



Magellan Pipeline Company, L.P., is a subsidiary of ONEOK

Appendix G

Agency Correspondence

U.S. Fish and Wildlife Service

Megan Cochran

From: Reeves, Julie <Julie_Reeves@fws.gov>
Sent: Tuesday, September 24, 2024 7:53 AM
To: Megan Cochran <mcochran@perennialenv.com>
Cc: Salamack, Kristin A <kristin_salamack@fws.gov>
Subject: Re: [EXTERNAL] Magellan Denver Expansion Project Introduction

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Hi, Megan,

Thanks for following up. I appreciate the response regarding lack of suitable habitat and no plants identified this field season.

I was able to get together with Kristin last week to understand what our recommendations are. Kristin only recommends surveys if there is a riparian connection to areas upstream where we have known occurrences AND the habitat is really suitable for ULT. The comment about Adams/Arapahoe county is correct - while the 1992 guidelines indicate surveys could be necessary in areas of the South Platte River 100 year floodplain and perennial tributaries as far east as Brush and Morgan counties (which could include tribs in Adams/Arapahoe counties) the guidelines were updated per Fertig 2005 and neither of those counties are indicated in that publication.. There is a very small block clearance zone along Cherry Creek. I was not aware that we removed counties from consideration based on Fertig 2005, especially since those counties are still included in our One Range map on ECOS (we need to coordinate to fix that range map to reflect where we actually think ULT could occur).

Summing up, we are thankful that you conducted surveys in areas that appeared suitable based on desktop analysis and that you reported your results (no plants found). Also, because Fertig 2005 does not include Adams and Arapahoe Counties, further survey effort is not required in those portions of your project area.

~~~~~

Julie Proell Reeves (she/her)  
Grasslands Biologist, Eastern Team  
U.S. Fish and Wildlife Service, Colorado Ecological Services Office  
[Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)  
Phone: (303) 236-4514  
Mailing address: PO Box 25486, Denver Federal Center, Denver, CO 80225  
Street location: 1 Denver Federal Center, Bldg 25, Rm 1911, Denver, CO 80225



A thing is right when it tends toward the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise. ~Aldo Leopold

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**From:** Megan Cochran <[mcochran@perennialenv.com](mailto:mcochran@perennialenv.com)>  
**Sent:** Monday, September 23, 2024 3:20 PM  
**To:** Reeves, Julie <[Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)>  
**Subject:** RE: [EXTERNAL] Magellan Denver Expansion Project Introduction

Hi Julie,

I just wanted to follow up and see if you've had a chance to look into my email below.

Thank you,  
Megan



**Megan Cochran**  
Director of Project Management

**Perennial Environmental Services, LLC**  
13100 Northwest Freeway, Suite 150, Houston, Texas 77040  
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**From:** Megan Cochran  
**Sent:** Friday, September 13, 2024 9:10 AM  
**To:** Reeves, Julie <[Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)>  
**Subject:** RE: [EXTERNAL] Magellan Denver Expansion Project Introduction

Good morning, Julie.

One of my colleagues, Hunter Brandhurst, reached out to Kristin Salamack regarding Ute Ladies' tresses surveys for the Denver Expansion Project following our meeting last month. We ended up conducting the presence/absence and habitat suitability surveys before the flowering season concluded on August 31 and didn't identify any plants and only found two small areas of low quality habitat. However, we recently received the attached response from Kristin in which she says that surveys aren't required in Adams and Arapahoe counties where the project occurs.

Can you please clarify if we need to repeat these surveys for the project next year?

Thanks so much for your time and help,  
Megan



**Megan Cochran**  
Director of Project Management

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**From:** Reeves, Julie <[Julie\\_Reeves@fws.gov](mailto:Julie_Reeves@fws.gov)>  
**Sent:** Wednesday, July 31, 2024 8:54 AM  
**To:** Megan Cochran <[mcochran@perennialenv.com](mailto:mcochran@perennialenv.com)>  
**Cc:** Salamack, Kristin A <[kristin\\_salamack@fws.gov](mailto:kristin_salamack@fws.gov)>; Niva, Liisa M <[Liisa\\_Niva@fws.gov](mailto:Liisa_Niva@fws.gov)>  
**Subject:** Re: [EXTERNAL] Magellan Denver Expansion Project Introduction

Hi, Megan,

Thanks for reaching out. I'm happy to postpone the meeting until after you have some bat survey results to discuss. I'm including Kristin Salamack, my office's bat lead, on this as well.

It looks like Kristin and I are both free:

August 12<sup>th</sup> all day  
August 13<sup>th</sup> - 9 am, 2-3:30 pm  
August 15<sup>th</sup> - 10 am, 12-2 pm  
August 16<sup>th</sup> - 11 - 3 pm  
August 19<sup>th</sup> - 9-11 am

