 Cc: barren_crawford@fws.gov; Barnes, Chad; Lou_Hanebury@fws.gov; Patti, Scott
 Subject: Re: Proposed pipeline project - USFWS Refuge Lands

Patricia--

Thanks for your email! From my understanding, you and Barron spoke last week while I was out pertaining to the proposed pipeline project. I wanted to let you know we are working on the information you requested and once I have compiled it, I will forward it on to you. I will be out of the office this week and so hope to get it to you by the end of the month. Please

let
me know if this timeline does not work for you.

Thanks!
Danielle L. Kepford
Realty Specialist
US Fish and Wildlife Service
Charles M. Russell National Wildlife Refuge
333 Airport Road
P.O. Box 110
Lewistown, MT 59457
406/538-8706 Ext. 25
406/538-7521 (fax)

You can't achieve success if you're not willing to take the first step.

	"Lorenz,	
	Patricia"	
To	<plorenz@ensr.aec	
	om.com>	<danielle_kepford@fws.gov>
cc	06/04/2008 09:33	<barren_crawford@fws.gov>,
	AM	<Lou_Hanebury@fws.gov>, "Patti,
		Scott" <spatti@ensr.aecom.com>,
		"Barnes, Chad"
		<CBarnes@ensr.aecom.com>
Subject		Proposed pipeline project - USFWS
		Refuge Lands

Ms. Danielle Kepford,

ENSR would like to request information regarding a potential pipeline

project in Montana. The proposed project consists of a liquids pipeline that will cross through portions of Phillips, Valley, McCone, Dawson, Prairie, and Fallon Counties. ENSR is interested in obtaining location information for any USFWS Refuge lands and easements associated with the Charles M. Russell NWR and WMD crossed by the proposed project.

Attached

is a shapefile of the current route through Montana. If possible, ENSR would like to request shapefiles with the locations of these properties for

planning purposes.

Thank you for your help with this request. ENSR would be happy to comply

with any confidentiality agreements required to obtain this data. Let me

know if you need any additional information.

Sincerely,

Patti Lorenz

Biologist

ENSR | AECOM

1601 Prospect Parkway

Fort Collins, CO 80525

T: (970) 493-8878 x3410

F: (970) 493-0213

plorenz@ensr.aecom.com

[attachment "KXL_CL_20080509_MT.zip" deleted by Danielle
Kepford/R6/FWS/DOI]

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 17, 2008 / 2:46 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Danielle Kepford
Title	Realty Specialist
Organization	US Fish and Wildlife Service Charles M. Russell National Wildlife Refuge
Address	333 Airport Road P.O. Box 110 Lewistown, MT 59457
County	
Phone	406/538-8706 Ext. 25
Email address	Danielle_Kepford@fws.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ____ **Email** _____

Issue: FWS Easements ____

Description:

See email below:

ENSRpipelinecounty2008.zip ENSRpipeline2008.zip

Patti--

Attached are two maps one of our biologists put together to show us where the proposed pipeline is in reference to the lands we own/have an interest in. According to these files, the proposed pipeline does NOT impact any of CMR NWR or Medicine Lake lands, fee or easement. However, we are still looking into the data for the Bowdoin NWR (Malta) Wetland Management District. Thanks for your patience.

(See attached file: ENSRpipeline2008.jpg) (See attached file: ENSRpipelinecounty2008.jpg)

Danielle L. Kepford

Realty Specialist

US Fish and Wildlife Service

Charles M. Russell National Wildlife Refuge

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact June 30, 2008 / 3:20 p.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Sean Fields
Title	Habitat and Population Evaluation Team
Organization	U. S. Fish and Wildlife Service
Address	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT
County	
Phone	(406) 727-7400 x218
Email address	Sean_Fields@fws.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ____ **email** _____

Issue: FWS Easements ____

Description:



pipeline_easements.
pdf

Hello Patricia -

I was asked to provide you with information on USFWS interests along the proposed pipeline for ENSR. The USFWS Region 6 National Wildlife Refuge System (NWRS) policy states that digital spatial information cannot be shared with non FWS NWRS entities. The easement information is available to the public at county register of deeds offices. However, I have included a digital map showing the location of the only FWS easement that occurs along the route of the proposed pipeline. No FWS fee title lands occur along the proposed route. Please do not hesitate to contact me with questions.

(See attached file: pipeline_easements.pdf)

Sean Fields
US Fish and Wildlife Service
Habitat and Population Evaluation Team
Benton Lake NWR
922 Bootlegger Trail
Great Falls, MT
(406) 727-7400 x218

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact July 9, 2008 / 9:34 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Sean Fields
Title	Habitat and Population Evaluation Team
Organization	U. S. Fish and Wildlife Service
Address	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT
County	
Phone	(406) 727-7400 x218
Email address	Sean_Fields@fws.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ____ **email** _____

Issue: FWS Easements ____

Description:



pipeline_easements_
final.pdf

Patti -

My apologies on the map. The map is wrong. The easement is located in T37N, R32E, S23 & 24. This is the only FWS easement along the entire length of the proposed route.

(See attached file: pipeline_easements_final.pdf)

Sean Fields
US Fish and Wildlife Service
Habitat and Population Evaluation Team
Benton Lake NWR
922 Bootlegger Trail
Great Falls, MT
(406) 727-7400 x218

"Lorenz,
Patricia"
<plorenz@ensr.aec
om.com>

<Sean_Fields@fws.gov>

To

cc

07/02/2008 10:57
AM

Subject

RE: Proposed pipeline project -
USFWS Refuge Lands

Hi Sean,

I just wanted to confirm that this analysis is for the entire length of the proposed route through Montana. Also, is the legal description on the map correct? It reads T32W, R32W, Sections 23 and 24. Jim Graham from the Bowdoin Nat. Refuge indicated that the property was located at 37N, 32E, Sec 23. Are we talking about the same property? Let me know.

Thanks,

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

-----Original Message-----

From: Sean_Fields@fws.gov [mailto:Sean_Fields@fws.gov]
Sent: Monday, June 30, 2008 3:20 PM
To: Lorenz, Patricia
Subject: Fw: Proposed pipeline project - USFWS Refuge Lands

Hello Patricia -

I was asked to provide you with information on USFWS interests along the proposed pipeline for ENSR. The USFWS Region 6 National Wildlife Refuge System (NWRS) policy states that digital spatial information cannot be shared with non FWS NWRS entities. The easement information is available to the public at county register of deeds offices. However, I have included a digital map showing the location of the only FWS easement that occurs along the route of the proposed pipeline. No FWS fee title lands occur along the proposed route. Please do not hesitate to contact me with questions.

