

## **5.0 Consultation and Coordination**

### **5.1 Agency Coordination and Consultation**

An initial meeting was held between the DOS and Keystone on June 2, 2008. Introductory meetings were held between Keystone and the BLM, USACE, NPS, and USFWS, both at the federal and regional levels, to discuss the Project, identify any potential issues with these agencies, and initiate the permitting processes. Similar meetings have been held with the Montana DEQ, the MDNRC, MFWP, and other state agencies and entities, including the Montana State Legislators from eastern Montana.

Keystone filed a Presidential Permit application and supporting documents, including a preliminary Environmental Report, with the DOS on September 19, 2008. The purpose of the preliminary Environmental Report was to assist the DOS in making a determination on the lead agency status for the NEPA process. On November 20, 2008, Keystone filed a comprehensive Environmental Report with the DOS. The November 20 Environmental Report includes electronic shapefiles for the refined centerline and pump station locations (filed with DOS separately); field survey reports; and documentation of agency consultation regarding wetlands and cultural and biological resources. A supplemental filing will be made with the DOS in June 2009. In March 2008, a SF 299 application form requesting issuance of a ROW grant and preliminary environmental information was submitted to the BLM Billings State office. Early in 2009, supplemental information to the SF 299 ROW grant application form and a Preliminary Plan of Development (POD) will be filed with the BLM. In addition to these filings and the current MFSA application, an application for a certificate under the South Dakota Energy Conversion and Transmission Facilities Act will be made with the South Dakota Public Utilities Commission in early 2009.

### **5.2 Federal Approval Process and Authorizing Actions**

A number of federal agencies have permitting, environmental review, and regulatory roles with respect to the Project. The roles of the applicable federal agencies with respect to the Project are summarized below.

#### **5.2.1 Department of State**

The Project requires a Presidential Permit authorizing the construction and operation of pipeline facilities across the US/Canada border. Executive Order 11423 (33 Federal Register 11741), as amended by Executive Order 12847 (58 Federal Register 29511) and Executive Order 13337 (69 Federal Register 25299), governs the DOS's issuance of Presidential Permits. In evaluating Presidential Permit applications, the DOS conducts an environmental review pursuant to NEPA. An initial meeting was held between the DOS and Keystone on June 2, 2008, in Washington, DC, to introduce the Project. Subsequent meetings have been held with the DOS to discuss aspects of the NEPA process as it applies to the Project.

#### **5.2.2 Bureau of Land Management**

The BLM has authority to issue ROW grants for all affected federal lands under the Mineral Leasing Act (MLA) of 1920, as amended (30 USC 181 et seq.). This action would be in accordance with 43 CFR 2800 and 2880, subsequent 2800 and 2880 Manuals, and Handbook 2801-1. For the Project, the BLM will consider the issuance of a new ROW grant and issuance of associated temporary use permits that would apply to BLM-managed lands crossed by the Project, as well as all other federal lands affected. Conformance with land use plans and impacts on resources and programs will be considered in determining whether to issue a ROW grant. As noted, the SF 299 application form requesting issuance of a ROW grant and preliminary environmental information was submitted to the BLM Billings State office in March 2008 to initiate the cost recovery agreement process so that BLM staff could participate in agency meetings and assist Keystone with routing across BLM lands. The BLM has indicated that it has accepted the March 2008 SF 299 application as the formal ROW grant application and is only awaiting supplemental information, including a Preliminary POD, which will be filed in early 2009.

## ***Keystone XL Project – Montana Major Facility Siting Act Application***

Keystone has engaged BLM staff members in Montana in numerous meetings regarding the Project. Keystone has met on several occasions with staff members at the State Office in Billings. Also, Keystone representatives have met twice with the staff members in the Malta Field Office, Glasgow Field Station, and Miles City Field Office. Some of the issues, concerns, and suggestions provided in these meetings include:

- The Lewis and Clark Trail Special Resource Management Area;
- The Project's consistency with RMPs;
- Paleontological resources;
- Sage grouse leks and other wildlife-related seasonal constraints;
- VRM classifications on BLM lands crossed;
- Coordination with grazing allotment permittees;
- Frenchman Creek ACEC;
- Separate ROW grant applications will be required for the pipeline and the electric transmission lines;
- USFWS wetland and grassland easements; and
- Suggested entering into a Programmatic Agreement for the Section 106 process.