~~~~~

Julie Proell Reeves (she/her)
Grasslands Biologist, Eastern Team
U.S. Fish and Wildlife Service, Colorado Ecological Services Office
Julie_Reeves@fws.gov
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Street location: 1 Denver Federal Center, Bldg 25, Rm 1911, Denver, CO 80225



A thing is right when it tends toward the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise. ~Aldo Leopold

From: Megan Cochran <mcochran@perennialenv.com>
Sent: Wednesday, July 31, 2024 7:33 AM
To: Reeves, Julie <Julie_Reeves@fws.gov>; Luginbill, Jason S <jason_luginbill@fws.gov>; Niva, Liisa M

<Liisa_Niva@fws.gov>

Cc: Jewett, Bryan <BRYAN.JEWETT@oneok.com>; Virginia Steen <vsteen@perennialenv.com>

Subject: [EXTERNAL] Magellan Denver Expansion Project Introduction

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good morning,

I apologize for the late notice, but we would like to postpone this meeting until after processing of the acoustic data from bat surveys conducted for the project has been completed. Can you please send me your availability the weeks of August 12 and 19?

Again, I apologize for the inconvenience and short notice.

Thank you,
Megan



Megan Cochran

Director of Project Management

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Virginia Steen

From: Megan Cochran
Sent: Monday, August 19, 2024 2:21 PM
To: Reeves, Julie; Luginbill, Jason S; McNulty, Michele
Cc: Thompson, Matt; Virginia Steen; Jewett, Bryan; Jennings, Erin M.; Perry, Deborah A.
Subject: RE: Magellan Denver Expansion Project Introduction
Attachments: Denver Expansion Project_Preliminary Route_08.19.24.kmz; Introductory Meeting_USFWS.pdf

Good afternoon,

Thank you all again for your participation in the meeting last Friday to introduce Magellan's Denver Expansion Project. As discussed, attached are the presentation slides along with a kmz of the preliminary pipeline route for the project.

Please let me know if you have any questions or if we can provide any further information at this time.

Thank you,
Megan



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-----Original Appointment-----

From: Megan Cochran
Sent: Tuesday, July 16, 2024 1:14 PM
To: Megan Cochran; Jewett, Bryan; Virginia Steen; Jennings, Erin M.; Reeves, Julie; Luginbill, Jason S; Niva, Liisa M; Perry, Deborah A.
Cc: Thompson, Matt; McNulty, Michele
Subject: Magellan Denver Expansion Project Introduction
When: Friday, August 16, 2024 1:00 PM-2:00 PM (UTC-06:00) Central Time (US & Canada).
Where: Microsoft Teams Meeting

Thank you for taking the time to meet with us regarding Magellan's planned Denver Expansion Project. We'd like to utilize this time to introduce the project, discuss schedule, and our anticipated permitting strategy. Please let me know if you have any questions in advance of the meeting.

Microsoft Teams [Need help?](#)

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Meeting ID: 246 005 601 787

Passcode: XUKVCw

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U.S. Fish and Wildlife Service

Introduction Meeting Notes

August 16, 2024

1:00 PM Central Time via Microsoft Teams

Magellan Pipeline Company, L.P.

Denver Expansion Project

Attendees

U.S. Fish and Wildlife Service (USFWS) –

Julie Reeves – Grasslands Lead – Eastern Region – Colorado Office

Michele McNulty – Bat Lead – Kansas Office

Magellan Pipeline Company, L.P. (Magellan) –

Bryan Jewett – Environmental Specialist, Projects

Deborah Perry – Environmental Manager

Matt Thompson – Manager of Engineering and Construction

Perennial Environmental Services, LLC (Perennial) –

Megan Cochran – Environmental Project Director

Virginia Steen – Project Manager

Purpose of the Meeting:

Magellan and Perennial requested an informal introduction meeting with USFWS to introduce the Denver Expansion Project (Project) and discuss federally listed threatened and endangered (T&E) species and suitable habitat with potential to occur in the Project area.