(See attached file: pipeline_easements.pdf)

Sean Fields

US Fish and Wildlife Service
Habitat and Population Evaluation Team
Benton Lake NWR
922 Bootlegger Trail
Great Falls, MT
(406) 727-7400 x218

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location	ENSR
Date/Time of Contact	September 10, 2008 / 11:56 a.m.
KXL Team Member(s)	Patti Lorenz

Contact Information:

Name	Sean Fields
Title	Habitat and Population Evaluation Team
Organization	U. S. Fish and Wildlife Service
Address	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT
County	
Phone	(406) 727-7400 x218
Email address	Sean_Fields@fws.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ____ email _____

Issue: FWS Easements ____

Description: Hi Patti - I ran the two shapefiles that are label Option_A_UTM_13_Aug_14_2007 and Option_A_BIA_REROUTE_UTM_13_Aug_14_2007. - Option_A_UTM_13_Aug_14_2007 runs through the same USFWS easement in T37N R32E Section 23 as the previous analysis. - Option_A_BIA_REROUTE_UTM_13_Aug_14_2007 does not cross any USFWS easements Sue Kvas (sue_kvas@fws.gov) will be your FWS contact for the file labeled Option_A_UTM_14_Aug_14_2007. I cc'd her on this email. She has the easement data for North Dakota and can check the proposed route for easement crossings. Let me know if you need anything else. Sean Fields US Fish and Wildlife Service Habitat and Population Evaluation Team Benton Lake NWR 922 Bootlegger Trail Great Falls, MT
--

(406) 727-7400 x218

"Lorenz,
Patricia"
<plorenz@ensr.aec
om.com>

<Sean_Fields@fws.gov>

To

cc

09/04/2008 01:35
PM

Subject

RE: Proposed pipeline project -
USFWS Refuge Lands

Hi Sean,

In compliance with the MFSA, we need to evaluate alternative pipeline routes for the TransCanada KXL Pipeline Project. I have attached the shapefile of those alternatives and was wondering if you could run a similar analysis for them as well? Let me know if this is possible or if we need to contact any other FWS folks.

Thanks,

Patti

Patti Lorenz
Biologist
ENSR | AECOM
1601 Prospect Parkway
Fort Collins, CO 80525
T: (970) 493-8878 x3410
F: (970) 493-0213
plorenz@ensr.aecom.com

-----Original Message-----

From: Sean_Fields@fws.gov [mailto:Sean_Fields@fws.gov]
Sent: Monday, June 30, 2008 3:20 PM
To: Lorenz, Patricia
Subject: Fw: Proposed pipeline project - USFWS Refuge Lands

Hello Patricia -

I was asked to provide you with information on USFWS interests along the proposed pipeline for ENSR. The USFWS Region 6 National Wildlife Refuge System (NWRS) policy states that digital spatial information cannot be shared with non FWS NWRS entities. The easement information is available to the public at county register of deeds offices. However, I have

included a digital map showing the location of the only FWS easement that occurs along the route of the proposed pipeline. No FWS fee title lands occur along the proposed route. Please do not hesitate to contact me with questions.

(See attached file: pipeline_easements.pdf)

Sean Fields
US Fish and Wildlife Service
Habitat and Population Evaluation Team
Benton Lake NWR
922 Bootlegger Trail
Great Falls, MT
(406) 727-7400 x218
(See attached file: OPTION_A_A1A.zip)

Issue: _____

Description:

TransCanada – KXL Phase II Pipeline Contact Summary Form

Communication Location ENSR

Date/Time of Contact October 21, 2008 / 8:30 a.m.

KXL Team Member(s) Patti Lorenz

Contact Information:

Name	Lou Hanebury
Title	Fish and Wildlife Biologist
Organization	U. S. Fish and Wildlife Service
Address	Ecological Services Billings Sub Office 2900 4 th Ave. N., Suite 301 Billings, MT 59101-1228
County	
Phone	(406) 247-7367
Email address	Lou_hanebury@fws.gov

Contact Information:

Type of Contact (phone, in-person, etc.): ____ _phone_____

Issue: MFSA-Alt. Route T&E Concerns

Description:

Lou returned my call in request for information regarding fish, wildlife, and T&E concerns along the alternate routes A and A1A. After a brief explanation of the MFSA, Lou mentioned that where Route B crosses the Missouri River, there are no concerns for piping plover, least tern, or pallid sturgeon. There will be impacts to these species at the Missouri River crossings for alternative routes A and A1A. To summarize, the U.S. Fish and Wildlife Service prefers the use of Route B.

ENSR

1601 Prospect Parkway, Fort Collins, Colorado 80525
T 970.493.8878 F 970.493.0213 www.ensr.aecom.com

April 21, 2008

Mr. T.O. Smith
Montana Fish, Wildlife, and Parks
1420 E 6th Avenue
Helena, MT 59620-0701

U.S.

Dear Mr. Smith:

At this time, ENSR Corporation (ENSR) is providing you with information regarding the implementation of the biological survey program for the TransCanada Keystone XL Project (Project), and requesting your feedback and concurrence on certain proposed actions. Keystone has requested that ENSR be designated as the non-federal representative for the Bureau of Land Management (BLM) under Section 7 of the Endangered Species Act. As with the Keystone project, it is expected that BLM will approve this role so that we can help facilitate the consultation process.

Project Description

As outlined during a recent meeting in Helena, the Keystone XL Project is a proposed pipeline to transport crude oil from fee property of TransCanada located in Heartland, Alberta, Canada, to Nederland, Texas, and the Houston Ship Channel area of Texas, in the United States (U.S.). The current, planned delivery points will be located in Nederland, Texas, and the Houston Ship Channel area in Texas. The Keystone XL Project will originate with a nominal throughput of 700,000 barrels per day (bpd) with the possibility of an ultimate nominal capacity of 900,000 bpd.

The Canadian component of the Project consists of 329 miles of new 36-inch pipeline co-located approximately 87 percent with the existing TransCanada system and approximately 13 percent with other existing linear disturbances for a total of 100 percent. In Canada, the Project will require three tanks each with a capacity of 350,000 barrels, three metering facilities, and 13 pump stations.

The U.S. component of the Project consists of approximately 1,375 miles of new 36-inch-diameter pipeline which does not include the 298 miles of 36-inch pipeline constructed under the initial Keystone Project to extend the separate and ongoing Keystone Project from Steele City, Nebraska, to Cushing, Oklahoma in the U.S (known as the Cushing Extension). The permitting and construction of the Cushing Extension has been analyzed in the National Environmental Policy Act (NEPA) process for the Keystone Project, and is not included in the scope of this Project.

In the U.S., the Project will require six tanks each with a capacity of 350,000 barrels. Three would be located at Steele City, Nebraska, and three would be located at either the junction point off the Keystone XL mainline for the Houston Lateral or at the end of the Houston Lateral. Metering facilities would be installed at delivery points at Cushing, Nederland, and at the end of the Houston Lateral. Thirty new pump stations will be installed along the pipeline in the U.S.

Phase 1 (Oklahoma and Texas) is scheduled to be in service by the fourth quarter of 2010 with Phase 2 (Montana, South Dakota, and Nebraska) by the fourth quarter of 2011.

Biological Survey Program

General habitat assessments and Wetland/Waterbody delineation surveys will be initiated in May 2008 to fine-tune identified habitat for special status species potentially located along the proposed Keystone XL Project route as well as to identify wetlands and waterbodies that have met U.S. Army Corps of Engineers (ACOE) Pre-Construction Notification (PCN) requirements. These surveys will cover a comprehensive list of ecological areas (e.g. wetlands/waterbodies, prairie dog colonies, and native

T.O. Smith
April 21, 2008
Page 2

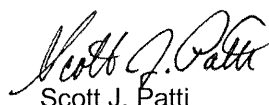
landscapes) that have been identified through high-resolution aerial photography reviews and PCN requirements of the ACOE. We have included a table of locations that will be surveyed as a part of this overall habitat assessment effort. The results of the comprehensive habitat surveys will be used to help fine-tune the currently proposed species-specific survey locations.