### **5.2.3 US Army Corps of Engineers Section 404 (Clean Water Act) Nationwide Permits and Section 10 (Rivers and Harbors Act) Permits**

Section 404 of the CWA establishes a permit program administered by the USACE to regulate the discharge of dredge and fill materials into the Waters of the US, including their adjacent wetlands. The Project will be under the jurisdiction of multiple USACE districts. Keystone began field surveys in the spring of 2008 along all areas of the proposed route where survey permission was obtained. These field surveys identified USACE jurisdictional waters of the US and wetlands crossed by the Project. Keystone will file this information with the USACE and will apply for Section 404 permits. Certain NWP's will be applicable, including NWP 33 for access and dewatering and NWP 12 for utility crossings for most of the USACE districts. Keystone will require approvals under Section 10 (Rivers and Harbors Act). Keystone intends to submit its Section 404 and Section 10 permit applications to the appropriate USACE District offices in 2009.

Keystone representatives have met, or have been involved in telephone and email conversations, with USACE Omaha District personnel located in Helena and Fort Peck, Montana; Pierre, South Dakota; and Omaha and Kearney, Nebraska. Keystone representatives also have discussed the Project with USACE Kansas City District personnel who confirmed that Keystone should work with the Omaha District staff for the Section 404 permitting of the Steele City Segment. All USACE staff members have indicated that most, if not all, of the waterbody and wetland crossings along the Steele City Segment could be covered under the Nationwide 12 permit.

### **5.2.4 Section 106 National Historic Preservation Act**

Section 106 of the NHPA, as amended, requires the lead federal agency to take into account the effects of its undertakings on historic properties or historic resources listed in, or eligible for listing in, the NRHP and to afford the Advisory Council on Historic Preservation an opportunity to comment if there will be adverse effects to NRHP-eligible properties. Historic properties are prehistoric or historic districts, sites, buildings, structures, objects, or properties of traditional religious or cultural importance, which are listed or eligible for listing in the NRHP, including artifacts, records, and material remains related to such a property or resource.

The DOS, as lead federal agency, is responsible for NHPA Section 106 compliance for all lands, both public and private, affected by the Project. Keystone, as the applicant, is preparing information, analyses, and

## **Keystone XL Project – Montana Major Facility Siting Act Application**

recommendations necessary for DOS to comply with Section 106, in accordance with Advisory Council on Historic Preservation's regulations at 36 CFR Section 800.2.

Keystone representatives have met with the SHPOs in each state crossed to familiarize them with the Project and garner their concerns and input. All SHPOs were consulted regarding research design and methodologies as well as survey protocol approval.

As the lead agency, the DOS also is responsible for complying with the tribal consultation requirements of Section 106 of the NHPA, as amended, the NAGPRA, and American Indian Religious Freedom Act (AIRFA). Compliance involves contacting Native American groups with traditional or historical ties to the lands crossed by the proposed Project and ensuring that the requirements of the NHPA, NAGPRA, and AIRFA are met.

Keystone initiated Tribal outreach with a number of tribes recognized as having a potential past or present affiliation with the proposed Project area. To date, a number of tribes have responded to the initial outreach letters. At this time, official government-to-government consultation has not begun; however, consultation will occur as part of the NEPA process through the lead federal agency. In addition, Keystone has continued to engage interested tribes outside of the Section 106 process and will do so throughout construction.

### **5.2.5 US Fish and Wildlife Service**

Section 7 of the ESA, as amended, states that any Project authorized, funded, or conducted by any federal agencies should not "...jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined to be critical" [16 USC 1536(a)(2)(1988)]. The USFWS is responsible for ensuring compliance with the ESA. The DOS, as the lead federal agency, is responsible for initiating informal consultation with the USFWS to determine the likelihood of effects on listed species. The DOS or the applicant as a non-federal party is required to consult with the USFWS to determine whether any federally listed or proposed endangered or threatened species or their designated critical habitat occur in the vicinity of the proposed Project. If, upon review of existing data, the DOS determines that these species or habitats may be affected by the proposed Project, the DOS is required to prepare a Biological Assessment to identify the nature and extent of adverse impact and to recommend mitigation measures that will avoid the habitat and/or species or that will reduce potential impact to acceptable levels. If, however, the DOS determines that no federally listed or proposed endangered or threatened species or their designated critical habitat will be affected by the proposed Project, no further action is necessary.

Keystone has met and consulted with the USFWS regarding potential occurrence of special status species along the pipeline route. Based on USFWS input, Keystone developed a list of special status species that would require surveys and identified appropriate survey protocols. Once the survey protocols were approved by the USFWS, surveys were initiated in the summer and fall of 2008 and will continue during the spring of 2009.

