

CMRP Section Number	NRG Recommendations, 2009 (summarized)	NRG Evaluation, 2015
2.13 – Weed Control	NRG recommended that Keystone obtain the permission of individual landowners or the appropriate land management or state agency in writing before treating weeds with herbicides on their property.	The redline change to this section of the CMRP states that “Keystone will prepare a weed management plan for each state crossed by the project, as required. In general, these plans will consider the following measures listed below.” This change is not inconsistent with our original recommendation and does not change NRG’s original testimony.
2.17 – Road and Railroad Crossings	NRG recommended that Keystone coordinate with emergency responders regarding the timing and intended duration of any temporary road closures.	The redline change to this section of the CMRP is not related to, and therefore does not change, NRG’s original testimony.
3.0 – Spill Prevention and Containment	NRG recommended that fuel storage and/or refueling activities be avoided or minimized within 400 feet of municipal wells or wellhead protection areas and within 200 feet of private water wells.	The redline changes to this section of the CMRP are not related to, and therefore do not change, NRG’s original testimony.
4.3 – Topsoil Removal and Storage	NRG summarized the benefits and limitations for each of three topsoil segregation methods proposed by Keystone, and recommended that Keystone work closely with landowners to determine the method most suitable for their property.	The redline changes to this section of the CMRP include the addition of a fourth available topsoil segregation method (trench and working side) and defines two additional site-specific conditions that may require one of the defined topsoil segregation methods. These redline changes are generally consistent with industry standards for pipeline construction, are not inconsistent with our original recommendation, and do not change NRG’s original testimony.
4.5 – Temporary Erosion and Sediment Control	NRG recommended the installation of sediment barriers in the vicinity of delineated wetlands and waterbodies regardless of the presence of flowing or standing water at the time of installation, and that liquid mulch binders not be used within 100 feet of wetlands and waterbodies.	The redline changes to this section of the CMRP are not related to, and therefore do not change, NRG’s original testimony.
4.7 – Trenching	NRG recommended the use of the triple-lift soil handling method to maintain soil productivity in agricultural lands where hard, paralithic shale and sandstone underlie unconsolidated subsoils, and where saline	The redline changes to this section include the addition of “triple ditch soil handling...at sites identified by Keystone....” NRG also reviewed the new typical drawings Detail 67 and 67A, Topsoil Conservation Ditch

	subsoils underlie non-saline subsoil horizons. NRG further recommended that Keystone consult with the state or area NRCS offices to identify soils for which alternative handling methods in agricultural lands would be appropriate, develop construction procedures to minimize impacts on such soils, and potentially make those alternative soil handling methods available to landowners to maintain soil productivity in agricultural lands.	& Spoil Stripping Triple Ditch. These redline changes and new typical drawings are generally consistent with industry standards for pipeline construction, are not inconsistent with our original recommendations, and do not change NRG's original testimony.
4.7.1 – Trench Dewatering/Well Points	NRG made several recommendations regarding setting a minimum electrical conductivity value for the discharge of saline trench water; developing procedures to follow for disposal of overly saline trench water when alternative disposal locations are not available; and implementation of best management practices to prevent heavily silt-laden trench water from reaching wetlands and waterbodies, directly or indirectly, to prevent exceeding water quality standards.	The redline changes to this section do not directly address, and therefore do not change, NRG's original testimony.
4.9 – Padding and Backfilling	NRG recommended that rock be replaced in the trench only to the top of the existing bedrock profile, and all other rock should be considered construction debris and removed from the right-of-way.	The redline changes to this section of the CMRP are not related to, and therefore do not change, NRG's original testimony.
4.10 – Cleanup	NRG recommended that final grading, topsoil replacement, and installation of permanent erosion control structures be completed in non-residential areas within 20 days of backfilling the trench and within 10 days in residential areas unless practically infeasible. In the event seasonal or other weather conditions prevent compliance with the time frames, temporary erosion controls should be maintained until conditions allow completion of cleanup and reclamation.	The redline changes to this section of the CMRP are not related to, and therefore do not change, NRG's original testimony.
4.11.1 – Reclamation and Revegetation, Relieving Compaction	NRG recommended that Keystone prepare a winterization plan.	The redline changes to this section of the CMRP are not related to, and therefore do not change, NRG's original testimony.

4.11.2 – Rock Removal	NRG recommended that excess rock be removed from at least the top 12 inches of soil in agricultural lands, to the extent possible.	The redline changes to this section do not directly address, and therefore do not change, NRG’s original testimony.
4.11.5.3 – Mulching	NRG recommended that mulch be installed on slopes concurrent with or immediately after seeding, plus recommendations regarding the timing of mulching and seeding.	The redline changes to this section do not directly address, and therefore do not change, NRG’s original testimony.
4.16 – Operations and Maintenance	NRG recommended that Keystone monitor the pipeline right-of-way for at least 2 years following construction; standards for determining the success of revegetation in non-cultivated areas; and that temporary erosion control devices should be maintained or replaced as necessary until successful revegetation of the right-of-way, or as required by permits.	These redline changes to this section are generally consistent with industry standards for pipeline construction and do not change NRG’s original testimony.
6.2 – Wetland Crossings, Easement and Workspace	NRG made several recommendations, including the recommendation that the width of the construction right-of-way in non-cultivated wetlands be reduced to 75 feet, allowing for exceptions for site-specific conditions, instead of Keystone’s stated right-of-way reduction of 85 feet.	The redline changes to this section of the CMRP indicate that the width of the construction right-of-way shall be reduced to 85 feet or less in standard wetlands...unless the USACE or other regulatory authority authorizes a greater width. This change does not change NRG’s original testimony.