Species-specific biological surveys also will be conducted in 2008 and 2009 for several species potentially located along the Keystone XL Project route. We are including a table of special status species that may be impacted by the proposed project for your review and concurrence. These species, sensitive species habitats, and proposed survey locations have been determined through federal and state agency website searches, document reviews, and high-resolution aerial photography interpretation. Consultations with agency personnel have not occurred to date; therefore, the biological survey program requires your review and concurrence. To facilitate your review of the Keystone XL project biological survey program, ENSR is providing you with the following materials:

- Special Status Species Screening Table – This document includes all special status species that have the potential to occur within the project area through the detailed reviews mentioned above. It assisted us in determining the need for surveys and the locations of those surveys for each species. Your review, input, and concurrence with these proposed survey areas is imperative, and future consultations will be based on this information.
- Shapefiles of the proposed project centerline.

Copies of these materials also are being distributed to Montana FWS field office and Montana BLM field offices. Because our habitat assessment surveys and wetland delineations are scheduled to begin in May 2008, we are sincerely hoping that the enclosed materials will provide you with enough detail to confirm survey locations and methodologies. ENSR will be meeting with you at your earliest convenience to discuss this material in further detail and to request your concurrence with our survey protocols. If you have any questions regarding the enclosed materials, please contact Patti Lorenz or me at (970) 493-8878 or email spatti@ensr.aecom.com or plorenz@ensr.aecom.com. We truly appreciate your prompt assistance.

Sincerely,



Scott J. Patti
Project Manager

CB/SJP

Ref: 10623-007

Enc: Special Status Species Screening Table
Montana Comprehensive Survey Location Table
Shapefiles of the proposed centerline (including mileposts, and permanent and temporary easements)

**TransCanada – Keystone Pipeline
Meeting Summary E-Mail Posting Form**

Meeting Location: MFWP Office, Glasgow, MT

Date & Time: July 29, 2008 / 9:00 – 11:00 a.m.

Keystone Team Members: Patti Lorenz

Agency Contact Information:

Name	Organization	Title	Phone / E-mail address
Kelvin Johnson	MFWP	Wildlife Biologist	406-228-3700 / kelvinj@mt.gov
Ryan Rauscher	MFWP	Native Spp. Biologist	406-228-3700 / rrauscher@mt.gov
Howard Burt	MFWP	Wildlife Biologist	406-377-4556 / hrburt@mt.gov
Harold Wentland	MFWP	R6 Wildlife Manager	406-228-3710 / hwentland@mt.gov
John Carlson	BLM	BLM Wildlife Biologist	406-228-3762 / john_carlson@blm.gov
Mike Ruggles	MFWP	Fisheries Coordinator	406-526-3287 / mikeruggles@mt.gov
Pat Gunderson	MFWP	Wildlife Biologist	406-228-3704 / pgunderson@mt.gov
T.O. Smith	MFWP	Fish and Wildlife Plan Coordinator	406-444-3889 / tosmith@mt.gov

Meeting Purpose:

ENSR met with the MFWP and BLM to discuss issues pertaining to wildlife and special status species that have been identified for the Project. The goals of this meeting were to: 1) obtain concurrence on the proposed survey protocols and survey locations; and 2) discuss other issues or concerns that MFWP and BLM have regarding the Project.

Action Items:

Issue Description/Responsible Parties/Concern Level

MFWP asked if we were considering impacts to game species as well as special status species. Answer- yes and we have information from the MT Natural Heritage Program regarding big game ranges. Also concerned about impacts to grouse with the construction of power lines. This creates raptor perches. MFWP is concerned about silver sage habitat crossed north of Hwy 2 – sensitive sage grouse area. MFWP is also concerned about the route crossing the Porcupine Grasslands, a remnant native grassland area.

Issue Description/Responsible Parties/Concern Level

MFWP stated that if the Missouri, Yellowstone, and Milk Rivers are crossed using HDD methods, there will be no impacts to fishes found in those rivers. Would also like to recommend including the Milk River on the list of HDD rivers due to the location of the crossing near the spillway. There are additional fishery concerns with the crossing of the Redwater River.

Issue Description/Responsible Parties/Concern Level

MFWP concerned about the pearl dace within prairie streams crossed by the project. Recommend researching the prairie streams database / research available on the MFWP website. MFWP can assist with any additional information on the streams crossed by the project. MFWP would like more information on water use for hydrostatic testing.

Issue Description/Responsible Parties/Concern Level

MFWP would like more information on TransCanada's Standard Mitigation Measures and the locations of permanent structures (e.g. pump stations, access roads, and transmission lines)

Issue Description/Responsible Parties/Concern Level

Construction specifics were discussed including the width of the disturbance areas and what will be permanently impacted. A 50 ft. permanent easement will be maintained for the life of the pipeline. This involves managing vegetation to a certain height (e.g. trees will not be allowed to grow within that 50 feet). This fact brings up the concern for the removal of cottonwoods along the route. There is a conservation group that would be concerned with this impact.

Issue Description/Responsible Parties/Concern Level

Impacts to grassland birds are a concern. BLM recommends surveying for these grassland birds in July. This part of the state contains a large diversity of grassland birds and is considered a globally important area. Bitter Creek WSA in northern Valley County will be crossed by the route and may be designated as a BLM ACEC. It is also considered an important bird area by the National Audubon List. To avoid impacts to these birds and comply with the MBTA, it is recommended that construction occur outside of the breeding season, more specifically, in the fall and winter. Surveys and clearing activities prior to construction are not effective mitigation measures.

Issue Description/Responsible Parties/Concern Level

MFWP recommends burying transmission lines associated with the project.

Issue Description/Responsible Parties/Concern Level

MFWP emphasized the need to comply with the Major Facilities Siting Act. Thomas Ring with the DEQ would be the contact.

Issue Description/Responsible Parties/Concern Level

MFWP would like to know what TransCanada is willing to do as far as mitigation is concerned. They view mitigating for impacts to an entire community rather than individual T & E species. These communities include species of concern. They emphasized mitigating for what is directly impacted by the project. For example, if impacts included the loss of sagebrush habitat, MFWP would like compensation for that habitat and is not in agreement with mitigating for another habitat not impacted by the project. MFWP understands that not all impacts can be avoided.

Issue Description/Responsible Parties/Concern Level

As far as surveys go, MFWP has an interest in knowing who will be conducting the surveys and may be interested in doing them if they could receive payment for their work. They would need to hire additional staff to complete that type of work.

Follow-up Required / Requested

MFWP Needs:

- Landuse / habitat impacts – amount crossed;
- Reports on any surveys completed;
- TransCanada's Standard mitigation measures;
- Locations of power lines, access roads, and permanent structures (e.g. pump stations and valve sights). They would like to add input to these locations; and
- If and when surveys are conducted – information on specialists conducting those surveys.

ENSR needs:

- As much location information as can be provided – willing to sign confidentiality agreements;
 - Would like MFWP and BLM to review the SSS Table list and add input (response from MFWP is that it will take some time to do that); and
 - Sensitive time windows (i.e., spawning dates, survey periods, winter range exclusion dates, etc.).
-

Additional Comments

MFWP would like to review the meeting notes and add concurrence.