Keystone continues to consult with the USFWS regarding potential impacts of the Project to special status species and possible mitigation measures to reduce impacts. Based on the results of field surveys and potential impacts to sensitive species, Keystone will prepare a draft Biological Assessment. This document will be submitted to the DOS following the completion of spring 2009 field surveys. The DOS will then review the draft Biological Assessment, revise as necessary, and submit the document to the USFWS for its concurrence.

### **5.2.6 Office of Pipeline Safety**

The OPS, PHMSA, within the USDOT is the primary enforcement agency that regulates the safety of interstate transportation of hazardous liquids by pipelines, including crude oil. Federal regulations governing the construction and safe operation of pipelines are enforced by the OPS. To comply with federal regulations (49 CFR Parts 194 and 195), Keystone will be required to develop a comprehensive ERP for the Project. The OPS will review and approve Keystone's ERP prior to operation. Keystone has prepared a comprehensive ERP for the Keystone Pipeline Project and submitted it to PHMSA for review and approval. Upon receipt of

## **Keystone XL Project – Montana Major Facility Siting Act Application**

PHMSA approval, Keystone will use the ERP as the basis for preparation of an ERP specific to the Project, incorporating adjustments to reflect Project-specific factors. At that time, Keystone will submit the Keystone XL ERP to PHMSA for approval.

Additionally, the OPS will conduct regular inspections of pipeline facilities in the future to enforce continual compliance with federal regulations. The OPS also will review and approve Keystone's Integrity Management Process for HCAs. Keystone has filed an application with PHMSA for a special permit authorizing Keystone to design, construct, and operate the project at up to 80 percent of the steel pipe Specified Minimum Yield Strength.

Keystone is preparing a Pipeline Risk Assessment and Environmental Risk Analysis, which evaluates the risk of pipeline disruption and its potential environmental consequences. This document will be submitted within the next two months as privileged and confidential information. Keystone has engaged in initial consultation with OPS.

### **5.2.7 Permits and Relationship to Non-federal Policies, Plans, and Programs**

A preliminary list of federal, state, and local permits and approvals is provided in **Table 5-1**. Individual road crossing and road use permits are not included in this table, since such permits will be a standard requirement in all counties crossed.

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
<b>Federal</b>		
Department of State (DOS)	Presidential Permit, Executive Order 11423 of August 16, 1968 (33 Federal Register 11741, et seq.)	Consider approval of cross-border facilities; lead federal agency under NEPA
Bureau of Land Management (BLM)	ROW Grant and Temporary Use Permit under Section 28 (Mineral Leasing Act [MLA])	Consider approval of ROW grant and temporary use permits for the portions of the Project that would encroach on federal lands
	Archeological Resources Protection Act (ARPA) permit	Consider issuance of cultural resource use permit to excavate or remove cultural resources on federal lands
	Notice to Proceed	Following issuance of a ROW grant and approval of the Project's POD, consider the issuance of a Notice to Proceed with Project development and mitigation activities for federal lands
US Corps of Engineers (USACE) – Omaha, Tulsa, Fort Worth, and Galveston Districts	Section 404, Clean Water Act (CWA)	Consider issuance of Section 404 permits for the placement of dredge or fill material in Waters of the US, including wetlands
	Section 10 Permit (Rivers and Harbors Act of 1899)	Consider issuance of Section 10 permits for pipeline crossings of navigable waters

