US ARMY CORPS OF ENGINEERS
OMAHA DISTRICT

APPLICANT: TRANSCANADA KEYSTONE PIPELINE, LP
APPLICATION NO: NWO-2020-01055-PIE
WATERWAY: MULTIPLE WATERWAYS & WETLANDS
ISSUE DATE: AUGUST 27, 2020
EXPIRATION DATE: SEPTEMBER 26, 2020

30 DAY NOTICE

South Dakota Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

JOINT NOTICE OF PUBLIC HEARINGS

US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
AND
NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

JOINT PUBLIC NOTICE: This Public Notice is issued jointly by the U.S. Army Corps of Engineers, Omaha District (USACE); the South Dakota Department of Environment and Natural Resources (SDDENR), 523 East Capitol Avenue, Pierre, South Dakota 57501; and the Nebraska Department of Environment and Energy (NDEE), P.O. Box 98922, Lincoln, Nebraska 68509. The SDDENR and NDEE will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. SDDENR and NDEE hereby incorporate this Public Notice as their own Public Notice and procedures by reference thereto.

USACE is currently considering a Department of the Army Permit Application from TransCanada Keystone Pipeline, LP (TransCanada) to construct the Keystone XL Pipeline Project (Project) and issued a public notice on Aug. 14, 2020 to solicit comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties to help inform a final decision.

Public hearings have been scheduled and will be conducted for the purpose of collecting information or evidence which will be considered in evaluating the proposed USACE permit action described in the Aug. 14, 2020 Public Notice. Public hearings are proceedings that afford the public an opportunity to present their views, opinion, and information on permit actions or Federal projects [33 CFR 327.3(a)].

This notice may also be viewed at the USACE web site at: https://go.usa.gov/xfHFT
AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). USACE regulatory authorities are limited by statute to activities affecting waters and wetlands regulated pursuant to the Section 10 and Section 404 authorities. USACE regulatory jurisdiction does not extend to a pipeline’s entire route; it is limited to the crossings of regulated waters and immediately adjacent uplands. Upland areas that are not immediately adjacent to wetland and waterbody crossings are not within the USACE scope of analysis.

APPLICANT: TransCanada Keystone Pipeline, LP, Keystone Pipeline Projects, 700 Louisiana Street, Houston, Texas, 77002.

PROJECT LOCATION: The portion of the proposed Project located within the United States would be located in Montana, South Dakota, and Nebraska, connecting to the existing Keystone Cushing Extension pipeline, which extends from Steele City, Nebraska, to Cushing, Oklahoma. In total, the Project would consist of approximately 1,209 miles of new, 36-inch-diameter pipeline, with approximately 327 miles of pipeline in Canada and approximately 882 miles in the United States (U.S.). The Project would cross the international border between Saskatchewan, Canada, and the U.S. near Morgan, Montana, and would include pipeline generally within a 110-foot-wide temporary construction right-of-way (ROW) and a 50-foot-wide permanent ROW in Montana, South Dakota, and Nebraska. The approximate start of the Project in Montana is located at the following coordinates: 48.99, -107.54. The approximate end of the Project in Nebraska is located at the following coordinates: 40.04, -96.99.

PROJECT DESCRIPTION: TransCanada proposes to construct a pipeline system and ancillary facilities (e.g., access roads) that would transport Western Canadian Sedimentary Basin heavy crude oil from its existing facilities in Hardisty, Alberta, Canada, and Bakken crude oil from an on-ramp in Baker, Montana, to Steele City, Nebraska. There are a total of 729 locations along the pipeline route where wetlands and waterbodies would be impacted by the pipeline crossing, access roads, and temporary workspace. The majority of impact to wetlands and waterbodies would occur from open-trench crossings (temporary excavation and side-cast filling) of the pipeline. The fill material in aquatic resources would consist of temporary side-cast trench soil material, rock, culverts/flumes for access crossings, and temporary construction mats. Aside from pipe ditching/trenching, timber mats, and temporary and permanent access roads, there are no other activities proposed that result in a discharge of dredged or fill material in aquatic resources. The Individual Permit Application will soon be available online at https://go.usa.gov/xfHFT