**Montana Fish, Wildlife, and Parks (MFWP) / USDI Bureau of Land Management (BLM) Wildlife Meeting, Glasgow, Montana
July 29, 2008. 9:00 a.m. – 11:00 a.m.**

Attendees:

Keystone XL Staff:

Patti Lorenz (ENSR)

Agency Staff:

**Kelvin Johnson (MFWP)
Ryan Bauscher (MFWP)
Howard Burt (MFWP)
Harold Wentland (MFWP)
John Carlson (BLM)
Mike Ruggles (MFWP)
Pat Gunderson (MFWP)
T.O. Smith (MFWP)**

Meeting Notes:

Introduction

- ENSR explained that the reason for the meeting was to evaluate the baseline special status species information distributed to the agencies and to come up with a plan that will reduce impacts to wildlife occurring within the project area. TransCanada would like to identify all agency concerns as soon as possible to use as a planning tool. This includes all recommended / required species specific mitigation and the associated protocols.
- MFWP asked if their input could influence the route through Montana. Answer – yes, and that is why it is important to identify potential wildlife issues during these early stages.
- Project specifics discussed included:
 - Construction dates – 2011;
 - Right-of-way (ROW) dimensions;
 - Associated facilities and access roads; and
 - Document schedules.
- A map of the proposed route through Montana was presented to the group.

Discussion

- MFWP asked if we were considering impacts to game species as well as special status species. Answer- yes and we have information from the MT Natural Heritage Program regarding big game ranges. Also concerned about impacts to grouse with the construction of power lines. This creates raptor perches. MFWP is concerned about silver sage habitat crossed north of Hwy 2 – sensitive sage grouse area. MFWP is also concerned about the route crossing the Porcupine Grasslands, a remnant native grassland area.
- MFWP stated that if the Missouri, Yellowstone, and Milk Rivers are crossed using HDD methods, there will be no impacts to fishes found in those rivers. Would also like to recommend including the Milk River on the list of HDD rivers due to the location of the crossing near the spillway. There are additional fishery concerns with the crossing of the Redwater River.
- MFWP emphasized concern for the Milk River crossing and mentioned the Milk River Cooperative Agreement.
- MFWP concerned about the pearl dace within prairie streams crossed by the project. Recommend researching the prairie streams database / research available on the MFWP website. MFWP can assist with any additional information on the streams crossed by the project. MFWP would like more information on water use for hydrostatic testing.

- MFWP would like more information on TransCanada's Standard Mitigation Measures and the locations of permanent structures (e.g. pump stations, access roads, and transmission lines)
- MFWP mentioned that they have developed a MOU with Alberta that has resulted in a successful project.
- Construction specifics were discussed including the width of the disturbance areas and what will be permanently impacted. A 50 ft. permanent easement will be maintained for the life of the pipeline. This involves managing vegetation to a certain height (e.g. trees will not be allowed to grow within that 50 feet). This fact brings up the concern for the removal of cottonwoods along the route. There is a conservation group that would be concerned with this impact.
- Impacts to grassland birds are a concern. BLM recommends surveying for these grassland birds in July. This part of the state contains a large diversity of grassland birds and is considered a globally important area. Bitter Creek WSA in northern Valley County will be crossed by the route and may be designated as a BLM ACEC. It is also considered an important bird area by the National Audubon List. To avoid impacts to these birds and comply with the MBTA, it is recommended that construction occur outside of the breeding season, more specifically, in the fall and winter. Surveys and clearing activities prior to construction are not effective mitigation measures.
- MFWP recommends burying transmission lines associated with the project.
- MFWP emphasized the need to comply with the Major Facilities Siting Act. Thomas Ring with the DEQ would be the contact.
- MFWP would like to know what TransCanada is willing to do as far as mitigation is concerned. They view mitigating for impacts to an entire community rather than individual T & E species. These communities include species of concern. They emphasized mitigating for what is directly impacted by the project. For example, if impacts included the loss of sagebrush habitat, MFWP would like compensation for that habitat and is not in agreement with mitigating for another habitat not impacted by the project. MFWP understands that not all impacts can be avoided.
- As far as surveys go, MFWP has an interest in knowing who will be conducting the surveys and may be interested in doing them if they could receive payment for their work. They would need to hire additional staff to complete that type of work.

Action Items:

MFWP Needs:

- Landuse / habitat impacts – amount crossed;
- Reports on any surveys completed;
- TransCanada's Standard mitigation measures;
- Locations of power lines, access roads, and permanent structures (e.g. pump stations and valve sights). They would like to add input to these locations; and
- If and when surveys are conducted – information on specialists conducting those surveys.

ENSR needs:

- As much location information as can be provided – willing to sign confidentiality agreements;
- Would like MFWP and BLM to review the SSS Table list and add input (response from MFWP is that it will take some time to do that); and
- Sensitive time windows (i.e., spawning dates, survey periods, winter range exclusion dates, etc.).

ENSR

1601 Prospect Parkway, Fort Collins, Colorado 80525
T 970.493.8878 F 970.493.0213 www.ensr.aecom.com

April 21, 2008

Mr. Lou Hanebury
U. S. Fish and Wildlife Service
Montana Field Office
2900 4th Avenue North #301
Billings, Montana 59101-1228

Dear Mr. Hanebury:

At this time, ENSR Corporation (ENSR) is providing you with information regarding the implementation of the biological survey program for the TransCanada Keystone XL Project (Project), and requesting your feedback and concurrence on certain proposed actions. Keystone has requested that ENSR be designated as the non-federal representative for the Bureau of Land Management (BLM) under Section 7 of the Endangered Species Act. As with the Keystone project, it is expected that BLM will approve this role so that we can help facilitate the consultation process.

Project Description

As outlined during a recent meeting in Helena, the Keystone XL Project is a proposed pipeline to transport crude oil from fee property of TransCanada located in Heartland, Alberta, Canada, to Nederland, Texas, and the Houston Ship Channel area of Texas, in the United States (U.S.). The current, planned delivery points will be located in Nederland, Texas, and the Houston Ship Channel area in Texas. The Keystone XL Project will originate with a nominal throughput of 700,000 barrels per day (bpd) with the possibility of an ultimate nominal capacity of 900,000 bpd.

The Canadian component of the Project consists of 329 miles of new 36-inch pipeline co-located approximately 87 percent with the existing TransCanada system and approximately 13 percent with other existing linear disturbances for a total of 100 percent. In Canada, the Project will require three tanks each with a capacity of 350,000 barrels, three metering facilities, and 13 pump stations.

The U.S. component of the Project consists of approximately 1,375 miles of new 36-inch-diameter pipeline which does not include the 298 miles of 36-inch pipeline constructed under the initial Keystone Project to extend the separate and ongoing Keystone Project from Steele City, Nebraska, to Cushing, Oklahoma in the U.S (known as the Cushing Extension). The permitting and construction of the Cushing Extension has been analyzed in the National Environmental Policy Act (NEPA) process for the Keystone Project, and is not included in the scope of this Project.

In the U.S., the Project will require six tanks each with a capacity of 350,000 barrels. Three would be located at Steele City, Nebraska, and three would be located at either the junction point off the Keystone XL mainline for the Houston Lateral or at the end of the Houston Lateral. Metering facilities would be installed at delivery points at Cushing, Nederland, and at the end of the Houston Lateral. Thirty new pump stations will be installed along the pipeline in the U.S.

Phase 1 (Oklahoma and Texas) is scheduled to be in service by the fourth quarter of 2010 with Phase 2 (Montana, South Dakota, and Nebraska) by the fourth quarter of 2011.

