GUIDE TO THE FINAL EVALUATION REPORT

This Final Evaluation Report analyzes potential environmental, economic, and social impacts that would result from construction and operation of the proposed Nebraska Reroute of the Keystone XL Pipeline. The Nebraska Department of Environmental Quality (NDEQ) has examined and evaluated concerns expressed by Nebraska citizens, the Nebraska Legislature, and the Governor. NDEQ has prepared this report in accordance with directives in Legislative Bill (LB) 4 and LB 1161. The Final Evaluation Report is an update of the Draft Evaluation Report that considers public and agency comments and new information available since the Draft Evaluation Report was published on October 30, 2012.

Volume One: Executive Summary, Chapters 1 through 8

This volume describes the proposed alignment for the proposed Nebraska Reroute, the existing environment, concerns raised during the comment period and consolidated responses to those concerns, potential environmental, social, and economic impacts, proposed mitigation measures for addressing impacts identified, pipeline safety and potential spills, and the NDEQ public involvement process. Volume One contains:

- Executive Summary – Provides a brief synopsis of the proposed Keystone XL Pipeline project and the Nebraska Reroute, including a description of the proposed Nebraska Reroute, potential impacts, and mitigation measures. The Executive Summary also briefly describes public involvement efforts and NDEQ’s process for developing the Final Evaluation Report.
- Chapter 1, Introduction and Background – Describes the process for how the document was developed by providing background and chronology of the proposed Keystone XL Pipeline work and the legislation (State and federal) governing the evaluation of the project, an overview of the environmental review process, and major findings of the report.
- Chapter 2, Project Description – Presents conceptual details of the pipeline and ancillary features in Nebraska. Any revised plans for facility construction, operation, and maintenance are discussed, as are future plans and decommissioning. This Chapter also describes permits and approvals needed from federal, State, and local agencies if the proposed Nebraska Reroute were to be approved for construction and operation, which was Chapter 3 of the Draft Evaluation Report.
- Chapter 3, Comments and Response – Includes a summary of issues raised during the 7-month public and agency comment period and responses to those issues. This Chapter also highlights additional analyses driven by public and agency comments.
- Chapter 4, Affected Environment and Environmental Consequences – Addresses the known existing condition of each potentially affected environmental resource, including natural and built resources. This Chapter also analyzes effects of the proposed Nebraska Reroute on the existing environment.
Chapter 5, Mitigation Measures – Presents NDEQ’s overall approach to mitigation and summarizes some of the commitments Keystone has made to avoid or minimize impacts on the environment. These commitments include those made to NDEQ in October 2012, prior publication of the Draft Evaluation Report, and additional commitments made in response to Public Hearing testimony in early December 2012.

Chapter 6, Pipeline Safety and Potential Spills – Provides an overview of pipeline safety regulations, an incident history of relevant pipeline spills including recent spills and responses in Nebraska, and a description of the characteristics of the various categories of crude oil to be transported in batches through the pipeline. The safeguards that would prevent a release, further discussion of leak detection, and actions that would be taken if a release were to occur are presented. This Chapter also includes information concerning movement of oil in the event of a spill and an expanded discussion of techniques that could be used to restore areas affected by a spill. Finally, the Chapter provides information regarding Keystone’s financial responsibilities in the event of an accidental release of product.

Chapter 7, Outreach and Agency Coordination – Describes NDEQ’s role in the public involvement process and specific public and agency coordination efforts. The Chapter also includes a discussion of the public information meetings, Public Hearing, and summarizes participation by agencies and public officials in the process.

Chapter 8, List of Preparers – Describes qualifications of NDEQ and contractor personnel responsible for conducting the evaluation and preparing the report.

Volume Two: Appendices A, C, D, F, and G

Appendix A presents copies of Nebraska LB 1, LB 4, LB 845, and LB 1161. Also presented is a copy of the Memorandum of Understanding between NDEQ and the U.S. Department of State.

Appendix C presents Keystone’s Construction, Mitigation, and Reclamation Plan, which documents all measures to be taken by Keystone to avoid, minimize, or mitigate impacts on the environment during construction. Included are measures for spill prevention and containment, upland construction, drain tile systems, wetland crossings, waterbody crossings, hydrostatic testing, and site reclamation. Appendix C also includes an October 18, 2012 letter with additional Keystone commitments to protect Nebraska’s interests.

Appendix D presents photographs taken during an NDEQ field tour of the Gulf Coast Project. Appendix D also includes a Field Observation Report from NDEQ observations of Keystone’s environmental surveys.

Appendix F presents selected portions of Keystone’s May 2012 Application for Presidential Permit. It also presents the 57 Special Conditions approved by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration. Appendix F also provides portions of Keystone’s Emergency Response Plan, and a technical memorandum with NDEQ’s evaluation of how a plume of dissolved phase contaminants might behave in groundwater in the event of an accidental release from the pipeline. Material Safety Data Sheets (MSDSs) that show typical product information that can be used for emergency planning are also provided in Appendix F.
Appendix G presents materials used for public information meetings and related public involvement activities.

Volume Three: Appendix E

Appendix E provides technical memoranda supporting some of the impact analyses discussed in Chapter 4. Specifically, technical memoranda are provided for geology, soils, groundwater, surface water, wetlands, threatened and endangered species, and employment and fiscal impacts. In addition, tabular information is provided for other resources.

Volume Four: Appendix H

Appendix H presents responses to NDEQ’s formal requests to Keystone for additional project information. These requests cover a wide range of data—from materials shipped in the pipeline to how Keystone plans to restore disturbed areas with fragile soils.

Volume Five: Appendix B

Appendix B presents large-format maps of the proposed Nebraska Reroute from its beginning in Keya Paha County to York County, where it would join with the original proposed Keystone XL Pipeline Route. The maps show the pipeline’s alignment on aerial photographs, along with access roads, pump stations, and horizontal directional drilling locations. The Western Alternative’s location in Saline and Jefferson Counties is also shown in this appendix. The Appendix has been updated to present the 2012 National Agricultural Imagery Program (NAIP).
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