PUBLIC NOTIFICATION: This announcement serves notice that the U.S. Army Corps of Engineers, Omaha District will conduct a total of three public hearings on Sept. 28, 2020; Sept. 29, 2020; and Oct. 1, 2020. The public hearings are intended to provide each of the three states (Montana, South Dakota, and Nebraska) equal opportunity for attendance of interested parties specific to those states. All three hearings will take place from 4:00 to 8:00 PM, Central Standard Time. Due to the current COVID-19 Pandemic, the public hearings will be virtual. During the public hearings, interested parties will be afforded the opportunity to present their views, opinions and information on the proposed project. Those who wish to speak will be asked to provide their name to the AT&T Event Host and will be placed in a numbered queue. Phone lines will be opened and closed one at a time in sequential order. Each individual wishing to make verbal comments shall be given three minutes. Due to the expected number of attendees, we request that groups, where appropriate, consolidate comments and elect a representative speaker.
Each virtual public hearing will be recorded and transcribed by a third-party court reporter for the official record. The official record will remain open for 10 days following each hearing for the submission of written comments. The input received will be considered fully in our permit evaluation process and will be used to inform the necessary National Environmental Policy Act analysis, 404(b)(1) analysis, and public interest review and documentation.

The following provides information to access each of the public hearing teleconferences:

**September 28, 2020** (4:00-8:00 p.m. Central Time)

**Dial-in:** 888-251-2949 or 215-861-0694  
**Access Code:** 4691237#

Participants may join the teleconference 5 minutes prior to the start time of 4:00 p.m. Agency officials, including those from the USACE Montana Regulatory Office, will be on the call to hear public comments.

**September 29, 2020** (4:00-8:00 p.m. Central Time)

**Dial-in:** 888-251-2949 or 215-861-0694  
**Access Code:** 4691237#

Participants may join the teleconference 5 minutes prior to the start time of 4:00 p.m. Agency officials, including those from the USACE South Dakota Regulatory Office and the SDDENR, will be on the call to hear public comments.

**October 1, 2020** (4:00-8:00 p.m. Central Time)

**Dial-in:** 888-251-2949 or 215-861-0694  
**Access Code:** 4691237#

Participants may join the teleconference 5 minutes prior to the start time of 4:00 p.m. Agency officials, including those from the USACE Nebraska Regulatory Office and the NDEE, will be on the call to hear public comments.

If technical assistance is needed during any of the teleconferences, please call the AT&T Help Desk at 888-796-6118.

To request accommodations under the Americans with Disabilities Act, please call (402) 995-2027 or email nwo-kxl-pn@usace.army.mil at least 72 hours in advance of a public hearing teleconference.

**WATER QUALITY CERTIFICATION:** The SDDENR and the NDEE will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act (33 USC 1341). The certifications, if issued, would express the affected states’ opinions that the operations undertaken by the applicant would not result in a violation of applicable water quality standards. The certifications, if issued, may contain conditions in which the applicant must comply to ensure water quality standards are not violated.

In order to further provide the public the opportunity to comment on the South Dakota 401 Water Quality Certification, SDDENR will attend the USACE public hearing scheduled for Sept. 29, 2020. SDDENR will take all comments raised during the USACE public hearing into consideration when making a final decision on the 401 certification. Moreover, any person may request, in writing and within the comment period ending Sept. 26, 2020, that a separate public
hearing be held to consider the application with regard to the 401 Water Quality Certification in South Dakota. Requests for a public hearing must be made pursuant to ARSD 74:50:02, must state the reasons for holding the hearing, and must be specific to the issuance of the South Dakota certification of compliance with water quality standards for waterbodies within the state of South Dakota. Such requests should be addressed to SDDENR, 523 E. Capitol, Pierre, SD 57501.

The Montana Department of Environmental Quality (MDEQ) will also review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The MDEQ will issue a separate Public Notice for the project which can be viewed at http://deq.mt.gov/Public/notices/wqnotices

COMMENT PERIOD: Replies to this notice or comments regarding the proposal may be submitted by sending an email to nwo-kxl-pn@usace.army.mil, writing to the USACE Omaha District Regulatory Project Manager at the address shown at the top of the first page of this Public Notice, or by calling (402) 995-2027. Comments should reach this office no later than the close of business Oct. 11, 2020.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.