Biological Survey Program

General habitat assessments and Wetland/Waterbody delineation surveys will be initiated in May 2008 to fine-tune identified habitat for special status species potentially located along the proposed Keystone XL Project route as well as to identify wetlands and waterbodies that have met U.S. Army Corps of Engineers (ACOE) Pre-Construction Notification (PCN) requirements. These surveys will cover a

Lou Hanebury
 April 21, 2008
 Page 2

comprehensive list of ecological areas (e.g. wetlands/waterbodies, prairie dog colonies, and native landscapes) that have been identified through high-resolution aerial photography reviews and PCN requirements of the ACOE. We have included a table of locations that will be surveyed as a part of this overall habitat assessment effort. The results of the comprehensive habitat surveys will be used to help fine-tune the currently proposed species-specific survey locations.

Species-specific biological surveys also will be conducted in 2008 and 2009 for several species potentially located along the Keystone XL Project route. We are including a table of special status species that may be impacted by the proposed project for your review and concurrence. These species, sensitive species habitats, and proposed survey locations have been determined through federal and state agency website searches, document reviews, and high-resolution aerial photography interpretation. Consultations with agency personnel have not occurred to date; therefore, the biological survey program requires your review and concurrence. To facilitate your review of the Keystone XL project biological survey program, ENSR is providing you with the following materials:

- Special Status Species Screening Table – This document includes all special status species that have the potential to occur within the project area through the detailed reviews mentioned above. It assisted us in determining the need for surveys and the locations of those surveys for each species. Your review, input, and concurrence with these proposed survey areas is imperative, and future consultations will be based on this information.
- Shapefiles of the proposed project centerline.

Copies of these materials also are being distributed to BLM offices in Montana, FWS field offices in South Dakota, Nebraska, and Kansas; and to the appropriate state wildlife agencies in each state. Because our habitat assessment surveys and wetland delineations are scheduled to begin in May 2008, we are sincerely hoping that the enclosed materials will provide you with enough detail to confirm survey locations and methodologies. ENSR will be meeting with you at your earliest convenience to discuss this material in further detail, and to request your concurrence with our surveys protocols. If you have any questions regarding the enclosed materials, please contact Patti Lorenz or me at (970) 493-8878 or email spatti@ensr.aecom.com or plorenz@ensr.aecom.com. We truly appreciate your prompt assistance.

Sincerely,


 Scott J. Patti
 Project Manager

CB/SJP

Ref: 10623-007

Enc: Special Status Species Screening Table
 Montana Comprehensive Survey Location Table
 Shapefiles of the proposed centerline (including mileposts, and permanent and temporary easements)

Meeting Notes
USFWS/MFWP Meeting
May 8, 2008
9:00 – 11:30
Helena, MT

U.S. Fish and Wildlife Service (USFWS) – Billings, MT Field Office
 Montana Fish, Wildlife, and Parks (MFWP)

Attendees:

Hugh Zachheim (MFWP)
 Paul Sihler (MFWP)
 Lou Hanebury (USFWS)
 Windy Davis (MFWP)
 T.O. Smith (MFWP)
 Chad Barnes (ENSR)
 Patti Lorenz (ENSR)

Purpose:

To gather information about special status species that may be impacted by the TransCanada proposed oil pipeline project and review proposed species specific surveys.

Project Updates

Note: None of the attendees from the MFWP were present at the introductory meeting and were given an overview of the project before discussing the specifics of special status species.

In addition to the general overview of the proposed KXL project through Montana, the following updates were given:

- The project route is not firm and will change;
- Aerial raptor surveys were conducted in April and included 100% cover of the proposed right-of-way (ROW) to date;
- Ground surveys for wetland/waterbodies and sensitive habitats (e.g. prairie dog towns) will begin at the end of May.

Survey tables/schedules/protocols were developed through public information without agency consultation. Sources included USFWS and NGPC websites and the NGPC Wildlife Conservation Strategy.

MFWP/USFWS Concerns

- MFWP is concerned about impacts to MFWP land and easements including lands with federal and NGO easements (e.g. Nature Conservancy). In addition, the MFWP is also concerned about the impacts to partnership incentive programs with landowners.

- FWS would like ENSR to contact the FWS refuge offices for locations of any FWS properties including refuges, satellite refuges, waterfowl production areas, etc. Specifically, get information on CMR and Medicine Lake properties.
- River crossing procedures, including intermittent prairie streams. The prairie streams include sensitive native prairie fish species.
- Because the project is scheduled for 2011 construction, the USFWS recommends that we treat species of concern as listed species. The mountain plover and the greater sage grouse are examples of species where the status of these species could change prior to construction. Impacts to these species should be avoided in order to avoid having to reconsult with the FWS at a later time.
- Focus on minimizing impacts to native grasslands. The MFWP was pleased to learn that the proposed pipeline will be buried under ground and reclaimed using native seed mixes.
- The FWS Western Raptor Guidelines for raptor buffer zones are still in draft form. ENSR can use buffer zones from past projects until the new guidelines are released.
- Impacts of concern for the MFWP include
 - Short-term impacts;
 - Long-term (permanent) impacts;
 - Oil spills;
 - Pump Stations;
 - Pipe construction; and
 - Environmental
- Lydia Bailey with the heritage database should be contacted to assist with impact analysis. ENSR will need to sign a confidentiality agreement before receiving any information. Lydia will be able to provide T&E information as well as landownership information.
- ENSR should also contact Region 6 of the MFWP for input on landownership.
- MFWP recommended scheduling an additional meeting with MFWP specialists to hear their recommendations and receive more specific site/survey information.
- MFWP is concerned about impacts to native grassland birds. Coburn Currier would be the contact for more specific information regarding these species. The FWS commented that the take of migratory birds needs to be avoided under the conditions of the MBTA.
- MFWP would like to know more about the legal framework for pipelines, specifically eminent domain.
- Big game ranges will also be important to identify. There is antelope winter range in the northern portion of the proposed project.
- The MFWP mentioned the Milk River Cooperative agreement. More information will be needed regarding specific mitigation.

Species Specific Information

Townsend's Big-eared Bat and Spotted Bat:

Survey requirements will require a consultation with Kristi Dubois, the bat specialist with MFWP. The primary habitat will be cottonwood trees for roost sites.

Black-footed Ferret:

Survey requirements will depend on prairie dog town delineations. If the prairie dog towns meet the requirements of the 1989 USFWS Black-footed Ferret survey protocol, then black-footed ferret surveys may be required. If large prairie dog towns are found, further consultation with the FWS will be required. Black-footed Ferrets are not extirpated or block-cleared in the state of Montana.

MFWP can provide a prairie dog town GIS layer of known towns along the route. ENSR should also reference the MT prairie dog management plan. Allison Puchniak is the specialist to contact.

Swift Fox:

Surveys for den sites are recommended. The need for den surveys will depend on the 2008 pedestrian survey results. The FWS noted that swift fox are present north of the Missouri River and the presence of dens or the need for surveys south of the Missouri River is unlikely. Ryan Rauscher (MFWP) in Glasgow is the swift fox expert and the contact for more information.

Bald Eagle:

Bald eagle surveys are included in the aerial raptor surveys. Contact Kristi Dubois to access the MFWP bald eagle database and follow the Montana Bald Eagle Management Plan. In Montana, there is more concern on impacts to golden eagles than bald eagles.

Peregrine Falcon:

Peregrine falcon surveys are included in the aerial raptor surveys. Contact Kristi Dubois for the state database and known nest locations.

Whooping Crane:

The locations and habitat quality of stop-over locations will be better known after the wetland/waterbody surveys have been conducted. The USFWS provided ENSR with the guidelines of the Whooping Crane Sighting Project. Using this information and the results of the 2008 pedestrian surveys, areas of suitable habitat along the proposed route should be identified. Sightings of whooping cranes have occurred in 11 counties in eastern Montana, including areas near the proposed project route. Contact Tom Stein (FWS Whooping Crane coordinator) for further consultation. Contact Martha Tacha (USFWS -NE) for the migration period dates.