Project Introduction and Survey Discussion

Ms. Cochran provided an overview of the Project scope, environmental survey status (including tricolored bat-species specific surveys, wetland/waterbody delineations and habitat assessment, and cultural surveys), as well as permitting and construction milestones.

IPaC Results

The initial IPaC results (species list) were discussed. In addition to the species identified in the IPaC, Ms. Reeves noted the newly proposed regal fritillary butterfly, which prefers wet tallgrass prairie habitat and requires violets as a food source.

USFWS noted that water use in the Platte River basin needs to be considered – both groundwater and surface water – in order to assess impacts to certain species. Ms. Cochran requested example best management practice/minimization measures from Ms. Reeves regarding temporary withdrawal and discharge during construction. Ms. Reeves confirmed she would send the example language along for reference.

Regarding the whooping crane, Ms. McNulty noted the Project may fall outside of the 90-percentile distance from the whooping crane migration corridor, however, Magellan will need to consider the Project location in relation to the associated habitat and potential impacts.

Regarding Ute ladies' tresses, Ms. Reeves noted the recommendation of 3 years of pre-construction surveys for the species, as this plant can remain dormant for up to 2 consecutive years. Ms. Cochran inquired about whether 2 years of surveys would be sufficient for this Project (performing now, since the plant is currently flowering through the month of August) to confidently result in a no effect determination if none are found during surveys. Ms. Reeves indicated that the agency wouldn't be comfortable with a no effect determination but it would increase the probability of absence and could consider a not likely to adversely affect determination.

Ms. Cochran also inquired about the qualifications to perform Ute ladies' tresses presence/absence surveys. Ms. Reeves indicated that USFWS doesn't have a defined list of qualifications, but if the biologist performing surveys has previous plant survey experience and provides plenty of photographic documentation in areas of suitable habitat, that will be sufficient.

Lead Agency for Section 7 Consultation/Small Federal Handle

The nuances surrounding the federal nexus, lead agency, etc. for a multi-state project such as this Project, where a Pre-Construction Notification is anticipated to be avoided in one state, were discussed. Ms. Reeves noted that for multi-state projects, typically one USFWS office would take the lead (most likely the state with the most prominent project presence); however, if there is only a federal nexus in Kansas, the Kansas Ecological Field Office would most likely take the lead. It was agreed that Magellan/Perennial would need to consult further with the U.S. Army Corps of Engineers (USACE) separately to discuss use of the small federal handle in the state of Colorado (across the Project).

Colorado Parks and Wildlife

Virginia Steen

From: Megan Cochran
Sent: Friday, August 9, 2024 10:59 AM
To: English - DNR, Cassidy; Hamous-Miller - DNR, Lexi; Voltura - DNR, Karen; brandon.marette@state.co.us; casey.westbrook@state.co.us; hannah.posey@state.co.us; travis.harris@state.co.us; Wayne Soong - DNR
Cc: Thompson, Matt; Perry, Deborah A.; Virginia Steen; Jennings, Erin M.; Jewett, Bryan
Subject: Magellan Denver Expansion Project Introduction Slides and Route KMZ
Attachments: PRELIM Denver Expansion Project Route_08.09.24.kmz; Denver Expansion_Introductory Meeting_CPW.pdf

Good morning,

Thank you again for taking the time to meet with us regarding Magellan's proposed Denver Expansion Project. As discussed, attached are the slides from our meeting as well as a preliminary project route kmz. We look forward to working and collaborating with all of you on this project. Please don't hesitate to reach out should you have any questions or if I can provide any further information.

Thank you,
Megan



Megan Cochran
Director of Project Management

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Colorado Parks and Wildlife

Introduction Meeting Notes

August 9, 2024

9:00 AM Central Time via Microsoft Teams

Magellan Pipeline Company, L.P.