**Keystone XL Project – Montana Major Facility Siting Act Application**

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
US Fish and Wildlife Service (USFWS)	Endangered Species Act (ESA) Section 7 Consultation, Biological Opinion	Consider lead agency findings of an impact of federally listed or proposed species; provide Biological Opinion if the Project is likely to adversely affect federally listed or proposed species or their habitats
Federal Highway Administration	Crossing permit	Consider issuance of permits for the crossing of federally funded highways
Office of Pipeline Safety	49 CFR Part 195	Review and approve integrity management plan for high consequence areas
	49 CFR Part 194	Review and approve Emergency Response Plan
	Special permit	Waiver of the 0.72 design factor
US Environmental Protection Agency (USEPA), Regions VI, VII, and VIII	Section 401, CWA, Water Quality Certification	Consider approval of water use and crossing permits for non-jurisdictional waters (implemented through each state's Water Quality Certification Program)
	Section 402, CWA, National Pollutant Discharge Elimination System (NPDES)	Review and issue NPDES permit for the discharge of hydrostatic test water (implemented through each state's Water Quality Certification Program, where required)
US Department of Treasury – Bureau of Alcohol, Tobacco, and Firearms	Treasury Department Order No. 120-1 (formerly No. 221), effective July 1, 1972	Consider issuance of permit to purchase, store, and use explosives should blasting be required
National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS)	Magnuson-Stevens Act	Consult on Essential Fish Habitat (EFH)
<b>Montana</b>		
Montana State Historic Preservation Office – Montana Historical Society	Section 106 consultation regarding NRHP eligibility of cultural resources and potential project effects on historic properties, Compliance with Montana State Antiquities Act	Review and comment on activities potentially affecting cultural resources
Montana DEQ – Director's Office MEPA Office	Montana Environmental Policy Act (MEPA) Permit and Montana Major Facility Siting Act (MFSA) Compliance	Review and comment on environmental activities and alternative siting study; review and use federal EIS to meet MEPA requirements

**Keystone XL Project – Montana Major Facility Siting Act Application**

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
Montana DEQ – Permitting and Compliance Division – Water Protection Bureau	Montana Ground Water Pollution Control System (MGWPCS) and Nondegradation Review (three levels of water protection based on water classification (i.e., outstanding resource waters etc.), Standard 318 (permitting conditions for pipeline crossings at watercourses – short term turbidity), 310 joint application	Consider issuance of permit for stream and wetland crossings; consult for Section 404 process
	Montana Pollutant Discharge Elimination System (MPDES)	Consider issuance of permit for hydrostatic test water discharge, trench dewatering, and storm water discharge
Montana Department of Natural Resources and Conservation (DNRC) – Water Resources Division (General)	Water Appropriation Permit (beneficial water use permit) and/or water wells drilling/alteration	Consider issuance of permit for water use for hydrostatic testing or waters for dust control
Montana DNRC – Water Resources Division (General)	Navigable rivers/land use license/easement	Consult on and consider issuance of permit for projects in, on, over, and under navigable waters
Montana DNRC Trust Land Management Division	Permit to obtain easement to cross state lands for permanent ROW, land use license for construction corridor, MEPA Compliance on state land	Consider issuance of permit for crossing of state-owned land; review construction corridor
Fish Wildlife and Parks Department – Wildlife Division	SPA 124 Permit, Comment on project and effects on natural resources, threatened and endangered species	Consider issuance of permit for working within streams in the state (if necessary); consult regarding natural resources
Department of Transportation – Billings District	State and highway crossing permit for pipeline and access roads that encroach state highway ROW	Consider issuance of permits for crossings of state highways
County Road Departments	Crossing permits	Consider issuance of permits for crossing of state highways
County Floodplain Departments	County floodplain permitting	Consider issuance of permits and review of work in floodplains
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process

**Keystone XL Project – Montana Major Facility Siting Act Application**

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
<b>South Dakota</b>		
South Dakota Historical Society	Consultation under Section 106, NHPA	Review and comment on activities potentially affecting cultural resources
Public Utilities Commission	Energy Conversion and Transmission Facilities Act	Consider issuance of permit for a pipeline and associated facilities
Department of Environment and Natural Resources, Surface Water Quality Program	Section 401, CWA, Water Quality Certification	Consider issuance of permit for stream and wetland crossings; consult for Section 404 process
	Hydrostatic Testing/Dewatering and Temporary Water Use Permit (SDG070000)	Consider issuance of General Permit regulating hydrostatic test water discharge, construction dewatering to waters of the state ,and Temporary Water Use Permit
Department of Game, Fish, and Parks	Consultation	Consult regarding natural resources
Department of Transportation	Crossing permits	Consider issuance of permits for crossing of state highways
County Road Departments	Crossing permits	Consider issuance of permits for crossing of county roads
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process
<b>Nebraska</b>		
Nebraska State Historic Preservation Office	Consultation under Section 106, NHPA	Review and comment on activities potentially affecting cultural resources
Department of Environmental Quality (DEQ), Division of Water Resources	Section 401, CWA, Water Quality Certification	Consider issuance of permit for stream and wetland crossings; consult for Section 404 process
	Excavation Dewatering and Hydrostatic Testing Permit Form NEG6720000 Dewatering Form NEG6721000 Relocation	Consider issuance of permit regulating hydrostatic test water discharge and construction dewatering to waters of the state
Department of Environmental Quality (DEQ), Division of Air Quality	Nebraska Administrative Code Title 129, Construction Permit	Consider issuance of permit for construction of proposed tank farm at Steele City