Suggested protocol: If a whooping crane is identified, construction activities will be delayed until the individual(s) have left. In addition, if a crane is identified, the USFWS will immediately be notified and a 1 mile buffer from any disturbance will be applied.

For facilities requiring transmission and/or distribution lines, requirements will include either marking those lines or burying the lines within whooping crane migration routes within suitable habitat where sightings have occurred.

Piping Plover:

Surveys will be recommended on alkali wetlands in Valley County only. The Missouri River and Frenchmen's Creek will not require surveys. The proposed route will stay out of all critical habitat for this species.

Interior Least Tern:

Surveys are recommended on the Yellowstone River only. The Missouri and Milk Rivers can be eliminated from future analysis.

Long-billed Curlew:

The MFWP is concerned with impacts to the long-billed curlew. There has been a heavy reduction to this species' range. Recommend surveying heavily grazed habitat.

Mountain Plover:

Surveys will be recommended within prairie dog towns (within all MT counties) and the bentonite fields in Valley County along the proposed route. Impacts for the mountain plover should be analyzed as a federally listed species due to the timescale of the project and the chance of a change in listing status. Refer to the BLM ACEC regarding mountain plovers.

Greater Sage Grouse:

Surveys required. Surveys will be required within all suitable habitat, not just BLM lands. Aerial surveys are recommended. Refer to the sage grouse protocol for Montana. Windy can provide more information for this species. Change breeding (lekking) period dates to mid-March to end of April.

MFWP provided ENSR with a map of known lek sites. These sites need to be avoided. Lek sites cannot be reclaimed. Sage grouse will not return to the site once it has been disturbed. The buffer distance is still being decided but there will be no surface occupancy within at least one mile but could be up to a four mile buffer.

There is a population of sage grouse that have known lek sited in Fallon County just over the eastern boarder of Montana that are considered to be sage grouse from the Dakotas. This population will be genetically sensitive and may required further consultations.

Sharp-tailed grouse: (Need to add to table)

MFWP requested that sharp-tailed grouse be added to the Special Status Species Screening Table in Dawson, Fallon, and Prairie Counties. This is a game bird in Montana.

Burrowing Owl:

Surveys recommended in prairie dog towns. This species is protected under the MBTA.

Blue Sucker and Pallid Sturgeon:

Surveys required for the Missouri and Yellowstone Rivers only. The Milk River can be eliminated for this species. Windy Davis, Bob B., and Montana State University are good sources for fish databases for the MFWP. Should these rivers be crossed using HDD methods, impacts to these species will be eliminated and surveys will not be required for these fish species.

Yellowstone River:

Need to reduce and minimize impacts to the Yellowstone River. Yellowstone River Conservation needs to be considered an impact issue. HDD would be the preferred crossing method.

Spiny Softshell:

Survey requirements TBD and additional consultation may be required. The MFWP/Natural Heritage Program is currently conducting surveys for this species. Bruce Maxell with the Natural Heritage Program is the contact for this species.

MBTA:

Avoid and minimize impacts during the nesting season. The Keystone Protocol is recommended.

Discussion/Action Items

- Get all contact information for specialists listed above from the MFWP and USFWS.
- Sign a confidentiality agreement with Lydia Bailey and the Natural Heritage Program in order to obtain shapefiles and data on T&E and Landownership. T.O. Smith will provide us with that contact information.
- MFWP can provide prairie dog town locations to ENSR.
- MFWP can provide known peregrine falcon nest locations.
- ENSR will send T.O. Smith an electronic version of the Special Status Screening Table to distribute to species specialists at MFWP.
- MFWP asked ENSR to set a deadline for the MFWP specialists to get species specific information back to ENSR. ENSR mentioned that it would be helpful to get that information prior to pedestrian ground surveys beginning at the end of May.
- Schedule a meeting with MFWP species specialists to go over survey locations.

Attachment F

Date	Contact	Job Title	County	Address	Phone	Summary of Discussion
Circular MFSA 2 Section 3.7 (16) (f)						
6/2/2008	Elaine Raper	BLM	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2800	Meeting: Discussion with BLM regarding the Lewis and Clark Trail as a Special Resource Management Area.
12/11/2008	Kent Undlin	BLM	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2845	Discussion regarding the assessment of increased hunting and fishing pressures as a result of the KXL Pipeline Project. The construction of the pipeline, itself, would not affect current hunting and fishing status, however, access roads on private lands that allowed hunting would increase hunting/fishing pressures in that area. If access roads were created, and allowed new access to rivers, fishing pressure would then increase as well.
Circular MFSA 2 Section 3.7 (11)						
6/2/2008	Elaine Raper	BLM	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2800	Meeting: Discussion with BLM clarified that much of the area around the Missouri River is in VRM (Visual Resource Management) Class 2 areas, which will require additional visual impact mitigation and stipulations.
9/22/2008	Dena Lang	BLM - Miles City	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2828	Meeting: Met with Dena to obtain VRM inventory & classification info for MCFO area. Dena gave me a GIS map of VRM classes. All state highway corridors (& some lesser roads) are VRM Class III. • There is a Class II area ~18 mi. NW of Circle, but DL was uncertain of the rationale behind it. Dena provided a copy of the current BLM Standard Environmental Colors Chart (CC-001: June 2008).

Circular MFSA 2 Section 3.7 (11) (continued)

10/15/2008	Dena Lang	BLM - Miles City	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2828	Phone conversation regarding the revised RMP. Existing VRM classes are on the "current" maps, not "historic" maps. Dena reiterated that they have essentially decided that they would not redo the visual inventory, so any changes are likely to be minor, even when RMP is complete.
9/24/2008	Jon Collins	BLM - Malta	State of Montana	501 S. 2nd Street E. Malta, MT 59538	406.654.5118	Meeting: Jon Collins provided maps of current VRM classifications for MFO area and 3 additional alternatives under review in the RMP revision process. He said changes uncertain for RMP, but major revisions unlikely. • There are two sizeable VRM Class II areas that the KXL pipeline route alternatives would cross: the area on Frenchman Creek contains some "unique or unusual terrain; the second encompasses Rock Creek Canyon and most of the Bitter Creek WSA.
10/15/2008	Kathy Bockness (NEPA coordinator)	BLM - Miles City	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2800	Phone conversation regarding the RWP. RMP won't be complete "for a while yet". Time frame probably at least a year. Inferred from our conversation that even a year may be optimistic.
9/22/2008	Nancy Johnson (Landscape Architect)	Montana DEQ	State of Montana	1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620	406.444.6797	Phone conversation regarding visual resources. Visual resources for DEQ parallels BLM system; concerns re: areas of rougher topo, ACECs, etc. They are most concerned about long-term effects, less so re: short-term construction effects.
10/3/2008	Nancy Johnson (Landscape Architect)	Montana DEQ	State of Montana	1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620	406.444.6797	Phone conversation regarding differing VRM classification judgments between Malta and Miles City Fos. MFSA rules direct us to look at Fed. Agency maps & ratings for guidance. Nancy Johnson said that she expects BLM will be a cooperating agency on EIS & will want to see their classifications employed.