Denver Expansion Project

Attendees

Colorado Parks and Wildlife (CPW) –

Lexi Hamous – Land Use Coordinator, Northeast region

Brandon Marette – Energy Liaison, Northeast region

Cassidy English – Land Use Coordinator, Southeast region

Karen Voltura – Energy Liaison, Southeast region

Wayne Soong – District Wildlife Manager, Adams and Arapahoe Counties

Casey Westbrook - District Wildlife Manager, Elbert County

Travis Harris - District Wildlife Manager, Adams and Arapahoe Counties

Magellan Pipeline Company, L.P. (Magellan) –

Bryan Jewett – Environmental Specialist, Projects

Deborah Perry – Environmental Manager

Matt Thompson – Manager of Engineering and Construction

Perennial Environmental Services, LLC (Perennial) –

Megan Cochran – Environmental Project Director

Virginia Steen – Project Manager

Purpose of the Meeting:

Magellan and Perennial requested an informal introduction meeting with CPW to introduce the Denver Expansion Project (Project) and discuss state listed threatened and endangered (T&E) species and high priority habitat.

Project Introduction and Survey Discussion

Ms. Cochran provided an overview of the Project scope, environmental survey status (including tricolored bat-species specific surveys, wetland/waterbody delineations and habitat assessment, and cultural surveys), as well as permitting and construction milestones.

Ms. Voltura requested Copperhead's survey methodology and survey results. Ms. Cochran indicated she would send Copperhead's study plan and the final report once available.

Burrowing Owls

Ms. Cochran noted that Magellan is documenting prairie dog colonies during wetland delineation surveys and anticipates a condition of the Adams and Arapahoe counties'

permits will be pre-construction burrowing owl surveys should construction occur between March 15th and August 31st. Mr. Harris added that burrowing owls also use other species' habitat such as swift fox holes. Ms. Cochran inquired about what mitigation measures would CPW recommend should burrowing owls be identified during pre-construction surveys. Mr. Harris indicated it would likely be treated as a case-by-case basis, however, recommended mitigation measures discussed include:

- Avoidance within defined buffer until the species fledges (1st preference),
- visual barriers, and
- straw bales.

Ms. Cochran inquired about the time of year burrowing owls fledge. Ms. Hamous and Mr. Harris indicated the species typically fledges in July but can range into June and August. Ms. Hamous stated she would send some standard burrowing owl protocols.

Raptors

Ms. Cochran noted that Magellan intends to document raptor nests during wetland delineation surveys and has already implemented a reroute to avoid an active bald eagle nest near the Denver Airport property. Mr. Marette and Ms. Hamous indicated they would like to see the results of the raptor surveys and noted that raptors can build nests at any time; therefore, surveys closer to construction (in addition to those occurring now) are necessary. Mr. Marette noted that CPW's raptor nest survey data is updated online in December.

High Priority Habitat

Ms. Cochran noted the various CPW-designated High Priority Habitat (HPH) crossed by the Project, including mule deer winter concentration area, severe winter range, and migration corridor, pronghorn migration corridor and winter concentration area, and several native fish and other native aquatic species of concern streams.

Ms. Cochran indicated Magellan would adhere to the seasonal restrictions recommended by CPW for mule deer and pronghorn and inquired about what avoidance/minimization measures are recommended for native fish and other native aquatic species of concern streams.

CPW noted that a 500-foot stream setback/buffer and minimization of sedimentation year-round is important for native aquatic species, leopard frogs, toads. Ms. Cochran further inquired about the possibility for waivers for time of year and/or buffer restrictions and certain construction methods (e.g., use of rail car or bridge to avoid impacts to waterbody), where acceptable. Mr. Marette indicated waivers and acceptability of certain construction measures would be considered on a case-by-case basis and they would need a KMZ or shapefile to identify riparian areas to apply it to. Ms. Cochran offered to set up a call once surveys are completed to review potential areas of concern supplemented with pictures and examples.

CPW further discussed certain HPH areas of concern including:

- native aquatic species of concern mapped and non-mapped ephemeral streams;

- mule deer/pronghorn winter concentration areas- more interested in riparian areas Dec. 1 through April 30;
- any stream with clay substrate
- riparian areas within severe winter range.

Mr. Soong inquired about the timing of linear progression associated with pipeline construction. Ms. Cochran highlighted the interest in minimizing the duration of ground disturbance. Mr. Thompson noted that depending on site conditions and other circumstances, approximately 1 to 2 miles but up to 4 to 5 miles could be disturbed at one time.