**Keystone XL Project – Montana Major Facility Siting Act Application**

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
Department of Natural Resources	Water appropriations – groundwater and surface water	Consider issuance of permit to Use Public Waters (for hydrostatic test water or dust control)
Game and Parks Commission	Consultation	Consult regarding natural resources
Department of Transportation	Crossing permits	Consider issuance of permits for crossing of state highways
County Road Departments	Crossing permits	Consider issuance of permits for crossing of county roads
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process
<b>Kansas</b>		
Department of Health and Environment, Bureau of Water	Hydrostatic Testing Permit (if applicable)	For pump station piping, may be below permitting thresholds
	Water withdrawal permit (if applicable)	For pump station piping, may be below permitting thresholds
Department of Wildlife and Parks	Non-game and endangered species action permit (if applicable)	Review of new pump station locations
State Historic Preservation Office	Historical resources review (if applicable)	Review of new pump station locations
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process
<b>Oklahoma</b>		
Oklahoma State Historical Society	Consultation under Section 106, NHPA	Review and comment on activities potentially affecting cultural resources
Department of Environmental Quality (DEQ), Division of Water Resources	Section 401, CWA, Water Quality Certification	Consider issuance of permit for stream and wetland crossings; consult for Section 404 process; Critical Water Resources
	Excavation Dewatering and hydrostatic testing permit (OKG270000)	Consider issuance of permit regulating hydrostatic test water discharge and construction dewatering to waters of the state
Department of Wildlife Conservation	Consultation	Consult regarding natural resources

**Keystone XL Project – Montana Major Facility Siting Act Application**

**Table 5-1 Permits, Licenses, Approval, and Consultation Requirements**

<b>Agency</b>	<b>Permit or Consultation/Authority</b>	<b>Agency Action</b>
Department of Transportation	Crossing permits	Consider issuance of permits for crossing of state highways
County road departments	Crossing permits	Consider issuance of permits for crossing of county roads
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process
<b>Texas</b>		
Texas State Historic Preservation Office	Consultation under Section 106, NHPA	Review and comment on activities potentially affecting cultural resources
Texas Commission on Environmental Quality (TCEQ)	Section 401, CWA, Water Quality Certification	Consult for Section 404 process; permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state
Parks and Wildlife Department	Consultation	Consult regarding natural resources
Texas General Land Office	Coastal Zone Management Program	Consult on state-owned lands and consider issuance of Coastal Zone Consistency Determination
	State owned lands	Consider approval of easement grants for ROW cover state-owned lands
Railroad Commission of Texas	State lead on oil and gas projects; excavation dewatering and hydrostatic testing permit	Consider issuance of permit to operate the pipeline; consider issuance of permit regulating hydrostatic test water discharge and construction dewatering to waters of the state
Department of Transportation	Crossing permits	Consider issuance of permits for crossing of state highways
County road departments	Crossing permits	Consider issuance of permits for crossing of county roads
County and Local Authorities	Pump station zoning approvals, where required	Review under county approval process
	Special or conditional use permits, where required	Review under county approval process
Jefferson County drainage district	Crossing permits	Consider issuance of permits for crossing of drainage canals
Lower Neches Valley Authority	Crossing permits	Consider issuance of permits for crossing of drainage canals

## **Keystone XL Project – Montana Major Facility Siting Act Application**

### **5.3 Public Meetings**

#### **5.3.1 Public Participation and Open Houses**

Keystone has been engaged in public consultation even prior to the Project being formally announced in July 2008. To date, Keystone's public participation program has included meetings with community and county leaders, as well as open houses for public participation. Keystone has met with or contacted community and county leaders along the entire route, including County Commissioners along the proposed and alternative routes in Montana. Keystone has met with leaders from more than 85 communities during the spring and summer of 2008. These meetings were designed to:

- Introduce the Project, listen to and capture initial thoughts and concerns, and describe ways for interested parties to get additional information from Keystone and the Project team;
- Discuss plans for more detailed public participation and consultation with local landowners and stakeholders ensuring community leaders were comfortable with Keystone's approach;
- Assist in planning effective open houses by asking community leaders to identify potentially interested constituencies and potential local issues and concerns; and
- Begin to establish a business relationship between Keystone and the local units of government and communities neighboring the pipeline.