Circular MFSA 2 Section 3.7 (9)(e)						
10/14/2008	Jean Riley	MDT Programs and Policy Analysis	State of Montana	NA	406.444.9456	Completion of the MFSA so it meets the requirements of the MDT Encroachment Application and Permit.
10/14/2008	Jim Frank	Engineer	State of Montana	NA	406.345.8214	Jim Frank mentioned that national standards must be used for traffic safety. Also a Utility Crossing Permit and Utility Occupancy Permit would need to be obtained. Mr. Frank mentioned that construction road crossings should be conducted the same time normal road construction is done.
Circular MFSA 2 Section 3.7 (14)(d)						
4/14/2008, 9/3/2008, 10/16/2008	Damon Murdo	Montana SHPO officer	Montana SHPO	1410 Eighth Avenue Helena, MT 59620	406.444.7767	Conducted a Class 1 files/records search for all three proposed routes. The SHPO was provided with Township, Range, and Section numbers affected by the proposed route. SHPO provided AECOM with identified previously recorded cultural resources within the project area.
Circular MFSA 2 Section 3.7 (12)(f)						
4/15/2008	Craig Haynes	BLM	BLM	Billings, MT	406.444.5672	A discussion of sending out CL shapefiles and agency wildlife packages to BLM field offices.
4/15/2008	Bobby Baker	BLM	BLM	Miles City, MT	406.233.2819	A brief overview of the project was given along with all counties affected by the project.
5/29/2008	Mark Albers	BLM	State of Montana	Malta and Glasgow field offices	406.654.5100 406.228.3750	Meeting: Both offices stressed the importance of sage grouse in the state and the fact that we might be dealing with a lot of big game winter range.
6/2/2008	Elaine Raper	BLM	State of Montana	111 Garryowen Rd, Miles City, MT, 59301	406.233.2800	Meeting: The BLM has a GIS specialist who has volunteered to share with us their access road shape files and other resource layer shapes, such as sage grouse lek buffer areas, etc.

Circular MFS 2 Section 3.7 (12)(f) (continued)

7/2/2008	Kent Undlin, Fritz Prellwitz, John Carlson	Wildlife Biologists	BLM	Miles City, Malta, and Glasgow Field Offices	NA	Meeting: The discussion informed the wildlife biologists of what habitat, wetland/waterbody delineation, and species specific surveys have been and will be conducted along the pipeline corridor.
7/25/2008, 8/15/08	Fritz Prellwitz	Wildlife Biologist	BLM	501 S. 2nd Street E. Malta, MT 59538	406.654.5118	A species special status screening table, and centerline shape file were provided to the Malta field office to show where the proposed route is. The office was asked to schedule a conference call to discuss survey schedules in the future. Also, a discussion of sage grouse leks and locations close to the proposed route.
8/14/2008	John C. Carlson	Wildlife Biologist	BLM	5 Laser Drive Glasgow, MT 59230	406.228.3762	Discussion of what is included in new RMP. Winter range and general raptor stipulations.
8/22/2008, 9/02/2008	Kent Undlin	Wildlife Biologist	BLM	111 Garryowen Road Miles City, MT 59301	406-233-2845	Discussion consisted of T&E protocols for crossing BLM lands.
9/2/2008	Windy Davis	Energy Specialist	Montana Fish Wildlife and Parks	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301	406.234.0900	Discussion of exclusion windows/timing restrictions for sensitive species potentially affected by the KXL project.
9/8/2008	John C. Carlson	Wildlife Biologist	BLM	5 Laser Drive Glasgow, MT 59230	406.228.3762	Geotech locations and wildlife concerns at the Milk, Missouri, and Yellowstone Rivers. He did not see any wildlife/T&E conflicts at those locations and that the timing was good for avoiding wildlife issues.
9/11/2008	Kent Undlin	Wildlife Biologist	BLM	111 Garryowen Road Miles City, MT 59301	406.233.2845	Stipulations regarding raptor nests and prairie dogs towns for burrowing owls.
10/2/2008	John C. Carlson	Wildlife Biologist	BLM	5 Laser Drive Glasgow, MT 59230	406.228.3762	Two new A alternatives do not differ from the preferred route for impacts to T&E species. Although there would be greater unmitigated impacts to BLM special status species on both alternatives.

Circular MFSA 2 Section 3.7 (12)(f) (continued)

5/27/2008, 5/28/2008	Windy Davis	Energy Specialist	Montana Fish Wildlife and Parks	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301	406.234.0900	Ms. Davis said that a database for sharptail grouse would be available by fall. But she would recommend pre-development surveys along the proposed corridor between Mid-March and May so sage and sharptail grouse surveys could be grouped together.
5/29/2008, 6/3/2008	T.O. Smith	Fish and Wildlife Planning Coordinator	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701	406.444.3889	Comments were given on a spreadsheet. Mr. Smith says current route does a good job of staying out of sage grouse lek sites. A discussion of crossing the Cornwell easement.
6/4/2008	Lydia Bailey	GIS and Natural Resource Data Manager	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.5365	A shapefile of the project area was given. Also a request to see all T&E species, big game ranges, and critical habitat found 5 miles beyond the project corridor and 3 miles beyond for any sensitive plant data.
6/30/2008	Adam Messer	Montana Fish Wildlife and Parks	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.0095	Submitted a data request in regards to proposed pipeline. Also attached a biological and natural resource data request for m and a shapefile of the proposed project. Requesting data to address potential impacts to aquatic and terrestrial plant and animal species.
7/11/2008	Adam Messer	Montana Fish Wildlife and Parks	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.0095	A list of fisheries species of concern and Tier 1 specie distributions. Wildlife data for Prairie Dog colonies, Sage-grouse Leks and Bald Eagle nests were given.
8/14/2008	Windy Davis	Energy Specialist	Montana Fish Wildlife and Parks	FWP Region 7 Headquarters Industrial Site West Miles City, MT 59301	406.234.0900	A discussion of timing exclusions for species along the proposed route.
9/12/2008	T.O. Smith	Fish and Wildlife Planning Coordinator	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.3889	A voicemail was left by Mr. Smith saying to go forward with work plans since he has not heard back from any of the MFWP biologists yet.

Circular MFS 2 Section 3.7 (12)(f) (continued)

9/22/2008	T.O. Smith	Fish and Wildlife Planning Coordinator	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.3889	The boring at the Missouri River site may have juvenile and potentially an adult pallid or two in the area in the fall. Juvenile pallid sturgeon will not be stocked near this site this fall.
7/1/2008	Martin Miller	Data Assistant	Montana Natural Heritage Program	1515 E 6th Ave. PO Box 201800 Helena, MT 59620	406.444.3290	Data was uploaded onto an FTP site with information pertinent to the project location in regards to species, habitat, metadata, ecological site, and shapefiles.
6/12/2008	Jim Graham	Bowdoin National Refuge Manager	U.S. Fish and Wildlife Service	Bowdoin National Wildlife Refuge 194 Bowdoin Auto Tour Rd. Malta, MT 59538	406.654.2863	FWS easement properties were discussed. One property in the Phillips and Valley county district would be crossed by the route.
6/9/2008	Danielle Kepford	Realty Specialist	U.S. Fish and Wildlife Service	333 Airport Road PO Box 110 Lewistown, MT 59457	406.538.8706	Discussion just letting Patti Lorenz know that he was still looking at the information that was sent to him and will get back to her by the end of the month.
6/17/2008	Danielle Kepford	Realty Specialist	US Fish and Wildlife Service - Charles Russell National Wildlife Refuge	333 Airport Road PO Box 110 Lewistown, MT 59457	406.538.8706	Two maps were constructed to show interested properties by the USFWS in comparison to where the proposed route. The proposed route does not impact any of these areas.
6/30/2008	Sean Fields	Habitat and Population Evaluation Team	U.S. Fish and Wildlife Service	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT	406.727.7400	A digital map showing location of the only FWS easement along the route was given. No FWS fee title lands occur along the route.
7/9/2008	Sean Fields	Habitat and Population Evaluation Team	U.S. Fish and Wildlife Service	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT	406.727.7400	Mr. Fields admits the map he sent was wrong but the easement mentioned before is still the only one along the proposed route.
9/10/2008	Sean Fields	Habitat and Population Evaluation Team	U.S. Fish and Wildlife Service	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT	406.727.7400	Alternative routes A and A1A were discussed in regards to crossing easements. After receiving shapefiles for these routes Mr. Fields mentioned that Ms. Sue Kvas would be the FWS contact for Route A and can check easement crossings in North Dakota as well.