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

IN THE MATTER OF THE PETITION OF)
TRANSCANADA KEYSTONE PIPELINE, LP)
FOR ORDER ACCEPTING CERTIFICATION)
OF PERMIT ISSUED IN DOCKET HP09-001)
TO CONSTRUCT THE KEYSTONE XL)
PIPELINE)

CERTIFICATE OF SERVICE

HP14-001

I hereby certify that true and correct copies of Exhibit ____ DF-2 Revised and Certificate of Service were served electronically to the Parties listed below, on the 4th day of August, 2015, addressed to:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us

Mr. James P. White
Attorney
TransCanada Keystone Pipeline, LP
Ste. 225
1250 Eye St., NW
Washington, DC 20005
jim_p.white@transcanada.com

Mr. James E. Moore
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
james.moore@woodsfuller.com

Mr. William G. Taylor
Attorney
Taylor Law Firm
2921 E. 57th St. #10
Sioux Falls, SD 57108
bill.taylor@williamgtaylor.com
(605) 212-1750 – voice

Mr. Paul F. Seamans
27893 249th St.
Draper, SD 57531
jackknife@goldenwest.net

Mr. John H. Harter
28125 307th Ave.
Winner, SD 57580
johnharter11@yahoo.com

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748
bethcbest@gmail.com

Mr. Tony Rogers
Rosebud Sioux Tribe - Tribal Utility
Commission
153 S. Main St.
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov

Ms. Viola Waln
PO Box 937
Rosebud, SD 57570
waln ranch@goldenwest.net

027115

Ms. Jane KleeB
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org

Mr. Byron T. & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com
(605) 208-0606 - voice

Ms. Carolyn P. Smith
305 N. 3rd St.
Plainview, NE 68769
peachie_1234@yahoo.com

Mr. Robert G. Allpress
46165 Badger Rd.
Naper, NE 68755
bobandnan2008@hotmail.com
(402) 832-5298 - voice

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net

Mr. Peter Capossela, P.C.
Attorney at Law
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com

Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abbnebraska.com

Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886
wrexie.bardaglio@gmail.com
(607) 229-8819 - voice

Mr. William Kindle
President
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
William.Kindle@rst-nsn.gov
ejantoine@hotmail.com

Mr. Eric Antoine
Attorney
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
ejantoine@hotmail.com

Ms. Paula Antoine
Sicangu Oyate Land Office Coordinator
Rosebud Sioux Tribe
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net
paula.antoine@rosebudsiouxtribe-nsn.gov

Mr. Harold C. Frazier
Chairman
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625
haroldcfrazier@yahoo.com

Ms. Amy Schaffer
PO Box 114
Louisville, NE 68037
amyannschaffer@gmail.com

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtddt@goldenwest.net

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com

Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com

Ms. Thomasina Real Bird
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701
chasjewett@gmail.com

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201
duncan@350.org

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org

Mr. Bruce Ellison
Attorney
Dakota Rural Action
518 Sixth St. #6

Rapid City, SD 57701
belli4law@aol.com

Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619
ien@igc.org

Mr. Dallas Goldtooth
38371 Res. HWY 1
Morton, MN 56270
goldtoothdallas@gmail.com

Ms. Bonny Kilmurry
47798 888 Rd.
Atkinson, NE 68713
bjilmurry@gmail.com

Mr. Robert P. Gough
Secretary
Intertribal Council on Utility Policy
PO Box 25
Rosebud, SD 57570
bobgough@intertribalCOUP.org

Mr. Terry & Cheryl Frisch
47591 875th Rd.
Atkinson, NE 68713
tcfrisch@q.com

Ms. Tracey Zephier
Fredericks Peebles & Morgan LLP
Ste. 104
910 5th St.
Rapid City, SD 57701
tzephier@ndnlaw.com

Mr. Travis Clark
Fredericks Peebles & Morgan LLP
Ste. 104
910 5th St.
Rapid City, SD 57701
tclark@ndnlaw.com

Mr. Robin S. Martinez
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
robin.martinez@martinezlzlaw.net

Ms. Mary Turgeon Wynne, Esq.
Rosebud Sioux Tribe - Tribal Utility
Commission
153 S. Main St
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov

Ms. April D. McCart
Certified Paralegal
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
april.mccart@martinezlzlaw.net

Mr. Matthew L. Rappold
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com

Mr. Paul C. Blackburn - Representing: Bold
Nebraska
Attorney
4145 20th Ave. South
Minneapolis, MN 55407
paul@paulblackburn.net

Ms. Kimberly E. Craven - Representing:
Indigenous Environmental Network (IEN)
Attorney
3560 Catalpa Way
Boulder, CO 80304
kimecraven@gmail.com

And on August 4, 2015, a true and accurate copy of the foregoing was mailed via U.S. Mail, first class postage prepaid, to the following:

Mr. Cody Jones
21648 US HWY 14/63
Midland, SD 57552

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552

And on August 4, 2015, a true and accurate copy of the foregoing was hand delivered, to the following:

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748



Kristen N. Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501