In April and May of 2008, Keystone conducted presentations to County Commissioners of all Montana counties being traversed by the proposed route. Those presentations to the Commissioners included members of the public that participated in the Commissioner meetings. The Montana counties involved in these presentations included: Phillips, Valley, McCone, Prairie, Dawson, and Fallon counties.

In June and July 2008, 27 open houses were held along the Initial Proposed Route in the following locations:

#### **Montana**

Glasgow (Valley County)  
Circle (McCone County)  
Glendive (Dawson County)  
Baker (Fallon County)

#### **Nebraska**

Atkinson (Holt County)  
Burwell (Garfield County)  
Fullerton (Nance County)  
York (York County)  
Fairbury (Jefferson County)

#### **Oklahoma**

Durant (Bryan County)  
Stroud (Lincoln County)  
Ada (Pontotoc County)

#### **South Dakota**

Buffalo (Harding County)  
Faith (Meade County)  
Phillip (Haakon County)  
Murdo (Jones County)  
Winner (Tripp County)

#### **Kansas**

El Dorado (Butler County)  
Clay Center (Clay County)

#### **Texas**

Beaumont (Jefferson County)  
Livingston (Polk County)  
Liberty (Liberty County)  
Lufkin (Angelina County)  
Nacogdoches (Nacogdoches County)  
Winnsboro (Wood County)  
Tyler (Smith County)  
Paris (Lamar County)

All of the County Commissioners, mayors, and other public leaders along the proposed route exhibited support for the Project.

## ***Keystone XL Project – Montana Major Facility Siting Act Application***

Keystone is committed to ongoing and regular correspondence, communication, and consultation with all stakeholders. Keystone shares information about the Project and provides opportunities for identification and resolution of questions, issues, and concerns through a number of channels, including press releases, the Project web site ([www.transcanada.com/KXL](http://www.transcanada.com/KXL)), e-mail ([KXL@transcanada.com](mailto:KXL@transcanada.com)), toll-free telephone numbers for general inquiries (1-866-717-7473) and for landowner issues (1-877-860-4881), one-on-one discussions between landowners and land agents, and direct mailings. Public participation and consultation activities will continue throughout the life of the Project. Additionally, stakeholders are advised how to access Project information and to provide feedback by other means.

### Assessment in Montana (Circular MFSA-2, Section 3.7 (6))

The open house meetings held along the proposed route in Montana were well received. A summary of issues and comments from open houses in Montana is provided below under six main topic areas.

- Economic impact: Many of the rural communities along the proposed route are seeking jobs and potential economic activity. Participants had a positive view of the Project's potential to create local jobs and generate opportunities for local businesses to provide goods and services.
- Tax revenue: The possibility of significant tax revenue was attractive to local and state governments.
- Route location and selection: Stakeholders raised a wide range of issues related to route location and the route refinement process.
- Safety and environment: Many attendees asked general questions related to pipeline safety, including environmental impact of leaks, and impact on water sources (existing water lines, aquifers, and irrigation systems), noxious weeds, protection of sandhills and wetlands, and the impact on soil productivity and tree cover.
- Easement agreements: Several issues related to easements were discussed, including liability issues and cleanup responsibility, as well as compensation to affected landowners.
- Construction: There was interest in such issues as depth of cover, impact on roads, construction methods, and time of year when construction will occur.

In September and October, 2008, Keystone representatives met with and/or contacted the County Commissioners in Daniels, Roosevelt, and Sheridan counties, through which Routes A and A1A would pass. The concerns and support for the project by the Commissioners in these counties were very similar to those expressed in the open house meetings. Records of the meetings and discussions held with Daniels, Roosevelt, and Sheridan County Commissioners are provided in **Attachment F**. Overall, the County Commissioners were optimistic regarding the positive economic impact the proposed project would have on their counties. The Commissioners specifically cited the influx of workers with the associated sales tax revenue as well as the property taxes gained from taxation of the facilities. Concerns about environmental impacts were limited, as there would be no change in land use over the long term. None of the Commissioners expressed any major concerns regarding environmental impacts associated with the alternative routes.

In mid-November, 2008, in accordance with Montana Code Annotated 75-20-211 (4), Keystone published a public notice in the *Glendive Ranger Review*, *Glasgow Courier*, *Fallon County Times*, *Circle Banner*, *Billings Gazette*, *Miles City Star*, and the *Wolf Point Herald News*. The notice described the proposed project, provided a map showing the alternative routes in Montana, and provided a website and toll-free number to receive feedback and comments on the project. Copies of the public notices are provided in **Attachment F**.