Circular MFSA 2 Section 3.7 (12)(f) (continued)

10/21/2008	Lou Hanebury	Fish and Wildlife Biologist	U.S. Fish and Wildlife Service	Ecological Services Billings Sub Office 2900 4th Ave. N., Suite 301 Billings, MT 59101	406.247.7367	A discussion about alternate routes A and A1A in regards to fish, wildlife, and T&E concerns. Route B was mentioned in that there were no concerns of affecting piping plover, least tern, or pallid sturgeon. However, there will be impacts to these species at the Missouri River on the alternate routes. USFWS prefers Route B.
9/11/2008	Mike Ruggles	Fish and Wildlife Biologist	U.S. Fish and Wildlife Service	NA	NA	Test drilling will not effect any fish species along the Milk River.
9/4/2008	Sean Fields	Habitat and Population Evaluation Team	U.S. Fish and Wildlife Service	Benton Lake NWR 922 Bootlegger Trail Great Falls, MT	406.727.7400	Shapefile of proposed routes were sent to Mr. Fields for evaluation.
4/21/2008	T.O. Smith	Fish and Wildlife Planning Coordinator	Montana Fish Wildlife and Parks	1420 E 6th Ave. P.O. Box 200701 Helena, MT 59620	406.444.3889	Letter: ENSR provides a transmittal letter with a Project description what and how biological surveys will be conducted including species specific surveys. A special status species screening table and shapefiles of the proposed centerline were also given.

Circular MFSA 2 Section 3.7 (12)(f) (continued)

7/29/2008	Kelvin Johnson, Ryan Bauscher, Howard Burt, Harold Wentland, John Carlson, Mike Ruggles, Pat Gunderson, T.O. Smith	Montana FWP, USDI-BLM	Montana FWP, USDI-BLM	Glasgow, MT	NA	Meeting: An agency meeting was held to discuss baseline special status species to reduce impacts to wildlife within the project area, identify all agency concerns, mitigation and protocols, construction dates, ROW dimensions, Associated facilities and access roads, and document schedules. A map was also presented to the group. Items discussed included HDD crossings for the Milk, Yellowstone, and Missouri Rivers which is preferred by the agencies. MFWP would like more information on water use for hydrostatic testing and TransCanada's Standard Mitigation Measures and location of permanent structures. The width of permanent easement (50ft) was discussed since a conservation group would be concerned with this impact. Impacts to grassland birds was a concern and construction should be conducted outside the breeding season.
4/21/2008	Lou Hanebury	Fish and Wildlife Biologist	U.S. Fish and Wildlife Service	Ecological Services Billings Sub Office 2900 4th Ave. N., Suite 301 Billings, MT 59101	406.247.7367	Letter: A transmittal letter was sent to Mr. Hanebury requesting his feedback on the Project description, types of biological surveys and methods, a special status species screening table, and shapefiles of the centerline.

Circular MFSA 2 Section 3.7 (12)(f) (continued)

5/8/2008	Hugh Zachheim, Paul Sihler, Lou Hanebury, Windy Davis, T.O. Smith	USFWS and Montana FWP	USFWS and Montana FWP	USFWS Billings, MT Field Office	NA	Meeting: Information about special status species impacted by the proposed route was gathered. Aerial raptor surveys were conducted in April. Wetland/Waterbody surveys will begin as of the end of May. MFWP is concerned with easements and impacts to partnership incentive programs with landowners, River crossings, minimizing impacts to T&E species and grasslands, guidelines for western raptors, short term/long term impacts, oil spills, pump stations, pipe construction, and environmental. ENSR will need to sign a confidentiality agreement before receiving information. Also the MFWP would like to know more about big game ranges, and the Milk River Cooperative agreement. Species specific information was also discussed.
Circular MFSA 2 Section 3.7 (4)						
10/01/08 and 10/07/08	Ms. Vickie Delger	Commissioner	Roosevelt	400 2nd Avenue South	406-653-6201	Social and Economic Impacts due to the installation of the Keystone XL Pipeline around the Ft. Peck Reservation.
10/3/2008	Donald L. Oaks	Commissioner	Daniels	P. O. Box188, Scobey, MT 59263	406-487-2431	During installation of the pipeline social impacts would be minimal in Daniels County but may boost the economy by using local labor forces. A route north of the Fort Peck Reservation was widely supported.
9/29/2008, 9/30/2008, 10/07/2008	C. William Tande	Commissioner	Daniels	P. O. Box188, Scobey, MT 59263	406-783-5681	Conversion of the BN railroad into a pipeline corridor would have minimal impact on land use. Tax revenue would be welcomed in the area.
10/01/08 and 10/07/08	Sheridan County Board of Commissioners	Commissioners	Sheridan	100 West Laurel Avenue, Plentywood, MT 59254	406-765-1660	No significant impact would be realized in the Plentywood area. The pipeline project would be beneficial to Sheridan County due to tax revenues. They are very supportive of the alternative route and not the route that goes through the reservation.

Circular MFSA 2 Section 3.7 (4) (continued)

11/18/2008	Doug Smith	Daniels and Sheridan County Planner	Sheridan and Daniels	NA	406-765-1660	There were no residential development near the proposed Keystone XL pipeline route.
11/14/2008	Pam Crisafulli	NA	Dawson	207 W. Bell St.	406-377-2566	There were no residential development near the proposed Keystone XL pipeline route.
11/18/2008	Mary Garfield	NA	McCone	NA	406-485-3548	There are no known residential developments within the project area.
11/15/2008	Bill Leach	County Clerk and Recorder	Prairie	NA	406.635.5575	There are proposed developments within the project area.
11/3/2008	Ann Marie Davis	County Clerk and Recorder	Prairie	NA	406.635.5575	There is no development on the area where the pipeline is going.
11/6/2008	Rene Clampit	Planner	Valley	NA	406.228.6222	There is no proposed development within the project area.
12/8/2008	Kit Anderson	Planner	Fallon	P.O. Box 1134, 10 Fallon Ave. W. Baker, MT 59313	406.778.7111	The proposed route does not cross any areas of proposed development.
11/18/2008	Julie Burke	Planner	Roosevelt	NA	NA	Mrs. Burke has not contacted us to discuss any potential developments planned in the area so at this time we assume no developments will be impacted.
5/21/2008 and 10/15/2008	Tom Ring	Environmental Specialist	MTDEQ	Helena, MT	406.444.6785	Slope stability in regards to MFSA guidance was discussed. Several types of shales were discussed and their vulnerability to erosion. Also discussion on preventing erosion at stream crossings.